

Delegation of the Russian Federation

**STATEMENT BY MR. ANDREY KELIN,
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AT THE 1004th MEETING OF THE OSCE PERMANENT COUNCIL**

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**On the situation in Ukraine and the continuing violations
of the norms of international humanitarian law during the
punitive operation in eastern Ukraine**

Mr. Chairperson,

To start with I will briefly respond to those who have once again spoken of mythical violations of OSCE commitments and principles by Russia in the context of Crimea.

After February's unconstitutional transfer of power in Kyiv – in fact, a State coup – the residents of Crimea made use of a unique opportunity to realize their right to self-determination as enshrined in Article 1 of the Charter of the United Nations. This right is reaffirmed in Article 1 of the 1966 International Covenant on Civil and Political Rights and in Article 1 of the 1966 International Covenant on Economic, Social and Cultural Rights, and is also one of the fundamental principles of the Helsinki Final Act of 1975. I would remind you that, as far back as January 1991, Crimea Oblast, as part of Ukraine, held a referendum on secession. Ninety three per cent of voters were in favour, with a turnout of 81 per cent. However, during the more than 23 years when Crimea was part of Ukraine, it was never given the opportunity to secede.

Creating a sovereign and independent State, the freedom to accede to an independent State or unite with it (which is what happened when Crimea and Sevastopol became part of Russia), or establishing any other political status freely chosen by the people – these are all ways of enacting the right to self-determination. It is defined as such in the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

I think that when Crimeans see events in Odessa, Mariupol, Sloviansk, Kramatorsk, Donetsk and Luhansk, they do not regret their choice. Refugees from eastern Ukraine, who are also coming to Crimea, confirm yet again that Crimeans made the right decision.

If anybody wishes to discuss the legal aspects of these events in more detail, we would be prepared to do so at a forthcoming meeting.

Mr. Chairperson,

Irrespective of the varying interpretations of the genesis of the Ukrainian crisis, what we must concentrate on today is how we can work together to help Ukrainians to find a way out of the current situation.

On 7 June, the President of the Russian Federation, Vladimir Putin, issued an instruction to the border service of the Russian Federal Security Service to do everything necessary to improve the protection of the border between the Russian Federation and Ukraine in order to prevent illegal crossings. This instruction is being carried out.

The Russian ambassador to Ukraine, Mikhail Zurabov, has returned from Kyiv. He is involved in meetings in Kyiv as part of what is known as the trilateral group to facilitate the start of implementation by the Ukrainian authorities of the agreements contained in the Geneva Joint Statement of 17 April, the road map of the Swiss Chairmanship, and in accordance with assurances provided by Ukrainian President Petro Poroshenko.

We welcome the OSCE's role in this process. We trust that the special representatives appointed by the Swiss Chairmanship will work hard to implement key provisions of the road map, first and foremost, by developing sustainable agreements on an immediate end to violence and laying the groundwork for the start of truly nationwide dialogue involving all of Ukraine's regions and political groups.

We fully support the work of the OSCE Special Monitoring Mission and urge the observers to step up efforts to establish contact with people on the ground. We see this as an important contribution to establishing national dialogue.

We are forced once again to note that the observers' full potential is not always exploited. Colleagues have described them as the OSCE's "eyes and ears" in Ukraine. We are sure that they see and hear a great deal, but the information that we glean from the Mission's reports is fairly scant. We think the Mission's reports intended for participating States need to be more complete. If the Mission is being put under pressure and redacting its account, then this is completely unacceptable.

It is important that the residents of all regions of Ukraine, including the south-east, see their situation reflected in the observers' reports, and that they do not question their objectivity and completeness. Otherwise, ensuring that the Special Monitoring Mission can work safely throughout Ukraine will not be easy.

We are extremely alarmed by the situation of the OSCE observers who have been taken hostage. This is unacceptable. We repeat our demand for their unconditional and immediate release.

Unfortunately, in spite of the statements by the Ukrainian leadership, military activity is continuing and even intensifying. Even the highly respected non-governmental organization (NGO) Human Rights Watch was forced to note that heavy armaments were being used against towns and villages. Representatives of that NGO emphasize in particular that "criminal conduct by the insurgents does not relieve the Ukrainian forces of their obligations to act in accordance with international law in the conduct of their law enforcement and military operations. This is particularly the case with respect to use of lethal

force. In Ukraine the obligations under the European Convention on Human Rights (ECHR), such as those which protect the right to life (article 2), bodily integrity (article 3), and liberty and security (article 5), as well as the inviolability of the home (article 8), remain in force during all law enforcement and military operations.” “The government’s responsibility will be engaged where they fail to take all feasible precautions in the choice of means and methods of a security operation mounted against an opposing group with a view to avoiding and, in any event, minimizing, incidental loss of civilian life.”

Human Rights Watch notes that the use of unobserved indirect fire, like shelling by mortars, in these two operations against insurgents may not have been a proportionate response to the threat of the insurgents and may not comply with Ukraine’s obligations to protect the right to life and to respect the home and property of its population. I should note that this morning, the National Guard attacked the outskirts of Sloviansk using incendiary bombs forbidden under the Inhumane Weapons Convention. Buildings are in flames.

All crimes committed on Ukrainian territory are being carefully recorded and the perpetrators will be brought to justice; including for the use of prohibited means or methods of warfare.

It is clear that the norms of international humanitarian law apply just as much to those who stand against the central authorities. However, judging by the available information, they have not been waging war against unarmed people.

Several towns in eastern Ukraine are on the brink of humanitarian disaster. There are food and medicine shortages, as well as disruption to water and electricity supplies. Many residential buildings and infrastructure facilities have been destroyed. Providing immediate humanitarian aid is even more urgent. We must deliver food and medicine immediately and start searching for the disappeared.

We welcome the intention of the Ukrainian authorities to establish humanitarian corridors so that residents are free to leave besieged towns. However, the Ukrainian authorities’ decision to partially close the border does not make sense to us. This could make it more difficult for people to legally leave conflict zones. Some assessments place the number of refugees who have passed through Rostov region at between 30,000 and 70,000. They fled aviation and artillery fire on their homes. We do not yet have precise numbers as some people travel further into Russia. The OSCE Secretary General is in Rostov today and is meeting with those housed in reception centres.

We think it is vital that these humanitarian measures and the opportunity to leave besieged towns serve as a step on the path to a resolution of the situation through dialogue. If it is a “military trap” or the prelude to another “final active phase” of the operation, or even the declaration of a state of war, then this would lead to catastrophe.

Unfortunately, we do not see attempts by the authorities to initiate dialogue. There is a lack of clarity on the prospect of constitutional reform. Now they are saying that amendments will come in late summer. Freedom of the media in Ukraine remains “under siege”. Russian television channels are still not being broadcast. Four ITAR-TASS correspondents and two members of staff from the television channel Zvezda (Star) were prevented on Monday from entering Ukrainian territory.

People keep trying to convince us that the Ukrainian authorities are showing restraint. This does not reflect reality. Towns are consistently being turned into ruins, and civilians and children are being killed. Now even the Ukrainian media confirm this. In Sloviansk two six-and-eight-year-old girls and a 12-year-old boy have died of shrapnel wounds.

It is now common knowledge that in many Ukrainian towns, in the west, centre, south and east, protests are being held against civil war. People are blockading military bases and parents are stopping their children from fighting against people who, like them, are residents of Ukraine. Many military personnel – both conscripts and professional soldiers – have no desire to participate in a fratricidal war. Law enforcement officers are refusing “business trips” to Donbas. College students are avoiding the draft and they are being hounded as a result.

It is clear that those in Ukraine who voted for Mr. Poroshenko did not vote for a civil war. Many political analysts note that the main result of the military operation has been a stark increase in the public’s sense of alienation from the central authorities. Each day of war deepens the divide in Ukraine.

We are convinced that an immediate end to the military operation remains the key to resolving the situation. We expect the new Ukrainian leadership to do everything it can to end the conflict and find a way out of the crisis. Russia is prepared to support and help Ukrainians to participate in negotiations and reach an agreement between themselves. The crisis cannot be drawn out, and faith should no longer be placed in military force.

We propose making a positive step. Our OSCE Permanent Council could adopt a decision in support of the Swiss Chairmanship’s road map. It is a good, universally accepted basis for finding a political way out of the crisis. Our common support for the road map would be a key element of stability in the context of the ongoing crisis. We have distributed a draft decision on this today. It is simple and non-politicized. We invite you to carefully study it and adopt it at the next Permanent Council meeting.

Thank you for your attention.