



## 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 Ambassador Daniel B. Baer  
to the Permanent Council, Vienna  
April 14, 2016

At the outset, let me recognize the service of Arseniy Yatsenyuk as Ukraine's Prime Minister and acknowledge his stewardship of his country, especially during the tumultuous weeks after former President Yanukovich fled the country, which culminated in free, fair, and democratic presidential elections. Prime Minister Yatsenyuk helped pass ambitious reforms, which moved Ukraine closer to a free and democratic Europe. I've seen reports since our meeting began this morning that Mr. Groisman has received the necessary votes in the Rada to have his appointment as Prime Minister confirmed. There is much work ahead. We congratulate Mr. Groisman on this appointment.

Regrettably, the worsening security situation in the Donbas, precipitated by ceasefire violations from combined Russian-separatist forces, has constrained Ukraine's capacity to move forward on the political aspects of Minsk implementation and Ukraine's reform program. The United States expresses grave concern over the escalating cycle of violence that has taken hold in the Donbas and notes, once again, clear and incontrovertible evidence that military provocation remains the policy of combined Russian-separatist forces. No fewer than 37 outgoing grad rockets were launched out of separatist-controlled Donetsk city on April 8, in blatant disregard for the withdrawal lines and in violation of the September 1 ceasefire. As confidence in the ceasefire regime erodes, the tit-for-tat exchange of fire has grown into sustained combat in key hotspots, with over 2,800 ceasefire violations occurring on April 8 alone. The OSCE Special Monitoring Mission (SMM) has recorded the highest-ever use of heavy weapons since the ceasefire began. Maintaining this intense level of fighting requires, as the SMM has previously noted, a "sophisticated supply chain" to keep separatist forces well-stocked with weapons and ammunition. The Russian Federation should fulfill its commitments under the Minsk agreements and stop providing supplies to separatist forces; those supplies only fuel the conflict in eastern Ukraine.

Full and unfettered access to SMM monitors is crucial to restore the ceasefire and allow the demilitarization of hotspots in the security zone. Unfortunately, not only have combined Russian-separatist forces stepped up their obstruction of SMM monitors, they have also attacked the monitors as well. On April 7, an SMM vehicle came under small arms fire when driving deep in separatist-held territory – only 20 kilometers from the Russian border. The same day in separatist-controlled Luhansk, a fighter cocked his rifle and pointed it directly at an SMM monitor who had stepped out of his vehicle to try to negotiate passage after separatist forces had blocked their patrol. On April 9, the SMM came under small arms fire originating from a separatist position on the contact line. We note that the Russian side of the Joint Center for Control and Co-Coordination has thus far failed to investigate or ensure

disciplinary action was taken against those responsible. It has also failed to pursue accountability for the 41 other times the SMM was delayed or denied access by separatist forces in the past week, or for previous attacks on the SMM, including the firebombing of SMM vehicles last summer. The United States reminds the Russian Federation that the conduct of the forces it backs is in complete contravention of the SMM's mandate and the Minsk agreements, and joins other participating States in demanding an immediate end to the obstruction of OSCE monitors and to all threats against them. The SMM must have unrestricted access throughout Ukraine, up to and along the Russia-Ukraine international border, and jamming of SMM UAVs must cease. While combined Russian-separatist forces jam OSCE UAVs, they fly their own UAVs over Ukrainian territory. On April 8, Ukrainian forces shot down a Russian Orlan 10 drone near government-controlled Avdiivka. Moreover, on April 6, the OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk spotted, yet again, a van driving from Ukraine into Russia marked with the phrase "Cargo 200," indicating it was being used to transport Russian military casualties. This is further evidence that Russia remains deeply and directly involved in the conflict.

With such tension on the ground, it is no surprise that the Trilateral Contact Group (TCG) has been largely deadlocked. The TCG should be making strides toward opening new crossing points along the contact line; instead, repeated shelling by combined Russian-separatist forces forced the governor of Luhansk oblast to close the single crossing point located there. The TCG should also be forging agreement on modalities for local elections in the special status area; these elections are required under the Minsk agreements and must be conducted under Ukrainian law and according to OSCE standards, and monitored by ODIHR. We were disappointed that Russia's representative in the TCG and separatist leaders rejected the idea of an OSCE police mission to provide security for elections. We urge Russia and the separatists to negotiate in good faith and to agree upon an independent, credible security solution in line with the Minsk Package of Measures that will allow candidates and voters to safely and freely engage in the election process without fear, intimidation or reprisal.

Colleagues, the freedoms of expression, association, and peaceful assembly remain concerns not only in separatist-controlled territory but in Russia-occupied Crimea. At an event last week in the Hofburg on the situation in Crimea, experts reported on the widespread use of torture by police and so-called "self-defense forces," threats and pressure placed on the families of dissidents, and political prisoners "lost" in detention. They also discussed Russia's efforts to compel military-age males in Crimea to serve in the Russian military as a strategy to silence the Crimean Tatar community, and the systematic targeting of the Tatar and Ukrainian-language media. The United States condemns Russia's failure to uphold its obligations and commitments under international law and the Helsinki Final Act through its occupation of Crimea and by allowing impunity for abuses there. We remind the Russian Federation that the lifting of sanctions related to Crimea is tied directly to Russia ending its occupation there.

Thank you, Mr. Chair.