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AT THE 1225th MEETING OF THE OSCE PERMANENT COUNCIL**

11 April 2019

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

Mr. Chairperson,

Five years ago at about this time the crisis in Ukraine entered the military phase. On 7 April 2014, the “Maidan authorities” decided to use the intelligence services and an army equipped with armoured vehicles and air power as arguments in the “dialogue” with the population of south-eastern Ukraine. And all this merely because the region’s inhabitants did not agree with the results of the coup d’état and in large numbers took steps to defend their rights. The authorities were quick to call them “terrorists” in order to somehow justify the use of force against them. However, the Ukrainian Government’s desire to conduct a blitzkrieg in Donbas turned into an enormous tragedy, which has claimed the lives of more than 10,000 citizens of Ukraine, including children, women and the elderly, and has only exacerbated the existing tensions.

Throughout these five years, the Ukrainian authorities did not want – and still have no desire – to hear the voice of the south-east of the country, to take into account the opinion of its inhabitants or to co-operate with the representatives of the region. Against the backdrop of empty declarations about its readiness for dialogue, the authorities in Kyiv have methodically elaborated a military scenario for solving the “Donbas problem”. A little less than a year ago, with the entry into force of the law on so-called reintegration, they changed the name of the military operation from “anti-terrorist operation” to “combined forces operation”, and the command of this operation was transferred (from 30 April 2018) from the intelligence services to the armed forces of Ukraine. This step not only undermined international efforts for a settlement, but also led to increased tensions in Donbas. By distorting the real reasons for the internal Ukrainian crisis, the Ukrainian Government is seeking to place the false assertions about “external armed aggression” more firmly on the agenda. Apparently, it is easier that way to justify the shelling of residential areas. This smokescreen conceals the complete absence of political will and - so it would appear – maturity on the part of the current Ukrainian authorities for solving the existing problems. Virtually none of the Ukrainian Government’s commitments undertaken under the Minsk agreements or the agreements reached in the Trilateral Contact Group (TCG) and the “Normandy format” have been implemented in full.

The Ukrainian command continues to move tanks and heavy weapons into Donbas, notably by rail. Last week, the OSCE Special Monitoring Mission to Ukraine (SMM) recorded the arrival of new trains. Twelve BM-21 Grad multiple-launch rocket systems were discovered at Bakhmut railway station on 3 April

in violation of the withdrawal lines, and eight 152 mm D-30 Lyagushka guns on 8 and 9 April. Ten 152 mm Akatsiya artillery guns and 13 122 mm Gvozdika self-propelled howitzers were spotted at the railway station in Kostiantynivka on 3 April, and a further 12 Gvozdika howitzers and 6 Grad rocket systems on 7 and 8 April. Tanks belonging to the Ukrainian armed forces were also spotted there: 19 T-72 and 10 T-64 tanks on 3 April, and 23 T-72 tanks on 4 April. It is worth noting that twice in the past week (4 and 6 April) Ukrainian military personnel prevented SMM monitors from accessing the station in Kostiantynivka.

Despite the “spring truce”, the ceasefire regime is not being respected. A building in a functioning medical facility has once again been shelled: this time hospital no. 21, located in the north-west of Donetsk, came under fire on 6 April.

The Ukrainian Government is demonstratively disrupting the implementation of the Framework Decision on Disengagement of Forces and Hardware of 21 September 2016. Despite the fact that seven-day “silence regimes” have been observed on numerous occasions, after more than two years the Ukrainian side has still not started disengagement in Stanytsia Luhanska. Ukrainian security forces have returned to the other disengagement areas and established themselves there even after disengagement had taken place. The SMM reports almost routinely of fortified positions of the Ukrainian armed forces inside the Zolote disengagement area. The Mission has regularly spotted a number of Ukrainian BMP-1 armoured infantry fighting vehicles and a ZU-23 anti-aircraft gun there (20 and 25 March, 1 and 5 April). It is not surprising that over the past week more than 100 violations were recorded inside the Zolote disengagement area and around 500 close to it. The SMM discovers other armoured vehicles belonging to the Ukrainian armed forces just as regularly in Petrivske. In this situation, it is imperative that substantive discussion is resumed in the TCG in Minsk regarding the agreement of a mechanism for responding to and preventing such violations.

Over the past week, the situation at the checkpoints on the line of contact has become more complicated, notably in the light of the temporary closure by the Ukrainian authorities of the entry-exit checkpoint at Hnutove (allegedly “for repairs”) and the shelling of the entry-exit checkpoint in Marinka. At the same time, they carried out demining activities in Marinka before the checkpoint resumed its operations. For some reason, the Ukrainian side did not do this earlier, when the checkpoint was being used by civilians. It is noteworthy that Ukraine did not even recall the need for demining work, for example in Zolote, when an attempt was recently made to unilaterally open a checkpoint there. Such inconsistent steps may indicate that the Ukrainian approaches are determined by something other than concern for the civilian population. We urge the Ukrainian Government to engage in productive dialogue with the representatives of Donbas in the TCG on all aspects of checkpoint operations, including demining and the opening of new checkpoints.

The TCG meeting on 10 April demonstrated the absence of any progress as regards the political aspects of a settlement. This merely confirmed the assessments given by the representative of the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group, Martin Sajdik, at last week’s Permanent Council meeting that the discussions are effectively stalled. The Ukrainian Government is persistently ignoring the agreement reached in the “Normandy format” on the synchronization of progress on the political track with the resolution of security issues. It is clear that ahead of the election, the current leadership of Ukraine is concerned with dealing with other, short-term narrowly opportunistic tasks. Meanwhile, time is running out for the adoption of decisions on such things as amnesty, decentralization, making the law on the special status of Donbas permanent and providing for its entry into force under the “Steinmeier formula”. We look forward to progress after the presidential election campaign in Ukraine.

There has been no progress either in the exchange of detained persons. The proposals put forward by Donbas have not found any support within the Ukrainian Government, which tries to artificially link this

process with the exchange of persons who have nothing to do with the events in Donbas. Furthermore, the Ukrainian Government is deliberately reducing to a minimum its participation in the work of the Working Group on Humanitarian Issues. We welcome the efforts of the co-ordinator of the TCG Working Group on Humanitarian Issues, Toni Frisch, to assist the parties in finding mutually acceptable solutions. His contacts in Kyiv, the recent trip to Donetsk and Luhansk (3 and 4 April) and communication with the representatives of certain areas of Donbas may contribute to a positive development.

Mr. Chairperson,

More than five years have elapsed since the armed coup d'état in Kyiv in February 2014. During that period, the "Maidan authorities" have succeeded in only one thing – attacking human rights and fundamental freedoms.

The recommendations by the Council of Europe's Venice Commission have not been taken into account, and the discriminatory provisions of the Law on Education, which put the entire Russian-speaking community of the country and persons belonging to national minorities in a vulnerable position, have not been corrected. The Verkhovna Rada is currently considering a draft law on language, which provides for the coercive Ukrainization of all aspects of public life under the threat of administrative fines. Ukraine continues to cultivate aggressive nationalism and glorify accomplices of the Nazis, including Stepan Bandera and Roman Shukhevych.

The persecution of the Ukrainian Orthodox Church (UOC) is intensifying, with the participation of high-ranking public officials. With their support, a discriminatory law was recently adopted, forcing the largest religious community of Ukraine – the UOC – to change its name and adapt to the political slogans of the current authorities. On 5 April, the Kyiv district administrative court declared unlawful the actions of the Chairman of the Verkhovna Rada, Andriy Parubiy, who had actively promoted the adoption of that law. Mr. Parubiy wasted little time in responding to that decision – on 9 April, he announced that he would personally appeal against the court ruling and seek the renaming of the UOC.

Forcible seizures of UOC churches and parishes are continuing. Last week, with the involvement of the local authorities, radicals seized several UOC places of worship in the Rivne region: the Pokrov Church in the village of Mala Lyubasha and the Church of St. Peter and St. Paul in the village of Postiine on 3 April and the Holy Assumption Church in the village of Ptycha on 4 April. In all three cases the police did nothing to protect UOC believers. Incidentally, the church in the village of Ptycha was seized regardless of the fact that a complaint was submitted by the religious community of that church to the European Court of Human Rights in March regarding the violation of its rights by the authorities.

The Ukrainian intelligence services continue to exert pressure on undesirable representatives of the media. On 9 April, the Security Service of Ukraine put the opposition journalist Vladimir Skachko, whose apartment was searched a month ago, on a wanted list. He is accused of co-operating with the RIA Novosti Ukraine agency on a number of occasions in 2014. The director of that agency's Internet portal, Kirill Vyshinsky, has been languishing in a Ukrainian prison cell on trumped-up charges for more than a year now. We urge the OSCE Representative on Freedom of the Media, Mr. Harlem Désir, to continue to address the persecution of reporters – both Ukrainian and foreign – in Ukraine.

The OSCE needs to monitor carefully and respond in detail to all instances of arbitrary detention, torture and murder on the territory of Ukraine. So far, the alarming information about "secret prisons" of the Security Service of Ukraine and the nationalist Azov battalion in Donbas has still not received an appropriate assessment. The Ukrainian Government continues to ignore the recommendations of international bodies, in particular the Council of Europe, regarding the need to complete the investigations

into high-profile crimes – the murders on the “Maidan” in Kyiv and the mass burning of people at Trade Union House in Odessa in 2014. After five years, the truth has still not emerged – evidently, in all these cases, the authorities have something to hide.

Finally, recent events show that the leadership of Ukraine has chosen a path of total intimidation of the country’s inhabitants. The authorities in Kyiv are “tightening the screws” and simply ignoring the people’s aspirations and refusing in particular to listen to the inhabitants of Donbas. They are deliberately dragging out the implementation of the Minsk agreements, grossly distorting their logic and order. The leadership of Ukraine does not give the inhabitants of the south-east of the country any political guarantees, merely stating a certain readiness to move forward on the political track, in return expecting the complete “capitulation” of Donbas, and not only militarily. There is evidently no possibility of compromise where the conversation is conducted in the language of ultimatums.

Ahead of the second round of the presidential election in Ukraine, the risk of armed provocation by the Ukrainian Government in Donbas is extremely high. We call on the SMM to monitor most carefully the situation in all areas covered by the Mission’s mandate. We urge the participating States to use all the influence they have on the Ukrainian Government to guide it towards strict observance of the letter and the spirit of the Minsk Package of Measures of 12 February 2015, endorsed by the United Nations Security Council and the “Normandy Quartet” leaders.

Thank you for your attention.