



Permanent Mission of Ukraine
to the International
Organizations in Vienna

Statement on russia's war of aggression against Ukraine

As for delivery by Ambassador Yevhenii Tsymbaliuk, Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1416th meeting of the OSCE Permanent Council
23 March 2023

Mr Chairperson,

According to the report presented by the Independent International Commission of Inquiry on Ukraine many of crimes committed by russia in Ukraine amount to war crimes and include willful killings, attacks on civilians, unlawful confinement, torture, rape, and forced transfers and deportations of children.

As concluded by the Commission, waves of missile attacks, starting from October 10, 2022, on Ukraine's energy-related infrastructure and the use of torture by russian authorities may amount to crimes against humanity. As well as the bombing of Mariupol.

Nevertheless, it seems that the russian leadership continues to take steps to aggravate its criminal case. Just two days ago, 21 Iranian drones were launched by russia to terrorize the Ukrainians. As a result, seven persons were killed and seven injured in the Kyiv region. The air alert lasted for about four hours in the night causing also a devastating psychological impact on people's health.

But what also deserves our particular attention in the report and I quote "russian authorities used torture in a systematic and widespread manner. These circumstances, involving also elements of planning and available resources, indicate that the russian authorities may have committed torture as crimes against humanity". End of quote.

I want to repeat one again – systematic manner, elements of planning, available resources. This is what indicates a state policy. In this particular case, the state policy of the extermination of the Ukrainian people. This is what derives from putin's denial of Ukraine's right to exist.

In this regard, let me come to the deportation of children. As stated by the Commission, in none of the examined situations, "transfers of children appear to have satisfied the requirements set forth by international humanitarian law".

Now the russian side is trying to play back. As it was stated by the kremlin's envoy to the UN, russia intends to return deported children.

However, the UN Commission's findings clearly show why this, obviously, is a lie. Let me quote.

"While the transfers were supposed to be temporary, due to a variety of reasons, most became prolonged, and parents or legal guardians and children encountered an array of obstacles in establishing contact, achieving family reunification, and returning the children to Ukraine [...] On some occasions, social services told the children that they would be placed in institutions, accommodated in foster families, or be adopted".

It also appears that children are mistreated by the russian side.

As reported by the Commission, “in some places of transfer children wore dirty clothes, were screamed at, and called names. Food was poor and some children with disabilities did not receive adequate care and medication. Children expressed a profound fear of being permanently separated from parents, guardians, or relatives”.

This is what we have to know about russia’s care.

Those who really intend to return children would not change their identity, would not try to re-educate them, would not simplify the law for changing citizenship and would not adopt children.

But we all understand, that the main reason for a new narrative of the russian diplomacy is placing the russian president by the ICC on a wanted list as a war criminal.

As President Zelenskyy said, this ICC’s warrant is “the historic decision, from which historical responsibility will begin [...] Separating children from their families, depriving them of any opportunity to contact their relatives, hiding children on the territory of russia, throw them in remote regions – all this is an obvious state policy of russia, state decisions and state evil. Which begins precisely with the top official of this state”.

However, this is only the beginning. A lot of work is still ahead. We believe that the OSCE will make its practical contribution to this process as well.

At the same time, the ICC’s warrant does not replace the need to bring russia’s top political and military leaders to account for committing the crime of aggression against Ukraine.

In view of this, we are grateful to those participating States who took part in the meeting on the establishment of a relevant Special Tribunal that concluded in Strasbourg yesterday. And we call upon other participating States to join this important endeavour.

Ukraine’s goal is that the principles of international law, in particular of the IHL, are observed and respected by all. That justice is delivered to all victims. And finally, that the rule of law is restored. To achieve that Ukraine remains open to the investigation of crimes committed in the context of the russian aggression.

As an example, Ukraine has already suggested to extend the mandate of the UN Commission of Inquiry for one more year.

At the same time, this commitment to cooperate with international actors places additional responsibility on Ukraine itself to adhere to the law.

And there is a key difference between Ukraine and russia. Because when we are open to the cooperation with the international community in the name of justice, russia continues denying crimes committed by its army, whitewash war criminals and even decorates those responsible for the most heinous crimes.

In addition to judicial measures, there are other dimensions of accountability, including reparations. This, for sure, must also include the OSCE assets lost due to russia’s invasion. We believe, that both OSCE’s political and executive leadership and all participating States must ensure, that russia compensates all losses. To reach this goal, relevant administrative and legal procedures should be initiated and carefully implemented as soon as possible.

At the same time, yesterday’s noon attack on a residential building in Zaporizhzhia, which left one person killed and 17 injured, is yet another reminder that, while the wheels of justice are slowly turning, the terrorist regime can be stopped only with new sanctions and accelerated provision of advanced military systems.

It is with munition, tanks, long-range weaponry and combat aircrafts that we can save more human lives, liberate new territories and win time for justice to deliver.

Dear colleagues,

putin wanted to restore an iron curtain in Europe and destroy the rules-based order with new zones of influences.

But, in fact, he managed to build only a legal curtain around his terrorist regime.

To be under risk of being arrested in 123 countries is a remarkable achievement in this regard.

Maybe, that is why the russian president decided to visit Mariupol last weekend.

The occupied territories remain among a few options for his international travels. At least for some time.

The russian president believed that with the use of force and killing civilians he could bring to russia more respect and sovereignty. But what he managed to achieve is an ashamed and weak russia for generations to come.

All these developments reassure once again that russia has already lost strategically.

But let's remember, when the war is over, the most important thing would be to shape guarantees of non-recurrence of the aggression.

I cannot but agree that we cannot change geography and russia will remain a part of our reality.

But what we are capable to do is to deprive russia and its future leadership of neo-imperialistic ambitions.

To achieve this new geopolitical reality, we need Ukraine's victory, Ukraine's accession to NATO and the EU and our unity.

I thank you, Mr Chairperson.