



EUROPEAN UNION

OSCE Permanent Council 1396 Vienna, 27 October 2022

EU Statement on the Russian Federation's ongoing aggression against Ukraine

1. Mr Chair, as the European Council stated in its Conclusions issued on 21 October, there is growing evidence of war crimes committed against Ukrainians and continuous destruction of civilian infrastructure by the Russian Armed Forces, which are a gross violation of international law. This evidence is laid out for example in the Report of the Independent International Commission of Inquiry on Ukraine just submitted to the UN General Assembly, stating that war crimes, violations of human rights and international humanitarian law have been committed in Ukraine since 24 February 2022. Similar to the findings of the reports under the Moscow Mechanism and the ODIHR interim report from July 2022, the Commission provides yet another independent and impartial finding that the Russian Armed Forces are responsible for the vast majority of violations identified.
2. In this report, covering the first weeks of Russia's war of aggression against Ukraine, the Commission documented indiscriminate attacks using cluster munitions, unguided rockets and air strikes by the Russian Armed Forces. These weapon systems are highly likely to cause significant harm to civilians when used in populated areas. The Commission's report notes that the relentless use of explosive weapons with wide area effects in populated areas has killed and injured scores of civilians and devastated entire neighbourhoods, including residential buildings, schools, and hospitals. The Commission also found numerous cases in which Russian Armed Forces shot civilians trying to flee to safety and obtain food or other necessities. In the cases documented, the victims wore civilian clothes, drove civilian cars and were unarmed, which means that their civilian status should have been obvious to the attacker.

3. International humanitarian law is crystal clear; if there are any doubts, a person shall be considered a civilian. Civilians shall enjoy general protection against dangers arising from military operations and shall not be the object of attack. Attacks intentionally directed against civilians constitute war crimes.
4. Furthermore, the Commission documented patterns of summary executions, unlawful confinement, torture and ill-treatment committed in areas occupied by Russian Armed Forces. They also report that there are victims of sexual violence of all ages and note in particular the devastating psychological effects on children, being victims of indiscriminate attacks, torture and rape, or being forced to witness such crimes.
5. Such acts are completely unacceptable and unjustifiable. The EU supports efforts by national and international investigative bodies, including the OSCE, in the gathering of evidence and documentation of atrocities committed during the war inflicted by Russia. There can be no impunity for war crimes, crimes against humanity and other atrocity crimes. Those responsible must be held accountable and brought to justice.
6. In addition, we reject Russia's transparently false allegations that Ukraine is preparing to use a dirty bomb on its own territory, attempting to create a pretext for further escalation. On the contrary, it is clear from reports in recent weeks that Russia is continuing to use massive and indiscriminate missile and drone attacks targeting civilians as well as civilian objects and infrastructure across Ukraine, including critical energy infrastructure. Yet, despite the mounting evidence, we hear the blatant lie from the Russian Federation that it is only targeting military objects. In reality, the more the Russian army is being pushed back and defeated on the battlefield, the more it seems to be targeting civilian objects in an attempt to terrorise Ukrainian society and weaken its resolve. The EU continues to condemn these attacks in the strongest possible terms. The killing of civilians and the systematic shelling of critical infrastructure; cutting off men, women and children from basic services such as water, electricity and heating as winter approaches is a gross violation of international law.
7. Furthermore, Russia is continuing along the dangerous path of escalation by declaring the annexation of four Ukrainian regions following sham 'referenda'. This is illegal and

totally unacceptable. Russia's brutal attacks against civilians gives us no reason to believe that neither its introduction of martial law in the territories it has attempted to illegally annex, nor its forcible displacement of residents from these areas, are actions of humane consideration. Instead, these actions provide yet another indication of Russia's lawlessness, and add to the long list of Russian abuses against civilians while further aggravating an already grim human rights situation.

8. The EU is also deeply concerned with the mistreatment by Russia of Ukrainian prisoners of war. We urge Russia to provide international organisations, including the ICRC, immediate access to the prisoners of war, including those held in Olenivka, and to ensure they are treated in full compliance with International Humanitarian Law.
9. As the European Council affirmed in its Conclusions issued on 21 October, Ukraine has stated its readiness for a just peace, which should include respect for its territorial integrity and sovereignty as protected by the UN Charter; safeguarding Ukraine's ability to defend itself in the future; ensuring its recovery and reconstruction, including exploring avenues to do so with funds from Russia; and pursuing accountability for Russian crimes committed during the war.
10. The EU remains unwavering in its support for Ukraine's independence, sovereignty and territorial integrity, and demands that Russia immediately, completely and unconditionally withdraws all of its troops and military equipment from the entire territory of Ukraine within its internationally recognised borders, including the illegally annexed Autonomous Republic of Crimea and the city of Sevastopol. We condemn Russia's war of aggression against Ukraine in the strongest possible terms and urge Russia to immediately stop its illegal aggression. We urge the Belarusian authorities to refrain from any further involvement in Russia's illegal war of aggression against Ukraine as well as to immediately stop providing military support and allowing its territory to serve as a launchpad for attacks against Ukraine. We reiterate that any further actions and, in particular, any direct involvement of the Belarusian military in Russia's war of aggression will be met by new and strong restrictive measures.

11. The European Union will continue to provide strong political, military and financial support to Ukraine, including for its liquidity needs, and step up its humanitarian response, in particular for winter preparedness. The support from the international community on the recovery, reconstruction and modernisation of Ukraine was further confirmed at the International Expert Conference convened by the German Chancellor Olaf Scholz and European Commission President Ursula von der Leyen in Berlin earlier this week.

12. Morally and politically, Russia has already lost this war. And increasingly, it is losing on the battlefield as well. Ukraine will prevail and we will stand with Ukraine for as long as it takes.

The Candidate Countries REPUBLIC of NORTH MACEDONIA*, MONTENEGRO*, ALBANIA* and UKRAINE, the Potential Candidate Countries BOSNIA and HERZEGOVINA* and GEORGIA, the EFTA countries ICELAND, LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as ANDORRA, MONACO and SAN MARINO align themselves with this statement.

* Republic of North Macedonia, Montenegro, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.