

**Speech from Ievgeniia Kapalinka, attorney representing the families of Maksym Petrov and
Dmytro Shabanov**

Side Event on the Situation of the Three Detained OSCE Officials held in Captivity

The Hague Sunday, 5 July 13:00 –14:30

Distinguished Chair, Excellencies, Members of the OSCE Parliamentary Assembly, dear colleagues,

Margaryta has just shared a fraction of what she and her husband are living through. I am a lawyer with the Ukrainian Legal Advisory Group, and I represent the families of Dmytro Shabanov and Maksym Petrov in this case at the domestic and international levels. As part of this representation, we have submitted an individual communication to the UN Human Rights Committee and are participating in the ongoing national criminal investigation into the crimes committed against them, while also contributing to the effort to secure the release of all three detainees.

What happened to Dmytro, Maksym and Vadym is not only tragic. It meets the threshold of grave violations of international law. Each of them was arbitrarily detained for activities arising directly from his OSCE duties, held incommunicado, subjected to torture, ill-treatment and degrading conditions, and sentenced to long prison terms on fabricated charges of treason and espionage – by so-called "tribunals" of unrecognised authorities that lack the independence, impartiality and legitimacy that international law requires. Two of the three, Dmytro and Maksym, have since been forcibly transferred deep into Russian territory, thousands of kilometres from the families who had been their only source of care and contact.

These are not violations of one rule in isolation. The territories where they were held are, and have been, under the effective control of the Russian Federation, which makes these men protected persons under the Fourth Geneva Convention. That Convention prohibits exactly what happened here: imposing the occupying power's own laws on protected persons, trying them before unrecognised authorities, and deporting civilians out of occupied territory. Their rights under the International Covenant on Civil and Political Rights must be read together with these obligations of the law of occupation. And under Common Article 1 of the Geneva Conventions, every participating State already carries a duty to respect, and to ensure respect for, exactly these protections, in all circumstances.

Maksym Petrov shared Dmytro Shabanov's fate at almost every stage: arrested the same day, held incommunicado through the same months, and sentenced alongside him to 13 years on the same charge, later moved to a penal colony in the Chelyabinsk region. Their colleague Vadym Golda was convicted separately, on a charge of espionage, and sentenced to 14 years; he remains today in a colony in Makiivka, in the occupied Donetsk region. Each of them was detained for performing duties assigned under a mandate that every participating State, Russia included, had approved.

Russia's responsibility

The European Court of Human Rights has already found, in the inter-State case of Ukraine and the Netherlands against Russia, that the Russian Federation exercised effective control over the so-called "Luhansk" and "Donetsk people's republics" well before it attempted to annex these territories in 2022. That finding also grounds Russia's direct legal responsibility for what its proxies did to these three men, along with its responsibility for their treatment, and aligning their convictions with Russian law itself.

This is also part of a systemic Russian practice. Shabanov, Petrov and Golda's case deserves attention in its own right, and the OSCE bears a direct duty toward them – but it is also one instance of a broader pattern that requires a response on two levels: securing the release of those still held, and ensuring justice and accountability for the crimes committed against them.

Russia was never a bystander to the mandate these men were fulfilling. It approved the 2014 Permanent Council decision that created this Mission, negotiated the Minsk agreements that defined its monitoring role, and had its own nationals serving inside the same Mission, under the same protected status. Having repeatedly and publicly endorsed the Mission's mandate and the protected status of its staff, Russia cannot now claim a right to prosecute Ukrainian staff for carrying out that very same mandate.

Why states need to act

This is not the first time Russia has acted against OSCE personnel. In 2014, international monitors were detained and branded "NATO spies." In 2023, a former international OSCE mission member was sentenced in absentia to nineteen years for allegedly providing information to NATO. This tells us two things: that Russia undermines the OSCE's mandate not only through words but through direct, repeated action, and that when monitors were previously detained, it was not the OSCE alone that secured their release – it took the direct engagement of foreign ministers and heads of state.

The landscape may look different today, but the responsibility is the same. Participating States and Delegations of the OSCE PA must actively explore and contribute to solutions to secure the release of Dmytro, Maksym and Vadym. That they are Ukrainian nationals, and OSCE personnel, should drive greater resolve and coordinated action – not become a reason to leave this to others.

This is both a humanitarian obligation and a matter of international security. Governments are already discussing what a future ceasefire monitoring mission might look like. Civilian and humanitarian monitoring would necessarily accompany any military component. Russia's own record makes clear why this matters: even personnel at the Zaporizhzhia Nuclear Power Plant, a site of critical infrastructure under its occupation, have been detained and prosecuted on the same fabricated grounds of espionage or treason.

No state can seriously deploy its own citizens as monitors on the ground while a previous mission's own staff are still sitting in Russian penal colonies for having done that exact job. International staff work alongside local personnel, who form the backbone of any deployed mechanism and deserve the same level of protection and respect.

If the next monitoring mission is to be credible, and if personnel are to be willing to join it, securing the release of Dmytro, Maksym and Vadym is a necessary prerequisite.

What parliamentary delegations and their states can do

Ukraine and the OSCE are already working on this, through diplomatic engagement, the Moscow Mechanism, and direct advocacy by the Secretary General and the Chairmanship. The Assembly, and the parliaments represented in it, can meaningfully add to that effort.

First, this should stay a standing item on the OSCE's own agenda. Parliamentary delegations can engage the Secretary General directly, support efforts of Special Reporter of the OSCE PA, at the parliamentary and country level, on what concrete progress – or obstacles – follow from high-level engagement with Moscow. These men have now entered **their fifth year of detention**; indefinite stalling cannot be accepted as progress in itself.

Second, delegations and their states can take concrete action nationally: raising these three cases by name with their own ministries of foreign affairs, pressing for access through the ICRC or OSCE officials, and naming Shabanov, Petrov and Golda specifically in parliamentary resolutions and statements, so their cases cannot be folded into a general statement and forgotten.

Third, discussions or technical work on a future ceasefire and its monitoring, including within the Coalition of the Willing or in contacts with the United States, should include the release of these three men on the agenda. It is a prerequisite, and a test of whether such a mechanism, and Russia's willingness to respect it, can work at all.

Fourth, states can act against the impunity that allowed this to happen: declining to recognise unlawful convictions, supporting investigations and the pursuit of justice, and backing sanctions or other measures against those responsible for the crimes committed against Dmytro, Maksym and Vadym, and for these violations of the OSCE's own commitments.

I hope that when this Assembly meets again, we are not marking another **year of unlawful detention, but reporting the safe return of Dmytro Shabanov, Maksym Petrov and Vadym Golda.**

Thank you.

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