United Nations S/PV.7287

Security Council

Sixty-ninth year

Provisional

7287th meeting
Friday, 24 October 2014, 10.35 a.m.
New York

President:	Mrs. Perceval	(Argentina)
Members:	Australia	Mr. Quinlan
	Chad	Mr. Gombo
	Chile	Mr. Barros Melet
	China	Mr. Liu Jieyi
	France	Mr. Delattre
	Jordan	Mr. Hmoud
	Lithuania	Ms. Murmokaitė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Republic of Korea	Ms. Paik Ji-ah
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mr. Pressman

Agenda

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

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14-58725 (E)

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The meeting was called to order at 10.35 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Ukraine to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs, and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I again welcome and give the floor to Mr. Oscar Fernandez-Taranco.

Mr. Fernandez-Taranco: Since the last time we met to discuss Ukraine, the results of efforts to end the conflict remain mixed. On 5 September 2014, under the auspices of the trilateral contact group, the Minsk protocol was signed to halt the violent conflict in eastern Ukraine. It outlined specific steps that, if fully implemented, would help the people of Ukraine emerge from the national nightmare that they have endured for much of this year. As a follow-up, on 19 September, the Minsk memorandum was signed, which clarified the implementation of the ceasefire agreement. The Secretary-General joined many other leaders in welcoming those agreements and urging their full implementation.

However, despite those important agreements, we are here today because much more work needs to be done to ensure that lasting and durable peace prevails in Ukraine. Initial important steps have been undertaken by various stakeholders to implement the Minsk protocol and memorandum, including, notably, the implementation of the ceasefire, the exchange of a number of detained persons and the Ukrainian Government's steps toward decentralization, including by the adoption of a special status, or interim self-governance, for certain areas in Donetsk and Luhansk. However, violation of the ceasefire agreement is a daily occurrence, with a regular loss of life. We must all collectively make every possible effort to support the urgent implementation of the Minsk protocol and memorandum. That implementation is at present very slow.

While fighting has decreased since 5 September, sporadic fighting in Donbas continues. It is largely concentrated around Donestk airport and the areas around the strategic towns of Luhansk and Mariupol. In his upcoming statement, Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, will provide us with the latest information on the human rights situation.

The special monitoring mission of the Organization for Security and Cooperation in Europe (OSCE), charged with the responsibility of monitoring and verifying the ceasefire and other provisions of the Minsk protocol, is doing its outmost to carry out its crucial mandate, even in the face of logistical challenges. The United Nations has engaged continuously with the mission and the OSCE secretariat to identify specific areas where United Nations expertise and resources can be of assistance. The international community should fully support the OSCE efforts so as to ensure that it has the full capacity, as well as access, to monitor and to verify the ceasefire and to observe that the Russian-Ukrainian border is fully secure.

In recent days, we have seen deeply disturbing reports on the alleged widespread use of internationally banned cluster munitions, including references to 12 documented incidents in eastern Ukraine in which at least six people were killed and dozens others wounded. On 22 October, in his meeting with Mr. Jeffrey Feltman, Under-Secretary-General for Political Affairs, the Chargé d'affaires of the Permanent Mission of Ukraine to the United Nations reiterated the official assurances of the Ukrainian Ministry for Foreign Affairs that the Ukrainian armed forces "have never used and do not use weapons with cluster warheads". The Chargé d'affaires also underscored the commitment of the Ukrainian Government to actively assist and participate in an impartial investigation of such claims.

Such heinous practices, if confirmed, are utterly unacceptable. The reports should be urgently and fully investigated, and those found to be responsible should be held accountable. Those serious allegations serve as a stark reminder of the need to urgently implement

all 12 points of the Minsk protocol, as well as the memorandum, to lay the ground for sustainable peace, recovery and accountability.

The humanitarian situation in eastern Ukraine, particularly with the onset of winter, remains of the utmost concern. Despite the ceasefire, there are continuing security challenges, which hamper relief efforts. The United Nations continues to work to ensure humanitarian access to all people in need, including in the more volatile areas of eastern Ukraine. We urgently need to redouble our efforts to assist the internally displaced and the refugees to cope with the effects of the conflict and prepare for the coming winter. We also need to ensure that the current humanitarian situation in southeastern Ukraine does not further deteriorate. Those efforts require the ongoing support of the international community and a high level of coordination with the Government of Ukraine.

Today, we meet only two days before the polls officially open for the early parliamentary elections in Ukraine. It is more important than ever that the extraordinary legislative elections and the local elections, scheduled for 26 October and 7 December, respectively, can take place peacefully throughout Ukraine and serve as important milestones in the efforts to help to stabilize the country and to refocus national energies on achieving reform, rebuilding and reconciliation for all Ukrainians.

Reports of alleged violence against several parliamentary candidates and representatives of various parties in the upcoming legislative elections are deplorable. Similarly, inflammatory statements by armed rebel groups threatening to disrupt voting in areas of eastern Ukraine and to hold their own elections on 2 November, in breach of the Constitution and national law, should be condemned by all.

All national and international stakeholders should make every effort to support the successful holding of peaceful parliamentary elections. International election monitoring efforts — led by the OSCE Office for Democratic Institutions and Human Rights with an estimated 600 observers, as well as an additional 1,700 international observers and 37 domestic non-governmental organizations registered by the Central Election Commission — will be critical. The United Nations also welcomes efforts by the Ukrainian authorities to ensure that all Ukrainian citizens have the right to exercise their franchise under the Ukrainian Constitution.

While the upcoming elections are an important step forward for Ukraine, they will need to be followed by the rapid implementation of the comprehensive political, legal and economic reforms announced by the Ukrainian Government and by the urgent start of a comprehensive national dialogue to rebuild cohesion and to address all outstanding critical national issues.

We must all work together towards the peaceful resolution of the conflict in a manner that upholds Ukraine's sovereignty, independence and territorial integrity. We cannot and should not allow eastern Ukraine to become just the latest in a string of frozen conflicts in Europe. Recent discussions on the conflict in Ukraine on the margins of the 10th Asia-Europe Meeting, held on 16 and 17 October in Milan, Italy, are welcome. The continuing bilateral discussions between the Ukrainian and Russian Presidents on the means to fully implement the Minsk protocol and memorandum remain critical.

The Secretary-General remains committed to using his good offices to help resolve this violent conflict. We will continue to keep the Council informed of the collective efforts of this Organization to help the Ukrainian people and Government to restore peace and stability to their country.

It has become clear in the past weeks that, despite the critical agreements reached in Minsk, we are still far from their full implementation and, therefore, also far from a sustainable peace in Ukraine. It is incumbent on all actors to fulfil their responsibilities and to refocus their efforts in that direction. It is incumbent on all of us to assist them.

The President (spoke in Spanish): I thank Mr. Fernandez-Taranco for his briefing.

I now give the floor to Mr. Ivan Šimonović.

Mr. Šimonović: I thank you, Madam President, for the opportunity to brief the Security Council on the human rights situation in Ukraine.

On 8 October, the Office of the United Nations High Commissioner for Human Rights issued the sixth monthly report on the situation of human rights in Ukraine, based on work of the United Nations human rights monitoring mission in Ukraine, which covered the period from 18 August to 16 September. Today, I will highlight some of the report's key findings. I will then focus on recent developments, since the cut-off date of the report.

During the reporting period, the 5 September ceasefire agreement was adhered to only in terms of an absence of large-scale offensive actions. While some areas in the conflict zone reported calm, such as Luhansk city, artillery, tank and small arms exchanges continued on a daily basis in other places, with Donetsk city, especially around the airport, and the towns of Debaltseve in the Donetsk region and Shchastya in the Luhansk region being the major flashpoints.

The number of military and civilian casualties continues to grow. The current registered death toll of the conflict in the east, as of 21 October, is at least 3,724 people, which includes the 298 victims of the Malaysian plane crash. Let me add that that number covers killings registered by available resources and that the actual number is likely to be significantly higher. Approximately nine people have been killed per day since the ceasefire agreement. At the height of the fighting over the summer, an average of 42 people a day were killed. The current death toll per day is close to the level of that from mid-April to mid-July, which was slightly above 10 people a day.

Residential areas continue to be indiscriminately shelled by various artillery and multiple rocket-launch systems. For example, the 1 October rocketing of the centre of Donetsk hit a bus and killed six civilians and wounded another 25. On 14 October, a funeral procession in the village of Sartana, near the city of Mariupol in the Donetsk region, was hit by a rocket that killed seven civilians and wounded 18. Similar incidents have been reported on an almost daily basis.

Recent reports of the use of cluster munitions in residential areas are alarming. Owing to their wide impact radius, cluster munitions regularly have an immediate indiscriminate impact when used in areas with a civilian presence. Their use in such situations constitutes a violation of international humanitarian law and may amount to a war crime. The Government has denied the use of cluster munitions when approached by the Human Rights Monitoring Mission on that matter. It is imperative for the reported use of cluster munitions to be investigated promptly and thoroughly, as well as the reports of indiscriminate shelling of residential areas by conventional weapons.

Armed groups continue to terrorize the population in areas under their control, committing killings, abductions, torture, ill-treatment and other serious human rights abuses, including the destruction of housing and the seizure of property. They continue to abduct people for ransom and forced labour and to use them in exchanges and simultaneous releases of detainees with the Ukrainian Government. They also continue to practice forced mobilization of civilians and threaten the local population with execution.

There have also been continued allegations of human rights violations committed by some volunteer battalions under Government control, which have been performing police functions in some of the towns and villages taken back by the Government. We have continued to urge the Government to exercise more control over all of its forces, including the volunteer battalions, and to ensure accountability for any violations and crimes committed by their members.

The humanitarian situation in the areas controlled by the armed groups remains precarious, especially in the Luhansk region. Despite the ceasefire, many people in the conflict area have remained for a second month deprived of regular access to water and electricity, with limited access to health care and educational services. Humanitarian assistance largely depends on volunteers and a few international organizations, namely the International Committee of the Red Cross (ICRC) and Médecins Sans Frontières. I would like to take this opportunity to express my sincere condolences to the ICRC on the loss of one of their staff members in an attack in Donetsk city on 2 October. Perpetrators of that and other violations of international humanitarian law must be brought to justice.

The ceasefire has encouraged many internally displaced persons (IDPs) to return to their homes in the regions of Donetsk and Luhansk. Some went simply to collect belongings; others have remained in their homes. Those who have returned face serious difficulties besides the volatile security situation, as private property has been destroyed or damaged, and employment is limited, as many business or industries have been closed. According to the State Emergency Service of Ukraine, as of 24 October, the overall number of registered IDPs has reached a peak of 430,059. A large number of displaced persons remain unregistered.

The conflict in the east has triggered a wave of solidarity among Ukrainians towards IDPs, but the capacity of host communities to continue to absorb IDPs has been shown to be weakening. While most IDPs continue to live from their savings, some of them, especially those from Crimea, still have no access to their deposits in Ukrainian banks. On 20 October, the Ukrainian parliament, the Verkhovna Rada, adopted

a law on internally displaced persons. That is a welcome development. As we wait for it to be publicly promulgated and signed by the President, we very much hope that it will provide meaningful guarantees to IDPs, including access to health care, employment and shelter. With our partners, including in particular the Office of the United Nations High Commissioner for Refugees, we will monitor its implementation.

In recent weeks, there has been an increase in direct action by the Right Sector and other activists to publicly remove allegedly corrupt officials or former politicians of the former Party of Regions. Some of those acts have involved violence against individuals, particularly when officials were manhandled into rubbish containers. In the Kharkiv region, over 12 statues of Lenin have been toppled by pro-Unity groups since early September. Such acts, which exacerbate tensions between the communities, appear in some cases to have been tolerated by local law enforcement officials.

There are also indications in some areas of incidents of election-related intimidation and violence against campaign workers, party infrastructure and candidates. The lustration law, passed on 9 October, has been widely criticized both by the Ombudsperson as well as by civil society. The law is broad in its scope, enables the lustration of a number of positions, with a prohibition against allowing current office holders to maintain or regain those positions. It could in theory be applied to a million officials.

While it is crucial that the Government take measures to combat corruption, such measures must include basic due-process guarantees, and they must be applied in a non-discriminatory fashion. I encourage the Government to align the legislation with the relevant regional standards. These developments have negative human rights implications and can lead to a deepening of the divide within the Ukrainian population at a time when it should move forward with the peace plan and national reconciliation. In that context, accountability is not only a prerequisite, but also a cornerstone, of any lasting peaceful solution to the crisis in Ukraine.

After the 5 September ceasefire, opportunities to collect the unburied remains of people killed as a result of hostilities and to identify ad hoc and irregular graves in the conflict zone have considerably increased. As a result, hundreds of bodies have been found, but many of them remain unidentified. The Office of the United Nations High Commissioner for Human Rights welcomes the efforts that are being undertaken to establish the identities of the dead and to hand the bodies over to their relatives as well as to ensure burial in dignity.

Within that process, the issue of the alleged mass graves near the village of Nyzhnia Krynka in the Donetsk region has received extensive publicity. One of those graves, located near the entrance to the village, contained five bodies. Two more graves, discovered on the territory of the Komunarska Mine No. 22, contained two bodies each. The people whose bodies were found in the first grave were identified as members of the armed groups, reportedly killed in action. Currently, to the knowledge of the human rights monitors, there are no allegations that they were summarily executed. As regards the four people from the two graves near the mine, according to officials of the so-called Donetsk People's Republic, there exists forensic evidence of a summary execution. On 15 October, a monitoring team visited the three locations of the reported mass graves. The team also interviewed relatives of the two people whose bodies were reportedly identified. Their testimonies indicate that those people may have previously been detained by Ukrainian forces.

The alleged execution of the four people found in the graves near Komunarska Mine No. 22 needs to be seriously investigated, and all measures should be taken to preserve the evidence. Despite the fact that a number of other graves containing more than one body were reportedly found in the conflict zone, the human rights monitors do not have information that those graves may contain the bodies of victims of arbitrary or summary executions. If such allegations are made, they need to be properly investigated.

Accountability is key to reconciliation. Efforts must also be made to hold accountable members of the armed groups who have perpetrated grave human rights violations, including killings, enforced disappearances and torture. In that context, I welcome the fact that the 12-point Minsk protocol — which includes the passage of a law on non-prosecution of persons in connection with the events that took place in some parts of the Donetsk and Luhansk regions — excludes amnesty for such crimes as genocide, terrorism, murder, the infliction of serious bodily injury, sexual abuse, hostage-taking and human trafficking. However the law appears to allow amnesty for acts of torture, which should be clarified in order to bring the law in line with international norms and standards.

A worrying new tendency in Crimea, in addition to the previous human rights violations reported, is the increasing number of cases of enforced disappearance. In particular, I wish to express concern about the abduction of four Crimean Tatars during the past month in Crimea, one of whom has been found dead. It is imperative that the whereabouts of those missing persons be clarified and those responsible held accountable.

The implementation of the 5 September ceasefire agreement remains fragile. Human rights violations and violations of international humanitarian law continue to be committed. There is a clear threat that we may be facing yet another protracted low-intensity conflict, as mentioned by Assistant Secretary-General Fernandez-Taranco. Nonetheless, the 5 September ceasefire agreement, still presents the most significant opportunity for a peaceful solution to the situation in the east.

I firmly believe that the 12-point Minsk protocol has its best chances of holding if it is implemented in line with human rights standards. Almost half of the provisions of the 12-point Minsk protocol could, in fact, have a direct positive bearing on the human rights situation. To contribute to sustainable peace and facilitate reconciliation, the implementation of the agreement should be based on respect for the rule of law and human rights.

I also welcome the decree signed by President Poroshenko on 15 October regarding the drafting of national human rights strategy, whose purpose is to create a mechanism for the comprehensive protection of human rights. The document requires the Cabinet of Ministers to oversee the drafting of such a strategy, with the participation of State authorities, local government bodies, civil society organizations and international experts.

The Office of the United Nations High Commissioner for Human Rights is working hand in hand with the United Nations system as a whole, the Council of Europe, the national human rights institution and the Government to ensure a comprehensive approach to United Nations requirements, as part of the EU association process.

As Ukraine prepares for Sunday's parliamentary elections, we call on the authorities to ensure that they are concluded in a free, fair and open manner and in an atmosphere of tolerance, peace and respect for human rights.

The President (*spoke in Spanish*): I thank Mr. Šimonović for his briefing.

I shall now give the floor to the members of the Security Council.

Sir Mark Lyall Grant (United Kingdom): The United Kingdom requested this morning's briefing because we remain deeply concerned about the situation in Ukraine. The illegal annexation of Crimea, the dire human rights situation there and in the east of Ukraine and Russia's failure to implement its commitments under the Minsk agreements leave us in no doubt that the situation continues to present a clear threat to international peace and security.

I am grateful for Assistant Secretary-General Šimonović's briefing. The United Kingdom welcomes the work of the United Nations Human Rights Monitoring Mission in Ukraine, whose objective and impartial reporting cuts through Russia's misinformation and propaganda. Its sixth report lays bare the grim reality of life in separatist-controlled areas in Donetsk and Luhansk, where "armed groups continued to terrorize the population" and "there is a complete breakdown of law and order". In those areas, killings, abductions, torture and other serious human rights abuses carry on unchecked, and neither protection nor justice is available to victims. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is rightly concerned about a lack of accountability. It is essential that independent investigations take place into all serious allegations of violations, whoever the perpetrators are.

We are troubled by the Human Rights Watch report this week, which alleges the use of cluster munitions by the Ukrainian army. We are aware that Ukraine refutes those allegations and denies that the Ukrainian army uses such munitions. We also note that the Organization for Security and Cooperation in Europe (OSCE) has said today that its monitors have seen no evidence of cluster bombs, and we welcome Ukraine's commitment to cooperating with Human Rights Watch and to a further investigation into those claims.

We are deeply perturbed by the OHCHR report's account of a deteriorating human rights situation in the illegally annexed Crimean peninsula. The introduction of Russian Federation legislation, in contravention of

General Assembly resolution 68/262, has curtailed the freedoms of expression, peaceful assembly, association, religion and belief. The treatment of the Crimean Tatar population is particularly troubling. Russia has often claimed to have concerns about the rights of minority populations in Ukraine, but we see no evidence of that concern for the rights of the Tatars in Crimea.

The humanitarian situation in the areas controlled by the armed separatist groups remain precarious and will become even more serious as winter approaches. But the sending of convoys into Ukraine by Russia without the agreement of the Government of Ukraine and in breach of Ukraine's sovereignty is a provocative act and must not be repeated. Humanitarian assistance is necessary, but it must be provided in an international effort coordinated by the appropriate agencies and with the agreement of the Government of Ukraine. If Russia wants to help improve the lives of civilians living in east Ukraine, it should immediately withdraw its remaining military forces from Ukraine, stop its flow of weapons to the separatists and instead help to restore Ukrainian sovereignty and to secure a political solution to the crisis.

Assistant Secretary-General Fernandez-Taranco's briefing described the fragility of the situation in eastern Ukraine where fighting continues and violations of the ceasefire continue on a daily basis. The Minsk agreements offer a real prospect of de-escalating tensions in eastern Ukraine. All parties must match words with actions and implement the commitments they have made. The Government of Ukraine has taken important steps, including the approval of a special status for districts of the Donetsk and Luhansk regions and an amnesty law which, the OHCHR report notes, meets international human rights standards. And the Government is now preparing for local elections to be held under Ukrainian law in separatist-controlled areas of Luhansk and Donetsk.

Russia, by contrast, continues to supply separatists with weapons and material, including multiple rocket launchers and artillery, continues to maintain several hundred of its forces in Ukrainian territory and, in yet another ominous reminder of the tactics it used to shape the frozen conflicts in Moldova and Georgia, is handing out passports to individuals in separatist-held areas. As the Minsk agreements make clear, in order for the situation in eastern Ukraine to stabilize, it is vital that all illegally armed groups, military equipment, fighters and mercenaries be withdrawn and the Ukrainian-Russian border secured with increased monitoring under OSCE verification.

If Russia is committed to those agreements, then why on Wednesday of this week, in Vienna, did it block the expansion of the OSCE border-monitoring mission? That violates article 4 of the Minsk protocol and demonstrates that Russia is seeking to prevent effective monitoring of its border so that it may continue to supply weapons and equipment to militant groups. Stability will not be restored if Russia continues to support separatist groups whose leaders have expressed their intentions to expand the territory under their control.

This Sunday's parliamentary elections mark Ukraine's commitment to democracy. They must be allowed to go ahead without external influence. The Ukrainian authorities are taking steps to ensure that as many Ukrainian citizens as possible can exercise their right to vote, including by putting in place arrangements for people displaced from their homes by the instability in the east and those from the illegally annexed territory of Crimea.

Our expectation is that Russia, as a permanent member of the Security Council and as a party to the Minsk agreements, will work to restore peace and security in Ukraine by respecting the outcome of the elections and by supporting the forthcoming local elections held under Ukrainian law. We urge the Russians not to renege on the commitments they have made, but rather to use their influence to prevent the organization of any separate elections by separatists in Donetsk or Luhansk in November. Such elections would be illegal, would contravene the Minsk agreements, and would present a significant obstacle to a lasting peace in Ukraine.

Ms. Murmokaitė (Lithuania): I would like to thank Assistant Secretaries-General Oscar Fernandez-Taranco and Ivan Šimonović for their briefings. We thank the United Nations human rights monitoring mission in Ukraine for its work and look forward to its continued reporting. The monitoring missions of the United Nations and Organization for Security and Cooperation in Europe (OSCE) must be provided with full, free and unrestricted access to the whole territory of Ukraine, including Crimea.

Since we last met on the situation in Ukraine (see S/PV.7253), a ceasefire has come into effect, or rather a "fire and cease", in the interpretation of separatists. During this period, Ukrainian forces and civilians have

been shelled some 2,000 times, some 90 Ukrainian servicemen have been killed and 500 have been wounded. The self-proclaimed Premier of the so-called Donetsk People's Republic, Zakharchenko, claims that all of the Donetsk region is theirs, and that they could take the towns of Berdiansk and Izium, among others.

Russian soldiers continue to die on Ukrainian soil — soldiers who allegedly are not even there. Yelena Vasilyeva, the head of a Russian women's group, Cargo 200 from Ukraine to Russia, says that some 4,000 Russian soldiers have lost their lives in Ukraine.

The self-appointed separatist chieftains in eastern Ukraine — pawns in the Kremlin's dangerous Novorossia plan of redrawing Europe's borders — are wasting no time in causing to erode what was achieved in Minsk. Relentless attacks by illegal armed groups on Donetsk airport are a daily reality. The latest reports of the OSCE Special Monitoring Mission speak of the attempts by separatist armed groups to seize strategic targets. Sophisticated Russian military equipment, multiple rocket launchers, tanks and ammunition continue to cause death and destruction on Ukraine's soil, and the border remains wide open for the comings and goings of men in military fatigues and Cossack uniforms.

As a matter of fact, only one kilometre of the entire 400-kilometre segment of the border, currently out of Ukraine's control, is being monitored by the OSCE. At a meeting of the OSCE Permanent Council on 22 October, Russia single-handedly blocked the extension of the OSCE Observer Mission's activities along the entire border. "We control the border and we will not let Ukrainian border guards return there. We do not need any international mediators on the border, either", says Andrei Purgin, self-proclaimed First Deputy Prime Minister of the Donetsk People's Republic, according to Interfax. Indeed, why should they need an international presence that could witness illegal flows of military supplies and foreign fighters or register the fact that Ukraine's coal and equipment are being smuggled out of the country, causing Ukraine considerable economic and financial damage?

Let us not forget that in August and September, Russia sent three unchecked humanitarian aid convoys into Ukraine in clear breach of Ukraine's sovereignty, without inspection by the Ukrainian authorities and without coordination with the International Committee of the Red Cross. Notably, immediately after the entry of those mystery convoys, the rebels were quick to regain ground and reverse Ukraine's successes in clearing the area of illegal armed groups.

As Ukraine prepares for the critical national elections on 26 October, the separatists are planning an election of their own on 2 November — another sham, illegal and illegitimate election, another cynical and blatant breach of the Minsk agreements. Russia, so quick to make accusations against Ukraine, including long-debunked ones, has not spoken even once against the multiple violations of the ceasefire by the illegal militants who continue to enjoy its full support.

The human rights situation in the areas controlled by Russian-backed armed groups remains of most serious concern. Extrajudicial killings, torture, intimidation, public humiliation, ill-treatment, extortion, abductions for ransom, and forced labour remain the trademarks of the pro-Russian militants in eastern Ukraine. As the latest report of the monitoring group indicates, violence against women in separatist-held areas, including rape, has reached disturbing proportions. Information on child soldiers among the militant separatists and military schools for children points to violations of international humanitarian law.

The situation of the indigenous Tatar community in Russia-occupied Crimea continues to deteriorate. Reported cases of kidnapping, torture and killing of young male Crimean Tatars, their persecution and eviction from the Mejlis in Simferopol, and interrogations of the community's activists continue unabated. Yet once again, in spite of the multiple atrocities committed by the illegal separatist groups, we have yet to hear a single condemnation of those crimes by Russia. It is quite ironic that Russia, which has consistently ignored Human Rights Watch reports on such abuses, including on enforced disappearances in the Crimea, should now widely quote a Human Rights Watch report on the alleged use of cluster bombs in Ukraine. While Ukraine has denied their use, its joining the Oslo Convention would be the best antidote to any further speculations to that effect, and we urge Ukraine to do so.

Contrary to Russia's claims, Ukraine is demonstrating its commitment to implementing the Minsk agreements. Life is slowly returning to normal in areas freed from the illegal insurgents. Important legislation has been adopted, as noted by Assistant Secretary-General Šimonović. On 18 October, the law

on the special status of Luhansk and Donetsk came into effect. We commend Ukraine's commitment to pursuing the path of difficult but necessary reforms and strongly encourage the Government to continue the national dialogue and ensure full inclusion of all components of the population.

At the same time, we must stress that without Russia's full cooperation and compliance, the Minsk agreements will be worth no more than the paper on which they are written. The only viable solution is one that fully respects Ukraine's sovereignty, independence, unity and territorial integrity, including Crimea as an integral part of Ukraine. Russia must immediately withdraw all its armed formations, military equipment and fighters from the territory of Ukraine, stop supporting and arming the separatists, and unequivocally condemn the illegal elections planned by the separatist commandos. Permanent monitoring and verification on both sides of the Ukrainian-Russian border must be ensured. Russia should also stop escalating tensions in the wider region. The recently proposed draft agreement on alliance and integration between the Russian Federation and the surrogate republic of Abkhazia is nothing else than a de facto annexation of an integral part of Georgia.

With thousands of human lives lost and hundreds of thousands displaced, it is also essential to establish accountability for the human rights violations and abuses that have taken place during the war against Ukraine. Those who have committed serious violations of international humanitarian and human rights law must be brought to account. In that respect, we encourage Ukraine to accede to the International Criminal Court Statute and accelerate its national efforts to pursue accountability. We also reiterate our position that those responsible for the downing of Flight MH-17, as well as those who have obstructed access to its crash site and interfered with the investigation, must be brought to account.

Mr. Pressman (United States of America): I thank Assistant Secretaries-General Oscar Fernandez-Taranco and Ivan Šimonović for their briefings.

The United States has always been and remains steadfastly committed to finding a peaceful solution to the crisis in Ukraine. Peace requires respect — respect for international law, respect for borders, respect for other nations' sovereignty. It requires living up to one's commitments and owning up to one's actions. Yet, over the course of our 25 meetings in the Security Council on Ukraine, that has proved an overwhelming challenge for Russia. Russia continues to provide separatists with resources, arms and training, all the while continuing to deny it is doing so. Ukrainian pilot Nadiya Savchenko was seized by separatists in Ukraine and somehow ended up unlawfully transferred to Russia, where she is now being forced to undergo what is termed "psychiatric evaluation", in which her human rights are violated through the use of a practice made infamous in the Soviet Union. We have seen reports of other Ukrainians similarly detained in Russia, with similar disregard for international standards. Those actions must stop.

There is one clear path to recovering peace in Ukraine. All sides, including Russia and the separatists it supports, must honour the commitments they agreed to on 5 September in Minsk. Those commitments include an immediate end to ceasefire violations, restoration of Ukrainian control of its side of the international border, monitoring of the border by the Organization for Security and Cooperation in Europe (OSCE) and a security zone on either side of the border, withdrawal of foreign forces, mercenaries and equipment from Ukraine, and the release of hostages and prisoners. All sides agreed to 12 commitments on 5 September, and the Ukrainians have taken action on all those for which they have a responsibility.

Unfortunately, both the separatists supported by the Russian Federation and Russia itself have failed to implement their Minsk commitments. In response to the Ukrainian laws on special status that provide additional autonomy for parts of Donetsk and Luhansk, including special elections to be held on 7 December, the separatists have declared unilaterally that they would hold their own local so-called elections in November. That is unconstitutional and completely inconsistent with the Minsk agreements. It also reveals the separatists' true intentions, which are not to empower people with a choice within the legal political process of Ukraine, but rather to set up another vote that they can once again rig.

Continued separatist assaults in locations throughout Donetsk and Luhansk, including in and around the airport, have resulted in the killing and wounding of scores of Ukrainian armed forces and civilians, and the destruction of vital infrastructure. Those attacks have occurred since the agreement in Minsk and after the ceasefire went into effect. The failure to live up to the ceasefire is only imposing

greater hardship and suffering on the people of the Donbas region. They are the ones being forced to live with no water or electricity and no opportunity to earn a living, and their children are the ones whose schools are in the crossfire. That is not how anyone should live.

The people of Ukraine will celebrate a milestone on Sunday as they go to the polls to elect a new parliament, demonstrating their commitment to an enduring democratic process, despite the political upheaval during the past year. We hope to see wide participation in the elections by all Ukrainians, including in Crimea, Donetsk and Luhansk, and strongly condemn any interference in that legitimate democratic process.

While Ukraine seeks to build a peaceful, stable and secure future, Russia continues to occupy Ukraine. Following its attempted annexation of Crimea, Russia's representative pledged that the Council "has no need to worry about the fate of the Crimean Tatars" (*S/PV.7157, p. 21*). Yet we see report after report documenting abuses, including detentions, expulsions, restrictions of movement and the curtailment of the freedoms of expression, peaceful assembly, association and religion or belief. The Russian occupation of Crimea must end, and until it does the Russian occupying authorities must cease their harassment of religious and ethnic minorities and allow international human rights monitors and monitors from the OSCE full access to Crimea. In Crimea, we have seen how a group of separatists who seized power on the pretext of protecting one minority have become the cruel oppressors of another. We should expect nothing different from the separatists trying to seize control in eastern Ukraine.

We welcome Ukraine's commitment to investigating the allegations of mass graves, and we note that in July, with the assistance of international experts, Ukraine began an investigation into grave sites containing eight bodies that were discovered in Sloviansk following the town's liberation from separatist control. No one is above the law, and the United States supports a full, thorough and impartial investigation of all alleged grave sites. Full implementation of the Minsk agreement would, of course, create an environment that would enable those investigations to move forward.

We are also aware of reporting by non-governmental organizations on the use of cluster munitions. We take note of the Ukrainian Government's denial of the use of such weapons. We take very seriously all accusations regarding harm to civilians and unequivocally condemn any indiscriminate shelling of civilian areas. There can be no excuse for abuses committed by anyone fighting in eastern Ukraine, and all such accusations should be fully investigated as soon as the security conditions allow. That, of course, means that the separatists and their Russian backers must cooperate.

There has been much focus in recent days on the lines demarcating the ceasefire, but let us not forget a more important line, the international border. Indeed, in the Minsk agreement of 5 September, point number 4 of the 12 calls for permanent monitoring of the Ukrainian-Russian State border and verification of it by the OSCE. The Government of Ukraine recently submitted a plan to provide for that monitoring, restore Ukrainian control on its side of the border, prevent the illegal movement of personnel and matériel across the border and create a security zone free of weapons in the areas adjacent to the border in Ukraine and the Russian Federation. But Russia has not engaged on this plan, neither have the separatists, and Russia has refused to expand OSCE monitoring along the border.

Until a full monitoring mission is in place on the international border, supplies and equipment will continue to flow from Russia to the separatists, and separatists will continue to cross back and forth at will. President Putin said in Milan that he would not discuss OSCE monitoring of the border until the residents of the Donbas are secure. In fact, the reverse is true. The residents of Donbas will not be secure until the OSCE is monitoring the border. Ukraine's sovereignty must be restored over the entirety of its border with Russia.

If the border can be secured and if free and fair elections can be held — not only on 26 October across Ukraine for the Rada, but also on 7 December in the areas of Donetsk and Luhansk — everybody will benefit, as will the cause of peace and security. Russia's actions over the past months have challenged the most basic principles of our international system. Borders cannot and should not be redrawn at the barrel of a gun or on the whim of a single leader and the circle of his cronies around him. We have identified a path to peace. That path has been agreed to by the parties in Minsk. It has concrete, verifiable commitments, and all must be implemented. Ukraine has taken real steps to fulfil its commitments, while Russia and the separatist it backs have not. We call on them to act immediately to implement the obligations they undertook, and we call on them to do so now.

Mr. Delattre (France) (*spoke in French*): I would like to thank Mr. Fernandez-Taranco and Mr. Šimonović for their briefings, and my British colleague for initiating this meeting.

The human rights situation in Ukraine continues to deteriorate, as the sixth report of the Office of the United Nations High Commissioner for Human Rights based on the work of the United Nations Human Rights Monitoring Mission in Ukraine makes clear. It has been marked by an escalation of hostilities that came to a head at the beginning of September, just before the signing of the ceasefire agreement. The report emphasizes that for the fighting to have reached such a level of intensity, the pro-Russian militias must have been supported by many foreign fighters, including Russians, and must also have been reinforced with sophisticated weaponry. Those responsible for the escalation are the same as those who several months ago decided that Ukrainian sovereignty could be violated, in defiance of the Charter of the United Nations.

Since the signing of the Minsk agreements, the front as a whole has stabilized, leading to a diminished overall level of violence, although the ceasefire is regularly violated and fighting continues here and there owing to the separatists' wish to homogenize their territory. The situation this summer led to a significant increase in casualties, both civilian and military, and to an increase in violations of human rights, including recourse to torture, summary executions and abductions. We condemn all violations of international standards, including the protection of human rights that should be respected by all parties to the conflict. That is especially true in the areas controlled by the separatists, in which people are indeed living in fear and under threat and from which thousands of civilians have fled. We should remember that the death penalty has been reinstated in Donetsk; that when people leave their homes, they are confiscated; and that there are no more police or courts to defend Ukrainians against the arbitrary decisions of militias. As a result, thousands of people have taken to the road, forced to leave everything they own. With winter approaching, the displaced populations will be in a seriously precarious situation.

We are also following with concern the deteriorating situation for the people of Crimea. The Tatars, in particular, are experiencing abuse from self-defence groups as well as numerous administrative problems, expropriations and arbitrary arrests. Their human rights, such as the freedoms of expression, religion, conscience and movement, are routinely flouted. In that regard, we wish to reiterate our commitment to the sovereignty and territorial integrity of Ukraine's international borders.

Against that bleak backdrop, a new dynamic has nonetheless emerged. With the ceasefire agreed in Minsk on 5 September, followed by the 19 September agreement, a diplomatic process has finally begun between Kyiv and Moscow. France, together with its European partners, will continue to support that engagement between the Russians and the Ukrainians, in particular within the framework of the format agreed in Normandy in June. Those agreements offer a sound basis for envisioning a solution to the crisis that is based on three pillars: respect for the ceasefire, the monitoring of the border, and political discussions aimed at finding a lasting solution. The discussions are taking place, and Presidents Putin and Poroshenko met in Milan last week on the sidelines of the Asia-Europe summit. There has been some progress on border monitoring and the monitoring of the cease-fire, generally speaking.

Nevertheless, we will remain vigilant to ensure that support for the separatists finally ceases, that the weakening of the State and the rule of law is checked, and that the ceasefire is fully respected. We are awaiting the securing of the Russian-Ukrainian border and its permanent monitoring under the auspices of the Organization for Security and Cooperation in Europe (OSCE). We believe the mandate of the OSCE Special Monitoring Mission in Russian territory should be strengthened and expanded as quickly as possible to cover other border crossings.

Those efforts testify to our collective commitment to resolve the crisis in Ukraine. But that crisis can only be resolved if all the actors act in equal good faith. We welcome the measures taken by Ukraine to implement its commitments, in particular the adoption by the Ukrainian parliament of a law envisioning an interim status of local autonomy for certain regions. In that regard, we would hope that the establishment of that new status through upcoming local elections might provide an opportunity for all parties to resolutely commit to a de-escalation and to a solution to the crisis.

Furthermore, we call on all parties to work effectively to make it possible to hold early parliamentary elections this Sunday, in accordance with international standards and on all of the Ukrainian territory. Those elections are crucial to enable Ukraine to continue on its necessary path of reforms. Those who oppose the

election would be demonstrating their rejection of compromise and peace. The elections on Sunday are an opportunity for a fresh start for Ukraine, for Russia and for stability in the whole region.

Ms. Paik Ji-ah (Republic of Korea): I thank the Assistant Secretary-General Fernandez-Taranco and Assistant Secretary-General Šimonović for their briefings.

Since the signing of the Minsk agreement, the Republic of Korea has been closely monitoring the situation in eastern Ukraine with the expectation that there might be a turning point towards a political solution to the crisis. However, despite the overall decrease in violence, fighting has continued to flare up in Donetsk with daily reports of shelling and skirmishes threatening to derail a fragile ceasefire. We are especially troubled by the report that more than 300 fatalities have been recorded since the ceasefire came into effect. Those ongoing ceasefire violations clearly show that the risk of the re-escalation of tensions still remains. We need to keep in mind that the slightest provocation could once again cause the situation to spiral further out of control. In the light of such a volatile situation on the ground, all concerned parties must take immediate and credible steps towards the observance of a durable ceasefire, including the full implementation of the Minsk ceasefire memorandum. Any further incitement or provocative actions aimed at disrupting the peace process must cease immediately.

In that regard, we believe that there must be effective control and credible verification of the ceasefire as an integral part of the implementation of the Minsk ceasefire memorandum. A monitoring mechanism of an international and impartial nature, as embodied in the Organization for Security and Cooperation Special Monitoring Mission to Ukraine, is an indispensable tool for verifying such cease fire commitments. At the same time, the safety and security of international personnel under difficult and challenging conditions must be fully guaranteed by all actors on the ground.

We also take this opportunity to reiterate our full support for the work of the United Nations Human Rights Monitoring Mission in Ukraine. As its recent report elaborated in detail, the protracted fighting in eastern Ukraine has resulted in further deterioration of the human rights and humanitarian situations, which continue to be a source of deep concern. We are particularly disheartened that there have been over 3,000 casualties to date, and a large number of internally displaced persons, whose situation becomes increasingly precarious with the onset of the winter. Moreover, reports of widespread human rights violations by illegal armed groups, involving killings, abductions, arbitrary detention and torture, speak to the urgency of bringing perpetrators to justice and establishing accountability.

With important elections scheduled for 26 October, we would like to reiterate that an inclusive political process is the essential foundation for a stable and democratic future for all Ukrainian people. In that regard, we welcome the progressive steps taken by the Ukrainian Government in implementing the provisions of the Minsk ceasefire memorandum, notably the adoption of a draft law on amnesty and special status for the eastern region, which is an important step towards a more inclusive political process, which we hope can provide a sound basis for the de-escalation of tensions.

In conclusion, the Republic of Korea supports the ongoing diplomatic efforts towards the stabilization of Ukraine, including the recent meetings on the sidelines of the Asia-Europe summit in Milan. While the situation on the ground remains tense, such constructive diplomatic efforts give us reasons for hope. We once again encourage all concerned parties to continue exerting maximum efforts to seek a peaceful political solution.

Mr. Hmoud (Jordan) (*spoke in Arabic*): I wish to thank the Assistant Secretary-General for Political Affairs, Mr. Fernandez-Taranco, and the Assistant Secretary-General for Human Rights, Mr. Šimonović, for their very comprehensive briefings the on recent events in Ukraine and the human rights situation.

Jordan has also taken note of the sixth report of the United Nations human rights monitoring mission in Ukraine, issued by the Office of the United Nations High Commissioner for Human Rights. We express our regret over the non-compliance with the most important parts of the peace plan, namely, the complete cessation of hostilities and a halt to the confrontations between Ukrainian forces and the separatists, although the frequency of such confrontations has been reduced. There have been increasing numbers of crimes against citizens, including forced displacement, torture and forced labour, and the deprivation of the right of citizens to stability and security. Jordan is concerned at reports by human rights organizations on the use

of cluster bombs in several attacks. That is a violation of the provisions of international law and a dangerous development that imperils the lives of citizens. In that framework, we call for an international independent inquiry, an objective inquiry, to investigate the use of such internationally prohibited weapons.

Jordan expresses its support for the United Nations Human Rights Monitoring Mission in Ukraine and for the Organization for Security and Cooperation in Europe Special Monitoring Mission. We support them because of their important role in monitoring events regularly and presenting periodic reports to the Council on the facts on the ground in Ukraine, especially in the eastern part of that country. We call on the Government of Ukraine and the separatists to facilitate the entry of those missions to all parts of the country in order to promote security and stability. We reiterate our full support for efforts to find a solution to the crisis through dialogue and diplomacy, and we reaffirm the need to protect citizens and respect the provisions of international law, human rights, international human rights law and to prevent elicit attacks against citizens, in contravention of human rights.

Putting an end to the conflict is a political responsibility and a moral responsibility for all those concerned. The Security Council must play its role and make every possible effort to facilitate a political solution with regard to Ukraine's sovereignty and unity. We call on all parties to respect their commitments, the peace agreements and the Minsk memorandum, and to remain open to the various viewpoints in order to reach a lasting solution.

We welcome the positive measures taken by Ukraine: the adoption of the transitional status legislation, especially that giving special status to the regions of Donetsk and Luhansk, which have been autonomous for three years, as well as the preparations for the local elections to be held next January. We call on the Government of Ukraine to make greater efforts aimed at guaranteeing the freedom and equal rights of all citizens of Ukraine, including the members of minority groups. Political, social and cultural rights are all equally important for stability.

We hope that the parliamentary elections scheduled for 26 October will be organized in a climate of stability and confidence in order to facilitate the reform process and a return to the rule of law and democracy in Ukraine's political life.

Ms. Lucas (Luxembourg) (*spoke in French*): I too would like to thank the Assistant Secretary-General for Political Affairs, Mr. Oscar Fernandez-Taranco, and the Assistant Secretary-General for Human Rights, Mr. Ivan Šimonović, for their briefings.

Luxembourg is deeply concerned by the human rights situation in eastern Ukraine, especially in the regions of Luhansk and Donetsk, which are now outside the control of the Government of Ukraine. We condemn the many cases of killings, abductions, torture, mock executions, forced labour and forced recruitment, for which the armed separatist groups are responsible. The 16 September report of the United Nations High Commissioner for Human Rights also mentions the adoption of an illegal criminal code re-establishing the death penalty for certain crimes, the confiscation of housing from people who have fled the conflict, and the public humiliation of political opponents and Ukrainian soldiers who have been taken prisoner. Those acts deserve our unanimous condemnation.

We also condemn the human rights violations committed by the battalions of volunteers working alongside the Ukrainian forces. We have become aware of the allegations regarding the use of cluster bombs by the parties to the conflict in eastern Ukraine. The Special Monitoring Mission of the Organization for Security and Cooperation in Europe (OSCE) has, however, not been able to confirm the truth of those allegations, and we note that Ukraine has denied that its forces have used such weapons. We welcome Ukraine's willingness to cooperate with an impartial and independent investigation to shed light on those serious allegations, and we expect the separatists to do the same. The attacks on populated areas should be condemned and must stop.

Ukraine has the right and the obligation to defend its territory against the continuous and repeated violations of its sovereignty and territorial integrity. At the same time, it is essential for Ukraine to respect its international obligations and for its forces to always act in a proportionate and restrained manner. As the High Commissioner for Human Rights has said, with the increasing number of reports of serious violations of international humanitarian law and human rights committed in the conflict zone, it is crucial to ensure accountability and the fight against impunity.

The situation in eastern Ukraine should not lead us to forget the problems that have persisted in Crimea

since it was illegally annexed by Russia, in flagrant violation of the principles of the Charter of the United Nations and General Assembly resolution 68/262. The rights of minorities continue to be violated, especially those of the Crimean Tatars and the Ukrainian-speaking populations, the great majority of whom oppose the recent political changes. We are particularly concerned by the repeated intimidations targeting the Mejlis of the Crimean Tatar People and its members, Crimean Tatar activists and the journalists who cover those events.

We welcome the approval, in the context of the trilateral contact group, of the Minsk protocol of 5 September and the Minsk memorandum of 19 September, which represent a step towards a lasting political solution to the crisis. That solution must be based on respect for Ukraine's independence, sovereignty and territorial integrity. We note the decrease in the overall level of violence following the ceasefire agreement. However, the ceasefire continues to be repeatedly violated, particularly by the separatists, which we strongly condemn.

Luxembourg welcomes Ukraine's efforts to implement the commitments it has made, including the Ukrainian Parliament's adoption of legislation providing amnesty and a transitional status of local autonomy. We must now redouble our efforts to ensure that the parties fulfil all the other commitments made in the Minsk documents. On Monday, in Luxembourg, the European Union underscored the Russian Federation's responsibility in that regard and called for the withdrawal of armed groups, military equipment, combatants and illegal mercenaries, as well as the securing of the border between Ukraine and Russia, and the constant monitoring of that border by the OSCE. We regret that it has not yet been possible to extend the OSCE monitoring mission deployed at the border posts of Gukovo and Donetsk to other border crossings adjacent to the territory occupied by the separatists.

We welcome the steps taken by the Government of Ukraine aimed at the proper holding of parliamentary elections two days from now, on 26 October. Those elections will enable the country to continue the positive reforms that began a few months ago. To ensure free and fair elections, the OSCE electoral mission will play a key role, and my country, like others around the table, will be actively involved in that mission.

We call on the Russian Federation to use its influence on the separatists to encourage the proper holding of local elections, scheduled for 7 December, under the new Ukrainian law. Indeed, only that election will make it possible to elect legitimate representatives of the relevant regions, who will be able to participate in a resumed inclusive national dialogue in Ukraine.

I will conclude by stating the obvious. It is high time to put an end to this conflict, which has already led to the deaths of more than 3,700 people, including at least 36 children. The agreements reached in Minsk present a unique opportunity that should be seized so as to restore peace. It is in no one's interest for a new conflict to take root on the European continent.

Mr. Quinlan (Australia): I thank Assistant Secretary-General Fernandez-Taranco and Assistant Secretary-General Šimonović for their briefings. Australia supports the ongoing work of the Office of the High Commissioner for Human Rights on the human rights situation in Ukraine, which is so important to enabling the Council to assess developments in Ukraine, a task that is clearly needed by us. As we have seen, the sixth report of the human rights monitoring mission gives rise, yet again, to serious concerns.

There have been some encouraging developments in the reporting period and since then, particularly the ceasefire agreement and the Minsk protocol in early September, the restoration of law and order to some parts of eastern Ukraine, and the partial drawdown of some Russian military personnel and equipment from Ukrainian territory. But of grave concern are the continuing hostilities in parts of eastern Ukraine, which have led to well over 300 fatalities — both civilian and combatants — since the ceasefire began. The latest report details significant casualties, significant numbers of displaced people, the dreadful state of critical infrastructure and of thousands of children who are unable to access education. Australia calls for all parties to uphold the ceasefire and to engage in a genuine and constructive dialogue to find a political solution.

The report paints a very disturbing picture of life in the eastern Ukrainian territories occupied by armed groups. Yet again, we have another United Nations report that documents the breakdown in law and order in areas under separatist control. The reports of abductions for ransom and forced labour, torture and extrajuducial killings are all the hallmarks of criminality and illegitimacy. The killing of a staff member of the International Committee of the Red Cross by shelling in Donetsk is deplorable and highlights once again the need for all parties to respect international humanitarian

law. Any violations of international humanitarian law by any party to the conflict must be properly investigated and the perpetrators held accountable.

Upholding the ceasefire is clearly an important enabling step towards a political solution, but so, too, is the preservation of Ukraine's sovereignty and territorial integrity. We are troubled by credible reports, including from the Organization for Security and Cooperation in Europe (OSCE), of significant numbers of foreign fighters continuing to move across the Russian border into Ukraine and of large-scale attacks against Ukrainian border checkpoints. That must stop. The Ukrainian-Russian border must be secured, ideally with permanent monitoring under expanded OSCE verification. It is disturbing that Russia has blocked that.

We note the reports of the possible use of banned munitions and of indiscriminate shelling. We also note that the Government of Ukraine has denied having had a role in any such abuses. Clearly, the facts should be established. If there are such abuses, they should cease. We also note that the ongoing violation of the ceasefire prevents the resettlement of the many thousands of internally displaced persons that the conflict has generated. As Assistant Secretary-General Šimonović has emphasized this morning, that is particularly worrying given the onset of winter.

Ukraine will hold parliamentary elections in two days' time. Ukrainians have the right for those elections to be free, fair and transparent. Clearly, they should be held without external interference. They must take place in a secure environment that protects freedom of expression and peaceful assembly and association within Ukraine's legislative framework.

Announcements by the self-proclaimed Donetsk and Luhansk People's Republics that they intend to hold separate elections in November contravene both the letter and the spirit of the Minsk protocol and undermine efforts towards finding a sustainable political solution within Ukraine's legislative framework. Those purported elections can have no legitimacy. As the report notes, the parallel governance structures being created in Donetsk and Luhansk do not comply with international norms and standards or, of course, with Ukraine's Constitution.

The report again draws the Council's attention to disturbing, multiple and ongoing human rights violations in the illegally annexed territory of Crimea, including the imposition of Russian laws that restrict the freedoms of expression, peaceful assembly, association and religion. The persecution and intimidation of Crimea's Tatar population is unacceptable.

The international dimensions of the conflict in Ukraine are known to us all, including the families in Australia still grieving the loss of their loved ones on Flight MH-17. All available information, including the independent preliminary investigation report of the Dutch Safety Board, is consistent with the assessment that Flight MH-17 was shot down by a surface-to-air missile fired from a location under the control of Russian-backed separatists. Australia, along with our Dutch and Malaysian partners, remains committed to returning to the crash site when conditions are safe to do so and to doing all that it can to bring to justice those responsible for the downing of Flight MH-17 and the murder of all those on board.

To conclude, we must not overlook the root cause of the situation in eastern Ukraine: Russia's persistent campaign of deliberate destabilization. However, there is a clear path towards an end to the violence in eastern Ukraine. Russia must withdraw all its support to separatists, remove all its military forces and assets from Ukrainian territory, respect Ukraine's borders, observe its obligations under the Minsk agreements and engage in genuine dialogue with Ukraine. Russia's continued refusal to heed the international community's call to de-escalate this crisis can lead only to Russia's further isolation.

Mr. Barros Melet (Chile) (*spoke in Spanish*): At the outset, we would like to thank Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for his briefing on the human rights situation in Ukraine and Mr. Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs. We appreciate the efforts that they, together with the Secretary-General, are making in that country.

The report before us describes the human rights situation in eastern Ukraine in a worrying way. The dramatic increase in violations of the rights to life, liberty and security now affecting civilians in Donbas underscores the need to restore the rule of law and to respect the sovereignty, independence and territorial integrity of Ukraine in accordance with General Assembly resolution 68/262 and international law. The recent reports indicating the possible use of cluster bombs in eastern Ukraine are of particular concern. They must be investigated. If they are proved to be

true, those responsible must be brought to justice. As we have pointed out in various forums, we condemn the use of such weapons. We call on those countries that have still not signed and ratified the Convention on Cluster Munitions to do so in the near future.

We reiterate that accountability for all human rights violations and abuses committed in Ukraine must be guaranteed. It is equally critical that the authorities conclude the investigation, that those responsible for the deaths of 48 people in Odessa on 2 May be brought to justice and that there be clarification as to why the security forces did not act in a timely and decisive way. We are also concerned about the human rights situation in Crimea, in particular with regard to discrimination against Ukrainian nationals and the Tatar minority.

On the humanitarian front, we are concerned about the situation of internally displaced persons in eastern Ukraine, who, according to the Office for the Coordination of Humanitarian Affairs, now total more than 400,000 people, mostly women and children — a clear sign of the severity of the crisis. In that regard, we commend the recent adoption by the Ukrainian Parliament of the law on the rights and freedoms of internally displaced persons on 20 October.

Ahead of the elections scheduled for this weekend, we would like to reiterate that an inclusive political process, based on dialogue, is essential to a stable and democratic future for all the Ukrainian people. To that end, we welcome the ongoing steps by the Ukrainian Government to implement the provisions of the Minsk protocol, in particular those relating to the ceasefire, the release of all prisoners, the withdrawal of armed groups and the disarmament of those groups.

Finally, along with the repeated call to urgently ensure full respect for the rule of law, democracy and human rights in Ukraine, including the rights of all minorities, we also reiterate our support for the work of the human rights monitoring mission in Ukraine, together with the monitoring mission of the Organization for Security and Cooperation in Europe.

Mr. Liu Jieyi (China) (*spoke in Chinese*): I wish to thank Assistant Secretary-General Fernandez-Taranco and Assistant Secretary-General Šimonović for their briefings.

China notes that, since the signing of the Minsk agreements between the Ukrainian Government and eastern militias at the beginning of September, there have been no large-scale armed clashes in eastern Ukraine. However, the security situation on the ground still remains fragile with sporadic violent attacks in violation of the ceasefire agreement, causing casualties and damage to infrastructure.

China is deeply worried and concerned about the situation. The top priority now is for the parties concerned to implement effectively and comprehensively the Minsk agreements and to ensure the realization of a ceasefire and cessation of violence in eastern Ukraine. That is the fundamental way to ease the humanitarian situation of the country, and it will create the necessary conditions for the provision of humanitarian assistance. China hopes that the international community will continue to play a constructive role in the improvement of the humanitarian situation in Ukraine. China maintains its consistent position that the United Nations human rights organs and international humanitarian relief agencies should adhere to the principles of objectivity and neutrality in carrying out their work.

The question of Ukraine involves a complex history that has a bearing on contemporary issues. The parties concerned should address the root of the problem and find a fundamental solution. While the legitimate rights, interests and claims of all regions and ethnic groups in Ukraine should be fully accommodated, attention must be given to addressing the legitimate concerns of the parties and to achieving a balance of interests among all parties. A political solution is the only proper way to solve the question of Ukraine. China hopes that the parties concerned will continue to implement the Minsk agreements, to further carry out constructive efforts and interaction and to launch as soon as possible an inclusive dialogue that will reach a balanced, durable and comprehensive political settlement of the question of Ukraine.

The international community should prevail on the parties concerned to make full use of existing communication channels and opportunities for dialogue, take actions conducive to the establishment of mutual trust and avoid confrontation. China supports any effort that will help the parties to engage in dialogue and consultations leading to a political settlement of the crisis, and we will continue to play an active and constructive role in seeking a political settlement of the question of Ukraine.

Mr. Nduhungirehe (Rwanda): Madam President, I would like to thank you for convening this meeting. I

would also like to thank Mr. Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs, and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their respective briefings on the political and human rights situation in Ukraine.

The Security Council has been preoccupied with the conflict in Ukraine since February. In the intervening months more than 3,700 people have been killed, more than 9,000 civilians have been wounded and more than 824,000 Ukrainians have been driven from their homes. There are over 430,000 internally displaced persons. The position of Rwanda is clear and constant; it revolves around three key principles. The first is putting a stop to the hostilities and ensuring respect for the independence, sovereignty and territorial integrity of Ukraine. The second is promoting genuine dialogue among Ukrainians, fostering national reconciliation, establishing self-governance and promoting rights for minorities. And the third is securing a diplomatic settlement to the crisis, involving the countries and organizations of the region.

It is in that context that Rwanda welcomes the signing of the 12-point Minsk protocol agreement on 5 September, which declared a ceasefire in eastern Ukraine, as well as its implementation memorandum of 19 September under the auspices of the trilateral contact group. We note with satisfaction the steps already taken by President Petro Poroshenko and the Ukrainian Parliament to implement both agreements, namely the implementation of the ceasefire, the exchange of detainees and the adoption of laws on amnesty and self-governance. We believe that the parliamentary elections on Sunday will help implement those agreements, as they are critical to the consolidation of democracy and to diversity and the rule of law in Ukraine. We are, however, concerned by the inflammatory statements of armed separatists denouncing those elections, and we emphasize that only elections organized by the legitimate Government in Kyiv will be constitutional and in line with the Minsk agreements.

Although the ceasefire had for a while raised hopes for peace in Ukraine, we are perturbed by the statement of the Prime Minister of the self-proclaimed Donetsk People's Republic officially declaring the end of the ceasefire, in the wake of regular violations by armed parties. In that context, we reiterate our call on all illegal armed groups in Ukraine, mainly in the Donetsk and Luhansk regions to lay down their arms, and we urge the trilateral contact group to use its influence to ensure that the work of the Special Monitoring Mission of the Organization for Security and Cooperation in Europe is not hindered and that the Minsk protocol is fully respected.

Rwanda is deeply troubled by the findings of the six-month report of the United Nations Human Rights Monitoring Mission in Ukraine. We condemn the continuing terror activities of armed groups in areas under their control, where they have perpetrated killings, abductions, torture, ill treatment and other serious human rights abuses, including the destruction of housing and seizure of property. We equally condemn the violations of international human rights law by some of the volunteer battalions under the control of the Government of Ukraine. Furthermore, we express our concern about the use of heavy weaponry and the indiscriminate shelling of densely populated areas, including through the reported use of cluster munitions. In the light of the response of the Ukrainian Government, which denied the use of illegal munitions, we hope that a full, thorough and independent investigation will be conducted to shed light on those allegations.

More generally, given the dark picture of the human rights situation in Ukraine, Rwanda urges all warring parties to comply with international humanitarian and human rights law. We welcome the commitment of the Ukrainian Government to investigate the reported human rights violations, including the reports of mass graves, and we stress that the perpetrators, including those who bear the command responsibility, should be held accountable.

Allow me to conclude by noting that, with the ongoing fighting, the fast-approaching winter season and the current gas shortage in Ukraine, the eastern part of the country is heading towards a humanitarian catastrophe. We therefore call on the political leaders in Ukraine, and those who have influence over them, to show leadership and a sense of responsibility by making sure that the ceasefire holds firm and by finding a lasting political and diplomatic solution to a crisis that has been going on for too long.

Mr. Gombo (Chad) (*spoke in French*): I would like to join others in thanking Mr. Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs, and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their briefings.

Chad continues to be gravely concerned by the deteriorating security and humanitarian situation in

Ukraine, especially in the eastern part of the country. On the humanitarian level, Chad notes that despite the Minsk agreement of 5 September, which includes the ceasefire agreement, the use of heavy weapons and bombings in inhabited areas continue on a daily basis. We are all the more concerned because, according to certain sources, the Ukrainian army and separatist forces are using cluster bombs in their confrontations in eastern Ukraine. As the Council is aware, such weapons cause severe harm. Sometimes, when a bomb does not explode immediately, it becomes the equivalent of a mine. Chad emphatically condemns the use of those weapons of mass destruction in violation of international treaties and calls for an immediate cessation of hostilities.

On the humanitarian level, the figures demonstrate that civilian victims have increased sharply in this situation of intensified combat. According to the report of the Office of the High Commissioner of Human Rights, over 3,000 people have been killed to date and 9,000 have been injured in eastern Ukraine. Despite the truce of 7 September, another 350 people have been killed. As for the internally displaced persons, Ukraine has over 400,000.

It is a dire moment. The majority of the population in the conflict zones are facing substantial difficulties, with no access to education, sanitary facilities, shelter or work. Furthermore, with the advent of winter and the stalemate in the negotiations between the Russian Federation and Ukraine on the provision of natural gas, we fear that millions of people will be subjected to an untenable situation. In the regions of Donetsk and Luhansk, thousands of people have been deprived of income because nearly 40,000 small and medium-sized businesses have closed shop due to the fighting.

Moreover, war-related practices — torture, abduction, illegal detention, intimidation, confiscation of goods, summary and arbitrary execution and acts of sexual violence — are being committed against the civilian population by Government forces as well as by separatists, and are unacceptable. Chad condemns all acts of violence and violations of human rights and international humanitarian law.

Given the scope of the conflict and despite the repeated calls of the international community and the Security Council, Chad believes that the situation is not simply fragile, as stated in the report; rather, we are on the verge of an acute humanitarian crisis. In view of the situation, Chad urges the parties to the conflict to exercise restraint and calm, and calls on the countries with influence over the actors on the ground to exert all efforts to find a political solution to the crisis, which has lasted too long.

Chad congratulates the Government of Ukraine on its peacemaking and peacebuilding efforts in Ukraine. First was the signing of the Minsk accord and memorandum under the auspices of the Trilateral Contact Group on 19 September. Then, on 16 September, the Ukrainian Parliament ratified the law on special autonomy for certain regions of Donetsk and Luhansk, the law on amnesty and the immediate release of all hostages and detained persons. Those efforts must continue. The elections scheduled for Sunday will be another key step of the will for peace in Ukraine.

The humanitarian situation requires responsibility on the part of the authorities and political actors. Lasting solutions must be provided to the affected population, making a priority of the structural issues affecting human rights, in conformity with international norms, the recommendations contained in the report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, and in the framework of respect for General Assembly resolution 68/262, on Ukraine's sovereignty and territorial integrity.

Mr. Laro (Nigeria): I thank the briefers for their briefings. Nigeria welcomes the efforts of European leaders towards resolving the crisis in eastern Ukraine. The recent meeting between President Putin and President Poroshenko during the Asia-Europe summit has opened a promising vista. We see such high-level engagements as providing a platform for exploring ways to end the instability and violence that have engulfed eastern Ukraine. We stress that a diplomatic solution is the only viable option for resolving the crisis in Ukraine.

The Minsk agreement is an encouraging development that provides an avenue for de-escalating tension in eastern Ukraine. We believe that if fully implemented, it could restore peace and stability in the region. We therefore strongly urge all parties to abide by their commitments under the provisions of the agreement.

Throughout our engagement on this issue, we have stressed adherence to the principles embodied in the Charter of the United Nations, namely, respect for the sovereignty, independence and territorial integrity of

States. In that connection we condemn the plans by separatist forces to hold local elections in November. It is contrary to the spirit of the Minsk agreement and can further threaten the peace, unity and sovereignty of Ukraine. We appeal to Member States with influence over the separatists to prevail on them to drop their plans to hold the elections in the interest of peace and security in Ukraine.

Mr. Churkin (Russian Federation) (*spoke in Russian*): This is about the twenty-fifth meeting to date in which we have discussed the internal Ukrainian crisis, which has basically been transformed into a civil war. Yet despite dense planning and significant international efforts carried out under various formats, over a period of months Ukraine's slide towards the abyss has only accelerated. What is the reason for that?

The answer is staring us in the face. From the very beginning of the crisis, we have warned that last winter's events in Ukraine — which were encouraged by crude external interference that led to a coup d'état — could open a deep division of the country that could be overcome only through national dialogue with the participation of all regions, political powers and ethnic groups and respect for their interests and rights. Those principles, which opened a genuine path towards a peaceful resolution of the conflict, were agreed by Russia, the United States, Ukraine and the European Union on 17 April, in Geneva, but they have not been implemented. Not everyone among the new-old Ukrainian elite or among its foreign sponsors agreed with them. There has been no dialogue or promised constitutional reform.

Instead of moving towards a balanced solution that would have helped to stabilize the situation and strengthen Ukrainian unity, the war party in Kyiv continually received prompting from Western capitals to conduct a punitive operation, to fight dissent, thus undermining economic, cultural and humanitarian links with Russia. In trying to prevent an escalation of the crisis, we urged the parties involved to stop tearing Ukraine apart and setting before it the false choice of being either with the European Union (EU) and the West, or with Russia.

What are we seeing today? Today in Kyiv and in Brussels, as a matter of fact, everyone has returned to the issue we should have started with — delaying the association agreement with the EU, which the ousted President Yanukovych had sought to postpone. The cost of delaying that decision for almost a year is thousands of lives, almost a million refugees and internally displaced persons, a destroyed economy and a civil war, and the very severe situation being endured by civilians in the Donetsk and Luhansk regions, to whom we will continue to provide urgent humanitarian assistance. We are ready to cooperate with the Ukrainian authorities and with the International Committee of the Red Cross to that end, but we will accept no obstruction, whatever the hypocrites may say.

Some colleagues on the Council and other lofty bodies have stated more than once that the Maidan uprising and the following internal political processes resulted from the democratic aspirations of the Ukrainian people and their expectations with regard to European values and rule of law. That is commendable. However, what are we really seeing? There are those in Ukraine who truly desire the civilized development of their country; there are many such people, and we can only commiserate with them. The current election campaign is especially characterized by bad faith and cynicism. The political field has been cleansed of competitors, both figuratively and literally. A law on lustration has been adopted, which is the precursor of a major witch hunt. Dissent is subject to intimidation and violence. Lynch mobs are modelled on foreign exemplars. Media outlets that stray from the general line are being closed. If a television channel broadcasts in Russian or if a newspaper even contains the word "Russian" in its name, it is immediately considered to be separatist.

Against that background, our concern about Ukraine arises from the growth of neo-Nazi sentiment there, encouraged by authorities in Kyiv. On 14 and 15 October in Kyiv, Kharkiv, Odessa and a number of other cities in Ukraine, parades of torch-carrying neo-Nazis with fascist insignia were held. At meetings people quote Hitler. There are calls for violent actions against representatives of different ethnic groups. Following precedents that are unfortunately known in history, there have been public burnings ofundesirable publications in Kyiv. In another act that can only be considered blasphemous the authorities in Kyiv have designated the date of 14 October — the date on whichthe so-called Ukrainian Insurgent Army was formed — as the Day of the defence of the Fatherland. That group was guilty of criminal collaboration with the Nazis during the Second World War, having been involved in the murder of tens and hundreds

of thousands of innocent people — Jews, Poles, Russians, even Ukrainians who refused to collaborate with them. It is particularly unacceptable to see such actions on the eve of the seventieth anniversary of the victory in the Second World War. That proclamation grossly violates the General Assembly resolution 67/154 — adopted seven times at the initiative of the Russian Federation — which condemns the celebration of Nazis as heroes. Furthermore, that proclamation poses a serious threat to the post-war world order and to international peace and security.

With that kind of ideological baggage, can Ukraine really intend to move towards Europe? Our eloquent Western colleagues have said nothing about that - as if they had lost their sense of smell. We think it strange and unacceptable that the topic was completely left out of today's briefings by the United Nations officials, Mr. Fernandez-Taranco and Mr. Šimonović. We call on them to focus, as a priority, on combating the glorification of Nazism and countering attempts to rewrite history. Resolution 67/154 calls on everyone to do just that.

Prospects for a political resolution in Ukraine have taken on a realistic character since the signature in September of the Minsk protocol and the Minsk memorandum. Our hope for those agreements' viability stems from the fact that they are based on direct agreement between Kyiv and the south-eastern part of the country, which was achieved with the contribution of Russia and the Organization for Security and Cooperation in Europe. Such was not the case in the past. Also important is the fact that, thanks to the Minsk process, major military clashes have been brought to an end and major principles of peacekeeping observed. It is true that there have been violations. But that only points to the need for painstaking work and good-faith international support for the negotiations with a view to ensuring the full implementation of what the representatives of Ukraine and the armed groups agreed to in Minsk.

At the recent Asia-Europe Meeting, President Vladimir Putin of Russia once again clearly underscored our support for efforts to ensure full implementation of the Minsk agreements. At the same time, the Milan negotiations have shown that it is vital for the essence of the agreements to be upheld and for its implementation to occur in a certain sequence.

A report of the United Nations human rights monitoring mission in Ukraine was mentioned today. Unfortunately, once again, the report is very far from being objective. In fact, it was the Kyiv authorities that invited the mission in, and they have been guiding its activities. Nevertheless, certain facts that do not favour the Kyiv authorities cannot be ignored.

One can't ignore the violations of the norms of international humanitarian law committed by the Kyiv security forces, blatant facts that include the disappearance of people, killings, looting, extortion and arbitrary detentions, all of which have been carried out by the Ukrainian military and other battalions under the control of the Kyiv authorities, specifically, the Aidar, Azov, Dnepr, Kyiv-1 and Kyiv-2 battalions.

At the same time, ordinary Ukrainians are being harshly detained under the pretext that they have been involved in terrorism. There is an alarming and growing number of civilian victims, including children, as the result of indiscriminate artillery fire in densely populated areas, as well as the use of heavy weapons, prohibited munitions, including cluster bombs and phosphorus munitions, and tactical rockets. There has been a lack of progress in the investigation into the deaths of people on the "Maidan" and the tragedies in Odessa and Mariupol, as well as attempts to meddle with or conceal evidence.

It is essential to investigate objectively and thoroughly the graves of peaceable citizens found in Nyzhnia Krynka. We also continue to be concerned about the investigation of the Malaysian Airline Boeing disaster: it is clearly not a coincidence that the crash site came under fire from Ukrainian positions on 13 October when the Dutch expert group and the observers of the Organization for Security and Cooperation in Europe (OSCE) were there. The reporting in one of the statements we heard today of an unconfirmed version of what happened there is irresponsible. We still do not understand the nervous reaction of certain members of the Security Council to our proposal of 19 September calling for the investigation to be expanded and deepened.

Crimea was mentioned again today. During the years that the peninsula was forced to be part of Ukraine, many socioeconomic problems accumulated. Russia will try to solve them in a systematic way. That will not be affected by efforts on the part of the Kyiv authorities to take revenge on the population of Crimea for their decision to join Russia. The Kyiv authorities have erected all kinds of obstacles and have been

broadcasting anti-Crimean propaganda in an unbridled manner.

Unfortunately, instead of working collectively to analyse the very severe problems in Ukraine and attempting to resolve the situation, some members of the Security Council have, as is their custom, expressed unqualified support for all of the actions of the Kyiv authorities, even though the latter represent the party of war. That support is based on their cynical geopolitical calculations that have nothing to do with the interests of the Ukrainian people. What everyone, including the Security Council, should in fact be doing is to help the parties to the conflict to maintain complete observance of the ceasefire, prevent bloodshed, and engage in an honest and fundamental national dialogue on issues of constitutional reform and rebuilding a Ukrainian State on a just and inclusive basis. It is essential that a clear signal be sent in support of those who are in favour of the peaceful resolution of the situation in Ukraine based on the Geneva document and the Minsk agreements.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as the representative of Argentina.

Like my colleagues, I would like to thank the Assistant Secretary-General for Political Affairs, Mr. Oscar Fernandez-Taranco, and the Assistant Secretary-General for Human Rights, Mr. Ivan Šimonović, for their respective briefings on the situation in Ukraine.

Argentina expresses its concern about the continued deterioration of the security, human rights and humanitarian situation in Ukraine, especially in eastern Ukraine. We are also troubled by the effects of the resurgence of violence on the civilian population, which jeopardizes the efforts made to reach a diplomatic and political solution to the situation.

We are emphatic that no peaceful way out of the situation in Ukraine can be found through unilateral actions of any kind. It is imperative for all stakeholders to frame their actions strictly within international law and the principles of the Charter of the United Nations. We recall the obligation of all States, under the United Nations Charter, to settle their international disputes through peaceful means, in order not to endanger international peace and security.

We reiterate that the only possible solution is through dialogue and negotiation, with due respect for Ukraine's management of its domestic affairs. Today, once again, Argentina calls for an end to confrontation and all forms of interference in internal affairs, which fall exclusively within the domestic jurisdiction of States, whether such interference is military, political, economic or rhetorical in nature.

For that reason, we believe that it is a positive step that the Trilateral Contact Group on Ukraine — comprising Ukraine, Russia and the Organization for Security and Cooperation in Europe — agreed to the protocol to implement President Poroshenko's peace plan and President Putin's initiatives, which were also signed by armed groups opposing the Government of Ukraine. However, we recognize that the fragility of the ceasefire is a true concern. After the recent meeting in Milan between the Presidents of Ukraine and Russia, we call for continued discussions in order to find a way out of the conflict and for all parties to implement the measures agreed upon in the protocol.

We are naturally deeply perturbed by the reports of the use of cluster bombs in densely populated areas. The parties must unreservedly respect human rights and international humanitarian law and must ensure accountability wherever violations of human rights and international humanitarian law occur. We deplore the reports of killings, kidnappings, abductions, torture, abuse and other serious violations of human rights, which are very worrying, but in the face of the evidence of such violations of human rights, we need truth, objective information, a speedy, reliable investigation and justice. With regard to the humanitarian situation, we would like to highlight the assistance being provided by the International Committee of the Red Cross and Médecins sans frontières. The international community should continue to support those efforts, and the parties should ensure that there is access for humanitarian aid.

Finally, as we have done every time the Security Council has dealt with this issue, Argentina would like to emphasize the Council's primary responsibility for ensuring the maintenance of international peace and security, in accordance with the role assigned to it by the Charter of the United Nations. We deplore the fact that, despite the many times we have met to discuss the situation in Ukraine, the Council has not been able to play a positive role. As in other cases, constructive diplomacy has given way to politicization and personal attacks within the Council.

Once again, Argentina urges that we make a contribution rather than become an obstruction to bringing the parties together, so that they can find the

common ground necessary to achieving a political and diplomatic solution and ending the confrontations that have had increasingly serious and severe effects on the civilian population. We cannot allow ourselves to be witnesses to further setbacks. Those of us with the greatest influence should contribute the most to constructive diplomacy. The international community must unite its efforts to help the parties find a peaceful solution to the complex situation in Ukraine.

I now resume my functions as President of the Council.

I give the floor to the representative of Ukraine.

Mr. Pavlichenko (Ukraine): I thank you for convening this important meeting, Madam President. I would also like to thank Assistant Secretary-General Fernandez-Taranco and Assistant Secretary-General Šimonović for their briefings today.

We continue to welcome the reports of the United Nations Human Rights Monitoring Mission in Ukraine and the assistance of the United Nations. We are fully committed to protecting and promoting the human rights of all Ukrainian citizens, including those who live in the temporarily occupied Ukrainian territory of Crimea and the city of Sevastopol. We have taken careful note of the issues raised by Mr Šimonović in the Monitoring Mission's latest report and will continue to work closely with his team.

In order to ensure the proper protection of civil rights and to eliminate the remnants of the totalitarian economy and the injustices of Yanukovych's rule, Ukraine needs comprehensive reforms. To that end, President Poroshenko has launched a reform strategy for 2020. Its eight priority areas are reform of the judiciary and the fight against corruption, reform of law enforcement bodies, deregulation and development of entrepreneurship, tax reform, decentralization of power and good governance, security and defence-sector reform, and health-care reform. Last week Parliament passed a package of anti-corruption measures and legislation aimed at strengthening the rule of law. The President also signed a decree initiating work on developing a national human rights strategy. The reforms were drafted in close cooperation with civil society and are public-inspired and people-oriented. Further measures will follow.

But even as we work to build a better future, we continue to make it absolutely clear that all crimes, particularly those relating to violations of human rights and fundamental freedoms, must be fully investigated, and those responsible brought to justice. That applies to the killings in the Maidan in February as much as it does to the tragedy in Odessa on 2 May. The first cases connected to those tragic events are already before the courts. Last week, Human Rights Watch published a report suggesting that the Ukrainian armed forces may have used cluster munitions in Donetsk. Our forces have never used cluster munitions or any other prohibited weapons. The Organization for Security and Cooperation in Europe (OSCE) confirmed on Wednesday that there is no evidence that Ukrainian forces have used such weapons, but we have nothing to hide and are ready for an open and transparent investigation.

The latest report of the United Nations Human Rights Monitoring Mission presents further details of the appalling human-rights situation in the areas under militant control in eastern Ukraine. It highlights the role of foreign militants, particularly those from the Russian Federation, and the continuing grave human-rights violations committed by illegal armed groups. As the report makes clear, those groups are terrorizing Ukrainian citizens in the areas under their control. They resort to daily acts of abuse, including torture, killings and kidnappings. The report details, for example, the introduction of a criminal code, based on that of the Russian Federation, providing for the establishment of military tribunals and the use of the death penalty. We utterly condemn such violations of basic human rights. These are Ukrainians, and their rights are being abused by the militant groups who claim to be protecting them.

The latest report also draws attention to cases of Ukrainian citizens' capture and subsequent illegal transfer to Russia. One such is the case of a Ukrainian servicewoman, Nadiya Savchenko, who was kidnapped in July on Ukrainian territory by Russian security services and is currently being kept under illegal arrest in Russia. The Russian law-enforcement agencies and courts have handled her case in a very untransparent way, with numerous violations of her rights. The Ukrainian film director Oleg Sentsov is also being illegally held captive. Russia refuses to grant Ukrainian consular access to Mr. Sentsov because, since he is a resident of Crimea, they now falsely claim, without his permission, that he is a Russian citizen, in a grave violation of his rights as a citizen of Ukraine, as well as contrary to Ukrainian legislation and internationally

recognized legal standards. Moreover, according to information the Government of Ukraine has received, both captives have been ill treated in Russian prisons.

We continue to be gravely concerned about the massive and systematic violations of human rights in illegally occupied Crimea. In complete violation of international law, Russia has forcibly imposed its national legislation there. Occupation authorities have also encouraged criminal acts against Crimean Tatars and others belonging to national minorities and religious groups. The Russian authorities have refused to facilitate proper investigations or even to comment on the killings and abductions of pro-Ukrainian and Crimean Tatar activists, who include Reshat Ametov, Tymur Shaymardanov, Seyran Zinedine, Leonid Korzh and Vasyl Chernysh. They have prevented the Tatar leaders Mustafa Jemilev and Rifat Chubarov from travelling to the Crimean peninsula, their historical native land.

Illegal detentions, torture, property searches, confiscations, and pressures on business and social activity groups have become daily realities for the residents of Crimea. We demand that Russia, as the temporary occupier of Crimea, stop violating the rights of our citizens. At a minimum the situation there must be internationally monitored on a constant basis. We welcome the continuing commitment of the United Nations to ensuring that those suffering in Crimea are not forgotten.

As President Poroshenko has repeatedly stated, Ukraine is fully committed to a peaceful settlement of the situation in the east of our country. That situation was not of our making, but we are striving to end the bloodshed. Our commitment to finding a peaceful solution resulted in the signing of the Minsk protocol and the Minsk memorandum amoong Ukraine, the OSCE and the Russian Federation, with the participation of representatives of militant groups.

Immediately after the signing of the Minsk protocol, the Ukrainian Government moved quickly to implement the agreement. Our Parliament adopted a law on interim local self-government in certain districts of the Donetsk and Luhansk regions and set the date for local elections. It also adopted a law granting amnesty to those involved in the recent unrest. We entered into talks regarding hostage exchanges, resulting in over 1,000 people being freed. We continued to provide humanitarian relief, working in close partnership with United Nations agencies and other international organizations, and the new law, adopted on Monday, on the temporary status of internally displaced persons will further facilitate our humanitarian efforts. We prepared a plan for economic renewal and growth, including plans for the economic revival of the Donbas region, and have called for a donor conference later this year. We have rendered all possible assistance to the OSCE Special Monitoring Mission in order to create conditions for its experts to verify the ceasefire.

We fully support current efforts to step up those monitoring efforts, as demanded under articles 2 and 4 of the Minsk protocol, particularly along the Ukrainian-Russian border. At present, only two border crossings are monitored by the OSCE. That is clearly insufficient. Unfortunately, on Wednesday, our proposal to expand the monitoring of the border was blocked by the Russian Federation in the OSCE. It is of grave concern that, despite being a signatory to the agreement, Russia refuses to undertake tangible steps to implement it. It is clear that that is simply a cynical attempt to maintain the daily flows of arms, weaponry and militants from Russia to Ukraine.

We have strictly observed the ceasefire regime, the details of which are specified in the Minsk memorandum. Since its signature, the Ukrainian Armed Forces have not undertaken offensive operations and have used their weapons only to defend themselves. Regrettably, our goodwill has not been reciprocated. Militant leaders have openly stated their intentions to violate the terms of the ceasefire and their aim of capturing new territories, including the cities of Mariupol and Sloviansk. Fierce fighting has been occurring around Donetsk airport and the outskirts of the towns of Debaltseve and Shchastya, where the militants are trying to extend the area under their control.

It is a tragedy that Ukrainian citizens continue to lose their lives. Since the truce started, the positions of the Ukrainian Armed Forces have been shelled over two thousand times. As a result of those attacks, 89 Ukrainian servicemen have been killed and 500 wounded. At least 54 Ukrainian civilians have been killed as a result of separatist shelling, including 7 killed by separatist rocket fire near the village of Sartana last week.

If the Minsk agreements are to succeed, all parties must live up to one hundred per cent of their commitments. The militants, together with Russian

troops that continue to remain on our soil, must cease their offensive military actions and end the shelling of civilian areas. A11 foreign military personnel must leave the territory of Ukraine. The Russian Federation must cease its illegal supplies of weapons and equipment, limit the flow of so-called volunteers across our sovereign border and allow us to re-establish proper controls.

Unfortunately, what we are now seeing is the continuation of a military build-up by Russia along our border and in north Crimea. The illegal militant groups have been able to strengthen their military capabilities and are now threatening to seize other cities of Ukraine by further offensive military actions. In making those calls, we are simply urging Russia and its pro-Russian separatist allies to live up to the agreements they freely entered into. In particular, we warn them to refrain from any provocations aimed at disrupting the coming elections.

This Sunday, national parliamentary elections will be held across Ukraine. Local elections in the Donbas region envisaged by the Minsk protocol are scheduled for December The leadership of Ukraine will do its utmost to ensure their fair and transparent conduct, in full compliance with international democratic standards and the legislation of Ukraine. Both those votes are an integral part of the peace process and are vital for an inclusive dialogue at the national level. They will identify parliamentary representatives from all regions of Ukraine and legitimate local representatives in the Donbas.

As of today, due to the security situation in the east, parliamentary elections can be held in 11 of 21 constituencies of the Donetsk region and in 4 of 11 constituencies of the Luhansk region. But it is important that everyone's voice is heard. Therefore, we urge that free and secure access to polling stations be granted to those Ukrainian citizens who reside in the areas that remain under militant control. We call on Russia to unequivocally condemn the attempts by the illegal armed groups to hold their own local elections on 2 November. Moscow must make clear to the militant authorities that that effort will hinder the peace process and that the results of that illegal vote, organized in violation of Ukrainian legislation, will never be recognized.

Since the beginning of this year, Ukraine has suffered immense upheaval. Our territory has been illegally occupied and our borders violated. In pursuit of its own narrow self-interests, Russia has instigated a brutal insurgency in the Donbas region that has led to the loss of numerous lives, including the passengers of Flight MH-17, shot down by a separatist missile. International law has been trampled and the human rights of Ukrainian citizens abused.

In this difficult time we are grateful for the support shown by the United Nations, members of this Council, the European Union and the members of international community who have stood up for the Charter of the United Nations and the principles of this Organization. But the crisis in our country is not yet over. We need he Council's help now more than ever to bring an end to the violence. In September we engaged in arrangements with the hope of ending the bloodshed and ensuring sustainable peace. To fulfil that goal the terms of the agreement must be implemented in full by all involved in the trilateral dialogue. We urge the Council to hold all signatories to their commitments.

The President (*spoke in Spanish*): The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I will not comment on the statement made by the representative of Ukraine in all its details because we have already heard, in 24 previous meetings, the same politicized, often anti-Russian statements. But I will just focus on three aspects of his statement and the statements of several other colleagues.

First, I believe that it is inappropriate to bring to the Security Council discussions that are ongoing in the Organization for Security and Cooperation in Europe (OSCE), particularly in regard to the implementation of the provisions of the Minsk agreements regarding border monitoring. Since there have been accusations against Russia in that context, I would just like to recall that the proposal to deploy OSCE observers at certain border crossing points was made by the Russian side in the context of the ceasefire. The ceasefire did not take place. However, we went even further. We said that, even in the absence of a ceasefire, we would be ready to deploy the observers on the Russian side of the Russian-Ukrainian border. That was a significant gesture by the Russian Federation, and any criticism in that regard is unacceptable.

With regard to the issues being discussed by the OSCE in Vienna, I would like to recall that, as I noted

in my statement, the Minsk protocol presupposes a certain sequence of steps that needs to be followed. The sequence is first and foremost based on the implementation of the ceasefire, which unfortunately did not take place.

The Ukrainian representative made a very important appeal for an end to the shelling of areas where civilians live. Why does he not direct his appeal to his own side? He mentioned the insurgents. He asserted that civilians are dying as a result of such shelling. If that is the case, that is of course very unfortunate. However, civilians, sometimes as many as 19 people in one day, are dying in the Donbas region as a result of shells being fired by the Ukrainian Armed Forces. We note an interesting use of terms. The representative of Ukraine says that its armed forces are not responsible, but what about the battalions under Ukrainian command? It seems that they are under such command but the impression is that they are not.

Once again, our Ukrainian colleague could do no better than give an unverified version of events, according to which a separatist missile shot down the Malaysian Airlines flight. I want to reiterate that it is irresponsible to voice unverified accounts in the Security Council. In that context, I have two questions: how and why did that happen? I will explain. Everyone now knows that as soon as the tragedy occurred, rumours were circulated in Kyiv. False information that was supposed to affirm a particular version of events was given. Why was that done? Because if one has information, why not share it? Why keep it secret? That is just a very simple explanation.

In the preliminary report that they provided to us, the Dutch experts said that the air traffic control recordings were routine and contained nothing of value. If they are routine, why not publish them just to demonstrate transparency? What is more serious is the fact that our experts have drawn up some 40 important questions that need to be answered in order to understand what happened. The Ukrainian representative has made no attempt to reply to a single one of those questions. It is time for him to cease — in particular at Security Council meetings — his endless repetitions of unverified versions of events and to answer those questions. We would then be able to have a serious discussion.

Otherwise, let us wait and try to conduct the investigation as seriously as possible, as we proposed on 19 September (see S/PV.7269).

The President (*spoke in Spanish*): The representative of Australia has asked for the floor to make a further comment.

Mr. Quinlan (Australia): I will be extremely brief. I would like to agree with my Russian colleague on the importance of answering all questions that need to be answered in respect of the independent investigation that is currently under way with regard to Flight MH-17. That investigation is independent. It is being undertaken by an independent body — the Dutch Safety Board. Participation in that investigation includes two Russian experts. As we understand it, all the questions that have been raised are being systematically looked at.

Our Australian experts are, of course, participating in that investigation, but I, as a member of the Australian Government, do not have access to the nature or detail of that participation. It is an independent investigation that has drawn up one preliminary report so far but which continues. All participating Governments and other bodies, including the International Civil Aviation Organization, have been assured that it will be very proper and very systematic and will answer all the questions that have been raised.

I therefore agree with my Russian colleague that such kinds of questions need to be looked at. Our understanding is that that is being done. But the fact is that we have an independent investigation. It enjoys the participation of all those who need to be involved, including Russian experts, and is being undertaken in accordance with accepted international guidelines, as affirmed to us in the briefing by Mr. Feltman that took place on 19 September (see S/PV.7269).

In terms of what I said in my earlier statement about the cause of the downing of the aircraft, what I said was that all the apparent evidence that has been produced so far, while not conclusive, is consistent with the initial assessment that that event, that atrocity, was consistent with a surface-to-air missile from the areas and in the terms that I mentioned. I did not assert that that was a definitive conclusion — certainly not yet — of the independent investigation, which is still looking to establish what happened rather than who was responsible.

The prosecutorial investigations that are under way and that involve hundreds and hundreds of prosecutors from 13 countries, who are being coordinated by the Dutch Government, will seek to establish the culpability and then lay the basis for accountability.

Those countries most directly affected that lost citizens in that outrage have all indicated consistently their confidence in both processes that are taking place. I have said enough but I just wanted to put that firmly on the record.

The President (*spoke in Spanish*): I now give the floor to the representative of Ukraine for a further comment.

Mr. Pavlichenko (Ukraine): I would first like to say that the independent investigation into the Flight MH-17 aircrash is being undertaken by the Netherlands and competent authorities and that the investigation includes an international team. My Government is also participating in that task. It is fully committed to the work being undertaken within that group.

As for the other allegations voiced by the Russian delegation, I regret that it continues to use such unconstructive rhetoric. I just want to reiterate our main message regarding the accusations levelled at the Government of Ukraine that our troops committed some crimes. We take very seriously all credible information about any crimes committed on the territory of Ukraine. The Government of Ukraine condemns all crimes, especially serious crimes in breach of international law. Any such crimes should be properly investigated. They will be investigated and those responsible will be held accountable sooner or later. Ukraine is open to cooperating with international partners in the investigation of such crimes.

I hope that that position is quite clear. However, at the same time, it seems to me that Russia is casting such unfounded allegations against Ukraine in order to distract the attention of the international community from the main issue, which is the Russsian aggression against Ukraine and its interference into the domestic affairs of my country. The occupation of Crimea, the instigation of unrest in eastern Ukraine and the supply of weapons and manpower for the needs of the separatist movements in Ukraine are among the main causes of those dramatic events.

Unfortunately, I have not heard from the Russian delegation a firm willingness to comply strictly with the Minsk arrangements, to which it is a party. We have not heard any expression of Russia's firm intention to withdraw its troops from Ukraine or its readiness to cooperate with Ukraine in establishing effective control over the State border. We have not heard a condemnation of the serious crimes committed by the illegal armed groups, crimes that are clearly reflected in the United Nations Monitoring Mission's report.

We also had expected that Russia would condemn the intentions of the separatists to hold local elections on 2 November, an act that would violate the Minsk arrangements, signed by Ukraine and Russia. It would be quite difficult to settle the situation in eastern Ukraine without addressing that issue, as noted in our statement today. The leadership of Ukraine has demonstrated by its deeds its readiness and willingness to work for a peaceful resolution. It is time for the other parties to step up and show their sincere will to engage in dialogue.

The President (*spoke in Spanish*): The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I would ask our Ukrainian colleague to reread the text of my statement today, as well as the recent statements issued today by President Vladimir Putin in Sochi and by Minister for Foreign Affairs Sergei Lavrov, which clearly outline our position with regard to the peace settlement and the Minsk process. My statement is in Russian. I will give the Council the text; there is no official English translation, but I think it will be useful.

In connection with what our Australian colleague said, I do not think we need to have a broad discussion on the independent investigation, but I am very happy that he sounded so constructive about the investigation. I was concerned about one thing, however, on which I think we need to be very clear. The Australian Permanent Representative stated that the version referred to today is supposedly generally accepted or that it might be the version resulting from such an investigation.

That simply is not the case. It was just a version constructed by the United States, which did not provide any justification. That version simply stated that a missile was fired from the region that was supposedly under the control of the separatists. We have not heard any proof. Yet a few days after the tragedy, that same region was visited by a journalist from the Russian Service of the BBC, who gave a four-minute report from there, which clearly demonstrated that no one had shot any missiles from that location. However, that report was posted on the BBC website for only half a day and was then taken down. I suppose it was not considered interesting enough to remain.

I would like to reiterate a most important point. We should not exchange views, here in the Security Council Chamber, on versions of what happened. We should wait until the investigation is complete. We should ensure that the independent investigation is substantive and wait to see how the investigative team continues to work and what kind of report it produces.

The President (*spoke in Spanish*): There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.05 p.m.