



**CRIMEA  
HUMAN RIGHTS  
GROUP**

# **Monitoring review of the human rights situation in Crimea**

*September 2015*

**Crimean Human Rights Group**

*in collaboration with*



Ukrainian  
Helsinki  
Human  
Rights Union



Українська  
Гельсінська  
спілка  
з прав людини

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## 1. INTRODUCTION

The monitoring review was prepared by the Crimean Human Rights Group and is based on the materials collected in September 2015.

The Crimean Human Rights Group (CHRG) is an initiative of representatives of human rights organizations, which aims to promote the observance and protection of human rights in Crimea through attracting wide attention to issues related to human rights and international humanitarian law in the territory of the Crimean peninsula.

The Crimean Human Rights Group commenced its work in August 2015.

In its activity the CHRG is guided, first of all, by the provisions 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 aims of the CHRG are as follows:

- 1) collection and analysis of information on the human rights situation in Crimea;
- 2) wide provision of information to authorities, international organizations, intergovernmental bodies, non-governmental organizations, the media and other target groups by publishing and disseminating the analytical and informational materials on the human rights situation in Crimea;
- 3) promotion of the protection of human rights and respect for international law in Crimea;
- 4) development of recommendations for the authorities and international organizations in the field of human rights;
- 5) ensuring the presence of the topic "human rights in Crimea" in the information space.

In preparation and dissemination of information the CHRG is guided by the principles of objectivity, reliability and timeliness.

## 2. CIVIL AND POLITICAL RIGHTS

### RIGHT TO FREEDOM AND PERSONAL IMMUNITY

#### DISAPPEARANCES

The Crimean Human Rights Group has new information about **Fyodor Kostenko**. He is the father of the Euromaidan activist Alexander Kostenko, which was sentenced to 3 years and 11 months in prison due to the fact that he allegedly threw a stone at the 'Berkut' serviceman during the protests in Kyiv in February 2014, and kept the arms.

It should be recalled that on March 3, 2015 the A. Kostenko's relatives reported that his father Fyodor was on his way from Kyiv to Crimea, but did not get to Simferopol. According to them, Fyodor told them that he entered the territory of the peninsula. Then, for two days he did not answer his phone, and then it was turned off. According to the lawyer Dmitry Sotnikov, an investigator sent a request to the Border Guard Service and was told that Fyodor Kostenko did not cross the border of the Russian Federation. The lawyer argues that the certificate was signed by the deputy head of the Department of the Federal Security Service of Crimea. Since then, the fate of Kostenko's father is unknown. It is known that before his disappearance Fyodor Kostenko arrived in Kyiv to interact with the media on the arrest of his son, but was forced to immediately go back to Crimea since he found out that the FSS again searched his apartment.

According to the State Border Guard Service of Ukraine, Fyodor Kostenko left the territory of Crimea on March 1, 2015. The border guards don't have the information about the fact that he returned to Crimea after that. This information suggests that Fyodor Kostenko has gone missing outside the territory of Crimea.

#### ARRESTS

The representatives of the 'Crimean self-defense' continue to participate in the arrests, including without the police. The eyewitnesses reported that the representatives of the 'Crimean self-defense' repeatedly and without reason arrested individuals and conveyed them to the nearest police station. Thus, on September 22, in Simferopol, according to the representatives of the 'Crimean self-defense' ('staff of the Third Division of the People's Militia of Crimea'), they, without the police, arrested a **man born in 1989**<sup>1</sup>.

#### SEARCHES

On September 1, at about 7 a.m., more than 10 law enforcement officers searched the home of the **mother of the Euromaidan activist Stanislav Krasnov**. The witnesses arrived together with the law enforcement officers; a request to provide other witnesses was denied. As a result of the search nothing was seized, but the numbers from the woman's mobile phone were recorded.

According to the mother of Stanislav Krasnov, the search may be related to the fact that earlier, in a telephone conversation her friend named Stanislav argued that he would stop by to see her soon. According to her, the law enforcement officers that listen in her phone decided that her son would come to see her. According to the lawyer Dmitry Sotnikov, a search warrant was issued by the Chairman of the Kyiv District Court of Simferopol Dolgopolov A.N.

<sup>1</sup> <http://narodnoe-opolchenie.ru/news/v-simferopole-10.html>

On September 5, 10 armed policemen and representatives of special police force without explanation entered **Troy cafe in Simferopol**. There were more than 30 visitors in the cafe. The police officers were in uniform, some of them - in bulletproof vests. All the visitors were required to show the documents, the contents of their pockets and underwent a personal inspection. The police asked questions about where each visitor lived and worked. The reasons for the search were not explained, the relevant protocols were not drawn up. Among the visitors there were women; their personal inspection was conducted by male police, which violates the rules of the personal inspection.

On September 8, in the Urozhaynoe village of Soviet District 3 searches were conducted in the houses located in the vicinity of the house of **Ali Asanov**, who was arrested in the 'February 26 case', as well as in the house of the **Crimean Tatar activist** who videotaped a meeting of people with the leader of the public association Qırım **Remzi Ilyasov**. According to the local residents, the houses of the Crimean Tatars were thoroughly searched, and in the house, where the Slavic family lives the search was formal and short-term. The reason for these actions was the investigation of criminal cases of the theft of a motorbike and a mobile phone. The witnesses arrived together with the police; a request to provide other witnesses was denied.

On September 10, a house of the disappeared **Mukhtar Arislanov** (disappeared on August 27 with the signs of violence) was searched. The law enforcement officers were looking for the Mukhtar Arislanov's laptop, but did not find it. After the search the wife of the missing was offered to voluntarily give them the laptop, otherwise, additional searches will be conducted in her house and the houses of other relatives.

In connection with the attack on the ambulance station on September 26, in which two people were killed, measures were taken to search for a murder suspect. As part of these measures, the law enforcement bodies, the Federal Security Service and members of other law enforcement agencies surrounded the neighborhoods Ak-Mechet and Fountains, as well as the Chistenkoe village. The local residents reported that members of the security forces entered the apartments, some apartments and houses were searched in order to check whether a suspect was there.

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## PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

### **Alexander Kostenko's case**

On September 18, the criminal case against **Yevgeny Kostenko**, the brother of the convicted in Crimea Euromaidan activist Alexander Kostenko, was transferred from the investigation division of the Department of the Federal Bailiff's Service for Crimea to the Investigation Committee of Simferopol. Yevgeny Kostenko was charged with contempt of court under Art. 297 of the Criminal Code of the Russian Federation, which, according to the law enforcement officers, he demonstrated during the sentencing of Alexander Kostenko. The maximum sentence under this Article is the detention for up to six months.

On September 23, the lawyer Dmitry Sotnikov filed a cassation appeal on the case of **Alexander Kostenko** to the Supreme Court of Crimea. The appeal comprises 28 pages (**Annex 1**). In the appeal the lawyer Dmitry Sotnikov substantiates the violation of a number of rules of the international law, namely Articles 3, 6, 7, 8, 13, 14, 18 of the Convention for the Protection of Human Rights and Fundamental Freedoms; Articles 2, 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 15 of the International Covenant on Civil and Political

Rights; Articles 2, 64, 70 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; Articles 6, 7, 72 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases. Also, in the appeal the lawyer substantiated the violation of a number of provisions of the Russian legislation: Articles 1, 2, 5, 6, 7, 9, 12, 69, 63 of the CCRF; Articles 4, 15, 21, 22, 23, 25, 46, 48, 50, 54 of the Constitution of the Russian Federation; Articles 1, 6, 7, 9, 10, 12, 16, 35, 53, 65, 61, 70, 72, 73, 75, 86, 142, 165, 166, 173, 177, 193, 234, 235, 243, 252, 271, 278, 278.1, 281, 292, 389.15, 453, 456 of the CPC of the RF.

The defense requires to cancel the judgment of the Kyiv District Court of Simferopol of May 16, 2015 and the appellate resolution of the Supreme Court of Crimea of August 26, 2015 against Alexander Kostenko, as well as to stop the criminal prosecution.

In his comments during the preparation of the appeal the lawyer Dmitry Sotnikov explained: *"If Crimea is an occupied territory (or rather, even if the Supreme Court of the Republic of Crimea recognizes it), then to the criminal case of Kostenko A.F. the Geneva Convention of 12.08.1949 on the Protection of Civilian Persons in the Time of War, ratified by the Decree of the Presidium of the SC of the USSR on April 17, 1955 can and should be applied. In accordance with Article 2 of the Convention, it applies to the territories of the states, even if one of them does not recognize the state of war, and if the occupation does not meet any armed resistance. In accordance with Article 64 of the Convention, the criminal legislation of Ukraine was to remain in force in the territory of the Republic of Crimea. In addition, Article 70 of the Convention states that the Russian Federation cannot convict the Ukrainian citizens for acts committed prior to the annexation of Crimea"*<sup>2</sup>.

## FREEDOM OF SPEECH AND EXPRESSION

In early September, it became known that in Sevastopol, on August 31, the editor of the local news portal Informer, a 56-year-old **Irina Ostashenko**, which was attacked in April 2015, died of cancer<sup>3</sup>. Then, the unidentified man attacked her in the doorway of her house and as a result I. Ostashenko had a severe head injury.

In many articles the journalist was highly critical of the authorities of Sevastopol, including due to the uncontrolled construction that was destroying nature and historical monuments. Ostashenko was threatened after the publishing of her critical articles about the construction in Cape Fiolent. On April 7, the Informer posted an article – 'Sevastopol Che Guevara flies for good?'. The next day the journalist was attacked. Irina Ostashenko and her colleagues were convinced that the attack was related to her professional activities, but the law enforcers refused to initiate the criminal proceedings on such grounds. As a result, the investigation put forward some domestic issues as the main version. The lack of effective investigations into such attacks on the media worsens the already critical situation with the freedom of speech in the Crimean peninsula.

On September 7, Alexander Bulychev, the head of staff of the Antiterrorist Commission of Crimea reported that since the beginning of the year in Crimea **9 bloggers** were arrested on suspicion of extremism. According to him, the arrested were the members of two extremist communities in the social network VKontakte. A. Bulychev believes that in the online groups they advocated radical Islam,

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<sup>2</sup> [https://www.facebook.com/permalink.php?story\\_fbid=538896099620660&id=100005008243232](https://www.facebook.com/permalink.php?story_fbid=538896099620660&id=100005008243232)

<sup>3</sup> <http://ru.krymr.com/content/article/27221179.html>

called to fight against the 'infidels', as well as spreaded the ideas of fascism. He did not provide specific examples of such statements<sup>4</sup>.

On September 24, in Kalanchak city (district of Kherson region, which borders with Crimea), a journalist of the Russian NTV channel **Ekaterina Voronina** who was preparing a report about the food blockade of Crimea was arrested.

She was arrested by the Pravy Sector (PS) representatives engaged in the Civil Blockade of Crimea initiated by the Majlis of the Crimean Tatar people on September 20 to block the trucks loaded with food products and goods on their way to Crimea.

As reported on the organization's website<sup>5</sup>, at about 8 pm, the PS representatives noticed a woman who was trying to secretly photograph the Ukrainian checkpoint and faces of the fighters on duty. The arrested journalist and a driver were brought to the Ukrainian law enforcers.

In turn, the NTV channel stated<sup>6</sup> that the arrested journalist Ekaterina Voronina was filming a story about the food blockade of Crimea and was lawfully present in the territory of Ukraine. Also, it was stated that E.Voronina was interrogated for three hours, her personal belongings were searched and all the videos related to the incident were deleted from the phone. Then E.Voronina was brought to the SSU officers, which, in turn, interrogated her for another six hours and only in the early morning she was released without charge. The journalist flew to Moscow.

The local authorities in Crimea also use their official position to restrict the freedom of speech in the media. Thus, on September 22, the key media of Crimea received a letter from the Ministry of Internal Information and Communication Policy of the Republic of Crimea. It stated<sup>7</sup> that there are no registered non-profit organizations named **Majlis** in Crimea, and that it is strongly recommended not to mention the non-existent organizations in the media.

The Ministry of Information of Crimea in its report refers to a letter signed by the Prosecutor Natalia Poklonskaya: *"The Prosecutor's Office of the Republic of Crimea, referring to the information of the Chief Department of the Ministry of Justice of the Russian Federation for the Republic of Crimea and Sevastopol, reported that in the Republic there are no registered non-profit organizations with a name or part of the name Majlis and Majlis of the Crimean Tatar people"*.

Also, the Chief Prosecutor of Crimea reported that according to the data of the automated information system of registration of the non-profit and religious organizations available on the portal of non-profit organizations, in the Russian Federation there are only two registered public associations using in their names the specified words or phrases: Regional NGO Majlis of the Tatar Mirza of the Republic of Tatarstan and the Regional Charitable Foundation for the peoples of the Muslim culture and other ethnic minorities Majlis (Assembly), Moscow.

Based on the official letter, the Ministry of Internal Information and Communication Policy of the Republic of Crimea urges the media of the Republic of Crimea and Sevastopol city to discontinue the

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<sup>4</sup> <http://15minut.org/article/s-nachala-goda-v-krymu-zaderzhali-9-bloggerov-2015-09-07-16-57-15>

<sup>5</sup> <http://pravvysektor.info/news/news/863/bijci-ps-zatrimali-znimalnu-grupu-rosijskogo-telekanalu.html>

<sup>6</sup> <http://www.ntv.ru/novosti/1536901/>

<sup>7</sup> <http://crimeahr.org/mininform-kryima-zapretilo-upominat-medzhlis-v-smi/>

use in the news stories, articles and interviews the names or parts of names of the non-existent organizations.

On September 29, according to the local journalists from Crimea, the representatives of the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) over the phone warned the editors of some news agencies on the prohibition to disseminate any information about the **presence of the Russian troops in Syria** except for the reports by ITAR-TASS.

On September 30, the Director of the **Crimean Tatar Library named after I.Gasprinskiy**, in which the opening of the children's readers' club in the Crimean Tatar language took place, refused to talk to journalists of several media. The reason for the refusal was, according to journalists, a recommendation from the Ministry of Information of Crimea not to cooperate with certain media.

## FREEDOM OF ASSOCIATION

On September 24, the Deputy Prime Minister of Crimea Ruslan Balbek said that the **Majlis of the Crimean Tatar People** can be recognized as an extremist organization and its activities may be prohibited under the Russian legislation<sup>8</sup>. The main reason for a possible prohibition, according to R. Balbek, is the fact that the Civil Blockade of Crimea at the entrance to the peninsula involves the representatives of the Mejlis and Pravy Sector.

On November 17, 2014, a Ukrainian organization Pravy Sector, according to the decision of the Supreme Court of the Russian Federation was recognized as extremist and included in the list of non-profit organizations in respect of which the court adopted an enacted decision on the liquidation or prohibition of activity on the grounds envisaged by the Federal Law On Countering Extremist Activities<sup>9</sup>. Thus, there is a threat of prohibition of the Majlis of the Crimean Tatar people in Crimea and the prosecution of its members according to the provisions of the Russian legislation.

The Prosecutor's Office of Crimea applied restrictions on the Majlis of the Crimean Tatar people. Thus, on September 21, the Ministry of Information of Crimea received a letter from the Prosecutor of Crimea Natalia Poklonskaya in which she recommends not to use the name of the Mejlis of the Crimean Tatar people in the media. The reason for this, according to N. Poklonskaya, is that according to the Ministry of Justice of the Russian Federation, in Crimea there are no officially registered organizations with the name Majlis, Majlis of the Crimean Tatar people (*for details see the section Freedom of Speech and Expression*)<sup>10</sup>.

A group of citizens of the Russian Federation, M. Anshakov, V. Otstavnykh and K. Seleznev, in 2014, applied for the registration of a public movement **A Union in Support of the Russian-Ukrainian Friendship** as an international movement because of the presence in Moscow and Crimea. The registration of the Union as an international movement was denied and they subsequently filed a complaint with the Constitutional Court of the Russian Federation. In September, the decision of the Constitutional Court of the Russian Federation on the complaint of this group of citizens was issued. The Court headed by the Chairman of the Constitutional Court of the Russian Federation V.D. Zorkin

<sup>8</sup> <http://www.kommersant.ru/doc/2817017>

<sup>9</sup> [http://miniust.ru/ru/nko/perechen\\_zapret](http://miniust.ru/ru/nko/perechen_zapret)

<sup>10</sup> <http://www.kommersant.ru/doc/2816080>

refused to accept the complaint for consideration. In its decision the court considered that M. Anshakov, V. Otstavnykh and K. Seleznev tried to challenge certain provisions of the Russian legislation, namely *"technically challenge the provisions of the Federal Constitutional Law on the Accession of the Republic of Crimea to the Russian Federation and on Forming New Constituent Entities within the Russian Federation – the Republic of Crimea and Sevastopol city of federal significance"*<sup>41</sup>.

On September 8, 2015, a joint mission of the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities published a report entitled the Human Rights Situation in Crimea, which highlights the issues in the sphere of observance of the freedom of association<sup>12</sup>. The freedom of association in Crimea was also the subject of a Human Dimension Implementation Meeting of the OSCE ODIHR in Warsaw, at which the representatives of the Ukrainian delegation noted the complexity of the exercise of the freedom of assembly in Crimea<sup>13</sup>.

#### FREEDOM OF PEACEFUL ASSEMBLY

On September 27, the Head of Administration of Simferopol G. Baharev issued a Decree #953 On measures to respond to the situation of 26.09.2015 in Simferopol<sup>14</sup>. The Decree aims to restrict the holding of public and other events in the city. The reason was an armed attack on the ambulance station, which took place on September 26.

The Decree recommends that persons that announced the holding of mass, public events and coordinated the holding with the Administration of Simferopol in the prescribed manner should reschedule them until further notice. The individual entrepreneurs and legal entities are advised not to hold in Simferopol the mass public events as of September 27 until further notice. This Decree had no expiration date and was in effect until the relevant order of the Head of Administration. On October 9, the restrictions were repealed by the Decree #1070<sup>15</sup>.

On September 28, **Alexandra Polischuk** held a one-person protest in front of the Reception Office of the President of Russia in Sevastopol, where she announced an ongoing hunger strike. The reason for the hunger strike was her unlawful dismissal by the administration of the gymnasium #24. A.Polischuk went to court. The court of the first instance granted her claim and restored her employment, but the court of appeal reversed the decision. During the one-person protest the representative of the President's Reception Office tried to interfere with the actions of Alexandra Polischuk. He refused to identify himself, demanded to hold the protest elsewhere. A.Polischuk refused and continued to protest near the building of the Reception Office<sup>16</sup>.

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<sup>11</sup> <http://doc.ksrf.ru/decision/KSRFDecision207165.pdf>

<sup>12</sup> <http://www.osce.org/ru/odihhr/180601>

<sup>13</sup> <http://www.osce.org/odihhr/185391>

<sup>14</sup> [http://simadm.ru/media/acts/2015/09/28/%D0%9F%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5\\_953\\_%D0%BE%D1%82\\_27.09.15\\_2.pdf](http://simadm.ru/media/acts/2015/09/28/%D0%9F%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5_953_%D0%BE%D1%82_27.09.15_2.pdf)

<sup>15</sup> [http://simadm.ru/media/acts/2015/10/12/\\_1070\\_%D0%BE%D1%82\\_09.10.2015\\_.pdf](http://simadm.ru/media/acts/2015/10/12/_1070_%D0%BE%D1%82_09.10.2015_.pdf)

<sup>16</sup> <http://ru.krymr.mobi/a/news/27275881.html>

assembly for the last time and reflects key recent violations of the freedom of peaceful assembly. Also, the situation with the freedom of peaceful assembly in Crimea was considered at the Human Dimension Implementation Meeting of the OSCE ODIHR in Warsaw, which voiced the systemic violations by Russian and local authorities.

## FREEDOM OF CONSCIENCE AND RELIGION

The **Madrasah** (Islamic school) **in the Kolchugino village** could not continue its work. The staff of the Madrasah reported that the main reason for the termination of work was the formal requirements of the authorities, namely the requirement to register in accordance with the Russian legislation and to obtain a license for the provision of educational services. The administration of the Madrasah reported that it will continue to try to obtain a license in order to continue its work<sup>17</sup>.

This year, on September 24-27, one of the major Islamic holidays **Eid al-Adha** is celebrated. The first day of celebration of Eid al-Adha, September 24, was declared a non-working day in Crimea. This allowed the Muslims to take part in religious services, which are traditional for the day. However, the authorities of Sevastopol refused to declare September 24 as a day off. In this regard, the Muslims living in Sevastopol had not been able to take part in the traditional celebrations of the first day of Eid al-Adha. The representatives of the Muslim community believe that it is contrary to the basic principles of the Muslim religion<sup>18</sup>.

It is important to note that the recent **developments in Syria** are used in Crimea for hate speech to create a negative image of the leaders of the Crimean Tatar people. To this end, the Russian and some Crimean media as well as the Crimean authorities attributed to individual representatives of the Crimean Tatars the relations with the Islamic State (ISIS), without substantiation. Thus, the Deputy Prime Minister of Crimea Ruslan Balbek said that he considers the People's Deputy of Ukraine, the leader of the Crimean Tatars Mustafa Dzhemilev involved in the recruitment of people to the Islamic State (ISIS). He did not provide any evidence in his statement<sup>19</sup>.

The report Human Rights Situation in Crimea of the ODIHR and the High Commissioner on National Minorities discusses the challenges in exercising the freedom of conscience and religion. The situation with the freedom of conscience and religion in Crimea was considered at the Human Dimension Implementation Meeting of the OSCE ODIHR in Warsaw, where the representatives of the Crimean Human Rights Group reported the main system violations of the freedom of conscience and religion<sup>2021</sup>.

## RIGHT TO A FAIR TRIAL

**Gennady Afanasyev**, involved in the Sentsov-Kolchenko case, who was sentenced to seven years in prison was conveyed to one of the penal establishments of the Republic of Komi. This was reported by the detainee's lawyer Alexander Popkov. It should be recalled that on July 31, in accordance with the conditions of the pre-trial agreement G. Afanasyev was to speak in the North Caucasus District Military Court at the Sentsov and Kolchenko's trial. Previously, he was forced under torture to confess guilt

<sup>17</sup> [http://www.newsru.com/religy/08sep2015/medrese\\_crimea.html](http://www.newsru.com/religy/08sep2015/medrese_crimea.html)

<sup>18</sup> <http://ru.krymr.com/content/news/27266497.html>

<sup>19</sup> <http://lenta.ru/news/2015/10/09/ig/>

<sup>20</sup> <http://www.osce.org/ru/odihr/187056?download=true>

<sup>21</sup> <http://www.osce.org/ru/odihr/187041?download=true>

and to frame Oleg Sentsov. However, in court G. Afanasyev withdrew his testimony, explaining that it was given under torture. After that, he employed the services of a lawyer Alexander Popkov and announced his intention to seek a review of his case.

After the withdrawal of the testimony on O. Sentsov and A. Kolchenko, who were sentenced on August 25 to 20 and 10 years of imprisonment, respectively, G. Afanasyev in the Rostov detention center was threatened by FSS representatives, and on August 6, one of them attacked a political prisoner, inflicting a heavy blow to the leg. After the withdrawal of the testimony, there are serious threats to the life and health of G. Afanasyev, as he may be tortured again.

On August 12, the lawyer A. Popkov reported that G. Afanasyev was taken from the Rostov detention center-1 without notifying the relatives and the defense. The lawyer was able to establish the whereabouts of his client, but he did not disclose this information, citing the request of the mother of the convicted, who feared "that he would be transferred again".

On August 22, the Moscow City Court dismissed A. Popkov's admission to the case of his client. The lawyer was asked to sign a preliminary non-disclosure of sensitive data. However, the lawyer decided not to sign such a non-disclosure, explaining that he did not know which of the materials of the case were classified as "secret", and which were not.

It is not known at the moment, in which penal establishments Oleg Sentsov and Alexander Kolchenko will be transferred. After the announcement of the sentence they are in the detention center in Rostov-on-Don.

## FREEDOM OF MOVEMENT AND MOVEMENT THROUGH THE CHECK POINTS

In connection with the attack on September 26 on the ambulance station in Simferopol, the local authorities and law enforcement agencies have undertaken various measures to search for a suspect in the killing of medical personnel, including a cordon around the residential areas and restriction of movement on the roads. Thus, on September 28, the **Chistenkoe village of Simferopol district** was surrounded by checkpoints, at which the representatives of the law enforcement agencies stopped almost all the cars, checked documents, searched the vehicles<sup>22</sup>.

On September 29, the district of **Simferopol**, which is densely populated with the Crimean Tatars, was surrounded by law enforcement officers who stopped and searched the vehicles<sup>23</sup>.

The changes were introduced to the Ukrainian procedure governing the entry and exit from Crimea. On September 16, the Cabinet of Ministers of Ukraine adopted a Resolution #722 and amended the Procedure for entry to the temporarily occupied territory of Ukraine and exit from it, which concerns the restrictions of entry to Crimea of the foreign citizens<sup>24</sup>.

Earlier, the human rights organizations reported on the impossibility to obtain special permits for foreign journalists, human rights activists and other groups of foreign citizens. The changes, which were developed in cooperation with the representatives of human rights organizations, expanded the list of grounds for obtaining the special permits for foreign citizens to enter Crimea.

Now, according to the changes, the special permits to enter Crimea can be obtained by foreign journalists (in coordination with the Ministry of Information Policy of Ukraine), foreign representatives of religious groups (in coordination with the Ministry of Culture), representatives of the international

<sup>22</sup> <http://crimea.ria.ru/society/20150928/1101103720.html>

<sup>23</sup> [http://censor.net.ua/news/353997/avtomatchiki\\_otsepili\\_mikrorayion\\_v\\_simferopole\\_gde\\_projivayut\\_krymskie\\_tatary\\_eto\\_zapugivanie\\_nar\\_oda](http://censor.net.ua/news/353997/avtomatchiki_otsepili_mikrorayion_v_simferopole_gde_projivayut_krymskie_tatary_eto_zapugivanie_nar_oda)

<sup>24</sup> <http://www.kmu.gov.ua/control/uk/cardnpd?docid=248496578>

non-governmental organizations, non-governmental organizations of other states and independent human rights missions (in coordination with the Ministry of Foreign Affairs), foreign citizens that intend to participate in the activities of the Mejlis of the Crimean Tatar people.

With respect to the citizens of Ukraine who have not attained the age of 16, the changes on which the human rights organizations insisted were not adopted. Therefore, the restrictions on the citizens of Ukraine who have not attained the age of 16 remain the same in terms of the need to have a Ukrainian passport for travelling abroad<sup>25</sup>.

The problems related to the exercise of the freedom of movement and the right to personal immunity emerged after the start of the **Civil Blockade of Crimea**.

On September 8, 2015, the Civil Blockade of Crimea was announced. The initiators and organizers were the people's deputy of Ukraine, the leader of the Crimean Tatar people Mustafa Dzhemilev, the people's deputy of Ukraine, the Chairman of the Majlis of the Crimean Tatar people Refat Chubarov and Lenur Islyamov, the Vice President of the World Congress of Crimean Tatars, the owner of the ATR TV channel<sup>26</sup>.

On September 20, the blockade commenced simultaneously at the three points of entry and exit to Crimea: Chongar, Kalanchak and Chaplynka. The organizers of the blockade announced its main objectives, namely, the blocking of food and other commercial supplies to Crimea from mainland Ukraine and the abolition of the Law of Ukraine On establishment of the free economic zone Crimea and special aspects of economic activities on the temporarily occupied territory (the Law on the FEZ)<sup>27</sup>.

On the first day of the blockade it was acceded by the Pravy Sector and other military units. On September 20, the commander of the Ukrainian volunteer corps Pravy Sector Andrey Stempitsky said that up to a hundred of Pravy Sector fighters were involved in the blockade<sup>28</sup>.

After the start of the blockade there were complaints from car drivers and residents of Crimea concerning the unlawful actions of the protesters. The main reason for the complaints was the unlawful stopping of cars and unlawful searches of vehicles and personal belongings, often accompanied by conflict situations<sup>29</sup>. These actions pose a threat of the violation of the right to personal immunity and violate a number of provisions of the Ukrainian legislation, according to which the right to check the identity documents, to stop vehicles and search the cars belongs to certain officers, and not the civilians.

In addition, on the travel road, which is a public place, the protesters installed the improvised roadblocks (**Annex 2**). The roadblocks prevented the movement of all vehicles without exception, and were used to stop the motor vehicles. The protesters have no authority and permits for the installation of such roadblocks. It is also contrary to the format of the blockade announced by the organizers, which stated that *"the movement of people and cars will be unhindered"*<sup>30</sup>.

## ISSUES RELATED TO HEALTHCARE

One of the main issues related to the provision of medical services is the fact that medical care in all healthcare institutions of Crimea is subject to the availability of a certificate of compulsory medical

<sup>25</sup> <https://www.youtube.com/watch?v=pbCDS1cMwrQ>

<sup>26</sup> <https://www.youtube.com/watch?v=RBS9FqXCBtg>

<sup>27</sup> <http://uacrisis.org/ua/33187-blockade-der-krim>

<sup>28</sup> <http://gordonua.com/news/crimea/Krymskie-tatary-i-Pravyy-sektor-nachali-prodovolstvennyu-blokadu-Kryma-98565.html>

<sup>29</sup> <https://www.youtube.com/watch?v=uydX32wdf7s>

<sup>30</sup> <http://gordonua.com/news/crimea/CHubarov-Blokada-Kryma-nachnetsya-v-1200-20-sentyabrya-98084.html>

insurance (CMI) (**Annex 3**). In the absence of the CMI certificate the residents of Crimea are denied the medical care (except for emergency and urgent care). Thus, a woman of retirement age, a citizen of Ukraine, went to the city hospital complaining on high blood pressure and a suspected stroke. However, she was denied medical assistance because of she did not have a CMI certificate.

Especially difficult is the situation of the Ukrainian citizens, who did not receive the Russian passports in Crimea. It is almost impossible for them to get specialized care in primary health care facilities, as they are required to have a CMI certificate (**Annex 4**). To obtain such a certificate they are required to have a passport of the Russian Federation (**Annex 3**), which they don't have.

Despite the availability of the CMI certificate, many medical services are provided for a fee. The local residents report that the cost of many medical services is high compared to the current salaries (**Annex 5**). This leads to the fact that many people cannot afford to pay for necessary medical treatment.

In addition, the local residents report on the corruption in healthcare facilities, primarily related to the sale of medicines to patients, which must be provided free of charge. Thus, in Dzhankoy the medical workers of the maternity hospital demanded 24 thousand rubles from the two patients for medicines which were to be provided free of charge. The press service of the Prosecutor's Office of Crimea confirmed that the medical workers of the Dzhankoy central district hospital, having misinformed the patients with respect to payment for the use of medicines, charged money for it, while in the public healthcare facility they must be provided free of charge.

A number of problems exist in relation to the provision of medical services to patients with cancer, primarily, the access to anesthetic medication and special medical trial. Most anesthetic medications contain drugs, and therefore in order to use them, medical institutions are required to have the relevant permits. However, many such healthcare facilities cannot obtain the permits. The medical workers explain that the main reason is that the Federal Drug Control Service is forcing them to purchase new special safes for narcotic drugs from one of the firms in Sevastopol. However, the medical workers believe that it is an unreasonable requirement, because the safes they have are suitable for storage of narcotic drugs and were purchased not more than 5 years ago. As a result, in Kerch, cancer patients or their relatives have to take a prescription, go to Feodosia to the state pharmacy Crimea-Pharmacy, purchase the anesthetics by the piece for 2 weeks, take them back to Kerch and store them at home. In addition, in order to ensure the correct intravenous administration of the medicine, the cancer patients have to address a medical facility. This complicated procedure deprives the cancer patients the ability to quickly obtain an anesthetic in their home town, posing serious threats to their life because cancer patients are suffering from severe pain.

Another problem for cancer patients in Crimea is an access to special medical trial and diagnostics. Thus, a resident of Kerch had suspected breast cancer. She was immediately referred to surgery, but in such cases it is necessary to arrange for the relevant diagnostics before the surgery. In this regard, the woman went to a medical institution for mammography. However, she was denied to have a mammography because, according to the medical workers, the provisions of the Russian legislation forbid to undergo a mammography until 40 years of age. This was confirmed by the Republican Cancer Center. However, in the Radiology Center of the Russian Federation in Moscow it was explained that mammography is not recommended until 40 years of, but it does not mean a ban in the event of such a necessity. Thus, the woman was denied to have a mammography for subjective reasons, and local residents report that such incidents are common.

New challenges emerged for the residents of Crimea after the introduction of a new rule: the medical records of adult and juvenile patients are considered as the property of outpatient hospitals and should be stored only in such hospitals. This has led to serious problems in receiving emergency care. For example, if a child has an intolerance of certain medicines or allergies, it is necessary to inform about it when calling for the ambulance. However, in order to provide such information the parents

should first consult the pediatrician, then the head of the outpatient hospital, which would instruct the pediatrician to prepare a medical record about the health status features of the child. Upon receipt of such a medical record it is necessary to certify it in the registry of the healthcare facility. On the basis of such medical record the parent can call for an ambulance and confirm that the child is allergic. This procedure takes a lot of time.



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

#### OBTAINING THE DOCUMENTS OF UKRAINIAN SAMPLE

It is still difficult for the residents of Crimea to obtain the birth or death certificate of Ukrainian sample. In Crimea it is impossible to receive the Ukrainian documents; they can be issued only in the mainland Ukraine.

When a child is born, or in the case of death of a person in Crimea the documents of the Russian sample are issued. According to the Ukrainian legislation, such documents are invalid<sup>31</sup>. In this regard, if the residents of Crimea in the Ukrainian civil registration authorities present a birth or death certificate of the Russian sample in order to obtain the relevant document of the Ukrainian sample as the citizens of Ukraine, they are denied to obtain the relevant documents and are referred to court to establish the fact of birth or death.

Some civil registration authorities, in order to issue a Ukrainian birth certificate accept medical certificates issued in the maternity hospitals in Crimea. Such certificates, in some cases, are used as a basis for the issuance of Ukrainian certificates.

However, in most cases, the medical records issued in Crimea are also considered invalid by the Ukrainian authorities. Thus, the citizens of Ukraine, which permanently reside in Crimea, after the birth of the child applied with a medical certificate of birth to the Novotroitsk District Department of Justice in the Kherson region with a request to obtain a Ukrainian birth certificate. They were denied due to the lack of a relevant child's birth certificate, which complies with Ukrainian legislation. Thus, they can get the Ukrainian birth certificate only pursuant to a court decision establishing the fact of birth (**Annex 6**).

According to the Ukrainian legislation, the civil cases, which had previously been in the jurisdiction of the courts of Crimea, are currently considered only by the courts of Kyiv. However, first, it is necessary to apply to the Court of Appeal of Kyiv to determine which local court will consider an application.

Thus, a procedure that is currently available for obtaining a birth certificate of Ukrainian sample for the Ukrainian citizens living in Crimea is very complicated, lengthy and requires optimization.

*The review was prepared by:*

**Olga Skrypnik**, coordinator of the analytical activity of the Crimean Human Rights Group;

**Vissarion Aseev**, coordinator of the monitoring activity of the Crimean Human Rights Group;

**Dariia Sviridova** lawyer, Ukrainian Helsinki Human Rights Union;

**Tetiana Pechonchyk**, coordinator of the advocacy activity of the Crimean Human Rights Group, Human Rights Information Centre.

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<sup>31</sup> <http://zakon0.rada.gov.ua/laws/show/1207-18>

## Excerpts from the cassational appeal on the case of Alexander Kostenko

To the Presidium of the Supreme Court of the Republic of Crimea  
from the defender Dmitry V. Sotnikov,  
on the criminal case against Alexander Fedorovich Kostenko, who is accused of  
committing crimes under paragraph "b" of Part 2 of Article 115, Part 1 of Article 222 of  
the CC of the RF

## CASSATIONAL APPEAL

against the sentence of the Kyiv District Court of Simferopol of the Republic of Crimea No. 1-213/2015 of 16.05.2015, the appellate decision  
of the Supreme Court of the Republic of Crimea No. 22-2258/2015 of 26.08.2015

1. The Court has violated the following provisions of the Criminal Code of the Russian Federation, which affected the outcome of  
the case:

**1.1. Part 2 of Art. 1 of the Criminal Code of the Russian Federation according to which the Criminal Code is based  
on the universally recognized principles and provisions of the international law.**

...

Thus, Kostenko A.F. has been prosecuted for the purpose of political discrediting of the groups of Ukrainian activists involved in the public  
demonstration Euromaidan on the Independence square in Kyiv, Ukraine.

This is evidenced by the accusatory speech of the prosecutor...

...

Thus, there is no evidence of either keeping the gun as a whole, or of its belonging to Kostenko A.F. of all the persons living in the  
apartment.

...

Thus, the court did not have any evidence against the defendant, confirmed in a court session. Despite this, it used the evidence, although  
not confirmed, but obtained during the investigation, including through the use of torture, which led to a conviction.

From this it can be concluded that the court did not pursue the goal of the fair verdict, and aimed at a conviction on a politically resonant  
case.

...

In the course of the criminal proceedings a number of provisions of the Code of Criminal Procedure of the Russian Federation were violated,  
practically with regard to every item of evidence. However, none of these items of evidence was considered inadmissible.

...

Thus, the testimony given by the witness "Stepa" during the preliminary investigation and in court constitute an inadmissible evidence, have  
no legal force and cannot be the basis for the conviction, as well as cannot substantiate the circumstances, subject to proof.

...

**Thus, the defense believes that the above facts are the basis for the abolition of judicial acts under Part 1 of Article 401.15.  
of the Code of Criminal Procedure of the Russian Federation.**

Based on the foregoing, as well as guided by para 2, 3 of Part 1 of Article 401.14 of the CCP of the RF,

## I REQUEST:

1. To cancel the decision of the Kyiv District Court of Simferopol of the Republic of Crimea No.1-213/2015 of 16.05.2015, the  
appellate decision of the Supreme Court of the Republic of Crimea No. 22-2258/2015 of 26.08.2015 against Alexander Fedorovich Kostenko,  
who is accused of committing an offense under par. "b" of Part 2 of Article 115, Part 1 of Article 222 of the Criminal Code of the RF;

2. To terminate the criminal prosecution on the charges under par. "b" of Part 2 of Article 115 of the Criminal Code of the RF;

3. To refer a criminal case to a new trial to the Kyiv District Court of Simferopol of the Republic of Crimea in a different judicial  
assembly.

Lawyer

Sotnikov D.V.



The checkpoint on the road organized by the participants of the Civil Blockade of Crimea



Notice at a healthcare facility in Yalta stating that the medical services are provided only upon the availability of a compulsory medical insurance certificate

Согласно Федеральному Закону № 323-ФЗ от 21.11.2011г.  
«Об основах охраны здоровья граждан в Российской Федерации»  
(редакция 22.12.2013г. № 386-ФЗ) – ст. 21, п.3

Оказание первичной специализированной помощи (запись и прием к «узким специалистам») осуществляется по направлению участкового врача-терапевта или врача специалиста, если он назначает больному повторный прием.

Исключение составляет острая и неотложная помощь, для чего регистратор вызывает врача «неотложной помощи».

Для записи к врачу необходимо обязательно предъявить полис медицинского страхования, а также паспорт и СНИЛС.

Без очереди обслуживаются беременные, инвалиды I группы, инсулино-зависимые больные.

Notice at a healthcare facility stating that specialized primary care is provided only upon the availability of a compulsory medical insurance certificate

15 апреля 2015 г.

**ПРЕЙСКУРАНТ №1**  
на платные медицинские услуги и иные услуги предоставляемые  
в ГБУЗ РК "Ялтинская ГБ №1"

Наименование услуги	Цена за 1 услугу (руб.)
<b>1. Стоимость 1 койко-дня лечения в отделениях стационара</b>	
1.1 Терапевтическое отделение	1646,74
1.2 Кардиологическое отделение	2980,00
1.3 Пульмонологическое отделение	2504,08
1.4 Неврологическое отделение	1999,34
1.5 Хирургическое отделение №1	2184,26
1.6 Хирургическое отделение №2	2184,26
1.7 Онкологическое отделение хирургических методов лечения	4480,00
1.8 Урологическое отделение	2912,36
1.9 Детское хирургическое отделение	2669,66
1.10 Нефрохирургическое отделение	2422,43
1.11 Отделение травматологии и ортопедии	2690,18
1.12 Оториноларингологическое отделение	2472,64
1.13 Офтальмологическое отделение	2922,35
<b>2. Стоимость платных услуг по проведению консультаций</b>	
2.1 Заведующий приемным отделением - врач приемного отделения - врач-хирург	216,80
2.2 Заведующий терапевтическим отделением - врач-терапевт	228,05
2.3 Заведующий кардиологическим отделением - врач-кардиолог	260,35
2.4 Заведующий пульмонологическим отделением - врач-пульмонолог	231,56
2.5 Заведующий неврологическим отделением - врач-невролог	232,27
2.6 Заведующий хирургическим отделением №1 - врач-хирург	245,62
2.7 Заведующий хирургическим отделением №2 - врач-хирург	259,67
2.8 Заведующий онкологическим отделением - врач-онколог	247,72
2.9 Заведующий урологическим отделением - врач-уролог	225,92
2.10 Заведующий детским хирургическим отделением - врач - детский хирург	230,15
2.11 Заведующий нефрохирургическим отделением - врач-нефрохирург	265,27
2.12 Заведующий отделением травматологии и ортопедии - врач-травматолог-ортопед	241,38
2.13 Заведующий оториноларингологическим отделением - врач-оториноларинголог	252,65
2.14 Заведующий офтальмологическим отделением - врач-офтальмолог	237,88
2.15 Заведующий отделением лучевой диагностики - врач-рентгенолог	197,84
<b>3. Услуги по физиотерапевтическому отделению</b>	
<b>3.1. Физиотерапевтические процедуры</b>	
3.1.1. Электрофорез	47,67
3.1.1.1. Глазнично-носовой (с магнием)	47,67

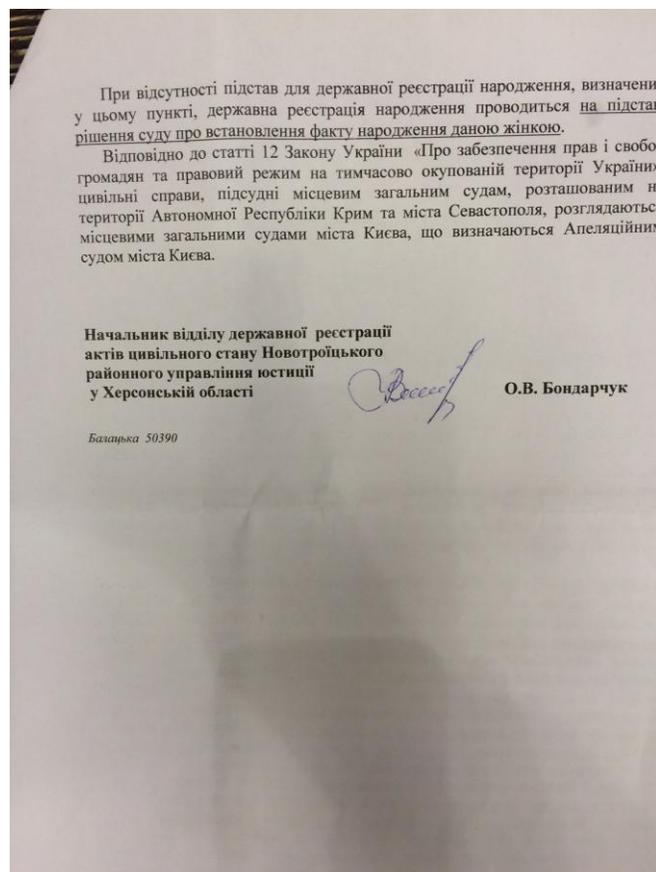
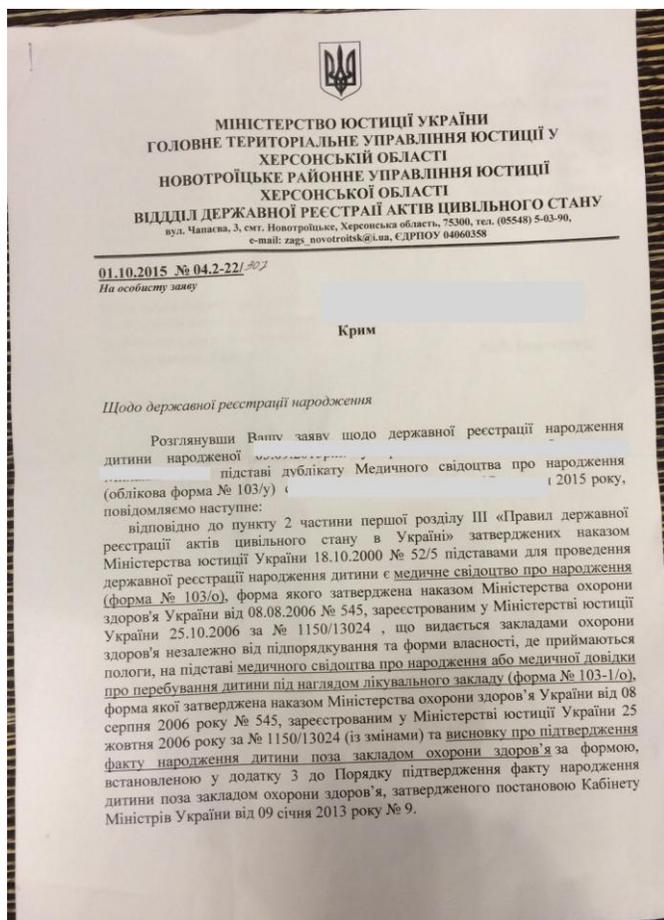
15 апреля 2015 г.

**ПРЕЙСКУРАНТ №2**  
на платные медицинские услуги и иные услуги предоставляемые  
в ГБУЗ РК "Ялтинская ГБ №1"

Наименование услуги	Цена за 1 услугу (руб.)
<b>1. Услуги по кардиологическому отделению</b>	
1.1. Электрокардиограмма (автоматическое снятие)	196,22
1.2. Электрокардиограмма (постельным)	247,74
1.3. Дополнительное исследование (снятие по Нэбу)	65,56
1.4. Холтеровское мониторирование	816,25
1.5. Велоэргометрия (ВЭМ)	703,62
<b>2. Услуги по урологическому отделению</b>	
2.1. Цистоскопия	591,52
2.2. Буажиравание	579,71
2.3. Установка цистостомической трубки	642,94
2.4. Установка нефростомического дренажа, установленного эндоботическим	1032,89
2.5. Дилатация мочевого пузыря	585,80
2.6. Дилатация мочевого пузыря	591,52
<b>3. Услуги по выписке дубликата медицинских документов</b>	
3.1. Дубликат выписки эпикриза (справки)	76,40
<b>4. Услуги по проведению медицинских консультаций</b>	
4.1. Заведующий физиотерапевтическим отделением - врач-физиотерапевт	166,58

Заместитель главного врача по экономическим вопросам П.А. Бойко  
15 апреля 2015 г.

A list of some paid services in the city hospital #1 in Yalta



Refusal of the Novotroitsk District Department of Justice in the Kherson region to issue the Ukrainian birth certificate on the basis of a medical certificate of birth obtained in Crimea