

Reference: C.N.502.2016.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

UKRAINE: NOTIFICATION UNDER ARTICLE 4 (3) ¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 6 July 2016.

(Original: English)

“The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and, with the reference to its Verbal Notes No. 4132/28-194/501-803 of 5 June 2015 and No. 4132/28-194/501-1987 of 24 November 2015, has the honor to convey the following information in accordance with the obligations of the Government of Ukraine under Article 4, paragraph 3, of the International Covenant on Civil and Political Rights.

In February 2014, the Russian Federation launched armed aggression against Ukraine and illegally occupied a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol, and today exercises overall effective control over certain districts of the Donetsk and Luhansk oblasts of Ukraine. These actions are in gross violation of the Charter of the United Nations, the Charter of the Council of Europe, other legally binding international instruments and constitute a threat to democracy, human rights and rule of law in Europe. The Russian Federation, as the Aggressor State and Occupying Power, bears full responsibility for respect of human rights in temporarily occupied territories of Ukraine under international humanitarian law, as well as in accordance with international human rights law.

Ongoing armed aggression of the Russian Federation against Ukraine, together with war crimes and crimes against humanity committed both by regular Armed Forces of the Russian Federation and by the illegal armed groups guided, controlled and financed by the Russian Federation, constitutes a public emergency threatening the life of the nation in the sense of Article 4, paragraph 1, of the International Covenant on Civil and Political Rights.

¹ Refer to depositary notification C.N.656.2015.TREATIES-IV.4 of 14 December 2015 (Notification under article 4 (3): Ukraine).

In order to ensure the vital interests of the society and the State, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and other Ukrainian authorities adopted legal acts, which constituted the derogation from certain obligations of Ukraine under the International Covenant on Civil and Political Rights, among them the Law of Ukraine “On Amendments to the Law of Ukraine “On Combating Terrorism” regarding the preventive detention of persons, involved in terrorist activities in the anti-terrorist operation area for a period exceeding 72 hours” of 12 August 2014, the Law of Ukraine “On Amendments to the Criminal Procedure Code of Ukraine regarding the special regime of pre-trial investigation under martial law, in state of emergency or in the anti-terrorist operation area” of 12 August 2014, the Law of Ukraine “On Administering Justice and Conducting Criminal Proceedings in Connection with the Anti-terrorist Operation” of 12 August 2014 and the Law of Ukraine “On Military and Civil Administrations” of 3 February 2015.

On the above-mentioned basis the Ukrainian Side exercised its right to derogate from its obligations under the International Covenant on Civil and Political Rights on the territory of certain areas of Donetsk and Luhansk oblasts of Ukraine, which are under control of the Government of Ukraine, and informed the Secretary-General of the United Nations of the measures which Ukrainian authorities had taken and the reasons therefor by the Verbal Note No. 4132/28-194/501-803 of 5 June 2015.

On 24 November 2015 by the Verbal Note No. 4132/28-194/501-1987 the Ukrainian Side specified areas of the Donetsk and Luhansk oblasts of Ukraine, covered by the derogation submitted by the Government of Ukraine on the basis of the Resolution of the Verkhovna Rada of Ukraine N462-VIII of 21 May 2015.

One year after the adoption of the Resolution of the Verkhovna Rada of Ukraine “On Derogation from Certain Obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms” No. 462-VIII of 21 May 2015, Ukrainian authorities reviewed the security situation in certain areas of Donetsk and Luhansk oblasts of Ukraine, which fall within the scope of derogation. According to the security, defense and law enforcement agencies of Ukraine, it remains tense and fragile. In defiance of the Minsk agreements, the illegal armed groups and Russian Armed Forces place firing positions in residential neighborhoods of the occupied settlements and, using heavy weapons prohibited by the Minsk agreements, continue to shell the positions of the Ukrainian Armed Forces.

The official statistics show that, as of 30 May 2016, at least 6,380 attacks from Russian-backed militants against Ukraine's Armed Forces have been reported since the beginning of this year. 42 Ukrainian soldiers have been killed and 350 have been wounded. The facts of disregard by the Russian occupation forces of the Minsk agreements in terms of the withdrawal of heavy weapons are constantly recorded. From the beginning of 2016, 699 cases of the presence of tanks, artillery systems of over 100 mm caliber, MLRS's and mortars near the contact line have been confirmed.

In June 2016, security situation in Donbas started to rapidly deteriorate. Russia-led terrorist forces continued to blatantly violate ceasefire and heavy weapons withdrawal commitments under the Minsk agreements. They widely used heavy weapons, mostly mortars and high caliber artillery. As a result, 7 Ukrainian soldiers were killed and 18 were wounded between 16 and 21 June. On 22 June 2016, 1 Ukrainian soldier was killed and 11 were wounded; over 300 mortar shells and more than 160 projectiles were fired at Ukrainian positions. Current shelling intensity is similar to an active fighting phase of August 2015.

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On 22 June 2016, OSCE SMM monitors were shelled with mortars by pro-Russian militants in Donetsk region. The fire came from 82mm caliber mortars, which had to be withdrawn under the Minsk agreements.

The uncontrolled border remains a critical impediment to the de-escalation as Russia continues sending its weaponry, regular troops and mercenaries to Donbas. On 27 May - 3 June 2016, Russia supplied through the uncontrolled sections of the Ukrainian state border to Donbas nearly 2500 tons of fuel, more than 160 tons of ammunition, 9 MLRS "Grad", 2 self-propelled artillery systems "Akatsiya", 36 "T-72" tanks and 6 armored vehicles. On 22 June 2016, 2 self-propelled howitzers, 6 infantry fighting vehicle, 6 howitzers and 10 trucks were brought from the Russian territory to the town of Chervonopartyzansk in Luhansk region.

The fact that the situation in the East of Ukraine remains tense and volatile is confirmed by numerous reports of international organizations, operating in the conflict-affected area, and in the first place by the United Nations Human Rights Monitoring Mission in Ukraine. According to the Fourteenth report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the situation of human rights in Ukraine, based on the work of HRMMU, from mid-April 2014 to 15 May 2016 OHCHR recorded 30,903 casualties in the conflict area in eastern Ukraine, among Ukrainian armed forces, civilians and members of the armed groups. This includes 9,371 people killed and 21,532 injured (para. 3).

The Ukrainian Side, having established that the circumstances which led to submitting the derogation still prevail, has found it necessary to continue to exercise in relation to the situation in certain areas of Donetsk and Luhansk oblasts of Ukraine, which are under control of the Government of Ukraine, the powers described in above-mentioned legislative acts. To the extent that the exercise of these powers may be inconsistent with the obligations imposed by the International Covenant on Civil and Political Rights, the Ukrainian Side has availed itself of the right of derogation conferred by Article 4, paragraph 1, of the Covenant and will continue to do so until further notice.

In pursuance of Article 4, paragraph 3, of the Covenant the Permanent Mission of Ukraine to the United Nations has the honour to transmit the reviewed list of localities in Donetsk and Luhansk oblasts under control/partially controlled by the Government of Ukraine as of 14 June 2016.

The Permanent Mission of Ukraine to the United Nations emphasises once again the need to adopt a very careful approach for the establishment of facts as to whether the areas of Donetsk and Luhansk oblasts of Ukraine, which as specified in this Verbal Note, are partially controlled by the Government of Ukraine, are under effective overall control and jurisdiction of either Ukraine or the Russian Federation as an Aggressor State. All jurisdictional organs should take into account the particular circumstances of each case at a given moment in time.

The Permanent Mission of Ukraine to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

Enclosure: as stated, on 2 pages.

6 July 2016"

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**Lists of localities in Donetsk and Luhansk *oblasts* under control/partially controlled
by the Government of Ukraine
(as of June 14, 2016)**

DONETSK OBLAST

N°	District	Surface (km ²)		
1.	Bahmutskyi	1900	under control of Ukrainian authorities	11360 km ² (49.7%)
2.	Velykonovosilkivskyi	1900		
3.	Volodarskyi	1200		
4.	Dobropilskyi	950		
5.	Pokrovskyi	1300		
6.	Lymanskyi	1000		
7.	Oleksandrivkyi	1010		
8.	Mangushskyi	800		
9.	Slovyanskyi	1300		

N°	District	Surface (km ²)		
1.	Volnovakhskyi	2500	partially controlled by Ukrainian authorities	6700 km ² (29.3%)
2.	Konstyantynivskyi	1200		
	Maryinskyi	1400		
	Baikivskyi	800		
	Yasynuvatskyi	800		

N°	Cities of regional subordination	Surface (km ²)		
1.	Avdiivka	29.53	under control of Ukrainian authorities	1136.93 km ² (30.6%)
2.	Bahmut	40		
3.	Vugledar	5.32		
4.	Toretsk	61.9		
5.	Myrnograd	22.75		
6.	Dobropillya	19.8		
7.	Druzhkivka	46.53		
8.	Kramatorsk	355.7		
9.	Lyman	18.2		
10.	Pokrovsk	39.25		
11.	Konstyantynivka	66		
12.	Mariupol	244		
13.	Novogrodivka	5.55		
14.	Selidove	108.2		
15.	Slovyansk	74.2		

Donetsk <i>oblast</i>	26592 km² (total surface)	under control of Ukrainian authorities	12496.93 km ²	47%
		partially controlled by Ukrainian authorities	6700 km ²	25.2%
		under control of the illegal armed groups	7394.78 km ²	27.8%

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LUHANSK OBLAST

N°	District	Surface (km ²)		
1.	Bilovodskiyi	1596.96	under control of Ukrainian authorities	14918.73 km ² (58.89%)
2.	Bilokurakynskiyi	1435.81		
3.	Kreminskyyi	1635.2		
4.	Markivskyyi	1166.48		
5.	Milovskyyi	971.05		
6.	Novoaidarskyyi	1535.78		
7.	Novopskovskyyi	1623.08		
8.	Svativskyyi	1739.29		
9.	Starobilskyyi	1581.98		
10.	Troyitskyyi	1633.1		

N°	District	Surface (km ²)		
1.	Stanychno-Luhanskyi	1896.48	partially controlled by the Ukrainian authorities	3221.23 km ² (12.71%)
2.	Popasnyanskyyi	1324.75		

N°	Cities of regional subordination	Surface (km ²)		
1.	Lysychansk	95.64	under control of Ukrainian authorities	187.4 km ² (13.44%)
2.	Rubizhne	33.76		
3.	Severodonetsk	58		

Luhansk oblast	26684 km² <i>(total surface)</i>	under control of Ukrainian authorities	16238.06 km ²	60.85%
		partially controlled by the Ukrainian authorities	6323.53 km ²	23.7%
		under control of the illegal armed groups	4123.22 km ²	15.45%

18 July 2016



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