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AT THE 1228th MEETING OF THE OSCE PERMANENT COUNCIL**

16 May 2019

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

Mr. Chairperson,

The situation in Ukraine is becoming increasingly unpredictable. We note with alarm how the country is entering the next stage of dangerous domestic political unrest, which is likely to have a negative impact on the entire settlement process.

Over the past five years, the Ukrainian Government has talked and continues to talk to the people of Donbas predominantly in the language of military force. With the support of their sponsors overseas, the Ukrainian authorities have demonstrated their conviction that they have been given a carte blanche for any violence in Donbas. Shelling also continues to this day, and the suffering of the civilian population is increasing on both sides of the line of contact. According to the OSCE Special Monitoring Mission to Ukraine (SMM), over the past week residential buildings were damaged in Zolote-4, Zolote-5, Marinka, Kalynove and Dokuchaievsk. The situation as regards the shelling by the Ukrainian armed forces of the small village of Kominternove, where the Mission has recorded damage to houses at least ten times since the start of the year, is not easy. Ukrainian armed forces' equipment and positions are still frequently spotted in residential areas (for example, on 7 May in Marinka or on 10, 11 and 12 May in Orikhove-Donetske). Social infrastructure facilities are suffering again: this time, school buildings were damaged on both sides of the line of contact – in Troitske and Zolote-5/Mykhailivka on 6 and 8 May respectively. The latter has come under fire from Ukrainian armed forces' positions on at least nine occasions since December 2018, including at times when the children were in classes.

Under the guise of rotation, the Ukrainian armed forces continue to move heavy weaponry into the region. On 6 May, five Buk surface-to-air missile (SAM) systems were spotted near Bakhmut railway station in the Donetsk region and six Giatsint-B heavy howitzers near Rubizhne railway station in the Luhansk region. The next day, three Uragan multiple-launch rocket systems (MLRS) were discovered in Rubizhne. Between 6 and 14 May, in violation of the Minsk Package of Measures and its Addendum, the SMM spotted 33 MLRS belonging to the Ukrainian armed forces (25 Uragan systems and 8 Grad systems), 9 Gvozdika howitzers, 4 Msta-B large-calibre artillery guns and 2 Tunguska SAM systems. It also recorded an increase in the use of equipment prohibited under the Minsk agreements. Over the past week, the SMM was unable to verify the withdrawal by the Ukrainian armed forces of 106 tanks, 189 artillery systems and

33 MLRS. In addition, a large part of the militia equipment “spotted” by the SMM during the same period had been used in the Victory Day parade to mark the anniversary of the end of the Great Patriotic War.

The Ukrainian armed forces continue their attempts to move further into the “grey zone”. The other day, Ukrainian television showed footage in which the commander of the 46th “Donbas” separate special forces battalion of the Ukrainian armed forces, Viacheslav Vlasenko, reported that those under his command had advanced one kilometre towards militia positions in the village of Kalynove in the Luhansk region. The same news story showed soldiers of the Ukrainian armed forces launching an unmanned aerial vehicle (UAV) on two occasions to adjust the line of fire (I would remind you that UAV flights, except for devices belonging to the SMM, are prohibited in this area under the Minsk agreements). On his last day as commander of the “combined forces operation”, Serhiy Nayeв declared that the Ukrainian armed forces were ready, as he put it, “to liberate Donbas in 24 hours”. This is further confirmation that the Ukrainian Government has a military scenario at the ready.

The disengagement of forces and hardware remains at an impasse. The Ukrainian side is disrupting implementation in the three pilot areas under the Framework Decision of the Trilateral Contact Group (TCG) of 21 September 2016. The SMM has reported skirmishes in Zolote amidst the discovery there of equipment belonging to the Ukrainian armed forces (equipment was spotted again on 4 and 8 May). In the Stanytsia Luhanska area it is the other way round – the ceasefire regime has not been violated since 22 March. There, I would remind you, the Ukrainian side established the observance of a seven-day silence regime as the start of the disengagement process. There have already been dozens (over 60) of these seven-day periods, but the Ukrainian armed forces simply ignore their commitments. There is no progress either in the Petrivske area, where the Ukrainian army once again reinforced its positions after the disengagement. Under these conditions, a signal must be sent to the Ukrainian Government, including the new leadership of Ukraine, regarding the need to fulfil its existing commitments.

There needs to be balanced and careful monitoring by the SMM of the situation on the ground. The actions of the Ukrainian armed forces are also not helping the situation – for example, on 15 May when SMM monitors were in territory controlled by the Ukrainian armed forces near the Donetsk filtration station, forces opened fire in close proximity to a patrol team. Restrictions on the monitors’ freedom of movement occur on both sides of the line of contact. Restrictions by the Ukrainian armed forces should not be disguised by making a general reference to the threat posed by mines. In territory controlled by the Ukrainian military, large areas near the line of contact are still closed to monitoring under the pretext of mines. Furthermore, the Ukrainian armed forces continue to lay mines on a massive scale – for example, on 4 and 9 May, the Mission discovered over 3,000 mines laid near Ukrainian armed forces’ positions in the village of Pyshevyk in the Donetsk region. We agree that demining needs to be carried out as quickly as possible, not least on humanitarian grounds. We expect the Ukrainian negotiators to begin dialogue with Donbas at the forthcoming TCG meeting on this issue on 22 May.

Mr. Chairperson,

In the TCG, the negotiators appointed by the outgoing Ukrainian authorities are blatantly sabotaging the agreements reached by the “Normandy Quartet” leaders at the summits in Paris (2015) and Berlin (2016) on the synchronization of solving issues in the political and security spheres. Priority steps include the formalization in writing of the procedure for the entry into force of the law on the special status of Donbas in line with the “Steinmeier formula” and the immediate disengagement of forces and hardware in Stanytsia Luhanska, Petrivske and Zolote. These measures could revitalize the entire settlement process.

The destructive policy pursued by Petro Poroshenko continues under its own momentum and is aimed at pushing the people of Donbas out of the political, socio-economic and cultural space shared with

the rest of Ukraine. For several years now, the Ukrainian Government has been obstructing the daily lives of the region's population. It is not surprising that against this backdrop the humanitarian situation remains extremely difficult. This is having an impact on the situation at the checkpoints: people are forced to queue and many do not survive. On 10 May, a pensioner died while waiting to pass through a Ukrainian armed forces' checkpoint in Marinka.

The Ukrainian Government's actions are not limited to discrimination against the inhabitants of Donbas. A massive campaign of total coercive Ukrainization of all aspects of public life is sweeping across the country. Different methods are employed – the introduction of language quotas for television and radio broadcasting, restrictions on printed materials and directly prohibiting the use of other languages. While still in office, President Petro Poroshenko signed the law on the State language on 15 May, which intensifies the “pressure” on Russian-speaking Ukrainians and people belonging to national minorities. Its provisions contravene the Constitution of Ukraine and the country's commitments under international law, including many CSCE/OSCE decisions and recommendations by the Council of Europe, the OSCE and other competent organizations. Another controversial law, namely the law on education, has been in force since September 2017. It discriminates against the Russian language twice over – in relation to Ukrainian and in relation to the languages of the European Union countries. Ukraine has ignored the recommendations of the Council of Europe's Venice Commission to amend the discriminatory legal norms and has absolutely refused to submit the text of the law on the State language to that body for its evaluation by experts. We recall that the OSCE High Commissioner on National Minorities, Mr. Lamberto Zannier, urged the Ukrainian Government to ensure inclusive nationwide dialogue on the State language and education laws. We expect the specialist OSCE institutions to provide expert assessments of the legislative measures taken by the Ukrainian Government.

The Ukrainian authorities continue their persecution of the media and journalists. The period of detention of the head of the RIA Novosti Ukraine portal, Kirill Vyshinsky, is constantly being extended. I would remind you that a whole year has gone by since his arrest in Kyiv on trumped-up charges. All this time the journalist has been held in appalling conditions, and he is denied access to qualified medical care as his health deteriorates. The last time he was seen by a doctor was almost six months ago. The arbitrary decisions in the Vyshinsky case clearly demonstrate the complete absurdity and propagandistic nature of the charges against him. He has in fact become the latest political prisoner of the Ukrainian authorities, who in recent years have launched a veritable war against dissent. We note that the OSCE Representative on Freedom of the Media, Mr. Harlem Désir, continues to follow the Vyshinsky case. We expect him to raise the question of Mr. Vyshinsky's release and the issue of the safety of journalists in Ukraine in general with the new Ukrainian leadership.

The situation with the Ukrainian Orthodox Church (UOC) remains difficult. Fresh attacks on its clergy and parishioners occurred over the past week. Incidents were reported at churches in the villages of Bushcha and Mnyshyn in the Rivne region. One of the worshippers had his jaw broken in Mnyshyn. We see that the SMM is paying less attention to violations of the rights of worshippers. We urge it to resume intensive monitoring of all aspects connected with the pressure exerted by the authorities on the UOC. According to the Mission's mandate, monitoring and supporting respect for human rights are among its most important tasks.

The steps taken by the outgoing Ukrainian authorities only intensify the existing tensions. In an attempt to redefine the identity of the Ukrainian people, they have decided not only to interfere in religious life, but also to embark on a course of historical revisionism, endeavouring to replace the historical memory of the people. Flirting with radical nationalists, they continue to encourage the rise in neo-Nazi sentiments and the glorification of Nazi accomplices among the Ukrainian collaborators. A graphic example of this is the holding of events for the “military patriotic education” of the younger generation in western Ukraine on

the eve of 74th anniversary of the victory over Nazism. During these events, young people were invited to dress up in Ukrainian Insurgent Army uniforms and take part in the re-enactment of battles against the Red Army and Soviet law enforcement authorities. I might add that these events were held with the support of the Ukrainian Ministry of Youth and Sport. Under these circumstances, we note the courage with which thousands of Ukrainians across the country went out on the streets on 9 May to commemorate the heroes of the Great Patriotic War despite the attacks by radical nationalists and pressure on the part of the current authorities.

Mr. Chairperson,

The protracted internal Ukrainian crisis can and should be resolved on the basis of respectful dialogue, including dialogue with the people of Donbas. Today, the statements coming from the Ukrainian capital and from the new faces in Ukrainian politics about the fate of the Minsk agreements are highly contradictory. The current Minister for Foreign Affairs of Ukraine, Pavlo Klimkin, has gone even further, blackmailing his European partners with the threat of Ukraine's withdrawal from the Minsk process. We recall that the Package of Measures of 12 February 2015 endorsed by the United Nations Security Council and the "Normandy Quartet" leaders is recognized by the parties and the international community as the only framework for a political settlement in Ukraine. The key to this is for the Ukrainian Government to establish real direct dialogue with the representatives of Donetsk and Luhansk. We hope that the new Ukrainian leadership will not shy away from this.

Thank you for your attention.