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**STATEMENT BY MR. ALEXANDER LUKASHEVICH,  
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AT THE 1209th MEETING OF THE  
OSCE PERMANENT COUNCIL**

13 December 2018

**More on Ukraine's military provocation in the Black Sea**

Mr. Chairperson,

Over the past two weeks, we have heard many unfounded accusations against Russia in connection with the actions of Russian border guards in the Black Sea on 25 November in response to the provocation by the Ukrainian navy. Using these events as a pretext, the Ukrainian delegation frustrated the adoption at the Ministerial Council meeting in Milan of a document on the settlement of the internal Ukrainian crisis and a political declaration.

The situation surrounding this recent incident requires a detailed analysis. We shall therefore set out in detail the chronology of events so that no one is left with any doubt as to the provocative nature of the Ukrainian navy's actions. I might add that they posed a danger to the countless non-military vessels that were present at that time in the waters of the Kerch Strait. In parallel, we shall show you some slides indicating where and how this happened.

So, at 11.37 hours on 24 November, the Russian State Border Service reported the movement of four Ukrainian navy ships in the Black Sea heading towards the Russian coast: two support vessels and two gunboats.

At 16.40, two Ukrainian navy ships, the *Horlivka* support vessel and the *Yany Kapu* ocean-going tugboat, were identified in Russia's exclusive economic zone 20 nautical miles from the border. They were heading north-east towards the Kerch Strait.

At 21.30, the Russian State Border Service informed the crews of these two ships, as they were approaching the Russian border, of the procedure for crossing the border and the rules for passage through the Kerch-Yenikale canal. Applications for passage need to be submitted to the captain of Kerch port 48 hours in advance and reconfirmed 24 hours and 4 hours in advance. These rules have existed for more than 20 years. No such application was submitted. In response, the Ukrainian vessels announced that they were not planning to enter Russian territorial waters or to pass through the Kerch Strait.

At 22.23, the captain of the Russian coastguard patrol boat warned the Ukrainian crews that the sea near the Kerch Strait was closed. This decision was brought about by the failure of the Ukrainian ships to comply with the requirements for passing through the strait.

Nevertheless, the Ukrainian vessels continued their manoeuvre at a distance of six miles from the Russian maritime border (30 to 40 minutes from the border).

At 02.05 on 25 November, the Russian coastguard patrol boat *Izumrud* spotted two Ukrainian gunboats, the *Nikopol* and *Berdyansk*, 16 miles from Cape Takyl on the Russian coast (four miles from the border) heading towards the vessels *Horlivka* and *Yany Kapu*. That night these boats were refuelled by auxiliary vessels.

At 05.35, it became evident to the Russian State Border Service that the *Yany Kapu* intended to cross the Kerch Strait and head for the port of Berdyansk. This directly contradicted the statement made on the evening of 24 November.

At 05.45, members of the Russian State Border Service once again reminded the Ukrainian crews that they had failed to submit notification about crossing the strait. The Ukrainian flotilla ignored these appeals and continued to head towards the border.

At 05.50, the captain of the *Berdyansk* reported the following by radio: "Under the 2003 Treaty between the Russian Federation and Ukraine on Co-operation in the Use of the Sea of Azov and the Kerch Strait, we have the right to freedom of navigation." At the same time, in order to reach the territory to which the provisions of the aforementioned Treaty apply, the Ukrainian ships needed to cross the Russian border and Russian territorial waters.

At 06.30, Russian border guards once again reminded the Ukrainian crews that there was an authorization procedure for passage through the Kerch-Yenikale canal to ensure the safety of navigation and that unauthorized traffic on the canal was prohibited. The Ukrainian vessels ignored this information and continued to head towards Russian territorial waters.

As was discovered later, the crews of the Ukrainian vessels knew the rules for passing through the territorial sea of the Russian Federation and the Kerch-Yenikale canal. Copies of these rules were found on board the Ukrainian vessels.

We should like to recall that on 20 September 2018 the Ukrainian navy vessels *Korets* and *Donbas* crossed from Odessa to Mariupol through the Kerch Strait without hindrance. On that occasion, these vessels complied with all the rules and pilotage procedures.

At 07.01, the Ukrainian ships crossed the Russian border and entered the Russian territorial sea. An important point is that this occurred in an area where Russian sovereignty had been exercised even before Crimea became part of the Russian Federation.

At 07.20, the Russian State Border Service vessels *Don* and *Izumrud* ordered the Ukrainian ships to leave Russian territorial waters. The Ukrainian vessels did not comply and continued their dangerous manoeuvre.

At 08.30, the Ukrainian vessels placed their artillery mounts in a state of combat readiness and aimed them at the Russian ships, provoking retaliatory measures. At that time, the Russian coastguard patrol boats were not in a state of combat readiness.

We draw attention to the fact that all this happened in the narrow waters of the Kerch Strait, where at that time 166 non-military vessels were anchored. The actions of the Ukrainian ships posed a direct danger to them.

Let us quote an excerpt from Article 19, paragraph 2, of the 1982 United Nations Convention on the Law of the Sea: “Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities: (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State...; (b) any exercise or practice with weapons of any kind.”

The crews of the Ukrainian vessels were informed that they were violating international maritime law and the laws of the Russian Federation.

From 10.30 to 18.30, the Ukrainian flotilla was blocked with the aid of manoeuvring by Russian patrol boats in the area near berth 471 to prevent further unlawful incursions into the Russian territorial sea.

At 11.30, it became clear that the Ukrainian naval command had sent from Berdyansk to the Kerch Strait a further two gunboats – the *Lubny* and *Kremenchug* – and an ocean-going tug the *Korets*, evidently to further exacerbate the situation. However, they were met by the Russian coastguard patrol boat *Yamalets* and were unable to take part in the provocation.

At 18.30, the Ukrainian ships blocked in the Black Sea attempted to break through. They were requested to stop, since their actions had violated the procedure for passage through the territorial sea of the Russian Federation. Once this request was ignored, the patrol boats *Don* and *Izumrud* began their pursuit.

Let us quote Article 25, paragraph 1, of the UN Convention on the Law of the Sea: “The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.”

At 20.42, the Russian patrol boat *Izumrud* warned that it would be required to fire on the Ukrainian vessels if they continued to ignore the request to stop.

At 20.45, after all other remedies had been exhausted, the captain of the patrol boat *Izumrud* decided to fire warning shots in the direction of the Ukrainian naval vessels from a distance of two cable lengths (around 400 metres), in other words, ruling out the possibility of the pursued ships being within the range of fire. The Ukrainian naval flotilla continued to ignore the request to stop.

At 20.50, the *Izumrud* warned the *Berdyansk* gunboat that it would be required to use force to stop it. The captain of the gunboat once again ignored this information.

At 20.55, the *Izumrud* opened fire on the *Berdyansk* with the aim of stopping it. The *Izumrud* crew were able to fire in such a way as to cause minimal damage to the Ukrainian boat. Three members of the Ukrainian crew received minor injuries from fragments of the boat’s hull plating. None of them had bullet wounds.

At 20.58, the *Berdyansk* was drifting in the Russian territorial sea. The captain radioed that people had been injured and requested assistance.

At 21.06, the three injured sailors received first aid.

At 22.28, the three Ukrainian navy vessels – the *Berdyansk*, *Nikopol* and *Yany Kapu* – with 24 crew members on board were detained in the Russian territorial sea.

At 00.40 on 26 November, the injured were taken to Kerch city hospital, where they received qualified assistance.

A criminal case was opened into the violation of the State border of the Russian Federation without proper authorization by an organized group with the threatened use of violence (Part 3, Article 322, of the Criminal Code of the Russian Federation).

On 27 and 28 November, the Simferopol district court and the Kerch municipal court of the Republic of Crimea of the Russian Federation remanded the members of the Ukrainian crews in custody as a preventive measure. The defendants are currently in pre-trial detention facilities in Moscow. The injured are being provided with all the necessary medical assistance. The detainees have been granted the right to the services of an interpreter and lawyer, and consular access is ensured.

It is important to note that when the detained vessels were inspected, instructions were found on board on covertly approaching and passing through the Kerch Strait. It was confirmed that the Ukrainian vessels' artillery mounts were loaded and ready for use. Weapons and ammunition in excess of the standard ammunition allowance were found on the detained vessels.

An investigation is currently under way and evidence is being collected.

In conclusion, we shall show you a video recording of the confessions of three detained Ukrainian sailors regarding their involvement in illegal activities.

Distinguished colleagues,

These facts clearly testify to the flagrant provocation by the Ukrainian navy for the deliberate purpose of exacerbating the situation in the Sea of Azov/Black Sea region and the Kerch Strait. You can draw your own conclusions. The Ukrainian action directly violates international law. Russia acted cautiously and properly. It was only thanks to the professionalism of our border guards that it was possible to avoid casualties. The Ukrainian Government used the provocation as a pretext to impose martial law, infringing civil rights and freedoms on the eve of the election.

Thank you for your attention.