Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2463 (2022)[1]

Further escalation in the Russian Federation's aggression against Ukraine

Parliamentary Assembly

1. Eight months have elapsed since the Russian Federation launched a large-scale invasion of Ukraine. This brutal and inhumane aggression is provoking immense suffering, destruction and displacement, to a level unseen in Europe since the Second World War. This aggression must be unequivocally condemned as a crime in itself, as a violation of international law and as a major threat to international peace and security.

2. In the past few weeks, the Russian Federation has taken political, military and rhetorical steps which indicate a further escalation of the aggression. Marred by blatant intimidation of voters and held on the front lines of an ongoing armed conflict, the so-called referendums held in the Ukrainian regions of Donetsk, Kherson, Luhansk and Zaporizhzhia between 23 and 27 September 2022, illegally supported and voted for by the Russian Duma, are a travesty, in contravention of international law and contrary to any substantive and procedural standards for holding referendums. They must be considered null and void and with no legal or political effects.

3. Similarly, the attempted annexation of these regions by the Russian Federation is an affront to international law. The Parliamentary Assembly strongly condemns this blatant attempt to incorporate territory belonging to another sovereign State through force and coercion and reiterates its firm support for the sovereignty, independence and territorial integrity of Ukraine within its internationally recognised borders. The Assembly recalls that the Duma had voted in favour of the invasion and annexation of Crimea, and notes with great concern that it also validated these more recent illegal attempted annexations. This is further attestation that the Duma cannot be treated like an equal partner among free and fairly elected parliaments of democratic countries and that the Russian political parties that have previously voted for illegal decisions encroaching on the sovereignty and territorial integrity of Ukraine and other countries shall be treated and recognised as groups and entities that support external aggression and therefore share all responsibilities of the consequences of that aggression.

4. While continuing its illegal occupation and militarisation of the nuclear power plant in Zaporizhzhia, the leadership of the Russian Federation has increased threats of nuclear warfare. In addition to being abhorrent and reckless, such threats are in breach of international law and incompatible with the responsibilities of a nuclear power holding a permanent seat on the United Nations Security Council. In this regard, the Parliamentary Assembly should look into the issue of the seat of the Russian Federation on the United Nations Security Council.

5. The humanitarian situation in Ukraine remains dire. Almost 5 800 civilians are estimated to have died and one third of Ukrainians have been forced from their homes since 24 February 2022. Prisoners of war held by the Russian Federation's armed forces or by affiliated armed groups face torture and ill-treatment, and in some cases are being tried and sentenced to death, in clear contravention of international humanitarian law. The Assembly calls on the Russian Federation to allow humanitarian missions of the United Nations, International Committee of the Red Cross, Council of Europe or any other international organisation or member State to facilitate the exchange of prisoners of war and the release of political prisoners. The

1. *Assembly debate* on 13 October 2022 (32nd sitting) (see Doc. 15631), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Emanuelis Zingeris). *Text adopted by the Assembly* on 13 October 2022 (32nd sitting).

Assembly is outraged by the discovery of mass graves in cities and towns liberated by Ukrainian forces and firmly condemns all war crimes. The Assembly welcomes the exchange of prisoners in Istanbul at the initiative of Türkiye.

6. The continued use of long-range artillery by the Russian military to hit towns and cities across Ukraine has caused massive destruction and death. On 10 October 2022, a barbaric set of missile attacks targeted several Ukrainian cities, hitting public squares, playgrounds and residential buildings. With these indiscriminate attacks, Russia aims to advance its terrorist policy to suppress the will of Ukrainians to resist and defend their country and provoke maximum harm to civilians. The role of the illegitimate Lukashenko regime in helping the Russian Federation's aggression against Ukraine must not be forgotten. The recent announcement that Belarusian troops would deploy alongside Russian ones is deeply concerning and must be widely condemned.

7. Meanwhile, the climate in the Russian Federation is one of increasing repression. The authorities have implemented a far-reaching crackdown on civil liberties based on intimidation and open persecution, with the goal to provoke a state of terror in the general public for political purposes. Democratic figures are being repressed or killed, the system of opposition parties has been destroyed, the judiciary is not independent and many media and civil society organisations, such as Memorial International, have been closed down. Despite the many draconian measures passed in recent years, anti-war demonstrations and protests have been breaking out across the country. Among the most prominent public figures being persecuted for voicing criticism against the war is Vladimir Kara-Murza, who has been detained since April 2022. On 10 October 2022, the Assembly was honoured to award Mr Kara-Murza with the 2022 Václav Havel Prize, affirming support for his courage and determination to create a peaceful, democratic Russia. The Assembly calls on the Russian authorities to immediately release Vladimir Kara-Murza. The Assembly also calls for a review of cases of other political prisoners opposed to President Putin, in the Russian Federation and in other countries, and for their release (including Mikheil Saakashvili, who is a Ukrainian citizen and former President of Georgia).

8. President Putin's announcement on 21 September 2022 of a partial mobilisation is yet another sign of escalation, which has created tensions in the country. Protests at draft centres have at times turned violent, and hundreds of thousands of Russian men have attempted to flee the country to avoid a potential call-up. The apparently deliberate attempt by the Russian authorities to disproportionately focus their mobilisation campaign on ethnic minority groups, including the population of Dagestan and Crimean Tatars who are mobilised in the Ukrainian territories temporarily occupied by Russia, is of great concern to the Assembly. It is also unacceptable that detainees across Russia are being sent to fight in Ukraine.

9. The unleashing of a war of aggression by a permanent member of the United Nations Security Council poses a challenge to global governance. The Assembly deeply regrets that on 30 September 2022 the United Nations Security Council was not able to adopt a resolution condemning the recent referendums due to the Russian Federation's veto, notwithstanding there were no other negative votes against the text. In this context, the Assembly notes the increasing support for a reform of the United Nations Security Council and welcomes a greater role for the United Nations General Assembly, including on issues relating to maintaining international peace and security.

10. In this respect, the Parliamentary Assembly wholeheartedly welcomes the passage on 12 October 2022 by the United Nations General Assembly, by a three-fourths majority, of the resolution "Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations", which recalls the obligation of States under Article 2 of the United Nations Charter to refrain from the threat or use of force against the territorial integrity of any State, condemns the organisation by the Russian Federation of illegal so-called referendums and declares that subsequent attempted illegal annexation of these regions have no validity under international law.

11. The Assembly reiterates its full support for Ukraine and emphasises the importance for the international community to work together for the country's recovery and long-term peaceful and prosperous future. At the same time, the Assembly calls for a comprehensive system to hold the Russian Federation and its leadership accountable for this aggression and the violations of international human rights and international humanitarian law committed in this context.

12. The Black Sea blockade was over after the Black Sea Grain Initiative brokered by Türkiye and the United Nations. This deal has been a contribution to the solution of the global grain and food crisis and its continuation is important for the sustainability of global food security. The Assembly, therefore, invites member States to continue providing political support for the efficient implementation and prolongation of this process.

13. In the light of the above considerations, while reiterating its relevant resolutions and recommendations adopted since the beginning of the large-scale aggression, the Assembly calls on Council of Europe member States to:

13.1. reiterate their unwavering support for the independence, sovereignty and territorial integrity of Ukraine, within its internationally recognised borders, and that any peace talks can only take place on the conditions set by Ukraine;

13.2. unequivocally condemn the so-called referendums held in the Ukrainian regions of Luhansk, Donetsk, Zaporizhzhia and Kherson between 23 and 27 September 2022, and to refrain from recognising any effects of them;

13.3. condemn the Russian Federation's attempted annexation of the regions of Luhansk, Donetsk, Zaporizhzhia and Kherson as a violation of international law and a major threat to international peace and security, and to avoid recognising any effects of it;

13.4. be firm and united in exerting a policy of maximum pressure on the Russian Federation to immediately cease its aggression;

13.5. financially support the reconstruction of Ukraine and provide the necessary air defence systems;

13.6. ensure a comprehensive system of accountability for serious violations of international law arising from the Russian Federation's aggression against Ukraine, actively co-operating with the Ukrainian authorities on this issue, and in this context:

13.6.1. speed up the establishment of a Special (ad hoc) International Tribunal to prosecute the crime of aggression against Ukraine;

13.6.2. establish a system to examine the measures to ensure accountability for Russia's violations and abuses of human rights and international humanitarian law;

13.6.3. set up a comprehensive international compensation mechanism, including an international register of damage and actively co-operate with the Ukrainian authorities on this issue;

13.6.4. recognise Russian political parties that have previously voted for illegal decisions encroaching on the sovereignty and territorial integrity of Ukraine, and other countries, as groups and entities that support external aggression and therefore share all responsibilities of the consequences of the aggression;

13.7. declare the current Russian regime as a terrorist one.

14. Given the unprecedented gravity of the Russian Federation's aggression as a threat to international peace and security, the rules-based international order, international law and the most basic values which are the foundation of the Council of Europe, the Assembly appeals to the Heads of State and Government of Council of Europe member States to gather in the fourth summit in the history of the Organisation and put the issue of accountability of the Russian Federation, as well as support to Ukraine, high on the summit's agenda.

15. Furthermore, while reiterating its previous recommendations addressed to the Russian Federation since the outbreak of its aggression against Ukraine, the Assembly calls on the Russian Federation to:

15.1. cease its aggression against Ukraine immediately and unconditionally;

15.2. completely and unconditionally withdraw its occupying forces, including its military and proxies, from the territory of Ukraine within its internationally recognised borders;

15.3. withdraw its troops from the territory of Georgia and the Republic of Moldova;

15.4. comply strictly with its obligations under international law, international human rights law and international humanitarian law, including with regard to the treatment of prisoners of war;

15.5. immediately stop attacks against civilians, including indiscriminate attacks against populated areas, targeted killings and abductions, torture, rape and sexual violence and investigate all allegations of such crimes;

15.6. fully withdraw from all of Ukraine's nuclear facilities, stop and refrain from making them the target of any military activity and co-operate fully with the International Atomic Energy Agency to ensure their safety and security;

15.7. stop threatening recourse to nuclear weapons and commit not to use them;

15.8. stop using energy as a tool for blackmail;

15.9. stop supporting hacking attacks on democratic countries and their institutions;

15.10. stop interfering with electoral processes and refrain from financing anti-European activities of extremist pro-Russian parties and movements in democratic countries;

15.11. co-operate with the investigations and proceedings that have been established by the International Criminal Court and the International Court of Justice and comply with their decisions;

15.12. co-operate with United Nations treaty bodies, submitting reports and information to them when required to do so, allowing country visits and complying with their recommendations;

15.13. co-operate with the Independent International Commission of Inquiry on Ukraine and the Special Rapporteur on the situation of human rights in the Russian Federation, respectively set up and appointed by the Human Rights Council, and comply with their recommendations;

15.14. comply with the recommendations set out by the Moscow Mechanism of the Organization for Security and Co-operation in Europe (OSCE) and laid down in the OSCE reports "Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity Committed in Ukraine (1 April – 25 June 2022)" and "Russia's Legal and Administrative Practice in Light of its OSCE Human Dimension Commitments";

15.15. co-operate with proceedings before the European Court of Human Rights, implement outstanding judgments and those which the Court will adopt for acts committed before 16 September 2022;

15.16. adopt without delay effective general measures to address the structural and systemic problems identified by the European Court of Human Rights and the Committee of Ministers with regard to freedom of assembly, freedom of expression and the right to liberty in the Russian Federation, including by repealing or amending laws that have only exacerbated such problems, including the laws on "foreign agents", "undesirable organisations", "extremism" and "fake information on the Russian military";

15.17. co-operate with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as long as the Russian Federation remains a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) and allow the monitoring of the reported political prisoners' state of health and conditions of detention pending their release or re-examination of their cases.

16. The Assembly asks the OSCE to continue to evaluate, through the Moscow Mechanism or other appropriate tools, the violations of international humanitarian and human rights law, war crimes and crimes against humanity committed in Ukraine; the human rights situation in the Russian Federation; and the Russian Federation's aggression against Georgia and the Republic of Moldova.

17. In the light of the gravity of the international situation, the Assembly calls on international organisations to consider appropriate measures to avoid that the Russian regime uses staff of Russian nationality as a vehicle to support the Russian Federation's aggression against Ukraine, spread false information and Russian narratives about it and to influence these organisations' political decisions.

18. As regards its own work, the Assembly should continue to follow developments relating to the Russian Federation's aggression against Ukraine.