



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

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The monitoring review was prepared
by the Crimean Human Rights Group
on the basis of materials collected
in November 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 November 3, journalists and activists who came to the building of the 'Crimean Garrison Military Court' in Simferopol, where reading the verdict against three defendants in the "case of Crimean Muslims" in Rostov-on-Don was broadcast, were detained. The RF policemen detained the journalists of the Grani.ru online media Ms. Vilena Temeryanova, and Mr. Abliamit Ziyadinov, as well as activist Mr. Erfan Bekirov. They were taken to the Ministry of Internal Affairs Department of the Central District of Simferopol, where reports were made on them under the Code of Administrative Offences of the Russian Federation, Article 20.2 (*Organization and holding of an unauthorized rally*) and Art. 20.6.1 (*Failure to comply with the rules of conduct in the emergency event, that is, violation of the so-called "quarantine restrictions"*).¹ The same day judge Aleksandr Voronoy decided to return the reports to the police for removing drawbacks due to absence of a Crimean Tatar language interpreter and lawyers when the reports were being drawn up. Then the detained were released.²

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As of end of November 2020, **109 persons** were deprived of liberty within a politically motivated criminal and/or religious persecution. The full list is published at the CHRNG website.³

"CASE OF CRIMEAN MUSLIMS"

This case defendants are accused of membership in Muslim religious organizations⁴ 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. Cases are considered in violation of the right to a fair trial, the main evidence for the court is the testimony of anonymous witnesses (many of whom are RF FSB men), pre-trial testimony of witnesses who later declare in court that such testimony was given under duress, and linguistic examinations of conversations of the accused Muslims. The evidence provided by the defense is usually not accepted by the judges.

In November the total number of Crimean residents deprived of liberty under the 'Case of Crimean Muslims' was **69 persons**, and **5 more people** are under the movement restriction: **3** are subject to supervision, and are not allowed to leave the occupied territory, and **2** are on house arrest.

On November 3, Roman Plisko, a judge of the Southern Area Military Court (YuOVS) of Rostov-on-Don (RF) sentenced three Crimean Tatars to imprisonment in the maximum security penal colony with serving the first two years in prison, and the subsequent — in the colony:⁵ **Rustem Emiruseinov** — 17 years, **Arsen Abkhaitov** — 13 years and Eskender **Abdulganiev** — 12 years in custody.⁶

¹ https://facebook.com/story.php?story_fbid=425388822191534&id=403544516679677

² https://m.facebook.com/story.php?story_fbid=1272322639801856&id=403544516679677

³ <https://crimeahrg.org/wp-content/uploads/2020/12/lisheniya-svobody-noyabr-2020.pdf>

⁴ In most cases this organization is 'Hizb-ut-Tahrir'

⁵ YuOVS / List of cases to be heard on 3 Nov 2020. Case 1-25/2020(1-137/2019) https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=03.11.2020

⁶ https://facebook.com/story.php?story_fbid=1271401869893933&id=403544516679677



On November 6, the YuOVS in Rostov-on-Don extended the detention periods for **Seytumer Seytumerov, Osman Seytumerov and Rustem Seytmemetov** until April 22, 2021, and the house arrest period for **Amet Suleymanov** until December 22, 2020.⁷ There is no information about the session on the court's website.

On November 6, Tatyana Melnik,⁸ a judge of the "Supreme Court of the Republic of Crimea" ("SC RC") upheld the decision on the compulsory detention of visually impaired **Alexander Sizikov** in the mental hospital for examination.⁹ On November 13, Mr. Alexander Sizikov was returned under house arrest after the examination in the mental hospital. On November 26, the 'Kievsky District Court of Simferopol' extended his detention period on house arrest until March 2, 2021.¹⁰

On November 12, Sergey Vinnik, a judge of the Military Court of Appeal in Vlasikha (RF), upheld the decision to keep **Riza Umerov, Enver Omerov and Ayder Dzhapparov** in custody until January 15, 2021.¹¹

On November 13, Sergei Butusov, a judge of the Military Court of Appeal, upheld the decision to keep **Eldar Kantimirov, Ruslan Mesutov, Ruslan Nagayev and Lenur Khalilov** in custody until January 21, 2021.¹²

On November 25, the 'Kievskiy District Court of Simferopol' extended the detention period for **Emil Ziyadinov** until March 1, 2021.¹³

On November 26, the Third General Jurisdiction Court of Appeal (3rd ASOYu) of the city of Sochi upheld the decision to keep **Shaban Umerov** in custody until December 15, 2020.¹⁴ The case was considered by judge Konstantin Safonov.¹⁵

On November 26, YuOVS (judge Timur Mashukov¹⁶) extended the detention period for **Zekirya Muratov** until May 17, 2021.¹⁷

On November 26, the 'Kievskiy District Court of Simferopol' extended the detention period for **Ismet Ibragimov,¹⁸ Vadim Bektemirov,¹⁹ Alim Sufyanov and Seyran Khayredinov** until March 2, 2021.²⁰

⁷ https://www.facebook.com/story.php?story_fbid=1277020355998751&id=403544516679677

⁸ «SCRC» / List of cases to be heard on 6 Nov 2020. Case 22K-3315/2020 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=06.11.2020

⁹ <https://www.facebook.com/crimeansolidarity/videos/648261225841975>

¹⁰ Crimean Solidarity / Court Extended House Arrest for Disabled Crimean Muslim. Court Officer Had Almost Made a Report <https://crimean-solidarity.org/news/2020/11/26/sud-prodlil-domashnij-arest-krymskomu-musulmaninu-s-invalidnostyu-pristav-edva-ne-sostavil-protokol-720>

¹¹ Military Court of Appeal / List of cases to be heard on 12 Nov 2020. Case 55K-310/2020 https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=12.11.2020

¹² Military Court of Appeal / List of cases to be heard on 13 Nov 2020. Case 55K-311/2020 https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=13.11.2020

¹³ <https://www.facebook.com/crimeansolidarity/posts/1290887414612045>

¹⁴ <https://www.facebook.com/crimeansolidarity/posts/1291688147865305>

¹⁵ 3rd ASOYu / List of cases to be heard on 26 Nov 2020. Case 55K-765/2020 https://3ap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=26.11.2020

¹⁶ YuOVS / List of cases to be heard on 26 Nov 2020. Case 1-132/2020 https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=26.11.2020

¹⁷ <https://www.facebook.com/crimeansolidarity/posts/1291844467849673>

¹⁸ <https://www.facebook.com/crimeansolidarity/posts/1291727601194693>

¹⁹ <https://www.facebook.com/crimeansolidarity/posts/1291792437854876>

²⁰ <https://www.facebook.com/crimeansolidarity/posts/1291811157853004>



“UKRAINIAN SABOTEURS’ CASE”

As of the end of November 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 November 10 lawyer N.Polozov informed that Viktor Rogov, a judge of the First General Jurisdiction Court of Appeal (RF) ²¹ upheld a decision to keep **Ivan Yatskin** in custody until December 16. ²²

PERSECUTION FOR CHARGING WITH BEING IN N.CHELEBIDJIKHAN BATALLION

As of the end of November, **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.

PERSECUTION OF “JEHOVAH’S WITNESSES”

As of the end of November, **6 persons** were deprived of liberty within the persecution of ‘Jehovah’s Witnesses’ in Crimea.

CONFINEMENT CONDITIONS IN CUSTODIAL SETTING

On November 26, Mrs. Dilyara Abdullayeva, the mother of **Teymur Abdullayev**, a defendant in the “Case of the Crimean Muslims,” informed that he had tested positive for COVID-19. However, the administration of Colony No. 2 in the city of Salavat (RF) placed him in the punishment cell until November 27, where confinement conditions were much worse than in the cell. ²³

According to the CHRG, prisoners who are sick with COVID-19 or have symptoms of COVID-19 are placed by the administration in solitary confinement cells in the punishment block for isolation. Food is delivered to them by detention center staff wearing protective suits. Such cells are put on the “quarantine mode”, that, in fact, means ‘no walks for 10 days’.

²¹ 1st General Jurisdiction Court of Appeal / List of cases to be heard on 10 Nov 2020. Case 55K-1925/2020 https://1ap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=10.11.2020

²² https://www.facebook.com/story.php?story_fbid=2757824861169804&id=1676669515952016

²³ https://www.facebook.com/permalink.php?story_fbid=839593533463738&id=100022392969328



FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

On November 3, Kristina Troyan, a 'justice of peace', issued a ruling on imposing a fine in the amount of RUR5,000 on Mr.**S.Alekseyev**, a Kerch resident, under the RF CoAO Article 5.26 (*illegal missionary activity*) for the distribution of religious literature.²⁴

On November 11, Liudmila Sologub, a 'justice of peace', fined Imam **Abliakim Galiyev** RUR 5,000 under the RF CoAO Art. 5.26 for conducting a Friday prayer.²⁵

On November 19, Svetlana Builova, a 'justice of peace', fined **Mr.M.Ablayev**, a Simferopol resident, RUR 5,000 under the RF CoAO Art. 5.26.²⁶

In November, two new cases under the RF CoAO Art. 5.26 against **Mr.A. Gaziev**²⁷ and the **Muslim community "Menjaba"**²⁸ were sent to the 'courts of peace' of Crimea.

In total, at the end of November, the CHRG recorded **104 administrative trials** in Crimea against religious organizations and their members under Art. 5.26 of the Code of Administrative Offences of the Russian Federation. Within the framework of these proceedings, imposed fines totaled to at least RUR 1,450,500.

On November 28, the Crimean Solidarity Association reported that unknown persons had come to **Mrs.Anna Bogacheva**, the wife of Vadim Siruk, a defendant in the "case of Crimean Muslims". They justified their visit with a certain order of the Ministry of Internal Affairs of the Russian Federation on receiving explanations from a number of Muslims — relatives of the defendants in criminal cases. They showed the list, that included the names of Anna Bogacheva and Vadim Siruk. The woman was asked whether she was a member of religious organizations. When she had refused to answer the questions of unknown persons, they said that in this case other employees of the Ministry of Internal Affairs of the Russian Federation would talk to her, and left.²⁹

FREEDOM OF EXPRESSION

On November 3, RF policemen detained the journalists of the Grani.ru online media **Ms.Vilena Temeryanova**, and **Mr.Abliamit Ziyadinov** in Simferopol (*for more detail, see section Searches and Detentions*).

FREEDOM OF ASSEMBLY AND ASSOCIATION

On November 9, a car rally was held in Simferopol, with 8 cars carrying the flags of Azerbaijan. The Russian Federation policemen drew up reports on the participants of the rally under the RF CoAO Art. 20.2 (*an unauthorized mass event*). On November 10 and 11, Anton Tsykurenko, Denis Didenko and Andrey Dolgopolov, "judges of the Kievskiy District court of

²⁴ «Courts of Peace of Republic of Crimea» / Case 05-0282/48/2020 <http://mirsud82.rk.gov.ru>

²⁵ «Courts of Peace of Republic of Crimea» / Case 05-0515/86/2020 <http://mirsud82.rk.gov.ru/>

²⁶ «Courts of Peace of Republic of Crimea» / Case 05-0348/81/2020 <http://mirsud82.rk.gov.ru/>

²⁷ «Courts of Peace of Republic of Crimea» / Case 05-0520/28/2020 <http://mirsud82.rk.gov.ru/>

²⁸ «Courts of Peace of Republic of Crimea» / Case 05-0453/64/2020 <http://mirsud82.rk.gov.ru/>

²⁹ <https://www.facebook.com/crimeansolidarity/posts/1293285197705600>



Simferopol”, issued rulings on administrative punishment of the participants³⁰ in the form, according to the lawyer, of administrative arrest for a period of 5 days. Appeals against these decisions were considered by “judges of the SCRC” Yekaterina Timoshenko, Vladimir Agin, Oksana Shudakova, Sergey Yakovlev, Liubov Dyachenko and Natalia Mostovenko who affirmed the decisions.³¹

³⁰ «Kievskiy District court of Simferopol / List of cases to be heard on 10 Nov 2020. Cases 5-1592/2020, 5-1593/2020, 5-1597/2020, 5-1600/2020, 5-1604/2020 https://kiev-simph--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=10.11.2020; List of cases to be heard on 11 Nov 2020. Cases 5-1607/2020, 5-1608/2020 https://kiev-simph--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=11.11.2020;

³¹ «SCRC» / List of cases to be heard on 25 Nov 2020. Case 12-671/2020 https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=25.11.2020; List of cases to be heard on 26 Nov 2020. Cases 12-668/2020, 12-669/2020, 12-670/2020, 12-672/2020, 12-673/2020, https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=26.11.2020



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

On November 24 the RF Ministry of Defence reported that about 30 Crimeans from Sevastopol had been moved to the RF territory to serve in the RF Armed Forces units.³²

In November the CHRG recorded **3** new criminal cases against Crimea residents under RF CC Art. 328 (*evading the military service in the Russian Federation Armed Forces*), and **2** new sentences awarded under this article. It is worth noting that one of the new cases has been started against Mr. Kirill Zhdanchenko who was already persecuted under this article in 2018. Totally, as of the end of November 2020, the CHRG documented **147** criminal cases initiated for evading the RF Army military service, that were sent to the Crimean 'courts' for considering, with verdicts delivered for **142** of them and **5** being still under consideration.

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³² RF MinDefence / First Draftees from Sevastopol Left by Train to Serve Military Service Beyond Peninsula Boundaries <https://structure.mil.ru/structure/okruga/south/news/more.htm?id=12326309>