



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

Monitoring review of the human rights situation in Crimea

January 2017

This monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in January 2017

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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 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

ARRESTS

On January 26, early in the morning in Bahchisaray Russian Federal Security Service officers arrived to carry out a search of the apartment, where the family of the Crimean Tatar activists lives — Zodie Salieva and her son **Seyran Saliev**. Earlier, Seyran Saliev was brought to administrative responsibility in a form of a fine of 20,000 rubles because he came to support the owner of the «Salachyk» cafe in Bakhchisaray during the search on May 12, 2016¹. This action was determined by the court as participation in an unsanctioned meeting.

Near the house, in which the search took place, there were several dozen of armed men, who presented themselves as employees of the Centre for counteraction to extremism of the Interior Ministry and the Interior Ministry riot police units. The wife of Seyran Saliev was also in the apartment; she is on the medical records in connection with the threat of termination of pregnancy. She asked if she can leave the house because of her state of health, but the Interior Ministry officials didn't let her to leave the apartment. The search lasted for about two hours. After the search Seyran Saliev was taken to the police station in Bakhchisaray.

Russian media reported that the Russian Federal Security Service officers allegedly carried out «special operation on liquidation of cell of the «Hizb ut-Tahrir» terrorist organization in Bahchisaray»². However this information does not correspond to reality.

Lawyer Ayzer Azamatov said that Saliev is accused under Articles 20.3 (Promotion of a public display of Nazi paraphernalia or symbols, or paraphernalia or symbols of extremist organizations, or other paraphernalia or symbols, propaganda or public demonstration of which is prohibited by federal law) and 20.29 (production and distribution of extremist materials) of the Administrative Code of the Russian Federation³. On January 26, Saliev was convicted under Article 20.29⁴ and Part 1 Article 20.3⁵ of the Administrative Code of the Russian Federation. The judge of «Bakhchisaray district court» Skisov Alexander sentenced him to administrative penalty in the form of 12 days of detention.

On January 26, the lawyer **Emil Kurbedinov** was detained; he is the defender in many politically motivated criminal cases. The lawyer Kurbedinov and his colleague Eden Semedlyayev were on their way to Seyran Saliev for legal aid in connection with the raid. But on the way to Bakhchisaray the lawyer was arrested by the officers of Center to combat extremism in the Ministry of Internal Affairs. Traffic police officers stopped the car of Semedlyayev, where Kurbedinov was also present, ostensibly to check on the car in the «the database of the RF Ministry of Internal Affairs.» After that, officers of «Center E» arrived and reported about the administrative detention of Emil Kurbedinov⁶ and took him to the «Center E» in Simferopol. The actions which are de facto searches were carried out in his apartment and office, but de jure they have been noted as «room examination».

¹ <https://www.facebook.com/e.seitbullaeva/posts/1325496467515415?pnref=story>

² <https://ria.ru/incidents/20170126/1486507401.html>

³ <https://www.facebook.com/anton.naumlyuk/posts/1442085232493079>

⁴ https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=252225258&result=1&delo_id=1500001

⁵ https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=252225261&result=1&delo_id=1500001

⁶ <https://www.facebook.com/emil.kurbedinov?fref=nf>



On the same day the judge of the «Railway District Court of Simferopol» Belinchuk Tatiana found Emil Kurbedinov guilty of an offense under Part 1 of Article 20.3 of the Administrative Code of the Russian Federation (Promoting a public display of Nazi paraphernalia or symbols, or paraphernalia or symbols of extremist organizations, or other paraphernalia or symbols, propaganda or public demonstration of which is prohibited by federal law).

The judge's decision was taken due to the fact that on June 5, 2013 Emil Kurbedinov posted a video on his page in a social network «V kontakte», which showed one of the rallies of supporters of Hizb ut-Tahrir and the symbolism of the party. This publication was called extremist by the court: «A public demonstration on the page of the symbols and propaganda videos with symbols of «Hizb ut-Tahrir». The court ignored the fact that the video was posted in a period when only the legislation of Ukraine acted in Crimea at that time. «Hizb ut-Tahrir» is not an extremist or banned organization according to the laws of Ukraine.

In addition, the decision of the court stated that on January 16, 2017 the «extremist» video material was present on Kurbedinov's page in the social network. Thus, the court drew the lawyer not for the acts but for the omission in spreading of extremist materials, i.e., for the fact that after the establishment of Russian control in Crimea, Kurbedinov did not removed the video fragment of 2013. Such an approach is contrary to Russian law, which is aimed at countering extremist activity.

It is important to mention that the protocol against Emil Kurbedinov was made by the «senior commissioner» of the Center E Ruslan Shambazov. Shambazov repeatedly figured in other politically motivated criminal and administrative cases and was taking illegal actions against the defendants in these cases.

According to the verdict of the «Railway District Court of Simferopol» on January 26, 2017⁷ Emil Kurbedinov has been sentenced to administrative detention for a period of ten days.

In the case of a lawyer Kurbedinov violations of Articles 5, 6, 7, 8, 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms were documented. Numerous violations show on politically motivated persecution of the lawyer in connection with his professional activities. Lawyer Emil Kurbedinov is the defender in such politically motivated criminal cases as a «case of Hizb ut-Tahrir», «26 February case», the case of Nikolay Semena, Redvan Suleymanov. In addition, during the period of the arrest of Kurbedinov his customers were deprived of their defender, which prevents their right for the defence.

SEARCHES

Early in the morning on January 12, employees of the Federal Security Service of Russia (Simferopol) have arrived to the apartment of Ukrainian activists Natalia Kharchenko and Andrey Vinogradov, where they live with their parents and minor children. The Federal Security Service of Russia officers showed «the investigator's approval on the home inspection.» During the home inspection, the couple was seized the computer equipment and mobile phones. After that, both spouses were taken to the «Russian Federal Security Service of the Republic of Crimea and the city of Sevastopol» (13 Ivan Franko Street, Simferopol). Lawyer Eden Semedlyayev reported that in regard to Natalia Kharchenko, the Federal Security Service of Russia officers carried out pre-investigation check in connection with Part 2, Article 280 of the Criminal Code of the Russian Federation (public calls for extremist activities committed using the mass media or information

⁷ Постановление «Железнодорожного районного суда Симферополя» от 26 января 2017 года в отношении Эмиля Курбединова, документ: <http://crimeahrg.org/wp-content/uploads/2017/02/2017-01-26-Kurbedinov-Postanovlenie.pdf>



and telecommunication networks, including «Internet»). The lawyer for more than two hours could not get a meeting with his client Kharchenko. Interrogation of Kharchenko was started without a lawyer, which is a gross violation of the right to defence. At 14.00 (local time), the woman was released and her mobile phone was returned⁸.

On January 16, Andrei Vinogradov reported that when his manager found out about the search he was suggested to resign «voluntarily»⁹.

On January 26, after the arrest of Emil Kurbedinov searches took place in his apartment and office, but they have been documented as a «premise inspection». The search was conducted by the Centre for counteraction to extremism of the Interior Ministry. The fact that Kurbedinov was arrested according to the administrative proceedings and the inspection of premises were carried out in the framework of the criminal case show on the falsification of the reasons of the actual searches.

For carrying out the search operations in the form of inspection of premises the local court issued a separate decision on the need for «verification of indications of the involvement of a number of persons to commit a crime» under Part 2 of Article 205.5 of the Criminal Code of the Russian Federation (participation in a terrorist organization). Many defendants of lawyer Kurbedinov are charged for this article. In addition, to obtain permission to conduct «inspection» of Kurbedinov's apartments and office the court was addressed by the «Deputy Minister of Internal Affairs of the Republic of Crimea», the police chief, Police Colonel Karanda Pavel Leonidovich. This decree was issued on January 13, 2017. On this day Kurbedinov was in Kiev and participated in a press conference on the subject of gross human rights violations in Crimea.

Lawyer Eden Semedlyaev, who is a colleague of Kurbedinov and who worked with him in the office, said that all computer equipment, some materials and electronic media were seized from the lawyer's office¹⁰. The seized equipment contained documents relating to the granting of legal aid. Moreover, the materials that were seized belonged not only to Kurbedinov, but also to his colleague Eden Semedlyaev in respect to which there are no administrative or criminal proceedings. Also, the rules which regulate the conduction of a search of lawyers were violated. Illegal confiscation of the equipment has created an obstruction of professional activities of lawyers. Employees of the Ministry of Interior violated the norms of the Russian law, which regulate the protection of attorney-client privilege. Also their actions violated the right to respect for private life and the right to property.

⁸ <http://crimeahrg.org/kryimchanku-zhenu-ukrainskogo-aktivista-vinogradova-podozrevayut-v-ekstremizme/>

⁹ <http://crimeahrg.org/v-kryimu-ukrainskogo-aktivista-i-ego-teshhu-uvolnyayut-s-raboty-posle-obyiska/>

¹⁰ <https://www.facebook.com/100004757052466/videos/731945673640661>



POLITICALLY MOTIVATED CRIMINAL PROSECUTION

«26 FEBRUARY CASE»

«26 February case» was divided into two processes. The first was taking place in the «Supreme Court» of Crimea regarding the case of the deputy head of the Mejlis of the Crimean Tatars **Ahtem Chiygoza** (in custody) as «the organizer of the riots» near the Crimean parliament, the second was taking place in the «Central District Court of Simferopol city» regarding the case of the other defendants as «rioters» (**Ali Asanov and Mustafa Degermendzhi** (in custody)); in relation to **Eskender Katemirov, Eskender Emirvaliev and Arsen Yunusov** preventive measure was chosen — a personal guarantee).

In January, during the hearings on the case of Ahtem Chiygoza the evidence, photo and video materials were studied. The judge of «the Supreme Court» of Crimea Zinkov Viktor Ivanovich continues to deny Ahtem Chiygoza to be presented during the meetings. The court continues to refuse the petition made by the lawyer Nicholay Polozov, and Ahtem Chiygoza has to take part in hearings in the mode of video-conference.

In January, during a meeting on the case of the other accused persons the testimonies of victims and witnesses were heard.

On January 13, Alexander Solodkov the lawyer of Mustafa Degermendzhi challenged the judge Sergey Demenok. Before that, the lawyer filed a motion to postpone the trial in connection with the inability to carry out expert legal protection. The lawyer said that he filed the application three times regarding the court records and two applications for access to the case file, but till now he was not introduced to the required documents¹¹.

«HIZB UT-TAHRIR CASE»

19 people are in custody regarding the «Hizb ut-Tahrir case» — **Ruslan Zeytulaev, Rustem Vaitov, Nuri Primov, Ferat Sayfulaev** (guilty verdict was announced), **Enver Bekirov, Vadim Siruk, Muslim Aliev, Emir Usein Kuku, Refat Alimov, Arsen Dzhapparov, Enver Mamutov, Remzi Memetov, Zevri Abseitov, Rustem Abiltarov, Teymur Abdullayev, Rustem Ismailov, Aider Saledinov, Uzeyir Abdullayev and Emil Dzhemadenov** (in custody). 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 January 10, Emir Usein Kuku was transferred from the medical institution back to the detention centre №1 of Simferopol after undergoing a psychiatric examination. On January 11, the judge of the «Supreme Court» of Crimea Red'ko Galina upheld the decision regarding the detention of Amir-Usein Kuku¹², and Vadim Siruk¹³ until February 8, 2017.

On January 10, «the Kiev district court» held meetings to review the extension of custody against Remzi Memetov, Enver Mamutov, Zevri Abseitov and Rustem Abiltarov. The court left the four in custody until April 12, 2017. The lawyer of Emil Kurbedinov said that meetings were held

¹¹ <http://ru.krymr.com/a/news/28232362.html>

¹² https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=251952371&delo_id=4&new=4&text_number=1

¹³ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=251952369&delo_id=4&new=4&text_number=1



without Remzi Memetov and Enver Mamutov because they were sent to a medical facility to undergo a psychiatric examination. The lawyer said that Zevri Abseitov and Rustem Abiltarov were contained in the courtroom in a metal «cage».

On January 12, Zevri Abseitov was transferred from the pre-detention centre to a psychiatric hospital for compulsory psychiatric examination¹⁴.

On January 17, the Russian Federal Security Service filed new charges against Vadim Siruk of committing a crime under Article 278 of the Criminal Code of the Russian Federation «Violent capture of power or violent deduction of power.» Siruk is accused according to the Part 2 Article 205.5 of the Criminal Code of the Russian Federation «Organization of the activities of a terrorist organization and participation in the activities of the organization» for allegedly participating in the activities of prohibited organization in the Russian Federation Hizb ut-Tahrir. On the same day, the Emir Useinov Kuku was also charged under Part 1, Article 30, and Article 278 of the Criminal Code of the Russian Federation. The lawyer Andrew Sabinin reported that, according to the investigation, «Kuku conspired with Aliyev, Alimov, Bekirov, Dzhapparov and Siruk in order to abet new entities to participate in activities of a terrorist party «Islamic Liberation Party », as well as to prepare the faithful citizens to mass extremist actions. «Kuku said that he cannot understand the accusation; it is absurd and is aimed at the pursuit of «observant Muslims.» The lawyer also said that a decision regarding the presentation of the new charges was made after the results of the «complex linguistic-religious expertise»¹⁵.

Nuri Primov, Ferat Sayfullaev and Rustem Vaitov were taken out of pre-detention centre №1 Penitentiary Service of Russia in the Rostov region; they were sent to prisons. Ruslan Zeytullaev is in pre-detention centre in Rostov and waits for a retrial¹⁶.

The lawyer Emil Kurbedinov reported¹⁷, that the person involved in the «case of Hizb ut-Tahrir» Teymur Abdullayev filed the application to the Federal Security Service and the Federal Penitentiary Service of Crimea regarding the illegal methods of investigation. In his statement Abdullayev informs that during his transportation for the investigative measures, masked men were arm-twisting him, throwing him on the floor, beat; shut his eyes, push him under the seat, keep him in handcuffs, pull him out of the car holding his feet. The lawyer and his client are demanding an investigation into the use of illegal methods of investigation regarding Abdullayev.

«UKRAINIAN SABOTEURS' CASE»

On January 18, the judge of «the Supreme Court» of Crimea Latynin Yuriy rejected the appeal of Redvan Suleymanov defence and upheld the decision on the extension of detention until January 30.

On January 25, the hearing was held regarding the application of the Russian Federal Security Service investigator, who asked to extend the period of detention for Suleymanov after January 30. For the first time in a politically motivated criminal case the judge of «the Kiev District Court of Simferopol» Didenko Denis dismissed the application of the investigator and ordered the release Redvan Suleymanov from custody after the end of the term (i.e. January 30)¹⁸. However, the investigator has appealed the court's decision.

¹⁴ https://www.facebook.com/permalink.php?story_fbid=273823843037338&id=100012291735545

¹⁵ <https://www.facebook.com/groups/487906314740295/permalink/582642325266693/>

¹⁶ <https://www.facebook.com/photo.php?fbid=10211910320739545&set=a.10208185197093782.1073741827.1417329684&type=3&theater>

¹⁷ <https://www.facebook.com/emil.kurbedinov/posts/1336868763044384>

¹⁸ <https://www.facebook.com/emil.kurbedinov/posts/1337986592932601>



On January 27, the judge of «the Supreme Court» of Crimea Plastinina Olga satisfied the complaint of the investigator and extended the period of detention for Redvan Suleymanov till February 28, 2017. In «the Kiev district court» the interests of Redvan Suleymanov were represented by a lawyer Emil Kurbedinov. However Kurbedinov because of his administrative detention was denied the opportunity to defend his client in the consideration of the appeal (more details in the «arrests» section). As a result of the arrest of a lawyer Kurbedinov interests of Suleymanov in the «Supreme Court» of Crimea were represented by the court-appointed lawyer¹⁹.

On January 24, the Moscow City Court rejected the complaint of the defence regarding the extension of the detention of Andrei Zahtey. The judge upheld the decision of the Lefortovo District Court to extend the period of detention until March 7²⁰.

On January 26, the Moscow City Court has considered the appeal against the decision of the Lefortovo District Court to extend the preventive measure for Evgeniy Panov in the form of detention until March 7. The lawyer Dmitry Dinze reported that the appeal was denied, the court upheld the decision of the trial court.

On January 31, «the Supreme Court» of Crimea upheld the complaint of lawyer Olga Dinze regarding the decision of «the Kiev district court» in Simferopol on the violation of the right for the defence of Evgeniy Panov²¹. Earlier, on December 5, 2016 the judge of «the Kiev district court» of Simferopol Mikhail Belousov denied the lawyers of Evgeniy Panov to accept their complaints at preventive admission to the defendant in the Lefortovo prison. Lawyers demanded to recognize the actions of the investigator of Federal Security Service Directorate of Russia in Crimea and Sevastopol Selivanov Konstantin as illegal and unfounded as since November 1, 2016 the investigator did not allow lawyers to Panov during the investigations in Moscow. Lawyers appealed the decision of «the Kiev District Court.» «The Supreme Court» did not agree with the reasoning of the court of first instance and returned the complaint to a lawyer and materials for a new trial in the court of first instance.

On January 26, the judge of «the Sevastopol City Court» Kozhevnikov Igor dismissed the appeal of the defence on the decision of «the Leninsky District Court of Sevastopol» and left Vladimir Dudka in custody until March 8, 2017²².

VLADIMIR BALUKH CASE

On December 27, the court extended the detention of Vladimir Balukh till February 5, 2017. Ordinance to this effect was made before the term of detention expired according to the first decision of the court. Thus, the court hearing on the extension of the preventive measure was held significantly ahead of the schedule in violation of procedural norms. In reaching this decision, the judge had violated Article 97 Code of Criminal Procedure of the Russian Federation. The court has not presented evidence to substantiate the need for a preventive measure in the form of detention. Balukh and his lawyer announced in the court the circumstances that give reason not to extend the period of detention. Balukh need to care for sick elderly mother, his health is rapidly getting worse in pre-detention centre, and he has a permanent place to stay in Crimea, and so on. However, the judge, in violation of the criminal procedural law extended the period of detention²³.

¹⁹ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=253887055&result=1&delo_id=1610001

²⁰ <https://www.novayagazeta.ru/news/2017/01/24/128391-mosgorsud-ostavil-v-sizo-krymskogo-diversanta-zahteya>

²¹ <http://crimeahrg.org/kryimskiy-sud-udovletvoril-zhalobu-advokata-panova-o-narushenii-prava-na-zashhitu/>

²² <http://crimeahrg.org/vladimir-dudka-zayavil-v-sude-o-neokazanii-meditsinskoy-pomoshhi/>

²³ <http://crimeahrg.org/u-kryimskogo-suda-net-osnovaniy-dlya-soderzaniya-aktivista-baluha-v-sizo/>



On January 17, in the pre-detention centre of Simferopol, Vladimir Balukh suffered an acute attack of kidney stones. He was putted on a drip in the medical unit of the detention centre. The next day the lawyer set out to visit the activist, but he was refused to visit Balukh because of alleged lack of available rooms to communicate with his client.

On January 23, during one of the hearings the lawyer saw the traces of physical violence on the face of Vladimir Balukh. It says that the Ukrainian activist is being under the pressure in pre-detention centre №1 of Simferopol. In this regard, Mr Balukh and his lawyer insist on a meeting with the Ukrainian Ombudsman Valeria Lutkovska²⁴.

On January 31, the defence appealed the ruling of the judge of Razdolnenskiy District Court to extend the period of detention. The lawyer pointed out that the judge ruling has no evidence that could confirm the grounds for extending the measure of restraint. The defence stated about the alleged violation of the norms of the Criminal Procedure Code of the Russian Federation and Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms and demands to cancel the decision.

²⁴ <http://crimeahrg.org/ukrainskiy-aktivist-vladimir-baluh-podvergaetsya-v-sizo-davleniyu-i-trebuuet-vstrechi-s-ukrainskim-obmudsmenom/>



FREEDOM OF SPEECH AND EXPRESSION*

OBSTRUCTION OF JOURNALISTIC ACTIVITIES

On January 25, journalist Anton Naumlyuk was taking photographs near the Russian Federal Security Service building, where lawyer Nikolai Polozov was taken for the forced interrogation. According to the journalist, a member of Security Unit asked to stop taking photos as the building is secure facilities. The journalist stopped photographing.

On January 26, in «the Zheleznodorozhnyi Court of Simferopol», before a meeting regarding the administrative case against the lawyer Emil Kurbedinov the bailiffs refused to allow journalists of «Inter» TV channel and journalist Anton Naumlyuk into the building. To be able to enter to the courthouse they were demanded to give away their photographic equipment for temporary storage. In the courtroom the journalist was banned to conduct text online broadcast of a public meeting.

NIKOLAY SEMENA CASE

On January 20, the investigator of the Russian Federal Security Service Alexander Parshutin handed indictment to the journalist Nikolay Semena. The journalist is accused under Part 2 Article 280.1 of the Criminal Code of the Russian Federation (public calls for the implementation of actions aimed at violation of the territorial integrity of the Russian Federation). According to investigators, the Crimean journalist «wrote an article entitled» The blockade — the first necessary step towards the liberation of Crimea», where calls to violate the territorial integrity of the Russian Federation were found»²⁶. The indictment was based on the results of linguistic examination. Lawyer Emil Kurbedinov reported that the defence plans to appeal the results of linguistic expertise²⁷. The journalist is still in Crimea under the prohibition to leave of Crimea.

CASE OF ILMI UMEROV

Ilmi Umer was charged under Part 2 Article 280.1 of the Criminal Code of the 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 Internet)» for his public statements that Crimea is the territory of Ukraine. The investigators of the Russian Federal Security Service take action to deprive his lawyer Nicholas Polozov status of the defender in this case. The investigator of the Russian Federal Security Service Skripka I.A. intended to involve the lawyer Polozov as a witness in the case of his client. The judge of «the Kiev district court» in Simferopol Victor Mozhelyanskiy decided to draw Polozov as a witness in the Umerov case in which a Polozov is a lawyer²⁸. The officers of the Russian Federal Security Service threatened lawyer Nikolai Polozov with a forced delivery for questioning in the case of Umerov²⁹.

* The section was prepared in cooperation with the **Human Rights Information Center:**

<https://humanrights.org.ua/en?cl=en>

²⁶ <https://www.facebook.com/emil.kurbedinov/posts/1332646720133255>

²⁷ <http://ru.krymr.com/a/news/28251481.html>

²⁸ <https://www.facebook.com/nikolay.polozov/posts/1231062366959157>

²⁹ <https://www.facebook.com/zair.smedlya/videos/1234785923223240>



On January 25, Nikolay Polozov was forcibly brought to the lawyer questioning in Russian Federal Security Service in Simferopol. However, at the time of the January 25, the court decision about involving of a lawyer as a witness was still not in force (and thus not enforceable), as Polozov and his lawyers have filed the appeals. Polozov reported that when he was going on a trial of Ahtem Chygoza, few men ran up to him and forcibly putted him into a van with tinted windows. In the building of the Russian Federal Security Service in, he was asked to turn off the phone.

From the very beginning Nikolai Polozov reported to the Russian Federal Security Service investigator Igor Skripka, that his actions were illegal; he also demanded to ensure the presence of his lawyer during questioning and warned about the inadmissibility of the lawyer questioning in the circumstances of attorney-client privilege. However, the investigator ignored the lawyer's requirements.

Nikolai Polozov wrote the word «silent» on a sheet of paper and gave the reference to the legal provisions that prohibit questioning of the lawyer in the circumstances that have become known to him in connection with the provision of legal aid. During the interrogation, the investigator asked questions about the circumstances of the provision of the legal aid to Ilmi Umerov by the lawyer Polozov. The lawyer refused to answer such questions. At the end of the interrogation, the investigator read the text of the protocol and, without calling the witnesses, finished the report and the fact of refusal to sign the protocol by Polozov. The investigator refused to show video, which was made in the course of these actions, to the lawyer. Then, after 2.5 hours Nikolay Polozov was released from the building of the Russian Federal Security Service.³⁰

The actions of the Russian Federal Security Service investigators are a gross violation of international standards for the protection of advocacy, the law «On Advocacy and the Legal Profession in the Russian Federation» and the Code of Criminal Procedure of the Russian Federation.

CASE OF SULEIMAN KADYROV

On January 18, Suleiman Kadyrov — the member of the regional Mejlis of the Crimean Tatar people in Feodosiya was summoned to the Russian Federal Security Service, where he arrived with his lawyers (Emil Kurbedinov and Andrei Sabinin). In October 2016 it became known that a criminal case under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation «Public calls for the implementation of actions aimed at violation of the territorial integrity of the Russian Federation, committed with the use of any electronic media or information-telecommunication networks (including Internet)» was opened against the activist. As a part of the case linguistic examination was carried out regarding the content of a video message of Demian Demyachenko and Kadyrov's comments on this video³¹.

In January, the investigator of the Russian Federal Security Service informed Kadyrov and his lawyers with the results of the linguistic examination. According to the report, the words (comments) of Suleiman Kadyrov were not a call to action, but they support the action. In this regard, an additional psycho-linguistic examination was appointed. The Russian Federal Security has returned to Kadyrov the laptop and the phone that were seized during the search³².

³⁰ <https://www.facebook.com/nikolay.polozov/posts/1271562789575781>

³¹ <http://ctrcenter.org/ru/news/256-fsb-provedet-ekspertizu-video-pod-kotorym-sulejman-kadyrov-yakoby-napisal-komentarij>

³² <http://ctrcenter.org/ru/news/326-sulejmanu-kadyrovu-naznachali-dopolnitelnuyu-psihologo-lingvisticheskuyu-ekspertizu>



FREEDOM OF PEACEFUL ASSEMBLY

On January 23, the «Justice of the Peace» in Bakhchisarai acknowledged Osman Belyalov guilty of participation in an unauthorized mass event and sentenced him to a fine of 10,000 rubles. Belyalov witnessed the searches of the Crimean Tatars in Bakhchisarai on May 12, 2016. Then the citizens of Bakhchisarai gathered outside the «Salachik» cafe to support the family that was searched. The court found it as an unauthorized rally. Osman Belyalov pleaded not guilty and claimed that the people gathered to discuss the incident; they did not have with them posters and symbols and did not prevent the passage of vehicles.

Marlene Asanov, the cafe owner, was found guilty at the same charges³³.

On January 24, the «Supreme Court» of Crimea partially granted the appeal against the decision of «Bakhchisaray District Court» in the case of **Enver Sherfiev** about bringing him to administrative liability under Part Article 6.1. 20.2 of the Administrative Code of the Russian Federation. He was convicted on the same charges as Belyalov. The Court reduced the amount of the fine from 15,000 to 10,000 rubles³⁴.

³³ <http://ru.krymr.com/a/news/28251783.html>

³⁴ https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=251893253&result=1&delo_id=1502001



FREEDOM OF MOVEMENT AND ISSUES RELATED TO CHECKPOINTS PASSING

On January 4, at Russian media it was reported that at the checkpoint «Dzhankoy» the border guards of the Federal Security Service of Russia detained two citizens of Ukraine, who intended to leave Crimea. The couple previously tried to get «Russian passport» in Sevastopol without which it is impossible to realize the majority of socio-economic rights. The Federal Migration Service accused them of submitting false information and refused to issue documents. When the citizens of Ukraine were trying to leave Crimea and were heading to mainland Ukraine, the Federal Security Service of Russia Border Service officers detained them. They told the couple that they are in the «federal wanted list» for «falsification of documents»³⁵.

On January 10, it became known that the border guards of the Federal Security Service of Russia at the checkpoint «Perekop» detained Ukrainian citizen born in 1973 that intended to pass on the territory of Crimea. According to Federal Security Service of Russia data previously on the initiative of the Migration Service of Krasnodar region the Ukrainian was denied entry to Russia until 2019. The Federal Security Service of Russia reported that the man allegedly «decided to bypass the ban and applied to the registrar of the city New Kakhovka Kherson region with the application with a different name, and then received a new passport». The report states that now the Ukrainian is in custody in respect of a criminal case. According to the newspaper, the Ukrainian faces the fine of up to 300 thousand rubles or imprisonment for up to four years³⁶.

³⁵ <https://rg.ru/2017/01/04/reg-ufo/v-krymu-zaderzhali-nahodiashchihsia-v-federalnom-rozyske-ukraincev.html>

³⁶ <http://www.c-inform.info/news/id/47675>



VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

FORCIBLE TRANSFER OF THE POPULATION

In violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the Russian authorities continue to move the citizens of Ukraine and persons who live in occupied territory from the territory of Crimea to the pre-detention centres in Russia against their will.

On January 20, the «Yevpatoriya Court» decided to appoint a fine and deportation of a local resident of Crimea, a Ukrainian citizen and activist Konstantin Sizarev. Judge Galina Lobanova found him guilty under Part 3 of Article 20.25 of the Administrative Code of the Russian Federation (evasion of a foreign citizen or stateless person to perform an administrative penalty in the form of administrative expulsion from the Russian Federation in the form of controlled independent leaving from the Russian Federation). After the verdict Sizarev was forcibly taken from the «Yevpatoriya court» to the Headquarters for the detention of foreign citizens and stateless persons in Novoukrainskoe village of Krasnodar Territory of Russia³⁷.

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³⁷ https://vk.com/id163605369?w=wall163605369_4725