



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

April 2016

This monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
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1. INTRODUCTION

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

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

The main objectives of the **CHRG**:

- 1) Collection and analysis of the information regarding the human rights situation in 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 OF THE PERSON

DETENTIONS

Around 35 people, who are Muslim, were detained in the village Pionerskoe on the night of 1 April. Crimean lawyer Emil Kurbedinov reported that late in the evening armed men without identifying insignia and with covered faces entered the local cafe «Baghdad». The lawyer said that unknown persons rudely conducted body searches of visitors, after which they detained people on the grounds of «non-Slavic appearance» and escorted them to the «Bogdan» brand minivan¹. No reasons for examination were provided. No protocols regarding the premises inspection or inspection of people were drawn up. The detained Muslims, most of whom are Crimean Tatars, were taken to the Centre for counteraction to extremism in Simferopol. According to Emil Kurbedinov the detainees reported that there were other people detained in the same way in countering extremism Centre.

All the detainees against their will were obliged to pass the state fingerprint registration. These actions are a flagrant violation of the right to liberty and security, as well as a violation of Russian law, which applies in Crimea. Illegally detained people are not subject to mandatory state fingerprint registration in accordance with the Federal Law of 25.07.1998 N 128-FL (ed. from 07.05.2013) «On State Fingerprinting in the Russian Federation». Compulsory fingerprinting applies to the persons that are suspected of committing a crime, accused of committing a crime, convicted of crimes under administrative arrest; have committed an administrative offense and it is impossible to establish their identity by any other means. With regard to the detained Muslims there are no reasonable suspicions or accusations. Also, these people do not belong to the special categories of citizens, foreigners and stateless persons to which mandatory fingerprinting could be applied (soldiers, police officers, customs, etc.). Thus, the Centre E employees had no right to carry out mandatory fingerprinting in respect of these people, and they also didn't present the grounds for their detention. In addition, the illegal actions of the law enforcement agencies have a pronounced discriminatory character because people were detained on the basis of their physical appearance and religion.

However, the prosecutor of Crimea Natalia Poklonskaya said that she does not see any human rights violations in the actions of the security forces and calls it «preventive measures of the Crimean employees of the Interior Ministry, the Federal Migration Service and the Federal Drug Control Service». She also said that about 50 people were «checked» in this way².

Lawyer Emil Kurbedinov reported that some of the victims are going to make a complaint about the actions of the Centre E.

On 6 April, according to the lawyer Jean Zapruta, there were similar detentions on the Simferopol markets. In the morning people started to be arrested by their appearance and maintained to the Centre E³.

¹ <https://www.facebook.com/emil.kurbedinov/posts/1084887961575800>

² <https://www.facebook.com/NVPoklonskaya/photos/a.1447341505550431.1073741825.1447341448883770/1705632636387982/?type=3>

³ <https://www.facebook.com/zhan.zapruta/posts/1017865501640947>



ARRESTS

On 18 April, in the village Krasnokamenka (District of Greater Yalta) two houses of the Crimean Tatars — **Refat Alimov and Arsen Dzhepparov** — were raided. Local residents reported that the riot policemen were involved in the search⁴. Two young people were taken for the questioning after the search. After the interrogation, the investigator filed a motion to elect a preventive measure against them in the form of detention.

On 19 April, the prosecutor's office of Crimea supported the motion, which was heard in the Kiev District Court of Simferopol. The court granted the motion, that was supported by the prosecutor's office, and ordered the arrest of the detainees for a period of two months, until 18 June. The detainees Arsen Dzhepparov and Refat Alimov are suspected in committing a crime under Part 2 Article 205.5 of the Criminal Code of Russian Federation (participation in the activities of a terrorist organization), namely, in involvement in the activities of Hizb ut-Tahrir⁵.

SEARCHES

On 19 April, searches took place in several cities of Crimea, 5 of them — in Simferopol, one — in Yalta, one — in Sevastopol. All searches were held in connection with the criminal case against the Ukrainian journalist **Nikolai Semena** on the basis of Part 2, Article 280.1 of the Criminal Code of Russian Federation — public calls for the implementation of actions aimed at violation of the Russian Federation's territorial integrity, committed with the use of mass media, electronic or information and telecommunication networks (including «Internet» network). The search in the house Semena was conducted on the basis of the decision of the Kiev District Court of Simferopol. The search began early in the morning, during which the Federal Security Service of Russia found and confiscated computer equipment and media, as well as a number of documents.

According to the Office of the Russian Federal Security Service, Nikolai Semena is the author of publications posted on the website «Krym.Realii» where he made statements that are calling for the holding of insulation measures, including military operations, in respect of the peninsula and its residents. Crimean prosecutor N. Poklonskaya took the case under her personal control⁶.

After the search Semena was taken for questioning, which lasted about 4 hours. Around 14.00 the interrogation was over⁷. The journalist received a preventive measure in the form of subscriptions on parole and appropriate behaviour, which forbids him to leave the place of residence without the permission of the inquiry officer, investigator or the court.

In addition, on 19 April 6 more searches in regard to other journalists and bloggers took place as a part of the criminal case against Nikolai Semena. The names of five of them are known to CHRG. For example, during one of the searches a journalist's laptop was seized (**Annex 1**). The search was conducted by officer of Federal Security Service of Russia in Crimea.

Crimean prosecutor's office reported that the searches carried out on the basis of decisions of the Kiev District Court of Simferopol in regard to those who are considered by the Federal Security Service of Russia as the authors who provide their materials for publication on the Internet news portal «Krym.Realii».

⁴ <http://investigator.org.ua/ru/news/178019/>

⁵ <http://rkproc.ru/ru/news/prokuratura-respubliki-podderzhala-v-sude-hodataystvo-ob-izbranii-mery-presecheniya-v>

⁶ <http://rkproc.ru/ru/news/prokuror-respubliki-natalya-poklonskaya-vzjala-na-kontrol-ugolovnoe-delo-o-publichnyh-prizyvah>

⁷ <https://www.facebook.com/emil.kurbedinov?fref=ts>



After searches some journalists were taken in for questioning. **Legnara Abibullaeva and Ruslana Lyumanova** were released without any suspicions after several hours of interrogation.

On 28 April, Nikolai Simena was summoned to another interrogation by the Federal Security Service of Russia. Lawyer Emil Kurbedinov reported that during interrogation the journalist refused to give any testimony and did not incriminate himself. During the interrogation, he was handed a ruling that he is involved in the case as an accused in the commission of an offense under Part 2 Article 280.1 of the Criminal Code of Russian Federation. In addition, Semena was handed a decree that linguistic expertise is appointed for him. However, it was stated in the decree that it will be conducted by the expert of the Federal Security Service of Russia in Crimea; the expert name was not specified. The lawyer demanded in writing form to give the information regarding the name of such an expert⁸.

On 20 April, Ukrainian Prosecutor's Office of the Autonomous Republic of Crimea reported that it opened the criminal proceedings on the fact of the searches that took place on 19 April in Crimea. Based on these facts the prosecutor's office opened criminal proceedings on grounds of crimes under Part 2 Article 162 of the Criminal Code of Ukraine (violation of the inviolability of the home). Materials regarding these productions are directed to the General Prosecutor Office of Ukraine⁹.

On 27 April, another search took place in the home of **Muedin Alvapov**, who was arrested on 23 January, 2016 on suspicion of arson of cars in the city of Yalta. As reported by Zair Smedlya the clothing and footwear of Alvapov were seized during the search¹⁰.

On 27 April, Zair Smedlya reported that the search took place in the house of **Ayse Useinova** in the Holodovka village (near the town of Sudak). Details are unknown¹¹.

THE RIGHT TO RESPECT FOR PRIVATE LIFE AND HOME

In April, the cases of unwarranted interference in private life were repeatedly recorded, including violations of the right to inviolability of the home. The main reasons for these interventions have become the so-called verification of the migration regime or drill.

On 16 April, the journalist of TV channel ATR Shevket Namatullaev reported that in the village Arpat (Zelenogorye) Alushta district police officers enter the houses of the Crimean Tatars and ask questions about private life (family structure, the name of the institutions in which trained children, and others) without any appropriate sanctions and procedural documents¹².

On 18 April, police and OMON officers arrived to conduct «routine working out for the prevention of offenses and crimes, as well as the observance of passport regime» in the Partenit village of Alushta district¹³.

On 20 April, the same actions of police officers have been recorded in the city of Alushta. The police visited the apartment of the residents. The operator of «Tvoya Gazeta» publishing Andrey Oblezov said that police called to his apartment and asked to provide the identity documents. Police explained their actions as: «We're looking for people who are on the wanted list and arrived from the Caucasus region, from Ukraine, from the ATO zone».

⁸ <http://ru.krymr.com/archive/news-ru/20160429/16898/16898.html?id=27706032>

⁹ http://ark.gp.gov.ua/ua/news.html?_m=publications&c=view&t=rec&id=182702

¹⁰ <https://www.facebook.com/zair.smedlya/posts/1019843324717502>

¹¹ <https://www.facebook.com/zair.smedlya/posts/1019969944704840>

¹² <https://www.facebook.com/namatullaev/posts/1034851716595257>

¹³ <http://www.tvoya-gazeta.com/news-alushta/4091-v-partenit-alushta-nagrjanul-policejskij-desant.html>



The police also asked questions about housing, drugs, and asked Oblezov to tell them his phone number, but the operator refused¹⁴.

On 22 April, the journalists of «QHA» title reported that police arrived in the mosque in Ah-Yar in Sevastopol after the prayer and asked all the visitors to present a proof of identity. They explained their actions by the police check of the passport regime¹⁵.

On 23 April, the correspondent of the KERCH.COM.RU site reported that he had been detained by unknown armed men in Kerch near the Palace of Pioneers. People were stopped and were required to lie on the ground face down. The journalist said that the same actions were committed against a woman with a child and the elderly, who therefore have experienced a lot of stress. Armed men have reported that such actions are carried out within the anti-terrorism exercises¹⁶.

PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

PERSECUTION OF THE KIEV MAIDAN MEMBERS:

THE ANDREY KOLOMIETS'S CASE

On 14 April, in Simferopol, a court hearing was held on the case of a Ukrainian citizen from the Kiev oblast, **Andrey Kolomoyets**, who was charged with drug possession and attacking two members of Crimean «Berkut» in January-February 2014 in Kyiv, on the «Maidan». Because the defense lawyer was absent due to illness, the hearing was moved to the 16th of May. But, during the hearing, the court decided to lengthen the detention period. Because on the 16th of May, Kolomoyets's detention period ends, the judge M. Belousov lengthened his arrest to the 14 June.

ALEXANDER KOSTENKO'S CASE

On 12 April, lawyer Dmitry Sotnikov told that **Alexander Kostenko** was placed in a punishment cell of the Kirov Federal state institution correctional camp — 5 of Kirov region. Lawyer connects it to the consideration of Kostenko petition on parole in the court.

On 13 April, Kirovo-Chepetsk district court of Kirov region of Russia denied parole for Kostenko. The judgment stated: «After analyzing the data on the behaviour of Kostenko A.F. for the entire period of serving his sentence, the court considers his controversial behaviour; as he violated the established order of punishment while serving a sentence and also has outstanding penalty, did not deserve any rewards, doesn't always responds right on measures of educational character»¹⁷.

The reasons for rejection the court described as follows: «From the characteristics and the certificate of incentives and penalties it implies that Kostenko A.F., during serving his sentence after the sentence came into force, made 1 violation of the custody, for which he had been subjected to discipline act, which has not been and is not extinguished, he is not employed due to lack of jobs, refers satisfactorily to the work on landscaping of correctional camp, doesn't always responds right on measures of educational character, doesn't have any rewards, registered as a person who studies and promotes extremist ideology, does not recognizes the blame for the crime».

¹⁴ <http://www.tvoya-gazeta.com/news-alushta/4094-policejskie-kryma-provodjat-proverki-v-alushte-vizit-k-nashemu-operatoru-video.html>

¹⁵ <http://qha.com.ua/ru/politika/v-krimu-politsiya-nagryanula-v-mechet/158544/>

¹⁶ <http://kerch.com.ru/mobileview.aspx?id=56667>

¹⁷ The decision of Kirovo-Chepetsk district court of Kirov region of Russia denied parole for Kostenko <http://crimeahrg.org/wp-content/uploads/2016/05/Postanovlenie-UDO.pdf>



The lawyer believes that the arguments are against the law, because, Kostenko is involved in landscaping and public amenities and employment issue is not resolved by the management of Kirov Federal state institution correctional camp — 5; Kostenko received the penalty, according to explanations of the representative of correctional camp — 5, for allegedly not greeted with the employee, and in accordance with Paragraph 6 of the Resolution of the Plenum of the Russian Federation Armed Forces from 21.04.2009 number 8, the presence or absence of penalties cannot be an obstacle for parole, penalties are assessed taking into account the nature of the violations. In addition, the representative of correctional camp could not explain the reasons and criteria of putting to the register.

Lawyer Dmitry Sotnikov has appealed this decision. In the appeal, he pointed out that when the court ascertained that Kostenko was subjected to the penalty due to the fact that he did not greet with the staff of the colony, the same court did not give a legal assessment of this fact and has not reflected this in its judgment. In the judgment the court referred to the fact that Kostenko is on the prof. registration, but this circumstance is not specified in the law as a ground for refusal of parole¹⁸. Lawyer Dmitry Sotnikov believes that «the court allowed the imposition of an abstract judicial act».

«CASE OF FEBRUARY 26»

On 6 April, in Simferopol, the previously postponed hearings on the «Case of February 26», to review the defense's appeal for the judge Galina Red'ko's decision from the 2nd of March, with which the judge has, on an extrajudicial basis, lengthened the detention periods of **Akhtem Chiygoz, Ali Asanov and Mustafa Degermenji**.

Despite the defenders' protests, Akhtem Chiygoz, Ali Asanov and Mustafa Degermenji were present on the court hearings only by video-conferencing from the remand prison. The defense's petition for their personal participation was refused. Nikolay Polozov, lawyer, has expressed his opinion, that such law administration was a norm-warping abuse, as the remand prison was not far from the court building, and there were, objectively, no problems with transportation. Such course of action makes sense only when a place of detention and an appeals instance are located at a considerable distance from each other. Because the defendants were absent from the court premises, the defense lawyers had to pause the process twice so as to consult with the defendants, while were they present in the premises such consultations would have happened during the hearing without interrupting it.

The judicial board, chaired by judge A. Kozyrev and consisting of judge E. Belousov and judge E. Pribylova, has repealed the decision from March 2, 2016 by Galina Red'ko, but at the same time prolonged Akhtem Chiygoz, Ali Asanov and Mustafa Degermenji's pre-trial restrictions from the 9 to the 11 of March post-factum¹⁹.

On 7 of April, the following hearing to process a complaint of the defense towards the judicial board's interlocutory judgement to prolong the detention from 11 March. This judgement has lengthened Akhtem Chiygoz, Ali Asanov and Mustafa Degermenji's detention by a month, to the 11 April. By the end of the hearing Nikolai Polozov, the lawyer, commented the following: «In accordance with the recent Russian court tradition, the decision to prolong the detention was left unchanged»²⁰.

¹⁸ The appeal of the he decision of Kirovo-Chepetsk district court of Kirov region of Russia denied parole for Kostenko: <http://crimeahrg.org/wp-content/uploads/2016/05/Apellyatsionnaya-zhaloba.pdf>

¹⁹ <https://www.facebook.com/nikolay.polozov/posts/1019710538094342>

²⁰ <https://www.facebook.com/nikolay.polozov/posts/1020232478042148>



Due to the illegal lengthening of the detention period, Akhtem Chiygoz has filed a report of a crime addressed to the chairman of the Investigative Committee of the MVD of Russia Alexander Bastyrkin on the 18th of April. In it, he asks to prosecute the judge of the Supreme Court of Crimea G. Red'ko for committing crimes mentioned in art. 293 of the Criminal Code of the Russian Federation (Negligence) and art. 301 of the Criminal Code of the Russian Federation (illegal detention, incarceration or confinement) (**Annex 2**) towards him.

On 14 April, Akhtem Chiygoz has received a message of charge from the Investigative Committee of the MVD of Russia²¹. This was a new charge which was issued due to the fact that on the 15th of February the court has returned the case to the public prosecution office due to the charge being nonspecific.

After familiarizing himself with the new charge, Nikolai Polozov, the lawyer, has mentioned that this variant had no new charges, the investigation has confirmed the harm done to the affected persons. In the lawyer's opinion, this was an indication of deliberate delaying of the case²².

On 21 April, in Crimea the court hearing on the matter of prolonging the interim measures (detention) of Akhtem Chiygoz. The petition to prolong the interim measures was issued by the head of the investigation team, major case investigator of the first investigative department of the major case investigation board, Senior Lieutenant of Justice P. Nikkel. The court hearing was held in the Kiev district court of Simferopol with participation by chief judge O. Gurina and public prosecutor S. Korneev.

The hearing began by addressing the petition by A. Chiygoz and his defenders to release Akhtem Chiygoz from the iron cage to participate in the hearing with a convoy. Nikolay Polozov, the lawyer, cited the verdicts of the European Court of Human Rights, which deem keeping the defendants in metal cages a breach of art. 3 of ECHR. Prosecutor Korneev has objected against the petition, referencing some orders without explaining who issued them, and when. The main argument of the prosecutor was that since the cage is present in the premises, it should have a purpose. The judge agreed with the prosecutor and refused to approve the petition.

During the hearing, investigator P. Nikkel has supported his petition, claiming that the basis behind the interim measures (detention) hasn't changed, and asked to lengthen the detention period to 22 May. With that, in breach of art. 97 of the Russian Federation Code of Criminal Procedure and decision of the Plenum of Supreme Court of the Russian Federation, the definite circumstances, which were to be discussed during the hearing, were not discussed.

The defense noted that according to the case files, the investigation term ends on the 5th of May and was not lengthened at the moment of the hearing. As such, investigator P. Nikkel is trying to prolong the detention time to a period which exceeds the investigation term, which is unacceptable. The investigator replied, that he has sent the act to prolong the investigation to Moscow, but at the date of the court hearing has not received an answer.

The defense has, in turn, replied that lengthening the detention period beyond the investigation period is unacceptable, and also issued a petition to change the interim measure to one different from detention.

Judge O. Gurina decreed to fulfill the investigation's petition partially, leaving Akhtem Chiygoz in detention until the 5th of May. As one of the bases to prolong the interim measures, the judge cited: «A. Chiygoz maintains relationships with the leaders of the Mejlis of the Crimean Tatar people

²¹ <https://www.facebook.com/photo.php?fbid=1024248254307237&set=a.135081823223889.25934.100001662173833&type=3&theater>

²² <https://www.facebook.com/nikolay.polozov/posts/1025756164156446>



R. Chubarov and M. Dzhemilev, who, while staying on the territory of Ukraine are leading active anti-Russian activity aimed at destabilizing the political situation in the Republic of Crimea» (**Annex 3**).

On 29 April, the hearing on the petition of P. Nikkel, the investigator, to prolong the detention period of the defendants in «the 26th of February case. The Kiev district court of Simferopol has left Akhtem Chiygoz in detention until to 22 May²³.

«CASE OF HIZB UT-TAHRIR»

At the beginning of April, it was known that in Crimea, in accordance to the «Hizb-ut-Tahrir» case 8 persons are under detention (**Ruslan Zeytulaev, Rustem Vaitov and Nuri Primov, Ferat Sayfulaev, Enver Bakirov, Vadim Siruk, Muslim Aliyev and Emir-Usein Kuku**).

On 5 April, the hearing in respect of those who were detained in February 2016 on suspicion of involvement in the commission of a crime under Article 205.5 of the Criminal Code of Russian Federation the organization of activities of a terrorist organization and participation in the activities of such an organization, Emir-Usein Kuku, Enver Bekirov, Muslim Aliyev, Vadim Siruk, was held in Simferopol. The court session was held behind closed doors, as the court defined it as «a closed meeting for security reasons». Lawyer Emil Kurbedinov petitioned for the disqualification of a judge. The disqualification has been rejected; the period of detention for all four detainees was extended until 8 June²⁴.

The lawyer appealed this decision. According to the lawyer, on 28 April, the Supreme Court of Crimea did not take a single argument of defence and upheld the trial court's decision to extend the period of detention of the four detainees that are involved in the «Hizb-ut-Tahrir» case²⁵.

On 18 April, two local residents were searched in the Krasnokamenka village — Refat Alimov and Arsen Dzhepparov. On 19 April Arsen Dzhepparov and Refat Alimov were elected a preventive measure in the form of detention until 18 June. They are accused of a similar crime — Part 2 of Article 205.5 of the Criminal Code of Russian Federation (participation in the activities of a terrorist organization) — participation in the activities of Hizb-ut-Tahrir. Enver Bakirov, one of those who were detained on 11 February regarding the same charges also lived in the Krasnokamenka village.

On 20 April, the prosecutor's office of Ukraine in Crimea announced the opening of criminal proceedings on the fact of the searches and the arrest of Refat Alimov and Arsen Dzhepparov. The criminal proceedings are opened on the grounds of criminal offenses under Part 2 Article 146 of the Criminal Code of Ukraine (illegal deprivation of liberty) and Part 2 Article 162 of the Criminal Code of Ukraine (violation of the inviolability of the home). Materials regarding these productions are directed to the General Prosecutor Office of Ukraine²⁶.

FREEDOM OF SPEECH AND EXPRESSION

We know about the seven journalists and bloggers which homes were searched according to a criminal case initiated against the Ukrainian journalist **Nikolai Semena** on grounds of Part 2 Article 280.1 of the Criminal Code of Russian Federation — public calls for the implementation of actions aimed at violation of the territorial integrity of the Russian Federation,

²³ <https://www.facebook.com/nikolay.polofov/posts/1033687733363289>

²⁴ <https://www.facebook.com/emil.kurbedinov/posts/1086777598053503>

²⁵ <https://www.facebook.com/emil.kurbedinov/posts/1101355253262404>

²⁶ http://ark.gp.gov.ua/ua/news.html?_m=publications&c=view&t=rec&id=182702



committed with the use of mass media or any electronic information and telecommunication networks (including «Internet» network).

The searches were conducted not only in the home of Nikolai Semena, but also in the homes of other journalists who, according to the investigation, provided their materials «to be published in the online news portal «Krym.Realii».

«Krym.Realii» is part of a non-profit news service Radio Free Europe / Radio Liberty, which aims to spread the values of democracy and civil society, addressing the audience of the countries and regions in which the freedom of the press is either prohibited or restricted by the authorities, or has not yet become the norm of society. Therefore journalists *на еру* Krym.Realii provide the information to Crimean society that cannot be found in Crimea from the local media. This is — uncensored news, responsible and reasoned dialogue, open and honest discussion of the issues»²⁷.

Crimean prosecutor's office has initiated a question about blocking specific publications of the «Krym.Realii» information service. According to prosecutors, the site content discredits Russian Federation activity on the territory of Crimea, and contains calls for extremist activity²⁸.

In addition, the speaker of the State Council of Crimea Vladimir Konstantinov publicly used hate speech against the journalists of the «Krym.Realii», saying: «They are our enemies. They are enemies of Russia, enemies of Crimea»²⁹.

Thus, the actions and statements of the Crimean prosecutor's office, as well as the fact that they are supported by the local authorities pose a serious threat of further prosecution of journalists and bloggers, as well as the blocking of the website «Krym.Realii» on the peninsula.

On 18 April, Chairman of the Investigative Committee of Russian Federation Alexander Bastrykin gave an interview to «Kommersant.Ru» entitled «It's time to put an effective barrier to the information war». In the interview he stresses Crimea as a region with «features of extremist activity, where attempts are made to form the anti-Russian sentiment, by falsifying information about historical facts and distorted interpretations of current events call into question the results of the referendum on the accession of Crimea to the Russian Federation». He considers that the protection of opinions about the event as a referendum requires means of criminal law.

He proposes to extend the application of the criminal liability for certain statements regarding events on 16 March, 2014. Chairman of the Investigative Committee of the Russian Federation proposes to add the definition of extremist activity (extremism) in the manifestation as a «negation of the outcome of a national referendum.» He also proposes to update the Article 280 of the Criminal Code of Russian Federation (public calls for extremist activities) with a new qualifying sign — «calls for extremist activities, if they are associated with falsification of data about historical facts and events»³⁰.

Accepting of the proposed amendments to the Russian legislation will lead to an increase in cases of criminal prosecution of Crimea residents for public statements that do not correspond to the official position of the Russian leadership.

The freedom of expression of representatives of the LGBT community in Crimea is particular concern. On 25 April, Russian activist of the Russian LGBT community, Nikolai Alexeyev said he wanted to hold a rally in support of the LGBT community in Crimea. This statement caused the reaction that included the use of hate speech from the side of the Crimean authorities.

²⁷ <http://ru.krymr.com/archive/human-rights-advise/latest/17009/17360.html#>

²⁸ <http://rkproc.ru/ru/news/prokuror-respubliki-natalya-poklonskaya-vzjala-na-kontrol-ugolovnoe-delo-o-publicnyh-prizyvah>

²⁹ <http://tass.ru/politika/3222905>

³⁰ <http://www.kommersant.ru/doc/2961578>



The minister of internal policy, information and communication of Crimea Dmitry Polonsky said publicly that recommends that «all who wish to hold gay pride parades in Simferopol have to leave Crimea and go to a free «Gayrope» with its complete «tolerasya»³¹. Sevastopol Governor Sergei Menyailo stated that «Sevastopol authorities and citizens will not allow holding any activities in the city that are aimed at the gay propaganda»³². The head of the Crimea Sergey Aksenov posted a message on his page on Facebook: «The authorities will not allow to promote the activity that is contrary to the moral values of the people of Crimea and causes outrage and disgust at the overwhelming majority of the Crimean people»³³. In addition, the statement appeared at the website of «people's militia» (Crimean self-defense), that the «people's militia regiment of Crimea is ready to welcome fans of gay perversions, pack and send them by mail to the place where they will always be welcome — the Maidan»³⁴.

Thus, the Crimean authorities openly show intolerance towards the LGBT community representatives, publicly uses and allow the use hard hate speech to community groups, which includes the incitement to discrimination and violence, and calls to prevent the emergence or consolidation of the LGBT community in Crimea. This situation contributes to crimes and incidents motivated by hatred against the LGBT community.

FREEDOM OF ASSOCIATION

On 12 April, the prosecutor of Crimea Natalia Poklonskaya has enacted the «decision to suspend the activities of a public association» towards the **Mejlis of the Crimean Tatar People (Annex 4)**. According to the prosecutor's decision, the activities of the Mejlis of the Crimean Tatar People are to be suspended until the court reviews the petition «to ban the activities of a public association in order and on the basis of art. F3 from 25.07.2002 #114-F3 «On Countering Extremist Activity» This petition was filed on the 15th of February 2016 to the Supreme Court of Crimea.

Based on the prosecutor's decision the Mejlis of the Crimean Tatar People is included in the list of public and religious associations, whose activities are suspended due to their participation in extremist activities, published on the Ministry of Justice of the Russian Federation's website³⁵.

As such, starting from 12 April to the arbitration of the court on the petition to ban the Mejlis of the Crimean Tatar People, the association and its members are severely restricted according to the Russian legislation. The Mejlis, after being included in the Ministry of Justice of the Russian Federation's list, is banned from continuing with its activities, spread information about its activities and documents, and has access to its official website restricted. The Mejlis members have limited access to jobs in educational facilities, private detective and security practice, are banned from mass action with symbols and attributes of the Mejlis. Mejlis members are limited in their right to act as organizers of a public, religious or other non-profit association on the territory of Crimea.

On 15 April, in the Supreme Court of Crimea in Simferopol, a regular meeting on the case of banning the activities of the Mejlis of the Crimean Tatar People was held. The court refused to hear

³¹ <http://www.c-inform.info/news/id/37983>

³² <http://www.c-inform.info/news/id/38005>

³³ <https://www.facebook.com/aksenov.rk/posts/582219508618179>

³⁴ <http://narodnoe-opolchenie.ru/news/kryimu-2.html>

³⁵ http://minjust.ru/nko/perechen_priistanovleni



out the members of the Mejlis and the Kurultai of the Crimean Tatar people, the corresponding petition being issued by the defense during the hearing. The Mejlis and Kurultai representatives were to present arguments to prove that the Mejlis is a representative body of a native people³⁶.

On 26 April, the Supreme Court of Crimea, in the person of judge Natalia Terentieva decreed to recognize the Mejlis of the Crimean Tatar People as an extremist organization and to ban its activities on the territory of the Russian Federation. Members of the Mejlis of the Crimean Tatar People notified of their decision to contest this court decision. As such, the court decision is not yet in effect.

On 16 March, by the initiative of the Ukrainian public prosecution office of the Crimean Autonomous Republic and the Main Department of the National Police in the Crimean Autonomous Republic and the city of Sevastopol in response to the attempt to ban the Mejlis of the Crimean Tatar People an investigation was opened for an offence under p. 1 art. 161 of the Criminal Code of Ukraine (violation of citizens' equality based on their race, national origin or religious beliefs). The materials of the investigation were sent to the General prosecutor's Office of Ukraine to determine jurisdiction³⁷.

FREEDOM OF PEACEFUL ASSEMBLY

On the 27th of April the Acting Head of Department of Education of Crimea A. Kurenkov has issued the decree «On the participation in events related to the celebration of the Crimean Tatar national holiday «Hidirellez». Kurenkov has ordered the heads of 15 educational institutions of the Simferopol district to take mandatory participation in the public events of the administration of the Simferopol district related to the holiday (**Annex 5**). Kurenkov references the necessity to execute the instruction of the Simferopol district administration from 27th of April 2016 # 190-r «On the preparation to and holding of the events related to the Crimean Tatar holiday «Hidirellez»³⁸.

However, this instruction mentions creating an organizational committee and approving of a plan to prepare and hold events by the local authorities. The instructions do not contain imperative measures about forcible participation of school staffs in events organized by the local authorities. As such, local authorities (Department of Education) are churlishly breaking the freedom of peaceful assembly, because the freedom of peaceful assembly implies the right of people to assemble peacefully, as in voluntarily. However, the Head of Department of Education of the Simferopol district, using his official position, forces the leadership and the students of educational institutions to take part in a public occurrence.

ISSUES RELATED TO CITIZENSHIP

Citizens of Ukraine, who are permanently residing in Crimea and renounce Russian citizenship, continue to face challenges in the field of employment. Many employers refuse to employ such persons in their enterprises due to difficulties with Russian migration rules and tax law. A number of companies, that employed Ukrainian citizens that renounce Russian citizenship, were held liable for violation of the migration legislation of the Russian Federation.

³⁶ <http://ru.krymr.com/content/news/27676569.html>

³⁷ http://ark.gp.gov.ua/ua/news.html?_m=publications&_c=view&_t=rec&id=182463

³⁸ http://simfmo.rk.gov.ru/rus/file/pub/pub_288990.pdf



On 8 April, the prosecutor's office of the Kiev region Simferopol reported that «VOYAZHKRYM» was brought to responsibility because of failure to fulfil the norms of immigration legislation. The prosecutor's office reported that «VOYAZHKRYM» LLC has signed an employment relationship with a citizen of Ukraine, but failed to notify the management of the migration service on the conclusion of the employment contract with a foreign citizen. With respect to company director prosecutor opened a case on an administrative offense under Part 3 Article 18.15 of the Administrative Code of Russian Federation (failure to notify, or violation of the established procedure for the notification of the Federal Migration Service on the conclusion or termination of an employment contract with a foreign citizen in a period not exceeding three working days from the date of conclusion, the termination of the contract). According to the resolution of the Russian Federal Migration Service Management the guilty is brought to justice in the form of a fine of 35 thousand rubles³⁹.

On 18 April, the prosecutor's office of Kerch initiated the administrative proceedings against the Company «Kerch Sea shipyard «Fregat» due to the fact that the company has hired the citizen of Ukraine who does not have special permission to work or patent. The case was initiated under the Part 1, Article 18.15 of the Administrative Code of Russian Federation (involvement in work in the Russian Federation of a foreign citizen or stateless person with the absence of a work permit or a patent of a foreign citizen or stateless person). Kerch city court has appointed the company a penalty of an administrative fine in the amount of 250 thousand rubles for this offense⁴⁰.

Obtaining banking services in Crimea is limited. Banks that carry out banking operations in Crimea, in relation to citizens of Ukraine who do not have a Russian passport, apply discriminatory rules. Thus, on 12 April, a resident of Yalta Yuri Formus applied to the Black Sea Bank of Reconstruction and Development to pay a state duty for addressing to the court. For this operation, he provided the passport of citizen of Ukraine with the mark that he is registered in Yalta and power of attorney from the client to the appropriate authority. Black Sea Bank of Reconstruction and Development denied him in carrying out banking operations. The reason of denial was the presentation of the passport of citizen of Ukraine for the operation. In its written response, the bank reports that «Ukrainian passport for private individuals living in Crimea, from 01.01.2015, cannot be used to identify an individual as a citizen of the Russian Federation». The bank also reported that such a person must provide documents of Russian citizen or foreign citizen (**Annex 6**) to carry out operations. Thus, the bank refused the obtaining of banking services on the grounds of his nationality, and compels a citizen of Ukraine to take a Russian passport for further bank services.

Since 1 April, according to the decision of the Russian Government dated 31 October, 2015 № 1171 «On Amendments to the Government Decree of 27 April, 2015 № 399» all the registration documents for the cars and the number plates issued prior to 18 March, 2014 in Ukraine, the residents of Crimea should replace by Russian. Many residents do not wish to change the number plates and documents on Russian that are issued in Crimea, since such documents, according to the norms of international law are invalid. However, in relation to the car owners that will not change the number plates and signs, penalties are applied. The prosecutor of Crimea N. Poklonskaya stated that the Crimean car owners who do not have time to change the number plates of the Ukrainian sample to the Russian before 1 April, will not be brought to administrative responsibility for three months after 1 April.⁴¹

³⁹ <http://rkproc.ru/ru/news/prokuratura-vyavila-narushenie-pri-privlechenii-migranta-k-rabote-na-predpriyatii>

⁴⁰ <http://rkproc.ru/ru/news/v-kerchi-po-postanovleniyu-prokuratury-predpriyatye-za-nezakonnoe-ispolzovanie-truda-migranta>

⁴¹ <http://tass.ru/obschestvo/2744851>



However, after 1 April, the traffic police of the Interior Ministry of Russian Federation began to issue protocols on the prevention to the car owners with the Ukrainian number plates and documents⁴². According to the norms of administrative legislation of the Russian Federation, after the issuance of such a warning regarding the replacement of the Ukrainian driver number plates and documents for Russian drivers have 10 days to get the car re-registered. If the car owner will not pass re-registration within 10 days, he will get the fine. Despite the statement Poklonskaya, the Head of Traffic Police Department of the Interior Ministry in Crimea Anatoliy Borisenko confirmed that the drivers will be fined in accordance with the administrative regulations of the Russian Federation legislation⁴³.

In Sevastopol, many car owners did not do the re-registration of the car number plates. In this regard, the authorities of Sevastopol addressed to the Chairman of the Russian Government Dmitry Medvedev with a request to extend the term for the replacement registration documents and state registration plates till 1 July, 2016. In its address, Sevastopol authorities noted that the situation with re-registration causes certain social tension⁴⁴.

However, in response to this request of the Interior Ministry responded that it does not support the Sevastopol authority's proposal to extend the term of re-registration of Ukrainian number plates according to the Russian legislation by 1 July. A letter with such a response from the Acting Chief State Inspector of Road Safety, Vladimir Shvetsov was sent to the Deputy Chairman of the Legislative Assembly of Sevastopol Alexander Kulagin and published on 18 April⁴⁵.

FREEDOM OF MOVEMENT AND ISSUES RELATED TO CHECKPOINTS PASSING

Crimean motorists were obliged to change their license plates and driver's licenses to Russian ones by the 1st of April. After the first of April Crimean motorists started to report, that drivers who had a passport with a Crimean propiska and Ukrainian license plates were blocked from entering by representatives of the Federal Customs Service of Russia. The customs officers demand that Crimean inhabitants need to have Russian license plates to enter Crimea⁴⁶.

On 10 April, **Pavel Bashinskiy** from Crimea reported that Russian customs officers refused him entry in his own auto with Ukrainian license plates (**Annex 7**). Russian customs officers notified him, that starting from April 1st inhabitants of Crimea (with a Crimean propiska) can only enter Crimea with Russian license plates. In a written response Russian customs officers cite failure to comply with the rules of the Agreement between the Government of the Russian Federation, Government of the Republic of Belarus and the Government of the Republic of Kazakhstan dated 18.06.2010 «On the order of movement of goods by individuals for personal use through the customs border of the Customs Union and customs operations connected with their release» as grounds for the refusal.

Pavel refused Russian citizenship and received a residence permit in accordance with Russian legislation. However, customs officers said that since he has a permit for residence in Crimea, then customs should treat him like a Russian resident and as such he falls under the same requirements as Russian citizens. The driver changed his registration and received a propiska on the continental

⁴² <http://kerch.fm/2016/04/06/v-krymu-za-ukrainskie-nomera-vypisyvayut-pervye-protokoly.html>

⁴³ <http://crimea.ria.ru/society/20160331/1104091620.html>

⁴⁴ http://sevlakon.ru/view/laws/postanovleniya_zs/2016/postanovlenie_n_579_ot_22_03_2016_g/

⁴⁵ <https://sevlakon.ru/view/prensa/allnews/12144/12507/>

⁴⁶ <http://www.sobytiya.info/news/16/61650>



part of Crimea, however Russian customs officers still refused to let him through on the basis of his Ukrainian license plates.

Because Russian customs officers refused entry to a lot of Crimean motorists on the basis of not re-registering their license plates, Russian checkpoints became subject to social tension. As such, Russian customs officers allowed entry to Crimea to Crimeans with Russian passports on the following conditions: motorist who did not change his license plates to Russian ones before April 1 and returns to Crime from the continental part of Ukraine must hand in an application to the head of the Russian customs checkpoint stating the reasons for the untimely change of license plates, receive such a head's permission, then make a customs declaration for a temporary import of an automobile for a term of 2 months for re-registration and license plate changing in Crimea⁴⁷.

As such, the entry of Crimeans with Crimean license plates of Ukrainian issue (series AK and CH) is severely limited.

Since 23 March, members of a public formation «Asker», which was formed partly from the «Crimean Blockade» participants, perform patrols on Ukrainian checkpoints. They passed the tests and received approval to be on checkpoints «Chonhar», «Chaplynka» and «Kalanchak».

On 22 April Lenur Islyamov reported, that members of «Asker» have apprehended a Bentley car belonging to Alexander Melnik from Crimea on the Ukrainian checkpoint «Kalanchak». «Asker» members stated the possibility that Melnik was cooperating with the de-facto government of Crimea as the reason for apprehension⁴⁸.

Assistant head of the State Border Service of Ukraine Oleg Slobodyan stated in response to this situation that border patrol had no grounds for stopping this car when it left Crimea. He said the following: «the car passed border and customs clearance and entered the territory of continental Ukraine. For no clear reason, it was stopped by members of the civilian group «Asker», then the national police appeared, and, as far as I know, they all went to the national police department, where the automobile is now, we don't know»⁴⁹.

According to the Ukrainian law, members of «Asker» have no right to check documents and search vehicles and belongings, they only perform information and consultation.

HEALTHCARE PROBLEMS

In April, the Crimean human rights group's monitors have monitored the provision of medical services in the Crimea. The monitoring revealed a number of healthcare problems: a low level of healthcare in the Crimean hospitals and clinics, the lack of doctors and nurses, excessive bureaucracy and corruption in health care facilities, huge queues. Monitoring results are published on the Crimean group's website: <http://crimeahrg.org/situatsiya-s-polucheniem-meditinskoy-pomoshhi-v-kryimu-uhudshaetsya-pravozashhitniki/>

The review was prepared by:

Olga Skrypnyk, coordinator of the Crimean Human Rights Group;

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

Alexander Sedov, analyst of the Crimean Human Rights Group.

⁴⁷ <http://crimeahrg.org/popast-v-kryim-s-ukrainskimi-nomerami-ark-vozmozhno-kryimchanin/>

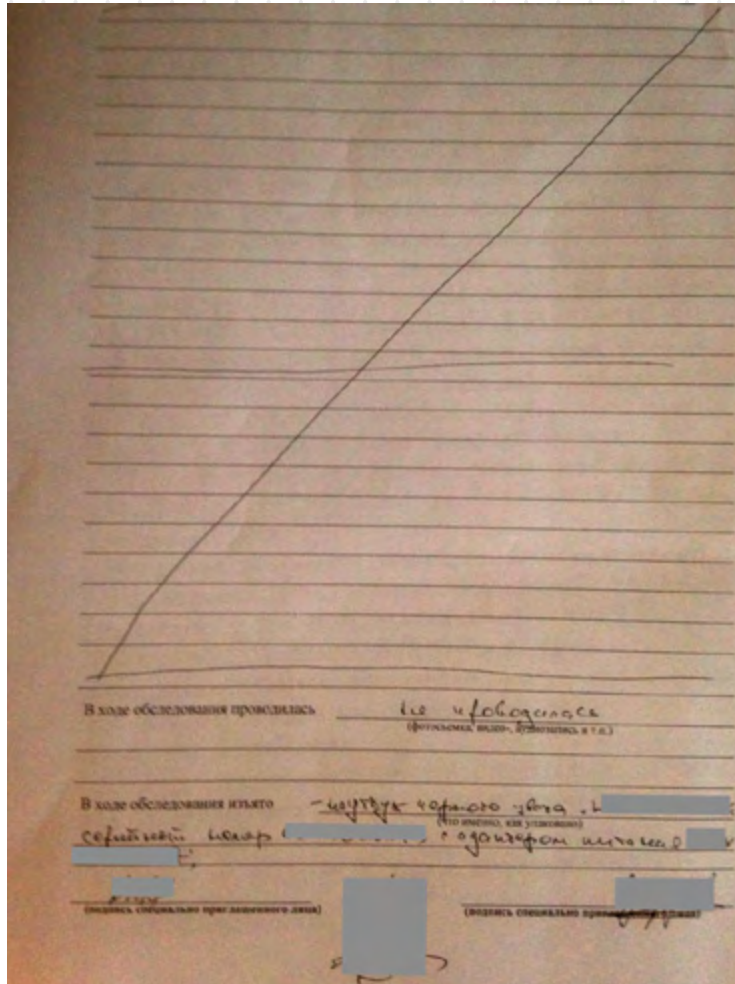
⁴⁸ https://www.facebook.com/permalink.php?story_fbid=1613760488948432&id=100009434909856

⁴⁹ <http://ru.krymr.com/content/news/27692195.html>



ANNEXES

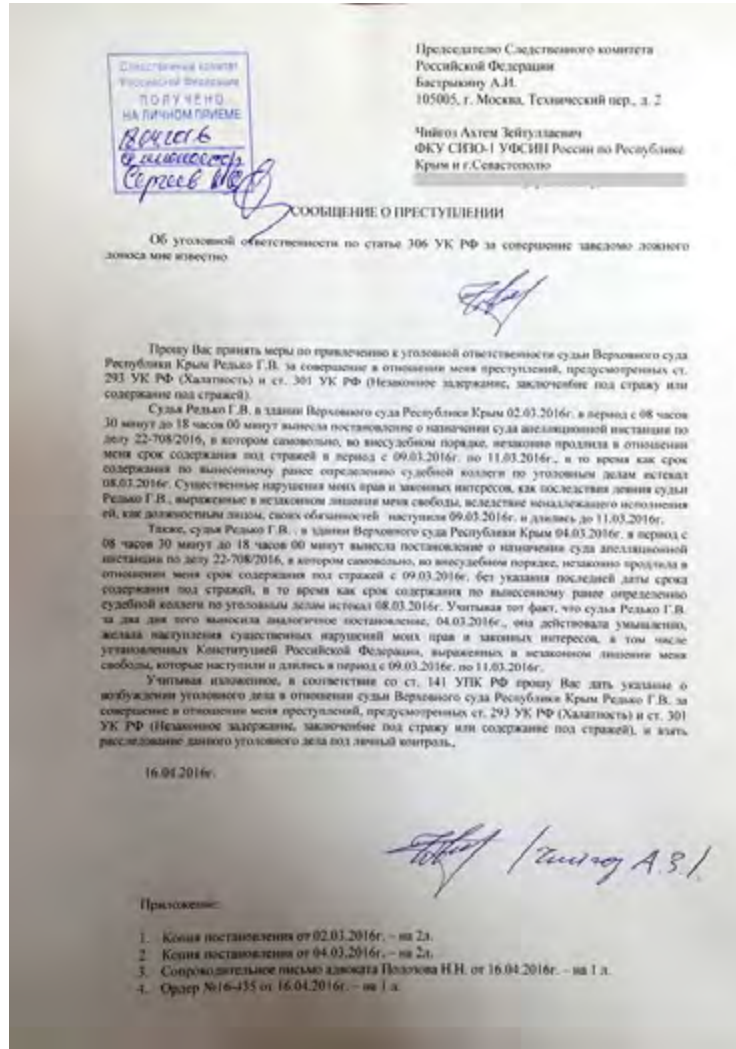
ANNEX 1



A fragment of a search protocol in the house of one of the journalists as part of the criminal case under Art. 280.1 against journalist Nicholas Semena on April 19, 2016



ANNEX 2



Akhtem Chiyyoz's message about the crime against him, submitted to the Chairman of the Investigative Committee of Russia Alexander Bastrykin on April 18, 2016



ANNEX 4

РЕШЕНИЕ

о приостановлении деятельности общественного объединения

г. Симферополь

«12» апреля 2016 года

Прокурор Республики Крым государственный советник юстиции 3 класса Поклонская Н.В., рассмотрев материалы проверки деятельности незарегистрированного общественного объединения «Меджлис крымскотатарского народа»,

УСТАНОВИЛ:

Прокуратурой Республики Крым 15 февраля 2016 года в Верховный Суд Республики Крым направлено заявление о запрете деятельности общественного объединения «Меджлис крымскотатарского народа» в связи с осуществлением экстремистской деятельности.

Собранными доказательствами подтверждается, что цели и действия указанного общественного объединения направлены на осуществление экстремистской деятельности, повлекшей за собой нарушение прав и свобод человека и гражданина, причинение вреда личности, здоровью граждан, обществу и государству или создающей реальную угрозу причинения такого вреда.

В силу статей 9 и 10 Федерального закона «О противодействии экстремистской деятельности» при указанных обстоятельствах прокурор с момента обращения в суд с заявлением о запрете деятельности общественного объединения вправе своим решением приостановить деятельность такого объединения до рассмотрения судом указанного заявления.

На основании изложенного, руководствуясь ст. 10 Федерального закона «О противодействии экстремистской деятельности»,

РЕШИЛ:

1. Приостановить деятельность общественного объединения «Меджлис крымскотатарского народа» до рассмотрения Верховным Судом Республики Крым заявления о запрете деятельности указанного объединения.

2. Копию указанного решения направить первому заместителю председателя общественного объединения «Меджлис крымскотатарского народа» Джелялову Н.Э., а также в Министерство юстиции Российской Федерации для включения в перечень общественных и религиозных объединений, деятельность которых приостановлена в связи с осуществлением ими экстремистской деятельности.

Прокурор республики
государственный советник
юстиции 3 класса

Н.В. Поклонская

The decision of the prosecutor of the Crimea Natalia Poklonskaya «to suspend the activities of the public association» towards the Mejlis of the Crimean Tatar people, April 12, 2016



ANNEX 5



АДМИНИСТРАЦИЯ СИМФЕРОПОЛЬСКОГО РАЙОНА
РЕСПУБЛИКИ КРЫМ

УПРАВЛЕНИЕ ОБРАЗОВАНИЯ

ПРИКАЗ

от 27.04.2016

№ 283

Об участии в мероприятиях, посвященных празднованию крымскотатарского национального праздника «Хидиреллез»

Во исполнение распоряжения администрации Симферопольского района от 27.04.2016 № 190-р «О подготовке и проведении в Симферопольском районе мероприятий, посвященных крымскотатарскому национальному празднику «Хидиреллез», с целью консолидации крымского общества, популяризации культуры, обычаев и традиций крымскотатарского народа ПРИКАЗЫВАЮ:

1. Принять участие в мероприятиях, посвященных празднованию крымскотатарского национального праздника «Хидиреллез».

2. Руководителям МБОУ: «Донская школа» (Мельник Н.В.), «Новоандреевская школа» (Велигоцкая Л.М.), «Родниковская школа-гимназия» (и.о.Куреня В.В.), «Колытушинская школа №1» (Лушик О.А.), «Перовская школа-гимназия» (Володин Л.Д.), «Пожарская школа» (Ипатова Ю.Н.), «Широковская школа» (Пермянова Н.С.), «Скварцовская школа» (Дузенко В.Г.), «Первомайская школа» (Янковецкая Т.С.), «Джансовская школа» (Иванушкина А.А.), «Мазанская школа» (Книгская А.А.), «Истиская школа-гимназия» (Коталупова Л.Г.), «Молодежничья школа №2» (Донец Л.А.), «Журавлевская школа» (Переваленцева О.А.), «Колытушинская школа №2» (Асанова У.С.):

2.1. Организовать 03.05.2016 перевозку учащихся школ в район культурного комплекса «Хидиреллез» на мероприятие, посвященное крымскотатарскому национальному празднику «Хидиреллез», закрепленным за школой.

2.2. Назначить руководителем групп, возложив на них ответственность за жизнь и безопасность детей в пути следования и во время проведения мероприятий.

2.3. Провести инструктаж по безопасности жизнедеятельности и охране труда.

3. Контроль за исполнением приказа возложить на ведущего специалиста дошкольного и общего образования Хадислид В.И.

И.о. начальника управления образования

А.Ж. Куренков

п.н. Хадислид

Order of Acting Head of the Department of Education of Simferopol district
of Crimea A. Kurenkov «On Participation in the events dedicated to the celebration
of the Crimean Tatar national holiday «Hidirellez», April 27, 2016



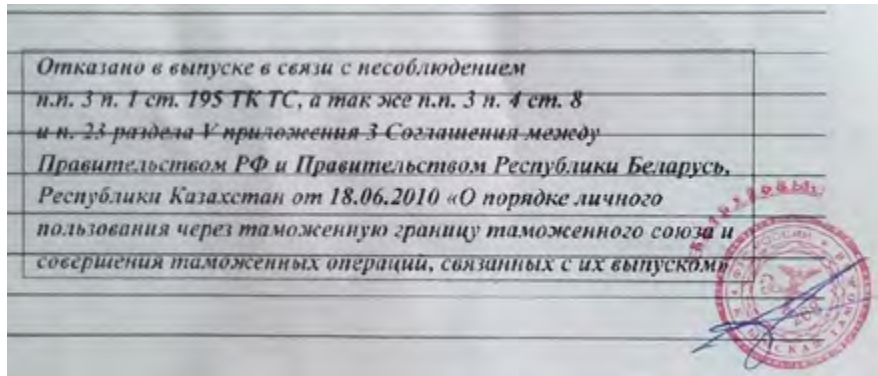
ANNEX 6



Written answer «Black Sea Bank for Reconstruction and Development» to refuse to conduct the banking operation due to the presenting of a passport of a Ukrainian citizen, April 26, 2016



ANNEX 7



A fragment of the Russian customs officials' document to refuse entry to the Crimea by car with Ukrainian license plates, 10 April 2016