

THEMATIC REPORT

RESTRICTIONS TO THE SMM'S
FREEDOM OF MOVEMENT AND OTHER IMPEDIMENTS
TO THE FULFILMENT OF ITS MANDATE

July – December 2020

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SUMMARY OF CONCLUSIONS

- The OSCE Special Monitoring Mission to Ukraine's (SMM) unimpeded, unrestricted and unconditional freedom of movement is critical to the implementation of its mandate.
- The situation on the ground did not improve and continued to critically impact the Mission's functioning, both operationally and managerially, and undermined its unity. These restrictions and measures, which persisted in non-government-controlled areas despite the Mission's continued attempts to address the issue, directly limit the SMM's ability to implement its mandate, in contravention of the Permanent Council Decision No. 1117 of 21 March 2014 agreed to by the 57 participating States.
- Previously identified impediments remained. Almost all restrictions (93 per cent) occurred
 in non-government-controlled areas. Half of the restrictions were recorded at checkpoints
 of the armed formations along official crossing routes on the contact line, preventing the
 SMM from crossing it during patrolling. The Mission was also prevented from moving
 between non-government-controlled areas of Donetsk and Luhansk regions almost
 entirely.
- The SMM's monitoring of border areas beyond government control continued to be systematically limited due to restrictions to the Mission's access both in the areas and on the routes leading towards them. As a consequence, the Mission's observations in such border areas could again not be fully categorized as comprehensive and independent monitoring.
- Although the Mission faced fewer restrictions to its freedom of movement and other impediments in eastern Ukraine in absolute numbers than in the previous six months, the fewer number of restrictions overall was influenced by the change in the SMM's operational posture, as the Mission's patrol numbers were reduced. This was due both to difficulties in crossing the contact line towards non-government-controlled areas and to the SMM's own response to COVID-19-related challenges. This led to fewer patrols deployed to areas further from the contact line and less frequent opportunities for the SMM to travel to traditionally difficult-to-access areas, which consequently resulted in lower numbers in all types of restrictions (both in absolute terms and in percentages) faced by the Mission.
- Specifically, the decline in the number of restrictions faced mainly coincides with a reduction in operational patrols in non-government-controlled areas of Donetsk and Luhansk regions, where more restrictions have occurred in the past, including in southern areas of Donetsk region.
- SMM unmanned aerial vehicles (UAV) continued to be subjected to GPS signal interference and gunfire, which limited the SMM's monitoring and put Mission members and technological assets at risk.

- Despite repeated requests by the Mission and the raising of the issue by the OSCE Chairperson-in-Office and the SMM Chief Monitor at the OSCE Permanent Council (PC), these restrictions were not eased and problems remained throughout the entire reporting period.
- Failure to remove mines, unexploded ordnance (UXO) and other explosive objects, and the laying of new ones, also continued to restrict the Mission's freedom of movement.
- Furthermore, the SMM also continued to face impediments in establishing and reporting facts following specific incidents and reports of incidents in non-government-controlled areas.

INTRODUCTION

This report provides an update on the freedom of movement restrictions and other impediments that the SMM faced in implementing its mandate in the last six months of 2020. The last update covering the first half of 2020 was published in November 2020.

The SMM's unimpeded, unrestricted and unconditional freedom of movement is critical to the implementation of its mandated tasks. as set out by OSCE PC Decision No.1117, and to the effective execution of its role stipulated in the Protocol and Memorandum of September 2014 and in the Minsk Package of Measures of February 2015 as well as its Addendum of September 2015, and also stated in the Decision of the Trilateral Contact Group (TCG) on Mine Action of March 2016 and the Framework Decision of Disengagement of Forces and Hardware of 21 September 2016.

Any impediment encountered by the Mission is thereby calling into question both the decision of the PC and the commitments approved by the signatories of the Minsk agreements.

During the reporting period, the Mission faced continued denials when attempting to cross into non-government-controlled areas checkpoints of the armed formations along official crossing routes on the contact line in Donetsk and Luhansk regions, which began after the outbreak of the COVID-19 pandemic. The denials started before the reporting period, in March 2020, and over time critically affected the SMM's operations. One of the negative effects was a reduced number of staff and shortages in the provision of administrative and logistical support to the SMM's presence in non-governmentcontrolled areas, which severely undermined the Mission's unity and resulted in its de facto division three operational into areas: government-controlled areas. nongovernment-controlled areas of Luhansk region and non-government-controlled areas of Donetsk region. (See Patrolling during the pandemic section below.) This situation continued during the reporting period and severely impacted the Mission's activities, non-government-controlled particularly in areas.

The report assesses the frequency of different categories and types of freedom of movement restrictions and other impediments to the Mission's operations through comparative analysis of collected data. lt also contextualizes freedom of movement restrictions and other impediments faced in non-government-controlled areas. which affected the SMM's comprehensive monitoring of the security situation there. It also mentions restrictions faced in monitoring border areas outside government control and the withdrawal of heavy weapons, including heavy weapons holding areas and permanent storage sites; impediments in using SMM UAVs; and impediments in establishing and reporting facts following specific incidents and reports of incidents in non-governmentcontrolled areas.

This report describes and analyses findings on the SMM's freedom of movement restrictions experienced between 1 July and 31 December 2020 (184 days), during the COVID-19 pandemic. These observations are compared to observations in a period of similar length (182 days) immediately before (from 1 January to 30 June 2020).

ROLES AND RESPONSIBILITIES

The OSCE Special Monitoring Mission to Ukraine

The Mission's mandate specifies that it shall have safe and secure access throughout Ukraine and tasks the SMM with reporting on any restrictions to its freedom of movement or other impediments to the fulfilment of its mandate. Unrestricted and unconditional access to all areas is essential to ensure effective monitoring and reporting of the security situation, its impact on civilians, the ceasefire, withdrawal of weapons, demining, disengagement, as well as respect for human rights and fundamental freedoms.

The signatories of the Addendum to the Package of Measures and the Framework Decision on Disengagement of Forces and Hardware of 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. Moreover, in the Protocol and Memorandum of September 2014 and the Package of Measures of February 2015 the signatories agreed to ensure monitoring and verification by the OSCE of the regime of non-use of weapons, the ceasefire regime and the withdrawal of heavy weapons.

CONTRIBUTION OF THE JOINT CENTRE FOR CONTROL AND CO-ORDINATION

Until December 2017, when officers of the Armed Forces of the Russian Federation departed from the Joint Centre for Control and Co-ordination (JCCC),¹ the Mission requested both sides of the JCCC – officers of the Ukrainian Armed Forces and of the Armed Forces of the Russian Federation – to contribute to the immediate resolution of impediments encountered by the SMM.

The Mission has continued to maintain daily interaction and co-ordination between the Ukrainian side of the JCCC and SMM patrols encountering freedom of movement violations on the ground. This was done to ensure the provision of security guarantees, notification of UAV flights and facilitation of removal of UXO and other explosive objects, among other things. The SMM regularly requested assistance of the Ukrainian side of the JCCC in ensuring a 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 allow the sides to respond to and remedy violations.

The departure of the officers of the Armed Forces of the Russian Federation continues to have an impact in the execution of processes related to the JCCC, in particular the provision of security guarantees for repairs and maintenance of infrastructure and demining, as well as when the SMM's freedom of movement is restricted. The Mission remains prepared to resume work with the JCCC in line with its mandate.

The Mission notes that the JCCC was tasked by the signatories to co-ordinate demining work, as foreseen in the 2016 TCG's mine action decision.

¹ The officers of the Armed Forces of the Russian Federation departed from the JCCC on 18 December 2017.

CATEGORIES OF RESTRICTIONS

The SMM categorizes freedom of movement restrictions as the following types:

Denial of access: when the Mission is prevented from visiting an area of interest, including areas near the international border, 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, such as being escorted or presenting documents (e.g., the national passports of SMM monitors).

Delay: when the Mission faces waiting times, for instance at checkpoints, while those responsible check the SMM's documents, note vehicle 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 unduly limited the SMM's access.

Other impediments: a form of denied access reported when the SMM's use of its means of technical monitoring is obstructed in any way, for example by jamming of or gunfire aimed at its UAVs.

Furthermore, the Mission also encounters impediments to its efforts in establishing and reporting facts following specific incidents and reports of incidents in certain locations by civilian interlocutors, including as a result of reluctance to engage with the SMM, especially due to "orders" or "lack of permission" from those in control. This type of restriction affects SMM human dimension monitoring in particular.

FREEDOM OF MOVEMENT DURING THE COVID-19 PANDEMIC

Restrictions to the Mission's freedom of movement imposed by the armed formations, together with the ongoing COVID-19 pandemic, continued. They constitute a systematic violation of Mission members' mandated safe and unimpeded access throughout Ukraine.

Restrictions that the armed formations imposed on the SMM in the context of the pandemic when crossing the contact line again negatively impacted its operations and ability to monitor, in particular in non-government-controlled areas of Donetsk

region.² This led to an artificial imbalance in the monitoring activities in the three areas (government-controlled areas, non-government-controlled areas of Luhansk region and non-government-controlled areas of Donetsk region) and continued to severely undermine the Mission's unity and efficiency.

These restrictions directly limit the SMM's ability to implement its mandate and are in contravention of its mandate as stipulated by the Permanent Council Decision No. 1117 of 21 March 2014 agreed to by the 57 participating States of the OSCE.

² The Mission began facing repeated denials when attempting to cross into non-government-controlled areas at checkpoints of the armed formations in Donetsk region on 21 March 2020 and Luhansk region on 23 March 2020.

PATROLLING DURING THE PANDEMIC

The SMM responded to COVID-19 pandemic challenges by adapting its operational posture to avoid contamination and/or transmission of COVID-19 to its personnel and the local communities. It temporarily relocated many of its members stationed across Ukraine to their home countries (starting on 3 April 2020), the number of patrols reduced temporarily transferred many SMM members to government-controlled areas (starting on 20 March 2020). In July, relocated Mission members began returning to Ukraine and, following strict precautionary measures aimed at preventing the spread of COVID-19, the SMM increased the number of its members returning to non-government-controlled areas, while keeping personnel numbers limited.3

Overall, in light of reduced levels of staffing, compared to the previous reporting period, countrywide patrol numbers dropped by about 31 per cent (from 9,651 to 6,672), including a drop of about 26 per cent (from 6,926 to 5,112) in eastern Ukraine.⁴ Consequently, all teams had to reduce and re-prioritize their monitoring.

For the SMM's Monitoring Teams in eastern Ukraine this meant a focus on: the security situation along the contact line, disengagement areas, corroboration of casualties. civilian freedom movement at the contact line and civilian infrastructure. This prioritization led to lower number of patrols deployed to areas further away from the contact line and to less frequent opportunities for the SMM to travel to traditionally difficult-to-access areas (see, e.g., Restrictions in southern Donetsk region sub-section below), which consequently resulted in lower numbers of all restrictions. Furthermore, the need to prioritize only allowed for irregular monitoring of border areas outside government control, and very rare visits to weapons storage sites. No routine patrolling across the contact line or between non-government-controlled areas of Donetsk and Luhansk regions was possible, except for limited movements of Mission members for leave rotations or other administrative purposes.

The Mission, however, retained its ability to observe the security dynamic, reflected in ceasefire violations observations. No sharp drop in the number of observed ceasefire violations was seen, as the SMM deployed similar numbers of patrols to record the violations as in previous reporting periods.

Throughout Ukraine, the SMM's mitigating measures also continued to limit the Mission's ability to meet interlocutors, including medical staff to corroborate reports of casualties, and monitor events in person. The Mission continued to employ alternative means of monitoring and collecting data (via tele- and videoconferences and observing various events through live internet streaming⁵) but continued to face difficulties.

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³ For example, on 15 and 18 July, a total of 62 Mission members returned to non-government-controlled areas of Donetsk region. In the second half of July, SMM members also started going back across the contact line towards non-government-controlled areas of Luhansk region to resume limited monitoring. For example, on 22 and 25 July, a total of 22 Mission members returned to non-government-controlled areas of Luhansk region.

⁴ In Donetsk region, the total number of patrols decreased by about 34 percent (from 3,899 to 2,588), including a near 28 per cent drop (from 2,398 to 1,727) in the number of patrols conducted in government-controlled, and a near 43 per cent drop (from 1,501 to 861) in the number of patrols in non-government-controlled areas of the region. In Luhansk region, the total number of patrols decreased by about 18 per cent (from 2,823 to 2,305), including a near 76 per cent drop (from 1,554 to 368) in the number of patrols conducted in government-controlled areas of Luhansk region, the number of patrols increased about by five per cent (from 1,269 to 1,337).

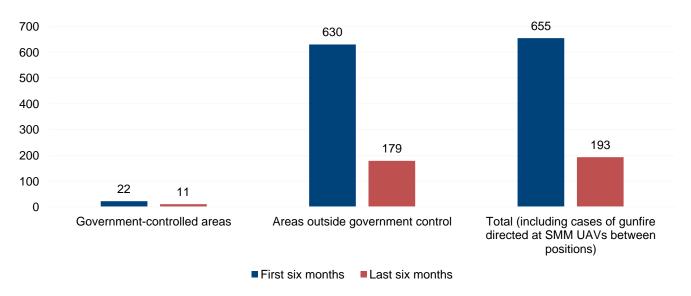
Such events include public protests, political debates and court hearings.

OVERVIEW OF RESTRICTIONS

Between 1 July and 31 December 2020, about four per cent of patrols (193 occasions out of 5,112 patrols) in eastern Ukraine faced restrictions. As noted above, the challenging context resulted in a decrease in restrictions encountered, both in numbers and in percentages, as compared to the previous six months, when about ten per cent of patrols recorded restrictions (659 out of 6926 patrols).⁶ Notably, however, trends the Mission had identified in previous years

prevailed. Restrictions continued to occur overwhelmingly in non-government-controlled areas of eastern Ukraine. Non-government-controlled areas of southern Donetsk region, in particular, remained largely inaccessible to the SMM. The Mission's technical means of observations were interfered with, and it again faced impediments in establishing and reporting facts following specific incidents and reports in non-government-controlled areas.

Freedom of movement restrictions by area for first six months and last six months of 2020



Denials of access in non-governmentcontrolled areas, including in southern Donetsk region

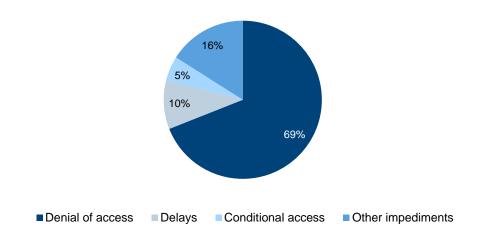
About 93 per cent of all restrictions (179 cases), of which about 66 per cent of total

restrictions (128 instances), were denials of access, happened in non-government-controlled areas of Donetsk and Luhansk regions.⁷ This echoes an established trend recorded by the Mission in previous reporting periods.

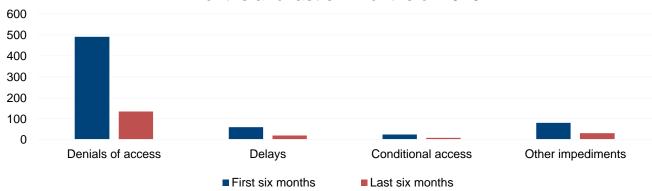
⁶ The above figures do not include instances of GPS signal interference of SMM UAVs assessed as caused by jamming or probable jamming, or restrictions encountered on a regular basis due to the observed or potential presence of mines and UXO on certain roads identified as important for effective monitoring and in and near any of the disengagement areas near Stanytsia Luhanska, Zolote and Petrivske. For more information related to the first six months of 2020, see SMM Thematic Report Restrictions to the SMM's freedom of movement and other impediments to the full light of the six manufact (January - June 2020).

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

Categories of restrictions by percentage 1 July–31 December 2020



Freedom of movement restrictions by category for first six months and last six months of 2020



Between 1 July and 31 December 2020 (184 days), denials of access made up about 69 per cent of the total restrictions (134 cases), compared to the previous reporting period, when denials were about 85 per cent of all restrictions (557 cases). Six of these 134 denials of access happened in government-controlled areas (all in Donetsk region), while 83 and 45 occurred in non-government-controlled areas of Donetsk and Luhansk regions, respectively.8

Of the 83 denials of access in nongovernment-controlled areas of Donetsk region, 41 were recorded in southern Donetsk region (compared with 153 during previous reporting period), with 37 occurring at checkpoints of the armed formations. Specifically, SMM patrols faced denials on seven occasions at checkpoints near Bezimenne. five instances on near Novoazovsk and Shevchenko, and four times near Bessarabka. This worrying trend had been previously recorded by the Mission and

⁸ In the previous reporting period, the Mission also experienced restrictions four times at a checkpoint near Debaltseve on the boundary line between non-government-controlled areas of Donetsk and Luhansk regions in the context of COVID-19 quarantine measures.

again hampered its ability to monitor these areas fully.

Delayed and conditioned access in nongovernment-controlled areas

About ten per cent (20 occasions) of the total number of all restrictions experienced by the Mission were cases of delayed access, representing a sharp decrease in the number but not in the percentage of all such cases compared to the previous 182 days (60 cases, about nine per cent). Of these, one was recorded in a government-controlled area of Donetsk region, 18 in non-government-controlled areas of Donetsk region and one in a non-government-controlled area of Luhansk region.

The Mission's freedom of movement was conditioned on nine occasions, checkpoints in non-government-controlled areas of Donetsk region (compared to 24 in the previous 182 days), all but one occurring along the contact line, mainly near Kreminets (four) and Olenivka (three). Among these nine cases, two were instances in which members of the armed formations allowed SMM patrols to pass through checkpoints only with an escort - near Oleksandrivka and near the Donetsk railway station.9 In the other five cases, members of the armed formations briefly checked trailers of the Mission's vehicles - once in July at a checkpoint near Olenivka and twice on the same day in August and November at a checkpoint near Kreminets.10

Gunfire directed at SMM UAVs and explosions near SMM patrols

Other impediments to mandate implementation (not including GPS signal interference with SMM UAVs) amounted to about 15 per cent of the total restrictions (29 cases), a significant drop in the number but not in the percentage of all such cases compared to the previous 182 days (84 cases, about 13 per cent). Twenty-three cases occurred in non-government-controlled areas. four in government-controlled areas and two in areas between positions of the Ukrainian Armed Forces and of the armed formations. Some of these cases entailed serious dangers, such as explosions near an SMM patrol (once each in a government-controlledand non-government-controlled area) and gunfire assessed as targeting SMM UAVs (nine times in government-controlled and eight in non-government-controlled areas). (For details, see Annexes 2 and 3.) These incidents put SMM members at risk and contravene the Mission's mandate.11

Impediments to establishing and reporting facts in follow up of incidents

The Mission continued to face impediments in establishing and reporting facts following specific incidents and reports of incidents through interaction with the local population. Between 1 July and 31 December 2020, civilians declined to provide the SMM with information on nine occasions, all in nongovernment-controlled areas. Five cases occurred at medical facilities, where staff provide the Mission refused to information that would have helped to confirm civilian casualties (referring to the need for permission from those in control in these

⁹ See SMM Daily Reports of 19 October and 8 August 2020.

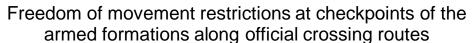
¹⁰ See SMM Daily Reports of <u>1</u> and <u>6 August 2020</u>.

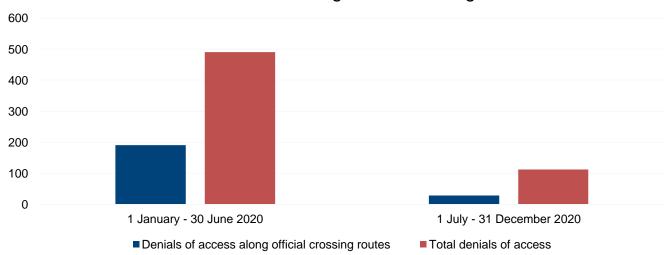
¹¹ One case was related to the sighting of a non-SMM UAV near the SMM's position, near government-controlled Lebedynske in Donetsk region. Whenever an SMM patrol spots a non-SMM UAV close to its position, it is required to leave the area due to security considerations. See SMM Daily Report of 1 August 2020.

areas): three in Donetsk region - in Makiivka, Horlivka and Donetsk city,¹² and two in Luhansk region - in Perevalsk and Slovianoserbsk.¹³ Additionally, in three cases, civilians declined to provide the Mission with information when the SMM was following up alleged civilian casualty cases,¹⁴ twice in Makiivka and in Shakhtarsk, Donetsk region, and once when following up on alleged shelling in Donetskyi, Luhansk region.¹⁵

Restrictions at crossing points

Of the 120 restrictions faced by the SMM at crossing points, four occurred in government-controlled areas, all in Donetsk region (three denials of access, near Krasnohorivka, Trudivske and Berdianske, and one delay near Lebedynske). In the previous reporting period, four out of 488 restrictions occurred in government-controlled areas.





About 74 per cent (77 cases) of the 104 restrictions at checkpoints in nongovernment-controlled areas of Donetsk region were denials of access, a similar percentage compared with the previous 182 days (about 79 per cent, 384 out of 488 instances). Eleven restrictions occurred in non-government-controlled areas of Luhansk region (all but one denials of access at the Stanytsia Luhanska bridge (on a daily basis from 1 to 10 July) and one denial to provide information near Donetskyi).

Denials at checkpoints of the armed formations on the contact line occurred on 29 occasions (all in Donetsk region), compared with 170 (all but one in Donetsk region) in the previous 182 days. Their share in the total number of restrictions was about 11 per cent, compared with about 34 per cent in the previous reporting period. The majority (15 cases) occurred at the checkpoint of the

¹² See SMM Daily Reports of 9 July, 16 November and 3 September 2020

¹³ See SMM Daily Reports of 10 August and 9 October 2020.

¹⁴ See SMM Daily Reports of 7 July and 25 November 2020

¹⁵ See SMM Daily Report of 3 July 2020.

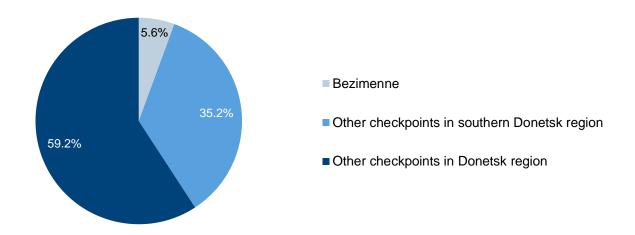
armed formations near Olenivka, including eight times in September alone.¹⁶

During the reporting period, the Mission successfully crossed the contact line about 81 per cent of the time in Donetsk region and 100 per cent of the time in Luhansk region (123 of 152 attempts in Donetsk region and all 123 attempts in Luhansk region). In the context of the pandemic, however, crossings to non-government-controlled areas were only possible after SMM patrol members had showed negative COVID-19 test certificates

at checkpoints of the armed formations, members of armed formations had disinfected the exteriors of the SMM vehicles and trailers, or the SMM's intentions to cross had been preannounced.

During the first six months of 2020, the SMM successfully crossed the contact line about 46 per cent of the time in Donetsk region and about 99 per cent of the time in Luhansk region (144 of 313 attempts in Donetsk region and 183 of 184 attempts in Luhansk region).

All categories of freedom of movement restrictions in nongovernment-controlled areas of Donetsk region



Restrictions in southern Donetsk region

The SMM has continued to face systematic freedom of movement restrictions when attempting to access non-government-controlled areas of southern Donetsk region. Overall, about 61 per cent of all patrols deployed in these areas faced restrictions, including some on more than one occasion.

For instance, on 1 December, a single patrol experienced denials of access on four occasions, all at checkpoints of the armed

formations in these areas (near Hryhorivka, Shevchenko, Prymorske and Nova Marivka).¹⁷

Prior to the COVID-19 pandemic, about 60 per cent of all the restrictions faced by the Mission occurred in these areas (and 26 per cent faced during the reporting period). Such denials impact not only SMM monitoring of areas close to the sections of the international border outside of government control but also its monitoring of the withdrawal of weapons

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¹⁶ Often, members of the armed formations cited reasons such as "an ongoing operation in the area" and "demining in the area" when denying the SMM passage through checkpoints. Other frequent reasons included "orders from superiors", "ongoing exercise in the area", and "security reasons".

¹⁷ See SMM <u>Daily Report of 2 December 2020</u>.

and other hardware in these areas (see below). It also impedes the Mission's monitoring and reporting on the conflict's impact on the civilian population.

Of the 104 restrictions at checkpoints in non-government-controlled areas of Donetsk region, about 42 per cent (44 instances) took place in the southern part of the region at 16 different checkpoints. Specifically, SMM patrols faced restrictions on seven occasions at a checkpoint near Bezimenne; five near Novoazovsk, Shevchenko (all of them denials of access) and Bessarabka (four denials and

one delay); and the remaining 22 at other checkpoints. Three restrictions (all denials in early July) were at a checkpoint near non-government-controlled Verkhnoshyrokivske (formerly Oktiabr) which remained closed during the entire reporting period (and since the start of the COVID-19 pandemic).^{18,19}

The closure of the checkpoint of the armed formations near Verkhnoshyrokivske, where the majority of denials of access occurred previously,²⁰ had a significant effect on the decrease in the numbers.

BORDER AREAS OUTSIDE GOVERNMENT CONTROL

The SMM's comprehensive monitoring and reporting mandate by definition includes areas near the sections of the border between Ukraine and the Russian Federation that are currently not under the control of the government. The Mission thus requires safe and secure access to all areas adjacent to this international border. However, it continued facing frequent restrictions and impediments when trying to access such areas, mainly in Luhansk region.

In Donetsk region, the Mission faced freedom of movement restrictions during about four per cent (four instances, all denials of access) of the 105 visits to border areas outside government control. In the previous reporting period, it experienced such restrictions during about seven per cent (ten cases) of the 141 visits.

In Luhansk region, the Mission faced freedom of movement restrictions during about 58 per

cent (32 instances, all denials of access) of the 55 visits to border areas outside government control. In the previous reporting period, it experienced such restrictions during about 50 per cent (51 cases) of the 102 visits.

Most of these restrictions continued to persist near suspended border crossing points²¹ near Dovzhanske (seven instances), Izvaryne (nine instances), and Voznesenivka (13 instances, including once at a railway station). Such repeated denials of access significantly obstructed the SMM's monitoring capability in these areas.

The total number of visits to border areas outside government control (160, with 105 in Donetsk and 55 in Luhansk regions) significantly decreased due to the COVID-19 pandemic (about a 52 per cent drop) compared with the previous reporting period, when 243 such visits were conducted (141 in Donetsk and 102 in Luhansk regions).

¹⁸ The Mission's passage through the checkpoint of the armed formations near Verkhnoshyrokivske (which is the corresponding checkpoint of the entry-exit checkpoint near government-controlled Hnutove) is of key importance in accessing non-government-controlled areas of southern Donetsk region. From Verkhnoshyrokivske, the SMM can access settlements in the northern vicinity of the checkpoint, in the east towards areas along the international border not under government control and in the south towards the Sea of Azov.

¹⁹ All corresponding checkpoints of the armed formations in Donetsk region were closed throughout the reporting period for civilian crossings, with the exception of the checkpoint near Olenivka, which is only operational on Mondays and Fridays. See also SMM Thematic Report <u>Checkpoints along the contact line: challenges civilians face when crossing.</u>

During the previous reporting period, the SMM's passage through the checkpoint near Verkhnoshyrokivske was restricted on 108 occasions, including 72 denials of access

²¹ According to decisions in 2014 by the Cabinet of Ministers of Ukraine, operations are suspended at these and other border crossing points located outside government control.

From 1 July to 31 December, 32 long-range UAV (about a 41 per cent drop when compared with the previous reporting period) and eight mini-UAV flights (about a 56 per cent drop) were conducted near the international border in both Donetsk and Luhansk regions. All but one of the long-range UAV flights occurred during night time.

Overall, the Mission's observations in such border areas could again not be fully categorized as comprehensive and independent monitoring due the abovementioned restrictions, long travel times (mostly on routes traversing several checkpoints). poor road and weather conditions. and limited daylight hours, particularly during the winter months.

The SMM's ability to monitor the areas near the international border continued also to be affected by the ongoing failure of those in control in non-government-controlled areas to offer the necessary security assurances to open forward patrol bases (FPBs) in settlements in the vicinity of border areas outside of government control. The use of FPBs reduces driving time for ground patrols to reach key areas, thereby enhancing daylight hours available for monitoring and the SMM's ability to employ patrol-launched UAVs for longer periods during the day.

RESTRICTIONS RELATED TO MONITORING OF WITHDRAWAL OF WEAPONS

The SMM's ability to monitor the withdrawal of weapons remained affected by the denials at checkpoints as described above, including in zones within which deployment of heavy armaments and military equipment is prohibited, according to Point 5 of the Memorandum of 19 September 2014.²² Its monitoring ability was also hampered by specific denials in accessing weapons holding sites.

During the reporting period, the Mission faced restrictions about six per cent of the time (two

both restrictions. non-governmentin controlled areas of Donetsk region) during 16 inspections in heavy weapons holding areas and 16 in permanent storage sites on both sides of the contact line in Donetsk and Luhansk regions.²³ In the previous reporting period, the Mission faced restrictions about 21 per cent of the time (14 restrictions, all in nongovernment-controlled areas of Donetsk region) during 45 inspections in heavy weapons holding areas and 21 in permanent storage sites on both sides of the contact line in Donetsk and Luhansk regions.

²² Prohibition of deployment of heavy armaments and military equipment in the area delimited by the population centres of Kalmiuske (formerly Komsomolske), Kumachove, Novoazovsk and Sakhanka, to be monitored by the OSCE.

²³ For example, in September, at a heavy weapons holding area, an armed member of the armed formations denied the Mission access, citing the "need to have a signed document allowing inspection". (See <u>SMM Daily Report of 28 September 2020.</u>) In November, the SMM was unable to access a permanent storage site, as its gate was locked and no guards were present to open it. (See <u>SMM Daily Report of 30 November 2020.</u>)

SMM MEANS OF REMOTE OBSERVATION

Targeting of the SMM's technical equipment continued, despite the signatories of the Memorandum and the Package of Measures and its Addendum explicitly supporting the Mission's use of all technical equipment necessary, including UAVs, to fulfil its mandate.²⁴ The targeting of this equipment was of particular concern in light of the Mission's enhanced focus on remote observation given the pandemic situation.

UAVs

The Mission operates three types of UAVs: long-range, mid-range and short-range (or mini-UAVs) and it continued to increasingly rely on their observations.²⁵ The SMM measures to reduce the composition and number of patrols overall also affected the number of mid-range and mini-UAV flights operated by those patrols. To mitigate the decrease, the Mission conducted 20 (about 14 per cent) more long-range UAV flights than in the previous reporting period. The use of UAVs continued to be hindered by frequent cases of signal interference assessed as caused by jamming or probable jamming, and cases of small-arms fire targeting them. (See Annex 1 for patrol routes and UAV flights map.)^{26, 27}

Long-range UAVs

The long-range UAV is a critical asset for ensuring comprehensive monitoring in eastern Ukraine. It is currently the only means of facilitating sustained, long endurance day and night time monitoring of areas which SMM patrols are unable to reach due to security considerations or denials (e.g. near border areas outside of government control). It is particularly useful for sustained patrolling of the contact line, areas adjacent to the border and disengagement areas.

Long-range UAVs continued to experience single and dual GPS signal interference assessed as caused by probable jamming or jamming, respectively. From 1 July to 31 December 2020, such interferences occurred during about 70 per cent of flights (98 occasions out of a total of 141 flights), often with multiple losses of GPS signal per flight.

The rate of frequency was significantly lower than during the previous 182 days, when jamming and probable jamming of long-range UAVs occurred 146 times during 121 flights. Often, the Mission recorded multiple instance of jamming during a single flight.

Mid-range and mini-UAVs

From 1 July to 31 December 2020, about 14 per cent (201 cases) of GPS signal interference assessed as caused by probable jamming were recorded during 1,462 miniand mid-range UAV flights, significantly less in number but not in percentage compared to the previous 182 days, when about 12 per

²⁴ 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. The outcome of the 22 July 2020 TCG meeting regarding additional measures to strengthen the ceasefire included a ban on the operation of any type of aerial vehicles of the sides.

²⁵ From 1 July to 31 December, the Mission conducted 1,603 UAV flights. Of these, 141 were long-range, 111 mid-range and 1,351 mini-UAV. In the previous 182 days, 2,159 flights took place (121 long-range, 131 mid-range and 1,907 mini-UAV).

²⁸ Among others, these include frequent restrictions at checkpoints, impediments such as small-arms fire directed at UAVs and sightings of non-SMM UAVs, as well as the SMM's confinement of its patrolling to concrete or asphalt roads, which was introduced following the <u>fatal incident of 23 April 2017 near Pryshyb</u>. This limits the employment of those mid-range UAVs that need a soft surface for landing.

²⁷ The interferences assessed as jamming or probable jamming could have originated from anywhere within a radius of many kilometres from the UAVs' positions. Since UAVs often fly near the contact line, the Mission is unable to assess if jamming originated from government-controlled or non-government-controlled areas.

cent (244 incidents) had occurred during 2,038 flights.²⁸

Since mini-UAVs have a flight range of only up to 5km, patrols operating them are at higher risk of danger due to their proximity to the UAVs. Incidents involving gunfire continued to occur (for details, see *Annex 3*), despite the provision of security guarantees by the sides and advance notification provided by the SMM on the operation of UAVs. The sides continued to show reluctance to assume responsibility for or to take action to avoid similar incidents.

During the reporting period, the SMM lost control over six mini-UAVs (and failed to recover four of them). Of these instances, three were assessed as caused by probable jamming (one recovered) and three by technical failures (one recovered). In the previous 182 days, ten mini-UAVs were lost.

In two of the three cases related to probable jamming, the incidents happened while the UAV was flying over government-controlled areas (in both cases near disengagement areas) and one while it was flying over non-government-controlled areas.²⁹



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²⁸ Seventeen cases were also related to gunfire assessed as targeting SMM UAVs, nine of which in government-controlled areas of Donetsk (six) and Luhansk (three) regions, and eight in non-government-controlled areas of Donetsk (five) and Luhansk (three) regions. (For details of the incidents, see Annex 3.) Over the previous 182 days, 50 such cases were recorded.

²⁹ See SMM Daily Reports of 21 July and 27 August 2020.



SMM cameras

Since 2015, the SMM has been deploying cameras in key areas near both sides of the contact line, including areas near critical civilian infrastructure, entry-exit checkpoints (EECP) and corresponding checkpoints, to ensure continuous day and night monitoring of ceasefire violations and other relevant incidents. The SMM continued to operate 27 cameras - deployed to 23 locations - 19 in government-controlled areas, four in nongovernment-controlled and areas between government- and non-governmentcontrolled areas. The lower number of SMM cameras in non-government-controlled areas is a consequence of the refusal of those in control of these areas to offer the necessary support and assistance for the installation of cameras.

In certain locations, access to the camera systems to conduct maintenance entails

traversing soft ground, which requires coordination with the sides to enable demining before the Mission staff or its contractors access the areas. Consequently, certain maintenance activities were delayed by the lack of demining support and absence of security guarantees, leading to extended equipment downtime. Lack of security guarantees precluded replacement of the camera system near the disengagement area near Petrivske. As a result, it continues to remain non-operational after it was damaged by small-arms fire in June 2020.30 In July, the SMM was able to conduct maintenance works at the Oktiabr mine camera site and the camera connection both to systems, damaged in June 2020, was re-established. In September, a daylight-only camera system in Shyrokyne was reinstalled and became operational again after being struck by a projectile in June 2020.

³⁰ See SMM Spot Report of 3 June 2020.

DISENGAGEMENT AREAS

The SMM continued to monitor the pilot disengagement areas near Stanytsia Luhanska, Zolote and Petrivske on both sides of the contact line through regular patrolling and remote observations.³¹

While demining activities carried out by the sides in the context of the area near Stanytsia Luhanska are sufficient to enable Mission members and other civilians to enter and traverse the area via the Stanytsia Luhanska bridge, large parts of the area, particularly south of the Siverskyi Donets River where there are many summer homes, are still contaminated with mines and explosive objects. Similarly, the SMM's monitoring of the area near Zolote continued to be limited due to the presence of mines laid in fields inside it.

The Petrivske disengagement area has no road traversing it, so the SMM monitors the area from a position east of government-controlled Bohdanivka and on the western edge of Petrivske, as well as through remote observation. Road C050952 between Bohdanivka and Petrivske, located about 300m north of the area's northern edge, continues to be contaminated with mines, and

a trench cuts through it. Despite the Mission's repeated requests to the sides for demining and the removal of other obstacles, these obstacles continue to affect the SMM's ability to directly monitor the area.

From 1 July to 31 December, the SMM did not experience any freedom of movement restrictions in accessing the three disengagement areas near Stanytsia Luhanska, Zolote and Petrivske. In the previous reporting period, SMM faced a total of eight freedom of movement cases near them (none, seven and one, respectively).³²

Nevertheless, the Mission's crossing through the area near Zolote to travel to nongovernment-controlled areas was only possible after patrol members had showed negative COVID-19 test certificates at the checkpoint of the armed formations south of the area and after members of armed formations had disinfected the exteriors of the SMM's vehicles and trailers. During the reporting period, this form of conditional crossing was permitted only to the SMM. During the reporting period, crossing was not possible for any other traffic.³³

³¹ As envisioned in the Framework Decision of the TCG relating to disengagement of forces and hardware

³² Six of these cases occurred in non-government-controlled areas.

³³ On 10 November 2020 and thereafter during the reporting period, the EECP near government-controlled Zolote was observed to be open; however, the corresponding checkpoint of the armed formations south of the disengagement area near Zolote was closed.

MINES, UXO AND OTHER EXPLOSIVE OBJECTS

The Mission again observed little progress on the removal of mines, UXO and other objects. notwithstanding explosive the signatories agreeing on the need for coordination of mine clearance by the JCCC and the sides' responsibility to remove such explosive objects. In his role as Co-ordinator of the TCG's Working Group on Security Issues (WGSI), as well as through his letters to the signatories, the SMM Chief Monitor has also repeatedly called on the sides to carry out demining activities near crossing points.³⁴

The probable presence of mines and UXO (observed for the first time or reconfirmed) and the sides' limited mine collaboration and confirmation or mapping of such areas continued to hinder the Mission's work. The SMM continues to be prevented from patrolling areas along the contact line identified during previous reporting periods, including critical routes, and from accessing many areas and settlements.35 The SMM's own restrictions on the usage of paved and asphalt roads limit the SMM's access to certain areas and settlements.36

For instance, in government-controlled areas of Donetsk region the Mission spotted for the first time more than 230 anti-tank mines: 22 on a road near Maiorsk, 24 on a road near Berezove; 22 close to a road near Opytne, 50 (probable TM-62) in fields near Novhorodske, about 35 (probable) in fields near Dolomitne, about 80 in a field near Krasnohorivka and one on a road near edge of Avdiivka. All were assessed as belonging to the Ukrainian Armed Forces.37

The Mission spotted for the first time a similar of mines number in non-governmentcontrolled areas of Donetsk region: 12 probable anti-tank mines (TM-62) in a field near the Petrovskyi district of Donetsk city; 20 anti-tank mines on the edge of the Trudivski area of Donetsk city's Petrovskyi district; 13 anti-tank mines in fields near Petrivske; a probable anti-personnel mine (MON-200) near a road between Petrivske and Styla, which is frequently used by SMM patrols; about 150 anti-tank mines near Holmivskyi; about eight anti-tank mines in a field near Zaichenko; about 32 anti-tank mines near a road between Pikuzy and Zaichenko; and five anti-tank mines near the runway at the destroyed Donetsk international airport. All were assessed as belonging to the armed formations.38

³⁴ In its meeting held on 1 September 2020, the WGSI reached a common understanding on the draft Framework Decision on Mine Action, as well as on new areas for demining and disengagement of forces and hardware, as requested by the Normandy Four leaders at their meeting in Paris in December last year. However, the subsequent TCG meeting on 2 September did not bring about any final decisions.

See SMM Thematic Report Restrictions to the SMM's freedom of movement and other impediments to the fulfilment of its mandate (January – June 2020).

³⁶ Following the fatal incident of 23 April 2017 near Pryshyb, probably caused by an anti-tank mine, which resulted in the death of an SMM patrol member and injury of two others, the Mission has confined its patrolling to concrete or asphalt roads. This restriction continued to affect the following operations: vehicle-based ground patrolling activities within the security zone, visits and inspections of places holding weapons that were accessible only via unpaved roads or surfaces, UAV flights requiring soft-surface launch or landing sites, camera maintenance and data retrieval activities requiring driving over unpaved surfaces.

See SMM Daily Reports of 3, 7 and 25 August; 1 October; 9 and 14 November; and 11 December 2020.

³⁸ See SMM Daily Reports of 20 August; 2 and 4 September; 9, 11 and 20 November; and 2 and 11 December 2020.

CONCLUSIONS

The unique challenges the SMM has been facing in the context of the COVID-19 outbreak continued during the reporting period.

The situation on the ground did not improve, and previously recorded trends remained. Almost all (93 per cent) cases of freedom of movement restrictions occurred in nongovernment-controlled areas. Regrettably, the Mission continued to face denials of access at checkpoints of the armed formations along the contact line and was generally not permitted to cross between non-government-controlled areas of Donetsk and Luhansk regions, despite its timely adoption of stringent mitigating measures. This again had a severe and unprecedented impact on the Mission's operations and led to its division into three operational areas, thus undermining its very unity. The Mission also again faced frequent restrictions in nongovernment-controlled areas of southern Donetsk region.

Other trends also continued. Throughout the reporting period, SMM UAVs were again subjected to GPS signal interference, as well as to gunfire, further limiting the Mission's operational capabilities. Members of the armed formations also continued to limit the SMM's monitoring of border areas beyond government control. Of ongoing concern was the failure to remove mines, UXO and other explosive objects, and the laying of new which ones. rendered many areas inaccessible to the Mission due to security considerations.

The Mission continued to face restrictions to its freedom of movement and other impediments in eastern Ukraine, where the sides again denied, delayed or conditioned its access to certain areas. The SMM again

faced systematic denials of access to nongovernment-controlled areas, which critically affected its monitoring capacities.

About 93 per cent of all cases of freedom of movement restrictions occurred in non-government-controlled areas, about 26 per cent of which in southern Donetsk region. The Mission encountered half of these restrictions at various checkpoints of the armed formations along the contact line, where patrol members were systematically denied access towards non-government-controlled areas. This reduced the SMM's ability to implement its mandate in both Donetsk and Luhansk regions or to follow up on cases of civilian casualties and damage to civilian properties.

The Mission's monitoring of border areas outside government control continued to be limited, and not comprehensive, due to the restrictions it encountered.

The SMM conducted 160 visits to border areas outside government control. Many patrols continued to be unable to reach non-government-controlled areas of southern Donetsk region, including border areas, due to systematic freedom of movement restrictions.

Monitoring also continued to be impeded by the unwillingness of those in control to provide security assurances to open FPBs in settlements near these border areas. In the reporting period, the Mission responded to these limitations by increasing the use of its UAVs over these areas.

Existing limitations, compounded by the pandemic circumstances, meant that the SMM's monitoring of these border areas could again not be categorized as independent or comprehensive.

SMM UAVs continued to be subjected to GPS signal interference and gunfire, posing risks to SMM patrols operating UAVs as well.

The Mission continued to use technical equipment to ensure comprehensive monitoring during night hours or of areas inaccessible to patrols. SMM **UAVs** GPS experienced signal interference. assessed as caused by jamming and probable jamming, on almost 300 occasions, whereas cases of small-arms fire assessed as targeting its UAVs were recorded on 17. The SMM lost three mini-UAVs following signal interference assessed as caused by probable jamming.

The Mission reiterates that electronic interference with and the targeting of SMM UAVs and cameras, all of which are key components of the Mission's operational capabilities, limit the SMM's monitoring and put Mission members and technological assets at risk.

Large areas inside the disengagement areas near Stanytsia Luhanska, Zolote and Petrivske and roads in their vicinity remained contaminated with mines, UXO and other explosive objects.

The Mission highlights that its unimpeded access to all disengagement areas, including through technical means, is crucial to its monitoring of these areas.

Mines, UXO and other explosive objects continued to pose risks to civilians and members of the SMM crossing the contact line.

The SMM's freedom of movement was again repeatedly restricted by the sighting of mines, UXO and other explosive objects in both Donetsk and Luhansk regions, including near the contact line, within and near residential areas, and near and on local roads and main

access routes between EECPs and corresponding checkpoints of the armed formations.

The Mission reiterates that it is the obligation of the sides to mark, fence off and clear these areas of mines, UXO and other explosive objects, as well as to refrain from laying new mines and ensure that requests from the SMM are followed up on in a timely manner.

In non-government-controlled areas, the Mission continues to face impediments in establishing and reporting facts following specific incidents and reports of incidents.

The SMM faced restrictions on 11 occasions in non-government-controlled areas of Donetsk and Luhansk regions, including on nine occasions while following up on cases of civilian casualties to corroborate them.

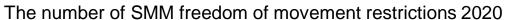
The Mission highlights that the sides need to ensure that SMM patrols do not face impediments in following up on conflict-related incidents, in particular regarding civilian casualties.

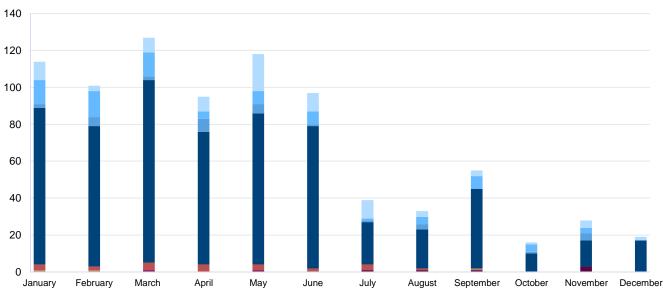
The Mission's safe and unimpeded access is essential to the implementation of its mandate and to objective and accurate monitoring and reporting.

Operating under the principles of impartiality and transparency as determined by the OSCE Permanent Council, it is essential for the Mission to carry out facts-based, impartial, accurate and timely reporting of the security situation to ensure effective implementation of its mandate, which is based on the SMM's safe and unimpeded access throughout Ukraine.

The Mission again calls on the sides of the conflict to take action to ensure the unrestricted freedom of movement throughout Ukraine necessary for the full implementation of its mandate.

ANNEX 1: GRAPHS AND MAPS



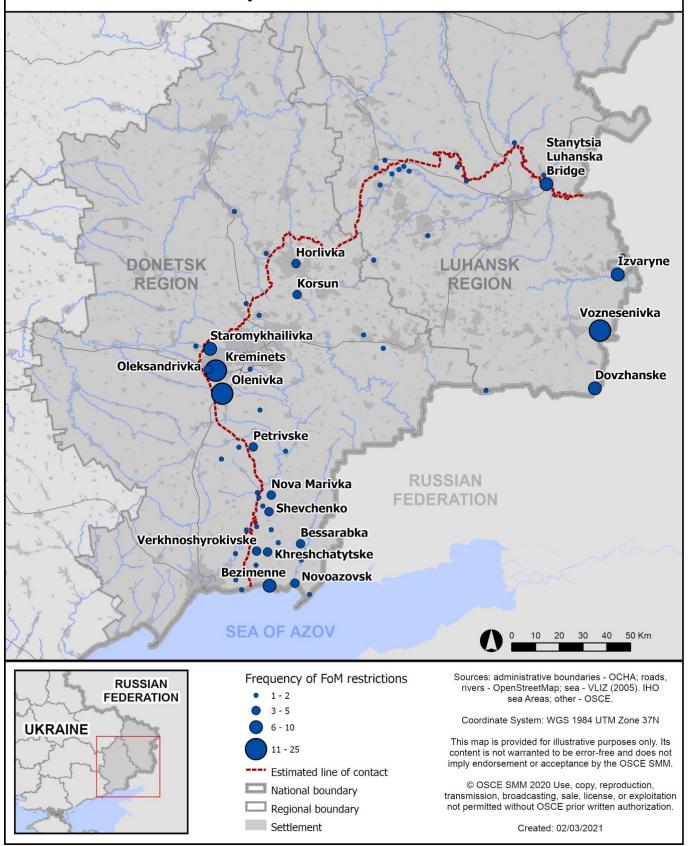


- Denial in government-controlled areas
- Delay in government-controlled areas
- Denial in areas outside government control
- Delay in areas outside government control
- Conditional in government-controlled areas
- Other impediments in government-controlled areas
- Conditional in areas outside government control
- Other impediments (on both sides of the contact line)



Freedom of movement (FoM) restrictions

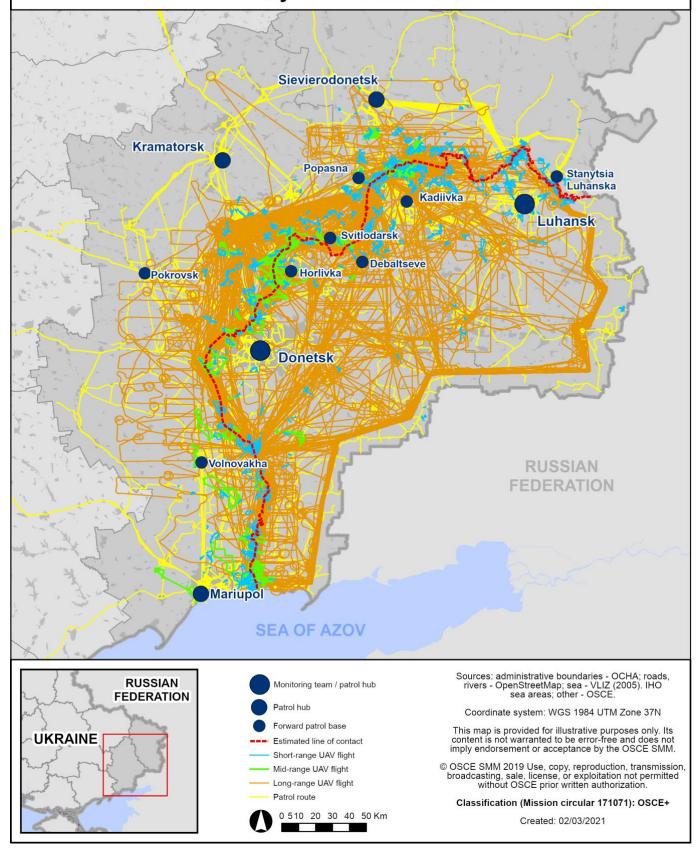
1 July - 31 December 2020





Patrol routes and UAV flights

1 July - 31 December 2020



ANNEX 2: VIOLENCE AND THREATS AGAINST OR IN THE PRESENCE OF THE SMM³⁹

Date	Location, region	Control	Summary of event	Source
20/07/2020	Zalizne, Donetsk region	Under government control	An undetermined explosion and brown smoke about 300m south-west of an SMM patrol's location, assessed as not targeting the Mission.	SMM Daily Report 21 July 2020 and SMM Spot Report of 20 July 2020.
	Berezivske, Luhansk region	Not under government control	Three undetermined explosions 1km north of an SMM patrol's location, assessed as not targeting the Mission.	

³⁹ There were 14 such incidents during the last reporting period. These figures do not include 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, region	Control	Summary of event	Source
07/07/2020	Petrivske, Donetsk region	Not under government control	Shots of small-arms fire about 400m east of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 8 July 2020
12/07/2020	Stanytsia Luhanska, Luhansk region	Under government control	Shots of small-arms fire about 0.9-1km south of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 13 July 2020
19/07/2020	Petrivske, Donetsk region	Not under government control	Shots and bursts of small-arms fire about 1.5-4km south-south-west and south-west of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 20 July 2020
20/07/2020	Chermalyk, Donetsk region	Under government control	Bursts of small-arms fire about 1km south-south-east of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report
	Pishchane, Donetsk region	Not under government control	Shots and bursts of small-arms fire about 2.5-3km north of the SMM patrol, assessed as targeting its mini-UAV	21 July 2020
23/07/2020	Chernenko, Donetsk region	Under government	Bursts of small-arms fire about 3km east of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report
		control	Shots of small-arms fire about 2km west of the SMM patrol, assessed as targeting the mini-UAV	24 July 2020
24/07/2020	Orikhove, Luhansk region	Under government control	Shots of small-arms fire about 2-3km south of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 25 July 2020
01/08/2020	Petrivske, Donetsk region	Not under government control	Shots of small-arms fire about 500m west of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report
02/08/2020	Kamianka, Donetsk region	Under government control	A shot of small-arms fire about 60m west of the SMM patrol, assessed as targeting its mini-UAV	3 August 2020
03/09/2020	Dovhe, Luhansk region	Not under government control	Bursts of small arms fire 600m east of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 4 September 2020
11/09/2020	Hranitne, Donetsk region	Under government control	Shots of small-arms fire 2.7km south-east of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 12 September 2020
22/09/2020	Lebedynske, Donetsk region	Under government control	Bursts of small arms fire 4-5km north-east of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 23 September 2020
28/09/2020	Artema, Luhansk region	Under government control	Shots of small-arms fire 800m east of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 29 September 2020
26/11/2020	Petrivske, Donetsk region	Not under government control	A shot and a burst of small-arms fire about 1km north- north-west of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 27 November 2020
16/12/2020	Dachne, Luhansk region	Not under government control	Shots of small-arms fire 2-3km north-north-west of the SMM patrol, assessed as targeting its mini-UAV	SMM Daily Report 17 December 2020
17/12/2020	Pervomaisk, Luhansk region	Not under government control	Shots and bursts of small-arms fire about 500m northeast of the SMM patrol, assessed as targeting its mini- UAV	SMM Daily Report 18 December 2020