



# CRIMEAN HUMAN RIGHTS GROUP

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## FINDINGS OF MONITORING THE COVID-19 PANDEMIC RESPONSE IN CRIMEA

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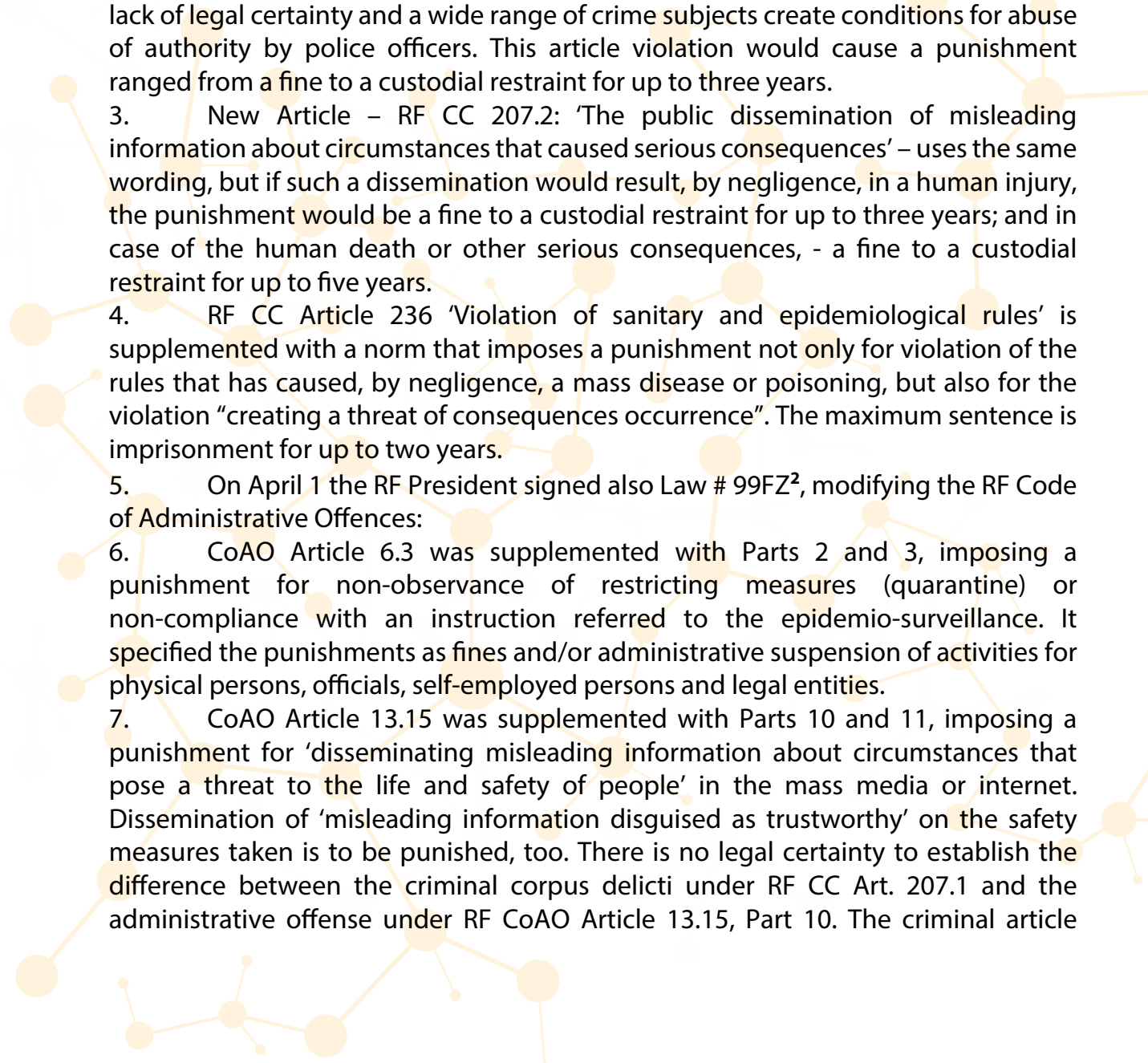
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# 1. ACTS AND DECISIONS OF CRIMEAN AUTHORITIES DE FACTO



## 1.1. Amendments in the RF laws covering the territory of occupied Crimea

1. On April 1 the RF President signed Law # 100FZ<sup>1</sup>, to modify the RF Criminal Code in the context of COVID-19 spreading, namely, to introduce new criminal articles and to supplement the valid norms:
  2. New Article – RF CC 207.1: ‘The public dissemination of misleading information about circumstances that pose a threat to the life and safety of people’ defines the dissemination of ‘misleading information disguised as trustworthy’ on the safety measures taken as a criminal act. The inconsistency of this wording, the lack of legal certainty and a wide range of crime subjects create conditions for abuse of authority by police officers. This article violation would cause a punishment ranged from a fine to a custodial restraint for up to three years.
  3. New Article – RF CC 207.2: ‘The public dissemination of misleading information about circumstances that caused serious consequences’ – uses the same wording, but if such a dissemination would result, by negligence, in a human injury, the punishment would be a fine to a custodial restraint for up to three years; and in case of the human death or other serious consequences, - a fine to a custodial restraint for up to five years.
  4. RF CC Article 236 ‘Violation of sanitary and epidemiological rules’ is supplemented with a norm that imposes a punishment not only for violation of the rules that has caused, by negligence, a mass disease or poisoning, but also for the violation “creating a threat of consequences occurrence”. The maximum sentence is imprisonment for up to two years.
  5. On April 1 the RF President signed also Law # 99FZ<sup>2</sup>, modifying the RF Code of Administrative Offences:
  6. CoAO Article 6.3 was supplemented with Parts 2 and 3, imposing a punishment for non-observance of restricting measures (quarantine) or non-compliance with an instruction referred to the epidemio-surveillance. It specified the punishments as fines and/or administrative suspension of activities for physical persons, officials, self-employed persons and legal entities.
  7. CoAO Article 13.15 was supplemented with Parts 10 and 11, imposing a punishment for ‘disseminating misleading information about circumstances that pose a threat to the life and safety of people’ in the mass media or internet. Dissemination of ‘misleading information disguised as trustworthy’ on the safety measures taken is to be punished, too. There is no legal certainty to establish the difference between the criminal corpus delicti under RF CC Art. 207.1 and the administrative offense under RF CoAO Article 13.15, Part 10. The criminal article
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the dissemination via the media or the Internet. However, in which case the media and the Internet will be considered as public dissemination, and in which not - it is not clear.

8. New Article – RF CoAO 20.6.1 'Non-compliance with behavior rules in the emergency situation or with the threat of its occurrence' - introduces, first of all, fines for violation of such rules. In fact, this article duplicates another article of the Code of Administrative Offenses - 6.3. Based on the review of the regulations of the so-called Crimean authorities, that determine the group of officials entitled to draw up reports under this article, this is the article to be referred to in case of 'self-isolation' requirement violation.

## 1.2. Authorities of Crimea and Sevastopol de facto

### 1.2.1. Crimea

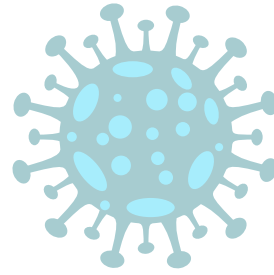
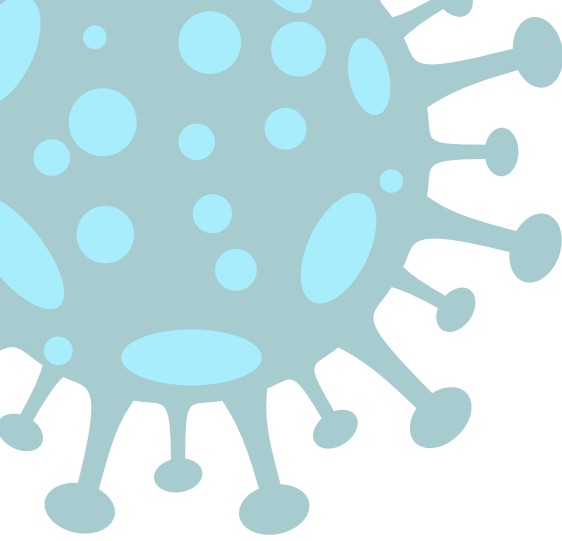
9. Edicts of so called 'Head' of Crimea Sergey Aksionov imposed new restrictions on the human rights in Crimea.

10. On April 1 S.Aksionov signed edict # 38-U<sup>3</sup> "On amending Decree No 63-U of 17 March 2020", that established new restrictions: a ban for Crimeans to leave their homes from April 3 to 6, except the cases of threat to life and health, of the need to purchase food, and of walking the pets (within a distance of not more than 100 meters from the place of residence), for garbage removal, or due to the need to move for official purposes, subject to a relevant note issued by the employer; a ban for the minor to visit the public places without the parents (not only the places of mass gathering); a ban for people aged over 65 or with certain diseases to leave their homes before April 14.

11. The edict also obliges starting from April 1, and "until the improvement of the sanitary-epidemiological situation" to maintain a distance of 1.5 meters, including in the public transport and at the enterprises that continue to operate.

12. The shops (but for selling the permitted foodstuffs), entertainment and public catering businesses would be kept closed for uncertain period - "until the improvement of the sanitary-epidemiological situation" (earlier it was set till April 5).

13. The edict additionally limited the delivery of transport services: for April 2 – 14, it was banned to transport goods without presenting a certificate of the need for such transportation; to transport passengers by inter-city buses, trolleybuses, and sea transport; to provide taxi services by vehicles with a capacity of more than 5 seats (including the driver), while urban and suburban passengers services were allowed only from 06:00am to 10:00am and from 05:00pm to 09:00pm. The Ministry of



Internal Affairs and other bodies were recommended to inspect daily the vehicles for compliance with these restrictions.

14. On April 2, Edict # 91-U "On amending Decree No 63-U of 17 March 2020"<sup>4</sup> introduced the amendments that allowed, under current restrictions, to deliver essential goods to close relatives over 65 or relatives with certain diseases; to leave home to care for disabled or partially capable persons or persons requiring a constant care; to deliver food by volunteers to places of residence (if there is a certificate issued by "State Committee of Youth Policy" of Crimea); for a lawyer to come to the place of legal assistance if investigative actions or court proceedings could not be postponed.

15. On April 5 all restrictive measures for the people were extended till April, 30 by Edict # 94-U.<sup>5</sup>

16. The amendments of April 5 enlarged the list of enterprises and organizations that kept on operating in the standard work time regime, subject to observing all sanitary preventive requirements. The list of essential non-food goods that may be traded during the quarantine was added with two categories of goods: tobacco goods and sanitary gloves.

### 1.2.2. Sevastopol

17. Almost the same restrictions were introduced in Sevastopol for this period.

18. On March 30, 'Governor' of Sevastopol adopted Edict # 24-UG 'On amending Edict of Governor of Sevastopol # 14-UG of 17 March 2020' 'On introducing a high alert regime on the territory of City of Sevastopol' that restricted the public transport services<sup>6</sup>

19. On March 31, Edict # 24-UG<sup>7</sup>, was signed prohibiting the people from leaving their place of residence, but for a direct threat to life and health, going to a place of work, buying food, walking pets and tossing out the garbage.

20. On April 2, Edict # 24-UG<sup>8</sup> of the "Government of Sevastopol" approved a list of officials of Sevastopol authorized to draw up protocols on administrative offenses under the new RF CoAO article – 20.6.1 "Non-compliance with behaviour rules in the emergency situation or with the threat of its occurrence'.

## 2. RESTRICTIONS ON PASSING CHECKPOINTS AND OTHER RESTRICTIONS OF FREEDOM OF MOVEMENT

21. The Ukrainian checkpoints at Crimea administrative border keep on working under the entry/ departure restrictions introduced by CMU Ordinance<sup>9</sup> that allowed Ukrainian nationals to leave or enter Crimea only 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.

22. Since March 30, the RF FSB, according to RF Government ordinance of March 27, 2020, banned travelling through the Russian checkpoints at Crimea administrative border even those possessing the Russian national passports. Exceptions are, for example, "citizens of the Russian Federation permanently residing in the territories of certain regions of the Donetsk and Luhansk regions" and close relative death cases.<sup>10</sup> On March 30, FSB of the Russian Federation explained to the journalists that residents of the Crimea with their place of residence registered on the peninsula were not allowed to leave for the territory controlled by Ukraine.<sup>11</sup>

23. On the night of March 31, five roadblocks were set up at the entrances to Sevastopol: on the 44th km of the Simferopol-Bakhchisaray-Sevastopol road, on the 43rd and 57th km of the Yalta-Sevastopol road, on the 11th km of the Tankovoye-Oboronnoye road and on the 2nd km of the Orlovka-Bakhchisaray road. The website of the "government" of Sevastopol informs that the roadblocks will operate at least until April 5, and everyone will be allowed to pass through them.<sup>12</sup> However, local residents reported that in the morning of March 31 several dozens of cars were not allowed to go through the roadblocks.<sup>13</sup> The residents of Sevastopol confirmed the information about the selective passage of people through roadblocks to the Crimean Human Rights Group. There are no regulatory documents governing the operation of these roadblocks on the websites of authorities de facto.

24. On April 1, S. Aksionov announced that a roadblock would be set up on the Kerch Bridge to inspect "everyone arriving in the region." However, what decisions would be made based on the results of such inspections and what norms would govern the process, was not informed by S. Aksionov.

25. Since April 2, local residents began to report restrictions on the entry of vehicles through the Kerch Bridge. For instance, there was the information that entry was denied to those who did not have a residence registration in Crimea. Regardless of the place of registration, truck drivers may pass subject to measuring a body temperature at the entrance.<sup>14</sup>

### 3. PRACTICES OF APPLYING RESTRICTIVE MEASURES



#### ***Public transport and movement in the settlements***

26. Starting from April 1, the movement of trolleybuses in Sevastopol was put on hold and the public transport services (including passenger boats) were limited in time: from 6:00am to 10:00am and from 04:00pm to 11:00pm. The number of trips was reduced by 60%.<sup>15</sup> Starting from April 2, in all other settlements of Crimea, urban and suburban passenger transport services have been allowed only from 06:00am to 10:00am and from 05:00pm to 09:00pm. Only those who have left their places of residence for reasons established by edicts of S. Aksionov may use the public transport.

27. Crimeans who use the public transport for official purposes are required to bring a documentary evidence. On April 3 the issuance of 14 thousand passes for residents who might move around the city, was reported in Sevastopol. However, not all locals who had to use the public transport managed to get such passes. As a result, a lot of people were queueing, without observing the minimum standards of social distance, at the entrance to Unified Duty Dispatch service of Sevastopol".<sup>16</sup>

28. The CHRГ was reported that in some cities the local people were offered to buy false documents of the employees of the enterprises allowed to operate under the quarantine, to go free across the city.

29. The "Ministry of Transport" of Crimea published recommendations on using the private cars. So, driving private vehicles during the "high alert" regime period is allowed subject to observing the preventive measures: availability of masks, antiseptics, alcohol wipes, gloves. The reason for the trip should be 'a sound reason to violate the self-isolation regime'. For the purpose of personal safety and the safety of others, it is recommended to restrain from moving as much as possible during the "high alert" regime.<sup>17</sup> Thus, using a personal car is allowed in the same cases as leaving the place of residence. The staff of the enterprises that keep on operating should also bring a documentary evidence from the employment place.

#### ***Medical establishments***

30. Inter-city transport services have been banned since April 2, however, no transportation was provided to the medical staff so that they could get to work places. Many health workers live in villages and work in cities. In the current conditions, it is extremely difficult for such employees to get to medical institutions in the cities and then return home, so they, with their low salaries, often have to pay for taxi services at their own expense.

#### ***Militarization in the quarantine context***

31. Since April 1, the military commissariats of Crimea temporarily suspended receiving the people and holding medical commissions. However, despite this, the authorities de facto stated that the spring draft campaign would not be canceled.<sup>18</sup>



32. On 3 April, the Ministry of Defense of the Russian Federation reported holding a bilateral military exercise of the air and air defense forces of the Black Sea Navy and the Southern Military Area (SMA) in Crimea.<sup>19</sup> The exercise was directed by three star general Alexander Dvornikov, Commander of the SMA troops.

33. The same day, local media reported a convoy of military machines, escorted with the military road traffic police, moving through settlements during that day.

***Liability for violating the restrictions***<sup>20</sup>

34. On March 30, police began to report on “checks” of compliance with restrictive measures (quarantine)<sup>21</sup>, and the local “prosecutor's office” - to warn about administrative and criminal liability for violation of “quarantine” restrictions.<sup>22</sup>

35. According to the information of the occupation authorities, as of March 30, 9 administrative reports were drawn up in Crimea under RF CoAO Articles 5.35 (Failure of parents or other legal representatives of minors to comply with the obligations to care and educate the minors) and 6.3 (Violation of legislation to ensure sanitary and epidemiological welfare of the population ) in Bakhchisaray and Razdol'noye districts, towns of Armiansk, Sudak, Saki.<sup>23</sup>

36. Since April 2, police units in Crimea began patrolling the streets to verify compliance with restrictive measures<sup>24</sup> and identify violators of “self-isolation”.<sup>25</sup>

37. According to the statement of the “Minister of the Internal Affairs” of Crimea, as of April 5, 87 reports were drawn up in Crimea under RF CoAO Art. 20.6.1 (Non-compliance with behaviour rules in the emergency situation or with the threat of its occurrence).<sup>26</sup>



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



38. According to the official information of the authorities de facto, as of April 5, 25 cases of COVID-19 infection were recorded in Crimea (20 in the “Republic of Crimea”<sup>27</sup> and 5 in Sevastopol). Information about the first case of the infection in Crimea appeared on March 21.<sup>28</sup>

39. The first vehicle equipped with a special room for the COVID-19 infected people was delivered in Crimea.<sup>29</sup>

40. On 31 March, a resident of Kerch reported that emergency doctors had denied admission to her 65-year-old father with a high fever and suffocating cough (possible symptoms of COVID-19). Two days later, with these symptoms, he was sent to intensive care in serious condition.<sup>30</sup> A few days later, the man died, and his daughter was not given any accurate information about the causes of death. Thus, the delayed medical care may be a possible reason for the death.

41. Medical facilities remain insufficiently prepared for the treatment of patients with COVID-19. The local report a shortage of medical personnel and their extremely low awareness of the necessary measures in case of identifying patients with COVID-19 evidence.

42. A survey of a number of Crimean medical staff and relatives of the confirmed COVID-19 infected people shows that the level of COVID-19 diagnosis remains low. Many patients with COVID-19 symptoms are sent to self-isolation at home without testing. In addition, in some cases, when one of the family members had got a COVID-19 confirmation, other family members living together with him, were rejected testing for COVID-19.

43. The Crimean Human Rights Group monitored the work of the official “hot lines” by calling more than 20 phone numbers in various cities of Crimea (Ministry of Health Care, Ministry of Resorts, Ministry of Education, Ministry of Transport, Ministry of Industry).

44. The Ministry of Health Care reported that the tests for COVID-2019 were done to everyone, without exception, in case of indications. However, the information of the local who tried to get an appointment for this test, demonstrates that testing is done in rare cases - in the presence of severe symptoms.

45. In most districts, hotline operators do not know if there are COVID-19 tests in the city/town and advise to call a doctor home or to go to district hospitals in case of symptoms. For example, in the Central District Hospital of Alushta, it was said that this hospital did not do such tests.

46. In Sevastopol, the “hot line operator said that the test for COVID-2019 could not be done at the city private clinics though could be done in Simferopol. At the same time, the transport department specified that it was impossible to leave the city by public transport, for this purpose it was necessary to look for a private car. Operators of almost all “hot lines” do not know when masks and antiseptics will appear in the pharmacies. Some operators advised self-making masks or trying to buy them at the local tailors. More detailed information on the results of monitoring the “hot lines” is published on the CHRG website.<sup>31</sup>



## 5. CONCLUSIONS AND RECOMMENDATIONS



47. The Crimean authorities de facto imposed new restrictions on the peninsula residents, some being introduced for an uncertain period.

48. The review of the new criminal and administrative articles shows that these norms pose risks of abuse of authorities by police and other bodies. These articles provide also grounds to prosecute people for freedom of expression, namely, the publication of reliable information about delayed or ineffective responses to COVID-19 spreading.

49. The level of COVID-19 diagnostics in Crimea remains low, so the official data on the number of COVID-19 infection cases are not true.

50. Medical staff have faced a new problem - lack of inter-city transport communication and no transport services for health care workers living in the villages and working in the medical institutions of cities.

51. Pharmacies are still facing a shortage of personal protective means.

52. 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.

53. 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.

54. 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