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Permanent Mission of Ukraine
to the International
Organizations in Vienna

Statement in response to Ambassador Martin Sajdik, Special Representative of the Chairperson-in-Office, and Ambassador Ertuğrul Apakan, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine

As delivered by Ambassador Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1224th meeting of the Permanent Council,
4 April 2019

Mr. Chairperson,

Ukraine joins other delegations in welcoming the CiO's Special Representative Ambassador Martin Sajdik and the SMM Chief Monitor Ambassador Ertuğrul Apakan back to the Permanent Council and thanks them for their reports.

Two months which passed since we last had these discussions were once again marked by Russia's reluctance to follow the track of peaceful resolution of the conflict it started when invaded Ukraine and occupied parts of its territory. Kremlin made clear the lack of its interest for improving the situation before the presidential election in Ukraine, thus undermining all efforts and initiatives of Ukraine, including those relying on the OSCE's facilitation.

The 8 March recommitment to ceasefire in Donbas, the first one in 2019 and the 19th since the signing of the Minsk Protocol in 2014, failed almost immediately amidst attacks and provocations by the Russian armed formations: already on 11 March, "the SMM recorded a higher number of ceasefire violations, compared with the daily average over seven days prior to the recommitment".

No progress has been achieved on the release of Ukrainian citizens illegally detained by the Russian side which resorted, instead, to sentencing Pavlo Hryb on fabricated charges and launching a new wave of persecutions of Crimean Tatars, increasing on 27 and 28 March the number of hostages of the Kremlin regime by at least 23 persons. The whereabouts of one more Crimean Tatar, who disappeared after the illegal searches, remain unknown. The Russian authorities continue to defy their international obligations on treatment of prisoners of war in connection with

continuing captivity of 24 Ukrainian sailors, captured in the armed attack of Russian forces on the Ukrainian Naval Forces vessels on 25 November 2018

The large-scale interference of the Russian Federation in the election of the President of Ukraine, first round of which took place on 31 March, continued throughout February and March.

As the security and humanitarian situation in the Russia-occupied parts of Ukraine's territory, Donbas and Crimea, continues to deteriorate, it remains imperative to maintain focus and persistence in urging the Russian Federation as a party to the conflict and the occupying power to fulfill its obligations and commitments, allowing Ukraine to restore its territorial integrity and sovereignty within the internationally recognized borders, with full respect for the norms of international law and the fundamental OSCE principles.

We see an important role for all OSCE institutions, officials and actors, including today's speakers, in upholding these principles.

Ambassador Sajdik,

Achieving the objective of peaceful resolution – restoration of Ukraine's territorial integrity and sovereignty within its internationally recognized borders – requires full implementation of the Minsk agreements in their entirety and de-occupation of Crimea.

Activities of the Trilateral Contact Group, in which the OSCE representatives facilitate progress in putting an end to Russia-Ukraine conflict in Donbas in accordance with the Minsk agreements must continue to aim at withdrawal of Russia's armed formations and weapons from the occupied territories of Donbas and disarmament of illegal armed groups.

Establishment of a lasting ceasefire regime and implementation of other security provisions must remain in the focus of the TCG, despite Russia's ongoing denial of its responsibility.

Practical proposals made by the Ukrainian representatives in the TCG on strengthening the ceasefire regime constitute a sound basis for negotiations with the Russian side. Achieving permanent OSCE monitoring and verification at the Ukrainian-Russian state border with establishment of security zone in border areas of Ukraine and Russia, as prescribed by the Minsk Protocol, remains essential since Russia continues to fuel conflict by supplying weapons, ammunition and manpower to the occupied parts of Donbas.

We expect the CiO's Special Representative to place a strong emphasis on these proposals of Ukraine. They are critical for achieving sustainable and comprehensive ceasefire during the forthcoming Easter holidays and we propose to keep the focus of the discussion on them during the next consultations of the TCG and its Security working group regarding so called "Easter ceasefire". We note with regret that today's consecutive report of Ambassador M.Sajdik to the Permanent Council ignores the issues relating to Ukraine-Russia state border in the conflict zone. This happens despite direct link between the situation at the contact line and security and transparency at the border. This critical subject also affects the challenges of mines, raised by many delegations today in the Permanent Council, because

thousands of these mines, including anti-personnel, are brought to Ukraine from the Russian territory.

Ukraine's attempts to open the Zolote entry-exit checkpoint and to start repairs of the broken pedestrian bridge crossing near Stanytsia Luhanska EECP on 24 March were blocked by the Russian side, which neither ensured ceasefire regime and demining, nor granted the necessary security guarantees. Instead, the Russian side again intimidated civilians, placing warning signs against crossing the contact line in Zolote, as reported by the SMM.

We strongly urge CiO's Special Representative to exert all necessary efforts to implement these important humanitarian initiatives which are in line with the decisions taken by the N4 leaders on 19 October 2016.

On the humanitarian track, there is an urgent need to reverse the negative trend of many past months concerning the constant increase of the number of Ukrainian citizens in Russia's illegal detention. Since December 2017, Kremlin has been blocking all efforts to make arrangements on the next release of Ukrainian citizens despite many constructive proposals by the Ukrainian side. Critical and largely unresolved issues continue to be access, including by the ICRC, to the citizens in illegal detention in Russia-occupied parts of Donbas and search for the missing persons. These issues should be attached the utmost priority and we encourage you, Ambassador Sajdik, to examine all possible options for a successful outcome. We urge you to pay special attention and ensure the discussion within TCG and its Humanitarian WG in the trilateral format the issue of mutual release of Ukrainian citizens being illegally held in Russia and the Russian citizens held in Ukraine for committing grave crimes against state and sovereignty.

Regarding the political track of the Minsk agreements, it remains incumbent on the Russian side to cancel the so-called results of the fake elections on November 11, 2018, dismantle all illegal structures of the Russian occupation administration in Donbas, which violate the Constitution of Ukraine and are not envisaged by these agreements.

Ambassador Apakan,

We meet few days after the extension of the SMM's mandate for another 12 months upon request of the Government of Ukraine. 5 years ago, Ukraine asked for the establishment of this mission in the wake of Russia's military invasion into the Ukrainian territory. The aims and tasks of the mission, in particular about reporting on incidents of violation of fundamental OSCE principles and commitments, retain their undiminished relevance today as Russia's ongoing aggression against Ukraine has entered into its sixth year. The Russian Federation makes every effort to divert attention from and obscure the root causes of the conflict. The Government of Ukraine extends full support to the activities of the SMM within its mandate and values the professionalism and dedication of the SMM staff. In its activities, the mission must maintain close contact with the authorities of the host country, including on defining priorities. We regret that adoption of SMM's mandate was delayed because of the Russian Federation.

The SMM has been deployed by the OSCE as a security organization and this should guide the mission's work and focus on the security aspects in the environment of an inter-state armed conflict. The SMM's reports provide very useful and essential information about the developments on the ground in Donbas, as was the case, in particular, when the SMM indicated violation by the Russian armed formations of the most recent recommitment to ceasefire the next day after it started.

Then the Russian armed formations used Minsk-proscribed weapons in the attacks near Popasna and Lebedynske. Awareness of the situation will be enhanced if the Mission includes references to the distance to the line of contact when reporting about specific locations and assessing damage dealt to residential areas and military positions. This may discourage the Russian forces from continuing provocative attacks for propaganda purposes onto the areas controlled by the Russian occupation administration.

Ukrainian side proposed additional measures aimed at establishing the sustainable and comprehensive ceasefire in October 2018. However, the Russian delegation to the TCG's Working subgroup on security has been rejecting them without any substantial discussion and is blocking further consultations on the issue in TCG.

Instead, the Russians have been proposing nominal and largely ineffective measures (like issuing the ceasefire orders, disciplinary measures etc.) aimed at preserving the status quo.

We took note of the part of your report, Ambassador, about the "repeated restrictions to the SMM's freedom of movement and other impediments to the implementation of its mandate, predominantly in non-government-controlled areas, including in areas of southern Donetsk region and near the border with the Russian Federation in Luhansk region".

These restrictions are systematic, are a cause of major concern and an issue raised every week in the Permanent Council. Despite consistent calls by the participating States, we note that, unfortunately, the Russian Federation does nothing to remedy this situation of breach of the SMM's mandate.

On the contrary, it maintains impediments aimed at "blinding" the SMM to prevent it from registering heavy military presence and the most sophisticated Russian weapons, like recently spotted "Tirada-2" satellite communication jamming complex, in the occupied parts of Donbas. For now, the SMM continues to report that the scope of what it "was able to observe in border areas remained constricted and could not be categorised as comprehensive, independent monitoring".

We welcome that the mission "remains intent on widening its footprint in both Donetsk and Luhansk regions", in particular through "the establishment of new FPBs and one Patrol Hub, including those near the border with the Russian Federation in non-government-controlled areas". At the same time, this Council is aware that the mission developed such plans nearly four years ago and until now they have not been realized because the Russian side would not provide "security assurances for proposed locations close to the border with the Russian Federation".

We hold a firm view that the SMM with a budget of over 100 mln EUR paid by the participating States must be enabled to provide reporting based on comprehensive and independent monitoring and Russia must be held to account for

deliberate violation of respective commitments. We urge Russia to honour these commitments, extend together with its proxies the necessary and long pending security assurances and remove obstruction that affects the SMM's monitoring at the border.

At the same time, the issue of full and secure access of SMM throughout Ukraine within its internationally recognized borders according to the mandate of the Mission, including the areas near the Ukrainian-Russian state border, as provided for in para 4 of the Minsk Protocol of September 5, 2014, as well as the area in the Mariupol direction according to para 5 of the Minsk Memorandum of September 19, 2014 is also blocked by the Russian side.

It is necessary to hold substantial discussion in the TCG's SWG to make Russia implement these obligations. It will be impossible to consolidate ceasefire without their implementation. Therefore, we urge to include them in the agenda of the consultations of the TCG's SWG.

In the list of impediments, which the Russian armed formations impose on the SMM, specific ones affect the long-range UAVs, a valuable asset of the mission, both in financial terms and the use results. These UAVs, which are able to conduct night-time monitoring, observe large areas not reachable for the SMM ground patrols and this is what makes them so inconvenient for the "deception strategy" of the Russian Federation. So far, the Russian side avoids responsibility for downing the LR UAVs in October 2018 and in February this year and, doing so, further contributes to the climate of impunity enjoyed by its armed formations on the ground in Donbas. On 20 March, another long-range UAV of the SMM was fired at near the occupied settlement of Dovhe. Notably, in one single day of 31 March three mini-UAVs were targeted with fire near Kalynove-Borshchuvate, Molodizhne and Zolote-5/Mykhailivka.

We note the conclusion in Ambassador Apakan's report that "departure of the Russian officers from JCCC continues to impact the SMM activities" and view the ongoing attacks and impediments in Russia-occupied territory to be the manifestation of this impact. There is definitely a party which bears full responsibility for this impact.

The same total disregard for the SMM monitoring activities continues to be demonstrated by the Russian side in connection with observance of human rights and fundamental freedoms in the occupied parts of Donbas. The SMM again reported on a very limited scope for freedom of expression and of the media in those areas. The letter, which was sent to the SMM "explicitly warning SMM members not to establish contact with people at facilities such as hospitals and schools", referred to in the SMM report, is a notable example of restrictive policy by the Russian occupation administration. We strongly condemn this policy. Worrisome developments continue as regards the freedom of religion or belief: the mission reported that some religious communities in the occupied parts of Donbas ceased their activities as instructed by the Russian armed formations. As monitoring and supporting respect for human rights and fundamental freedoms is an important part of the SMM's mandate, we encourage the mission to pay utmost attention to the occupied territories of Ukraine. We also urge the Russian side to comply with its commitments and lift, immediately and unconditionally, all limitations imposed on the SMM.

An important part of the SMM's mandate is to establish and report facts on alleged violations of fundamental OSCE principles and commitments. The presence of the mission in the Russia-occupied parts of Donbas represents a unique opportunity to observe such violations on the ground. Every month since the start of Russia's occupation, their number grows, further undermining the objectives of a peaceful resolution of the Russian-Ukrainian conflict. Such facts as Russian currency or tax system, school instruction programmes introduced by Russia in Donbas in violation of Ukraine's territorial integrity and sovereignty must be duly monitored and reflected in the SMM reports.

We took note, Ambassador Apakan, of the part of the SMM's report regarding "developments related to the Sea of Azov". The only reference to this issue, included into the report, that is "monitoring on land any effect on the socio-economic situation, including the reported overall reduction of business in the maritime sector along the coastline", does not duly reflect the alarming scale and proportions of security, socio-economic and humanitarian implications and challenges stemming from the ongoing Russia's militarization of the Sea of Azov, the Black Sea and the occupied Crimean peninsula. The resulting challenges raise serious concerns among the majority of the OSCE participating States about their menacing impact on security in the Black sea region and beyond, which should become a matter of permanent attention of the SMM's monitoring and of the OSCE, including its Conflict Prevention Centre.

We wish to reiterate, Ambassador Apakan, the high interest in this Council to the situation in the temporarily occupied Crimea, which belongs to the SMM's area of operation throughout Ukraine as per its mandate. Although the Russian occupation administration continues to deny access of monitors to the peninsula, it must not be an obstacle for launching a distance monitoring of the situation with human rights and fundamental freedoms in Crimea, as practiced by other international organizations and their missions within the mandates. Our calls in this regard should not be ignored. We welcome the visits of SMM patrols to crossing points between Chonhar, Kalanchak, Chaplynka and the Russia-occupied peninsula, where "the Mission observed calm situations", but urge the SMM to use those visits for communicating with victims, witnesses, relatives of victims, lawyers, NGOs, and independent mass media, whose plight under oppression of the Russian occupation administration in Crimea is regularly a subject of close attention in the Permanent Council and international fora.

Concluding my statement, I wish to thank Ambassador Sajdik and Ambassador Apakan, as well as the entire SMM team for their hard and dedicated work of contributing to peaceful resolution of the conflict, started by Russia, as well as to upholding the OSCE principles and commitments.

Thank you, Mr. Chairperson.