

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,  
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,  
AT THE 1107th MEETING OF THE  
OSCE PERMANENT COUNCIL**

7 July 2016

**In response to the address by the United Nations Assistant  
Secretary-General for Human Rights, Mr. Ivan Šimonović**

Mr. Chairperson,

We have listened attentively to Mr. Ivan Šimonović. In fact, the situation in Ukraine continues to give rise to the most serious concern.

Since your statement to the Permanent Council in September 2014, sufficient time has elapsed to judge the dynamics of the changes in Ukraine and of improvements in the work of the United Nations Human Rights Monitoring Mission in that country. The reports have gradually become more balanced and objective. The experts are no longer closing their eyes to the numerous violations by the nationalist battalions. The involvement of government bodies, the army and the security service in the most serious crimes and human rights violations is finally being spoken of in plain language: murder, torture, kidnapping, violence including sexual violence, brigandry, robbery and looting. Moreover, these acts affect not only the conflict zone, which is of course suffering the most at the hands of the Ukrainian security forces, but also the entire territory of Ukraine.

Persons who through their utterances or actions show sympathy or support for the activities of the defenders of Donbas risk their lives (like Oleg Kalashnikov, Oles Buzina and many others whose names are not as well known), health (for example, Yelena Glishchinskaya) and freedom (like Yury Apukhtin, Ruslan Kotsaba and hundreds of other so-called “domestic” separatists). A few days ago, Alla Aleksandrovska, a representative of the Communist Party of Ukraine, was arrested for political reasons.

We urge the UN experts to comprehensively monitor the situation in the territory controlled by the Ukrainian Government. Impartial and objective reflection of what is going on will facilitate progress in fulfilment of the Minsk agreements.

Recently in this room, some colleagues praised the reform of the judiciary in Ukraine. And yet, the report by the UN Mission for the period from 16 February to 15 May 2016 rightly notes the absence of any visible progress in the investigation of the events on the

Maidan and also contains serious claims regarding the activities of the judiciary and law enforcement system in connection with the tragedy in Odessa. And where is the justice in connection with the gunmen who murdered the lawyer Yury Grabovsky?

Our Ukrainian colleagues sometimes express their willingness to rigorously investigate all of the violations of the law by the Ukrainian security forces. But who has been punished? The commanders of the Aidar and Tornado punitive battalions Serhiy Melnychuk or Ruslan Onishchenko, perhaps?

All of the so-called “patriots” are still at large – as are those suspected of murdering Oles Buzina, the radical deputy Igor Mosiychuk and another Aidar commander Valentin Likholit. This is what independent justice and the rule of law evidently look like in Europe: if there is a lobby group and, most importantly, a political reason, it is possible for the judge to be forced by way of threats to make the “right” judgement. Attempts by the highest officials in Ukraine, in the person of the Prosecutor General, to condone robbery and violence against the population of Donbas by the volunteer battalions are unacceptable. Until Ukraine commences a fully fledged fight against nationalism and bandits posing as “patriots”, it will be difficult to expect fair justice. We expect the UN experts to give this their undivided attention.

It is interesting to note that all this is taking place against the background of more or less systematic measures to strengthen law and order in certain areas of the Donetsk and Luhansk regions.

We are gratified to note the specific mention in the UN Mission report of the inhuman nature of the so-called “Temporary Order on the control of movement of people, transport vehicles and cargoes along the contact line in the Donetsk and Luhansk regions”. These measures primarily affect the most vulnerable inhabitants of Donbas. The authorities in Kyiv are entirely to blame for the hours-long queues at the crossing points. Moreover, the Ukrainian security forces resort to dangerous provocation at the crossing points, forcing people to spend the night on neutral territory. The shelling of Olenivka by Ukrainian armed forces on 27 April caused four civilians including a pregnant woman to be killed and eight to be injured. The names of the unit commanders who gave the order to open fire are known to the Ukrainian side. Will this matter be investigated?

We should like to draw the attention of the compilers of the report to a number of inaccuracies that unfortunately undermine confidence in its contents. Attempts have already been made in Kyiv to exploit them unfairly.

In spite of propaganda attempts that gives pride of place to so-called “Russian aggression”, it is completely evident, also to the compilers of the report themselves, that the conflict did not by any means start with the influx of foreign fighters, ammunition and heavy weaponry in Ukraine in spring 2014, as is stated in paragraph 2 of the report. It is impossible to forget the events in the winter: the fiery rain of Molotov cocktails in the Maidan, the massive seizure of administrative buildings in the west of Ukraine, the “friendship train” of the right-wing radicals. We can imagine that many people have an uneasy memory of the Western political figures who stoked up the intercommunal conflict.

The fate of the agreement of 21 February 2014 concluded by the then President of Ukraine Viktor Yanukovich with the leaders of the opposition of the time, which was

endorsed by the Ministers for Foreign Affairs of Germany, France and Poland, is indicative. As we have seen, the “Maidan victors” had no intention of even honouring it. Their sole aim was to tie Mr. Yanukovich’s hands and to safeguard themselves against the kind of measures that they themselves took, as the “new authorities” in power as a result of the revolution, against dissidents in Donbas. The Ukrainian Government is showing the same attitude to the Minsk agreements. Having stabilized the military situation thanks to these documents, the Ukrainian authorities are evading fulfilment of the fundamental provisions.

Regarding the remarks by Mr. Šimonović on Crimea, we should like to stress that the Republic of Crimea and Sevastopol came under the jurisdiction of Russia in accordance with the legally expressed wishes of the inhabitants of that region. Discussing the situation on this Russian peninsula is not part of the UN Monitoring Mission’s mandate. We hope that Mr. Šimonović is familiar with Articles 100 and 101 of the Charter of the United Nations which state that UN staff must ensure impartiality when performing their duties.

We expect the next reports by the Mission on the situation in Ukraine to be objective and accurate and to contain more information.

Thank you for your attention.