



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 the Delegation of Ukraine
to the 1087th meeting of the Permanent Council,
28 January 2016

Mr. Chairman,

The Delegation of Ukraine thanks Ambassador Martin Sajdik, the OSCE Chairperson-in-Office Special Representative, and Ambassador Ertuğrul Apakan, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine, for the comprehensive updates on their work.

Ukraine highly values and supports activities of the SMM and the TCG aimed at facilitating implementation of the Minsk agreements. It is a matter of profound regret that the agreed timeframe of their implementation was not observed last year, being affected by immediate Russian military offensive after signing the commitments and regular violations by Russia and its proxies in the course of the year.

First weeks of 2016 have again been marked by security degradation as militants' armed provocations continue. Over the past week the ceasefire violations were registered in the settlements near the Donetsk airport, in the outskirts of Horlivka and on Mariupol direction. The use of the heavy weapons that must have been withdrawn in line with the Minsk agreements, was regularly registered. The Ukrainian forces were attacked from 120 mm caliber mortars, 125 mm caliber artillery, anti-aircraft gun and tanks. These attacks led to the new casualties among the Ukrainian servicemen and civilians.

We share the conclusion of the SMM that a full sustainable ceasefire remains a basic requirement for peace and stabilization. There must be a solid security ground for moving further towards peaceful resolution in Donbas, which is to be set by the comprehensive and sustainable ceasefire, verified withdrawal of heavy weapons, unfettered OSCE monitoring throughout the conflict area. These are the basic initial provisions of all Minsk documents and they must be verifiably fulfilled. Setting the necessary security environment is critical for implementing all other aspects of the Minsk agreements in the established sequence. We view this task as a high priority for

both the SMM and the TCG.

We look ahead at 2016 as a year which must be seized as an opportunity for achieving comprehensive, sustainable and peaceful resolution of the conflict in Donbas in accordance with the Minsk agreements, the logic and order of agreed provisions.

As shown in the past year, Ukraine is committed to full implementation of the agreements signed in Minsk. However, implementation of agreements is not a unilateral undertaking, Russia must practically deliver on the commitments it has undertaken. Last year Russia showed deliberate contempt to the obligations it assumed. Unfortunately, Moscow-orchestrated demarche in Minsk yesterday does not give optimism on the account of Russia abandoning the original objectives of its military intervention into Ukraine.

Distinguished colleagues,

Ukraine appreciates the work done by the SMM and the dedication of the monitors. The scale of the challenges remains big. The Mission should consistently aim at increasing its efficiency in facilitating de-escalation and peaceful resolution in Donbas in line with its mandate and tasks defined by the Minsk agreements.

To ensure effective monitoring and verification the SMM must have, as mandated, full freedom of movement and access throughout the territory of Ukraine. Agreement to that effect, including of Russia, is a key outcome of the Normandy talks at all levels. The SMM must be persistent in attaining such freedom in all areas of Donbas, in particular those that have been out of reach for the mission for many months, including along the border with the Russian Federation. We must reach a stable situation where no restrictions are experienced by the SMM.

We regret that Ambassador Apakan is compelled to state today that impediments to the freedom of movement remain a serious challenge, limiting SMM monitoring and verification capacities. We take note that in January 2016, over 90% of restrictions were imposed by the pro-Russian militants. Moreover, over the past week all freedom-of-movement-related incidents with the OSCE monitors happened in the militant-controlled areas. This is a worrisome trend, which is telling about the systemic nature of these restrictions and the credibility of Russia's readiness to implement its commitments under the Minsk agreements. We stress that restrictions and intimidation, experienced lately by the SMM on the occupied territories, are unacceptable.

Re-establishment of effective control at the Ukrainian-Russian state border at the sections, which are temporarily not under the control of Ukraine's Government, is indispensable for achieving the goals of de-escalation and peaceful resolution in Donbas. A year and a half experience of implementation of the Minsk agreements proves that Russia continues to reinforce the illegal armed groups with weapons and manpower through the uncontrolled sections of the border, thus constantly fuelling the conflict.

Para 4 of the Minsk Protocol contains an agreement on permanent monitoring and verification by the OSCE at the Ukrainian-Russian state border with the establishment of a security zone in border areas of Ukraine and Russia. It is a critically important provision of the Minsk documents and a task assigned to the OSCE. The figures in the SMM report show that generally a visit to the border takes place once in two days, and even then monitors often experience restrictions or denials. We deem it important that the SMM assigns special teams and units, including in the head office, dedicated to this important task. We expect that the SMM will include in its daily reports a section on the findings of the monitoring along the border. We encourage the SMM to develop operational plans on ensuring permanent monitoring and verification, as stipulated by the Minsk agreements.

We welcome the opening of the SMM Forward Patrol Bases and the plans for further expansion of their locations, which are to be selected with due consideration of operational needs. The permanent presence in areas of concern will contribute to strengthening the Mission's monitoring and verification capacities. We encourage the SMM to pay priority attention to the transport hubs in the militant-controlled areas, which often serve as destination points for trains and convoys with weaponry and ammunition. The most recent cases of arrival of trains with ammunition and fuel for the militants were registered on 24 January in Illovaysk and Khartsyzsk.

The Minsk agreements assign to the SMM a specific role in monitoring the withdrawal from Donbas of foreign troops, weaponry and fighters. This task is yet to be implemented and we encourage the SMM's considerations in this regard.

Given that the SMM mandate covers the entire territory of Ukraine, which includes Crimea and Sevastopol, we expect the situation in the occupied peninsula to receive due attention of the SMM as a subject of regular monitoring. We regularly provide the OSCE Permanent Council with facts about the alarming human rights situation in the occupied Crimea and Sevastopol, where repressive policies target mostly the representatives of the Ukrainian and the Crimean Tatar communities.

It is important to continue to make sure that the SMM reports are accurate and clear and do not provide any pretext for manipulation.

Mr.Chairman,

We fully support the efforts of the Trilateral Contact Group, made up of Ukraine, Russia and the OSCE as a facilitator, aimed at seeking practical implementation of the commitments, undertaken in Minsk. We note the regular character of meetings in the TCG's framework, supported by discussions in working sub-groups. The practical outcomes, regrettably, are still far from our expectations.

To implement the first agreed provision of all Minsk documents, we expect the WSG on security issues to focus on practical recommendations to the Trilateral Contact Group on

consolidating a comprehensive and sustainable ceasefire. Readiness by Russia and its proxies to follow up on these recommendations will be crucial for establishing security as a basic requirement for peace and normalisation.

In the political area security is necessary for establishing due conditions for conduct of local elections in the occupied areas of Donbas which, as agreed by the signatories of the Minsk agreements, must be held in accordance with the Ukrainian legislation, the OSCE standards and under the OSCE/ODIHR monitoring. This includes in particular, safe return and voting rights for IDPs, participation of the Ukrainian political parties, free functioning of the Ukrainian media. It also requires the establishment of the safe environment through de-occupation of the affected areas of Donbas and disarmament of the illegal armed groups.

We are deeply disappointed with little progress in release of hostages and illegally detained persons, which is blocked by the militants. This is a matter of highest priority as at least 130 Ukrainians remain in captivity of militants in unacceptable conditions, subjected to humiliation and torture. We are alarmed over the reluctance of the militants to provide evidence of captured Ukrainians' being alive. Adding to our concerns are recent reports on militants' intention to "legitimize" organ transplantation to increase revenues. We call on the SMM to check this information and seek immediate access to the Ukrainian hostages in militants' captivity.

We reiterate that paragraph 6 of the Minsk Package of measures, which envisages the release on the basis of "all-for-all" principle, applies fully to the Ukrainian citizens, who have been abducted and are illegally detained in Russia, including Nadiya Savchenko, Oleh Sentsov, Oleksandr Kolchenko and others. Accomplishing the release of all hostages and illegally detained persons will be a crucial benchmark for assessing the efficiency and effectiveness of the TCG framework.

The economic and humanitarian situation in the occupied areas of Donbas remains a matter of deep concern for the Ukrainian authorities and the OSCE community. Reports on serious crimes, committed by the militants against the civilians, emerge on a regular basis. Equipment of many industrial facilities has been dismantled, including for transportation to Russia. At the previous meeting of the OSCE Permanent Council we informed the delegations about specific industrial facilities in Luhansk, where dismantling works were recently observed. We encourage the SMM to provide comprehensive reporting on the human rights situation and social and economic developments in the occupied areas of Donbas, including in relation to the mentioned and other industrial sites.

These issues should also receive proper attention in the TCG framework. We encourage focused effort to ensure lifting of all restrictions on the activities of the international humanitarian organizations in the occupied part of Donbas and establishment of the international mechanism for delivery and distribution of humanitarian aid to those in need, which has not yet happened.

Mr.Chairman,

Let me put our today's exchange in a broader perspective. This perspective is defined by Russia's continuing illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol, which remain part of Ukraine's sovereign territory, Russia's military intervention into Donbas and full support to the illegal armed formations there which were set up with Russia's backing. By pursuing its aggression against Ukraine Russia flagrantly violated the norms and principles of international law enshrined in the UN Charter and the Helsinki Final Act and remains in breach of these norms and principles. The ongoing aggression continues to be fed by revisionist statements from Moscow. In particular, on 25 January 2016 the President of the Russian Federation V.Putin again put into doubt the principle of inviolability of frontiers by alluding to his interpretation of the history of early XXth century to question the territorial integrity, sovereignty and political independence of Ukraine.

In this light it must remain a common obligation of all participating States to uphold the fundamental OSCE principles and firmly reject and condemn any attempts of revisionism and territorial expansionism. It remains an undiminished imperative for the OSCE to continue to stimulate Russia to return to the tenets of international law, to reverse the illegal occupation of Crimea and withdraw from Donbas as a way for restoring European peace and security, based on the UN Charter and the Helsinki Final Act.

A remark before I conclude will respond to today's statement of the Russian delegation. Apparently the Russian representative has not heard calls for a serious dialogue and offered us today a recycled version of Russian deceits and distortions we often heard before as Russian aggression evolved. We can only deeply regret that the Russian delegation maintains this course unchanged. We have responded to the Russian deceits in the past and will continue to do so in the future. Meanwhile, let me point out that a settlement in Donbas is called Kominternove. Kantemirovo, as said by the Russian representative, rather has associations with Kantemirovskaya tank division, so called "iron fist of the Russian military". As large concentrations of weaponry are registered in the occupied part of Donbas, was it a slip of the tongue by Freud?

In conclusion, I would like to once again reiterate Ukraine's support to the work done by Ambassador Sajdik and Ambassador Apakan. We remain hopeful that our collective efforts will result in sustainable de-escalation and peaceful resolution in Donbas with full respect to Ukraine's sovereignty and territorial integrity within its internationally recognized borders.

Thank you, Mr.Chairman.