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

UKRAINE: NOTIFICATION UNDER ARTICLE 4 (3)

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

The above action was effected on 23 January 2017.

(Original: English)

“# 4132/28/-194/501-128

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, No. 4132/28-194/501-1987 of 24 November 2015 and No. 4132/28-194/501-1792 of 6 July 2016, 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.

The Russian Federation launched armed aggression against Ukraine in February 2014 and illegally occupied a part of the territory of Ukraine - the Autonomous Republic of Crimea and the city of Sevastopol. Today the Russian Federation exercises overall effective control over certain territories of the Donetsk and Luhansk regions 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.

The 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.

To ensure the vital interests of the society and the State, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and other 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 certain territories of the Donetsk and Luhansk regions 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 therefore by the Verbal Note No. 4132/28-194/501-803 of 5 June 2015.

The Ukrainian Side specified territories of the Donetsk and Luhansk regions of Ukraine, covered by the derogation submitted by the Government of Ukraine on the basis of the Resolution of the Verkhovna Rada of Ukraine No. 462-VIII of 21 May 2015, by the Verbal Notes No. 4132/28-194/501-1987 and No. 4132/28-194/501-1792 of 24 November 2015 and 6 July 2016 respectively.

Since 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, the Ukrainian authorities regularly review the security situation in certain territories of the Donetsk and Luhansk regions 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 20 December 2016, at least 7,200 attacks from Russian-backed militants against Ukraine’s Armed Forces have been reported since July 2016. 100 Ukrainian soldiers have been killed and 600 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. Since July 2016, 403 cases of the presence of tanks, artillery systems of over 100 mm caliber, MLRS’s and mortars near the contact line have been confirmed.

Russian Armed Forces and the illegal armed groups guided, controlled and financed by the Russian Federation continue to blatantly violate ceasefire and heavy weapons withdrawal commitments under the Minsk agreements. They widely use heavy weapons, mostly mortars and large caliber artillery.

Nowadays the total number of illegal armed groups count nearly 35,3 thousand persons who are using 403 tanks, 848 infantry fighting vehicles and armored vehicles, 621 artillery systems, 208 MLRS and 413 anti-aircraft systems.

The uncontrolled border remains a critical impediment to the de-escalation as Russia continues sending its weaponry, regular troops and mercenaries to the territories of the Donetsk and Luhansk regions of Ukraine. The number of cases of transportation by railways of the equipment and ammunition to certain territories of the Donetsk and Luhansk regions of Ukraine are increasing. Since July 2016, Russia supplied through the uncontrolled parts of the Ukrainian state border to the above-mentioned territories 30 cisterns of fuel, more than 100 tons of ammunition, 7 122-mm MLRS “Grad”, more than 40 tanks, self-propelled artillery systems and armored vehicles.

During July-December 2016 the Russian Armed Forces and the illegal armed groups are using the tactics of expansion of the controlled territory by the occupation of so-called “Gray zone” to the west of the contact line. As of mid-November 2016 they almost completely brought under control previously demilitarized neutral zone in the village of Petrivske in Volnovaskyi district.

The fact that the situation in the East of Ukraine remains tense and volatile is confirmed by many reports of international organizations, operating in the conflict-affected area, in particular by the United Nations Human Rights Monitoring Mission in Ukraine. According to the Sixteenth 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 November 2016, OHCHR recorded 32,453 casualties, among Ukrainian armed forces, civilians and members of the armed groups” in the conflict area in eastern Ukraine. “This includes 9,733 people killed and 22,720 injured”.

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 territories of the Donetsk and Luhansk regions 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 the Donetsk and Luhansk regions under control/partially controlled/uncontrolled by the Government of Ukraine as of 20 December 2016, submitted by the Security Service of Ukraine.

The Permanent Mission of Ukraine to the United Nations emphasizes once again the need to adopt a very careful approach for the establishment of facts as to whether the territories of the Donetsk and Luhansk regions 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.

Enclosed: as stated, on 8 pages.

20 January 2017”

List of localities in the Donetsk and Luhansk regions along the contact line

| DONETSK REGION | |
|---|--------------------------------|
| Cities of regional significance: | |
| t. Avdiivka | (c.Mariupol) |
| t. Toretsk | (c.Mariupol) |
| Settlements: | |
| vill. Hnutove | (c.Mariupol) |
| urb.settl. Sartana | (c.Mariupol) |
| urb.settl. Talakivka | (c.Mariupol) |
| vill. Lomakyne | (c.Mariupol) |
| Bahmutskiy district: | |
| vill. Vozdvyzhenka | |
| urb.settl. Zaitseve | (Zaitsivsk settlement council) |
| vill. Zalizne | (Toretsk town council) |
| settl. Zelenopilia | (Opytne village council) |
| urb.settl. Pivnichne | (Toretsk town council) |
| vill. Kodema | (Kodemsk village council) |
| vill. Krynychne | |
| vill. Lozove | |
| urb.settl. Luhanske | |
| vill. Mykolaivka | (Kodemsk village council) |
| vill. Mykolaivka Druha | (Kodemsk village council) |
| urb.settl. Myronivskiy | |
| vill. Myronivka | |
| settl. Novgorodske | (Toretsk town council) |
| settl. Novoluhanske | (Novoluhansk village council) |
| t. Svitlodarsk | |
| vill. Semyhiria | (Novoluhansk village council) |
| vill. Rozsadky | |
| settl. Roty | |
| settl. Dolomitne | |
| settl. Travneve | |
| vill. Dacha | |
| Volnovaskiy district: | |
| urb.settl. Andriivka | |
| settl. Bakhchovyk | |
| vill. Berdianske | |
| vill. Vodiane | |
| vill. Hranitne | |
| settl. Druzhne | |
| vill. Zaporizke | |
| vill. Zaichenko | |
| settl. Kamianka | |
| vill. Kalynivka | |
| vill. Lebedynske | |
| urb.settl. Myrne | |
| settl. Malovodne | |
| vill. Novohryhorivka | |
| settl. Novomykolaivka | |
| vill. Novoselivka | |

| | |
|--------------------------------|---------------------------------|
| vill. Novoselivka Druha | |
| settl. Obilne | |
| vill. Orlovske | |
| vill. Pavlopil | |
| vill. Pyshchevyk | |
| vill. Sopyne | |
| vill. Staromarivka | |
| vill. Starohnativka | |
| vill. Stepanivka | |
| vill. Fedorivka | |
| vill. Chermalyk | |
| vill. Chernenko | |
| vill. Shyrokyne | |
| Marinskyi district: | |
| vill. Berezove | |
| t. Krasnohorivka | |
| t. Marinka | |
| vill. Slavne | |
| vill. Stepove | |
| vill. Taramchuk | |
| Yasynuvatskyi district: | |
| vill. Vodiane | |
| urb.settl. Verkhnotoretske | |
| vill. Vesele | (Krasnohorivsk village council) |
| settl. Kamianka | (Krasnohorivsk village council) |
| vill. Krasnohorivka | (Krasnohorivsk village council) |
| settl. Lastochkyne | |
| settl. Nevelske | (Pervomaisk village council) |
| vill. Novoselivka Druha | (Krasnohorivsk village council) |
| settl. Opytne | |
| vill. Pervomaiske | (Pervomaisk village council) |
| settl. Pisky | |
| vill. Tonenke | |
| LUHANSK REGION | |
| Settlements: | |
| Novoaidarskyi district: | |
| t. Shchastia | |
| vill. Trokhizbenka | |
| vill. Kriakivka | |
| vill. Orikhove-Donetske | |
| vill. Lobacheve | |
| vill. Lopaskyne | |
| vill. Krymske | |
| vill. Prychepylivka | |
| Popasnianskyi district: | |
| t. Popasna | |
| vill. Troitske | |
| t. Zolote | (except Zolote-5) |
| t. Hirske | |
| urb.settl. Novotoshkovske | |
| vill. Katerynivka | |

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|--------------------------------------|--|
| vill. Orihove | |
| Stanychno-Luhanskyi district: | |
| urb.settl. Stanycia Luhanska | |
| urb.settl. Petropavlivka | |
| vill. Voitove | |
| vill. Valuiske | |
| vill. Bolotne | |
| vill. Syze | |
| vill. Makarove | |
| settl. Vilkhove | |
| vill. Nyzhnia Vilhova | |
| vill. Verhnia Vilhova | |
| vill. Plotyna | |
| vill. Pshenychne | |
| vill. Malynove | |
| vill. Harasymivka | |
| vill. Komyshe | |
| vill. Yuhanivka | |
| vill. Kolesnykivka | |
| vill. Krasna Talivka | |
| vill. Krasnyi Luch | |
| vill. Chuhynka | |
| vill. Zolotarivka | |
| vill. Oleksandrivka | |
| vill. Vilne | |
| vill. Derkulske | |
| settl. Shyrokyi | |
| settl. Kozachyi | |
| settl. Stepove | |
| vill. Nyzhnoteple | |
| vill. Zherebiache | |
| vill. Serednoteple | |
| vill. Pishchane | |
| vill. Peredilske | |
| vill. Heivka | |
| vill. Staryi Aidar | |
| settl. Talove | |
| vill. Blahovishchenka | |

List of localities of the Donetsk and Luhansk regions, on the territory of which the Government of Ukraine temporarily do not exercise its power

| DONETSK REGION | |
|--|------------------------|
| Cities of regional significance: | |
| c. Donetsk | |
| c. Horlivka | |
| t. Debaltseve | |
| t. Dokuchaievsk | |
| t. Yenakieve | |
| t. Zhdanivka | |
| c. Makiivka | |
| t. Mospyne | (Donetsk city council) |
| t. Snizhne | |
| t. Khartsyzk | |
| t. Khrestivka | |
| t. Chystiakove | |
| t. Shakhtarsk | |
| t. Yasynuvata | |
| Settlements: | |
| Amvrosiivskiyi and Bahmutskiyi districts: | |
| urb.settl. Bulavynske | |
| t. Vuhlehirsk | |
| urb.settl. Oleksandrivske | |
| urb.settl. Olenivka | |
| vill. Vesela Dolyna | |
| settl. Danylove | |
| settl. Illinka | |
| settl. Kamianka | |
| settl. Ridkodub | |
| settl. Bulavyne | |
| settl. Hrozne | |
| settl. Kaiutyne | |
| settl. Stupakove | |
| settl. Savelivka | |
| vill. Debaltsivske | |
| vill. Kalynivka | |
| vill. Lohvynove | |
| vill. Novohryhorivka | |
| vill. Nyzhnie Lozove | |
| vill. Sanzharivka | |
| settl. Olkhovatka | |
| settl. Pryberezhne | |
| Boitsekhovskiyi and Volnovaskiyi districts: | |
| vill. Andriivka | |
| vill. Dolia | |
| vill. Liubivka | |
| settl. Malynove | |
| settl. Molodizhne | |
| settl. Novomykolaivka | |
| urb.settl. Olenivka | |

| | |
|--|--------------------------|
| settl. Nova Olenivka | |
| vill. Pikuzy | |
| vill. Chervone | |
| Mariinskii district: | |
| vill. Kreminets | |
| vill. Luhanske | |
| urb.settl. Oleksandrivka | |
| urb.settl. Staromykhailivka | |
| vill. Syhnalne | |
| Novoazovskiy, Starobeshivskiy, Shahtarskiy, Yasynuvatskiy districts: | |
| vill. Vasylivka | |
| vill. Vesele | |
| settl. Betmanove | |
| settl. Mineralne | |
| vill. Spartak | |
| vill. Yakovlivka | |
| settl. Kruta Balka | |
| settl. Kashtanove | |
| settl. Lozove | |
| LUHANSK REGION Cities of regional significance: | |
| c. Luhansk | |
| t. Alchevsk | |
| t. Anratsyt | |
| t. Brianka | |
| t. Holubivka | |
| t. Khrustalni | |
| t. Sorokyne | |
| t. Pervomaisk | |
| t. Rovenki | |
| t. Dovzhansk | |
| t. Kadiivka | |
| Settlements: Anratsyktivskiy, Sorokynskiy, Lutuhynskiy, Novoidarivskiy districts: | |
| vill. Sokilnyky | |
| Perevalskiy, Popasnianskiy districts: | |
| vill. Berezivske | |
| settl. Holubivske | |
| vill. Zholobok | |
| t. Zolote-5 | (Zolotivsk town council) |
| urb.settl. Kalynove | |
| vill. Kalynove-Borshchuvate | |
| settl. Kruhlyk | |
| settl. Molodizhne | |
| settl. Mius | |
| vill. Novooleksandrivka | |
| settl. Chornukhine | |
| Dovzhanskiy, Slovianoserbskiy, Stanychno-Luhanskiy districts: | |
| vill. Burchak-Mykhailivka | |

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|------------------|--|
| vill. Lobacheve | |
| vill. Mykolaivka | |
| vill. Sukhodil | |

List of localities of the Donetsk and Luhansk regions under effective overall control and jurisdiction of the Government of Ukraine

| DONETSK REGION | |
|---------------------------------------|--|
| Cities of regional importance: | |
| t. Bakhmut | |
| t. Vuhledar | |
| t. Toretsk | |
| t. Myrnohrad | |
| t. Dobropillia | |
| t. Druzhkivka | |
| t. Kramatorsk | |
| t. Lyman | |
| t. Pokrovsk | |
| t. Kostiantynivka | |
| c. Mariupol | |
| t. Novohrodivka | |
| t. Selydove | |
| t. Sloviansk | |
| Settlements: | |
| Velykonovosilkovskyi district | |
| Bahmutskyi district | <i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i> |
| Volnovakhskyi district | <i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i> |
| Volodarskyi district | |
| Dobropilskyi district | |
| Kostiantynivskyi district | |
| Lymanskyi district | |
| Manhushskyi district | |
| Mariinskyi district | <i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i> |
| Oleksandrivskyi district | |
| Pokrovskyi district | |
| Slovianskyi district | |
| Yasynuvatskyi district | <i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i> |

| LUHANSK REGION | |
|---------------------------------------|--|
| Cities of regional importance: | |
| t. Lysychansk | |
| t. Rubizhne | |
| t. Sieverodonetsk | |
| Settlements: | |
| Bilovodskiyi district | |
| Bilokurakynskiyi district | |
| Kreminskiyi district | |
| Markivskiyi district | |
| Milovodskiyi district | |
| Novoaidarskiy district | <i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i> |
| Novopskovskiyi district | |
| Popasnianskiy district | |
| Svativskiyi district | |
| Starobilskiyi district | |
| Troitskiy district | |
| Stanychno-Lyhanskyyi district | <i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i> |

13 December 2019

