



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

December 2017

The monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in December 2017

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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 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

PROHIBITION OF TORTURE

On November 30th about 07.00pm RF MIA officers called a **resident of Kerch** and asked him to arrive for a car examination. When they met, the RF MIA officers searched the Kerch resident's car but failed to find anything suspicious. However, they took away his passport, a driver's licence, car documents and convoyed him to district police station no 2. At the police the man was charged with theft and demanded to admit to this. He refused and argued that he had not been at the theft place. But they started punching and kicking him in the head and body, affronted him, did not allow him to the toilet and forced to admit to the thefts. He was released on December 1st at 03.00am, and then he filed a complaint on unlawful actions of the RF police to the prosecutor's office.¹ The relatives of the injured person informed the CHRГ that the prosecutor's office had notified them on re-addressing the information on tortures to the RF Investigation Committee.

¹ KERCH FM| Arshyntsevskaya Police Securing False Confession to Crime from a Kerch Resident for 7 hours <https://kerch.fm/2017/12/01/v-arshincevskoy-policii-7chasov-iz-kerchanina-vybivali-priznanie-v-sovershenii-prestupleniya.html>



RIGHT TO LIBERTY AND SECURITY OF THE PERSON

DETENTIONS

«**Case of Mr Kabir Mokhammad**». Mr Kabir Mokhammad, a citizen of Ukraine, is still in Crimea under travel restriction. Due to a serious health worsening his level of restriction was changed from custody to travel restriction. But the medical treatment he needs can't be provided to him in Crimea, and he is rejected to be referred to other medical establishments due to the fact that he is not a citizen of RF.² To leave Crimea for treatment is forbidden for him by a restriction action within the 'extradition case' though the evidence that he is not a person searched for the extradition has been submitted to the court. As a result his life is endangered because he needs a surgery that can't be done in Crimea.

SEARCHES

On December 6th the house of activist **Fazil Ibragimov** was searched. Mr Ibragimov informed that the search had been carried to find Islamic literature and documents on 'protest glade' participants. As he said, during the search cartridges of his pistol kept in the shop and documents related to the 'Strelkovaya Protest Glade' had been expropriated.³ Mr Ibragimov has been brought to administrative responsibility before (5-day's arrest) for criticizing the actions of Simferopol City administration.

On December 26th two searches were held in Simferopol: in the house of Mrs **Asene Misiratova** who is a school psychologist, and her mother-in law's house. As witnesses said, official vehicles came to the place for search at 06.00am. According to Mrs Misiratova, the search started at 6.30am and was carried by FSB officers. She with her children and her brother — Mr. Ali Bulatov — with his spouse and children were at home. Nothing was found and expropriated as search result. The reason for search was explained as investigation of case on gas pipeline explosions in Alushta.⁴

² CHRGI Life of Citizen of Ukraine Kabir Mokhammad Endangered Due to Inactivity of Doctors in Crimea <https://crimeahrg.org/zhizn-grazhdanina-ukrainyi-kabira-mohammada-pod-ugrozoy-iz-za-bezdeystviya-vrachey-v-kryimu/>

³ <https://www.facebook.com/meansolidarity/videos/530016310699163/>

⁴ <https://www.facebook.com/meansolidarity/videos/539015339799260/>



POLITICALLY MOTIVATED CRIMINAL PROSECUTION

«FEBRUARY 26 CASE»

The 'February 26 Case' was heard at two legal proceedings. The first one was the case of **Akhtem Chiygoz** as 'organizer of riots' at the Parliament of Crimea in 2014, with a verdict of eight-year's sentence. After the sentence and due to the negotiations between Presidents of Turkey and the RF, Mr Recep Erdoğan and Mr Vladimir Putin, and the visit of Mr Erdogan to Ukraine to meet Mr Petro Poroshenko, President, Mr Chiygoz was freed and moved to Turkey, and then he arrived in Kyiv.

The second legal proceeding went at the 'Tsentralny District Court' of Simferopol within the case of other defendants (Mr **Ali Asanov** and Mr **Mustafa Degermendji** are under the house arrest, the restriction selected for Mr **Eskender Katemirov**, Mr **Eskender Emirvaliyev**, Mr **Arsen Yunusov** is personal surety; Mr **Eskender Nebiyev** and Mr **Taliat Yunusov** were given a suspended sentence) as 'participants of mass riots'.

The RF President administration rejected an application of Lawyer Nickolay Polozov on providing the information about grounds and conditions of freeing and moving Mr Chiygoz to Turkey (**Annex 1**). Due to this rejection Mr Polozov filed two administrative suits against the RF President Administration on behalf of Mr Akhtem Chiygoz and Mr Ilmi Umerov to the Tverskoj District Court of Moscow City, demanding to provide the information about the decrees of pardon (**Annex 2**).

On December 25th during the session on the 'February 26 Case' at the 'Tsentralny District Court' of Simferopol City the prosecutor announced a new version of indictment. Referring to the sentence of Mr Chiygoz of September 11 2017, the document qualified Mr Chiygoz a riot organizer as established by court. However, this was not proven in the course of Mr Chiygoz' case consideration. The sentence rendered to him was based on testimonies of 'secret witnesses' whose personalities were unknown even for the defence lawyers.

In addition, the indictment states that all five accused acted together though they even did not know each other before the criminal case start⁵.

Four sessions on the case of Mr Mustafa Degermendji, Mr Ali Asanov, Mr Eskender Katemirov, Mr Eskender Emirvaliyev, and Mr Arsen Yunusov were held in the December. The court proceedings will continue in 2018.

«CASE OF CRIMEAN MUSLIMS»

Under the 'Case of Crimean Muslims' who are accused of being 'Hizb-ut-Tahrir' members 25 people are in custody as of the late November: **Ruslan Zeitullayev**, **Rustem Vaitov**, **Nuri Primov**, **Feirat Saifullayev** (all convicted), **Inver Bekirov**, **Vadim Siruk**, **Muslim Aliyev**, **Emir Usein Kuku**, **Refat Alimov**, **Arsen Djepparov**, **Enver Mamutov**, **Remzi Memetov**, **Zevri Abseitov**, **Rustem Abiltarov**, **Teimur Abdullayev**, **Rustem Ismailov**, **Aider Saledinov**, **Uzeir Abdullayev**, **Emil Djemadenov**, **Marlen Asanov**, **Seyran Saliyev**, **Memet Belialov**, **Timur Ibragimov**, **Server Zakiryayev** and **Ernest Ametov** (in custody). They are accused under Article 205.5.1 of

⁵ <https://www.facebook.com/zair.smedlya/videos/1550728991628930/>



RF CC (Creation of terrorist organization) and/or Article 205.5.2 of RF CC (Membership in the terrorist organization). Later some defendants have been also charged under Article 278 of RF CC (Violent coup or violent retention of power).

On December 4th Mr Nikolai Vasilchuk, a judge of Northern Caucasus Area Military Court in Rostov-na-Donu (RF) extended detention on remand for **Emir Usein Kuku, Inver Bekirov, Muslim Aliyev, Vadim Siruk, Refat Alimov, and Arsen Djepparov** until 27 May 2018 (*detained by RF FSB officers in the settlements in the vicinity of Yalta in February and April of 2016*)⁶.

On December 15th Ms Lutfie Zudiyeva, an activist, informed that all six were conveyed from Simferopol Detention Center via Krasnodar (RF) to Rostov-na-Donu (RF).⁷

On December 29th Mr Aleksandr Popkov, a defence lawyer, informed that he had got an information on **torturing Mr Kuku and Mr Siruk** on December 26th and 27th when they were at Krasnodar Detention Center. As he said, the men had been dogged, beaten and promised 'to be lost' when conveying. He added that they were to be moved from Krasnodar to Rostov on December 28th.⁸

On December 5th Mr Mikhail Belousov, a judge of Kyiv District Court of Simferopol City, upon the motion of Mr Dmitriy Gramashov, a RF FSB investigator, extended detention periods for **Server Zekyriaev, Marlen Asanov and Ernes Ametov** up to March 9th 2018⁹.

On December 7th Mr Mikhail Belousov, a judge of Kyiv District Court of Simferopol City, upon the motion of Mr Dmitriy Gramashov, a RF FSB investigator, extended detention periods for **Seiran Saliyev, Memet Belialov and Timur Ibragimov** up to March 9th 2018¹⁰

The defence lawyers informed that during these court proceedings the clients had been in the metallic cage. Lawyer Edem Semedliayev filed a petition on inadmissibility of holding the people in the cage, but the 'judge' rejected the petition and demanded everyone, except the relatives and the lawyers, to leave the room.¹¹

On December 21st Mr Viktor Zin'kov, a judge of 'Supreme Court of Republic of Crimea', upheld a decision of detention on remand for Seiran Saliyev, Memet Belialov, and Timur Ibragimov (*were detained by the RF FSB officers in Bakhchisarai on 11 October 2017*)¹²

On December 8th Mr Mikhail Soboliuk and Ms Yelena Mikhal'kova, judges of the 'Supreme Court of Republic of Crimea', upon the motion of Mr R.S. Gorbachev, an RF FSB investigator, extended the detention periods for **Aider Saledinov, Rustem Ismailov, Emil Dzhemadenov, Teimur and Uzeir Abdullayevs** until 11 February 2018.¹³

The sessions were held in camera. Mrs Fera Abdullayeva, Uzeir Abdullayev's spouse, was even forbidden to be at the same floor in the court building, where the session was held. She objected this reasonably to the court officers. As a result she was detained and drawn up

⁶ <https://www.facebook.com/crimeansolidarity/videos/529146660786128/>

⁷ <https://www.facebook.com/lutfiye.zudiyeva/posts/10209189750495678?pnref=story>

⁸ <https://www.facebook.com/alexander.popkov.7/posts/1624544190965928?pnref=story>

⁹ "Kiyevsky District Court of Simferopol City" | List of cases to be heard on 5 December 2017: https://kiev-simph--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=05.12.2017

¹⁰ "Kiyevsky District Court of Simferopol City" | List of cases to be heard on 7 December 2017 https://kiev-simph--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=07.12.2017

¹¹ <https://www.facebook.com/server.mustafayev/videos/1893180357419088/>

¹² "Supreme Court of Republic of Crimea" | List of cases to be heard on 21 December 2017 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=21.12.2017

¹³ "Supreme Court of Republic of Crimea" | List of cases to be heard on 8 December 2017 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=08.12.2017



a report under Clause 17.3-2 of RF CoAO (Failure to follow an instruction of judge or court officer on enforcing the established procedure of court operations).¹⁴

On December 22nd judges of 'Supreme Court of Republic of Crimea': Yuriy Latynin, Konstantin Karavayev, Tatiana Fedorova, Galina Red'ko, upheld a decision of the same court of December 8th on extending detention periods for Aider Saledinov, Rustem Ismailov, Emil Dzhemadenov, Teimur Abdullayev (*detained by RF FSB officers in the settlements in the vicinity of Simferopol on 12 October 2016*).¹⁵

In addition, a criminal case against **Mr Taliat Abdurakhmanov, Mr Renat Suleymanov, Mr Arsen Kubedinov** (are in the detention center), and **Mr Seyran Mustafayev** (house arrest) still goes on under RF CC Clause 282.2 (Organization of extremist institution activities) on the charge of membership in the 'Tablighi Jamaat'.

«UKRAINIAN SABOTEURS' CASE»

As of early December 12 people were deprived from liberty in Crimea that when detained by the RF FSB had been accused of 'preparation of sabotage and espionage': **Mr Yevgeniy Panov, Mr Andrey Zakhtey, Mr Redvan Suleymanov, Mr Vladimir Prisich, Mr Vladimir Dudka, Mr Dmitriy Shtyblikov, Mr Aleksey Bessarabov, Mr Gleb Shablii, Mr Aleksey Stogniy, Mr Gennadiy Limeshko, Ms Anna Sukhonosova, Mr Dmitriy Dolgopolov**. Unlawful methods of investigation and torturing for securing confessions have been recorded in these cases.

On December 6th Mr Mikhail Soboliuk, a judge of "Supreme Court of Crimea' extended a detention period for **Mr Andrey Zakhtey** until 10 February 2018; and judge Yelena Mikhal'kova did the same for **Mr Yevgeniy Panov** (*detained on 7 August 2016 on a charge of preparing acts of terror, under RF CC Clause 30-1, Clause 281-1-a, and stated that they had been tortured to secure false confessions*). A petition for extending the periods was placed by Justice Lieutenant Colonel M.A.Golyshev, 'senior investigator on major crimes, investigation department of RF FSB Branch for Republic of Crimea and Sevastopol'.¹⁶

On December 26th Mr Viktor Zin'kov, a judge of "Supreme Court of Crimea', upheld a decision of the same court judge Mr Soboliuk on extending a detention period for Mr Panov.

On December 12th Mr Andrey Dolgopolov, a judge of 'Kievsky District Court of Simferopol City', extended a detention period until 12 February 2018 for **Mr Gennadiy Limeshko**,¹⁷ who was detained on August 12th 2017 on a charge of 'preparing acts of sabotage in Crimea by order of Ministry of Defence of Ukraine'.

VOLODYMYR BALUKH'S CASE

On December 1st upon a motion of the defence and prosecutor Dmitriy Korolev, Ms Yelena Tedeyeva, a judge of 'Razdolnoye District Court', changed a restriction level for **Mr Volodymyr Balukh** from detention on remand to house arrest for two months. By this decision the activist

¹⁴ Krym Realiij | Court in Crimea Delayed A Session On Considering a Report On A Hizb ut Tahrir Defendant's Spouse <https://ru.krymr.com/a/news/28937549.html>

¹⁵ Supreme Court of Republic of Crimea | List of cases to be heard on 22 December.2017 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=22.12.2017

¹⁶ "Supreme Court of Republic of Crimea" | List of cases to be heard on 6 December 2017: https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=06.12.2017

¹⁷ "Kievsky District Court of Simferopol" | List of cases to be heard on 12 December 2017 https://kiev-simp--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=12.12.2017



is forbidden to use a phone and an internet, to receive or to send correspondence, to leave the house (**Annex 3**). The FSIN officers interpret this decision in the manner that even getting out from house to the private yard territory where a lavatory is located is forbidden.

On December 6th the defence of Mr Balukh asked for recusal of Judge Tedejeva (she made twice decisions that were then cancelled by 'Supreme Court of Crimea') and Prosecutor Korolev (he violates repeatedly Russian legal provisions). But the judge rejected the recusals. The court accepted the defence's motion on interviewing Mr Viktor Palagin¹⁸, 'head of FSB Branch for Republic of Crimea' within the case that Balukh was charged of 'storing cartridges' (RF CC Clause 222-1 'illegal procurement, transfer, sales, storage, transportation or bearing of weapons, their components, ammunitions' and RF CC Clause 222.1.1 (illegal procurement, transfer, sales, storage, transportation or bearing of explosive substances or devices').

On December 12th Mr Palagin and FSB officers Mr Denis Zabara and Mr Aleksey Leonov did not come to the session for interview. The court accepted the repeated defence motion on calling these FSB officers to the court for interview, but rejected the re-motion on calling Mr Palagin.¹⁹

On December 13th Mr Sergey Pogrebniak, a judge of "Supreme Court of Crimea', considered a complaint of one of Mr Balukh's defence lawyers and upheld a decision on house arrest. On December 20th Mr Mikhail Soboliuk, a judge of "Supreme Court of Crimea', considered a complaint of another Mr. Balukh's defence lawyers and also upheld a decision on house arrest.²⁰

On December 14th two attesting witnesses and a policeman who expropriated data media, were interviewed at the court session. The testimonies made on revealing the weapons in the attic were contradictory. Thus, the attesting witnesses stated that they both had been present at the place where the weapons had been revealed, while the policeman said that only one attesting witness walked upstairs.

On December 22nd Ms Yelena Tedejeva, a judge of 'Razdolnoye District Court', rejected a motion of Mr Balukh on medical examination. She justified the denial, stating that Mr Balukh might call an ambulance home, but the ambulance does not make any examination²¹

On December 27th during a scheduled session at the "Razdolnoye District Court' Mr Balukh felt bad due to a flare-up of his chronic condition, and an ambulance was called several times for him to the court.²² But judge Tedejeva continued the session each time, and it lasted totally for about 9 hours.

During the session the defence stated a falsification of evidence by Mr Aleksandr Lopatin, 'a deputy head of Razdolnoye Police Unit', who coordinated the actions of the police during the search. He had reported about the 'revealed' weapons to the police call center at least two hours before they were revealed. A note on weapon reveal was made at 9.30am, while the witnesses state that the weapons were revealed at about noon, and an examination act was made at 02.00pm. But the judge refused interviewing Mr Lopatin on the fact of detected fakes.²³

¹⁸ CHRGI Head of FSB Branch to be Interviewed in Crimean Court on Balukh's Case <https://crimeahrg.org/v-krymskom-sude-po-delu-baluha-doprotyat-nachalnika-ufsb/>

¹⁹ Head of FSB for Crimea Did Not Come to Balukh Case Court Session <https://ru.krymr.com/a/news/28911620.html>

²⁰ "Supreme Court of Crimea" Appeal resolution, case No 22K-3651/2017 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&sv_num=1&name_op=doc&number=1218509474&delo_id=4&new=4&text_number=1

²¹ CHRGI Crimean 'Court Refused Medical Examination for Ukrainian Balukh <https://crimeahrg.org/krymskiy-sud-otkazal-ukraintsu-baluhu-v-meditsinskom-obsledovanii/>

²² <http://crimeahrg.org/ukrainskomu-aktivistu-vladimiru-baluhu-v-sud-vyizvali-skoruyu-pomoshh-v-svyazi-s-bolyu-v-spine-i-golovokruzheniem/>

²³ CHRGI Balukh's Defence States Falsifications and Contradictions in Case Files in Crimean Court <https://ru.krymr.com/a/news/28941836.html>



On December 7th Mr. Volodymyr Balukh was charged with a new crime under RF CC Clause 321-2 (Disruption of activities of establishments ensuring social insulation). A new criminal case was commenced upon a fake application of Mr Valeriy Tkachenko, a head of Razdolnoye TCC, who accused the activist of attacking him in the TCC cell. The case was started under RF CC Clause 318 (Use of force against a public officer) but then the charge was changed to RF CC Clause 321-2. A resolution on charging was made by Mr N.S. Bondarenko, 'an investigator of Razdolnoye Inter-District Investigation Unit of Main Investigation Department of RF IC for Crimea (*Annex 4*).

VEDJIE KASHKA'S CASE

Mr Bekir Degermendji, Mr Asan Chapukh, Mr Kiazim Ametov and Mr Ruslan Trubach were detained on November 23rd due to a fake charge of extorting the money from a citizen of Turkey. During the detention Mrs Vedjie Kashka, a Crimean Tatar movement veteran, whom, as the detained said, the citizen of Turkey was to return the borrowed money, died.

On December 5th Ms Nana Petiusheva and Mr Aleksey Kozyrev, judges of "Supreme Court of Crimea", upheld a decision on detaining **Mr Asan Chapukh** and **Mr Kiazim Ametov** on remand until 15 January 2018.²⁴ When this judgement had been announced, Mr Chapukh declared a start of fast to protest against the 'court' decision.²⁵ Mr Emil Kurbedinov, a defence lawyer of Mr Ametov, informed that Mr Chapukh had been in the metallic cage during the session.²⁶

On December 6th, Ms Galina Red'ko, a judge of 'Supreme Court of Crimea' upheld a decision on detaining **Mr Bekir Degermendji** and **Mr Ruslan Trubach** on remand. The judge reduced a detention period for Mr Trubach till 13 January 2018 but kept it without changes for Mr Degermendji — until 15 January 2018.²⁷

Lawyer Eder Semedliayev informed that Mr Bekir Degermendji suffered from asthma and had to use permanently an inhaler. During the session Mr Degermendji felt bad, and an ambulance was called. But the session went on, while he had to stay in oxygen mask. The court refused considering the information on Mr Degermendji need to be cured and taken to hospital, and left him staying in the detention center, where no treatment was provided.²⁸

In all judgements of appeal a Ukrainian citizenship of the detained was stated as one of grounds for detention on remand.

On December 9th Mr Degermendji was moved to the detention center feldsher's station due to repeated asthma attacks.²⁹ On December 12th his defence lawyer Mr Semedliayev informed that his client needed an urgent hospitalization to ventilate lungs.³⁰

On December 14th at 01.00am the lawyer informed the Mr Degermendji's health condition had become critical and he was moved to the intensive care unit of the 7th City Hospital of Simferopol

²⁴ "Supreme Court of Republic of Crimea" | List of cases to be heard on 5 December.2017 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=05.12.2017

²⁵ Krym Realiij | Activist Asan Chapukh Detained Under Vedjie Kashka Case Declared Fast: <https://ru.krymr.com/a/news/28898146.html>

²⁶ <https://www.facebook.com/zair.smedlya/videos/1532711416764021/>

²⁷ "Supreme Court of Republic of Crimea" | List of cases to be heard on 6 December.2017 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=06.12.2017

²⁸ <https://www.facebook.com/crimeansolidarity/videos/530094774024650/>

²⁹ https://www.facebook.com/permalink.php?story_fbid=169063630363981&id=100017810343695

³⁰ <https://www.facebook.com/crimeansolidarity/videos/533011567066304/>



City,³¹ where he was in induced coma on the lung motor, though handlocked and secured by RF DSIN officers.³²

On December 20th Ms Alie Degermendji, Mr Bekir Degermendji's wife, informed that he was moved from the ICU to the pulmonary department but since there were no beds available in the hospital rooms he was placed in the hospital corridor.³³

Mr Aider Azamatov, Asan Chapukh's lawyer, informed that on December 7th when he met him Mr Chapukh was helped by his cell-mate to move since he was unable to move himself because he had got a mini stroke in the detention center on December 6th. Mr Chapukh informed that he had not received any medical care.³⁴

On December 28th lawyer Aider Azamatov informed that Mr Chapukh was examined at Semashko Hospital in Simferopol, with the medical report to be presented in January of 2018.³⁵

³¹ <https://www.facebook.com/photo.php?fbid=913724462129447&set=a.216257595209474.1073741825.100004757052466&type=3&theater>

³² <https://www.facebook.com/ayshe.umerova/posts/1544700568901095?pnref=story>

³³ CHRG| Relatives and Lawyer Forbidden to Enter Hospital Room of Bekir Degermendji <https://crimeahrg.org/v-palatu-k-bekiru-degermendzhi-ne-puskayut-rodstvennikov-i-advokata/>

³⁴ https://www.facebook.com/permalink.php?story_fbid=1764760766931403&id=100001924915540

³⁵ Krym Realiij| Doctors Examined Arrested Crimean Tatar Activist Chapukh — Lawyer <https://ru.krymr.com/a/news/28945856.html>



FREEDOM OF SPEECH AND EXPRESSION OF OPINIONS*

On December 5th Ministry of Justice of Russian Federation included RADIO SVOBODA projects including KRYM.REALII project into the list of 'foreign agents'.³⁷ This would provide grounds for blocking further an access to KRYM.REALII website as well as would endanger employees and journalists of the mass media included into the list, to be brought to administrative responsibility in Crimea if their employment relationship with such mass media have been proved.

On December 13th Ms Yekaterina Timoshhenko, a judge of 'Supreme Court of Republic of Crimea', upheld a decision of 8 November 2017 on a fine of RUR2,000 (*CoAO Clause 20.3-1 'Propaganda or demonstration of extremist organization symbols'*) imposed on Mr Seytumer Seytumerov for publishing symbols of 'Hizb-ut-Tahrir' organization that he placed in the social network in 2013.году.³⁸ Therefore, a judge of appeal body also applied retrospectively the RF laws since Mr Seytumerov's publication had been placed before the occupation of Crimea.

The hearing of Mr Seytumerov's case was held in his absence and without his defence lawyer,³⁹ that violated his right to a fair trial and an effective remedy.

OBSTRUCTION OF JOURNALISTIC ACTIVITIES

In December court marshals in the 'Supreme Court of Crimea' forbade the journalists many times to take photos in the court vestibules as well as to type notes on the phone to restrict web-casting the sessions.

On December 18th an application for taking photos and videos declared at the 'Supreme Court of Crimea' session on the Nikolai Semena's Case was rejected by judge Igor Kriuchkov.

NIKOLAI SEMENA'S CASE

On December 18th Mr Igor Kriuchkov, a judge of 'Supreme Court of Crimea', upheld a sentence rendered to Mr **Nikolai Semena** under RF CC Clause 280.1-2 (Public appeals to actions aimed at violating the territorial integrity of the RF by using mass media) for his article in the mass media where Crimea had been called a territory of Ukraine. The judge upheld a punishment of 2.5 year's suspended prison sentence though reduced a period of ban on public activities from 3 to 2 years.

ILMI UMEROV'S CASE

When Mr **Ilmi Umerov** had been freed (due to the negotiations between Presidents of Turkey and the RF, Mr Recep Erdoğan and Mr Vladimir Putin and the visit of Mr Erdogan to Ukraine to meet Mr Petro Poroshenko, President) Mr Edem Samedliayev, a defense lawyer, sent an information request to RF President administration regarding grounds or conditions of such liberation. The RF President administration refused to inform the lawyer the reasons of moving Mr Umerov to Turkey on September 27th 2017 (**Annex 5**).

* The section was prepared in cooperation with the **Human Rights Information Center**: <https://humanrights.org.ua/en>

³⁷ <http://minjust.ru/ru/novosti/ob-inostrannyh-sredstvah-massovoy-informacii-vypolnyayushchih-funkcii-inostrannogo-agenta>

³⁸ Supreme Court of Crimea, decision on Case No " 12-1307/2017 от 13.12.2017 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=1143843055&delo_id=1502001&new=0&text_number=1

³⁹ <https://www.facebook.com/100004182491838/videos/940302449452496/>



SULEIMAN KADYROV'S CASE

On December 11th the preliminary hearing on the **Suleiman Kadyrov's** case was held at 'Feodosia City Court'. He is accused under RF CC Article 280.1.2 (Public appeals to actions aimed at violating the territorial integrity of the RF) for comments to the video in the social network. Defence Lawyer Aleksey Ladin informed that, as investigation stated, Mr Kadyrov had reposted a video from the page of user nicknamed 'Demyan Demyanchenko' at his Facebook page and added a personal comment: 'Suleyman Kadyrov agrees! Crimea is Ukraine. Was, is and will be! Thanks to the author for the video! Supporting!'.⁴⁰

On December 20th two witnesses for the prosecution were interviewed at the court session. Earlier the same people had been witnesses within the similar case against journalist Nikolai Semena. One of them, Mr Denis Barantsev, an employee of the Compulsory Medical Insurance Fund, had been involved by the RF FSB officers within this case as attesting witness during the investigation actions. In the case of Nikolai Semena Mr Barantsev witnessed for the prosecution as a person who found Mr Semena's article at the KRYM.REALII website and reported this to the FSB.

The other witness — Mr Aleksandr Voytseschuk, a deputy head of Molodezhnenskoye rural settlement administration — was also involved as attesting witness within Mr Kadyrov's case. While in the case of Nikolai Semena Mr Voytseschuk had participated as witness for the prosecution who found the article written by journalist about the Crimea blockade, and applied to the FSB.⁴¹

LARISA KITAYSKAYA'S CASE

On December 26th Mr Vladimir Romanenko, a judge of 'Yalta Town Court', rendered a 2-year's suspended prison sentence to Ms Larisa Kitayskaya, a Ukrainian activist, with a ban to leave the territory of Yalta Town. She was found guilty under RF CC Clause 282-1 (Incitement of hatred or enmity as well as human dignity violation) for a post in the social network against Russia's actions in Crimea (**Annex 6**). The court disregarded the fact that the investigation had failed to verify that the account used for placing the information was that of Ms Kitayskaya and that it had been she who had published the information.

The judge indicated that «Larisa Kitayskaya, while in Kyiv (Ukraine), posted on her Facebook page" in the sentence, but neither the investigation nor the court established when the publication was posted. The publication negatively assesses the group «Red Army soldiers» and persons «Putin», «Zhukov», «Peter the First» and «colonel Budanov.» The judge stated that all these persons are united in the group «Russians», and negative statements about these persons apply to the entire «Russian» group.

Prosecution's witnesses reported that Larisa Kitayskaya took part in pro-Ukrainian actions and spoke negatively about President Vladimir Putin. They also said that while viewing the account, they found publications that contain a negative assessment of the Russian government and President Putin. But these witnesses did not report on the statements or publications of L.Kitayskaya, which were intended at incitement of hatred or enmity

⁴⁰ RADIO SVOBODA| Crimean Tatar Activist Suleyman Kadyrov Under Trial in Feodosiya <https://www.svoboda.org/a/28929157.html>

⁴¹ KRYM.REALII| Witnesses for Prosecution Interviewed Under Mr KADYROV's Case Witnessed Against Mr Semena <https://ru.krymr.com/a/news/28928954.html>



FREEDOM OF PEACEFUL ASSEMBLY

On December 1st Mr **Vladimir Novikov**, a local activist, put a tent at Zakharova Square and announced a fast as protest against unlawful demolition de facto of temporary shopping stalls by the city authorities. He demanded to stop demolishing city residents' property without a court judgement and to provide broken entrepreneurs with compensation places. The RF MIA officers pulled the activist out of the tent, treating him heavy-handedly, and took him away by a police car.⁴²

On December 11th the mother of activist **Rustem Osmanov** informed that unknown people had taken her son from home to the Bakhchisarai district police department. According to lawyer Rustem Kamilev, a police report was drawn up against Mr Osmanov under CoAO Clause 20.2-6.1 (Participation in unauthorized meetings, rallies, demonstrations, manifestations or picketing that impeded movement of pedestrians and vehicles) because 'he was present on detaining the Muslims on 13 April 2017 in Bakhchisarai'.⁴³ On December 11th Ms Tatiana Gotovkina, a judge of 'Bakhchisarai District Court', held him liable to a fine of RUR10,000.00.⁴⁴

On December 12th the RF MIA officers forbade a rally to demand the Yalta Town Council dissolution in **Yalta**. According to the information of a Krym Reali Agency journalist, a reason for forbidding the meeting was lack of its authorization by the town administration.⁴⁵

For December 18th – 26th minimum **75 court sessions** were held in Belogorsk, Alushta, Sudak, Dzhankoy, Kirovskoye, Krasnogvardeyskoye, Simferopol and in the Simferopol District where administrative cases of Crimean citizens who had been on single-man pickets on October 14th appealing to stop persecuting the Crimean Tatars and the Muslims of Crimea, were heard. Most of the sessions (65) took place on December 18th. All participants of single-man pickets were found guilty of violating CoAO Clause 20.2-5 (Participation in the unauthorized public action).

According to the court rulings that the CHRG has 'the accused have abused a right of peaceful assemblies by holding a public action as if single-man pickets'. As evidence it was stated that posters: 'Muslims Are Not Terrorists', 'Freedom to Political Prisoners of Crimea', 'Stop Terrorizing Crimean Tatar People', etc. 'were united by concepts and topics'.

The report of Ms Olga Khaymenova, 'a head of administrative law enforcement unit, Simferopol Department of RF MIA', stated that 'unauthorized people held unauthorized public protest actions covered up as single-man pickets by placing the Crimean Tatar population along motorways and urban streets that discontents the Slavic population of Crimea' (**Annex 7**). Such wordings point out a discrimination of peaceful assembly participants on ethnic grounds.

Most of administrative punishment rulings made impose a fine of RUR10,000. Judges of 'Dzankoy District Court' passed 8 rulings on fines of RUR15,000. According to the information the CHRG has, the total amount of fines charged within the case is RUR790,000. Thus, the participants of peaceful single-man protests were subject to unjustified and unlawful punishments that constitutes a gross violation of freedom to assemblies.

⁴² https://www.youtube.com/watch?v=-gs7Wf_oDms&feature=share

⁴³ <https://www.facebook.com/crimeansolidarity/photos/a.416800078687454.1073741829.403544516679677/532497500451044/?type=3&fref=mentions>

⁴⁴ "Bakhchisarai District Court" | List of cases to be heard on 11 December 2017 https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=11.12.2017

⁴⁵ Krym Realiij Police Prevented Attempt of Town Council Dissolution Supporters Rally in Yalta <https://ru.krymr.com/a/news/28912593.html>



FREEDOM OF MOVEMENT AND ISSUES OF PASSING CHECK POINTS

On December 28th, according to statement of Ms Emine Djeppar, a deputy Minister of Information Policy of Ukraine, RF FSB border guard officers refused a passage via the check points to Crimea for about 30-35 taxi drivers who transported citizens of Ukraine to Crimea.⁴⁶ The notice on passage rejection (**Annex 8**) indicated lack of cash sufficient to stay on the RF territory as rejection reason.

3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

FORCED MOVEMENT OF POPULATION FROM OCCUPIED TERRITORY

Mr **Aleksandr Koval'chuk**, a citizen of Ukraine, had to leave Crimea and pay a fine of RUR2,000 upon the decision of Mr Sergey Smirnov, a judge of 'Yalta Town Court'. His deportation was justified by the fact that he did not have a RF citizen passport (**Annex 9**). Mr Koval'chuk informed the CHRNG that he had lived in Crimea on permanent basis since 2011.

"The Crimean Muslims Case' defendants: Emir Usein Kuku, Inver Bekirov, Muslim Aliyev, Refat Alimov, and Arsen Djepparov — were convoyed to from Crimea to the RF (Krasnodar and Rostov-na-Donu), in violation of Article 49 of IV Geneva Convention relative to the protection of civilian persons in time of war.

COERCION TO MILITARY SERVICE AND PROPAGANDA OF JOINING VOLUNTARILY THE ARMY OF OCCUPYING POWER

On December 29th General Lieutenant Yevgeniy Burdinsky, First Deputy of Main Organization and Mobilization department of RF MF Head Quarters, reported that 2,400 people were drafted to the RF Military Forces from Crimea and Sebastopol within the 2017 autumn draft campaign.⁴⁷ According to the information of Mr Vadim Meshalkin, 'head of unit for preparing and drafting citizens to the military service of RoC Military Commissariat', 645 of these 2400 were sent to serve in the military detachments located on the territory off RF.

According to the data recorded by CHRNG, about 10,000 people have been drafted from Crimea to the RF MF for the whole period of occupation.

THE REVIEW WAS PREPARED BY:

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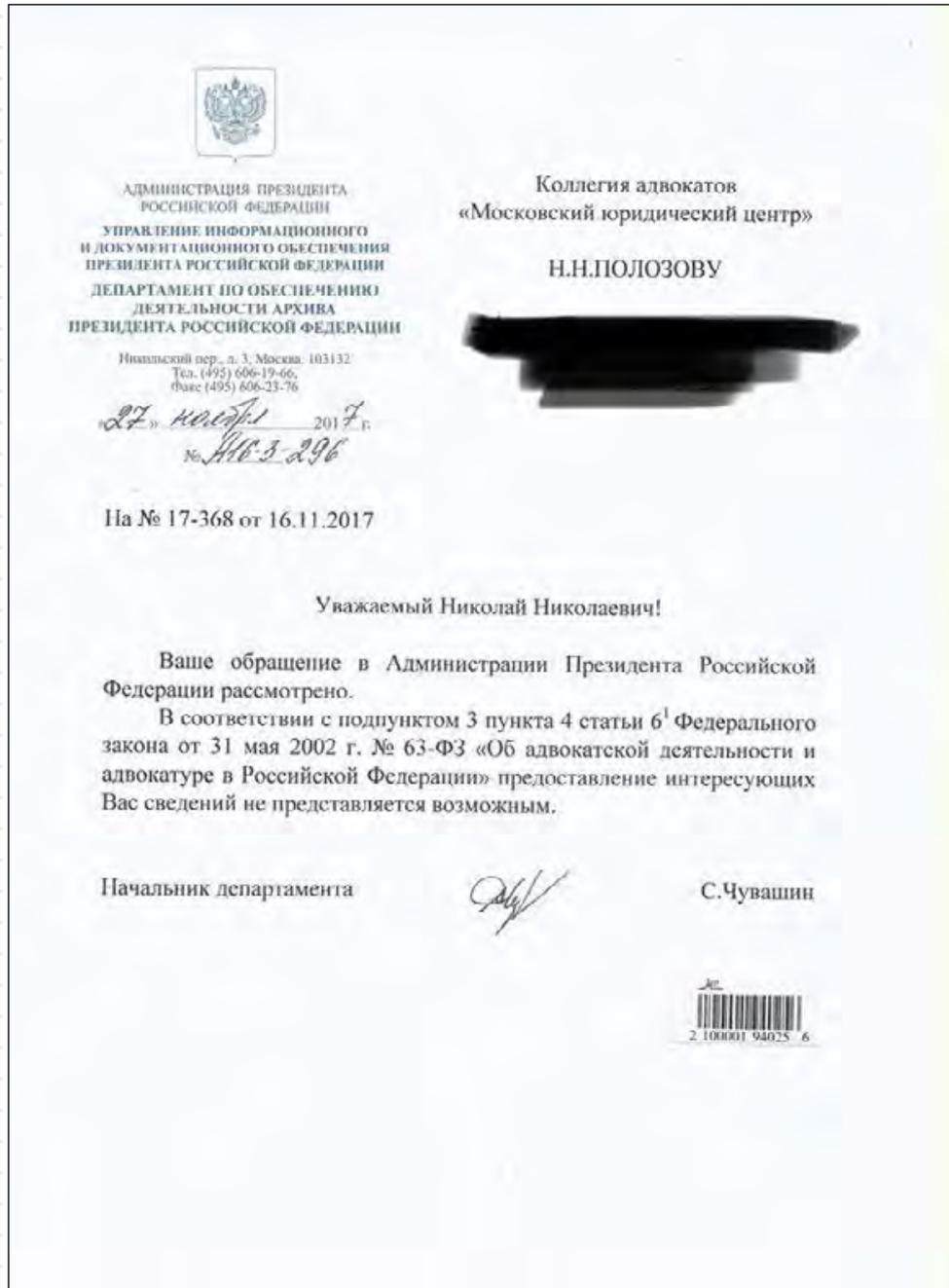
⁴⁶ <https://www.facebook.com/photo.php?fbid=10214968340791040>

⁴⁷ ZVEZDA| 2017 Autumn Draft of Citizens to Military Service at Ministry of Defence of Russia Finished <https://tvzvezda.ru/news/forces/content/3c5d3507df938cbffda0e48a9b4710484b07d3d1ff66e8ab469ac7245c2804fa>



4. ANNEXES

ANNEX 1



The rejection of the Presidential Administration of the Russian Federation to lawyer Nikolai Polozov on providing the information about grounds and conditions of freeing Mr Chiygoz, November 27, 2017

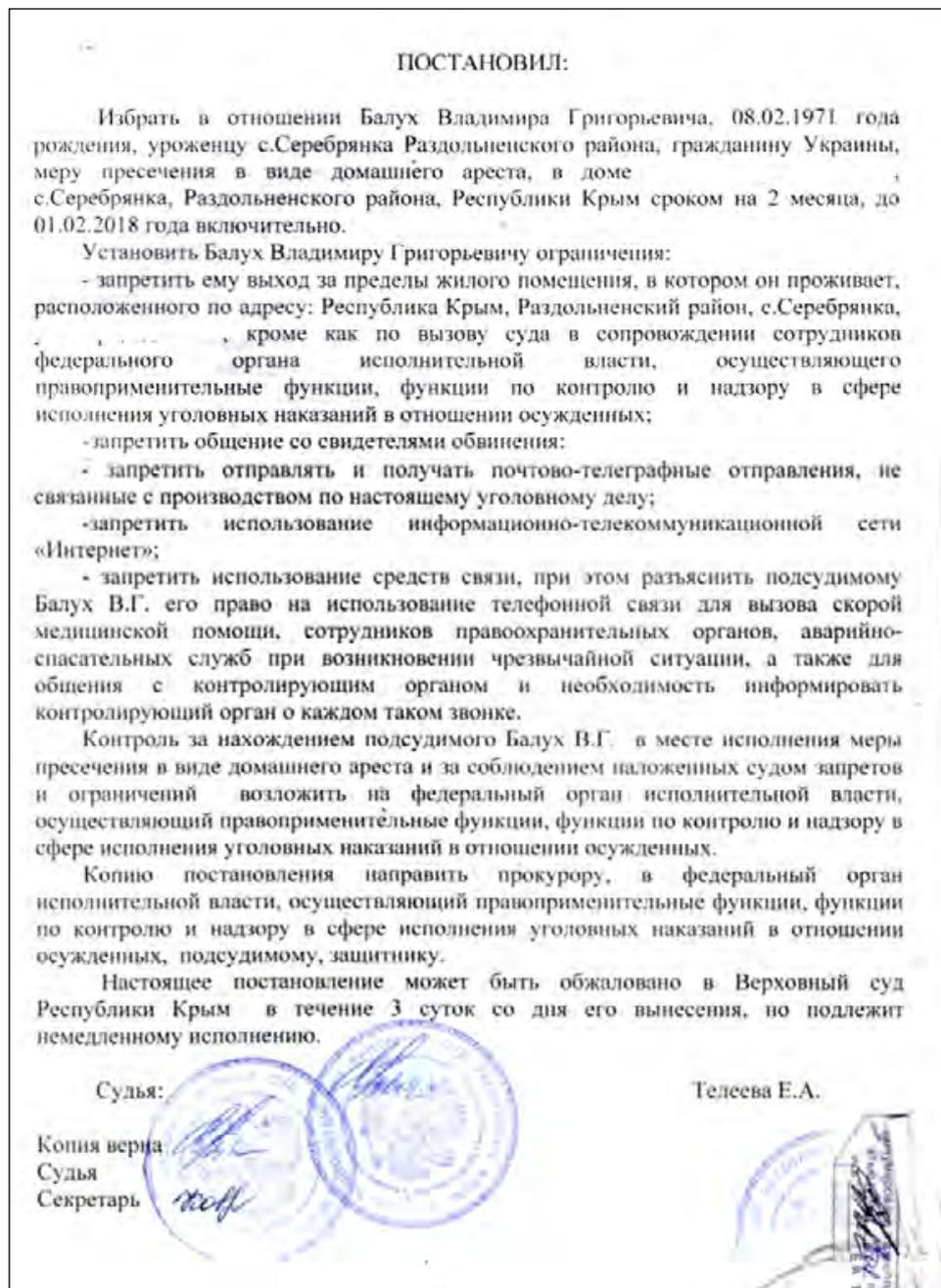


ANNEX 2



Administrative suit's fragment against the RF President Administration on behalf of Mr Akhtem Chiygoz and Mr Ilmi Umerov to the Tverskoj District Court of Moscow City, December 27, 2017

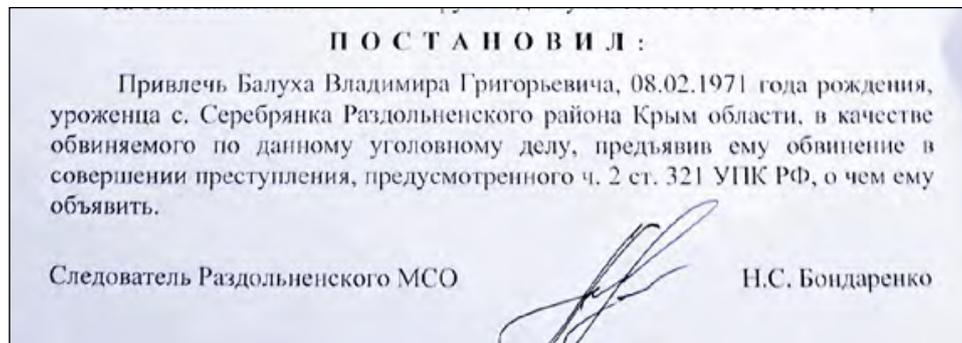
ANNEX 3



*Fragment of the decision on changing a restriction level for
Mr Volodymyr Balukh from detention on remand to house arrest,
December 1, 2017*



ANNEX 4



A fragment of the resolution on charging Mr Volodymyr Balukh to RF CC Clause 321-2 (Disruption of activities of establishments ensuring social insulation), December 06, 2017



ANNEX 5



The rejection of the Presidential Administration of the Russian Federation to lawyer Edem Semedliayev on providing the information about grounds and conditions of freeing Mr Umerov, November 28, 2017



ANNEX 6

ПРИГОВОРИЛ:

Признать Китайскую Ларису Владимировну виновной в совершении преступления, предусмотренного ч.1 ст.282 УК РФ и назначить наказание в виде 2 (двух) лет лишения свободы.

На основании ч.1 ст.73 УК РФ считать наказание в виде лишения свободы условным. Установить испытательный срок в 1 (один) год и 6 (шесть) месяцев. Согласно ч.5 ст.73 УК РФ возложить на условно осужденную Китайскую Л.В. исполнение обязанностей - не изменять место жительства без уведомления специализированного государственного органа, осуществляющего надзор за отбыванием осужденными условного наказания, являться на регистрацию один раз в месяц в указанный орган.

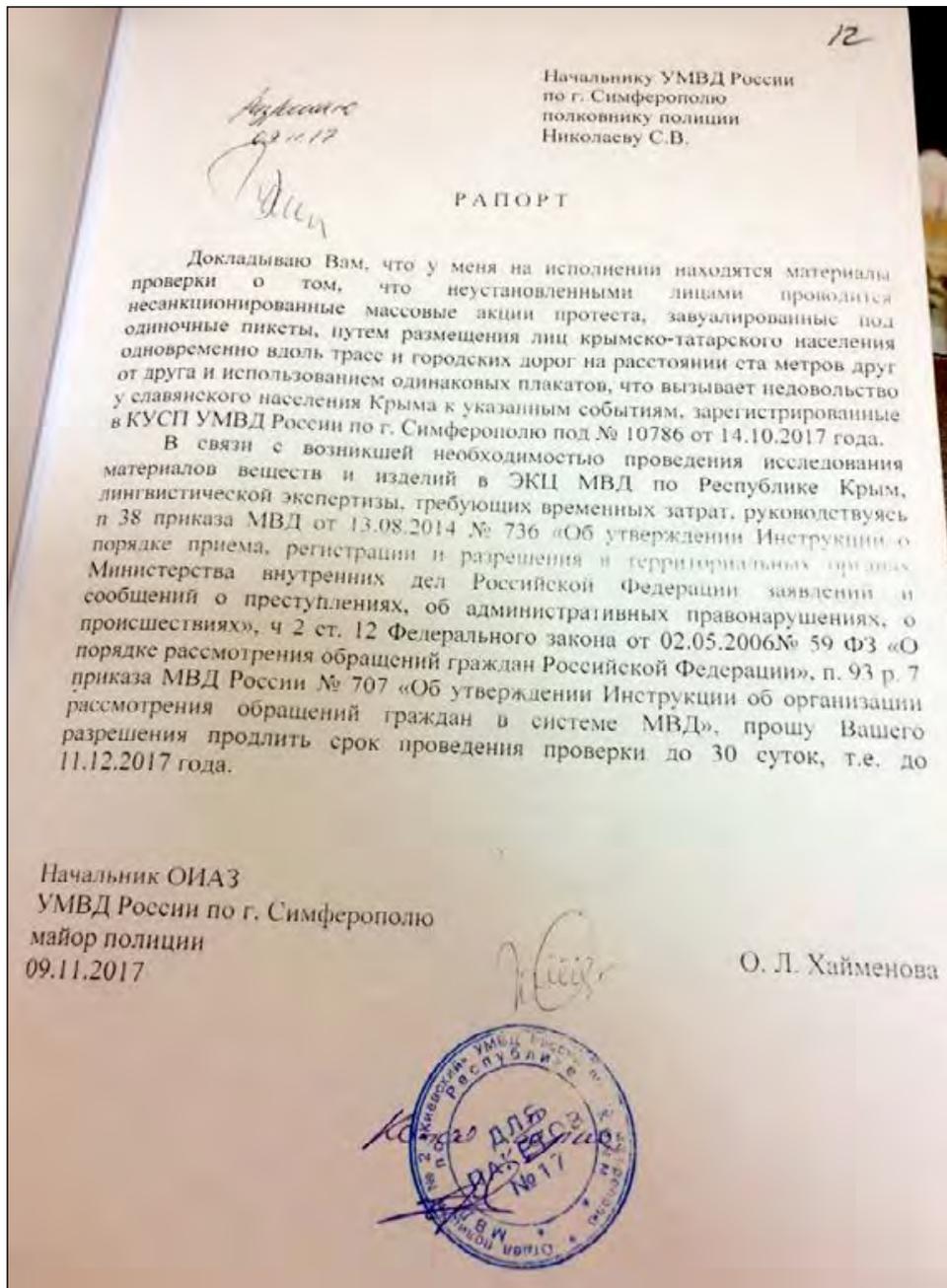
Меру пресечения в виде подписки о невыезде и надлежащем поведении – отменить по вступлению приговора в законную силу.

Вещные доказательства по уголовному делу: ноутбук марки «Toshiba», ноутбук марки

*Fragment of the sentence to Ms Larisa Kitayskaya on RF CC Clause 282-1
(Incitement of hatred or enmity as well as human dignity violation),
December 26, 2017*



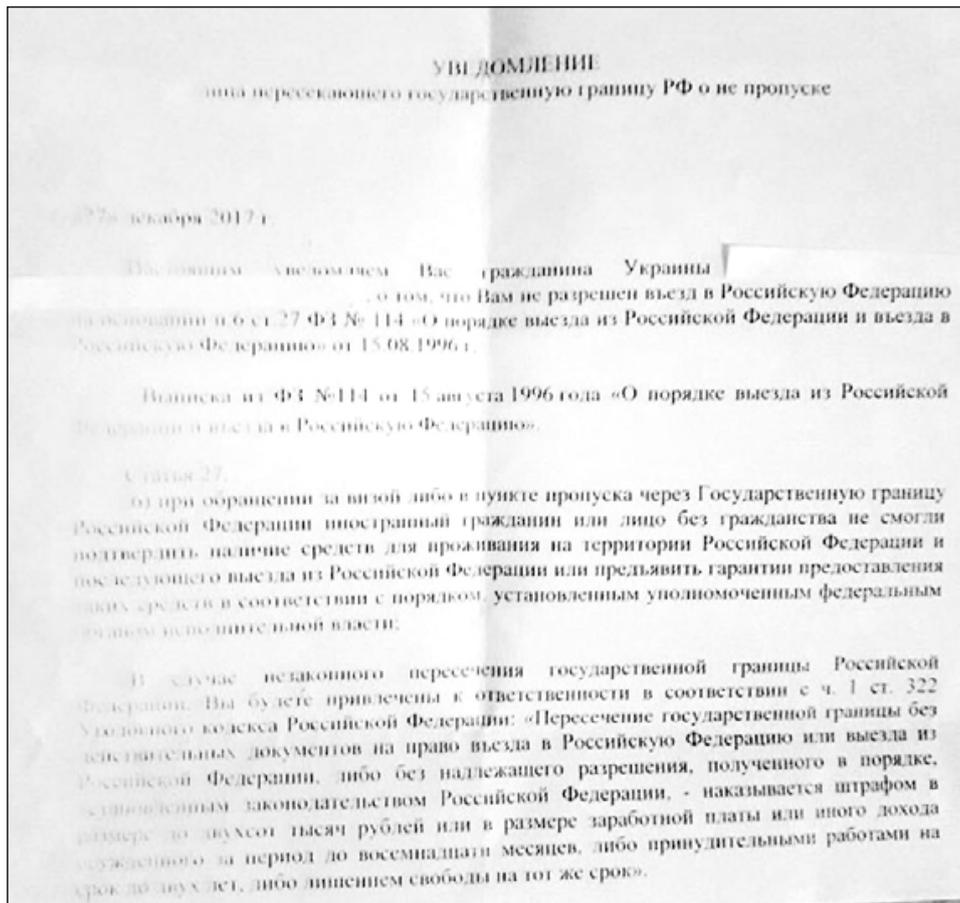
ANNEX 7



The report of Ms Olga Khaymenova, 'a head of administrative law enforcement unit, Simferopol Department of RF MIA' on single-man pickets' case, October 14, 2017



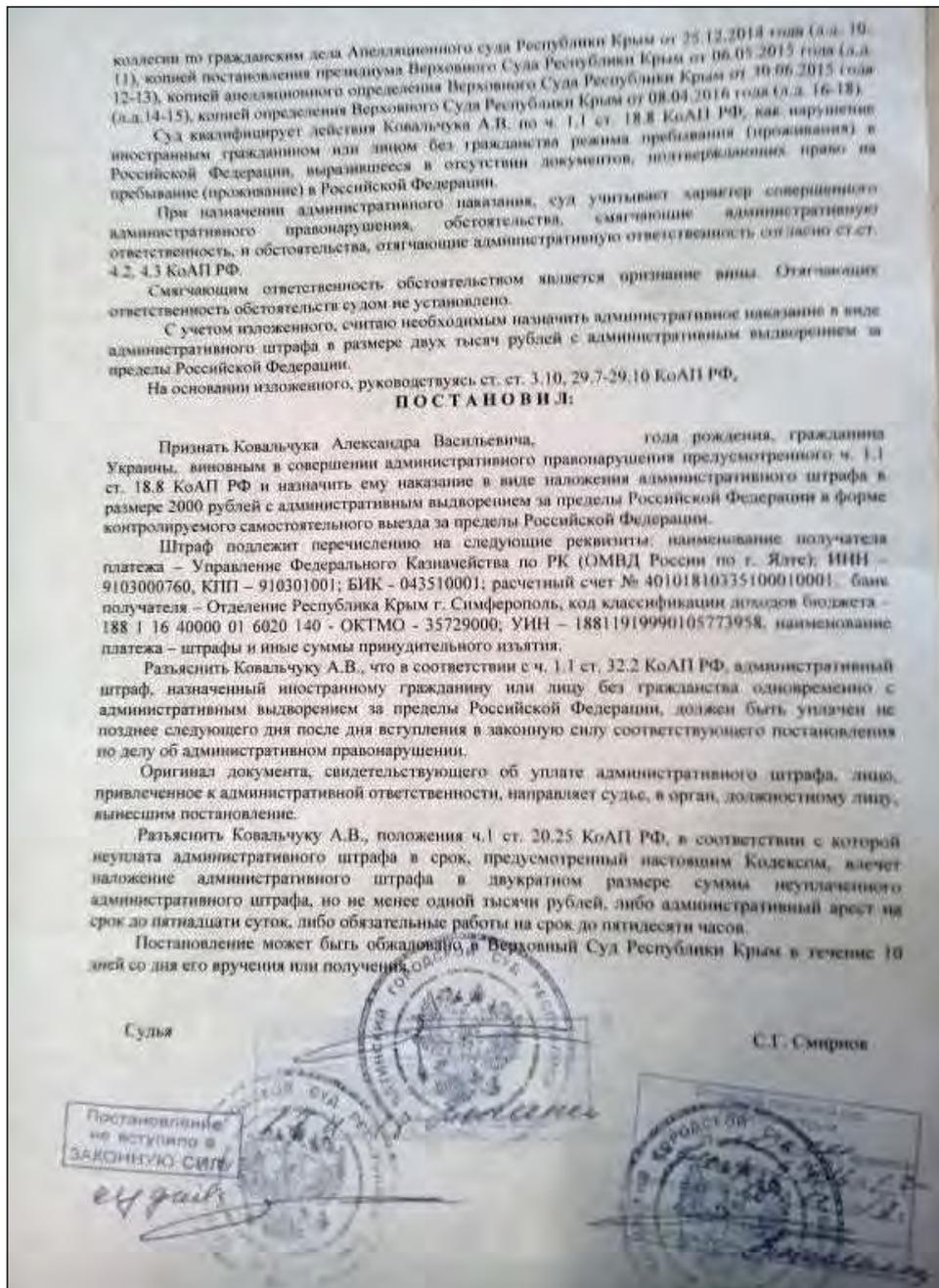
ANNEX 8



*A fragment of the notice on passage rejection
via the Russian check points to Crimea*



ANNEX 9



A fragment of the decision on Mr Aleksandr Koval'chuk's administrative case, November 17, 2017