



# CRIMEAN HUMAN RIGHTS GROUP

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## CRIMEAN HUMAN RIGHTS SITUATION REVIEW

**OCTOBER 2021**

The monitoring review was prepared by the Crimean Human Rights Group on the basis of materials collected in October 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 LIBERTY AND SECURITY OF THE PERSON

#### SEARCHES AND DETENTIONS

On October 1, Russian police lieutenant Sergei Minayev detained activist **Ms. Leyla Yashlavskaya**, who had come to the court session where the appeal against Nariman Dzhelialov's detention was being considered, near the building of the "Supreme Court of the Republic of Crimea" ("SCRC"). The formal reason for the detention was her refusal to an unreasonable demand to show the documents.<sup>1</sup> After the arrest, the activist was taken to the Kievskiy District Police Station, where she was held for more than 5 hours without any charge or without substantiating the reason for the detention.<sup>2</sup>

On October 11, at 11:30am, **15 people** were detained at the building of the «Crimean Garrison Military Court» in Simferopol. They had come to be present at considering an appeal against the verdict for defendants of 'Krasnogvardeysk Group' within the 'Case of Crimean Muslims'. The OMON men forced people to get into the already provided bus and took them to the Tsentralny District Police Station. They were not told the reason for their detention and were not drawn up detention reports.<sup>3</sup> At about 06:30pm, the police detained **5 more people** at the police station building. They had come to

police department building to find out about the fate of the detainees. These 5 detainees were drawn up the reports under Art. 20.6.11 of the Code of Administrative Offenses of the Russian Federation (RF CoAO) (*Failure to comply with the rules of conduct in an emergency or the threat of its occurrence*) and released at about 11:30pm. Those detained in the morning were drawn up the reports under RF CoAO Art.20.2.2 (*Organization of mass simultaneous presence of people, entailing a violation of public order*).<sup>4</sup> However, Mr.Diliaver Memetov and Mr.Reshat Paralamov were not released and had to spend the night in the Temporary Detention Center.<sup>5</sup> The others were released from the police station on October 12 at about 02:30am.

On October 12, the decision was made on collecting a fine under RF COAO 20.2.2 from 7 persons detained on October 11. The fines ranged from RUR5,000 to 20,000.<sup>6</sup>

On October 25, at 11:20am, **21 persons** who had come to the appeal session against the verdict for defendants of 'Krasnogvardeysk Group' within the 'Case of Crimean Muslims',<sup>7</sup> were detained near the building of the «Crimean Garrison Military Court» in Simferopol. The people were forced into the bus and taken to the Tsentralny District Police Station,<sup>8</sup> where they were drawn up reports under RF CoAO Art. 20.2.2 (*Organization of mass simultaneous presence of people, entailing a violation of public order*). It was already

<sup>1</sup> <https://www.facebook.com/oleksandra2501/posts/1070134613792394>

<sup>2</sup> <https://www.facebook.com/oleksandra2501/posts/1070295837109605>

<sup>3</sup> <https://www.facebook.com/crimeansolidarity/posts/1512737305760387>

<sup>4</sup> <https://www.facebook.com/crimeansolidarity/posts/1513046969062754>

<sup>5</sup> <https://www.facebook.com/crimeansolidarity/posts/1513206929046758>

<sup>6</sup> <https://www.facebook.com/crimeansolidarity/posts/1513785652322219>

<sup>7</sup> <https://www.facebook.com/crimeansolidarity/posts/1522627388104712>

<sup>8</sup> <https://www.facebook.com/crimeansolidarity/posts/1522678544766263>



in the police station where lawyer **Edem Semedliayev** was detained for refusing to fulfill an unlawful demand of Ruslan Shambazov, a Center for Countering Extremism (Center E) man, to undress.<sup>9</sup> All detained were not released on October 25, and were delivered in different Temporary Detention Centres across Crimea. They were released only the next day, when their cases had been considered by the 'Tsentralny District Court of Simferopol'. Based on the session results, 14 persons were fined of RUR10,000 — 15,000, 7 were declared non-guilty, and 1 report was returned to the police.<sup>10</sup>

On October 29, in Simferopol, several dozens of Crimean Tatars held a rally in support of defendants of the «3<sup>rd</sup> Bakhchisarai Group» within the case of the «Crimean Muslims» who were being rendered judgement that day in Rostov-na-Donu (RF). People lined up with picket signs in the chain, observing anti-epidemiological measures. At 10:40am, the RF policemen who arrived at the site began to put the detainees in the bus without explaining any reason to detain.<sup>11</sup> The Crimean Solidarity Association reported the detention of **33 people**. They were taken to the Tsentralny and Kievsky District Police Stations. The two detained journalists were released when their editorial instructions had been checked. The rest of the detainees were kept in the police stations approximately till 08:00pm. Reports were drawn up against 22 persons, RF CoAO Art. 20.2-5 (*Participation in an unauthorized mass event*), and 9 persons were released without any charge made.<sup>12</sup>

## POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As at the end of October **116** persons were deprived of liberty due to politically reasoned and/or religious criminal persecution. **4** persons more may be also deprived of liberty for political reasons. The full list has been published at the CHRG website.<sup>13</sup> In addition, **9** persons are on house arrest.

## «CASE OF CRIMEAN MUSLIMS»

This case defendants are accused of membership in Muslim religious organizations<sup>14</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 October the total number of Crimean residents deprived of liberty under the 'Case of Crimean Muslims' was **79 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.

For the period of 5 to 7 October, the «Leninsky District Court of Sevastopol» extended the detention period of **Zavur Abdullayev**,<sup>15</sup> **Rustem Murasov**<sup>16</sup> and **Rustem Tairov**<sup>17</sup> until January 11, 2022 and **Raif Fevziyev** — until January 12, 2022.<sup>18</sup> On October 28, the «Sevastopol City Court» upheld the decision

<sup>9</sup> <https://www.facebook.com/crimeansolidarity/posts/1522831344750983>

<sup>10</sup> [https://www.facebook.com/permalink.php?story\\_fbid=1056504368442612&id=100022491759799](https://www.facebook.com/permalink.php?story_fbid=1056504368442612&id=100022491759799)

<sup>11</sup> [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=396308362036887](https://www.facebook.com/watch/live/?ref=watch_permalink&v=396308362036887)

<sup>12</sup> <https://www.facebook.com/crimeansolidarity/posts/1525478897819561>

<sup>13</sup> [https://crimeahrg.org/wp-content/uploads/2021/11/prisoners\\_10\\_2021.pdf](https://crimeahrg.org/wp-content/uploads/2021/11/prisoners_10_2021.pdf)

<sup>14</sup> In most cases this organization is 'Hizb-ut-Tahrir'

<sup>15</sup> <https://www.facebook.com/crimeansolidarity/posts/1508337149533736>

<sup>16</sup> <https://www.facebook.com/crimeansolidarity/posts/1508626759504775>

<sup>17</sup> <https://www.facebook.com/crimeansolidarity/posts/1509869969380454>

<sup>18</sup> <https://www.facebook.com/crimeansolidarity/posts/1509722929395158>



to detain **Zavur Abdullayev** until January 11, 2022.<sup>19</sup> The ruling was passed by «judge» Anatoly Dubovtsev.<sup>20</sup>

On October 14, judge of the Southern Area Military Court in Rostov-na-Donu (YuOVS) Denis Galkin extended the detention period of **Ismet Ibragimov** until January 24, 2022.<sup>21</sup>

On October 15, judge of the Military Court of Appeal in Vlasikha (RF) Anatoly Solin upheld the decision to keep **Enver Ametov, Osman Arifmetov, Yashar Muedinov, Ruslan Suleimanov** and **Rustem Sheikhaliyev** in custody until December 2021.<sup>22</sup>

On October 20, YuOVS judge Igor Kostin extended the detention period of **Seytumer Seytumerov, Osman Seytumerov** and **Rustem Seytmemetov** until November 22, 2021 and the period of **Amet Suleymanov's** house arrest.<sup>23</sup>

On October 29, YuOVS judge Igor Kostin sentenced the defendants of the «3<sup>rd</sup> Bakhchisarai group» within the case of the Crimean Muslims:

- Seytumer Seytumerov — to 17 years in the maximum security regime penal colony;
- Osman Seytumerov — to 14 years in the maximum security regime penal colony;
- Rustem Seytmemetov — to 13 years in the maximum security regime penal colony, with serving the first three years and six months in prison;
- Amet Suleimanov — to 12 years in the maximum security regime penal colony.

All of them shall serve the first three years and six months in prison.<sup>24</sup> Until the sentence comes into force, Amet Suleymanov shall remain on house arrest.

## NARIMAN DZHELIALOV'S CASE

The case against **Nariman Dzhellalov**, the deputy chairman of the Mejlis of the Crimean Tatar people, **Asan and Aziz Akhtemovs** was opened on charges of damaging the gas pipeline under Art. 281 of the Criminal Code of the Russian Federation (RF CC) (*Sabotage*). Within this case such illicit methods of investigation as the actual abduction by FSB men and the detention of detainees in an unknown place for the purpose of using violence, the use of torture, the use of hidden witnesses in the case and the falsification of evidence have been recorded. Nariman Dzhellalov has publicly expressed his civil and political position, and openly took part in the Summit of the Crimea Platform.

On October 1, Natalya Grebennikova, judge of the «Supreme Court of the Republic of Crimea (SCRC)», upheld the decision to keep **Nariman Dzhellalov** in custody, reducing the term by 1 day — until November 3, 2021.<sup>25</sup> On October 7, he was placed in the psychiatric hospital for a compulsory examination.<sup>26</sup>

On October 28, Yevgeniy Pronin, judge of the 'Kievskiy District Court of Simferopol', extended the detention period **Nariman Dzhellalov** until January 23, 2022. The hearing took place without him, since Nariman Dzhellalov had been in the psychiatric hospital for a compulsory examination since October 7.<sup>27</sup> Judge Yevgeniy Pronin delivered similar judgements to extend the detention periods of **Asan Akhtemov** and **Aziz Akhtemov**.<sup>28</sup>

<sup>19</sup> <https://www.facebook.com/crimeansolidarity/posts/1524948177872633>

<sup>20</sup> «Sevastopol City Court» / Case 22K-852/2021 [https://qs--sev.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=28.10.2021](https://qs--sev.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=28.10.2021)

<sup>21</sup> <https://www.facebook.com/crimeansolidarity/posts/1515095625524555>

<sup>22</sup> <https://www.facebook.com/crimeansolidarity/posts/1516481268719324>

<sup>23</sup> <https://www.facebook.com/crimeansolidarity/posts/1519342221766562>

<sup>24</sup> <https://www.facebook.com/mumine.saliyeva/posts/2546112952199097>

<sup>25</sup> «SCRC» / Case 22K-3011/2021. [https://vs--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=01.10.2021](https://vs--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=01.10.2021)

<sup>26</sup> <https://www.facebook.com/nikolay.pozovov/posts/4507036452695049>

<sup>27</sup> <https://www.facebook.com/crimeansolidarity/posts/1524879347879516>

<sup>28</sup> KRYM.REALII / «Case of Sabotage at Gas Pipeline» in Crimea: Arrest of Asan Akhtemov Extended till 23 January <https://ru.krymr.com/a/news-asan-ahtemov-diversiya-na-gazoprovode-arest/31533953.html>



## «UKRAINIAN SABOTEURS' CASE»

At the end of October 2021, **17 people** who were accused by the RF FBS during the detention “of preparing subversions, possession of weapons and 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 October 14, Alla Khinevich, “SCRC” judge, sentenced Mr. **Konstantin Shyring**, a Ukrainian national, to 12 years imprisonment in the maximum security regime penal colony. The occupation authorities accused him of espionage.<sup>29</sup>

On October 5, a court hearing was held in the case of journalist **Vladislav Yesipenko**, with two witnesses for the prosecution being questioned: Vyacheslav Tropin, a FSB detective, and Alexei Luzanov, an attesting witness.

On October 12, the next hearing was held in the case of Vladislav Yesipenko, at which a witness for the prosecution was questioned. The lawyers filed requests for interrogation of the expert who had performed the examination, for the car inspection, for interrogation of an explosives expert who had been present at the car inspection procedure. However, judge Dliaver Berberov dismissed the petition of the defence lawyers. And then, due to his holiday, a break in the sessions was declared till November 16.

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

As of the end of October, **6 people** were deprived of liberty under a charge of being in N.Chelebidjikhhan battalion. The official reason for persecuting the accused in Crimea under RF CC Article 208-2 is that they failed to come voluntarily to the RF law enforcement bodies and declare their participation in the Crimean Tatar Noman Chelebidjikhhan Volunteer

Battalion. The evidence of the battalion actions against the RF interests declared by the investigation is the information of mass media that the purpose of the battalion establishment was to de-occupy Crimea.

On October 6, Mikhail Belousov, judge of the “Kievskiy District Court of Simferopol”, delivered a verdict in absentia against **Mr.Eskender Seit-Nebiyev** under RF CC Art. 208. Also this “court” has gone on considering in absentia the case of **Ms.Gaide Rizayeva**.

## PERSECUTION OF JEHOVAH'S WITNESSES

As at the end of October, with the persecution of ‘Jehovah’s Witnesses’ in Crimea, **5** persons were deprived of liberty. **9** persons were restricted in movement: **7** on house arrest, and **2** under travel restrictions.

On October 22, Lyudmila Tumaykina, judge of the “Gagarinsky District Court of Sevastopol”, sentenced **Mr.Igor Shmidt** to 6 years in prison in the general regime penal colony. She also decided to change the level of restriction for him from house arrest to in custody.<sup>30</sup>

## CONFINEMENT CONDITIONS IN CUSTODIAL SETTING

On October 5, **Mr.Rustem Murasov**, a defendant in the «case of Crimean Muslims», told lawyer E.Kurbedinov that the cell of Temporary Detention Center-1 in Simferopol, where he was kept, was constantly damp, there were fungi, cockroaches, rats and mice. For the past 20 days, he had not been given any opportunity to wash.<sup>31</sup>

**Mr.Teymur Abdullayev**, a defendant in the «case of the Crimean Muslims», was twice sent to a punishment cell (ShIZO) during October. Thus, he spent more than a year and a half in the punishment cell in Penal Colony-2 Salavat (since March 2020).<sup>32</sup>

<sup>29</sup> CHRГ «Case of Ukrainian Spy»: Occupational Court Sentenced Konstantin Shyring to 12 Years <https://crimeahrg.org/ru/delo-ukrainskogo-shpiona-okkupacionnyj-sud-prigovoril-konstantina-shiringa-k-12-godam/>

<sup>30</sup> CHRГ/ “Jehovah’s Witness’ Shmidt Sentenced to 6 years of Colony in Sevastopol <https://crimeahrg.org/ru/v-sevastopole-svidetelya-iegovy-shmidta-prigovorili-k-6-godam-kolonii/>

<sup>31</sup> “Crimean Solidarity” / Activist Rustem Murasov Detention Period Extended by 3 Months <https://crimean-solidarity.org/news/2021/10/05/aktivistu-rustemu-murasovu-prodlili-srok-aresta-na--mesyaca--1589>

<sup>32</sup> [https://www.facebook.com/permalink.php?story\\_fbid=1040228683400221&id=100022392969328](https://www.facebook.com/permalink.php?story_fbid=1040228683400221&id=100022392969328)





## FREEDOM OF EXPRESSION

On October 4, the «Kievsky District Court of Simferopol» fined journalist **Ayder Kadyrov** RUR5,000 for filming mass detentions on September 4, 2021 in Simferopol under RF CoAO Art. 20.6.1 (*Violation of the emergency threat regime*).<sup>33</sup>

On October 25, during mass detentions in Simferopol, the Russian police detained three media activists of the ‘Crimean Solidarity’: **Mr.Zidan Adzhikeliyamov, Mr.Ruslan Paralamov** and **Mr.Diliaver Ibragimov**. Two of them were carrying press cards and an editorial assignment,<sup>34</sup> They were imprisoned for 24 hours. On October 26, judge Alexander Voronoy of the ‘Tsentralny District Court of Simferopol’ fined Ruslan Paralamov RUR10,000, and judge Sergei Demenok found Zidan Adzhikeliyamov non-guilty.

On October 29, during mass arrests in Simferopol, the Russian police detained two media activists of the Crimean Solidarity — **Mr.Enver Alimov and Mr.Seyran Maksudov**. They were taken to the District Police Station, and then they were released after their editorial assignment had been checked.<sup>35</sup>

## FREEDOM OF ASSEMBLY AND ASSOCIATION

On October 11, 25 and 29, there were mass detentions of people who came to attend open court hearings in the «case of Crimean Muslims», in Crimea (*for more details, see the «Searches and Detentions» section*). In total, at least **72 persons** were detained at the assembly place and 1 person — a lawyer — was detained in the District Police Station. 3 persons were detained twice — on October 11 and 25. 24 people were not released on the first day after their detention and left overnight in the Temporary Detention Facility. At least 63

detainees were charged under RF CoAO Art.1 (*Failure to comply with the rules of conduct in an emergency or the threat of its occurrence*), RF CoAO Art.20.2 (*Violation of the established procedure for organizing or holding a peaceful assembly*), RF CoAO Art. 20.2.2 (*Organization of mass simultaneous presence and (or) movement of citizens in public places, entailing a violation of public order*). 21 of them were fined in the amount of RUR5,000 to 20,000, 7 people were found non-guilty, the rest have been awaiting consideration of cases in the Crimean «courts». The detainees were also deprived of the right to be defended, since not only obstructing the advocacy, but also persecuting unreasonably a lawyer for his professional activities was recorded.

So, on October 25, Ruslan Shambazov, a Center E man, did not allow lawyer **Rustem Kiamiliev** to see activist Diliaver Memetov, detained during the mass detentions. He demanded that the lawyer leave the ‘Tsentralny’ District Police Station under the threat of prosecution under CoAO Art. 19.3 (*Disobedience to the request of a policeman*).<sup>36</sup>

On the same day, Ruslan Shambazov detained lawyer **Edem Semedliayev** who had come to the District Police Station, under CoAO Art. 19.3 for refusing to undress in the station.<sup>37</sup> Lawyer Semedliayev had spent 24h in the Temporary Detention Facility — until his case was considered in the «Tsentralny District Court of Simferopol». The “court” returned the case to the police to correct “procedural violations”.<sup>38</sup>

On October 29, lawyer Rustem Kiamiliev was not allowed to the ‘Kievskiy’ District Police Station to see the activists detained in the morning of the same day.<sup>39</sup>

In addition to the detentions, the Russian police also recorded the passport data of the people who had been present at the event location, next to the «court» building. These data

<sup>33</sup> <https://www.facebook.com/crimeansolidarity/posts/1508338009533650>

<sup>34</sup> <https://www.facebook.com/crimeansolidarity/posts/1522627388104712>

<sup>35</sup> <https://www.facebook.com/crimeansolidarity/posts/1525478897819561>

<sup>36</sup> <https://www.facebook.com/crimeansolidarity/posts/1522753431425441>

<sup>37</sup> <https://www.facebook.com/crimeansolidarity/posts/1523203698047081>

<sup>38</sup> <https://www.facebook.com/crimeansolidarity/posts/1523297874704330>

<sup>39</sup> [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=862064771168225](https://www.facebook.com/watch/live/?ref=watch_permalink&v=862064771168225)





can later be used for drawing up reports and subsequent administrative prosecution.

In addition, the Kievskiy District Court of Simferopol continued hearings on administrative proceedings against the Crimean Tatars detained on September 4 in Simferopol.<sup>40</sup> In October, judges fined 12 people in these cases ranging from RUR1,000 to RUR15,000.

## FREEDOM OF MOVEMENT

Since October 19 the Ukrainian authorities stopped operation of three Ukraine — Crimea check points — **CHAPLYNKA** Check Point,<sup>41</sup> **CHONGAR** and **KALANCHAK** Check Points have kept on operating in the standard regime.

<sup>40</sup> CHRG / Human Rights Review on Persecuting September 4<sup>th</sup> Events Participants : <https://crimeahrg.org/wp-content/uploads/2021/10/4-e-sentyabrya-1.pdf>

<sup>41</sup> <https://www.facebook.com/crimeahrg/posts/3008011036151184>

# 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

In October the CHRG recorded **4** new criminal cases against the Crimean residents under RF CC Article 328 (*Evading the service in the Armed Forces of the Russian Federation*) and **10** new sentences issued under RF CC Article 328. Totally, as of the end of October 2021, the CHRG documented **271** criminal cases initiated for evading the RF Army military service, that were sent to the Crimean 'courts' for considering, with verdicts delivered for **259** of them and **12** being still under consideration.

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