



# CRIMEAN HUMAN RIGHTS GROUP

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## CRIMEAN HUMAN RIGHTS SITUATION REVIEW

**December 2019**

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

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## CONTENTS

<b>1. INTRODUCTION</b> .....	2
<b>2. CIVIL AND POLITICAL RIGHTS</b> .....	3
Right to liberty and security of the person .....	3
<i>Searches and detentions</i> .....	3
Politically motivated criminal prosecution .....	3
« <i>Case of Crimean Muslims</i> » .....	3
« <i>Ukrainian saboteurs' case</i> » .....	4
« <i>Persecution for charging with being in N. Chelebidjikhon batallion</i> » .....	5
<i>Oleg Prikhod'ko's case</i> .....	5
<i>Ivan Yatskin's case</i> .....	5
<i>Confinement conditions in detention facilities</i> .....	5
Freedom of thought, conscience and religion .....	7
Freedom of speech and expression .....	7
Freedom of movement .....	7
<b>3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW</b> .....	8
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War .....	8
<i>Conscription of persons living in the occupied territory into armed forces</i> .....	8
<i>of occupying power and propaganda of joining voluntarily the armed forces</i>	
<i>Forced deportation of people from the occupied territory</i> .....	8
<b>4. ANNEXES</b> .....	9



## 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 December 17, in Simferopol, FSB men detained Mr. **Denis Kashuk**, a local resident, claiming that he was suspected of purchasing and storing weapons illegally. On December 18, his house was searched. On December 20, the 'Kievsky District Court of Simferopol' kept Denis Kashuk in custody for two months — until February 18, 2020. The court session was in camera upon Denis Kashuk's request. The lawyer said that the detainee had pleaded guilty, though relatives are sure that he has confessed because of tortures or psychological pressure. Whether this is a politically motivated persecution is still being investigated.

#### POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As of end of December 2019, **89 persons** were deprived from liberty within a politically motivated criminal and/or religious persecution. The full list is published at the CHRG website.<sup>1</sup>

#### «CASE OF CRIMEAN MUSLIMS»

In December the total number of Crimean residents deprived from liberty under the 'Case of Crimean Muslims' was **65** persons.

On December 5, a panel of judges of the Southern Area Military Court in Rostov-na-Donu (RF) composed of Sergey Gorelov, Nikolay Gul'ko, Aleksandr Generalov, sentenced **Mr. Enver Seytosmanov**, a defendant under the case, to 17 years in the maximum security penal colony.<sup>2</sup>

On December 11, Yelena Spasenova, a judge of 'Supreme Court of Crimea' (hereinafter the SCRC), upheld awards on keeping in custody for **Riza Izetov** and **Alim Karimov** till February 15, 2020.<sup>3</sup>

On December 16, Yuriy Latynin, a 'SCRC' judge, upheld awards on keeping in custody for **Raim Ayvazov** and **Bilial Adilov** till February 15 2020.<sup>4</sup>

On December 19 'SCRC' judges Yuriy Latynin and Aleksey Posledov upheld awards on keeping in custody for **Rustem Sheykhaliyev**, **Tofik Abdulgazyev**, **Osman Arifmemetov** and **Seitveli Seytabdiyev** till February 15, 2020.<sup>5</sup> Osman Arifmemetov and Tofik Abdulgazyev did not

<sup>1</sup> <https://crimeahrg.org/wp-content/uploads/2020/01/2019-12-31-lishennye-svobody.pdf>

<sup>2</sup> CHRG / Russian Court Sentenced 'Crimean Muslims Case' Defendant Enver Seytosmanov to 17 years in Colony <https://crimeahrg.org/ru/rossijskij-sud-prigovoril-figuranta-dela-krymskih-musulman-envera-sejtosmanova-k-17-godam-kolonii/>

<sup>3</sup> "SCRC" / List of cases to be heard on 11 Dec 2019. Case no 22K-3703/2019 [https://vs--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=11.12.2019](https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=11.12.2019)

<sup>4</sup> "SCRC" / List of cases to be heard on 16 Dec 2019. Case no 22K-3724/2019 [https://vs--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=16.12.2019](https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=16.12.2019)

<sup>5</sup> "SCRC" / List of cases to be heard on 19 Dec 2019. Cases nono 22K-3760/2019, 22K-3725/2019 [https://vs--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=19.12.2019](https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=19.12.2019)



participated in the hearings because they had been sent to the psychoneurological dispensary for a compulsory psychiatric examination. Rustem Sheykhaliyev and Seitveli Seytabdiyev participated in the hearings by videocall.<sup>6</sup>

On December 24 the RF Supreme Court Board modified sentences for **Ayder Saledinov, Emil' Dzhemadenov, Rustem Ismailov, Teymur and Uzeir Abdullayevs**. The maximum security penal colony period was reduced by 6 months. With the modified sentence, Uzeir Abdullayev is deprived from liberty for 12 years and 6 months, Rustem Ismailov — 13 years and 6 months, Emil' Dzhemadenov — 11 years and 6 months, Ayder Saledinov — 11 years and 6 months, and Teymur Abdullayev — 16 years and 6 months in the colony.<sup>7</sup> They were detained in Simferopol on October 12, 2016.

On December 27 Roman Plisko, a judge of Southern Area Military Court (SAMC), extended detention periods for **Eskender Abdulganiyev, Arsen Abkhairov and Rustem Emiruseinov** till June 13 2020.<sup>8</sup> Lawyer E. Semedliayev informed that they had participate in the session by video call from the Simferopol Detention Center.<sup>9</sup>

### «UKRAINIAN SABOTEURS' CASE»

As of the end of December, **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 RF FSB via the Russian mass media.

On December 16 'Yalta Town Court' started re-considering a criminal case of **Yunus Masharipov**, a Yalta resident, since the 'SCRC' Cassation instance had allowed his appeal against the sentence. The Crimean was detained in September 2017. He stated that the RF FSB men had been beating and electrocuting him so he had to incriminate himself.<sup>10</sup>

In early December **Vladimir Dudka** and **Aleksey Bessarabov** sentenced under the 'Case of Ukrainian Commandos' were convoyed to Piatigorsk (RF).<sup>11</sup> Then they will be convoyed to a Stavropol Area Colony for serving an unlawful punishment.

In December **Konstantin Davydenko** was convoyed to Saratov (RF) to serve an unlawful punishment.<sup>12</sup> At the end of December the CHRG was informed that he was in penal colony no 23, RF UFSIN for Saratov Region.

<sup>6</sup> <https://www.facebook.com/crimeansolidarity/posts/1008313286202794>

<sup>7</sup> Krym.Realii / Court in Moscow Modified Sentence to Simferopol 'Hizb-ut-Tahrir' Case Defendants <https://ru.krymr.com/a/news-sroki-krymchanam-sokratili-delo-hiz-but-tahrir/30342091.html>

<sup>8</sup> SAMC / List of cases to be heard on 27 Dec 2019. Case no 1-137/2019 [https://yovs--ros.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=27.12.2019](https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=27.12.2019)

<sup>9</sup> Krym.Realii / Russian Court Extended Arrest for Krasnogvardeysk Hizb-ut-Tahrir Case Defendants for 6 Months <https://ru.krymr.com/a/news-rossiikii-sud-arest-khizb-ut-tahrir/30347821.html>

<sup>10</sup> <https://www.facebook.com/crimeaahrg/posts/2481762605442699>

<sup>11</sup> <https://ru.krymr.com/a/news-osugdennue-divetsantu-nahodiitsa-v-patigorske/30315768.html?fbclid=IwAR15jij6aNoDTEjUjyhvsQleol51W-eWU1ZagzqYSwfAwkKItZmAjK-q0>

<sup>12</sup> CHRG/ Ukrainian K.Davydov Sentenced in Crimea for Espionage Delivered to Colony of Saratov <https://crimeahrg.org/ru/osuzhdennogo-v-krymu-za-shpionazh-ukrainca-k-davydenko-dostavili-v-koloniyu-saratova/>



## “PERSECUTION FOR CHARGING WITH BEING IN N. CHELEBIDJIKHAN BATALLION”

As of the end of December **four** 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 (*Creation of unlawful military unit or participation in such unit*) is that they failed to come voluntarily to the RF law enforcement bodies and declare their participation in the Crimean Tatar Noman Chelebidjikhhan Volunteer Batallion. 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.

## OLEG PRIKHOD’KO’S CASE

On December 6 Yelena Kholodnaya, a judge of ‘Kievsky District Court of Simferopol’, extended a detention period for Ukrainian activist **Oleg Prikhod’ko** till February 10, 2020. The extension was requested by RF FSB investigator Ivan Romanets.<sup>13</sup> On December 25 the ‘SCRC’ upheld the decision.<sup>14</sup>

The RF Financial Monitoring Agency included Mr. Prikhod’ko into the list of ‘persons involved into extremism or terrorism actions’.<sup>15</sup> The activist’s case is on pre-trial investigation stage, but, violating the presumption of innocence, he has been already included into the list.

## IVAN YATSKIN’S CASE

On December 24 the TASS Russian Information Agency informed that on December 11 the Lefortovo District Court of Moscow (RF) had extended a detention period for Crimean resident **Ivan Yatskin** till March 16 2020. According to the TASS statement, Mr.Yatskin is charged with RF CC Article 275 (*high treason*). He was detained in Simferopol and convoyed to Moscow (RF) in December — to Lefortovo Detention Center.<sup>16</sup> Based on the TASS information, Yatskin was detained in October 2019. The notice on considering the case of Mr Yatskin on December 11 was published at the Lefortovo District Court website. The case was considered by judge Sergey Riabtsev.<sup>17</sup>

According to the CHRNG information, Ivan Yatskin is a Ukrainian national who lived in Simferopol and was known for his pro-Ukrainian position. Persecuting a Ukrainian national under the RF CC article that refers only to the RF nationals is one of the effects of violating the international humanitarian law provisions as ‘automatic’ (forced) RF citizenship for Crimean residents.

## CONFINEMENT CONDITIONS IN DETENTION FACILITIES

On December 6 lawyer Rifat Yakhin informed the CHRNG that the health condition of **Dzhemil’ Gafarov**, a ‘Crimean Muslims Case’ defendant, had become worse: he had got complications

<sup>13</sup> “Kievsky District of Simferopol” / List of cases to be heard on 6 Dec 2019. Case no 3/2-702/2019 [https://kiev-simph--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=06.12.2019](https://kiev-simph--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=06.12.2019)

<sup>14</sup> Krym. Realii / Simferopol: Arrest of Activist Oleg Prikhod’ko Extended till 10 February <https://ru.krymr.com/a/news-aktivisty-prihodko-prodlii-arest-do-10-fevralya/30344264.html>

<sup>15</sup> <http://fedsfm.ru/documents/terrorists-catalog-portal-act>

<sup>16</sup> TASS / Source: Russian Yatskin Arrested in Crimea under High Treason Case <https://tass.ru/proisshestiya/7411317>

<sup>17</sup> Lefortovo District Court / Information on case no 3/2-058/2019 <http://archive.li/UtgMs>



after the cold: earache, a severe cough, a respiratory stress, and his chronic illnesses had intensified, with kidney and heart pains. He is not delivered a proper medical care (*Annex 1*).

On December 13 lawyer E.Semedliayev informed that a ward of the “Crimean Republican Mental Hospital No 1” where **Osman Arifmemetov**, a ‘Crimean Muslims Case’ defendant, was kept, was not heated. He had to sleep in the jacket and hat. Mr Arifmemetov is at hospital due to the compulsory psychiatric examination.<sup>18</sup>

On December 19 lawyer E.Kurbedinov informed that **Tofil Ablugaziyev** had been sent to the “Crimean Republican Mental Hospital No 1” for a compulsory psychiatric examination.<sup>19</sup>

On December 20 **Andrey Kolomiyets** spouse after a short meeting with him in the Krasnodar Area colony informed that the condition of his health became worse and worse: he had lost too much weight, and blood vessels in his eyes had broken.<sup>20</sup>

On December 23 lawyer Ayder Azamatov informed that Rizvan Zubairov, a judge of Southern Area Military Court, rejected making a decision on the non-delivery of the medical care to **Server Zekiryayev and Timur Ibragimov**, ‘Crimean Muslims case’ defendants, by Detention Center no 1 administration (Rostov-na-Donu, RF).<sup>21</sup>

<sup>18</sup> Krym. Realii / Crimean Arifmemetov Placed in Mental Hospital where Ward Is Unheated — Lawyer <https://ru.krymr.com/a/news-arifmemetov-bolnitsa-advokat/30323632.html>

<sup>19</sup> <https://www.facebook.com/crimeansolidarity/photos/a.416800078687454/1008350669532389/>

<sup>20</sup> <https://crimeahrg.org/ru/u-politzaklyuchennogo-ukraincza-andreya-kolomijcza-snova-uhudshilos-sostoyanie-zdorovya/?fbclid=IwAR2v1nr9ScW3XtVxKnqyDpQ0X9gckH5Wx04ags6uaC1HPv4rO8lkti6dlM>

<sup>21</sup> Krym. Realii In Russia Court Denied Complaint to Detention Center for Medical Care Non-Deliver for Hizb-ut-Tahrir Case Defendants <https://ru.krymr.com/a/news-russia-sud-delo-hizb-ut-tahrir/30340778.html>



## FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

The RF keeps on enforcing the CoAO rules in Crimea that state ‘an unlawful missionary activity’ punishable. Based on the CHRNG monitoring results, in 2019 26 administrative cases against various religious organizations and their members, including Muslims, Protestants, Baptists, Jews, Scientologists, and Krishnaites, were opened in Crimea. The faithful were administratively persecuted for religious ceremonies carried ‘outside premises or in the premises not registered as cult structures according to the RF laws’. The penalties imposed within these cases in 2019 amounted to at least RUR130,000. For the entire occupation period such penalties imposed in Crimea has amounted to at least RUR865,500.

## FREEDOM OF SPEECH AND EXPRESSION

In December, CHRNG monitored the Ukrainian radio station broadcasting in the FM band in northern Crimea. The monitoring results confirm that the Ukrainian FM radio signal is blocked completely in at least 10 settlements of northern Crimea, and partially in 9 settlements more.<sup>22</sup>

In November-December the CHRNG monitored access to Ukrainian websites in Crimea. 9 Crimean providers in 9 settlements completely block 18 Ukrainian information websites and 2 social networks. The same providers block websites of the Mejlis of Crimean Tatar People, Hizb-ut-Tahrir and Jehovah’s Witnesses. In addition, at least 6 Ukrainian information websites are accessible via these providers only in part.<sup>23</sup>

On December 20, Boris Gorbov, a judge of the ‘Yalta Town Court’ decreed on a forced deportation of local blogger **Yevgeniy Gayvoronsky** from the territory of Crimea, where he constantly resided, to the territory controlled by Ukraine (*Appendix 2*). The formal reason was presented as ‘an illegal stay on the territory of the Russian Federation.’ Earlier on the same day, the Ministry of Internal Affairs of the Russian Federation men withdrew Gayvoronsky’s “RF passport”, issued to him by the RF authorities in Crimea in 2015 (*Appendix 3*). After the “court” decision, Mr. Gayvoronsky was moved from Yalta to the Temporary Detention Center for Foreigners in the Krasnodar Area (RF).

It is important to note that the occupation authorities took such actions against the blogger after the same judge — Boris Gorbov — had decreed on imposing a penalty on Gayvoronsky under Article 20.1-3 (*explicit disrespect of the bodies exercising the state power in the Russian Federation*) for speaking about RF President V. Putin in profane terms.

## FREEDOM OF MOVEMENT

On December 19 the RF FSB did not allow **Andrey Slivko**, a Ukrainian national, to enter into Crimea for his father’s funeral. The FSB men handed him a ban on entry for 35 years — till February 1 2054 (*Annex 4*).

<sup>22</sup> CHRNG / Ukrainian FM Radio Broadcasting Still Blocked in Crimea <https://crimeahrg.org/ru/v-krymu-usillli-blokirovanie-ukrainskogo-radio/>

<sup>23</sup> 9 Providers Blocked Completely 23 Websites in Crimea [https://docs.google.com/document/d/1ujR07thfhiQ1Ur7uemAZ7aLHbSTxuexN4zBzt6pDiul/edit?fbclid=IwAR0WHX193kswUnoqCV9IMyJg-7bo60eO-9DAIRDz52OLo5aeWb\\_SWSXsj0](https://docs.google.com/document/d/1ujR07thfhiQ1Ur7uemAZ7aLHbSTxuexN4zBzt6pDiul/edit?fbclid=IwAR0WHX193kswUnoqCV9IMyJg-7bo60eO-9DAIRDz52OLo5aeWb_SWSXsj0)





### 3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

#### 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 December 3 Sergey Borozdin, 'Head of Kerch Administration' reported that 296 persons were recorded as RF AF draft dodgers in Kerch.<sup>24</sup>

In December, the CHRG documented 3 new criminal cases against residents of Crimea for evading military service in the Russian Federation Armed Forces: in 'Pervomaysky District Court', 'Simferopol District Court', and 'Kerch Town Court'. A verdict of guilt was delivered for one of them by 'Kerch Town Court' on December 24.<sup>25</sup>

In 2019 the CHRG documented 36 criminal cases for evading the military service in the Russian Federation Armed Forces sent to the Crimean courts for consideration. For the entire occupation period the CHRG has recorded at least 82 such cases, with verdicts delivered for 80 of them and 2 being still under investigation.

On December 15, the tenth draft campaign to the RF army ended in Crimea. According to the statements of the "military commissariat of the Crimea" and the Ministry of Defense of the Russian Federation, at least 5,840 draftees were called up for the RF army in 2019: 3,400 during the spring draft campaign and at least 2,440 during the autumn. This number of draftees is not final, because at the moment there is no information on the results of the fall 2019 draft to the RF army in Sevastopol (where there is a separate military commissariat). In total, at least 21,334 people have been called up from the Crimea to the RF army for the period of occupation.

##### FORCED DEPORTATION OF PEOPLE FROM THE OCCUPIED TERRITORY

On December 20, upon the decree of 'Yalta Town Court' local blogger **Yevgeniy Gayvoronsky** was forcibly deported from the territory of Crimea, where he constantly resided, to the Temporary Detention Center for Foreigners in the Krasnodar Area (RF). There he stayed till December 31 2019. On December 31 Gayvoronsky was delivered to the territory controlled by Ukraine through a Russian – Ukrainian border (*Russian check point CHERTKOVO — Ukrainian check point MELOVOYE, Luhansk Region*).

##### THE REVIEW WAS PREPARED BY:

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<sup>24</sup> [https://www.facebook.com/permalink.php?story\\_fbid=596992220841501&id=100015921856577](https://www.facebook.com/permalink.php?story_fbid=596992220841501&id=100015921856577)


<sup>25</sup> 'Kerch Town Court / List of cases to be heard on 24 Dec 2019. Case no 1-543/2019 [https://kerch--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=24.12.2019](https://kerch--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=24.12.2019)



## 4. ANNEXES

### ANNEX 1

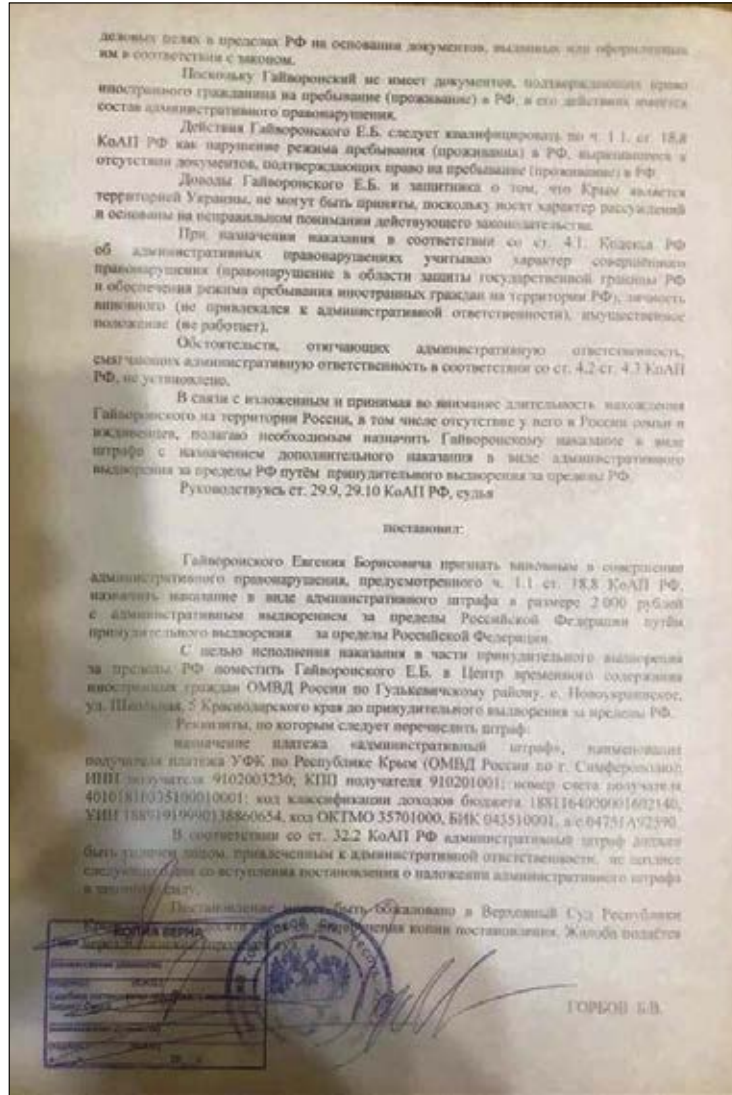
По состоянию здоровья. В середине декабря в камере резко похолодало, но у меня не измерили температуру. В камере не более +10°С, была открыта, т.к. нет вентиляции и во время дежурства действовали турбулизаторы (вентиляторы) проходили лишь горячий воздух. Звонили и были шумели в коридор и туалеты все в одной комнате. Выключили огонь в коридоре, камера раздалась звон на Ю-Победы в камере. Камера от переноса тепла забивается на две недели сначала с морозом, затем сухой без остатков (3-5 минут). Звонки на медицинскую помощь. Коридоры не знают, почему нас не выпускают в медицинскую, говорят в порядке очереди, но очередь не приходит. Осмотрены от простуды перенесли в отбитый левый ухо, гетере для носа. Звонили написать на медицинскую. На следующий день выдали капли в ухо и антибиотики. Без осмотра. Малоэффективно, отбитый не проши до конца в ухо гной, вода. Да и камера не прекращает вот уже 3-4 недели. Дышать глубоко не могу, слышу слева ноги провали, Благодарю медицинскую, которая родит передали ранее поспешно бьют левый бок, недоразумения в медицинскую (лучше всё время) пока блокнот припаркал, сердце иногда болит. Никакие лекарства и процедуры не помогают. Лёгких не прошилось, добился неформальной отбоя флюорографии, сегодня предлагали всем прививки от гриппа, я отказался, т.к. уже болел сам без прививки, сегодня во время отбоя (переноса) я не вошел из-за болезни в коридор.

 D.A. Gafarov 05.12.2019

The letter from Dzhemil' Gafarov, the 'Crimean Muslims Case' defendant, about the deterioration of his state of health, December 5, 2019



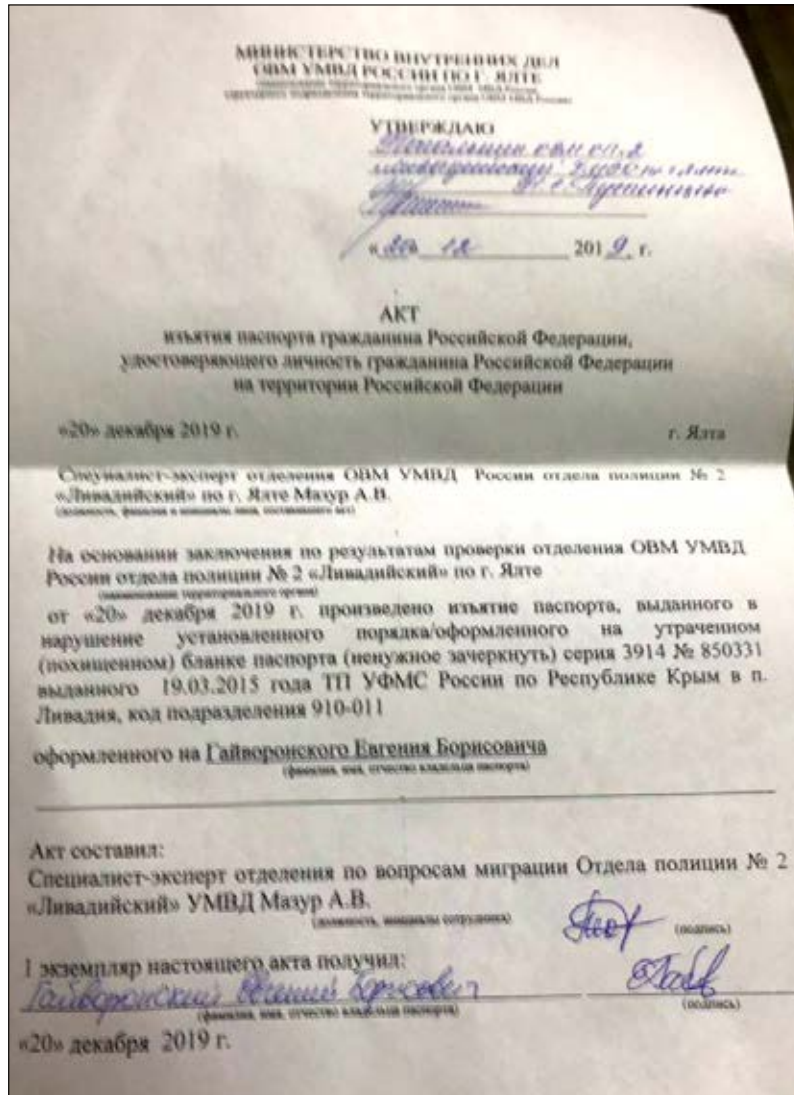
ANNEX 2



*A fragment of the decision by Boris Gorbov, a judge of the 'Yalta Town Court', on a forced deportation of Yevgeniy Gayvoronsky from the territory of Crimea, December 20, 2019*



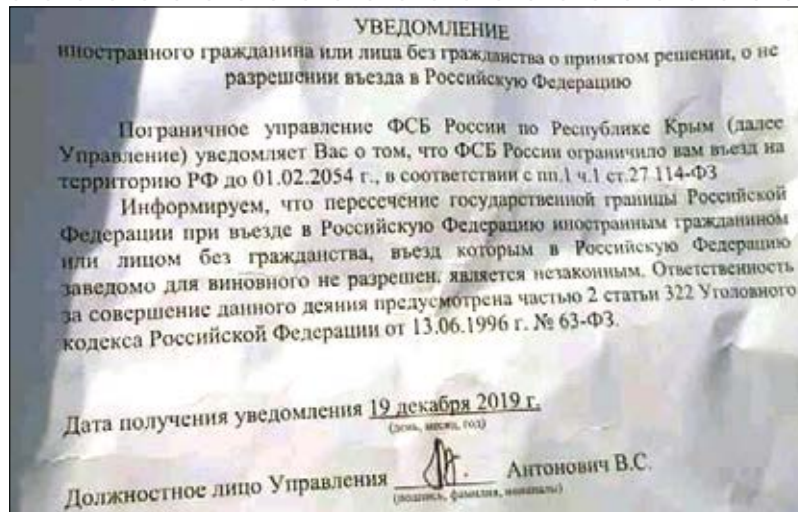
ANNEX 3



The withdrawal act of Yevgeniy Gayvoronsky's passport, issued to him in Crimea as part of the "automatic citizenship of the Russian Federation" after the occupation, December 20, 2019



ANNEX 4



*The notification on a ban on entry into Crimea for 35 years  
to a citizen of Ukraine Andrey Slivko, December 19, 2019*