

THEMATIC REPORT

**Hardship for conflict-affected civilians in eastern Ukraine**

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## **Table of Contents**

A) Summary.....	- 1 -
B) Introduction and methodology.....	- 2 -
C) General observations .....	- 3 -
<b>1. Conduct of hostilities in populated areas.....</b>	<b>- 3 -</b>
i) Presence and use of weapons in populated areas .....	- 4 -
ii) Presence of armed positions in populated areas.....	- 5 -
iii) Areas not fully controlled by any of the sides.....	- 6 -
<b>2. Imposed restrictions affecting civilians .....</b>	<b>- 7 -</b>
D) Specific challenges to the living conditions of civilians.....	- 8 -
<b>1. Access to adequate housing.....</b>	<b>- 8 -</b>
i) Occupation of civilian properties .....	- 8 -
ii) Restrictions on physical access to property .....	- 9 -
iii) Damaged and destroyed property .....	- 9 -
<b>2. Access to sufficient, safe, acceptable and affordable water .....</b>	<b>- 10 -</b>
<b>3. Access to energy for cooking, heating and lighting .....</b>	<b>- 12 -</b>
<b>4. Access to medical care.....</b>	<b>- 13 -</b>
E) Conclusions .....	- 14 -

## **A) Summary**

The OSCE Special Monitoring Mission (SMM) to Ukraine continuously monitors conflict-affected areas and reports on the precarious humanitarian situation impacting the lives of the most vulnerable groups of the population in Ukraine. The SMM has observed that ongoing hostilities infringe on the living conditions of civilians on both sides of the contact line. This includes their access to adequate housing, safe drinking water, energy for cooking, heating, lighting, and access to essential medicine and basic health services, including psychological support. Civilians residing along the approximately 500-kilometre-long contact line are significantly affected by the conduct of hostilities including the presence of Ukrainian Armed Forces, so-called “LPR” and so-called “DPR” armed formations and the use of heavy weapons in or near their villages, cities and towns. Additionally, since the start of the conflict, a number of measures have been put in place on both sides of the contact line impacting civilians’ economic and social rights. The sides continue to disregard standards of international human rights and rules of customary international humanitarian law resulting in undue suffering by the civilian population.

Hostilities conducted in populated areas threaten the safety of civilians, and negatively affect their living conditions. The SMM has observed many civilian residences that have been caught in the crossfire resulting in damage or complete destruction. The SMM has witnessed how shelling in populated areas has resulted in damage to essential infrastructure such as water supply, water treatment facilities, electrical infrastructure and supply networks necessary for their functioning. Homes, schools and hospitals have been occupied by the sides. Agricultural land has been occupied or rendered inaccessible due to the presence of mines and unexploded ordnance (UXO).

The establishment of a contact line has isolated and divided communities, often separating family members from each other. In many instances it has distanced residents from public services, disrupted trade and forced people to relocate in order to continue their studies, employment or access their pensions or social benefits. Some civilians can no longer access basic services in their local communities. Most social, administrative and healthcare services have been relocated or suspended altogether leaving the affected population without a safety net. Monitors have seen entire villages that have only one doctor or nurse, or no medical staff at all. At times, ambulances cannot reach those in need due to checkpoint restrictions, ongoing hostilities, mines or lack of fuel.

Since commuter rail links across the contact line no longer exist, residents throughout Donbas are also subjected to freedom of movement restrictions, further exacerbating the challenges outlined in this report.

Employment opportunities are lacking as industries have been forced to close. The loss of economic opportunities has continued to disproportionately affect civilians living in the security zone. Damaged or destroyed business buildings and infrastructure, staff layoffs, delayed payment of salaries, combined with a shortage of new employment opportunities has

resulted in diminished purchasing power in conflict-affected communities. Previously integrated market areas are divided; shortages and lack of access to essential supplies and services are further compounded by increased prices.

This report covers the period from May to end of September 2016 and briefly outlines the main developments that exacerbate the situation of the civilian population in eastern Ukraine. The SMM notes that the human rights and humanitarian situation of civilians residing on both sides of the contact line is volatile and deteriorating. As fighting continues, villages are affected in different ways and to different degrees depending on restrictions to freedom of movement, the location of active hostilities and damage to civilian infrastructure. As long as the sides do not adhere to a sustained ceasefire, honour commitments made in the Minsk agreements and take steps to improve the humanitarian situation in Donbas, civilians throughout government-controlled areas and non-government-controlled areas of Donetsk and Luhansk regions will continue to face hardship, even life-threatening situations.

## **B) Introduction and methodology**

The OSCE Special Monitoring Mission (SMM) to Ukraine was established on 21 March 2014 by OSCE Permanent Council Decision No.1117 and is mandated, among other things, to “monitor and support respect for human rights and fundamental freedoms”<sup>1</sup>. In line with its mandate and with the overall aim to reduce tensions and foster peace, stability and security in Ukraine, the SMM is uniquely positioned to monitor and report on the conduct of hostilities which continue to endanger the life of civilians, cause civilian casualties and damage civilian infrastructure which is critical to the survival of the population.

This report covers the challenges faced by conflict-affected civilians living along the contact line in accessing adequate housing, safe drinking water, and energy for cooking, heating, lighting, and essential medicine and basic health services. It does not provide a comprehensive assessment of the humanitarian situation in eastern Ukraine; it seeks to provide an overview of the current humanitarian challenges and key concerns that arise from the conduct of hostilities in populated areas as well as by relevant measures adopted by the sides.

The findings in this report are based on regular monitoring by the SMM from May to end of September 2016. On a daily basis the SMM monitors the situation of civilians living on both sides, near and along the approximately 500-kilometre-long contact line throughout Luhansk and Donetsk regions. Particular attention is given to populations living in hard-to-reach locations, and to locations where “DPR” and “LPR” armed formations have established positions or are using equipment within or near populated areas. Similar situations involving the Ukrainian Armed Forces are also a focus for the SMM. The SMM monitors the human rights situation of these civilians, their living conditions and humanitarian needs through direct observation and interviews.

The SMM's freedom of movement is critical in order to carry out its mandated tasks. From 1 January to 27 September 2016 the SMM encountered nearly 1,000 restrictions to its freedom of movement — 80 per cent of which occurred in non-government-controlled areas. These restrictions undermined the SMM's ability to implement its mandate in complete parity, for example, in observing the extent of properties destroyed and/or damaged or occupied as a result of the conflict. Areas where high levels of armed violence occurred often coincided with the areas where armed "DPR" members and armed "LPR" members restricted the SMM's freedom of movement. To a much lesser extent, Ukrainian Armed Forces personnel also restricted the SMM's freedom of movement.<sup>2</sup> Additionally, numerous hostile acts against the SMM's cameras and unmanned aerial vehicles used for remote monitoring have rendered such equipment temporarily non-operational.<sup>3</sup>

### **C) General observations**

#### **1. Conduct of hostilities in populated areas**

In Donetsk region ceasefire violations remained concentrated along the contact line particularly in the areas of Avdiivka-Yasynuvata which host essential water and electrical infrastructure, namely the Donetsk water treatment plant, in "DPR"-controlled Horlivka, Debaltseve, government-controlled Svitlodarsk, Zhovanka and part of south Zaitseve. New hotspots emerged in southern Donetsk region during the period covered in this report, particularly in populated areas such as "DPR"-controlled Dokuchaievsk, Sakhanka and Pikuzy (formerly Kominternove), and in government-controlled Vodiane. In these hotspots the SMM registered fighting on an almost daily basis with periods of sudden and at times prolonged escalation.

In Luhansk region the number of ceasefire violations spiked in the first week of June and again in mid-July. The SMM observed an increase in the number of recorded ceasefire violations, with peaks noted on 2 August in areas adjacent to "LPR"-controlled Kadiivka (formerly Stakhanov) and around Stanytsia Luhanska bridge, where in August the situation deteriorated. Stanytsia Luhanska bridge is the only authorized crossing route in Luhansk region, consisting of a pedestrian-only crossing over a rickety wooden structure connecting the remaining parts of the destroyed bridge). According to State Border Guard Service approximately 150.000 people cross the bridge per month with a waiting time of between 1 to 5 hours. Long queues for administrative/security screening at the various checkpoints is a major factor of stress and dissatisfaction for commuters. In August, with the high temperatures recorded (up to 40° Celsius), medical personnel present at the bridge assisted sometimes up to 25 people per day (mainly for high blood pressure and dehydration). Most of the remaining violations were registered in the government-controlled settlements of Troitske, Shchastia (location of a power plant) and Zolote. The area of Zolote in Luhansk region is a hub for water and electricity infrastructure, supplying both government-controlled areas and "LPR"-controlled areas. New hotspots emerged in the area of government-controlled Lobacheve and "LPR"-controlled Zhovte (both villages are on opposite sides of the Siverskyi Donets river, the natural barrier that follows the contact line) and government-

controlled Lopaskyne. In these locations armed formations have continuously failed to make a clear distinction between civilian and non-civilian objects, firing out of and into populated areas disregarding the protections afforded to civilians under international humanitarian law. The same applies to members of the Ukrainian Armed Forces.<sup>4</sup>

It should be noted that on 21 September the members of the Trilateral Contact Group endorsed a framework decision relating to the disengagement of forces and hardware along the contact line.<sup>5</sup> Three areas have been identified and agreed for initial disengagement to take place: between the towns of Zolote and Pervomaisk (Luhansk region), around the bridge south of Stanytsia Luhanska (Luhansk region) and between the villages of Bohdanivka and Petrivske (Donetsk region). At the time of writing, some progress has been noted in two of these areas and discussions on possible further disengagement areas are ongoing.

i) **Presence and use of weapons in populated areas**

Armed formations have continued to place weapons and military hardware in populated areas. This has been done also by the Ukrainian Armed Forces.<sup>6</sup> The SMM saw weapons in populated areas and observed outgoing fire from populated areas of “DPR”-controlled Horlivka and government-controlled Stanytsia Luhanska and Shchastia. In the months from May to September 2016, on both sides of the contact line the SMM conducted crater analysis and observed shelling impacts within populated areas<sup>7</sup> and noted an increase in the use of heavy weapons.<sup>8</sup> The use of these weapons raises concerns about the possible devastating consequences to civilian property and infrastructure due to the scale of the blast they produce, their inaccuracy, the use of multiple munitions or a combination thereof. These weapons generally create a blast zone and fragmentation with the potential to kill or injure anyone and damage anything within that zone that can range from 35 to 200 metres depending on the weapon used.

In many instances where the SMM has conducted crater analysis, civilians have reported that the shelling occurred overnight and that they often saw equipment brought in for these purposes, or that members of “DPR” and “LPR” armed formations had approached them requesting to use the roofs of their houses as firing positions.<sup>9</sup> For example, on 4 July the SMM recorded two explosions assessed as outgoing mortar rounds from a residential area in “DPR”-controlled Horlivka where the SMM had also observed two sets of fresh tracks indicating that the weapons had moved from a nearby industrial complex with large storage facilities to a potential firing position, then back to the storage area. On 30 August in “DPR”-controlled Pikuzy (formerly Kominternove) in Donetsk region, the SMM observed an anti-tank guided missile embedded in the roof of a house. The SMM found empty cases from an automatic grenade launcher on the roof, indicating that the roof had been used as a firing position.<sup>10</sup> The SMM was informed about similar situations involving members of the Ukrainian Armed Forces. While observing military positions within residential areas in Khibodarivka (government-controlled) in Donetsk region, residents reported their concerns to the SMM that ammunition stored within civilian residences could elicit retaliatory shelling and force them to flee.<sup>11</sup> Since the end of June in Luhanske and Svitlodarsk (both

government-controlled) in Donetsk region, residents informed the SMM that the Ukrainian Armed Forces had been bringing heavy artillery to their neighbourhoods and setting up firing positions on a nightly basis.<sup>12</sup> Also, due to the movement of military vehicles residents complained that road conditions have become worse.

ii) **Presence of armed positions in populated areas**

Armed formations have continued to place positions in populated areas. This also has been done by the Ukrainian Armed Forces. On both sides of the contact line residents have complained of being harassed by members of the sides, and have made allegations about their misconduct while under the influence of alcohol and their bad behaviour towards the local population. Double the number of armed forces of Ukraine and armed formations are seen at checkpoints during rotation – those leaving and those coming in, and often this is referred to as a time of increased harassment towards civilians. The proximity of improvised shooting ranges to populated areas also raises concerns.<sup>13</sup>

The presence of the sides can negatively impact the ability of the population to go about earning their livelihood. For example, in government-controlled Dobropillia in Donetsk region, a representative of an agricultural organization said that many parcels of land are used by the Ukrainian Armed Forces with no compensation paid to farmers, who are still obliged to pay rent and taxes for the land. Furthermore, the presence of mines and UXO pose a direct security threat<sup>14</sup> and render agricultural land unusable. In Donetsk region, a local resident reported to the SMM in May 2016 in Lebedynske that UXOs in her backyard had been there since June 2015 when her garden was hit by three 152mm shells. Likewise in Krasna Talivka in Donetsk region and in Orikhove in Luhansk region, residents reported to OSCE monitors in May and in July respectively that they do not dare to cultivate the fields due to mine contamination. In “DPR”-controlled Stylya, the “head” of the Stylya “village council” informed the SMM in May 2016 that the main source of income for people used to come from agriculture: now, however, out of 9,000 hectares of agricultural land, 4,500 hectares are contaminated by landmines and UXO.<sup>15</sup> Monitors also visited locations (such as in government-controlled Kolesnykivka and in government-controlled Komyshne in Luhansk region or “LPR”-controlled Kruta Hora and Krasnyi Yar) where residents reported being warned not to venture out due to the potential risk of mines.

When military equipment is positioned in villages, towns and cities, the risk of indiscriminate attacks is inevitable. The SMM has observed and reported on forward movement of the sides, at times decreasing the distance between the sides to less than 100 metres within populated areas.<sup>16</sup> In “LPR”-controlled Zhovte on the southern bank of the Siverskyi Donets river where an “LPR” position faces a Ukrainian Armed Forces position located on the northern bank, the SMM observed how the level of violence increased when the distance between positions was reduced. On 12 August in Lobacheve in Luhansk region, several residents separately told the SMM about an exchange of verbal provocations between the two sides across the river, several hundred metres apart, followed by exchanges of fire. Similarly, the contact line passes through south Zaitseve in Donetsk region, where the combating sides have taken up positions



on opposite sides of the village and have over time drawn closer to each other. Fighting within the village is a daily occurrence. Inhabitants report that since August the situation has deteriorated with kinetic activity now extending into the daylight hours. The psychological impact of living in an environment where shelling became constant is another burden for the local population, especially affecting the most vulnerable as children. The SMM observed numerous similar cases of armed positions in “DPR”-controlled populated areas.<sup>17</sup>

Furthermore, the presence of armed formations in populated areas is often accompanied by the occupation of public buildings which can also impact civilians’ right to access public services, including education<sup>18</sup> or medical care. In “DPR”-controlled Samiilove, an SMM patrol saw two units positioned next to the school (which was not in use at the time) and a headquarters located in the former school building. The SMM also observed public buildings which had been used by members of the Ukrainian Armed Forces in government-controlled areas. For example, in government-controlled Raihorodka in Luhansk region, the SMM observed a military installation in the building next to a kindergarten, approximately 15 metres from a school, and school employees told the SMM that the school basement and additional storage were being used by the military personnel so the school could no longer access these spaces.<sup>19</sup> During the reporting period the SMM also monitored damage to kindergartens and schools in “DPR”-controlled Kuibyshevskiy district in Donetsk city.<sup>20</sup> In “DPR”-controlled Makiivka the SMM observed an impact on the roof of a school building which was not in use at the time of the fighting. Approximately 250 square metres of the ceiling was damaged in three different classrooms of the school, more than 40 windows were broken and there was damage to the furniture and the heating system. Similarly in “DPR”-controlled Dokuchaievsk the SMM observed bullet holes in the windows of a school. The director of the school told the SMM that 14 pupils had still been present on the school premises when it had come under fire.<sup>21</sup>

iii) **Areas not fully controlled by any of the sides**

Civilians living in areas not fully controlled by any of the sides face even more difficulties. For example, over recent months the SMM noted the worsening of the humanitarian situation in Novooleksandrivka in Luhansk region. The small village of Novooleksandrivka is located between Ukrainian Armed Forces and “LPR” positions, with some positions as close as 200 metres from civilian houses. On 15 June the SMM recorded more than 100 explosions in Novooleksandrivka.<sup>22</sup> Residents face freedom of movement restrictions imposed by both sides. According to residents, the Ukrainian Armed Forces no longer allow them to travel westward to government-controlled Popasna to buy groceries. “LPR” members allow residents to go through the checkpoint to “LPR”-controlled Pervomaisk by car only once a month, otherwise only on foot or by bicycle.<sup>23</sup> Consequently, residents sometimes use forest paths contaminated by mines and booby traps in order to access basic goods and services. There is no demining team willing to proceed with demining in the area due to the lack of effective control. For any civilian who is wounded or needs other urgent medical attention, there is no healthcare available in the village. Ambulances do not travel to some areas due to security concerns and freedom of movement restrictions. For example, ambulances are

required to abide by operating hours at checkpoints that do not operate 24 hours, thus limiting their reach and cutting off patients from access to medical care, especially at night. For the last two years the residents of Novooleksandrivka have had no access to electricity, piped water or adequate medical care. They rely on private wells for water which increases hardship for elderly and disabled residents who must carry water jugs through the village. Residents reported to the SMM that on six different occasions during the summer, tracer ammunition and shelling started grass fires which affected nearby civilian properties. Inhabitants of the village had to extinguish the fires themselves.

Similarly, residents of the part of Zolote not controlled by any of the sides only have access to medical care provided in the “LPR”-controlled areas. Ambulances come from “LPR”-controlled Pervomaisk (approximately 7-8km from Zolote) but no vehicles are able to access the areas of Zolote not controlled by any of the sides since the only authorized route is via a tunnel under the railway which is controlled by armed “LPR” members. Twelve anti-tank mines in and under the tunnel prevent any form of crossing there. On 22 August a young man told the SMM that his mother had died after being struck by a bullet fired through the window. The emergency services were called but were unable to access the village due to the ongoing fighting in the area, and only came to Zolote the following morning to retrieve the body.<sup>24</sup>

## **2. Imposed restrictions affecting civilians**

On 30 March 2015 the SMM published its first thematic report on the humanitarian situation of conflict-affected civilians residing in non-government-controlled areas in Donetsk and Luhansk regions. The report *Findings on Formerly State-Financed Institutions in the Donetsk and Luhansk Regions*<sup>25</sup> analyses the situation following the adoption of the Government’s decision in November 2014, to stop financing previously state-supported institutions in the Donetsk and Luhansk regions and relocate them to government-controlled areas,<sup>26</sup> namely hospitals, orphanages and residential care homes, as well as banking services.<sup>27</sup> The Government’s decision also foresaw the discontinuation of social benefit payments, including pensions and disability benefits<sup>28</sup> to individuals residing within non-government-controlled areas. Later the Government announced that persons from non-government-controlled areas should register as internally displaced persons in government-controlled areas to receive their pensions and social benefit payments where the Government has the capability of making such payments<sup>29</sup> (with the average retirement pension being only about USD 2 per day)<sup>30</sup>. Given the security zone established by the Minsk Memorandum of 19 September 2014<sup>31</sup> and the relocation of state-financed institutions, the regional administrations were transferred from their previous headquarters in Donetsk and Luhansk cities to Kramatorsk and Sievierodonetsk respectively. With village councils also relocated and civil and military administrations<sup>32</sup> established, changes and uncertainty in local governance structures have further impacted the population’s access to public services and left certain villages without any governing authority.<sup>33</sup> Already in January 2015 the Government adopted measures, such as restrictions to the freedom of movement of civilians,<sup>34</sup> cancellation of public transportation across the contact line<sup>35</sup> and limits on the amount of personal goods allowed across the

contact line,<sup>36</sup> as well as a prohibition on commercial cargo of food and medicine.<sup>37</sup> In February 2016 the Government suspended the payment of social assistance and pensions to internally displaced persons and also to certain pensioners, pending verification of their residential addresses with the aim to discontinue these payments to people residing in non-government-controlled areas.<sup>38</sup>

Similarly, there is increasing evidence of attempts by “LPR” and “DPR” to adopt measures impacting the residents of these areas. This includes the mandatory “re-registration” of property rights<sup>39</sup> and restrictions, imposed since July 2015, on the access of international humanitarian aid organizations to non-government controlled areas. This hinders the delivery of relief supplies as well as the implementation of protection-related activities<sup>40</sup> and restrictions on the import of medicine.

## **D) Specific challenges to the living conditions of civilians**

### **1. Access to adequate housing**

Access to housing has continued to be affected both by the conduct of hostilities in populated areas and by the measures adopted in response. The SMM has observed damage and destruction of private properties and occupation of these properties in government and non-government controlled areas. There is no comprehensive assessment of the extent of properties destroyed/damaged or occupied as a result of the conflict. The right to adequate housing is not fulfilled if its occupants do not have safe drinking water, proper sanitation, and energy for cooking, heating and lighting. Essential water and electricity infrastructure have been damaged by the conduct of hostilities and access to these essential services has further been challenged by measures taken by the sides.

#### **i) Occupation of civilian properties**

The SMM has reported on several instances of occupation of civilian properties.<sup>41</sup> In government-controlled Stanytsia Luhanska in Luhansk region, the SMM has observed Ukrainian Armed Forces positions on civilian premises. In the government-controlled areas of Zolote in Luhansk region<sup>42</sup> the SMM has observed Ukrainian Armed Forces personnel entering and exiting houses. In mid-July in “DPR”-controlled Debaltseve, the SMM noted previously abandoned buildings occupied by armed men in military-style attire. Similarly in “DPR”-controlled Pikuzy (formerly Kominternove), the SMM observed “DPR” members living in abandoned houses which were often then targeted by shelling resulting in damage to these properties.<sup>43</sup> The SMM has also received reports of houses and belongings damaged by soldiers in the government-controlled parts of Zolote,<sup>44</sup> and in government-controlled Leninske in Donetsk region,<sup>45</sup> as well as allegations of stealing by armed men in “LPR”-controlled Pankivka,<sup>46</sup> “LPR”-controlled Raivka and “DPR”-controlled Komuna.<sup>47</sup> Civilians have reported that the military had not paid the utility bills for the properties it occupied.<sup>48</sup>

The SMM also received allegations from civilians concerning booby-trapped abandoned houses and areas surrounding their homes in Luhansk region.<sup>49</sup>

ii) **Restrictions on physical access to property**

The sides have also imposed *ad hoc* restrictions to freedom of movement which have further compounded the difficulty for conflict-affected civilians to access their properties.<sup>50</sup> On 3 July in a government-controlled part of Zolote in Luhansk region, the SMM observed a new checkpoint at the entry to a residential area where the Ukrainian Armed Forces had occupied private houses. The only other entrance to the area had been barricaded with tree branches and sand.<sup>51</sup> During the last week of September, in the Zolote disengagement area the SMM noted some progress in removal of concrete blocks and mines which prevented access to the area. In government-controlled Mykolaivka in Donetsk region, the SMM spoke with a resident who said the Ukrainian Armed Forces had blocked a road and hindered vehicular access to six houses in that area, mainly inhabited by elderly people.<sup>52</sup> The justification given for such restrictions is often security reasons. In the case of government-controlled Mykolaivka for example, it was later reported that residents were eventually allowed to access their properties once the security situation allowed for it. In the isolated government-controlled village Vodiane in Donetsk region (where on 22 June the SMM came under mortar shelling<sup>53</sup> while conducting a foot patrol), all residents are currently living in the co-operative building and no longer have access to their properties.<sup>54</sup> Some areas of government-controlled Marinka in Donetsk region have been abandoned by civilians, who from time to time are being escorted by the Ukrainian Armed Forces to visit their properties.

iii) **Damaged and destroyed property**

Continued fighting in both Luhansk and Donetsk regions, including the use of heavy weapons near populated areas, has led to extensive conflict-related damage to private residences of civilians on both sides of the contact line.<sup>55</sup> The SMM has reported numerous cases of damage to civilian property caused by artillery and mortar shelling with craters found in inhabited areas and in nearby fields on both sides of the contact line. For example, the SMM was informed<sup>56</sup> that around 227 people were residing in the government-controlled part of Zhovanka, south of Zaitseve in Donetsk region, where most houses had been damaged due to the conflict: three out of four houses/buildings suffered light damage, typically shattered windows and light damage to the roofs, around 20 homes require major repairs, while around 16 homes are beyond repair. Residents reported that intense shelling in mid-August had destroyed all homes located on one street. In government-controlled Myrne, Donetsk region, an elderly woman whose house had been completely destroyed by shelling on 18 August, had to sleep in the summer kitchen located in her yard.<sup>57</sup> Western outskirts of “DPR”-controlled Petrivske district came under shelling regularly during the summer season. Houses and private properties were damaged, forcing people to leave the area. Residents reported that families with young children spent the day in their houses and tried to find safer accommodation for the night. Extensive damage to private property as a result of shelling was also reported in “DPR”-controlled Trudovskiyi settlement in Petrovskiyi district, parts of

government-controlled Marinka and government-controlled Krasnohorivka and the villages of “DPR”-controlled Oleksandrivka and “DPR”-controlled Staromykhailivka. In “LPR”-controlled Sokilnyky almost all inhabitants were forced to find alternative accommodation in nearby villages due to extensive damage to their properties.<sup>58</sup>

Civilians have repeatedly expressed concerns to the SMM about if and when they will be compensated for damage to their personal property. Several residents whose property had been completely destroyed or sustained serious structural damage reported that they had not received any assistance. Severe or complete destruction of private property has often meant further displacement as people were left without shelter. The sides have announced limited reconstruction and compensation programmes. The implementation, however, remains to be monitored as does the need to address gaps in Ukrainian legislation on property compensation for conflict-damaged or destroyed property.<sup>59</sup> Yet recent examples were reported where Ukrainian Armed Forces personnel have compensated and participated in repairing damaged property, such as in government-controlled Nyzhnoteple in Luhansk region. There the SMM saw damage to three houses and infrastructure and spoke to residents who independently told the SMM it had occurred early that morning. A soldier admitted to the SMM that the damage had been caused by a Ukrainian Armed Forces infantry fighting vehicle and on 24 September the SMM saw that the damaged infrastructure had been repaired and Ukrainian Armed Forces personnel were helping owners repair the damage to the houses.<sup>60</sup>

## **2. Access to sufficient, safe, acceptable and affordable water**

Access to safe water remains a challenge in conflict-affected areas.<sup>61</sup> The complexity of the water delivery systems which often cross the contact line and provide water on both sides, and the relationship between water and electricity supplies increases the systems' vulnerability to the conflict.<sup>62</sup> The interconnection of the water system, whereby a majority of the water sources situated on one side provide water for consumers on both sides of the contact line adds to the complexity. It is urgent to find solutions on how to process the payment of water and electricity bills from one side to the other.<sup>63</sup>

In several instances the SMM received complaints that one side was deliberately turning off the water flow to the other side citing the lack of payment of water bills. To resolve this issue, recently, in government-controlled Zolote and Artema in Luhansk region, water meters were installed on pipes providing water to “LPR”-controlled areas. Yet at the end of September the electricity company in Luhansk cut off supplies to the Popasna Vodakanal water company due to unpaid debts. As a result, the water company reported that water supplies for up to 1.2 million people across the contact line were cut or severely curtailed, and residents of government-controlled Popasna, Zolote, Hirske and non-government controlled Pervomaisk, Stakhanov, Brianka, Kirovsk and Alchevsk reported extensive water shortages. The International Committee of the Red Cross paid some electricity bills - on an emergency basis, for a limited period only - to avoid water being cut off to 600,000 people,<sup>64</sup> and the electricity company restored power to the water company facilities. The Working Group on Economic

Issues of the Trilateral Contact Group has time and again put this issue on the agenda and urged the sides concerned to find a sustainable solution for the regular payment of water and electricity supply, including the redemption of the accumulated debt.

The effects of attacks using heavy weapons near populated areas include damage to critical infrastructure, in particular water supply and water treatment facilities, as well as electrical infrastructure and supply networks necessary for the functioning of water supply facilities<sup>65</sup>. This puts entire communities at risk of water and electricity shortages. Furthermore, chemicals necessary for the water filtration process are stored close to the facilities, posing a threat to the health of neighbouring residents in case of explosion. Starting in March, heavy fighting around government-controlled Avdiivka and “DPR”-controlled Yasynuvata in Donetsk region caused the Donetsk water treatment plant, located between the two sides, to stop functioning. The station provides clean water to more than 600,000 people residing on both sides of the contact line in Avdiivka, “DPR”-controlled Yasynuvata, Donetsk city and surrounding villages. Almost every week during the reporting period the SMM recorded ceasefire violations close to the water treatment plant.<sup>66</sup>

Water storage and delivery systems are interconnected with electricity systems with the consequence that in the absence of emergency generators, a power loss will also interrupt water delivery to the civilian population. This happened in late July when the SMM was informed that the electricity power lines near “DPR”-controlled Yasynuvata supplying power to the Donetsk water treatment plant were damaged due to the exchange of fire, causing the plant to cease operating. After having been repaired, the power lines were damaged again, this time as a result of shelling which caused a complete shutdown affecting both the water treatment plant, surrounding settlements and the Avdiivka water reservoir which was previously providing a backup water supply.

Similarly, shelling was observed during the beginning of July near water treatment plant no. 2 in “DPR”-controlled Horlivka. Water from the Siverskyi Donets river is conveyed via the Siverskyi Donets-Donetsk Channel which was affected by shelling that damaged electricity substations and power lines supplying power to the water treatment plant. Also, at least five villages along the contact line around government-controlled Berezove (Solodke, Berezove, Stepne, Olenivka and Taramchuk with a total population of around 7,000 residents) between “DPR”-controlled Olenivka and government-controlled Novotroitske in Donetsk region, have not had a centralized water supply since 15 April 2016. On that date, the high voltage power line that provides electricity to the water pumping station was damaged by shelling. The power supply to the water-pumping station was therefore cut and remains interrupted, due to the fact that the downed electricity pylon is in an area contaminated by mines and not accessible. The area of Zolote in Luhansk region is also a hub for water and electricity infrastructure<sup>67</sup> which supply both government-controlled areas and “LPR”-controlled areas: it has seen continuous damage from the conduct of hostilities. Residents reported that a new water pump had been installed which pumped potable water from a local well. As neither governmental authorities nor “LPR” members could access this area, residents installed the

water pump themselves. In government-controlled Zhovanka in Donetsk region, residents have had to rely on remote wells for water ever since the power outage in the village.

### **3. Access to energy for cooking, heating and lighting**

Access to energy affects civilians' ability to heat and light their homes, store and prepare food, and carry out regular family and economic activities. The availability of energy sources has also been impacted by measures introduced by the sides and by the conduct of hostilities in populated areas, with regular damage to infrastructure remaining the most serious problem. Similar to the water infrastructure, the electrical power supply and gas lines provide service to communities on both sides of the contact line, often crossing the contact line. Gas company representatives in Kyiv confirmed claims made by interlocutors regarding the shutting down of gas supplies from government-controlled areas to "LPR"-controlled Pervomaisk. Such breaking of ties affects people on both sides of the contact line.<sup>68</sup>

More than 16,000 people in the government-controlled towns of Marinka and Krasnohorivka in Donetsk region have been without gas since summer 2014 when a gas pipeline was damaged. Similarly, since September 2015, residents of government-controlled Trokhizbenka in Luhansk region have been living without gas after shelling in the vicinity of "LPR"-controlled Sokilnyky. The pipeline crosses through "LPR"-controlled areas where the security conditions have precluded a damage assessment. The road along the river in "LPR"-controlled Sokilnyky has a strong presence of armed formations with several checkpoints and is also heavily contaminated by mines.

Residents of Zhovanka in Donetsk region, with its population of about 280 people, told the SMM that they have been without electricity for months due to damage caused by shelling. The "DPR"-controlled areas of Zhovanka were reconnected to the electricity network when a transformer was moved further away from the contact line. However, the government-controlled Zhovanka neighbourhood of Zaitseve and more than half of the "DPR"-controlled areas of Zaitseve still remain without electricity. Gas pipelines damaged by shelling have left a number of villages close to the contact line reliant on coal, prohibitively expensive for residents, such as in government-controlled Maiorsk in Donetsk region.

On 28 May in "DPR"-controlled Kuibyshevskiy district in Donetsk city the SMM learned that as a result of shelling, a gas pipeline had been damaged and temporarily fixed with tape. Although residents had told the SMM that they were still able to use the gas in their apartments, the SMM could smell gas leaking from the pipe.<sup>69</sup>

To enable civilians on both sides of the contact line to regain access to essential services, the SMM facilitates adherence to the ceasefire through the deployment of "mirror patrols" along the line of contact to enable repairs to damaged essential service infrastructure.<sup>70</sup> The presence of mines near essential services infrastructure has often hampered much needed repair work.<sup>71</sup> In the 12 priority areas for demining identified by the Trilateral Contact Group to allow for infrastructure repairs, demining and repair work have been sporadic and have

often been hindered by the lack of security guarantees. Furthermore, while facilitating security conditions, the SMM has monitored how the conduct of hostilities continues to put the life of repair workers at risk. On more than 20 occasions during the reporting period, the SMM recorded ceasefire violations in close proximity to on-going repair work. For instance, repairs to the gas pipeline between Marinka and Krasnohorivka have often been interrupted due to nearby ceasefire violations.<sup>72</sup> Similarly, repairs to the Shchastia (government-controlled) power plant in Luhansk region have repeatedly been suspended due to explosions in the vicinity of the power plant.<sup>73</sup> The sides have continued to shell and use heavy weapons resulting in damage to civilian infrastructure that had sometimes only recently been repaired.<sup>74</sup> Furthermore, over recent months, a number of repair projects of essential infrastructure in Donetsk region have been stalled due to a lack of agreement between the sides about the provision of security guarantees, including on a number of needed repairs to water and gas pipelines on both sides of the contact line.

#### **4. Access to medical care**

The right to medical care requires the provision of safe health facilities, the supply of medicine, electricity and clean water, medical transport and appropriate working and living conditions for health care workers. All of these requirements can be compromised by the conduct of hostilities in populated areas and by the measures adopted by the sides.

At the time of SMM's visit in May 2016, neither police nor ambulances were allowed to enter the village of Leninske in Donetsk region due to security concerns.<sup>75</sup> Similarly, several individuals reported that following the shelling of the "DPR"-controlled Olenivka crossing point, on 27 April<sup>76</sup> the city's ambulance was moved to "DPR"-controlled Dokuchaievsk, making it difficult for Olenivka residents to secure first aid services.<sup>77</sup> Ukrainian Armed Forces prevented civilians coming from "DPR"-controlled Novohryhorivka from accessing neighbouring government-controlled Hranitne in Donetsk region less than 12km away. As a result, they had to travel to government-controlled Volnovakha in Donetsk region - some 35km from the village - to buy food and medicine. Similarly, residents of government-controlled Novoluhanske in Donetsk region stated that ambulances would not come to Novoluhanske in emergency cases due to difficulties accessing villages in areas located between the last checkpoint and the contact line.

Hospitals and medical facilities have not been spared from shelling. The conduct of hostilities in populated areas also impacts the psychological well-being of residents who are constantly exposed to shelling or exchanges of fire. In "DPR"-controlled Komuna village, 2km west of "DPR"-controlled Debaltseve, residents told the SMM that many children suffer from psychosocial distress and that psychosocial support services are scarce. One woman with three children told the SMM that her four-year-old son had stopped speaking during the most intense fighting in "DPR"-controlled Komuna and "DPR"-controlled Debaltseve, and has been silent since then.<sup>78</sup> Similarly, in government-controlled Avdiivka in Donetsk region, several residents stated that the psychological trauma caused by the conflict would have long



term consequences and that they desperately needed psychological support. People reported sleeping with their clothes on and remaining awake all night due to shelling.<sup>79</sup>

The forced suspension of operations by international humanitarian aid organizations in “DPR”-controlled areas and “LPR”-controlled areas since mid-July 2015 has impacted the availability of medical supplies, health services, and food supplies for patients, and the provision of mental health and psychosocial support. For example in “LPR”-controlled Zhovte, where there is no permanent doctor available, “Doctors Without Borders” used to bring medicine to the local population until they had to cease their activities in September 2015 due to the decision taken by “LPR”-structures refusing to allow them to operate in “LPR”-controlled areas.<sup>80</sup> Similarly in government-controlled Trokhizbenka in Luhansk region, residents reported that one of their major concerns was the lack of access to regular and adequate medical assistance.

Furthermore, the mentioned relocation of banking services coupled with the suspension of pension payments for residents of non-government-controlled areas have restricted people’s access to medicine, especially those who rely on their pension to purchase medicine for chronic illnesses. The ban on the transport of commercial goods has also limited the availability of medicine, medical supplies, and medical equipment as well as fuel for ambulances and generators. Freedom of movement restrictions imposed by both sides further exacerbates these challenges. The relocation of formerly state-financed institutions,<sup>81</sup> including hospitals, mental health and residential care facilities has led to the departure of medical staff and specialists from non-government-controlled areas.<sup>82</sup> In government-controlled Petrivka in Luhansk region the SMM met with members of the hospital’s medical staff who reported that the hospital still functions but with very limited medical staff providing only essential medical care.<sup>83</sup> Some medical facilities that have been destroyed have been repaired over time (e.g. in Popasna), but many are still too damaged for use. For specialized healthcare, patients are referred to government-controlled Sievierodonetsk (more than 100km away) or government-controlled Kharkiv hospitals (more than 200km away).<sup>84</sup> It should be emphasized that in these challenging circumstances medical personnel make no distinction among patients based on their place of residence and provide services to all.<sup>85</sup>

## **E) Conclusions**

Civilians remaining in conflict-affected areas on both sides of the contact line in eastern Ukraine continue to experience undue suffering owing to violence, insecurity and restrictions imposed by the sides. Achieving a complete ceasefire, withdrawal of proscribed weapons and strengthening compliance with all commitments made by the sides under the Minsk Agreements will immediately improve the well-being of civilians, in particular the most vulnerable groups including women, children and the elderly, and the humanitarian situation in Donbas overall, to which the sides have also committed themselves.

Standards of international human rights and rules of customary international humanitarian law affording protection to civilians must be respected. “DPR” and “LPR” armed formations

should refrain from occupying civilian property, schools or hospitals and should also refrain from locating installations and positions next to civilian objects or within populated areas, as should the Ukrainian Armed Forces. The sides should abstain from using heavy weapons in or near populated areas, as these, in addition to endangering civilians, damage civilians' personal property and civilian buildings, as well as vital water and electricity supply infrastructure. Such damage leads to infringements of civilians' right to an adequate standard of living and puts them at risk of life-threatening situations of deprivation, as people lose their shelter and livelihood, struggle to access basic services, and experience added difficulties in accessing medical care and education.<sup>86</sup> Restrictions limiting the activity of international humanitarian aid organizations should be lifted to alleviate the undue hardship faced by civilians.

The SMM remains ready to support all efforts to alleviate civilian hardship, in particular through the facilitation of dialogue with the aim of upholding the ceasefire in order to allow civilians' access to their most basic human rights.

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<sup>1</sup> OSCE, Permanent Council, Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine (SMM), PC.DEC/1117, March 2014.

<sup>2</sup> OSCE SMM Thematic Report, *Restrictions to SMM's freedom of movement and other impediments to fulfilment of its mandate*, January to June 2016, <http://www.osce.org/ukraine-smm/261066?download=true>

<sup>3</sup> Spot Report by OSCE Special Monitoring Mission to Ukraine (SMM): SMM loses unmanned aerial vehicle over Korsun, 3 June 2016, <http://www.osce.org/ukraine-smm/244576>; Spot Report by OSCE Special Monitoring Mission to Ukraine: SMM long-range Unmanned Aerial Vehicle (UAV) crashes in Donetsk region, mini UAV comes under fire in Luhansk region, 26 July 2016, <http://www.osce.org/ukraine-smm/256371>; Special Monitoring Mission (SMM) comes under small-arms fire in Novooleksandrivka, 21 August, 2016, <http://www.osce.org/ukraine-smm/260541>; Spot Report by OSCE Special Monitoring Mission to Ukraine (SMM): Small-arms fire in the vicinity of mini SMM unmanned aerial vehicle near Bohorodychne, 25 September, 2016, <http://www.osce.org/ukraine-smm/267526>

<sup>4</sup> Compare also the findings of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) in its the fifteenth report on the situation of human rights in Ukraine covering the period from 16 May to 15 August 2016, page 10 par. 31-32 "According to civilians living on either side of the contact line, Ukrainian armed forces and armed groups have engaged in hostilities from residential areas, with civilians suffering the impact of return fire. This is a widespread practice. OHCHR has documented such dynamics in the Government-controlled towns of Avdiivka, Marinka, Krasnohorivka, and Chermalyk, and in the territory controlled by the 'Donetsk people's republic' in Petrovskiyi, Kuibyshevskiyi, Kyivskiyi districts of Donetsk, Makiivka, Dokuchaievsk, Horlivka, Kominternove, Zaitseve, Spartak, Sakhanka, and Yasynuvata. While OHCHR is not able to confirm whether this was the intent of the warring parties, the risks of such practices for civilians are of utmost concern.", <http://www.ohchr.org/Documents/Countries/UA/Ukraine15thReport.pdf>

<sup>5</sup> Framework Decision of the Trilateral Contact Group relating to disengagement of forces and hardware, 21 September 2016 <http://www.osce.org/cio/266266> (in Russian only); Special Representative of the OSCE Chairperson-in-Office in Ukraine Sajdik welcomes Framework Decision on Disengagement of Forces and Hardware, 21 September 2016, <http://www.osce.org/cio/266331>

<sup>6</sup> In Stanytsia Luhanska in Luhansk region the SMM observed military equipment, namely infantry fighting vehicles (BMP-2) parked beside private houses, in addition to a simulated military position 15 metres from the road (SMM observation, May 2016). In government-controlled Zolote in Luhansk region, the SMM observed an armoured personnel carrier (BRDM-2) hidden between civilian houses (SMM observation, July 2016). Other locations where the SMM observed the establishment of military positions and/or the presence of military equipment in populated areas include Lopaskyne in Luhansk region (SMM observation, August 2016) and the firing of one salvo of a multiple-launch rocket system in Novotroitske/Dokuchaievsk ("DPR"-controlled) areas (SMM observation, May 2016). In Dokuchaievsk three residents told the SMM about the presence of "DPR" positions in their district and the SMM observed a stationary military-type truck, a camouflaged bus and two men in military-style clothing close to a populated area (SMM observation, May 2016). In government-

controlled areas of Zolote, the SMM observed the presence of an APC (BRDM-2) between houses in a populated area; on 31 August in “DPR”-controlled Oleksandrivka in Donetsk region, the SMM assessed evidence of shelling. Residents told the SMM that they had seen at least two armoured vehicles on the street during the night shelling. In government-controlled Krasnohorivka in Donetsk region the SMM observed fresh craters caused by 122mm artillery rounds, resulting in damage to an apartment building located approximately 100m from a Ukrainian Armed Forces facility.

<sup>7</sup> Namely, in “DPR”-controlled Staromykhailivka in Donetsk region, the SMM observed a fresh crater within 10m of a kindergarten, assessed as caused by an impact of an 82mm mortar round. The SMM noted “DPR” positions and checkpoints on the same street, 70m north and 800m east of the kindergarten respectively. Residents reported that armed men fired from positions close to populated areas, then withdrew weapons soon after (SMM observation, May 2016). On 30 June in Novooleksandrivka in Luhansk region, the SMM saw 12 fresh craters in a garden 20 to 30m from an inhabited house and assessed them as caused by an automatic-grenade-launcher (AGS-17, 30mm). Previously, the SMM had monitored that “LPR” positions were 2-3km from the location where the craters were observed and the Ukrainian Armed Forces positions only 400-600m from the area of the impacts. See Latest from OSCE Special Monitoring Mission (SMM) to Ukraine 30 June 2016, <http://www.osce.org/ukraine-smm/250241> . On 30 June in government-controlled Vrubivka in Luhansk region two residents told the SMM that 152mm howitzers had been fired the previous night from Mykolaivka in Luhansk region. In government-controlled Mykolaivka the SMM spoke to two residents who also confirmed that heavy artillery started firing from the village during the night. The SMM visited the area from where the artillery was allegedly fired and observed recent heavy tracked vehicle tread marks consistent with 152mm towed artillery, across a large area on a hillside. The SMM also found two fresh firing positions. Similarly, during the month of August in Lobacheve in Luhansk region, residents reported to the SMM that the shelling originated from a northern direction, indicating government-controlled areas. Other locations where the SMM has conducted crater analysis within populated areas include: in Donetsk region: Marinka; Krasnohorivka; Novotroitske; Luhanske; Kalynove; Myronivka; Lebedynske; “DPR”-controlled Yasne; “DPR”-controlled Makiivka; “DPR”-controlled Sakhanka; “DPR”-controlled Dokuchaievsk; “DPR”-controlled districts of Donetsk city (SMM observation, June 2016); “DPR”-controlled Yasynuvata; “DPR”-controlled Horlivka; “DPR”-controlled Staromykhailivka; “DPR”-controlled Kominternove. In Luhansk region: Popasna; Stanytsia Luhanska; Novooleksandrivka; “LPR”-controlled Raivka; “LPR”-controlled Kalynove; “LPR”-controlled Verhulivka. In “DPR”-controlled Nova Marivka, the SMM observed two fresh craters next to a civilian warehouse and approximately 150 metres from a checkpoint and residential buildings. In “DPR”-controlled Pikuzy (formerly Kominternove) the SMM observed two fresh craters approximately 20 metres from a house and 100 metres from a checkpoint. While in “DPR”-controlled Horlivka analysing five fresh craters, the SMM were told by residents that they had heard explosions and seen muzzle flashes in a wooded area just north of the residential district.

<sup>8</sup> Namely, anti-aircraft weapons, 82mm and 120mm mortars, armoured combat vehicle cannons, tanks, 122mm and 152mm artillery, and multiple-launch rocket systems (MLRS). For example, on 28 July in government-controlled Novotoshkivske in Luhansk region, in a field about 1.5km from the contact line, the SMM observed three craters. One crater was assessed as caused by a rocket from a multiple-launch rocket system. OSCE SMM, Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 28 July 2016, <http://www.osce.org/ukraine-smm/257106> ; similarly, on 19 August in “DPR”-controlled Styla, the SMM observed multiple-launch rocket-system projectiles stuck in three fresh craters which were located in a field. A fourth crater was located in an orchard, 25 metres south of a house. The SMM assessed that the crater was caused by a 122mm or larger artillery round. There was minor shrapnel damage to the house and three broken windows, Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 19 August 2016, <http://www.osce.org/ukraine-smm/260516>

<sup>9</sup> In Kuibyshevskiy district in Donetsk city interlocutors suggested that armed men sometimes fired from nearby areas before withdrawing their weapons soon after, and that “DPR” members had asked to fire mortars from the roof of a house. (SMM observation, May 2016); in “DPR”-controlled Staromykhailivka in Donetsk region, residents reported that armed men fired in close proximity of the populated areas, withdrawing weapons soon after (SMM observation, May 2016); in Dokuchaievsk, several residents told the SMM that armed “DPR” members usually fired from populated areas in the town which was followed by incoming shelling and shooting towards the populated areas from the other side. One day after the SMM observed the signs of shelling in “DPR”-controlled Donetsk city’s Petrovskiy district, it noted dozens of men in military-type uniforms in the district, including armed with sniper rifles and a machine-gun; on 23 July, the SMM saw four 122mm artillery systems, three of them assessed as self-propelled howitzers, firing from close to populated areas in “LPR”-controlled Kalynove; in “DPR”-controlled Pikuzy (formerly Kominternove) the SMM observed an armoured vehicle (BRDM-2) concealed inside the yard of a house and a newly established firing position east of Lopaskyne in Luhansk region.

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<sup>10</sup> Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 31 August 2016, <http://www.osce.org/ukraine-smm/261831>

<sup>11</sup> SMM Observation, June 2016.

<sup>12</sup> Residents of Luhanske told the SMM that starting from 29 June 2016, UAF brought heavy artillery into the area every evening, before firing at night towards the east, and the interlocutors specified that artillery positions were being set up in a field behind Svitlodarsk power plant and a small area north of Luhanske (SMM observation, July 2016).

<sup>13</sup> For example, in Lopaskyne, Luhansk region, residents stated that the Ukrainian Armed Forces had organized an improvised shooting range in the backyard of the house which they were occupying (approximately 400m from the contact line). Residents of the village stated that shooting took place when they would gather nearby to buy supplies from a mobile store that came to the village. The residents' concerns were shared by the SMM with the Joint Centre for Control and Co-ordination (JCCC) (SMM observation, August 2016).

<sup>14</sup> For example, the SMM followed up the case of a farmer reportedly injured on 3 May when his tractor hit and detonated a landmine near Hnutove in Donetsk region. During the week of 16 May, one man was killed and another critically wounded when the tractor struck an anti-tank mine near Pavlopil in Luhansk region. Near "DPR"-controlled Andriivka, on 20 July two men were hospitalized with injuries when their harvester struck an explosive device; At the Kalinina hospital morgue in "DPR"-controlled Donetsk city, the SMM observed the body of a woman with extensive shrapnel injuries, which she had received due to triggering a booby-trap while working in her garden in Petrovskiy district in Donetsk city on 4 August.

<sup>15</sup> Additionally, in Novoluhanske in the Donetsk region, local agriculture companies stated to the SMM during May 2016 that they are losing income because they have to pay tax for land they cannot use as it is mined, (SMM observation, May 2016); in "DPR", according to the Ozerianivka Village Council, which covers Ozerianivka, Mykhailivka, Shyroka Balka and Stavky villages, only five per cent of agricultural fields are usable, the rest is either being mined or used by the armed formations with fortifications (SMM observations, May 2016).

<sup>16</sup> Namely, in late December 2015 the SMM observed a new development when the sides moved forward and took control of the villages of Pavlopil and Kominternove located north-east of Mariupol. Similarly, in mid-April 2016 the SMM noted that a Ukrainian Armed Forces checkpoint south of Donetsk city near Berezove, had been moved resulting in the distance between the two sides' checkpoints narrowing to approximately 2km.

<sup>17</sup> See endnotes 6, 7 and 8, above.

<sup>18</sup> Since 17 August in view of the start of the school year, SMM monitors began visiting schools on both sides of the contact line, paying particular attention to the issue of occupation of school buildings. At this time the SMM visited more than 20 school buildings and found several instances where the sides were positioned in close proximity to educational premises. Compare also the findings of HRMMU in its fifteenth report on the human rights situation in Ukraine at page 11 par. 37: "*The proximity of the contact line, with opposing military positions less than a street away, highlights the urgent need for military forces to fully withdraw from civilian areas and refrain from using educational or health facilities for military.*"

<http://www.ohchr.org/Documents/Countries/UA/Ukraine15thReport.pdf>

<sup>19</sup> Also in the government-controlled part of Zolote (60km west of Luhansk) where UAF positions were 400 metres from a school which was preparing for the start of the school year. In government-controlled Avdiivka, Donetsk region, the SMM observed camouflage nets and sandbags as well as military vehicles and personnel around a library and an orphanage; in "DPR"-controlled Samiilove where at the time of SMM's visit there were two units positioned next to the school; in Samiilove as well, where a "headquarters" is established in the former school building. In government-controlled Komyshevka in Luhansk region the SMM observed a military compound located some 120m from a school. In government-controlled Novoselivka (in Donetsk region, the SMM observed a Ukrainian Armed Forces military headquarters located 400 metres south of the school in the centre of the village. The SMM met with staff of School no. 5 in government-controlled Krasnohorivka in Donetsk region who said the school was most recently damaged by shelling on 16 June and concerns were expressed about the proximity of military positions to the school.

<sup>20</sup> The SMM observed damage to two kindergarten buildings and their surrounding area resulting from artillery shelling occurring the night of 28 May. There was visible damage inside the first kindergarten: one shrapnel piece hit the dormitory on the second floor, another damaged exterior fire escape iron steps and a third shrapnel piece hit an iron exterior fence at a kindergarten. Kindergarten staff confirmed the time of shelling and showed the SMM three fragments of shrapnel discovered in the kindergarten's backyard. On the premises of the second kindergarten the SMM observed no damage, however the surrounding area continued to show signs of recent shelling, including shattered windows and damaged trees. In "LPR"-controlled Pervomaiske the SMM observed damage to a kindergarten from shelling. As a result, school staff told the SMM that the school would not be able to open for the beginning of the school year in September (SMM observation June 2016).

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<sup>21</sup> SMM observation September 2016

<sup>22</sup> Latest from OSCE Special Monitoring Mission to Ukraine: <http://www.osce.org/ukraine-smm/247216>

<sup>23</sup> SMM observation, July & September 2016

<sup>24</sup> Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 24 August 2016, 25 August, 2016, <http://www.osce.org/ukraine-smm/261086>

<sup>25</sup> OSCE SMM thematic report, *Findings on Formerly State-Financed Institutions in the Donetsk and Luhansk Regions*, 30 March 2015, <http://www.osce.org/ukraine-smm/148326?download=true>

<sup>26</sup> Decision of the National Security and Defence Council of 4 November 2014 “On Immediate Measures Aimed at the Stabilization of the Socio-Economic Situation in Donetsk and Luhansk regions”, enacted by the Decree of the President of Ukraine No. 875/2014 on 14 November 2014; Resolution of the Cabinet of Ministers of Ukraine No. 595 as of 7 November 2014, “On the Issues of Financing of State Institutions, Payment of Social Benefits to Citizens and Provision of Financial Support for Some Enterprises and Organizations of Donetsk and Luhansk Oblasts”.

<sup>27</sup> Decree of the National Bank of Ukraine of 9 August 2014 No. 466 suspending the operations of all banks, non-bank financial institutions and state postal services conducting payment operations in areas currently not under Government control.

<sup>28</sup> Following the adoption of Cabinet of Ministers Resolution No. 509 “On registration of internally displaced persons from the temporarily occupied territory of Ukraine and anti-terrorist operation area”, pensioners and social welfare beneficiaries physically able to do so may take permanent residence in a government-controlled municipality and register as internally displaced persons (IDPs) and request the transfer of their benefits.

<sup>29</sup> Resolution 595 foresees the payment of social benefits to individuals only after: 1) their displacement to areas under government control; 2) their registration as internally displaced persons; 3) obtainment of a certificate as a registered IDP; and 4) the submission of a written request to the governmental institution in charge of disbursing the social benefit in question. This procedure is set by Cabinet of Ministers Resolution No. 509 “On registration of internally displaced persons from the temporarily occupied territory of Ukraine and anti-terrorist operation area” as referenced in Decree 875/2014.

<sup>30</sup> The World Bank, Ukraine Special Focus Note: Pension reform for fiscal stability and social adequacy, 1 April 2016 <http://pubdocs.worldbank.org/en/306341459504748724/Ukraine-EU-Special-Focus-Note-April-2016-ENG.pdf>

<sup>31</sup> Memorandum of 19 September 2014 outlining the parameters for the implementation of commitments of the Minsk Protocol of 5 September 2014, <http://www.osce.org/home/123806>; for example, in Donetsk region six village councils and administrative areas were transferred from Telmanivskiyi district (“DPR”-controlled) to the jurisdiction of Volnovakha district (government-controlled). Additional transfers include the village council of Vynohradne (including its villages of Pionerske and Prymorske) being transferred from Novoazovsk district (“DPR”-controlled) to the jurisdiction of Mariupol city (government-controlled) on 20 May 2015. Four village councils and their villages were transferred from Novoazovsk district to the jurisdiction of Volnovakha district.

<sup>32</sup> Under the Law of Ukraine “On Civil and Military Administrations” of 3 March 2015 no. 141-VIII (CMA Law) civil and military administrations (CMA) replace, on a provisional basis, self-governing authorities and local executive authorities in the areas where the Anti-Terrorism Operation (ATO) is conducted, and are part of the Anti-Terrorism Centre of the State Security Service of Ukraine (ATC). CMAs are established by Presidential Decree and are defined as provisional State authorities to perform the functions of: district and regional councils (*radas*), State administrations (local executive authorities) as well as other functions defined in the CMA Law. Similarly, CMAs established in villages and cities are provisional State authorities that perform the functions of the local councils (*radas*), their executive committees, mayors and other functions as defined in the CMA Law. Under Article 5 of the CMA Law, CMAs are expressly entitled, among other things, to limit the freedom of movement on the streets, roads and in certain areas; to organize the checking of identification (ID) documents and searches of personal items, vehicles, luggage, cargo, office premises and homes with the limitations as provided for in the Constitution of Ukraine; to limit sales of weapons and alcohol and to evacuate population as necessary, within relevant areas. An exhaustive list of CMAs established during ATO is provided for in the Decree of the President of Ukraine “On Establishing Military and Civil Administrations” of 5 March 2016 no.123/2015 and of 11 August 2016 no. 329/2016.

<sup>33</sup> Often local authorities have not returned to assist with the management of administrative functions and public services remain generally unavailable (including public transport, functioning schools, hospitals or ambulance services, local government administration). For example, the district administration of Yasynuvata previously based in Yasynuvata has now been transferred to Ocheretyne, much further away from the villages which it now governs, including Opytne (40 km away), Krasnohorivka (more than 50 km away), Pisky (more than 30 km away) and Orlivka (more than 150 km away). Similarly, the SMM was informed that the Volnovakha district administration had not been involved or consulted in the process of administrative re-allocation of 11 village

councils from the Boikivske (formerly Telmanove) and Novoazovsk districts to the Volnovakha district. No mechanism has been foreseen by Parliament (*Verkhovna Rada*) to compensate the increase of expenditure due to this reshuffling. Other examples include the village of Vilkhove, where for any official documents, residents now have to travel to Sievierodonetsk, 90 km north-west of Luhansk (where in the past they used to travel to Luhansk, less than 10km away). Another example, the payment of pensions to residents of Nyzhni, Luhansk region, was delayed, since the pension fund, previously in “LPR”-controlled Pervomaiske had to be transferred to Lysychansk and now to Popasna. Nyzhni is located more than 40km away from Popasna, and many pensioners are unable to travel to Popasna to re-register at the pension fund (SMM observation June 2016).

<sup>34</sup> On 11 January 2015 the Security Service of Ukraine (SBU) announced the introduction of the Temporary Order on Control of the Movement of People, Transport Vehicles and Cargo along the contact line in Donetsk and Luhansk regions, which regulates movement into and out of the ATO zone and came into effect on 21 January 2015. The Temporary Order requires all movement into and out of the ATO zone to be conducted through seven designated government-controlled checkpoints located along seven main corridors. See OSCE SMM thematic report *Protection of Civilians and their Freedom of Movement in the Donetsk and Luhansk Regions*, 6 May 2015 at <http://www.osce.org/ukraine-smm/156791>; it should be noted that in addition to the restrictions on freedom of movement resulting from the 21 January 2015 temporary order, “LPR” and “DPR” or government-controlled checkpoints (other than the entry/exit checkpoints) impose *ad hoc* requirements for residents. For example, at the government-controlled checkpoint in Zolote in Luhansk region residents have reported that only residents living on specific streets of the town are allowed to cross the checkpoint to enter the government-controlled parts of Zolote.

<sup>35</sup> See Temporary Order on Control of the Movement of People, Transport Vehicles and Cargo Along the Contact Line in Donetsk and Luhansk Regions in force since 21 January 2015 as amended on 16 June 2015.

<sup>36</sup> Cabinet of Ministers of Ukraine Resolution No. 1035 on restrictions on the supply of certain goods (works, services) from temporarily occupied territory to another territory of Ukraine and/or from another territory of Ukraine to the temporarily occupied territory, adopted on 16 December 2015, <http://zakon3.rada.gov.ua/laws/show/1035-2015-%D0%BF>; Temporary Order on Control of the Movement of People, Transport Vehicles and Cargo Along the Contact Line in Donetsk and Luhansk Regions in force since 21 January 2015 as amended on 16 June 2015.

<sup>37</sup> Cabinet of Ministers of Ukraine Resolution No. 1035 on restrictions on the supply of certain goods (works, services) from temporarily occupied territory to another territory of Ukraine and/or from another territory of Ukraine to the temporarily occupied territory, adopted on 16 December 2015, <http://zakon3.rada.gov.ua/laws/show/1035-2015-%D0%BF>

<sup>38</sup> According to the Letter of the Deputy Minister of Social Policy of Ukraine of 16 February 2016 “On Strengthening the Control Over IDP Registration” (Letter), local departments for social protection have been instructed to suspend social payments to registered IDPs. According to the Letter, such suspensions should remain effective until the residence address for the IDP is confirmed. As a result of major verification procedures related to IDPs’ registration taking place all over the country as described in the Letter, hundreds of thousands of IDPs have had their social payments suspended for an indefinite period of time. On 8 June 2016 the Cabinet of Ministers of Ukraine issued new resolutions to further amend the rules for IDPs’ registration, residence verification and receiving social payments and introduce possibilities to cease social payments, including pensions for those IDPs who do not reside in government-controlled areas. The Resolution of the Cabinet of Ministers of Ukraine “On Amendments to the Resolution of the Cabinet of Ministers of Ukraine of 1 October 2014 no. 509” of 8 June 2016 no. 352 aligned the provisions of the Resolution of the Cabinet of Ministers of Ukraine “On Registration of Internally Displaced People” of 1 October 2014 no. 509” with the IDP Law and introduced the amendment according to which IDPs who indicated the addresses of State authorities or other premises where they do not actually reside have been obliged to re-register before 20 July 2016.

<sup>39</sup> “Decision of council of ministers of “DPR” “On approval of temporary regulation on the order of state registration of proprietary rights on real estate and their burdening and provision of information no. 10 – 29” of 3 June 2015”, [http://old.dnr-online.ru/wp-content/uploads/2015/03/PostanovN10\\_29\\_03062015.pdf](http://old.dnr-online.ru/wp-content/uploads/2015/03/PostanovN10_29_03062015.pdf); “decision of council of ministers” of “DPR” “On approval of temporary order on discovering, accounting, storing, valuating of ownerless, confiscated and other property, which becomes the property of “DPR” and manage it” no.3-16 of 12 March 2015”, [http://old.dnr-online.ru/wp-content/uploads/2015/03/PostanovN3\\_16\\_12032015.pdf](http://old.dnr-online.ru/wp-content/uploads/2015/03/PostanovN3_16_12032015.pdf) “Decision of council of ministers” of “LPR” “On approval of temporary regulation on the order of state registration of proprietary rights on real estate and their burdening and provision of information” no. 404 of 8 August 2016” <http://sovminlr.su/akt/08.08.2016/404.pdf>

<sup>40</sup> “DPR” “law” on Humanitarian Mission, Accreditation of Heads, Employees, Administrative and Technical Staff of Humanitarian Mission in DPR dated 19 December 2014; “Regulation” on the Interdepartmental Committee for Humanitarian Mission Accreditation in “DPR” approved by “Order” of the “Head” of “DPR”

No. 104 dated 29 June 2015; “Accreditation” Procedure for Humanitarian Mission in “LPR” and “Regulation” for the Interdepartmental Commission for the Humanitarian Mission “Accreditation” in “LPR” “approved” by “LPR” “Council of Ministers” “Resolution” dated 21 July 2015.

<sup>41</sup> Those known to have taken place include, in government-controlled areas of Donetsk region: Avdiivka (SMM observation May 2016), Karlivka (SMM observation May 2016), Mykolaivka (SMM observation June 2016), Kamianka (SMM observation, June 2016); in government-controlled areas of Luhansk region: Bilovodsk (SMM observation, May 2016), Troitske (SMM observation, May 2016), Lopaskyne (SMM observation May, August 2016), in government-controlled Zolote (SMM observation, June, July 2016); in “DPR”-controlled Andriivka (SMM observation, May 2016); in “LPR”-controlled Khristove (SMM observation, September 2016), “LPR”-controlled Pankivka (SMM observation, September 2016), and “LPR”-controlled Raivka (SMM observation, September 2016).

<sup>42</sup> On 3 July in government-controlled Zolote (60km north-west of Luhansk), the SMM observed a new checkpoint to a populated area where the Ukrainian Armed Forces are occupying private houses and where civilians are also living. The deputy head of the village (female, in her forties) told the SMM that around ten civilian houses are occupied by the Ukrainian Armed Forces and the SMM had also observed Ukrainian Armed Forces personnel entering and exiting three houses in the area (SMM observation 4 July 2016).

<sup>43</sup> For example, in “DPR”-controlled Pikuzy (formerly Kominternove) in Donetsk region, on 9 August the SMM, while observing shattered windows and shrapnel damage to the roof and wall of several houses, found evidence of 120mm mortar shelling (reportedly from the previous evening), and three days later the SMM saw an infantry fighting vehicle (IFV, BMP-1) in the backyard of a house on the western edge of the village.

<sup>44</sup> For example, the SMM spoke to a resident of government-controlled Zolote who stated that she had to leave her house in 2014. In the meantime the residence was occupied by the military. She was allowed to access the premises in December 2015 to recover personal belongings but most of the items in the house had since been destroyed or damaged (SMM observation June 2016).

<sup>45</sup> SMM observation, May 2016

<sup>46</sup> SMM observation, September 2016

<sup>47</sup> SMM observation, September 2016

<sup>48</sup> For example, residents in Vesele in Donetsk region complained that members of the Ukrainian Armed Forces use electricity without compensating the owners (SMM observation May 2016); similarly in government-controlled Trokhizbenka and in government-controlled Krymske (SMM observation September 2016).

<sup>49</sup> SMM observation, May, June 2016 in the government-controlled part of Zolote and in Troitske and Orikhove

<sup>50</sup> Residents also complained of being prevented from accessing cemeteries either due to the proximity of military positions or the presence of UXO, landmines or explosive remnants of war (ERW) namely in government-controlled Lopaskyne in Luhansk region (SMM observation, July 2016).

<sup>51</sup> SMM observation, July 2016

<sup>52</sup> SMM observation, May 2016

<sup>53</sup> Spot Report by OSCE Special Monitoring Mission to Ukraine (SMM): SMM caught in mortar shelling in Vodiane, 22 June 2016, <http://www.osce.org/ukraine-smm/248141>

<sup>54</sup> SMM observation September 2016

<sup>55</sup> For example, in Donetsk region in Leninske (SMM observation May 2016), Artemove (SMM observation June 2016), Chermalyk (SMM observation June 2016), Marinka (SMM observation June 2016), Zaitseve (SMM observation June 2016), Krasnohorivka (SMM observation June 2016), Pervomaisk (SMM observation June 2016), Mykolaivka (SMM observation June 2016), Novotroitske (SMM observation June 2016), Myronivskiyi (SMM observation June 2016), Luhanske (SMM observation July 2016); “DPR”-controlled Yasne (SMM observation May 2016), “DPR”-controlled Donetsk city (SMM observation May, June July), “DPR”-controlled Dokuchaievsk (SMM observation June & July 2016), “DPR”-controlled Staromykhailivka (SMM observation June 2016), “DPR”-controlled Kominternove (SMM observation July 2016), “DPR”-controlled Tavrycheske (SMM observation June 2016), “DPR”-controlled Zaichenko (SMM observation July 2016); “DPR”-controlled Kruta Balka (SMM observation September 2016); In Luhansk region, Novooleksandrivka (SMM observation, June, July 2016), Stanytsia Luhanska (SMM observation, July 2016), Shchastia (<http://www.osce.org/ukraine-smm/261796>), Lobacheve (SMM observation, August 2016); “LPR”-controlled Molodizhne (SMM observation, July 2016), “LPR”-controlled Raivka (SMM observation July 2016). The SMM evacuated its forward patrol base in Shchastia due to mortar shelling [on 31 August 2016](#)

<sup>56</sup> Due to security reasons the SMM has not accessed the villages of “DPR”-controlled Zhovanka or “DPR”-controlled South Zaitseve since June 2016. Volunteers and local NGOs working here provided the SMM with this overview (SMM observation September 2016).

<sup>57</sup> Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, <http://www.osce.org/ukraine-smm/260516>

<sup>58</sup> SMM observation, July 2016

<sup>59</sup>The National Human Rights Action Plan and the Comprehensive IDP State programme envisage the establishment of a compensation mechanism for damaged and destroyed housing, land and property, based in Cabinet of Minister Resolution No. 1094 “On the approval of the Comprehensive state programme of support, social adaptation and reintegration of citizens of Ukraine who moved from the temporarily occupied territory of Ukraine and the areas of anti-terrorist operation in other region of Ukraine for the period till 2017”, 16 December 2015.

<sup>60</sup> Latest from the OSCE Special Monitoring Mission (SMM) to Ukraine, based on information received as of 19:30, 22 September 2016, 23 September 2016, <http://www.osce.org/ukraine-smm/267396>

<sup>61</sup> Examples of villages where water shortages were reported by residents at the time of SMM’s visit include: in Luhansk region: government-controlled Zolote (SMM observation, May, July 2016); Anratsyt (SMM observation, June 2016); Rozkvit (SMM observation, July 2016); Shirokiy (SMM observation, July 2016), “LPR”-controlled Proletarskyi (SMM observation, May 2016) where residents stated that the village’s water situation is critical, with repair of damaged pipes ongoing for the past two weeks during which the central supply system had been cut off, “LPR”-controlled Kalynove-Borshchevate (SMM observation, May 2016), “LPR”-controlled Kamiane (SMM observation, May 2016), “LPR”-controlled Pervomaisk (SMM observation July 2016), “LPR”-controlled Novyi (SMM observation July 2016), “LPR”-controlled Krasnyi Yar (SMM observation, July 2016), “LPR”-controlled Molodizhne (SMM observation, July 2016), “LPR”-controlled Zolote 5 where water shortages have been experienced for the last two years. Non-potable water is delivered by water truck twice a week and potable water must be purchased by the residents themselves (SMM observation July 2016), “LPR”-controlled Brianka (SMM observation, July 2016), “LPR”-controlled Alchevsk (SMM observation, July 2016), “LPR”-controlled Komisarivka (SMM observation July 2016), in “LPR”-controlled Chornukhyne (SMM observation, July 2016); in Donetsk region: “DPR”-controlled Debaltseve (SMM observation, May 2016), “DPR”-controlled Vuhlerisk (SMM observation, May 2016), “DPR”-controlled Olenivka (SMM observation, May 2016).

<sup>62</sup> The Luhansk water supply system is an interconnected regional supply scheme. The system stretches between Balakyrivka and Anratsyt and is fed from several sources, almost all of which are situated in government-controlled areas while most consumers are situated in “LPR”-controlled areas. The Balakyrivka water treatment plant (WTP) treats water from Siverskyi Donets River and conveys it via five pumping stations to “LPR”-controlled Anratsyt, supplying water to all settlements in-between. The main transmission line from the Balakyrivka WTP crosses the contact line between government-controlled Zolote and “LPR”-controlled Pervomaisk. Lysychansk and Sievierodonetsk are not connected to that system. Also Luhansk city is not connected to that system; it is supplied by independent separate water sources. The Donetsk city water supply system is also a large regional supply system. The majority of the water demand of that system is covered by one single source, the Siverskyi Donets River. Suitable groundwater sources are available in the north, whereas in the south groundwater is either polluted from mining or the level has drawn down after mining activities decreased it to a level that makes it unsuitable for central water supply. Hence the remote southern areas fully depend on the Siverskyi Donets river.

<sup>63</sup> The sides agreed to create the limited liability company registered on 17 February in Sievierodonetsk, “Istochnik Novoi Zhyzny - Source of New Life” LLC, registered. The main purpose of establishing the LLC is to legalize the payment for the water delivery services between “LPR” and the Government. On 18 August an agreement on water supply was signed between the two companies Ukraine and ORLO “Popasnayansky Vodokanal” and “Dzherelo Novogo Zhittya”. At the time of writing, the issue of payment remains unresolved.

<sup>64</sup> International Committee of the Red Cross, news release, 5 October 2016, <https://www.icrc.org/en/document/ukraine-crisis-water-supply-600000-people-under-threat>

<sup>65</sup> Numerous other factors contribute to the increasingly infrequent supplies of piped water including: 1) the ageing of water installations in need of repairs which have been further damaged due to the conduct of hostilities; 2) decreased functionality of essential water pumps due to power shortages caused by the shelling of electrical systems which power the water pumps; 3) access issues, either due to the presence of armed formations, military personnel, landmines or UXO coupled with the poor condition of the roads which hampers residents from accessing wells or from receiving water supply by trucks; 4) access issues impeding workers from conducting repair work or from receiving spare parts needed for the repair of the water installations; 5) orders limiting the freedom of movement and/or the supply of goods or water across the contact line thus interfering with the supply of water from government-controlled areas to non-government-controlled areas; and 6) frequent water cuts which have contributed to the worsening of the situation. Additional factors include: the depletion of funds for frequent repairs, coupled with decreased collection of revenues from non-government-controlled areas; the decreased customer base due to population movement away from the affected areas; and the brain drain of qualified workers able to maintain and repair the water system are all examples of factors which contribute to the current escalation of the sporadic supply of piped water. See OSCE SMM, *Access to*



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*water in conflict-affected areas of Donetsk and Luhansk region*, September 2015 <http://www.osce.org/ukraine-smm/183151?download=true>

<sup>66</sup> Similarly, on 18 August the management of the water filtration plant in Svitlodarsk, Donetsk region, told the SMM that their facility had been shelled at approximately 05:30 on 17 August. They also informed the SMM that the plant served government-controlled Svitlodarsk and “DPR”-controlled Ulianivske (approximately 12,800 people), and that it was the exclusive source of water for the Svitlodarsk power plant. According to management, two shells exploded in the immediate vicinity of the plant. The SMM saw that a shell had struck one of the reserve tanks, completely destroying it. As a result they said the plant could operate at about half its capacity, and the plant’s management foresaw a serious water shortage. The SMM saw a fresh crater on an asphalt driveway on the west side of the building, about ten metres from the outside wall. The concrete wall of the building was lacerated with shrapnel, and all the windows on both floors were blown out. Damage inside the building was extensive. See Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 18 August 2016, <http://www.osce.org/ukraine-smm/260486>. On 19 August in Svitlodarsk, the SMM observed three fresh craters in and around a field near the water filtration plant. One crater was located 70m away from the station and two others were located near high-voltage power lines. The SMM conducted analysis on two of them and assessed them as caused by 152mm artillery rounds fired from an east-south-easterly direction. On the ground near the third crater the SMM also found shrapnel consistent with a 152mm artillery round. The SMM also saw the severed power line as a result of shelling, see Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 21 August 2016 <http://www.osce.org/ukraine-smm/260681>

<sup>67</sup> Namely the high-voltage power line between the “LPR”-controlled Mykhailivka Transformer Plant and the government-controlled areas south of Zolote, which supplies electricity to towns and industries on both sides including a chemical plant in Sievierodonetsk and the city of Stakhanov.

<sup>68</sup> SMM observation May 2016

<sup>69</sup> Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 30 May 2016, <http://www.osce.org/ukraine-smm/243706>

<sup>70</sup> In Luhansk region the SMM monitored the window of silence during the repair of the pipeline connecting Petrivske pumping station with “LPR”-controlled Luhansk city, restoration of filtration wells and water pipelines in Krasnyi Lyman, gas and water pipelines near Slovianoserbsk, the repair of high-voltage power lines in Obozne, Vesela Hora, Pryvitne, Holubivks and Krasnyi Lyman, and the repair of the Shchastia (government-controlled) power plant. In Donetsk region the SMM monitored the window of silence during repair of a gas pipeline between Marinka and Krasnohorivka and the repair of a gas pipeline and high-voltage power lines near Kominternove. During the reporting period the SMM recorded numerous ceasefire violations in close proximity to on-going repair work. For example, repair of the vital water supply near Zaitseve and Zolote (Karbonit)-Pervomaisk water pipeline was interrupted time and again by ceasefire violations. Power lines near Maiorsk could not be repaired due to the risk of shelling; exchanges of fire prevented the repair of a pipeline connecting the Artemove phenol factory with its sludge reservoir near Horlivka. The water pumping station near Olenivka, which supplies water to five villages, stopped operating in April due to a damaged power line. Lack of agreement to ensure windows of silence for repairs of essential infrastructure, which SMM continues to advocate through the JCCC, prolongs and worsens the damage.

<sup>71</sup> For example in “LPR”-controlled Slovianoserbsk where a demining team had to demine the area to allow the Luhansk Gas Company to lay gas pipes from “LPR”-controlled Slovianoserbsk to “LPR”-controlled Pryshyb. SMM observation June 2016; near “LPR”-controlled Obozne, Luhansk region, repair work to electrical pylons had to be suspended due to the detection of an anti-tank mine. Furthermore, at government-controlled Artemove (42km north-east of Donetsk), repair work at a factory had to be suspended because of the alleged build-up of fortifications on access roads towards the contact line.

<sup>72</sup> Two medical personnel at a hospital in “DPR”-controlled Donetsk city separately told the SMM that an elderly woman had been hospitalized on the night of 30 August and treated for minor shrapnel wounds to her legs. One of the interlocutors told the SMM that the woman had informed hospital staff that she had been injured while working at a water-heating facility in “DPR”-controlled Kyivskiy district of Donetsk city; Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, 30 August 2016, <http://www.osce.org/ukraine-smm/261831>

<sup>73</sup> The SMM facilitated adherence to the ceasefire in relation to the repair of the Shchastia power plant. The person in charge of the work informed the SMM that they were checking the positive and negative cables powering a water pump and would later try to make the pump operational. After hearing two explosions in the vicinity the employees of the power plant immediately ceased work for the day (SMM observation July 2016). On 10 May the third floor of the local power plant in government-controlled Shchastia was again hit by a single grenade. One worker reportedly sustained severe shrapnel injuries and two others (both men) suffered minor injuries as a result of the grenade explosion. The SMM saw the impact on the floor with multiple broken

windows and blood. On 12 May, while the SMM was preparing to launch its UAV to monitor the repair work to the gas pipeline in “DPR”-controlled Petrovskiy district of Donetsk city, two armed men threatened to shoot down the SMM’s UAV.

<sup>74</sup> For example in the Kuibyshevskiy district of “DPR”-controlled Donetsk city, on 29 July the SMM saw craters very close to populated areas, including shrapnel damage to a gas pipeline that was already undergoing repair work from previous damage. In government-controlled areas and “LPR”-controlled areas of Zolote, exchanges of fire occurred while the SMM was monitoring to enable repair work (SMM observation August 2016). Similarly, since 23 July 2016 the shelling of the premises of the pumping station of the first elevation of Yuzhno-Donbasskii water main intensified in the evening and night hours and also involved the use of small arms and light artillery. Damage was caused to the facade, the window glazing and the cables and power engineering equipment. These acts present a threat to the life of the employees servicing the pumping station and may lead to it fully stopping work (its work needs to be monitored and controlled). As a result, the Voda Donbassa employees who are responsible for the Voda Donbassa Vasylivka water pumping station, close to Kruta Balka and in the area of Yasynuvata - Avdiivka, threatened to go on strike due to the ongoing kinetic activities and shelling which raised concerns about their personal safety and security.

<sup>75</sup> Similarly in “DPR”-controlled Novooleksandrivka and “LPR”-controlled Kalynove the SMM received reports that the vaccination of children was difficult because medical teams could not reach those locations (SMM observation, May 2016).

<sup>76</sup> Spot Report by the OSCE Special Monitoring Mission to Ukraine (SMM): Shelling in Olenivka, 28 April 2016 <http://www.osce.org/ukraine-smm/236936>

<sup>77</sup> SMM observation June 2016

<sup>78</sup> SMM observation June 2016; Petrivka hospital staff (government-controlled), Luhansk region, also reported an increase in the number of psychiatric patients (SMM observation May 2016); in “DPR”-controlled Yasynivka, Donetsk region, several residents told the SMM that their children were traumatized by incidents of shelling (SMM observation June 2016)

<sup>79</sup> SMM observation September 2016

<sup>80</sup> <http://www.msf.org/en/article/ukraine-%E2%80%9Cwe-are-lost-here-and-very-scared%E2%80%9D>

<sup>81</sup> In “LPR”-controlled Kalynove (58km west of Luhansk) the SMM visited the main hospital of Kalynove district that provides medical assistance to approximately 4,500 residents of the area; the hospital now relies solely on the budget provided by “LPR” (SMM observation May 2016). Also of note is the end of “Doctors Without Borders” - Medecins Sans Frontieres (MSF) operations (<http://www.msf.org/en/article/20160705-ukraine-%E2%80%9Cwe-are-lost-here-and-very-scared%E2%80%9D>)

<sup>82</sup> For example, in Novoluhanske, Donetsk region, there is only a family doctor while specialists are only available in Svitlodarsk or Bakhmut (SMM observation, June 2016); approximately 350 children in Novoluhanske, Donetsk region, are deprived of access to medical facilities (SMM observation May 2016).

<sup>83</sup> At the time of writing, the Head of Department, Department for Expert Medical Care and Medical Control of the Ministry of Health informed the SMM that health services area heavily understaffed, operating with only 40 to 60 per cent of medical personnel. At the same, the office of the Ombudsperson explained that there was a lack of health care services in the area of the Anti-Terrorism Operation (ATO) event before the conflict.

<sup>84</sup> The maternity ward is not operational so expectant mothers need to travel to government-controlled Bilovodsk (more than 100km away). The nearest hospital with advanced oncological treatment is in Kharkiv (more than 200km away). For the treatment of mental disorders patients are referred to the Svatove psychiatric hospital (more than 100km away).

<sup>85</sup> For example the dialysis unit in Hospital no. 2 in “DPR”-controlled Horlivka, the Child Trauma Department of Donetsk Hospital, and the Centre for Children with Disabilities in “LPR”-controlled Sorokyne (formerly Krasnodon).

<sup>86</sup> See also the findings of HRMMU in its fifteenth report on the human rights situation in Ukraine at page 40, paragraph 194: “OHCHR urges all parties to the conflict to take all necessary steps to protect civilians. This entails a full withdrawal of military personnel, fighters and weapons from the contact line, removing them from protected objects such as schools and specially protected facilities such as hospitals and medical centres, and refraining from using mortars and rockets in areas populated by civilians.”