



**Permanent Mission of Ukraine**  
to the International  
Organizations in Vienna

## **Statement in response to the CiO Special Representative in Ukraine and the TCG Heidi Grau and the SMM Chief Monitor Yasar Halit Cevik**

As delivered by Ambassador Yevhenii Tsymbaliuk,  
Permanent Representative of Ukraine to the International Organizations in Vienna,  
to the 1301<sup>st</sup> meeting of the Permanent Council  
4 February 2021

**Mr. Chairperson,**

We join other delegations in welcoming Chief Monitor Halit Cevik and representative of Ambassador Heidi Grau back to the Permanent Council. As this is their first appearance to the PC this year, let me express gratitude for their job done in 2020. The Government of Ukraine appreciates mediation efforts of the OSCE to facilitate dialogue between Ukraine and Russia within the Trilateral Contact Group, and welcomes the monitoring activities of the SMM on the ground, which continue despite pandemic.

Regretfully, as the 27<sup>th</sup> OSCE Ministerial Council meeting demonstrated last December, Russia's intention to maintain its armed aggression against Ukraine remains unchanged. The Russian delegation was the only one, which blocked forwarding the draft of the "Declaration on the OSCE's efforts towards peace with respect to Ukraine" to the Preparatory Committee. It has also prevented any meaningful discussions on the draft "Decision on the OSCE permanent monitoring and verification of the areas adjacent to the Ukrainian-Russian state border, which are temporarily not under control of Ukrainian government".

Thus, it is clear that the Russian side continues to undermine the OSCE efforts to facilitate resolution of the conflict. We encourage Ambassadors Grau and Cevik not to step back, but to maintain your efforts. You will have Ukraine's full support in 2021 as well.

In previous months, we witnessed how Russia used various pretexts to hamper the work of the TCG, be it the Regulation of the Ukrainian Parliament on local elections, so-called "legal clearance" of the released persons, or manipulative demands regarding the place of a shuttle bus stop at an entry-exit checkpoint.

This tactic was in particular highlighted by Chief Monitor in the Report presented today, that implementation of the security arrangements was, I quote, "stalled, largely due to the link established by some participants between the discussions on security issues and other aspects, which fall outside the responsibility of the working group".

We know who those participants are. Behaviour of the Russian delegation and its proxies in the TCG was not left unnoticed by participating States, which

continue to praise Ukraine's constructive approach and call on Russia to act likewise.

Today, in this virtual room, we again witnessed attempts by the Russian side to divert our attention, and attention of the SMM, from the crucial problem, which is the ongoing Russia's aggression and its impact. We call on SMM not to follow such unilateral advices including proposed topics for thematic reports, based on manipulated arguments and selective information.

Let me also deliver some remarks on the most recent decision of the National Security and Defense Council of Ukraine (NSDC) to introduce sanctions against owner (Taras Kozak) of the three TV channels (112, ZIK and Newsone) in order to defend Ukraine's national interests in the information sphere.

The decision was not hasty. It was a result of years-long discussion and consideration.

According to the data provided by the Security Service of Ukraine, there are enough evidences confirming that the sanctioned entities have been financed from Russian sources. These TV channels are among the tools of the Russian hybrid warfare toolbox that are being used to undermine Ukraine's state and civil society institutions, to erode social cohesion and to provoke conflicts on political and other grounds, and to justify Russia's temporary occupation of Crimea and its armed aggression in Donbas.

The TV channels filled Ukraine's information field with fake news. They consistently violated journalism ethics and standards in pushing forward false narratives that presented a distorted reality. By sanctioning them, the NSDC shielded the country's citizens from the destructive influence of the state-sponsored Russian propaganda.

This decision has been taken in order to defend the freedom of speech in the country. 112, ZIK and Newsone do not apply to the principles of the freedom of speech and journalistic standards in their work.

The channels repeatedly have come under severe criticism of both the majority of Ukrainian journalists and media regulators for their consistent and systematic spreading of false information, misleading narratives of the Russian propaganda. The National Media Council has issued numerous warnings, which had little or no effect.

The independent Ukrainian NGOs and experts countering disinformation support the decision on sanctions and do not view it as an attack on the freedom of speech.

We are grateful to our partners for initial reaction in this regard.

I fully agree with the words said today by the representative of the United States that freedom of expression is not a right to deliver malicious propaganda.

Actually, these TV channels could be considered not only as tools of propaganda, but as tools of aggression in a hybrid attack undertaken by the Russian Federation.

Kremlin's blackmailing tactic includes such cynical elements as the use of detained persons as hostages to serve Russia's political ends. Since April 2020, there has been no mutual releases of detainees, although the Ukrainian side sent its relevant lists, in line with four previously agreed categories, long ago. We thank Special Representative for her calls to demonstrate the political will to swiftly reach an agreement on the mutual release of detainees based on the principle "all for all", starting with "all confirmed for all confirmed".

This is long overdue. Recent announcements by the Russian occupation administration in Donbas to release several detainees to the Ukrainian private person were nothing more than another provocation, aimed at undermining the well-established mechanisms and negotiation formats. We would of course welcome release of any Ukrainian citizens, illegally detained by the Russian occupiers. Still, this must be done without destroying existing mechanisms.

We thank Ambassador Grau for providing update on the discussions within the TCG on the opening of EECs, new disengagement areas and demining. These security issues are widely discussed every week at the meetings of the Permanent Council, so the firsthand information is really welcomed. We hope the Russian side would change its unconstructive stance and allow progress to be reached.

The need to ensure sustainable security situation on the ground remains obvious. Ukrainian militaries suffer regular casualties, mostly caused by sniper fire by the Russian armed formations. The most recent case took place on 2 February near Toretsk. Although the overall number of ceasefire violations remains low, it has significantly grown in the past months: as reported by the SMM, almost twice. The Mission also referred in its Report to 531 weapons in violation of their respective withdrawal lines, 91 per cent of which in Russia-occupied parts of Donbas.

The Ukrainian side remains committed to the ceasefire. As rightly underlined by the SMM, it is characterized by significantly fewer civilian casualties and less instances of damage to civilian property due to shelling and small-arms fire. On both sides of the contact line, civilians told the Mission that they found the situation in their settlements to be calmer after 27 July 2020 and expressed hope that the ceasefire would hold.

We need to maintain this achievement. We strongly urge the Russian side to stop its armed attacks on the Ukrainian military positions.

Let me now briefly comment on the issue of the SMM freedom of movement. This problem persists since the very deployment of the Mission. The Report presented today, again, provides a long list of impediments, which the SMM monitors face in the areas of the Donetsk and Luhansk regions of Ukraine, temporarily occupied by Russia, most notably near the border with the Russian Federation.

We fully share the SMM assessment that continued serious restrictions to its movement on the ground contravene the Mission's mandate adopted by consensus by the OSCE participating States. We, again, urge the Russian side to immediately and unconditionally lift all restrictions, including those imposed under the pretext of countering the spread of COVID-19. We reiterate that opening of additional forward patrol bases is necessary to enhance effectiveness of the SMM monitoring, and we call on Russia to let it happen by providing relevant security guarantees.

As we are now starting the discussions on the next SMM annual budget, let me draw the attention of participating States to the Mission's findings that it managed to maintain its footprint and carry out its mandated activities even after reducing twice the number of patrols compared with the same period in 2019 as a part of COVID-19 related measures.

This was made possible through the increased use of technical means, such as long-range UAVs and cameras. The SMM was able, for instance, to observe trains, vehicles and people during night hours near the border with the Russian

Federation in Donetsk and Luhansk regions, providing proof of Russia's illegal military activities in the sovereign territory of Ukraine.

As neither Russia-imposed restrictions, nor the COVID-19 pandemic seem to disappear in the near future, the extensive use of technical means will remain the SMM's best tool to respond to these challenges.

Chief Monitor, we also appreciate the Mission's efforts to fulfill the part of its mandate on monitoring and supporting respect for human rights and fundamental freedoms. The SMM provided specific facts on a very limited scope for freedom of expression in Russia-occupied parts of Donbas, including a lack of diverse and independent media and limited access to TV channels and websites, as well as books and publications. A separate chapter in the Report was dedicated to the developments related to the use of Ukrainian language in those areas. These facts are essential for raising awareness of participating States of the dire situation with observance of human rights and fundamental freedoms in the occupied parts of Donbas.

In this vein, we strongly encourage the SMM to launch the remote monitoring of the situation in Crimea, in full conformity with the Mission's mandate covering the entire territory of Ukraine within its internationally recognized borders, including the Autonomous Republic of Crimea and the city of Sevastopol. The need to ensure unimpeded access of the SMM to Crimea was in particular stressed in the recent UN General Assembly Resolution 75/192 "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine", adopted on 16 December 2020.

The issue of remote monitoring was also raised by Foreign Minister of Ukraine Dmytro Kuleba during the visit of OSCE Chairperson-in-Office, Foreign Minister of Sweden Ann Linde to Ukraine two weeks ago. We ask the SMM to pay due attention to these calls. The OSCE should follow the UN and the UNESCO, which are already carrying out such monitoring in Crimea. For instance, on 27 January, at its 210<sup>th</sup> session, the UNESCO Executive Board confirmed its decision on the Follow-up of the situation in Crimea, which provides an extensive list of developments in the occupied peninsula.

I wish to thank again Ambassador Grau and Ambassador Cevik, as well as the entire SMM team, for their hard and dedicated work of contributing to peaceful resolution of the Russia-ignited conflict, as well as to upholding the OSCE principles and commitments.

**Thank you, Mr. Chairperson.**