



Permanent Mission of Ukraine
to the International
Organizations in Vienna

**Statement in response to the CiO Special Representative in Ukraine
and the TCG Heidi Grau and the SMM Chief Monitor Yaşar Halit Çevik**

As delivered by Ambassador Yevhenii Tsymbaliuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1258th meeting of the Permanent Council,
6 February 2020

Mr. Chairperson,

As this is the first appearance of Ambassador Grau at the Permanent Council in her new capacity, I would like to congratulate her once again for her recent appointment and to extend my best wishes in her activities. I also welcome Ambassador Çevik back to the Permanent Council. We thank both of you for your reports with the updated information on the developments on the ground related to Russia's ongoing aggression against my country.

In two months, which passed since the last Normandy Four Summit in Paris, these developments were not encouraging. Out of all immediate measures aimed at stabilization of the situation in the conflict area, which were agreed at that meeting, only one, that is a mutual release of detainees based on the principle of "all for all", starting with "all identified for all identified", has been implemented. Others, such as full and comprehensive ceasefire, demining, additional disengagement areas and crossing points, and ensuring safe and secure access of the SMM throughout Ukraine, remain unfulfilled. The root cause of this unsatisfactory situation is Russia's persistent denial of its role as aggressor, as occupant, and as a party to the conflict. Russia blackmails Ukraine, urging us to start so-called "direct dialogue" with the Russian illegal armed formations in the occupied parts of Donbas, hoping to assume the role of so-called "peacekeeping referee", which pretends not to be involved into thousands of deaths and millions of IDPs. Until then, Kremlin's regime keeps fuelling violence in Donbas, undermining Ukraine's sovereignty, destabilizing Ukrainian society, and shifting responsibility for non-implementation of the Minsk agreements onto Ukraine. This has been lasting for more than five years. This must stop immediately.

Extensive data provided by Chief Monitor in his report on the number of ceasefire violations, the Minsk-proscribed weapons, anti-personnel mines, and restrictions of the SMM freedom of movement registered in Russia-occupied parts of Donbas, confirm Russia's continued policy of hybrid warfare in Donbas, as well as its willingness to hide its military presence in the conflict zone. What we need is Kremlin's political will to stop the conflict. This is the only obstacle to its resolution and reaching peace in Ukraine.

Ambassador Grau,

Your tenure starts at a challenging, yet promising juncture. Following democratic transfer of power in Ukraine last year, a window of opportunity was opened in the negotiations process to accelerate resolution of the conflict. Since then, Ukraine has demonstrated its continued willingness to move forward in fulfilment of the Minsk agreements, which, combined with de-occupation of Crimea, will lead to the end of the conflict remaining the gravest security challenge in the OSCE area. This constructive approach by Ukraine is clearly visible to the participating States.

The TCG continues to have its crucial role of practical implementation of the political arrangements reached between Ukraine and Russia, with mediation and support of France and Germany, within the Normandy Format. Facilitation of realization of the most recent arrangements of December 2019, as well as the Minsk agreements in their entirety, must remain your main objective on this post. We understand complexity of this task, when one of the two sides to the conflict denies its role and responsibility, hiding behind its proxies. At the same time, we have high expectations for the year 2020 as the year, in which crucial progress can be reached. We ask you to contribute to this.

Particular attention must be paid, also in line with the Albanian Chairmanship priorities, to improvement of the dire humanitarian situation of the local population in the conflict zone. Establishment of additional disengagement areas and new crossing points along the contact line, based primarily on humanitarian criteria, would definitely contribute to this, allowing civilians to cross the contact line safely. We regret that the Russian side denies establishment of disengagement area in the existing entry-exit checkpoint in Hnutove and opening of Zolote EECP in the respective disengagement area. This underscores Russia's neglect of the lives of Ukrainian citizens. We thank Special Representative for her attention to the topic of missing persons in the framework of the TCG and call to urge the Russian side to ensure full and unconditional access of the ICRC, as well as other international organizations, to the persons detained by the Russian armed formations in Donbas. The work on the next mutual release of detainees must continue without any interruption.

Last, but not the least, we underline importance of the border topic within a wider framework of the conflict resolution. Violence in Donbas will stop only when Ukraine regains its control of the border with Russia and illegal supplies of weapons, manpower and ammunition are disrupted. More than 400 kilometres of the border are currently controlled by Russia from one side and its armed formations in Donbas from another side. Its transfer to the Ukrainian side cannot be achieved overnight, it must be prepared well in advance. In this regard, we reiterate importance of establishment of a new TCG Working Group on restoration of control of border by Government of Ukraine.

Ambassador Çevik,

We welcome readiness of the SMM, expressed in your report to the Permanent Council, to support the outcomes of the Summit of the Normandy Four on 9 December 2019, including through 24/7 monitoring of the sides' commitment to a full and comprehensive ceasefire. It would be useful to know more on how the SMM intends,

with support of the Chairmanship, participating States and the OSCE Secretariat, to implement this task. Such monitoring would significantly contribute to ceasefire, in particular by discouraging the Russian armed formations in Donbas from military provocations. We are aware of the grave security challenges, which the monitors face in Russia-occupied parts of Donbas, and we thank you for including exact numbers to your report: over 96 per cent of active freedom of movement restrictions took place in those areas. Please convey our words of support to the monitors forced to work in such conditions. As we see no signs that Russia intends to change its policy of impeding the SMM activities, we believe that the increase in the use of technical assets, be it UAVs or night-vision cameras, remains the only plausible way forward. Such needs must be properly reflected in the draft of the SMM budget you will present for consideration of participating States in the forthcoming days.

We welcome your plans, Ambassador, to seek for expansion of the SMM presence near border areas “outside government control” to mitigate the challenges, which the Mission faces in those parts of Donbas occupied by Russia. It is unacceptable that the Russian armed formations regularly deny the SMM patrols access to the border at checkpoints many kilometres away and frequently tell them to leave the crossing points immediately upon arrival. We support the Mission’s intention to open new Forward Patrol Bases close to the border, which would alleviate logistical challenges and greatly enhance effectiveness of the use of the SMM resources financed by participating States. In this vein, we would also urge the Mission to be more precise and specific in planning its operational activities: there is no need to send patrols to the middle of nowhere, while the routes of illegal cross-border supplies and transit hubs often remain out of sight of the SMM.

The same remains true for severe environmental challenges in Russia-occupied parts of Donbas. While we know too little on what occurs in those areas, it affects the entire region and jeopardizes the lives and health of hundreds of thousands of people. We cannot accept the fact that the SMM continues to disregard our numerous requests to use the Mission’s capacities to establish and report facts related to these challenges. Almost two years passed since an SMM patrol visited last time the Yunkom mine amidst concerns of possible radioactive contamination from planned flooding. We have no verified information on what happened since then. We see not a single reason why you cannot send one patrol out of dozens, which work every day in Donbas, to check that mine. If your access to it, or other industrial facilities with environmental challenges, is denied, this must be reported, according to the SMM’s mandate.

Let me quote the mandate of the Mission, Ambassador: “To task the Special Monitoring Mission”... to “Monitor and support respect for human rights and fundamental freedoms”. Referring only to the economic and social rights, moreover as a separate chapter of your report to the Permanent Council, does not provide a full picture of the ongoing abuses of the human rights in Russia-occupied parts of Donbas. With regard to fundamental freedoms, a short sentence, which is copy-pasted from one Report to the other, that, I quote, “the SMM continued to note a very limited scope for freedom of expression and of the media in areas outside government control, including TV channels and websites in the Ukrainian language, as well as books and publications”, cannot be seen as implementation of the SMM mandate. We urge you to remedy this situation and to pay proper attention to this topic, providing reports to

participating States on a wide range of violations of human rights and fundamental freedoms in Russia-occupied parts of Donbas.

In conclusion, I have to remind the SMM, once again, that its mandate covers entire Ukraine. It is not enough to, I quote, “monitor the checkpoints between Kherson and Crimea in the southern and south-eastern part of Kherson region, observing a calm situation”. The ground patrols must try to reach the Autonomous Republic of Crimea and the city of Sevastopol. If such access is denied by the Russian Federation as an occupying Power, this should be reported, again in full accordance with the SMM mandate.

Let me close my statement by thanking Ambassador Grau and Ambassador Çevik, 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.