



Strasbourg, 3 February 2017

Ref : JJ8218C
Tr./005-205

NOTIFICATION OF DECLARATION

State : Ukraine.

Instrument : Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature, in Rome, on 4 November 1950 (ETS No. 5), as amended by Protocols No. 11 and No. 14 (ETS Nos. 155 and 194).

Date of entry into force of the instrument : 3 September 1953.

Date of entry into force in respect of Ukraine : 11 September 1997.

Reservations: ETS No. 005 Res./Decl. Ukraine.
Declarations: (See Annex)

Date of effect of the declarations : 2 February 2017.

Notification made in accordance with Article 59 of the Convention.

Copy to all member States.

COPIE (*)

Annex to the Notification JJ8318C Tr./005-205
dated 3 February 2017
ETS No. 5 - Article 15

PERMANENT REPRESENTATION OF UKRAINE
TO THE COUNCIL OF EUROPE

№ 31011/32-119/1-72

The Permanent Representation of Ukraine to the Council of Europe presents its compliments to the Secretary General of the Council of Europe and, referring to its Verbal Notes N° 31011/32-119/1-678 of 5 June 2015, N° 31011/32-119/1-1124 of 3 November 2015 and N° 31011/32-119/1-580 of 29 June 2016, has the honour to convey the following information in accordance with the obligations of Ukraine under Article 15, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950.

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 also exercises overall effective control over certain districts of 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 the rule of law in Europe. The Russian Federation, as the Aggressor State and Occupying Power, bears full responsibility for respect of human rights in the temporarily occupied territories of Ukraine under international humanitarian law and 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, constitute a public emergency threatening the life of the nation in the sense of Article 15, paragraph 1, of the Convention for the Protection of Human Rights and Fundamental Freedoms.

To ensure 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 Convention for the Protection of Human Rights and Fundamental Freedoms, among them: Law of Ukraine "On Amendments to 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, Law of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine Regarding Special Regime of Pre-trial Investigation Under Martial Law in State of Emergency or in the Anti-terrorist Operation Area" of 12 August 2014, Law of Ukraine "On Administering Justice and Conducting Criminal Proceedings in Connection with the Anti-terrorist Operation" of 12 August 2014 and 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 Convention for the Protection of Human Rights and Fundamental Freedoms in the territory of certain areas of Donetsk and Luhansk regions of Ukraine, which are under control of the Government of Ukraine, and informed You of the measures, which Ukrainian authorities had taken and the reasons therefor by Verbal Note N° 31011/32-119/1-678 of 5 June 2015.

On 3 November 2015 and on 29 June 2016, by Verbal Notes N° 31011/32-119/1-1124 and N° 31011/32-119/1-580 the Ukrainian Side specified areas 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 N° 462-VIII of 21 May 2015.

Since adopting 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" N° 462-VIII of 21 May 2015, the Ukrainian authorities regularly reviewed the security situation in certain areas of Donetsk and Luhansk regions of Ukraine, which fall within the scope of derogation. According to the security, defence 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 neighbourhoods of the occupied settlements and, using heavy weapons prohibited by the Minsk agreements, continue to shell positions of the Ukrainian Armed Forces.

The official statistics demonstrate that between July 2016 and 20 December 2016, at least 7,200 attacks from Russian-backed militants against Ukraine's Armed Forces have been reported. 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. From July 2016, 403 cases of the presence of tanks, artillery systems of over 100 mm calibre, MLRS's and mortars near the contact line have been confirmed.

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 calibre artillery.

Nowadays, the total number of illegal armed groups counts nearly 35,300 persons who are using 403 tanks, 848 infantry fighting vehicles and armoured vehicles, 621 artillery systems, 208 MLRS, and 413 air craft defence systems.

The uncontrolled border remains a critical impediment to the de-escalation as Russia continues sending its weaponry, regular troops and mercenaries to Donbas. There are increasing cases of the transportation of equipment and ammunition to certain areas of Donetsk and Luhansk regions by railways. Since July 2016, Russia supplied Donbas through the uncontrolled sections of the Ukrainian state border with 30 cisterns of fuel, more than 100 tons of ammunition, 7 122-mm MLRS "Grad", more than 40 tanks, self-propelled artillery systems, and armoured vehicles.

During July - December 2016, the Russian terrorist troops had been using the tactics of expansion of the controlled territory by occupying the so-called "Gray zone" west of the contact line. As of mid-November 2016, illegal armed groups almost completely brought under control previously demilitarized neutral zone in the village of Petrivske, Volnovaskyi district.

The fact that the situation in the East of Ukraine remains tense and volatile is confirmed by many reports of international organisations, operating in the conflict-affected area, and in the first place by the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU). 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 32,353 casualties in the conflict area in eastern Ukraine among Ukrainian armed forces, civilians, and members of the armed groups. This includes 9,733 people killed and 22,620 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 areas of Donetsk and Luhansk regions of Ukraine, which are under control of the Government of Ukraine, the powers described in the above-mentioned legislative acts. To the extent that the exercise of these powers may be inconsistent with the obligations imposed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the Ukrainian Side has availed itself of the right of derogation conferred by Article 15, paragraph 1, of the Convention, and will continue to do so until further notice.

In pursuance of Article 15, paragraph 3, of the Convention, the Permanent Representation of Ukraine to the Council of Europe has the honour to transmit herewith the reviewed list of localities in

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.

At the same time, the Permanent Representation of Ukraine to the Council of Europe emphasizes once again the need to adopt a very careful approach to the establishment of facts as to whether the territories of Donetsk and Luhansk regions of Ukraine, which, as specified in this Note Verbale, are partially controlled by the Government of Ukraine, are under effective overall control and jurisdiction of either Ukraine or the Russian Federation as Aggressor State. The European Court of Human Rights will have to take into account particular circumstances of each case at a given moment in time.

The Permanent Representation of Ukraine to the Council of Europe avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration.

Enclosed: as stated, on 8 pages.

(seal) Strasbourg, 31 January 2017

Secretary General of the Council of Europe
Palais de l'Europe
67075 STRASBOURG Cedex

(*) *Declaration registered by the Secretariat General on 2 February 2017 - Or. Engl.*

Copy

List of localities of Donetsk and Luhansk regions along of 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)
Bahmutskyi 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. Rozsady	
settl. Roty	
settl. Dolomitne	
settl. Travneve	

vill. Dacha	
Volnovaskyi 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. Novotoshkivske	
vill. Katerynivka	
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. Komyshne	
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: Amvrosiivskiy and Bahmutskiy 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	
Boitsekhovskiy and Volnovaskiy 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. Kremynets	
vill. Luhanske	
urb.settl. Oleksandrivka	
urb.settl. Staromykhailivka	
vill. Syhnalne	
Novoazovskiy, Starobeshivskiy, Shahtarskyy, Yasynuvatskyy 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. Antratsyt	
t. Brianka	
t. Holubivka	
t. Khrustalni	
t. Sorokyne	
t. Pervomaisk	
t. Rovenki	
t. Dovzhansk	
t. Kadiivka	

Settlements: Antratsyivskiy, Sorokynskiy, Lutuhynskiy, Novoaidarivskiy 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	
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. Pokrovs'k	
t. Kostiantynivka	

c. Mariupol	
t. Novohrodivka	
t. Selydove	
t. Sloviansk	
Settlements:	
Velykonovosilkovskiy district	
Bahmutskiy district	<i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i>
Volnovakhskiy district	<i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i>
Volodarskiy district	
Dobropilskiy district	
Kostiantynivskiy district	
Lymanskiy district	
Manhushskiy district	
Mariinskiy district	<i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i>
Oleksandrivskiy district	
Pokrovskiy district	
Slovianskiy district	
Yasynuvatskiy 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:	
Bilovodskiy district	
Bilokurakynskiy district	
Kreminskiy district	
Markivskiy district	
Milovodskiy district	

Novoaidarskyi district	<i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i>
Novopskovskyi district	
Popasnianskyi district	
Svativskyi district	
Starobilskyi district	
Troitskyi district	
Stanychno-Lyhanskyi district	<i>(excepting those located on the contact line and those where state authorities temporarily exercise their powers)</i>