



# CRIMEA HUMAN RIGHTS GROUP

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## CRIMEAN HUMAN RIGHTS SITUATION REVIEW

**JANUARY 2016**

This monitoring review was prepared  
by the Crimean Human Rights Group  
based upon the materials collected  
in January 2016

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## 1. INTRODUCTION

The present Monitoring Review has been prepared by the **Crimean Human Rights Group** and is based on the materials collected in January 2016.

The **Crimean Human Rights Group (CHRG)** 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.



## 2. CIVIL AND POLITICAL RIGHTS

### DISAPPEARANCES

On January 4, in Crimea, **Abylazimov Ernest Yasharovich**, born in 1971 went missing. According to relatives, Ernest Abylazimov left home on January 4 and did not return. For the last time he was seen at the bus station in Simferopol.<sup>1)</sup>

On January 13, in Crimea **Razakova Elvina Abdulazizovna**, born in 1999 went missing. According to her cousin, in the morning around 8 am Elvina Razakova went to school from the Dubky village of Simferopol district to the Sevastopol city center. However, in the morning the contact with her was lost. At the moment, there is no information about her whereabouts.<sup>2)</sup>

The Head of the Key Investigation Department of the Russian IC on Crimea Mikhail Nazarov said that since March 2014 to date, in Crimea only 4 cases of disappearance of the Crimean Tatars were registered<sup>3)</sup>. However, this statement does not correspond to the information published on the website of the Key Investigation Department of the Russian IC on the Republic of Crimea. The website section 'Wanted: missing' contains information about the 7 missing Crimean Tatars (Shaimardanov Timur, Dzhepparov Islyam, Islyamov Dzhavdet, Zinedinov Seyran, Arislanov Mukhtar, Ganiev Ruslan, Terekhov Arlen)<sup>4)</sup>. There is no information in this section about Abylazimov Ernest and Razakova Elvina that went missing in January.

### RIGHT TO FREEDOM AND PERSONAL IMMUNITY

### DETENTIONS

On January 15, near the Supreme Court of Crimea in Simferopol, Russian police officer — captain Ruslan Rinatovich Shambazov — accompanied by OMON detained the blogger **Zair Akadyrov**. The detention took place near the court building in which a hearing on the 'February 26<sup>th</sup> case' was held, where Zair Akadyrov was not allowed, which was explained by the lack of seats in the courtroom. Zair Akadyrov was taken to the Zheleznodorozhny district police department. In the district department Shambazov interrogated Akadyrov. The detention report was not drawn up. After about 40 minutes Akadyrov was released.<sup>5)</sup>

On January 22, the police came to the home of the Crimean blogger **Zair Akadyrov**. Since Akadyrov was not at home, the police spoke with his relatives. The police said that Zair Akadyrov was to come to the Prosecutor's Office of Zheleznodorozhny district of Simferopol. They presented the summons signed by the Prosecutor L.I. Kardash. The summons stated that

<sup>1</sup> Avdet, In Crimea again a Crimean Tatar disappeared (PHOTOS), January 7, 2016, available at: <http://avdet.org/node/16080> [last access date February 6, 2016]

<sup>2</sup> Safi Krimskaya. "In Crimea the girl went missing! My cousin sister!!! In Simferopol Razakova Elvina Abdulazizovna, born in 1999 went missing" Facebook. January 13, 2016, [February 6, 2016, [https://www.facebook.com/safiye.razakova/posts/1047441088611477?\\_\\_mref=message\\_bubble](https://www.facebook.com/safiye.razakova/posts/1047441088611477?__mref=message_bubble)]

<sup>3</sup> CRIMEAinform, Crimean Tatars make up less than a tenth of missing Crimeans – Invest.Com., January 27, 2016, available at: <http://www.c-inform.info/news/id/34565> [last access date February 6, 2016]

<sup>4</sup> Website of the Key Investigation Department of the Russian IC on the Republic of Crimea, Missing, available at: [http://crim.sledcom.ru/attention/missing\\_persons/1/](http://crim.sledcom.ru/attention/missing_persons/1/) [last access date February 9, 2016]

<sup>5</sup> zair1. "How the police suspected me of "extremism" near the Supreme Court of Crimea (photo, video, audio)." Livejournal. January 16, 2016, [February 6, 2016, <http://zair1.livejournal.com/16256.html> ]



Akadyrov was to come to the Prosecutor's Office on January 21, at 11:30 am, and that "the failure to come on the Prosecutor's call entails administrative liability" (*Annex 1*). However, as stated earlier, the summons was presented the day after the appointed time.

On January 27, **Zair Akadyrov** came to the Prosecutor's Office of the Zheleznodorozhny district of Simferopol together with his lawyer Emil Kurbedinov. They met with the Prosecutor L.I. Kardash, which did not have claims to them. On the contrary, the Prosecutor asked whether Zair Akadyrov had claims concerning his detention on January 15 near the Supreme Court of Crimea. Having informed the Prosecutor that he had claims to the personnel of Ministry of Internal Affairs and OMON, Zair Akadyrov wrote a complaint about their actions and submitted it to the Prosecutor's Office.<sup>6)</sup>

According to CHRГ, on January 19, in the Razdolnensky District Court of Crimea, the regular court session on the criminal case against the Ukrainian activist **Vladimir Balukh** was held. During the session Vladimir Balukh said that in the morning on November 14, 2015 four policemen came to his home. They did not introduce themselves. Two of them, as it turned out later Baranov and Yaschenko were dressed in plain clothes, while the other two were wearing masks. They beat Balukh on the head and kidneys, and then placed in the car. After that, Balukh was accused of committing a crime under Art. 319 of the Criminal Code of RF "insulting a public official". He faces up to one year of corrective labor.

The hearing was attended by monitors of the CHRГ, which recorded the trial. The judge Pyrkalo Tatyana Vasilyevna, the Chairman of the Razdolnensky District Court heard the witnesses Vlasenko Sergey Anatolyevich, district police officer, and Stepanyuk Vitaly Viktorovich, Head of Administration of Serebryansky rural village. Both witnesses negatively characterized the defendant. However, during the explanation of the negative characteristics it was revealed that the authorized district police officer Vlasenko S.A. did not personally know Balukh, and the characteristics was based on the "confidential communication with Serebryanka residents" and the Ministry of Internal Affairs database, which contains information about the violations of the defendant. Vlasenko refused to provide the names of Serebryanka residents, with whom he communicated. In addition, during the study of the database it was found that in a number of cases referred to by the district police officer as violations allegedly committed by Balukh, in fact, such violations had not been committed.

The defense called the witnesses which positively characterized Balukh, reported on his participation in the repair of the Serebryanka village church and his role in the modernization of the water supply system of the village. Balukh believes that the case against him is based on false testimony and has political overtone, since the administrative prosecution, which later turned into a criminal case, started with the wish of the local police to remove from the roof of his wife's house the Ukrainian flag, which V. Balukh placed there in 2013.

The next hearing on this case will be held on February 4.

## ARRESTS

On January 20, the Kiev District Court of Simferopol decided in absentia on the preventive measure in the form of detention against **Mustafa Dzhemilev**, people's deputy of Ukraine. According to the lawyer Dzemil Temishev, the investigator and prosecutor justified their request by

<sup>6</sup> Zair Akadyrov. "Friends and sympathizers, I would like to share with you the latest information about my recent detention by the police near the building of the Supreme Court of Crimea." Facebook. January 27, 2016, [February 7, 2016, <https://www.facebook.com/zair.akadyrov/posts/10204085865266906>]



the fact that in respect of Mustafa Dzhemilev the criminal case under three articles of the Criminal Code of the RF was opened, and that he was hiding from the investigation and court, and could put pressure on the witnesses, destroy evidence, and the fact that he is a citizen of another state and does not have permanent residence in the territory of Crimea. Mustafa Dzhemilev was put on the federal wanted list<sup>7)</sup>. In response, on January 21, the Prosecutor's Office of the Autonomous Republic of Crimea, Ukraine instituted criminal proceedings on the fact of the threat of imprisonment of the people's deputy Mustafa Dzhemilev for a criminal offense under Part 1 of Art. 346 of the Criminal Code of Ukraine (the threat of imprisonment of the people's deputy of Ukraine in connection with his state or public activity).<sup>8)</sup>

According to the First Deputy Chairman of the Majlis of the Crimean Tatar people Nariman Dzhelyalov, on 23 January, in Alupka, **Muedin Alvapov**, who is suspected of arson of cars in Yalta, was arrested<sup>9)</sup>. On January 25, a hearing was held, which resulted in the court decision on the preventive measure in the form of arrest for two months — until March 23. The relatives of Muedin Alvapov said that Alvapov was never engaged in arson, and that the persecution is likely connected with his political views. Also, as a suspect in the case appears Muedin's brother — Mustafa Alvapov, who is in the mainland Ukraine.<sup>10)</sup>

## SEARCHES

On January 12, the Supreme Court of Crimea dismissed the appeal of the Crimean journalist, deputy director general of the production studio *QARA DENIZ PRODUCTION* **Lily Budzhurova** on the suit against the FSS officers. It should be reminded that on November 2, 2015 the FSS searched Budzhurova's house.<sup>11)</sup>

On January 27, in Dzhankoy, the search in the **Crimean Tatar Children's Center Elif** was conducted. The inspection team included FSS officers, police, Prosecutor's Office officials and the SES. During the inspection the Center's documentation was seized, and the staff were summoned to the law enforcement bodies.<sup>12)</sup>

On January 28, the premise of the **Islamic Cultural Center in Simferopol** was searched. During the search the Islamic religious literature, which is banned in Russia was found. Imam of the Islamic Cultural Center said that on the eve of the search these books were not in the premise, and that they had been specially planted. This was reported by the Chairman of the Spiritual Administration of Muslims of Ukraine Said Ismagilov on his Facebook page.<sup>13)</sup>

<sup>7)</sup> Dzhemil Temishev. "Today, in the Kiev District Court of Simferopol the FSS investigator's decision to initiate the application before the court on a preventive measure in the form of iprisonment against Mustafa Dzhemilev" Facebook. January 20, 2016. [February 7, 2016, [https://www.facebook.com/permalink.php?story\\_fbid=1185195134842789&id=100000569417326](https://www.facebook.com/permalink.php?story_fbid=1185195134842789&id=100000569417326)]

<sup>8)</sup> The Prosecutor's Office of the Autonomous Republic of Crimea, the Prosecutor's Office of the Autonomous Republic of Crimea initiated proceedings on the fact of the threat of imprisonment of the people's deputy of Ukraine M. Dzhemilev, January 21, 2016, available at: [http://ark.gp.gov.ua/ua/news.html?\\_m=publications&\\_t=rec&id=168192](http://ark.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=168192) [last access date February 7, 2016]

<sup>9)</sup> Nariman Dzhelalov. "In Crimea, the Crimean Tatar was arrested again." Facebook. January 24, 2016. [February 7, 2016, <https://www.facebook.com/nariman.dzhelalov/posts/1033147730082420?pnref=story> ]

<sup>10)</sup> CrimeaRealia, The Yalta Court arrested Crimean Tatar activist for two months, January 26, 2016, available at: <http://ru.krymr.com/content/news/27511275.html> [last access date February 7, 2016]

<sup>11)</sup> CrimeaRealia, In Crimea, the Supreme Court dismissed Budzhurova's appeal on the lawsuit against the FSS, January 12, 2016, available at: <http://ru.krymr.com/content/news/27483227.html> [last access date February 7, 2016]

<sup>12)</sup> 15 minutes, The Crimean "law enforcement officers" came to check the Crimean Tatar children's center, January 27, 2016, available at: <http://15minut.org/article/krymskie-pravoohraniteli-prishli-s-proverkoj-v-krymskotatarskij-detskij-tsentr-2016-01-27-18-37-34> [last access date February 7, 2016]

<sup>13)</sup> Said Ismagilov. "Yesterday, armed Russian security forces surrounded the mosque of the Islamic Cultural Center in Simferopol at 7, Mokrousova St. and searched it" Facebook. January 29, 2016. [February 7, 2016, <https://www.facebook.com/said.ismagilov/posts/947641651994098?pnref=story>]



On January 29, at around 13:00, in the Kamenskoe village of Leninsky district the house of **Idris and Eskender Ametov** was searched. The security service officers did not explain the reason for the search, all family members' mobile phones were seized, and, according to them, all the men in the house were handcuffed. As a result of such actions of security service officers the health of a 31-year-old Edie Ametov deteriorated. Later, an ambulance was called and she was hospitalized.<sup>14)</sup>

## RIGHT TO PRIVACY

As previously reported, in August 2015, **Veldar Shukurdzhev** was unlawfully detained on Lenin Square in Simferopol, where he had his picture taken with a Ukrainian flag, and taken to the police station, and on November 29, unknown persons tried to enter his apartment calling themselves the police and requiring to sign a "corrected" report for August 2015; they took photos and videos. Veldar Shukurdzhev submitted a relevant application to the police, which stated that the Crimean police officer Valeev D.M. tried to serve him a fabricated report of an offense, which the police rewrote several months after the arrest. On January 14, Veldar Shukurdzhev received a response from the Department of the Ministry of Internal Affairs of the RF in Simferopol, which indicated that the actions of the official of the Department of MIA of Russia in Simferopol Valeev D.M. did not violate the law (*Annex 2*).

The FSS of Russia officers monitor the correspondence of Crimeans who are suspected of extremism by the Russian authorities. The Crimea.Realia website got copies of the lists, which were sent at the beginning of 2016 at all post offices of the Crimean peninsula. The list of Crimeans whose mail should be carefully controlled includes political prisoners Oleg Sentsov, Gennady Afanasiev, Alexander Kolchenko, Alexei Chirniy, sentenced under the 'Sentsov's case' to lengthy prison terms in the Russian Federation. Also, this list includes Crimea.Realia journalist Anna Andrievska and expert of the Ukrainian organization 'Maidan of Foreign Affairs', editor of Blackseanews Andrei Klimenko.<sup>15)</sup>

## PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

### ALEXANDER KOSTENKO'S CASE

Dmitry Sotnikov, defender of **Alexander Kostenko** who was unlawfully detained on February 5, 2015, which was later presented as the arrest by the FSS, wrote on his Facebook page that he finally arranged for consideration of the complaint on the case 'Kostenko versus the FSS'. On November 27, 2015, Sotnikov appealed against the judge's ruling on the termination of proceedings on torture, but the court returned the complaint, saying that it was offensive. Sotnikov said that there was no offense in the complaint and the court, in his opinion, violated the right of appeal against the enacted judicial act. He filed a new complaint, the consideration of which by the North Caucasus District Military Court was scheduled on February 11 at 10:00.

Alexander Kostenko was accused of infliction of bodily harm to the officer of the Crimean

<sup>14</sup> Lily Budzhurova. "In the Kamenskoe village of Leninsky district, today at around 13:00, the house of Idris Ametov and Eskender Ametov was searched." Facebook. January 29, 2016. [February 7, 2016, <https://www.facebook.com/lilya.takosh/posts/829089743879938>]

<sup>15</sup> CrimeaRealia, the FSS issued briefings for postal offices on the Crimeans suspected of extremism, January 21, 2016, available at: <http://ru.krymr.mobi/a/27501749.html> [last access date February 8, 2016]



division of Berkut during the protests on Maidan in Kiev. In January, it became known that on similar charges in Simferopol, another citizen of Ukraine had been detained. On January 20, the Prosecutor of Crimea Natalia Poklonskaya approved an indictment against a citizen of Ukraine, a resident of the Kiev region Andrei Kolomiets, born 1993. According to investigators, Kolomiets is a member of an extremist organization Ukrainian Insurgent Army (UPA), and during the Euromaidan events in Kiev in January 2014, allegedly made an assassination attempt on two officers of the Crimean Special Forces Berkut, throwing Molotov cocktails at them. Also, according to investigators, Kolomiets stored and transported large volumes of narcotic plants. The preventive measure for the accused is detention. Subsequently, the case will be considered on the merits in the Kiev District Court of Simferopol<sup>16</sup>. Kolomiets' relatives told the representatives of the CHRG that he went missing and they had no contact with him, and learned about his arrest learned from media reports.

### 'FEBRUARY 26 TH CASE'

During the hearing of the 'February 26<sup>th</sup> case', which was held on January 15, the Supreme Court of the Crimea adjourned the hearing of the 'February 26<sup>th</sup> case' until January 25 after the Russian Prosecutor of Crimea Natalia Poklonskaya read out the charge to the defendants. The court also prohibited photo and video recording during the hearing.<sup>17</sup>

On January 25, the third hearing of the '26<sup>th</sup> February' case was held. During the trial Akhtem Chiygoz asked for recusal of the Prosecutor Poklonskaya and her subordinates involved in this trial — Dombrovsky and Alekseev. The reason for recusal was the personal interest of Poklonskaya and her subordinates in the accusational outcome of the trial. The recusal by Akhtem Chiygoz was supported by all the defendants and their lawyers. However, the petition on the recusal was rejected. Also, the application on ensuring the publicity of the trial, arrangement for broadcasting of the trial in the neighboring rooms, obtaining of information from the register of criminal cases of Ukraine, termination of criminal proceedings against the defendant Degermendzhi was rejected. Moreover, in the end of the day Prosecutor Poklonskaya filed a request for extension of detention of Chiygoz, Asanov and Degermendzhi for three months — until March 8<sup>18</sup>

The next hearing on the 'February 26<sup>th</sup>' case was scheduled for January 27, but later postponed to February 15, due to the planned hospitalization of the defendant Kantemirov.<sup>19</sup>

Currently, it is known of the nine accused in the 'February 26<sup>th</sup>' case, two of whom have already been sentenced, six are under investigation, and one—wanted.

### THE HIZB-UT-TAHRIR CASE

The lawyer Emil Kurbedinov reported on his Facebook page that the term of detention of Ruslan Zeytullaev and Rustem Vaitov was extended until March 22<sup>20</sup>. The last hearing on

<sup>16</sup> The Prosecutor's Office of the Republic of Crimea, The accused of the infringement on life of Berkut officers will face trial, January 20, 2016, available at: <http://rkproc.ru/ru/news/obvinyaemy-po-delu-o-posyagatelstve-na-zhizn-sotrudnikov-berkuta-predstanet-pered-sudom> [last access date February 8, 2016]

<sup>17</sup> CrimeaRealia, In Crimea, the charge was read to the defendants in the 'February 26<sup>th</sup> case' and it was adjourned until January 25, February 9, 2016, available at: <http://ru.krymr.com/content/news/27489809.html> [last access date February 8, 2016]

<sup>18</sup> Nikolay Polozov, "The 'February 26<sup>th</sup>' case #Chiygoz. Well short to the court the taxi driver suddenly stopped and said that there was no going further." Facebook. January 25, 2016. [February 8, 2016, <https://www.facebook.com/nikolay.polozov/posts/974697505928979>]

<sup>19</sup> Nikolay Polozov, "The trial on 'February 26<sup>th</sup>' case in Crimea was postponed due to planned hospitalization of defendant Kantemirov till 15.02.16" Facebook. January 27, 2016. [February 8, 2016, <https://www.facebook.com/nikolay.polozov/post/s/975562522509144?pnref=story>]

<sup>20</sup> Emil Kurbedinov. "The period of detention of Ruslan Zeytullaev and Rustem Vaitov was extended till March 22!" Facebook.





Nuri Primov and Ferat Seyfullaev was held on January 15. As a result, their preventive measure was extended for another two months.<sup>21)</sup>

## FREEDOM OF SPEECH AND EXPRESSION

On January 20, during a meeting with the Twitter management team, the Head of the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor) Alexander Zharov said that Twitter is the operator of personal data of the Russian users and is subject to the requirements of the Personal Data Law. The Roskomnadzor considers that Twitter is obliged to comply with the requirements of the Federal Law On amendments to certain legislative acts of the Russian Federation on clarification of the processing of personal data in the information and telecommunications networks, which envisages the obligation of personal data operators to provide for recording, systematization, accumulation, storage, update and retrieval of personal data of the Russian users with the use of databases located on the territory of the Russian Federation. Moreover, Roskomnadzor can restrict access to information recognized by the courts as violating the personal data legislation<sup>22)</sup>.

On January 22, the editorial team of the Crimean news portal Informer appealed to the Investigation Department and the FSS with the requirement to stop the activity of another web resource Forpost, which the editors regarded as “extremist.” The “extremism”, according to editors of the resource, was contained in the comments of its users, a screenshot of which was annexed to the application. In its application the Informer referred to the Russian Law On countering extremist activity.

If such appeals become common, they can lead to permanent media checks that would substantially interfere with media activity, which in turn can lead to the spread of similar “denunciations” as an instrument of unfair competition and restriction of the freedom of speech.<sup>23)</sup>

The resident of Crimea provided to the CHRNG a photo of the messages on the Internet resource Events of Crimea (**Annex 3**), which appears when you try to access the site from the territory of Crimea: “The resource on this IP-address is blocked by the decision of state authorities.” As it turned out later, the message content may change depending on the provider. It is noteworthy that the access to the website is blocked only for IP-addresses registered in Crimea and the Russian Federation. For example, the access from mainland Ukraine or the United States of America is unobstructed, allowing to see a message on the website blocking on the resource itself. The reason for access restriction, according to the article, is the fact that the site was “included in the Uniform Registry of domain names, website indexes and network addresses, enabling the identification of websites that contain information the dissemination of which in the Russian Federation is prohibited.” The resource also provides for an algorithm of actions for gaining access to the Internet resources blocked by the providers<sup>24)</sup>.

January 14, 2016. [February 8, 2016, <https://www.facebook.com/emil.kurbedinov/posts/1030826513648612?pnref=story>]

<sup>21</sup> Nariman Memedeminov. “Today, there were hearings on Nuri Primov and Ferat Seyfullaev. Their preventive measure was extended for another two months.” Facebook. January 16, 2016. [February 8, 2016, <https://www.facebook.com/mamedeminov.nariman/posts/493759907476710?pnref=story>]

<sup>22</sup> Interfax, Roskomnadzor reminded Twitter about the need to store personal data on activity in RF, available at: <http://www.interfax.ru/russia/490581> [last access date February 8, 2016]

<sup>23</sup> “Sevastopol stories”, Official appeal of INFORMER to the IC and the FSS Department of Sevastopol on extremism, available at: <http://sevstory.ru/2016/01/oficialnoe-obrashhenie-informera-v-sk-i-upravlenie-fsb-po-sevastopolyu-ob-ekstremizme-skrinshoty.html> [last access date February 8, 2016]

<sup>24</sup> Events of Crimea, Roskomnadzor blocks the portal Events of Crimea — how to bypass the ban? Available at: <http://www.sobytiya.info/news/15/56179> [last access date February 8, 2016]



## FREEDOM OF PEACEFUL ASSEMBLY

On January 22, one of the organizers of the cultural and musical event, Katsala A.A., notified the Department of Internal Policy of Sevastopol on holding the St. Patrick's Parade on March 19, 2016 from 15.00 to 16.00. However, the Department reviewed the notice and on January 26 refused to allow the holding of the parade because of a declared emergency in the city of Sevastopol (*Annex 4*).

## FREEDOM OF RELIGION AND BELIEF

The representatives of the Ukrainian Orthodox Church of Kiev Patriarchate in Crimea reported ongoing oppression of the Church in Crimea. Currently, the main problem is related to the preservation of the main premise of the Church — the Cathedral of St. Vladimir and Olga, as well as other premises of the UOC-KP, located in Simferopol at 17, Sevastopolskaya St. These premises back on May 16, 2001, based on the decision of the Supreme Council of the Autonomous Republic of Crimea, were transferred to the Crimean Diocesan Administration of the UOC-KP. The premises with the total area of 1475.7 sq. m were transferred to the Church for free use until 2050.

Since March 2014, the Crimean authorities, violating the norms of international and Ukrainian legislation, started to manage the state, municipal and private property. On April 18, 2014, V. Konstantinov by the Decree # 2059-6/14 introduced changes to the Resolution of the Supreme Council of the Autonomous Republic of Crimea dated May 16, 2001 # 1801-2/01 On the transfer to the Crimean Diocesan Administration of the Ukrainian Orthodox Church of Kiev Patriarchate of the part of the premise located at 17, Sevastopolskaya St. in Simferopol. Certainly, Ukraine did not authorize such changes, and in general, such actions occupying the state are unlawful. This Resolution envisages the transfer to the Crimean Diocesan Administration of the UOC KP of the same property with the total area of 1475.7 sq. m., located at 17, Sevastopolskaya St. in Simferopol in the lease until 2050, but with the determination of rent based on a certain method of calculation<sup>25</sup>).

As a result of this manipulation, the Ministry of Property and Land Relations of Crimea has become the lessor of the UOC-KP. Thus, the Ministry prepared a so-called Supplementary Agreement #3 to the Agreement concluded back in 2002. In the Agreement of January 30, 2015, for unknown reasons, the total area of premises, which were in the use of the UOC-KP, was reduced from 1475.7 sq. m to 1016.1 sq. m.

The main change in the lease conditions is the new calculation of rent. The Crimean authorities set the rent at 90,906.62 rubles per month (*Annex 5*). Until 2014, the UOC-KP used the premises free of charge. The representatives of the UOC-KP repeatedly appealed to the Crimean authorities in order to maintain the previous lease terms (free of charge use), because the Church cannot pay such rent.

In addition, in May 2015, the Ministry of Property and Land Relations of Crimea organized the auction for the right to sign a lease for the part of premises, which were used by the UOC-KP, namely the Crimean Orthodox Spiritual Center. This includes the part of this property with the area of 112.6 sq. m on the ground floor of the building at 17, Sevastopolskaya St. in Simferopol.

<sup>25</sup> Publication of the State Council of the Republic of Crimea, Simferopol, Collection of regulations of the Republic of Crimea, available at: <http://crimea.gov.ru/content/uploads/files/sbornik/2014-04-3.pdf> [last access date February 8, 2016]



As a result, the auction winner was a public non-profit movement aimed to promote the small and medium business in the Republic of Crimea RAZUM, which is engaged in business consulting. Thus, the representatives of this movement should occupy the part of the premises located in the same building as the UOC-KP<sup>26</sup>).

The Crimean Ministry informed the representatives of the UOC-KP that on August 21, 2014, the term of lease of the part of premises with the area of 112.6 sq. m on the ground floor of the building at 17, Sevastopolskaya St. expired. However, the Ministry informed about it only in 2015, after holding an auction.

The representatives of the UOC-KP appealed to the Arbitration Court of Crimea in order to annul the decision of the Crimean Ministry on the part of the premises with the area of 112.6 sq. m, which since 2004 had been used by the UOC-KP. However, the Ministry of Property and Land Relations of Crimea filed a counterclaim. In this claim the Ministry required not only to vacate the part of the premises of the UOC-KP (112.6 sq. m on the ground floor) to transfer it to the public non-commercial movement RAZUM, but also to collect from a representative of the UOC-KP a penalty for “unjustified use of property within August 21, 2014 – September 30, 2015” in the amount of 591,128.65 rubles.

On January 21, 2016, the full text of the decision of the Arbitration Court of Crimea (16 pages) was published. The Court dismissed all the claims of the representatives of the UOC-KP, while the counterclaim of the Crimean Ministry was satisfied.

The judge I.A. Sokolova obliged not only to vacate the premises with the area of 112.6 sq. m on the ground floor of the building at 17, Sevastopolskaya St. in Simferopol, but also to collect from the Crimean Orthodox Spiritual Center the penalty in the amount of 591,128.65 rubles. In addition, the court decided to collect from the Centre to the “federal budget revenue” the legal fees related to consideration of the counterclaim in the amount of 16,383 rubles (**Annex 6**).

According to representatives of the UOC-KP, the payment of such amounts is not possible for the UOC-KP in Crimea. Such monetary sanctions and attempts to withdraw a part of premises of the UOC-KP is a serious threat to the existence of the church in Crimea. In addition, if part of the building (with the area of 112.6 sq. m) is occupied by the public movement RAZUM, then all of its employees and customers will pass through the premises of the Cathedral, which would be an interference with the freedom of worship. Furthermore, in the part of the premise transferred to RAZUM there are all the municipal utilities of the whole building, including the Cathedral.

### **FREEDOM OF MOVEMENT AND MOVEMENT THROUGH THE CHECK POINTS**

As of January 30, at the Crimean border, according to the Russian border guards, a “new rule” has been introduced: at the entrance to Crimea from mainland Ukraine with the Ukrainian passport, even given the Crimean residence registration, the Crimeans have to fill out a migration card. This was reported to the Crimean Human Rights Group by several Crimeans, who on January 30 and 31 were returning home to Crimea from other regions of Ukraine (**Annex 7**).

Also, according to the source, persons traveling from mainland Ukraine are questioned in detail by the border guards about the details of their stay in mainland Ukraine. The Russian border

<sup>26</sup> Regulation on the public non-profit movement aimed to promote the small and medium business in the Republic of Crimea RAZUM, available at: <http://kryminvestproekt.nethouse.ru/static/000/000/516/343/doc/a6/93/ace0ee14f6a5c03a95d2256a0624af22be92.pdf> [last access date February 8, 2016]



guards earlier warned that Crimeans will be made to fill out the migration cards when entering Crimea with Ukrainian passports. The border guards explained the “new rules” by the “order to let the passing in strict accordance with the law”, referring to the Federal Law 114-FZ On the procedure for exit from the Russian Federation and entry into the Russian Federation. Earlier the Crimeans entered without filling out the migration cards if they had Crimean residence registration in the Ukrainian passport.

On January 22, at the airport of Kherson, the State Border Guard Service of Ukraine officers detained a woman who tried to cross the border on the basis of the Russian foreign passport issued in Crimea after the Russian occupation of the peninsula. This document has no legal force. As long as the woman had no other ID, the border guards returned her in the next flight to Turkey, according to the legislation applicable to foreigners who have no grounds for admission to the territory of Ukraine<sup>27</sup>.

On December 30, Gennady Berezovsky was denied the entry to Crimea by the State Border Guard Service of Ukraine. The border guard officials at the checkpoint Kalanchak denied Berezovsky's entry, saying that the administrative border with Crimea may be crossed only by vehicles with the permitted number of not more than 8 seats. On January 13, Berezovsky received a formal decision on the refusal of crossing the administrative border (**Annex 8**). The Ukrainian border guards referred to the internal documents of the State Border Guard Service, but the restriction of the rights and freedoms of the citizens of Ukraine is possible only on the basis of the laws of Ukraine. Moreover, the statement of the Prime Minister of Ukraine on the termination of cargo flows to Crimea on November 23, 2015 applies only to the provision of services on the transportation and supply of goods. Thus, the actions of the Ukrainian border guards are unlawful and violate the right of ownership of the car owners. In addition, the State Fiscal Service of Ukraine, in the official response of January 6, 2016 confirmed that “there are no legislative and regulatory restrictions on the movement of citizens across the administrative border with the FEZ ‘Crimea’ of vehicles for personal use, freight or passenger, in the Kherson Customs of the State Fiscal Service” (**Annex 9**). G. Berezovsky with the legal support of the CHRГ applied to court to appeal against the actions of the border guards. G. Berezovsky's case is not sporadic and concerns many vehicles defined in the vehicle registration certificate as cargo-carrying, low-tonnage, cargo-passenger.

***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*

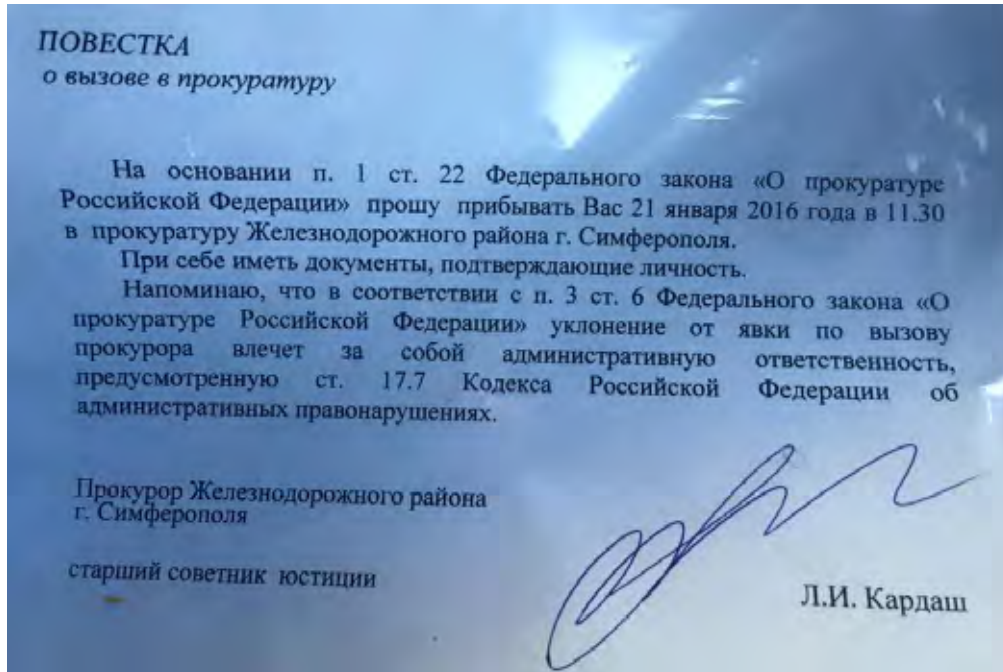
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<sup>27</sup> State Border Guard Service, Two women were trying to cross the border on the basis of documents issued after the occupation of Crimea in the so-called “LPR”, available at: [http://dpsu.gov.ua/ua/about/news/news\\_10139.htm](http://dpsu.gov.ua/ua/about/news/news_10139.htm) [last access date February 8, 2016]



## ANNEXES

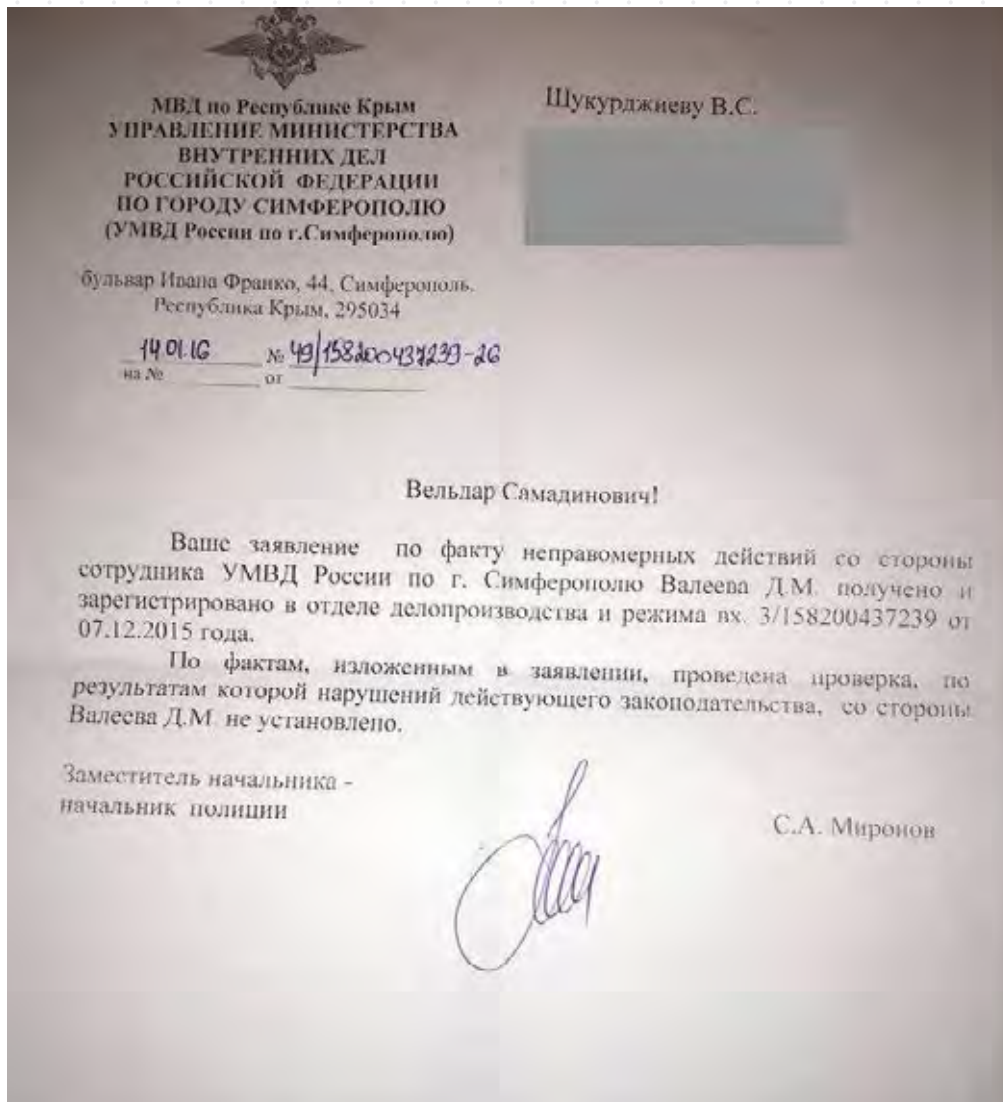
### ANNEX 1



Summons to the Prosecutor's Office of blogger Zair Akadyrov



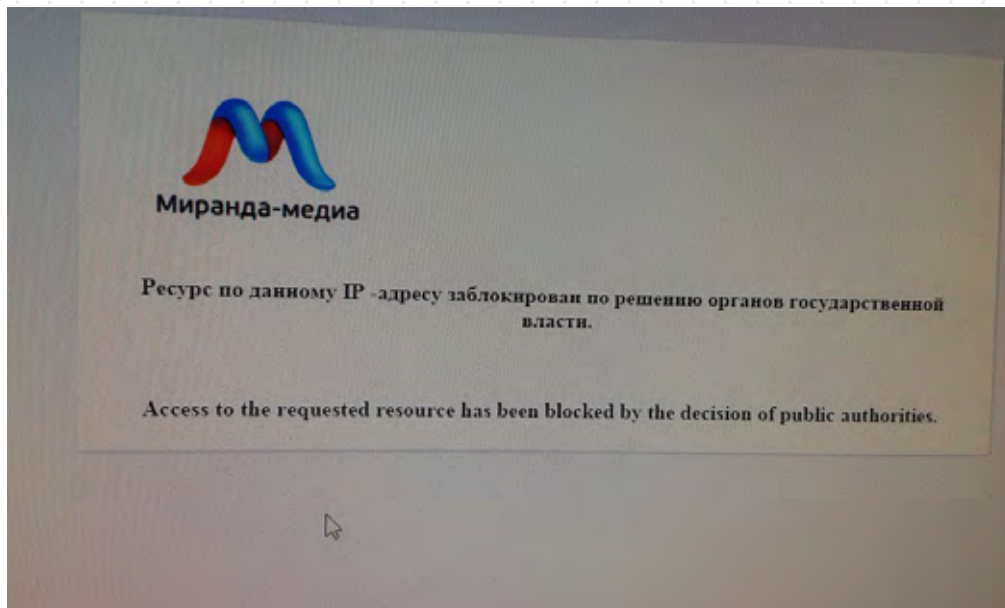
ANNEX 2



Response of the Department of the Ministry of Internal Affairs in Simferopol to the application of V. Shukurdzhiyev about unlawful actions of a police officer Valeev D.M.



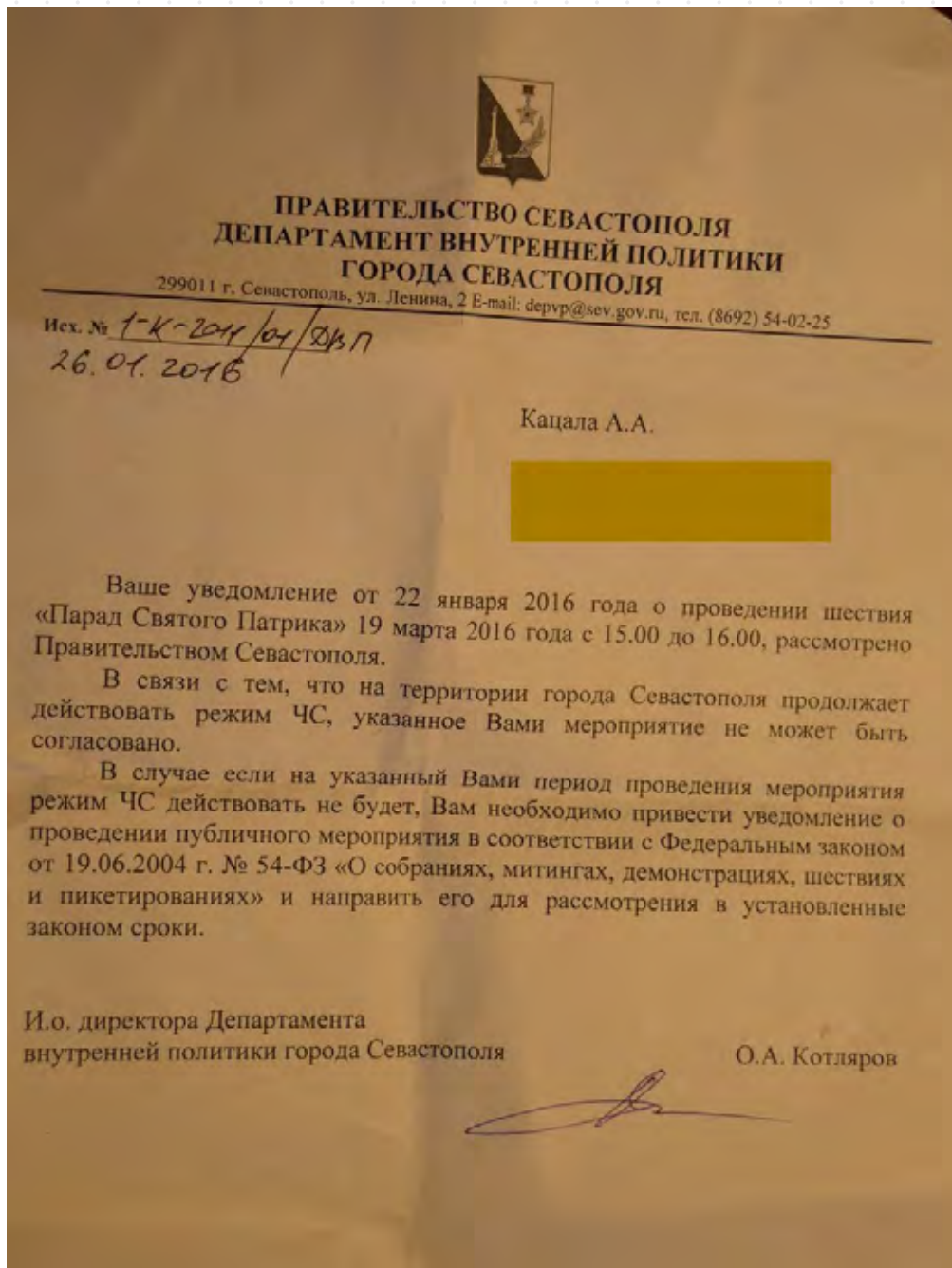
### ANNEX 3



The message that appears when you try to access the website of 'Events of Crimea' from the territory of Crimea



ANNEX 4



Refusal of Sevastopol authorities dated January 26, 2016 of holding the St. Patrick's Parade on March 19, 2016 due to declared state of emergency in Sevastopol



ANNEX 5

Приложение № 1 к дополнительному соглашению № 3

**РАСЧЕТ**  
платы за аренду недвижимого имущества, находящегося в государственной собственности Республики Крым по договору аренды от 13.11.2002 с Крымским Епархиальным управлением Украинской Православной церкви Киевского Патриархата  
Расчет вступает в силу с 01.12.2014

Название и адрес объекта аренды.	Площадь Объекта Аренды	Рыночная стоимость годовой арендной платы, руб. (дата оценки 01.12.2014)	ПРИМЕНЯЕМЫЕ		Арендная плата за первый месяц перерасчета арендной платы декабрь 2014 года, руб.	
			Индекс Инфляции	Коэффициент сферы деятельности	Полная	100% в бюджет РК
1	2	3	4		10	11
часть нежилого здания (лит. «А») площадью 1016,1 м <sup>2</sup> и также навес лит. «а» площадью 66,2 кв.м и навес лит. «б1» площадью 60,5 м <sup>2</sup> , расположенные по адресу: г. Симферополь, ул. Севастопольская, 17, находящиеся на балансе Министерства имущества и земельных отношений Республики Крым	1016,1	4128210,0	1,057	0,25	90906,62	90906,62

Налог на добавленную стоимость начисляется согласно действующему законодательству.

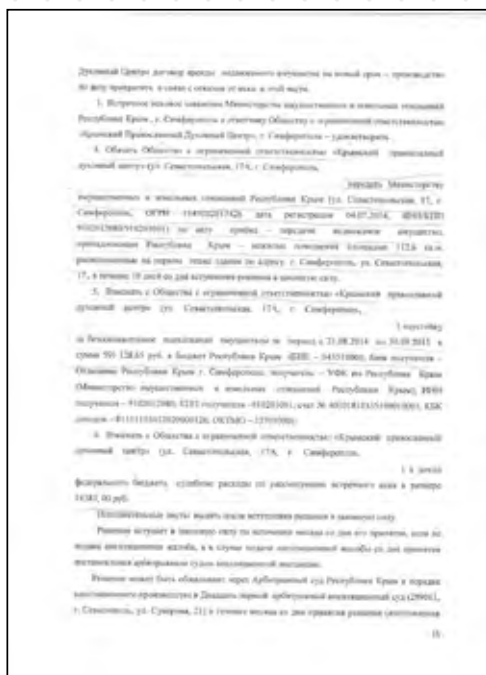
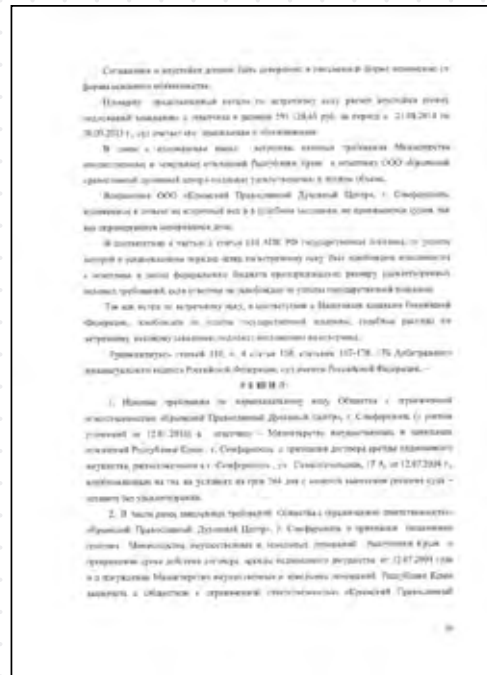
**АРЕНДОДАТЕЛЬ**  
В. Дьяченко  
(по доверенности)

**АРЕНДАТОР**  
Климент

New lease terms for the Ukrainian Orthodox Church of Kiev Patriarchate in Simferopol — the calculation of rent at 90,906.62 rubles per month



ANNEX 6



The operative part of the decision of the Arbitration Court of Crimea on the dispute concerning the premises, which are leased by the UOC-KP in Simferopol



**ANNEX 7**

Б\* (Виза/Departure)  
Российская Федерация/ Республика Беларусь/  
Russian Federation Republic of Belarus  
Миграционная карта/ Migration Card  
Серия/ Series: 0315  
№: [redacted]

Фамилия/Surname (Family name): [redacted]  
Имя/Given name(s): [redacted]  
Отчество/Patronymic: [redacted]

Дата рождения/Date of birth: 04/01/1966  
Пол/ Sex: Жен./Female

Гражданство/Nationality: УКРАИНА

Документ удостоверяющий личность/ Passport or other ID: [redacted]

Срок пребывания/Duration of stay: 30/01/2016 - 14/02/2016

Въезд в Российскую Федерацию/ Республику Беларусь/ Date of arrival at the Russian Federation/Republic of Belarus: 14.2

Б\* (Виза/Departure)  
Российская Федерация/ Республика Беларусь/  
Russian Federation Republic of Belarus  
Миграционная карта/ Migration Card  
Серия/ Series: 0315  
№: [redacted]

Фамилия/Surname (Family name): [redacted]  
Имя/Given name(s): [redacted]  
Отчество/Patronymic: [redacted]

Дата рождения/Date of birth: 04/01/1966  
Пол/ Sex: Жен./Female

Гражданство/Nationality: УКРАИНА

Документ удостоверяющий личность/ Passport or other ID: [redacted]

Срок пребывания/Duration of stay: 31/01/2016 - 15/02/16

Въезд в Российскую Федерацию/ Республику Беларусь/ Date of arrival at the Russian Federation/Republic of Belarus: 15.1

Migration cards that were filled out by permanent residents of Crimea, citizens of Ukraine with Ukrainian passports at the request of the Russian border guards on January 30 and 31, 2016



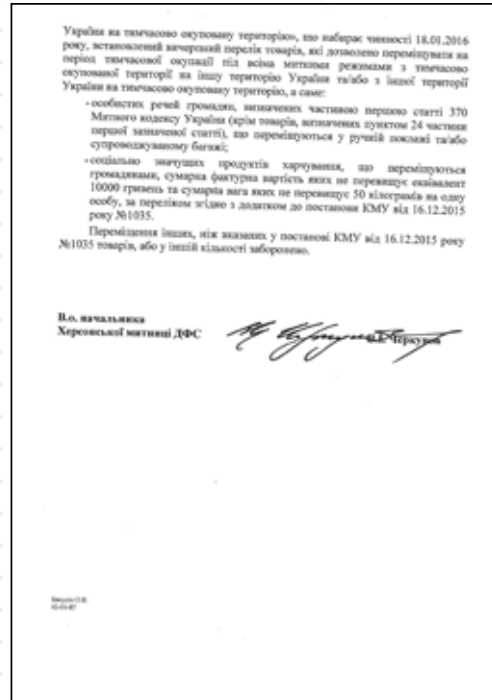
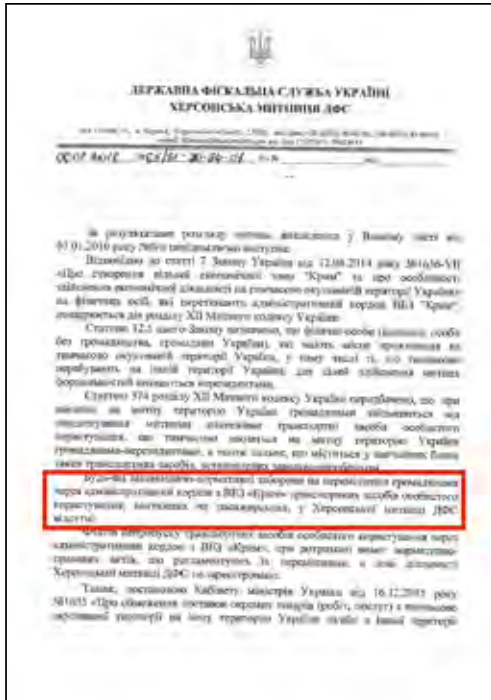
ANNEX 8



Response of the Border Guard Service of Ukraine on the pass through the checkpoints of trucks and cargo-passenger vehicles



ANNEX 9



Response of the State Fiscal Service of Ukraine regarding the movement of trucks and other vehicles through the “administrative border” with Crimea