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Chair: Mr. Marschik (Austria)
later: Mr. Grünwald (Vice-Chair) (Slovakia)
later: Mr. Marschik (Chair) (Austria)

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The meeting was called to order at 3.10 p.m.

Agenda item 71: Promotion and protection of human rights (continued) (A/78/198)

(a) Implementation of human rights instruments (continued) (A/78/40, A/78/44, A/78/48, A/78/55, A/78/56, A/78/240, A/78/263, A/78/271, A/78/281, A/78/324 and A/78/354)

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/78/204, A/78/212, A/78/223, A/78/244, A/78/278, A/78/297, A/78/299, A/78/316, A/78/326, A/78/327, A/78/338, A/78/340, A/78/358, A/78/375, A/78/511, A/78/526, A/78/527, A/78/540 and A/78/545)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/78/36)

1. **Ms. Marin** (Special Rapporteur on the situation of human rights in Belarus), speaking via video link to introduce her report (A/78/327), said that, given that she was persona non grata in Belarus, it had not been easy to prepare the report. Most of her communications to the Belarusian authorities had not been answered, and dozens of human rights defenders were currently behind bars. Nevertheless, she had been able to gather valuable first-hand testimonies from Belarusians who had fled abroad.

2. In her report, she had told a chilling tale of how the legislation for countering terrorism and extremism adopted in recent years in Belarus had been misused to purge civic space, suppress freedom of expression and eradicate political opposition. She had found that the Belarusian authorities had been labelling and

prosecuting as “terrorists” or “extremists” all those who dared to speak up against the Government and its violations of human rights. Vague legislative provisions could be interpreted to apply to activities related to the legitimate exercise of human rights and thus be used to prosecute civil society activists, opposition politicians, human rights defenders, lawyers, independent journalists, academics and cultural workers for extremism.

3. Such weaponization of the law was possible because fair trial guarantees were inexistant in Belarus. Furthermore, individuals accused of crimes related to extremism or terrorism who resided abroad could be tried in absentia, and defendants in exile had reported being systematically denied the possibility of participating remotely in their trial. If convicted of extremist activities or of damaging the interests of Belarus, exiles could be stripped of their citizenship.

4. The State Security Committee compiled lists of “extremist” organizations and individuals. Such blacklisting was carried out without any judicial control, any clear requirements for evidence or any chance for those targeted to challenge the decision. Organizations listed as extremist, which included most independent media and several human rights organizations, were banned in Belarus. The Ministry of Information maintained a list of extremist materials, which were censored; that list had grown exponentially to include the websites, social network accounts and YouTube or Telegram channels of human rights organizations, independent unions and media organizations, as well as literature and artwork that were not to the Government’s liking.

5. On the basis of information received, the penitentiary authorities were particularly harsh to detainees who had been added to the list of extremist individuals. Many had been sent repeatedly to isolation cells for long periods of time, regardless of their state of health and in violation of international human rights standards. She had grounds to suspect that the normalization of incommunicado detention for petty violations of prison rules, which was specifically targeted at dissidents, was intended to dissimulate evidence of torture and ill treatment and, in some cases, even forced disappearance. Her request for proof of life remained unaddressed.

6. The Belarusian authorities should conduct a thorough review, in line with human rights standards, of the legislation for countering terrorism and extremism, and engage in a constructive dialogue with her and all relevant international human rights mechanisms. The Government of Belarus must stop weaponizing such

legislation to stifle peaceful political dissidents, civic activism and human rights advocacy, and allow independent journalism and academic and cultural work to be conducted unhampered. All those sentenced to prison terms on politically motivated charges, including of alleged extremism or terrorism, should be immediately and unconditionally released.

7. **Ms. Millard** (United States of America) said that her country strongly condemned the Lukashenko regime's campaign of violence and repression against the pro-democracy movement, civil society and ordinary Belarusians at home and in exile. The regime should immediately and unconditionally release the more than 1,500 political prisoners that it was unjustly holding, in many cases incommunicado. The Belarusian authorities should uphold their international commitments and obligations regarding the treatment of those in detention and prison, including permitting access to necessary medical care and visits from their family members and attorneys.

8. Belarusian authorities should grant access to their territory to the Special Rapporteur and to the Office of the United Nations High Commissioner for Human Rights (OHCHR), to allow it to conduct its examination of the human rights situation in the country. Belarus should also grant access to the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe to enable it to monitor the local and parliamentary elections to be held in February 2024.

9. The Belarusian authorities should end their complicity in the war of aggression of Russia against Ukraine and their involvement in the transfer of Ukrainian children to so-called summer camps in Belarus. She asked how the international community could promote accountability for the involvement of Belarus in such transfers. All those responsible for endangering Ukrainian children must be held to account.

10. **Mr. Van Tunen** (Kingdom of the Netherlands) said that there were about 1,500 political prisoners in Belarus, one of the highest numbers in the world. Among them were political activist Maria Kalesnikava and Nobel Peace Prize winner Ales Bialiatski. The Belarusian authorities should uphold their obligations, respect their Constitution and implement the recommendations of the Special Rapporteur. Belarus should stop targeting Belarusians abroad by threatening to deprive them of their citizenship if convicted of extremist activities and by refusing to issue passports abroad. His delegation would like to know how European Union member States could support

Belarusians affected by the abuse of the legal system in their country.

11. **Mr. Szczerski** (Poland) said that among the 1,500 Belarusian citizens that were being held as political prisoners was Nasta Loika, a human rights defender who, in June 2023, had been sentenced to seven years' imprisonment on politically motivated charges for her work to demand respect for human rights and the rule of law. His Government was particularly concerned about the unchanged position of the Belarusian authorities on persons belonging to the Polish minority, who were subjected to arbitrary arrest and had to contend with the elimination of the Polish language from the public educational system, attacks against Polish cultural associations and the demolition of Polish cemeteries and memorials. Especially worrisome was the case of Andrzej Poczobut, an independent journalist and eminent representative of the Polish minority who had been sentenced in 2022 to eight years' imprisonment and who had recently been added by the regime to its list of extremists. Belarus should unconditionally release all political prisoners, including Andrzej Poczobut and Nasta Loika. He wondered what the international community could do to secure the release of political prisoners, including those who belonged to national minorities.

12. **Mr. Oehri** (Liechtenstein) said that his delegation would welcome further details on how Member States could support the national accountability efforts for Belarusians arbitrarily detained, accused or sentenced.

13. **Ms. Rosen** (United Kingdom) said that the report of the Special Rapporteur and the 2023 report of the Moscow Mechanism on the Human Dimension demonstrated that the campaign of repression against ordinary Belarusians continued to worsen. Her Government deplored the imprisonment of journalists such as Katsyaryna Andreeva, political opponents such as Siarhei Tsikhanouski, human rights defenders such as Ales Bialiatski and the hundreds of others like them who were behind bars for exercising their civil and political rights. Belarus should release all political prisoners immediately and unconditionally. The United Kingdom was horrified by the tragic death in detention of Ales Pushkin. Belarus should respect its international obligations by providing appropriate medical treatment to those in detention. She asked what the best way was to support human rights defenders and ensure that Belarusian officials were held to account for their actions.

14. **Ms. Bimbaite** (Lithuania), speaking on behalf of the Nordic and Baltic countries, said that Belarus should immediately and unconditionally release and

rehabilitate all political prisoners. Internal repression enabled external aggression, as Belarus had demonstrated by allowing its territory to be used for the war of aggression of Russia against Ukraine. Recent reports indicated systematic and large-scale actions by the Belarusian authorities to deport Ukrainian children to Belarus; such actions might constitute severe violations of international law, including the rights of the child. The Nordic and Baltic countries would continue to support the oppressed Belarusian people and all efforts to ensure accountability. She asked how the international community could better support the work of accountability mechanisms to ensure justice for the victims and survivors.

15. **Mr. Segessemann** (Switzerland) said that his delegation wished to know how States could best support civil society actors still operating in Belarus without putting them at risk. Switzerland was particularly concerned by the large number of political prisoners in Belarus and by their detention conditions. Belarus should adhere to its own laws and ensure that detainees had regular contact with their lawyers and families. All political prisoners should be freed. Switzerland was also deeply concerned by the orders issued by the Belarusian authorities for their consulates to stop renewing or extending the passports of Belarusians in exile. That constituted a grave violation of human rights, and Belarus should put an end to such harassment.

16. **Ms. Mudrenko** (Ukraine) said that her country was deeply concerned about the escalating repression of the people of Belarus, which might amount to crimes against humanity. The recent decision of the Belarusian authorities to suspend passport services at their embassies abroad appeared to be a retaliation against dissenting voices and a clear violation of the International Covenant on Civil and Political Rights.

17. The Lukashenko regime had played a crucial role in enabling the Russian aggression against Ukraine. The Ukrainian authorities were currently investigating the involvement of Belarus in the forced deportation of Ukrainian children from the temporarily occupied regions of Ukraine to Belarus or through Belarusian territory to Russia. The Special Rapporteur should pay specific attention to the role of Belarus in the abduction of Ukrainian children, with a view to preventing further violations and facilitating their safe return home.

18. **Mr. Kaminek** (Czechia) said that his delegation would like to know how the international community could assist the Special Rapporteur in gaining access to Belarus. His country remained deeply concerned about the situation of Ihar Losik, a Belarusian blogger

sentenced to 15 years' imprisonment on charges of "preparation for participation in mass riots", and his wife, Darya Losik. Czechia called for their release and appealed to the Special Rapporteur to follow their case.

19. **Ms. Clifford** (Representative of the European Union, in its capacity as observer) said that the increasing use by the Belarusian authorities of national legislation to shrink civic space and silence any critical voices was alarming. The European Union condemned the recent designation of the Viasna human rights centre as an "extremist formation". The Belarusian authorities should immediately and unconditionally release all political prisoners and detained human rights defenders, including those sentenced on politically motivated charges of extremism or terrorism, and should stop the brutal repression and harassment of civil society. The European Union reiterated its call for Belarus to introduce a moratorium on the use of death penalty.

20. For more than a year and a half, the Belarusian authorities had been acting as an accomplice in the war of aggression of Russia against Ukraine. The recent deployment in Belarus of the Wagner Group, the continued exploitation of migrants for political purposes and the announced transfer of Russian nuclear warheads to Belarus were also having a destabilizing effect on the region and further undermining the independence of Belarus. The Belarusian authorities should stop enabling the war of aggression of Russia against Ukraine. The European Union condemned in the strongest possible terms the forcible transfer by Russia of Ukrainian children within areas temporarily controlled by Russia and their deportation to the Russian Federation and Belarus. Belarus should cooperate with international human rights monitoring mechanisms, including the Special Rapporteur.

21. Her delegation would be interested to hear more about the tools at the disposal of the United Nations system to bring Belarusian counter-terrorism legislation into line with the principles of legality and respect for human rights.

22. **Ms. Folmer** (Luxembourg) said that the lack of a comprehensive definition of terrorism and of violent extremism in binding resolutions of the Security Council had created a void that enabled autocratic States such as Belarus to adopt vague definitions of extremism and terrorism in their national laws. The simple exercise of the right to freedom of expression could thus be considered a terrorist or extremist act. Such a practice was unjust and a violation of human rights. She wondered how the vague definitions of terrorism and extremism could be made more precise. She would also

like to know how the protection needs of civil society in Belarus and in exile could be met.

23. **Ms. Marin** (Special Rapporteur on the situation of human rights in Belarus), speaking via video link, said that the decree adopted on 4 September 2023 to limit the consular services available to Belarusians living abroad constituted discrimination against all such Belarusians and not only the dissidents compelled to exile since 2020; it affected children and those who were not able to return to Belarus to renew their passports or conduct real estate transactions, including those who did not have the financial means or were not physically able to do so. Countries hosting the Belarusian diaspora, including refugees and people who had fled repression, should demonstrate flexibility and follow the example of countries that had already adopted measures to recognize expired Belarusian identity documents as valid on their territory. They should also consider issuing alternative travel documents, potentially at the European Union level. The immigration services of countries hosting Belarusians should be made aware of the problems in the country of origin and of the fact that many people were unable to return to Belarus to renew their documents, as doing so would put them at risk of human rights violations. She had already received testimonies from people who had been forced to return to Belarus since September and had suffered human rights violations.

24. Perpetrators of past human rights violations in Belarus, especially the grave ones that had occurred in August 2020, must be held to account. Given that nothing was being done to that effect in Belarus, the international community must ensure that the perpetrators of those acts, which could amount to crimes against humanity, were prosecuted in countries that recognized the universal jurisdiction of their tribunals over such crimes. A coalition of human rights defenders had submitted a communication to the International Criminal Court with a request for it to investigate possible crimes of deportation committed in Belarus. States should encourage the Prosecutor of the Court to open those cases and hopefully bring justice for the victims of deportation, the number of which was probably in the hundreds of thousands.

25. Civil society activism in Belarus was extremely dangerous. The best way to help civil society in Belarus and in exile was to do no harm. That meant trusting the veteran human rights organizations with contacts on the ground that were trying to monitor human rights abuses without exposing those who were reporting them, as that would put them at risk of retaliation. She would welcome input from the countries that still had embassies in Belarus to help her to identify issues and

verify reports that she could not verify herself for lack of access.

26. Under the current legislation in Belarus, she would be at risk of criminal prosecution if she were granted access to the country. For the time being, the only way for her to continue her legitimate human rights work was to do it from a distance. The Government of Belarus consistently refused to recognize her mandate, to engage with her, to grant her access or to acknowledge the importance of monitoring, defending and protecting human rights. The international community should therefore help civil society and human rights defenders to continue their work from outside the country by offering them political, material and financial support.

27. In 2022, Belarus had denounced the Optional Protocol to the International Covenant on Civil and Political Rights and thus de facto deprived its citizens of the right to appeal to the Human Rights Committee. As a result, she and other special procedure mandate holders were under additional pressure to address the issues and violations submitted to them directly by victims or their relatives. It was therefore extremely important to support her work and the OHCHR examination of the human rights situation in Belarus. The examination did not overlap with her work, but rather complemented it.

28. Given that she was not allowed into the country, she was unable to assess the complicity of Belarus in human rights violations committed in Ukraine or the situation of Ukrainian children in Belarus. The Belarusian authorities claimed that the children were not being held in the country by force and that they were indeed in summer camps. The issue was being considered by the human rights monitoring mission in Ukraine and by the Independent International Commission of Inquiry on Ukraine. The international community should continue its efforts to secure access to Belarus for relevant United Nations human rights mechanisms to enable them to assess the situation of Ukrainian children in Belarus.

29. **Ms. Katzarova** (Special Rapporteur on the situation of human rights in the Russian Federation), introducing her report to the Human Rights Council (A/HRC/54/54; see A/78/375), said that she had faced challenges in compiling her report not only because of the sheer number and breadth of the issues but also because of the lack of cooperation by the Russian authorities and their active attempts to obstruct her work and to isolate her by unsuccessfully trying to dissuade other United Nations human rights mechanisms from collaborating with her. Although she had been denied access to the territory of the Russian Federation, she was

grateful to have received support and information from almost 200 sources both inside and outside the country, even though the reporting of human rights violations would most likely lead to harassment, including arbitrary arrests and lengthy terms of imprisonment. In order to mitigate the risks of retaliation, she had sought to establish safe means of engagement and had protected the confidentiality of sources.

30. In her report, she had used international human rights law as a framework for analysing the current human rights situation in the Russian Federation, which had rapidly deteriorated since the country's full-scale armed attack against Ukraine on 24 February 2022. The unequivocal conclusion was that the current crackdown on human rights went hand in hand with the Russian war against Ukraine. The landslide of documented and analysed cases had revealed systematic violations directed against all independent voices with the sole intent of silencing any dissent or anti-war expression and creating a climate of fear and rampant impunity. Violations included torture and sexual violence, arbitrary detention, including on politically motivated charges, and denial of the rights to freedom of expression, association and peaceful assembly, of access to information, and to the most fundamental guarantees of a fair trial.

31. Independent civic space no longer existed in the Russian Federation. There were no longer any avenues for citizens to participate in decision-making processes, nor were there inclusive institutions to hold the Government to account, including media and civil society organizations. The Russian authorities had orchestrated the shutdown of human rights and civic organizations by labelling them as "foreign agents". In addition, the Russian legislator had prohibited Russian non-governmental organizations from cooperating with 114 "undesirable" foreign and international non-governmental organizations and with foreign non-governmental organizations that were not formally registered in the country.

32. Many human rights defenders and journalists had been forced to leave the Russian Federation and continue their work abroad. Others such as Oleg Orlov, the Nobel Peace Prize-winning head of Memorial, had courageously faced trial, believing that their voices would "sound louder" from inside the country. The sheer number of arbitrary detentions on politically motivated grounds, which had surged to over 500 people in 2022 alone, was appalling. Political figures such as Alexei Navalny, Vladimir Kara-Murza, Ilya Yashin and Alexey Gorinov had received prison sentences of up to 25 years following court proceedings lacking the very basic guarantees of a fair trial. Moreover, their treatment and

the conditions of their detention amounted to deliberate torture and ill-treatment.

33. Charges of espionage in the Russian Federation had been increasingly used against investigative journalists and other people with no access to State secrets, with at least 82 such cases initiated in the first seven months of 2023 alone. The arrest on 13 October 2023 of Alexei Navalny's defence lawyers on charges of extremism was only the most recent example of a long line of fabricated cases against lawyers who had dared to take on high-profile, politically sensitive cases in the Russian Federation. That constituted a clear and appalling systemic attack on the guarantee of a fair trial and on freedom of expression.

34. Since the full-scale invasion of Ukraine by the Russian Federation, the Russian Government had ordered all media to use only State-sanctioned sources, thereby saturating the information space with propaganda for war and incitement of hatred against Ukrainians. The authorities had clamped down on all independent information providers and media outlets, forcing their closure and relocation to other countries. Journalists were prosecuted for reporting "fake news" about the war and "discrediting the army" and were also personally targeted. For example, Dmitry Muratov, editor-in-chief of *Novaya Gazeta* and Nobel Peace Prize laureate, had been designated as a "foreign agent" in order to discredit his work. Close to 700 individuals, including cultural figures, had been designated as "foreign agents", which could lead to criminal prosecution with heavy terms of imprisonment.

35. Equally, any peaceful manifestations and other acts of solidarity by ordinary people with Ukrainians had been met with the most severe clampdown in line with the long-standing tradition of "zero tolerance" towards peaceful dissent in the Russian Federation. The reports of torture and ill-treatment of protesters, including allegations of rape and other sexual violence, were of grave concern. In primary and secondary schools, mandatory classes were held to propagate rhetoric inciting hatred and violence against Ukrainians among children. In cases where children skipped the classes or expressed dissenting views, the teachers, parents and even the children themselves faced threats and criminal prosecution.

36. The Russian authorities had shown no willingness to heed the recommendations of regional and international human rights mechanisms. Consequently, victims of human rights violations were trapped with little prospect of accountability at home. The Russian Federation must reconsider its approach to her mandate and engage in constructive dialogue with her.

Furthermore, it must turn around its domestic human rights policies and bear responsibility for abuses and violations of international law, including in the context of the Russian war against Ukraine. The international community must use its good offices to seek constructive dialogue with the Russian authorities so as to put a stop to the human rights violations and to secure the immediate release of all those detained on politically motivated grounds. Comprehensive policies must also be put in place to protect those at risk of human rights violations and to safeguard and enable the vital work of human rights defenders and independent professionals, both inside and outside the Russian Federation.

37. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that politically motivated country-specific reports, mechanisms and resolutions violated the principles of impartiality, objectivity, transparency, non-selectivity, non-politicization, non-confrontation, equality, mutual respect, political independence, respect for sovereignty and non-interference in the internal affairs of States and the right of peoples to self-determination, and were contrary to the principles and purposes of the Charter of the United Nations. His delegation opposed the establishment of any country-specific instrument, report or resolution without the consent of the Government concerned as an example of politicization and selectivity in the treatment of human rights. Such mechanisms tended to refer to tertiary and quaternary sources.

38. Venezuela called for the continued promotion of multilateralism and the strengthening of the institutional framework of the Human Rights Council, leaving aside interference and lifting all unilateral coercive measures against the Russian Federation, which undermined the human rights of its people and the achievement of the Sustainable Development Goals. The universal periodic review was the most suitable mechanism for addressing issues with the involvement of the State concerned.

39. **Mr. Sibomana** (Burundi) said that, as a matter of principle, his country had always opposed country-specific mechanisms, which undermined the principles of equality, impartiality, non-selectivity and non-politicization. The question of human rights must be evaluated in a fair and equal manner in all countries, with full respect for national sovereignty. The growing trend towards politicizing human rights to interfere in States' internal affairs was a serious concern. The establishment of any country-specific special rapporteur without the consent of the State concerned went against the principles of fairness and equality among States, was counterproductive and fostered a climate of distrust.

40. **Mr. Maes** (Luxembourg) said that his country strongly condemned the violent and disproportionate repression by the Russian authorities of peaceful demonstrators, who had used their constitutional rights to show their opposition to the country's unjustified and unprovoked aggression against Ukraine. Given the total control of the media by the Russian authorities, he wondered how States could nonetheless convey to the Russian people that they were not being confused with their leaders and that States wanted the Russian Federation to one day become a democracy that respected the rule of law and protected and realized the rights of its citizens.

41. **Mr. Von Uexküll** (Sweden), speaking on behalf of the Nordic and Baltic countries, said that those countries strongly condemned the Russian war of aggression against Ukraine. The Russian Federation must release all political prisoners, bring its legislation into compliance with its obligations under international human rights law and cooperate with human rights mechanisms, including by granting the Special Rapporteur access to its territory.

42. **Mr. Oehri** (Liechtenstein) said that active aggression constituted a direct violation of the right to life, as acknowledged by the Human Rights Committee, affecting not only the Ukrainian people but also the soldiers forced to fight illegal wars. In that connection, he asked the Special Rapporteur to elaborate on the fate of those whose right to conscientious objection had been refused or who had otherwise been forced to join the mobilization campaign. In addition, he asked her to elaborate on the legal vacuum created by the withdrawal of the Russian Federation from the European Convention on Human Rights more than a year previously, notably in terms of accountability for human rights violations.

43. **Ms. Millard** (United States of America) said that the Russian Government continued to intensify its domestic crackdown on independent voices of all kinds and to use repressive laws to harass and effectively outlaw independent civil society organizations and media outlets, including the laws on foreign agents, undesirable organizations, lesbian, gay, bisexual and transgender propaganda, and discrediting the Russian armed forces. In addition, hundreds of political prisoners were being held in the country, including more than 400 persons in connection with exercising their freedom of religion or belief. The United States stood in solidarity with those who had been unjustly detained, including Vladimir Kara-Murza and Alexei Navalny, and called for their immediate release. Impunity for human rights violations and abuses by Russian officials, including torture, attempted assassinations and enforced

disappearances, remained an urgent problem. She asked how the international community could better amplify the repressed voices of civil society in the Russian Federation.

44. **Mr. Segessemann** (Switzerland) said that his delegation wished to know how States could best support those who had remained in the Russian Federation and continued to defend human rights, without putting them at risk. Switzerland was gravely concerned by the deteriorating human rights situation in the Russian Federation since the launch of its military aggression against Ukraine and by the systematic repression of civil society. The challenges facing the prison system were also of concern. The Russian authorities must respect human rights and fundamental freedoms, including the rights to freedom of expression and peaceful assembly, and cooperate with international human rights mechanisms.

45. **Mr. Mc Bean** (Ireland) said that his country condemned the increasingly repressive crackdown on the peaceful exercise of human rights in the Russian Federation and the recent legislative restrictions that had led to the criminalization of peaceful anti-war expression, Internet censorship and the forced shutdown of civic space and independent media. The mass arbitrary arrests, detentions and harassment of peaceful anti-war activists, human rights defenders, journalists, cultural figures and minorities were deplorable. In addition, Ireland was worried about the finding that fair trial guarantees had been significantly eroded. The Russian Federation must end its political misuse of the judiciary and its brutal repression of dissent, and respect, protect and realize human rights in compliance with its obligations under international human rights law and consistent with the principles of democracy and the rule of law. He asked the Special Rapporteur to elaborate on how the limited accountability at the domestic level had perpetuated the persistent use of torture and ill-treatment, including sexual and gender-based violence.

46. **Mr. Szczerki** (Poland) said that the Russian authorities had liquidated such organizations as Memorial and the Moscow Helsinki Group and had attacked the legacy of their work, destroying memorials, statues and cemeteries for the victims of Stalinism, including those commemorating Polish victims. Moreover, the number of political prisoners was rising steadily and included opposition politicians, journalists, artists and priests. Persons belonging to religious minorities were also persecuted. The Russian Government must end its political misuse of the judiciary and the brutal repression of dissent. He asked how the international community could best support the

Special Rapporteur given the current geopolitical circumstances.

47. **Ms. Lasseur** (Kingdom of the Netherlands) said that the extension by the Russian Federation of the law on lesbian, gay, bisexual and transgender propaganda constituted a violation of the rights to autonomy, dignity and equality. The Russian Federation must fulfil its obligation to protect freedom of expression, assembly and the media. She asked how the international community could support the work of Russian independent media, human rights defenders, lawyers, cultural figures and civil society organizations in the current repressive climate, without putting them in danger.

48. **Ms. Clifford** (Representative of the European Union, in its capacity as observer) said that the European Union strongly condemned the Russian Government's systematic and increasing repression of civil society and its crackdown on independent media, journalists, opposition politicians and other critical voices. It was gravely concerned about the spread of State-sanctioned censorship, disinformation and war propaganda and condemned the mass arbitrary arrests, detentions, harassment, torture and ill-treatment. The Russian Federation must abolish its oppressive legislation, stop the political misuse of the judiciary, immediately release those detained on politically motivated charges, end the climate of fear and impunity, and comply fully with its international human rights obligations.

49. **Mr. Kaminek** (Czechia) said that his country remained shocked by the systematic human rights violations committed during the Russian aggression against Ukraine, which went hand in hand with the significant deterioration of the human rights situation in the Russian Federation. Recent legislative restrictions had a clear systematic pattern and were used to muzzle human rights defenders, civic activists, independent journalists and any critical voices. The laws on foreign agents and undesirable organizations and the administrative sanctions applied arbitrarily against activists and opposition figures were deplorable. The Russian Federation must abide by its international obligations and immediately put a stop to the persecution of independent media, including those reporting objectively on the war in Ukraine. He asked what specific measures should be taken by States to support independent journalists both inside and outside the Russian Federation.

50. **Mr. Drescher** (Germany) said that the Russian Federation must put an end to human rights violations and impunity and revoke its oppressive legislation. The

measures taken by the country against its own people were only one aspect of its disregard for international human rights law; the Russian war of aggression against Ukraine was also inciting severe human rights violations against the Ukrainian civilian population that amounted to crimes against humanity and war crimes, including the forced deportation of thousands of Ukrainian children. It was essential to hold all perpetrators to account individually. For that reason, together with the European Union, Germany supported the leading role of the International Criminal Court in promoting accountability in Ukraine. Given the failure of the Russian Federation to cooperate with the Special Rapporteur, he wondered how States could best support the important work of both the Special Rapporteur and Russian civil society.

51. **Mr. Sylvester** (United Kingdom) said that the obstruction by the Russian Federation of the Special Rapporteur's ability to fulfil her mandate, including by refusing her entry into the country, was cause for concern. The Russian Government had restricted its citizens' enjoyment of their human rights through the adoption of extensive legislation with little public scrutiny and had further curtailed freedom of speech and criminalized public opposition to the war by making it almost impossible for non-Government-controlled media to operate. The United Kingdom condemned the politically motivated prosecution of those who had publicly opposed the war in Ukraine, including Vladimir Kara-Murza, Alexei Navalny, Ilya Yashin and Maria Ponomarenko. He asked how the international community could hold the Russian Federation to account for failing to meet its international obligations to uphold its citizens' human rights.

52. **Ms. Mudrenko** (Ukraine) said that the report clearly demonstrated that the Russian regime was waging war not only against Ukraine and Ukrainians but also against its own citizens, with Indigenous Peoples the most disproportionately targeted. Ukraine strongly condemned the widespread and systematic violations of human rights and fundamental freedoms in the Russian Federation. Furthermore, it was seriously concerned about Russian propaganda, which widely incited hatred and violence against Ukrainians. A clear definition was given in the Convention on the Prevention and Punishment of the Crime of Genocide for the dehumanization of the Ukrainian people, the rejection of the existence of Ukraine as a State with its own national identity and culture, and the deportation of Ukrainian children to the Russian Federation.

53. The treatment by the aggressor State of Ukrainian prisoners of war and the thousands of civilians who had been unlawfully detained, deprived of their liberty and

confined in inhuman conditions in the territory of the Russian Federation was especially worrying. She therefore called on the Special Rapporteur to pay special attention to that issue in her future reports.

54. **Ms. Lortkipanidze** (Georgia) said that the Russian Federation had used its tools of oppression as an occupying Power in the Georgian regions of Abkhazia and Tskhinvali for over a decade. Torture, ill treatment, kidnapping, arbitrary detention, violations of the rights to life, to property and to receive education in one's native language, restrictions on freedom of movement and residence, and discrimination on ethnic grounds were just some of the infringements that the populations of both occupied regions had to endure. The Russian Federation used such methods as part of its overarching strategy to force out ethnic Georgians from the occupied regions – an act that should be qualified as ethnic cleansing.

55. Despite the numerous calls by the international community and OHCHR and those contained in resolutions on cooperation with Georgia, the occupying Power continued to prevent the OHCHR and other international human rights monitoring mechanisms from entering the occupied regions. In 2021, the European Court of Human Rights had confirmed the occupation of, and the exercise of effective control over, the Abkhazia and Tskhinvali regions of Georgia by the Russian Federation and had ruled that the Russian Federation was fully responsible for human rights violations on the ground.

56. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that his delegation reaffirmed its rejection of country-specific mandates, as they were based on politicization, selectivity and double standards. Human rights issues should be addressed in a manner consistent with the principles of impartiality, objectivity, non-selectivity and non-politicization and in accordance with the needs and interests of the States concerned. In addition, his delegation opposed the use of political pressure and the weaponization of human rights to interfere in internal affairs and to overthrow the legitimate Government of a sovereign State.

57. It was regrettable that another country-specific mandate had been created in the form of the Special Rapporteur on the situation of human rights in the Russian Federation. Human rights should never be used as a political tool to infringe upon the sovereignty and interfere in the internal affairs of States. The Democratic People's Republic of Korea supported the efforts of the Russian people to build a powerful State, defend their sovereignty, dignity, security and peace, and frustrate

the persistent hegemonic policy of hostile forces to isolate and stifle the Russian Federation.

58. **Ms. Pichardo Urbina** (Nicaragua) said that her delegation rejected the report presented by the Special Rapporteur, whose mandate had been promoted by Western countries with the sole objective of trying to destabilize the Russian Federation. Nicaragua urged all States to respect the sovereignty, self-determination and territorial integrity of the Russian Federation and to refrain from interfering in the country's internal affairs. The mandate and activities of the Special Rapporteur contravened the provisions of paragraph 4 of General Assembly resolution [60/251](#), according to which the work of the Human Rights Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation. Nicaragua would not accept any resolution, report or update on the Russian Federation that was based on distorted, malicious information taken from a small number of biased sources, and opposed the unfounded accusations made against the country for political purposes. Instead, her country commended the Russian Federation for its efforts to work for peace, stability and the promotion and protection of the human rights of its people.

59. **Mr. Gunaratna** (Sri Lanka) said that international solidarity and action were a complement to a State's national measures and could be realized only with the consent, support and engagement of the Government concerned. If special procedure mandate holders were designed only to name and shame, did not receive the consent of the country concerned and were rooted in political rivalries, they were unlikely to make progress towards any meaningful outcome. As a matter of principle, Sri Lanka did not support country-specific resolutions for the simple reason that they did almost nothing for the promotion and protection of human rights and had been used on a selective basis to serve the political agendas of the countries sponsoring the resolutions. Pursuant to General Assembly resolution [60/251](#), the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings. In that context, the work of the Committee should be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner.

60. **Mr. Dimitrov** (Bulgaria) said that his country was deeply concerned by the reports that the Russian Government might be involved in the unlawful deportation and transfer of Ukrainian children to the

Russian Federation, as indicated by the International Criminal Court arrest warrants for the Russian President and the Commissioner for Children's Rights, and that it might be spreading war propaganda among school children and inciting them to hatred. The drastically worsening level of media freedom in the country was also of particular concern. Bulgaria condemned the murder of prominent critical journalists, including Anna Politkovskaya and Natalia Estemirova, whose murders in 2006 and 2009 remained unsolved.

61. **Mr. Ghanei** (Islamic Republic of Iran) said that his delegation reaffirmed its principled position of rejecting country-specific resolutions and mandates, which had proved to be counterproductive in practice. The Committee should not use such mechanisms in a politicized and selective manner to target human rights situations in specific countries without the consent of the country concerned. As a matter of principle, each country's human rights situation should be addressed in an equal manner and with full respect for the principles of national sovereignty and non-interference in the internal affairs of States. The universal periodic review was the sole mechanism through which the Human Rights Council should consider the human rights records of Member States in a non-discriminatory manner.

62. The current discussion did not meet the criteria of being constructive and non-confrontational. Such an approach violated the principles of universality, non-selectivity and objectivity in addressing human rights. The Committee should engage in a fair and balanced dialogue that encouraged cooperation.

63. **Ms. Mozgovaya** (Belarus) said that her delegation maintained its principled position of rejecting country-specific approaches to human rights, including the activities of the Special Rapporteur on the situation of human rights in the Russian Federation. Such approaches violated the principles of universality, impartiality, objectivity and non-selectivity. Moreover, the mandates of such special rapporteurs presupposed a focus only on the negative aspects of the circumstances in individual States, which formed a distorted view of the situation and the dynamics of human rights processes in States, making it impossible to assess real progress. The main intergovernmental mechanism for examining human rights issues in all countries without distinction was the universal periodic review, which enabled the progress made in ensuring human rights to be reviewed in an impartial, objective and non-selective manner and constructive ways to be found to improve the situation.

64. **Mr. Martinet** (France) said that his country was inspired by the courage shown by the women in the Russian Federation and their determination to stand up for peace despite the sexual violence, intimidation and humiliation to which they were subjected. In that context, France strongly condemned the sentencing in absentia in October 2023 of Russian journalist Marina Ovsyannikova to eight and a half years in prison. The courage of women and men such as Vladimir Kara-Murza, Aleksandra Skochilenko, Maria Ponomarenko and Marina Ovsyannikova and the many others who had paid with their freedom and even their lives for their aspirations for a fairer and more open Russian Federation was admirable. Their repeated imprisonment demonstrated the instrumentalization of the Russian judiciary against those who voiced criticism against the people in power. The Russian authorities should respect international human rights law and freedom of information, release all political prisoners and drop all legal proceedings against them. He asked how the Special Rapporteur assessed the cooperation by the Russian Federation with the treaty bodies and other special procedures, and what she expected from the universal periodic review that the country would undergo on 13 November 2023.

65. **Mr. Yang Xiaokun** (China) said that his delegation had consistently encouraged the international community to uphold the principles of objectivity, impartiality, non-selectivity, non-politicization, respect for sovereignty, mutual respect and equality in addressing human rights issues; to engage in constructive dialogue to resolve differences; to strengthen exchanges and cooperation; and to jointly advance human rights.

66. Regrettably, a few countries politicized and instrumentalized human rights to serve their own political interests by pushing country-specific human rights issues in the Human Rights Council and the Third Committee without the consent of the countries concerned, thereby interfering in States' internal affairs under the pretext of human rights, forcing Member States to take sides, undermining unity and cooperation and damaging the credibility of the United Nations' human rights work. His delegation had always opposed the establishment of country-specific mechanisms without the consent of the country concerned, and the Russian Federation was no exception. The international community should respect the sovereignty of the Russian Federation and the path of human rights development chosen by the Russian people and play a constructive role in the country's economic and social development and in the Russian people's enjoyment of their human rights.

67. **Ms. Bubanja** (Montenegro) said that the politicization and corruption of the judiciary had compounded the human rights challenges in the Russian Federation by eroding the rule of law and the protection of human rights instead of upholding them. The Russian Federation must repeal its repressive legislation, cease its political manipulation of the judiciary and unconditionally release all individuals held on politically biased charges. Concerned about the efforts of the Russian Federation to obstruct the Special Rapporteur's mandate, Montenegro urged the country to engage constructively and cooperate fully with all relevant special procedures related to its human rights situation.

68. **Ms. Gebrekidan** (Eritrea) said that making allegations of human rights violations against selected countries in order to advance political agendas was a troubling practice that had infiltrated the discussion on human rights, thereby eroding the principles that Member States had pledged to uphold upon the establishment of the Human Rights Council. It was disheartening that the Third Committee still chose to overlook that matter. Her delegation rejected the country-specific resolution on the Russian Federation and remained deeply concerned by the adoption and widespread proliferation of selective mandates, which persistently dominated discussions and detracted from the pursuit of meaningful conversations on human rights. Amid the horrors and destruction currently being witnessed, humanity was wondering whether politicization, double standards and hypocrisy would continue to reign, whether blatant human rights violations and real war crimes would be swept under the rug, and whether the Council would remain a tool for advancing political agendas. Eritrea would continue to call on the Council to live up to its moral and legal obligations to fulfil its initial objective and restore its credibility and integrity.

69. **Ms. Kim** (Australia) said that her country had consistently voiced deep concerns about the Russian Government's crackdown on opposition voices, civil society, human rights defenders and independent journalists, with those who questioned the illegal Russian war in Ukraine facing severe repercussions. Australia was particularly alarmed by the decision to tighten legislation against lesbian, gay, bisexual, transgender and intersex persons even further through the introduction of new prohibitions for transgender adults, including a ban on consensual medical care to affirm gender identity. Such legislation must be repealed.

70. The persecution of lesbian, gay, bisexual, transgender and intersex persons in the North Caucasus,

including in Chechnya, continued with impunity. Australia called for the independent and credible investigation of alleged human rights violations in the region, including the recent attacks on human rights defenders and independent journalists. The Russian Federation must respect the human rights and fundamental freedoms of all people, regardless of their sexual orientation, gender identity and expression or sex characteristics. She wondered how the international community could support human rights defenders working to protect lesbian, gay, bisexual, transgender and intersex persons in the Russian Federation.

71. **Mr. Altarsha** (Syrian Arab Republic) said that, according to paragraph 21 of the Special Rapporteur's report, the Russian Federation had amended the Foreign Agents Law to introduce an even vaguer term – “foreign influence” – which could potentially include any engagement with foreign nationals or entities, including the United Nations, travelling abroad, or simply watching or listening to content online, on the radio or on television. The official website of the Russian State Duma was cited as the source of that information. However, the website made no such reference; instead it referred to persons who received support from a foreign source or State. Any distortion or misinterpretation of information threatened any objectivity that the Special Rapporteur claimed to promote. Consequently, his delegation was not in a position to support a biased report, regardless of its author or purpose.

72. **Mr. Lamce** (Albania) said that the reports of arbitrary arrests, detentions and ill-treatment of journalists, anti-war protesters, human rights defenders and critics of State authorities and policies in the Russian Federation were alarming. Freedom of speech and expression were continuously under attack, while civic space had shrunk dramatically. The Russian Federation should respect and stop violating human rights and uphold its international obligations.

73. **Ms. Katzarova** (Special Rapporteur on the situation of human rights in the Russian Federation) said that the very reason that the Third Committee had been meeting for almost 80 years since the establishment of the United Nations was precisely because human rights were not an internal matter for each country. Mandates such as hers existed to provide peer support to Governments, first and foremost, in protecting the human rights of their citizens and respecting international conventions and the rules of the United Nations.

74. To help and support the work of Russian civil society and independent media, Member States that were currently hosting members of civil society in exile

should develop creative policies to uphold their right to free movement and enable them to open and register their own human rights organizations and media outlets in their host country.

75. Mobilization in the Russian Federation had been particularly draconian for men belonging to ethnic minorities in distant regions and to small and disappearing Indigenous Peoples and nations. Moreover, people who had refused to participate in the war against Ukraine had often been subjected to torture, ill-treatment and coercive measures to compel them to join the armed forces. Unfortunately, Russian military officials did not recognize conscientious objection and the right to civilian military service in the context of mobilization. Although there was a law that provided for a civilian alternative to military service, it applied only to 18-year-old conscripts who were mandatorily drafted into the army. Consequently, according to some estimates, over 1 million men had left the Russian Federation to avoid being put on trial for desertion and for being conscientious objectors, which was punishable by long terms of imprisonment. Any Member State that received applications for temporary protection from men who had fled mobilization should offer them that protection and pay special attention to them.

76. Massive human rights violations, including rape and other sexual violence, and torture in detention, had been perpetrated against civilians during the Chechen wars, for which almost no one had been held accountable. That rampant impunity had then spread after the wars to other regions of the Russian Federation, resulting in an increase in domestic violence, for example. Likewise, soldiers who had been able to commit crimes with impunity in Ukraine were returning to civilian life in the Russian Federation and abusing and sometimes killing their domestic partners. Moreover, courts were applying new provisions that exempted such men from receiving serious punishment for their crimes.

77. In her next report, she would provide an overview of the situation in the Russian Federation and continue to monitor the issues outlined in the current report. She also hoped to prepare thematic reports for the following year. She agreed that it was better for special rapporteurs to engage directly with the Government of the State concerned, and she did not lose hope that the Russian Government would allow her into the country. She also agreed that it was important to continue emphasizing that there was a distinction between the Russian Government and the Russian people. States should not isolate but rather should engage with the Russian people, which in turn would support the brave voices of human rights defenders. States should also continue to

engage with the Russian Government in the hope that she would be invited to the Russian Federation for a constructive dialogue on how the Government could better protect the rights of its own people.

78. **Mr. Møse** (Chair of the Independent International Commission of Inquiry on Ukraine), introducing the report of the Independent International Commission of Inquiry on Ukraine (A/78/540), said that the Russian Federation had continued to commit a large number of war crimes in Ukraine, including torture, wilful killings, rape and other sexual violence, and the deportation of children. The Russian armed forces had also carried out indiscriminate attacks with explosive weapons in violation of international humanitarian law. The Commission was mandated to investigate all allegations of violations and crimes. Given the multitude of events, the cases outlined in the report illustrated key patterns of violations and crimes. A major challenge in the investigation of certain situations had been the lack of access to areas occupied by Russian authorities, with written requests and other efforts to contact the Russian Federation remaining unanswered.

79. The Commission was deeply concerned by the geographical spread, frequency and gravity of certain patterns of crimes and violations by the Russian authorities, which had both immediate and long-lasting effects on the population, causing loss of life, injuries, psychosocial trauma and immense suffering and hardship. The Commission had continued to examine attacks with explosive weapons affecting numerous civilians and a wide range of civilian objects. During its most recent visit to Ukraine, the Commission had met with survivors of a missile attack by the Russian armed forces that had hit a residential building in Uman, Cherkasy Province, on 28 April 2023. The strike had led to the death of 24 civilians, mainly women and children, and had left many injured. That was another instance of the large-scale devastation of populated areas that the Commission had described previously.

80. During both the first and the second mandate periods, the Commission had interviewed numerous people who had been tortured by Russian authorities in detention facilities in seven regions of Ukraine and in the Russian Federation. The evidence collected overall had led the Commission to conclude that the use of torture by the Russian authorities had been widespread and systematic. The Commission had also investigated cases of rape and sexual violence committed by Russian soldiers after breaking into houses in villages where they had been deployed. Some of the victims had also been subjected to other forms of degradation. Furthermore, perpetrators had committed additional war

crimes against the victims and their family members, such as wilful killing and torture.

81. The armed conflict in Ukraine had taken a devastating toll on civilians, compelling millions to flee and causing thousands of casualties. Violations and crimes had further aggravated the situation of those who were particularly vulnerable. The Commission continued to be concerned about the deportation of children to the Russian Federation and had recently concluded that the deportation of 31 children in an incident in May 2022 amounted to a war crime. The Commission recommended the expeditious return of all children transferred from Ukraine to the Russian Federation. Thorough investigations and accountability for all violations and crimes were paramount, with both judicial and non-judicial accountability and measures that supported the needs of victims of the utmost importance.

82. **Ms. Mudrenko** (Ukraine) said that the Commission had continued to uncover shocking evidence of widespread and systematic violations of international humanitarian and human rights law by the Russian Federation, which might amount to war crimes and crimes against humanity. The daily indiscriminate missile and drone attacks on Ukrainian cities and towns resulted in the loss of innocent lives and widespread destruction. For example, on 5 October 2023, an attack on a café in Hroza, a village in Kharkiv Province in eastern Ukraine, had killed 59 people – 22 women, 36 men and an 8-year-old boy – who had gathered following a reburial ceremony for a local member of the Ukrainian armed forces. One out of every seven residents of the village had been killed, not one of whom had been an acting member of the Ukrainian armed forces. However, during a meeting of the Security Council on 9 October 2023, the Permanent Representative of the Russian Federation to the United Nations had claimed that the funeral in Hroza had been for a “high-level Ukrainian nationalist” and that “neo-Nazi accomplices” had been present at the event. That was just one of many instances where the Russian Federation had manipulated the memory of the victory over Nazism and efforts to combat neo-Nazism to justify its territorial aggression against Ukraine and its heinous crimes against Ukrainians. The Commission should give special attention to that crime.

83. A clear definition was given in the Convention on the Prevention and Punishment of the Crime of Genocide for the Russian propaganda that dehumanized and promoted hatred and violence against Ukrainians and denied the existence of Ukraine as a sovereign State with its own national identity and culture, and for the deportation of Ukrainian children to the Russian

Federation. According to the Commission, the Russian invaders had cold-bloodedly committed the most heinous war crimes, including deliberate killings, barbaric torture, inhumane treatment of detainees in Russian captivity and the intentional killing of prisoners of war and civilians. One such incident had occurred in Olenivka over a year previously, when more than 50 prisoners of war had been executed. Currently, the Russian Federation was unlawfully holding over 25,000 Ukrainian civilians in captivity, with Russian occupiers continually detaining civilians in the temporarily occupied territories.

84. The report revealed appalling cases of rape and other forms of sexual and gender-based violence committed by Russian military forces, with incidents occurring in small villages in Kherson Province between March and July 2022. Many of the victims had been in vulnerable situations, including a 16-year-old pregnant girl, three older women and some who were living alone, with young children or with a family member with a disability. In one case, a victim and her husband had been shot dead by Russian soldiers after reporting the rape.

85. In addition, the Russian Federation had destroyed the Kakhovka dam, thereby causing the biggest industrial and ecological disaster in Europe, the impact of which on the right to a clean, healthy and sustainable environment would be felt for years to come and well beyond the borders of Ukraine.

86. Restoring justice and ensuring accountability and the release of all Ukrainians unlawfully and forcefully captured by the Russian Federation were the key points of her President's peace formula, which was aimed at achieving a just and lasting peace in Ukraine. Her country was steadfast in its commitment to holding the Russian Federation accountable for its crimes and called on all its partners to intensify their efforts to ensure accountability for all perpetrators and their commanders. The Commission's activities in investigating, documenting and establishing the facts and circumstances of violations and abuses of human rights and international humanitarian law committed by the Russian Federation during its ongoing invasion of Ukraine played a crucial role in those endeavours.

87. **Mr. Rae** (Canada) said that there was no doubt that horrific crimes had been perpetrated in Ukraine, the consequences of which were extremely serious. Impunity was unacceptable. For that reason, he asked how the international community could hold the Russian Federation to account for its crimes. In addition, he asked whether there was any reason to believe that the

Russian authorities had taken active steps to ensure that all perpetrators were held accountable for their actions.

88. **Ms. Millard** (United States of America) said that the forced deportation of Ukrainian civilians, including children, to the Russian Federation was neither random nor spontaneous but rather was part of the Russian Government's widespread and systematic attacks against Ukraine that were designed not merely to annex Ukrainian sovereign territory but also to wipe out Ukrainian national identity. The United States condemned and demanded accountability for the Russian invasion and the abuse of Ukrainian citizens at the hands of Russian officials, occupation authorities and soldiers.

89. Her country was profoundly troubled by the vast scale and severity of the environmental damage caused by the Russian war of choice and would continue to support Ukraine in building its capacity to investigate and prosecute possible war crimes involving the environment. She asked how the international community could support accountability for such crimes.

90. **Ms. Skoczek** (Poland) said that her country was gravely concerned by the documented evidence of war crimes, including wilful killings, torture, rape and other sexual violence, and the unlawful transfer and deportation of children, and of grave violations of international human rights and humanitarian law perpetrated by the Russian Federation. Such crimes must not go unpunished; victims deserved justice and perpetrators must be held to account. Poland fully supported all international bodies established to ensure that every single perpetrator, including those in positions of command, would be brought to justice, for which the collection, preservation and analysis of evidence remained essential. The Russian Federation must withdraw its forces from the entire territory of Ukraine, respect that country's sovereignty and independence and stop violating international humanitarian law and human rights law.

91. **Mr. Ono** (Japan) said that children must not suffer, let alone be used as a weapon of war. It was therefore deeply distressing that many children in Ukraine had been unlawfully transferred from their homes and subjected to prolonged separation from their families. In addition, the violations of human rights and humanitarian law and related crimes were of deep concern. Japan would not tolerate impunity for the persons responsible for such violations and therefore called for the perpetrators to be identified and held to account. In order to ensure the safety of children, the Russian Federation must immediately stop its war of

aggression and withdraw immediately and unconditionally from the internationally recognized borders of Ukraine, cease the so-called evacuation of children and refrain from committing further atrocities.

92. *Mr. Grünwald (Slovakia), Vice-Chair, took the Chair.*

93. **Ms. Clifford** (Representative of the European Union, in its capacity as observer) said that the European Union reaffirmed its resolute condemnation of the Russian war of aggression and its unwavering support for the independence, sovereignty and territorial integrity of Ukraine. Moreover, it remained firmly committed to ensuring that the Russian Federation was held to account. The scale and gravity of the violations that had been committed in Ukraine by the Russian armed forces were of grave concern. The European Union condemned the forcible transfer and deportation of Ukrainian children by the Russian authorities, supported the Commission's continued investigation into those unlawful acts and called on the Russian Federation to immediately ensure the children's safe return. She asked how the Commission was collaborating with other national and international accountability mechanisms to ensure the maximum effectiveness of its efforts.

94. **Ms. Lasseur** (Kingdom of the Netherlands) said that collecting, preserving and analysing evidence remained essential to achieving accountability for the violations of international human rights and humanitarian law documented in the Commission's report. It was clear that not even children had been spared the atrocities perpetrated by the Russian Federation, with thousands forcibly transferred to territories temporarily occupied by Russian forces or deported to the Russian Federation and Belarus. Such practices constituted crimes under international law and exposed children to numerous human rights violations and abuses. She asked how the international community could further assist the Ukrainian authorities in identifying and tracing children who had been forcibly transferred and deported, and how those children could be reunited with their families.

95. **Mr. Kaminek** (Czechia) said that, although the attacks on medical facilities, residential buildings, restaurants and shops and such crimes as torture, rape and sexual violence committed by Russian authorities had been well documented, it was apparent that the Russian Federation had made no attempt to cooperate with international monitoring and investigative bodies, including the Independent International Commission of Inquiry on Ukraine, and did nothing to prevent such crimes. To the contrary, it seemed that such acts were

systematic in nature, rather than a result of individual misconduct.

96. Czechia remained very worried about the ecological and humanitarian consequences of the breach at the Kakhovka dam. In that connection, he asked what further steps would be taken by the Commission to document the impact on the economy and the ecology of the region.

97. **Mr. Segessemann** (Switzerland) said that his delegation would be interested to hear how the Commission was seeking to obtain clarity and transparency concerning the extent, circumstances and categories of illegally transferred Ukrainian children. Gravely concerned by the reports that the Russian armed forces and their affiliates were committing war crimes in Ukraine, and by the evidence of widespread and systematic use of torture by the Russian armed forces in areas of Ukraine under their control, Switzerland reaffirmed the absolute and universal prohibition of torture and ill-treatment. Adequate psychological and physical support must be provided to all survivors of rape and sexual violence, the reports of which were deeply worrying. Moreover, all parties must respect their obligations under international humanitarian and human rights law.

98. **Ms. Rosenberg** (Israel) said that her country condemned the Russian attack on Ukraine, which constituted a serious violation of international order. The evidence of wilful killings, torture, rape and other forms of sexual violence was deeply worrying. The Russian Federation must heed the international community's call for it to stop its attack and respect the territorial integrity and sovereignty of Ukraine.

99. **Mr. Meidert** (Liechtenstein) said that his country remained deeply concerned by the gravity of the situation in Ukraine. He asked whether evidence was being collected on the crime of aggression and, if so, whether the Commission was planning to cooperate and share relevant evidence with accountability mechanisms, including the International Centre for the Prosecution of the Crime of Aggression against Ukraine.

100. **Ms. Kim** (Australia) said that her delegation welcomed the Commission's ongoing investigations, including into whether the torture and attacks on energy infrastructure committed by the Russian armed forces amounted to crimes against humanity. Australia deplored the forceful transfer and deportation of thousands of Ukrainian children by the Russian Federation and called for their safe return. In addition, her country honoured the bravery of those who had reported the cruel acts that they had endured and witnessed, which would underpin accountability and

justice for Ukraine and the victims and survivors of such crimes. Australia also honoured the civil society organizations working to support the victims and survivors of war crimes, and recognized that, in addition to physical recovery, mental health and psychosocial support could be life-saving. The United Nations had a responsibility to call out the egregious behaviour of the Russian Federation; the permanent members of the Security Council should therefore continue to pressure that country to end the war. She asked what more the international community could do to end the war and ensure that those responsible for war crimes were held to account.

101. **Mr. Drescher** (Germany) said that the unprovoked, unjustified and illegal war of aggression by the Russian Federation against Ukraine was a blatant breach of international law that continued to bring death and suffering to the people of Ukraine. It was therefore vital to carefully document the crimes committed by the Russian Federation in Ukraine in order to hold all those responsible to account individually. Furthermore, the Russian Government must facilitate the return of Ukrainian children to Ukraine immediately. The support of Germany for the Commission, the human rights monitoring mission in Ukraine and the work of OHCHR in Ukraine more broadly was part of its clear message that it would stand with Ukraine for as long as it took. He asked what support the Chair of the Commission and his colleagues needed most urgently from Member States.

102. **Ms. Lortkipanidze** (Georgia) said that her country remained deeply concerned about the gross violations of international law committed by the Russian Federation in Ukraine and reaffirmed its strong condemnation of the indiscriminate attacks against multiple regions of Ukraine, in particular the recent attacks on villages in Kharkiv Province, which had injured and killed dozens of innocent civilians, including children. Such crimes and blatant violations of international law were unacceptable, and the perpetrators must be held to account. In closing, she reaffirmed her country's unwavering support for the independence, sovereignty and territorial integrity of Ukraine within its internationally recognized borders extending to its territorial waters.

103. **Mr. Mc Bean** (Ireland) said that his country was gravely concerned by the evidence of further indiscriminate attacks by the Russian armed forces, which had led to civilian deaths and injuries and the destruction of and damage to civilian objects. Ireland remained steadfast in its commitment to ensuring comprehensive accountability for the war crimes committed by the Russian Federation, holding

perpetrators to account and ensuring redress. His country was a founding member of the Council of Europe Register of Damage for Ukraine, which would serve as a record of evidence and claims for damages, loss or injury caused to all natural and legal persons concerned and to the State of Ukraine by the wrongful acts perpetrated by the Russian Federation in or against Ukraine. He wondered what measures could be taken to ensure that the voices of survivors were at the fore when considering how to deliver comprehensive accountability.

104. Ireland continued to condemn the illegal and unjustified Russian war of aggression against Ukraine, which was having devastating consequences both regionally and globally, and remained unwavering in its support for the sovereignty and territorial integrity of Ukraine and for the right of that country to defend itself against sustained Russian aggression.

105. **Ms. Mihail** (Romania) said that her country deplored the human cost of the unjustified and unprovoked Russian military aggression against Ukraine and condemned in the strongest terms the reported atrocities committed by the Russian armed forces in the country. The Russian Federation must immediately end its human rights violations and abuses and violations of international humanitarian law in Ukraine.

106. Given that the Commission regretted that its efforts to engage with the Russian Federation had remained unsuccessful, she wondered whether it intended to develop a methodology that would enable it to obtain direct information from the Russian Federation regarding the human rights violations committed by that country during the armed conflict.

107. **Ms. Bujanja** (Montenegro) said that the comprehensive investigation into the ongoing Russian aggression against Ukraine and the detailed findings of the Commission were paramount in the pursuit of justice and accountability. Montenegro unequivocally condemned the aggression of the Russian Federation and the immense suffering that it had inflicted upon Ukraine. Her country remained steadfast in its support for the independence, sovereignty and territorial integrity of Ukraine within its internationally recognized borders. There could be no tolerance for the atrocities committed in Ukraine, including the crime of aggression. Montenegro therefore fully supported the Commission's comprehensive approach to effectively addressing criminal responsibility and other aspects of accountability, including the rights to truth, reparations and non-repetition. The international community must

act swiftly and resolutely to ensure that those responsible for such cruel acts were held accountable.

108. **Mr. Lamce** (Albania) said that the cases of abduction, sexual violence, especially against women and girls, and deliberate attacks on schools and hospitals committed by Russian troops in Ukraine were alarming. The inclusion of Russian troops and affiliated armed groups in the list of parties that had committed grave violations affecting children in situations of armed conflict in the annual report of the Secretary-General on children and armed conflict ([A/77/895-S/2023/363](#)) had justified his country's deep concern and repeated denunciation of the atrocities, deliberate attacks on women and children and abductions perpetrated by Russian troops. The only way for the Russian Federation to avoid the world's continuing scorn for such despicable atrocities was to stop violating the fundamental principle of civilian protection in wartime, hold perpetrators to account and withdraw all its troops from Ukraine by respecting the country's sovereignty and territorial integrity.

109. **Ms. Kalkku** (Finland), speaking on behalf of the Nordic and Baltic countries, said that those countries called for an immediate end to all violations and crimes by Russian authorities and for the investigation and prosecution of all allegations of war crimes and violations of human rights and international humanitarian law. Full accountability must be ensured for all violations of international law and should include both judicial and non-judicial measures, such as truth, reparations and guarantees of non-recurrence. She asked how the international community could support the rights of the victims and ensure accountability for the atrocious crimes committed against them.

110. **Mr. Jean** (France) said that, by deliberately targeting civilians, the Russian Federation was perpetuating a strategy of terror, the sole aim of which was to break the morale of Ukraine. There could be no long-term peace without justice, in respect of which the Commission's mandate played an important role. By documenting the heinous crimes committed by the Russian Federation in Ukraine, the Commission was helping to establish responsibility and combat impunity. At a time when the Russian Government was seeking to cast doubt on the continuity of States' support for Ukraine, France reaffirmed that it would continue to provide logistical and financial support to the Ukrainian and international courts for as long as the Russian Federation continued its abuses.

111. **Ms. Chen Jiawen** (China) said that her country had been consistent and clear in its position that the sovereignty and territory of all countries should be

respected, the purposes and principles of the Charter of the United Nations should be upheld, the legitimate security concerns of all countries should be taken seriously and all efforts conducive to the settlement of the crisis in Ukraine should be supported. China had opposed the establishment of the Commission as it was not conducive to the peaceful and diplomatic settlement of the Ukrainian issue and could exacerbate conflicts and confrontation.

112. **Mr. Sylvester** (United Kingdom) said that there could be no impunity for the atrocities committed by the Russian Federation in Ukraine. The Ukrainian people deserved justice, and the United Kingdom would stand by them for as long as it took. The Russian Federation must comply with its obligations under international law, cease its war of aggression and withdraw its forces from Ukraine. As winter approached, he wondered what plans the Commission had to monitor the impacts of the continued attacks by the Russian Federation on civilian infrastructure, which would have devastating consequences for the Ukrainian people.

113. **Mr. Møse** (Chair of the Independent International Commission of Inquiry on Ukraine) said that the first way of ensuring accountability for the crimes committed in Ukraine was through the Ukrainian prosecution service and judicial system. Cases were currently being investigated and heard in the courts. However, the sheer number of cases requiring investigation – over 100,000 – meant that Ukraine would need an investigation strategy and support from the international community in coordinating the process. Cases were also being heard in the International Criminal Court, which likewise required the international community's support. The Commission was in contact on a bilateral and a multilateral basis with the Court and other national and international entities investigating on the ground in Ukraine. Multilateral approaches had been useful as they made it easier to see what each entity was doing, which, in turn, made it easier to see how coordination should be managed. He was not aware of any accountability measures taken by the Russian Federation.

114. With regard to the deportation of Ukrainian children, one of the main challenges was the lack of precise information concerning the number of children who had been deported and the exact situation of the children once they had reached the Russian Federation. The Commission had gradually been able to identify individual cases, but more information and evidence was needed. A particular problem was the discrepancy between the figures provided by Ukraine and by the Russian Federation. It would therefore be helpful if the

Commission could be provided with more precise information to give it a clearer picture of the situation.

115. The ongoing investigation into the breach at the Kakhovka dam was focused on the cause and impact of the breach. Owing to the complexity of the investigation, outside experts had been contacted to examine some of the technical details.

116. Although the Commission had determined that acts of aggression had been perpetrated by the Russian Federation, it had not focused specifically on the crime of aggression. The Commission's report contained a great deal of information on the behaviour of the Russian armed forces in Ukraine since the outbreak of the war, and any international or national actors could contact the Commission for such information should they so wish.

117. In terms of how best to support the Commission, it was always appreciated when individual Governments or authorities favourably received requests for information exchange from the Commission. Moreover, States should support the human rights pillar of the United Nations in general.

118. With regard to the lack of cooperation by the Russian authorities, it was difficult to develop a strategy for cooperation when there was no communication with the State concerned. The Commission had pursued various avenues for cooperation since the outbreak of the war and would continue to do so. Even if the Commission was refused access to certain territories, it would seek information through other sources. Access would be preferable, however, as it would enable the Commission to investigate any crimes that the Russian authorities considered to have been perpetrated by the other side.

119. The Commission's work was focused on a victim-centred approach. In that regard, it had indicated its support for reparations for victims and, given the urgency of meeting the needs of the victims, had advocated the establishment of a registry to facilitate victims' access to social services and mental health and psychosocial support.

120. *Mr. Marschik (Austria) resumed the Chair.*

The meeting rose at 5.45 p.m.