



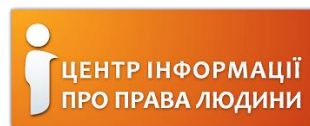
**CRIMEA
HUMAN RIGHTS
GROUP**

Crimean Human Rights Situation Review

December 2015

Crimean Human Rights Group

in cooperation with



Ukrainian
Helsinki
Human
Rights Union



Українська
Гельсінська
спілка
з прав людини

CONTENTS

CONTENTS	2
1. INTRODUCTION	3
CIVIL AND POLITICAL RIGHTS	4
PROHIBITION OF TORTURE.....	4
Right to freedom and personal immunity	4
Disappearances	4
Arrests	4
Searches	4
Right to privacy.....	6
Progress of the high-profile criminal cases	6
Alexander Kostenko's case	6
'May 3 rd case'	8
'February 26 th case'	8
Freedom of Speech and Expression	9
Freedom of Peaceful Assembly	10
PROHIBITION OF DISCRIMINATION	10
Children's rights.....	11
Freedom of movement and movement through the check points.....	11
Monitoring of human rights during the "Blockade of Crimea"	12
Problems of the Residents of Crimea who Had to Escape from the Peninsula and Move to Continental Ukraine (Internally Displaced Persons).....	14
Review of the regulations of Ukraine, adopted on the matters of Crimea in 2015	14
STATE SERVICE OF UKRAINE ON the AR of Crimea and Sevastopol	14
Government Plenipotentiary for the AR of Crimea and Sevastopol	15
Other regulations on the AR of Crimea and Sevastopol.....	15
REVIEW OF LEGISLATIVE ACTS OF UKRAINE ADOPTED with regard to the INTERNALLY DISPLACED PERSONS IN 2015 ...	17
Registration	17
FREEDOM OF MOVEMENT	18
Electoral rights.....	19
Civil status certificates.....	19
Social adaptation	19
ANNEXES	21

1. INTRODUCTION

The present Monitoring Review has been prepared by the Crimean Human Rights Group and is based on the materials collected in December 2015.

The Crimean Human Rights Group (CHRM) is an initiative of representatives of human rights organizations, the goal of which is promotion and protection of human rights in the Crimea by way of raising awareness about problems in the area of human rights and international humanitarian law on the territory of the Crimean Peninsula.

In its activities the CHRG is guided primarily by norms of fundamental documents on human rights, namely the Universal Declaration of Human Rights, the Helsinki Final Act, the Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on economic, Social and cultural Rights, etc.

The main objectives of the CHRG are:

- 1) collection and analysis of information about the human rights situation in the Crimea;
- 2) broad information of the bodies of power, international organization, inter-governmental structures, non-governmental organizations, mass media and other target groups, by way of publication and distribution of analytical and information materials about human rights situation in the Crimea;
- 3) promotion of human rights and observance of norms of international law in the Crimea;
- 4) preparation of recommendations for bodies of power and international human rights structures;
- 5) ensuring presence of the «human rights in the Crimea» subject in the information space.

In preparation and distribution of information, the CHRG is governed by principles of objectivity, reliability and timeliness.

CIVIL AND POLITICAL RIGHTS

PROHIBITION OF TORTURE

The Coordinator of the Crimean contact group Abdureshit Dzhepparov said that on December 16 the FSS of the Russian Federation applied tortures by electric current to the Crimean Tatar **Invir Krosh**. According to Dzhepparov, the FSs officers offered Invir Krosh to cooperate. After the refusal of cooperation he had been tortured.¹

RIGHT TO FREEDOM AND PERSONAL IMMUNITY

DISAPPEARANCES

According to media reports, on December 15, in Kerch, **Arlen Terikhov** and **Ruslan Ganiev** - two Crimean Tatars residing in Kerch disappeared. The relatives of the missing young men submitted an application to the police.²

ARRESTS

According to the CHRG, on December 10, in Razdolnensky District Court there was a hearing in respect of **Balukh Vladimir**, who is accused under Article 319 of the Criminal Code of the RF (public insult of a government official during performance of official duties). He denied the charges and argued that he was being persecuted for his active pro-Ukrainian position.

After reviewing the case, the court came to the conclusion that it was necessary to question the defense witnesses, the call of which was requested by a Balukh's lawyer. The next hearing was scheduled for January 19, 2016.

The systematic persecution of the pro-Ukrainian activist V.Balukh by the Russian authorities was detailed by the CHRG in the monitoring review of November 2015. In particular, in July 2014, the police officers did not allow him to attend the meeting of Serebryanka village residents with the Chairman of the State Council of Crimea Vladimir Konstantinov. The police arrested him for "failure to comply with the legitimate demands of the police". Vladimir Balukh believes that he was arrested in order to prevent his participation in this event, as he openly opposed the actions of Russia in Crimea, and on the roof of his house he planted the Ukrainian flag. 72 hours after his arrest, he was taken to court; the court found him guilty of committing an administrative offense of "drinking alcohol in a public place" and sentenced him for a 500 rubles fine. In late April 2015, in the house where Vladimir Balukh resided with his common-law spouse in Serebryanka village, the Russian Federation police officers together with the FSS of the Russian Federation conducted a search and torn down the flag of Ukraine from the roof of the house.

SEARCHES

On December 2, the FSS officers searched the house of the head of the Mejlis of Sudak **Ilver Ametov**. The FSS officials came to the house at eight o'clock in the morning. The owner was not in the house as he was in the hospital undergoing treatment is.³

¹ 112 Ukraine, *the Russian FSS tortured Crimean Tatar by electric current - Dzhepparov*, December 21, 2015, available at: <http://112.ua/glavnye-novosti/sotrudniki-fsb-rf-pytali-krymskogo-tatarina-elektricheskim-tokom-dzhepparov-280241.html> [last access date January 8, 2016]

² Kerch.fm, *in Kerch two men disappeared*, December 16, 2015, available at: <http://kerch.fm/2015/12/16/v-kerchi-propali-dvoe-muzhchin.html> [last access date January 8, 2016]

According to the Nariman Dzhelyalov's post on Facebook, on December 2, there was also a search in the house of a businessman, a member of the Mejlis of the Crimean Tatar people **Sadikh Tabakh**.⁴

On December 3, the Prosecutor of Crimea N. Poklonskaya told the Russian news agency TASS that the "court seized the property" of one of the organizers of the blockade of Crimea, the owner of the ATR channel **Lenur Islyamov**. The property, according to her, had been seized in order to enforce a sentence in a criminal case that was brought against Islyamov on November 2⁵. However, the Prosecutor did not say what criminal case and property were in question exactly.

On December 9, the FSS for the second time searched the house of the ex-General Director of the ATR channel, and now the head of the QARADENIZ Production studio **Elzara Islyamova**. The reason was a criminal case opened against the organizer of the civil blockade of Crimea Lenur Islyamov. The lawyer Dzhemil Temishev said that the FSS investigators in the Islyamova's house looked for the documents proving anyone's involvement in the activities of Lenur Islyamov. The search lasted for an hour and a half, but nothing suspicious was found by the investigators.⁶

On December 10, the FSS searched the house of the Crimean journalist **Roman Spiridonov** in Simferopol, as well as his parents' house. It is reported that the searches are connected with the criminal case against the initiator of civil blockade of Crimea, the owner of the ATR TV channel Lenur Islyamov. During the search, the FSS seized all digital media from the Spiridonov's house and also summoned him for questioning.⁷

According to the Crimean Human Rights Group, on December 22 at 21.30 in Simferopol, the parents' house of the Ukrainian priest of UOC KP **Sergey Klimakin** was searched. The search warrant (#098566) was issued on December 22. The criminal case, according to S.Klimakin, was opened for participation in the "extremist organization". In the past, Sergey participated in the organization People's Movement of Ukraine. However, this organization is not included in the list of organizations, which, according to the decision of the Russian Federation, should be liquidated or prohibited (according to the Federal Law On Countering Extremist Activity).

The search was conducted by several police officers, including Volodarsky and Ivanov. During the search they seized 4 notebooks with personal notes of the priest, People's Movement of Ukraine member certificate, the military card, medical card. Sergey currently resides in the mainland Ukraine.

On December 23, two men "in plain clothes" in the streets of Simferopol stopped the priest's mother and took her to the Zheleznodorozhnoye District Department of Internal Affairs for interrogation. During the interrogation she was asked questions about the activities of her son, his professional and

³ 15 minutes, *The search in the house of the head of the Sudak Majlis ended (AUDIO)*, December 2, 2015, available at: <http://15minut.org/article/obysk-v-dome-glavy-sudakskogo-medzhilisa-zavershilsya-audio-2015-12-02-12-11-03> [last access date January 8, 2016]

⁴ Dzhelalov, Nariman. "On December 2, the search was not performed not only at the house of the head of Sudak regional Mejlis, but also a house of the businessman, a member of the Mejlis of the Crimean Tatar people Sadikh Tabakh". Facebook. December 4, 2015, [January 8, 2016, <https://www.facebook.com/nariman.dzhelalov/posts/1004853369578523>]

⁵ TASS, Russian News Agency, *Poklonskaya: the court seized the property of one of the organizers of the blockade of Crimea Lenur Islyamov*, December 3, 2015, available at: <http://tass.ru/proisshestviya/2494553> [last access date January 11, 2016]

⁶ Civil radio, *Former head of the ATR TV channel and namesake of Islyamov was searched in connection to his case*, December 9, 2015, available at: <http://hromadskeradio.org/2015/12/09/eks-nachalnicu-telekanala-atr-i-odnofamilicu-islyamova-obyskali-po-ego-delu> [last access date January 8, 2016]

⁷ Crimea.Realia, *Crimean journalists summoned for questioning to the FSS after a search of the house - lawyer*, December 10, 2015, available at: <http://ru.krymr.com/content/news/27418913.html> [last access date January 8, 2016]

friendly relations, about his whereabouts. The interrogation lasted for several hours, after which the woman was released.

The Mejlis of the Crimean Tatar People stated that on December 28, in the Dolinka village of Krasnoperekopsky district of Crimea, about twenty five Crimean Cossacks, together with the FSS officers, conducted unauthorized searches in the nine houses of the Crimean Tatars. The reason of such actions of the Cossacks was the fact that shortly before, in several villages of the district, including Dolinka village, the bus stops were decorated with symbols of the Ukrainian state, and the crosswalks were painted in yellow and blue colors.⁸

RIGHT TO PRIVACY

In connection with the introduction in Crimea of the state of emergency after power cut in Feodosia, the additional police squads were involved for ensuring “prompt” response to the violations of the public order. The police squads were reinforced by members of the Group of Companies Golden Bars, the people’s militia, the Cossack groups Vityaz, the Feodosia Cossack village, Phoenix, Kuban Cossack Army, Cossack outlaws and Steпноe. Also, these groups were involved in the work of the police on December 31⁹.

The Cossacks took part in the checks of identity documents and bringing the offenders to the internal affairs bodies¹⁰. However, it is unknown on the basis of which decisions or regulations they were given such powers.

Thus, according to the registration documents of the Cossack group Vityaz (head Zolotarev Igor Valeryevich), the main activity of this organization is sports, namely organizing and conducting sporting events (RCEA¹¹ 92.62). Thus, the organization has no right to interfere with the right to privacy and cannot perform the functions of the law enforcement agencies.

Earlier, the social activist and one of the founders of the Ukrainian Cultural Center **Veldar Shukurdzhiev** reported that unknown people tried to enter his apartment, which called themselves the police and required to sign an “amended” protocol of August 2015, made photos and video. Veldar Shukurdzhiev submitted a relevant application to the police. However, the central police station (# 3) with regard to the application of the activist reported that in the actions of the individuals there were no components of a crime or administrative offense, so it was decided to attach the materials to the nomenclature case (**Annex 1**). Thus, only the agency check may be carried out.

PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

ALEXANDER KOSTENKO’S CASE

⁸ Mejlis of the Crimean Tatar people, *Cossacks raided the houses of the Crimean Tatars*, December 28, 2015, available at: <http://qtm.org/ru/новости/5071-казак-устроили-рейд-по-домам-крымских-%20татар> [last access date January 8, 2016].

⁹ The official portal of the government. Feodosia. *At the holidays in Feodosia the public order enforcement, together with the police, will be ensured by representatives of public groups*, December 29, 2015, available at: <http://feo.rk.gov.ru/rus/index.htm/news/326137.htm> [last access date January 11, 2016].

¹⁰ Crimea.Realia, *In Feodosia the police squads were reinforced with the Cossacks*, December 18, 2015, available at: <http://ru.krymr.com/content/news/27435817.html> [last access date January 8, 2016].

¹¹ Note: RCEA - Russian Classification of Economic Activities.

The lawyer Dmitry Sotnikov, on December 3, visited Alexander Kostenko in prison - FKU IK-5 of the Department of Federal Penal Service of Russia in the Kirov region, Kirov-Chipetsk city. Kostenko said that the level of health care in prison was better than in the detention center in Simferopol. The therapist promised Alexander Kostenko that he would soon start the treatment of the arm, which was injured during the torture in the detention center in Simferopol. Alexander said that he was receiving letters of support from Ukraine. According to him, there is no pressure on him in the cell; sometimes he is called "banderovets". Kostenko said that after his release he planned to return to Ukraine. However, on December 7, Dmitry Sotnikov reported that after his departure, Alexander was again visited by the FSS officers.

Earlier, on 1 July 2015, in respect to Alexander's brother - Yevgeny Kostenko a criminal case was opened under Part 2 of Article 297 of the Criminal Code of the RF - insult of the judge or other official involved in the administration of justice. According to the investigation, during the delivering of conviction against his brother Yevgeny made an offensive gesture towards the judge. During the investigation, the investigator of the bailiff service sent a request to the mental hospital, and received a reply that Yevgeny Kostenko after the brain injury had been registered with an advisory service. Based on this, the investigator called for forensic psychiatric examination, despite the fact that Yevgeny Kostenko brought a certificate stating that he was removed from the register. The case was referred to the Investigative Department of the Kiev district of Simferopol. On December 7, investigator called Yevgeny Kostenko and informed that on December 8 he would have to undergo psychological and psychiatric examination. The lawyer was not familiar with the resolution on the appointment of examination and was not notified of the date of its implementation. Also the investigator appointed the questioning without notifying the lawyer about it. Thus, the investigator violated Part 3 of Article 50 of the Criminal Code of the RF, which envisages that the lawyer is given 5 days to take part in the proceedings. The lawyer Sotnikov fears that this examination within a criminal case can be used for the application of compulsory medical measures to Yevgeny. According to the lawyer, during the interrogation the investigator told Yevgeny Kostenko that the Prosecutor Nataliya Peklonskaya thus is avenging their family for the blockade of Crimea.

The lawyer D. Sotnikov filed a complaint against the judgment of the Crimean Garrison Military Court of 25.11. 2015 concerning the termination of proceedings on the appeal in the interest of Alexander Kostenko. In the complaint Sotnikov asked to recognize the actions of the investigating authorities refusing to institute criminal proceedings against the officers of the FSS of Russia in Crimea Shambazov and Tishenin who used torture toward A. Kostenko to obtain confessions that formed the basis for a conviction as unlawful (**Annex 2**).

On December 7, 2015, having reviewed the complaint of the lawyer Sotnikov against the decision of the Crimean Garrison Military Court of 25.11.2015 concerning the termination of proceedings on the appeal, the deputy chairman of the Crimean Garrison Military Court Zubairov R.A. decided to return the complaint to the lawyer Sotnikov for redrawing. Zubairov R.A. motivated it by the fact that Sotnikov, expressing disagreement with the court decision, used offensive language (**Annex 3**).

On December 9, the lawyer filed an appeal against this decision to the North Caucasus District Military Court of Russia. Sotnikov D. stated that he disagreed with this judgment, including because the court

did not indicate what specific expressions it found offensive. Thus, the appealed judgment is abstract and is not enforceable because it does not indicate specifically what did not suit the court¹².

On December 24, the Supreme Court of the RF, having considered the materials on the appeal of the lawyer Dmitry Sotnikov in defense of A. Kostenko, reversed the judgment of the Supreme Court of Crimea of 24.11.2015 # 4U-924/2015 on the refusal to transfer the appeal for the review by the cassational instance of the Supreme Court of Crimea¹³.

According to the lawyer, this decision of the Judicial Panel for Criminal Cases of the Supreme Court of the RF reflects that it considered that in the appeal of the defense there were arguments, indicating the presence of significant violations in the criminal proceedings affecting the outcome of the case. He believes that the outcome of this review may be the reduction of the term of imprisonment; a change in the type of punishment not connected with the confinement; cancellation of the sentence and referral of the case to the trial court for reconsideration; termination of criminal proceedings related to Euromaidan in Kiev. However, the lawyer did not rule out the possibility of rejection of the complaint in its entirety.

'MAY 3RD CASE'

In respect of **Edem Osmanov** accused in the so-called 'May 3rd case' the verdict was delivered, finding him guilty of an offense under Part 1 of Article 318 of the Criminal Code of the RF (violence against a government representative). The court appointed for Osmanov a punishment of one year in prison, which is applied conditionally.¹⁴

The Armenian City Court delivered its verdict in the criminal case against **Tahir Smedlyaev**. The court declared Tahir Smedlyaev guilty of an offense under Part 1 of Article 318 of the Criminal Code of the RF (violence against a government representative), and sentenced him to two years' imprisonment, which is applied conditionally.¹⁵

'FEBRUARY 26TH CASE'

On December 7, the Prosecutor of Crimea Nataliya Poklonskaya approved the indictment in a criminal case against Akhtem Chiygoz, Eskender Kantemirov, Eskender Emirvaliev, Mustafa Degermendzhy, Ali Asanov and Arsen Yunusov.

A.Chiygoz is accused of committing a crime under Part 1 of Article 212 of the Criminal Code of the RF (organization of mass disorders accompanied by violence and destruction of property), and the rest –

¹² The appeal against the judgment of the North Caucasus District Military Court of Russia of 9 December 2015, available at: <https://drive.google.com/file/d/0B3kCVqaeDdQ9S1JNOGJxRTR5TGM/view>

¹³ The Supreme Court of the Russian Federation. *Reference data on the complaints*, available at: http://www.vsr.ru/vs_cases3.php?card=1&name_comp=%F1%EE%F2%ED%E8%EA%EE%E2&number_comp=&search.x=0&search.y=0 [last access date January 13, 2016]

¹⁴ Central Investigation Department of the Investigative Committee of the Russian Federation in the Republic of Crimea, *Participant of the events of May 3, 2014 on the Turkish Val was found guilty of using violence against the officer of the Berkut unit*, available at: <http://crim.sledcom.ru/news/item/997491/> [last access date January 8, 2016]

¹⁵ The Prosecutor's Office of the Republic of Crimea, *For the application of violence against the law enforcer the participant of the events of May 3, 2014 on the Turkish Val was convicted*, December 10, 2015, available at: <http://rkproc.ru/ru/news/za-primeneniye-nasiliya-v-otnoshenii-pravoohranitelya-osuzhden-uchastnik-sobytiy-3-maya-2014> [last access date January 8, 2016]

in a crime under Part 2 of Article 212 of the Criminal Code of the RF (participation in mass disorders).¹⁶

On December 28, the Central District Court of Simferopol began the proceedings on the case of the Deputy Head of the Mejlis of the Crimean Tatar people Akhtem Chiygoz and activists - Ali Asanov and Mustafa Degermendzhy, Arsen Yunusov, Eskender Emirvaliev and Eskender Kantemirov¹⁷. According to media reports, the people were allowed in the courtroom selectively, and it was explained by the lack of space. During the court session around 60 people could get into the courtroom.¹⁸

Talat Yunusov was found guilty of committing a crime under Part 2 of Article 212 of the Criminal Code of the RF (participation in mass disorders accompanied by violence and destruction of property). He was sentenced to 3.5 years of imprisonment conditionally¹⁹. The Prosecutor's Office insisted that as a result of unlawful actions of the organizer and participants of mass disorders, two people were killed, 79 got injuries of varying severity²⁰.

The proceedings with regard to other accused were postponed to January 15, 2016.²¹

FREEDOM OF SPEECH AND EXPRESSION

On December 6, the military prohibited the journalists of **Kerch.fm website** to shoot the construction of the power bridge. The military insisted that journalists should format the memory card of the camera. The military told the journalists that under the Order of the President of Russia (although they could not state the number and title of the document), the power bridge is a guarded object, and the information about its construction, as well as permission to conduct photo and video shooting should be requested from the Council of Ministers of Crimea.²²

On December 16, the team of the **15 Minutes website** terminated its work in Crimea. According to a letter published on the 15 Minutes website, *"the team of the website, which recently worked as part of the Crimean production studio QaraDeniz Production, terminates the work due to the fact that*

¹⁶ The Prosecutor's Office of the Republic of Crimea, *The criminal case on the organization of mass disorders in February 2014 was sent to court*, December 7th, 2015, available at: <http://rkproc.ru/ru/news/napravleno-v-sud-ugolovnoe-delo-ob-organizacii-massovyh-besporyadkov-v-fevrale-2014-goda> [last access date January 8, 2016]

¹⁷ Crimea.Realia, *Dozens of people came to the proceedings on the 'February 26th case' in Crimea to support the defendants*, January 8, 2016, available at: <http://ru.krymr.com/content/news/27452871.html> [last access date January 8, 2016]

¹⁸ Crimea.Realia, *in Crimea, the relatives of the defendants on the 'February 26th case' are not allowed in the courtroom*, January 8, 2016, available at: <http://ru.krymr.com/content/news/27452949.html> [last access date January 8, 2016]

¹⁹ The Prosecutor's Office of the Republic of Crimea, *The participant of the mass disorders in February 2014 was sentenced*, December 26, 2015, available at: <http://rkproc.ru/ru/news/vynesen-prigovor-uchastniku-massovyh-besporyadkov-v-fevrale-2014-goda> [last access date January 8, 2016]

²⁰ The Prosecutor's Office of the Republic of Crimea, *The participant of the mass disorders in February 2014 was sentenced*, December 28, 2015, available at: <http://rkproc.ru/ru/news/vynesen-prigovor-uchastniku-massovyh-besporyadkov-v-fevrale-2014-goda> [last access date January 13, 2016]

²¹ Gordon. Gordonua.com, *The hearing on the 'February 26th case' in Crimea will continue in January*, January 8, available at: <http://gordonua.com/news/crimea/Zasedanie-po-delu-26-fevralya-v-Krymu-prodolzhitsya-v-yanvare-113043.html> [last access date January 8, 2016]

²² Kerch.fm, *The permission for videotaping the power bridge should be now requested from the Council of Ministers of Crimea*, December 6, 2015, available at: <http://kerch.fm/2015/12/06/razreshenie-na-videosemku-energomosta-teper-nuzhno-prosit-v-sovmine-kryma.htm> [last access date January 9, 2016]

Lenur Islyamov, the owner of the media holding ATR, which earlier relocated to Kiev, and a part of which 15 Minutes was originally, laid claim for this brand".²³

The media reported that Lenur Islyamov intended to transfer the activity of 15 Minutes website to the mainland Ukraine²⁴. On his page on the social network Facebook, the Deputy Director General of ATR Aider Mudzhabaev explained that the transfer of the work of the website to the mainland Ukraine was a necessary measure due to the increasing repression toward the Crimean Tatars.²⁵

FREEDOM OF PEACEFUL ASSEMBLY

On December 2, near the railway station in Kerch the residents blocked the road in protest against the power outages. For more than a week Kerch residents lived without electricity, gas and heating. The power supply to their homes was renewed only in early December, for three hours and only at night.²⁶

On December 3, the administration of Simferopol refused the Mejlis of the Crimean Tatar people of the arrangement on December 10 of a picket in front of the Crimean Prosecutor's Office on Sevastopolska Street in Simferopol using Crimean Tatar national symbols and requesting to release the political prisoners and stop the political persecution (**Annex 4**).

On December 11, the police arrested the picketers at the Belogorsk District Court of Crimea, which supported the owner of the Yalta zoo Fairy Tale Oleg Zubkov²⁷. He was accused of causing bodily harm to his subordinate. The Investigative Committee opened a criminal case under paragraph 'd' of Part 2 of Article 117 of the Criminal Code of the RF (torture). The court found the activists guilty of organizing an unsanctioned meeting in accordance with Art. 20.2. of the Code of Administrative Offences of the Russian Federation - a violation of the established order of organizing or holding meetings, rallies, demonstrations, marches or pickets. Each of the participants of the picket was fined for 20 thousand rubles.²⁸

PROHIBITION OF DISCRIMINATION

On November 28, the President of Russia signed a Decree On measures to ensure the national security of the Russian Federation and the protection of Russian citizens from criminal and other unlawful activities and the application of special economic measures against the Republic of Turkey,

²³15 Minutes, *The team of the 15 Minutes website terminates its work*, December 16, 2015, available at: <http://15minut.org/article/obysk-v-dome-glavy-sudakskogo-medzhilisa-zavershilsya-audio-2015-12-02-12-11-03> [last access date January 9, 2016]

²⁴ Crimea.Realial, *Following the 15 Minutes website, the children's editorial office of Lale of QaraDeniz Production studio terminated its work in Crimea*, December 16, 2016, available at: <http://ru.krymr.com/content/news/27431969.html> [last access date January 9, 2016]

²⁵Muzhdabaev, Ayder. OPEN LETTER of the team of the children's Crimean Tatar channel Lâle and 15 Minutes website to Lenur Islyamov. Dear Lenur bey! We, the staff of the children's TV channel Lâle and 15 Minutes website would like to thank you for the many years of joint work in the media holding ATR". Facebook. December 4, 2015, [January 9, 2016, <https://www.facebook.com/ayder.muzhdabaev/posts/1077459068954634:2>]

²⁶ Kerch.fm, *Kerch residents, due to power outage, blocked the road at the railway station (video)*, December 2, 2015, available at: <http://kerch.fm/2015/12/02/kerchane-perekryli-dorogu-v-rayone-zh-d-vokzala.html> [last access date January 9, 2016]

²⁷ News of Crimea. Crimean news agency, *The police arrested Zubkov's supporters at the courthouse*, December 11, 2015, available at: <http://news.allcrimea.net/news/2015/12/11/politsiya-zaderzhala-storonnikov-zubkova-u-zdaniya-suda-50577/> [last access date January 9, 2016]

²⁸ Crimea.Realial, *Zubkov's supporters will pay for the support a 20 thousand fine each - the court's decision*, December 12, 2015, available at: <http://ru.krymr.com/content/news/27422812.html> [last access date January 10, 2016]

which included regulations on a ban of foreign economic operations involving the import into territory of the Russian Federation of certain goods originating from the Republic of Turkey, as well as the prohibition for employers to employ, as of January 1, 2016, for work, works (services) of the citizens of the Republic of Turkey.

The prohibition on the employment of Turkish citizens is not applicable only to the employers included in the special list, determined by the Government of the Russian Federation, and does not apply to Turkish citizens who were in relations with such employers as of December 31²⁹. Pursuant to the above mentioned Decree, the Government of the Russian Federation was requested to determine a list of employers, customers of works (services), to which the prohibition on the employment of Turkish citizens will not apply.

On December 1, S. Aksenov on his page on the social network Facebook stated that Turkish citizens would not work in Crimea, all investment contracts would be terminated and the import of Turkish goods into the territory of the Republic of Crimea would be banned.³⁰

On December 2, at the request of the Ministry of Labour of the RF, the Ministry of Labour and Social Security of Crimea sent a letter to the executive authorities and administration of municipalities in Crimea, with a request to provide a list of organizations planning to employ the citizens of the Republic of Turkey (**Annex 5**).

CHILDREN'S RIGHTS

The CHRГ was informed of the **minor M.**, who was arrested and has been in jail since January 15, 2015. Thus, due to the inconsistent court examination the minor, for a year - from January 15, 2015 until present – has been in jail. At the time of detention the minor was 15 years old.

The Kerch Court decided to apply a restrictive measure in the form of detention under a criminal case in which he is suspected of committing a sexual assault against a minor. The investigative actions on the case have been unreasonably delayed, and as of the arrest the minor had not been referred to the forensic psychiatric examination, and the results of examination of the minor have not confirmed sexual contact.

The circumstances of the case indicate that the detention of the minor is contrary to the standards in the field of children's rights, as in this case, the restrictive measure in the form of detention is at least unreasonable, and its application has been very lengthy.

FREEDOM OF MOVEMENT AND MOVEMENT THROUGH THE CHECK POINTS

In the neutral zone between the Ukrainian and Russian checkpoints Armyansk - Kalanchak there was a **citizen of Uzbekistan E.**, who is the wife of a resident of Crimea S. The husband argued that she could not cross the administrative border towards mainland Ukraine, as well as on November 30, the Russian border guards denied her entrance to Crimea. When trying to cross the border at the entrance to Crimea she was informed on the refusal of entry to the Russian Federation in accordance

²⁹ <http://www.rg.ru/2015/11/28/turciya-site-dok.html>

³⁰ Aksenov, Sergey. "Despite the promises and agreements, as well as the great efforts of our President Vladimir Putin, which he puts in the fight against international terrorism, Turkey's actions can be viewed only as a betrayal". Facebook. December 1, 2015, [10 January 2016, <https://www.facebook.com/aksenov.rk/photos/a.267724896734310.1073741828.267373093436157/523659901140807/?type=3&permPage=1>]

with paragraph 4 of Art. 26 of the Federal Law of the RF #114 On the procedure of departure from the Russian Federation and entry to the Russian Federation based on the decision of the Department of the Federal Migration Service of Russia in the Moscow region until 01.07.2018, because she was brought to administrative responsibility more than twice in the territory of the Russian Federation within three years (**Annex 6**). At the same time, the husband and children of E. are in Crimea, and she cannot reunite with them.

On December 3, lawyer Irina Biryukova filed a complaint against the actions of the Russian border guards at a checkpoint Kalanchak. The complaint was sent to the Investigative Committee and the FSS of the Russian Federation in the interests of the activist of the Ukrainian cultural center in Crimea **Veldar Shukurdzhiiev**. It should be reminded, that on November 24, Shukurdzhiiev was detained for 8 hours at a checkpoint Kalanchak, and the report on administrative detention was not drawn by the Russian border guards. In the complaint, the lawyer requested to carry out the check of the facts, to identify the persons that allowed the violation of Shukurdzhiiev's rights, and in case of discovery of indicia of crime in the actions of officials - to institute criminal proceedings.

On November 23, the Cabinet of Ministers of Ukraine adopted a Resolution on the temporary ban on movement of cargo across the administrative border between Ukraine and the AR of Crimea³¹. However, this decision has not been enshrined in the relevant regulatory document.

Despite the lack of a regulatory document, the State Border Service of Ukraine applies this Resolution to restrict the movement of trucks. Since the beginning of December 2015, the officials of the Border Guard Service of Ukraine have prohibited the passage through the checkpoints with Crimea of also the owners / drivers of private cars of Ukrainian citizens, which do not carry freight, but have in the technical certificates the specification of the type of vehicle as the 'cargo-carrying' or 'low-tonnage'.

Thus, the property right and freedom of movement for the citizens of Ukraine - owners of these types of vehicles have been unreasonably restricted. Even if the cargo-carrying vehicle is empty, the driver would not be allowed to move through the Ukrainian checkpoint.

This is also a violation of the Ukrainian legislation, because Ukrainian law restricts the economic relations with Crimea (for example, commercial services), but does not apply to the property rights of citizens.

MONITORING OF HUMAN RIGHTS DURING THE "BLOCKADE OF CRIMEA"

According to the data provided by the General Prosecutor's Office of Ukraine, in the period from September 20 (the start of the campaign "Civil blockade of Crimea") till December 24, to the territorial police units the 139 applications were submitted about the criminal offenses committed during the "blockade of Crimea". Of the 139 alleged violations, 15 were included in the Unified Register of pre-trial investigations. Thus, 15 cases are at the stage of pre-trial investigation (**Annex 7**). However, according to the data provided by the Chief Department of the National Police in the Kherson region, as of December 22, according to the pre-trial investigation one criminal proceeding was closed.

³¹ Government portal, *On the initiative of Arseniy Yatsenyuk the Government temporarily prohibits the movement of freight across the administrative border between Ukraine and Crimea*, November 23, 2015, available at: http://www.kmu.gov.ua/control/uk/publish/article?art_id=248650593 [last access date January 12, 2016]

Moreover, of the 15 cases that are under review, 3 cases concern the fact of hindering journalistic activity during the “blockade of Crimea” (**Annex 8**).

As reported in previous reviews of the CHRG, it was found that the Armed Forces of Ukraine were involved in the campaign the “blockade of Crimea”. This is also confirmed by the fact that on December 10, the Security Service requested from the Armed Forces of Ukraine the information on whether their representatives were among the participants of the “blockade of Crimea”.³²

On December 12, the civilian corps Azov arrested **Rostislav Stetsenko** at the checkpoint Chongar for the fact that he was listed as “accomplice of the invaders” on the website Mirotvorets. The activists of the Azov brought the arrested to the police. According to the information published on the page of the civilian corps Azov in the social network VKontakte, Rostislav Stetsenko has been arrested for a second time.³³

On December 21, at about 10:00 Kiev time, the representatives of the “blockade of Crimea” arrested near the checkpoint Chongar **two residents of Kerch**, which were on their way to Crimea. The participants of the “blockade”, which had stripes ‘Crimea-Ukraine’, ‘Crimea-Azov’ requested to show all the personal belongings. One of the participants of the “blockade” introduced himself as Vladimir from Kirovograd, the rest rudely refused to introduce themselves. Participants of the “blockade” said that “*now there are new rules*” of entry to Crimea.

The arrested Kerch residents called the police on the number 102. Participants of the “blockade” forced them to erase all video and photos from mobile phones, and inspected all personal belongings of the two Crimeans. After that they were allowed to go, and they went to Crimea.

On December 25, the Chief Department of the National Police in the Kherson region reported to the CHRG that the investigation of the seven cases of willful damage of power facilities committed during the period from October 6 to 21 November was initiated (**Annex 8**). The investigation of these facts was been combined into one and is held on the grounds of a criminal offense under Part 2 of Art. 194-1 of the Criminal Code of Ukraine (intentional destruction or damage of property committed by arson, explosion or other generally dangerous way or causing large scale property damage resulting in the deaths or other serious consequences).

On December 30, the Kherson region power engineers found another fall of the tower of the transmission line Kakhovskaya-Titan, which now supplies electricity to Crimea. The power supply was terminated for Krasnoperekopsk, Razdolnensk, Pervomaisk, Chernomorsk, Saki, and also partially Dzhankoysk districts of Crimea, and Evpatoria and Saki³⁴. One of the organizers of the campaign “blockade of Crimea” Lenur Islyamov did not confirm the participation of members of the “blockade” in the fall of the towers, but stated that he supported the termination of electricity supply to Crimea.³⁵

³² Ukrainskaya Pravda, *the SSU requested from thr Armed Forces the data on the military – participants of the “blockade of Crimea”*, December 20, 2015, available at: <http://www.pravda.com.ua/news/2015/12/20/7093145/> [last access date January 10, 2016]

³³ Civilian corps Azov |CRIMEA. “Right now the Civilian corps Azov, at the checkpoint Chongar arrested a betrayer and accomplice of the invaders Stetsenko Rostislav”. VKontakte. December 12, 2015, [January 10, 2016, https://vk.com/azov_crimea?w=wall-85358896_629]

³⁴ Crimea.Realial, *Ukrenergo reported the fall of the tower of the transmission line Kakhovka-Titan*, December 31, 2015, available at: <http://ru.krymr.com/content/news/27459008.html> [last access date January 10, 2016]

³⁵Crimea.Realial, *Islyamov on the cutoff of the line Kakhovskaya - Titan: possibly it was the wind*, December 30, 2015, available at: <http://ru.krymr.com/content/news/27458350.html> [last access date January 10, 2016]

PROBLEMS OF THE RESIDENTS OF CRIMEA WHO HAD TO ESCAPE FROM THE PENINSULA AND MOVE TO CONTINENTAL UKRAINE (INTERNALLY DISPLACED PERSONS)

REVIEW OF THE REGULATIONS OF UKRAINE, ADOPTED ON THE MATTERS OF CRIMEA IN 2015

STATE SERVICE OF UKRAINE ON THE AR OF CRIMEA AND SEVASTOPOL

On May 14, the Cabinet of Ministers of Ukraine (CMU) adopted a Resolution # 440-r On the appointment of Omer Kyrymly A.E. a Head of the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol. On August 19, Omer Kyrymly A.E. was dismissed from the position in connection with the transfer to another position (Resolution of the Cabinet of Ministers of August 19, 2015 # 834-r).³⁶

On August 20, under the Resolution of the Cabinet of Ministers of Ukraine # 835-r of 19 August 2015, to the position of the Head of the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol Ustaev Nariman Fevzievich was appointed.³⁷

On September 24, the Resolution of the CMU # 736 approved the Regulation on the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol. Under the Regulation, the main tasks of the Service include: ensuring the development and implementation of the state policy on issues relating to the AR of Crimea and Sevastopol, namely the protection of the rights and freedoms of Ukrainian citizens residing in the temporarily occupied territory of Ukraine; as well as the protection of the rights and freedoms of individuals, violated as a result of the temporary occupation of the territory of Ukraine, and the protection of public assets.

In addition, the objective of the Service is to create conditions for the free development of the Crimean Tatar language and the languages of other indigenous peoples and national minorities residing in the temporarily occupied territory of Ukraine, as well as to facilitate the meeting of the national, cultural, educational needs, the development of the ethnic identity of indigenous peoples and national minorities residing in the temporarily occupied territory of Ukraine.³⁸

It should be noted that the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol has been in place since October 22, 2014, but the Regulation on its activities was adopted only after 11 months. Thus, for almost a year, the Service did not have appropriate grounds (Regulation) for its activities.

On December 16, under the Resolution of the Cabinet of Ministers of Ukraine # 1361-r Voytsehova Inna was appointed a first Deputy Head of the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol.³⁹

On December 30, under the Resolution of the Cabinet of Ministers of Ukraine # 1426-r Ozenbash Zarema was appointed a Deputy Head of the State Service of Ukraine on the Autonomous Republic of

³⁶ Resolution of the Cabinet of Ministers of Ukraine # 440-r of May 14, 2015 On the appointment of Omer Kyrymly A.E. a Head of the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol

³⁷ Resolution of the Cabinet of Ministers of Ukraine # 835-r of August 19, 2015 On the appointment of Ustaev N.F. a Head of the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol

³⁸ Resolution of the Cabinet of Ministers of Ukraine #736 of September 24, 2015, Some issues of the State Service on the Autonomous Republic of Crimea and Sevastopol

³⁹ Resolution of the Cabinet of Ministers of Ukraine #1361-r of December 16, 2015 On the appointment of Voytsehova I.V. a First Deputy Head of the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol

Crimea and Sevastopol⁴⁰. Thus, only three months after the approval of the Regulation on the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol the management team of the Service was formed.

GOVERNMENT PLENIPOTENTIARY FOR THE AR OF CRIMEA AND SEVASTOPOL

On August 19, the Resolution of the CMU # 595 liquidated the Department on the AR of Crimea and Sevastopol at the Secretariat of the Cabinet of Ministers of Ukraine. Instead, a position of the Government Plenipotentiary for the Autonomous Republic of Crimea and Sevastopol was introduced, and the Regulation on the Government Plenipotentiary for the AR of Crimea and Sevastopol was approved.

The need for and feasibility of establishing such a government body immediately raised doubts among the representatives of the civil society. Mainly, according to the Regulation, the position was created to represent the interests of the Crimean Tatar people, but at the state level there have already been positions for such purposes (for example, the Commissioner of the President of Ukraine for the Crimean Tatar people). In particular, the authority of the Government Commissioner included the representation of the position of the Cabinet of Ministers and ensuring the establishment of relations of the Cabinet of Ministers of Ukraine with the Organization of Islamic Cooperation and other international interstate, intergovernmental and non-governmental organizations, particularly those representing the interests of the Crimean Tatar people.⁴¹

On August 20, under the Resolution of the CMU #837-r of August 19, 2015 Omer Kyrymly A.E. was appointed a Governmental Plenipotentiary for the AR of Crimea and Sevastopol⁴². However, on August 31, under the Resolution of the Cabinet of Ministers # 869-r Omer Kyrymly A.E. was sent to the United States.⁴³

On November 30, under the Resolution of the Cabinet of Ministers of Ukraine # 1237-r Omer Kyrymly A.E. was dismissed from the position of the Government Plenipotentiary for the AR of Crimea and Sevastopol by mutual consent of the parties⁴⁴. This position existed for less than four months, and most of the time the Government Plenipotentiary for the AR of Crimea and Sevastopol was on a business trip in the United States of America.

OTHER REGULATIONS ON THE AR OF CRIMEA AND SEVASTOPOL

On March 18, the Resolution of the CMU # 154 approved the Procedure of the use of funds allocated in the state budget for the financial support of the State Enterprise Crimean Home. According to the Procedure, the budget funds are allocated to provide financial support to the enterprises in order to

⁴⁰ Resolution of the Cabinet of Ministers of Ukraine # 1426-r of December 30, 2015 On the appointment of Ozenbash Z.S. a Deputy Head of the State Service of Ukraine on the Autonomous Republic of Crimea and Sevastopol

⁴¹ Resolution of the Cabinet of Ministers of Ukraine # 595 of August 19, 2015 On issues of the Government Plenipotentiary for the Autonomous Republic of Crimea and Sevastopol

⁴² Resolution of the Cabinet of Ministers of Ukraine # 837-r of August 19, 2015 On the appointment of Omer Kyrymly A.E. a Governmental Plenipotentiary for the Autonomous Republic of Crimea and Sevastopol

⁴³ Resolution of the Cabinet of Ministers of Ukraine # **869-r of August 31, 2015 On the business trip** of Omer Kyrymly A.E.

⁴⁴ Resolution of the Cabinet of Ministers of Ukraine # 1237-r of November 30, 2015 On the dismissal of Omer Kyrymly A.E. from the position of the Government Plenipotentiary for the Autonomous Republic of Crimea and Sevastopol

ensure the protection of the rights and freedoms of Ukrainian citizens, including indigenous peoples and national minorities, in the temporarily occupied territory of Ukraine, to help meet their political, informational, educational, scientific, national and cultural and spiritual needs, in particular on:

- ensuring statutory activities of the enterprise Crimean Home;
- preparation and holding of festivals, holidays, competitions, concerts, art, thematic exhibitions, conferences, workshops, lectures and other cultural events, including the Crimean Tatar national holiday Hydyrlez;
- publishing and support for cultural journals related to the cultural development of the national minorities and indigenous peoples of Crimea, implementation of the ethno-national and information policy, which aims to cover the situation in the temporarily occupied territory of Ukraine;
- ensuring remote monitoring in the AR of Crimea of the functioning of the national-cultural societies and religious communities, providing for the protection of the rights of indigenous peoples and national minorities;
- creation and maintenance of the permanent common platform for NGO representatives and activists whose activities are related to protecting the rights and freedoms of Ukrainian citizens in the temporarily occupied territory of Ukraine;
- facilitation of the activity of the Mejlis of the Crimean Tatar people and the Ukrainian Council of Churches and Religious Organizations;
- placement of social and promotional materials;
- other activities related to the implementation of the statutory tasks of the enterprise Crimean Home.⁴⁵

However, according to the majority of the non-governmental organizations working in the field of protection of people residing in Crimea, as well as those who were forced to leave Crimea, the activity of this enterprise has not been effective.

On November 23, the Cabinet of Ministers of Ukraine adopted a Resolution on the temporary prohibition of the movement of cargo across the administrative border between Ukraine and Crimea. This decision was taken at the initiative of the Prime Minister of Ukraine Arseniy Yatsenyuk at the extraordinary meeting of the Government. However, this decision has not been enshrined in the relevant regulation of the CMU. The State Border Guard Service of Ukraine referred to this decision and prohibited not only the freight traffic to and from Crimea. Since December 2015, the officials of the Border Guard Service of Ukraine have prohibited the passage through the checkpoints with Crimea of also the owners / drivers of private cars of Ukrainian citizens, which do not carry freight, but have in the technical certificates the specification of the type of vehicle as the 'cargo-carrying' or 'low-tonnage'. Thus, the property right and freedom of movement have been unreasonably restricted for a specific category of the citizens of Ukraine.⁴⁶

⁴⁵Resolution of the Cabinet of Ministers of Ukraine #154 of March 18, 2015 On approval of the Procedure of the use of funds allocated in the state budget for the financial support of the enterprise Crimean Home

⁴⁶ Government portal, *On the initiative of Arseniy Yatsenyuk the Government temporarily prohibits the movement of freight across the administrative border between Ukraine and Crimea*, November 23, 2015, available at: http://www.kmu.gov.ua/control/uk/publish/article?art_id=248650593 [last access date January 12, 2016]

On December 8, in Parliament, a draft law On the temporarily occupied territory of Ukraine was registered⁴⁷. The draft law was submitted by a team of people's deputies, including Refat Chubarov, Oksana Syroid, Yegor Sobolev and others. One of the most serious human rights violations that may result from the adoption of this draft law is the introduction of a total ban on the supply of energy and fuel resources and water to the temporarily occupied territory, as well as other forms of blockade of Crimea. The draft law envisages a significant restriction of the freedom of movement not only for foreign citizens and stateless persons, but also for the citizens of Ukraine, including those who reside on the peninsula.

On December 16, the Resolution of the Cabinet of Ministers of Ukraine # 1035 On restriction of supply of certain goods (works, services) from the temporarily occupied territory to the other territory of Ukraine and/or the from the other territory of Ukraine to the temporarily occupied territory.

This Resolution prohibits for the period of temporary occupation the delivery of goods (works, services) under all customs regimes from Crimea to the mainland of Ukraine and/or from mainland Ukraine to Crimea, with the exception of personal belongings of citizens and socially important food products transported by citizens, the total invoice value of which does not exceed the equivalent of 10,000 hryvnia, and the total weight of which does not exceed 50 kilograms per person. It also includes an exhaustive list of socially important food products.⁴⁸

The Resolution is discriminatory and creates conditions for corruption at the border crossing points, and also violates the property rights. In addition, the Resolution violates the Constitution of Ukraine, the Civil Code of Ukraine and other laws of Ukraine. In particular, the preamble of the Resolution #1035 indicates that it is adopted in accordance with subparagraph 4 of paragraph 12.4 of Art. 12 of the Law of Ukraine On creation of the free economic zone Crimea and the specifics of the economic activity in the temporarily occupied territory of Ukraine, according to which the Cabinet of Ministers of Ukraine has the right to temporarily restrict the supply of certain goods from the temporarily occupied territory of Ukraine to the mainland Ukraine and in the opposite direction.

However, the above-mentioned law about the free economic zone is a special legal act that defines the specifics of the economic activity on the territory of Crimea, and in no way regulates the issues of constitutional, civil and personal property rights.

Since the Resolution #1035 goes beyond the regulation of economic relations and restricts the constitutional rights of citizens, it is contrary to the law about the free economic zone.

REVIEW OF LEGISLATIVE ACTS OF UKRAINE ADOPTED WITH REGARD TO THE INTERNALLY DISPLACED PERSONS IN 2015

REGISTRATION

On March 4, the Cabinet of Ministers adopted a Resolution #79, which amended the procedure of registration of the internally displaced persons (IDPs). In particular, this Resolution envisages the inspection of places of residence of IDPs. The Resolution authorizes the officials of the State Migration Service (SMS) to visit the homes of the internally displaced persons in order to verify their addresses.

⁴⁷ Official portal. The Verkhovna Rada of Ukraine. Lawmaking, available at:

http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57317 [last access date January 14, 2016]

⁴⁸ Resolution of the Cabinet of Ministers of Ukraine # 1035 of December 16, 2015 On restriction of supply of certain goods (works, services) from the temporarily occupied territory to the other territory of Ukraine and/or from the other territory of Ukraine to the temporarily occupied territory

These checks will be planned and must cover monthly at least ten percent of the registered IDPs. During such visits the officials are required to put a stamp on the registration of the place of residence of the certificate of the IDP. Without this stamp the IDP certificate is invalid. In accordance with the procedure, if the inspectors arrive at the place of residence of IDPs at the time when they were not home, the IDPs will be asked to come to the local SMS division in the next ten days for further checks. If an IDP fails to do that, the certificate of the IDP can be withdrawn. The aforementioned Resolution is discriminatory towards the IDPs and violates their right to privacy.

On November 3, the Verkhovna Rada of Ukraine adopted a Law On amendments to some laws of Ukraine concerning the strengthening of guarantees of observance of the rights and freedoms of the internally displaced persons. The Law was signed by the President of Ukraine only on January 6, 2016. This Law envisages the change of the procedure of obtaining the IDP certificate. Namely, those persons, which have identification documents and documents verifying their place of residence prior to the relocation, shall receive an IDP certificate on the day of submission of such documents. However, those persons which do not have such documents are required to submit the evidence to support the fact of residence in the administrative and territorial unit prior to relocation (military card, labour book, medical records, photos etc.). In such a case, an IDP certificate will be issued in 15 days. In addition, the important thing is that now the IDP certificate can be obtained not only by the citizens of Ukraine, but also by foreign citizens and stateless persons.

FREEDOM OF MOVEMENT

The rules for crossing the administrative border with Crimea are regulated by a separate Resolution of the Cabinet of Ministers of Ukraine #367 On approval of the Procedure for entering and exit from the temporarily occupied territory of Ukraine, which was adopted on June 4, 2015. In accordance with this Resolution, Ukrainian citizens may cross the administrative border Crimea if they provide any identification document and confirm their Ukrainian citizenship (paragraph 3.2), while the foreign citizens must obtain a special permit to enter Crimea (paragraph 3.1).

In practice, the Resolution significantly restricted the freedom of movement and made it almost impossible for foreign citizens and stateless persons to cross the administrative border with Crimea.

The Procedure was amended by the Resolution of the Cabinet of Ministers # 722, which was adopted on September 16, 2015. The new rules have significantly improved the previous Procedure of crossing the administrative border with Crimea. In particular, the Resolution #722 defines the rules of crossing the administrative border for children under the age of 16 (par. 1). It also expands the list of grounds on which the foreign citizens can obtain the permission to cross the administrative border (par. 2). In accordance with the Resolution #722 the international organizations, international and foreign non-governmental organizations, as well as independent human rights missions may obtain an entry permit to Crimea upon consent of the Ministry of Foreign Affairs of Ukraine. The journalists can also obtain such permit subject to the consent of the Ministry of Information Policy of Ukraine. The foreign citizens willing to visit Crimea for religious purposes may obtain such a permit upon consent of the Ministry of Culture. In addition, the permit to cross the administrative border can be obtained by foreign citizens, which permanently reside in Crimea. This Regulation also provides for the issuance of such permits for members of the Mejlis of the Crimean Tatar people.

Although the list of categories of persons which may enter Crimea has been significantly expanded, it is not enough to argue that the procedure for entry into and exit from Crimea does not violate the freedom of movement. The procedure envisages a bureaucratic procedure of obtaining a permit to

enter Crimea, namely in accordance with the Resolution #367 the permits to cross the administrative border are issued by the head or deputy head of the territorial department of the State Migration Service in the Novotroitsk and Genichesk districts of the Kherson region. The application for obtaining a permit is to be considered within up to 5 working days (par. 25).

ELECTORAL RIGHTS

In accordance with the Law of Ukraine On ensuring the rights and freedoms of the internally displaced persons, the state guarantees the electoral rights of IDPs (Article 8). However, in practice, the state failed to ensure the participation of IDPs in local elections in 2015.

In accordance with the Law of Ukraine On local elections of July 14, 2015, in order to participate in the elections it is necessary to provide the documents confirming the place of residence. Such documents include a passport of the citizen of Ukraine or a temporary certificate of the citizen of Ukraine. This list of documents is not aligned with the Law of Ukraine On ensuring the rights and freedoms of the internally displaced persons, which envisages that a stamp on the registration of the place of residence of IDPs is put not in the passport, but in the IDP certificate. Thus, because of the conflict in the legislation, the IDPs have not been able to exercise their electoral rights.

In order to ensure the electoral rights of IDPs, the people's deputies, in partnership with the civil society, developed a draft law #2501a-1 On amendments to some legislative acts on ensuring the electoral rights of the internally displaced persons. In addition, two alternative draft laws were registered in the Verkhovna Rada of Ukraine.

However, none of these draft laws has been adopted. Thus, the IDPs were deprived of the right to vote in the local elections held on October 25.

CIVIL STATUS CERTIFICATES

On September 22, the Ukrainian Prime Minister Arseniy Yatsenyuk registered a draft law On amendments to the Code of Civil Procedure regarding the establishment of the fact of birth or death in the temporarily occupied territory of Ukraine. This draft law provides for an accelerated procedure for the issuance of birth and death certificates for persons whose place of residence is registered in Crimea. In particular, the draft law suggests that any court in Ukraine, regardless of the place of residence of the applicant, can consider the cases relating to the establishment of the fact of birth in the temporarily occupied territory (paragraph 1.1).

The draft law also envisages that any person can apply to the court in order to establish the fact of death in the temporarily occupied territory (paragraph 1.1). The draft law also stipulates that such cases should be reviewed by the court within 24 hours (paragraph 1.1). The draft law has not yet been adopted by the Parliament.

SOCIAL ADAPTATION

On March 5, the Law On amendments to some laws to strengthen the social security of the internally displaced persons was adopted. This Law amended the Law of Ukraine On compulsory state social unemployment insurance, harmonizing it with the legislation on IDPs. In particular, the amendments provide for the obligation of the state to promote the employment of IDPs, and guarantee the right of IDPs to a one-time allowance to cover the cost of training for improvement of qualification.

On December 16, the Cabinet of Ministers of Ukraine adopted a Comprehensive State Program for support, social adaptation and reintegration of Ukrainian citizens who moved from the temporarily occupied territory of Ukraine and the areas of anti-terrorist operation to other regions of Ukraine for the period until 2017.⁴⁹

The review was prepared by:

Olga Skrypnyk, Coordinator of the Crimean Human Rights Group;

Vissarion Aseev, Coordinator of the monitoring direction of the Crimean Human Rights Group;


Olga Morkova, analyst of the Crimean Human Rights Group, Director of projects NGO Open Mission;

Tetiana Pechonchyk, Coordinator of the advocacy direction of the Crimean Human Rights Group, Center for Human Rights Information.

⁴⁹ Resolution of the Cabinet of Ministers of Ukraine # 1094 of December 16, 2015 On approval of the Comprehensive State Program for support, social adaptation and reintegration of Ukrainian citizens who moved from the temporarily occupied territory of Ukraine and the areas of anti-terrorist operation to other regions of Ukraine for the period until 2017

ANNEXES

Annex 1



МВД по РЕСПУБЛИКЕ КРЫМ
УМВД России по г. Симферополю
Отдел полиции № 3 «Центральный»
Футболистов, д. 20, Симферополь, 295001

Шукурджиев Ф.

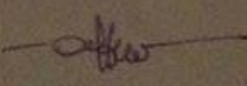
3.12.16 № 49/2-4058

на № _____ от _____

Сообщаю Вам, что Ваше заявление зарегистрировано в КУСП ОП № 3 «Центральный» УМВД России по г. Симферополю за № 15014 от 29.11.2015 года, рассмотрено.

Ввиду отсутствия состава преступления или административного правонарушения принято решение о приобщении материала к номенклатурному делу ОП №3 «Центральный» УМВД РФ по г. Симферополю.

В соответствии с п. 4 ст. 5 ФЗ № 59 «О порядке рассмотрения обращения граждан Российской Федерации». Вы имеете право обращаться с жалобами на принятое по обращению решение или на действие (бездействие), в связи с рассмотрением обращения, в административном и (или) судебном порядке, в соответствии с законом Российской Федерации.

Начальник 

К.В. Косолапов

Response of the Police in (№3) to the statment of V. Shukurdzhiev about the illegal actions of police officers

В Северо-Кавказский окружной военный суд
от защитника Сотникова Дмитрия Валерьевича,

в интересах Костенко Александра Федоровича,
находящегося в ИК-5 Кировской обл.

АПЕЛЛЯЦИОННАЯ ЖАЛОБА

на Постановление Крымского гарнизонного военного суда от 25.11.2015 о прекращении производства по жалобе,
поданной в порядке ст. 125 УПК РФ адвокатом Сотниковым Д.В., действующим в защиту интересов Костенко А.Ф.

25.11.2015 Крымским гарнизонным военным судом было вынесено постановление о прекращении производства по жалобе адвоката Сотникова Дмитрия Валерьевича, действующего в защиту Костенко Александра Федоровича, в порядке ст. 125 УПК РФ на постановление старшего следователя-криминалиста 534-ого ВСО ВСУ СК России по Черноморскому флоту Кукасова Д.С. от 18.04.2015 об отказе в возбуждении уголовного дела, постановление заместителя руководителя 534-ого ВСО ВСУ СК России по Черноморскому флоту Опарина В.А. от 03.06.2015 о полном отказе в удовлетворении жалобы, постановление руководителя 534-ого ВСО ВСУ СК России по Черноморскому флоту Кудлаева М.С. от 25.06.2015 о полном отказе в удовлетворении жалобы, ответ прокурора 309 военной прокуратуры гарнизона Мазурова А.В. от 10.07.2015 № 4533 об отказе в удовлетворении жалобы.

Заявитель не согласен с доводами указанного постановления по следующим основаниям:

Суд ошибочно трактует п. 9 постановления Пленума Верховного Суда РФ от 10.02.2009 № 1 «О практике рассмотрения судами жалоб в порядке ст. 125 УПК РФ», а также ошибочно приводит позицию Конституционного суда РФ, изложенную в определении от 22.01.2014 № 35-О «Об отказе в принятии к рассмотрению жалобы Набулина М.Н. на нарушение его конституционных прав ч. 1 ст. 125 УПК РФ.

В вышеприведенных разъяснениях и практике речь идет о жалобах в порядке ст. 125 УПК РФ, поступающих в рамках того же уголовного дела, по которому вынесен приговор.

Имеется ряд преступных деяний. Деяния, предусмотренные п. «б» ч. 2 ст. 115, ч. 1 ст. 222 УК РФ – за которые был осужден Костенко А.Ф. – и это одно уголовное дело. И деяния, предусмотренные п.п. «а», «в» и «в» ч. 3 ст. 286 УК РФ – которые Тищенко и Шамбазов совершили в отношении Костенко А.Ф. – в возбуждении уголовного дела по которым отказано, которые не могли быть предметом судебного разбирательства, так как по ним не проводилось предварительного расследования, не представлялось обвинение, а суд не является органом уголовного преследования.

Именно в рамках уголовного дела, которого нет, в возбуждении которого по п.п. «а», «в» и «в» ч. 3 ст. 286 УК РФ отказано и была подана жалоба в порядке ст. 125 УПК РФ.

Жалобы в порядке ст. 125 УПК РФ в рамках уголовного дела в отношении Костенко А.Ф., осужденного по п. «б» ч. 2 ст. 115, ч. 1 ст. 222 УК РФ никогда не подавались.

И это абсолютная юридическая безграмотность – считать, что в рамках уголовного дела в отношении Костенко А.Ф. суд вообще способен разрешать вопросы о наличии состава преступления в действиях иных лиц, не перечисленных в обвинительном заключении.

Так в протоколе судебного заседания Киевского районного суда г. Симферополя Республики Крым суд отказывает защите в допросе свидетелей похищения Костенко А.Ф., так как считает, что их показания выходят за рамки предъявленного обвинения.

На листе 8 апелляционного постановления Верховного суда Республики Крым указывается, что суд считает необоснованными доводы осужденного и его защитника о противоправности действий сотрудников правоохранительных органов, вынудивших Костенко А.Ф. дать признательные показания, так как защитой не было представлено незаконности действий указанных сотрудников.

То есть, суды не проверяли факты должностных преступлений сотрудников в отношении Костенко А.Ф. И есть только одна возможность собрать такие факты – проверка в порядке ст.ст. 144-145 УПК РФ с последующим возбуждением на указанных сотрудников уголовного дела. Для инициации такой проверки и было подано заявление, в возбуждении уголовного дела по которому был дан отказ, обжалуемый в Крымском гарнизонном военном суде в порядке ст. 125 УПК РФ.

Не может Костенко А.Ф. по одному и тому же уголовному делу проходить и подсудимым и потерпевшим – это чистая софистика, направленная на создание судом условий для неправомерной защиты преступных сотрудников ФСБ, сокрытия их от уголовной ответственности.

В уголовном деле в отношении Костенко А.Ф. имеется протокол явки с повинной от 06.02.2015.

Однако имеется и постановление об отказе в возбуждении уголовного дела от 14.02.2015 ОП № 2 «Киевский» УМВД России по г. Симферополь. В этом постановлении опер уполномоченный Кондратюк В.М. ссылается на то, что 05.02.2015 возле своего подъезда по ул. Беспалова, д. 3/1, Костенко А.Ф. не был похищен неизвестными людьми, а был задержан сотрудниками ФСБ, что согласуется со сведениями, полученными при адвокатских опросах Новиковой А.М., Рыбенко Д.Ю. и Костенко А.Ф.

Защита требует у следственных органов выяснения обстоятельств на основании чего Костенко А.Ф. был задержан, участвовали ли в задержании Тищенко и Шамбазов, и во сколько сотрудники ФСБ отпустили Костенко А.Ф., так как уже 06.02.2015 он со сломанной рукой и вывихнутым плечом, с ссадинами и синяками на лице писал у следователя явку с повинной!!!

Задержание сотрудниками ФСБ Костенко А.Ф. у его дома, не может быть связано с уголовным делом в отношении него, так как по делу он был задержан в ходе явки с повинной. Либо сама явка с повинной является служебным подлогом, полученным в следствии указанных побоев! И это будет означать для Тищенко и Шамбазова – возбуждение на них уголовного дела, а для Костенко – пересмотр его дела по вновь открывшимся обстоятельствам. Ничто из этого механизма не противоречит друг другу и принципам уголовного процесса.

На основании вышеизложенного адвокат Сотников Д.В. просит Постановление Крымского гарнизонного военного суда от 25.11.2015 о прекращении производства по жалобе, поданной в порядке ст. 125 УПК РФ адвокатом Сотниковым Д.В., действующим в защиту интересов Костенко А.Ф., отменить принять по делу новое постановление об удовлетворении жалобы, поданной в порядке ст. 125 УПК РФ.

Приложение: Ордер.
Адвокат



Д.В. Сотников
27.11.2015.

Appeal against the decision of the Crimean Garrison Military Court dated 25.11. 2015 on termination of proceedings on complaint by lawyer Dmitry Sotnikov in the interests of Oleksandr Kostenko

Постановление

7 декабря 2015 г.

г. Симферополь

Заместитель председателя Крымского гарнизонного военного суда Зубаиров Р.А., изучив апелляционную жалобу представителя заявителя - адвоката Сотникова Дмитрия Валерьевича в интересах Костенко Александра Федоровича на постановление Крымского гарнизонного военного суда от 25 ноября 2015 г. о прекращении производства по жалобе, поданной в порядке ст.125 УПК РФ,

установил:

Постановлением Крымского гарнизонного военного суда от 25 ноября 2015 г. прекращено производство по жалобе Сотникова в интересах Костенко о признании незаконным постановления старшего следователя-криминалиста 534 военного следственного отдела Кукасова от 18 апреля 2015 г. об отказе в возбуждении уголовного дела, а также постановлений руководителя названного отдела Кудлаева от 25 июня 2015 г., его заместителя Опарина от 3 июня 2015 г. и военного прокурора 309 военной прокуратуры гарнизона Мазурова от 10 июля 2015 г. об отказе в удовлетворении жалобы.

7 декабря 2015 г. в суд поступила апелляционная жалоба Сотникова, в которой последний выражая несогласие с решением судьи, использовал оскорбительное выражение.

Требования, предъявляемые к апелляционной жалобе содержатся в ч.1 ст.389.6 УПК РФ, среди которых и необходимость приведение соответствующих доводов.

Вместе с тем, по смыслу названной нормы права в совокупности с требованиями ч.3 ст.11 Федерального закона «О порядке рассмотрения обращений граждан Российской Федерации», использование заявителем оскорбительных выражений в своей жалобе, надлежит рассматривать как злоупотребление правом.

Отсюда следует, что указанная апелляционная жалоба не может быть признана надлежащей и соответствующей требованиям ч.1 ст.389.6 УПК РФ.

Данный недостаток препятствует дальнейшему рассмотрению жалобы.

В соответствии с ч.4 ст.389.6 УПК РФ в случае несоответствия апелляционной жалобы требованиям, установленным ч.1 названной статьи процессуального закона, что препятствует ее рассмотрению, апелляционная жалоба возвращается судьей, который назначает срок для её пересоставления.

На основании изложенного и руководствуясь ст. 389.6 УПК РФ,

постановил:

2

Возвратить Сотникову Дмитрию Валерьевичу его жалобу в интересах Костенко Александра Федоровича на постановление Крымского гарнизонного военного суда от 25 ноября 2015 г. и назначить ему срок для пересоставления жалобы - пять дней со дня вступления в силу настоящего постановления.

В соответствии с ч.4 ст.389.6 УПК РФ в случае, если требования судьи не выполнены и жалоба в установленный судьей срок не поступит в суд, о чем выносится соответствующее постановление, она считается не поданной.

Настоящее постановление может быть обжаловано в судебную коллегия по уголовным делам Северо-Кавказского окружного военного суда через Крымский гарнизонный военный суд в течение 10 суток со дня его вынесения.

Заместитель председателя суда

Р.А. Зубаиров



СЕКРЕТАРЬ СУДЕБНОГО
ЗАСЕДАНИЯ

Resolution of the Crimean Garrison Military Court on (judge Zubairov R.) on the return of the complaint by lawyer Dmitry Sotnikov for redrawing (dated December 7, 2015)

Annex 4

АДМИНИСТРАЦИЯ
 ГОРОДА СИМФЕРОПОЛЯ
 РЕСПУБЛИКИ КРЫМ

АДМИНИСТРАЦИЯ
 ГОРОДА СИМФЕРОПОЛЯ
 РЕСПУБЛИКИ КРЫМ

КЫРЫМ ДЖУМХУРИЯТИ
 СИМФЕРОПОЛЬ
 ШЕЭРИНИНГ МЕНАУРЕТИ

ул. Горького, 12, г. Симферополь, Республика Крым, 295000, тел: (0652) 25-33-36, факс: (0652) 25-80-32

от 13.12.2015 № УМЕР/ДОМО
 на № _____

Умерову И.Р.
 г. Бахчисарай,
 Республика Крым,
 298405

Копия:
 Начальнику
 управления МВД России
 по г. Симферополю
Николаеву С.В.
 бул. Франко, 44,
 г. Симферополь,
 Республика Крым,
 295034

Рассмотрев Ваше уведомление от 03.12.2015 о проведении «...10 декабря 2015 г. публичного мероприятия в виде пикета, без использования звукоусиливающих технических средств, посвященного международному Дню прав человека...» с целью информирования «...общественности о нарушаемых правах человека на территории Республики Крым; обращение к правоохранительным органам с призывом устранить нарушения прав человека.

Место проведения ... – г. Симферополь, ул. Севастопольская, 21а (у главных ворот Прокуратуры Республики Крым) ...

Время начала и окончания ...:
 - начало в 11.00
 - завершение в 12.00.

Предполагаемое количество участников... - до 50 человек...», с использованием крымскотатарской национальной символики, информационных плакатов, администрация города Симферополя сообщает следующее.

В связи с Распоряжением Главы Республики Крым от 22.11.2015 № 454-рг «О введении режима чрезвычайной ситуации техногенного характера»,

Постановлениями Администрации города Симферополя от 22.11.2015 № 1348 «О введении режима чрезвычайной ситуации для сил муниципального звена территориальной подсистемы РСЧС в пределах муниципального образования городской округ Симферополь Республики Крым», № 1347 «Об ограничении массовых, публичных, культурно – развлекательных и других мероприятий на территории муниципального образования городской округ Симферополь Республики Крым», на основании протокола оперативного штаба ликвидации чрезвычайных ситуаций администрации города Симферополя от 22.11.2015 №4 временно приостанавливается деятельность по проведению массовых, публичных, культурно-развлекательных и других мероприятий в период с 22.11.2015 до особого распоряжения.



Согласно ч. 8 ст. 55 Устава муниципального образования городской округ Симферополь Республики Крым муниципальные правовые акты, принятые органами и должностными лицами местного самоуправления, подлежат обязательному исполнению на всей территории городского округа.

Информация о снятии ограничений по проведению массовых, публичных, культурно-развлекательных и других мероприятий на территории муниципального образования городской округ Симферополь Республики Крым будет опубликована на официальном сайте администрации города Симферополя (simadm.ru).

Заместитель главы администрации –
 руководитель аппарата администрации
 города Симферополя

Г.В. Александрова

Disclaimer of administration Simferopol to the Mejlis of the Crimean Tatar people in the conduct of December 10 action in Simferopol

 РЕСПУБЛИКА КРЫМ МИНИСТЕРСТВО ТРУДА И СОЦИАЛЬНОГО ЗАЩИТЫ	РЕСПУБЛИКА КРЫМ МИНИСТЕРСТВО ТРУДА И СОЦИАЛЬНОЙ ЗАЩИТЫ	КРЫМ АДМИНИСТРАЦИЯ ГОРОДСКОГО ОКРУГА СИМФЕРОПОЛЬ
295000, г. Симферополь, ул. Горького, 7, тел. 27-65-03, факс 54-75-62 e-mail: krmstsp@mail.ru	295000, г. Симферополь, ул. Горького, 7, тел. 27-65-03, факс 54-75-62 e-mail: krmstsp@mail.ru	295000, Симферополь, мкр. Горький, д. 7, тел. 27-65-03, факс 54-75-62 e-mail: krmstsp@mail.ru
02.12.2015 № 11.1-03.2/2497		
Исполнительные органы государственной власти Республики Крым (по списку) Администрации муниципальных образований в Республике Крым		
О предоставлении предложений по привлечению граждан Турции		
<p>Согласно письму Министерства труда и социальной защиты Российской Федерации от 30.11.2015 № 16-14/10/ПТ-7448 в соответствии с подпунктом «в» пункта 1 и подпунктом «б» пункта 5 Указа Президента Российской Федерации от 28 ноября 2015 г. № 583 «О мерах по обеспечению национальной безопасности Российской Федерации и защите граждан Российской Федерации от преступных и иных противоправных действий и о применении специальных экономических мер в отношении Турецкой Республики» Министерство труда и социальной защиты Российской Федерации осуществляет подготовку перечня работодателей, заказчиков работ (услуг), имеющих право на привлечение с 1 января 2016 года для осуществления трудовой деятельности, выполнения работ (оказания услуг) работников из числа граждан Турецкой Республики (далее – Перечень).</p> <p>Ввиду изложенного просим проработать с организациями, осуществляющими деятельность в курируемой сфере, привлекающими или планирующими привлечь в 2016 году для осуществления трудовой деятельности работников из числа граждан Турецкой Республики, и представить в Министерство труда и социальной защиты Республики Крым по прилагаемой форме предложения в Перечень, согласованные с федеральными органами исполнительной власти, осуществляющими функции по выработке государственной политики и нормативно-правовому регулированию в соответствующих сферах деятельности (Министром России, Минэнерго России, Минпромторг России, Минспорт России, Минсельхоз России, Минтранс России и т.д.) (далее – Предложения).</p> <p>К Предложениям необходимо приложить нотариально заверенные копии учредительных документов и контрактов (для выполнения которых требуется</p>		
		

привлечение граждан Турецкой Республики) организаций, предлагаемых для включения в Перечень.

Информацию и материалы просим направить Министерству труда и социальной защиты Республики Крым в срок до 18:00 03.12.2015 электронной почтой (uzmtsz@mail.ru) или по факсу +7 (3652) 54 59 74 с подтверждением на бумажных носителях по адресу: г. Симферополь, ул. Крылова, 7.

Приложение: на 1 л.

Заместитель министра Л. Михалевский

Содокл. 54 59 74

Letter of the Ministry of Labor and Social Protection of Crimea by the executive authorities and municipal administrations in Crimea request a list of organizations that plan to involve employment of citizens of the Turkish Republic

УВЕДОМЛЕНИЕ

«30» ноября 2015 года

Настоящим уведомляем Вас, [redacted], [redacted] рождения, о том, что Вам отказано во въезде в Российскую Федерацию в соответствии с п.4 ст.26 ФЗ РФ № 114 «О порядке выезда из Российской Федерации и въезда в Российскую Федерацию» от 16.08.1996 г. на основании решения УФМС России по Московской области до 01.07. 2018 года.

В случае незаконного пересечения Государственной границы Российской Федерации, вы будете привлечены к ответственности в соответствии с ч. 1 ст. 322 Уголовного кодекса Российской Федерации: «Пересечение государственной границы без действительных документов на право въезда в Российскую Федерацию или выезда из Российской Федерации, либо без надлежащего разрешения, полученного в порядке, установленным законодательством Российской Федерации, - наказывается штрафом в размере до двухсот тысяч рублей или в размере заработной платы или иного дохода осужденного за период до восемнадцати месяцев, либо принудительными работами на срок до двух лет, либо лишением свободы на тот же срок».

кпп «Армянск»
ст. лейтенант

М.А. Казанцев

С уведомлением ознакомлен, претензий, замечаний не имею.

[redacted] 30 ноября 2015 года

Копия настоящего уведомления вручена:

[redacted] (подпись)

[redacted] 30 ноября 2015 года

The notification about denial of entry into the Russian Federation until 2018


ПРОКУРАТУРА УКРАЇНИ
ПРОКУРАТУРА
 Херсонської області
 Урядова, 79000, м.Херсон
 вул. Петрівська, 33
 Факс (0552) 42-04-26

ПРОКУРАТУРА
 Херсонської області
 24 ГРУ 2015
 ВІДПРАВЛЕНО

Голові ГО «Центр громадянської
 просвіти «Альменда»
 Скрипник О.С.
 Київ-1, а/с B-55, 01001
 almennda.ngo@gmail.ru

Прокуратурою області розглянуто Ваші запити на інформацію (надішли 18.12.2015 на електронну адресу та аналогічний 21.12.2015 поштою) стосовно заяв та повідомлень фізичних та юридичних осіб до правоохоронних органів про кримінальні правопорушення за фактом пошкодження електроопор в Херсонській області та з інших питань в період з 20.09.2015 по теперішній час.

Закон України «Про доступ до публічної інформації» визначає порядок здійснення та забезпечення права кожного на доступ до інформації, що отримана чи створена в процесі виконання суб'єктами владних повноважень своїх обов'язків, або знаходяться у їх володінні.

Так, Законом не передбачено узагальнення чи створення інформації, на момент подачі запиту вона повинна бути створена.

Повідомляю, що відомості про зареєстровані кримінальні правопорушення та результати їх розслідування узагальнюються у звітності за формою №1 «Єдиний звіт про кримінальні правопорушення», яка формується накопичувальним підсумком з початку звітного періоду (року) на підставі даних, внесених до ЄРДР користувачами інформаційної системи.

Облік відомостей у вказаній звітності здійснюється за кількістю кримінальних правопорушень з урахуванням вимог Кримінального процесуального кодексу України 2012 року у розрізі статей та розділів Кримінального кодексу України.

Відповідно даних звітності за формою №1 «Єдиний звіт про кримінальні правопорушення» у запитувасмий період за ст. 171 КК України зареєстровано 3 кримінальні правопорушення, за ст. 194-1 КК України зареєстровано 14 кримінальних правопорушень.

Одночасно роз'яснюю, що звітністю не передбачено виокремлення відомостей про кримінальні правопорушення, що вчинені під час акції «Громадської блокади».

Крім того, в органах прокуратури не ведеться звітність надходження звернень з питань, викладених у запиті, у зв'язку з цим надання таких даних не представляється можливим.

Водночас, враховуючи суспільний інтерес до запитуваної інформації, повідомляю, що за період з 20.09.2015 до територіальних органів поліції області надійшло 139 повідомлень (заяв) фізичних осіб, представників юридичних осіб про кримінальні правопорушення, що вчинені під час «Громадської Блокади» в районі КПВВ «Чонгар», «Чаплінка», «Каланчак» учасниками цієї акції та іншими особами, відомості щодо 15 з яких внесено до Єдиного реєстру досудових розслідувань. Досудове розслідування у кримінальних провадженнях на даний час триває.

Стосовно надання витягів з Єдиного реєстру досудових розслідувань роз'яснюю, що згідно зі статтями 132, 234 та 248 КПК України при провадженні досудового розслідування витяг з Єдиного реєстру досудових розслідувань додається лише до поданих до суду клопотань слідчого, прокурора про застосування, зміну або скасування заходу забезпечення кримінального провадження, проведення обшуку та надання дозволу на проведення негласної слідчої (розшукової) дії.

Надання витягу в інших випадках Кримінальним процесуальним кодексом України не передбачено.

Також роз'яснюю, що відомості (за сукупністю), які зберігаються на матеріальних носіях інформаційної бази даних Єдиного реєстру досудових розслідувань згідно з наказом Генерального прокурора України від 30.12.2014 № 158 «Про затвердження Переліку відомостей, що становлять службову інформацію та можуть міститися в документах органів прокуратури України, і Переліку документів, у яких міститься службова інформація», становлять службову інформацію.

Начальник відділу організації прийому
 громадян, розгляду звернень та запитів

Д.Шербакова

Response of the Prosecutor Kherson Oblast about violations during the «Civil Blocade of the Crimea»

Annex 8

**ГОЛОВНЕ УПРАВЛІННЯ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ
В ХЕРСОНСЬКІЙ ОБЛАСТІ**

вул. Кірова, 4, м. Херсон, 73014

Голові Центру громадянської
просвіти «Альменда»

Скрипник О.С.

Київ-1, а/с В-55,

01001

25.12.2015

№ 8/С-7зі

На виконання запиту про отримання публічної інформації повідомляємо, що з початку громадянської акції з блокування АР Крим з 20.09.2015 року станом на 22.12.2015 року активістами громадянської блокади за вчинення кримінальних та адміністративних правопорушень особи не затримувались та до правоохоронних органів не передавалися, адміністративні та кримінальні провадження відносно зазначених осіб не відкривалися.

Проте з початку громадянської акції з блокування АР Крим, у період з 20.09.2015 року по 22.12.2015 року слідчими слідчих підрозділів Головного управління Національної поліції в Херсонській області в ЄРДР зареєстровано 7 кримінальних проваджень про злочини, у яких потерпілі вказують, що вони вчинені активістами громадянської блокади АР Крим.

За результатами досудового розслідування в 1 із кримінальних проваджень вказаної категорії за ознаками складу кримінального правопорушення, передбаченого ч.1 ст.125 КК України, 14.10.2015 слідчим СВ Генічеського РВ УМВС прийнято рішення про закриття кримінального провадження на підставі п.2 ч.1 ст.284 КПК України.

Крім того повідомляємо, що органами досудового розслідування Головного управління Національної поліції області розпочато розслідування за 7 фактами умисного пошкодження об'єктів електроенергетики, які вчинено в період з 06.10.2015 по 21.11.2015, за ознаками складу кримінального правопорушення, передбаченого ч.2 ст.194-1 КК України. Вказані кримінальні провадження об'єднані в одне, яке розслідується слідчим слідчого управління ГУНП в Херсонській області.

Також слідчим відділенням Каланчацького ВП проводиться досудове розслідування у кримінальному провадженні за фактом пошкодження двох скляних ізоляторів на опорі №82 сполученням Цюрупинськ – Чаплинка поблизу с. Новокиївка Каланчацького району Херсонської області за ознаками складу кримінального правопорушення, передбаченого ч.1 ст.194-1 КК України.

У кримінальних провадженнях досудове розслідування триває, вживаються заходи щодо швидкого, повного та неупередженого дослідження обставин кримінальних правопорушень та встановлення осіб, причетних до їх вчинення.

Крім того, органами досудового розслідування Головного управління Національної поліції області розпочато розслідування за 3 фактами перешкоджання законній професійній діяльності журналістів за ознаками складу кримінального правопорушення, передбаченого ч.1 ст.171 КК України, в 1 з яких досудове розслідування проводиться слідчим відділом прокуратури Херсонської області.

Також роз'яснюємо, що відповідно до п. 19.5 «Переліку відомостей, що становлять службову інформацію у системі Міністерства внутрішніх справ України», затвердженого наказом МВС України від 14.05.2012 №423, службовою інформацією є відомості, що містяться в первинних облікових документах щодо заяв і повідомлень про злочини, стан їх розслідування та розкриття.

На підставі ч.1 ст.6 Закону України «Про доступ до публічної інформації» запитувана Вами інформація щодо первинних облікових документів, проведених процесуальних дій та правової оцінки, в тому числі звернення фізичних осіб, представників юридичних осіб, а також витяги з Єдиного реєстру досудових розслідувань, відноситься до інформації з обмеженим доступом, визнається службовою та не підлягає розширенню згідно п.2 ч.1 ст.22 вказаного Закону.

Заступник начальника



Ю.Ю. Гороховських

Response of the Chief Directorate of the National Police in Kherson Oblast about violations during the
«Civil Blocade of the Crimea»