



Permanent Mission of Ukraine
to the International Organizations in Vienna

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Statement in response
to the UN Assistant Secretary-General for Human Rights
Mr. Ivan Šimonović

As delivered by the Delegation of Ukraine
to the 1107th meeting of the Permanent Council,
07 July 2016

Mr. Chairman,

We join previous speakers in warmly welcoming back to the Permanent Council the UN Assistant Secretary-General for Human Rights H.E. Mr. Ivan Šimonović and thank him for the informative presentation.

For over two years the Russian Federation has been waging a “hybrid war” against Ukraine which resulted in military occupation and attempted annexation of Ukraine’s Crimean peninsula and a conflict in Donbas. Today the Russian Ambassador made mention of the Memorandum signed in Kyiv on 21 February 2014. What he did not mention was that a high representative of the Russian Federation had participated in the negotiations in Kyiv but had not signed the document, unlike other participants of the negotiations. And there was a serious reason for that which later revealed itself. On 20 February 2014 the Russian Federation launched a military operation against Ukraine in Crimea. A unit of Russian special forces seized the building of the Verkhovna Rada of the Autonomous Republic of Crimea in the night from 26 to 27 February 2014. Russia sent troops into Crimea by air and by sea. Later a decree of the President of the Russian Federation established 27 February as the day of Forces of special operations.

Mr. Chairman,

We highly value the opportunity of this exchange between the United Nations and the OSCE as it contributes to strengthening our common understanding of existing human rights challenges and means of addressing them.

Ukraine appreciates close co-operation with the UN and its human rights bodies. Ten years ago Ukraine issued an open standing invitation for special procedures. Since then nine mandate holders have visited our country. We appreciate their valuable work and look forward to continued cooperation with them and with the Office of the United Nations High Commissioner for Human Rights. We do believe that such extensive co-operation assists the efforts of the Ukrainian authorities in safeguarding human rights and fundamental freedoms in the country in line with international commitments and obligations.

Over two years ago, faced with the Russian aggression, Ukraine invited the deployment of the UN Human Rights Monitoring Mission, as well as initiated the practice of respective interactive dialogues in the Human Rights Council. We highly appreciate the independent work carried out by the UN Human Rights Mission.

We thank Mr. Šimonović for his personal contribution to the settlement of the crisis in and around Ukraine through his numerous visits to our country as well as briefings to the UN Security Council on human rights implications of the Russian aggression against Ukraine.

Mr. Šimonović,

Since your last address to the Permanent Council in September 2014 the situation with human rights and fundamental freedoms in the Autonomous Republic of Crimea, the city of Sevastopol and certain areas of Donbas, illegally occupied by the Russian Federation and its forces, has dramatically deteriorated. Murders, tortures, enforced disappearances, illegal detentions, repressions against national minorities, persecution of journalists, human rights defenders and activists have been registered as the most widespread human rights violations.

According to the UN Mission's latest 14th Report, a total of at least 9,300 people killed, and at least 21,500 injured in Donbas from April 2014 to May 2016. Over 1,7 million of people affected by the situation in the occupied territories have been forced to leave their homes to other regions of Ukraine. These figures are the outcome of Russia's military intervention into Donbas. The 14th Report of the Mission highlights the continued influx of foreign fighters, including citizens of the Russian Federation, ammunition and heavy weaponry into the east of Ukraine from across the border with the Russian Federation and a breakdown in the rule of law and human rights in the occupied areas of Donbas. Moreover, the illegal armed formations continue to deny access for humanitarian actors depriving the population of humanitarian assistance.

Sustainable cease-fire, de-occupation and disarmament of the illegal armed formations are the necessary elements for ensuring the exercise of basic human rights and fundamental freedoms, including free expression of will of the local population in fair elections. We see the need for deployment of an armed police mission under the OSCE auspices throughout the conflict-affected area to contribute to establishment of safe and secure environment in Donbas.

Distinguished colleagues,

The OSCE regularly reviews the human rights situation in the occupied Crimea which has sustained drastic deterioration in the last two years. The Resolution on Violations of Human Rights and Fundamental Freedoms in the Autonomous Republic of Crimea and the city of Sevastopol, adopted by the OSCE Parliamentary Assembly at its 25th Annual Session this week, stressed that the violation of fundamental OSCE principles and occupation of the territory of one participating State by another leads to gross human rights violations. Strongly condemning all violations in the Crimean peninsula, marked in particular by increasing repressions against the indigenous Crimean Tatar people and ethnic Ukrainians, the OSCE PA called upon the Russian Federation as an occupying power to abide by its obligations

under international law and ensure the respect and fulfilment of human rights and fundamental freedoms on the peninsula.

We are alarmed over the reports on abductions, enforced disappearances, illegal detentions and politically motivated arrests by the de facto authorities in Crimea. We note that on 3 June 2016 the Working Group on Enforced or Involuntary Disappearances of the UN Human Rights Council requested the Russian Federation to provide information on the case of Ervin Ibragimov, member of the Executive Committee of the World Congress of Crimean Tatars and member of regional Mejlis. Mr. Ibragimov was abducted in Bakhchisaray on 24 May 2016 and his whereabouts remain unknown. We call on Russia to duly respond to the international concerns over the destiny of Mr. Ibragimov and other Ukrainian citizens who disappeared on the occupied peninsula.

Mr. Chairman,

We all witness that most glaring violations of human rights take place in the situations of occupation, where repressions and propaganda prevail, where people are deprived of basic rights, where the international organizations are not allowed to enter and establish a permanent monitoring.

It must remain at the top of our agenda to seek, by all available instruments, permanent monitoring and presence in Crimea of the UN, OSCE and other international organizations in compliance with the UN GA Resolution 68/262 “Territorial Integrity of Ukraine”, which reaffirmed the territorial integrity of Ukraine within its internationally recognized borders. The work should be focused on ensuring full and unrestricted access for the relevant international and regional human rights mechanisms, including as a part of regular monitoring cycles on Ukraine.

Mr. Šimonović,

Recently we shared with the OSCE community the declarations made by the Ukrainian citizens Henady Afanasiev and Yuriy Soloshenko, who returned to Ukraine in June after two years of illegal detention in Russian jail, about tortures and ill-treatment they endured in Russia.

We underline the need for the competent UN structures in the area of prevention of torture to undertake monitoring activities in Russia in connection with the reports of torture against the illegally detained Ukrainian citizens and assist Russia’s compliance with its international obligations on preventing and combating torture, including through prompt and impartial investigation of the acts of torture.

Many Ukrainian citizens remain behind bars in Russia under fabricated charges, including Oleh Sentsov, Oleksandr Kolchenko, Mykola Karpyuk, Stanislav Klykh and others. They are all political prisoners in Russia. It is essential to use all instruments available to facilitate their immediate and unconditional release.

Russia’s external aggression is accompanied by a clampdown on democracy, human rights and the rule of law in Russia marked by curtailing of space for civil society, independent media and political opposition, as well as unprecedented rise of violent extremism, aggressive nationalism, neo-Nazism and xenophobic manifestations.

Following a series of restrictive legislative steps on 26 June 2016 the Russian State Duma adopted the so-called "Yarovaya Package" - amendments to anti-terrorism legislation, which were heavily criticized by human rights and civil society activists as "anti-terrorist war on civil rights".

In conjunction with the 2015 legislation, which allowed the Constitutional Court of Russia to take rulings on non-implementation of decisions of interstate human rights bodies, Russia further departs from its obligations in the area of protection of human rights and fundamental freedoms.

The state of affairs with human rights, fundamental freedoms and rule of law in the Russian Federation merits close attention and reaction of the relevant United Nations human rights bodies.

In conclusion, we again thank Mr. Šimonović for his presentation in the Permanent Council and wish him every success in his important activities.

Thank you, Mr. Chairman.