

# THE PENINSULA OF FEAR:

CHRONICLE OF OCCUPATION AND  
VIOLATION OF HUMAN RIGHTS IN CRIMEA



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2016

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This publication presents a summary of factual documentation of international law violation emanating from the occupation of the autonomous Republic of Crimea and the city of Sevastopol (Ukraine) by the Russian Federation military forces as well as of the human rights violations during February 2014 – February 2016. The publication is intended for the representatives of human rights organizations, civil activists, diplomatic missions, state authorities, as well as educational and research institutions.

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# Introduction

Crimea became a precedent in the modern world history. In the post-war Europe, it is certainly a unique case when in a time of peace one state occupied and annexed a part of a territory of another state, thereby breaking all existing international and intergovernmental agreements. Despite the fact of occupation, the international community acknowledges only one legal status of Crimean peninsula: the Autonomous Republic of Crimea and the City of Sevastopol as parts of Ukraine. In defiance of this, Russia established the control over this territory, thus leading to large-scale and systematic violations of basic human rights. These actions of Russian authorities became a threat to peace and safety in the world, and led to establishment of occupation regime in Crimea.

During the year of actual control of Russia over Crimea, the situation on human rights in the peninsula has been deteriorated so much that Valeriya Lutkovskaya, the Commissioner of Verkhovna Rada of Ukraine, called Crimea 'a peninsula of fear'. Murders, tortures, kidnappings, persecution of journalists, repressions against Crimean Tatar and Ukrainian activists, fabricated criminal cases, unlawful searches, restriction of religious freedom, forced citizenship, use of paramilitary formations, fight against dissidents have become part of the everyday life of Crimeans.

This publication based on facts and documents presents a chronicle of the occupation of Crimea, describes main human rights violations, and sheds light on existing system of political repressions. It also contains a classified collection of legal documents characterizing the juridical aspect of the occupation of the Autonomous Republic of Crimea and the City of Sevastopol and implying the inevitable responsibility of the Russian Federation for the occupation of Crimean peninsula.

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## Abbreviations

<b>ARC</b>	the Autonomous Republic of Crimea
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>AF</b>	the Armed Forces
<b>VR</b>	the Verkhovna Rada (Supreme Council)
<b>VR ARC</b>	the Verkhovna Rada (Supreme Council) of the Autonomous Republic of Crimea
<b>VRU</b>	the Verkhovna Rada (Supreme Council) of Ukraine
<b>SC RC</b>	the State Council of the Republic of Crimea
<b>UNGA</b>	the United Nations General Assembly
<b>ECHR</b>	the European Convention on Human Rights
<b>EU</b>	the European Union
<b>MIA</b>	the Ministry of Internal Affairs
<b>ICCPR</b>	the International Covenant on Civil and Political Rights
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>UN</b>	the United Nations
<b>RF</b>	the Russian Federation
<b>CSCE</b>	Conference on Security and Cooperation in Europe
<b>TRC</b>	Television and Radio Company
<b>CC</b>	the Criminal Code
<b>CPC</b>	the Criminal Procedure Code
<b>UOC KP</b>	Ukrainian Orthodox Church of Kyivan Patriarchate
<b>FL</b>	the Federal Law

PART 1

# The Occupation of Crimea: Chronicle of Seizure<sup>1</sup>

**T**he Russian Federation (RF) denied its military presence in Crimea in the lead-up to the so-called 'referendum' of March 16, 2014. Only a year later did the Russian authorities acknowledge that Russian troops were operating in Crimea. The actions performed by Russia in Crimea are considered under international law as **occupation** – the seizure of a territory or a part of a territory of one state by another state's military forces. An occupation is generally a result of direct warfare between two states. However, in the case of Crimea,



Pictured: 'Little green men'

<sup>1</sup> This section has been prepared by Olga Skrypyk, Crimea Human Rights Group

there was no open military conflict, yet still a part of the territory of an independent Ukraine was occupied. The following chronicle of events confirms these details.

On February 23, 2014, at a rally on Nakhimov Square in Sevastopol, Crimea, businessman Alexey Chaly was elected the 'people's mayor' in direct violation of the law of Ukraine. On this day, the formation of so-called 'self-defense' forces (hereafter, 'Crimean self-defense') was announced. During its first two weeks, the 'Crimean self-defense' acted jointly with Russian troops that were operating in military uniforms but without insignias. It was these Russian troops who are called 'little green men'. In 2015, Russian president Vladimir Putin, in a series of interviews and films about so-called 'Crimean spring', finally admitted that the 'little green men' were in fact Russian military soldiers.

The occupation of Crimea started in Sevastopol, which, according to a treaty between Russia and Ukraine, served as the base of the Russian Black Sea Fleet, a part of the Russian Navy and Russian Armed Forces.

On February 25, two 'Ural' military vehicles with Russian license plates entered Yalta, 80 km from Sevastopol. The trucks with armed soldiers without insignia arrived at the Health Resort of the Ministry of Defence of the Russian Federation. The health resort director Vladimir Klemeshev admitted that they were Russian military.

On February 26, a demonstration in support of Ukrainian sovereignty and the status of the Autonomous Republic of Crimea was held in Simferopol, the administrative center of the Autonomous Republic of Crimea (ARC). The demonstration was organized by the Mejlis of the Crimean Tatar people and was attended by several thousand Crimeans. The head of Mejlis, Refat Chubarov, addressed the speaker of Crimean parliament Vladimir Konstantinov with a request to adjourn the extraordinary session of the parliament of the ARC. Eventually the session was cancelled. At the same time, Russian nationalists organized a rally near the Crimean parliament demanding that Crimea join Russia. Their provocations led to clashes.

On the same day, Russian Defense Minister General Sergey Shoygu said that the Russian Defense Ministry would take measures to ensure the safety of the Black Sea Fleet in Crimea, which further led to an increase of Russian military presence in Crimea.

Early in the morning on February 27, armed people without insignia seized the main administrative buildings of Simferopol – the Council of Ministers and the parliament (Verkhovna Rada) of the ARC. The takeover of these buildings was confirmed by Ukraine's Minister of Internal Affairs Arsen Avakov. After the takeover, the center of Simferopol and the city's main streets were blocked by unmarked soldiers in vehicles with Russian license plates.



*Pictured: The building of the Council of Ministers of ARC occupied by 'little green men'*

A session of the Crimean parliament held in the presence of these armed people dismissed the Crimean government headed by Anatoly Mogilev. In violation of Ukrainian law, the leader of the Crimean pro-Russian party 'Russian Unity' Sergey Aksyonov was appointed the new Chairman of the Council of Ministers. According to the Ministry of Internal Affairs of Ukraine, Aksyonov was a member of the Crimean organized criminal group called 'Salem' in the 1990s.

On the same day, the deputies of the Crimean parliament adopted a resolution calling for a region-wide referendum on the status of Crimea on May 25, 2014. This decision was made in violation of Ukrainian law which does not allow local referendums on changes to the territorial integrity of the state.

The Prosecutor's Office of ARC opened criminal proceedings under Article 258 of the Criminal Code of Ukraine ('Terrorist Act') in connection with the seizure of the buildings of the Council of Ministers and the parliament of the ARC.

The official website of the Russian Defense Ministry announced<sup>2</sup> that the military units of the Western and Central Military Districts of the Russian Federation started a large-scale relocation to designated areas. The designated areas were not identified in the announcement, though the announcement noted: 'General Staff officers

<sup>2</sup> [http://function.mil.ru/news\\_page/country/more.htm?id=11905614%40egNews](http://function.mil.ru/news_page/country/more.htm?id=11905614%40egNews)



*Pictured: A former Berkut policeman at a roadblock at the entrance to Crimea*

will inform army and unit commanders about to which regions and which tasks to be executed by troops (forces) after the opening of corresponding packages.'

At the entry point to Crimea, the first roadblocks appeared (near the town of Armyansk and Chongar settlement) under the control of the 'little green men' and representatives of the Berkut, special unit of the Ukrainian Ministry of Internal Affairs. This 'Berkut' unit was disbanded after the death of civilians in Kyiv's Maidan Square in February 2014.

Furthermore, Ukrainian soldiers, journalists, and local residents repeatedly observed unauthorized movements by personnel of the Russian Black Sea Fleet.

On the night of February 28, military trucks with unidentified armed men blocked access to the airport 'Belbek', the international airport located at a military airdrome and serving passengers in Sevastopol and other Crimean cities. On the same night, the territory of Simferopol international airport was raided by about 150 soldiers in heavy KamAZ trucks. In the morning, Ukraine's Minister of Internal Affairs Arsen Avakov confirmed that the 'Belbek' and Simferopol airports had been blocked by the Russian military.

On March 1, 2014, Sergey Aksyonov arbitrarily subordinated Crimean security agencies to himself and appealed to Russian president Vladimir Putin for assistance. Ak-

syonov said that the referendum on the status of Crimea would be held not on May 25, but on March 30. Not long after, Russian President Vladimir Putin asked for the Federation Council's authorization to use Russian military forces 'until the stabilization of the social and political situation' in Ukraine. The Federation Council granted this request.

On the same day, a group of armed people seized the Trade Union building in Simferopol, as Russian troops occupied the former airdrome in Dzhankoy.

On March 2, armed people occupied the building of the Permanent Delegation of the Ukrainian President in Crimea, while Russian soldiers and Cossacks demanded that the Ukrainian marine battalion in Feodosia lay down its arms and blocked the Ukrainian coastal defense base in Perevalnoye village.

Furthermore, the 'little green men' blocked the A-0669 military base of Ukrainian marine battalion in Kerch and occupied the headquarters of Azov, Black Sea, and Simferopol border detachments.

On March 3, 2014, the headquarters of Ukrainian Navy and several Ukrainian military bases were attacked, injuring two officers of the Sevastopol brigade of the Tactical Air Forces of Ukraine.

Russian soldiers blocked the Ukrainian military base No. 2904 in Bakhchisaray, while Black Sea Fleet ships blocked the Ukrainian corvette 'Terнопil' and command ship 'Slavutich' in Sevastopol bay. Representative of the Russian Black Sea Fleet demanded that commanders of the Belbek military base to change



*Pictured: Belbek airport blocked by Russian troops*



*Pictured: Simferopol international airport controlled by Russian troops*



*Pictured:* The Russian militaries approach the Ukrainian military base in Perevalnoye

its allegiances to the *de facto* Crimean authorities, however the Ukrainian commanders remained true to their oath.

On March 5, eight Ukrainian Border Guard divisions were blocked by Russian soldiers, which also destroyed the facilities of a surface to air-missile regiment in Cape Fiolent near Sevastopol.

On the same day, OSCE observers were prevented from passing through road-blocks at the entry point to ACR. This OSCE observation mission was formed following demands by Ukraine and 15 other OSCE countries. The purpose of the mission was to obtain objective information and to encourage Russia to hold negotiations with Ukraine. Around the same time, members of the 'Crimean self-defense' forces in Simferopol blocked the OSCE Representative on Freedom of the Media Dunja Mijatović, who met with Crimean media editors and civic activists.

On March 6, 2014, the Russian military blocked sea access by ships of the Ukrainian Southern Naval Base, sinking the cruiser 'Ochakov' and the rescue towboat 'Shakhter' at the entrance to Donuzlav lake. On the same day, the Russian military blocked another two facilities of the Ukrainian Border Guard Service.

In the ARC parliament building, still controlled by 'little green men', deputies held an extraordinary session in which they called for a referendum on March 16, in 9 days' time. In addition, deputies adopted a resolution on Crimea's joining the Russian Federation as a federal subject. A special session of Sevastopol City Council adopted a similar decision on joining the Russian Federation.



*Pictured:* Cruiser 'Ochakov' sunk as a blockship

On March 8, 2014, Russian troops seized the Shchelkino Ukrainian border checkpoint in Cape Kazantip. On the same day, 'Crimean self-defense' forces occupied the building of the Republican military commissariat in Simferopol; cars of pro-Ukrainian activists who arrived at the location were attacked by weapons fire.

On March 9, Russian soldiers seized the Ukrainian frontier post in Chernomorskoye, while a convoy of several dozen military trucks with unmarked Russian soldiers arrived at Simferopol.

On the night of March 10, Russian military forces occupied a separate missile technical service unit in Chernomorskoye and the A-2904 military unit in Bakhchisaray. On March 13, Russian troops and members of the 'Crimean self-defense' blocked access to the military base in Inkerman.

On the night of March 14, the Ukrainian Foreign Intelligence Service division in Alushta was assaulted. On the same day, a convoy of Russian military equipment including large-caliber guns drove onto the peninsula from Kerch.

On March 15, the Ukrainian Border Guard Service facilities in Massandra and Gurzuf were occupied. On the same day, a air defense missile battalion, including four batteries, was delivered via the Kerch ferry.

By March 16, Russian soldiers and 'Crimean self-defense' units subordinated to Aksyonov had seized the main military facilities and administrative buildings in



*Pictured: Anti-war demonstration in Yalta, March 4, 2014*

Crimea, and the Russian military presence, including troops and equipment, had been significantly increased.

The most active stage of the occupation, from February 23 to March 16, 2014, was marked by the non-violent protests of the civilian population of Crimea. Anti-war rallies and demonstrations in support of the integrity of Ukraine were conducted in Simferopol, Sevastopol, Kerch, Bakhchisaray, Yalta, and other cities. During



*Pictured: Anti-war demonstration in Bakhchisaray, March 5, 2014*

this period, several civic activists who openly protested against Russia's actions in Crimea, including Reshat Ametov, Andrey Shchekun, Anatoly Kovalsky, Yuriy Gruzinov, Yaroslav Pilunskiy, Alexey Gritsenko, Sergey Suprun, Natalia Luk'yanchenko and others, were kidnapped. Many of them were tortured while Reshat Ametov was brutally murdered.

A so-called Crimean referendum was held under the con-

ditions of occupation, in the presence of foreign military forces, and in an atmosphere of persecution of pro-Ukrainian activists. In such an environment it is impossible to speak about the free expression of the public's will. The preparation of the 'referendum' was not intended to assess the true desires of Crimea's population, as the date of the 'referendum' was moved up several times, the time to prepare for the 'referendum' was only 9 days, the ability of journalists to cover events was restricted, and Ukrainian media was blocked.

Moreover, even before the March 16, 2014 'referendum', the illegitimate Crimean parliament had already announced Crimea would join the Russian Federation. The illegitimacy of the results of the Crimean 'referendum' was confirmed by the conclusion of the Venice Commission.



*Pictured:* Demonstration in support of the integrity of Ukraine in Sevastopol, March 9, 2014



*Pictured:* Crimean Tatar demonstration supporting the integrity of Ukraine, Simferopol, March 10, 2014



*Pictured: 'Live chain' in the support of integrity of Ukraine along the Crimean roads, March 14, 2014*

March 16 was in fact not a day when Crimeans chose and determined their future, as Russia leaders have sought to convince the world. Indeed, prior to this date, the territory of ARC and independent Ukraine had already been occupied by the Russian Federation and its military.

# International Legal Aspect of the Occupation of ARC and the City of Sevastopol<sup>1</sup>

## Overview of the Situation

In accordance with Articles 133, 134 of the Ukrainian Constitution<sup>2</sup>, the Autonomous Republic of Crimea and the city of Sevastopol are an integral part of Ukraine. According to the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (signed by Ukraine, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America), the signatory states confirmed their obligation to refrain from the threat or use of force against the territorial integrity and the political independence of Ukraine.

According to the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons of 05.12.1994: "... 2. *The Russian Federation, United Kingdom of Great Britain and Northern Ireland and the United States of America confirm their obligation to refrain from the threat or use of force against the territorial integrity and the political independ-*

<sup>1</sup> This section has been prepared by Darya Svyrydova (Ukrainian Helsinki Human Rights Union) and Sergiy Zayets (Regional Center for Human Rights)

<sup>2</sup> <http://zakon5.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>

*ence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations”.*

The Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation of May 31, 1997 stipulates: *“Article 2. The High Contracting Parties in accordance with the provisions of the UN Charter and obligations under the Final Act of the Conference on Security and Cooperation in Europe, respect each other’s territorial integrity and reaffirm the inviolability of existing borders between them. Article 3. The High Contracting Parties are to build relationships with each other on the basis of the principles of mutual respect for sovereign equality, territorial integrity, inviolability of borders, peaceful settlement of disputes, non-use of force or threat of force...”*

As of February 23, 2014 in Sevastopol and other cities of the ARC, an open military operation of the Russian Federation on seizure of state government bodies of Sevastopol and the ARC and accession of the Crimea to the Russian Federation took place. Namely, in order to make the actions of the self-proclaimed authorities of Crimea and Sevastopol appear legitimate, in February and March 2014, under the protection of the Russian military forces<sup>3</sup> a number of rallies were held, and a number of state government bodies and Ukrainian military units were seized.

On March 18, 2014 an Agreement on accession of the Republic of Crimea to the Russian Federation and establishment of new constituent entities in the Russian Federation was made between the Russian Federation and the Republic of Crimea (ratified on March 21, 2014, FL No. 36). This agreement was signed by citizens of Ukraine S. Aksyonov, V. Konstantinov on behalf of the Republic of Crimea and A. Chaly on behalf of Sevastopol. However, none of the above persons was legally appointed or had any statutory powers according to the effective legislation of Ukraine to represent the interests of these administrative-territorial units. This being said, neither the ARC nor the city of Sevastopol are authorized by the Ukrainian Constitution to hold any international negotiations. According to Part 3 of Article 106 of the Ukrainian Constitution, it is the President of Ukraine who represents the state in international relations, manages the state’s foreign policy, holds negotiations and enters into international treaties.

At a later stage, the occupational authorities of the Crimea adopted several laws and other regulations that led to severe deterioration of the situation in Crimea and Sevastopol and to violation of human rights and freedoms. These include:

- the Decree of the VR of the ARC ‘On Approval of Regulation on the Vigilante Group of the Crimea’<sup>4</sup> dated March 11, 2014 and the Law of the Republic of

<sup>3</sup> [http://www.bbc.com/russian/russia/2014/04/140417\\_putin\\_phone\\_line](http://www.bbc.com/russian/russia/2014/04/140417_putin_phone_line)

<sup>4</sup> <http://crimea.gov.ru/act/11734>

Crimea 'On Militia – Vigilante Group of the Republic of Crimea'<sup>5</sup> dated June 11, 2014 (as amended on November 26, 2014<sup>6</sup>), which led to organization of a paramilitary group that participated in seizure of the peninsula, seizure of property, kidnappings and murders, breaking up of peace rallies and impediment of journalists' activities;

- The Decree of the State Council of the Republic of Crimea 'On Nationalization of the Property of Companies, Establishments, Organizations of the Agricultural Industry Located in the Territory of the Republic of Crimea'<sup>7</sup> dated March 26, 2014 and the Law of the Republic of Crimea 'On the Details of Property Repurchase in the Republic of Crimea'<sup>8</sup> No. 47-ZRK, dated August 08, 2014. These acts are effectively used as smoke screen for hostile takeovers of the private property and the public property of Ukraine on the peninsula;
- The Resolution of the VR of the ARC 'On Combating Extremism in the Autonomous Republic of Crimea'<sup>9</sup> dated March 11, 2014 and the Federal Law No. 91-FZ 'On Application of Regulations of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation in the Territories of the Republic of Crimea and the Federal City of Sevastopol' dated May 05, 2014. They prohibited the activities of such organizations as the all-Ukrainian Organization 'Svoboda', the Right Sector etc., and stated that the acts performed in Crimea and the city of Sevastopol before March 18, 2014 may be prosecuted according to the Criminal Code and the Criminal Procedure Code of the Russian Federation. They were followed by mass arrests, criminal prosecution of pro-Ukrainian activists and leaders of the Crimean Tatar community in the Crimea.

These documents are unlawful; they contradict the laws of Ukraine and are based on illegal activities of certain individuals and the Russian Federation, such as establishment of illegal bodies of executive power and local self-government authorities, execution of the treaty on accession of new constituent entities to the Russian Federation etc.

The actions of the Russian Federation resulted in the occupation of the territory of the Crimean peninsula. Based on the provisions of Article 2 of the 1949 Geneva Conventions<sup>10</sup> the status of the occupied territories is not affected by the fact that the occupation was not met with armed resistance. The occupation of Crimea indicates the presence of an international armed conflict (regardless of the recognition

<sup>5</sup> <http://www.rg.ru/printable/2014/07/09/krim-zakon22-reg-dok.html>

<sup>6</sup> [http://rk.gov.ru/rus/file/pub/pub\\_238262.pdf](http://rk.gov.ru/rus/file/pub/pub_238262.pdf)

<sup>7</sup> <http://crimea.gov.ru/act/11841>

<sup>8</sup> <http://www.rg.ru/2014/08/08/krim-proekt-vikup-reg-dok.html>

<sup>9</sup> <http://crimea.gov.ru/ua/act/11742>

<sup>10</sup> [http://www.un.org/ru/documents/decl\\_conv/conventions/geneva\\_civilian.shtml](http://www.un.org/ru/documents/decl_conv/conventions/geneva_civilian.shtml)

by the parties), which in turn implies the need for application to these territories of provisions of the international humanitarian law.

By its actions of forced seizure of the government bodies and the occupation of the Crimean peninsula (*for more detail see Part 1*) Russia has violated the basic norms of the international law, in particular, those set out in the following documents: UN Charter (26.06.1945, Part 4 of Article 2)<sup>11</sup>, the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (adopted by the UN General Assembly Resolution 2625 (XXV) of 24.10.1970, Principle 1)<sup>12</sup>, the 1975 CSCE Final Act<sup>13</sup>.

In addition, the actions of the Russian Federation in accordance with the international law qualify as an act of aggression (UNGA Resolution 'Definition of Aggression')<sup>14</sup>. And the annexation of Crimea by the Russian Federation does not constitute grounds for legal succession.

## 2.1. International Legal Documents

### 2.1.1. The Resolution of the UN General Assembly 'Definition of Aggression'<sup>15</sup>

*Date and number:* 14 December 1974, No. 3314 (XXIX).

*Content:* Regardless of a declaration of war, the aggression is the invasion or attack by the armed forces of a state of the territory of another state, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another state or part thereof, the use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such a territory beyond the termination of the agreement; the sending by or on behalf of a state of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another state of such gravity as to amount to the acts listed above, or its substantial involvement therein.

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<sup>11</sup> <http://www.un.org/ru/charter-united-nations/index.html>

<sup>12</sup> [http://www.un.org/ru/documents/decl\\_conv/declarations/intlaw\\_principles.shtml](http://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles.shtml)

<sup>13</sup> [http://zakon4.rada.gov.ua/laws/show/994\\_055](http://zakon4.rada.gov.ua/laws/show/994_055)

<sup>14</sup> [http://www.un.org/ru/documents/decl\\_conv/conventions/aggression.shtml](http://www.un.org/ru/documents/decl_conv/conventions/aggression.shtml)

<sup>15</sup> [http://www.un.org/ru/documents/decl\\_conv/conventions/aggression.shtml](http://www.un.org/ru/documents/decl_conv/conventions/aggression.shtml)

### **2.1.2. The Memorandum on Security Assurances in connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons<sup>16</sup>**

*Date of signature:* 5 December 1994.

*Date of entry into force:* 5 December 1994.

*Content:* Accession of Ukraine to the Treaty on Non-Proliferation of Nuclear Weapons as a non-nuclear state. The signatory states confirm to Ukraine that they will respect the independence, sovereignty, and existing borders of Ukraine. The signatory states confirm their obligation to refrain from the threat or use of force against the territorial integrity and the political independence of Ukraine; and they also confirm that neither weapon of theirs will any day be used against Ukraine, and they also confirm their obligation to assist Ukraine if it becomes a victim of aggression.

### **2.1.3. The Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation<sup>17</sup>**

*Date of signature:* 31 May 1997.

*Date of ratification:* 14 January 1998.

*Date of entry into force:* 01 April 1999.

*Signatory states:* Ukraine, the Russian Federation.

*Content:* The signatory states confirm their loyalty to the international laws, the goals, and principles of the UN Charter and comply with their obligations as OSCE members. The signatory states build their relations with each other based on the principles of mutual respect of sovereign equality, territorial integrity, inviolability of borders, peaceful resolution of disputes, non-use of force or threat of force, including economic and other means of pressure, the right of the nations to make free with their living. They also build their relations on the principles of non-interference in internal affairs, observance of human rights and basic freedoms, fulfillment of their international liabilities, and other generally accepted international laws in good faith.

<sup>16</sup> [http://zakon4.rada.gov.ua/laws/show/998\\_158](http://zakon4.rada.gov.ua/laws/show/998_158)

<sup>17</sup> [http://zakon4.rada.gov.ua/laws/show/643\\_006](http://zakon4.rada.gov.ua/laws/show/643_006)

#### **2.1.4. The conclusion of the Venice Commission on ‘Whether the decision adopted by the Verkhovna Rada of the Autonomous Republic of Crimea in Ukraine on the organization of a referendum on whether to become a constituent entity of the Russian Federation or to restore the 1992 Constitution, complies with the constitutional principles’<sup>18</sup>**

*No. and date of adoption:* No. 762 / 2014 CDL-AD(2014)002, March 21, 2014

*Key conclusions:* The Ukrainian Constitution stipulates the integrity of the state and prohibits any local referendums on secession from Ukraine. This prohibition applies to the ARC and the Crimean Constitution prohibits the VR of the ARC to hold such a referendum. In addition, the situation in Crimea precluded holding the referendum in accordance with the European democratic standards. Any referendum on the status of any territory should be preceded by serious negotiations of all interested parties. There were no such negotiations. *The translation of the Conclusion into Russian* is available on the website of the Platform for strategic judicial protection<sup>19</sup>.

#### **2.1.5. The United Nations General Assembly Resolution No. 68/262. The Territorial Integrity of Ukraine<sup>20</sup>**

*Date of signature:* 27 March 2014.

*Content:* The General Assembly confirmed its commitment to Ukraine’s sovereignty and territorial integrity within its internationally recognized borders. The Assembly called on all the states to desist and refrain from actions aimed at partial or complete disrupting Ukraine’s territorial integrity. It underscored that the 16 March 2014 referendum held in the ARC and the city of Sevastopol is invalid and cannot be relied upon to change the status of these territories in any way. The General Assembly called on states, international organizations, and specialized agencies not to recognize any change in the status of Crimea or the city of Sevastopol based on the above-mentioned referendum, and to refrain from actions or dealings that might be interpreted as such.

#### **2.1.6. The Resolution of the Council of Europe’s Parliamentary Assembly 1988 (2014)<sup>21</sup>**

*Date of signature:* 27 March 2014.

*Content:* The Parliamentary Assembly reaffirms its strong support for the independence, sovereignty, and territorial integrity of Ukraine. The Assembly considers that

<sup>18</sup> [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)002-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)002-e)

<sup>19</sup> <http://precedent.in.ua/ru/index.php?id=1405671700>

<sup>20</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/68/262&referer=/english/&Lang=R](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/68/262&referer=/english/&Lang=R)

<sup>21</sup> <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=20873&lang=en>

the drive for secession and integration into the Russian Federation by the Crimean people was instigated and incited by the Russian authorities under the cover of a military intervention. The referendum that was organized in Crimea on March 16, 2014 is unconstitutional. The outcome of this referendum and the illegal annexation of Crimea by the Russian Federation therefore have no legal effect and are not recognized by the Council of Europe. The Assembly calls on Russia immediately to withdraw its troops from the Crimea.

### **2.1.7. Joint statement in support of Ukraine of the 43 UN member states from different regions of the world, proclaimed at the 28th session of the UN Human Rights Council in Geneva<sup>22</sup>**

*Date of proclamation:* March 25, 2015.

*Content:* the states expressed grave concern over the fact that the occupation and the unlawful and illegitimate self-proclaimed 'annexation' of Crimea by the Russian Federation lead to the deterioration of the human rights situation; the situation requires close attention of the international community. The arrest of one of the leaders of the Crimean Tatar Mejlis A. Chygoz based on the unfounded charges of organizing mass disorders, a search of the premises of the ATR TV channel, have become another evidence of the intentions of the occupation authorities to continue to oppress the Crimean Tatars and ethnic Ukrainians as well as other ethnic and religious minorities in the territory of the peninsula.

### **2.1.8. Council of Europe Parliamentary Assembly Resolution 2067 (2015)<sup>23</sup>**

*Date of adoption:* June 25, 2015

*Content:* The Parliamentary Assembly expresses its grave concern about the growing number of cases of persons missing in war zones in certain parts of the Donetsk and Luhansk regions of Ukraine, as well as in the occupied Crimea. It also calls upon the Russian authorities to conduct an effective investigation and prosecution of those responsible for abductions, forced disappearances, torture and politically motivated killings of Ukrainian activists and members of the Crimean Tatar community; to immediately provide access to the occupied Crimea for the international monitoring human rights missions. The term 'occupied' was used for the first time in respect of the territory of Crimea. The unofficial translation of the Resolution into Ukrainian.<sup>24</sup>

<sup>22</sup> <http://mfa.gov.ua/ua/press-center/comments/3213-komentar-mzs-ukrajini-shhodo-vigoloshennya-v-radi-oon-z-prav-lyudini-spilynoji-zajavi-43-krajini-na-pidtrimku-ukrajini>

<sup>23</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21970&lang=en>

<sup>24</sup> <http://www.eurointegration.com.ua/rus/articles/2015/06/25/7035273/>

### **2.1.9. Resolution on the Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Federation<sup>25</sup>**

*Date of adoption:* July 8, 2015

*Content:* The OSCE Parliamentary Assembly recognizes the actions of the Russian Federation in Crimea an act of armed aggression and states that the referendum held in the Autonomous Republic Crimea and Sevastopol on March 16, 2014 has no force and calls on the Russian Federation to withdraw from the unlawful annexation of the region.

### **2.1.10. European Parliament resolution on the human rights situation in Crimea, in particular of the Crimean Tatars (2016/2556(RSP)<sup>26</sup>**

*Date of adoption:* February 4, 2016

*Content:* The European Parliament has once again stressed that the annexation of Crimea and Sevastopol by the Russian Federation violates international law, including the UN Charter, the Helsinki Final Act, the Budapest Memorandum and the Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation. The European Parliament condemns the militarization of the Crimean peninsula and calls on the Russian Federation to withdraw its troops from Crimea and Eastern Ukraine. The Resolution was voted for by 472 deputies, against – 79, abstained – 33.

## **2.2. Regulatory Legal Acts of Ukraine**

### **2.2.1. The Decree of the Verkhovna Rada of Ukraine 'On the Statement of the Verkhovna Rada of Ukraine Regarding the Suspension of the Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea Dated 06 March 2014 on Holding of the All-Crimean Referendum on 16 March 2014'<sup>27</sup>**

*Date and number:* 11 March 2014, No. 857-VII.

*Content:* The resolution to hold the referendum and the appeal of the VR of the ARC to the President of the Russian Federation and the Federal Assembly of the Russian Federation contradict the provisions of the Ukrainian Constitution. If this

<sup>25</sup> <https://goo.gl/f9QOqD>

<sup>26</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P8-RC-2016-0173&language=EN>

<sup>27</sup> <http://zakon4.rada.gov.ua/laws/show/857-18>

resolution of the VR of the ARC is not brought in line with the Ukrainian Constitution before 12 March 2014, the Verkhovna Rada of Ukraine will initiate the early termination of powers of the VR of the ARC. The VRU deems it reasonable to appeal to the Venice Commission regarding the Resolution of the VR of the ARC dated 06 March 2014. The VRU calls on the inhabitants of the ARC to not participate in the illegal referendum.

### **2.2.2. The Decree of the Verkhovna Rada of Ukraine 'On Early Termination of Powers of the Verkhovna Rada of the Autonomous Republic of Crimea'<sup>28</sup>**

*Date and number:* 15 March 2014, No. 891-VII.

*Entry into force:* On the enactment date.

*Content:* The powers of the VR of the ARC are terminated early, the VRU Committee on State Building, Regional Policy and Local Self-Government is assigned to submit a proposal on setting of early election to the VR of the ARC.

### **2.2.3. The Resolution of the Constitutional Court of Ukraine on the case of constitutional submission of the Acting President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Ukrainian Parliament Commissioner for Human Rights regarding the compliance (constitutionality) of the Decree of the Verkhovna Rada of the Autonomous Republic of Crimea 'On holding the all-Crimean referendum' to the Ukrainian Constitution (case on holding the local referendum in the Autonomous Republic of Crimea)<sup>29</sup>**

*Case number:* No. 1-13/2014.

*Date and number:* 14 March 2014, No. 2-rp/2014

*Content:* the Decree of the VR of the ARC 'On holding the all-Crimean referendum' of March 06, 2014 No. 1702-6/14.2 is recognized as unconstitutional and becoming void as of the day the Constitutional Court of Ukraine adopts this Resolution. It has also been decided to terminate the activity of the ARC Commission on holding and funding the all-Crimean referendum, ensuring the destruction of the ballots and campaign materials.

<sup>28</sup> <http://zakon3.rada.gov.ua/laws/show/891-18>

<sup>29</sup> <http://www.ccu.gov.ua/doccatalog/document?id=242321>

**2.2.4. The Resolution of the Constitutional Court of Ukraine on the case of constitutional submission of the Acting President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, regarding the compliance of the Decree of the Verkhovna Rada of the Autonomous Republic of Crimea 'On Declaration of Independence of the Autonomous Republic of Crimea and Sevastopol' to the Ukrainian Constitution<sup>30</sup>**

*Case number:* No. 1-15/2014.

*Date and number:* 20 March 2014, No. 3-rp/2014.

*Content:* the Decree of the VR of the ARC 'On Declaration of Independence of the Autonomous Republic of Crimea and Sevastopol' No. 1727-6/14 dated 11 March 2014 is recognized as violating the Ukrainian Constitution (unconstitutional). The said decree becomes void as of the day the Constitutional Court of Ukraine adopts this Resolution. The resolution is binding in the Ukrainian territory.

**2.2.5. The Decree of the Verkhovna Rada of Ukraine 'On Declaration of the Verkhovna Rada of Ukraine Regarding the Guarantees of the Rights of the Crimean Tatar People in the State of Ukraine'<sup>31</sup>**

*Date and number:* 20 March 2014, No. 1140-VII.

*Content:* The VRU declared that Ukraine guarantees protection and implementation of the inalienable right of the Crimean Tatar people for their personal identity as part of the sovereign and independent Ukrainian state; it recognizes the Mejlis of the Crimean Tatar people, the executive body of Kurultai of the Crimean Tatar people, and Kurultai as the highest representative body of the Crimean Tatar people. The VRU declared its support of the United Nations Declaration on the Rights of Indigenous Peoples, and rebuked all attempts to limit the political and social rights, the civil rights of the citizens of Ukraine of different ethnicity residing in the ARC, including but not limited to the Ukrainians, the Russians, the Crimean Tatars, the Armenians, the Bulgarians, the Greeks, the Germans, the Karaites, the Judeo-Crimean Tatars, observed following the anti-constitutional referendum.

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<sup>30</sup> <http://www.ccu.gov.ua/doccatalog/document?id=244261>

<sup>31</sup> <http://zakon5.rada.gov.ua/laws/show/1140-vii>

### **2.2.6. The Law of Ukraine 'On Provisions for the Rights and Freedoms of the Citizens and the Legal Status in the Temporarily Occupied Territory of Ukraine'<sup>32</sup>**

*Date and number:* 15 April 2014, No. 1207-VII.

*Date of entry into force:* 27 April 2014.

*Content:* It determines the status of the Ukrainian territory (the ARC and Sevastopol) temporarily occupied following the armed aggression of the Russian Federation. It establishes a special legal status of the territory; determines the activities of government agencies, local self-government bodies, enterprises, establishments and organizations under the conditions of this regime. It establishes the procedure for observance and protection of human rights and freedoms, and of the rights and lawful interests of legal entities.

### **2.2.7. The Law of Ukraine 'On Creation of a Crimea Free Economic Zone and on Peculiarities of Economic Activities in the Temporarily Occupied Territory of Ukraine'<sup>33</sup>**

*Date and number:* 12 August 2014, № 1636-VII.

*Date of entry into force:* 27 September 2014.

*Content:* It determines the procedure for economic activities in the temporarily occupied territory of Ukraine in accord with Article 13 of the Law of Ukraine 'On Creation of a Crimea Free Economic Zone and on Peculiarities of Economic Activities in the Temporarily Occupied Territory of Ukraine'. It creates a Crimea Free Economic Zone. It regulates other aspects of legal relations between the physical persons and legal entities located in the temporarily occupied territory or beyond it.

### **2.2.8. The Law of Ukraine 'On ensuring the rights and freedoms of the internally displaced persons'<sup>34</sup>**

*Date and number:* 20 October 2014, No. 1706-VII.

*Date of entry into force:* 22 November 2014.

*Content:* It defines the concept and the form of registration of the internally displaced persons; establishes guarantees of observance of the rights, freedoms and

<sup>32</sup> <http://zakon4.rada.gov.ua/laws/show/1207-18>

<sup>33</sup> <http://zakon4.rada.gov.ua/laws/show/1636-18>

<sup>34</sup> <http://zakon4.rada.gov.ua/laws/show/1706-18>

lawful interests of such persons, the obligations of Ukraine to take measures to prevent the occurrence of prerequisites of the forced internal displacement, to create conditions for their voluntary return to the abandoned places of residence or integration at the new places of residence in Ukraine.

## 2.3. Regulatory Legal Acts of the Authorities of the Autonomous Republic of Crimea and Self-Proclaimed Authorities of the Crimean Peninsula

### 2.3.1. The Decree of the Verkhovna Rada of the Autonomous Republic of Crimea 'On Organization of the Republican (Local) Referendum on Improvement of the Status and Powers of the Autonomous Republic of Crimea'<sup>35</sup>

*Date and number:* 27 February 2014, No. 1630-6/14.

*Content:* The VR of the ARC decrees that the republican (local) referendum shall be held on 25 May 2014 and shall contain the question: 'The Autonomous Republic of Crimea is a sovereign entity and is a part of Ukraine based on agreements and treaties'. Suggested answers: 'Yes', 'No'.

### 2.3.2. The Resolution of the Presidium of the Verkhovna Rada of the Autonomous Republic of Crimea 'On Certain Issues Involving the Organization and Holding of the Republican (Local) Referendum in the Autonomous Republic of Crimea'<sup>36</sup>

*Date and number:* 3 March 2014, No. 1691-6/14.

*Content:* The date of the Republican (local) referendum on improvement of the status and powers of the ARC is moved to 30 March 2014.

### 2.3.3. The Decree of the Verkhovna Rada of the Autonomous Republic of Crimea 'On Holding of the All-Crimean Referendum'<sup>37</sup>

*Date and number:* 6 March 2014, No. 1702-6/14.

*Content:* The VR of the ARC decrees that the Autonomous Republic of Crimea shall be a part of the Russian Federation as its constituent entity. The date of the all-Crimean

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<sup>35</sup> <http://crimea.gov.ru/act/11610>

<sup>36</sup> <http://crimea.gov.ru/act/11607>

<sup>37</sup> <http://crimea.gov.ru/act/11689>

referendum (including Sevastopol) is moved to 16 March 2014. It approves the texts of the voting bulletin<sup>38</sup>, the Temporary Provision on the All-Crimean Referendum<sup>39</sup>, and establishes the Committee of the ARC on Holding of the All-Crimean Referendum<sup>40</sup>. It has been resolved to appeal to the President of the Russian Federation and the Federal Assembly of the Russian Federation to commence the procedure on accession to the Russian Federation.

#### **2.3.4. The Decree of of the Verkhovna Rada of the Autonomous Republic of Crimea 'On Declaration of Independence of the Autonomous Republic of Crimea and Sevastopol'<sup>41</sup>**

*Date and number:* 11 March 2014, No. 1727-6/14.

*Content:* The VR of the ARC decrees that the Declaration of Independence of the Autonomous Republic of Crimea and Sevastopol be approved, which establishes that if the upcoming referendum results in the decision of the Crimea to accede to the Russian Federation, the Crimea will be declared an independent and sovereign state with a republican government. Thereafter, the Republic of Crimea will appeal to the Russian Federation with a proposal to accede it to the Russian Federation as the new entity of the Russian Federation.

#### **2.3.5. The Decree of the State Council of the Republic of Crimea 'On Independence of the Crimea'<sup>42</sup>**

*Date and number:* 17 March 2014, No. 1727-6/14.

*Content:* The VR of the ARC declares the Crimea an independent sovereign state – the Republic of Crimea where the city of Sevastopol has a special status. From the date of entry of this decree into force, the laws of Ukraine, the resolutions of the Verkhovna Rada of Ukraine, and other government agencies of Ukraine adopted after 21 February 2014 shall not apply or be executed in the territory of the Republic of Crimea. The activities of state government bodies in the Crimean territory are terminated, their powers, property, and funds are appropriated by state government bodies of the Republic of Crimea. The Republic of Crimea appeals to the Russian

<sup>38</sup> <http://crimea.gov.ru/app/2982>

<sup>39</sup> <http://crimea.gov.ru/app/2983>

<sup>40</sup> <http://crimea.gov.ru/app/2984>

<sup>41</sup> [http://www.crimea.gov.ru/news/11\\_03\\_2014\\_1](http://www.crimea.gov.ru/news/11_03_2014_1)

<sup>42</sup> <http://crimea.gov.ru/act/11748>

Federation with a proposal to accede the Republic of Crimea to the Russian Federation as the new entity with a republican status.

## 2.4. Regulatory Legal Acts of the Russian Federation

### 2.4.1. The Decree of the President of the Russian Federation 'On Recognition of the Republic of Crimea'<sup>43</sup>

*Date and number:* 17 March 2014, No. 147.

*Date of entry into force:* As of the date of signature thereof.

*Content:* Following the results of the all-Crimean referendum of 16 March 2014, recognize the Republic of Crimea, where the city of Sevastopol has a special status, as a sovereign and independent state.

### 2.4.2. The Treaty Made Between the Russian Federation and the Republic of Crimea on Accession of the Republic of Crimea and Sevastopol to the Russian Federation and Creation of New Constituent Entities in the Russian Federation<sup>44</sup>

*Date of the treaty:* 18 March 2014.

*Date of ratification:* 21 March 2014, No. 36-FZ<sup>45</sup>.

*Content:* The Republic of Crimea shall be deemed a part of the Russian Federation as of the date of signature of the Treaty. A transitional period ending 01 January 2015 is established to settle the issues of integration of the new entities. As of the date when the Republic of Crimea accedes to the Russian Federation, the new constituent entities are established in the Russian Federation – the Republic of Crimea and the federal city of Sevastopol. The Treaty determines the state languages of the new constituent entities, the borders and limits of the territories, the issues of citizenship, election to state government bodies of the new entities etc.

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<sup>43</sup> <http://www.kremlin.ru/acts/bank/38202>

<sup>44</sup> <http://kremlin.ru/events/president/news/20605>

<sup>45</sup> <http://base.garant.ru/70618344/>

### **2.4.3. The Federal Constitutional Law of the Russian Federation 'On Accession of the Republic of Crimea to the Russian Federation and Creation of New Constituent Entities in the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol'<sup>46</sup>**

*Date and number:* 21 March 2014, No. 6-FKZ.

*Date of entry into force:* On the date of commencement of the Treaty made between the Russian Federation and the Republic of Crimea on accession of the Republic of Crimea and Sevastopol to the Russian Federation and creation of new constituent entities in the Russian Federation.

*Content:* Two new entities are established in the Russian Federation – the Republic of Crimea and the federal city of Sevastopol. Three official languages are recognized in the territory of new entities (the Russian, the Ukrainian, the Crimean Tatar). All Ukrainians and persons without citizenship are granted the citizenship of the Russian Federation. A period of 1 month is given to reject it. The transitional period for settlement of the issues of integration of new constituent entities in various systems (legal, economic, financial, credit etc.) is established until 01 January 2015. It determines the procedures for formation of state government bodies, prosecutors' offices, local self-government bodies, and courts. It provides the guidelines for the functioning of banks, budgetary organizations, lawyers, public notaries. It also covers other issues of peninsula integration.

### **2.4.4. Federal Law of the RF 'On the application of provisions of the Criminal Code and the Criminal Procedure Code of the Russian Federation in the territory of the Republic of Crimea and the federal city of Sevastopol'<sup>47</sup>**

*Date and number:* 5 May 2014, No.91 – FZ

*Content:* The law enacted the exercise in Crimea of criminal proceedings according to the rules established by the criminal procedural legislation of the Russian Federation subject to the provisions of the Federal Constitutional Law of March 21, 2014 No. 6-FKZ. This Law shall apply retrospectively, that is, to the legal relations related to acts committed in the territory of Crimea and Sevastopol before March 18, 2014.

<sup>46</sup> <http://www.rg.ru/2014/03/22/krym-dok.html>

<sup>47</sup> <http://www.rg.ru/2014/05/07/primenenie-dok.html>

## 2.5. International and national structures Regarding the Status of Human Rights in the Crimea

### 2.5.1. Office of the United Nations High Commissioner for Human Rights. 'Report on the Human Rights Situation in Ukraine'<sup>48</sup>

*Date of the report:* 15 April 2014.

*Key findings and recommendations regarding the human rights situation in Crimea:* The Crimean authorities must denounce the attacks on human rights activists, journalists or representatives of the political opposition and their prosecution; ensure full responsibility for such actions including the arbitrary arrests and detentions, murders, tortures, and abusive treatment through quick, impartial, and efficient investigation and legal prosecution. The rights of all minorities and indigenous peoples in the Crimea, including the Crimean Tatars, must be ensured. There are serious problems related to activities performed by members of paramilitary groups in Crimea. The report emphasizes that the police must be in charge of the law enforcement activities. In turn, the Crimean authorities must disarm and disband all illegal armed groups (including self-defense groups). There are deep concerns with respect to violation of civil and political rights of the Crimean inhabitants, including the ones who oppose the recent events, and with respect to the problems of loss of rights by those willing to be considered the citizens of Ukraine.

As of April 2014, publication of monthly reports on the human rights situation in Ukraine and Crimea, as of 2015 – quarterly reports<sup>49</sup>.

### 2.5.2. The Report of the Human Rights Assessment Mission in Ukraine, Human Rights and Minority Rights Situation (ODIHR HRAM: 6.03 – 01.04.2014; HCNM HRAM: 08.03 – 17.04.2014)<sup>50</sup>

*Publication date:* 12 May 2014.

*Content and recommendations pertaining to the Crimea:* The report provides an evaluation of the human rights and ethnic minority rights situation in the period when the missions were active and according to their mandate. The key recommendations are addressed to the bodies which effectively control Crimea. The recommendations include prioritizing the protection of people and the rights of the

<sup>48</sup> <http://www.refworld.org/publisher,OHCHR,,,548ff27e4,0.html>

<sup>49</sup> <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/UAReports.aspx>

<sup>50</sup> <http://www.osce.org/odhr/118476?download=true>

minorities; taking of prompt measures to ensure safety and security of all ethnic and vulnerable groups of the Crimea; guaranteeing the right to reside in the Crimean territory to all the citizens, including foreign nationals and persons without citizenship who have the respective permits issued in accord with the laws of Ukraine; ensuring that all Crimean residents have access to their rights based on valid identification documents (including Ukrainian passports); secure unimpeded access of the international and internal observers to control observance of the human rights and the rights of minorities on the peninsula.

### **2.5.3. The Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe. Following his mission in Kyiv, Moscow and the Crimea<sup>51</sup>**

*Publication date:* 27 October 2014.

*Content:* The report contains key facts following the visit of the Commissioner and his delegation to Kyiv, Moscow, and Crimea, as well as the collection of facts on the human rights situation in Crimea, including but not limited to the information on serious violations of human rights (kidnappings, death under suspicious circumstances), on minority rights, on the freedom of speech and mass media, on the status of 'self-defense' groups, situation of human rights activists and organizations, citizenship issues etc.

### **2.5.4. Report of the Human Rights Ombudsman in the Republic of Crimea in 2014<sup>52</sup>.**

*Preparation date:* 19 January 2015.

*Key findings:* The analysis of the situation with human rights and freedoms in the Republic of Crimea from August to December 2014 allowed the ombudsman to make a conclusion that 'in general, the human rights and freedoms are observed in the republic'. It is noted in the report that the Republic of Crimea is going through a 'transitional period' of the integration of the region with an established legal and government system in the system of public institutions of the Russian Federation. This process is characterized by internal contradiction, inequality, is fraught with collisions in terms of the use of laws. This leads to ordinary people getting confused in the variety of the new rules of life which are different from the ones they got used to. Tensions grow in the society, caused, among other things, by impossibility to

<sup>51</sup> [http://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/droi/dv/102\\_muiznieksreport/\\_102\\_muiznieksreport\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/102_muiznieksreport/_102_muiznieksreport_en.pdf)

<sup>52</sup> [http://ombudsman.rk.gov.ru/file/File/UPCHvRK/%D0%95%D0%B6%D0%B5%D0%B3%D0%BE%D0%B4%D0%BD%D1%8B%D0%B9\\_%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4\\_%E2%84%961.pdf](http://ombudsman.rk.gov.ru/file/File/UPCHvRK/%D0%95%D0%B6%D0%B5%D0%B3%D0%BE%D0%B4%D0%BD%D1%8B%D0%B9_%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4_%E2%84%961.pdf)

freely receive such public services as drawing-up of passports; entering of data on the previously existing rights for immovable property and transactions with it, limitations and encumbrances; re-registration of automobile transport, replacement of driver's licenses; re-registration and registration of non-profit organizations etc.

### **2.5.5. Report of the Commissioner for Human Rights in the Russian Federation for 2014<sup>53</sup>**

*Publication date:* beginning of 2015.

*Content:* one of the Sections (2.5.) of the Report is devoted to Crimea and the so-called "transitional period". This Section contains information on complaints to the Commissioner on the violations of the right to freedom of speech and expression, freedom of assembly, as well as appeals related to the fact of detention of journalists during mass public events. A significant number of appeals primarily concern issues related to the acquisition of Russian citizenship. The difficulties and issues include the documentary confirmation of rights, including the real estate property right; the difficulties with re-registration of real estate, vehicles, driver's licenses, business entities (legal entities) etc. There is a lack of uniform resolution of disputes initiated under the Ukrainian legislation. "There are concerns about a series of cases of redistribution of property that looks like raid on businesses and real estate". The legal and administrative barriers are associated with overcoming differences in the Russian and Ukrainian legislation and law enforcement practices. There remains a number of legal and law enforcement "gray areas".

### **2.5.6. Annual Report of the Human Rights Commissioner of the Verkhovna Rada of Ukraine on the observance and protection of human rights and freedoms in 2014<sup>54</sup>**

*Publication date:* 05 May 2015.

*Content:* The Report includes Section "2. Observance of human rights in the temporarily occupied territory of Ukraine – the AR of Crimea", which contains information about the violations in Crimea, namely related to the right to life and personal immunity, freedom of movement, freedom of peaceful assembly, right to choose citizenship, the right of religious communities, obstruction of activity of the Mejlis,

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<sup>53</sup> <http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf>

<sup>54</sup> <http://www.ombudsman.gov.ua/ua/all-news/pr/5515-qv-schorichna-dopovid-upovnovazhenogo-pro-standerzhannya-ta-zaxistu-pr/>

cultural and linguistic rights; as well as actions taken by the Commissioner in order to draw attention to human rights violations in Crimea and facilitate their observance and restoration.

### **2.5.7. Report 'The situation of the Crimean Tatars as of the annexation of Crimea by the Russian Federation'<sup>55</sup>**

*Publication date:* 5 June 2015.

*Content:* The Report was prepared on the basis of information on the situation related to violations of the rights of Crimean Tatars gathered during a visit to Crimea of the unofficial Turkish delegation within April 27-30, 2015. The Report presents the outcomes of the study of the issues facing the Crimean Tatars with regard to transition to the new legal framework; violation of the right to life, abductions, torture, arbitrary detentions and interrogations; fair justice and arrests; freedom of expression and freedom of peaceful assembly; freedom of movement; freedom of religion; pressure on members of the Mejlis etc. The main recommendations relate to the need to ensure the work of the international human rights mechanisms in Crimea, to ensure the presence of representatives of the OSCE, the work of the UN mechanisms on the missing etc.

### **2.5.8. Report of the Human Rights Assessment Mission on Crimea (July 6-18, 2015), the OSCE ODIHR and the High Commissioner on National Minorities'<sup>56</sup>**

*Publication date:* 17 September 2015.

*Content:* The Report presents the results of evaluation of the current human rights situation in Crimea, including the changes that occurred in the minority groups' situation since the publication of the previous Report in May 2014. The Report refers to the Geneva Conventions governing the status of the occupied territories (in the report – Crimea) and responsibilities of the occupant country (in the report – the Russian Federation). The Mission conducted preliminary collection of facts and study in the territory of mainland Ukraine, as well as remote interviews with respondents in Crimea and other regions of Ukraine (more than 100 representatives of the civil society, the Ukrainian authorities, internally displaced persons etc). The Mission's

<sup>55</sup> <http://worldcrimeantatarcongress.org/wp-content/uploads/2016/01/K%C4%B1r%C4%B1m-Raporu-Eng-Gayri-Resmi-Heyet-2015.pdf>

<sup>56</sup> <http://www.osce.org/ru/odihr/180601?download=true>

records and identified trends suggest the need for the permanent monitoring of the human rights situation in Crimea by the independent international agencies.

In addition to the above documents, a number of Ukrainian, Russian and international organizations (such as the Ukrainian Helsinki Human Rights Union<sup>57</sup>, the Crimean Field Mission, the Crimean Human Rights Group<sup>58</sup>, the Ukrainian Center for Independent Political Research<sup>59</sup>, the Center for Civil Liberties, the Freedom House, the Human Rights Watch, the International Federation for Human Rights/FIDH, the representatives of the RF Presidential Council and the Human Rights Center 'Memorial' etc.) prepared more than a dozen of reports on the human rights situation in Crimea as of March, 2014. All reports are publicly available.

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<sup>57</sup> <http://helsinki.org.ua/>; <http://helsinki.org.ua/publications/dopovid-pravozahysnyh-orhanizatsij-prava-lyudyny-v-ukrajini-2014/>

<sup>58</sup> <http://group.crimeahr.org/>

<sup>59</sup> <http://www.ucipr.kiev.ua/siteinfo/7>

# The Aftermaths of the Occupation: A Political Repressions System<sup>1</sup>

## 3.1. Characteristics of Repressions in Crimea

After the massacre of unarmed members of Euromaidan protests in downtown Kyiv and the escape of the leaders of the country's authoritarian regime, Ukraine faced new challenges. The Russian Federation, which according to the Budapest Memorandum signed in 1994 is the guarantor of Ukraine's independence, sovereignty, and the inviolability of its borders<sup>2</sup>, began the military occupation of Crimea 20 years after signing the Memorandum. 'The need to protect the rights of the Russian-speaking population' was used as a formal reason for the use of the armed forces and the invasion. The Russian Federation tried to legalize the overt act of aggression through the so-called 'referendum at gunpoint' held on March 16, 2014. The illegality of the referendum and the lack of a legal basis for any changes in the status of the Autonomous Republic of Crimea and the city of Sevastopol were recognized by the international community<sup>3</sup>. In this way, in violation of the generally recognized international law principles and the international obligations undertaken by the Russian Federation, it annexed part of the territory of a sovereign state<sup>4</sup>.

<sup>1</sup> This section has been prepared by Oleksandra Matviychuk, Center for Civil Liberties

<sup>2</sup> Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons dated December 5, 1994

<sup>3</sup> UN General Assembly Resolution dated March 27, 2014

<sup>4</sup> Treaty made between the Russian Federation and the Republic of Crimea on accession of the Republic of Crimea and Sevastopol to the Russian Federation and creation of new constituent entities in the Russian Federation dated March 18, 2014



*Pictured: A leaflet distributed in the entrance halls of residential houses in Simferopol*

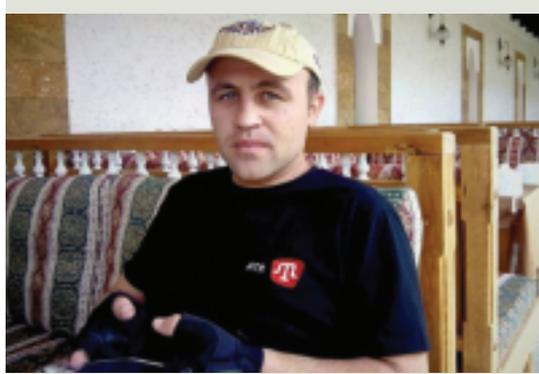
Given that the civil society in Crimea actively opposed the occupation, the self-proclaimed Crimean authorities began an all-out offensive on its representatives. The victims of such activities fell the members of peaceful demonstrations for the unity of Ukraine, Ukrainian military, the leaders of local Euromaidans, journalists, social activists, the Crimean Tatars. To this end, the entire arsenal of repressive measures was used, deploying both legal mechanisms, such as illegal detentions, launching fabricated administrative and criminal charges, denial of re-registration, discrimination on the grounds of political opinion or other illegal grounds, illegal alienation of private property, and using extralegal means, such as threats, destruction of property, beatings, forced disappearances, tortures, and murders.

In all these actions, a clear political motive can be traced<sup>5</sup>, that is, the real grounds for the actions or omissions of public bodies, unacceptable in a democratic society and aimed at achieving the following objectives: a) consolidation and retention of the power of the occupying authorities in Crimea; b) involuntary discontinuation of public activities by civil society representatives having a point of view that differs from that of the authorities.

All these crimes are part of a large-scale systemic repression of the non-combat civilians. The large scale

<sup>5</sup> <http://www.khpg.org/index.php?id=1384001187>

of the repressions is determined by the total control of all spheres of social life on the peninsula. In general, the mere existence of any institutions not controlled by the self-proclaimed Crimean authorities is seen as a potential threat to the occupation regime. The systemic nature of the repression is confirmed by the good organization and coordination of various public bodies: registration authorities, police, prosecutor's office, courts, and paramilitary groups (the so-called 'Crimean self-defense').



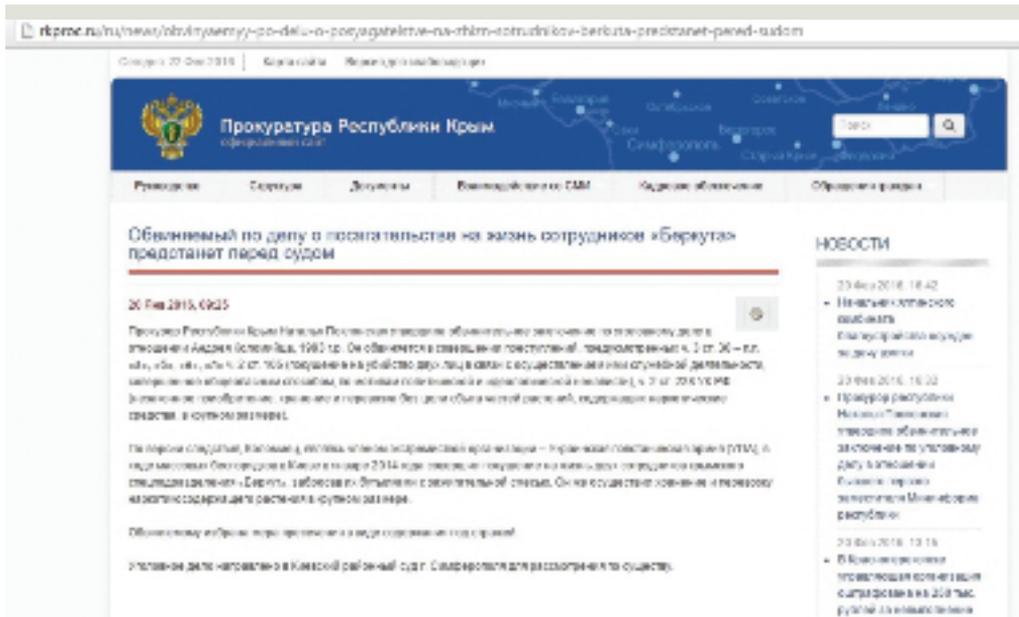
*Pictured: Conditionally sentenced to 2 years and 6 months of imprisonment under the February 26<sup>th</sup> case Eskender Nebiev*

These crimes are not directed at random individuals, but at a particular group of people who can be deemed to be the representatives of the civil society. It should be noted that crime victims vary in age, gender, occupation, property status, social origin, place of residence, religion, ideology, etc. However, what they all have in common is the public activity not controlled by the authorities and/or a real or alleged alternative compared to the pro-government point of view.

A detention of the Euromaidan activist Aleksander Kostenko on February 8, 2015 with subsequent 4 year and 2 months' prison term became a wake-up call. He was charged with 'being aware of the riots in Kyiv aimed at the illegal overthrow of the constitutional order', on February 18, 2014 in Kyiv, 'he threw a stone' targeting a militiaman out of the 'sense of ideological hatred and hostility towards the internal affairs officers'. This formed a dangerous precedent, when the Russian Federation prosecuted a Ukrainian citizen for the acts allegedly committed, according to the authorities, on the territory of Ukraine in Kyiv during the Euromaidan protests against a citizen of Ukraine, moreover, who was at that time a representative of the Ukrainian law enforcement agency and an officer of the Crimean division of the 'Berkut' riot police. It is needless to say that such charges are outside the legal environment.

Already in January 2016, the official website of the so-called Crimean Prosecutor's Office hosted a similar statement. It concerns the criminal case against Andrey Koloмиets<sup>6</sup>. The investigation alleges that he was 'a member of an extremist organization' – the Ukrainian Insurgent Army (UIA), during the mass riots in Kyiv in January 2014 and made an assassination attempt on two members of the Crimean division of the 'Berkut' riot police, throwing Molotov cocktails at them.

<sup>6</sup> <http://rkproc.ru/ru/news/obvinyaemyy-po-delu-o-posyagatelstve-na-zhizn-sotrudnikov-berkuta-predstanet-pered-sudom>



Screenshot of the website of the so-called Crimean Prosecutor's Office of January 20, 2016

This illegal practice may become common using such alleged charges as participation in the Euromaidan protests or support for the protests or partaking in the so-called International Public Committee for the protection for the rights of people Injured on Maidan, established in March 2014.

In connection with the real threat to life, health, and personal freedom, the vast majority of journalists, public figures, and human rights activists were forced to leave Crimea. Currently, active purges of the civil society are underway in Crimea.

## 3.2. The 'Risk Groups' in the Political Repressions System

The occupation authorities are actively using all the tools tried and tested in the law and practice of the Russian Federation to suppress any alternative point of view for the complete elimination of an independent civil society in the peninsula.

*"These authorities, this regime established today in Crimea are much worse than the Soviet rule. Soviet authorities at least followed some formal procedures: arrest, investigation, and trial, albeit just for window-dressing*

*purposes. But back then, there was a procedure, and today people just disappear. Let's recall that Reshat Ametov went out with a Ukrainian flag to protest against the so-called 'referendum' (on March 16). A video was posted to YouTube, where he is pushed into a car and his face can be seen. In his village, everyone knows who did it. But no one would tell anything, they say, 'If I tell something to someone, it is quite obvious what will happen to me next,' said the leader of the Crimean Tatars Mustafa Dzhemilev<sup>7</sup>.*

As of the beginning of 2016, at least 14 people have been reported missing, most of who were Crimean Tatars. During March 2015 – February 2016, at least five Crimean Tatars went missing: Mukhtar Arislanov<sup>8</sup>, Arlen Terekhov, Ernest Abylazimov Yasharovich, Ruslan Ganiev, Marsel Alyautdinov<sup>9</sup> in the territory of the temporarily occupied Crimea. The missing Selimov Memet and Ibragimov Osman have been found dead on August 29, 2015<sup>10</sup>. So far there is no information about the missing in 2014 Ivan Bondarets, Valeriy Vashchuk, Vasily Chernysh, Leonid Korzh, Timur Shaimardanov, Seyran Zeynedinov, Islyam Dzheparov, Dzhevdet Islyamov, Eskender Apseyamov.

The occupation authorities are using all possible administrative resources to organize repression. The main instrument of extralegal harassment of civil society representatives is the so-called 'Crimean Self-Defence' paramilitary formation. It was organized in mid-February 2014 to violently disperse peaceful demonstrations and to take over public buildings. On June 11, 2014, the occupation authorities passed a special law<sup>11</sup> that put the so-called 'Crimean self-defense' under the direct control of the self-proclaimed Crimean leader Sergey Aksyonov and the Council of Ministers of Crimea, and awarded this paramilitary criminal group with the status of the 'people's guard'.

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*"In Crimea, the so-called self-defense forces can help "disappear"- either because of political views or beliefs"- said Sergey Orlov, the Chairman of the human rights organization Memorial<sup>12</sup>.*

There is a strong connection between the activities of this paramilitary criminal group and the law enforcement authorities. For instance, after the illegal detention on March 9, 2014 at the railway station of one of the leaders of the Crimean Euro-maidan Andrey Shchekun and a public activist Anatoly Kovalsky, the representatives of the so-called 'Crimean self-defense' took both of them to the nearest police station. At the police station, law enforcement officials, without registering the de-

<sup>7</sup> <http://www.radiosvoboda.org/content/article/26549246.html>

<sup>8</sup> <http://investigator.org.ua/news/162796/>

<sup>9</sup> <http://ru.krymr.com/content/news/27555407.html>

<sup>10</sup> <http://www.pravda.com.ua/rus/news/2015/08/29/7079469/>

<sup>11</sup> <http://jankoy.org.ua/wp-content/uploads/2014/05/Zakon-O-narodnom-opolchenii-Kryma.pdf>

<sup>12</sup> <http://www.inopressa.ru/article/17mar2015/dailybeast/crimea2.html>



*Pictured: Arrest of the Crimean blogger Zair Kadyrov during the hearing on the February 26<sup>th</sup> case on January 15, 2016*

tainees, in their turn, passed both civil activists to the other representatives of the so-called 'Crimean self-defense' who held the two men captive for 11 days.

The example of impunity of the paramilitary force relates to events of June 6, 2015, when the 10 representatives of the so-called Crimean self-defense detained six climbers at the 17<sup>th</sup> km of the Yalta highway. Without showing any documents and presenting other legal justification of their actions, the men led by Mikhail Horuzhy<sup>13</sup> (according to the Russian media – a member of the self-defense of Sevastopol) began to inspect personal belongings of climbers. According to the latter, there were three people at the incident site at the time of police arrival. The police were followed by the investigator of Balaklava RD of the Department of MIA called by Mr. Horuzhy. The police officers hand-greeted the paramilitary men, and after that the tourists turned from victims into suspects. They were asked personal information, supposedly for "checking the database". Answering the questions of the young people the police said that "a citizen's arrest took place". Answering the question "Who can carry out such arrests?" the investigator responded that "any conscientious citizen could"<sup>14</sup>.

When analyzing the system of political repressions, the basic tendencies should be noted. The following individuals automatically fall into the risk group: a) people who support the state sovereignty of Ukraine; b) people who exercise their fun-

<sup>13</sup> <http://sevstory.ru/2015/06/srochno-v-nomer-pod-sevastopolem-zaderzhali-ukrainskix-nacionalistov.html>

<sup>14</sup> <http://news.allcrimea.net/news/2015/6/10/pod-sevastopolem-napali-na-gruppu-mestnyh-skalolazov-38574/>

damental rights to freedom of speech, freedom of religion, freedom of peaceful assembly etc.; c) representatives of the Crimean Tatar people; d) people involved in public activities beyond the control of the authorities and/or having a point of view that differs from the pro-government one.

The following examples will illustrate various forms of persecution of the civil society representatives. The cases described above, are presented in greater detail in other chapters of this book.

### 3.3. Prosecution of the Real or Alleged Supporters of the State Sovereignty of Ukraine

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*“Why did I plant a flag on the roof? It was my personal protest. The same as I refused to obtain a Russian passport. I live in Ukraine. Period. Why do I need in this case the passport of a foreign country? [...] They wrung my hands behind my back and pushed me into the car. I asked “Does the flag on my house bother you?” “And why on earth did you hand it out if you understand everything?” the policeman replied”<sup>15</sup> – commented the detained Vladimir Balukh*

The support for Ukraine’s national sovereignty and public expression of one’s views entail a significant risk to personal freedom, health, and even life. For instance, during the discussed period, the following incidents were recorded:

- Abduction of the organizers of peaceful demonstrations for the unity of Ukraine, members of pro-Ukrainian NGOs (the case of the abduction of Leonid Korzh, Timur Shaymardanov and Seyran Zinedinov, members of the ‘Ukrainian Home’ initiative group);
- Tortures of community leaders (the cases of the leader of the Crimean Euromaidan movement Andrey Shchekun, Euromaidan participant Alexander Kostenko, Enver Krosh, who refused to cooperate with the FSS);
- Murders (the case of Reshat Ametov, the participant of a one-man protest detained by the so-called ‘Crimean self-defense’);
- Launching of fabricated criminal cases (the case of Ukrainian theater director Oleg Sentsov accused of organizing a terrorist organization and case accomplices – ‘Crimean terrorists’ Alexander Kolchenko, Gennady Afanasyev, Alexey Chirniy, the case of Yuri Ilchenko for criticizing the occupation of Crimea in the social network);

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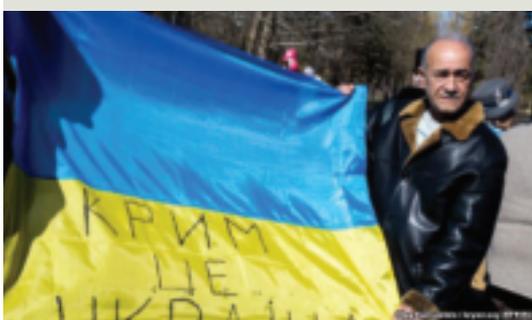
<sup>15</sup> <http://fakty.ua/211831-ukrainskogo-patriota-sudyat-v-krymu-za-nepovinovenie-rabotnikam-pravoohranitelnyh-organov>

- Illegal searches and seizures (the case of public activist Liza Bogutskaya accused of disseminating on the Internet information inciting ethnic hatred, searches of homes of journalists Lily Burjurova, Elzara Islyamova, the mother of the Stanislav Krasnov prosecuted for 'extremist activity');
- Illegal detentions (the case of Viktor Neganov and Sergey Korniyenko detained for taking part in a peaceful assembly on the occasion of Ukrainian Independence Day, numerous detentions of activists of the Ukrainian Cultural Center Veldar Shukurdzhiiev, Leonid Kuzmin and others for participation in peaceful assemblies);
- Beatings (the case of Abduraman Egiz, member of the Mejlis of the Crimean Tatar people, beaten up for refusing to present his passport to the representatives of the so-called 'Crimean self-defense', attack on Leonid Kuzmin, the organizer of the meeting to mark the birthday of the Ukrainian poet Taras Shevchenko);
- Illegal interrogations and so-called 'preventive conversations' that have become a common practice on the peninsula.

It is important to note the changes to the Criminal Code of the Russian Federation, legally defining a new crime: 'public incitement to separatism'. Changes took effect on May 9, 2014. Today, anyone calling things by their proper names, that is, talking about the illegal annexation of Crimea by the Russian Federation, may get sentenced up to 4 years in prison.

The climate of fear and impunity prevailing in the peninsula can be best illustrated by the following announcement attached to the doors of residential houses: "Al-

*though peace has been established in our land, there still are scums who want chaos, disorder, and war. They live among us, go to the same shops as we do, ride with us in public transport. You may know the people who were against the return of Crimea to the Russian Federation or took part in the regional 'Maidan'. Such personalities should be reported immediately to the FSB at: 13, Franko Boulevard, Simferopol, or by phone: 37-42-76 (anonymity guaranteed)<sup>16</sup>."*



*Pictured: Kurtseit Abdullaev at the protest in Simferopol on March 9, 2015*

<sup>16</sup> <http://sockraina.com/news/8571>

### 3.4. Prosecution of Non-Violent Exercise of the Freedom of Thought, Conscience and Religion, Freedom of Expression and Information, Freedom of Peaceful Assembly and Association and Other Rights and Liberties

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*"The personnel of the ATR TV channel lawfully working in Crimea [...] became persona non-grata not only for the official authorities but also for "peers". Recently, the two Crimean Tatar cultural institutions warned us about the impossibility of filming. They referred to a letter from the Ministry of Internal Policy and Information of the RC, where it was recommended not to allow the journalists enter their territory [...] And can we breathe at home? If it goes on, we will be denied the medical care in outpatient clinics, not sold the goods in grocery stores, asked out of public transport, obliged to wear the Yellow star and tattooed with the camp number on our hands".*

Deputy Director General of ATR TV channel Lily Bujurova.

Steering the course to the rapid establishment of an authoritarian regime, the self-proclaimed Crimean authorities began regarding the basic fundamental rights and freedoms as a threat to the consolidation and the existence of the occupation regime. This puts in danger anyone nonviolently exercising the inalienable and inviolable human rights, such as:

- Freedom of thought, conscience, and religion (the pogrom at the church of the Kyiv Patriarchate in the village of Perevalnoye in Simferopol district on July 1, 2014, followed by a refusal by the police to register a crime incident report, the kidnapping of father Bogdan Kostetsky in Yalta on September 2, 2014; a statement, in January 2016, of the Archbishop of Simferopol and Crimea of the Ukrainian Orthodox Church of Kyiv Patriarchate Clement about the dispossession by occupation authorities of premises due to the alleged financial debt, the case of the Crimean Muslims, according to which Nuri Primov, Ruslan Zeytullaev, Ferat Sayfullaev, Rustem Vaitov, Emir-Usein Kyky, Enver Bekirov, Muslim Aliyev and Vadim Siruk were detained);
- Freedom of expression (the seizure of the editorial office of the Center for Investigative Journalism by the representatives of the so-called 'Crimean self-defense' in June 2014 with the requirement to present the registration documents and the lease contract; soon after the incident, the landlord demanded the termination of the lease contract; persecution of journalists of the Crimean Tatar

TV channel ATR, the case of Vladimir Balukh, who was sentenced to 320 hours of compulsory work for planting the Ukrainian flag on the roof his house in February 2016<sup>17</sup>);

- Freedom of peaceful assembly (administrative prosecution of doctor Sergey Dub for taking part in a peaceful demonstration on the occasion of the Ukrainian National Flag Day on August 23, 2014, administrative prosecution of the Crimean Tatars Saniye Ametova and Yunus Nemetullaev for organization of flowers laying on May 18, 2015<sup>18</sup>, members of the Ukrainian Cultural Centre Veldar Shukurdzhev and Leonid Kuzmin for the events of March 9, 2015 and October 14, 2015);
- Freedom of association (criminal prosecution of the coordinator of the Committee on the Rights of the Crimean Tatar People for operating 'an unregistered organization', filed complaint of the so-called Crimean Prosecutor Natalia Poklonskaya on the recognition of the Mejlis of the Crimean Tatars an extremist organization<sup>19</sup>, oppression in December 2015 of one of the oldest non-governmental organizations the League of Crimean Tatar Women, led by Safinar, the wife of the leader of the Crimean Tatar people Mustafa Dzhemilev in December 2015<sup>20</sup>).

For the unlawful restriction of the fundamental rights and freedoms, the occupation authorities use the repressive legislation of the Russian Federation. At the same time, while in Russia, as a rule, this legislation is used selectively against certain individuals, the Crimean authorities use a deliberate policy of the total prohibition to the individuals disloyal to the authorities of the non-violent exercise of the freedom of thought, conscience, and religion, freedom of expression and information, freedom of peaceful assembly and association, and of other rights and liberties.

In this way, the characteristic of the 'February 26<sup>th</sup> case' under which several people were arrested, including the Mejlis Deputy Chairman Akhtem Chiygoz, on allegations of organizing riots and participating in them (a peaceful assembly that took place on February 26, 2014) by the Ukrainian Parliamentary Commissioner for Human Rights Valeriya Lutkovska is also applicable to the general situation with ensuring the fundamental human rights and freedoms in Crimea:

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*"This is a legal surrealism, I cannot find another name for it, because this man had the right to peaceful assembly on the Ukrainian territory*

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<sup>17</sup> <http://www.novayagazeta.ru/society/71522.html>

<sup>18</sup> <http://avdet.org/node/12617>

<sup>19</sup> <http://investigator.org.ua/news/174184/>

<sup>20</sup> <http://www.ukrinform.ru/rubric-regions/1937220-okkupantyi-vyidvoryayut-iz-ofisa-ligu-kryimskotatarskih-jenschin.html>

*in accordance with the Ukrainian law. At present, there is no special law regulating the issues of peaceful assembly, but we have a direct constitutional norm, and this man could freely exercise his right to peaceful assembly. This is absolutely unobjectionable. In fact, he is now locked up, and this morning his home was searched because he exercised his right under the Ukrainian Constitution. This, in my opinion, is an indicator of how the occupying authorities disrespect the law, both Ukrainian national and international<sup>21</sup>."*



*Pictured: Searches in the Kholmovka village on February 11, 2016*

The Russian lawyer Nikolay Polozov provided similar assessment of methods of persecution selected by the occupation authorities:

*"Riots in Russia are the already tried political process; it took place within the "Bolotnaya Square case". Now the same technology is transferred to Crimea [...] if in other political cases the judges, prosecutors and investigators are only a mechanism, in this case there is a direct personal interest of both the judges and prosecutors, headed by Poklonskaya, which need to prove their loyalty to the Motherland, to prove to Kremlin that they are really good new Russians [...] The events took place in the territory of Ukraine, but Russia judges for some reason. In view of the law – it is an absolute absurdity"<sup>22</sup>*

Special attention should be paid to the discrimination based on such grounds as nationality, language, religion, political or other views, national origin, and ethnicity, which is now common in all spheres of public life. Any of these prohibited grounds (real or alleged) automatically limits the exercise of a person's social and economic rights. For instance, there is documented evidence of people without Russian passports being denied medical treatment, re-registration of private property, employment, even at a private enterprise etc.<sup>23</sup>

<sup>21</sup> <http://www.ombudsman.gov.ua/ua/all-news/pr/30115-es-valeriya-lutkovska-aresht-vo-golovi-medzhlisu-krimskotatarskogo-narodu/>

<sup>22</sup> [http://news.liga.net/news/politics/8753614-advokat\\_nazval\\_delo\\_chiygoza\\_zakazom\\_kremlya.htm](http://news.liga.net/news/politics/8753614-advokat_nazval_delo_chiygoza_zakazom_kremlya.htm)

<sup>23</sup> Based on the data of the Committee on the Rights of the Crimean Tatar people

### 3.5. Repressions Against the Crimean Tatar People as a Systemic Organized Opposition to the Occupation Regime

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*“Simply put, the occupation authorities currently prohibit the right of the Crimean Tatars to speak with their voice. Due to the fact that today the occupation authorities are disposing of Mejlis, which is an elected by the Crimean Tatars national authority in accordance with the international law, some experts said that Russia is preparing for worse actions towards the Crimean Tatars”.*

Refat Chubarov, Chairman of the Mejlis of the Crimean Tatars<sup>24</sup>

Crimean Tatars are a systematically organized community with their own self-government bodies having regional nuclei all over Crimea. They openly sabotaged both the quasi-referendum on March 16, 2014, and the illegal elections on September 14, 2014. To overcome the non-violent resistance, the occupation authorities launched a campaign to build the image of the ‘enemy from within’ and to prosecute Crimean Tatars using both legal and extra-legal mechanisms.

*“With the arrival of Russia to Crimea, the repressions against the Crimean Tatars started ... The repressions against the Crimean Tatars with an active pro-Ukrainian position never ended since March 2014. These repressions are manifested in the form of abductions and murders of activists, mass raids, arrests, and fines for participation in protests. In this way, due to the repressions, about 10,000 out of 300,000 of the (Crimean Tatar, – author) population were forced to leave the territory of Crimea and are in the mainland Ukraine as of today,” (February 2015, – author), says one of the coordinators of the Committee on the Rights of the Crimean Tatar people and a member of the Mejlis, Abmedzhit Suleymanov.*

Following are the examples of individual cases of repressions against the Crimean Tatar people giving a general idea of the diversity of the methods used and the conscious choice by the occupation authorities of such illegal policies:

- Illegal bans on entry to the territory of Crimea of the leaders and activists of the Crimean Tatar people (including Mustafa Dzhemilev, Refat Chubarov, Sinaver Kadyrov, Ismet Yuksel etc.);

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<sup>24</sup> <http://censor.net.ua/n374710>

- Criminal prosecution of peaceful demonstration participants in connection with the ban on entry to the Crimea of the leader of the Crimean Tatar people Mustafa Dzhemilev on May 3, 2014 Tahir Smedlyayev, Edem Osmanov, Rustam Abdurakhmanov, Edem Ebulisov, Musa Abkerimov, who were found guilty of using violence against a representative of authorities and punished by a fine or conditional punishment<sup>25</sup>;
- Criminal prosecution for participation in the peaceful meeting on February 26, 2014 of the Crimean Tatar TV channel cameraman Eskender Nebiev, Deputy Chairman of the Mejlis Akhtem Chiygoz and other Crimean Tatars Talyat Yunusov, Ali Asanov, Mustafa Degeremendzhy;
- Automatic ban on all public events on the eve of the prayer commemoration dedicated to the anniversary of the deportation of Crimean Tatars by a decree of the self-proclaimed head of Crimea, ban on celebration of the Muslim holiday Eid al-Fitr in July 2015;
- So-called 'preventive conversations' with the members of Mejlis, Crimean Tatar activists, and ordinary representatives of the Crimean Tatar people;
- Searches and seizures in the Crimean Tatar cafes, private homes, Muslim schools (madrassas), places of worship (mosques), in the premises of Avdet newspaper, Crimea Charity Fund, the mosque of the Islamic Cultural Centre<sup>26</sup>, the editorial office of the Crimean Tatar newspaper Yani Dyunya<sup>27</sup>, in the building of the Mejlis and houses the regional chairmen of the Mejlis by law enforcement agencies and the representatives of the so-called 'Crimean self-defense';
- Court judgment on finding the director of a madrassa guilty of possessing extremist materials delivered on August 27, 2014 in the Dzhankoy district of Crimea, sentencing of Mustafa Yagyaev, mosque Imam in Crimea, for two conditional years of prison term in July 2015 for openly opposing the Russia occupation of the peninsula<sup>28</sup>;
- Court judgment on the eviction of the Mejlis of the Crimean Tatar people, Crimea Charity Fund and Avdet newspaper from their building, seizure of the organizations' accounts and the ban on 'exercising ownership powers with respect to the use and disposal of the property belonging to them';

<sup>25</sup> <http://ru.krymr.com/content/news/27415938.html>

<sup>26</sup> <http://obozrevatel.com/crime/18360-repressii-v-kryimu-okkupantyi-podbroshili-v-mechet-zapreshennuyu-literaturu.htm>

<sup>27</sup> <http://investigator.org.ua/news/160650/>

<sup>28</sup> <http://ru.tsn.ua/bbc/imam-poluchil-dva-goda-uslovno-z-za-kritiki-anneksii-kryma-453631.html>

- Compiling the liquidation lists of Crimean Tatars who should 'either leave or disappear';
- Abduction of Crimean Tatars by unknown persons and the representatives of the so-called 'Crimean self-defense' (Islyam Dzheparov, Dzhevdet Islyamov, Eskender Apselyamov and others);
- Forcible takeover on January 26, 2015 of the only Crimean Tatar TV channel ATR, earlier accused of extremism, on the charges that the channel 'stubbornly disseminates the idea of possible repressions on ethnic and religious grounds, promotes anti-Russian sentiments in society, deliberately fuels distrust in the government and its actions among Crimean Tatars, and constitutes an indirect threat of extremist activity'.

A logical outcome of the pressure on the Crimean Tatars is the preparation by the self-proclaimed Prosecutor Natalia Poklonskaya of the 'resolution on organization activity ban' under Article 9 of the Federal Law On Combating Extremist Activity<sup>29</sup>. The legal basis for such action was 'the requests of the Crimean Tatar organizations and movements' in the annexed peninsula<sup>30</sup>. According to the Russian legislation, the final decision should be taken by the occupation court. However, it is quite easy to predict this decision.

The ban on the activity of the Mejlis on the basis of the Russian Law on Combating Extremist Activity entails a trail of negative effects, from absolute prohibition of the use of symbols of the Mejlis, which is actually the Crimean Tatar flag, criminal liability for facilitating the work of the organization and its financing, the prohibition of dissemination of the organization's materials and to the prosecution of Mejlis members and their supporters.

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*"The ban on Mejlis as an extremist organization, which, however, had not killed even a mosquito, means that all these people, all Crimean Tatars are under the threat of criminal prosecution, even in case of complete inactivity, simply based on the fact of any relationship to the Mejlis. And what relationship – it will be decided by specific enforcers: all conditions for mass repression for ethnic descent have been created in Crimea ...The gate of the invisible Crimean Tatar ghetto is slamming" – said the journalist Aider Muzhdabaev<sup>31</sup>*

<sup>29</sup> <http://www.unian.ua/society/1265607-okupanti-vruchili-zastupniku-glavi-medjlisu-dokument-pro-pripinennya-diyalnosti-organizatsiji.html>

<sup>30</sup> <http://15minut.org/article/dokument-na-osnovanii-kotorogo-zapretyat-deyatelnost-medzhlisa-foto-2016-02-15-18-33-18>

<sup>31</sup> <http://fakty.ua/212722-muzhdabaev-ob-iske-pro-zapret-medzhlisa-vorota-nevidimogo-krymskotatarskogo-getto-zahlopyvayutsya>

Concurrently with the propaganda campaign, a hostile information background is created, when the Crimean Tatar people are indirectly blamed for all problems of the social life of the Crimean peninsula, whereby the image of the 'enemy from within' is created in the eyes of the population. In this connection, the cases of graffiti being drawn on the walls of private homes and places of worship of the Crimean Tatar people have become frequent, for example, with the following content: 'Tatars get out of Crimea'<sup>32</sup>.

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*"Crimean Tatars are the natives of the peninsula. Due to speaking openly against the occupation of Crimea, they are now the most vulnerable group. De facto, the Crimean authorities have launched a systemic discrimination against Crimean Tatars on racial, ethnic, and religious grounds. The scale and nature of the repressions have become a threat to the lives and security of Crimean Tatars. They include a series of abductions and disappearances, gangster attacks on the Crimean Tatar and Ukrainian civil society representatives, large-scale searches of homes, mosques, madrassas, libraries, and schools. Without exaggeration, with respect to Crimea and Crimean Tatars once again, in the 21<sup>st</sup> century, the doctrine of the Russian Empire, 'Crimea without Crimean Tatars', is being used and has been adopted for implementation by a UN member state, the Russian Federation,"* said the Chairman of the Mejlis, Refat Chubarov.

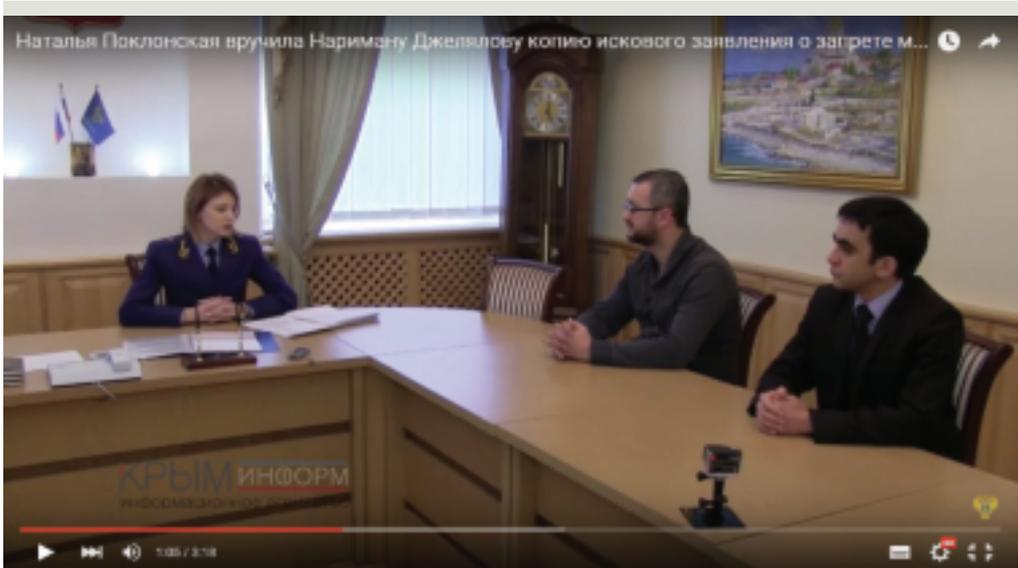
### 3.6. Repressions Against any Forms of an Independent Civil Society

The occupation authorities perceive the existence of any uncontrollable public institutions in any area of public life as a direct threat. Just a few of them are listed below:

- Culture sector. Invitations for 'preventive conversations' with the management of Karman Art Center, which started in July 2014, were a vivid example. Karman Art Center is probably the only Crimean community center of contemporary culture, arts, and non-formal education. As a formal basis for such interest from the FSB, the case of the confined theater director Oleg Sentsov was used. It is impossible to identify the number of people from the cultural and other walks of life that were interrogated by the FSB in this case that is targeted at searching for potential members of the mythical 'terrorist organization' and are potentially under the threat of arrest for political reasons. Due to the real threat to her

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<sup>32</sup> [http://old.kpunews.com/krim\\_topic7\\_9614.htm](http://old.kpunews.com/krim_topic7_9614.htm)



*Pictured: The so-called Prosecutor N. Poklonskaya, on February 15, 2016, handing a copy of the claim to Nariman Dzhelyalov on the prohibition of activity of the Mejlis of the Crimean Tatars*

personal freedom, health and even life, the head of Karman Art Center, director Galina Dzhikayeva, had to leave Crimea;

- Professional employment. Civil servants, teachers, doctors and other professions whose representatives belong to the professional groups or initiatives not controlled by the authorities and/or have not received Russian passports. In particular, Euromaidan SOS public initiative has documented evidence and a scanned document on the renunciation of Ukrainian citizenship signed by a court employee who, according to her, was forced to sign it and send it to the President of Ukraine by the court management under the threat of losing her job;
- Education sector. Occupying authorities continue to implement total control over the education system, the management of educational institutions, the curriculum, and the choice of academic disciplines. Anything that goes beyond the imposed concept of the 'Russian World' is ruthlessly rooted out. A good example is the repression against the staff of the only Ukrainian gymnasium in Simferopol<sup>33</sup>. The director of the educational institution was forced to quit by the threats of the so-called 'Crimean self-defense' and the pressure from the City Council back in April 2014. Currently, the gymnasium has been completely reoriented to exercise Russian language of instruction. For the last 6 months

<sup>33</sup> Prior to the annexation, Crimea had 7 schools with the Ukrainian language of instruction, 15 schools with the Crimean Tatar language of instruction and nearly 600 schools with the Russian language of instruction.

in 2014, according to official data only, the number of pupils in the Ukrainian-medium classes has been decreased by six times<sup>34</sup>. This picture is complemented by the facts of the demonstrative destruction of Ukrainian books and textbooks in front of students<sup>35</sup> by school management.

The situation in Crimea as seen by designer Liza Bogutskaya from Simferopol:<sup>36</sup>

September 4, 2014 – *“Just came back from a school meeting [...] The class has 14 people. Most parents protested against the absence of the Ukrainian language and literature. They were outraged by the fact that their children cannot learn the state language of Crimea. As a result, we decided to write a collective petition on adding the Ukrainian and Crimean Tatar languages to the curriculum. I took the responsibility.”*

September 16, 2014: *“Crimea is overwhelmed with repressions. I blame them directly on the election results [...] My dear Crimeans. Those who feel that the repressive machine can be after you. Please hide your devices in a safe place. I'm asking you to buy at a market an old laptop and to use it to access the Internet. If they take it away, you won't regret it. All your memory cards, cameras, navigators, recorders need to be in safe places... Only now I have realized that I could have saved my computers, phones, and media.”*

September 24, 2014: *“After my departure from Crimea, journalists from Hromadske TV came to Simferopol. I saw this video for the first time today. This film is not about me. This film is about broken lives, the tragedies that came to every family. My husband, a Ukrainian, is holding back tears as he talks about our separation. Yesterday my friend, a Crimean Tatar, left from Simferopol to Lviv with her sister. Their mother cried at the train station, as if saying goodbye for good. My other friends, a family, Russians, husband and wife, are leaving next week, leaving their children and grandchildren in Simferopol. Rails lie ahead of them, with rows of trees on the sides. Then a long drive to nowhere. Another friend, a Jew, is closing his business. And selling the house. He leaves the day after tomorrow. This is the tragedy of all his life.”*  
[...]

February 23, 2015: *“AGGRESSION! This is the main sign of the Russian presence in Crimea. Crimeans have never been so hostile to each other. They never raised the issues of national and territorial allegiance. The issue of citizenship has never been a priority. But today, hearts and minds are possessed by quiet hatred.”*

<sup>34</sup> The official response of the Council of Ministers of the Republic of Crimea regarding the number of educational institutions and the children studying in Ukrainian, Russian, and Crimean Tatar language media dated December 24, 2014 No. 18357/01-27 by the request of the RF President's Council for Development of Civic Institutions and Human Rights.

<sup>35</sup> Based on the data of the Committee on the Rights of the Crimean Tatar people

<sup>36</sup> Published on her Facebook page at <https://www.facebook.com/liza.bogutskaya>

The self-proclaimed Crimean authorities deliberately implement the policy of destroying any uncontrolled public institutions, regardless of whether they are taking part in the non-violent resistance to the occupation regime or are simply doing their specific business.

## Conclusions

The Russian Federation, acting through the self-proclaimed Crimean authorities, started political repressions against the civil society that are carried out using both legal and extra-legal mechanisms. These repressions are based on a clear political motive: a) consolidation and retention of the power of the occupying authorities in Crimea; b) involuntary discontinuation of public activities by civil society representatives having a point of view that differs from that of the authorities.

It should be noted that repressions in the Russian Federation in general do not have a total character and are used selectively against specific individuals. However, in Crimea the occupation authorities are actively using all the tools tried and tested in the law and practice of the Russian Federation to suppress any alternative point of view for the complete elimination of the independent civil society in the peninsula.

There is also an established opinion that in the peninsula the strict authoritarian models for further use in Russia in the event of mass dissatisfaction with the actions of the authorities are being tried.



*Pictured:* Conditionally sentenced to 3 years and 6 months of imprisonment under the February 26<sup>th</sup> case Talyat Yunusov

For the time being, in the peninsula there are no effective mechanisms of protection against the political repressions of the civil society actors organized by the occupation authorities. As a result, people involved in public activities not controlled by the authorities and/or having, actually or allegedly, a point of view that is different from the pro-government one are faced with the choice: either to leave Crimea or to stop any public activity and keep silent.

# A Year After: Main Violations of Human Rights in Crimea<sup>1</sup>

## 4.1. The First Victims of the Occupation

Active operations in Crimea deployed by the Russian Federation in March and early April 2014 resulted in at least three deaths. Two years later, none of these cases have been properly investigated and the murderers have not been brought to justice.

### *Reshat Ametov*

Reshat Ametov, a 39-year-old Crimean Tatar, was the first person to disappear on the peninsula. He was last seen on March 3, 2014 at a pro-Ukrainian rally in the center of Simferopol, in front of the Council of Ministers of Crimea on Lenin square, where he stood in a one-man picket against the occupation of Crimea by Russia.



Some video recordings show people dressed in camouflage uniforms taking the activist away in an unknown direction<sup>2</sup>.

<sup>1</sup> This section has been prepared by Tetiana Pechonchyk (Human Rights Information Center), Olga Skrypnyk (Crimea Human Rights Group), Sergiy Zayets (Regional Center for Human Rights), and Darya Svyrydova (Ukrainian Helsinki Human Rights Union).

<sup>2</sup> <https://www.youtube.com/watch?v=11S2Vhkr-bc>

One of Ametov's relatives said in the comment to the Human Rights Watch organization that Reshat was well-known among the Crimean Tatars, he often addressed the authorities on local problems, and he regularly commented on political affairs on his Facebook page.

Ametov's body with traces of violent death was found 10 days later in the village of Zemlyanichnoye in Belogorsk district. The death was caused by a knife stab into the eye.

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*'The body was terribly disfigured. He had knife wounds and bruises everywhere. One eye was missing. He had a plastic bag on his head.'*

Ametov's wife Zarina, in her interview for *Der Spiegel* newspaper, September 2014.

At the beginning of April 2014, the Investigation Committee of the Investigation Department of the Russian Federation in the Republic of Crimea opened a criminal investigation of the murder of Reshat Ametov. However, in 2015 the case was suspended: the investigators failed to identify the persons involved in the crime.

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*"It was suspended on the grounds that the alleged killer is taking part in the war. But, sorry, the killer is not one person. There have been at least five-six people. All of this is a fairy tale, a pack of lies. In the video everything is clear and the faces are visible".*

Zarina Ametova, in the interview for QHA, February 16, 2016

In February 2016, the investigation into the killing was resumed in Crimea.

Reshat Ametov had three children; at the time of his death, the youngest was 2.5 months old.

### **Sergey Kokurin**



36-year-old warrant officer Sergey Kokurin died on March 18, 2014 in Simferopol during the storming of the 13<sup>th</sup> Photogrammetric Center of the Main Directorate of Operational Support of the Armed Forces of Ukraine.

According to the forensic examination, the Ukrainian military was killed by two 5.45 calibre bullets a Kalashnikov assault rifle, on an upward trajectory (Sergey was in the tower).

According to the military who were guarding the photogrammetric center, for three days before the attack the entire area around the military unit had been controlled by 'the Crimean self-defense' and the Russian military. The tower where the warrant officer Kokurin was killed and Ukrainian officers were wounded was under the fire from below, as evidenced by the bullet holes in the sheeting of the tower.

The Ministry of the Interior of the Crimea reported that the Ukrainian military man was shot by an 'unknown sniper', who allegedly was shooting at the representatives of 'the Crimean self-defense' too.

*'According to preliminary reports, the shots were going in two directions from one place. An unknown sniper from the window of a building under construction located in close proximity to the military unit shot at the representatives of the 'self-defense', who were checking the unfinished building after a report on the presence of armed men there, and he shot in the direction of a Ukrainian military unit located nearby.'*

From the statement of the Interior Ministry of the Crimea, Ukrinform, March 18, 2014.

The deceased Sergey Kokurin had a 4-year-old son, and his wife was expecting their second child.

### **Stanislav Karachevsky**

The murder occurred on April 6, 2014 in the village Novofedorovka in Crimea, in a hostel of the Ukrainian military personnel who served at the Saki base; the military were leaving for the mainland Ukraine.

That evening, Major Stanislav Karachevsky, 32, helped Captain Artem Yarmolenko pack things, as they were getting ready to be moved to mainland Ukraine.

He was going home with another friend. They passed the checkpoint of the military unit, where the armed invaders of Russia kept watch.

According to witnesses, the military quarreled 'on the basis of personal animosity'. The Russians were armed, the Ukrainian military were not. Stanislav Karachevsky



tried to run away and hide in the hostel, but was caught and shot with one bullet in the torso and one in the head. Captain Yarmolenko managed to hide in a room.

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*'I was also preparing to move when I heard some clapping sounds like shots. I went out to see stun grenades thrown inside the hostel. Russian military were running through the corridors with grenades. 'What are they doing here?' our men shouted. 'What's the matter?' The Russians did not respond and went on storming the hostel. Then I heard shots.'*

Soldier Andrey (as his relatives still live in the Crimea, he asked not to mention his surname) in an interview to the Facts newspaper, March 2014.

The murder charge under Art. 105 of the Criminal Code of the Russian Federation was brought against Evgeny Zaytsev, a Russian sergeant.

The case was considered in the Crimean garrison military court by the judge Rizvan Zubairov, who previously worked in the Grozny garrison military court of the Russian Federation.

According to the Crimean Field Mission, on March 13, 2015 the sentence was imposed within this criminal case under Article 105 'Murder'. According to S. Karachevsky's brother-in-law, the Russian Sergeant Evgeny Zaytsev was conditionally sentenced to two years in prison for the murder of the Ukrainian Major. The defendant Evgeny Zaytsev has not been placed in custody during the investigation and the trial, continuing to perform military service in the same mode as before the murder of S. Karachevsky.

Stanislav Karachevsky is survived by his wife and two children.

## 4.2. Abductions and Tortures of Activists During the Occupation of Crimea

The seizure of Crimea by the Russian Federation was accompanied by abductions and tortures of pro-Ukrainian and Crimean Tatar activists, volunteers helping the Ukrainian army as well as journalists, photographers, workers of culture and art who openly spoke against the occupation of Crimea or documented the events taking place on the peninsula. However, some ordinary people have been mistaken for the alleged "representatives of radical organizations".

The body of one of the abductees (Reshat Ametov, a Crimean Tatar) was later found with the signs of tortures. Another several individuals (Ivan Bondarets, Vladislav

Vashchuk, Vasily Chernysh, pro-Ukrainian activists) are still not found. Some of the abductees managed to escape. They told about interrogations, humiliation, tortures, and inhuman treatment they went through. Two years after, none of these cases have been investigated by the so-called Crimean authorities, nobody has been punished. Moreover, forced disappearances in the Crimean peninsula still continued in 2015.

## Abducted persons, which were found

### *Andrey Shchekun and Anatoly Kovalsky*

On March 9, 2014, a birth anniversary of famous Ukrainian writer Taras Shevchenko, 'the Crimean self-defense' of Simferopol abducted two Ukrainian activists, Andrey Shchekun and Anatoly Kovalsky.

Andrey Shchekun is one of the leaders of 'Euromaidan-Crimea' movement and the head of Crimean Center for Business and Cultural Partnership 'Ukrainian House'. He was involved in promotion of Ukrainian culture in Crimea, helped to open Ukrainian schools, represented the interests of Ukrainian community, openly supported the independence of Ukraine, organized demonstrations in the support of Euromaidan movement.

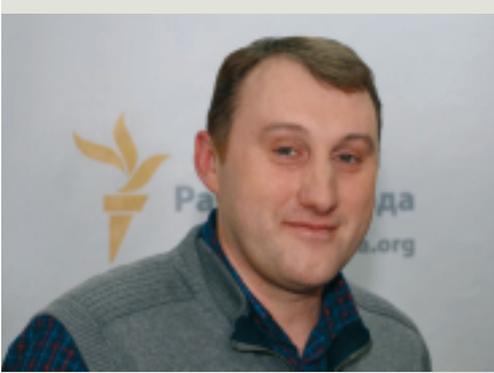
Anatoly Kovalsky is an economist, scientist, and civic leader.

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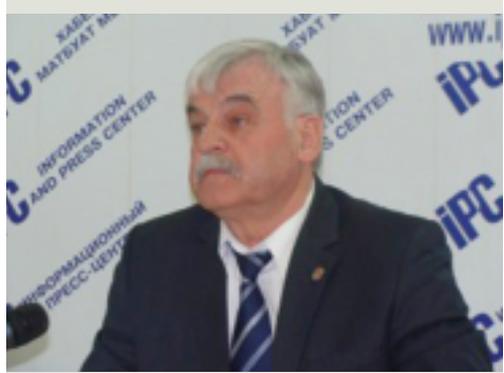
*'On March 9, a meeting in honor of Taras Shevchenko's birthday in addition to a rally against the March 16 referendum on Russia's annexation of Crimea was planned to take place. We received a small package from Kyiv with the Ukrainian national symbols, such as ribbons and flags... Anatoly Kovalsky and Crimean activist Andrey Shchekun went to the railway station to meet the package. Shchekun came on board, while my father remained on the platform. Shchekun was apparently recognized by his stubble. A large group of guys burst into the car, and the activist was literally pushed out from the car to the platform, my father was surrounded too. They were beaten, not so as to hurt physically, but rather in order to humiliate.'*

From the interview of Sergey, Anatoly Kovalsky's son, to the Human Rights Information Center on March 9, 2014.

The activists were taken somewhere near Chongar and kept in basements in inhuman conditions. They were held by the representatives of 'Crimean liberation army' organized by Igor Strelkov (Girkin), a terrorist and retired FSB officer.



Pictured: Andrey Shchekun



Pictured: Anatoly Kovalsky

Andrey Shchekun was regularly severely tortured.

*'They stripped me naked, put me on a chair, tortured with electric current, and beat on my shoulders. When I fell, they kicked me in the chest, hitting like they were obviously professionals... I was interrogated in turn by FSB and the guards. I was suspected to have contacts with Right Sector, though 'Euromaidan-Crimea' was not connected with this organization. They asked about our financial resources, but we were financed by ourselves. FSB officers suspected that I attempted to disrupt the 'referendum' planned on March 16, so they tried to find out on which electoral precincts I intended to do this. FSB were less cruel, but the guards completely took it out on us: in the morning, they used to come to the ward and to shoot at people from airguns, laughing idiotically. Once they shot through my hands.'*

From the interview of Andrey Shchekun to the Center for Journalist Investigations and 'Fakty i Kommentarii' newspaper, February 27, 2015.



The Crimean Archbishop Kliment tried to negotiate for release of Andrey Shchekun and Anatoly Kovalsky. On March 20, 2014, the activists were released on the Crimean border as a result of an exchange. Andrey Shchekun was immediately directed to a hospital in the Kherson region. After his release, Anatoly Kovalsky said that he preserved the hope of freedom due to Ukrainian songs he sang while captive.

## Yury Shevchenko

Yuri Shevchenko, a young man from Pavlohrad in Dnipropetrovsk region who was not an activist and was not interested in politics, happened to be put in the same basement previously shared by Shchekun and Kovalsky. He was visiting his friend in Simferopol but was detained on the Simferopol railway station because he was taken for 'an activist of some radical organization'.

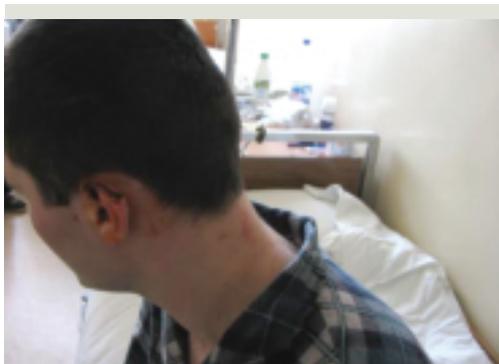


Andrey Shchekun and Yury Shevchenko in the hospital after their release

*'These people were very aggressive. When I asked whether they were the militiamen, they simply twisted my arms behind my back, handcuffed me, and threw me in a car, on the floor between front and rear seats. They yelled, 'You jerk, moron, came here to rain on our parade'. Then a man on a front seat drew out a knife and threatened to cut me in pieces right here. And he cut a piece of my ear ... !*

From Yury Shevchenko's interview to the Belarusian edition 'Novy Chas', March 22, 2014.

According to Yury, he was brought to the unknown place, thrown out on the street, severely beaten right on the pavement, and then handed over to another group. If the former by description, was similar to so-called 'Crimean self-defense', the latter was dressed in 'Russian birch' uniform; they were masked men with radiosets and machine guns. Some of them said, 'Shoot his f...ing legs.' And Yury was shot in both legs; the bullets were extracted in Kherson, more than a week later.



In the Crimean capture, Yury Shevchenko had a piece of ear cut and his legs shot through. Photo by: novychas.info

Yury was dragged into some room, thrown face down on the floor, where he laid in a pool of his own blood, and then stripped to his underpants and tied to a chair with tape so that it was impossible to move.

Then Shevchenko was brought to the rest of the hostages. Here they were all blindfolded, they were not even taken out to the toilet and had to 'soil themselves' for several days. Yury says that he 'was still lucky' though. Because of his severe wounds he was not bothered in particular, and even was allowed to sleep on a mattress, while the others huddled either on the floor or on the chairs.

***Aleksandra Ryazantseva, Ekaterina Butko, Elena Maksimenko, Oles Kromplyas, Evgeny Rakhno***

On March 9, 2014, at Armyansk checkpoint near the entrance to Crimea from the Kherson region, the unidentified armed men detained two cars with AutoMaidan activists Alexandra Ryazantseva and Ekaterina Butko, journalist Elena Maksimenko, photographer Oles Kromplyas and their driver Evgeny Rakhno.

After the Ukrainian flag was found in the trunk, the girls were put on their knees, searched, during which a tattoo dedicated to the Heavenly Hundred was noticed on Alexandra Ryazantseva's hand.

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*'They wanted to cut off my hand, they cut off my hair. They began to drag women by hair, beat Katya Butko with a buttstock, they told us, 'Run in the field, and we'll shoot at you; those who are lucky will be wounded, the rest killed.'*

From Alexandra Ryazantseva's speech in Ukrainian Crisis Media Center, March 18, 2014.

After several hours of abuse, the detained activists and journalists thrown into the basement of the traffic police station. The same evening, the prisoners were transferred near Sevastopol. They were held on the base of the Russian Black Sea Fleet in solitary confinement and interrogated about the actions organized by AutoMaidan, their financing and the Members of the Parliament supporting them.

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*'The group comprised men from "Berkut" riot police, the most angry, they attacked us and yelled at us. One of their alleged chiefs, obeyed by others, came up to me. He held a big knife, saying, 'I collect ears. Which do you prefer to have cut off, left or right?' Then he cut off both of my running shoes tongues. After that, he ordered to the others to put all our documents in the package and burn them. And he threatened to rape us first and then shoot.'*

From the interview with Ekaterina Butko, Ukrainian Pravda. Life, March 20, 2014.



Aleksandra Ryazantseva and Ekaterina Butko

They were released on March 11, 2014. The girls said they survived by a miracle and owed their salvation to the activists who raised the alarm. They said that, when releasing them, the captors tried to make an impression that the situation in Crimea was stable and calm.

### ***Aleksey Gritsenko, Natalia Lukyanchenko and Sergey Suprun***

On the night of 13-14 March 2014, the AutoMaidan activists Aleksey Gritsenko, Natalia Lukyanchenko and Sergey Suprun were abducted. Aleksey is the son of Anatoly Gritsenko, Member of the Parliament of Ukraine.

The activists on two AutoMaidan cars carried humanitarian aid for Ukrainian soldiers in Crimea. The aid consisted of food, socks, underwear, electric torches, cigarettes, etc.

Before the abduction, the unidentified people chased the AutoMaidan activists by car and opened fire. Then the volunteers were taken to the recruit-



Aleksey Gritsenko

ment office in Simferopol. As a result of negotiations several days after the abduction, on March 20, they were released near Chongar.

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*'In our car there was also a guy with his legs shot. Then, he was taken to a hospital because his wounds began to fester. After that, the guys were tortured and interrogated for several days. And fortunately, that night we finally were taken away.'*

From Aleksey Gritsenko's interview to UNN agency on March 20, 2014

### **Yury Gruzinov and Yaroslav Pilunsky**

Yury Gruzinov and Yaroslav Pilunsky were abducted on March 16, 2014 the day of so-called 'referendum' in Simferopol.

Yury Gruzinov is a cameraman, a Russian citizen who filmed the events of Maidan and was wounded by a law enforcement officer on Grushevsky street in Kyiv. Yaroslav Pilunsky is a well-known Ukrainian cameraman. Both were the members of the Babylon 13 Cinematographers Association which filmed the protests at the Maidan Nezalezhnosity in Kyiv, the Crimean events, and then the eastern Ukraine hostilities.

They were asked to come to one of the election polling stations from where they were abducted.

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*'The self-defense perceived us to be very suspicious. Besides, we had no accreditation. They applied force and pulled us in the street and loaded us separately into separate vehicles. Then we saw weapons. There were 10-12 men. Eventually, we were taken to the headquarters.'*

From the interview with Yaroslav Pilunsky, TSN, March 22, 2014



*Pictured: Yury Gruzinov and Yaroslav Pilunsky*

After the talk, the cameramen were about to be released, but the captors learned that Yaroslav's father was Leonid Pilunsky, the VR ARC deputy who opposed the referendum.

The cameramen of the Creative Association 'Babylon 13' were placed in different rooms without windows. For several days, they were held captives in Chongar; Yury Gruzinov was tortured and repeatedly beaten.

They were released on March 20, 2014 near Chongar as a result of negotiations of the Ukrainian side with the local self-proclaimed authorities and the RF leadership.

During the active occupation of Crimean peninsula by Russia, many other individuals were abducted. The exact number of missing persons, abductees, victims of tortures and abusive treatment remains unknown. Nobody has been brought to justice for these serious crimes.

### **Abductions and Disappearances of Individuals, whose Location is Currently Unknown**

Since March 2014, numerous people disappeared in Crimea. As evidenced, at least 9 individuals have been violently abducted (see below).

As some of the abducted people were Crimean Tatars, and the reports of their disappearance have lately become more frequent, and the investigative actions of the authorities are not believed to be effective, the Crimean Tatar community of the peninsula is experiencing an increasing distrust towards the local authorities, which is extended to the Russian authorities in general.

Following the talks between the relatives of the missing Dzheparov, Islyamov and Zinetdinov, Prime Minister Sergey Aksyonov and the representatives of the Investigative Committee of the Crimea in 2014 established a 'contact group' to facilitate the investigation of the disappearances.

A serious problem is the possible involvement of the so-called 'Crimean self-defense' in some of these episodes. As the authorities are often said to be involved in the kidnappings, and the actual perpetrators of crimes are never found and brought to justice, the people of Crimea suppose that the government either is directly involved in the crimes or covers them. The situation is exacerbated by the proposals of the Crimean authorities to release the 'people's militia of Crimea from criminal and administrative liability by recognizing their actions as 'committed in an emergency situation'.

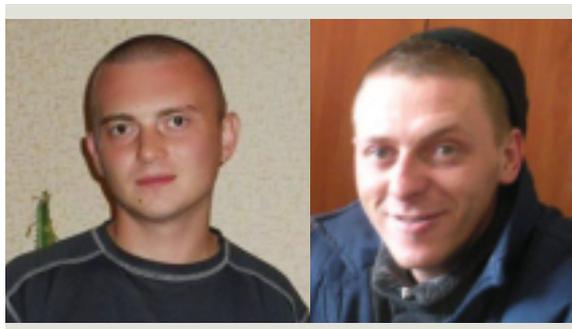
A case which stands out, is the recent disappearance Aleksander Kostenko's father. Aleksander Kostenko is charged by the Crimean investigating authorities for alleged involvement in the Maidan events. The relatives of the missing person and Kostenko's lawyer believe that the disappearance may be explained by the pressure on arrested Alexandr Kostenko, who had previously reported regular beatings, threats, and abuse.

## Cases with evidence of forced abduction

One of the most high-profile cases is the kidnapping and subsequent killing of **Reshat Ametov**, a Crimean Tatar, taken on 3 March at the central square of Simferopol by unidentified men in camouflage uniforms (see the previous section).

Apart from Reshat Ametov's case, several cases with identified evidence of forced disappearance have been recorded since March 2014.

### *Ivan Bondarets and Valery Vashchuk*



Two Euromaidan activists, Ivan Bondarets (born in 1990) and Valery Vashchuk (born in 1985) disappeared in early March 2014 in Simferopol.

The last time they got in contact with their relatives was on March 7, at about 7:30. Vashchuk called his sister and said that he and

Bondartsev had arrived in Simferopol, and complained about documents checking and personal search at the station, he also said that "the coordinator would come for them", and then they would decide whether to stay in Crimea or return to Kyiv, to Maidan. Valery also told his sister that they came on to the platform with unfolded Ukrainian flag in their hands.

Neither of them got in touch with anyone after that. Both activists were members of pro-Ukrainian movements. For two years already there is no information on their whereabouts.

Both have young children in Rivne.

### *Vasily Chernysh*

Vasily Chernysh (born in 1978), a resident of Sevastopol, also disappeared in March 2014. According to his relatives, he had earlier been a member of the Security Department of Ukraine, and participated in AutoMaidan movement. He was a Ternopil-native, and in Sevastopol he spoke Ukrainian.



People lost touch with him on March 15, 2014. The day before the 'referendum' on the status of the Crimea he wrote his last Facebook post, and since then he has never been seen or heard from.

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*'Vasily Chernysh has disappeared, and there is indirect evidence that he may be no longer alive ... Vasily was very bright, bold, and helpful person. He and Sergey Hadzhynov helped me in Sevastopol to go around all police stations and detention facilities to find Katya and Shura ...'*

Alexey Gritsenko, one of the AutoMaidan leaders, Facebook, March 3, 2015.

One of the Automaidan leaders Alexey said that during Euromaidan protests Vasily was in Kyiv and then returned to Sevastopol, where he had an apartment. According to the activist, they found out that Chernysh was taken from his apartment by the police.

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*"The police came and took him with them. We found out through his neighbor" that he was taken off.*

Alexey Gritsenko, one of Automaidan leaders, in an interview for 'Crimea. Realities', November 6, 2015.

One of those who actively joined the search for Chernysh in the spring of 2014 was the film director Oleg Sentsov, who was later arrested by the FSS and charged with terrorism.

### **Timur Shaymardanov, Seyran Zinedinov**

At the end of May, 2014, two Crimean Tatars, members of the Ukrainian House organization, were reported missing in Simferopol – the 34-year-old businessman Timur Shaymardanov and the 33-year-old hauler Seyran Zinedinov. They were close associates, participated in demonstrations against annexation of Crimea and helped the Ukrainian military during the blockage of their military units by the 'self-defense' and 'little green men'.

According to Timur Shaymardanov, Leonid Korzh, one of the activists of the Ukrainian House, disappeared on May



22, 2014. On May 26, Timur Shaymardanov himself did not come home, and none of his relatives or friends has seen him since then. He left the house in the morning. At dinnertime, Timur was to pick up the child from school, but did not do so and the contact with him had been lost since then.

Seyran Zinedinov was one of the coordinators in the search for the missing activists. On May 30 he met Shaymardanov's wife and told her that he had reason to believe that both activists had been abducted by the 'Crimean self-defense'. After this meeting Seyran Zinedine did not return home.

According to Seyran Zinedinov's relatives, there is a recording from the video surveillance camera at the gas station where the activist was last seen before the abduction. The recording shows a car stopping near the filling station and near the activist (the distance does not allow telling the number and the make of the vehicle), and the man was forced into the car. The relatives of the abducted person have received no information about him or the results of the investigation since they filed their application to the police.

After Seyran's disappearance his relatives found out from the mobile operator the location of his phone, which was turned on several times after his disappearance. His mobile phone was connected to the network from the recreation and retreat center Dolphin, which is near Evpatoriya. When this became known, Zinedinov's friends tried to get there, but they were not allowed inside by the guards.

Shaymardanov's phones were turned on several times after his disappearance; his family also tried to find out from the operator the exact location where they got online. However, they got no reply.

On July 31, 2014, the Prosecutor's Office of the Republic of Crimea reported, in response to the request of the Crimean Field Mission on Human Rights, that criminal cases for murder were launched on the facts of the disappearance of Zinedinov and Shaymardanov.

During the 113<sup>th</sup> session of the UN Human Rights Committee in Geneva in March 2015 the Russian delegation stated that the investigation in Crimea was considering several versions in the cases of disappearances of Timur Shaymardanov and Seyran Zinedinov, the disappearance due to their commercial activities or voluntary departure from Crimea. In both cases, the investigation does not consider the versions of the violent nature of their disappearance and involvement of the 'Crimean self-defense', which was declared by the witnesses. In this regard, the effectiveness of investigation of these abductions raises doubts.

In November 2015, Shaymardanov's family lawyer Emil Kurbedinov reported that the Russian investigation has taken a number of investigative measures, but so far there has been no result.

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*"There are no suspects. Almost all the Russian institutions were applied to; requests were sent to all the morgues and police stations. The video from the gas station, which depicts the car into which Shaymardanov could have gotten had been investigated"*

From an interview with the lawyer of the Shaymardanov's family Emil Kurbedinov for 'Crimea.Realities', November 4, 2015.

Due to the inaction of the Ukrainian and Russian investigating authorities in respect to the disappearance of Timur Shaymardanov, the human rights activists filed a complaint with the European Court of Human Rights against Ukraine and Russia. According to Darya Sviridova, Lawyer of the Ukrainian Helsinki Human Rights Union, the complaint was filed as the Crimean law enforcement officials refused to give the affected party the case materials, and the Ukrainian law enforcement officers did not conduct any investigation.

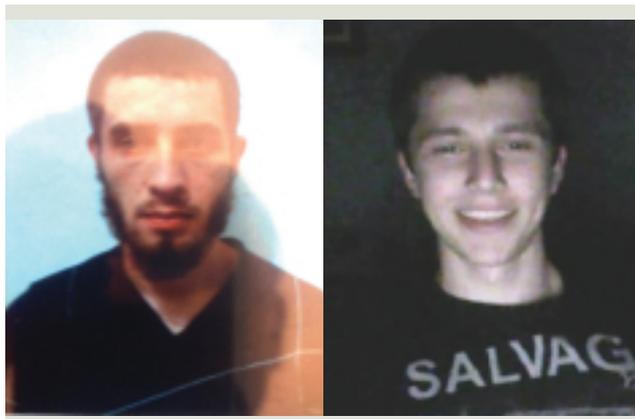
At the same time the case on the disappearance of Seyran Zinedinov was suspended by the Russian investigative authorities. The representative of the victim, the Crimean lawyer Alexander Lesovoy said that he did not try to appeal against the suspension of the investigation, since Zinedinov's relative have discontinued contact with him.

With regard to information about the disappearance of Leonid Korzh, he was found, and, according to Larisa Shaymardanova, he was not abducted.

### **Islyam Dzhepparov, Dzhevdet Islyamov**

On September 27, 2014, the 18-year-old Islyam Dzhepparov and his 23-year-old cousin Dzhevdet Islyamov were kidnapped in the village of Sara-Su near Belogorsk. The young men were last seen on the road in the evening, not far from the shop 'Kysmet' (40<sup>th</sup> km of the Simferopol – Kerch highway): unknown people in black uniforms first searched the guys, and then pushed them in a blue Volkswagen Transporter minibus with tinted glasses (registration number 755, region 82) and left in the direction of Feodosia.

Dzhepparov's father Abdurashid immediately reported to the police about kidnaping of the son, but, according to him, law enforcement authorities were negligent in searching the young people.



A criminal case under the article 'kidnapping committed by a group of persons with prior intention,' was instituted after Dzhepparov and Islyamov's disappearance.

Another disappearance of the Crimean Tatars stirred up the public. A few days after the incident, near the Abdureshit Dzhepparov's house in Sary-Su of Belogorsk district a rally was

held. On the same day, the Head of Crimea Sergey Aksenov met with Abdureshit Dzhepparov and the people that accompanied him. According to the activist, the authorities assured that *"the case would be brought to an end"*. Two days later, Aksenov arrived at Belogorsk to communicate with the resentful public. Following the meeting, it was decided to establish the Crimean Human Rights Contact Group, which, in addition to Dzhepparov, included lawyers, social activists and relatives of the missing people.

More than a year passed since then, however, neither Russian nor Ukrainian law enforcement agencies achieved any results in the search for the missing persons.

In addition, according to Abdurashid Dzhepparov, the law enforcement officials, while investigating the cases, put pressure on the victims and witnesses.

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*"They held us until after midnight, interrogated about Islam, its various branches, radicalism – as if I understood anything in it. I know that the investigators need to collect information, but they should understand me as a father – after all, my son is missing!"*

From an interview with the father of Islyam Dzhepparov Abdurashid for Deutsche Welle, November 2014.

According to Deutsche Welle, Dzhepparov's eldest son Abdullah disappeared in Syria in 2012. Perhaps he took part in military operations for the opposition together with Dzhevdet Islyamov there. Later, Dzhevdet came back home, but Abdullah did not.

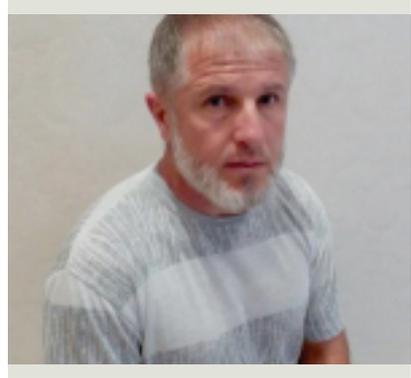
The investigating authorities of the Crimea are checking the facts of Dzhevdet Islyamov's participation in the military operations on the side of the opposition in

the Syrian Republic and the possible connection between the said circumstance and the incident.

### *Mukhtar Arislanov*

On August 27, 2015, a resident of the Fountains district of Simferopol Mukhtar Arislanov was abducted. According to his wife, he went shopping and never returned home.

According to Nurfie Karakash, sister of Abducted Narislanov the locals saw a few people dressed in police uniforms putting Mukhtar Arislanov get into the Mercedes Vito minibus. After that, some of these people also got into the minibus, and some to LadaPriora and drove away in the direction of Simferopol.



The 45-year-old Mukhtar Arislanov worked as a PT teacher in one of the schools in Simferopol district. He was a judo coach. The telephone connection with him was lost in the afternoon of the same day.

The relatives went to the police, filed a missing person report; the police said that they had nothing to do with the disappearance of Mustafa Arislanov. The Field Human Rights Center reported that the investigation authorities put psychological pressure on Arislanov's wife in order to force her to withdraw the application on the abduction.

As reported on the website of the Investigative Committee of the Russian Federation on the Republic of Crimea, a criminal case on the grounds of an offense under Part 1 of Art. 105 of the Criminal Code of the RF (murder) was opened.

### **Cases with no signs of forced disappearance**

There are several more cases which give no reasons to suggest abduction, and some of these cases are under investigation, but distrust to the investigation in respect of the previous episodes (including, in particular, the murder of Reshat Ametov taken away from the central square of Simferopol by unidentified men in camouflage uniforms on March 3) give rise to a variety of versions, including the involvement of law enforcement agencies or paramilitary forces in all these episodes.

### Edem Asanov



On September 29, 2014, the 25-year-old Edem Asanov disappeared on his way to work from Saki to Yevpatoria. According to Asanov's sister Feride, he left his house in Saki at 8:30 to catch the bus to Yevpatoria, where he worked as a rescuer at a spa resort.

He was found hung up in an abandoned holiday center in Yevpatoria on October 6. There was a suicide note near Asanov's body saying that he had a disease that allegedly made him commit suicide. The relatives of the dead first said that Asanov could not commit a suicide, but then urged journalists not to look for political implications of his death.

Right after Asanov's disappearance, it became known that a person with the same surname appeared in the case of 'Oleg Sentsov's group' which was allegedly preparing acts of terrorism on the peninsula. It turned out later that it was Asanov's namesake with a different patronymic.

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*'There is a version that Asanov had the same surname as the person in Sentsov's case, and, allegedly, he was kidnapped incidentally. But when they (kidnappers) found out that it was a different person, they organized a suicide to hide the crime. The relatives behave very strangely in this story. If we say that it was a suicide and that everything was transparent why were not we provided a death certificate? It gives rise to suspicion.'*

From the interview of the Vice-Chairman of the Crimean Field Mission for Human Rights Olga Skripnik to the GORDON, February 2015.



The Crimean Field Mission noted that the relatives set Asanov's funeral for an earlier date so there was no possibility to establish traces of violence on his body.

### Eskender Apselyamov

Eskender Apselyamov, 23, went missing on October 3, 2014, in Simferopol. Around 17.30 he went out from the rented apartment in Trubachenko street in Simferopol to work in a bakery (a 15-minute walk from home), but never turned up at work. He was last seen in a shop near

his work where he bought cigarettes. Apselyamov's phone turned on for 15–20 minutes in the evening on the day of his disappearance, but he discarded all calls. Apselyamov's relatives went to all hospitals, police stations, and mortuaries of Simferopol after his disappearance, but he could not be found anywhere. According to the relatives of the Crimean Tatar, he was fond of football and did not participate in the political life of the peninsula at all.

There is still no information on the missing Apselyamov on the web site of the Crimean Investigation Committee. Eskender's mother Aishe Apselyamova said that a criminal case for disappearance of her son was launched (she does not know under which article), and the parents periodically meet the investigator.

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*'I call him by phone and ask whether there is any news. Unfortunately, there is no news.'*

From an interview with Eskender's mother, Aishe Apselyamova, for the GORDON, February 2015.

### **Fedor Kostenko**

On March 4, 2015, friends and family lost touch with Fedor Kostenko, father of Euro-maidan activist Alexander Kostenko arrested in Crimea.

Before his disappearance he had arrived in Kyiv to talk to the press about the arrest of his son but was forced to rush back to Crimea after his second son phoned him to say that the FSS had searched their apartment once again.

On March 3, he phoned and said that he entered Crimea, and then the contact with him was lost. To date, his whereabouts remain unknown.

According to the Crimean Field Mission, Fedor Kostenko's wife filed an application to the police about his disappearance. The document also states that on March 2 and 3 *"near our apartment there were suspicious people, who obviously watched the entrance and the apartment at the door and from the car"*. The application states that the presence of such "observers" can be confirmed by the neighbors.

Fedor Kostenko's son Alexander, a former Crimean policeman, has been charged with deliberate infliction of bodily harm on the grounds of ideological hatred, in January 2014 on the Maidan in Kyiv, against the fighters of Berkut riot police unit sent to Kyiv from Crimea (par. b of Part 2 of Art. 115 of the Criminal Code of the Russian Federation). He was beaten and tortured with electric current, and then forced to write a confession. Kostenko was sentenced to 4 years and 2 months in

prison. Later, the Supreme Court of Crimea reduced the term of imprisonment to 3 years and 11 months.

The relatives of the missing person and Kostenko's lawyer believe that the disappearance of the detainee's father may be related to the pressure upon his son who had previously reported regular beatings, threats, and abuse.

### 4.3. Criminal Prosecutions for Political Reasons, Unlawful Arrests and Searches

The Russian laws on extremism, and terrorism are used in Crimea for the purposes of exercising pressure on the Ukrainian and Crimean Tatar activists. Using Russian law as a means of protection for themselves, the FSS, prosecutors, and the police conducted more than a hundred illegal searches in the homes of the Crimean Tatars, Euromaidan activists, and journalists, as well as in mosques, madrassah, temples, editorial offices of TV channels and print media. The 'Crimean self-defense' often takes part in such searches, usually by surrounding the house under search and not allowing in any lawyers, as well as by taking away personal belongings.

A more severe manifestation is unreasonable arrests and imprisonments; the Crimea now has political prisoners. Criminal proceedings have been initiated even in respect of the events that had occurred before the establishment of Russian control over the Crimea or for the events that had taken place in Kyiv.

#### *'The Case of May, 3'*

**The charge:** The use of violence endangering the lives or health of the persons against a representative of authorities (part 2, Art. 318 of the Criminal Code of the Russian Federation), punishment: Imprisonment of up to ten years, illegal crossing the state border of the Russian Federation (Art. 322 of the Criminal Code), punishment: From a fine to imprisonment for up to six years.

**The arrested persons:** On October 16, 2014, Musa Apkerimov was arrested, followed by Rustam Abdurakhmanov on October 17, 2014, Tahir Smedlyaev on October 22, 2014, Edem Ebulisov on November 25, 2014, Edem Osmanov on January 20, 2015.

Mustafa Dzhemilev, a well-known activist and the leader of the Crimean Tatar People was banned entry to Crimea on Marh 3, 2014. In response, the Crimean Tatars



*Pictured:* Motor highway in Armyansk, Mustafa Dzhemilev attempts to enter Crimea with the support of Crimean Tatars

came to the town of Armyansk, the entry point to Crimea, to support their leader and express their protest against the ban. The meeting was attended by several thousand Crimean Tatars, after which Natalia Poklonskaya, the prosecutor of the Crimea, sent a resolution to the Investigation Committee and the FSS in order to ‘institute criminal proceedings against the persons responsible for the gathering, under Articles 212, 318, and 322 of the Criminal Code of the Russian Federation’, i.e., riots, acts of violence against a representative of authority, and illegal crossing of the state border. The prosecutor’s office and the court, which issued an order for the arrest of five people involved, did not even take into account the fact that on 3 May the border of the Russian Federation in the Crimea had not been equipped yet. The participants of the rally could not illegally cross the Russian border because the border crossings and the border itself appeared only in June.

A week later, the protesters began to receive subpoenas, and subsequently about 200 people were fined in the amount of RUB 10,000 to 40,000 for administrative articles on ‘unauthorized meeting’ (20.2 of the Administrative Code of the Russian Federation) and disobedience to the police (19.3 of the Administrative Code). This was followed by a wave of raids on the homes of the participants of the peaceful assembly of May 3 under the pretext of searching for weapons,

drugs, and forbidden extremist materials. In October, 4 Crimean Tatars were arrested: Musa Apkerimov, Rustam Abdurakhmanov, Tahir Smedlyaev, and Edem Ebulisov. On January 20, 2015, Eden Osmanov was arrested, the son of Mustafa Osmanov, the activist of Crimean Tatar national movement and the participant of Euromaidan in Kyiv.

Later all the five people were released from custody on bail. It is known that subsequently, four of them were found guilty under Art. 318 of the Criminal Code of the RF 'The use of violence against a representative of authority' and sentenced to various punishments: Musa Abkerimov – to 4 years and 4 months of conditional imprisonment, Edem Ebulisov – to a fine of 40,000 rubles, Edem Osmanov – to one year of conditional imprisonment, Tahir Smedlyaev – to 2 years of conditional imprisonment.

### *'The Case of February, 26'*

**The charge:** Organization of and participation in the riots (Art. 212 of the Criminal Code of the Russian Federation), punishment: Imprisonment of three to fifteen years; causing death by negligence (Art. 109 of the Criminal Code of the Russian Federation), punishment: Imprisonment of up to two years.

**The arrested persons:** Akhtem Chygoz, deputy chairman of the Mejlis of the Crimean Tatar people, was arrested on January 29, 2015, followed by Eskender Kantemirov on February 7, 2015, Eskender Emirvaliev on February 18, 2015, and Talyat Yunusov on March 11, 2015, and also Eskender Nebiev, Mustafa Degermendzhi, Ali Asanov and Arsen Yunusov.



*Pictured:* Akhtem Chygoz, the Deputy Head of the Crimean Tatar People Mejlis

On February 26, 2014, a rally organized by the Mejlis of the Crimean Tatar people in support of Ukraine's sovereignty and the status of the Autonomous Republic of Crimea was held in Simferopol (the capital of the Crimea) near the Parliament of the Autonomous Republic of Crimea. The event was attended by several thousands of Crimeans.

On March 21, 2014, Russia adopted the law of the Russian Federation No. 6-FKZ on the inclusion of the Crimea into the Russian Federation. The law itself came into force on 1 April, 2014, so Russia recognizes its jurisdiction in the Crimea from that day. Despite this, the Investigative Committee of the Russian Federation began to institute criminal proceedings for the events that occurred before April 1, and are not in the jurisdiction of the Russian Federation. Meanwhile, according to Article 70 of Geneva Conventions of August 12, 1949 on protection of civilians during war, an occupying power shall not arrest, prosecute or convict protected persons for acts committed or opinions expressed before the occupation or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

In January 2015, the Investigative Committee of the Russian Federation instituted criminal proceedings for organizing of and participating in the riots on February 26, 2014. It is under this case that Akhtem Chiygoz, the deputy chairman of the Mejlis, was arrested and remains in custody. His house was searched. As a part of this case, FSB searched the premises of the Crimean Tatar channel ATR and removed the video recordings of the events of February 26. The investigators believe that two people died by accident during these events (one of them died from a heart attack). Three more Crimean Tatars were arrested and more than 150 people were questioned. The investigators intimidated the arrested Eskender Emirvaliev to give false testimony against Akhtem Chiygoz, but he refused to do that. Akhtem Chiygoz himself did not plea guilty and is sure that the charges are made up and have political reasons.

Under this case Talyat Yunusov was found guilty under Part 2 of Art. 212 of the Criminal Code of the RF (participation in mass riots, accompanied by violence and destruction of property) and sentenced to three and a half years of conditional imprisonment. Eskender Nebiev was found guilty of participation in mass riots under Part 2 of Art. 212 of the Criminal Code of the RF and sentenced to two and a half years of conditional imprisonment with two years' probation. Currently, six more persons are under investigation – Akhtem Chiygoz, Mustafa Degermendzhi, Ali Asanov, Eskender Emirvaliev, Eskander Kantemirov, Arsen Yunusov.

In February 2016, the Court of Crimea decided to return the case for further pre-trial investigation.

### *'The Case of Hizb ut-Tahrir'*

**The charge:** Establishment of a terrorist organization and participation in the activities of such organization (Art. 205.5 of the Criminal Code of the Russian Federation), punishment: Up to life imprisonment.

**The arrested persons:** Ruslan Zeytullaev, Nuri Primov, and Rustem Vaitov were arrested on January 23.

In Ukraine, Hizb ut-Tahrir exists as a political Islamic movement involved in religious, political, and educational activities. Some followers of this movement lived in Crimea. Hizb ut-Tahrir members have not been involved in any terrorist activity. However, Russia is the only country where Hizb ut-Tahrir has been recognized as a terrorist organization, and its participants are pursued criminally.

The use of Russian legislation in the Crimea led to the arrest of three Crimean Tatars for alleged 'establishment of a terrorist organization and participation in the activities of this organization'. In particular, they are accused of the activities of Hizb ut-Tahrir. The court ruled on their detention for 2 months. But now, according to the Russian laws, one of the detainees may be sentenced between 15 and 20 years of imprisonment, or a life sentence, for organizing the activities, while the other two may be jailed for 5 to 10 years for taking part in such activities.

Relatives and friends claim that the detainees were not involved in any terrorist activities and were just Muslims. There is no conclusive evidence of the fact that the detainees belonged to Hizb ut-Tahrir, and many believe that this is an act of intimidation of the Crimean Tatars.

On February 16, Sevastopol City Court upheld its decision on the detention of one of the arrested, Ruslan Zeytullaev. He intends to appeal against the decision. His lawyer said that the hearing was conducted in the absence of the arrested person and his lawyer, which is a gross violation. The terms of detention of the four defendants are constantly extended.

To date, the sentences had not been imposed.

In 2016, the persecution of the alleged members of Hizb ut-Tahrir reached a new level. Thus, on February 11, 2016, there was a series of searches in the homes of Muslims in Yalta, Alushta and Bakhchisaray district. It is known that 13 Muslims were detained after these searches: Muslim Aliev, Enver Bekirov, Shamil Ilyasov, Emir-Usein Kyky, Nariman Mamedinov, Damir Minadirov, Aider Moskovsky and his son, Rustem Osmanov, Vadim Siruk, Bakhtiyar Topuz, Arsen Khalilov, Muslim Mazmanov. With respect to the four persons detained as a result of searches (Enver Bakirov, Vadim Siruk, Muslim Aliev and Emir-Usein Kyky) the Simferopol court passed a decision on the detention for 2 months until April 8. They are accused of the so-called "terrorist articles" – participation in a terrorist community or its organization, namely, the alleged participation in the activities of Hizb ut-Tahrir. On February 12 and 18, 2016 there were also searches in the homes of Muslims on suspicion of participation in Hizb ut-Tahrir.

### 'Kostenko's Case'

**The charge:** Intentional infliction of bodily harm on the grounds of political, ideological, racial, ethnic or religious hatred or enmity or hatred or hostility toward a social group (part 2, Art. 115 of the Criminal Code of the Russian Federation), punishment: Up to two years in prison.

**The person arrested:** Alexander Kostenko was arrested on February 5, 2105.

The Kostenko's case is unprecedented. He is accused of involvement in the events that took place as early as in February 2014, and, what is more, not even in the Crimea but in Kyiv. Kostenko himself is a Euromaidan activist.



*Pictured:* Alexander Kostenko

Alexander Kostenko was arrested on February 5 in Simferopol, but he was not taken to the police station until the following day. He claims that the FSB had spent the night torturing him to get his confession.

Investigators believe that Kostenko, 'with a sense of ideological hatred and hostility to the employees of the Department of the Ministry of the Interior', threw '10x10x12 cm stones (paving stones)' aiming them at warrant officer V.V. Polienko, who was standing in the cordon. The investigators insist that this led to injuries of an employee of the Crimean Berkut Unit 'in the form of a large hematoma in the middle and lower thirds of the left shoulder'. It remains unknown how the investigators from Simferopol were able to investigate the events that had taken place in Kyiv a year earlier.

Other activists who were on Maidan in Kyiv with Kostenko argued that Kostenko could not throw the stones because at that time was not on the street but in a building where he helped the wounded.

Kostenko wrote an open letter in which he reported being regularly tortured. Kostenko's lawyer also confirms that the arrested people were tortured. Bare wires were pushed under his nails, and he was tortured with electric current. He has noticeable bruises on his body, his arm and fingers have been broken. Kostenko is now subject to tortures in the pre-trial detention center, he is being forced to refuse the services of his attorney and give evidence against other Ukrainian activists of Euromaidan.

The apartments of other activists who were familiar with Alexander Kostenko have been searched within the framework of this criminal case. The prosecution was represented by the Crimean Prosecutor Natalia Poklonskaya.

In May, Alexander Kostenko was sentenced to 4 years and 2 months in a penal colony; he was found guilty of violating par. b of Part 2 of Article 115 (intentional infliction of bodily harm) and Part 1 of Article 222 (illegal possession of firearms) of the Criminal Code of the RF. On August 26, the Crimean Supreme Court changed the sentence to 3 years and 11 months cumulatively.

In the fall of 2015, Alexander Kostenko was taken out of Crimea and currently he is in the penal colony #5 in Kirovo-Chepetsk, Kirov region, Russian Federation.

### *'Vladimir Balukh's case'*

**The charge:** insulting a representative of authority (Article 319 of the Criminal Code of the RF).

In November 2013, Vladimir Balukh planted a Ukrainian flag on the roof of his wife's house, which he did not remove after the occupation of the peninsula. Vladimir Balukh was detained for the first time in July 2014. The police did not allow him to the meeting of residents of Serebryanka village with the Chairman of the "State Council" of Crimea, Vladimir Konstantinov. The police arrested him for "failure to comply with the legitimate demands of the police". Later, at the end of April 2015, the house where Vladimir Balukh lived with his partner in Serebryanka village was searched by the police together with the FSS officers, during which they took the flag of Ukraine

off the roof of the house. The reason for the search was a statement about the theft of tractor spare parts in Chernyshevo village, located 30 km away from the place of the search, and application to the police from an unknown person stating that Balukh allegedly was selling the tractor spare parts. At the time of the search Balukh was out, and the search report was not drawn up.



*Pictured: Vladimir Balukh*

On November 14, 2015, the house of the Balukh's partner was searched again. The reason for the search this time was a criminal case on a car theft in the nearby Razdolnoe village. The main witness in the case on spare parts theft, and in the case on car theft was the same person, which

indicated Balukh as a suspect. However, Balukh had never met this person before. Vladimir Balukh said that after the search started, the police officers took him outside, put him in the car and beat, as well as insulted him on account of his ethnic descent. However, the police officers had not been held accountable for such actions; instead



*Pictured:* Sentenced to the 320 hours of compulsory labor Vladimir Balukh at one of the hearings in the Razdolnenskiy court

the local court found Balukh guilty of disobedience to a police officer and imposed a penalty in the form of administrative detention for ten days. The activist spent 10 days in detention, repeatedly requested medical treatment, but was repeatedly denied. In addition, during the Balukh's detention, the Razdolnenskiy department of the Investigative Committee of Russia on November 18, 2015, opened a criminal case against him. Balukh was charged with committing a crime of "publicly insulting a representative of authority during the performance of relevant duties". The criminal case was investigated for two days and submitted to the Razdolnenskiy district Prosecutor.

On February 5, 2016, the court found Vladimir Balukh, a Ukrainian, guilty under Art. 319 of the Criminal Code of the RF "insulting a representative of authority" and sentenced him to 320 hours of compulsory labor.

## 4.4. Forced Citizenship

According to the data provided by the Office for National Statistics of Ukraine in the statistical digest 'Population of Ukraine'<sup>3</sup>, as of January 1, 2013, the total population of ARC and Sevastopol amounted ca. 2,350,000. The Federal Constitutional Law of RF No. 6 provides the granting of automatic Russian citizenship for all Ukrainian citizens who were domiciled and registered in Crimea at the moment of adoption of this law. Therefore, the inhabitants of Crimea, in fact, got a double citizenship

<sup>3</sup> [http://ukrstat.org/uk/druk/publicat/Arhiv\\_u/13/Arch\\_nnas\\_zb.htm](http://ukrstat.org/uk/druk/publicat/Arhiv_u/13/Arch_nnas_zb.htm)

from the point of view of the occupying country. Meanwhile, the laws of RF provide for possible criminal responsibility for concealment of the second citizenship (for Crimeans, this provision of the RF law will come into effect on January 1, 2016<sup>4</sup>). After this date all Ukrainian citizens domiciled and registered in Crimea will have to make notifications about their Ukrainian citizenship. The concealment of the information about citizenship may entail criminal responsibility (Article 330-2 of the RF Criminal Code – punishable by a fine of up to 200,000 rubles or in the amount of an annual income of the convicted person, or up to 400 hours of compulsory work). The citizens who fail to make such notifications in a due time or provide incomplete or knowingly false information, are subject to administrative fine in the amount of 500 to 1,000 rubles.

There are grounds to believe that this provision can be extended to the internally displaced persons, which currently reside in the mainland Ukraine. According to various estimates the number of the internally displaced persons from Crimea and Sevastopol amounts to 15 – 30 thousand people.

Importantly, the procedure for submission of such an application envisages having a passport of the citizen of the Russian Federation. Therefore, those who did not submit an application for renunciation of citizenship of the Russian Federation/retention of the Ukrainian citizenship (see below), and did not obtain a Russian passport, would not be able to submit such an application. The recognition of the inhabitants of the peninsula as Russian citizens was automatic, without considering each case separately. In fact, the Russian government can claim that all those whose place of residence was registered in Crimea and Sevastopol are Russian citizens – regardless of whether such persons actually resided in the territory of the peninsula.

The ‘automatic citizenship’ could be avoided only by filing personal application on the intention to retain Ukrainian citizenship before April 18, 2014 only in 4 offices for all Crimea (including Sevastopol), after standing in one line with those who wanted to receive a Russian passport. Although formally the period for filing such an application should have been one month (from March 18 to April 18, 2014), in fact, the procedure for acceptance of such applications was introduced on April 1 (the date of entry into force of the law On the accession of Crimea). In mid-April 2014, the additional offices for registration of refusals from Russian citizenship were open (while, according to the Russian Federal Migration Service (FMS), the number of the offices accepting documents on the RF passport was about 250). The actual term for filing such applications was about three weeks. Moreover, these were not the offices specifically designed for processing such applications, they accepted

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<sup>4</sup> <http://www.rg.ru/2014/06/06/grajdanstvo-dok.html>

the applications for refusal of citizenship of the Russian Federation/retention of the Ukrainian citizenship together with applications for issuance of passports of Russian citizens, which constituted an additional obstacle.

In total, according to the data presented by the head of the Russian FMS regional department in Crimea, this option was used by 3,500 people. There were documented cases when the people willing to file the application just had no time to do this. In addition, these applications could not be filed by the people who were abroad, ill, etc. After filing such refusal, the citizens of Ukraine, in fact, became foreigners in Crimea for the RF authorities who are in a position to limit the period of their stay in Crimea, expulse them or even deny them the entry to their own places of residence.

Having the Russian passport is a prerequisite for the realization of a significant number of rights by Crimean residents. Namely, getting all kinds of social benefits, obtaining a driver's license, vehicle registration, work at certain positions (civil service, budgetary institutions), obtaining of land lots, free medical care, and re-registration of ownership rights. Civil servants of all levels are widely reported to be coerced to denounce their Ukrainian citizenship, as well as to hand over their Ukrainian passports to the heads of institutions where they work.

Thus, the system is created that forces Crimeans to acknowledge Russian citizenship. On December 29, 2014, the changes<sup>5</sup> were introduced to the Article 4 of the Federal Constitutional Law # 6, according to which the Crimean residents are able to abandon the second 'foreign citizenship' by filing an application and the foreign passport to the corresponding authorities of the RF. The provisions of the law are formulated in such a manner that a person residing in the RF shall be considered as not having the citizenship of another country. This regulation cannot apply to other countries. In this way, the Russian authorities are trying to deprive the Crimeans of Ukrainian citizenship, 'bypassing' the law of Ukraine and international standards, according to which this is possible only upon personal appeal of a citizen to the relevant Ukrainian authorities.

Especially vulnerable is the position of orphans and children in the care or custody of state authorities. According to the official data as per August 1, 2014, there were 4,228 such children in Crimea. Administrations of all Crimean institutions started to collaborate with the Russian authorities. The children are, in fact, denied the right to choose their citizenship (the RF passport is provided on reaching 14 years of age).

Separate category is presented by Ukrainian citizens who permanently resided in Crimea before the occupation, but were not registered there. Such persons became

<sup>5</sup> <http://www.rg.ru/2014/12/31/krym-dok.html>

foreigners in Crimea. In order to obtain a residence permit or the RF passport, they were forced to prove the fact of their residence in Crimea through court actions. Not only a recourse to the court is associated with considerable costs, but it also cannot guarantee the obtaining of Russian citizenship or residence permit to these people. Even upon the availability of the court's decision on establishing the fact of residence in Crimea or Sevastopol, the decision to issue the passport of the citizen of the Russian Federation /residence permit shall be adopted on the basis of a thorough check of all the circumstances of the case by officials of the Federal Migration Service.

The Russian authorities use the fact of 'automatic citizenship' for the criminal prosecution of pro-Ukrainian activists. The most widely known examples are the cases of Oleg Sentsov and Aleksander Kolchenko, who were detained and taken to Moscow, where they are currently in the detention center. Both are citizens of Ukraine, and lived in Crimea at the time of the occupation. They did nothing to obtain the RF citizenship, and do not recognize the fact of obtaining this citizenship. However, the criminal proceedings against them are held as against the citizens of the RF; the Consul of Ukraine is not allowed to meet with them. The refusal of preservation of the Ukrainian citizenship is contrary to the laws of the Russian Federation, the legislation of Ukraine and international acts.

At the same time, the Russian Federation manipulates the fact of acquisition of 'automatic citizenship', e.g., for the actual expulsion of undesirable persons from the territory of the peninsula. Thus, regardless of the recognition by the Russian Federation of all Crimeans as its citizens, Sinaver Kadyrov was forcibly deported from Crimea. The so-called Supreme Court of Crimea noted in its decision that there was no evidence that S. Kadyrov was a Russian citizen, and accordingly the court did not recognize his 'automatic citizenship'. Such court decision indicates the lack of independence of the court (in fact, they make political decisions), and the non-compliance of the law on citizenship to the requirements of stability and justice, the focus on security and the protection of fundamental rights which are the basic principles of the law-governed state and the rule of law in the modern world.

The European Convention on Nationality, ratified by Ukraine, and signed, but not ratified by the Russian Federation, defines the "nationality" as a legal bond between a person and a state without specifying the ethnic origin of a person. In addition, according to the position of the International Court of Justice in a decision (Nottebohm case), nationality is a legal bond having as its basis a social fact of attachment, interests and sentiments, together with the existence of reciprocal rights and duties.

Such 'automatic' obtaining of Russian citizenship by citizens of Ukraine in Crimea cannot be considered as legal, since the internal Russian procedures related to this

do not comply with the applicable international conventions, customary international law, and the principles of laws on citizenship.

In fact, Russia has not only occupied a part of the territory of Ukraine, but also took control over the majority of the population of this territory, depriving it of the freedom of choice. Such actions represent a terrible precedent of arbitrary determination of man's fate by an aggressive state. Such actions of the occupation authorities create serious legal issues; complicate the return of the Crimean peninsula under Ukraine's control as it is much easier to declare the granting of citizenship to the nationals of another country than to overcome the consequences of the lawlessness.

## 4.5. Violation of the Right to the Freedom of Movement<sup>6</sup>

The right to the freedom of movement is the right to move freely throughout the territory of own country, as well as the right to choose a place of residence, the right to leave and freely return to own country. This right is an international standard and is protected by Article 2 of Protocol No.4 to the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 12 of the International Covenant on Civil and Political Rights. Article 49 of the Convention for the Protection of Civilian Persons in Time of War of August 12, 1949 (IV Geneva Convention) prohibits, regardless of the motives, to carry out forced individual or mass displacement or deportation of civilians from the occupied territory both to the territory of the occupying state and to the territory of any other state, regardless of whether it is occupied or not.

The violation of the right to the freedom of movement leads to breaking the social, economic, family, cultural and other relations between the people, entails information isolation of the peninsula, when the people are fully influenced by the Russian propaganda and cannot get hold of an alternative point of view on the events in Ukraine and the world. The creation of such a situation meets the interests of the occupying authorities and allows to instill a climate of fear and make the residents of the peninsula feel hopeless.

The violation of the freedom of movement greatly increases a person's vulnerability before the state, when it becomes clear that there is no place to escape to. The vio-

<sup>6</sup> A more detailed study on the violation of the right to the freedom of movement under occupation can be found in the thematic review *Crimea Without Rules*// [http://crimeahumanrights.org/wp-content/uploads/2015/11/Crimea\\_Beyond\\_Rules\\_RU\\_Issue\\_1.pdf](http://crimeahumanrights.org/wp-content/uploads/2015/11/Crimea_Beyond_Rules_RU_Issue_1.pdf)

lation of the freedom of choice of the place of residence, on the contrary, can lead to a intent to or even the need to leave the peninsula.

One example of the interference with the freedom of movement is the establishment of control over the entry/exit into the territory of peninsular. The existing conditions (for example, the availability of certain documents or the limitation of the duration of stay for non-Russian citizens) may make the entry or exit impossible.

The most obvious interference with the freedom of movement and the freedom to choose the place of residence is a requirement for obtaining a residence permit for Crimeans which filed an application to renounce the Russian citizenship (or according to Art. 4 of the Law No. 6-FKZ, "on the desire to retain the citizenship of Ukraine")<sup>7</sup>. Being designed for people arriving to the territory of the Russian Federation, these requirements significantly limit the rights of these people to reside in the place, which had been a home for them for many years (probably, since birth). Perhaps, these requirements being defined as "when in Rome do as the Romans do" are adequate for those whose home was located in a different location before. But in the case of Crimeans, who refused to allow the occupation authorities to consider them the citizens of Russia, they did not come to a foreign country – Russia came to them with its rules. Moreover, any attempt to temporarily travel outside the peninsula for such citizens may lead to the fact that they will be observed by the migration control, with imposition of 90/180 day limited stay applicable to them respectively. Importantly, the passport control is also carried out at the Kerch ferry, so in terms of the freedom of movement Crimea is an island which can be left only upon consent of the occupation authorities.

In addition, throughout the Russian Federation there is a fairly tight control over the registration of the place of residence and compliance of such registration with the actual place of residence. If in Ukraine such requirements are rather declarative, in the Russian Federation the violation of migration requirements may entail quite serious responsibility.

A good illustration of the absurdity of the situation is an amusing incident occurring to Oleg Zubkov, Director of the famous Yalta zoo "Fairy Tale and the Lions Park Taigan" in Crimea. Having supported the actions of the Russian authorities in Crimea, pretty soon he fell victim of a repressive mechanism.

Article 322.2 of the Criminal Code of the RF establishes criminal responsibility for the fictitious registration of the citizen of the Russian Federation at the place of stay or residence in a residential premise in the Russian Federation and the fictitious reg-

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<sup>7</sup> See Section 4.4. Involuntary nationality

istration of a foreign citizen or stateless person at a place of residence in a residential premise in the Russian Federation and envisages a penalty, which varies from a fine in the amount of 100 thousand Russian rubles to imprisonment for a term not exceeding three years. Similar liability is envisaged for the fictitious registration of foreign nationals or stateless persons. The fictitious registration of foreign nationals or stateless persons at the place of residence in a residential premise in the Russian Federation means their registration at the place of stay (residence) in a residential premise on the basis of submission of the deliberately incorrect (false) information or documents or their registration at the place of stay in a residential premise with no intention to stay (reside) in these premises or without the intention of the host party to provide these premises for their stay (residence).

Oleg Zubkov described his situation in his blog as follows: "A year ago the family of our friends from Moldova came to visit us. Being aware of the need for registration we registered them in our apartment at Sadovaya St. in Yalta, where we no longer lived. Our friends stayed for a while and left. 8 months later, some strange people from the FSS came and wondered whom we settled there. Currently, the situation cleared in the form of initiation of a criminal case under the Article, which envisages an actual punishment from 3 to 5 years in prison, I guess. So far, we are unable to understand what we are guilty of, and what we did wrong. Yesterday we went to the first interrogation as witnesses, yet. The investigator was polite and short-spoken. He showed us a criminal case with around 25 sheets, asked a few questions and said that we were free to go at the time. I sat there, in the course of interrogation and thought: "Serves you right, you were the first running around with flags and wanted to be in Russia..."<sup>8</sup>.

An indirect but important factor which restricts the freedom of movement is the limitation of the transportation of belongings through the introduction of direct bans or customs regulation. Being unable to take the necessary belongings (sometimes it can refer not only to household items, but also, for example, tools or equipment required for professional activity, all sorts of collections or archives), people are forced to refuse from relocation.

Sometimes, however, the authorities proceed from indirect methods to the outright expulsion of dissidents. The following public figures – leaders of the Crimean Tatar movement and activists have been deported:

- On April 22, 2014 – Mustafa Dzhemilev, MP of Ukraine, a ban on the basis of par. 1 of Art. 27 of the Federal Law On the Procedure for Exit from the Russian Federation and Entry to the Russian Federation for a period of 5 (five) years to April 19, 2019;

<sup>8</sup> [http://olegzubkov.blogspot.com/2015/09/blog-post\\_58.html](http://olegzubkov.blogspot.com/2015/09/blog-post_58.html)

- On July 5, 2014 – Refat Chubarov, Chairman of the Mejlis of the Crimean Tatars, the notification on the prohibition contained a reference to the Federal Law On the Procedure for Exit from the Russian Federation and Entry to the Russian Federation No.114 of 18.07.1996;
- On August 10, 2014 – Ismet Yuksel, general coordinator of the Information Agency Crimean News QHA, Advisor to the Chairman of the Mejlis of the Crimean Tatars. The decision on the ban was made by the FSS on the basis of par. 1 of clause 1 of Article 27 of the Federal Law of 15.08.1996 No. 114-FZ On the Procedure for Exit from the Russian Federation and Entry into the Russian Federation. The text of the reasoned decision on the ban on entry was not provided;
- On January 23, 2015 – Sinaver Kadyrov, a member of the Committee for the Protection of the Rights of the Crimean Tatars. The decision on the expulsion was adopted by the Armyansk District Court. The reason for the expulsion was that, according to Russian authorities, as a citizen of Ukraine, he violated the 90-day period of stay in the territory of the Russian Federation.

Entry bans to permanent residents by the Russia Federation after short-term absence are the cases tried by the European Court of Human Rights.<sup>9</sup>

Another example of the violation of the freedom of movement may be cases when the person had already been banned to enter the territory of the Russian Federation, and the ban was automatically extended to the territory of Crimea because of its annexation. For example, this was the situation of Oleg Khomenok, a well-known journalist, media expert and coach, who resided in Simferopol. On October 29, 2012, he was banned to enter the territory of the Russian Federation for a period of 5 years<sup>10</sup>. Since March 2014, the ban applied to the territory of Crimea, and its violation entailed criminal liability.

It is clear that the territory of the Crimean peninsula is the territory of Ukraine, and any action of the Russian authorities to restrict the movement between Crimea and the mainland Ukraine should be considered as interference with the right of the citizens of Ukraine to move freely on the territory of their country. However, the occupation authorities implement an active policy aimed at breaking the links between the peninsula and the mainland Ukraine and suppress the dissent in the occupied territory. The violation of the freedom of movement plays a very important role in it. The people that have been cornered are far more inclined to

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<sup>9</sup> See the ECHR judgment on the case Nolan and R. v. Russia (Judgment of 12 February 2009; application 2512/04)

<sup>10</sup> <http://investigator.org.ua/news/66215/>

conform than those who have a place to retreat, or those that may rely on external support.

## 4.6. Persecution of the Crimean Tatar Community

The Crimean Tatars are an indigenous people of Crimea. In 1944, the Soviet authorities deported the entire people from the peninsula, and only after the fall of the USSR, the Crimean Tatars were able to return to their native land. During the occupation of the Crimea, the Mejlis of the Crimean Tatar people has organized rallies for integrity of Ukraine; many Crimean Tatars refused to take part in the 'referendum' on March 16. Intending to suppress the opposition from a large number of the Crimean Tatars, the local authorities, backed by the Russian Federation, started a focused policy of pressure and persecution of Crimean Tatar activists. Many of those abducted in Crimea are Crimean Tatars; Reshat Ametov, who was violently killed, was a Crimean Tatar; regular searches are executed in the houses of Crimean Tatars. The Crimean authorities also use other methods to persecute Crimean Tatars and eliminate their activity. Many Crimean Tatars are already comparing these actions with the Soviet government's repressions and call this policy a 'concealed deportation'.

### *Entry prohibitions*

In 2014, the Russian authorities prohibited Mustafa Dzhemilev, the leader of the Crimean Tatar people, member of the Ukrainian parliament and a Soviet dissident, Refat Chubarov, chairman of the Mejlis of the Crimean Tatar people, and Ismet Yuksel, chief coordinator of the QHA Crimean News information agency and advisor of the chairman of the Crimean Tatar People's Mejlis on relations with Turkey to enter the Crimean peninsula.

The Russian Federation does not explain the grounds for such prohibitions. All of these people have relatives and property in the Crimea. The occupation authorities took advantage of the departure of the said persons from Crimea and, in fact, expelled (deported) them from the peninsula.

In addition, in January 2015, Sinaver Kadyrov, a human rights activist of the Committee on the Rights of the Crimean Tatar People was brought to administrative responsibility by the decision of the Crimean court and punished with a fine and expulsion from the territory of the RF. All of these Ukrainian citizens, representatives of the Crimean Tatar people, previously permanently resided in Crimea together with their families, possessed housing and property, and carried out their professional and social activities in Crimea.

### ***Crimea Charity Fund***

Crimea Charity Fund was working in the Crimea for many years, supporting the work of the Crimean Tatar People's Mejlis in many aspects. Mustafa Dzhemilev was one of its founders.

On September 16, 2014, members of the 'Crimean self-defense' and police officers blocked the building of the Crimean Tatar People's Mejlis in Simferopol, allegedly for investigation activities. The building was owned by the Crimea Charity Fund. Rize Shevkiev, the general director of the Crimea Charity Fund, was notified that the Crimean Tatar People's Mejlis, Crimea Charity Fund, and the office of Avdet newspaper must vacate the premises within one day.

One of the violations of the Russian law found by the Crimean prosecutor's office was the fact that one of the organization's founders is Mustafa Dzhemilev, a Ukrainian citizen, whose presence in the Russian territory is prohibited. On the same day, the Simferopol city court passed a judgment prohibiting the Crimea Charity Fund from operating its assets at seven locations (including the Mejlis building), freezing its accounts, and prohibiting opening new ones.

Later the Simferopol court passed a judgment to fine the Crimea Charity Fund by RUB 4.5 million, and Rize Shevkiev, its director, by RUB 350,000. The imposed fine concerned the repairs performed in one of the rooms. The court considered it a violation of the law that such works were not approved by the historical buildings protection committee (according to the committee itself).

Later the Crimean office of the Ministry of Justice of Russia refused to register the Crimea Charity Fund as a non-profit organization based on formalities.

### ***Committee on the Rights of the Crimean Tatar people***

After the occupation of Crimea and in the circumstances of increasing pressure on the Crimean Tatars, a Committee on the Rights of the Crimean Tatar people was established. Eskender Bariev (a Mejlis member), Sinaver Kadyrov, and Akmedzhit Suleimov (a Mejlis member) became its coordinators. The Committee has attempted several peaceful rallies in support of the Crimean Tatars rights, organized a Conference on Protection of Crimean Tatars, and provided consults for Crimean Tatars regarding protection of their rights. The local authorities denied the Committee's applications for peaceful rallies on multiple occasions; the coordinators received frequent threats.

In January 2015, it became known that the Crimean prosecutor filed materials for criminal prosecution of the three coordinators of the Committee on the Rights of the

Crimean Tatar people. They are charged with public calls for activities against the territorial integrity of the Russian Federation (Article 280.1, part 2 of the RF Criminal Code).

Later, three coordinators of the Committee on the Rights of the Crimean Tatar people, Eskender Bariev, Sinaver Kadyrov, and Akmedzhit Suleimanov, were arrested in Armyansk at the Russian border checkpoint. Kadyrov was sent to Armyansk city court, which on the same day ruled for expulsion of Sinaver Kadyrov from the Crimea for violation of Russian migration laws.

It was later revealed that criminal proceedings were instituted in Crimea against all three coordinators. Now the coordinators are unable to enter Crimea for fear of criminal prosecution.

### *Attempts to ban the Mejlis of the Crimean Tatars*

In 2015, the representatives of the de-facto Crimean authorities repeatedly stated their intention to restrict the activity of the Mejlis of the Crimean Tatars. On February 15, 2016, the Crimean Prosecutor Natalia Poklonskaya appealed to the "Supreme Court of the Republic of Crimea" with an application 'On the prohibition of the activity of the public association in the manner and on grounds stipulated by Article FZ of 25.07.2002 No. 114-FZ 'On Combating Extremist Activity'. N. Poklonskaya requested to declare the Mejlis of the Crimean Tatars an extremist organization and ban its activity in the territory of the Russian Federation. In the case of recognition of the Mejlis of the Crimean Tatars an extremist organization, all of its members shall be at risk of persecution under a number of articles of the Criminal Code of the RF, which envisage the penalty in the form imprisonment for up to 8 years.

## 4.7. Displacement of the Civilian Population<sup>11</sup>

The actions aimed at changing the demographic composition of the occupied territories for the first time have been declared an international crime in the Nuremberg trials in 1945. The Nazi war criminals were charged with 'Germanization' of the annexed territories, including Norway, part of France, Luxembourg, the Soviet Union, Denmark, Belgium and Holland, attempts to destroy the national identity of these territories, manifested in the forced deportation of the inhabitants of predominantly non-German nationality and populating these territories with thousands of German colonists<sup>12</sup>.

<sup>11</sup> A more detailed study on the relocation of the civilian population of the Russian Federation to the occupied territory can be found in the thematic review *Crimea Without Rules* // [http://crimeahumanrights.org/wp-content/uploads/2015/12/Crimea-Special\\_Edition.pdf](http://crimeahumanrights.org/wp-content/uploads/2015/12/Crimea-Special_Edition.pdf)

<sup>12</sup> Trial of the Major War Criminals, p. 63. <https://goo.gl/CRItpO>.

Despite the sad historical experience, the Russian Federation authorities, immediately after the occupation of the territory of the Autonomous Republic of Crimea and Sevastopol have also begun to implement a policy aimed at populating the occupied territory with its 'colonists'. This significantly contributes to the change in the demographic situation in the occupied territory; as a result, the local population is displaced and replaced by the citizens of the occupying state.

Article 85 of the Additional Protocol to the Geneva Convention of August 12, 1949, relating to the protection of victims of the international armed conflicts (Protocol I) recognizes the displacement of part of state's population to the occupied territory as a war crime<sup>13</sup>. According to Article 8 (2)(b)(xviii) of the Rome Statute of the International Criminal Court this crime is subject to the jurisdiction of the ICC.

The statistics show that over one and a half years of occupation, in Crimea and Sevastopol there have been significant demographic changes. Moreover, the statistical data are based on the official data on residence registration by the Federal Migration Service<sup>14</sup>. That is, the RF authorities consciously allow and encourage the settlement of Russian citizens onto the occupied territory.

The relocation of the Russian citizens is most obvious in Sevastopol. As of March 1, 2014, the population of Sevastopol was 386,168 people<sup>15</sup>. By January 1, 2015, the city's population increased by 12,805 people and amounted to 398,973 people<sup>16</sup>. The witnesses, based on their own experience prior to the occupation, reported a significant growth in the number of population. There are also arguments based on indirect methods of calculation<sup>17</sup>.

The data on the number of voters in the election of members of the State Council of the RC (hereinafter SC RC) of the first convocation and the members of the Sevastopol City Legislative Assembly of the first convocation held on September 14, 2014, and in the so-called "referendum" held on March 16, 2014, under full Russian control also indicate an increase in the number of population and reflect higher numbers of relocation of the Russian citizens to the occupied territories.

Thus, according to official data, the number of registered voters during the elections of deputies to the LA of Sevastopol of the first convocation on 14.09.2014

<sup>13</sup> [https://www.icrc.org/rus/assets/files/2013/ap\\_i\\_rus.pdf](https://www.icrc.org/rus/assets/files/2013/ap_i_rus.pdf).

<sup>14</sup> See methodological explanations: [http://crimea.gks.ru/wps/wcm/connect/rosstat\\_ts/crimea/ru/statistics/population/](http://crimea.gks.ru/wps/wcm/connect/rosstat_ts/crimea/ru/statistics/population/)

<sup>15</sup> [http://31.28.228.102:82/statist\\_info/demografia/chislo\\_naselenia/2014/ludi\\_0214.pdf](http://31.28.228.102:82/statist_info/demografia/chislo_naselenia/2014/ludi_0214.pdf)

<sup>16</sup> [http://sevastopol.gks.ru/wps/wcm/connect/rosstat\\_ts/sevastopol/ru/statistics/population/](http://sevastopol.gks.ru/wps/wcm/connect/rosstat_ts/sevastopol/ru/statistics/population/)  
<http://goo.gl/rBvm4A>

<sup>17</sup> <http://www.c-inform.info/news/id/33955>

was 344,835 people. By comparison: in the elections to the Verkhovna Rada of Ukraine in 2012, the number of registered voters in Sevastopol was 303,093<sup>18</sup> people. According to the data of the Ukrainian Central Election Commission, the number of voters in Sevastopol for the past decade had been stable and varied within 1 thousand. Thus, the increase of the number of voters alone was 41,000 people, or almost 12%.

The influx of Russian citizens to the occupied territory was stimulated, inter alia, by a drastic change of legislative regulation. The difficulties that have occurred in connection with the change of legislative regulation are described in the report of the Human Rights Commissioner in the Republic of Crimea for 2014<sup>19</sup>.

As noted by Alexey Chaly (the so-called “people’s mayor” of Sevastopol in February-March 2014, and currently the “Chairman of the Legislative Assembly of Sevastopol”): *“the officials that worked in the Ukrainian Sevastopol are not familiar with the Russian legislation and the working conditions. They are special, the appropriate skills are required”*<sup>20</sup>.

All this has led to a decrease in the competitiveness of the local population and the influx of “experts” from the Russian Federation.

The state services responsible for the employment of population openly disseminate the information on vacancies in Crimea. Although some jobs envisage seasonal employment, there is a fairly large number of proposals of permanent employment, even with the provision of accommodation.

In particular, this information was published on the official websites of the State Committee on Employment of the Republic of Khakassia<sup>21</sup>, the Employment Center of Novokuznetsk, Kemerovo region<sup>22</sup>, the Kemerovo Employment Center for population<sup>23</sup>, the Ministry of Economy of the Republic of Buryatia<sup>24</sup>, the Ministry of Education and Science of the Republic of Buryatia<sup>25</sup>, which contains the invitation for locals to familiarize with vacancies that are open in Crimea.

<sup>18</sup> [http://www.cvk.gov.ua/pls/vnd2012/wp095\\_2?PT001F01=900&pt049f01=2](http://www.cvk.gov.ua/pls/vnd2012/wp095_2?PT001F01=900&pt049f01=2)

<sup>19</sup> <http://ombudsman.rk.gov.ru/rus/index.htm/news/292664.htm>

<sup>20</sup> <http://goo.gl/HS4Gry>

<sup>21</sup> <http://zankhakassia.ru/>

<sup>22</sup> <http://www.czn-nk.ru/index.php/news/1-2012-03-27-06-08-09/1143-2015-06-30-04-25-35;>  
<http://www.czn-nk.ru/index.php/component/content/article/3/1064-2014-12-18-08-23-25;>  
[http://www.czn-nk.ru/files/15\\_06\\_vakansii\\_c\\_gil.xls;](http://www.czn-nk.ru/files/15_06_vakansii_c_gil.xls;)  
<http://goo.gl/oYmqN5> (available on the Internet as of 01.07.2015).

<sup>23</sup> <http://goo.gl/PWkDZH>

<sup>24</sup> [http://www.economy.govrb.ru/info\\_service/news.php?ELEMENT\\_ID=10633&sphrase\\_id=9553](http://www.economy.govrb.ru/info_service/news.php?ELEMENT_ID=10633&sphrase_id=9553)  
<http://goo.gl/hm3cus>

<sup>25</sup> [http://www.economy.govrb.ru/info\\_service/news.php?ELEMENT\\_ID=10633&sphrase\\_id=9553;](http://www.economy.govrb.ru/info_service/news.php?ELEMENT_ID=10633&sphrase_id=9553;)  
<http://goo.gl/LbFwwQ>.

The residents of Kemerovo were offered about 10,000 permanent and temporary jobs, both with the provision of accommodation, and without it<sup>26</sup>. The website of the State Committee on Employment of the Republic of Khakassia contains information on 323 vacancies in Crimea with or without the provision of accommodation<sup>27</sup>. The lists of open vacancies contain information about the position, the city of potential employment, remuneration, as well as the contact information of the employer.

The Russian citizens from these regions are offered both the temporary and permanent employment in the peninsula in cities such as Simferopol, Alushta, Sudak, Evpatoria, Feodosia, Saki, etc. The employment is offered for positions in various fields – management, healthcare, tourism, culture, restaurant business, farming, etc.

The publicly available biographies of the Russian officials (of the so-called “Council of Ministers of the Republic of Crimea”, “Government of Sevastopol” as well as the Prosecutor’s Office of the Republic of Crimea and Sevastopol) indicate a large number of the newly arrived Russian citizens in Crimea. Also, the relocation of the civilian population can be seen in the composition of management in healthcare, education and other sectors. The “displaced persons” from Russia also constitute a significant share in the legal profession composition.

The information about the displacement of civilian population is of great importance in the context of occasional statements in the press about the possibility of “calming the situation” through a future referendum on the status of Crimea and Sevastopol under the supervision of the international organizations. The change by the Russian Federation of the demographic picture in the occupied territories excludes such a solution to the issue.

## 4.8. Persecution of Dissidents

The atmosphere of fear and intolerance, ‘preventative conversations’, intimidation, arrests, and searches caused any dissent in the Crimean peninsula to be suppressed in various ways. Many independent journalists, activists, and human rights advocates were forced to leave Crimea, and those who stayed there are fearful of openly criticizing the authorities.

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<sup>26</sup> <http://goo.gl/KBjBxl>

<sup>27</sup> List of vacancies of the State Employment Committee of the Republic of Khakassia as of 05.06.2015, 08.06.2015, 20.07.2015  
<http://goo.gl/DLJkxm>  
<http://goo.gl/BqAT7g>  
<http://goo.gl/bH2VIG>  
Archive of screenshots and Excel files <https://archive.org/details/Khakasia>

The persecution of dissent often takes place under the guise of “combating extremism and terrorism”. Most measures in this respect are undertaken by the Prosecutor’s Office of Crimea. In Crimea, an interdepartmental Working Group on the fight against manifestations of extremism was established, and is headed by the Prosecutor of Crimea Natalia Poklonskaya. One of the main areas of its activity is a continuous monitoring of online resources and social networks.

Within the “combating the ideology of terrorism”, the Prosecutor’s Office of Crimea began to urge local residents to contact the Prosecutor’s Office when finding the Internet resources containing extremist materials. The Prosecutor’s Office in Crimea official website has a build-in tab “Notification of extremism”<sup>28</sup>, allowing to report ‘manifestations of extremism’ at user’s discretion. Such notifications constitute the basis for checking the source of information by prosecution officials, summoning the authors of information to the Prosecutor’s Office, blocking of websites.

On September 22, 2015, the leading Crimean mass media received a letter from the Ministry of Internal Policy of Information and Communication of the Republic of Crimea. It said that there are no registered non-profit organizations under the name of ‘Mejlis’ in Crimea, thus it is recommended to stop using this word in news reports, articles and interviews.

The human rights activists repeatedly recorded the cases when the residents of Crimea, openly expressing their pro-Ukrainian position, have been discriminated or prosecuted for the use of Ukrainian symbols. In order to put pressure on the Ukrainian activists the administrative formal restrictions are often applied.

### *Yelizaveta Bogutskaya*

Yelizaveta Bogutskaya is a well-known pro-Ukrainian activist, designer, blogger, and author of critical materials against the annexation of the Crimea, faced prosecution in early autumn and was forced to leave the Crimea.

For instance, on September 8, 2014, the Simferopol police performed a search in Bogutskaya’s house. The police told her husband that the activities are a part of the investigation of the incident of May 3, when Bogutskaya, together with the Crimean Ta-



<sup>28</sup> <http://rkproc.ru/node/84>

tar representatives, was meeting in Armyansk Mustafa Dzhemilev, the Mejlis leader. The police seized all computer equipment including phones and memory card from the car camera.

After the search, Bogutskaya was transferred to the Extremism Combating Center, and was kept without a legal counsel for about 30 minutes. After the counsel arrived, Bogutskaya was released without charges.

According to Bogutskaya, during her stay at the Extremism Combating Center she was accused of inciting ethnic hostility and provoking ethnic conflicts via materials she disseminated in the Internet. She said the officer investigating the Armyansk incident questioned her as a witness.

After interrogation, fearing of pressure and prosecution by FSB, Bogutskaya was forced to leave the Crimea.

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*'I left at night. I supposed that, maybe, in the morning they would come again to shoot my dog under the pretence of getting some signatures from me. I decided that writing articles on the outside is better than not writing them behind the bars.'*

From Yelizaveta Bogutskaya's interview to the Center for Journalist Investigations, September 9, 2014

### **Karman Art Center**

Karman Art Center is a one-of-a-kind community center for modern culture, art, and informal education in the Crimea.



In summer 2014, FSB officers started subpoenaing the managers of Karman Art Center for 'preventative conversations'. They were suspected of affiliation with the so-called 'group of Oleg Sentsov, a well-known Ukrainian film director', who is accused of creating a terrorist organization and is currently under investigation in Moscow.

Galina Dzhikayeva, the art center manager, was subpoenaed for interrogation, where she was pressured to testi-

fy against Sentsov. Other members of the art center who personally knew Sentsov have also got under pressure under pressure. Due to intimidation from FSB officers, Galina Dzhikayeva had to leave the Crimea.

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*'I had been fighting Yanukovich's government in every way I could, both as a journalist and an artist. I saw what was happening in Russia, I watched the monster grow. When the monster came to the Crimea, I had no illusions about a happy life and free creativity.'*

Galina Dzhikayeva, manager, Karman Art Center, 'Svoboda' (Freedom) Radio Station interview, August 9, 2014

These actions of the FSB officers point to possible falsification of the criminal case materials prepared by the Russian Federal Security Service in Crimea. Falsification of the criminal case materials points at Sentsov's innocence and his being deprived of a right to fair trial.

### **Ukrainian Cultural Center**

The use of the Ukrainian symbols has been systematically restricted. Thus, on May 15, 2015, the Crimean Prosecutor's Office warned Leonid Kuzmin, the activist of the Ukrainian Cultural Centre on the inadmissibility of the use of Ukrainian symbols during mourning events on May 18, the Day of Commemoration of the Deportation of the Crimean Tatars. Another activist of the Center, Veldar Shukurdzhev, the prosecution officers and representatives of the Centre on Combating Extremism warned about the inadmissibility of the use of Ukrainian symbols during the Crimean Tatar events on May 16 and 18.

On May 21, 2015, the Ukrainian activists (Veldar Shukurdzhev, Leonid Kuzmin, Mikhail Batrak, Sergey Dub) traveled and photographed activities in different cities on the Vyshyvanka Day (Ukrainian national embroidered clothes). Their car was stopped by the traffic police and the police on the Simferopol-Armyansk highway. The car was searched; no prohibited items and materials have been found. The activists had their IDs with them. However, despite this, they were arrested and convoyed to the police station in Armyansk. After a few hours they were released, the protocol of arrest stated identity verification as the reason for bringing them to the police station; however, the activists showed their IDs when the car was being searched. On August 11, 2015, in the evening, the activists Veldar Shukurdzhev and Irina Kopylova, took pictures with a Ukrainian flag at one of the squares in Simferopol, near the monument to Lenin. They were arrested by the police. The protocol was drawn up on violation of the order of holding the meetings, rallies, demonstrations, marches and pickets. However, the taking of pictures by two people in its essence is not a rally,

demonstration, march or picket according to the relevant Russian law. The real reason for the arrest, according to the activists, was the use of the Ukrainian flag.

On October 14, 2015, the Simferopol police arrested three Ukrainian Cultural Center activists, including Leonid Kuzmin, while they were laying flowers at the monument to Bogdan Khmelnytsky in Simferopol. They were taken to the local Extremism Combat Center for interrogation without drawing up a protocol.

## 4.9. Pressure on Media

After the annexation by the Russian Federation, the process of rolling back the freedom of speech and free expression of opinions started in Crimea, including the implementation of the legislation on countering extremist activity, criminal responsibility for ‘separatist appeals’, reduction of the number of alternative information sources, as well as the harassment of journalists by law enforcement agencies and the ‘Crimean self-defense’.

Over the two years, the freedom of expression in Crimea transformed dramatically, going through a “hot phase” (February 2014-August 2014), with forcible takeover of premises, broadcast shutdowns, attacks on journalists and “systemic work” (September 2014-December 2015) with searches, launching of criminal cases, unlawful tenders for frequency redistribution and the denial of registration and re-registration of media outlets. The current situation can be described as the completion of the transition to the phase of “adjustment and control”, which involves the blocking of websites, introduction of prepackaged news stories, interference with editorial policy, internal and external censorship and arbitrary detention of independent journalists aimed at exerting pressure and intimidation.



*Pictured: Alexander Kravchenko at the time of arrest during the Shevchenko Memorial Event on March 9, 2015*

The occupation of Crimea was accompanied by ‘mopping up’ of the media scene, especially of television. In particular, the broadcasting of the largest opposition TV and radio company ‘Chernomorskaya’ (‘Black Sea’) has been disabled since March 3, 2014, while all Ukrainian TV channels were disabled from broadcasting in the territory of Crimea on March 9.

However, in the spring of 2014 independent Crimean media and individ-

ual journalists who have been critical of the state of things on the peninsula still remained. In a situation when Crimea was just starting to accede the legal framework of the Russian Federation, the new authorities used the 'Crimean self-defense' for the unlawful physical coercion of politically undesirable journalists.

Only from May 15 to 19, 2014 (during the preparation and carrying of the Memorial Day for Victims of Deportation), the Crimean Field Mission on Human Rights recorded 9 cases of gross violations of the rights of journalists by the 'Crimean self-defense'. These included unlawful detentions, equipment confiscation and damage, and physical violence against the representatives of media.

In addition, the view of independent journalists as a 'fifth column' was disseminated among the population. The government-controlled media regularly demanded from local residents 'to be vigilant' and not to make any comments to pro-Ukrainian journalists. If the latter asked 'provocative questions' (about increased prices, failed holiday season, law violations etc.), this was supposed to be reported to the 'Crimean self-defense'.

All this led to the creation of an environment in which journalists are afraid to criticize the government and cover the problems of the peninsula. The situation is aggravated by the fact that all self-defense's attacks on journalists have not yet been investigated by Crimean authorities, which creates an atmosphere of impunity for the perpetrators. As a result, most of the independent journalists either left the territory of Crimea or ceased to openly criticize the policy of the RF.



After the Russian laws came to force in Crimea, the accusations of extremism from the security forces became more frequent. During 2014-2015, the Crimean Field Mission received calls from the media representatives, who had been demanded to remove the information containing allegedly separatist appeals or extremist statements from the corresponding media websites by the Prosecutor Office representatives.

In March 2015, the Crimean journalists faced a new type of repressions, namely, the accusations of separatism. According to the amendments to the Criminal Code, this article envisage a penalty of up to four years of imprisonment or up to five years if the calls are spread through the media or the Internet.

In the case that the RF legislation is not enough, the local authorities adopted the acts restricting the rights of the media. For example, the new rules for journalist accreditation in Crimea provide the selective restriction of access of the media to the representatives of the Crimean authorities.

The mass media re-registration was used extensively as an instrument to oust the remaining independent media from the Crimean media scene.

According to the Field Human Rights Center, the number of registered media as of April 1, 2015 reduced by 88% compared to the number of media at the beginning of 2014. At least 15 media experienced a biased and often unlawful denial of issuance of registration and licensing documents.

Almost all local independent radio stations which failed to take part in the tender for the redistribution of frequencies disappeared from the Crimean broadcasting space.

In 2015, a new trend was unleashed – since October the Federal Communications, Information Technology and Mass Communications Supervision Service (Roskomnadzor) began to block access to the “undesirable” on-line resources. The first black-listed Crimean resources include the Center for Investigative Reporting, IA ‘Events of Crimea’ and BlackSeaNews, later the resources from mainland Ukraine – Ukrainian Pravda, Censor.Net and other were added to the blacklist.

### ***Private radio stations***

In February 2015, almost all Crimean private radio companies lost the right to use their broadcasting frequencies. According to the results of the tender, the right to use the frequencies belonging to the Crimean companies was given to major Russian media holdings.

The tender on the distribution of frequencies announced by the Federal Communications, Information Technology and Mass Communications Supervision Service (Roskomnadzor) was not cancelled or postponed despite numerous appeals to the Russian Federation officials, including the appeals on behalf of the Commissioner for Human Rights in the RF.

The Crimean radio stations who desired to participate in the tender on frequency distribution faced several problems, like facing unreasonable application deadlines or refusal by local and federal authorities to recognize the procedure's equity.

In particular, one of the key documents required for participation in the tender was a universal broadcasting license. The deadline for the document application on January 29, 2015 completely excluded the possibility of participation of Crimean radio companies who were unable to get the necessary documents by this time.

The specifics of legal regulation of relations in the field of media in the Republic of Crimea and the city of Sevastopol were legally determined only on December 1, 2014. The new media shall be registered within thirty working days. The waiting term for receiving of broadcasting license is also thirty business days.

However, at least three Crimean companies who were permitted to participate in the tender received universal licenses only on February 11, 2015, according to the Roskomnadzor. Svetlana Razina, the editor of 'Leader' radio station, says that they submitted an incomplete set of documents, thus, were not admitted to participate in the tender.

Therefore, Crimean media companies were unable to form and submit applications with the list of documents required for the participation in the tender for the lease of radiofrequencies even within the terms established by the law. Some of them were allowed to participate in the tender, while the majority were not.

According to the tender results, the frequencies of six Crimean radio stations (Trans-M-Radio, Breeze TV and Radio Company, Morion TV and Radio Company, Leader radio station, Assol radio station, and Our City Radio) were handed over to other users. 24 frequencies were taken by 6 firms owned by businessman Alexey Amelin.

Six Crimean broadcasting companies sent a series of appeals to the Crimean and Russian authorities in order to postpone the deadline and the tender. There was no response from officials of federal agencies, and the only public statement on the matter was made by Ella Pamfilova, the Commissioner for Human Rights in the Russian Federation (this statement was deleted from her official website several days

later). In her statement, Pamfilova asked to take measures to preserve broadcasting companies operating in Crimea.

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*'The termination of TV and radio broadcasting by the companies which have operated in Crimea for many years and were directly involved in the process of reunification of the Republic with Russia, will negatively impact a confidence in the authorities, and will result in a significant violation of the rights of journalists, their families, and residents of the peninsula.'*

Ella Pamfilova, the Commissioner for Human Rights in Russia, February 8, 2015 (deleted from the Commissioner's site).

In response, the Minister of Internal Policy, Information, and Communication of Crimea, Dmitry Polonsky, said that he 'did not see any difficulties', adding that all those who wished to apply for the tender had already done so.

An example of the "sweeping purge" of the media scene was the re-registration of the Crimean Tatar radio station Meidan, which submitted the documents to Roskomnadzor twice. Both times, the authorities significantly delayed the response, issuing a denial to a second application attempt on the grounds that part of the name of the station could coincide with the names of other media. It should be noted that the list of registration denial grounds stipulated by the Russian legislation does not include such reasoning.

### **ATR TV Channel**

On April 1, 2015, the Crimean Tatar TV channel ATR stopped broadcasting in Crimea. Roskomnadzor refused to register the channel, although all required documents were filed in October.



The channel has been receiving alarming signals for quite some time. In particular, on August 11, 2014, the ATR journalist Shevket Nemattu-liev lost his accreditation in the Crimean State Council as he did not stand up during the playback of the national anthems of the Russian Federation and the Republic of Crimea.

On September 24, Elzara Islyamova, the ETR TV Channel Director General, received a letter from the Extremism Combating Center of the Russian Interior Ministry in the Republic of Crimea demanding to provide the certified copies of the registration documents and approvals giving the right to perform activities, as well as the lease agreement for occupied premises, the channel's staff schedule, the list of persons officially employed by the channel, and employees' job description.

The document read that the inspection was carried out on the basis of a letter to the Office of Roskomnadzor in the Republic of Crimea and the city of Sevastopol indicating that the ATR channel had changed its content focus and 'perseveres in the idea of possible repressions on ethnic and religious grounds, promotes the formation of anti-Russian opinions, deliberately enkindles distrust to the government among the Crimean Tatars, thus presenting an indirect threat of extremist activities'.

However, in the beginning of 2015 the channel faced even greater problems. On January 26, the search with the involvement of a large number of armed representatives of Special Police Forces was conducted in the ATR office. Due to this, the work of ATR news service was disabled for a day.

The grounds for the search was the allegation about the materials related to the criminal investigation of the death of two people during the events of February 26, 2014, near the ARC VR building.

On November 2, 2015, the homes Elzara Islyamova, ATR ex-Director General and Lily Bujurova, ATR Deputy Director were searched. Moreover, Bujurova's home was searched with gross violations of procedural norms. In particular, a lawyer was not allowed to be present; there were armed men in the house, which frightened the children.

In December 2015, the home of ATR ex-Director General was searched again. The next day, the apartment of Roman Spiridonov, ex-Editor of '15 Minutes' news agency, which was part of the ATR holding, was searched. During the search, the FSS officer planted on top of the fridge a folder with instructions for the making an explosive device, which resulted in subpoenaing of Spiridonov for interrogation.

The ATR TV channel made four attempts to obtain a Russian license, but failed to get a permit to broadcast in Crimea. Moreover, the "head" of Crimea Sergey Ak-syonov accused the TV channel's leadership of deliberated delay of the obtaining of broadcasting license. According to him, the channel intentionally made mistakes in the documents required for the obtaining of the license in order to overblow a scandal.

Due to the systematic persecution in Crimea, the editors of the Crimean Tatar TV channel ATR decided to continue their activities in the mainland Ukraine and to resume broadcasting in Crimea through satellite TV.

In response, on June 18, 2015, the Chairman of the Committee on Information Policy, Communication and Mass Communications of the Crimea State Council Sergey Shuvaynikov said that the journalists of the ATR TV channel, which resumed its broadcasting via satellite from Kyiv, will be held responsible in case of violation of the Russian legislation when preparing their reports. In addition, Shuvaynikov publicly accused TV channel of the alleged *“political provocation and incitement to hostility between Russia and Ukraine, between the people residing in Crimea”*.

However, in late February 2016, two years after the annexation, ATR faced financial hardship. The campaign “Save ATR” was launched, calling upon all the concerned parties to support the channel.

### *Chernomorskaya TV and Radio Company*



At the time of occupation, the Chernomorskaya TV and Radio Company (ChTRK) belonged to Andrey Senchenko, the former Member of the Parliament of Ukraine from Batkivshchyna faction. The company faced problems from the first days of the annexation of Crimea. In particular, on April 11, 2014, the television crew was attacked by ‘Crimean self-defense’ who destroyed a flash drive with video material.

On June 29, ChTRK was disabled in cable networks.

On August 1, 2014, the ChTRK property was arrested. The Crimean TV and Radio Broadcasting Center of Crimea (RTPC) acted as a plaintiff. The TV company’s debt to RTPC was above UAH 1 million, and arose before the annexation of Crimea.

Meanwhile, as reported by Lyudmila Zhuravleva, ChTRK Acting President, the RTPC’s claim to Chernomorskaya company about the debt has not been reviewed by a court of first instance. However, all property and equipment of TV company was arrested, which, in fact, led to work termination. Zhuravleva also reported that ChTRK had a counterclaim to RTPC for the illegal use of private property, i.e., transmitters and frequencies. Since March 2014, RTPC held 13 transmitters privately owned by Chernomorskaya TV company.

For some time, the representatives of the 'Crimean self-defense' occupied the company's premises. They blocked the access to the journalists of the Center for Journalist Investigations leasing a part of the premises from ChTRK. Later, the access was provided, but some of the equipment of the Center for Journalist Investigations disappeared by that time.

As a result, Chernomorskaya TV company paid to RTPC the required amount claimed by RTPC as a due payment for services rendered, although ChTRK still considers this payment to be unreasonable.

On August 11, the Commercial Court of Crimea dismissed an action of RTPC against ChTRK due to 'voluntary payment of debt' by the TV company. The court also decided to cancel the RTPC interim remedies, i.e., to remove an attachment from the property of ChTRK.

The court's decision to remove the attachment from all seized equipment entered into force on November 18. However, the staff was able to return the television equipment only on December 22 by own collection. The equipment of the Center for Journalist Investigations was also returned. Many cameras had no batteries and memory cards, the hard drives and sound cards of the editing computers were removed as well. Thus, the returned equipment cannot be used as intended, and its repair requires considerable costs.

The Chernomorskaya TV company was forced to move to Kyiv to share the studio of 'Social Country' TV channel.

### ***Center for Journalist Investigations***

Like other media, the Center for Journalist Investigations began to face problems in its work back in the spring/summer of 2014.

On June 2, the members of the 'Crimean self-defense' unlawfully detained two employees, of the Center for Journalist Investigations, the journalist Sergey Mokrushin and director Vladlen Melnikov. After these events, the representatives of the 'Crimean self-defense', headed by the commander of the 1<sup>st</sup> Regiment of Simferopol people's militia Dmitry Prostakov, unlawfully entered the editorial office of the Center for Journalist Investigations.

According to the representatives of the paramilitary formation demanded to show the media registration documents and the lease agreement. The editorial board associates the actions of 'self-defense' members with their intention to occupy the

premises leased by the Center for the accommodation of 'Crimean self-defense' units. Shortly after this, the lessor (Crimea Trade Unions Federation) asked to free the premises.

Center for Journalist Investigations took on lease some premises of Chernomorskaya TV and Radio Company, but lost a part of its equipment because of the arrest and seizure of the broadcasting company's property.

In March 2015, the Center's staff faced with the worse problems. They were the first against whom a criminal case was initiated on accusations of separatism in Crimea.

On March 13, the FSS agents with a search warrant visited the apartments of Natalia Kokorina, the editor of the Center for Journalist Investigations, and Anna Andriyevskaya, the Center's staff writer and former editor.

According to the Kokorina's lawyer Jemil Temishev, the Russian FSB launched a criminal case against Anna Andriyevskaya, the journalist of the Center for Journalist Investigations. The case is opened under the Article 280.1 of the Criminal Code of the RF 'Public Calls for Actions Aimed at Violation of the Territorial Integrity of the Russian Federation'.

According to Anna Andriyevskaya, the reason for launching the case was her article about the Crimea battalion. The journalist claimed that it did not contain any calls for the separation of the peninsula. She had left Crimea before that time.

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*'Article 280.1 of the Criminal Code of the RF is so vaguely formulated that any discussion of the borders of the Russian Federation or the future of its territory could fall under it. The punishment under this article may be the imprisonment for up to 5 years. Under this formulation also fall any doubts about the legitimacy of the Russian presence in a particular territory. Note that it is referred to verbal statements on the subject, not an armed resistance or rebellion attempts.'*

Dmitry Makarov, Deputy Chairman of the Crimean Field Mission for Human Rights, March 15, 2015.

After the search, Natalia Kokorina was detained and taken to the FSB building, where she was questioned as a witness. Six hours later, the journalist was released but her personal laptop was confiscated.

On October 2, 2015, it became known that Roskomnadzor restricted the online access to the website of the IA Center for Investigative Journalism at the request of the General Prosecutor's Office of Russia as of September 30, 2015. The notification

on the restriction of access to the information resource stated that the information *"places on the information resource <http://investigator.org.ua> contained calls to riots, extremist activities or participation in mass (public) events held in violation of the established order"*.

The NGO and IA Center for Investigative Journalism have been re-registered and continue to work in Kyiv. In March 2015, Valentina Smar, Editor-in-Chief and Project Manager won the award of the Norwegian Fritt Ord Foundation and German ZEIT Foundation for the contribution to the development of journalism in Eastern Europe.

### ***Avdet Newspaper***

Avdet newspaper is the print media of the Mejlis of the Crimean Tatar people published since July 15, 1990.

In June 2014, the Prosecutor's Office of Simferopol issued a warning to Shevket Kaybullaev, Editor-in-Chief, for the 'propaganda of extremism'. According to law enforcement officials, the newspaper repeatedly used the 'extremist' terms 'annexation' and 'occupation'.

In July, Kaybullaev was summoned to the FSS due to the publication of 'extremist materials' about the decision of the Mejlis to boycott the elections to the Crimean parliament. The FSS agents said that they received a statement from Rinat Shaymardanov accusing the newspaper of publishing extremist materials including the Mejlis' decision to boycott the Crimean parliamentary elections. The 'Avdet's' Editor-in-Chief stated that it was made clear to him that the publication of this document could have serious consequences for the newspaper.

In September, Kaybullaev received the third warning. This time he was accused of hidden appeals to boycott elections on the pages of his newspaper. At the same time, an hours-long search took place in the Avdet editorial board (located in the Mejlis building in Simferopol). On the next day, September 17, the court ordered to Mejlis, Crimea Charity Fund, as well as the Avdet newspaper to evict the building.

Despite the pressure, Kaybullaev stated that the newspaper would not change its editorial policy.

Avdet made two attempts to file application to Roskomnadzor for the registration under the Russian law and both times they were twice returned without consideration.

Afterwards, the managers of the newspaper found a way to continue the work without registration. The Russian legislation allows the printed media to be published without registration only if the circulation is less than 1 thousand copies.

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*"We did not give up and did not despair, as promised. Perhaps that is why we were able to find a way out, despite some losses".*

Message on the newspaper page on Facebook, April 7, 2015.

### **News Agency 'Crimean News' (QHA)**

The 'Crimean News' (QHA) news agency also faced difficulties and censorship. In particular, in May 2014, the agency's editor received the RF General Prosecutor's Office directive demanding to remove the information about anti-government protests planned in Russia on May 18 from the agency's news feed.

On August 9, 2014, the coordinator of 'Crimean News' (QHA) news agency, an adviser to the head of the Mejlis, a member of the Union of Journalists of Turkic-speaking countries, Ismet Yuksel was denied entry to Crimea for 5 years. This was announced to him on the Crimean border when he returned with his family to Crimea through Kyiv after spending Eid al-Fitr holiday in Turkey.

On February 20, 2015, QHA Editor-in-Chief Gayana Yuksel reported that Roskomnadzor refused to register QHA news agency. Previously, the editors received an email response that did not explain the reasons for this refusal, while the written copy of the response stated that it was due to the presenting of incorrect information about the agency's founder.

After that the Agency moved to Kyiv.

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*"To be honest, it hurts very much to leave Crimea because the activity of such regional media with a strong ethnic component like ours is unthinkable outside Crimea. I understand that it's not the time for emotions, but we really wanted to stay in Crimea".*

Gayana Yuksel, director of the news agency QHA, April 1, 2015, published on Crimea.Realities.

### **BlackSeaNews**

BlackSeaNews is an information and news portal of the Black Sea region, which covers developments in Ukraine, Russia, Georgia, Armenia, Azerbaijan, Turkey, Bulgaria,

Romania and Moldova. The portal focuses on coverage of sailing to Crimea of vessels violating the sanctions regime adopted by various countries and organizations in connection with the Russian occupation of Crimea.

The editor in chief of the Internet publication BlackSeaNews Andrey Klimenko said that in Crimea a criminal case under Art. 280.1 of the Criminal Code of the RF was opened against him. According to him, the homes of several of his friends in Crimea were searched or they were summoned for interrogation. The editorial office of the Internet publication BlackSeaNews left Crimea in the spring of 2014 and has been operating in Kyiv since.

On October 5, it was reported that Roskomnadzor blocked the access to the Black-SeaNews website in Russia and Crimea at the request of the General Prosecutor's Office of the RF. The notification for the agency stated that the resource contained "calls to riots, extremist activities, participation in mass (public) activities carried out with violations of the established order".

As one can see, the processes in the field of freedom of expression in Crimea remain negative, leading to a significant reduction of objective information about the events, as well as to the disappearance of independent media on the peninsula.

## 4.10. Bans on Rallies and Demonstrations

Since March 2014, the freedom of assembly in Crimea has been significantly curtailed, from direct prohibitions and persecution of the participants and organizers to legal restrictions.

### **Application of the Russian and local legislation to limit the freedom of assembly**

The international legal standards related to the freedom of assembly (as well as the Russian legislation) set out the notification procedure for holding public events. However, in practice, the Russian legislation actually establishes an authorization procedure. In addition, in July 2014, the RF adopted the law establishing criminal liability for repeated violation of the order of organizing or conducting of mass events.

The organizers of public events are also obliged to prevent an access to public events for citizens with weapons, objects or substances which may pose a threat to others. The ban is also introduced to disengage children under 14 in participation in social and political events.

In addition, the local authorities introduce their own rules. On August 8, 2014, the State Council of the Republic of Crimea adopted the law 'On Ensuring the Conditions for Exercise of the Right of Citizens of the Russian Federation to Hold Meetings, Rallies, Demonstrations, and Pickets in the Republic of Crimea', considerably restricting the freedom of peaceful meetings.

In particular, the law requires submitting a written notice directly to the local municipal authorities no earlier than 15 days and no later than 10 days before the public event. Peaceful meetings can be held only at specially designated areas determined by the Council of Ministers of the Republic of Crimea taking into account the requirements of the Federal Law 'On Meetings, Rallies, Demonstrations, Marches, and Pickets'.

For example, in Simferopol (the city with population of 400,000 people) there are only four such places: 1) the area in front of the Crimean Republican Palace of Culture of Trade Unions; 2) the area in front of the Culture and Business Center 'Consol'; 3) Yu.A. Gagarin Park (starting from 'The Three Graces' sculpture through the pedestrian zone along the ponds); 4) starting from the territory of the Crimean Republican Palace of Culture of Trade Unions through the pedestrian zone along the Kievskaya street to Salgir river.

The Russian legislation norms in Crimea are applied selectively. Moreover, the Russian law allows the officials to construe these norms at their own discretion, to use them selectively, to unreasonably deny or grant approvals, etc.

For example, in May 2014, the authorities forbade memorial meeting and conference 'The World of Bekir Choban-Zade', while the festival 'Crimean Tulumbases' and the colors festival Holi was granted approval.

Another striking example was the 'Anti-Maidan' demonstration held in Simferopol (February 21, 2015) in the support of state sovereignty of Russia and the policy of Vladimir Putin. The event was organized by Crimean branch of political party 'Great Homeland', 'Anti-Maidan' movement, and the Russian biker club 'Night Wolves' (who earlier were involved in the dispersal of pro-Ukrainian demonstrations on the southern coast of Crimea). The rally participants held the flags of Russia, Donetsk and Lugansk People's Republics, as well as banners with slogans 'No Maidan in Russia', 'Stop fifth column in the Central Bank', 'Our land, our rules', and chanted 'Russia'.

The event was held in the center of Simferopol at the corner of Karl Marx and Pushkin streets. Moreover, the Crimean authorities allowed the organizers to drive cars and motorcycles on the territory of the pedestrian area.

Previously the authorities approved only four locations for peaceful meetings in Simferopol. However, this meeting was held in a place that is not included in the number of pre-approved locations.

This again confirms the creation of formal obstacles for certain groups in the exercise of freedom of peaceful assembly and selective application of established regulations.

On the other hand, the restriction of the freedom of assembly in Crimea is related not only to the civic activity of the pro-Ukrainian and Crimean Tatar activists, but also extends to other efforts of the local population, including the pro-Russian, to draw attention to social issues with the help of mass events.

On August 25, 2014, the Sevastopol police officer forbade the public organization Defense of Sevastopol to hold an anti-corruption rally at the Nakhimov Square. The officer said that the rally would be considered unlawful for interfering with the auto show. In September, the Simferopol authorities refused the Russian community 'Sobol' to hold the rallies at Lenin Square to protest against the seizure of property of the Krymavtotrans enterprise.

On March 7, 2015, the police and people with badges 'Russian Cossack Troops' forced to change the venue of the rally of the public organization Defense of Sevastopol, which demanded the resignation of the city governor Sergey Menyailo. It was planned to hold the event at the Nakhimov Square, but the participants, under pressure from the security forces, had to hold a rally at the monument to the Empress Catherine.

Unfortunately, the practices in the field of freedom of peaceful assembly in Crimea are moving towards ever greater restrictions, including express prohibition, persecution of the organizers and participants of peaceful assembly, the use of warnings to restrict the meetings, involvement of paramilitary groups etc.

## Express prohibition

Back on May 16, 2014, the self-proclaimed Head of Crimea Sergey Aksyonov issued a Decree that prohibited holding of peaceful assemblies on the territory of Crimea until June 6. Mr. Aksenov's justification for such a broad prohibition of assembly was *"to eliminate possible provocations from extremists, which are able to enter the territory of the Republic of Crimea, in order to avoid the disruption of the holiday season in the Republic of Crimea"*. The local authorities, however, did not provide confirmations of such threats.

This prohibition extended to holding the demonstration on May 18 to mark the 70<sup>th</sup> anniversary of deportation of the Crimean Tatars, held by the Crimean Tatars each year, consequently deprived them of the opportunity to hold a peaceful assembly to be seen and heard by the target audience.

A year later, in 2015, the Mejlis of the Crimean Tatars was again denied the holding of a traditional mourning demonstration – this time, due to the fact that all available venues in the city were occupied (see below).

Civic groups in Sevastopol regularly face denials to hold public events. Thus, the day before February 20, 2015 (anniversary of the start of the occupation of Crimea), the Head of the Internal Policy Department of the “Sevastopol government” Yevgeny Dubovik requested to stop publishing the notifications of holding mass events on February 20 through 23.

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*“... Once again I say to all, so that you understand: from 20 through 23 [February], no events, except for the city events, will take place, so the community activists and political parties should stand still”.*

Yevgeny Dubovik, Crimea News, February 21, 2015

However, the meeting on Antimaidan coordinated with the authorities was held in Sevastopol on February 21, 2015.

## **Persecution of the organizers and participants of peaceful assemblies**

On May 3, 2014, in Crimea (Armyansk), a peaceful assembly of the Crimean Tatars in support of the leader of the Crimean Tatars, MP Mustafa Dzhemilev, who was denied entry to Crimea by the Russian border guards was held.

The assembly was attended by several thousand Crimean Tatars, and thereafter the Crimean Prosecutor Natalia Poklonskaya submitted a Decree to the Investigative Committee and the Federal Security Service of the RF for “criminal prosecution of the offenders”. They were charged with rioting, use of violence against the representatives of authority and unlawful crossing of the state border. However, the participants did not use violence during the peaceful assembly. A week later, the participants of the assembly began to receive subpoenas. As a result, about 200 people were fined in the amount from 10 to 40 thousand rubles based on administrative articles of “unsanctioned rally” and disobedience to police.

This was followed by a number of searches in the homes of participants of the ‘May 3<sup>rd</sup>’ peaceful assembly. In October 2014, the arrests commenced. A total of 4 persons

were arrested, on October 16 – Musa Apkerimov, on October 17 – Rustam Abdurakhmanov, on October 22 – Tahir Smedlyayev, on November 25 – Edem Ebulisov. Later, all four of them were released on bail.

## Use of warnings for meeting restrictions

The use of warnings to restrict meetings can be illustrated by the example of preparation in 2014 for the public event devoted to December 10, the International Human Rights Day (see below).

Such warnings took place repeatedly thereafter. For example, on March 30, 2015, the representatives of the Crimean Prosecutor's Office read out to the Deputy Chairman of the Mejlis of the Crimean Tatars Nariman Dzelyal a warning *"about possible consequences of organization or participation in the unauthorized events"*. This was related to the termination of broadcasting of the Crimean Tatar TV channel ATR, which could not obtain a certificate of state registration.

On May 16, 2015, the "Prosecutor of Crimea" Natalia Poklonskaya warned on the inadmissibility of uncoordinated mass meetings on the Day of Commemoration of the deportation of the Crimean Tatars. The Prosecutor's Office officials presented the warning to 14 Mejlis members.

Given that the legal consequences of such warnings are not clear and there are no specific sanctions envisaged for their violation, they are a form of pressure on the organizers, a signal that the not yet committed acts are already regarded as unlawful and have a certain deterrent effect.

## Involvement of the paramilitary

The obstruction of peaceful assemblies is taking place not only with the involvement of the state security forces, but also the members of the "people's militia – people's guard", widely known as the "Crimean self-defense". In Crimea, numerous facts of their involvement in dispersing or obstruction of peaceful assemblies have been recorded.

On August 24 (Ukraine's Independence Day) 2014, in Simferopol, the monument to the Ukrainian writer Taras Shevchenko was cordoned off by the law enforcement agencies and the "Crimean self-defense". On December 10 of the same year, on the International Human Rights Day, the central streets of Simferopol were again cordoned off by the security forces and the "Crimean self-defense". The journalists were prohibited to make photos and record videos.

At the same time, about ten unknown persons organized a provocation at a press conference of the coordinators of the Committee for Protection of the Rights of the Crimean Tatars. They splashed a liquid green disinfectant onto the speakers. Their actions have been planned in advance, the jars with the green substance were brought by at least three people.

### ***May 18 – Memorial Day for Victims of Deportation of Crimean Tatars***

On May 16, 2014, the Crimean Prime Minister Sergey Aksyonov with his decree banned all public events in the Crimea until June 6, including the mourning demonstration to mark the 70th Anniversary of the Crimean Tatar Deportation.

Mr. Aksyonov justified this decision as follows: *'In view of the ongoing events in many cities in the south-east of Ukraine, resulting in civilian population deaths and injuries, in order to eliminate possible provocations from extremists who are able to enter the territory of the Republic of Crimea, and to avoid disruption of the holiday season in the Republic of Crimea, public event ban on the territory of the Republic of Crimea is introduced until June 6, 2014.'*

In addition to this prohibition, the presence of Russian military, law enforcement agencies, and military equipment was increased in Simferopol on May 18.

The Crimean Tatars were forced to abandon the planned routes of mourning processions and organized the events in smaller groups and in the other, non-public, places.

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*'This is a gross violation of the rights of Crimean Tatars. Moreover, it is contrary to the decree of the president Putin who assured to take measures to safeguard the rights of the Crimean Tatar people.'*

The leader of the Crimean Tatar people, Mustafa Dzhemilev, in an interview to LIGABusinessInform on May 17, 2014.

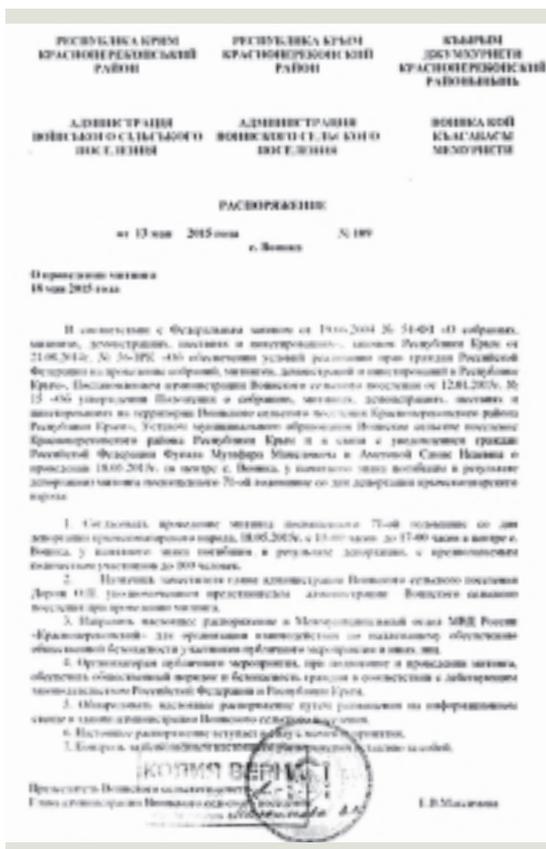
The same situation was in 2015: the local authorities again banned or significantly restricted holding of events to mark the 71th anniversary of the deportation of the Crimean Tatars. For example, in Simferopol, denial grounds were the unavailability of pre-approved sites for public events due to prior booking on May 18 by other NGOs.

The members of the Mejlis of the Crimean Tatars and a number of activists (Nariman Dzhelyal, Shevket Kaybullaev, Leonid Kuzmin) were warned by the Crimean Prosecutor's Office about the inadmissibility of holding public events.

On May 18, at the Simferopol city boundaries, the OMON riot police and traffic police officers detained the participants of the automobile rally dedicated to the Day

of Commemoration of the Victims of Deportation. The participants claimed that the automobile rally was not a mass event by its organizational form. As a result, in respect of 8 participants the administrative reports for creation of crash situation were drawn up.

A month later, in June, a number of court decisions were made on bringing to the administrative liability of the organizers and participants of peaceful assemblies on May 18. The Imam of the Dolinka village (Krasnoperekopsk district) Yunus Nemetullaev was fined in the amount of 10 thousand rubles. The Head of the Krasnoperekopsk regional Mejlis Saniye Ametova was also fined in the amount of 10 thousand rubles, despite the fact that the meeting had been agreed with the administration of the Voinka village.



Photos – Order of the Voinka village administration No.109 of May 13, 2015 on coordination of the meeting on May 18, 2015

Zeynep Aydogan was also fined as a participant of the meeting in Voinka and, like the others, was punished by a fine of 10 thousand rubles.

### June 26 – the Day of the Crimean Tatar Flag

On June 11, 2014, Mejlis filed a notice to the Simferopol City Council informing that on June 26 in the city center (K.A. Trenev Park), the cultural mass event to mark the Crimean Tatar Flag Day would be held.

However, on June 17, Mejlis received a written reply, according to which the Mejlis was not allowed to hold this event.

The city authorities commented the refusal as follows, *'The K.A. Trenev park currently has children playgrounds, amusement rides, especially popular during the school holi-*

*days, as well as classes, competitions, exhibitions, and other events involving hundreds of children. The music school holds an enrollment for the 2014-2015 academic years (audition) ... The accumulation of a large number of people in a limited area not intended for placing of the further claimed number of participants can create conditions for violations of public order, rights, and lawful interests of other citizens.'*

In addition, the Simferopol City Council refused to approve the route of motor rally during the Day of the Crimean Tatar Flag proposed by the Mejlis. The city officials proposed to change the route of the rally, excluding the central streets from this route – within sight and earshot of the target audience.

In the following year it was again impossible to hold a peaceful assembly to mark the Day of the Crimean Tatar Flag. In early June, the representatives of youth organizations established an Organizing Committee for the preparation of events to mark this day. The Organizing Committee filed a notice to the Simferopol City Administration of holding on June 26, 2015 of a public event in the Fountains district of Simferopol, but was denied approval.

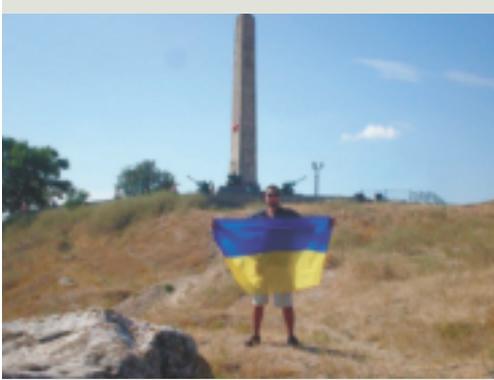
The reason for rejection was that other organizations have filed the notices and coordinated holding of public events on June 26. Later, the Organizing Committee made two additional attempts to file an application indicating different venues and dates. However, the responses were similar to the first one. Also, a negative answer was received in response to the application on holding the automobile rally.

On June 25, the prosecution authorities issued a warning on the inadmissibility of holding the public events, which were not coordinated with the authorities. It was handed over to the Mejlis members Dilyaver Akiev, Ilmi Umerov, Nariman Dzhelyal and the Ukrainian activist Leonid Kuzmin.

### ***August 23 – the Pan-European Day of Remembrance for Victims of Stalinism and Nazism***

Crimean Tatar non-governmental organization 'Kardashlyk' planned to hold a memorial meeting in honor of the Pan-European Day of Remembrance for Victims of Stalinism and Nazism on August 23, 2014. The rally was to be held in Simferopol on Gurzufskaya Street in the Salgirka Park.

The rally application was lodged with the Simferopol City Council on August 13, but ten days later the authorities banned the mourning rally, arguing for the hot weather, which, according to local authorities, could negatively affect the health of the meeting participants.



Kerch



Yalta

### ***August 23–24 – Ukrainian Flag Day and Independence Day***

On August 22–23, 2014, in honor of the national flag of Ukraine, Crimea residents established Ukrainian flags in different regions of the peninsula (in protected areas, on the tops of the mountains, in parks etc.). In different cities, the Crimeans visited public places with a flag of Ukraine, or with the color symbols of Ukraine (yellow and blue).

On this day, the representatives of the ‘Crimean self-defense’ illegally detained Sergey Dub, Head of the Adult Intensive Care Department of Simferopol Perinatal Center, who came to the monument of Taras Shevchenko (in Simferopol) with the flag of Ukraine.

The representatives of the ‘self-defense’ forcefully handcuffed him and without the participation of the police took Sergey to the police station. The interrogation was conducted by the chief of the Central Regional Department of Internal Affairs and one of the captains, who, according to Sergey, acted by the instructions of the chief of ‘Crimean self-defense’ received by phone. The police were ordered to initiate against him the case under the Article 20.1 of the Code of Administrative Offences ‘Disorderly Conduct’. The members of the ‘Crimean self-defense’ accused Sergey of using foul language in a public place, but Sergey and witnesses denied that.

On August 24, eight people came with flags of Ukraine to the pedestal installed in place of the monument to Ukrainian hetman P. Sahaidachnyi in Sevastopol. After that, two activists of Sevastopol Euromaidan Viktor Neganov (organizer of the rally) and Sergey Kornienko were detained by Russian traffic police and taken to the police department of Gagarin district of Sevastopol.

Activists were detained in the Gagarin district police station for several hours and were released without charges. Viktor said that he was threatened with physical

violence, and psychological pressure was also applied to him. During the illegal detention, the traffic police seized his passport and vehicle keys.

A year later, on August 22, 2015, Veldar Shukurdzhev, the activist of the Ukrainian Cultural Centre, was served a Resolution on the inadmissibility of holding the uncoordinated public events on August 23 (Ukrainian Flag Day) and 24 (Ukraine's Independence Day). In addition to the members of the Ukrainian Cultural Centre, which had previously applied for holding peaceful assemblies on August 24, other pro-Ukrainian activists, who had not been involved in the organization or participation in peaceful assemblies were warned.

### ***December 10 – International Human Rights Day***

Every year on December 10, a rally has been held on Lenin Square in Simferopol by the initiative of the Mejlis on the occasion of International Human Rights Day. However, in 2014, when Russia annexed Crimea, the rally ceased to take place.

On December 2, 2014, the head of the Central Election Commission of Qurultay, Zair Smedlyaev, reported that authorities of Simferopol did not give permission to hold in the center of the city the Crimean Tatar meeting dedicated to the International Human Rights Day. According to him, the city council looked for flimsy excuses to deny, refused to accept the application because of the relocation of one of the offices. Although, according to Smedlyaev, on the day before that the authorities readily permitted to 'pro-governmental' Crimean Tatars to hold a rally in support of Putin's policy.

On December 5, the Committee on the Rights of the Crimean Tatar People applied for holding a rally dedicated to the celebration of International Human Rights Day.

On December 7, the Crimean prosecutor's office issued a warning to the Deputy Chairman of the Mejlis, Akhtem Chiygoz, about the prohibition of unsanctioned rallies. Akhtem Chiygoz reported that a document was handed to him on Saturday night at the border of Ukraine and Crimea at the checkpoint 'Armyansk'.

On December 9, Simferopol administration banned holding of December 10 rally on Lenin Square. The denial was explained by the celebration of Christmas and New Year.

In addition, on December 8, the coordinator of the Committee on the Rights of the Crimean Tatar People, Sinaver Kadyrov, received a warning from the prosecutor's office in Simferopol about the inadmissibility of the law violations. The prosecutor's

office reminded that holding a public event without the consent of the administration of Simferopol was illegal.

The same day, in one of Simferopol's cafes, the representatives of the Ministry of the Interior read out a warning about the inadmissibility of violations of any laws to other coordinators of the Committee on the Rights of the Crimean Tatar People.

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*'The sudden appearance of prosecutors, the Ministry of the Interior and Federal Security Service agents, in the café, confirmed the fact that our phones were tapped and they have been watching us. These are the weak arguments to prevent the holding of the International Human Rights Day.'* Coordinator of the Committee, a member of the Mejlis of the Crimean Tatar people, Eskender Bariev.

On December 10, in Simferopol at 11:30 a.m. at 20 Chekhov street, the coordinators of the Committee on the Rights of the Crimean Tatar people held a press conference on the prohibitions to hold events to mark the Human Rights Day. During the press conference, a group of unknown persons (a minimum 10 individuals) committed a provocation by spraying green disinfectant at the speakers. According to the organizers of the press conference, they managed to identify one of the instigators.

On December 10, Rize Shevkiev, the Director of Crimea Charity Fund, received a warning from the Simferopol prosecutor's office about *'the inadmissibility of violation of the law on combating extremist activity and the legislation on meetings, rallies, demonstrations, marches, and pickets.'*

The prosecutor's office said that in the course of this meeting it was planned to use anti-Russian rhetoric, namely, to call the present people for illegal actions to disrupt public order, provoking the actions of an extremist nature. The prosecutors failed to present the facts in support of this opinion.

On December 10, the Human Rights Day, the center of Simferopol was surrounded by members of the security forces. The authorities blocked Lenin Square and one of the adjacent streets. In addition to fencing, the cordon of riot police officers, interior troops and men in camouflage uniforms was organized, who identified themselves as 'people's militia'. Particularly, large concentration of security forces was observed in front of the building of the Council of Ministers of Crimea. The entry and exit were ensured through a metal detector. At every intersection in the central streets of the city, the traffic police posts were installed, in particular, Sergeyev-Tsensky street leading to Lenin Square was completely blocked by police. The access to the city center from the neighboring streets was blocked. The law enforcement agents urged the representatives of the press to leave the area, while the photographers had to delete footages.

### ***March 9 – The Anniversary of the Birth of the Ukrainian Writer Taras Shevchenko***

On March 9, 2015, a group of Ukrainian activists organized a meeting in Yuri Gagarin Park of Simferopol on the occasion of the 201<sup>st</sup> anniversary of the birth of Taras Shevchenko, the famous Ukrainian writer. The event was agreed with local authorities. The participants of March 9 meeting used the Ukrainian symbols, including the flag of Ukraine and the inscription ‘Crimea is Ukraine’.

During the peaceful meeting, the representatives of the law enforcement authorities detained three activists, Leonid Kuzmin, Aleksandr Kravchenko and Veldar Shukurdzhiiev. The detainees were taken to the police station, where the reports on the violation were drawn up.

On March 12, 2015, the trial of the three activists was held. All three were found guilty of violating the order of holding meetings, rallies, demonstrations, marches, and pickets. The reason for this decision was that the participants used the Ukrainian flag and the words ‘Crimea is Ukraine’. The court considered these as the symbols of extremist organizations and extremist materials. All three were awarded an administrative penalty in the form of 40 hours of compulsory community services.

All three pleaded not guilty in the court. They were confident that the court unfoundedly and incorrectly applied the rules of the RF law ‘On Countering Extremist Activity’, namely the norm prohibiting the participation of extremist organizations in mass events, the use of their symbols or attributes, as well as extremist materials. As the Ukrainian flag is an internationally recognized attribute of the state, it cannot be regarded as a symbol or an attribute of an extremist organization or as an extremist material on the territory of the Russian Federation.

However, for the activists, it was not quite the end of it with the trial. Leonid Kuzmin, who worked as a school teacher in Simferopol, was fired from his post by the school administration for ‘inaptitude for the occupied position’. He was fired for being the organizer of this event. At the school he was told that ‘an employee of the school has no right to participate in political activity’. Aleksandr Kravchenko was forced to leave the territory of Crimea.

Later, on March 30, the court of Simferopol found Kurtsei Abdullaev, another participant of March 9 event, guilty and sentenced to 20 hours of compulsory community services. The reason again was the use of Ukrainian flag and the inscription ‘Crimea is Ukraine’.

## 4.11. Religion Under the Government's Control

Crimea is a historically multicultural region, which is a home to about 100 ethnic groups. In particular, the multiculturalism demonstrated itself through a variety of religious communities and denominations. After the establishment of the Russian jurisdiction, the restrictions of religious freedom became commonplace. One of the last obstacles to the continuation of the activities of religious organizations in Crimea became a mandatory re-registration according to the RF law. Before the establishment of the Russian jurisdiction in the Crimean territory, more than 2,000 religious communities, of which more than 1,400 were registered officially existed. On February 12, 2015, only about 100 parishes applied for re-registration, and only 11 passed it.

Many religious workers faced intimidation and were summoned for interrogation by FSB. The religious communities cannot act on an equal footing with each other, the property of religious communities was repeatedly seized or destroyed, the alternative religious groups (for example, the Muftiyat of Taurida) were created to split the society in religious field, the bureaucratic obstacles are created for certain religious organizations. Only the Orthodox Church of the Moscow Patriarchate remained unaffected by these problems.

### *Ukrainian Orthodox Church of the Kyivan Patriarchate (UOC-KP)*

The first temple taken away from UOC-KP with the advent of Russia was the Temple of the Holy Martyr Clement of Rome, located in the territory of the Training Unit of the Ukrainian Navy in Sevastopol. The temple was handed over to the possession of the Ukrainian Orthodox Church of the Moscow Patriarchate. Later, the Moscow Patriarchate has demanded from senior priest of the Church of the Mantle of Our Lady in Perevalnoye village (Simferopol district) to hand over the church's property to the jurisdiction of the Moscow Patriarchate. After refusal, a group of armed people in Russian Cossack uniform and the representatives of the 'Crimean self-defense' illegally entered the church and destroyed Orthodox relics. During the attack on the temple, a pregnant parishioner and the priest's daughter were injured. The police officers refused to accept a statement about violence against believers; thus, nobody was brought to justice for the crime. By the end of 2014, the UOC-KP lost 4 temples out of total 15.

The Crimean Archbishop, His Grace Kliment (UOC-KP) is constantly threatened and summoned for interrogation by FSB. The unknown persons burned the Archbishop's holiday home in the village of Mramornoye, Simferopol district. FSB is trying to

put pressure not only on the Archbishop, but also on the priests. Many of them were forced to leave Crimea.

Since the beginning of 2015, the local government has continued its advance on the UOC-KP property. The rental payment for the premises of the main Crimean temple was unreasonably high and amounted to 90906 rubles per month. The Crimean authorities are trying to take away the land plot that belongs to the Ukrainian Orthodox Church of the Kyivan Patriarchate in Simferopol in order to hand over it to the Russian FSB. Kliment, the Archbishop of Simferopol and Crimea, was offered to abandon this plot voluntarily. Not even waiting for his reply, the head of the Crimean government Sergey Aksyonov approved the act of handover of this plot to FSB.

In May 2015, the Ministry of Property and Land Relations of Crimea organized the auction for the right to sign a lease for the part of the premises in use of the UOC-KP, namely the Crimean Orthodox Spiritual Center. Namely, it is a space with the area of 112.6 sq. m. on the ground floor of the building at 17, Sevastopol St., Simferopol.

As a result, the auction winner was a public non-profit movement on promotion of the small and medium business in the Republic of Crimea 'RAZUM', which is engaged in business consulting<sup>29</sup>. The Crimean Ministry informed the representatives of the UOC-KP that on August 21, 2014 the lease of the part of the premises with the area of 112.6 sq. m. on the ground floor of the building at 17, Sevastopol St. expired. However, the Ministry informed about it only in 2015, after the auction.

The representatives of the UOC-KP appealed to the Arbitration Court of Crimea in order to annul the decision of the Crimean Ministry on the part of the premises with the area of 112.6 sq. m., which since 2004 had been in the use of the UOC-KP. However, the Ministry of Property and Land Relations of Crimea filed a counter-claim. On January 21, 2016, the Arbitration Court of Crimea dismissed all claims of the representatives of the UOC-KP, however, it granted a counter-claim of the Crimean Ministry.

The court ordered not only to evict the premises with an area of 112.6 square meters, but also to recover from the Crimean Orthodox Spiritual Center a penalty in the amount of 591,128.65 rubles. In addition, if part of the premises is occupied by the NGO 'RAZUM', all its employees and customers will pass through the premises.

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<sup>29</sup> Regulation on the public non-profit movement on promotion of the small and medium business in the Republic of Crimea 'RAZUM': <http://kryminvestproekt.nethouse.ru/static/000/000/516/343/doc/a6/93/ace0ee14f6a5c03a95d2256a0624af22be92.pdf>

es of the Cathedral, which would be an interference with the freedom of worship. The UOC-KP Crimean Archbishop Clement believes that the court's decision and the subsequent sanctions will seriously endanger the continuation of the Church activities in Crimea.

### *The Muslim community*

Crimean Tatars are among those Muslims who are the most persecuted and suffer from restrictions of religious freedom. On June 13, 2014, there was an attempt to set fire to Chukurcha-Dzhami mosque in Simferopol. As a result, the mosque's facade was damaged. On the fence near the mosque, a black swastika and the date of arson were painted. On the night of November 13, unknown individuals attempted to set fire to a mosque in Solnechnaya Dolina village, Sudak district.

FSB and Extremism Combating Department conducted several dozen unauthorized searches in mosques and Muslim educational institutions (madrasas). The common pretext is the search for 'drugs, weapons or extremist materials'.

Islamic literature was distributed freely in Crimea, but after the annexation, the list of banned extremist materials was constituted; it contains a large amount of Islamic literature previously freely used by Crimean Tatars. Nowadays, many of these materials are prohibited, and their storage or distribution may be punishable by fines or lead to criminal liability.

On March 16, 2014, Ivan Selentsov (known as Walid Abu Yusuf) was detained by police for distributing the Koran in Russian, and tortured; for a long time he was not allowed to see a lawyer. Then he was removed from Crimea to Chongar (Kherson oblast) and threatened with a ban on entry to Crimea for 30 years.

A dangerous situation occurred for the followers of Hizb ut-Tahrir al-Islami (Islamic Party of Liberation). The literature of this religious and political group is present in the mosques and in many Muslim families. According to the decision of the Supreme Court of the Russian Federation of February 14, 2003, Hizb ut-Tahrir is considered a terrorist organization, and its activities in the Russian Federation territory are prohibited. Currently, the participation in this movement is criminally prosecuted in Crimea, too.

Bakhchisaray court recognized Savri Seydametov guilty of an administrative offense under Article 20.29 of the RF Code of Administrative Offences ('Production and Distribution of Extremist Materials'). He was charged with an administrative penalty

in the form of an administrative fine of one thousand rubles (RUB 1,000) with the confiscation of the publication 'A Word on Unity'. Upon appeal, this decision was reversed.

The basic organization of Muslims in Crimea was the Spiritual Governance of Muslims of Crimea (SGMC). However, with the support of the RF, an alternative Muftiyat of Taurida was created. To a large extent, its purpose is to take control over the Crimean mosques. For example, it took control over the Dzhuma-Dzhami mosque in Yevpatoria. New imam seized the community's documents and seal, as well as illegally appropriated its financial assets.

On September 24–27, 2015, there was a traditional celebration of Eid al-Adha – one of the major Islamic holidays. The first day of celebration of Eid al-Adha, September 24, was announced a holiday in Crimea. It allows the Muslims to perform the acts of worship, customary for this day. However, the Sevastopol government refused to announce September 24 a day off. Thus, the Muslims residing in Sevastopol weren't able to participate in the traditional celebration of the first day of Eid al-Adha. The representatives of the Muslim community believe that it is contrary to the basic tenets of the Muslim religion<sup>30</sup>.

On January 27, 2016, in Dzhankoy, the Crimean Tatar Children's Center Elif was searched. The search was conducted by the FSS officers, the police, representatives of Prosecutor's Office and SES. During the inspection the Center's documentation was seized, and its staff members were summoned to the police<sup>31</sup>.

On January 28, 2016, the premise of the Islamic Cultural Center in Simferopol was searched. During the search the Islamic religious literature, which is banned in Russia was found. The Imam of the Islamic Cultural Center assured that shortly before the search these books were not in the premise, and that they had been specially planted. This was reported by the Chairman of the Spiritual Administration of Muslims of Ukraine Said Ismagilov on his Facebook page<sup>32</sup>.

### **Ukrainian Greek Catholic Church**

In Crimea, five parishes of the Ukrainian Greek Catholic Church (UGCC) were registered; many of their representatives supported the Ukrainian military units

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<sup>30</sup> <http://ru.krymr.com/content/news/27266497.html>

<sup>31</sup> 15minutes, *The Crimean "law enforcers" came to inspect the Crimean Tatar Children's Center*: <http://15minut.org/article/krymskie-pravoohraniteli-prishli-s-proverkoj-v-krymskotatarskij-detskij-tsentr-2016-01-27-18-37-34>

<sup>32</sup> Said Ismagilov. "Yesterday, the armed Russian security forces surrounded the mosque of the Islamic Cultural Center in Simferopol at 7, Mokrousov St., and conducted a search." Facebook: <https://www.facebook.com/said.ismagilov/posts/947641651994098?pnref=story>

in February-March 2014. Later, the representatives of the Greek Catholic communities began to receive threats of persecution and liquidation of their parishes. FSB and 'Crimean self-defense' began to chase them back in March 2014, when the UGCC priest Nikolay Kvich was kidnapped in Sevastopol. Later he was released. In April, the head of the Greek Catholic community of Yalta was forced to leave Crimea, as the FSB threatened him with prosecution for alleged terrorist activities.

On September 2, 2014, a priest in the parish of Yevpatoria, B. Kostetsky, accompanied by a group of 15 parishioners left for Yalta; after this, the contact with him was lost. Later Kostetsky informed the priest Nikolay Gavrilyuk via the mobile phone that they were detained by unknown persons and kept in a basement. Then the contact was lost again. The reasons for his detention were not explained. On the morning of September 3, the priest called to say that he was released. The causes of this incident remain unknown.

In addition, the priests of the Catholic Church have problems with visas. Most of them are foreign citizens, and the Church cannot get long-term visas for them. According to the Russian migration legislation, they can conduct services staying in the territory of Crimea up to 90 days, and then leave for another 90 days.

Many parishes are forced to act almost in 'underground' conditions, as the Russian and local media spread anti-propaganda about the UGCC, claiming the Greek Catholics to be 'radical nationalists'. Parishioners are afraid to talk about their religion because of the threat of attacks.

## 4.12. Crimean Justice

According to Article 6 of the Convention On Protection of Human Rights and Fundamental Freedoms, everyone has the right to a fair and public hearing ... by an independent and impartial court established by law. By virtue of Article 54 of the Convention 'On Protection of Civilian Persons in Time of War' (Geneva, August 12, 1949), the occupying state may not change the status of public officials or judges in the occupied territories, or use any coercive measures against them if they abstain from fulfilling their duties for reasons of conscience.

According to Article 9 of FKZ No. 6 of March 21, 2014, , the court proceedings during the transition period were to be held by authorized judges appointed to their positions before the occupation according to the laws of Ukraine and working in the Ukrainian courts on the occupied territories in the moment of the adoption

of this law. The necessary condition for the administration of justice was the obtaining of the RF citizenship, the handover of Ukrainian passport to the Russian authorities, and filing the application on refusal from Ukrainian citizenship to the Russian authorities.

The term of administration of justice by the 'citizens substituting the positions of judges' was determined as 'until the establishment of the RF courts on the respective territory'. This period during which the justice in Crimea and Sevastopol was carried out by 'judges' with this status, lasted from April 1, 2014 to December 26, 2014<sup>33</sup>. Taking into account the reporting periods in courts, the established federal courts and a number of designated federal judges commenced the work in 2015.

On December 19, 2014, based on the Decree No.786 of the President of the Russian Federation 'On appointment of judges of the federal courts', the Deputy Chairmen of the Supreme Court of the Republic of Crimea and Sevastopol City Court, the Chairmen of the 4 district courts, Deputy Chairmen of 18 district courts and 2 garrison military courts as well as several hundred Crimean judges were appointed for a period of 6 years.

Despite the fact that under the law the 'citizens who substituted the positions of judges' were guaranteed with the priority right to take the positions of judges in the courts of the RF, established in Crimes, the procedure of the federal courts formation did not provide any guarantees and on the contrary boosted the competition with the judges from the Russian Federation. Based on the analysis of the composition of courts as of March 18, 2014 and after the adoption of the given Decree, not all the judges that held positions until March 18 and passed the competitive selection were appointed to the positions of judges in Crimea.

Thus, according to an interview with M. Timoshin<sup>34</sup>, the chairman of the Higher Judges' Qualifications Board of the RF, 462 judges were planned for appointment in Crimea and Sevastopol. According to the results of the first stage of the selection, the vacancies of judges were filled by 70%, 'the citizens who substituted the positions of judges' during the transition period compose a little above the half of this number (~ 56%). In the interview, M. Timoshin also noted that "much attention has been paid to the analysis of professional relationships and constant, especially kinship relationships with other people in order to identify the potential conflict of interests ...". The experience has shown that is

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<sup>33</sup> Resolution of the Plenum of the Supreme Court of the RF of 23.12. 2014 N 21 'On the day of commencement of operation of the federal courts in the territories of the Republic of Crimea and the city of federal significance Sevastopol' <http://www.rg.ru/2014/12/25/plenum-vs-dok.html>

<sup>34</sup> <http://www.russia-today.ru/article.php?i=1199>

the conflict of interests meant the kinship with foreign, Ukrainian citizens living in the mainland Ukraine.

There were cases of direct intervention of the Russian authorities in the work of the courts. For example, V.M. Koval, the chairman of the Sevastopol Commercial Court of Appeal, was not allowed to enter the court building on the personal instructions of the Sevastopol governor S. Menyailo as of May 2014, and his powers were conferred to another person.

Since April 2014, under the occupation, the Ukrainian courts previously established on the basis of the laws of Ukraine continued to execute justice with application of the procedural legislation of the Russian Federation. In doing so they not only lost their authority according to the Law of Ukraine 'On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine', but also, the existence of a number of them was not provided by the legislation of the Russian Federation (e.g., Economic and Administrative Courts). There were cases in 2014, where the judicial acts of the Crimean courts in the name of the RF were certified by the seal of Ukrainian courts.

Since March 2014, the courts located in the territory of Crimea and Sevastopol, ceased to direct the materials on civil, criminal, and administrative cases for review to the higher courts located on the mainland Ukraine. All cases (including criminal cases, in violation of Art. 64 of the 1949 Geneva Convention) were reviewed with application of the procedural legislation of the Russian Federation. As a result, the barriers were created to legal review of the previous decisions by the cassation courts of Ukraine, as well as for review of the judicial decisions in connection with the decision of the European Court of Human Rights.

As a result of such actions of the Russian authorities, the independence of the judicial system of Crimea was undermined. The powers of the judges appointed in accordance with the laws of Ukraine were suspended, and the status of judges became uncertain. In the Russian legislation regulating the judicial system operation, there is no concept of "substitution" of a judge. Accordingly, the persons included in this category, as well as their powers, necessary qualification, level of education and knowledge of legislation were not clearly defined. The general policy of coercion to obtaining the citizenship of the Russian Federation under the threat of dismissal, waiting for possible appointment and the absence of a transparent procedure pushed the applicants (Crimean judges appointed by Ukraine) to demonstrate the maximum loyalty to the authorities of the RF. It can be assumed that the judges were particularly required to demonstrate such loyalty in cases of administrative or criminal prosecution of the pro-Ukrainian activists.

## Actions of the Ukrainian authorities with regard to the judges in the occupied territories of Crimea

№ 430/2014, 19 лютого 2014 року № 605/2014, 06 листопада 2014 року № 853/2014 та від 14 лютого 2015 року № 81/2015 на роботу на посади суддів до інших судів загальної юрисдикції на території України згідном переведено 30 суддів, а саме:



На Ваш запит від 23 лютого 2015 року повідомляємо такою.  
Згідно з частинкою другою статті 84 Закону України «Про судоустрій і статус суддів» право на звернення зі скаргами (заявами) щодо поведінки судді, яка може мати наслідком дисциплінарну відповідальність судді, має людина, кому відомі такі факти.

Відповідно до положень, визначених статтею 91 Закону України «Про судоустрій і статус суддів», Комісія розглядає заяви та повідомлення про дисциплінарну відповідальність суддів місцевих та апеляційних судів за за наявності підстав поруку дисциплінарної справи і здійснює дисциплінарне провадження.

Частинкою першою статті 86 Закону України «Про судоустрій і статус суддів» встановлено, що дисциплінарне провадження щодо судді передбачає здійснення перевірки даних про наявність підстав для притягнення судді до дисциплінарної відповідальності, відкриття дисциплінарної справи, її розгляд і прийняття рішення органом, що здійснює дисциплінарне провадження.

Перевірка даних про наявність підстав для притягнення судді до дисциплінарної відповідальності здійснюється не за фактом вчинення суддею певних дій, а виходячи з підставі поданої до Комісії інформації з повідомленням про такі факти.

Слід зазначити, що здійснення суддею правосуддя на тимчасово окупованій території саме по собі не є підставою для притягнення його до дисциплінарної відповідальності.

Звернумо Вашу увагу, що підстави дисциплінарної відповідальності судді, визначені статтею 83 даного Закону, є вичерпними.

За період з 18 березня 2014 року по 04 березня 2015 року усяма Президентом України «Про переведення суддів» від 23 квітня 2014 року

In August 2014, a meeting of the Higher Judges' Qualifications Board of Ukraine (hereinafter HJQB) took place, which addressed the issue of the transfer of a number of Crimean judges to the mainland Ukraine (of 479 Crimean judges the HJQB was addressed by 52 judges<sup>35</sup>). Within March 18, 2014 – March 4, 2015 based on the Decree of the President of Ukraine 'On the transfer of judges', 30 Crimean judges were transferred to courts in mainland Ukraine.

Also the Higher Judges' Qualifications Board of Ukraine initiated the entering into the Unified Register of pre-trial investigations the data regarding the Crimean judges which did not file an application for a transfer to another court in the territory of Ukraine (on the grounds of a criminal offense under Art. 111 of the Criminal Code of Ukraine).

In the autumn of 2015, the Supreme Council of Justice of Ukraine suspended the consid-

eration of a number of applications of Crimean judges on the voluntary resignation from office, and decided to apply to the HJQB of Ukraine with applications for checking the activities of these judges<sup>36</sup>.

<sup>35</sup> <http://pravo.ua/news.php?id=43235>

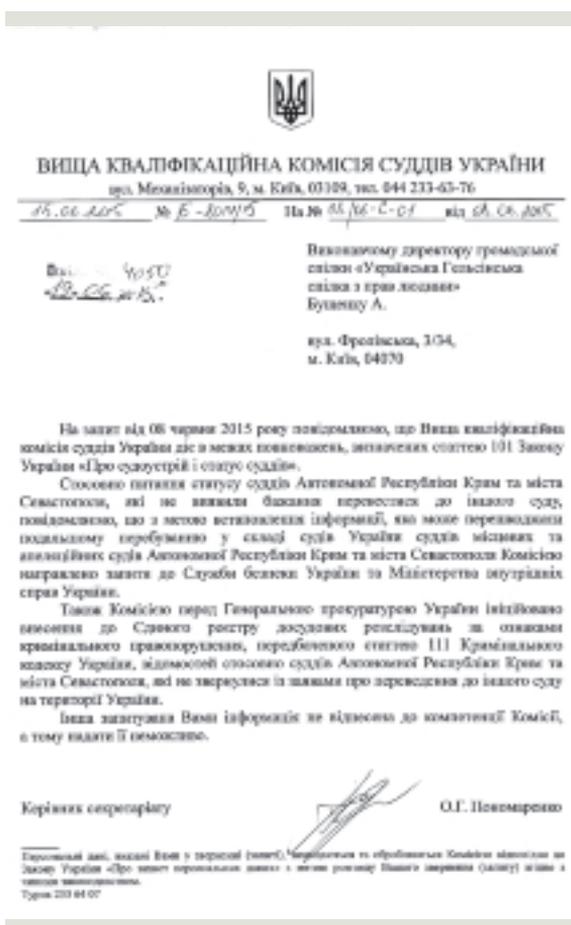
<sup>36</sup> [http://zib.com.ua/ua/119694-vischa\\_rada\\_yusticii\\_vnese\\_podannya\\_pro\\_zvilnennya\\_24\\_suddiv.html](http://zib.com.ua/ua/119694-vischa_rada_yusticii_vnese_podannya_pro_zvilnennya_24_suddiv.html)

On December 24, 2015, the Supreme Council of Justice at its meeting considered the recommendation of the HJQB of Ukraine of 10.11.2015 No. 3009/dp-15 on submission of proposal for the dismissal of judges of the ARC and Sevastopol for oath violation.

According to the High Council of Justice, the 277 Crimean judges referred to in the proposal, holding the positions of Ukrainian judges in accordance with the current legislation, took the oath and were appointed to the position of judges of the RF, thus violating the oath of a judge and the requirements concerning the compatibility<sup>37</sup>.

On January 30, 2016, by the Decree No. 28/2016 the President of Ukraine dismissed 83 judges from several courts in the occupied Crimea for the violation of oath<sup>38</sup>.

On February 8, 2016, it was reported that on January 29, 2016, the Chief Military Prosecutor of Ukraine signed the notice of suspicion with regard to 50 more judges of the ARC and Sevastopol, which betrayed the people of Ukraine. The published list included the Crimean judges which had not been appointed as judges by the RF President's



<sup>37</sup> <http://www.vru.gov.ua/news/1256>

<sup>38</sup> <http://www.president.gov.ua/documents/282016-19751>



Decree<sup>39</sup> and allegedly executed justice in the occupied territory from March till December 2014.

These actions of the Ukrainian authorities can be considered as contrary to the international humanitarian law and the general policy of the state recognizing the presence of Russia on part of its territory (the Crimean peninsula) as an occupation.

According to Article 54 of the 1949 Geneva Convention the occupying State is prohibited to change the status of public officials or judges in the occupied territories or to apply sanctions to them, to take any coercive measures. Accordingly, Russia, as an occupying country, had no right to change the status of judges of Ukraine in the given territory (which was later done by the Russian Federation by way of re-certification of judges and appointment of new federal judges in Crimea by the RF President's Decree). That is, the Crimean judges, which have not been appointed as Judges of the Russian Federation by the Decree of the President of the Russian Federation and executed justice in Crimea within March – December 2014, remained in the status of the judges of Ukraine, administrating justice under the occupation. A separate assessment is required with regard to the fact that these judges adopted decisions applying the RF legislation.

The policy of the Ukrainian state in relation to other Ukrainian judges which worked in the courts in the mainland Ukraine and after the occupation of the peninsula

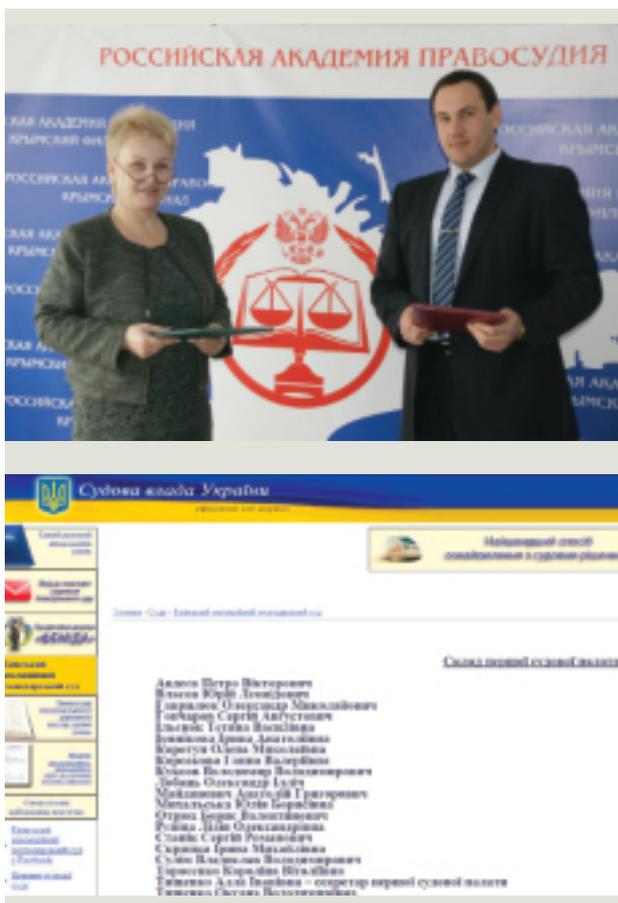
<sup>39</sup> [http://www.gp.gov.ua/ua/news.html?\\_m=publications&\\_c=view&\\_t=rec&id=168943](http://www.gp.gov.ua/ua/news.html?_m=publications&_c=view&_t=rec&id=168943)

violated the oath and were appointed to positions by the occupation authorities in Crimea has not always been consistent.

For example, a judge of the Kyiv Economic Court of Appeal Repina Lidia Aleksandrovna was appointed a Director of the Crimean branch of the federal state budgetary educational institution the Russian State University of Justice. The information about this was published on the official online resources of the occupation authorities not later than in February 2015<sup>40</sup> as well as on the website of the Russian State University of Justice<sup>41</sup>.

However, at the time of such appointment Repina L.A. remained a Ukrainian judge, which was stated on the website of the Kyiv Economic Court of Appeal until recently. Only in October 2015, the Supreme Council of Justice of Ukraine, decided to submit a proposal on the dismissal of the judge of the Kyiv Economic Court of Appeal Repina L.A. on the basis of violation of the oath<sup>42</sup>. There was no information about the dismissal of the said Ukrainian judge at the time of publication of this paper.

As a result of actions of the occupation authorities, in Crimea there is a quite loyal to the occupying state system of justice. Ironically, the threat of bringing to responsibility on the part of Ukraine only increases the degree of such loyalty. The absence of hope for a fair trial makes Crimean population even more obedient to the occupation authorities.



<sup>40</sup> <http://crb.rgup.ru/?mod=media&id=1001>

<sup>41</sup> <http://crb.rgup.ru/?mod=news&id=2107>

<sup>42</sup> <http://www.vru.gov.ua/news/1106>

## 4.13. Victims of the 'Russian Justice' in Moscow

Crimean activists have not only become political prisoners in the Crimea, but have also been taken to Russia, and placed in custody. The exact number of Crimeans currently imprisoned in Russia is unknown.

### *'The Sentsov – Kolchenko Case'*

**Charges:** Act of terrorism (part 2, Article 205 of the RF Criminal Code), organization of a terrorist group and participation in it (part 2, Article 205.4 of the RF Criminal Code), illegal acquisition, transfer, sale, storage, transportation, or possession of weapons, basic parts of weapons, or ammunition (part 3, Article 222 of the RF Criminal Code), punishable by up to 20 years of imprisonment.

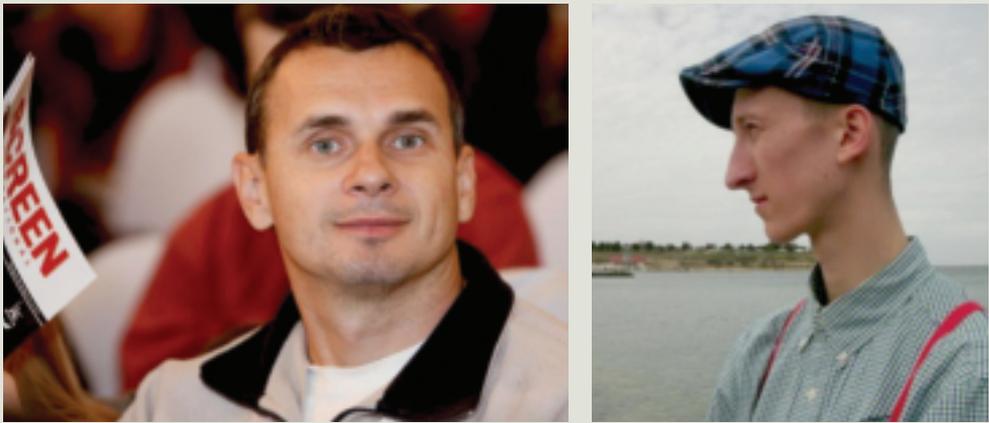
**The arrested:** Oleg Sentsov was arrested on May 10, Aleksandr Kolchenko on May 16.

Oleg Sentsov is a Ukrainian film director and screenwriter, a Maidan activist who openly opposed the Russian occupation of the Crimea, took part in humanitarian aid to the Ukrainian military servicemen in the Crimea in February and March 2014.

Aleksandr Kolchenko is a Ukrainian activist, member of an anti-fascist movement, participant of many students' and environmental campaigns in the Crimea, who openly opposed the occupation of the Crimea.

On May 10, the Russian Federal Security Service (FSB) conducted a search in Sentsov's apartment in Simferopol and arrested him. On May 16, Oleg Sentsov's friend, Aleksandr Kolchenko, was arrested in Simferopol. After Sentsov and Kolchenko's arrest, they were not presented with charges, and the investigation officers precluded the attorneys from meeting the arrested. On May 23, the Russian FSB officers moved Aleksandr Kolchenko and Oleg Sentsov, both Ukrainian citizens, to a pre-trial detention facility in Moscow.

On May 30, FSB announced that its officers apprehended members of a sabotage and terrorism group of the Right Sector in the Crimea, who allegedly were preparing terrorist acts in Simferopol, Yalta, and Sevastopol. The Right Sector denied Sentsov's affiliation with it.



*Pictured: Oleg Sentsov and Aleksandr Kolchenko*

On several occasions, Sentsov's attorney claimed Sentsov was subjected to torture in Lefortovo detention facility to coerce confession, and tortured in the Simferopol FSB office.

After Oleg Sentsov, a Ukrainian citizen, was put in custody in Lefortovo, the court extended his detention several times. The most recent judgment of Lefortovo District Court dated December 26, 2014, was to prolong Sentsov's detention till April 11, 2015.

On February 2, 2015, Oleg Sentsov was charged with 'illegal acquisition, transfer, sale, storage, transportation, or possession of weapons, explosive materials, or explosive devices under article 222, part 3 of the RF Criminal Code. The respective judgment was delivered to him by the detention officers at Lefortovo, where he is kept since May 2014 under terrorism charges.

Kolchenko's detention was also extended by the court several times. The most recent judgment was made on December 25, 2014, prolonging the detention to April 16, 2015. The investigator stated that the investigation period for this case was extended till April 28, 2015.

Besides, new parties continue to appear in Sentsov's case, most of whom are Ukrainian activists. The petitions from Major of Justice Artem Burdin, Major Case Investigator of the FSB Investigation Directorate, indicate other Ukrainian citizens: E.N. Asanov, H.S. Afanasiev, N.S. Borkin, I.V. Zuikov, A.A. Kolchenko, S.V. Tsyryl, A.V. Chirniy, and others. Kolchenko, Chirniy, and Afanasiev have also been arrested and are detained in Moscow.

Edem Asanov, sharing the first and last names with one of the suspects in Sentsov's case by coincidence, disappeared and was later found dead in the Crimea under unknown circumstances. The official version of the Crimean authorities of Asanov's death is suicide.

The friends and relatives of Sentsov and Kolchenko in the Crimea, as well as members of the art center who personally knew Sentsov, were under continuous pressure. Some of them were summoned to FSB for interrogations.

The Russian authorities ignore the Ukrainian citizenship of Sentsov and Kolchenko, who continuously insist on their being Ukrainian citizens. On multiple occasions, Ukraine has demanded the Russian Federation to allow the Ukrainian consul to attend its citizens; Ukrainian diplomats and representatives of the international community made similar appeals. However, Russia still does not allow the Ukrainian party to visit the arrested, who remain at a detention facility in Moscow. Kolchenko filed a claim to retain Ukrainian citizenship. The Simferopol court denied it, because the Crimean office of the Russian Federal Migration Service issued Kolchenko a Russian passport, which he is unable to receive while imprisoned. However, Kolchenko never applied for a Russian passport and insists on being a Ukrainian citizen.

The lawyers repeatedly reported on the use of brutal torture to the defendants in order to obtain confessions. The criminal case was based on the testimony of Alexey Chirniy, who allegedly acted as a member of the "terrorist community" led by Sentsov, the goal of which was to "influence the decision-making by public authorities of the Russian Federation on the secession of the Republic of Crimea from the Russian Federation". There is a reason to assume that Chirniy had been tortured. He was found guilty of preparing and carrying out the terrorist attack and sentenced to seven years' imprisonment in a high-security penal colony.

Gennady Afanasiev was forced under torture to sign a plea bargain and fully admit his guilt. The court also found him guilty and sentenced him to seven years in the high-security penal colony. However, during a court hearing on charges against Sentsov and Kolchenko, Afanasiev withdrew his testimony against Sentsov and Kolchenko. He said that he testified under coercion and torture. According to him, in fact, he had never met Sentsov and Kolchenko before.

On August 25, the military judge Sergey Mikhailyuk in Rostov announced the verdict for Oleg Sentsov and Alexander Kolchenko, which were convicted on terrorist charges. Sentsov was sentenced to 20 years in prison, Kolchen-

ko – to 10 years of imprisonment in a high-security penal colony. After the verdict announcement, all four Crimeans were convoyed to the high-security penal colonies in the various regions of Russia: Oleg Sentsov – to the Republic of Sakha (Yakutia), Alexander Kolchenko – to the Chelyabinsk region, Genady Afanasiev – to the Republic of Komi, Alexey Chirniy – to the Magadan region.

Sergiy **Zayets**  
Olexandra **Matviychuk**  
Tetiana **Pechonchyk**  
Darya **Svyrydova**  
Olga **Skrypnyk**

**THE PENINSULA OF FEAR  
CHRONICLE OF OCCUPATION AND VIOLATION  
OF HUMAN RIGHTS IN CRIMEA**

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