



Permanent Mission of Ukraine
to the International Organizations in Vienna

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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 Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1157th meeting of the Permanent Council,
28 September 2017

Mr. Chairman,

At the outset I wish to warmly welcome Ambassador Martin Sajdik and Ambassador Ertuğrul Apakan back to the Permanent Council and thank them for their comprehensive reports about key developments since the Permanent Council meeting of 20 July.

We note the efforts taken by Ambassador Sajdik within the Trilateral Contact Group, which includes Ukraine and Russia as parties to the conflict and the OSCE as mediator, to reach progress in implementing the Minsk agreements. We are deeply disappointed that in now three years since signing of the first Minsk documents – the Protocol and Memorandum – the Kremlin continues to lack the necessary political will to fulfill the undertaken commitments on peaceful resolution of the conflict started by Russia. The very first three agreed provisions on sustainable cease-fire, withdrawal of heavy weapons and full monitoring freedom of the SMM remain constantly breached by Russia and its hybrid forces in Donbas.

The current “school year ceasefire”, just as earlier cease-fires this year, is undermined by persisting violations of the Russian hybrid forces. In ten days between 14 to 23 September these forces carried out 242 attacks on Ukrainian positions and residential areas with the use of multiple types of ammunition. Although the weekly SMM report of 20 September recorded about ten per cent fewer ceasefire violations compared with the previous week, but it indicated a higher number of explosions attributable to the use of Minsk-proscribed weapons. The report clearly identifies the reasons of fragility of the security situation: dozens and hundreds of heavy weapons in violation of the respective withdrawal lines and those outside designated storage sites, the predominant majority of which were in areas under Russia’s effective control (55 out of 74 and 242 out of 278, respectively).

The preparations and preparedness of the Russian hybrid forces for resumption of offensive operations clearly transpire from a number of the SMM reports. On 12 September, the SMM saw three convoys of amphibious-crossing equipment

and vehicles travelling in the occupied areas of Luhansk region. The next day, the SMM saw a green Mi-8 helicopter in the air near non-government controlled Uspenka in Donetsk region, in a flagrant violation of the Minsk Memorandum of 19 September 2014. On 18 September, in one single day, the SMM spotted in non-government-controlled areas in violation of the respective withdrawal lines 107 tanks, 22 howitzers, 18 towed artillery pieces, and 6 surface-to-air missile systems. These findings are mere indications of the formidable force that Russia brought into the occupied areas of Donbas through the uncontrolled segment of the state border, whereas the actual numbers are significantly larger. This is the force that Ukraine has been defending itself and defends itself from. On 23 September the SMM reported about spotting near non-government controlled Myrne “a large number of tanks and artillery pieces, as well as other hardware, which appeared to be well-maintained, refurbished and loaded with ammunition”. In one single day of 25 September the SMM registered in the occupied areas 153 tanks, 34 howitzers and 73 armoured vehicles.

This month the SMM circulated its thematic report on civilian casualties in the Donbas region in 2016. However in 2017 the toll of these casualties continued to grow as Russia would not abandon the objectives of its aggression.

Distinguished colleagues,

While security is the basic requirement for progress in implementing the Minsk agreements, there are other important aspects that remain blocked by the Russian side.

Foreign experts are prevented from visiting the flooded mines in certain areas of Donbas which represent a high ecological risk. In September only less than a half (26 out of 65 for the period of 1 – 20 September) of requests of the Ukrainian side for security guarantees to repair the damaged essential infrastructure were accommodated by the Russian side of the JCCC. The strict restrictions on operation of humanitarian organisations in the occupied areas remain enforced and unchanged. The opening of the second crossing point in the Luhansk region has been blocked in Zolote.

Russia and its proxies have deliberately driven into the dead-end the issue of release and exchange of all hostages and illegally held persons, based on the principle of “all for all”.

Meanwhile, the Ukrainian citizens illegally detained by the Russian Federation continue to be repressed and persecuted. On 11 September, the Russian occupation authorities in the Autonomous Republic of Crimea decided to throw in jail the Deputy Chairman of the Crimean Tatar Mejlis Ahtem Ciygoz for 8 years. On 22 September, the Russian occupation authorities sentenced Ukrainian citizen, journalist Mykola Semena to 2.5 years in prison with probation. Yesterday, 27 September, the Russian occupation authorities sentenced Deputy Chairman of the Crimean Tatar Mejlis Ilmi Umerov to two years of colony-settlement. On 25 September a court in Moscow extended illegal detention of a Ukrainian citizen, journalist Roman Sushchenko for another two months.

We strongly condemn these actions by the Russian Federation and urge an immediate release of all illegally detained Ukrainian citizens who are political prisoners in Russia. We call on the OSCE community to step up politico-diplomatic pressure on Russia to secure release of these political prisoners.

We reiterate that the mandate of the SMM covers the entire territory of Ukraine in its internationally recognized borders and expect due monitoring and reporting on the situation in the Crimean peninsula. The Report of the UN High Commissioner for Human Rights, released last Monday, points out to significant deterioration of the human rights situation in the Crimean peninsula since the beginning of Russia's illegal occupation in February 2014 and contains numerous findings on gross human rights violations and the failure by Russia to fulfill its obligations under international law as an occupying power.

Mr. Chairman,

We support the efforts of Ambassador Apakan to ensure the effective functioning of the SMM in the conditions of the on-going restrictions, impediments and provocations stemming from the Russian hybrid forces in Donbas.

We take note of the SMM Response Plan to the findings and recommendations of the Interim Report of the Internal Investigation into the tragic event of 23 April 2017 in the non-government controlled part of the Luhank region. We support the measures to enhance the safety and security of SMM patrols and encourage such steps that would not diminish the effectiveness of already restricted SMM patrolling. For its part, Ukraine will continue to take all necessary measures to ensure safety and security of the SMM and its freedom of movement and access.

At the same time we urge Russia and its hybrid forces to put an end to systematic threats and attacks on the SMM monitors who implement the mandate agreed to by Russia. The SMM makes it consistently clear that the overwhelming majority of movement restrictions not related to mines/UXO and roadblocks, as well as restrictions related to monitoring of compliance with the withdrawal of heavy weapons take place in the non-government controlled areas. The number of serious incidents, which occurred in those areas, represents 74% of all cases from 23 April to 31 August 2017, despite the fact that the SMM patrols in Eastern Ukraine more often took place in government-controlled areas (57% of patrols). We continue to register the same trend in September: the weekly report of 20 September informs about six restrictions of the Mission's freedom of movement (in addition to observed or potential presence of mines and UXO) in non-government controlled areas, and none of such cases in the areas under the control of the Government of Ukraine.

We note that restrictions are especially strictly enforced by the Russian hybrid forces in the regions adjacent to the uncontrolled segment of the Ukrainian-Russian state border. We deem unacceptable the claims that the area between Mariupol and the state border is a "restricted area" and refusals to let in the SMM patrols.

We encourage the SMM to proceed further in the establishment of forward patrol bases which play a significant role for enhancing the monitoring activities. We welcome the resumption of operation of Stanytsia Luhanska FPB since 19 August. President of Ukraine Petro Poroshenko met with the representatives of

this FPB on 22 August during his visit to the nearby town of Shchastia and expressed Ukraine's full support to the SMM's 24-hour activity in this location.

At the same time we express our deep concern over the lifting last Friday of external security at the SMM FPB in non-government controlled Horlivka. Our concern is further deepened by the available information on the clearance by Russian hybrid forces command of shooting at the SMM UAVs. We urge Russia to stop playing these dangerous tricks, jeopardizing the safety and security of the SMM and its assets, and to implement in full Russia's respective commitments under the Minsk agreements.

Distinguished colleagues,

The necessity to enhance the technical capacities of the SMM and make them operational as quickly as possible has been repeatedly emphasized in this hall. We commend the Austrian Chairmanship for its political support and guidance in this process. The Mission's plans to increase the number of Technical Monitoring Officers up to 100 till March 2018 would allow to further step-up the mandated performance. We encourage the SMM to consider the possibilities for speeding up this increase. We expect that the deployment of additional cameras, acoustic sensors and UAVs will facilitate the SMM's monitoring of railway hubs and main transport routes in supply chains used by Russia to support its forces in Donbas.

We call upon the Russian side to remove any obstacles for transporting and installing the technical equipment of the SMM, as it took place in the Donetsk filtration station, where the Mission faced delays and small-arms fire from a south-south-westerly direction (non-government controlled areas), registered in the relevant daily reports.

We expect from the SMM more specific attention to the OSCE principles and commitments violated by the unilateral steps of Russia (among them introduction of Russian currency and tax legislation, recognition of the so called "documents" issued by Russia's proxies, seizure of Ukrainian enterprises etc.) and the impact of these steps on the population and implementation of the Minsk agreements.

Mr. Chairman,

The safety and security of the SMM must definitely remain a priority for all OSCE participating States, which established this Mission. One of these States, the Russian Federation, tries to escape its responsibility for serious incidents with the SMM monitors in certain areas of Donetsk and Luhansk regions controlled by its hybrid forces, including the tragic incident of 23 April 2017 near Pryshyb. Today we heard the absurdity of so-called conclusions drawn by Russia from the report of the external investigation into the incident. Evading responsibility was the aim of the Russian side when it announced its idea on the deployment of the UN peacekeeping operation, which would be limited only to the protection of the SMM monitors.

As informal consultations are underway in New York concerning the deployment a UN peacekeeping operation in Donbas I wish to emphasise Ukraine's position that such deployment throughout the conflict-affected area of Donbas,

including the uncontrolled segment of the border with Russia, could become an important instrument for establishing and fostering security for all, including the SMM operation, and contribute to restoring peace in the Donbas region of Ukraine with full respect to the basic tenets of the UN Charter and the Helsinki Final Act. Implementation of security provisions of the Minsk agreements is a must for sustainable political resolution of the conflict started by Russia. The objective remains to resolve the conflict and ensure Ukraine's sovereignty and territorial integrity, but not to allow Russia to secure the gains of its aggression. Back in March 2015 President of Ukraine Petro Poroshenko formally addressed the UN Secretary-General and the President of the UN Security Council with the initiative on deployment of a UN peace-keeping operation, however it was blocked until recently by the Russian Federation. The detailed outline of Ukraine's position was communicated to the participating States with our letter of 6 September and the respective Statement of Ukraine's Foreign Ministry.

Concluding my statement, I wish to once again thank Ambassador Sajdik and Ambassador Apakan, as well as the entire SMM team for their hard and dedicated work.

Thank you, Mr. Chairman.