



**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 Ambassador Ihor Prokopchuk,  
Permanent Representative of Ukraine to the International Organizations in Vienna,  
to the 1195<sup>th</sup> meeting of the Permanent Council,  
27 September 2018

**Mr. Chairperson,**

The delegation of Ukraine joins other delegations in warmly welcoming the SMM Chief Monitor Ambassador Ertuğrul Apakan back to the Permanent Council and extending wishes of speedy recovery to the CiO's Special Representative Ambassador Martin Sajdik. We regret that he is not with us today. We thank for both comprehensive updates on the recent developments relating to Russia's ongoing aggression against the territorial integrity and sovereignty of Ukraine.

Our today's discussion takes place after the announced plans of Moscow and the Russian occupation administration in Donetsk and Luhansk to hold illegal so called "elections" in the occupied areas of Donbas. This would constitute a breach by Russia of its commitments under the Minsk agreements and significantly undermine their further implementation. The Minsk agreements, to which the Russian Federation is a party, clearly stipulate the conduct of local elections in Donbas in accordance with Ukrainian legislation and OSCE/ODIHR standards and under the OSCE monitoring. If these fake so called "elections" are held, Russia will thus again demonstrate its contempt for the commitments it assumed in Minsk. The "show" itself will be legally null and void, with no recognition from either Ukraine, or the international community.

We note that emboldened by the Kremlin's position, the Russian armed formations in Donbas maintain hostilities along the contact line, with more and more Russian weapons and ammunition illegally crossing the Russian-Ukrainian border, as regularly registered by the SMM. Already one week after yet another "school ceasefire" was established by the TCG decision, the SMM recorded armed violence reaching levels similar to the period prior to the re-commitment to ceasefire. Minsk-proscribed heavy weapons in violation of withdrawal lines; howitzers with "barrels raised to the firing position"; additional weapons appearing for the first time in heavy weapons permanent storage sites; covered trucks and freight wagons with contents not visible at the Russia-controlled segment of border: all these facts established by

the SMM in the Russia-occupied territories of Ukraine represent a small fraction of the ongoing Russia's military activities in the sovereign territory of Ukraine.

These military activities continue to pose serious humanitarian, socio-economic and environmental challenges for people living in a conflict zone on both sides of the contact line. The government of Ukraine undertakes concrete steps to alleviate the suffering of Ukrainian citizens whose lives were affected by the Russian aggression. Earlier this month, the Ukrainian part of Stanytsya Luhanska entry-exit checkpoint was reconstructed, making it more secure and comfortable for thousands of people who cross it daily. Last week, a draft law on mine action was submitted to the Ukrainian parliament. We subscribe to the views expressed earlier by Ambassador Sajdik and Ambassador Apakan on the importance of "humanitarian demining" and look forward to further cooperation with our partners in this field.

**Mr. Chairperson,**

While the fighting continues in Donbas, the situation with human rights and fundamental freedoms in the temporarily occupied Crimea remains highly alarming. Repressions and persecutions of Ukrainian citizens including arbitrary detentions under the trumped-up allegations are on the rise. A detailed picture of human rights violations and abuses was provided earlier this month by the Office of the UN High Commissioner for Human Rights in its report covering the period from September 2017 to June 2018. The OHCHR findings confirm "the continuing failure of the Russian Federation authorities, as the occupying power, to adequately guarantee and protect a wide range of human rights in Crimea". The most systemic problems requiring urgent measures include administration of justice, restrictions on the exercise of fundamental freedoms, and a general lack of accountability for human rights violations committed by Russian occupation administration. Some of the crimes are a clear violation of international humanitarian law, such as arbitrary detention, confiscation of private property, forced conscription, and illegal population transfers. Russia is keen to change the demographic composition in the region: in 2014-2017 period, 108 thousand people moved from the Russian Federation to Crimea and Sevastopol. We strongly support the call of the OHCHR to the international community to urge Russia to comply with its obligations as an occupying power, to encourage it to grant international and regional human rights monitoring mechanisms unimpeded access to Crimea, and to continue advocacy for the respect of human rights in Crimea at bilateral and multilateral forums.

**Ambassador Sajdik,**

The Trilateral Contact Group remains an essential platform for dealing with dire security, economic and humanitarian challenges stemming from the Russian aggression against Ukraine. I found inappropriate for today's discussion the "Post Scriptum remark" delivered on behalf of Ambassador Sajdik and emphasise that the Trilateral Contact Group consists of the OSCE, Russia and Ukraine and this group is tasked with facilitating full implementation of the Minsk agreements. It is Russia's responsibility to fulfill its own commitments, involving, if necessary, members of the Russian occupation administration in parts of Donbas. The OSCE has to continue to

play the role of mediator between Russia and Ukraine aiming to bring the conflict to the end in full conformity with the OSCE founding principles and commitments. We expect the Russian Federation to ensure complete withdrawal of its weapons and manpower from the occupied territories of Ukraine and return back to the Government of Ukraine the control of the state border between Ukraine and Russia throughout the conflict area. I remind that for now Russia has control on both sides of this segment of the border. Establishment of the Working Group on border issues within the TCG must be a key step in this direction.

Activities of the existing TCG Working Groups have to continue, despite significant constraints and obstacles caused by Russia's ongoing unwillingness to recognize its responsibilities as a party to the conflict. We urge Russia, in particular, to withdraw its armed formations to the line of contact established by the Minsk Memorandum of 19 September 2014, to establish safety zones around critical civilian infrastructure installations, to provide the necessary security guarantees for repair works, to unblock opening of Zolote EECP and to ensure unimpeded access of international humanitarian organizations to the Russia-occupied areas of Donbas. All these steps are long overdue and must not be postponed any further.

The urgent and priority issue is the release of all Ukrainian citizens illegally detained by the Russian side, where we witnessed no progress since December last year. We welcome the recent fieldtrip of Ambassador Toni Frisch to the places of detention in the Russia-occupied territories of Donbas, but we regret that the Russian occupation administration prevented him from visiting more than half of Ukrainian citizens included into the list. We urge the Russian side to ensure such access and to stop blocking any further progress in release of detainees.

In the last PC meeting, together with the majority of OSCE participating States, we again raised the issue of Ukrainian citizens, taken hostage by Kremlin as political prisoners. Their number is constantly growing, as Moscow continues to use the state-controlled courts to convict Ukrainian citizens on fabricated charges and in closed hearings. On 12 September, the Russian Supreme Court upheld the shameful decision of the Moscow City Court regarding the Ukrainian journalist Roman Sushchenko, who was convicted to 12 years in a high-security penal colony. We condemn these actions of the Russian regime and urge immediate and unconditional release of R.Sushchenko, O.Sentsov and V.Balukh who continue their hunger strike, and many others. Citizens of Ukraine Asan Chapukh and Yevhen Panov in Simferopol detention center №1 in occupied Crimea are deprived of medical treatment. We reiterate the proposal to Russia to release Ukrainian political prisoners in exchange for the release of Russian citizens convicted for committing crimes against the Ukrainian state. Until now, unfortunately, Russia shows no interest in the fate of the concerned Russian citizens and continues to evade the discussion.

#### **Ambassador Apakan,**

We share your concerns that the SMM “continues to operate in an unpredictable and volatile environment”, in which the “access restrictions and security threats, in particular, have significantly hindered the SMM's ability to provide monitoring and verification”. We regret that the consistent calls of OSCE

participating States to cease restrictions and denials of access for the SMM monitors have been neglected by the Russian Federation and its armed formations in Donbas. The Russian side continues to prevent SMM from implementing its mandate, and there can be no doubt about why it does so. On 8 September, when the monitors spotted eight MLRS at one of military compounds near Khrustalnyi, where “SMM long-range UAVs have repeatedly spotted weapons in violation and near where SMM long-range UAVs have also spotted a convoy of trucks travelling westward from the border with the Russian Federation”, the armed formations denied the SMM access to all three compounds near Khrustalnyi. We all are fully aware of why the Russian armed formations do not grant security guarantees for new forward patrol bases close to the Ukrainian-Russian state border and deny access to the SMM patrols on a daily basis to the checkpoints on the roads leading to the border. Border remains crucial for ending violence in Donbas and Russia does not want it to stop, if not on Russia’s terms. Obviously, until Kremlin decides to implement its own commitment, undertaken in Minsk, on OSCE permanent monitoring and verification along the Ukrainian-Russian state border, we will continue to witness in Russia-occupied territories of Donbas modern Russian radio intelligence and electronic warfare systems and plenty of other military hardware, military trucks illegally crossing the border and improvised camps near it. In these circumstances, the enhanced technical capabilities of long-range UAVs deployed by the SMM must continue to be effectively exploited with the aim to monitor border areas in Donetsk and Luhansk regions of Ukraine occupied by Russia. The findings of the SMM remain a valuable information for participating States: the facts established by the Mission, even if limited under existing limitations imposed by the Russian side, continue to prove Russia’s direct role in the ongoing conflict and brazen violation of the OSCE founding principles and commitments.

We encourage the SMM, which has meaningful presence on the ground, to continue its efforts at monitoring and reporting on the developments and trends concerning human rights and fundamental freedoms in the Russia-occupied territories of Donbas. We took note and regret that the “SMM’s ability to monitor and support the respect for human rights and to establish contacts with individuals from the media, civil society and minority groups in areas beyond government control remained limited”, as stated in Ambassador Apakan’s report. We remind the Russian delegation that the SMM’s mandate was adopted by all OSCE participating States including Russia, and urge Kremlin to instruct its occupation administration in Donetsk and Luhansk to lift these limitations. School teachers and doctors should not be intimidated by armed Russian fighters for talking with international civilian unarmed monitors who do their job.

We welcome close attention paid by the SMM to a wide range of humanitarian, ecological, social and economic consequences of Russia’s illegal occupation of the Crimean Peninsula, including interruptions to commercial shipping in Mariupol and Berdiansk in Azov Sea, and hazardous chemical air pollution in the areas of Pershokostiantynivka and Preobrazhenka in Kherson region “that had reportedly originated from the nearby Crimean Titan chemical plant”. We encourage the Mission to continue using its presence on the ground near the administrative boundary line between Kherson region and Crimea and to use the best practices of

other international organizations for indirect monitoring of the situation in the Autonomous Republic of Crimea and the city of Sevastopol, which are also covered by the SMM mandate. The OHCHR report, to which I referred earlier, was prepared based on hundreds of “interviews and meetings (with victims, witnesses, relatives of victims, lawyers, and government officials) as well as site visits relating to the human rights situation in Crimea”.

Last, but not the least, we would appreciate regular updates on investigation led by the SMM related to the recent allegations on the interference of the Russian intelligence in the work of the SMM.

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, and to upholding the OSCE principles and commitments.

**Thank you, Mr. Chairperson.**