

PC.DEL/1205/17
29 September 2017

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1157th MEETING OF THE
OSCE PERMANENT COUNCIL**

28 September 2017

**In response to the reports by the Chief Monitor of the OSCE Special
Monitoring Mission to Ukraine, Ambassador Ertuğrul Apakan, and the
Special Representative of the OSCE Chairperson-in-Office in Ukraine and
in the Trilateral Contact Group, Ambassador Martin Sajdik**

Mr. Chairperson,

We welcome the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group, Ambassador Martin Sajdik, and the Chief Monitor of the OSCE Special Monitoring Mission to Ukraine (SMM), Ambassador Ertuğrul Apakan, and thank them for their difficult work.

Unfortunately, in spite of your efforts gentlemen, the implementation of the Minsk agreements – the only possible way of solving the Ukrainian problem – remains at an impasse. The Ukrainian Government is trying to distort the content and sequence of the agreed measures, making these agreements meaningless.

Despite the “school truce”, the Ukrainian security forces, just like the Ukrainian armed forces and the so-called volunteers, continue the shelling of towns, villages and infrastructure facilities in Donbas. The indiscriminate use of mortars and other types of prohibited weapons is resulting in civilian casualties. In September alone, according to SMM data, three civilians were injured in Yasynuvata, Donetsk and Trudivske.

The SMM report on civilian casualties in eastern Ukraine in 2016 shows that most of these casualties were the result of the shelling of militia-controlled territories. During that year, 45 civilians were killed by the Ukrainian security forces in certain areas of the Donetsk region and 197 were injured, while 12 civilians were killed and 27 injured in certain areas of the Luhansk region. One hundred and fifty six of these victims lived in Donetsk or its environs. This area became a hotspot once the Ukrainian armed forces occupied the Avdiivka industrial zone in February 2016. Tension near checkpoints along the line of contact, including the segment at Berezove-Olenivka, escalated due to the creeping offensive of the Ukrainian security forces. On 27 April 2016, four civilians were killed and five injured in Olenivka as a result of shelling by the Ukrainian armed forces. A similar escalation of tension

was reported by the monitors when the Ukrainian armed forces' positions moved forward near Novooleksandrivka and Maiorsk.

We have taken note of the cases mentioned in Ambassador Apakan's report of the Ukrainian security forces detaining families with children at the line of contact, preventing them from returning to militia-controlled territory. We regard this as a flagrant violation of their rights.

It is clear that the Ukrainian Government has no interest in de-escalating the situation at the line of contact, is persistently avoiding the disengagement of forces that has already been agreed for Stanytsia Luhanska and is unwilling to agree on new disengagement areas. The monitors have not recorded any violations of the ceasefire regime inside the Stanytsia Luhanska disengagement area since 22 August 2017. Five weeks have elapsed since then. Verified ceasefire periods that lasted seven days have been reported by the SMM monitors ten times since mid July. The militia have long been ready to disengage their forces. The Ukrainian Government is openly sabotaging the process.

Ukrainian snipers have become more active at the line of contact, and commandos regularly enter militia-controlled areas.

As it turned out, such a tactic also poses a threat to the SMM. The report of the International Humanitarian Fact-Finding Commission established that the mine that resulted in the SMM vehicle being blown up was unlikely to have been laid by the militia. The representatives of certain areas of the Luhansk region were unaware of the presence of a further two unexploded mines on that road. During the investigation, the militia co-operated constructively with the forensic specialists, the same cannot be said for the Ukrainian authorities. The Ukrainian Government has not yet provided the complete video recording of the explosion that was filmed from territory controlled by the Ukrainian armed forces. The camera had a good zoom and was manually turned to track the movement of the SMM vehicles. There are no reasonable grounds for doubting the involvement of commandos of the Ukrainian armed forces in that explosion. We trust that the guilty parties will be brought to account.

We hope that the restrictions on the SMM patrols at the line of contact will be lifted soon and that the demining work will be stepped up. The Ukrainian Government actively restricts the SMM's freedom of movement under the pretext that there is a threat of mines. Between 18 and 24 September, the monitors were unable to pass through territory controlled by the Ukrainian armed forces on 22 occasions because of these "warning flags", which scare off the monitors just as much as threats and the firing of shots into the air. These restrictions are not being considered, and for no real reason, in the statistical data issued to the media. The phrase "apart from restrictions due to the possible presence of mines and unexploded ordnance (UXO)" covers the overwhelming majority of violations in government-controlled territory.

However, there have also been cases of direct threats to the SMM staff. On 17 September, Ukrainian border guards in Ataman in the Kherson region released their dogs on three occasions. On 20 September, the security forces ordered the monitors to disclose their nationality. We condemn these incidents and any restrictions on the freedom of movement of the SMM, regardless of where they come from.

We have taken note of the appearance in Ukraine of a further segment of border not controlled by the government – the Shehyni checkpoint, through which Mikheil Saakashvili, “the man without a passport”, entered the country. We believe it important that the SMM attempted to monitor that event.

In order to ensure more effective work on the part of the SMM, we believe it is necessary to establish more respectful co-operation with the Joint Centre for Control and Co-ordination (JCCC). The purpose of both of these missions is to help reduce tension and promote peace, stability and security. Unfortunately, the Ukrainian Government’s demand that the representatives of the militia be excluded from the JCCC’s work has significantly complicated the Centre’s operation. We urge the SMM leadership not to blame the JCCC for the lack of communication with the parties to the conflict.

Mr. Chairperson,

A sustainable settlement of the internal Ukrainian conflict is possible only through direct dialogue between the Ukrainian Government, Donetsk and Luhansk, parallel movement along the security and political track, and effective efforts in the humanitarian and economic sphere. The sequence of steps is clearly set out in the Minsk Package of Measures, which was endorsed by the United Nations Security Council resolution 2202.

We are fully in agreement with the SMM leadership that a ceasefire in the conflict zone is possible. For this, it is necessary to secure the disengagement of the parties’ forces, withdraw the weapons and rule out opportunities for the “independent operation” of volunteer battalions. Once this has been achieved, it is necessary to think about measures to consolidate the situation and ensure the sustainability of the ceasefire. For this reason, the main efforts need to be focused on the line of contact.

Let us make this clear: first a political settlement, and then the reinstatement of full control by the government of the border. As long as there is no permanent law on the special status of Donbas or constitutional reform formalizing this status, there can be no talk about the border. Only complete implementation of the Minsk agreements will provide the Ukrainian Government with an opportunity to preserve territorial integrity. Only the Minsk agreements are keeping certain areas of the Donetsk and Luhansk regions within Ukraine. We recall that the reinstatement of full control of the State border by the Ukrainian Government throughout the conflict area should begin on the first day after the local elections and end after the comprehensive political settlement (paragraph 9 of the Package of Measures).

Meanwhile, the Ukrainian Government is making no effort towards a political settlement of the conflict. The extension of the law on the special status of Donbas is under threat. The refusal to take this mandatory step and the intention to replace this law with a new one is not in keeping with the Package of Measures and is likely to complicate the settlement process considerably. The lack of will on the part of the Ukrainian negotiators for a peaceful solution is also evident in the meetings of the Trilateral Contact Group when they refuse to formalize the Steinmeier formula, which was agreed upon in the Normandy format and provides for the holding of elections and the enactment of the law on the special status of Donbas.

In the humanitarian field, we welcome the transfer of groups of people, who had been detained in certain areas of the Donetsk region and had no connection with the conflict, to

territory controlled by the Ukrainian armed forces. We expect this to be followed not only by similar steps on the part of Luhansk, but also steps by the Ukrainian Government to return detained persons to certain areas of the Donetsk and Luhansk regions.

We once again emphasize the need to closely monitor the situation in the rest of Ukraine. We note that the SMM has recently paid greater attention to this.

The constant aggressive actions on the part of the Ukrainian authorities towards the Russian language and culture, and attempts to cleanse the cultural and historical space and turn it over to Ukrainian nationalists are cause for particular concern. The Ukrainian Government's actions in this area are actually recreating the reasons that were the starting point for the Ukrainian conflict. The Law on Education signed by the President of Ukraine not only violates generally recognized norms for the protection of the rights of national minorities but also contravenes the Minsk Package of Measures.

Unfriendly measures banning the Russian Cultural Centre in Ukraine, whose activities were aimed at promoting cultural and youth exchanges between the two countries, are dangerous.

I might recall that it was the attacks on the Russian language in Ukraine that were the first steps taken by those who seized power in Kyiv as a result of the coup d'état in February 2014. This is what the inhabitants of Crimea and Donbas feared and they had good reason for this.

The tragic events of 2 May 2014 in Odessa should not be forgotten. The Ukrainian Government has had more than three years to conduct a professional and impartial investigation. Nothing has come of this. Nineteen people spent long periods in detention simply for having spoken out against the coup d'état. The Chornomorsk city court finally had to drop the charges against them. The detention in the courtroom of two individuals acquitted in this case, the Russian citizen Yevgeniy Mefedov and the Ukrainian citizen Serhiy Dolzhenkov, made a mockery of justice. Trumped-up charges have been filed against them. Essentially, they remain political prisoners in Ukraine and should be freed immediately.

The real criminals, on the other hand, escape punishment to this day.

In that connection, we believe it necessary to conduct an independent international investigation into the events that occurred in Odessa on 2 May 2014. Ukraine has proven unable to do this.

We recall that the "Maidan snipers" case also remains unsolved.

We expect an appropriate response in this connection not only from the SMM but also from the OSCE institutions.

Allow me once again to thank Ambassadors Sajdik and Apakan and pass on our words of gratitude and support to all the SMM monitors.