



United States Mission to the OSCE

Response to Chief Monitor of the OSCE Special Monitoring Mission to Ukraine and Special Representative of the OSCE Chairperson-in-Office in Ukraine

As delivered by Deputy Chief of Mission Kate M. Byrnes
to the Permanent Council, Vienna
January 19, 2016

Ambassadors Apakan and Sajdik, the United States warmly welcomes you back to the Permanent Council. We thank you and your dedicated teams for your efforts to see the Minsk agreements fully implemented and to press for a peaceful resolution to the conflict in eastern Ukraine.

Two and half years have passed since the Minsk Protocol was signed, and yet its first provision – a comprehensive ceasefire – remains unfulfilled. Ceasefire violations and explosions occur constantly in the conflict zone, claiming the lives of more than 210 Ukrainian soldiers in 2016 alone, and over 3,000 since the start of the conflict. Russia sustains this conflict, and Moscow continues to arm, train, and fight alongside separatists in eastern Ukraine.

Nonetheless, and as we heard again this morning, Russia refuses to take responsibility for starting this conflict and continues to lie about its ongoing role in the fighting. In a report released last month by an independent investigative group, analysts used publicly available satellite imagery to show that during the early stages of this conflict in the summer of 2014, Russian forces located in the Russian Federation fired thousands of rounds of artillery across the border at Ukrainian forces. Direct Russian involvement in the conflict has continued up to the present day. The Chair referred to a sharp increase of ceasefire violations on December 18. This was in fact an offensive carried out by 150 combined Russian-separatist military personnel near Svitlodarsk, which was discussed during the special Permanent Council meeting on December 20. Since then, the OSCE Special Monitoring Mission has documented significant evidence of this offensive, such as the large number of impact sites resulting from shells fired from separatist-controlled territory into government-held territory near Svitlodarsk. In the two weeks following the attack, the OSCE Observer Mission at Gukovo and Donetsk reported an unusually high number of ambulances and funerary transport vehicles crossing from separatist-controlled parts of Ukraine into Russia, including two vehicles which bore signage indicating Russian military casualties were on board.

It is understandable, in light of this brazen attack, that Ukrainian forces have deployed to positions even closer – but still on their side – of the line of contact, as they attempt to deny combined Russian-separatist forces the ability to move into deadly firing positions. It is unfortunate that Ukrainian forces have needed to take such actions, when deescalating the conflict depends on the withdrawal of forces from the line of contact. As you have reported

previously, Ambassadors Apakan and Sajdik, ceasefire violations have significantly dropped at all three of the existing disengagement sites, thereby demonstrating that disengagement could help to deescalate the conflict — and lead to a genuine and sustained ceasefire necessary to make progress on the political elements of the Minsk agreements.

We have placed monitors on the ground in eastern Ukraine as a tool to enhance the peace process. Part of the SMM's mission is accurately attributing the source of ceasefire violations to identify who is responsible in the event of an attack, such as the combined Russian-separatist offensive at Svitlodarsk. The mission's use of surveillance cameras has allowed it to trace the direction and approximate location of certain types of fire, but cameras alone cannot consistently pinpoint the origin of all fire. The SMM now has the opportunity to present a budget that includes surveillance technology which would allow the mission to better determine who is responsible for breaking the ceasefire. This capability is especially important as we seek to expand the number disengagement areas and reduce violence at so-called "hotspots." The SMM should also get long-range UAVs back in the air, as these provide the mission the ability to see far into separatist-controlled territory and areas along the border with Russia to which it is routinely denied access. Transparency into what is actually occurring in eastern Ukraine is essential to resolve the crisis and usher in a sustainable peace.

It remains imperative that the SMM be allowed free, unfettered, and safe access throughout the conflict area. We note that, for the first time, Ambassador Apakan reported that the number of restrictions imposed on the SMM by Ukrainian forces during the reporting period exceeded those carried out by combined Russian-separatist forces. We urge the Ukrainian government to follow-up on these incidents, as it has done in the past. We recall that since the start of the conflict, the overall number of restrictions imposed on the SMM is far greater on separatist-held territory.

Ambassadors Apakan and Sajdik, it is clear that the close proximity of heavy weapons has given rise to greater volatility on the line of contact. The separatists sabotaged the weapons withdrawal agreements from the outset by grossly underreporting the number of proscribed weapons in their inventory. Recent reporting by the SMM shows the extent to which these arrangements are being flouted: on January 5, the mission identified over 238 weapons in separatist-held Miusynsk, including over 40 multiple launch rocket systems, located in positions prohibited by the Minsk agreements. A positive step would be for combined Russian-separatist forces to come clean about their actual arsenal, enabling the pursuit of a new timeline for weapons withdrawal in line with existing agreements.

Confidence can also be built through the continued exchange of prisoners, as called for in the Minsk Package of Measures. We applaud Ukraine's unilateral release of 15 prisoners late in 2016 as a goodwill gesture, and we welcome the release of three individuals from detention in certain areas of Donetsk and Luhansk. We expect more will soon be freed.

Incessant fighting puts civilians at great risk and continues to destroy homes, schools, and lives. We commend your efforts, Ambassadors Apakan and Sajdik, to protect civilians and restore a measure of normality to their lives. Ambassador Sajdik, we welcome the agreement on payment of utilities that has restored water and electricity to thousands of people living in separatist-controlled territory. We continue to call for the opening of new crossing points on the line of contact to alleviate the suffering of those living in separatist-held parts of Ukraine.

We recall, once again, the commitment made over one year ago by Russia and the separatists in the Humanitarian Working Group to open the crossing point at Zolote, another agreement they have chosen to ignore. We note that Ukraine remains ready to reopen this checkpoint. We also commend Ukrainian forces for dismantling checkpoints and military positions near homes and a school in Marinka; this is an example for all forces in the conflict area to follow.

Unfortunately, we must highlight the grave risk posed by resurgent fighting in the Avdiivka-Yasnyuvata hotspot, which could trigger a chemical accident at the Yasnyuvata Water Filtration Plant. Combined Russian-separatist forces have established positions near that site, increasing the risk of a chemical accident. Agreement on the disposition of forces near the plant would reduce the risk of an accident, and agreement on emergency response measures could contain the scope of a potential catastrophe, serve as a confidence-building measure between the sides, and, most importantly, save lives.

Ambassador Apakan, we note that your report paints a worrying portrait of the human rights situation in separatist-controlled territory. Not a single peaceful public gathering was allowed to take place east of the line of contact, where separatist authorities banned 358 websites, detained bloggers, and expelled independent journalists.

The United States remains deeply concerned about serious abuses in Russia-occupied Crimea. The Russian Federation has used trumped-up charges made against the residents of Crimea to silence the exercise of freedoms of expression, peaceful assembly, association, and religion or belief. For example, a couple working for an independent NGO promoting Ukrainian language and culture, Andriy Vinogradov and Natalia Kharchenko, were detained this month on vague charges of extremism. Russia recently added Crimean Tatar Mejlis deputy head Ilmi Umerov, as well as 19 other Crimean Tatars subjected to politically-motivated prosecution, to its list of so-called terrorists and extremists without basis. Such actions must stop.

We recall that the SMM's mandate extends to the entire territory of Ukraine, and the mission should have unfettered access to Crimea. Sanctions related to Russia's occupation and attempted annexation of Crimea will remain in place until the occupation ends and Russia returns control of the peninsula to Ukraine. We join our European and other partners in restating that our sanctions against Russia for its aggression in eastern Ukraine will remain until Russia fully implements its commitments under the Minsk agreements.

Thank you, Mr. Chair.