



# CRIMEAN HUMAN RIGHTS GROUP

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## CRIMEAN HUMAN RIGHTS SITUATION REVIEW

**MAY 2021**

The monitoring review was prepared by the Crimean Human Rights Group on the basis of materials collected in May 2021

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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 observance 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 LIFE

On 11 May, **Mr. Ayub Rakhimov**, a citizen of Uzbekistan, when being arrested was killed by RF FSB men in the village of Dubki. The RF FSB press office stated that Rakhimov had put up armed resistance during his arrest, and a criminal case was initiated against him after his death under Art. 317 of the Criminal Code of the Russian Federation (*Infringement on the life of a policeman*).<sup>1</sup> Ayub Rakhimov is a Muslim from Uzbekistan who was in the Russian Federation as a political refugee.<sup>2</sup> The occupation authorities did not further disclose what exactly he had been accused of before his death, what reason was to detain him and use weapons when detaining. At the time of the death of Rakhimov, only men of the Russian law enforcement agencies were present at the place of his murder. As of end of May, Rakhimov's body was not handed over to his relatives. His wife was forcibly taken from Crimea to the territory of the Russian Federation the next day. Thus, it is impossible to determine whether the use of weapons against Ayub Rakhimov was justified and whether the actions of the law enforcement agencies men violated the right to life.

### RIGHT TO LIBERTY AND SECURITY OF THE PERSON

#### SEARCHES AND DETENTIONS

On May 11, in the village of Zavetnoye, Sovietsky District, the RF FSB men searched the house of **Mr. Ayub Rakhimov**, an Islamic activist, a refugee from Uzbekistan. The search began at 6:30am, and only Rakhimov's wife, **Mrs. Sohiba Burkhanova**, and his two children were in the house. After the search, the FSB men confiscated mobile phones and a computer. Mrs. Burkhanova was taken for interrogation to the Investigative Committee, and it lasted until 2:20am on May 12. During the search, Ayub Rakhimov was in the village of Dubki in the house where he worked. Here he was killed by the FSB men during his arrest<sup>3</sup> (*for more detail, see the "Right to Life" section*).

On the same day, a search was carried out at **Mr. Seydamet Gafarov's**, the owner of the house in which Ayub Rakhimov had been killed. After the search, the Gafarov family was taken to Simferopol for interrogation by the Investigative Committee<sup>4</sup> in connection with the criminal case against Mr. Rakhimov, opened after his death under RF CC Art. 317.

On May 12, the judge of the "Sovietsky City Court" Igor Brazhnik passed a judgement on the forced deportation of Sokhiba Burkhanova to Uzbekistan with her placement in the Center for Detention of Foreigners in the Krasnodar Area (RF). She was accused of violating Art. 18.8 of the

<sup>1</sup> NOVOSTI KRYMA News Agency: Armed Terrorist Was Eliminated by Security Agency Men in Crimea – FSB video <https://crimea.ria.ru/incidents/20210511/1119570161/V-Krymu-siloviki-likvidirovali-vooruzhennogo-terrorista---video-FSB.html>

<sup>2</sup> Citizen of Uzbekistan Killed in Crimea Was Not Wanted in Russia – lawyer <https://ru.krymr.com/a/news-krym-rahimov-advokat-rozysk/31251949.html>

<sup>3</sup> <https://www.facebook.com/crimeansolidarity/posts/1406685783032207>

<sup>4</sup> <https://www.facebook.com/crimeansolidarity/posts/1406887353012050>



Code of Administrative Offences of the Russian Federation (*Violation of the conditions of stay in the Russian Federation by a foreigner*).<sup>5</sup>

On May 19 the men from the Russian police, RF FSB, and Centre for Counteracting Extremism (E Centre) searched the house of **Mr.Zidan Adzhykeliamov**, a journalist of “Crimean Solidarity” Association. The search was reasoned by statement that the journalist ‘was being examined’ by the police.<sup>6</sup>

On May 21, in the village of Sovetskoye, the Center E men searched the house of **Mr.Muslim Zevriyev**, a Crimean Tatar activist. They stated that the search was being carried out within the case under RF CC Art. 205.5 (*Participation in a terrorist organization*), however, the procedural status of Mr.Zevriyev in this case was not reported. The Center E men brought two people wearing the uniform of a Cossack paramilitary unit with them as attesting witnesses. During the search, computers, books, and notebooks were confiscated. Mr.Zevriyev said that the Center E men had not left the confiscation protocol and had not explained his rights to him.<sup>7</sup>

### POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As of end of May 2021, **111 persons** were deprived of liberty within a politically motivated criminal and/or religious persecution. The full list is published at the CHRГ website.<sup>8</sup>

### «CASE OF FEBRUARY 26»

This case defendants are charged under RF CC Art. 212 (Riots) for participating in a

pro-Ukrainian rally on February 26, 2014 in Simferopol near the parliament of the Autonomous Republic of Crimea.

On May 24, during the debate on the absentee case of **Refat Chubarov**, head of the Mejlis of the Crimean Tatar people, “prosecutor” Diana Yevtushenko requested 9 years in custody for him for organizing a rally.<sup>9</sup> After the occupation of Crimea, Refat Chubarov has been living in the territory controlled by Ukraine.

### «CASE OF CRIMEAN MUSLIMS»

This case defendants are accused of membership in Muslim religious organizations<sup>10</sup> 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 May the total number of Crimean residents deprived of liberty under the ‘Case of Crimean Muslims’ was **74 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 May 19, Judge of the “Supreme Court of the Republic of Crimea” (“SCRC”) Dmitry Mikhaylov<sup>11</sup> upheld the decision to keep

<sup>5</sup> <https://www.facebook.com/crimeansolidarity/posts/1407518962948889>

<sup>6</sup> Crimean Solidarity / House of Zidan Adzhykeliamov, Crimean Solidarity Journalist, Was Examined <https://crimean-solidarity.org/news/2021/05/19/u-korrespondenta-krymskoj-solidarnosti-zidana-adzhikelyamova-proveli-osmotr-doma-1241>

<sup>7</sup> Crimean Solidarity / «A Psychological Aftertaste Remained». Crimean Tatar Muslim Zevriyev Has Been Searched <https://crimean-solidarity.org/news/2021/05/21/ostalsya-psixologicheskij-osadok-u-krymskogo-tatarina-muslima-zevrieva-proshel-obysk-1263>

<sup>8</sup> <https://crimeahrg.org/wp-content/uploads/2021/06/prisoners-05-2021.pdf>

<sup>9</sup> <https://www.facebook.com/crimeansolidarity/posts/1415856895448429>

<sup>10</sup> In most cases this organization is ‘Hizb-ut-Takhrir’

<sup>11</sup> “SCRC” / List of cases to be heard on 19 May 2021. Case 22K-1509/2021. [https://vs--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=19.05.2021](https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=19.05.2021)



**Mr. Ernes Ibragimov** and **Mr. Oleg Fedorov** in custody until July 15, 2021.<sup>12</sup>

On May 19, the Southern Area Military Court extended the terms of detention of **Mr. Alim Sufyanov** and **Mr. Seyran Khairtdinov**, and the term of house arrest for **Mr. Alexander Sizikov** until October 20, 2021. It was also decided to transfer Mr. Sufyanov and Mr. Khairtdinov to the Rostov-na-Donu (RF) pre-trial detention center. Mr. Sufyanov and Mr. Khairtdinov were absent at the hearing. Mr. Alexander Sizikov and his lawyer participated in the session via conference call from the building of the Crimean Garrison Military Court.<sup>13</sup> The case was considered by judge Roman Saprunov.<sup>14</sup>

On May 20, judge of the Military Court of Appeal in Vlasikha (RF) Lyudmila Tarlavina upheld the decision to keep **Mr. Eldar Kantimirov**, **Mr. Ruslan Mesutov** and **Mr. Lenur Khalilov** in custody until July 15, 2021.<sup>15</sup>

On May 26, the judicial panel for military men of the Supreme Court of the Russian Federation considered the cassation appeal and upheld the sentences against **Mr. Emir-Usein Kuku**, **Mr. Vadim Siruk**, **Mr. Muslim Aliyev**, **Mr. Refat Alimov**, **Mr. Inver Bekirov** and **Mr. Arsen Dzhepparov**.<sup>16</sup>

On May 31, the Southern Area Military Court extended the detention periods of **Mr. Remzi Bekirov**, **Mr. Riza Izetov**, **Mr. Farhod Bazarov**, **Mr. Raim Ayvazov** and **Mr. Shaban Umerov** until September 16.<sup>17</sup>

espionage”, were in custody. These cases feature recorded facts of unlawful investigation methods, torturing to get confessions, violation of presumption of innocence, dissemination of ‘confession’ videos by the RF FSB via the Russian mass media.

On May 21, the judge of the “SCRC” Alla Khinevich sentenced **Mr. Ivan Yatskin** to 11 years in custody in the maximum security regime penal colony. A citizen of Ukraine was sentenced by the Russian authorities under RF CC Art. 275 (*high treason*).<sup>18</sup>

On May 26, judge of the “SCRC” Elena Danilova upheld the decision to keep **Mr. Vladyslav Yesypenko** in custody until July 11.<sup>19</sup>

## PERSECUTION FOR CHARGING WITH BEING IN N.CHELEBIDJIKHAN BATTALION

As of the end of May, **6 people** were deprived of liberty under a charge of being in N.Chelebidjikhhan battalion. The official reason for persecuting the accused in Crimea under RF CC Article 208-2 is that they failed to come voluntarily to the RF law enforcement bodies and declare their participation in the Crimean Tatar Noman Chelebidjikhhan Volunteer Battalion. The evidence of the battalion actions against the RF interests declared by the investigation is the information of mass media that the purpose of the battalion establishment was to de-occupy Crimea.

## «UKRAINIAN SABOTEURS’ CASE»

At the end of May 2021, **17 people** (including Mr. Vladyslav Yesypenko) who were accused by the RF FBS during the detention “of preparing subversions, possession of weapons and

## PERSECUTION OF JEHOVAH’S WITNESSES

As of end of May, **4 persons** were deprived of liberty, **4** were also on house arrest, and **1** was under travel restrictions within the persecution of the ‘Jehovah’s Witnesses’ in Crimea.

<sup>12</sup> <https://www.facebook.com/crimeansolidarity/posts/1412450415789077>

<sup>13</sup> <https://www.facebook.com/crimeansolidarity/posts/1412423505791768>

<sup>14</sup> Southern Area Military Court / List of cases to be heard on 19 May 2021. Case 1-100/2021 [https://yovs--ros.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=19.05.2021](https://yovs--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=19.05.2021)

<sup>15</sup> Military Court of Appeal / List of cases to be heard on 20 May 2021. Case 55K-159/2021 [https://vap.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=20.05.2021](https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=20.05.2021)

<sup>16</sup> <https://www.facebook.com/crimeansolidarity/posts/1417414341959351>

<sup>17</sup> <https://www.facebook.com/crimeansolidarity/posts/1420759484958170>

<sup>18</sup> CHRГ / Citizen of Ukraine Ivan Yatskin Sentenced to 11 Years in Maximum Security Regime Penal Colony in Crimea <https://crimeahrg.org/ru/grazhdanina-ukrainy-ivana-yaczkina-v-krymu-prigovorili-k-11-godam-kolonii-strogo-rezhima/>

<sup>19</sup> “SCRC” / List of cases to be heard on 26 May 2021. Case 22K-1619/2021 [https://vs--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=26.05.2021](https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=26.05.2021)



## PERSECUTION FOR CALLS TO RETURN CRIMEA UNDER UKRAINE'S CONTROL

On May 20, the judge of the Yevpatoria City Court, Aleksey Nanarov,<sup>20</sup> sentenced a citizen of Ukraine, a 22-year-old resident of Odessa, **Mr. Oleksandr Dolzhenkov**, to 1 year in the general regime penal colony. The verdict was passed under RF CC Article 282.1-1 (*Creation of an extremist community*) for setting up a group on social networks, where calls for the need to return Crimea to the control of the Ukrainian authorities were published.<sup>21</sup>

## OLEH PRIKHODKO'S CASE

On May 17, Sergey Vinnik, a judge of Military Court of Appeal upheld the sentence of **Mr. Oleh Prykhod'ko**, a Ukrainian activist, and participant of protests in Kyiv at Maydan in 2014, — 5 years in the maximum regime penal colony, and a fine of RUR110,000.<sup>22</sup>

## RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

On May 12, the judge of the “Sovietsky District Court” Igor Brazhnik passed a judgment on the forced deportation of **Mrs. Sakhiba Burkhanova**, whose husband Ayub Rakhimov had been killed a day earlier by the RF FSB. At the same time, the judge suggested that any third party take custody of their two minor children. Thus, by his decision, the judge separates the children from the mother in a particularly difficult situation — the death of the father, that violates the right to respect for family life.<sup>23</sup> On May 27, the European Court of Human Rights ruled on a preliminary

measure as a ban on the expulsion of Sakhiba Burkhanova from the Russian Federation.<sup>24</sup> Despite this, on May 28, judge of the “SCRC” Oksana Shydakova upheld the decision on the forced deportation of Mrs. Burkhanova.<sup>25</sup>

## FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

On May 24, “judge of peace” Svetlana Vlasova fined the **Muslim community of Alushta** RUR30,000 under RF CoAO Article 5.26-3 (*Violation of legislation on freedom of conscience, freedom of religion and religious associations*) for keeping religious literature in the mosque.<sup>26</sup>

## FREEDOM OF EXPRESSION

On May 11, in the village of Dubki, **Mr. Raul Dittan**, an activist of the Crimean Solidarity association, was banned from streaming on a social network near the house in which Ayub Rakhimov had been killed by FSB men.<sup>27</sup>

On May 20, Judge Oleksiy Nanarov sentenced Ukrainian citizen **Oleksandr Dolzhenkov** to 1 year in custody for setting up a pro-Ukrainian group on a social network with public calls for the return of Crimea under the control of the Ukrainian authorities.

## FREEDOM OF ASSEMBLY AND ASSOCIATION

On May 14, on the eve of the Memory Day for the victims of the Crimean Tatar people deportation, the Russian police in Sudak handed

<sup>20</sup> “Yevpatoria City Court” / List of cases to be heard on 20 May 2021. Case 1-107/2021 [https://evpatoriya--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=20.05.2021](https://evpatoriya--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=20.05.2021)

<sup>21</sup> “Yevpatoriya City Court” / Yevpatoria City Court Issued Verdict for Citizen of Ukraine for Setting Up An Extremist Community [http://evpatoriya.krm.sudrf.ru/modules.php?name=press\\_dep&op=1&did=1157](http://evpatoriya.krm.sudrf.ru/modules.php?name=press_dep&op=1&did=1157)

<sup>22</sup> Military Court of Appeal / List of cases to be heard on 17 May 2021. Case 55-142/2021 [https://vap.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=17.05.2021](https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=17.05.2021)

<sup>23</sup> <https://www.facebook.com/crimeansolidarity/posts/1407733609594091>

<sup>24</sup> <https://www.facebook.com/lutfiye.zudiyeva/posts/10216549644008416>

<sup>25</sup> “SCRC” / List of cases to be heard on 28 May 2021. Case 12-391/2021 [https://vs--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=28.05.2021](https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=28.05.2021)

<sup>26</sup> <https://www.facebook.com/crimeansolidarity/posts/1415974762103309>

<sup>27</sup> <https://www.facebook.com/crimeansolidarity/posts/1406806323020153>



activist **Seytosman Karaliyev** warnings about the inadmissibility of violating the law “On meetings, rallies, demonstrations, processions and single-person protests” and the law “On counteracting extremist activities.”<sup>28</sup> On May 17, similar warnings were handed to activists **Suleyman Kadyrov** from Feodosiya,<sup>29</sup> **Ilver Ametov** from Sudak,<sup>30</sup> **Zair Smedla**,<sup>31</sup> lawyer **Emine Avamileva** from Simferopol,<sup>32</sup> and journalist **Nuri Abdurashitov**.<sup>33</sup>

On May 21, the judge of the ‘Krasnogvardeyskoye District Court’, Dzhangar Sagandzhi-Goriayev, fined RUR10,000 under RF CoAO Article 20.2-5 (*Violation of the procedure for holding rallies*) **Mrs.Zelikha Abkhairova**,<sup>34</sup> **Mrs.Emine Abdulganieva**,<sup>35</sup> **Mrs.Zura Emiruseinova**<sup>36</sup> for holding single person protests in support of their children – defendants in the “Case of Crimean Muslims”.

<sup>28</sup> <https://www.facebook.com/crimeansolidarity/posts/1409149506119168>

<sup>29</sup> <https://www.facebook.com/crimeahrg/posts/2894908254128130>

<sup>30</sup> <https://www.facebook.com/crimeansolidarity/posts/1410984535935665>

<sup>31</sup> <https://www.facebook.com/zair.smedlya/posts/3949247648443707>

<sup>32</sup> <https://www.facebook.com/emine.avamileva.3/posts/2316676995128994>

<sup>33</sup> <https://www.facebook.com/crimeansolidarity/posts/141177209249731>

<sup>34</sup> Krym.Realii / Krsnogvardeyskoye Court Fined Mother of Hizbut-Tahrir Crimea Case Defendant RUR10,000 – lawyer <https://ru.krymr.com/a/news-krym-krasnogvardejskoye-delo-mat-piket-shtraf/31267155.html>

<sup>35</sup> <https://www.facebook.com/crimeansolidarity/posts/1414114992289286>

<sup>36</sup> <https://www.facebook.com/crimeansolidarity/posts/1414100852290700>



# 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 May the CHRГ recorded **13** new criminal cases against the Crimean residents under RF CC Article 328 (*Evading the service in the Armed Forces of the Russian Federation*) and **6** new sentences issued under RF CC Article 328. Totally, as of the end of May 2021, the CHRГ documented **218** criminal cases initiated for evading the RF Army military service, that were sent to the Crimean 'courts' for considering, with verdicts delivered for **199** of them and **19** being still under consideration.

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