



CRIMEAN HUMAN RIGHTS GROUP

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CRIMEAN HUMAN RIGHTS SITUATION REVIEW

The monitoring review was prepared by the Crimean Human Rights Group on the basis of materials collected in January 2022

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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

PROHIBITION OF TORTURE

On January 19, after a short meeting with the father, Mr.Oleh Prykhod'ko, a Ukrainian activist, illegally convicted for political reasons, in the 'Vladimirskiy Tsentral' Pre-trial Detention Center (Moscow), his daughter reported that in the 7th penal colony, during the transfer from

Rostov-na-Donu to Vladimir, he had been tortured with electric shocks and doused with water, and kept with his arms bent and handcuffed¹. Oleh explained to his daughter that he had been tortured because of his Ukrainian position.

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

As at the end of January 116 persons were deprived of liberty due to politically reasoned and/or religious criminal persecution. 4 more persons, who may be also deprived of liberty for political reasons, are in custody. The full list has been published at the CHRG website². In addition, 9 persons are on house arrest.

In January 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.

"CASE OF CRIMEAN MUSLIMS"

This case defendants are accused of membership in Muslim religious organizations³ or propaganda of activities of the organizations that are declared terrorist or extremist in the RF though they are not according to the Ukrainian laws. Cases are considered in violation of the right to a fair trial, the main evidence for the court is the testimony of anonymous witnesses (*many of whom are RF FSB men*), pre-trial testimony of witnesses who later declare in court that such testimony was given under duress, and linguistic examinations of conversations of the accused Muslims. The evidence provided by the defense is usually not accepted by the judges.

On January 12, the Southern Area Military Court (YuOVS) in Rostov-na-Donu (RF) extended the period of house arrest of Mr.Alexander Sizikov and that of detention for Mr.Alim Sufyanov and Mr.Seyran Khairtdinov until April 20, 2022. The judgement was rendered by judge Aleksey Magomadov at the request of prosecutor Vladislav Kuznetsov⁴.

On January 17, YuOVS judge Stanislav Zhydkov, at the request of prosecutor Igor Nadolinskiy, extended the detention period for Mr.Emil Ziyadinov until May 5, 2022⁵.

On January 17, YuOVS judge Aleksey Magomadov extended the detention period for Mr.Yashar Shikhametov until April 26, 2022⁶.

¹ Krym.Realii. «He Is Being Killed in the Penal Colony»: Daughter of Crimean Political Prisoner Prykhod'ko Informed About Torture of Her Father in Russia <https://ru.krymr.com/a/news-ego-tiho-ubivayut-putki-prihodko-koloniya/31661439.html>

² <https://crimeahrg.org/wp-content/uploads/2022/02/prisoners-01-2022.pdf>

³ In most cases this organization is 'Hizb-ut-Tahrir'

⁴ <https://www.facebook.com/crimeansolidarity/posts/1577390699295047>

⁵ <https://www.facebook.com/crimeansolidarity/posts/1580456175655166>

⁶ <https://www.facebook.com/crimeansolidarity/posts/1580643605636423>



On January 19, YuOVS judge Roman Saprunov, at the request of prosecutor Sergei Arefyev, extended the detention period for **Mr. Timur Yalkabov** and **Mr. Lenur Seydametov** until April 26, 2022⁷.

On January 20, Alexander Darnitsyn, a judge of the Military Court of Appeal in the city of Vlasikha (RF), upheld the decisions to keep **Mr. Tofik Abdulgazyev**, **Mr. Vladlen Abdulkadyrov**, **Mr. Izzet Abdullayev**, **Mr. Medzhit Abdurakhmanov** and **Mr. Bilial Adilov** in custody until March 19, 2022⁸.

On January 20, Anatoly Solin, a judge of the Military Court of Appeal in the city of Vlasikha (RF), upheld the decisions to keep **Mr. Servet Gazyev**, **Mr. Dzhemil Gafarov**, **Mr. Alim Karimov**, **Mr. Seyran Murtaza** and **Mr. Erfan Osmanov** in custody until March 19, 2022⁹.

On January 27, Oleg Yegorov, a judge of the Military Court of Appeal in the city of Vlasikha (RF), upheld the decisions to keep **Mr. Enver Ametov**, **Mr. Osman Arifmemetov**, **Mr. Yashar Muedinov**, **Mr. Ruslan Suleymanov** and **Mr. Rustem Sheykhaliyev** in custody until March 20, 2022¹⁰.

On January 27, Oleg Yegorov, a judge of the Military Court of Appeal in the city of Vlasikha (RF), upheld the decision to keep **Mr. Rustem Seitmemetov**, **Mr. Osman Seytumerov** and **Mr. Seytumer Seytumerov** in custody until November 22, 2021¹¹. By the time the appeal was considered, they had already been sentenced, and more than 2 months had passed since the appealed period of detention.

The delay in considering the appeal made it impossible, in fact, to appeal the decision on detention, so the consideration was nothing but a formality.

NARIMAN DZHELIAL'S CASE

The case against **Nariman Dzhelial** (*Dzhelialov according to passport*), the deputy chairman of the Mejlis of the Crimean Tatar people, **Asan and Aziz Akhmetovs** 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 Dzhelial has publicly expressed his civil and political position, and openly took part in the Summit of the Crimea Platform on 23 August 2021. As of the end of January, three people were deprived of liberty under this case.

On January 25, Anatoliy Osochenko, a judge of 'Supreme Court of Republic of Crimea' (SCRC), upheld a decision to keep **Mr. Asan Akhmetov**, **Mr. Aziz Akhmetov**, and **Mr. Nariman Dzhelial** in custody until February 23¹².

"UKRAINIAN SABOTEURS' CASE"

At the end of January 16 people who were accused by the RF FSB 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.

⁷ <https://www.facebook.com/crimeansolidarity/posts/1581709208863196>

⁸ Military Court of Appeal / List of cases to be heard on 20 Jan 2022. Case 55-1/2022(55-362/2021;) https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=20.01.2022

⁹ Military Court of Appeal / List of cases to be heard on 20 Jan 2022. Case 55K-33/2022 https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=20.01.2022

¹⁰ Military Court of Appeal / List of cases to be heard on 27 Jan 2022. Case 55K-44/2022 https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=27.01.2022

¹¹ Military Court of Appeal / List of cases to be heard on 27 Jan 2022. Case 55K-45/2022 https://vap.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=27.01.2022

¹² CHRГ / «Case of Dzhelial and Brothers Akhmetov»: Court Hearings on Merits to Start in Two Weeks <https://crimeahrg.org/ru/delo-dzhelyala-i-bratev-ahtemovyh-sudebnye-zasedaniya-po-suti-dela-nachnutsya-cherez-dve-nedeli/>



On January 14, Alla Ovchinnikova, a judge of 'Supreme Court of Republic of Crimea' (SCRC), upheld the decision to keep **Mr. Vladyslav Yesypenko** in custody until March 18, 2022¹³.

On January 21, the "Simferopol District Court" postponed the hearing on the journalist's case to February 15, as during the hearing it became known that the "court" did not have the final conclusion of the military investigative committee on the fact of exerting psychological and physical pressure on Mr. Yesypenko (*use of torture*). In this regard, the "prosecutor" filed a motion to demand the conclusion and materials of the military investigative committee inspection.¹⁴

On January 25, Yelena Kaporina, a judge of the 3rd General Jurisdiction Court of Appeal, City of Sochi (RF), upheld a sentence (*12 years in the maximum security regime penal colony*) of **Mr. Konstantin Shyring** under Article 276 (*Espionage*)¹⁵.

PERSECUTION ON CHARGE OF BEING IN N.CHELEBIDZHICHA BATTALION

As of the end of January, **six people** were deprived of liberty under a charge of being in N. Chelebidzhikha 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 Chelebidzhikha 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.

PERSECUTION OF JEHOVAH'S WITNESSES

As of the end of January, within the persecution of Jehovah's Witnesses, **5 persons** were deprived of their liberty in Crimea. Other **9** are restricted in movement: **7** — under house arrest, **2** — under recognizance not to leave.

On January 13, Danil Zemliukov, a judge of 'Sevastopol City Court', upheld a sentence (*6 years in the general regime penal colony*) of **Mr. Ihor Shmidt**¹⁶.

CONFINEMENT CONDITIONS IN CUSTODIAL SETTING

On January 14, **Mr. Dzhemil Gafarov**, a defendant in the "Case of Crimean Muslims," told lawyer R. Yakhin that the administration of Pre-Trial Detention Center no 5, Rostov-na-Donu, was refusing him a medical care, despite constant statements about his health deterioration.

On January 18, during a meeting with the daughter in the "Vladimirskiy Tsentral" Pre-Trial Detention Center (Moscow), **Mr. Oleh Prykhod'ko** reported that he had been tortured during the transfer¹⁷. In addition, the activist said that he was not given any medication, so his legs had started swelling.

FREEDOM OF ASSEMBLY AND ASSOCIATION

In January, within administrative proceedings opened against participants in peaceful assemblies (from September 4 to November 2021)

- **4** decisions on fining, each of RUR10,000, were issued. The judgements were passed by "judges" Yuriy Gulevich, and Anatoliy Mozhelianskiy;

¹³ Krym.Realii/ Court in Crimea Detained Vladyslav Yesypenko, Krym.Realii Freelance, in Pre-Trial Detention Center Until March 18 <https://ru.krymr.com/a/news-sud-v-krymu-esipenko/31654503.html>

¹⁴ <https://crimeahrg.org/ru/sud-otlozhit-preniya-v-dele-vladislava-esipenko-i-otkazal-v-doprose-sledovatelya-fsb/>

¹⁵ 3rd General Jurisdiction Court of Appeal. Case 55-15/2022 (55-767/2021); https://3ap.sudrf.ru/modules.php?name=sud_delo&sr_v_num=1&H_date=25.01.2022

¹⁶ CHR/G/ Appeal Upheld the Sentence of Jehovah's Witness Shmidt <https://crimeahrg.org/ru/apellyacziya-ostavila-v-sile-prigovor-svidetelyu-iegovy-shmidt/>

¹⁷ Krym.Realii. «He Is Being Killed in the Penal Colony»: Daughter of Crimean Political Prisoner Prykhod'ko Informed About Torture of Her Father in Russia <https://ru.krymr.com/a/news-ego-tiho-ubivayut-putki-prihodko-koloniya/31661439.html>



- “courts” of appeal approved 30 decisions on sentencing. The judgements were passed by “judges”: Liubov Dyachenko — 10, Oksana Shydakova — 7, Vladimir Agin — 7, Sergey Yakovlev — 4, Yekaterina Timoshenko — 2.

On January 12, Irina Ksendz, a judge of the ‘Alushta Town Court’, fined Ms.Viktoriya Vovk, an activist of the Communist Party of the

Russian Federation, RUR5,000 for holding a single-person protest on September 20, 2021 in Alushta near the prosecutor’s office.

On January 13, the judge of the “Leninskiy District Court of Sevastopol” fined Mr.Andrei Voloshin RUR10,000 for holding a single-person protest against the introduction of vaccination QR codes.

3. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

GENEVA CONVENTION (IV) RELATIVE TO THE PROTECTION OF CIVILIAN

CONSCRIPTION OF PERSONS LIVING IN THE OCCUPIED TERRITORY INTO ARMED FORCES OF OCCUPYING POWER

In January the CHRG recorded **5** new sentences issued under RF CC Article 328 (*Evading the service in the Armed Forces of the Russian Federation*). Totally, as of the end of January, the CHRG documented **281** criminal cases initiated for evading the RF Army military service (*the number of cases has not changed since no new cases were recorded in January*), that were sent to the Crimean 'courts' for considering, with verdicts delivered for **274** of them, **4** being still under consideration and **3** more proceedings are suspended.

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