



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 Chargé d'Affaires a.i. Kate M. Byrnes
to the Permanent Council, Vienna
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In their report last week to the Permanent Council, Ambassadors Apakan and Sajdik clearly stated that a comprehensive ceasefire must be in place in order for progress to be achieved on the political, humanitarian, and economic aspects of the Minsk agreements. Unfortunately, this ceasefire continues to prove elusive, as the Special Monitoring Mission again recorded hundreds of explosions across the Donbas. This conflict will remain volatile until weapons proscribed by the Minsk agreements are withdrawn, and the framework decisions on disengagement and demining are fully implemented. Otherwise, there is little to stop small-scale clashes from escalating, and this conflict from continuing.

Transparency remains the key to progress. Before weapons can be verified as withdrawn, they must be accounted for. SMM Chief Monitor Apakan requested in November 2016 that forces declare the location of all Minsk-regulated weapons. To date, combined Russian-separatist forces have declared only an insignificant fraction of their arsenal. Combined Russian-separatist forces should provide a complete inventory to the SMM, in line with previous agreements, paving the way for reciprocal steps by the Ukrainian government.

Transparency also requires an end to all restrictions against SMM monitors. Forces must be under orders to facilitate the work of the SMM and not to impede it, and they must be held to account for any threats or hostile acts against the mission. Moreover, the SMM must be allowed into those parts of separatist-controlled territory that remain a black hole from which monitors, and by extension the international community they represent, are prevented access.

We remain concerned by SMM reports indicating that forces have taken up positions in close proximity to industrial facilities storing dangerous chemicals. The SMM reported that Ukrainian forces are now positioned as close as 200 meters from a water filtration plant in Yasynuvata, the same plant that for months combined Russian-separatist forces have used as a position from which to launch raids and artillery strikes against Ukrainian forces. The risk of stray munitions striking toxic chemicals at the water filtration plant in Yasynuvata and the chemical plant at Novhorodske is very real. We underscore yet again that agreement on the disposition of forces near such facilities would reduce the risk of an accident. Furthermore, agreement on emergency response measures could contain the

scope of a potential catastrophe, serve as a confidence-building measure between the sides, and, most importantly, save lives.

International humanitarian law must be considered when deciding where to position forces, so that civilians are not put at undue risk. We note the Russian Federation has repeatedly called for reports by the SMM assessing the damage caused by shelling to civilian infrastructure, but has not once committed to pull back the combined Russian-separatist forces that put civilians at risk.

We also call on combined Russian-separatist forces to cease impeding repair work to restore the flow of gas near Maryinka; requests for security guarantees have been ignored for seven months – revealing continued callousness by Russia and the separatists it backs for the people living under separatist occupation. We applaud the government of Ukraine for launching a concerted effort to improve the welfare of its people living in territory under separatist control. The UN Refugee Agency called the plan “a solid foundation for protecting the rights of all citizens without discrimination and strengthening social cohesion.”

Mines and unexploded ordinance also pose a continuing danger to civilians, including OSCE monitors, and impede the work of the SMM to bring transparency to the security zone. We call once again for full implementation of the March 2016 framework agreement on mines, noting that the SMM has seen no systematic effort to demine the agreed-upon twelve priority areas. The Joint Center for Coordination and Control reported January 22 that it had failed yet again to make progress on this issue. Meaningful progress on demining is urgently needed, and is in the interest of all.

Mr. Chair, the United States remains deeply concerned by the silencing of Crimean Tatars and all others who voice concern over Russia’s illegal occupation of the Crimean peninsula. Detentions, investigations and other harassment of the population living under Russian occupation have a chilling effect on the exercise of the freedoms of expression, peaceful assembly, association, and religion or belief. We join Ukraine, the European Union, and the Representative on Freedom of the Media in condemning the indictment of journalist Mykola Semena on January 20 simply for expressing views on the status of the peninsula that differ with those of the occupation authorities. Unfortunately, such censorship is not limited to Russia-occupied Crimea, and extends to separatist-controlled areas of Ukraine, where more than 350 websites have been blocked, access to Ukrainian media denied, and independent voices silenced, including through the arrests of bloggers Eduard Nedelyaev and Gennadiy Benitskiy.

All OSCE participating States must continue to uphold the principles of sovereignty and territorial integrity enshrined in the Helsinki Final Act, and reject Russia’s illegal occupation and attempted annexation of Crimea. Crimea remains an integral part of Ukraine within its internationally recognized borders. Sanctions will remain in place until Russia ends its occupation of Crimea and returns full control of the peninsula to Ukraine. We join our European and other partners in restating that our sanctions against Russia for its aggression in eastern Ukraine will remain until Russia fully implements its commitments under the Minsk agreements.

Thank you, Mr. Chair. ###