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大会

安全理事会

第七十九届会议

第八十年

议程项目 32(a)、84、107 和 108

预防武装冲突：预防武装冲突

国内和國際的法治

预防犯罪和刑事司法

打击为犯罪目的使用信息和通信技术行为

2025 年 7 月 29 日俄罗斯联邦常驻联合国代表团临时代办给秘书长的信

谨提及俄罗斯联邦常驻联合国代表团 2024 年 9 月 9 日第 3810/n 号、2024 年 11 月 14 日第 4996/n 号、2025 年 1 月 23 日第 273/n 号和 2025 年 4 月 1 日第 1297/n 号普通照会(公布于 [A/79/845-S/2025/203](#) 号文件)以及联合国法律事务厅 2025 年 7 月 17 日第 2022-OLC-000126 号普通照会(见附件一)，* 该照会事实上回绝了俄罗斯联邦主管当局在第 12202007703000274 号刑事案中正式请求的合作，该案事关在大众媒体和互联网上故意散布有关俄罗斯联邦武装部队据称于 2022 年 4 月在乌克兰布恰杀害平民的错误信息。

令人遗憾的是，秘书处花了近一年时间才作出一项缺乏任何实质内容的肤浅的正式回绝。我方曾希望得到一个更适当的答复，特别是在处理有关根据秘书处最初提供的信息对某一会员国提出的最严重指控的请求时。

特别令人关切的是，该普通照会为拒绝合作提出的理由只是毫无根据、含糊和完全没有说服力的理由，主要提及一些“联合国对第三方负有的保密义务”。

这些提及是不适当的，也不能作为拒绝合作的依据，特别是在秘书处自身——即联合国人权事务高级专员办事处(人权高专办)——在编造和传播对某一会员国的严重和毫无根据的指控方面发挥了直接作用的情况下。

* 仅以来件所用语文分发。



此外，人权事务高级专员福尔克尔·蒂尔克在其 2023 年 7 月 25 日的信(见附件二)* 中自己提到“人权高专办的惯例是，在不损害联合国特权和豁免的情况下，应国家执法、检察或司法当局在具体调查或诉讼中通过有关会员国的外交部或常驻代表团向联合国总部提出的正式合作请求，自愿提供相关调查材料。”我方完全有理由认为，此为高级专员失信的行为，他先是要求正式提出合作请求，然后又拒绝了这种合作。

此外，我方不能接受这样一种做法，即“联合国对第三方负有的保密义务”将不妨碍秘书处广泛散布毫无根据的指控，但同时将禁止任何第三方核实支持这种指控的所称证据，包括禁止这些指控所针对的会员国进行核实。

这种做法直接违背透明度、问责、客观性和公正性等原则。它干扰国家主管当局正在进行的查明真相的努力，并试图保护人权高专办，防止对其用来支持有关指控的数据进行任何客观评价。

我方回顾，根据 1946 年《联合国特权和豁免公约》第五条第二十一节，本组织有明确的义务“随时与会员国主管机关合作以便利司法之正常进行”。

秘书长的一贯做法进一步支持了这一理解。主管法律事务副秘书长兼联合国法律顾问于 2019 年 6 月 4 日在国际法委员会的发言中确认，法律事务厅对国家当局就正在进行的调查和刑事诉讼提出的请求作出回应，“《总公约》第二十一节要求进行这种合作，以便利会员国适当司法”。

我方知道，在许多情况下，秘书处根据有关合作请求，让西方国家主管当局可以获取其掌握的信息，包括具有保密性质的信息。在最近一个值得注意的案件中，秘书处迅速与调查一名联合国工作人员死亡事件的意大利主管部门合作：法律事务厅迅速回应了意大利的司法协助请求，秘书长甚至暂停了联合国官员的豁免权，以便意大利检察官传唤他们在国家调查中作证(2021 年 4 月 8 日外交和国际合作副国务秘书曼利奥·迪·斯特凡诺在众议院外交和欧洲共同体事务委员会(三)回答关于意大利政府行动的第 5-05685 号问题时所作的陈述证实了这一点)。

对俄罗斯联邦采取不同的立场，特别是在涉及来自秘书处本身的对我国的指控的案件中，不仅违反了上述《公约》规定的义务，而且违反了《联合国宪章》第一百条规定的义务，该条要求秘书处保持公正。难以将秘书处在我国案件中的拒绝与同西方国家合作的一贯做法以及根据《联合国宪章》联合国工作人员应按正直、独立和公正的最高标准行事的假定调和起来。

人权高专办截至 2022 年 12 月关于布恰的被广泛引用的有关报告中提出的所谓“证据”质量极差，在这种背景下，秘书处的立场尤其令人关切。关于大规模杀戮和平民损失数字的关键指控都只依据三个参考——“基辅地区国家警察

* 仅以来件所用语文分发。

主要部门”的脸书帖子的网页链接，其中两个帖子因提交人删除而无法访问，其余一个与所称事件不相干。

我要强调的是：人权高专办对俄罗斯联邦提出了极其严重的指控，其依据是不再能查阅的参考，所有这些参考都指向一个单一、非官方、有偏见和未经核实的来源。在这种情况下，拒绝与我方试图查明真相的主管当局合作的做法，不仅没有事实根据，而且违背适用的法律框架和惯例——这是不可想象的。

我方对秘书处以保护某些“对第三方负有的保密义务”为借口拒绝与会员国主管当局合作感到严重关切。秘书处非但没有帮助对事实进行彻底和客观的审查，反而选择阻挠正当的法律调查，从而对进一步传播基于未经客观核实、质量无疑很差的信息的虚假指控，起到推波助澜的作用。现在人权高专办的报告被指为并被当成佐证，尽管这份报告中使用的“证据”经不起基本审查。我方强调，这种立场不仅是故意回避一个会员国的真诚合作请求，而且是又一例双重标准——带有偏见、政治化和前后不一致的做法。

因此，我方要再次回顾《联合国宪章》第一百条，该条要求秘书长和工作人员保持最高标准的独立性和公正性。我方期待秘书处迅速重新考虑其立场，并适当和即刻考虑为促进确定真相和适当司法而提出的请求。秘书长有义务维护这些原则并确保对所有会员国一视同仁，这一点至关重要；它要求秘书处避免任何偏见或政治化，并充分遵守其合作义务。

我国常驻代表团以及国家主管当局随时准备与秘书处进行建设性接触，以确定移交相关信息的适当方式，包括保障包括保密性在内的正当利益所需的方式。

请将本信及其附件作为大会议程项目 32(a)、84、107 和 108 的文件和安全理事会的文件分发为荷。

临时代办

德米特里·波利扬斯基(签名)

2025 年 7 月 29 日俄罗斯联邦常驻联合国代表团临时代办给秘书长的信的附件一

2022-OLC-000126

The Office of Legal Affairs of the United Nations presents its compliments to the Permanent Mission of the Russian Federation to the United Nations and has the honour to refer to the Note Verbale of 9 September 2024 from the Permanent Mission, transmitting requests from the Prosecutor General Office and the Investigative Committee for information relevant to the criminal case No. 12202007703000274 concerning deliberate misinformation in mass media and on the Internet about alleged killing of civilians by Armed Forces of the Russian Federation in Bucha, Ukraine in 2022 (the “requests”).

The Office of Legal Affairs notes that the requests relate to the alleged crimes committed by the Armed Forces of the Russian Federation in Bucha, Ukraine in March 2022, documented by the Office of the High Commissioner for Human Rights (“OHCHR”) and described in the OHCHR’s report published in December 2022, and gathered in this connection during OHCHR’s field missions to Bucha. In particular, the Investigative Committee requests the following types of information “on the facts of ill-treatment of civilians in Bucha in March 2022”:

- (a) “complete personal data of eyewitnesses (witnesses) and affected persons (victims)”;
- (b) “copies of investigation materials (protocols recording the testimonies of witnesses and victims, inspections of the scene and corpses as well as expert opinions, photo and video materials)”;
- (c) “information available on persons brought to responsibility, including in absentia, for committing crimes against the Chilian population of Bucha indicating the circumstance of the incriminated unlawful acts”.

In this regard, the Office of Legal Affairs wishes to recall the applicable legal framework.

Pursuant to paragraph 1 of Article 105 of the Charter of the United Nations (the “Charter”), “[t]he Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes”.

In order to give effect to Article 105 of the Charter, the General Assembly of the United Nations adopted, on 13 February 1946, the Convention on the Privileges and Immunities of the United Nations (the “General Convention”) to which the Russian Federation acceded, with certain reservations, on 22 September 1953.

Article II, Section 2 of the General Convention provides that “[t]he United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity”. Pursuant to Article II, Section 3 of the General Convention, “[t]he property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action”. Moreover, Article II, Section 4 of the General Convention stipulates that “[t]he archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located”.

On the receipt of the request for information, the United Nations wishes to cooperate with the authorities, on a strictly voluntary basis and without prejudice to

its privileges and immunities, to facilitate the proper administration of justice pursuant to Article V, Section 21 of the General Convention.

Moreover, the applicable framework requires the Organization, among other things, to determine whether the criteria for the disclosure of sensitive information, including any obligations of confidentiality owed by the United Nations to third parties, as applicable, are fully met.

Based on the foregoing, the Office of Legal Affairs wishes to convey that OHCHR has conducted a review of its archives related to its inquiries into the killings in question, in response to the requests from the authorities of the Russian Federation. Following consultations with OHCHR, the Office wishes to inform the Permanent Mission that the Organization is not in a position to disclose the requested information as their disclosure would violate obligations of confidentiality owed by the United Nations to third parties and/or would prejudice the security or proper conduct of any operation or activity of the United Nations.

The Office of Legal Affairs would be grateful if the Permanent Mission of the Russian Federation to the United Nations would forward this Note Verbale to the relevant authorities of the Russian Federation.

The Office of Legal Affairs of the United Nations avails itself of this opportunity to renew to the Permanent Mission of the Russian Federation to the United Nations the assurances of its highest consideration.

17 July 2025

2025 年 7 月 29 日俄罗斯联邦常驻联合国代表团临时代办给秘书长的信的附件二

25 July 2023

Sir,

I wish to acknowledge receipt of your letter dated 18 May 2023.

The work of my Office, including through the Human Rights Monitoring Mission in Ukraine (HRMMU), is guided by the mandate given to me pursuant to United Nations General Assembly resolution [48/141](#) and principles of impartiality, objectivity and non-selectivity.

I note the allegations raised in your letter regarding violations of human rights and international humanitarian law in the occupied territory of Ukraine. As I observed in our meeting on 9 November 2022, my Office takes all allegations of such violations very seriously, but is also required to undertake diligent assessment and verification. Access to the relevant territory would substantially facilitate that work of my Office.

I note your request for official data held by OHCHR regarding the situation in Bucha – notably, identification of bodies, dates of death and forensic conclusions. OHCHR's established practice is to make available relevant investigative material on a voluntary basis without prejudice to the privileges and immunities of the United Nations, upon a formal cooperation request, made in the context of a specific investigation or proceedings, from national law enforcement, prosecutorial or judicial authorities. Such requests should be directed through the Ministry of Foreign Affairs or Permanent Mission of the Member State concerned to United Nations Headquarters. This is undertaken following review by OHCHR of responsive material, in conjunction with the United Nations Office of Legal Affairs, to ensure that information which is determined not to be disclosable, including within the meaning of the Secretary-General's Bulletin on "Information sensitivity, classification and handling" ([ST/SGB/2007/6](#)), and consistent with other United Nations policy standards, is withheld, or, as appropriate, redacted. In particular, with respect to material provided to OHCHR by victims, witnesses or other information providers, OHCHR, for its part, is bound by obligations of confidentiality unless the source has provided relevant consent to provision of the material to a specific external requester.

I reiterate my appeal to the Russian Federation to immediately cease its hostilities against Ukraine, to ensure victims' right to truth and justice, and to respect and ensure respect for international humanitarian law and international human rights law. It is in the interests of all parties to uphold shared principles of peace, justice, and respect for human rights.

Please accept, Sir, the assurances of my highest consideration.

Volker Türk