



Permanent Mission of Ukraine
to the International
Organizations in Vienna

Statement on Russia's ongoing aggression against Ukraine and illegal occupation of Crimea

As delivered by Ambassador Yevhenii Tsymbaliuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1299th meeting of the Permanent Council
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Madam Chairperson,

I wish to start by thanking OSCE Chairperson-in-Office Ann Linde for her first visit in a new capacity to Ukraine, which took place on 19–20 January. Holding it, including a trip to the line of contact in Donbas, despite the ongoing pandemic and current severe weather conditions, was challenging. It confirmed in practice Sweden's focus on contributing to and supporting conflict resolution in line with the OSCE principles and commitments, which had been announced by Swedish Foreign Minister a week ago at the last meeting of the Permanent Council.

During the visit, the OSCE Chairperson-in-Office was received by President of Ukraine Volodymyr Zelenskyy and Foreign Minister Dmytro Kuleba. A wide range of issues related to the security and humanitarian situation in the parts of Ukraine, temporarily occupied by the Russian Federation, was discussed. The Ukrainian side stressed the importance of effective engagement of the OSCE into resolution of the conflict, caused by Russia's aggression against Ukraine. It was underlined that Ukraine fulfilled its commitments reached at the meeting of the leaders of the "Normandie Four" in December 2019, expects reciprocal steps by Russia, and calls on the Swedish Chairpersonship to contribute to this end.

Special place in the course of the meetings was given to the Autonomous Republic of Crimea and the city of Sevastopol. The President of Ukraine informed Ann Linde of the "Crimean Platform" initiative and encouraged the OSCE Chairpersonship to actively raise the issue of de-occupation of the temporarily occupied Crimea. Foreign Minister Kuleba reiterated that the mandate of the OSCE SMM covers entire territory of Ukraine within its internationally recognized borders, including Crimea, and called for the launch of remote monitoring of the situation on the peninsula by the SMM. The Ukrainian side has also emphasized the need to ensure free and safe access of the SMM to the temporarily occupied parts of Donbas, and the importance of strengthening the Mission's organizational and technical capacities.

We hope the visit of the CiO to Zolote entry-exit checkpoint at the line of contact, as well as the entire visit to Ukraine, would draw additional attention to the dire situation on the ground in the conflict-affected areas and contribute to the ongoing diplomatic efforts within the "Normandie Four" format and the TCG, aimed at resolution of the conflict.

Ukraine continues to do its best to stop the armed conflict launched, fueled and otherwise supported by the Russian Federation. On 12 January, a meeting of political advisers to the N4 leaders took place in Berlin. The discussion was complicated, yet constructive. It will continue tomorrow, on 22 January in the VTC format. Also, this week, starting from Monday, the meetings of the TCG and its Working Groups are taking place. The main efforts of the Ukrainian delegation are directed at maintaining the ceasefire in Donbas and fulfilling the arrangements reached in the “Normandie Four” format, which are long overdue.

The SMM reports, including the most recent weekly ones, confirm the continued significant reduction in the number of ceasefire violations, 25 weeks in a row after the additional measures to strengthen the ceasefire took effect on 27 July 2020. Last week, the Mission recorded an average of 70 ceasefire violations per day, in comparison to more than five hundred per day in January 2020. This brings positive improvements to the local population in the conflict-affected areas: out of 129 cases of damage to the civilian objects, registered by the SMM in 2020, only two took place after 27 July.

It becomes harder and harder to keep the ceasefire, as the Russian armed formations do not stop their military provocations and attacks. Last week, one Ukrainian serviceman was killed and two were wounded. The OSCE Chairperson-in-Office noted during the joint press-conference in Kyiv on Tuesday that Ukraine deserves much credit for its part in maintaining the ceasefire. We hope that these efforts would persuade the Russian side to move forward in implementing other security and humanitarian arrangements including opening of additional checkpoints, demining, new disengagement areas, mutual release of detainees, and access of the ICRC to them.

Let me specifically mention the situation in the EECPs. As you are well aware, the Ukrainian government opened two additional EECPs in Zolote and Shchastia, and upgraded the infrastructure in the existing ones. The Russian occupation administration refuses to act likewise, despite the expectations and needs of the local population. Last week, the SMM spoke with the residents from both government-controlled and the occupied areas, who told the Mission, I quote, “that they wished that the checkpoints of the armed formations near Zolote and Shchastia would be opened soon so they could visit family, cemeteries, and sell their agricultural products”, end of quote. A week before that, on 4 January, the monitors talked to a couple who intended to visit the woman’s sick mother in a government-controlled area and were forced by the Russian occupation administration to declare in writing that they would not return to the occupied areas until the epidemiological situation improves. So, this couple was planning to return back to those areas through the Russian Federation, where the Russian occupiers in Donbas have no restrictions imposed at the border. This proves that the COVID-19 pandemic is used by the Russian side only as a pretext to restrict the movement of the people across the line of contact. The same applies to the movement of the SMM as well.

Madam Chairperson,

In the meetings of the Permanent Council, we regularly inform participating States of the massive violations of international humanitarian law, human rights and fundamental freedoms by the Russian occupation authorities in Crimea. Those are not empty words. On 14 January, the Grand Chamber of the European Court of Human Rights ruled on the admissibility of interstate claims in Ukraine's case submitted against the Russian Federation concerning Crimea. These claims cover the systematic violations of human rights guaranteed by the Convention on

the Protection of Human Rights and Fundamental Freedoms and its Protocols, including the prohibition of torture, the right to liberty and security, the right to a fair trial, the right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, private property rights, etc. Now, the ECHR will proceed to considering the merits of the case.

I wish to draw particular attention of the OSCE participating States to the fact that the European Court recognized that Ukraine had provided enough evidences that the Russian Federation established effective control over Crimea since 27 February 2014. That is, 17 days before the staged performance, which the Russian side calls “referendum”, took place on 16 March 2014. This is exactly what the entire civilized international community states, that any developments at gunpoint are illegal, null and void by definition. I would also remind that the referendum on such issue as separation from the sovereign territory of Ukraine is unconstitutional from the very beginning.

The violations of the international humanitarian law in the temporarily occupied Crimea continue unabated. On 12 January, the Southern District Military Court of the Russian Federation ruled a shameful decision to convict three citizens of Ukraine - Aider Dzhapparov, Enver Omerov, and Riza Omerov on fabricated charges of, I quote, “organizing and participating in a terrorist organization and violent seizure and keeping of power”, end of quote. As was the case many times before, the pre-trial investigation and trial were conducted with numerous procedural violations, and any evidences presented by the lawyers proving that defendants were not involved in the incriminated acts were completely ignored. All three of them received illegal sentences from 13 to 18 years in a maximum-security correctional facility. The night before, more than one hundred Crimean Tatars who were trying to reach the court session and express support to those three persons, were illegally detained in the freezing cold for nearly 9 hours.

As stressed in the respective Comment by the MFA of Ukraine, we demand the Russian Federation to cancel the court ruling and to immediately release Enver and Riza Omerov, Ayder Dzhapparov, as well as all Ukrainian citizens illegally detained and kept by Russia. We call on participating States to condemn Russia's political persecution against Ukrainian citizens and to increase political and diplomatic pressure on the aggressor state.

We, again, urge the Russian Federation to reverse its illegal occupation of Crimea, militarization of the Black Sea and the Sea of Azov, and to stop its aggression against Ukraine, including by withdrawing its armed formations, mercenaries and their hardware from the temporarily occupied territories of Ukraine and fully implementing its commitments under the Minsk agreements.

Thank you, Madam Chairperson.