

Mr Siegfried Bracke
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Federal Parliament of Belgium
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Dear Mr Siegfried Bracke,

On the 11th of November 2018, Mr Jan Penris, a member of the Chamber of Representatives of the Federal Parliament of Belgium, 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 territories¹ 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 Chamber of Representatives of the Federal Parliament of Belgium, Mr Jan Penris gave a positive public assessment of the “elections”. By doing so, Mr Penris 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 an EU-state’s parliament, Mr Penris 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”.² 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 11th of November”, adding that “such a decision would run counter to the letter and the spirit of the Minsk agreements”.³

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 make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic

¹ 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>.

² “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/>.

³ “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>.

electoral process”.⁴ The assessment presented by Mr Jan Penris stands in direct violation to these rules.

The EPDE Secretariat therefore kindly asks you to clarify whether:

- MP Jan Penris informed the Chamber of Representatives of the Federal Parliament of Belgium about his intention to observe the illegitimate “general elections” in the CADR, and what was the response to this from the Chamber of Representatives of the Federal Parliament of Belgium?
- The Chamber of Representatives of the Federal Parliament of Belgium intends to investigate whether MP Jan Penris received an official permission of the Ukrainian authorities to enter the CADR?
- MP Jan Penris informed the Chamber of Representatives of the Federal Parliament of Belgium about the individual or institution that organised and financed his observation mission?
- The Chamber of Representatives of the Federal Parliament of Belgium intends to investigate the activity of the MP Jan Penris as an international observer and to verify whether MP Jan Penris breached the Chamber’s Rules of Procedures⁵?

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”.
- Selected quotations of MP Jan Penris in Russian media:
<https://regnum.ru/news/2516992.html>
https://baltnews.lv/riga_news/20181112/1022443598/Donbass-vybory-urok-demokratii-dlja-Evropy.html
<https://ria.ru/20181111/1532554214.html>

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

⁵ “The Rules of Procedure of the Belgian House of Representatives, Chapter III Declaration of mandates, offices and occupations, declaration of assets and plurality of offices”, January (2019), https://www.dekamer.be/kvvcr/pdf_sections/publications/reglement/reglement_UK.pdf