



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

August 2018

The monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in August 2018

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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

BAN ON TORTURE

On August 15th Mr **Murad Aliyev**, a former prisoner of penal colony No 2 in Kerch, told about torturing the people serving the sentences there at the press conference in Kyiv. According to his words, the penal staff beat the sentenced so that no violence could be traced on their bodies, terrified them, and 'outraged morally the human dignity'.¹

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

DETENTIONS

In August the RF FSB men detained Ukrainian nationals at least three times at the check points with Crimea for more than three hours.

On August 25th Mr **Server Devletshayev**, a Crimean Tatar and a resident of Kyiv, was detained at the ARMIANSK check point. His spouse and the children were allowed to leave Crimea, while Mr. Devletshayev was restrained by the RF FSB for over 18 hours — from 07.00am, August 25th, till 01.30am August 26th. It was also reported that Mr. **Isliam Karakashev**, a Crimean Tatar, was retained for more than three hours at the CHONGAR check point on August 25th.²

On August 27th at 06.00am the RF FSB men detained Mr. **Reshat Medinov**, a Crimean Tatar, at the ARMIANSK check point.³ His brother informed that the border guard officers refused providing the relatives with any information about the detention by phone. Mr Medinov was let off at about 02.00pm, after he had been retained at RF FSB Krasnoperekopsk branch.

SEARCHES

On August 3rd the Russian policemen searched the house of Mr **Lenur Abliazimov**, a Crimean Tatar activist, in the settlement of Kalinovka, Leninsky district. The laptop and books in Crimean Tatar were appropriated during the search. According to the activists, the police showed a 'court' ruling only for 'residence inspection'⁴, not a search. Activist Zair Smedliayev informed that Mr Abliazimov, after the search, had been conveyed to the local police station for questioning, and then he had been released on his own recognizance not to leave the settlement and not to disclose investigation secrecy.⁵

On August 29th the RF FSB men searched the house of Ms **Olga Pavlenk**, an activist of Ukrainian Cultural Center, in Simferopol. The search had been authorized by 'Kievsky district court' of Simferopol ruling. During the search notebooks with notes and a mobile were withdrawn,

¹ Центр інформації про права людини | "Це жахливо — бачити жах і слюзи згвалтованого дорослого чоловіка"

https://humanrights.org.ua/material/murad_alijev_rozpoviv_pro_perebuвання_u_kerchenskij_vipravnij_koloniji

² <https://www.facebook.com/crimeansolidarity/photos/a.416800078687454/693900944310698/?type=3&theater>

³ <https://www.facebook.com/photo.php?fbid=1905269852886768&set=a.509289462484821>

⁴ <https://www.facebook.com/crimeansolidarity/videos/670364846664308/>

⁵ <https://www.facebook.com/zair.smedlya/posts/1793501247351702>



information from the personal computer was copied. After the search Ms Pavlenko was questioned at the RF Investigation Committee as a witness within the criminal case on involvement of some Crimean activists into activities of the Pravy Sector organization forbidden in the RF.⁶

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

THE CASE OF SENTSOV, KOLCHENKO, AFANASIEV, CHIRNII

Mr Oleg Sentsov, a Ukrainian film maker and a political prisoner, is still on a hunger strike started on May 14th 2018 in the Labytnagi Russian penal colony.

On August 6th the Administration of RF President rejected the application of Oleg Sentsov's mother for pardon for her son, stating that the Ukrainian should 'himself apply for pardon'.

On August 7th lawyer D. Dlnse reported that Mr Sentsov felt worse, though he refused being moved to a local hospital since he thought that an A&E unit head was aggressive to him.⁷

On August 15th the press office of Governor of Yamal-Nenetsky Autonomous Area informed that the area commission on pardon issues had rejected to petition for pardoning Mr Oleg Sentsov: his mother's one and that of Rev. Clemens, Archbishop of Simferopol and Crimea (KP UOC). The reason for rejection was that Mr Sentsov had to submit such application by himself.⁸ However, political prisoners discharged from custody earlier (Mr Ilmi Umerov, Mr Akhtem Chiygoz) did not submit any petitions for pardon and were granted pardon by RF President due to political arrangements on their discharge.

ALEKSANDR KOSTENKO'S CASE

On August 3rd political prisoner Aleksandr Kostenko finished the whole term and got out of the Russian penal colony # 5 of Kirovo-Chepetsk town (RF).⁹ On August 6th, escorted with officials of the Ukrainian Consulate to Russia, he arrived in Kyiv.

Mr Kostenko was unlawfully detained in Simferopol on February 5th 2015 and subject to torturing. The Russian authorities accused him of inflicting minor body injuries on a man from BERKUT special police unit of MIA of Ukraine during mass protests at the Maydan in February 2014 and storing the arms. He was found guilty in violating RF CC Article 115.2-6 (*intended minor health harm*) and Article 222.1 (*unlawful storage of firearms*) and sentenced to 4 years and 2 months in the general regime penal colony. On August 26th the SCRC changed the sentence term to 3 years and 11 months accumulatively. During the investigation the activist was tortured many times that caused a severe injury of his arm, and now he needs a surgery and treatment.

⁶ <http://crimeahrg.org/vdome-aktivistki-ukrainskogo-kulturnogo-tsentra-v-kryimu-olgi-pavlenko-sotrudniki-fsb-proveli-obyisk/>

⁷ Hromadske | Sentsov's condition becomes worse but he is refusing hospital treatment — lawyer <https://hromadske.ua/posts/stan-sentsova-pohirshuietsia-ale-vin-vidmovliaietsia-vid-hospitalizatsii-advokat>

⁸ Interfax | YaNAO commission for pardon issues rejected a petition from Sentsov's mother <http://www.interfax.ru/russia/625377>

⁹ Hromadske | Ukrainian political prisoner Kostenko is walking free <https://hromadske.ua/posts/ukrainskyi-politviazhen-kremlia-kostenko-vyishov-na-svobodu-hromadska-nahliadova-komisija>



«CASE OF CRIMEAN MUSLIMS»

In August the number of people in custody within the 'Crimean Muslims Case' totaled 29:

- **Mr Ruslan Zeytullayev, Mr Rustem Vaitov, Mr Nuri Primov, Mr Ferat Sayfullayev:** have been brought in guilty and are in the colonies on the RF territory;
- **Mr Inver Bekirov, Mr Vadim Siruk, Mr Muslim Aliyev, Mr. Emir Usein Kuku, Mr. Refat Alimov, Mr. Arsen Djepparov, Mr Enver Mamutov, Mr Remzi Memetov, Mr Zevri Abseitov, Mr Rustem Abil'tarov:** the case is being considered at the RF court, and they are in Rostov-na-Donu Detention Center;
- **Mr Teymur Abdullayev, Mr Rustem Ismailov, Mr Ayder Saledinov, Mr Uzeir Abdullayev, Mr Emil' Djemadenov, Mr Marlen Asanov, Mr Seyran Saliyev, Mr Memet Belialov, Mr Timur Ibragimov, Mr Server Zakiryayev, Mr Ernes Ametov, Mr. Enver Seytosmanov, Mr Server Mustafayev, Mr Edem Smailov:** a case is at pre-court investigation stage, and they are in Simferopol Detention Center.

All have been charged with 'Hizb-ut-Tahrir' membership, RF CC Article 205.1 (*Establishment of terrorist organization*) and/or RF CC Article 205.5-2 (*Membership in the terrorist organization*). Later some defendants were charged under RF CC Article 278 (*Violent upheaval or violent power retention*).

- **Mr Nariman Memedeminov** is charged with publishing a video with 'Hizb-ut-Tahrir' symbols, RF CC Article 205.2-2 (*Public appeals to terrorist activities, public justification of terrorism or propaganda of terrorism*).

On August 7th and 8th Mr Denis Didenko, a judge of 'Kievsky District Court of Simferopol', extended the detention periods for **Mr Marlen Asanov, Mr Server Zekiryayev, Mr Timur Ibragimov, Mr Seyran Saliyev, Mr Server Mustafayev and Mr Edem Smailov** till October 9th 2018.¹⁰

On August 9th Mr Oleg Lebed', a judge of the 'Supreme Court of Republic of Crimea' (hereinafter SCRC), upon a petition of RF FSB Major R.S. Gorbachev, extended a detention period for **Mr Aider Saledinov** till September 11th, 2018.¹¹

On August 10th Mr Viktor Zin'kov, a SCRC judge, uphold a ruling on keeping **Mr Ernes Ametov and Mr Marlen Asanov** in custody till September 9th.¹² The session was in camera, with Mr Asanov and Mr Ametov staying in the detention center and participating in the session via a video call.¹³ Similar to the previous cases, considering the appeal was nothing more than to follow a procedure since a new ruling on keeping them in custody till October 9th 2018 had been made already.

On August 10th Mr Viktor Zin'kov, a SCRC judge, upon a petition of RF FSB Major R.S. Gorbachev, extended a detention period for **Mr Rustem Ismailov, Mr Teymur Abdullayev, Mr Uzeir Abdullayev, and Mr Emil' Djemadenov** till September 11th 2018.¹⁴

¹⁰ Krym Realii | Court in Simferopol extended arrest for Hizb-ut-Tahrir Bakhchisarai case defendants <https://ru.krymr.com/a/sud-simferopol-arest-figurantam-hizb-ut-tahrir/29417566.html>

¹¹ "SCRC| Lists of cases to be heard on 9 August 2018. Case 3/2-36/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&sv_num=1&H_date=09.08.2018

¹² "SCRC| Lists of cases to be heard on 10 August 2018. Case 22K-2139/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&sv_num=1&H_date=10.08.2018

¹³ https://www.facebook.com/crimeansolidarity/posts/677568725943920?_tn_ =K-R

¹⁴ "SCRC| Lists of cases to be heard on 10 August 2018. Cases 3/2-35/2018, 3/2-37/2018, 3/2-38/2018, 3/2-39/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&sv_num=1&H_date=10.08.2018



On August 13th Ms Yanina Okhota, a judge of 'Kievsky District Court of Simferopol', extended a detention period for **Mr Nariman Memedeminov** till October 15th 2018. According to the information of lawyer E.Semedliayev, the session was in camera, with only the spouse admitted.¹⁵

On August 21st a judge of the North Caucasus Area Military Court (RF) returned the cases of Crimean Muslims (**Mr Emir-Usein Kuku, Mr Inver Bekirov, Mr Muslim Aliyev, Mr Vadim Siruk, Mr Arsen Djepparov, Mr Refat Alimov**) accused of membership in the Hizb-ut-Tahrir Yalta unit, to the Prosecutor's office for producing a new indictment. The judge thinks that Mr Bekirov should be named a unit organizer, not just a member. According to the information of lawyer A.Ladin, both the defense and the prosecution spoke against returning the case.¹⁶

«UKRAINIAN SABOTEURS' CASE»

In August 12 people accused on detaining with espionage or preparation of sabotage by RF FSB were in custody: **Mr Yevgeniy Panov, Mr Andrey Zakhtey, Mr Vladimir Prisich, Mr Vladimir Dudka, Mr Dmitriy Shtyblikov, Mr Aleksey Bessarabov, Mr Gleb Shabliy, Mr Aleksey Stogniy, Mr Gennadiy Limeshko, Ms Anna Sukhonosova, Mr Dmitriy Dolgopolov, Mr Konstantin Davydenko**. Unlawful methods of investigation and torturing for securing confessions were recorded in these cases.

On August 2nd hearing the merits of criminal case of **Mr Aleksey Bessarabov and Mr Vladimir Dudka** charged with preparing a sabotage in Crimea and storing unlawfully explosive substances started in the "Sevastopol City Court". As the lawyer informed, two witnesses of seven declared were interviewed during the first session. The first to speak was a defendant's relative who did not affirm the investigator's version that a mobile found during the search was Vladimir Dudka's. The second one was an engineer from the oil warehouse who described only hypothetical effects in case of the sabotage attacks.¹⁷

On August 9th Mr Petr Dudka informed that no letters from the relatives were handed to his brother Vladimir Dudka in the Simferopol Detention Center.¹⁸

On August 9th a spouse of **Mr Gennadiy Lemeshko**, a 'Ukrainian Commandos Case' defendant, informed that he had been convoyed from Crimea to Krasnodar Area (Russia) to be convoyed further to one of RF penal colonies.¹⁹

VOLODYMYR BALUKH'S CASE

In August **Mr Volodymyr Balukh** was temporarily moved from the Simferopol Detention Center to the Razdol'noye Temporary Containment Cell. This was done because he had to learn his case files to appeal against the sentence: on July 5th he was ,cumulatively with the previous sentences for criminal cases, sentenced to 5 years in the general regime penal colony and a RUR10,000 fine.

¹⁵ Krym Realiy | Simferopol: the court extended an arrest for blogger Memedeminov <https://ru.krymr.com/a/news-simferopol-prodlili-arest-memedeminovu/29430782.html>

¹⁶ Mediazona | The court returned Hizb-ut-Tahrir Yalta case to the prosecutor's office to upgrade a charge for one of defendants <https://zona.media/news/2018/08/21/xizb>

¹⁷ Novaya Gazeta | A trial of 'Crimean commandos' started in Sevastopol <https://www.novayagazeta.ru/news/2018/08/02/143828-v-sevastopole-nachalsya-sud-nad-krymskimi-diversantami>

¹⁸ Krym Realiy | 'Ukrainian Commando' Dudka does not receive letters in the Simferopol Detention Center — relatives <https://ru.krymr.com/a/news-pisma-dudke/29422103.html>

¹⁹ https://www.facebook.com/permalink.php?story_fbid=2141160049498350&id=100008131277177



According to the relatives' information, he has got otitis but no necessary treatment is provided to him in the Containment Cell.²⁰

The 'Prosecutor's Office' of Crimea informed the Ukrainian's lawyers that the Detention Center administration had intended three times to place Mr Balukh into the punishment cell, though this had never happened because the punishment cell was permanently overcrowded (Annex 1)

VEDJIE KASHKA'S CASE

Mr Bekir Degermendji, Mr Asan Chapukh, Mr Kiazim Ametov and Mr Ruslan Trubach were detained on November 23rd due to a fake charge of extorting the money from a citizen of Turkey. During the detention Mrs Vedjie Kashka, a Crimean Tatar movement veteran, whom, as the detained said, the citizen of Turkey was to return the borrowed money, died.

On August 23rd Mr Aleksey Kozyrev, a SCRC judge, uphold a ruling on keeping **Mr Bekir Degermendji, Mr Asan Chapukh, Mr Kiazim Ametov and Mr Ruslan Trubach** in custody till September 15th.²¹ The judge ignored health issues of the case defendants. Mr Chapukh had got a high blood pressure before the session, and rejected the participation (he signed the relevant notice). Other case defendants participated via a video call from the Simferopol Detention Center.²²

ALEKSANDR STESHENKO'S CASE

It became known in August that on July 26th Mr Yuriy Gulevich, a judge of 'Tsentralny District Court', had sentenced **Mr Alexandr Steshenko**, a Ukrainian citizen, to 2 years in custody to be served in the penal settlement, under RF CC Article 167.2 (*willful damage of property of another*).²³

Mr Steshenko was detained on April 11 2018 at DZHANKOY Russian checkpoint for 12 days due to 'smoking in the improper place and defiance to police'. When his administrative arrest expired, he was kidnapped by the RF FSB men, and then accused of membership in the extremist organization.

²⁰ CHRГ | Volodymyr Balukh is temporarily in the Razdol'noye Containment Cell, he is facing health issues <https://crimeahrg.org/vladimir-baluh-vremenno-nahoditsya-v-ivs-razdolnogo-u-nego-problemyi-so-zdorovem/>

²¹ "SCRC | List of cases to be heard on 23 August 2018. Case 22H-2275/2018, https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=23.08.2018

²² Hromads'ke Radio | Vedjie Kashka case defendants kept in custody till September 14 <https://hromadskeradio.org/news/2018/08/23/figurantiv-spravy-vedzhiye-kashka-zalyshyly-pid-vartoyu-do-14-veresnya>

²³ CHRГ | Mr Steshenko, a Ukrainian, detained in Crimea for 'extremism' was sentenced to 2 years in the penal colony for property damage <http://crimeahrg.org/ukraintsa-steshenko-zaderzhannogo-v-kryimu-za-ekstremizm-dali-2-goda-kolonii-za-porchu-imushhestva/>



FREEDOM OF SPEECH AND EXPRESSION OF OPINIONS

It became known on August 17th that the 'Investigation unit for Zheleznodorzhny district of Simferopol' was dealing with pre-investigation check of **Ms Aliye Kenzhaliyeva**, a Crimean Tatar poetess, under Article RF CC 354.1 (*Rehabilitation of Nazism*) for poems published in KYRYM newspaper on May 9th 2018. Ms Kenzhaliyava was informed about this pre-investigation check by a criminal investigator of the RF police department for Crimea on June 27th. In her poems the poetess says that celebration of victory over Germany in WWII in Russia has transformed into a holiday of war²⁴. On August 25th the Investigation Unit of the RF Investigation Committee for Zheleznodorzhny district of Simferopol' reported that no signs of crime had been revealed in the pre-investigation check files on the publication of anti-war poems, and the criminal case was not started.

On August 29th **Ms Zera Bekirova**, an editor-in chief of Yanyy Diunya Crimean Tatar newspaper, resigned from the office due to censorship and a constant pressure of the Crimean authorities de facto on the newspaper journalists. Several periodical employees turned in a resignation together with her.²⁵

In July – August 2018, the CHRG **monitored blocking 30 websites** on the territory of Crimea, namely, Ukrainian information resources including major Ukrainian TV channel websites. The monitoring showed that 11 websites of this list were blocked by all seven providers checked in Crimea. Others were blocked in part. A detailed report on the monitoring outcomes is published at the CHRG website.²⁶

GUL'SUM ALIYEVA'S CASE

On August 10th an investigator informed lawyer E.Semedliayev that a criminal case under RF CC Article 282-1 had been started against Ms Gul'sum Aliyeva, a daughter of Muslim Aliyev, a defendant of 'Crimean Muslims case', for a repost in Facebook social network. But Ms Aliyeva was not informed about this, and no decree on commencing the criminal case was presented. Earlier, on July 19th, the Alievs' house was searched in order to find Gul'sum's mobile. The RF police think that this mobile had been used for reposting.

²⁴ Krym. Realii | Simferopol. A Crimean Tatar woman under a –pre-investigation check due to 'anti-way' poems <https://ru.krymr.com/a/news-proverka-stikh-krymskaya-tatarka/29438931.html>

²⁵ <https://avdet.org/ru/2018/08/29/glavnyj-redaktor-i-chast-kollektiva-uvolilis-iz-gazety-yany-dyunya/>

²⁶ CHRG | Minimum 11 Ukrainian websites blocked in Crimea in full, and 19 more in part (monitoring) <http://crimeahrg.org/minimum-11-ukrainskih-saytov-zablokirovani-v-krymu-polnostyu-eshhe-19-chastichno-monitoring/>



FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION

Simferopol Administration rejected to approve **an action against a retirement age increase** planned by the Communists on September 2nd. Ms Sofia Batova, an administration representative, when replying the event organizers, informed that another action has been approved for this time and this location. However, Mr Stepan Kisin, a RF Communist Party member and a Member of Simferopol City Council, did not find any incoming applications, but for the Communist Party one, in the Simferopol Administration correspondence register, and accused Ms Batova of telling lies²⁷. This case illustrates a practice of rejecting approvals of peaceful assemblies in Crimea on the ground of the other event to be held though nothing occurs in fact.

BAN ON DISCRIMINATION

Parents of schoolchildren (Sevastopol school No 46, village of Orlovka) were denied a right for children to be taught in Crimean Tatar. Ms Liudmila Soloshenko, a headmaster, refused to be handed applications on teaching in Crimean Tatar by the parents. She grounded this by lack of room and absence of Crimean Tatar speaking teacher for primary school. However, the parents insisted on registering 9 such applications.²⁸

²⁷ https://vk.com/kiskinstepan?z=photo262207991_456239832%2Fwall262207991_1333

²⁸ <https://soundcloud.com/lenura-yengulatova/priem-u-direktora-shkoly-s-orlovka-g-sevastopolya-1>



3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

DESTRUCTION OF IMMOVABLE AND MOVABLE ASSETS BY OCCUPYING POWER

Pursuant to Article 53 of Geneva Convention related to protection of civilian persons in time of war of 12 August 1949, any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.²⁹

On August 2nd legal enforcement units pushed away the activists of STRELKOVAYA Protest Site who demanded to stop demolition their houses.³⁰ The RF authorities rejected 'to legalize' houses of Crimean Tatars built on the STRELKOVAYA Protest Site. On the contrary, the authorities de facto granted a commercial company an approval for developing a new district — Crimean Rose — here.

On August 3rd Mr Vatan Karabash, a Crimean Tatar, protesting against the demolition of houses built on the STRELKOVAYA Protest Site, tried to set himself on fire during the rally against the demolition of houses in Simferopol city center. He was provided a necessary aid on time, and got few burns due to self-immolation.³¹

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²⁹ http://www.un.org/ru/documents/decl_conv/conventions/geneva_civilian_33.shtml

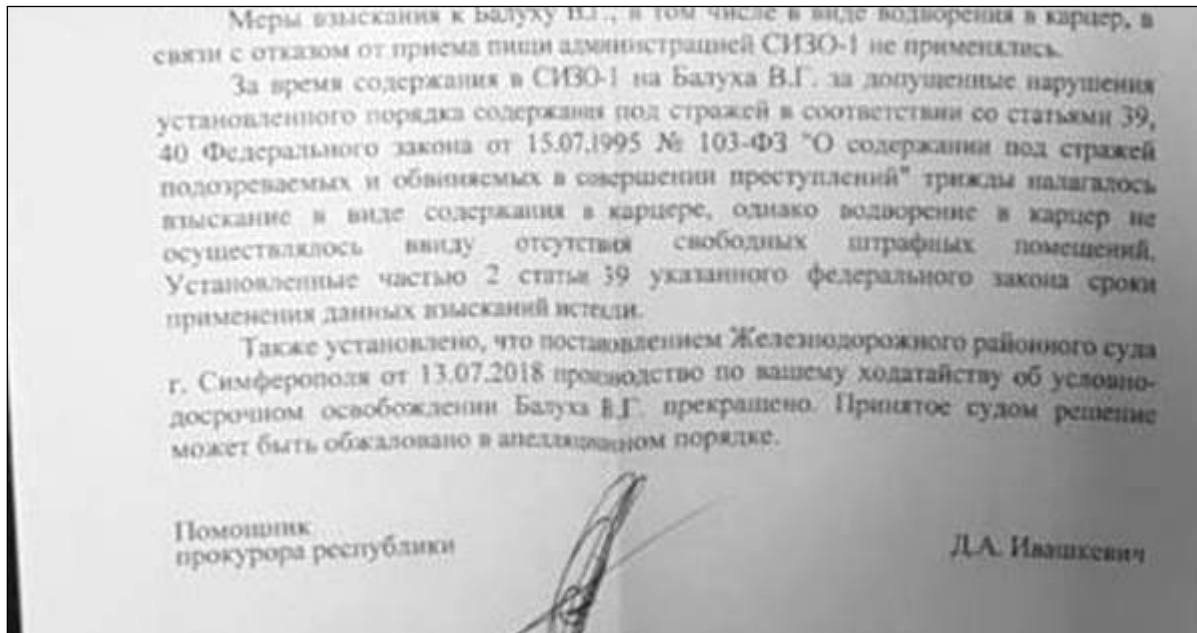
³⁰ https://www.facebook.com/mammet.mambetov/posts/1325279787608620?_tn_=K-R

³¹ <https://ru.krymr.com/a/video-samossozhenie-protest/29409667.html>



4. ANNEXES

ANNEX 1



*Fragment of the answer of the «prosecutor's office» of Crimea
to the lawyers of Volodymyr Balukh on applying penalties
to him in Simferopol pre-trial establishment (SIZO)*