December 2020

The monitoring review was prepared by the Crimean Human Rights Group on the basis of materials collected in December 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 December 4, in the village of Grushevka, RF FSB men searched at Mr. Kazim Ametov’s, a Crimean Tatar activist. The search was led by RF FSB investigator K. Mitrofanov. The reason for the search was the suspicion that Kazim Ametov’s son, Guliver Ametov, was in N. Chelebidzhikhan Crimean Tatar battalion. Mr. Ametov said that two search witnesses had been brought by the FSB men.¹

On December 28, the police detained journalist Vilen Temeryanov in violation of procedural norms and the right to legal protection (for more detail, see the section “Freedom of Expression”).

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As of end of December 2020, 109 persons at least were deprived of liberty within a politically motivated criminal and/or religious persecution. The full list is published at the CHRG website.²

“CASE OF CRIMEAN MUSLIMS”

This case defendants are accused of membership in Muslim religious organizations³ 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 December 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 December 1, the “Supreme Court of the Republic of Crimea” (“SCRC”) upheld the decision to keep Mr. Alim Sufyanov and Mr. Seyran Khayredinov in custody until March 2, 2021.⁴ The case was considered by “judge” Anatoliy Osochenko.⁵

¹ https://m.facebook.com/story.php?story_fbid=129774233926493&id=403544516679677
³ In most cases this organization is ‘Hizb-ut-Tahrir’
⁴ https://m.facebook.com/story.php?story_fbid=2775562762729347&id=1676669515952016
On December 3, the Third Court of Appeal in City of Sochi (RF) upheld the decision to keep Mr. Ruslan Suleymanov and Mr. Seyran Murtaza in custody until December 15, 2020. The case was considered by judges Konstantin Safonov and Zhanna Totskaya.

On December 7, the “SCRC” extended the period of detention of Mr. Rustem Seytkhalilov until January 6, 2021.

On December 8, the “SCRC” extended the period of detention of Mr. Asan Yanikov, Mr. Seitveli Seytabdiyev, Mr. Akim Bekirov until January 14, 2021 and that of Mr. Eskender Suleymanov until January 9, 2021; that of Mr. Remzi Bekirov, Mr. Farkhod Bazarov, Mr. Shaban Umerov, Mr. Dzhemil Gafarov, Mr. Raim Aivazov and Mr. Riza Izetov until January 14, 2021. Alexey Kozyrev and Viktor Zin’kov are among the “judges” who passed these judgements.

On December 10, the “SCRC” extended the period of detention of Mr. Alim Karimov, Mr. Rustem Sheykhaliev, Mr. Erfan Osmanov, Mr. Osman Arifmemetov, Mr. Medzhit Abdurakhmanov, Mr. Izzet Abdullayev, Mr. Vladlen Abdulkadyrov and Mr. Ruslan Suleymanov until January 14, 2021. On December 11 and December 14 the same judgements were passed regarding Mr. Yashar Muedinov, Mr. Seyran Murtaza, Mr. Tofik Abdulgaziyev, and Mr. Enver Ametov correspondingly.

On December 11, the “SCRC” upheld the decision on house arrest until March 2 for Mr. Alexander Sizikov. The case was considered by “judge” Yuriy Latynin.

On December 17, Igor Kostin, a judge of the Southern Area Military Court (YuOVS) in Rostov-na-Donu (RF), extended the period of house arrest for Mr. Amet Suleymanov until February 22, 2021. He was transported to Rostov-na-Donu (700 km) by FSIN staff by an office car. The judge rejected a motion by the defense to allow Suleymanov due to his health condition to participate in the next hearings via video link.

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17 https://www.facebook.com/crimeansolidarity/posts/1312593165774803
On December 22, YuOVS extended the period of detention of Mr. Eldar Kantimirov, Mr. Ruslan Mesutov, Mr. Ruslan Nagayev and Mr. Lenur Khalilov until April 15, 2021. The case was considered by judge Roman Saprunov.

On December 23, during the debate in the YuOVS, the prosecutor requested sentences of 19 years, 13 years, and 18 years in the maximum security penal colony, with the first 3 years in prison, for the Crimean Muslims, Mr. Enver Omerov, his son Mr. Rize Omerov, and Mr. Ayder Dzhapparov, correspondingly.

On December 28, the YuOVS began hearings on the merits of the case of 25 Crimean Muslims detained in March 2019. On December 28, the case of Raim Ayvazov, Farkhod Bazarov, Remzi Bekirov, Riza Izetov and Shaban Umerov was being considered by judge Kirill Kvatsovo; on December 29, the case of Akim Bekirov, Seytveli Seytabdiyev, Rustem Seytkhalilov, Eskender Suleymanov and Asan Yanikov was being considered by judge Kirill Kvatsovo, the case of Tofik Abdulgaziyev, Vladlen Abdakadyrov, Izzet Abdullayev, Medzhit Abdurakhmanov and Bilial Adilov — by judge Timur Mashukov; on December 30 — the case of Enver Ametov, Osman Arifmetov, Yashar Muedinov, Ruslan Suleymanov and Rustem Sheykhaliyev was being considered by judge Timur Mashukov, the case of Servet Gaziyev, Dzhemil Gafarov, Alim Karimov, Seyran Murtaza, and Erfan Osmanov — judge Timur Mashukov.

On December 29, the Military Court of Appeal of Vlasikha City (RF) upheld a decision on keeping Rustem Seytmemetov, Osman Seytumerov, Seytumer Seytumerov in custody until April 22, 2021 and on Amet Suleymanov’s house arrest until February 21, 2021.

**“UKRAINIAN SABOTEURS’ CASE”**

As of the end of December 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.

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19 [https://www.facebook.com/crimeansolidarity/posts/1312593165774803](https://www.facebook.com/crimeansolidarity/posts/1312593165774803)
PERSECUTION FOR CHARGING WITH BEING IN N.CHELEBIDJIKHAN BATALLION

As of the end of December, 6 people were deprived of liberty under a charge of being in N.Chelebidjikhan 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 Chelebidjikhan 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 December 10 lawyer Nikolay Pozoov reported that Alla Khinevich, a ‘SCRC judge’, sentences Mr.Lenur Isliamov in absentia to 19 years in custody for creating the battalion, demolishing electric power posts, and calling for returning Crimea under the control of Ukrainian authorities.29

PERSECUTION OF “JEHOVAH’S WITNESSES”

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

On December 15, “judge of the Sevastopol City Court” Vasily Avkhimov upheld the judgement to keep Jehovah’s Witnesses follower Mr.Vladimir Sakada in custody until February 28, 2021; on December 16, “judge of the Sevastopol City Court” Vladimir Reshetnyak passed a similar judgement against Mr.Vladimir Maladyka. 30

OLEH PRIKHODKO’S CASE

On December 2, the YuOVS in Rostov-na-Donu (RF) extended the period of detention for Ukrainian activist Oleh Prykhod’ko until March 16, 2021. 31 The case was considered by judge Alexey Magomadov. 32 On December 29, judge of the Military Court of Appeal in Vlasikha City (RF) Alexander Peresada upheld the judgement to keep the Ukrainian in custody. 33

CONFINEMENT CONDITIONS IN CUSTODIAL SETTING

On December 9, Mr.Shaban Umerov, the defendant in the “Case of Crimean Muslims”, informed that there was a 10 cm wide gap in the window in the cell of the Simferopol pre-trial detention center where he was kept, so it was very cold in the cell. 34

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29 https://m.facebook.com/story.php?story_fbid=3646674928931210&id=100001662173833
On December 9, lawyer R. Yakhin informed that Mr. Dzhemil Gafarov, the defendant in the “Case of Crimean Muslims”, had got gout due to staying in the improper conditions of the pre-trial detention center.  

On December 11 lawyer A. Azamatov informed that Mr. Bilal Adilov, the defendant in the “Case of Crimean Muslims”, kept in the Simferopol pre-trial detention center, had been diagnosed COVID-19.  

On December 22, Mrs. Diliara Abdullayeva reported that her son, the defendant in the “Case of Crimean Muslims” Mr. Teymur Abdullayev, had been again placed in the punishment cell by the administration of Penal Colony-2 in Salavat (RF). Since March 2020, when Teymur Abdullayev arrived at the colony, he has been staying in the punishment cell almost all the time.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

In December, the CHRG registered one new administrative proceeding under Art. 5.26 of the Code of Administrative Offenses of the Russian Federation (RF CoAO) (illegal missionary activity) against Mr. S. Davtletshayev, which was being considered in the “court of peace” in Bakhchisarai. In total, at the end of December, the CHRG recorded 105 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.

FREEDOM OF EXPRESSION

On December 8, Law 425-FZ came into force — amending Article 280.1 of the Criminal Code of the Russian Federation and enacting a new article 280.2 of this Code. The changes are aimed at toughening punishment for calls to violate the territorial integrity of the Russian Federation. The authorities of the Russian Federation consider Crimea as part of their territory, thus, those persons who declare the need to return the occupied Crimea under control of Ukraine will be also subject to persecution.

On December 18, the ‘Sevastopol City Court’ upheld the verdict (2 years and 6 months of suspended imprisonment) to left-wing activist Valeriy Bolshakov. He was sentenced under RF CC Art. 280 (Public calls for extremist activities) for critical statements regarding the Russian authorities and ‘Terek Kazakdom’ paramilitary unit. The case was considered by ‘judge’ Vasily Avkhimov.

On December 28 the RF police detained unreasonably journalist Vilen Temeryanov. At 9.00AM his car was blocked near his house by the policemen, who refused to show documents, explain the reason for the detention and ensure a possibility to call a lawyer. As his wife said, the police said that “everything will be told in the court,” they forced him to sit into one of their cars and took the journalist to the Kievsky District of Simferopol police station, and then to the “Central District Court of Simferopol”. He was accused of organizing a non-authorized public event, that he had likely hold on November 3 at the building of the “Crimean Garrison Military Court” during the hearings in the case of “Crimean Muslims”. Mr. Temeryanov was there as a journalist for the GRANI News Outlet. On December 30, the ‘Central District Court of Simferopol’ terminated the administrative proceedings in his case due to the lack of corpus delicti.

Monitoring of internet resources access offered by 11 Crimean providers that was hold by the CHRG in December showed that at least 25 Ukrainian websites were blocked in full, and 5 more in part.
FREEDOM OF ASSEMBLY AND ASSOCIATION

The administration of the city of Feodosiya refused to authorize local activist Alexander Talipov to hold a rally on December 8 demanding the resignation of the head of the administration, Sergei Bovtunenko. The reason for the refusal was “high alert regime” in action due to the COVID-19 pandemic.46

On December 9, “SCRC judge” Liubov Dyachenko upheld the judgement on a fine of RUR20,000 for activists Sergei Akimov and Ilya Bolshedvorov for holding single-man protests in October 2020.47

On December 11, “Judge of the Bakhchisaray District Court” Olga Morozko fined Mrs. Venera Mustafayeva RUR1,000 rubles for holding a single person protest on September 5, 2020 in support of her son, Server Mustafayev, the defendant in the “case of Crimean Muslims”. Venera Mustafayeva was charged under RF CoAO Art. 20.6.1 (Failure to comply with the rules of conduct when a high alert regime is in force).48 The judge ruled against Venera Mustafayeva in the absence of the accused and her defense lawyer Lily Gemendzhii.49

The Crimean Solidarity Association reported in December that RF policemen were visiting, under various reasons, local activists to interview them and collect personal information.

On December 9, the RF MIA men visited Mr. Nariman Memedeminov to conduct a “preventive conversation” about possible peaceful assemblies organized by him;50 he is a blogger who has recently served a prison sentence on a politically motivated criminal case; Mr. Isliam Dzhaliilov and Mr. Murat Ramazanov in the village of Golubinka;51 Mr. Enver Mustafayev to obtain his personal data in connection with the sale of a stolen item in the area;52 Mr. Ametkhan Umerov for interviewing by police officers;53 Mr. Shukri Seytumerov in Bakhchisarai with the demand to submit an explanatory note, since a robbery had been committed in his area;54 the family of the defendant in the “case of Crimean Muslims”;55 Seyran Saliyev, due to the theft of building materials at the construction site;56 Ms. Ayshe Yakubova in Bakhchisarai under the pretext of enumerating the residents of multi-flat buildings;57 imam Diliaver Khalilov of Zavetnoye village, Sovietsky District, to hand in a warning note on inadmissibility of participating in the

50 https://m.facebook.com/story.php?story_fbid=1301833101821222&id=403544318679677
'non-authorized events'; 58 Mr.Zeynur Asanov in Bakhchisarai District, because a car similar to his seemed to had hit sheep. 59

Also on December 9, Mr.Osman Khoshch received a call from a man who introduced himself as a police officer and asked for his personal data. The police officer explained this by Mr.Khoshch's trip to Moscow to support the defendants in the “case of the Crimean Muslims” in July 2019. 60

On December 10, two people not wearing uniform introduced themselves to Mr.Sinaver Nimetullayev as the police officers. When his son asked them to show their documents and took out his phone, the unknown persons put on masks and left. 61

On December 10, Mr.Seytmemet Isliamov was summoned for questioning to the Belogorsk District police department. During the interrogation, police officers asked questions about Isliamov’s place of work and private life. 62

On December 15, the RF police visited Mr.Ayder Kurtbekov in the village of Holodovka; 63 Mr.Ruslan Rustemov; 64 Mr.Ernest Dzhelilov; 65 Mr.Aziz Karakhalilov in the Kirovsky district for a “preventive conversation” in connection with his detention in Moscow in 2019 during the protest against the persecution of Crimean Tatars; 66; Mr.Zekkiya Kulametov to “warn him in connection with his activist’s activities.” 67

On December 16, the RF policemen visited Mr.Seytveli Aliyev due to his attending the “political courts” and participating in rallies, and activism. 68

On December 21, the RF policemen visited Mr.Refat Kamilov in Sudak; 69 Mr.Bekir Muslimov in Solnechnaya Dolina; 70 Mr.Emin Kenzhakayev in Sudak; 71 Mr.Seytosman Karaliyev in Sudak; 72 Mr.Nariman Muedinov in Sudak. 73

On December 23, in the village of Razlivy a person working for the Ministry of Internal Affairs of the Russian Federation interviewed a neighbor of local imam Server Temirkalyaev about his family, activities, source of income and place of residence. 74

Most of the Crimean Tatars, visited by the RF policemen in December, have participated in protests against the persecution of the Crimean Tatars or are relatives of the defendants in the “case of the Crimean Muslims.”

69 https://www.facebook.com/crimeansolidarity/posts/1311271045907015
70 https://www.facebook.com/crimeansolidarity/posts/1311288045905215
71 https://www.facebook.com/crimeansolidarity/posts/1311408902559896
72 https://www.facebook.com/crimeansolidarity/posts/1311318345902286
73 https://www.facebook.com/crimeansolidarity/posts/1311345175899802
74 https://www.facebook.com/crimeansolidarity/posts/131222439145209
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

In December the CHRG recorded 16 new criminal cases against Crimea residents under RF CC Art. 328 (evading the military service in the Russian Federation Armed Forces), and 10 new sentences awarded under this article, including 3 — in ‘Kirovskoye District Court’, 4 — in ‘Leninsky District Court of Sevastopol’, 1 — in ‘Gagarinsky District Court of Sevastopol’, 1 — in ‘Bakhchisarai District Court’, and 1 — in ‘Tsentralny District Court of Simferopol’.

This is the highest number of cases and sentences for evading the military services in the RF Armed Forces within one month, since the start of occupation.

Totally, as of the end of December 2020, the CHRG documented 163 criminal cases initiated for evading the RF Army military service, that were sent to the Crimean ‘courts’ for considering, with verdicts delivered for 153 of them and 10 being still under consideration.

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