



OPEN DIALOG

Russia violates
its international obligations



φωτο: AFP

Russia's violation of international agreements and accords during the Ukraine crisis

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1. INTRODUCTION

The Russian Federation violated the postwar security system in Europe after the annexation of the Crimea and the military invasion into the territory of eastern Ukraine and has set a dangerous precedent in terms of the redrawing of state boundaries in the 21st century. The tightening of the authoritarian regime, revanchist sentiment among the ruling elite and the violent attempts to revive Russia's influence on the former Soviet Union countries constitute a security threat to the international community.

Flagrant disregard of international law on the part of the government of Russia has led to large-scale tragic consequences primarily for Ukraine: the assassination and torture of soldiers, civil society activists, civilians; abductions and fabricated criminal prosecutions of citizens of Ukraine; a catastrophic socio-economic situation in the Lugansk and Donetsk regions. Support for Russian terrorist groups in eastern Ukraine brought about a high profile air disaster - the destruction of the Malaysian airlines Boeing aircraft, flight number MH17, shot down by a terrorist missile.

At the same time, senior officials of the Russian Federation deny any involvement in the above-mentioned outcomes, employing mass propaganda campaigns both inside the country and with the help of an army of lobbyists outside of Russia.

This report focuses on the actions of the Russian Federation, which prove that international agreements / guarantees given by the Russian government have been violated.

2. THE ANNEXATION OF THE CRIMEAN PENINSULA

2.1. Violations of international law. On 27 February, 2014, the invasion of Russian and pro-Russian militants in the territory of the Autonomous Republic of Crimea began. Major strategic and communication facilities (buildings of the parliament, government and airports) were captured. On 1 March, 2014, Russia's parliament voted for the potential use of its Armed Forces in Ukraine. [1] Russian troops and local illegal armed groups blocked and disarmed military units of the Armed Forces of Ukraine in the Crimea, and captured warships of the Naval Forces of Ukraine. During the capture of the Ukrainian military units, their commanders were taken captive. On 18 March, 2014, as a result of the storming of the Ukrainian military unit in Simferopol, a Ukrainian soldier was killed and two more soldiers were wounded.

According to the Budapest memorandum, signed on 5 December, 1994, Russia, the US and the UK have provided assurances regarding Ukraine's territorial integrity in exchange for the surrender of its arsenal of nuclear weapons. [2] Thus, Russia has become an aggressor, although it should have been a guarantor of the security of Ukraine. Russia has also violated the treaty with Ukraine on the status and conditions of the Black Sea Fleet, stationed on Ukrainian territory. The Black Sea Fleet has been used as a springboard for the invasion of the inland of the Crimean peninsula. Russia has exceeded the number of military forces which are entitled to remain in the territory of Ukraine, and moved its forces beyond the permissible established boundary.

2.2. Statements by representatives of the Russian Federation and the international community.

On 4 March, 2014, Vladimir Putin stated: *"The option of admission of the Crimea to Russia is not being considered"*. 17 days later, on 21, March, 2014, Putin signed a law on the admission of the Republic of Crimea and Sevastopol to the Russian Federation. On 4 March, 2014, Putin noted that *'local defence forces'* were fighting in the Crimea. A month later, on 17 April, 2014, Putin admitted: *"Behind the backs of Self-Defence Forces of Crimea, certainly, our soldiers were standing"*. Answering the question of non-compliance with the provision of the Budapest Memorandum, Putin stated that, if we consider the events in Ukraine to be a revolution, then it means that a

"new state" has been established: "And we have not signed any binding documents with this state or with regard to this state." [3], [4]

On 12 March, 2014, the European Parliament adopted a resolution which declared that the Russian invasion of Crimea constituted a violation of international law and the sovereignty and territorial integrity of Ukraine. [5] The 'G7' countries condemned Russia's clear violation of the territorial integrity and sovereignty of Ukraine. [6]

2.3. The result of the illegal actions of the Russian Federation. As the Russian occupation in the Crimean peninsula began, beatings, abductions and intimidations of Ukrainian and foreign journalists and civil society activists became commonplace. Mass violations of human rights of the Crimean Tatars (illegal detentions, searches, criminal prosecutions) have been registered, as stated by 68 PACE members on 2 October, 2014. [7] In connection with the Russian occupation, thousands of people were forced to flee their homes. According to the latest UN data, 18,358 people, including 5142 children, 1298 disabled and elderly persons, moved from the Crimea to other regions of Ukraine. [8], [9]

3. RUSSIA'S SUPPORT OF TERRORIST GROUPS IN THE EAST OF UKRAINE, AND THE PARTICIPATION OF THE RUSSIAN ARMY IN THE MILITARY CONFLICT

3.1. Violations of international law. For a long time, Russia was secretly involved in the military conflict in the east of Ukraine, waging a so-called 'hybrid war'. Russia supplied weapons and soldiers to the self-proclaimed republics, and sent reconnaissance and sabotage groups to Ukraine. In mid-August 2014, the invasion of the Russian army of the territory of eastern Ukraine began. Multiple incidents of deaths and the taking of prisoners by Russian military personnel in the east of Ukraine have been reported. [10] Russian soldiers reported that they were sent to Ukraine under the pretext of participation in military exercises.

With its aggressive actions towards Ukraine, the Russian Federation violated international agreements, namely: the UN Charter; the Declaration on Principles of International Law of 1970; Declaration on the Inadmissibility of Intervention in the internal affairs of the State; the Declaration on the Inadmissibility of Intervention and Interference in the internal affairs of the State of 1981; the Declaration on the Protection of the independence and sovereignty of 1965; the Final Act of the Conference on Security and Cooperation in Europe; the Budapest Memorandum between Ukraine, Russia, the US and the UK to safeguard the sovereignty and territorial integrity of Ukraine signed in 1994.

Also, by supporting terrorist groups in the east of Ukraine, Russia violated standards of international anti-terrorism law - the International Convention for the Suppression of the Financing of Terrorism of 1999 and the Declaration on Measures to Eliminate International Terrorism of 1994.

3.2. Statements by representatives of the Russian Federation and the international community. Russian President Vladimir Putin stated: "I declare with full responsibility: there are no Russian instructors there, no special units, no troops, no one". [11] On 1 September, 2014, Sergey Lavrov, Russia's foreign minister, assured: "There will be no military intervention in Ukraine". Subsequently, on 29 September, 2014, Sergey Lavrov was forced to admit that Russian citizens are involved in the conflict in the Donbass, but they were participating as volunteers. [12] On 3 September, 2014, Dmitriy Peskov, Vladimir Putin's press-secretary, enunciated: "Russia cannot make any agreements regarding a ceasefire, as it is not a party to the conflict." When commenting on the capture of approx. 10 soldiers of the Russian army in Ukraine, Vladimir Putin stated that they had "accidentally" crossed the border. [13], [14], [15]

Even before the direct invasion of Russian forces in Ukraine, NATO had reported that there was evidence of the supply of arms to militants by Russia. [16] On 28 August, 2014, NATO officials reported that more than 1,000 soldiers of the Russian army were involved in the war in the east of Ukraine. On 18 September, 2014, the Committee of Ministers of the Council of Europe called on Russia to withdraw its troops from the territory of Ukraine and to no longer interfere in the affairs of the neighbouring country. On 25 September, 2014, at the UN General Assembly, Barack Obama condemned the presence of Russian troops in eastern Ukraine. [17], [18]

3.3. The result of the illegal actions by the Russian Federation. The direct military invasion by the Russian army of Ukraine resulted in a significant increase in the number of victims of the conflict both among civilians and the warring parties. According to the latest data published by the United Nations, more than 3,600 people have been killed and approx. 8,500 have been injured during the conflict in eastern Ukraine. [19]

One of the most egregious consequences of the financing and supply of weapons to terrorists by Russia was the crash of the Boeing passenger airliner, flight MH17. The aircraft was shot down on 17 July, 2014, with the BUK-M1 air defence system, managed by the Russians. [20] In order to cover up the crime, terrorists banned Ukrainian and international experts from gaining access to the crash site for a long time; also, they independently collected bodies and aircraft parts. All this was happening against the backdrop of Vladimir Putin's formal appeal to militants to allow experts to go the accident site.

4. VIOLATION OF THE TERMS OF THE ARMISTICE IN EASTERN UKRAINE

4.1. The signing of the Minsk Protocol. On 5 September, 2014, in Minsk, a protocol regarding the results of work of a trilateral contact group on joint steps aimed at the implementation of Poroshenko's peace plan and Vladimir Putin's initiatives to resolve the conflict in the east of Ukraine (the 'Minsk Protocol') was signed. The protocol was signed by representatives of Ukraine (the second president of Ukraine, Leonid Kuchma), Russia (Russian Ambassador to Ukraine, Mikhail Zurabov) and the OSCE (Ambassador Heidi Tagliavini). On 19 September, 2014, members of the trilateral contact group also signed a memorandum on the implementation of the provisions enshrined in the 'Minsk Protocol'. [21] Under the terms of the Minsk protocol and the memorandum, units and military formations of both sides had to stop fighting at the line of their contact as of 19 September, 2014 and cease in their use of weapons. A withdrawal of all foreign armed forces, military equipment, militants and mercenaries from the territory of Ukraine was to be carried out under the monitoring of the OSCE, and prisoners were to be exchanged between the parties of the conflict.

4.2. Pro-Russian militants don't comply with the terms of the Minsk protocol and memorandum. Pro-Russian militants continue active fighting, striving to capture some areas, controlled by the Ukrainian army. Currently, the most acute situation is taking place in the region of the Donetsk airport and Debaltsevo (Donetsk Province), where increasingly violent clashes continue. [22] According to media reports, the transfer of military equipment, militants and soldiers of the Russian army from the territory of the Russian Federation to the east of Ukraine is still ongoing. The process of exchange of prisoners is very slow. As of 19 November, 2014, 333 Ukrainian soldiers, 41 militants of voluntary battalions and 2 journalists were still in the hands of pro-Russian militants. [23]

4.3. The reaction of the international community. During the telephone conversation with Petro Poroshenko on 6 September, 2014, German Chancellor Angela Merkel acknowledged the lack of sustainable progress in execution of the Minsk agreement. The officials stated that the continuation of attacks by militants endangers the plan of peaceful settlement of the conflict in

the Donbas. Later, before the ASEM summit in Milan, Merkel stated that Russia must make a significant contribution towards de-escalation of the conflict in Ukraine and the implementation of the Minsk agreement. [\[24\]](#), [\[25\]](#)

On 24 October, 2014, US President Barack Obama, in a speech at the 69th session of the UN General Assembly, called Russian aggression in Europe, one of the major threats to global security, along with the spread of the Ebola virus and the actions of the 'Islamic state' in the Middle East. [\[26\]](#)

5. THE ABDUCTION OF CITIZENS OF UKRAINE BY RUSSIAN SPECIAL FORCES

5.1. The abduction of Ukrainian soldier Nadiya Savchenko. Nadiya Savchenko is a senior lieutenant of the Armed Forces of Ukraine; she participated in the anti-terrorist operation in the east of Ukraine, as a volunteer of a paramilitary battalion 'Aydar'. On 17 June, 2014, she was captured by pro-Russian separatists near the city of Lugansk. Later, she was transferred to the Russian security services in Russia, in the city of Voronezh.

The Russian investigative authorities have now instituted a fabricated criminal case against Nadiya Savchenko on charges of assassination of Russian journalists in Ukraine. Russian investigative bodies have no evidence of the guilt of the Ukrainian woman. Moreover, her counsels were able to prove that Nadiya had an alibi, and she could not have committed the crime. Despite this, the prosecution against her continues. [\[27\]](#) Also, psychiatric examination was appointed in respect of Savchenko, which may indicate the desire of the Russian investigative bodies to completely isolate her from the outside world. On 10 October, 2014, Nadiya Savchenko was transferred to a psychiatric clinic for examination. This was done without waiting for the court hearing, which would have ultimately determined the legitimacy of the examination. For 20 days, she was held in a psychiatric hospital, after which she was found sane and was transferred back to the detention facility. According to Russian legislation, the duration of psychological and psychiatric examinations may be extended to three months.

5.2. The abduction of Ukrainian citizens in the Crimea by Russian secret services. In May, 2014, Ukrainian citizens: Oleg Sentsov, Alexey Chirnyi, Gennadiy Afanasyev and Alexander Kolchenko were abducted by the Federal Security Service of the Russian Federation on the territory of the occupied Autonomous Republic of Crimea. After the abduction, they were taken to the 'Lefortovo' detention facility in Moscow. A criminal case was instituted against them on charges of terrorist activities. Prior to his arrest, Oleg Sentsov had maintained a defiantly pro-Ukrainian position in the occupied Crimea, and due to this fact, he has become the subject of a criminal prosecution. In order to bring about confessions, the arrested Ukrainians were subjected to torture. Alexey Chirnyi was placed in a psychiatric hospital for a while, which led to the manifestation of suicidal tendencies in him. As a result, Alexey Chirnyi, Gennadiy Afanasyev and Alexander Kolchenko confessed their guilt, and testified against Oleg Sentsov who flatly refuses to admit his guilt.

Ukrainians are deprived of the right to diplomatic protection, as the Russian side claims that it considers all four detainees, Russian citizens. They themselves have categorically denied this, stating that they are citizens of Ukraine. No visitors are permitted to see them. Having the ability to communicate only with their counsels, who, because of their signing of a confidentiality agreement must not disclose any details of the criminal case, the accused Ukrainians, in fact, have become completely isolated from the outside world.

5.3. The violation of international law. The forced transfer of citizens of Ukraine to the Russian Federation is considered kidnapping, and according to the principles of international law (draft 'Code of Crimes against the Peace and Security of Mankind' of 1996, 'Rome Statute of the

International Criminal Court' of 1998, and the 'International Convention for the Protection of All Persons from Enforced Disappearance' of 2006), it is a crime against humanity.

Given the fact that Nadiya Savchenko was a participant of combat operations in the military conflict and was captured, she can also be considered to be a prisoner of war, and so the international humanitarian law applies to her ('IV Hague Convention' of 1907, 'III Geneva Convention' of 1929). Under international humanitarian law, participants of combat operations (combatants) may not be subjects of criminal prosecution (unless they have committed international crimes). Thus, the criminal prosecution of Nadiya Savchenko contravenes provisions of international law. Criminal prosecutions of abducted citizens of Ukraine are politically motivated and lawsuits are biased, which violates the requirements of the Convention 'On Protection of Human Rights and Fundamental Freedoms'.

5.4. The international reaction. In the European Parliament resolution of 17 July, 2014, regarding the situation in Ukraine, the European Parliament deplored the illegal incarceration of the Ukrainian pilot Nadiya Savchenko in Russia and demanded that she be released immediately. [28] During the meeting with Yulia Tymoshenko, President of the Parliamentary Assembly of the Council of Europe Anne Brasseur declared that PACE would use every opportunity to solve the problem of Nadiya Savchenko. [29] The UN High Commissioner for Human Rights included the cases of Nadiya Savchenko, Oleg Sentsov and other Crimean activists in the report on the human rights situation in Ukraine, listing major violations committed by the Russian authorities. [30] On 14 October, 2014, during a meeting with Russian Foreign Minister Sergey Lavrov, the US Secretary of State John Kerry demanded the release of Nadiya Savchenko in fulfillment of the paragraph on the exchange of hostages of the Minsk Agreement. [31]

The President of the European Parliament Martin Schulz in his responses to written requests regarding the case of Oleg Sentsov noted that the European Parliament and other European institutions will pay particular attention to the case of Oleg Sentsov in their dialogue with the Russian and the Ukrainian sides. On 17 October, 2014, 61 members of the European Parliament appealed to Russian President Vladimir Putin in a letter stating that actions undertaken against Nadiya Savchenko violate Article 5 and Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the provisions of which the Russian Federation is obliged to follow. [32]

6. OTHER EUROPEAN COUNTRIES CRITICISE RUSSIA'S ILLEGAL ACTIONS

On 16 March, 2014, **French** Foreign Minister Laurent Fabius stated that the referendum in the Crimea was illegal, especially considering that it had taken place under the control of Russian soldiers. On 18 March, 2014, French President Francois Hollande denounced Vladimir Putin's decision on annexation of the Crimea. On 13 March, 2014, the French Foreign Ministry condemned the obstruction of journalists' work in the Crimea, and called for respect of the right of freedom of information. On 14 April, 2014, Laurent Fabius stated: "*It seems clear that Russia bears some responsibility for the violence (in eastern Ukraine - Ed.)*". Due to the actions of Russia in Ukraine, in early September, French officials stated they were not going to supply a Mistral-class warship to Russia. [33], [34], [35], [36], [37]

On 17 October, 2014, in the framework of the ASEM summit, **British** Prime Minister David Cameron stated that Russia should take steps aimed at the removal of Russian troops and heavy equipment from the territory of Ukraine, as well as respect all the agreements reached and the results of elections in Ukraine. According to Cameron, if that does not happen, the EU, including the UK, will have to continue to uphold sanctions and exert pressure on Russia. [38]

On 17 October, 2014, Member of the European Parliament from **Latvia**, Sandra Kalniete, stated: *"... We understand that, in fact, the ceasefire is not respected and people are dying every day... If violence and war continue, there will be more sanctions from the EU"*. [\[39\]](#)

Some European countries, despite the admission of Russia's guilt in the conflict, criticised the sanctions, because they believe that they are more likely to harm the EU countries than Russia itself. On 25 August, 2014, Ministry of Foreign Affairs of **the Czech Republic** called on Russia to cease activities aimed at destabilising the situation in Ukraine, including the supply of heavy weapons and the shooting of Ukrainian soldiers. However, on 3 September, 2014, the Czech Prime Minister Bohuslav Sobotka spoke in favour of some limitations in the sanctions against Russia in order to protect Czech car manufacturers, who export their products to Russia. [\[40\]](#), [\[41\]](#) **Hungarian** Foreign Minister Peter Siyyarto and Prime Minister Viktor Orban denounced sanctions against Russia, stating that they are ineffective, as the conflict has not been resolved, and European countries are suffering economically. [\[42\]](#), [\[43\]](#)

7. CONCLUSIONS

The main reason for the conflict in eastern Ukraine is a gross violation of Ukraine's sovereignty and territorial integrity by the Russian Federation, as well as its failure to comply with Russian commitments to Ukraine and the international community.

By its illegal actions, Russia grossly violated several international treaties designed to ensure peace on the European continent. In particular, Russia violated the provisions of the UN Charter (1945), the Helsinki Final Act on Security and Cooperation in Europe (1975), as well as the Budapest Memorandum (1994), under which Russia is the guarantor of the sovereignty and territorial integrity of Ukraine. Russia also violated bilateral agreements with Ukraine, in particular, the Treaty on 'Friendship, Cooperation and Partnership' (1997) and the Agreement 'On the status and conditions of stay of the Russian Black Sea Fleet in Ukraine' (1999), which confirm Ukraine's sovereignty.

Russia has also violated the agreements directly related to the settlement of the conflict in the Donbass, has completely negated any attempts to stop the war in the region. In particular, the conditions of the Minsk Protocol, which was signed in September 2014, have not been observed. Russia continues to support the self-proclaimed republics, supplying them with weapons and military experts.

Russia's systemic violations of commitments undermine the stability of the global security system; they prove that Russian authorities cannot be trusted as far as any promises or commitments are concerned.

The Open Dialog Foundation believes that its status as a permanent member of the UN Security Council, as well as one of the regional leaders on the continent, obliges Russia to adhere to its commitments. The world's democratic community is obliged to decisively respond to the illegal actions of the Russian Federation on the international arena. Russia's violation of international treaties should result in negative consequences for the country.

The Foundation welcomes the PACE's decision to deprive the Russian delegation of voting rights in the organisation, and to prohibit the Russians from occupying leadership positions and participating in the PACE observation mission until the end of 2014 in connection with the annexation of the Crimean peninsula. We also believe that it is necessary to consider the question of depriving Russia of the right to permanent membership of the UN Security Council as it is a country which is an aggressor and violator of international law. We believe that the state which violates the basic principles of international law, cannot occupy leading positions in international organisations.

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The Open Dialog Foundation was established in Poland in 2009, on the initiative of Lyudmyla Kozlovska (who is currently the President of the Foundation). The statutory objectives of the Foundation include the protection of human rights, democracy and rule of law in the post-Soviet area, with particular attention devoted to the biggest CIS countries: Russia, Kazakhstan and Ukraine.

The Foundation pursues its goals through the organisation of observation missions, including election observations and monitoring of the human rights situation in the CIS countries. Based on these activities, the Foundation produces reports and distributes them among the institutions of the EU, the OSCE and other international organisations, foreign ministries and parliaments of EU countries, analytical centres and media.

In addition to observational and analytical activities, the Foundation is actively engaged in cooperation with members of parliaments involved in foreign affairs, human rights and relationships with the CIS countries, in order to support the process of democratisation and liberalisation of internal policies in the post-Soviet area. Significant areas of the Foundation's activities also include support programmes for political prisoners and refugees.

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