



EUROPEAN UNION

OSCE Permanent Council 1423 Vienna, 18 May 2023

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

1. Mr Chair, for the past 15 months, the Russian leadership has been struggling without success to justify its ongoing illegal, unprovoked and unjustifiable war of aggression against its peaceful neighbour, Ukraine. With its war, Russia has been flagrantly violating the most fundamental rules, norms and principles of international law, including those enshrined in the UN Charter and the Helsinki Final Act, which constitutes the founding document of the OSCE.
2. In recent weeks, Russia has intensified its indiscriminate attacks on Ukraine's cities and critical and civilian infrastructure. Last night, Russia attacked Ukraine's capital Kyiv for the ninth time since the beginning of May. Throughout the past weekend, Russia launched new waves of missiles and drones also targeting Zaporizhzhia, Khmelnytsky and Ternopil. We recall that intentionally directing attacks against civilian objects is a war crime. We strongly condemn these heinous attacks and remain firmly committed to holding all those responsible to account.
3. Together with partners, the EU will continue to explore ways of using Russia's frozen and immobilised assets for Ukraine's reconstruction and reparation purposes, in accordance with EU and international law. We also welcome the Enlarged Partial Agreement on the Register of Damage caused by the Aggression of the Russian Federation against Ukraine within the institutional framework of the Council of Europe, that was brokered in Reykjavik on 16 May, in light of the UN General Assembly's resolution A/RES/ES-11/5 of 14 November 2022. The principle of the "aggressor pays the damage" must be upheld, and it will be.

4. The EU is firmly committed to ensuring full accountability for war crimes and other most serious crimes committed in connection with Russia's war of aggression against Ukraine, including through the establishment of an appropriate mechanism for the prosecution of the crime of aggression. In this context, we welcome the outcomes of the Online Summit of heads of State and government of members of the Core Group on the establishment of the Special Tribunal on the Crime of Aggression on 9 May, as well as those of the 3rd meeting of the Core Group held on 11-12 May in Tallinn, and the Atrocity Crimes Advisory Group meeting, on 11-12 May in Warsaw. We reiterate our support for the investigations by the ICC Prosecutor of crimes committed in Ukraine and call on all State Parties of the Rome Statute to comply with their obligation to cooperate fully with the Court. We also reaffirm our support for the International Centre for Prosecution of the Crime of Aggression against Ukraine in The Hague, linked to the existing Joint Investigation Team supported by Eurojust. The EU further reiterates its support for the Vienna-based Independent International Commission of Inquiry on Ukraine established by the UN Human Rights Council.
5. Yesterday, 17 May, marked one year since the last defenders of Mariupol were evacuated from "Azovstal". Since then, we have learned about numerous instances of serious mistreatment by Russia of these and other Ukrainian POWs. This includes the explosion of the detention centre in Olenivka on 29 July 2022, resulting in the deaths of more than 50 Ukrainian POWs, along with various other reported related cases. We strongly condemn these actions. We call on Russia to ensure that all Ukrainian POWs are treated in full respect of international humanitarian law. This includes granting ICRC full, immediate and unconditional access to all POWs. We demand the immediate release of all those unlawfully deprived of their liberty.
6. Mr. Chair, we express our grave concern over recent instances of reckless behaviour by Russia in this area. The most recent incident, on 5 May,

occurred roughly 60 km east of Romania's airspace, where a Russian SU-35 fighter plane irresponsibly approached a Polish Border Guard civilian aircraft, conducting a Frontex mission, causing major difficulties in controlling the aircraft. Such dangerous and reckless actions are unacceptable and further evidence of Russia's dismissive and destructive attitude to security in the region.

7. We would also like to draw attention to the issue of mines, unexploded ordnance and improvised explosive devices in Ukraine, which pose an exceptionally high level of danger to Ukrainian civilians, including children. The EU regrets that the continuation of the Russian war of aggression in Ukraine is hampering demining activities. Numerous examples have been observed in areas liberated by the Ukrainian Armed Forces in 2022, and we have heard testimonies on this matter, including during this week's Security Dialogue of the Forum for Security Cooperation and the recent OSCE GoF Children and Armed Conflict meeting. In this context, we would like to highlight the EU's and Member States' contribution to the humanitarian demining in Ukraine, including 43 million EUR by the EU, with a specific financial contribution of 1,2 million EUR for the humanitarian demining project under the OSCE's SPU. It is worth recalling that humanitarian demining used to be the largest project of the OSCE PCU before the Mission's closure in June 2022 due to Russia's obstruction.
8. Mr. Chair, as Ukraine commemorates the solemn 79th anniversary of the deportation of Crimean Tatars, such illegal deportations are being replicated today in the parts of the territory of Ukraine under Russia's temporary occupation, including in the Crimean peninsula. We recall the latest Moscow Mechanism report from 4 May on Russia's forced transfers and deportations of Ukrainian children within Ukraine and to Russia, as well as multiple other instances of Russia's violations of international human rights law and international humanitarian law in Ukraine. Russia must immediately cease all these illegal actions.
9. The EU reiterates its support for President Zelenskyy's initiative for a just peace. We will continue working with Ukraine on the 10-point peace plan.

Any diplomatic solution to end Russia's illegal war of aggression must be based on full respect for international law and its rules, norms, and principles, including those enshrined in the UN Charter, the Helsinki Final Act, and the Paris Charter.

10. The EU reiterates its unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders. We demand that Russia ceases its illegal war of aggression against Ukraine and immediately withdraws all its military forces, proxies, and equipment, unconditionally and entirely, from the whole territory of Ukraine. Russia must also immediately cease actions endangering the safety and security of civilian nuclear facilities in Ukraine. The EU condemns the continued military support for Russia's war of aggression provided by Belarus. It urges all countries not to provide material or other support for Russia's war of aggression.
11. Mr. Chair, all Ukrainians and their friends mark the World Vyshyvanka Day today. One of the winners of European Heritage Europa Nostra Awards 2022, this international holiday is dedicated to preserving the iconic Ukrainian embroidered shirt as a symbol of the material and spiritual heritage of the Ukrainian people. The EU commends the Ukrainian people's strength, courage, and resistance in withstanding Russia's brutal war of aggression. We reiterate that we will continue to stand with Ukraine and its people for as long as necessary to help Ukraine rightfully defend itself, restore its sovereignty and territorial integrity within its internationally recognised borders and preserve its distinctive culture and identity.

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

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