



# Security Council

Sixty-ninth year

## 7239<sup>th</sup> meeting

Friday, 8 August 2014, 10 a.m.

New York

Provisional

<i>President:</i>	Sir Mark Lyall Grant . . . . .	(United Kingdom of Great Britain and Northern Ireland)
<i>Members:</i>	Argentina . . . . .	Mr. Oyarzábal
	Australia . . . . .	Mr. Quinlan
	Chad . . . . .	Mr. Mangaral
	Chile . . . . .	Mr. Barros Melet
	China . . . . .	Mr. Zhao Yong
	France . . . . .	Mrs. Le Fraper du Hellen
	Jordan . . . . .	Mr. Khair
	Lithuania . . . . .	Ms. Murmokaitė
	Luxembourg . . . . .	Ms. Lucas
	Nigeria . . . . .	Mr. Adamu
	Republic of Korea . . . . .	Ms. Paik Ji-ah
	Russian Federation . . . . .	Mr. Churkin
	Rwanda . . . . .	Mr. Nduhungirehe
	United States of America . . . . .	Ms. Power

## 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)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).

14-50017 (E)



Accessible document

Please recycle



*The meeting was called to order at 10 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:** 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. Ivan Šimonović, Assistant Secretary-General for Human Rights, to participate in this meeting.

On behalf of the Council, I welcome Mr. Šimonović, who is joining today's meeting via video-teleconference from Zagreb.

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

I give the floor to Mr. Šimonović.

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

On 28 July, the Office of the United Nations High Commissioner for Human Rights issued the fourth monthly report of the United Nations human rights monitoring mission in Ukraine, which covered the period from 8 June to 15 July 2014. Today, I will highlight the report's key findings, and I will focus on the rapidly deteriorating situation in the east of the country and provide updates on the situation since 15 July.

At the outset, let me say that the downing of the Malaysian civilian aeroplane, which occurred on 17 July, killing 298 people, calls for our unanimous sorrow and sympathy for the victims' families and for our outrage. While the downing of the plane may constitute a war crime, a thorough, effective, independent and impartial investigation is needed to determine the facts and circumstances of that act. That investigation is now under way, but it is disturbing to learn that the volatile security situation at the crash site continues to hamper international investigators, despite the ceasefire zone declared by the Government of Ukraine around the

area. It is urgent to stop the fighting and to secure the crash site. At the same time, of course, more broadly, there must be accountability for those responsible for other war crimes, serious violations of international humanitarian law and gross violations of human rights law, as documented by the findings of the United Nations human rights monitoring mission.

The intense fighting in the Donetsk and Luhansk regions of eastern Ukraine is extremely alarming. The United Nations human rights monitoring mission reports mounting casualties and serious damage to infrastructure. All Ukrainians are paying an increasingly high price. As the Council is aware, the ceasefire declared by the Government was in effect for 10 days, from 20 to 30 June. The report describes the rapid escalation of hostilities that has occurred since the end of that ceasefire, which, it notes, was violated over 100 times. It also notes the rapid professionalization of the armed groups, which are increasingly well organized and equipped with heavy weaponry. Their political and military leadership includes not only Ukrainians but also citizens of the Russian Federation.

On 2 July, constitutional proposals were made, including on decentralization, local governance structures and the preservation of the use of the Russian language. Those have been among the main concerns of the Russian-speaking population in the east of the country. Meanwhile, the human rights situation has deteriorated significantly in pockets of territory in Luhansk and Donetsk, which are still controlled by armed groups and where the Government has been undertaking its security operations.

The report details what amounts to a reign of fear and terror in areas under control of the armed groups, twinned with the breakdown of law and order. There have been reports of human rights abuses, including abductions, detentions, torture and executions in those areas, all of which have increased the terror of civilians who are trapped there or held as hostages. More must be done to protect the lives of innocent people and to bring perpetrators to account. That must start with an immediate cessation of hostilities.

Since April, some 924 people have been abducted by armed groups, including 811 politicians, journalists, professionals, students and other civilians and Organization for Security and Cooperation in Europe monitors, while 113 servicemen, military border guards and security personnel have been detained. Those figures are provided by the Government.

Abducted individuals have been used as an exchange currency to free members of armed groups detained by the Government, to extort money or property and as a source of forced labour — to dig trenches or build barricades close to the epicentre of the violence. Some vulnerable groups, such as persons living with HIV or drug users, have been made to “work off their guilt” as forced labour or to fight on the front lines. Recently, as the Government of Ukraine has regained control over more of the territory in the east formerly held by the armed groups, many hostages have been freed or released through negotiations. But, as of 5 August, the whereabouts of 465 people remain unknown.

The situation of children affected by the conflict is particularly worrying and requires more concerted commitments by all parties to ensure the effective protection of those children. While it seems that considerable efforts have been undertaken to evacuate children from the area of hostilities, according to the Ukrainian ombudsperson about 300 children remain in several orphanages in the areas under the control of the armed groups. Children experience specific vulnerabilities in the context, and allegations of abductions or attempted abductions continue to persist.

On 8 July, the authorities of the Russian Federation announced that a former Ukrainian military pilot held in a pretrial detention centre in the Russian Federation would be charged with complicity in the killing of two Russian TV journalists on 17 June near Luhansk. The circumstances of her capture have been controversial. The Russian authorities state that she freely crossed the border into the Russian Federation and was subsequently arrested because she had no documents and was masquerading as a refugee. The Ukrainian Government says she was abducted in Luhansk by armed groups and was taken to the Russian Federation in an operation coordinated with the Russian secret services. The Ukrainian Consul was permitted to visit her on 16 July. She remains in detention.

Fighting in and around population centres has resulted in heavy loss of life and very significant damage to property and civilian infrastructure. Both sides must be reminded of the imperative that they act proportionately and take precautions to avoid deaths and injury of civilians. Otherwise they will be held accountable for the casualties that could have been avoided.

The United Nations human rights monitoring mission and the World Health Organization estimate

that from the date of the onset of fighting in mid-April to 7 August, more than 1,543 people were killed in the east, including civilians, military personnel and members of the armed groups. At least 4,396 have been confirmed wounded; the real number is likely to be much higher.

Some internally displaced people are beginning to return to territories in the east where the Ukrainian Government has regained control. The United Nations human rights monitoring mission visited Slovyansk earlier this week, and I am pleased to report that life in that city is returning to normal. Water, electricity and gas supplies have been restored to 95 per cent of previous capacity, and children have returned to kindergarten.

The city no longer needs humanitarian aid, according to the acting mayor. However, a disturbing discovery was made in Slovyansk when a mass grave was uncovered containing 14 bodies, at least 2 of which were identified as abducted members of a local evangelist church in that city. The United Nations human rights monitoring mission spoke to the father of the two identified individuals, who said that the church had been threatened by members of the armed groups on a number of occasions before armed men abducted four church members on 8 June as they left their church service. Until the bodies were exhumed on 24 July, their whereabouts had been unknown.

As the Government regains more territory formerly controlled by the armed groups, it must ensure that all atrocities are fully investigated under the full application of international human rights norms and guarantees, which include the avoidance of reprisals. Allegations about arbitrary detention and abuses by Government forces have to be investigated and acted upon promptly and decisively.

I wish to inform the Council that the United Nations Human Rights Office has received a “White Book” on alleged human rights violations in Ukraine prepared by the Russian Federation covering the period from April to mid-June 2014, which we are currently reviewing. Some of the cases have already appeared in previous reports of the United Nations human rights monitoring mission. I would reiterate that the Government of Ukraine should investigate all alleged human rights violations, as recommended by the mission.

In the Autonomous Republic of Crimea, harassment and discrimination has intensified against

Ukrainian nationals, Crimean Tatars, representatives of religious minorities, minority groups in general and activists who opposed the 16 March “referendum” in the area. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that more than 15,200 people have left Crimea, while tens of thousands continue to flee the fighting in the east, bringing the total number of internally displaced persons in Ukraine to more than 117,910, according to UNHCR, as of 5 August. The report details a number of recommendations to the Government for the purposes of addressing outstanding issues.

The ability of Ukrainians to exercise their freedoms of expression, association, peaceful assembly, movement and religion or belief, as well as their political rights, has been strongly affected by the current crisis. In the east, those rights have been strictly curtailed by the armed groups. In a significant moment, the United Nations human rights monitoring mission reported that, on 1 August, residents of Severodonetsk — a city regained by Ukrainian forces on 22 July — were able to openly gather in the central square in a flash mob to express support for Ukraine. That was the first such rally allowed since March.

However, worrying trends include the rise of hate speech, particularly in social media, and a number of incidents targeting Russian-owned banks and businesses on the ground that are alleged to be financing terrorism. Freedom of expression has also come under attack, especially in the east, where attempts at media manipulation have been especially egregious in territory under the control of armed groups.

Journalists in Luhansk were required to meet the political leadership of the armed groups every Monday to discuss what to cover and how, and those who did not comply were threatened and blocked, and their equipment destroyed. The so-called Defence Minister of the self-proclaimed Donetsk People’s Republic has prohibited journalists, cameramen and photographers from taking photos, videos and audio recordings, and banned them from working in combat zones and in proximity to military objects. As a result, a number of journalists, including foreign media professionals, have been harassed.

Ukrainian journalists are treated even more harshly. In that regard, I note with concern the abduction of a local field producer for CNN, who was taken from a hotel in Donetsk on 22 July, held for four days, severely beaten and accused of being a Ukrainian spy.

It is imperative that the parties to the conflict be assisted in finding a way out of this murderous and potentially even more explosive crisis. I welcome the Ukrainian President’s proposal for a new round of talks to find a way to restore the ceasefire. A first meeting was held in Minsk on 31 July, where important agreements were made to secure the crash site of the Malaysian Airlines plane and to release a sizeable number of the hostages being held by armed groups.

Moreover, even once the current crisis has been resolved, deep psychological scars will remain. The fabric of society is being torn apart by the continuous and ongoing violence and fighting. The misinformation being spread is building divisive narratives, hardening people’s resolve and deepening social divides. The residents of areas in the east affected by the prolonged fighting, particularly children, may need psychological assistance to heal and to rebuild their lives. Many others, such as the victims of torture and former hostages, especially those held for long periods, will require help to recover.

There is a clear need for a multi-year human rights national plan of action for Ukraine based on the recommendations of the United Nation human rights mechanism and the work of the human rights monitoring mission. It is critically important that the recommendations in the annex to the report be part of the broader reform agenda as the international community and Ukraine prepare for a major donor conference later in the autumn.

As the report notes, the Government needs to seriously address the wider systemic problems facing the country, such as corruption, with respect to good governance, the rule of law and human rights. The Office of the United Nations High Commissioner for Human Rights reiterates its readiness to work with the Government on those issues.

Civil society has played a vital role in Ukraine. The report describes how citizens have become involved in areas where their Government has been unable to respond quickly enough, such as accommodating people fleeing the fighting. Perhaps that new civic spirit will help drive the next phase of much-needed change in Ukraine.

Allow me to conclude by stressing the need to find a peaceful solution to the current situation. We cannot afford to wait a day longer when at least 50 people are being killed or wounded every day. The price being

paid by all Ukrainians as a result of the conflict is too high. Ukrainians and Russian Ukrainians in the east are losing their lives, but the whole country is paying the price of the conflict as a result of the deterioration of social services. The political and economic consequences of the conflict spill over Ukraine's borders, negatively impacting human rights worldwide, the civilian aeroplane tragedy being just the most drastic example.

**The President:** I thank Mr. Šimonović for his briefing.

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

**Ms. Murmokaitė (Lithuania):** I would like to thank Assistant Secretary-General Šimonović for his extensive briefing. The presence of the Office of the United Nations High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe (OSCE) in eastern Ukraine and their reporting from there remain essential. Such missions register and report facts on the ground, identify the existing gaps in Government policies and, in the case of the report of the Office of the United Nations High Commissioner for Human Rights, offer important recommendations to the Ukrainian Government. Such recommendations need to be followed up as the country's leadership undertakes the comprehensive constitutional and administrative reforms necessary for the country to recover after years of corruption and neglect, as well as the impact of the current crisis.

Those missions register the countless and ongoing human rights violations by the Russia-supported armed separatists, who, under the false pretexts of self-determination and violations of minority rights, have dealt a blow to the rule of law and human rights in the region as they persist in their efforts to erode Ukraine's sovereignty and to destroy its territorial integrity.

As the Assistant Secretary-General has just mentioned, a reign of fear and terror in the rebel-held areas prevails. The most recent report also points out that law and order in the rebel-held areas has collapsed. The rule of law has in fact been substituted by the rule of the gun. The details provided by the report reveal the true nature of the militant separatists and their imported leaders, whom their main sponsor, Russia, has sought time and again in the Chamber to portray as mere peaceful protesters.

The trademark activities of those so-called peaceful protesters, as the report points out, include intimidation, abductions, illegal detention, torture and ill-treatment, as well as the deliberate targeting of critical public utilities, the illegal occupation and seizing of public and private property, bank robberies and attacks on coal mines. To date, 104 buildings remain under the control of those illegal armed groups. Such illegally occupied public buildings are often used to detain and torture civil activists, journalists and political opponents.

Armed separatists have seized warehouses and factories, using the premises as training camps or military repair shops. Such actions, as well as their threats and intimidation, have led to the shutdown of many factories, causing unemployment in the region to soar. As the Assistant Secretary-General has just said, the separatists have abducted some 925 people, the whereabouts of 465 of whom remain unknown. Just this week, three Red Cross employees were reportedly kidnapped and are being held in detention by the armed militants. None of those actions, all of which are clear and criminal violations of human rights law, have ever been condemned by Russia, which has instead repeatedly sought the Council's condemnation of Ukraine for its legitimate efforts to restore law and order in the east of the country.

In the past two weeks, there have been new reports — the Assistant Secretary-General has spoken extensively in that regard — about the situation of journalists and the media. More journalists have gone missing or were harassed in eastern Ukraine. Journalists attempting to report on the crash of Flight MH-17, including representatives of Dagens Nyheter, the BBC, the Daily Beast, Nieuwsuur, Time and Russia Today, were detained and harassed by armed gangs.

As of 15 July, 13,381 people have moved from Crimea and a new wave of internally displaced persons (IDPs) is expected during the year, in addition to the already large numbers of IDPs. The harassment and discrimination against ethnic Ukrainians, Crimean Tatars and representatives of religious and other minorities continue. Restrictions on movement and the right to peaceful assembly continue. The Crimean Tatar leaders Mustafa Dzhemilev and Refat Chubarov have been barred from entering their homeland by the Russian occupying authorities.

The written records of execution orders, authorized and signed personally by the so-called

commander-in-chief of the illegal Donetsk People's Republic, Igor Girkin, also known as Strelkov, and of the hearings of self-proclaimed military tribunals convicting people to death have been found in Slovyansk. An illegal militant group, representing no one but itself and headed by foreign passport holders, whose sole authority on the ground stems from the guns that they carry, grants itself the authority to assign and execute extrajudiciary death sentences on an illegally occupied territory. The mass graves discovered recently in areas liberated by the Ukrainian forces are a tragic testimony to the degree of lawlessness that marks the insurgent actions.

As the Assistant Secretary-General has just testified, the armed insurgents are increasingly better armed and use heavy weaponry, including mortars, anti-aircraft guns, tanks and armoured vehicles. They continue to shoot down helicopters and planes, even at high altitudes, including the downing this week of a Ukrainian military plane and transport helicopter.

Sources on the ground indicate the tendency of the past days that whenever Ukrainian troops deploy sufficient power to pose a threat to the militants and are in a position to launch strikes against their positions, the illegal armed groups redeploy to a nearby town, exposing civilian populations to the threat of combat and forcing them to flee, as they install their armed vehicles, artillery and Grad rocket launchers in residential areas.

The Government's efforts to establish a ceasefire or humanitarian corridors have been repeatedly violated by the insurgents. While Russia is quick to blame the Ukrainian authorities, we are yet to hear a single condemnation by Russia of the reckless acts by the insurgents, including around the crash site of the Malaysian civilian airliner. We fully agree with the Assistant Secretary-General about the importance of a thorough and independent investigation into the crash and the need to bring those responsible to account.

The reports of the OSCE monitoring mission have affirmed the facts with regard to the movement of armed individuals across the Russian border into Ukraine and back. Instead of closing its borders to such illegal movements of mercenaries and weapons, Russia continues to carry out war games at Ukraine's eastern border. Alarming large numbers of combat-ready troops and armaments are once again amassed on Ukraine's borders. Defence Minister Shoigu's latest statements on the combat readiness of so-called Russian

peacekeepers are also highly alarming and once again raise serious questions about Russia's true intentions in the region.

No less troubling is Russia's ongoing escalation of Cold War rhetoric against Europe and the West, now extended into sanctioning food imports, which will undoubtedly affect the Russian population itself. All those actions are the exact opposite to the confidence-building and de-escalation that are so badly needed, for which the international community has called repeatedly. While we are seriously concerned about the deteriorating humanitarian situation in the east of Ukraine and the civilian suffering — again, the Assistant Secretary-General has spoken extensively about that — we must be very clear. The key to ending the suffering is in the hands of Russia and hinges on its continued support to illegal separatist groups.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): I should like to start with two introductory comments.

First and foremost, it would be remiss of me not to note that we deem completely wrong the engineering decision that was taken during the reconstruction of the Security Council Chamber. Mr. Šimonović should not cover up the historical picture by which the world recognizes the Security Council. That error must be corrected.

Secondly, we understand that everyone has the right to a vacation, including Mr. Šimonović. However, it is clear that he is a little divorced from reality here. It is not clear what proposal by President Poroshenko Mr. Šimonović is praising concerning the start of talks on a ceasefire. We know nothing about any such proposal.

Moreover, yesterday the Ukrainian authorities stated that they were interrupting the ceasefire regime established pursuant to resolution 2166 (2014) so as to create the conditions necessary for an objective international inquiry into the deaths of the passengers on the Malaysia Airlines airliner, as a result of which this investigation is confronted by serious problems.

I shall now return to the issue under discussion at this meeting.

The Security Council did not request the report of the Office of the High Commissioner for Human Rights and therefore should not be discussing it, especially since the report is interesting merely as an example of

elegant political rhetoric, where facts and conclusions are painstakingly shaped to fit a particular political requirement. In reading the report, what jumps out is the absence of what would seem to be the first thing one would expect of United Nations human rights defenders, namely, a call on the sides to cease all military activity, as if the right to life were not the principal right of any human being.

The report gave no space to a condemnation of the instances of use by the Ukrainian security forces, in populated areas, of artillery, multiple-launch rocket systems and phosphorus shells, which are prohibited by international conventions. Is there even any passing reference to the promise made by Ukraine not to bomb the Donetsk and Luhansk regions and to ensure their security? Nothing is being said regarding the flowery promise made by President Poroshenko to the inhabitants of the Donetsk and Luhansk regions on this very topic; there is no reference to this treacherous breach of promises.

The escalation of the so-called anti-terrorist operation, with its many casualties among the civilian population, continues. Ukrainian security forces are shelling residential neighbourhoods and infrastructure. There is no end in sight to the shelling of Gorlovka. Yesterday, five individuals died there and 10 were injured; a church burned down; a power station was destroyed; and the water supply has been interrupted. Thursday morning, the centre of Donetsk was again shelled. Shells hit a hospital admission ward as well as residential high-rises and a bus depot. Overall, 156 power substations, 18 boilers and seven gas lines were destroyed. These are but a few examples.

The report pushes the idea that the self-defence formations are to blame for everything. They are accused of everything short of cannibalism. For example, in paragraph 5 it is stated that those formations were deliberately targeting critically important infrastructure. In other words, they are not only firing upon themselves, they are doing it intentionally. What has led to this brilliant conclusion? And why is there no similar conclusion regarding the actions of the Ukrainian authorities, which are methodically bombing residential neighbourhoods? Sometimes from one day to the next they are fighting on the same, almost destroyed high-rise building.

A separate topic is the situation of children. According to the information we have received, there are 1,223 child orphans in the Donetsk and Luhansk

regions. The authors of the report termed the efforts of the self-defence formations to take those orphans to safety to the Russian Federation as attempted kidnapping. The report also contains a reference to seriously ill children to whom Russia could provide expert assistance. It states with satisfaction that as a result of the intervention of the Ukrainian authorities, the children remained in Donetsk. It seems that United Nations philanthropists believe that children thrive under fire.

Russia's requests to human rights bodies regarding the evacuation of children have not received any response from Kyiv. What do United Nations human rights defenders think about this? Do children not deserve safety?

More than 820,000 Ukrainians are currently finding shelter in Russia. Requests for regulating their status total 188,000. In our territory we have set up 643 temporary shelters for those who have nowhere else to go. Currently there are 47,500 individuals there, of which more than 16,000 are children.

The report gives plenty of useful advice to the Ukrainian authorities. It suggests incorporating those who are eradicating the civilian population of south-eastern Ukraine, the so-called volunteer battalions, into the armed forces of Ukraine.

The criminals who are currently killing women and children and committing other serious human rights violations must be arrested and brought to justice. But instead of this, it is proposed that they should be legitimized. Perhaps one should also legitimize the foreign mercenaries that are taking part in the so-called anti-terrorist operation, something the Ukrainian authorities no longer conceal.

It would be remiss of me not to mention the extremely biased picture painted by the report regarding the situation of journalists. Allegedly only one representative of the Russian media was detained and then released by the Ukrainian army, and not a word is said about the detention and beating up of journalists from the television channels Zvezda and LifeNews. The reported version, that the two Russian journalists who died could have been killed by the self-defence formations, is false.

Regarding the human rights situation in Ukraine, one cannot focus solely on the territory under the control of the self-defence formations, which, judging by the report, suffers from a complete absence of

the rule of law. Is there any rule of law in the rest of Ukraine? There is a passing reference in the report to a number of steps that are aimed at banning the Communist Party of Ukraine. These legitimately elected parliamentarians are currently being brutally persecuted, including by law-enforcement agencies, for their political convictions. This is but another step in the systematic punishment of those who have come to power as a result of the armed revolt of their political opponents, who, by the way, just happen to represent the south-eastern part of the country.

A clear example of the disregard for the principle of the rule of law is the lack of progress in investigating the serious crimes committed in the Maidan and in Odessa and Mariupol. In the current atmosphere of fear, is it any wonder that Odessans and the citizens of other areas do not trust the investigators sent by Kyiv and refuse to cooperate with them, even as documents relating to these crimes are disappearing without a trace? This is mentioned in the report.

It is clear, and it is confirmed in the report, that the armed forces, including the Ukrainian security services, now have unprecedented power and are clearly violating fundamental human rights. They are seizing people without due process, using violence against detainees, and using the tactics of intimidation and threats to extract testimony from witnesses. Bearing in mind the fact that the justice system is paralysed, what sort of impartial investigations and prosecution can we expect in Ukraine?

The Government of Ukraine is ignoring the commitments it has undertaken, including under the Geneva statement of 17 April. The process of constitutional reform in Ukraine, which envisions decentralizing power, expanding the authority of the regions and giving the Russian language special status, is being put off indefinitely. In fact, there is now talk of strengthening presidential power, which is exactly the opposite of what was demanded by the Maidan protesters demanded, whom the authorities are trying to get rid of. That begs the question, what did the people fight for?

We wish once again to underscore the harmfulness of attempts to resolve the crisis in Ukraine through violence. We call for an immediate end to military actions in the country and a solution to the humanitarian problems.

A very important step should be the speedy beginning of constitutional reforms, which should involve all the regions of Ukraine and would be open to public consideration. As for the unfounded conjectures in the report regarding the situation in Crimea, which is part of the Russian Federation, this cannot be a subject for discussion at today's meeting, which is dedicated to the situation in Ukraine. Having adopted the historic decision on reunification with Russia, the inhabitants of Crimea have delivered themselves from the horrors that are unfolding for everyone to see in the south-eastern part of Ukraine.

**Mr. Zhao Yong** (China) (*spoke in Chinese*): I wish to thank Assistant Secretary-General Šimonović for his briefing.

Armed conflicts have continued to escalate in eastern Ukraine, resulting in severe casualties and property damage. China is deeply concerned about the situation.

In armed conflicts, civilians are the most fragile and vulnerable group. Three days ago, Mr. Ging of the Office for the Coordination of Humanitarian Affairs briefed Council members here in this Chamber on the humanitarian situation in Ukraine.

The international community should call on all parties to take, as soon as possible, actions aimed at easing the situation in Ukraine, building mutual trust and finding a political solution to the crisis. The priority now is to implement an immediate ceasefire through political consultations, carry out a comprehensive dialogue and, on the basis of initiatives such as the Geneva agreement, fully leverage the role of existing dialogue and the liaison mechanism in search of a comprehensive political solution.

The Ukrainian crisis can be addressed only through political means. In that process, the legitimate demands of all sides and ethnic groups have to be fully accommodated in order to achieve a balance of interests for all. The international community should also play a constructive role in seeking a political solution to the crisis by vigorously engaging in mediation, pushing for talks, encouraging the parties concerned to maintain dialogue and increased engagement, and creating favourable external conditions for effective interaction among all parties.

China supports all efforts aimed at easing the situation, ending the crisis and promoting a political

solution. We stand ready to work with other members of the international community to continue to play an active and constructive role in that regard.

**Mr. Nduhungerehe** (Rwanda): Thank you, Mr. President, for convening this meeting. We also thank Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for his briefing on the human rights situation in Ukraine. We also commend the entire team of the United Nations human rights monitoring mission, who continue to diligently perform their mission in that difficult environment.

Earlier this week, the Council met on the humanitarian situation in Ukraine (see S/PV.7234). We expressed our concern with regard to the recent developments, including the rapidly growing number of refugees and internally displaced people, as well as the deteriorating humanitarian situation. I would like to recall that, in the same meeting, Rwanda proposed holding a monthly meeting under the agenda item “The situation in Ukraine”, in order to have a comprehensive view and a regular assessment of the crisis in Ukraine, instead of the current ad hoc, piecemeal and letter-based approach.

The report under review gives a gruesome description of the situation in eastern Ukraine. Since April, more than 15,000 innocent civilians have been killed and 4,000 injured. In only five days — between 10 and 15 July — about 478 people were killed, including women and children.

Furthermore, the population in areas controlled by armed groups has been subjected to abduction, arbitrary detention, forced labour and forced recruitment, sexual harassment, torture and execution. On the other hand, Ukrainians, including children, are caught between fights of armies that continue to deploy heavy weaponry in disregard of human life and seriously damaging civilian infrastructure. We agree that this could amount to violations of international human rights and humanitarian law.

Rwanda condemns the use of civilians as human shields by armed groups, such as the incident of 14 June where two people were killed and eight were wounded. We urge all parties involved to act proportionately and to protect civilians as a matter of priority. The issue of abduction and detention is of particular concern, with more than 900 people reported to have been abducted since mid-April, among whom there are a large number of women and girls. The growing trend and tactics

being deployed by armed groups, including abduction and torture, is extremely worrying. Also worrying are reported cases of reprisals and illegal detention by the Government, including the illegal detention of a Russian journalist for a long time and in an unknown place, as well as the anti-Russian hate speech in the social media and the targeting of Russian-owned banks and businesses. All those serious human rights violations must be thoroughly investigated and those responsible must be held accountable. We urge the human rights monitoring mission and the national preventive mechanism to redouble their efforts in ensuring that human rights are upheld and respected.

With regard to the crash of Malaysia Airlines Flight MH-17, Rwanda remains deeply concerned that the ongoing investigation is being hindered by the fighting around the crash site. It is imperative that the utmost security be guaranteed for the international investigators to carry out their mandate. Let us not forget that the families are still grieving for their loved ones. We owe them respect and the dignity they deserve. The remains of those killed must be immediately returned for proper burial, and the consequences of the plane crash must be determined with a sense of urgency.

Finally, let me reiterate our call for the need to respect the independence, sovereignty and territorial integrity of Ukraine. In that regard, we call on all parties to respect the ceasefire, de-escalate the situation and engage in an open political dialogue to find a lasting solution to the crisis, based on President Poroshenko’s peace plan. We do not want to find ourselves with another long-lasting crisis, adding to many others already on the agenda of the Council. We urge all members to consider the lives of Ukrainians and to use any influence they may have to encourage political dialogue. Failure should not be our default option, as it will continue to undermine the credibility of this institution.

**Mrs. Le Fraper du Hellen** (France) (*spoke in French*): I thank Mr. Šimonović for his presentation of the fourth report of the human rights monitoring mission in Ukraine, which remains an essential source of information for us. I would like to take this opportunity to express our full support for the work of the Office of the United Nations High Commissioner for Human Rights and all the staff of the mission, who are working under very difficult conditions.

The security, humanitarian and human rights situations in Donetsk and Luhansk continue to

deteriorate due to the armed separatist groups operating there. In the east of the country, arbitrary arrests, forced disappearances, summary executions, hate speech — in a word, terror — are affecting all civilians. Those who return after having been abducted report having been tortured by armed groups. The separatists are deliberately targeting public infrastructure to restrict civilian access to water, electricity and medical care, and thereby increase their humanitarian needs. Fighting and acts of intimidation are causing civilian casualties and displacement. The report presented to us illustrates that situation.

In Crimea, discrimination is now common and Tatars are victims of harassment and intimidation, while the commission of inquiry, despite our repeated requests, still has no access to the Crimea.

Displacement and destabilization in the east, where the main industrial centres are located, have economic consequences for the entire country.

The violence is fuelled and maintained from outside. As Mr. Šimonović has just reminded us, the armed groups are increasingly more professional and well armed. Their leadership is made up primarily of people from the Russian Federation, who apparently fought in Chechnya and Transnistria. We denounce the presence of those foreign elements and call for an immediate end to outside support. We join the appeal launched by the Ukrainian Government for the flow of arms and fighters from Russia to cease.

We reiterate our call for the fighting in eastern Ukraine to stop and for armed groups there to lay down their weapons and evacuate all public buildings occupied illegally. The separatists must engage in a process of political dialogue that allows them to express their position legally and peacefully. The trilateral contact group under the auspices of the Organization for Security and Cooperation in Europe is playing a key role in that regard so that the Ukrainian authorities and those groups can constructively achieve a ceasefire.

Faced with this situation, the Ukrainian Government has a responsibility to take appropriate and proportionate measures, in accordance with international standards, to fight armed groups, protect people and control of its borders. It has already taken steps to provide assistance to people forcibly expelled from their homes. Wherever Kyiv has restored its authority, basic services to the population are operating again and the Office of the United Nations High Commissioner for Refugees has

noted the return of displaced persons. We encourage the full cooperation of the Ukrainian Government with the United Nations and other humanitarian agencies to continue to meet the humanitarian needs. We also welcome the solidarity of Ukrainian citizens in helping those who have been displaced.

Everything must be done to encourage a return to calm, which is a necessary precondition for launching a political dialogue. That involves, first and foremost, I repeat, control of the Russian/Ukrainian border so that the flow of weapons and men is stopped.

The international community stands ready to support Ukraine in its current efforts to regain its unity, sovereignty and territorial integrity. We welcome the organization by the European Union, at the beginning of July, of a meeting of the contact group aimed at coordinating economic assistance to Ukraine.

New measures against Russia have been necessary — adopted by the European Union, the United States, Canada, Japan and Switzerland. They demonstrate the international community's determination to push Russia to work towards a peaceful settlement of the conflict.

In conclusion, I would like to reiterate how much we regret the fact that the investigators of the crash of Flight MH-17 have still not been able to complete their task in spite of the efforts of Australia, the Netherlands and Malaysia, in full cooperation with the Ukrainian authorities. As Ms. Pillay said, we could be talking about a war crime here, and every effort should be made to ensure that those responsible answer for their actions. Generally speaking, every element that the commission of inquiry collects should be able to be used in judicial proceedings.

**Mr. Quinlan** (Australia): I would like to thank Assistant Secretary-General Šimonović for his briefing.

Today's meeting of the Security Council follows a national day of mourning in Australia yesterday, when all Australians remembered those who died when Malaysia Airlines Flight MH-17 was shot down over separatist-held territory in eastern Ukraine. That deplorable crime, unanimously condemned by the Council, is a reminder of the terrible consequences of the violence in eastern Ukraine and of the deliberate actions of armed separatist groups. It is a reminder to all those who stoke the flames of division that fuelling violence has widespread, devastating and often unpredictable consequences.

In the days immediately following the adoption of resolution 2166 (2014), an international mission for the protection of the investigation was established, led by the Netherlands, with Australian and Malaysian participation. Despite intimidation by separatists and their frequently imposed restrictions on access to the crash site, the unarmed mission accessed it on a number of occasions, locating and recovering human remains and personal effects and recovering evidence. We worked swiftly and thoroughly in the areas of highest priority, and the mission has now completed the substantive part of its work at the site at this stage. On Wednesday the Netherlands announced the mission's withdrawal from the site. When search and security conditions improve we will return there to ensure that we have recovered all identifiable remains.

The investigation into the cause of the crash will of course continue, led by the Dutch safety board with input from the International Civil Aviation Organization and other international partners. As with the parallel investigation into possible criminal responsibility for the downing of MH-17, this is again an international effort coordinated by the Dutch. The results of those investigations will be crucial elements in ensuring accountability, as demanded by resolution 2166 (2014), and it is imperative that all States cooperate fully with those efforts.

We are very concerned about what the fourth report on Ukraine by the Office of the United Nations High Commissioner for Human Rights and Assistant Secretary-General Šimonović today have said. The report tells two stories. In most of Ukraine under Government control, the Government has taken steps towards making constitutional and political reforms, including protecting minority rights, and there has been some movement towards establishing accountability. Judicial reform has also begun, although that needs much more work. Those steps are still incomplete, but they are going in the right direction.

Conversely, the report paints a dire picture of the human-rights situation in separatist-held parts of Ukraine — abductions, torture, extra-judicial killings by armed groups, increasing numbers of civilians killed, deliberate targeting by armed groups of critical public utilities such as water, electricity, sewerage, and growing numbers of internally displaced people. These illegal armed groups have seized Ukrainian territory through violent means and — I quote from paragraph 26 of the report — “inflicted on the populations a reign

of intimidation and terror to maintain their position of control”. These groups have no legitimacy; their actions have had terrible consequences. In separatist-controlled areas, as the report says, the rule of law has disappeared and been replaced by the rule of violence. This is now the fourth time that the Council has received a United Nations report documenting these human-rights abuses. The pattern has continued, and in some places under separatist control it has worsened significantly. Those responsible for the violations have acted with impunity. This cannot continue, and they will be held accountable for their crimes.

No country can accept illegally armed insurgents taking control of parts of its territory. In these circumstances of continued destabilization and use of force by separatists, the Ukrainian authorities have the right to protect their own citizens and reassert control over their sovereign territory. They must of course do so in a manner proportionate to the circumstances, and all parties must comply with international humanitarian law. It is self-evident that the human rights and humanitarian situation in eastern Ukraine will improve only with an end to the conflict. That requires that separatist groups lay down their arms and cease using violence against the Ukrainian State.

It also requires that Russia stop its provocation and destabilization of eastern Ukraine and use its considerable influence over the separatists to de-escalate the situation. But Russia has not done so. It has not taken action to control its borders. Weapons and fighters continue to flow from Russia into eastern Ukraine, fuelling the conflict. The build-up of Russian troops along the Ukrainian border, the Russian military exercises in the area and the rapid deployment of new and sophisticated military capabilities only add to the destabilization of eastern Ukraine. Serious concerns about Russian military preparedness — what actually looks like combat readiness — are widespread among countries in the region and around the world. Our concerns have been aggravated by Russia's attempts to construct a case for intervention in eastern Ukraine, a case that is fraudulent and cynically self-serving. The humanitarian problems in eastern Ukraine are a result of the instability and conflict deliberately manufactured by armed groups and supported by Russia. That has inevitably produced a worsening humanitarian situation in eastern Ukraine, but effectively one limited to areas occupied by the separatists and certainly not on the scale of what we understand by a humanitarian crisis. Russia can most usefully contribute to alleviating the

situation by ending its support for separatist groups and influencing them to end the conflict.

In conclusion, the human-rights situation, the downing of MH-17 and the humanitarian plight of many are all the result of the systematic, manufactured destabilization of eastern Ukraine. The consequences have been grave for Ukraine and its people, and now also for the people of many other countries who have lost their citizens. This destabilization must stop.

**Ms. Lucas** (Luxembourg) (*spoke in French*): I too would like to thank Assistant Secretary-General Šimonović for his very thorough briefing on the human-rights situation in Ukraine.

Luxembourg shares the deep concern of the United Nations High Commissioner for Human Rights about the collapse of the rule of law and the worsening violence in the areas of eastern Ukraine controlled by separatist armed groups. The report based on the thorough work of the United Nations human-rights observation mission reveals the seriousness and extent of the human-rights violations committed by these groups. Systematic recourse to intimidation, abductions, forced disappearances, forced recruitment and labour, arbitrary detention, torture, executions, assassination and destruction of civilian infrastructure sows terror among the people. The victims of these heinous acts are not only those who openly oppose the separatists but also ordinary citizens, teachers, journalists, students, women and children. These grave violations of human rights must stop. Those who have committed them must be brought to justice in order to account for their actions.

The situation is especially worrying in the Donetsk and Luhansk regions. The people there are caught in the crossfire of the intensifying clashes between the Ukrainian security forces and the illegal armed groups, which are increasingly heavily armed. The report of the Office of the United Nations High Commissioner for Human Rights gives the example of a case in which illegal armed groups used the civilian population as human shields. The report also mentions that these groups are positioning themselves and carrying out their attacks from densely populated areas, thereby endangering the civilian population. Such behaviour is irresponsible. It is unacceptable. All parties must respect international humanitarian law.

We take this opportunity to once again call on Russia to distance itself from the illegal armed groups in

the east of Ukraine and to publicly condemn violations of human rights and international humanitarian law committed by these groups. For its part, in its operations, Ukraine must act in a proportionate manner, in compliance with international standards, and ensure the protection of civilians.

On a more positive note, there is clear improvement in the human rights situation in Ukrainian cities that have been liberated from the clutches of the separatists. We encourage the Ukrainian authorities to commit to improving the lives of local people, in particular by rebuilding infrastructure and restoring basic services.

The deteriorating situation in eastern Ukraine should not lead us to forget the human rights situation in Crimea. The people of Crimea, especially Ukrainians and Crimean Tatars, who support unity in Ukraine continue to be subjected to intimidation and discrimination. Minorities who have not yet left the peninsula live in an atmosphere of fear. The plight of people affected by HIV and AIDS illustrates the tragic negative impact of the illegal annexation of Crimea by Russia. According to the Office of the United Nations High Commissioner for Human Rights, 20 patients have died since 10 June due to a lack of proper medical treatment.

At the political and diplomatic levels, all efforts should be aimed at creating conditions conducive to the implementation of President Poroshenko's peace plan. The talks initiated between Ukraine and Russia under the trilateral contact group, under the auspices of the Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE), are essential in that regard. They must continue in order for an agreement to be found as soon as possible on the release of hostages and the establishment of a mechanism to monitor the ceasefire. The OSCE observer mission that has just been deployed to the two border posts at Gukovo and Donetsk on the Russian side of the border is also an element that could help reduce tensions. Russia, for its part, must stop any destabilizing action.

Let me conclude by stating a simple imperative. To honour the memory of the hundreds of victims of the conflict in Ukraine, including the 298 people aboard Flight MH-17, which was shot down three weeks ago, we must redouble our diplomatic efforts to find a political solution to this conflict as soon as possible in accordance with President Poroshenko's peace plan. We owe it to the millions of civilians who want respect

for their most basic rights and do not want to be the victims of a conflict that dates back to another era.

**Mr. Khair** (Jordan) (*spoke in Arabic*): I would like to thank Mr. Šimonović for his briefing.

Jordan has taken note of the contents of the fourth report of the United Nations human rights monitoring mission in Ukraine and the recommendations it contains. In that respect, we would like to express our support for the United Nations efforts and those of the Secretary-General to achieve a peaceful political solution to the conflict in Ukraine. We also urge all parties in Ukraine to cooperate with the United Nations human rights monitoring mission and to guarantee the freedom of its members and their safe and secure access to the various sites throughout Ukraine.

Jordan would like to express its concerns regarding the wide scale chaos and terror and the intimidation, arrests and executions of civilians in eastern Ukraine, as noted in the report, which have resulted in the displacement of a great number of civilians. We would like to reiterate the need for the Ukrainian Government to protect civilians in keeping with international law and applicable international humanitarian norms. We urge the parties to avoid targeting civilians or carrying out reprisals against them and to protect the most vulnerable categories of the population, including children. We urge all parties that possess some sort of influence in Ukraine to work to put an end to the deterioration of the situation in order to create an environment conducive to a political solution to the conflict.

Jordan welcomes the progress achieved by the Ukrainian authorities on the implementation of the recommendations contained in the previous three reports. We call on the Ukrainian authorities to devote greater efforts to promoting the rule of law and human rights, as outlined in the most recent report. We also call on them to work to reform the civilian and security sectors. Similarly, it is essential to be mindful of the concerns of minorities and groups whose primary language is not Ukrainian, in order to achieve a democratic, pluralistic society in which all citizens can enjoy their full rights.

Jordan expresses its concern regarding the deterioration of the security situation in eastern Ukraine and its impact on the investigation of the crash site of the Malaysian aeroplane. All the relevant parties must therefore abide by resolution 2166 (2014), which demands that an end be put to military activities in

areas near the crash site in order to guarantee the safety and security of the international investigation.

We urge all parties to exercise restraint and not to resort to hostile acts or engage in provocative actions. It is also essential that they distance themselves from any hate speech and other wrong type of speech to ensure that displaced persons can return to their homes as quickly as possible.

**Ms. Power** (United States of America): I thank Assistant Secretary-General Šimonović and his team for the thorough research contained in the report of the United Nations human rights monitoring mission in Ukraine.

This is an extremely challenging time for the people of Ukraine. No-one should be driven from their home, and we are committed to doing everything possible to assist the displaced, regardless of where they have fled. No-one should be forced to live without access to essential medicine or with only an hour of access to water a day.

As we have consistently made clear throughout this conflict, and as we reiterate today, all sides must take every precaution to prevent the loss of civilian life. The humanitarian situation needs addressing, but not by those who have caused it. That is why we welcome the fact that the Ukrainian Government has created humanitarian corridors, which are allowing critical aid to get into — and civilians to get out of — separatist-controlled areas. Ukraine is making a concerted effort to address the complex needs of approximately 117,000 people who have been internally displaced. In doing so, Ukraine is working effectively with international humanitarian organizations to provide assistance.

This week, Russia proposed creating humanitarian corridors to assist the affected populations in Ukraine. But in Ukraine, urgent humanitarian assistance should be delivered by the international humanitarian organizations that have the expertise, experience and independence to provide it. It should not be delivered by Russia. Given that Ukraine has allowed international humanitarian groups to deliver aid within its territory, there is no logical reason that Russia should seek to deliver it. Therefore, any further unilateral intervention by Russia into Ukrainian territory, including one under the guise of providing humanitarian aid, would be completely unacceptable and deeply alarming, and it would be viewed as an invasion of Ukraine.

We welcome today's statement by the International Committee of the Red Cross that it is exploring the possibility of providing more support in conflict areas, which is something they can do once they have worked out the modalities with the Ukrainian authorities and, critically, once they have the security guarantees they need from the armed separatists, something Russia has not yet helped to secure. If Russia wishes to channel aid to those populations, I am certain that my colleagues on the Council can take swift steps to ensure that an impartial international aid organization like the International Committee of the Red Cross can deliver the aid on Russia's behalf.

Last week the Russians again floated the idea of sending Russian "peacekeepers" to eastern Ukraine. A Russian peacekeeper in Ukraine is an oxymoron. At every step in the current crisis, Russians have sabotaged peace, not built it. It is particularly worrisome given Russia's purported annexation of Crimea, which was predicated on calls by an illegitimate puppet Government for Russia to send troops to restore peace. Peacekeepers are impartial, yet Russia fully supports Russian armed separatists in the conflict.

We have seen the peace that Russian occupation has brought to Crimea since that time. As the most recent United Nations report makes clear, the freedoms of speech and assembly have been violently repressed, ethnic minorities systematically persecuted and civilians abducted with impunity, 350 of whom are still unaccounted for. The United Nations also said that no progress has been made on any of the 17 previous recommendations it has made to Russia on serious human rights problems in Crimea.

Russia has repeatedly accused members of the Council of politicizing a humanitarian situation, but Russia has it backwards. In fact, it is Russia that is trying to disguise a political crisis — one manufactured and exported by Moscow — as a humanitarian one. The very humanitarian problems that Russia is decrying in eastern Ukraine and turning a blind eye to in Crimea are directly traceable to violence it has facilitated or supported. Why have thousands of people been displaced? Look no further than the "egregious human rights abuses" in separatist-controlled areas documented in the United Nations report. Why do civilians lack access to basic services? The United Nations report documents the "deliberate targeting by the armed groups of critical public utilities like water, electricity and sewage plants".

In recent weeks, Russian cross-border military assistance to illegal separatists has actually increased substantially. Russian tanks, infantry fighting vehicles, multiple rocket launcher systems and truckloads of munitions continue to flow to separatists while new fighters are trained on Russian soil. Russia continues to take actions that escalate the conflict, amassing more and more troops and hardware near the border, launching extensive military exercises this week and shelling across the border into sovereign Ukrainian territory.

Perhaps most shocking is that Russia has doubled-down on its support for rebels and provocative actions after witnessing the horrific carnage that resulted from the downing of Malaysia Airlines Flight MH-17. On Wednesday, international investigators were once again forced to suspend their work at the MH-17 crash site due to risks of being taken hostage by illegal armed groups and the threat felt by the increased concentration of Russian troops nearby. That is deplorable. It is yet another insult to the dignity of the victims and their loved ones, who have already endured more than any families should ever have to endure. It flies in the face of the resolution adopted by the Security Council and the unified commitment to justice that the resolution embodies (resolution 2166 (2014)). It obstructs efforts to punish those responsible for that abhorrent crime.

In conclusion, let me read from a statement given by a senior Russian official:

"The population is panicking and there are a growing number of refugees who are attempting to flee in order to save their lives. A humanitarian catastrophe is in the making. Over the past week, the Russian Federation has continued to receive refugees. However, tens of thousands of innocent civilians remain in the conflict zone. Those circumstances dictate the logic of the steps to be taken by us now."

Those remarks were delivered by a senior Russian official in the Security Council about a region where Russian-backed separatists were sowing violence. Only the remarks were delivered on 8 August 2008, six years ago to the day, and the country that the Russian senior official was speaking about was not Ukraine but Georgia. Playing the role of Luhansk and Donetsk was the province of South Ossetia. We all know what followed. South Ossetia, Crimea, now eastern Ukraine — similar words have presaged military action.

The onus is on the Council and the entire international community to meet legitimate humanitarian needs and do so urgently, but in so doing to make sure that history does not repeat itself.

**Ms. Paik Ji-ah** (Republic of Korea): I thank Assistant Secretary-General Ivan Šimonović for his briefing.

We also appreciate the dedicated work of the United Nations human rights monitoring mission in Ukraine and welcome its fourth report, which provides a clear assessment of the situation on the ground. As the report elaborates in detail, the continuing violence in eastern Ukraine has resulted in a growing number of casualties and a further deterioration of the human rights situation. We are troubled that illegal armed groups have committed serious human rights violations, including abductions, arbitrary detentions, torture, harassment and killings. New allegations of military tribunals and execution orders by armed groups are particularly alarming. All allegations of such egregious crimes must be investigated thoroughly, and the perpetrators must be held accountable.

Meanwhile, it is worrisome that the situation in the east is now affecting the border region of Ukraine, along with a significant increase in the number of people fleeing the eastern region. Hate speech is also deepening divisions between communities and fueling tensions.

In the light of such a volatile situation, we believe that the only way out of the crisis is an immediate cessation of all hostilities through constructive dialogue. To achieve that, it is of paramount importance that all parties agree on an immediate, genuine and durable ceasefire, building upon relevant agreements, including the Berlin Joint Declaration.

At the same time, the illegal armed groups must lay down their arms and stop provocative actions aimed at destabilizing Ukraine. We support the critical role of the trilateral contact group and the observer mission of the Organization for Security and Cooperation in Europe at the Russian-Ukrainian border in de-escalating intentions to create the conditions for a political process.

Before concluding, we once again call attention to the importance of a full, thorough and independent international investigation of the downing of Malaysia Airlines Flight MH-17. All concerned parties must

comply with their obligations under resolution 2166 (2014) and fully cooperate with such an investigation.

Despite ongoing tensions on the ground, we continue to believe that a political solution is necessary and attainable. There is not a moment to lose. With that shared sense of urgency, we once again encourage all concerned parties to continue exerting maximum efforts to seek a peaceful political solution.

**Mr. Adamu** (Nigeria): I also thank Assistant Secretary-General Ivan Šimonović for his briefing.

The fourth report of the United Nations human rights monitoring mission in Ukraine presents a worrying depiction of the deteriorating human rights and humanitarian situation in the eastern part of the country. It gives an account of extensive breakdown of public utilities as well as a mass exodus of citizens. The intensified clashes between the Ukrainian military and rebel forces over the past few days indicate a collapse of the rule of law, which has led to grave violations of human rights and international humanitarian law.

To address the humanitarian situation in eastern Ukraine, the parties to the conflict must engage in direct dialogue with the aim of resolving their differences. There can be no military solution to the conflict. Rather, as we have observed, since the conflict began, that will only exacerbate the political and humanitarian situation and continue to take a toll on innocent civilians. Undoubtedly, efforts by the Government to regain control of the rebel-controlled territories have come at a huge cost in terms of civilian casualties and the destruction of vital infrastructure. It has also led to a rapid escalation of hostilities. We therefore urge the Government to ensure full application of international human rights norms and guarantees.

In the face of the rising number of internally displaced persons (IDPs), we urge all sides to allow free and safe movement of the population. We also reiterate our call for an effective preparedness mechanism that will alleviate any challenges that IDPs might be exposed to, particularly as the winter approaches.

The Government of Ukraine should work stridently to establish a unified registration system for internally displaced persons and exempt humanitarian assistance from taxation. It should also ratify the United Nations-Government customs agreement that would facilitate the entry of humanitarian workers and goods to the region.

The parties to the conflict must exercise restraint. They must respect the Charter of the United Nations, work on the basis of consensus, show commitment to compromising and seek a comprehensive settlement through peaceful means. We reiterate our call on Member States with influence to work assiduously and to use the existing bilateral and multilateral instruments in resolving the crisis.

For its part, the international community should do more to promote peace and dialogue. In that connection, we acknowledge the purposeful and spirited engagement of the United Nations in the efforts to re-establish order and stability in Ukraine. It should continue to play a pivotal role in resolving the crisis. Nigeria supports all efforts that would result in the easing of tensions and propel the parties towards a peaceful settlement.

On the economic impact of the crisis, we note the crippling effects of the recession in Donetsk and Luhansk, which, if not properly addressed, could have a severe impact on the rest of the country. The region, which is the hub of industrial enterprise and mining, has been harshly affected. Factories and businesses have shut down. Public utilities have been damaged, gas reserves have been exhausted and there is a shortage of water and medical supplies. The task of rebuilding will indeed be very daunting, particularly in the light of the economic recession currently gripping the country.

The challenges facing the Government of Ukraine are enormous. The yearning for the restoration of law, order and security, on the one hand, and the arduous task of combating the armed separatist groups, on the other, cannot be overemphasized. Nigeria reaffirms that only a cessation of hostilities and the return to dialogue can present an opportunity for the redress of the humanitarian situation. To that end, we believe that the recommendations contained in the report, which stressed the imperative for the entrenchment of the rule of law, accountability and the administration of justice, are central to the sustainability of peace, security and development in Ukraine.

**Mr. Oyarzábal** (Argentina) (*spoke in Spanish*): At the outset, I wish to thank Assistant Secretary-General for Human Rights Ivan Šimonović for his briefing on the human rights situation in Ukraine.

The ongoing deterioration of the security and human rights situation in eastern Ukraine continues to be of great concern. The actions of armed groups, the increased number of armed men and weapons,

including heavy weapons, unilateral acts, the intensified fighting and the human rights violations, which seem to be growing, continue to fuel the spiral of violence, threatening to further exacerbate the humanitarian situation. The toll in human lives increases with each violent confrontation, and the situation of the civilians still in the areas of fighting is extremely worrisome. The death of 298 people as a result of the downing of Malaysia Airlines Flight MH-17 on 17 July could constitute a war crime, as the Assistant Secretary-General Šimonović has just said. We recall that in resolution 2166 (2014) the Security Council demanded that those responsible be held accountable for their acts.

The human rights violations described in the report of the Office of the United Nations High Commissioner for Human Rights during the reporting period are very worrying. The cases of kidnapping, illegal detention, torture, murder, execution, extortion and destruction of property are unjustifiable. Despite the repeated calls of the international community for all the necessary measures to be taken for the effective prevention and protection of human rights, including economic, social and political rights, and for the guarantee of their full enjoyment by all Ukrainians, irrespective of their ethnicity, language, cultural group, religion and location in the country, the human rights violations seem to have become unremitting. There must be an in-depth investigation of such violations and their perpetrators must be brought to justice.

The risks involved are very high and the possibility of finding a peaceful way out of the crisis is increasingly subject to conditions. The more time passes, the deeper the wounds and the more difficult the reconciliation needed for a lasting peace will become.

Having talked about the humanitarian situation at the most recent meeting of the Council (see S/PV.7234), I will not repeat what we said then about Ukraine but will limit myself to reiterating the urgent call to strictly respect obligations with regard to the protection of civilians in the areas affected by the violence. As noted in the report of the Office of the United Nations High Commissioner for Human Rights, all those involved in the hostilities must act in accordance with the principles of distinction, proportionality and precaution. We also underscore the need to ensure the conditions for civilians to leave the areas affected by the fighting between the Ukrainian forces and armed groups, to take all appropriate measures for the urgent needs of the displaced to be met and to ensure that assistance

reaches those who need it, including in areas not under the Government's control.

In conclusion, since the Council began to deal with the situation in Ukraine, we have seen almost only its continuous and significant deterioration. The Council, marked by deep divisions on the issue, has not been able to make a decisive contribution to achieving a political and diplomatic solution to the crisis. Furthermore, the efforts of the Secretary-General, the Organization for Security and Cooperation in Europe and other actors have not yielded the expected results.

Argentina believes that the Security Council must assume its responsibilities under the Charter and facilitate a political and diplomatic solution to the very worrisome situation facing Ukraine. However, only through the constructive diplomacy of the most influential actors, avoiding belligerent rhetoric, all unilateral acts and any interference in the internal affairs of States, whether military, political or economic, and by working to calm the situation, while exercising maximum self-restraint, can the conditions be established for the urgent process of dialogue to begin.

We emphasize the need to step up efforts in that regard. To that end, it is essential that all actors demonstrate political will and the conviction that the only acceptable way is dialogue and that resorting to violence is not an option. The Geneva and Berlin declarations continue to serve as a road map to advance a process of national dialogue that promotes trust among the various communities and reassures all Ukrainians throughout Ukraine that their main concerns will be addressed.

**Mr. Barros Melet** (Chile) (*spoke in Spanish*): At the outset, we thank Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for his briefing.

Chile reiterates its concern about the human rights situation in eastern Ukraine, in particular in Donetsk and Luhansk, described in the report of United Nations monitoring mission, especially with regard to the allegations of abductions, torture, forced disappearances and other forms of human rights violations and abuses that have affected civilians in the areas controlled by armed groups.

What I have just said underscores the need to establish the rule of law and to respect the sovereignty, independence and territorial integrity of Ukraine in

accordance with the Charter of the United Nations, General Assembly resolution 68/262 and international law. In that context, all actions undertaken by the Government of Ukraine in maintaining public order in its territory must be carried out with full respect for human rights and be proportionate to the situation facing it.

Chile reiterates its strong support for the calls of Mr. Šimonović to ensure accountability for all human rights violations and abuses in Ukraine. We therefore believe that it is essential that the valuable work carried out by human rights monitoring mission in that country be continued.

We would briefly refer to the downing of Flight MH-17 on 17 July, merely to reiterate that the agreed ceasefire should be respected by all parties. Resolution 2166 (2014) should be implemented; it demands the immediate cessation of all military activities, including those of armed groups, in the areas surrounding the accident site, in order to ensure the security of the international investigation team. The Council's clear message should be heeded by all.

We believe that the human rights violations and abuses are directly related to the deterioration of the humanitarian situation, about which the Office for the Coordination of Humanitarian Affairs informed us last Tuesday (see S/PV.7234). This is the result of the intensification of fighting on the ground. We would like to reiterate the call that we made previously to the parties that they seek a peaceful solution to the crisis through direct political dialogue, acting with moderation and without taking any unilateral measures that could increase tensions, and participating in international mediation initiatives. We value in particular the role played by the observer mission of the Organization for Security and Cooperation in Europe.

Here we reiterate once again our gratitude to Assistant Secretary-General Šimonović for his briefing.

**Mr. Mangaral** (Chad) (*spoke in French*): I wish to thank Mr. Šimonović for his briefing and to congratulate him for this fourth monthly report of the United Nations human rights monitoring mission in Ukraine. Chad remains deeply concerned at the situation in eastern Ukraine, which, as confirmed by the most recent, has only deteriorated, especially in the regions of Donetsk and Luhansk, which have become zones of intense clashes between the separatists and Government forces.

The use of heavy weaponry in and around cities, causing massive destruction of residential neighbourhoods and a great many civilian casualties, the deliberate destruction of health centres and public buildings, leaving entire neighbourhoods without access to water or medical services, make life impossible for those who are not able to flee the fighting. The civilian population thus finds itself taken hostage by the violence and the hostilities.

Chad condemns this increasing violence and calls on Government forces as well as the separatist forces to cease all hostilities immediately and to exercise restraint. Chad deplores the increase in the number of cases of abduction, kidnapping and illegal detention. The United Nations monitoring mission has stated that there were 222 cases of abduction and torture in Ukraine during the past three months.

According to the report, there have been a significant number of forced disappearances and executions carried out by both separatist and Government forces, and there are of course internally displaced persons.

The Office of the United Nations High Commissioner for Refugees believes that there are currently 117,000 displaced persons in Ukraine. In his statement made last Tuesday, Mr. John Ging, Director of the Coordination and Response Division of the Office for the Coordination of Humanitarian Affairs, stated that there were 4 million individuals at risk living in conflict zones (see S/PV.7234). The situation of children and vulnerable individuals is especially alarming. Faced with this humanitarian disaster, Chad urges the international community to provide logistical, material, technical and financial assistance to the Ukrainian Government as well as to the agencies present on the ground to meet the needs of displaced populations.

Regarding the investigation of the crash of Flight MH-17 and the unanimous adoption of resolution 2166 (2014), the Netherlands announced last Wednesday that as a result of the fighting near the crash site, it would suspend its investigation searching for the remains of victims, which has been carried out for a few days by a hundred or so Dutch, Australian and Malaysian investigators. We deem this situation unacceptable for the families of the victims and call on all parties to respect the joint declaration by the trilateral contact group made up of Russia, Ukraine and the Organization for Security and Cooperation in Europe, in which they have committed themselves to provide free access to the MH-17 crash site.

Chad calls on all parties to implement resolution 2166 (2014) and for an immediate ceasefire to ensure that the investigations can resume. Finally, we reaffirm our commitment to the territorial integrity of Ukraine and reiterate our call for an inclusive political dialogue to resolve the Ukrainian crisis in a peaceful manner.

**The President:** I shall now make a statement in my capacity as representative of the United Kingdom.

I would like to thank Mr. Šimonović for his briefing and for his latest report on Ukraine. I can understand why Ambassador Churkin does not want the Security Council to discuss this United Nations report, because it provides further damning evidence of the appalling abuses perpetrated against the civilian population by pro-Russian armed groups in eastern Ukraine. It also acknowledges Ukraine's legitimate right and its sovereign duty to restore law and order and to protect its citizens.

We share the United Nations view that force must be used proportionately and in full compliance with domestic and international law. We welcome Ukraine's clear, unambiguous commitment to these important principles.

There is one overwhelming conclusion to be drawn from this report: that these armed groups cannot possibly claim to be acting in defence of the civilian population, the very same population against which they are committing the most appalling human rights abuses. They are abducting women and children in order to extort money from their families. They are using civilians as forced labour and as human shields. They offered the local population the choice between fighting on the front lines and facing detention, torture and mistreatment. They abduct people simply because they are HIV-positive and tell them that they must "wash off the guilt with blood".

All of these abuses and many more are detailed in the United Nations report. These are not the actions of those interested in protecting the civilian population. They are the actions of violent and abusive armed thugs. As the United Nations report puts it, these groups exercise their power over the civilian population in raw and brutal ways which are "putting the whole civilian population at risk".

In addition to those human rights abuses, the report highlights the fact that separatists have deliberately targeted critical public utilities, including water, electricity and sewerage. In so doing, they are denying

the people under their control access to basic services. We welcome the urgent action that the Ukrainian Government is taking to restore these services in the liberated areas.

So if these armed groups are not defending the interests of the people they claim to represent, the question must be asked: whose interests are they defending? We must also ask why the Russian Federation continues to support them. By supplying those groups with weaponry, training and personnel, Russia is fuelling the suffering of an innocent population, the same people whose welfare they claim to care so much about.

Throughout this crisis, Russia has acted in violation of international law, in violation of human rights and in violation of its own stated objectives. There have been many moments when Russia has had the opportunity to change course, when 100 countries rejected the illegal annexation of Crimea, when Ukraine elected a new President whose legitimacy could not be questioned, when 298 innocent lives were lost in the shooting down of MH-17. Yet despite those watershed events, Russia continues recklessly to fuel the conflict. As we speak, Russia is building up its forces on the Ukrainian border. An additional 8,000 troops have arrived since 11 July. Many more are stationed in the illegally annexed region of Crimea.

Now we hear that Russia is ready to intervene on humanitarian grounds to alleviate the suffering that it has manufactured. This is completely unwarranted. Russia is the problem, not the solution.

As we were briefed by the Office for the Coordination of Humanitarian Affairs earlier this week, the United Nations is already fully engaged. United Nations agencies, including the Office of the United Nations High Commissioner for Refugees and UNICEF, are present on the ground and are working with the International Committee of the Red Cross, international non-governmental organizations, civil society organizations and local communities to support the Ukrainian-led humanitarian response. But rather than supporting this effort, Russia threatens unilateral action.

If Moscow wants to contribute, there are two things it can do immediately: first, it can help to fund the United Nations activities and, secondly, it can cease its support for illegal armed groups. That is the only way the people of eastern Ukraine will be able to return to

their daily lives free from the fear of intimidation and violence that the report describes.

I now resume my functions as President of the Council.

I give the floor to the representative of Ukraine.

**Mr. Pavlichenko** (Ukraine): Let me also thank Mr. Šimonović for his briefing today. Ukraine values his important contribution and that of his team.

The mission's latest report reveals the true nature of the criminal organizations that are committing terrible abuses against our citizens. Entire towns and villages are being used as human shields. Gunmen are kidnapping civilians for the purpose of ransom, exchange or use as labour force; others, they are torturing and murdering.

How do those crimes help the people they claim to represent? Their tactics are nothing more than terrorism, threatening the lives, health, well-being of our compatriots. It is the obligation of the Government to protect its own citizens. That is the paramount objective of Ukraine's operation against the terrorists — terrorists who have refused to enter into a political dialogue, terrorists who are led by foreigners who are working for the secret service of the Russian Federation.

The monitoring mission's report also clearly demonstrates that the Russian occupation of Crimea has led to harassment and discrimination against ethnic Ukrainians, Crimean Tatars, members of religious minorities and activists who are opposed to the so-called Crimean referendum of 16 March. Even now, people continue to disappear. Ukrainian and Crimean Tatar newspapers are under threat of being shut down. We are deeply concerned with the violations. We underline that as the occupying Power, it is Russia's responsibility to ensure the observance of human rights and freedoms of the population of Crimea. On our part, the Government of Ukraine will take all feasible efforts to protect our compatriots' rights and freedoms in the occupied territories.

Ukraine will not tolerate politically motivated cases against Nadia Savchenko and five other members of the military, which are vivid examples of Russia's negligence of human rights standards. Allegations brought against our citizens have no legal grounds and are used as instruments of political manipulation and pressure.

There is no humanitarian crisis in Ukraine. However the growing number of internally displaced persons from Crimea and the Luhansk and Donetsk regions is disturbing. At the same time, the credibility of the information on the huge number of refugees from Ukraine to Russia presented by the Russian authorities is very doubtful and needs to be assessed by international experts.

The Government of Ukraine accepts the recommendations contained in the monitoring mission's report. Ukraine is ready to further develop and deepen cooperation with the Office of the United Nations High Commissioner for Human Rights in order to ensure the protection of human rights, taking into account all the needs of the population of every region of our country.

We fully acknowledge that there is still a lot to be done to strengthen the rule of law and democracy in our country. Yesterday in his speech at the Constituent Assembly of the National Council of Reforms, President Petro Poroshenko said that a war could not be an excuse for the lack of reform. We see the recently signed Association Agreement with the European Union as integral document that provides the framework for reform in Ukraine.

The successful investigation of high-profile cases, such as human rights violations during the protests in Independence Square and the tragedy in Odessa, is a matter of honour to the leadership of Ukraine and remains a top priority. Ukraine's law enforcement agency will cooperate fully with the United Nations mission in monitoring the process of that investigation.

The downing of Flight MH-17 is a tragedy that may constitute a grave violation of international law that

may amount to war crimes. The Government of Ukraine is making every effort to ensure a fair international investigation of the incident, in accordance with resolution 2166 (2014). We reiterate our call to Russia to use its influence on the illegal armed groups in order to make them grant it full and unimpeded access to the crash site for the international investigation team.

We have conclusive evidence that Flight MH-17 was downed by Russian-backed terrorists with a Buk missile system, which was fired by a crew and which had been delivered from Russia. That was confirmed by our intelligence — intercepted telephone conversations of the terrorists and satellite images.

In conclusion, I would like to just say that the situation on the Ukrainian/Russian border remains extremely tense. Russia continues to build up its military along the border with Ukraine and to shell settlements and positions of the counter-terrorism forces of Ukraine located near the border.

Russian military aircraft and drones violate Ukraine's air space daily. There are serious grounds to expect a large-scale and open invasion of Russian troops into Ukraine, under the guise of peacekeeping operations. In that context, we want to state that no Russian forces can enter the territory of Ukraine without the consent of Ukrainian authorities. Any Russian troops entering the territory of Ukraine will be regarded as aggressors and treated accordingly.

**The President:** 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 11.45 a.m.*