

## **THEMATIC REPORT**

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

January to June 2017

September 2017

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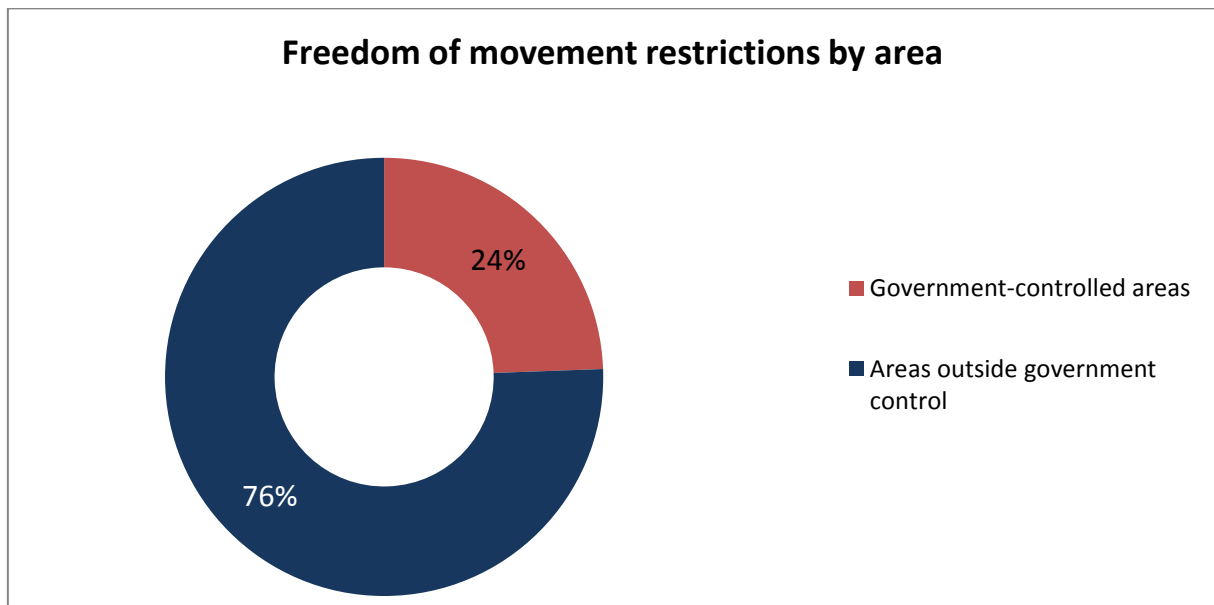
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**Note:** Locations referenced in this report are non-government-controlled unless otherwise specified.

## Summary

The freedom of movement of the OSCE Special Monitoring Mission (SMM) to Ukraine is critical to the execution of its mandate and the fulfilment of its role as foreseen in the Minsk agreements.<sup>1</sup> The mandate obliges the Mission to report on any restrictions of its freedom of movement or other impediments to fulfilment of the mandate. In the first half of 2017, the SMM encountered about 480 such restrictions and impediments, of which over 75 per cent occurred in areas not controlled by the Government.<sup>2</sup>

During the reporting period, the number of restrictions was similar to that recorded in the latter half of 2016,<sup>3</sup> but it included a roughly 40 per cent increase in incidents involving violence or threats against or in the presence of the SMM. These included 13 incidents involving violence (compared with one from July to December 2016), all of which occurred in non-government-controlled areas.<sup>4</sup>



The death of an SMM patrol member in the [incident of 23 April near Pryshyb](#)<sup>5</sup> (an area outside government control) was the most serious consequence of the threats and dangers that the SMM faces in such an insecure environment. The incident also resulted in further restrictions to the Mission's operations in Donetsk and Luhansk regions.<sup>6</sup> The removal of mines and unexploded ordnance (UXO)<sup>7</sup> was implemented only on an incomplete and haphazard basis.

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<sup>1</sup> The SMM's mandate was established by [Permanent Council Decision No. 1117](#) of 21 March 2014. The Minsk agreements are those reached in the format of the Trilateral Contact Group (TCG), including the Protocol and Memorandum (September 2014), the Package of Measures (12 February 2015) and its Addendum (29 September 2015) and the Framework Decision on Disengagement of Forces and Hardware of 21 September 2016.

<sup>2</sup> Restrictions encountered on an almost-daily basis – due to mines, unexploded ordnance (UXO) and roadblocks, including at disengagement areas – are not included in the statistical data for this report.

<sup>3</sup> For data from July to December 2016, see Annex 1. For January to June 2016, see [SMM Thematic Report: Restrictions to SMM's freedom of movement and other impediments to fulfilment of its mandate](#).

<sup>4</sup> See tables in Annexes 1 and 3.

<sup>5</sup> Locations referenced in this report are non-government-controlled unless otherwise specified.

<sup>6</sup> The number of restrictions of freedom of movement during the first half of 2017 would likely have been higher if the SMM's patrolling had not been reduced after 23 April.

<sup>7</sup> As agreed to in the Memorandum and the TCG decision on mine action of 3 March 2016.

The Joint Centre for Control and Co-ordination (JCCC), with representatives from both Ukraine and the Russian Federation, was, in most cases, unable or unwilling to provide a robust, rapid response to violations of the Mission's freedom of movement. Though its intervention was effective in some cases, it more often seemed to accept restrictions and impediments as the norm, particularly in non-government-controlled areas, and did not provide adequate rapid response or take preventive action.

Those responsible for restricting the SMM, whatever their intent, created reasons for continued mistrust between the sides – particularly to the extent that such restrictions prevented the Mission's establishment of facts in relation to allegations – thereby undermining efforts to foster peace, stability and security.



Armed persons block SMM vehicle in Amvrosiivka

## **Roles and responsibilities**

### *The SMM*

The Mission's mandate stipulates that the SMM shall have safe and secure access throughout Ukraine. Unrestricted and unconditional access to all areas is essential for comprehensive SMM monitoring and reporting. The mandate also obliges the Mission to report on any restrictions of its freedom of movement or other impediments to fulfilment of its mandate.

### *Forces and armed formations*

The signatories of the Addendum and the Framework Decision agreed that the Ukrainian Armed Forces and the armed formations should ensure secure and safe access for the SMM and respond rapidly to violations reported by the Mission. They defined restriction of the SMM's freedom of movement and interference with the Mission's means of remote observation as violations of the agreements.

### *The JCCC*

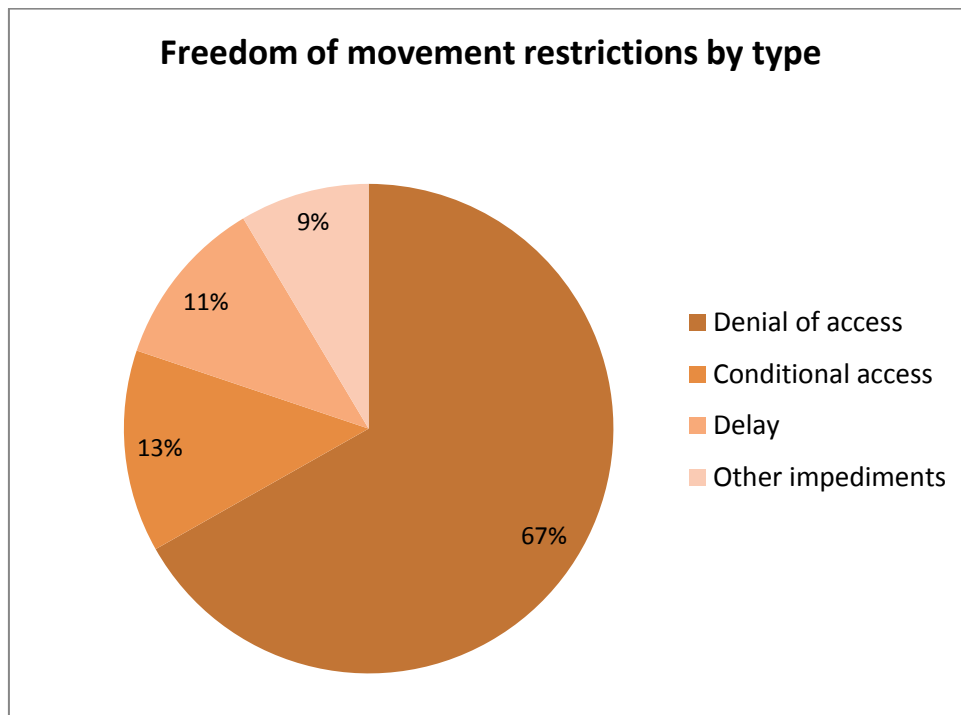
The signatories of the Addendum also undertook to ensure effective monitoring and verification by the SMM and determined that the JCCC should contribute both to rapid

response to impediments to the Mission's monitoring and verification, and to the safety of the Mission's monitors.<sup>8</sup>

### Types of restrictions

The SMM categorized restrictions as: 1) denial of access; 2) conditional access; 3) delay; or 4) other impediments.<sup>9</sup> About two thirds of all violations constituted denial of access, with the remainder divided roughly evenly between the other three categories.<sup>10</sup>

The SMM's freedom of movement was also restricted by ceasefire violations and a lack of security guarantees, which the Mission continued to request, including through the JCCC.<sup>11</sup> On at least 12 occasions, shelling or shooting occurred within 300m of SMM patrols. Due to security concerns, including the threat of mines, UXO and other exploded devices (see p. 13), the SMM was unable to approach or cross the contact line in many places, including, for example, the villages of Pikuzy (formerly Kominternove) and Shyrokyne, the area between Debaltseve and government-controlled Svitlodarsk, and the road between Zholobok and government-controlled Novotoshkivske.



### Overview of incidents

The SMM faced restrictions on about 480 occasions, compared with about 490 in the previous six months. Of these, almost 120 occurred in government-controlled areas, and over 360 in areas not controlled by the Government (about 280 in Donetsk region and about 80 in Luhansk region).

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<sup>8</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.

<sup>9</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>10</sup> See Annex 2.

<sup>11</sup> See, for example, [SMM Daily Report 23 June 2017](#).

The proportion of incidents involving denial of access increased from 62 per cent in the previous six months to 67 per cent. Out of 320 denials of access, 28 per cent occurred in government-controlled areas, and 72 per cent in areas not controlled by the Government.

### *Restrictions involving violence or threats*

Many restrictions – the vast majority in non-government-controlled areas – involved violence or threats.<sup>12</sup> Such cases increased from 17 (in the previous six months) to 24, with actual use of violence – most frequently small-arms fire assessed as warning shots – increasing from 1 to 13.<sup>13</sup> Examples included:

- Men armed with assault rifles fired a burst at close range to an SMM patrol in Yasynuvata, advanced toward the SMM in a threatening manner, seized a mini unmanned aerial vehicle (UAV), and, as they withdrew, fired another burst about 5m from an SMM vehicle behind which patrol members were taking cover.<sup>14</sup>
- A man wearing military-style clothes on board a military-type truck near Dokuchaievsk threw a burning and smoking device in front of an SMM vehicle.<sup>15</sup>
- An armed man with his face covered tried to open the door of an SMM vehicle on patrol in Yasynuvata and attempted to break the window with his gunstock, then pointed his assault rifle at the driver and front-seat passenger of the patrol's second vehicle. As the vehicle was driving away, the armed man hit a window with his gunstock and then fired a burst into the air, followed by three shots assessed as targeting the patrol vehicle.<sup>16</sup>
- A man in military-style uniform pointed an automatic rifle at an SMM patrol in Kalynove; as the SMM departed, it heard a rifle shot, assessed as coming from the direction of the man and two others with him.<sup>17</sup>
- The driver of an unmarked car in Sakhanka opened his window, after which he and the other passengers (all in military-style clothes) shouted an insult toward the SMM; the driver then pointed an assault rifle into the air and shot twice.<sup>18</sup>
- In Donetsk city a car with "DPR" plates driven by a man gesturing at the Mission struck an SMM vehicle twice.<sup>19</sup>
- A man with an assault rifle at a checkpoint east of Sosnivske – a village the Mission had been unable to access six times since the beginning of the year – demanded that the SMM withdraw and then fired a shot into the air about 50m from the patrol.<sup>20</sup>

In some cases, the intention may have been to prevent the SMM from observing weapons that should have been withdrawn according to the Minsk agreements:

- An armed man outside a compound in Kozatske – a village where the SMM had previously observed weapons in violation of withdrawal lines, as well as tank tracks – gestured for the Mission to leave, then fired three shots from his assault rifle into the air and another six toward the ground. The SMM departed and, while leaving, heard another four shots and a burst of small-arms fire.<sup>21</sup>

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<sup>12</sup> See tables in Annex 1 and Annex 3.

<sup>13</sup> These figures exclude small-arms fire assessed as targeting SMM unmanned aerial vehicles (UAVs). See Remote observation section below.

<sup>14</sup> [SMM Spot Report 25 February 2017](#)

<sup>15</sup> [SMM Spot Report 18 May 2017](#)

<sup>16</sup> [SMM Spot Report 20 June 2017](#)

<sup>17</sup> [SMM Spot Report 3 February 2017](#)

<sup>18</sup> [SMM Spot Report 2 April 2017](#)

<sup>19</sup> [SMM Daily Report 7 February 2017](#)

<sup>20</sup> [SMM Daily Report 9 May 2017](#)

<sup>21</sup> [SMM Spot Report 29 March 2017](#). The SMM was restricted in Kozatske ten other times.

- The SMM heard five bursts of small-arms fire assessed as warning shots as it took up an observation position near Khreshchatytske (formerly Krasnoarmiiske) after seeing what it assessed to be two howitzers and a command vehicle.<sup>22</sup>
- While observing a camouflaged tank in Pikuzy, the SMM heard 15-20 shots of small-arms fire assessed as warning shots 50-100m from the Mission's position.<sup>23</sup>

### *Weapons-related restrictions*

Other restrictions, though not involving violence, may nevertheless also have been intended to prevent observation of weapons that should have been withdrawn according to the Minsk agreements. In some cases, the Mission itself had observed such weapons, while in others it was following up on allegations of weapons presence.

- Two armed men at a checkpoint near Manuilivka stopped the SMM from proceeding toward Ternove, saying that training was ongoing in that area. Nine days earlier, the Mission had seen about 15 howitzers in the vicinity.<sup>24</sup> Moreover, via patrols and aerial imagery, the SMM had observed groups of tanks (up to 55) in the area on three occasions since the beginning of the year.<sup>25</sup>
- On four occasions in late March, the SMM could not travel along a road near Khriashchivka due to newly placed obstacles, in an area where aerial imagery twice revealed the presence of a tank in violation of withdrawal lines.<sup>26</sup>
- From February to April the SMM was repeatedly denied access to Veselohorivka, during which time it observed, in the area, four tanks and a howitzer in violation of withdrawal lines. Twice in March, a wooden utility pole blocked SMM access to a road leading to Veselohorivka.<sup>27</sup>
- In the area between Oleksandrivske (formerly Rozy Liuksemburh) and Markyne – where the Mission had previously observed tanks and encountered a freedom-of-movement restriction – a group of armed men in seven vehicles without licence plates (some of whom hid their faces behind balaclavas and hoods) blocked in an SMM patrol, after which an armed man in a “police” vehicle escorted the SMM out of the area.<sup>28</sup>
- Near government-controlled Novozvanivka, the SMM was denied access to a house used by the Ukrainian Armed Forces where equipment under a camouflage net was present.<sup>29</sup>

During February alone, in non-government-controlled parts of Luhansk region, the SMM was denied access while:

- Attempting to visit a suspected weapons site near Khrustalnyi (formerly Krasnyi Luch);
- Following fresh tracks of heavy vehicles in snow near Zhovte;
- Patrolling near Kalynove on five occasions, including times when it was following tracks of heavy vehicles or following up on allegations of the presence of tanks;
- Observing tank tracks close to Lobacheve and attempting to return three days later;
- Following up on the presence of tanks near Oleksandrivsk; and
- Attempting to visit a military-type maintenance and repair facility, and a military-type base, in Luhansk city.<sup>30</sup>

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<sup>22</sup> [SMM Spot Report 4 March 2017](#)

<sup>23</sup> [SMM Daily Report 13 February 2017](#)

<sup>24</sup> SMM Daily Reports [3 April 2017](#) and [12 April 2017](#)

<sup>25</sup> See, for example, [SMM Daily Report 6 January 2017](#).

<sup>26</sup> SMM Daily Reports of [13 March 2017](#), [19 March 2017](#), [23 March 2017](#), [24 March 2017](#) and [27 March 2017](#)

<sup>27</sup> SMM Daily Reports of [11 March 2017](#), [12 March 2017](#) and [31 March 2017](#)

<sup>28</sup> SMM Daily Reports of [31 March 2017](#), [1 April 2017](#) and [8 June 2017](#)

<sup>29</sup> [SMM Daily Report 23 January 2017](#)

<sup>30</sup> SMM Daily Reports of [4 February 2017](#), [10 February 2017](#), [13 February 2017](#), [14 February 2017](#), [15 February 2017](#), [17 February 2017](#), [21 February 2017](#), [22 February 2017](#) and [1 March 2017](#).



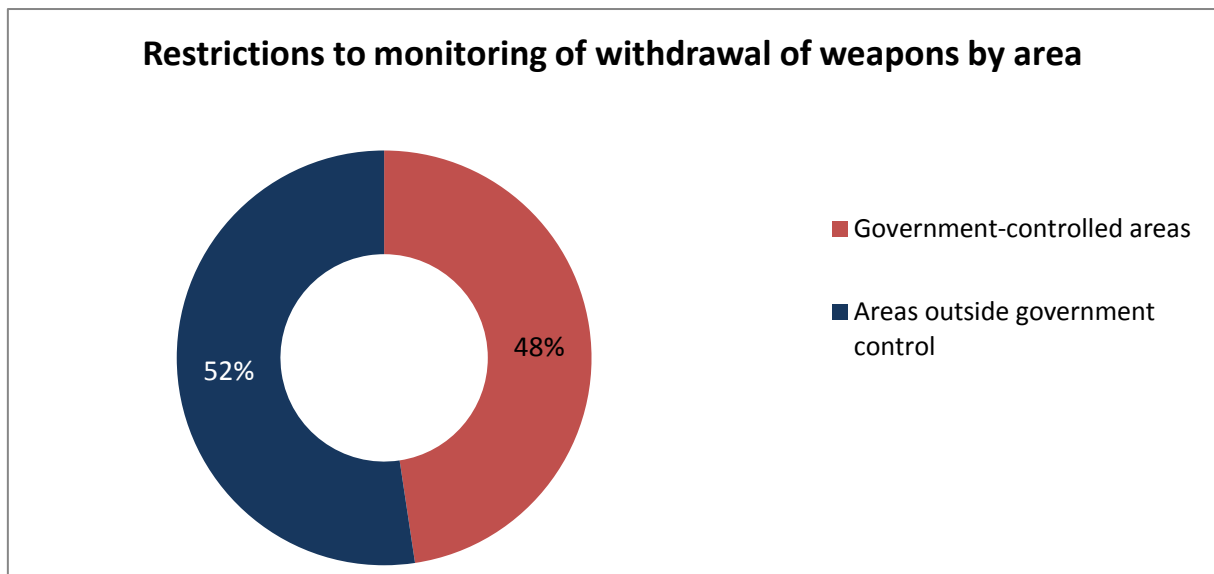
### *Monitoring withdrawal of weapons*

The Ukrainian Armed Forces and the armed formations continued to hinder the SMM's efforts to monitor the withdrawal of weapons, restricting the Mission's movement on 126 occasions (compared to 121 times in the previous six months) when it attempted to access the following areas:

- Heavy weapons holding areas (38 occasions, including 30 denials of access);
- Permanent weapons storage sites (13 occasions, including 12 denials of access);
- Military-style compounds (70 occasions, including 58 denials of access); and
- Training areas (five occasions, all denials of access).

Examples included: A Ukrainian Armed Forces soldier denied the SMM access to a compound, saying, "Today is not a day for visitors". A person at a permanent weapons storage site in areas not controlled by the Government in Donetsk region demanded in a threatening and hostile manner that the SMM leave the site.<sup>31</sup>

The SMM faced fewer restrictions to monitoring and verification of the withdrawal of weapons in government-controlled areas (60 occasions) compared with the previous six months (83 occasions), and fewer than in areas not controlled by the Government (66 occasions, compared with 38 in the previous six months), despite the fact that over three times as many Mission visits were conducted to sites in government-controlled areas.



### *Passing through checkpoints*

The SMM's freedom of movement was restricted at checkpoints along the contact line on over 140 occasions (nearly half of which were denials of access). Of the denials of access, ten occurred in government-controlled areas and the rest in areas not controlled by the Government (about 50 in Donetsk region and six in Luhansk region).

On one occasion, a restriction involved violence: at a checkpoint near Verkhnohyrokiivske (formerly Oktiabr), an armed man told the Mission to pass, although it was waiting to assess the security situation after receiving information about ceasefire violations. The SMM travelled forward and stopped 20m west of the checkpoint, at which time it heard a shot of

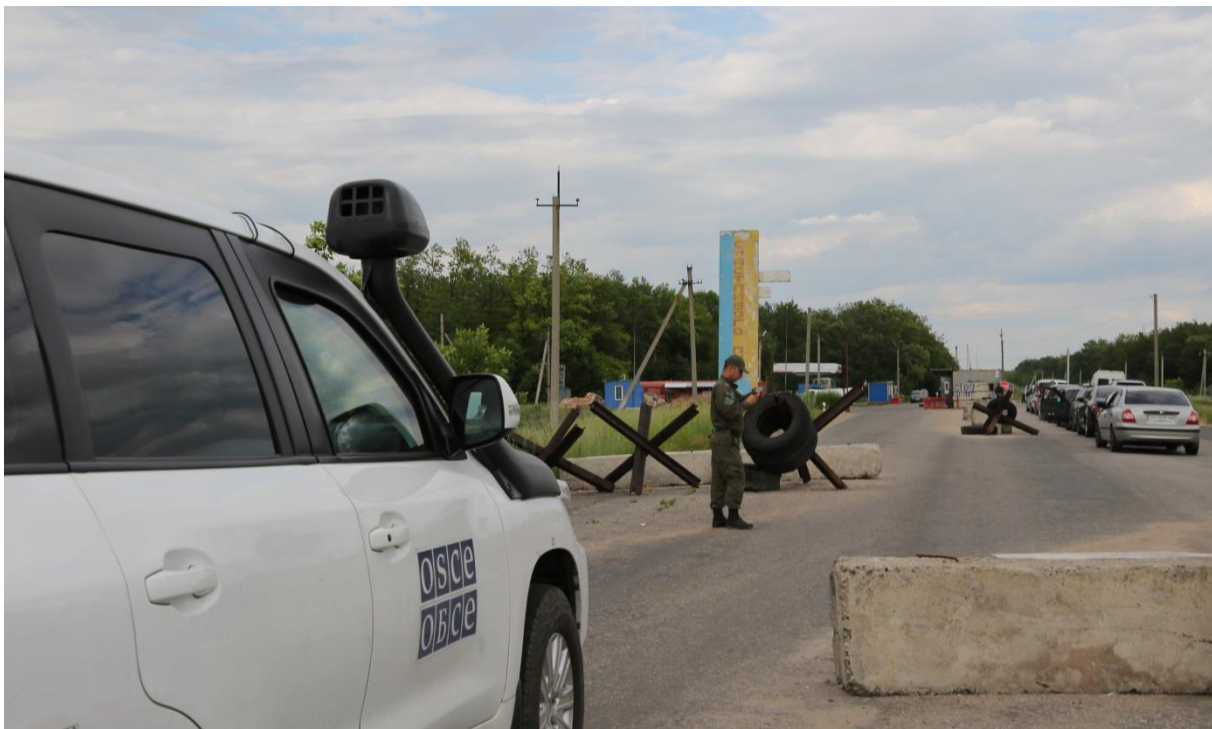
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<sup>31</sup> [SMM Daily Report 4 March 2017](#)

small-arms fire 20m east, assessed as an attempt by the man to hasten the patrol's departure.<sup>32</sup>

This checkpoint was repeatedly difficult to pass. On another occasion, at the same checkpoint, armed men demanded that three SMM members exit their vehicle. They questioned the SMM members on how long they had been working for the Mission and asked one of them what her previous job had been.<sup>33</sup> Another time, west of the checkpoint, four armed men angrily addressed the SMM and said they would shoot the next SMM patrol that entered the village.<sup>34</sup>

Other checkpoints were also persistently difficult. From late May until late June, at a checkpoint in Kremynets, armed men restricted the Mission's freedom of movement nine times, mostly through delays and conditions placed on the SMM.<sup>35</sup>



Restriction at entry-exit checkpoint in Kremynets

The Mission was unable to regularly access several areas due to persistent impediments at checkpoints, including Staromykhailivka (in Kirovskiy district of Donetsk city), Trudivskiy area (in Petrovskiy district), Slavne (46km north-east of Donetsk), and government-controlled Taramchuk.

On over 30 occasions, armed persons at checkpoints searched SMM vehicles before allowing the Mission to proceed. At the Olenivka entry-exit checkpoint alone, armed men insisted on searching SMM vehicles about 20 times during the reporting period.

At other times, armed persons at checkpoints insisted on checking the national passports of Mission members, or they required patrols to reveal the nationalities or other personal information of SMM members:

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<sup>32</sup> [SMM Daily Report 17 May 2017](#)

<sup>33</sup> [SMM Daily Report 21 January 2017](#)

<sup>34</sup> [SMM Daily Report 15 March 2017](#)

<sup>35</sup> See, for example, SMM Daily Reports [25 May 2017](#) and [26 June 2017](#).

- At a checkpoint north of the Stanytsia Luhanska bridge, Ukrainian Armed Forces personnel asked for the nationalities and passports of SMM patrol members. After 30 minutes the Mission was allowed to proceed.<sup>36</sup>
- At a government checkpoint in Staryi Aidar, two visibly intoxicated soldiers spoke aggressively to the SMM, demanding personal information and that the patrol members get out of their cars.<sup>37</sup>
- Near Debaltseve, armed men insulted the SMM with vulgar words and filmed the SMM, even opening the door to a Mission vehicle to film inside; they aggressively and repeatedly demanded to know the nationality of the SMM patrol members.<sup>38</sup>

One restriction at a checkpoint involved harassment, exacerbated by the possession of a weapon: On 5 May, a man armed with an assault rifle sexually harassed a female SMM member and threatened to stop the patrol from moving east from Petrivske toward Rozdolne until his demands were met. The SMM left the area via a different road.<sup>39</sup>

During May, the JCCC provided information to the SMM regarding instructions issued by the Ukrainian Armed Forces and given by those in control of the armed formations about interactions with the Mission, including at checkpoints. The said guidance by the armed formations indicated that SMM patrols would be refused access if they were not announced beforehand.<sup>40</sup> In late June, the Russian representative to the JCCC informed the Mission that the guidance of the armed formations in areas not controlled by the Government in Donetsk region had been rescinded and new instructions drafted, but by the end of the reporting period the SMM had not received these.

#### *Remote observation*

Although the Package of Measures allows for the SMM to use all technical equipment necessary, including UAVs, attacks on and interference with the Mission's use of technical equipment continued. On ten occasions, the SMM assessed that small-arms fire targeted its UAVs, roughly the same number of incidents as in the latter half of 2016. Examples included:

- While conducting a mini-UAV flight in government-controlled Aslanove, the SMM heard eight single shots of small-arms fire assessed as targeting the UAV.<sup>41</sup>
- The Mission, positioned in government-controlled Orikhove-Donetske, heard small-arms fire 2km west, assessed as targeting an SMM mid-range UAV.<sup>42</sup>
- While flying a UAV 200m west of an aerodrome on the outskirts of Luhansk city, the SMM heard bursts of small-arms fire 1km east. During the flight the UAV spotted weapons in violation of withdrawal lines, including multiple launch rocket systems, howitzers and tanks.<sup>43</sup>
- During a mini-UAV flight near Yasynuvata, the SMM heard small-arms fire, after which the UAV began drifting and spinning without responding to operator commands. The Mission performed a forced landing of the UAV and has since been unable to retrieve it, due to security concerns.<sup>44</sup>
- Near government-controlled Staryi Aidar, the Mission heard small-arms fire assessed as targeting an SMM UAV flying in the area.<sup>45</sup>

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<sup>36</sup> [SMM Daily Report 23 February 2017](#)

<sup>37</sup> [SMM Daily Report 24 April 2017](#)

<sup>38</sup> [SMM Daily Report 27 January 2017](#)

<sup>39</sup> [SMM Daily Report 6 May 2017](#)

<sup>40</sup> [SMM Daily Report 13 May 2017](#)

<sup>41</sup> [SMM Daily Report 22 March 2017](#)

<sup>42</sup> [SMM Spot Report 27 March 2017](#)

<sup>43</sup> [SMM Spot Report 6 April 2017](#)

<sup>44</sup> [SMM Spot Report 4 March 2017](#)

<sup>45</sup> [SMM Spot Report 11 April 2017](#)

- The Mission heard small-arms fire near its mini UAV during a flight near Zaichenko.<sup>46</sup> A day later the SMM observed howitzers – in violation of withdrawal lines – close to the area where the Mission had heard small-arms fire.
- Positioned north of the Zolote disengagement area, while flying a mini-UAV, the SMM heard 25 shots of small-arms fire 100m south-east. The Mission flew the UAV further west and recalled it, after which the SMM heard four more shots and 20 bursts of small-arms fire 100m south-west, assessed as targeting the UAV.<sup>47</sup>
- Near government-controlled Zatyshne, the SMM heard small-arms fire assessed as targeting its mini-UAV.<sup>48</sup>

Six of the incidents involved UAV flights over government-controlled areas, and three over non-government-controlled areas,<sup>49</sup> corresponding roughly with the division of total flights: about 380 in government-controlled and over 200 in non-government-controlled areas.

As noted above, on 24 February armed men in Yasynuvata stopped the SMM from launching a UAV and seized it. On another occasion, armed men used their vehicles to block the SMM for over half an hour after a patrol flew a mini-UAV near Amvrosiivka, a town 18km from the Ukrainian-Russian Federation border. During the flight, the UAV spotted 45 military-type trucks in the area, about 500m from a railway station.<sup>50</sup>

Unknown persons also jammed the Mission's UAVs on at least three occasions, one of which resulted in the loss of a mini-UAV near government-controlled Chernenko.<sup>51</sup>

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

- On 14 March, an armed man ordered the Mission to leave the site of an SMM camera positioned in a tower near the Oktiabr mine in Donetsk city. When the Mission reached the tower's ground floor, another armed man told the Mission members they would be "arrested". The SMM was detained for 11 minutes, after which one of the armed men received a phone call and the SMM was allowed to depart.<sup>52</sup>
- On the evening of 19 March, the view of the SMM camera north of the Stanytsia Luhanska bridge was obscured by the intermittent use of a searchlight from non-government-controlled areas and a laser light source from government-controlled areas.<sup>53</sup>
- The Mission's camera in Shyrokyne was turned off by an unknown person on 26 June, which resulted in no monitoring of the area until the SMM manually reconnected the camera almost 24 hours later.<sup>54</sup>
- On about 30 occasions, armed persons near the Petrivske disengagement area required that the SMM be escorted while accessing the Mission's camera.

#### *Visiting border areas outside government control*

The SMM conducted almost 400 visits to border areas not controlled by the Government (over 100 in Donetsk region and almost 300 in Luhansk region). The SMM's freedom of

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<sup>46</sup> [SMM Daily Report 8 June 2017](#)

<sup>47</sup> [SMM Daily Report 10 June 2017](#)

<sup>48</sup> [SMM Daily Report 27 June 2017](#)

<sup>49</sup> An additional incident occurred in an area between the forward positions of the Ukrainian Armed Forces and the armed formations.

<sup>50</sup> [SMM Daily Report 28 January 2017](#)

<sup>51</sup> [SMM Daily Report 9 February 2017](#)

<sup>52</sup> [SMM Daily Report 15 March 2017](#)

<sup>53</sup> [SMM Daily Report 22 March 2017](#)

<sup>54</sup> Due to security restrictions following the 23 April incident, some other camera sites were not accessible by the Mission for data collection or repair and maintenance activities.

movement was restricted on 18 of these visits (4 in Donetsk and 14 in Luhansk). The rate of such restrictions was about 50 per cent lower than in the previous six months, when SMM freedom of movement was restricted 40 times.

In late June, armed men denied the SMM access to the Novoazovsk border area four times, as well as to the nearby town of Siedove.<sup>55</sup> On one occasion, on a road leading to Boikivske from Novoazovsk, the Mission observed a convoy of 17 vehicles with people wearing military-style clothing, with most of the drivers wearing balaclavas.<sup>56</sup> Other restrictions included:

- Armed men at a border crossing point near Dovzhanske said that according to new procedures they had to take photos of SMM members with their OSCE badges visible.<sup>57</sup>
- At the Izvaryne border crossing point, the SMM was not permitted to travel beyond the vehicle barrier into the customs area leading to the border, reportedly due to orders from senior “LPR” members.<sup>58</sup>
- Two armed persons stopped the SMM on a road near Diakove, asked for the purpose of the Mission’s visit and locations to be visited, wrote down patrol members’ names and other information, then escorted the Mission until it departed the area.<sup>59</sup>



Icy road near Novoborovytsi border crossing point

Despite a reduction since 2016 in the frequency of violations of this kind in these areas, the Mission continued to be able to conduct only short visits (generally no longer than one hour) due to lengthy travel times, exacerbated by poor road conditions, adverse weather conditions, and limited hours of daylight. Monitoring also continued to be hindered by the refusal of those in control of these areas to provide security guarantees that would enable

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<sup>55</sup> The restrictions were ongoing as of mid-July. The Mission last entered Siedove on 25 April.

<sup>56</sup> Aerial imagery subsequently revealed the presence of seven armoured combat vehicles in Boikivske. In Kalmiuske, further north, aerial imagery revealed the presence of 11 armoured combat vehicles and over 50 military-type trucks.

<sup>57</sup> [SMM Daily Report 1 April 2017](#)

<sup>58</sup> [SMM Daily Report 21 June 2017](#)

<sup>59</sup> [SMM Daily Report 10 April 2017](#)

the SMM to open forward patrol bases in towns near these border areas, including Antratsyt, Sorokyne, Dovzhansk (formerly Sverdlovsk), Amvrosiivka, Novoazovsk and Boikivske.

As a result of such limitations – in addition to restrictions of freedom of movement – the scope of what the SMM was able to observe at the border remained constricted and could not be categorised as comprehensive, independent monitoring.

Border security remains a matter of national sovereignty and responsibility of States, and instrumental in preventing cross-border movement of persons, weapons and funds connected with criminal activities.<sup>60</sup> By denying the Government access to about 400km of the border, those in control of these areas continued to interfere with this OSCE principle.

### *Impediments to gathering information*

The SMM also encountered impediments to its obligation, under its mandate, to establish and report facts in response to specific incidents and reports of incidents, as well as to establish contact with members of the local population. For instance, civilians (mostly in areas not controlled by the Government) showed a marked reluctance to converse with the SMM, often citing an order from superiors or those in control as the reason, and at times expressing a fear of repercussions.

This was particularly the case when interacting with medical and hospital staff. The SMM continued to face difficulties corroborating reports of civilian casualties in its visits to hospitals in non-government-controlled areas, where 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.<sup>61</sup> The majority of refusals to share information were encountered at Hospital Number 2 in Horlivka, Kalinina Central Hospital in Donetsk city, Hospital Number 2 in Luhansk city and Luhansk Regional Hospital. On over 20 occasions (split evenly between Donetsk and Luhansk regions) the SMM could not confirm civilian casualties because medical staff were unwilling to share information.

Other restrictions to information occurred outside hospitals. In Sukhodilsk, a person at the building previously hosting the local administration refused to talk to the SMM without permission from those in control.<sup>62</sup> A newspaper representative in Dovzhansk said she needed written permission from senior members of the so-called “LPR” to speak with the Mission.<sup>63</sup> In Novosvitlivka, a woman told the SMM that she had been instructed not to give the SMM any information without permission from those in control in Luhansk city. On another occasion, while following up a report of a civilian casualty, a man in Zhovte told the SMM it needed to make an official request to “LPR” members to get information.

The SMM also faced occasional denials of access at centres for internally displaced persons (IDPs) in non-government-controlled areas. Staff at centres for IDPs in Donetsk city and Luhansk city repeatedly refused the SMM access to their buildings, saying that such access required approval by those in control of these areas.

### *Disengagement areas*

The SMM continued to monitor the disengagement areas of Stanytsia Luhanska, Zolote and Petrivske on both sides of the contact line on a constant basis by patrolling and remote observation, as foreseen in the Framework Decision.

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<sup>60</sup> [OSCE Border Security and Management Concept](#)

<sup>61</sup> For example, on 22 June medical staff of Hospital Number 1 in Makiivka said they had been instructed not to communicate with the international community regarding civilian casualties ([SMM Daily Report 23 June 2017](#)).

<sup>62</sup> [SMM Daily Report 30 March 2017](#)

<sup>63</sup> [SMM Daily Report 10 March 2017](#)

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.

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 disengagement in the Zolote-Pervomaisk area would make it possible for a crossing point to be re-opened. Disengagement in Stanytsia Luhanska would reduce the risk of civilians being caught up in exchanges of fire.



Mine hazard sign and armed men in Petrivske

The deterioration of the wooden ramps at a broken section of the Stanytsia Luhanska bridge also posed both a civilian safety issue and an impediment to the SMM's ability to monitor and move freely. On 21 June, the SMM assessed that a wooden support beam had broken almost entirely, causing the bridge to sag and creating instability when the beam bore weight. Over a dozen pedestrians fell or lost their footing.<sup>64</sup> The Mission was unable to patrol this area until 23 June, after the ramp was repaired.

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<sup>64</sup> [SMM Daily Report 22 June 2017](#)



Damage to Stanytsia Luhanska bridge wooden ramp observed on 21 June

### *Mines, UXO and other explosive devices*

The threat from mines and UXO also persisted outside the disengagement areas. For example, the SMM was unable to proceed across the government-controlled Shchastia bridge due to the presence of anti-tank mines.<sup>65</sup> The presence of anti-tank obstacles and mine hazards also prevented the SMM from travelling on the road between Ukrainian Armed Forces checkpoints near the government-controlled settlements of Katerynivka and Popasna from both sides.<sup>66</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 the following:

- T0519 (Pikuzy to government-controlled Mariupol)
- M14 (Novoazovsk to Mariupol)
- H20 (Yasynuvata to government-controlled Kamianka)
- M03 (Debaltseve to Svitlodarsk)

Following the fatal incident of 23 April near Pryshyb caused by an explosive device, the Mission limited its patrolling to asphalt or concrete roads. This restriction affected the following operations:

- Visits and inspections of stored weapons at sites that were accessible only via unpaved roads or surfaces (approximately 75 per cent of designated sites)
- Vehicle-based ground patrolling activities within 15km of the contact line
- UAV flights requiring soft-surface launch or landing sites
- Camera maintenance and data retrieval activities requiring driving over unpaved surfaces

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

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<sup>65</sup> On 2 January, the SMM observed demining activities in a non-government-controlled area south-east of the bridge. As of mid-July, the section between the forward-most positions of the two sides remained possibly contaminated by mines and UXO.

<sup>66</sup> In April the SMM observed demining activities along the road, but the Mission could not travel it due to patrolling restrictions following the incident of 23 April.



- An armed person told the SMM that an area near Veselohorivka where the Mission had regularly conducted monitoring had been mined two or three days previously.<sup>67</sup>
- Near a government checkpoint north of the Zolote disengagement area, along a road used by civilians, the SMM saw nylon strings connected to devices that appeared to be flare grenades.<sup>68</sup>
- While following fresh tracks assessed as possibly those of howitzers – in an area west of Luhansk city where an SMM mini-UAV had spotted four howitzers a few days earlier – the Mission observed for the first time a mine hazard sign.<sup>69</sup>
- In June, the SMM saw, for the first time, six anti-tank mines at a checkpoint north of Pervomaisk and 12 anti-tank mines at a position along a road the Mission uses to rotate personnel across the contact line west of the town.<sup>70</sup>



Anti-tank mines at a position west of Pervomaisk

Despite agreements 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, clearance was inadequate. Through reluctance to deliver on what has been agreed, the JCCC was not fully able to assist in ensuring SMM monitors' safety and security.

#### *Unfounded allegations*

Unfounded allegations targeting the Mission have continued to emanate from media affiliated with groups in non-government-controlled areas, or directly from senior members of those groups themselves, most frequently claiming that the SMM reported inaccurately, but also challenging the SMM's presence, claiming that the Mission violated its mandate and implying that the SMM's safety was conditional on co-ordinating patrol plans in advance with those in control of these areas. Intentionally or otherwise, such statements served to undermine public confidence in the SMM, perhaps even emboldening hostility toward it. Their effect – the questioning of the SMM's impartiality and objectiveness – potentially facilitated an environment in which the sides restricted the Mission's movement (sometimes with violence or threats) with impunity, representing a considerable security risk for SMM teams in eastern Ukraine.

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<sup>67</sup> [SMM Daily Report 27 January 2017](#)

<sup>68</sup> [SMM Daily Report 24 April 2017](#)

<sup>69</sup> SMM Daily Reports [30 May 2017](#) and [2 June 2017](#)

<sup>70</sup> SMM Daily Reports [3 June 2017](#) and [26 June 2017](#)

Examples of allegations included:

- The SMM provided information to aid Ukrainian artillery targeting.<sup>71</sup>
- The SMM did not report tanks in government-controlled Avdiivka during a flare-up of violence in February.<sup>72</sup>
- The SMM “sabotaged” the disengagement process at Stanytsia Luhanska.
- The SMM deliberately avoided contact with members of “LPR” members.

In some cases where the SMM has established facts demonstrating freedom-of-movement restrictions involving violence or threats, members of armed groups have refused to accept the facts. Following an incident in Vesela Hora in which armed persons threatened to shoot SMM patrol members, not only did a senior member of the “LPR” member deny the facts, but other “LPR” members blamed the SMM for the incident. Similarly, following the shooting incident in Kozatske (see above), “DPR” members denied the established facts.

### **Effect of impediments on 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 repairs and restore operations of the Donetsk Water Filtration Station, a source of water for hundreds of thousands of people on both sides of the contact line. The 24 February incident in Yasynuvata (see above) took place while the patrol was attempting to launch a UAV to monitor reported shelling of the filtration station. In March, armed persons at a checkpoint in Yasynuvata prevented the Mission from travelling toward the station, citing shelling in the area – the Mission, however, did not hear any shelling.<sup>73</sup> A week later, the SMM and JCCC – along with staff of the State Emergency Service of Ukraine and four members of a “DPR” demining team – were outside the station when a bullet flew overhead, after which another shot was fired.<sup>74</sup>

In early March, denials of access in the area of government-controlled Nyzhnoteple made it impossible for the SMM to monitor and report on water facilities that allegedly required repair.<sup>75</sup>

Lack of access to other areas meant the Mission could not report on the difficult conditions facing civilians along the contact line, where humanitarian organizations have limited access and thus often rely on Mission reporting to inform their intervention. For example, after incidents in Pikuzy in February and early March – involving both small-arms fire and explosions near the SMM – the Mission did not visit the village again until 29 March due to security concerns.<sup>76</sup> On another occasion, an armed man denied the Mission access to an area in Naberezhne where houses had reportedly been damaged by shelling.<sup>77</sup> In April, an armed person prevented the SMM from talking to representatives of “Centre for Social Support and Administrative Services” near the entry-exit checkpoint in Kremynets.<sup>78</sup>

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<sup>71</sup> This allegation, appearing in media in February, was again expressed in late May by a man in military-style clothing who claimed to be armed and was recording an SMM patrol north of Donetsk city on his mobile phone. See [SMM Daily Report 29 May 2017](#).

<sup>72</sup> The tanks were reported in [SMM Daily Report 2 February 2017](#).

<sup>73</sup> [SMM Daily Report 13 March 2017](#)

<sup>74</sup> [SMM Spot Report 18 March 2017](#)

<sup>75</sup> See, for example, SMM Daily Reports [3 March 2017](#) and [8 March 2017](#).

<sup>76</sup> Even afterward, the SMM did not travel to certain areas of Pikuzy allegedly most affected by shelling. Two months later, for example, residents approached the Mission to report damages to houses on Kirova Street, but the SMM was unable to visit the sites.

<sup>77</sup> [SMM Daily Report 30 March 2017](#)

<sup>78</sup> [SMM Daily Report 10 April 2017](#)

## Contribution of the JCCC

The SMM regularly requested 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 could and should act to respond to and remedy violations. In addition, the SMM JCCC liaison team maintained daily interaction with the JCCC headquarters in Soledar and co-ordinated between the JCCC and SMM patrols encountering these violations on the ground. Nearly every day, the SMM's liaison team urged the JCCC 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 40 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 the nearly 500 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 reminded the JCCC of its tasks assigned 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. Lack of mutual trust between the two sides of the JCCC seemed to hinder comprehensive co-ordination of those tasks. The JCCC's Ukrainian and Russian Federation officers continued to work mostly in parallel, rather than jointly. The SMM sometimes noted that officers of the JCCC present when forces and formations imposed restrictions in the disengagement areas did nothing to contribute to remedying these violations. Instead they merely transferred information on the violations to their chain of command or to "DPR" and "LPR" members.<sup>79</sup>

For example, on 20 January, armed men in Pikuzy denied the SMM access to a road in the direction of Mariupol and refused to remove anti-tank and anti-personnel mines. The Russian representative to the JCCC, who was also present, said he could not facilitate the SMM's freedom of movement.<sup>80</sup> On 20 June, a similar situation occurred, when armed formations in non-government-controlled areas refused to provide security guarantees for the Mission to travel to Pikuzy, and the JCCC was unable to effectively intervene.<sup>81</sup> The general lack of joint action to remedy restrictions of the SMM's freedom of movement stood in contrast to the JCCC's capacity for co-ordinating adherence to the ceasefire on many occasions to facilitate repairs of critical infrastructure.

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<sup>79</sup> The SMM did note, however, several instances in which the Ukrainian representation to the JCCC informed the Mission regarding specific actions taken by the Ukrainian Armed Forces (including investigations and reprimands or removal of personnel) in response to incidents, particularly during May and June. It remained unclear, however, what, if any, concrete steps were taken.

<sup>80</sup> [SMM Daily Report 21 January 2017](#)

<sup>81</sup> [SMM Daily Report 21 June 2017](#)



Meeting at JCCC headquarters in Soledar

The Mission's security was also put at risk for a week in late June, when armed men securing the SMM's office in Donetsk city were withdrawn. The Mission then requested that the JCCC provide an around-the-clock presence at the office until further notice. The Russian representative to the JCCC replied that "DPR" members planned to reinstate security arrangements, which then occurred on 2 July, though the action was described as temporary.<sup>82</sup>

## Conclusions

The SMM's freedom of movement remained restricted despite the provisions of the SMM's mandate and successive additional agreements reached within the TCG in Minsk obliging the sides to refrain from restricting the Mission's freedom of movement. These restrictions and reluctance to remedy them indicate a lack of readiness to be monitored, as well as to take steps needed to increase trust, particularly with respect to verification of the withdrawal of weapons. In some cases during this reporting period the SMM assessed that there was an intention to hide violations of the ceasefire regime or the presence of weapons in violation of respective withdrawal lines.

The SMM encountered a similar number of restrictions of its freedom of movement compared with the second half of 2016, but noted a significant increase in incidents involving violence and threats against or in the proximity of the Mission in areas not controlled by the Government. Those in control of these areas were also responsible for over 75 per cent of total restrictions. There is an urgent need on the part of those who have committed to ensuring the Mission's security to reverse this trend.

Freedom of movement remained a major impediment to the Mission's efforts to monitor and verify the withdrawal of weapons. Overall, in this context, the SMM faced more restrictions in areas not controlled by the Government than in government-controlled areas. The most

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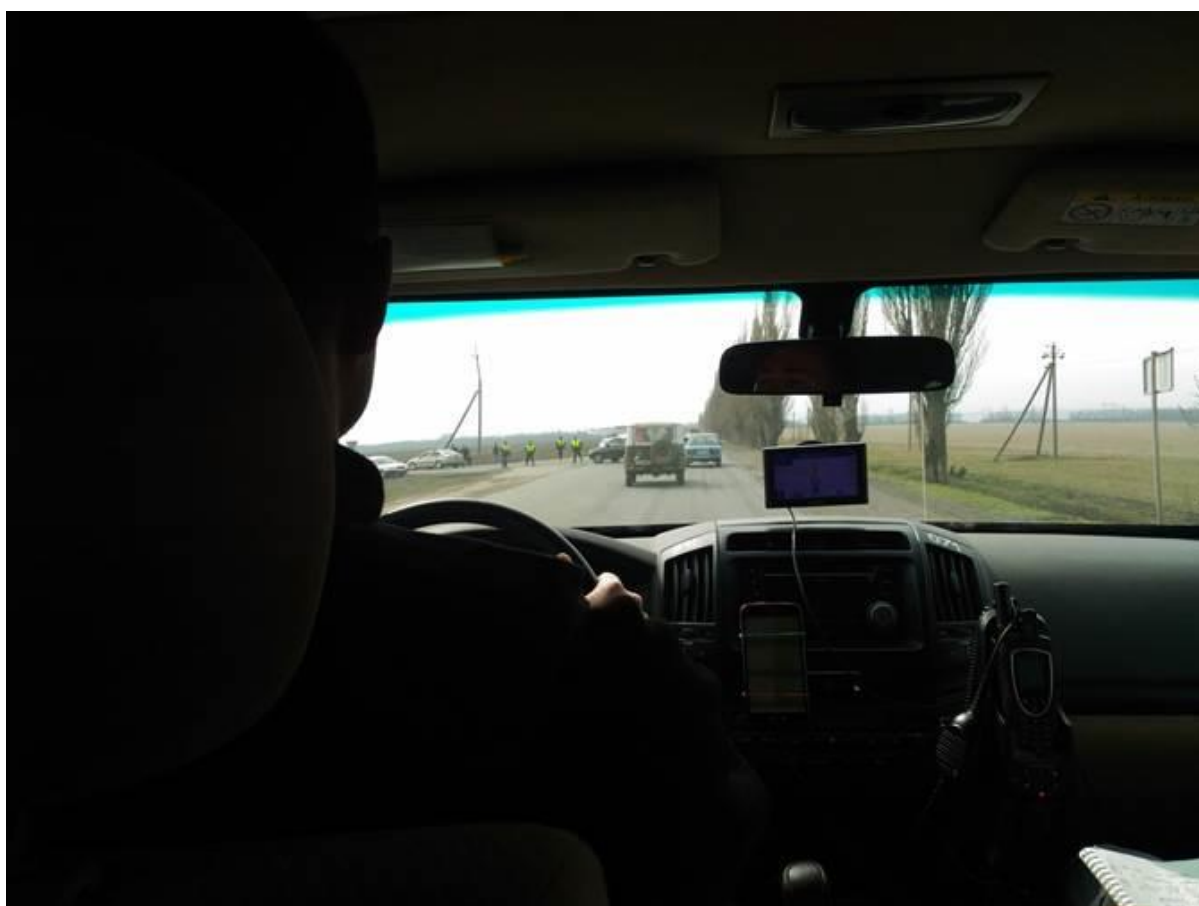
<sup>82</sup> [SMM Daily Report 3 July 2017](#)

problematic areas were around Donetsk city and the eastern bank of the Kalmius river in the southern Donetsk region.<sup>83</sup>

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. The Ukrainian Armed Forces and the armed formations demonstrated a reluctance to remove mines, as they have committed to under successive TCG decisions.

Safe and secure access is explicitly provided for in the Mission's mandate. It is also a measure of normalization, which the Mission is tasked to promote and is explicitly agreed on by the signatories of the Minsk agreements. Through adherence to the provisions regarding the SMM's freedom of movement, a basis for building mutual confidence is meant to be created on both sides of the contact line. Those who restricted the SMM's freedom of movement eroded that confidence.

Moreover, those who impeded the implementation of the Mission's mandate also defied the consensus decisions of the 57 participating States of the OSCE and violated commitments undertaken in the various Minsk agreements. Declared intentions to deliver on these commitments ring hollow when not translated into concrete actions on the ground. Until genuine steps are taken to deal with those responsible and to remedy violations, the SMM's execution of its mandate – and the safety of its monitors – will remain in jeopardy.



Armed persons deny SMM access to Savur-Mohyla monument

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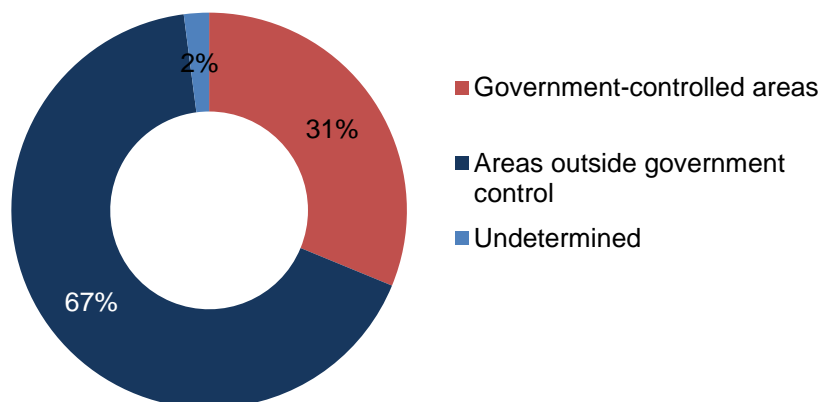
<sup>83</sup> From May till late June, about 90 per cent of the violations in the southern Donetsk region took place in four areas: Markyne, Kozatske, Sosnivske and Siedove (including Novoazovsk in late June).

## Annex 1: Restrictions and other impediments, July to December 2016

### Summary

From July to December 2016 the SMM encountered almost 500 restrictions of its freedom of movement – nearly 30 per cent fewer than in the previous six months.<sup>84</sup> About 70 per cent of these occurred in areas not controlled by the Government.<sup>85</sup>

### Freedom of movement restrictions by area



The decrease in the number of restrictions from the first half to the second half of 2016 was partly due to the fact that the SMM experienced fewer restrictions of its freedom of movement during its visits to border areas not under government control. In addition, in monitoring the three agreed disengagement areas, beginning in September, the Mission dedicated considerable resources. While the overall number of restrictions decreased, SMM efforts to monitor and verify withdrawal of weapons were hindered more frequently, particularly in government-controlled areas in November and December. Overall, December was the only month in 2016 when the SMM faced more restrictions of its freedom of movement in government-controlled areas than in areas not controlled by the Government.

### Types of restrictions

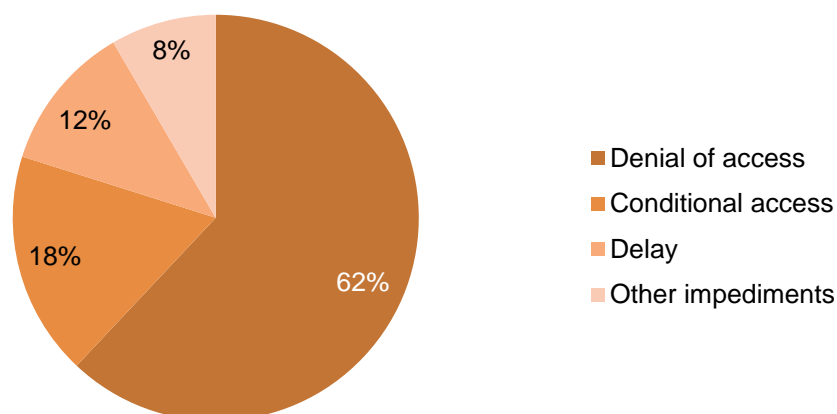
Sixty-two per cent of all violations constituted denial of access, 18 per cent constituted conditional access, 12 per cent were delays, and eight per cent were other impediments.

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<sup>84</sup> [SMM Thematic report: Restrictions of SMM's freedom of movement and other impediments to fulfilment of its mandate January to June 2016](#)

<sup>85</sup> Restrictions due to mines and UXO – including in and around the three agreed disengagement areas – are not included in the statistical data for this annex.

### Freedom of movement restrictions by type



#### Overview of incidents

The SMM faced restrictions on about 490 occasions, compared with about 700 in the previous six months. Of these, about 150 occurred in government-controlled areas and about 330 in areas not controlled by the Government (about 180 in Donetsk region and about 150 in Luhansk). In ten cases, including some incidents involving jamming of UAVs, the precise source was either unclear or in areas not under control of either side. Monthly rates of restrictions, particularly denials of access in areas not controlled by the Government, declined consistently during the reporting period.

The proportion of incidents involving denial of access increased from 56 per cent in the previous reporting period to 62 per cent. Out of about 300 denials of access, 36 per cent occurred in government-controlled areas and 64 per cent in areas not controlled by the Government.

Some restrictions involved threats or violence. On 29 July, for example, armed persons stopped the SMM south of Lukove, pointing their guns at Mission members and ordering them to leave the area.<sup>86</sup> On 22 August a senior “DPR” member told the SMM that he would order an examination of the case. Less than three hours later, however, armed persons at the same checkpoint aggressively demanded to search the SMM vehicles while pointing a machine-gun at Mission members.<sup>87</sup> On 19 September the same senior “DPR” member told the SMM that an investigation had been launched. However, no further information was ever provided. In this context of apparent impunity those responsible are likely to continue perpetrating violations.

This was one of 19 instances of threatening behaviour, which included three other incidents in which the SMM was threatened at gunpoint:

- At a Ukrainian Armed Forces position between government-controlled Lopaskyne and Lobacheve an armed man threatened an SMM monitor at gunpoint;
- Between Sorokyne (formerly Krasnodon) and Izvaryne, two men wearing camouflage uniforms pointed assault rifles at the SMM and shouted in an aggressive manner;
- Near Styla, as the SMM was confirming the presence of two anti-personnel mines attached to a tree, an armed person carrying an automatic rifle approached the patrol

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<sup>86</sup> [SMM Spot Report 29 July 2016](#)

<sup>87</sup> [SMM Spot Report 23 August 2016](#)

and said that he would detonate the mines the next time the OSCE came to look at them;

- Near Sosnivske, an armed man, from approximately 30m away, pointed his automatic rifle at an SMM patrol and gestured for the patrol to leave the area; and
- While on the first floor of a mineshaft tower at the Oktiabr mine, the site of an SMM camera, the Mission heard movement in the upper levels. After the SMM identified itself, patrol members heard the sound of a rifle being cocked and a man shouting "OSCE get out, or I will shoot!" (in Russian) from the tower's upper levels. The SMM left the area.<sup>88</sup>

On at least eight occasions shelling or shooting occurred near SMM patrols, which included one incident in which an SMM vehicle was struck by a bullet. Examples included:

- The SMM had to relocate its forward patrol base team in government-controlled Svitlodarsk to Kramatorsk, as outgoing artillery and mortar fire occurred near the base the previous night;
- The SMM had to evacuate its forward patrol base in Shchastia due to the proximity of mortar shelling;<sup>89</sup>
- In Zolote an SMM patrol heard a whistling sound near them, and bullets impacted in the patrol's vicinity;<sup>90</sup>
- While travelling toward the last Ukrainian Armed Forces checkpoint in Marinka before entering non-government-controlled areas, an SMM vehicle was struck by a bullet;<sup>91</sup>
- An IFV (BMP-2) firing a 30mm cannon blocked the road leading to Sakhanka, forcing the SMM to turn around; and
- Positioned at a checkpoint in Verkhnoшыrokyvske, the SMM saw and heard nearly 20 explosions in its proximity, and had to leave the area immediately.<sup>92</sup>

#### *Passing through checkpoints*

The SMM's freedom of movement was restricted at checkpoints along the contact line on almost 160 occasions (including over 80 denials of access). Of those, 27 occurred in government-controlled areas and over 130 in areas not controlled by the Government (over 75 in Donetsk and 55 in Luhansk).

At a checkpoint in non-government-controlled areas south of the Stanytsia Luhanska bridge, armed men consistently denied the SMM access to the bridge from 1 to 26 July. This limited the SMM's monitoring of the aftermath of reported shelling incidents and of the situation of civilians in the area. The SMM also frequently encountered impediments at checkpoints in non-government-controlled areas of Donetsk region: Verkhnoшыrokyvske (11 times), Olenivka (ten times), and in Horlivka (ten times).

At checkpoints, armed individuals continued to restrict the SMM's freedom of movement in various ways: demanding to see the SMM's patrol plan and denying passage when the SMM refused to comply (24 occasions); searching SMM vehicles before allowing the SMM to proceed (14 occasions); or denying passage when the SMM refused to be escorted or allowing the SMM to proceed on condition of being escorted (nine occasions).

#### *Visiting border areas outside government control*

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<sup>88</sup> [SMM Spot Report 8 October 2016](#)

<sup>89</sup> [SMM Spot Report 31 August 2016](#)

<sup>90</sup> [SMM Spot Report 16 October 2016](#)

<sup>91</sup> [SMM Spot Report 28 October 2016](#)

<sup>92</sup> [SMM Spot Report 10 November 2016](#)



The SMM conducted 408 visits to border areas not controlled by the Government, including 226 visits to border crossing points (91 in Donetsk region and 135 in Luhansk region). Those in control of these areas restricted the SMM's freedom of movement on 40 of these visits (ten in Donetsk and 30 in Luhansk). The rate of such restrictions, however, was lower than in the previous reporting period, when armed men restricted the SMM's freedom of movement on 82 out of 253 visits to border areas.

For example, in September, the SMM was able to reach parts of the border in areas not controlled by the Government in Luhansk region for the first time for several months, after which it conducted several more visits to these areas without restriction.<sup>93</sup> In late August on several occasions, "LPR" members at border crossing points and checkpoints told the SMM they had received instructions not to stop the SMM. In non-government-controlled areas of Donetsk region, all ten freedom of movement restrictions occurred when armed men denied access to document-checking stations at border crossing points. In November and December, the SMM faced just three restrictions of its freedom of movement (including two denials of access to document-checking stations) during its 122 visits to border areas not controlled by the Government.

A single freedom of movement restriction in government-controlled areas occurred at a checkpoint 1km from the Krasnoilsk border crossing point (Chernivtsi region) on 5 December, when border guard personnel denied the SMM access to the border.

#### *Monitoring withdrawal of weapons*

The Ukrainian Armed Forces and the armed formations continued to hinder the SMM's efforts to monitor the withdrawal of weapons, restricting the Mission's movement on 121 occasions when it attempted to access the following areas:

- Heavy weapons holding areas (56 occasions, including 45 denials of access);
- Permanent weapons storage sites (five occasions, including three denials of access);
- Military-style compounds (55 occasions, including 47 denials of access); and
- Training areas (five occasions, including four denials of access).

These restrictions included the following:

- An unarmed guard denied the SMM access to a facility in Olkhovatka. At the same time, an SMM mini-UAV spotted the presence of military-type trucks and a command vehicle on the premises;
- The SMM heard 80 explosions and uncountable bursts, and assessed them as a live-fire exercise involving tanks, artillery and IFVs (BMP) at a training area in Uspenka (Luhansk region). The SMM attempted to visit the area, but armed persons denied access.

On some occasions restrictions were imposed when the SMM observed weapons in violation of respective withdrawal lines or outside designated storage sites:

- Ukrainian Armed Forces personnel denied the SMM access to a compound near Makedonivka where four multiple launch rocket systems (BM-21 *Grad*, 120mm) could be seen from outside the gate;

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<sup>93</sup> On 1 September the SMM was able to reach the border area of Makariv Yar (formerly Parkhomenko) for the first time since 30 May. The SMM subsequently visited that area four times without restrictions, in contrast to the period from January to August 2016, when armed men there denied access 11 times. On 9 September the SMM was able to cross from Diakove toward the border area of Leonove (formerly Chervonyi Zhovten) with no restrictions for the first time since April 2015. The SMM subsequently reached the area three times – twice without restriction and once on condition of being escorted.

- Ukrainian Armed Forces personnel denied the SMM access to a compound in Khlibodarivka, after which the Mission saw six towed howitzers (2A65 *Msta-B*, 152mm) being transported toward a nearby railroad line.<sup>94</sup>

In November and December the Ukrainian Armed Forces denied the SMM access to heavy weapons holding areas and military compounds on six occasions after the SMM refused to reveal the nationalities of patrol members. At two heavy weapons holding areas, soldiers allowed the SMM access only on the condition that no Russian nationals were in the patrol. During the reporting period the SMM faced more restrictions to monitoring and verification of the withdrawal of weapons in government-controlled areas (83 occasions) compared with the previous six months (31 occasions), and more than in areas not controlled by the Government (38 occasions, roughly evenly divided between Donetsk and Luhansk).

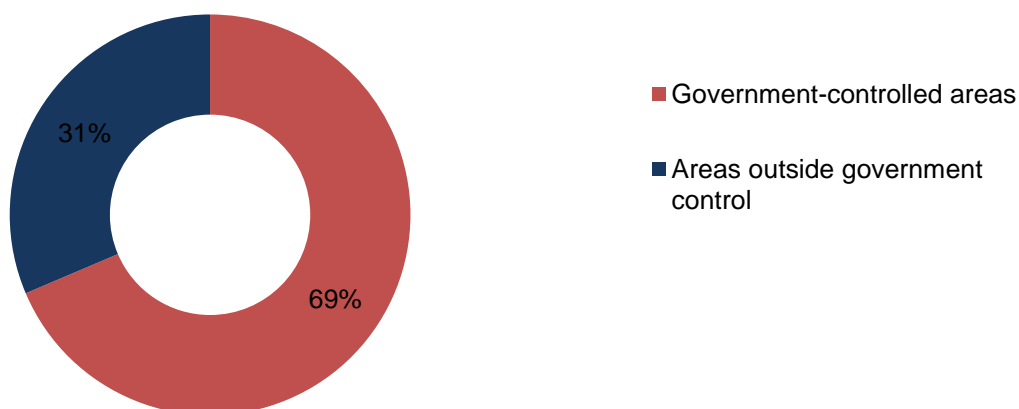
#### *Remote observation*

On five occasions SMM mini-UAVs were targeted with small-arms fire while flying – in all cases, no damage was sustained:

- On 25 July over Kalynove;
- On 25 July over Kadiivka (formerly Stakhanov),<sup>95</sup>
- On 30 July over government-controlled Lobacheve;
- On 30 July over Debaltseve; and
- On 10 August over government-controlled Novobakhmutivka.<sup>96</sup>

On four other occasions, small-arms fire was heard when the SMM conducted mini-UAV flights.<sup>97</sup> Violators jammed the Mission's UAVs on 11 occasions (including three times over disengagement areas). On six occasions the SMM was prevented from launching a UAV – three times by "LPR" members and three times by the Ukrainian Armed Forces – sometimes with the perpetrators threatening to shoot the UAV down if it was launched.<sup>98</sup>

### **Restrictions to monitoring of withdrawal of weapons, by area**



<sup>94</sup> SMM Daily Reports [5 September 2016](#) and [6 September 2016](#)

<sup>95</sup> [SMM Spot Report 26 July 2016](#)

<sup>96</sup> [SMM Daily Report 11 August 2016](#)

<sup>97</sup> In Novooleksandrivka on 21 August, near government-controlled Bohorodychne on 24 September, in government-controlled parts of Zolote-4 on 1 November, and in government-controlled Vyskryva on 18 November 2016.

<sup>98</sup> In Kalynove on 15 July, in Molodizhne on 23 July, in government-controlled Trokhizbenka on 31 July, in government-controlled parts of Zolote on 19 August, and government-controlled Krymske on 4 November, and government-controlled Shchastia on 16 November.

The SMM's static cameras were also damaged on both sides of the contact line:

- On 3 September the SMM observed that cables to the camera at the Oktiabr mine had been cut, equipment damaged, and other pieces of equipment stolen;
- On 18 September the SMM observed damage to its camera in Shyrokyne consistent with heavy-machine-gun or small-arms fire.

Camera observation was also hindered in disengagement areas:

- On the night of 30 November–1 December, a searchlight directed at the SMM camera north of the Stanytsia Luhanska bridge from a location consistent with an "LPR" position south of the bridge obscured the camera's view;
- On 6 December, the SMM observed damage to the power supply box for the camera system in Petrivske, which the Mission assessed was the result of tampering.

### *Disengagement areas*

The SMM monitored the disengagement areas of Stanytsia Luhanska, Zolote and Petrivske on both sides of the contact line on a constant basis by means of 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:

- In the disengagement area of Stanytsia Luhanska, the SMM observed no demining activities in most of the reporting period.<sup>99</sup> The SMM's access was limited almost exclusively to an official crossing route, where thousands of people crossed every day, while the sides kept their forward positions equipped and staffed, about 400m apart.
- In the disengagement area of Zolote some demining was conducted and new mine hazard signs were placed. In October the SMM was able to patrol, for the first time since April 2016, on a main road between Zolote and Pervomaisk through a section of the disengagement area, although the SMM did not have full access to the rest of the disengagement area.<sup>100</sup>
- In the disengagement area of Petrivske, unlike the two abovementioned areas, the SMM was never able to use a route directly connecting both sides of the contact line, due to the presence of mines. Demining on the road connecting Petrivske and government-controlled Bohdanivka remains necessary for the SMM to conduct patrolling and observation in and near the disengagement area, as stipulated in the Framework Decision.

The threat persisted outside the disengagement areas, as well. For example, the SMM was unable to proceed across the Shchastia bridge from either side of the contact line due to the presence of anti-tank mines on both sides.<sup>101</sup> The presence of anti-tank obstacles and mine hazards also prevented the SMM from travelling on the road between Ukrainian Armed

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<sup>99</sup> On 31 December, on the non-government-controlled side of the disengagement area, the SMM observed demining activities on a path leading to the railway bridge. On the same day a Russian Federation officer of the JCCC gave the SMM documents regarding demining in the area. The SMM has been unable to proceed the full length of paths leading to the railway bridge due to the remaining threat of mines and UXO.

<sup>100</sup> On 29 December, the SMM observed demining activities on the path leading east from the main road (in non-government-controlled parts of the disengagement area). The SMM also received papers with general information on demining in the area. The SMM is unable to proceed the full length of the path due to the remaining threat of mines and UXO.

<sup>101</sup> On 26 December the SMM had observed that members of "LPR" members had removed anti-tank mines from the east side (northbound) of the road leading to north. On 2 January 2017, however, the SMM observed anti-tank mines places across the road in non-government-controlled areas.

Forces checkpoints near Katerynivka and Popasna from both sides. At a checkpoint in Zhovte, the SMM was unable to proceed to the Siverskyi Donetsk river due to the presence of improvised obstacles of tree branches and a mine hazard sign on a road.

### **Persistent impediments**

The SMM was persistently denied access to several areas where the Mission had observed ceasefire violations or weapons in violation of respective withdrawal lines. As noted above, armed persons continuously prevented the SMM from crossing the Stanytsia Luhanska bridge for more than three weeks in July. On some occasions, the persons said that they had received instructions to do this, while on other occasions they refused to even speak to the SMM. This attitude to the SMM became particularly evident following an outbreak of fighting in the Svitlodarsk-Debaltseve area in June 2016.

In the first half of July, for instance, armed persons repeatedly prevented the SMM from talking to residents in Pikuzy, or from even stopping in the village.

SMM access to Yasynuvata was denied on four consecutive days from 28 August. At the same time, the SMM recorded one of the highest number of ceasefire violations in the area of Avdiivka-Yasynuvata- Donetsk airport for a single week – just before a renewed commitment to cease fire for the new school year took effect.

The SMM was denied access to much of the eastern bank of the Kalmius river, including the settlements of Sosnivske, Kaplany, and Mykolaivka. Restrictions occurred in non-government-controlled areas north-east of Mariupol almost 80 times.

Persistent denials of access also hindered SMM efforts to monitor and verify withdrawal of weapons. Ukrainian Armed Forces personnel prevented the SMM from entering one heavy weapons holding area on eight consecutive occasions, and the Mission was unable to access the area from 30 September. Armed persons denied the SMM access to a compound in Luhansk city three days in July.

During the period of September-December, the SMM conducted almost-daily patrols along several specific routes, including those referenced above (the Shchastia bridge and the Popasna-Katerynivka road), where the presence of anti-tank obstacles and mine hazards prevented the SMM from travelling. Although these regularly recurring restrictions were of a different nature than unanticipated incidents – which forced the Mission to adjust its patrol plans, and which sometimes even affected the security of SMM monitors – they nevertheless represented an obstacle to fulfilment of the Mission's mandate. The SMM thus continued to urge the sides to take action to permit full access along these routes for SMM monitors and other civilians.

### **Contribution of the JCCC**

On at least 20 occasions, intervention by the JCCC made it possible for the SMM, with some delay, to exercise its freedom of movement. On 12 September, for example, when a Ukrainian Armed Forces commander denied the SMM access to a permanent storage site, the Mission informed the JCCC and after 35 minutes the SMM was allowed to enter. On 14 October, when an armed man at a checkpoint south of the Stanytsia Luhanska bridge denied the SMM access, the Mission informed the JCCC; after 15 minutes the same man let the SMM proceed. On 3 November, when armed men prevented the SMM from passing through a checkpoint in Verkhnohshyrokyvske, the SMM was allowed to pass after 37 minutes, due to JCCC intervention.

The JCCC did not successfully intervene, however, in many other cases of violations of SMM freedom of movement. On 2 October, for example, Ukrainian Armed Forces personnel

denied the SMM access to a compound in government-controlled Aslanove. The SMM informed the relevant JCCC officer, who subsequently did not answer further telephone calls from the Mission. On 6 November, an armed man denied the SMM passage through a checkpoint in Staromykhailivka; despite the intervention of an accompanying Russian Federation officer of the JCCC, access was not granted.

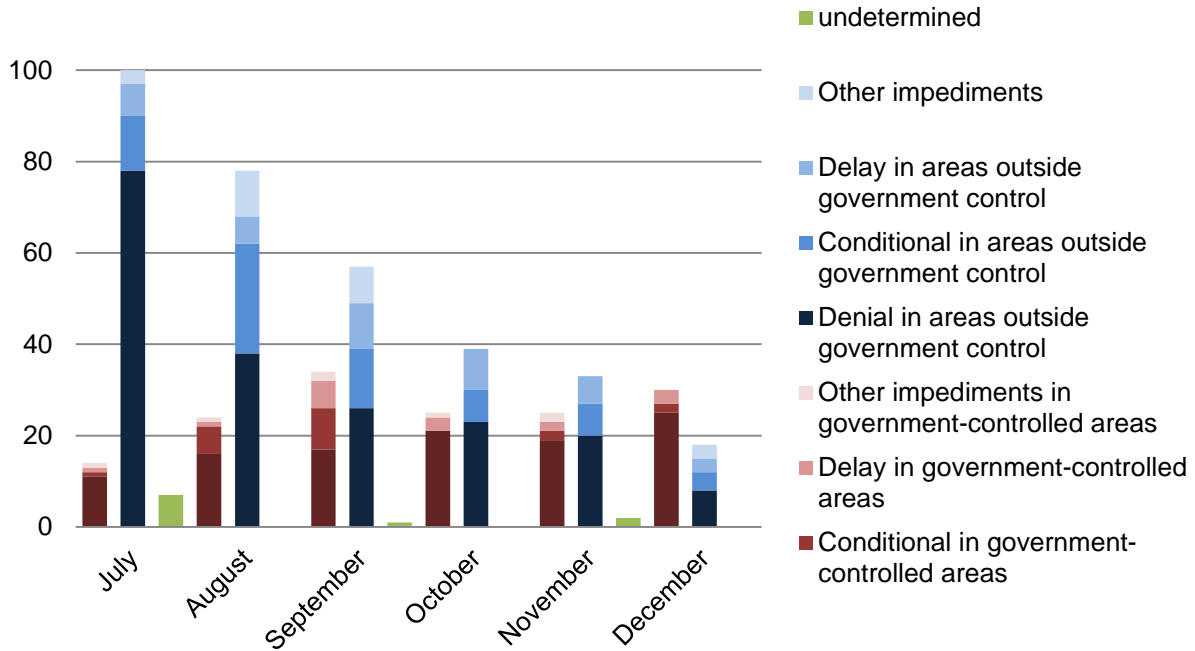
## **Conclusion**

From July to December the SMM encountered fewer restrictions of its freedom of movement compared with the first half of 2016 and noted a general trend of a decreasing number of restrictions since September, particularly in areas not controlled by the Government. This was partly due to fewer restrictions encountered at border areas not controlled by the Government. Freedom of movement remained a major impediment to the Mission's efforts to monitor and verify the withdrawal of weapons, particularly in November and December. Overall, the SMM faced more restrictions in areas not controlled by the Government than in government-controlled areas during every month of 2016 but one: 68 per cent of the restrictions occurred in non-government-controlled areas.

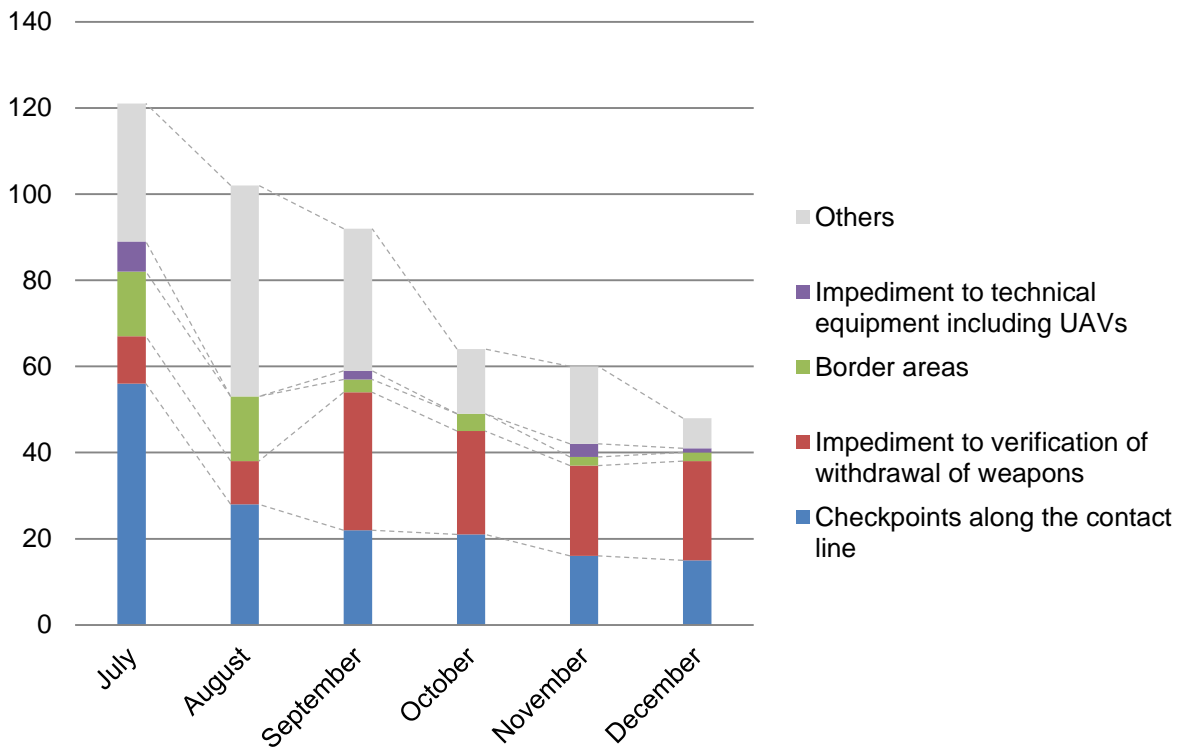
## Charts and maps (for Annex 1)

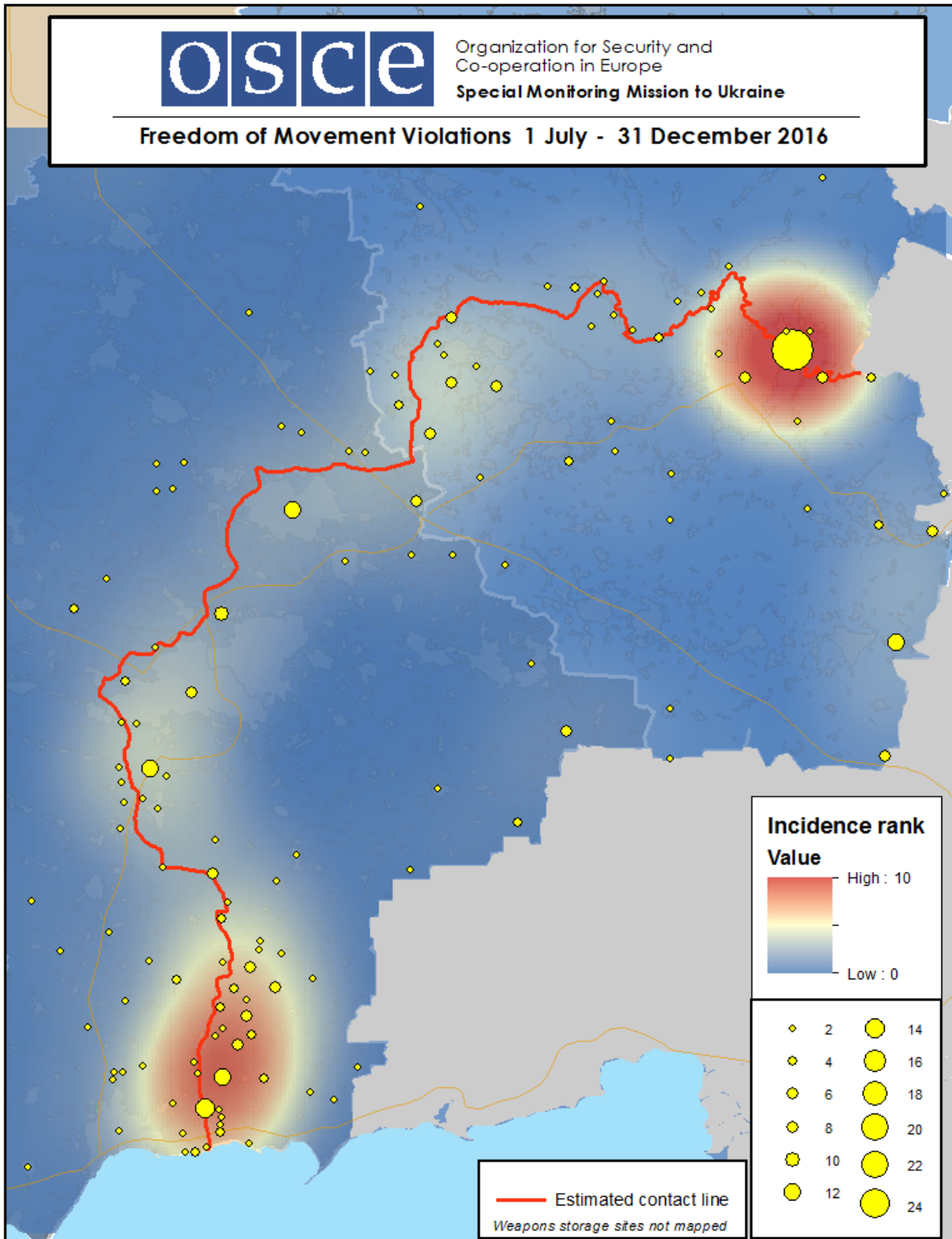
### Restrictions and Other Impediments, 2016

#### By month and control



#### By month and category

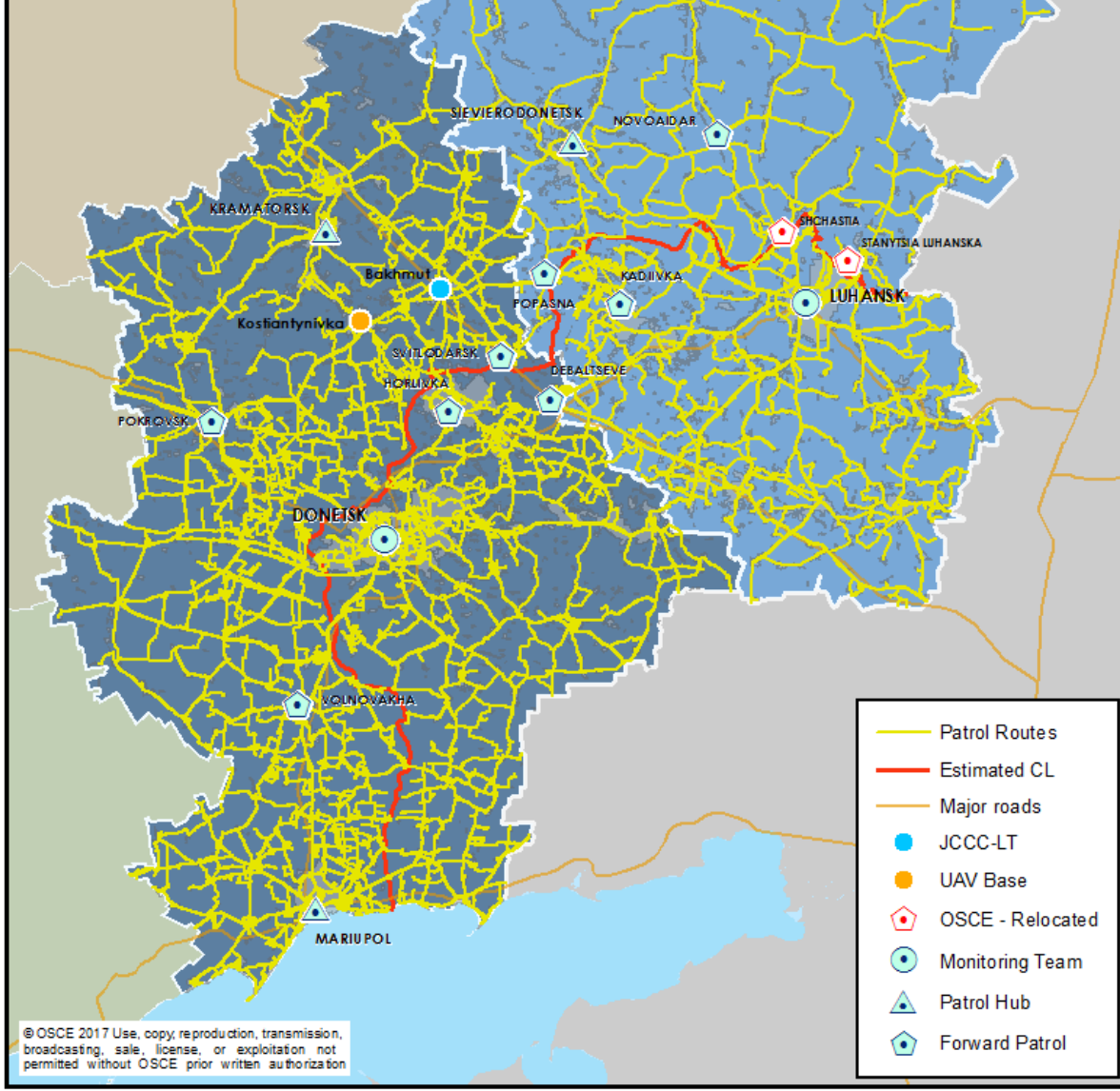






Organization for Security and  
Co-operation in Europe  
Special Monitoring Mission to Ukraine

**Patrol Route Overview 1 July - 31 December 2016**





**Violence and threats against or in the presence of the SMM<sup>102</sup>**

Date	Location	Control	Summary of event	Source
29 July	Lukove	NGCA <sup>103</sup>	Guns pointed at SMM.	<a href="#">Spot Report</a>
30 July	Weapons storage site	NGCA	Rifle loaded during delay of SMM access.	<a href="#">Daily Report</a>
2 August	Lobacheve	GCA <sup>104</sup>	SMM threatened at gunpoint.	<a href="#">Spot Report</a>
5 August	Zolote-5	NGCA	SMM threatened with "arrest".	<a href="#">Daily Report</a>
7 August	Sorokyne	NGCA	Rifles pointed at SMM.	<a href="#">Daily Report</a>
12 August	Pokrovsk	GCA	Reckless driving near SMM vehicle.	<a href="#">Daily Report</a>
22 August	Lukove	NGCA	Machine-gun pointed at SMM.	<a href="#">Spot Report</a>
2 September	Styla	NGCA	Threat to detonate mines near SMM.	<a href="#">Daily Report</a>
2 September	Sosnivske	NGCA	Rifle pointed at SMM.	<a href="#">Daily Report</a>
18 September	Fashchivka	NGCA	Threat to detain SMM.	<a href="#">Daily Report</a>
23 September	Staromykhailivka	NGCA	Threat to handcuff SMM in a cellar.	<a href="#">Daily Report</a>
7 October	Oktiabr mine	NGCA	Rifle cocked, and threat to shoot SMM.	<a href="#">Spot Report</a>
14 October	Weapons holding area	GCA	Rifle loaded during denial of SMM access.	<a href="#">Daily Report</a>
27 October	Marinka / Oleksandrivka	N/A	SMM vehicle struck by a bullet.	<a href="#">Spot Report</a>
13 December	Troitske	GCA	Threat to assault SMM.	<a href="#">Daily Report</a>
22 December	Bairachky	NGCA	Yelling at SMM with finger on trigger of rifle.	<a href="#">Daily Report</a>
29 December	Pikuzy	NGCA	SMM vehicle struck by hand and weapon pointed at it.	<a href="#">Daily Report</a>

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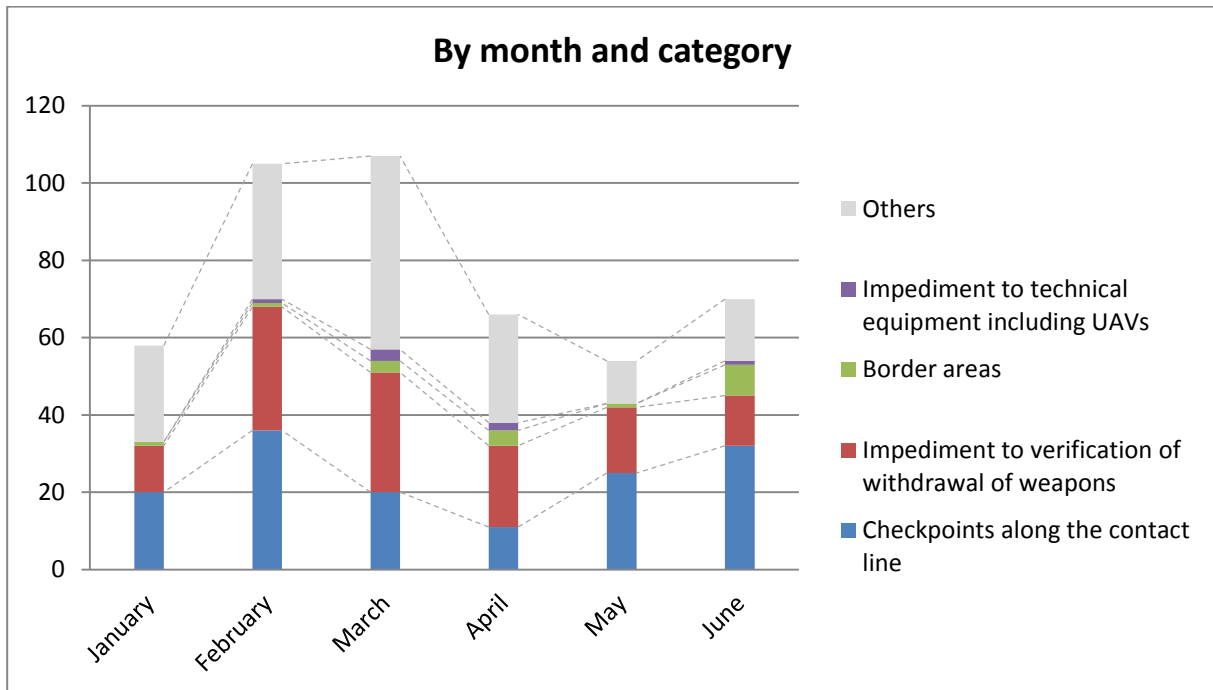
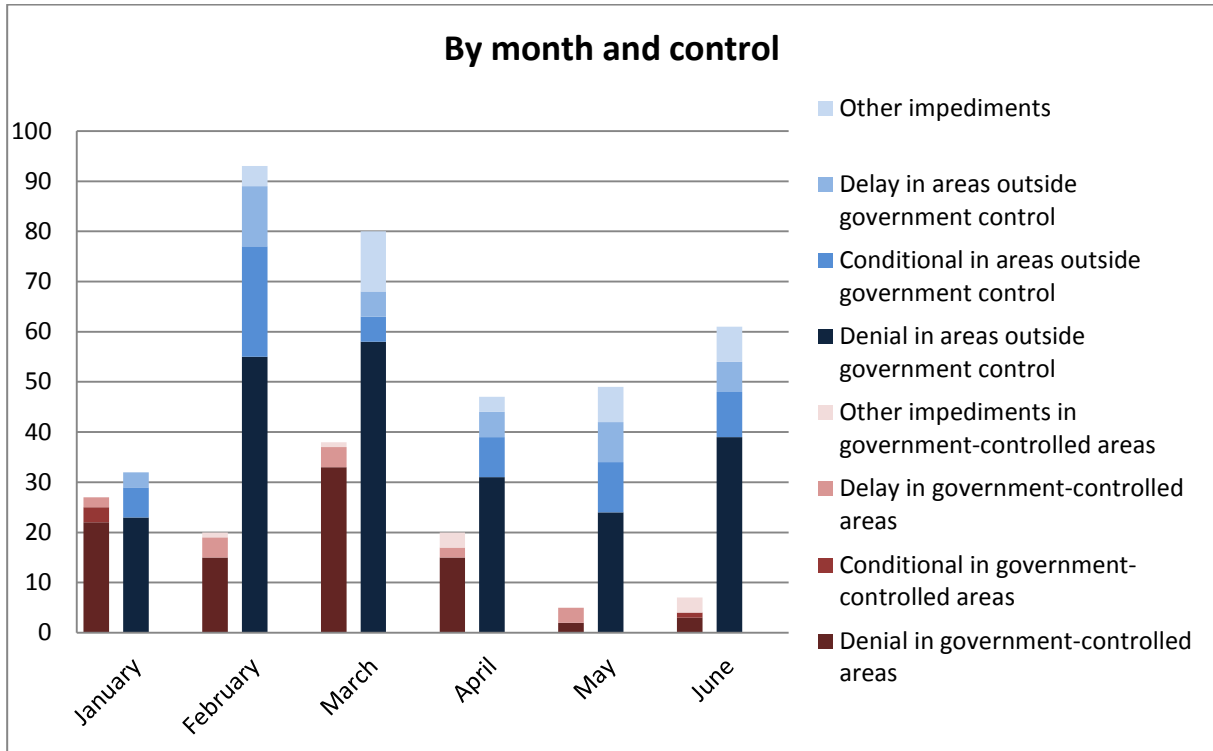
<sup>102</sup> Incidents involving small-arms fire assessed as targeting SMM UAVs are not included.

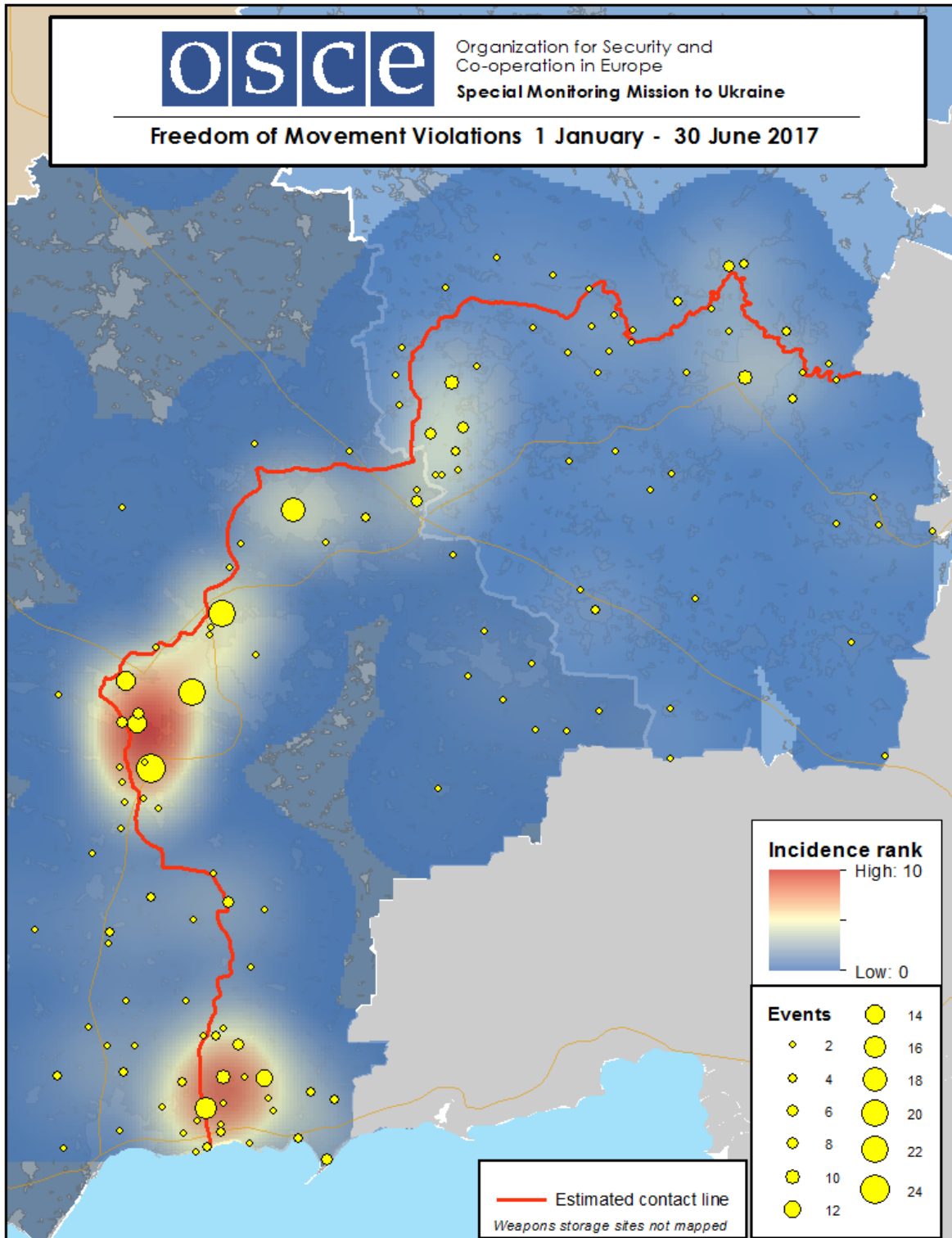
<sup>103</sup> Non-government-controlled area

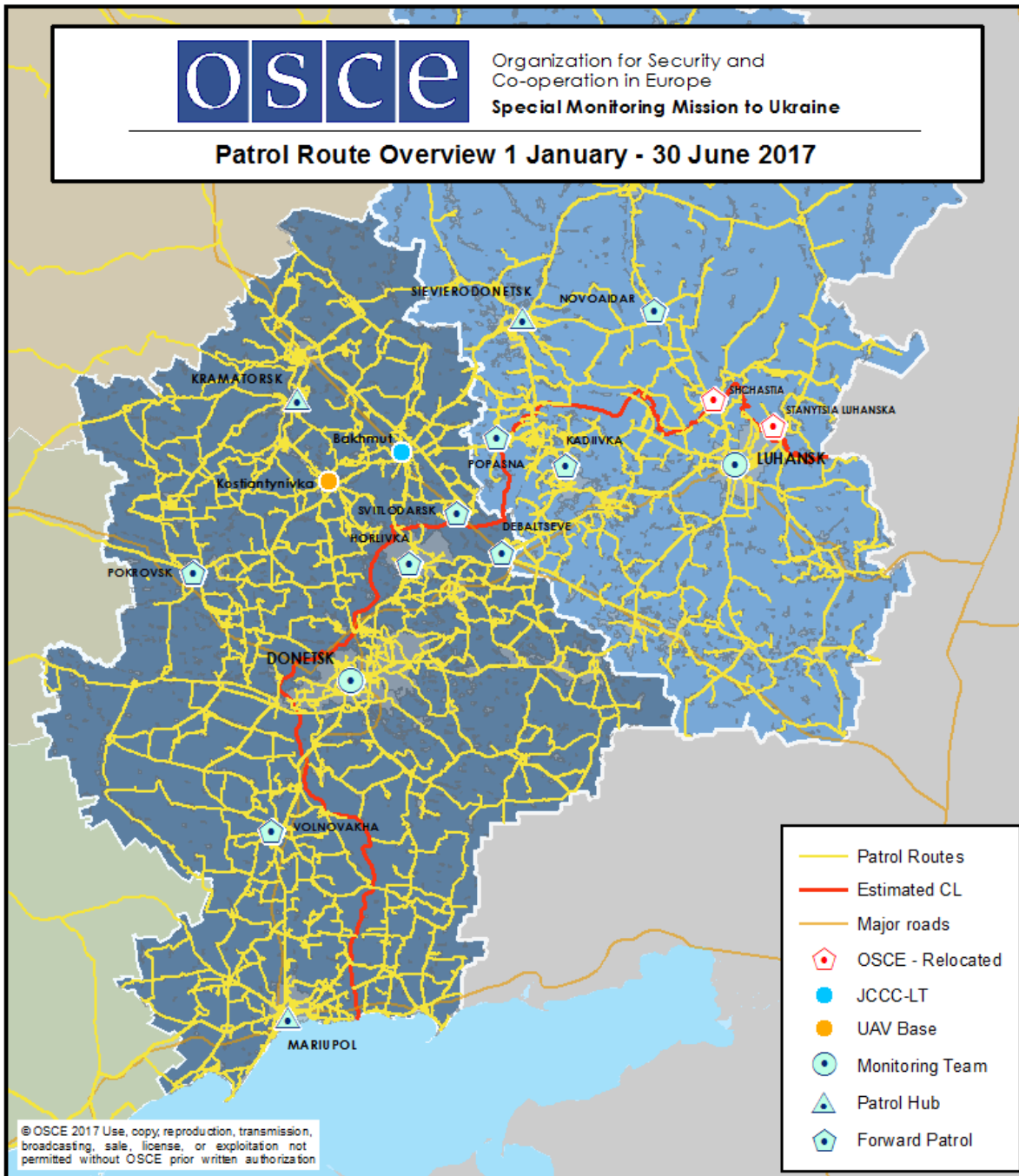
<sup>104</sup> Government-controlled area

Annex 2: Charts and maps

Restrictions and Other Impediments, 2017







### Annex 3: Table of incidents involving violence and threats<sup>105</sup>

Date	Location	Control	Summary of event	Source
20 January	Lopaskyne	GCA	Pistol raised into the air to scare off SMM.	<a href="#">Spot Report</a>
3 February	Kalynove	NGCA	Rifle pointed at SMM. Shot fired near SMM.	<a href="#">Spot Report</a>
6 February	Donetsk city	NGCA	Car strikes SMM vehicle twice.	<a href="#">Daily Report</a>
12 February	Pikuzu	NGCA	Warning shots fired near SMM.	<a href="#">Daily Report</a>
24 February	Yasynuvata	NGCA	Shots fired near SMM. Weapons pointed at SMM and UAV taken.	<a href="#">Spot Report</a>
24 February	Pikuzu	NGCA	Warning shots fired near SMM.	<a href="#">Spot Report</a>
3 March	Troitske	GCA	Threats to shoot SMM vehicle.	<a href="#">Daily Report</a>
3 March	Khreshchatytske	NGCA	Warning shots fired near SMM.	<a href="#">Spot Report</a>
3 March	Weapons storage site	NGCA	SMM ordered to leave area in a threatening manner.	<a href="#">Daily Report</a>
14 March	Verkhnohyrokiivske	NGCA	Threats to shoot the next SMM patrol.	<a href="#">Daily Report</a>
14 March	Oktiabr mine	NGCA	Threat to “arrest” SMM. SMM detained for 11 minutes.	<a href="#">Daily Report</a>
23 March	Petrovskiyi district (Donetsk city)	NGCA	Round of rifle chambered near SMM.	<a href="#">Daily Report</a>
24 March	Znamiianka	NGCA	Warning shot fired near SMM.	<a href="#">Spot Report</a>
28 March	Kozatske	NGCA	Warning shots fired near SMM.	<a href="#">Spot Report</a>
2 April	Sakhanka	NGCA	Shots fired near SMM.	<a href="#">Spot Report</a>
9 April	Orikhove-Donetske	GCA	Threat to drag SMM members of certain nationality from vehicles if present on next patrol.	<a href="#">Daily Report</a>
23 April	Staryi Aidar	GCA	Intoxicated soldiers demand SMM personal information and order SMM to exit vehicles.	<a href="#">Daily Report</a>
5 May	Petrivske	NGCA	SMM patrol member sexually harassed.	<a href="#">Daily Report</a>
8 May	Sosnivske	NGCA	Shot fired near SMM.	<a href="#">Daily Report</a>
16 May	Verkhnohyrokiivske	NGCA	Shots fired near SMM.	<a href="#">Daily Report</a>
17 May	Bezimmenne	NGCA	Stone and piece of metal waved during shouting at SMM.	<a href="#">Daily Report</a>
17 May	Dokuchaievsk	NGCA	Smoke-generating device thrown close to SMM vehicle.	<a href="#">Spot Report</a>
20 June	Yasynuvata	NGCA	SMM shot at and violently attacked.	<a href="#">Spot Report</a>
29 June	Vesela Hora	NGCA	Threat to shoot SMM monitors.	<a href="#">Daily Report</a>

<sup>105</sup> Incidents involving small-arms fire assessed as targeting SMM UAVs are not included.

**Annex 4: Map of locations referenced in report<sup>106</sup>**



<sup>106</sup> The SMM is deployed to ten locations throughout Ukraine – Kherson, Odessa, Lviv, Ivano-Frankivsk, Kharkiv, Donetsk, Dnipro, Chernivtsi, Luhansk and Kyiv – as per Permanent Council Decision 1117 of 21 March 2014. This map of eastern Ukraine is meant for illustrative purposes and indicates locations mentioned in the report, as well as those where the SMM has offices (monitoring teams, patrol hubs, and forward patrol bases) in Donetsk and Luhansk regions. (In red: forward patrol bases from which SMM staff has temporarily relocated since 27 September 2016 based on recommendations of security experts from participating States.)