



United States Mission to the OSCE

Warsaw Human Dimension Conference Plenary Session 1: Humanitarian Issues I

International Human Rights Law and International Humanitarian Law; Humanitarian challenges, including in the context of armed conflict

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Today marks 950 days since Russia began its full-scale invasion of Ukraine in violation of international law and in contravention of the Helsinki Final Act. Nine hundred and fifty days of bombs raining down on cities across the country, of strikes destroying hospitals, apartment buildings, and energy infrastructure, of children sheltering in bomb shelters when they should be in school. Attacks that have caused critical power outages for millions and disrupted the global food supply.

Over two and a half years into this war, we cannot — and will not — become numb to Russia's relentless assaults and abuses aimed at breaking the spirit of the Ukrainian people, denying their unique identity and attempting to wipe independent Ukraine off the map.

Since last year's WHDC, we have learned more about the experience of Ukrainian children forcibly deported to Russia. A June 12th Financial Times report confirmed Russian officials have put up for adoption Ukrainian children forcibly deported in 2022. We also have learned more about Russia's attempts to indoctrinate Ukrainian children in its custody. Children described how Russian authorities forced them to watch and recite Kremlin propaganda, and sometimes created new identities — including new birth certificates — for them. The UN Independent International Commission of Inquiry on Ukraine concluded in March 2023 that this constitutes a war crime. We again call on Russia to: implement the 2023 Moscow Mechanism report recommendations and immediately cease the forcible transfer or deportation of Ukrainian children; impose a moratorium on any further adoptions of children who have previously held or currently hold Ukrainian citizenship; and return these children to Ukraine.

This year, we and like-minded countries again invoked the Moscow Mechanism, this time to examine the arbitrary deprivation of liberty of Ukrainian civilians by the Russian Federation. The resulting report, issued in April, concluded that the “practice of arbitrary deprivation of liberty of Ukrainian civilians has occurred on a massive scale and has revealed signs of a systematic, consistent, deliberate pattern of conduct targeting specifically Ukrainian civilians.” Thousands of Ukrainian civilians living in occupied areas have been arrested and detained for supposed crimes as simple as owning a Ukrainian flag. There are myriad survivor accounts of detainees being tortured and held incommunicado. Many are the victims of enforced disappearance, with their families left to agonize about their whereabouts and wellbeing. International aid organizations have little to no access to places of detention controlled by Russia and its proxies.

Civilians have also suffered from Russian attacks on them and on civilian infrastructure, which can constitute a war crime under the Geneva Conventions. In its Fifth Interim Report concerning violations of international humanitarian law (IHL) and international human rights law (IHRL), ODIHR described the Russian forces' use of explosive weapons in densely populated areas as "disregard for the international humanitarian law principles of distinction and proportionality." ODIHR also reported that prisoners of war (POWs) described "experiences of widespread torture and poor conditions of detention." Moreover, "information received by ODIHR from witnesses indicated that residents of Russian-occupied areas were routinely coerced to work for the occupying power in ways that may violate IHL."

Russia's disregard for human life is not unique to its invasion of Ukraine. This includes the strikes that hit refugees fleeing Grozny in Chechnya, Russia and in South Ossetia, Georgia, and the devastation of the siege of Aleppo, Syria. This pattern must end and those responsible held accountable.

We and Ukraine's many international partners will not stop exposing the viciousness of Russia's attacks on its sovereign neighbor. The United States has determined that members of Russia's armed forces and other Russian officials have committed crimes against humanity. Members of Russia's forces have also committed war crimes and other atrocities. The United States supports a range of international investigations and inquiries into war crimes and other atrocities in Ukraine. This includes those conducted by the International Criminal Court's Prosecutor, the UN International Commission of Inquiry on Ukraine, and the expert missions under the Moscow Mechanism of the OSCE. The United States will also continue to support Ukrainian authorities and civil society to collect, preserve, analyze, and disseminate open source, comprehensive information that can be used in national and international tribunals.

In June, the International Criminal Court issued arrest warrants for Russian Air Force Commander Sergei Kobylash and Russian Black Sea Fleet Commander Viktor Sokolov in connection with the bombing of Ukraine's power grid and former Russian Defense Minister Sergei Shoigu and Russian Army Chief Valeriy Gerasimov for alleged war crimes and crimes against humanity, including widespread attacks on the civilian population. This follows the 2023 indictment of Putin and Russian Commissioner for Children's Rights Maria Lvova-Belova for the forced transfer of Ukrainian children. This is a start, but all perpetrators must be brought to justice.

We will continue to work within the OSCE and through other international efforts to address international law concerns arising elsewhere in the region. We continue to review alleged violations of international humanitarian law and human rights abuses in Nagorno-Karabakh.

We all have a stake in ensuring the protection of the most vulnerable during conflicts. We stand with Ukraine and all those across the OSCE working for a just and lasting end to conflicts consistent with the UN Charter and to ensure that those who have violated international law are held to account.

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