

**Commission on Security & Cooperation in Europe:
U.S. Helsinki Commission**

“Ukraine: Report from the Front Lines”

Committee Staff Present:

**Alex Tiersky, Policy Advisor, Commission for Security and Cooperation in
Europe;**

**A. Paul Massaro, Policy Advisor, Commission for Security and
Cooperation in Europe**

Participants:

**Alexander Hug, Principal Deputy Chief Monitor of the OSCE Special
Monitoring Mission to Ukraine**

**The Briefing Was Held From 2:05 p.m. To 3:10 p.m. in Room 215, Senate
Visitors Center, Washington, D.C., Alex Tiersky, Policy Advisor, Commission
for Security and Cooperation in Europe, presiding**

Date: Thursday, November 30, 2017

TIERSKY: On behalf of Senator Roger Wicker, chairman of the U.S. Helsinki Commission, and Congressman Chris Smith, co-chairman, I'd like to welcome you to this briefing of the Helsinki Commission titled "Ukraine: Report from the Front Lines." My name is Alex Tiersky. I'm the political military affairs advisor for the Helsinki Commission.

This has been something of a Ukraine week for the Commission. Yesterday we had a similar briefing on the subject of corruption in Ukraine. You may have seen the report on that subject. That is outside on the table.

Like yesterday's briefing, this event is streaming live on the Helsinki Commission's Facebook page. So I'd like to welcome those of you who are viewing that way. And I'm told I should remind you to use our Twitter handle, @HelsinkiComm, if you're tweeting this meeting.

Ladies and gentlemen, for more than three years now civilians in eastern Ukraine have suffered the effects of a needless conflict, manufactured and managed by Russia. An estimated 10,000 people have been killed and more than 23,500 injured. The humanitarian situation continues to deteriorate, amidst almost daily ceasefire violations and threats to critical infrastructure. Joseph Stone, an American paramedic, was killed on April the 23rd of this year while monitoring this conflict as a member of the Organization for Security and Cooperation in Europe's Special Monitoring Mission in Ukraine. We will often refer to it in this briefing as the SMM. SMM reports remain the only source of verifiable public information on this ongoing conflict, and the grave daily impact it has on the local civilian population. Mission personnel, like Joseph Stone, are unarmed civilians. They face regular and sometimes violent harassment by combined Russian separatist forces seeking to limit the mission's access to the areas they control.

We are very fortunate that Alexander Hug, Principal Deputy Chief Monitor of the OSCE Special Monitoring Mission to Ukraine, has agreed to travel to Washington from Ukraine at our request, to be with us today. By way of introduction let me note that Mr. Hug is a trained lawyer, he served as an officer in the Swiss army. He has served in a number of roles and positions at the OSCE previously, including as a section head and a senior advisor to the OSCE High Commission on National Minorities. He served at the OSCE mission in Kosovo. His career in conflict resolution includes work with the Swiss headquarters support unit for the OSCE in northern Bosnia and Herzegovina, the temporary international presence in Hebron, and the EU Rule of Law Mission in Kosovo.

I'd like to underline on a personal basis Mr. Hug's sterling reputation as a tough, courageous, and principled diplomat with an exceptional background for the work that he's doing now. Not afraid to personally engage in sometimes quite dangerous situations, he's been a very strong voice for suffering civilians in an often-challenging political environment. His service is to be commended.

I've asked Mr. Hug to focus his presentation for us today on two broad themes. The first, which we really want to emphasize, is the substance of the work of the monitoring mission. In other words, what do the monitors see? What does it tell us about the evolution of the conflict,

as well as the plight of the civilians impacted by it? The second main theme I've asked him to focus on is the process of the monitors' work. How effectively are the monitors able to carry out their mandate? What obstacles prevent them from doing more?

Before passing the microphone to Mr. Hug for his presentation, let me offer a few key substantive points from the perspective of the Helsinki Commission. The U.S. Congress, on a bipartisan basis, has been a staunch supporter of Ukraine, and remains committed to an independent, sovereign, democratic Ukraine. It has committed to continuing to stand against Moscow's aggression and ongoing efforts to destabilize Ukraine and keep it from making its own choices regarding its strategic direction. Members of the Helsinki Commission continue to express strong concern about the deteriorating humanitarian situation in eastern Ukraine and, importantly, occupied Crimea.

Our commissioners remain firm supporters of the OSCE and of the Special Monitoring Mission in particular. They recognize the unique value it provides as an authoritative source of information on the ongoing violations of the Minsk agreements, effectively serving as the international community's eyes and ears on the ground. Our commissioners have consistently recognized and commended the courage demonstrated by the monitors who serve with Mr. Hug in the face of the dangers they must confront on a daily basis to carry out the mission that we collectively have assigned to them. Our commissioners seek to better understand how best to ensure that the monitors are able to accomplish their mission as effectively and safely as possible.

I very much look forward to Mr. Hug's presentation. He's going to give us a rundown of the situation using a very effective use of PowerPoint, which I know sometimes can be not necessarily a given. But this is one that I think you'll all find tremendously compelling. Thank you all for joining us today. I look forward to your questions after Mr. Hug's presentation.

Alexander, please, you have the floor.

HUG: Thank you very much. Thank you to the Helsinki Commission for the opportunity to address this forum today here.

And I start right away. I'm just back from a weeklong tour, together with my monitors, in eastern Ukraine. The picture that you see behind me was taken Monday a week ago in the area called Luhansk, the only crossing area in this area where civilians can formally and officially go across the contact line. We have been there documenting the suffering. And this picture probably tells a lot more than I can describe here. You can see the monitors in their white helmets and the civilians there, trying to get about their normal lives in that conflict area. And, as Alex just said before, this is not a conflict that lasts a year. It is now over three years since it is raging in the eastern part of Ukraine.

Very briefly, the OSCE special monitoring mission has two main tasks enshrined in its document which has established it. It's the Permanent Council Decision 1117. It's on the one side monitoring and reporting activity, and on the other hand the dialogue facilitation task on the ground. That makes the SMM. You will find it interesting to note that the mandate itself does

not refer to the Minsk agreements, does not refer to ceasefire monitoring. And the reason for that is that the mission had been created on the 21st of March 2014, before the conflict had been erupting. Of course, these days, we are supporting the Minsk process, consisting of the Normandy format, the trilateral contact group, and four working groups that support the creation of the framework which should lead to a normalization at the contact line.

These have different starting dates. The Normandy format was put into place on the 6th of June '14. The first trilateral contact group meeting took place two days later when it had been recommended to be established. The joint center for control and coordination, which you see at the bottom there, is a bilateral arrangement between the Russian Federation and Ukraine to jointly control and coordinate the implementation of the agreements the trilateral contact group has been forming. The connection between the two is that the special monitoring mission head – my boss, Ambassador Apakan – chairs the working group on security issues.

Very briefly to where we came from. The mission was originally set out to monitor the change in government in Kyiv over the winter '13-'14. It was meant to be a small-scale monitoring mission dispatched to 10 locations all over Ukraine. And we are still in these 10 locations. Very quickly after dispatching the mission on the 21st of March 2014, we saw demonstrations erupting in the eastern part of the country, where administrative buildings had become occupied. Occupants first were armed with wooden sticks, that turned into metal sticks, turned into sidearms, turned into Kalashnikovs, turned into mortars, turned into artillery devices, turned into multiple launch rocket systems. And the mission quickly found itself in the midst of an armed conflict.

It was then in the summer of 2014 where the mission for the first time showed the world that it was able to implement its mandate both by reporting from the ground, but also facilitating dialogue – most dominantly so during the incident when that civilian airliner came down in the middle of the conflict area, where the mission facilitated access to the crash site, to emergency workers, including but not limited to the recovery of the bodies. The mission continued to try to evolve and develop alongside the emerging conflict here. Here you see the mission in front of the – what used to be International Airport of Donetsk. And continued to help to assist the implementation of the Minsk agreements, including the verification of the withdrawal of heavy armory.

Our best assets are the monitors. Alex made reference to it. They undertake daily important work on both sides of the contact line. They are all civilian, unarmed monitors, stationed mostly in the eastern part, but also in the rest of Ukraine were, as I've mentioned before, we have a mandate to monitor too. Here you see the map of Ukraine. Every OSCE flag symbolizes a presence across the country. However, most dominantly, of course, our monitors are dispatched to the eastern part. Here you see, at the moment, current figures of our deployment, some 640 monitors in place, most of them in the east. Roughly 400 Ukrainian colleagues and another 100 international staff members, like myself and other colleagues, that support the mission.

Zooming in in the east, this is the eastern part of the country. Yellow here on this map is the contact line, this 500-kilometer-long line dividing government from nongovernment-

controlled area. Every dot on that map there represents a presence where our teams are stationed. And you see two photographs there of forward patrol bases. These are smaller units where the mission places its monitors very close to the contact line, where they live, where they operate from, but also where they monitor, during nighttime in particular.

The dimension of the conflict is also important to note. The conflict area is bordered with a contact line, which is approximately 500 kilometer(s) long. You can look far and wide until you see another conflict with such a long contact line, a line where opposing forces face each other. There is the unsecure border, which is currently beyond government control, which is over 400 kilometer(s) long. Down south you have a seashore of approximately 70 kilometers that is currently also beyond the control of the government in Kyiv. The whole area that is currently outside government's control amounts to almost 20,000 square kilometers, a bit less than half of the entire size of the two oblasts there. It's approximately half the size of my country, Switzerland, where I come from.

A few words on the agreements in Minsk, important here. You read in the media about Minsk 1 and Minsk 2. There are, in fact, at least six agreements reached in Minsk. The most important ones are in front of you there. They list measures that should be taken to normalize the situation at the contact line. They also include political measures. The important, military, technical measures are here. This is the nonuse of weapons – that is the language used for the ceasefire. The disengagement to bring the forces apart from one another. The nonuse of mines to protect civilians. And the nonuse of weapons. Before I use more words, here is a quick video clip of what the mission currently is doing. It's in Ukrainian with English subtitles.

(A video in Ukrainian is shown.)

HUG: The Special Monitoring Mission's best asset are its monitors. They not only document the fighting in the eastern part of the country, also document the suffering of the civilian population. But first, to the current situation out in the east, you see here the past six months – the past six months documented on a week by week basis. You see the steadily increasing number of ceasefire violations that we currently see. And you can also see they reach high numbers that we still register. I have just cleared the latest summary report of the last 24 hours. And they have reached, yet again, a thousand ceasefire violations in a single day that we have seen.

What is important also here is that you can see when they, the sides, agree to stop firing, as they have done there where the red arrow is at the beginning of the new school year, it is possible for them to cease fighting almost immediately. Within an hour's time, the entire 500-kilometer-long contact line is quiet. Why it doesn't seem to be sustainable? It's for the following reasons. There are reasons in the geography of the contact line. Some parts of it are made up of a river, like in the Luhansk region where the river builds a natural barrier between the sides. They can't come close enough. Fighting is less acute there. There are the proximity of the positions, which is a big problem. A decision has been taken to disentangle them.

There is a big difference between the fighting in the countryside and in the town areas. And unfortunately, almost all the fighting takes place inside or nearby built-up areas and the

heavy weapons, tanks, mortars, artillery that should have been long withdrawn are still there. We see them every day. Here you see main battle tanks in an area beyond government control at a distance where they should not be. You can see our monitoring patrol car there. That is the daily view that our monitors see. These findings are all made public on a daily basis on our website in Ukraine and English and Russian language. Here, more heavy artillery guns hidden in a tree line, photographed by one of our unmanned aerial vehicles that we use to monitor areas where we have no access to – equally a violation.

The same on the government side. There are guns also very close up to the contact line, in engagement distance. Guns that should not be there. We also see other violations, including – and that picture also taken last week – the presence of mines. Here you see anti-tank mines over a road that normally is used by civilians. A mine like this killed our colleague, Joseph Stone, in the beginning of this year. All of those are clear violations of the agreements that I've just shown you before. Impact on the civilian populations, and more words cannot replace a short clip that I would like to show you. First, you see here the bridge that I have you have seen before in the winter period, now from above. This is this bridge over which up to 8,000 civilians cross every day. They have no chance to do it by vehicle or by any other means. They have to do it on foot. People die on this bridge because they're exhausted from crossing it. In the summer, very hot. In the summer – in the winter months, very, very slippery.

Other crossing points look like this. Endless queues of thousands of cars, waiting times up to a day until civilians can cross the line. They do it either on car elsewhere, or on foot. There are only five crossing points all along the contact line. And where the conflict has been, the situation looks like this. Devastation. Villages destroyed. People have left, displaced inside Ukraine or now as refugees outside. People also die in the conflict still up to this date. We have registered this year alone more than 400 civilian casualties both killed and injured. Most of them die through shrapnel, through the use of these weapons that should not be there – the artillery, the mortars, the tanks that are still being used. The second biggest category of casualties are those that die or get injured from mines and unexploded ordnance. And I said before, over 400 this year.

Infrastructure they rely on is also affected. Here you see a map that provides you the triangle between government-controlled Avdiivka, Donetsk city, the gray shaded areas in the lower part of the picture, and Yasynuvata, also not government-controlled area. In the middle of that is a filtration station. You see it here on this picture. This is a water filtration station that delivers clean water to both government and nongovernment controlled areas. Because positions are very close up to that facility, the facility comes regularly under fire. Not only interrupts the production of clear water, but also is an environmental hazard because in the building where the red circle is there, they store chlorine gas which they use to purify the water. Should a shrapnel penetrate the building there – and it has been hit and affected – but should it penetrate the canisters where it is stored, it will lead to a leakage that will have devastating effect. And the gas will not hold and stop at the contact line. It will affect both sides equally.

What needs to be done to stabilize the situation are two main measures. First is increase the proximity between positions. As I've shown you before, this is one of the big problems. They are too close in the area you've seen before, between 100 meters and 10 meters one

another. They see across this room their positions. That, of course, is recipe for more violence. So there the agreement says in some of these areas at least two kilometers distance needs to be built in. And depending on the weapons types, these weapons need to be withdrawn out of engagement distance. If that happens, and it has been agreed that it should happen, then more than 90 percent of the civilian casualties could be prevented, there would be less damage to infrastructure, and it would be a conducive environment to operate better on the ground and bring the situation back to normal, irreversibly so.

A few words on our freedom of movement and our own challenges on the ground. Here you see a picture taken last week when I was in Luhansk, where there were internal struggles among the control structures there, unidentified armed men blocking roads in the middle of the city there. Here, on this map, you see what is an average patrolling routing here in the months of October. Yellow are the patrol routes. This is a computer system that allows us tracking our vehicles that are on the ground through a satellite imagery system. You see they go up to the unsecure border with the Russian Federation. But until they reach the border, they go through multiple checkpoints. By the time they arrive at the border, everyone knows that they're coming and anything we see there is highly controlled. You also see the presence of the patrols along the red line there, the contact line.

We have stopped in our tracks on both sides of the contact line, statically so, through mine fields, in almost equal terms on both sides. But if you look at the right-hand side of this slide, you will see that the more intrusive, aggressive, intimidating stoppages of our work occur mainly, with a few exception(s), in areas beyond government control. It is also visible here, the more serious incidents. When assets of the mission are affected or under threat, then this mainly occurs to three-quarters in areas beyond government controlled, and to one-quarter in areas in government control. We face a serious incident when staff or assets are at risk every third day.

A few words on the technology that we use at the moment, because this has become necessary to overcome the deficiencies of our operating patrols on the ground, because they're stopped so we deploy UAVs, different ones, small ones as you see here but also long-range UAV. We have cameras in place. We have acoustic sensors in place. We have access to satellite imagery. And there are handheld tools that the monitors can use to look into areas where they otherwise would have no access. What they see there you can look as follows. Here, again, the area of that bridge that you have seen during the nighttime, active fighting in the area captured by our camera there. The monitors monitor 24 hours, around the clock, and are being able to document the violence that also continues during nighttime in these areas.

Also, these instruments are sometimes interfered with. What you see here is the blinding of a camera in the same area by an armed man with a laser pointer, who had blinded the camera for two hours. You see the man walking away there. Again, here, the blinding of the camera. Interference with our work happens regularly. And it happens only when those who interfere with our work want to prevent us from seeing what is going on on the ground. Now, this, dear Alex, is the end of my brief presentation. And I list here a few links to our website where our daily reporting can be accessed and where we try to document objectively and verifiably the reality in the eastern part of Ukraine. Thank you.

TIERSKY: Alexander, thank you for that tremendously compelling presentation. I think the first thing I'd like to do is I know there are representatives of the Ukrainian embassy present. I wonder whether you might want to make a statement? I think we have a roving microphone that we could provide? I'll follow with a couple of questions of my own, if you don't mind. Please.

Q: Thank you very much. Thank you. Thank you very much, Mr. Hug. Thank you very much, Alex, for initiating this discussion and this briefing.

I would like to praise the effort and courage and dedication of the SMM mission, which really makes a difference. From the day one it was very important to have mission on the ground to monitor and verify the ongoing violations of the Russia-backed militants. It was a necessary tool to tell the world about the launched and ongoing Russian aggression. I would like to also underline the fact that the monitors are carrying out their very dangerous mission without arms to be in the conflict zone. And as mentioned, you are everyday exposed to a lot of danger.

In recent months, there has been discussion – and there was an initiative from Ukraine. One – actually, it was an initiative one and a half year ago to deploy a peacekeeping mission, which would be an armed international mission to have access to the entire territory of the conflict, and to the uncontrolled parts of the border, in order to stop the access and to stop provision of the arms from the Russian Federation, to stop the militants. To also ensure the ceasefire, ensure the storage of the weapons in the designated places.

Could you please comment on the Ukrainian proposal and what is the position of the SMM? Because the Russian proposal only asks for deployment along the contact line, which would not by any means contribute to the safety or the region and to the peaceful process. From the side of the monitors, how do you see the possibility of helping you and helping the peace process? Thank you.

HUG: Should I take this? Thank you for the question and the kind words, which I will duly convey to our monitors on the ground. They are appreciating the attention they get and the appreciation, of course, will be well-received at the contact line.

With regard to the different proposals that have been made to add further stabilization in eastern Ukraine, I can only stick to the facts in the position I represent today. I have outlined that measures to stabilize the situation at the contact line which have already been agreed. If they would be implemented, even if only rudimentary ones that have been agreed – which is the stop using of weapons, the ceasefire, and the withdrawal of some of the weaponry – there would be immediately an environment within which other measures could be implemented, and an environment in which the OSCE SMM could report more.

At the moment, the non-implementation – it's not a lack of monitoring, it's the lack of implementation. Our monitoring activities highlight the deficiencies of implementing the agreements, which is required now. And we would note it and duly report it if the will has been taken and this implemented and transmitted to the ground, which then should translate into tangible results in terms of ceasing fire and withdrawing weapons.

TIERSKY: I'll come back to the audience in just a moment, but I would like to put a couple of questions myself. I want to make sure that we are focusing on the challenges to the affected civilian population. So I'd like to ask you what your monitors are seeing in the context of falling temperatures and winter in terms of the impact on the humanitarian situation there that your monitors are seeing. I would also ask, in a secondary question, given the important work that the SMM is doing one would expect the local populations to be unanimously in support of the mission, and demonstrating their support of their mission regularly. Yet, sometimes we see images of local civilians having grievances with the SMM and expressing those grievances with vociferously. Can you clarify why that might be?

HUG: OK. Thank you. And I welcome that focus on the civilians. It is the civilians that bear the brunt of this conflict. I have mentioned before that civilians still die and get injured, more than one a day, still now in the fourth year of this conflict. That includes children.

The winter, which is winter number four in this conflict, has now started in eastern Ukraine. Snow has been falling and the ground is freezing. There are villages along the contact line that now face the fourth winter without heating. Temperatures will go down below minus-20. And these people have been pleading for ceasefires, not to protect themselves but to repair the gas pipelines that lead across the contact line. In some of these cases, one hour or two hour(s) of ceasing fire would be enough to repair the infrastructure to allow reconnection to the gas system, the water system that would provide them at least a warm home.

Some of them have no electricity for years without end. And that means they have no communication. They can't charge their mobile phones, a very simple thing, but they run out of batteries of their mobile phones. They can't watch the news. They don't know what's going on. They can't refrigerate their food. They can't store their food without electricity. That makes life very difficult.

And in areas very close to the line, the delivery of humanitarian aid becomes very difficult because, normally, the places at the line itself are beyond the last checkpoint of either side and in an area beyond control of any side, which makes it a very unpredictable area to deliver anything, services, visits by doctors, delivery of food.

With regard to the attitude of the civilian population, it is true that whenever we enter these villages at the contact line, we face great frustration by the population. And we are the only international organization, at least with this footprint, that normally enters these places. They see no one else of the international community and then download their frustration of being shelled for three-and-a-half years without stopping. Some of these places that you have seen have not seen a single day without being shelled or being fired upon. That leads to great frustrations.

However, we also have seen that civilians have been marshaled into protests against us, meaning being bused into the areas where we operate. And that, of course, creates not only a wrong picture of the mission, but also is a security concern to us.

We welcome any dialogue with the civilian population, as only dialogue ultimately, we believe, will be able to solve this conflict. Thank you.

TIERSKY: Thank you. I'd like to ask if anyone in the audience would like to ask Mr. Hug a question at this time.

Please.

Q: Orest Deychakiwsky, formerly with the Helsinki Commission, now with the U.S.-Ukraine Foundation.

I was wondering if you could talk a little bit more about the demining efforts and what the SMM is doing, how it's contributing to those.

And also, to what extent are civilians still being used essentially as hostages where a lot of the firing takes place too close to residential areas? Has that diminished with the passage of time? Does it go up and down? If you could just, you know, give a little bit more of a handle on that.

HUG: Yeah, thank you. Mine action, very important. You have seen the second-biggest cause for injury and death among civilians in the area of the contact line. And tragically also, these weapons have killed our colleague Joseph Stone.

I want to be very clear. These weapons are indiscriminate weapons. They kill at random and not necessarily those they are intended to. That's very important to recognize.

Article six of the memorandum of 2014 clearly says that those who have signed the memorandum, which is the Russian Federation, certain areas of Donetsk and Luhansk and Ukraine, they have pledged to remove any mine that was in the ground at the time and not to place any new mines onto the ground. So any mine that we see at the moment, placed in the areas, including the ones we have seen before, are a violation of what has been agreed.

The OSCE Special Monitoring Mission reports any minefield or any individual mine or even mine signs publicly so that those who have the capability to remove the mines can do so. We also liaise with the respective armed formations or the Ukraine armed forces to ensure that the paths we use are being cleared for mines so that we can do our job.

The mines that we see are both antitank mines and antipersonnel mines. But the risk also extends to improvised explosive devices, which we have seen, as well as unexploded ordnance. These are unexploded shells fired and littering some of these villages, which also need to be removed. Touching them alone would be sufficient to be killed. A lot of children die because they see these shiny objects on the ground, they pick them up, it explodes either in their hands immediately or then when they take them home and start to dismantle them.

In terms of the civilians, it is true that civilian areas are still being used as firing positions, not only places that hardware and ammunition and armed personnel into civilian areas,

it also becomes a target because firing from these positions attracts counterfire. And because the weapons used in this conflict are not precision weapons, it is most likely and unavoidable that civilian infrastructure that is nearby is affected by it.

And I have mentioned to you before, a lot of the fighting takes place in or nearby built-up areas, including big towns such as Donetsk city or Horlivka. Thank you.

TIERSKY: Thank you.

Other questions from the audience at this time?

Please.

Q: Thank you very much for hosting this briefing.

Mr. Hug, you mentioned that a lot of people don't have access to television, for example, because they have no power and so they're not getting information that way. That may be good or bad. What are the primary channels for people to get practical information that they need in the conflict zone and along the line of contact or elsewhere in the conflict zone? And how much information is or is not getting through?

HUG: If those affected villages would like to get access to information, they would have to walk or drive towards the next town or village that has electricity, and that implies they would have to often travel through the lines, which is dangerous in itself both for being caught in the crossfire or due to the mines placed on the ground, and then would be able there to get access to information.

Now, all sides involved use information, as well, as a tool to make their position clear. So often, that information that is provided, and it doesn't matter on which side of the line one is consuming the information, information not always is reliable. And there, the Special Monitoring Mission tries to make a contribution of objective, verified information that describes the reality on the ground as seen by monitors mandated to establish the facts.

We have no radio station of our own, but we make our reports public also through media, social media channels. It's unique in the OSCE work that this has been done. Normally, the OSCE reports are cables that are not public. The OSCE reports from this mission are being made public on a daily basis in Ukrainian, Russian and English languages.

TIERSKY: Thank you.

Please.

MASSARO: Thanks, Alex. I'm Paul Massaro. I'm the anticorruption adviser with the Helsinki Commission.

I was wondering – I understand that there are corrupt activities in the region that you monitor. To what extent do those corrupt activities make it difficult to perform your mission? And to what extent do you notice them as an issue in the conflict?

HUG: First of all, it's important to mention here that the OSCE Special Monitoring Mission is an observer mission, not an intelligence-gathering operation. So what we are mandated to is to report what we see and what we hear. Investigating into any circumstance would go beyond our mandate. It's very important to make that distinction between the task of an intelligence agency and that of an observer mission, and that not least is important so that those we are confronted with understand what we're actually doing. So the ability to monitor corruptive practices is very limited.

However, to come back to the facts that we see, is that orders that are being discussed or have been proclaimed as being issued often are not adhered to, which we can establish as facts on the ground. To begin with, the ceasefire orders to the orders to let us through at checkpoints without being hindered or searched, so there are indications that there is indeed an issue of not being able to centrally control on either side the last forward positions the sides have.

Whether or not that is related to a corruptive practice or not, there are clear signs that centrally issued orders or processes are not followed through to the dots at the areas where we have our monitors dispatched.

TIERSKY: I'd like to express my gratitude to Alexander for the focus that he's put on the suffering of the civilians. We've spent quite a bit of time on that and I think you've really sketched it out for us quite compellingly.

I would like, however, to come back to this question of the monitors and their ability to carry out their mandate. We are in Washington, we are in the U.S. Congress and Joseph Stone was an American citizen. He is the first casualty for an OSCE field mission. And I wonder if you could take us through what investigations were done of that incident, what they've revealed, what the implications of Joseph Stone's death, or the attack that caused the death, what the implications have been on the monitoring mission's ability to do its job. Have procedures changed? Have they made it more difficult to conduct the observations that you would like conducted? And has there been an impact, for instance, on the recruitment of volunteers? How are we doing in terms of manning the monitoring mission?

HUG: Thank you. And I would like to make it very clear that Joseph Stone didn't die in an accident. He died at the explosion of an indiscriminate weapon. That has to be very clear and we have made that clear from the very beginning.

Immediately in the aftermath of his death, there were several processes initiated. An internal audit process looked at the way the patrol has been put together, how the mission has tackled the aftermath of the incident. That process has come to a conclusion and led to several revisions of internal rules and procedures of how patrols are being conducted.

There was an external, independent forensic investigation which looked into the cause of the explosion, the nature of the explosion as such. And that process has also been concluded.

There is a criminal inquiry by the Ukrainian authorities launched into the incident under Ukrainian law. And I have to open here a bracket: The incident took place in an area beyond government control, so very difficult for anyone to look into the incident because it happened in an area where government officials have no access.

And the mission itself has also undertaken immediate measures. It has written to the signatories of the Minsk agreements, the Russian Federation, Ukraine and the regions of Donetsk and Luhansk beyond government control, to provide the mission with maps of contaminated areas where they know the areas are risky for patrolling. We have not yet received any answer from anyone that had been addressed by this letter that dates back to the 5th of May 2017.

In terms of mitigation measures, we have immediately stopped deploying new monitors to the area starting 23rd of April up to the 1st of October, when we have resumed deploying new staff to the eastern part of the country.

The second mitigation measure was to restrict patrolling activities to concrete and asphalt services only. The roads that we have been using before included gravel roads. An assessment of the gravel road as to the contamination with mines is very difficult and we have excluded them at the moment from our patrolling routes. Should we get information from the sites, that might be an input towards lifting this restriction either partially or fully.

These restrictions, however, did not prevent us from being able to establish the trends, document the suffering. We are still present in all of the hotspots along the contact line - less than before, but we are still present there during daytime and during nighttime with the capability of technology, of which I have outlined for you some before. They help us to look into areas which would be otherwise difficult to access.

The mission will not be the same after the death of Joseph. We will keep that moment with us and we will make sure that his work will not be forgotten. And I'm grateful that it has been mentioned here again.

The sacrifice he made, the ultimate sacrifice, is the demonstration of the will of this mission to contribute to finding a solution that will bring Ukraine back to a stable, normal pace. Thank you.

TIERSKY: Can you – can you tell us a few words about the national representations, the national contingents in the mission as a whole as well as in the monitoring teams when they go out on patrol? What are the major nationalities we're talking about and how do you approach the issue of composition of a particular team for a patrol?

HUG: The OSCE is an organization consisting of 57 participating states. That includes Switzerland, France, the U.S., Russia, Ukraine and others. Of those 57, over 40 are seconding staff, sending staff to this mission.

The biggest contingent among the monitors is that of the United States with 66 staff in total; others have far less. The biggest group in the OSCE Special Monitoring Mission is that of the European Union. Between 50 and 60 percent of all monitors come from member states of the European Union. The Russian Federation, as this is certainly implicit in your question, has a contingent of 39 – 3-9 – monitors at the moment in the mission.

Patrols that are dispatched along the contact line are never uniform patrols, so there is not a Swiss patrol or a Ukrainian patrol or an American patrol or a Russian patrol. They are mixed in terms of their seconding states' memberships. When they come back in the evening from patrol, all the different members need to sit down and agree on their patrolling report which then is becoming part of the overall mission report.

These are groups between six and eight, as a minimum, of officers that come from different nationalities and different backgrounds. And the mission takes great care that this information is objective, including in the way how it is being collected.

TIERSKY: And in terms of gender balance in the mission, can you describe where we stand with that and what the implications are thereof?

HUG: The gender balance is not as we wish to have it. In many contingents, there are no female monitors at all dispatched to the mission itself. I believe among the 66 Americans, there are some 20 females, a rather good percentage there, but we encourage all participating states to send additional candidates, female candidates forward. The mission itself is relying on the candidates put forward by participating states. As we do not recruit in the open market, we depend that these candidates come through participating states.

The background for being able to work with the mission is not as such that you need to have necessarily a military background. What we look for are candidates, in particular for the monitoring activity, that have previous exposure to similar circumstances. You can gain that experience as a diplomat in a crisis region, as having worked for the ICOC or an NGO, being a journalist in an area of conflict, but also, of course, as being dispatched as part of the military or a police force in these areas. But experience is what we are looking for because dispatched to the contact line means immediate exposure to high risks where we expect people to react accordingly, not to put themselves or their colleagues at risk.

TIERSKY: Well, if there is anyone in the room who fits those qualifications or on our Facebook feed watching, this is clearly a vital mission and I would encourage you to volunteer your services.

Do we have more questions from the audience?

We have several. Let's start right here, please.

Q: Hi. Is there anything that lawmakers in the U.S. can do to help your mission?

HUG: I think the most important thing that needs to continue is to pay attention to the conflict. And the Special Monitoring Mission is contributing to that by providing the Congress here, but also all 57 participating States with objective information that can form the basis for any decision that needs to be taken.

The information we provide doesn't reflect the entire reality on the ground because we are prevented from doing so, but it represents trends, it highlights the risks, it highlights the noncompliance with the agreements and it provides, once again, a basis for any decision that lawmakers or others need to take with regard to the ongoing conflict.

TIERSKY: And I saw another question over here, please.

Q: Hi. My question regards, when the observers observe a clear violation of the Minsk agreement, either the heavy weaponry or the point of contact – and there's a lot of them, the data shows – do you report that to either side, saying, you know, you have your tanks too close, move them back? Or is there any punishment that goes to the side that breaks that agreement? Or what incentives are there for both sides to agree to disengage from the point of contact?

HUG: A very important question. The first part I can answer very quickly. Yes, we make all information that we see on the ground publicly available. So if we see a tank in an area where it shouldn't be – and a tank, just as an example, needs to be moved back 15 kilometers from the contact line – so any tank that we see within the range of 1 to 15 kilometers is a violation. We report it, including giving the location where we have seen the tank. And that you will find in our report the next day.

We also report violations to the Joint Center for Control and Coordination – I briefly introduced this before – a construct consisting out of Russian and Ukrainian officers that are formally in Ukraine and are mandated to jointly control and coordinate the implementation of these agreements. And they have specific tasks given also by the agreements itself.

The second part of your question is an important one, and that is the lack of accountability for violating the agreements. I have just here the figures with me. This year alone – now, hold your breath – we have registered 352,000 ceasefire violations alone, 352,000 ceasefire violations. There would need to be a process in place through which those sides that know that they have been firing, because nobody fires without being given an order or at least the firing having been tolerated, but these acts need to be followed up. Not holding violators to account is an open invitation for more of the same. And we have made it very clear that any violation, including those that affect us directly, should be followed up immediately. And why do we say so? Because if we are directly affected, it is very clear who did it, there is no doubt, because we see it directly. If someone threatens us at gunpoint, if someone stops us, these are all violations of the agreements and they require follow up.

The systems are there. There is a disciplinary code in the Ukraine armed forces. There are similar systems in the armed formations. But what is lacking is a follow through and to hold those to account who continue to violate the agreements.

TIERSKY: I see a question in the back, please.

Q: Thank you. And I guess I'm building off of the last questions a little bit.

Really impressed with the objectivity that you all put into what you're doing. And to that end, there's discussion here about defensive weapons being supplied to the Ukraine. Can you talk about what effect that would have on the whole situation from a monitoring perspective? We have accountability issues, we have a question about what the United States can do, just kind of curious what effects that would have.

HUG: As I have said before, I can only stick to the facts. And with regard to your question, I know this is a question that has been often asked to us. Unless we know exactly what these weapons would be and how they would be delivered and under which conditions they will be deployed, I can't make any judgment. Anything I would say at this stage would be a speculation.

TIERSKY: Please. Oh, sorry, there's a question in the back.

Q: Hi. I wanted to ask something. In your reports, your recent reports, you mentioned that the Ukrainian armed forces are now in control of parts of the gray zone, including the village of Travneve. Have you been able to follow up on that? And do you know if there has been any media reaction to that? Thank you.

HUG: Thank you. Also, very important here to note there is no gray zone defined anywhere. So the word "gray zone" is an invention that has come to the surface. The Minsk agreement has clearly identified a line, the contact line, and also clearly identified that positions that had been at the time of the agreement when it was signed should not be moved. This agreement has been violated multiple times on both sides of the contact line, most obviously so in the beginning of 2015 when the area around Debaltseve was taken. That was clearly in the agreements on the side that would belong to the control of the government of Ukraine.

The specific villages you have mentioned before, we have not yet been able to access, including due to the presence of mines, which we know they're there because the civilians have reported they have seen them. We have requested the sides to jointly demine the area to make it possible for us to access the area.

We have been accused by both sides of not having access to village and not reporting about the village. We have made it very clear that the mission stands ready. If you look in our social media feeds, you see that at the time patrols were nearby the villages, we have been clearly seeing that those who have the responsibility to demine have not done so and, therefore, prevented the mission from accessing these specific areas.

TIERSKY: Please.

Q: Thank you for taking the time to talk with us. And thanks for doing this important monitoring mission.

I just wanted to ask, I've seen your reports, they're incredibly detailed. I'm curious about the methodology of the monitoring and as you work to report the trend analysis over time if there's a consistency in the number of sensors that are employed so that those numbers aren't just a reflection of an increased number of sensors or more flight time with your UAVs or greater patrol presence or something like that. Is it fairly consistent over time as we look at those numbers?

HUG: A very important question. As any statistics, statistics have to be analyzed first before one can draw conclusions. What certainly is consistent is the trends that we see. They will be the same if we see more or less, we would see whether there would be an increase or a decrease. But we have steadily been increasing our ability to monitor, including the placement of sensors, cameras and acoustic sensors, and that led to more observations. But the trends, the increase in violence or the decrease in violence, are clearly visible. Also, if we restrict, for instance, our patrolling is still there, we can see because we monitor statically then the number of violence.

But it's a very important point. Numbers, as such, don't tell much because it depends on how they have been collected. Important is what measures the sides have been taking in the period these numbers have been recorded and what actions they're taking to prevent the numbers from reoccurring at the same level.

TIERSKY: More questions from the audience at this time? Please.

Q: Just wondering if you can comment on whether there are opportunities for humanitarian corridors. You've talked about asking each side to demine or the need for time to repair electricity or other utilities and so forth. Is there actually any cooperation on that? Are there opportunities to build on that to create humanitarian corridors for addressing the needs of civilians?

HUG: Access to these areas is very difficult and needs always to be locally negotiated. The methodology we apply in there, the mission is also vital as we have our teams on both sides of the line. The sides don't talk to one another, there is no communication formally across the contact line. Our teams discuss across the lines or they facilitate that dialogue that otherwise will not happen.

It then allows to create what we call local windows of silence where in an area defined on the map in a planning session – an area is defined where the sides through our dialogue agree to hold fire to enable a repair crew to come in to repair a gas pipeline, a water pipeline or recover the dead or fallen or take out the wounded – and at the time this action is happening, not only facilitate the dialogue – the mission facilitates the dialogue, but also dispatches what we call mirror patrols on both sides to then flag immediately if there is a movement of troops towards that area that has been called for an area of silence.

The problem is, because the sides don't move their positions out, often when this window of silence is terminated and the mission moves out, the fighting resumes. And then the next day,

the same repair work most likely will have to be done. Therefore, the only sustainable way to generate access would be disengagement of forces and the withdrawal of the heavy weapons to a distance where they cannot be engaged any longer.

TIERSKY: I see another question.

Q: Thanks. Do you feel you have a sufficient number of observers in the east? And one reason I ask that is because you mentioned the nine or 10 cities across Ukraine. I know that initially there may have been more of a reason to have, back in 2014, observers in those cities. Has there been any discussion of sort of shifting that because one could perhaps make the argument that they aren't as needed in some of the other cities in central and western Ukraine, let's say, but more observers might be needed on the line of contact? Or is that part of the mandate, so it's completely beyond your control?

HUG: That will be indeed the short answer to it. The mandate lists all the towns where we have to be present. These are the 10 towns all across Ukraine. How we then split up the workforce among those is the prerogative then of the head of mission, but there has to be a representation in all of the 10 areas. That is part of the mandate. Should it be changed, it requires a new Permanent Council decision in consensus to change that specific area.

More monitors in the east would deliver more results, as you rightly have said, but not necessarily more stability. Only the will of the sides to abide by what they have promised to do, combined with more monitors, would lead to more change.

We are already able to identify what needs to be done. That is a fact at the moment. It is now time that the sides realize and accept their failure to implement the agreements and withdraw their weapons and disengage where they're too close. Unfortunately, the opposite often happens, that the positions are moving forward and weapons, as you have seen before, are brought in, even under our noses, towards a distance where they can easily be engaged.

And we only see the tip of the iceberg, so you can imagine the scale of the tension that is out there that we actually have no eyes or ears on at the moment.

TIERSKY: Sure, one more. Yeah.

Q: Yeah, I just – thanks for bringing that up, Orest. I figured I'd also chime in there because that surprised me when I saw on a map that there are these observers in the west and central Ukraine and, OK, that makes sense with the mandate. But I understand the Kyiv office, you're probably putting the reports together, the data is going there. In those other offices, what is the daily job of observers?

HUG: The mandate mandates and tasks the mission to monitor on the security situation in Ukraine as well as monitoring adherence to human dimension commitments that Ukraine has taken and which is enshrined in our mandate. So this is what they are monitoring. And also, these findings are being made public.

There are offices that are close to the conflict area. The office in Kharkiv, for instance, the office in Dnipro. The office in Kherson also very important, close to the administrative boundary line with the Crimean Peninsula, an issue that we haven't been discussing yet. They also fulfill a very important monitoring function also to see whether or not the conflict that is tucked now to the far southeast is spilling over further towards the west. So they have an early-warning function in these areas as well, warning the participating states of an emerging – possibly emerging conflict in these areas so that early action can be taken to remedy that.

Q: So they really are monitors.

HUG: They're monitors, yeah. And some of them have served in the east before and they then move into areas outside the conflict area. But these teams are relatively small. They're between five and 14 depending on the location.

TIERSKY: Ladies and gentlemen, I think you'll agree that we have spent a tremendously useful and informative hour together.

I am again reminded by this discussion of the extraordinarily admirable effectiveness of the Special Monitoring Mission within the political constraints that are imposed from outside.

In closing our briefing today, I want to thank Alexander Hug for his service to the monitoring mission and, through you, the monitors who work with your teams. Clearly, the challenges are enormous. The suffering of civilians continues on a daily basis. Ultimately, progress will rely on the political will of the violators of the Minsk agreements. We at the Helsinki Commission will continue to address that point publicly and regularly. We will continue to, as you requested, keep attention on the conflict, both in eastern Ukraine and in Crimea, and in doing so we will, as much of the rest of the international community, rely in no small part on the excellent reporting of the SMM itself.

So again, I'd like to thank you for coming to Washington to provide us with this briefing and for your time with us today.

Please join me in thanking our speaker.

HUG: Thank you. (Applause.)

[Whereupon, at 3:10 p.m., the briefing ended.]