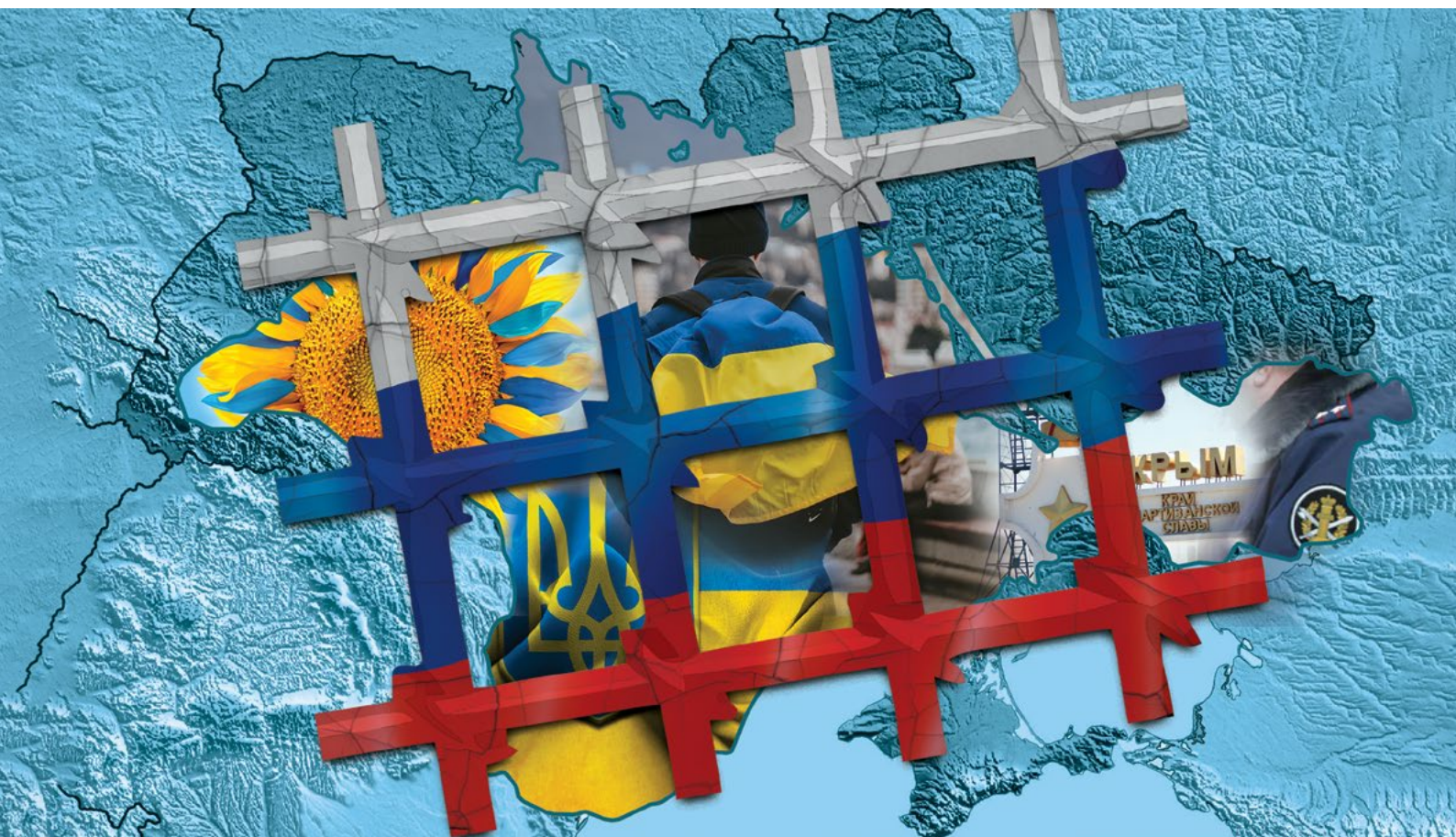




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HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW NORMS: CRIMEA 2020 SITUATION REVIEW

January 2021

The Crimean Human Rights Group (CHRG) is a non-profit Ukrainian human rights organization of Crimean human rights defenders and journalists, aimed at promoting the observance and protection of human rights in Crimea by attracting wide attention to problems of human rights and international humanitarian law in the territory of the Crimean peninsula. The CHRG focuses on documentation and ongoing monitoring of human rights violations and war crimes in connection with the occupation of Crimea by the Russian Federation.

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

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1. CIVIL AND POLITICAL RIGHTS

ENFORCED DISAPPEARANCES

All cases of enforced disappearances after the occupation of Crimea that were documented by the human rights organizations have not been effectively investigated yet, with no responsible identified and brought to justice.

TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

In 2020, the use of violence and degrading treatment during detentions, the use of violence against detainees, detention in conditions threatening life and health, detention in custody of persons with medical contraindications to this, refusal to provide the necessary medical care, were recorded in Crimea.

The Russian occupation authorities kept on denying to investigate statements of torture, and those responsible for torture go unpunished. Moreover, representatives of the occupying authorities publicly encouraged the use of torture. For instance, on March 26th Mr. Sergey Aksionov, ‘Head’ of Crimea, called on the Ministry of Internal Affairs of the Russian Federation staff to “practice all the techniques of hand-to-hand combat” on the Crimeans who concealed trips to other countries in the situation of coronavirus pandemic.¹

The review of Crimean ‘courts’ sentences the CHRG made in June 2020 showed that ‘investigative bodies’ in Crimea started criminal cases on the fact of torture due to the statements of victims of politically motivated persecution under the RF Criminal Code (*hereinafter RF CC*) Art. 286 (*Abuse of office*), i.e. torture is classified as one of the ‘abuse of office’ types. “Judges” and “investigative bodies” do not pass sentences resulting into an actual imprisonment, for the staff of RF law enforcement bodies, they rule to apply the minimum possible punishment periods or even less, instead. The CHRG documents only one verdict on the actual imprisonment but it was passed regarding a policeman who had beaten

his fellow officer. As to the RF FSB men, no criminal case at all was found on the Crimean ‘courts’ websites, though most applicants stating the fact of torture during the political reasoned persecution indicate the RF FSB men to be guilty.²

‘Judges’ and ‘investigative bodies’ in Crimea do not pass sentences on actual imprisonment for RF MIA and FSB men that used tortures

Among the new facts, **torture of Mr. Server Rasilchak** is extremely important to point out. On January 28, 2020, the Russian policemen stopped a car where 17-year-old Server Rasilchak and his father were at night on the way to Saki. Server informed that during the detention, the Russian policemen had beaten him, and taken him to the police station where he had been tortured with electric shocks, beaten and threatened with sexual violence for several hours. In May, his mother informed that a torture case had been opened, but no charges had been filed against policemen.

Persons detained in pre-trial detention facilities report dampness, coldness, lack of minimal hygiene and sanitation conditions, and sufficient number of beds because the detention centers’ capacity is exceeded; they are refused to be provided medical care or dispensed medicines needed. Victims of politically reasoned and religious persecutions from Crimea, who are detained in the penal colonies in the territory of the Russian Federation, are most often sent to punishment cells (segregation units) due to contrived pretexts. For example, Mr. Teymur Abdullayev, a defendant of the ‘Case of Crimean Muslims’, was kept almost all the time in the punishment cell, starting from March 2020, when he had been conveyed to the VK-2 penal colony in Salavat (RF), and till the end of the year.

Such detention conditions result into a substantial deterioration of prisoners’ health. Moreover, they are not provided the necessary medical care, and relatives are restricted in supplying the medicines. In the context of the COVID-19 pandemic, the situation became even more complicated.

¹ <https://crimeahrg.org/uk/aksonov-zaklikav-mvs-rf-do-nasilstva-nad-krimchanami-kotri-prihovuyut-nedavni-po%d1%97zdk-i-za-kordon/>

² <https://crimeahrg.org/uk/rosijskih-silovikov-ne-karayut-za-torturi-ukra%d1%97ncziv-u-krimu/>

Thus, the Russian Federation does not prevent torture and inhuman or degrading treatment of prisoners and detainees, as well as does not provide adequate medical care to persons deprived of their liberty, in violation of Art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (*hereinafter – ECHR*).

RIGHT TO LIBERTY AND SECURITY OF PERSON

Politically reasoned criminal persecution and deprivation of liberty

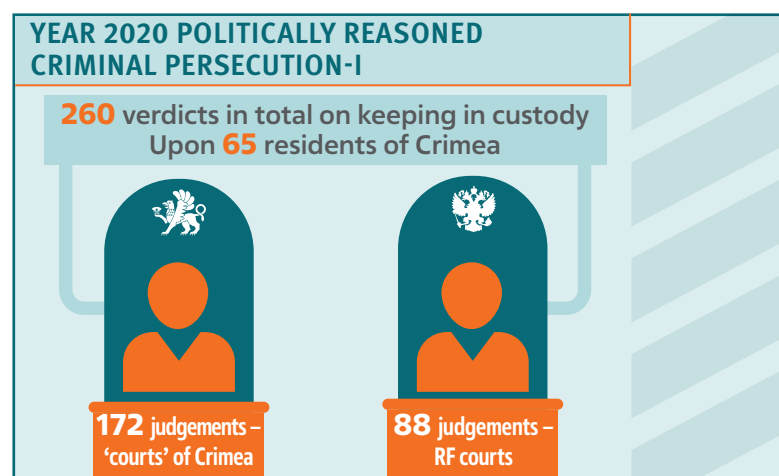
According to the CHRG data, at the end of 2020, 109 persons deprived of liberty due to political or religious reasons were kept in the places of unfreedom under ‘Crimean’ criminal cases. No releases involving Crimean political prisoners occurred after the ‘exchange’ in September 2019. At least 24 persons were deprived of liberty in 2020, including:

- 10 persons under the ‘Case of Crimean Muslims’, 1 staying on house arrest though was deprived of liberty due to placing in a hospital for a forced psychiatric examination;
- 6 persons charged with ‘Jehovah’s Witnesses’ membership;
- 2 persons charged with being in N.Chelebidzhikhan Battalion;
- 4 persons charged with preparing subversions, possessing weapons, and espionage in favor of Ukraine;
- 2 persons charged with calling to return Crimean under Ukraine’s control.

In 2020 15 verdicts related to deprivation of liberty under the politically reasoned cases were passed, and for the first time a ‘non-guilty’ verdict was delivered under the ‘Case of Crimean Muslims’ for Mr. Ernes Ametov, who, nevertheless, had spent 3 years in the pre-trial detention center.

The CHRG recorded 172 judgements of ‘courts’ on detaining or extending the detention periods that were passed in 2020 in the occupied Crimea under the politically reasoned persecution. Some prisoners were unlawfully moved to the RF territory where

such verdicts were passed by the Russian courts. In 2020 the CHRG recorded 88 judgements of the Russian courts on keeping in custody within the politically reasoned cases. Thus, in total in 2020 the CHRG recorded 260 judgements on keeping in custody under such cases that were passed upon 65 residents of Crimea.



When considering appeals against detention judgements, a ‘court of appeal’ delays the consideration period and makes a decision after the court of first instance has made a new decision to extend the detention period. Thus, considering the appeal by the appellate court has no sense because the person has been already extended the period of detention.

In 2020, the number of Crimean residents imprisoned under the **“Case of Crimean Muslims”** totaled 69. 5 persons more are restricted in their movement: 3 are under police supervision and shall not leave the occupied territory, 2 are on house arrest. The defendants in the case are accused of participating in the ‘Hizb ut-Tahrir’ or propagandizing 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.

**YEAR 2020 POLITICALLY REASONED
CRIMINAL PERSECUTION-II**

69 persons deprived of liberty
under the “Case of Crimean Muslims”



10 sentences
Deprived of liberty
for **12** to **19** years

On September 6, 2020, the Southern Area Military Court in Rostov-na-Donu read out convictions to seven Crimean Tatars. Mr.Marlen Asanov was sentenced to 19 years in the maximum security penal prison, Mr.Memet Belialov – to 18 years, Mr.Timur Ibragimov – to 17 years, Mr.Seyran Saliyev – to 16 years, Mr.Server Mustafayev – to 14 years, Mr.Server Zekiryayev – to 13 years, Mr.Edem Smailov – to 13 years, respectively. On November 3, the Southern Area Military Court in Rostov-na-Donu sentenced three Crimean Tatars to the maximum security penal colony, including the first two years in prison: Mr.Rustem Emiruseynov – for 17 years, Mr.Arsen Abkhayitov – for 13 years and Mr.Eskender Abdulganiyev – for 12 years.

At the end of 2020, **15 people (Mr.Andriy Zakhtei, Mr.Volodymyr Dudka, Mr.Oleksiy Bessarabov, Mr.Dmytro Shtyblikov, Mr.Hlib Shablii, Mr.Hennadiy Limeshko, Mr.Leonid Parkhomenko, Mr.Kostiantyn Davydenko, Mr.Denys Kashuk, Mr. Dmytro Dolhopolov, Ms. Anna Sukhonosova, Mr.Yunus Masharipov, Mr.Ivan Yatskin, Mr.Konstantin Shyrinh and Mr.Galina Dovgopola)**, who were accused by the RF FBS during the detention “of preparing subversions, possession of weapons and espionage”, were in custody under the **‘cases of Ukrainian Commandos and Spies’**. In addition, one person 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.

**YEAR 2020 POLITICALLY REASONED
CRIMINAL PERSECUTION-III**

15 persons detained under the cases
of ‘Ukrainian Commandos and Spies’



2 sentences:
• on forced treatment
• **3** years and **8** months
in custody

On March 3 ‘Yalta Town Court, having revised the case, passed a new judgement – on placing Mr. Yunus Masharipov to the mental hospital for enforced treatment. A forced treatment is in fact an unlimited sentence since the medical commission will take a decision on extending or stopping the forced treatment every 6 months. On April 6 ‘Armiansk Town Court’ sentenced Mr Denys Kashuk to 3 years and 8 months in the general security penal colony under RF CC Articles 222, 222.1, and 226.1 (*unlawful possession, transportation, and smuggling of arms and explosive devices*).

At the end of 2020 **6 persons** were deprived of liberty **under a charge of being in N.Chelebidzhikhan battalion (Mr.Nariman Mezhmedinov, Mr.Medzit Abliamitov, Mr.Fevzi Sagandzi, Mr.Diliaver Gafarov, Mr.Edem Kadyrov, Mr.Aydin Mamutov)**. They are accused under RF CC Article 208-2 because 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 July 20 ‘Chernomorsky District Court’ sentenced Crimean resident Nariman Mezhmedinov to 8 years in custody under RF CC Article 208-2 (*participation in an unlawful military unit for purposes that contradict interests of Russia*) for participation in this battalion. On December 10 ‘Supreme Court’ of Crimea sentenced Mr Lenur Isliamov in absentia to

YEAR 2020 POLITICALLY REASONED CRIMINAL PERSECUTION-IV

6 persons detained charged with
being in N.Chelebidzhikhan battalion



One sentence – **8** years
in custody

One verdict in absentia –
19 years in custody

19 years in custody for creating the battalion, exploding electric power supply poles, and calling to return Crimea under the control of Ukrainian authorities.

In 2020, at least **6 persons (Mr.Serhiy Filatov, Mr.Artem Herasimov, Mr.Ihor Schmidt, Mr.Yevhen Zhukov, Mr.Volodymyr Maladyka, and Mr.Volodymyr Sakada)** were imprisoned in Crimea as a result of persecution of Jehovah's Witnesses.

On March 5, Serhiy Filatov was sentenced to 6 years in custody, and on June 4, the 'Supreme Court' of Crimea sentenced Artem Herasimov to 6 years in custody. 4 people more have been detained.

The last decision made by the Southern Area Military Court in Rostov-na-Donu in 2020 was to extend a detention period for Ukrainian activist **Mr.Oleh Prykhod'ko** till 16 March 2021. The Military Court of Appeal (Vlasikha City) upheld the decision.

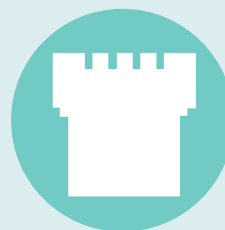
For the full list of those kept in the places of unfreedom under the politically reasoned cases as at the end of 2020, visit the CHRG website at: https://crimeahrg.org/wp-content/uploads/2020/12/prisoners_12_2020.pdf

Searches and Detentions

The RF policemen detained repeatedly journalists and activists to take them to the police stations for interrogation as witnesses or hand reports on administrative offenses, though no detention should occur in such situations. Procedure rules as well as the

YEAR 2020 POLITICALLY REASONED CRIMINAL PERSECUTION-V

Jehovah's Witnesses persecution –
6 persons deprived of liberty



Two 6-year's
sentences

right to legal protection were violated during such detentions as detainees were not usually given the opportunity to contact a lawyer.

In 2020, mass searches of activists' homes took place in Crimea, involving a significant number (up to several dozens) of law enforcement men. During the searches, entrances to houses or streets were blocked, police buses were used, and lawyers were not allowed to be with their clients during the search.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

In 2020, the Muslims were still criminally persecuted charged with membership in "Hizb ut-Tahrir" organization recognized a terrorist organization in the RF (*Decision of the Supreme Court of the Russian Federation of February 11, 2003*). 'Hizb ut-Tahrir' is not banned in Ukraine, and its activities in Crimea had not been under restriction before the occupation. The Islamic literature found during the searches as well as posts on social networks (published up to 2014 and in 2014) are often used by investigators as evidence of membership in the "banned organization."

In 2020, **10 persons** were deprived of liberty in Crimea on charges of membership in the 'Hizb ut-Tahrir' (9 persons are in the pre-trial detention center, 1 — on house arrest). As at the end of 2020, 69 Muslims in total were in custody within this case. In 2020 10 sentences were passed on charges of

YEAR 2020. POLICY OF ELIMINATING THE ORTHODOX CHURCH OF UKRAINE

Ruling on demolition of
the Church in Yevpatoriya

Ruling on ousting
from the Cathedral
in Simferopol



membership in the ‘Hizb ut-Tahrir’ (*RF CC Article 205.5*), imposing 12 to 19 years in the maximum security penal colonies.

In 2020 the first judgements on imprisoning the members of “Jehovah’s Witnesses’ religious organization included in the RF in 2017 into the list of ‘extremist organizations’, were delivered. On March 5 **Mr.Serhiy Filatov** was sentenced to 6 years, and ‘Yalta Town Court’ imposed Mr.Artem Herasimov a fine of RUR400,000. However, later the “Supreme Court of Crimea’ satisfied a motion of the ‘Prosecutor’s Office’ regarding **Mr.Artem Herasimov**, and sentenced him to 6 years. He was arrested immediately, in the ‘court’ room.

In addition, **Mr.Artem Shabliy** was detained in Kerch on May 26 after the mass searches, and he was put under restriction to travel as a pre-trial measure. On October 2, **Mr.Ihor Schmidt, Mr.Yevhen Zhukov, Mr.Volodymyr Maladyka, and Mr.Volodymyr Sakada** were detained in Sevastopol. They are still in the pre-trial detention center accused of membership in the ‘Jehovah’s Witnesses’.

In 2020 the occupation authorities kept on eliminating the **Orthodox Church of Ukraine** (hereinafter the OCU) in Crimea. On July 23 the court officers handed Rev. Clement, Metropolitan and Head of Crimean OCU Eparchy a resolution on demolishing the church in Yevpatoriya.³ On

³ <https://crimeahrg.org/uk/zayava-pravozahisnih-organizacij-z-privodu-znishhennya-pravoslavno%D1%97-czerkvi-ukra%D1%97ni-u-krimu/>

YEAR 2020 ADMINISTRATIVE PUNISHMENTS OF THE FAITHFUL UNDER RF COAO ARTICLE 5.26

At least **36** administrative trials



Fines totaling at least **RUR560,000**

RUR1,455,500 fined in total for
the occupation period

August 4th the RF Supreme Court denied revising the decision of the Crimea ‘Court’ to oust the OCU community from the Cathedral of Sts Volodymyr and Olha, Equal to Apostles, in Simferopol, despite repeated demands of the UN Committee on Human Rights to stop obstructing the OCU to use the cathedral premises.

The occupying authorities of the Russian Federation continue to apply the practice of administrative penalties “for missionary activity” under RF Code of Administrative Offences (*CoAO*) Art. 5.26 (*Violation of the law on freedom of conscience, freedom of religion and religious associations*) in Crimea.

In 2020, the “justices of the peace” of Crimea considered at least 36 administrative cases under RF CoAO Art. 5.26 against various religious organizations and their members, including Muslims, Protestants, Baptists, Jews, and the Greek Catholic Church. The faithful were most often persecuted for conducting religious ceremonies outdoors or in premises not registered as religious buildings under the Russian laws. Within the framework of these proceedings in 2020 fines totaling at least RUR560,000 were ordered, with the total amount for the entire occupation period amounting to at least RUR1,445,500.

FREEDOM OF SPEECH AND EXPRESSION

Legislative restrictions of freedom of speech

In 2020, Russia adopted a number of laws aimed at restricting freedom of speech, the effect of which extended to the territory of the occupied Crimea.

On April 1, Law no 100-FZ⁴ came into force: it introduced new articles to the Criminal and Administrative Codes of the Russian Federation to punish “public dissemination of intentionally false information about circumstances that threaten the lives and safety of citizens.” Contradictory wording, lack of legal certainty, and a wide range of perpetrators create conditions for police abuse of power over individuals and organizations investigating the COVID-19 pandemic in Crimea.

Law of the Russian Federation no 279-FZ “On Amendments to Article 7 of the Federal Law “On the Federal Security Service” of July 31, 2020⁵ prohibits the dissemination of information that damages the reputation of the FSB without the consent of the FSB. This law makes it impossible to publicly criticize the illegal actions of FSB men and disseminate information about their human rights violations.

On October 30, Roskomnadzor order came into force, legalizing the form and procedure for labelling materials of foreign media functioning as a foreign agent (foreign media agents).⁶ Failure to comply with this requirement entails an administrative liability in the form of a fine: from 50 to 200 tax-free minimum incomes — for officials, from 500 thousand to 5 million rubles — for legal entities. Among the mass media recognized in the Russian Federation as foreign media agents is also Krym.Realii, a project of the Radio Svoboda Ukrainian Office. This project informs about the situation in the occupied Crimea. Now it is subject to the requirements of the Roskomnadzor order.

⁴ <http://publication.pravo.gov.ru/Document/View/0001202004010073?index=6&rangeSize=1>

⁵ <http://publication.pravo.gov.ru/Document/View/0001202007310049>

⁶ <https://rkn.gov.ru/news/rsoc/news73138.htm>

RF Law no 425-FZ of December 8, 2020⁷ amended RF CC Article 280.1 (Public appeals to actions aimed at violating the territorial integrity of the Russian Federation) and introduced a new Article — 280.2 — in the Criminal Code (*Violation of the territorial integrity of the Russian Federation*). The amendments are aimed at increasing the punishment for calls to violate the territorial integrity of the Russian Federation. The Russian authorities position Crimea as part of the territory of the Russian Federation, so those who declare Crimea a part of Ukraine and call for returning the occupied peninsula to Ukraine’s control will also be persecuted.⁸

On December 30, the President of the Russian Federation signed several laws restricting freedom of speech, including law no 538-FZ of December 30, 2020,⁹ which expanded the concept of “public defamation” and increased the penalty for defamation up to imprisonment.

Persecution for freedom of expression and media blackout

On September 19, **a resident of Yevpatoria and Mr. Oleksandr Dolzhenko, a 22-year-old resident of Odessa**, who arrived in Crimea, were detained by the FSB under RF CC Art. 280.1 (*Public appeals to actions aimed at violating the territorial integrity of the Russian Federation*) for leaflets calling for the return of Crimea under the control of Ukraine. The young men are facing a sentence of up to 4 years in custody.

“Terrorist” criminal articles are used to prosecute civil journalists and bloggers. In 2020, several local activists who had recorded the facts of persecuting the Crimean Tatars and the Muslims in Crimea or informed about the actions of ‘Crimean Solidarity’ association, were deprived of liberty charged with membership in Hizb-ut-Tahrir organization, banned in the RF.

Crimean residents were also persecuted for expressing their opinions administratively. For posts

⁷ <https://rg.ru/2020/12/11/territorii-dok.html>

⁸ <https://crimeahrg.org/uk/uf-posilyu%d1%94-pokarannya-za-zakliki-do-deokupaczi%d1%97-krimu/>

⁹ <https://rg.ru/2021/01/12/shtraf-dok.html>

and publications on social networks, RF CoAO Art. 20.3 (*Propaganda or public display of Nazi symbols, or symbols of extremist organizations, or other symbols which display is prohibited by law*), Art. 20.29 (*Creation and dissemination of extremist materials*), Article 20.3.1 (*Spread of hatred or enmity as well as humiliation of human dignity*), Part 3 of Art. 20.1 (*Publications on the Internet that contain disrespect for the authorities of the Russian Federation*) were often applied.

In addition, the Crimean residents are still also hold administratively liable for publications on the social networks published before the occupation of Crimea started.

In 2020 the CHRG recorded the following number of administrative procedures in Crimea:

- **Article 20.29** **20**
- **Article 20.3** **43**
- **Article 20.3.1** **25**
- **Article 20.1-3** **1**

For instance, according to information of ‘Leninsky District Court of Sevastopol’, a local resident was fined RUR30,000 under RF CoAO Article 20.1-3 for affronting President of RF on the social network.

One of the ways to restrict the activities of journalists in Crimea is deporting them from Crimea or banning the entry. On January 18, the RF FSB handed **Mr. Taras Ibragimov**, a Ukrainian journalist, who was covering politically reasoned trials and violations of human rights in Crimea, when he was entering Crimea, a ban to enter the RF and the occupied Crimea for 34 years — till May 31, 2054.¹⁰

Journalists and bloggers are persecuted for their professional activities administratively, too, using articles restricting freedom of assemblies. On October 29, Mr. Serhiy Vasylyev was fined RUR20,000 for filming a single-man protest. The Center E men classified this as participation in an unauthorized mass event. On November 3, the Russian police detained journalists of Grani.ru outlet Mr. Vilen

¹⁰ <https://crimeahrg.org/uk/zayava-pravozahisnih-i-medijnih-organizacij-z-privodu-zaboroni-v%d1%97zdu-do-krimu-zhurnalista-tarasa-ibragimova/>

Temeryanov and Mr. Abliamit Ziyadinov for violating RF CoAO Art. 20.2 (*Unauthorized mass event*) and Art. 20.6.1 (*Failure to comply with the rules of conduct for emergencies, i.e. violation of the so-called “quarantine restrictions”*). The “court” returned the police reports to remove the shortcomings. On December 28, Vilen Temeryanov was detained by the policemen in order to hand over the corrected report under RF CoAO Article 20.2 and to convoy him to the “court”. The judge closed the case due to the lack of corpus delicti. However, on January 3, 2021, the journalist received a message that on December 18, 2020, a session of the ‘Tsentralny District Court of Simferopol’ had been held without his presence, and upon its judgement he had been fined RUR2,000 under RF CoAO Art. 20.6.1.

YEAR 2020 PERSECUTION OF JOURNALISTS

Taras Ibragimov – for covering the violations of human rights – a ban to enter the RF and Crimea for **34 years**

Serhiy Vasylyev – a **RUR 20,000** fine for filming a single man protest

Vilen Temeryanov – detention and a **RUR 2,000** fine for covering the politically reasoned trial

Information Access Lock

The Crimean Human Rights Group monitored regularly access to the Ukrainian internet resources and signal of Ukrainian radio stations in Crimea in 2020.

The December monitoring findings showed that at least 25 popular Ukraine websites were blocked by all 11 monitored providers in Crimea, and 5 were blocked by some of them. In addition, websites of LinkedIn, the Crimean Tatar People Mejlis, ‘Jehovah’s Witnesses’, Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine were blocked completely.¹¹

¹¹ <https://crimeahrg.org/uk/ukra%d1%97nski-onlajn-media-v-krimu-blokuyutsya-shhonajmenshe-11-provajerami-u-8-mistah/>

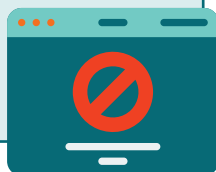
The monitoring of the FM broadcasting in the north of Crimea demonstrated that the Ukrainian radio station signal was accessible only in 7 of 19 settlements.¹² The signal is jammed by broadcasting of the Crimean and Russian radio stations at the same frequencies the Ukrainian broadcasters are licensed for. In addition, a new broadcasting tower was mounted at the CHAPLYNKA checkpoint in the occupied territory, to be likely used for intensifying the Ukrainian signal jamming.¹³

YEAR 2020 – INFORMATION ACCESS LOCK

11 providers in Crimea blocking at least **25** Ukrainian websites and websites of the Crimean Tatar People Mejlis, ‘Jehovah’s Witnesses’, Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine

Signal of Ukrainian radio stations jammed in **12** of **19** settlements in the north of Crimea

The occupation authorities mounted a new broadcasting tower close to **Chaplynka** checkpoint



FREEDOM OF ASSEMBLIES AND ASSOCIATIONS

Freedom of assemblies

The principle of authorizing system in force in Crime is that peaceful assemblies should not be held without prior authorization issued by a local “administration”. Representatives of “administrations” in Crimea usually deny authorizing the events that may criticize the authorities de facto. The most common reason for denying the authorization of the peaceful

assembly holding is the allegation that another organization, as said, has already applied for another meeting at the same time and place.

The intimidation of activists went on in 2020, and considering the situation they are threatened with persecution for holding an ‘unauthorized’ peaceful assembly. Policemen hand out the activists warning notes in advance, stating the inadmissibility of holding rallies, and indicating the administrative and criminal articles that the actions may be brought against them for. The CHRG documented at least 42 such warning notes in 2020.

On January 18, the Kerch city ‘administration’ sent a statement to the local media, threatening administrative persecution for holding mass events unauthorized by the authorities de facto.

In December, under various contrived pretexts (searching for stolen building materials, a missing COVID-19 patient, checking home books, etc.), the Russian police came home to Crimean Tatar activists who had participated in peaceful assemblies to collect their personal data and information about family members, their workplaces. In some cases, they stated explicitly that the visit had been caused by intense public activities and participation in the peaceful assemblies. For example, Crimean Solidarity association reported at least 25 such visits.

In the case of an “unauthorized” peaceful assembly, the organizers and participants are prosecuted under RF CoAO Art. 20.2 (*Violation of the procedure for holding assemblies, rallies, demonstrations, marches or pickets*) and Art. 20.2.2 (*Organization of mass simultaneous presence and (or) movement of citizens in public places that caused the violation of public order*). In addition, regarding the participants of the peaceful assemblies in Crimea, the Russian authorities apply RF CoAO Art. 19.3 (*Failure to comply with the requirements of a police officer*) and Art. 20.1 (*Petty hooliganism*).

In 2020, the “courts” of Crimea and Sevastopol issued at least 17 decrees on administrative penalties under RF CoAO Articles 20.2 and 20.2.2 for participation in the peaceful assemblies that had not been authorized by the occupying authorities including 8 decrees on imposing fines totaling RUR135,000,

¹² <https://crimeahrg.org/uk/nova-hvilya-blokuvannya-ukra%d1%97nskogo-fm-movlennya-na-pivnochi-krimu-okupacijnoyu-vladoyu-monitoring/>

¹³ <https://crimeahrg.org/uk/na-pivnochi-krimu-okupacijna-vlada-obladnala-novu-vezhu-dlya-blokuvannya-signalu-ukra%d1%97nskih-fm-stancij-2/>

YEAR 2020 VIOLATION OF FREEDOM OF ASSEMBLIES

At least **42** warning notes to the activists for inadmissibility of holding peaceful assemblies

At least **25** Crimean Tatar activists visited by the police

At least **17** decrees on administrative punishments for attending the peaceful assemblies

 **8** resolutions on fines totaling **RUR135,000**

 **6** decrees on a **5-day** administrative arrest

and 6 decrees on a 5-day administrative arrest. These peaceful events whose organizers and participants were brought to justice, included assemblies in defense of Taigan Park, Friday prayers, a rally with Azerbaijan flags, a rally with Crimean Tatar flags, a rally of the Communist Party of the Russian Federation, protests criticizing the Russian occupation authorities.

The Russian authorities keep on limiting the number of locations for peaceful assemblies in Crimea, that constitutes one of the reasons for denying the authorization for a peaceful assembly if the venue of the event announced by the organizer is not included in this list.

In addition, the Russian authorities, due to COVID-19 pandemic in 2020, banned holding the peaceful assemblies and applied a new article — RF CoAO 20.6.1 — against the activists (*Failure to comply with the rules of conduct in an emergency or threat of its occurrence*). The number of penalties under this article exceeded as early as in April 2020 14,000. It is important to note the episode of December 11, when Mrs. Venera Mustafayeva was fined RUR1,000 under RF CoAO Article 20.6.1 for holding a single-person protest to support her son — Server Mustafayev, a human rights defender and a defendant of the politically reasoned ‘Case of Crimean Muslims’. On December 18 journalist Vilen Temeryanov was fined RUR1,000 for filming the action to support the ‘Case of Crimean Muslims’ defendants.

YEAR 2020 VIOLATION OF FREEDOM OF ASSOCIATIONS

Ban on the Crimean Tatar People Mejlis is still in force

Participants of the Noman Chelebidzhikhan Crimean Tatar Battalion are deprived of **liberty**

Activists of Crimean Solidarity are being persecuted criminally and administratively, they are deprived of liberty under the falsified cases on the charge of **Hizb-ut-Takhrir** membership

Server Mustafayev, the Crimean Solidarity coordinator, is sentenced to **14** years in the maximum security penal colony

Freedom of associations

Ignoring the ruling of the International Court of Justice of April 19, 2017 on interim measures in the case “Application of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russia)”, Russia upheld the ban on the activities of the Crimean Tatar People Mejlis¹⁴ as ‘extremist organization’.

Participants of the Noman Chelebidzhikhan Crimean Tatar Battalion are persecuted under RF CC Article 208 -2 (*participation in an unlawful military unit*). The evidence of the battalion activities against the RF interests stated by the investigation is the mass media information that the purpose of battalion establishment was de-occupation of Crimea.

Activists of Crimean Solidarity Association are subject to criminal and administrative persecutions; more than of them have become victims of the falsified criminal cases on the charge of Hizb-ut-Takhrir membership, and Server Mustafayev, the Crimean Solidarity coordinator, was sentenced in 2020 to 14 years in the maximum security penal colony.

¹⁴ A supreme representative body of the Crimean Tatar People

2. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW NORMS

IV GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

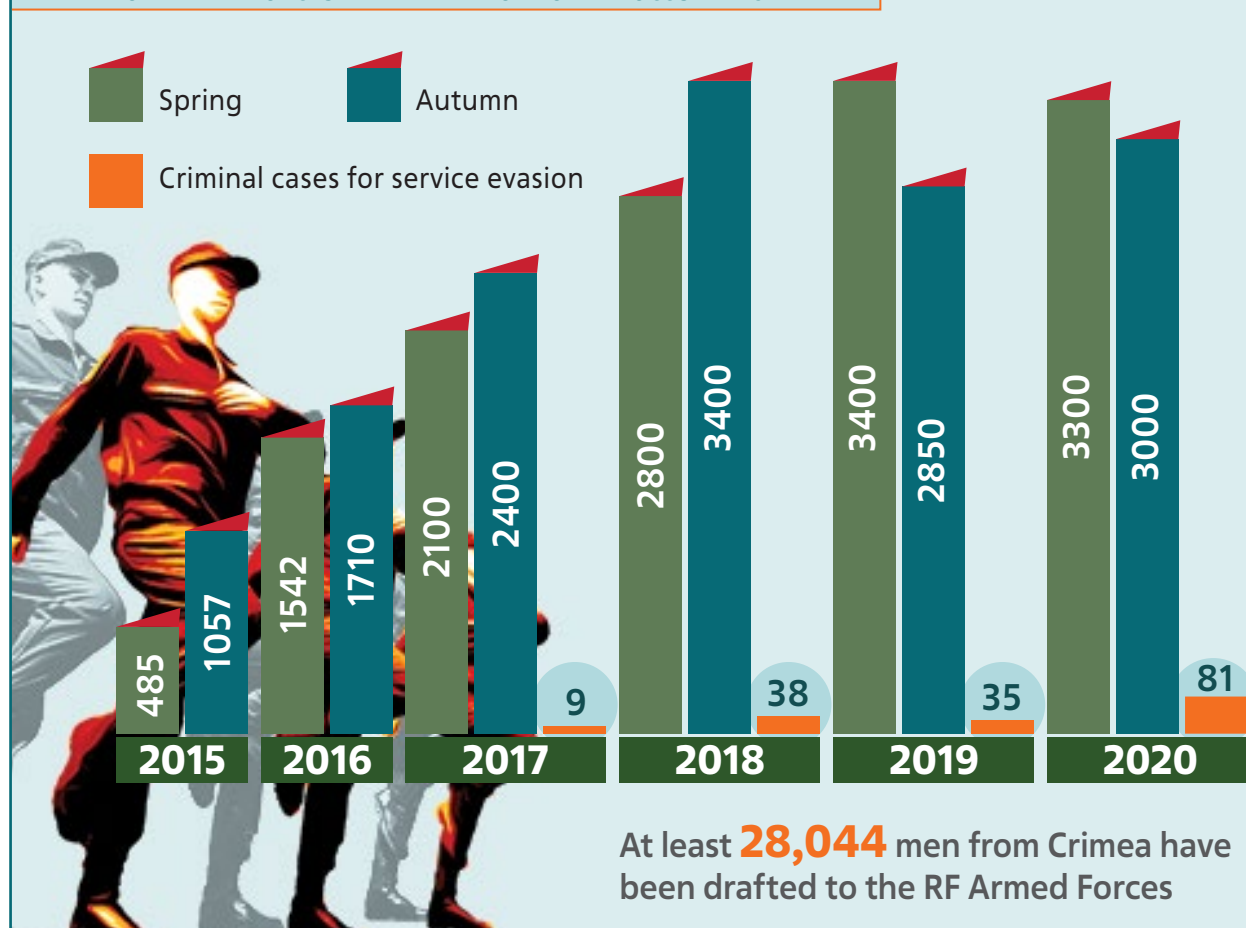
Article 49. DEPORTATION OF CRIMEAN RESIDENTS FROM THE OCCUPIED TERRITORY TO THE RF TERRITORY AS WELL AS TRANSFER OF RF CIVILIAN POPULATION INTO THE OCCUPIED TERRITORY

The RF authorities keep on a forcible transfer of the Crimean population from the occupied peninsula to the RF territory, for instance prisoners are regularly transported from Crimea to the colonies and pre-trial detention centers in the RF territory; draftees are sent to the military units in the RF territory,

and Ukrainian nationals who have not obtained the documents according to the RF migration laws, are deported from Crimea.

In addition, the RF authorities are sustained in creating conditions for settling the occupied territory of Ukraine with RF nationals. For instance, the CRHG reviewed the data of the website of the ‘Republic of Crimea and Sevastopol Department of the Federal State Statistics Service’ and found out that in 2020, at the end of November ‘due to ‘inter-regional migration movement’ 33,137 persons came to Crimea (20,763 into the territory of AR of Crimea for January – November 2020, and 12,374 to Sevastopol City for January – October 2020). The total number of the RF nationals who have moved in Crimea for the years of occupation,

UNLAWFUL CONSCRIPTION OF UKRAINIAN NATIONALS TO THE RUSSIAN FEDERATION ARMED FORCES IN THE TERRITORY OF THE OCCUPIED CRIMEA



is 205,559 (117,114 into the territory of the AR of Crimea and 88,445 to Sevastopol City). It should be noted that this number may include also the transfer of Sevastopol residents to the ‘Republic of Crimea’ and vice versa or transfer out of Crimea followed with the return to the peninsula. However, even this taken into account, the total number of the RF nationals transferred to Crimea is much higher since these statistic data do not include military men and law enforcement agencies staff.

Article 51. CONSCRIPTION OF PERSONS RESIDING ON THE OCCUPIED TERRITORY TO THE ARMED FORCES OF THE OCCUPYING POWER AS WELL AS PROPAGANDA OF THE SERVICE IN THE ARMED FORCES

In 2020, the Russian authorities conducted two campaigns in Crimea to draft Crimean residents to the RF army, with 12 mobilization campaigns held in total during the occupation. According to the statements of the “Military Commissariat of Crimea” and the Ministry of Defense of the Russian Federation, in 2020 at least 6,300 conscripts were mobilized to the Russian army: 3,300 within the spring campaign and at least 3,000 – within the autumn one. Thus, at least **28,044 persons** have been mobilized from Crimea to the RF army during the occupation in total.

In 2020 the CHRГ documented 81 new criminal cases for evading the service in the RF Armed Forces sent to the Crimea ‘courts’ for consideration.¹⁵ For the entire occupation period the CHRГ has recorded **163 cases** of this nature, with sentences passed in 153 and 10 being still considered.

The RF authorities are implementing a large-scale propaganda of service in the RF army in Crimea, in particular among children of primary and secondary school age. They are taught how to handle firearms – pistols, rifles and automatic firearms. Trainings take place both during mass events in schools and public places, and as dedicated training exercises and children’s camps for the military pre-conscription training. The RF authorities have organized and have been financing children’s

paramilitary units – units of “Yunarmiya” and “Krympatriotsentr” – out of budget funds.¹⁶

The documented facts of children militarization and propaganda of the service in the RF armed forces among minor Crimean residents in 2020 were sent by the CHRГ to the Prosecutor’s Office of the International Criminal Court (the communication was sent jointly with the Prosecutor’s Office for AR of Crimea and Sevastopol¹⁷) and the UN Committee on the Rights of the Child.¹⁸

Article 64. COMMITMENT TO REMAIN IN FORCE THE OCCUPIED TERRITORY LAWS

The RF, as it happened before, has been enforcing only the norms of the Russian laws on the occupied territory of Ukraine. The administration of justice is also carried out on the basis of the Russian Federation legislation.

¹⁵ 79 cases were opened in 2020, 2 in 2019

¹⁶ <https://crimeahrg.org/ru/iz-ukrainczev-v-rossiyam-skolko-rf-stoit-smena-identichnosti-molodezhi-v-krymu/>

¹⁷ <https://crimeahrg.org/uk/propaganda-zbrojnih-sil-rf-sered-krimskih-ditej-%d1%94-elementom-primusu-do-sluzhbi-v-armi%d1%97-okupanta/>

¹⁸ https://crimeahrg.org/wp-content/uploads/2020/11/ua_situacija-z-pravami-ditej-v-krimu-u-konteksti-okupaczii%CC%88-pivostrova-rf-1.pdf

3. RESPONSE OF THE RF OCCUPATION AUTHORITIES ON COVID 19 PANDEMIC

On March 17, the so-called “head of Crimea” Sergey Aksionov signed an order¹⁹ on introducing a “high alert” regime to prevent the spread of COVID-19, that introduced, in fact, the first official restrictions in Crimea due to the pandemic. The “high alert” regime in Crimea was enacted from March 17 12:00am till a special order, and restricted the rights and freedoms. In particular, a ban on children’s, sports, cultural and other mass events was introduced, and the Ministry of Internal Affairs was instructed to find out the whereabouts of citizens “who came from troubled areas.” The order also required employers to monitor the body temperature of staff at the workplace with the mandatory assignment to home the people with fever, and to take actions for enhancement of disinfection. Later, this order was constantly amended to increase or decrease the list of restrictions. Similar restrictions were introduced in the city of Sevastopol.

In addition, on March 18 at 12:00am, the FSB of the Russian Federation restricted the entry into Crimea for foreign citizens and stateless persons, pursuant to order of the Government of the Russian Federation no 635-r of March 16, 2020. Ukrainian nationals who do not have a Russian Federation national passport, issued by the occupation authorities in Crimea in violation of international norms and norms of Ukrainian legislation to impose the Russian citizenship, are positioned by Russian border guards as “foreigners”. So Russia restricted the entry to Crimea for such Ukrainian nationals. Persons with Ukrainian passports were allowed to cross the “Russian” checkpoints and enter Crimea if they were family members (spouses, parents, children, adoptive parents, adopted children), guardians and trustees of Russian nationals, including those Crimean residents who have an “automatic” Russian passport or if they were going to sick close relatives who needed care provided that such persons should present a personal identification document, medical certificates confirming the condition of those in need of care, and copies of a document certifying the degree of kinship. It was also possible to enter

Crimea for the purpose of treatment, provided that ‘documents (copies of documents) issued by the medical institution certifying the invitation to treatment, indicating the time of treatment, or documents (copies of documents) issued by the Ministry of Health of Russia’ should be presented.

Moreover, throughout the year, there were restrictions on leaving Crimea for all Crimeans whom Russia considers its citizens because of imposed citizenship. When ordinance no 1170-r of April 29, 2020, was adopted, the Crimean residents were given the opportunity to leave Crimea once, presenting for crossing the Ukrainian passport as “citizenship of another country or a document confirming permanent residence outside the Russian Federation.” However, this rule could be used only once.

It was also possible to go for treatment or training, in case of death of a close relative, to close relatives living in another country (including Ukraine). All these grounds for departure also provided that the Crimeans should present the FSB border guards all supporting documents for this or that reason of departure. Thus, the Crimeans were not able to leave Crimea and enter the territory controlled by Ukraine freely and at any time, they had a limited list of reasons to leave.

Crimeans are unable to leave Crimea for the territory controlled by Ukraine freely and at any time, they are subject to the limited list of reasons to leave

The “quarantine restrictions” practice applied after March 17 and taking administrative action for violating the “high alert” regime showed an excess of powers law enforcement bodies and disproportionate restrictions on fundamental human rights and freedoms (right to freedom of assembly, freedom of movement, freedom of speech and expression).

Along with restrictions aimed at reducing the spread of COVID-19, the Russian occupation authorities regularly resorted to actions that posed a direct threat to the lives and health of local residents.

¹⁹ <https://rg.ru/2020/03/17/krym-ukaz67-reg-dok.html>

The RF occupation authorities regularly resorted to actions that posed a direct threat to the lives and health of Crimea in the COVID 19 environment

Under the current ban on holding peaceful assemblies and other public events, the occupying authorities held a number of public militarist campaigns targeting the civilian population, including those attended by representatives of vulnerable groups to COVID-19. This was despite the need to take measures to limit holding the mass events in the context of the COVID-19 pandemic, which endangered the health of those present in the crowded places, and provided that, according to the occupation authorities, the number of infected was constantly increasing.²⁰

For instance, in the summer the occupying power bodies and representatives of the RF Armed Forces organized and held at least four large-scale mass propaganda events documented by the Crimean Human Rights Group, with the life and health of people exposed to an additional, unjustified danger of COVID-19 infection, in particular:

- **On June 24, 2020** the occupying power organized a military parade of the Russian troops and military equipment in the cities of **Crimea**.²¹
- **On July 26, 2020** the occupying power held a number of public events devoted to the day of the RF Navy in **Sevastopol**.²²
- **On August 27 – 29, 2020** the “Army – 2020” military-technical forum took place in **Kerch**.²³
- **On August 27 – 29, 2020** the “Army – 2020” military-technical forum took place in **Sevastopol**.²⁴

²⁰ <https://crimeahrg.org/ru/v-krymu-pyatuyu-nedelyu-nablyudaetsya-rezkij-rost-zarazhenij-covid-19/>

²¹ <https://crimeahrg.org/ru/v-krymu-okkupacionnye-vlasti-ne-obespechili-zriteljam-neobhodimyh-mer-zashhity-ot-covid-19-vo-vremya-voennyh-paradov/>

²² <https://crimeahrg.org/ru/v-sevastopole-proveli-voennyj-parad-s-grubymi-narusheniyami-protivoepidemiologicheskikh-norm-foto/>

²³ <https://crimeahrg.org/ru/v-centre-kerchi-nesmotrya-na-pandemiyu-propagandiruyut-sluzhbu-v-rossijskoj-armii-foto/>

²⁴ <https://crimeahrg.org/ru/v-sevastopole-vo-vremya-pandemii-provodyat-militaristkie-massovyie-meropriyatiya/>

The RF held also two conscription campaigns to the RF army and carried out regularly military exercises in the territory of occupied Crimea for 2020.

In addition, the spread of COVID-19 on the peninsula was facilitated by regular flights from Moscow, which had long been the most infected region of the Russian Federation. Russian citizens mostly came to Crimea in May-September 2020 for tourism purposes, moreover, they were not subject to the mandatory 14 days’ “self-isolation” after arrival, as it applied to those who arrived from the territory controlled by the Government of Ukraine. For example, on May 1, S. Aksionov stated that the number of flights to Crimea had increased one and a half times in 24 hours. Most flights came from Moscow. Moscow (as of early May 2020 – more than 80,000 confirmed cases) and the Moscow region (as of early May 2020 – more than 15,000 confirmed cases) were the epicenters of COVID-19 infection in Russia. For comparison, 12,331 cases were registered across the entire territory under Ukraine’s control at the same time (May 4, 2020). Thus, in order to further prevent the spread of COVID-19 on the peninsula, the Russian occupation authorities should have restricted flights to Crimea and had every opportunity to do so, but this did not happen.

COVID-19 spread in Crimea was facilitated by constant flights from Moscow – the most infected region of the RF

Occupation of Crimea prevents today from establishing the exact number of people who got sick with the coronavirus and died from it because of such actions of the Russian Federation. However, even the official statistics of the occupying authorities show that during this period the number of infected and died was constantly growing.²⁵

According to the CHRG information, the data of the occupation authorities on the number of cases of COVID-19 infection and mortality in Crimea are not true and are underestimated. The CHRG collected information on the underestimation of the

²⁵ <https://crimeahrg.org/uk/u-krimu-drugij-misyacz-pospil-zrostaaczahvoryuvanist-na-covid-19/>

public death statistics from COVID-19 in 2020 by the occupation authorities. For example, the occupation authorities of the Russian Federation began to report the deaths from COVID-19 on April 30. During the period from April 30 to July 7, the Internet resources controlled by the Russian authorities reported 31 deaths from COVID-19 (excluding Sevastopol). However, on July 8, the head of the Crimean Ministry of Health, Igor Chemodanov, announced changes in the system of calculating deaths caused by coronavirus infection, and then only 12 deaths from COVID-19 were reported.

Since then the other statistics started appearing on the official resources of Crimean ‘government’, with substantially underestimated COVID 19 mortality data. Thanks to such manipulation, the number of deaths was reduced by 19 only in the officially published statistic data.

Moreover, in an interview, health professionals told the CHRG about a secret order to conceal the actual number of people who died from coronavirus infection on the peninsula, and to indicate other diseases, not COVID-19 as the death reason, in the documents.²⁶ The CHRG also established the facts of concealment of episodes of death of medical professionals from COVID-19. For example, in Kerch, at least two doctors died of COVID-19 in November 2020, a physician and an acting medical director of the Kerch City Hospital no 3. The occupying authorities of the peninsula withheld this information.²⁷

Thus, despite the commitments undertaken as a UN member state, to provide the public with a reliable and complete information on COVID-19 and actions taken by the authorities to respond to the pandemic, the RF underestimated the open statistic data on COVID 19 spread in Crimea in 2020.

The RF occupying authorities underestimated the official COVID 19 mortality and incidence statistic data

²⁶ <https://crimeahrg.org/uk/okupaczijna-vlada-navmisno-prihovue-kilkist-smertej-vid-covid-19/>

²⁷ <https://crimeahrg.org/uk/u-krimu-prihovuyut-fakti-smerti-medikiv-vid-covid-19-i-navmisno-zanzhuyut-statistiku-zahvoryuvanosti-ta-smertnosti-vid-koronavirusu/>

One of the effects of underestimated statistic data was the practice when patients with symptoms of COVID-19 and pneumonia caused by this virus were assigned for treatment at home. However, such patients were not tested for COVID-19, but were prescribed a set of drugs and handed instructions for their use. The locals had to buy the necessary medicines themselves in pharmacies. But the monitoring of Crimean pharmacies showed that as of December 22, 2020, many pharmacies in Crimea lacked the medicines needed to treat pneumonia caused by COVID-19.

Dexamethasone (in ampules) and Hydrocortisone (in ampules) were not sold in all checked pharmacies. Prednisolone (tablets or ampules) was offered only in 13 pharmacies out of 124 and only in 6 cities out of 13. Clexane and its analogue Fraxiparine (in ampules) were sold only in 3 pharmacies out of 124 checked. Such medicine in ampules as Cefepime and its analogs (Ceftriaxone, Cefotaxone, Axetine) are almost out of sale. These medicines are available only in 4 pharmacies out of 124 checked.²⁸

Thus, the pharmacy network of Crimea was not provided with basic medicines necessary to treat COVID 19 caused complications, though the people were assigned for treatment at home.

One of most vulnerable groups that the RF did not ensure the protection of the right to life in the context of COVID 19 pandemic, is people in custody.

The actions of the administration of ‘Pre-Trial Detention Facility no 1 of the Office of the Federal Penitentiary Service of the Republic of Crimea and Sevastopol’ did not comply with the WHO guidelines for combating the pandemic and posed a threat to the lives and health of people held there. According to the monitoring of human rights organizations of this pre-trial detention facility:

- A “quarantine” cell was established, designed, according to the prisoners, for 6 people. People with possible symptoms of COVID-19 or SARS were placed in this cell. The necessary sanitary and hygienic conditions were not provided in the cell and there was no hot tap water.

²⁸ <https://crimeahrg.org/uk/v-aptakah-krimu-znachnij-deficzit-likiv-dlya-likuvannya-pnevmonii-viklikanoi-covid-19/?fbclid=IwAR1D5pljGmZR6Qkpf5VcjV6xV59m2OZ1O2F5q6Hx9v2BOQkq12cKPvVVeQ0>

- Prisoners suspected of having COVID-19 were not tested for the disease, but only had their body temperature measured;
- Prisoners were not given personal protective equipment (masks and disinfectants).²⁹

The Simferopol Pre-Trial Detention Center is constantly overloaded that was also confirmed by Aleksandr Kalashnikov, Head of the RF Federal Penitentiary Service, in his letter to the Chairman of the RF Supreme Court.³⁰ However, despite its overcrowding, the Russian Federation ignored the “Principles Concerning the Treatment of Persons Deprived of Liberty in the Context of the Coronavirus Pandemic (COVID-19)” of the European Committee of the Council of Europe on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.³¹ The Committee recommended alternative measures to imprisonment as well as alternatives to remand in custody for persons waiting for the trial, reduced terms of imprisonment or parole.

However, Crimean ‘courts’ did not change their practice of choosing or extending a pre-trial detention. For example, between March 17 and December 30, 2020, according to the data the Crimean Human Rights Group managed to record, within the politically reasoned persecution of Crimea residents, the courts of first instance issued at least 260 detention orders (extended detention) for the pre-trial investigation period for 65 persons. Of these 260 pre-trial detention judgements, 172 were passed by Crimean “courts” and 88 by Russian courts.

As this practice remained unchanged, the Simferopol pre-trial detention facility remained overcrowded, which contributed to the spread of COVID-19 due to close contact among people.

In addition, several Ukrainian nationals were being convoyed from Crimea to Rostov-na-Donu or from

Rostov-na-Donu back to Crimea for investigative action or trial on the merits. The transfer took place in unsanitary conditions without providing detainees with food and medical care.

Thus, the actions of the Russian Federation lead to a violation of the right to life and obligations under international humanitarian law, in particular under Articles 38, 56, 76 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The Crimean Human Rights Group was constantly monitoring the situation with COVID 19 pandemic in Crimea and documenting the actions of RF occupying authorities that endangered the life and health of civilian population.³² The CHRГ proposals to the UN GA draft resolution on the issues of protecting the civilian population of Crimea in the context of COVID 19 pandemic and the RF responsibility were included into Resolution ‘Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine’ adopted by the UN General Assembly on December 16, 2020.³³

²⁹ CHRГ. Results of monitoring the COVID 19 pandemic response in Crimea (16 – 29 March 2020): <https://crimeahrg.org/uk/rezultati-monitoringu-situacii-z-reaguvannya-na-pandemiyu-covid-19-v-krimu-16-29-bereznya-2020-roku/>

³⁰ CHRГ. Results of monitoring the COVID 19 pandemic response in Crimea (13 – 19 April 2020): <https://crimeahrg.org/uk/rezultati-monitoringu-z-reaguvannya-na-pandemiyu-covid-19-u-krimu-13-20-kvitnya-2020-roku/>

³¹ <https://rm.coe.int/16809cfa4b>

³² <https://crimeahrg.org/uk/tag/covid-19-uk/>

³³ <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N20/293/00/PDF/N2029300.pdf?OpenElement>

4. STATE POLICY OF UKRAINE FOR PROTECTING PEOPLE IN THE CONTEXT OF OCCUPATION OF THE AR OF CRIMEA AND SEVASTOPOL CITY

In 2020 adopting a number of regulations during the year was caused by COVID-19 pandemic. To prevent the disease spread the government implemented certain restrictions.

For instance, the people living in Crimea were almost deprived of the opportunity to enter the government-controlled territory of Ukraine from March 16 to June 14. For example, Ordinance the Cabinet of Ministers of March 14, 2020 no 291-r “On the temporary suspension of operations of checkpoints to enter temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol and depart from it, aimed at preventing the spread of COVID-19 acute respiration disease in Ukraine caused by coronavirus SARS-CoV-2”³⁴ was to stop operations of the checkpoints to enter temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol and depart from it (hereinafter the checkpoints) since March 16, 2020, except the cases of crossing the administrative border to return to the residence place. Later the people were allowed to cross the administrative border if justified by humanitarian reasons³⁵ subject to the decision of the Head of State Border Guard Service.

In April, Resolution no211 of March 11, 2020, committed the people entering the territory controlled by Ukraine from Crimea, to be hospitalized or to be in self-isolation for 14 days. Since then, the requirement to stay self-isolated after leaving Crimea was valid until August 1 (according to CMU Resolution no 392 of May 20, 2020³⁶) and was re-enacted on August 27 by CMU resolution no 641 of July 22, 2020.³⁷

On August 8, the government “due to the aggravation of the situation with the incidence of COVID-19 in Crimea” suddenly adopted Ordinance no 979-r,³⁸ suspending the operations of checkpoints to enter temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol and depart from it, except the cases of crossing the administrative

border for return to the place of residence, on humanitarian grounds and other cases provided by this resolution. The restrictions imposed by the document were in force until August 28, 2020, and after that date the people were able to cross the Ukrainian checkpoints with Crimea.

Almost simultaneously with the first ban on crossing the administrative border, the Russian government issued Ordinance 763-r of March 27, 2020³⁹ and Ordinance no 635-r of March 16, 2020,⁴⁰ which banned the Ukrainian nationals living in the Russia-occupied Crimea to leave the peninsula. Only on April 29 the Ukrainian nationals – Crimean residents were allowed to leave Crimea once to cross the administrative border with the territory of Ukraine controlled by the government.⁴¹

Such substantial restrictions on leaving the temporarily occupied territory prevent the people from exercising their rights, in particular obtaining Ukrainian state documents. For example, according to the State Migration Service data, in 2020 only 306 people obtained a Ukrainian national passport issued for the first time.

On May 29, 2020, on the eve of the EIT, the Government, by Resolution no 424,⁴² exempted all people crossing the administrative border with Crimea to undergo an external independent testing, together with one person accompanying each of them, from the need to be under observation or on self-isolation. People living in the temporarily occupied territory were also granted the right to participate in an additional session of the EIT, which took place from July 24 to August 10.⁴³

On June 15, 2020, the checkpoints to enter temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol and depart from it, restarted operations, and then the EIT participants

³⁴ <https://zakon.rada.gov.ua/laws/show/291-2020-p#Text>

³⁵ <https://zakon.rada.gov.ua/laws/show/291-2020-p/ed20200318#Text>

³⁶ <https://zakon.rada.gov.ua/laws/show/392-2020-n/ed20200718#Text>

³⁷ <https://zakon.rada.gov.ua/laws/show/641-2020-n/ed20200801#n185>

³⁸ <https://zakon.rada.gov.ua/laws/show/979-2020-p#Text>

³⁹ <http://publication.pravo.gov.ru/Document/View/0001202003300011?index=0&rangeSize=1>

⁴⁰ <http://publication.pravo.gov.ru/Document/View/0001202003170002?index=0&rangeSize=1>

⁴¹ <http://static.government.ru/media/files/rUNwXiSXZs1NmlZauzAsdAIM3ppeWRAB.pdf>

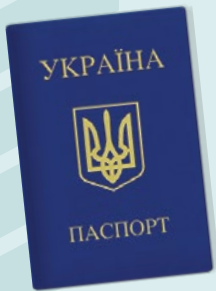
⁴² <https://zakon.rada.gov.ua/laws/show/424-2020-n/ed20200530#n12>

⁴³ <https://mon.gov.ua/ua/news/dodatkova-sesiya-zno-2020-vidbudetsya-24-lipnya-10-serpnya-dodatkovo-zareyestrutatis-na-neyi-mozhna-vidsogodni>

306 Ukrainian nationals from Crimea obtained a Ukrainian national passport issued for the first time

1742 facts of birth in Crimea were registered

553 facts of death in Crimea were registered



were able to take tests without any of Ukrainian legal objections.

On June 25, 2020, the Cabinet of Ministers adopted Resolution no 522,⁴⁴ that stated for a person who had crossed the checkpoint to enter/ exit from Crimea, took the COVID-19 test and passed it negatively, a possibility of terminating self-isolation (observation).

On July 3, the Verkhovna Rada adopted amendments⁴⁵ to Law of Ukraine “On Higher Education”, according to which residents of Crimea who received a document certifying the complete general secondary education are admitted to higher education institutions within the established quotas. On July 21, 2020, the Ministry of Education and Science approved the relevant amendments⁴⁶ to Order no 560, in particular, to the Procedure for Admitting Persons Residing in the Temporarily Occupied Territory of Ukraine for Obtaining the Higher and Vocational Education’.

Based on CMU resolution of December 11, 2019 no 1122 “Some issues of social and legal protection of persons deprived of liberty due to the armed aggression against Ukraine, after their release”⁴⁷ citizens of Ukraine after release acquired the right to receive one-time cash assistance of UAH100,000. The assistance to a same amount (since 2018) may be also received by the persons deprived of personal liberty by illegal armed groups, the occupation administration and/ or the Russian authorities in the temporarily occupied territories of Ukraine and / or the territory of the Russian Federation in connection with public, political or professional activity of such persons. Order of the

⁴⁴ <https://zakon.rada.gov.ua/laws/show/522-2020-n#Text>

⁴⁵ <https://zakon.rada.gov.ua/laws/show/744-20#n2>

⁴⁶ <https://zakon.rada.gov.ua/laws/show/z0790-20#n15>

⁴⁷ <https://zakon.rada.gov.ua/laws/show/1122-2019-%D0%BF#Text>

Ministry of Veterans, Temporarily Occupied Territories and Internally Displaced Persons of 21 February 2020 no 44 and Order of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine of 17 July 2020 no 57 approved the regulation on establishing an interdepartmental commission to consider issues related recognizing the persons as deprived of their liberty due to the armed aggression against Ukraine, and to implement the measures aimed at their social protection. For the first time, representatives of civil society, including the Crimean Human Rights Group, were included into such commission composition.⁴⁸

In 2020 the interdepartmental commission considered 135 applications for granting the assistance for the persons deprived of personal liberty in the occupied territories in connection with public, political or professional activity of such persons, with **116 applicants** granted it. Also in 2020, **86 citizens** of Ukraine after release granted one-time cash assistance.

On November 20 a commission on considering applications for granting state scholarships named after Levko Lukyanenko to Ukrainian nationals who had contributed to the protection of the territorial integrity and independence of Ukraine and resisted the occupation, started its activities at the Ministry of Reintegration. Three representatives of human rights organizations, including the Crimean Human Rights Group,⁴⁹ were included into the commission composition. In 2020, this commission considered 21 applications for scholarships, **11 of which were recommended to the President**, including 4 applications for scholarships for Crimean activists and public figures. Based on the commission decision, the Vice Prime Minister – Minister of Reintegration of the Temporarily Occupied Territories of Ukraine submits the CMU proposals on granting the scholarships, and the Government recommends the President the list of Ukrainian nationals to be granted scholarships. The President of Ukraine issues a relevant edict on granting the scholarships.

It should be noted that the Ministry of Reintegration, with CMU Resolution of October 5, 2020 no 919 adopted, was entitled to use state budget funds under the program “Measures to protect

⁴⁸ represented by Ms.Olha Skrypnyk, Chairperson of CHRГ Board

⁴⁹ represented by Ms.Olha Skrypnyk, Chairperson of CHRГ Board

and guarantee the rights and freedoms of persons deprived (who were deprived) of personal liberty by illegal armed groups, occupation administration and/or authorities of the Russian Federation for political reasons as well as in connection with public, political or professional activities of these persons, to support such persons and members of their families, measures to reintegrate the population of the temporarily occupied territories, to pay state scholarships named after Levko Lukyanenko » that the abovementioned financial assistance was paid off, for operational needs of the REINTEGRATION AND RENEWAL State Enterprise.

It is planned to transfer the checkpoints at the demarcation line in Luhansk and Donetsk oblasts as well as the CHONGAR checkpoint with Crimea and the service areas in front of it under the management of this enterprise. According to human rights defenders, the possibility of transferring funds assigned for social protection of persons deprived (were deprived) of personal liberty by illegal armed groups, the occupation administration and / or the Russian authorities for political reasons as well as in connection with their public, political or professional activity, may lead to a violation of the rights of such persons, create corruption risks, thus this needs a close supervision by both anti-corruption bodies and the public.

In 2020, after the repairs on the Ukrainian checkpoints with Crimea to fit them to the needs, service zones for persons crossing the checkpoints began to work. **Providing the service areas for the people happened for the first time for the entire period of occupation.** In 2020, for the first time since the beginning of the occupation, the Verkhovna Rada Committee on Human Rights, Deoccupation and Reintegration of the Temporarily Occupied Territories in Donetsk, Luhansk Oblasts and the Autonomous Republic of Crimea, Sevastopol, National Minorities and Interethnic Relations held its field session in the service CHONGAR checkpoint zone, and its activities were monitored by the members of the Committee.⁵⁰

However, the further operations of service areas needs an asset holder to be identified. On July 14, 2020, an interdepartmental meeting chaired by Mr. Oleksiy Reznikov, the Vice

⁵⁰ http://kompravlud.rada.gov.ua/news/main_news/74176.html

FINANCIAL ASSISTANCE TO THE PERSONS DEPRIVED OF LIBERTY DUE TO THE ARMED AGGRESSION OF THE RF AGAINST UKRAINE



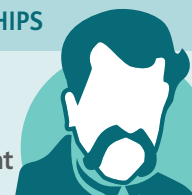
116 persons deprived of personal liberty in the occupied territories in connection with public or political activity granted assistance

86 persons after release granted one-time cash assistance

LEVKO LUKYANENKO STATE SCHOLARSHIPS

21 applications considered by the Commission

11 recommended to the President



Prime Minister – Minister for Reintegration of the Temporarily Occupied Territories of Ukraine, decided to transfer the Chongar checkpoint under the management of the REINTEGRATION AND RENEWAL State Enterprise. Then the Cabinet of Ministers of Ukraine adopted resolution of October 21, 2020 no 973, that agreed on transferring the CHONGAR checkpoint and service zone in front of it into the public property to be managed by the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine.

But as at the end of 2020 CHONGAR checkpoint had not been transferred under the management of REINTEGRATION AND RENEWAL State Enterprise yet.

It is important to note the initiative of the Ministry of Foreign Affairs of Ukraine to create an international platform – **the Crimean Platform** – for the de-occupation of Crimea, including the protection of human rights in the occupied territories.⁵¹ During the 75th session of the UN General Assembly, President Volodymyr Zelensky invited UN member states to participate in the creation of the Crimean Platform.⁵² The Crimean Platform Summit is scheduled for August 23, 2021. Human rights organizations, international experts and scientists are also involved in the creation of the Crimean platform.

⁵¹ <https://zn.ua/ukr/POLITICS/ukrajina-stvorit-mizhnarodnu-platfomu-po-deokupatsiju-krimu-ale-bez-rosiji-kuleba.html>

⁵² <https://www.president.gov.ua/news/prezident-na-sesiyi-genasambleyi-on-zaprosiv-doluchitysya-d-63905>

5. INTERNATIONAL RESOLUTIONS ON CRIMEA

Among the international legal documents and resolutions of 2020 related to the occupation of the AR of Crimea and Sevastopol City, these should be mentioned specifically:

1 September 2020

UN Secretary General

Report: Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine⁵³

The report covers the period of 1 July 2019 to 30 June 2020 and is based, first of all, on the monitoring and documenting of the violations of the international humanitarian law and human rights international law in Crimea, by the UN Human Rights Monitoring Mission.

7 December 2020

Resolution of UN General Assembly 75/29

Problem of militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as the parts of the Black Sea and the Sea of Azov⁵⁴

The UN GA expressed concern regarding the RF attempts to use the education of children in Crimea for their indoctrination to be followed further with their conscription into the Russian armed forces and called upon the Russian Federation “to refrain from establishing educational institutions that provide combat training to Crimean children with the stated aim of training for military service in the Russian armed forces, to refrain from establishing combat training courses at Crimean schools and to cease efforts to formally incorporate Crimean educational institutions into the “military-patriotic” education system of the Russian Federation”.

The resolution took into account the CHRG proposals regarding the militarized education of children and the military patriotic education.⁵⁵

⁵³ file:///Users/olgaskrypnyk/Downloads/A_75_334-EN-1.pdf

⁵⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/345/86/PDF/N2034586.pdf?OpenElement>

⁵⁵ <https://crimeahrg.org/uk/do-rezolyuczi%d1%97-genasamble%d1%97-oon-proti-militarizaczi%d1%97-krimu-uvijshli-polozhennya-zaproponovani-kpg/>

16 December 2020

Resolution of UN General Assembly 75/192

Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine⁵⁶

The resolution reaffirmed the unchanging position of the UN General Assembly on supporting the territorial integrity of Ukraine, highlighted Russia’s responsibility for impeding the Crimean residents to exercise the human rights due to unnecessary and disproportionate restrictive measures imposed under the pretext to combat the COVID-19 pandemic. This was the first time when the RF authorities and officials acting in the occupied Crimea were declared illegitimate and it was stated that they should be called the “occupying power of the Russian Federation.”

The resolution took into account the proposals of the Ukrainian human rights organizations, including the CHRG.⁵⁷

11 December 2020

Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination in the situation in Ukraine⁵⁸

The Prosecutor of the International Criminal Court, due to the end of her authorities term, declared her intention to reach determinations with respect to all files that had been under preliminary examination. The Prosecutor announced that all statutory criteria for opening investigations into the situation in Ukraine had been met. The Prosecutor’s Office concluded that there was a reasonable basis to believe that a broad range of conduct constituting war crimes and crimes against

⁵⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/373/94/PDF/N2037394.pdf?OpenElement>

⁵⁷ <https://crimeahrg.org/uk/do-uhvaleno%d1%97-genasamble%d1%94yoon-rezolyuczi%d1%97-zaluchili-rekomendaczi%d1%97-krimsko%d1%97-pravozahisno%d1%97-grupi/>

⁵⁸ <https://www.icc-cpi.int/Pages/item.aspx?name=201211-otp-statement-ukraine>

SUBMITTING COMMUNICATIONS TO THE INTERNATIONAL CRIMINAL COURT

2020

Ukraine submitted **12** communications on committing war crimes and crimes against humanity in the territory of the Autonomous Republic of Crimea and the city of Sevastopol to the International Criminal Court



humanity had been committed in the context of the situation in Ukraine that had been under the preliminary examination, including the context of occupation of the AR of Crimea and Sevastopol City. The next step will be to request authorization from the Judges of the Pre-Trial Chamber of the Court to open investigations.

Since the beginning of the occupation, the Prosecutor's Office of Ukraine has submitted **12 communications on committing crimes in the territory of the Autonomous Republic of Crimea and the city of Sevastopol**, which fall under the jurisdiction of the International Criminal Court. A significant number of these communications were prepared jointly with human rights organizations in Ukraine. In particular, the Crimean Human Rights Group together with the Prosecutor's Office of the Autonomous Republic of Crimea and Sevastopol City sent **2 communications** on war crimes to the International Criminal Court — illegal conscription of Crimean residents into the RF Armed Forces⁵⁹ and propaganda of such conscription that targeted also the Crimean children.⁶⁰

⁵⁹ <https://crimeahrg.org/uk/yaki-dokazi-nezakonnogo-prizovu-v-armiyu-rf-u-krimu-peredano-do-mizhnarodnogo-kriminalnogo-sudu-infografika/>

⁶⁰ <https://crimeahrg.org/uk/propaganda-zbrojnih-sil-rf-sered-krimskih-ditej-%d1%94-elementom-primusu-do-sluzhbi-v-armi%d1%97-okupanta/>

14 December 2020

International Criminal Court, Prosecutor's Office

Annual Report on Preliminary Examination Activities 2020⁶¹

The report was published within the 19th session of the Assembly of International Criminal Court Rome Statute States-Parties. A section of the report concerns the events and facts of crimes against humanity and war crimes in the occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol, which have been studied by the Office since 2015.

7 December 2020

EU Council

Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses⁶²

This is a new EU sanctions mechanism that establishes personal sanctions for human rights violations in the form of freezing the assets and imposing entry bans. This regime provides for the possibility of applying such sanctions to persons responsible for the human rights violations in Crimea.

⁶¹ <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>

⁶² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.LI.2020.410.01.0001.01.ENG&toc=OJ:L:2020:410:TOC>; <https://www.legislation.gov.uk/uksi/2020/680/contents/made>

