

MINSK PEACE PROCESS:
Political, social and economic tracks are paralyzed,
while Russia continues raising the stakes completely disregarding
its security and humanitarian commitments

The situation in the certain areas of the Donetsk and Luhansk region remains very tense and volatile despite the joint efforts by Ukraine, Germany and France to activate the peace talks within the N4. A wide range of recent out-of-Minsk-tune decisions by Russia/ Russia-backed militants in humanitarian and economic spheres as well as two shocking incidents of 23 Apr and 5 May 2017 involving the OSCE SMM monitors in the non-Government controlled area of Ukraine's Donbas have led to crippling of all 4 thematic tracks of the Minsk Agreements.

- ⇒ No sustainable and comprehensive ceasefire. No further disengagement of forces and hardware while Russia and its proxies still do not ensure a 7-day period of full silence as the key precondition for it to happen. No withdrawal of weaponry while Ukraine as well as SMM regularly register the hidden Russian weaponry within the militant-controlled restricted areas. No proper and timely demining while Russian part of the JCCC has failed to positively respond to most of security requests. No full SMM monitors' access to the temporary occupied territory (*including the Government-uncontrolled segment of Ukraine's state border*) while the international community continuously witnesses a steady decline of monitors' safety in areas not under Ukrainian Government's control.
- ⇒ Still no breakthrough in the release of hostages and illegally detained persons while only Ukraine's persistent efforts have allowed a long-awaited start of the attestation process with the OSCE direct involvement. No real progress on missing persons as well as on permanent access of International Humanitarian Organizations (IHOs). No breakthrough in opening of the 'Zolote' entry-exit checkpoint.
- ⇒ No implementation of water infrastructure large-scale restoration projects while Russia's inability to keep its own promises on paying the ORLO's water debts make it almost impossible to ensure the sustainable water supply.
- ⇒ No proper electricity supply while the militants' seizure under Russia's control of almost all local electric power substations and other electric power facilities owned by the "Luhansk Energy Association" (LEO) as well as a substantial debt before the LEO, accumulated by the local population and a number of local economic entities after their "grabbing" by the militants, have left for the LEO no other choice than to suspend the electricity supply.
- ⇒ Moscow-backed "grabbing" of more than 50 local state and private economic entities operating in the Ukrainian legal environment by the members of illegal armed formations (IAFs) as well as Kremlin-mastered "formal decision" by IAFs to recognize Russian rouble as "the only currency" are leading to complete disruption of the social and economic track.
- ⇒ No progress on modalities of holding legitimate local elections in Donbas while Russia unilaterally took a formal decision to recognize "documents" (*passports, driving licenses, birth certificates etc.*) issued by illegal entities of certain areas of the Donetsk and Luhansk regions of Ukraine.

Hence, the decision of Ukraine's National Security and Defense Council "On urgent additional measures to counter hybrid threats to the national security of Ukraine" is a forced and largely asymmetric reaction to the most of above-mentioned Russia's steps, which proved once again Moscow's non-compliance with the Minsk Agreements and its *de-facto* occupation of the certain areas of Donbas.

Moreover, Russia and its proxies neglected all previous decisions of the Trilateral Contact Group (TCG) or N4 to introduce the comprehensive ceasefire (*starting from 24 Dec 2016, 9 Feb, 20 Feb and 29 Mar 2017*).

Nevertheless, all these tendencies along with Russia's ongoing efforts to build up its military infrastructure along Ukraine's eastern state border and in the temporary occupied Ukrainian Crimea create new risks of full-scale resumption of hostilities and may serve as a cover for preparation of a possible full-scale invasion of the Russian Armed Forces¹ in Ukraine.

No ceasefire

Since the start of ATO – around 44 000 ceasefire violations (CFV). In 2016 – 16 186 (5 017 CFV – *with the use of heavy weapons, which must have been withdrawn*). In contrast, in 2016 UA Armed Forces had to open the return fire 4 921 times only (*in 3,2 times fewer cases*). For the period 1 April-15 June 2017 altogether 3 849 cases of CFVs against UA were registered: 21 – MLRS, 110 – artillery, 1 065 – mortars, MBT – 33, APC – 222, BTR/BRDM – 18, PTRK – 19, ZU-23-2 – 23, anti-tank grenade launcher – 466, small arms – 1 871. Ukraine's combat death toll is shocking: 1 Jan-15 Jan 2017 – 115 servicemen killed in actions, and 853 – wounded.

Moreover, the militants continue shelling the civilian property and infrastructure objects. In Apr and May of 2017, they shelled 27 and 49 times respectively which resulted in damage of 39 buildings and 2 infrastructure facilities. On the other hand, international humanitarian community commends Ukraine's Armed Forces for taking actions related to vacate their quarters in a number of strategic residential neighborhoods, which demonstrates that measures to protect civilians during the armed conflict are both feasible and effective towards compliance with Ukraine's obligations under international humanitarian law.

No further disengagement of forces

Due to militants' continuous shelling attacks (*239 as of 16 Jun 2017, while the latest shelling took place on 15 Jun*), the disengagement of forces and hardware at the Stanytsya Luhanska pilot area has not been implemented yet. Ukrainian side is ready to proceed with the disengagement there when the agreed security preconditions for it are observed. It means that this will be done only after 7 days of the SMM verified complete ceasefire, as it was stipulated by Para 2 of the TCG Framework agreement of 21 Sept 2016.

Ukrainian side will be ready to continue the disengagement at additional locations only upon completing disengagement at all three areas already agreed. These new locations have to include a security zone near Debaltseve. Along with that, we are waiting for Russia's implementation of its commitments on establishment of a "zone free of heavy weapons and military hardware" at the Mariupol direction according to Para 5 of the Minsk Memorandum of

¹ Currently Russian-backed militants in Donbas have **406** MBT, **848** APC, **208** MLRS, **732** artillery systems (including self-propelled ones), **413** air defense units. A general number of IAFs – up to **36 400** militants apart from **3 600** servicemen from Russian regular Armed Forces. Moreover, **22 900** military, **30** main battle tanks (MBT), **106** artillery systems, **56** MLRS, **120** air defense units (including **32** S-300 missile systems), **583** armored personnel carriers (APC), **101** warplanes, **56** combat helicopters, up to **30** UAVs (Orlan-10) as well as **24** combat ships and **3** submarine ships have been deployed in the temporarily occupied Ukraine's Crimea.

19 Sept 2014. However, the Russian delegation in the TCG security working subgroup is still blocking these proposals.

No OSCE SMM access to all temporarily occupied territories of Donbas
No OSCE SMM access to the temporarily uncontrolled part of the state border

Brutal provocations of the Russia-backed militants against SMM monitors that resulted in killing one and injuring two other SMM monitors on 23 Apr 2017 demonstrate that the terrorists had stepped up in threatening the OSCE SMM to prevent the Mission from discharging its duty. Ukrainian side considers this incident, which occurred in the IAF-controlled territory as another evidence of continuous attempts by Moscow and its proxies to intimidate the OSCE and nullify the consolidated efforts of Ukraine and the SMM to stabilize the situation along the line of contact (LoC).

Ukrainian side expects that, despite that incredibly heavy loss, the Mission will continue its activities in Ukraine with the aim of fostering peace, stability and security in the certain areas of Donbas according to its Mandate and the OSCE principles and commitments.

In general, there are not only locations, but also the whole areas where the monitors cannot get an access to. Militants have set a *de-facto* forbidden zone along most of the temporary uncontrolled segment of the Ukrainian-Russian state border.

This year, the OSCE SMM has already reported about at least 19 major incidents of intimidation of its monitors by militants, including even one incident of sexual harassment towards a female patrol member!

Moreover, in Feb 2017 the OSCE SMM lost two UAVs (*one was shot down by the militants while another one – seized by them*), on Apr 13 – another UAV was shot down by the militants in addition to 8 long-ranged UAVs downed by Russia-backed militants previously in 2014-2016.

As of today, the OSCE SMM patrol hub in government-controlled Kostyantynivka has lost all its 8 small-range UAVs, the cost of which is 1,5 million Euro.

These deplorable incidents must be considered in the context of hostile comments and unfounded allegations to the Mission by senior members of self-proclaimed “local authorities”. They aimed at creating hostility towards the SMM in the areas outside Ukrainian Government’s control. The SMM’s difficulties obtaining information also persist: in particular, hospital staff in those areas continues to withhold information on casualties, citing that they require written permission from “chieftain” of the Russia-backed militants.

In some instances, terrorists have even accused the SMM of bias: on 27 May, armed separatists accused the SMM of revealing their positions to the Ukrainian side. Such ongoing disinformation campaigns continue to pose a serious challenge as they encourage hostility towards the SMM.

Moreover, since 1 Mar 2017 those pseudo “authorities” groundlessly claim OSCE SMM to pay “Mission related expenses” directly to them and request the monitors’ registration as “foreigners”. We consider these incidents as Russia-sanctioned attempts to “squeeze” SMM out of the conflict area in order to prevent the international community from receiving objective information about the real security situation on the ground.

Ukrainian side, in its turn, is committed to ensuring full safety of SMM OSCE observers and to assisting the Mission in the fulfillment of its Mandate. This is an absolute priority for the Ukrainian Government.

No withdrawal by Russia-backed militants

In order to implement a number of agreements reached within the N4 and the TCG, Ukraine has completed the withdrawal from the LoC and granted the OSCE SMM with all necessary support to verify the withdrawn weapons. The inventory lists are submitted to the SMM on the monthly basis (*the latest one – on 12 June 2017*).

On the other hand, the OSCE SMM still has not confirmed the withdrawal of heavy weapons from the respective zones of the terrorists-controlled territory. UA Armed Forces on a daily basis register the hidden Russian weaponry within the restricted areas. In April – May 2017, 790 pieces of Russian heavy weapons (191 MLRS “Grad”, 181 tanks, 178 self-propelled artillery guns, 173 towed artillery and 67 mortars) were detected by UA intelligence within the security zone in violation of the respective withdrawal line.

Moreover, Russia and its proxies intentionally and demonstratively committed gross violation of the Minsk agreement, having brought the significant number of the military hardware in the 30-km security zone for so-called “military parades” on 9 May. As of today the OSCE SMM is not in a position to verify withdrawal of those weapons to the storage sites and beyond respective lines.

No stop in Russia’s supplies of weapons, military hardware and munitions

The temporarily uncontrolled segment of Ukraine’s state border with Russia remains one of the key sources of escalation on the ground, as inflows of weaponry and military personnel into Donbas persist.

SMM reported sightings of the Russian jamming equipment (the ‘*Zhitel*’) at least six times – most recently on 19 Jan 2017. Moreover, the SMM reported sightings of sophisticated and highly specialized Russian MLRS, such as destructive and indiscriminate *TOS-1 Buratino*. The SMM also distributed information on the presence of ‘*Orlan-10*’ UAV – another sophisticated piece of Russian hardware.

Russia continues massive illegal supplies of arms and military equipment to Donbas: 43 railway tank cars with fuel, 3 railway carriages with munitions as well as 16 armored combat vehicles were illegally brought from Russia in Apr 2017. In May-Jun, 27 railway carriages with munitions, 76 railway tank cars with fuel and 13 military trucks were delivered.

Since January 1, 2017, altogether 125 cases of illegal crossings of the temporary uncontrolled segment of the state border by the Russian ground and railroad military supply convoys have been registered (including in Jan –24, in Feb – 36, in Mar – 25, in Apr – 20, in May – 20 cases of illegal crossings of the border).

Moreover, the so-called Russian “humanitarian convoys” (*as of 16 Jun 2017, they total 66; the latest one – on 15 Jun*) are regularly reported crossing the border through the “Donetsk” and “Matveyev Kurgan” Border Crossing Points without full inspection and in violation of the Ukrainian sovereignty and territorial integrity.

No demining

Ukraine fully supports the SMM's initiatives to step up efforts on demining activities. Since 1 Apr, 2017, Ukrainian side of the JCCC (as of 6 June) has granted 115 security guaranties (*out from 157 security requests received by JCCC*).

At the same time, the Russian side refuses to grant the security guaranties for demining and restoration works along the LoC and near the critical infrastructure objects. The Russian side of the JCCC has granted 53 security guarantees only.

No stop of UAV use, including those used from the Russian territory

This Jun, 21 cases of illegal use of UAVs by Russia-backed militants have been already registered (*for comparison, in Jan 2017 – 85, Feb – 46, Mar – 59, Apr – 33, May – 108*). In May 2017, the Russian military aircrafts, flying along the Ukrainian-Russian state border, performed the areal intelligence of the territory of Ukraine 8 times.

Moreover, on May 27, 28 and 29 Russian long-range UAV "Forpost" being launched from the territory of Russia illegally crossed the state border of Ukraine and performed the areal intelligence along the line of contact. Ukrainian air traffic control dully registered these cases, which are the acts of military aggression of Russia against Ukraine in terms of the international law. Besides, they are another clear evidence of the Russian Federation's role as the direct party and driving force of the conflict.

No release of hostages

Two main principles (*the immediate release and the use of "all for all" formula*) are totally ignored by Russia and its proxies. Currently the militants detain 129 hostages.

Office of the Ukrainian Parliament Ombudsperson for Human Rights, the Security Service of Ukraine, as well as the OSCE, completed the verifying the statements of those individuals who are detained in penitentiary institutions and who refused to return to the uncontrolled part of Donbas. The verification process (took place from April 28 to May 12, 2017) was conducted in accordance with the requirements of confidentiality and voluntary expression of the will of the said persons. The outcome of the verification should be the setting of clear deadlines for the release of the Ukrainian citizens illegally detained in Government-uncontrolled territory.

Furthermore, Russia keeps at least 15 Ukrainian political prisoners and more than 29 – in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol.

No progress on missing persons

408 people are on Ukraine's list of persons missing in Donbas. There is a clear awareness of the importance of the ICRC proposal to establish a coordination mechanism on the issue of missing persons. Nevertheless, Moscow denies any participation in such a mechanism cynically referring to its 'noninvolvement' in so-called 'internal Ukrainian conflict'.

No progress on opening 'Zolote' entry-exit checkpoint in Luhansk region

Unblocking movement through "Zolote" checkpoint would considerably facilitate the movement of civilians across the contact line. Despite Ukraine's readiness to open it since Mar 2016, Russia continuously blocks all Ukraine's initiatives under far-fetched pretext.

No access of the IHOs

Despite Russia's clear commitments to put additional pressure on the illegal armed formations to let the IHOs, including the ICRC, into the region, the situation on the ground has not seen even the slightest change. For example, in 2017 ICRC has conducted in Government-controlled area 35 visits in 25 different places and only 1 visit – to a place in the certain areas of the Donetsk and Luhansk regions of Ukraine. The OHCHR, in its turn, reports that the Government-controlled territory it continues to enjoy effective access to official places of detention, and interviewed conflict-related detainees in numerous pre-trial detention facilities while in the temporary occupied territory of Donbas it still lacks full and unfettered access to places of deprivation of liberty.

No water supply to the certain areas of the Luhansk region due to Russia's unwillingness to adhere to its commitments

Russia has not fulfilled an agreement reached at the previous four TCG meetings of 26 Apr, 15 and 24 May, as well as 7 Jun 2017 regarding the resumption of sustainable water supply of ORLO.

Russia's promise to pay 15,7 million UAH debt to the banking account of water supplier – Popasnyanskyi District Water Channel/ PDWC – as soon as possible was broken. Only on 30 May the PDWC received a small tranche of the promised money amounted 2,47 million UAH. This amount was not enough to restore a sustainable water supply of ORLO because the PDWC should not only buy spare parts necessary to repair the water main pipes of the Western Filtration Station's facilities but also pay salary for its workers as well as its bills, in particular for the electricity supplied by the LEO.

It should be noted that the issue of paying off debts to the PDWC as to the utility enterprise is extremely important, since it has a communal form of ownership and cannot, therefore, receive transfers from the state budget.

Nevertheless, the PDWC fulfilled all necessary repair works, and resumed the water supply to ORLO since 8 Jun 2017.