



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

Monitoring review of the human rights situation in Crimea

November 2016

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



CIVIL AND POLITICAL RIGHTS

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

ARESTS

The judge of the 'Yevpatoria City Court' Krotova Liudmyla Volodymyrivna found the Ukrainian **Serhiy Vasylichenko** guilty of committing an administrative offence provided for in Article 20.29 of the Administrative Offences Code of the Russian Federation «Production and distribution of extremist materials» on November 3. Mr. Vasylichenko, an anarchic movement activist, was sentenced to a ten-day administrative arrest for his post in the social media (**Annex 1 of the Court Resolution**). The judge disregarded the fact that the audio tracks posted by Mr. Vasylichenko were included in the list of extremist materials 19 months after they had been posted. The judge did not take into account that the administrative offence report contained neither data on witnesses nor Mr. Vasylichenko's signature; it also did not indicate the circumstances under which the «offence» was revealed and committed. Mr. Vasylichenko served his ten-day administrative arrested and was released on November 13. The activist and his lawyer consider the court ruling unlawful and unjustified. On November 14, the advocate filed an appeal against the decision of the 'Yevpatoria City Court' which clearly specified the blatant procedural violations. Moreover, the lawyer claimed that the links to the Internet materials provided by the court were invalid and made-up, and that the materials posted by the activist in the social media were not extremist.

On November 22, the judge of the 'Supreme Court' of Crimea Pavlovskiy Evheniy Henadiyovych considered the appeal and resolved to uphold the judgment relating to Mr. Vasylichenko¹.

It is worth noting that the administrative offence report relating to Mr. Vasylichenko was prepared by Major Shambazov R.R. who had been repeatedly involved in politically motivated criminal and administrative cases against Ukrainian activists.

SEARCHES

A search was conducted in **Khan Jami mosque in Yevpatoria** on November 14. Mosque's imam Elmar Nazimovich Abdulhaniev informed that three men came to the mosque at 7 PM, one of them claimed to be the operative of the prosecutor's office, other two — officers of the Federal Security Service (FSB) of Russia. They declared their intention to make a search but did not present any relevant documents. Before their visit, the electricity in the mosque went out. The visitors were offered to wait until the electricity is turned on. But they said they were in a hurry and conducted the search in darkness without witnesses. One of the FSB officers claimed that he had found the prohibited religious literature under the carpet. The eyewitness posted the video of the search². The electricity was turned on immediately after the search. The imam later found out that the prohibited literature was brought and left over in the mosque by some Mr. Asan, a citizen of Bakhchysarai city. According to Mr. Asan, he found those three books in a bus and brought them to the mosque to show them to imam³.

¹ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=218383072&delo_id=1502001&new=0&text_number=1

² <https://www.youtube.com/watch?v=-JiPbu2ocdA&featu>

³ <http://krimsegodnya.ru/religiia/religiia/obrashchenie-imama-khan-dzhami-k-glave-respubliki-krym-aksenovu-s-v-2>



The representatives of the Ministry of Internal Affairs detained the imam of Khan Jami mosque **Elmar Abdulhaniev** on November 24. The posted video of detention⁴ shows that the reasons for detention were not named, the procedural document concerning the detention was absent. Mr. Abdulhaniev was delivered to the court. The persons accompanying Mr. Abdulhaniev were not allowed to the sitting of the court. The judge Izmailov Ruslan Mavlich found Mr. Abdulhaniev guilty of storing and distributing extremist literature (Article 20.29 of the Administrative Offenses Code of the Russian Federation)⁵. As Mr. Abdulhaniev commented, the judge gave him a half an hour to find a lawyer but he did not manage to do it. The posted video includes a video message of Akhmetan Almezhytov. He says that he was presented as a witness against Mr. Abdulhaniev and that he allegedly claimed that the imam distributed extremist literature. Mr. Almezhytov told the court that he did not say that. The judge refused Mr. Almezhytov to look at his own statement to identify his signature. In his video appeal, Mr. Almezhytov said that he saw the found books only in FSB officer's hands.

⁴ <https://www.youtube.com/watch?v=tF4xMMIKgkM>

⁵ https://evpatoriya--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=215925107&delo_id=1500001



POLITICALLY MOTIVATED CRIMINAL PROSECUTION

«CASE OF FEBRUARY 26»

Court sessions in the «Case of February 26» are under way in Crimea. The case was divided into two processes: the first process relates to the case of the Deputy Head of the Mejlis of the Crimean Tatar People **Akhtem Chiyhoz** as an «organizer of disorders» near the Crimean Parliament, the second one — to the case against other involved persons (including **Ali Asanov and Mustafa Dehermendzhy**) as «participants of mass disorders».

In Akhtem Chiyhoz's case, the judge Zinkov Viktor Ivanvovich did not give Mr. Chiyhoz opportunity to come to the court room in person — he participated in the session only by video communication. The witnesses' statements were heard in November.

Hearings of the case of Ali Asanov, Mustafa Dehermendzhy, Arsen Yunosov, Eskander Emirvaliev and Eskander Kantemirov which was made a separate proceeding started in November.

The prosecutor Mr. Ivantsov in the 'Central District Court of Simferopol' laid charges on five participants of the meeting as of February 26, 2014 in Simferopol on November 18. The defendants Ali Asanov, Mustafa Dehermendzhy, Arsen Yunosov, Eskander Emirvaliev and Eskander Kantemirov are accused under Article 212 paragraph 2 «Participation in Mass Disorders». After the indictment had been announced, Ali Asanov claimed that he did not understand the essence of the document and did not admit his guild, and refused to provide testimony in court.

Mustafa Dehermendzhy said that he did not understand the nature of the offense, in particular the public order of what country he violated according to the Russian authorities⁶.

«CASE OF HIZB UT-TAHRIR»

19 persons are in custody on the «Hizb Ut-Tahrir case»: **Ruslan Zeytulaev, Rustem Vaitov, Nuri Primov, Ferat Sayfulaev** (*convicted*), **Evver Bekirov, Vadim Siruk, Muslim Aliev, Emir-Useun Kuku, Refat Alimov, Arsen Dzhepparov, Enver Mamutov, Remzi Memetov, Zevri Abseitov, Rustem Abiltarov, Timur Abdullaev, Rustem Ismailov, Aider Saledinov, Uzeir Abdullaev and Emil Dzhemadenov** (*remain in custody*). They are accused under Article 205.5 paragraph 1 of the Criminal Code of the Russian Federation (Establishment of Terrorist Organization) and/or Article 205.5 paragraph 2 of the Criminal Code of the Russian Federation (Participation in Terrorist Organization).

On November 3, the lawyer Emil Kurbedinov informed that the FSB investigation officer presented his client Vadim Siruk with the resolution on the assignment of a compulsory stationary psychiatric examination of six Muslims accused as part of the «Hizb Ut-Tahrir» case. These are Aliev M.N., Siruk V.A., Bekirov I.N., Kuku E-U.K., Alimov R.M., Dzhepparov A.B.⁷. All six were detained in the district of Big Yalta on February 12 and April 18, 2016.

Mr. Muslim Aliev was sent for a compulsory psychiatric examination on November 17. The lawyer Edem Semedliaev described his psychiatric examination in the Crimean Republican Psychiatric Hospital No. 1 on November 21. He said that doctors during the examination asked his client questions which did not relate to the case. Thus, Mr. Aliev was asked whether he was a member

⁶ https://humanrights.org.ua/ru/material/v_simferopole_pjaterym_krymskim_tataram_predjavili_obvinenije_po_delu_26_fevralja

⁷ <https://www.facebook.com/emil.kurbedinov/posts/1251810428216885>



of Hizb Ut-Tahrir, whether he had any relation to the mufti of Crimea, ISIS, Shiites. The lawyer thinks that doctors are ordered by the investigation officers to ask these questions⁸.

Arsen Dzhepparov was delivered to the City Hospital of Simferopol No. 6 on November 17 where the operation that he needed was performed under general anesthesia, and then he was sent back to the remand prison⁹.

On November 24, the lawyer Emil Kurbedinov informed that Refat Alimov and Arsen Dzhepparov were sent for a compulsory psychiatric examination¹⁰.

«UKRAINIAN SABOTEURS' CASE»

On November 1, lawyers of **Evheniy Panov** — Olha and Dmytro Dinze — arrived at the Remand Prison No. 2 of the Russian Federal Enforcement Service Federal Government Institution in Moscow together with the lawyer from Simferopol to participate in investigative actions. The lawyers had to wait for three hours to meet Mr. Panov. However, Selivanov Konstantin Valerievich, the investigator of the Investigation Department of the Federal Security Service Directorate of Russia for the Republic of Crimea and City of Sevastopol, decided to perform the procedural actions in the building of the Investigation Department of the Federal Security Service of Russia.

When the lawyers came there, the FSB officer told them that only the lawyer from Simferopol would be allowed to participate in investigative actions. That lawyer told the investigator Mr. Selivanov that Olha and Dmytro Dinze must also participate in investigative actions. But Mr. Selivanov refused to accept documents from them and did not let them see their defendant. Thus, the investigation officer Mr. Selivanov violated Mr. Panov's right to defense. Dinze lawyers filed the relevant complaints about the investigator's actions.

The Ministry of Foreign Affairs of Ukraine declared that Evheniy Panov was forced in the Moscow's remand prison to write a statement that he refused to be presented by the consular officials of Ukraine, which denied him the right to consular protection¹¹. The Ministry of Foreign Affairs of Ukraine demanded that Russia should ensure the observance of rights of the citizen of Ukraine and allow the consular officials of Ukraine access to him immediately which is dictated by the international obligations of the Russian Federation.

Another person involved in the «case of saboteurs», **Redvan Suleymanov**, was suspected of sabotage after arrest. However, the lawyer Emil Kuberdivov informed that now Mr. Suleymanov is accused under Article 207 paragraph 2 of the Criminal Code of the Russian Federation — False Report About Terrorist Act.

The Crimean Human Rights Group managed to confirm the information that another citizen of Ukraine living in Kharkiv Oblast **Volodymyr Prisich** was arrested as part of the «case of Ukrainian saboteurs»¹². He is in the remand prison in Simferopol.

On November 10, the FSB of Russia informed about the detention in Crimea of a new group of «Ukrainian saboteurs»¹³. The FSB press service called detained people to be the

⁸ <https://www.facebook.com/100004757052466/videos/690828544419041/>

⁹ <http://ru.krymr.com/a/news/28130715.html>

¹⁰ <https://www.facebook.com/emil.kurbedinov/posts/1275326042531990>

¹¹ <http://mfa.gov.ua/ua/press-center/news/52270-komentar-mzs-shhodo-nedopusku-konsulysykih-posadovih-osib-ukrajini-do-nezakonno-utrimuvanogo-v-rosiji-gromadyanina-ukrajini-jevgena-panova>

¹² <http://crimeahrg.org/en/fourth-person-involved-in-the-case-of-ukrainian-saboteurs-is-the-citizen-of-kharkov/>

¹³ <http://www.fsb.ru/fsb/press/message/single.htm%21id%3D10437879%40fsbMessage.html>



members of the «sabotage-terrorist group of the Main Intelligence Department of the Ministry of Defense of Ukraine» who allegedly planned sabotage operations in the objects of military infrastructure and life support of Crimea. The Ministry of Defense of Ukraine disproved these allegations. The FSB of Russia detained three citizens of Ukraine — residents of Crimea **Dmytro Shtyblikov, Oleksiy Bessarabov and Volodymyr Dudka** in Sevastopol on November 9. On November 10, the FSB distributed in the media the video of Dmytro Shtyblikov's detention and a search in his flat¹⁴.

The 'Lenynskiy District Court of Sevastopol' remanded three persons detained in custody for two months. On November 14, the FSB of the Russian Federation posted the video of the interrogation of Dmytro Shtyblikov¹⁵ and Oleksiy Bessarabov¹⁶. The posted video fragments show the violation of the procedural norms of the criminal and procedural legislation of the Russian Federation, prearranged nature of interrogation, use of suggestive questions prohibited by the criminal and procedural legislation. Moreover, the distribution of such videos in the media where the persons detained are presented as guilty violates their right to be presumed innocent.

The relatives of Ukrainian citizens detained in Sevastopol were repeatedly informed that the invited lawyers are prevented from doing their job. Thus, Dmytro Shtyblikov's relatives invited the lawyer Oleksandr Popkov. But he was not allowed to see his client. The investigator said that Mr. Shtyblikov allegedly refused from his services but the lawyer and relatives were sure that Mr. Shtyblikov was pressured to refuse from the invited lawyers¹⁷.

Volodymyr Dudka's relatives also informed that the invited lawyer Oksana Zhelezniak could not visit her defendant during the first days. Just like other arrestees, he was hidden from lawyers in a temporary detention facility in Bakhchysaray. However, according to the court ruling, the persons detained were supposed to be either in the Remand Prison of Simferopol or in the Temporary Detention Facility of Sevastopol. Furthermore, Volodymyr Dudka's son informed that his father was being forced to refuse from the lawyer invited by the son. Six days later, the invited lawyer succeeded in meeting Volodymyr Dudka. However, creating obstacles for a lawyer to visit their client is a gross violation of the right to defense.

Volodymyr Dudka's health condition is quite alarming as he has tachycardia and peptic ulcer. Before the arrest, he turned for the medical aid because of the ulcer aggravation. He did not receive any medical help in the temporary detention facility which threatens his life.

On November 25, the 'Sevastopol City Court' refused to replace the imposed measure of restriction for Volodymyr Dudka with the house arrest or bail¹⁸.

On November 15, the FSB of Russia detained another two citizens of Ukraine: Hlib Shablyi and Oleksiy Stohniya. The Russian media posted the videos of their interrogations where one can see the interrogation procedure violations similar to those observed in interrogations of Mr. Shtyblikov and Mr. Bessarabov¹⁹. They were also remanded in custody for two months.

On November 24, the FSB of Russia published information on the detention of the citizen of Sevastopol Leonid Parkhomenko²⁰. The FSB of Russia suspects him of «colleting and

¹⁴ <https://www.youtube.com/watch?v=S8dV9Z45qel&t=123s>

¹⁵ <https://www.youtube.com/watch?v=CE8ThYL-Bes&t=11s>

¹⁶ <https://www.youtube.com/watch?v=PMzaOnZNwMM>

¹⁷ <http://ru.krymr.com/a/news/28130998.html>

¹⁸ http://gs.sev.sudrf.ru/modules.php?name=press_dep&op=1&did=134

¹⁹ http://russia.tv/video/show/brand_id/5206/episode_id/1435087/video_id/1544403/viewtype/picture/

²⁰ <http://www.fsb.ru/fsb/press/message/single.htm%21id%3D10438041%40fsbMessage.html>



passing data on the activity of the Black Sea Navy Fleet which is a state secret to the foreign special service». The FSB of Russia initiated the criminal case launched into an act constituting an offence under Article 275 of the Criminal Code of the Russian Federation «Treason». At present, it is unknown whether Parkhomenko's detention is related to the «case of saboteurs» or not.

Hence, November witnessed nine arrests as part of the «case of Ukrainian saboteurs». The citizens of Ukraine Yevhen Panov, Andriy Zakhtey, Redvan Suleymanov and Volodymyr Prisich were detained in August 2016. The citizens of Ukraine Dmytro Shtyblikov, Oleksiy Bessarabov, Volodymyr Dudka, Hleb Shablii, Oleksiy Stohniy were detained in November 2016. New information about Leonid Parkhomenko's case after his detention has not appeared.



FREEDOM OF SPEECH AND EXPRESSION*

On November 8, the news broke that the Investigation Division for Kyiv District of Simferopol of the Main Investigation Department of the Investigative Committee of the Russian Federation for Crimea opened the criminal case against **Oleksiy Amelin**, the CEO of GRAND MEDIA LLC, PROMEDIA LLC and Nika Media LLC. He is suspected of committing an offence referred to in Article 291 paragraph 3 of the Criminal Code of the Russian Federation — «Bribing an Official for Carrying out Actions Known to Be Illegal».

The Investigative Committee of the Russian Federation claimed that on November 3, 2016 Mr. Amelin transferred to the officer of the Federal Service for Supervision of Communications, Information Technology, and Mass Media responsible for Crimea and Sevastopol City the funds amounting to RUB40 thousand for non-disclosure and avoiding the administrative responsibility as well as non-provision of orders to eliminate the revealed law violations at his enterprises²².

Oleksiy Amelin controls the main FM radio frequencies in Crimea. At present, it is unknown if this criminal case is an attempt to prosecute Mr. Amelin for his professional activity.

OBSTRUCTION OF JOURNALISTIC ACTIVITIES

On November 10, the administration of Dzhankoy City published the announcement of the planned antiterrorist drill in the city on its official web-site²³. The announcement says that photography and video recording during the drill is prohibited and violators will be held accountable. It restricts the journalists' profession as well as contradicts the *de-facto* legislation in force in Crimea which provides for the restrictions of photography and video recording of antiterrorist actions only if the legal regime of a «counter-terrorism operation» is introduced.

On November 23, in the 'Central District Court of Simferopol', before the regular session related to the «Case of November 26», court bailiffs prevented the journalist **Anton Naumliuk** from entering the court building with a camera and the court room, ignoring the relatives' request and the fact that there were seats available. After the session, the journalist interviewed the lawyer Edem Semedliaev and recorded with his camera how the prisoner transport vehicle was departing. After this, one of the court bailiffs threatened the journalist through the lawyer that if he posted this video on the Internet, the journalist would not be allowed in the court building anymore.

THE ILMU UMEROV'S CASE

On November 2, a new resolution was issued concerning **Ilmi Umerov** which provided for involving him as a defendant and specified the charge given the results of the linguistic expert examination²⁴. The examination was performed by the FSB representatives who concluded that Mr. Umerov's words on the ATR channel contained the signs of extremism. Earlier there was a criminal case initiated against him under Article 280.1 paragraph 2 of the Criminal Code of the Russian Federation «Public Calls for Actions Intended to Violate Territorial Integrity of Russian

* The section was prepared in cooperation with the **Human Rights Information Center:**
<https://humanrights.org.ua/en?cl=en>

²² <http://sledcomf.ru/news/262503-predprinimatel-podozrevaetsya-v-dache.html>

²³ <http://dzhankoy.rk.gov.ru/rus/index.htm/news/347572.htm>

²⁴ <https://www.facebook.com/emil.kurbedinov/videos/1250397018358226/>



Federation Carried out Using Information and Telecommunication Networks (Including Internet)» for his public statements that Crimea is the territory of Ukraine.

Earlier, the FSB investigator Skripka I.A. intended to involve Ilmi Umerov's lawyer Mykola Polozov as a witness in Mr. Umerov's case. The lawyer appealed to the court. He is sure that it is an unlawful attempt of the FSB to deprive Mr. Umerov of defense and a way of pressuring him. Data known to the lawyer about Mr. Umerov is protected by the client-attorney privilege as they were received as part of legal aid. Because of this, the lawyer cannot disclose it and cannot be a witness in this case. On November 9, the 'Kyiv District Court of Simferopol' declared the investigator's demand to involve the lawyer as a witness in the case of his defendant Mr. Umerov to be illegal. However, the investigator appealed against this decision.

On November 3, the lawyer Mykola Polozov published the notification of the judge of the 'Supreme Court' of Crimea Pribylova Olena Oleksandrivna that Mr. Polozov must come to court on the 8th of November²⁵. On November 8, the court considered the appeal against the court decision which declared the investigator Mr. Skripka's actions intended to involve the lawyer as a witness in Ilmi Umerov's case to be illegal. On November 8, the judge of the 'Supreme Court' of Crimea Pribylova O.O. satisfied the appeal of the FSB investigator Skripka I.A. and prosecutor Pakula A.R. and remanded the case²⁶.

ALEKSIY SHESTAKOVYCH'S CASE

On November 1, the judge of the 'Supreme Court' of Crimea Terentieva Natalia Anatolivna upheld the decision of the 'Zheleznodorozhnyi Court of Simferopol' concerning **Aleksiy Shestakovych** for his publication in the social media in 2010²⁷. He was accused of violating Article 20.29 of the Administrative Offenses Code of the Russian Federation (Production and Storage of Extremist Materials). The court ignored the facts that Crimea was under the jurisdiction of Ukraine in 2010 and the video published was included in the list of extremist materials only in 2013.

Mr. Shestakovych requested the 'Zheleznodorozhnyi Court of Simferopol' to present the resolution on the basis of which there was a search in his flat on October 26, 2016. The court responded that it did not have such information and recommended the activist to turn to the authorities which conducted the search²⁸. The Ministry of Internal Affairs told Mr. Shestakovych that it was not obliged to provide a copy of the court ruling. However, the police officers, while conducting a search, must show the document justifying the search.

On November 29, the FSB of the Russian Federation invited Mr. Shestakovych to the Center for Combating Extremism so that he could take back the hard disc drives which were seized during a search on October 26.

²⁵ https://www.facebook.com/photo.php?fbid=1179467125452015&set=a.135081823223889.25934.100001662173833&type=3&theater&mref=message_bubble

²⁶ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=218391442&delo_id=4&new=4&text_number=1

²⁷ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=218378511&delo_id=1502001&new=0&text_number=1

²⁸ <https://www.facebook.com/aleksej.shestakovich/posts/1246609908735707?pnref=story>



FREEDOM OF PEACEFUL ASSEMBLY

On November 2, Aleksey Puchkov, Assistant Prosecutor of Simferopol, handed another warning to **Aleksey Shestakovich**, a Crimean activist, on prohibition to organize unauthorized rallies by the Anarchist organization²⁹. The warning was made based on the information of the Ministry of Internal Affairs (MIA) Counter Extremism Center. As Shestakovich has said, this is the third similar warning notice. He informed that the Counter Extremism Center information contradicted the reality and was not supported by any facts.

On November 9, Yekaterina Timoshenko, the judge of 'Supreme Court' of Crimea, upheld a ruling of 'Bakhchisaray District Court' relating to Mr. **Marlen Asanov**³⁰. He was found guilty of coming to the place of searches and detainments on the 12 of May 2016 in Bakhchisaray, pursuant to Article 20.2, Part 6.1 of RF Code of Administrative Offenses (CAO) (Participation in the unauthorized rally). On August 28, 2016 Ms. Marina Nikischenko, a judge of the 'Bakhchisaray District Court', adopted a relevant decision and imposed a fine of RUR20,000.00. Judge Nikischenko adopted also a fine decision relating to Mr. E.Bilialov for the similar 'offence', and Mr. Seyran Saliyev who, being in the Mosque on May 12, 2016, called the people to support the detained Muslims.

On November 23, a group of people submitted a notice on the intention to hold a picket on November 26 at the office of RF MIA Yevpatoria City Department, to the City Administration of Yevpatoria. The notice assumed 10-15 people to participate in the picket, while the picket purpose was to 'attract attention of the public to the political repressions' (**Annex 2**). The City Administration of Yevpatoria rejected the picket approval, having indicated that the asked place was not included into the list of places authorized for public actions (**Annex 3**). However, the places authorized for the public actions deprived the activists from the possibility to address the target audience, namely — MIA staff. Since the participation in the unauthorized rally carries an administrative punishment, the organizers had to give up on organizing the picket. On November 26, only a single picket that did not require any approval by the administration was held at the planned place close to the MIA Department building. The policemen did not obstruct this single action³¹.

On November 28, activist **Anna Shaulskaya** reported that the local powers were persecuting her for the participation in the rally. On August 20, the police broke up the 'Deceived Crimea' rally in Simferopol whose participants were to express their disaffection with local powers' activities. The Simferopol police officers drew up an administrative offence report on one of the rally participants, Ms. Anna Shaulskaya, pursuant to Article 20.2, Part 5 of CAO (Violation of the established procedure for organizing or holding the rally). The report was made with legal violations — without notifying Ms. Shaulskaya. It was submitted to 'Kievskiy District Court of Simferopol' but returned 'due to lack of evidence that the person to whom the report relates has been properly notified'. The police re-submitted this report to 'Kievskiy District Court of Simferopol', and this time the report was accepted for consideration by another judge.³²

²⁹ https://www.youtube.com/watch?v=k_7PJd_zC3k&feature=share

³⁰ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=218382662&delo_id=1502001&new=0&text_number=1

³¹ <https://www.facebook.com/aleksej.shestakovich/posts/1255833564480008>

³² <http://ru.krymr.com/a/news/28144296.html>



FREEDOM OF ASSOCIATION

On April 26, 2016, the 'Supreme Court' of Crimea declared the Mejlis of the Crimean Tatar People an extremist organization and forbade its activities on the territory of the Russian Federation. On September 29, 2016, the RF Supreme Court affirmed the Crimean court decision on forbidding the Mejlis activities. Since then Crimean Human Rights Group (CHRG) has been recording decisions on administrative cases against the Mejlis members:

On November 1, Mr. Aleksandr Skisov, a judge of 'Bakhchisaray District Court', prescribed an administrative punishment — a penalty — to Mr. **Zeynur Yakubov**³³ for presence at the meeting at Ilmi Umerov's on September 22, 2016. The judge decided that Mr. Yakubov had participated in the Mejlis of the Crimean Tatar People meeting. Mr. Yakubov was found guilty of administrative offense pursuant to Article 20.28, Part 1, of RF CAO (Organization of forbidden association activities). Ms. E. Popova who had drawn up an administrative offence report gave evidence as a witness in the court.

On November 9, Ms. Oksana Khozhainova, a judge of 'Supreme Court' of Crimea, affirmed the first instance decision that had declared Mr. **Ilmi Umerov** guilty of administrative offense pursuant to Article 20.28, Part 1, of RF CAO (Organization of forbidden association activities) and imposed a penalty on him for meeting with the Mejlis members³⁴.

On November 23, Mr. Zair Smedliayev reported that 'Bakhchisaray District Court' prescribed Mr. **Mustafa Maushev** an administrative penalty of RUR750 for participation in the activities of the organization forbidden on the RF territory — the Mejlis of the Crimean Tatar People³⁵. There is no information about the session at the court website.

On October 19, the police inspected premises of the 'Scientific Society of Lawyers — Students and Post Graduate Students' Public Organization (YUSTI*S). The organization provided a free of charge legal support to the low income people. The inspection was carried by policemen: Aleksey Fedorin, Andrey Savchenko and Yevgeniy Kryme though they were wearing civilian clothes instead of the uniform. Mr. Konstantin Sizarev, the organization founder, made a complaint against the policemen actions to the MIA. In the complaint he pointed out defects of proceedings, acts of force against the organization members, obstructions to the organization activities (**Annex4**).

On November 29, the Yevpatoria Prosecutor Office informed that the Yevpatoria Department of MIA of Russia had checked legality of activities of NTSAYU 'YUSTI*S public organization that had been established by Mr. Konstantin Sizarev, a citizen of Ukraine, before 2014 on the Ukrainian legislation grounds. The Prosecutor Office reported that the organization was not registered according to the valid RF laws, therefore its activities were considered illegal³⁶.

In addition, a report of administrative offence, pursuant to Article 18.8 Part 1.1 of RF CAO — violation of regime to stay (to live) in RF by a foreign citizen or a stateless person — was drawn up against Mr. Sizarev, the organization founder and citizen of Ukraine. Mr. Sizarev is a local resident and has been living in the Crime on permanent basis, but the RF MIA

³³ https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=205282029&delo_id=1500001&new=0&text_number=1

³⁴ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=218382936&delo_id=1502001&new=0&text_number=1

³⁵ https://www.facebook.com/zair.smedlya/posts/1169166173118549?_mref=message_bubble

³⁶ <http://my-erp.ru/o-rezultatax-proverki/>



considers him to have been living illegally in Crimea since 2014 since he has no documents verifying a right to stay (to live) in the RF.

On November 25, the ruling of 'Yevpatoria City Court' declared Mr. Sizarev guilty of administrative offence pursuant to Article 18.8 Part 1.1 of RF CAO. He was imposed an administrative penalty of RUR2,000.0 and a punishment of administrative expulsion from the Russian Federation, i.e. from Crimea — a place of his permanent residence. For the time being this court ruling has not come in force yet as it may be appealed.



FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

On November 8, six representatives of the Fund of Property of Crimea of the Ministry of Property and Land Relations came to the Cathedral of Ukrainian Orthodox Church of the Kyivan Patriarchate (KP UOC) in Simferopol and demanded all cathedral premises to be opened for them for inspection. Rev. Clement, Archbishop of Simferopol and the Crimea, informed that these representatives had tried to enter illegally the first floor of the church to seal it off.³⁷ De facto the powers take actions on expropriating KP UOC premises in the Crimea, including a previously taken decision that the KP UOC should vacate 112 sq m on the first floor of the cathedral in Simferopol and transfer them to a commercial company for use. Rev. Clement considers these actions to be a form of pressure and persecution of the Ukrainian Church.

³⁷ <http://voicecrimea.com.ua/main/mainnews/predstavniki-fondu-majna-krimu-vderlis-do-cerkvi-ki%D1%97vskogo-patriarxatu-i-namagalisya-opechatati-primishhennya.html>



VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

FORCIBLE TRANSFER OF THE POPULATION

In violation of the provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, the Russian Federation keeps transferring citizens of Ukraine and people being on the occupied territory, against their will, from the territory of Crimea to the RF territory, to the imprisonment places.

On November 7, Ms. Tatiana Belinchuk, a judge of the 'Zheleznodorozhnyi District Court of Simferopol'³⁸ adopted a decision on expulsion of Mr. Nedim Khalilov, a Crimean Tatar activist, who lived on the territory of the Crimea, from the Russian Federation. He was found guilty of administrative offence pursuant to Article 18.8 Part 1.1 of RF CAO (violation of regime to stay (to live) in RF by a foreign citizen or a stateless person). Due to this judgement Mr. Khalilov was deported from the territory of Crimea and placed in a specific temporary holding facility for foreigners in the Krasnodar Territory (RF). Protesting against this, he has announced a partial hunger strike and demands to return him to Crimea and to grant a status of stateless person.

In violation of the provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, on November 16, Mr. Andrey Kolomiyets, a political prisoner and a citizen of Ukraine, sentenced according to the RF Code, was transferred from Crimea to the RF territory. As informed by his lawyer, he was convoyed to correctional facility no 14 of the Krasnodar Territory.

THE REVIEW WAS PREPARED BY:

Olga Skrypnyk, *coordinator of the Crimean Human Rights Group;*

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

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

³⁸ https://zheleznodorozhniy--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=208811874&result=1&delo_id=1500001



3. ANNEXES

ANNEX 1

Ковчиг
Дело № 5-3147/2016

ПОСТАНОВЛЕНИЕ

03 ноября 2016 года г.Евпатория, пр. Ленина, 30

Судья Евпаторийского городского суда Республики Крым Кротова Людмила Владимировна, рассмотрев дело об административном правонарушении, которое поступило из Центра по противодействию экстремизму Министерства внутренних дел по Республике Крым и привлеченный к административной ответственности **Васильченко Сергей** , уроженца г.Евпатория,

по ст. 20.29 Кодекса Российской Федерации об административных правонарушениях,

УСТАНОВИЛА:

04 октября 2016 года в 10.20 час. установлен факт размещения в социальной сети «ВКонтакте» в свободном доступе на странице с адресом <https://vk.com/audio136610425> администрируемой Васильченко С.С. аудиозаписей La Vida Cuenta Libertades- Черный Террор и La Vida Cuenta Libertades- Прощай, Каталаниа!, которые внесены в федеральный список экстремистских материалов.

В суде Васильченко С.С. свою вину в совершении правонарушения признал и истоскренно раскаялся в содеянном.

Исследовав материалы дела, суд считает достоверно установленным, что Васильченко С.С. совершил правонарушение, предусмотренное ст. 20.29 Кодекса Российской Федерации об административных правонарушениях, а именно массовое распространение экстремистских материалов, включенных в опубликованный федеральный список экстремистских материалов.

Вина Васильченко С.С. в совершении правонарушения подтверждается сведениями протокола об административном правонарушении от 03.11.2016 года, протокола об административном задержании от 03.11.2016 года, рапортом о/у ЦПЭ МВД по республике Крым майора полиции С.А. Каштанова от 04.10.2016 года, актом осмотра интернет-ресурса от 04.10.2016 года, письменными объяснениями Васильченко С.С. от 03.11.2016 года.

Согласно ст. 20.29 Кодекса Российской Федерации об административных правонарушениях предусмотрена ответственность за массовое распространение экстремистских материалов, включенных в опубликованный федеральный список экстремистских материалов, а равно их производство либо хранение в целях массового распространения, а также наложение административного штрафа на граждан в размере от одной тысячи до трех тысяч рублей либо административный арест на срок до пятнадцати суток с конфискацией указанных материалов и оборудования, использованного для их производства; на должностных лиц - от двух тысяч до пяти тысяч рублей с конфискацией указанных материалов и оборудования, использованного для их производства; на юридических лиц - от ста тысяч до одного миллиона рублей или административное приостановление деятельности на срок до девяноста суток с конфискацией указанных материалов и оборудования, использованного для их производства.

С учетом изложенного, суд пришел к выводу, что в действиях Васильченко С.С. имеется состав административного правонарушения, предусмотренного ст. 20.29 Кодекса Российской Федерации об административных правонарушениях.

При назначении вида и меры административного взыскания, соблюдая требования ст. 4.1 Кодекса Российской Федерации об административных правонарушениях, суд учитывает характер совершенного правонарушения, обстоятельства его совершения, личность правонарушителя, который ранее в административной ответственности не привлекался, не работает. При таких обстоятельствах суд считает необходимым привлечь его к административной ответственности, и подвергнуть административному наказанию в виде в виде ареста. Обстоятельства исключивших назначение ареста предусмотрены ч. 2 ст. 3.9 КоАП Российской Федерации не установлены.

В силу требований ст. 3.7 КоАП РФ, указанные в виде конфискации экстремистских материалов - аудиозаписей La Vida Cuenta Libertades- Черный Террор и La Vida Cuenta Libertades- Прощай, Каталаниа!, подлежат исполнять путем удаления в сети Интернет на сайте «ВКонтакте» с социальной страницы, принадлежащей пользователю под именем «Сергей Метельский».

Руководствуясь по ст. ст. 20.29, 29.10 Кодекса Российской Федерации об административных правонарушениях, суд,

ПОСТАНОВИЛА:

Признать **Васильченко Сергея Станиславовича** виновным в совершении административного правонарушения, предусмотренного ст. 20.29 Кодекса Российской Федерации об административных правонарушениях и назначить ему административное наказание в виде административного ареста сроком на 10 (десять) суток, с конфискацией экстремистских материалов.

Срок отбывания наказания Васильченко С.С. исчислять с 03 ноября 2016 года.

Наказание в виде конфискации предмета административного правонарушения - экстремистских материалов - аудиозаписей La Vida Cuenta Libertades- Черный Террор и La Vida Cuenta Libertades- Прощай, Каталаниа!, исполнить путем удаления в сети Интернет на сайте «ВКонтакте» с социальной страницы, принадлежащей пользователю под именем «Сергей Метельский» (<https://vk.com/audio136610425>) указанных аудиозаписей.

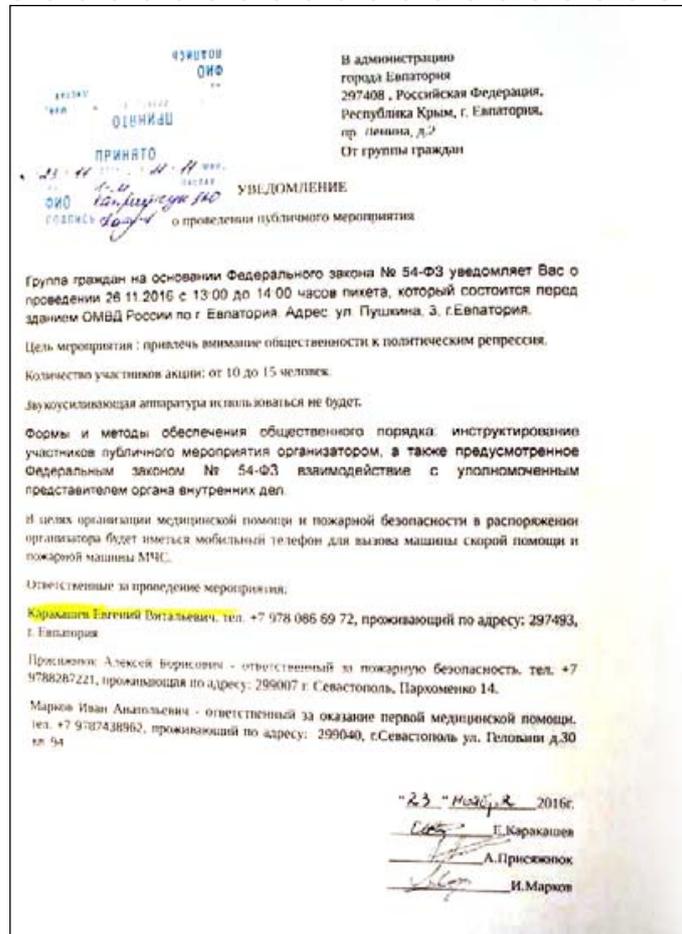
Постановление может быть обжаловано в течение 10 дней в порядке, предусмотренном ст. 30.2 Кодекса Российской Федерации об административных правонарушениях Российской Федерации.

Судья	/подпись/	Л.В.Кротова
Копия выдана		
Судья		Л.В.Кротова
Секретарь		Т.Д.Розко

The decision of the 'Yevpatoria City Court' regarding the subjection to liability of Serhiy Vasylichenko



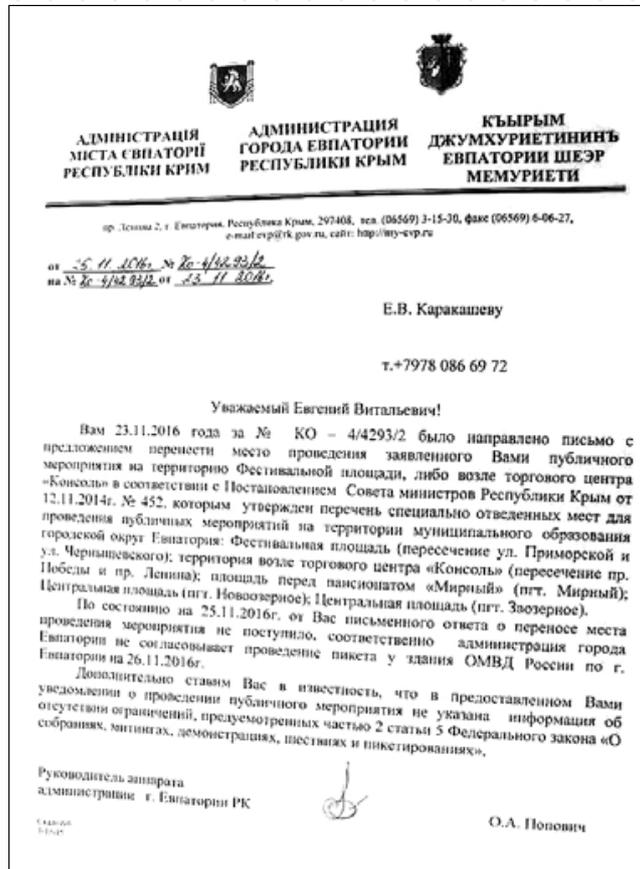
ANNEX 2



The notice on the intention to hold a picket
near the office of RF MIA Yevpatoria City Department



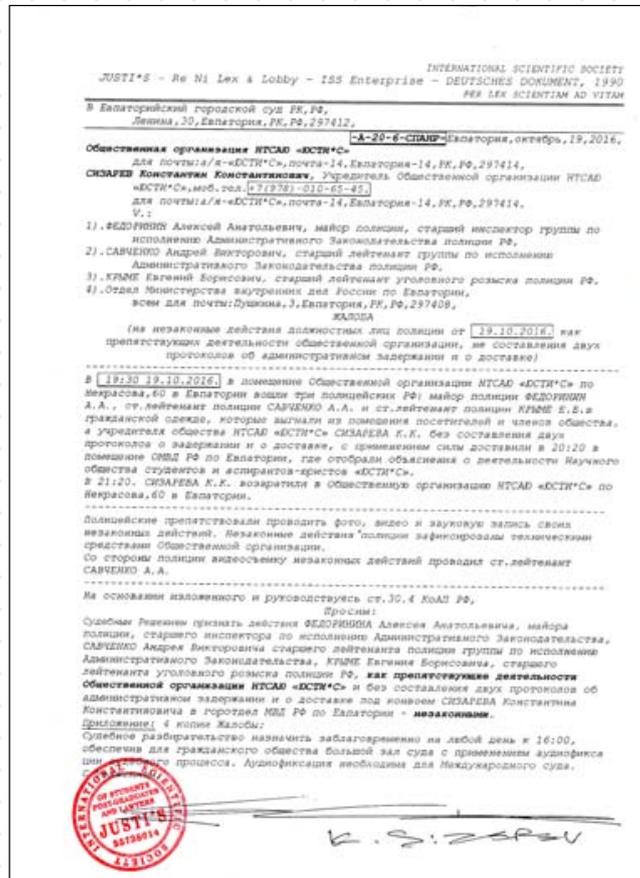
ANNEX 3



The City Administration of Yevpatoria's rejection of the picket approval near the office of RF MIA Yevpatoria City Department



ANNEX 4



The complaint of Konstantin Sizarev, the ‘Scientific Society of Lawyers – Students and Post Graduate Students’ Public Organization (JUSTI*S) founder, against the illegal policemen actions during the inspection