

Joint Statement on the Report under the Moscow Mechanism invoked by 41 participating States, following consultations with Ukraine, to address treatment of Ukrainian prisoners of war by the Russian Federation

Delivered by Ambassador Monique de Ruijter, Permanent Representative of the Netherlands to the OSCE, to the Permanent Council,

1535th Permanent Council

Vienna, 25 September 2025

Chair,

1. I am delivering this statement on behalf of 41 participating States: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom and my own country, the Netherlands.
2. Being gravely concerned about violations of international humanitarian law and international human rights law following Russia's full-scale war of aggression against Ukraine, including with regard to ill-treatment of Ukrainian Prisoners of War (POWs), our delegations invoked the Moscow Mechanism on 24 July 2025.
3. We requested that ODIHR inquire of Ukraine whether it would invite a Mission of experts to establish the facts and circumstances surrounding possible contraventions of relevant OSCE commitments; violations and abuses of human rights; and violations of international humanitarian law, including possible cases of war crimes and crimes against humanity, related to the treatment of Ukrainian POWs by the Russian Federation.
4. We also requested that the Mission of experts would consolidate, and analyze this information, including to determine if there is a pattern of widespread and systematic torture, ill-treatment and execution of Ukrainian POWs and soldiers *hors de combat* and/or at detention facilities by the Russian Federation in the temporarily occupied territories of Ukraine and in Russia.
5. Finally, we requested that the Mission of experts would offer recommendations on relevant accountability mechanisms.
6. We are very grateful to the Moscow Mechanism experts, Prof. Dr. Veronika Bílková, Professor Hervé Ascensio, and Professor Mark Klamberg, for producing such a thorough and professional report. It is clear that the Mission's findings confirmed our serious concerns.

7. The report states that the Russian Federation **systematically denies combatant status to members of the Ukrainian armed forces, and those hors de combat POW-protection**, designating them instead as – and I quote – “*persons detained for countering the special military operation.*” End of quote. The same designation is used for detained Ukrainian civilians. This blurs the line between POWs and civilian detainees, subjected to different legal regimes under international humanitarian law, and opens the door for criminal prosecution of POWs for mere participation in hostilities.
8. Further, the Mission documented a **high number of arbitrary killings and executions attributable to the Russian Federation**, occurring both on the battlefield and in detention. The report states that these executions often follow upon surrender, that public statements by Russian officials encourage summary executions and foster impunity, and that the arbitrary killings in detention demonstrate a widespread and systematic pattern.
9. The Mission states that Ukrainian POWs detained by the Russian Federation are **subjected to widespread and systematic torture and ill-treatment**. These abuses occur throughout the entire captivity process – upon capture, at intake into detention facilities, throughout internment and to coerce confessions. The available evidence suggests that torture and ill-treatment of Ukrainian POWs is a pervasive practice, directed or tolerated by the central authorities of the Russian Federation.
10. Worryingly, the experts concluded that **conditions of detention frequently fall below international standards**, with overcrowding; unsanitary facilities; inadequate food, water, shelter and medical care; exposure to contagious diseases, and forced labour under unsafe conditions or frequent transfers between facilities. POWs are routinely denied fair trial guarantees, with coerced confessions, denial of effective legal representation, unfair proceedings, and propaganda-driven “sham trials”.
11. Furthermore, the Mission identified **irregularities in the release and repatriation of POWs**. The Russian Federation initially failed to prioritize seriously sick or wounded POWs, as required under Geneva Convention III, and it has neglected to establish mixed medical commissions for their release. POW transfers frequently occur under unsafe, inhumane conditions, sometimes resulting in injury or death, including during air or ground transport. A particularly egregious case is the Olenivka penal colony, where systemic violations occurred, including overcrowding, torture, inadequate food and medical care, and forced labour.

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12. The Mission has stated its conclusions clearly: - and I quote: “the Russian Federation has engaged in widespread and systematic violations of international humanitarian law and international human rights law in its treatment of Ukrainian POWs, including arbitrary killings, torture, ill-treatment, denial of fair trial rights, and unsafe detention

and transfer conditions. These violations may constitute war crimes and, in some cases, arguably, crimes against humanity”. End of quote.

13. We are deeply alarmed by the Mission’s conclusions and we echo the urgent need for accountability, reparations, and continued international monitoring to ensure respect for the rights of Ukrainian POWs and respect for international law.

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14. OSCE participating States have committed that they will in all circumstances respect and ensure respect for international humanitarian law, and that they will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant international law. Moreover, the OSCE participating States have committed that individuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law.
15. To the Russian Federation, we underscore the recommendation from the report to respect and ensure respect for its obligations under international humanitarian law, and under Geneva Convention III in particular; and to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the ICCPR and other international human rights law instruments. We call upon the Russian Federation to comply with this recommendation.
16. We, the invoking states, take note of the Mission’s recommendation to other states and the international community and encourage all other participating States to do the same.