



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

Monitoring review of the human rights situation in Crimea

June 2016

This monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in June 2016

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1. INTRODUCTION

The **Crimean Human Rights Group (CHRG)** is an organization of the Crimean human rights defenders and journalists, the purpose of which is to promote the observance and protection of human rights in Crimea by attracting widespread attention to the problems of human rights and international humanitarian law in the territory of the Crimean peninsula, as well as the search and development of mechanisms to protect the human rights in Crimea.

The **CHRG** first of all obey the rules of basic documents in the field of human rights, such as: 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 and others.

The main objectives of the **CHRG**:

- 1) Collection and analysis of the information regarding the human rights situation in the Crimea;
- 2) Broad awareness among governments, international organizations, intergovernmental organizations, non-governmental organizations, the media and other target groups through the publication and spreading of analytical and information materials on the human rights situation in Crimea;
- 3) Promote the protection of human rights and respect for international law in Crimea;
- 4) Preparation of recommendations for government authorities and international organizations in the sphere of human rights;
- 5) Providing the presence of «human rights in the Crimea topics» in the information space.

The **CHRG's** team consists of experts, human rights activists and journalists from different countries who are involved in monitoring and documenting human rights violations in Crimea, since February, 2014.

During preparation and spreading of the information the **CHRG** is guided by principles of objectivity, reliability and timeliness.



2. CIVIL AND POLITICAL RIGHTS

THE RIGHT TO LIFE, ENFORCED DISAPPEARANCES

Erwin Ibragimov was kidnapped on 24 May in Bakhchisarai. The video of alleged kidnapping of Ibragimov¹ shows that persons in the uniform of Russian traffic police officers are involved in the kidnapping. Taking into account this fact and active political activity of Erwin Ibragimov, there is a reason to believe that the kidnapping may have a political motivation and involvement of the de facto authorities.

However, the Crimean prosecutor Natalia Poklonskaya ignores these facts and does not accept the political motives among versions of kidnapping. At «Millet» channel she announced three main versions of the abduction of Erwin Ibragimov: «... the abduction, which has been committed by previously convicted persons for similar offenses for ransom, blackmail, ransom from relatives and friends. The second version — the kidnapping could be committed by persons connected with commercial activities of Ibragimov. The third version is kidnapping with the purpose of destabilizing of the situation in Crimea, wishing to slander the law enforcement agencies of Crimea. « In addition, the prosecutor considers that the video, in which unknown individuals, presumably in the uniform of the power structures of the Russian Federation forcibly put Ibragimov into the van «are not true» because, in her words, «there was no traffic police in that place and it didn't suppose to be there»².

These statements of the prosecutor indicate that the criminal investigation is ineffective because the authorities refuse to consider all versions of abduction, including political reasons, and ignoring the possible evidences of involvement of the security forces in the abduction.

It is important to note that before the de facto prosecutor and investigative bodies of Crimea also did not consider the versions of abduction in connection with politically motives and that it could be committed by the government agents (officials of Crimean and other self-defense, which are under control of the de facto authorities). Thus, in the case of the abduction of Timur Shaimardanov and Seran Zinedinov the investigation considered versions that disappearance is connected with the commercial activity or voluntary leaving of Crimea, but did not consider the version of the abduction because of social activities and involvement of persons connected with «Crimean self-defence», as witnesses reported.

In the previous review of the CHRG it was reported that **Ernest Abylazimov** that was born in 1971 went missing in Crimea on 4 January 2016. According to information given by relatives he left home on 4 January and did not return. The last time he was seen at the bus station in Simferopol. Accurate information about the location of his for a long time was not. Only in February 2016 it was reported that he had been seen in Melitopol³. On 26 June Russian TV channel NTV published the story in the «Highlights of the Week» program about the terrorist attack which allegedly was prepared by Crimean Tatars that took part in the «Crimea blockade» protests in Kerch Strait. In this program Ernest Abylazimov that was previously considered as missing tells about his alleged involvement in the preparation of the failed attack⁴. The filming of the interview with him

¹ The video from the place of abduction of Erwin Ibragimov: <https://www.youtube.com/watch?v=YZZh4zFaWKY>

² The statement of the Crimean prosecutor N. Poklonskaya at the «Millet» TV channel regarding the case of the abduction of Erwin Ibragimov: <http://crimeahrg.org/kryimskaya-prokuror-poklonskaya-zayavila-cto-ibragimova-mogli-pohitit-cto-byi-ee-oklevetat/>

³ <http://qha.com.ua/ru/obschestvo/propavshii-krimskii-tatarin-nashelsya-v-melitopole/155204/>

⁴ The plot regarding the involvement of Ernest Abylazimov starts from 24th minute of the program: https://www.youtube.com/watch?v=Z_MPf9JY8XI



takes place in Simferopol. Ernest Abylazimov says that he had changed his mind after the failed terrorist attack and returned to Crimea. There are reasons to doubt the veracity of this story: 1) NTV has repeatedly posted fabricated propaganda character stories; 2) The criminal case was opened in Crimea against participants of «Crimea blockade» regarding terrorism, but in spite of the «confessions» of Abylazimov that he allegedly participated in the preparation of a terrorist attack against the de facto authorities, no measures were applied to him 3) Sergey Aksenov stated that he knows nothing about the attacks preparation⁵.

The thematic report «**Victims of enforced disappearances in Crimea as a result of the illegal establishment of the Russian Federation control (2014-2016) as of June 2016**» was published by Crimean Human Rights Group in June. Being guided by the norms of International Convention for the Protection of all persons from Enforced Disappearance, the report contains a summary of victims of enforced disappearances of civilians as a result of the illegal establishment of Russian control in Crimea. CHRГ considers the facts of disappearances which have following elements: political motives of kidnapping in connection with the social activities or an ethnic / religious affiliation of the missing person; the involvement of representatives of the de facto authorities or members of paramilitary groups controlled by the de facto authority in the enforced disappearance; lack of effective investigation by the de facto authorities of Crimea. The report also contains information on other cases of disappearance, which may contain signs of forced disappearance, but there are no sufficient reasons to consider them as such at the moment⁶.

⁵ https://life.ru/t/%D0%BD%D0%BE%D0%B2%D0%BE%D1%81%D1%82%D0%B8/425027/aksionov_o_diviersiakh_v_kierchi_mnie_niezviestno

⁶ The CHRГ's thematic report «Victims of enforced disappearances in Crimea as a result of the illegal establishment of the Russian Federation control (2014-2016) as of June 2016»: <http://crimeahrg.org/en/the-victims-of-enforced-disappearance-in-crimea-as-of-june-2016/>



RIGHT TO LIBERTY AND SECURITY OF THE PERSON

DETENTIONS

On 12 June (Russia Day — a state holiday in the Russian Federation), according to eyewitnesses, the police arrested a man with a souvenir flag of Ukraine in Simferopol. Video of the incident was published on 13 June in Youtube Network. On the video it is recorded, as a man with a souvenir Ukrainian flag shouting «Glory to Ukraine» out of police car. The author of the video stated the following: «During the celebration of Russia Day, 59-year-old **Ruslan B.** was waving a Ukrainian flag in front of passers-by, occasionally kissing it and shouted «Glory to Ukraine» in Gagarin Park in Simferopol». The police arrived and drew up a report on the violation of public order. This fact did not bother the man; he went to the police department with a flag in his hand shouting anti-Russian remarks through the open window of the patrol car»⁷. CHRГ monitors are finding out the details of the detention and the further destiny of the arrested men.

On 14 June, **Alexei Salov** chief editor of the online newspaper «Argumenty Nedeli — Crimea» was detained in Simferopol at the cafe «Schastye». Edition works in Crimea since 2011 and Alexei Salov is a citizen of the Russian Federation.

The same day, the Kiev District Court of Simferopol ordered to transfer Alexei Salov to the Vladimir region. The editor is accused of committing a crime under Article 163 of the Criminal Code of the Russian Federation (extortion), as well as Article 314 of the Criminal Code of the Russian Federation (evasion of serving the restriction of liberty, deprivation of liberty, as well as the application of compulsory medical measures).

«Interfax» news agency reported that in 2012, Alexei Salov was sentenced to one year in a penal colony under Article 163 of the Criminal Code of the Russian Federation (extortion) and didn't arrive at the place of serving the sentence⁸.

At the moment, Alexei Salov is located in one of the colonies of the Vladimir region and expects the court hearing of his case.

However, some colleagues of Alexei Salov are considering the criminal case as the prosecution of the journalist for his professional activities, which began in 2012 in Vladimir city (Russian Federation), where Salov worked previously as an editor of «Argumenty Nedeli — Vladimir». That time, according to colleagues, the journalist was pursued by Grigory Anikeev a local businessman that was using his position as the owner of the industrial group «Anikeev Business Invest» and the deputy of the State Duma of the Russian Federation. Earlier, journalists wrote that the case for Alexei Salov in 2012 was fabricated⁹.

ARRESTS

On 3 June, the Crimean prosecutor's office released information about the charge of terrorism regarding the citizen of Ukraine. According to prosecutors, «the fighter of «Azov» battalion **Maxim Filatov** set on fire the building of the «Chukurcha» mosque in Simferopol in April 2014, and in August this year (CHRГ note — August 2015)» Filatov, «using an improvised explosive device, tried to commit a terrorist act in front of the prosecutor's office» in Crimea. Crimean

⁷ <https://www.youtube.com/watch?v=701R0-aJ1iQ>

⁸ <http://www.interfax.ru/russia/513470>

⁹ <http://argumenti.ru/print/society/n323/150733>



Prosecutor Natalia Poklonskaya approved the indictment. Filatov is charged with several articles of the Criminal Code of the Russian Federation: Part 3, Article 30 — Part 1 of Article 205 (attempted terrorist attack), Part 1 Article 223 (illegal manufacturing of explosive devices), Part 1 Article 222 (illegal storage, transportation and carrying of explosive devices), Part 2 Article 167 (damage to another's property with causing significant damage by arson). The criminal case was sent for review to the North Caucasus District Military Court in Rostov-on-Don (Russia)¹⁰.

On 8 June, in the morning, at the intersection of Zelenaya Street and Evpatoria Highway in Saki city Ukrainian activist **Oleg Prikhodko** who took part in protests on the Maidan in Kiev, was stopped by the traffic police of the Russian Federation. The reason for stopping was the Ukrainian number plates on the car. Oleg Prikhodko, refused to change the number plates on the Russian one after 1 April and continued to use the car with Ukrainian number plates¹¹. During the conversation with an employee of the traffic police Oleg Prikhodko expressed his dissatisfaction with the fact that he was stopped because of Ukrainian number plates, as the fact of forcing the change to the Russian sample of number plates violates his rights. Traffic police officers called police and reported that Oleg Prikhodko violated public order and was using offensive language.

On the same day, on 8 June, the judge of Saki district court Islamgulova E.V. acknowledged Oleg Prikhodko guilty of an administrative offense under Part 1, Article 20.1 of the Administrative Code of the Russian Federation — Disorderly conduct, that is a violation of public order, expressing a clear disrespect for society, accompanied by swearing in public, offensive molestation to citizens, as well as the destruction or damage of another's property. The judge sentenced him to administrative detention for a period of three days (Annex 1).

According to the text of the judge, the activist acknowledged that he used offensive language, but it was not applied to a specific person, but was expressing his dissatisfaction. As the main evidence in the case the court recognized protocol on administrative violation and report of police employee, i.e., Police position. The testimony of two witnesses was also used in the case; they confirmed the use of obscene language by the activist. The judge concluded that the use of obscene language during a conversation with an employee of traffic police is a violation of public order and «clear disrespect for society.» The reason for stopping the vehicle of Prikhodko and the reason of activist anger towards traffic police officer were not considered by the court. Thus, the court did not take into account the subjective side of the offense (guilt, motive, purpose), which is required to issue an objective and rightly court decision.

When selecting the type of punishment the judge referred to the fact that at the moment Prikhodko «does not have permanent job», and sentenced him to administrative arrest. The activist served a sentence of three days of administrative arrest. He reported to the CHRG that he will not appeal against the court order for his arrest on the grounds that he does not recognize the Russian authorities in Crimea as legitimate.

SEARCHES

On 2 June, the Crimean Human Rights Group got information that search is conducted in the apartment of **Natalia Vaschenko** mother in Kerch. Natalya Vaschenko previously lived in Kerch with her mother, then moved to Dnepropetrovsk, and came to visit her mother at the end

¹⁰ <http://rkproc.ru/ru/news/prokuror-respubliki-natalya-poklonskaya-napravila-v-sud-ugolovnoe-delo-o-popytke-soversheniya>

¹¹ <https://www.facebook.com/crimeahrg/posts/1733882523564048>



of May 2016. The search was carried out by six people who, according to women, were dressed in civilian clothes. One of them presented Russian Federal Security Service identity document and the court order to inspect the apartment. The ruling was issued by the judge of the Kerch city court Kuzmina. Women were afraid to open the door to unknown persons, but the Russian Federal Security Service officers threatened to break the door and shoot the dog. According to Natalia Vaschenko and her mother, during a search next items were seized: a personal laptop of mother, two Ukrainian Chevron souvenirs, one of which — The Ukrainian Insurgent Army, and a souvenir flag of «Right sector».

Previously Natalya Vaschenko worked as a volunteer in the Ukrainian hospital, where Ukrainian military were treated (after the start of an international armed conflict in the east of Ukraine). After the search Vashenko was taken for questioning to the department of the Russian Federal Security Service in 8 Lenin Street, but after the questioning she was not given any procedural documents regarding the search and interrogation.

During the interrogation, the woman was asked whether she was in the ATO zone (anti-terrorist operation in Lugansk and Donetsk regions of Ukraine). She was also asked about the reasons why has been a volunteer in Dnepropetrovsk hospital, what is her position regarding the fact that Crimea is a part of Russia, why her contacts list in Facebook social network contains Ukrainian military from Crimea. She was threatened with a criminal case, and she was forbidden to leave the territory of Crimea. She was reported that she will be informed regarding her procedural status in ten days. However, recognizance not to leave was not provided for her. Fearing the prosecution for political reasons due to the fact that she was helping Ukrainian soldiers in the hospital, Natalia Vaschenko decided to leave Crimea. There were no problems during passing the control of the Russian border and at the moment she is located on the mainland of Ukraine.

Two weeks after the search, the mother of Natalia Vaschenko appealed to the Russian Federal Security Service in Kerch demanding the return of items that were seized during the search. The items were returned to her, and she was reported that the criminal case was opened regarding her daughter Natalia. The Russian Federal Security Service refused to answer the mother's questions about the article of criminal case and what is the reason for the case.

On 5 June, the search was conducted in the Krasnyy Mak village of Bakhchsarai area in the house of **Smail Mustafayev** that was born in 1962. According to the deputy head of the Mejlis of the Crimean Tatar people Nariman Jalal about 30 law enforcement officers arrived for detention of Mustafayev. The reason for the search was the case against Mustafayev, which was opened by Ukrainian law enforcement agencies in 2012. In that period, Mustafayev worked as a forester, and there was a fact of illegal felling of trees. Mustafayev was suspected in illegal logging, however, according to Nariman Jalal, the case was closed in 2012. After the search, he was taken to the Northern branch of Sevastopol police on suspicion of illegal logging in 2012. He was later released on written undertaking not to leave a place¹². Thus, the de facto authorities retrospectively apply the norms of the Criminal Code of the Russian Federation and they apply them to events, 1) to which Ukrainian law enforcement agencies have already given a legal assessment; and 2) that took place on the territory of Crimea before de facto control of the Russian Federation at the peninsula.

¹² <http://hromadske.ua/posts/sylovyky-rf-vidpustyly-zatrymano-ho-krymskoho-tataryna-pid-pidpysku-pro-nevyzid>



PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

PERSECUTION OF THE KIEV MAIDAN MEMBERS:

THE ANDREY KOLOMIETS'S CASE

On 10 June, the judge of Kiev District Court of Simferopol, Belousov M.N. found guilty the citizen of Ukraine **Andriy Kolomiets** of committing crimes envisaged by Part 3 Article 30 subparagraphs «a, b, e, l» Part 2 Article 105 of the Criminal Code of the Russian Federation (attempt to murder of two employees of the Ministry of Internal Affairs of Ukraine «Berkut»), and Part 2 Article 228 of the Criminal Code of the Russian Federation (possession of drugs) and sentenced Ukrainian to a sentence of 10 years of imprisonment in a strict regime colony.

Earlier, the lawyer and the CHRNG have repeatedly reported on the use of torture and various forms of pressure against Andrei Kolomiets, violations against his the right to an effective remedy, the right to liberty and the right to a fair trial¹³.

On 17 June, the lawyer lodged an appeal against the verdict, which indicated that the sentence that passed with gross violations of substantive and procedural law is unreasonable, illegal and unjust.

The lawyer notes that the Main Investigation Department of the Prosecutor General of Ukraine is carrying out pre-trial investigation regarding the killings and attempted murder, injuries caused to officers of Ukrainian Interior Ministry «Berkut» during the protests on Independence Square in Kiev. This refutes the investigator Lukyanchuk A.S. in the indictment against Kolomiets that «a criminal case on this fact is not initiated on the territory of Ukraine.» The lawyer believes that the judge intentionally, despite the delivery of confirming document by the lawyer during the hearing regarding the General Prosecutor of Ukraine initiation of criminal proceedings in defence of infringed rights of employees of «Berkut», did not stated it in a sentence, as this circumstance shall result in termination of criminal prosecution of Kolomiets regarding charges of attempted murder of two employees of «Berkut».

In addition, the judge Belousov M.N. at the trial stage did not allow the lawyer to learn the case materials since 15 March 2016.

The lawyer demands to cancel the sentence against Kolomiets, either to acquit as he is not involved in the commission of an offense under Part 3 Article 30 subparagraphs «a, b, e, l» Part 2 Articles 105, and in the absence of evidence of a crime under Part 2 Article 228 of the Criminal Code of the Russian Federation, or to return a criminal case to the prosecutor of «the Republic of Crimea».

THE ALEXANDER KOSTENKO'S CASE

On 8 June, members of the Public Oversight Commission (POC) of the Kirov region visited correctional colonies number 5 and number 11 with the purpose of verifying compliance with convicts' rights. During the visit members of the POC checked convicted and sentenced prisoners that being contained in punishment cells and cell-type rooms. At the correctional colony number 5 they met with a convicted citizen of Ukraine from Crimea **Alexander Kostenko**, and in the correctional colony number 11- with a convicted citizen of Ukraine **Valentin Vygovsky**. Alexander Kostenko, a member of the protests on the Maidan in Kiev was convicted on politically motivated charges in Crimea for alleged bodily injuries to officer of «Berkut». After the entry of judgment of Alexander Kostenko into legal force, violating the international humanitarian law he was taken to Russia to serve his sentence.

¹³ The full recording of the press conference on the of Andrei Kolomiets's case, 27 May 2016 Kiev: <https://www.facebook.com/crimeahrg/videos/1728690090749958/>



Members of the POC reported that there were no complaints about conditions of detention of convicted persons¹⁴. However, Alexander Kostenko told the relatives that the prison staff record all his meetings with representatives of the POC and the Embassy of Ukraine in Russia on the camera. In this regard, he cannot report the actual information about their state of health or conditions of detention. In case of such a complaint «punishment» will be applied to him — a significant deterioration in living conditions.

«CASE OF FEBRUARY 26»

It's almost 1.5 years that deputy chairman of the Mejlis of the Crimean Tatar people **Ahtem Chiygoz, Mustafa Degermendzhi** and **Ali Asanov** are under arrest in Simferopol pre-detention centre. Earlier detention period for Ahtem Chiygoz was extended till 22 July 2016.

On 21 June Nikolai Polozov the lawyer of Ahtem Chiygoz said that during the trial testimonies of seven «secret» witnesses will be heard. The lawyer believes that there is reason to doubt the veracity of such evidence, taking into account that some of them said that they are members of Mejlis of the Crimean Tatar people and attended a meeting of the Mejlis on 25 February 2014, at which it was decided to hold a rally on 26 February against the referendum in Crimea near the building of the Verkhovna Rada of Crimea¹⁵.

«CASE OF HIZB UT-TAHRIR»

14 people are still detained in Crimea regarding the «Hizb-ut-Tahrir» case — **Ruslan Zeytulaev, Rustem Vaitov, Nuri Primov, Ferat Sayfulaev, Envar Bakirov, Vadim Siruk, Muslim Aliev, Emir Usein Kuku, Refat Alimov, Arsen Dzhepparov, Enver Mamutov, Remzi Memetov, Zevri Abseitov** and **Rustem Abiltarov**. They were charged under Part 1 of Article 205.5 of the Criminal Code of the Russian Federation (Creation of a terrorist organization) and / or Part 2 of Article 205.5 of the Criminal Code of the Russian Federation (participation in a terrorist organization).

On 1 June, the first hearing took place regarding the case of the first four detainees Nuri Primov, Rustem Vaitov, Ruslan Zeytulaev and Ferat Seyfulaev in the North Caucasus District Military Court in Rostov-on-Don (Russia)¹⁶. Ruslan Zeytulaev is accused the organization of «Hizb ut-Tahrir» cell, and the other three — in being involved in this cell.

The defendants are contained in a glass cage in the courtroom, they are brought in and taken out the courtroom in handcuffs, and they are hold in the bent at the waist position¹⁷. Defenders protest against such treatment with suspect was rejected by the court.

During the first hearing the prosecutor read out the indictment and announced the participation of 24 witnesses, including one «secret» witness under the pseudonym Alexander¹⁸. Witnesses are in Sevastopol and they are being questioned in video mode.

The Court spokesman Alena Katkalo in an interview to NTV television channel reported, before the trial and sentencing, that Zeytullaev organized «terrorist organization» cell and was actively campaigning ideology¹⁹. Thus the presumption of innocence was violated in respect to the Crimean Muslims, and this is evidence of bias against the suspects by the court.

¹⁴ <http://onk-43.ru/chleny-onk-kirovskoj-oblasti-posetili-fku-ik-5-i-ik-11-ufsin-rossii-po-kirovskoj-oblasti/>

¹⁵ <http://ru.krymr.com/content/news/27810881.html>

¹⁶ https://ovs--skav.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=389167&delo_id=1540006&new=

¹⁷ <https://www.facebook.com/emil.kurbedinov/posts/1122925001105429>

¹⁸ <http://kommersant.ru/doc/3002093>

¹⁹ <https://www.youtube.com/watch?v=-e3UYeaNHsE>



According to the lawyer information some witnesses of the prosecution refused the testimony that were given during the investigation, and part of them have a personal grudge against the defendants (one of whom is Russian Federal Security Service employee)²⁰.

On 15 June, the secret witness «Alexander» was heard. Lawyer Emil Kurbedinov stated that «the interrogation was conducted in a «radio» mode, i.e., a constant and uninterrupted stream was not provided from the room where secret witness supposedly was. Defence side considers that someone was nearby the witness and prompted answers to the questions. So the witness replied later after pressing the button. There were long pauses between the questions asked by defence and the witness answers»²¹.

The North Caucasus District Military Court refused to visit detained citizens of Ukraine by representatives of the Consulate General of Ukraine in Rostov-on-Don. On 23 June, at the site of Ukraine's Foreign Ministry a protest against such a refusal was issued²².

In June 10 hearing were held in the North Caucasus District Military Court regarding the case against Nuri Primov, Rustem Vaitov, Ruslan Zeytkulaev and Ferat Seyfulaev.

On 7 June, Kiev District Court of Simferopol extended the detention period of Emir Usein Kuku, Enver Bekirov, Muslim Aliyev, Vadim Siruk till 8 September 2016. The extension of the custody court explained by saying that, they can escape from the investigation, put pressure on the witnesses, and none of them has contraindications to police custody because of health reasons²³.

On 17 June, the Judge of Kyiv District Court of Simferopol Mikhail Belousov agreed the request to extend the period of detention for Arsen Djeparov and Refat Alimov till 8 September 2016²⁴. During the court Alimov proposed a disqualification of prosecutors and investigators, but it was not acceded. The appeal to this Court's decision is scheduled for 1 July.

On 23 June, the Supreme Court of Crimea chaired by the judge Mielno T.A. dismissed the appeal and upheld the detention of Enver Bekirov, Muslim Aliyev, Vadim Siruk till 8 September 2016 without changes²⁵. On 28 June, the court took a similar decision with regard to Emir Usein Kuku.

THE VLADIMIR BALUCH'S CASE

On 10 June, the judge of the Razdolnenskiy district court Bedritskaya M.A. rendered a verdict against a citizen of Ukraine **Vladimir Baluch**. The activist was found guilty of committing a crime under Article 319 of the Criminal Code of the Russian Federation — insulting a public official, and again sentenced to 320 hours of compulsory labour²⁶.

Earlier, on 5 February 2016, the same court but in another composition of judges sentenced Vladimir Baluch to the same kind of punishment on the same charges²⁷. However, a higher court on 28 March 2016 overturned the verdict and ordered «a criminal case for a new trial in the same court with a different composition» (Annex 2). Prosecutor of Razdolnenskiy district

²⁰ https://www.facebook.com/permalink.php?story_fbid=611067155728514&id=100004757052466

²¹ <http://avdet.org/node/19765>

²² <http://mfa.gov.ua/ua/press-center/comments/5874-komentar-mzs-ukrajini-shhodo-nedopusku-konsulytsykih-posadovih-osib-ukrajini-donezakonno-utrimuvanih-v-rosiji-gromadyan-ukrajini-rvaitova-fsajfulajeva-juprimova-ta-rzejtullajeva>

²³ <https://www.facebook.com/zair.smedlya/posts/1041854942516340>

²⁴ <http://hromadskeradio.org/2016/06/17/dvoe-musulman-obvynyaemyh-v-terrorizme-do-8-sentyabrya-ostanutsya-v-syzo-kryma>

²⁵ <https://www.facebook.com/groups/487906314740295/permalink/499637876900472/>

²⁶ The verdict against Vladimir Baluch, 10 June 2016 [the document]: <http://crimeahrg.org/wp-content/uploads/2016/07/Baluh-prigovor-10.06.2016.pdf>

²⁷ The verdict against Vladimir Baluch, 50 February 2016 [the document]: <http://crimeahrg.org/wp-content/uploads/2016/07/Baluh-prigovor-05.02.2016.pdf>



Shmelev D.N. asked to cancel the verdict against Baluch and transfer it to a new trial; the judge «of the Supreme Court of the Republic of Crimea» Osochenko A.N. fully satisfied his request. However, it did not affect a new trial; on 10 June the sentence similar to the previous was pronounced.

Lets recall that on 14 November 2015 the house of Vladimir Baluch was visited by police officers supported by a special unit of riot police Yaschenko G.V., Kudrya K.Y., Fedotov A.V., Dubrovchenko G.V., Mitchenkov K.O., Baranov E. V. to conduct a search on the decision of the judge of the Razdolnenskiy district court Abelyashev A.V. The decree regarding the search was made in connection to the criminal case on the abduction «of the car VAZ-2106 in blue colour» in Razdolnoe village on 10 October 2015. Questioned witness showed that Mr. Baluch allegedly «keeps stolen car at home.» After the search, Vladimir Baluch was found guilty under Part 1 Article 19.3 of Administrative Code of the Russian Federation (disobedience to lawful order or requirement of a police officer), and has been subjected to administrative detention for a period of ten days.

Vladimir Baluch considers that the fabrication of a criminal case against him is related to his pro-Ukrainian position that he expressed openly — state flag of Ukraine continued to be on the flagpole in the territory of his home the since March 2014. Also the activist is convinced that administrative detention is applied to him so he was unable to register the evidences of beatings, which police officers caused him during his arrest. During his stay in the detention cell, he repeatedly demanded to provide him a medical treatment, but he was refused.

On 20 June, the Ukrainian has filed an appeal against the verdict of Razdolnenskiy Court of 10 June 2016 to «the judicial board on criminal cases of the Supreme Court of the Republic of Crimea.» In his application as one of the reasons for the cancellation of the sentence he indicated that the sentence cannot be considered as lawful, reasonable and fair, because the sentence is an electronic copy of the sentence of the judge Pyrkalo T.V. of 5 February 2016. The texts of both sentences contain the same syntax and other mistakes. This indicates that the judgment of 10 June 2016 by the judge Bedritskaya M.A. is actually resolved not in the conference room as a result of analytical work on the evidence in the case but transferred from the electronic media of judge Pyrkalo T.V.

Thorough attention in the appeal Vladimir Baluch draws to the operative part of both judgments of 02/05/2016 and 10/06/2016, which state that the sentence can be appealed to the «Court of Appeals of the Republic of Crimea» (Annex 3). However, it is impossible to apply to such a court. In June 2014 violating international standards the Russian Federation authorities have established courts on the territory of Crimea on the basis of the RF Law «On the establishment of courts of the Russian Federation on the territory of the Republic of Crimea and the federal city of Sevastopol and on amendments to certain Russian Federation legislative acts»²⁸. In the list of courts that were created by Russian Federation on the territory of Crimea, «the Court of Appeal of the Republic of Crimea» is missing. According to the Russian legislation the appeal body in relation to the «Razdolnensky District Court of the Republic of Crimea» is the «Supreme Court of the Republic of Crimea.» Thus, in two sentences against Vladimir Baluch judges offered him to appeal the decision in non-existent court, which is a violation of the right to an effective legal remedy.

²⁸ Federal Law «On the establishment of courts of the Russian Federation on the territory of the Republic of Crimea and the federal city of Sevastopol and on amendments to some of legislative acts of the Russian Federation»: <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102353831>



FREEDOM OF SPEECH AND EXPRESSION

OBSTRUCTION OF JOURNALISTS' WORK

On 2 June, Crimean blogger **Zair Akadyrov** informed about the refusal of Crimean prosecutor's office in defending his violated rights. On 15 January 2016 Zair Akadyrov came to the court-house, where another meeting regarding the «26 February Case» was held, to highlight the process. Blogger was detained and escorted to the police station «for identification» without any explanation. However Akadyrov immediately presented identity document. In addition, Ruslan Shambazov employee of the Crimean centre for counteraction to extremism threatened the blogger with persecution and torture. The journalist filed a complaint regarding the actions of police officers to the Presidential Administration of the Russian Federation, RF Procurator General, the Investigative Committee of the Russian Federation, the Russian Interior Ministry, the Investigative Committee of Crimea, Crimean prosecutor's office.

In response to the complaint the Crimean prosecutor's office replied (signed by Alekseev A.V. the Chief Prosecutor's Office department of Crimea), that, in their opinion, the actions of the blogger regarding photo and video fixation of the trial arouse suspicions of the officer of the Centre of combating extremism. In this connection, he had the right to verify the identity of Akadyrov. During the check prosecutors found that there is no information regarding detention of Akadyrov by police officers, including Shambazov, and no administrative materials available. On this basis, the prosecutor's office believes that there were no violations of the Federal Law «On Police» in actions of Interior Ministry of Russia officers, and there are no grounds for the prosecutor's intervention²⁹. However, the prosecutor's office ignored the fact of direct threats from Interior Ministry of Russia officers and the fact that the identity document of Akadyrov was provided to the police and, therefore, there were no reasons for the identity verification at the police station. Incomplete and biased inspection of Crimea prosecutors regarding actions of Interior Ministry of Russia officers against blogger violates the right to use the means of effective legal protection and deprives Akadyrov of the possibility to restore the violated rights.

On 27 June, the journalists of **TV channel «Crimea 24»** (First Crimean) arrived in Gurzuf village at the «Gurovskie stones» beach to make a story about the protests of local residents against the Russian Government's program regarding the International Children's Centre «Artek» (details in the «Freedom of peaceful assembly» section). Journalists were interviewing local activists³⁰, but after the recording of the video TV channel employees were approached by police officer who introduced as Vladimir Alexandrovich. A police officer took the journalist and cameraman in the police car; they were taken to the police station, where they gave explanation. During the conversation with police officer the journalist tried to explain that his actions are legitimate and he has the right to shoot those videos, which are approved by TV channel. However, a police officer disagreed and took the journalists to the police department. Eyewitnesses among local residents expressed their disagreement regarding the actions of the police³¹. Finally, the plot, which was filmed by journalists, did not come out on «Crimea 24» TV channel.

²⁹ <https://www.facebook.com/zair.akadyrov/posts/10204831202619874>

³⁰ The video of one of the locals, which shows that the journalist of «Crimea 24» TV channel records the interviews with local activists <https://www.ok.ru/video/91344865934>

³¹ Video of one of the eyewitnesses of the detention of the journalist and cameraman of «Crimea 24» TV channel: <https://www.ok.ru/video/91345390222>



Local residents believe that the police deliberately exceeded its authority and detained journalists in order to prevent the publication of the material, which highlights the protests of local residents against the actions of representatives of the Russian Government.

THE ILMI UMEROV'S CASE

On 17 June, the Deputy Chairman of the Mejlis of the Crimean Tatar people **Ilmi Umerov** reported that he had been summoned by the Russian Federal Security Service investigator and acknowledged regarding the decision to conduct a psychiatric examination against him³². However, according to the Russian legislation and taking into account the criminal case details, Ilmi Umerov cannot be sent for forensic examination under compulsion. In this regard, such examination can be made only of his free will; without his consent the Russian Federal Security Service officers have no right to force him to undergo examination.

Ilmi Umerov is charged under Part 2 Article 280.1 of the Criminal Code of Russian Federation «Public calls for the implementation of actions aimed at violation of the territorial integrity of the Russian Federation, committed by using information and telecommunications networks (including Internet).» The case was initiated for his participation in a live TV program on the ATR channel, during which, according to the Russian Federal Security Service, he urged «to return Ukrainian border back to its original location».

³² https://www.facebook.com/permalink.php?story_fbid=1785795028332029&id=100007046477228



FREEDOM OF PEACEFUL ASSEMBLY

On 4 June, at 10 a.m. a peaceful demonstration against the construction at the Central waterfront started at Central waterfront of Alushta. The meeting was attended by about 50 people; the participants used the slogans «Authorities are ignoring the opinion of Alushta residents», «Waterfront is a treasure of people», «Free the embankment from illegal amusements!» and others. Pavel Stepanchenko, city council member, took part in the meeting together with local residents.

However, the police began to block the meeting. Three people were arrested — **Leonid Lytvynchuk, Ruslan Marinkov** and **MP Pavel Stepanchenko**³³. Pavel Stepanchenko was held about seven hours at the police station; protocols on administrative violations have been drawn up on him and he was released afterwards. Two other protesters were left in the pre-trial detention pending a court decision. On 5 June, the lawyer Andrei Loginov came to the police department to meet with his clients and activists. However, the lawyer was not allowed to see the detainees. The lawyer was informed that he was denied in meeting due to lack of «technical capability» for such meetings. Also, the lawyer was reported that he can meet with his clients, only in the court³⁴. Such actions of the police are a serious violation of the right for defence. On 6 June, it became known that two arrested protesters were released from the police station.

On 24 June, **Elmira Abyalimova** the wife of the deputy chairman of the Mejlis of the Crimean Tatar people Ahtem Chygoz, who is currently under arrest on «26 February case», reported that she received a warning from the police employees «about the inadmissibility of illegal activities». Elmira Abyalimova believes that this is connected with the initiative of local Crimean Tatar bulk to hold a prayer service at her home; a religious ritual is connected with long detention of her husband. However, the police regarded this planned meeting at her house as an illegal activity. Abyalimova refused to sign the document regarding the acceptance of the warning. Her refusal she motivated by the fact that «it is her home and she has all rights to invite anyone to her house»³⁵.

In recent months dissatisfaction regarding the policy of the Russian Government is growing among the local residents in the resort **village Gurzuf**. Social tension is connected with the fact that the Deputy Prime Minister for Social Affairs Olga Golodets announced to residents of Gurzuf information regarding the approval of development program of the International Children's Centre «Artek» by the Russian Government. The program involves the modernization and expansion of the territory of «Artek». The new territory of «Artek» 40.3 hectares, according to local residents, will include the public beach of Gurzuf «Gurovskie stones», four streets with individual residential buildings and two cemeteries. As a result, there is a threat that approximately one and a half thousand residents of Gurzuf will be relocated from their homes, as well as local residents will be denied access to the beach.

Gurzuf Residents filed an application to hold a meeting near the «Gurovskie stones» beach. However, local authorities refused to hold the meeting in the village, but allowed to hold it in the city of Yalta. Yalta is located at a distance of 15 kilometres from the Gurzuf, and the space that was allowed for the meeting in Yalta is Taras Shevchenko Square, which is extremely small in size and is located remotely from the administration of Yalta. In addition, due to high temperature during the summer and loaded public transport, it will be difficult for Gurzuf residents to get to Yalta because many of them are in retirement age. In this way the de facto government seriously

³³ https://vk.com/video138152152_456239038?hash=6b8e8493e7535f90

³⁴ <http://www.tvoya-gazeta.com/news-alushta/4173-policejskij-bespredel-v-alushte-prodolzhaetsja-k-zaderzhannym-ne-dopuskajut-advokata-video.html>

³⁵ <https://www.facebook.com/economy.depart?ref=ts&ref=ts>



violated freedom of peaceful assembly and deprived people of the opportunity to hold a rally in the area of visibility and audibility of its audience, i.e., in Gurzuf. On 26 June, Gurzuf residents held a rally in Yalta, in a place that was agreed by the de facto authorities. During the meeting they expressed their dissatisfaction about violation of the freedom of peaceful assembly in connection with the prohibition to hold the meeting in Gurzuf³⁶.

FREEDOM OF ASSEMBLY VIOLATIONS IN CONNECTION WITH REMEMBRANCE DAY OF THE VICTIMS OF CRIMEAN TATARS DEPORTATION

On 18 May, on the Day of Remembrance of the victims of the deportation four Crimean Tatars were detained in Sudak: **Ablyakim Ablyakimov, Seytmamut Seytumerov, Enver Chavush and Alim Muslyadinov**. They drove through Sudak on cars with Crimean Tatar symbols. They were detained by the police near the monument to the victims of deportation. Protocols were drawn up for committing an administrative offense under Part 2 Article 20.2 of the Administrative Code of the Russian Federation «Violation of the order of organizing or holding meetings, rallies, demonstrations, marches and pickets.»

On 7 June, the Judge of Sudak City Court Elena Petrovna Haraman made the decision to terminate the proceedings of an administrative offense regarding all four of the Crimean Tatars³⁷.

³⁶ <http://openbereg.ru/?p=6118>

³⁷ https://sudak--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=151343641&result=1&delo_id=1500001



FREEDOM OF MOVEMENT AND ISSUES RELATED TO CHECKPOINTS PASSING

On 25 June, during the night time, at about 00 a.m. citizen of Ukraine **Maksim Ivaschenko**, who lives in Crimea, was stopped by officers of the State Border Service of Ukraine on «Chaplynka» checkpoint. After Ivaschenko entry to the territory of «Chaplynka» checkpoint and obtaining the voucher, the staff of State Border Service of Ukraine refused to affix a stamp in the vouchers to conduct inspection of Ivaschenko car, which is a violation of the Ukrainian legislation. Security Service of Ukraine officers refused to fix the violation of Ivaschenko rights and prevent such violations. During the examination of the car border guards found the Russian number plates, issued in Crimea. The residents of Crimea are forced to change Ukrainian number plates from 1 April 2016 for the Russian number plates; otherwise the car owners will be fined. That's why Crimean car owners are using «Russian number plates» in Crimea and at the entrance to the mainland of Ukraine change then to the Ukrainian, which were received according to the Ukrainian legislation. According to the Law of Ukraine «On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine», documents and number plates issued in Crimea after March 2014 are invalid and do not entail legal consequences. However, officials of «Chaplynka» checkpoint, one of them introduced himself as «checkpoint chief Savchuk», accused Ivaschenko in illegal actions. Officials have failed to substantiate their accusations with references to legal acts of Ukraine. Ivaschenko was kept at the territory of checkpoint for few hours; no protocols were drawn and the time was not set in vouchers. Because of this reason Ivaschenko could not leave the territory of checkpoint. He called an ambulance to fix the deteriorating of health. As the staff of checkpoint did not explain the reason for the detention Ivaschenko called the police, and made a statement. After that he was released from the territory of checkpoint. According to Ivaschenko, he was kept on the territory of checkpoint for 8 hours without legitimate reason³⁸.

Currently Crimean Human Rights Group has filed an application to the authorities of the National Police, Security Service of Ukraine, State Border Guard Service of Ukraine, State Fiscal Service and emergency medicine services regarding the collection of more information and evaluation of the legality of the actions of «Chaplynka» checkpoint employees.

Other citizens of Ukraine who live in Crimea have contacted the CHRG regarding similar problems with the detention on checkpoints due to the presence of number plates in the vehicle that were issued in Crimea.

THE REVIEW WAS PREPARED BY:

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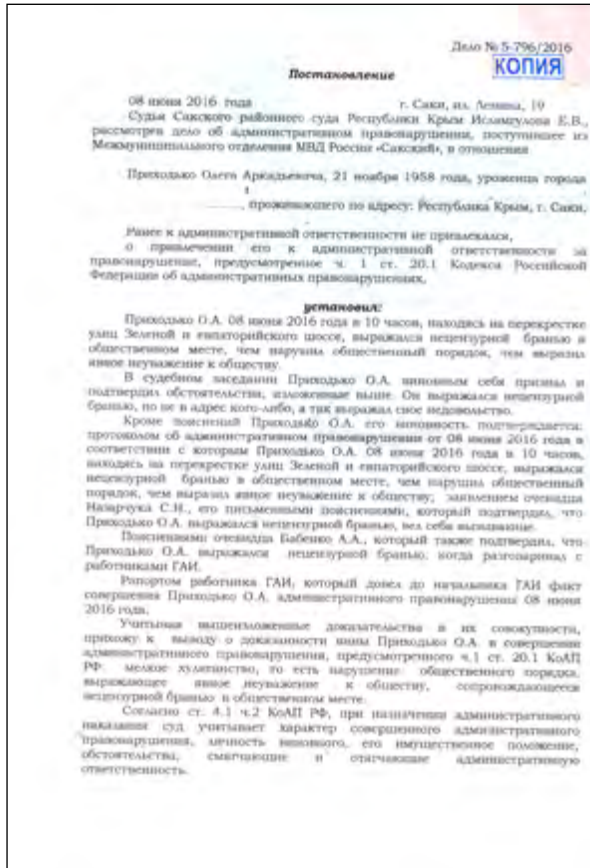
Alexander Sedov, analyst of the Crimean Human Rights Group.

³⁸ <https://www.facebook.com/maxisimfer/posts/895360307260505>



3. ANNEXES

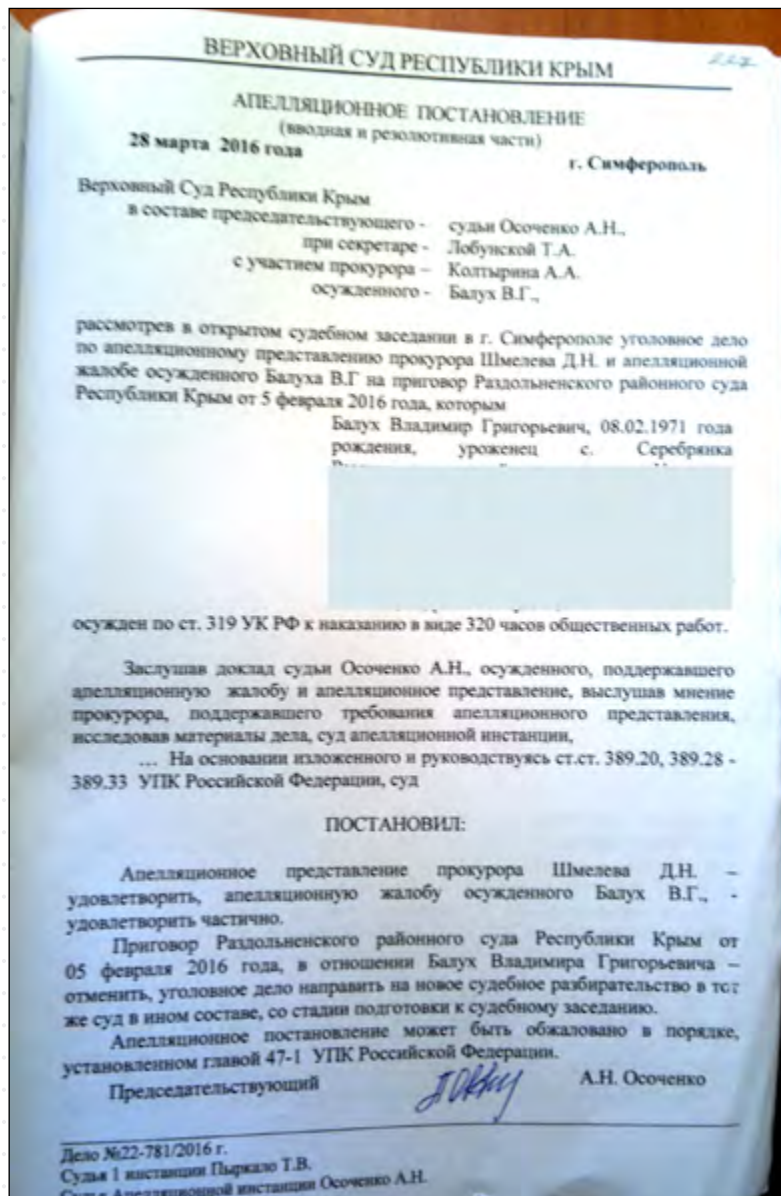
ANNEX 1



The decision of the Saki District Court judge Islamgulov E.V. regarding the recognition of Oleg Prikhodko guilty of an administrative offense under Part 1, Article 20.1 of the Administrative Code of Russian Federation «petty hooliganism», 8 June 2016



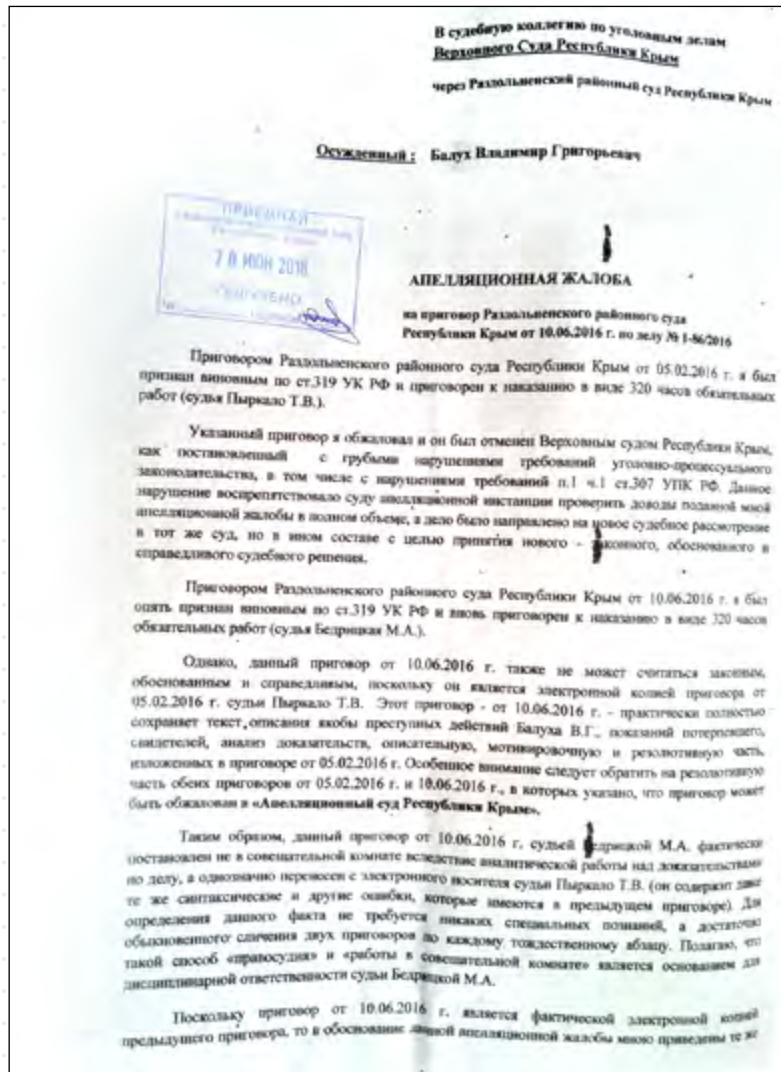
ANNEX 2



Appeal decision of the Supreme Court of Crimea
on the verdict against Vladimir Balukh, 28 March 2016



ANNEX 3



The fragment of appeal complaint of Vladimir Balukh regarding the verdict against him on 10 June 2016