



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

## **THEMATIC REPORT**

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

July – December 2018

February 2019

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## Summary

The purpose of this report is to present an updated overview of the restrictions and other impediments the OSCE Special Monitoring Mission (SMM) to Ukraine faced in fulfilling its mandate in the second half of 2018 (1 July – 31 December). This report builds on previous reports on this subject, [the last of which was published in October 2018](#).

The SMM's freedom of movement is critical to the execution of its mandated tasks and the effective fulfilment of its facilitating role as described in the Minsk Package of Measures of February 2015 and its Addendum of September 2015, as well as in the Protocol and Memorandum of September 2014. Any restriction, intentional or not, concealed or visible, encountered by the Mission potentially diminishes its ability to monitor the security situation and to implement its mandate, thus contravening the will of 57 participating States of the OSCE and going against the commitments undertaken by the signatories of the Minsk agreements.

In the latter half of 2018, the number of restrictions of the SMM's freedom of movement rose. The Mission encountered 720 restrictions, a more than 60 per cent increase, compared with the previous six months. The majority of all restrictions were denials of access. Similarly to the first half of 2018, the majority of restrictions occurred in areas not under government control (75 per cent). Compared with the previous six months, the Mission recorded fewer restrictions in non-government-controlled areas of Luhansk region (165 compared with 183); however, at the same time, it noted two-fold increases of the number of restrictions in non-government-controlled areas of Donetsk region (421 compared with 207) and in government-controlled areas of both regions (134 compared with 63).

The SMM continued to face freedom of movement restrictions at various checkpoints near the contact line and elsewhere, with the majority of them (317) occurring in non-government-controlled areas of Donetsk region. Of continuing concern was the trend of systematic denials in non-government-controlled parts of southern Donetsk region. The Mission also continued to face restrictions that involved small-arms fire in its proximity or threats; however, compared with the previous six months, it recorded fewer such cases.

The Mission's ability to monitor the withdrawal of weapons remained hindered, as the sides denied it access to designated weapons storage sites and potentially prevented it from observing weapons on numerous occasions. Overall, however, the number of such cases decreased. The majority of them (71 per cent) again occurred in non-government-controlled areas.

With the deployment of additional cameras and acquisition of additional unmanned aerial vehicles (UAV), the SMM increased its remote observation capabilities. However, in more than 150 cases, the Mission's UAVs were subjected to gunfire and experienced signal interference, more than 60 instances of which were assessed as probable jamming. An SMM long-range UAV was lost shortly after it had spotted a convoy of seven trucks on a dirt road in non-government-controlled areas of Donetsk region near the border with the Russian Federation. The UAV had experienced jamming, lost stability and begun rapidly losing attitude, after which the SMM lost all communications with the aircraft. The Mission also lost four of its mini-UAVs (three in non-government-controlled areas and one in an area under government control) and one mid-range UAV in a non-government-controlled area. All UAVs had experienced signal interference before communications with them was lost, and the Mission could not recover them.

Compared with the previous six months, the SMM was more frequently restricted when visiting border areas that are not under government control (50 per cent of all visits compared with 36 per cent in the first half of 2018).

The Mission's additional security measure to use only asphalt and concrete roads in the Donetsk and Luhansk regions remained in place, following the [incident of 23 April 2017 near Pryshyb](#) (non-government-controlled) in which an explosion killed a member of an SMM patrol and injured two others. Despite existing commitments by the Minsk signatories to remove or fence off mines and unexploded ordnance (UXO), the removal of such objects was implemented only sporadically and on an *ad hoc* basis. The sides also did not provide maps of such areas, notwithstanding repeated calls by the SMM.

The departure of officers of the Armed Forces of the Russian Federation from the Joint Centre for Control and Co-ordination (JCCC) in late December 2017 continued to have a detrimental impact on assisting in ensuring rapid response to impediments to the SMM's monitoring and verification. The Mission maintained regular interaction with the JCCC headquarters in Soledar. It informed the Ukrainian side of the JCCC directly, as well as the armed formations, on freedom of movement restrictions encountered by the SMM on the ground, in addition to doing so through its reports. It also continued to report the presence of mines and requested the JCCC, albeit in its current limited configuration, to co-ordinate demining.

During the 30-day-long period of martial law in ten regions of Ukraine introduced on 26 November, the Mission observed an increased presence of Ukrainian Armed Forces personnel and of police in some of the affected regions; however, these developments did not affect its freedom of movement.

## **Roles and responsibilities**

### *The SMM*

[OSCE Permanent Council Decision No. 1117](#) stipulates that the aim of the OSCE Special Monitoring Mission (SMM) to Ukraine is to contribute to reducing tensions and fostering peace, stability and security throughout the country. The Mission's mandate specifies that it shall have safe and secure access throughout Ukraine. Unrestricted and unconditional access to all areas is essential to ensure effective monitoring and reporting of the security situation, the ceasefire, the withdrawal of weapons, demining, as well as disengagement. The mandate also tasks the Mission to report on any restrictions of its freedom of movement or other impediments to fulfilment of its mandate.

### *The signatories of the Minsk agreements*

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

### *The Joint Centre for Control and Co-ordination*

The JCCC was established in September 2014 through a bilateral initiative between the Ukrainian and Russian General Staffs of the Ukrainian and Russian Federation Ministries of Defence. The signatories of the Addendum determined that the JCCC should contribute both to rapid response to impediments to the Mission's monitoring and verification, and to the safety of its monitors.<sup>1</sup> On 18 December 2017, the Russian Federation withdrew its Armed Forces officers from the JCCC. Until that day, the Mission had requested both sides of the JCCC – officers of the Ukrainian Armed Forces and officers of the Armed Forces of the Russian Federation – to contribute to immediate resolution of impediments encountered by SMM patrols. Since then, the SMM has continued to inform the Ukrainian side directly of the JCCC of restrictions of its freedom of movement, in addition to doing so through its reports.

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<sup>1</sup> In addition: in accordance with the Trilateral Contact Group (TCG) framework decision relating to disengagement of forces and hardware of 20 September 2016, the JCCC shall assist in ensuring, among other things, rapid response to any eventual impediments to the OSCE SMM's monitoring and verification activities; 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; and in accordance with the TCG decision on full cessation of live-fire training (exercises) of 3 March, the JCCC facilitates its implementation.

## **Categories of restrictions**

The SMM categorizes freedom of movement restrictions as:

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

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

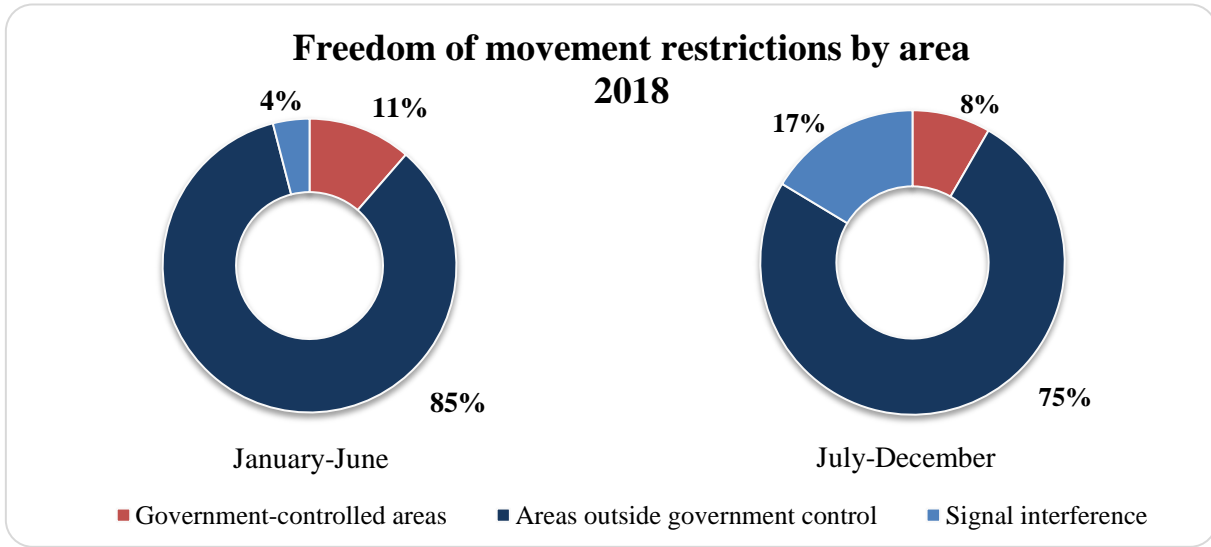
**Delay:** when the Mission faces routine waiting times, for instance at checkpoints, while those responsible check the SMM's documents, note vehicles' licence plate numbers or seek permission from their superiors, these are reported as freedom of movement restrictions on occasions when the waiting time was deemed longer than reasonable and therefore unduly limited the SMM's access.

**Other impediments:** a form of denied access reported when the functioning of the SMM's technical monitoring capabilities is obstructed in any way, for example by jamming of its UAVs or interlocutors showing reluctance to interact with the SMM.

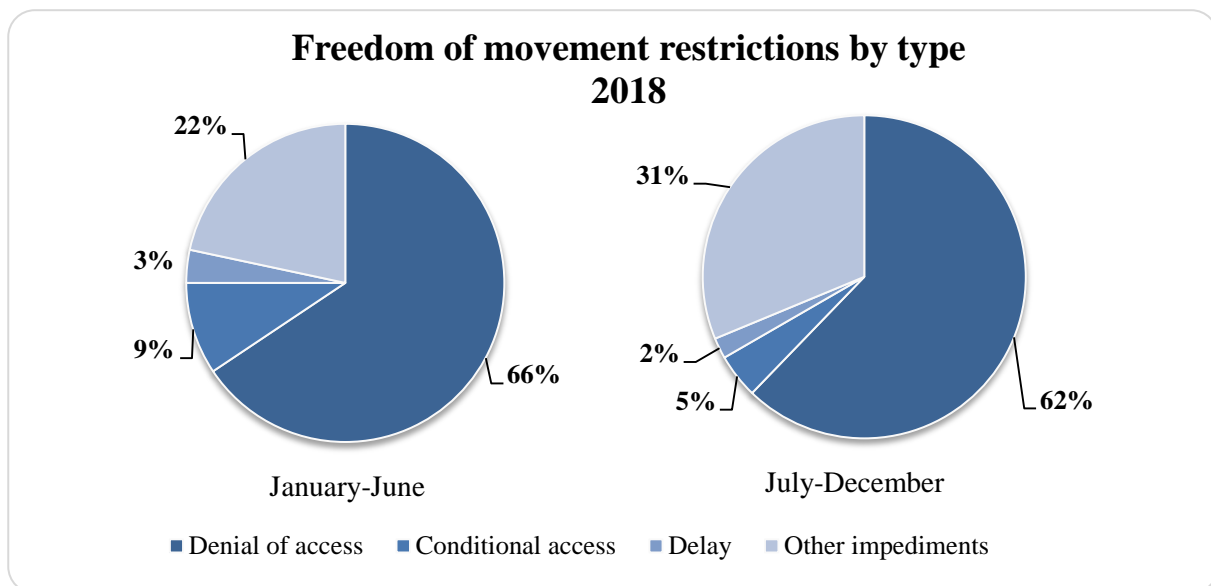
Furthermore, the Mission also encounters limitations of its freedom of movement in certain locations by civilian interlocutors, including their reluctance to engage with the SMM at times. This type of restriction affects SMM human dimension monitoring in particular. It is, however, difficult to quantify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

## Overview of incidents

Between 1 July and 31 December 2018 the SMM faced a much higher number of restrictions of its freedom of movement and other impediments to the fulfilment of its mandate, compared with the first six months of the year. In total, the Mission was restricted on 720 occasions, an almost 60 per cent increase, compared with the first half of 2018 when about 450 restrictions had been recorded.<sup>2</sup> As in previous reporting periods, restrictions occurred prevalently in non-government-controlled areas of Donetsk and Luhansk regions (75 per cent). The above numbers do not include restrictions encountered on a regular basis due to the observed or a potential presence of mines and UXO in and near the disengagement areas near Petrivske, Stanytsia Luhanska and Zolote, and south of the bridge in Shchastia.<sup>3</sup>



In the latter half of 2018, the proportion of incidents involving a denial of access (62 per cent) remained similar, compared with the first six months of the year (66 per cent), as did the proportion of denials occurring in non-government-controlled (92 per cent) and government-controlled areas (eight per cent).



<sup>2</sup> Based on data contained in the previous edition of this report. See [“Thematic Report on Restrictions of SMM’s freedom of movement and other impediments to fulfilment of its mandate, July 2017 – June 2018”](#).

<sup>3</sup> For such restrictions encountered on a regular basis, see [SMM Daily Reports](#).



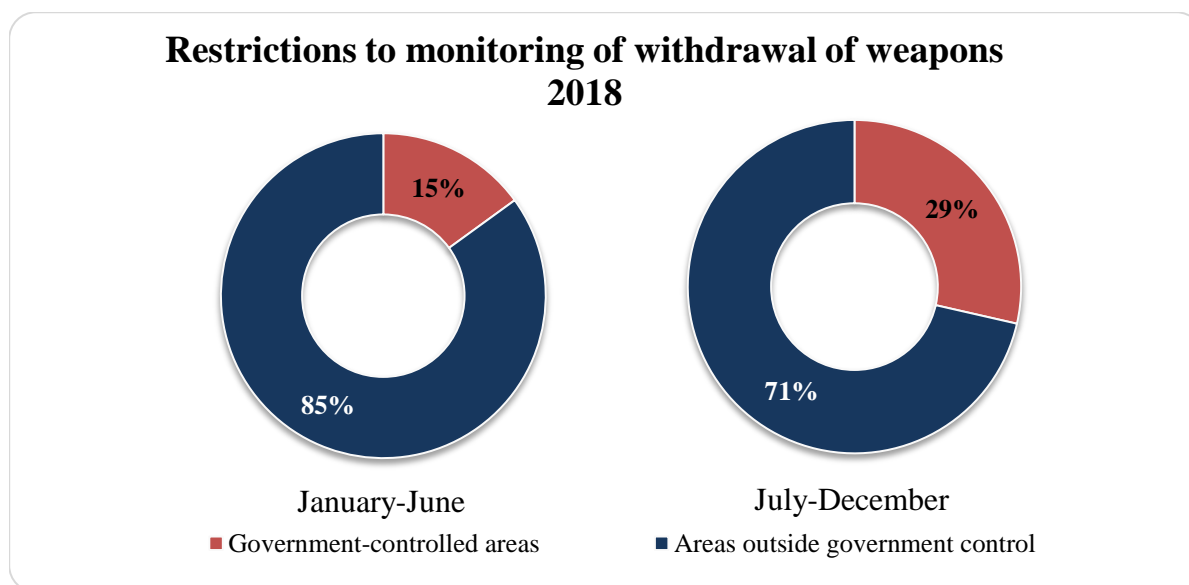
### *Restrictions involving violence or direct threats*

Some of the instances of restrictions of movement involved threats and aggressive behaviour toward SMM staff. There were four such cases in the second part of 2018 (three fewer compared with the first six months), all of them occurring in non-government-controlled areas. In one case, a member of the armed formations disengaged the safety of his AK-type rifle and pointed it at an SMM patrol visiting a logistics compound in non-government-controlled Smile in Luhansk region. In Holmivskiyi, an SMM patrol heard explosions and small-arms fire in its vicinity. Near Kamianka, bullets were assessed to have flown only 10-15m above the heads of the SMM patrol members while they were monitoring adherence to the ceasefire to enable repair works and a rotation of workers in and out of the Donetsk Filtration Station.<sup>4</sup> (See *Annex 2.*)

### *Monitoring withdrawal of weapons*

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

Overall, the SMM encountered fewer such restrictions on both sides of the contact line: 21 compared with 40 in the first half of 2018. The majority of them (71 per cent) occurred, as in previous reporting periods, in non-government-controlled areas (in the first half of 2018, 85 per cent of restrictions occurred in non-government-controlled areas).<sup>5</sup>



In particular, the Mission was restricted:

- On 14 occasions at heavy weapons holding areas (all but two were denials of access, six in government-controlled areas and the remainder in non-government-controlled areas of Donetsk region) and;
- On seven occasions at permanent storage sites in non-government-controlled areas (all but one were denials of access, five in Donetsk region, the remainder in Luhansk region).

<sup>4</sup> See SMM Spot Reports of [13 August 2018](#), [16 August 2018](#) and [10 October 2018](#).

<sup>5</sup> See [“Thematic Report on Restrictions of SMM’s freedom of movement and other impediments to fulfilment of its mandate, July 2017 – June 2018”](#).

### *Other restrictions related to observing weapons*

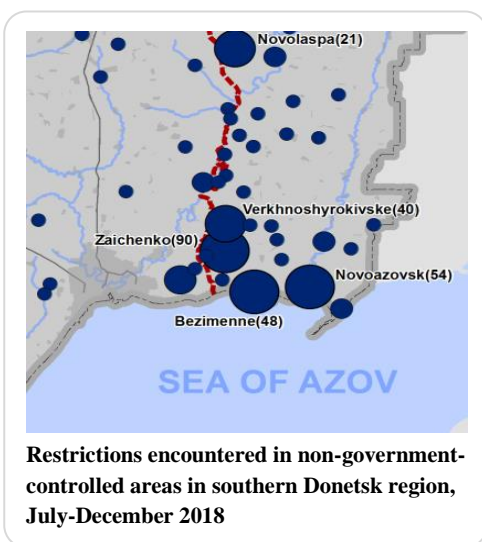
The SMM continued to encounter restrictions that potentially prevented it from observing weapons that should have been withdrawn according to the Minsk agreements. In some cases, the Mission itself had previously observed such weapons in the areas where it faced restrictions, while in others it was following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

It met such restrictions 15 times at various military compounds in government-controlled areas (all but two were denials of access). For instance, in early October, Ukrainian Armed Forces soldiers denied an SMM patrol access to an agricultural compound where two days earlier an SMM UAV had spotted a piece of artillery (calibre greater than 122mm).<sup>6</sup> In November, Ukrainian Armed Forces soldiers denied the SMM access to two compounds in government-controlled Novoselivka shortly after the Mission had observed fresh tracks assessed as those of a tank (T-72) chassis originating from one of them.<sup>7</sup>

The SMM was restricted a similar number of times (16) in non-government-controlled areas when it attempted to access military-type compounds (all but one denials of access). Most visibly, it was denied access to different compounds near Khrustalniyi (formerly Krasnyi Luch) on several occasions in July, September and November. Over the fence of some of the compounds, the SMM saw multiple launch rocket systems.<sup>8</sup> In November, a member of the armed formations told the SMM to leave the area of a compound in Markyne, near the border with the Russian Federation, where the Mission saw a ZU-23 anti-aircraft gun and members of the armed formations loading ammunition boxes onto a truck.<sup>9</sup>

### *Passing through checkpoints*

The SMM's freedom of movement was restricted at various checkpoints along the contact line on over 350 occasions. Most of the encountered restrictions (317) were denials of access in non-government-controlled areas of Donetsk region.



A trend of systematic denials of access to non-government-controlled areas in southern Donetsk region that the SMM had continued, occurring more frequently during the summer months.<sup>10</sup> The Mission was denied access 88 times near Zaichenko alone (and delayed on two additional occasions), a new trend that began in June 2018, with the highest frequency of denials recorded there in July 2018 (25 in total). This particular denial rendered the SMM unable to monitor areas near Pikuzy (formerly Kominternove) and Sakhanka, from where it often received reports of shelling, damage and civilian casualties. In the second half of 2018, it was only allowed to enter Pikuzy seven times and Sakhanka three times. Moreover, the Mission was denied passage through a checkpoint near Novoazovsk, near the border with the Russian

<sup>6</sup> See [SMM Daily Report 12 October 2018](#).

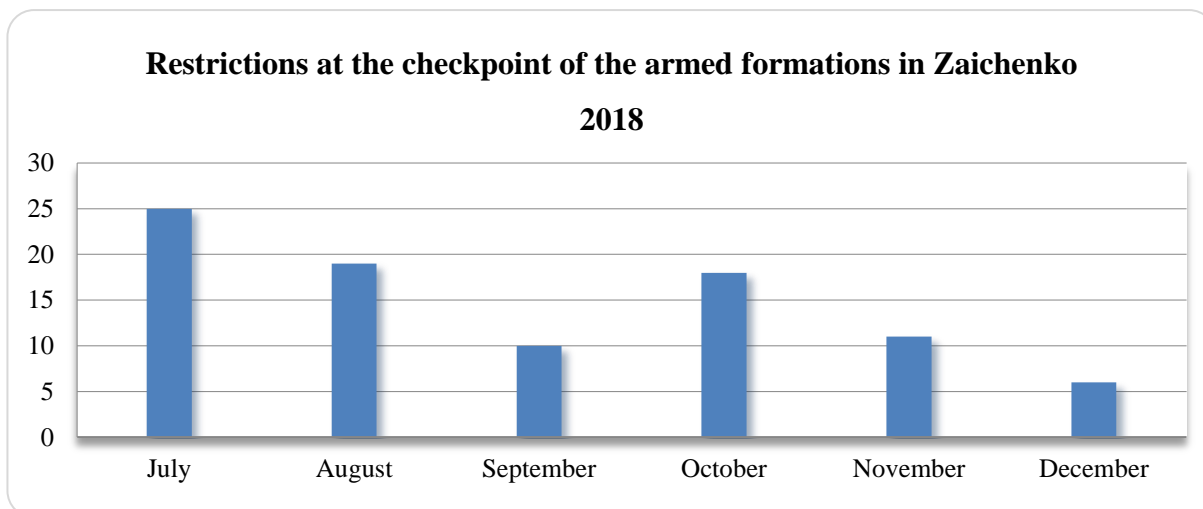
<sup>7</sup> See [SMM Daily Report 22 November 2018](#).

<sup>8</sup> See SMM Daily Reports of [12 July 2018](#) and [10 September 2018](#).

<sup>9</sup> See [SMM Daily Report 28 November 2018](#).

<sup>10</sup> See the [“Thematic Report on Restrictions of SMM’s freedom of movement and other impediments to fulfilment of its mandate, July 2017 – June 2018”](#), p. 9.

Federation, on 54 occasions and through a checkpoint near Bezimenne on 48 occasions. At the latter checkpoint, in many cases, as the SMM was being denied passage, it saw civilian cars passing through it.



The SMM continued to face restrictions at a checkpoint of the armed formations near non-government-controlled Verkhnohyrokiivske (formerly Oktiabr), where it was denied passage on 37 occasions compared to nine in the first half of 2018.<sup>11</sup> On three additional occasions, the Mission was delayed at the checkpoint. In one of these cases, on 6 November, members of the armed formations had requested to see the SMM patrol plan which the patrol refused to do.<sup>12</sup> One day later, next to the road near the checkpoint, the Mission saw a device fastened to a tree, which it assessed as a MON-100 anti-personnel type mine.<sup>13</sup> The SMM repeatedly raised this issue with the JCCC and the armed formations through its liaison team, but the matter was not solved until the end of the reporting period. The presence of the mine made the SMM unable to cross the checkpoint for the rest of the year.

Members of the armed formations in Donetsk region continued to condition the SMM's passage upon meeting certain demands, in most cases requesting to inspect its vehicles or proceeding ahead escorted by the armed formations (see *Visiting border areas outside government control*). In total, the Mission's passage was conditional in 31 cases. On numerous occasions, members of the armed formations at checkpoints near the contact line in Horlivka and near Kremynets insisted on inspecting the boots of SMM vehicles or SMM trailers before allowing passage.<sup>14</sup> In one case at the checkpoint in Horlivka, a member of the armed formations said it had authority to shoot at an SMM patrol lead vehicle because it did not stop, despite having just instructed the vehicle to proceed ahead. The SMM vehicles were allowed through the checkpoint after about five minutes.<sup>15</sup> In another case, while an SMM patrol was trying to notify the JCCC of the restriction at the same checkpoint, a member of

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<sup>11</sup> The checkpoint near Verkhnohyrokiivske is the only one available for crossing the contact line in non-government-controlled areas in southern Donetsk region; therefore, restrictions or impediments to the Mission's freedom of movement there have considerable impacts on its monitoring activity, including on its monitoring of the withdrawal of weapons and other hardware in these areas and in a zone within which deployment of heavy armaments and military equipment is further proscribed according to Point 5 of the Memorandum of 19 September 2014.

<sup>12</sup> See [SMM Daily Report 7 November 2018](#).

<sup>13</sup> See [SMM Daily Report 8 November 2018](#).

<sup>14</sup> For examples, see: SMM Daily Reports of [16 July 2018](#), [17 August 2018](#), [17 September 2018](#) and [18 October 2018](#).

<sup>15</sup> See [SMM Daily Report 22 October 2018](#).

the armed formations in a threatening manner instructed a patrol member to hang up the phone “due to prohibition of phone usage at the checkpoint”.<sup>16</sup>

All denials encountered by the Mission in non-government-controlled areas of Luhansk region occurred at a checkpoint near Yuzhna-Lomuvatka, where members of the armed formations often cited demining activities in the area as the reason for denying the SMM passage. Almost all denials there occurred in September and October.<sup>17</sup>

The Mission encountered 12 denials of access in government-controlled areas, of which four occurred in the second half of October at a checkpoint near Lebedynske, east of Mariupol.

### *SMM remote observation*

The signatories of the Memorandum and the Package of Measures and its Addendum agreed that the Mission would use all technical equipment necessary, including UAVs, to fulfil its mandate.<sup>18</sup> Regrettably, since its early days, the Mission’s means of remote observations have been targeted and interfered with. In 2018 alone, the Chief Monitor called three times upon the signatories of the Minsk agreements to take steps to ensure the unrestricted and secure operations of SMM personnel and assets.<sup>19</sup>

### *UAVs*

The SMM has been utilizing UAVs since 2014 in order to reduce the risk posed to its ground patrols, monitor areas which would otherwise be inaccessible due to security considerations and to enhance its overall monitoring and operational capacity. The Mission operates three types of UAVs:

- Long-range UAVs with a flight range of 160km and a flight time of up to six hours.
- Mid-range UAVs with a flight range of up to 30km and a flight time of up to two hours.
- Short-range UAVs (or mini-UAVs) with a flight range of up to 5km and a flight time of up to 30min.

Throughout the second half of 2018, the Mission conducted more than 1,620 operational flights – 82 per cent more, compared with the first six months of the year. This was possible due to the re-commencement of long-range UAV operations in April 2018, the deployment of new mini-UAVs (in total 30), as well as more favourable weather conditions during the summer and autumn months. Out of the total number of flights: 130 were long-range UAV flights, 192 were mid-range UAV flights and more than 1,300 were mini-UAV flights. Many of the flights were conducted near the contact line and flew across it.<sup>20</sup>

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<sup>16</sup> See [SMM Daily Report 14 August 2018](#).

<sup>17</sup> For examples, see SMM Daily Reports [15 September 2018](#), [4 October 2018](#), [10 October 2018](#), [22 October 2018](#) and [30 October 2018](#).

<sup>18</sup> The Memorandum prohibits flights of combat aircraft and foreign UAVs, with the exception of those of the SMM in the security zone, while the Package of Measures stipulates that its signatories will ensure effective monitoring and verification of ceasefire and the withdrawal of heavy weapons by the OSCE, using all technical equipment necessary. The Addendum provides that the Ukrainian Armed Forces and the armed formations will rapidly respond to specific violations registered by the SMM, including interference aimed at impeding the use of technical equipment necessary for monitoring and verification of withdrawal of weapons.

<sup>19</sup> Letters of the Chief Monitor of 2 March 2018, 18 June 2018 and 2 November 2018.

<sup>20</sup> See patrol routes and UAV flights map in Annex 1.

The SMM's UAVs continued to be subjected to gunfire and experience signal interference. Between 1 July and 31 December 2018, the Mission recorded more than 150 such cases, including 27 cases when UAVs came under fire and 127 cases when GPS signal or communication was lost. Regrettably, the sides have shown reluctance to take responsibility and the necessary action to address this challenge.

### Long-range UAVs

Long-range UAV operations were re-commenced in early April 2018. Soon thereafter, long-range UAVs became subjected to signal interference (jamming) and targeting by gunfire and missiles. These incidents continued to occur in the reporting period, despite the SMM notifying the sides in advance of planned UAV operations in the area.

The SMM temporarily lost communication with its long-range UAVs, assessed as caused by jamming, on 64 occasions, with the highest numbers of such cases occurring in October (39) and September (14) (see a map of jamming incidents in *Annex I*).

On three occasions in non-government-controlled areas, SMM long-range UAVs spotted parts of the TORN radio intelligence system (capable of jamming).<sup>21</sup> The electrical equipment on board the long-range UAVs allows identifying with high accuracy instances of active jamming. Nonetheless the precise location of the source of jamming cannot be determined, as the interference can originate anywhere within a radius of several kilometres of the UAV's position.



**SMM long-range UAV launch site near Stepanivka, Donetsk region**  
2018, OSCE



**People shooting at an SMM mini-UAV near non-government-controlled Zhovte**

Mini-UAV Imagery, October 2018, OSCE

<sup>21</sup> See SMM Daily Reports of [16 July 2018](#), [17 July 2018](#) and [27 October 2018](#).

<sup>22</sup> On 9 June 2018, near non-government-controlled Holmivskiyi, an SMM long-range UAV recorded a surface-to-air missile system (9K35 *Strela-10*), with its launching pad angled upwards and assessed as tracking the UAV. A few days later, on 15 June, while flying over non-government-controlled Betmanove, an SMM long-range UAV recorded a condensation trail of a missile following a ballistic trajectory and, immediately after, a surface-to-air missile system (9K33 *Osa*) firing a second missile in the direction of the UAV. Both missiles flew at a significantly lower altitude than the UAV. See: [SMM Daily Report of 11 June 2018](#) and [SMM Spot Report of 15 June 2018](#).

are no border crossing facilities, driving in a south-westerly direction toward Manych, a few minutes later. The UAV had then been re-directed in order to continue observing the convoy. About 15 minutes later, the UAV's flight path became unstable and the aircraft began rapidly losing attitude. About 30 seconds thereafter, the Mission suddenly lost communication with the UAV. SMM long-range UAVs had spotted similar convoys and experienced signal interference in this area before. According to a technical assessment, the most likely cause of the incident was an impact to the UAV.<sup>23</sup> The SMM suspended all long-range UAV operations (which resumed after 24 hours) and pursued recovery efforts in the area of the presumed crash but was unable to locate the UAV's remains. Those in effective control told the SMM that they would try to locate and return the UAV to the Mission. Following this incident, on 2 November 2018 the Chief Monitor sent a letter to the signatories recalling the need for maximum responsibility in providing support to the SMM and ensuring unrestricted and secure operations of SMM personnel and assets to prevent such incidents in the future.

Fire was directed at SMM long-range UAVs in three other cases:

- On 12 July, a Ukrainian Armed Forces soldier aimed his weapon and shot in the direction of the UAV close to the line of contact near Sakhanka, after the aircraft had spotted military and military-type positions and an exchange of fire.<sup>24</sup>
- On 18 July, three people opened machine-gun fire in the direction of the UAV in non-government-controlled Khrustalnyi.<sup>25</sup>
- On 3 October, small-arms fire was directed towards the UAV near non-government-controlled Nyzhnie Lozove.<sup>26</sup>

#### *Mid-range and mini-UAVs*

The SMM conducted almost 1,500 mid-range and mini-UAV flights. Mini-UAVs came under fire in 24 cases, with the majority of such incidents taking place in non-government-controlled areas (16). During one week in December alone, small-arms fire was directed at SMM mini-UAVs on four occasions: near government-controlled Maiorsk and three times in non-government controlled areas of Luhansk region (near Khoroshe, Khrustalnyi and Lozivskiyi) (for a detailed breakdown, see *Annex 3*).

In one instance, a member of the armed formations verbally threatened he would shoot down a mid-range UAV the SMM was preparing to launch north-west of Debaltseve.<sup>27</sup>

In total, in the second half of 2018, mid-range and mini-UAVs experienced a loss of communication or signal on 38 occasions. In five cases, mini-UAVs were lost shortly after this occurred (four times in non-government-controlled areas). In one case, on 19 July, members of the armed formations returned parts of a mid-range UAV the Mission had lost contact with a week before. The UAV's memory card was missing.<sup>28</sup>

In three cases mini-UAVs spotted a TORN radio intelligence system and electronic warfare systems positioned in non-government-controlled areas of Luhansk region.<sup>29</sup> In one case, the

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<sup>23</sup> See SMM Spot Reports of [27 October 2018](#) and of [30 October 2018](#).

<sup>24</sup> See [SMM Daily Report 14 July 2018](#).

<sup>25</sup> See [SMM Daily Report 20 July 2018](#).

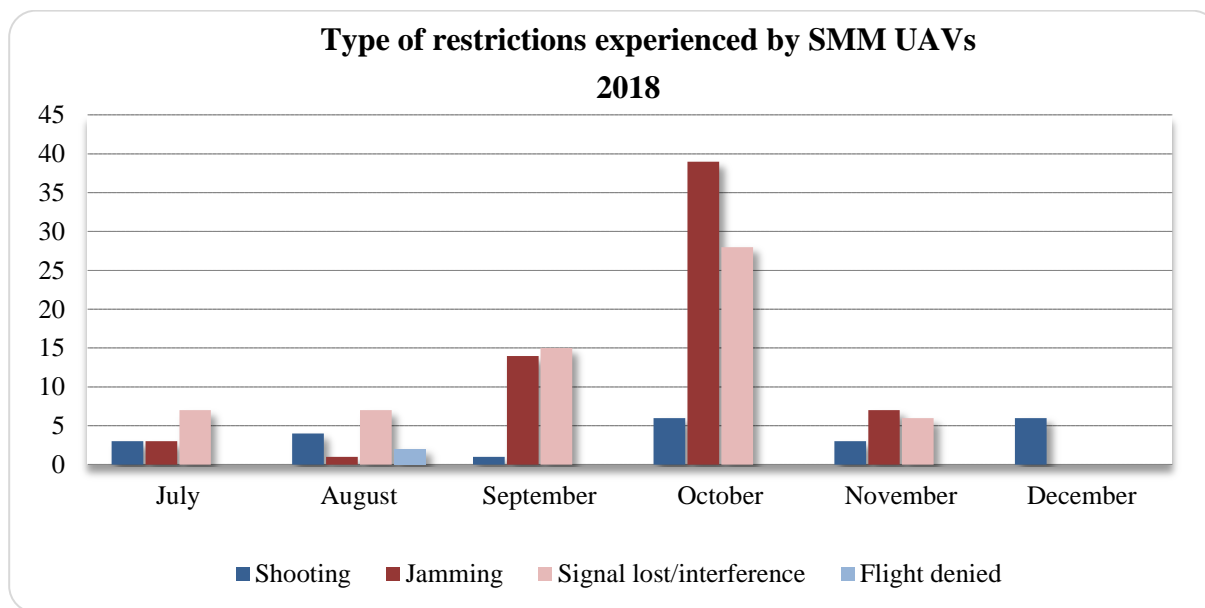
<sup>26</sup> See [SMM Daily Report 8 October 2018](#).

<sup>27</sup> See [SMM Daily Report 27 July 2018](#).

<sup>28</sup> See [SMM Daily Report 21 July 2018](#).

<sup>29</sup> See SMM Daily Reports of [11 August 2018](#), [30 October 2018](#) and [12 December 2018](#).

SMM saw 20 communications and/or electronic warfare vehicles (R-330U) at the train station in government-controlled Rubizhne.<sup>30</sup>



### *SMM cameras*



An SMM camera near the contact line  
2018, OSCE

The SMM started deploying cameras to monitor key areas near the contact line, including entry-exit checkpoints and the disengagement areas, in 2015. In the second half of 2018, ten new cameras in nine locations were installed, bringing the total number to 22 (in 16 locations in government-controlled- and four in non-government-controlled areas).

The Mission continued to observe impacts of rounds of various weapons in the cameras' vicinity and cases of tampering with the equipment. For instance, on 3 July, two explosions which occurred 10-20m from the camera in Zolote caused it to tilt over. The

camera remained operational, and the SMM later determined it was not damaged.<sup>31</sup> In August, during scheduled inspections of the trailer-mounted camera systems in government-controlled Lomakyne and Hnutove, the SMM observed that two wheels had been removed from each of the two trailers, in turn inhibiting the Mission's ability to quickly reposition the systems.

In the second half of 2018, the SMM was not able to use its camera in the disengagement area near Petrivske, which requires manual downloading of the footage. The Mission could not access the site due to the presence of mines, which since June 2018 blocked the only safe passage to the camera site.<sup>32</sup>

<sup>30</sup> See [SMM Daily Report 29 October 2018](#).

<sup>31</sup> See [SMM Daily Report 5 July 2018](#).

<sup>32</sup> See [SMM Spot Report 23 June 2018](#).

A piece of UXO the SMM spotted 100m from its camera at the Oktiabr mine (the north-western outskirts of Donetsk city) on 25 December prevented the Mission from accessing it during the last week of the year.

### *Visiting border areas outside government control*

Throughout the second half of 2018, the SMM conducted a total of 207 visits to border areas not under government control (105 in Donetsk region and 102 in Luhansk region). The Mission's freedom of movement was restricted on 111 of these visits (59 in Donetsk region and 52 in Luhansk region). The rate of restrictions was therefore higher in the second half of 2018 (54 per cent), compared with the first half of the year (37 per cent).<sup>33</sup>

The SMM had very limited access to border areas not controlled by the Government in southern parts of Donetsk region. On numerous occasions it was denied passage at checkpoints close to the border with the Russian Federation near Novoazovsk (54 times) and Siedove (ten times).<sup>34</sup> On one occasion in September at the checkpoint in Novoazovsk, members of the armed formations insisted on conducting a search of the SMM vehicles before allowing the patrol to pass.<sup>35</sup> A few days later, the Mission was allowed to enter Novoazovsk only upon escort of four armed members of the armed formations in a military-type van.<sup>36</sup>

In Luhansk region, the trend of denying the Mission to stay at border crossing points near Izvaryne, Dovzhanske, Sievernyi and Voznesenivka (including a railway station near Voznesenivka) for more than a few minutes after its arrival persisted. When the SMM arrived at these locations, members of the armed formations, usually citing orders from their superiors, would tell the patrols to either leave the service area of the border crossing point (about 50m from the first gate of the crossing point) or the border area altogether (spanning a few kilometres from the border). Such frequent denials severely hampered the SMM's monitoring capability in these areas.



**An SMM patrol stopped at a checkpoint at the entrance to Novoazovsk, Donetsk region.**  
2018, OSCE

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

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<sup>33</sup> In the first six months of 2018, the SMM conducted in total 342 visits to border areas not under government control and its freedom of movement was restricted on 125 occasions. See the [“Thematic Report on Restrictions of SMM’s freedom of movement and other impediments to fulfilment of its mandate, July 2017 – June 2018”](#).

<sup>34</sup> The Mission has been unable to enter Siedove since 25 April 2017 until the end of the reporting period.

<sup>35</sup> See [SMM Daily Report 25 September 2018](#).

<sup>36</sup> See [SMM Daily Report 28 September 2018](#).

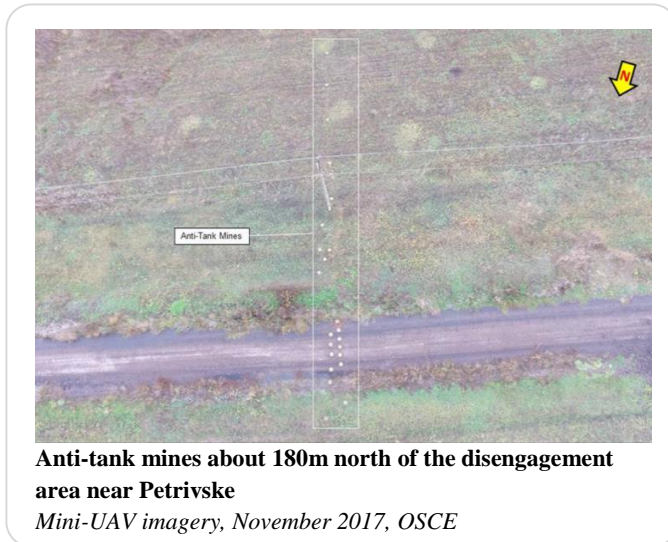


As a result of such impediments to the implementation of the SMM's mandate – in addition to restrictions of freedom of movement – the Mission's observations in border areas were partial.

### *Disengagement areas*

The SMM continued to monitor the disengagement areas near Stanytsia Luhanska, Zolote and Petrivske on both sides of the contact line through regular patrolling and remote observation, as foreseen in the Framework Decision. The Mission's access to these areas remained fully or partially restricted due to the inaction of the sides in ensuring safe and secure access. This

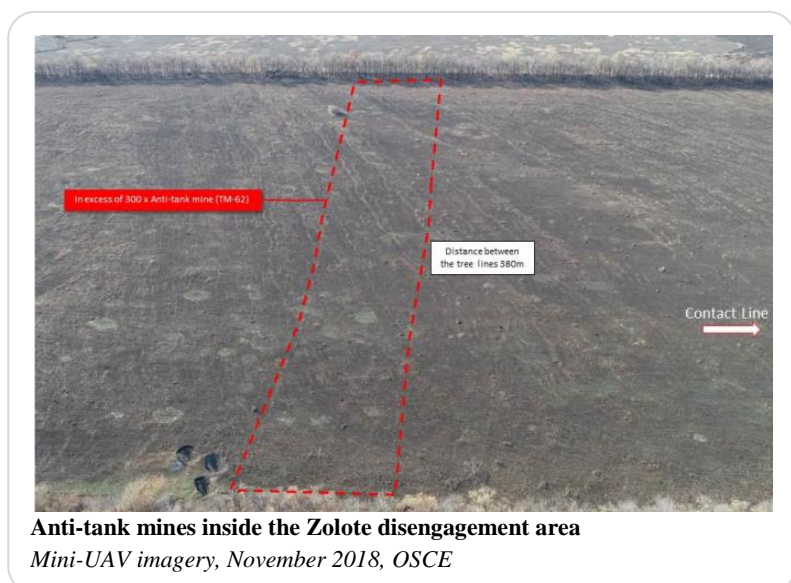
includes not removing mines and UXO, despite the fact that the signatories of the Framework Decision agreed that the Ukrainian Armed Forces and the armed formations should remove or fence-off mines and UXO in the disengagement areas.



The Mission has repeatedly pointed out that additional steps toward a full implementation of the Framework Decision on disengagement, including demining, would considerably ease the movement of the SMM and of other civilians across the contact line. For example, progress in demining in the

Zolote-Pervomaisk area would make it possible for an entry-exit checkpoint (EECP) to be opened. Disengagement in Stanytsia Luhanska would reduce the risk of civilians being caught up in exchanges of fire (in Luhansk region, the Stanytsia Luhanska bridge is the only place where then the contact line can be crossed). Furthermore, demining the road between Bohdanivka to Petrivske would restore the SMM's access to its camera site and therefore increase SMM's monitoring capability in the area.

Regrettably, not only did the Mission not see demining activity in these areas in the second half of 2018, but instead saw additional mines and UXO. It observed 200 anti-tank mines (seen for the first time and possibly newly laid) inside the Zolote disengagement area as well as new anti-tank mines next to the main road traversing the area.<sup>37</sup> In December, it saw a mortar tailfin embedded in the ground 1-1.5m west of the road and



<sup>37</sup> See SMM Daily Reports of [14 November 2018](#) and [17 November 2018](#).

about 270m north of the Stanytsia Luhanska bridge, which limited the Mission's access to the bridge and posed a threat to the thousands of people using the bridge every day.<sup>38</sup>

The continued deterioration of the wooden ramps at the broken section of the Stanytsia Luhanska bridge again posed both a risk to the safety of civilians and an impediment to the SMM's ability to monitor and move freely. Despite earlier repair works, the SMM observed that the ramps are not stable under the load of people walking on them.<sup>39</sup> Furthermore, during late autumn and winter months the ramps usually become slippery as ice and snow accumulate on them.<sup>40</sup>

Additionally, the sides are yet to follow through on a mutual understanding on vegetation clearing and demining along the sides of the roads leading to EECPs and in Zolote reached by the participants of the meeting of the Trilateral Contact Group's Working Group on Security Issues on 28 November 2017.

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

The signatories of the Memorandum and the Trilateral Contact Group Decision on Mine Action agreed to prohibit the installation or laying of mines in the security zone. Nonetheless, the threat from mines and UXO persisted. The SMM was again unable to travel further south of the government-controlled Shchastia bridge due to the presence of anti-tank mines on the roads leading to it.<sup>41</sup> The Mission observed for the first time new pieces of UXO in Ilovaisk, on road H15 near the Marinka and the Maiorsk EECPs. On one occasion, a reported presence of mines or UXO on the road prevented the SMM from accessing the southern part of Naberezhne and follow up on reports of a damaged site.<sup>42</sup>

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

- T0519 (non-government-controlled Pikuzy to government-controlled Mariupol)
- M14 (non-government-controlled Novoazovsk to government-controlled Mariupol)
- H20 (non-government-controlled Yasynuvata to government-controlled Kamianka)<sup>43</sup>
- M03 (non-government-controlled Debaltseve to government-controlled Svitlodarsk)<sup>44</sup>
- T1303 (non-government-controlled Smile to non-government-controlled Sentianivka)
- Road (non-government-controlled Holmivskyi to government-controlled Travneve)
- Road (government-controlled Novotoshkivske to non-government-controlled Zholobok)
- Road (government-controlled Bohdanivka to non-government-controlled Petrivske)
- Road (government-controlled Popasna to government-controlled Katerynivka)
- Road (from road T0504 to government-controlled Novooleksandrivka)

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<sup>38</sup> See [SMM Daily Report 27 December 2018](#).

<sup>39</sup> For example, see [SMM Daily Report 21 July 2018](#).

<sup>40</sup> For example, see [SMM Daily Report 7 December 2018](#).

<sup>41</sup> Mines are present on both sides of the bridge. See, for example, SMM Daily Reports of [1 September 2018](#), [6 September 2018](#), [17 November 2018](#) and [4 December 2018](#).

<sup>42</sup> See [SMM Daily Report 17 December 2018](#).

<sup>43</sup> The SMM has repeatedly seen anti-tank mines on road H20 while monitoring the security situation around the Donetsk Filtration Station since April 2018.

<sup>44</sup> The SMM had been unable to travel on road M03 connecting Debaltseve and Svitlodarsk since early 2015.



Following the [fatal incident of 23 April 2017 near Pryshyb](#), which was most likely caused by an anti-tank mine, the Mission limited its patrolling to asphalt or concrete roads.<sup>45</sup> This restriction continued to affect the following operations:

- Visits and inspections of weapons at heavy weapons holding areas and permanent storage sites that were accessible only via unpaved roads or surfaces (approximately 50 per cent of designated sites);
- Vehicle-based ground patrolling activities within the security zone;
- UAV flights requiring soft-surface launch or landing sites; and
- Camera maintenance and data retrieval activities requiring driving over unpaved surfaces (see *SMM cameras* above).

In the second half of 2018, the Mission observed indications of demining or vegetation clearing activities near the government checkpoints near Maiorsk, Berezove and Marinka. For example, in Marinka, following an SMM request, the Ukrainian Armed Forces removed an anti-tank mine from the vicinity of H15 road south of Oleksandrivka. In October and November, it facilitated and monitored adherence to the ceasefire to enable demining near government-controlled Nyzhnoteplo, Zolote-2/Karbonit and Novotroitske.<sup>46</sup> Elsewhere, the Mission observed demining activities near government-controlled Myrna Dolyna, Shyrokyi and Hirske, as well as non-government-controlled Molodizhne and Hirne.<sup>47</sup>

Overall, however, the SMM again noted little progress on clearance of mines, UXO and other explosive devices, despite the sides agreeing on the need for co-ordination of mine clearance by the JCCC and on who is responsible for removing the risk these explosive devices pose. In the Working Group on Security Issues, the Chief Monitor also repeatedly called on the sides to carry out demining activities near the EECs. Moreover, the SMM has yet to receive an answer from the signatories of the Minsk agreements to the letter of 5 May 2017 calling for

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<sup>45</sup> In accordance with the Distinct Arrangement concluded between the OSCE and the International Humanitarian Fact-Finding Commission (IHFFC), the Independent Forensic Investigation team (IFI) conducted a post-blast forensic investigation and technical assessment into the incident of 23 April 2017. The IFI concluded that the incident had been most likely caused by a TM-62M anti-tank mine. (See the [executive summary of the IFI report](#).)

<sup>46</sup> In a few cases it observed that previously spotted and reported UXO had been removed after a few days.

<sup>47</sup> For example, see SMM Daily Report of [6 September 2018](#) and [19 December 2018](#)

the provision of information on areas suspected or confirmed to be contaminated with mines and UXO.

### *Impediments to gathering information*

The SMM continued to encounter impediments to its mandated task to establish and report facts in response to specific incidents and reports of incidents, as well as to establish contact with the local population. As in previous months and years, civilians (all in areas not under government control) on many occasions remained hesitant to talk with SMM monitors, often citing an “order” from those in control of non-government-controlled areas of Donetsk and Luhansk regions as the reason, at times expressing a fear of repercussions.

In particular, this remained the case when the SMM was interacting with medical staff and other interlocutors in non-government-controlled areas in order to corroborate reports of civilian casualties. During the reporting period, this happened during attempts to corroborate 25 such cases (eight in Donetsk region and 17 in Luhansk region).<sup>48</sup> At hospitals, staff usually refused to provide the Mission with what they considered was sensitive information concerning conflict-related injuries without the approval of those in control of these areas. Of particular concern was hospital no. 2 in Horlivka, where during the summer months the SMM encountered frequent refusals, which in turn rendered it unable to corroborate some cases for almost three months.<sup>49</sup>

In September and October, the Mission was faced with similar unwillingness to provide information while it monitored the situation at educational facilities in non-government-controlled areas to assess the impact of the conflict on children and on their education. There were in total about 80 such cases in non-government-controlled areas Donetsk and Luhansk regions.<sup>50</sup> On 30 November, those in control of certain areas of Luhansk warned the Mission in a letter against undertaking attempts to establish contacts with representatives of educational and other institutions “without co-ordination” with those in control.

### *Unfounded allegations*

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

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<sup>48</sup> For examples, see SMM Daily Reports of [3 July 2018](#), [9 August 2018](#), [4 September 2018](#), [13 October 2018](#), [16 November 2018](#).

<sup>49</sup> For example, see [SMM Daily Report 28 August 2018](#).

<sup>50</sup> For examples, see SMM Daily Reports of [6 September 2018](#), [13 September 2018](#), [17 September 2018](#), [19 September 2018](#), [10 October 2018](#) and [11 October 2018](#).

### **Contribution of the JCCC**

Since the withdrawal of the officers of the Armed Forces of the Russian Federation from the JCCC on 18 December 2017, the Mission has maintained a daily interaction with the JCCC headquarters in Soledar and co-ordinated between the Ukrainian side of the JCCC and SMM patrols encountering freedom of movement violations on the ground. It regularly requested that the JCCC, in its current form, 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 SMM's reporting provided additional information where the JCCC should act to respond to and remedy violations.

The Mission again repeatedly recalled that the JCCC was tasked by the signatories to co-ordinate demining work, as foreseen in the Trilateral Contact Group's mine action decision. The JCCC, however, was not comprehensively able to achieve this goal, and therefore contributed little to the lifting of restrictions posed by mines and UXO.

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

## **Conclusions**

In the latter half of 2018, the SMM noted an overall worsening of its freedom of movement. Compared with the previous six months, the Mission encountered 60 per cent more restrictions of all types.

Previous trends observed by the Mission continued. A vast majority of restrictions occurred again in non-government-controlled areas. Restrictions of the SMM's passage through certain checkpoints of the armed formations persisted, mostly in Donetsk region, as did interference and targeting of SMM means of remote observation. Many settlements close to the contact line and areas near the border with the Russian Federation remained inaccessible to SMM monitors.

Worryingly, the Mission continued to meet persistent restrictions of its freedom of movement in non-government-controlled parts of southern Donetsk region. These developments rendered the SMM not only unable to monitor these areas, including areas near the border with the Russian Federation and areas adjacent to the Sea of Azov, but also to follow up on the impacts of the conflict on the civilian population.

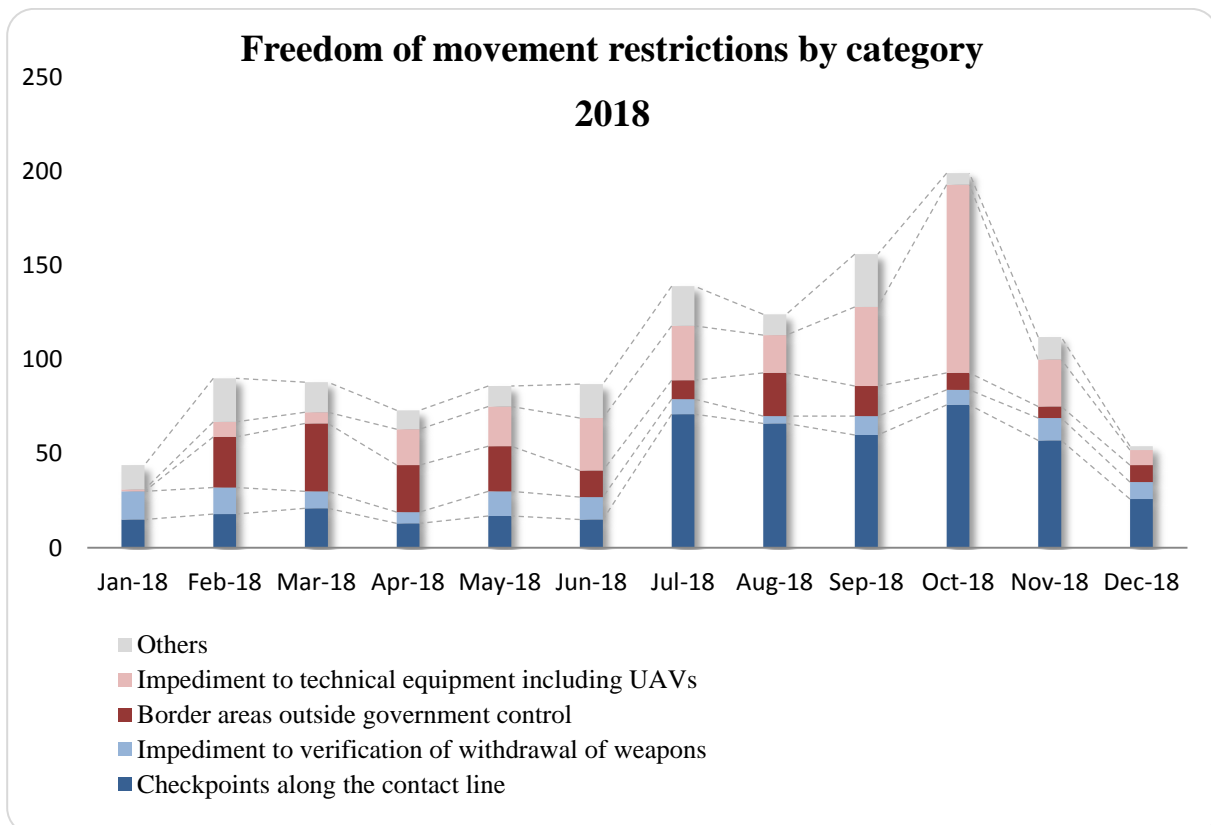
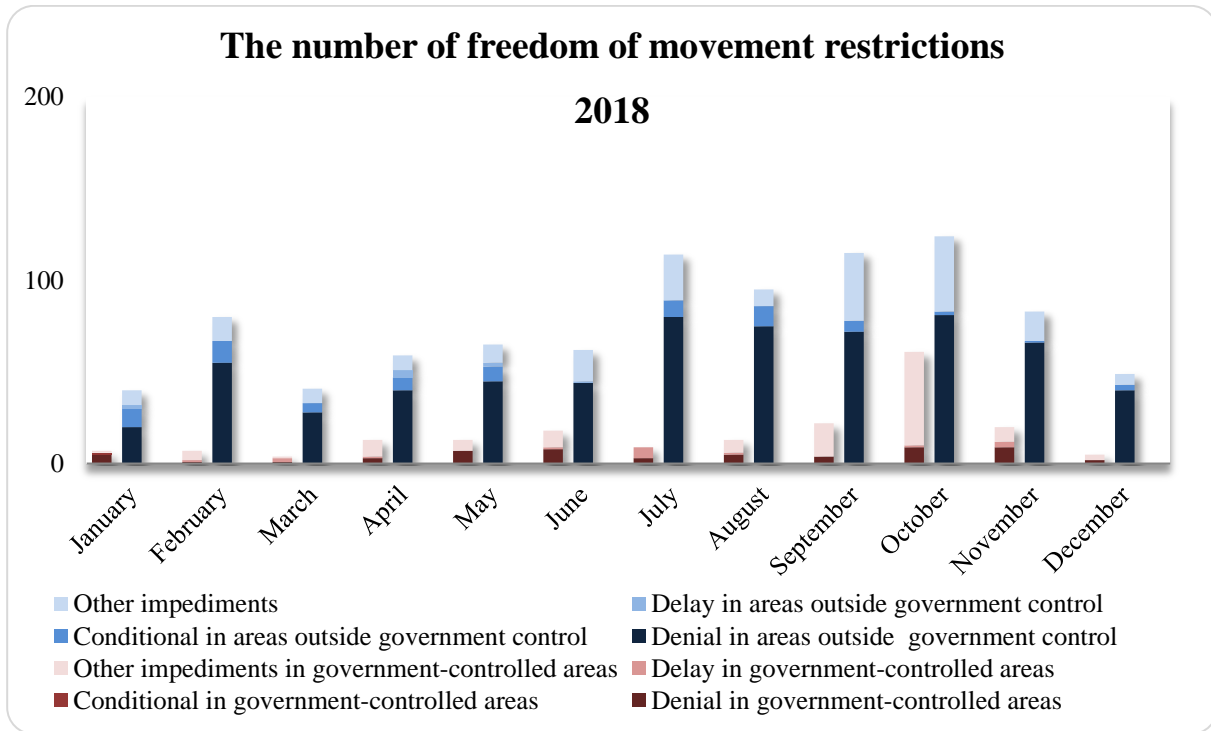
The Mission's means of remote observations continued to be targeted and interfered with. On 27 October 2018, the SMM lost one of its long-range UAVs over non-government-controlled areas of Donetsk region near the international border with the Russian Federation. According to a technical assessment, the most likely cause of the incident was an impact to the UAV.

Despite commitments taken by the sides and repeated calls, the Mission again saw no progress in demining, hence large parts of the disengagement areas near Petrivske, Stanytsia Luhanska and Zolote remained inaccessible to the SMM due to the presence (confirmed or possible) of mines and UXO there. In December, the SMM saw a mortar tailfin embedded in the ground on the side of the road near the Stanytsia Luhanska bridge, which limited the Mission's access to the bridge and posed a threat to those crossing it every day.

The worsening of the situation in terms of restrictions of movement encountered by the SMM, as presented in this report, is a matter of concern. Those who impeded the Mission's freedom of movement, intentionally or not, directly restricted its efforts to reduce tensions and foster peace, stability and security as envisioned by consensus of the 57 OSCE participating States. They also went against commitments undertaken in the Minsk agreements. Any declaration is devoid of substance as long as there is no intention to translate it into measurable and concrete actions on the ground.

All violations of the SMM's freedom of movement have to be remedied. Uninhibited and safe access to all areas is of utmost importance for the Mission to be able to fully implement its mandate.

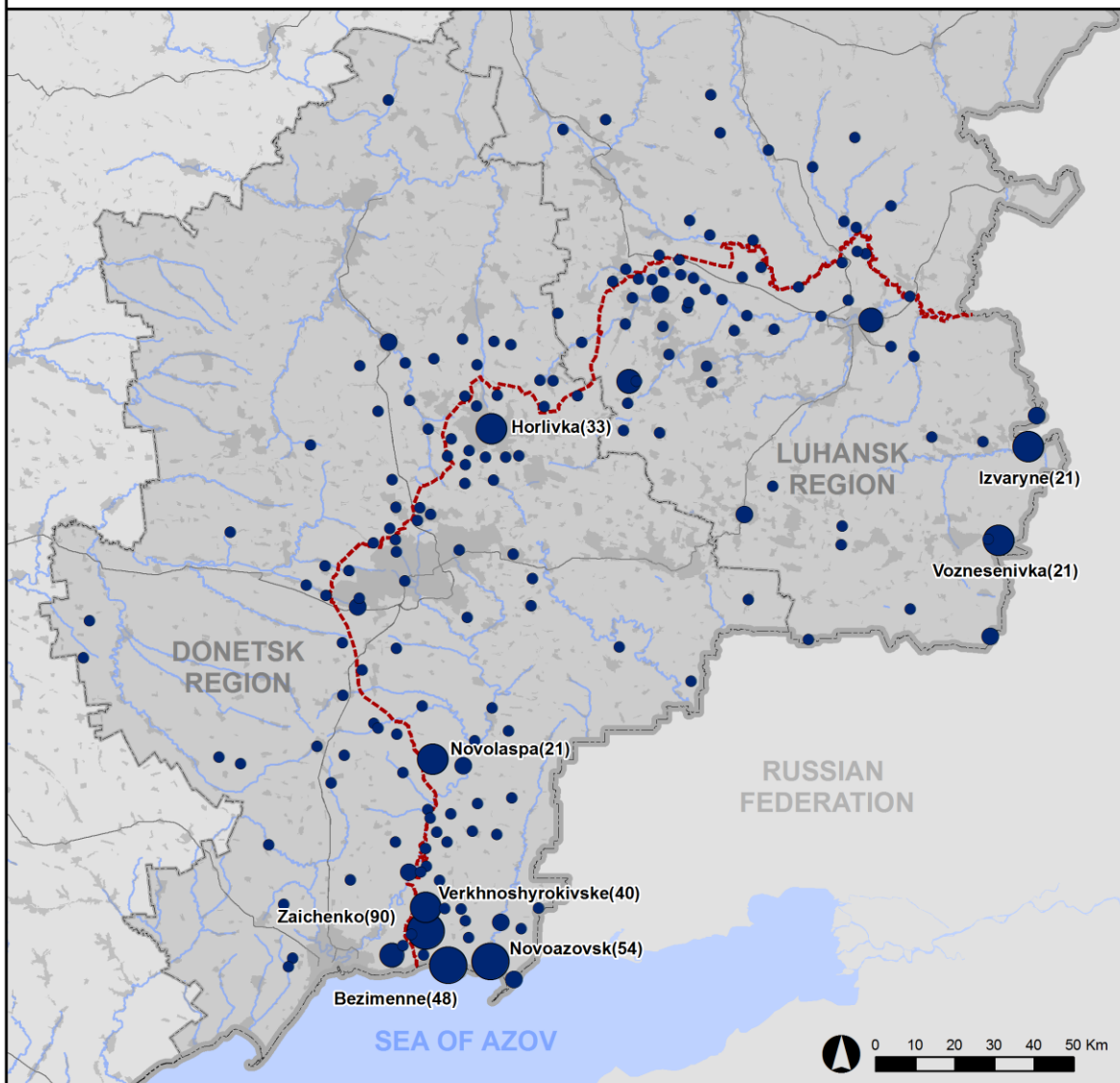
**Annex 1: Charts and maps**





Organization for Security and  
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# Freedom of movement (FoM) restrictions 1 July 2018 - 31 December 2018



- | Frequency of FoM restrictions* | Other features                |
|--------------------------------|-------------------------------|
| ● 1 - 5                        | --- Estimated line of contact |
| ● 6 - 10                       | ■ Settlement                  |
| ● 11 - 20                      | ▭ Regional boundary           |
| ● 21 - 40                      | ▭ National boundary           |
| ● 40 +                         |                               |
- \* Restrictions at weapons storage sites, DA, mines, road block, UXO not mapped

Sources: administrative boundaries - OCHA; roads, rivers - OpenStreetMap; sea - VLIZ (2005). IHO sea Areas; other - OSCE.

Coordinate System: WGS 1984 UTM Zone 37N

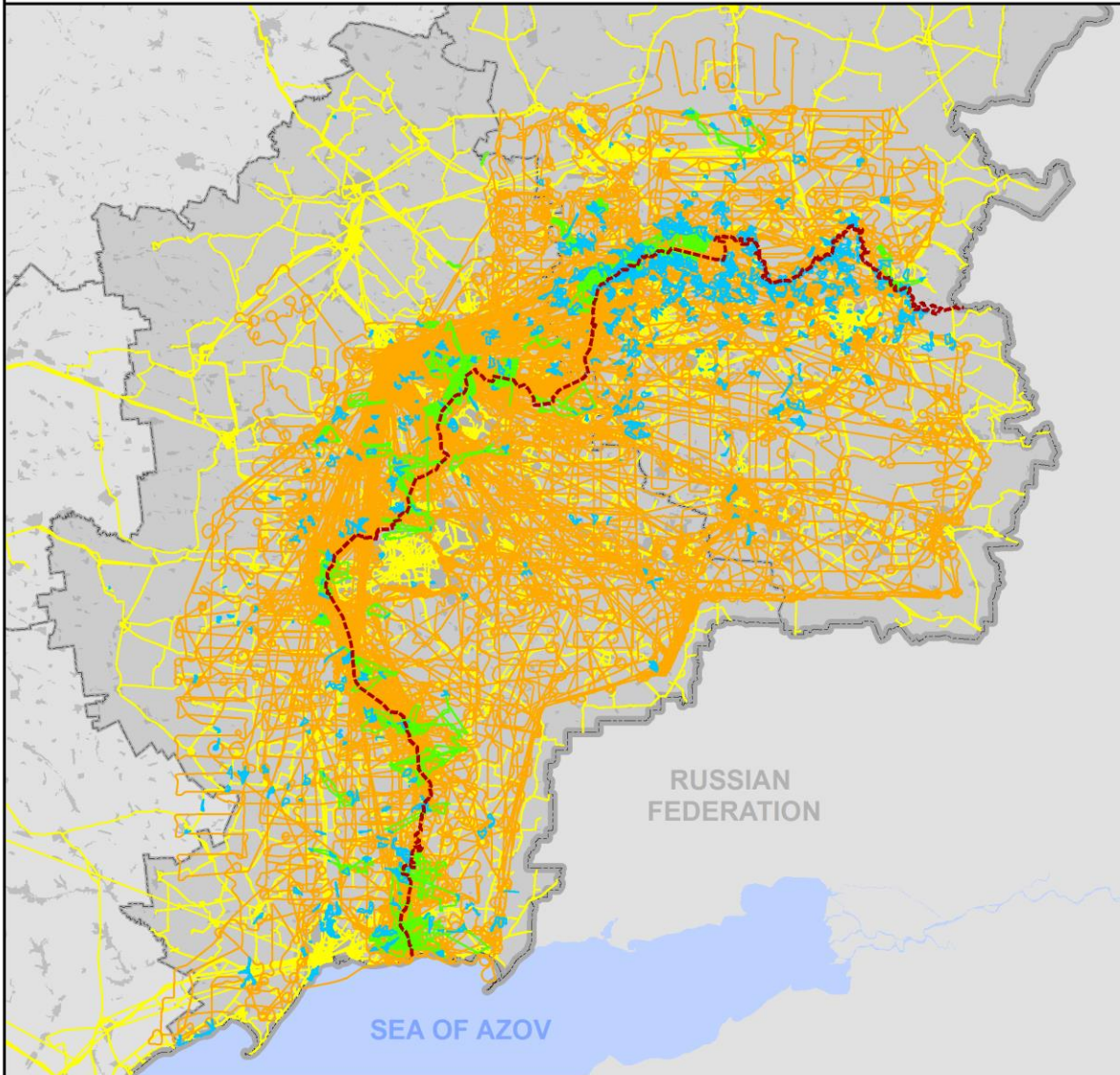
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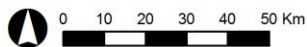
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## Patrol routes and UAV flights 01 July - 31 December 2018



- - - - Estimated line of contact
- Short-range UAV flight
- Mid-range UAV flight
- Long-range UAV flight
- Patrol route



Sources: administrative boundaries - OCHA; roads, rivers - OpenStreetMap; sea - VLIZ (2005). IHO sea Areas; other - OSCE.

Coordinate System: WGS 1984 UTM Zone 37N

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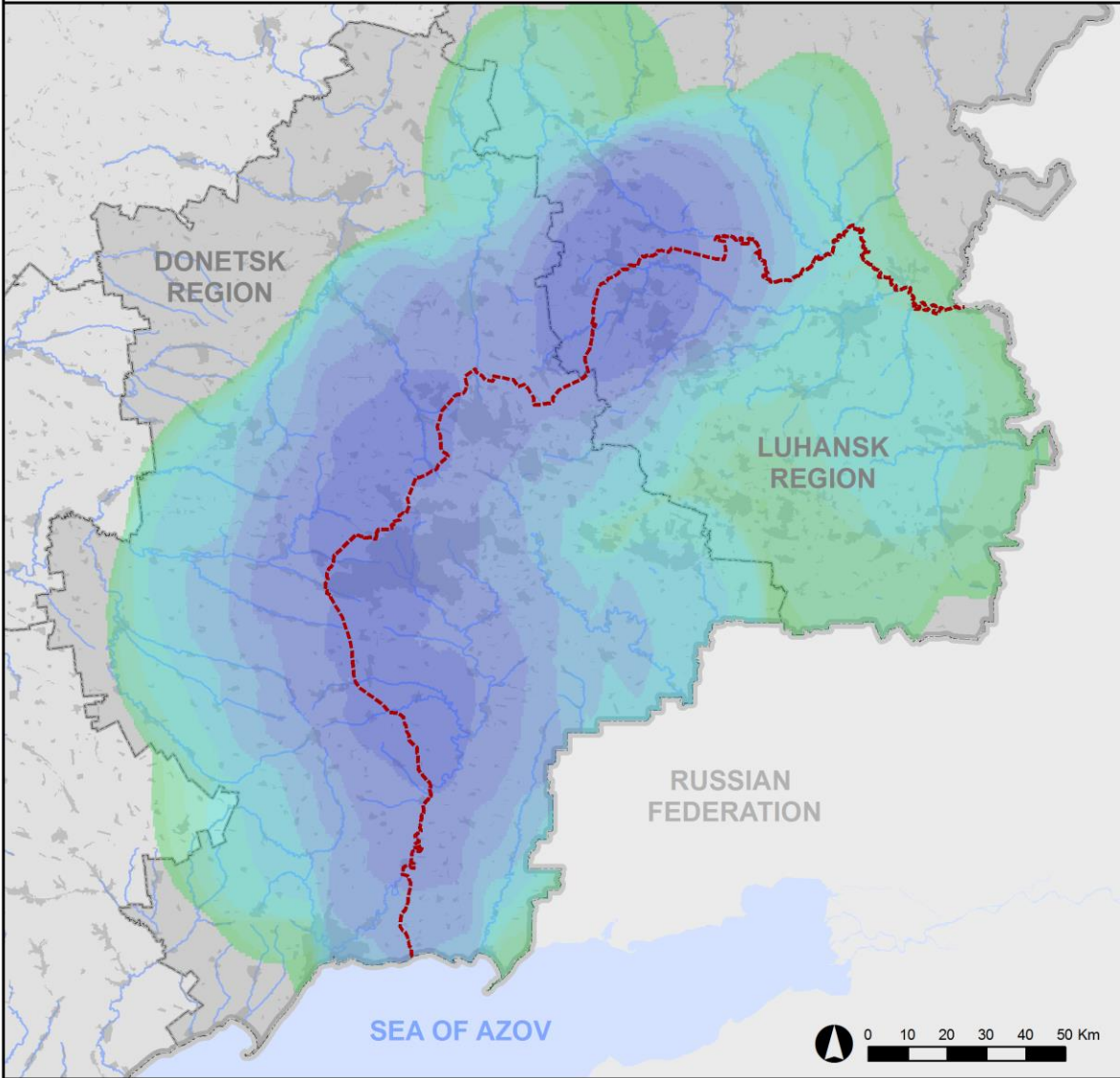
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Organization for Security and  
Co-operation in Europe  
Special Monitoring Mission to Ukraine

# Long-range (LR) UAV jamming incidents

01 July - 31 December 2018



- Estimated line of contact
- Jamming density**
- High
- Low

Sources: administrative boundaries - OCHA; roads, rivers - OpenStreetMap; sea - VLIZ (2005), IHO sea Areas; other - OSCE.

Coordinate System: WGS 1984 UTM Zone 37N

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Created: 14/02/2019

**Annex 2: Violence and threats against or in the presence of the SMM<sup>51</sup>**

Date	Location	Control	Summary of event	Source
13/08/2018	Smile	Not under government control	A member of the armed formations disengaged the safety of his AK-type rifle and pointed it at an SMM patrol	<a href="#">SMM Spot Report 13 August 2018</a>
16/08/2018	Holmivskiyi	Not under government control	Patrol members heard an undetermined explosion approximately 500m north and another undetermined explosion about 500m south-south-east, followed by about ten shots of small-arms fire 100-150m north and north-west, two of which were assessed as flying over the heads of the three patrol members	<a href="#">SMM Spot Report 16 August 2018</a>
5/09/2018	south of Zolote	Government	An SMM patrol heard seven explosions 150-200m south-south-east.	<a href="#">SMM Spot Report 5 September 2018</a>
10/10/2018	Donetsk Filtration Station		SMM patrol heard the whistling sound of two bullets flying 10-50m over their heads.	<a href="#">SMM Spot Report 10 October 2018</a>

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<sup>51</sup> Not including small-arms fire assessed as targeting SMM UAVs or ceasefire violations affecting cameras.

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

Date	Location	Control	Summary of event	Source
04/07/2018	Zhovte	Not under government control	15 shots of small-arms fire around 70m north of the UAV's position,	<a href="#">Daily Report 5 July 2018</a>
06/07/2018	Vesele	Not under government control	12 shots of small-arms fire about 2km south of the UAV's position.	<a href="#">Daily Report 7 July 2018</a>
13/07/2018	Lozove	Not under government control	Ten bursts of small-arms fire in an area where the UAV was flying.	<a href="#">Daily Report 14 July 2018</a>
23/07/2018	Artema	Government	One burst and three shots of small-arms fire 800m north-east.	<a href="#">Daily Report 24 July 2018</a>
28/07/2018	Chornukhyne	Not under government control	Four shots of small-arms fire 600m south-east of the SMM's position.	<a href="#">Daily Report 30 July 2018</a>
06/08/2018	Artema	Government	15 bursts of small-arms 500-700m south-east of the SMM's position.	<a href="#">Daily Report 7 August 2018</a>
13/08/2018	Holubivske	Not under government control	Small-arms fire 0.6km-1km north-west.	<a href="#">Daily Report 14 August 2018</a>
15/08/2018	Berezivske	Not under government control	Six bursts of small-arms fire where the UAV was flying, 1.7-2km north-west of the SMM's position.	<a href="#">Daily Report 15 August 2018</a>
28/08/2018	Khrystove	Not under government control	15 shots of small-arms fire.	<a href="#">Daily Report 29 August 2018</a>
13/09/2018	Katerynivka	Government	Ten shots of small-arms fire 0.5-1km south, assessed as warning shots fired at the UAV inside the Zolote disengagement area.	<a href="#">Daily Report 14 September 2018</a>
01/10/2018	Zhovte	Not under government control	50 shots of small-arms fire where the UAV was flying, about 2km south of the SMM's position.	<a href="#">Daily Report 2 October 2018</a>
01/10/2018	Zhovte	Not under government control	The UAV spotted men wearing military-style clothing pointing an assault rifle at the aircraft and firing at it.	<a href="#">Daily Report 3 October 2018</a>
16/10/2018	Mykolaivka Druha	Government	Three bursts of small-arms fire 1km south-east, followed four minutes later by five shots of small-arms fire approximately 100-200m south-east.	<a href="#">Daily Report 17 October 2018</a>
17/10/2018	Zolote-5/Mykhailivka	Not under government control	Small-arms fire 0.5-1km north.	<a href="#">Daily Report 18 October 2018</a>
27/10/2018	Metalist	Not under government control	30 shots of small-arms fire 1.2-1.4km north-north-west.	<a href="#">Daily Report 29 October 2018</a>
01/11/2018	Zhovte	Not under government control	40 shots of small-arms fire 2.4km north-north-west of its position.	<a href="#">Daily Report 2 November 2018</a>
10/11/2018	Kadiivka	Not under government control	20 shots and bursts of small-arms fire.	<a href="#">Daily Report 12 November 2018</a>
11/11/2018	Novotoshkivske	Government	A shot of small-arms fire 30-50m south-west.	<a href="#">Daily Report 12 November 2018</a>
08/12/2018	Bila Hora	Government	12 shots of small-arms fire at an assessed range of 400-500m north-east. The SMM landed the UAV and left the area.	<a href="#">Daily Report 10 December 2018</a>
11/12/2018	Khoroshe	Not under government control	11 shots of small-arms fire at an assessed range of 200-300m south.	<a href="#">Daily Report 12 December 2018</a>
11/12/2018	Maiorsk	Government	30 shots of small-arms fire at an assessed range of 400-500m south-west.	<a href="#">Daily Report 12 December 2018</a>

13/12/2018	Lozivskiyi	Not under government control	Five shots of small-arms fire at an assessed range of 100-200m north.	<a href="#">Daily Report 14 December 2018</a>
16/12/2018	Khrustalnyi	Not under government control	30 shots of small-arms fire at an assessed range of 1km north-west.	<a href="#">Daily Report 17 December 2018</a>
19/12/2018	Novotoshkivske	Government	Single burst of small-arms fire at an assessed range of 1km south.	<a href="#">Daily Report 20 December 2018</a>