



EUROPEAN UNION

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EU statement – Plenary session 5 Rule of Law I

At the outset, let me reiterate that the EU condemns in the strongest possible terms the multiple and indiscriminate attacks across Israel by Hamas and deeply deplores the loss of lives. Israel is our OSCE Partner for Co-operation.

Madame Moderator,

1. Respect for human rights, fundamental freedoms and the rule of law are cornerstone of OSCE's comprehensive security framework. Upholding these values is integral in ensuring a sustainable and lasting peace.
2. We are committed to strengthening our efforts to improve the effectiveness of administration of justice, ensuring fair trials and guaranteeing the right to legal assistance. Every individual and institution, including the State itself, are subject to laws that are just, impartial, and proportionate. Any deviation from these core principles, characterised by selectivity or arbitrary use of state power in the application of the law, is in contrast to our shared values and principles.
3. In the context of Russia's unlawful and unjustified war of aggression against Ukraine, the EU emphasizes the states' obligation to respect universal human rights and international humanitarian law in case of armed conflict. Russia must ensure access to fundamental rights and judicial guarantees to all Ukrainian prisoners of war in its custody. The EU particularly calls into question the sham trials based on false and illegitimate pretexts conducted against prisoners of war held in Ukrainian territories illegally occupied by Russia. We recall that intentionally denying prisoners of war their right to a fair and regular trial constitutes a war crime under international humanitarian law.

4. According to last year's Moscow Mechanism report, legal provisions grant the Russian authorities substantial discretionary powers incompatible with principles of the rule of law, thus establishing a foundation for increasing arbitrary measures. The sentencing of Vladimir Kara-Murza to 25 years, sentencing of journalist Maria Ponomarenko to 6 years, the recent criminal cases and *in absentia* sentences of journalists such as Aleksandr Nevzorov, Ruslan Leviev, and Michael Nacke, along with continued trials against Alexei Navalny resulting in an additional 19-year sentence, are alarming signs that the Russian legal system is being instrumentalised against individuals exercising their fundamental rights.
5. The EU also continues to monitor with grave concern the ongoing repressive policies and ever-worsening human rights situation in Belarus. As noted in the most recent Moscow Mechanism report, the repeated violations of the right to defence, as well as repression of lawyers, indicate deteriorating administration of justice in the country: the sentencing to 8 years of Vital Brahinet, a lawyer who was defending political prisoners, including Nobel Peace Prize laureate Ales Bialiatski; trials *in absentia* and sentencing of Sviatlana Tsikhanouskaya to 15 years imprisonment, as well as sentencing of Pavel Latushka to 18 years imprisonment. These are just a few examples of the state control over the judiciary system and its ever-increasing use for politically motivated purposes.

Recommendations:

- Participating States should ensure full respect for the principles of separation of powers and the independence of judiciary, in compliance with international standards and their international commitments.
- Universal human rights and due legal process needs to be respected at all times, including in case of armed conflict.
- Participating States should support ODIHR's monitoring activities of trials and elections helping states to comply with their commitments in the area of the rule of law.

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

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

