**Cessation of the Armed Conflict in Eastern Ukraine and the Effective Overcoming of its Legacies**

Statement addressed to the incoming OSCE Chairmanship, the OSCE Ministerial Council, and the OSCE participating States

Since the beginning of the armed conflict, eastern Ukraine has seen over 9,700 people killed, some 22,000 people injured, around two million people forced to flee their homes and regional infrastructure badly damaged.[[1]](#footnote-1) Frequent violations of international humanitarian law have been documented in the conflict zone, such as torture, illegal executions, the indiscriminate shelling of civilian facilities, including medical facilities, and the use of civilian facilities and means of transport for military purposes. Access to the conflict zone for international humanitarian organisations remains severely limited. The ongoing confrontation continues to significantly complicate Ukraine’s progress towards becoming a democratic state based on the values of justice and integrity.

Dozens of civilian groups and organisations from Ukraine and other OSCE participating States are actively working in the crisis region and, where they have access, they play a substantial role in the protection of fundamental human rights. Their important work includes documenting human rights violations; educating the population regarding their fundamental rights; creating platforms of dialogue and running reconciliation initiatives to mitigate the consequences of the armed conflict. Co-operation between Ukrainian and Russian civil society groups and organisations, as well as with organisations from other European countries is the basis for numerous civic initiatives aimed at achieving peace.

However, in certain areas of the Donetsk and Luhansk regions[[2]](#footnote-2) human rights protection is non-existent due to the lack of access to justice both on national and international levels. As emphasized in the latest PACE resolution number 2133 (2016)[[3]](#footnote-3) of 12 October 2016, the Russian Federation is responsible under international law for human rights violations in these areas as it actually controls the armed groups there.

**Based on our experience of working in the armed conflict zone in eastern Ukraine and our knowledge of the region and its problems, we consider the following conditions as an essential prerequisite for achieving a lasting resolution to the conflict and mutual understanding among all sections of the Ukrainian population:**

1. Restoration of safety: A stable ceasefire is required for the successful implementation of the Minsk Agreements, the restoration of trust between the OSCE participating states following the blatant violation of interstate agreements regarding the integrity of borders and the peaceful settling of disputes. The restoration of security is impossible without a complete restoration of Ukrainian control over its borders.
2. Protection of fundamental rights and freedoms: The protection of fundamental civil and political rights is an essential precondition for holding free and fair local elections. The possibility for free expression of choice requires the unimpeded participation of Ukrainian parties throughout the election process, open and free coverage by Ukrainian media in the region before and during the elections, and the internally displaced people should be allowed to participate.
3. An amnesty for participants in the conflict (provided they have not committed war crimes or crimes against humanity) could incite them to cease such activities. The principle of inevitability of punishment for perpetrators of war crimes and crimes against humanity must remain firm. Bringing perpetrators to justice is a key step in the peace process – restoring justice of tens of thousands of victims of the conflict and their families.
4. The population in these areas of the Donetsk and Luhansk regions and other Ukrainian citizens must be involved in a dialogue on the shared future of the country.

**We call upon Austria as the Chair country of the OSCE** **in 2017, and all OSCE participating States to cooperate in implementing the following recommendations:**

1. Full adherence to the ceasefire, as well as to international human rights and international humanitarian law by all parties of the conflict.
2. Monitoring of adherence to the ceasefire along the line of contact 24/7 and extension of the mandate of the OSCE Special Monitoring Mission to the whole of the Ukrainian-Russian border and all border crossing points.
3. Facilitation of free access of international humanitarian, human rights and peace-building organizations to the whole Donbas region and especially to certain areas of the Donetsk and Luhansk regions.
4. Guaranteed direct, constant and immediate participation of civil society organisations in the monitoring and reconciliation processes, through:

- regular consultations between the OSCE Secretariat, the OSCE Conflict Prevention Centre, the OSCE SMM, and specialised civil society organisations;

- the organisation of a first consultative meeting in early 2017

- elaboration of mechanisms of participation of civil society in the negotiation and peace-building process on all levels.

1. Guaranteed monitoring of **the situation in places of detention (including places of illegal detention)**,byassuring access to detention facilities with the aim of collecting full **details about detained individuals** and examining detention standards.
2. The involvement of international experts and NGOs in the process of securing the urgent release of prisoners and unlawfully detained individuals from detention in accordance with the Minsk Agreements.
3. Provision of international legal advice  **to Ukrainian legislators on the development of amnesty laws**. An amnesty is essential to the peace process, but should not become a synonym for impunity. Any amnesty should be implemented in accordance with Ukraine’s international commitments and international humanitarian law.
4. Improved knowledge and qualification of **national and regional Ukrainian officials**  through activities aimed at improving legal expertise of civil servants, military personnel and members of elected local, regional and national authorities of Ukraine.
5. **Communication and clarification of the current and any future OSCE SMM mandates** amongst the population, particularly in the conflict region in order to ensure transparency and a better understanding of the work of the OSCE.
6. Support for NGO projects in the fields of civil monitoring, improvement of the living standard of the local population and the establishment and development of peacekeeping initiatives.

We, intend to develop joint proposals for a sustainable conflict resolution at both the regional and international level.

*Adopted by members of the initiative group for the creation of “****CivilMPlus****”[[4]](#footnote-4), an open platform of civic organisations for the furthering of the peace process in eastern Ukraine, and signed by other NGOs and activists*

Berlin, 9 November 2016

Signatures

**CivilMPlus**

• Association EASTERN PERSPECTIVE, Kraków

• Association of Middle East Studies, Kyiv

• Valentina Cherevatenko (Chair of the Council of the Women of the Don Union), Novocherkassk

• Centre for Civil Liberties, Kyiv

• East-Ukrainian Center for Civic Initiatives, Luhansk / Kyiv

• German-Russian Exchange (DRA e.V.), Berlin

• Human Rights Centre “Memorial“, Moscow

• Helsinki Foundation for Human Rights, Warsaw

• Olga Koreniuk (Women’s International League for Peace and Freedom), Kyiv

• Sergey Krivenko, Human Rights Initiative "Citizen and Army", Moscow

• Luhansk Regional Human Rights Center “Alternative”, Luhansk/Kyiv

• Oleksiy Matsuka, head of Donetsk Institute of Information, Donetsk/Kyiv/Slovyansk

• MEMORIAL Germany e.V.

• Galina Pokhmelkina, PhD (psychotherapist, mediator, coach), Moscow

• Ilona Sologoub, VoxUkraine, Kyiv

• Ukraine Action, Paris

• Vostok SOS, Luhansk / Kyiv

• Łukasz Wenerski, Analyst/ Project coordinator, Institute of Public Affairs, Warsaw

• Andrey Yurov, human rights defender, Voronezh/Moscow

**Civic solidarity platform**

• Center for the Development of Democracy and Human Rights, Moscow

• Human Rights Movement “Bir Duino-Kyrgyzstan”, Bishkek

• Public Verdict Foundation, Moscow

• Helsinki Citizens Assembly – Vanadzor, Armenia

• Promo LEX Association, Chişinău

• Institute Respublica, Kyiv

• The Netherlands Helsinki Committee, the Haague

• Kazakhstan International Bureau for Human Rights and Rule of Law, Almaty

• Moscow Helsinki Group

• The Kosova Rehabilitation Center for Torture Victims, Pristina

• Ukrainian Helsinki Human Rights Union, Kyiv

• The Barys Zvozskau Belarusian Human Rights House, Vilnius

• Protection of Rights without Borders, Yerevan

• Bulgarian Helsinki Committee, Sofia

• Swiss Helsinki Committee, Bern

**[collection of signatures continues]**

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**German-Russian Exchange (DRA e.V.)**

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1. Report on the human rights situation in Ukraine 16 may to 15 August 2016 by the Office oft he United Nations High Commissioner for Human Rights, http://www.ohchr.org/Documents/Countries/UA/Ukraine15thReport\_ru.pdf [↑](#footnote-ref-1)
2. This term is used in the Minsk Agreements to refer to territories controlled by Russian-backed seperatists and currently outside of control of Ukrainian government. [↑](#footnote-ref-2)
3. Legal remedies for human rights violation on the Ukrainian territories outside the control of the Ukrainian authorities. Resolution of the Parliamentary Assembly of the Council of Europe, 12 October 2016. http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23167&lang=2 [↑](#footnote-ref-3)
4. The members have set up an open and free platform, in which civil non-profit organisations (human rights, peacekeeping, humanitarian, amongst others) and independent representatives of civil society from Ukraine, Russia and other European countries have the opportunity to contribute to in a meaningful, cooperative way to the international negotiations regarding the rebuilding of Donbas as a peaceful region of a democratic Ukraine – part of a common, open Europe. The association intends to form and complete a plan of initiatives for the resolution of the armed conflict and to ease the hardship of those people who have suffered as its consequences in Eastern Ukraine. In doing so, a precedent shall be created for an effective civil influence in the role of equal participant in the process of international reconciliation of similar conflicts. This will show that consolidated international civil associations can act together to defend fundamental human rights principles and oppose violations of universally recognised security standards in Europe. The organisations entering into this association acknowledge the following common goals: a guarantee of adherence to international human rights principles, support for the restoration of peace and the primacy of law in all conflict territories in Ukraine. [↑](#footnote-ref-4)