

His Excellency Pavlo Klimkin
Minister of Foreign Affairs
Ministry of Foreign Affairs
Mykhaylivska pr. 1
01018 Kiev
Ukraine

Geneva, 22 January 2015

Re: Antipersonnel mines in Donbass conflict

Excellency,

I am writing on behalf of the International Campaign to Ban Landmines (ICBL), a Nobel Peace Prize laureate, working to end the suffering caused by landmines. The ICBL advocates for thorough compliance with the 1997 Convention on the Prohibition of the Use, Production, Stockpiling and Transfer of Anti-Personnel Landmines and on their Destruction, also known as Mine Ban Treaty. Ukraine has been a State Party to the treaty since 1 June 2006.

In meetings with representatives of ICBL member Human Rights Watch in December 2014, officials stated that “no banned weapons” had been used in the Anti-Terrorist Operations (ATO zone) by Ukrainian armed forces or forces associated with them, such as volunteer battalions. Specifically, the Military Prosecutor reported searching records for the use of KSF-1 (KSF-1S) cartridges with antipersonnel mines PFM-1, BKF-PFM-1 cartridges with antipersonnel mines PFM-1S, and 9M27K3 rockets with antipersonnel mines PFM-1S. Is this also your understanding?

Ukraine has stated that MON-series and OZM-72 mines could be used in command-detonated mode (through electrical initiation) in compliance with the Mine Ban Treaty, but declared such stockpiled mines as excessive and not suitable for use, indicating that they would be destroyed. However, both of these types of mines have been documented in the ATO zone. Can you confirm that victim-activated initiating devices such as pull or tension release mechanical fuzes used with MON-series and OZM-72 mines are not issued to any armed force or institution in Ukraine? Have these items been destroyed?

It is also clear from media reports that Russian-backed separatist fighters in the ATO zone are in possession of MON-series and OZM-72 mines. Can you share any information regarding possible use of antipersonnel mines or any other type of victim-activated explosive devices by non-state actors in the ATO zone?

Finally we would like to bring to your attention a news report from 15 December 2014, available online at <http://bit.ly/1zWGao1>, which shows

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Ukrainian troops emplacing numerous PDM-1M mines in the surf along a beach on the Sea of Azov near the city of Mariupol. Such mines are designed to be detonated when 18-26 kilograms of force is applied to the VPDM-1M tilt rod fuze, an amount easily created by the actions of an adult. In other words, while PDM-1M mines are meant to target land, water, or amphibious vehicles, they can also be activated by a person.

The ICBL and the vast majority of States Parties that have expressed their views on victim-activation believe that any mine that can be activated by the unintentional act of a person is banned under the Mine Ban Treaty. Does Ukraine consider these mines to be permissible under the Mine Ban Treaty?

These mines create a hazard for Ukrainian citizens themselves and will require specialized clearance efforts in the future. In addition to Ukraine's obligations under the Mine Ban Treaty, Ukraine must ensure the effective exclusion of civilians from the effects of these mines, as required by the 1996 Amended Protocol II of the 1980 Convention on Certain Conventional Weapons (CCW), which Ukraine joined on 15 December 1999. This would seem to be particularly difficult under the current circumstances.

The International Campaign to Ban Landmines respectfully calls on Ukraine to:

- stop using PDM-1M mines as well as any other mines that can be activated by a person
- confirm publicly whether PDM-1M mines have been used by Ukrainian troops, and in what location
- explain how it will ensure the effective exclusion of civilians from the mined area
- proceed to clearing PDM-1M and any other victim-activated mines in areas where they have been used.

The ICBL trusts that Ukraine will abide by the rules to which it willingly submitted itself when joining the 1996 Amended Protocol II to the CCW, and the 1997 Mine Ban Treaty. Compliance with these legal obligations will also help protect Ukraine's own citizens.

We look forward to your answer and will be in contact with representatives of the Ukraine Mission to the United Nations in Geneva in the coming days to seek a meeting. In the meantime I am at your full disposal for further discussion, at megan@icblcmc.org or by phone at +41 22 920 0320.

Sincerely,



Megan Burke
Director

cc. His Excellency Yurii Klymenko, Ambassador and Permanent Representative,
Permanent Mission of Ukraine to the United Nations in Geneva