



CRIMEAN HUMAN RIGHTS GROUP

e-mail: crimeahrg@gmail.com

website: crimeahrg.org

CRIMEAN HUMAN RIGHTS SITUATION REVIEW

December 2018

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

Follow the [link](#), to read
monthly monitoring reviews of the
Crimean Human Rights Group

Follow the [link](#), to read
thematic reviews and articles of the
Crimean Human Rights Group



CONTENTS

1. INTRODUCTION	2
2. CIVIL AND POLITICAL RIGHTS	3
Right to liberty and security of the person	3
<i>Searches and detentions</i>	3
Politically motivated criminal prosecution	4
« <i>Case of Crimean Muslims</i> »	4
« <i>Ukrainian saboteurs' case</i> »	5
<i>Volodymyr Balukh's case</i>	6
<i>Vedjie Kashka's case</i>	6
<i>Confinement conditions in detention facilities</i>	6
Freedom of speech and expression	8
<i>Elina Mamedova's case</i>	9
Freedom of peaceful assembly	9
Freedom of conscience and religion	9
3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW	10
Geneva Convention (III) relative to the Treatment of Prisoners of War	10
Geneva Convention (IV) relative to the Protection	11
of Civilian Persons in Time of War	
<i>Conscription of persons living in the occupied territory into armed forces</i>	11
<i>of occupying power and propaganda of joining voluntarily the armed forces</i>	



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

SEARCHES AND DETENTIONS

On 12 December, at the entrance to Crimea the FSB officers of the RF detained Crimean Tatar activist **Edem Bekirov**, who lives in Novoalekseevka on the territory controlled by Ukraine. In 2018 he underwent a cardiac surgery, and a removable denture is located on his right leg below the knee. According to his daughter, E. Bekirov headed to Crimea to visit his mother and relatives. He was detained around 8:30 AM, after that around 2:40 PM he was taken to the FSB building in Simferopol. In the presence of the appointed lawyer he was charged under Part 2 of Article 222 and Part 2 of Article 222.1 (*Illegal keeping and relocation of explosives and ammunition*).¹

The Federal Security Service of the RF published a video which states that in spring 2018 Edem Bekirov brought to Crimea 12 kg of trotyl and 200 bullets. No evidence of Bekirov's involvement in the "discovered" cache was provided.²

On 13 December, the Kievsky District Court of Simferopol remanded Edem Bekirov in custody till 11 February 2019. The court ignored the lawyer's statement that a surgery was scheduled for Bekirov on 16 December. During the hearing, Bekirov became ill, the arriving doctors diagnosed him with a drop in blood sugar and blood pressure.³

On 18 December, Lawyer A. Ladin stated that Bekirov was placed in a mass cell of the detention center. From the moment of his arrest, he had never put a necessary bandage on the leg at the place of amputation.⁴

On 14 December, Mustafir Zaman stated that Crimean Tatar activist **Ali Osmaniv** was searched. According to his information, they were searching for prohibited literature and weapons. They didn't find anything during the search, but they took a DNA sample from Osmanov's father.⁵

¹ <https://www.facebook.com/photo.php?fbid=2039951666098345>

² Krym Inform | The FSC charged participant of the nationalistic organization for cache with ammunition in Crimea <http://www.c-inform.info/news/id/72612>

³ <https://www.facebook.com/crimeansolidarity/posts/752540955113363>

⁴ Krym.Realii | Edem Bekirov with diabetes deprived of adequate medical aid in the Crimean Detention Center – lawyer <https://ru.krymr.com/a/news-v-krymu-ne-okazyvayut-pomosch-edemu-bekirovu/29663494.html>

⁵ https://www.facebook.com/permalink.php?story_fbid=705358119863905&id=100011691698996



POLITICALLY MOTIVATED CRIMINAL PROSECUTION

«CASE OF CRIMEAN MUSLIMS»

In December 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 3 December, journalist A. Efimenko reported that Anatoliy Kolesnik, a judge of the North Caucasus District Court, decreed to convoy **Teymur Abdullaev, Uzeir Abdullaev, Emil Dzhemadenov, Aider Saledinov and Rustem Ismailov** from Crimea to the Rostov-na-Donu Detention Center (RF) and to extend terms of detention for them till 19 February 2019.⁶ On 6 December, Lawyer E. Semedlyev stated that they were convoyed to the Rostov-na-Donu Detention Center.⁷

On 5 December, the Kievsky District Court of Simferopol extended a term of duration for **Server Mustafaev and Edem Smailov** till 9 February 2019. The hearing was held behind closed doors.⁸

On 6 December, Aleksey Kozyrev, a judge of the Supreme Court of the Republic of Crimea (SCRC), extended terms of duration for **Timur Ibragimov and Ernes Ametov** till 9 February 2019.⁹

On 7 December, Oleg Lebed and Eduard Belousov, judges of the Supreme Court of the Republic of Crimea, upon a petition of Dmitriy Gramashov, a FSB investigator, extended terms of detention for **Marlen Asanov, Seiran Saliev, Memet Belyalov and Server Zekeryaev** till 9 February 2019.¹⁰

⁶ https://www.facebook.com/oleksandra2501/posts/368242360648293?_tn_=-H-R

⁷ <https://www.facebook.com/crimeansolidarity/videos/1950316875003375/>

⁸ <https://www.youtube.com/watch?v=qSV42j1AcTA>

⁹ SCRC | List of cases to be heard on 06.12.2018. Cases 3/2-75/2018 and 3/2-74/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=06.12.2018

¹⁰ SCRC | List of cases to be heard on 07.12.2018. Cases 3/2-72/2018, 3/2-73/2018, 3/2-76/2018, 3/2-77/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=07.12.2018



On 19 December, a judge of the Supreme Court of the Republic of Crimea upheld the decree on the detention in custody for **Ernes Ametov and Server Zekeryaev**.¹¹

On 13 December, **Server Mustafayev** was placed in a psychiatric institution for a month-long forcible psychiatric evaluation.¹²

On 12 December, Valentina Kamynina, a judge of the Kievsky District Court of Simferopol, extended a term of detention for **Nariman Memedeminov** till 18 February 2019.¹³

On 11 December, in the course of disputes at the North Caucasus Area Military Court the prosecutor requested 17 years of imprisonment for Enver Mamutov, 12 years and 6 months of imprisonment for Remzi Memetov, 10 years of imprisonment in maximum security penal colony for Ruslan Abiltarov and Zevri Abseitov.¹⁴

On 24 December, Roman Plisko, a judge of the North Caucasus District Court, sentenced **Enver Mamutov** to 17 years of imprisonment in maximum security penal colony with restriction of liberty for a period of 1 year 6 months, **Ruslan Abiltarov, Remzi Memetov and Zevri Abseitov** — to 9 years in maximum security penal colony with restriction of liberty for a period of 1 year.¹⁵

On 21 December, according to Lawyer A. Sokolov, the Kurganskiy City Court refused the release on parole for **Rustem Vaitov**, previously sentenced to 5 years of imprisonment.¹⁶

On 24 December, according to journalist A. Naumlyuk, Elena Yakimova, a judge of the Soviet District Court of the Mari El Republic, refused the release on parole for **Nuri Primov**,¹⁷ previously sentenced to 5 years of imprisonment.

In December, the Russian authorities convoyed **Emir-Usein Kuku, Vadim Siruk, Muslim Aliev, Inver Bekirov, Refat Alimov and Arsen Dzhepparov** from Rostov-na-Donu (RF) back to Simferopol. On 20 December, journalist Anton Naumlyuk reported that Inver Bekirov and Vadim Siruk were held in a special unit of the Krasnodar Detention Center (RF).¹⁸ On 28 December, he reported that Muslim Aliev and Emir-Usein Kuku were held in a “transit” cell of the Simferopol Detention Center.¹⁹

«UKRAINIAN SABOTEURS’ CASE»

In December 13 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, Mr Yunus Masharipov**. Unlawful methods of investigation and torturing for securing confessions were recorded in these cases.

¹¹ SCRC | List of arranged cases for 19.12.2018 Case No. 22K-3471/2018 and Case No. 22K-3469/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=19.12.2018

¹² Krym.Realii | Lawyer: Server Mustafaev called “punitive psychiatry” his placement in a psychiatric institution. <https://ru.krymr.com/a/news-server-mustafaev-karatelnaya-psihiatria/29656233.html>

¹³ https://www.facebook.com/crimeansolidarity/posts/751786205188838?_tn_=H-R

¹⁴ <https://www.facebook.com/crimeansolidarity/videos/356399168272730/>

¹⁵ <https://www.facebook.com/crimeansolidarity/videos/373398549931009/>

¹⁶ <https://www.facebook.com/aleksey.sokolov.54/videos/1940966266016557/>

¹⁷ <https://www.facebook.com/photo.php?fbid=2280685268633067>

¹⁸ <https://www.facebook.com/anton.naumlyuk/posts/2274279252607002>

¹⁹ <https://www.facebook.com/anton.naumlyuk/posts/2285869984781262>



On 3 December, **Evgeniy Panov**, a Ukrainian citizen, was convoyed from Moscow to the Simferopol Detention Center.²⁰ On 6 December, Lawyer Olga Dinze reported to CHPG that Panov was convoyed again from Crimea to Krasnodar (RF).²¹ The reasons for such movements were not explained either to lawyers or relatives.

In December, the Sevastopol City Court continued its hearings in the case of **Vladimir Dudka and Alexei Bessarabov**, during which the witnesses for the prosecution were questioned. On 20 and 25 December, Dudka and Bessarabov reported about the falsification of the evidences by investigators.²²

VOLODYMYR BALUKH'S CASE

On 20 December, Aleksandr Kovalev, a judge of the Kerchenskiy City Court, issued a decree on the appointment of a court hearing for consideration of the petition about the release on parole for **Volodymyr Balukh**. The petition was filed by the activist's lawyer. The session is scheduled for 9 January 2019.

VEDJIE KASHKA'S CASE

Mr Bekir Degermendji, Mr Asan Chapukh, Mr Kiazim Ametov and Mr Ruslan Trubach were detained on 23 November 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 4 December, Mikhail Belousov, a judge of the Kievsky District Court, extended terms of detention for Kazim Ametov, Bekir Degermendji and Ruslan Trubach till 7 March 2019, and a term of house arrest for Asan Chapukh.²³

CONFINEMENT CONDITIONS IN DETENTION FACILITIES

Vladimir Dudka's son I. Kavernikov informed that his father suffered severe hypertension. In Autumn 2018, he was taken for medical examination, but the results were still missing. He was forced to be treated with drugs that were prescribed 5 years ago.²⁴

On 21 December, Lawyer A. Ladin stated that from 13 to 16 December, Edem Bekirov, who was in the Simferopol Detention Center, lacked bandaging materials. As a result, he could not bandage his leg in the place of amputation, which was constantly bleeding. After the materials had been transferred, he bandaged himself up, because the medical officer did

²⁰ Krym.Realii | Panov conveyed to Crimea under the Ukrainian saboteurs' case — family <https://ru.krymr.com/a/news-ukrainskogo-diversanta-panova-etapirovali-v-krym/29637662.html>

²¹ <https://www.facebook.com/crimeaahrg/photos/a.1677121552573479/2204223599863269>

²² Krym.Realii | Persons involved in the Ukrainian saboteurs' case ceased to submit to the court with statement about falsifications — lawyer <https://ru.krymr.com/a/news-obvinyaemue-po-dely-diversantov-zakonchili-predstavlyat-zayavlenia-o-falsificatsiah/29676100.html>

²³ Kievsky District Court of Simferopol | List of cases to be heard on 04.12.2018. Case No. 1-409/2018 https://kiev-simph--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=04.12.2018

²⁴ CHRG | Failure to provide medical aid to Vladimir Dudka from Sevastopol can lead to serious consequences, — relatives <https://crimeahrg.org/neokazanie-meditsinskoy-pomoshhi-sevastopoltsu-vladimiru-dudke-mozhet-privesti-k-tyazhelyim-posledstviyam-rodstvenniki/>



not attend. The lawyer stated that Bekirov was held not in a medical unit, but in a mass cell of the detention center.²⁵

On 27 December, the President of the RF signed a package of three laws that toughens detention conditions for the convicted under “extremist” and “terrorist” articles. One of the laws introduces changes to Articles 58 and 72 of the Criminal Code of the Russian Federation, according to which the convicts under Article 205.2 may serve part of the sentence in prison, and not in colonies.²⁶ The convicted under Article 205.5 after sentencing will have to spend at least one year in prison, regardless of how much time they spent in the detention center. Conditions of servicing sentence in jails are severer, than in correctional facilities. For example, those who serve their sentences in prison cannot move around the territory of a correctional facility without an escort, such people are practically not be required to work. Today, according to the CHRG data, 25 Crimean residents are held in the Simferopol Detention Center — persons in connection with the “Hizb ut-Tahrir case” accused under Article 205.5 and Article 205.2, to which these changes apply.²⁷

²⁵ <https://www.facebook.com/crimeansolidarity/videos/1182527771899243/>

²⁶ <http://publication.pravo.gov.ru/Document/View/0001201812280041>

²⁷ CHRG | Conditions of servicing sentence for part of the Crimean political prisoners will become even worse
<https://crimeahrg.org/usloviya-otbyvaniya-nakazaniya-dlya-chasti-kryimskih-politzacliuchennyih-stanut-eshhe-huzhe/>



FREEDOM OF SPEECH AND EXPRESSION

Rosfinmonitoring enrolled **Gulsum Aliev** to the “list of extremists and terrorists”.²⁸ A criminal case was opened against her under Part 1. Article 282 of the Criminal Code of the RF (*Incitement of hatred or enmity, as well as abasement of human dignity in the Internet*) for reposts in social network, but the sentence has not been delivered yet. Entering people into the Rosfinmonitoring list entails financial and property restrictions for them, even though their guilt is not yet proven. Financial, banking, credit organizations in relation to such people have the right to suspend the use of their accounts, reject monetary transactions, and refuse to serve the client.

On 6 December, the employees of the Center of the Ministry of Interior of the RF detained Lawyer of **Emil Kuberdinov** for countering extremism. The reason for the detention was a video published in 2013 in the social network “Facebook” with the “Hizb-ut Tahrir” symbols banned in the Russian Federation. The charges were brought to the lawyer under Part 1 Article 20.3 of the Code of the Russian Federation on Administrative Offenses (*Public demonstration of symbols of forbidden organization*).²⁹ Employees of the “Center E” confiscated his laptop, hard disk and mobile phone. The record in respect to Kuberdinov was drawn up by Ruslan Shambazov, an employee of the “Center E”. On the same day Anton Tsykurenko, a judge of the Kievskiy District Court of Simferopol, initiated consideration of the case of Emil Kuberdinov and continued it on the next day.³⁰ On 7 December, the court decreed 5 days of administrative arrest for Emil Kuberdinov.³¹

On 11 December, Emil Kuberdinov was released from custody. On 12 December, Yekaterina Timoshenko, a judge of the Supreme Court of the Republic of Crimea, upheld his arrest.³² Earlier, in January 2017 Emil Kuberdinov served out the 10-days’ administrative arrest for similar posts, but published in the VKontakte social network. The same Ruslan Shambazov drew up a report in 2017.

On 27 December, Law No. 519-FL was published,³³ which provides for administrative responsibility for “rousing hatred” posts in social networks, instead of criminal prosecution under Article 282 of the Criminal Code of the RF. Administrative responsibility comes only on the first fact of violation. This allows to dismiss criminal proceedings under the cases initiated earlier and review the imposed sentences under Article 282 of the Criminal Code of the RF.

At the same time Law № 521-FL was published,³⁴ which introduces new Article 20.3.1 of the Code of the Russian Federation on Administrative Offenses (*Incitement of hatred or enmity as well as human dignity abasement*). It provides for a fine from Rubles 10000 to Rubles 20000, 100 hours of compulsory community service or up to 15 days of administrative arrest.

The Russian authorities in Crimea actively apply Article 282 of the Criminal Code of the RF for the prosecution of activists for freedom expression of opinion in social networks.

On 29 December, Law No. 472-FL came into force which changes the response time of the hosting provider and the website owner to the Roskomnadzor’s notifications about the availability of prohibited information on the site. According to new regulations, this information should be deleted immediately, but earlier it had to be done during the day.³⁵

²⁸ Rosfinmonitoring | <http://fedsfm.ru/documents/terrorists-catalog-portal-act>

²⁹ <https://www.facebook.com/100004757052466/videos/1171601316341759/>

³⁰ https://www.facebook.com/crimeansolidarity/posts/747827495584709?_tn_ =H-R

³¹ <https://www.facebook.com/crimeansolidarity/posts/748335888867203>

³² SCRC | List of cases to be heard on 12.12.2018. Case No.12-895/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=12.12.2018

³³ <http://publication.pravo.gov.ru/Document/View/0001201812270078>

³⁴ <http://publication.pravo.gov.ru/Document/View/0001201812280002>

³⁵ <http://publication.pravo.gov.ru/Document/View/0001201812180020>



ELINA MAMEDOVA'S CASE

On 4 December, Sergey Smirnov, a judge of the Yaltinskiy City Court, refused the lawyer to satisfy a complaint against initiation of a criminal case under Article 282 of the Criminal Code in relation to **Elina Mamedova** for reposts at VKontakte social network.³⁶

On 21 December, Alla Ovchinnikova, a SCRC judge, refused to satisfy a complaint of Mamedova's defence against a search in her house on 28 November 2018, during which a toothpaste was confiscated for sampling of Mamedova's DNA.³⁷

FREEDOM OF PEACEFUL ASSEMBLY

On 6 December, the "government" of Sevastopol published a decree, in which new "specially designated places" for peaceful gatherings of citizens were defined. A comparison of the places allowed for holding peaceful assemblies in Sevastopol before and after the adoption of the resolution shows that the de facto authorities of Sevastopol once again restricted the freedom of assembly and in two cases moved the "permitted" places far to the outskirts of the city. In another case, they changed the place from the square to the narrow alley where the playground is located.³⁸

FREEDOM OF CONSCIENCE AND RELIGION

On 24 December, Inna Semenets, a Magistrate of the Evpatoriyskiy Judicial District, passed a judgment on imposing a fine on the Karaimskiy Religious Community under part 3 of Article 5.26 of the Code of the Russian Federation on Administrative Offenses for the lack of signs on the building of a religious organization.³⁹ In December, the Crimean magistrates considered at least 5 cases on "illegal missionary activity". In total, in 2018, 30 such cases were considered, and in at least 18 cases an administrative penalty was imposed.

³⁶ CHRГ | The Yaltinskiy court did not cease criminal proceedings for reposts in social networks against Mamedova <https://crimeahrg.org/yaltinskiy-sud-ne-zakryil-ugolovnoe-delo-protiv-mamedovoy-za-repostyi-v-sotssetyah/>

³⁷ CHRГ | The court dismissed an appeal of Elina Mamedova' defence of a search warrant <https://crimeahrg.org/sud-otkazal-zashhite-elinyi-mamedovoy-v-obzhalovanii-postanovleniya-na-obyisk/>

³⁸ CHRГ | The possibility to peacefully gather in Sevastopol has been significantly reduced <https://crimeahrg.org/v-sevastopole-eshhe-bolshe-ogranichili-vozmozhnost-provedeniya-mirnyih-sobraniy/>

³⁹ Magistrates of the RF | Texts of the judgments in cases Case No. 05-0493/42/2018 <http://mirsud82.rk.gov.ru/officework/dectextsas/>



3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

GENEVA CONVENTION (III) RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

On 4 December, Tatyana Potyayeva, a Representative of the Russian Federation of Human Rights in Moscow, visited three wounded Ukrainian servicemen in the Matrosskaya Tishina Detention Center. According to her, they were held in cells together with prisoners, who were first brought to justice. She also visited the sailors held in the Lefortovo Detention Center who, according to her information, were held in one-bunk cells.⁴⁰

However, information from lawyers of the prisoners of war does not confirm the statement of Tatyana Potyayeva. On 18 December, Lawyer N. Pozolov stated that all sailors in the Lefortovo Detention Center were held in two-bunk cells.⁴¹ Lawyer E. Kurbedinov stated that Bogdan Nebilitsa was held with a prisoner name Muhammed.⁴² Lawyer S. Novikov stated that Sergey Tsybizov was held in a two-bulk cell with a prisoner named Dmitriy.⁴³ Lawyer N. Fomin stated that Evgeniy Semidotskiy was held with a prisoner under another criminal case.⁴⁴ Lawyer I. Valyaliev stated that Mikhail Vlasyuk was held in two-bunk cell.⁴⁵

On 10 December, TSN published letter of Andrey Eyder and Andrey Artemenko. They report that they are cut off from communication with the outside world, they know nothing about the fate of other detained sailors, they are forbidden to use a mobile phone.⁴⁶

During the period of 19 December to 26 December Andrey Paliy, Alla Ovchinnikova, Galina Redko, Sergey Rubanov, Igor Kryuchkov, Tatyana Melnik, Aleksey Posledov and Sergey Pogrebnyak, the judges of the Supreme Court of the Republic of Crimea, upheld the decree of the detention on custody for 20 Ukrainian prisoners of the war. A term of detention was changed for one day — the end of the period from 24 January 2019, and not 25 January.

The Judges ignored a plea of the defense and the accused that they were prisoners of the war and their cases could not be considered by civil court. For example, judge Andrey Paliy reasoned that in his opinion Sergey Tsybizov was not a prisoner of the war, as “the Russian Federation is not in the midst of armed conflict with Ukraine”.⁴⁷ This statement contravenes Article 2 of Geneva Convention III, according to which a fact of the armed conflict does not depend on its recognition by one of the parties.

On 19 December, according to Lawyer Anri Tsiskarishvili, Alla Ovchinnikova, a judge of the Supreme Court of the Republic of Crimea, refused to provide an interpreter to Vladimir Veremeze, a Ukrainian serviceman, during the consideration of the appeal against the detention decree.⁴⁸

⁴⁰ Moscow Human Rights Commissioner Tatyana Potyayeva visited the Ukrainian sailors in the Matrosskaya Tishina and Lefortovo Detention Centers. http://ombudsman.mos.ru/ru/news/press_activities/1/1737/index.html?fbclid=IwAR1EcDTMwMLqZXUJ_p_SuGcsaZLGcCOkciWkCjgxl0KioRgw5FmpO_PtgUE

⁴¹ <https://www.facebook.com/groups/1668609776573219/permalink/1674271692673694/>

⁴² <https://www.facebook.com/groups/1668609776573219/permalink/1669362659831264/>

⁴³ <https://www.facebook.com/groups/1668609776573219/permalink/1672963302804533/>

⁴⁴ <https://www.facebook.com/groups/1668609776573219/permalink/1678192942281569/>

⁴⁵ <https://www.facebook.com/groups/1668609776573219/permalink/1681445021956361/>

⁴⁶ TSN| “Started to hate the Russian radio”. TSN received letters from wounded Ukrainian sailors. <https://tsn.ua/ukrayina/rosiyske-radio-vzhe-znenavidiv-tsn-otrimala-listi-vid-poranenih-ukrayinskih-moryakiv-1263213.html>

⁴⁷ SCRC | Case No. 22H-3462/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&nc=1&case_id=2018560694&delo_id=4

⁴⁸ <https://www.facebook.com/anri.tsiskarishvili/posts/1902824613087755>



On 20 December, Lawyer Aliev stated that he was not allowed to the Lefortovo Detention Center for the participation in the consideration of the appeal against the detention decree for Sergey Popov.⁴⁹ Instead, there was appointed lawyer Natalia Gerasimovskaya, who did not declare the status of a prisoner of war.⁵⁰

On 25 December, Lawyer S. Badashman stated that the Kerchenskiy City Court refused to reopen the time to file an appeal against the detention decree for wounded prisoners of war Andrey Eyder, Andrey Artemenko and Vasiliy Soroka. The appointed lawyers (provided by the RF Authorities) did not appeal against a remand in custody.⁵¹

GENEVA CONVENTION (IV) RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

CONSCRIPTION OF PERSONS LIVING IN THE OCCUPIED TERRITORY INTO ARMED FORCES OF OCCUPYING POWER AND PROPAGANDA OF JOINING VOLUNTARILY THE ARMED FORCES

On 7 December, the press service of the Southern Military District of the RF reported that more than 200 Crimean residents called to the Armed Forces of the Russian Federation arrived from Crimea to Rostov-na-Donu.⁵²

In December, the Leninskiy and Nakhimovskiy District Courts of Sevastopol delivered three sentences against the Crimean residents for evading military service. Three more cases are under consideration in the Nakhimovskiy District Court of Sevastopol, the sentences will be declared in January 2019.

In total, during the period of occupation, 41 sentences have been passed for military service evasion in the Russian Federation, 34 of them — in 2018.

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

⁴⁹ <https://www.facebook.com/gad.aliev.9/posts/1945404295574966>

⁵⁰ SCRC Criminal cause No. 22K-3481/2018 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=2019252478&delo_id=4&new=4&text_number=1

⁵¹ https://www.facebook.com/groups/1668609776573219/permalink/1682592331841630/?_tn_ =H-R

⁵² Ministry of Defence of the RF | Over 200 recruits arrived to Rostov-na-Donu from Crimea for the compulsory military service. https://function.mil.ru/news_page/country/more.htm?id=12207148%40egNews&fbclid=IwAR0UwbGwUc7LxrOjYgsC8M-M1L5Dd7F_P-4njTS2Dl4XpaRuwp9UloGT3YQ