



Permanent Mission of Ukraine
to the International
Organizations in Vienna

PC.DEL/110/19

4 February 2019

ENGLISH only

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 Ambassador Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1215th special meeting of the Permanent Council,
1 February 2019

Mr. Chairperson,

Ukraine joins other delegations in warmly welcoming the CiO's Special Representative Ambassador Martin Sajdik and the SMM Chief Monitor Ambassador Ertuğrul Apakan back to the Permanent Council and thanks them for their reports.

The last two months, which passed since the previous update by Ambassador Sajdik and Ambassador Apakan in this hall, have not produced meaningful indications of Russia's readiness to stop its aggression against Ukraine. The illegal and fake so-called "elections" conducted by Kremlin in the occupied parts of Donbas and the act of aggression by Russia near the Kerch Strait in November last year were not followed by any steps on the part of Russia to remedy the situation: neither illegal structures of the Russian occupation authorities in Donetsk and Luhansk were dismantled, nor Kremlin released Ukrainian prisoners of war and navy vessels seized during Russia's attack. The appeals at the OSCE Ministerial Council in Milan on putting an end to aggression and restoration of respect for Ukraine's sovereignty and territorial integrity have been ignored by Moscow, just as in the previous years.

It is known to the participating States that reacting to the act of aggression near the Kerch Strait and faced with significant military build-up of Russia's Armed Forces in the immediate vicinity of the border with Ukraine, the Ukrainian authorities have introduced a martial law in 10 oblasts and internal waters in the Azov-Kerch area for the period of 30 day as a preventive measure to discourage the pursuit by Russia of its aggressive plans. The martial law expired on 27 December. The President of Ukraine Petro Poroshenko was very firm in his position that no rights and freedoms of the citizens will be affected by the martial law unless necessary for national security if Russia moves towards full-scale military invasion. As confirmed in the Report of the Chief Monitor, "the SMM did not observe significant changes or restrictions for civilians in affected regions".

Ukraine stays committed to the peaceful politico-diplomatic resolution of the conflict started by Russia, but the developments on the ground demonstrate

unchanged Russia's intent to maintain occupation and use military force for achieving its political goals of forcing Ukraine and its people into submission.

We witness that despite the latest recommitment to ceasefire agreed on the eve of winter holidays within the TCG by Ukraine and Russia with the OSCE's mediation, in few weeks the ceasefire violations reverted to pre-recommitment levels. The SMM continues to register further deterioration of security situation on the ground, with growing numbers of ceasefire violations, including from the Minsk-proscribed weapons, causing new casualties. Last week, another Russian UAV "Granat-2", which is used by Russians for targeting their fire, was downed by the Ukrainian servicemen in the southern part of the Donetsk region. This is the area where Russian fighters are most persistent in denying access to the SMM. The Russian armed formations continue everyday shelling of positions of the Ukrainian military and objects of civilian infrastructure. Only in the recent days, a functioning kindergarten was shelled in Chermalyk, and a member of a State Emergency Service demining team was wounded during repair works at the Krasnohorivka gas distribution station.

Thousands of people continue to suffer in long queues created by the Russian armed formations at the entry-exit checkpoints along the contact line, with the situation being aggravated by severe winter conditions. The unacceptable humanitarian crisis and human sufferings are the result of Russia's invasion and occupation of parts of Ukrainian territory. While the Ukrainian government continues to undertake concrete steps to alleviate the situation in the government-controlled areas near the conflict zone, the Russian occupation administration in Donbas shows glaring disregard for the needs of the people and their rights. We urge the Russian Federation to ensure unimpeded access of international humanitarian organizations to the illegally occupied parts of Donbas and to unblock the opening of Zolote EECP, which would help relieve movement across the contact line in the Luhansk region where there is not a single crossing point for vehicles. At the same time, we urge the Russian Federation, as the occupying power, to fulfill its obligations under international humanitarian law.

Ambassador Sajdik,

Let me emphasise Ukraine's appreciation of the role of the OSCE as moderator between the Russian Federation and Ukraine as the parties to the Minsk agreements and to the conflict started by Russia. We are fully aware of the challenges, posed by ongoing Russia's denials of its role in the conflict and responsibility within the TCG for putting an end to it through full implementation of undertaken commitments. What further compounds the situation are the continuous attempts of the Kremlin to legitimize its representatives in the occupied parts of Donbas. An integral part of these attempts were the fake and illegal so-called "elections" on 11 November 2018, which were a blatant violation of Ukraine's sovereignty and territorial integrity, as well as of the letter and spirit of the Minsk agreements. The illegal structures of the Russian occupation administration in Donbas, linked to the illegal November show-exercise, are to be dismantled as an absolute necessity for any further progress on the political track.

Overall, activities of the TCG are to be focused on ensuring withdrawal of the Russian armed formations from the occupied territories of Donbas through implementation of the Minsk agreements, most notably their security provisions. Ensuring compliance with the contact line defined by the Minsk Memorandum of 19 September 2014 would be the first step in this direction. We ask the SMM to pay due attention to this issue in its daily reporting as a matter of monitoring the implementation of Minsk agreements. We regret that a set of practical proposals made by Ukrainian representatives in the TCG on strengthening the ceasefire regime and providing a thrust to implementing the Minsk agreements in their entirety has been blocked by the Russian side. Moreover, Russia has already openly stated its unwillingness to reach any meaningful arrangements within the TCG or in other formats until 2019 Presidential elections in Ukraine. On humanitarian track the matter of utmost concern is that all Ukraine's proposals on mutual release of detained persons, including those made on the eve of winter holidays, were blocked by Russia. The last such release took place in December 2017, i.e. more than a year ago. Ukrainian citizens continue to suffer in Kremlin's captivity as hostages, while their number is growing, including the recently captured prisoners of war in Russia's act of armed aggression near the Kerch Strait. In recent days Pavlo Hryb has been reported to be in a critical condition after months of denial by Russian authorities of due medical care. We demand Russia to immediately release him and other Ukrainian citizens in Russia's illegal detention. We would request you, Ambassador Sajdik, to attach utmost priority to this issue and examine additional ways for securing its speediest successful resolution.

I note with regret that in today's update there was no mention of issues of establishment of the TCG Working group on border or achieving permanent OSCE monitoring and verification at the Ukrainian-Russian state border with establishment of security zone in border areas of Ukraine and Russia, as prescribed by the Minsk Protocol. These issues are of critical significance.

A specific reference was made, Ambassador Sajdik, to the disengagement of forces in Stanytsia Luhanska. The necessary conditions are to be in place for the disengagement to proceed, but this is not the case. In this connection let me point out to the SMM report presented for today's PC meeting about "recorded over 200 ceasefire violations inside the disengagement area near Stanytsia Luhanska and 584 within its 5km periphery – an increase from the previous reporting period". I would also add that there is a role to be played by the JCCC officers in securing the disengagement. The Russian Federation has unilaterally withdrawn its officers from the JCCC in December 2017 and for now does not signal their return.

Ambassador Apakan,

We thank you and the entire SMM team for your dedicated work under the permanent pressure, restrictions and limitations imposed by the Russian Federation through its proxies in the occupied parts of Donbas. The fact that in 2018 the SMM monitors faced a 34 per cent increase in the number of non-mine related restrictions of freedom of movement, with overwhelming majority of them in Russia-occupied parts of Donbas, puts on display Russia's strategy of "blinding" the SMM. Most

notable and systematic restrictions remain in place for the SMM's access to the Russia-occupied border areas of Ukraine, with illicit military and non-military traffic present there. During the last reporting period the SMM registered twofold (31 to 16) increase of denials of access to the Russia-controlled border crossing points in Luhansk region. The situation has not improved in southern parts of the Donetsk region between Mariupol and the state border adjacent to the Sea of Azov, which Russia has made a no-go zone for the monitors.

When the SMM still manages to register Russian weapons or military convoys in the border areas, it is immediately attacked by the Russian armed formations. Those were the cases in October last year when a long-range UAV was downed near Manych while it was registering yet another convoy of Russian trucks and weapons illegally crossing the border in the middle of the night, or in December when a mini-UAV was downed after it spotted military trucks with multiple masts and a trailer assessed as electronic warfare equipment near Lozivskiyi. Until now the Russian Federation did not provide any explanations about downing the long-range UAV, did not return its wreckage to the SMM, did not show the intention of compensating for it.

In many cases, the civilian unarmed monitors were intimidated, harassed and attacked by the armed Russian fighters. We subscribe to the assessment of the Report, Ambassador Apakan, that "ability to target SMM assets without serious consequences contributed to creating an atmosphere of impunity, which negatively impacts on the SMM's effectiveness and the safety and security of SMM staff and assets". These actions represent a clear violation of the SMM's mandate by the Russian Federation. We condemn these acts and urge Russia to exercise its responsibility for putting an immediate end to them.

We share the Mission's assessment that the departure of Russian Federation Armed Forces officers from the JCCC continued to negatively affect security guarantees for repair and maintenance works to essential civilian infrastructure and demining activity, and to undermine safety and security of the SMM. Ukrainian part of the JCCC continues its work and stands ready to facilitate the SMM's activities.

SMM's monitoring activities in the Russia-occupied border areas of Ukraine must remain the highest priority. Resources of the SMM, including most notably flights of its long-range UAVs, should be applied where most needed, in those areas, which remain inaccessible for the ground patrols blocked by the Russian fighters. Previous findings of the Mission, including the facts which it established on Russia's illegal supplies and military presence in the territory of Ukraine, should serve as guidance for further operational planning of monitoring activities. We should not allow Russia to let the SMM access only those areas, which do not affect Russia's military movements on the ground.

An important part of the SMM's mandate is monitoring and supporting respect for human rights and fundamental freedoms, the most serious and systematic violations of which take place in the Russia-occupied parts of Ukraine – Donbas and Crimea. We took note of the conclusion, Ambassador Apakan, that the SMM's ability to monitor respect for human rights and fundamental freedoms in the parts of Donbas, which remain out of control of the government of Ukraine, remained "heavily restricted", in particular due to ongoing limitations on establishment of

contacts with individuals from media outlets, civil society and minority groups in these areas. We learned from the Report that the SMM had been warned “not to establish contact with people at schools and other facilities”. We condemn numerous limitations imposed by the Russian occupation administration in blatant violation of the SMM mandate. This is Russia’s responsibility and we urge the Russian side to lift those limitations immediately and unconditionally. We encourage the SMM to use its ground presence in the occupied parts of Donbas to fully implement the mandate and regularly inform about the human rights situation, respect for OSCE principles and commitments, as they are affected, for example, by Russian currency or tax system introduced by Russia in Donbas in violation of Ukraine’s territorial integrity and sovereignty.

The situation in the temporarily occupied Crimea, which belongs to the SMM’s mandate of operation throughout Ukraine, deserves close attention. While the Russian occupation administration continues to deny access of monitors to the peninsula, we encourage the Mission to use for monitoring purposes its presence on the ground near the administrative boundary line between Kherson region and Crimea. The best practices of other international organizations for indirect distance monitoring of the situation in the Autonomous Republic of Crimea and the city of Sevastopol should be widely used, including contacts, interviews and meetings with victims, witnesses, relatives of victims, lawyers, NGOs, and independent mass media.

More attention of the SMM should be paid to the developments in the coastal area of the Sea of Azov, including Ukrainian ports of Mariupol and Berdiansk and the socio-economic implications of the ongoing Russia’s systematic disruptions of freedom of international navigation for Ukrainian and foreign ships. Situation in this area, including militarization by Russia, illegal construction of a bridge across the Kerch Strait against the will of the government of Ukraine and, most recently, the act of armed aggression by Russia near the Kerch Strait, is of high concern in relation to possible further aggressive actions of the Russian side. We expect the SMM to pay close attention to these issues to prevent Russia’s creeping annexation of the Sea of Azov.

The Russian aggression against Ukraine is ongoing and we now see the opening by the Russian side of a new front of interference and hybrid warfare in connection with the upcoming elections in Ukraine. The interference on the part of Russia grossly violates the OSCE principles and commitments. We encourage the SMM to use its mandate to establish facts about such actions and report them to the OSCE.

Before concluding, I would like to note that in today’s statement the Russian Ambassador referred to the figures produced by an obscure and little-known polling company in Ukraine. Such, so to say, “findings” are routinely used by Russian propaganda in the attempts to discredit the chosen course of Ukraine. For my part, I consider appropriate to draw attention of the colleagues in the Permanent Council to the polling results of a well-known and authoritative “Levada” Centre in Russia which were made public only yesterday. The findings of the poll are that 45% think that Russia moves in a wrong direction – the highest such level since 2006. Moreover, it is a 17% increase in comparison with the results of a similar poll a year ago. This may indicate that the Russian massive state propaganda is losing its effect

on the people and cannot divert attention from multiple negative consequences of the policies of the regime.

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 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.