

## Resolution on the war in Ukraine

On 24 February 2022, the Russian Federation launched a full-scale military invasion of Ukraine, triggering a human rights and humanitarian crisis on an unimaginable scale. Thousands of civilians have been killed or injured in attacks by Russian forces who stand accused of war crimes, crimes against humanity or genocide<sup>i</sup>, including summary executions of civilians and prisoners of war, arbitrary detention and forced mass deportations, kidnapping and disappearance, torture and ill-treatment, conflict-related sexual violence, and crimes against cultural heritage.<sup>ii</sup> Over 7 million people have been internally displaced, with 7.4 million having fled Ukraine to other countries. Two million people, including children orphaned or separated from their parents because of the war, have been forcibly taken to the Russian Federation. Relentless shelling of residential areas, medical facilities and schools have caused widespread deaths and destruction. All this comes against the backdrop of a nuclear threat from the Russian Federation. The United Nations has warned that the Russian Federation's war against Ukraine – combined with the effects of climate change and the Covid-19 pandemic – threatens to cause a global food crisis that may last for years.<sup>iii</sup> War pollutes, and anything released into Ukraine's soil, nuclear or chemical, threatens the future peace and life of all.

The free flow of independent and accurate news and information is essential in conflict situations. PEN International is deeply concerned about the safety of journalists and media workers in Ukraine, with reports of them being targeted, kidnapped, attacked, and killed. At least 39 Ukrainian and foreign journalists and media workers have been killed during the war; eight of them have lost their lives while carrying out their professional duties: **Yevhen Sakun, Brent Renaud, Oleksandra Kuvshynova, Pierre Zakrzewski, Oksana Baulina, Maks Levin, Mantas Kvedaravičius, and Frédéric Leclerc-Imhoff.**<sup>iv</sup> Journalists are considered civilians under international humanitarian law. An attack to kill, wound or abduct a journalist is a war crime. PEN International is further concerned about the safety of Ukrainian writer **Volodymyr Vakulenko**, who was reportedly detained by Russian forces towards the end of March in the Kharkiv region and has not been heard from since.<sup>v</sup> Human rights activists and journalist **Maksym Butkevych** has been held captive by the Russian forces since June after he joined the Ukrainian Armed Forces to defend Ukraine.<sup>vi</sup>

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PEN International is alarmed by the campaign of disinformation waged by the Russian authorities in Ukraine. Media and internet infrastructure appear to have been intentionally targeted to disrupt access to information, including through strings of cyber-attacks. Media equipment and installations constitute civilian objects and shall not be the object of attack or reprisals. The use of propaganda for war and national hatred, which fuels the violence, must urgently stop.<sup>vii</sup> The Russian Federation's war not only targets Ukraine as a state and Ukrainians as a nation, but it also targets Ukrainian identity and culture. Many museums, libraries and archives have come under attack. Museums across the country are evacuating art and cultural treasures in a bid to save Ukraine's cultural heritage from destruction.<sup>viii</sup> As of September 2022, the Russian Federation has already committed 514 crimes against the cultural heritage of Ukraine, mostly in the Kharkiv, Donetsk and Kyiv regions.<sup>ix</sup> Among them are sites of national importance, of local importance, newly discovered cultural heritage sites, and objects of valuable historical buildings. At least 183 religious sites have been damaged by the Russian army in 14 regions of Ukraine.<sup>x</sup>

The situation in territory controlled by Russian armed forces and affiliated armed groups is of grave concern. The already limited civic space in occupied Crimea, Donetsk, and Luhansk – under Russian control since March 2014 – is shrinking even further.<sup>xi</sup> Scores of Crimean residents have been prosecuted merely for calling for peace, in flagrant violation of international law, which compels the Russian Federation to respect the penal laws of the occupied territory. 'Russian standards' are being imposed in local schools, with the teaching of Ukrainian language, history and literature being phased out. Access to Ukrainian television channels has been blocked and internet service providers replaced with Russian ones.<sup>xii</sup> Citizen journalists and human rights activists continue to be kept behind bars on politically motivated ground, including citizen journalists **Osman Arifmemetov, Marlen (Suleyman) Asanov, Asan Akhtemov, Remzi Bekirov, Tymur Ibrahimov, Server Mustafayev, Seyran Saliyev, Ruslan Suleymanov, Rustem Sheikhaliyev, Amet Suleymanov, Vilen Temeryanov and Iryna Danilovych<sup>xiii</sup>**, as well as journalists **Oleksiy Bessarabov, Vladyslav Yesypenko, and Nariman Dzhelyal** – the First Deputy Chairman of the Mejlis of Crimean Tatar People, a former journalist. Sham referenda in the occupied areas of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions are yet another breach of international law and a pretext for the Russian Federation to illegally annex Ukrainian land.

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The Russian Federation is treating its international obligations with contempt. It is flouting the very principles of the Charter of the United Nations, especially provisions on security and peace among countries, to silence critical voices.<sup>xiv</sup>

At its 83<sup>rd</sup> World Congress in Lviv, Ukraine, the PEN community united in one voice to call for a peaceful resolution to the Russian Federation's war in Ukraine. **The Assembly of Delegates of PEN International, meeting at its 88th annual Congress in Uppsala, Sweden, utterly condemns the Russian Federation's full-fledged war on Ukraine and urges the Russian Federation to:**

- Immediately end the war in Ukraine;
- Investigate allegations, prosecute, and punish members of armed forces found to have committed violations of international human rights law and international humanitarian law, including summary executions, sexual violence, torture and other cruel, inhuman or degrading treatment against civilians and prisoners of war;
- Immediately release all those held solely for the peaceful exercise of their right to freedom of expression, including Osman Arifmemetov, Marlen (Suleyman) Asanov, Asan Akhtemov, Remzi Bekirov, Tymur Ibrahimov, Server Mustafayev, Seyran Saliyev, Ruslan Suleymanov, Rustem Sheikhaliyev, Amet Suleymanov, Vilen Temeryanov, Oleksiy Bessarabov, Vladyslav Yesypenko, Nariman Dzhelyal, and Iryna Danilovych;
- Immediately cease the practice of enforced disappearance and do all within their power to clarify the fate of all persons subjected to enforced disappearance or otherwise missing, including Volodymyr Vakulenko and Maksym Butkevych, with a view of prosecuting and punishing those responsible, and ensure effective remedies to victims;
- Immediately halt practices of arrest, prosecution, or conviction of civilians for acts committed or for opinions or ideas expressed before its occupation of territory in Ukraine and that were not criminalised at that time.

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**It also calls on the international community to:**

- Continue to urge the Russian Federation to end the war in Ukraine immediately and unconditionally;
- Ensure a comprehensive and systematic response to all persons fleeing Ukraine, without discrimination;
- Increase support to ensure media sustainability in Ukraine. Initiatives that enable Ukrainian journalists and media in exile to continue their professional work should also be supported in a manner that is sustainable and adapted to the exceptional conditions they are facing;
- Support all efforts to ensure accountability, at the national and international level, for violations of international human rights law and international humanitarian law committed in Ukraine, and work collectively towards provision of remedy, redress and reparation for past violations and the prevention of further violations.

<sup>i</sup> OHCHR, The situation of human rights in Ukraine in the context of the armed attack by the Russian Federation, 24 February 2022 to 15 May 2022, published in June 2022, available at: <https://www.ohchr.org/en/documents/country-reports/situation-human-rights-ukraine-context-armed-attack-russian-federation>. On 2 March 2022, the Prosecutor of the International Criminal Court announced that he opened an investigation into the situation in Ukraine on the basis of the referrals received. The scope of the situation encompasses allegations of war crimes, crimes against humanity or genocide committed in Ukraine from 21 November 2013 onwards: <https://www.icc-cpi.int/ukraine>

<sup>ii</sup> Ministry of Culture and Information Policy of Ukraine, Russia has already committed 434 crimes against the cultural heritage of Ukraine, 22 July 2022, available at: <https://www.kmu.gov.ua/en/news/mkip-rosiia-zdiisnyla-vzhe-434-zlochyny-proty-kulturnoi-spadshchyny-ukrainy>

<sup>iii</sup> UN, If We Don't Feed People, We Feed Conflict, Secretary-General tells Global Food Security Call to Action Ministerial Event, Warning Mass Hunger Looms, 18 May 2022, available at: <https://press.un.org/en/2022/sgsm21285.doc.htm>

<sup>iv</sup> PEN Ukraine, Journalists at war, available at: <https://pen.org.ua/en/zhurnalisty-na-vijni-monitoryng-zlochyniv-rosijskyh-okupantiv-proty-vilnyh-media-onovlyuyetsya>

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<sup>v</sup> PEN Ukraine, Ukrainian writer Volodymyr Vakulenko kidnapped by Russian occupiers, 11 April 2022, available at: <https://pen.org.ua/en/ukrayinskogo-pysmennyka-volodymyra-vakulenska-ta-jogo-syna-vykraly-rosijski-okupanty>

<sup>vi</sup> PEN Ukraine, Human rights activist and journalist Maksym Butkevych held captive by Russian occupiers, 11 July 2022, available at: <https://pen.org.ua/en/pravozahisnik-i-zhurnalist-maksim-butkevich-v-rosijskomu-poloni>

<sup>vii</sup> OHCHR, Ukraine: Joint statement on Russia's invasion and importance of freedom of expression and information, 4 May 2022, available at: <https://www.ohchr.org/en/statements-and-speeches/2022/05/ukraine-joint-statement-russias-invasion-and-importance-freedom>

<sup>viii</sup> The Guardian, 'Ukraine's heritage is under direct attack': why Russia is looting the country's museums, 27 May 2022, available at: <https://www.theguardian.com/artanddesign/2022/may/27/ukraine-russia-looting-museums>

<sup>ix</sup> Ministry of Culture and Information Policy of Ukraine: Save Ukrainian Culture, available at: <https://restore.mkp.gov.ua/en>

<sup>x</sup> Ministry of Culture and Information Policy of Ukraine: Russia has damaged at least 183 religious sites in Ukraine, 27 July 2022, available at: <https://www.kmu.gov.ua/en/news/mkip-rosiia-vzhe-zruinuvala-v-ukraini-shchonaimenshe-183-relihiini-sporudy>

<sup>xi</sup> PEN International's Resolution on the state of freedom of expression in Crimea, adopted by the Assembly of Delegates in 2019, available at: <https://pen-international.org/app/uploads/RESOLUTION-ON-THE-STATE-OF-FREEDOM-OF-EXPRESSION-IN-CRIMEA.pdf>

<sup>xii</sup> Radio Free Europe/Radio Liberty, Ukrainian Teachers Balk As Moscow Seeks To Impose 'Russian Standards' In Occupied Territories, 23 May 2022, available at: <https://www.rferl.org/a/ukraine-kherson-education-russian-occupation/31862426.html>

<sup>xiii</sup> PEN Ukraine, Statement on enforced disappearance of Iryna Danilovych in occupied Crimea, 9 May 2022, available at: <https://pen.org.ua/en/zayava-cshodo-nasilnickogo-zniknennya-irini-danilovich-v-okupovanomu-krimu>

<sup>xiv</sup> United Nations Stands with People of Ukraine, Secretary-General Tells General Assembly, Stressing 'Enough Is Enough', Fighting Must Stop, as Emergency Session Gets Under Way, 28 February 2022, available at: <https://press.un.org/en/2022/ga12404.doc.htm>

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