



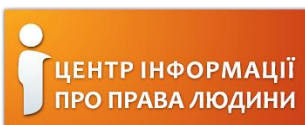
CRIMEA HUMAN RIGHTS GROUP

Monitoring review of the human rights situation in Crimea

October 2015

Crimean Human Rights Group

in collaboration with



Ukrainian
Helsinki
Human
Rights Union



Українська
Гельсінська
спілка
з прав людини

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1. INTRODUCTION

The monitoring review was prepared by the Crimean Human Rights Group and is based on the materials collected in October 2015.

The Crimean Human Rights Group (CHRG) is an initiative of representatives of human rights organizations, which aims to promote the observance and protection of human rights in Crimea through attracting wide attention to issues related to human rights and international humanitarian law in the territory of the Crimean peninsula.

The Crimean Human Rights Group commenced its work in August 2015.

In its activity the CHRG is guided, first of all, by the provisions of fundamental documents on human rights, namely the Universal Declaration of Human Rights, the Helsinki Final Act, the Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights etc.

The aims of the CHRG are as follows:

- 1) collection and analysis of information on the human rights situation in Crimea;
- 2) wide provision of information to authorities, international organizations, intergovernmental bodies, non-governmental organizations, the media and other target groups by publishing and disseminating the analytical and informational materials on the human rights situation in Crimea;
- 3) promotion of the protection of human rights and respect for international law in Crimea;
- 4) development of recommendations for the authorities and international organizations in the field of human rights;
- 5) ensuring the presence of the topic "human rights in Crimea" in the information space.

In preparation and dissemination of information the CHRG is guided by the principles of objectivity, reliability and timeliness.

2. CIVIL AND POLITICAL RIGHTS

RIGHT TO LIFE

TORTURE AND INHUMAN TREATMENT

In November 2014, in the Simferopol detention center an **inmate** died.

On October 6th, 2015, the investigation department of the Zheleznodorozhny district of Simferopol of the Main Investigation Department of the Investigative Committee of the Russian Federation in Crimea reported that it charged the officer of the Department of the Federal Service for the Execution of Sentences over the commission of an offense under Part 1 of Art. 286 of the Criminal Code of the RF (abuse of power)¹. The investigation believes that the accused officer knew that the person in the cell of the Detention Center-1 (Simferopol) had suffered injuries, which resulted in his death, but concealed the circumstances of these injuries. The officer shall be held in pretrial detention.

“According to investigators, in November 2014, the accused, knowing that the person in the cell of the detention center had suffered injuries, which resulted in his death, concealed the circumstances of these injuries”— the Investigation Department reported to the ‘Crimean truth’².

Earlier, the Crimean Field Mission on Human Rights has repeatedly reported³ that in the detention center in Simferopol the detainees suffer from tortures and bodily blows. Thus, a convicted Maidan activist Alexander Kostenko was systematically tortured at the detention center in Simferopol.

On October 23, a **43 year-old resident of Simferopol** jumped from the fifth floor window of the Department of the Ministry of Internal Affairs of the Simferopol district. The man died at the scene. The police explained the situation as follows. On October 22, the police dispatch center received a report about the theft of the car VAZ-2101. The police officers suspected the man, but did not name the grounds for suspicion. According to the police, they asked the man to come to the police station to give explanations on the fact of a theft. They reported that *“the man was in the fifth floor hallway of the building of DMIA and waited until he was asked to come in by the security officer, who at the time was in his office. The police officer did not observe the actions of the man. At the time, while the man was alone in the hallway, for unknown reasons, he jumped out of the window, which is not equipped with bars”*⁴.

The reasons which prompted the man to jump out of the window remain unclear. Of particular interest is the fact that the incident happened at 04:30 am, which is not the reception hour. The citizens are asked to come for questioning or provision of explanations during the working hours. This incident is under an internal check.

INVESTIGATION OF HIGH-PROFILE MURDER CASES

On October 10, the Main Investigation Department of the Investigative Committee in Crimea reported that in the forest belt of Simferopol district the body of **Bekir Nebiev** was found. He was suspected of

¹ <http://crim.sledcom.ru/news/item/974642/>

² <http://c-pravda.ru/news/2015/10/07/v-simferopole-rabotnik-sizo--skryl-ubijstvo-odnogo-iz-zaklyuchyonnykh>

³ <http://investigator.org.ua/news/150270/>

⁴ <https://82.mvd.ru/news/item/6659206/>

killing a nursing assistant and a paramedic at the ambulance station in Simferopol⁵. He was charged with an offense under subsection "a" of Part 2 of Art. 105 of the Criminal Code of the RF (murder of two or more persons).

The IC of the RF reported that the body was found by the children⁶, and a representative of the MIA of the RF Elena Alekseeva said that the body was found by the "road policeman"⁷. It should be noted that earlier in the area the search measures were taken in relation to the investigation of the attack on the ambulance station, but neither the suspect nor the instrument of crime was found.

Bekir Nebiev's body was identified by relatives. Later on October 26, the Senior Assistant to the Head of the Main Investigation Department of the Investigative Committee of the Russian Federation in Crimea Evgenya Belikova said that a forensic examination of the Bekir Nebiev's body will continue at least until mid-November⁸. She said that based on the results of the examination the final identification of the body will be carried out, and the time and cause of death will be determined.

However, despite the lack of results of the forensic medical examination, the IC of the RF in Crimea announced that one of the basic versions of the investigation is that it was suicide⁹. The relatives of Bekir Nebiev believe that the investigation will be biased and inefficient. This is also evidenced by the fact that in respect of Bekir Nebiev many media use the phrase "Simferopol shooter"¹⁰, despite the fact that his guilt at this point had not been proved and can only be determined by the court.

FORCED DISAPPEARANCES

A criminal case was opened on the disappearance of **Mukhtar Arislanov** for an offence under Part 1 of Art. 105 of the Criminal Code of the RF (murder)¹¹. Mukhtar Arislanov disappeared on August 27, 2015. The witnesses and relatives reported¹² that the disappearance is related to the acts of violence against him committed by persons in uniform, which resembled the law enforcement officers.

The CHRГ found out that in the Kherson region a pre-trial investigation into the murder of **Reshat Ametov**, born in 1975 is carried out for a criminal offense under Part 1 of Art. 115 of the Criminal Code of Ukraine (murder). Reshat Ametov was abducted on March 3, 2014 in Simferopol, and on March 15, his body was found with the signs of torture.

Also, in the Kherson region, a pre-trial investigation into the disappearance of **Eskender Apselyamov** is carried out for a criminal offense under Part 1 of Art. 115 of the Criminal Code of Ukraine (murder). Eskender Apselyamov went missing in Simferopol on October 3, 2014, and to date there is no information about his whereabouts.

⁵ <http://15minut.org/article/posle-strelby-na-stantsii-skoroj-v-simferopole-vozbudili-ugolovnoe-delo-2015-09-26-22-06-31>

⁶ <http://crim.sledcom.ru/news/item/975938/>

⁷ <http://tass.ru/proisshestiya/2335683>

⁸ <http://crimea.ria.ru/society/20151026/1101329136.html>

⁹ <http://crim.sledcom.ru/news/item/975938/>

¹⁰ <http://www.currenttime.tv/content/article/27299139.html> ; <http://ren.tv/novosti/2015-09-28/rasstrelyannyj-simferopolskim-strelkom-feldsher-vyshel-iz-komy> ; <http://www.tvc.ru/news/show/id/78316>

¹¹ http://crim.sledcom.ru/attention/missing_persons/item/963643/

¹² <http://www.pravda.com.ua/rus/news/2015/09/1/7079809/>

DETENTION

On the night of September 4 – 5, at the border with Crimea the Ukrainian military were detained: troopers of the 79th airmobile brigade the 25-year-old **Alexander Yurov**, 20-year-old **Alexander Orlenko** and the 39-year-old **Konstantin Mekshun**. The General Staff of the Armed Forces of Ukraine confirmed the disappearance of the military. The Speaker of the Presidential Administration of Ukraine for the military operation Andrey Lysenko said that the primary lead with regard to the disappearance of the Ukrainian soldiers is related to their unlawful detention and transportation to the territory of Crimea by the Russian military¹³. Later, the FSS of the RF reported that the Ukrainian military were detained on suspicion of illegal crossing of the border with the Russian Federation¹⁴. The Ukrainian military are in the Crimean city Armyansk.

On October 9, according to CHRG's information, during the searches in the Plotinnoye village of Bakhchisarai district **nine people**, all of which are the **Crimean Tatars**, were arrested. The police reported that among the detainees there are the ex-convicts. They were taken to the IC of the RF in Crimea for additional check-up as part of the investigative activities related to the attack on the ambulance station on September 26.

On October 14, the police officers detained¹⁵ **three activists of the Ukrainian cultural center** during the laying of flowers in front of the monument to Bogdan Khmel'nitsky in Simferopol. The detained were taken to the Centre for Combating Extremism. One of the detainees, **Leonid Kuzmin**, said that they provided explanations, and officers of the Center demanded the data from their mobile phones. The activists were released two hours later; the protocol was not drawn up.

ARRESTS

On October 6, the Kiev District Court of Simferopol (judge Kuznetsova O.P.) decided on the detention for up to two months of the Chairman of the Mejlis of the Crimean Tatar people, people's deputy of Ukraine **Refat Chubarov**. The calculation of the period is determined by the court as of his extradition to the Russian Federation or the actual detention in Russia. The basis for such a decision was an appeal to the court of the Investigation Division of the Department of the Federal Security Service for Crimea and Sevastopol (**Annex 1**).

Earlier, Refat Chubarov was accused of committing a crime under Part 2 of Art. 280.1 of the Criminal Code of the RF, namely, public calls for action aimed at violating the territorial integrity of the Russian Federation committed with the use of mass media or electronic and information-telecommunication networks (including the Internet).

The court substantiated a decision on the detention as follows: the crime of which Refat Chubarov is accused is punishable with imprisonment for up to five years; the court finds that Refat Chubarov could

¹³ <http://www.segodnya.ua/regions/krym/ap-ozvuchil-glavnuyu-versiyu-ukrainskih-desantnikov-na-granice-s-krymom-pohitili-rossiyskie-voennye-647410.html>

¹⁴ <http://tass.ru/proisshestiya/2242919>

¹⁵ <http://blacksea.tv/news/nezakonnie-cveti-v-krimy-zaderali-aktivistov>

hide from the investigating authorities, threaten the witnesses, destroy the evidence; Refat Chubarov, in the court's opinion, is included in the federal and international wanted list.

However, the Chairman of the Mejlis is not included in the international wanted list, which is also declared by the lawyer appointed for the case. In the appeal, the lawyer stated that the reference to the fact that Refat Chubarov is in the wanted list is "tentative" (**Annex 2**). Moreover, earlier, on July 5, 2014, Refat Chubarov was denied the entry to the territory of the Russian Federation for 5 years, based on which the Russian authorities do not allow him to enter the territory of Crimea. Refat Chubarov is outside of Crimea and considers such actions a deliberate political persecution.

On July 2, a 36-year-old resident of Sevastopol **Yuri Ilchenko**, who, according to media reports, is accused of calling for the violation of the territorial integrity of the Russian Federation, was detained¹⁶. Currently, he is in the detention center in Simferopol. On September 23, the Simferopol court extended his detention for two months. Yuri's father, Gennady Ilchenko reported that the FSS investigator during the questioning showed him the records in which his son urged the Ukrainian authorities to expand the military might. These and other statements of Yuri Ilchenko are considered by the investigation as calls for the violation of the territorial integrity of the Russian Federation. The father Gennady Ilchenko also reported the procedural violations by the investigating authorities. The lawyer of Yuri Ilchenko, Yuri Berdnikov provided no comments on the case.

SEARCHES

In early October, in the Ak-Mechet and Fountains districts of Simferopol, the searches continued within the investigation into the attack on the ambulance station on September 26. The searches were conducted, according to witnesses, in some apartments and houses without the appropriate procedural documents.

On October 9, the OMON Special Forces performed the same actions in the Plotinnoye village of Bakhchisarai district. According to a witness Dilyaver Abduramanov, the search activities and searches were carried out since the early morning. During the searches, there were no witnesses and relevant court orders. The local residents reported that some Crimean Tatars were forcibly taken to fingerprinting.

Previously, in early April, in some Crimean villages and towns there have been massive searches and inspections, as reported in the survey of the Crimean Field Mission for April 2015¹⁷. In connection with these events, a complaint was submitted to the Presidential Council for Civil Society Institutions and Human Rights on the mass searches in Crimea during April 2 - 10 in the framework of strategic exercises "Barrier-2015" of the troops of the Russian Ministry of Internal Relations. The complaint indicated on the searches and inspections in the Zhuravki village of Kirov district, Yarkoe Shchelkovo, Lenino, Battalion, Semisotka, Vojkovo, Bagerovo villages, near Simferopol Fountains and in Saki.

The "strategic exercises" were carried out based on the same scenario: about 100-150 armed MIA officers: interior troops, district police, OMON, traffic police arrived to the village. On all the roads leading to or from the village, they mounted sandbags, and in some cases (in at least two villages) – machine guns, road blocks. The passing cars were asked to show the documents and inspected. In

¹⁶ <http://ru.krymr.com/content/article/27118233.html>

¹⁷ http://crimeahr.org/wp-content/uploads/2015/05/Crimea_Field_Mission_Review_April_2015_RU.pdf

some cases there was total inspection, in some - random. In case of random inspections the law enforcement officers' attention was drawn to the Crimean Tatars (**Annex 3**).

In October, the Crimean Human Rights Group received a response of the Chief Military Prosecutor's Office of the RF to its appeal (**Annex 4**). The Prosecutor's Office confirmed that the exercises were held, but the troops of the Ministry of Internal Affairs of the Russian Federation did not take part in the establishment of checkpoints, documents checking, search of premises and inspection of vehicles.

The Chief Military Prosecutor's Office believes that the information about the violations by officers of the Ministry of Internal Affairs of the Russian Federation during the exercises was not confirmed.

This appeal was also responded by the Prosecutor of Crimea Natalia Poklonskaya. She said that the exercises "Barrier-2015" were carried out according to the order of the MIA of the RF of February 27, 2015 #1/96c On the preparation and carrying out of the strategic exercises of the troops of the MIA of the RF "Barrier-2015". The Prosecutor, unlike the Chief Military Prosecutor's Office did not deny the participation of the MIA of the RF units in the activities related to the establishment of checkpoints, checking of documents, search of premises and inspection of vehicles. The Prosecutor said that the exercises were carried out with respect for human rights, and there is no reason for the Prosecutor's intervention (**Annex 5**).

However, according to the witnesses and Crimean Field Mission¹⁸ monitors, the exercises were carried out with numerous violations of the right to personal immunity and inviolability of the home, the local residents have been intimidated and because of that did not complain to the MIA and the Prosecutor's Office.

PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

Alexander Kostenko's case

In October, **Alexander Kostenko** was taken from the territory of Crimea and transferred to one of the prisons of the Russian Federation to serve his sentence. The mother and brother of Alexander Kostenko were not allowed to visit him before his transfer. The relatives were not informed in which prison Alexander was transferred. The officers of the Department of the Federal Service for the Execution of Sentences responded to mother's request that the relatives will be notified about the whereabouts of Alexander only after Alexander arrives in prison.

Earlier, on September 23, the lawyer Dmitry Sotnikov submitted to the Supreme Court of Crimea an appeal with regard to Alexander Kostenko's case on the abolition of prosecutorial decisions and the termination of criminal prosecution. On October 7, the criminal case was delivered to the Supreme Court of Crimea from the Kiev District Court in Simferopol. The lawyer noted that the question related to the receipt of the appeal shall be considered until November 23.

'May 3^d case'

On October 14, it became known that the Armyansk Court of Crimea postponed the hearing of **Tahir Smedlyayev** and **Eden Osmanov** cases, who were accused of the use of force against the law

¹⁸ <http://apostrophe.com.ua/news/society/2015-04-06/pravozaschitniki-zayavlyayut-o-massovyih-obyiskah-v-kryimu/20713>

enforcement officers during a meeting of the leader of the Crimean Tatars Mustafa Dzhemilev on May 3, 2014¹⁹. The court session was postponed because of the absence of one of the witnesses²⁰.

'February 26th case'

On October 10, one of the defendants in the 'February 26th case', the cameraman of the TV channel ATR **Eskender Nebiev** was placed into detention until the hearing. The reasons for the sudden decision on the detention were not explained.

The previous day, the body of his father Bekir Nebiyev suspected of committing the attack on the ambulance station and killing two people was found (*for details see section the Right to Life*).

Prior to that Eskender Nebiev was arrested on April 20, 2015 based on charges of involvement in the mass riot, which took place on February 26, 2014 at the Supreme Council of the Autonomous Republic of Crimea, and on April 22, the Kiev district court of Simferopol adopted a decision on the detention for two months. On June 18, Eskender Nebiev was released under surety of the Mufti of Muslims of Crimea Emirali Ablaev. On October 12, the Central District Court of Simferopol found Eskender Nebiev guilty of an offense under Part 2 of Art. 212 of the Criminal Code of the RF and sentenced him to 2 years and 6 months of imprisonment with the probation for 2 years. Nebiev agreed with the accusation, and after the announcement of the verdict, he was released in the courtroom²¹.

On October 14, with regard to the other defendant in the 'February 26th case' **Ali Asanov**, the court extended the detention until November 19. Ali Asanov was arrested on April 16, 2015. The defense filed an appeal against this decision and requested to replace the detention with a more lenient measure - house arrest or the recognizance not to leave. On October 26, the court of Simferopol rejected the appeal. The head of the Central Election Commission of Kurultay of the Crimean Tatar people Zair Smedlyaev said that the court did not consider the defense's argument that the decision of the Kiev District Court was made in violation of the Code of Criminal Procedure of the RF, and that Ali Asanov, having four young children, will not hide from investigation or the court²². The decision on the extension of the term of detention remains in force.

FREEDOM OF SPEECH AND EXPRESSION

In October, the Prosecutor General's Office limited the access to the websites of a number of news agencies, citing the fact that the information they publish contains the calls for extremist or other prohibited activity.

As of October 2, it became known that the Federal Service for Supervision of Communications, Information Technology Mass Communications (Roskomnadzor) restricted the access to the website of the **NA 'Center for Investigative Reporting'** at the request of the Prosecutor General's Office of the RF of September 30, 2015. The notification on the limitation of access to the information resource (**Annex 6**) states that the information "*on the information resource <http://investigator.org.ua> contains calls for riots, extremist activities or participation in mass (public) events held in violation of the established order*".²³

¹⁹ <http://obozrevatel.com/politics/38407-delo-3-maya-kak-indikator-polozheniya-kryimskih-tatar.htm>

²⁰ <http://www.sobytiya.info/news/15/56537>

²¹ <http://investigator.org.ua/news/165606/>

²² <http://ru.krymr.com/content/news/27327472.html>

²³ <http://investigator.org.ua/news/165046/>

Based on the decision of the Prosecutor General's Office of the RF, the access to the information resource <http://investigator.org.ua> is granted only to the communications service providers in the territory of the Russian Federation, which in turn are required, within one day as of the date of receipt of the notification to inform the <http://investigator.org.ua> of the requirement of the Prosecutor General's Office of the RF to without delay remove the information with the relevant calls.

As indicated in the notification, the resumption of access to the information resource shall be possible in the event of removal of such information and reinspection by the Federal Service for Supervision of Communications, Information Technology Mass Communications.

Also, on October 2, it was reported on the restriction of access to the website of the **IA Events of Crimea** at the request of the Prosecutor General's Office of the RF of September 30, 2015. The notification sent to the editorial board of the Events of Crimea stated that the information "*placed on the information resource contains calls for riots, extremist activities or participation in mass (public) events held in violation of the established order*".²⁴

On October 5, it was reported that Roskomnadzor blocked the access to the website of **BlackSeaNews** in Russia and Crimea at the request of the Prosecutor General's Office of the RF. The notification stated that the resource contained "*calls for riots, extremist activities or participation in mass (public) events held in violation of the established order*".²⁵

On October 2, in Armyansk, the journalist of the information channel **Armyansk.info** while performing professional activity was attacked²⁶ by the road workers, who used force and took away his camera. After an appeal to the police the camera was returned, but police officials did not arrest the attackers. The victim refused to appeal against the actions of the law enforcement agency.

In the City Court of Kerch, on October 19, the media representatives could not get to the session on the criminal case against the former mayor of Kerch Oleg Osadchy, who is accused of abuse of office (Part 2 of Art. 286 of the Criminal Code of the RF). The session was to take place openly, the judge Elena Kuzmina did not decide on a closed session. However, the representative of the Prosecutor's Office told the journalists that the session will be closed²⁷.

According to the CHRG sources in Crimea, the session was held in the office of a judge, which cannot contain more than 10 people. The journalists and the public were not allowed to attend the session due to the fact that there is not enough space in the office, and the seats are occupied by the Prosecutor's Office and the FSS officers. However, the journalists reported that at the time, the court room was free and there was no objective necessity to transfer the session to the judge's office. The journalists believe that in this way the court and the Prosecutor's Office ensured the closed trial and hindered the performance of journalistic activities.

The next day, on October 20, the chairman of the court session verbally announced the verdict for Oleg Osadchy as a fine of 200 thousand rubles. The accused was found guilty of committing a crime under Part 2 of Art. 286 of the Criminal Code of the RF (abuse of power committed by a person holding a public position or a public position of the subject of the Russian Federation, as well as the head of the local authority)²⁸. It should be noted that according to local journalists, with whom the CHRG monitors were able to communicate, the use of the judge's office instead of the courtroom to establish a closed process is not the first case.

²⁴ <http://www.sobytiya.info/news/15/56178>

²⁵ <http://investigator.org.ua/news/165234/>

²⁶ <http://armyansk.info/news/news-archive/121-2015/5159-zhurnalstov-dushat-za-reportazhi-o-blagoustrojstve-armyanska>

²⁷ <http://kerch.fm/2015/10/19/v-kerchi-proshel-sud-po-ugolovnomu-delu-osadchego.html>

²⁸ <http://crim.sledcom.ru/news/item/979280/>

On October 21, the **trade union of the news agency Voice of Crimea** established in Kiev a branch of the Committee of the Independent Media Trade Union of Ukraine. According to the Committee, the statutory meeting of the Crimean branch was held on October 16th²⁹. The organization includes 5 journalists from the Voice of Crimea agency. The main purpose of the branch is to ensure the journalists' access to professional legal protection if required.

FREEDOM OF ASSOCIATION

On September 16, the State Council of Crimea adopted a Law On the organization and implementation of public control in the territory of the Republic of Crimea³⁰. Article 4 of this Law refers to the **subjects of public control** in Crimea the Public Chamber of Crimea, the community councils of municipalities, community councils at the government authorities of Crimea. According to the practical application, only the public associations registered as legal entities according to the provisions of the Russian legislation can become members of such subjects.

Thus, the associations without legal registration (including those acting in the territory of Crimea until March 2014, which did not undergo the re-registration) are deprived of the opportunity to be the subjects of public control. However, according to the legislation of the Russian Federation, the public associations have the right to carry out their activities without legal registration.

In addition, Article 4 of the Law states that in order to implement the public control in cases and under the procedure established by the legislation of the Russian Federation the 1) public monitoring commissions; 2) public inspections; 3) public control groups; 4) other organizational structures of public control may be established.

Thus, the Law envisages the establishment of the public monitoring commissions in Crimea. However, Part 2 of Article 10 of the Federal Law of the RF On public control over ensuring human rights in places of forced detention and provision of assistance to persons in places of detention³¹ states that the right to nominate the candidates for the Public Monitoring Commission belongs to a nationwide, inter-regional or regional public association with the state registration, which carries out its activity for **at least five years as of the date of its establishment**, and the statutory purpose or the activity of which is the protection or promotion of human and civil rights and freedoms.

Thus, the public associations of Crimea cannot establish public monitoring commissions, because the maximum duration of their activities as of the date of registration under the legislation of the Russian Federation is two years. This, in turn, denies the opportunity for the associations to exercise public control over the activity of penitentiary authorities and monitor the situation of persons in detention in Crimea.

It should be recalled that until March 2014, in Crimea the Law On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, which ensured the work for the National Preventive Mechanism³² (NPM) on the model of 'Ombudsman +' (representatives of NGOs and civil society monitors) as the round-the-clock and unimpeded access to all the detention centers in the territory of Crimea. The NPM

²⁹ <http://nmpu.org.ua/2015/10/zhurnalisty-z-krymu-stvoryly-u-kyjevi-profspilkovyj-oseredok-nmpu/>

³⁰ <http://crimea.gov.ru/textdoc/ru/7/act/145z.pdf>

³¹ <http://ombudsman74.ru/xcat/499>

³² <http://npm.org.ua/>

operates in Ukraine since 2012 under the Optional Protocol³³ to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified by Ukraine in 2006.

FREEDOM OF PEACEFUL ASSEMBLY

On October 14, the police officers in Simferopol detained three activists of the Ukrainian cultural center, including **Leonid Kuzmin**, who were laying flowers in front of the monument to Bogdan Khmelnitsky in Simferopol³⁴. The three detainees were brought to the local Centre for Combating Extremism for questioning without drawing up a protocol. It is important to note that this is not the first case of detention³⁵ of the Ukrainian activists during the laying of flowers in front of the monuments to the public and government figures of Ukraine in Crimea.

It should be noted that on September 16, the Article 2 of the Law On ensuring the conditions for the exercise by the citizens of the Russian Federation of the right to hold meetings, rallies, demonstrations and pickets in the Republic of Crimea was amended³⁶. The amendments specify that in case if the deadline for submission of notification of holding the public event fully coincides with non-working days (holidays), the notification may be submitted on the last business day preceding the non-working days (holidays). In practice, this provision leads to a reduction of the time limit envisaged for submission of notifications on holding a peaceful assembly. Moreover, the availability of the notification and authorization procedure is a significant restriction on the freedom of assembly.

FREEDOM OF CONSCIENCE AND RELIGION

The Head of the Committee of the State Council of Crimea on Culture and Cultural Heritage Svetlana Savchenko announced that by the end of the year a draft law On the freedom of conscience and religion will be introduced. The draft law is aimed at regulating the religious worship and the establishment of certain limits for rites and ceremonies, as well as the regulation of the activities of religious associations on the territory of Crimea. She also stressed that the draft law would “terminate the activities of the banned extremist organizations in the Crimean peninsula”³⁷.

The draft law imposes a risk of restricting the freedom of conscience and religion by fixing a number of formal requirements for religious groups. One of the requirements refers to the registration of the religious community and the undergoing of the applicable “extremist” expertise. Many representatives of the religious communities are concerned that the draft law is aimed at strengthening the local authorities’ control in the sphere of religion and conscience.

The strengthening of local authorities’ control in the sphere of freedom of conscience and religion is demonstrated by the establishment of the Interagency Commission on Combating Extremism in Crimea. The Commission was established on October 7 by the Order of Sergei Aksenov³⁸. The Commission consists mainly of representatives of the law enforcement agencies. One of the directions

³³ http://www.un.org/ru/documents/decl_conv/conventions/torture_prot.shtml

³⁴ <http://ru.krymr.com/content/news/27307324.html>

³⁵ <http://investigator.org.ua/news/166922/>

³⁶ <http://crimea.gov.ru/textdoc/ru/7/act/148z.pdf>

³⁷ http://crimea.gov.ru/news/29_09_15

³⁸ http://rk.gov.ru/rus/file/pub/pub_262176.pdf

of its work is to monitor the activities of religious communities from the point of view of “combating extremism”.

CASE OF SENTSOV, KOLCHENKO, AFANASYEV, CHIRNIY

Gennady Afanasyev, one of the defendants in the Sentsov-Kolchenko case, who was sentenced to seven years in prison, was transferred to a penal colony #25 of the Republic of Komi, Syktyvkar. In court, during the trial on Oleg Sentsov and Alexander Kolchenko’s case he withdrew his testimony, explaining that it was given under torture. The lawyer Alexander Popkov said that in Syktyvkar Gennady Afanasyev was placed in a punishment cell, he, as his lawyer, was not notified of the transfer of Gennady Afanasyev.

On October 16, the representatives of the Public Oversight Commission (POC) visited Gennady Afanasyev in prison and reported that he was placed in a punishment cell, according to the prison’s staff, because he carried the blades. Gennady Afanasyev and his lawyer insist that the blades were planted with the aim to put him in more stringent conditions of imprisonment. A POC member Igor Sazhin visited the prisoner and said that Gennady Afanasyev was brought in Syktyvkar on October 8 and at first he was put in Detention Center-2³⁹. Gennady's mother Olga Afanasyeva said⁴⁰ that the prison administration intends to keep Gennady in stringent conditions of imprisonment, which assume the maximum restrictions in the penal colony.

FREEDOM OF MOVEMENT AND MOVEMENT THROUGH THE CHECK POINTS

In the previous monitoring reviews of the Crimean Field Mission⁴¹ the cases of arbitrary detention and search of personal belongings by the border guards of the Russian Federation have been widely reported. In most cases, these actions were carried out against the activists permanently residing in Crimea, but often traveling outside of Crimea. The activists were arrested for several hours without explanation, were interviewed, and in some cases were required to show the data of the mobile phone (SMS messages, phone book of contacts). During the search of personal belongings there were no witnesses, the rights were not explained, it was prohibited to use a mobile phone, the protocols of arrest or inspection were not drawn up.

On October 31, the activist **Leonid Kuzmin** reported⁴² that he was arrested at the Ukrainian checkpoint by the officers of the Border Guard Service of Ukraine at the entrance to Crimea. After he was released, the protocol, according to Leonid Kuzmin, was not drawn up.

MONITORING OF HUMAN RIGHTS DURING THE “CIVIL BLOCKADE OF CRIMEA”

As of September 20, there is a “Civil Blockade of Crimea” organized by the people’s deputy of Ukraine, leader of the Crimean Tatar people Mustafa Dzhemilev, people’s deputy, Chairman of the Majlis of the Crimean Tatar people Refat Chubarov and Lenur Islyamov, the Vice President of the World Congress of Crimean Tatars, the owner of the TV channel ATR⁴³. The blockade takes place at the three points of

³⁹ <http://zona.media/news/lezviya-shizo/>

⁴⁰ <http://www.ukrinform.ru/rubric-community/1911875-politzaklyuchennogo-afanaseva-perevodyat-v-polnuyu-izolyatsiyu-mat.html>

⁴¹ <http://crimeahr.org/category/monitoring/>

⁴² <http://www.sobytiya.info/news/15/57069>

⁴³ <http://www.youtube.com/watch?v=RBS9FgXCBtg>

entry and exit to Crimea: Chongar, Kalanchak and Chaplynka. The blockade involves the military unit Pravy Sector and other.

Given the fact that after the start of the blockade the CHRГ regularly receives complaints about the unlawful actions of the protesters, the CHRГ continuously monitors the observance of human rights during the blockade. The monitoring also includes the travels by the CHRГ, in particular, on October 6, Olga Skrypnyk and Vissarion Aseev visited Chongar with the aim to perform monitoring. Currently, the following issues and violations were identified.

1. **Establishment of unlawful checkpoints.** At all three points on the highways the protesters installed the improvised roadblocks (*Annex 7*). The checkpoints are placed in public areas and impede the movement of not only trucks, but of all vehicles without exception, and are used to stop the vehicles. According to the provisions of the Ukrainian legislation, the protesters have no authority and permits for the installation of such roadblocks. It is also contrary to the format of the blockade announced by the organizers when it was reported that "the movement of people and cars will be unobstructed"⁴⁴.

2. **Unlawful checks of identity documents and inspection of vehicles.** A persistent problem is the unlawful checking of identity documents and inspection of vehicles. This is constantly reported by the drivers of motor vehicles, and it was also confirmed by the representatives of the CHRГ, who spent 40 minutes in Chongar and during that time about 20 cars were stopped by members of the Pravy Sector, Azov and other military units (*Annex 8*) acting with the consent of organizers of the blockade.

Both the cars on their way to and from Crimea were stopped. When the car was stopped, the representatives of the military units inspected it, mainly the car trunk. In some cases, they asked the passengers to show the identity documents. Passport documents were also required from the representatives of the CHRГ.

The human rights activists refused to show their documents, arguing that such a requirement by the participants of the blockade is unlawful. After such refusal the human rights activists were taken to the leaders of the military groups in order to "determine their identity".

In addition, the representatives of the military units began to use the so-called "*separatists list*" - a list of the personal data of a number of persons who, according to the military units are "separatists or their accomplices". These lists are printed on the A4-size sheets using a printer, with a volume of about 10 sheets. The representatives of the military units are asking the men going to or from Crimea to tell their names and surnames, and then verify them according to the lists.

These actions of the military units constitute an interference with the right to liberty and personal immunity and violate the legislation of Ukraine, as the documents checkup and the inspections of private vehicles can be carried out only by representatives of the relevant government authorities, presenting a legitimate reason for this. There are cases where such actions take place in the presence of the police officers. In some cases, if the driver refused to show the documents to unidentified persons, the protesters involved the police.

3. **Risks to the safety of passengers and pedestrians.** Some representatives of the military units carry firearms or side arms⁴⁵ (*Annex 9*). It is not possible to determine whether these people have a permit to carry a weapon. The behavior of many representatives of the military units, both according to passengers, drivers and the CHRГ is often aggressive. In the course of communication with the CHRГ human rights activists many protesters mentioned the previous combat experience gained in the ATO

⁴⁴ <http://gordonua.com/news/crimea/CHubarov-Blokada-Kryma-nachnetsya-v-1200-20-sentyabrya-98084.html>

⁴⁵ <http://ru.krymr.mobi/a/27332084.html>

area. This situation creates the risks of the use of violence by such groups in the event of a conflict with the driver or a pedestrian.

According to the response of the Investigation Department of the National Police in the Kherson region, three cases of unlawful handling of arms were entered in the Unified register of pre-trial investigations (Art. 263 of the Criminal Code of Ukraine) (**Annex 11**).

Also, the CHRГ representatives noted that during their stay at Chongar (in the evening after 18.00) at the checkpoint and the headquarters of the blockade there were the representatives of the military units as well as Lenur Islyamov, one of the organizers of the blockade. The law enforcement officers in charge of maintaining the public order and authorized to prevent possible violence were not present at Chongar at the time.

A special danger to passengers, drivers and participants of the blockade is related to the blow-up of the power supply utilities in the areas of the blockade. Thus, on October 6, the deputy chief of the Department of the Ministry of Internal Affairs in the Kherson region Ilya Kiva reported that at night, the unidentified persons blew up the high voltage transmission tower supplying the electricity to Crimea. The investigative group, the representatives of the Department of the Ministry of Emergency Situations, the MIA battalion Kherson arrived at the scene⁴⁶. On October 20, at night, near Chongar, the unidentified persons blew up two transmission towers, which also supplied electricity to Crimea. According to MIA, the explosions were carried out through the use of mines, two of which malfunctioned and were subsequently deactivated by pyrotechnic experts⁴⁷.

4. Cases of unlawful deprivation of liberty. On October 6, the CHRГ human rights activists found out that according to one of the organizers of the blockade Lenur Islyamov, at night on October 5, the protesters detained two men who, according to them, carried drugs and explosives. The Pravy Sector in social networks confirmed that they arrested two men, namely **Kozoriz Nikolay Ivanovich** and **Karfut Sergei Lyubomirovich**⁴⁸ (**Annex 10**).

The human rights activists reported that the protesters should have transferred the detainees to the law enforcement authorities, but this was not done. In this regard, the representatives of the CHRГ submitted an application to the police requiring to deal with the situation and in the case of unlawful detention of people - to take appropriate legal action (the application was received by Lieutenant Romanchuk D.S.). After that, the police arrived at Chongar and took away the detainees.

Later it became known that with regard to this fact the criminal proceedings were initiated. The Investigation Department of the National Police in the Kherson region reported the following.

On October 5, around 17:00 at the 108 km of the Kherson-Armyansk road, the unidentified persons unlawfully stopped the car Gazel and openly took possession of the silver chain and amulet of Kozoriz N.I. On October 8, the Investigation Department of the Kalanchak RD of the Department of MIA registered the criminal proceedings on the grounds of a criminal offense under Part 2 of Article 186 of the Criminal Code of Ukraine (robbery). The pre-trial investigation is ongoing (**Annex 11**).

Another case is related to the detention at Kalanchak of the Crimean resident **Rostislav Stetsenko**. He was detained by the representatives of the civil unit Azov due to the fact that he had a Russian passport issued in Crimea. The relevant video was posted by the representatives of Azov⁴⁹. The video

⁴⁶ <http://www.unian.net/society/1143912-neizvestnyie-povredili-vyisokovoltnuyu-oporu-dlya-podachi-elektroenergii-v-kryim-foto.html>

⁴⁷ <http://www.unian.net/society/1157295-vozle-chongara-neizvestnyie-vzorvali-dve-elektrooporyi-podayuschie-elektrichestvo-v-kryim.html>

⁴⁸ <https://www.facebook.com/ostap.bender.35574/posts/1657122794564063>

⁴⁹ <https://www.youtube.com/watch?v=QsuSjffK8e0>

depicts the face of the detainee with the signs of beatings and blood. He was not transferred to the law enforcement agency. Rostislav, after his release, said that he experienced great difficulty in returning home to Kerch, and that the representatives of the military unit used violence against him, caused bodily harm and threatened with sexual violence. There is no information on the investigation of the fact of unlawful actions of the protesters.

The Ukrainian legislation requires that in the case of detention of a person by civilians such person should be immediately delivered to an authorized officer or the authorized officer should be immediately informed of the detention and whereabouts of the person. The grounds for such detention may only be a reasonable suspicion of commission of a criminal offense. Thus, the actions of the military units may have the signs of a criminal offense - unlawful detention.

5. Breakage and seizure of property. The car drivers complained about the damage caused to their cars by the protesters. Thus, **Andrey Krutsenko** reported⁵⁰ that the representatives of the military units smashed the windows of his car because he refused to unload the vegetables he bought (**Annex 12**). He submitted an application to the police. Andrey Krutsenko also reported that he had met with the representatives of the headquarters of the blockade who promised to compensate the losses incurred.

In addition, the drivers reported that the representatives of the military units demanded to throw away the purchased food products (fruits and vegetables), if the car was on its way to Crimea. In some cases, the drivers, in order to avoid the conflict with the military units, were forced to get rid of food products at the checkpoints of the blockade.

There were cases when the protesters forced the drivers or the passengers to dispose of the purchased goods. Thus, on October 11, at the checkpoint in Kalanchak, the protesters stopped the car with a man and woman who were going back to Crimea from a music festival in Europe. The protesters found alcoholic beverages in the car, which were purchased in Europe. The representatives of the military unit seized alcoholic beverages and destroyed them⁵¹ (**Annex 13**).

On October 18, according to the CHRG information, the Crimean Archbishop Clement said that at the point of exit from Crimea he was stopped at the two checkpoints of the blockade. During the inspection the goods, which he carried with him as a gift were seized.

Currently, the CHRG is informed of the pre-trial investigation conducted with regard to three cases of property damage (Article 194 of the Criminal Code of Ukraine) (**Annex 11**).

6. Interference with the activity of the human rights activists. The representatives of the Crimean Human Rights Group performed the recording of the unlawful actions of the blockade participants (inspections of the private vehicles). However, the representatives of the Pravy Sector rudely forbade the members of the CHRG to do so and to be present at the checkpoint (despite the fact that it is a public place), threatened and behaved aggressively.

The Investigation Department of the National Police in the Kherson region reported that during the "blockade" of Crimea the regional police registered 186 incidents, of which 38 were entered into the Unified register of pre-trial investigations.

These incidents include elements of the following criminal offenses: 1 - under Part 2 of Article 186 of the Criminal Code of Ukraine (robbery), 2 - under Article 279 of the Criminal Code of Ukraine (the blocking of transport communications), 3 - under Article 263 of the Criminal Code of Ukraine (unlawful handling of weapons), 10 - under Article 258 of the Criminal Code of Ukraine (forgery of documents, stamps, seals), 1 - Article 125 of the Criminal Code of Ukraine (minor injuries), 3 - under Article 194 of

⁵⁰ <http://hromadskeradio.org/2015/10/07/na-blokpostu-produktovoyi-blokady-v-moyiy-mashyni-pobyly-vikna-vodiy>

⁵¹ https://www.facebook.com/permalink.php?story_fbid=532392276916814&id=527496024073106&__mref=message_bubble

the Criminal Code of Ukraine (destruction of property), 2 - under Article 205 of the Criminal Code of Ukraine (fictitious business). The Kherson police did not inform on the number of persons prosecuted (**Annex 11**).

It should also be noted that the Assistant to the Chairman of the State Border Guard Service of Ukraine Oleh Slobodian reported that the passenger and traffic flow at the points of entry and exit to Crimea decreased twice during the "blockade of Crimea". This refers not only to trucks carrying commercial goods, but also to other passenger flows⁵².

ISSUES RELATED TO CITIZENSHIP

Currently, for the residents of Crimea it still remains unclear whether they should, as of January 1, 2016, within 60 days notify the Federal Migration Service (FMS) on their other citizenship. This applies to the vast majority of the residents of Crimea, as they have Ukrainian citizenship.

According to Part 5 of Article 6 of the Federal Law of June 4, 2014 #142-FZ On the introduction of amendments to Articles 6 and 30 of the Federal Law On citizenship of the Russian Federation, the residents of Crimea according to the Federal Law of May 31, 2002 #62-FZ On citizenship of the Russian Federation, as of January 1, 2016 should submit a notification in case they have another citizenship in the case its acquiring. However, according to other legal regulations of the Russian Federation the residents of Crimea did not acquire the citizenship of Ukraine, they automatically became the citizens of Ukraine.

Because of this contradiction, it remains unclear whether the residents of Crimea are required to notify of their Ukrainian citizenship. The Department of FMS of Crimea placed a clarification on this issue on the website of the FMS of Crimea. It states *"as of January 1, 2016, the residents of Crimea should submit a notification of other citizenship if they have or re-acquire the citizenship of a foreign state, for example, of Armenia, the USA, Germany and other. If the resident of Crimea acquired the citizenship of the Russian Federation in accordance with the Federal Constitutional Law 6 being a stateless person, and subsequently acquired the citizenship of Ukraine, it is also necessary, within 60 days, to notify the Federal Migration Service of Russia"*⁵³. It should be noted that on the website of the FMS of Sevastopol the similar requirement is lacking and there is a direct indication of the need to notify of a second citizenship by the residents of Sevastopol. Thus, there is still no clear position on the matter.

On October 13, the Department of FMS of Crimea reported that foreign citizens that received in 2014 a residence permit in Crimea valid until the end of 2015 according to the Federal Law of 25.07.2002 #115-FZ On the legal status of foreign citizens in the Russian Federation should submit to the FMS of Russia the notification of confirmation of their residence in the Russian Federation⁵⁴. This provision primarily concerns the citizens of Ukraine, permanently residing in Crimea who renounced the Russian citizenship. In case of violation of this obligation by the foreign citizen, he will be brought to administrative responsibility.

In addition to the notification, the "temporarily residing foreign citizens" should also submit an income statement, a copy of a tax declaration or other document confirming the amount and source of income of a foreign citizen. This requirement for many residents of Crimea, who did not acquire the Russian citizenship, is quite difficult to fulfill as without the Russian passport in Crimea it is extremely difficult to find a job.

Furthermore, in accordance with Article 11 of the Federal Law of 25.07.2002 #115-FZ On the legal status of foreign citizens in the Russian Federation, the temporarily residing in the Russian Federation

⁵² <http://www.depo.ua/rus/life/chez-blokadu-pasazhirskiy-potik-v-krim-zmeshivsyia-vdvichi-08102015154000>

⁵³ http://www.92fmsgov.ru/?page_id=10212

⁵⁴ http://www.92fmsgov.ru/?page_id=10080

foreign citizen is not entitled to voluntarily change the place of residence within the subject of the Russian Federation on the territory of which he is allowed to temporarily reside, or to choose the place of residence outside the specified subject of the Russian Federation. Such a provision significantly restricts the right to choose the place of residence.

On October 29, the so-called grace period of stay of the foreign citizens in Crimea, first of all of the citizens of Ukraine who renounced the Russian citizenship expired. Under the Russian legislation, such persons are obliged to leave Crimea for at least 180 days.

It is extremely difficult to obtain a temporary residence permit or a work patent in Crimea. The issuance of the work patent or employment, given the availability of a work patent, is complicated by the fact that the citizens of Ukraine, which have the work patent, are denied employment as the tax and other statements in case of employment of such a person are much more difficult than of a person with a Russian passport.

As a result such provision leads to the fact that persons who permanently resided in Crimea, but refused to obtain the Russian citizenship and have not been able to obtain a temporary residence permit are threatened with deportation from the territory of Crimea, or are forced to leave Crimea for 180 days, leaving their families and property.

For example, in one of the families in Kerch the woman was able to obtain a temporary residence permit, and her husband was not. The man was informed that in that case he was obliged to leave Crimea for 180 days. Subsequently, the man applied to the Chief of the Federal Migration Service and obtained a permit for temporary residence.

A separate provision is envisaged for Ukrainian citizens who moved to Crimea from Ukraine, where currently there is a military conflict. For these individuals the extension of stay is provided. However, there is no clear definition of specific areas of Ukraine, from which a person was displaced, so this provision is difficult to apply in practice.

For example, a citizen of Ukraine has registered residence in the Maryinka village of Donetsk region. According to the maps of the area of the military conflict, this village is on the frontline. However, the FMS replied that this settlement is not included in the FMS list of settlements of Donbas. Thus, the man will have to leave Crimea for 180 days, but he cannot return to the previous place of residence, since there are continuing hostilities.

The review was prepared by:

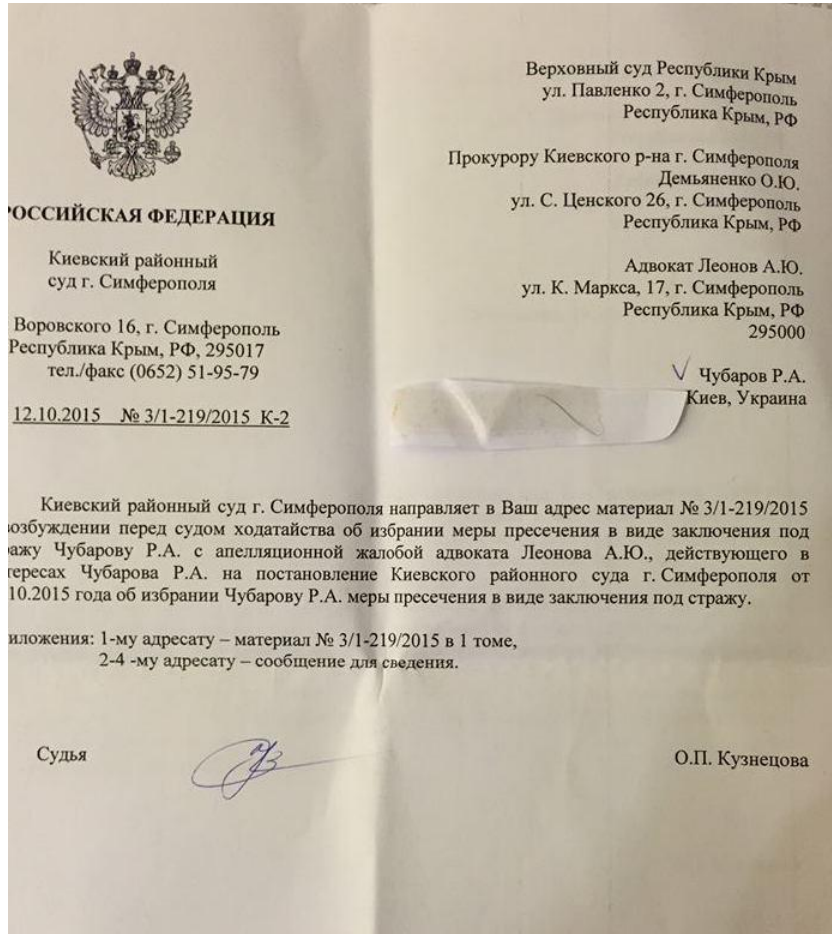
Olga Skrypnik, coordinator of the analytical activity of the Crimean Human Rights Group;

Vissarion Aseev, coordinator of the monitoring activity of the Crimean Human Rights Group;

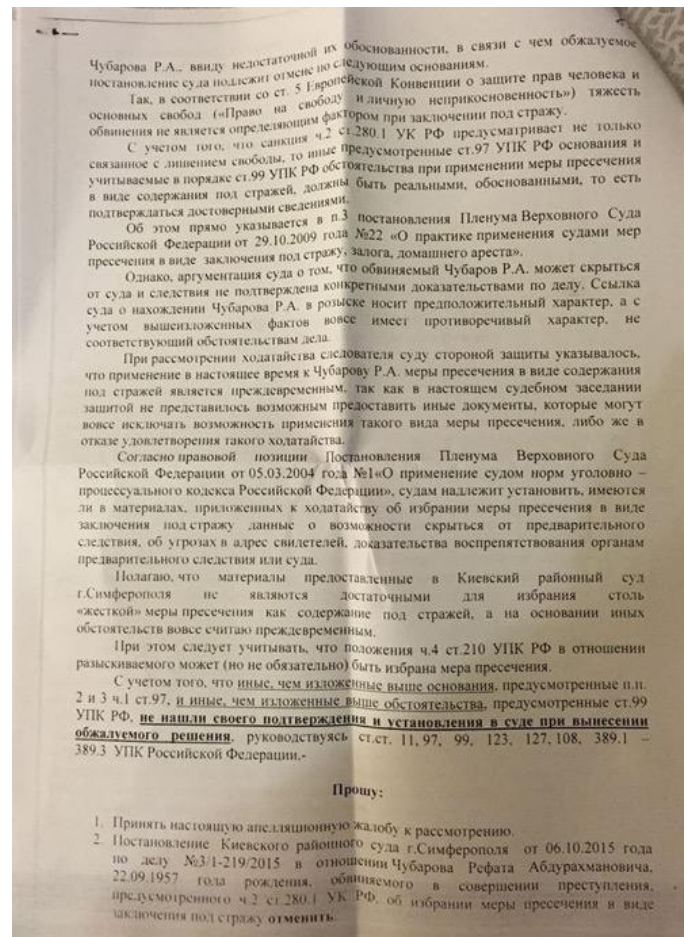
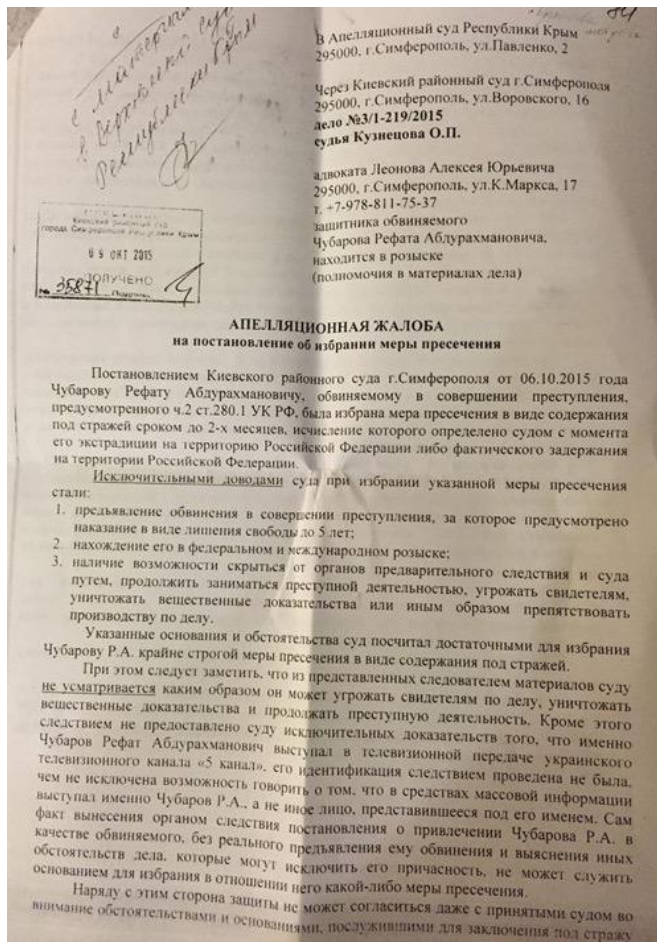
Dariia Sviridova lawyer, Ukrainian Helsinki Human Rights Union;

Tetiana Pechonchyk, coordinator of the advocacy activity of the Crimean Human Rights Group, Human Rights Information Centre.

Annex 1



Notification of the decision on the detention of the Chairman of the Majlis, people's deputy of Ukraine Refat Chubarov



Appeal against the decision with respect to Refat Chubarov

Annex 3

Председателю Совета при Президенте Российской Федерации по развитию гражданского общества и правам человека
Федотову М.А.

Уважаемый Михаил Александрович!

В рабочую группу по правам человека в Крыму Совета при Президенте Российской Федерации по развитию гражданского общества и правам человека поступило и рассмотрено обращение о массовых обысках в отдельных населенных пунктах Крыма в первой половине апреля сего года и нарушениях прав человека, сопровождавших эти события.

Речь идет о мероприятиях, которые прошли на территории Крыма со 2 по 10 апреля в рамках оперативно-стратегических учений "Заслон-2015" внутренних войск МВД РФ.

Определенное беспокойство вызывает то обстоятельство, что учения затронули населенные пункты с преимущественно крымскотатарским населением.

Так в поселке Журавки, Кировского района, в котором проживает около 500 крымских татар 2 апреля в 9:00 были выставлены блок-посты на всех трех дорогах, ведущих в село (со стороны Первомайского, Кировского и Приветного). Сотрудники ГАИ и ОМОНа на блокпостах останавливали все проезжающие машины, у пассажиров проверяли документы. Имеются свидетельства "дифференцированного подхода": у людей славянской внешности только проверяли документы, а крымских татар сопровождали до дома и проводили там так называемые "осмотры" (по сути, обыски в жилище). В общей сложности, в поселке находилось 5 автобусов, 10 легковых полицейских машин и 5 УАЗов. Все они были наполнены с людьми с автоматами, собаками и ОМОном. Над поселком летали вертолеты. Полноценные обыски прошли как минимум в 10 домах. По крайней мере, в двух из них изъяли системные блоки компьютеров. Помимо частных домов были обысканы какое-то количество публичных мест — например, спортивный зал, магазины. Все эти действия продолжались примерно до 14:00. При этом никаких объяснений цели и оснований происходящего жителям не давалось.

Подобные действия, включая обыски примерно в 10 домах, прошли также 3 апреля в поселке Яркое поле примерно с 9:00 до 13:30.

Сообщения об аналогичных мероприятиях поступили также из поселков Щелково, Ленино, Батальонное, Семисотка, Войково, Багерovo, в районе Симферополя Фонтаны и в Саках. В этих населенных пунктах «учения» проходили по одному и тому же сценарию. В поселок приезжали около 100-150 сотрудников МВД: военнослужащие внутренних войск, участковые, сотрудники ОМОН, ГИБДД, все они были вооружены. На всех дорогах, ведущих в поселок или из поселка, устанавливались мешки с песком, в некоторых случаях (как минимум, в двух поселках) — пулеметы, автозаградители. У проезжающих машин проверялись документы, проводился досмотр. В некоторых случаях — сплошная проверка, в некоторых — выборочная. В случае выборочной проверки особое внимание правоохранителей привлекали крымские татары.

Жители населенных пунктов Крыма отмечают, что они не были оповещены об «учениях», и узнали о том, что проводимые мероприятия являются учениями лишь из сообщений прессы после начала «учений».

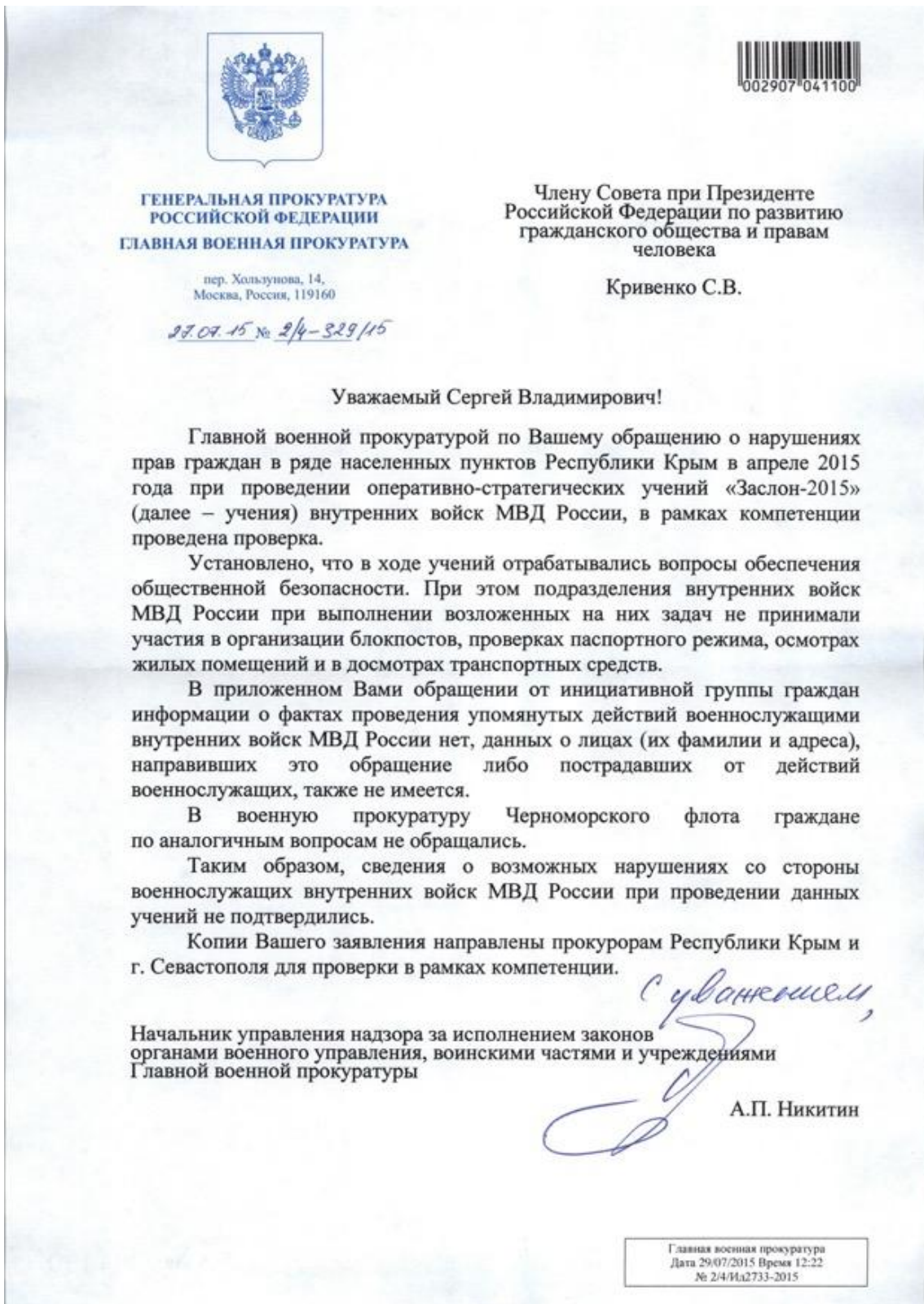
Представляется, что «учения», проводимые подобным образом, не создают у граждан ощущения безопасности, а напротив, способствуют нагнетанию напряженности, страха и чувства незащищенности, что в итоге может привести к обострению межнациональных отношений и роста недоверия граждан к властям Российской Федерации.

Прошу Вас направить обращение в профильные органы государственной власти Российской Федерации с целью прояснить правовой статус данных учений и провести проверку правомерности и обоснованности действий сотрудников органов внутренних дел и военнослужащих внутренних войск при проведении данных учений на территории Крыма.

С уважением,


член Совета при Президенте России по развитию гражданского общества и правам человека
Кривенко С.В.

An appeal to the Presidential Council for Civil Society Institutions Development and Human Rights on the massive searches in Crimea on April 2 – 10, in the framework of strategic exercises "Barrier-2015" of the Russian MIA troops




The answer of the Chief Military Prosecutor’s Office of the Russian Federation to the appeal to the Presidential Council for Civil Society Institutions Development and Human Rights on the massive

searches in Crimea on April 2 – 10, in the framework of strategic exercises “Barrier-2015” of the Russian MIA troops



ПРОКУРАТУРА
РОССИЙСКОЙ ФЕДЕРАЦИИ
ПРОКУРАТУРА
РЕСПУБЛИКИ КРЫМ
ПРОКУРАТУРА
РЕСПУБЛИКИ КРИМ
КЪЫРЫМ ДЖУМХУРИЕТИНИНЬ
ПРОКУРАТУРАСЫ
ул. Севастопольская, 21,
г. Симферополь, 295015



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Советнику Президента
Российской Федерации,
председателю Совета при Президенте
Российской Федерации
по развитию гражданского общества и
правам человека

Федотову М.А.

28.08.2015 № ИСОР-15/3-7209-2015
А4-9-1202 от 23.06.2015

На № _____
(Подпись)

Уважаемый Михаил Александрович!

Прокуратурой Республики Крым рассмотрено Ваше обращение об информировании Совета о законности проведения оперативно-стратегических учений «Заслон-2015», в связи с поступлением обращения члена Совета при Президенте Российской Федерации по развитию гражданского общества и правам человека Кривенко С.В. о нарушении прав граждан.

Установлено, что основанием для проведения МВД России по Республике Крым и внутренними войсками МВД России оперативно-стратегического учения «Заслон-2015» послужило распоряжение МВД России от 27.02.2015 № 1/96с «О подготовке и проведении оперативно-стратегического учения внутренних войск МВД России «Заслон-2015».


Целью проведения мероприятий явилось дальнейшее освоение внутренними войсками МВД России совместно с иными органами внутренних дел и взаимодействии с другими заинтересованными силовыми структурами федеральных органов исполнительной власти планов оперативного применения межведомственных группировок одновременно в нескольких субъектах Российской Федерации по локализации и пресечению крупномасштабных антиобщественных проявлений.

Указанные учения проводились с соблюдением прав человека, независимо от возраста и национальной принадлежности граждан, условий мест их проживания.

Жалоб от населения на действия сотрудников органов внутренних дел не поступало.

Оснований для принятия мер прокурорского реагирования не усматривается.

Прокурор республики



Н.В. Поклонская

АВ № 021034

Прокуратура Республики Крым
ИсОр-15/3-7209-2015/333

The answer of the Prosecutor of Crimea N. Poklonskaya the appeal to the Presidential Council for Civil Society Institutions Development and Human Rights on the massive searches in Crimea on April 2 – 10, in the framework of strategic exercises "Barrier-2015" of the Russian MIA troops

Уведомление
об ограничении доступа к информационному ресурсу, на котором размещена информация, содержащая призывы к массовым беспорядкам, осуществлению экстремистской деятельности, участию в массовых (публичных) мероприятиях, проводимых с нарушением установленного порядка.

Идентификатор записи 6459-НВ

В соответствии со статьей 15.3 Федерального закона от 27.07.2006 № 149-ФЗ «Об информации, информационных технологиях и о защите информации» уведомляем, что согласно требованию Генеральной прокуратуры Российской Федерации от 30.09.2015 № 27-31-2015/Ид3249-15 информация, размещенная на информационном ресурсе <http://investigator.org.ua>, содержит призывы к массовым беспорядкам, осуществлению экстремистской деятельности или участию в массовых (публичных) мероприятиях, проводимых с нарушением установленного порядка.

На основании требования Генеральной прокуратуры Российской Федерации от 30.09.2015 № 27-31-2015/Ид3249-15 о принятии мер по ограничению доступа к информационным ресурсам, распространяющим информацию, содержащую призывы к массовым беспорядкам, осуществлению экстремистской деятельности или участию в массовых (публичных) мероприятиях, проводимых с нарушением установленного порядка, доступ к информационному ресурсу (страницам) <http://investigator.org.ua> ограничивается операторами связи на территории Российской Федерации.

В течение суток с момента получения настоящего уведомления провайдер хостинга или иное лицо, обеспечивающее размещение в информационно-телекоммуникационной сети, в том числе в сети «Интернет», обязаны проинформировать об этом обслуживаемого или владельца информационного ресурса и уведомить его о необходимости незамедлительного удаления информации, содержащей призывы к массовым беспорядкам, осуществлению экстремистской деятельности или участию в массовых (публичных) мероприятиях, проводимых с нарушением установленного законом порядка.

В случае, если владелец информационного ресурса удалил информацию, содержащую призывы к массовым беспорядкам, осуществлению экстремистской деятельности, участию в массовых (публичных) мероприятиях, проводимых с нарушением установленного порядка, он направляет уведомление об этом в Федеральную службу по надзору в сфере связи, информационных технологий и массовых коммуникаций, по адресу 398-fz@rkn.gov.ru, указав в теме письма идентификатор записи 6459-НВ, с целью проведения проверки и возобновления доступа при подтверждении факта удаления. Такое уведомление может быть направлено также через веб-форму, размещенную по адресу:

<http://398-fz.rkn.gov.ru/topproviders/?entrVKey=560e6d4a0a08d#form>

По этой же ссылке можно проверить достоверность информации, указанной в данном уведомлении об ограничении доступа к информационному ресурсу.

Notification of restriction of access to the information resource IA Center for Investigative Journalism



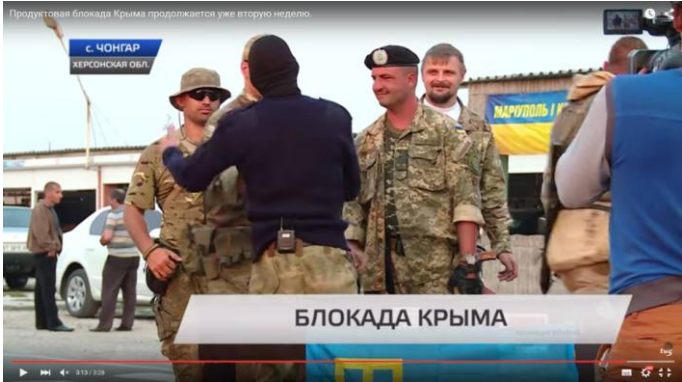
Checkpoint of the participants of the "Civil Blockade of Crimea"

Annex 8



Stopping of cars by the participants of the "Civil Blockade of Crimea"

Annex 9



The presence of weapons at the "Civil Blockade of Crimea"



Detained participants of the "Civil Blockade of Crimea" Nikolay Kozoriz and Sergei Karfut

**ГОЛОВНЕ УПРАВЛІННЯ НАЦІОНАЛЬНОЇ
ПОЛІЦІЇ**

В ХЕРСОНСЬКІЙ ОБЛАСТІ

СЛІДЧЕ УПРАВЛІННЯ

вул. Кірова, 4, м. Херсон, 73014

Голові Центру громадянської
просвіти «Альменда»

Скрипник О.С.

Київ-1, а/с В-55, 01001

09.11.2015

№ 8/С-24зі

На виконання запиту про отримання публічної інформації повідомляємо, що з початку громадської акції з блокування АР Крим, у період часу з 20.09 по 05.11.2015 органами поліції області зареєстровано **186** подій, з яких:

- за **38** повідомленнями інформацію внесено до Єдиного реєстру досудових розслідувань (**10** – за ст.258 КК України – підроблення документів, печаток, штампів та бланків, їх збут, використанні підроблених документів; **1** - за ст. 125 КК України - легкі тілесні ушкодження; **3** - за ст. 194 КК України - пошкодження майна; **1** - за ч.2 ст. 186 КК України – пограбування; **2** - за ст. 205 КК України - фіктивне підприємництво; **2** - за ст. 279 КК України - блокування транспортних комунікацій; **3** - за ст. 263 КК України - незаконне поводження зі зброєю);

- матеріали за **24** повідомленнями передано за належністю;

- **121** повідомлення розглянуто в порядку Закону України «Про звернення громадян» та матеріали списано висновками у справу;

- за **3** повідомленнями рішення не прийняті.

Також повідомляємо, що 05.10.2015 близько 17.00 год. на 108 км. автодороги Херсон-Армянськ, невстановлені особи не законно зупинили автомобіль марки "Газель" та відкрито заволоділи срібним ланцюжком та ладонкой Козоріза М.І.

08.10.2015 СВ Каланчацького РВ УМВС зареєстроване кримінальне провадження за ознаками складу кримінального правопорушення, передбаченого ч.2 ст.186 КК України (Грабіж). Процесуальне рішення у кримінальному провадженні не прийнято, досудове розслідування триває.

Слідчі слідчих підрозділів Головного управління Національної поліції в Херсонській області за період громадської акції з блокування АР Крим осіб за підозрою у вчиненні кримінальних правопорушень, пов'язаних з блокуванням в'їзних шляхів в АР Крим, в порядку ст.208 КПК України не затримували.

Відповідно до запитуваної інформації роз'яснюємо, що згідно ст.4 Конституції України в Україні існує єдине громадянство. Підстави набуття і припинення громадянства України визначаються Законом.

Заступник начальника

 **Н.Р. Іванюк**

Response of the Investigation Department of the National Police of the Kherson region to the inquiry

Annex 12



Car of Andrey Krutsenko damaged by the participants of the "Civil blockade of Crimea"



Seizure of alcoholic beverages by the participants of the "Civil blockade of Crimea" from the citizens entering Crimea