



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 delivered by the Delegation of Ukraine
to the 1119th meeting of the Permanent Council,
17 November 2016

Mr. Chairman,

On 15 November the Third Committee of the UN General Assembly adopted a Resolution “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”. We would like to thank all our partners for consistency in seeking protection of human rights and fundamental freedoms in the Crimean peninsula, illegally occupied by the Russian Federation.

Reiterating the concerns, regularly voiced in this hall, the UN Member States condemned serious violations and abuses committed against residents of temporarily occupied Crimea by the Russian occupation authorities and urged the Russian Federation to uphold all of its obligations under applicable international law as an occupying power. Russia is urged, in particular, to immediately release Ukrainian citizens who were unlawfully detained and judged in the absence of elementary standards of justice, to revoke the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities.

The deep concerns of the international community are well justified against the backdrop of numerous facts of the policy of repressions and intimidations, which remains the main tool of the Russian occupation authorities. Last week the Delegation of Ukraine informed the Permanent Council about yet another provocation regarding the detention of the so-called “Ukrainian subversive group” in occupied Sevastopol on 9 November. This time the FSB assigned the role of “subversive agents” to experts from the Nomos Center, a strategic research NGO, which functioned in 2003-2014 in Sevastopol. Both are well-known in the expert community, dealing with security studies in the Black Sea region, published their works in the media. The third detained person was years ago a serviceman in the Ukrainian Navy. Lawyers have not yet been allowed to the detainees. The so-called “confession” of the detained Ukrainians was most obviously extorted, given the visible signs of physical influence. We reiterate our call on Russia to stop detaining Ukrainian citizens as hostages for blackmailing Ukraine and immediately release those who have already been illegally detained.

The position of the international community is strong and clear on inadmissibility of human rights violations in the occupied Crimea. We urge the Russian Federation to halt repressions and all human rights violations on the peninsula and to allow free and unconditional access for permanent international monitoring in Crimea.

Distinguished colleagues,

Meanwhile, the developments in Donbas are marked by worrisome backsliding in the de-escalation process, contrary to our expectations in early September and after the Normandy Summit.

While the Ukrainian forces remain committed to the Minsk provisions on de-escalation, resorting to fire only in response to grave risks to life, the combined Russian-separatist forces persist in their armed provocations with intensive use of heavy weapons. As a result, 3 soldiers lost their lives and 10 got wounded between 10-14 November. Civilians are also among the victims of the shellings by the Russian hybrid forces, as reported by the SMM.

The growing toll of casualties points to the urgent need to put an end to the security degradation. The way forward can only be full and good-faith implementation of the security provisions of the Minsk agreements. We reiterate that Russia's attempts to link conditionality to stopping the cease-fire violations contravene the Minsk agreements and increase the sufferings of the local population.

Ukraine attaches particular importance to the implementation of the disengagement initiative, which would serve de-escalation and help improve the humanitarian situation. We hope that our efforts, aimed at opening the entry-exit checkpoint in Zolote, due on 23 November, will bring results. The OSCE SMM reported on the preparatory work by the Ukrainian forces, which is now underway.

At the same time, we note with concern the absence of positive developments in Stanytsya Luhanska, where the disengagement process cannot be launched due to regular ceasefire violations by the combined Russian-separatist forces. In its report of 14 November the SMM again registered fresh impacts near the Ukrainian positions in Stanytsya Luhanska. We reiterate our call on the Russian Federation to deliver on its commitments under the Framework Decision of 21 September in order to establish the necessary prerequisites for disengagement in this agreed area.

Mr. Chairman,

We find it deeply worrying and unacceptable that the SMM continues to experience problems with its freedom of movement and access in the occupied areas of Donbas. Our particular concerns stem from the fact that such impediments are often linked to the attempts to conceal the concentration of forces and presence of the heavy weapons in the vicinity of the contact line. In particular, it is by no means a coincidence that on 1 November 2016 the OSCE monitors were denied access to the electromechanical plant

in occupied Kadiyivka to check allegations of the presence of weapons, and several days later the SMM in this town heard outgoing MRLS missiles.

We reiterate that such restrictions breach the agreed mandate of the SMM and its ability to report objectively on the situation, affecting the scope and substance of the reporting. We urge Russia together with its proxies on the ground to deliver on the commitment on the SMM's full freedom of movement, including in the border areas. Intimidation of the monitors, as the one near Donetsk last week, must stop.

For now the SMM is able to carry out only limited monitoring in the border areas. As pointed out in the weekly report of 9 November, the duration of visits to the border crossing points in areas outside government control is limited to 25-45 minutes only. It is very far from permanent monitoring and verification at the border.

The Russian Federation has failed so far to explain how vehicles with the so-called "LPR" and "DPR" license plates enter its territory. The latest fact was registered by the SMM at Voznesenivka BCP and included to its report of 14 November. Such crossings are a flagrant violation of the sovereignty and territorial integrity of Ukraine and we reiterate our call on the Russian delegation to present explanations.

The problem of the uncontrolled border continues to be major obstacle to conflict resolution as the weaponry and other reinforcements continue to arrive from the territory of the Russian Federation to the occupied part of Donbas. Yesterday in the FSC meeting the Delegation of Ukraine made a presentation of additional evidence of Russia-produced and Russia-supplied weapons in the occupied areas of Donbas. Moreover, the Russian Federation violates the Ukrainian borders to support its hybrid forces by launching the UAVs for reconnaissance flights over the Ukrainian territory. For instance, on 6 November, the Russian UAV "Orlan-10", a model known to the OSCE from SMM reports, was shot down over the Azov coastline village of Melekino, Donetsk oblast. Deciphering of the UAV's data showed that the drone was launched from the territory near the Russian city of Yeysk, Rostov oblast, and was used for reconnaissance over the Ukrainian territory for at least four times between 20 August and 6 November, in particular in the periods of attacks on Ukrainian positions by the Russian hybrid forces.

It remains critically important therefore to implement an agreed Minsk provision on establishment of a **security zone** in border areas of Ukraine and Russia, with the OSCE permanent monitoring and verification at the border. It is necessary to establish without delay SMM Forward Patrol Bases and patrol hubs close to the border in order to ensure due monitoring of uncontrolled sections of the border and adjacent areas, including BCPs and transport routes.

Distinguished colleagues,

Last Tuesday the International Criminal Court issued the 2016 Report on Preliminary Examination Activities, which contains a specific part, dedicated to the events in Crimea and Donbas since 2014. Based on factual and legal analysis, the Report assesses the situation within the territory of Crimea and Sevastopol as amounting to an

international armed conflict between Ukraine and the Russian Federation. It points out that the law of international armed conflict would continue to apply after 18 March 2014 to the extent that the situation within the territory of Crimea and Sevastopol factually amounts to an on-going state of occupation.

In connection with the conflict in the Donbas region, the Report points to direct military engagement between Russian armed forces and Ukrainian government forces that would suggest the existence of an international armed conflict in the context of armed hostilities in eastern Ukraine.

We took note of Russia's hasty revocation yesterday of its signature under the Rome Statute and the Kremlin's comment that the mentioned ICC Report contradicts Russia's position. This position about the so called "internal conflict" was again repeated today by the Russian delegation. In this regard we emphasise for the Russian delegation that the ICC is not there to examine political narratives and positions, but thoroughly examine and analyze facts and evidence. It is important to make sure that individuals responsible for armed aggression against a peaceful sovereign state, for grave breach of international law and massive human sufferings are taken to account.

We urge Russia to restore its respect for the norms of international law and the OSCE principles and commitments, to halt its aggression against Ukraine and reverse the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol.

Thank you, Mr.Chairman.