



CRIMEAN HUMAN RIGHTS GROUP

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The background is a collage of images in teal and orange tones. It depicts a group of people, some in military uniforms, in what appears to be a conflict zone or a place of displacement. The text is overlaid on this background.

HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW NORMS: CRIMEA 2021 SITUATION REVIEW

Kyiv
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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.

RIGHT TO LIFE

On May 11, FSB men killed **Ayub Rakhimov**, a citizen of Uzbekistan, when detaining him in the village of Dubki. The RF FSB press office stated that when being detained, Mr. Rakhimov had fought back militarily, and a criminal case under the RF Criminal Code Art.317 (*attempt on a policeman's life*) was filed against him after his death. Ayub Rakhimov was a Muslim from Uzbekistan who was in Russia as a political refugee. The occupation authorities did not further report what exactly he had been accused of before his death, on what grounds he was to be detained, whether a need to use weapons and to shoot to kill was justified. When Mr. Rakhimov was being killed, only representatives of the Russian security forces were present there. The next day, his wife was forcibly deported from Crimea to Russia. The FSB further refused to give Mr. Rakhimov's body to relatives for burial, and refused lawyers who represented the relatives of the killed to disclose the burial site.

Thus, the occupying authorities did not provide any information to confirm that the death of Ayub Rakhimov had been caused by an absolutely necessary use of force by the FSB to protect against unlawful violence or to legally detain or to prevent the escape of a person legally detained. These facts verify a violation of the right to life.

TORTURE, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

In 2021, the use of violence and degrading treatment during detentions, the use of violence against detainees, detention in conditions threatening life and health, confinement of persons with medical contraindications to this, refusal to provide the necessary medical care, were recorded in Crimea.

The RF FSB kept on, as previously, putting to torture in order to obtain false testimony and falsify the evidence in politically motivated cases.

In 2021 the CHRG documented the facts of torture used by the RF FSB men, namely:

Vladyslav Yesypenko, a Radio Svoboda journalist, detained on March 10, was tortured during interrogations by RF FSB men (*electric shocks, strangulation, beatings*).

Ernes Seytosmanov informed on April 24, that when searching his house, the special police unit men had choked him out without any reasons for that, so he lost consciousness.

On September 3, **Aziz** and **Asan Akhtemov** (*defendants in the case against Nariman Dzhelial*) reported that when interrogating them in the case of Nariman Dzhelial, after their abduction, the RF FSB men had tortured them with electric shocks and threatened to kill them.

On December 17, **Nariman Ametov** reported that after his abduction, FSB men had used electric torture to him because he had refused to be polygraph interrogated without the presence of a lawyer. The interrogation was also related to the case of Nariman Dzhelial.

At the same the Russian occupation authorities kept on rejecting to investigate statements of torture, and those responsible for torture go unpunished.

The CHRG regularly documented cases of inhuman and degrading treatment of Ukrainian citizens in custody both on the territory of the occupied Crimea, and in the RF. Such persons are often left without a necessary medical care. The situation became even worse because the victims of politically reasoned persecutions in Crimea who are now in the penitentiaries in the RF territory, are most often sent to the punishment cells or ward-type rooms on the far-fetched grounds.

For instance, **Mr. Valentyn Vyhivskiy**, aged 37, detained in 2014, now he is being held in the penal colony in the Russian Federation (VK No 11 in the Kirovo-Chepetskiy district



Vladyslav Yesypenko



Ernes Seytosmanov. Photo by Krymska Solidarnost



Aziz and Asan Akhtemov. Photo from social networks



Nariman Ametov. Photo from Abdullah Yakubov's Facebook



of the Kirov Region). For almost five years of his being in the colony until July 2021, Valentyn had been held in the solitary confinement conditions, in the ward-type room of the colony: this means a solitary confinement without personal belongings in the cell where the bed is fixed vertically to the wall during the day. He was not allowed to make phone calls to relatives or talk to prisoners while walking.¹ After Valentyn went on a hunger strike, he was transferred from this ward-type room. His parents informed that he had contracted COVID-19 after an outbreak of the virus in the colony, though no medical treatment had been provided.²

Mr. Ivan Yatskin was detained on charges of high treason in October 2019; till July 2021 he was kept in the Lefortovo Pre-trial Detention Center in Moscow, and then he was transferred to Crimea for sentencing.³ Ivan needed treatment in the Pre-Trial Detention Center because **his toes were frostbitten**: he had been taken for a walk in slippers in the winter. Due to frostbite Ivan had been suffering pain, but had been left without any treatment. When the sentence had been passed, Mr. Yatskin was conveyed to the sentence serving place in the Kemerovo Region, Russia. He may lose lower extremities due to the frostbitten toes. But when conveying to the penal colony he was deprived of the medicines and bandages he needed.⁴ There was no heating in the penitentiary (VK no 2 in the village of Dvubratskyi, Krasnodar Area), that caused an exacerbation of foot disease. When the Ukrainian arrived at the colony, he was placed into the punishment cell for three days. Rules of staying in the punishment cell demand that after wakeup and up to lights out the bed shall be vertically attached to the wall, Mr. Yatskin was forced to spend all day standing on sick legs.⁵

In February 2021, the administration of penitentiary VK no 2 in Salavat, Russia, placed **Mr. Teymur Abdullayev**, a defendant of the 'Case of Crimean Muslims', in the punishment cell for 10 days immediately after his previous period of staying there ended. The Crimean Human Rights Group was informed that after September 4, 2021, when the previous period of his stay in the punishment cell finished, on September 7 and 27,⁶ and twice during October, Teymur was placed into the punishment cell.⁷ In November, the colony's administration again extended the period of Teymur's staying in the punishment cell until December 8.⁸ Due to these repeated extensions Teymur Abdullayev has been kept in the colony punishment cell almost continuously since March 2020.

The conditions the imprisoned citizens of Ukraine are kept in custody in Crimea or Russia verify a wide-spread practice of their torture and inhuman or degrading treatment. They are constantly left without a proper medical care, 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 2021, at least **116 persons** deprived of liberty due to political or religious reasons⁹ were still kept in custody under 'Crimean' criminal cases. 9 persons were also under house arrest, and other 4 people may have

¹ <https://www.radiosvoboda.org/a/valentyn-vyshivskiy/31282919.html>

² https://crimeahrg.org/wp-content/uploads/2021/02/crimean-human-rights-group_jan_2021_en.pdf

³ https://crimeahrg.org/wp-content/uploads/2021/05/crimean-human-rights-group_apr_en.pdf

⁴ <https://www.facebook.com/nikolay.polofov/posts/4585279121537448>

⁵ <https://www.facebook.com/nikolay.polofov/posts/4591068874291806>

⁶ https://crimeahrg.org/wp-content/uploads/2021/10/crimean-human-rights-group_sep_en.pdf

⁷ https://crimeahrg.org/wp-content/uploads/2021/11/october_en.pdf

⁸ Kremlin Prisoner Teymur Abdullayev Sent to Punishment Cell Until December 8 <https://www.ukrinform.ua/rubric-crimea/3350778-branca-kremla-tejmura-abdullaeva-vidpravili-v-sizo-do-8-grudna.html>

⁹ <https://crimeahrg.org/wp-content/uploads/2022/01/prisoners-2021.pdf>

been imprisoned for political reasons. No releases involving Crimean political prisoners occurred in 2021.

At least 21 Ukrainian citizens were deprived of liberty in 2021, including:

- 12 persons under the 'Case of Crimean Muslims';
- 2 persons charged with 'Jehovah's Witnesses' affiliation;
- 7 persons charged with preparing subversions, possessing weapons, and espionage in favor of Ukraine including journalist Vladyslav Yesypenko and 3 persons in the 'Case of Nariman Dzhelial'.

In 2021 **21 verdicts** related to deprivation of liberty under the politically reasoned cases were passed.

The CHRГ recorded **49 judgements** of 'courts' on detaining or extending the detention periods that were passed in 2021 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 2021 the CHRГ recorded **121 judgements** of the Russian courts on keeping in custody within the politically reasoned cases. Thus, in total in 2021 the CHRГ recorded **170 judgements** on keeping in custody under such cases that were passed upon **61 residents of Crimea**.

As of the end of 2021, the number of Crimean residents imprisoned under the "Case of Crimean Muslims" totaled **79**. 5 persons more are restricted in their movement: 3 are under police supervision and shall not leave the occupied territory, 2 are under house arrest. The defendants in the case are accused of affiliating to 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. In violation of the IHL, the cases of these defendants — civilians — are considered in Russia by military courts.

On January 12, 2021, the Southern Area Military Court in Rostov-na-Donu convicted 3 Crimean Tatars: Enver Omerov was sentenced to 18 years in the maximum security regime penal colony with serving the first two years in prison and the other years in the penal colony, Ayder Dzhapparov — to 17 years, Riza Omerov — to 13 years. On July 7, the Southern Area Military Court sentenced Nina Malakhova to four years in the maximum security regime penal colony. On August 16, the Southern Area Military Court





sentenced four Crimean Tatars to imprisonment in the maximum security regime penal colony: Ruslan Mesutov — 18 years, Lenur Khalilov — 18 years, Ruslan Nagayev — 13 years, and Eldar Kantimirov — 12 years. On October 29, the Southern Area Military Court sentenced four Crimean Tatars to imprisonment in the maximum security regime penal colony: Seytumer Seytumerov — 17 years, Osman Seytumerov — 14 years, Rustem Seytmetov — 13 years, and Amet Suleymanov — 12 years.

At the end of 2021, at least **17 persons** (**Mr. Andriy Zakhtei, Mr. Volodymyr Dudka, Mr. Oleksiy Bessarabov, Mr. Dmytro Shtyblikov, Mr. Oleh Prykhod'ko, Mr. Hennadiy Limeshko, Mr. Leonid Parkhomenko, Mr. Kostiantyn Davydenko, Mr. Dmytro Dolhopolov, Ms. Anna Sukhonosova, Mr. Yunus Masharipov, Mr. Ivan Yatskin, Mr. Konstantin Shyrinh, Ms. Galina Dovgopola, Mr. Vladyslav Yesypenko, Mr. Yevhen Petrushyn, Mr. Stanislav Stetsenko**), 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 under 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.

Mr. Denys Kashuk, sentenced on April 6, 2020 to 3 years and 8 months of the general regime penal colony under Articles 222, 222.1, 226.1 of the RF Criminal Code (*illegal storage, transportation and smuggling of weapons and explosives*) at the end of 2021 was released from the penal colony under parole.

At least 3 persons were imprisoned in 2021 in “cases of Ukrainian Commandos and Spies” — Vladyslav Yesypenko, Yevhen Petrushyn, Stanislav Stetsenko. In these cases 3 sentences of 11 to 12 years of imprisonment were passed.

On March 24, the ‘Sevastopol City Court’ sentenced Ms. **Halyna Dovhopola** to 12 years in the general security regime penal

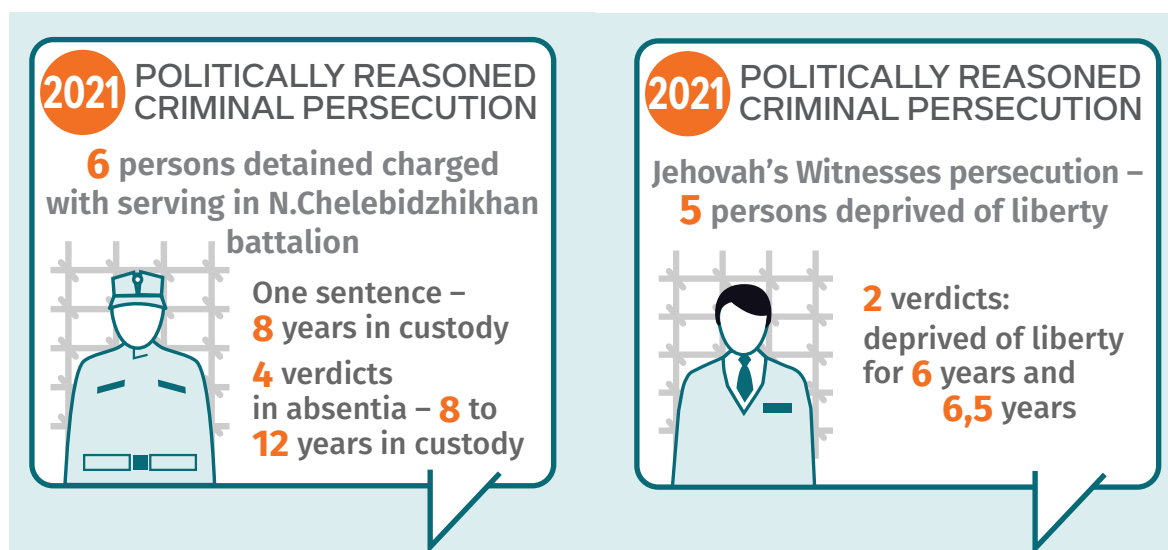


colony. On May 21, the ‘Supreme Court of the Republic of Crimea’ sentenced **Mr. Ivan Yatskin** to 11 years in the maximum security regime penal prison. On October 14, the ‘Supreme Court of the Republic of Crimea’ sentenced **Mr. Konstantin Shyrinh** to 12 years in the maximum security regime penal colony (*in the same case on June 3 the South Area Military Court in Rostov-na-Donu sentenced his wife — female service person Tetiana Kuz’menko — to 8 years with a 2 year’s postponement until her child reaches 14 years*).

In addition, one more sentence was passed in a presumably politically motivated case — on November 9, the ‘Sevastopol City Court’ convicted Mr. Serhiy Shvydenko, a Ukrainian who had been detained in Russia and brought to the Crimea for sentencing. He was sentenced to 6 years and 6 months in the maximum security regime penal on charges of alleged involvement in the case of political prisoners Dudka and Bessarabov.

At least 2 persons: **Mr. Mykola Shyptur and Mr. Andriy Kolomiyets**, were in custody accused under other cases, in order to persecute MAYDAN Ukrainian Movement participants and activists who had publicly opposed the occupation.

On March 3 2021, the South Area Military Court in Rostov-na-Donu sentenced Ukrainian activist Oleh Prykhod’ko to 5 years in the maximum security regime penal colony.



At the end of 2021 **6 persons** were deprived of liberty under **a charge of serving 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 service in the Noman Chelebidzhikhan 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 March 23 'Kirovskiy District Court' sentenced Crimean resident Medzit Abliamitov to 6 years in custody under RF CC Article 208-2 (*participation in an unlawful military unit for purposes that contradict interests of Russia*) for serving in this battalion.

As of the end of 2021, **5 persons** (**Mr. Viktor Stashevskiy, Mr. Ihor Shmidt, Mr. Serhiy Filatov, Mr. Serhiy Liulin, Mr. Artem Herasymiv**) were deprived of liberty. 9 persons more are restricted in movement: 7 are under house arrest, and 2 are under travel restrictions.

On March 23, 'Gagarinskiy District Court' sentenced Viktor Shatevskiy to 6 years and 6 months in the general security regime penal colony. On October 22, the same 'court' sentenced Ihor Shmidt to 6 years in the general security regime penal colony.

On September 3 and 4, by mass searches and abductions, the occupying authorities launched a new case, **the Case of Nariman Dzhelial**. The case against the deputy chairman of the Mejlis of the Crimean Tatar people Nariman Dzhelial, Asan and Aziz Akhtemovs was opened on charges of damaging the gas pipeline under Art. 281 of the RF Criminal Code (*Subversion*). There are records about using illegal methods of investigation, such as the actual abduction by FSB men and the detention of detainees in an unknown location for the purpose of violence, torture, use of hidden witnesses and falsification of evidence, in this case. Mr. Dzhelial has expressed publicly his civic and political positions, and manifested his participation in the CRIMEA PLATFORM Summit on August 23, 2021. As of the end of 2021, three persons were in custody under this case: Nariman Dzhelial, Asan and Aziz Akhtemovs.

For the full list of those kept in custody under the politically reasoned cases as at the end of 2021, visit the CHRg website at: <https://dela.crimeahrg.org/uk/>

Searches and Detentions

The practice of ungrounded and/or mass detentions and searches was still in place in Crimea. The RF police forces detained journalists and activists to take them to the police stations for interrogation as witnesses or hand reports on administrative offenses, though such procedures do not require



detention. Detentions most often took place with violations of the RF legal norms.

In total, in 2021, the CHRГ recorded **240** detentions as a part of politically motivated persecution in Crimea. In addition, the Russian website OVS-Info reported about **15** more detainees in Simferopol in late January 2021 during rallies in support of Russian opposition leader Aleksey Navalnyi. Thus, the total number of detainees in Crimea reached at least **255 persons**, including:

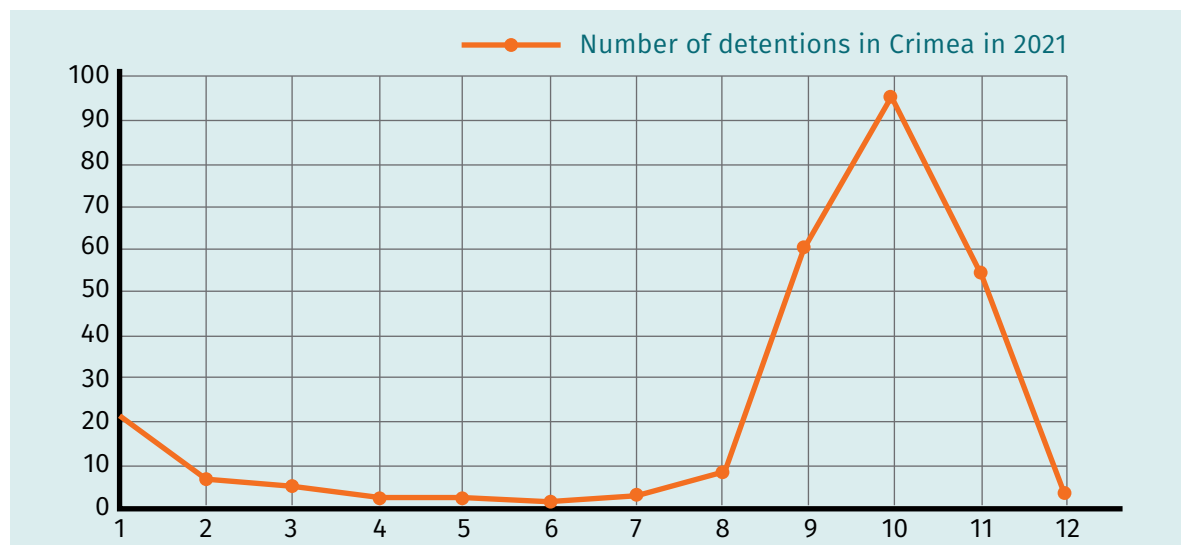
- **24 detentions** as a part of the above-mentioned criminal persecutions (11 in the 'Case of Crimean Muslims', 5 in the 'Case of Jehovah's Witnesses', 3 in the 'Case of Nariman Dzhelial', 3 in the 'Case of Ukrainian Commandos', 2 — in individual criminal persecutions). As a result of these detentions, 5 persons are under house arrest, 19 — are deprived of liberty.
- **26 detentions without any charges or with fictitious ones.** A reason for detention was stated as:
 - interrogations — 8 persons;
 - identity check — 1 person;
 - participation in peaceful assemblies — 17 persons.

5 detentions for interrogating in the case of Nariman Dzhelial were in fact abductions by FSB men, as people were taken away in an unknown direction and refused to disclose where and in what status they were. During at least one such abduction (*Nariman Ametov*), the detainee was tortured during

interrogation. Eldar Odamanov and Shevket Useinov were officially charged under Art. 19.3 of the RF Code of Administrative Offences (*Failure to comply with a police officer's request*) a day after the abduction and interrogation by the FSB. The reason was the refusal to show passports, that had been previously confiscated from them by the FSB men. Sahiba Burkhanova was charged under Art. 18.8 of the RF CoAO (*Presence in the RF territory without documents*) and forcibly moved to the 'camp for illegal migrants' in the RF territory.

- **205 detentions with charges under RF CoAO articles:**
 - **36** — of participants of rallies to support Aleksey Navalnyi;
 - **164** — of participants of peaceful assemblies in September — November 2021 to support defendants of the 'Case of Nariman Dzhelial', 'Case of Crimean Muslims', and lawyers, activists, and journalists detained under RF CoAO articles earlier. Some of the detainees were acting as journalists at the place of detention:
 - 1 — lawyer who assisted the victims of mass detentions;
 - 2 — for posts in social networks;
 - 2 — for single-person protests.

44 detentions of 205 with charges of violating the Code of Administrative Offences of the Russian Federation, ended with sentencing to arrest as administrative penalty.



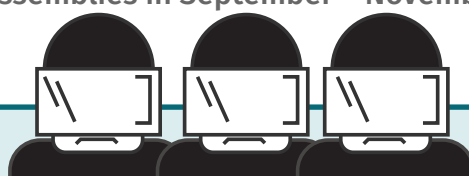
2021**DETENTIONS IN CRIMEA**

At least **255** persons were detained in the course of the year

24 detentions in the politically reasoned criminal cases

26 detentions without clear charges (for interrogations, identity checks, for participation in peaceful assemblies)

205 detentions with charges under administrative articles (including **164** – participants of peaceful assemblies in September – November 2021).



In 2021, mass searches of activists' homes took place in Crimea, with a lot of (*up to several dozens*) of law enforcement staff involved. During the searches, blocking passages to the premises or street, using prisoner vans, obstructing lawyers to be with the clients during the search were recorded.

In 2021, the CHRГ recorded 45 Crimean residents who were searched within the politically motivated persecution. 8 searches were reported, without names, by 'Jehovah's Witnesses in Russia' website. At least once a mosque was searched. Thus, the total number of searches is at least 54.

RIGHT TO A FAIR TRIAL

As in previous years, in politically motivated criminal and administrative cases, Crimeans were deprived of the right to a fair trial. Judges in Crimea are those who are loyal to the Russian government and support the occupation, that means: no independence and impartiality of judges in passing sentences to Ukrainian citizens who in one way or another opposed Russia's actions in Crimea.

Persons charged under Articles 205.2, 205.5, 280 of the RF Criminal Code (*so-called anti-terrorist and anti-extremist articles*) are included by Rosfinmonitoring to the "Register of extremists and terrorists" even

before a conviction is passed. Being in that register entails a number of restrictions on social and economic rights. Thus, these persons are punished already at the stage of criminal case investigation in defiance of presumption of innocence.

Quarantine restrictions due to COVID-19 were used to restrict without any grounds an access of people to the court hearings.

In 2021, the practice of detaining and administratively persecuting citizens who came to public hearings in politically motivated criminal cases became actively used. The formal reason for the persecution was the statements of the representatives of the occupying power that the people who came to the hearing were the organizers and participants of the unauthorized simultaneous presence of citizens, in violation of RF CoAO Art. 20.2.2, or that they did not comply with the requirements of RF CoAO Art. 20.6.1 on "*rules of conduct during the threat of an emergency*".

The assessment of hearings on administrative proceedings against victims of mass detentions revealed consistent violations of fair trial standards. The "judges", in fact, took over the functions of the prosecutors, and the defense's requests to interrogate police officers, who had drawn up the reports, hear other witnesses and attach evidence to prove the falsity of the accusation, were rejected by them. Some cases were heard without the accused or his lawyers.



FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

In 2021, the Muslims were still criminally persecuted charged with affiliation to “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 affiliation to the “banned organization.”

In 2021, **12 persons** were deprived of liberty in Crimea on charges of affiliation to the ‘Hizb ut-Tahrir’. As at the end of 2021, **79 Muslims**, most being Crimean Tatars, were in custody within this case. 3 persons more were under supervision and were not able to leave the occupied territory, and 2 persons were under house arrest. In 2021 **12 sentences** were passed on charges of membership in the ‘Hizb ut-Tahrir’ (RF CC Article 205.5), imposing 12 to 18 years in the maximum security regime penal colonies.

The allegations are based on the testimony of “secret witnesses” (*most of whom are FSB or police staff*), and the investigating authorities have failed to provide evidence of defendants’ involvement in the terrorist acts or their preparation.

In 2021 the persecution **of the members of “Jehovah’s Witnesses’ religious organization** included in the RF in 2017 into the list of ‘extremist organizations’, went on. At least 6 new cases were opened against them during the year, 3 persons were deprived of liberty, 2 verdicts were passed, at least 16 searches took place. As of the end of 2021, 5 persons were in custody (**Mr. Artem Herasimiv, Mr. Serhiy Liulin, Mr. Viktor Stashevskiy, Mr. Serhiy Filatov, Mr. Ihor Shmidt**), 9 persons more were restricted in rights: 7 under house arrest and 2 under travel restrictions.



The pressure on **the Orthodox Church of Ukraine (OCU)** also kept on. Thus, on August 8, “Center E” men interrupted services in the OCU monastery of St. Demetrius of Thessaloniki on the grounds that the ceremony was taking place in the room not registered under Russian law as a religious building. Archimandrite Damian (*Pavel Skokov*) was charged under RF CoAO Art. 5.26 (*Illegal missionary activity*). On August 23, the “court” fined him RUR15,000 under RF CoAO Article 5.26-4.¹⁰ The occupying power refuses to register the OCU in Crimea as a religious organization, so any worship of the OCU is a formal reason for persecution under Art. 5.26 of the Code of Administrative Offences of the Russian Federation.

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

In 2021, the “justices of the peace” of Crimea considered at least **31 administrative cases under RF CoAO Art. 5.26** against various religious organizations and their members, including Muslims, Protestants, Baptists, Jews, and the OCU. The faithful were most often persecuted for conducting religious ceremonies outdoors or in premises not registered as religious buildings under the

¹⁰ «Judges of Peace of Republic of Crimea» / Case 05-0350/32/2021 <http://mirsud82.rk.gov.ru/>

Russian laws. Within the framework of these proceedings in 2021 fines totaling at least **RUR373,000** were ordered, with the total amount for the entire occupation period amounting to at least **RUR1,823,500**.

FREEDOM OF SPEECH AND EXPRESSION

Persecutions for freedom of speech and freedom of expression

On May 20, the 'Yevpatoria City Court' sentenced **Mr. Oleksandr Dolzhenkov**, a 22-year-old resident of Odesa and a Ukrainian citizen, to one year in the penal settlement colony. The sentence was passed under RF CC Art. 282.1-1 (*Creation of an extremist community*) and Art. 354.1 (*Dissemination of knowingly false information about the activities of the USSR during World War II*) for creating a group on social networks, where calls for the return of Crimea to the control of Ukrainian authorities were published, and for distributing pro-Ukrainian leaflets in Crimea.

In order to prosecute civil journalists, the occupation authorities 'manufacture' criminal cases under terrorist articles against them. In 2021, several local activists who had recorded the facts of persecuting the Crimean Tatars, activists, and the Muslims in Crimea, were charged of affiliation to Hizb-ut-Tahrir organization, and deprived of liberty. Those who had been detained under the charge earlier, were still kept in custody.

The case of Radio Svoboda journalist Vladyslav Yesypenko has become one of the most illustrative cases of persecution for journalistic activities. He was detained on March 10, 2021, in Crimea, working at the editorial assignment of the Krym.Realii Project. The RF FSB accused him of illegal manufac-

ture of ammunition (*Part 1 of Article 223. 1 of the Criminal Code*), and his reports, that he had recorded in public places, were incriminated as collaboration with the Intelligence Service of Ukraine.

On March 18, KRYM.24, a Russian-controlled channel, published an "interview" with Vladyslav Yesypenko in which he admitted his guilt. However, Mr. Yesypenko told the lawyer that he had been tortured (*electric shocks, beatings, strangling with a plastic bag, keeping naked and threats of murder*) in order to obtain a confession. He confirmed this information in the court. The fact of torture was mentioned in the letter of the Special Rapporteur on the situation of human rights defenders and other rapporteurs to the Government of Russian Federation.¹¹

The court consideration clearly demonstrated that RF FSB evidence against Vladyslav had been manufactured. For instance, the journalist's lawyer mentioned that both witnesses looked prepared for the interrogation, used legal terminology and told without hesitation about the events they allegedly had witnessed.¹² At one of the court hearings two prosecution witnesses were questioned: a criminal investigator and a witness, but the court refused to question the persons that the defence had asked for.¹³ During the session in camera an expert who had recognized the 'grenade found in the journalist's car' a self-made explosive device, was interrogated. However, the expert failed to answer most of the lawyer's questions related to the parameters he had based on his conclusion that the grenade had been remade.¹⁴

On August 5, a criminal case was opened against **blogger Liudvika Papadopoulou** under Art. 128.1 of the RF Criminal Code (*Defamation*) for publication on a social network containing material about corruption in the «administration» of Yalta. On August 6, the 'Kievskiy District Court' of Simferopol

¹¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26459>

¹² <https://crimeahrg.org/uk/na-sudi-shhodo-%d1%94sipaenka-dopitali-pidgotovlenih-ponyatih-dinze/>

¹³ https://crimeahrg.org/wp-content/uploads/2021/11/october_en.pdf

¹⁴ <https://crimeahrg.org/ru/delo-vladislava-esipenko-ekspert-utverzhaet-cto-v-mashine-nashli-samodelnoe-vzryvnoe-ustrojstvo/>



ruled to restrict her in action. According to lawyers, Liudvika was forbidden to perform «certain actions at the address of residence» (*using the mobile Internet*).¹⁵

Crimean residents were also persecuted for expressing their opinions administratively. For posts 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. Editors of local mass media are also persecuted under Art.13.15 (*Misuse of freedom of speech*) if they fail to note that an organization mentioned in the article is forbidden on the RF territory or declared 'a foreign agent'.

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 2021 the CHRГ recorded the following number of administrative procedures in Crimea:

- **RF CoAO Article 20.29 — 16:** 9 published rulings on sentencing, including 8 — for posts with far-right lyrics or songs (*all — fines of RUR1000*) and 1 — for the post with the “Hizb ut-Tahrir” symbols published by Mustafa Seydaliyev, the journalist of the “Crimean Solidarity”, in 2013 (*10 days of administrative arrest*).
- **RF CoAO Article 20.3 — 54:** 43 published rulings on sentencing, 3 cases were closed, 39 imposing fines of RUR 1,000 to 1,500, and 2 on administrative arrests (*for posts in 2013 with Hizb ut-Tahrir symbols*). Mustafa Seydaliyev was sentenced to 10 days in custody and Abdullah Ibragimov — to 3 days.

Fines under this article were imposed for publication of:

- the swastika — 9,
- Scandinavian runes — 9,
- archival photos and videos where you can see the image of the swastika — 3,
- symbols of “AUE” (*informal association of criminal structures*) — 6,
- indefinite extremist or Nazi symbols — 6,
- tattoos with forbidden symbols — 4,
- symbols of the Right Sector — 1,
- symbols of Islamic Movement — 1.

It is important to note that along with fines for real hate speech and Nazi symbols, Crimean “judges” also fine Crimeans for actions that are not offenses under Ukrainian law. In the texts of such rulings it is usually not clear how well-grounded the accusations are, the wording of the accusations is vague, and the subject of the violation is vaguely described. In the case of publications of archival historical photos and videos, fines were imposed even in the absence of any evaluative judgments about the published material placed by the author of the publication. In addition, under Articles 20.29 and 20.3 of the Code of Administrative Offenses, arrests were applied only to activists and for Hizb ut-Tahrir symbols.

- **RF CoAO Article 20.3.1 — 36:** 20 published rulings including:
 - 9 — for hate speech regarding residents of the Caucasus and Central Asia;
 - 2 — for hate speech regarding Jews;
 - 1 — for hate speech regarding the Russians;
 - 4 — it is not specified against whom hate speech was used;
 - 1 — for hate speech regarding medical staff

4 cases are closed.

All court actions were opened for statements in comments on social networks or under publications on websites. It should be noted that despite the constant use of hate speech against Ukrainians, no proceedings were reported for such statements.

¹⁵ <https://crimeahrg.org/ru/aktivistku-iz-lyaly-lyudoviku-papadopulu-zaklyuchili-pod-domashnij-arest-do-5-sentyabrya/>

● **RF CoAO 13.15 — 10:** 4 published rulings including:

- 3 for failure to indicate in the article on the website that the organization is a foreign agent (*'Anti-Corruption Foundation'*, and *'Institute of Globalization and Cooperation'*);
- 1 for failure to indicate that the organization is recognized in Russia as extremist (*Mejlis of the Crimean Tatar people*). The decision was made against the editor-in-chief of the Kyrym newspaper, Bekir Mamutov, for publishing a report by UN Secretary-General Antonio Guterres on the situation of human rights in the Autonomous Republic of Crimea and Sevastopol, Ukraine.

Each of these rulings imposed a fine of RUR4,000.

● **RF Article 20.1-3 — 2:** as one of these rulings stated, a resident of Nizhnegorskiy District was fined RUR30,000 for publishing a video on VKontakte social network that, as 'the court' decided, was affronting President of RF.

One of the features of 2021 was a new practice of persecuting Crimean residents for publishing on social networks under RF CoAO Art. 20.2 (*Organization of an unauthorized mass event*). Previously, this article had been applied only to participants in peaceful assemblies. The reason for the persecution is the publication on social networks about the place or time of the peaceful assembly. For example, on January 22, Ilya Zaika was arrested for 5 days under this article for posting information on a social network about the date and place of a rally in support of Russian opposition leader Aleksey Navalny in Sevastopol. In March Ilya Bol'shedvorov was arrested for 10 days for video recording a single-person picket that was classified as participation in the mass assembly.

Media blackout

The most common practice to restrict the work of journalists in 2021 was constant

detentions of journalists when they were covering peaceful assemblies in support of politically reasoned case defendants.

On September 4, four journalists (Vladlen Seydaliyev, Rolan Osmanov, Nuri Abdurashytov, and Ayder Kadyrov) were detained as peaceful assembly participants. They, along with other detainees, were taken to the police station, where they were drawn up reports under RF CoAO Art.20.6.1.

On October 25, during mass detentions in Simferopol, the Russian police detained three 'Crimean Solidarity' media activists: Zidan Adzhikeliyev, Ruslan Paralamov, and Diliaver Ibragimov. Two of them had press cards and an editorial assignment, but this was ignored by the police.

On October 29, during mass detentions in Simferopol, the Russian police detained two 'Crimean Solidarity' media activists, Enver Alimov and Seyran Maksudov, took them to the police station, and released them after reviewing an editorial assignment.

On November 23, also in Simferopol, five journalists were detained; they came to the Temporary Detention Unit to meet Edem Semedliayev, a lawyer who had served an administrative arrest. Three of them had editorial assignments of the publishing house 'GRANI.RU', 2 were civic journalists of "Crimean Solidarity". After their detention, they were taken to the Tsentralny District Police Department and the Kievsky District Police Department. They were drawn up protocols under Art. 20.2.2 of the RF Code of Administrative Offences and left to spend the night in the Temporary Detention Unit. On November 24, court rulings of administrative arrests were passed: Vilen Temeryanov was arrested for 14 days, Enver Alimov and Diliaver Ibragimov for 13 days, Alim Suleymanov for 12 days and Simmar Abilalimov for 10 days.

On November 26, Diliaver Memetov, coordinator of the 'Crimean Solidarity' Association, and Abdullah Seydametov, a journalist of the 'Crimean Solidarity' and 'Grani.ru' media, were detained at



the Crimean Garrison Military Court building. They were taken to the Tsentralny District Police Department, where Abdullah Seydametov was released.

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 2021.

The last 2021 **internet resource access monitoring** showed that at least 26 popular Ukraine websites were blocked by all 11 monitored providers in Crimea, and 3 were blocked by some of them.¹⁶

The monitoring of the FM broadcasting in the north of Crimea demonstrated that the Ukrainian radio station signal was accessible only in 16 of 19 settlements.¹⁷ At some frequencies both radio stations can be heard simultaneously that makes the signal at such frequencies unclear. As to the rest of the frequencies in these settlements, the high quality signal of Russian FM stations was broadcast. The signal is jammed by broadcasting of the Crimean and Russian radio stations at the same frequencies the Ukrainian broadcasters are licensed for.

Since July, the CHRG had reported that the CHRG website had been blocked in some

Crimean cities for “encroaching on Russia’s national security” due to the CHRG’s publications on Russian war crimes on the peninsula.

In addition, jamming Ukrainian FM radio signal by Russian stations was documented in 19 settlements in the south of the Kherson region (*Ukraine-controlled territory*), where the CHRG monitored in 2021. **At least 34 Ukrainian FM frequencies** were fully or partially overlapped by the Russian occupation authorities in these cities and villages. 37 different Russian radio stations broadcast at these frequencies.¹⁸ The jamming of the Ukrainian signal was also recorded in the Ukraine controlled territory, at CHAPLYNKA and CHONGAR check points.

FREEDOM OF ASSEMBLY AND ASSOCIATION

Freedom of assembly

Legislative restrictions on freedom of assembly

On February 24 a law that intensified a liability for disobedience to the police during the rallies as well as introduced a liability for violating the rules on financing peaceful assemblies came into effect.

Freedom of assembly

The authorizing system that peaceful assemblies should not be held without prior authorization issued by a local “administration” was still in force in Crimea in 2021. 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.



¹⁶ <https://crimeahrg.org/uk/u-krimu-11-provajeriv-czilkom-blokuyut-21-sajt-ukraïnskih-media/>

¹⁷ <https://crimeahrg.org/uk/rosijski-vishhateli-v-pivnichnomu-krimu-prodovzhuyut-glushiti-ukraïnskij-fm-radiosignal/>

¹⁸ <https://crimeahrg.org/uk/na-hersonshhini-radio-rosijskoï-okupaczijnoï-vladi-movit-yak-minimum-na-34-h-radiochastotah/>

The intimidation of activists went on in 2021, and 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 CHRГ documented at least **36 such warning notes** in 2021.

On January 22, the “head” of Crimea S. Aksionov issued a statement calling “*not to go to illegal rallies*”, the Simferopol administration published a statement of the Ministry of Education calling on parents to keep their children from participating in political rallies. On January 23, 2 hours before the planned start of the rally in support of Russian opposition leader Aleksey Navalnyi, S. Aksionov said that Russian law enforcement officers “*will be tough to restore order*” in Crimea, “Governor” of Sevastopol M. Rozvozhayev issued a statement calling to young people “*not go to illegal actions, so as not to ruin your life.*” On January 29, the ‘Ministry of Internal Affairs of Republic of Crimea’ published a threatening statement addressing the ‘non-authorized rally’ participants.

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 2021, the “courts” of Crimea and Sevastopol issued at least **120 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 (*in 2020 only 17 such decrees were issued*). They included 67 rulings on imposing fines totaling RUR957,000, 37 decrees on administrative arrests for 1 to 14 days. 13 awards of community service for 20 – 30 hours, with information regarding 3 more judgements unavailable at the moment.

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 2021, kept on a ban to hold the peaceful assemblies as well as application of RF CoAO Art. 20.6.1 — against the activists (*Failure to comply with the rules of conduct in an emergency or threat of its occurrence*). In 2021 the CHRГ recorded 85 administrative proceedings against peaceful assembly participants under RF CoAO Article 20.6.1, with at least **69 persons fined RUR693,500 in total**.

Since September 2021 there had been several ‘waves’ of mass detentions by the occupation authorities: these were participants of peaceful assemblies to support victims of the politically reasoned persecutions and/or peaceful assembly participants detained earlier.

- On September 4, at least **53 persons** were detained. The CHRГ documented **53 reports** under RF CoAO Art. 20.6.1 and **2** reports under Art. 19.3 (*Failure to comply with a lawful order of a police officer*). The “failure” was to refuse to disperse immediately. Some people were detained at the RF FSB building in Simferopol, where people came to find out the whereabouts of 5 Crimean Tatars abducted by the FSB¹⁹ (*3 of them were detained in the «Case of Nariman Dzhelial»*).²⁰

¹⁹ <https://crimeahrg.org/uk/terminova-zayava-pravozahisnih-organizacij-shhodo-vikradennya-narimana-dzhelyala-ta-inshih-krimskih-tatar-v-okupovanomu-krimu/>

²⁰ For more details of persecution of September 4, 2021, see a CHRГ analytical review <https://crimeahrg.org/wp-content/uploads/2021/10/4-veresnya.pdf>



2021

VIOLATION OF FREEDOM OF ASSEMBLY

At least **36** warning notes to the activists for inadmissibility of holding peaceful assemblies

At least **120** judgements on administrative punishments for participating in the peaceful assemblies (RF CoAO Articles 20.2 and 20.2.2)

- **67** rulings on fines totaling **RUR957,000**
- **37** decrees on an administrative arrest of **1** to **14** days
- **13** awards of community service



- On October 11, **20 persons** were detained, **7** reports were drawn up under RF CoAO Art. 20.2.2 and **13** — under RF CoAO Art. 20.6.1. 15 persons were detained at the building of the «Crimean Garrison Military Court». They came to an open court hearing on the «case of the Crimean Muslims.» 5 persons more detained at the district police station. They came to find out the whereabouts of 15 persons earlier detained. All the detainees were Crimean Tatars.
- On October 25, **22 persons** were detained, **21** reports were drawn up under RF CoAO Art. 20.2. They were detained at the building of the «Crimean Garrison Military Court» where they had come to an open court hearing on the «case of the Crimean Muslims.»
- On October 29, **31 persons** were detained, **19** reports were drawn up under RF CoAO Art. 20.2-5. The detained were participants of the peaceful assembly to support political prisoners.
- On November 1, **19 persons** were detained at the building of the «Crimean Garrison Military Court» where they had come to an open court hearing on the «case of the Crimean Muslims.» **17** reports were drawn up under RF CoAO Art. 20.6.1.
- On November 22, **32 persons** who came to the Simferopol Temporary Detention Unit in order to meet lawyer Edem Smedliayev arrested earlier, were detained. Later, on November 26, Diliaver Memetov was detained for the same reason. Totally **32 reports** were drawn up under RF CoAO Art.20.2.2.

Freedom of association

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 Mejlis**²¹ as ‘extremist organization’.

Activists of Crimean Solidarity Association are subject to criminal and administrative persecutions, as it was earlier; they are accused of affiliation to Hizb-ut-Tahrir within the falsified criminal cases. In the course of the year the activists were also constantly detained at the peaceful assemblies. One of the Crimean Solidarity coordinators — **Server Mustafayev** who was sentenced 2020 to 14 years in the maximum security penal colony, is in the colony in Russia. Another coordinator —

²¹ The highest representative body of the Crimean Tatar People.

Diliaver Memetov — was arrested for 12 days for participating in the peaceful assembly.

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. As of the end of 2021, 6 Crimeans were known to have been deprived of liberty under these charges. In addition, at least 20 persons were declared as wanted.

RIGHT TO EFFECTIVE LEGAL ASSISTANCE

In 2021, the CHRG repeatedly recorded the denial of lawyers' access to their clients during detentions, searches, interrogations, and drawing up reports (*within both criminal and administrative proceedings*). For instance, after the detention of journalist Vladyslav Yesypenko, independent lawyers were barred from visiting him for about a month. All that time, only an appointed lawyer was involved in the case, who persuaded Yesypenko to plead guilty to the fabricated case and did not make a statement of his torture.

As part of the Case of Nariman Dzhelial, at least eight persons had been forcibly taken away from their homes since September and interrogated for more than a day in an unknown location by the FSB using torture or psychological pressure. Independent lawyers were barred from being with them during searches, detentions, and interrogations. Three of them later reported being tortured when being questioned.

During the mass detentions of participants in the peaceful assembly — the Crimean Tatars — the occupying author-

ities refused to allow the lawyers to be together with the detained at the time of drawing up the reports. October 25 lawyer **Edem Semedliayev** was arrested when he was trying to assist the detained — for his refusal to undress on requirement of Ruslan Shambazov, Extremism Counteracting Center officer. On October 11 the 'Tsentralny District Court of Simferopol' arrested the lawyer for 12 days for this refusal.

DISCRIMINATION

In 2021, the Russian authorities continued the practice of treating Ukrainian citizens who had not received the relevant Russian documents as migrants in Crimea. Based on this, they are restricted in their ability to find employment and access to medical care, are subjected to administrative harassment, and deported from Crimea to Ukraine-controlled territory.

The CHRG Year 2021 review of the RF CoAO norms applied in order to restrict the freedom of peaceful assembly confirmed the widespread practice of **discriminating against Crimean Tatars**²² in the exercise of the right to freedom of peaceful assembly.

²² Discrimination against Crimean Tatars and Freedom of Peaceful Assembly
<https://crimeahrg.org/ru/diskriminatsiya-krymskih-tatar-i-svoboda-mirnyh-sobranij/>

2. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW NORMS

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

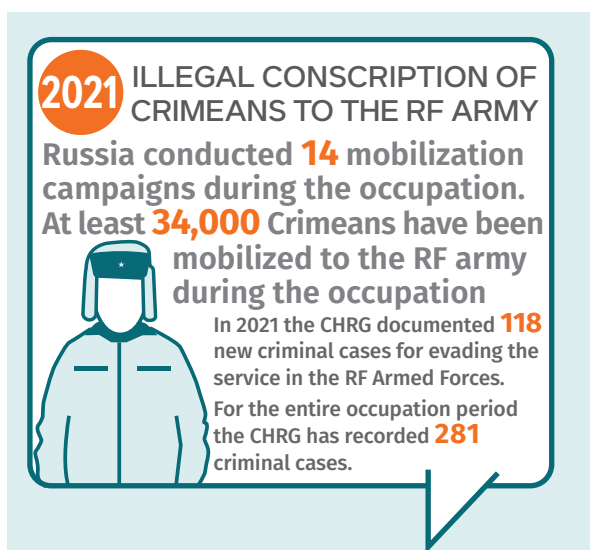
Article 49. Deportation of Crimean residents from the occupied territory to the RF territory as well as transfer of RF civilian population into the occupied territory

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, instead of preventing, are taking actions to settle the occupied territory of Ukraine with RF nationals. The review of the data published at the website of the 'Republic of Crimea and Sevastopol Department of the Federal State Statistics Service' does not allow to assess precisely the natural and migration movements of the Crimean population because starting from mid-2020 the data in different statistic reports do not match each other. This shows that the occupation authorities try to conceal the information on the number of deaths in 2020 and 2021 and the number of those who arrive in the occupied territory from the RF. The published data of the RF nationals who have moved in Crimea for the years of occupation, range from 223,400 to 275,000 but these data are not in line with reality.

Article 51. Conscription of persons residing on the occupied territory to the army of the Occupying power as well as propaganda of the service in the armed forces

In 2021, the Russian authorities conducted two campaigns in Crimea to draft Crimean residents to the RF army, with **14 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 2021 at least 6,000 conscripts were mobilized to the Russian army: 3,000 within the spring campaign and 3,000 — within the autumn one. Thus, **at least 34,000 persons have been mobilized** from Crimea to the RF army during the occupation in total.



In 2021 the CHRG documented **118 new criminal cases for evading the service in the RF Armed Forces** sent to the Crimea ‘courts’ for consideration. **For the entire occupation period the CHRG has recorded 281 cases** of this nature, with sentences passed in 269 and 9 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.²³

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.

²³ <https://crimeahrg.org/ru/iz-ukrainczev-v-rossiyan-skolko-rf-stoit-smena-identichnosti-molodezhi-v-krymu/>

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

According to Rospotrebnadzor, as of December 30, 2021,²⁴ 126,770 cases of new coronavirus infection had been registered in Crimea since the beginning of the pandemic. In Sevastopol, 52,651 cases of new coronavirus infection were registered during the entire observation period.

At the same time, according to this organization data as of January 18, 2022,²⁵ 128,595 cases of new coronavirus infection had been registered on the territory of the peninsula since the beginning of the pandemic. According to the 'Ministry of Health of Crimea', on January 20, 221 new cases of COVID-19 were detected, that exceeded the data of the previous day. In Sevastopol, 54,091 cases of new coronavirus infection were registered during the entire observation period.

On January 17, 2022, the occupation authorities announced that the first case of a new COVID-19 variant "Omicron" had been detected,²⁶ that was followed with tightening anti-antiviral restrictions in Crimea. To visit public catering establishments, shopping malls, salons, saunas, fitness centers, theaters and cinemas one should again show QR-codes. A ban on entertainment events in restaurants was introduced. The ban on hostels was extended «until special order». The mass events were also forbidden.

On January 19, new restrictions were introduced due to the COVID-19 pandemic:²⁷ 'Starting from January 24, 2022 and until a special order to oblige citizens over 60 years old and persons with chronic diseases not to leave their place of residence (*stay*), except in cases of direct threat to life and health, movement to the place of vaccination against new coronavirus infection (*COVID-19*), the nearest place of purchase of goods, works, services, removal of waste to the nearest place of waste accumulation'.

In addition, according to the new restrictions, all Crimean enterprises must put up to 50% of their employees on teleworking.

Pursuant to the international humanitarian law provisions, Russia, as the occupying power, is obliged to take the necessary measures to prevent the spread of infectious diseases and epidemics, including vaccination against coronavirus as a highly effective means of preventing severe COVID-19 and reducing the risk of disease transmission in case of infection of vaccinated persons.

None of the vaccines produced in Russia that can be used for vaccination in the occupied Crimea has been approved by the WHO. It is not possible in the territory of the

²⁴ <http://82.rospotrebnadzor.ru/news/149115/>

²⁵ <http://82.rospotrebnadzor.ru/news/149132/>

²⁶ <https://ru.krymr.com/a/news-krym-pervyy-sluchay-zabolevaniya-shtammom-covid-19-omikron/31658037.html>

²⁷ <https://rk.gov.ru/ru/document/show/32478>

peninsula to vaccinate against COVID-19 with a vaccine produced outside the Russian Federation. Thus, residents of Crimea are deprived of the opportunity to be vaccinated on the peninsula with Pfizer, Moderna, AstraZeneca and Sinovac vaccines. At the same time, the occupying power obliges a number of professional groups to be vaccinated with Russian-made vaccines (*education, social security, trade, catering, etc.*).

As a result, the Crimeans who do not trust Russian vaccines were forced to be vaccinated with them. The Crimean residents also leave for the Ukraine-controlled territory to be vaccinated with internally recognized vaccines and obtain relevant international certificates. But the occupation authorities do not recognize this vaccination in Crimea that often makes people to risk and be vaccinated once more with Russian vaccines.

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

In 2021 the Ukrainian authorities adopted some major decisions aimed at protecting and assisting the Ukrainian citizens under the occupation.

1. As in 2020, in 2021 counteracting the spread of the COVID-19 pandemic was relevant, that caused introducing certain restrictions for the movement from Crimea to the territory controlled by Ukraine. For most of 2021, citizens entering the “mainland” from Crimea had to stay in self-isolation or get a negative coronavirus test. However, in the course of the year, the procedure of travelling in the pandemic conditions was gradually simplified.

On January 5, 2021, the Cabinet of Ministers of Ukraine adopted Resolution no 9, which amended Resolution no 1236 of December 9, 2020, on quarantine and restrictive measures to counteract the further spread of COVID-19 in Ukraine. The government allowed Crimean residents to stop self-isolating or observing in the controlled territory if they received a negative COVID-19 rapid test, that could **be done free of charge at the checkpoint**. Previously, a negative PCR test for COVID-19 had been required to stop self-isolation or observation.²⁸

On October 20, 2021, the Cabinet of Ministers adopted Resolution no 1096, according to which Crimean residents were allowed to enter the Ukraine-controlled territory without the need for self-isolation / observation if they entered government-controlled territory for vaccination, as evidenced by a vaccination invitation issued on the official form with a unique identifier.²⁹ And on December 29, 2021, the government, by adopting Resolution no 1407, exempted citizens entering the territory controlled by the Government from Crimea from the obligation to adhere to self-isolation / observation.³⁰

In addition, on May 26, 2021, the Cabinet of Ministers adopted Resolution no 533 amending Resolutions no 367 and no 815, that defined the procedures for crossing the administrative border with Crimea and the demarcation line in the east. The government allowed vehicle owners who had lost their registration cards to enter the controlled territory from the temporarily occupied territory once on the basis of a copy of the card. A copy of the vehicle registration card is issued by the territorial service centers of the Ministry of Internal Affairs: the person or his representative must apply to such a center.

²⁸ <https://zakon.rada.gov.ua/laws/show/9-2021-%D0%BF#Text>

²⁹ <https://zakon.rada.gov.ua/laws/show/1096-2021-%D0%BF#Text>

³⁰ <https://zakon.rada.gov.ua/laws/show/1407-2021-%D0%BF/ed20211231#n20>

When entering the controlled territory for the next time, the vehicle owners may re-obtain the lost registration cards.³¹

2. For the year an access of the citizens living in Crimea to the state services improved to some extent.

Thus, on February 24, 2021, the Government of Ukraine adopted Resolution no 155, allowing the Crimean residents to use the “e-Baby” service. This made it possible to register infants born in Crimea remotely via the DIYA application. The resolution allows to receive the “e-Baby” service electronically on the basis of a court decision that establishes the fact of birth of a child, without the need to obtain a medical certificate of birth, issued in the maternity hospital in the controlled territory.³²

On April 22, 2021, the Supreme Court of Ukraine considered the request of the Ministry for Reintegration of the Temporarily Occupied Territories regarding court practice in cases of establishing the fact of birth or death in the temporarily occupied territory of Ukraine. The court found that during court proceedings to establish the fact of birth or death in the temporarily occupied territory of Ukraine, the requirement to obtain a written refusal of civil status registration authorities to register such acts is not based on current legislation.³³

3. On March 4, the Parliament (*Verkhovna Rada of Ukraine*) adopted Law no 1319-IX “On Amending Article 12 of Law of Ukraine” On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine “to **establish alternative jurisdiction over cases** which parties are permanent residents in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol”. This norm stipulates that in addition to the possibility of considering the case by the courts of Kyiv, as it was

before, the residents of Crimea can apply to any of the courts of first instance of the Kherson Region of their choice. Appeal proceedings in civil cases, the decision on which was made after considering by the local general court located within the Kherson Region as the first instance court shall be at the Kherson Court of Appeal.³⁴

4. On May 28, 2021, the Ministry of Reintegration published a **list of 23 universities that would host summer training courses** with scholarships for graduates from the temporarily occupied territories of Donetsk and Luhansk regions and Crimea and settlements on the line of demarcation who wished to study at universities in the controlled territory. Students of the courses would be provided with a dormitory and a scholarship in the amount of UAH4,590. To attend the course, a person must personally come to a selected university from June 1 to 20 and apply for preparatory courses, which would last from June 29 to August 31.³⁵

5. In July, **Law of Ukraine «On Indigenous Peoples of Ukraine»** came into force. The law defines the indigenous people as an ethnic minority formed on the territory of Ukraine, which is the bearer of the original language and culture; has cultural, social and representative bodies; is self-aware of being the indigenous people of Ukraine and does not have its own state formation outside Ukraine. The law also lists the indigenous peoples of Crimea, which includes Crimean Tatars, Krymchaks and Karaites.

Ukraine undertakes to protect the cultural, informational and other rights of the indigenous peoples of Ukraine, including protection against deprivation or denial of ethnic identity, forced relocation, forced assimilation or integration, and incitement to ethnic or religious hatred. Indigenous peoples have the right to protect and

³¹ <https://zakon.rada.gov.ua/laws/show/533-2021-%D0%BF#Text>

³² <https://zakon.rada.gov.ua/laws/show/155-2021-%D0%BF#Text>

³³ <https://www.minre.gov.ua/sites/default/files/vsu.pdf>

³⁴ <https://zakon.rada.gov.ua/laws/show/1319-IX#Text>

³⁵ https://www.minre.gov.ua/news/vidibrano-23-vyshi-dlya-zaprovadzhennya-pidgotovchyh-kursiv-zi-stypendialnym-zabezpechennym?fbclid=IwAR20I4eZNSILMEIBjk9cPM1mYN0NMQPi3NDhC3c0pd3FVopxKkCJNnj_YQ



develop their cultural heritage (*material and other*), including access to education in their mother tongue and the study of their own history. The State shall also support initiatives to establish indigenous people media.

In addition, when Ukraine has restored control over Crimea, the indigenous peoples of the peninsula will be able to enjoy the economic rights established by law — part of the income from the use of natural resources located in Crimea should be directed to the needs of indigenous peoples. Part of the agricultural and other lands in Crimea should be reserved for indigenous peoples wishing to return to Crimea.³⁶

6. On July 1, the Parliament passed Laws no 1617-IX,³⁷ no 1618-IX³⁸ and no 1619-IX,³⁹ **which abolished the legal regime of the exclusive economic zone in the Autonomous Republic of Crimea and the city of Sevastopol**, and Crimean residents ceased to be “non-residents” in receiving banking services and paying taxes. Other restrictions on Crimeans that had been in force since 2014, were lifted, too.

7. On March 24 2021, by Edict of the President of Ukraine no 117/2021, the **Strategy of De-Occupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the city of Sevastopol**⁴⁰ was approved — this is the first strategic document in this area. On September 22, the Cabinet of Ministers of Ukraine adopted Ordinance no 1171-r on approving the Action Plan for the Implementation of this Strategy. The Cabinet of Ministers identified specific tasks that should contribute to the implementation of the Strategy, and the deadlines for their achievement. In particular, the Action Plan provides for:

- to protect interests of missing persons as well as members of their families, to sup-

port functioning of the Commission on Missing Persons,

- to develop and adapt digital services for internally displaced persons and residents of the temporarily occupied territory,
- to develop and protect indigenous peoples' cultures, including their languages,
- to introduce the administrative procedure of state registration of civil status acts of citizens of Ukraine living in the temporarily occupied territory,
- to ensure social protection of IDP children and children living in the temporarily occupied territory,
- to monitor and document consistently violations of human rights and freedoms in the temporarily occupied territory by the Russian Federation as the occupying power, the occupation administration of the Russian Federation, etc.⁴¹

8. In 2021 the international format of the CRIMEA PLATFORM, the first international format on the occupied Crimea issues for the period of occupation, was officially launched. The CRIMEA PLATFORM has been operating in three dimensions: governmental, parliamentary and expert.

At the governmental level, the most important event was the Inaugural Summit of the CRIMEA PLATFORM, which took place on August 23 in Kyiv. The summit officially launched a new international coordination and consultation format, CRIMEA PLATFORM. The Summit was attended by 47 states and international organizations.⁴² Following the Summit, a Joint Declaration of the Participants of the International Crimea Platform was signed,⁴³ approving the establishment of this platform in order

³⁶ <https://zakon.rada.gov.ua/laws/show/1616-IX#Text>

³⁷ <https://zakon.rada.gov.ua/laws/show/1617-20#Text>

³⁸ <https://zakon.rada.gov.ua/laws/show/1618-20#Text>

³⁹ <https://zakon.rada.gov.ua/laws/show/1619-20#Text>

⁴⁰ <https://www.president.gov.ua/documents/1172021-37533>

⁴¹ <https://zakon.rada.gov.ua/laws/show/1171-2021-%D1%80#Text>

⁴² <https://mfa.gov.ua/news/dmitro-kuleba-pro-zapusk-krimskoyi-platforni-mi-povernuli-krim-iz-zabuttya>

⁴³ Joint Declaration of the International Crimea Platform Participants: <https://crimea-platform.org/en/samit/deklaraciya>

to peacefully end the Russian Federation's occupation of Crimea and Sevastopol and restore Ukraine's control over the territory in full compliance with international law. The cooperation of the Crimea Platform participants was also aimed at countering new challenges and hybrid threats caused by lasting militarization of Crimea.

At the parliamentary level, the Crimean Platform Inter-Group Association, established in December 2020, continued its work in the Verkhovna Rada of Ukraine. On August 23, the day of the Summit, the Parliament of Ukraine held an extraordinary session dedicated exclusively to the CRIMEA PLATFORM and addressed all foreign partners to strengthen international cooperation within the Crimea Platform to Counteract the Aggression of the Russian Federation.⁴⁴

The expert dimension of the platform is based on the Expert Network of the Crimea Platform, the development of which began in March 2021 by Ukrainian expert organizations in various fields.⁴⁵ The Crimea Platform Expert Network was established as a community of individual Ukrainian and foreign experts, Ukrainian, foreign and international non-governmental organizations, initiatives, associations, expert think tanks, research institutions whose activities contribute to achieving the main goals of the Crimea Platform. In November, the Ministry of Foreign Affairs of Ukraine and the Expert Network of the Crimea Platform signed a memorandum of cooperation⁴⁶ and developed a joint action plan under the Platform for 2022. For consistent actions and coordination of Crimea Platform tracks nationwide, the Crimea Platform Office was set up.⁴⁷

⁴⁴ Draft Resolution of the Verkhovna Rada of Ukraine Address to the UN, PACE, OSCE PA, NATO PA, BSEC PA, European Parliament, Governments and Foreign Parliaments on Strengthening International Cooperation within the Crimea Platform to Counteract Aggression of the Russian Federation: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72536

⁴⁵ <https://crimea-platform.org/ekspertna-merezha>

⁴⁶ <https://crimeahrg.org/en/strategic-vision-of-crimea-de-occupation-mfa-of-ukraine-and-crimea-platform-expert-network-signed-moc/>

⁴⁷ <https://www.president.gov.ua/en/news/prezident-ukrayini-ta-uchasniki-samitu-krimskoyi-platfomi-o-70301>

5. INTERNATIONAL RESOLUTIONS ON CRIMEA

Among the international legal documents and resolutions of 2021 related to the occupation of the AR of Crimea and Sevastopol City, these should be mentioned specifically:

14 January 2021

European Court of Human Rights

Decision on Admissibility of Applications of Ukraine against the Russian Federation on Violation of its International Legal Obligations According to the Convention for the Protection of Human Rights and Fundamental Freedoms⁴⁸

The Grand Chamber of the European Court of Human Rights decided on admissibility of Ukraine's applications against the Russian Federation on violation of its international legal obligations according to the Convention for the Protection of Human Rights and Fundamental Freedoms. The Court would proceed considering the merits of the case and take a decision on most of the violations of human rights by the Russian Federation as reported by Ukraine to the Court.

- enforced disappearances and a lack of their effective investigation, in violation of Article 2 of the Convention;
- ill-treatment, in violation of Article 3 of the Convention;
- unlawful detention, in violation of Article 5 of the Convention;
- extending the Russian Federation's laws to Crimea and the resulting effect that as from 27 February 2014 the courts in Crimea could not be considered to have been "established by law" within the meaning of Article 6 of the Convention;
- unlawful automatic imposition of Russian citizenship, in violation of Article 8 of the Convention;
- arbitrary raids of private dwellings, in violation of Article 8 of the Convention;
- harassment and intimidation of religious leaders not conforming to the Russian Orthodox faith, arbitrary raids of places of worship and confiscation of religious property, in violation of Article 9 of the Convention;
- suppression of non-Russian media, in violation of Article 10 of the Convention;
- prohibiting public gatherings and manifestations of support, as well as intimidation and arbitrary detention of organisers of demonstrations, in violation of Article 11 of the Convention;
- expropriation without compensation of property from civilians and private enterprises, in violation of Article 1 of Protocol No. 1 to the Convention;

⁴⁸ [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-207622%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-207622%22]})

- suppression of the Ukrainian language in schools and harassment of Ukrainianspeaking children at school, in violation of Article 2 of Protocol No. 1 to the Convention;
- restricting the freedom of movement between Crimea and mainland Ukraine, resulting from the de facto transformation of the administrative border line into a State border, in violation of Article 2 of Protocol No. 4 to the Convention;
- discrimination against Crimean Tatars, in violation of Article 14 of the Convention.

The Court also stated that **from 27 February 2014 the Russian Federation had established effective control** over the territory of the Autonomous Republic of Crimea and the City of Sevastopol, that would become a basis for considering the case by the Court further.

As of January 2021, taking into account joining of the applications, **the European Court of Human Rights was considering three inter-state cases:**

- Ukraine v. Russia (*re Crimea*), application no 20958/14;
- Ukraine and Netherlands v. Russia, application nos 8019/16, 28525/20 and 43800/14;
- Ukraine v. Russia (VII), application no 38334/18;
- Ukraine v. Russia (VIII), application no 55855/18.

25 February 2021

Council of European Union

Ukraine: Declaration by the High Representative on behalf of the European Union on the illegal annexation of Crimea and Sevastopol⁴⁹

The Declaration confirmed the EU policy of non-recognition regarding the tempo-

rarily occupied AR of Crimea and City of Sevastopol.

29 April 2021

European Parliament

Resolution of 29 April 2021 on Russia, the case of Alexei Navalny, the military build-up on Ukraine's border and Russian attacks in the Czech Republic⁵⁰

The European Parliament called on Russia to remove its troops from the so-called People's Republics of Luhansk and Donetsk and return control of the Autonomous Republic of Crimea and the City of Sevastopol to Ukraine. It was also mentioned that an unlawful blockade of navigation in the Black Sea and the Sea of Azov by Russia should be stopped. The European Parliament also declared sanctions to be taken once Russia attacked Ukraine.

23 June 2021

Parliamentary Assembly of Council of Europe

Resolution: Human rights violations committed against Crimean Tatars in Crimea⁵¹

The PACE adopted a dedicated resolution on discrimination and human rights violations against the Crimean Tatar people

2 August 2021

Secretary General of United Nations

Report: Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine⁵²

The report covers the period from July 1, 2020, to June 30, 2021, and is based primarily on the monitoring and documentation of violations of international humanitarian law and international human rights law in Crimea, carried out by the UN Human Rights Monitoring Mission.

⁴⁹ <https://www.consilium.europa.eu/en/press/press-releases/2021/02/25/ukraine-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-illegal-annexation-of-crimea-and-sevastopol/>

⁵⁰ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0159_EN.html

⁵¹ https://pace.coe.int/en/files/29360?_cf_chl_jschl_tk_=YLkQ8D8ptyRA.JApcMRUVGuQoaWUHZ.lmOo5HHoCy.Y-1643125391-0-gaNycGzNB9E

⁵² [A/76/260 – E – A/76/260 -Desktop\(undocs.org\)](https://www.unhcr.org/refugees/76/260-E-A/76/260-Desktop(undocs.org))



11 October 2021

Council of European Union

Decision: EU sanctions on eight more people (territorial integrity of Ukraine)⁵³

The EU imposed sanctions on 8 persons — Crimean and Russian judges, prosecutors and security officers — responsible for enforcing Russian law in Crimea and politically reasoned persecution.

- 1) Mikhail Nikolaevich Belousov, 'judge' of 'Kievsky District Court of Simferopol';
- 2) Andrey Nikolaevich Dolgoplov, 'chairman' of 'Kievsky District Court of Simferopol';
- 3) Yevgeniy Sergeevich Kolpikov, prosecutor of South Military Area of Russian Federation
- 4) Magomed Farmanovich Magomedov, 'investigator of special cases' of 'RF Investigation Committee Department for Crimea and Sevastopol';
- 5) Leonid Vladimirovich Mikhailiuk, 'head of RF FSB department for Crimea';
- 6) Viktor Anatolyevich Mozhelianskiy, 'deputy chairman' of 'Tsentrallyy District Court of Simferopol';
- 7) Galina Vladimirovna Redko, 'judge' of 'Supreme Court of Crimea';
- 8) Vladimir Nikolaevich Terentev, 'head' of RF Investigation Committee Department for Crimea and Sevastopol'.

9 December 2021

UN General Assembly, 76th Session

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

The UN GA called upon the Russian Federation to stop an unlawful conscription of the residents of Crimea into its armed

forces, and to stop militarization of the education in Crimea. The resolution stated the illegal expansion of the territory of Russian naval bases in Crimea, giving the Russian security forces the power to block parts of the territory and waters near military facilities, that threatened the free passage of ships through the Kerch Strait.

16 December 2021 poky

UN General Assembly, 76th Session

Resolution: Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine⁵⁵

The word combination «temporarily occupied» was for the first time included in to the title of resolution. Three more names of illegally imprisoned citizens of Ukraine — Galina Dovgopola, Vladyslav Yesypenko, Nariman Dzhelial — were at the very first proposal added to the names of the political prisoners of the previous resolution — Emir-Usein Kuku and Server Mustafayev.

⁵³ <https://www.consilium.europa.eu/en/press/press-releases/2021/10/11/ukraine-eu-sanctions-eight-more-people-over-territorial-integrity/>

⁵⁴ [A/76/L.22 – E – A/76/L.22 -Desktop \(undocs.org\)](#)

⁵⁵ [A/RES/76/179 – E – A/RES/76/179 -Desktop \(undocs.org\)](#)