



# CRIMEAN HUMAN RIGHTS GROUP

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## CRIMEAN HUMAN RIGHTS SITUATION REVIEW

**March 2016**

This monitoring review was prepared  
by the Crimean Human Rights Group  
on the basis of materials collected  
in March 2016

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## 1. INTRODUCTION

The **Crimean Human Rights Group (CHRG)** is an initiative of the Crimean human rights defenders and journalists, the purpose of which is to promote the observance and protection of human rights in Crimea by attracting widespread attention to the problems of human rights and international humanitarian law in the territory of the Crimean peninsula, as well as the search and development of mechanisms to protect the human rights in Crimea.

The **CHRG** first of all obey the rules of basic documents in the field of human rights, such as: the Universal Declaration of Human Rights, the Helsinki Final Act, the Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on economic, social and cultural Rights and others.

The main objectives of the **CHRG**:

- 1) Collection and analysis of the information regarding the human rights situation in the Crimea;
- 2) Broad awareness among governments, international organizations, intergovernmental organizations, non-governmental organizations, the media and other target groups through the publication and spreading of analytical and information materials on the human rights situation in Crimea;
- 3) Promote the protection of human rights and respect for international law in Crimea;
- 4) Preparation of recommendations for government authorities and international organizations in the sphere of human rights;
- 5) Providing the presence of «human rights in the Crimea topics» in the information space.

The **CHRG's** team consists of experts, human rights activists and journalists from different countries who are involved in monitoring and documenting human rights violations in Crimea, since February, 2014.

During preparation and spreading of the information the **CHRG** is guided by principles of objectivity, reliability and timeliness.



## 2. CIVIL AND POLITICAL RIGHTS

### RIGHT TO LIBERTY AND SECURITY

#### DETENTIONS

On 1 March, the judge of the Central District Court of Simferopol Demenok S. V. determined Ukrainian activist **Veldar Shukurdzhev** guilty of an administrative offense under Part 5, Article 20.2 of the Administrative Code of Russian Federation — Violation of the established order of meetings, rallies, demonstrations, marches and pickets by the participant of the public event. The court imposed a penalty of 10 thousand rubles. An attempt to take a picture with a Ukrainian flag on the square in Simferopol the court regarded as follows: «without appropriate application to the local authority and without obtaining permission to hold a public event in the form of picketing, shouted slogans holding the state flag of Ukraine» (**Annex 1**). As evidence, the court refers to the testimony of four witnesses, two of whom — lead investigator of the Centre for Combating Extremism of the Ministry of Internal Affairs of the Russian Federation in Crimea Moseychuk A. A. and the senior inspector of the department for administrative law enforcement of Ministry of Internal Affairs of Russia in Simferopol Valeev D.M; Valeev D.M. previously tried to convince Shukurdzhev to sign the «new» protocol, drawn up after the detention under another article, thereby intending to falsify documents in the case. Then the activist refused to sign the «new» protocol, as he already had an arrest report. The activist will appeal the court ruling<sup>1</sup>.

Let's recall that on 11 August 2015, Ukrainian activists Veldar Shukurdzhev and Irina Kopylova attempted to take a picture with a Ukrainian flag next to the monument to Lenin in Simferopol. They were detained by the police. In addition, Russian lawyer from Moscow Irina Biryukova has been detained. She did not participated in taking the pictures itself, however, she was arrested along with other activists. It deprived her of the opportunity to defend the interests of the detained activists as a lawyer. The detainees spent a few hours in the department and after drawing up protocol all the detainees were released.

#### ARRESTS

On 7 March, the employees of the Ministry of Internal Affairs of the Crimea reported regarding the detention of a visiting resident of Chelyabinsk of the Russian Federation on suspicion of arson of cars in the city of Yalta and Alushta. Media reported that he was detained under the Article 91 of the Criminal Procedure Code during the investigation of a criminal case under the Article 213 of the Criminal Code of Russian Federation (hooliganism). Currently investigation actions are taking place<sup>2</sup>. CHRГ clarifies this information.

Recall that on 23 January 2016 on suspicion of arson of cars in Yalta the Crimean Tatar activist **Muedin Alvapov** was detained. On 25 January, the preventive punishment in the form of arrest for a period of two months was agreed by the court. On 17 March 2016, the Kiev District Court of Simferopol extended his detention until 9 May 2016<sup>3</sup>.

<sup>1</sup> <http://crimeahrg.org/kryimchanina-oshtrafovali-za-fotografiyu-s-ukrainskim-flagom/>

<sup>2</sup> <http://www.c-inform.info/news/id/36057>

<sup>3</sup> <http://ru.krymr.com/archive/news-ru/20160317/16898/16898.html?id=27619631>



## SEARCHES

On 1 March, law enforcement officers of Crimea conducted a search in the house of the chairman of the Lenin regional majlis **Lenur Abylazimov**. This was announced by Nariman Dzhelyalov who is the first deputy head of the Majlis of the Crimean Tatar people on his page on the Facebook network<sup>4</sup>. Law enforcement officers presented a search warrant and examined the conditions of storage of the hunting weapon and ammunition in the house of Abylazimov. In particular, the contents of the safe and the relevant documents were examined. After the raid, law enforcement officials asked Abylazimov to go to the police station for the preparation of legal documents.

On 3 March, at the Voinka village of Krasnoperekopsky district of Crimea, law enforcement officers raided the home of the chairman of the local Muslim community **Shaip Suleymanov**<sup>5</sup>. The search began at about 7 am and lasted more than five hours. Eyewitnesses report that as a part of the group of law enforcement officers there were about ten armed men and about ten people in civilian clothes. It is reported that security officials presented a search warrant and explained that the search was carried out in connection with suspicions that «people of the Crimean Tatar nationality, who are preparing an act of terrorism are hidden» in the house of Suleymanov. No persons who could be hiding in the house according to law enforcement officials were revealed during the search. Law enforcers seized Islamic literature for children from the house of Suleymanov. In addition, it is reported that the procedure for conducting a search has been broken, as neighbours of Suleymanov were not allowed to participate in the search as witnesses. Instead, the witnesses were people who came to the house of Suleymanov together with law enforcement officers.

On 15 March, law enforcement officers raided the home of **Arsen Abdurashitov**, who is the nephew of a local imam in the Shebetovka village (Feodosia). According to media reports, five Feodosia police officers did not show the reasons for the search. They did not enter the Abdurashitov's house and conducted an inspection of the buildings in the courtyard of a private house. Nothing was confiscated as the result of the inspection<sup>6</sup>.

On 16 March, **Lutfiye Zudieva** received an official reply from the Dzhankoy interdistrict prosecutor regarding the complaint about the conduction of the illegal search in «Elif» children's centre on 27 January 2016. In complaint Zudieva stated that the search was conducted in the absence of witnesses, as well as law enforcement officers did not draw up a search report. In the report regarding the decision to dismiss the complaint, which was compiled on 18 February and sent to Zudieva only on 13 March the prosecutor's office explained that the actions were to inspect the premises, and that was not a search. In addition, the prosecutor's office reported that the examination of «Elif» centre premises was held in accordance with Russian law, and thus there is no reason for the prosecutor's response and satisfaction of Zudieva complaints (**Annex 2**).

On 22 March, law enforcement officers raided the house of the Kurultay delegate of the Crimean Tatar people **Shevket Usmanov** in Veseloe village of Sudak district. During the search Shevket Usmanov was in Kiev. Only his wife and sons were in the house. It is reported that there was nothing confiscated during the search<sup>7</sup>.

<sup>4</sup> <https://www.facebook.com/nariman.dzhelalov/posts/1054388541291672>

<sup>5</sup> <http://ru.krymr.com/content/article/27589984.html>

<sup>6</sup> <http://15minut.org/news/158381-esche-odin-obysk-v-dome-krymskih-tatar>

<sup>7</sup> <http://qha.com.ua/ru/politika/okkupanti-obiskivayut-dom-shevket-usmanova/157054/>



On 22 March, the search was also carried out in the house of the delegate of Kurultai of the Crimean Tatar people **Remzi Muratov** in the Dmitrovka village of Dzhankoy region. There are no details of the search<sup>8</sup>.

On 22 March, Zair Smedlyayev said that in the morning, «from 8 to 11 am», the house of the chairman of Kurmanskiy regional Mejlis (the Krasnogvardeiskoe village) Kurultai **Uchkun Devletshaev** was being searched. According to Zair Smedlyayev, Uchkun Devletshaev was not at home during the search. His wife was in the house, who was not allowed to call<sup>9</sup>.

On 29 March, Zair Smedlyayev reported that search is taking place in the house of **Midat Isayev** in Novoivanovka village Krasnoperekopskiy district<sup>10</sup>. Details specified.

On 31 March, law enforcement officers raided the «**Prosvita**» **Ukrainian city union of Taras Shevchenko** in Sevastopol. As a result of a search more than 250 books, produced in print shops in Canada, France, USA and Ukraine, were seized. The Federal Security Service of the Russian Federation states that confiscated literature was intended for distribution of Ukrainian nationalism ideas in Crimea<sup>11</sup>.

## PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

### PERSECUTION OF THE KIEV MAIDAN MEMBERS:

#### THE ANDREI KOLOMIETS'S CASE

**Andrey Kolomiets**, the citizen of Ukraine and the resident of Kiev region, was detained in Kabardino-Balkaria in Russia on charges of «illegal acquisition, storage and transporting, without intent to sell, parts of plants containing narcotic drugs on a large scale» (Part 2, Article 228 of the Criminal Code of Russian Federation). According to investigators, Kolomiets was arrested on 16 May 2015 at 11:55 pm in Chegem town of Kabardino-Balkaria in Russia. According to Kolomiets statement, he was arrested on 15 May 2015, after 4:00 pm in the house of his common-law wife during the search, which was held by Borovik S.G. who is a senior commissioner of the Centre for Combating Extremism of the Ministry of Internal Affairs of the Russian Federation in the North Caucasian Federal District.

Later Andrey Kolomiets has been moved to Crimea. He states that he was there since 13 August 2015. In Crimea, new charge was added to the previous charge of the illegal possession of drugs. The new charge was the «attempted murder of two persons in connection with the official activities of these persons, that was committed publicly in a dangerous way, based on political and ideological hatred, which is an offense under Part 3 of Article 30, «a», «b», «e», «l» Part 2 Article 105 of the Criminal Code of Russian Federation. The charge is based on the testimony of former members of the disbanded battalion of special police «Berkut» of The Ministry of Internal Affairs of Ukraine, who are currently living in Crimea — Kozlyakov Mikhail Vasilyevich and Gavrilenko Andrei Valentinovich. The charge was also based on the interrogation protocol of Andrey Kolomiets. The indictment, that was approved on 19 January 2016 by the prosecutor of Crimea N. Poklonskaya, states that «around 6:00 pm on 20 January 2014 Kolomiets used petrol bombs as weapons against the officers of special police battalion «Berkut» of The Ministry of

<sup>8</sup> <http://qha.com.ua/ru/politika/smedlyayev-v-dome-delegata-kurultaya-provoditsya-obisk/157050/>

<sup>9</sup> <http://ru.krymr.com/content/news/27628293.html>

<sup>10</sup> [http://gdb.rferl.org/88351355-944E-423E-98F2-0D45D45AF83B\\_mw1024\\_s\\_n.jpg](http://gdb.rferl.org/88351355-944E-423E-98F2-0D45D45AF83B_mw1024_s_n.jpg)

<sup>11</sup> <http://lifeneews.ru/news/193842>



Internal Affairs of Ukraine in the Autonomous Republic Crimea, with the purpose of killing them in a dangerous way, obviously realizing that the crime of throwing Molotov cocktails is a danger to life, not only the victims but also to the other surrounding entities and as a result of these criminal acts victims suffered physical pain in Kiev.

Andrey Kolomiets is on the wanted list on suspicion of committing a crime under Part 3 Article 187 of the Criminal Code of Ukraine (robbery coupled with the housing penetration) on the Ministry of Internal Affairs of Ukraine website<sup>12</sup>. The preventive measure was not applied. According to the Ukrainian police employees, criminal case is not related to the events on the Maidan in Kiev.

On 29 February, 2016 another hearing on the case of Kolomiets was held in Crimea, in which arranged attorney Mikhail Kushpel entered the case.

On 15 March, 2016 during the court hearing in Simferopol, chaired by judge Belousov M.N., Andrei Kolomiets appealed to the judge with a statement that the confessions given during the preliminary investigation, were given under torture, and assigned lawyers did not take any actions to protect him. Kolomiets said that «starting from 04:00 pm on 15.05.15., after the arrest he was imprisoned by the lead investigator of the Centre «E» of the Ministry of Internal Affairs of the Russian Federation in the North Caucasian Federal District Borovik S.G. and other law enforcement officers who falsified criminal case under the Article 228 of the Criminal Code of Russian Federation, and under the suffocation and electric shock torture in the offices in Kabardino-Balkaria, he was forced to admit guilt, including the fact of involvement in extremist organizations that are banned in Russia, in Kiev in 2014 during the attempted murder of «Berkut» battalion police officers of the Ministry of Internal Affairs of Ukraine of the ARC». Kolomiets also reported that he appealed to the previous lawyers with this information, but previous attorneys urged him to admit guilt.

Kolomiets refused to admit his guilt in committing crimes under the Part 3 Article 30 «a, b, e, l» Part 2 Article 105, Part 2 Article 228 of the Criminal Code of Russian Federation, and also recanted his testimony during the stages of the preliminary investigation on the grounds that they were obtained under duress or in a state that does not allow to receive effective legal assistance, and do not correspond to reality.

The lawyer requested the court to call the lead investigator of the Centre «E» of the Ministry of Internal Affairs of the Russian Federation in the North Caucasian Federal District Borovik S.G. in the court for re-examination as well as to summon captain Lukyanchuk A.S. the investigator of the Department of Internal Affairs of the first investigation department of The Investigative Committee of the Russian Federation in the Republic of Crimea for questioning, as the indictment charges on Kolomiets were drawn by him.

The lawyer pointed to numerous circumstances that suggest a possible violation of the principles of criminal proceedings on the protection of individuals from illegal and unwarranted accusation. In particular, the lawyer pointed out that the investigator did not take any measures to conduct trials of comprehensive examinations, did not engage professionals with knowledge in the field of explosive gas mixtures, did not provide interpreter for Kolomiets who is a citizen of Ukraine and the Russian is not his native language.

A lawyer in the petition to the judge Belousov M.N. pointed out that: «the prosecution itself is not motivated, and it is not clear not only to Kolomiets A.V., but also to his lawyer, because the crime took place in a foreign country in relation to foreign nationals, not citizens of Russia, and there are no reasons in the case file that indicate that the victims took effective measures

<sup>12</sup> The Ministry of Internal Affairs of Ukraine website: the wanted list: <http://wanted.mvs.gov.ua/searchperson/details/?id=32396391>



to bring the offender to criminal responsibility in respect of victims at the place of commission of the crime, in Ukraine».

The next day, on 16 March 2016, the lawyer submitted an application to the judge of the Kiev District Court of Simferopol, Belousov M.N. which states that: «Kolomiets said that together with him in remand prison's cell (4, Lenin Blvd, Simferopol) there are 2 persons, presumably Donbass rebel fighters, which constantly provoke him to quarrel, insult and humiliate him, threaten with physical violence that is motivated by hatred toward him as the Ukrainian, the opposition-minded to the previous regime of President of Ukraine Viktor Yanukovich, and Muslim by religion. Kolomiets evaluates threats as real because of their particularly aggressive behavior, numerical and physical superiority, also because of its significant weakening of health, caused by custody of more than 10 months. In total in a cell, designed for 6 people, there are always at least 10 people, sometimes their number increases by several people.

According to the defence, these conditions of Kolomiets custody are actually torturous. The lawyer did not exclude the possibility that these circumstances may pose a real threat to the health and life of the defendant. He asked the judge to immediately take effective measures to ensure the personal safety of his client.

Another court hearing was held on 30 March in Simferopol. At the court hearing, Kolomiets civil wife was questioned as a witness. She confirmed in court that Andrey Kolomiets was detained in her house on 15 May 2015 by the lead investigator of the Centre «E» of the Ministry of Internal Affairs of the Russian Federation in the North Caucasian Federal District Borovik S.G., as well as that she had seen the results of physical violence on Andrei Kolomiets body.

The defence notes that doubtful criminal charges, possible fraudulent circumstances, the use of torture, lack of legal assistance from the assigned counsel, open expression of bias of judges, open expression of sympathy to the «victim» Gavrilenko, a distortion of the events in the hearing cast clear doubt on the legality of the trial and deprive Kolomiets of the right to protection and a fair trial.

### ALEXANDER KOSTENKO'S CASE

On 9 March, **Alexander Kostenko** was visited in the colony in Kirovo-Chepetsk city (Kirov region, Russia) by the representative of the Ukrainian Embassy in the Russian Federation — Counselor for Consular Affairs Breskalenko G.S. The representative of the Ukrainian embassy was not let in immediately; he had to insist on the entrance to the citizen of Ukraine, as prison officials consider Kostenko as a citizen of the Russian Federation.

### “CASE OF FEBRUARY 26»

On 25 January, 2016 the last determination made by the judicial board on criminal cases of the Supreme Court of the Republic of Crimea composed of judges Zinkova V. I., Sobolyuk M.N., Kryuchkov I.I. with the participation of public prosecutors Poklonskaya N.V., Dombrowskiy A.A., Alekseev A.A., to Ahtem Chiygoz was extension of a preventive measure in the form of detention for up to 8 March 2016. Thus, on 9 March **Ahtem Chiygoz** had to be released from the custody.

On 2 March, according to the court of appeal decision made by the judge Radish G.V., Ahtem Chiygoz detention was extended to a period of three days until 11 March. The actions of the judge Redko G.V. violated Article 5 of the European Convention on Human Rights, as well as the norms of the Constitution and the Code of Criminal Procedure, which are followed by the





judges of Crimea. The judge illegally extended the detention without public trial with the obligatory presence of the accused and his counsel. The defence made a complaint against this decision of the judge. On 11 March in the presence of Ahtem Chiygoz and his lawyer court extended the detention for one more month.

On 24 March the court hearing on the case of «February 26» was held in Simferopol. It was regarding the consideration of prosecutor's of Crimea recommendation, where the prosecutor's office did not agree that on 15 February, the court decided to return the case to the prosecutor's office because of non-specific accusations. On 24 March the court dismissed the Crimean prosecutor's N. Poklonskaya consideration, so the case was directed to the prosecutor's office. On the same day, the court left Ahtem Chiygoz, Ali Asanov and Mustafa Degermendzhi under the custody until 24 April.

On 29 March three hearings on the case of «February 26» were to be held in Crimea: 1) the review of the defence side complaints regarding the determination of the judge Galina Red'ko on 2 March, when the judge extended the detention of Ahtem Chiygoz, Ali Asanov and Mustafa Degermendzhi in extrajudicial procedure; 2) the appeal against the same decision of the judge Red'ko on 4 March; 3) determination by the Judicial Board regarding the extension of the period of detention from 11 March.

**Ahtem Chiygoza, Ali Asanov and Mustafa Degermendzhi** were not delivered to the courtroom, and the broadcast from the pre-detention centre was organized via videoconference. The form of broadcast is provided by the Russian legislation, first of all, for those cases when the detention centre is located at a great distance from the courthouse. However, in the «February 26» this measure seems inappropriate. Lawyer Nikolai Polozov sees such actions of the Crimean judges as «abuse of rights, as the jail in Simferopol is located five minutes away from the court and there were no difficulty for delivering Chiygoza, Asanov and Degermendzhi to the courtroom». The defender believes that such actions were a reaction to the speech of Ahtem Chiygoza during the last hearing on 24 March<sup>13</sup>.

During the first meeting of the court, which included judges Kozyrev A.V., Gritsenko Y.F., Belousov E.F., denied to bring the accused before a bail justice. In addition, during the meeting it became clear that the defendants and their lawyers were not properly informed about the date of the hearing and not were given copies of the complaints of other participants in the process. Therefore, prosecutor Borodina I.T. agreed with defence position regarding the need to eliminate the violations and to postpone the trial. As a result, the court decided to postpone the hearing until 6 April.

During the second court hearing, a bench of judges composed of Rubanov S.G., Osochenko A.N. and Karavayev K.N. took a similar decision and postponed the hearing until 6 April.

At the third hearing of the bench of judges composed of Balahonov B.L., Farina N.Y. and Latynin Y.A. also postponed the hearing and appointed the next session on 7 April<sup>14</sup>.

#### “CASE OF HIZB UT-TAHRIR»

At the moment, it is known, that 8 people are contained under detention in Crimea on so-called «Hizb-ut-Tahrir» case, namely on the charge of violation of Article 205.5 of the Criminal Code of Russian Federation «Organization of the activities of a terrorist organization and participation in

<sup>13</sup> [http://www.youtube.com/watch?v=NtikX9\\_Afdk&sns=tw](http://www.youtube.com/watch?v=NtikX9_Afdk&sns=tw)

<sup>14</sup> <https://www.facebook.com/nikolay.polozov/posts/1013646245367438>



the activities of the organization». On 23 January 2015 **Ruslan Zeytulaev, Rustem Vaitov and Nuri Primov** have been detained. **Ferat Sayfulaev** was detained on 2 April 2015. Later, on 12 February 2016 the Kiev District Court of Simferopol ruled to detain **Enver Bekirov, Vadim Siruk, Muslum Aliyev** and **Emir-Usein Kuku** for 2 months, for up to 8 April on similar charges.

On 4 March, the lawyer of the arrested muslims on 12 February 2016 Emil Kurbedinov said that the The Federal Security Service of the Russian investigators announced his withdrawal. The lawyer said that he didn't receive the documentary evidence yet but he was notified by phone. Emil Kurbedinov believes that in relation to a suspects of involvement in the «Hizb-ut-Tahrir» organization that is banned in Russia, «the same scheme will be applied that was used previously to the detained on similar charges in 2015». Recall that Emil Kurbedinov was the defender of Ruslan Zeytullaev, Rustem Vaitov Nuri Primov and Ferat Sayfullaev, since their arrest in 2015 on charges of belonging to the banned organization in Russia «Hizb-ut-Tahrir.» Later, he was suspended from the protection of the three suspects. At the moment he is a lawyer of Ruslan Zeytulaev<sup>15</sup>.

On 4 March, the lawyer Emil Kurbedinov has published the text of Muslim Aliyev appeal to the court on his Facebook page. In his appeal Aliyev asks to change a preventive measure in the form of detention on his own recognizance. Aliyev pointed out that the investigation «do not have the evidence, which would correspond to the nature of the charges,» and it violates the principle of justice — the presumption of innocence, since «the police, the investigation and the prosecutor's office build an accusation or suspicion on the basis of speculation and suggestions, and the court, taking this into account, leaning on the side of the prosecution, ignoring the basic principles of justice ...». Aliyev says that «suspicion of terrorist activities, search and arrest were illegal. The court decision regarding my detention is considered by me as the moral and psychological pressure»<sup>16</sup>.

On 14 March, Sevastopol City Court extended the detention of Ruslan Zeytullaev for 2 more months until 23 May<sup>17</sup>. On 15 March, Sevastopol City Court has also extended the period of detention of Nuri Primov, Ferat Seyfullaev and Rustem Vaitov for two more months until 23 May<sup>18</sup>.

## FREEDOM OF SPEECH AND EXPRESSION

On 25 March, it became known that the only Ukrainian public and political literary newspaper in Crimea «**Krymska Svitlytsya**», stops its output in Crimea. This is stated in the newspaper published on 25 March 2016<sup>19</sup>. On 14 March 2016 the order was issued by the general director of the national newspaper and magazine publishing house about the transfer of the newspaper from Simferopol to Kiev. The national newspaper and magazine publishing house motivated its decision by the fact that it cannot guarantee a safe working environment for its employees in Crimea.

Blocking of online publications and websites continue in Crimea. For example, «**15 Minutes**» site has been blocked. According to the message, which is displayed when you try to visit the site

<sup>15</sup> <https://ovdinfo.org/express-news/2016/03/04/v-krymu-advokatu-zayavili-otvod-po-delu-hizb-ut-tahrir>

<sup>16</sup> <https://www.facebook.com/emil.kurbedinov/posts/1060635804001016>

<sup>17</sup> <http://ru.krymr.com/archive/news-ru/20160314/16898/16898.html?id=27611124>

<sup>18</sup> <http://avdet.org/node/17646>

<sup>19</sup> <http://svitlytsia.crimea.ua/index.php?section=article&artID=16871>



in Crimea, the «15 minutes» site is included in the «unified register of forbidden sites» because it contains information that is prohibited to spread in the Russian Federation<sup>20</sup>.

On 31 March, the Crimean prosecutor's office published a report on its website that during the Internet monitoring, it was found that one of the online news portal (presumably, it is a site of «15 minutes»), the beneficial owner of which is Lenur Islyamov systematically places publications that the prosecutor's office considers extremist. In particular, the prosecution stated that the website promotes the «violation of the territorial integrity of the Russian Federation» and the carrying out of the «Civil blockade of Crimea» action. In consequence of the above observations the Crimean prosecutor's office and the Prosecutor General's Office of Russia have blocked access to the site by sending the request to the Federal Service for Supervision of Communications, Information Technology and Mass Communications<sup>21</sup>.

According to Russian media «Lifenews» on 31 March a search was conducted in the «Prosvita» Ukrainian city union of Taras Shevchenko in Sevastopol. During the search, according to media reports, among 250 seized printed products there were nine editions of 18 copies, which are included in the federal list of banned materials. However, the exact names of these publications were not announced by the media, and only pictures of the books that have been withdrawn were shown<sup>22</sup>.

It is worth to note that in the federal list of extremist materials that is published on the website of Ministry of Justice of the Russian Federation there are several books on the history of Ukraine. Thus, the list of banned extremist materials in the Russian Federation includes: print publication by Ruslan Viktorovich Chastiy «Stepan Bandera. Myths. Legends. Reality», 2007; print publication «Holodomor of 1932-1933 in Ukraine: materials in criminal case № 475»; print publication by Yury Shapoval, Volodymyr Pristayko and Vadim Zolotariov: «Cheka – GPU – NKVD in Ukraine: persons, facts, documents», 1997; print publication by Volodymyr Vasylenko «Holodomor of 1932-1933 in Ukraine as a crime genocide: legal assessment», 2009; print publication by Vasyl Morochko «Genocide against Ukrainians. The cycle of «Holodomor of 1932-1933». «Holodomor», 2007; print publication of the UNA-UNSO, «Let them hate, as long as they love», Kyiv, Eurasia Publishers, 1996<sup>23</sup>. The majority of the banned publications are dedicated to the Holodomor events. The subject of Holodomor is an unalienable part of the Ukrainian history, therefore, it is present in the curriculum of schools and universities.

Anastasia Silina the producer of music radio station «More» said that bans on Ukrainian music extend in Crimea. She said that Ukrainian singer Ruslana, Ukrainian music band «Vopli Vidopliassova», the song of Tatar singer Jamal «Warriors of Light», Belarusian music group «Liapis Trubetskoy» are banned on her radio station<sup>24</sup>.

## FREEDOM OF ASSOCIATION

Earlier, on 15 February 2016, the Crimean Prosecutor Natalia Poklonskaya appealed to the Supreme Court of Crimea with the statement «on the prohibition of the activity of the public association in the manner and on the grounds stipulated by Article FZ from 25.07.2002 number

<sup>20</sup> <http://15minut.org/news/158664-v-krymu-zablokirovan-sajt-15-minut>

<sup>21</sup> <http://rkproc.ru/ru/news/po-trebovaniyu-prokuratury-ogranichen-dostup-k-internet-resursu-s-ekstremistskim-kontentom>

<sup>22</sup> <http://lifenews.ru/news/193842>

<sup>23</sup> The Federal List of Extremist Materials, published on the website of the Ministry of Justice of the Russian Federation: [http://minjust.ru/ru/extremist-materials?field\\_extremist\\_content\\_value=&page=5](http://minjust.ru/ru/extremist-materials?field_extremist_content_value=&page=5)

<sup>24</sup> <https://www.opendemocracy.net/od-russia/ivan-zhilin/neliubimaya-padcheritsa>



114-FZ «on countering extremist activity». On 7 March, Nariman Jalyal, the first deputy of the Mejlis of the Crimean Tatar people said that the defence side of the case on ban of the Mejlis received the relevant documents on the suit<sup>25</sup>. Due to the fact that the documents were passed over later than expected, a lawyer Jemil Temishev filed a motion to postpone the meeting on the grounds that the defence of the did not have enough time to get acquainted with the case. On 11 March, the court granted the lawyer to postpone the meeting and appointed the court hearing on the suit of the prosecutor's office of Crimea to ban the work of Mejlis on 17 March.

On 17 March, the trial on the case of recognition of the Mejlis of the Crimean Tatar people as an extremist organization and banning of its activities began. During the hearing the plaintiff — the prosecutor of Crimea, and Nariman Jalal as a representative of the respondent gave his explanation regarding the claimed administrative lawsuit. The court decided to involve the State Committee for international relations and deported citizens of Crimea as a privy, and to postpone the hearing till 7 April.

The lawyer believes that the Crimean prosecutor's demands are illegal; the statements are not confirmed or proven, and the conclusions of the administrative claimant do not correspond to the real facts of the case. He also claims that the administrative suit of the Crimea Prosecutor does not have to be satisfied. The main lawyer's argument for that is that «the Mejlis of the Crimean Tatar people as a representative body of the people is not a public association, and therefore, is not a proper defendant». According to the defence «the current Russian legislation does not specify such this kind of public associations as the Mejlis of the Crimean Tatar people»<sup>26</sup>.

The lawyer also insists that «regional and local Mejlis being a unified system of national government bodies of the Crimean Tatar people together with Kurultay and the Mejlis of the Crimean Tatar people, at the same time are not structural units of the Mejlis of the Crimean Tatar people»<sup>27</sup>.

## FREEDOM OF PEACEFUL ASSEMBLY

On 1 March, it became known to the activists of the **Ukrainian Cultural Centre** that the administration of the city of Simferopol rejected them in a public event, scheduled for 9 March to celebrate the birth of Ukrainian poet and writer Taras Shevchenko. In its reply to Alena Popova city authorities in Simferopol refer to the order of the head of the current Crimean government Sergey Aksenov from 22 November 2015 «On introduction of the state of emergency» and «On Restriction of mass, public, cultural, entertainment and other activities» and to the protocol of the headquarters for disaster relief meeting, which temporarily suspended the activities for the events in the period from 22 November 2015 until the «further notice» (**Annex 3**).

On 4 March, **Leonid Kuzmin**, a representative of the Ukrainian Cultural Centre, that is operating in Crimea, was summoned to the prosecutor's office in Simferopol, and was given «a warning about the inadmissibility of violation of the law on combating extremist activities and legislation on meeting, demonstrations, processions and picketing». The warning states that it is known to the prosecutor's office in Simferopol that Kuzmin is one of the organizers of the rally that was planned for the birthday of the Ukrainian poet and writer Taras Shevchenko. Also, warning states that it is known to the prosecutor's office that the part of the Ukrainian activists

<sup>25</sup> <https://www.facebook.com/nariman.dzhelalov/posts/1058199494243910>

<sup>26</sup> [https://www.facebook.com/permalink.php?story\\_fbid=1221556651206637&id=100000569417326](https://www.facebook.com/permalink.php?story_fbid=1221556651206637&id=100000569417326)

<sup>27</sup> [https://www.facebook.com/permalink.php?story\\_fbid=1222490817779887&id=100000569417326](https://www.facebook.com/permalink.php?story_fbid=1222490817779887&id=100000569417326)



plan to chant pro-Ukrainian slogans and place Ukrainian symbols to trigger the law enforcement authorities of the Crimea controlled by Russian Federation to use the force. In addition, the warning states that the above extremist activity to violate the territorial integrity of the Russian Federation entails criminal liability. The activist was informed that in case of failure to perform of the above legal requirements, he will be brought to justice (Document<sup>28</sup>).

On 7 March, the administration of Simferopol decided to prohibit public gatherings on the territory of the municipality of Simferopol in Republic of Crimea until further notice. The ban does not apply to the activities of the state authorities and local self-government<sup>29</sup>. On 22 March this ban on rallies and other public events was cancelled<sup>30</sup>.

On 9 March, the Russian State Duma adopted amendments to the Federal Law «On Meetings, Rallies, Demonstrations, Processions and Picketing», which equated automobile rallies and tents setting to public events. In addition, in accordance with changes in the law the form of public expression by placing of any prefabricated constructions at picketed objects are classified as picketing. Thus, the action of Assembly legislation on Rallies, Demonstrations, Processions and Picketing affects the organization of automobile rallies and tent cities setting. In addition, notification is required in case of one person picketing if it involves the use of pre-fabricated collapsible design that creates obstacles to the movement of pedestrians and vehicles<sup>31</sup>.

## FREEDOM OF RELIGION AND BELIEF

On 24 March, Father **Daniel Myslentsev**, the abbot of Catholic parish of the Assumption of the Blessed Virgin Mary in Simferopol came to picket near the building of the city administration with the requirement to provide land for the construction of the temple. It is reported that up to March 2014 Crimean Catholics appealed to the Ukrainian authorities with applications for the allocation of the land for the construction of the temple. After the establishment of a de-facto Russian control over the territory of Crimea, Crimean Catholics began to direct their appeals to the Crimean authorities. On 24 March in about 15 minutes after Father Daniel Myslentsev started the one person picket he was approached by law enforcement officials who invited him for questioning<sup>32</sup>. Details of the questioning and the reasons for the picket specified.

## ISSUES RELATED TO CITIZENSHIP

According to the decree of the Russian Federation Government on 31 October 2015 № 1171 «On Amendments to the Government Decree from 27 April 2015 № 399» all the registration documents for the car, as well as number plates issued prior to 18 March 2014 in Ukraine, the residents of Crimea should replace to Russian. This decree is contrary to the Article 12 of the Federal Law «On the adoption of the Republic of Crimea to the Russian Federation », which says that legal documents of Ukraine will act indefinitely. Despite of this, car owners are forced to change documents, otherwise they face a fine of 500 rubles, and if such violation is repeated they may be deprived of the right to drive vehicles for a period from one to three months.

<sup>28</sup> The warning about the inadmissibility of violation of the law on combating extremist activities and legislation on meeting, demonstrations, processions and picketing for Leonid Kuzmin: <http://crimeahrg.org/wp-content/uploads/2016/04/Predosterezhenie-Kuzminu.pdf>

<sup>29</sup> <http://simadm.ru/press/government/4196/>

<sup>30</sup> <http://simadm.ru/press/government/4369/>

<sup>31</sup> <http://www.garant.ru/hotlaw/federal/701246/>

<sup>32</sup> <http://gaudete.ru/simf-piket/>



The monitoring of the Crimean human rights group recorded that a significant number of drivers do not want to change the number plates and documents. Long queues of motorists that lasted for several days to replace the number plates in late March are evidence to the statement. Drivers waited until 1 April, hoping that the regulation regarding the replacement of number plates will be canceled<sup>33</sup>.

In late March, the local authorities did not cope with the rates of replacement due to the large number of vehicles before the 1 April. The residents of the Leninsky district were sent to the other regions of Crimea for re-registration. This was due to the fact that the replacement of the registration documents and number plates can be done only in eight departments of traffic police of the Ministry of Internal Affairs in Crimea — Simferopol, Yalta, Kerch, Feodosia, Evpatoria, Krasnoperekopsk, Dzhankoy and Belogorsk.

Legal persons registered after 18 March 2014 faced a problem. Such legal persons cannot receive registration documents and number plates for vehicles included in their charter capital as a property contribution, despite the fact that these vehicles have been previously registered on the territory of the Autonomous Republic of Crimea.

Problems with the changing of number plates had to be admitted by the current. On 24 March State Council of Crimea appealed to the Government to extend the registration deadlines till 1 January 2017 and to establish a simplified registration procedure<sup>34</sup>.

Crimean prosecutor's office has developed a procedure for the prosecution of persons who did not change the number plates and documents after 1 April. The verbal note will be made at first in accordance with Article 2.9 Code of Administrative Offences of Russian Federation (possibility of relief from administrative responsibility at insignificance of an administrative offense). In the case of the failure to replace the registration documents and number plates, administrative prosecution will be applied to residents of the Crimea under Part 1, Article 12.1 of the Administrative Code of the Russian Federation (control of the vehicle that is not registered in the prescribed manner; control of the vehicle that have not passed the state technical inspection or technical inspection)<sup>35</sup>.

Also, the prosecutor of Crimea N. Poklonskaya stated that the Crimean car owners who do not have time to change the Ukrainian number plates to the Russian number plates before 1 April, will not be brought to administrative responsibility during three months period after 1 April<sup>36</sup>.

## FREEDOM OF MOVEMENT AND ISSUES RELATED TO CHECKPOINTS PASSING

On 22 March, the advisor of the Minister of Information of Ukraine Emine Dzeppar reported that the entry to Crimea for a period of 5 years was denied to three Crimean Tatars from Kherson region. The residents of the Novoalekseevka village of Kherson region of Ukraine **Rustem Gugurik, Bekir Gugurik** and **Bilyal Seytumerov** received a notice to a foreign citizen or stateless person, in which, referring to chapter 1, Article 1, Part 27 of the Federal Law №114 «On the Procedure for Exit from the Russian Federation and Entry into the Russian Federation»,

<sup>33</sup> <http://crimeahrg.org/kryimskie-voditeli-stoyat-v-mnogodnevnyih-ocheredyah-chtobyi-pomenyat-nomera-na-avto/>

<sup>34</sup> [http://crimea.gov.ru/news/29\\_03\\_16\\_9](http://crimea.gov.ru/news/29_03_16_9)

<sup>35</sup> <http://rkproc.ru/ru/news/v-prokurature-obsudili-poryadok-deystviy-po-otnosheniyu-k-avtovladelcam-ne-proshedshim>

<sup>36</sup> <http://tass.ru/obschestvo/2744851>



according to the decision of the Federal Security Service of Russian Federation, they are restricted from entry to Crimea till 1 January 2021<sup>37</sup>.

The conflict between the woman and the member of «Blockade of Crimea» took place near the Ukrainian checkpoint «Kalanchak» at night on 8 March. Police officer tried to resolve the conflict, after which one of the activists pointed the gun at the policeman from «Kherson» troop. A police officer asked to stop illegal actions and warned the «blockade» activist on the possible use of weapons and fired up. The activist did not stop illegal activities, after which the policeman used a gun and shot the activist in the right leg.

Police are checking the fact of shooting and have conducted the internal investigation. The wounded person was hospitalized and his health condition is satisfactory. The weapon was seized and sent for examination. The criminal proceedings under the Article 263 of the Criminal Code of Ukraine «on illegal handling of weapons, ammunition or explosives» is started regarding the activist by the Kalanchakskoe police department<sup>38</sup>.

The wife of the wounded «Crimea blockade» activist reported that law enforcement officers do not allow transporting her husband in the Kherson hospital for the surgery. In response, the speaker of the Ministry of Internal Affairs of Ukraine Artem Shevchenko said that he has no information about the necessity of the surgery for the detained and regarding the ban on his transportation<sup>39</sup>.

On 1 February 2016 participants of the «Crimea blockade» registered the community group «Asker» to protect public order and / or the state border.

On 23 March the State Border Service of Ukraine reported that 33 representatives from 60 candidates for the formation of the «Asker» group have passed tests and received approval to be present at the check points of entry and exit «Chongar», «Chaplynka» and «Kalanchak».

The representatives of the public group should stay on the territory of the check points of entry and exit in the same camouflage uniform with outer bandages and must have a certificate of the member of the public group<sup>40</sup>.

According to Ukrainian legislation, the members of «Asker» do not have the right to check the documents and inspect the vehicles and the personal belongings. They provide only informational and advisory functions.

Earlier, the Crimean Human Rights Group reported that, according to the answer of the prosecutor office of Kherson region, the territorial police received 139 reports regarding the criminal offenses during the «Crimea blockade» in the area of the check points of entry and exit «Chongar», «Chaplynka» and «Kalanchak». 15 reports were included in the Unified Register of pre-trial investigations. However, there is no information on the progress of investigations and bringing the perpetrators to justice.

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<sup>37</sup> <https://www.facebook.com/edzhaparova/posts/10209092754385052?pnref=story>

<sup>38</sup> <http://www.hr.npu.gov.ua/uk/publish/article/150328>

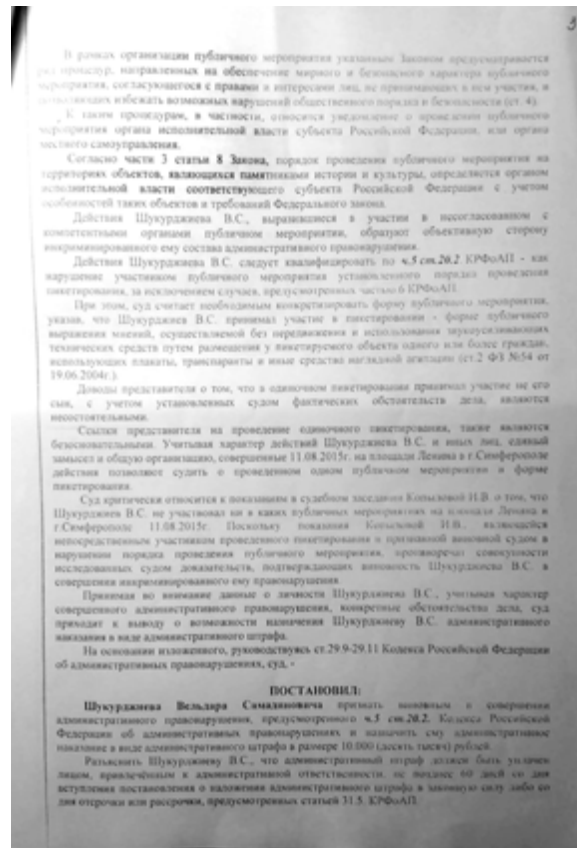
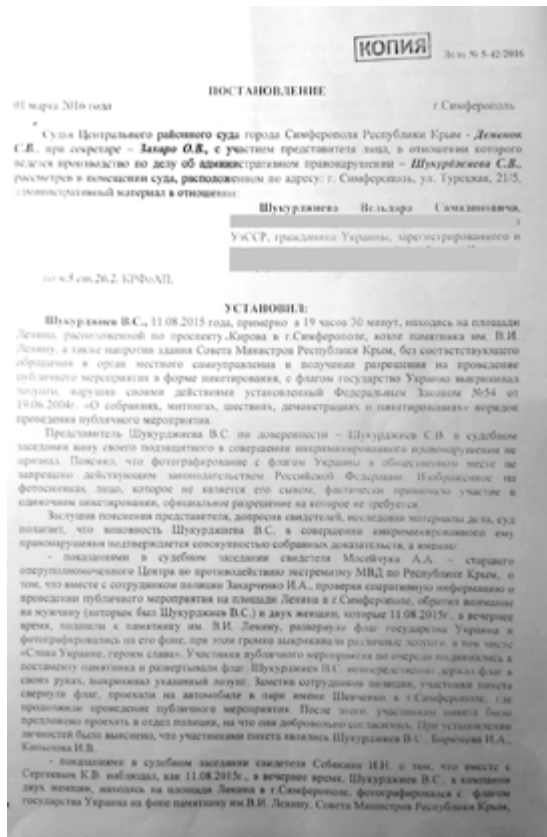
<sup>39</sup> <http://ru.krymr.com/content/news/27602208.html>

<sup>40</sup> [http://dpsu.gov.ua/ru/about/news/news\\_11211.htm](http://dpsu.gov.ua/ru/about/news/news_11211.htm)



ANNEXES

ANNEX 1

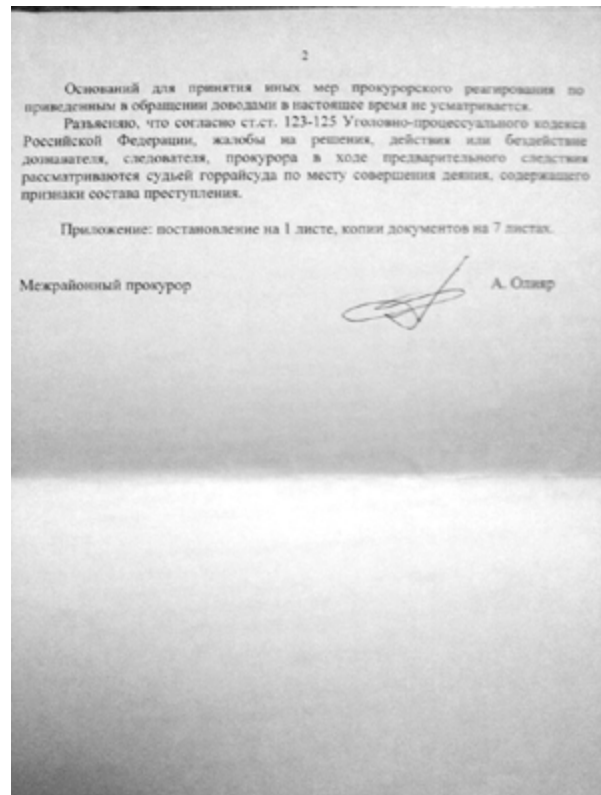
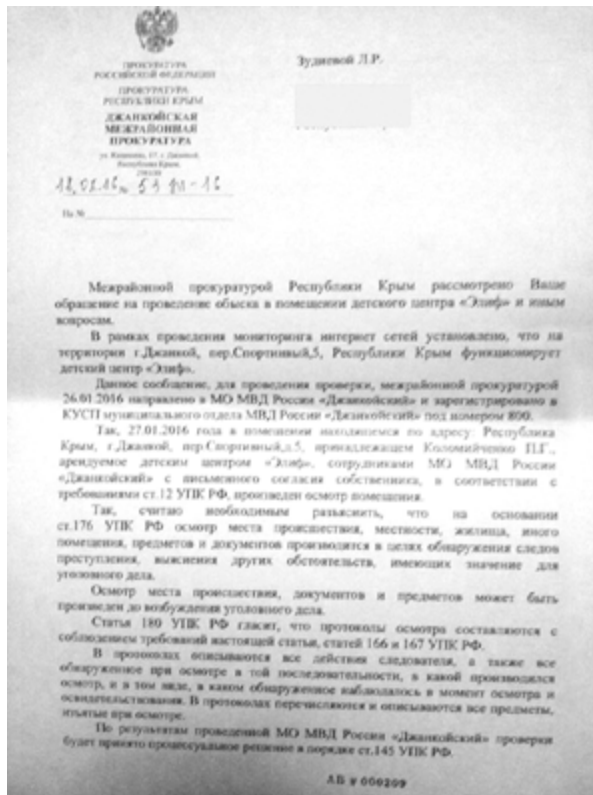


The fragment of the decision of the Central District Court of Simferopol Demenok S.V. about determine Ukrainian activist Veldar Shukurdzhiyev guilty of an administrative offense under Part 5, Article 20.2 of the Administrative Code of Russian Federation - Violation of the established order of meetings, rallies, demonstrations, marches and pickets by the participant of the public event, March 1, 2016





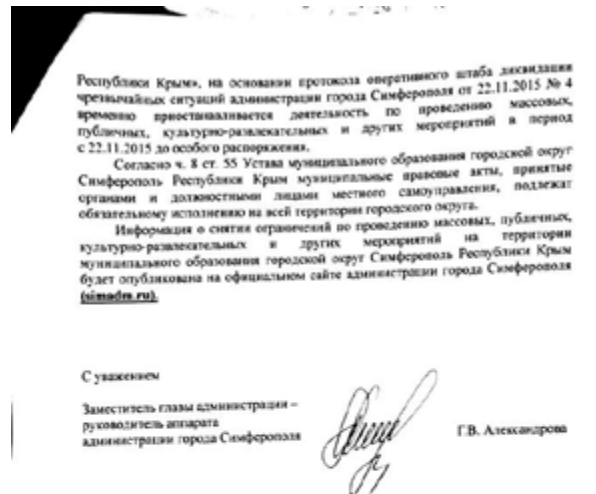
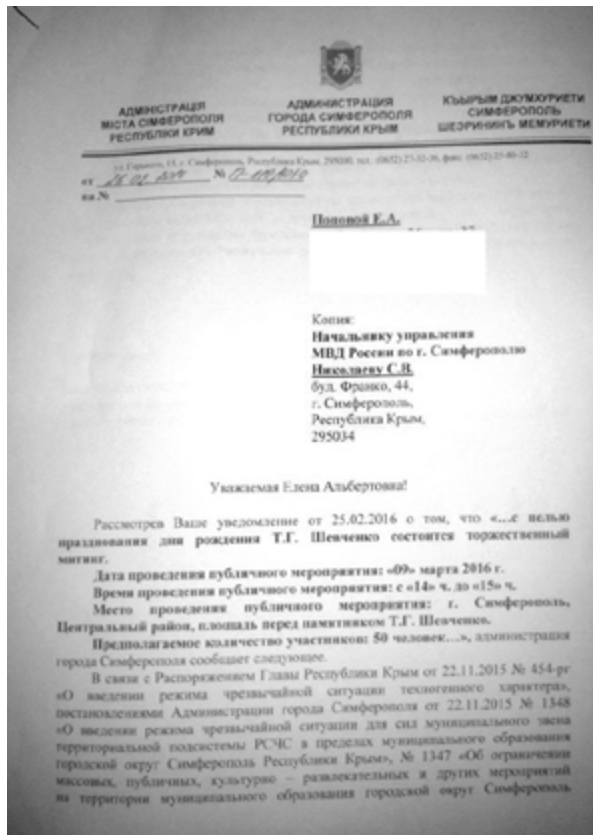
ANNEX 2



The official reply from the Dzhankoy interdistrict prosecutor regarding the complaint about the conduction of the illegal search in «Elif»



ANNEX 3



The refusal of the administration of the city of Simferopol on a public event, scheduled of the Ukrainian Cultural Centre for 9 March to celebrate the birth of Ukrainian writer T. Shevchenko, March 1, 2016