



## United States Mission to the OSCE

# Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine

As delivered by Chargé d'Affaires, a.i. Kate M. Byrnes  
to the Permanent Council, Vienna  
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We have entered a dangerous new phase of the conflict in eastern Ukraine. Two weeks ago, the Permanent Council was alerted to the fact that ceasefire violations in eastern Ukraine reached their highest levels since August 2015. The following week, they doubled. This week, they doubled *again*. In February alone, OSCE monitors reported 15,000 ceasefire violations, the vast majority of which originated on the separatist-controlled side of the line of contact. Fighting is not limited to the exchange of gunfire, but involves the widespread use by the separatists of Grads, heavy artillery, mortars and other banned heavy weapons.

The routine use of heavy weapons places innocent civilians in jeopardy. In February 2016, the SMM documented the use by Russian-backed separatists of schools and even a hospital as armed positions. It is particularly concerning that the SMM regularly registers outgoing separatist mortar and artillery salvos fired from Donetsk's residential areas. The use of heavy weapons in residential neighborhoods is contrary to the Minsk agreements and must cease.

Colleagues, we share the concern noted by the SMM that tensions have risen and fighting has worsened as positions along the contact line have moved closer. We call on all sides to avoid provocative actions that risk escalating the violence further. We must also point out, however, that the attempts by the Russian Federation to place the blame for this situation on Ukraine are misleading. According to information available in SMM reports, Ukrainian forces are largely returning fire when fired upon by combined Russian-separatist forces, and moving personnel to new positions on the Ukrainian side of the contact line when their existing positions come under sustained fire from heavy weapons. In contrast, combined Russian-separatist forces continue to attack Ukrainian positions.

The United States remains convinced that a sustainable ceasefire is the key to unlocking the political aspects of the Minsk agreements. Without a genuine, sustained ceasefire, neither Moscow nor the self-appointed authorities in separatist-controlled parts of the Donbas should expect the Ukrainian Rada to take up key outstanding political provisions of the Minsk agreements, including election modalities and constitutional amendments on decentralization, before the Kremlin and the separatists it supports fulfill their basic security commitments under Minsk.

To further consolidate progress on all aspects of the Minsk agreements, the SMM must have, as specified by its mandate, safe and secure access throughout Ukraine, including to the international border. Russia must follow through on President Putin's promise in October in Paris to give the OSCE full, unfettered access throughout the conflict zone.

We remain concerned that within the Permanent Council, the Russian Federation continually fails to call for unfettered freedom of movement for the SMM. Between January and March this year, approximately 85 percent of all movement restrictions on the SMM were imposed by combined Russian-separatist forces.

We fully support the SMM's plan to enhance its border monitoring. We join many other participating States in affirming the link between border monitoring and ceasefire monitoring. Unfortunately, the separatists have not allowed the SMM to open the additional forward patrol bases and a patrol hub needed to more effectively monitor the border areas not controlled by the government. Russia-backed separatists have also failed to give the SMM the security guarantees necessary to keep its existing forward patrol base at Stanysya Luhanska open. Moreover, combined Russian-separatist forces only permit the SMM to visit the border when they are certain there is nothing to see, according to SMM briefings we have heard here.

Mr. Chair, colleagues, it is important to remember that two years have passed since men in military uniforms without insignia seized the Crimean parliament building. These soldiers held Crimea hostage until the so-called "referendum" on March 16 was held at the barrel of their guns. At the time, the Russian Federation insisted that the soldiers were local patriots protesting the change of government in Kyiv. But only a month after the purported "referendum," President Putin confirmed that the mystery soldiers were in fact Russian soldiers operating under his orders. And after a year of claiming Russia had annexed Crimea in response to the so-called "referendum," President Putin casually dispensed with that pretext, telling the world that he had in fact launched the plan to annex Crimea on February 22, 2014, the day after former President Yanukovich fled Kyiv.

By using force to attempt to acquire territory from a neighbor, Russia has dangerously attacked one of the primary pillars of the international security system, rejecting the principles and commitments that are the basis of 70 years of international order. Operating completely outside the realm of international law and the Helsinki principles, Russia's actions in Ukraine make the world a more dangerous place for us all. The United States re-affirms its support for Ukraine's sovereignty territorial integrity, and right to self-determination.

We remain deeply concerned by the situation in Russian-occupied Crimea, where occupation "authorities" suppress dissent and where members of ethnic and religious minorities – especially Crimean Tatars and ethnic Ukrainians – face serious and ongoing repression. Non-governmental organizations and independent media are being silenced or driven out, and international observers are still denied access to the peninsula.

We will not accept the redrawing of borders by force in the 21st century. Sanctions will remain in place as long as Russia's occupation of Crimea continues, and until Russia has fulfilled its commitments under the Minsk agreements, ending, once and for all, its aggression against Ukraine.

Thank you, Mr. Chair.