



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

September 2019

The monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in September 2019

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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

Having been disimprisoned within the exchange with the Russian Federation, political prisoner **Volodymyr Balukh** reported the tortures he had been subject to by the staff of the Torzhok Town General Security Regime Colony and the Tver City Detention Center no 1 (*Tver Region, RF*).

As the Ukrainian stated, the purpose of torturing was the intention of unfreedom places staff to humiliate him and make him stop resisting the established regime. According to his words, the RF places of unfreedom staff started torturing him once he was brought to the Detention Center, and then to the colony. The marks of tortures on Balukh's body were recorded by his lawyers. In addition, all his time of staying in the colony he was imposed unjustified punishments (*placing into the Special Punishment Cell and Ward Type Room*), threatened and morally pressed¹.

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

SEARCHES AND DETENTIONS

On September 27th the Center E (*Center for Counteracting Extremism of RF MIA*) men searched the house of **Mr Ilver Ametov**. The Center E men showed a document authorizing to inspect the rooms within the pre-investigation check, RF CC Article 238-1 (*Delivering services incompliant with security requirements*), RF CC Article 282.2-1 (*Managing extremist organization activity*), RF CC Article 280-1 (*Public appeals to extremist actions*). According to the information of local residents, Mr Ametov, owner of BAZYRGIAN café, is chairman of Sudak Regional Mejlis. The search finished with withdrawing arms, exhibits of his private museum, and a Crimean Tatar People Mejlis membership card by the Center E men.²

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As at end of September 2019, **87 persons** were deprived from liberty within a politically motivated criminal and/or religious persecution. The full list is published at the CHRG website.³

«CASE OF OLEG SENTSOV'S GROUP»

On September 7th Ukrainian nationals **Oleg Sentsov** and **Aleksandr Kol'checenko** were disimprisoned, moved from the RF and delivered to Ukraine within the exchange. Mr Sentsov was detained on May 11th 2014, and Mr Kol'chenko — on May 16th 2014 under charge of preparing an act of terror (act of arson of YEDINAYA ROSSIYA office door in Simferopol). Mr Sentsov was sentenced to 20 years, and Mr Kol'chenko to 10 years in the maximum security regime penal colony. All the period of this unlawful deprivation from liberty the RF authorities refused recognizing their Ukrainian nationality.

¹ CHRГ / Volodymyr Balukh To Appeal to ECHR On Torturing When Imprisoned in Russia <https://crimeahrg.org/ru/vladimir-baluh-budet-obrashchatsya-v-espch-po-povodu-pytok-v-zaklyuchenii-v-rossii/>

² https://www.facebook.com/crimeansolidarity/posts/934802220220568?_tn_=K-R

³ <https://crimeahrg.org/wp-content/uploads/2019/10/lishehnya-svobody.-sentyabr-2019.pdf>



«CASE OF CRIMEAN MUSLIMS»

In September, the number of Crimeans deprived from liberty within the 'Case of Crimean Muslims' totaled **66 persons**.

Among them, 63 are charged with RF CC Article 205.5 (*Organization of actions or participation in a terrorist organization*), 2 — RF CC Article 282.2 (*Organization of actions or participation in an extremist organization*) and 1 — RF CC Article 205.2 (*Public appeals to terrorist actions*).

All defendants of this case are accused of relations with Islamic organizations or propagandizing the activities of 'Hizb-ut-Tahrir' and 'Tablighi Jamaat' — organizations declared terrorist or extremist in the RF though this is not the case according to the Ukrainian laws. Persecuting Ukrainian nationals on the occupied territory of Ukraine for membership in these organizations constitutes international human law norm violations.

On September 6th Ms Nelia Farina and Mr Eduard Belousov, judges of 'the Supreme Court of Republic of Crimea' (*hereinafter SCRC*), upheld the judgment on keeping Mr Server Mustafayev, and Mr Ernes Ametov in custody till 9 September 2019⁴. On August 26th the North Caucasus Military Area Court (*hereinafter NCMAC*) had already extended their detention periods till 26 February 2020, so the appeal was nothing but formality.

On September 7th Mr Zevri Abseitov, Mr Enver Mamutov, and Mr Remzi Memetov were convoyed from the Detention Center in Rostov/na/Donu to RF colonies. Mr Abseitov will serve the sentence in colony no 1 in the village of Kochubeyevskoye, and Mr Mamutov and Mr Memetov — in colony no 11 of Mikhaylovsk Town. Both colonies are located in the RF Stavropol' Area⁵.

On September 9th Mr Denis Didenko, a judge of 'Kievsky District Court of Simferopol, extended detention periods for Mr Rustem Emiruseinov, Mr Arsen Abkhairov, and Mr Eskender Abdulganiyev till 13 November 2019. The extension had been requested by Ivan Romanets, a RF FSB investigator⁶.

On September 18th Ms Galina Red'ko, a 'SCRS' judge, upheld the judgement on keeping in custody for Mr Asan Yanikov, Mr Seitveli Seytabdiyev, and Mr Akim Bekirov till 11 November 2019⁷.

On September 23rd Mr Maksim Nikitin, a NCMAC judge, upheld the judgement on keeping in custody for Mr Muslim Aliyev, Mr Inver Bekirov, Mr Emir Usein-Kuku, Mr Vadim Siruk, Mr Refat Alimov, Mr Arsen Djepparov, года⁸.

The hearings on the case of Mr Nariman Memedeminov⁹, Mr Muslim Aliyev, Mr Inver Bekirov, Mr Emir Usein-Kuku, Mr Vadim Siruk, Mr Refat Alimov, Mr Arsen Djepparov¹⁰, and Mr Enver Seytosmanov¹¹ are in process at the North Caucasus Military Area Court.

⁴ «SCRC» / List of cases to be heard on 6 September 2019. Cases no no 22K-2743/2019, 22K-2744/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=06.09.2019

⁵ Krym. Realii / Sentenced within Bakhchisarai Hizb-ut-Tahrir Case Convoyed to Russian Colonies <https://ru.krymr.com/a/news-delo-hizb-ut-tahrir-osuzhdennyh-otpravili-v-sizo/30150450.html>

⁶ «Kievsky District Court of Simferopol» / List of cases to be heard on 9 September 2019. Cases no no 3/2-482/2019, 3/2-483/2019, 3/2-485/2019, https://kiev-simp-h--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=09.09.2019

⁷ «SCRC» / List of cases to be heard on 18 September 2019. Case no 22K-2864/2019 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=18.09.2019

⁸ «SCRC» / List of cases to be heard on 23 September 2019. Case no 22-386/2019 https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=23.09.2019

⁹ NCMAC / Case no 1-62/2019 https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=675128&dolo_id=1540006&case_type=0&hide_parts=0

¹⁰ NCMAC / Case no 1-43/2019 https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=674809&dolo_id=1540006&case_type=0&hide_parts=1

¹¹ NCMAC / Case no 1-69/2019 https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=674809&dolo_id=1540006&case_type=0&hide_parts=1



«UKRAINIAN SABOTEURS' CASE»

At the end of September 11 people accused by the RF FSB of 'preparing subversions and spying' when detained, were in custody. These cases feature recorded facts of unlawful investigation methods, torturing to get confessions, violation of presumption of innocence, dissemination of 'confession' videos by the FSB via the mass media.

On September 7th **Mr Yevgeniy Panov**, a Ukrainian national, was disimprisoned, moved from the RF and delivered to Ukraine within the exchange. He was detained by the FSB men on August 7th 2016 at the administrative border with Crimea. He was accused of preparing subversions, and on August 13th 2018 sentenced to 8 years in the maximum security regime colony under RF CC Article 222-3, 226.1-3, 281-2 (*Storage and illegal trafficking of explosive substances and preparation of subversions*). Mr Panov acknowledged that the RF men had tortured him to extract confessions.

"PERSECUTION FOR CHARGING WITH BEING IN N. CHELEBIDJIKHAN BATALLION"

As at the end of September three people were deprived from liberty under a charge of being in N.Chelebidjikhhan battalion. The official reason for persecuting the people accused in Crimea under RF CC Article 208-2 is that they failed to come voluntarily to the RF law enforcement bodies and declare their participation in the Crimean Tatar Noman Chelebidjikhhan Volunteer Battalion. The evidence of the battalion actions against the RF interests declared by the investigation is the information of mass media that the purpose of the battalion establishment was to de-occupy Crimea.

VOLODYMYR BALUKH'S CASE

On September 7th **Mr Volodymyr Balukh** was disimprisoned, moved from the RF and delivered to Ukraine within the exchange. Mr Balukh was deprived from liberty on December 8th 2016 charged with storing the arms. The violations observed when searching give grounds to state that the cartridges found by the RF FSB had been planted, and the case had been falsified. An actual reason for persecuting the activist was his public pro-Ukrainian position.

EDEM BEKIROV'S CASE

On September 7th **Mr Edem Bekirov** was disimprisoned, moved from LEFORTOVO Detention Center in Moscow (RF) and delivered to Ukraine within the exchange. Mr Bekirov informed that when on August 27th his level of restriction had been changed from keeping in custody to undertaking to appear at the court, he was moved from Simferopol to Moscow where he was kept till the time of exchange.

The criminal case of Mr Bekirov has not been stopped, and the hearings on his case went on at the 'Tsentralny District Court of Simferopol'. On September 6th Mr Sergey Demeniuk, a judge of 'Tsentralny District Court of Simferopol', issued a decree on bringing him to the court forcibly because he did not come to the session.

[id=675204&dolo_id=1540006&case_type=0&hide_parts=0](#)



CONFINEMENT CONDITIONS IN DETENTION FACILITIES

On September 4th Lawyer N.Sheykhmametov informed that Mr Asan Yanik, a 'Case of Crimean Muslims' defendant, who had been sent to the Crimean Republican Mental Hospital for a forced examination, had got intensified gastropain, he could eat in the normal way and did not receive any medical treatment¹². Without any medical aid provided, Mr Yanikov was returned to the Simferopol Detention Center. On September 20th lawyer I.Veliliyev informed, that Mr Yanikov had been again sent to the mental hospital¹³. Journalist Taras Ibragimov informed that Mr Yanikov had been still suffering of gastropain, though he had received no medical treatment in the Detention Center¹⁴.

On September 5th lawyer S.Legostov informed that Mr Vladimir Dudka had a stomach ulcer, and urological problems, though he did not receive any proper medical aid at the Simferopol Detention Center¹⁵.

On September 10th lawyer E.Kurbedinov informed that Mr Remzi Bekirov, when staying in the Krasnodar Detention Center during his conveying from the Detention Center of Rostov/na/Donu to the Detention Center of Simferopol, was placed into the cell sized 50cm x 50cm, with water on the floor and mice. The only way to sleep in this cell was to stand backed with the door¹⁶.

On September 20th, according to the information of lawyer I.Veliliyev, it became known that 5 defendants of the 'Case of Crimean Muslims': Mr Ruslan Mesutov, Mr Lenur Khalilov, Mr Ruslan Nagayev, Mr El'dar Kantimirov, and Asan Yanikov, were at the Crimean Republican Mental Hospital for a forced forensic psychiatric examination¹⁷.

On September 23rd lawyer R.Kiamilev informed that Mr Zevri Abseitov, a 'Case of Crimean Muslims' defendant, once arrived to colony no 1 (village of Kochubeyevskoye, Stavropol Area), had been sent to the punishment cell. The reason for this was just his article of charge. According to the lawyer's words, the cell is a wet room, 1.5m x 1.5m, with a sleeping berth fixed to the wall. When staying in the punishment cell, no walking is allowed, and it is forbidden to sit or lie during the day. The colony administration may keep a prisoner in such punishment cell for up to 6 months¹⁸.

On September 25th lawyer R.Yakhin informed that Mr Djemil' Gafarov, who is kept in the Detention Center no 5 of Rostov/na/Donu, is critical condition due to the chronic kidney disease¹⁹.

¹² <https://www.facebook.com/photo.php?fbid=2948404955234981&set=a.387292944679541&type=3&theater>

¹³ <https://www.facebook.com/crimeansolidarity/posts/929633814070742>

¹⁴ <https://www.facebook.com/tarasibragimov/posts/1192958530904360>

¹⁵ <https://www.facebook.com/crimeahrg/photos/a.1677121552573479/2392353114383649/>

¹⁶ https://www.facebook.com/crimeansolidarity/posts/922219474812176?_tn_ =K-R

¹⁷ <https://www.facebook.com/crimeansolidarity/photos/a.415337212167074/931697997197657>

¹⁸ Krym, Realii / Hizb-ut-Tahrir Defendant Placed in Punishment Cell when Conveyed to a Russian Colony — lawyer <https://ru.krymr.com/a/news-figurant-khizb-ut-tahrir-shyzo-rossijskaya-kolonia/30179807.html>

¹⁹ Krym, Realii / Simferopol Hizb-ut-Tahrir Case Defendant in Critical Condition — lawyer <https://ru.krymr.com/a/news-figurant-simferopolskogo-dela-hizb-ut-tahrir-nahoditsa-v-kriticheskom-sostoyanii/30183697.html?fbclid=IwAR3jEGjTM1qvEYERIAeiwPICSetaMhxHT3ZzJylePajMUzodYE6CCVsm1>



FREEDOM OF SPEECH AND EXPRESSION

The CHRГ monitoring in September showed that the Ukrainian radio signal was completely blocked in at least 10 settlements of the Northern Crimea. In 9 settlements more the Ukrainian signal was blocked in part. Blocking is achieved by Russian radio stations broadcasting at Ukrainian frequencies. Thus, the Russian authorities block the Ukrainian FM radio broadcasting on the peninsula, having seized unlawfully the Ukrainian frequencies and deprived almost the Ukrainian nationals from access to the information of independent Ukrainian radio stations²⁰.

The monitoring of blocking the websites carried by the CHRГ group also in September showed that 10 Crimean providers in nine cities block completely 18 Ukrainian information sites and 2 social networks. The same providers block also the websites of the Crimean Tatar People Mejlis, Hizb-ut-Tahrir, and the Jehovah's Witnesses. In addition, at least 7 Ukrainian information websites can be accessed via these providers only in part²¹.

²⁰ CHRГ / Russian Radio Stations Keep On Blocking Ukrainian Signal in Northern Crimea <https://crimeahrg.org/ru/rossijskie-radiostanczii-prodolzhayut-blokirovanie-ukrainskogo-signala-v-severnom-krymu/>

²¹ CHRГ/ Providers in Crimea Block Completely Over 20 Ukrainian Websites <https://crimeahrg.org/ru/provajdery-v-krymu-polnostyu-blokiruyut-bolee-20-ukrainskih-sajtov/>



3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

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

On September 7th **24 Ukrainian sailors, prisoners of war**, were disimprisoned, moved from the RF and delivered to Ukraine within the exchange.

Since the criminal cases on the unlawful crossing the border against them has not been stopped, the RF is still disrespecting articles 5, 84 and 85 of Geneva Convention (III).

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

ILLEGAL SHIFT OF PEOPLE

On September 12th defendants of the 'Case of Crimean Muslims': Ernes Ametov, Marlen Asanov, Memet Belialov, Server Zekir'yayev, Timur Ibragimov, Seyran Saliyev, Server Mustafayev, and Edem Smailov were convoyed from the Simferopol Detention Center to the Rostov/na/Donu Detention Center (RF). This was informed, referring to their relatives, by KRYM.REALII²². On September 18th lawyer S.Legostov informed that Ernes Ametov and Marlen Asanov had been already in Detention Center 1 (Rostov/na/Donu), the other six people were in the Detention Center of Krasnodar (RF)²³.

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

In September the CHRГ recorded 5 new criminal cases against the Crimeans for evading the RF Armed Forces military service (2 in 'Sudak Town Court', 2 in 'Kerch Town Court', and 1 in 'Sovietsky District Court of Sevastopol'). One new judgement found was awarded even in August 28th at 'Kerch Town Court' by 'judge' Yulia Tsorayeva²⁴, and four new judgements were awarded in September. On September 9th 'judge' Igor Brazhnik awarded a judgement for evading the RF Armed Forces military service in the 'Sovietsky District Court'²⁵, on September 11th Ms Julia Tsorayeva did the same in the 'Kerch Town Court'²⁶, on September 12th the same was

²² Krym.Realii / Defendants of Bakhchisarai Hizb-ut-Takhrir Case Convoying from Crimea to Russia — Relatives <https://ru.krymr.com/a/news-figuranty-bahchisaraiskogo-dela-hiz-ut-tahrir-etap/30160240.html>

²³ Krym. Realii / Two Defendants of Bakhchisarai Hizb-ut-Takhrir Case Convoyed to Rostov/na/Donu Detention Center <https://ru.krymr.com/a/news-krym-figurantov-bahchisaraiskogo-dela-hizbov-etapirovali-v-rostov/30168937.html>

²⁴ «Kerch Town Court» / List of cases to be heard on 28 August 2019. Case no 1-400/2019 https://kerch--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=28.08.2019

²⁵ «Sovietsky District Court» / List of cases to be heard on 9 September 2019. Case no 1-74/2019 https://sovetskiy--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=09.09.2019

²⁶ Kerch Town Court» / List of cases to be heard on 11 September 2019. Case no 1-424/2019 https://kerch--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=11.09.2019



done by Mr Mikhail Ivanov²⁷, judge of 'Sudak Town Court', and on September 17th — by Ms Yelena Bosi²⁸, a judge of 'Sudak Town Court'. On the whole, as at the end of September the CHRG recorded 78 criminal cases for evading the RF Armed Forces military service that were sent for consideration to the 'courts of Crimea'. The judgements were passed on 72 of them, and 6 are still on consideration.

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²⁷ Sudak Town Court» / List of cases to be heard on 12 September 2019. Case no 1-101/2019 http://sudak.krm.sudrf.ru/modules.php?name=sud_delo&sv_num=1&H_date=12.09.2019

²⁸ Sudak Town Court» / List of cases to be heard on 17 September 2019. Case no 1-86/2019 http://sudak.krm.sudrf.ru/modules.php?name=sud_delo&sv_num=1&H_date=17.09.2019