



Permanent Mission of Ukraine
to the International Organizations in Vienna

PC.DEL/123/16/Rev.1

8 February 2016

ENGLISH only

**Statement on “Russia’s ongoing aggression against Ukraine
and violations of OSCE principles and commitments”**

As delivered by the Delegation of Ukraine
to the 1088th meeting of the Permanent Council,
4 February 2016

Mr. Chairman,

In the last two meetings of the OSCE Forum for security co-operation the Delegation of Ukraine drew attention to the Budapest Memorandum of 1994 in which the signatories provided security assurances to Ukraine in connection with its renouncement of the world’s third largest nuclear arsenal and accession to the Non-Proliferation Treaty as a non-nuclear state. Last week the Ukrainian Foreign Minister renewed Ukraine’s proposal to hold consultations of all parties to the Memorandum. We look forward to the reaction of Moscow which until now ignored such earlier formal proposals, based on a specific para 6 of the Budapest Memorandum and thus constituting an integral part of the undertaken commitments.

Intensified international efforts are required as the developments in Donbas remain far from our expectations for de-escalation and stabilization. The initial provisions of the Minsk Agreements remain unimplemented. Moreover, we register significant increase of the number of ceasefire violations by the militants, including with the use of heavy weapons that must have been withdrawn in line with the Minsk Agreements.

Between 28 January – 2 February the Russia-backed illegal armed groups shelled the positions of the Ukrainian forces near Horlivka, Avdiyivka, Pisky, Zaytseve, Mayorsk, Maryinka, Krasnohorivka, Svitlodarsk and Stanytsya Luhanska. Nearby residential areas also suffered. Among the weapons widely used by the militants were the 82 mm and 120 mm caliber mortars, as registered by the SMM reports. Last night the militants in Kominternovo used mortars and MRLS “Grad” to shell settlements of Sakhanka and Oktyabr.

The militants continue deadly clashes among themselves in a struggle for the spheres of influence and control over resources, rapidly shrinking in the robbed region. Exemplary in this respect was the situation in the village of Ozeryanivka near Horlivka, where the Donetsk-based militants laid siege to the base of another militants’ group “Troya”, stormed and seized it on 30 January. The OSCE SMM reported on one episode of the siege in its weekly report of 27 January, pointing out to an *“intense exchange of fire”* with the use of *“mortar and tank fire,...artillery, and even multiple launch rocket systems”*. Paradoxically, one illegal armed group accused another illegal armed group of violating the Minsk Agreements because it was

blocked by tanks and attacked with heavy weapons.

The SMM makes it very clear that there is a correlation between ceasefire violations and the presence of proscribed weapons, and freedom-of-movement restrictions imposed on the SMM. An illustrative example was presented by the SMM in its weekly report about the settlement of Ternove, where the militants denied access to the monitors, and where a large amount of the military hardware, including 40 tanks, 35 artillery pieces and 115 armoured vehicles, was observed by the SMM by means of satellite imagery. It is notable that all denial-of-access incidents, reported by the SMM during the past two weeks, took place in the occupied areas of Donbas.

The SMM informs that, as ever, border sections in areas temporarily out of control by the Government, are “particularly problematic” for monitoring. For instance, the so called “LPR”-controlled Chervonyi Zhovten remains inaccessible for almost a year since March 2015.

Facts reported by the SMM leave no doubt about continuing serious impediments to the performance of the SMM’s monitoring and verification functions in the occupied areas. Indicative of the Russia’s role in these impediments is the SMM daily report of 30 January, when the Horlivka-based militants’ demands to limit the SMM UAV flights to a restricted area were fully supported by the Russian officer of the JCCC. This situation when, as reported by the SMM, “*freedom-of-movement restrictions remain constant*” is unacceptable. Russia has undertaken commitments on the SMM’s freedom of movement and access, including at the Normandy Summit meeting of 2 October 2015, and we expect it to deliver on these commitments.

The present tense situation on the ground prompts me to reiterate that implementation of the three initial provisions of the Minsk Package of Measures is the basic condition for progress on other aspects of the agreements. Consistent and sequenced steps are needed to ensure the implementation of the Minsk agreements in their entirety.

Distinguished colleagues,

The dire humanitarian situation in the occupied areas of Donbas is prone to further degradation as the Russia-backed militants target their fire on areas of crossing-points on the contact line. We experienced repeated mortar shelling of Maiorsk and Zaitseve. Stanitsya Luhanska is also under fire. To avoid a repetition of a deadly tragedy of January 2015 at the checkpoint near Volnovakha, the Ukrainian civil-military administrations are compelled to close checkpoints if there is risk to life of the citizens. For now it was decided to close the checkpoint “Zaytseve” following repeated mortar shellings as witnessed by the SMM. Moscow and the militants it backs must realize their responsibility for these additional hardships they inflict on the civilians. Last night Stanitsya Luhanska and the bridge were targeted by mortar fire.

The illegal armed groups continue to terrorize the local population in the occupied areas of Donbas. Among many examples: attack on 3 pensioners near Pervomaysk, returning from the government-controlled area with their pensions, with the killing of one of them and injures to the other two, as reported by the SMM; hostage-taking of a well-known scientist Ihor

Kozlovskiy, leader of the volunteers' organization "Responsible citizens" Mariya Cherenkova and others in the last few days in Donetsk. This extremely worrisome picture underlines the importance for the OSCE SMM to duly report on the human rights situation in the occupied areas and seek access to the illegally detained persons.

Mr.Chairman,

The situation in the Autonomous Republic of Crimea and the city of Sevastopol, illegally occupied by Russia, has not seen improvements.

The occupying authorities continue their repressions against Crimean Tatars and Ukrainians, be it by criminal persecution, raids and searches, closure of religious and cultural institutions. Last week the occupiers raided a children's centre "Elif" in Dzhankoi, withdrawing children's literature for inspection on "extremism" and then questioning children's families.

We consider the visit to the occupied Crimea of a representative of the Council of Europe to be the first step that must lead to establishment of a full-fledged international monitoring of observance of human rights on the peninsula.

We urge the Russian occupying authorities to allow unfettered access of international organizations, including the OSCE, to the occupied Crimea.

Mr.Chairman,

We must state with regret that just as at the initial stages of Russia's aggression against Ukraine, when it illegally occupied by force the Crimean peninsula of Ukraine, the statements of the Russian delegation in the Permanent Council continue to serve as a cover-up for the ongoing violation of Ukraine's sovereignty and territorial integrity and unabated intervention in Ukraine. They aim to distract, to distort and to deceive – Russian 3D statements. Obviously, this 3D has nothing to do with the three dimensions of the OSCE concept of security, it is about setting up a parallel reality in which Russia operates undermining peace, security, trust and confidence. Whereas Moscow on a regular basis speaks about peace in Donbas it continues to send ammunition, weaponry, fighters and regular military units to the region fuelling further hostilities. While advocating counter-terrorism efforts, Moscow has provided unrestricted space in Russia for recruitment of fighters for Donbas, condones and stimulates this activity, in particular by inciting hatred through the Russian state media and keeping the borders open for the illegal movement of terrorist fighters into Donbas.

Quite telling about Moscow's stance is this week's report that in a court case a district court in the Ulyanovsk oblast considered as an extenuating circumstance the participation of a Russian citizen in the illegal armed formation in the so called "DPR" from February to May 2015, ignoring criminal responsibility for such actions under two articles of the Russian Penal Code.

Whereas Moscow on a regular basis speaks about dialogue between Kyiv and Donbas it continues to support individuals in the occupied areas whose criminal authority rests on the Russian guns and fighters. Moscow obstructs the responsibilities it has undertaken that would allow the people to elect their legitimate representatives in a free and fair election

based on the Ukrainian legislation and in accordance with the OSCE standards. Let me remind the Russian delegation that according to the Minsk agreements the constitutional amendments are part of the final stage of a comprehensive political settlement which is to follow the legitimate elections in the now occupied areas of Donbas.

Can any credibility be given to Moscow's allegation of concern for the humanitarian situation in Donbas when Russia-backed militants imposed severe restrictions on operation of international humanitarian organizations, when Russia impedes the establishment of an international mechanism for delivery and distribution of humanitarian aid as envisaged by the Minsk package of measures nearly a year ago, when equipment of industrial facilities which provided work for the locals is dismantled and transported to Russia or turned into scrap metal and sold to Russia?

As emphasized in our discussions before, the Minsk agreements cannot be implemented by Ukraine unilaterally, Russia must deliver on the obligations it has undertaken. Until now Moscow has not taken steps to do so, thus stalling progress towards stabilization and resolution of the conflict with full respect to Ukraine's sovereignty, political unity and territorial integrity. We urge Russia to implement the Minsk agreements focusing immediate efforts on what was called by the SMM Chief Monitor Ambassador E. Apakan a basic requirement for further progress – a sustainable ceasefire and unrestricted freedom of movement and verification by the SMM.

As Ukraine and the OSCE community are confronted with the massive breach by Russia of the fundamental norms and principles of international law and the established post-war European order, sanctions must remain in place until full implementation by Russia of the Minsk agreements and de-occupation of Crimea. All must exercise their responsibility to uphold the OSCE principles and to make sure that the rule of force is not allowed to take an upper hand over the force of rules.

We urge Russia to return to the tenets of international law, to stop its aggression against Ukraine and reverse the illegal occupation and annexation of Crimea.

Thank you, Mr. Chairman.