



The Ukraine List #489

The Ukraine List (UKL) #489
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For regular postings on Ukraine and Ukrainian Studies, follow me on Twitter at @darelasn

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- 15- Interfax-Ukraine: Council of Europe Deplores Lack of Consultation with Minorities
- 16- Atlantic Council: Anders Aslund, US Wrongly Solely Focused on Nukes in 1990s
- 17- Novaya gazeta (Russia): Interview with Fred Westerbeke, MH17 Chief Investigator

- 18- Fifth Annual Workshop, Working Group on Religion (14-16 June 2018, Kyiv)

#1

Proposal Deadline Reminder: 26 October 2017

ASN 2018 World Convention
Columbia University
3-5 May 2018
<https://www.asnconvention.com/proposal-information>

Contact information:
Proposals must be submitted to:
darel@uottawa.ca and darelasn2018@gmail.com

Over 150 PANELS in nine sections, including Ukraine
Huge section on Ukraine (2017 Convention had 17 panels and 4 films)
Thematic Section on The Conflict in Ukraine

ASN Documentary Film Section (New World Documentaries)
ASN Book Panels (Special Panels on New Academic Books)
ASN Awards (Best Doctoral Papers, Best Book, Best Documentary)

The ASN World Convention, the largest international and inter-disciplinary scholarly gathering of its kind, welcomes proposals on a wide range of topics related to nationalism, ethnicity, ethnic conflict and national identity in regional sections on the Balkans, Central Europe, Russia, Ukraine, Eurasia, the Caucasus, and Turkey/Greece, as well as thematic sections on Nationalism Studies and Migration/Diasporas. Disciplines represented include political science, history, anthropology, sociology, international studies, security studies, geopolitics, area studies, economics, geography, sociolinguistics, literature, psychology, and related fields.

ASN Proposal Submission Information

The ASN 2018 Convention invites proposals for papers, panels, roundtables, books or documentaries:

- A paper proposal can have one or multiple authors. Only authors presenting at the Convention will have their names listed on the program;
- A panel proposal includes a chair, three or four presentations based on written papers, and a discussant;
- A roundtable proposal includes a chair and four presentations not based on written papers;
- A book panel proposal includes a chair, the book author and three discussants. If the book has two authors, who will both present at the Convention, then are two discussants;

- A documentary proposal includes the film director and a scholar who will lead the discussion after the screening (the scholar can be selected by the Convention).

Detailed application information can be found at <https://www.asnconvention.com/proposal-information>

Deadline for proposals: 26 October 2017 (to be sent to both darel@uottawa.ca AND darelasn2018@gmail.com, with a single attachment).

For any question: Dominique Arel, darel@uottawa.ca.

#2

Chatham House Report

The Struggle for Ukraine
18 October 2017
<http://bit.ly/2yqCrJZ>

James Nixey, Introduction, 1-9
James Sherr, Geopolitics and Security, 10-23
Kataryna Wolczuk, European Integration, 24-38
Timothy Ash, Economic Reforms, 39-47
Janet Gunn, Governance, Democratization and Mass Media, 48-58
Orysia Lutsevych, Civil Society, 59-73
John Lough, Anti-Corruption Reforms, 74-86

This report makes the case for increased Western support, and argues the EU has been too timid in applying its unprecedented political mandate to drive forward post-2014 reforms in the country.

The report, which includes policy recommendations, assesses Ukraine's position and prospects, and examines its double existential threat: resisting Russian interference, and the fierce internal contest to determine its own political, institutional and civic future.

It states it is an illusion to believe diplomatic formulas alone will diminish Russia's determination to dominate Ukraine, suggesting the West must work inside and outside international negotiation frameworks, the Normandy Format and Minsk process, to resolve the war between Ukraine and Russia and strengthen European security.

The West should provide increased defence assistance and training; funding for the modernization of the Kyiv-controlled parts of Donbas and NATO advisory programmes in the security and law enforcement sectors, it says.

#3

New Book

Serhii Plokhy

Lost Kingdom

The Quest for Empire and the Making of the Russian Nation

Basic Books, 2017

<http://bit.ly/2xPSW2F>

In 2014, Russia annexed the Crimea and attempted to seize a portion of Ukraine. While the world watched in outrage, this blatant violation of national sovereignty was only the latest iteration of a centuries-long effort to expand Russian boundaries and create a pan-Russian nation.

In *Lost Kingdom*, award-winning historian Serhii Plokhy argues that we can only understand the confluence of Russian imperialism and nationalism today by delving into the nation's history. Spanning over 500 years, from the end of the Mongol rule to the present day, Plokhy shows how leaders from Ivan the Terrible to Joseph Stalin to Vladimir Putin exploited existing forms of identity, warfare, and territorial expansion to achieve imperial supremacy.

An authoritative and masterful account of Russian nationalism, *Lost Kingdom* chronicles the story behind Russia's belligerent empire-building quest.

#4

13th Annual Danyliw Research Seminar on Contemporary Ukraine

Chair of Ukrainian Studies, University of Ottawa, Canada

Desmarais Hall 12102

16-18 November 2017

Seminar Program (Abridged version, minus moderators, discussants, and time)

[The full program is at <https://www.danyliwseminar.com/program-2017>]

Panel moderators: Dominique Arel (Chair of Ukrainian Studies, U of Ottawa), Anna Colin Lebedev (U Paris Ouest Nanterre La Défense, France), Mayhill Fowler (Stetson U, US), Oxana Shevel (Tufts U, US) Ioulia Shukan (U Paris Ouest Nanterre La Défense, France), Blair Ruble (Wilson Center, US) and Natalka Patsiurko (Statistics Canada).

THURSDAY 16 NOVEMBER

Political Economy

Mitchell Orenstein (U of Pennsylvania, US, more@sas.upenn.edu)
Polarization and Power Brokers in Ukraine and EU Eastern Partnership Countries

Oksana Dutchak (Kyiv Polytechnic Institute, Ukraine, ok.dutchak@gmail.com)
Next-Door Relocation: Labor Conditions and Bargaining Power in Ukrainian Done-for-Brands Garment Industry

Two New Books on the Ukrainian Economy

Oleh Havrylyshyn (Economist, Canada, o.havrylyshyn@utoronto.ca)
The Political Economy of Independent Ukraine: Slow Starts, False Starts, and a Last Chance? (Palgrave, 2017)

Yulia Yurchenko (U of Greenwich, UK, y.yurchenko@greenwich.ac.uk)
Ukraine and the Empire of Capital: From Marketisation to Armed Conflict (Pluto Press, 2017)

The Voluntary Battalions

Montana Hunter (King's College, UK, montanablu@gmail.com)
Crowdsourcing the Voluntary Battalions, 2014-2015

Tor Bukkvoll (Norwegian Defense Research Establishment, tor.bukkvoll@ffi.no)
States and Pro-Government Militias: The Case of the Ukrainian Volunteer Battalions

The Far Right on Maidan

Volodymyr Ishchenko (Kyiv Polytechnic Institute, Ukraine, jerzy.wolf@gmail.com)
The Positive and Negative Effects of the Radical Nationalists in the Maidan Protests

Film Screening

The Trial: The State of Russia vs Oleg Sentsov (Poland, 2017)

On the show trial of Crimean filmmaker Oleg Sentsov, accused of "terrorism" and sentenced to 20 years in a Siberian prison.

Followed by a Q&A with film director Askold Kurov (Russia, askold.kurov@gmail.com)

FRIDAY 17 NOVEMBER

Memory Wars

Marta Havryshko (Institute of Ukrainian Studies, Lviv, Ukraine, havryshko@gmail.com)
Overcoming Silence: Men, Women and Violence in the Ukrainian Nationalist Underground

Diána Vonnák (Max Planck Institute, Halle, Germany, vonnak@eth.mpg.de)
Unlikely Alliances: Orthodox Jews and Ukrainian Nationalism against a Holocaust Memorial in Lviv

Daria Mattingly (U of Cambridge, UK, dm628@cam.ac.uk)
Discrepancy of Portrayal of the Rank-and-File Perpetrators of the Holodomor in Cultural Memory

Homage to Theofil Kis for his 90th Birthday

Dominique Arel (U of Ottawa, Canada, darel@uottawa.ca)
Iryna Makaryk (U of Ottawa, Canada, makaryk@uottawa.ca)

Theofil Kis, born in Ukraine and a retired professor of political science, is one of the founders of the Chair of Ukrainian Studies.

The Insurgents

Oleksandr Melnyk (U of Alberta, Canada, alex.melnyk@utoronto.ca)
Decentralized Insurrection and Charismatic Warlordism

Natalia Savelyeva (U of Tyumen, Russia, natasha-saveleva@yandex.ru)
Getting Involved: Motives, Identities, and Narratives of Mobilization of Pro-Russian Combatants in Eastern Ukraine

Journalism and War Roundtable

Stéphane Siohan (Freelance Journalist, Kyiv, Ukraine, stephane.siohan@gmail.com) and
Oksana Grytsenko (Kyiv Post, Ukraine, grytsenko.o.o@gmail.com)

Film Screening

Alisa in Warland (Ukraine, 2016, directed by Alisa Kovalenko)

Alisa is a 26-year-old student at the film academy in Kyiv. She witnesses the Maidan demonstrations and embarks on a trip through Ukraine in an attempt to understand the war.

Followed by a Q&A with film director Alisa Kovalenko (Kyiv, Ukraine, alisafrom@gmail.com)

Saturday 18 November

Arts and Politics

Maria Sonevytsky (Bard College, US, maria.sonevytsky@gmail.com)
Wild Music: Ethnic Intimacy, Auto-Exoticism, and Infrastructural Activism in the Music of Pop Star Ruslana

Book Panel

Mayhill Fowler (Stetson U, US, mfowler@stetson.edu)
Beau Monde on Empire's Edge: State and Stage in Soviet Ukraine (U of Toronto Press, 2017)

Lenin and Ukraine

Anna Kutkina (U of Helsinki, Finland, anna.kutkina@gmail.com)
The Fall of the Lenin Statues: Grassroots Narratives of Post-Maidan Ukraine

Post-Maidan Reforms

Daniel Beers (James Madison U, beersdj@jmu.edu) and Maria Popova (McGill U, Canada, maria.popova@mcgill.ca)
Judicial Reform after the Euromaidan: The More Things Change...

Anthony Levitas (Brown U, US, anthony_levitas@brown.edu)
"Decentralization" and Local Government Reforms since Maidan

Post-Maidan Survey Research

Henry Hale (George Washington U, hhale@gwu.edu)
Who Supports Radical Reforms in Ukraine?
Choosing among Alternative National Trajectories at Critical Junctures

Inna Volosevych (GfK Ukraine, Kyiv, inna.volosevych@gfk.com)
Political Views in Non-Government-Controlled Areas of Ukraine

#5

Is Ukraine Changing Its Donbas Policies?

by Kateryna Kruk

BNE Intellinews, 13 October 2017

<http://bit.ly/2x8yshu>

We all know by now that Ukrainian politicians have a tendency to overdramatise. Often instead of productive discussion and attempts to negotiate an acceptable compromise, they cry “it’s treason, the end of the world”, block the tribune, start fighting or bring out the smoke grenades. Drama staged by Ukrainian MPs averted attention from the essence of the recently considered Donbas laws and made a professional and quality discussion impossible. Which is really sad, because the Ukrainian parliament had before it probably the most decisive law on Donbas ever and it’s aimed at something a bit bigger than just making Russia angry.

To remind you, on October 6 the Verkhovna Rada of Ukraine considered two laws on Donbas. The first one was about prolonging the special status of Donbas as required under the Minsk agreements, the second one is shortly called the “Donbas reintegration law”.

The law on the special status of Donbas is well known in Ukraine as a controversial one. The first version was passed in September 2014 as an aftermath to the signing of the Minsk agreement. Little has been done since then in terms of creating a lasting ceasefire and providing conditions for the peaceful settlement of the war. Many called it a “dead law” due to the lack of the real progress in implementing the Minsk agreement.

Nevertheless, its prolongation appeared to be an uneasy task for the Ukrainian parliament. Criticism of the Minsk agreement is one of the very few things in Ukraine on which there is a popular consensus. Requirements for special status - such as amnesty for those who fought for the separatist Donetsk People’s Republic (DNR) and Luhansk People’s Republic (LNR) or served in their institutions, the creation of a local militia, organisation of elections, full financial support from the Ukrainian budget to the regions - are popularly called “giving in to Russia” in Ukraine. Prolongation of the highly criticised law took place in a dramatic atmosphere with fights, a blocking of the tribune by MPs and smoke grenades involved.

In a desperate attempt to convince MPs to vote for the law, the president’s representative in the parliament emphasised that prolongation of this law is an important factor to keep the international sanctions against Russia and prove Ukraine’s willingness to implement the Minsk agreement. This is, undoubtedly, the most important reason to prolong the law.

While in Ukraine it was accepted with skepticism and concern, the country’s international partners, especially those involved in the Normandy format, quickly congratulated Ukraine on adopting the law and showing willingness to keep up with

the Minsk requirements. Kurt Volker, a special US representative for the Ukraine negotiations, tweeted “special status extension shows Ukraine is taking tough steps for peace”.

Nevertheless, this law will remain largely declarative. During the negotiations in the parliament, it was agreed to add a provision that the law will be implemented only “after all conditions stated in Article 10 of the law [on special local self-governance procedures] are fulfilled, specifically as regards the withdrawal from the territory of Ukraine of all illegal armed formations, their military equipment, and militants and mercenaries.” However fair the demand is, it “freezes” the law’s implementation and gives Ukrainian society belief that the largely criticised provisions of the Minsk agreement won’t be fulfilled any time soon.

It should be added that President Petro Poroshenko is in a quite troubled situation regarding Minsk. Just as much as he must prove to the international society that Ukraine is implementing Minsk, for the domestic audience he has to play a different game of convincing people Ukraine won’t give in to Russian demands outlined in the agreement. Knowing that there is no escape from the foreign partners with regard to the prolongation of the special status for Donbas, the so-called Donbas reintegration law looked like an attention seeking manoeuvre for the Ukrainian audience. To a certain extent, it paid off: a lot of attention was given to the law that finally declares Russia an aggressor and sets the names straight: war, not an anti-terrorist operation. Nevertheless, if the law is adopted in the second reading, it will become the strongest manifestation of the Ukrainian position so far.

First of all, it is supposed to bring an end to the confusion over terms. Parts of the Donetsk and Luhansk regions where the Russian occupation administration and troops are based are declared territories occupied by Russia. No more separatists or terrorists, but Russian regular troops or mercenaries supported and financed by Russia. Secondly, the draft law declares that this temporary occupation is illegal and that it creates no rights for territorial claims by Russia. Ukraine’s main task is to liberate its territories and restore a constitutional order, guarantee the protection of rights of Ukrainian citizens and take the necessary steps to strengthen the independence, statehood, territorial integrity and unity of Ukraine. Also, since the law clearly underlines that Russia is an aggressor, it gives permission to the president to use the armed forces of Ukraine to rebuff the aggression. Nevertheless, the document repeats that implementation of the Minsk agreement remains a priority for Ukraine in restoring peace in Eastern Ukraine.

One of the most debated provisions of the law allows ending the Anti-Terrorist Operation (ATO) regime and transferring control over the regions along the front line from the Security Service of Ukraine to the Joint Operational headquarters. This means that Ukraine legally recognises that this is a war against Russian organised troops and mercenaries supported by Moscow, not an anti-terrorist operation fighting terrorists.

The law that seems tough is, in a way, nothing more than an articulate description of the reality. There is a war and Russia is an aggressor. The natural question arises: why didn't Ukraine come up with this law three years ago? The answer might not necessarily come from within Ukraine. It is no secret that Ukraine was long restrained by its international partners as to the language and framing of the conflict.

The timing of the proposed law is significant. Currently, Ukraine is conducting a tough diplomatic battle over the future of the UN peacekeepers' mission to Donbas. Two years after the concept was proposed by Poroshenko, Russia took the idea and started to move forward with it. The biggest issues concern the territory on which the mission will be deployed, as well as its composition. Ukraine rejects Russian conditions and insists the UN troops should be deployed on the entire Donbas territory and that the mission cannot include any Russian soldiers. Many in Ukraine believe that recognising Russia as an aggressor could possibly prevent it from taking part in the UN peacekeeping mission in Donbas. That could be one of the reasons why Kyiv has finally decided to toughen its official language and, let's admit it, to finally start calling things by their names.

With these laws, Ukraine sounds more determined and confident. Although it declares that all its actions still remain within the Minsk agreement framework, the reintegration law looks a bit like flexing its muscles and telling Russia if it doesn't want to settle on the proposed terms, Ukraine is ready to take things to another level. This could be true only if Kyiv is sure of the support of the international community and a certain level of fatigue with Russian President Vladimir Putin among Western leaders. Nevertheless, the reintegration law felt more like another step in the game, rather than a game-changer itself. One thing is clear: it won't take us long to find out.

#6

Putin's Plan For A Ukraine UN Force Is A Poison Pill

by Mathieu Boulegue
Newsweek, 17 October 2017
<http://bit.ly/2zmbvYP>

With its new plan to send a UN-backed peacebuilding mission to Donbas, the Kremlin is trying to turn Ukraine's own idea against itself through swift changes in the peace process and the future mandate provided by a "win" ahead of Russia's March 2018 presidential elections.

On September 5, Vladimir Putin asked the United Nations Security Council to send a lightly armed peacekeeping mission to Eastern Ukraine to ensure the safety of the Organization for Security and Co-operation in Europe (OSCE) monitors deployed on the demarcation line between Kiev-controlled Ukraine and the "People's Republics" in the separatist areas of Donbas.

The broad idea has been floating around since May 2015, when Ukrainian President Petro Poroshenko requested an international peacekeeping force. The appeal failed to attract attention until Kiev put it back on the OSCE's agenda in April 2016, announcing its intent to send an armed police mission to Eastern Ukraine.

It was turned down after months of fruitless negotiations and disagreements between Kiev and Moscow over the nature and mandate of the mission.

The Russian proposal has also gathered little traction from international community. Kiev, unsurprisingly, refused the numerous restrictive preconditions attached to the creation of the peacekeeping force, notably the emphasis on *de facto* recognition of the separatist entities as well as the geographical scope of the mission.

And whereas Moscow wants to deploy forces only along the line of contact, Kiev argues they should be able to monitor throughout the separatist territories and, most importantly, on the Russian-Ukrainian border.

Moscow's rationale behind its new peacekeeping proposal is twofold. First, the Kremlin wants to thwart the "de-occupation law" now going through the Ukrainian Rada.

According to the bill, Ukrainian lawmakers would formally recognise Donbas as temporarily occupied territories by Russian forces, thus officially "freezing" the conflict, and isolating the "People's Republics" of Donetsk and Luhansk from the rest of Ukraine.

This would transfer responsibility for the separatist territories on to Russia. This Moscow needs to avoid at all costs, preferring a "special status" for Donbas that would legitimise the uncoupling of the territories.

Moscow's second motive for its peacekeeping proposal is, through the Minsk process, to change the dynamics of conflict resolution. Russia is trying to mirror the intention behind the Rada vote: to pass the "poison pill" of the separatist territories back to Ukraine and ensure that Kiev carries the political and the financial cost of reintegrating Donbas.

Several signs support this. Recent discussions in Russia about redirecting "humanitarian aid" provided to separatist Donbas to Crimea and the Kaliningrad oblast, as well as rumours of upcoming leadership changes in the "People's Republics" of Donetsk and Luhansk in preparation for a potential reintegration of the territories with Ukraine.

The war in Ukraine is a war of attrition, both on the frontline and in the diplomatic realm. With the Minsk process stalled (and increasingly criticized), both Moscow and Kiev remain entrenched behind their diverging interpretations. This ends up creating a mutually-reinforcing impasse that Russia may be looking to break free from.

In seeking to change tactics, however, it is harder to perceive how the Kremlin will save face and turn it into a political victory at home.

UN negotiations and US-Russia back-channels will continue to seek an acceptable peacekeeping mission in Eastern Ukraine for Russia and Ukraine. Washington could conceivably get behind the Russian plan to give it that face-saving way out. Many issues remain unaddressed. For instance, amnesties for separatist fighters, local elections, post-conflict stabilisation and rehabilitation of Donbas, etc. Time will tell if great power politics overwhelms these “details” - to Ukraine’s detriment and Russia’s advantage.

#7

Donbas Peacekeepers Proposal A Classic Putin Gambit

by James Sherr

Chatham House, 16 October 2017

<http://bit.ly/2ytb02h>

Since 5 September, much attention has been devoted to Vladimir Putin’s proposal to bring UN ‘blue helmets’ into Ukraine’s Donbas. His initiative is vintage Putin. It shifts the ground, reversing Russia’s rejection of a UN presence as recently as 2 September. It is double-edged, juxtaposed alongside threats of a wider conflict if the US provides lethal weapons to Ukraine’s armed forces. It outflanks the opponent, Ukraine’s President Petro Poroshenko, who has been calling for a UN presence since February 2015. It earns praise (notably from Germany’s outgoing foreign minister, Sigmar Gabriel, who called it a ‘change in [Russia’s] policy that we should not gamble away’). And it adds two problems for everyone it solves.

What Ukraine proposes is a robust UN peace enforcement mission consistent with Chapter VII of the UN Charter (‘Threats to the Peace, Breaches of the Peace and Acts of Aggression’). What Russia envisages is a tightly constrained deployment based on the more modest provisions of Chapter VI (‘Pacific Settlement of Disputes’).

The precedent of the 1994–95 UN-sanctioned but NATO-led peace enforcement operation in Bosnia-Herzegovina is at the heart of Ukraine’s conception. It is anathema to Russia, which calls for a lightly armed UN contingent, confined to the line of contact, thereby incapable of implementing their supposed mission of protecting the OSCE Special Monitoring Mission which, under the Minsk II agreement of February 2015, is entitled to unimpeded access throughout the conflict zone. That access has never been granted, and nothing in Russia’s proposal would alter this. Although both proposals are predicated on a full cease-fire and withdrawal of heavy weapons, under Putin’s variant the latter would be withdrawn solely from the line of contact between Ukrainian and ‘separatist’ forces stipulated under Minsk. Under Poroshenko’s, such weapons as well as ‘foreign’ forces would be withdrawn across the interstate border under supervision of UN troops, who Russia insists should have no role there at all. Russia also insists that the separatist

'authorities' must agree the composition of UN forces and the modalities of their employment.

There is no possibility that the West will accept Russia's proposal in the form presented, and Moscow must know this. Thus, Putin's gambit is only an opening gambit. A radical question therefore arises: supposing his ultimate gambit is to meet the West's terms? A full cease-fire comes into effect, UN peacekeepers deploy throughout the territory, and, to all intents and purposes, Russian troops and 'volunteers' depart. In the view of Ukraine's authoritative commentator, Vitaliy Portnikov, this would be 'the perfect trap'. It would transform the target of pressure from Russia to Ukraine. Thus far, Kyiv has resisted implementing the political provisions of the Minsk II agreement on the impeccable grounds that free elections are impossible under foreign military occupation and in the midst of an armed conflict. Take away the occupation and the conflict, and you take away the argument. You also take away the argument for maintaining (non-Crimea related) sanctions and hand financial responsibility for the welfare of the territories to Kyiv.

Moscow has three sound reasons to consider such a tradeoff. First, Russia has almost nothing to show for four years of war. It has created new enemies and made no friends. Its proxies control four per cent of Ukraine. Unoccupied Ukraine has not unravelled but consolidated. Its Western partners have ceded nothing of substance to Russia, neither its 'federalization' nor its 'neutralization'. Second, the war is costly, as is subsidising the separatist republics at roughly €1 billion annually. During the Battle of Avdiivka in January-February 2017, Moscow curtly rebuffed their entreaties for greater assistance. Third, there is the Trump administration, which has turned out to be a far tougher proposition than anticipated. However warm Trump's personal feelings towards Russia, his national security team has shown itself to be orthodox in its grasp of US interests and unyielding. The administration's willingness to intervene unilaterally, decisively and without warning, much as it discomfits NATO allies, is unnerving to Russia, which had grown accustomed to Obama's predictable and disarmingly transparent approach. The soft-spoken but steadfast US special representative on Ukraine, Kurt Volker, is proving to be more than a match for his silver-tongued counterpart, Vladislav Surkov. Word on the Moscow street is that Sergey Lavrov believes it is time to wrest the initiative from Surkov and explore serious compromises.

None of this means that a breath-taking retreat of the kind suggested by Portnikov is imminent. 'The devil is in the details' is an axiom well understood by Lavrov, who is a master at drowning his opponents in minutiae. Even if Russia accepts a robust UN deployment, the minutiae are daunting and critical. What will the composition and armament of the UN forces be? How will 'foreign' military personnel who have learnt to be indistinguishable from local ones now be distinguished? Which categories of weaponry will have to go, and which will remain? How much control will the republican 'authorities' have over these arrangements, and how many Russian vetoes will there be at the table? How will a level playing field be established between surrogates of existing political structures and the mainstream Ukrainian political forces, which have been excluded from the territories since 2014?

We might be approaching the time when Russia wants to get out of Donbas. If so, everything will then depend on the meaning of 'Russia' and 'out'.

#8

A U.N. Peacekeeping Operation is the Only Way Forward in Ukraine

by Alexei Arbatov

War on the Rocks, 28 September 2017

<http://bit.ly/2xVymgv>

Russian President Vladimir Putin's proposal to send U.N. peacekeepers to Ukraine received a tepid response from the West, but such a mission could very well be a first step in ending the conflict.

Putin's proposed mandate for the force was exceedingly narrow, focused only on providing security for the unarmed Organization for Security and Co-operation in Europe (OSCE) monitoring mission that has been operating there since March 2014. The Russian proposal, which is now being discussed by the U.N. Security Council, calls for a U.N. force to be located only on the line of contact. Putin said publicly that the force should be deployed only after the sides disengage and withdraw heavy weaponry.

The idea of sending a U.N. peacekeeping operation to Donbas is not new. Indeed, it was first discussed by a small group of independent Russian and American experts on the Finnish island of Boisto in November of 2014. The Russian participants in this Track II exchange eventually publicized their proposals, but they were rejected by both Ukraine and key Western governments. Moscow also poured cold water on these ideas at the time. But good ideas don't die. Rather, they reemerge when political conditions are ripe.

Press reports suggest that the Kremlin might now be open to a wider mandate but firm details remain hard to come by, prompting some observers to speculate that Putin was merely improvising or trying to upstage Ukrainian President Petro Poroshenko who has pushed similar ideas in recent years.

Reactions from Ukrainian and Western representatives have generally stressed their desire to explore what they see as the positive aspects of Putin's proposal without boxing themselves in. It is easy to imagine that they will have plenty of reservations.

This isn't the first time that Putin has floated this kind of idea. Back in April 2016, Putin mentioned during his televised call-in show with the Russian people that he supported Poroshenko's proposal to deploy armed OSCE monitors along the line of contact. Now instead of arming members of the OSCE mission, Putin is suggesting that they be protected by a U.N. armed force.

The Minsk II ceasefire agreement signed in February 2015 made no provision for such a contingent. Roughly during this same timeframe, Poroshenko had called for the presence of U.N. peacekeeping forces in the Donbas, though he was talking about operating throughout the territory of the self-proclaimed Donetsk and Lugansk People's Republics, not just along the line of contact.

The Minsk II process has been hopelessly stalled on nearly all issues for the past two and a half years. Even though the current level of violence is fairly low at the moment, the ceasefire is regularly violated, with both sides blaming each other. Some of the heavy weapons that were previously pulled back from the demarcation line have returned, and forces from both sides are still deployed in close proximity to each other, raising the likelihood that the conflict could intensify at short notice.

Moscow and its allies in Donbas routinely blame Kyiv for the impasse. They argue that the Ukrainian parliament balked at the political aspects of Minsk II, which called for changing the country's constitution, passing a law on a special status for both Donetsk and Lugansk enclaves, conducting local elections, and instituting an amnesty. Ukraine's internal political calamities and widespread popular fear of the Russian military threat have made it nearly impossible to implement Minsk II's political provisions. There is widespread agreement in Kyiv that implementing Minsk II would be political suicide for the Poroshenko government.

For their part, Ukraine and the West have focused on Russia's military involvement in the conflict. Moscow continues to categorically deny such claims. At the same time, Putin himself has pointed out that there were people "who are following the call of their hearts to fulfill their duty or are voluntarily taking part in hostilities, including in southeast Ukraine." It's clear that those fulfilling this duty aren't doing so empty handed but with heavy weapons and abundant logistical support.

By ratcheting up economic sanctions and various forms of military and political pressure on Russia, the West is trying to get Moscow to end its military assistance to the Donetsk and Lugansk People's Republics. Russia keeps insisting that it's not part of the conflict and that all sanctions are illegitimate. The Kremlin claims that the West's real goal is to bring Russia to its knees yet again and prevent it from defending its legitimate interests on the world stage. Russian officials state that the first order of business for the West should be to put pressure on Kyiv and force it keep up its end of the bargain. Obviously, there are fears in Moscow that any withdrawal of Russian military "volunteers" will lead to the quick collapse of the self-proclaimed republics and encourage Kyiv to try to solve the crisis via military means, just as it sought to do during the summer of 2014.

This is creating a vicious circle. The impasse on the Minsk agreements locks in the sanctions that both Russia and the West have imposed on each other. The deadlock also encourages NATO and Russia to continue a dangerous military build-up and more frequent military exercises. Risky encounters between warships and airplanes are also

increasingly common. As a result, the world has ended up on the brink of a new nuclear and conventional arms race, all at a time when the civilized community of nations should be joining forces to defeat the common enemy of international Islamic terrorism.

Putin's idea of deploying a U.N. contingent along the line of contact in Donbas could become the first step toward ending the crisis, but the idea needs to be expanded and refined. If OSCE observers were defended by U.N. peacekeepers, they would only be capable of defending themselves against small gangs. They would hardly be much use for dealing with artillery shells and incursions by combat troops along the line of contact, nor would they be able to ensure a complete and verifiable ceasefire or the withdrawal of heavy weapons. Such a force would not be powerful enough to prevent either side from restarting hostilities, and any troop contributors would be understandably worried about attacks on U.N. personnel.

A complete cessation of violence in southeastern Ukraine, the essential first condition of Minsk implementation, requires nothing less than a full-scale peacekeeping operation authorized by the U.N. Security Council. That mission would have to include troops from OSCE member countries equipped with armored vehicles, artillery, aviation, and unmanned aircraft. This contingent should have the right and capability to open fire in self-defense, to stop any violations of the ceasefire, and to ensure the pullback of heavy weaponry to agreed distances from the conflict zone.

Such an operation would have to be commanded by either the U.N. Security Council or the OSCE, not NATO or the European Union. The multilateral contingent would not be stationed throughout the Donetsk and Lugansk People's Republics, but rather along the corridor between the two ceasefire lines created by the Minsk I and II agreements (specifically, the lines from which the parties were required to withdraw their heavy weapons). The peacekeeping mission will look a lot less like Kosovo in 1999 than the mission in Cyprus that began in 1974.

Make no mistake: This peacekeeping mission will not lead to the separatist territories returning to Kyiv's control overnight, and — more controversially for Kyiv and the West — the deployment of a Russian contingent to this mission would be a prerequisite for attracting support from Moscow and the leaders of Donetsk and Lugansk. In Moscow, the reestablishment of Kyiv's power over the breakaway territories is a political non-starter, and there are understandable fears that such a move would touch off a downward spiral of violence, revenge-killing, and score-settling. In this light, Russian memories of how NATO peacekeepers failed to prevent pogroms against the Serbs in Kosovo in March 2004 are also hard to dispel.

The cargo and personnel supplying the Russian contribution to the peacekeeping mission would be required to cross the interstate border with Russia under the observation of OSCE inspectors, pending the eventual return of Ukrainian border troops as stipulated under Minsk II. In theory, peacekeepers from other states, including the United States, might also participate, but this would be one of the most important and difficult parts

of the mandate to negotiate. At the same, the official Russian military presence would be very different from what it is now: It could no longer be seen as actively supporting separatists but be aimed at preventing the resumption of combat operations by either side.

The carrot to secure Moscow's political support has to be an agreed roadmap for sanctions relief that would begin as soon as the U.N. peacekeeping force becomes operative. (Admittedly, recent Congressional action to codify existing U.S. sanctions on Russia may complicate matters considerably for the Trump administration's, given the current political atmosphere in Washington.)

Obviously, all these steps can only work if restoring peace is actually the parties' predominant objective. This is an important reservation, since political forces pursuing other interests are involved in the conflict on all sides, and some of them may believe that they would benefit from an expansion of the fighting and of the confrontation between Russia and the West.

This should be a large-scale U.N. operation requiring political will on all sides, significant costs, and a serious organizational effort. It seems reasonable to expect that any idea along these lines will draw strong opposition, not least the charge that this approach could lead to a frozen conflict in eastern Ukraine.

Of course, there is nothing good about a frozen conflict, but it is worthwhile to assess the realistic rather than imaginary alternatives. For more than three and a half years, opposition to freezing the conflict has become a default position in both Ukrainian and Western policy circles. But Russia's military escalation dominance is hard to overlook, and the Kremlin has demonstrated repeatedly that it is not prepared to let the separatists lose militarily.

If left to its own devices, the situation in eastern Ukraine is unlikely to improve, creating a real danger of further fighting and suffering by innocent civilians. The current military, political, and economic confrontation between Russia and the West could become permanent and lead to a new Cold War. In the worst-case scenario, there is a high enough probability of a return to large-scale combat operations in Ukraine and neighboring regions that directly involve Russian and, potentially, NATO forces. The effort and costs of a well-conceived peacekeeping operation pale in comparison with such grim prospects.

There is probably no other way to solve the Ukraine crisis, given current political realities. Three years of declarations, diplomacy, military moves, and sanctions have not brought stability let alone positive results. As the old saying goes, "However beautiful the strategy, you should occasionally look at the results."

A U.N. peacekeeping operation would not imply renegotiating the Minsk II agreement. Instead, it would be a vehicle for allowing the parties to meet their obligations and move on to resolve broader problems of Russian-Ukrainian relations and Moscow's deeply troubled relationship with the West.

What's in it for Ukraine? Peace on its eastern borders would be guaranteed by an international military force operating under a U.N. mandate, which would put to rest any fears (real or imagined) of a Russian military invasion or further Russian support for separatist activities. That opens the door for Ukraine to focus its energies on long-overdue domestic reforms and integration with the European Union (Indeed, Cyprus marched down a similar path after 1974.) Eventually, economic, political, and humanitarian contacts between the two enclaves and the rest of Ukraine will hopefully be restored as envisioned under Minsk I and II. Ukraine's sovereignty and territorial integrity would be restored (with the exception of Crimea, which is a separate subject and needs to be postponed for the foreseeable future).

For its part, Russia would get sanctions relief and a guarantee against Ukrainian attempts to resolve the Donbas problem by force and would have to withdraw its "volunteers," along with their weapons and equipment (as stipulated by Minsk II). The long-delayed implementation of the political aspects of Minsk II would provide Donetsk and Lugansk with considerable autonomy and the right to develop economic and other types of cooperation with Russia. Eventually, restoration of centuries-old economic and humanitarian ties between Russia and Ukraine might become possible. It is conceivable that Moscow might be able to leverage such a settlement of the conflict to secure some form of assurance about Ukraine's neutral status, but this heavily freighted issue probably needs to be deferred until much later on.

Members of the older generation can remember that it took decades and the herculean efforts of many people of different countries to end the Cold War. These people didn't always like each other, and, in many cases they held profound mutual grievances. But they also had the right sense of political priorities and of the possible costs of failure. It is high time to start working along this line without delay before a new Cold War and arms race gain momentum for the decades ahead.

#9

The Trouble With Arming Ukraine

by Rajan Menon and William Ruger
Foreign Affairs, 11 October 2017
<http://fam.ag/2xIX4MZ>

"It's long past time for the United States to provide Ukraine the lethal defensive assistance it needs to deter and defend against further Russian aggression," said Senator John

McCain (R-Ariz.) in August—and not for the first time. McCain is arguably the most influential person in Congress on national security matters, so his words carry weight. But his is hardly a lone voice. Others, including John Herbst, who was U.S. ambassador to Ukraine from mid-2003 to mid-2006, and Alexander Vershbow, an experienced American diplomat and deputy general secretary of NATO from early 2012 until October 2016, agree with McCain. So do former President Bill Clinton’s deputy secretary of state, Strobe Talbott, and a cluster of diplomatic and national security luminaries, who came out of the gate early on this issue in a report released in 2015.

The efforts of these individuals haven’t been in vain. U.S. President Donald Trump will soon decide whether to implement their proposal, and key members of his national security and military team favor doing so, according to recent statements from General Joseph Dunford, chairman of the Joint Chiefs of Staff, and Kurt Volker, Trump’s top negotiator on the Ukraine crisis. Defense Secretary James Mattis has confirmed that the option was being “actively reviewed.”

Those who call for sending lethal arms to Ukraine (the United States and some of its NATO allies already train Ukrainian troops, and the United States has been providing nonlethal arms to Ukraine to the tune of \$300 million in 2016 alone) claim that American weaponry will strengthen Kiev’s hand and compel Russian President Vladimir Putin to negotiate a just political settlement that ends the war in Ukraine’s Donbas region.

They’re misguided. Worse, their proposal could be dangerous, for Ukraine and the United States.

Arming Ukraine won’t make Putin cry uncle. Past experience—notably Moscow’s stepped-up intervention to save its Donbas clients in the battles for Ilovaisk and Novoazovsk in 2014 and 2015 and Debaltseve in 2015—suggests that Putin will continue to reinforce Russia’s proxies, especially if they suffer setbacks at the hands of better-armed Ukrainian troops.

Because Russia and Ukraine share a border, Putin can send forces and weapons to the battlefield far faster than the United States can resupply Ukraine. Most importantly, Ukraine matters far more to Russia than to the United States. Indeed, even the advocates for arming Ukraine disavow any intention to send American troops to fight for the Ukrainians, knowing full well that such a recommendation would doom their efforts.

By contrast, Putin hasn’t hesitated to order Russian troops into battle in the Donbas, where many have been killed. His popularity ratings nevertheless remain sky-high. Eighty-seven percent of Russians support his handling of foreign affairs—about the same as did in 2014. There is no evidence that the war in Ukraine has dented Putin’s popularity, let alone enabled opposition leaders to mobilize support against his government. Yet proponents of providing Ukraine lethal arms suggest that because of the bite of Western sanctions and Russians’ mounting unhappiness with the war, Putin desperately wants to escape what they portray as the Donbas quagmire.

In fact, although Russia has now endured political isolation and Western economic penalties for over three years as a consequence of Putin's annexation of Crimea and instigation of the war in eastern Ukraine, he has not made a single significant concession or shown any inclination to sacrifice the Donbas insurgents. Instead, he has stuck by them and, as his military escalations in 2014 and 2015 show, bailed them out when necessary.

The proposition that Putin won't be provoked by a U.S. decision to send lethal arms to Ukraine amounts to a hunch. It's not supported by evidence, and Putin's past behavior contradicts it. This is not a minor point: if he does ramp up the war and the Ukrainian army is forced into retreat, the United States will face three bad choices.

The proposition that Putin won't be provoked by a U.S. decision to send lethal arms to Ukraine amounts to a hunch.

First, Washington could pour even more arms into Ukraine in hopes of concentrating Putin's mind; but he can easily provide additional firepower to the Donbas insurgents. Second, it could deepen its military involvement by sending American military advisers, or even troops, to the frontline to bolster the Ukrainian army; but then Russia could call America's bluff. Third, the United States could decide not to respond to Russia's escalation given the geographical disadvantage and the limited strategic interests at stake. That would amount to backing down, abandoning Ukraine, and shredding the oft-repeated argument that American and European security hinges on the outcome of the Donbas war.

Proponents of arming Ukraine say that things will never reach this point because their goal is merely to force a political settlement that's acceptable to Ukrainians and ends a war that has killed some 10,000 people. The point, they insist, isn't to empower Kiev to crush the Donbas rebels, and they dismiss the possibility that an American-armed Ukraine might be emboldened to attempt just that.

Yet in a speech at West Point in September, Ukrainian President Petro Poroshenko declared that his intent was precisely to retake the Donbas (a point that he also made earlier in July and again in October), and he noted that American weapons would help him succeed. Surely, Poroshenko's words matter more than breezy assurances from those pushing to arm Ukraine.

The supporters of arming Ukraine also shortchange that country's military capabilities. The Ukrainian army has nearly doubled in size, from 130,000 in 2014 to 250,000 today, and is now one of Europe's largest. In 2018, Ukraine's military spending will increase by a quarter to \$6.3 billion (or five percent of GDP), more than double the 2014 figure.

In addition to the increases in defense spending and the size of its army, Kiev has taken other steps to beef up its security. The draft was reinstated in 2014. Ukraine has been improving its command, control, surveillance, and intelligence network and

acquiring more, and better trained, special operations forces. With help from NATO's Comprehensive Assistance Package, which was adopted in 2016, it is revamping the administration of its armed forces.

True, there are many obstacles to transforming Ukraine's military, corruption among them. The goal of bringing it up to NATO standards by 2020 may amount to wishful thinking. And progress will be slow under the best of circumstances. Yet the Ukrainian army of today is certainly not what it was in 2014—a shell.

What's more, Ukraine is no slouch in building weapons. Ukroboronprom, the state weapons manufacturer, employs 80,000 people and oversees 21 affiliates, and there are some 36 private Ukrainian defense firms besides. Ukraine makes advanced tanks, armored amphibious vehicles, aerial refueling tankers, transport aircraft, laser-guided anti-tank missiles (which get top billing in proposals to arm Ukraine, never mind that Ukraine makes the Corsar and Stugna-P laser-guided ATGMs), and long-range early-warning radars. Moreover, Ukraine was the world's ninth-largest arms exporter from 2012 to 2016. It earned over \$500 million selling arms last year and a total of \$11 billion since it became an independent country. In short, the clamor to arm Ukraine may have less to do with its dire need for weapons than with drawing the United States deeper into the conflict.

Supporters of arming Ukraine insist that this move is also essential for reassuring NATO and preserving Europe's peace. Yet the proposition that the United States should risk getting enmeshed in a war on Russia's doorstep to soothe its skittish NATO states makes no sense. Article V of the pact's treaty already provides that a member that comes under attack will be defended, with military force if needed. Moreover, although Trump declared NATO "obsolete," he later reversed himself, and there is every reason to believe that his administration remains committed to the transatlantic alliance.

If NATO truly seeks to become stronger and Europe is indeed so vulnerable and edgy, the alliance's wealthy European members should take some big steps at home, such as boosting defense spending. Although some have, many have not. The alliance's figures show that only five of its 27 European states now spend two percent or more of their GDP on defense, the target accepted in 2006. NATO's European members also have much work to do on other fronts. These include reducing duplication in the production of major armaments and increasing inter-operability and the capabilities for the rapid deployment of forces to the battlefield. Substantial progress in these areas, not reassurances about Washington's dependability as demonstrated by the dispatch of American arms to Ukraine, are what the alliance needs.

The case for arming Ukraine also tends to be made in a vacuum, never mind that what the United States does in Ukraine could determine what Russia does elsewhere. Moscow could respond by putting more pressure on the Baltics, acting as a spoiler in North Korea or Iran, or even arming the Taliban (that would be an ironic turn: in the 1980s, the United States bled the Soviets by arming the Afghan mujahideen). If these outcomes

seem impossible, consider the United States' awful record in foreseeing the effects of its military moves. In Vietnam, Kosovo, Afghanistan, Iraq, and Libya, adversaries didn't respond the way Washington anticipated, or there were dangerous unintended consequences. Russia, for its part, surprised the United States by sending its troops into Georgia in 2008, Crimea in 2014, and Syria in 2015.

All in all, the plan to pressure Putin by providing Ukraine lethal arms is strategically flawed. Worse, it could prove reckless.

#10

The Real Danger of Sending U.S. Arms to Ukraine

by Brian Milakovsky

National Interest, 28 August 2017

<http://bit.ly/2l4NOBI>

In 2015, after spending several months in the frontline zone I wrote that Ukraine desperately needs a “lousy peace” and not an arms race. Two years and several thousand deaths later, the idea of supplying Ukraine with U.S. arms has resurfaced.

As a humanitarian worker whose greatest desire is to see the intolerable misery of Ukrainian civilians come to an end, I grapple with these questions: Would American arms increase the price of Russian aggression, causing Moscow to scale back its military project in the Donbass and saving civilian lives? Or would they incite a new round of escalation and a flood of new arms into the region?

The stakes of this question are incredibly high for Donbass civilians. With both sides placing their heavy artillery adjacent to residential areas (according to the head of the Organization for Security and Co-operation in Europe (OSCE) monitoring mission in the region), every escalation means more death and destruction for a population already traumatized by three years of war and civil strife.

I get no pleasure from the idea of Ukrainian soldiers, the men and women I see every day at checkpoints, being outgunned by Russian-armed separatists and the barely concealed Russian army. But while I hope that anti-tank Javelin rockets be used to hold Russian aggression at bay and save civilian lives, I believe we must consider other scenarios of how the addition of U.S. arms could affect this conflict.

Russian aggression is the fundamental cause, and every move Ukraine makes (defensive or offensive) is inherently a reaction to it. But this does not necessarily mean that Russia is the source of each new spike of violence in the conflict zone. I travel to frontline towns several times a week, and frequently ask residents which side starts the exchanges of artillery that crisscross above their heads. The general answer is “sometimes this side,

sometimes that.” You can get the same conclusion from following the technically detailed but judgment-free patrolling reports by the OSCE.

There is reason to believe that the two largest escalation events so far in 2017 began with a “creeping offensive” by Ukrainian forces to improve their positions along the frontlines. This is an understandable move for soldiers pinned under enemy fire in vulnerable positions, but it may have triggered the massive firefights near the Svitlodarsk Bulge and between the warring sides in Avdiivka and Donetsk that took a dozen civilian lives and spread destruction on both sides of the front. Importantly, almost none of the advances were sustained.

A Ukrainian battalion commander told Radio Free Europe/Radio Liberty how his soldiers snuck into a no-man’s-land village outside Svitlodarsk called Novoluhanske and set up positions near the main employer, a pig farm. That night the separatists understood what had happened and began shelling the Ukrainian forces—and the farm, which was badly damaged as shelling continued into May. Just a small stretch of gardens separates the farm from the village, which itself has come under fire.

I have spent much time in that area. In the winter of 2014–15 residents lived through the hellish “artillery duel” when the separatists and Ukrainian army pounded each other’s towns with shells and rockets. Later I helped re-equip a bombed and looted kindergarten and replace the shrapnel-scarred roof of the community center. The idea of death flying into these towns again, after they have slowly pieced together a normal life and gathered money from parents to hold the kindergarten pageant, overwhelms me.

I am not suggesting that the Ukrainian forces as the sole guilty party in the continuing violence, especially considering Russia’s fundamental aggression. But whereas the creeping offensive was well discussed in Ukrainian media and even bragged about, I worry whether advocates are considering it when they calculate how U.S. arms will be used. And while we might recognize the basic moral right of the Ukrainian army to reclaim occupied land, our government has also repeatedly stated its commitment to the Minsk accords, which commit Ukraine and the separatist forces to (thus far unsuccessful) de-escalation.

Many voices in the government and press have been telling the Ukrainian people for three years that U.S. arms will be a game changer. One parliamentarian and military volunteer claimed that “with American weapons, we’ll push the Russians back to Siberia.” Also, a military commander recently told the *Daily Signal*, “If the U.S. sends weapons, it would completely change the war the next day.” Given these claims, Kyiv might feel it must capitalize on the arms transfers to shift the balance on the front. The Pentagon is considering providing Ukraine with Javelin anti-tank rockets, which are considered defensive. But such weapons could be used to cover an advance into the separatist-held territories defended by Russian tanks.

Some might hope that a Ukrainian advance would bring a conclusion to the war. But that is unlikely to be the result of any such offensive, be it creeping or galloping. In August,

2014 the Ukrainian army drove deep into the so-called “People’s Republics,” cutting Donetsk off from Luhansk and beginning to encircle them along the Russian border. The civilian casualties were awful as both sides reduced villages and city districts to rubble. I thought to myself, “This is horrific, but if it brings this war to an end, maybe it’s for the best.”

It didn’t. Most observers agree that the tide was turned by massive, direct Russian military intervention, which threw back the Ukrainian forces and culminated in the death of hundreds of Ukrainian soldiers at the Ilovaisk encirclement. Five months later Russia’s direct involvement again shifted the military balance, allowing the separatists to occupy the strategic and nearly destroyed cities of Debaltseve and Vuhlehirsk.

Would a Ukrainian advance produce a different outcome today? A year ago Elena Racheva from the independent Russian newspaper *Novaya Gazeta* interviewed soldiers and civilians on both sides of the frontlines. She reported on the mutual military buildup and the itchy desire of frontline troops on both sides to go on the offensive. This would set off a bloodbath, she wrote, “And if war returns, no one that I talked to will remain alive.”

Evgeny Shibalov, an activist who provided emergency humanitarian assistance to his neighbors in Donetsk before being deported by the separatist authorities, related to me that in the first artillery exchanges on the outskirts of Donetsk ambulance records showed one military death to twenty-five civilians. As the sides have settled into more defined positions that civilian casualty ratio has dropped considerably. But Shibalov is deeply unnerved by frequent talk in Kyiv and the Ukrainian media about emulating Operation Storm, a military operation conducted by the NATO-backed Croatian and Bosnian forces that drove Serbian separatists from the Krajina region. The modest arms transfers proposed by the Pentagon are unlikely to inspire the Ukrainian army to make such a bold assault, but any significant move to redraw the frontline could incite the kind of massive civilian casualties not seen since the terrible summer of 2014.

We also must consider how Moscow will interpret the “language of force.” Proponents of arming Ukraine claim it will send home more dead Russian soldiers, thus demonstrating to Putin that he cannot prop up the separatists with impunity. Seeing this U.S. resolve, he will reduce Russian provocations in Ukraine. But perhaps if we are underestimating the tolerance of Putin and his elite for the death of their soldiers and the numerous Ukrainian and Russian “volunteers” in the frontline trenches. I lived in Russia for the first year and a half of the Ukraine crisis and experienced the totality of Moscow’s information campaign. I left believing Putin had staked his legitimacy with the Russian public on this confrontation with America. Military defeat or even significant military setback for the separatists would be defeat for Moscow, only compounded onto a geopolitical scale.

I fear that Putin’s understanding of the language of force will be entirely different. Regardless of the actual impact of Javelin rockets, he could regard U.S. arms transfers as a symbolic test of who dictates conditions in the Donbass warzone. He could counter with a new wave of military hardware to demonstrate his resolve. The result could be a miniature

arms race with lots of artillery being fired symbolically into the homes of living, breathing Donbass civilians.

And that means death and shattered lives, destroyed homes and livelihoods, and descent into basement bomb shelters and root cellars—where hope for a normal life rots in the dark.

Two years of working in frontline communities has shown me that while the current status quo is awful, civilians have so much to lose. I visited the towns near the Svitlodarsk bulge for the first time in March 2015. Gaping windows, cratered walls and smashed storefronts greeted the eye everywhere. Many whitewashed little houses were blasted into rubble. Today, with the efforts of Ukrainian volunteers, international NGOs and competent administrators the scars of war are barely visible. Small factories and workshops are re-opening and looking for workers.

In Stanytsia Luhanska, the rural suburb of Luhansk that was ruthlessly shelled by both sides, small farmers are returning from refuge elsewhere in Ukraine or Russia, filling in bomb craters in their massive gardens and repairing destroyed greenhouses. They sell their tomatoes and cucumbers through the “border crossing” to Luhansk, using the proceeds to fix their homes and repay debts accrued from two years without a harvest. “Of course we want to live like we did before the war,” I constantly hear. “But the way it is now, we can survive. Just so that the war doesn’t come back.”

I know many proponents of sending arms to Ukraine sincerely believe it will check Russian aggression and save lives. If the sales go forward and it indeed helps reduce violence in the frontline zone, I will be delighted to have been wrong. But if this move instead triggers escalation and subjects Donbass civilians to a new round of death and misery, will proponents still be paying attention?

#11

Extrajudicial Violence in Donbas and Its Consequences for Ukraine

by Serhiy Kudelia
PONARS Policy Memo, October 2017
<http://bit.ly/2ywOwLc>

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On May 7, 2015, three servicemen of the Ukrainian armed forces went on a mission to find separatist collaborators in Sartana, a small town in the Donetsk region. They forced one randomly detained suspect into the trunk of their car, took him to a clandestine interrogation site in the nearby town of Hnutove, and asked him to list all known separatists. After the suspect repeatedly refused, he was brutally beaten and left dying on

the outskirts of a neighboring village. Following the discovery of his body, the servicemen were promptly arrested. However, one year later, all three were decorated with honorary awards for the defense of Mariupol and one of them even received a medal “for courage” by presidential decree. State decorations became the basis for lighter sentences. One soldier was released on probation and the other two served only one year of jail time.

This policy memo examines the causes and implications of the ongoing practice of physical integrity rights violations committed by state agents and affiliated paramilitaries in government-controlled Donbas. It suggests that persistent repressive practices against local civilians undermine the credibility of the state in that region, create additional barriers for settling the conflict, and may foreshadow the broadening of the range of targets to include regime opponents.

Targets and Types of Abuse

For most of its twenty-five years of independence, Ukraine has been classified as a “partly free” state with a medium level of restrictions on civil liberties. However, since 2014, its score on the “political terror scale” has increased from medium to high, indicating that “murders, disappearances, and torture are a common part of life.” While this deterioration can be partially attributed to widespread human rights abuses on rebel-held territories, the application of physical coercion has also become a standard element of Ukraine’s counterinsurgency tactics.

As an index created by V-Dem project shows, violence committed by government agents in Ukraine for the last three years has been at the highest level since the country’s independence. Reports by the UN Office of the High Commissioner for Human Rights (OHCHR) remain the single most extensive source of information on physical integrity rights violations in Ukraine committed by government agents and their affiliates. The first evidence of enforced disappearances in Donbas by the Security Service of Ukraine (SBU) was reported in August 2014 with new episodes cited in every report since then. By August 2016, OHCHR concluded that the “Ukrainian authorities have allowed the deprivation of liberty of individuals in secret for prolonged periods of time.” Human rights monitors established that there is “a network of unofficial places of detention, often located in the basements of regional SBU buildings” not only in towns of Donbas, but also in Kharkiv, Odesa, Zaporizhzhia, Poltava, and other cities. The authorities relied on volunteer battalions, particularly Azov and DUK Right Sector, to capture separatist suspects and interrogate them at their military bases before transferring them into government custody. Incommunicado detention has become an ordinary practice before suspects are officially registered in the criminal justice system. Some of the victims were taken into custody again immediately after their official release from prison and held in secret locations without charge, often for prisoner exchanges.

Detainments and interrogations have been usually accompanied by threats, beatings and torture meant to extract confessions of collaboration with rebels, acquire information, or simply punish people for suspected transgressions. The torture practices mentioned

in OHCHR reports covering August 2014-June 2017 include the application of electric shocks, suffocation using gas masks and plastic bags, beatings with rubber hammers and sticks, waterboarding, mock executions, hanging with hands tied behind the back, food and sleep deprivation, and standing in a stress position against a wall. In June 2017, OHCHR characterized the use of torture and ill-treatment by SBU operatives against conflict-related detainees as “systematic.” Detained individuals have also been threatened with sexual violence and killing of their family members. After repeated appeals to the Ukrainian government, OHCHR concluded that the “authorities are unwilling to investigate allegations of torture particularly when the victims are persons detained on grounds related to national security or are viewed as being ‘pro-federalist.’” According to OHCHR, this signals to perpetrators that “they are immune to responsibility for human rights violations perpetrated against conflict-related detainees.” OHCHR also collected evidence of extrajudicial killings committed by Ukrainian servicemen and deaths resulting from torture of separatist suspects. It estimated that by May 2016, at least 115 individuals have been victims of “arbitrary deprivation of life, summary and extrajudicial executions and deaths in detention.” Reports issued in 2017 mention two cases of extrajudicial killings and new instances of torture in government-controlled towns in Donbas, which indicates the recurrent nature of these practices.

Why Repression in Ukraine?

The location and selection of targets clearly links heightened repression to the armed conflict in Donbas. Violence by incumbent forces has been based on political cleavages that became salient during protest mobilization in Donbas prior to the outbreak of the armed conflict. The primary victims of abductions, torture, and executions were those suspected of supporting autonomy rights for the region or its separation from Ukraine. Ascription of a “separatist” identity became a common justification for egregious violations of individual rights and actions outside of normal judicial process. Confinement of violence against civilians to areas with potentially large number of separatist sympathizers resembles the dynamics of violence in other civil wars. This is also consistent with an earlier finding that civil war is the best predictor of the rise in a government’s repressive practices. Civil wars have also been shown to exacerbate the effects of a hybrid regime (like Ukraine’s) with risks of repression increasing faster in such systems than in full democracies or autocracies.

One of the mechanisms that set in motion the current repressive cycle was the proliferation of volunteer battalions that were loosely controlled by the government at the early stage of the conflict. According to one comparative analysis, the rise of paramilitary groups during an armed conflict substantially increases the incidence of physical integrity rights violations. Although only some of the battalions in Ukraine were implicated in human rights abuses, OHCHR contends that during the first year of the war, paramilitary groups, often in cooperation with the SBU, became their most frequent perpetrators. This follows a similar pattern of the use of paramilitaries in other conflicts where an overextended state delegates some of its monopoly on coercion to non-state actors, who are often incentivized by extremist ideologies. It also offers them access to military

resources and a degree of impunity for their actions. This further allows government to shift responsibility for some of the most egregious crimes on to semi-private militias while still deriving strategic benefits (in the form of information extraction or elimination of opponents) from the illicit actions. Ukraine's case also shows how repressive practices set in motion by paramilitaries had been perpetuated by the security service. The SBU has been responsible for most of the abuses since late 2015 after the president appointed Vasyl Hrytsak as the agency's chairman. Earlier, Hrytsak was the head of the anti-terrorist center and characterized by President Petro Poroshenko as the "director of war."

The key factor that allowed the Ukrainian authorities to sustain the practice of extrajudicial violence was the lifting of internal and external constraints on state repression. The government has routinely accused its critics in the media and civil society of being "the enemy's fifth column" and threatened to prosecute them. There has been widespread fear of retaliation among those who witnessed abuses by the paramilitaries. This encourages self-censorship in the media, restricts critical reporting on human rights violations, and prevents public awareness of the scale of the problem. Another factor sustaining state repression has been complaisance of horizontal accountability institutions, such as the legislature or judiciary. Rather than demanding an end to illicit practices, some parliamentarians have successfully interfered with the courts to end any ongoing investigations of civilian maltreatment. The courts have been similarly responsive to political pressure from top government officials by delaying hearings, issuing conditional sentences, and dismissing the most serious charges. Finally, there were no public criticisms of the government's poor human rights record from Western leaders. This is a particularly glaring omission since consistent violations of human rights and unrestrained executive are emblematic of the country's authoritarian backsliding.

Impact and Implications

The persistence of repressive actions against civilians in Donbas has three main implications for the near-term trajectory of Ukraine's political regime and the prospects of settling the conflict.

First, it may be indicative of additional discretionary powers and greater institutional autonomy of the security service after the president put Hrytsak, his long-time loyalist, in charge of the SBU. Being shielded from any independent, external oversight enables SBU officers to obtain informal rewards through extortion of private companies or create advantages for affiliated businesses. This mutually exploitative relationship, built on the contracting out of extrajudicial violence in exchange for access to rents, may foreshadow a broader violent crackdown on the opposition if uncertainty around Poroshenko's re-election prospects increases. There has already been growing interference by the security services in the work of civil society activists and journalists. The need to widen the net of targets is often driven by fear among coercive agents of accountability following a power transfer and the loss of control over the flow of rents. Succession crisis may thus lead to the elevation of unelected security officials to state leadership positions. Selective repressions in Argentina against suspected guerilla sympathizers in the 1970s became a

prologue to military dictatorship and a “dirty war” against the opposition in which tens of thousands perished. Paramilitaries, some of whom are already threatening violence if their political opponents return to power, may play the role of willing executioners in sweep operations against opposition figures. If the crackdown on civil liberties spills over into the area of basic political rights, Ukraine’s current authoritarian backsliding will transform into a full-fledged authoritarian reversal.

Second, the outbreak of the armed conflict in Donbas was partially the result of a deep legitimacy crisis of the post-Maidan Ukrainian government. After restoring control over most of the region, the Ukrainian authorities failed to create a legitimate foundation for the new political order. The latest IRI poll shows that only ten percent of respondents in the government-controlled areas of Donbas agree that the Ukrainian government was doing enough to keep their territory within Ukraine. According to the same poll, the top five most favorably viewed politicians in Donbas are all former leaders of the Party of Regions (PofR). The unfavorable rating of one PofR stalwart, Oleksandr Efremov, who has been jailed on separatist charges for over a year, remains far below that of President Poroshenko (47 percent versus 78 percent). Recurrent abuses by the security forces and lack of judicial redress can only deepen distrust and resentment toward the state. Although the majority of residents in the government-controlled areas of Donbas prefer unity with Ukraine, the sense of political exclusion combined with the region’s economic devastation means that relative stability and peace there rest on a highly precarious basis.

Third, the impunity of security services, transformation of paramilitaries into semi-private armies equipped with tanks and artillery, and lack of external constraints on their actions represent a major obstacle to the settlement of the Donbas conflict. One of the main barriers to peace is the lack of credibility behind the government’s promises to enforce power-sharing agreements or provide amnesty to former rebels. The three-year track record of human rights abuses against suspected separatists raises questions not just about the authorities’ capacity, but also their willingness to stand by the terms of the peace agreement. Given the personal risks to tens of thousands of people now associated with rebel governance in DNR/LNR any peace settlement is highly unlikely to get implemented.

There are still remedies available to the Ukrainian government. It can gain credibility as a negotiating partner in the Minsk process by ending its practice of enforced disappearances and extrajudicial violence. It can create an independent commission to investigate crimes listed in OHCHR and other reports and collect testimonies from victims. It can also establish strong, independent oversight of the security services by the parliament, anti-corruption agencies, and civil society organizations. It could send a stern message by dissolving and disarming military units linked to far-right political forces.

These measures however, would undermine Poroshenko’s institutional power base and leave him without a key coercive resource ahead of the presidential election (scheduled for March 2019). To reach an agreement, however, he would still need to make tangible concessions to the separatists, which could trigger a backlash from the far right and

destabilize his rule. As a result, for Poroshenko, the individual benefits from continuing repressive practices may far outweigh the political costs associated with his failure to take real steps to end the war. This calculation will have a major effect on the outcome of conflict-resolution efforts and the dynamics of the presidential election campaign.

#12

Russia Erects Memorial to Donbas Mercenaries Ukraine Wanted to See for War Crimes

by Halya Coynash

Human Right In Ukraine, 18 October 2017

<http://bit.ly/2gmXYsr>

Vladislav Surkov, advisor to Russian President Vladimir Putin took part on October 16 in the ceremonial opening in Rostov (Russia) of a memorial to Russian or pro-Russian fighters who died in Donbas. The event was timed to coincide with the first anniversary of the death of Russian mercenary Arseny Pavlov [‘Motorola’], whom Ukraine had hoped to see on trial for war crimes, but whom Russia treats as a hero.

The memorial in Ostrovsky Park is entitled ‘To the Heroes of Donbas’, and it can be safely assumed is not to people like Ukrainian Donetsk Airport defender Ihor Branovytsky whom Motorola murdered. The event was certainly given official status, with Igor Guskov, First Deputy Governor of the Rostov oblast and Rostov Mayor Vitaly Kushnaryov in attendance. Others present included Alexander Borodai, one of the Russians who first headed the so-called ‘Donetsk people’s republic’ [DPR], and Alexander Zakharchenko who now holds that post.

“On behalf of the Rostov administration and people of Rostov”, the Mayor said, “a big thank you for what you have done to preserve the Russian world... “. The monument, he claimed, would stand as proof that “you are fighting for your Motherland to the end”.

The formal initiator of this memorial was the Rostov branch of the so-called Union of Donbas Volunteers’, headed now by Borodai.

Kommersant reports that a number of civic activists protested against the unlawful establishment of a monument to mercenaries. They all received identical answers which asserted that the Council of Veterans had asked the city to erect the monument, and said that they could challenge the decision in court.

Russia has consistently denied the involvement of its soldiers in the war in Donbas, although one contract soldier Viktor Ageyev, caught in the Luhansk oblast, is shortly to go on trial, and western experts have assessed the number of Russian military personnel as having reached ““10 thousand at the peak of direct Russian involvement in the middle of December 2014.”.

There were, from the outset, a very large number of mercenaries from the Russian Federation, with these including Pavlov, or 'Motorola'. As well as many who were sent effectively as modern cannon fodder, there have also been significant contingents of better trained mercenaries, fighting in Donbas or Syria for the so-called 'Wagner Private Military Company'. The money probably comes from Yevgeny Prigozhin, the billionaire, known as Putin's chef who is also believed to be behind the funding for Russia's huge Internet troll factory. 'Private' is a term that should be understood very loosely. The fighters are known to train at a base adjacent to one run by the Defence Ministry, to use weapons which are only available to the military, and several have received Russian military awards.

Arseny Pavlov had no special training, but he did take part in Russian-sponsored disturbances in Kharkiv and then military conflict in Donbas from the outset.

He led the so-called Sparta Battalion during the battle at Ilovaisk, when Russian forces were brought in to help the militants defeat Ukrainian forces. He was later involved in the struggle for control of Donetsk Airport, and it is from that period that most of the evidence of war crimes comes.

Pavlov was on the EU's sanction list, but Ukraine was hoping that the militant would one day stand trial at the International Criminal Court in the Hague.

One of the crimes he was suspected of was the killing in cold blood of Ihor Branovytsky, one of the 'Cyborgs' defending Donetsk Airport, after he and his men had been taken prisoner by the militants.

According to Yury Sova, one of the Ukrainian soldiers who survived, he and Ihor Branovytsky were among 12 men who had remained at the remains of the airport to care for four injured comrades. They had no ammunition left, and surrendered on Jan 21, asking the militants to take the injured to hospital.

This was doubtless a 'coup' for the militants and they even posted a video which shows the men alive and without any signs of beating. Branovytsky could be easily identified as he was wearing a blue jacket, while the other prisoners are all in camouflage.

It is likely that Branovytsky was tortured by militant commander Mikhail Tolstykh [known as Givi], two Chechens known as Tanchik and Stalin, and a woman called Vika. At least two of the 'Cyborgs' who were finally released – Oleksandr Mashonkin and Yury Shkabura say that the prisoners' tormenters included a man wearing the clothes of an Orthodox priest, who used his cross as a means of torture.

Sova says that after the treatment from Givi and his people, the captured soldiers were taken to the basement where Alexander Zakharchenko, leader of the so-called 'Donetsk people's republic' spoke to them and then handed them over to Motorola.

They were taken for interrogation, Sova recounts, and says that for six or seven hours they were first beaten, then ‘interrogated’.

He says that their questions made it clear that there were Russians among them, and that Branovytsky got the worst treatment as he had admitted to being a machine gunner. “

“They broke a lot of bones. A paramedic came up, bandaged him and called an ambulance. Then Motorola came in. He looked at us all, we were already sitting by the wall. And Ihor was lying 2-3 metres from me. Motorola walked up and asked “what’s this body?” He was told that an ambulance had been called. Then he looked again, said “so that he doesn’t suffer because he won’t live to get to the hospital”, took out a pistol and shot him twice in the head”.

The BBC journalist asked if he had seen this with his own eyes, and if Branovytsky had definitely been alive. The answer was affirmative to both. Sova goes on to say that the militants had claimed that Motorola was in that way showing ‘mercy’. The nature of such ‘mercy’ can be seen in his comment to the others: “Don’t be surprised that I’m so nice, I can shoot any of you dead”

A Kyiv Post journalist had spoken earlier with Motorola on the phone. The Russian refused to comment on Branovytsky’s murder saying: “I don’t give a shit about any accusations, believe it or not ” Motorola said. “I’ve shot 15 prisoners. I don’t give a shit. No comment. I kill whoever I want.”

Pavlov was killed on Oct 16, 2016 after a bomb exploded in the entrance of his extremely well-guarded apartment block.

36-year-old Givi was killed on Nov 8, 2016 reportedly when a Shmel grenade gun was directed at his office in the centre of Donetsk.

These are just two of the so-called ‘heroes of Donbas’ whom Russia has seen fit to honour with a memorial in Rostov.

#13

No Way Out for Bloggers in Ukraine’s Donbas

by Oleksiy Matsuka

Open Democracy, 11 October 2017

<http://bit.ly/2l5OLLQ>

The situation with press freedom in the territories not under Ukraine’s control hasn’t been surprising for a long time. The new authorities liquidated independent local and commercial media offices for their lack of loyalty to the new formation known as the

“Donetsk People’s Republic”. The region’s main newspapers, such as *Donbas*, *Evening Donetsk*, *Donetsk News*, and the television channels Donbas, First Municipal and K61 left Donetsk back in 2014. Since then, the city’s media environment has been chilled by censorship overseen by the “Ministry of Information of the Donetsk People’s Republic” (which employs over 100 people).

Today, censors read all newspapers before publication. Television channels agree on their broadcasts with a controlling body, and bloggers have to be registered with the “Ministry of Communication”. This leaves just two relatively reliable sources of information in these two territories in eastern Ukraine: foreign journalists who come to Donetsk for a short trip and local citizen journalists — those bloggers and professional journalists who lost their job during the initial stage of the conflict.

There is, it should be said, one more source of information: the local opposition to Alexander Zakharchenko, head of the “DNR”. While these people are ideological supporters of the “Russian world” idea and the separation of Donbas from Ukraine, they criticise the actions of the current leadership in Donetsk. You can trust their information, but only so far. This category of bloggers have their own agenda and are fighting to increase their own power in the region.

Many involved in media in the “DNR” have no alternative. They are forced to revolve around the circle of spin and propaganda without any hope of help from the outside world

At the end of summer 2017, we saw the publication of different coloured lists for journalists working in Donetsk. If a media professional appears on the yellow list, they’re neutral; on the orange list, they require the attention of “state security”; and if they’re on the red list, they need to be detained or deported. This logic is also applied to the region’s bloggers. There are different methods (described back in 2015 by “DNR” officials) for dealing with political activists and those who criticise the Donetsk authorities. Every district had to send lists of critical individuals to higher authorities. But it’s not completely clear whether this practice of searching for dissenters is still in operation today.

Journalists who work in media outlets supporting the breakaway authorities do not admit that censorship officially operates in the uncontrolled territories. For example, this is what Valery Gerlanets, editor of the *DNR Herald*, says:

“According to the law, we don’t have censorship in our republic. But there is internal censorship, which requires newspaper pages to look good, high quality illustrations - censorship that works towards a result, a quality product for readers... If there are some cases [of censorship] - and they are inevitable because of personal interference - I and a series of other comrades from the department of print media look at the newspaper pages to avoid these cases [of censorship] and give readers a quality product.”

When Gerlanets talks about “comrades”, he is referring to employees of the “Ministry of Information”. There is a special department inside this “Ministry” that controls “state media” (and in Donetsk that means practically all media).

Despite the high level of loyalty among employees of this “state media” to power structures in Donetsk, we still saw the appearance of the different lists earlier this year to keep tabs on them, too. And it seems that Stanislav Vasin, a blogger from Donetsk who disappeared in June 2017, was placed on one of these lists. His fate still remains unknown. In Kyiv, representatives of the United Nations recently presented a report on human rights in the “DNR” and “LNR”, but the only thing they could say with confidence about Vasin was that he was imprisoned by “DNR” militants. Despite the fact that the “DNR” has placed him on a list for prisoner exchange with Ukraine, the authorities refuse to give access to his family, nor rights defenders. A letter from

Vasin was published online in September, but it has not yet been verified.

Facebook blogger Eduard Nedelyaev also ended up on the separatists’ lists. In August, Nedelyaev, who was living in Luhansk, was sentenced to 14 years’ imprisonment for “state treason”. According to the separatists, Nedelyaev “reported negative information on residents of the LNR [“Luhansk People’s Republic”] which disparages the honour and dignity of citizens, and tried to spread hate and hostility towards the Russian nation.”

Separatist authorities have suspected Gennady Benitsky, another Ukrainian citizen from Luhansk, of “spreading extremist materials” via Facebook. He was also suspected of “committing actions aimed at whipping up hate and humiliating human dignity”, as well as espionage on behalf of Ukraine. Benitsky was held in pre-trial detention from November 2016 to March 2017. He was then released.

The cases against Benitsky, Nedelyaev and Vasin became public only recently, and only thanks to the independent press. Personal conversations with fellow journalists does give us some information regarding media freedom in the two Donbas territories, and on what the “DNR” and “LNR” demand of journalists still working there.

However, we cannot circulate this information in its entirety as doing so would put our colleagues in danger. Suffice it to say, there are various ways of pressuring journalists in the “DNR” — from financial incentives (for sticking to the pro-separatist line) to beatings and arrests.

Unfortunately, today the possibilities for media organisations, unions and and journalists’ associations in the uncontrolled territories are highly limited. Those structures created in Donetsk with the title “trade union” are trade unions in name only, and include the “DNR” leader Alexander Zakharchenko among their members. The website of the Union of

Journalists of “DNR” hasn’t been active for a long time, and it’s unclear to whom and how journalists who have suffered there can make complaints.

“It feels as if journalists in Ukraine’s occupied Donbas remain locked in a small, stuffy room without windows or ways out”

Indeed, it feels as if journalists in Ukraine’s occupied Donbas are locked in a small, stuffy room without windows or ways out. On the one side, they are pressured by the separatists’ security services, on the other, the Security Service of Ukraine, which suspects them of cooperating with “terrorists”. Then, there’s the pressure from the FSB, the Russian security services. And last but not least, there is an audience who wants a one-sided interpretation of the ongoing conflict.

Many of those involved in media in the uncontrolled territories have no alternative to the current situation. They are simply forced to revolve around the circle of spin and propaganda without any hope of help from the outside world — an outside world which, to them, appears hostile.

#14

Number of Ukrainian Political Prisoners in Russia and Occupied Crimea Rises Sharply

by Halya Coynash

Human Rights in Ukraine, 20 October 2017

<http://bit.ly/2yDkEi4>

There are now at least 60 Ukrainians whom Russia is imprisoning on politically motivated charges or for their faith in Russia or in occupied Crimea. While it is undoubtedly Russia who is to blame for this situation and who holds the key to resolving it, Ukraine’s leaders could be doing a great deal more. Prominent Crimean Tatar lawyer and rights activist Emil Kurbedinov has urged the Ukrainian government to formally recognize the status of Crimean political prisoners and their families. He believes that such formal status will make it easier to help the ever-mounting number of political prisoners and their families.

There are no negotiations underway, and despite pleas from prisoners’ families, there remains no individual appointed to coordinate activities and provide the contact point for relatives.

It cannot be known whether this will help, since it hasn’t been tried. Moscow has proven impervious to words of concern and outrage from the civilized world, but there are levers and western sanctions are undoubtedly hurting.

So are the ever-increasing number of abductions, arrests and ongoing imprisonment of Crimean Tatars and other Ukrainians, and systematic aid is needed. In Crimea, the civic initiative Bizim Balalar [‘Our Children’] was launched by Crimean Tatar journalist Lilia Budzhurova as the number of children whose fathers had been taken from them inexorably rose. After four new arrests on October 2, the number of children in need of both financial and psychological assistance had risen to 73. With new arrests on October 11 of six Crimean Tatars, all with large families, that figure has now reached 100. Solely through donations, the initiative has been able to provide mothers with five thousand roubles [73 euro] a month for each child. While it is wonderful that such an initiative has arisen, the number of political prisoners is on the increase and there needs to be systematic assistance from the government. Some of Russia’s prisoners, such as Crimean Tatar leaders Akhtem Chiygoz and Ilmi Umerov, filmmaker Oleg Sentsov and civic activist Oleksandr Kolchenko, were targeted because of their loyalty to Ukraine and peaceful defence of the country’s interests. They and others are all Ukrainians and victims of persecution, in need of support.

There had appeared to be some progress. In May this year the Ministry on Occupied Territory and Internally Displaced Persons prepared a draft bill which would declare those Ukrainians held prisoner on political grounds in Russian-occupied Crimea and Russia as political prisoners and provide state assistance for their families. There were various problems identified at the time, but Minister Vadim Chernysh expressed willingness to work with NGOs on this and support for a coordination centre for all matters related to political prisoners, with this to be within his ministry.

Mustafa Dzhemilev, veteran Crimean Tatar leader and Ukrainian MP, tabled that bill in parliament in July, and there have been assurances that it could be adopted this autumn. The bill, as on the website, will need reworking to assure that prisoners and their families are not left out due to a definition of political prisoner that is too narrow. It must, for example, cover the 24 Ukrainian Muslims who are effectively imprisoned for their faith alone, as well as prisoners held in Russia, like Valentin Vyhivsky and Viktor Shur, who were held virtually incommunicado and almost certainly tortured into confessing to ‘spying’ charges. The same applies to Oleksiy Sizonovych, the 61-year-old pensioner recently sentenced to 12 years after being captured by Kremlin-backed militants in Donbas and taken by force to Russia,

It is not only support for families that must be considered. Russia is currently flouting international law, not only by prosecuting Ukrainians on trumped up charges, but also by imprisoning them thousands of kilometres from their homes. The sheer cost of travelling so far can be prohibitive, making it difficult for lawyers and the person’s family to maintain even that degree of contact.

Getting the prisoners freed and home

Ihor Kotelyanets is speaking for many relatives when he expresses frustration with how little the Ukrainian authorities are doing to get his brother Yevhen Panov and other prisoners released.

He meets with representatives of the EU and embassies, who ask him what specific measures are being taken. As far as he and the other relatives are aware, there are no specific measures – no clear format for negotiations, no individual responsible for this.

The Crimean Human Rights Group recently put together a list of judges implicated in politically motivated trials. There are some in Crimea who are responsible for the knowingly wrongful conviction or detention of a number of prisoners. In each politically motivated prosecution, however, there are others who should be named and targeted for sanctions. Simply informing people of the names is not sufficient, and here the government could provide invaluable assistance.

Perhaps the new draft bill will resolve some of the problems. If and when it gets passed. In the meantime, the number of political prisoners is increasing and action needed now.

The list below of Ukrainians already held prisoner on politically motivated and / or fabricated charges in Russia or Russian-occupied Crimea is increasing at an alarming rate. There are too many to give details of each case below, but please press the hyperlinks for more information. Crimean Tatar leader Ilmi Umerov is facing a two-year sentence, though the appeal has not yet been heard.

#15

Ukraine's Law on Education Doesn't Ensure Balance Between State Language and Languages of Minorities, Kyiv Should Comply With Venice Commission Conclusions

Interfax-Ukraine, 12 October 2017

<http://bit.ly/2ioBzPL>

The Parliamentary Assembly of the Council of Europe indicates that the provisions of the Ukrainian law “On Education” do not ensure a balance between the official language and the languages of national minorities and recommends that Ukraine should fully comply with the forthcoming conclusions of the Venice Commission and modify this document accordingly.

On Thursday, an urgent debate took place in Strasbourg regarding the Law on Education, adopted in Ukraine, in particular on Article 7 concerning the language of teaching, which resulted in the adoption of a resolution with recommendations for Ukraine.

According to the results of the vote, out of a total 110 delegates, who took part in the vote, 82 delegates of the PACE supported the document, 11 voted against it, 17 abstained.

In particular, the Parliamentary Assembly is seriously concerned about the adoption on September 5, 2017 of a new law “On Education” by the Verkhovna Rada of Ukraine and its signing by President of Ukraine Petro Poroshenko on September 27, 2017. According to it, the law does not ensure the right of ethnic minorities to study in their native language and significantly reduces their rights.

PACE also requests that the conclusions of the Venice Commission be fully implemented.

In addition, the Assembly deplores the fact that there was no real consultation with representatives of national minorities in Ukraine on the new version of Article 7 of the law.

PACE believes the new law ‘do not appear to strike an appropriate balance between the official language and the languages of national minorities’ not encompass the concept of ‘living together’, the new legislation does not comply with the principle of ‘living together’, which underpins Framework Convention for the Protection of National Minorities.

“These national minorities, who were previously entitled to have monolingual schools and fully fledged curricula in their own language, now find themselves in a situation where education in their own languages can be provided (along with education in Ukrainian) only until the end of primary education. For the Assembly, this is not conducive to ‘living together’,” PACE said

The Assembly recommends that Ukraine examines best practice in Council of Europe Member States in the field of teaching official languages, with special learning methods designed for schools using regional or minority languages as the language of education

The Assembly believes that it is important to fulfill the commitments based on the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages, and to help re-establish a constructive dialogue between the different parties concerned.

“Where States take measures to promote the official language, these must go hand in hand with measures to protect and promote the languages of national minorities. If this is not done, the result will be assimilation, not integration,” the document reads.

In addition, the Assembly recommends ensuring flexibility in the implementation of the reform.

The rapporteur on this issue was a member of the delegation of Estonia, a member of the PACE Committee on Culture, Andres Herkel.

#16

US Wrongly Thought Nukes Were Ukraine's Biggest Problem

by Anders Aslund

Atlantic Council, 4 October 2017

<http://bit.ly/2xc9Sw6>

Ukraine has played an important role in US foreign policy since it became independent in 1991. So far, this topic has received scant scholarly interest. The most substantial book to date was Sherman Garnett, *The Keystone in the Arch: Ukraine in the Emerging Security Environment of Central and Eastern Europe*, which was published in 1997, so a new look is long overdue.

In his new book, *The Eagle and the Trident: US-Relations in Turbulent Times*, Ambassador Steven Pifer offers a detailed and well-written study of US policy on Ukraine from 1991-2004 in 366 pages.

During those years, Pifer held key positions in the formation of US policy on Ukraine in the State Department, at the National Security Council, and from 1998-2000 as US Ambassador to Ukraine. He knows the making of US policy on Ukraine inside out and he is meticulous, making this book an invaluable resource. I have failed to find any inaccuracies.

Structured in chronological fashion in eight chapters, the first chapter deals with the establishment of relations, chapter two with nuclear weapons, and chapter three with the blossoming of relations 1995-97. The next two chapters address the downturn and the Orange Revolution. The seventh chapter covers the long period 2005-2017 more superficially, when Pifer was no longer directly engaged in US policymaking on Ukraine. The final chapter draws lessons and policy recommendations.

This is a nuanced and honest account, characteristic of the earnest Pifer. It is excellent that such an insightful and well-documented book has been published because too many myths have accumulated about what the United States has actually done in Ukraine, especially on the Russian side but also on the Ukrainian side. Repeatedly, Pifer emphasizes how the Americans said one thing, and the Ukrainians heard something else.

The book depicts how US foreign policy is made. Initially, leading policymakers provide major input, but policy is later formed at the level of the US ambassador to Kyiv, the senior director at the National Security Council, and primarily deputy assistant secretaries at State, the Pentagon, and the Treasury, while the superiors merely listen. An outsider may be surprised by how few people actually mattered.

US goals can be summarized in three phrases: get rid of Ukraine's nuclear arms, defend Ukraine from Russia, and support political and economic reform.

Pifer is upright: “No goal figured higher on the US agenda for Ukraine than ensuring the elimination of [nuclear] weapons—and it no doubt often seemed to many in Kyiv to be the United States’ only goal” (p. 5). The man who set this agenda was Secretary of State James Baker, who made a quick trip to the relevant Soviet republics in mid-December 1991, and it has lasted.

In hindsight, the US preoccupation with the danger of “loose nukes” appears misdirected. After Russia’s military aggression against Georgia in 2008 and Ukraine since 2014, the sovereignty and territorial integrity of post-Soviet republics would have appeared more relevant.

But the United States was not ready. “Washington wanted nuclear weapons out of Ukraine, but neither the Bush nor the Clinton administration was prepared to offer [any] kind of guarantee” (p. 76). In the infamous Budapest Memorandum of December 1994, the United States, the United Kingdom, and Russia offered Ukraine security “assurances” if it gave up its nuclear arms. Pifer notes “that ‘guarantee’ and ‘assurance’ both translate as ‘guarantee’ in Ukrainian and Russian” (p. 59). “Kyiv treated the memorandum as, in effect, an international treaty” (p. 71). President Leonid Kuchma still insists that he was cheated when signing that memorandum.

Otherwise, the United States showed considerable understanding of the importance to defend Ukraine against Russia. It was deeply concerned about Ukraine’s sovereignty over Crimea and Sevastopol, over the complexity of the Black Sea Fleet, and the many economic conflicts between Russia and Ukraine.

Pifer’s prime specialization is disarmament, but I fear that he accurately reflects how little attention US authorities paid to economic reform in the early years of Ukraine’s independence. It took nearly three years before the Freedom Support Act funding started flowing into Ukraine. The United States missed the window of real opportunity in the early 1990s. Far too late, it realized that extreme rent seeking had developed. Rather than seeing the root of the problem in the economic system, the US got bogged down in multiple business disputes, whose essence was that property rights had not taken root. From 1999, democracy became a major US concern.

In this highly readable account, Pifer explains why the United States succeeded in ridding Ukraine of nukes but failed to contain Russian aggression or spur irreversible reforms. US engagement was considerable, and it is striking how the United States accomplished what it focused on, but it often lacked focus until too late.

#17

“The Purpose is to Bring MH-17 Matter to Court,” Interview with Fred Westerbeke, Chief Prosecutor with the Dutch National Prosecutor’s Office

by Pavel Kanygin

Novaya Gazeta, 15 October 2017

<http://bit.ly/2gd1rtH>

A red brick building on the Rotterdam harbor bank. A guard is smiling behind the glass of the checkpoint. A modest plaque nearby, saying “Prosecutor’s Office”. We meet Fred Westerbeke, Chief Prosecutor, at the round table in the reception area. Mr. Westerbeke brings along a stack of notes, some print underlined, a whole paragraph added by hand. In September 2016, JIT [the Joint Investigation Team, comprised of The Netherlands, Australia, Belgium, Malaysia and Ukraine –UKL] presented its findings, evidencing that the passenger flight was shot down by the surface-to-air missile launched by the Buk system from a site near Pervomayskoye (a settlement close to Snezhnoye), a Donbass area then controlled by the so-called “DPR”. The group also presented evidence that the Buk system was delivered to Donetsk Oblast from Russia, only to be whisked away immediately after the deadly shot. Based on the JIT materials, one may conclude that the Buk transportation was supervised by a militant who went under the moniker of “Khmuriy”. Based on the JIT materials it can be concluded that the insurgent called Khmuriy was responsible for the Buk transportation; records of intercepted telephone conversations involving Khmuriy were added to the case files.

The *Novaya Gazeta* ran its own investigation early in 2017 and identified “Khmuriy” who happened to be one Sergey Dubinskiy. Presented in the photo Dubinskiy usually wears a uniform of a Major General of the Russian army. It is unclear yet whether Dubinskiy was in military service on July 2014. Dubinskiy-Khmuriy was identified by his fellow officer Sergey Tiunov, an Afghan war veteran. In an exclusive interview with the *Novaya Gazeta*, Tiunov said that he and Dubinskiy discussed the consequences of the MH17 tragedy, and he offered legal help to Khmuriy. By request of the newspaper, experts of the International Association of Criminalistic Phonetics and Acoustics (IAFPA) carried out the analysis of the voices of Khmuriy and Dubinskiy and concluded that they belong to one and the same person.

In our conversation, Fred Westerbeke explained how the official investigation is “closing in” on identifying every single accessory to the MH17 crash, including top officials and military commanders who made the decision to bring the Buk system to Ukraine. Westerbeke went on to explain what guarantees are in store for the witnesses and what people like Khmuriy are to expect, if they wish to cooperate with the prosecution.

“The arrests will follow”

— Mr. Westerbeke, how does the investigation go on? What stage are you in?

— The investigation goes on and I cannot tell when this matter will be put to rest. But it is going to happen, no one should doubt it. We presented our preliminary findings on 28 September 2016 and answered the questions about what had happened to MH17 and where the Buk missile was launched from. Back then, we outlined the individuals involved, to a varying degree, in the tragedy. We have been looking for these people ever since.

— How do you mean “put to rest”?

— When those responsible for the downing of the passenger airliner are brought before the court, this will be the result of the JIT efforts.

— When the investigation team announced the cause of the MH17 catastrophe, it became all too clear that Russian would be the principal place of search for the individual suspects. Are you getting any cooperation from Moscow in identifying these people?

— We have been focusing our efforts on identification of these people over the last year. We know that the Buk system was delivered to the launch site by Snezhnoye from the border between Russia and Ukraine. We know that the system was smuggled back to Rostov Oblast after the fatal launch. We keep digging on and on, to find the answer to the questions: who brought the system, who escorted it, who pushed the button, who gave the order. So far, I cannot say that we have a finalized list of suspects. We keep gathering information from everywhere, and we welcome any cooperation from Russia, Ukraine and other countries and individuals who are in the know. Any information about who was behind this heinous crime would be greatly appreciated.

— A year ago, you said that you had information about a hundred individuals involved in the MH17 tragedy. Can you give us the names of those whose involvement is beyond any doubt? Who are these people?

— No, I cannot. The investigation goes on and we have no right or wish to disclose the names of the suspects or witnesses. But we will disclose everything when this investigation is over, and we will give the names at the trial.

— Not exactly the most transparent investigation.

— We are open where we can afford it. We keep the victims’ families and the public up to date. You may consider in this light our presentation in the autumn of the last year. Our laws and regulations allow us only to be completely transparent about a criminal investigation once the files are moved to the court. So that will be the moment when we can and will be totally transparent about the details of criminal investigation.

— But how are you going to find these people if you are not willing to disclose their names?

— If we want to have someone arrested, we will turn to the Interpol. We have procedures to follow. This stage is yet to come, but we will do it, if any arrests are required.

“The SU-25 attack on the Boeing is total nonsense”

— Are the Russian officials willing to cooperate with JIT at all?

— All I can say is that we have made several official requests to Moscow and I have talked with my Russian colleagues. If you are asking whether they are willing to cooperate, I would say they had given us some information. Are they willing to cooperate in honest? Well, a lot of people in the Netherlands find it hard to understand why it took the Russians grand total of two years after the plane crash to provide the original data from their radar in Rostov Oblast? And why did they time it exactly two days prior to our MH17 report? Anyway, they have given us these details. And I can say, there is a cooperation of sorts. Nothing goes smoothly there, as it is common to every international investigation, but there *is* the cooperation. Next year will show, if we are going in the right direction. So far, I have no reason whatsoever to doubt it.

— What do you think about the alternative report made by the Russian government-owned *Almaz-Antey* company?

— Their conclusion [saying that the Buk was launched from the area next to village of Zaroshchenskoye, allegedly controlled by the Ukrainian army] is the total opposite of ours. We disagree with it. My mission is to collect all pertinent information and give the file to the court. From this point of view, what *Almaz-Antey* did is a small technical detail, part of the extensive investigation carried out by our team. They made a test, blew a missile next to an airplane and drew some conclusions. Fine, we used their data. But we also made a similar test and gathered quite a few information: photos, videos, intercepted telephone conversations and, what really matters, found the eyewitnesses – individuals who saw the Buk. This trumps everything what *Almaz-Antey* has. However, I am not going to judge whether their conclusions are wrong or right.

— Why? Aren't they making your job harder?

— I see a lot of diverse data around this matter. And a lot of, mildly put, fairy tales. First there was that story about a fighter shooting down the Boeing with the air-to-air missile, then they came up with a Buk launched from Zaroshchenskoye. My task is to check and verify every fact, no matter how hard it would be...

— You are very delicate, when you talk about disinformation that had been long refuted by mass media and your colleagues.

— Firstly, I am a functionary who has been a cop and a prosecution officer for 37 years. Secondly, I am not in the least bit inclined to argue who sees what as disinformation or whatever. That is totally beyond my mission.

— However, since we started about it... You mentioned an SU-25 fighter version. Have you really given it a thought in your investigation?

— Of course, we have. This was one of the wildest versions. At first glance, the evidence was rock solid, including the radar data, photographs and even a pilot (one captain Voloshin – *editor's note*)... However, our experts immediately disregarded all these data as total rubbish. For example, the fighter jet on the pictures was larger than Boeing 777. Then we established that on that tragic day there were no fighter jets in the area, not a single one.

— According to the JIT report, the Buk system was brought to Ukraine from Russia and after the shot it was smuggle out back. Does it mean that the system was Russian?

— As a prosecutor, I can only talk about what I can prove. Even if it is perfectly clear for someone whose system that was, it is still not a legally established fact. It simply does not work this way. This is what everyone unhappy with the lengthy investigation should understand. So far, we have conclusive evidence of where the system came from and where it went back. Next, we need to establish the identity of the operators and, what is even more important, those who were in charge – the chain of command that made the decision about the Buk. Only when we are totally confident about our evidence, we will present it to the court and to the public. However, and I would point this out, no one is going to blame the entire population of the country whose officers owned that Buk. I am only interested in specific individuals involved in the attack: who pushed the button, who gave the order and those who approved the delivery of the Buk to Ukraine. We need some more time, to gather the evidence. The investigation is further hampered, because we cannot visit the areas controlled by the militants. And we are unable to make any arrangements there, including interviews and arrests. It all would take more time than I'd like to admit.

— Do you communicate in any way with the self-proclaimed “DPR” and ‘LPR’?

— We do not recognize these entities.

“We are able to protect witnesses in any part of the world.”

— Mr. Westerbeke, if Russian authorities fully cooperate with you, what can they expect as a *quid pro quo*?

— Quite honestly, I do not understand your question.

— Well, it's all obvious to me.

— Let me put it this way. There is this UN Resolution No. 2166, signed by Russia, actually. The Resolution says that every state in the conflict region shall provide assistance to international investigation. Full [unconditional] cooperation is the only way for the investigation to proceed. Five countries, not the Netherlands alone, are carrying out this investigation. And none of us may make bargains with any government. Our sole mission is to establish the facts. In case somebody missed this, I repeat: the truth is non-negotiable issue. This kind of approach does not work in the Netherlands.

— Suppose the Russian side agrees to extradite “Khmuriy” and close the issue of its involvement in the tragedy...

— I have read your investigation about that individual. Publications like this get us closer to the solution. However, the answer would be the same: no bargains when it comes to establishing the truth. If there is an individual [with the Russian authorities] who knows what happened to MH17, all I can say is: here's the UN Resolution No. 2166, and your country has signed it. We would be happy to interview [Khmuriy] and anyone else who can share some information, but I have nothing to offer them in return. Everything is crystal clear. What else is there to offer?

— How about lobbying to lift the sanctions?

— But it does not work this way in the Netherlands. Someone in Russia may have a hard time believing it, but the prosecutor's investigation in the Netherlands is independent. The minister of foreign affairs cannot just pick up the phone and tell me, hey, buddy, here's the deal... Likewise, I cannot turn to the minister or anyone else with similar offer. This is the advantage of the Netherlands: the investigation is out of reach of politicians and officials. And we stay out of their business. I expect your question about the role of Ukraine in the investigation group. The answer is obvious: the crime happened within its jurisdiction. If we want to investigate the crime, we need to do it with them. In fact, the Ukrainians never once disappointed us in the course of joint operation. They provide everything we ask them for, omitting nothing, hiding nothing and doctoring nothing. Officers representing the other four countries participating in the JIT will corroborate this statement. Ukraine is a trusted member of our group. I would add, if MH17 were shot down over Russia, I would have suggested that Russia be made a member of the JIT group.

— I hear you. However, just to wrap things up with “Khmuriy”, if he or any other figure, like Strelkov, Boroday, etc., wish to testify, what guarantees you could give them?

— Every Russian citizen, not just Khmuriy, who wish to cooperate will be offered a number of options. If it is being a protected witness, we are ready to guarantee their

safety and security, giving them a safe place anywhere in the world. If the figure is a party to the tragedy but wishes to cooperate, there may be a deal envisaged by the laws of the Netherlands.

— Asylum can be given to figures who are a party to the tragedy?

— Normally, we would not give any asylum to such figures. However, one needs to understand the extent of their involvement, assess the information they can share and how they can help the investigation. It's all negotiable.

“Enough about the radars, OK?”

— Going back to specifics of cooperation with Moscow. The data from the primary radar that Moscow intended to provide to the JIT, allegedly refuting the involvement of separatists in the Boeing attack. Have you ever checked them?

— Let me tell you how it happened. About 2 days prior to publishing of our report in September 2016, the Russian side made a statement about the original data from the *Utyos-T* radar in Rostov. We obtained these data from the Russians only one month thereafter. We simply could not update our report on the basis of the new information. If you ask me whether or not we used those data back then, the answer is “we did not have it at the time”. It maintained that if the Buk had been shot from around Snezhnoye, the area controlled by pro-Russian separatists, the Rostov radar would have been able to detect the launch. Allegedly, that radar never detected any such launch. At least according to what the Russians told us two years after the tragedy. However, by the time of the report, we had an extensive and diverse package of evidence, testimony given by real eyewitnesses, photographs, videos, satellite photos – and all these unrelated sources indicated that the Buk had been launched from a site close to Snezhnoye.

— Anyway, have the Rostov radar data ever been used? Have you ever studied it?

— We received it a month ago and have been working on it ever since. Nothing to report so far. Why did it take us so long to start studying it? It's quite simple: for some reason, Moscow first provided the data in Russian format, although we had specifically requested it in international form. We would say, if you have any new information, please share it in the form we would be able to study! We ended up waiting and waiting, until we have finally received it in the required format recently. Your readers, like everyone else who is following our investigation, may rest assured that all data provided by the Russian Federation will be filed to the case and be submitted to the Court.

— there is this one more thing that the Russians officially use to whitewash the involvement of pro-Russian separatists in the MH17 downing – the JIT report contains no primary data from the radars in Dnepropetrovsk. Moscow claims that the Ukrainians deleted the data immediately after the incident in an effort to cover things up. Meanwhile, the official Kiev claims these radars were simply shut down. What do you think about it?

— Indeed, in our 2016 presentation we pointed out that the Ukrainian station that would normally trace the flights over the area in question had been out of service, and the other station had been under repair. We have checked this information once again and got quite a lot of supporting evidence: the stations indeed were under repair. Later on, we found yet another radar close to the area in question. We gathered data from it, used it in our findings and properly reported it. Still, I would say, too much attention is given to radars of every kind, whereas there is an abundance of other evidence. There are eyewitnesses. Live people saw this Buk! There is a video of Buk going to Snezhnoye! It all makes me want to cry out, “Enough already! We no longer need anything about the radars! We have more than enough evidence and proof of what had happened. Imagine: you have eyewitnesses of a crime where one individual shot another. And you have video records and photos of the perpetrator buying the gun. And he discussed all this on the phone. And you have every bit of proof. So, what’s the point in looking for and investigating other guns in the city, and keep asking oneself, “Where are the radar data?”

— In addition to the radars, Ukrainian Buk systems are a hot item as well. As you know, Moscow insists that the Boeing was shot down by a Ukrainian missile launched from Zaroshchenskoye. And Moscow doubts that Kiev has provided data on where its Buk systems are stationed and stored.

— My answer would be the same: no point looking for other Buk systems which could have shot down the airplane, if we already know exactly where and whose Buk had been shot. These questions were answered way back in 2015 in the report of the Dutch Safety Board, aided by the experts from a dozen countries, Russia included. For our own part, we in the JIT have established that the Buk has been brought from Russia. We have not an iota of a doubt in our absolutely unbiased conclusions.

“Testimony of our witnesses is worth more than the US satellite data.”

— The JIT report mentions satellite photos, which also prove that the Buk was launched from the Snezhnoye area. Are these photos made by the US satellites? Did you really get them?

— Yes, we have these photos. An officer from my department who has clearance for handling the intelligence papers stamped “top secret” and “national security” saw and studied satellite data kept by the United States.

— Can you share more details about these photos? Do they provide the broad picture of the incident?

— Unfortunately, it’s nothing like the movies showing the unlimited abilities of satellite observation and zooming. Mass media made a lot of people believe that the U.S. space technologies are capable of virtually continuous video recording of the events down on Earth. It does not quite work that way...

— So how does it work? Where else would the U.S. keep its satellites at the time of unprecedented hostilities in Europe?

— I assure you, not even the U.S. satellites are able to see everything all the time. Besides, as you remember, that day was overcast. I cannot talk about what was on these photos, because they were seen by my authorized officer with proper clearance for handling sensitive data. He saw the report and conclusion of the U.S. side, and we used their data in our investigation as well.

— Are you satisfied with the involvement of the U.S. team?

— I am. This tiny piece only adds up to the evidence that the missile was launched from the Snezhnoye area.

— Why tiny?

— Because they [photos] are just a fraction of an immense body of evidence. It is all about the testimony of our eyewitnesses that is worth more than all data from the radars or satellites.

— But you could publish these photos and put an end to all speculation, couldn't you?

— There is just this little simple thing: those who wish to speculate, will keep speculating regardless of whether we publish anything or not. Quite honestly, all speculation should have ended in September of the year before when we came out with extremely hard evidence that the attack on MH17 originated from Snezhnoye. Yet it never ended. Any idea why?

— Regardless, Russian propoganda labels the evidence from your report as “fakes from the Internet” and keeps demanding the American photos.

— Then whoever is doing that [propaganda] should be aware that we made our presentation for the report on the basis of the original data which we gathered anywhere but the Internet. Our witnesses recorded these frames with their cameras and phones. These are authentic and verified materials we would vouch for. I would personally vouch for them, and I am a professional with 37 years of prosecution under my belt. You can watch this video any time you want. As for the updates, please, wait till the trial. We will present everything to the court. We are doing our best, to bring that day when we hold enough evidence to start the trial. We may need a few months more, maybe a year or so. Or it may be a matter of a couple of weeks, if a couple of witnesses turn up tomorrow and tell us the entire story and offer the evidence. We count on it, and we hope that new witnesses will find a way to get in touch with us.

— Mr. Westerbeke, what kind of trial it will be?

— We would very much like it to be a tribunal under the UN auspices. Unfortunately, Russia has vetoed this idea in the UN Security Council. That is why the countries participating in the JIT chose it to be the trial in the Netherlands and it will be held in accordance with our national laws. I think our legal system has proven itself as reliable, transparent, independent and fair. We are doing everything to make this trial happen. Hundreds of families around the world are waiting for it and it keeps us on our toes. Nothing will stop us until we have found every party involved, including the commanding officers and the top brass. This is our warning to those who still hope that they will get away with this massacre of the innocent.

#18

Call for Papers

The Working Group on Religion in the Black Sea Region
Fifth Annual Workshop
Everyday Diplomacy: Religious Encounters from the Baltics to the Black Sea
14-16 June 2018, Kyiv, Ukraine
<http://bit.ly/2iiHANJ>

Anthropological research on religious expression and practice in Eastern Europe reflects the internal complexity and dynamics of religiosity in a region that has constantly faced political challenges, including shifting borders and massive in and out migration. The end of the communist era in Eastern Europe led to new forms of politicization, especially where newly independent states sought to consolidate their legitimacy by integrating religion into national / nationalistic visions of history. In a number of Eastern European countries, religious and national identities are closely entangled. Many in this imperial frontier region embrace religion as a vital element of their national belonging, connecting them with their land and ancestors, even as such attachments often take unexpected and ever evolving forms. Perhaps the most puzzling of all are the drastic differences in state engagement by religious institutions that can be found within this post-colonial, post-socialist, post-Soviet frontier region. The involvement of religion and religiosity in political, social and economic life reveals a multiplicity of blended religious forms and rites, contested and shared sacred sites, and a wide spectrum of sects, cults and other millenarian movements, all of which make balancing religious pluralism a challenge in the region.

This workshop engages the notion of “everyday diplomacy” as forms of interaction and exchange that occur over religion in imperial frontier contact zones. (Marsden, Ibanez-Tirado, Henig 2016) These everyday encounters serve as a means to know and engage otherness by maintaining trade, civility, cosmopolitan outlooks, and often ambiguity. They play a vital role in creating or quelling tension and conflict. A focus on “everyday diplomacy” enables anthropologists to engage in comparative research that moves beyond

local, nation-state or confessional frames to consider how historicity and geopolitics shape religious practices, memory issues and socio-political change more broadly. We encourage research that engages the theme of borderlands and utilizes ethnographic methods to study the dynamics of religious encounters, pluralism, and extra-institutional lived religious practices in Eastern Europe and the Black Sea region, including the Caucasus. We welcome proposals from anthropology, history, religious studies, and sociology of religion using a variety of methods and innovative styles of argumentation.

Topics include, but are not limited to, how individuals and religious communities negotiate: the blending/boundary maintenance of religious, social and ethnic identities; representations of history/memory in local communities; accommodating/challenging pluralism and reform in Orthodox societies; (post)secularism; doubt, indifference, vernacular religion; religiosity as a creator of place and feelings of belonging; contested or shared material manifestations of religiosity in borderland regions; and religion as a factor in conflict resolution/stimulation.

Confirmed Speakers:

Bruce Grant, Professor, Department of Anthropology, New York University (USA)

Magnus Marsden, Professor, Department of Social Anthropology, U of Sussex (UK)

Catherine Wanner, Professor, Department of Anthropology, Pennsylvania State University (USA)

Format: All papers will be pre-circulated to participants. One hour will be devoted to open discussion of each paper. Each author will give a brief, ten-minute introduction, followed by commentary by an invited discussant and open discussion.

Logistics: The costs of travel to Kyiv and three nights of accommodation will be provided.

Proposals: Please submit a brief CV (max. 3 pages) and a 300-word proposal to: julia.buj@gmail.com; soc.injener@gmail.com by 1 November 2017. Notification of acceptance will be given by 15 November 2017.

Publication Plans: We will publish an edited collection of articles. An English-language editor will be provided, if needed. We ask participants to submit a final revised article of ca. 8,000 words by 1 September 2018.

UKL 489, 21 October 2017

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