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AT THE 1237th MEETING OF THE OSCE PERMANENT COUNCIL**

25 July 2019

On the situation in Ukraine and the need to implement the Minsk agreements

Madam Chairperson,

The parliamentary election that took place last Sunday in Ukraine has confirmed how there is a yearning for change in society, for an abandonment of the confrontational rhetoric in domestic and foreign policy that the previous Ukrainian leadership assiduously sought to impose. The election results indicate that ordinary Ukrainians continue to long for peace to be brought to the south-east of the country.

The “bread truce”, which was agreed on in the Trilateral Contact Group (TCG) and entered into force on the same day as the election of 21 July, has indeed helped to bring about a significant decrease in the number of ceasefire violations. As estimated by the OSCE Special Monitoring Mission to Ukraine (SMM), these have decreased by almost 80 per cent compared to the previous week’s average values. Nevertheless, a complete ceasefire has not been established in Donbas. Moreover, a number of incidents were recorded just before the truce that involved casualties among the civilian population. An egregious case occurred in Pervomaïsk literally a few hours before the start of the truce, when a block of flats was shelled from Ukrainian armed forces’ positions. One woman was killed and several people were wounded, including a three-year-old girl. Overall, since the start of the year, according to SMM data, more than 90 civilian casualties have been caused by shelling, including 14 deaths.

After the truce had already begun, the SMM registered cases of weapons being used along the line of contact in both the Donetsk and Luhansk regions. We exhort the Ukrainian Government to act in accordance with the commitments that it has made in the TCG and to ensure that all subunits taking part in the military operation in Donbas strictly adhere to the ceasefire. It is also necessary that disciplinary action should actually be taken against those who violate the ceasefire.

An important factor in ensuring a solid ceasefire is the disengagement of forces and hardware. The completion of this process has helped reduce tensions around Stanytsia Luhanska. The SMM has not recorded any ceasefire violations inside that area since the disengagement began on 26 June. However, the situation remains uneasy in the two other areas, namely Petrivske and Zolote. In Zolote, within the five-kilometre zone around the disengagement area, the SMM counted no fewer than 140 shots of small-arms fire and 75 bursts of heavy-machine-gun fire in the first twenty-four hours of the ceasefire alone. In Petrivske, the presence of armoured vehicles of the Ukrainian armed forces inside the area has once again

been detected. It is essential to set, within the TCG, a date for the completion of disengagement in Petrivske and Zolote.

The current domestic political changes in Ukraine have the potential to give new impetus to the implementation of all aspects of the Minsk Package of Measures of 12 February 2015. A prerequisite for further progress at the political, socio-economic and humanitarian level is that the political will to achieve a settlement should be forthcoming in Ukraine. We expect the Ukrainian Government to be prepared for substantial work with the authorities in Donetsk and Luhansk. We call upon the sides to build on the positive momentum that has become discernible in the work of the TCG when they come together for its next meeting in Minsk on 31 July.

A most important part of the settlement process concerns its political aspects. It is imperative to ensure that the special status of Donbas is permanently enshrined in legislation by giving effect to it in accordance with the “Steinmeier formula”, and to agree with the authorities in Donetsk and Luhansk on the arrangements for holding local elections and on reforms aimed at the decentralization of power. It is necessary to continue working on such issues as lifting the socio-economic blockade of Donbas, the declaration of an amnesty and the exchange of detained persons.

We would recall that the OSCE is meant to facilitate the establishment of dialogue between the Ukrainian Government and the authorities in Donetsk and Luhansk. The necessity of such dialogue is spelled out in the Minsk Package of Measures, which was endorsed by the United Nations Security Council and constitutes a consensus document that has won the support of the entire international community.

Mr. Chairperson,

At the presidential and parliamentary elections that have taken place in Ukraine, voters have unequivocally confirmed their rejection of the aggressive course pursued by the former “Maidan authorities”. There is now also a hope that the crimes perpetrated by the participants in the Ukrainian Government’s security operation in Donbas will begin to be investigated. International human rights organizations have been sounding the alarm about this for quite a while. This time, the matter has also been raised at the UN. In recent remarks, the Head of the UN Human Rights Monitoring Mission in Ukraine (HRMMU), Ms. Fiona Frazer, confirmed that in those parts of Donbas controlled by the Ukrainian armed forces the practice of arbitrary and incommunicado detention had been “customary” in the years 2014, 2015 and 2016. However, cases had also been recorded in both 2017 and 2018. The HRMMU has managed to establish the names of 184 persons who were unlawfully detained in a “secret prison” of the Ukrainian Security Service in Kharkiv. As reported by the Ukrainian media themselves, such facilities were hastily set up in a number of cities in the Donbas region as well – some of them by members of nationalist battalions fighting alongside the Ukrainian armed forces. It is evident that the founders of these “detention points” drew their inspiration from such earlier “models” as Guantánamo and the Central Intelligence Agency’s “secret prisons” in the European Union, where people were detained beyond the pale of international humanitarian law. Many manifestations of unwarranted cruelty have still not been given due legal evaluation. No one has been held accountable. In many ways this has fostered a sense of impunity among radicals of all sorts.

In March, the Minister of the Interior of Ukraine, Mr. Arsen Avakov, announced that his Ministry had established that the extremist group C14 was collaborating with the Ukrainian Security Service: the two were working “in tandem”, as he put it, and carrying out some “very ugly operations”. In a number of cases the radicals really have been able to feel the support of the authorities – for example, in their endeavour to “educate” young people in line with neo-Nazi traditions. Last week, several media outlets published information about the financial links between nationalist groups and the State bodies of Ukraine. These

reports referred specifically to the measures undertaken by the Ukrainian Government for the military-patriotic education of youth, as part of which projects involving the participation of C14, National Corps and other organizations are being funded (this year, around 8 million hryvnias from the State budget have been earmarked for these purposes). It is worth recalling that the aforesaid organizations were described as “nationalist hate groups” in the *Ukraine 2018 Human Rights Report* issued by the US Department of State in March 2019.

The situation regarding protection of the rights of Russian-speaking Ukrainians and national minorities in Ukraine remains unsatisfactory. On 16 July, the law on the State language entered into force: it provides for the forced Ukrainization of all spheres of public life, with penalties threatened for failure to use the Ukrainian language. This discriminatory law was hastily adopted by the Verkhovna Rada and signed by Petro Poroshenko when he had already lost the presidential election. Yet, today the provisions of this law are affecting the lives of millions of Ukrainian citizens. It is worth noting that the SMM looked into the situation surrounding the adoption of this law in its report of 23 July. We call upon the Mission to continue its close monitoring of linguistic rights, notably in co-ordination with the Office of the OSCE High Commissioner on National Minorities. This is explicitly stipulated in paragraph 3 of the Mission’s mandate.

We must also mention how, on 19 July, a court in Kyiv extended the period of detention of the head of the RIA Novosti Ukraine portal, Kirill Vyshinsky, for a further two months. This has already elicited a response from the OSCE Representative on Freedom of the Media, Mr. Harlem Désir, who described the ruling as “terrible”. Let me remind you that Mr. Vyshinsky has been in custody for over a year as a result of his journalistic work. We demand that the Ukrainian Government cease its persecution of this journalist.

In conclusion, the resolution of the crisis in Ukraine is now in the hands of the country’s new political leadership, which has been given a “mandate of confidence” by its citizens and tasked with bringing about long overdue changes. We trust that the new leadership will show a sense of responsibility in addressing the expectations of the Ukrainian people, including their hopes for the establishment of a long-awaited peace in Donbas. The latter can be achieved only on the basis of direct dialogue with the representatives of the authorities in Donetsk and Luhansk and full implementation of the Minsk Package of Measures of 12 February 2015, which has been endorsed by the UN Security Council. We call for efforts to induce the Ukrainian leadership to engage in such dialogue.

Thank you for your attention.