



EUROPEAN UNION

OSCE Warsaw Human Dimension Conference Warsaw, 2 - 13 October 2023

EU statement – Plenary session 6 Rule of Law II

1. Torture is an abhorrent violation of human rights, human integrity and human dignity. This is perhaps why it is often misperceived as an issue of the past. Yet, many examples from today, not least Russia's war of aggression against Ukraine, serve as devastating reminders of the opposite: Torture continues to be widespread and systematic, used to intimidate, inflict pain and wage war.
2. Upon concluding her recent visit to Ukraine, the UN Special Rapporteur on torture referred to Russia's war of aggression as synonymous with torture. It was noted that the credible allegations of torture and other inhumane acts against civilians and prisoners of war by Russian armed forces appear neither random nor incidental, but rather orchestrated as part of a State policy to intimidate, instil fear, punish and extract information and confessions.
3. We are deeply alarmed by these accounts, which appear to include harrowing testimonies involving electric charges being applied to ears and genitals, mock executions at gunpoint and simulated drowning. The OSCE Moscow Mechanism report has documented similar accounts of torture and other ill-treatment, including rape and other forms of sexual violence and enforced disappearances, during Russia's war of aggression against Ukraine. We strongly condemn any instances of these practices, including in the so-called filtration camps.
4. The prohibition of torture under international law is absolute and unconditional. All participating States have an obligation to prevent acts of torture, prosecute perpetrators, identify victims, and ensure effective redress. Despite this, torture

and other cruel, inhuman and degrading treatment or punishment are used in particular in places of detention, and during interrogation or police custody. We stress the importance of documentation as the basis for proper investigation and redress, as set out in the Principles on Effective Interviewing for Investigations and Information Gathering, the so-called “Méndez Principles”.

5. The EU remains deeply alarmed by the continued and credible reports of the use of torture against political prisoners in Belarus, held under the guise of anti-extremist legislation, which is vague and hence arbitrary. We deplore the widening of the scope for the use of capital punishment by the Lukashenka regime. Belarus is the only country that still applies the death penalty in Europe, and it is deeply regrettable that capital punishment provisions have been extended for the second time in less than one year, this time authorising the death penalty for civil servants and army personnel convicted of “high treason”, as referred to by the 2022 ODIHR background paper on the Death Penalty in the OSCE Area.¹ This regrettable step stands in contrast to the global trend towards death penalty abolition, with more than two thirds of the world’s countries having abolished capital punishment in either law or practice.
6. We further remain deeply alarmed by reports regarding Russia’s alleged handing over of detained persons to their proxies, in the temporarily occupied areas of the Donetsk and Luhansk regions of **Ukraine**, to be subjected to imposition of the death penalty. According to the OHCHR report of March 2023, evidence shows a widespread pattern of summary executions in areas that Russian armed forces controlled in 17 localities of Ukraine, 2 particularly of civilian detainees. In this regard, the EU will continue to support all accountability efforts, in the OSCE and beyond.
7. The EU also regrets that the **United States** still retain the death penalty by law. The EU recommends the introduction of a moratorium on executions as a first step towards full abolition.
8. The death penalty is a cruel, inhuman, and degrading punishment. It is contrary to the inalienable right to life enshrined in, inter alia, the UDHR. It is profoundly

¹ ODIHR background paper 2022 on the Death Penalty in the OSCE Area: [527082_1.pdf \(osce.org\)](#).

² OHCHR March 2023 report: [A/HRC/52/62 \(ohchr.org\)](#)

difficult to reconcile with human dignity. It does not have a deterrent effect on crime. And it is, tragically, irreversible should any miscarriage of justice occur.

9. The EU calls for universal abolition of the death penalty at all times and in all circumstances. The EU is determined to continue its longstanding global campaign against the death penalty. We urge the few remaining participating States still retaining this cruel, inhuman and ineffective punishment to take all necessary steps towards its full abolition.

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 ANDORRA and 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.