



United States Mission to the OSCE
**Response to the OSCE's Chief Monitor in
Ukraine, Ambassador Apakan, and
the CiO's Special Representative,
Ambassador Sajdik**

As delivered by Chargé d'Affaires Harry Kamian
to the Permanent Council, Vienna
November 29, 2018

Ambassadors Sajdik and Apakan, we are pleased to welcome you back to the Permanent Council. The United States supports your efforts to seek a lasting peace in eastern Ukraine. The people of Ukraine deserve a peace built on the foundation of respect for international law and commitments, including those relating to the sovereignty and territorial integrity of States.

We take note of your joint statement on Russia's unprovoked acts of aggression on November 25 in the Black Sea and we welcome your call for restraint and for addressing differences through peaceful and diplomatic means.

Since 2014 the international community has spoken with a strong, clear, and united voice in denouncing Russia's aggression against Ukraine. The United States has maintained a unified front with our allies and partners in continuing sanctions against Russia until it returns control of the Crimean peninsula to Ukraine and implements the Minsk agreements. We condemn Russia's November 25 ramming, firing upon, and seizure of Ukrainian vessels near the Kerch Strait. Russia's actions represent a dangerous escalation of aggressive behavior that includes the purported annexation of Crimea, abuses against Ukrainian citizens there, and stoking a conflict that has taken the lives of more than ten thousand people in eastern Ukraine. Russia has shown no signs of reversing this campaign of ongoing aggression. Impeding the transit of Ukrainian vessels through the Kerch Strait is a violation of international law, and the international community will never accept these actions.

In May, the United States condemned Russia's construction and opening of the Kerch Strait bridge between Russia and occupied Crimea. In August, we condemned Russia's harassment of international shipping in the Sea of Azov and the Kerch Strait. The United States stands

with the people of Ukraine against Russia's ongoing aggression. We call on Russia to respect its international obligations and immediately cease obstructing or harassing the transit of Ukrainian vessels in the Kerch Strait, to immediately release the seized Ukrainian crew and vessels, and to de-escalate the tensions Moscow has created. Russian escalation of this kind will further undermine Russia's standing in the world and increase tensions with Ukraine.

Ambassador Sajdik, the United States fully agrees with your assessment of the illegitimate elections staged on November 11 in the Russia-controlled areas of eastern Ukraine. While Ukraine again complied with its Minsk commitments by extending the so-called "Special Status Law" in October, Russia, by carrying out these sham elections, violated *both* the letter *and* the spirit of the Minsk agreements. We do not recognize their results. The Minsk agreements state that the OSCE must monitor local elections, which are to be based on Ukrainian law and held in accordance with relevant OSCE standards. Therefore, elections under these conditions can only occur when the security situation has improved and relevant freedoms prevail. Russia has demonstrated its ability to rein in its proxy forces in the Donbas at will. It is for Russia to restore the conditions necessary to begin work on political measures that would lead to *legitimate* elections.

Ambassador Sajdik, I share your frustrations with the current state of affairs in the Humanitarian Working Group. The United States also regrets the lack of progress made in the Trilateral Contact Group in 2018 on demining and detainee exchanges. We call on all sides to redouble their efforts that would ease the suffering of the civilian population throughout the conflict zone.

Ambassador Apakan, thank you for the early submission of your report to the Council. We note with concern that SMM patrols continue to encounter restrictions, which happen overwhelmingly in areas controlled by Russia-led forces. Of the 250 instances of restrictions or impediments to SMM patrols, 230 occurred in Russia-controlled areas. These restrictions are yet another example of Russia's disregard for the SMM's mandate, as well as for the safety and security of our unarmed, civilian monitors. On October 27, one of the SMM's long-range UAVs was downed by what your report noted was an "abrupt and violent impact" after it observed vehicles illegally crossing into Ukraine at the internationally recognized Russia-Ukraine border. While this Council continues to wait for answers from Russia on the incident, we support your decision to resume long-range UAV operations throughout the totality of the conflict zone – to include transportation networks and border areas.

Ambassador Apakan, we welcome the SMM's reporting on the humanitarian suffering caused by the conflict and the Mission's work within the human dimension. These efforts are critical to fill the void of information from the Russia-controlled areas of Ukraine, where civil society, fundamental freedoms, and access by international humanitarian organizations have been severely constrained.

Mr. Ambassador, the United States commends your personal commitment to doing what you can to ensure the safety and security of all of our monitors. They continue to operate in an environment characterized by harassment, intimidation, and excessive restrictions that limit their ability to carry out fully their duties and pose serious threats to their safety and well-being. The Council is fully aware of the sources of the threats and the limitations imposed on our monitors and where they come from, but we nevertheless appreciate greatly the steps that you have taken within your ability to ensure their safety and security, and you will continue to have our full support.

Mr Chair, I took note of the request by our esteemed colleague of the Russian Federation for the SMM to monitor the imposition of martial law in parts of Ukraine, in order to ensure the rights of Ukrainian citizens are respected. If the Russian Federation is so genuinely concerned about respecting the rights of Ukrainian citizens, there are several concrete steps that the Russian Federation can take to demonstrate to the Ukrainian people and the international community that such concern is genuine and that they mean it. For example, Russia could return control of the Crimean peninsula to Ukraine. Russia could fully implement the Minsk agreements. Russia could halt the human rights abuses against Ukrainian citizens in Crimea. Russia could stop arming, training, and supporting the separatists in the east. Russia could halt its support for illegal elections. Russia could halt its aggressive actions at sea and stop impeding the transit of Ukrainian vessels through the Kerch Strait in violation of international law.

Mr. Chair, these are just a few concrete examples of how the Russian Federation could genuinely demonstrate to the Council, to the Ukrainian people, to the international community, that it is genuinely concerned that the rights of the Ukrainian people are indeed respected.

Mr. Chairperson, the humanitarian situation in Russia-occupied Crimea is deplorable. We note with great concern recent reports that Russia has illegally conscripted more than 12,000 Ukrainians in Crimea into Russia's military since 2014. This forced conscription runs

counter to international humanitarian law and must end immediately. We are also concerned by reports that occupation authorities recently blocked access to articles on the website of the Crimea Human Rights Group, claiming it “undermined the constitutional order.”

Mr. Chair, the United States fully supports Ukraine’s sovereignty, independence, and territorial integrity within its internationally recognized borders, extending to its territorial waters. We do not, nor will we ever, recognize Russia’s purported annexation of Crimea. We join our European and other partners in affirming that our Minsk-related sanctions against Russia will remain in place until Russia fully implements its Minsk commitments. The separate, Crimea-related sanctions will remain in place until Russia returns full control of the peninsula to Ukraine.

Thank you, Mr. Chair.