



CRIMEAN HUMAN RIGHTS GROUP

e-mail: crimeahrg@gmail.com

website: crimeahrg.org

FINDINGS OF MONITORING THE COVID-19 PANDEMIC RESPONSE IN CRIMEA

(MAY 4-17, 2020)

CONTENTS

1. Acts and decisions of the Crimean de facto authorities
2. Restrictions on Passing Checkpoints and other restrictions of freedom of movement
3. Practices of applying restrictive measures
4. Informing the people, access to necessary medical services and personal protection means
5. Conclusions and recommendations





CRIMEAN HUMAN RIGHTS GROUP

Follow the link to read previous Findings of monitoring the COVID-19 pandemic response in Crimea

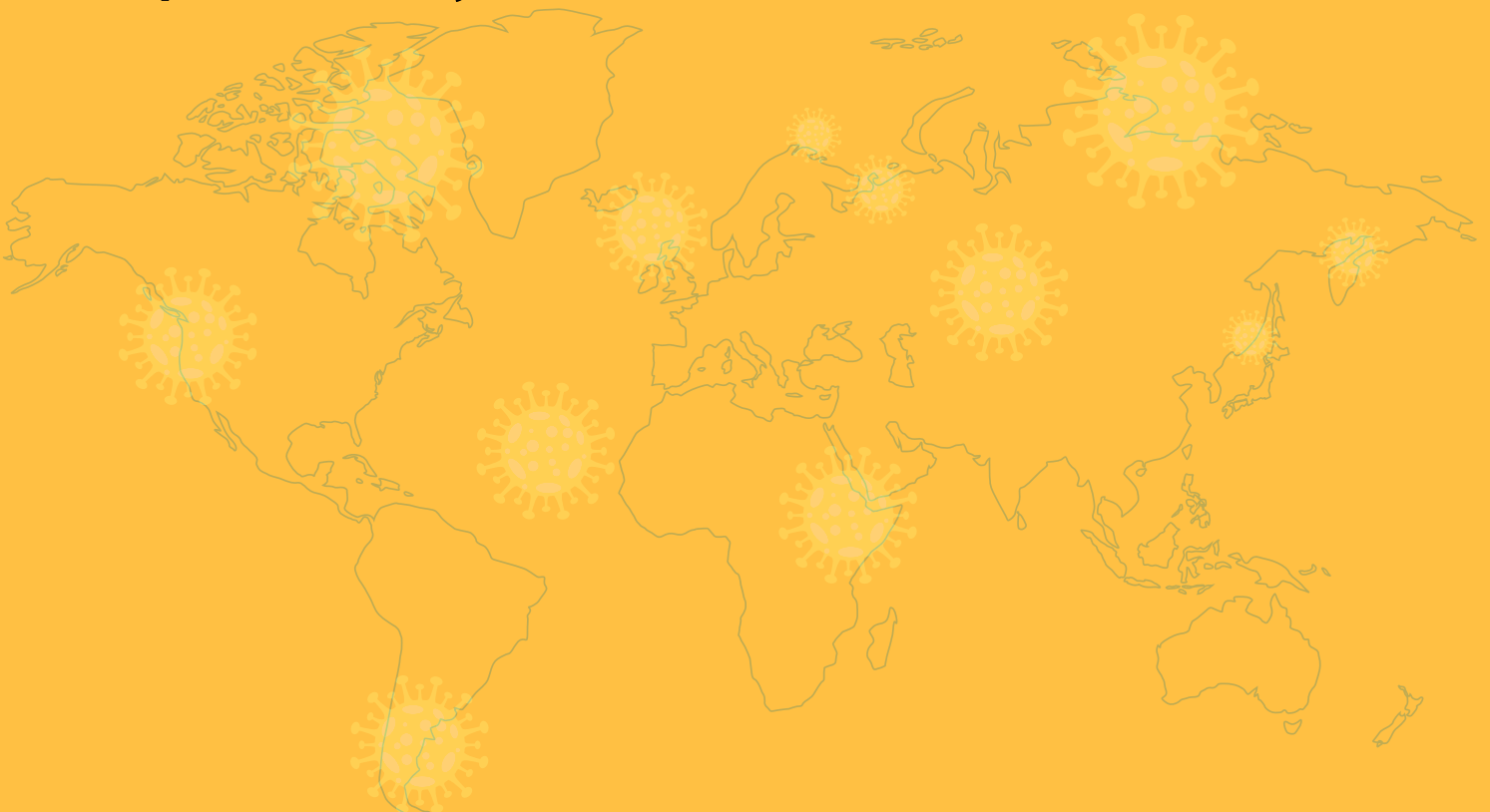
March 16-29

March 30 — April 5

April 6 — 12

April 13 — 19

April 27 — May 3





1. ACTS AND DECISIONS OF THE CRIMEAN DE FACTO AUTHORITIES



1.1. Crimea

On May 11, by Edict the “Head of Crimea” S. Aksionov No. 158-U “On Amending the Edict of the Head of the Republic of Crimea dated March 17, 2020 No. 63-U”¹, dental clinics and medical commissions for people entering the civil service and applying for the positions of judges, prosecutors, investigators, etc. restarted their work. However, the restrictions using the public transport were extended until May 31.

On May 12, for the first time, the mandatory use of masks when being in the public transport, shops and public places, as well as when performing works or providing services was introduced.

On May 15, Edict No. 163-U “On Amending the Edict of the Head of the Republic of Crimea dated March 17, 2020 No. 63-U”² became, in fact, one of the stages of “quarantine-out”, lifting some restrictions since May 18. The requirement of so-called “self-isolation” is canceled for all residents, except for persons over 65 years old and those who have the diseases specified in the appendix to the edict. The ban on holding public events, including peaceful assemblies, remains in force. Many organizations and entrepreneurs can restart business as usual from May 18, as the list of activities that are now permitted has been supplemented with 101 types of businesses. At the same time, tourism remains on hold..

1.2. Sevastopol

On May 6, the “Governor of Sevastopol” issued Edict No. 39-UG³ “On Amending the Edict of the Governor of the City of Sevastopol dated 03/17/2020 No. 14-UG” On introducing High Alert Regime in the City of Sevastopol”, that lifted a number of restrictions. So, it was allowed to use small boats for sport fishing and family cruises, shops trading building materials trading and non-food product retailing (provided that no more than one buyer per 10 sq.m being inside), were reopened; the engineering, light industry, chemical industry enterprises as well as the ‘public service center’ restarted operations.

Since May 11, local residents have been allowed to move across the city to visit non-food stores, walk with children of preschool and primary school age in the localities of the house as well as to go in for training, jogging, cycling.

On May 11, by Edict No. 40-UG⁴, the regime of the so-called “self-isolation” was extended until May 17 (the obligation to stay at home, with the exception of cases specified in the edict).

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

On Russian check-points with Crimea, exit restrictions for Ukrainian citizens, permanently residing on the peninsula, are still in effect. Crimeans, who are “automatically” considered to be citizens of the Russian Federation, can leave Crimea once, showing their Ukrainian passport as “citizenship of another country or a document confirming permanent residence outside the Russian Federation”. They can also leave in case of death of a spouse, parent, children, adoptive parent, adopted child, guardian and trustee.

The entry-exit restrictions introduced by the CMU ordinance⁵ are still in effect at the Ukrainian check-points with Crimea: Ukrainian nationals may leave or enter Crimea in case of any humanitarian reasons (regardless of registration of residence). The decision to pass through the checkpoint due to such reasons is made by the Chairman of the State Border Service of Ukraine.

After crossing the Ukrainian check-points, citizens must be in observational conditions either in medical institutions or at their place of actual residence using the “Act at Home”⁶ electronic service. However, people encounter problems when using this application: when passing the check-points, not everyone has phones with an appropriate camera and a Ukrainian mobile number, as well as users report constant software failures.

3. PRACTICES OF APPLYING RESTRICTIVE MEASURES

According to the authorities de facto, as of May 5, 20 593 organizations and enterprises of Crimea resumed their work after a number of restrictions on economic activity had been lifted by Edict of April 29⁷. So, hairdressing salons, beauty salons, household appliances repairs shops, shoe and sewing workshops, mobile phone shops, building materials and road vehicle spare parts stores continued to work⁸.

However, not all enterprises comply with the rules for disinfection and the use of personal protective equipment. For example, operations of an enterprise in the Krasnogvardeisky District was suspended by a court decision for 30 days for violation of anti-epidemiological standards⁹. In addition, the authorities de facto confirmed that Crimean shopping malls were short of equipment for disinfection¹⁰. Tourism business is still under the ban but some hotels and recreation centers continue to provide services, accommodating tourists. For instance, the officers of the Russian Federation Federal Tax Service Office revealed 500 facilities for accommodating the tourists in Crimea that went on working despite the ban on business¹¹. Owners of some mini-hotels and recreation centers informed the CHRГ that they had to do this because they had no other sources of income to support the families.

Since May 12, wearing masks in the public places and shops has become mandatory. However, monitoring of food and non-food stores in 5 cities of Crimea showed that the masks were usually used by the staff, while buyers often ignored this requirement.

Despite the transport restrictions within Crimea, air traffic with the regions of the Russian Federation, with the high COVID-2019 incidence rate, has not been stopped. Starting from the early May, 5 to 10 flights have been landing in Simferopol daily, most coming from Moscow. For example, on May 4, 6 aircraft arrived in Crimea, including 5 from Moscow. On May 10, 10 flights arrived in Simferopol, including 5 from Moscow. May 11 - 7 flights, including 5 from Moscow¹².

As of May 17, Moscow (more than 140,000 confirmed cases) and the Moscow region (more than 25,000 confirmed cases) are the epicenters of COVID-19 infection in the Russian Federation. For comparison, as of May 17, only 18,291 cases of the disease were registered all over the territory controlled by Ukraine¹³.

Detention centers and penal colonies in pandemic conditions

At least 14 Crimeans deprived of their liberty within politically motivated criminal cases are kept in the Pre-Trial Detention Center 1 (FKU GUF SIN of Russia for the Rostov Region (Rostov-on-Donu). In response to the lawyer's request to provide Mr. Server Mustafayev with personal protective equipment while transferring him to court hearings, the head of the FKUZ MSCh-61 (the medical unit of the pre-trial detention center) A. Pachganov said that prisoners should purchase their own protective equipment in the stores of Kaluzhskoye FSUE of RF FSIN.¹⁴ However, it is extremely difficult to purchase such equipment in these stores, as the quantity of goods is limited, and prices are significantly higher than market ones.

According to prisoners and their relatives, transferring the packages from the relatives was forbidden in the colonies of the Russian Federation and Crimea for the quarantine period. The result is that the prisoners have been left without the necessary food, medicines and vitamins, which worsens their state of health.

In the Simferopol Detention Center, some foodstuffs and medicines are taken in the packages, but dairy products are not allowed for transfer.

Ignoring the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the World Health Organization, courts continue to extend detention periods for the Crimeans. Thus, the Court of Appeal of Vlasikha City Area of Moscow Region rejected a complaint of Mr. Oleh Prykhod'ko, a Ukrainian activist, on the judgement to extend his detention period. The 'Supreme Court of Crimea; rejected also the complaint of defence of Mr Rustem Sheykhaliyev and left him in custody until 15 June 2020.

Militarization in quarantine context

In Crimea, settlements have been started to be patrolled by ROSGVAR DIA militarized organization, using helicopters.¹⁵ This helped the authorities de facto identify the places where local residents rested.

The number of patrols that monitor compliance with the "self-isolation regime" in Crimea was increased by 150 members of paramilitary groups of Kazaks¹⁶ in Kerch, Feodosiya, Yalta, Alushta, Yevpatoriya and Simferopol¹⁷.

On May 6 over Sevastopol, aviation of the RF Black Sea Navy held a rehearsal of an air parade dedicated to the 75th anniversary of the Victory¹⁸. The same day, a parade rehearsal was also held over Kerch¹⁹. On May 9, air parades were held in Kerch and Feodosia.

Liability for violating the restrictions

Earlier, the CHRГ reported on homeless Vladimir Kotolupov, who had been drawn up a report in Simferopol for violating the "self-isolation regime", though he had no residence place. His case was not considered in court, because the police cancelled the report themselves²⁰.

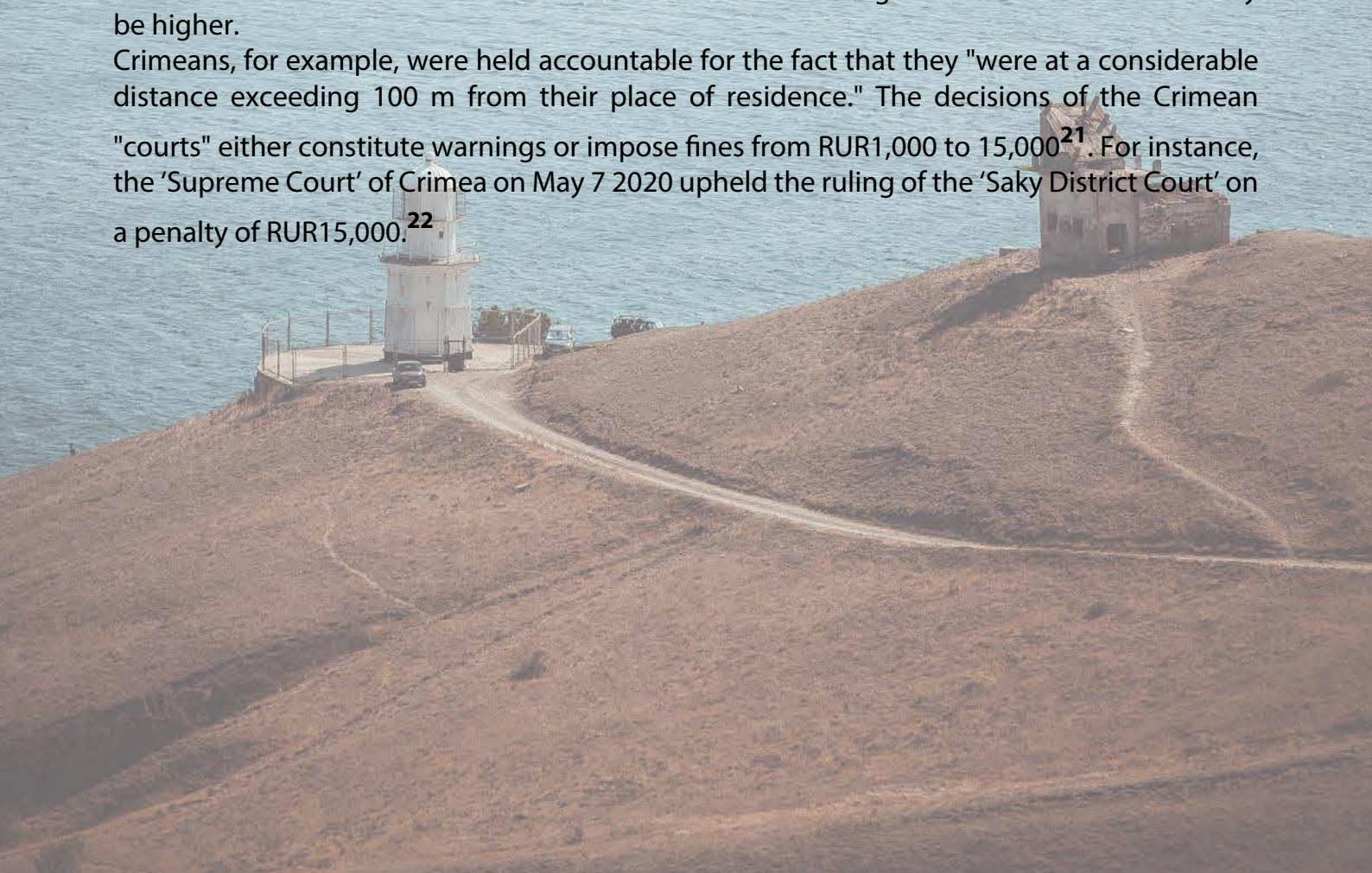
The authorities de facto regularly inspect tourist facilities of Crimea - guest houses and mini-hotels – regarding the accommodation of tourists. In most cases, representatives of authorities de facto call such business, introducing themselves as tourists. When booking a room or accommodating such a "tourist" has been agreed on, and an evidentiary purchase has been performed, the police draw up an administrative report for the owner under Article 20.6.1.

According to the results of the CHRГ court monitoring, it was documented that for April 1st – May 18th 5,211 administrative reports were drawn up on Crimeans for violating the "self-isolation regime" under RF CoAO Articles 20.6 and 20.6.1. (Failure to follow the behavior rules in case of emergency situation or its occurrence threat). Rulings on imposing sanctions (fines) were issued within 3,947 administrative cases, while 1,078 administrative procedures have not been considered by the 'courts' yet.

Only in 67 cases, the "courts" of the first instance issued verdicts to dismiss the case. The "courts" of the second instance considered only 38 appeals against the fine verdicts, and only in one case, the verdict was cancelled.

In addition, some Crimean "courts" do not publish information considering such procedures, so the actual number of administrative sanctions for violating the "self-isolation" rules may be higher.

Crimeans, for example, were held accountable for the fact that they "were at a considerable distance exceeding 100 m from their place of residence." The decisions of the Crimean "courts" either constitute warnings or impose fines from RUR1,000 to 15,000²¹. For instance, the 'Supreme Court' of Crimea on May 7 2020 upheld the ruling of the 'Saky District Court' on a penalty of RUR15,000.²²



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



433 cases of **COVID-19** infection in Crimea have been recorded²³

(294 in the “Republic of Crimea” and 139 in Sevastopol). Information about the first officially recognized case of the infection in Crimea appeared on March 21.

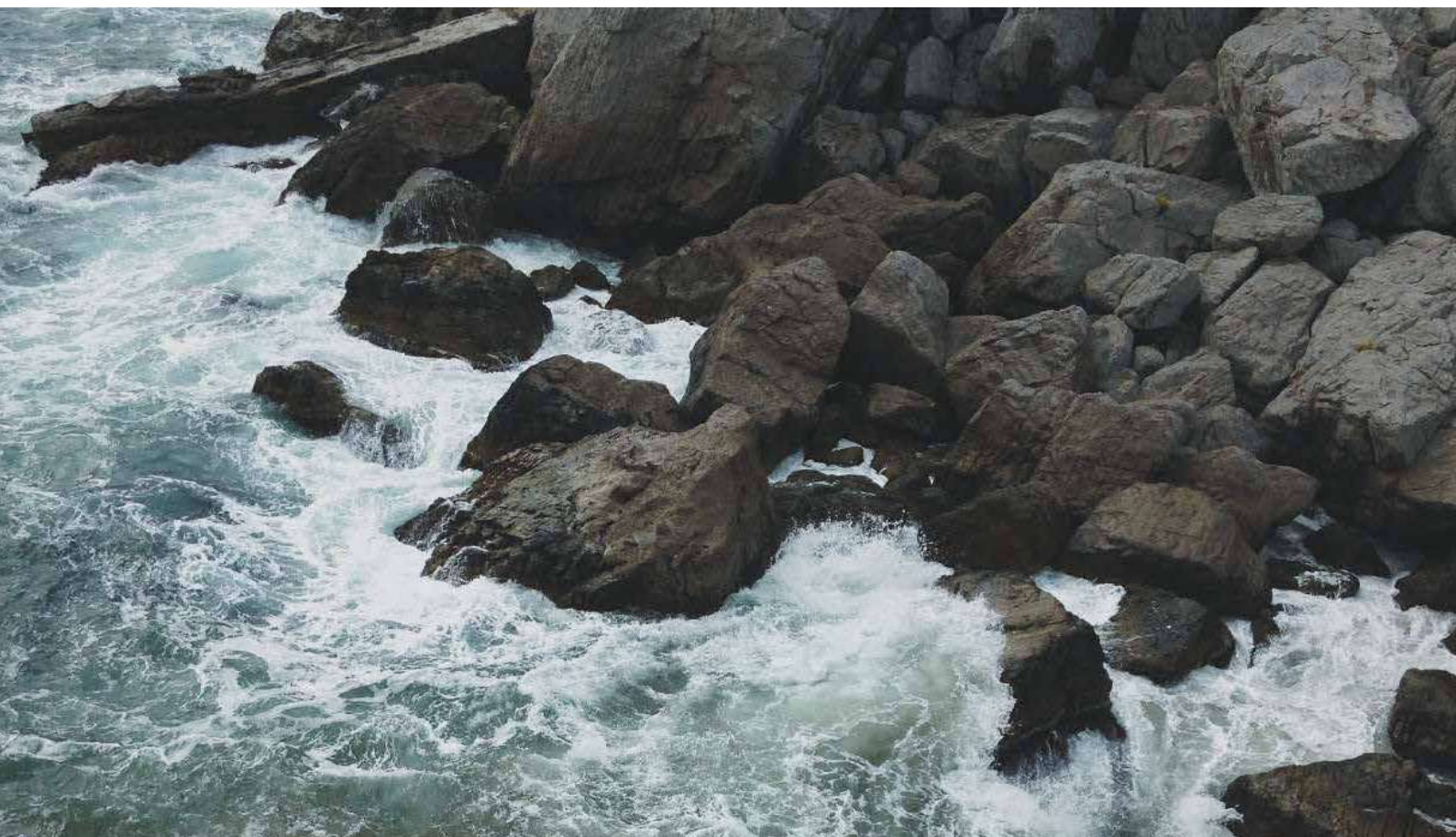
Information about deaths caused by COVID-19 complications is contradictory: on official websites of the Russian Federation on May 18, 4 deaths are reported (2 in Crimea, 2 in Sevastopol), but, according to the authorities de facto, there were 11 deaths as of May 18 (9 - in Crimea, 2 - in Sevastopol).

Information received from several medical institutions testifies that the number of deaths in the official statistics is underestimated, because often, despite the presence of COVID-19, community-acquired pneumonia (a disease that occurred outside the medical institution) is reported as the cause of death, rather than complications caused by COVID-19. Thus, COVID-19 does not appear in the death report, and the case does not fall into the statistics.

Ten mechanical ventilation devices (ALVs) made by the Ural Instrument-Making Plant were delivered in Sevastopol for a modular building of the infectious diseases hospital.

However, the hospital reported that the equipment was faulty and refused to use it²⁴.

In Saki district hospital, the infectious and therapeutic departments were closed for observation, as there were cases of COVID-19 infection²⁵.



5. CONCLUSIONS AND RECOMMENDATIONS

In Crimea, the number of officially confirmed COVID-19 cases as well as the number of medical institutions where COVID-19 infection cases of the medical personnel have been detected, is constantly increasing. The monitoring findings provide grounds to consider the official data on the number of COVID-19 infection cases as well as COVID-19 caused deaths underestimated.

Daily flights from Moscow, a RF region with the highest number of COVID 19 cases confirmed, enhance the COVID 19 spread across the peninsula.

The authorities de facto have started a step-by-step 'quarantine-out', and lifted some restrictions, though the numb

Ignoring the recommendations of international organizations on preventing the outbreak of COVID-19 in the places of unfreedom, the practice of keeping in custody as a pre-trial restriction measure has been preserved, that keeps the Simferopol Detention Center overcrowded. In addition, the prisoners are not supplied with personal protection equipment, while a ban on transferring the foodstuffs and medicines in the colonies results in worsening the prisoners' health.

To ensure observing the public order and restrictive norms the authorities de facto are widely involving people from the paramilitary units.

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.

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;
- * to develop a plan for resuming stage-by-stage operations of the Ukrainian checkpoints, taking into account needs of different groups of people as well as a need to arrange a transport connection between the checkpoints and major settlements, with the anti-epidemiological requirements observed.
- * 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-19infection.
- * to monitor the situation of the COVID-19 spread in Crimea using available methods, including information from human rights organizations in Ukraine.

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
- * appeal to the Russian Federation with the requirement to comply with the recommendations of the UN and the Council of Europe on preventing the COVID-19 spread in the Crimean places of unfreedom.