



Permanent Mission of Ukraine
to the International
Organizations in Vienna

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Statement on “Russia’s ongoing aggression against Ukraine and illegal occupation of Crimea”

As delivered by Ambassador Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1198th meeting of the Permanent Council,
18 October 2018

Mr. Chairperson,

I would like to start today’s statement with two quotations. First, “recalling the purposes and principles enshrined in the Charter of the United Nations and reaffirming its full respect for the sovereignty, independence and territorial integrity of Ukraine” – it is the first paragraph from the UN SC Resolution 2202 of February 2015 which is often invoked in our debates by the Russian delegation as the document endorsing the Minsk Package of measures. The second quotation is “again spotted vehicles, including a truck carrying an armoured personnel carrier (APC), entering and exiting Ukraine in the middle of the night via an unpaved road in a non-government-controlled area of Donetsk region near the border with the Russian Federation where there are no border crossing facilities.” This comes from the SMM daily report circulated on 13 October 2018. These quotations demonstrate the defining feature of the present Kremlin’s regime – negation of commitments and obligations undertaken by Russia in international frameworks by the everyday reality of Russia’s actions on the ground. It was during three consecutive nights last week that the SMM registered illegal movements across the international border under the same circumstances described above. We would also add what is often mentioned by the SMM that the SMM observes only the “tip of the iceberg”, but it is sufficient to determine the trends. The developments in the Donbas region of Ukraine and facts established by the SMM testify to the unabating aggression of the Russian Federation against Ukraine, to the ongoing flagrant breach by the Russian Federation of the norms and principles enshrined in the UN Charter and the Helsinki Final Act. We again remind the Russian delegation that the act of aggression is a serious crime under international law.

Whereas we wish to echo the recent statement by SMM Chief Monitor Ambassador Apakan that “fighting must stop so that civilians may start returning to normality”, we would emphasise that return to normality is denied by continuing Russia’s armed aggression and occupation of parts of Ukraine’s territories. Last week the SMM has observed “another spate of violence” with the number of ceasefire violations reaching almost a monthly rate recorded in July this year.

This rising level of hostilities has been fueled by Russia’s politico-military intentions and the steady flow of Russian fighters, weapons and ammunition through the

uncontrolled segment of the state border. On 13 October, the SMM saw “a convoy of five towed howitzers (2A36 Giatsint-B, 152mm) being transported by military-type trucks heading west in Kadiivka” located just a few kilometers from the contact line. On the same day, another Russian UAV “Orlan-10”, used for reconnaissance and targeting purposes, was downed by Ukrainian servicemen over the government-controlled areas, this time near Lysychansk. Increased Russian military presence near the contact line has been observed by the SMM: in its weekly report of 10 October, the Mission recorded 65 instances of the weapons in violation of the agreed withdrawal lines, all of them in Russia-occupied areas.

Distinguished colleagues,

The majority of findings of the SMM concerning the occupied parts of Donbas have been produced recently owing to the use of technical equipment whereas the Mission’s patrols face increasing restrictions and denials of access from the Russian armed formations, in particular in the border areas. According to the recent Thematic report on restrictions of SMM’s freedom of movement and other impediments to fulfilment of its mandate covering the period between July 2017 and June 2018, the rate of such restrictions in the border areas has tripled compared with the previous 12 months. Combined with the “refusal of those in control of these areas to provide security guarantees that would enable the SMM to open a patrol hub and forward patrol bases in towns near these border areas”, also cited in the Report, these restrictions prevent the SMM from fulfilling its mandated task of establishing facts concerning Russia’s violation of the OSCE principles and commitments through its actions against Ukraine. The efficiency of the Mission, deployed by a joint decision of all 57 participating States, is thus significantly undermined.

In 12 months covered by the Report, the SMM encountered 758 non-mines related restrictions, “of which 87 per cent occurred in areas not controlled by the Government”. This trend has grown even worse since then: in 14 weeks since the end of the reporting period, the Mission faced 344 non-mines related restrictions, of which 93% occurred in Russia-occupied areas. A significant part of these restrictions was imposed by the Russian armed formations when the SMM patrols attempted to visit heavy weapons holding areas and permanent storage sites: as stated in the Report, “the proportion of such restrictions occurring in nongovernment-controlled areas increased from 58 per cent to 84 per cent”. The Mission encountered numerous restrictions even at checkpoints in areas away from the contact line: 49 occasions, all of them but two happened in Russia-occupied parts of Donbas. I wish to emphasise: even one denial of access at the checkpoint has a considerable negative impact on the SMM monitoring activity. For instance, when the Russian armed formations block a patrol from crossing the checkpoint near Verkhnohshyrovkivske, which they do on a regular basis, they deny the SMM access to the whole southern part of Donetsk region, as this checkpoint is “the only one available for crossing the contact line in nongovernment-controlled areas in southern Donetsk region”. The most serious challenges for security and safety of civilian unarmed monitors occur exclusively in Russia-occupied territories: as stated in the Report, during the reporting period all 12 occasions involving small-arms fire in proximity of SMM patrols or threats against them took place in “non-government-controlled-areas”. These incidents continue: on the evening of 3 October, SMM staff at the Debaltseve FPB faced intoxicated armed fighter of the Russian armed formations who fired at the premises of FPB before being replaced by his superiors.

These facts, Mr. Chairperson, underline the value of SMM's technical capabilities, in particular the long-range UAVs procured this year, which are able to reach the most remote areas for observation without putting the lives of monitors at risk of attack by Russian fighters. They must be used in those areas, in which they can bring a real added value to patrols acting on the ground, that is in Russia-occupied territories along the uncontrolled segment of the state border, which the monitors cannot reach safely. There is no special need to fly over the areas, where the SMM patrols do not face restrictions for their activities.

Mr. Chairperson,

In many previous meetings of the Permanent Council, we raised the dire situation of human rights and fundamental freedoms in Russia-occupied parts of Donetsk and Luhansk regions of Ukraine. We had to point out to the limited effectiveness of the SMM in carrying out the respective monitoring. We note now that the thematic report indicates why the Mission is so constrained in the implementation of its mandate in this dimension. I would quote from the report: "The SMM also encountered impediments to its mandated task to establish and report facts in response to specific incidents and reports of incidents, as well as to establish contact with the local population. For instance, civilians (all in areas not controlled by the Government) showed a reluctance to talk with the SMM and often cited an "order" from those in control of non-government-controlled areas of Donetsk and Luhansk regions as the reason, and at times expressed a fear of repercussions". This unacceptable situation continues without any changes: the recent SMM reports again quote teachers and medics referring to "letters of approval", "permissions" and "authorization" from "the armed formations in order to be provided information". On some occasions, the monitors were informed on the direct instructions "to watch out for the OSCE" or to completely deny their access to the schools.

I would remind to the Permanent Council that the whole Crimean peninsula, temporarily occupied by the Russian Federation, remains a closed territory for the SMM, in violation of its mandate covering the entire territory of Ukraine. The monitors are denied access and they cannot constantly monitor the situation which until now has been marked by repressions and blatant violations of human rights and fundamental freedoms perpetrated by the Russian occupation authorities in Crimea. The repressions and persecutions are also there to instill fear in the local population, just as it happens in Russia-occupied parts of Donbas.

We strongly condemn all limitations imposed on the SMM activities by Russia and its occupation administration in the Crimea and parts of Donbas. We urge Russia to act responsibly, to lift all restrictions and limitations affecting the SMM and to take measures that would unconditionally ensure safety and security of the SMM monitors in Russia-occupied parts of Ukraine.

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

Thank you, Mr. Chairperson.