



Permanent Mission of Ukraine
to the International Organizations in Vienna

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**Statement on “Russia’s on-going aggression against Ukraine
and illegal occupation of Crimea”**

As for delivery by the Delegation of Ukraine
to the 1142nd special meeting of the Permanent Council,
27 April 2017

Mr. Chairman,

We wish to start by reiterating Ukraine’s deep sadness over the loss of life by the OSCE SMM member, expressing heartfelt condolences to the US Delegation, to the family and friends of the deceased as well as by expressing the wishes of speedy recovery to two monitors who had been injured on 23 April. We consider this tragic incident, which occurred inside the territory effectively controlled by Russia, to be a part of intimidation campaign aimed at undermining the SMM activities, including its capacities to register the violations of the Minsk agreements by the Russian side and its hybrid forces in Donbas. We thank Ambassador E.Apakan for the update presented today.

The security of the SMM patrols has already long been in the focus of the meetings of the Permanent Council. As we have underlined in the special PC meeting on 5 April, the situation has considerably deteriorated after a number of unilateral steps undertaken by the Russian Federation since the beginning of this year, which had emboldened the illegal armed formations in Donbas in persistent violation of the security provisions of the Minsk agreements with further negative consequences for the SMM activities, the stationing and security of the monitors.

Before the present tragic loss of life, we have witnessed and condemned numerous serious incidents of pressure on and intimidation of the SMM monitors in certain areas of the Donetsk and Luhansk regions, which were highlighted in the respective spot reports. Consistent calls upon Russia to reign in its hybrid forces and fighters have, unfortunately, fallen on deaf ears. The lack of response from the Russian side instilled the sense of impunity among the Russia-backed illegal armed formations, entailing negative consequences for the freedom of movement, safe and secure access of the SMM monitors in the non-government controlled areas of Donbas. This is utterly unacceptable. We appreciate Ambassador Apakan’s assurance that the SMM remains committed to fulfilling its mandate and contributing to bringing peace to the people of Ukraine. We urge Russia to start implementing its Minsk commitments on peaceful resolution of the conflict, which it started, to take practical measures, which will prevent further escalation of the situation and ensure the necessary security conditions for the

SMM to effectively fulfill its mandate agreed by all OSCE participating states, including the Russian Federation.

It is important to ensure an immediate, full and impartial investigation of the incident of 23 April in order to bring the responsible to account. The Ukrainian side will exert every effort to that end.

We wish to reiterate that Ukraine highly values and strongly supports the OSCE SMM's efforts in accomplishing its mandated tasks. We expect that, despite the heavy loss, the Mission will continue its activities in Ukraine in accordance with its mandate, with the aim of fostering peace, stability and security in the east of Donbas region according to the OSCE principles and commitments.

Distinguished colleagues,

The freedom of movement for the SMM and effective implementation of its mandate in certain areas of the Donetsk and Luhansk regions depend not only on the absence of restrictions and intimidation by the illegal armed formations and demining. They also fall within a broader security picture on the ground, characterized by constant ceasefire violations and shellings, perpetrated by the hybrid Russian forces and putting at risk the lives of everyone near the contact line, be it a civilian, a serviceman or a monitor.

We note with deep regret that the hybrid Russian forces do not observe the ceasefire arrangements as agreed within the Trilateral Contact Group on 29 March, reaffirmed on 12 April and supported during the telephone conversation of the leaders of the Normandy format countries on 18 April.

After a short temporary improvement we continue to encounter regular serious violations of ceasefire by the hybrid Russian forces, including with the use of Minsk-proscribed weapons. The Ukrainian Armed Forces continue to bear losses, they adhere to the cease-fire but are occasionally compelled to fire in response to suppress shellings and to protect their lives and the lives of civilians. On one day of 25 April 3 Ukrainian servicemen were killed and 5 were wounded. The residential areas continue to be targeted by indiscriminate shellings, last week again houses in Avdiivka were damaged and the town was left without electricity supply.

The fighting and violence continue to be fuelled by Russia and its military supplies. In only one week between 13th to 18th April, Russia delivered by rail to the occupied areas of Donbas 30 cisterns of fuel and lubricants with a total weight of nearly 1800 tons as well as 16 pieces of heavy armoured vehicles in a column via Uspenka.

The Russian efforts to conceal constant illegal supplies is the single reason why the SMM is hindered from permanent monitoring at the uncontrolled segment of the Ukrainian-Russian state border. As the SMM stated in its weekly report of 19 April: "the so called "DPR" and "LPR" continued to restrict the SMM's freedom of movement also by not ensuring security guarantees for the SMM to open forward patrol bases closer to border areas. Such lack of willingness continues to considerably affect the SMM's ability to conduct a more comprehensive monitoring of the border area".

Mr. Chairman,

The Russian hybrid forces evade withdrawal of heavy weapons stationed in violation of the respective withdrawal lines. Moreover, as reported by the SMM, since

the monitors first registered the presence of MLRS, howitzers and tanks at the Luhansk aerodrome on 5 April, the number of those weapons has only grown: from 3 to 7 MLRS, from 12 to 17 howitzers, combined with 7 tanks. The SMM UAV was fired at when first registering the weaponry on 5 April. We call on Russia to make sure that these heavy weapons located close to the contact line in violation of the Minsk agreements be immediately removed and placed into heavy weapons storage site under the SMM's verification.

Distinguished colleagues,

The humanitarian consequences of the Russian aggression against Ukraine remain a matter of utmost concern. We support the efforts of the Austrian Chairmanship in addressing them.

An issue of priority attention must remain the release of hostages and illegally detained persons based on the "all for all" principle as envisaged by the Minsk agreements. It must not be accepted by the OSCE community that the process of release is stalled by Moscow and its proxies, while the number of hostages in illegal detention of the hybrid Russian forces in Donbas has grown from 121 to 126 in the past weeks on the account of captured civilians.

Any progress on this issue has been blocked for a long time by the demands of release and transfer of over six hundred persons, 30 of whom have no connection to the conflict in Donbas, whereas several hundred individuals have no wish to return to the areas controlled by the hybrid Russian forces. As we underscored in the special PC meeting on 5 April, Ukraine is interested in the earliest launching of the verification process of willingness/unwillingness of some individuals, deprived of their liberty in the context of the conflict, to relocate to the certain areas (or to the government-controlled territory) after the release. The process requires participation of an international organization to ensure, in an impartial manner, adherence to established international standards of such verification.

Over many months Moscow and its proxies have rejected, despite the previously reached arrangements, the assistance of the ICRC and later of the UN Human Rights Monitoring Mission to Ukraine. On 14 April, following a TCG meeting, Ukraine informed the Austrian Chairmanship and the OSCE Secretary General of the request for OSCE's involvement in the attestation process through the SMM or the Office of Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the TCG. On 18 April, the OSCE representatives took part in the meeting held in Mariupol, at which the verification process had to start. However, at the very last moment the members of illegal structures from Donetsk withdrew from the arrangement and rejected the participation of the OSCE. Based on yesterday's TCG meeting, we expect that the process will start without any delay and obstruction.

Mr. Chairman,

On 19 April the International Court of Justice has recognized the validity of Ukraine's claims in the submitted case "Ukraine against Russia" and decided to order provisional measures with a view to ceasing violation of the Convention on the Eradication of all Forms of Racial Discrimination. In particular, with regard to the situation in Crimea the Court ordered that the Russian Federation must, in accordance

with its obligations under the Convention, to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and to ensure the availability of education in the Ukrainian language. The Court also supported Ukraine's position that the events brought by Ukraine fall under jurisdiction of the International Convention for the Suppression of the Financing of Terrorism and will continue considering the case on its merits.

We expect the Russian Federation to immediately fulfill the Court order by, in particular, revoking the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities.

We also remind the Russian Federation of the UN GA Resolution 71/205 "Situation of human rights in Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)", which inter alia urges Russia to uphold all of its obligations under applicable international law as an occupying Power and recalls the prohibition to compel a protected person to serve in its armed or auxiliary forces. In this regard, we condemn the announced conscription in Crimea to the Armed Forces of the Russian Federation, and the criminal cases initiated by the occupation authorities against the citizens in Crimea unwilling to serve military duty in the Russian army.

As the Russian Federation continues to violate the sovereignty and territorial integrity of Ukraine, let me also draw attention of the Permanent Council to the Statement of the MFA of Ukraine of 20 April in connection with the so called 3rd Yalta International Economic Forum, which was organized by the occupation authorities on 20–22 April. Holding this event was yet another demonstration of Russia's numerous violations of international law, bilateral and multilateral agreements.

We encourage the national delegations to the OSCE to remind the officials and citizens of the respective countries of the necessity to respect the legislation of Ukraine while entering the temporarily occupied territory of Crimea. Business contracts, investments, purchase of real estate or trade operations performed with the occupation authorities are legally null and void, and therefore pose a risk of loss to any business agent.

Mr. Chairperson,

In conclusion, the Delegation of Ukraine again urges the Russian Federation to return to the tenets of international law, to stop violating the Helsinki Final Act principles and OSCE commitments, to withdraw its forces from Donbas and to reverse the illegal occupation of the Crimean peninsula, which is a part of Ukraine.

Thank you, Mr. Chairman.