



Permanent Mission of Ukraine
to the International
Organizations in Vienna

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Statement in response to Ambassador Martin Sajdik, Special Representative of the Chairperson-in-Office, and Ambassador Ertuğrul Apakan, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine

As delivered by Ambassador Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1205th meeting of the Permanent Council,
29 November 2018

Mr. Chairperson,

Ukraine joins other delegations in warmly welcoming the CiO's Special Representative Ambassador Martin Sajdik and the SMM Chief Monitor Ambassador Ertuğrul Apakan back to the Permanent Council and thanks them for their reports.

Mr. Chairman, Ambassador Sajdik, Ambassador Apakan,

We have today's discussion few days after yet another unprovoked act of armed aggression of the Russian Federation against Ukraine which took place on Sunday, 25 November 2018. As we informed the special Permanent Council on Monday, when three Ukraine's naval vessels were in transit from one Ukrainian port in the Black Sea to another Ukrainian port in the Azov Sea on the route, where they must enjoy full freedom of navigation, they were attacked, fired upon and captured by the Russian naval vessels. We again strongly condemn this unprovoked act of armed aggression by the Russian Federation. New facts relating to this act of aggression emerge which make very clear that at the time of the armed attack the Ukrainian vessels were bound back to the port of departure, they were in neutral international waters, they did not respond to the use of different types of weapons by the attackers whereas the Russian attackers targeted their weapons not merely to disable the Ukrainian vessels, but to kill the crews onboard. This is convincingly proved by the impact area on the Berdyansk boat of higher caliber shells fired by the Russian naval vessels. It was luck that the sailors were only wounded. We demand the Russian Federation to immediately and unconditionally proceed to returning to Ukraine the captured Ukrainian sailors and boats. Before that happens, we categorically demand the Russian Federation to ensure in full all applicable rights of the captured Ukrainian servicemen as prescribed by 1949 Geneva Convention on treatment of prisoners of war. We demand Russia not to abscond its responsibilities under the respective norms of international law.

In the wake of this latest act of aggression, the Verkhovna Rada of Ukraine endorsed, by near constitutional majority, the proposal of the President of Ukraine on introduction of martial law in 10 oblasts and internal waters in the Azov-Kerch area for the period of 30 day, starting from 26 November. As already emphasized, it is not a declaration of war, but a special legal regime that enhances Ukraine's defence from Russian aggression. It is a serious preventive measure to discourage Russia's pursuit of its aggressive plans. We know about existence of such plans and preparation for their execution. We now witness that the ability of Ukraine's different political parties to stand together in countering the aggression made Russia put its propaganda machine into full gear, generating and multiplying fakes and disinformation on a large scale. This includes today's statement of the Russian delegation in this Council meeting. Many myths are created, including deliberately by Russia's agents of influence. Let me underscore the clear position of the President of Ukraine that no rights and freedoms of the citizens will be affected unless it is necessary for security as Russia decides to proceed to full-scale aggression. To prevent manipulations about the issue of next year's Presidential elections, a law was passed in the Verkhovna Rada that the elections will be held on 31 March 2019.

Mr. Chairman,

We had two special Permanent Council meetings in November 2018, both of them convened upon urgent requests of Ukraine and both because of clear and gross violation of founding OSCE principles by the Russian Federation. The act of aggression committed by Russia on Sunday is the latest culmination point of Russia's unabating aggression against Ukraine of the past nearly five years. Since the last time we had reports of Ambassador Sajdik and Ambassador Apakan in the Permanent Council two months ago, other major events took place confirming reluctance of the Russian Federation, as a party to the conflict which it initiated, to commit to peace, to cease violence, to deescalate tensions and move towards a peaceful politico-diplomatic resolution, in full accordance with the reached Minsk agreements. On 27 October, the Russian armed formations downed SMM long-range UAV, which was observing yet another convoy of Russian trucks and weapons illegally crossing the border in the middle of the night. There were seven such observations made by the SMM since August before the UAV was shot down by Russia-led forces. Until now the Russian Federation did not provide explanations on this nightly attack, did not return the wreckage of the UAV to the SMM, did not show the intention of compensating for the downed UAV which is a costly and much needed piece of equipment. On 11 November, the Russian Federation and its occupation administration in Donbas conducted illegal and fake so called "elections" in the occupied territories of the Donetsk and Luhansk regions of Ukraine. By doing so Russia blatantly violated Ukraine's sovereignty and territorial integrity, Russia blatantly violated the letter and spirit of the Minsk agreements, which Russia signed as a party to the conflict, Russia showed blatant disregard for persistent calls of the OSCE community, including OSCE Chairperson-in-Office – Italy's Foreign Minister, to refrain from this disruptive move and abide by undertaken commitments.

Aggressive steps undertaken by Kremlin in the last few weeks brought significant negative repercussions for security and humanitarian situation in the conflict-affected areas of Ukraine. The SMM has registered “more than 50 per cent increase in ceasefire violations, compared with the previous reporting period”, and about significant number of Minsk-proscribed weapons in Russia-occupied areas. One can only guess about the real numbers of the Russian weapons in the occupied areas of Donbas while the Russian side continues to maintain severe restrictions on the freedom of movement of the SMM, in violation of the mission’s mandate. Further actions of Russia’s military are unpredictable and no options can be ruled out. Last week, the SMM weekly report informed about a six-fold increase in the use of Minsk-proscribed weapons. Replenishment of the Russian invasion force continues: most recently more than 100 cargo cars with unknown content were spotted last Sunday by the SMM at the Chervona Mohyla railway station in Voznesenivka, a well-known transit point for Russia’s illegal supplies.

Humanitarian situation has also been deteriorating: some facts were established by the SMM and included into Ambassador Apakan’s report, like entry-exit checkpoints in Marinka and Maiorsk shelled by the Russian armed formations, or schools and kindergartens negatively impacted by the ongoing hostilities; others remain unreported because of a variety of restrictions imposed by the Russian occupation administration. The Ukrainian government continues to undertake concrete steps to alleviate the dire humanitarian situation (including new shelters and improvements in entry-exit checkpoints, demining and installing mine hazard signs as reported by Ambassador Apakan in his report, and others), but a sustainable and comprehensive improvement will only be achievable when Russian armed formations with its weapons leave the occupied territories of Ukraine. As first steps in this direction, we urge Russia to withdraw its armed formations to comply with the Minsk Memorandum of 19 September 2014, to establish safety zones around critical civilian infrastructure installations, to provide the necessary security guarantees for repair works, to unblock opening of Zolote EECP and to ensure unimpeded access of international humanitarian organizations to the Russia-occupied areas of Donbas.

Ambassador Sajdik,

Ensuring withdrawal of the Russian armed formations from the occupied territories of Donbas through implementation of the Minsk agreements must remain a primary focus of the Trilateral Contact Group. This is about reinstating respect for the core OSCE principles, which underpin European security and serve as the basis for our co-operation. We appreciate the role of the OSCE as moderator between the Russian Federation and Ukraine as the parties to the Minsk agreements within the trilateral body. Its structure should properly reflect the whole range of formidable challenges stemming from the ongoing Russian aggression against Ukraine: based on the Minsk agreements and reflecting upon the recent findings of the SMM on Russian military convoys moving across the border, establishment of the working group on border issues must be pursued as a matter of urgency. We very much hope, Ambassador Sajdik, for your personal dedication, with the required support of the Chairmanship, to making it happen. Illegal structures in the occupied areas of Donbas

must be dismantled. The new Russian appointees do not represent the local communities in the occupied parts of the Donetsk and Luhansk regions of Ukraine and have not acquired more authority for participation in the Trilateral contact group (TCG) format on implementing the Minsk agreements in the wake of illegal and fake so called “elections” of 11 November 2018.

We expect utmost attention to be attached to the issue of release of all Ukrainian citizens illegally detained by the Russian side, where no progress was made in almost a year. All illegally detained persons and political prisoners, including O.Sentsov, R.Sushchenko, V.Balukh, S.Aseyev and many others, must be immediately and unconditionally released.

Ambassador Sajdik, in the past weeks Ukraine’s representatives in the TCG made a number of practical proposals relating, in particular, to strengthening the cease-fire regime or to providing a thrust to implementing the Minsk agreements in their entirety. In response, we are facing Russia’s intentional blocking of our initiatives, including those aimed at establishment of sustainable and comprehensive ceasefire. It appears that Russia simply tries to freeze the options for progress and avoid reaching any agreements until 2019 elections in Ukraine. We look forward to your support for progress on Ukraine’s proposals.

We took note, Ambassador Sajdik, of your reaction to the most recent act of Russia’s aggression against Ukraine in the sea. Indeed, Russia’s aggression has numerous manifestations in Donbas, in the Crimea, in the Black Sea and in the Sea of Azov and we encourage you to continue to closely follow these issues in your capacity as a Special Representative of CiO in Ukraine and in the TCG.

Ambassador Apakan,

Please convey our appreciation to the SMM monitors and staff for their courage and dedication in implementing the mission’s mandate not only in the high-risk area of conflict, but under constant pressure, intimidations and restrictions generated by the Russian side in Donbas. We took note from the report that the “number of restrictions of the SMM’s freedom of movement and other impediments increased, predominantly in non-government-controlled areas of Donetsk and Luhansk regions” and reached 250 occasions, almost all of which (230) took place in Russia-occupied areas. Let me emphatically point out that in the efforts of “blinding” the SMM the Russian Federation specifically blocks the OSCE from monitoring the segment of the state border, not controlled by the Ukrainian authorities, and Russia-occupied southern parts of the Donetsk region between Mariupol and the state border, which are adjacent to the Sea of Azov. 93 out of 145 restrictions of the SMM passage in the occupied territories of Donbas took place at the three checkpoints near Verkhnohyrokyvske, Zaichenko, and Novoazovsk. Russia does not stop at anything in violating the SMM mandate for the purpose of hiding military activity in the occupied area near the Azov Sea. Now for over three years the Russian side denies the opening of new SMM’s forward patrol bases and a patrol hub near the border with Russia.

We very much appreciate, Ambassador Apakan, that despite systematic restrictions, the SMM monitors persevere in establishing facts about the plight of the

population in Russia-occupied parts of Donbas, where their human rights and fundamental freedoms have been effectively denied by the occupation administration. Russia itself has become notorious for the Kremlin regime's fierce clamp-down on human rights and freedoms in the country, the situation under Russia's illegal occupation is far worse. This area must remain in the focus of attention.

We invite the SMM monitors to visit the captured Ukrainian sailors who have been incarcerated in Crimea. This belongs to SMM mandate.

Mr. Chairperson,

The latest unprovoked act of Russia's aggression against Ukraine makes me recall what compelled Ukraine to invite in the OSCE in March 2014 the establishment of an international mission of observers. I quote from the statement of 3 March 2014: "There is an urgent need to prevent the military intervention of the Russian Federation and to deescalate the existing tensions around Ukraine". SMM mandate includes a specific provision on establishing facts and reporting on violations of OSCE principles. Today we register the urgent need for decisive action to impair Russia's intentions of further military advance. Russia must know that the costs of its aggression are rapidly multiplying.

For months now signs of creeping annexation of the Azov Sea by the Russian Federation have been brought to the attention of the OSCE community and in other fora: militarization, illegal construction of a bridge across the Kerch Strait, systematic disruptions of freedom of international navigation for Ukrainian and foreign ships. Russia's aggressive actions on Sunday showed Russia's readiness for blockade of navigation and access to the Ukrainian sea ports. As of yesterday evening, the movement of 35 commercial ships was blocked by Russia which allowed shipping only to the Russian ports in the Azov Sea. After Russia illegally occupied the Crimean peninsula and later parts of Donbas, now Russia moves to illegally occupy the Azov Sea. We all, as the OSCE and the OSCE community, have the responsibility to not let it happen. Even under the circumstances of Russia's armed aggression, the President of Ukraine attempted to establish a direct contact with the Russian President to urgently address de-escalation, but the Russian leader avoided it. Russia is again pushing to the brink of an all-out war. Russia does not listen to political declarations, which is why only decisive practical measures can serve to contain its aggressiveness and disregard for international law. Faced with Russia's flagrant and ongoing breach of the founding OSCE principles as well as Russia's raising of stakes in the conflict it started, it will be exceptionally important for all states to use the next week's Ministerial Council in Milan for support and solidarity with Ukraine as well as strengthened practical response towards countering the Russian aggression.

Concluding my statement, I wish to once again thank Ambassador Sajdik and Ambassador Apakan, as well as the entire SMM team for their hard and dedicated work of contributing to peaceful resolution of the conflict, started by Russia, as well as to upholding the OSCE principles and commitments.

Thank you, Mr. Chairperson.