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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 for delivery by the Delegation of Ukraine  
to the 1128<sup>th</sup> meeting of the Permanent Council,  
19 January 2017

**Mr. Chairman,**

The Delegation of Ukraine welcomes Ambassador Martin Sajdik, the OSCE Chairperson-in-Office Special Representative, and Ambassador Ertuğrul Apakan, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine, back to the Permanent Council and thanks them for the presentation of their comprehensive updates.

As the discussion at the OSCE Hamburg Ministerial Council has shown, Russia's aggression against Ukraine and flagrant violation of the core OSCE principles of peaceful co-existence between states remain a key challenge to security and therefore require a sustained focus of the OSCE collective efforts.

In this context we reiterate our consistent support to the activities of the Trilateral Contact Group, consisting of Ukraine and Russia as the parties to the conflict as well as the OSCE in its mediating role, aiming to facilitate implementation of the Minsk agreements as the only way for peaceful resolution of the conflict in Donbas with full respect for Ukraine's independence, sovereignty and territorial integrity.

We share the position of the OSCE Chairperson-in-Office, Minister Sebastian Kurz about the important role of the OSCE SMM in stabilizing the situation, while it still remains very tense. On a daily basis the SMM continues to inform the OSCE community about the ongoing cease-fire violations by the hybrid Russian forces that result in increased toll of casualties, human sufferings and destruction. We find it useful that the SMM also regularly informs about the efforts of the Ukrainian authorities to normalise life in government-controlled areas of Donbas under extremely challenging circumstances. In particular, it concerns the restoration of the essential infrastructure such as power lines and water supply damaged or destroyed in attacks of the hybrid Russian forces. The SMM report of 14 January, for instance, informs on full restoration of water supply both in government-controlled areas and

in the temporary occupied certain areas of Luhansk region following the completion of repairs of the pipeline at the Petrivka water pumping station.

We wish to note the role of the SMM in improving the security situation on the ground through monitoring the disengagement areas in Stanytsia Luhanska, Zolote and Petrivske, which, we recall, were foreseen as pilot areas for further disengagement. We regret that until now the hybrid Russian forces prevent the disengagement process in Stanytsya Luhanska: 126 cease-fire violations have been registered there since 23 September 2016.

### **Dear colleagues,**

Unfortunately, the dedication of the OSCE SMM on the ground does not discourage the Russia backed militants from continuing their regular shellings, including with the use of heavy weapons, further increasing the toll of casualties.

Starting from the day of 24 December 2016, when the latest ceasefire was agreed to start, 8 Ukrainian soldiers have been killed, while 60 were wounded.

In one month of December 2016, the Ukrainian positions were shelled and fired 1137 times. 1055 violations were recorded for the first two weeks of this January, 273 of them – with the use of heavy weapons.

The civilian population of Donbas also continues to pay the ultimate price for violent actions of the Russian hybrid forces, which maintain their cynical practice of shelling from residential areas. Close to the location of the Forward patrol base in the town of Svitlodarsk, the SMM registered the impacts of three different calibers of artillery and mortars. The Russian Federation continues to deceive and fails to implement its commitments on comprehensive and sustainable ceasefire, verified withdrawal of heavy weapons and unhindered OSCE access and monitoring, including in border areas. It continues to pursue its aggression, although with a variable intensity of military action. We encourage Ambassador Martin Sajdik and Ambassador Ertuğrul Apakan to pay due attention to uncontrolled segments of the Ukrainian-Russian state border, as the Russian Federation continues to supply manpower, weapons and ammunition to the certain areas of Donetsk and Luhansk regions.

### **Distinguished colleagues,**

Numerous acts of criminal activity of the Russia-backed illegal armed formations in Donbas fall under qualification of terrorist activity. Earlier the Delegation of Ukraine informed the Permanent Council about initiation of due procedures in connection with Russia's violation of the UN Convention for the Suppression of the Financing of Terrorism. For over two years Ukraine has sought to settle the disputes in bilateral negotiations, however Russia is not willing to stop the breach of binding norms of international law. On 16 January 2017, upon the instruction of the President of Ukraine, the Ministry for Foreign Affairs submitted the case to the UN International Court of Justice in the Hague. On 17 January 2017 the case was registered in the International Court of Justice.

**Mr. Chairman,**

Faced with the ongoing external aggression, we strongly support the OSCE SMM in accomplishing its mandate and tasks relating to monitoring the implementation of relevant provisions of the Minsk agreements, which remain to be the only viable way of peaceful settlement of the conflict. We welcome the intention of the Austrian Chairmanship to focus on supporting and further expanding the work of the SMM. This position has been reiterated by President of Ukraine Petro Poroshenko during his meeting with the OSCE Chairperson-in-Office Sebastian Kurz on 16 January 2017.

In view of significant restrictions of the SMM's freedom of movement in the occupied areas of Donbas, we consider it of utmost importance to strengthen the SMM's monitoring capabilities by moving swiftly in acquiring the necessary technical equipment, including the long-range UAVs and cameras. Special attention should be attached to monitoring through application of night vision equipment, as most of ceasefire violations happen during the dark hours.

We expect the SMM to devote adequate resources to monitoring the areas adjacent to the uncontrolled sections of the border with Russia, on a daily basis and for extended time. It will be a step towards implementing the agreed Minsk provision on ensuring permanent monitoring on the Ukrainian-Russian state border and verification by the OSCE with the establishment of security zone in the border areas of Ukraine and Russia. We are yet to see the findings of the SMM monitoring at railway hubs and main transport routes which are used for sending resupplies from Russia to the illegal armed formations in Donbas.

We encourage the SMM to conduct an in-depth and comprehensive monitoring of the human rights and media situation in the occupied areas of Donbas as the people there remain deprived of basic human rights and freedoms.

Given that the SMM mandate covers the entire territory of Ukraine, we encourage the Mission to pay due attention to the dire human rights situation in the Autonomous Republic of Crimea and Sevastopol temporarily occupied by Russia. The plight of the people, residing in the peninsula, was most recently reflected in the Human Rights Watch Report 2017 of 12 January, which indicated, in particular, that the Crimean Tatars face further persecution for their peaceful opposition to Russia's occupation of the peninsula. The Russian Federation continues to persecute and prosecute people for opposing its illegal occupation of Crimea, maintains severe restrictions on free speech and freedom of association.

**Mr. Chairman,**

We deeply regret that the last meeting of the TCG, which took place on 16 January, demonstrated once again the unwillingness of Russia and its proxies to fulfill even the basic security provision of the Minsk agreements – a comprehensive and

sustainable ceasefire. The hybrid Russian forces breached the ceasefire arrangement agreed on the eve of winter holidays and continue to resort to numerous shellings and armed provocations.

In this regard, we reiterate our position that a comprehensive and sustainable ceasefire, alongside with implementation of all other security provisions of the Minsk agreements, including restoring the line of contact, fixed by the Minsk Memorandum on 19 September 2014, remain crucial prerequisites for holding legitimate local elections in certain areas of Donbas according to the Ukrainian legislation and the OSCE standards and under the OSCE/ODIHR monitoring.

Unless permissive security environment, which includes de-occupation and disarmament of the illegal armed formations with its Russian component, is established alongside with unhindered return of Ukrainian political parties, mass-media and IDPs as well as ensuring control over the temporary uncontrolled section of the state border there can be no democratic local elections in Donbas, which would allow for a free expression of will of the population.

We are also deeply concerned about the lack of progress in the release of hostages and illegally detained persons in Donbas, Crimea and Russia. On 29 December 2016 Ukrainian authorities released on humanitarian grounds 15 persons from custody, but Russia and its proxies continue to block the release and hold in detention over 100 hostages, including underaged. We encourage full attention in the TCG to this urgent humanitarian priority. We also urge the Russian Federation to lift restrictions on access and activities of humanitarian organizations including in Crimea.

**Mr. Chairman,**

The failure by Russia to abide by its commitments on peaceful resolution of the conflict underscores the need to maintain sanctions imposed in response to Russia's aggression against Ukraine until full implementation of the Minsk agreements and de-occupation of Crimea. Restoration of full respect for the fundamental OSCE principles must remain the primary goal of our collective efforts, including through the variety of OSCE instruments and mechanisms, to defend the foundations of the European peace and security. We look forward to our continued resolve in this endeavour.

In conclusion, I would like to once again reiterate Ukraine's appreciation of the work done by Ambassador Apakan and Ambassador Sajdik. We stay committed to supporting their efforts in order to contribute to de-escalation and peaceful resolution of the crisis in and around Ukraine with full respect to Ukraine's sovereignty and territorial integrity within its internationally recognized borders.

**Thank you, Mr. Chairman.**