

**Statement of the Delegation of Ukraine
at the Working Session 5 “Rule of law II, including prevention of arbitrary
arrest, detention or exile, and prevention of torture, exchange of views on the
question of abolition of capital punishment, protection of human rights in the
fight against terrorism” of the
2018 Human Dimension Implementation Meeting**

**Mr. Moderator,
Ladies and gentlemen,**

For the last several years the fight against terrorism became a high priority for Ukrainian Government due to ongoing Russian aggression against my country.

In armed conflict, such as this brought about by Russian aggression and terrorism, as an integral part of war against Ukraine, respect for human rights and fundamental freedoms is the cornerstone for us. Any other choice would favor the aims of terrorists and Russian hybrid warfare. And these aims are very clear now for the civilized world: to undermine European values and foundations of a democratic society.

Today our country is at hybrid war and high level of terrorist activity and we have to take care of the security and calm of forty five million of our citizens. We have to remember about this every day because it is a matter of protecting human rights and fundamental freedoms so far.

We clearly understand that within the framework of count-terrorism measures efforts to curb and criminalize some actions led to increased control and restraint on some fields of activities, let's say social activities.

That is why we are in a constant process of finding balance between ensuring counterterrorism measures and security of our people on the one hand and the observance of high standards of human rights on the other hand.

Obviously these are controversial issues, but very important for defending society and preserving fundamental values.

On this narrow and difficult path activity of OSCE, Council of Europe and other International fora is very important in order to bring us more clarity and common understanding the problems discussed.

Distinguished participants,

The situation differs dramatically in the occupied by Russia Ukrainian Crimea.

The Russian occupational authorities there do not provide effective investigation of human rights violations to life, liberty and security. The complaints of the Crimean residents on tortures, kidnapping and murders with participation of the forces of the Russian punitive bodies of the Crimea are not accepted. The judiciary does not uphold the rule of law and does not carry out the proper administration of justice. These facts have been repeatedly confirmed by reports of the UN Office for Human Rights and its Special Missions in Ukraine. In the first quarter of 2018, 170 cases of violations of the rights to access to justice were recorded in the temporarily occupied Crimea, 150 of which were related to Crimean Tatars. In addition, 19 illegal searches in politic cases were conducted in the homes of Crimean residents, 12 of which were in the homes of Crimean Tatars.

Illegal courts in Crimea ignore complaints of torture and ill-treatment in the Crimea by state subjects of the Russian Federation, the court did not once reject

attorneys' requests to exclude evidence from the case against his client that were received under the pressure. In the Crimea, the presumption of innocence is violated; the right to immediately receive information about the nature and cause of the charge is not being enforced. Also, the Russian illegal authorities violate the right to defend themselves or to have the assistance of a lawyer of their own choice, the right to sufficient time for the preparation of defense, the right to a trial without undue delay, the right to appeal or review, the right to a trial by an independent and impartial court and the right not to testify against yourself or not plead guilty.

The OSCE's concept of security is rooted in principles and commitments, which have been blatantly violated. This situation requires permanent monitoring and strong reaction from the OSCE Office of Democratic Institutions and Human Rights of the situation with access to justice in the occupied Crimea. We also expect closer attention to the above problems from the OSCE Special Monitoring Mission in Ukraine, whose mandate covers the whole territory of Ukraine, including Crimea.

Distinguished participants,

These are just very brief remarks and our view on the issue of count-terrorism and the protection of human rights. I did not mention here cases of tortures in annexed Crimea and occupied territories of Ukraine by Russian officials since my colleagues from Ukraine and distinguished representatives from the other countries has already raised this problems.

On the issues raised by Russian delegation regarding some cases of tortures by Ukrainian law enforcement authorities I would like to underline the following.

Unfortunately, rather often the reports suggest just assumptions regarding secret jails, tortures and so on. After joint verification with representatives of human rights missions, including UN Human Rights Mission, International Red Cross Mission, the messages did not find confirmation.

In such kind of cases we consider that the missions could pay same attention to the results of the verifications as they pay to the messages about possible violations of human rights and tortures. Evidences obtained as a result of torture is not acceptable and cannot be the basis for a prosecution in our courts. And we already have strong civil society that does not allow making such mistakes by the Ukrainian law enforcement authorities.

Regarding the matter raised by the representative of the Latvian Russian School Defense Staff that someone could die in his or her own home in Ukraine and that is responsibility of the Ukrainian Government.

It is a very sad story and it is true that people in the conflict zone in Ukraine die in their own homes. But people suffering and die from the artillery shelling made from the Russian armament and ruled by the Russian militaries.

Ask Russians why they invaded on our land, killed more than 12000 people already. As I mentioned in my statement, people suffering from terrorist groups that are trained and financed by the Russian State, I would like to underline - by the Russian State.

So, please, ask the Russian Federation why it is continuing to support and to finance terrorists.

I thank you.