

### THEMATIC REPORT

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

July 2017 – June 2018

Published by the OSCE Special Monitoring Mission to Ukraine
© OSCE Special Monitoring Mission to Ukraine 2018
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

### **Contents**

<i>The SMM</i> 3 -
Ukrainian Armed Forces and armed formations4 -
The Joint Centre for Control and Co-ordination (JCCC)4 -
Types of restrictions4 -
Overview of incidents 5 -
Restrictions involving violence or threats6 -
Weapons-related restrictions 6 -
Monitoring withdrawal of weapons6 -
Passing through checkpoints8 -
Remote observation9 -
Visiting border areas outside government control11 -
Impediments to gathering information 12 -
Disengagement areas 13 -
Mines, UXO and other explosive devices15 -
Unfounded allegations 17 -
Effect of impediments on the SMM's support to efforts to improve humanitarian situation - 17 -
Contribution of the JCCC 18 -
Conclusions 19 -
Annex 1: Charts and maps 20 -
Annex 2: Violence and threats against or in the presence of the SMM 25 -
Annex 3: Table of incidents involving weapons aimed at SMM UAVs26 -
Annex 4: Map of locations where the SMM faced freedom of movement restrictions Error! Bookmark not de

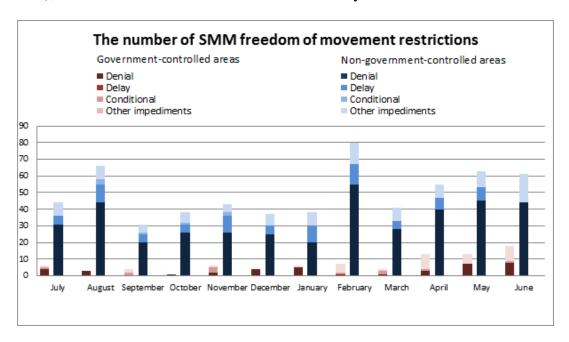
Summary.....-1 -

Roles and responsibilities ...... - 3 -

#### Summary

The OSCE Permanent Council Decision No. 1117 stipulates that the aim of the OSCE Special Monitoring Mission (SMM) to Ukraine is to contribute to reducing tensions and fostering peace, stability and security throughout Ukraine. The Permanent Council has tasked the Mission to, among other things, gather information on the security situation throughout the country and report on any restrictions of its freedom of movement or other impediments to fulfilment of the mandate. The SMM has been also monitoring and facilitating security aspects of the Minsk agreements and monitoring compliance of commitments undertaken in Minsk, including the ceasefire, the withdrawal of weapons, demining as well as disengagement.<sup>1</sup>

From 1 July 2017 to 30 June 2018, the SMM encountered restrictions of its freedom of movement and other impediments to the fulfilment of its mandate 758 times, of which 87 per cent occurred in areas not controlled by the Government – in addition to observed or potential presence of mines and unexploded ordnance (UXO).<sup>2</sup> The number of freedom of movement and other impediments represent an approximate 20 per cent decrease, compared with that recorded in the previous 12 months, <sup>3</sup> while the ratio of such restrictions and other impediments in non-government-controlled areas compared with government-controlled areas increased (from 72 per cent to 87 per cent). From July to December 2017, the number of restrictions decreased compared with the previous six months (from about 480 to about 310 occasions), whereas it increased to about 450 from January to June 2018.



<sup>1</sup> The SMM was established by <u>Permanent Council Decision No. 1117</u> of 21 March 2014. The Minsk agreements are those reached in the format of the Trilateral Contact Group (TCG), namely the Protocol and Memorandum (September 2014), the Package of Measures (12 February 2015) and its Addendum (29 September 2015), the Decision on Mine Action (2 March 2016), the Decision on Full Cessation of Live-Fire Exercises (2 March 2016), and the Framework Decision on Disengagement of Forces and Hardware (21 September 2016).

<sup>&</sup>lt;sup>2</sup> Restrictions encountered on a regular basis – due to mines and UXO, including at disengagement areas – are not included in the statistical data for this report. These restrictions occurred in parts of the Stanytsia Luhanska disengagement area, on the northern and southern sides of the Zolote disengagement area and south of the bridge in government-controlled Shchastia. For such restrictions, see <u>SMM Daily Reports</u>.

<sup>&</sup>lt;sup>3</sup> For data from July to December 2016 and from January to June 2017, see <u>SMM Thematic Report: Restrictions to SMM's</u> freedom of movement and other impediments to fulfilment of its mandate and its Annex 1.

The SMM continued to face freedom of movement restrictions involving small-arms fire in its proximity or threats against it.<sup>4</sup> During the reporting period, such incidents occurred on 12 occasions (all in non-government-controlled-areas) compared with 41 incidents in the previous 12 months. On five occasions, shots of small arms were fired less than 300m from SMM monitors. On another occasion, SMM monitors heard the hissing sound of bullets flying over their heads and saw one of the bullets land 10-15m from their position.<sup>5</sup>

The number of freedom of movement restrictions in border areas in non-government-controlled areas – mostly those of Luhansk region – significantly increased. In the period of 1 July 2017 - 30 June 2018, the SMM's access to the border areas was restricted over 150 times (mostly denials), compared with about 60 times in the previous 12 months. Similarly, towards the end of the reporting period, the SMM was increasingly denied access to non-government-controlled areas in southern Donetsk region, including Zaichenko and Pikuzy (formerly Kominternove).

With the resumption of its long-range unmanned aerial vehicle (UAV) flights, the number of incidents (impediments) involving jamming of SMM UAVs (over half of which were long-range UAVs) increased from 14 to 23, compared with the previous 12 months. On 28 July 2018 (outside the reporting period), an SMM mini-UAV spotted four distinct electronic warfare systems near non-government-controlled Chornukhyne.

As an additional security measure the Mission uses only asphalt and concrete roads in the Donetsk and Luhansk regions. This practice was introduced following the <u>incident of 23 April 2017 near Pryshyb</u> (non-government-controlled) in which an explosion, most likely caused by an anti-tank mine, <sup>9</sup> killed a member of an SMM patrol and injured two others. Despite repeated calls to remove or fence off mines and UXO, <sup>10</sup> the removal of such objects was implemented only incompletely and on an *ad hoc* basis. <sup>11</sup> On one occasion, the SMM was forced to drive on a mine-contaminated road by the armed formations in non-government-controlled Petrivske (see *Mines, UXO and other explosive devices* section). <sup>12</sup>

Until 19 December 2017 when Russian Federation Armed Forces officers withdrew from the Joint Centre for Control and Co-ordination (JCCC), <sup>13</sup> in addition to doing so through its reports, the SMM had regularly informed Ukrainian and Russian Federation Armed Forces officers of the JCCC directly about restrictions of its freedom of movement or other impediments to fulfilment of the mandate. This was done in order to seek the JCCC's rapid response to violations of the Mission's freedom of movement and assistance in ensuring security for SMM monitors, in accordance with the Addendum. In line with its mandate, the

<sup>&</sup>lt;sup>4</sup> See table in Annex 2.

<sup>&</sup>lt;sup>5</sup> See <u>SMM Spot Report 3 February 2018</u>.

<sup>&</sup>lt;sup>6</sup> See Annex 1 for map of SMM UAV jamming incidents in the limited period of 15 May-30 June 2018, when 12 of the 23 jamming incidents from 1 July 2017 to 30 June 2018 took place. The interference could have originated from anywhere in a radius of several kilometres of the UAV's position.

<sup>&</sup>lt;sup>7</sup> Leer-3 RB-341V, 1L269 Krasukha-2 and RB-109A Bylina, and an anti-UAV system, Repellent-1

<sup>&</sup>lt;sup>8</sup> See SMM Daily Report 11 August 2018

<sup>&</sup>lt;sup>9</sup> In accordance with the Distinct Arrangement concluded between the OSCE and the International Humanitarian Fact-Finding Commission (IHFFC), the Independent Forensic Investigation team (IFI) conducted a post blast forensic investigation and technical assessment into the incident of 23 April 2017. The IFI concluded that the incident had been most likely caused by a TM-62M anti-tank mine. See the executive summary of the IFI report.

<sup>&</sup>lt;sup>10</sup> See, for example, OSCE Special Monitoring Mission Chief Monitor calls for safe and unhindered freedom of movement for SMM, 6 September 2017.

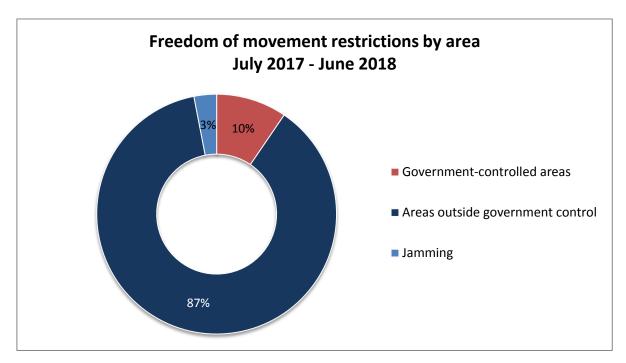
As agreed to in the Memorandum and the TCG decision on mine action of 3 March 2016.

<sup>&</sup>lt;sup>12</sup> See SMM Spot Report 23 June 2018.

<sup>&</sup>lt;sup>13</sup> See SMM Daily Report 19 December 2017.

SMM continued to facilitate dialogue on the ground, including on the exchange of security guarantees for the repair and maintenance of civilian infrastructure. The Mission also continued to report the presence of mines and requested the Ukrainian side of the JCCC and the armed formations to co-ordinate demining, however limited action has been taken.

On 30 April 2018, the Joint Forces Operations (JFO) was introduced, in accordance with the "Law on Special Aspects of State Policy to Ensure Ukraine's State Sovereignty in Temporarily Occupied Areas in Donetsk and Luhansk Regions". During the reporting period, the SMM recorded no restrictions of its freedom of movement by the Ukrainian Armed Forces explicitly citing newly established regulations, including a system of defined security areas. The Mission noted that such regulations remained to be put in place.



### Roles and responsibilities

#### The SMM

The Mission's mandate stipulates that the SMM shall have safe and secure access throughout Ukraine. <sup>14</sup> 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.

<sup>&</sup>lt;sup>14</sup> Further, the Protocol of 5 September 2014 stipulates permanent monitoring and verification on the Ukrainian–Russian Federation state border by the OSCE. The TCG and other signatories of the Package of Measures determined that effective monitoring of the ceasefire regime and the verification of the withdrawal of heavy weapons be carried out by the OSCE. Moreover, in the Framework Decision they agreed that the SMM would monitor and verify the disengagement process by means of patrolling and remote observation.

#### Ukrainian Armed Forces and armed formations

The signatories of the Addendum to the Package of Measures (the Addendum) and the Framework Decision on Disengagement of Forces and Hardware agreed that the Ukrainian Armed Forces and the armed formations should ensure safe and secure 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.

#### The JCCC

The JCCC was established in September 2014 through a bilateral initiative between the Ukrainian and Russian General Staffs of the Russian Federation and Ukrainian Ministries of Defence. The signatories of the Addendum undertook to ensure effective monitoring and verification by the SMM and determined that the JCCC should contribute both to rapid response to impediments to the Mission's monitoring and verification, and to the safety of the Mission's monitors. 15 On 19 December, the Russian Federation withdrew its Armed Forces officers from the JCCC. 16 In addition to doing so through its public reports, the SMM continued to directly inform the Ukrainian side of the JCCC of restrictions of the Mission's freedom of movement. Following the departure of the Russian Armed Forces officers of the JCCC, the SMM increased dialogue with members of the armed formations to pass information on such restrictions faced by the Mission in non-government-controlled areas.

#### Types of restrictions

The SMM categorized restrictions (impediments) as: 1) denial of access; 2) conditional access; 3) delay; or 4) other impediments. 17 In addition to observed or potential presence of mines and UXO, about two thirds of all violations constituted denial of access, followed by other impediments (19 per cent), conditional access (11 per cent) and delay (six per cent). 18

In addition to these restrictions and impediments, the SMM's freedom of movement was also restricted by ceasefire violations and a lack of security guarantees, which the Mission continued to request, through the JCCC. <sup>19</sup> Due to security concerns, the SMM was unable to

approach or cross the contact line in many places, including the villages of Shyrokyne, Zaitseve and government-controlled Troitske, parts of nongovernment-controlled Pikuzy, the area between non-government-controlled Holmivskyi government-controlled Travneve, <sup>20</sup> the between non-government-controlled Zholobok and government-controlled Novotoshkivske, 21 and

"Get out of here. I will count to three, and if you do not leave, I will shoot."

SMM Spot Report 13 August 2017

<sup>19</sup> See, for example, <u>SMM Daily Report 12 August 2017</u>.

<sup>&</sup>lt;sup>15</sup> 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.

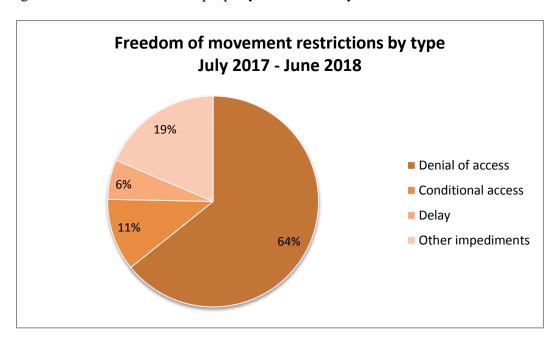
16 In addition to doing so through its reports, the SMM continued to directly inform Ukrainian Armed Forces of the JCCC about violations of the Mission's freedom of movement.

<sup>&</sup>lt;sup>17</sup> For an outline of these categories, see SMM Thematic report: Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate January to June 2016.

<sup>&</sup>lt;sup>8</sup> See Annex 2.

<sup>&</sup>lt;sup>20</sup> On 15 December, following up on allegations of the Ukrainian Armed Forces having moved into Travneve, the SMM visited the village where it saw members of the Ukrainian Armed Forces (see SMM Daily Report 16 December 2017). <sup>21</sup> See SMM Daily Report 25 July 2017.

the road between government-controlled Bohdanivka and non-government-controlled Viktorivka.<sup>22</sup> For example, the SMM was repeatedly prevented from proceeding to Travneve due to the possible presence of mines on the road between the village and Holmivskyi.<sup>23</sup> In Troitske, the SMM, following up on reports of civilians who were killed and injured by shelling, was not able to visit their property due to security considerations.<sup>24</sup>



#### **Overview of incidents**

During the reporting period, the SMM faced restrictions on 758 occasions compared with about 970 in the previous 12 months (from 1 July 2016 to 30 June 2017). Of these, 72 occurred in government-controlled areas and 662 in areas not controlled by the Government (443 in Donetsk region and 219 in Luhansk region); and 24 incidents involved jamming of UAVs (23) and a VHF radio system.

From July to December 2017, the number of such restrictions decreased compared with the previous six months (from about 480 to about 310), whereas it increased to about 450 from January to June 2018. The proportion of restrictions occurring in non-government-controlled areas remained significant throughout the reporting period (87 per cent) but such proportion in non-government-controlled areas of Luhansk region sharply increased from 13 per cent (about 35 times) in the second half of 2017 to about 47 per cent (180 times) in the first half of 2018, largely due to systematic and recurring restrictions in areas near the border with the Russian Federation (see *Visiting border areas outside government control* section).

The proportion of incidents involving denial of access (64 per cent) remained similar to that of the previous 12 months (62 per cent). Out of 486 denials of access, eight per cent occurred in government-controlled areas and 92 per cent in areas not controlled by the Government.

See SMM Daily Report 28 November 2017.
 See SMM Daily Report 1 December 2017.

<sup>&</sup>lt;sup>24</sup> See SMM Daily Report 24 May 2018

#### Restrictions involving violence or threats

Some restrictions – all in non-government-controlled areas – involved violence or threats.<sup>25</sup> Such cases decreased from 41 in the previous twelve months to 12.<sup>26</sup> Examples of such incidents included:

- A man in military-style clothing armed with an assault rifle approached an SMM patrol – positioned next to a forward position of the armed formations inside the Stanytsia Luhanska disengagement area – disengaged its safety catch and pointed it at the patrol from about 3m away while threatening to shoot them;<sup>27</sup>
- Small arms were fired toward an SMM patrol near non-government-controlled Yasynuvata, with one of the bullets impacting 10-15m from SMM staff;<sup>28</sup>
- Five men (four armed) approached an SMM patrol preparing for a UAV flight near non-government-controlled Kreminets, with two of the men speaking aggressively to the staff and one of them charging his weapon while keeping his finger on the trigger;<sup>29</sup>
- In the Chyhari area of government-controlled Pivdenne, the SMM heard two shots and a burst of small-arms fire about 70-100m east, followed by someone shouting "Do not approach" in Russian language;<sup>30</sup>
- In Pikuzy, the SMM heard two bursts of small-arms fire, assessed as warning shots, and then saw two men in military-style clothing (one armed with an AK-47) fire two shots in the direction of the patrol, from about 50m away.<sup>31</sup>

#### Weapons-related restrictions

Other restrictions prevented the SMM from observing weapons that should have been withdrawn according to the Minsk agreements. In some cases, the Mission itself had previously observed such weapons; in others, it was following up on allegations of the presence of weapons:

- An armed man denied the SMM access to a compound near non-governmentcontrolled Khrustalnyi (formerly Krasnyi Luch). From outside, the SMM saw nine multiple launch rocket systems (MLRS) inside the compound;<sup>32</sup>
- An armed man in military-style clothing denied the SMM access to an area close to an abandoned building where the SMM saw three self-propelled howitzers (2S1) near non-government-controlled Donetsk city:<sup>33</sup>

#### Monitoring withdrawal of weapons

The SMM's efforts to monitor the withdrawal of weapons continued to be hindered, with its movement being restricted on 125 occasions (25 in government-controlled areas and 100 in

<sup>&</sup>lt;sup>25</sup> See tables in Annexes 1 and 2.

<sup>&</sup>lt;sup>26</sup> These figures exclude small-arms fire assessed as targeting SMM UAVs. See Remote observation section below.

<sup>&</sup>lt;sup>27</sup> See SMM Spot Report 13 August 2017.

<sup>&</sup>lt;sup>28</sup> See SMM Daily Report 3 February 2018.

<sup>&</sup>lt;sup>29</sup> See SMM Daily Report 6 April 2018. <sup>30</sup> See SMM Spot Report 8 June 2018.

<sup>&</sup>lt;sup>31</sup> See SMM Spot Report 15 June 2018.

<sup>&</sup>lt;sup>32</sup> See SMM Daily Report 8 November 2017.

<sup>&</sup>lt;sup>33</sup> See SMM Daily Report 14 February 2018.

non-government-controlled areas) – a decrease compared with 247 times in the previous 12 months – when it attempted to access the following areas:

- Heavy weapons holding areas (49 occasions, mostly denials of access);
- Permanent storage sites (26 occasions, mostly denials of access);
- Military-type compounds (46 occasions, mostly denials of access); and
- Training areas (four occasions, all denials of access).

#### Examples of such incidents included:

- A man in military-style clothing denied the SMM access to parts of a building near non-government-controlled Novoamvrosiivske, citing orders not to allow the Mission anywhere else in the building except in the vicinity of weapons where the SMM had observed four MLRS.<sup>34</sup>
- A Ukrainian Armed Forces officer denied the SMM access to a compound in government-controlled Donske, saying that the visit had not been pre-arranged with his superiors;<sup>35</sup>

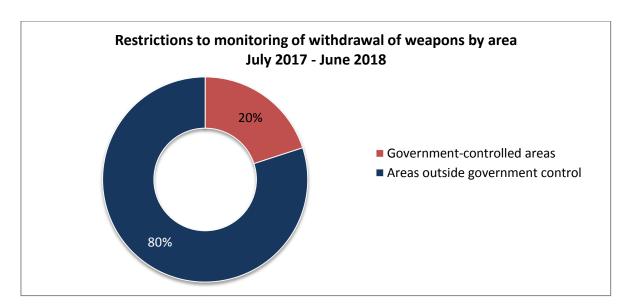
While visiting heavy weapons holding areas and permanent storage sites, the SMM faced fewer restrictions both in government-controlled areas (13 occasions) and in areas not controlled by the Government (66 occasions), compared with the previous 12 months (143 and 104, respectively). However, the proportion of such restrictions occurring in nongovernment-controlled areas increased from 58 per cent to 84 per cent. In these areas, the SMM was often denied access by members of the armed formations citing "orders" from their superiors.<sup>36</sup> The Mission was also prevented from accessing heavy weapons holding areas or permanent storage sites, as some of them were locked and no members of the armed formations were present. <sup>37</sup> In government-controlled areas decreased significantly, the number of restrictions to monitoring and verification of the withdrawal of weapons.<sup>38</sup>

 <sup>&</sup>lt;sup>34</sup> See SMM Daily Report 14 September 2017.
 <sup>35</sup> See SMM Daily Report 30 January 2018.

<sup>&</sup>lt;sup>36</sup> See, for example, SMM Daily Report 28 August 2017.

<sup>&</sup>lt;sup>37</sup> See, for example, SMM Daily Reports <u>27 July 2017</u>, <u>28 August 2017</u> and <u>26 June 2018</u>. The signatories of the Addendum agreed that the SMM will "on the basis of the randomisation and parity principles, through patrolling, remote observation and unannounced onsite inspections, as well as the establishment of the required number of observation posts in line with the security considerations and in consultation with the signatories of the Addendum, monitor and verify" the withdrawal of weapons.

<sup>&</sup>lt;sup>38</sup> In April 2017, the Ukrainian Armed Forces issued instructions on interaction with the SMM, including at heavy weapons holding areas (see SMM Daily Report 4 September 2017). Similar instructions were published by the armed formations in non-government-controlled areas of Donetsk and Luhansk regions in late August 2017.



#### Passing through checkpoints

The SMM's freedom of movement was restricted at checkpoints along the contact line on over 156 occasions (76 of which were denials of access) – a decrease compared with 300 occasions (nearly half of which were denials of access) in the previous 12 months. Of the denials of access, six occurred in government-controlled areas and the rest in areas not controlled by the Government (68 in Donetsk region and two in Luhansk region).

At an armed formations checkpoint near non-government-controlled Verkhnoshyrokivske (formerly Oktiabr) alone, the SMM's passage was denied 47 times, compared with 30 times in the previous 12 months.<sup>39</sup> On one occasion, the SMM was stopped by armed men, two of whom pointed a heavy machine-gun directly at an SMM patrol and reloaded its ammunition from a distance of 3m.<sup>40</sup> In another instance, three armed men in military-type clothing stopped the SMM from proceeding, saying that they had received "orders" to prevent the SMM from passing the checkpoint.<sup>41</sup>

The SMM's passage through other checkpoints was also persistently restricted. At a checkpoint of the armed formations on road H15 east of Kreminets, the Mission's freedom of movement was restricted 49 times – an almost four-fold increase compared with the previous 12 months – mostly through conditions placed on the SMM.<sup>42</sup>

On 65 occasions, armed or unarmed persons at checkpoints of the armed formations searched SMM vehicles before allowing the Mission to proceed. At a checkpoint near non-government-controlled Horlivka alone, armed men insisted on searching SMM vehicles about 20 times during the reporting period. At a checkpoint on the south-western edge of non-government-controlled Olenivka, where the SMM's passage was restricted on 11 occasions between July

<sup>&</sup>lt;sup>39</sup> With the checkpoint near Verkhnoshyrokivske being the only one available for crossing the contact line in non-government-controlled areas in southern Donetsk region, restrictions or impediments to the Mission's freedom of movement there have considerable impacts on its monitoring activity, including 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 according to Point 5 of the Memorandum of 19 September 2014.

<sup>&</sup>lt;sup>40</sup> See SMM Spot Report 25 October 2017.

<sup>&</sup>lt;sup>41</sup> See SMM Daily Report 30 March 2018.

<sup>&</sup>lt;sup>42</sup> See, for example, <u>SMM Daily Report 14 September 2017</u>. Conditions included searching the interior of SMM vehicles before their passage.

2017 and June 2018, members of the armed formations held the SMM for more than seven hours on one occasion. 43

In addition, the SMM's freedom of movement was restricted at checkpoints in areas away from the contact line on 49 occasions (41 of which were denials of access). Of these denials of access, two occurred in government-controlled areas and the rest in areas not controlled by the Government (35 in Donetsk region and four in Luhansk region). At a checkpoint in non-government-controlled Kozatske, the SMM access was denied 11 times (see *Weapons-related restrictions* section).

The Mission was regularly unable to access several areas due to persistent impediments at checkpoints of the armed formations near non-government-controlled Novoazovsk (an area close to the border with the Russian Federation)<sup>44</sup> and Trudivski area (in Petrovskyi district of non-government-controlled Donetsk city).<sup>45</sup>

An emergent trend was the pattern of systematic denials of the SMM access to non-government-controlled areas in southern Donetsk region, including Zaichenko and Pikuzy. These denials started on 25 June 2018 at a military-type compound in Zaichenko when the SMM had attempted to enter after having observed fresh tracks assessed as those of a tank (T-72) leading to it. From 26 to 30 June, members of the armed formations prevented the SMM from passing through at a new checkpoint near Zaichenko on six occasions, restricting the Mission's visit to Pikuzy to follow up on reports of shelling in the village.

#### Remote observation

Attacks on and interference with technical equipment Mission's use of continued despite the signatories of the Memorandum and the Package of Measures and its Addendum having agreed that the SMM will use all technical equipment necessary, including UAVs. 47 In his letters on 2 March 2018 and 18 June 2018, the Chief Monitor called upon the signatories of the Minsk agreements to take steps to ensure the unrestricted and secure operations of SMM personnel and assets.

Long-range UAV operations by the SMM, reintroduced at the end of March 2018, quickly became subjected to signal



Long-range UAV in flight, Stepanivka, Donetsk region, 28 March 2018.

<sup>&</sup>lt;sup>43</sup> See <u>SMM Daily Report 2 August 2017</u>. The Mission was transporting technical monitoring equipment (camera) to be installed at the Donetsk Filtration Station.

<sup>&</sup>lt;sup>44</sup> See, for example, <u>SMM Daily Report 30 August 2017</u>.

<sup>&</sup>lt;sup>45</sup> See, for example, <u>SMM Daily Report 21 July 2017</u>.

<sup>&</sup>lt;sup>46</sup> See SMM Daily Report 26 June 2018

<sup>&</sup>lt;sup>47</sup> 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.

interference (jamming)<sup>48</sup> and direct targeting (see below). These incidents continued to occur, despite the SMM having received security guarantees from both sides. On three occasions, the SMM lost connection with its mini-UAVs after having heard small-arms fire assessed as directed at the UAVs.<sup>49</sup> At times, the sides have shown reluctance to take responsibility and the necessary action to address this challenge.

On 38 occasions, the SMM assessed that small-arms, surface-to-air missiles or anti-aircraft gun fire targeted its UAVs, a two-fold increase compared with the previous 12 months. Examples of such incidents included:

- Near Bohdanivka, west of the Petrivske disengagement area, on two occasions the SMM heard shots of small-arms fire in the areas – over Viktorivka and the disengagement area – where the SMM was flying a mini-UAV, assessed as aimed at the UAV:<sup>50</sup>
- Near non-government-controlled Sentianivka, the SMM heard shots of small-arms fire, assessed as originating from the vicinity of a checkpoint of the armed formations and directed at a mini-UAV. The Mission subsequently lost connection with the UAV. Later, members of the armed formations returned the UAV to the SMM, saying that they had recovered it from a field 200m north of the abovementioned checkpoint. The SMM saw that the UAV's front right motor had been hit by a bullet.<sup>51</sup>
- After spotting a surface-to-air missile system (9K33), an SMM long-range UAV recorded the contrail of a missile and the launching of a second missile in the direction of the UAV near non-government-controlled Ukrainske.<sup>52</sup>
- While flying a long-range UAV flight near non-government-controlled Betmanove, the SMM recorded the condensation trail of a missile as well as a second missile from a surface-to-air missile system (9K33) and several rounds from a probable anti-aircraft gun (ZU-23) assessed as fired in the direction of the UAV.<sup>53</sup>

Twenty six of such incidents involved mini and mid-range UAV flights over non-government-controlled areas, 11 over government-controlled areas and once over the Petrivske disengagement area, despite the fact that the SMM conducted more flights from government-controlled areas (about 650 flights), compared with those from non-government-controlled areas (about 380 flights). <sup>54</sup> The higher number of flights conducted from government-controlled areas was attributed to operational difficulties and restrictions in non-government-controlled areas, including threats and impediments to SMM monitors preparing UAV flights (see below) and fewer landing sites for mid-range UAVs compared to those in government-controlled areas. Moreover, the SMM often flies mini and mid-range UAVs near and across the contact line. <sup>55</sup>

Long-range UAVs were reintroduced at the end of March 2018 and became fully operational during the reporting period. The SMM conducted over 60 long-range UAV flights which regularly crossed the contact line.

See table in Annex 3.

See patrol routes and UAV flights map in Annex 1.

<sup>&</sup>lt;sup>48</sup> The interference could have originated from anywhere within a radius of several kilometres of the UAV's position.

<sup>&</sup>lt;sup>49</sup> See Annex 3 and SMM Daily Reports <u>17 February</u>, <u>31 March</u> and <u>22 May 2018</u>.

<sup>&</sup>lt;sup>50</sup> See <u>SMM Daily Report 11 November 2017</u>.

<sup>&</sup>lt;sup>51</sup> See SMM Daily Report 17 February 2018.

<sup>&</sup>lt;sup>52</sup> See SMM Daily Report 11 June 2018.

<sup>&</sup>lt;sup>53</sup> See SMM Daily Report 16 June 2018.

<sup>&</sup>lt;sup>54</sup> See table in Annex 3.

- 11 -

The SMM also encountered restrictions and other impediments while flying or attempting to fly UAVs:

- A member of the armed formations in Pikuzy demanded to review and delete SMM UAV footage and threatened to otherwise not allow the SMM to leave the area and to "seize" the UAV footage;<sup>56</sup>
- Near non-government-controlled Debaltseve, the SMM was preparing to conduct a UAV flight when a member of the armed formations in a military-type truck threatened to shoot down the UAV.<sup>57</sup>

In addition, the SMM temporarily lost communication with its UAVs, assessed as caused by jamming, on 23 occasions from June 2017 to July 2018 (compared with 12 in the previous 12 months), with 21 of these incidents taking place from 4 April 2018 to 9 June 2018 alone. Of these instances, long-range UAVs experienced jamming 12 times.<sup>58</sup>

The Mission's use of static cameras was also restricted:

- The SMM observed bullet impacts to its thermal camera and camera mast at the DFS. The camera was rendered non-operational;<sup>59</sup>
- The SMM camera in Zolote recorded two explosions assessed as impacts of a probable 30mm grenade fired by an automatic grenade launcher (AGS-17) 10-20m east-north-east of the camera's position. The explosions caused the camera to tilt but it remained operational. 60

Visiting border areas outside government control

The SMM conducted about 690 visits to border areas not controlled by the Government (about 270 in Donetsk region and about 420 in Luhansk region). The SMM's freedom of movement was restricted on 151 of these visits (29 in Donetsk region and 122 in Luhansk

region). The rate of such restrictions tripled compared with the previous 12 months, when SMM freedom of movement was restricted 58 times out of over 800 visits.

Since mid-February, the SMM's access to border crossing points near Izvaryne, Dovzhanske, Sievernyi and Voznesenivka, as well as at a railway station near Voznesenivka in non-government-controlled areas of Luhansk region has been continuously denied by members of armed formations who often cited orders from superiors. <sup>61</sup> The SMM encountered



OSCE SMM monitors near Novoazovsk close to the border with the Russian Federation, July 2017.

<sup>&</sup>lt;sup>56</sup> See SMM Daily Report 11 August 2017.

<sup>&</sup>lt;sup>57</sup> See SMM Daily Report 27 July 2018.

<sup>&</sup>lt;sup>58</sup> See, for example, SMM Daily Reports <u>18 April 2018</u>, <u>17 May 2018</u> and <u>7 June 2018</u>.

<sup>&</sup>lt;sup>59</sup> See <u>SMM Spot Report 10 August 2017</u>.

<sup>&</sup>lt;sup>60</sup> See SMM Daily Report 4 July 2018.

<sup>&</sup>lt;sup>61</sup> See, for example, SMM Daily Reports 12 February 2018, 19 February 2018 and 14 April 2018.

such restrictions 122 times (mostly denials), and each time the SMM was told to leave the area after being present for five to 15 minutes. Such restrictions in a persistent and systematic manner considerably hinder the SMM's monitoring activity.

In non-government-controlled areas of Donetsk region, armed men denied the SMM access to the Novoazovsk border area in southern Donetsk region eight times and to the nearby town of non-government-controlled Siedove 21 times. On one occasion, two armed members of the armed formations prevented the Mission from crossing a checkpoint of the armed formations near Novoazovsk. The Russian Federation chief of staff of the JCCC arrived at the checkpoint and the SMM waited for three hours, during which time other civilian and military-type vehicles passed through the checkpoint, but the SMM was still denied access. On another occasion, three armed men in military-style clothing near non-government-controlled Shcherbak, citing special operations in the area, prevented the SMM from proceeding further south. A man, who claimed to be "head of police", said that since that was a "pre-border area", the SMM had to co-ordinate its movement with those in control of non-government-controlled areas of Donetsk region (the SMM was allowed to proceed south towards Novoazovsk only upon escort by members of the armed formations).

Even when the Mission did not face freedom of movement restrictions near border crossing points, it continued to be able to conduct only short visits there (generally no longer than one hour) due to lengthy travel times exacerbated by poor road conditions, adverse weather conditions, and limited hours of daylight, particularly during winter periods. Monitoring also continued to be hindered by the refusal of those in control of these areas to provide security guarantees that would enable the SMM to open a patrol hub and forward patrol bases in towns near these border areas, including Antratsyt, Sorokyne, Dovzhanske, Amvrosiivka, Novoazovsk, and Boikivske in non-government-controlled areas of Donetsk and Luhansk regions.

As a result of such impediments to implementation of the SMM's mandate – in addition to restrictions of freedom of movement – the scope of what the SMM was able to observe at the border remained limited.

#### Impediments to gathering information

The SMM also encountered impediments to its mandated task to establish and report facts in response to specific incidents and reports of incidents, as well as to establish contact with the local population. For instance, civilians (all in areas not controlled by the Government) showed a reluctance to talk with the SMM and often cited an "order" from those in control of non-government-controlled areas of Donetsk and Luhansk regions as the reason, and at times expressed a fear of repercussions.

This was particularly the case when interacting with medical and hospital staff in non-government-controlled areas to corroborate reports of civilian casualties. At hospitals, staff often refused to provide the Mission with information concerning conflict-related deaths or injuries without the approval of those in control of these areas. During the reporting period, on 30 occasions (23 in Donetsk and seven in Luhansk regions), the SMM's corroboration of reports of civilian casualties were impeded by medical staff who did not share relevant

<sup>64</sup> See SMM Daily Report 30 September 2017.

-

<sup>&</sup>lt;sup>62</sup> The Mission has not been able to enter Siedove since 25 April 2017.

<sup>&</sup>lt;sup>63</sup> See SMM Daily Report 24 July 2017.

information. For instance, while the SMM was following up on reports of a civilian casualty at a hospital in Horlivka, medical staff refused to provide any information and referred the Mission to members of the armed formations in Donetsk city. 65 Similarly, at a hospital in nongovernment-controlled Brianka, medical staff refused to provide any information and referred the Mission to members of the armed formations in non-government-controlled Luhansk city. 66 Additionally, at a hospital in non-government-controlled Rovenky, while the SMM was speaking with the chief doctor, the hospital "administration" instructed the doctor not to speak with the SMM and said that all future visits by the SMM should be co-ordinated with the armed formations in Luhansk city.<sup>67</sup>

The SMM was faced with similar restrictions while attempting to monitor the situation at schools and kindergartens near the contact line and to assess the impact of the conflict on children and on their education. On several occasions, staff at schools in non-governmentcontrolled areas cited orders from those in control not to share information with the SMM.<sup>68</sup> On one occasion, a planned meeting between the SMM and staff of an orphanage in nongovernment-controlled Sorokyne was cancelled after the interlocutor told the SMM that it needed written "authorization" from the armed formations in Luhansk city in order to visit the orphanage.<sup>69</sup>

#### 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 Framework Decision. The Mission's access to these areas remained fully or partially restricted due to inaction of the sides in ensuring safe and secure access, and also due to the risk of mines and UXO, despite the fact that the signatories of the Framework Decision agreed that the Ukrainian Armed Forces and the armed formations should remove or fence off mines and UXO in the disengagement areas.

<sup>65</sup> See SMM Daily Report 22 August 2017. Medical staff at the same hospital consistently denied the SMM access to information necessary for corroboration of reports of civilian casualties (nine times in total within this reporting period).

<sup>&</sup>lt;sup>6</sup> See SMM Daily Report 2 September 2017.

<sup>67</sup> See SMM Daily Report 13 June 2018.

<sup>&</sup>lt;sup>68</sup> See, for example, SMM Daily Reports <u>22 September 2017</u>, <u>10 October 2017</u>, <u>18 October 2017</u>, <u>8 February 2018</u> and <u>6</u> April 2018.

69 See SMM Daily Report 26 January 2018.



Additional steps toward full implementation of the Framework Decision on disengagement, including demining, would considerably ease the movement of the SMM and that of other civilians across the contact line. For example, progress in demining in the Zolote-Pervomaisk area would make it possible for an entry-exit checkpoint (EECP) to be opened. Disengagement in government-controlled Stanytsia Luhanska would reduce the risk of civilians being caught up in exchanges of fire (in Luhansk region, the Stanytsia Luhanska checkpoint is the only EECP). Furthermore, demining the road between Bohdanivka to Viktorivka would improve the SMM's access to its camera site and therefore increase SMM's monitoring activity in the area.

On 29 November 2017, participants of the meeting of the Working Group on Security Issues of the Trilateral Contact Group reached mutual understanding on vegetation clearing and

demining along the sides of the roads leading to EECPs and in Zolote. 70 At least on two occasions, the SMM has since observed clearing activities in the Zolote disengagement area, 71 yet no substantial progress in clearing and demining was noted.

The deterioration of the wooden ramps at a broken section of the Stanytsia Luhanska bridge had continuously posed both a civilian safety issue and an impediment to the SMM's ability to monitor and move



Repairs to Stanytsia Luhanska bridge wooden ramps, Luhansk region on 9 December 2017. (OSCE)

<sup>&</sup>lt;sup>70</sup> See Press statement of Special Representative of OSCE Chairperson-in-Office Sajdik after meeting of the Trilateral Contact Group on 29 November 2017.

The See SMM Daily Reports 12 January 2018 and 18 January 2018.

freely. After repeated calls by international actors, including the SMM, repairs were carried out on 9 and 10 December to replace the broken ramps of the bridge as a temporary measure. 72 However, even after the repair works the SMM observed through January and February 2018 that the steep wooden ramps continued to be slippery due to ice and that the handrails were not stable, posing a threat to the safety of thousands of civilians who cross over that bridge every day. 73 In June, the SMM also observed the hardship of civilians, particularly the elderly, while queueing to walk across in extreme heat conditions at Stanytsia Luhanska bridge<sup>74</sup> and other EECPs.

#### Mines, UXO and other explosive devices

The signatories of the Memorandum agreed to prohibit installation or the laving of mines in the security zone. The threat from mines and UXO persisted however outside the disengagement areas. During the reporting period, for example, the SMM was unable to travel further south from the government-controlled Shchastia bridge due to the presence of anti-tank mines. 75 Near non-government-controlled Molodizhne, an armed man stopped the SMM at a checkpoint of the armed formations and refused to remove anti-tank



SMM monitors near the Shchastia bridge, Luhansk region, October 2017.

mines from the road.<sup>76</sup> The possible presence of mines or UXO on the road also prevented the SMM from travelling from Holmivskyi to Travneve<sup>77</sup> and from entering non-government controlled villages of Kozatske and non-government-controlled Bila Kamianka. 78

On one occasion, the SMM was forced to drive on a mine-contaminated road. On 22 June, driving eastwards through Petrivske, the Mission saw a half-buried object at the end of a ditch extending across a road, assessed as an anti-tank mine (TM-62). A member of the armed formations carrying an assault rifle (AK-47) and displaying signs of intoxication then told the SMM to leave immediately and did not allow it to use an alternative route, thereby leaving an SMM vehicle no other choice but to drive near the freshly dug ditch close to the identified mine.<sup>79</sup>

The likely presence of mines and UXO prevented the Mission from patrolling to several other areas along the contact line, including critical routes such as:

- T0519 (Pikuzy to government-controlled Mariupol); 80
- M14 (Novoazovsk to Mariupol);
- H20 (Yasynuvata to government-controlled Kamianka);

<sup>&</sup>lt;sup>72</sup> See SMM Daily Report 11 December 2017.

<sup>&</sup>lt;sup>73</sup> See SMM Daily Report 25 January 2018.

<sup>&</sup>lt;sup>74</sup> See SMM Daily Report 28 June 2018.

<sup>&</sup>lt;sup>75</sup> See, for example, SMM Daily Reports <u>23 June 2018</u> and <u>26 June 2018</u>.

 <sup>&</sup>lt;sup>76</sup> See SMM Daily Report 28 October 2017.
 <sup>77</sup> See SMM Daily Report 1 December 2017.

<sup>&</sup>lt;sup>78</sup> See SMM Daily Reports <u>13 February 2018</u> and <u>6 March 2018</u>.

<sup>&</sup>lt;sup>79</sup> See SMM Spot Report 23 June 2018.

<sup>80</sup> See, for example, SMM Daily Report 16 October 2017.

- M03 (non-government-controlled Debaltseve to government-controlled Svitlodarsk)
- Road (Holmivskyi to Travneve);
- Road (Novotoshkivske to Zholobok);
- Road (Bohdanivka to Viktorivka);
- Road (Popasna to Katerynivka).

The SMM had been unable to travel on road M03 connecting Debaltseve and Svitlodarsk since early 2015. On 19 July 2017, however, the Mission was able to travel the road from Svitlodarsk to Debaltseve, following its facilitation and monitoring of mine and UXO clearance, co-ordinated by the JCCC.<sup>81</sup> During the reporting period, the SMM travelled the road between the two towns on 16 occasions, but each passage required the Mission to facilitate the removal of mines and UXO as the removed mines had been placed back.<sup>82</sup>

Similarly, since April 2018 the SMM has repeatedly seen anti-tank mines on road H20, while monitoring the security situation around the Donetsk Filtration Station (DFS). On 1 June, for example, the Mission was prevented access due to the presence of 18 anti-tank mines about 1km north of the DFS on road H-20. 83

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

- Visits and inspections of weapons at heavy weapons holding areas and permanent storage sites that were accessible only via unpaved roads or surfaces (approximately 50 per cent of designated sites);
- 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.

Other examples of mines, UXO and other explosive devices affecting SMM operations included:

- The SMM was prevented from travelling on road P22 near Stanytsia Luhanska due to the presence of barbed wire across the road and a mine hazard sign;<sup>84</sup>
- The SMM was restricted at two locations from entering non-government-controlled Nova Marivka due to visible UXO, mine hazard signs and a tree lying across the road.85

Despite the fact that the sides had agreed on the need for co-ordination of mine clearance by the JCCC and on who is responsible for removing the risk that these explosive devices pose, little progress was noted on clearance on mines, 86 UXO and other explosive devices. On 5 May 2017, the SMM sent a letter to the signatories of the Minsk agreements calling for the

<sup>81</sup> See SMM Daily Report 20 July 2017.

<sup>&</sup>lt;sup>82</sup> See, for example, SMM Daily Reports <u>25 July 2017</u>, <u>10 August 2017</u> and <u>20 November 2017</u>.

<sup>83</sup> See SMM Daily Report 2 June 2018.

<sup>84</sup> See SMM Daily Report 28 December 2017.
85 See SMM Daily Report 25 June 2018.

<sup>&</sup>lt;sup>86</sup> Such instances included demining activities by Ukrainian Armed Forces personnel near government-controlled Lomakyne and near Berezove, and by the members of the armed formations near non-government-controlled Yasynuvata (see SMM Daily Reports 23 May 2018, 24 May 2018 and 8 February 2018).

provision of information on areas suspected or confirmed to be contaminated with mines and UXO. To date, however, no such information has been provided.

#### Unfounded allegations

Unfounded allegations targeting the Mission continued to emanate from media affiliated with groups in non-government-controlled areas or directly from senior members of those groups themselves. They claimed that the SMM had reported inaccurately and challenged the SMM's presence by implying that the SMM's safety was conditional on co-ordinating patrol plans in advance with those in control of these areas. These unfounded allegations facilitated an environment in which the Mission's movement was restricted (sometimes with violence or threats) with impunity, which represents a considerable security risk for the monitors operating in eastern Ukraine.

## Effect of impediments on the SMM's support to efforts to improve humanitarian situation

Restrictions of the Mission's freedom of movement affected its ability to support efforts to improve the situation of civilians living near the contact line. The foremost example was the SMM's repeated efforts – in conjunction with the JCCC – to facilitate repair and maintenance works to the DFS. The presence of Ukrainian Armed Forces and armed formations near such facilities contributed to the risk of damage from shelling or gunfire. Of particular concern was the ongoing fighting around the DFS, as any substantive damage to chlorine storage containers in the facility would result in serious environmental disaster and disruption of water supply to hundreds of thousands of people on both sides of the contact line. <sup>87</sup>

In early August 2017, an SMM camera was installed at the facility to increase its monitoring capacity. However, the Mission's freedom of movement was restricted at a checkpoint of the armed formations while transporting camera equipment from government- to non-government-controlled areas. <sup>88</sup> Furthermore, its monitors' safety was endangered while installing it <sup>89</sup> and, after the installation, the camera equipment was damaged by gunfire. <sup>90</sup>

Since the installation, the SMM camera has regularly recorded ceasefire violations near the DFS, including a large number of ceasefire violations less than 500m from the facility. On 21 May 2018, the camera recorded three explosions assessed as outgoing rounds of automatic-grenade-launcher (AGS-17) fire 20-50m west-south-west of the DFS. hour a month later, the camera recorded a projectile in flight, assessed as an outgoing round of anti-tank guided missile system (9M113 *Konkurs*, 135mm) 350m south-south-west and the subsequent projectile flying over the DFS in a north-north-eastern direction.

Furthermore, on 17 April 2018, Voda Donbassa water company employees were wounded by gunfire while a company bus carrying about 30 employees was travelling near the DFS. The following day, the SMM enabled 65 Voda Donbassa employees to leave the DFS, which

<sup>&</sup>lt;sup>87</sup> See Press Statement by Special Representative of OSCE Chairperson-in-Office Sajdik following shelling of the Donetsk Water Filtration Station.

<sup>88</sup> See SMM Daily Report 2 August 2017.

<sup>&</sup>lt;sup>89</sup> See SMM Spot Report 4 August 2017.

<sup>90</sup> See SMM Spot Report 10 August 2017.

<sup>91</sup> See SMM Daily Report 28 May 2018.

<sup>92</sup> See SMM Daily Report 30 June 2018.

<sup>93</sup> See SMM Daily Report 18 April 2018.

then suspended its operations until 22 April when the SMM facilitated their access to the station. <sup>94</sup> On both occasions, the Mission heard ceasefire violations near the DFS, despite security guarantees having been provided. Following the incident, the SMM enhanced its presence to facilitate access of Voda Donbassa employees on a daily basis to and from the DFS to keep the station operational. On 15 May, while positioned on road H20 near the DFS, SMM monitors heard the whistling sound of a bullet flying at a distance of 20cm to 1m above their heads, assessed as small-arms fire. <sup>95</sup> On 6 June, the Chief Monitor announced the suspension and a review of the enhanced SMM presence at the DFS due to security concerns and the Mission has since facilitated operations of the DFS, including by monitoring the adherence to the ceasefire near the DFS from a distance. <sup>96</sup>

#### **Contribution of the JCCC**

The SMM regularly requested directly that the JCCC assist 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 Mission's reporting continued to provide information whereupon the JCCC should act to respond to and remedy violations. In addition, the SMM maintained daily interaction with the JCCC headquarters in Soledar and coordinated between the JCCC and SMM patrols encountering these violations on the ground. Nearly every day until 19 December 2017, the SMM requested both sides of the JCCC, officers of the Ukrainian Armed Forces and officers of the Russian Federation Armed Forces, to contribute to immediate resolution of impediments encountered by SMM patrols, in parallel with actions undertaken by patrol teams with the relevant JCCC personnel on the ground.

On about 30 occasions, intervention by the JCCC made it possible for the SMM, though with some delay, to exercise its freedom of movement. The JCCC did not successfully intervene, however, in the majority of over 300 cases of restriction of the SMM's freedom of movement. Moreover, the JCCC was not comprehensively able to co-ordinate demining work (as foreseen in the TCG mine action decision), particularly in and around the agreed disengagement areas, where the JCCC contributed little to the lifting of restrictions by co-ordinating clearance of mines and UXO.

The SMM repeatedly recalled the tasks assigned to the JCCC by the signatories to co-ordinate demining work, to provide rapid response to impediments to SMM monitoring and verification activities, and to assist in ensuring SMM monitors' safety and security. However, lack of mutual trust between the two sides of the JCCC seemed to hinder comprehensive co-ordination of those tasks. On 19 December 2017, the Russian Federation Armed Forces officers withdrew from the JCCC. In addition to doing so through its reports, the SMM continued to directly inform Ukrainian Armed Forces of the JCCC of restrictions of the Mission's freedom of movement.

The departure of Russian Federation Armed Forces officers from the JCCC impacted the processes related to the Centre, in particular the facilitation of the provision of security guarantees for repairs and maintenance of infrastructure. The importance of the SMM's presence during repair works continued to be noted by Ukrainian Armed Forces officers of the JCCC as well as the armed formations.

<sup>94</sup> See SMM Daily Report 23 April 2018.

<sup>95</sup> See SMM Spot Report 15 May 2018.

<sup>&</sup>lt;sup>96</sup> See Press Statement by Ambassador Ertugrul Apakan, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine on 6 June 2018.

The SMM looks forward to resuming work with the JCCC in its original setup, which can make a substantial and positive contribution to the situation on the ground, especially with regards to assisting in ensuring the ceasefire and the safety and security of the SMM, and facilitation of repairs to essential civilian infrastructure.

#### **Conclusions**

The SMM is mandated by the OSCE Permanent Council to contribute to reducing tensions and fostering peace, stability and security throughout Ukraine, including through gathering information and reporting on the security situation. The Mission has been also facilitating and supporting the implementation of the Minsk agreements.

During the reporting period, the SMM encountered fewer restrictions of its freedom of movement compared with the previous 12 months. This, however, does not suggest that the movement of the SMM was eased, nor does it indicate that the sides discontinued restricting the Mission's freedom of movement. In some areas, restrictions and impediments to the SMM's freedom of movement persistently continued, if not worsened.

Such emerging restrictions and impediments included the armed formations' repeated denials of the SMM's access to border areas in non-government-controlled areas of Luhansk regions and increased instances of incidents jamming of SMM UAVs, particularly long-range ones. Passage through certain checkpoints of the armed formations in non-government-controlled areas of Donetsk region such as Verkhnoshyrokivske and Kreminets were increasingly difficult. Siedove, near the border with the Russian Federation, remained inaccessible to the SMM.

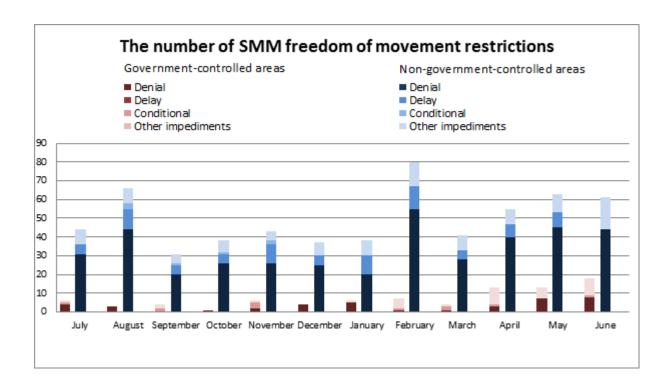
The threat of mines and UXO, particularly in the disengagement areas, posed a significant challenge to SMM monitoring during the reporting period. Large portions of the disengagement areas remained inaccessible to the Mission.

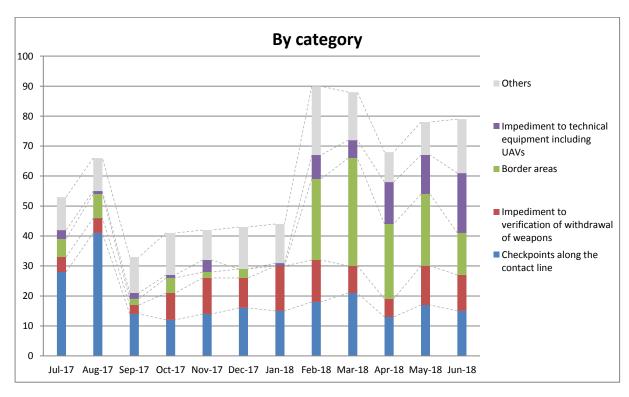
Impediments such as medical staff's refusal to provide the SMM with information on civilian casualties, citing the need for permission from the armed formations in non-government-controlled areas of Donetsk and Luhansk regions, significantly restricted the Mission's attempts to corroborate reports of casualties.

Those who restricted the SMM's freedom of movement obstructed the implementation of its mandate and its efforts to reduce tensions and foster peace, stability and security.

Moreover, those who impeded the implementation of the Mission's mandate also acted in contravention of the consensus decisions of the 57 participating States of the OSCE and violated commitments undertaken in the Minsk agreements. Declared intentions to deliver on these commitments have little effect when not translated into concrete actions on the ground. Measurable steps should be taken to remedy violations and provide for an environment favourable to the implementation of the SMM's mandate and the safety and security of its civilian staff.

**Annex 1: Charts and maps** 







Co-operation in Europe
Special Monitoring Mission to Ukraine

# Freedom of Movement (FoM) Restrictions

01 July 2017 - 30 June 2018

#### Frequency of FoM Restrictions\*

- 1-5
- 6 10
- 11 20
- 21 40
- 10

#### Other Features

- ----- Estimated Line of Contact
- Settlement
- Regional Boundary
- National Boundary



\*Restrictions at weapons storage sites not mapped

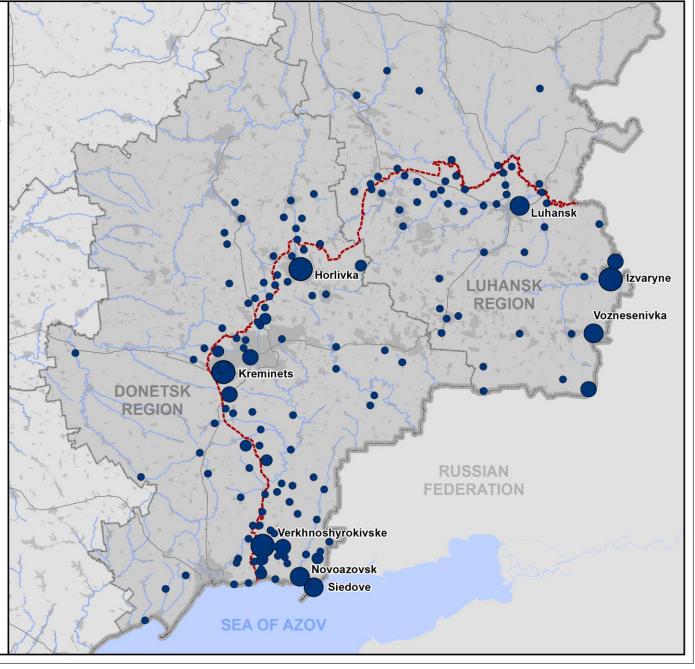
Sources: Administative Boundaries - OCHA; Roads, Rivers - OpenStreetMap; Sea - VLIZ (2005). IHO Sea Areas; Other - OSCE.

Coordinate System: WGS 1984 UTM Zone 37N

This map is provided for illustrative purposes only. Its content is not warranted to be error-free and does not imply endorsement or acceptance by the OSCE SMM.

© OSCE SMM 2018 Use, copy, reproduction, transmission, broadcasting, sale, license, or exploitation not permitted without OSCE prior written authorization.

Created: 02/10/2018





## Long-range UAV **Jamming Incidents** 15 May 2018 - 30 June 2018

#### **Jamming Incidents**

- Both Signals Jammed
- Signal 2 Jammed
- Signal 1 Jammed

#### **Other Features**

- ---- Estimated Line of Contact
- Settlement
- Regional Boundary
- National Boundary



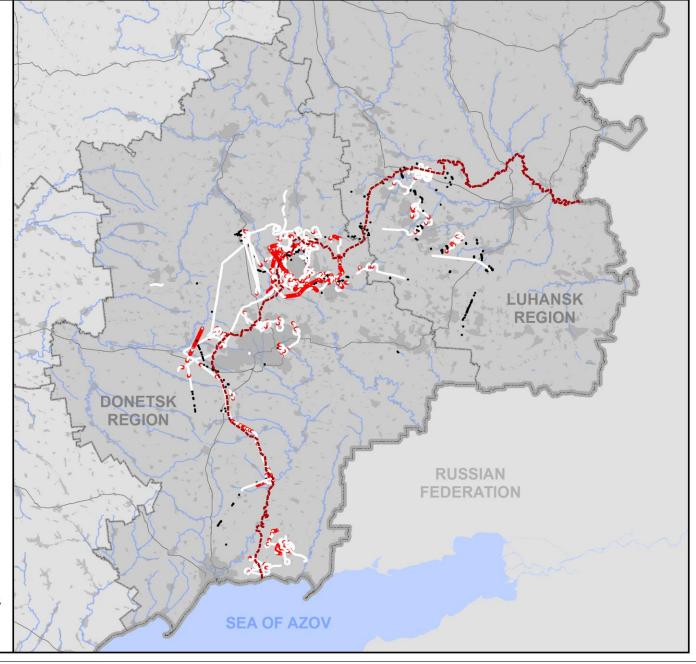
Sources: Administative Boundaries - OCHA; Roads, Rivers - OpenStreetMap; Sea - VLIZ (2005). IHO Sea Areas; Other - OSCE.

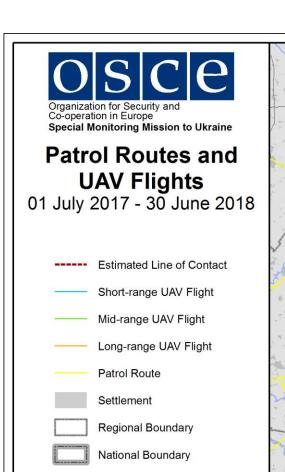
Coordinate System: WGS 1984 UTM Zone 37N

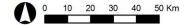
This map is provided for illustrative purposes only. Its content is not warranted to be error-free and does not imply endorsement or acceptance by the OSCE SMM.

© OSCE SMM 2018 Use, copy, reproduction, transmission, broadcasting, sale, license, or exploitation not permitted without OSCE prior written authorization.

Created: 03/10/2018







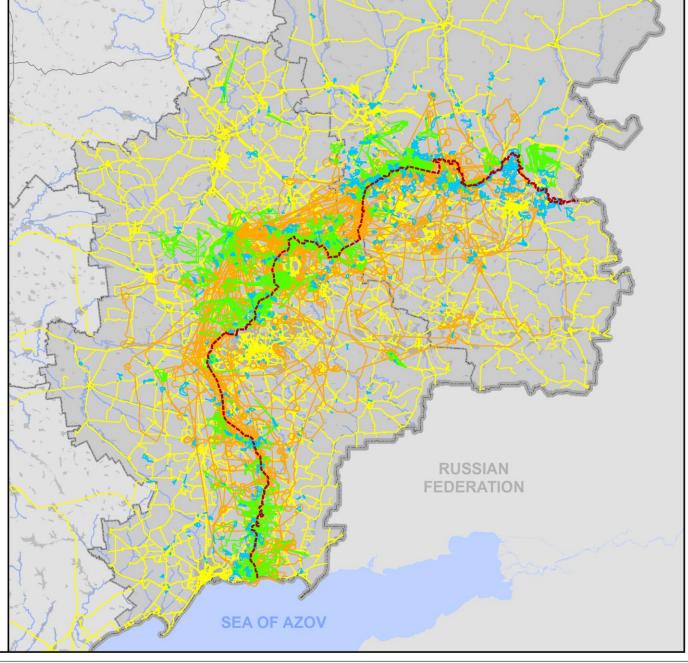
Sources: Administative Boundaries - OCHA; Roads, Rivers - OpenStreetMap; Sea - VLIZ (2005). IHO Sea Areas; Other - OSCE.

Coordinate System: WGS 1984 UTM Zone 37N

This map is provided for illustrative purposes only. Its content is not warranted to be error-free and does not imply endorsement or acceptance by the OSCE SMM.

© OSCE SMM 2018 Use, copy, reproduction, transmission, broadcasting, sale, license, or exploitation not permitted without OSCE prior written authorization.

Created: 03/10/2018





# Weapons in Violation of Withdrawal Lines

01 July 2017 - 30 June 2018

#### **Number of Weapons in Violation**

- 1 10
- 11 40
- 41 100
- 101 200
- 201 +

#### Other Features

---- Estimated Line of Contact

Settlement

Regional Boundary

National Boundary

0 10 20 30 40 50 Km

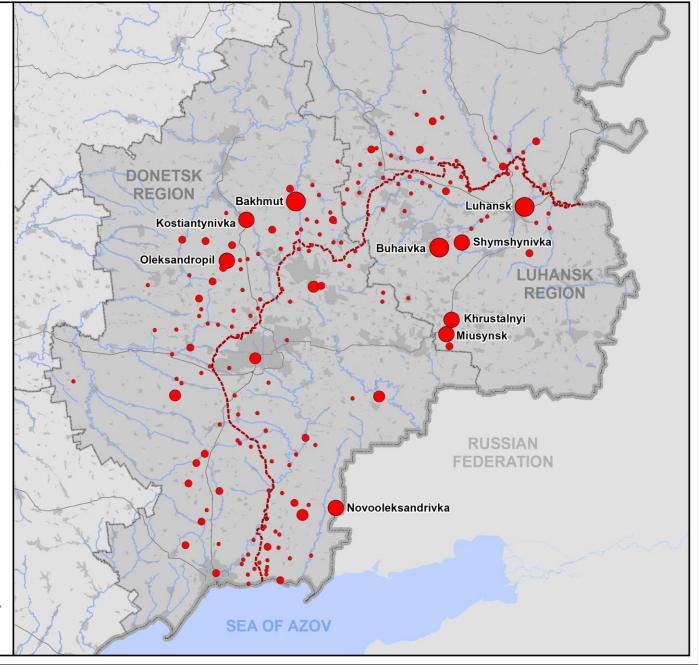
Sources: Administative Boundaries - OCHA; Roads, Rivers - OpenStreetMap; Sea - VLIZ (2005). IHO Sea Areas; Other - OSCE.

Coordinate System: WGS 1984 UTM Zone 37N

This map is provided for illustrative purposes only. Its content is not warranted to be error-free and does not imply endorsement or acceptance by the OSCE SMM.

© OSCE SMM 2018 Use, copy, reproduction, transmission, broadcasting, sale, license, or exploitation not permitted without OSCE prior written authorization.

Created: 02/10/2018



Annex 2: Violence and threats against or in the presence of the  $\mathbf{SMM}^{97}$ 

Date	Location	Control	Summary of event	Source
7 July 2017	Kreminets	NGCA <sup>98</sup>	Rifle pointed at SMM	Daily Report
13 August 2017	Checkpoint of the armed formations on Stanytsia Luhanska bridge	NGCA	Rifle pointed at SMM. Threat to shoot SMM monitors.	Spot Report
13 August 2017	Yasne	NGCA	Safety catches of rifles disengaged near SMM	Daily Report
25 October 2017	Verkhnoshyrokivske	NGCA	Gun pointed at SMM and its ammunition reloaded	Spot Report
8 November 2017	Pikuzy	NGCA	Shots fired 50m from SMM	Daily Report
2 February 2018	Yasynuvata	NGCA	Shots fired near the SMM. Hissing sound of bullets flying over the heads of SMM monitors heard. One of the bullets landed 10-15m from the SMM	Spot report
5 March 2018	Kozatske	NGCA	Assault rifle at pointed at SMM	Daily Report
5 April 2018	Kreminets	NGCA	Weapon charged and its barrel pointed at the ground near the SMM	Spot Report
13 April 2018	Uzhivka	NGCA	Shots fired 150m from the SMM	Daily Report
15 April 2018	Petrivske	NGCA	Shots fired 100-300m the SMM	Daily Report
7 June 2018	East of Chyhari area of Pivdenne	NGCA <sup>99</sup>	Shots and a burst fired 70-100m the SMM	Spot Report
14 June 2018	Pikuzy	NGCA	Shots fired 50m from the SMM	Spot Report

Not including small-arms fire assessed as targeting SMM UAVs or ceasefire violations affecting cameras.
 Non-government-controlled area
 The SMM was positioned in the Chyhari area of Pivdenne but it heard small-arms fire 70-100m east, a non-governmentcontrolled area.

Annex 3: Table of incidents involving weapons aimed at SMM UAVs

Date	Location	Control	Summary of event	Source
14 July 2017	Holmivskyi	NGCA	Five shots fired near SMM, assessed as aimed at its UAV <sup>100</sup>	Daily Report
20 July 2017	Trudivski area, Petrovskyi district of Donetsk city	NGCA	17 shots fired near SMM, assessed as aimed at its UAV	Daily Report
21 July 2017	Yasynuvata	NGCA	25 bursts of small-arms fired near SMM, assessed as aimed at its UAV	Daily Report
10 August 2017	Pikuzy	NGCA	Shots fired near SMM, assessed as aimed at its UAV	Daily Report
19 August 2017	Dokuchaievsk	NGCA	Bursts and shots fired near SMM, assessed as aimed at a UAV	Daily Report
25 August 2017	Arkhanhelske	GCA <sup>101</sup>	Ten shots fired near SMM, assessed as aimed at its UAV	Daily Report
23 October 2017	Trudivski area, Petrovskyi district of Donetsk city	NGCA	Four to five bursts fired near SMM, assessed as aimed at its UAV	Daily Report
13 August 2017	Viktorivka	NGCA	Three shots fired near SMM, assessed as aimed at its UAV	Daily Report
13 August 2017	Petrivske disengagement area		Three shots fired near SMM, assessed as aimed at its UAV	Daily Report
27 November 2017	Dovhe	NGCA	100 shots fired near SMM, assessed as aimed at its UAV	Daily Report
12 January 2018	Pavlopil	GCA	30-40 shots fired near the SMM, assessed as aimed at its UAV	Daily Report
2 February 2018	Verkhnotoretske	GCA	Six shots fired near the SMM, assessed as aimed at its UAV	Daily Report
3 February 2018	HWHA <sup>102</sup> in Donetsk region	GCA	Six shots fired near the SMM, assessed as aimed at its UAV	Daily Report
6 February 2018	Mykhailivka	GCA	30 shots fired near the SMM, assessed as aimed at its UAV	Daily Report
9 February 2018	Pervomaiske	NGCA	11 shots fired near the SMM, assessed as aimed at its UAV	Daily Report
16 February 2018	Sentianivka	NGCA	Four shots fired near the SMM, assessed as originating from the vicinity of a checkpoint of the armed formations and aimed at its UAV. The Mission subsequently lost connection with the UAV.	Daily Report
21 February 2018	Kostiantynivka	GCA	Six to seven bursts fired near the SMM, assessed as aimed at its UAV	Daily Report
26 February 2018	Sarabash	NGCA	18 shots fired near the SMM, assessed as aimed at its UAV	Daily Report
10 March 2018	Ternove	NGCA	Eight shots fired near the SMM, assessed as aimed at its UAV	Daily Report
29 March 2018	Donetsk	NGCA	Nine shots fired near the SMM, assessed as aimed at its UAV	Daily Report
30 March 2018	Olenivka	GCA	About 30 bursts fired near the SMM, assessed as aimed at its UAV	Daily Report
30 March 2018	Miusynsk	NGCA	About 30 bursts fired near the SMM, assessed as aimed at its UAV. The SMM lost control over the UAV, which the SMM assessed that it crashed in the area.	Daily Report
30 March 2018	Donetsk	NGCA	Three shots fired near the SMM, aimed at its UAV	Daily Report
4 April 2018	Novoselivka	GCA	Six to eight shots fired near the SMM, assessed as aimed at its UAV	Daily Report
4 April 2018	Shevchenko	GCA	A shot fired near the SMM, assessed as aimed at its UAV	Daily Report

 $<sup>^{100}</sup>$  All UAVs are mini or mid-range types unless otherwise specified.  $^{101}$  Government-controlled area  $^{102}$  Heavy weapons holding area

16 April 2018	Chabanivka	NGCA	At least 100 shots and bursts near the SMM, assessed as aimed at its UAV	Daily Report
20 April 2018	Novohryhorivka	NGCA	50 shots near the SMM, assessed as aimed at its UAV	Daily Report
27 April 2018	Novoluhanske	NGCA	Seven bursts near the SMM, assessed as aimed at its UAV	Daily Report
30 April 2018	Katerynivka	NGCA	Two Ukrainian Armed Forces soldiers pointing rifles and firing in an SMM UAV's direction recorded	Daily Report
13 May 2018	Dovhe	NGCA	30 shots near the SMM, assessed as aimed at its UAV	Daily Report
21 May 2018	Vesela Hora	NGCA	Five shots near the SMM, assessed as aimed at its UAV. The UAV lost altitude and fell to the ground.	Daily Report
30 May 2018	Krynychanske	NGCA	20 shots near the SMM, assessed as aimed at its UAV	Daily Report
3 June 2018	Teplychne	NGCA	Seven shots near the SMM location, assessed as aimed at its UAV	Daily Report
5 June 2018	Western part of Zaitseve	GCA	20 shots near the SMM, assessed as aimed at its UAV	Daily Report
6 June 2018	Novoselivka Druha	GCA	10 bursts near the SMM, assessed as aimed at its UAV	Daily Report
9 June 2018	Ukrainske	NGCA	An SMM long-range UAV spotted a surface-to-air missile system (9K33) and recorded the contrail of a missile and the launching of a second missile in the direction of the UAV.	Daily Report
15 June 2018	Betmanove	NGCA	An SMM long-range UAV recorded the condensation trail of a missile as well as a second missile from a surface-to-air missile system (9K33) and several rounds from a probable anti-aircraft gun (ZU-23) assessed as fired in the direction of the UAV.	Daily Report
18 June 2018	Petrivske	NGCA	Six to eight shots fired near the SMM, assessed as aimed at its UAV	Daily Report

Annex 4: Map of locations where the SMM faced freedom of movement restrictions

