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**STATEMENT BY MR. VLADIMIR ZHEGLOV,
DEPUTY PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1301st MEETING OF THE OSCE PERMANENT COUNCIL
VIA VIDEO TELECONFERENCE**

4 February 2021

**In response to the reports by the Special Representative of the
OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group,
Heidi Grau, and the Chief Monitor of the OSCE Special Monitoring Mission to
Ukraine, Yaşar Halit Çevik**

Mr. Chairperson,

We welcome the distinguished Ambassador Yaşar Halit Çevik and Mr. Daniel Riccò, who presented the report by the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group (TCG), Ambassador Heidi Grau. We note how Ambassadors Grau and Çevik are continuing their efforts in these challenging times of the coronavirus pandemic, which is forcing adjustments to be made to certain working procedures. It is important to ensure the continuity and effectiveness of the dialogue on settling the internal Ukrainian crisis. However, the presentations given today confirm that the dynamics are not encouraging and that the situation in Ukraine continues to deteriorate.

In accordance with the Minsk Package of Measures of 12 February 2015, which was endorsed by United Nations Security Council resolution 2202, the path to peace in the east of Ukraine lies in a comprehensive political settlement on the basis of direct dialogue between the representatives of the Ukrainian Government and the authorities in Donetsk and Luhansk. A platform for this kind of dialogue is provided by the TCG and its working groups. The work of the distinguished Ambassadors Grau and Çevik is intended to facilitate precisely such a dialogue between the parties. This is also the goal of the efforts of the Russian Federation, which is participating in the TCG's work as a co-mediator.

The noticeable and protracted reduction in the number of instances of mutual shelling since the measures to strengthen the ceasefire regime entered into force on 27 July 2020 was meant to create an enabling environment for the intensification of efforts to implement the Package of Measures. However, there has subsequently been no significant improvement in the political, socio-economic or humanitarian sphere. Unfortunately, the work undertaken by the TCG's thematic working groups on 2 February once again did not result in any headway being made. This is not surprising, given the uninhibited attempts by the Ukrainian Government to eviscerate the Package of Measures, to shift the goalposts and torpedo the implementation of specific practical steps.

In the context of the spreading coronavirus, the Ukrainian authorities continue, in violation of paragraph 8 of the Package of Measures, with their inhumane blockade of people's livelihoods in certain areas of Donbas. The lack of a proper dialogue on the arrangements whereby crossing points on the line of contact are to operate during the pandemic has led to a reduction of their throughput capacity and to difficulties with the opening of two new checkpoints at Zolote and Shchastia in the Luhansk region. Because of the Ukrainian Government's reluctance to fulfil its obligation to cease prosecuting those released ("legal clearance"), preparations for further exchanges have been greatly hampered. The peculiarities of the current domestic political situation in Ukraine are preventing implementation of the initiative by the authorities in Donetsk and Luhansk to hand over to the Ukrainian authorities, on a voluntary and unilateral basis, a number of people being held in places of detention.

Lastly, a complete standstill can be observed in the political strand of the settlement process. On 15 December 2020, the Verkhovna Rada (Ukrainian Parliament) adopted a technical extension for a further year – until 31 December 2021 – of the Act on the Special Procedures for Local Self-Government in Certain Areas of the Donetsk and Luhansk Regions, which has not yet come into effect. This non-functioning law was adopted back in 2014 for a duration of three years, which is in itself at odds with the stipulations of paragraph 11 of the Package of Measures. Under that paragraph, the Ukrainian Government committed itself to permanently granting Donbas special status and to reflecting that in the Constitution: none of this has been done. Nor is the tasking from the "Normandy format" summit held in Paris on 9 December 2019 being implemented, whereby the "Steinmeier formula" (on the procedure for giving effect to the aforementioned law) is to be incorporated into Ukrainian legislation.

In these circumstances, the Ukrainian Government is merely stepping up its campaign to discredit the Minsk agreements. The first deputy head of the Ukrainian delegation to the TCG, Oleksiy Reznikov, who is also Deputy Prime Minister and Minister for Reintegration, is on record describing the latter as "outdated" and somehow in need of "modernization and clarification". The specific outlines of the "clarification" proposed by the Ukrainian Government have started to become visible over the past few weeks.

We are grateful to the speakers for drawing our attention to the draft framework law published by Ukraine's Ministry of Reintegration on 11 January concerning the so-called "transitional period". The excerpts from it quoted in Ambassador Çevik's report point quite clearly to a contradiction with the Minsk agreements, in which there is not a single word about, say, "temporarily occupied territories" of any sort.

Moreover, the draft law entails something that was not provided for in the Package of Measures, namely the introduction of a special legal regime for certain areas of Donbas while maintaining the existing conditions of the socio-economic blockade. The Ukrainian Government insists on establishing military control over the border and the entire territory of the region beforehand – this despite the fact that in accordance with paragraph 9 of the Package of Measures, the border issue is to be resolved after a comprehensive political settlement has been reached. Instead of holding local elections in line with paragraph 4 of the Package of Measures, the draft law provides for the establishment of certain military and civilian administrative bodies. Lastly, instead of the amnesty stipulated in paragraph 5 for those involved in the events in Donbas, the draft law envisages a kind of "transitional justice", with selective application of the toolbox of repression on the basis of politically motivated assessments by the Ukrainian Government in each specific case. Nowhere does it say anything about a permanent special status for the region or about direct dialogue with the true representatives of Donbas.

Such a draft law can hardly be regarded as a step forward in the implementation of the Minsk agreements. On the contrary, the fact that the Ukrainian authorities are actively working on it points essentially to their striving to abandon the Minsk process and bury for good the implementation of the

Package of Measures. Should this draft law be adopted, it would provide additional formal confirmation of those intentions.

The attempts to stray from the logic, spirit and letter of the Minsk agreements are of a conscious nature. Let us take, for example, the draft road map for the settlement process submitted by the Ukrainian Government to the TCG, almost 80 per cent of which is at odds with the Package of Measures. Significantly, the Ukrainian negotiators continue stubbornly to ignore the version for such a road map based on the Package of Measures that the authorities in Donetsk and Luhansk presented back in October 2020. It should be emphasized that efforts to draw up a road map must be aimed at bringing implementation of the Package of Measures closer, rather than being treated as a means of rewriting the latter.

In these circumstances, it is not surprising that skirmishes are occurring in the region every day: since the start of this year, the OSCE Special Monitoring Mission to Ukraine (SMM) has reported more than 2,500 violations of the “silence regime”. In this week alone, damage was recorded to civilian buildings in the settlements of Berezivske (Luhansk region) and Syhnalne (Donetsk region). Contrary to measure no. 1 of the measures to strengthen the ceasefire regime, the Ukrainian military deployed unmanned aerial vehicles near an SMM patrol in Lebedynske (Donetsk region) on 30 and 31 January. In that respect, it is important to ensure effective functioning of the co-ordination mechanism for responding to ceasefire violations. As stipulated by measure no. 5 of the aforementioned measures, the operation of this mechanism should be facilitated by the Joint Centre for Control and Co-ordination (JCCC) in its current form. Yet, the Ukrainian Government stubbornly continues to balk at applying this mechanism, which is meant to involve the representatives of Donetsk and Luhansk in the JCCC in its present form.

Ambassador Çevik,

Your report bears witness to the fact that the situation in Ukraine continues to be challenging when it comes to ensuring that journalists and human rights defenders are able to go about their work freely. You mention that you have been keeping an eye on the progress of investigations into some attacks. Nevertheless, one cannot avoid the impression that since the start of the year, the SMM has become less active on that front. I should like to go beyond the chronological framework of the report you have presented and concentrate on the SMM’s current activities.

For example, the Mission’s reports have as yet to reflect any information on the attack carried out by nationalists on 22 January against the journalist Ruslan Kotsaba and his mother, along with his lawyer, the human rights defender Tetyana Montyan. We emphatically ask you to study the video footage of the assault (which is publicly available)¹ and to get in touch with the victims and the law enforcement agencies – in short, to establish the facts and reflect them in your reports, in accordance with paragraph 3 of the SMM’s mandate.

There has so far not been any reporting either on the actions taken by the authorities to systematically purge the information space of dissent. On 2 February, a decree of President Volodymyr Zelenskyy brought into effect the decision by the National Security and Defence Council to ban a number of television companies, including three major news channels: 112, NewsOne and ZIK. The decision was posted on the website of the President of Ukraine and elicited widespread public interest. Those television channels found themselves branded as politically undesirable and were taken off the air simultaneously, without any judicial investigation or a decision by the regulatory body. To our knowledge, the matter is already under review by the OSCE Representative on Freedom of the Media. We trust that the Mission, too, will keep a close watch on what is going on and reflect it in its reports.

1 See <https://youtu.be/bT2A8IH1pSg>; <https://youtu.be/HI2ByGeazzw>.

A cause for concern is the situation with regard to upholding the rights of the non-Ukrainian-speaking population. We note the diligence with which the SMM has been describing the situation faced by the Hungarian minority. Its reports have incorporated information on threats levelled at the latter by radicals, even down to details of e-mails and graffiti sprayed on walls.

At the same time, one gets the impression that the Mission is not taking notice of the Russophobic excesses indulged in by aggressive nationalists with the support of the Ukrainian authorities. Its reports have failed to mention the insulting and xenophobic cries of the radicals who on 1 January marched through the streets of central Kyiv under police escort to commemorate the Nazi accomplice Stepan Bandera's birthday. They threatened to make short work of anyone whom they perceived to be an "enemy of Ukraine" and called for "the Moskals", or "Muscovites", to be packed off "to the gallows". Video footage of their march is available on the Internet.² Yet, this event was described in the SMM's report of 5 January as a "peaceful march", during which "patriotic slogans" were chanted. We exhort the Mission to monitor more closely what is happening in Ukraine, to study carefully the relevant video footage and to stop trying to gloss over facts when describing the actions of far-right radicals. The SMM also took no notice whatsoever of how the Ukrainian police dispersed two anti-fascist events that took place in Kyiv on 19 January – we found out about this through the media.

In this context, the need for information on manifestations of aggressive nationalism, neo-Nazism and xenophobia to be systematically compiled into a thematic report by the SMM continues to be highly relevant. There are more than sufficient facts to be analysed.

Neither have the Mission's reports reflected the information about attacks that took place in January on clergymen of the Ukrainian Orthodox Church in Zaporizhzhia and some of its houses of worship in Kharkiv. Of course, one might argue that the reason why this information failed to make it into its reports is that the SMM staff did not physically witness the attacks. However, the Mission is called upon by its mandate to establish facts promptly through, among other things, contacts with community members, law enforcement officers and local government authorities. It is our understanding that this omission will be rectified.

We urge that attention not be diminished towards the consequences of the Ukrainian authorities' introduction of discriminatory legislation in the linguistic and educational fields. There is a need for analysis that reflects how the scope of rights and freedoms has been narrowed. It is important to monitor the use of the toolbox of repression in enforcing the execution of these newly adopted measures.

We are convinced that all the OSCE participating States are interested in truly objective and impartial reporting on what is taking place in Ukraine. We stand ready to assist the Mission in carrying out tasks that derive from its mandate and do not exceed the limits of the latter.

Ambassador Çevik,
Mr. Riccò,

The difficult situation in which the whole settlement process finds itself, given the persistent attempts by the Ukrainian Government to rewrite the Minsk agreements, is plain for all to see. It is our understanding that the efforts undertaken by Ambassadors Grau and Çevik will be aimed at facilitating the full implementation by the parties – that is, by the Ukrainian Government and the authorities in Donetsk and

2 See <https://youtu.be/Tz61aOwixGc>; <https://youtu.be/IzXrtGIDsVI>.

Luhansk – of the provisions of the Package of Measures in their entirety and in a co-ordinated and sequential manner.

There is currently an urgent need for strong signals to be sent out to the Ukrainian authorities concerning the necessity of reverting to the logic of the Package of Measures. Attempts, including those undertaken by Ukraine's external "minders", to shield the Ukrainian authorities as they go about sabotaging the Minsk agreements are highly detrimental to the whole settlement process.

In closing, we should like to wish the speakers and their colleagues good health and success in their work.

Thank you for your attention.