

PC.DEL/1477/18
29 November 2018

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
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AT THE 1205th MEETING OF THE
OSCE PERMANENT COUNCIL**

29 November 2018

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

We welcome the distinguished Ambassadors Apakan and Sajdik to this OSCE Permanent Council meeting. Thank you for your reports.

They confirm that the situation in Ukraine is deteriorating. Fighting to stay in power, the country's political leadership is doing all it can to avoid dialogue with its own population and straining to flex its muscles while at the same time making itself out to be the victim of supposed "Russian aggression". This is happening against the background of the blatant sabotage of the Minsk Package of Measures, with extremely dangerous provocations and unreflected decisions designed to distract attention from the failure to implement it.

The martial law imposed at the initiative of Petro Poroshenko as of 28 November in ten regions of Ukraine (this is almost half of the entire territory of the country), including in Donbas, not only contravenes the letter and the spirit of the Package of Measures, but also carries a massive risk of the resumption of military operations. Following the decision of the Verkhovna Rada, the Ukrainian law enforcement agencies, having been given very broad powers, including the authority to requisition property and private vehicles, switched to a special mode of operation. Evidently, the policymakers of the Kyiv Maidan believe that the people of Donbas, and the rest of Ukraine for that matter, are not suffering enough. The local reaction was not long in coming. The Mariupol television station TV7 showed how children aged between 12 and 15 were sent to dig trenches instead of going to school, but even the children in that feature said how sick and tired they were of the endless preparations for war. We expect the OSCE Special Monitoring Mission to Ukraine (SMM) to carefully monitor and report on how the imposition of martial law is affecting the situation in Ukraine, including the possibilities for the country's citizens to exercise their rights and freedoms.

A strike group of the Ukrainian armed forces that is capable of launching large-scale military operations along the entire line of contact at any moment was recently formed in Donbas. In November, SMM monitors observed more than 50 units of Ukrainian armed

forces' military equipment in violation of Point 2 of the Package of Measures and over 150 units of weaponry immediately behind the withdrawal lines. Artillery and multiple-launch rocket systems were transferred through the railway stations in Kostiantynivka and Rubizhne. Monitors in Donbas spotted BUK surface-to-air missile systems (12 November near Shevchenko) and S-300 missile systems (12 November near Volodarske), radio communications jamming systems (an R-934B/BM system on 12 November near Prychepylivka) and other weapons.

Recently, the security forces have intensified their shelling of settlements in Donbas. As a result, civilians were injured in Mykhailivka on 12 and 14 November, in Olenivka on 21 November, and houses were damaged in Mykhailivka on 14 and 20 November, in Debaltseve on 16 November, in Kruta Balka on 17 November, and part of Horlivka was left without electricity on 24 November. The Ukrainian armed forces have continued their "creeping offensive", reporting the capture of the village of Rozsady in the Svitlodarsk salient on 24 November. The Ukrainian Government's military provocations run the risk of causing a massive escalation of tension.

We urge the SMM to step up its monitoring activities in Donbas. What is needed is a comprehensive focus on the Ukrainian armed forces' military preparations and not fragmentary information. It is not enough to determine the direction of fire or simply report that there has been shelling. There needs to be a detailed analysis of the incidents. Every civilian death or injury as a result of shelling requires a separate detailed spot report. What is preventing the SMM from preparing a consolidated thematic report on the destruction of civilian infrastructure and civilian casualties, along the lines of the report produced in September 2017?

Decisive action is needed in the Trilateral Contact Group (TCG) Working Group on Security Issues to promote measures to prevent a large-scale escalation. In the current circumstances, it is especially important to confirm the ceasefire regime and take additional measures to curb the rise in tension. We support the proposal by Ambassador Apakan to approve additional security measures in the TCG. Orders need to be published prohibiting shooting and placing a ban on the shelling of populated areas, on offensive, commando and sabotage operations, and on the deployment of weapons near infrastructure facilities and measures should be taken against those who disobey these orders.

The OSCE should ensure that TCG decisions are implemented. The Ukrainian Government continues to sabotage the disengagement of forces. The security forces are systematically ignoring the signals from the militia that they are ready to begin the withdrawal in Stanytsia Luhanska, despite the fact that the SMM has reported the seven-day ceasefire required for this on more than 55 occasions. We urge Ambassador Apakan to give a clear indication in the SMM's reports of the periods during which the ceasefire regime was observed in that area and provide regular reports as to the reasons for the lack of progress on this important matter. The OSCE could take the initiative and raise this issue in the TCG. As you know, there is support for the disengagement process from the leaders of Russia, Germany and France – Normandy Quartet countries. We believe it important to restore the status quo in the disengagement areas in Zolote and Petrivske. We urge the SMM to remember the chronology of the militarization of these areas. The Mission mandate includes "dialogue on the ground in order to reduce tensions". This is what it needs to do in Zolote, Petrivske and Stanytsia Luhanska, and also during contacts with the Ukrainian military leadership in Kyiv.

Mr. Sajdik,

We have repeatedly urged you to conduct a comparative analysis of the Minsk Package of Measures and the law on the reintegration of Donbas. During the time wasted by the OSCE, the Ukrainian Government has taken a number of new steps away from the road map for a settlement endorsed by the United Nations Security Council. The Law on Education and the draft law on the State language that has passed its first reading rule out the possibility of exercising the right to linguistic self-determination under Point 11 of the Package of Measures. The temporary law on the special status of certain areas of the Donetsk and Luhansk regions, which was extended by the Ukrainian Government, has still not become permanent legislation. It contains artificial conditions and connections that make its actual entry into force impossible, and has nothing to do with the genuine fulfilment of Ukraine's Minsk commitments.

The Ukrainian Government continues to block dialogue on political issues in the TCG. The Ukrainian negotiators have refused to set out on paper the Steinmeier formula, which was approved twice by the "Normandy format" leaders at the summits in Paris in 2015 and Berlin in 2016. This prevents progress on the issue of local elections in Donbas and also on guaranteeing the rights of the region's inhabitants. Furthermore, the imposition of martial law calls into question the very possibility of holding local elections in Donbas, as provided for under Point 4 of the Package of Measures. We call on Ambassador Sajdik to focus the efforts of the Working Group on Political Issues on the need to implement the instructions of the Normandy Quartet leaders regarding the Steinmeier formula in order to break the deadlock in the settlement process.

We believe that a clear signal is required from Ambassador Sajdik regarding the need for parallel and co-ordinated measures in the area of politics and security, and also on the humanitarian and economic fronts. An agreement on this was also reached at the Normandy Quartet summit in Berlin on 19 October 2016. However, with the support of its patrons, the Ukrainian Government is trying to reduce everything to a discussion of the military situation at the line of contact, which it is exacerbating through its own actions.

The fact that Ukraine is ignoring the economic and humanitarian aspects of the settlement is an indication that the Ukrainian Government needs Donbas solely as a territory. The people living there and their rights and legitimate interests are worth nothing to the Ukrainian authorities. It is precisely for this reason that the trade and transport blockade has still not been lifted, and pension payments and social security benefits have not resumed. The key Ukrainian negotiators capable of making decisions are constantly absent from the meetings of the Working Group on Humanitarian Issues in Minsk, paralysing its work. The Ukrainian Government refuses to exchange prisoners on the principle of "all for all", avoids providing lists of names for the exchange, removes from these lists persons who have allegedly "committed serious crimes" and hampers the search for missing persons. Owing to the position taken by the Ukrainian Government, it has still not been possible to start repairing the bridge in Stanytsia Luhanska on the basis of the project by the International Committee of the Red Cross. A TCG statement on preventing the use of torture in prisons has been blocked. Decisive steps need to be taken by Ambassador Sajdik to involve the Ukrainian Government in dialogue on urgent problems relating to the settlement.

The domestic political situation – restriction of freedom of speech, infringement of religious rights, and manifestations of radical nationalism – deserves close attention from the OSCE and its Special Monitoring Mission to Ukraine.

The increasing crackdown by the authorities in Kyiv imposes serious restrictions on people's freedoms. Practically any statement criticizing the Ukrainian authorities can be classed as treasonable and harshly suppressed. It is perfectly clear that the situation regarding freedom of speech, assembly and association is becoming more and more depressing.

The draft law on amendments to certain laws of Ukraine regarding the protection of the information space is under consideration by the Verkhovna Rada. The amendments are designed to create a legislative framework for prosecuting media resources that are not controlled by the authorities, as in the case of the television channels 112 and NewsOne, whose editorial policy has displeased the authorities. This is in addition to the fact that earlier the Verkhovna Rada had urged the National Security and Defence Council of Ukraine to revoke the licences of undesirable media. The new regulation is at variance with Ukraine's international commitments and its domestic legislation, in particular, Article 10 of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms and Article 34 of the Ukrainian Constitution, according to which everyone is guaranteed the right to freedom of speech, expression and belief. If the law is adopted, the authorities will have another tool for cleansing the information space of undesirable media on the eve of the election campaign.

The radicals' excesses continue with the complicity of the authorities. Over the past two weeks alone, the SMM has reported an attempted arson attack on St. Andrew's Church in Kyiv on 15 November, vandalism at a cemetery in Kolomyia on 12 November, where 94 crosses erected in memory of Polish prisoners were uprooted, pressure on judges in the Kharkiv region, the setting on fire of a Russian diplomatic vehicle in Kyiv and riots in front of the Russian embassy and consulates general in Kharkiv and Odessa on 26 November. Instead of condemning this primitive nationalism, senior Ukrainian Government officials are cultivating and fanning it, giving the radicals new reasons for rioting and actually telling them who should be the next "victim". The Ukrainian Foreign Minister Pavlo Klimkin announced in the Verkhovna Rada that diplomatic relations with Russia had run their course. "By definition, we don't need these relations, and we don't actually have such relations... This is just a formality since our diplomats in Russia are actually not able to carry out any diplomatic activity in the aggressor country."

The promotion of radical nationalism has consequences beyond Ukraine's borders. A year ago, correspondents for the German magazine *Der Spiegel* and the British newspaper *The Guardian* drew attention to the recruitment by Ukrainian radicals of young Europeans for the war in Donbas. On 12 November 2018, Associated Press confirmed the existence in Ukraine of a camp where radicals teach children hateful ideology and how to handle weapons. On 19 November, the well-known United States journalist Max Blumenthal, whose work appears in such reputable publications as *The New York Times* and *The Guardian* and on Al Jazeera, prepared extensive material with references to an FBI investigation, which revealed close co-operation between Ukrainian radical nationalists and supporters of the white supremacist organization Rise Above Movement (RAM) in the United States of America. Right-wing US extremists who committed crimes in California in 2017 were trained at military camps of the Ukrainian Azov Battalion, even though the US Congress had forbidden aid to this battalion. Despite this, representatives of Washington and Kyiv voted against the UN General Assembly resolution on combating the glorification of Nazism. We

repeat our urgent call to the SMM to publish without delay thematic material on manifestations of radical nationalism, neo-Nazism and extremism in Ukraine.

Mr. Chairperson,

As the fifth anniversary of the conflict approaches, the authorities in Kyiv have brought the situation in the country to a point of no return, fraught with the most tragic consequences for Ukraine. We trust that the distinguished Ambassadors Sajdik and Apakan will make full use of the instruments of the Trilateral Contact Group and the SMM to encourage the Ukrainian Government to implement the Minsk Package of Measures, which is supported by the UN Security Council and the leaders of the Normandy Quartet. We urge the OSCE participating States to support this fundamental document for a Ukrainian settlement at the OSCE Ministerial Council meeting in Milan.

Thank you for your attention.