



Permanent Mission of Ukraine
to the International Organizations in Vienna

Statement on “Russia’s ongoing aggression against Ukraine and illegal occupation of Crimea”

As delivered by Ambassador Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1173rd meeting of the Permanent Council,
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Mr. Chairperson,

At the last Permanent Council the delegation of Ukraine pointed out that the conflict started by Russia through military invasion and occupation of the Autonomous Republic of Crimea and the city of Sevastopol and launching hybrid warfare in certain areas of the Donetsk and Luhansk regions of Ukraine, would soon enter its fifth year. As we all know, Russia’s aggression has been accompanied by Russia’s elaborate campaign of deception, disinformation and distraction to avoid responsibility for the committed flagrant violations of the norms and principles of international law, of the Helsinki Final Act and the Paris Charter. Moscow unleashed an armed aggression against a neighbouring sovereign state, but claims that the so called “party of war” is in Kyiv. Russia until now blocks the initiative of Ukraine, supported by the international community, on deployment of a UN peacekeeping operation.

It is against such background that on 18 January the Ukrainian Parliament adopted in the second and final reading the Law of Ukraine “On Peculiarities of the State Policy on Ensuring the State Sovereignty of Ukraine in the Temporarily Occupied Territories in Donetsk and Luhansk Regions”.

The Law was supported by an overwhelming, near constitutional majority of members of the Parliament from all political factions, except one. Thus it reflected multi-party consensus and the sentiments of the society on legislative formulation of key components of the respective state policy, affecting not exclusively Donbas, but also the Autonomous Republic of Crimea and the city of Sevastopol. Based on facts and experience of the past four years, the Law brings Ukraine’s national legal framework in line with the realities on the ground – the realities which have been forced upon Ukraine by the Russian Federation, its regular armed forces and Russia-led, armed and financed irregular armed formations. The Law strengthens the state’s ability to respond to the needs of the affected people and to defend against ongoing Russia’s aggression. It defines Russia as an aggressor State; certain areas of Donbas as temporarily occupied territory with Russian occupation administration; Russian

regular troops, mercenaries and irregulars as the armed formations of the Russian Federation. The Law, in particular, provides for guarantees of the rights of IDPs and population remaining in the occupied territories, defines mechanisms for registering violations of rights by the Russian occupation administration as well as instruments for restoring such rights and legitimate interests of legal entities, both at the national and international levels. The Law defines two documents which will be recognized by the Ukrainian authorities although issued by the Russian occupation administration, while other documents can be obtained by the citizens of Ukraine from the occupied territory in the government-controlled territory.

Contrary to allegations of the Russian propaganda machine, the Law reaffirms the priority of peaceful, politico-diplomatic settlement while retaining the state's right to self-defence in accordance with Article 51 of the UN Charter. Neither the spirit, nor the letter of the Law contradict Ukraine's international obligations and political commitments. Whereas the Russian Federation has persistently undermined the process of peaceful resolution, Ukraine has confirmed its commitment to the Minsk agreements by practical steps, including on political aspects. Suffice to recall the recent prolongation by the Ukrainian Parliament in October 2017 of applicability of the law on peculiarities of local self-governance in certain areas of Donetsk and Luhansk regions for one more year.

The Law adopted last week underpins the state's strategy concerning Donbas: peaceful resolution/reintegration/rehabilitation.

Distinguished colleagues,

The necessity of the adopted legislation is indisputable in view of the ongoing developments on the ground, be it in security terms or the plight of the affected people. We again witness the steady deterioration of the security situation in Donbas where Russia's armed formations demonstrate disrespect for the 23 December recommitment to ceasefire. The SMM reported the armed violence at levels similar to the weeks prior to the recommitment to ceasefire, the same trends were registered in the previous years of the conflict.

Nearly every day brings new casualties, both military and civilian. Three quarters (35 out of 46) of weapons seen by the SMM in violation of withdrawal lines are recorded in the temporarily occupied territory of Donbas even under the circumstances of severe restrictions of access of the SMM patrols, which the Russian occupation administration has imposed.

The SMM weekly report of 17 January has again registered the predominant majority (13 out of 15) of the cases of restrictions on the Mission's freedom of movement in the non-government-controlled areas (in addition to restrictions due to mines and UXO). In the last four weeks the Russian armed formations imposed restrictions on the SMM 39 times, i.e. 93% of all non-mine related restrictions. The Russian armed formations demand the SMM "to give a day's notice in order to be granted access" to the heavy weapons holding areas they control, or a 12 hour notice to visit Siedove, a town close to the border with the Russian Federation, which the Russian occupation administration announced to the SMM to be a "restricted area". We witness a growing number of reports from the SMM when monitors are put

at risk or harassed by visibly intoxicated members of the Russian armed formations. The most recent such incident took place on 20 January when an individual, calling himself Russian and carrying a 12cm knife, said “that the SMM was not welcome” and verbally attacked the SMM patrol. Such unacceptable incidents happen because Russia has now for years been instilling a sense of impunity among its troops and fighters in the occupied territory, be it relation to crimes against the Ukrainian population, be it in relation to attacks on the SMM and its assets, be it in relation to restrictions to the SMM. We urge Russia to assume its responsibilities and ensure a safe and unrestricted operational environment for the SMM.

Mr. Chairperson,

The international presence and permanent human rights monitoring are urgently needed in the Autonomous Republic of Crimea and Sevastopol, where the Russian occupation administration continues grave violations of human rights and of international humanitarian law.

Ukrainian citizen Volodymyr Balukh who was illegally sentenced on 16 January to nearly four years imprisonment by the occupation “court” in Crimea is denied the medical assistance. This Tuesday, new searches were carried out by the Russian occupation security forces in the houses of Crimean Tatars in Novyi Svit and Saryi Krym. In particular, a Crimean Tatar Ismail Ramazanov was accused of “extremism” which is a pretext often used by the occupation administration to strengthen the climate of fear and stifle any dissent. It is reported that this morning more searches of houses of Crimean Tatars were carried out in Djankoy and Nyzhnohirskyi district and two Crimean Tatars were detained.

The glaring violations of human rights and freedoms and OSCE human dimension commitments in the occupied Crimea require heightened attention of the OSCE and its autonomous Institutions to the plight of the people under occupation.

We also call for a strong and coherent response of the OSCE to illegal detention of Ukrainian citizens on the territory of the Russian Federation. Among them Oleh Sentsov, Oleksandr Kolchenko, Pavlo Gryb, Roman Sushchenko and many others who had been placed behind bars as hostages of the Russian authorities. We condemn in the strongest terms yesterday’s extension of arrest of Ukrainian journalist Roman Sushchenko until 30 March 2018. We urge the Russian authorities to release him and other illegally detained Ukrainian citizens without delay.

We again urge Russia to reverse the illegal occupation of Crimea and Sevastopol, and to stop its aggression against Ukraine, including by withdrawing its armed formations from the Ukrainian territory and fully implementing its commitments under the Minsk agreements.

Thank you, Mr. Chairperson.