

Chairmanship: Germany**1090th PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 18 February 2016

Opened: 10.10 a.m.
Suspended: 1.05 p.m.
Resumed: 3.05 p.m.
Closed: 4.45 p.m.

2. Chairperson: Ambassador E. Pohl

Prior to taking up the agenda, the Chairperson, Kazakhstan (PC.DEL/214/16 OSCE+), Tajikistan, Georgia (PC.DEL/188/16 OSCE+), Turkmenistan, Netherlands-European Union, the United States of America (PC.DEL/184/16), Azerbaijan, Belarus (PC.DEL/221/16 OSCE+), Canada, Ukraine, Switzerland, the Holy See, the Russian Federation, Uzbekistan, Serbia, Kyrgyzstan, Albania, Bosnia and Herzegovina, Montenegro, Afghanistan (Partner for Co-operation), Moldova and the OSCE Parliamentary Assembly extended their condolences to the families of the victims of the terrorist attacks in Ankara on 17 February 2016. Turkey (PC.DEL/216/16 OSCE+) thanked the Chairperson and delegations for this expression of sympathy.

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: **REPORT BY THE HEAD OF THE OSCE MISSION TO SERBIA**

Chairperson, Head of the OSCE Mission to Serbia, Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Ukraine, in alignment) (PC.DEL/194/16), Russian Federation (PC.DEL/203/16), Switzerland (PC.DEL/223/16 OSCE+), Turkey (PC.DEL/217/16 OSCE+), United States of America (PC.DEL/183/16), Albania (PC.DEL/187/16), Serbia (PC.DEL/227/16 OSCE+)

Agenda item 2: DECISION ON THE EXTENSION OF THE MANDATE OF
THE OSCE SPECIAL MONITORING MISSION TO
UKRAINE

Chairperson

Decision: The Permanent Council adopted Decision No. 1199 (PC.DEC/1199) on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine, the text of which is appended to this journal.

United States of America (interpretative statement, see attachment 1 to the decision), Russian Federation (interpretative statement, see attachment 2 to the decision), Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area; as well as Andorra, Georgia, Moldova and San Marino, in alignment) (interpretative statement, see attachment 3 to the decision), Canada (interpretative statement, see attachment 4 to the decision), Ukraine (interpretative statement, see attachment 5 to the decision), Chairperson

Agenda item 3: REVIEW OF CURRENT ISSUES

Chairperson

- (a) *Ongoing aggression against Ukraine and violations of OSCE principles and commitments by the Russian Federation:* Ukraine (PC.DEL/211/16/Rev.1), Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Georgia, Moldova, San Marino and Ukraine, in alignment) (PC.DEL/195/16), United States of America (PC.DEL/185/16) (PC.DEL/209/16) (PC.DEL/210/16), Turkey (PC.DEL/189/16 OSCE+), Switzerland (PC.DEL/226/16 OSCE+), Canada (PC.DEL/220/16 OSCE+), Norway
- (b) *Situation in Ukraine and the need to implement the Minsk agreements:* Russian Federation (PC.DEL/204/16), Ukraine, United States of America
- (c) *Abduction and illegal detention of Ukrainian citizens by the Russian Federation:* Ukraine (PC.DEL/218/16), Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Georgia, Moldova, San Marino and Ukraine, in

alignment) (PC.DEL/196/16), United States of America (PC.DEL/190/16), Canada (PC.DEL/219/16 OSCE+)

- (d) *Threats against the political opposition and independent voices in the Russian Federation:* United States of America (PC.DEL/191/16) (PC.DEL/213/16), Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; as well as Ukraine, in alignment) (PC.DEL/198/16), Switzerland (also on behalf of Canada, Iceland and Norway) (PC.DEL/224/16 OSCE+), Russian Federation (PC.DEL/205/16), Norway, Ukraine
- (e) *Law on non-governmental organizations in Kazakhstan:* Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; and the European Free Trade Association country Norway, member of the European Economic Area, in alignment) (PC.DEL/197/16), United States of America (PC.DEL/192/16), Kazakhstan, Canada
- (f) *Criminal proceedings against members of the Islamic Revival Party of Tajikistan (IRPT):* United States of America (PC.DEL/193/16), Switzerland (PC.DEL/225/16 OSCE+), Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; and the European Free Trade Association country Norway, member of the European Economic Area, in alignment) (PC.DEL/200/16), Tajikistan (Annex)
- (g) *Use of torture by military personnel of the United States of America:* Russian Federation (PC.DEL/208/16), United States of America (PC.DEL/215/16)
- (h) *Rights of migrant children in the European Union:* Russian Federation (PC.DEL/206/16), Netherlands-European Union, Norway
- (i) *The death penalty in Belarus:* Netherlands-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area; as well as Moldova, San Marino and Ukraine, in alignment) (PC.DEL/201/16), Belarus

Agenda item 4: REPORT ON THE ACTIVITIES OF THE
 CHAIRPERSON-IN-OFFICE

- (a) *Participation of Chairperson-in-Office and the Special Representative of Germany for the OSCE Chairmanship in 2016 in the Munich Security Conference, held from 12 to 14 February 2016 (CIO.GAL/21/16):* Chairperson
- (b) *Visit of the Special Representative of the OSCE Chairperson-in-Office for the Transdniestrian Settlement Process to Chisinau and Tiraspol from 15 to 17 February 2016 (CIO.GAL/21/16):* Chairperson
- (c) *Condolences of the Chairperson-in-Office on the passing of former United Nations Secretary-General, Mr. B. Boutros-Ghali (CIO.GAL/21/16):*
Chairperson

Agenda item 5: REPORT OF THE SECRETARY GENERAL

- (a) *Participation of the Secretary General in the Munich Security Conference, held from 12 to 14 February 2016 (SEC.GAL/32/16 OSCE+):* Head of the Conflict Prevention Centre
- (b) *Recent activities of the Gender Section:* Head of the Conflict Prevention Centre (SEC.GAL/32/16 OSCE+)

Agenda item 6: ANY OTHER BUSINESS

- (a) *Farewell to the Permanent Representative of Afghanistan to the OSCE, Ambassador A. Erfani:* Chairperson, Afghanistan (Partner for Co-operation)
- (b) *Appeal by the OSCE Office for Democratic Institutions and Human Rights for the nomination of experts for the Moscow Mechanism:* Chairperson
- (c) *European Union Foreign Affairs Council conclusions on Belarus:*
Netherlands-European Union (PC.DEL/202/16), Norway (PC.DEL/229/16),
Belarus (PC.DEL/222/16 OSCE+)
- (d) *Winter Meeting of the OSCE Parliamentary Assembly, to be held in Vienna on 25 and 26 February 2016:* OSCE Parliamentary Assembly
- (e) *Presidential elections in Austria, to be held on 24 April 2016:* Austria
(PC.DEL/182/16 Restr.)

4. Next meeting:

Thursday, 3 March 2016, at 10 a.m., in the Neuer Saal



1090th Plenary Meeting

PC Journal No. 1090, Agenda item 3(f)

STATEMENT BY THE DELEGATION OF TAJIKISTAN

Mr. Chairperson,

The delegation of the Republic of Tajikistan would like to recall that comprehensive information on the criminal activity of the leaders and members of the Islamic Revival Party of Tajikistan (IRPT) was provided to the Permanent Council on 8 October and 19 November last year, and also on the decision of the Supreme Court banning the party from operation and recognizing it as a terrorist organization.

We would like to note that on 9 February 2016 the Supreme Court of the Republic of Tajikistan began hearings in the trial of 13 leading members and activists of the banned Islamic Revival Party.

They were arrested on 16 and 17 September 2015 after completion of the operation against the armed group of the former Deputy Minister for Defence of Tajikistan Mr. Nazarzoda.

The General Prosecutor of Tajikistan has launched the criminal case against the said members of the IRPT in accordance with the following articles of the Criminal Code of the Republic of Tajikistan: 179, part 3 (terrorism), 179/1 (recruitment for the carrying out of terrorist acts), 179/3 (public calls to carry out terrorist acts), 195/3 (illegal possession of weapons), 306 (seizing power by force), and 307/2 (creation of a terrorist group).

The trial of the members and activists of the banned IRPT was adjourned until 24 February.

Mr. Buzurgmehr Yorov was arrested in September 2015. He was charged with a range of offences, including forging vehicle documents and publicly calling for violence and religious hatred. Mr. Nuriddin Mahkamov was detained in October 2015 on charges of fraud. Investigations in connection with the cases of Mr. Yorov and Mr. Mahkamov continue. There is no connection between these charges and their attempts to defend the banned IRPT members.

At the present time we hold no information concerning the case of Ms. Dodojonova.

All the criminal proceedings against arrested members of the banned Islamic Revival Party are being conducted in accordance with the legislation of the Republic of Tajikistan and with the country's international commitments and obligations. Furthermore, the proceedings are not politically motivated.

Mr. Chairperson, I request that this statement be included in the journal of the day.

Thank you, Mr. Chairperson.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.DEC/1199
18 February 2016

Original: ENGLISH

1090th Plenary Meeting

PC Journal No. 1090, Agenda item 2

**DECISION No. 1199
EXTENSION OF THE MANDATE OF THE
OSCE SPECIAL MONITORING MISSION TO UKRAINE**

The Permanent Council,

Recalling its Decisions No. 1117 of 21 March 2014 on the deployment of an OSCE Special Monitoring Mission to Ukraine (PC.DEC/1117) and No. 1162 of 12 March 2015 on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (PC.DEC/1162),

Taking into account the request of the Government of Ukraine for the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (CIO.GAL/16/16),

Decides:

1. To extend the mandate of the OSCE Special Monitoring Mission to Ukraine until 31 March 2017;
2. To approve the arrangements as well as the financial and human resources for the OSCE Special Monitoring Mission to Ukraine as contained in document PC.ACMF/7/16/Rev.2 for the period 1 April 2016 to 31 March 2017. In this respect, authorizes the assessment of EUR 79,019,760 on the basis of the field operation scale at the time of billing, with the remaining balance being financed through voluntary contributions.

PC.DEC/1199
18 February 2016
Attachment 1

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“In connection with the decision to extend the mandate of the OSCE Special Monitoring Mission to Ukraine, the United States would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

The United States welcomes the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine. In so doing, we reaffirm the interpretative statements we made upon adoption of the mandate on 21 March 2014, upon the first extension of the mandate on 24 July 2014, and upon the second extension of the mandate on 12 March 2015. These interpretative statements were made under paragraph IV.1(A)6 of the Rules of Procedure, and we note that they remain in force.

We remind the Permanent Council of the key elements of those statements:

The United States reaffirms its firm commitment to Ukraine’s sovereignty and territorial integrity within its internationally recognized borders.

We note that that the Special Monitoring Mission to Ukraine has a mandate to work throughout Ukraine, including Crimea.

We note that all participating States must co-operate with the Special Monitoring Mission and should take no actions to obstruct its access to Crimea or any other region of Ukraine.

We offer our gratitude to all monitors, staff, and leadership of the Special Monitoring Mission for their excellent work under difficult and at times unacceptable conditions.

We call on Ukraine, Russia, and the Russia-backed separatists to ensure that the Special Monitoring Mission has unfettered movement throughout the territory of Ukraine and to guarantee the safety and security of SMM monitors as they carry out their duties.

In addition to recalling those key elements of our previous interpretative statements, we would take this opportunity to stress that threats against and intimidation of SMM monitors are unacceptable, inconsistent with this mandate, and must end. Attempts to

interfere with SMM operations, including SMM UAV flights, are also inconsistent with this mandate and must end as well.

I request that this interpretative statement be attached to the decision and to the journal of the day.

Thank you, Mr. Chairperson.”

PC.DEC/1199
18 February 2016
Attachment 2

ENGLISH
Original: RUSSIAN

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

“In joining the consensus in support of the Permanent Council decision on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine (SMM), Russia takes the position that the geographical area of deployment and the activities of the aforementioned Mission are strictly defined within the parameters of its mandate approved by Permanent Council Decision No. 1117 of 21 March 2014, which reflects the political and legal realities existing at that time, and specifically, the fact that the Republic of Crimea and the federal city of Sevastopol are an integral part of the Russian Federation.

In the light of the agreements reached on 12 February 2015 in Minsk, we assume that the Mission will prioritize the monitoring of compliance with the ceasefire regime and the withdrawal of heavy weapons in the security zone in south-eastern Ukraine in equal measure on both sides of the line of contact. We expect the SMM’s work when gathering information to be as impartial as possible and the reports published by the monitors to be objective. We believe that the SMM should also carry out its mandated tasks in good faith in the other regions of Ukraine as well, intensifying its monitoring there and providing regular reports on manifestations of nationalism, extremism, inter-ethnic and interreligious hatred, and other dangerous tendencies within Ukrainian society.

The Russian Federation has joined the consensus on the modalities of the Mission’s budget in the interests of achieving a speedy settlement of the internal Ukrainian conflict and a general normalization of the situation in Ukraine, and of ensuring the security of all its inhabitants. The approach to spending should be as rational as possible. We will continue to provide the SMM with the necessary assistance, *inter alia*, by seconding qualified experts.

We request that this statement be appended to the decision adopted and attached to the journal of the day.”

PC.DEC/1199
18 February 2016
Attachment 3

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

The delegation of the Netherlands, in its capacity as EU Presidency, passed the floor to the representative of the European Union, who delivered the following statement:

“In connection with the Permanent Council decision on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine, the European Union and its Member States would like to make the following interpretative statement under the relevant provisions of the Rules of Procedure:

The European Union welcomes the adoption of the decision to extend the mandate of the OSCE Special Monitoring Mission to Ukraine. We thank the German Chairmanship for its efforts in facilitating this extension.

We reiterate our unwavering support to Ukraine’s independence, sovereignty, unity and territorial integrity within its internationally recognized borders. We will not recognize the illegal annexation of Crimea and Sevastopol to the Russian Federation. In response to the interpretative statement made by the Russian Federation, we reiterate that the SMM mandate covers the whole of Ukraine, including Crimea. We call on all sides to provide security and safety and unconditional access for SMM monitors, including to all parts of the Donetsk and Luhansk regions and along the border with Russia.

The SMM has a vital role to play in the implementation of the Minsk Protocol, the Minsk Memorandum, and the Package of Measures for implementation of the Minsk agreements towards a sustainable political solution based on the full respect for OSCE principles and commitments.

In addition, we look forward to a substantive assessment and discussion of the implementation of the SMM budget at the mandate mid-year point, to ensure accurate spend, in particular for monitoring activities. Improving efficiency and achieving cost savings must continue to be a cornerstone of the work of the fund manager.

I request that this interpretative statement be attached to the decision and to the journal of the day.”

The candidate countries the former Yugoslav Republic of Macedonia¹, Montenegro¹ and Albania¹, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, as well as the Republic of Moldova, Georgia, Andorra and San Marino align themselves with this statement.

1 The former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.

PC.DEC/1199
18 February 2016
Attachment 4

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Canada:

“Mr. Chairperson,

Canada wishes to make an interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure in connection with the Permanent Council decision just adopted on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine.

Canada welcomes the adoption of this decision, and we thank the German Chairmanship for its efforts in achieving this timely result.

As per the mandate we have just extended, and in line with our previous interpretative statements on the same matter, we expect that the OSCE SMM will be granted ‘safe and secure access throughout Ukraine’, as defined by the Constitution of Ukraine. In this context, we wish to reiterate our full support for Ukraine’s sovereignty and territorial integrity within its internationally-recognized borders. Canada has not and will not recognize the illegal annexation of Ukraine’s Autonomous Republic of Crimea by the Russian Federation.

Canada requests that this statement be attached to the decision and reflected in the journal of the day.

Thank you.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Ukraine:

“Mr. Chairperson,

In connection with the Permanent Council decision on the extension of the mandate of the OSCE Special Monitoring Mission to Ukraine, the Delegation of Ukraine would like to make the following interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe.

Ukraine expresses its gratitude to the OSCE participating States for supporting the request of the Government of Ukraine to extend the mandate of the OSCE Special Monitoring Mission for the next period of twelve months.

The Government of Ukraine regards the adoption of this decision as the expression of continued readiness of the Organization to assist the country in countering the severe consequences of the aggression pursued by the Russian Federation against Ukraine in breach of imperative norms of international law, the Helsinki Final Act, bilateral and multilateral agreements, which guarantee Ukraine’s territorial integrity, inviolability of borders and non-intervention in internal affairs of Ukraine.

We see as critically important the role of the OSCE and the SMM in facilitating a peaceful resolution in the Donbas region of Ukraine with full respect to Ukraine’s independence, sovereignty, political unity and territorial integrity.

Ukraine strongly supports the SMM in accomplishing its tasks relating to monitoring the implementation of relevant provisions of the Minsk agreements, which include the Protocol and Memorandum of September 2014 and the Package of Measures of February 2015.

We attach particular importance to further reinforcement of the OSCE Special Monitoring Mission to Ukraine with human resources and technical devices in order to ensure effective monitoring and verification of implementation of the Minsk agreements, in particular concerning the comprehensive ceasefire, the withdrawal of heavy weapons and border monitoring.

The OSCE monitors must have full access throughout Ukraine's territory, which includes the Autonomous Republic of Crimea and the city of Sevastopol.

The Government of Ukraine reiterates its original interpretative statement appended to PC Decision No. 1117 of 21 March 2014 which remains in force. The mandate of the mission covers the entire territory of Ukraine within its internationally recognized borders, including the Autonomous Republic of Crimea and the city of Sevastopol.

The delegation of Ukraine requests that this statement be attached to the decision and recorded in the journal of the day.

Thank you, Mr. Chairperson.”