

Mr Laurent Wauquiez  
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Berlin, 26.03.2019

Dear Mr Laurent Wauquiez,

On the 11<sup>th</sup> of November 2018, Mr Andréa Kotarac, a member of the Regional council of Auvergne-Rhône-Alpes, participated as an international election observer in an observation mission to the “general elections” of the “Donetsk People’s Republic” as referred to by the illegal armed separatists groups. Certain areas of the Donetsk region (CADR) are classified as temporarily occupied territories<sup>1</sup> by the Ukrainian government and are not recognised by any UN member state.

While he was presented in the Russian and local media as a member of the Regional council of Auvergne-Rhône-Alpes, Mr Andréa Kotarac gave a positive public assessment of the “elections”. By doing so, Mr Kotarac sought to misinform local, Russian, and international audiences about the real international perception of the so-called “general elections” in the occupied territories of Ukraine. As a member of the Regional council of Auvergne-Rhône-Alpes, Mr Kotarac misleadingly endorsed the legitimacy of these “elections” and of the recognition of the self-appointed separatist leadership in the region.

The EU considered the above mentioned “elections” to be “illegal and illegitimate” and condemned them as they were “in breach of international law, undermined the commitments taken under the Minsk agreements, and violated Ukraine’s sovereignty and law”.<sup>2</sup> The former OSCE Chairperson-in-Office, Enzo Moavero Milanesi, stated that he was “extremely concerned by the announcement of the “elections” due to be held in certain areas of Donetsk and Lugansk on the 11<sup>th</sup> of November”, adding that “such a decision would run counter to the letter and the spirit of the Minsk agreements”.<sup>3</sup>

Moreover, the Code of Conduct for International Election Observers states that “an organization should not send an international election observation mission to a country under conditions that

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<sup>1</sup> Law of Ukraine № 254-19-VIII, “On recognition of certain rayons, cities, towns and villages in Donetsk and Luhansk regions as temporarily occupied territories”, 17 March (2015), “<https://zakon.rada.gov.ua/laws/show/254-VIII?lang=en>.”

<sup>2</sup> “Declaration by the High Representative on behalf of the EU on the “elections” planned in the so-called “Luhansk People’s Republic” and “Donetsk People’s Republic” for 11 November 2018”, Consilium.europa.eu, 10 November (2018), <https://www.consilium.europa.eu/de/press/press-releases/2018/11/10/declaration-of-the-high-representative-on-behalf-of-the-eu-on-the-elections-planned-in-the-so-called-luhansk-people-s-republic-and-donetsk-people-s-republic-for-11-november-2018/>.

<sup>3</sup> “OSCE Chairperson-in-Office Moavero Milanesi extremely concerned by announced “elections” in certain areas of Donetsk and Lugansk, Ukrain”, OSCE, 8 November (2018), <https://www.osce.org/chairmanship/402440>.

make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process”.<sup>4</sup> The assessment presented by Mr Kotarac stands in direct violation to these rules.

The EPDE Secretariat therefore kindly asks you to clarify whether:

- Mr Andréa Kotarac informed the Regional council of Auvergne-Rhône-Alpes about his intention to observe the illegitimate “general elections” in the CADR, and what was the response to this from the Regional council of Auvergne-Rhône-Alpes?
- The Regional council of Auvergne-Rhône-Alpes intends to investigate whether Mr Andréa Kotarac received an official permission of the Ukrainian authorities to enter the CADR?
- Mr Andréa Kotarac informed the Regional council of Auvergne-Rhône-Alpes about the individual or institution that organised and financed his observation mission?
- The Regional council of Auvergne-Rhône-Alpes intends to investigate the activity of Mr Andréa Kotarac as an international observer and to verify whether Mr Andréa Kotarac breached the rules of procedures of the Regional council of Auvergne-Rhône-Alpes?

The European Platform for Democratic Elections (EPDE) is a civil society initiative of 14 European election observation organizations with a secretariat in Berlin. Since 2016, EPDE has been continually working on the issue of politically motivated international election observation which aims to mislead local and international audiences about the quality and legitimacy of elections, to cover-up election fraud, to whitewash the conduct of elections in authoritarian states, and to weaken the impact of credible international election observation missions and of independent citizens’ election observers.

We thank you in advance for your commitment to this issue and look forward to your response.

With kind regards,



Stefanie Schiffer

Chair EPDE

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Annex:

- EPDE booklet “Politically biased election observation—a threat to the integrity of international institutions”.

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<sup>4</sup> “Declaration of principles for international election observation and code of conduct for international election observers”, <https://www.ndi.org/DoP>.