



Permanent Mission of Ukraine
to the International
Organizations in Vienna

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Statement on “Russia’s ongoing aggression against Ukraine and illegal occupation of Crimea”

As delivered by Ambassador Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1209th meeting of the Permanent Council,
13 December 2018

Mr. Chairperson,

The ministerial dialogue at the last week’s OSCE Ministerial Council in Milan has underscored the priority and urgency of making Russia stop its ongoing aggression against Ukraine, which is an assault on the rules-based security order in Europe and our agreed norms and principles, grossly undermining the OSCE-wide security, stability and co-operation. The urgency of further measures to deter aggressive Russia and facilitate the resolution of the conflict, which the Russian Federation started almost five years ago by using military force to illegally occupy Crimea and later parts of Donbas, was recently highlighted by another unprovoked act of aggression by Russia near the Kerch Strait. At the Ministerial Council, the delegations addressed this Russia’s attack on the Ukrainian Naval Forces vessels. Today we reiterate our demand to Russia, which was also clearly pronounced by many participating States at the MC, to immediately and unconditionally release the captured Ukrainian servicemen and vessels. Before that happens, we demand that their rights be fully respected in accordance with applicable international law and in their treatment as prisoners of war. We urge Russia to allow freedom of navigation, free and safe passage through the Kerch Strait against the background of the SMM reporting about vessels bound for the Ukrainian ports of Mariupol and Berdiansk continuing to experience “delays of up to ten days”. We appeal to the OSCE participating States to strengthen, by practical measures, the coordinated response to the expansion by the Russian Federation of its aggressive actions against Ukraine.

It was important for the people of Ukraine that the Milan Ministerial Council demonstrated the consolidated stance and close attention of the international community to the Russian-Ukrainian conflict and its multi-faceted consequences. We must not let Russia divert attention from its wrongdoings and further aggressive acts, which stem from the formidable military capabilities of the aggressor state and the presence of the highest-level political will in Russia to make use of them. Whereas Russia as the aggressor state continues to direct at Ukraine unfounded accusations and grotesque falsifications, in the last few days the public sources of information revealed satellite imagery with hundreds of battle tanks stationed by the Russian Federation in the

immediate vicinity to the state border with Ukraine, less than 20 kilometres. They were not there several weeks ago. This and other Russian military deployments, including in the illegally occupied territories of Ukraine, underline the unpredictability of Russia's further behavior.

Let me stress: Russia impedes the monitoring activities of the SMM in the occupied parts of Donbas, in particular near the Ukrainian-Russian state border and the territory adjacent to the Azov Sea, Russia-led forces target the SMM UAVs which register the illegal military transfers across the border, Russia blocks the much needed expansion of the OSCE Observer mission on the Russian side of the border, Russia blocks the SMM's access to the Crimean peninsula, which all testifies that Russia aims at making ineffective the OSCE presence on the ground as an instrument of monitoring, verification and facilitation of conflict resolution.

To deter Russia's aggression, my country was compelled to introduce the martial law in the regions most needed for enhancing defensive capacities. The President of Ukraine assured that such step would not affect the everyday lives of civilians and this was confirmed by the SMM in its weekly report of 4 December. Constantly aiming at improving the situation in conflict-affected areas, last week Ukraine adopted a new legislation on humanitarian demining, which, in particular, streamlines respective administrative procedures and international cooperation in this field.

Mr. Chairperson,

Last Wednesday, the International Criminal Court released its Report on preliminary examination activities 2018, in which it confirmed its assessment that the situation within the territory of Crimea and Sevastopol amounted to "an international armed conflict between Ukraine and the Russian Federation". Russia's failure to recognize its responsibilities under international law as a party to the conflict has had grave consequences and severely undermines the efforts aimed at peaceful politico-diplomatic resolution of the conflict. This was again made obvious in the negotiations in Milan on the draft Declarations on the Russian-Ukrainian conflict and on Dialogue, Ownership and Responsibility for a Safer Europe, where Russia's position defied basic norms and principles on which the OSCE is based, in particular regarding inviolability of Ukraine's internationally recognized borders.

Russia's unwillingness to fulfill its responsibilities and to start implementing the Minsk agreements continues to have a strong negative effect on the security of the SMM monitors and the performance of their monitoring activities. The members of the Russian armed formations continue to restrict access of the SMM patrols to locations, where they can register significant Russia's military presence or Russia's logistical support for its armed formations, as was the case when "the SMM was denied access to a military-type compound in non-government-controlled Markyne near the border with the Russian Federation, where it saw ammunition boxes being loaded onto trucks and an anti-aircraft gun". While the SMM long-range UAVs provide some information about the presence of Russian heavy weapons, it remains unclear how these findings reflect the real situation on the ground, especially after the downing of one such long-range UAV by the Russia-led forces on 27 October. We remind the Russian delegation about numerous earlier requests in this Council for clarification regarding the downing of the UAV, which remain without response. We again urge the Russian side to return the wreckage

of the UAV to the SMM, to refrain from such attacks in the future and to settle the issue of financial compensation for the loss of the Mission's asset.

Distinguished colleagues,

On Monday, we observed the Human Rights Day marking seventy years since the adoption of the Universal Declaration of Human Rights by the UN GA in 1948. This very special day in the international calendar reminds, in particular, about persistent and glaring violations of human rights taking place in the Russia-occupied territories of Ukraine, as well as about the plight of Ukrainian political prisoners and illegally detained persons, whom the Russian Federation continues to hold in captivity as hostages in Russia's hybrid war against Ukraine. Many proposals submitted by the Ukrainian delegation to the TCG regarding the release of detainees, including during the last TCG meeting of 4 December, continue to be blocked by the Russian side.

Yesterday, on 12 December, the Ukrainian film director Oleg Sentsov was to receive this year's Sakharov Prize for Freedom of Thought, awarded to him by the European Parliament. Incarcerated in Russia on fabricated charges for 20 years in prison, he was not able to receive the prize in person. Over 70 Ukrainian citizens are locked up in Russia's captivity as political prisoners. We urge Russia to release them immediately and unconditionally.

The Russian Federation shows no sign of readiness to remedy this situation; what we witness instead is that it strengthens its campaign of intimidating dissenting voices, independent media, civil activists, human rights defenders and lawyers. In Milan, Foreign Minister of Ukraine Pavlo Klimkin informed the participating States on yet another illegal detention of Emil Kurbedinov, a Crimean Tatar activist and lawyer, by the Russian occupation authorities in Crimea. He was arrested for 5 days on untenable pretext, aiming at undermining his legal assistance to dozens of Ukrainian citizens repressed and persecuted by Russia in the occupied peninsula, as well as one of the Ukrainian sailors captured by Russia as a prisoner of war. In this regard, we note with concern that the tactic of using administrative penalties to cause "exhaustion" of opposition activists, widely practiced in Russia, is now implementing in the occupied Crimea. Reacting to the unlawful arrest, the MFA of Ukraine condemned this practice, called on Russia to immediately halt it and to implement in full the relevant UN GA resolutions, as well as the 2017 Order of the International Court of Justice regarding provisional measures in the case of Ukraine vs Russia.

In a couple of weeks, the UN General Assembly will vote for the updated resolution "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)". We once again call upon all OSCE participating States and Partners for Co-operation to give their votes for this resolution as one of the instruments for seeking an end to grave violations of human rights and fundamental freedoms in Crimea, committed by the Russian occupation authorities.

We again urge the Russian Federation to reverse its illegal occupation of Crimea and to stop its aggression against Ukraine, including by withdrawing its armed formations from the temporarily occupied territories of Ukraine and fully implementing its commitments under the Minsk agreements.

Thank you, Mr. Chairperson.