Human rights in Eastern Ukraine during the coronavirus pandemic

Results of monitoring along the Line of Contact January 24-30

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Introduction: Trip Context

From January 24 to 30, 2021, the VostokSOS Charitable Foundation conducted another field mission to monitor the human rights situation in the conflict zone along the Line of Contact (LoC), which divides Ukrainian government-controlled areas from occupied territories in the Donetsk and Luhansk Regions.

The LoC divides territories controlled by the Ukrainian government and those not controlled by the Ukrainian government. The unrestricted movement of civilians across the LoC contributes to a better humanitarian situation, ensures contact between people, and enables access to public services and benefits for citizens living in the non-government-controlled areas (NGCA) of Donetsk and Luhansk Regions. The unrestricted movement is especially important for the elderly residents of NGCA, as they made up about two-thirds of the 1.16 million people who crossed the line every month in 2019. People mostly travel from NGCA to government-controlled areas to receive pensions and other social benefits, withdraw cash, visit relatives, obtain documents, and purchase medicine, food, and other items that are difficult to find in the NGCA. The only way to legally cross from NGCA to the government-controlled area is through the entry-exit checkpoints (EECPs), located along the LoC. However, with the onset of the Covid-19 pandemic, both sides drastically complicated the functioning of EECPs. Poor communication and subpar conditions have created further challenges for those crossing the LoC.

During the mission, the monitoring group visited settlements within Ukrainian-government-controlled Luhansk – Staryi Aidar, Lopaskyne, Trokhizbenka, Popasna, and Troitske – and in Donetsk – Zaitseve, Avdiivka, Opytne, Pisky, Hranitne, and Lebedynske. The observers also visited checkpoints in Stanytsia Luhanska, Novotroitske, and Hnutove.

As with previous monitoring missions, the monitors were primarily interested in human rights violations perpetrated by employees from all involved security agencies, including law enforcement and the Armed Forces of Ukraine. The mission also aimed to observe administrative restrictions meant to prevent the spread of coronavirus since the unimpeded movement of people across the LoC and in settlements along it is crucial in preserving humanitarian rights.

The monitoring trip began immediately after the end of the three-week winter lockdown in Ukraine, the second the country has experienced since the spring – early summer lockdown in 2020. As the lockdown restrictions eased, movement across EECPs increased, especially in Luhansk Region. In January, more than 27,000 people\(^2\) crossed the LoC overall, compared to less than 40 people who crossed during a nationwide lockdown in April 2020.\(^3\) For more on the differences between crossing the LoC in the Donetsk and Luhansk Regions, see below.

During the last days of the monitoring mission, hostilities intensified after a long period of relatively strict compliance with the ceasefire. For security reasons, the Joint Forces Operation (JFO) reserved the option to change the monitoring mission route or to escort the monitoring mission to a settlement, but the monitors did not encounter any obstacles to visiting settlements. The weather conditions, such as the spring thaw and the consequent poor road conditions, had a greater impact on changes to trip routes than did the circumstances caused by the conflict.

The focus of this monitoring mission was to observe: (1) LoC crossings at EECPs by citizens, and (2) “closed settlements” adjacent to the LoC in which access had been restricted by the Armed Forces of Ukraine, ostensibly for security reasons. Before the mission, VostokSOS staff received messages from various regions about reports that the military had banned all outsiders, including members of humanitarian organizations, from entering the settlements. Other reports alleged that the bans even restricted locals from passing through certain settlements. The military explained that these restrictions were imposed to conduct a census and identify inhabitants in each village. One of the main tasks of the field mission was to verify this explanation, and the route largely followed the path of the closed settlements.

### Recommendations

Given the well-recognized need for many people to cross the EECPs or move within their community, especially the elderly who live in the NGCA of Donetsk and Luhansk Regions and visit government-controlled areas to receive pensions and other personal needs, Freedom House and VostokSOS Charitable Foundation propose the following recommendations:

**GOVERNMENT, STATE ENTERPRISE “REINTEGRATION AND RESTORATION”, AND JOINT FORCES OPERATION COMMAND SHOULD:**

1. In Staryi Aidar, respond to complaints about wild and aggressive dogs, and make sure that residents feel safe.
2. At the Stanytsia Luhanska EECP, ensure fair and equal access to COVID-19 tests.
3. Protect residents from fraudulent “volunteers” seeking monetary gain by installing the Vdoma mobile application.
4. At Novotroitske and Schastia EECPs, ensure that female Ukrainian border guard officers are responsible for inspecting the personal belongings of women who cross the LoC.

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THE STRUCTURE OF RESPONSIBILITY FOR THE IMPROVEMENT OF EECPS:

| Ukraine’s Ministry for the Reintegration of the Temporarily Occupied Territories | State Company Reintegration and Reconstruction (jointly with Donetsk and Luhansk Regional Civil-Military Administrations and the Kherson Regional State Administration) | EECP (representatives of the State Border Guard Service, the State Emergency Service, the State Fiscal Service, the State Security Services, and the National Police) |

EECP

Russian-backed de facto authorities of NGCAs have implemented greater restrictions on crossing the LoC than the authorities in Kyiv, and these restrictions often take different forms. As the checkpoints on the LoC function as de facto border control points, the Ukrainian government has maintained normal border crossing rules at EECPs, but has not introduced any additional measures to restrict movement in response to the COVID-19 pandemic. The Ukrainian government was also planning to open several additional EECPs in Schastia and Zolote, in which there is high local demand for EECPs, to uphold its commitment to the Minsk Protocol. However, NGCA authorities have not only blocked the opening of the new checkpoints, but also severely restricted the movement of people through existing EECPs. For comparison, eleven times fewer people crossed the Stanytsia Luhanska checkpoint this year compared to last year – 27,000 people crossed in January 2021, compared to 294,000 people in January 2020.

NGCA policies of NGCA de facto authorities on crossing the LoC vary based on region. Authorities of the so-called “Luhansk People’s Republic” allow almost everyone with a local registration permit to enter the occupied territory through the Stanytsia Luhanska checkpoint, including internally displaced people who are permanently registered in NGCAs in Luhansk Region. Concurrently, the Novotroitske EECP in Donetsk Region is the only checkpoint in the region where residents can cross the LoC, and residents must obtain a permit from the so-called “Donetsk People’s Republic” in advance. The permit application requires a “valid reason”, and the process can take anywhere from two weeks to several months. As a result, the number of
people crossing the LoC in Donetsk Region is now about ten times less than that in the Luhansk region: up to 200 people per day cross in Donetsk, compared to about 2,000 people per day in Luhansk.

The occupying administration has defended last year’s near-complete closure of the LoC by alleging an uncontrolled increase of COVID-19 infections in Ukrainian government-controlled territory, and asserted that there were low infection rates in the NGCAs. Their data, however, is not credible: the “Luhansk People’s Republic” would not publish COVID-19 data for weeks at a time, and in the summer of 2020, regional medical institutions had virtually no tests. NGCA authorities published mortality data that indirectly disproves the infection rate data, as it shows that more than 8% of deaths resulted from complications caused by COVID-19. The discrepancy between low reported cases and high mortality may be due to: (1) a low reporting level among those who contracted a mild form of COVID-19, and (2) underestimation and registration of COVID-19 under different diseases, evidenced by a rise in deaths reportedly due to “pneumonia,” for example, during a viral test shortage in NGCA Luhansk Region. Thus, the NGCA authorities likely justified LoC restrictions under the pretext of public health concerns and aimed to further weaken their population’s ties with the Ukrainian government-controlled territories.

Published data also shows that the NGCA of Donetsk registered almost ten times more COVID-19 cases than that in NGCA of Luhansk. Since last year, the border between the so-called “Donetsk People’s Republic” and the so-called “Luhansk People’s Republic” has been closed, and the movement of people between the two occupied areas has virtually ceased. Individuals can travel between occupied areas through Russia, but the monitoring mission recorded that few people have used this route. The different rates are not fully attributable to differences in population size and test availability, as the mortality rate published by NGCA authorities hardly differs. A more likely factor may be that the population of the occupied areas of Donetsk Region has had more possibilities to travel to and from Russia, as the de facto authorities of the so-called “Donetsk People’s Republic” have almost completely blocked the possibility of crossing the LoC into Ukrainian-government-controlled territory through the EECP. The “Luhansk’s People’s Republic” has a much more intense travel connection with the territories controlled by the Ukrainian government.

In other words, contrary to the claims made by the propaganda of the occupying authorities, the uncontrolled spread of coronavirus infection in NGCA is more likely to come from Russia, and not from Ukrainian-government-controlled territory. However, the population of the occupied territories does not have enough information about the actual situation or even the situation in its neighboring areas of
Donetsk and Luhansk Regions and they do not trust official information from the Ukrainian government, which makes them susceptible to narratives in NGCA propaganda. The Ukrainian government and civil society should prioritize building trust and informing NGCA populations to dispel divisive myths.

The current primary reasons provided for crossing at an EECP include visiting relatives, receiving social benefits, withdrawing cash, and purchasing medicine and food. At the end of the lockdown, NGCA residents in Luhansk began traveling to Ukrainian government-controlled territory in search of work. A small number of Ukrainian citizens have traveled to occupied territories for treatment of cancer and other diseases at specialized medical institutions, which existed before the conflict.

Consistent with other border checkpoints in Ukraine during the pandemic, people crossing the LoC at the EECPs have been required to install the Vdoma mobile application, and to either take a COVID-19 test or self-isolate for two weeks. Most people prefer to take a test, but testing situations vary across EECPs.

At the Stanytsia Luhanska checkpoint, two different commercial laboratories manage PCR testing across four pavilions after passport control. Although the cost of tests at the Stanytsia Luhanska checkpoint is about ten euros higher than in Kyiv or Severodonetsk, there are still irregularities: according to unofficial information obtained during the mission’s field research, almost 100% of the tests performed at the EECP came back negative. Due to the small sample size, however, the mission cannot conclude that the testing data is inaccurate.

EECP laboratories at the EECPs have hired unofficial “agents” who receive commissions for advertising PCR tests to people crossing the LoC. According to unofficial information, these agents receive a monetary reward of UAH 100 (about EUR 3) for each client who passes through their lab’s pavilion. There is an unfair competition based on the location of the pavilion: a significant number of customers are automatically redirected to the first pavilion visible after passport control, next to a canopy under which police restrict advertising agents while officials check documents.

Previously, monitors from VostokSOS received reports that Ukrainian law enforcement officials at the Stanytsia Luhanska checkpoint abused their positions and took advantage of people who needed to install the Vdoma mobile application. While checking whether people had installed the application on their phones, police officers allegedly deleted the application, and directed people to the so-called “volunteers” who helped to reinstall it, and charged UAH 100 for the service. During the field mission, monitors did not witness this fraud, so the allegations cannot be confirmed. It should be noted, however, that Ukrainian border service officials forced the monitoring group to wait for 40 minutes before entering and observing the EECP.

In contrast, the Novotroitske checkpoint offered free rapid viral testing at a medical point which is a part of the exemplary “logistics hub.” The Vostok-SOS staff had previously received reports that the checkpoint did not have enough tests to meet demand, but the observers could not confirm these reports. The medical station did, however, report that the state provided fewer tests than originally promised.

Similar to Stanytsia Luhanska, almost 100% of the COVID-19 tests at Novotroitske came back negative. However, due to the lower accuracy rates of rapid tests and lower traffic over the LoC in Donetsk, these figures do not raise as many concerns as those in the Luhansk region.

The only complaint recorded during the monitoring mission from people crossing through the Novotroitske checkpoint concerned body searches on women conducted by male customs officers. However, according to Article 264 of the Code of Administrative Offenses, “a personal examination may be conducted by an authorized person of the same sex as the person being examined.”

The monitoring mission was impressed by the Novotroitske checkpoint logistics hub, which includes a center for administrative services (CNAP), a bank branch, a Nova Poshta which provides postal services, a police station, and a store. The CNAP reported that citizens crossing the LoC do not use their services, which may be attributed to the timing – the observers visited in the first few days after the lockdown ended, and fewer residents of occupied territories crossed the LoC. It may also be due to a lack of public knowledge of the wide-ranging CNAP services, including providing consultation and issuing all types of official documents. The monitors suggest that it is necessary to inform people who cross the LoC about CNAP services through information leaflets and announcements at the EECP.
Only minor criticisms can be levied at the work of the logistics hub at EECP. One of them is the access to the police branch at the premises. The police branch is located on the second floor of the logistics hub. The stairs leading to it are quite steep and are difficult to climb not only for people with disabilities, but also for the elderly, who make up a significant part of those crossing the EECP.

In addition, the process for purchasing a mobile phone compatible with the Vdoma phone application is susceptible to abuse. Border guards must escort those who need to purchase a compatible smartphone on a store on-site at the EECP logistics hub, and the user activates the phone and installs the application when they reach the passport control area. The on-site store that sells smartphones at the EECP accepts only cash. Employees explained that they can only accept cash because the store lacks a formal address, yet the Nova Poshta branch accepts credit cards and has a formal address. People did not, however, submit complaints about the store – to the contrary, remarked that the store is “convenient.”

Authorities at the EECPs continued to enforce a fourteen-day mandatory isolation at the village Hostre, for those who were unable to install the Vdoma mobile application or take a COVID-19 test, even though Ukraine’s Cabinet of Ministers abolished this practice last summer. People at the checkpoint reported that the conditions in the isolation center are satisfactory. The state provides free accommodations. People staying in the isolation center are supposed to pay for the food themselves, but it is now provided by humanitarian organizations.

It is almost impossible to cross the LoC by bypassing an EECP, but in settlements separated by the LoC, there are some exceptions. The mission visited Hranitne, for example, where they found that a teacher and children who live in the occupied part of the village must cross the LoC to attend a school in the Ukrainian government-controlled section. The Ukrainian army has prepared specific procedures for their commutes, and parents accompany the school children across the LoC. The monitoring mission previously recorded a similar situation in other settlements. Otherwise, the LoC is almost impenetrable in most circumstances, and it is dangerous for even nearby residents to attempt crossing it without authorization.

As a result, many residents in the NGCA visit neighboring Ukrainian government-controlled settlements by entering Russia and traveling back through the Milove interstate checkpoint at the Russian-Ukrainian border. This route was especially popular during the spring and summer 2020 lockdown and in the subsequent months when NGCA authorities closed the EECP. Now, it is less difficult to travel from certain districts of Luhansk Region to the Ukrainian-government-controlled territory using the EECP. Travelers from occupied Donetsk, however, tend to favor the route through Russia over crossing the LoC through the EECP in Donetsk.
People with disabilities cannot access the police branch in the logistics center

Crossing into Russia from NGCA in the Donetsk and Luhansk Regions violates the procedure for crossing the Ukrainian state border, and violators are usually subject to a fine of UAH 1,700 (EUR 50). Regardless, sources within the border service have reported to VostokSOS that an average of 1,100 to 1,200 people cross through the Milove checkpoint each day. Several NGOs have floated the idea of abolishing or mitigating this law for Ukrainian citizens living in occupied territory for at least the duration of the COVID-19-related restrictions, but Ukrainian authorities have not seriously considered this idea yet.

The Ukrainian government should be interested in not creating a situation where its own citizens are forced to violate this law for multiple reasons. NGCA authorities may have blocked new EECPs from opening due to economic motives. NGCA administrations, affiliated groups, and their Russian partners largely control the market for passenger transport to Russia, which is one of the few profitable industries in NGCAs. Free movement across the LoC would decrease the NGCA market share in the passenger transport industry, which raises suspicion that NGCA might have blocked new EECPs from opening to protect economic interests. Otherwise, occupying forces may have been politically motivated to restrict movement and subsequently weaken or sever ties between NGCAs and Ukrainian government-controlled areas.

Closed Settlements

The second goal of the monitoring mission was to verify reports that Ukrainian law enforcement agencies had restricted access to some settlements in the Luhansk and Donetsk regions adjacent to the LoC.

The monitoring mission was largely unobstructed during their visits to these settlements. The Ukrainian army intervened only once because, during a visit to Pisky village, hostilities initiated by the armed groups from the occupied territories had intensified. The Pisky visit was the only one in which Ukrainian army representatives accompanied a monitoring mission. However, they did not obstruct the mission or prevent observers from communicating with the local population.

The information gathered during the mission indicates that localities did enact restrictions, but only during the strict coronavirus response measures in 2020 that restricted movement throughout the Donetsk and Luhansk Regions. The most recent reports about obstructed entry to a settlement were from Lopaskyne, Luhansk Region. Residents of Staryi Aidar also complained that the Ukrainian army does not allow taxis into the village beyond the checkpoint, which has inconvenienced locals, especially in going to the market to sell produce from their farms.
Most complaints filed against law enforcement officials concerned past incidents. Until 2016 or 2017, there were several incidents in which armed and intoxicated army and volunteer battalions looted, treated residents poorly, provoked violence, and threatened civilians. These issues were systematically documented in almost all settlements. Furthermore, the mission received information about cases in which the Security Services of Ukraine (SSU) had fabricated cases against local residents, subsequently torturing and abusing them. These allegations, however, still require investigation and verification. In any case, number of such reports has decreased in recent years.

Local residents have expressed an unwillingness to file complaints against the military and police, even if there is clear evidence. They have indicated that they perceive the reporting system as unsafe, and fear retribution and abuse by the law enforcement.

The military’s CIMIC Civil-Military Cooperation Office is the only state body that assists residents with transport to the nearest town, and the military medics are the only source of state-issued, on-demand medical care for civilians in some settlements, like in Opytne. Despite the fact that the armed conflict has been going on for seven years, the relationship between civilians and the military in areas along the LoC remains strained, and the military tends to avoid communication with the local civilians. Regardless, over these seven years, the military has been forced to have regular contact with the local population.

The status of these relations is largely determined by specific commanders, and it differs between different military units.

The local residents have come to accept some abuses of power perpetrated by law enforcement as normal, and do not realize they are worth reporting or doubt that circumstances can change. For example, in Lopaskyne, police regularly confiscate residents’ mobile phones to check IMEI verification (a unique 15-digit number assigned to each mobile device). These confiscations are illegal, but residents are accustomed to these searches and do not protest due to fear of retribution.

The mission also recorded that Ukrainian military often resides in houses in local settlements. In most cases, the houses are abandoned, but the owners sometimes return. Furthermore, in settlements including Vodiane, Shyrokie, Novoaleksandriivka, and Troitske, military officials permanently live in local residents’ homes and sometimes take up entire streets. This is a systematic violation of residents’ rights that residents have not attempted to remediate.

Establishing checkpoints and military positions in the immediate vicinity of residents’ houses (in the village of Trokhizbenka, for example) constitutes a violation of international humanitarian law and puts civilians in danger.
Another undesirable consequence of military checkpoints and positions being within or near settlements is the increased number of stray dogs. The military feeds them, they reproduce at high rates, and enter settlements in small packs. These dogs can sometimes behave aggressively and attack local residents, including children – residents in Staryi Aidar reported several of these instances. In other villages, observers saw packs of aggressive dogs gathering near military positions around the settlements. The military has ignored complaints by the residents of Staryi Aidar on this issue.

**Conclusions**

The monitors’ observations during the mission are not always enough to make categorical statements. It is necessary to further investigate the situation for COVID-19 tests at the EECPs – their cost, to what degree are they reliable, the preferences for a particular laboratory at EECP Stanytsia Luhanska by the police and possibly by the border service, the difference in approaches to testing as well as isolation in the Ukrainian-government-controlled areas of Donetsk and Luhansk Regions. How mobile phones are checked and how the *Vdoma* mobile application is installed also requires careful regulation.

It is worth emphasizing the need for residents living in NGCA to receive access to much more comprehensive information about the spread of coronavirus in Ukrainian government-controlled areas. NGCA de facto authorities regularly misinform residents and limit their connection with Ukrainian government-controlled territories.

During the monitoring mission, the monitors checked allegations about restrictions and bans on entering some settlements located along the LoC. Monitors found that most of these reports either occurred years ago or were related to COVID-19 restrictions. Although the closures were not entirely justifiable, the mission established that all the settlements from which it received similar reports are now accessible.

Out of the list of problems recorded in these settlements by the monitors, it seems that the situation with feral dogs in the village of Staryi Aidar needs to be immediately resolved as it threatens the safety, life, and health of the local residents.
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PHONES, COVID-19 TESTS, AND FERAL DOGS: A REPORT FROM THE MONITORING MISSION

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