



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

September 2020

The monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in September 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 September 22, FSB men detained two people in Crimea for distributing leaflets calling for the return of Crimea to Ukraine (*for more details, see the Freedom of Expression section*).

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As of end of September 2020, **105 persons** were deprived of liberty within a politically motivated criminal or religious persecution. The full list is published at the CHRG website.¹

“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 September the total number of Crimean residents deprived of liberty under the ‘Case of Crimean Muslims’ increased to **69** persons, and **5** more people are under the movement restriction: **3** are subject to supervision, and are not allowed to leave Crimea, and **2** is on house arrest.

On September 4, Aleksey Kozyrev, a judge of the ‘Supreme Court of Republic of Crimea’ (‘SCRC’), extended a detention period for **Mr. Eskender Suleymanov** till December 10.²

On September 9, Alexey Kozyrev and Nana Petyusheva, ‘SCRC’ judges, extended detention periods for **Rustem Sheikhaliyev, Yashar Muedinov, Bilial Adilov, Asan Yanikov, Tofik Abdulgazyev, Akim Bekirov, Seitveli Seitabdiyev and Alim Karimov** until December 15, 2020.³

On September 10,⁴ 11⁵ and 14,⁶ Alexey Kozyrev and Viktor Vasilyev, SCRC’ judges, extended detention periods for **Erfan Osmanov, Dzhemil Gafarov, Izzet Abdullayev, Enver Ametov, Vladlen Abdulkadyrov, Seyran Murtaza, Servet Gazieyv, Rustem Seytkhalilov, Medzhyt Abdurakhmanov, Osman Arifmemetov, Ruslan Suleymanov, Raim Aivazov, Farhod Bazarov, Shaban Umerov, Remzi Bekirov and Rize Izetov** till December 15, 2020. Their names are not

¹ <https://crimeahrg.org/wp-content/uploads/2020/10/lisheniya-svobody-2020-10-01.pdf>

² «SCRC’ / List of cases to be heard on 04.09.2020. Cases №№ 3/2-97/2020 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=04.09.2020

³ «SCRC’ / List of cases to be heard on 04.09.2020. Cases №№ 3/2-98/2020, 3/2-99/2020, 3/2-101/2020, 3/2-102/2020, 3/2-104/2020, 3/2-105/2020, 3/2-107/2020, 3/2-108/2020 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=09.09.2020

⁴ «SCRC’ / List of cases to be heard on 10.09.2020. Cases №№ 3/2-100/2020, 3/2-103/2020, 3/2-106/2020, 3/2-109/2020, 3/2-112/2020, 3/2-114/2020, 3/2-116/2020, 3/2-118/2020, 3/2-120/2020 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=10.09.2020

⁵ «SCRC’ / List of cases to be heard on 11.09.2020. Cases №№ 3/2-110/2020, 3/2-111/2020, 3/2-113/2020, 3/2-115/2020, https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=11.09.2020

⁶ «SCRC’ / List of cases to be heard on 14.09.2020. Cases №№ 3/2-117/2020, 3/2-119/2020, 3/2-121/2020 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=14.09.2020



disclosed at the 'court' website, and the information on the outcomes of the sessions in camera was reported by the lawyers.^{7,8}

On September 10, Roman Plisko, a judge of the Southern Area Military Court, extended the detention period for **Arsen Abkhairov, Rustem Emiruseinov and Eskander Abdulganiyev** till December 14.⁹ On September 16, Rizvan Zubairov, a judge of the Southern Area Military Court, issued sentences to the defendants of the 2nd Bakhchisarai group of the "Crimean Muslims Case". **Marlen Asanov** was sentenced to 19 years in the maximum security regime colony, **Memet Belialov** — 18 years, **Timur Ibragimov** — 17, **Seyran Saliyev** — 16, **Server Mustafayev** — 14, **Server Zekiryayev and Edem Smailov** — 13 years. **Ernes Ametov** was found not guilty and released in the courtroom.¹⁰ This is the first acquittal in this case.

Marlen Asanov, Memet Belialov, Timur Ibragimov, Seyran Saliyev, Server Zekiryayev and Ernes Ametov have been in custody since October 11, 2017, and Server Mustafayev and Edem Smailov since May 21, 2018.

On September 17, a judge of the Military Court of Appeal in Vlasikha (RF) upheld the decision on keeping the defendants of the 2nd Bakhchisarai group sentenced on September 16, in custody. The decision covered also Ernes Ametov, who was found not guilty on September 16.¹¹

On September 21, with the sentence expired, blogger **Nariman Memedeminov**, sentenced on October 2, 2019 by the Southern Area Military Court of the Russian Federation to 2 years and 6 months in the colony-settlement was released.

"UKRAINIAN SABOTEURS' CASE"

As of the end of September 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.

On September 3, the Moscow City Court, upheld the decision on keeping **Mr. Ivan Yatskin**¹² in custody till 16 October.

On September 17, Ms Yelena Guseynova, sister of **Mr. Denis Kashuk**, informed that he had been moved from the Simferopol Pre-Trial Detention Center to Lefortovo Pre-Trial Detention Center (Moscow).¹³

⁷ Crimean Solidarity / Day of Judgement Conveyer at Supreme Court. Arrest for Crimean Political Prisoners Extended Till December 15 <https://crimean-solidarity.org/news/2020/09/10/den-konvejernyx-postanovlenij-v-verxovnom-sude-krymskim-polituznikam-prodlili-arest-do--dekabrya-580>

⁸ Crimean Solidarity / Arrest for Crimean Tatar Activists Accused of Hizb-ut-Tahrir Membership Extended till December <https://crimean-solidarity.org/news/2020/09/09/krymskotatarskim-aktivistam-obvinyayemym-v-prichastnosti-k-xizb-uttaxrir-prodlili-arest-do-dekabrya-574>

⁹ Crimean Solidarity / Military Court 'Statement of Geneva Convention Primacy is not in line with the RF Laws <https://crimean-solidarity.org/news/2020/09/10/voennyj-sud-utverzhdenie-o-verxovenstve-zhenevskoj-konvencii-ne-sootvetstvet-zakonodatelstvu-rf-577>

¹⁰ Krym.Realii / Hizb-ut-Tahrir Bakchisarai Case Defendants Sentenced for Long Terms in Russia <https://ru.krymr.com/a/news-v-rossii-vynesli-prigovor-figurantam-vtorogo-bahchisaraiskogo-dela-hizb-ut-tahrir/30841911.html>

¹¹ Military Court of Appeal. List of cases to be heard on 17.09.2020 https://vap.sudrf.ru/modules.php?name=sud_delo&srnum=1&H_date=17.09.2020

¹² Moscow City Court Information on case no 10-16416/2020 <https://www.mos-gorsud.ru/mgs/services/cases/appeal-criminal/details/c15e2bb6-57ee-4313-ba42-329947b4fd92>

¹³ <https://www.facebook.com/olena.huseynova/posts/10216768394155020>



PERSECUTION FOR CHARGING WITH BEING IN N.CHELEBIDJIKHAN BATALLION

As of the end of September, **6 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 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.

On September 2, Tatyana Melnik, a 'SCRC' judge, upheld the decision on keeping **Mr. Medzhyt Abliamitov** in custody till October 17.¹⁴

PERSECUTION OF "JEHOVAH'S WITNESSES"

As of the end of September **2 persons** were deprived of liberty within the criminal persecution of 'Jehovah's Witnesses' — they are serving the sentence in the colony. At least two Crimeans are known to be under the criminal cases for the Jehovah's Witnesses membership.

OLEH PRIKHODKO'S CASE

On September 7, within the session on the case of **Oleh Prykhodko** in the Southern Area Military Court (RF)¹⁵ judge Aleksey Magomadov extended the detention period for the Ukrainian activist till December 15.¹⁶

CONFINEMENT CONDITIONS IN CUSTODIAL SETTING

On September 18, Server Mustafayev informed lawyer Siyar Panich that the administration of the Pre-Trial Detention Center No. 1 of Rostov-on-Don (RF) had placed **Eldar Kantimirov**, a defendant in the "case of Crimean Muslims," in the punishment cell for 15 days. The reason for this was that Eldar Kantimirov failed to respond to the roll call, as he was performing namaz (praying) at that moment.¹⁷

¹⁴ CHRГ / 'Supreme Court' Kept Medzhyt Abliamitov Suspected of Being in Ukrainian 'National Battalion' In Custody <https://crimeahrg.org/ru/podozrevaemogo-v-uchastii-v-ukrainskom-naczbatalone-medzhit-a-blyamitova-verhovnyj-sud-ostavil-pod-strazhej/>

¹⁵ Southern Area Military Court. Case № 1-48/2020 https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=5012264&case_uid=c8b16e47-cef9-41d0-8683-d4a389866d43&delo_id=1540006

¹⁶ Krym. Realii / Arrest for Pro-Ukrainian Activist from Crimea Prikhodko Extended for 3 months — Lawyer <https://ru.krymr.com/a/news-rossia-prihodko-prodlili-arest-na-3-mesyaca/30825639.html>

¹⁷ https://m.facebook.com/story.php?story_fbid=1231809537186500&id=403544516679677



FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

In September, 4 new administrative procedures against religious organizations and their members under Art. 5.26 (*Illegal missionary activity*) were started in the 'courts of peace' of Crimea, including three against such organizations as: **the Catholic Church of the Byzantine Rite — a parish of transferring the relics of Nicholas the Wonderworker (Yalta), 18, the Church of Christians of Evangelical Faith "Light to the World" (Yalta) 19 and the Church of Evangelical Christians-Baptists (village Partenit),²⁰** and one against a member of the Church of Christians of the Evangelical Faith in Partenit, **Mr Evgeniy Dudanov** (*protocol under Part 4 of Art. 5.26 of the Code of Administrative Offenses of the Russian Federation*²¹).

FREEDOM OF EXPRESSION

On September 22, the RF FSB press office disseminated information on detaining two people for "disseminating extremist agitation" — leaflets calling for the return of Crimea under the control of the Ukrainian authorities, through the controlled mass media.²² The detainees are a 28-year-old resident of Yevpatoria and a 22-year-old resident of Odessa, **Oleksandr Dolzhenkov**, a Ukrainian national, who came to Crimea from the territory controlled by Ukraine. The RF FSB is known to have opened a case against Mr. Oleksandr Dolzhenkov Art. 280.1-1 of the Criminal Code of the Russian Federation (*Public calls for actions aimed at violating the territorial integrity of the Russian Federation*).²³

The CHRNG monitored an access to Ukrainian radio broadcasting in Crimea in September. In 7 settlements, Russian FM stations broadcast their programs on Ukrainian radio frequencies. In 11 out of 19 settlements, simultaneous broadcasting of two stations — Ukrainian and Russian — was recorded at some frequencies. A new TV and radio tower was installed near the Chaplynka checkpoint in the occupied territory of Crimea, that verifies the deliberate blocking of Ukrainian FM radio broadcasting by Russian stations.²⁴

The CHRNG monitored in September blocking of access to Ukrainian news sites by providers in Crimea. The monitoring showed that 9 providers in 8 settlements completely blocked 25 Ukrainian sites and 1 social network. The same providers blocked the websites of the Mejlis of the Crimean Tatar people, Hizb ut-Tahrir, Jehovah's Witnesses and the Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine. In addition, at least 3 more Ukrainian sites were only partially accessible from these providers.²⁵

¹⁸ <http://mirsud82.rk.gov.ru/> Case 05-0432/94/2020

¹⁹ http://mirsud82.rk.gov.ru Case 5-0382/100/2020

²⁰ <http://mirsud82.rk.gov.ru/> Case 05-0601/24/2020

²¹ <http://mirsud82.rk.gov.ru/> Case 05-0602/24/2020

²² Vesti. Krym. / Ukrainian Agitator Planning Destabilization of Crimea Caught <https://vesti-k.ru/pojmany-ukrainskie-agitatory-planirovavshie-destabilizaciyu-kryma>

²³ Krym. Realii / Name of Ukrainian Accused by the FSB of Extremism and Detained in Crimea Is Known <https://ru.krymr.com/a/news-krym-zaderzannyj-ukrainec-turist-iz-odessy/30855458.html>

²⁴ CHRNG/ Occupation Authorities Mounted a New Tower in North of Crimea to Jam a Signal of Ukrainian FM Stations <https://crimeahrg.org/ru/na-severe-kryma-okkupacionnaya-vlast-ustanovila-novuyu-vyshku-dlya-blokirovaniya-signala-ukrainskih-fm-stancij>

²⁵ CHRNG/ In Crimea 9 Providers in 8 Cities Blocking Completely 30 Websites https://crimeahrg.org/ru/v-krymu-9-provaiderov-v-8-gorodah-polnostyu-blokiruyut-30-sajtov/?fbclid=IwAR14thnnKVM3wAXKdU4b0QF1g7VTe0r0_-I7Nh-86Zfqcw8J2uRqRQGYzQ



FREEDOM OF ASSEMBLY AND ASSOCIATION

On September 2, Ms. Maria Domnikova, judge of the Zheleznodorozhny District Court of Simferopol, imposed a RUR20,000 fine on the entrepreneur Mr. **Eldar Yayachik** Art. 20.2-2 of the RF CoAO (*Violation of the procedure for holding a rally*) The reason for the administrative case was that on the day of the Crimean Tatar flag he had organized a motor rally of 5 cars with Crimean Tatar flags that had not been agreed with the authorities de facto.²⁶

On September 15, **Mrs.Venera Mustafayeva**, the mother of Server Mustafayev, a defendant in the “case of Crimean Muslims” and a human rights activist, went to a single-person protest in Bakhchisarai with a poster “Talking in the mosque is not a crime! Give me back my son.”²⁷ “On September 22, she was called to the RF police department, where she was handed a protocol on violation of “quarantine restrictions” under Art. 1 of the RF CoAO (*Failure to comply with the rules of conduct under a high alert regime*) and Art. 20.2 of the RF CoAO (*Violation of the procedure for holding a rally*). On September 25, the “Bakhchisarai District Court” returned the materials of the administrative case against Mrs Mustafayeva to the Bakhchisarai RF police unit office because the administrative reports had been issued with violations.”²⁸

On September 23, Lyubov Dyachenko, ‘SCRC’ judge, upheld the decision on a fine of 15,000 rubles against **Ms.Oksana Taranina**, a member of the Communist Party of the Russian Federation in Yevpatoriya, for calling on her Facebook page to “take part in a public event that was not agreed with the authorities’.²⁹

²⁶ «Zheleznodorozhny District Court of Simferopol» / List of cases to be heard on 02.09.2020. Case № 5-483/2020 https://zheleznodorozhniy--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=02.09.2020

²⁷ <https://www.facebook.com/crimeansolidarity/videos/715846428969958/>

²⁸ <https://www.facebook.com/crimeansolidarity/posts/1239274696439984>

²⁹ «SCRC» / List of cases to be heard on 23.09.2020 Case 12-476/2020 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=23.09.2020



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 September recorded **16** new criminal cases against Crimea residents under RF CC Art. 328 (*evading the military service in the Russian Federation Armed Forces*), and **9** new sentences awarded under this article, including 4 — in the “Leninsky District Court of Sevastopol” (‘judges’ Viktor Klimakov, Anatoliy Vasilenko, Anna Gulo³⁰), 1 — in the ‘Tsentralny District Court of Simferopol’ (‘judges’ Yuriy Gulevich and Viktor Mozheliansky³¹), 2 — in the “Sudak City Court” (‘judge’ Yelena Bosi³²), and 1 in the “Kerch City Court” (judge Irina Altanets³³).

Totally, as of the end of September 2020, the CHRГ documented **141** criminal cases initiated for evading the RF Army military service, that were sent to the Crimean ‘courts’ for considering, with verdicts delivered for **134** of them and **7** being still under consideration.

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³⁰ «Leninsky District Court of Sevastopol» / List of cases to be heard on 01.09.2020. Case 1-306/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=01.09.2020; List of cases to be heard on 08.09.2020. Case 1-314/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=08.09.2020; List of cases to be heard on 21.09.2020. Case 1-330/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=21.09.2020; List of cases to be heard on 29.07.2020. Case 1-334/2020 https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=29.09.2020

³¹ «Tsentralny District Court of Simferopol» / List of cases to be heard on 15.09.2020. CAse 1-256/2020 http://centr-simph.krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=15.09.2020; List of cases to be heard on 24.09.2020. Case 1-274/2020 http://centr-simph.krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=24.09.2020

³² «Sudak City Court» / List of cases to be heard on 16.09.2020. Case 1-101/2020 https://sudak-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=16.09.2020; List of cases to be heard on 18.09.2020. Case 1-99/2020 https://sudak-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=18.09.2020

³³ «Kerch City Court» / List of cases to be heard on 10.09.2020. Case 1-407/2020 https://kerch-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=10.09.2020