



EUROPEAN UNION

OSCE Permanent Council No 1124 Vienna, 15 December 2016

EU Statement on “Russia’s Ongoing Aggression against Ukraine and Illegal Occupation of Crimea”

A week ago, at the Ministerial Council in Hamburg, the crisis in and around Ukraine rightly remained at the top of the OSCE’s agenda, with an overwhelming majority of the Ministers expressing their deep concern for the situation in eastern Ukraine and on the Crimean peninsula, and reaffirming their support for OSCE core principles as well as for the Minsk process and OSCE’s important role in the crisis in and around Ukraine.

Today, at the last Permanent Council meeting scheduled this year, the crisis in and around Ukraine remains a central focus for regrettable reasons: the security situation remains volatile, use of heavy weapons intense, the humanitarian situation dire and the access for the SMM and humanitarian actors severely restricted, particularly in areas held by Russia-backed separatists including along the Ukrainian-Russian State border. Indeed, apart from temporary decreases in ceasefire violations, most notably in September, the security situation has remained fragile for most of the year.

We again call on the sides to show restraint and swiftly disengage, respect the ceasefire, verifiably withdraw all Minsk-proscribed weapons, ensure humanitarian access and full, safe and unhindered SMM access throughout Ukraine, including along the Ukrainian-Russian State border. This is an important step in order to move toward a sustainable political solution in line with OSCE principles and commitments. Restoring respect for these fundamental principles is crucial.

It remains indefensible that the SMM’s monitors and their remote monitoring equipment continue to face significant obstacles and regular intimidation, particularly in areas held by separatists. Indeed, as Chief Monitor Apakan made clear in Hamburg, this year has seen a worrying rise in the frequency and severity

of intimidation of our monitors. The blind spot maps presented by the SMM are worrying reminders of the limitations imposed on SMM monitoring. This prevents the SMM from fully fulfilling the mandate all participating States have agreed to. We reiterate our call on the JCCC to conduct an effective investigation into cases of intimidation and obstruction of the SMM, and to ensure an adequate and systematic rapid response, when called upon by the SMM.

The humanitarian toll of the conflict continues to grow. The Office of the United Nations High Commissioner for Human Rights has recorded more than 32,000 casualties from April 2014 to November 2016. This is a conservative estimate. The OHCHR's most recent report further documents the severe and continuing restrictions on fundamental freedoms in separatist-held areas and in Crimea, where the representatives of the local Tatar community and the self-governing body Mejlis continue to face systematic persecution. So-called "courts" established in separatist-held areas are entirely illegitimate and do not comply with basic international standards, highlighting the vulnerability of persons living in those areas to arbitrary and selective sanctions.

In government-held areas, despite the detention and prosecution of a number of Ukrainian officials and members of voluntary battalions, the report also finds that there are cases of Ukrainian SBU officials enjoying impunity and that few Ukrainian officials and members of voluntary battalions who have allegedly committed human rights violations during the conflict have been brought to justice.

In all, the report underlines the need for the full implementation of the Minsk agreements, and especially the return of full control by the Government of Ukraine over its entire border with Russia, the withdrawal of foreign armed formations, pull-out of all heavy weaponry, pardon and amnesty through law and with due regard for human rights as well as unimpeded human rights monitoring and full international humanitarian access, including to the Crimean peninsula. We urge all sides to heed the recommendations put forth by the OHCHR.

We again call on the sides in the Trilateral Contact Group and its working groups to agree on steps toward the full implementation of the Minsk agreements. This

includes the modalities of holding local elections in certain areas of the Donetsk and Luhansk regions in accordance with Ukrainian legislation, OSCE standards and monitored by ODIHR. We reiterate our firm position that established conditions for ODIHR monitoring, including ensuring security and access, must be met. We call on the sides to agree on the release of hostages and illegally detained persons. We welcome recent steps taken by Ukrainian authorities to ease the passage of civilians across the contact line and call for further such steps by all sides. As the OHCHR notes, disproportionate restrictions on freedom of movement across the contact line severely affect an average of 25,000 people per day.

We remain firm in our call on all sides to swiftly and fully implement the Minsk agreements and honour their commitments in full. We underline Russia's responsibility in this regard and yet again call on Russia to use its considerable influence over the separatists it backs to meet those commitments in full. Moreover, we again call on Russia to immediately stop providing financial and military support to the separatists. The ceasefire must be respected. All Minsk-regulated weapons must be withdrawn and foreign armed formations, military equipment and mercenaries removed from Ukraine. Re-establishing full Ukrainian control over its state border is essential in order to achieve a sustainable political solution in line with OSCE principles and commitments. We reiterate our deep concern about information on the presence of Russian military equipment and personnel in separatist-held areas. The duration of the European Union's economic sanctions against Russia is linked to the complete implementation of the Minsk agreements.

The EU recalls its unwavering support to the sovereignty, territorial integrity, unity and independence of Ukraine, and calls upon Russia to do likewise. We urge Russia to recognise these fundamental principles that it has itself invoked many times and to contribute, by acts and public pronouncements, to stabilise the situation and reverse moves that contravene these principles. We reiterate our strong condemnation of the illegal annexation of Crimea and Sevastopol to the Russian Federation and we will not recognise it.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate

BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND, LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as SAN MARINO align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.