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## Committee on Political Affairs and Democracy

### Political consequences of the crisis in Ukraine

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Information note on the fact-finding visit to Ukraine on 15-18 February 2015

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<sup>1</sup> Document declassifié par le Comité lors de sa réunion à Paris le 16 mars 2015.

## 1. Introduction

1. My visit to Ukraine from 15 to 18 February 2015, in my capacity as Rapporteur for the Committee on Political Affairs and Democracy, was planned long before the four leaders of the Normandy format (the President of the Russian Federation, the President of Ukraine, the President of the French Republic and the Chancellor of Federal Republic of Germany) decided to meet in Minsk mid-February to agree on a Package of Measures for the Implementation of the Minsk Agreements of September 2014, including a ceasefire as of 00:00 on 15 February 2015. Therefore, for reasons beyond my control, my mission acquired an enhanced topicality as I arrived on 15 February, just a few hours after the ceasefire agreement was meant to enter into effect and a couple of days after the negotiations in Minsk.

2. Moreover, I accepted an offer made to me by members of the Ukrainian delegation to the Assembly to visit not simply Kyiv but also eastern Ukraine, and, in particular, to fly to Kharkiv and then drive from there to Sloviansk and Kramatorsk in the Donetsk Oblast and continue to Severodonetsk in the Luhansk Oblast. I therefore had the chance, on the first day of my visit to Ukraine, on 16 February, to meet not only the governors but also civil society and international organisations' representatives in the two Oblasts which are partly controlled by Russian-backed separatists. Kramatorsk has now become the administrative centre for the Donetsk Oblast and Severodonetsk the administrative centre for the Luhansk Oblast. Also, in Sloviansk, I met with Internally Displaced Persons (IDPs) who were arriving from Debaltsevo and heard their testimony of the terrible conditions in which civilians were still living there while violence continued to rage on.

3. Although a trip to that region was considered to be extremely risky and foreigners were advised not to travel, I decided to carry out the mission, together with Ms Chatzivassiliou, Head of the Political Affairs and Democracy Department, in the light of the assurances given by the Ukrainian parliament and with the agreement of the Secretary General of the Assembly, Mr Sawicki. Indeed, for the mission to the East we were accompanied by three Ukrainian MPs, Mr Andrii Lopushanskyi and Mr Oleksii Honcharenko, members of the Ukrainian delegation to the Assembly, as well as, for the visit to the Donetsk Oblast, by Mr Artur Gerasymov, Head of the Ukrainian delegation to the OSCE Parliamentary Assembly. We were also escorted throughout our 10-hour drive (from Kharkiv to the two Oblasts and back) by security forces.

4. In Kyiv, from 17 to 18 February, I met the Speaker of Parliament and representatives of all political factions and several parliamentary committees, representatives of the government, including the Minister of Foreign Affairs and the Deputy Prime Minister who is also the Minister for Regional Development, as well as many Ambassadors from Council of Europe member and observer States or their representatives and representatives from international organisations and the civil society. Our meeting with the President of Ukraine, Mr Petro Poroshenko, was scheduled for Wednesday morning, 18 February, but the President had to leave the capital to go to the front to announce the "planned and organised withdrawal" of the Ukrainian troops from Debaltsevo.

5. I am deeply grateful to the Ukrainian delegation for the excellent organisation of the programme and in particular to the three MPs who accompanied me to the East and the two members of our Committee, Ms Iryna Gerashchenko and Ms Mariia Ionova, who proposed and organised the programme of my visit to the Donetsk and Luhansk Oblasts. Also, my thanks go to the Chairperson of the Ukrainian delegation, Mr Volodymyr Arieu, for the overall coordination of the programme, and to the Secretariat of the delegation and, in particular, Mr Bohdan Krylovetskiy, who not only helped put into place the programme but also accompanied us throughout the meetings in Kyiv. I wish to thank wholeheartedly H.E. Luc Jacobs, Ambassador of the Kingdom of Belgium to Ukraine, who organised an excellent working dinner with the diplomatic community, as well as Ambassador Vladimir Ristovski, Head of the Council of Europe office in Kyiv, who also accompanied me throughout the meetings in Kyiv and organised meetings with representatives of international organisations and civil society. The programme of my visit is appended for more detailed information (see Appendix 3).

6. Prior to my departure to Kyiv, I also held meetings in Strasbourg with Mr Christos Giakoumopoulos, Special Advisor to Council of Europe's Secretary General for Ukraine<sup>2</sup>; Mr Thomas Markert, Secretary of the Venice Commission, and with Ambassador Mykola Tochytskyi, Permanent Representative of Ukraine to the Council of Europe.

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<sup>2</sup> See website of the Special Advisor <http://www.coe.int/en/web/kyiv/sasg>.

7. Last but not least, during its meeting of 16 March in Paris, and upon my proposal, the Committee on Political Affairs and Democracy had the opportunity of holding an exchange of views with the President of the Venice Commission, Mr Gianni Buquicchio, on the progress of the Constitutional reform in the country.<sup>3</sup>

## 2. Visit to the Eastern part of Ukraine (16 February 2015)

### 2.1. Sloviansk

8. Having left Kharkiv very early on Monday morning, 16 February, we arrived to Sloviansk, at around 8am. We were welcomed by the Mayor of the city and visited the tents and train wagons where IDPs are registered, fed and may sleep for one or a couple of nights before they are redirected to various parts of the country. Some 26 000 IDPs have been registered in Sloviansk since the beginning of the conflict, 3 000 in the period from end of January to mid-February, coming mainly from Debaltsevo.

9. A young IDP woman we met in a tent told us that she had come from Debaltsevo. She didn't know who was shooting but the town was totally destroyed. People were hiding in cellars for two weeks with no electricity, water and food. She escaped but others had remained trapped. She felt herself Ukrainian (although she was Russian speaking) and wanted Ukraine to remain a unitary state.

10. Another woman, between 45 and 50 years old, was much more distressed, crying and saying that everybody was shooting at them, separatists and Ukrainians alike. The MP who accompanied us tried to explain that the Ukrainian army was not shooting at civilians, but she did not seem to be convinced and did not really care that much who was doing it: she lost her house and everything she possessed and this was what mattered most.

11. In the train wagons, we saw a young boy happy to have escaped the war with his grandmother. His parents went to find a place to stay in Kramatorsk, they did find a flat and that evening he would join them with his grandmother. The couchettes had been transformed into temporary beds. The air was difficult to breathe and the hygienic conditions did not seem to be great but it was warm both in the tents and in the wagons (outside the temperature was about -10°C). The population, voluntary organisations as well as the authorities were doing the best they could to offer temporary accommodation and food under these conditions.

### 2.2. Kramatorsk

12. After Sloviansk we visited Kramatorsk. The town was shelled only a few days earlier, on 10 February, with "Smerch" multiple rocket launchers. As a result, 16 people were killed and 63 wounded. Monitors of the OSCE Special Monitoring Mission, who swiftly arrived on the site of the tragedy, stated in their report that, based on the live observation, the pictures and maps analysis, the shelling was coming from the south-east direction. As one can see on the map of Ukraine, these are the areas occupied by the Russian-backed separatists. According to Ukrainian intelligence, the shelling was conducted from the Horlivka area controlled by the rebels who had targeted an airfield in the vicinity of the city as well as the industrial and residential areas nearby.

13. In Kramatorsk, we first visited the children's hospital, damaged by the war, where doctors under terrible conditions were doing their best to treat the wounded children. We visited the 3-year old boy who was wounded when a rocket hit his mother and himself on 10 February. The mother covered him with her body; she was killed but he survived. He had risked amputation but fortunately he now seems to have saved his arms and legs.

14. MPs who accompanied us handed out gifts (TV screens, DVDs for children and books) and medicines to the hospital. The doctors explained to us that they were not equipped to face such emergency situations but they were doing everything they could.

15. We subsequently visited the building which was also shelled on 10 February by the separatists. By chance, the rocket landed on the staircase, therefore the flats were not destroyed and there had been no victims. Inhabitants had replaced the destroyed staircase with a quite dangerous wooden one and continued to live there.

<sup>3</sup> See also the intervention of Mr Gianni Buquicchio on the co-operation of the Venice Commission with Ukraine at the meeting of the Ministers' Deputies of the Council of Europe on 4 March 2015 [https://wcd.coe.int/ViewDoc.jsp?Ref=DD\(2015\)258&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=BDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=DD(2015)258&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=BDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864).

16. During our meeting with the Governor of the Donetsk Oblast, Mr Oleksandr Kihtenko, we discussed the prospects for peace and the plans for decentralisation. Mr Kihtenko told us that high hopes were placed with the recent Package of Measures, including a ceasefire, agreed in Minsk but unfortunately active fighting was still going on even after the entry into force of the ceasefire agreement. The Ukrainian positions had been attacked more than 100 times. In Debaltsevo, the situation was most difficult as the rebels wanted at any cost the railway crossroad.

17. The Governor informed us that in Kramatorsk there was one of the biggest thermo-plants in Europe. Its work had been suspended. If it were shelled, the disaster would be enormous. The Governor told us that, in the absence of OSCE control over the Russian-Ukrainian border, Russia kept supplying arms and troops to the rebels who were also firing into areas far from the front line. Thus, two days earlier, they had shelled down the town of Artyomovsk and hit a school. According to the Governor, Russia's objective was to destroy the infrastructure, close down the coalmines and other companies so that people would lose their jobs, social tensions would increase and the population would turn against the legitimate authorities of Ukraine.

18. People had spent weeks in cellars without electricity and water in Debaltsevo and other cities. Since the ceasefire entered into force, the Ukrainian authorities had started restoring electricity, water etc. not only in Kramatorsk but also in other towns. The Governor expressed the hope that there would be international assistance.

19. He also told us that, as a large part of IDPs wanted to stay in Ukraine-controlled areas, there was need to rebuild the houses and re-open the coalmine and metallurgical factories. That was especially so as 60% of the factories and infrastructure were in the areas outside the Ukrainian authorities' control. An international economic forum called "Open Donbas" was inaugurated four days earlier to launch initiatives to revitalise economy.

20. He underlined that the so-called "Donetsk People's Republic" (DPR or DNR) had nothing to do with "people". The situation in the areas outside the Ukrainian authorities' control was criminal. For the Governor, only sanctions and unity of the international community could stop the Russian aggression.

21. When discussing with the Governor the question of constitutional reforms and decentralisation, he agreed that decentralisation was the best solution. It was important to decentralise especially finances as the regions would know better than the capital how the money should be spent. At the moment, there were no elected regional councils to adopt a regional budget. However, the Governor stressed that it was difficult to discuss decentralisation as long as there was a war. As soon as the war ended, there should be free local elections.

22. Our meeting with civil society, voluntary and international organisations' representatives was extremely interesting and moving at the same time. A representative from a well-known voluntary organisation from Kyiv called "Save Ukraine" told us that they had come to help evacuate the civilians. Thousands of them were still trapped in cellars in Debaltsevo. More than 90% of the people in Debaltsevo actually wanted to come to the areas controlled by Ukraine. They wanted to come out but could not. The fighting was going on in Debaltsevo and three civilians were killed there on Sunday 15 February. Also, 50 prisoners in a penitentiary system were trapped and could not move.

23. She was joined by other volunteers as well as the United Nations High Commissioner for Refugees (UNHCR) representative in urging us to appeal for the creation of a green corridor for a couple of days to evacuate 5 000 civilians, including women, children, elderly and disabled people, from Debaltsevo. The last assistance reached them on 6 February so they were now running out of food.

24. A representative from the National Broadcasting Council in Donetsk said that they couldn't compete with the Russian equipment. The signal came from the Donetsk towers which had been seized by the rebels so that only Russian channels were broadcasting in the region putting forward Russian propaganda.

25. A representative from the "Heart of Sloviansk" organisation told us that they used to work in the occupied territories too, bringing cargos and evacuating people. But as of 6 January they were stopped and could no longer deliver humanitarian assistance.

26. Immediately after my meeting with the voluntary organisations and just before leaving Kramatorsk, I reacted to their appeal and issued a statement calling for the creation of a green corridor in Debaltsevo.<sup>4</sup>

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<sup>4</sup> <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5431&lang=2&cat=137>.

Also, I contacted the President of the Assembly, Ms Anne Brasseur, who raised the issue with the President of the Parliamentary Assembly of the OSCE meeting in Vienna later that week.

### 2.3. Severodonetsk

27. In Severodonetsk, we also had a very interesting discussion with the Governor, Mr Hennady Moskal, about the involvement of Russian Cossacks in the so called "Luhansk People's Republic" (LPR or LNR). Even if the leader of the LPR respected the ceasefire, he only controlled a small part of the rebel-controlled areas. Other groups, especially Russian Cossacks, controlling some 70% of the LPR territory, were actively engaged against the Ukrainian army and in no way respected the ceasefire. There could well be an internal fight within the LPR. Cossacks could well want to take revenge for the fact that when the illegal "local elections" took place in the LPR, their candidates were not even registered. In any event, it seems that the Cossacks did not obey to the leader of the LPR and he admitted that. However, when he signed the Minsk agreement in September and recently the Package of Measures for its implementation, he did so for the whole LPR and had to assume his responsibilities.

28. Mr Moskal, who knows the region very well as he was the Governor in the Luhansk Oblast in 2005-2006, underlined that it was totally wrong to say that there was a "civil war" going on in Ukraine – an argument Russia puts forward. There had never been people's mobilisation. Only some 3% joined the war on the separatists' side, mainly Cossacks.

29. He recalled that, on 24 May 2014, the members of the Regional Council of Luhansk, who all belonged to the Party of Regions, condemned the "Kyiv junta" and left. So did a great number of managers and administrators who also belonged to the Party of Regions. The government had later given him the function to pay the salaries and carry out other functions of the Regional Council without conferring upon him as many powers as the council used to have. He also recalled that local elections were supposed to take place in Luhansk in December 2014. But the LPR did not accept that and held "their own illegal election".

30. When I asked the Governor whether people in the region feel closer to Ukraine or to Russia, he explained to me that, before the war, 95% of the population there had never left the region. During last Christmas holidays, they sent 3 000 children from the region to Western Ukraine. Many families would have liked to send their children to European countries. But as letters sent to Ambassadors from countries of Central and Eastern Europe remained unanswered, all children were sent to Western Ukraine. They came back happy and surprised to realise that in the western part of the country it was not as they were told by their grandparents: "if you speak Russian, they cut your tongue, if you write in Russian they cut your fingers!" That was the rhetoric of the Party of Regions for the whole decade 2004 to 2014. Children should travel to Europe to see what it is about. It should be now for the children to teach their parents and grandparents, not the other way around.

31. When meeting the representatives of the civil society and locally based international organisations, they told us that the priority needs for the IDPs were medicines and food. The representative of the UNHCR explained to us that there were no community collective centres for IDPs in Luhansk. They had received some mobile houses from Germany but they were sent to the Donetsk region. There were some 128 000 IDPs today in Luhansk. 200 people had arrived the day before; their houses had been destroyed. Two-three families shared one house. An old lady lived in a fire station.

32. The representative of the United Nations Development Programme (UNDP) added that there were no large houses to repair which could host a large number of people. The prices of private houses had increased enormously. There was sufficient territory to build on. But UNDP could only cover expenses to repair houses not to build new ones.

33. The Red Cross told us that people were queuing for two hours just for some bread. They operated also on the other side and stressed that there were problems to bring food to the rebel-controlled areas. The bridge linking Severodonetsk to Luhansk city under the rebel control had been exploded and therefore it was very difficult to travel from one place to the other, including for humanitarian assistance purposes.

34. NGO representatives informed us that in the rebel-controlled areas there were canteens. The Office for Humanitarian Aid had also an agreement and Ukrainian NGOs were also sending them parcels as nobody knew whether the Russian humanitarian convoys actually reached those in need.

35. We were told that the Protestant church was helping a lot. Before leaving the region, we visited a house totally repaired by volunteers with financing provided by the Protestant church. It was meant to be a

church and now it was used to host families of IDPs. We admired the good work that was done by the volunteers and their enthusiasm.

36. During the whole visit to the East, the work of voluntary organisations was praised everywhere. If I was shocked by the extent of damage, especially to infrastructure, and human suffering I witnessed, I was also impressed by the solidarity and support I felt Ukrainian people were extending to the IDPs. They did so beyond any governmental or international assistance. I also had the feeling that the war had unified the Ukrainian people and torn down old myths such as those of “the Easterners being alcoholics” and “the Westerners being fascists”.

### **3. Main challenges discussed during my meetings in Kyiv (17-18 February 2015)**

#### *3.1. The context and scope of my discussions*

37. As Rapporteur on the political consequences of the crisis in Ukraine, I focused during my meetings in Kyiv mainly on the security challenges the country is facing and prospects for long-term peace and stability. In this context, I reiterated my support and reaffirmed the Assembly’s position in favour of the sovereignty and territorial integrity of Ukraine and underlined that it was essential that Ukraine regain full control of its borders. At the same time, I expressed the importance of a political and peaceful solution, although I heard at many instances and by various interlocutors that Ukraine also needed military support for defensive purposes.

38. It is worth noting that while I was conducting the first day of meetings in Kyiv, on 17 February 2015, the United Nations Security Council unanimously reaffirmed its “full respect for the sovereignty, independence and territorial integrity of Ukraine” and expressed its conviction that “the resolution of the situation in eastern regions of Ukraine can only be achieved through a peaceful settlement to the current crisis”.

39. As my visit took place only a few days after the adoption and signing of the Package of Measures for the Implementation of the Minsk Agreements (see Appendix 1) and the Declaration (see Appendix 2) by the four leaders in the so-called Normandy format in support of the above-mentioned Package of Measures, it inevitably focused on the prospects of success in the implementation of this agreement and thus the prospects for peace in the eastern part of the country.

40. My discussions with the authorities and other interlocutors from the diplomatic and international community took place against the backdrop of the tragic events and violence in Debaltsevo where, on the very same days, Russian-backed separatists continued fighting in violation of the ceasefire agreement which had just been signed in Minsk. Although time did not permit to discuss as much as I would have wished the situation in Crimea, I fully share the position expressed by the Ukrainian Minister of Foreign Affairs that as long as Crimea’s illegal annexation by the Russian Federation is not reversed, there should be “no business as usual” nor the lifting of sanctions against the Russian Federation which were imposed precisely as a response to this annexation.

41. My main message in my discussions with the authorities and other interlocutors, at this very particular point in time, was the following: even if Russia is clearly violating the Statute of the Council of Europe and its accession commitments, in the light of its actions in Crimea and its role and participation in the conflict in eastern Ukraine, and, even more, if Russia is the aggressor, in line with the provisions of the UN Charter and General Assembly Resolution 3314 on the “Definition of aggression” of 14 December 1974, as all my Ukrainian interlocutors insisted upon and as the Verkhovna Rada has recently officially declared, this does not dispense Ukraine from its own obligation to take steps to implement the recently agreed Package of Measures and secure long-term peace and stability.

42. In this respect, a comprehensive constitutional reform, including decentralisation, is not only the basis of all other necessary reforms, it is also of key importance for a long-term success of any resolution of the conflict in eastern Ukraine and explicitly mentioned in the document signed in Minsk on 12 February. I also underlined that the improvement of the economic situation in the country depends both on the peaceful settlement of the conflict and on reforms.

43. Therefore, while I left it for my colleagues from the Monitoring Committee to continue their excellent work in accompanying Ukraine in its challenging task of carrying out a number of important reforms to respond to the Ukrainian people’s aspirations, as expressed in Maidan a year ago, such as the fight against corruption, the judicial or electoral reform etc., I inevitably discussed the prospects of constitutional reform in so far as this reform is linked to and is a precondition for decentralisation and thus for peace.

44. As part of my report, I also intend to look into the geopolitical consequences of the conflict in Ukraine and Russia's actions in this respect as these have not only generated concrete economic sanctions imposed by the European Union and the US against Russia but, furthermore, an overall, new "cold-war" situation and increased tensions between Russia and its neighbours. This aspect of my report was also raised during my visit to Ukraine, although to a more limited extent.

45. Several interlocutors criticised the title of my report ("political consequences of the crisis in Ukraine") as misleading as it gives the impression that there is a "political crisis" in Ukraine. They stressed that there is no political or other internal crisis in Ukraine; there is rather an external aggression, i.e. an aggression by the Russian Federation. This is a matter that the Committee should discuss and we could indeed decide to change the title of my report to better reflect its contents and aim.

### 3.2. *The Package of Measures recently agreed in Minsk and prospects for constitutional reform, decentralisation and peace*

46. As said earlier, we discussed extensively the Package of Measures agreed in Minsk on 12 February 2015, including *inter alia*: an immediate and comprehensive ceasefire to come into effect at 00:00 on 15 February 2015; the withdrawal of heavy weaponry by 50 to 140 kilometres (security zone). Ukrainian forces are to withdraw from the current line of contact and the militant forces from the demarcation line established under the 2014 Minsk memorandum. Two different lines are set forth to reflect the different reality on the ground between 19 September and now. The withdrawal of heavy weaponry must begin no later than two days after the ceasefire comes into effect.

47. The deal further stipulates that an amnesty is to be granted to all insurgents and mercenaries, humanitarian aid is to be provided to occupied territories, social payments to them are to be resumed and local elections are to be held in separatist controlled areas.

48. Furthermore, all Ukrainian prisoners are to be exchanged for all the separatist prisoners in an "all for all" exchange. This is to occur 5 days after the withdrawal of weaponry. Ukraine is obliged to carry out a dialogue with Luhansk and Donetsk to prepare for local elections "in accordance with Ukrainian legislation". The Ukrainian Parliament must also adopt a new law within 30 days that outlines the territory which falls under the temporary status of the regions.

49. Ukraine must also carry out constitutional reform by the end of 2015 in an effort to promote decentralisation as a "key element" (including a reference to the specificities of "certain areas in the Donetsk and Luhansk regions, to be agreed with the representatives of these regions") and adopt permanent legislation on the "special status" of these areas in line with measures as set out in a footnote to the text. The agreement further notes that control of the Ukraine state border in the conflict zone must be returned to the Ukrainian government on the first day following elections in the conflict zone. The full text is appended to this note in Appendix 1.

50. The Package of Measures for the Implementation of the Minsk Agreements was signed by members of the Trilateral Contact Group, i.e. Ambassador Heidi Tagliavini for the OSCE, the Second President of Ukraine, L.D. Kuchma, Ambassador of the Russian Federation to Ukraine, Mr Yu. Zurabov, and the representatives of certain areas of the Donetsk and Luhansk Regions, i.e. A.W. Zakharchenko and I.W. Plotnitski.

51. Although representatives of the DPR and LPR finally signed the Minsk Package, the various views of the DPR and LPR might reflect different readings and approaches, potentially impacting the ceasefire implementation.

52. As a result of my discussions on the Minsk measures, I would in particular like to clarify some points.

53. To start with, although the measures agreed were signed by the same persons as the Minsk Protocol and the Memorandum of last September, there has now been, in addition, a declaration by the four leaders "endorsing" these measures and reaffirming "their full respect for the sovereignty and territorial integrity of Ukraine". They have also committed themselves to use their influence on relevant parties to facilitate the implementation and have agreed to establish an oversight mechanism in the Normandy format.

54. The political support that the four leaders expressed to the newly agreed Package of Measures, following meetings in Kyiv, Moscow and Minsk and hundreds of phone calls in the Normandy format, as we were told, creates a new and quite unique potential and momentum which should not be lost. It was seen as

an “historic chance” or, by some, as “the last chance” for peace. And this, despite all the criticism that can be made of the measures agreed, including lack of clearly defined set of procedures for verifying their implementation or the much contested fact that border control will only return to Ukraine after a number of conditions are met, such as local elections and a comprehensive political settlement, including constitutional reform providing for decentralisation, to be finalised at best by the end of 2015.

55. Secondly, it is an error to be avoided to speak about a “new Minsk agreement” or “Minsk 2 agreement”. The Package of Measures, agreed in Minsk in February, refers to the Minsk Protocol of 5 September and its Memorandum of implementation of 19 September. It encompasses most of the points already included in the Minsk Protocol and Memorandum offering some further explanation of the political aspects and processes. The implementation of a ceasefire remains the primary precondition for the beginning of many of the other measures to follow.

56. Thirdly, the implementation of the Minsk Package of Measures saw a general decrease in violence across the country with the notable exception of Debaltsevo where fighting by the Russian-backed separatists continued and even intensified after the deadline for the entry into force of the ceasefire. On 16 February 2015, OSCE observers were denied access to the area. Fierce military clashes continued in the days that followed and the OSCE monitors were denied access on several occasions. This culminated in the announcement, on 18 February 2015, by President Poroshenko of a “planned and organised” withdrawal of Ukrainian troops from the town of Debaltsevo. He subsequently suggested the deployment by the United Nations of a peacekeeping operation in Ukraine as an instrument to ultimately help implement the peace agreement. This idea was mentioned to us, almost at the same time, by the Minister of Foreign Affairs.

57. The international community, including the President of the Assembly Ms Anne Brasseur, with whom I was in contact, condemned the violation of the ceasefire agreement by the Russian-backed separatists<sup>5</sup>. The NATO Secretary General Jens Stoltenberg stated that the rebels' offensive had put the wider peace agreement at risk and urged Russia to “use all its influence on the separatists to make them respect the ceasefire”. However, Russian Foreign Minister, Sergei Lavrov, insisted the rebels' actions in Debaltsevo had not violated the ceasefire because it was a “rebel-held city” when the peace agreement was signed. However, this was not agreed in Minsk. The Package of Measures made no exception for Debaltsevo or any other town. A ceasefire is a ceasefire; commitments are commitments and cannot be changed. What was agreed in Minsk was that as of 15 February, 12 am local time, all fire would stop.

58. Fourthly, there can be no progress with the rest of requirements/commitments undertaken in Minsk, including the political dialogue, if shooting is on-going. Indeed, the measures announced in Minsk are steps to be taken one after the other, the ceasefire being the first pre-condition for any further progress.

59. On 20 February, representatives of the Ukrainian and Russian armed forces in the Joint Control and Coordination Center (JCCC) signed a plan of withdrawal of heavy weapons, which was coordinated with other signatories of the Minsk documents, in an effort to start implementation of point 2 of the measures agreed on 12 February.

60. Thus, on 26 February, despite continuous violation of the ceasefire agreement by the separatists, President Poroshenko instructed the Ukrainian forces to start withdrawal of artillery with a calibre of 100 mm from the line of contact as a first step towards the comprehensive withdrawal. Until this point the Ukrainian military had withheld from implementing the withdrawal, arguing that the fighting had not yet ceased. Rebels have also made an effort to start pulling back heavy weaponry from the line of control. This is the first sign of a serious commitment on both sides to uphold the provisions of the Minsk measures. This process is carried out under monitoring of the OSCE Special Monitoring Mission (SMM).

61. The Ukrainian side nevertheless underlines that, to proceed with further withdrawal, it is vital that the separatists and Russian forces on the ground fully abide by the ceasefire. It is also vital that the withdrawal be properly monitored and verified by the SMM. The Ukrainian side is particularly concerned about the fact that a lot of military equipment, weapons and personnel, as well as increased military activities of the separatists together with Russian forces, have been witnessed near Mariupol, in particular in the village of Shyrokyne. Also, drones have been quite active above this area.

62. Thus, on 27 February, President Poroshenko announced the Ukrainian troops are ready to return heavy weapons to their previous locations in Donbas if the enemy violates the Minsk agreements.

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<sup>5</sup> <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5435&lang=2&cat=15>.



63. On a positive note, the most recent news I received indicate that the ceasefire is generally respected along the entire line of contact, despite some isolated attacks by separatists in certain areas. Also, the withdrawal of heavy weaponry continues. Moreover, as a step for implementing point 6 of the Minsk measures providing for an “all for all” prisoner exchange, on 22 February 2015, 139 Ukrainian servicemen were released in exchange for 59 pro-Russian separatists. Prisoner exchange proved to be one of the few elements of the September protocol that was successfully implemented. Thus, on 14 December 2014, DPR had exchanged 145 Ukrainian prisoners for 222 of its fighters. While this does represent an element of good faith, it is still a long way away from the all for all prisoner exchange described in the Minsk measures.<sup>6</sup>

64. When discussing the Minsk Package with the Speaker of Parliament, he told us that the majority of MPs supported the implementation of the plan. Its implementation was self-explanatory; it should advance step by step. Ceasefire and withdrawal of heavy weaponry would help build trust in the Speaker’s view.

65. Some of the laws mentioned in the package were already before the parliament and their adoption should not pose any problems. As regards amnesty, it was made clear, also during the negotiations in Minsk, that the future law would not envisage amnesty for militants who were involved in crimes against humanity. Legislation on local elections existed and it was precisely in the framework of this Ukrainian law that local elections should also be held in the LPR and DPR. There was only the need for a presidential decree to set the date of local elections. The key point was to have free local elections in accordance with the Ukrainian legislation in force. But the question was: how could elections be free while the border remained open? Also, international observation of the local elections to be held was necessary.

66. As regards the constitutional reform, draft amendments, including those providing for decentralisation, should be passed in two readings before the end of this year. They will respect the European Charter for Local Self-Government, which Ukraine has ratified, and the opinion of the Venice Commission, which follows very closely the process of constitutional reform in Ukraine, as well as other important reforms, such as the judicial one or the elaboration of the lustration law. For the Speaker, who has been a pioneer for decentralisation, the decentralisation model to be introduced in Ukraine will satisfy all, both in the eastern part and the western part of the country.

67. In a positive development, a couple of weeks after our visit, the President of Ukraine issued the decree providing for a constitutional commission to prepare the draft amendments, to be chaired by the Speaker of Parliament. The composition of the commission is such as to ensure that a plurality of views will be represented and the requirement of wide public consultation seems to be fully respected. A member of the Venice Commission, Ms Suchocka, will participate in the work of the commission as an observer.

68. All our interlocutors in Ukraine agreed on the importance of decentralisation, including financial independence and the principle of subsidiarity, as a key element not only for ensuring peace in the east, but also to enhance regional development in Ukraine and thus for the sake of the population of the whole territory.

69. The Deputy Prime Minister and Minister for Regional Development, Mr Zubko, told us that, so far, all laws necessary for local self-government which did not necessitate a constitutional reform had been adopted. People should already feel the difference now as in 2015 regions have their own financial competencies. To go further, constitutional amendments are necessary.

70. The Deputy Prime Minister recalled that local elections had been scheduled in certain areas of Donetsk and Luhansk on 7 December 2014, in line with Ukrainian legislation, but they did not take place as the two separatist entities held “their own illegal elections” on 2 November.

71. The Venice Commission has made it clear that decentralisation does not need to be regulated in detail in the constitutional amendments to be adopted. It is enough to remove constitutional obstacles to decentralisation and to send a political signal of readiness to decentralise. A way of doing that would be to make reference in the Constitution to “special arrangements” for certain areas to be specified at a later stage by law, such is the case for instance in Moldova for the status of Gagauzia.

72. I had, however, the impression that most of my Ukrainian interlocutors did not want to privilege such an approach of “special arrangements” for certain areas but rather argued in favour of enhanced and deep decentralisation for all Ukrainian regions. I can understand that their approach could make any new provisions more easily acceptable by the population in the whole country. For instance, if the Minsk measures provide for the right to “linguistic self-determination” in “certain areas of the Donetsk and Luhansk

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<sup>6</sup> For the Savchenko case, see below section 3.4.

regions”, I see no reason why this right could not be granted to other regions of Ukraine in the western part with respect to languages such as Hungarian or Polish.

73. To the extent that a decentralisation model satisfying the requirements of the Minsk package could be introduced in the whole country and be constitutionally guaranteed, I could hardly see any objections that could be raised. We were told that the representatives of the DPR and LPR, for their part, would not object provided that they would obtain the rights they claimed.

74. We also understood that three areas would be excluded from decentralisation: security, defence and foreign affairs. In this respect, we were informed of various solutions for ensuring compliance with the Minsk Package, including its footnote. For instance, the chief of the local police in any region could be proposed by the local council but should be formally appointed by the Minister of the Interior (provided that certain conditions were met, such as for instance that he had not participated in crimes against humanity).

75. I agreed with my interlocutors on the need to move forward with reforms, despite the war, as successful reforms would also be the best way to end the war and convince the population in the areas under the rebels’ control that their future was within Ukraine. I stressed that constitutional reform and steps towards decentralisation should serve as confidence building measures.

76. In this respect, all my interlocutors were unanimous. In their view, they could convince the population in the eastern regions but also the representatives of these regions to work together towards a peaceful political settlement, along the lines agreed in Minsk, provided that Russia would stop interfering. Russia’s involvement is not only limited to the provision of heavy weaponry and fighters (whether on a “voluntary” basis, following “resignation” or while being “on holidays”, or in the form of regular troops) but is also present in the line of command and policy decision making.

77. Russia’s involvement is also evidenced in the form of an extensive information or propaganda war which is almost as dangerous as the military one as it precisely impedes attempts of reconciliation and confidence building. The Ukrainian media are not present in Donbas and the Russian propaganda shows that neo-Nazis are fighting peaceful people there. But such fascist forces gained no support at the recent elections in Ukraine.

78. It is quite clear that there is no such thing as a “civil war” in the eastern regions of Ukraine. There were no religious or ethnic identity grounds for the conflict as had been the case in other parts of the world. For many of my interlocutors, in particular from civil society as well as for some MPs, it is rather a war between Russia and the West on Ukrainian territory. For them, what the Kremlin wants is not yet another frozen conflict, such as those in Transnistria, South Ossetia or Abkhazia, but a semi-frozen one so as to destabilise Ukraine and threaten its territorial integrity and sovereignty.

79. Therefore, several MPs and also civil society representatives insisted that political support to reforms in Ukraine and economic sanctions against Russia were not sufficient; there should also be support in military terms for merely defensive purposes to dissuade further aggression by Russia.

80. At the same time, there is reluctance on the part of the Ukrainian President to introduce martial law as such a move would stop foreign investment and in particular financial support by the International Monetary Fund which cannot be provided in a country “under war”.

81. The Minister of Foreign Affairs further explained to us why diplomatic relations with Russia had not been officially broken. Such a development would, on the one hand, deprive Ukrainian citizens in the Russian Federation from consular support and, on the other, put an end to the Trilateral Contact Group. He also explained that the Ukrainian economy, which was already in a dire situation, with more than one million IDPs putting pressure on the budget, could not afford a total ban of imports and exports from and to the Russian Federation as, otherwise, it would collapse. He underlined however that exchange of any “sensitive” goods had been stopped.

82. It is also quite clear that, despite frictions, Russian aggression seems to help keep the coalition together, the biggest ever coalition in Ukraine. Prior to the elections, some feared that radical parties such as Svoboda or the Right Sector would take over power. But these parties did not even pass the electoral threshold. Moreover, even if people are being mobilised to ensure that the promised reforms will be realised, one year after Maidan they still show patience because they do not want to weaken the state versus the external threat. Civil society representatives told us that people will become more active and demanding once the war has ended.

### 3.3. Crimea

83. As said earlier, the situation in Crimea and its illegal annexation by the Russian Federation will form part of my report. The report on the human rights situation in Ukraine (1 December 2014 to 15 February 2015), published by the Office of the UNHCR on 2 March<sup>7</sup>, refers to the continued systematic human rights violations affecting mostly Crimean Tatars and those who opposed the so-called March “referendum”. These include arrests and detention of Crimean Tatar activists on charges related to demonstrations and disruptive activities of their civil society organisations and media outlets, on the grounds of prevention of supposed “extremist activists”.<sup>8</sup>

84. During my meeting with the Minister of Foreign Affairs, he informed me of the decision of the Bureau of the Parliamentary Assembly of the OSCE not to ratify the credentials of an “MP” from Crimea as part of the Russian delegation. Such a decision was of course fully consistent with the international community’s position on the status of the Autonomous Republic of Crimea in line with the United Nations General Assembly Resolution 68/2014 on the Territorial Integrity of Ukraine.

85. I fully agree with my Ukrainian interlocutors that as long as the illegal annexation of Crimea has not been reversed, there can be no return to business as usual in relations with the Russian Federation and in particular no lifting of sanctions imposed on it by various bodies, including our Assembly, precisely as a response to such an illegal annexation.

### 3.4. The Savchenko case

86. During my meetings in Kyiv I also raised the issue of the Ukrainian pilot and MP, Ms Nadiia Savchenko, member of the Ukrainian delegation to the Assembly as of the January 2015 part-session, who had been on a hunger strike since 13 December 2014 in protest against her illegal detention in Moscow since June 2014. Ms Savchenko is being held in a Russian civilian prison on charges relating to the death of two Russian Journalists. In its Resolution 2034 (2015) on the Challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation, the Assembly expressed serious concern about the imprisonment and indictment by the Russian Federation of Ms Savchenko, who was now a member of the Assembly. The Assembly considered her transfer by Ukrainian insurgents to the Russian Federation and subsequent imprisonment by the Russian authorities to be in violation of international law amounting to her *de facto* kidnapping. It demanded that the Russian Federation respect its obligations under international law, as a Party to the General Agreement on Privileges and Immunities and its Protocol, according to which Ms Savchenko, as a member of the Parliamentary Assembly, enjoys European parliamentary immunity. The Assembly called upon the Russian authorities “to release Ms Savchenko within 24 hours and to ensure her return to Ukraine or hand her over to a third party”.

87. According to the Assembly’s Rules of Procedure, the Council of Europe statute and the General Agreement on Privileges and Immunities Ms Savchenko enjoys European parliamentary immunity, which extends to the proceedings initiated against her before the beginning of her parliamentary mandate. Therefore the proceedings against her should be suspended for the duration of her term of office and she should be released. The Russian judicial authorities could ask for her immunity to be waived but only the Assembly could waive her immunity. To date, no request to waive the immunity of Ms Savchenko has been made by the Russian authorities therefore they act in violation of international law. On 4 March, a Russian court rejected the request of Ms Savchenko to be released on the basis of her immunity as member of the Assembly.

88. The President of the Assembly, Ms Anne Brasseur, has been particularly vocal in expressing the urgent need to release Ms Savchenko, even prior to the Assembly resolution but also after that, especially as her health has continued to deteriorate as a result of her ongoing hunger strike.<sup>9</sup> The Secretary General of the Council of Europe has been closely following the matter, on 27 February, the Chairman of the Committee

<sup>7</sup> <http://www.ohchr.org/Documents/Countries/UA/9thOHCHRreportUkraine.pdf>.

<sup>8</sup> See also the report by the Council of Europe Commissioner for Human Rights, following his mission in Kyiv, Moscow and Crimea, from 7 to 12 September 2014

[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2014\)19&Language=lanEnglish](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2014)19&Language=lanEnglish). The Commissioner also visited Kyiv and the Eastern Ukraine from 30 November to 5 December 2014: [http://www.coe.int/en/web/commissioner/-/conflict-in-eastern-ukraine-has-dire-impact-on-human-rights?inheritRedirect=true&redirect=http%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fcommissioner%2Fcountry-report%2Fukraine%3Fp\\_p\\_id%3D101\\_INSTANCE\\_PwOwYulLuc5b%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-1%26p\\_p\\_col\\_count%3D1](http://www.coe.int/en/web/commissioner/-/conflict-in-eastern-ukraine-has-dire-impact-on-human-rights?inheritRedirect=true&redirect=http%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fcommissioner%2Fcountry-report%2Fukraine%3Fp_p_id%3D101_INSTANCE_PwOwYulLuc5b%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D1).

<sup>9</sup> <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5452&lang=2&cat=15>.

of Ministers of the Council of Europe issued a press release<sup>10</sup>, and on 4 March the Committee of Ministers “called upon the Russian authorities to consider the medical safety of Ms Savchenko as an absolute priority and to release her without delay on humanitarian grounds”.<sup>11</sup>

89. I was happy to learn that, on 6 March, Ms Savchenko agreed to put an end to her 83-day hunger strike. I am happy that her life will be spared and that she can continue her legal fight with our support. It is worth recalling that, on 10 February, the European Court of Human Rights, which has given Ms Savchenko’s application for violation of articles 5 and 6 of the European Convention of Human Rights priority status, refused to grant her Rule 39 request for interim measures (including immediate release by the Russian authorities) but asked Ms Savchenko to end her hunger strike and Russia to provide more facts concerning her detention.

90. My Ukrainian interlocutors, and in particular the Minister of Foreign Affairs, stressed that Ms Savchenko is a symbol for Ukraine as she was the only pilot woman participating in the Iraqi conflict and for them this is the main reason why Russian authorities refuse to release her against any legal or humanitarian arguments. The Minister insisted on the need for additional national pressure, including by member States’ parliaments, in support of Ms Savchenko’s release, beyond the existing international pressure, including by our Assembly.

#### 4. Next steps

91. To be able to further develop the chapter on the geopolitical consequences of Crimea’s illegal annexation by Russia and its continuing role in the conflict in eastern Ukraine in violation of Ukraine’s sovereignty, I wish to exchange views with representatives from the European Union and in particular the High Representative of the European Union for Foreign Affairs and Security Policy, Ms Mogherini. I plan to organise my visit to Brussels in the coming weeks so that I could report to the Committee at its May or June meeting.

92. In the meantime, I will continue to follow closely developments in the country, in particular as regards the prospects for peace and decentralisation reform and I will remain in contact with the rapporteurs of the Monitoring Committee<sup>12</sup> and of the Committee on Migration, Refugees and Displaced Persons<sup>13</sup> which follow respectively the progress of the overall reform process in the country and the humanitarian aspects, including the situation of IDPs and issues related to humanitarian assistance in the eastern part of the country. I am also aware that a motion for a resolution ([Doc. 13700](#)) on the legal remedies to human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities has now been referred to the Committee on Legal Affairs and Human Rights and look forward to cooperating also with the rapporteur to be appointed by that committee.

93. Last but not least, I will follow closely the implementation of the Action Plan 2015-2017 to support reforms in the field of human rights, the rule of law and democracy in Ukraine, approved by the Committee of Ministers of the Council of Europe on 21 January 2015<sup>14</sup>. In this respect, I also wish to encourage member States to consider making voluntary contributions to supplement the funding currently available for the Action Plan, in close co-ordination with the Ukrainian authorities.

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<sup>10</sup> <https://wcd.coe.int/ViewDoc.jsp?id=2294499&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

<sup>11</sup> [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec\(2015\)1221/2.1bisb&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2015)1221/2.1bisb&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864).

<sup>12</sup> See the report of the Monitoring Committee (Doc. 13482) and Resolution 1988 (2014) on the Recent developments in Ukraine: threats to the functioning of democratic institutions <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=20712&lang=EN&search=MTM0ODI=>; as well as AS/Mon(2014)16, Honouring of obligations and commitments by Ukraine, Information note by the co-rapporteurs on their fact-finding visit to Kyiv and Odessa (7 to 11 July 2014), <http://www.assembly.coe.int/CommitteeDocs/2014/amondoc16-2014.pdf>.

<sup>13</sup> See the report of the Committee on Migration, Refugees and Displaced Persons (Doc. 13651) and Resolution 2028 (2015) on The humanitarian situation of Ukrainian refugees and displaced persons, <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=21480&lang=EN>.

<sup>14</sup> See GR-DEM (2015) 2

[https://wcd.coe.int/ViewDoc.jsp?Ref=GR-DEM\(2015\)2&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=GR-DEM(2015)2&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864).

## Appendix I: Extract from United Nations Security Council Resolution 2202 (2015)

### Package of Measures for the Implementation of the Minsk Agreements

Minsk, 12 February 2015

1. Immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine and its strict implementation as of 15 February 2015, 12 a.m. local time.

2. Withdrawal of all heavy weapons by both sides by equal distances in order to create a security zone of at least 50 km wide from each other for the artillery systems of calibre of 100 and more, a security zone of 70 km wide for MLRS and 140 km wide for MLRS "Tornado-S", Uragan, Smerch and Tactical Missile Systems (Tochka, Tochka U):

- for the Ukrainian troops: from the de facto line of contact;
- for the armed formations from certain areas of the Donetsk and Luhansk regions of Ukraine: from the line of contact according to the Minsk Memorandum of Sept. 19th, 2014;

The withdrawal of the heavy weapons as specified above is to start on day 2 of the ceasefire at the latest and be completed within 14 days.

The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.

3. Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.

4. Launch a dialogue, on day 1 of the withdrawal, on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine "On interim local self-government order in certain areas of the Donetsk and Luhansk regions" as well as on the future regime of these areas based on this law.

Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine "On interim self-government order in certain areas of the Donetsk and Luhansk regions", based on the line of the Minsk Memorandum of September 19, 2014.

5. Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine.

6. Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle "all for all". This process is to be finished on the day 5 after the withdrawal at the latest.

7. Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.

8. Definition of modalities of full resumption of socioeconomic ties, including social transfers such as pension payments and other payments (incomes and revenues, timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine).

To this end, Ukraine shall reinstate control of the segment of its banking system in the conflict-affected areas and possibly an international mechanism to facilitate such transfers shall be established.

9. Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement (local elections in certain areas of the Donetsk and Luhansk regions on the basis of the Law of Ukraine and constitutional reform) to be finalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Luhansk regions in the framework of the Trilateral Contact Group.

10. Withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine under monitoring of the OSCE. Disarmament of all illegal groups.
11. Carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Luhansk regions, agreed with the representatives of these areas), as well as adopting permanent legislation on the special status of certain areas of the Donetsk and Luhansk regions in line with measures as set out in the footnote until the end of 2015. [Note]
12. Based on the Law of Ukraine “On interim local self-government order in certain areas of the Donetsk and Luhansk regions”, questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Luhansk regions in the framework of the Trilateral Contact Group. Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.
13. Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group.

*Note*

Such measures are, according to the Law on the special order for local self-government in certain areas of the Donetsk and Luhansk regions:

- Exemption from punishment, prosecution and discrimination for persons involved in the events that have taken place in certain areas of the Donetsk and Luhansk regions;
- Right to linguistic self-determination;
- Participation of organs of local self-government in the appointment of heads of public prosecution offices and courts in certain areas of the Donetsk and Luhansk regions;
- Possibility for central governmental authorities to initiate agreements with organs of local self-government regarding the economic, social and cultural development of certain areas of the Donetsk and Luhansk regions;
- State supports the social and economic development of certain areas of the Donetsk and Luhansk regions;
- Support by central government authorities of cross-border cooperation in certain areas of the Donetsk and Luhansk regions with districts of the Russian Federation;
- Creation of the people’s police units by decision of local councils for the maintenance of public order in certain areas of the Donetsk and Luhansk regions;
- The powers of deputies of local councils and officials, elected at early elections, appointed by the Verkhovna Rada of Ukraine by this law, cannot be early terminated.

Participants of the Trilateral Contact Group:

Ambassador Heidi Tagliavini  
Second President of Ukraine, L. D. Kuchma  
Ambassador of the Russian Federation to Ukraine, M. Yu. Zurabov  
A.W. Zakharchenko  
I.W. Plotnitski

**Appendix II: Extract from United Nations Security Council Resolution 2202 (2015)**

**Declaration of the President of the Russian Federation, the President of Ukraine, the President of the French Republic and the Chancellor of the Federal Republic of Germany in support of the “Package of Measures for the Implementation of the Minsk Agreements”, adopted on 12 February 2015 in Minsk**

The President of the Russian Federation, Vladimir Putin, the President of Ukraine, Petro Poroshenko, the President of the French Republic, François Hollande, and the Chancellor of the Federal Republic of Germany, Dr Angela Merkel, reaffirm their full respect for the sovereignty and territorial integrity of Ukraine. They firmly believe that there is no alternative to an exclusively peaceful settlement. They are fully committed to undertake all possible individual and joint measures to this end.

Against this background, leaders endorse the Package of Measures for the Implementation of the Minsk Agreements adopted and signed on February 12, 2015 by all signatories who also signed Minsk Protocol of September 5, 2014 and Minsk Memorandum of September 19, 2014. Leaders will contribute to this process and will use their influence on relevant parties to facilitate the implementation of that Package of Measures.

Germany and France will provide technical expertise for the restoration of the segment of the banking system in the conflict affected areas, possibly through the establishment of an international mechanism to facilitate social transfers.

Leaders share the conviction that improved cooperation between the EU, Ukraine and Russia will be conducive to the crisis settlement. To this end, they endorse the continuation of trilateral talks between the EU, Ukraine and Russia on energy issues in order to achieve follow-up stages to the gas winter package.

They also support trilateral talks between the EU, Ukraine and Russia in order to achieve practical solutions to concerns raised by Russia with regards to the implementation of the Deep and Comprehensive Free Trade Agreement between Ukraine and the EU.

Leaders remain committed to the vision of a joint humanitarian and economic space from the Atlantic to the Pacific based upon full respect for international law and the OSCE principles.

Leaders will remain committed to the implementation of the Minsk Agreements. To this end, they agree to establish an oversight mechanism in the Normandy format which will convene at regular intervals, in principle on the level of senior officials from the foreign ministries.

### **Appendix III: Programme of the visit**

#### **Sunday 15 February**

19.50-20.50 *Flight from Kyiv to Kharkiv*

#### **Monday 16 February**

5.30 - 8.00 *Transfer from Kharkiv to Sloviansk*

8.30 - 8.50 Visit of the camp for Internally Displaced Persons (IDPs) in Sloviansk

9.00 - 9.20 *Transfer to Kramatorsk*

9.20 - 9.40 Visit to the children's hospital

9.50 - 10.00 Visit to the apartment building damaged by a missile attack

10.00 - 10.20 Meeting with representatives of Non-governmental Organisations (NGOs) as well as locally based international organisations

10.20 - 11.00 Meeting with Mr Oleksandr Kihlenko, Governor of the Donetsk Oblast

11.00 - 13.00 *Transfer to Severodonetsk*

13.00 - 13.40 Meeting with Mr Hennady Moskal, Governor of the Luhansk Oblast, and his deputy, Mr Igor Martynenkov

13.40 - 14.40 Visit of the camps for Internally Displaced Persons (IDPs)

14.45 - 15.30 Meeting with local Non-governmental Organisations (NGOs) working in the Luhansk region and with international organisations

16.00 Working lunch with Mr Andrew Richardson, Team Leader OSCE in Severodonetsk

17.00 - 22.00 *Transfer to Kharkiv*

#### **Tuesday 17 February**

8.00 *Arrival in Kyiv*

9.00 - 10.00 Meeting with Ambassador Ristovski, Head of the Council of Europe Office in Kyiv

10.00 - 10.45 Meeting with the Speaker of the Verkhovna Rada, Mr Volodymyr Groysman

11.00 - 12.00 Meeting with the governing coalition representatives with the participation of:

Mr Luchenko, Petro Poroshenko Bloc  
Ms Sotnyk, Samopomich Union  
Mr Semerak, People's Front  
Ms Ionova, Petro Poroshenko Bloc

12.00 - 13.00 Meeting with Mr Shufrich, Opposition Bloc

13.15 - 14.10 Meeting with the Vice-Prime Minister, Mr Hennadiy Zubko, Minister for Regional Development

14.30 - 15.15 Meeting with Ambassador Heidi Tagliavini, Special Representative of the OSCE Chairperson-in-Office

15.30 - 16.30 Working lunch with Ambassador Ristovski



- 17.00 - 19.00 Official meetings at the Council of Europe Office in Kyiv with the participation of:
- . Mr Oleksiy Sydorчук, political analyst, editor of Focus on Ukraine weekly, Ilko Kucheriv Institute
  - . Mr Aleksey Leshchenko, Vice-President, Gorshenin Institute
  - . Mr Sergiy Solodkyy, First Deputy Director, Institute of World Policy
  - . Dr Yaroslav Voitko, Deputy Chairman of the Board, International Centre for Policy Studies
- 20.00 Dinner hosted by H.E. Luc Jacobs, Ambassador of the Kingdom of Belgium to Ukraine, with the participation of Ambassadors of other Council of Europe member and observer States, representatives from the European Union delegation, NATO and the International Monetary Fund (IMF)

### **Wednesday 18 February**

- 8.30 - 10.00 Working breakfast with head of missions and members of the international community, Radisson Blu Hotel, with the participation of:
- . Mr Wolfgang Sporrer, Political Advisor, OSCE Special Monitoring Mission
  - . Mr Vanno Noupech, UNHCR Deputy Regional Representative for the Republic of Belarus, Republic of Moldova and Ukraine
  - . Mr Armen Haryutyunyan, Head of UN Human Rights Monitoring Mission to Ukraine
  - . Mr Michel Masson, Head of the ICRC Delegation
  - . Mr Stan Veitsman, Peace and Development Advisor, Office of the UN Resident Coordinator, United Nations in Ukraine
- 10.30 - 11.30 Meeting with Representatives of foreign affairs and human rights committees with the participation of:
- . Mr Arieв (Petro Poroshenko Bloc), Chairperson of the Ukrainian delegation to the Assembly, Committee on Foreign Affairs
  - . Ms Zalishchuk (Petro Poroshenko Bloc), Committee on Foreign Affairs
  - . Ms Gerashchenko (Petro Poroshenko Bloc), Chairperson of the Committee on European Integration, member of the Ukrainian delegation to the Assembly
  - . Mr Nemyria (Batkivshchyna All-Ukrainian Union), Chairperson of the Human Rights Committee
  - . Ms Lutsenko (Petro Poroshenko Bloc)
  - . Mr Vlasenko (Batkivshchyna All-Ukrainian Union), member of the Ukrainian delegation to the Assembly
  - . Mr Yemets (People's Front), member of the Ukrainian delegation to the Assembly
- 11.40 - 12.30 Meeting at the Ministry of Internal Affairs with the participation of:
- . Mr Avakyan, Deputy Minister of Internal Affairs for European Integration
  - . Mr Shkiriak, Advisor to the Minister of Internal Affairs of Ukraine
  - . Mr Chalavan, Head of Department for the Organisation of Special Police Units Activity
  - . Mr Kasap, Deputy Head of the International Relations Department
- 13.00 - 15.00 Working Lunch
- 16.00 - 16.50 Meeting with the Deputy Minister of Defense, Mr Petro Mehed
- 17.00 - 18.00 Meeting with the Minister of Foreign Affairs, Mr Pavlo Klimkin
- 18.30 - 20.00 Meeting with representatives from civil society