



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

Monitoring review of the human rights situation in Crimea

August 2016

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

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1. INTRODUCTION

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

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

The main objectives of the **CHRG**:

1) Collection and analysis of the information regarding the human rights situation in the Crimea;
2) Broad awareness among governments, international organizations, intergovernmental organizations, non-governmental organizations, the media and other target groups through the publication and spreading of analytical and information materials on the human rights situation in Crimea;

3) Promote the protection of human rights and respect for international law in Crimea;

4) Preparation of recommendations for government authorities and international organizations in the sphere of human rights;

5) Providing the presence of «human rights in the Crimea topics» in the information space.

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

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



2. CIVIL AND POLITICAL RIGHTS

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

DETENTIONS

On 5 August, riot police unit officers entered private **cafe «Sofa»** on Gorky Street in Simferopol and asked those present to present documents. They explained their actions by anti-terrorist measures. The owner of the cafe Shabutov Timur said that after the check riot police took with them two women for the purpose of identification and documents verification¹.

SEARCHES

On 4 August, Crimean lawyer Emil Kurbedinov reported that about 13 people tried to penetrate **the office of college of lawyers in Simferopol**. Two employees were in the premises; they have closed the doors and windows. Eyewitnesses reported that among those who intended to get into office, they recognized officers of the Russian Federal Security Service and the Centre to combat extremism of the Interior Ministry². In this regard, the lawyers believe that the Russian Federal Security Service and the Interior Ministry intended to carry out an illegal search.

On 12 August, Interior Ministry officers raided the home of the Crimean Tatar **Refat Mazalov**. After the search, Mazalova was taken for questioning to the police station in Bakhchisaray accompanied by riot policemen. After the interrogation he was released, the information about his procedural status is still needs to be clarified. The current prosecutor's office of the Autonomous Republic of Crimea in Ukraine (Kiev) on the basis of this fact started pre-trial investigation of the criminal proceedings on grounds of crimes under Article 146 of the Criminal Code of Ukraine (illegal deprivation of liberty), Article 162 of the Criminal Code of Ukraine (violation of the inviolability of the home)³.

On 23 August, the search was conducted in the house of the Crimean Tatar **Remzi Muslimov** in the village of Lenino. The first deputy chairman of the Mejlis of the Crimean Tatar people Nariman Dzhelyalov reported that several copies of «banned literature» and a computer were seized during the search. Muslimov was obliged to come to the district department of the Russian Federal Security Service for questioning⁴.

¹ <http://ncrim.ru/news/view/05-08-2016-vladelec-kafe-divan-v-simferopole-rasskazal-zachem-k-nemu-prihodili-siloviki-5-avgusta-2016-goda>

² <https://www.facebook.com/emil.kurbedinov/posts/1165685656829363>

³ http://ark.gp.gov.ua/ua/news.html?_m=publications&t=rec&id=190605&fp=10

⁴ <https://www.facebook.com/nariman.dzhelalov/posts/1195512443845947>



POLITICALLY MOTIVATED CRIMINAL PROSECUTION

PERSECUTION OF THE KIEV MAIDAN MEMBERS: THE ALEXANDER KOSTENKO'S CASE

On 3 August, Alexander's mother Elena Kostenko arrived at the penal colony number 5 in Kirovo-Chepetsk for a first date with her son. According to Article 89 of the Criminal Execution Code of the Russian Federation, Alexander has the right to a long visit with his mother lasting three days on the territory of the colony. However, the meeting lasted from 3 August from 16.00 until 5 August to 9:30 AM. In the morning of 5 August Elena Kostenko was demanded to leave the colony. Thus, by the decision of the administration of the colony the appointment was terminated without any reason⁵. Such actions violated the norms of the Criminal Execution Code of the Russian Federation and the right of Alexander for a long visit.

Also, Elena Kostenko reported that Alexander is located in the 4th detachment, where 108 people of different nationalities, religions and political views are serving sentences. According to her words, there are prisoners in the detachment who are not hostile to Alexander because of his Ukrainian nationality⁶.

On 19 August, Alexander Kostenko was denied in replacement of the penalty of imprisonment for a more lenient punishment. Lawyer Dmitry Sotnikov reported that the reason for this denial was that the administration of the colony considers that Alexander «is inclined to escape»⁷.

«CASE OF FEBRUARY 26»

The hearing regarding the case of **Ahtem Chygoz** took place in the Crimean Supreme Court on 2 August. The prosecutor read out the indictment, the defendant refused to plead guilty. Ahtem Chygoz filed a motion to dismiss a separate process against him before a decision on the appropriate appeal, on the admission of citizens and the media in the courtroom, and about the conduction of record of the meeting by the court. The lawyer has filed a complaint against the video mode of communication with the defendant. The court rejected all appeals.

On 3 August, the Crimean Supreme Court dismissed an appeal against the extension of the term of custody for Ahtem Chygoz.

On 9 August, during the hearing of the case of Ahtem Chygoz, judges Victor Zinkov, Igor Kryuchkov and Alexey Kozyrev refused to let the lawyer Emil Kurbedinov, which was present in the courtroom, for the defence of Ahtem Chygoz. According to the lawyer Nicolay Polozov, the judge refused to listen to the motion of defence which is a violation of Article 120 of the Criminal Code of the Russian Federation⁸ and the right to a fair trial.

In total eight hearings regarding the case of Ahtem Chigoz took place in August (2, 9, 12, 18, 23, 25, 26 and 30 August). During the meetings the hearings of testimony of victims took place. The victims are former employees of the Interior Ministry of Ukraine, who now serve in the Russian police, and representatives of paramilitary forces «Crimea Self-defence». The meetings were held without Ahtem Chygoz. Communicating with him was carried out via video conference call.

⁵ According to p. 72 of the order of the Ministry of Justice of the Russian Federation № 205 «On approval of the internal regulations of correctional institutions»

⁶ <http://crimeahrg.org/posle-svidaniya-s-materyu-politzaklyuchennogo-kryimchanina-aleksandra-kostenko-shantazhirovali-sotrudniki-fsb/>

⁷ https://www.facebook.com/permalink.php?story_fbid=686192058224396&id=100005008243232

⁸ <https://www.facebook.com/nikolay.pozov/posts/1100467103352018>



Most of the victims say about minor harm as a result of the crowd or poisoning by gas, which was sprayed by unknown persons. Some victims have not asked for medical care at the time of the alleged getting of such injuries and do not have the relevant medical certificates, which could confirm the injuries. Victims also cannot justify the link between Ahtem Chiygoz and harm allegedly caused to them.

On 31 August, Elmira Ablyazimova, wife of Ahtem Chiygoz, reported that the staff of Crimean penitentiary service has complicated the system of transmission of medication in jail. Now for the transfer of drugs to prisoners a referral from a doctor and a quality certificate for medicines is needed.

Apart from Ahtem Chiygoz regarding the «26 February Case» **Mustafa Degermendzhi and Ali Asanov** continue to be under detention.

«CASE OF HIZB UT-TAHRIR»

14 people are in custody in Crimea regarding the case of «Hizb-ut-Tahrir» – **Ruslan Zeytullaev, Rustem Vaitov, Nuri Primov, Ferat Sayfullaev, Enver Bekirov, Vadim Siruk, Muslim Aliev, Emir-Usein Kuku, Refat Alimov, Arsen Dzhepparov, Enver Mamutov, Remzi Memetov, Zevri Abseitov and Rustem Abiltarov**. They were charged under Part 1 of Article 205.5 of the Criminal Code of the Russian Federation (Creation of a terrorist organization) and /or Part 2 of Article 205.5 of the Criminal Code of the Russian Federation (participation in a terrorist organization).

On 2 August, lawyer Emil Kurbedinov reported that Ruslan Zeytullaev is contained in a punishment cell for five days for refusing to undress completely during the search in the detention centre of Rostov-on-Don (Russia).

The lawyer also reported that the court ignores the position of the defendants and defence and insists on four consecutive sessions over four days. In his opinion, such an approach violates the right to a defence and a fair trial, the right to equality of the parties in the process, including the presentation of evidence⁹.

On 22 August, during a break in the court session in Rostov defendants in the «case of Hizb ut-Tahrir» Ruslan Zeytullaev, Rustem Vaitov, Nuri Primov and Ferat Sayfullaev told about the extremely poor conditions in the Rostov prison. According to Rustem Vaitov, the ward, in which he is held at the time of the court in Rostov, is very small; two people can hardly stay in there. They also said they don't receive letters and have no opportunity to learn about the news.

On 22 August, Ferat Sayfullaev gave his testimony and denied any involvement in terrorist organization activities.

On 23 August, in the North-Caucasian district military court in Rostov, Nuri Primov and Rustem Vaitov rejected accusations of terrorism. Ruslan Zeytullaev refused to testify, citing Article 51 of the Constitution. He also called the investigation unfair.

On 24 August, during the debate prosecutor announced position on punishment: for Ruslan Zeytullaeva as for the «organizer» – 17 years of colony with a strict regime, for Rustem Vaitov and Nuri Primov – seven years penal colony, for Ferat Sayfullaev – eight years in penal colony.

On 31 August, Ruslan Zeytullaev, Rustem Vaitov, Nuri Primov and Ferat Sayfullaev made the last statement in the North-Caucasian military district court. Sentencing is scheduled for 7 September.

⁹ <https://www.facebook.com/emil.kurbedinov/posts/1164237490307513>



«The Supreme Court of Crimea» postponed consideration of an appeal for the extension of the detention of Muslim Aliyev. The meeting was postponed due to the fact that the investigator did not appear in the courtroom. Consideration is scheduled for 6 September¹⁰.

On 5 August, lawyer Emil Kurbedinov received a reply from the head of the Federal Penitentiary Service of Crimea Vladimir Bulgakov, which confirms the fact of illegal detention Enver Mamutov in solitary confinement for a long time (**Annex 1**).

On 9 August, Crimean Supreme Court dismissed the appeals on prolongation of the arrest of Enver Mamutov and Remzi Memetov¹¹.

On 27 August, police officers of the Russian Federation tried to enter the house of Zevri Abseitov, who was arrested in Bakhchisarai on «Hizb ut-Tahrir case». According to the head of the Central Election Commission of Kurultay of the Crimean Tatar people Zair Smedlyaeva, the spouse of Zair Abseitov was not at home. Only elderly parents were in the house. The police informed that allegedly they need to explore something, but did not show any relevant documents for the inspection of the premises. The parents refused to let them into the house¹².

«UKRAINIAN SABOTEURS' CASE»

On 10 August 2016 the Federal Security Service of Russia has officially stated that «a series of terrorist acts» allegedly «prepared by the Head Office of the Ministry of Defence Intelligence of Ukraine» were prevented on the territory of the Autonomous Republic of Crimea by the Russian police authorities¹³. **Evgeny Panov**, a Ukrainian citizen, a resident of Energodar – Zaporozhye region (Ukraine), was arrested; according to the Federal Security Service of Russia, he is a member of the Main Directorate of Defence Intelligence of Ukraine. Two other Ukrainian citizens were also arrested regarding this case: **Andrey Zakhthey and Redvan Suleymanov**.

Relatives of Panov reported that he disappeared on 7 August 2016. It is stated in the statement of the Federal Security Service of Russia addressed to the Director of the Consular Department in the Russian Ministry of Foreign Affairs it is indicated that Panov was detained on 10 August 2016 at 21:35. However, the first publication about the detention of Panov in the Russian media, with reference to the official website of the Russian Federal Security Service, appeared at 15:35 on 10 August 2016¹⁴. Thus, the information about the arrest of Panov appeared in the media 6 hours earlier than officially claimed retention time. This may indicate that the Federal Security Service of Russia secrets real detention time of Panov.

According to the statement of the Federal Security Service of Russia in the Russian Foreign Ministry Panov was charged under Part 2 of Article 208 of the Criminal Code of the Russian Federation «participation in an illegal armed formation, in a manner contrary to the interests of the Russian Federation.» However, the official website of the Federal Security Service of Russia states that Panov is accused of sabotage and preparation of acts of terrorism. Thus, the statements of the Federal Security Service of Russia contradict each other.

Another person involved in the case, Andrey Zahtey, was sentenced to 15 days of administrative arrest for petty hooliganism on 8 August 2016 by the court of Simferopol. However, after the

¹⁰ <https://www.facebook.com/photo.php?fbid=276026202783184&set=gm.523381231192803&type=3>

¹¹ <https://www.facebook.com/emil.kurbedinov/posts/1170352286362700>

¹² <http://ru.krymr.com/a/news/27949505.html>

¹³ <http://www.fsb.ru/fsb/press/message/single.htm%21id%3D10437869%40fsbMessage.html>

¹⁴ http://tvzvezda.ru/news/vstrane_i_mire/content/201608101559-vo3a.htm



arrest of Panov, the Federal Security Service of Russia accused him of completely other crimes. The Federal Security Service of Russia published the video of his «recognition» of preparing sabotage on 12 August. The third person involved in the case, Redvan Suleymanov as the place of his residence in Zaporozhe calls non-existent address during his «confessions», which were recorded on video. This may indicate that falsification of confessions.

The video of interrogation of Panov¹⁵ published by the Federal Security Service of Russia, shows traces of physical violence on the face and body of the Ukrainian.

Panov disappeared in Crimea on 7 August, on 10 August the Federal Security Service of Russia stated about his detention. However, the relatives reported that Panov was brutally tortured for three days to obtain confessions, probably in the period from 7 to 10 August. Relatives find out that an electric current, a plastic bag on his head, the threat of sexual violence were used for torture.

Wife of Andrew Zahteya said that her husband was also tortured in order to obtain the necessary evidence for the Federal Security Service of Russia.

The designated by the authorities of the Russian Federation lawyer of Panov refuses to communicate with the relatives of the detained; he does not provide them with information about his health condition, location, charges. Intended attorney takes no action on the fixing of torture, forcing a defendant to plead guilty, despite the falsification of evidence. Thus, the lawyer for its intended purpose does not comply with the defence functions.

Panov relatives drew another lawyer under the contract to protect him. However, the investigators do not allow under a contract lawyer to his client for more than a month¹⁶. Relatives also reported that Panov was forced to abandon the services of a lawyer hired by relatives under torture.

Also in this case discernible political motives to fabricate a criminal case. So, Russia under the pretext of «catching of Ukrainian saboteurs in Crimea» refused to participate in the meeting in the Normandy format in China during the G20 summit¹⁷.

Based on documented human rights abuses against detainees citizens of Ukraine, CHRG considers that the «Ukrainian saboteurs' case» is yet another politically motivated criminal case.

¹⁵ <https://www.youtube.com/watch?v=QWmRK6iOpRg>

¹⁶ <http://crimeahrg.org/v-kryimu-sledovatel-vruchil-advokatu-dokument-o-tom-chto-evgeniy-panov-ne-nuzhdaetsya-v-ego-pomoshhi/>

¹⁷ <https://ria.ru/world/20160810/1474061648.html>



FREEDOM OF SPEECH AND EXPRESSION

CHRG continues to record cases of blocking access to Internet resources on the territory of Crimea. On 1 August, «**Krym.Realii**» website reported about partial blocking of access to the site in Crimea. The access to the site was blocked by next Internet service providers: «**Volya**», «**Ardinvest**», «**Trinet**», «**Miranda-Media**», «**Sky Line**», «**Apex Crimea**» (**Kerch**), «**Kerch.net**». Regionally the access was blocked, mainly in the northern, central and eastern parts of the peninsula. When attempting to access the site users saw the window with information that access to this resource is limited.

The Prosecutor of Crimea Natalia Poklonskaya reported that the site «**Krym.Realii**» is blocked on the basis of the collected materials by the Crimean prosecutor's office, including materials collected by the employees of the counteraction to extremism and terrorism department¹⁸.

On 2 August, «**The events of Crimea**», «**Meridian Sevastopol**» and «**Chernomorka**» websites reported about blocking access in Crimea. On 4 August, Yalta residents reported that the access to the site «**Obozrevatel**» is blocked. ATP Channel reported that access to its website is partially restricted in Crimea¹⁹. On 5 August, co-founder of the public initiative «**Crimea SOS**» Alim Aliyev reported that access to the site «**Crimea-SOS**» was closed in Crimea. Krymsos.com is not on the list of banned sites on the official register; but users have reported about limited access²⁰. On 7 August, the CHRG received information about blocking of the access to the Ukrainian sites «**Apostrophe**», «**UAinfo**» and **STB** site in Crimea.

On 8 August, the information was received that the providers in Pervomayskiy, Razdolnenskiy, Krasnoperekopskiy, Dzhankojskiy and Chernomorskiy regions have been warned that the Internet will be off during the day.

Ukrainian site «**Gromadske radio**» has been blocked by Federal Supervision Agency for Information Technologies and Communications in Russia and Crimea at the request of the General Prosecutor's Office. The reason for the blocking was the article about «**Hizb ut-Tahrir**» organization and arrests of the Crimean Tatars in Crimea that was posted on this site²¹. The notification was received by the editor office of Gromadske radio from Federal Supervision Agency for Information Technologies and Communications.

On 23 August, the prosecutor's office of Crimea reported about the yet another opening of a criminal case under Part 1, Article 282 of the Criminal Code of the Russian Federation. According to the prosecutor's office, «a local resident has posted text files, which contain information aimed at inciting hatred and hostility towards a group of people united on the grounds of nationality, on her page at the social network »**Vkontakte**»²². However, what kind of information the prosecutor's office has identified as information that violates Article 282, is not specified.

THE NICHOLAY SEMENA'S CASE

Ukrainian journalist **Nikolay Semena** is still under house arrest in Simferopol. Semena is suspected by the Federal Security Service of Russia of having committed an offense under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation (public calls for actions aimed at violation of the territorial integrity of the Russian Federation). On 29 August Kyiv District Court in

¹⁸ <https://ria.ru/society/20160804/1473591757.html>

¹⁹ <http://ctrcenter.org/ru/news/166-v-krymu-zablokirovali-sajt-telekanala-atr>

²⁰ <http://ru.krymr.com/a/news/27903430.html>

²¹ <https://hromadskeradio.org/news/2016/08/12/v-rf-zablokuvaly-sajt-gromadskogo-radio>

²² <http://rkproc.ru/ru/news/prokuratura-iniciirovala-rassledovanie-po-faktu-vozbuzhdeniya-zhitelnicey-simferopolya>



Simferopol dismissed the bill of complaint of the lawyer of Nicholay Semena Alexander Popkov regarding the actions of the investigator of the Federal Security Service of Russia. According to the lawyer, the Federal Security Service of Russia investigator does not provide a lawyer and his client to get acquainted with the provisions to dismiss the previously filed applications. Such actions of investigator impede the defence of Nikolay Semena. Earlier, the lawyer filed a petition for cancellation of the subscription on their own recognizance in relation to his client for the purpose of the trip of the journalist to Kiev for medical treatment in the Institute of Neurosurgery.

THE ILMU UMEROV'S CASE

The criminal case under Part 2 Article 280.1 of the Criminal Code of Russian Federation «Public calls for the implementation of actions aimed at violation of the territorial integrity of the Russian Federation, committed by using information and telecommunications networks (including the Internet)» with regard to **Ilmi Umerov**.

On 9 August, Ilmi Umerov during the interrogation in the Federal Security Service of Russia was handed a notice that the hearing on the review of the application for his placement in a psychiatric hospital for forensic psychiatric examinations will be held on 11 August (**Annex 2**). Earlier, on 14 July, he refused to undergo such examination.

On 11 August, Kiev District Court of Simferopol took the decision about placement of Ilmi Umerov in psychiatric hospital for forensic psychiatric medicine. The reason for his placement in a medical institution was the information from the case file that he is suffering from Parkinson's disease (**Annex 3**). During the hearing the health of Ilmi Umerov was sharply deteriorated and he was hospitalized with a suspected heart attack²³. The decision on his placement in a psychiatric hospital the judge read out in his absence in the hall.

On 15 August, the defence of Ilmi Umerov appealed against the decision of the Kiev District Court of Simferopol regarding compulsory inpatient psychiatric examination²⁴.

Refat Chubarov reported that on 15 August the Federal Security Service of Russia officers had intended to fulfil the court's decision on compulsory taking of Ilmi Umerov to a psychiatric hospital and take him from the hospital to which he was sent with a suspected heart attack²⁵.

On 18 August, Ilmi Umerov was discharged from the hospital where he was treated for a suspected heart attack. Immediately after leaving the hospital the Federal Security Service of Russia officers took him to the office № 9 of inpatient forensic psychiatric examination for persons who are not in custody. According to the lawyer Nicolay Polozov, such a transfer to a psychiatric hospital is illegal. The court ruling on forced examination did not yet entered into force at that time, as the defence appealed the ruling, and the decision of the appeal court had not yet been adopted. In this regard, the lawyer considers that the actions of the Federal Security Service of Russia are abuse of power and arbitrariness.

According to the daughter of Ilmi Umerov Aisha, on the orders of the investigator she was prohibited from meeting with her father. Psychiatric Hospital workers also did not allow his lawyer Edem Smedlyaev. On 19 August, the meeting was allowed, but only for family members and lawyers during the day from 11.00 to 13.00 and in the evening – from 17.00 to 18.00.

On 21 August, it became known that the health of Ilmi Umerov in a psychiatric hospital was deteriorated as a result of which he lost consciousness for a while²⁶.

²³ <https://www.facebook.com/mark.feygin.9/posts/1148694945198263>

²⁴ <https://www.facebook.com/nikolay.polozov/posts/1105293246202737>

²⁵ <https://www.youtube.com/watch?v=dCkiRJOm2MU&sns=fb>

²⁶ <https://www.facebook.com/ayshe.umerova/posts/1102147813156375>



The lawyer Mark Feigin reported that the defence of Ilmi Umerov is forwarding the application to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in connection with the actions of the Federal Security Service of Russia investigation authorities in relation to the defendant. According to the defence, the examination conducted in Simferopol at deteriorating health of Umerov regards as torture and the violation of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment²⁷.

On 30 August, the Ukrainian Parliament Commissioner for Human Rights Valeria Lutkovskaya appealed to the Russian Federation Commissioner for Human Rights Tatiana Moskalkova to take action to visit the citizen of Ukraine Ilmi Umerov in a psychiatric hospital in Simferopol, check the conditions of his detention and state of health, as well as the possibility of necessary medical aid.

On 31 August, Ilmi Umerov was visited by the «Ombudsman» of Crimea Ludmila Lubina, accompanied by the deputy chief physician of the psychiatric hospital Svetlana Dymshits. Answering the daughter's questions about the reason why Ilmi Umerov is in the hospital, if the ruling has not yet entered into force, the head of department and deputy chief physician said that they believe it came into force. The same question was asked by the local ombudsman Ludmila Lubin. She offered relatives to consult with lawyers.

THE LARISSA KITAYSKAYA'S CASE

On 10 August, senior investigator of the investigation department of Yalta of Main Investigation Department of the Investigative Committee of the Russian Federation in Crimea Andrusenko I.L. ruled to open a criminal case number 2016497071 in respect of **Larissa Kitayskaya** according to Part 1 Article 282 of the Criminal Code of the Russian Federation (inciting hatred or hostility, and humiliation of human dignity). The grounds for a criminal case served a post on Facebook. According to the ruling, an unidentified person in the period from February to August 2015 at an undisclosed location posted a text on the Facebook social network page under the name of «Larisa Kitayskaya». The text contains a phrase with a negative characteristic of the Russian people. According to the investigation, the text contains statements, which may cause «an indefinite number of persons» inciting hatred to «a particular social group» (**Annex 4**). Thus, in the decision to initiate criminal proceedings the object of the alleged crime and socially dangerous consequences of the posting of the text are not clearly defined. Moreover, the regulation does not specify based on what evidence the investigator determined that the text is posted by Larisa Kitayskaya.

On 11 August, the Crimean prosecutor's office adjudged the criminal proceedings against Larisa Kitayskaya for allegedly posting «text files containing information aimed at inciting hatred and hostility towards a group of people united on the grounds of nationality» as legal²⁸.

On 12 August, the activist reported that she was given the suspicion of an offense and recognisance not to leave. She was summoned to the investigator, where she was presented numerous screenshots, allegedly made from her pages in Facebook network. She denies that she was posting those texts.

On 29 August the defence of Larisa Kitayskaya made an appeal regarding the decision on criminal case against her. Larisa Kitayskaya considers that the case was framed up because of politically motivated prosecution. She was openly showing her position regarding territorial unity of Ukraine, publicly took part in Evromaidan-Crimea movement in Yalta in 2013-2014.

²⁷ <https://www.facebook.com/mark.feygin.9/posts/1156963687704722>

²⁸ <http://rkproc.ru/ru/news/prokuratura-podtverdila-zakonnost-vozbuzhdeniya-ugolovnogo-dela-v-otnoshenii-yaltinki>



FREEDOM OF PEACEFUL ASSEMBLY

On 20 August, police and administration of Simferopol did not allow to hold a rally «**Deceived Crimea**», in which activists had intended to make their claim to the local authorities. Earlier, a rally was scheduled on Lenin Square, but the city administration refused to agree a rally in the square. After that, organizers moved the meeting to the Palace of Culture and notified the local administration²⁹. However, according to the chairman of the public organization «Crimean republican Anti-Corruption Committee», Ilya Bolshedvorov, police officers and representatives of the city administration arrived when the meeting started and banned the event referring to the fact that the event is not agreed with the city authorities³⁰.

On 23 August, **Michail Batrak**, the activist of Ukrainian cultural centre in Crimea, was summoned to the prosecutor's office of Crimea. He was handed a warning regarding preventing violations of the law of the Russian Federation «On Countering Extremist Activity» and the RF Law «On Assemblies meetings, demonstrations, marches and pickets.» The reason for the issuance of warning was information allegedly obtained by the prosecutor's office from the Federal Security Service of the Russian Federation about planning of mass event for the Day of Independence of Ukraine³¹.

On 24 August, Crimean Supreme Court dismissed the appeal of **Seyran Saliev**. Earlier Bakhchisaray District Court sentenced him to a fine of 20,000 rubles for «organizing of an unsanctioned meeting» on 12 May, 2016. On 12 May Seyran Saliev announced through a microphone from the minaret of the local mosque in Bakhchisarai that the Federal Security Service officers carry out searches in the homes of the Crimean Tatars. This action has been qualified as a call for an unsanctioned rally³².

FREEDOM OF ASSEMBLY VIOLATIONS IN CONNECTION WITH REMEMBRANCE DAY OF THE VICTIMS OF CRIMEAN TATARS DEPORTATION

On 18 May, on the Day of Remembrance of the deportation four Crimean Tatars were detained according to Part 2, Article 20.2 of the Administrative Code of the Russian Federation «Violation of the order of organizing or holding meetings, rallies, demonstrations, marches and pickets» for participating in the rally with flags of the Crimean Tatars in Sudak. The judge of Sudak City Court made the decision to terminate the proceedings of an administrative offense regarding four detainees³³. However, the police of Sudak appealed against the decision.

On 29 August, the Supreme Court of Crimean granted the complaint of police and cancelled the decision of the first instance court to terminate the proceedings of an administrative offense against Enver Chavush and Ablyakim Ablyakimov. Thus the case was returned for retrial in Sudak City Court. Police appeal complaint against two other activists, Seytmut Seytumerov and Alim Muslyadinov, will be considered on 1 September.

²⁹ <http://an-crimea.ru/page/news/142832>

³⁰ <http://echo.msk.ru/news/1824114-echo.html>

³¹ <http://voicecrimea.com.ua/main/predstavnika-ukra%D1%97nskogo-kulturnogo-centru-v-krimu-vizvali-do-prokuraturi.html>

³² <http://qha.com.ua/ru/obschestvo/sud-ne-udovletvoril-apellyatsionnyu-jalobu-seirana-salieva/164624/>

³³ https://sudak-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=151343641&result=1&delo_id=1500001



FREEDOM OF MOVEMENT AND ISSUES RELATED TO CHECKPOINTS PASSING

On 7 August, in the morning checkpoints of the Russian Federation stopped transport and passengers passing at the administrative border with Crimea. The State Border Service of Ukraine reported that for this reason the pass from mainland Ukraine through checkpoints «Kalanchak», «Chaplynka» and «Chongar» to the territory of Crimea also was stopped³⁴. Eyewitnesses reported that checkpoints of RF from Crimea are under the control of the Russian military and customs officers were taken away from the territory of checkpoints³⁵.

Around 11:30 the traffic was resumed only in a direction through «Chongar» checkpoint. Around 14:30 the traffic was resumed on Russian checkpoints through Kalanchak and Chaplynku, but only for passengers and vehicles that go to Crimea³⁶. Operation of pass through Russian checkpoints was fully restored on 9 August after 12:00. The pass was carried out with a thorough inspection of all personal belongings, baggage and hand luggage.

In addition, on 7 August, Kerch residents reported about a large number of military vehicles, which arrived via ferry and headed deeper into Crimea. Movement of military equipment through the crossing led to a temporary restriction of pass of other vehicles and passengers.

On 23 August, Russian border guards refused to let Ukrainian lawyer **Eugeniya Zakrevskaya** to the territory of Crimea. She was handed a notice about banning to enter the territory of the Russian Federation till 1 September 2020 (**Annex 5**). The notice stated that the reason for the ban is the decision of the Russian Federal Security Service, made under Part 1, Article 27 of the Federal Law № 114 «On the order of entry and exit in the Russian Federation». Lawyer connects the ban with her professional activities. She represents the interests of the Crimean activist Amir-Usein Kuku which was arrested in regards to the «Hizb-ut-Tahrir case» as a victim in the Ukraine and the European Court of Human Rights.

MONITORING OF UKRAINIAN CHECKPOINTS OF ENTRY AND EXIT

On 31 August, representatives of the CHRG in the framework of the monitoring visit, visited the Ukrainian checkpoints of entry and exit on the administrative border with Crimea. Discussions were held with customs officials, border guards and people who cross the checkpoints. The monitoring showed positive changes and some problems.

Compared to 2015 changes in equipment and checkpoints structure can be noticed. Thus, all three checkpoints «Kalanchak», «Chaplynka» and «Chongar» at the entrance equipped with an information stand with minimal information about the checkpoint: name of checkpoint, date and document on the establishment of checkpoint, category, type of message and the type of transport services, work time, telephones etc. Information on these stands is available in three languages: Ukrainian, English and Russian. All three checkpoints are international, permanent, automobile and round the clock.

A positive change is that now movement of people is separated from vehicular traffic on the checkpoints. Earlier, people were moving along the carriageway in the vicinity of the vehicles.

³⁴ <http://dpsu.gov.ua/ua/news/na-administrativniy-mezhi-z-ar-krim-rosiyska-okupaciynna-vlada-prizupinila-propuskni-operacii/>

³⁵ <http://vizit.ks.ua/news/rossijskie-voennye-vzjali-pod-kontrol-kpvt-so-storony-kryma-propusk-grazhdan-prekrashhen/2016-08-07-7907>

³⁶ <http://dpsu.gov.ua/ua/news/Vidnovleno-propusk-v-Kalanchaku-ta-CHaplinci-v-napryamku-okupovanogo-Krimu-/>



Thus, at «Kalanchak» checkpoint the line for the movement of passengers is separated by the road equipment, on «Chongar» checkpoint a special «corridor» is equipped for the movement of people (**Annex 6**).

At «Kalanchak» and «Chaplynka» checkpoints is still not equipped with an awning or a room for the passengers who are waiting in queue for passing the border and customs control. People are made to wait outside on the street in all weather conditions. The «Chongar» checkpoint is equipped with a special pavilion, which acts as a waiting room, which is equipped with seats, a snack bar, a medical centre and information stand.

People get to checkpoints by private or public transport; in Kherson region buses carry passengers to or from checkpoints at the territory of continental Ukraine. In this regard, people are waiting for a bus near the checkpoint. But there are still not equipped stops and places for the safe waiting for the transport.

Among the information that is available on the checkpoints there is no information for foreign citizens and for stateless persons who need to obtain the relevant documents for entry to Crimea.

People named the main problems during the crossing of Ukrainian checkpoints:

- Restriction of transportation of personal things on the basis of the Resolution of Cabinet of Ministers of Ukraine № 1035, resulting in a number of personal belongings that Crimean residents cannot carry through checkpoints (for example, a refrigerator, a work of art, and others.);
- Problems with the staff of Border Service and the Security Service of Ukraine because of detection of Ukraine passports issued by the illegal authorities of de-facto authorities of Crimea, despite the fact that such a document, according to Ukrainian law, is invalid and does not entail legal consequences;
- Problems connected with waiting for the passage of control outside in poor weather conditions and with poorly equipped toilets.

During the interview with representatives of the CHRG Customs officials confirmed that the Resolution of Cabinet of Ministers of Ukraine № 1035 is the main cause of conflicts between citizens and customs officers on checkpoints. In their opinion, it is necessary to abolish the existing restrictions regarding the transportation of citizens' personal items.

A detailed report on the results of monitoring visit can be found on the website of the CHRG.

THE REVIEW WAS PREPARED BY:

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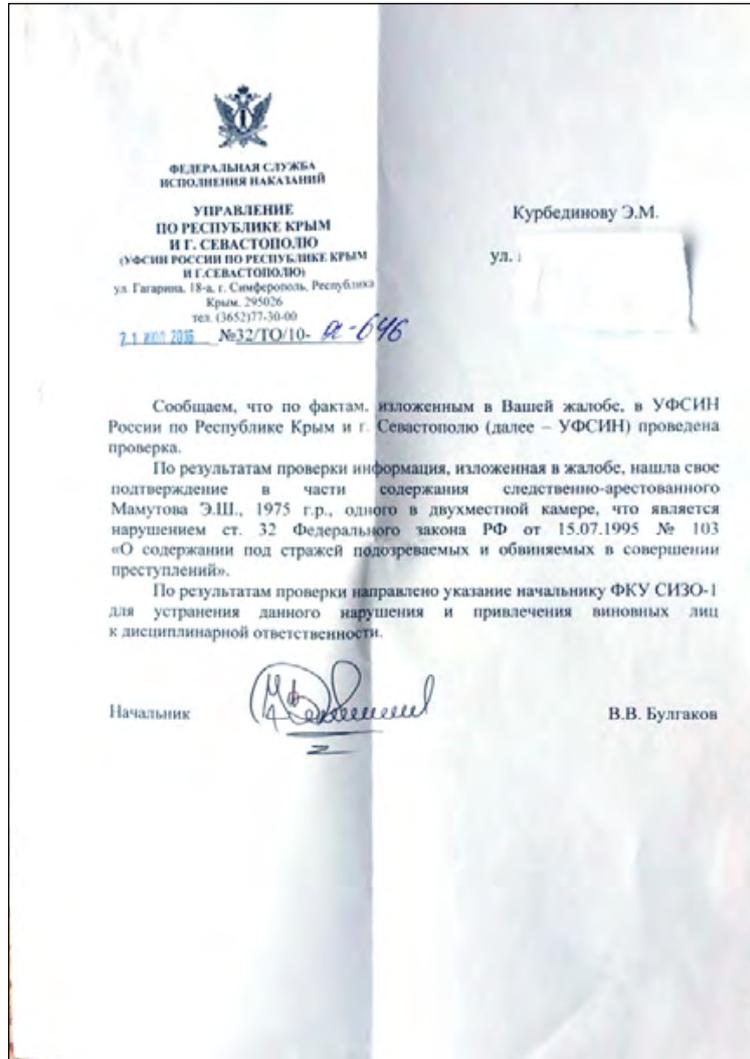
Vissarion Aseev, *analyst of the Crimean Human Rights Group;*

Alexander Sedov, *analyst of the Crimean Human Rights Group.*



3. ANNEXES

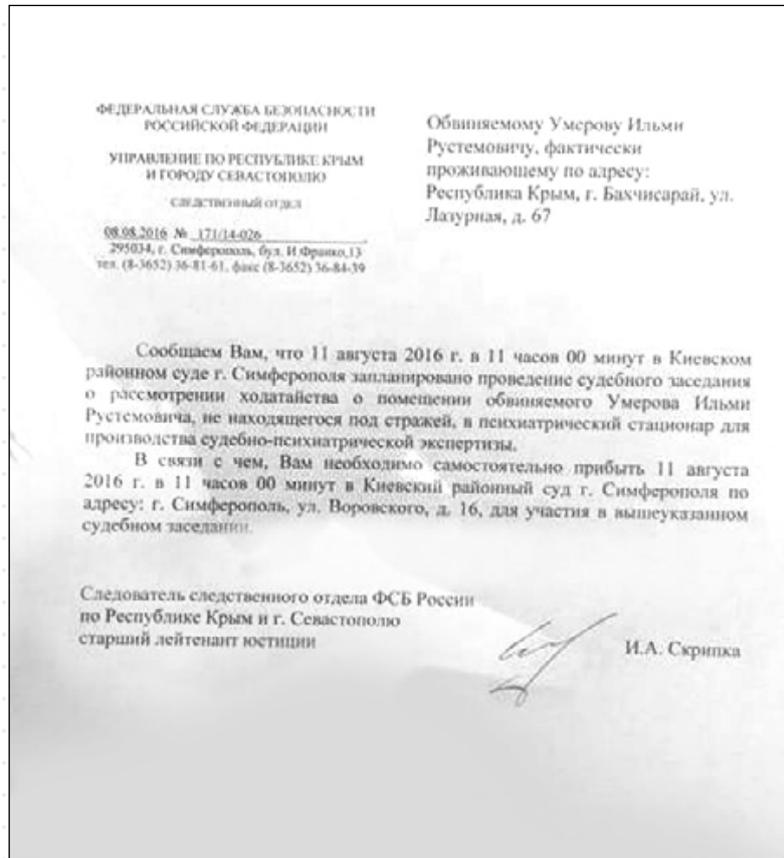
ANNEX 1



The reply of the Federal Penitentiary Service of Crimea
Vladimir Bulgakov on illegal detention Enver Mamutov



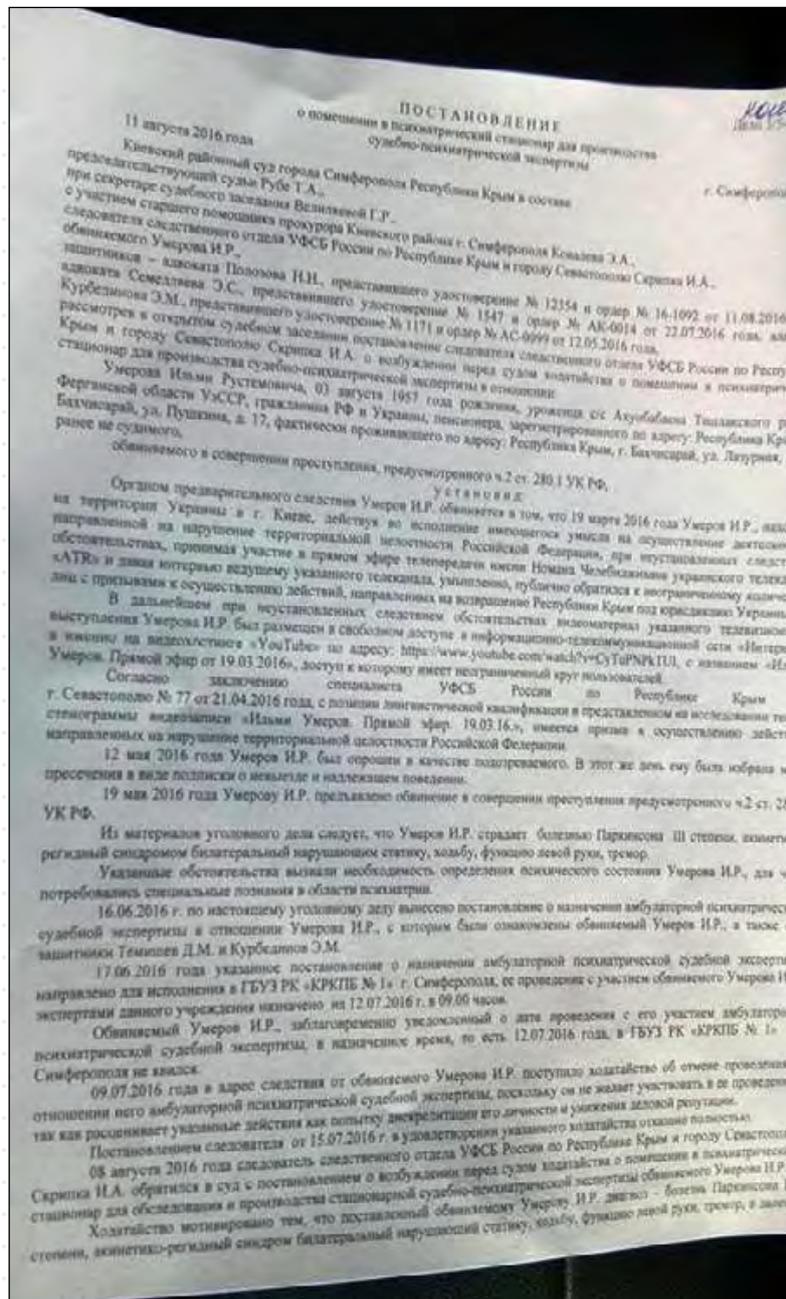
ANNEX 2



The notice for Ilimi Umerov that the hearing on the review of the application for his placement in a psychiatric hospital for forensic psychiatric examinations



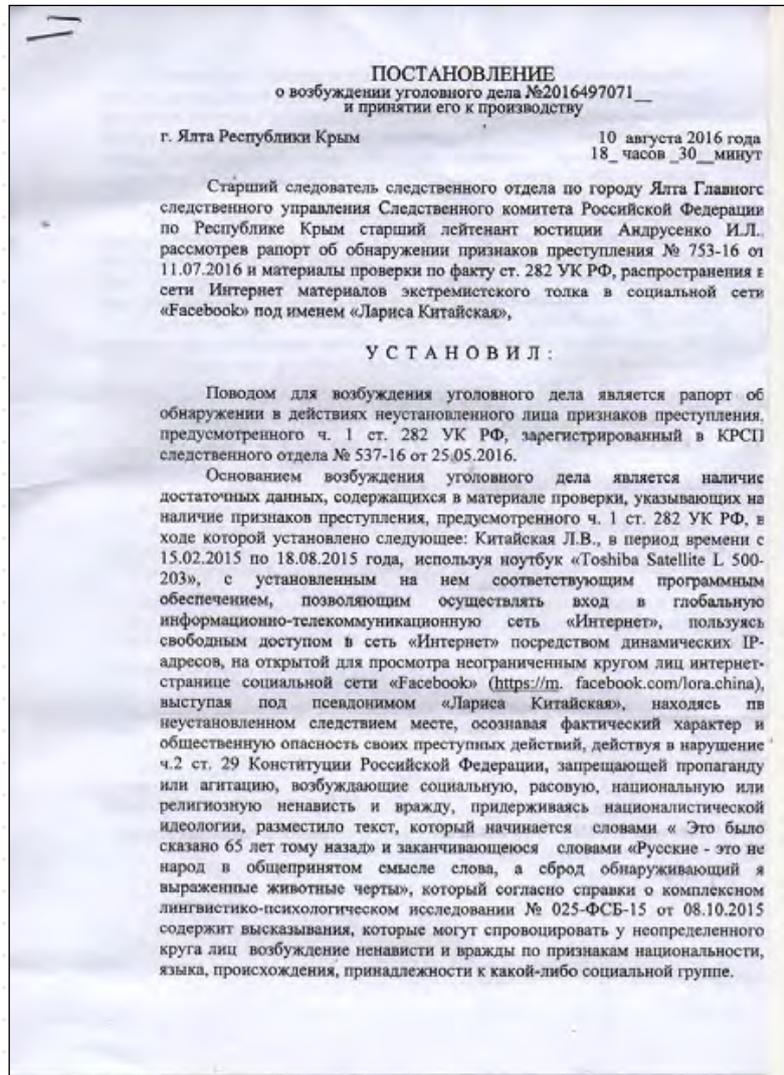
ANNEX 3



The decision of the Kiev District Court of Simferopol about placement of Ili Umerov in psychiatric hospital for forensic psychiatric medicine



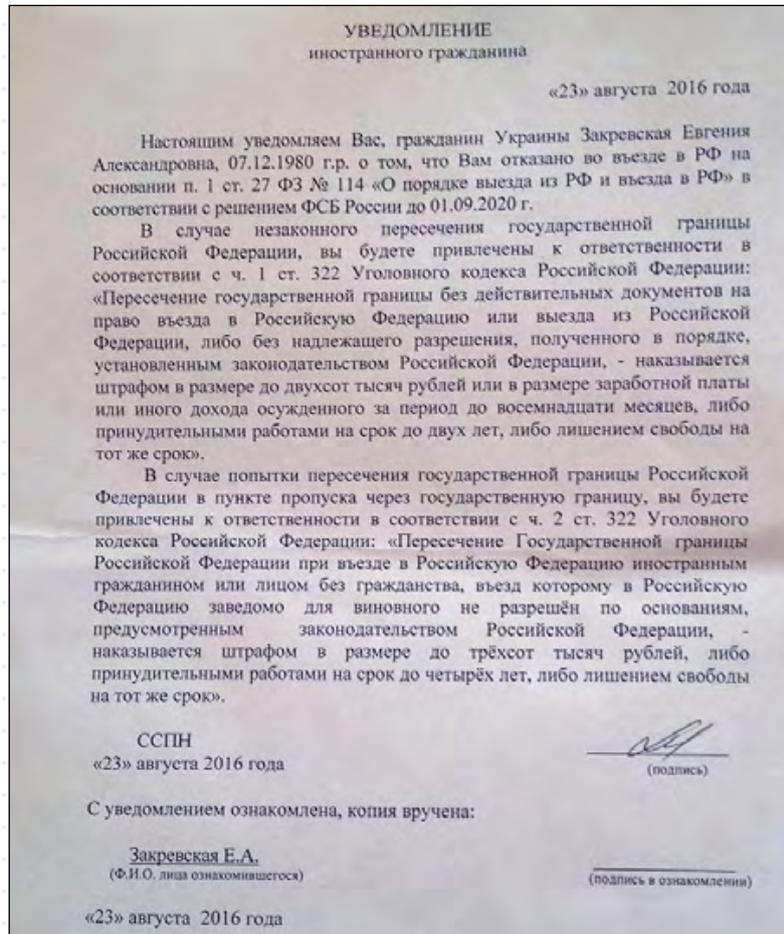
ANNEX 4



The decision of senior investigator of the investigation department of Yalta Andrusenko on open a criminal case against Larissa Kitayskaya according to Part 1 Article 282 of the Criminal Code of the Russia



ANNEX 5



The notice to Ukrainian lawyer Eugeniya Zakrevskaya
about banning to enter the territory
of the Russian Federation till 1 September 2020



ANNEX 6



The checkpoint «Kalanchak»



The checkpoint «Chongar»

The strip for pedestrian traffic through the territory of checkpoints