

OSCCE Special Monitoring Mission to Ukraine

THEMATIC REPORT

Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate

January — June 2019

September 2019

Published by the OSCE Special Monitoring Mission to Ukraine

© OSCE Special Monitoring Mission to Ukraine 2019

All rights reserved. The contents of this publication may be freely used and copied for non-commercial purposes, provided that any such reproduction is accompanied by an acknowledgement of the OSCE Special Monitoring Mission to Ukraine as the source.

Available electronically in English, Ukrainian and Russian at: http://www.osce.org/ukraine-smm

TABLE OF CONTENTS

Summary	4
Roles and responsibilities	6
The SMM	6
The signatories of the Minsk agreements	6
The Joint Centre for Control and Co-ordination	6
Categories of restrictions	7
Overview of restrictions	8
Restrictions involving gunfire near SMM patrols, direct threats and violent behavior or direct threats	9
Restrictions at checkpoints	10
Restrictions related to monitoring of withdrawal of weapons	11
Other restrictions related to observing weapons	12
SMM remote observation	13
UAVs	14
SMM cameras	15
Border areas outside government control	16
Disengagement areas	16
Mines, UXO and other explosive devices	19
Impediments to gathering information	21
Contribution of the JCCC	21
Conclusions	22
Annex 1: Graphs and Maps	23
Annex 2: Violence and threats against or in the presence of the SMM	27
Annex 3: Table of incidents involving weapons aimed at SMM mini-UAVs	28

SUMMARY

The freedom of movement of the OSCE Special Monitoring Mission (SMM) to Ukraine is crucial to the implementation of its mandated tasks and the effective execution of its role in the Protocol and Memorandum of September 2014 as well as in the Minsk Package of Measures of February 2015 and its Addendum of September 2015. Any restriction encountered by the Mission potentially reduces its ability to monitor the security situation and carry out its mandate, thus breaching the will of the 57 OSCE participating States and challenging the commitments agreed upon by the signatories of the Minsk agreements.

With this report, the OSCE SMM aims to present an updated overview of the restrictions and other impediments that it faced in implementing its mandate in the first six months of 2019 (1 January–30 June). The last update was <u>published in February 2019</u>.

In the first six months of 2019, the overall number of restrictions of the SMM's freedom of movement decreased. However, the Mission faced more restrictions that involved gunfire in its proximity (or direct threats), compared with the previous six months.¹ The Mission encountered about 450 restrictions, a 37 per cent decrease, compared with the previous six months.² The majority of restrictions were denials of access. Almost 90 per cent of the restrictions occurred in non-governmentcontrolled areas. Compared with the previous six months, the Mission recorded a 45 per cent decrease in the number of restrictions in nongovernment-controlled areas of Luhansk region (90 compared with 165); a 26 per cent decrease n the number of restrictions in nongovernment-controlled areas of Donetsk region (310 compared with 421); and a 62 percent

decrease in the number of restrictions in government-controlled areas of both regions (50 compared with 134). Despite this decrease, the restrictions of the SMM's freedom of movement affected its operations and hindered its monitoring capabilities.

Specifically, the SMM continued to face freedom of movement restrictions at various checkpoints near the contact line and elsewhere, with the majority of cases occurring in non-government-controlled areas of Donetsk region. The SMM also observed the systematic continuation of denials in border areas in nongovernment-controlled areas of southern Donetsk region and at border crossing points beyond government control in Luhansk region. Overall, the SMM faced a decrease in the number of restrictions when visiting border areas that are not under the control of the Government in both Donetsk and Luhansk regions (43 per cent of all visits compared with 54 per cent in the second half of 2018).

The Mission's ability to monitor the withdrawal of weapons was also obstructed, as the sides, on numerous occasions, denied it access to designated weapons storage sites and potentially prevented it from observing weapons. The number of such cases increased compared to the previous reporting period. The majority of such instances (73 per cent) continued to occur in non-governmentcontrolled areas.

In 38 cases, the Mission's unmanned aerial vehicles (UAVs) were subjected to gunfire. SMM UAVs also continued to experience GPS signal interference, assessed as caused by jamming or probable jamming, during about 86 per cent of long-range UAV flights and about 15

¹ The figures provided in this paragraph do not include regular restrictions related to the sides' failure to conduct clearance of mines and unexploded ordnance on certain roads identified as important for effective monitoring as well as to ensure full access to disengagement areas.

² The SMM deployed a similar number of patrols during the period 1 January-30 June 2019 as in the previous reporting period.

SUMMARY

per cent of mini- and mid-range UAV flights. The Mission lost three long-range UAVs, four mini-UAVs and a mid-range UAV while flying over areas in both government- and nongovernment-controlled parts of Donetsk and Luhansk regions. All three long-range UAVs experienced dual GPS signal interference assessed as caused by jamming and the miniand mid-range UAVs experienced GPS signal interference assessed as caused by probable jamming before communication with them was lost. ³

The Mission's additional security measure to use only asphalt and concrete roads in Donetsk and Luhansk regions remained in place, following the fatal <u>incident of 23 April 2017 near</u> <u>non-government-controlled Pryshyb</u>. The additional security measures have remained in place due to the fact that, despite existing commitments by the Minsk signatories to remove or fence off mines and unexploded ordnance (UXO), the removal of such objects was executed only sporadically and on an ad hoc basis. The sides also did not provide maps of such areas, notwithstanding repeated calls by the SMM (including the latest letter of the Chief Monitor on the issue in March 2019). The departure of officers of the Armed Forces of the Russian Federation from the Joint Centre for Control and Co-ordination (JCCC) in late December 2017 continued to have a negative impact on assisting in ensuring a prompt response to impediments to the SMM's monitoring and verification.

³ The interference could have originated from anywhere within a radius of kilometres from the UAV's position

ROLES AND RESPONSIBILITIES

The SMM

OSCE Permanent Council Decision No. 1117

stipulates that the aim of the OSCE SMM to Ukraine is to contribute to reducing tensions and fostering peace, stability and security throughout the country. The Mission's mandate specifies that it shall have safe and secure access throughout Ukraine. Unrestricted and unconditional access to all areas is essential to ensure effective monitoring and reporting of the security situation, the ceasefire, the withdrawal of weapons, demining, as well as disengagement. The mandate also tasks the Mission to report on any restrictions of its freedom of movement or other impediments to fulfilment of its mandate.

The signatories of the Minsk agreements

The signatories of the Addendum to the Package of Measures and <u>the Framework</u> <u>Decision on Disengagement of Forces and</u> <u>Hardware</u> (2016) agreed that the Ukrainian Armed Forces and the armed formations should ensure secure and safe access for the SMM and rapid response to specific violations reported by the Mission. They have also agreed that restrictions of the SMM's freedom of movement, including interference with the Mission's means of remote observation, constitute a violation of its mandate, and have committed to ensuring effective monitoring and verification by the SMM.

The Joint Centre for Control and Coordination

The JCCC was established in September 2014 through a bilateral initiative between the Ukrainian and Russian General Staffs of the Ukrainian and Russian Federation Ministries of Defence. The signatories of the Addendum determined that the JCCC should contribute both to rapid response to impediments to the Mission's monitoring and verification, and to the safety of its monitors. ⁴ On 18 December 2017, the Russian Federation Armed Forces officers departed from the JCCC. Until that day, the Mission had requested both sides of the JCCC – officers of the Ukrainian Armed Forces and officers of the Armed Forces of the Russian Federation - to contribute to immediate resolution of impediments encountered by SMM patrols.

⁴ In addition, in accordance with the TCG mine action decision of 3 March 2016, the JCCC is responsible for overall co-ordination of demining and compliance with the ceasefire during mine clearance.

CATEGORIES OF RESTRICTIONS

The SMM categorizes freedom of movement restrictions as:

Denial of access: when the Mission is prevented from visiting an area of interest, including an international border area, or when it is prevented from following its planned patrol route and not allowed to pass through a checkpoint or cross the contact line.

Conditional access: when the Mission is granted access to an area only after accepting certain conditions, including being escorted, presenting documents (e.g. the national passports of SMM monitors), or being subjected to vehicle searches (inspections).

Delay: when the Mission faces routine waiting times, for instance at checkpoints, while those responsible check the SMM's documents, note vehicles' licence plate numbers or seek permission from their superiors. These are reported as freedom of movement restrictions on occasions when the waiting time was deemed longer than reasonable and therefore unduly limited the SMM's access. **Other impediments:** a form of denied access reported when the functioning of the SMM's technical monitoring capabilities is obstructed in any way, for example by jamming of its UAVs or interlocutors showing reluctance to interact with the SMM.

Furthermore, the Mission also encounters limitations of its freedom of movement in certain locations by civilian interlocutors, including their reluctance to engage with the SMM at times. This type of restriction affects SMM human rights monitoring in particular. It is, however, difficult to quantify the number of these incidents and they do not form part of the statistical data in this report.

OVERVIEW OF RESTRICTIONS

Between 1 and 30 June 2019 the SMM faced fewer restrictions of its freedom of movement and other impediments to the execution of its mandate, compared with the last six months of 2018. In total, the Mission's freedom of movement was restricted on about 450 occasions, an almost 37 per cent decrease compared with the second half of 2018, when 720 restrictions had been recorded. ⁵ As in previous reporting periods, restrictions occurred prevalently in non-governmentcontrolled areas of Donetsk and Luhansk regions (almost 90 per cent). ⁶ In the first half of 2019, the overall proportion of restrictions involving a denial of access (70 per cent) increased, compared with the last six months of 2018 (62 per cent). The SMM recorded about 25 denials of access in government-controlled areas and about 290 in non-government-controlled areas.



Freedom of movement restrictions by area 2018–2019

⁶ For such restrictions encountered on a regular basis, see SMM Daily Reports

⁵ The figures provided in this paragraph do not include instances of GPS signal interference of SMM UAVs assessed as caused by jamming or probable jamming as well as restrictions encountered on a regular basis due to the observed or a potential presence of mines and UXO on certain roads identified as important for effective monitoring and in and near any of the disengagement areas near Petrivske, Stanytsia Luhanska and Zolote. For more information related to the last six months of 2018, see "Thematic Report on Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate, July 2017–June 2018".



Freedom of movement restrictions by type 2018–2019

Restrictions involving gunfire near SMM patrols, direct threats and violent behaviour

Some of the instances of restrictions of movement involved gunfire near SMM patrols or direct threats and violent behaviour toward SMM staff. There were eight such cases in the first part of 2019 (four in the last six months of 2018): two in government- and six in nongovernment-controlled areas. ⁷ For example, near Sofiivka (formerly Karlo-Marksove) and in Pikuzy, members of the armed formations verbally threatened SMM staff and prevented them from accessing parts of both settlements. ⁸

In February 2019, positioned on the western edge of non-government-controlled Zolote-5/Mykhailivka to monitor the security situation to enable repair works to water pipelines, bullets flew about 10m over the heads of SMM patrol members who took cover in the vehicles (while the workers conducting the repairs took cover behind a tractor).⁹ The repair works were discontinued that day due to the incident and ensuing ceasefire violations. In May 2019, positioned near governmentcontrolled Kamianka to monitor the security situation and facilitate the operation of the Donetsk Filtration Station (DFS), an SMM patrol heard an explosion, assessed as a round of outgoing fire of an undetermined weapon about 100-300m from their position.¹⁰ On the following day, the SMM opted to change its operational posture and monitor the adherence to the ceasefire several kilometres further away from the DFS. It reverted to its original position a day later.

Notably, both incidents in Zolote-5/Mykhailivka and near the DFS occurred despite security guarantees having been provided for adherence to localized ceasefires. These incidents put the safety of SMM monitors at great risk and hinder the implementation of the Mission's mandate. Thus, during the reporting period, the Chief Monitor called twice upon the signatories of the Minsk agreements to take immediate remedial action in order to cease fire, respect security guarantees and protect civilian infrastructure (for all incidents involving gunfire near SMM patrols, direct threats and violent behaviour, see Annex 2).

⁷ For all incidents, see SMM Daily Reports of <u>3 January 2019</u>, <u>27 February 2019</u>, <u>4 March 2019</u> and <u>26 June 2019</u> and <u>SMM Spot Reports of 4 February</u> <u>2019</u>, <u>18 February 2019</u>, <u>26 February 2019</u>, <u>15 May 2019</u> and <u>9 June 2019</u>.

⁸ See Daily Reports of <u>3 January 2019</u> and <u>4 March 2019</u>.

⁹ See <u>SMM Spot Report 26 February 2019</u> and <u>SMM Daily Report 27 February 2019</u>.

¹⁰ See <u>SMM Spot Report 15 May 2019</u>.

RESTRICTIONS AT CHECKPOINTS

The SMM's access was restricted at various checkpoints along the contact line on 256 occasions (compared with 350 in the previous reporting period). Most of the encountered restrictions (169) were denials of access in non-government-controlled areas of Donetsk region (compared with 317 in the previous reporting period).

The trend of systematic denials of access in non-government-controlled areas of southern Donetsk region persisted in the first six months of 2019. These restrictions started in March 2017 and continued as at the end of the reporting period. Specifically, restrictions in the area accounted for about 31 per cent of the total number of denials recorded during the reporting period.

For example, since January, the Mission was denied access 42 times at a checkpoint near non-government-controlled Zaichenko (and delayed on one additional occasion), compared to 88 denials (and two delays) in the second half of 2018.11 Furthermore, in April, near Zaichenko, a civilian car with two men in military-style clothing pulled into the SMM's travel lane, forcing an SMM vehicle to swerve to avoid a collision. The same car performed a similar manoeuvre in the direction of another SMM vehicle near Zaichenko about one hour later. In both cases, the car drove away and the Mission resumed its patrolling.12 At a checkpoint near Novoazovsk, the SMM was denied access 30 times (see Border areas outside government control section).

The SMM continued to face restrictions at a checkpoint of the armed formations near Verkhnoshyrokivske (formerly Oktiabr). The Mission was denied passage on 39 occasions compared to 37 in the second half of 2018. On 40 additional occasions, the Mission was also delayed at this checkpoint (three delays were recorded in the second half of 2018). For example, in February 2019, in proximity to the road near the same checkpoint, the SMM saw that an anti-personnel type mine (MON-100) which had been observed for the first time in November 2018 (and which had since prevented the SMM from crossing the checkpoint) was no longer present. Notably, the checkpoint near Verkhnoshyrokivske is the only one available to cross the contact line in non-government-controlled areas in southern Donetsk region. Therefore, restrictions or impediments to the Mission's freedom of movement there have considerable impacts on its monitoring activity, including on its monitoring of the withdrawal of weapons and other hardware in these areas and in a zone within which deployment of heavy armaments and military equipment is further proscribed in accordance with Point 5 of the Memorandum of 19 September 2014.

¹² See <u>SMM Daily Report 3 April 2019</u>.

¹¹ See the "Thematic Report on Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate, July 2017 – June 2018".



Restrictions in Verhnoshyrokivske by month 2019

On nine occasions, the Mission was denied passage through a checkpoint near nongovernment-controlled Bezimenne, six of which occurred in April 2019. In many cases, as the SMM was being denied passage by the armed formations, it saw civilian cars passing through the checkpoint. These denials hindered the Mission's ability to monitor the security situation in the area.

Moreover, members of the armed formations in Donetsk region continued to condition the SMM's passage upon meeting certain demands, in most cases requesting that the SMM proceed escorted by the armed formations and undergo a vehicle inspection (see Border areas outside government control section). In total, the Mission's passage was conditioned in 19 cases (compared with 31 cases in the second half of 2018), all in nongovernment-controlled areas of Donetsk region. For example, on six occasions at a checkpoint in Staromykhailivka (a settlement less than 2km from the contact line), the SMM was allowed to proceed only after being escorted by members of the armed formations.

All nine restrictions encountered by the Mission in non-government-controlled areas of Luhansk region (all but three were denials of access) occurred at checkpoints in and near Leonove (formerly Chervonyi Zhovten),Molodizhne, Slovianoserbsk, Veselohorivka, Voznesenivka (formerly Chervonopartyzansk) and on the southern edge of the Zolote disengagement area, with members of the armed formations citing "poor road conditions", a "mine threat" and an "ongoing operation" when denying the SMM access.

The Mission encountered 14 restrictions (of which nine were denials of access) in government-controlled areas. Five denials of access occurred consecutively at a checkpoint in the eastern outskirts of Popasna (near the contact line) between the last week of February and the first week of March, when Ukrainian Armed Forces personnel cited orders from their superiors and did not allow the SMM to proceed further.¹³

Restrictions related to monitoring of withdrawal of weapons

The SMM's ability to fully monitor the withdrawal of weapons remained hindered, as the sides on numerous occasions denied it access to places holding weapons, including heavy weapons holding areas (HWHA) and permanent storage sites (PSS).

¹³ See SMM Daily Reports of <u>27 February 2019, 28 February 2019, 1 March 2019, 2 March 2019</u> and <u>4 March 2019</u>.

Overall, the SMM faced a higher number of restrictions in accessing such sites: 30 compared with 21 in the second half of 2018. The large majority of cases (73 per cent) occurred in non-government-controlled areas (71 per cent in the previous reporting period) including persistent restrictions at the same places.¹⁴ For instance, in Donetsk region, at the same PSS in a non-governmentcontrolled area, six consecutive denials were encountered as the gates of the site were always locked and no guards were present. Also in Donetsk region, in a governmentcontrolled area, the SMM was denied access three consecutive times at a HWHA.

In particular, the Mission was restricted:

- on 21 occasions at HWHAs (all but one were denials of access, eight in government-controlled areas of Donetsk region and the remainder in nongovernment-controlled areas of Donetsk and Luhansk regions) and
- on nine occasions at PSSs (all but one were denials of access, all in non-government-controlled areas of Donetsk and Luhansk regions).

Other restrictions related to observing weapons

The SMM continued to encounter restrictions that potentially prevented it from observing weapons that should have been withdrawn in accordance with the Minsk agreements. In some cases, the Mission itself had previously observed military hardware in the areas where it faced restrictions, while in others it was following up on allegations of the presence of weapons.

The Mission was restricted four times in government-controlled areas when it attempted to access military compounds (all but one were denials of access) and on five occasions in non-government-controlled areas (all were denials of access) when trying to access military-type compounds.¹⁵ Ukrainian Armed Forces personnel cited the need to ensure the presence of staff from headquarters at one of their compounds while members of the armed formations cited orders from their superiors in most of the cases.



Restrictions to monitoring of withdrawal of weapons 2018–2019

¹⁴ See "Thematic Report on Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate, July – December 2018".

¹⁵ For some examples, see SMM Daily Reports of <u>12 February 2019</u> and <u>21 May 2019</u>.

RESTRICTIONS RELATED TO SMM UAVs

The signatories of the Memorandum and the Package of Measures and its Addendum agreed that the Mission would use all technical equipment necessary, including UAVs, to execute its mandate.¹⁶ Unfortunately, since its early days, the Mission's means of remote observations have been targeted and interfered with. In 2019, the Chief Monitor continued to call upon the signatories of the Minsk agreements to take measures to ensure the unrestricted and secure operations of SMM personnel and assets.

The SMM has been utilizing UAVs since 2014 in order to complement monitoring by ground patrols, particularly to monitor areas inaccessible due to security considerations and restrictions of the Mission's access. Throughout the first six months of 2019, the Mission conducted 2,518 operational flights – 55 per cent more, compared with the last six months of 2018. This was possible also due to more favourable weather conditions during the spring and summer months.

The SMM's UAVs continued to be subjected to gunfire and experience signal interference. Between 1 January and 30 June 2019, SMM long range UAVs experienced single or dual GPS signal interference assessed as caused by jamming or probable jamming during about 86 per cent of the flights while mini- and midrange UAVs experienced GPS signal interference assessed as caused by probable jamming during about 15 per cent of the flights. ¹⁷

Unfortunately, the sides have shown hesitancy in taking action to address restrictions affecting the SMM's remote observations.

Long-range UAVs

Long-range UAVs continued to be targeted by gunfire and subjected to single and dual GPS signal interference assessed as caused by probable jamming or jamming.

Gunfire was directed at SMM long-range UAVs in two cases:

- an SMM long-range UAV flying near nongovernment-controlled Dovhe recorded 14 bursts of a heavy-machine-gun (type undetermined) assessed as aimed at the UAV, ¹⁸ and
- an SMM long-range UAV flying near government-controlled Zolote-4/Rodina recorded a person in a military position of the Ukrainian Armed Forces firing his weapon at the UAV. ¹⁹

¹⁹ See <u>SMM Daily Report 28 June 2019</u>.

¹⁶ The Memorandum prohibits flights of combat aircraft and foreign UAVs, with the exception of those of the SMM in the security zone, while the Package of Measures stipulates that its signatories will ensure effective monitoring and verification of ceasefire and the withdrawal of heavy weapons by the OSCE, using all technical equipment necessary. The Addendum provides that the Ukrainian Armed Forces and the armed formations will rapidly respond to specific violations registered by the SMM, including interference aimed at impeding the use of technical equipment necessary for monitoring and verification of withdrawal of weapons. ¹⁷ The interference could have originated from anywhere within a radius of kilometres from the UAV's position.

¹⁸ See <u>SMM Daily Report 26 March 2019</u>.



A person in a military position of the Ukrainian Armed Forces near Zolote-4/Rodina firing at an SMM long-range UAV

2019 OSCE

During the reporting period, the SMM lost three long-range UAVs. Despite its efforts, the Mission was unable to locate them. Specifically, on 18 February, an SMM longrange UAV experienced dual GPS jamming before crashing near non-governmentcontrolled Berdianka. 20 On 19 April, a longrange UAV experienced dual GPS signal interference, assessed as caused by jamming, before crashing in an area between nongovernment-controlled Horlivka and government-controlled Novhorodske. 21 On 27 June, a long-range UAV was lost near non-government-controlled Zaichenko after experiencing dual GPS signal interference, assessed as caused by jamming and after onboard systems indicated that the temperature of the engine had reached critically high levels.

Mid-range and mini-UAVs

From 1 January to 30 June, the SMM conducted 2,425 mini- and mid-range UAV

flights. Mini-UAVs came under fire in 35 cases (and a mid-range UAV came under fire on one occasion), 19 of them in non-governmentcontrolled areas and 17 in governmentcontrolled areas. In one case, near government-controlled Kurdiumivka, after retrieving the mini-UAV, the SMM saw that it had sustained damage to a propeller blade, assessed as caused by a bullet from a rifle. ²² In another case, an SMM mini-UAV recorded three members of the armed formations pointing their weapons at a mini-UAV near non-government-controlled Sosnivske (see Annex 3). ²³

The SMM lost a mid-range UAV on 25 April while flying near non-government-controlled Azov (formerly Dzerzhynske) after it had experienced GPS signal interference assessed as caused by probable jamming.²⁴ Subsequently, while conducting two mini-UAV flights to locate the aforementioned UAV, the SMM heard more than 35 bursts and shots of

²⁰ See <u>SMM Spot Report 18 February 2019</u>.

²¹ See <u>SMM Spot Report 19 April 2019</u>.

²² See <u>SMM Daily Report 20 April 2019</u>.

²³ See <u>SMM Daily Report 16 April 2019</u>.

²⁴ See SMM Daily Report 26 April 2019

small-arms fire, all assessed as directed at both SMM UAVs (see Annex 3).²⁵ The SMM also lost four mini-UAVs, two after the SMM heard small-arms fire in the area where the UAVs were flying and two after the UAVs experienced GPS signal interference, assessed as caused by probable jamming (see Annex 3).

During the reporting period, the SMM observed TORN radio intelligence systems in non-government-controlled areas as well as automated jamming stations and electronic warfare systems on both sides of the contact line, in areas where the SMM's UAVs also experienced GPS signal interference, assessed as caused by probable jamming. For instance, in February and June, in nongovernment-controlled Novohryhorivka, two SMM mini-UAVs spotted TORN radio intelligence systems close to residential houses. ²⁶

Additionally, on one occasion, the SMM saw an automated jamming station (R-378A) and an electronic warfare system (type undetermined) in government-controlled Bakhchovyk, as well as four trucks assessed as electronic warfare systems (R-330U or R-330T) near government-controlled Pyshchevyk.²⁷

SMM cameras

The SMM started deploying cameras to monitor key areas near the contact line in 2015, including during night-time, in areas where the SMM does not have a continuous presence. In the first half of 2019, two new cameras were installed, bringing the total number to 22 (in 16 locations in government-controlled areas, four in non-government-controlled areas and in two locations between government- and nongovernment-controlled areas). The Mission's cameras continued to record ceasefire violations in their vicinity and experienced cases of tampering.

For example, on the evening and night of 28–29 April, the SMM camera at the DFS recorded ceasefire violations, including explosions, at a range of 100–800m from the camera. ²⁸ On 3 February, the satellite dish of the SMM camera in government-controlled Chermalyk was tilted from its usual position and cables were removed, resulting in a loss of connection for more than two days.

In the first half of 2019, the SMM was not able to use its camera in the disengagement area near Petrivske, which necessitates manual downloading of its recordings. Since June 2018, the Mission has not been able to access this camera site due to the presence of mines which have obstructed the only safe passage to it.²⁹ On 6 August, beyond the reporting period, sappers of the armed formations cleared the section of the road leading from Petrivske to the camera site, and the SMM accessed its camera site.

On 3 March, the SMM saw that a piece of UXO (which had been spotted on 25 December 2018) 100m from its camera at the Oktiabr Mine (in the north-western outskirts of Donetsk city), and which had prevented access to the camera since, was no longer present. ³⁰

²⁵ See <u>SMM Daily Report 29 April 2019</u>.

²⁶ See SMM Daily Reports of <u>12 February 2019</u> and <u>11 June 2019</u>.

²⁷ See SMM Daily Reports of <u>3 May 2019</u> and <u>11 May 2019</u>.

²⁸ See <u>SMM Daily Report 30 April 2019</u>.

²⁹ See <u>SMM Spot Report 23 June 2018</u>.

³⁰ See "Thematic Report on Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate, July – December 2018".

BORDER AREAS OUTSIDE GOVERNMENT CONTROL

Throughout the first half of 2019, the SMM conducted a total of 205 visits, compared to 207 in the second part of 2018, to border areas not under government control (107 in Donetsk region and 98 in Luhansk region). The Mission's freedom of movement was restricted on 87 of these visits (32 in Donetsk and 55 in Luhansk region compared to 59 and 52, respectively, in the second part of 2018). The overall rate of restrictions at these border areas was lower in the first half of 2019 (42 per cent), compared with the second half of 2018 (54 per cent).

The SMM continued to have restricted access to border areas not controlled by the Government in southern parts of Donetsk region. For instance, the Mission was restricted on 30 out of the 36 occasions when it visited a checkpoint near Novoazovsk (close to the border with the Russian Federation) (compared to 54 instances of denial in the last six months of 2018). On two occasions at the same checkpoint, the Mission was allowed to enter the settlement only escorted by members of the armed formations. ³¹

In Luhansk region, the trend of not allowing the Mission to be present at border crossing points near Izvaryne, Dovzhanske, Sievernyi and Voznesenivka (formerly Chervonopartyzansk) (including a railway station in the latter area) for more than a few minutes after its arrival continued. When the SMM visited these locations, members of the armed formations, usually citing orders from their superiors, told the patrols to either leave the border area (covering a few kilometres from the border) or to move away from the service area of the border crossing point (about 50m from the first gate of the crossing point). Such repeated denials significantly obstructed the SMM's monitoring capability in these border areas.

Even when the Mission's freedom of movement near border crossing points was not restricted by members of the armed formations, lengthy travel times exacerbated by poor road and weather conditions and limited daylight hours, particularly during winter periods, meant it could only conduct short visits to these areas (generally no longer than one hour). Monitoring also continued to be hindered by the unwillingness of those in control to provide security assurances to open a patrol hub and forward patrol bases in towns near these border areas such as Antratsyt, Amvrosiivka, Sorokyne, Dovzhanske, Novoazovsk and Boikivske. Thus, the Mission's observations in border areas beyond government control remained limited and could not be categorized as comprehensive and independent monitoring as a result of such restrictions.

Disengagement areas

The SMM continued to monitor the disengagement areas near Stanytsia Luhanska, Zolote and Petrivske on both sides of the contact line through regular patrolling and remote observation, as foreseen in the TCG's Framework Decision on Disengagement of Forces and Hardware of 21 September 2016.

On 5 June, participants of the Trilateral Contact Group (TCG) expressed willingness to disengage in the agreed area near Stanytsia Luhanska. ³² On 26 June, the Mission observed that the Ukrainian Armed Forces and the armed formations (with their weapons) began

³¹ See <u>SMM Daily Report 27 April 2019</u> and <u>SMM Daily Report 25 June 2019</u>.

³² In Luhansk region, the Stanytsia Luhanska bridge is the only place where the contact line can be crossed.

withdrawing from their most forward and other positions and exiting the area. On 29 and 30 June, the SMM received notifications from the Ministry of Foreign Affairs of Ukraine and from the armed formations that the disengagement had been completed. The disengagement is an important step in the implementation of the commitments undertaken with regard to the Framework Decision. Notably, the disengagement also reduces the risk of civilians being caught up in exchanges of fire while travelling across the contact line.

Notwithstanding these developments, the Mission's access to the two other disengagement areas remained fully or partially restricted due to the inaction of the sides in ensuring safe and secure access. This includes not clearing mines and UXO, despite signatories of the Framework Decision having decided that the Ukrainian Armed Forces and the armed formations should remove or fence-off mines and UXO in the disengagement areas (see below the Mines, UXO and other explosive devices section for observations outside of disengagement areas). Beyond the reporting period, as of 1 August, the SMM observed demining activities inside the Stanytsia Luhanska disengagement area following a 5 June meeting of the TCG at which willingness was expressed to disengage on 26 June.

The Mission has frequently emphasized that additional steps toward a full implementation of the Framework Decision on disengagement, including demining, would considerably ease the movement of civilians (and monitoring by the SMM) across the contact line.

Further, despite frequent requests made by the Mission concerning the need to remove mines and other obstacles observed and reported on road T1316 inside the Zolote disengagement area, the road remained inaccessible to the Mission, which hindered its monitoring capabilities and affected its operations.

The Mission continued to observe anti-tank mines assessed as belonging to the Ukrainian Armed Forces inside the Zolote disengagement area. On 8 April, an SMM UAV again spotted at least 12 anti-tank mines across road T1316, about 200m south of the railway tracks. On 15 April, another SMM UAV revealed that the same anti-tank mines were no longer visible (the SMM assessed that the mines had been relocated south-west of their initial position about 5-10m from the road). On 25 June, an SMM UAV spotted a camouflage net stretching across the road with distinct cylindrical shaped discs underneath in the location where the same anti-tank mines had previously been observed. On 17 April, the SMM requested security guarantees from the Ukrainian Armed Forces and armed formations to ensure a localized ceasefire that would permit clearance of any possible mines and UXO and thus facilitate the Mission's passage through the disengagement area. The armed formations did not provide such security guarantees.



Possible anti-tank mines on road T1316, inside the Zolote disengagement area, assessed as belonging to the Ukrainian Armed Forces

2019 OSCE



Spool wire stretched across road T-1316, assessed as belonging to the armed formations inside the Zolote disengagement area

2019 OSCE

On 29 June, the SMM saw for the first time an anti-vehicle wire barrier (or spool wire) stretched across the same road, assessed as belonging to the armed formations, about 350m north of the armed formations' checkpoint on the area's southern edge. The presence of the wire made the road impassable to the SMM. The armed formations refused to remove it despite the submission of such a request by the Mission. In the Petrivske disengagement area, the SMM continued to observe anti-tank mines close to its north-eastern edge, assessed as belonging to the armed formations.³⁵ The Mission also continued to see anti-tank mines laid across the road between government-controlled Bohdanivka and non-government-controlled Viktorivka, assessed as belonging to the Ukrainian Armed Forces.

³⁵ See SMM Daily Report of 2 April 2019



0|S|C|P

12 x Anti-tank mines, assessed as belonging to the armed formations, inside Petrivske disengagement area

Petrivske disengagement area Donetsk region 12 April 2019 Mid-range UAV Imagery

Additionally, the sides have yet to carry out vegetation clearing and demining along the sides of the roads leading to entry-exit checkpoints (EECP) and in Zolote, which was agreed by the participants of the meeting of the TCG's Working Group on Security Issues (WGSI) on 28 November 2017.

Mines, UXO and other explosive devices

The signatories of the Memorandum agreed to ban the setting up or laying of mines in the security zone. Nevertheless, the threat from mines and UXO continued in the reporting period. The SMM was again unable to travel across the bridge in Shchastia due to the presence of anti-tank mines on the road leading to it.³⁶ In June, the Mission saw three mortar tailfins (two were seen again and one was observed for the first time) on a road on the eastern edge of government-controlled Popasna and also observed a mortar tailfin in the middle of a road used on a daily basis by about 3,500 people and the SMM, in the area between the EECP near governmentcontrolled Pyshchevyk and the checkpoint of the armed formations in Verkhnoshyrokivske.³⁷

The probable presence and observations of mines and UXO (for the first time or reconfirmed) during the reporting period prevented the Mission from patrolling areas, in addition to those identified during previous reporting periods, along the contact line, including key routes such as: ³⁸

- Road CO51532 (non-governmentcontrolled Petrivske to non-governmentcontrolled Styla) ³⁹
- Road M03 (non-government-controlled Debaltseve to government-controlled Svitlodarsk) ⁴⁰
- Road M14 (non-government-controlled Novoazovsk to government-controlled Mariupol)⁴¹
- Road C050952 (government-controlled Bohdanivka to non-government-controlled Petrivske)
- Road T-1317 (about 3km north of nongovernment-controlled Sentianivka (formerly Frunze)) ⁴²
- Road T-1315 (non-government Pryshyb to non-government-controlled Krasnyi Lyman).

The presence of mines near checkpoints continued to constitute a threat for civilians having to travel across the contact line and for SMM patrols which monitor these areas. For instance, in February, the SMM corroborated injuries to a man (aged 59) and the death of two civilians (man and woman, aged 34 and 85) all resulting from the detonation of an explosive device (probably an anti-tank mine) in the median strip between road lanes near the forward positions of the armed formations near non-governmentcontrolled Olenivka.43 On 29 May, the SMM observed for the first time two anti-tank mines in the median strip between road lanes near the aforementioned forward positions of the armed formations.44

Following the <u>fatal incident of 23 April 2017</u> <u>near Pryshyb</u>, the Mission limited its patrolling to asphalt or concrete roads. This restriction continued to affect the following operations:

- Visits and inspections of places holding weapons that were accessible only via unpaved roads or surfaces (approximately 53 per cent of designated sites are accessible by the SMM);
- Vehicle-based ground patrolling activities within the security zone;
- UAV flights requiring soft-surface launch or landing sites; and
- Camera maintenance and data retrieval activities requiring driving over unpaved surfaces (see SMM cameras above).

³⁹ See <u>SMM Daily Report 25 February 2019</u>.

⁴² See <u>SMM Daily Report 6 May 2019</u>.

44 See SMM Daily Report 30 May 2019.

³⁶ Mines are present on both sides of the bridge. See, for example, SMM Daily Reports of <u>3 May 2019</u>, <u>11 May 2019</u>, <u>15 May 2019</u>, <u>27 May 2019</u> and <u>27 June 2019</u>.

³⁷ See SMM Daily Reports of <u>17 June 2019</u> and <u>20 June 2019</u>.

³⁸ See "Thematic Report on Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate, July – December 2018".

⁴⁰ The SMM had been unable to travel on road M03 connecting Debaltseve and Svitlodarsk since early 2015. The presence of mines was reconfirmed in June 2019. ⁴¹ The presence of mines at this location was reconfirmed in June 2019.

⁴³ See <u>SMM Spot Report 25 February 2019</u> and Daily Reports of <u>25 February 2019</u> and <u>2 July 2018</u>.

The SMM again noted little progress on clearance of mines, UXO and other explosive devices, despite the signatories agreeing on the need for co-ordination of mine clearance by the JCCC and on who is responsible for removing the risk these explosive devices pose. In the TCG's WGSI, as well as through his letters to the signatories, the Chief Monitor has also repeatedly called on the sides to carry out demining activities near the EECPs.

Impediments to gathering information

In non-government-controlled areas, the Mission continued to face impediments in establishing and reporting facts following specific incidents and reports of incidents, as well as in establishing interactions with the local population. ⁴⁵

As in previous months and years, on many occasions, civilians were hesitant to talk with SMM monitors, often citing an "order" from those in control of non-government-controlled areas of Donetsk and Luhansk regions as the reason, and at times expressing a fear of repercussions.

In particular, this challenge persisted when the SMM interacted with medical staff and other interlocutors in areas not under the control of the Government in order to corroborate reports of civilian casualties (on 12 occasions: ten in Donetsk region and two in Luhansk region). At hospitals, staff usually refused to provide the Mission with what they considered to be sensitive information concerning conflictrelated injuries (without the approval of those in control of these areas). For instance, during the spring months of 2019, the SMM encountered frequent refusals at hospital no.2 in Horlivka and hospital no.14 in Donetsk city, which prevented the SMM from corroborating some cases for almost three months. ⁴⁶

On four occasions, the Mission was faced with similar unwillingness to provide information while it monitored the situation at educational facilities in areas not under the control of the Government to assess the impact of the conflict on children and on their education (twice in Vuhlehirsk, once in the Petrovskyi district of Donetsk city and once in Holmivskyi) (80 such cases had been recorded in the previous reporting period).

Contribution of the JCCC

Since the departure of the officers of the Armed Forces of the Russian Federation from the JCCC on 18 December 2017, the Mission has maintained a daily interaction with the JCCC headquarters in Soledar and co-ordinated between the Ukrainian side of the JCCC and SMM patrols encountering freedom of movement violations on the ground in government-controlled areas. It regularly requested the assistance in ensuring rapid response to impediments to the Mission's monitoring and verification, as stipulated by the signatories of the Addendum and the Framework Decision. The SMM's reporting provided additional information to respond to and remedy violations.

The Mission again repeatedly recalled that the JCCC was tasked by the signatories to coordinate demining work, as foreseen in the TCG's mine action decision.

The departure of the officers of the Armed Forces of the Russian Federation continues to impact processes related to the JCCC, in particular the provision of security guarantees for repairs and maintenance of infrastructure, demining, as well as SMM's freedom of movement and safety and security.

Conclusions

In the first six months of 2019, the Mission's freedom of movement remained restricted on about 450 occasions, thus reducing its ability to fulfil its mandate. Though this accounts for 37 per cent fewer restrictions of all types compared with the last six months of 2018, the Mission continued to face systematic restrictions in certain areas, particularly in non-government-controlled areas of southern Donetsk region and at border crossing points in areas beyond government control.

As in the last six months of 2018, the vast majority of restrictions, almost 90 per cent, occurred in non-government-controlled areas. SMM UAVs continued to experience GPS signal interference and SMM's means of remote observation continued to be targeted on both sides of the contact line. Such restrictions rendered the SMM unable to monitor the areas where they occurred and obstructed its ability to follow up on the impact of the conflict on the civilian population.

Furthermore, certain restrictions continue to pose a threat to the safety of SMM staff members. Violence and direct threats against the Mission continued (eight instances compared with four in the previous reporting period). Mini- and mid-range UAVs came under fire in 35 cases (19 of them in non-governmentcontrolled areas and 17 in governmentcontrolled areas), exposing SMM patrols to significant risk, particularly in the case of mini-UAVs which often fly at a close distance to the SMM patrols.

Such incidents also affect SMM assets. The Mission lost three long-range, a mid-range and four mini-UAVs during the reporting period (compared with one long-range UAV lost in the previous reporting period). SMM cameras continued to record ceasefire violations in their vicinity and experienced cases of tampering.

The Mission continued to observe a lack of willingness from the Ukrainian Armed Forces and the armed formations to permanently remove mines, UXO and other obstacles in and around disengagement areas, as well as on certain roads identified as important for effective monitoring by the Mission. Despite commitments taken by the sides and repeated calls, the Mission saw minimal progress in this regard in and near the disengagement areas near Petrivske and Zolote. Both disengagement areas remained inaccessible to the SMM due to the presence of mines, UXO and other obstacles. Outside the reporting period, however, in the Stanytsia Luhanska disengagement area, the SMM monitored demining activities as part of the disengagement process.

The restrictions of the Mission's freedom of movement and other impediments encountered in relation to the implementation of its mandate continue to be a cause for concern. Such restrictions directly undermine the Mission's efforts to reduce tensions and foster peace, stability and security as envisioned by the 57 OSCE participating States and to fulfil its role foreseen in the Minsk agreements. Measurable and concrete steps and actions on the ground are required to eliminate all violations of the SMM's freedom of movement. Uninhibited and safe access to all areas is of the utmost importance for the Mission to be able to fully implement its mandate.

ANNEX 1: GRAPHS AND MAPS







Organization for Security and Co-operation in Europe Special Monitoring Mission to Ukraine

Freedom of movement (FoM) restrictions 1 January - 30 June 2019





Organization for Security and Co-operation in Europe Special Monitoring Mission to Ukraine

Patrol routes and UAV flights 01 January - 30 June 2019





Long-range (LR) UAV signal interference incidents 01 January - 30 June 2019



ANNEX 2: VIOLENCE AND THREATS AGAINST OR IN THE PRESENCE OF THE SMM

Date	Location	Control	Summary of event	Source
02/01/2019	Sofiivka (formerly Karlo-Marksove)	Not under government control	Patrol members were verbally abused after being stopped by armed members of the armed formations who also told them that they could not proceed.	<u>SMM Daily Report 3</u> January 2019
04/02/2019	north of Zolote disengagement area	Government	Patrol members heard undetermined explosions approximately 2-3km east and south-south-east as well as other explosions assessed as impacts (and saw flames, smoke, soot and snow) once in their cars, 70-10m east-south-east.	<u>SMM Daily Report 4</u> February 2019
18/02/2019	Donetsk city	Not under government control	While standing in front of the Mission's residence, patrol members heard explosions about 100-150m south-south-east and later saw two craters and damage to a nearby gas distribution station and residential apartment building.	<u>SMM Spot Report 18</u> February 2019
26/02/2019	Zolote-5/ Mykhailivka	Not under government control	While monitoring repair works, patrol members heard shots of small-arms fire approximately 200m west-north-west and heard bullets flying about 10m over their heads.	SMM Spot Report 26 February 2019 and SMM Daily Report 27 February 2019
03/03/2019	Pikuzy (formerly Kominternove)	Not under government	Patrol members were asked to leave the settlement due to safety concerns.	SMM Daily Report 4 March 2019
15/05/2019	south-east of Kamianka	Government	While monitoring repairs works on the DFS, patrol members heard an explosion, assessed as a round of outgoing fire of an undetermined weapon about 100-300m west.	SMM Spot Report 15 May 2019
09/06/2019	Molodizhne	Not under government controlled	Patrol members heard small-arms fire about 200m south and heard bullets passing about 5m above them.	SMM Spot Report 9 June 2019
25/06/2019	Trudivski are of the Petrovskyi district, Donetsk city	Not under government control	Patrol members heard a sound of a ricochet 50m above them, followed by the sound of a shot of small-arms fire at an unknown distance west.	SMM Daily Report 26 June 2019

⁴⁷ Not including small-arms fire assessed as targeting SMM UAVs or ceasefire violations affecting cameras.

ANNEX 3: TABLE OF INCIDENTS INVOLVING WEAPONS AIMED AT SMM MINI-UAVS

Date	Location	Control	Summary of event	Source
02/01/2019	Artema	Government	Shots of small-arms fire about 600-800m north- east in an area where the UAV was flying.	SMM Daily Repor 3 January 2019
10/01/2019	Popasna	Government	Bursts of small-arms fire about 1.5k-2km east in an area where the UAV was flying. The UAV lost altitude and the SMM was unable to recover it.	SMM <u>Daily Repor</u> <u>11 January 2019</u>
12/01/2019	Chermalyk	Government	Uncountable bursts of small-arms about 2km south-south-east in an area where the UAV was flying.	SMM Daily Repor
14/01/2019	Chermalyk	Government	Uncountable bursts of small-arms fire about 1- 2km south-south-east in an area where the UAV was flying.	SMM Daily Repor
14/01/2019	Naberezhne	Not under government control	The UAV spotted people assessed as members of the armed formations standing in firing positions and three tracer rounds of small arms flying past it.	SMM Daily Repor 15 January 2019
17/02/2019	Zhovte	Not under government control	Bursts and a shot of small-arms fire about 1.3km west-north-west in an area where the UAV was flying. The UAV sustained minor damage during the emergency landing.	SMM Daily Repor 18 February 2019
23/02/2019	Sarabash (formerly Komunarivka)	Not under government control	The SMM lost control over the UAV due to what was assessed as external interference.	SMM Daily Repor 25 February 2019
12/03/2019	Pervomaiske	Government	Shots of small-arms and bursts of heavy- machine-gun fire about 300-500m east in an area where the UAV was flying.	SMM Daily Repor
12/03/2019	Manuilivka	Not under government control	Bursts of small-arms fire about 1km north-west in an area where the UAV was flying.	SMM Daily Repor
27/03/2019	Nevelske	Government	Shots of small-arms fire about 1km south in an area where the UAV was flying.	SMM Daily Repor 28 March 2019
13/04/2019	Prymorske	Not under government control	Bursts of small-arms fire in the area where the UAV was flying.	SMM Daily Repor
13/04/2019	Vershyna	Government	Bursts of small-arms fire in the area where the UAV was flying.	SMM Daily Repor 15 April 2019
13/04/2019	Heivka	Government	Shots of small-arms fire in the area where the UAV was flying.	SMM Daily Report
19/04/2019	Kurdiumivka	Government	Shots of small-arms fire about 700m south- west in an area where the UAV was flying. The SMM sustained damage assessed as caused by a bullet.	<u>SMM Daily Repor</u> 20 April 2019
20/04/2019	Kamianka	Government	Shots of small-arms fire about 1.5-2km east- south-east in an area where the UAV was flying.	SMM Daily Repor
27/04/2019	Azov (formerly Dzerzhynske)	Not under government control	Bursts of small-arms fire about 650m south- west in an area where the UAV was flying.	SMM Daily Repor 29 April 2019
27/04/2019	Azov (formerly Dzerzhynske)	Not under government control	Bursts and shots of small-arms fire about 600m south-west in an area where the UAV was flying.	SMM Daily Repor

03/05/2019	Almazna	Not under government control	The SMM lost control over a mini-UAV after experiencing signal interference.	SMM Daily Report <u>4 May 2019</u>
05/05/2019	Zaitseve	Not under government control	Bursts of small-arms fire about 1.6km north- east in an area where the UAV was flying.	<u>SMM Daily Report</u> <u>6 May 2019</u>
20/05/2019	Chermalyk	Government	Bursts of small-arms fire about 1km north in an area where the UAV was flying.	SMM Daily Report 21 May 2019
20/05/2019	Vrubivka	Government	Shots of small-arms fire about 500m south-east in an area where the UAV was flying.	SMM Daily Report 22 May 2019
30/05/2019	Pervomaisk	Not under government control	Bursts of small-arms fire about 800m east- north-east in an area where the UAV was flying.	SMM Daily Report 31 May 2019
06/06/2019	Southern edge of Zolote disengagement area	Not under government control	Bursts of small-arms fire about 1.2km north- north-west in an area where the UAV was flying.	SMM Daily Report 7 June 2019
15/06/2019	Prymorske	Not under government control	Shots of small-arms about 2km south-west in an area where the UAV was flying.	SMM Daily Report 17 June 2019
23/06/2019	Zolote-5/Mykhailivka	Not under government control	Shots of and a burst of small-arms fire about 0.8-1.5km north-west in an area where the UAV was flying.	SMM Daily Report 24 June 2019
23/06/2019	Pervomaisk	Not under government control	Shots and bursts of small-arms fire about 200- 300m south-east in an area where the UAV was flying.	SMM Daily Report 24 June 2019
25/06/2019	Zolote	Government	Shots of small-arms fire about 500m north in an area where the UAV was flying.	SMM Daily Report 26 June 2019
27/06/2019	Shyrokyne	Government	Bursts of small-arms fire about 3.4km east- north-east and 3.2km east-north-east in an area where the UAV was flying (over positions of the armed formations).	SMM Daily Report 28 June 2019
27/06/2019	Staromykhailivka	Not under government control	Shots of small-arms fire about 900m south-east in an area where the UAV was flying.	SMM Daily Report <u>28 June 2019</u>
28/06/2019	Vyskryva	Government	Bursts of small-arms fire about 1-1.5km south- east in an area where the UAV was flying.	SMM Daily Report 29 June 2019
29/06/2019	Southern edge of Zolotedisengagement area	Not under government control	The SMM lost control over a mini-UAV after hearing bursts of small-arms fire about 1-2km north-north west (in an area between the forward positions of the Ukrainian Armed Forces and the armed formations).	SMM Daily Report 1 July 2019