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FINDINGS OF MONITORING THE COVID-19 PANDEMIC RESPONSE IN CRIMEA

(16-29 MARCH 2020)

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1. ACTS AND DECISIONS OF CRIMEAN AUTHORITIES DE FACTO



1. The occupying authorities of Crimea started taking official decisions to respond to the COVID-19 pandemic spreading after March 16. However, a number of regulatory acts of the Russian authorities had been adopted much earlier, that could have been a basis for the de facto authorities of Crimea to take early steps in order to prevent the spread of infection caused by the new coronavirus (2019-nCoV).

2. For instance, the chief sanitary officer of the Russian Federation issued decrees "on measures to prevent the importation and spread of new coronavirus infection" on January 24¹, January 31², and March 2.³ On March 10, Rospotrebnadzor (Russian Federal Consumer Rights Protection and Human Health Control Service) approved "Recommendations for Preventing the New Coronavirus Infection (COVID-19) among Employees"⁴

3. On March 16, Order # 171 of the Ministry of Health of the Russian Federation "On the Temporary Procedure for Managing Medical Organization Activity in order to Implement Measures to Prevent and Reduce the COVID-19 spreading" was adopted, that became the grounds to introduce later various restrictions in hospitals and other medical institutions of Crimea.⁵

4. On March 17, the so-called "head of Crimea" Sergei Aksionov signed an edict introducing a "high alert" regime in order to prevent spreading COVID-19, that introduced, in fact, the first official restrictions in Crimea.⁶

5. S. Aksionov introduced the "high alert" regime in Crimea starting at 12:00am on March 17 till a special order, imposing restrictions on rights and freedoms. So, holding children's, sports, cultural, public and other mass events was banned, and the Ministry of Internal Affairs was instructed to detect the whereabouts of people "who arrived from troubled territories." The edict commits also employers to ensure measuring body temperature of employees at workplaces, with a mandatory suspension of the people with elevated body temperature from work, and to take measures for reinforcing the disinfection.

6. On March 18, the RF chief sanitary officer adopted a resolution "On Ensuring the Isolation Regime to Prevent COVID-19 spreading," that instructed senior officials to "ensure isolation of all persons coming into the territory of the Russian Federation, for a period of 14 calendar days from the date of their arrival" at their home or in the medical observation.⁷

7. Since March 19, as instructed by the "Head of the Republic of Crimea" dated March 19, 2020, # 1 / 01-32 / 1695, the applications of the people have been accepted only in written and electronic forms.⁸

8. On March 23, S. Aksionov signed a new edict⁹ introducing additional restrictions: from March 23 to April 12, children were suspended from visiting educational institutions, followed by transferring to e-learning and remote educational technologies.¹⁰ For pupils of Grade 1-4, if requested by parents or legal representatives, duty groups consisting of max 12 persons may work at the general education establishments. However, pre-school educational establishment keep on



working in the routine regime, and the parents should decide themselves on sending their kids to the pre-schools.

9. On March 25, RF President Vladimir Putin declared a non-working week from March 28 to April 5, with the wages/ salaries retention.¹¹ Under these conditions the earnings retention is possible only for public sector employees.

10. On March 25, Edict # 75-U of the “Head of Crimea” “On Priority Measures to Support Small and Middle Businesses of the Republic of Crimea due to Implementing the Measures to Counteract COVID-19 Spreading,” approved some measures of such support and instructed the ministries to develop proposals on supporting the business . For example, the document established that tenancy payment under certain tenancy agreements for the period from April 1, 2020 to June 30, 2020 may be payable until December 20, 2020.¹²

11. On March 25, the so-called “governor” of Sevastopol supplemented the edict of March 17, 2020, # 14-UG “On Introducing “High Alert” Regime on the Territory of the City of Sevastopol’ with new restrictions. So, until April 12, sports, public and other mass events, leisure events for the attendance of over 30 people, interest groups, sports clubs, discotheques, night clubs, cinemas, swimming pools, fitness centers, etc., are banned in Sevastopol. The employers are recommended to transfer the staff, if possible, on remote labour mode.¹³

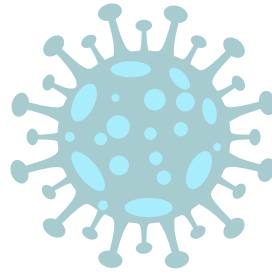
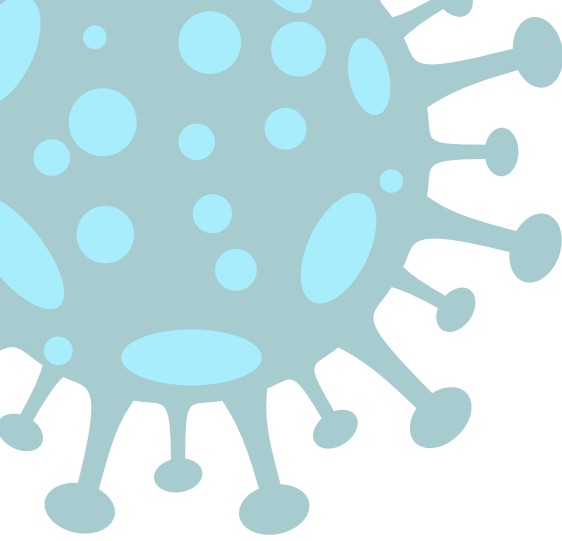
12. On March 25, a draft law was submitted to the State Duma of the Russian Federation, that implied deprivation of liberty for violating the “quarantine” restrictions. For example, if violation of restrictions caused mass diseases - imprisonment for up to three years; if it caused the death of one person - up to five years; if two or more people died, up to seven years in prison. By the time of the second reading, the document is planned to be supplemented by the provisions on punishment for disseminating false information about COVID-19.¹⁴

13. On March 27, S. Aksionov amended his decree # 63-U¹⁵ of March 17, 2020 and extended the restrictions. Ukraine was added to the list of countries visit to which shall be followed with a 14-day’s self-isolation. It is forbidden for the under-aged to be unaccompanied by their parents in crowded places, and organized groups of children are prohibited from traveling outside Crimea. The Ministry of Internal Affairs was instructed to carry out ‘verification inspections’ in order to monitor compliance with the bans.

14. According to the new edict, from March 28 to April 5, restaurants, cafes and other catering establishments, except take-away services and delivery of orders, beauty salons, etc. shall suspend their business. And, in fact, the travel industry was put on hold for March 28 – June 1, too.

15. Retail trade is limited, with selling only the foodstuffs and (or) non-food essential goods (the list of such products is approved by this edict) or selling the goods remotely be allowed.

16. Similar restrictions were introduced in Sevastopol by edict # 18-UG of March 27, 2020.¹⁶



2. RESTRICTIONS ON PASSING CHECKPOINTS

17. On March 17, Ordinance of the Cabinet of Ministers of Ukraine # 291-r dated March 14, 2020 was published¹⁷, declaring that Ukrainian checkpoints with Crimea would stop working temporarily, from 12.00am 16 March to 3 April. Ukrainian nationals and their families with residence registration in Crimea may only enter the peninsula, with ban on coming back for them. Ukrainian nationals with residence registration outside Crimea may only leave the peninsula, with ban on entering Crimea within this period.

18. This CMU ordinance was published on March 17, when entry / exit restrictions had already entered into force, so people subject to entry / exit restrictions were not aware of new restrictions in order to manage to return to Crimea or leave the peninsula. These residence registration based restrictions did not take into account many other circumstances that might make people cross the checkpoint (medical treatment, politically motivated persecution, death of close relatives, etc.).

19. On March 18, the CMU ordinance was amended¹⁸ that allowed Ukrainian nationals to leave or enter Crimea on humanitarian grounds (regardless of residence registration). The decision to allow passing the checkpoint on such grounds shall be taken by the Head of the State Border Service of Ukraine.

20. The RF FSB temporarily restricted the entry into Crimea for foreign citizens and stateless persons from 12.00am, March 18 to May 1, as instructed by the RF Government, # 635-r of March 16, 2020.¹⁹ Thus, all Ukrainian nationals who do not have Russian Passports unlawfully issued in Crimea are prohibited from entering the peninsula through the Russian checkpoints.

21. This ordinance was published on March 16, so people under the ban on entry had less than two days to get aware about this decision and have time to enter Crimea.

22. On March 25, the Government of the Russian Federation made amendments to the document, allowing the entry for foreigners and stateless persons with close relatives living in Crimea.²⁰

23. On March 27, the Russian Federation ordinance was issued, introducing new restrictions on leaving the Russian Federation and Crimea, and closing the movement through the checkpoints since March 30 even for people with the Russian national passports, but for "the Russian Federation nationals residing i permanently n the territories of certain areas of the Donetsk and Lugansk regions of Ukraine" or deaths of a close relative.²¹

3. PRACTICES OF APPLYING RESTRICTIVE MEASURES

Public events

24. Despite a need to restrict public events due to COVID-19 spreading, even with the official restrictions introduced, the public events were still held in Crimea.

25. For instance, on March 18, the All-Russian Action "Garden of Remembrance" was held in Feodosiya to celebrate the "Day of Reunification of Crimea with Russia." In addition to the significant number of people who attended the action, it is important to note that representatives of one of the most vulnerable groups participated in it - people aged over 65 who, as veterans, were awarded the jubilee medals "75 years of Victory in the Great Patriotic War of 1941-1945."²²

26. Public events took place in other cities of Crimea, too. For instance, the grand opening of the pre-school in Dzhankoy on March 20²³, children's events at Artek Children's Center on March 25 and 26²⁴, agricultural trade fairs attended by many people over 60 in Simferopol²⁵ and Yalta²⁶ on March 28. The residents of other Crimean settlements also reported holding the trade fairs and working markets.

27. Starting from March 27 the RF police have been inspecting trade centers and other retail outlets, demanding to close the outlets selling the goods allowed for trade by S.Aksionov's edict.

Medical establishments

28. Since March 21, visits to patients who are on in-patient treatment in the hospitals have been forbidden in Sevastopol, and clinical and preventive examinations have been suspended in out-patient clinics.²⁷

29. Since March 26, preventive medical examinations, clinic examinations of the adult population have been suspended, and visits to all departments with round-the-clock stays have been limited in Kerch. Similar restrictions are being introduced in other cities of Crimea.²⁸

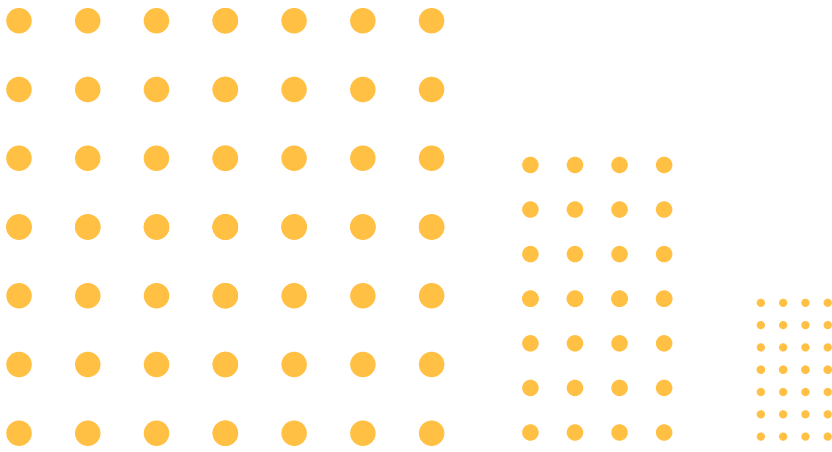
30. In Crimea, scheduled operations and the dental services are canceled, except for emergency medical care.

Pre-Trial Detention Centers and Penal Colonies

31. In the colonies of Crimea and the Simferopol pre-trial detention center, long and short-term visits have been suspended, and employees with elevated body temperature as well as persons who arrived over the past 14 days from states where cases of COVID-19 were recorded have been prohibited to enter.²⁹

32. The Federal Penitentiary Service declares that if persons in custody show COVID-19 symptoms, they should be hospitalized in health care facilities. However, prisoners report that even in the case of evidence (dry cough, fever for several days, etc.) there is no hospitalization. Moreover, such people are not tested on COVID-19, and they continue to contact other prisoners. The examination of prisoners by medical staff is usually limited to measuring the body temperature.

33. In the courts of Crimea from March 19 to April 10 restrictions were imposed on the admission of people, access to court buildings, the submission of documents and the consideration of cases.³⁰ Considering cases of selecting, extending, cancelling and amending the restrictive measures goes on as pressing matter. Despite international recommendations to reduce the number of people in places of confinement, Crimean "judges" continue to extend periods of detention in politically



motivated criminal cases, ignoring lawyers' requests to change the restrictive measure to house arrest. For instance, on March 23 and 24 'the Supreme Court of Crimea' extended detention periods for defendants of the 'Crimean Muslims Case' till June 15. In total, 19 judgements on extending detention periods within this case (16 by 'SCRC' and 3 by 'Kievsky District Court of Simferopol') were passed after March 17.

Prevention of COVID-19 spreading at workplaces

34. Most enterprises and organizations, but for those which activities were suspended by edict of S. Aksionov, went on working in the routine mode, without switching to remote forms. In most cases, antiseptics for the treatment of hands began to appear in enterprises at the end of March.

35. CHRГ interviewed local residents in various cities of Crimea, who reported that employees seldom used masks and antiseptics in the places where food commodities were sold. When asked why they did not use the masks, the employees answered in most cases either that they had not been provided with masks or that they had them but were wearing only for inspection. On March 28 and 29 the local residents noted that the employees started wearing the masks more often at the workplaces.

Liability for violating the restrictions

36. As part of the "high alert" regime, the police carry out 'verification inspections to monitor compliance with restrictions.' The Crimeans told the CHRГ that they had been visited by police officers at the address of residence registration to "be put on quarantine record", that is, to comply with self-isolation measures, as people had returned from the territory controlled by Ukraine. Such actions were recorded in Simferopol, Saki and Kirovsky districts of Crimea.

37. The RF MIA reported that it would check the post of Facebook user Vladimir Garnachuk for possible dissemination of inaccurate information about COVID-19 "in order to provoke the panic among the population."³¹

38. On March 29, according to the words of the "deputy chief of the RF Ministry of Internal Affairs for Crimea", Alexander Smaglin, the first criminal case "for violating the self-isolation regime and infecting another person with the virus" was opened against a local resident who got COVID-19³², though the article of the Criminal Code of the Russian Federation was not mentioned. The CHRГ experts suggest that the case has been opened under RF CC Art. 236 "Violation of sanitary and epidemiological rules."

4. INFORMING THE PEOPLE, ACCESS TO NECESSARY MEDICAL SERVICES AND PERSONAL PROTECTION MEANS



39. According to the official information of the authorities de facto, as of March 28, 20 cases of COVID-19 infection were recorded in Crimea³³ (15 in the “Republic of Crimea” and 5 in Sevastopol). Information about the first case of the infection in Crimea appeared on March 21.³⁴

40. In Crimea, “hot lines” have been launched in ministries, cities and regions regarding COVID-19,³⁵ the “Ministry of Health” of Crimea is publishing updates on the situation with COVID-19 on its website and suggests to address the specially created website ‘Stopkoronavirus. rf.’ for additional information.³⁶

41. ‘The Legislative Assembly’ of Sevastopol published ‘hot line; phones for consulting on COVID-19 issues.’³⁷

42. As replied by the “Ministry of Health” of Crimea, the patients with COVID-19 are treated in the infectious disease wards of the Yevpatoriya municipal hospital (40 lung ventilators), Simferopol municipal clinical hospital №7 (27 ventilators), Saki district hospital (20 ventilators), Branch of the “Federal Scientific and Clinical Center for Specialized Types of Medical Care and Medical Technologies of the Federal Medical Biological Agency” Federal State Budgetary Institution (36 ventilators). Hospitals are also planned to be deployed at the Simferopol City Clinical Hospital No. 7 (13 ventilators) and the N.A. Semashko Multidisciplinary Medical Center (76 ventilators).

43. However, many medical facilities remain insufficiently prepared for the treatment of patients with COVID-19. For instance, there is no water in the Kerch infectious diseases hospital³⁸, and it is not compliant with sanitary standards.

44. The patients of the hospitals that the CHRG contacted with report a lack of medical personnel and their extremely low awareness of the necessary measures in case of identifying patients with COVID-19 evidence.

45. A survey of a number of Crimean medical staff shows that the level of COVID-19 diagnosis is extremely low. Many patients with COVID-19 symptoms are sent to self-isolation at home without testing. In addition, testing the people with COVID-19 symptoms started late in Crimea, mainly after March 17. Employees also report that patients admitted to Crimean hospitals before March 17 with pneumonia or other pulmonary diseases were not tested for COVID-19.

46. The CHRG monitoring of the Crimean pharmacies on March 23-27 confirmed the shortage of masks and alcohol containing antiseptics on the peninsula³⁹, despite a resolution of the RF chief sanitary officer on maintaining a non-reducing reserve of personal protection means (masks and antiseptics) in the pharmacy network.

5. HATE LANGUAGE IN THE COVID-19 PANDEMICS CONDITIONS



47. The authorities de facto are using the COVID-19 situation for purposes of political propaganda and supporting hostility against the Ukrainian nationals and the Ukrainian authorities.

48. For instance, the first confirmed case of COVID-19 in Crimea was widely publicized. The occupation authorities and the pro-Russian mass media made a special emphasis on the fact that the person had come "from Ukraine" and stated that because of Ukraine, COVID-19 had appeared in Crimea. However, journalists and de facto authorities ignored the fact that in the Russian Federation, including the Krasnodar Area, cases of COVID-19 had been detected earlier. Transport communication across the Kerch bridge was not restricted. So, COVID-19 could get to the peninsula before this case from the territory of the Russian Federation. Since no testing was made earlier, these cases have not been recorded. After such statements and publications the number of hate language cases regarding the Ukrainians or those who were, due to various reasons, on the Ukraine controlled territory, increased substantially in the information realm and social networks.

49. On March 25, the so-called "head" of Crimea S. Aksionov encouraged the police management at the meeting of COVID-19 crisis center to "refine all hand-to-hand combat techniques" on those hiding trips to other countries.⁴⁰ Thus, S. Aksionov encouraged explicitly the enforcement bodies of Crimea to treat Crimeans who did not report travel abroad with unreasonable, unlawful violence.





6. CONCLUSIONS AND RECOMMENDATIONS

50. Monitoring of the situation shows that despite official decisions and measures to prevent COVID-19 in Crimea, such measures have been taken already too late. The Crimean authorities de facto ignored the real threat of COVID-19 spreading in Crimea for a long time and did not take the necessary response measures.

51. The real situation with diagnostics in Crimea suggests that the official figures on the number of COVID-19 infection cases do not correspond to reality.

52. Medical facilities and medical personnel are not adequately trained to provide medical care to patients who went sick with COVID-19. The local population is not provided sufficiently with personal protective means.

53. According to the norms of international humanitarian law, the Russian Federation is an occupying power. Art. 56 of the 4th Geneva Convention obliges the Russian Federation, with all its means available, to ensure and maintain the activities of sanitary and hospital institutions and services, health care and public hygiene in the occupied territory of Crimea, that also includes the preventive measures necessary to combat the spread of epidemics.

54. Recommendations for the Government of Ukraine:

*not to establish the exhaustive list of humanitarian grounds for crossing the Ukrainian checkpoints with Crimea, thus preserving the possibility of responding to unforeseen circumstances;

*inform Ukrainian nationals who do not have a residence registration in the territory controlled by Ukraine about the algorithm of their actions in case of suspected COVID-19 infection.

55. Recommendations for international organizations and governments of democratic countries:

*to monitor, to a possible extent, the situation with COVID-19 spreading in Crimea;

*not to allow the RF to use the COVID-19 situation for cancelling the sanctions imposed due to the occupation of Crimea, and violation of human rights and the international humanitarian law norms.