Human rights in Eastern Ukraine during the coronavirus pandemic

TWO CRISES

Results of monitoring along the Line of Contact March **22-26**

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Introduction

Since the start of 2021, the human rights situation in eastern Ukraine has significantly deteriorated, as evidenced in reports by the OSCE Special Monitoring Mission to Ukraine (SMM), the Ukrainian side of the Joint Ceasefire Monitoring and Coordination Center (SCCC) and in daily reports by the Ukrainian army's Joint Forces Operation. The statistics on ceasefire violations and military and civilian casualties also show that the situation has worsened. For comparison, the SMM recorded 921 ceasefire violations between November 30 and December 13, 2020, and 3,922 violations between March 22 and April 4, 2021. A total of 24 Ukrainian servicemen have died in eastern Ukraine since the beginning of 2021.

Ceasefire violations have been recorded almost daily in four villages: Zolote-4 in the Luhansk region, and Pivdenne, Shumy and Vodiane in the Donetsk region. The intensified conflict has increased risks for local residents who cross the Line of Contact (LoC) between the Ukrainian government-controlled areas and the temporarily-occupied areas of the Donetsk and Luhansk regions. Residents cross the LoC to receive their pensions and other social benefits, visit relatives, withdraw cash, search for work, and buy medicine, food, and other goods unavailable in the occupied territories. Military clashes have significantly aggravated the situation in settlements along the LoC. Additionally, the ***de facto*** separatist authorities continue to arbitrarily block some entry-exit checkpoints (EECPs) from and to the Ukrainian-government-controlled areas and deny people permission to cross the LoC.

The second wave of the COVID-19 pandemic began in Ukraine in 2021, and has significantly complicated the process of crossing the LoC. Authorities have not clearly and quickly informed residents on pandemic-related restrictions on freedom of movement and how to navigate the difficulties of crossing through EECPs, so the public has had to seek advice from NGOs. In addition, some checkpoints lacked free COVID-19 tests, so residents must either pay for expensive tests from private laboratories or undergo a mandatory two-week isolation. All of these problems have further worsened the humanitarian situation and exacerbated existing risks for many people in a war-affected area.

Ensuring the effective and safe functioning of the EECPs requires a coordinated effort by the national and local authorities, as well as civil society.

Conclusions of Monitoring Mission: March 22-26, 2021

From March 22 to 26, monitoring missions from the VostokSOS Charitable Foundation visited the following settlements along the LoC in the Ukrainian government-controlled part of Donetsk and Luhansk regions: Novotoshkivske, Orikhove, Zolote-4, Novozvanivka, Novoluhanske, Pivdenne, Avdiivka, Opytne, and Hnutove. The mission also inspected checkpoints in Shchastia, Novotroitske, and Stanytsia Luhanska.

MAIN CONCLUSIONS:

- The ***de facto*** authorities of the so-called Luhansk People's Republic (LPR) and Donetsk People's Republic (DPR) continue to arbitrarily exclude people from their lists of persons allowed entry to the temporarily-occupied territories. As a result, residents were unable to leave the Ukrainian-government-controlled side of the LoC.
- Some checkpoints did not have free COVID-19 rapid tests, which were required in order to cross the LoC into Ukrainian government-controlled territory. At EECPs that offered rapid testing, there were not enough for all of those wishing to enter Ukrainian government-controlled territory, which forced people to use expensive private testing facilities.
- Some residents crossing at the checkpoints were unaware that they could get free tests, and the logistics of free testing stations remained unorganized. In addition, the poorly-organized testing process could encourage corruption practices.

Recommendations

Given the well-recognized need for many to cross through EECPs and move within communities – and especially for the elderly who live in separatist-held territories and visit government-controlled areas to receive pensions and other personal needs – Freedom House and the VostokSOS Charitable Foundation have put forward the following recommendations:

THE UKRAINIAN GOVERNMENT, THE REINTEGRATION AND RESTORATION UKRAINIAN STATE ENTERPRISE, AND THE LOCAL AUTHORITIES IN THE UKRAINIAN GOVERNMENT-CONTROLLED AREAS MUST:

1. Equip the free COVID-19 testing facilities at all checkpoints with a sufficient number of free tests for all those wishing to cross the demarcation line.
2. Ensure that local and state authorities responsible for checkpoint operations coordinate efforts to inform the public about free testing facilities.
3. Ensure that information on free COVID-19 testing is accessible and visible at the checkpoints.
4. Coordinate efforts to organize the registration process at COVID-19 testing sites in order to increase efficiency and eliminate corruption risks.

STRUCTURE OF RESPONSIBILITY FOR IMPROVING CHECKPOINTS (EECPS):

Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine	State Enterprise Reintegration and Reconstruction (together with Donetsk and Luhansk Regional Civil-Military Administrations and Kherson Regional State Administration)	Checkpoints, EECP – staffed by representatives of the State Border Guard Service of Ukraine (SBGS), the State Emergency Service (SES), the National Police, the State Fiscal Service (SFS) and the State Security Service (SBU)

Additional observations

During the monitoring missions' visits to local communities, EECPs, and based on conversations with local residents and government officials, the monitors made the following additional observations:

EECP Schastia – Visited on March 26

On November 10, 2020, the commander of the Ukrainian army's Joint Forces Operation issued an order to resume the movement of persons and vehicles across the LoC through the five existing checkpoints in Hnutove, Novotroitske, Marinka, Mayorske and Stanytsia Luhanska, as well as through two new checkpoints at Shchastia and Zolote in the Luhansk region. The Tripartite Contact Group agreed to open the last two checkpoints at a meeting in late October 2020. ***De facto*** authorities in occupied Luhansk, however, deny residents from crossing the LoC. As a result, the new checkpoints have not yet been fully opened.

Currently, the Stanytsia Luhanska EECP is the only operating checkpoint in the Luhansk region, and can only be crossed on foot. Prior to the COVID-19 pandemic, more than 10,000 people passed through the checkpoint every day. The new checkpoints in Shchastia and Zolote should reduce the flow of people crossing through the Stanytsia Luhanska EECP and provide an option for vehicles to cross the LoC. Officials planned for 10,000 to 15,000 people and 5,000 vehicles to pass through the checkpoint per day.

Currently, only international humanitarian aid vehicles can cross through the Shchastia EECP. The so-called LPR authorities have prohibited other vehicles from using the checkpoint.

Shchastia checkpoint

CNAP cabin at Shchastia checkpoint

At the Shchastia checkpoint, there is an Oschadbank branch, two non-state owned cabins for COVID-19 testing, a medical center, a police station, restrooms, shops, a mother's room, a heating station, a tent for people to rest, a state center for administrative services (CNAP), and a post office.

The CNAP provides registration services for the following: property rights and taxes; registering legal entities and individual entrepreneurs; registering people's residence address; providing pensions; social services (e.g., for parents of a newborn child); passport services; and services for drivers.

EECP Stanytsia Luhanska – Visited on March 19

On March 19, in accordance with a government decree, a free rapid COVID-19 testing facility opened at the Stanytsia Luhanska EECP for people crossing the LoC. The test site is located near the checkpoint in a cabin formerly used by the SES, but the authorities have not publicized information about the facility. People queued at the testing facility said they learned about it through their networks or online. The authorities operating the checkpoint do not provide additional information about the facility to people crossing the EECP.

Queue near cabin for free testing at the Stanytsia Luhanska checkpoint

The COVID-19 rapid test takes fifteen to 30 minutes. If the result is negative, then there is no need to isolate. A team of medics from the Stanychno-Luhansk Primary Health Care Center work at the testing point and conduct an average of 60-70 free tests per day from 8:00am to 3:00pm. Usually, this testing facility is able to conduct an average of 60-70 tests per day. More than 1,100 people cross the checkpoint every day, so most have to pay for COVID-19 testing. Private organizations charge about 1,100 hryvnias (USD 40).

Yevhen Vasyliev, the VostokSOS coordinating monitor and mission member, commented on the free testing option:

> *The queue for free rapid testing is not organized in any way. People have to wait for hours on the street to take the test. There are also constant conflicts over entry lists. During our time there, there were three quarrels near the checkpoint. One day, because of a fight, people even called the police. In addition, insufficient organization of the testing process can encourage corrupt practices.*

The abysmal organization of the free testing process has led to corrupt practices, some of which the mission observed first-hand. Near the free testing facility, a group of unknown people was creating a sign-up list for rapid testing under false pretenses. The group told people to register ahead of the rapid test, and subsequently collected personal details and contact information.

During the monitoring mission's visit, 170 people had queued at the free rapid testing facility, even though it processes only 60-70 tests per day.

Novotroitske EECP – Visited on March 26

The only COVID-19 testing point operating at the Novotroitske EECP is a free state testing facility. It has been operating since January 15, 2021, and is located in a cabin near the checkpoint area, labeled with a sign that reads "medical center."

Volunteers from NGO Right to Protection inform people about the option to take a free rapid COVID-19 test when crossing the LoC. There lacks information about this option, however, on the testing cabin itself and at the checkpoint's buildings and stands.

The rapid COVID-19 test takes fifteen to 30 minutes to produce a result. If the result is negative, the individual does not need to isolate, and this is logged in the ***Vdoma*** mobile application.

People crossing from separatist-held territories at the Novotroitske EECP

A team of doctors from a hospital from the village of Novotroitske performs these tests from 8:00am to 4:00pm. They manage to conduct over 100 tests a day, compared to 60-70 at the Stanytsia Luhanska EECP. The maximum the team has processed is 115 tests in one day, but doctors claimed they could process more.

Logistically, individuals must enter the testing cabin one at a time, and those queued must wait on the street. During the VostokSOS monitoring mission, the line did not exceed three people, and the testing process itself took a few minutes. Lines were short because of the LoC crossing restrictions imposed by the ***de facto*** DPR authorities: the Novotroitske EECP is only open on Mondays and Fridays, and on these days, only about 200 people are usually able to cross it. On the rest of the days, the ***de facto*** authorities of the so-called DPR block the checkpoint.

The monitoring mission documented a case that occurred between the Novotroitske checkpoint and the Olenivka checkpoint (the latter checkpoint is located in non-Ukrainian-government-controlled territory). The situation demonstrates how the so-called "DPR" authorities, at their own discretion, restrict the passage of specific individuals through the checkpoint, endangering the local population as a result.

The monitors spoke with a man who was unsuccessful in his attempts to cross the Novotroitske checkpoint. He had been working in Italy for more than six months, and he returned to see his family in occupied Luhansk via Ukraine. The man decided to cross through Novotroitske – the only checkpoint through which ***de facto*** authorities of the so called LPR allow cars to pass – to transit through occupied Donetsk into occupied Luhansk. But the ***de facto*** authorities prevented him from passing through the checkpoint, and they excluded him from their lists of people allowed to cross the LoC.

The man had to spend the night in his car, and gave representatives of the VostokSOS monitoring mission the following statement:

> *I have already gone to see [the de facto authorities of the so-called LPR] twice at their checkpoint. They refused [to let me pass]. Then I was stuck in the middle in the grey zone. I spent the night there in my car, and in the morning, they started shooting at me, and I left. Something fell near the car creating a loud thud. I returned to the [Ukrainian government] controlled side, and asked our guys if I could wait there. I called the other side – they said that they will not let me pass in the coming days. I have been living like this for a week now; I am starting to eat the sweets I was bringing as a gift for the children.*

Such stories are not uncommon, says Yevhen Vasiliev, the coordinating monitor of the Charitable Foundation VostokSOS:

> *The self-proclaimed government of the so-called republics is constantly creating new obstacles for Ukrainian citizens to cross the checkpoints. We advise people who plan to cross the demarcation line to make sure that they are on the "lists" of so-called republics in advance, because if they are refused entry and have to return to Ukrainian government-controlled territory, they will still have to take a COVID-19 test or self-isolate.*

In addition to limiting Novotroitske checkpoint's operations to only two days a week, the occupying de-facto authorities also have barred some from crossing the LoC. Last week, for example, Environmental Protection Agency data on the Novotroitske EECP shows that 242 people and 29 vehicles crossed into occupied territory, and 233 people and 46 vehicles crossed into Ukrainian-government-controlled territories. For comparison, 2,500 people have crossed the through the Stanytsia Luhanska EECP every day.

SETTLEMENTS ALONG THE DEMARCATION LINE

On July 27, 2020, the Tripartite Group announced an indefinite ceasefire in eastern Ukraine, which more or less lasted until the end of December 2020. But at the start of 2021, the situation along the LoC deteriorated. Based on conversations with the Ukrainian military and inhabitants of the settlements along the LoC, monitors learned that shelling became more frequent, and that forces began using heavy weaponry prohibited by the Minsk Protocol more often. Forces would only fire after dark at the beginning of the ceasefire, but shootouts now occur during the day as well.

Orikhove and Zolote-4 – Visited on March 23

According to Zolote-4 locals, the village underwent a shelling from 12:00pm to 2:00pm on March 12. They noted that it had been one of the most intense barrages in recent months. The village also underwent a shelling on March 8, which residents of the neighboring village Orikhove mentioned.

As a result of the March 12 shelling, a shell fragment hit a residential building, which broke a window and damaged a TV; the resident was fortunately not injured.

A resident of Zolote-4 shows the aftermath of the shelling on March 12, 2021

In the evening on March 25, occupying forces launched a shelling on the settlements of Orikhove, Horske, and Zolote-4 in the Luhansk region. However, the morning briefing of the Ukrainian army's Joint Forces Operation did not cover this incident.

Residents of these settlements confirmed the March 25 shelling during a conversation with representatives of the VostokSOS. According to locals, shelling happened twice – from 8:20pm to 9:00pm and from 10:20pm to 10:30pm – and came from the occupied area of Holubivka (Kirovsk).

Novotoshkivske and Novoluhanske – Visited on March 24

According to local residents, occupying forces shelled the outskirts of Novotoshkivske (Luhansk region) on March 4 and 17 with heavy weaponry. On March 17, the shelling lasted 20 minutes from 9:20pm to 9:40pm. Novotoshkivske is on the LoC, two kilometers from the last Ukrainian army checkpoint, and was not affected.

Residents say that since the end of January 2021, shelling has increased and that occupying forces often use heavy weaponry.

House destroyed as a result of shelling in 2015

In Novoluhanske, Donetsk region, residents noted that the situation along the LoC has been deteriorating since the end of December 2020. Armed confrontation between the Ukrainian army and the occupying armed groups – the so-called DPR and LPR, controlled by the Russian Federation – often occur near Novoluhanske. Recently, shelling between the two sides has intensified and become more frequent. On March 5 and 6, locals heard bursts of large-caliber shells near a farm on the outskirts of the village.

Additionally, residents of Novoluhanske heard a powerful explosion on February 14. Three Ukrainian servicemen from the 5th Battalion Tactical Group and the 59th Separate Motorized Infantry Brigade were killed near the village while moving positions as a result of TM-62 mine explosions that day.

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