



**CRIMEAN  
HUMAN RIGHTS  
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## **FINDINGS OF MONITORING THE COVID-19 PANDEMIC RESPONSE IN CRIMEA**

**(MAY 18-31, 2020)**

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# 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**

**May 4 — 17**





# 1. ACTS AND DECISIONS OF AUTHORITIES DE FACTO



## 1.1. RF government

The Russian authorities decided to phase out the restrictive measures in connection with the COVID-19 pandemic starting from May 12. At the local level, regional governments, including the authorities de facto of Crimea, should make decisions on the extending or ceasing the restrictive measures based on the methodological recommendations of Rospotrebnadzor<sup>1</sup>.

The recommendations suggest three phase of resuming the activities of enterprises and organizations based on indicators for each phase. The main indicators are the infection spread coefficient, the availability of free beds for treating COVID-19 patients (at least 50%), and the test indicator per 100 thousand people. At the local level, additional indicators can also be taken into account: the mortality rate from COVID-19, the proportion of people with immunity to COVID-19 among the population, the incidence of community-acquired pneumonia.



## 1.2. Crimea

May 20, Sergei Aksionov, the so-called 'head' of Crimea, signed Edict No. 164-U<sup>2</sup>, which envisages establishing and holding a register of all people arriving in Crimea and staying on "self-isolation". The registry holding has been entrusted to the "Ministry of Health" of the Crimea, that should daily submit updated information to the "Ministry of Internal Affairs" of Crimea.

On May 22, Edict No. 166-U<sup>3</sup> was issued, that introduced a mandatory check for COVID-19 two days before departure for Crimea for employees arriving in Crimea on a shift basis as well as a 14-day observation after arrival.

The edict also determined the start of routine urban and suburban passenger traffic from May 22, and the start of passenger connection between Crimea and the RF from May 25. Taxi services with the number of seats over 5 are still under ban.

On May 24 Edict No 171-U<sup>4</sup> introduced new changes: the people who have arrived in Crimea and have no residence place on the peninsula should pay for the mandatory 14-day observation by themselves.

In addition, the edict establishes that employers shall submit lists of employees arriving in Crimea to work on a shift basis 7 days before their arrival. Such staff can start work only if permitted by the "COVID-19 spread prevention HQ headed by S. Aksionov, the "head" of Crimea.

On May 31, S. Aksionov signed Edict No. 179-U<sup>5</sup>, that extended the rule on the mandatory wearing of masks in public places and settled the issues of shift basis work. In addition, the edict extended the "self-isolation regime" for people over 65, the suspension of privileged fares in the transport, booking of hotels and accommodation of tourists in the hotels and resorts until June 15. The new edict does not include the rule for the people who arrived in Crimea to pay for their observation.

### 1.3. Sevastopol

On May 16, in Sevastopol, Edict No. 41-UG<sup>6</sup>, was signed, that allowed medical examinations for drafting into the armed forces of the Russian Federation and terminated the mandatory “self-isolation regime” for people under 65. At the same time, the ban on being in the street for more than 2 people and the obligation to use masks in public places was preserved

Edicts No. 42-UG<sup>7</sup> of May 27 and No. 44-UG<sup>8</sup> of May 28 in Sevastopol extended the main restrictions in the tourism and entertainment business until June 15.

## 2. RESTRICTIONS ON PASSING CHECKPOINTS

### *Situation at the RF controlled check points*

On Russian check-points with Crimea, exit restrictions for Ukrainian citizens, permanently residing on the peninsula, are still in effect<sup>9</sup>. 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”. However, the issue of returning to Crimea after such a departure is not clearly regulated. In practice, usually Crimeans who used this rule to leave are passed as the Russian Federation nationals, that enables them later to return to the peninsula with a Russian passport. At the same time, Russian border guards, when the people are returning to Crimea, inform them that they as such will not be allowed to leave again, and leaving will be possible only after the restrictions are lifted. In addition, there remains the risk that if passed through the checkpoint as a Ukrainian national, such a person will be able to return to Crimea only after restrictions on the entry of foreigners into the Russian Federation have been lifted.

In addition, Crimeans may leave in the event of the death of one of spouses, aparent, children, adoptive parent, adopted child, guardian and trustee.

As to the Ukrainian nationals who permanently reside in Crimea and refused to obtain an “automatic” RF national passport, having received a residence permit, the Russian authorities banned them to leave Crimea. Formally, the departure of foreigners from the Russian Federation is not prohibited, and such Crimeans are considered by the Russian Federation the foreigners. However, according to Russian Federation Ordinance No. 763-r<sup>10</sup>, traffic through checkpoints is restricted, with these restrictions not applying to foreigners specified in paragraphs 2-1 and 5-1 of Government of the Russian Federation ordinance of March 16, 2020 No. 635-r<sup>11</sup>. However, the category of Ukrainian nationals indicated above can't be referred to any of the categories of foreigners indicated in the ordinance. Thus, leaving Crimea through Russian check points is under ban for them. For May 18 – 31 the Russian border guards rejected many time such Crimean to leave Crimea for the Ukraine controlled territory, though this denial at the check point was never made in writing.



### ***Situation at the Ukrainian check points***

The entry-exit restrictions introduced by the CMU ordinance<sup>12</sup> 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.

The Border Guard Service of Ukraine reported that during the period of the “quarantine” restrictions, that is, from March 16 to May 29, upon a decision of the Border Guard Service Head, Ukrainian border guards let 386 Ukrainian nationals pass through the checkpoints on humanitarian grounds (most often for treatment or reunification with family)<sup>13</sup>.

The people passing the Ukrainian checkpoints complain about a long time to wait until the Border Guard Service Head’s permission on passing (or denial to pass) the check point on humanitarian grounds has been received. The Head is located in Kyiv, so it usually takes several hours for communicating and examining the documents until the decision is made, while the people are waiting for a decision at the checkpoint. A specific issue is to pass the checkpoint at night, since no decision on passing on humanitarian grounds is usually taken from 08:00pm till morning, and no procedure has been set up for such extraordinary cases.

Thus, by June 1, the procedure for passing the Ukrainian checkpoints with Crimea for citizens of Ukraine is much more complicated than passing the state border of Ukraine.

On May 29, Resolution of the Cabinet of Ministers of Ukraine No. 392 of May 20, 2020, was amended<sup>14</sup>, cancelling the mandatory observation after passing the check point (both in medical institutions and in the “self-isolation” mode using a mobile application) for children participating in an external independent assessment (the results of this assessment are required for admitting Ukrainian higher educational establishments) and one person accompanying each of them.

For most other categories of people, after passing the Ukrainian checkpoints, observation either in medical institutions or at the place of actual residence using the electronic “Act at Home”<sup>15</sup> service, remains mandatory. However, there are still problems with using this application: when passing the check point, not everybody has a mobile with a proper camera and a Ukrainian number, and the users report permanent application errors.



### 3. PRACTICES OF APPLYING RESTRICTIVE MEASURES

Weekly agricultural open-air fairs have been resumed in the cities, including Simferopol<sup>16</sup>. The fairs are visited by many people, most of whom do not use personal protective means in the public places.

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

Inter-city passenger services have been re-launched in some cities since May 18th. For instance, operation of routes from Kerch to Simferopol, Dzhankoy, Yevpatoriya has restarted.

Cruises from Sochi (RF) to Crimea are cancelled, and are planned to be resumed in mid July 2020<sup>17</sup>.

Since May 29th the 'Russian Railways' Company (RZhD) has returned to a standard placement of the passengers in the long-distance trains without observing physical distance norms.<sup>18</sup>

#### ***Detention centers and penal colonies in pandemic conditions***

Ukrainian nationals from Crimea, politically motivated criminal cases defendants, are kept in the Lefortovo pre-trial detention center (Moscow), from which several people suspected of having COVID-19 were hospitalized. So, one of them - Ivan Yatskin - cannot receive food packages and a payphone card for calling relatives<sup>19</sup>. He also reports delays in receiving letters after the "quarantine" restrictions have been introduced.

In the Lefortovo pre-trial detention center, even when several prisoners were suspected of being COVID-19infected, the necessary protective measures are not taken: prisoners are given only one gauze bandage per day, and the cells are disinfected with bleach solution once per week. The prisoners also point out that onion has disappeared from the ration.

In the Simferopol pre-trial detention center food packages are received and transferred with certain restrictions: transfer of fermented milk products is usually limited. The cells and other rooms of the pre-trial detention center are disinfected with a bleach solution though this is not done regularly. No personal protective means are supplied in the cells, and when prisoners are taken out of the cells, they are measured the body temperature and asked about their state of health. In May, several people were moved to the medical unit, but there is no information about their disease. Other prisoners with various symptoms, including possible symptoms of COVID-19, if they have no complications, remain in the cells. But even when having the symptoms that may testify COVID-19, the prisoners are not tested.

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

The Russian Federation continues to conduct military exercises in Crimea. In the area of the Opuk combat training ground, Russian Black Sea Navy frigates the ADMIRAL MAKAROV and the ADMIRAL ESSEN staged preparatory and qualification gunnery drills at coastal targets<sup>20</sup>.

The draft campaign to the armed forces of the Russian Federation goes on actively. So, in Sevastopol, more than 600 local residents will be sent from collecting points to military units for military service. Military enlistment offices reported that conscripts were tested on COVID-19. The drafting is also going on in other cities of Crimea<sup>21</sup>.

The authorities de facto keep on persecuting criminally Crimeans who do not want to serve in the RF army. In May the Crimean Human Rights Group documented 4 new criminal cases against the Crimean residents under RF CC Article 328 (refusing the service in the RF Armed Forces). In total, as of end of May 105 criminal cases under this article were documented, including 9 cases being considered in the 'courts', and 96 with verdicts awarded.

#### ***Liability for violating the restrictions***

According to the results of monitoring the Crimean 'courts' websites, the CHRG documented that for May 18th – May 29th 1,885 new rulings under RF CoAO Articles 20.6.1, 16 under RF CoAO Article 6.3, and 1 under RF CoAO Article 20.6 on imposing administrative punishments for violating the 'quarantine rules' were issued. Only in 27 cases the proceedings on these cases were dismissed.

Totally, since early April 6,398 such verdicts have been issued in Crimea, with 792 administrative cases under the mentioned articles waiting for considering by court.



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



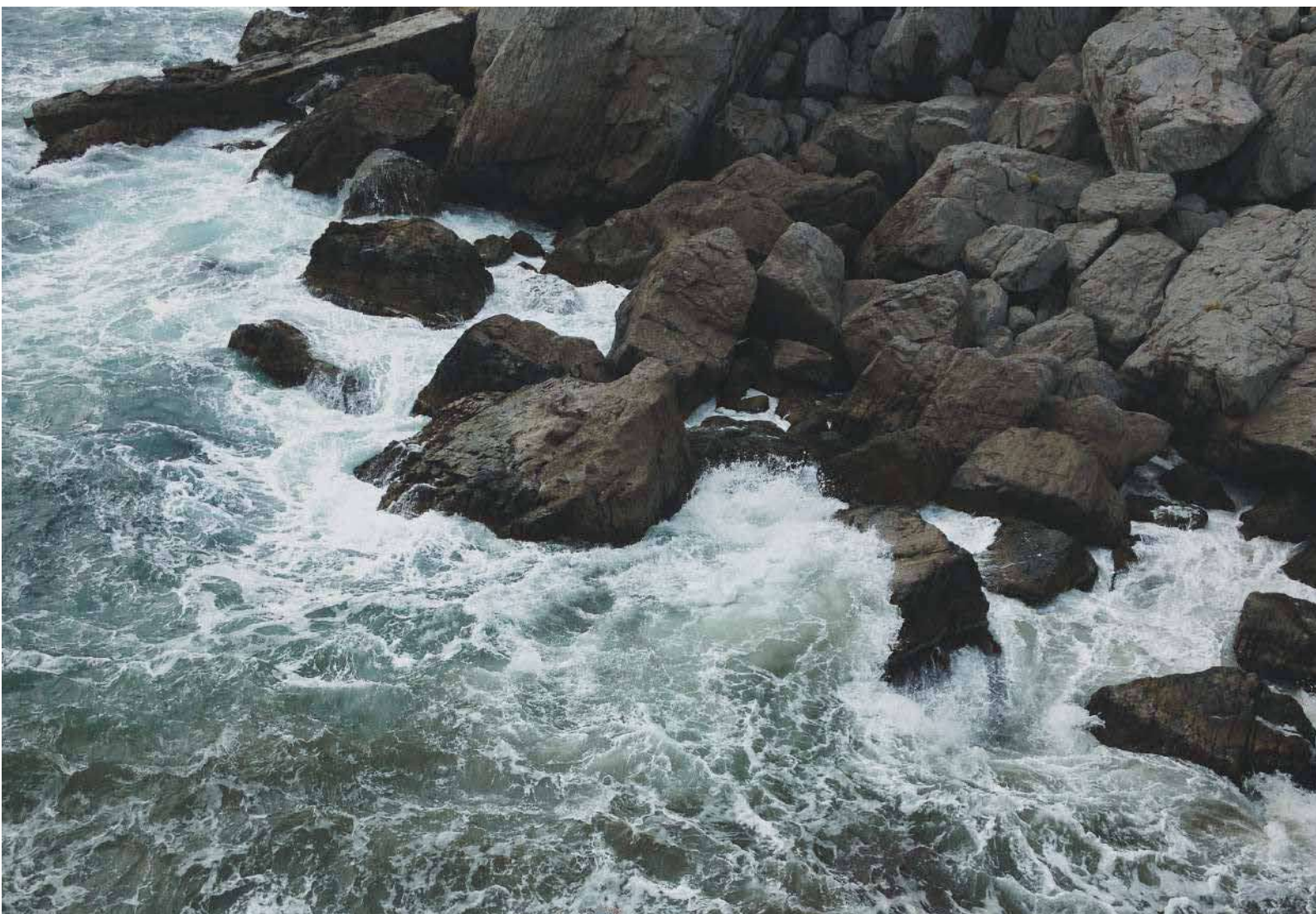
**546** cases of **COVID-19** infection were recorded in Crimea <sup>22</sup>

(385 in the “Republic of Crimea” and 161 in Sevastopol). Information about the first officially recognized case of the infection in Crimea appeared on March 21.<sup>23</sup>

The medical staff in different Crimea cities inform that they have not received or have not received in full extra rates to the wages approved by the authorities de facto. The monitoring has showed that there is no single methodology to calculate such rates on awarding.

The same complaints are made by the staff of ‘observation places’ based in the health treatment centers where COVID-19 cases have been detected<sup>24</sup>.

People coming to Crimea and having no residence place are sent for a mandatory observation to the dedicated institutions that are usually based in the health treatment centers, boarding houses and recreational centers. The people report that they have often to pay for staying in such observation institutions at prices that are far higher than the quality of meals and accommodation conditions.





## 5. CONCLUSIONS AND RECOMMENDATIONS

The monitoring findings provide grounds to consider that with a stage-by-stage quarantine lifting the official data on the number of COVID-19 infection cases as well as COVID-19 caused deaths are purposefully underestimated in order to proceed with lifting the restrictions.

Despite the recommendations of international organizations on preventing the outbreak of COVID-19 in the places of unfreedom, the prisoners in the Simferopol Detention Center are not supplied with personal protection equipment, and are not COVID-19 tested.

The RF keeps on drafting Ukrainian nationals to the RF armed forces in Crimea, applying criminal punishments for rejecting the military service as enforcement tool.

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 and implement in the shortest time a procedure on making a decision to allow Ukrainian nationals to pass the Ukrainian checkpoints on humanitarian grounds in emergency cases at night and at weekend/ on holidays;
- \* make changes to the CMU Resolution No. 291 of March 14, 2020 with the aim of simplifying the procedure for passing the Ukrainian checkpoints;
- \* 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-19 infection.
- \* 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.