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**STATEMENT BY MR. ANDREY KELIN,
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AT THE 1005th MEETING OF THE OSCE PERMANENT COUNCIL**

19 June 2014

**On the situation in Ukraine and the
continuing violations of the norms of international humanitarian law
during the punitive operation in eastern Ukraine**

Mr. Chairperson,

Almost a month has passed since Petro Poroshenko was elected President of Ukraine. We continue to expect the new President to take appropriate steps towards de-escalation. The basis for this is the Geneva declaration of 17 April and the Swiss Chairmanship's road map. However, peace in the east of the country as soon as possible, as he promised to voters, is yet to come. There are plans to declare a unilateral ceasefire. This would be desirable as quickly as possible. However, ensuring that the ceasefire becomes universal will require taking the route of mutually respectful dialogue with representatives from the south-east of the country and finding solutions to serve the interests of all regions and political forces. An amnesty should be declared for protestors.

The current situation is difficult. In the besieged towns, there are acute shortages of food and medicines. The operations of Ukrainian army units, the National Guard and other armed groups of unclear legal status are only gaining momentum. The reports we receive from Donbas are looking more and more like summaries of operations from a theatre of war. Ukrainian armoured vehicles are currently massing around the town of Yampil. Contrary to international humanitarian law, heavy artillery, armoured vehicles and aircraft are in use. More and more often, the targets are residential areas, hospitals and urban infrastructure. Civilians and children continue to lose their lives. It is impossible to conceal or deny these facts. Introducing martial law, as is currently under discussion in Kyiv, will lead to escalating violence and a crackdown on protests.

Worst of all is that with every escalation in the punitive operation, people are getting more accustomed to a state of war. What still seemed unthinkable a few weeks ago is now becoming a tragic everyday reality. Such a change in the people's consciousness seriously jeopardizes the prospects of a political dialogue and a peaceful resolution to the crisis. I do not imagine that Mr. Poroshenko's envoys to the south-east were greeted with flowers.

It is now of the utmost importance to allow no further victims or destruction. The punitive operation must cease immediately. Our Western colleagues should end their ill-considered support for these violent acts. Anyone who condones these acts let alone encourages them becomes an accessory to a crime against the civilian population of Ukraine, and there is no talk of restraint. The Ukrainian security forces are indiscriminately using almost all types of heavy weaponry at their disposal to crush the opposition in the east of the country.

No doubt remains that there was an air attack on a State administrative building in Luhansk on 2 June, and not a “mishit by man-portable air defence systems”. This is evidenced by the type of destruction, the traces and fragments of unguided missiles, and finally, the type of injuries to the victims. There is no doubt that phosphorous incendiary shells were used near Sloviansk. The use in Iraq by the United States of America of this type of arms whose use is prohibited in populated areas cannot serve to justify their use by the Ukrainian security forces.

The images we receive from Sloviansk and its suburbs and from Kramatorsk and other populated areas in Donbas testify to the large-scale use of heavy artillery. These are not “pinpoint target” operations by special forces. This is systematically wiping towns off the face of the earth, rendering them uninhabitable. Donbas is being cleansed not of mythical Russian subversives, but of the Russian-speaking population.

This is practically ethnic cleansing. We do not understand how it is possible to demonize a significant proportion of a country’s population, to call people terrorists and separatists when they are defending their land and homes against hard-line, belligerent armed forces who are violating every norm of humanitarian law.

At the last meeting, we were assured that there are no refugees from Ukraine in Russia. International representatives have had the opportunity to talk to these “non-existent” refugees and to hear their views. In the next few days, officials of the United Nations Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees are scheduled to visit the Rostov region, which will enable the international community to gain a more objective picture of the situation.

The number of people fleeing from the war into Russia is growing. The refugees head for places where they can count on protection and security.

According to information from the Russian Ministry for Civil Defence, Emergencies and Disaster Relief, there are currently 19,000 refugees from Ukraine in Russia. They are in the southern, central and north-western federal districts. Around 10,000 are staying with relatives and acquaintances. For the remainder, there are 195 temporary shelters throughout Russia to accommodate 15,868 people, where 9,000 Ukrainian citizens are staying.

The announcements by the State leadership paint a very worrying picture and confirm the worst fears of the inhabitants of Ukraine who opposed the “Maidan”. I shall not list these. The Prime Minister, Mr. Areseniy Yatsenyuk, speaks of “subhumans” in Donbas and the Head of the Ukrainian Security Service, Mr. Valentyn Nalyvaichenko, of “orthodox fundamentalism”, while the acting Minister of Defence, Mr. Mykhaylo Koval, speaks of “special filtration measures” for the people of the south-east. To this we can add the proposals of various politicians on banning the Communist Party of Ukraine and on

illustration. All of this very much smacks of the witch-hunts when McCarthyism was at its height. Dissenters are persecuted while radical groups like the Right Sector maintain their influence on the machine of government.

There must be no more turning a blind eye to the obvious, as was done by the Human Rights Assessment Mission of the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities. If anyone still thinks that there is no Nazism in Ukraine, they should look at the swastikas sprayed by the rampaging mob on the overturned cars and gates of the Russian embassy in Kyiv.

In a descent into absurdity, vandals in Odessa demolished a monument to Volodymyr Shcherbytsky, who made a considerable contribution to Ukraine's development. The cruel statements about the victims of the Odessa tragedy are well known. A final example is the malice in Ukrainian blogs in connection with the deaths of the All-Russian State Television and Radio Broadcasting Company journalists near Luhansk.

The inaction of the Kyiv authorities during the attack on the Russian embassy is simply outrageous. The law enforcement forces were on the spot, the Minister for Internal Affairs, Mr. Arsen Avakov, was speaking to the crowd, but no commands came to stop the blatantly unlawful acts.

We trust that the Kyiv officials will take all the necessary steps to ensure the security of the embassy as well as that of the consulates general in Odessa, Kharkiv and Lviv in order to ensure normal operation. The responsibility for this rests entirely with the Ukrainian authorities.

We are keeping track of incidents of Ukrainian armed forces violating the Russian border. If Ukraine continues to violate the State border regime, we shall take all the necessary steps to put a categorical stop to this.

The situation with the media in Ukraine gets ever worse. Again we are confronted with a situation where Russian journalists who depict the actual events in Ukraine are persecuted. Where previously Russian journalists in Ukraine were detained and tortured, now they are simply killed. The most recent incident was the deaths of All-Russian State Television and Radio Broadcasting Company correspondents Igor Kornelyuk and Anton Voloshin near Luhansk on 17 May. We associate ourselves with the appeal of OSCE Representative on Freedom of the Media, Ms. Dunja Mijatović, to the Ukrainian authorities to ensure the safety of media representatives working in the conflict zone in Ukraine, and to bring those to blame for the tragedy to justice. The illegal practice of abducting journalists in Ukraine must be stopped and their right to unhampered and objective coverage of events ensured. We hope that this time something concrete will come of the assurances made by Mr. Poroshenko, including during his conversation with the Russian President Mr. Vladimir Putin.

The Russian media are not only under attack on the ground. The National Television and Radio Broadcasting Council of Ukraine is requesting a ban on the broadcasting of TV Centre International (TVCI), LifeNews, Russia Today and REN-TV in Ukraine.

Other crimes should also not go unpunished: murders, robberies, hostage-taking and extortion (according to the recently released journalists from the Zvezda television channel, a

ransom was demanded). Wherever these crimes are committed, armed hostilities cannot serve as a justification for a criminal free-for-all.

My Ukrainian colleague turned the spotlight on the crimes committed in the eastern regions of Ukraine. However, there is no point in labouring under a delusion and joining the ODIHR experts in their impression that law and order prevail in other parts of the country. How effectively the law enforcement authorities in Ukraine are functioning can be discerned at the very least from the incident at the Russian embassy in Kyiv as already mentioned.

We can only guess what will happen when the armed units of the National Guard and the Right Sector return to Kyiv and claim their reward. We recall the law on the amnesty, which was adopted without any particular fanfare by the Verkhovna Rada on 6 May. It lists a large number of serious crimes that fall under the amnesty. According to some reports, around 15,000 former criminals were able to benefit from the amnesty. And so they were released, which covertly made it possible for them to join the National Guard.

Mr. Chairperson,

We, like others, are increasingly concerned by the situation of the kidnapped OSCE observers. We reiterate the call for their unconditional and immediate release. We shall take all possible steps in this regard to support the Special Monitoring Mission.

We are in favour of strengthening the OSCE's role in resolving the crisis in Ukraine. We refer again to our proposal that the Permanent Council adopt a decision to support the road map drawn up by the Swiss Chairmanship. This document provides a good basis for a way out of the crisis through political means.

We firmly believe that the OSCE can and must use all of its potential to contribute to a settlement in Ukraine. We expect the work of the special representatives appointed by the Swiss Chairmanship to be productive and not to meet with any opposition on the part of Kyiv.

We support the activities of the OSCE Special Monitoring Mission. We are convinced that it can make the fullest possible use of its potential and the capacities conferred by its mandate. We consider it important that the observers establish active contacts with the people on the ground. When Mr. Poroshenko ceases the military operation in the east of the country – as we insist he must – the OSCE Mission will be able to play an important role in ensuring that violence does not break out again and that the conditions are established for a comprehensive and inclusive national dialogue.

Thank you for your attention.