

»IT'S LIKE LIVING ON A RESERVATION«*

The humanitarian situation and the plight of civilians
in territories adjacent to the contact line in Donetsk and
Luhansk Regions

Report of the International Monitoring Group on the Findings
from the Field Monitoring Mission, 17 - 23 December 2017



Imprint

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*Statement by a resident of Zolote-4 (Rodina mine) referring to the constantly present atmosphere of violence and lawlessness.

The report is based on the findings from the International Monitoring Mission undertaken as part of the project »Human Rights Monitoring in Eastern Ukraine 2017«. The field part of the mission was conducted on 17-23 December 2017.

This report was prepared by members of the International Monitoring Group based on the findings from the monitoring mission in the areas of Donetsk and Luhansk Regions which are adjacent to the contact line.¹ The field phase of the monitoring was carried out in territories controlled by the Ukrainian Government (it is impossible for this type of international human rights groups to travel to the uncontrolled territories) from 17 to 23 December 2017. The mission team included NGO representatives from 5 countries: Belarus, Germany, Russia, Ukraine, and the Czech Republic.

The organizations whose representatives participated in the mission:

- DRA (Germany);
- Humanitarian Route Belarus – ATO (Belarus);

- Natalia Estemirova Documentation Center of the Norwegian Helsinki Committee (Russia);
- Postup Human Rights Center (Ukraine);
- Team for Ukraine (Czech Republic);
- Truth Hounds (Ukraine);
- VOSTOK SOS (Ukraine).

The quality of data collection and analysis and the impartiality of assessments are supported by the group's international membership, good knowledge of international humanitarian law and the use of a well-established human rights monitoring methodology, as well as prior work experience in conflict zones in Ukraine and elsewhere.

All opinions and assessments included in this report are those of the mission participants and do not necessarily reflect the official positions of the organizations involved or the Federal Foreign Office of Germany.

The author of this report is Vyacheslav Likhachev. In the process of drafting, the text of the report was coordinated with all mission participants.

In preparing this report, it was decided to move away from the geographical principle used before (i.e. a step-by-step description of the situation documented in each settlement as they were visited by the mission) in favor of a more analytical, thematic principle (i.e. providing a summary of each documented problem illustrated by typical examples).

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Introduction

It has been four years since the beginning of the Russian-Ukrainian armed conflict which started in Crimea and continued in Eastern Ukraine.² Its victims, according to the most recent Twentieth Report on the Human Rights Situation in Ukraine by the Office of the UN High Commissioner for Human Rights, based on the work of the UN Human Rights Monitoring Mission, exceed ten thousand people.³ Of these, more than 2.5 thousand were civilian fatalities,⁴ and another seven to nine thousand civilians were injured.⁵ The vast majority of casualties were caused by indiscriminate shelling of settlements, residential buildings and civilian infrastructure. The shelling of Novoluhanske on 18 December 2017 documented by the monitoring mission soon after the event is an obvious and typical example. Such incidents clearly constitute flagrant violations of international humanitarian law and can be qualified as war crimes.

The monitoring mission also documented other crimes, such as arbitrary and unprovoked use of firearms by military personnel against civilians and civilian casualties caused by landmines, including those planted in residential settlements. The mission members recorded video and audio interviews with victims, their relatives and eyewitnesses of relevant events.

Although the demarcation line established as a result of the most active phase of the armed conflict which occurred between the spring of 2014 and the spring of 2015 has not changed significantly since then, the fighting, in particular mutual shelling, has not subsided even for a single day, despite the ceasefire regime under the Minsk Agreements and subsequent agreements.⁶

The fighting and its consequences have had a direct impact on day-to-day lives of hundreds of thousands of people on both sides of the contact line. Residents of adjacent territories face a dire humanitarian situation. While the immediate threat of starvation or death from lack of medical assistance – which was more than real for many people during the active fighting phase – has subsided, the overall picture remains bleak. Destroyed infrastructure, lack of jobs and livelihoods, disruption of social bonds, poor access to essential services have become commonplace and no longer arouse the attention of journalists and broader public. Social, economic and often environmental conditions have deteriorated dramatically across the region. Free movement of civilians not only across the contact line but within the controlled territory is hindered. Many essential needs of the local people are not met. Basic everyday concerns such as garbage collection, obtaining a medical record, filing for a pension or a birth certificate can be challenging or literally impossible tasks for many people living not only in uncontrolled districts of Donetsk and Luhansk Regions but also in areas under the Ukrainian government's control. Even in the territories

under its control, the government is not always capable of meeting its positive obligations. On the ground, serious problems have been reported with essential public services, ranging from water, gas and power supply to making sure that children can attend school.

As its key objective, the monitoring mission focused on documenting the situation of civilians in the areas adjacent to the contact line which separates the government-controlled areas of Luhansk (primarily) and Donetsk Regions from those outside government control. Virtually all settlements visited by the monitoring mission were affected to varying degrees by the military operations of 2014 - 2015, and many are still in the gunfire zone exposed to shelling from the uncontrolled areas. Certain settlements visited are still considered hard to access and unsafe for residents and visitors. Some of them are in the so-called »gray zone« between the positions of the Ukrainian Armed Forces (UAF) and the armed groups deployed by the Russian Federation in the occupied territories.⁷

The mission visited the following settlements in Luhansk Region:

- the town of Popasna (administrative center of Popasna District);
- the village of Teple (Stanychno-Luhansk District);
- the village of Stanytsia Luhanska (administrative center of Stanychno-Luhansk District);
- the mission also visited the entry and exit checkpoint (EECP) at Stanytsia Luhanska;
- the building of the former Kindrashivska-Nova ambulance station, Luhansk Station Hospital, Donetsk Railway State Enterprise;
- the town of Shchastya (Novoaidar District since 7 October 2014, previously Zhovtneve District of Luhansk);
- the village of Trokhizbenka (Novoaidar District since 7 October 2014, previously Slavianoserbsky District);
- the town of Zolote (Popasna District since 7 October 2014, previously Pervomaisky District);
- village Katerynivka (Zolote City Council of Popasna District since 8 September 2016, previously Berezovsky Village Council);
- the mission also visited the EECP at Zolote;
- Zolote-3 (the village of Stakhanovets);
- Zolote-4 (Rodina mine).

In addition to this, on a number of occasions, the monitoring group visited Sievierodonetsk (center of Luhansk Region since 22 September 2014), and the regional town of Lysychansk.

In Donetsk Region, the monitoring group worked in

- the village of Novoluhanske (Bakhmut District);
- and also visited the regional town of Bakhmut and the HQ of the Joint Coordination Center for Ceasefire Monitoring in Soledar (Bakhmut District).

SECURITY

Virtually all settlements visited by the monitoring mission were seriously affected by the 2014 - 2015 fighting. Recently, the shelling has mainly targeted the UAF positions located outside the residential settlements, but residential areas and civil infrastructure have been partly damaged as well. Thus, at the time of the mission, the most recent incident of Popasna shelling occurred on 27 November 2017.

The field part of the mission coincided with the most intensive, since February 2017, escalation of hostilities alongside the contact line. This was the assessment of mid-December 2017 events by Ertugrul Apakan, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine.⁸ Special Representative for Ukraine Negotiations Ambassador Kurt Volker shared a similar perspective by saying that in those days, Ukraine suffered some of the worst fighting since February 2017.⁹ According to Ambassador Volker, the level of violence throughout most of 2017 was higher than in 2016. In a telephonic press briefing following his meeting with Vladislav Surkov in January 2018, Kurt Volker even described 2017 as probably second in terms of violence »since the war really began in 2014.«¹⁰

At nighttime (virtually every evening after dusk and every night), the monitoring group could hear artillery cannonade and/or sounds of gunfire from automatic weapons in settlements close to the contact line (Popasna, Stanytsia Luhanska, Novoluhanske, Katerynivka, Zolote-3/Stakhanovets). On a number of occasions during the mission, artillery shelling or automatic gunfire effective range was in the immediate sight of the mission participants.

The shelling of Novoluhanske

On 18 December, the village of Novoluhanske was subjected to severe shelling.¹¹ Rockets fired from Grad multiple-launch rocket systems¹² hit residential quarters. One day after the shelling, Ministry for Emergency Situations personnel told the mission members that they had spotted 30 fresh craters from Grad rockets.

The shelling caused damage to the buildings of a kindergarten, a school, a stationary ambulance, some residential houses and a few five-storey apartment blocks. 37 single-storey and two-storey houses and ten five-storey apartment blocks were seriously damaged, while less severe damage (mainly shattered windows) was caused to more than a hundred buildings in total. A few houses in the private sector were destroyed. A number of civilians were seriously injured (eight people had to be hospitalized).

Indiscriminate shelling of a residential settlement constitutes a grave violation of international humanitarian law.

According to the OSCE CMM, the weapons were fired »from a south-western direction, «¹³ i.e. from the uncontrolled territory. This assessment is confirmed by the mission's observations concerning the traces of explosions and the shape of craters. The distance indicates that the rockets could have been launched from the vicinity of Horlivka.

Although at first Novoluhanske was not on the list of settlements to be visited by the monitoring mission, following reports of the shelling, the decision was made to travel to the village in order to inspect and document the consequences.

The kindergarten building was one of the civilian properties where the shelling could have led to significant human casualties. During the visit, the monitoring team observed the entry point where the shell went through the roof and ceiling of the kindergarten and landed inside one of the rooms. There was another explosion in the garden a few meters away from the porch. In addition to this, two rockets exploded close outside the fence around the kindergarten and near the entry gate.

The shelling occurred at a time when parents usually come by to pick up their children. However, by a lucky chance, there was a children's show at the local House of Culture on that day, performed by a theater company from Kharkiv to celebrate St. Nicholas Day. Since the kindergarten children were all attending the show at House of Culture, none of them was injured by the shelling.

The mission members also visited the school at No.2 Shkolnaya Street damaged by the shelling, examined the damage and interviewed the school administration.

Judging by the craters and damage, there were two explosions in the school courtyard. Many windows in the school building were shattered and the roof was damaged. At the time of the mission's visit, rescue services were working in the school building making temporary repairs.

The shelling also damaged a stationary medical ambulance at No. 25 Shkolnaya St.

The mission team spent two days documenting the effects of shelling on residential buildings along Michurin Street and the Lower Embankment, where private sector houses and apartment blocks were seriously damaged. Numerous eyewitnesses were interviewed.

Many people interviewed by the mission associated the escalation of shelling and hostilities in mid- and end-December 2017 with the **Russian representatives' withdrawal from the JCCC**.

Russia's withdrawal from the Joint Center for the Control and Coordination of the ceasefire regime (JCCC) was announced as the field mission was working in the conflict region. On 19 December 2017, all of the 75 Russian Armed Forces' officers exited Ukraine, while the UAF officers left the uncontrolled territory.



On 20 December, members of the mission visited the JCCC HQ in **Soledar** and asked General Yuri Ostakh, head of the JCCC on the Ukrainian side, for commentary. According to General Ostakh, Russian officers had lived in exactly the same conditions as their Ukrainian counterparts (Moscow representatives had referred to inadequate conditions to justify the withdrawal). As for the work environment, the Russian servicemen in the Ukrainian government-controlled area had faced much better conditions compared to Ukrainian servicemen in Donetsk and Luhansk, who had virtually been confined to their quarters and not allowed to move around. The Ukrainian side assumed that the real reason for exit was Russia's attempt at pressure in response to a tighter border-crossing regime requiring Russians to present biometric passports to enter Ukraine.

In any case, all people interviewed by the mission on the Ukrainian side insisted that Russia's presence in the JCCC was the only real mechanism capable of containing the militants in the uncontrolled territory. Many interviewees linked the escalation of hostilities in the second half of December 2017 with Russia's exit from the JCCC. In and of itself, this demarche is a clear indication that Moscow has no intention to apply serious efforts to implement the Minsk Agreements, in particular with respect to the ceasefire regime.



Novoluhanske

Mines

The large amount of unexploded ordnance presents a huge problem. In addition to this, mines have been planted over a vast area in the region but no maps of the minefields are available. Another serious problem are the so-called tripwire mines («rastyazhki»), which are essentially primitive anti-personnel mines. A typical tripwire mine is a fragmentation grenade (usually F-1) activated by pulling a wire or cord attached to the safety pin. Unlike more »serious« mines, someone is still planting tripwire mines in unexpected locations, including those within settlements, according to local residents.

Thus, two local residents in **Katerynivka** were injured by such devices in December 2017 alone. The mission visited and interviewed one of them in the Lysychansk central city hospital on 22 December 2017.

V's injuries

V. K., aged 69, has lived in Katerynivka with his wife since he retired, after moving from Pervomaisk. At around 2 p.m. on 6 December, he went to fetch water from the well and noticed that the gate of a neighboring house abandoned by the owners was open. When he came up to the fence and pulled the gate to close it, there was an explosion at his feet. The tripwire mine was planted on the inside, so the metal gate screened out most of the fragments, but a few flew through the gap under the gate and wounded Vladimir in the legs.

He was able to get back to his home, where his wife gave him first aid by bandaging his wounds. Then she took the family car and drove the man who was getting dizzy from blood loss to a medical center in Girske, and from there he was transported in an ambulance to Lysychansk and had surgery at the central city hospital.

V's story illustrates a few points.

First, the available data confirms the victim's opinion that the tripwire mine was installed a few days before the incident. Vladimir looked after the abandoned houses in the neighborhood, and a few days before the incident he had entered the same neighbors' courtyard where he was injured by the blast outside the gate a few days later. At that time, he had been looking, together with another neighbor, for a piece of wire to repair the power line. This indicates that the tripwire may have been planted within three to four days prior to the incident.

Although the victim refused to speculate who may have planted the device, the mission members find it plausible that the mine may have been planted by a subversive

reconnaissance group (SRG) having entered the village from the uncontrolled territory.¹⁴ Local residents told the mission that a few days before, Ukrainian servicemen had been visiting abandoned houses to pick items which could be helpful in setting up their field base, such as combustible materials, including wallpaper rolls, and had tried to pull a metal stove out of a garage. One can assume that some SRG coming from the uncontrolled territory had planted explosive devices all around the village in the hope that Ukrainian servicemen would trip on them.

On 8 December, a few days after V. was injured, shepherd Y. stepped on a tripwire outside the village (his injuries were not life-threatening).¹⁵ It can be assumed that both devices had been planted by the same SRG during a single visit to the village.

Second, this case also illustrates the [inadequate] performance of Ukrainian authorities and law enforcement agencies. Particularly revealing is the fact that local residents had to find ways to repair the power supply line on their own. According to V., trying to call an ambulance after the incident would have been useless. So his wife had to give him first aid and then drive him to the medical center in Girske in the family car. While on their way, they crossed an EECP, where they were stopped for a routine ID check but were not offered any medical assistance. While according to Tatiana Pogukai, spokesperson of the Luhansk division of Ukraine's police force, a decision was pending whether the incident should be entered in the Unified State Register of Pre-Trial Investigations for proceedings under Article 258 of the Criminal Code of Ukraine («terror act»),¹⁶ the victim denies having seen any military or police officials coming to inspect the crime scene. An investigator from Girske took V's statement at the hospital in Lysychansk, and »commanded« Vladimir's wife on the phone to come over and make her statement. Instead, she invited the investigator to visit Katerynivka, but he refused. This case is obviously a vivid illustration of an inadequate investigation.

Children also suffer from explosions.

It should be noted that schools and other educational institutions in the frontline zone periodically conduct mine safety classes, and relevant information was displayed in the lobbies and corridors of all schools and administrative buildings visited by the mission. On numerous occasions, the mission team heard stories of children coming across shells and tripwire mines, including in residential settlements, and promptly reporting their finds to adults and the military.

However, a few tragic incidents did occur. On 18 August 2017, a school student was injured in **Teplo** by an exploding

shell he had attempted to take apart. The child sustained serious injuries: his hand was severed by the blast.

Some incidents were reported of civilians affected by Ukrainian servicemen's actions. The mission documented one such incident during its visit to Popasna.

L's injuries

A tragic incident occurred in **Popasna** a few weeks prior to the mission's visit when a 64-year-old woman was seriously wounded by Ukrainian soldiers. The mission visited the crime scene and interviewed the victim's daughter, who had witnessed the incident and had been formally recognized as a victim in criminal proceedings opened into the incident. The mission documented the case.

Early in the morning of 13 November 2017, two Ukrainian servicemen, both drunk, rang at the door of the family's city apartment. Almost immediately after the daughter A. opened the door, one of the servicemen opened fire from his machine gun. One of the bullets hit L. S. who was standing in the doorway in the hip, damaging her internal organs and crushing the pelvic bones. A few minutes later, the servicemen allowed the family to call an ambulance and then left the apartment.

The suspects were promptly arrested. At present, they are under investigation in a military remand prison.

L. is on treatment in Dnipro. Starting from a certain stage of her treatment, its costs have been covered by the Ministry of Defense, but at first the victim's family had to spend a considerable amount of money on medicines and other needs. The victim's daughter fears that the state might refuse to provide assistance with the long-term rehabilitation which L. will obviously need.

The incident occurred in front of A's 8-year-old son. According to the mission participants, the child is clearly suffering from post-traumatic stress and needs psychological assistance.

Although A. did not voice any complaints about the investigation, certain details raise concerns of the mission members. Immediately after the incident, the investigator gave A's private phone number to the mother of one of the alleged perpetrators. A month after the tragedy, no ballistic examination had been performed (although there were bullet traces on the door, walls and stairwell windows). The prosecutor insists that the servicemen's motive was robbery, while certain details suggest otherwise (according to A., one of the servicemen said to the other, »It's the wrong [apartment], what have we done!«).

It should be noted that violence against civilians at the hands of Ukrainian servicemen is rare and such incidents usually trigger a broad public response. We also need to stress that local administrations do not try to hide information about such incidents, although they do not disclose all the relevant details either, sometimes leading to a distorted perception of the events.¹⁷

The Military Prosecutor's Office is conducting an investigation. There is no reason so far to doubt that this and some other similar cases will be properly investigated.

An example of effective investigation and bringing the perpetrators to justice is an earlier incident in the village **Peschane** (Stanychno-Luhansk District) where a civilian suspected of cooperation with illegal armed groups was killed by Ukrainian servicemen. On 22 September 2016, reconnaissance servicemen of the »Odesa« 18th Territorial Defense Battalion, while being drunk, drove up to no. 6, Peschane Street, to talk to a local resident. The man refused to open the door to them. Then one of the servicemen opened fire from an automatic weapon and killed the man through the door. Trying to hide the traces of their crime, the servicemen set fire to the house and buried the body on the river bank.

All perpetrators were promptly identified and arrested.

It is important to note that in the last two years, substantial progress has been achieved in this respect compared to the situation in 2014-2015. This is particularly important to emphasize since in earlier years, in the context of intense fighting, numerous instances of violence against local civilians by armed groups fighting on the Ukrainian government's side were reported. Not all of these incidents were properly documented, investigated and taken to court, and presumably not all of the perpetrators were brought to justice.

In Stanytsia Luhanska, the Tornado Battalion left a bad memory due to its commanders and some soldiers' widely reported violence against presumed supporters of separatists, as well as mere banditry for mercenary motives.

At the exit from Stanytsia Luhanska, the mission team visited the building of the former Kindrashivska-Nova **ambulance station**, Luhansk Station Hospital, Donetsk Railway State Enterprise (no. 2 Sverdlov Lane, the so-called Nova Kindrashivka).

The purpose of visiting the abandoned building was to document the traces left by the Tornado Battalion fighters in 2014-2015. According to preliminary information¹⁸ available to mission members as well as data received from law enforcement officials during the mission, there

used to be an illegal detention facility in the building basement where detainees were subjected to torture and ill-treatment. Some of the civilians held there were released after their relatives paid a ransom, and some others went missing after their detention by Tornado fighters (a few bodies were later found in the area).

It should be noted that since 2015 when the Tornado Battalion was dissolved, the building has been abandoned

and is now in poor condition. The mission members could only document numerous graffiti on the walls (both external and internal), including those with neo-Nazi content, left by the battalion. Some graffiti in the basement indirectly indicate the function of the premises as well as the battalion fighters' distorted and derisive humor: »Welcome to Hell«; »We value each customer«; »KPZ¹⁹ Club,« and others.



Basement of the former Kindrashivska-Nova ambulance station building

ACCESS TO EDUCATION. CONDITION OF SCHOOLS

According to Article 26 of the Universal Declaration of Human Rights, everyone has the right to education. Education must be free, at least in the elementary and fundamental stages. Elementary education must be compulsory.

The right to education is one of the most significant social and cultural rights. Every person enjoys it simply by virtue of their birth. The right to education, alongside other natural and inalienable rights, belongs to individuals irrespective of the will of the state. But the state, for its part, must undertake obligations to ensure access to education for its citizens.

This is confirmed by international treaties ratified by Ukraine, such as the International Covenant on Economic, Social and Cultural Rights first signed by the Ukrainian Soviet Socialist Republic.

The state's obligations concerning access to education are also stipulated in domestic legislation. According to article 53 of the Constitution of Ukraine, everyone has the right to education and full secondary education is compulsory. The state must make it accessible and free of charge.

According to article 3 of the Law on Education, the citizens of Ukraine have the right to free education in all state educational institutions irrespective of sex, race, nationality, social and property status, type and nature of occupation, ideological beliefs, political party membership, attitude to religion, religious beliefs, health status, place of residence, and other circumstances.

During the armed conflict, the right to education was threatened like other rights. During the active fighting phase, educational institutions, like other public infrastructure facilities, came under attack.

Many school buildings were seriously damaged. A significant displacement of people affected both the number of students and the staffing of frontline zone schools. The demarcation line disrupted many important transport and infrastructural connections.

Yet despite these obvious difficulties, Ukraine is still responsible and obligated to guarantee effective access to full secondary education in the controlled territory.

Some of the school buildings visited by the mission, while seriously damaged by the fighting, were later restored to an acceptable condition before the start of the 2015/2016

school year through joint efforts of the state and international humanitarian organizations. In some schools, students can hide in the basement during the shelling, but most schools lack equipped shelters or basements. In **Stakhanovets** (Zolote-3), during the shootings, the teachers lead the children to an inner corridor without windows (the school has just 18 students).

In **Teple**, the monitoring mission visited the Teple Secondary School located near the entrance to the village and an UAF post. Signs of damage from the shelling are still visible on surrounding buildings and in the nearby area, although, according to local residents, the situation has been relatively calm lately. It would be logical to assume that the shelling targeted the UAF post. The problem is that the military unit is partially based on the school grounds and accommodated in the same building as the school kitchen and cafeteria.

According to the principal, the relations between the school and the military have been normal and conflict-free. The UAF have been helping the school by supplying firewood and sometimes food, and giving holiday presents to the children, while the school administration has invited servicemen to school events.

However, the military unit's location on the grounds of an educational institution is per se a violation. In addition to being a legitimate target of attack under international humanitarian law (therefore placing a military facility on the grounds of educational and health establishments is never acceptable), their physical proximity has a negative effect on the overall atmosphere. Seeing armed and uniformed people around exposes the children to unending stress, adversely affecting their academic performance, health and mental state, according to the school administration. The need to relocate the UAF facility has been raised before the regional military-civil administration and repeatedly brought up by OSCE SMM observers, but the situation has not changed so far.

The mission documented the greatest problems with access to education in the »grey zone.«

Attending school is extremely difficult almost to the point of being physically impossible for children and adolescents in **Katerynivka** (see below for details of the situation in the village). School age children from the village attend the school in Zolote (Zolote Multidisciplinary School). However, the school bus does not cross »Zolote« EECP to come close to the village but stops at a distance of almost a kilometer, which means that the children have to walk all the way to the EECP and then some more. The village of Zolote stretches for several kilometers along the contact line, and the distance between the village center and the EECP is about four kilometers. In addition to this, minors



Schools near the line of contact in Trokhizbenka and Stakhanovets (Zolote-3)

must be accompanied by relatives to cross the EECF. This means that every day, an adult family member has to accompany the child to the school bus and then meet them after school, which is nearly impossible for working adults and physically exhausting for the elderly. For this reason, families with children (as well as miners who have kept their jobs) try to leave Katerynivka if they can. Some families only come back for weekends or school vacations. According to reports, as of the start of the 2017/2018 school year, 13 school-age children lived in the village (as well as one teacher who also had to take the school bus to work); but just three stayed there in winter. It is noteworthy that since the start of the school year, officials of both Popasna District State Administration and Luhansk Regional State Administration have repeatedly made promises to provide a solution for access to education in the «grey zone» but lacked information about the practical aspects (in particular, the number of school-age children residing in Katerynivka).²⁰

The situation in **Lobachevo**, a village in Stanychno-Luhansk District located near the contact line on the bank of Siverskyi Donets can serve as another, not-so-typical but illustrative example of difficulties faced by school-age children. Before the war, children from Lobachevo attended school in the village of Zholte on the opposite bank of the river. In 2014, Zholte remained in the occupied territory. The next nearest school to Lobachevo was located in the village of Trokhizbenka. The two settlements are several kilometers apart, connected by a dirt road which is in poor condition and considered unsafe as it runs along the demarcation line. The school bus did not go to Lobachevo.

Under such circumstances, children from Lobachevo continued crossing the river to attend the school in Zholte until the spring of 2016. At the start of the 2016/2017 school year, they were transferred to a boarding school in Novoaidar.

PUBLIC AUTHORITIES AND LOCAL SELF-GOVERNMENT PERFORMANCE. PUBLIC ACCESS TO ADMINISTRATIVE SERVICES

The manner in which regional and district military-civil administrations (MCAs) operate is characteristic for all areas adjacent to the contact line, as well as Luhansk and Donetsk Regions in general. The MCAs' hierarchical structure, with local self-government bodies dissolved and effective civic oversight mechanisms non-existent, have created a situation in which control over the distribution of regional budgets lies almost exclusively with the head of the regional MCA, and at the district level depends on the relations between the heads of district and regional MCAs. MCA heads are appointed in a non-transparent process which the public cannot influence in any way. In practice, MCA performance depends on that of its head who is not accountable to any governmental or non-governmental institutions in the region. So the system may work better or worse depending on the human factor, but the institutional problem persists either way. At times, the system just fails to perform, as has been the case with **Zolote**. The merely technical problem of a vacant MCA head position due to difficulties with agreeing a candidate has led to serious consequences for the humanitarian situation in this front-line settlement.

It should be noted that back in February 2015, MCAs were established as temporary bodies, with a mandate extending over »the period of the antiterrorist operation plus six months after its completion but no more than three years after the entry into force of the Law of Ukraine

on military-civil administrations« (article 7, p. 2 of the Law). Thus, the MCA mandate was supposed to end in February 2018. The assumption was that before that time, either the law would have been changed or the MCAs would have initiated elections of local self-government bodies. However, neither has happened. Retroactively, on 6 February 2018, certain »editorial clarifications« were added to the already adopted by the parliament Draft Law on the Specifics of State Policy for Ensuring State Sovereignty in Temporarily Occupied Territories of Donetsk and Luhansk Regions, in particular, to extend the MCA mandate indefinitely by striking out article 7, p. 2, from the MCA Law.

The mission found the local authorities' performance in **Popasna** to be a relatively positive example.

Based on the mission members' interactions with representatives of the administration and with local residents, the overall impression has been that the authorities in Popasna are performing more or less effectively. In particular, there is ongoing cooperation between the military-civil administration and the local self-government bodies which continue to function within a limited mandate. Work is underway to repair civilian infrastructure facilities and road pavement and to restore street lighting.

The situation in **Stanytsia Luhanska** is less favorable.

Even more challenging, according to the mission members, is the situation in **Zolote** and in settlements which are part of the city.

The greatest problem in Zolote is a total lack of government. A Presidential Decree of 19 November 2016 established a MCA in the city and terminated the local self-government bodies. However, no one has been appointed to the position of the city MCA since then, as the Security Service of Ukraine Anti-terrorist Center HQ and the Luhansk Regional MCA have had problems with agreeing on a candidate. As a result, the city administration has been paralyzed in all matters relating to budget and economy. The city has been surviving without a budget for two years. No restoration has taken place of the residential properties and infrastructure affected by the fighting or the local roads which are in critical condition. Local residents are denied access to certain administrative services.

Particularly difficult is the situation in the so-called »grey zone,« i.e. populated areas under Ukraine's control located between the positions of the Ukrainian army and the illegal armed groups. Such areas are relatively few along the contact line, and the situation of civilians is extremely challenging in these settlements.

The mission visited the villages of **Katerynivka** and **Rodina** (Zolote-4) in the »grey zone.«

Prior to the armed conflict, Katerynivka belonged to Berezovsky Village Council of Pervomaisk District in Luhansk Region. It used to be mostly a dacha community consisting of summer cottages where Pervomaisk residents cultivated their household plots and where they moved after retirement.

Ukraine established control over the village by April 2015²¹ after intense fighting. The fighting destroyed several houses and killed two civilians, including a 7-year-old child.²² On 8 September 2016, Katerynivka was officially made part of Zolote City Council of Popasna District in Luhansk Region.

The humanitarian situation in Katerynivka illustrates the entire range of problems faced by settlements in the so-called »grey zone.« Specifically in Katerynivka, the situation is further complicated by »Zolote« EECP located there (see below).

At present, the Ukrainian Armed Forces and the militants on both sides of the village are constantly exchanging fire, in particular from automatic weapons (during their visit to the village, the mission members documented fire presumably from a heavy machine gun). Although fire attacks target the army's positions, civilian properties in the village also get hit from time to time by both automatic weapons and mortars. Katerynivka was exposed to severe shelling on 26-27 July 2017.²³ Prior to that, the worst shelling occurred during the fighting in February and March 2015.

In conversations, local residents keep stressing that they feel cut off from Ukraine and abandoned. Many of them comment that no one has been visiting or helping Katerynivka other than humanitarian organizations, both Ukrainian and international.

A spontaneous information campaign that unfolded in the early days of February 2018 can illustrate the (lack of) awareness of the situation in Katerynivka in broader Ukrainian society.

A volunteer, Yury Mysyagin, posted on Facebook on 2 February 2018 that Katerynivka had been liberated by the Ukrainian army.²⁴ This inaccurate report was then picked up by the mass media,²⁵ resulting in analytical pieces such as »Creeping Offensive: What's Behind Katerynivka Liberation.«²⁶ In reality, there was only a minor relocation of the UAF positions.²⁷ Eventually, the ATO HQ press center denied the report, stating, »the settlement of Katerynivka in Luhansk Region located near the demarcation line has been controlled by Ukraine for a long while.«²⁸

The ease with which the news about »Katerynivka liberation« spread in Ukraine's media environment indicates an acute demand for more information from the war zone which could be perceived as positive by Ukrainian society and the [inadequate] level of Ukrainian journalism; it also illustrates the current lack of awareness and reliable information about the actual state of things. The author of the »analytical piece« mentioned above speculates: »As one can see on the map, having taken up Katerynivka, the Ukrainian Armed Forces should [be able to] move the frontline far to the southeast, almost reaching the occupied Molodezhny and Pervomaisk. Similar to Novoaleksandrivka, this seems to be the greatest gain from taking Katerynivka, since at the very least, it should lower the intensity of fire attacks by 'LNR' terrorists against Zolote.«²⁹ Obviously, the author has only seen Katerynivka on a map and has no idea of the local terrain.

The fact that the Ukrainian mass media and broader society are poorly informed of the real state of things in the »grey zone« and have no idea as to what settlements are under Ukrainian control can only contribute to the feeling of alienation and abandonment experienced by the local residents.

FREEDOM OF MOVEMENT. SITUATION AT ENTRY AND EXIT CHECKPOINTS (EECP)

Freedom of movement is a fundamental human right stipulated in treaties ratified by Ukraine and in domestic legislation.

The Universal Declaration of Human Rights states in Article 13: »everyone has the right to freedom of movement and residence within the borders of each State.« Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms stipulates in Article 2: »everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.« The same is the wording of Article 12 of the International Covenant on Civil and Political Rights.

Article 33 of the Constitution of Ukraine guarantees freedom of movement to individuals lawfully within the territory of Ukraine. This right is also protected by article 313 of the Civil Code of Ukraine and the Law of 2004 on



The village of Katerynivka in the gray zone

Freedom of Movement and Free Choice of Residence in Ukraine.

Since the beginning of the armed conflict, freedom of movement in the area of military operations and adjacent territories, whether or not under Ukrainian control, has been substantially limited. Leaving aside the situation in the occupied territories where any movement and just being there is a major risk to life, health and liberty, we should note that the greatest obstacles to freedom of movement are associated with crossing the demarcation line.

The rules for crossing the contact line separating the occupied territories from those controlled by the Ukrainian government are set out in the Provisional Procedure for Control over Movement of Persons across the Contact Line within the Boundaries of Donetsk and Luhansk Regions. According to this document, a special permit is required for entry in, and exit from, the uncontrolled territory. To obtain such a permit, one must apply through the electronic Register of Permits for Movement of Persons in the ATO Area maintained by the Security Service of Ukraine. It is noteworthy that the Procedure was approved by an order of the ATO commander and as such is not a legislative act, while under the Constitution of Ukraine, restrictions on freedom of movement can only be established by a law. We can add that the EECP are under the control of the State Border Service of Ukraine.

Since 2015, the Entry and Exit Checkpoints (EECP) are the only legitimate places for crossing the contact line. Currently, there are four EECPs in Donetsk Region, and theoretically two but de facto one checkpoint in Luhansk Region.

»Stanytsia Luhanska« Entry and Exit Checkpoint

On 18 December, the mission visited »Stanytsia Luhanska« EECP, the single operating EECP in Luhansk Region. Located very close to Luhansk, it is the shortest route for residents of this part of the occupied territory to travel to the controlled territory to access public services and visit relatives. Notably, »Stanytsia Luhanska« EECP is open only for pedestrian crossing.

The border service command did not allow the mission to conduct monitoring at the EECP directly, but the mission was able to make conclusions as to its operation based on sources such as informal communication with border guards and with people waiting in line for the ID check before crossing the contact line (at the time of the mission's visit to the EECP, there was a line of some 200

people waiting to enter). The mission members also talked to representatives of international organizations whom they met at the EECP, i.e. the OSCE Special Monitoring Mission and the Norwegian Refugee Council (continuously present at the EECP offering legal assistance to the public). In addition to this, VOSTOK SOS had the opportunity to monitor the entire EECP territory during other monitoring visits (in particular, on 26 October 2017, 10 February 2018, etc.³⁰)

Normally at »Stanytsia Luhanska« EECP, 19 checkpoint windows operate on both sides of the passage, of which three are mobile and can switch to either side depending on the flow of people.

The EECP allows only pedestrian crossing. The total flow stands at some 10.000 people per day, with the maximum, according to border personnel, of 17.000 to 18.000 per day).

The checkpoint operates only at daytime, i.e. 8:00 to 16:30 in winter (7.00 to 18.30 in summer). There is an updated list of goods which people are allowed to carry across the contact line; employees of the State Fiscal Service of Ukraine oversee the flow of goods.

The following are some of the reasons for crossing the contact line from uncontrolled areas of Luhansk Region (ORDLO) to Stanytsia Luhanska:

- accessing public services such as issue and recalculation of social payments and pensions;
- accessing customer identification at Oschadbank;
- applying for IDs, passports, birth certificates and other official documents;
- buying food, medicines and consumer goods;
- visiting relatives and friends.

The following are common reasons for crossing the EECP from Stanytsia Luhanska to ORDLO:

- visiting relatives and friends;
- checking on property (mainly houses and apartments).

The following are the key concerns while crossing the EECP:

- long lines, with waiting time ranging from 1 to 3 hours;
- inadequate waiting conditions, such as problems with trash collection, shelter, availability of tea, hot water and hygiene kits for persons crossing the contact line;

- medical assistance (each year, the EECP reports several deaths of elderly people due to lack of timely medical assistance);
- no representative of the coordination group at the EECP (or locally) to promptly resolve issues with inability to cross (during their visit to the EECP, the mission talked to a woman with a young child who had problems with getting a crossing permit);
- no official mention of EECP in Ukrainian law makes it a problem to support EECPs from local and other public budgets.

Also noteworthy is the ruined bridge across the Siverskyi Donets river located beyond the Ukrainian EECP on the other side. Although observers from the Ukrainian side were not allowed to monitor the »zero« checkpoint – the last UAF checkpoint before the contact line, it was repeatedly mentioned by the people interviewed as a serious concern. The bridge destroyed by a blast has been replaced with a temporary wooden structure which is difficult and unsafe to cross for the elderly and persons with disabilities, particularly in cold weather due to icing.

»Zolote« Entry and Exit Checkpoint

The checkpoint is fully equipped for contact line crossing, but it is not currently operating due to failure by the de facto authorities of the occupied territory to meet their obligation to open the entry/exit point from the uncontrolled side. Instead, the de facto ORLO authorities demand funding from international organizations for building the required infrastructure, as well as a withdrawal of UAF units located in Stanytsia Luhanska³¹ and opening another EECP at Shchastya.³²

In addition to this, according to many informants, there are other, unstated, reasons why the de facto ORLO authorities refuse to open the EECP for crossing, in particular the high concentration of military equipment (and, presumably, of the Russian military who are servicing this equipment) in the area of Pervomaisk. Other reasons may include their unwillingness to lose the revenues from smuggling items across the contact line.

Should the agreement be reached and the checkpoint opened for crossing from the side of Pervomaisk, then »Zolote« EECP would be prepared to deploy 14 State Border Guard Service employees to manage the flow in both directions at any given time. They already have 12



»Stanytsia Luhanska« Entry and Exit Checkpoint

fully equipped checkpoint windows for vehicles and two for pedestrians.³³

There is currently no communication with the uncontrolled territory through the EECP; however, residents of Katerynivka and some other parts of Zolote on the other side, such as the so-called Khutor, part of Rodina mine/ Zolote-4, have to cross it. The problem is that unlike »internal« checkpoints described above, this de facto EECP functions as a border checkpoint. The EECP operates in its normal mode only during daylight hours. This creates major, often insurmountable difficulties for villagers employed in mines that operate around the clock. Their continuous operation requires miners to work in shifts, therefore they cannot accommodate the EECP opening hours.

According to some officials and border guards at the EECP, the problem has »recently« (in 2017) been solved.³⁴ They claim that emergency EECP crossing is now possible at any time for local residents whose names are on a list, without the requirement of obtaining a pass from the Security Service of Ukraine. However, in their conversations with locals, the mission members have heard that this is not always the case.³⁵



»Stanytsia Luhanska« Entry and Exit Checkpoint

Conclusions

Since the beginning of the armed conflict, the security situation has been a determining factor for the humanitarian situation in the region generally. Repeated ceasefire violations, vividly illustrated by the shelling of Novoluhanske, and the withdrawal from the JCCC, clearly indicate Russia's unwillingness to adhere to its commitments under the Minsk Agreements.

The overall socioeconomic situation in the region is deplorable.

Stakhanovets (Zolote-3)³⁶ visited by the mission on 22 December illustrates the consequences of the fighting and armed conflict.

In early 2015, the village was subjected to intense shelling from the uncontrolled area. Many buildings and civilian infrastructure were seriously damaged and power supply was interrupted. Gas supply to many private houses was disrupted by the shelling and restored only partially. The ambulance cannot make it to the village.³⁷ In addition to this, the villagers have been adversely affected by the dire socioeconomic and environmental situation. They suffer a severe shortage of drinking water, as the available tap water is below drinking quality and can only be used for household needs. According to local residents, the International Committee of the Red Cross sometimes brings drinking water to the village.

The disruption of established economic connections, lack of work, problems with water, gas and electricity supply, poor condition of roads, etc., in addition to the immediate consequences of fighting, have seriously affected the humanitarian situation throughout the region.

Another major concern is a critically low trust in public authorities, partially due to the absence of elected local self-government bodies, which have been terminated in some areas, while in other areas the local self-government bodies operating de facto were elected back in 2010 in what could hardly be described as fair and free elections.

Many local residents accuse government and military-civil administrations of corruption. Related statements range widely from abstract criticism to specific allegations concerning embezzlement of funds earmarked for rebuilding local infrastructure such as roads; involvement in illegal wood cutting, and much more. Even though not all of the allegations sounded plausible and evidence-based, the lack of government transparency and accountability mechanisms creates a fertile environment for corruption. Needless to say, rebuilding public trust in the Ukrainian government in areas liberated by the UAF in 2014 is of critical importance. But so far, it has largely been a failure.

Recommendations

To the international community

Achieving a lasting and sustainable ceasefire along the contact line is a priority objective if the humanitarian situation is to improve in the region.

It is essential to sustain economic pressure on Russia and even to strengthen the sanctions. Russia, in our opinion, is the country which exercises effective control over the ORDLO territory. Moscow alone can force the DNR and LNR armed groups to observe the ceasefire regime. Further prospects for a political settlement may vary, but obviously, the maximum possible effort must be made to stop the shelling.

Although no longer on the front pages of European newspapers (as it used to be during the intense fighting in 2014-2015), the war in Eastern Ukraine has not ended. People are killed almost every day.

The public should ceaselessly remind European politicians that their expectations of economic gains from doing business with Russia must not outweigh the value of human lives. In our opinion, diplomatic and economic pressure on Kremlin is the only realistic way to stop the ongoing hostilities.

As the next practical step towards relieving tensions, it is important to urge Russia to return to the JCCC.

It would also be reasonable to urge Russia to influence the de facto ORDLO authorities to get them to open new EECs without additional conditions.

Equally obvious is an urgent need for financial assistance towards restoration of the region, both in terms of rebuilding the infrastructure damaged by the fighting and in terms of bringing the socioeconomic situation back to normal.

It is extremely important to set up effective accountability mechanisms for public authorities and military-civil administrations. Better transparency and openness will help them earn trust both in the Ukrainian public and the international community. To continue raising donor and investor funds essential for rebuilding normal life in the region, it is absolutely necessary to eliminate even the slightest suspicions of corruption or inefficient spending. International organizations are advised to support projects promoting transparency of local self-government (where it functions) and public administration, and qualitative reforms of regional and local administrations. International organizations such as Transparency International and domestic bodies such as the National Anti-Corruption Bureau of Ukraine should operate in the region continuously in a systematic manner.

Unfortunately, there is still a need for humanitarian assistance ranging from supply of drinking water to certain settlements to providing construction materials for rebuilding houses damaged by the shelling.

It is essential for international stakeholders, governments, humanitarian, charitable and other organizations concerned about rebuilding the region to engage not only with government administrations but also with non-governmental organizations, independent media and informal activist groups. Promoting the establishment and development of civil society groups in the region, raising civic literacy and involvement are of critical importance.

We call upon human rights groups to get involved in monitoring human rights violations in the region.

To the Ukrainian government

It is essential for the UAF response to be precisely targeted and adequate, avoiding further escalation of violence.

Taking guidance from international organizations, such as the OSCE CMM and the UN Human Rights Monitoring Mission in Ukraine, we urge the government to refrain from deploying military personnel at civilian infrastructure facilities, in particular those which require special protection such as medical and educational establishments.

Since mines and unexploded ordnance have led to multiple instances of injuries and deaths, including those among civilians, we urge for more efforts to clear the area under Ukrainian control.

We call for an immediate and adequate investigation of humanitarian law violations committed by members of illegal armed groups as well as UAF servicemen.

In our opinion, the current provisions for legal support and official status of civilian victims of the armed conflict need a major review and improvement. At present, entitlements to medical assistance and to compensation in case of disability or loss of breadwinner are not properly regulated. Every civilian or family affected by the conflict have faced these issues.

We believe that despite the understandable problems caused by the armed conflict, the state has yet to exhaust the possibilities for meeting its positive obligations towards the residents of this region. Ensuring access to administrative services and provision of essential life support conditions for people affected by the armed conflict are the minimum necessary measures for stabilizing the situation. Likewise, transport, road

infrastructure, healthcare and access to education all need major improvements. Effective and transparent operation of public authorities, including regional, district, city and village administrations and military-civil administrations, as well as local self-government (where they function) is extremely important if the humanitarian situation and people's lives on both sides of the contact line are to be improved.

Since the mandate of military-civil administrations has been extended indefinitely, it makes sense to commit to a long-term, systematic effort to build public trust in these authorities. Specifically in Zolote, appointing a MCA head has utmost priority.

New EECPs need to be opened to ensure uninterrupted contacts with Ukrainian citizens in the occupied territories. While we appreciate the importance of security measures, we also consider it extremely important in the medium term to facilitate contact line crossing for citizens. A potential and realistic solution to the difficult situation around »Zolote« EECP (and the hypothetical »Shchastya« EECP that the de facto ORDLO authorities have been requesting) in Luhansk Region might be for the Ukrainian government to propose opening another EECP in a third, compromise location.

References

- 1 The term »demarcation line« is also sometimes used to describe the boundary between the territories controlled by the Ukrainian government and those Ukrainian territories in which the government is not currently performing its functions. However, the term »contact line« is used in Ukrainian law. The same term (»contact line«) is used by international organizations, such as the Office of the UN High Commissioner for Human Rights. Likewise, we consider it appropriate to use the term »contact line.«
- 2 Assuming February 2014 as the starting point. The first systemic appearance of armed Russians in Donbas can be confidently marked as the night of 12 April 2014 when Igor Girkin (Strelkov) with a group of 52 combatants crossed the Russian-Ukrainian border. Officially, 13 April 2014 when the President of Ukraine signed a decree launching the anti-terror operation (ATO) is considered the beginning of the armed conflict in Eastern Ukraine specifically. However, we find that separating the conflict in Eastern Ukraine from Russia's aggression in Crimea would be unreasonable and artificial. Despite the marked differences in the nature, course and consequences of the Russian invasions of Crimea and Eastern Ukraine, we consider it more appropriate to assess the Russian-Ukrainian armed conflict as a single process. Numerous statements made by the masterminds behind the aggression confirm this assessment. Alexander Boroday, one of the organizers of the Russian-Ukrainian conflict's initial phase and briefly the chairman of the »DNR Council of Ministers,« claimed that »the scripts for Crimea, Luhansk and Donetsk« had been designed by »a single cohort of people«: »Using the language of business, it was an ongoing project.« See: Crimea and DNR »puppeteer« admits: »This is an ongoing project«//Glavnoe. 17 May 2014 (<http://glavnoe.ua/news/n177085>). Ukrainian law defines the beginning of Russia's aggression as 20 February 2014. (See the Law of Ukraine on Ensuring Citizens' Rights and Freedoms and the Legal Regime in Temporarily Occupied Ukrainian Territories and the Statement by the Verkhovna Rada of Ukraine on Repelling Russia's Armed Aggression and Overcoming its Consequences). However, there are some other opinions. Thus, the Office of the Prosecutor of the International Criminal Court (ICC) distinguishes between an international Russian-Ukrainian armed conflict in the Autonomous Republic of Crimea starting on 26 February 2014 at the latest, and a non-international armed conflict in Donbas which started no later than 30 April 2014. The ICC recognizes the conflict in Donbas as international (Russian-Ukrainian) only »from 14 July 2014 at the latest.« However, »For the purpose of determining whether the otherwise non-international armed conflict could be actually international in character, the Office is also examining allegations that the Russian Federation has exercised overall control over armed groups in eastern Ukraine. The existence of a single international armed conflict in eastern Ukraine would entail the application of articles of the Rome Statute relevant to armed conflict of an international character for the relevant period.« See Office of the Prosecutor of the International Criminal Court, Report on Preliminary Examination Activities on the situation of Ukraine of 4 December 2017; https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE-UKRAINE_ENG.pdf
- 3 Office of the UN High Commissioner for Human Rights. Report on the human rights situation in Ukraine. 16 August to 15 November 2017 page 10 http://www.ohchr.org/Documents/Countries/UA/UAReport20th_EN.pdf
- 4 https://www.humanitarianresponse.info/system/files/documents/files/ukraine_humanitarian_bulletin_issue_17_mar_apr_2017_uk.pdf
- 5 Office of the UN High Commissioner for Human Rights. Report on the human rights situation in Ukraine. 16 August to 15 November 2017 page 10 http://www.ohchr.org/Documents/Countries/UA/UAReport20th_EN.pdf
- 6 The incidents of shelling, including those documented by the mission, involved the use of a variety of weapons, in particular the types of artillery weapons which, under the Minsk Agreements, must be withdrawn from the contact line to distances making direct gunfire contact impossible. It should be noted, however, that the Minsk Agreements have not been implemented by the Verkhovna Rada of Ukraine and are therefore not binding on Ukraine at the domestic level.
- 7 We believe that using the names of self-proclaimed Donetsk and Luhansk People's Republics (DNR and LNR), both in this report and elsewhere, is not advisable, as it might contribute to legitimization of these illegal military and political entities in the public space. Ukrainian law uses the term »occupied territories« to describe the parts of Luhansk and Donetsk Regions which are not controlled by the Ukrainian government (another term used in Ukraine's legislation is ORDLO, i.e. »certain areas of Donetsk and Luhansk Regions«; we find it appropriate to use the term »de facto authorities of ORDLO«). While this term has not been formally recognized at the international level, we have no doubt that Russia exercises effective control over the occupied territory and the armed forces operating in it. Special Representative for Ukraine Negotiations Ambassador Kurt Volker shares this perspective: »[W]e have this territory that is currently being occupied by Russia, and [the forces] are under Russian command and control« <http://informator.media/archives/287659>; <https://www.state.gov/r/pa/ime/useuropeanmediahub/277755.htm>. We are convinced that Russia's overall effective control over the occupied areas of Donetsk and Luhansk Regions will eventually be proven in the European Court of Human Rights.
- 8 <http://www.osce.org/uk/special-monitoring-mission-to-ukraine/363376>
- 9 See, e.g. <https://www.unian.net/war/2307544-rf-otozvala-svoih-predstaviteley-iz-stskk-srazu-pered-obostreniem-situatsii-na-donbasse-volker.html>
- 10 See <https://www.state.gov/r/pa/ime/useuropeanmediahub/277755.htm>
- 11 See <https://www.osce.org/special-monitoring-mission-to-ukraine/363871> for a description of damage to civilian properties caused by shelling observed by the OSCE SMM, in particular, using mid-range unmanned aerial vehicle (UAV).

- 12 BM-21 Grad 122 mm, according to OSCE SMM <http://www.osce.org/ru/special-monitoring-mission-to-ukraine/364061>
- 13 Ibid.
- 14 Indirectly, the presence of illegal armed groups in Katerynivka is suggested by a report that an ID was found in one of the local houses in February stating that the carrier was »a member of a special unit of the Army of the Southeast« with the nickname of »Dokhly« (»Dead«) see https://www.facebook.com/andriy.tsaplienko/posts/10155580270574690?comment_id=10155580285739690&comment_tracking=%7B%22tn%22%3A%22R9%22%7D. However, this report has not been verified.
- 15 Note that earlier in 2017, there were also cases of tripwire mines injuring Ukrainian servicemen see, e.g., <https://dn.depo.ua/eng/lugansk/na-luganschini-vijskovosluzhbovec-zsu-pidirvavsya-na-roztyazhci-20170922645058> and civilians see, e.g. <http://mariupolnews.com.ua/news/view/v-katerinovke-na-samodelnoj-rastyazhke-podorvalsya-mirnyj-zhitel-in-katerynivka>.
- 16 <https://www.facebook.com/csomvd/posts/1397819030326406>
- 17 Thus, the incident with L. was reported on ATO press center's webpage in the following manner: »The ATO HQ reports that, sadly, servicemen the Ukrainian Armed Forces have been arrested in Popasna. It has been provisionally established that the servicemen caused bodily injuries to a civilian. The military law enforcement service has been checking into this fact, and an inquiry into the circumstances and motives of the incident is underway in cooperation with the National Police. The military commandment strongly condemns such unworthy behavior. This type of acts can destroy [public] trust in the military and undermine the victory and courage of all servicemen defending the peace and unity of our country from the Russian occupiers and invaders. There is no place for such people in the Ukrainian Armed Forces, and they must be held accountable under the law« <https://www.facebook.com/ato.news/posts/1752925248051607>. The report is clearly lacking any information as to the nature of the incident or the kind of »bodily injuries« caused or the fact that the »civilian« is a 64-year-old woman. It is hardly surprising therefore that nearly all comments under the post either warn against hasty conclusions or urge to respect the presumption of innocence principle before the investigation is completed or fantasize about the possible nature of the incident while justifying the servicemen. The following are some of the comments: »It's my understanding that they hit some »separ« for his black mouth and hatred for Ukraine, and now they must go on trial for that?« Another commentator goes even further: »In addition to the 'Russian occupational forces', our soldiers are also fighting the traitors of Ukraine (if the armed forces commandment is unaware of this fact). And yes, all of them are 'civilians'. These 'peaceful people' have been sending information to [Ukraine's] traitors in Luhansk, and back in the summer of 2014, they blew up bridges as they were running away from our Volunteers and Patriots. Most likely, one such bastard got hit in the face.« There were other comments like this as well.
- 18 See, e.g., a detailed journalistic investigation by the Media Initiative for Human Rights at <http://tornadocase.tilda.ws> for more information about the »Tornado case« in general and certain episodes related to the use of the ambulance station as an illegal place of detention.
- 19 KPZ, or temporary detention cell, is an outdated term for holding cells on police premises used to hold suspects.
- 20 See, e.g., <http://informator.media/archives/283538>. The story author Ivan Bukhtiyarov of Informator.media accompanied the mission on some of the field trips, in particular to Katerynivka, but also used additional information available to him prior to the mission.
- 21 <http://www.unn.com.ua/uk/news/1455032-do-kontrolovanoyi-ukrayinoyu-chastini-luganschini-priydenali-katerynivku>
- 22 <https://www.obozrevatel.com/politics/82176-moskal-prisoedinil-k-luganschine-esche-odno-profrontovoe-selo.htm>
- 23 Interview with the village resident V.
- 24 https://www.facebook.com/permalink.php?story_fbid=1589761471061447&id=100000828276750
- 25 See, e.g., <https://inforosist.org/vsu-otvoevali-poselok-novoaleksandrovka-v-luganskoy-oblasti>
- 26 <https://bin.ua/top/216506-polzuchee-nastuplenie-hto-stoit-za.html>. The report says that the UAF positions have been moved 30 meters forward
- 27 <https://www.facebook.com/backandalive/photos/a.346200148870762.1073741828.346164665540977/976621622495275>
- 28 <https://www.facebook.com/ato.news/posts/1841723532505111>
- 29 <https://bin.ua/top/216506-polzuchee-nastuplenie-hto-stoit-za.html>
- 30 This review of the EECP operation has been made with contributions from VOSTOK SOS experts Evgeny Vasilyev and Alexandra Dvoretzka.
- 31 These conditions are unacceptable for the Ukrainian side for reasons such as the settlement's geographical location and the specifics of the local terrain. The city is located in a lowland area, and the Stanytsia Luhanska city center stands at an effective firing range for automatic weapons from the contact line (850 meters from the contact line to the district administration building). A withdrawal of the armed forces would leave the district center vulnerable to attacks from the militants positioned on a hill.
- 32 Likewise, opening an EECP in Shchastya is problematic for Ukraine for security reasons. This is the only location in the region where Ukraine controls a bridge across the Siverskyi Donetsk and a small area on its southern bank. Should the militants block the bridge—which can be achieved using just one vehicle—even for a short while, this could »cut off« the UAF's checkpoint on the opposite bank making it an easy

target for the militants and potentially causing the UAF to lose its bridgehead on the south bank.

- 33 This review of the EECP operation has been made with contributions from VOSTOK SOS experts Evgeny Vasilyev and Alexandra Dvoretzka.
- 34 In particular, the mission members heard this from border guard service officers during their previous visit to «Zolote» EECP on 27 October 2017.
- 35 See also: <http://informator.media/archives/283538>
- 36 The mine in Zolote continues to operate and is one of the few operating mines near the contact line. However, its productivity has decreased dramatically as nearby mines located in the uncontrolled area (in particular, the Pervomaisk mine) stopped operating and pumping out water, so that some of the water flows to the Zolote mine. According to the mine director Igor Novoselov, the inflow of water to the mine was 250 cubic meters per hour before the war but increased to 600 cubic meters per hour in 2017 <https://ru.hromadske.ua/posts/zolotoi-horyzont-kak-dobyvaiut-uhol-v-shakhtakh-pod-lynyei-fronta>.
- 37 <https://kp.ua/incidents/499646-chto-ostallos-ot-shakhterskoho-poselka-stakhanovets>

Deutsch-Russischer Austausch e.V. (DRA)

is a non-profit, non-governmental organization based in Berlin, working since 1992 with the aim of promoting democratic developments in Russia and other East European countries through cooperation with Russian, Belarusian, Ukrainian and other European NGOs, with independent mass media and in cross-sectoral cooperation. The DRA offers youth and other exchange programs in the field of political education, democracy and active citizenship and works to establish links with Western partners. Moreover, the DRA acts as an agency for volunteers between Eastern and Western Europe.

VOSTOK SOS

The civil initiative Vostok-SOS was founded on May 5 2014 by the Human Rights Center "Postup", hitherto based in Luhansk. The initiative was joined by the Human Rights Center "Diya", whose members had been working in Crimea.

Because of the dangers posed by working in the occupied territories, the activists moved to Kiev in 2014. There, together with other organizations and individuals, they opened a coordinating center to help residents of eastern Ukraine. At the moment, the team of VOSTOK-SOS consists of about 35 activists from Lugansk, Kiev, Kharkiv and Simferopol.

The armed conflict between Russia and Ukraine has been ongoing for four years now. On territories adjacent to the contact line, tens of thousands of civilians continue to live in an atmosphere of violence and lawlessness that is first and foremost created by persistent ceasefire violations. Apart from the immediate danger from shelling, arbitrary use of firearms and landmines, the humanitarian situation is seriously affected by economic disruptions, lack of work, supply shortages with water, gas and electricity, poor transport conditions and low effectiveness of local administration.

This report highlights cases of military violence targeted against civilians and the limited access to education and basic services in settlements along the contact line. The authors recommend to keep up economic pressure on Russia, which exercises effective control over the non-government controlled parts of eastern Ukraine. Furthermore, they speak out for permanent humanitarian assistance to the entire region and effective accountability mechanisms for the local authorities in government-controlled territories.

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