



## **United States Mission to the OSCE**

# **Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine**

As delivered by Ambassador Daniel B. Baer  
to the Permanent Council, Vienna  
October 27, 2016

The United States is deeply concerned about the recent escalation in fighting in eastern Ukraine, where the “school year” ceasefire appears to be unraveling. Artillery use doubled last week as compared to the week before, reaching the levels of over a year ago that led the sides to sign a supplemental agreement on September 29, 2015, prohibiting certain weapons up to 120mm in caliber. Also, Ukrainian forces reported coming under heavy fire from Grad rockets. Since fighting surged around Mariupol starting on October 11, ceasefire violations have increased nine-fold. In the majority of these attacks, SMM reports indicate that combined Russian-separatists fired first.

Even as attacks increase, combined Russian-separatist forces continue to deny access to OSCE monitors. In over 19 separate incidents during the past week, the SMM confirmed that combined Russian-separatist forces restricted monitors’ movements in and around Mariupol, a four-fold increase over the prior week. As a result, monitors were blocked from accessing a potential hub for Russian resupply of troops and equipment 50 kilometers northeast of Mariupol.

Despite combined-separatist forces’ restrictions, the SMM continues to document evidence that Russia is sending troops and equipment into Ukraine. On October 17, the SMM spotted a minivan with military license plates carrying personnel in camouflage as it crossed from Russia into separatist-held Ukraine. The minivan did not transit the border at an official crossing point, as would have been the case if it had been carrying a routine rotation of Russian officers to the Joint Center for Coordination and Control. Also last week, monitors spotted a bus with at least 20 persons in camouflage crossing from separatist-held parts of Ukraine back into Russia. Taken together with the ramp up in access restrictions, this evidence is indicative of Russia’s continued and active support of combined separatist-forces in Ukraine.

All along Ukraine’s internationally-recognized border, Russia continues its subterfuge to cloak its activities from the international community. Just last week, Russia again rejected proposals to expand the SMM area of operations to cover all nine border crossings from

Russia into separatist-held areas in Ukraine. Russia and the separatists it backs also refuse to grant the SMM the security guarantees it needs to open patrol hubs and forward patrol bases near the border. As a result, the SMM is operationally limited to monitoring one or two border crossings for one or two hours a day. Russia can and does easily move weapons, fuel, and ammunition across the border, under the cover of darkness, and in the absence of OSCE observers.

We are glad to see that the sides have disengaged at two of the three disengagement sites. But combined Russian-separatist forces have refused to implement a seven-day ceasefire at the third, Stanytsia-Luhanska. Until combined Russian-separatist forces implement the ceasefire, disengagement cannot begin. The recent escalation in violence also puts at risk efforts to disengage at four additional sites, as agreed last week by the leaders of Russia, Ukraine, Germany, and France.

Disengagement is the best chance to improve the conditions of Ukrainian citizens living in the conflict area. We were heartened by the Normandy leaders' agreement to prioritize reopening the civilian crossing at Zolote. We urge Russia and Ukraine to implement this agreement as quickly as possible. We are concerned that Russian officers in the Joint Center for Coordination and Control have yet to provide security guarantees to Ukrainian demining personnel to carry out their work safely at crossing points and disengagement sites.

Russia's aggression in Ukraine is not limited to Donbas. At an event held in conjunction with the Special Human Dimension Implementation Meeting in the Hofburg today, Crimean journalists and human rights activists highlighted how Russian authorities have attempted to silence independent voices in Crimea. Such is the case of Crimean journalist Mykola Semena, who was charged in April under the Russian criminal code for allegedly violating Russia's territorial integrity after he wrote an article expressing the view that Crimea should be returned to Ukraine. He is currently under house arrest in Simferopol and is suffering from a cardiac condition.

Russia has an obligation to respect the rights of detained Ukrainians in Russian custody, such as Oleg Sentsov and Oleksandr Kolchenko, who are serving prison sentences of 20 years and 10 years, respectively, for protesting Russia's occupation and attempted annexation of Crimea. Both Ukrainians were taken hostage on Ukrainian territory, transported to and imprisoned in Russia, and had Russian citizenship imposed on them against their wills. They have reported abuses by Russian authorities, who also restricted their access to lawyers, family, and others. Russia also continues to hold Stanislav Klich, who has been denied medical evaluation and treatment despite credible reports that he was tortured while in Russian custody.

We also must not forget the plight of the Crimean Tatars, whose self-governing body, the Mejlis, was banned by Crimean occupation authorities. To add insult to injury, the Russian Supreme Court upheld this ban, although, clearly per United Nations Resolution 68/262, the decision of a Russian court carries no legitimacy over Crimea. Thus, we continue to reject the characterization of the Mejlis as an "extremist" organization and condemn the suspension of this democratic institution. This decision is particularly troubling given Russia's systematic mistreatment of Crimean Tatars.

Russia continues to subject Crimean Tatars to arbitrary arrests, abductions, politically motivated prosecutions, restrictions on freedom of movement, and police raids on their homes and mosques. We call on Russia to cease these unacceptable practices immediately.

In closing, let me reiterate that our Crimea-related sanctions will remain in place until Russia ends its occupation and attempted annexation of Crimea and returns this land to Ukraine. We also join our European and other partners in restating that our sanctions against Russia for its aggression in eastern Ukraine will remain until Russia fully implements its Minsk commitments.

Thank you, Mr. Chair.