



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

August 2020

The monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in August 2020

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1. INTRODUCTION

The **Crimean Human Rights Group (CHRG)** is an organization of the Crimean human rights defenders and journalists, the purpose of which is to promote the observance and protection of human rights in Crimea by attracting widespread attention to the problems of human rights and international humanitarian law in the territory of the Crimean peninsula, as well as the search and development of mechanisms to protect the human rights in Crimea.

The **CHRG** first of all obey the rules of basic documents in the field of human rights, such as: the Universal Declaration of Human Rights, the Helsinki Final Act, the Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on economic, social and cultural Rights and others.

The main objectives of the **CHRG**:

- 1) Collection and analysis of the information regarding the human rights situation in Crimea;
- 2) Broad awareness among governments, international organizations, intergovernmental organizations, non-governmental organizations, the media and other target groups through the publication and spreading of analytical and information materials on the human rights situation in Crimea;
- 3) Promote the protection of human rights and respect for international law in Crimea;
- 4) Preparation of recommendations for government authorities and international organizations in the sphere of human rights;
- 5) Providing the presence of “human rights in the Crimea topics” in the information space.

The **CHRG's** team consists of experts, human rights activists and journalists from different countries who are involved in monitoring and documenting human rights violations in Crimea, since February, 2014.

During preparation and spreading of the information the **CHRG** is guided by principles of objectivity, reliability and timeliness.



2. CIVIL AND POLITICAL RIGHTS

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

SEARCHES AND DETENTIONS

On August 19, after the search, FSB officers detained **Mr. Medzhit Ablyamitov**, a resident of Zhuravki Village of the Kirovsky region on suspicion of being in the battalion named after N. Chelebidzhikhan (*for more details see the section "Persecution for charging with being in N. Chelebidzhikhan battalion"*). In the morning of August 31, FSB officers searched the houses of Crimean Tatar activists, and after the searches and withdrawal of equipment they were taken to the FSB department in Simferopol for interrogation. Among the detainees were **Ayder Kadyrov**, correspondent for the Grani.ru online media, and the Crimean Solidarity association, village of Razlivy, Nizhenegorsky district, muezzin (a minister of the mosque, calling to prayer) **Ridvan Umerov** from Sudak, activist **Ayder Yabliakimov** from the village of Solnechnaya Dolina and **Enver Topchi** from the settlement Sovetskiy. They were brought to the FSB building for interrogation at about 09:30, and their lawyers were only allowed to see them after 8 hours. At 21:40, Enver Topchi and Ayder Yabliakimov were released from the FSB building, at 22:35 — Ridvan Umerov, at 01:40 on September 1 — Ayder Kadyrov. They were charged under Art. 205.6 of the Criminal Code of the Russian Federation (*Failure to report*) for correspondence on the VKontakte social network with a Umidzhon Dadazhonov and failure to report this to law enforcement agencies. The detainees were released on recognizance not to leave.¹ The lack of legal certainty in this criminal article allows it to be applied for the purpose of politically motivated persecution. After their arrest and during interrogations, the detainees were not provided with access to lawyers, that violated their right to an effective legal defense.

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As of end of August 2020, **105 persons** were deprived of liberty within a politically motivated criminal or religious persecution. The full list is published at the CHRГ website.²

"CASE OF CRIMEAN MUSLIMS"

This case defendants are accused of membership in Muslim religious organizations or propaganda of activities of the organizations that are declared terrorist or extremist in the RF though they are not according to the Ukrainian laws.

In August the total number of Crimean residents deprived of liberty under the 'Case of Crimean Muslims' increased to **71 persons**, and **4 more people** are under the movement restriction: **3** are subject to supervision, and are not allowed to leave Crimea, and **1** is on house arrest.

¹ <https://www.facebook.com/crimeansolidarity/posts/1216113795422741>

² <https://crimeahrg.org/wp-content/uploads/2020/09/lisheniya-svobody-avgust-2020.pdf>



On August 4, judge of the Southern Area Military Court of Rostov-on-Don (RF) Rizvan Zubairov extended the detention of **Ernes Ametov, Marlen Asanov, Memet Belialov, Server Zekiryayev, Timur Ibragimov, Server Mustafayev, Seyran Saliyev** and **Edem Smailov** until November 12.³

On August 5, the 'Kievskiy District Court of Simferopol' extended the detention period for **Rustem Seytmemetov, Osman Seytumerov** and **Seytumer Seytumerov** until November 9.⁴ There is no information about the session on the website of the "court".

On August 11, the judge of the Southern Area Military Court, Rizvan Zubairov, within the framework of considering the "case of Crimean Muslims" from the second Bakhchisarai group, refused to interrogate 14 defense witnesses. After that, , Server Mustafayev, a case defendant, tried to object to this decision, but the judge removed him from the courtroom, and the court officers drew up an administrative report on his lawyers for disobeying the judge's order.⁵

On August 12, lawyer E. Kurbedinov said that the Bagaevsky District Court of the Rostov Region of the Russian Federation refused to satisfy the defense's petition for the release on parole of **Nariman Memedeminov**.⁶

On August 10, the judge of the "Supreme Court of the Republic of Crimea" Aleksey Kozyrev extended the detention period for Osman Arifmemetov until September 15.⁷

On August 28, the judge of the 'Kievskiy District Court of Simferopol', Anton Tsykurenko, extended detention periods for **Zekirya Muratov, Vadim Bektemirov, Seyran Khayretdinov, Alim Sufyanov, Emil Ziyadinov** and **Ismet Ibragimov** until December 2, and house arrest was extended to **Aleksandr Sizikov**.

On August 31, during the debate in the Southern Area Military Court on the case of the second Bakhchisarai group of "Crimean Muslims", a representative of the Russian Prosecutor's Office requested that the defendants in the case be punished by imprisonment in the maximum security colony: **Marlen Asanov** — 20 years and a fine of RUR800 thousand, **Memet Belialov** — 21 years, **Timur Ibragimov** — 20 years, **Server Zekiryaev** — 15 years, **Server Mustafayev** — 17 years old, **Seyran Saliyev** -19 years, **Ernes Ametov** — 17 years and 6 months, **Edem Smailov** — 17 years and 6 months.⁸

"UKRAINIAN SABOTEURS' CASE"

As of the end of August 2020, at least **15 people**, accused by the RF FSB of 'preparing subversions, storing the arms and /or spying' when detained, were in custody. In addition, one woman is on house arrest. 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.

³ Lawyer Aleksey Ladin on extending detention 'Server Zekiryayev Has Been Deprived From Right To Raise 13 Kids <https://crimean-solidarity.org/news/2020/08/04/advokat-aleksej-ladin-o-prodlenii-strazhi-u-servera-zekiryaeva-zabrali-pravo-vospityvat--detej-516>

⁴ 3rd Bakhchisaray Case of Hizb ut Takhir Court Extended Detention Until 9 November <https://crimean-solidarity.org/news/2020/08/06/trete-baxchisarajskoe-delo-xizb-uttaxir-sud-prodlil-soderzhanie-pod-strazhej-do--noyabrya-519>

⁵ <https://www.facebook.com/crimeansolidarity/posts/1199732640394190>

⁶ Krym.Realii / Court in Russia Rejected Release on Parole for Crimea Blogger Memedeminov <https://ru.krymr.com/a/news-sud-v-rossii-otkazalsya-dosrochno-osvobodit-memedeminova/30779828.html>

⁷ <https://crimean-solidarity.org/news/2020/08/11/xodatajstvo-osmana-arifmemetova-sudi-stali-ispolnitelyami-nezakonnix-ustnyx-tenevyx-poruchenij-529>

⁸ <https://www.facebook.com/photo.php?fbid=2155111914632538>



On August 13 Margarita Kotova, a judge of Lefortovo District Court of Moscow City (RF), extended a detention period for **Mr.Ivan Yatskin** until October 16⁹

PERSECUTION FOR CHARGING WITH BEING IN N.CHELEBIDJIKHAN BATALLION

As of the end of July, **six people** were deprived of liberty under a charge of being in N.Chelebidjikhhan battalion. The official reason for persecuting the 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 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.

On August 19, the press service of the FSB of the Russian Federation disseminated information that officers of the FSB of the Russian Federation had detained a resident of the village of Zhuravki, Kirovsky district. He is charged under Part 2 of Art. 208 of the Criminal Code of the Russian Federation for being in the N. Chelebidzhikhan battalion.¹⁰ According to the CHRG, the name of the detainee is **Medzhit Abyamitov**. On August 20, in the “Kievskiy District Court of Simferopol,” he was been imposed a pre-trial restriction — keeping in custody until October 17.¹¹

CONFINEMENT CONDITIONS IN CUSTODIAL SETTING

On August 22, lawyer E. Semedlyaeв informed the CHRG that the defendant in the “case of the Crimean Muslims” **Muslim Aliyev** had been placed in the hospital of the SIZO No. 1 in Ufa (RF) with a diagnosis of COVID-19.

Lawyer A. Ladin informed that on August 31, during the interrogation, for more than 14 hours the FSB officers refused food to his client **Ayder Kadyrov**, who has the first degree diabetes mellitus.¹²

⁹ <https://www.facebook.com/nikolay.polofov/posts/3302417183156988>

¹⁰ Krym.Inform / FSB Detained A Crimean Resident for Being in Ukrainian Nationalist Battalion <http://www.c-inform.info/news/id/88143>

¹¹ «Kiyevskiy District Court of Simferopol» / On imposing a pre-trial restriction for a person charged with being in the unlawful military unit http://kiev-simph.krm.sudrf.ru/modules.php?name=press_dep&op=1&did=297

¹² Krym.Realii / Activists Detained In Crimea Released From FSB On Recognizance Not To Leave. They Are Suspected of FailureTo Report <https://ru.krymr.com/a/news-krym-zaderzaniya-aktivistov-delo-o-nedonositelstve/30814261.html>



FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

On August 4, it became known that the Supreme Court of the Russian Federation upheld the decision to forjuge the community of the **Orthodox Church of Ukraine** from the cathedral in Simferopol (the main church of the religious organization).¹³

On August 12, the “Ministry of Justice” of Crimea issued a warning to the **Muslim community “Alushta”** with a demand to excommunicate Ruslan Emirvaliyev, a defendant in the politically motivated “case of Crimean Muslims”, from the founders by September 30, 2020.¹⁴

On August 14, the judge of the ‘Alushta Town Court’, Tatyana Zakharova, left without consideration the appeal of Imam **Yusuf Ashirov** against the verdict of a RUR 5,000 fine under Art. 5.26-4 of the Administrative Code of the Russian Federation (*Illegal missionary activity*).¹⁵

On August 17, “Justice of the Peace” Tatyana Vayanova fined the Church of Christians of Evangelical Faith **“Church of St. Paul”** in Feodosia for RUR30,000 under Art. 5.26-3 of the Administrative Code of the Russian Federation (*Illegal missionary activity*).¹⁶

FREEDOM OF SPEECH AND EXPRESSION

In August, RF Law No. 279-FZ “On amending Article 7 of the Federal Law“ On the Federal Security Service ”¹⁷, that prohibits the dissemination of information damaging the FSB’s reputation, without the approval of the FSB, came into force.

In this way, the law, enforced by the Russian Federation in violation of the norms of international humanitarian law on the territory of Crimea, deprives the Crimeans of the opportunity to publicly criticize and disseminate information about unlawful actions of FSB officers and violations of human rights.¹⁸

¹³ <https://www.facebook.com/photo.php?fbid=10217526794031572>

¹⁴ Warning Notice of Minjustice of Crimea, To Excommunicate Ruslan Emirvaliyev From Muslim Community <https://crimean-solidarity.org/news/2020/08/12/preduprezhdenie-ot-minyusta-kryma-isklyuchit-ruslana-emirvalieva-iz-sostava-musulmanskoj-obshhiny-531>

¹⁵ «Alushta Town Court» / List of Cases to be heard on 14 August 2020. Case 12-169/2020 https://alushta--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=14.08.2020

¹⁶ «Peace Court of Republic of Crimea» / Case 05-0342/87/2020 <http://mirsud82.rk.gov.ru/>

¹⁷ Official legal information internet website <http://publication.pravo.gov.ru/Document/View/0001202007310049?index=1&rangeSize=1>

¹⁸ <https://crimeahrg.org/ru/zapret-publichnoj-kritiki-fsb-uhudshit-situaciyu-s-pravami-cheloveka-v-krymu/>



FREEDOM OF MOVEMENT

On August 8, the Cabinet of Ministers of Ukraine made, unexpectedly for people, a decision to return the previous restrictions, those that had been in force in the spring, on crossing the checkpoints with Crimea. According to the Ordinance of the Cabinet of Ministers of Ukraine No. 979-r, for the period of August 9 to 30, the person may pass either depending on the place of residence, or due a limited list of humanitarian grounds.¹⁹ The official reason for re-introducing restrictions was called counter-acting the spread of COVID-19 in Ukraine, but in fact there were no objective reasons for the introduction of such restrictions. People were not notified in advance of such serious changes, and they did not have time to enter or leave Crimea before these restrictions entered in force. The list of humanitarian grounds did not include many circumstances, that was a need for people to cross the checkpoints.²⁰

Human rights organizations of Ukraine appealed to the president and the government with a demand to adopt urgently amendments to regulations to regulate the procedure for crossing checkpoints for humanitarian grounds.²¹

On August 26, the Cabinet of Ministers of Ukraine made a decision that starting from midnight on August 29, Order No. 979-r would be cancelled and passing through the Ukrainian checkpoints with Crimea would be resumed.

¹⁹ <https://www.kmu.gov.ua/news/uryad-uhvaliv-rishennya-pro-timchasovi-obmezheniya-peretinu-punktiv-propusku-z-timchasovo-okupovanim-krimom>

²⁰ Crimean Human Rights Group / Issues of Passing Ukrainian Checkpoints with Crimea after CMU Unexpected Decision <https://crimeahrg.org/ru/problemy-peresecheniya-ukrainskih-kpv-s-krymom-posle-vnezapnogo-resheniya-kmu-2/>

²¹ Crimean Human Rights Group / Public Statement of NGOs on unjustified restrictions for passing the checkpoints with Crimea: <https://crimeahrg.org/uk/vidkrita-zayava-gromadskih-organizacij-shhodo-neobruntovanogo-obmezheniya-peretinu-kpv/>



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

The CHRГ in August recorded **5** new criminal cases against Crimea residents under RF CC Art. 328 (*evading the military service in the Russian Federation Armed Forces*), and **8** new sentences awarded under this article, including 4 — in the “Leninsky District Court of Sevastopol” (judges Viktor Klimakov and Andrey Grachev²²), 2 — in the “Kerch City Court” (judge Irina Altanets)²³, 1 — in the “Sudak City Court” (Judge Evgeny Rykov²⁴) and 1 — in the “Soviet District Court” (judge Igor Brazhnik²⁵). Totally, as of the end of August 2020 the CHRГ documented **130** criminal cases initiated for evading the RF Army military service, that were sent to the Crimean ‘courts’ for considering, with verdicts delivered for **121** of them and **9** being still under consideration.

From 27 to 29 August in Crimea, within the framework of the Army 2020 Forum, events were held to promote service in the Russian army. In Kerch, on Lenin Square²⁶ and in Sevastopol, in the Patriot Park,²⁷ samples of military equipment and weapons were displayed as well as mobile selection points for military service under contract were rolled out.

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²² «Leninsky District Court of Sevastopol» / List of cases to be heard on 3 August 2020. Case 1-273/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=03.08.2020; List of cases to be heard on 12 August 2020. Case 1-283/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=12.08.2020; List of cases to be heard on 19 August 2020. Case 1-292/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=19.08.2020; List of cases to be heard on 28 August 2020. Case 1-300/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=28.08.2020

²³ «Kerch City Court» / List of cases to be heard on 30 July 2020. Case 1-292/2020 http://kerch.krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=30.07.2020
List of cases to be heard on 10 August 2020. Case 1-350/2020 http://kerch.krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=10.08.2020

²⁴ «Sudak City Court» / List of cases to be heard on 19 August 2020. Case 1-103/2020 http://sudak.krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=19.08.2020

²⁵ «Sovetsky District Court» / List of cases to be heard on 20 August 2020. Case 1-80-2020 http://sovetskiy.krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=20.08.2020

²⁶ CHRГ / In Kerch Downtown Despite Pandemics Service in Russian Army Is Being Propagandized (Photo) <https://crimeahrg.org/ru/v-centre-kerchi-nesmotrya-na-pandemiyu-propagandiruyut-sluzhbu-v-rossijskoj-armii-foto>

²⁷ CHRГ / In Sevastopol During Pandemics Militarist Mass Events Are Held <https://crimeahrg.org/ru/v-sevastopole-vo-vremya-pandemii-provodyat-militaristskie-massovyie-meropriyatiya/>