



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

Monitoring review of the human rights situation in Crimea

July 2016

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

RIGHT TO LIFE, ENFORCED DISAPPEARANCES

On 29 July, during the meeting with French parliamentarians Crimean prosecutor N. Poklonskaya stated that the kidnappings that took place in Crimea, «were inspired to create a buzz so there was a story to tell about the infringement of the Crimean Tatar people or human rights violations». On the issue of the abduction of **Erwin Ibragimov**, she said that «due to investigative-operational procedure, it was found that a month after his disappearance witnesses saw him alive and well on the territory of the peninsula». However, she did not tell the exact place where he was seen, did not provide the witnesses names or any other facts. Relatives still do not know anything about the location of Ibragimov, the investigating authorities did not provide any information about his whereabouts¹.

Erwin Ibragimov was kidnapped on 24 May in Bakhchisarai. The video of alleged abduction of Ibragimov² shows that persons in the uniform of traffic police of Russia were involved in the kidnapping, that's why there is reason to believe that the kidnapping may have a political motivation and involvement of the de facto authorities.

N. Poklonskaya repeatedly and publicly stated that she does not consider the disappearance of Ibragimov as a kidnapping or other crime, but at the same time, the investigation did not find out his whereabouts and failed to provide evidences that could disprove the abduction version. In this regard, there is a reason to believe that the investigation is carried out not effectively.

¹ <http://crimea-24.com/novosti-kryma/156165-poklonskaya-rasskazala-delegatam-iz-francii-o-pohishenii-ibragimova.html>

² The video from the place of abduction of Erwin Ibragimov: <https://www.youtube.com/watch?v=YZZh4zFaWKY>



RIGHT TO LIBERTY AND SECURITY OF THE PERSON

ARRESTS

Previously CHRG reported regarding the arrest of the Crimean resident **Maksim Filatov**, which is considered as a «fighter of battalion» Azov» by the Crimean prosecutor's office. According to investigators, in April 2014 Maxim Filatov set on fire the building of the «Chukurcha» mosque in Simferopol, and in August 2015 Filatov, «using an improvised explosive device, tried to commit a terrorist act in front of the prosecutor's office» of Crimea. The case was sent for review to the North Caucasus District Military Court in Rostov-on-Don (Russia)³.

On 26 July, the North Caucasian District Military Court in Rostov-on-Don passed sentence against Maksim Filatov. He was found guilty of committing crimes under Part 3, Article 30 — Part 1 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 fire) of the Criminal Code of the Russian Federation⁴. He was sentenced to 6 years imprisonment in a penal colony.

Ukrainian Consul Alexander Kovtun attended the hearing, but the mother of the accused refused from help. The case of Maxim Filatov was considered by Judge Sergei Mikhailuk, the prosecution was represented by prosecutor Oleg Tkachenko. Earlier, the prosecutor and the judge were involved in the trial of Oleg Sentsov and Alexander Kol'chenko. The meeting was held in a special order, which includes an admission of guilt in full, no examination of witnesses and examination of evidence in the course during the meeting. The sentence was pronounced to Maxim Filatov as to a citizen of the Russian Federation.

During the trial it became known that two other Crimean residents are involved in the case. They are members of the battalion «Azov», the participants of ATO in the east of Ukraine **Alexander Kernis** and **Alexey Lysenko**. Crimean prosecutor's office considers them as «ordering party of mosque arson and attempted arson of the Crimean prosecutor's office». Two criminal cases have been identified in relation to Kernisa Alexander and Alexey Lysenko, who live at the moment on the mainland of Ukraine. Earlier their homes in Crimea were searched and they are not returning to Crimea, because of fear of prosecution⁵.

SEARCHES

On 18 July, it became known that the Russian Federal Security Service in Yalta detained a local woman **Larisa Kitayskaya** — Ukrainian activist of the «Euromaidan» movement and took her home to conduct a search⁶. During the search the Russian Federal Security Service officers did not give the exact articles of the Criminal Code, in violation of which she was suspected. The daughter of Larisa Kitayskaya Ksenya reported that the on 19 July Russian Federal Security Service officers intended to take Larissa, her husband and two family members for questioning. During the conversation with her, they explained that the questioning is conducted in connection with the «extremist statements on social networks». The state of health of Larisa Kitayskaya got worse, and she refused

³ <http://rkproc.ru/ru/news/prokuror-respubliki-natalya-poklonskaya-napravila-v-sud-ugolovnoe-delo-o-popytke-soversheniya>

⁴ <http://rkproc.ru/ru/news/vnesen-prigovor-po-ugolovnomu-delu-o-popytke-soversheniya-terakta-boycom-batalona-azov>

⁵ <https://zona.media/article/2016/27/07/filatov>

⁶ <https://www.facebook.com/lina.psyheia/posts/1057477960986944>



to come in for questioning. She has not been charged after the search⁷. On 27 July, Larisa Kitayskaya reported CHRГ that she still does not know her procedural status and has not received any relevant documents from the de facto authorities. Also, she reported that she believes that one of the reasons for the persecution could be the desire to take possession of her estate in Yalta⁸.

On 21 July, the prosecutor's office of the Autonomous Republic of Crimea (Kiev) reported that on the facts of detention of Larisa Kitayskaya in Yalta and a search of her home Prosecutor's Office of Crimea initiated pre-trial investigation of criminal proceedings on the grounds of criminal offenses under Article 146 of the Criminal Code of Ukraine (illegal deprivation of liberty), Article 162 of the Criminal Code of Ukraine (violation of the inviolability of the home). According to Part 2 Article 12 of the Law of Ukraine «On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine,» the above-mentioned materials of the criminal proceedings sent to the General Prosecutor of Ukraine to determine jurisdiction⁹.

PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

PERSECUTION OF THE KIEV MAIDAN MEMBERS:

THE ALEXANDER KOSTENKO'S CASE

On 8 July, the Judge of District Court of Simferopol Bereberov D.M. delivered its verdict against the brother of Alexander Kostenko — **Yevgeny Kostenko**. The judge found the brother of the political prisoner guilty of an offense under Part 2 of Article 297 of the Criminal Code of the Russian Federation (contempt of court), and sentenced to a fine of 60,000 rubles. According to the verdict, on 15 May 2015 Yevgeny Kostenko (the day of the sentencing of his brother — Alexander Kostenko) had a «criminal intent to insult the judge Mozhelyanskiy V.A.» During carrying out of this «intent», he showed the middle finger to the judge. This action allegedly insulted the judge Mozhelyanskiy. The judge Berberov stated in his verdict that middle finger represents the male sexual organ. The witnesses mentioned in the verdict confirmed that at the exit from the courtroom Yevgeny Kostenko really showed a hand gesture. Most of the interviewed eyewitnesses — are employees or former employees of the court or «Berkut». The case also has an unspecified «expert» conclusion that states that this gesture can be identified as abusive. However, even this «expert» claims that this gesture cannot be interpreted unambiguously. Notwithstanding the foregoing, as stated in the sentence for «the restoration of social justice,» Yevgeny Kostenko was sentenced to a fine of 60 000 rubles. The fine must be paid within a month. As long as he does not pay the fine a measure of restraint is maintained in relation to him — house arrest and proper behaviour¹⁰.

«CASE OF FEBRUARY 26»

The trial regarding the «Case of February 26», according to which deputy chairman of the Mejlis of the Crimean Tatar people **Ahtem Chygoz, Mustafa Degermendzhi and Ali Asanov** are detained, was interrupted on 15 February 2016 in connection with the decision of

⁷ <http://ru.krymr.com/a/news/27869918.html>

⁸ <https://www.facebook.com/crimeaarg/>

⁹ http://ark.gp.gov.ua/ua/news.html?_m=publications&_c=view&_t=rec&id=189232

¹⁰ The verdict against the brother of Alexander Kostenko — Yevgeny Kostenko, 8 July 2016, the document: <http://crimeahrg.org/wp-content/uploads/2016/07/Kostenko-E.pdf>



«the Supreme Court of Crimea» about the return of the case to the prosecutor of Crimea for additional investigation.

On 20 July, the trial on the «Case of February 26» re-started in Simferopol. Judicial Board decided to hold a preliminary hearing behind closed doors. Ahtem Chiygoz, Mustafa Degermendzhi and Ali Asanov were taken to the courtroom. Three other defendants in the case were present during the hearing — the accused Arsene Yunusov, Eskender Emirvaliev and Eskender Kantemirov. A preventive measure in the form of personal surety was previously elected in relation to them. Lawyers of the accused and the victims were also present. Wives and mothers of the accused were not allowed to the trial as the public defenders. Refusal was explained as since the new trial began, their rights as a public defenders must be affirmed again¹¹.

The Supreme Court of Crimea offered to divide «Case of February 26» — consider the case of Ahtem Chiygoza, who is accused in organizing mass disorders (Part 1, Article 212 of the Criminal Code of the Russian Federation), separately from the case regarding Mustafa Degermendzhi, Ali Asanov, Arsen Yunusov, Eskender Emirvaliev and Eskender Kantemirov, who are accused in involvement in the riots (Part 2 of Article 212 of the Criminal Code of the Russian Federation). Crimean prosecutor's office has supported a suggestion of a court, and all the lawyers were against such a division¹². According to the court, the case against Mustafa Degermendzhi, Ali Asanov, Arsen Yunusov, Eskender Emirvalieva and Eskender Kantemirov will be considered in the central district court of Simferopol, and the case against Ahtem Chiygoza remain in the Supreme Court of Crimea.

At the request of the prosecutor Dombrowski Court decided to hold the next meeting in the video mode with Ahtem Chiygoza (which excludes his personal presence at the hearings). The prosecutor explained his petition allegedly by occurred need to ensure the safety of victims. The court rejected the request of Alexander Lisovoy, who is lawyer of Ahtem Chiygoza, to dismiss the criminal case due to lack of evidence, and to change the preventive measure. The court granted the request of the lawyer about bringing of the wife of Chiygoza Elmira Abyalimova to the process as a public defender¹³. The next meeting is scheduled for 2 August¹⁴.

During the court hearing on 20 July the court extended the arrest of Ahtem Chiygoza, Mustafa Degermendzhi and Ali Asanov till 8 October 2016.

Relatives of Mustafa Degermendzhi reported about harsh conditions of detention, including the fact that the ward with 20 people has only 14 sleeping beds¹⁵.

«CASE OF HIZB UT-TAHRIR»

14 people are in custody in Crimea in connection with the «Hizb-ut-Tahrir» case — **Ruslan Zeytulaev, Rustem Vaitov, Nuri Primov, Ferat Sayfulaev, Enver Bekirov, 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).

¹¹ <https://www.facebook.com/photo.php?fbid=1164812206915971&set=a.662438240486706.1073741828.100001616084112&type=3&theater>

¹² <https://www.facebook.com/nariman.dzhelalov/posts/1164863643577494>

¹³ <http://avdet.org/ru/2016/07/20/figurantov-dela-26-fevralya-ostavili-pod-strazhej/>

¹⁴ <https://www.facebook.com/nariman.dzhelalov/posts/1164966076900584>

¹⁵ <http://15minut.org/news/161494-mat-mustafy-degermendzhi-cherez-advokata-my-uznali-chto-v-ego-kamere-na-20-chelovek-14-koek>



On 1 July, Crimean Supreme Court dismissed an appeal against the extension of arrest against Refat Alimov and Arsen Dzhepparov¹⁶.

In July, in the Military Court of North Caucasus District of the Russian Federation (in Rostov) hearings on the case of Ruslan Zeytullaev, Ferat Sayfullaev, Rustem Vaitov and Nuri Primov continued (case number 1-39 / 2016). Overall in July 9 court hearings took place (11, 12, 13, 14, 19, 21, 22, 25, 27 July)¹⁷.

Judicial board on criminal cases of the Military Court of North Caucasus District of the Russian Federation presented by presiding judge Podolsky R.V., judges Kostina I.V. and Gorelov S.M. rejected the appeal of lawyers and left unchanged the ruling of the Military Court of North Caucasus District on 18 May 2016 to extend the detention period till 28 October 2016 in respect of Ruslan Zeytullaev, Ferat Sayfullaev, Rustem Vaitov and Nuri Primov¹⁸.

On 6 July, the Kiev District Court of Simferopol extended the period of detention of four Muslims Enver Mamutov, Rustem Abiltarov, Remzi Memetov and Zevri Abseitov, accused of participating in the activities of «Hizb-ut-Tahrir», for three more months — up to 11 October¹⁹. Lawyers filed an appeal against this decision. On 21 July the hearing, scheduled for 13.00, to review these appeals did not take place. The meeting was postponed to the next day, 22 July. On 22 July hearing was held in the Supreme Court of Crimea, after which the detention of Enver Mamutov, Rustem Abeltarov, Zevri Abseitov, Remzi Memetov was postponed. Lawyer Emil Kurbedinov reported about gross violations from the side of judges. Thus, the court held a hearing via videoconference without the consent of the accused. Video conferencing with the participation of the accused side is usually held only in exceptional cases, with the application of the prosecutor or the other side. The judge, according to the lawyer, was ignoring the defence's arguments on this point, was not accepting the request of defence to learn the statement to hold video-conference, if such have been applied. In addition, the lawyer reported that the judge has stopped his speech during the debate and has not given the opportunity to speak and to voice the position of defence²⁰.

On 25 July, it became known that the others defendants in the «case of Hizb ut-Tahrir» Emir-Usein Kuku, Vadim Siruk and Refat Alimov were transferred to a special unit of Simferopol prison for «dangerous suspects»²¹.

The hearing on a complaint of Vadim Siruk against the decision of the Russian Federal Security Service investigator to refuse to issue a copy of the decision on the appointment of the complex linguistic and theological judicial expert examination and denial to familiarize with the case materials was scheduled on 29 July. However, the meeting did not take place, due to the fact that once again there was no internet connection to organize video conference. The court hearing was postponed till 10:30 on 4 August²².

¹⁶ <https://www.facebook.com/zair.smedlya/posts/1054978411203993>

¹⁷ https://ovs--skav.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=621113&delo_id=1540006&new=

¹⁸ https://ovs--skav.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=809882&delo_id=4&new=4&text_number=1&case_id=633057

¹⁹ https://www.facebook.com/permalink.php?story_fbid=160559137697143&id=100012291735545

²⁰ <https://www.facebook.com/emil.kurbedinov/posts/115619435111827>

²¹ <https://www.facebook.com/alexander.popkov.7/posts/1097022253718127>

²² https://www.facebook.com/permalink.php?story_fbid=176552669431123&id=100012291735545



FREEDOM OF SPEECH AND EXPRESSION

On 7 July, the Ministry of Internal Affairs of Russia in the city of Sevastopol reported that the employers of the extremism combat centre in the city of Sevastopol detained 24-year-old resident of Sevastopol on suspicion of extremist activities. According to the Ministry of Internal Affairs of Russia, resident of Sevastopol has posted on his page in social network «VKontakte» the picture calling for extremist activity. The criminal case was opened against the detained person on the grounds of an offense under Part 1, Article 282 (actions aimed at inciting hatred or enmity, as well as humiliation of a person or group of persons on grounds of sex, race, nationality, language, origin, attitude towards religion, and likewise affiliation to any social group, committed publicly or with the using the media), and Part 1 Article 354.1 (Rehabilitation of Nazism) of the Criminal Code of Russia²³. However, what kind of image or what was regarded by the Ministry of Internal Affairs as calls to extremist orientation was not reported.

On 29 July, Crimean prosecutor's office announced that it intends to restrict access to **60 Internet resources**²⁴. Crimean prosecutor's office has prepared and sent to the Prosecutor General of the Russian Federation the report about the presence of calls for extremism and other illegal activities on 60 Internet resources. It is also reported that at the request of prosecutor's office in Crimea four books are included in the federal list of extremist materials.

Among the reasons for restricting access to sites prosecutor's office considers «preventing the spread of extremist ideology». The definition of «extremist ideology» is represented in the decree of Aksenov «On Approval of the Comprehensive Plan to counter terrorist ideology in the Republic of Crimea in 2015 -2018»²⁵. According to the document, «the ideology of terrorism (terrorist ideology) refers to a set of ideas, concepts, beliefs, dogmas, target setting, slogans, justifying the need to terrorist activities, as well as other destructive ideas that have led or may lead to such an ideology». Thus, not only the acts are being persecuted and confined, but also thoughts and ideas. The definition is not defined and has no clear legal framework, and therefore leads to the fact that the Russian Federal Security Service or the prosecutor's office employers can subjectively determine if the idea is «destructive» or not.

OBSTRUCTION OF JOURNALISTS' WORK

On 15 July, the doors were blocked to the Crimean Tatar edition of the **newspaper «Avdet»** and regional Mejlis in Simferopol. Nariman Dzhelalov, the member of the Mejlis of the Crimean Tatar people, reported that intentional damage to the door lock was caused by Teyfuk Gafarov, who is a former member of the Mejlis, and currently holds the position in the de facto authorities (deputy head of administration of the city of Simferopol). As a result of these actions the staff of the newspaper could not get into the editorial office to carry out journalistic activities²⁶.

THE ILMU UMEROV'S CASE

On 11 July, Deputy Chairman of the Mejlis of the Crimean Tatar people **Ilmi Umerov** reported that he appealed to the Kiev District Court of Simferopol against the decision to initiate the criminal case against him on 12 May. In addition, Ilmi Umerov sent the notice about the refusal to

²³ <https://92.xn--b1aew.xn--p1ai/news/item/8100746>

²⁴ <http://www.rkproc.ru/ru/news/prokuratura-v-2016-godu-iniciirovala-ogranichenie-dostupa-k-60-internet-resursam-s>

²⁵ The decree of Aksenov «On Approval of the Comprehensive Plan to counter terrorist ideology in the Republic of Crimea in 2015 -2018»: http://rk.gov.ru/rus/file/pub/pub_238807.pdf

²⁶ <https://www.facebook.com/nariman.dzhelalov/posts/1164184300312095>



undergo voluntarily psychiatric examination to the Russian Federal Security Service investigator. Ilmi Umerov was reported about the decision to hold such examination on 17 June. He considers such actions as an attempt to discredit the personality and the humiliation of goodwill²⁷.

On 20 July the bill of complaint against the decision to institute criminal proceedings against Ilmi Umerov was examined. Mikhail Belousov — the judge of Kiev District Court of Simferopol decided to leave the complaint without satisfaction. During the consideration of the complaint Ilmi Umerov pointed out that in the decision to open criminal proceedings against him his Ukrainian citizenship was not mentioned, there are discrepancies in dates, the procedure for appealing this decision is not specified, and his words during the telecast were not translated correctly²⁸. However, the decision to open criminal proceedings against Ilmi Umerov on Part 2 Article 280.1 of the Criminal Code of the 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 the Internet)» was not changed.

THE NICHOLAY SEMENA'S CASE

On 7 July, the Crimean journalist **Nicholay Semena** announced that his bank accounts in Crimea are blocked. The reason for this was that he is included in the «list of organizations and individuals, in respect of which there is evidence of their involvement in extremist activities or terrorism». The list was formed by the Federal Service for Financial Monitoring of Russia (Federal Financial Monitoring Service)²⁹. According to the journalist, he discovered that his account in RNCB has been blocked. He had to go around several bank branches before the director of one of the offices said that his name was included to the list by the Central Bank of the Russian Federation³⁰.

After a search in the house of Nicholay Semena on 19 April 2016 in Simferopol, the criminal case on the grounds of Part 2, Article 280.1 of the Criminal Code — public calls for the implementation of actions aimed at violation of the Russian Federation's territorial integrity, committed with the use of mass media or electronic or information and telecommunication networks (including «Internet» network) was opened. According to the Russian Federal Security Service, Nikolay Semena is the author of publication that was posted on the website «Krym.Realii» and «encouraged» insulation measures, including military operations, to be held in respect of Crimea.

Federal Financial Monitoring Service list include those which correspond to the verdict of the Russian court of human conviction for terrorist and extremist articles of the Russian Criminal Code or under Article 15.27.1 of the Administrative Code of the Russian Federation «Provision of financial support for terrorism». However, in addition to the sentence, there are other grounds to be included in such a list: a procedural decision on the recognition of a person as suspected according to a terrorist or extremist article, as in the case of Nikolay Semena. In this way it violates the presumption of innocence, as the person has not been proved to be guilty, but he is already listed as extremist or terrorist publicly on Federal Financial Monitoring Service web site.

List of Federal Financial Monitoring Service applies only to financial and property restrictions on the people who appear in the list. Financial, banking, credit institutions have the right

²⁷ https://www.facebook.com/permalink.php?story_fbid=1797771427134389&id=100007046477228

²⁸ <https://hromadskeradio.org/2016/07/20/zampredsedatelyu-mezhdilisa-ilmi-umerovu-sud-otkazal-v-prekrashchenii-dela>

²⁹ <http://www.fedsfm.ru/documents/terr-list>

³⁰ http://investigator.org.ua/rss_yandex/183216/



to suspend the use of accounts, reject cash transactions, refuse to customer service in respect of such persons. People included in the list, can only perform operations on the receipt and expenditure of wages in the amount of not more than 10 000 rubles per month for each family member. They can spend pensions, scholarships, grants, social benefits, and also with this money they can pay fines or other payments.

All the actions of the people on the list, with respect to money or property are under the constant supervision of the relevant authorities and services. In addition, information about the people from the Federal Financial Monitoring Service list is available to lawyers, notaries, and persons engaged in entrepreneurial activity in the sphere of providing legal or accountancy services. That's why, for people from this list it is extremely difficult to obtain the above mentioned services, because they don't want to work with people who are listed as «extremists and terrorists».

Such financial constraints may be justified in the case of prevention of acts of terrorism, financing of terrorist activities or organizations. However, Nikolay Semena was added to the list of «extremists and terrorists» in connection with his statements as a journalist. Acts, that he is blamed for, have no relation to terrorism. But despite this, similar financial restrictions as to the persons involved in the financing of terrorism and terrorist activities are applied to him.



FREEDOM OF PEACEFUL ASSEMBLY

On 2 July, **Simferopol activists** went to the streets to hold a picket in support of Ukrainian political prisoners held in the Russian Federation, including Crimean residents — Oleg Sentsov and Alexander Kol'chenko. After the start of the picket police officers arrived to the place of action, one of them — Gapanovich Konstantin Valentinovich, police major, head of the protection of public order of the Interior Ministry of Russia for the city of Simferopol. He demanded to show documents regarding the agreement of the picket with the city administration. The activists presented a document — a notice to the Simferopol city administration about this action. However, a police officer Konstantin Gapanovich said that this is not enough, because activists had to receive a written response regarding the agreement on holding the action from the local administration — get permission. Also, police major said that it is forbidden to hold the actions at this place, because, according to the order of administration of the city of Simferopol, public events can be carried out only in four allowed places in the town. The police demanded to stop the rally because they believed it to be «unauthorized», after which several activists were taken to the police station to give written explanations³¹. The action was peaceful and voluntary meeting, where meeting participants drew attention to the plight of political prisoners, there were no calls to violence, hostility or discrimination in their slogans and posters, the action did not interfere with the movement of pedestrians and transport, the participants informed about the meeting. Thus, the de facto authorities didn't have any valid reason for termination of the meeting. The de facto authorities have violated the principle of proportionality of restrictions of peaceful assembly, the presumption in favour of holding a peaceful assembly; the authorities ignored the obligations to protect freedom of peaceful assembly.

A resident of the Alushta city **Valentin Lomov** reported that on 4 July, police officers tried to bring him to justice for his participation in the action against the building of the Central waterfront, which took place on 4 June at the Central waterfront of Alushta city. Police forced to stop the action; three activists — Leonid Lytvynchuk, Ruslan Marinkov and local MP Pavel Stepanchenko were detained. Pavel Stepanchenko was released on 4 June after drawing up an administrative protocol; Leonid Litvinchuk and Ruslan Marinkov were released only on 6 June.

A month later, on 4 July Valentin Lomov, the participant of the protest was called to police. He told the publication «Your Newspaper» that he received a call from the officers of licensing service of City Police Department and was told that they had a few questions for him and asked to come to the office. It was found out in the department that he was called for the compilation of the administrative protocol for alleged disobedience to police officers during a rally on 4 June. However, Valentin Lomov says that during the action on 4 June police officers did not approach him, no requirements were reported and there was no dialogue with him. Valentin Lomov considers the drawing up a protocol against him to be illegal because there was no offense alleged against him. After drawing up a protocol he was taken to Alushta City Court, but there were no judges because the working day was finished. After that, the police officer asked Lomov to go to the police department once again, but he refused³².

On 8 July, activists of the **social movement «Defend Sevastopol»** have filed a notice to the «government» of Sevastopol regarding holding of a rally «Order of Sevastopol residents for deputies of the State Duma of the Russian Federation» on 22 July from 18-00 to 20-00 at the Nakhimov Square³³.

³¹ https://www.youtube.com/watch?v=a_f3DyAgWkg&feature=youtu.be

³² <https://www.youtube.com/watch?v=5l0vEi4VO8k>

³³ <http://sevps.com/2016/07/pravitelstvo-sevastopolya-opyat-ne-razreshilo-provedenie-mitinga-na-ploshhadi-naximova/>



However, on the same day the rally organizers received a reply from Vladimir Tyunina the Acting Head of the Department of Internal Policy of Sevastopol, in which he refuses to give permission for the specified location. B. Tyunin offered activists to hold the rally in another place and proposed three places where the activists may hold a meeting (at the monument «soldier and sailor» on Kapitanskaya street; Freedom Square on 1 P. Korchagin street; the area around the monument to St. George at Victory park). For the purposes of the action the activists had to hold a rally at Nakhimov Square, so on 12 July they filed an objection to the answer of V. Tyunin. In response to the objection of the action organizer V. Tyunin refused to agree the holding of the rally at Nakhimov Square once again. His refusal, he explained that «at Nakhimov square there are number of objects with a special mode of operation, including the Office of the Plenipotentiary Representative of the President of the Crimean Federal District and the technical management of the Black Sea Fleet of the Russian Federation, in the vicinity of which the holding of public events is not recommended in order to avoid disruption».

Since the refusal was unfounded, on 22 July the activists came to Nakhimov square to carry out a planned action. After they set an agitation tent with the inscription «For Menyailo resign. For the general elections of the governor «police came to them and banned the rally.

The activists appealed the refusal of the de facto authorities of Sevastopol to agree the rally on Nakhimov Square in the Leninsky district court of Sevastopol. The judge Prokhorchuk O.V. satisfied the lawsuit to invalidate the decision of the inconsistency of the public event³⁴. However, activists could not hold the planned rally, because the court's decision was issued after 22 July.

On 4 July, «Council of Ministers» of Crimea adopted a resolution №315 «On Amendments to the Decree of the Council of Ministers from 12.11.2014 №452»³⁵, according to which the number of designated places for public events (meetings, rallies, marches, demonstrations, picketing) has been cut in half in Crimea. Earlier, in 2014, the Crimean authorities have approved 717 special places for public events, and in July 2016 the amount was much smaller — 366³⁶. A significant limitation of places for peaceful assemblies violates freedom of assembly and significantly limits the ability of the residents of Crimea to hold a peaceful assembly within sight and earshot of the audience to which they want to apply.

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

On 19 July, it became known that the acting chief of the Russian Interior Ministry in the city Sudak Krekov Dmitry Valerievich filed a complaint against the decision to terminate the proceedings of an administrative offense in relation to four Crimean Tatars (**Annex 1**). On 18 May on the Day of Remembrance of the victims of deportation four Crimean Tatars were detained in Sudak: **Ablyakim Ablyakimov, Seytmamut Seytumerov, Enver Chavushev** and **Alim Muslyadinov**, they were drawn up protocols 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 of meetings, rallies, demonstrations, marches and pickets». On 7 June the judge of Sudak City Court made the decision to terminate the proceedings of an administrative offense in respect of four Crimean Tatars³⁷. However, the police of Sudak decided to appeal this decision.

³⁴ <http://sevnews.info/rus/view-news/Sud-reshil-cto-Vladimir-Tyunin-byi-ne-prav-Sevastopolcy-imeyut-pravo-sobiratsya-na-ploshadi-Nahimova-i-vyskazyvat-svoyo-mnenie/27447>

³⁵ http://rk.gov.ru/rus/file/pub/pub_298128.pdf

³⁶ <http://crimeahrg.org/krymskie-vlasti-sokratili-kolichestvo-otvedennyih-mest-dlya-provedeniya-mirnyih-sobranij/>

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



ISSUES RELATED TO CITIZENSHIP

In July, the CHRГ has repeatedly received complaints from residents of Crimea that Russian traffic police officers stop Crimean cars with Ukrainian number plates and issue a warning to drivers. Thus, on 7 July, a local resident with Ukrainian number plates was stopped by the Russian traffic police officers on the highway Simferopol — Feodosiya. Information about the driver and the car police lieutenant wrote down in his report, which noted the issue of verbal warning to the driver. Police have warned that after 10 days, if the vehicle will not be re-registered under the Russian legislation, the administrative report of the violation will be issued, which will entail a fine of 500 rubles; if the car will not be re-registered then, the car can be taken to impound lot. Other vehicles with Ukrainian number plates were stopped the same way. Traffic police officers refer to the decision of the Russian Government dated 31 October 2015 № 1171 «On Amendments to the Government Decree of 27 April 2015 № 399», according to which all the registration documents for the car, as well as license plates issued prior to 18 March 2014 in Ukraine, Crimean residents should replace by Russian. This ruling contradicts the very norms of the Russian legislation. Thus, Article 12 of the Federal Law «On admission to the Russian Federation of the Republic of Crimea,» says that legal documents of Ukraine will act indefinitely. Despite this, car owners are committed to change documents; otherwise they face a fine of 500 rubles. And for repeated violation they face deprivation of the right to drive vehicles for a period from one to three months³⁸.

In July, it was recorded that in the Federal Migration Service offices in Crimea locals are offered to apply for renunciation of citizenship of Ukraine and provided with a sample of such a statement (*Annex 2*). The application is submitted in the name of the head of department, who is a head of the Federal Migration Service of Crimea. In a statement, the citizens of Ukraine, who have Ukrainian passports, must specify their personal data, and the desire to renounce the citizenship of Ukraine, because they have Russian citizenship. Local residents report that, in the first place, these statements are required from employers of special services, military personnel (including cadets of military universities) and government officials. The application must be applied with a copy of the Ukrainian and Russian passports. It is unknown whether people have to give away their original Ukrainian document.

However, such actions of the Russian Federal Migration Service, are illegal and have no legal consequences, because citizenship can only be deprived only by the country of citizenship of the person, i.e., only Ukraine can deprive the citizenship of Ukraine, but not Russia. Such actions of the regional FMS offices indicate an attempt to falsify «Russian citizens» in Crimea³⁹.

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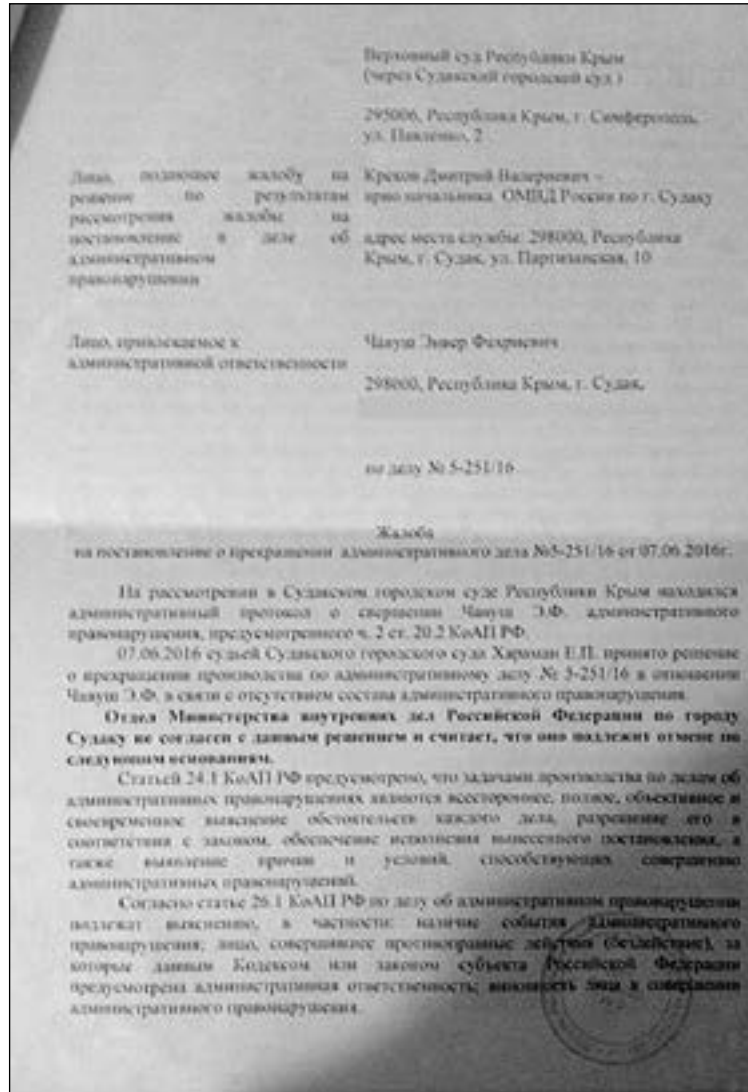
³⁸ <http://crimeahrg.org/kryimchan-zastavlyayut-pod-ugrozoy-shtrafov-zamenit-ukrainskie-avtonomera/>

³⁹ <http://crimeahrg.org/rossiya-falsifitsiruet-otkaza-ot-ukrainskogo-grazhdanstva-v-kryimu/>



3. ANNEXES

ANNEX 1



The complaint of the acting chief of the Russian Interior Ministry in the city Sudak Krekov Dmitry Valerievich against the decision to terminate the proceedings of an administrative offense in relation to **Enver Chavusha**



ANNEX 2



The Russian sample of appeal for renunciation of citizenship of Ukraine