

CRIMEAN HUMAN RIGHTS GROUP

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HUMAN RIGHTS SITUATION IN CRIMEA AND 150 DAYS OF FULL-SCALE RUSSIAN INVASION OF UKRAINE

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CIVIL AND POLITICAL RIGHTS



POLITICALLY MOTIVATED PERSECUTION

As of July 26, 2022, at least 127 citizens of Ukraine were deprived of liberty due to politically and/or religiously motivated criminal persecution. And other 8 persons were under house arrest. The list is published on the CHRG's website¹.

After February 24, 2022 politically reasoned persecution of Crimean Tatar and Ukrainian activists has continued. The information on detentions during the first 100 days of a full scale Russian invasion of Ukraine has been presented in the review of the situation of human rights in Crimea and 100 days of the full-scale Russian invasion of Ukraine, and published at: https://crimeahrg.org/uk/oglyad-situaczii-z-pravami-ly-udini-u-krimu-ta-sto-dniv-povnomasshtabnogo-vtorgnennya-rf-v-ukrainu/

«CASE OF CRIMEAN MUSLIMS»

The defendants in the case are accused of affiliating to Islamic organizations² or propagandizing activities of the organizations that are declared terrorist or extremist in the RF though they are not according to the Ukrainian law. 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 defence is usually not accepted by the judges.

In March 2022, the Russian courts passed sentences in the following cases:

¹ https://crimeahrg.org/wp-content/uploads/2022/08/lisheniya-svobody-ls-analiz-obnovlennyj.pdf

² In most cases this is 'Hizb-ut-Tahrir'.

- Remzi Bekirov, a Grani.ru online media correspondent, and Riza Izetov, a human rights activist, were sentenced to 19 years in confinement;
- Rayim Aivazov was sentenced to 17 years in confinement with serving the first 5 years in prison and with further freedom restriction for 1 year and 6 months;
- Shaban Umerov was sentenced to 18 years in confinement with serving the first 5 years in prison and with further freedom restriction for 1 year and 6 months;
- Akim Bekirov, Seytveli Seytabdiyev and Rustem Seytkhalilov were sentenced to 14 years in the maximum-security penal colony with serving the first 5 years in prison;
- Eskender Suleymanov and Asan Yanikov were sentenced to 15 years in the maximum security penal colony with serving the first 5 years in prison;
- Tymur Yalkabov was sentenced to 17 years in the maximum security penal colony, with serving the first 4 years in prison, and with a freedom restriction, once the sentence had been served, for 1 year and 6 months;
- Lenur Seydametov was sentenced to 13 years in the maximum security penal colony, with serving the first 4 years in prison, and with further freedom restriction, once the sentence had been served, for 1 year and 6 months³.

On April 19, the RF Southern Area Military Court sentenced Emil Ziyadinov, a children's coach, to 17 years in the maximum security penal colony with serving the first 4 years in prison.

On July 8, the RF Southern Area Military Court sentenced Oleh Fedorov and Ernest Ibragimov to 13 years in the maximum security penal colony⁴, and Ismet Ibragimov — to 19 years in confinement.⁵

On July 19, the RF Southern Area Military Court sentenced Azamat Eyupov, aged 59, to 17 years in the maximum security penal colony.⁶

«CASE OF UKRAINIAN COMMANDOS»

Emil Emirov was realised after his detention by RF FSB men on March 4 in Bakhchisarai when his house had been searched on a charge of "contacts with Ukrainian agents."

Dmytro Shtyblikov who was sentenced under a new article — RF CC 275 (*High Treason*) by the court in Rostov-na-Donu to 19 years and 6 months in confinement has been still held in the Rostov-na-Donu Pre-Trial Detention Center. The previous sentence was served out in November 2021, but due to a new falsified case Dmytro Shtyblikov remains under lock and key.

PERSECUTION ON CHARGE OF BEING IN N.CHELEBIDZHIKHAN BATTALION

The official reason for persecuting the accused in Crimea under RF CC Article 208-2 (Service in an illegal armed unit acting for the purposes that contradict the interests of the Russian Federation) is that they failed to come voluntarily to the RF law enforcement bodies and declare their service in the Crimean Tatar Noman Chelebidjikhan Volunteer Battalion. The evidence of the battalion actions against the RF interests declared by the investigation is the information of mass media that the purpose of the battalion establishment was to de-occupy Crimea.

On June 1, 2022, the Supreme Court of Russia designated the "Crimean Tatar Noman Chelebidjikhan Volunteer Battalion "as "terrorist"

³ More details on sentences passed in March 2022 at: https://crimeahrg.org/uk/oglyad-situaczii-z-pravami-lyudini-u-krimu-ta-sto-dniv-povnomasshtabnogo-vtorgnennya-rf-v-ukrainu/

⁴ https://crimeahrg.org/uk/krimskih-musulman-olega-fedorova-j-ernesta-ibragimova-rosijskij-sud-zasudiv-do-13-rokiv-vvazniczi/

⁵ <u>https://crimeahrg.org/ru/ismetu-ibragimovu-naznachili-19-let-kolonii-strogogo-rezhima/</u>

⁶ https://crimeahrg.org/uk/azamata-eyupova-zasudili-do-17-rokiv-koloni%d1%97

and banned it on the territory of the Russian Federation⁷.

On July 21, 2022, the Russian FSB included the 'Crimean Tatar Noman Chelebidzhikhan Volunteer Battalion' in the register of terrorist organizations.

The CHRG has previously reported about at least 4 citizens of Ukraine detained under this article: Nasrulla Seydaliyev, 62-year-old Crimean Tatar, Rustem Gugurik, a resident of Novooleksiyivka, Kherson Region, Arsen Ibrayimov, a resident of Kherson, Ruslan Abdurakhmanov, a 31-year-old resident of Azovs'ke, Kherson Region, who was deported to Crimea. The persecution under this article continues.

On June 5, Mamed Dovgopolov, a resident of Kherson Region, was arrested in Crimea. The FSB accused him of taking part in the "blockade of Crimea" action in 2015 and in other actions in the "border areas" as well as serving in the armed security of Lenur Isliamov. A criminal case against Dovgopolov has been opened under RF Criminal Code Article 208-2 (Service in an illegal armed unit⁸.

PERSECUTION OF JEHOVAH'S WITNESSES

In April the 'Armiansk Town Court' and the 'Yalta Town Court' in Crimea launched trials against Jehovah's Witnesses: Taras Kuzio, Daria Kuzio, Petro Zhyl'tsov, Serhiy Liulin, Tadevos Manukian, Oleksandr Dubovenko, and Oleksandr Lytvyniuk for "organizing and financing extremist activities." Mr. and Mrs.Kuzio couple, Mr.Liulin, Mr.Zhyl'tsov, and Mr.Manukian are accused of financing an extremist organization under RF CC Article 282.3. Oleksandr Dubovenko, and Oleksandr Lytvyniuk are accused under RF CC Article 282.2 (organizing extremist activities) because they 'used a software to hold a Zoom online conference call in order to involve new organization members'.

On July 'Yalta Town Court' considered a request to change a level of restriction for "Jehovah's Witnesses" Taras Kuzio, Serhiy Liulin and Petro Zhyl'tsov from house arrest to "prohibition of certain actions".

FREEDOM OF SPEECH AND EXPRESSION

LEGISLATIVE RESTRICTIONS

Curtailing the freedom of speech in Russia and territories of Ukraine occupied by Russia is going on. New legal restrictions criminalizing so-called «fakes» about the actions of the Russian army in Ukraine have come in force. A new RF CC article — 207.3 — has introduced punishment for disseminating "knowingly false information".

A new administrative article about 'public actions aimed at discrediting the Russian army' (*RF Code of Administrative Offences, Article 20.3.3*) is also being applied for persecutions. The maximum penalty may amount to RUR100,000.

CASE OF IRYNA DANYLOVYCH, CITIZEN JOURNALIST

Ms.Iryna Danylovych, a health care worker and a citizen journalist, disappeared on April 29¹⁰. Only on the 13th day after the abduction, the lawyer got a confirmation from the Simferopol Pre-Trial Detention Centre that activist Iryna Danylovych was there. She had been kept in the basement of FSB building and subject to unlawful methods of investigation. When she had been forced to sign blank forms, she was told that two hundred grams of explosives had been found in her small bag and a criminal case had been

⁷ https://n.tass.ru/obschestvo/14789255?utm_source=ru.krymr.com&utm_medium=referral&utm_campaign=ru.krymr.com&utm_referral&utm_campaign=ru.krymr.com

⁸ https://crimeahrg.org/uk/krimskij-sud-zaareshtuvav-shhe-odnogo-meshkanczya-hersonshhini-za-zvinuvachennyam-v-uchasti-u-krimskotatarskomu-bataljoni/

⁹ https://crimeahrg.org/uk/sprava-yaltinskih-svidkiv-%d1%94govi-zmineno-zapobizhnij-zahid/

¹⁰ https://crimeahrg.org/uk/u-krimu-siloviki-zaareshtuvali-gromadyansku-zhurnalistku-irinu-danilovich/

opened against her under RF CC Article 222.1-1 (*Illegal acquisition, transfer, sale, storage, transportation or translocation of explosives*). According to the 'court' decision, she was detained.

On July 5, 'Kievskiy District Court' of Simferopol retained Ms.Danylovych in detention till September 6.

CASE OF JOURNALIST VOLODYMYR YESYPENKO

Mr.Vladyslav Yesypenko, a free-lance journalist of KRYM.REALII project, detained in Crimea on March 10, 2021, where he was on the editorial assignment, is still kept in the Simferopol Pre-Trial Detention Centre. The journalist was tortured by the FSB men to extract a confession that he was allegedly working for Ukrainian intelligence. On February 16 'judge' Dliaver Berberov found Mr.Yesypenko guilty of possessing and processing of an explosive device, sentenced him to 6 years in the general security penal colony and fined him RUR110,000.

On May 26, 2022, the 'Supreme Court of Crimea' considered an appeal against the verdict of the Vladyslav Yesypenko's case, And the case was returned to the 'Simferopol District Court' to rectify the violations¹¹. A new session has been scheduled yet.

PERSECUTION FOR SUPPORTING UKRAINE AND ANTI-WAR POSITION

On March 11, the Crimean Human Rights Group documented the first fine for an antiwar slogan under the new article regarding 'the public actions aimed at discrediting the Russian army' (*RF CoAO Article 20.3.3*). A woman, resident of Simferopol, who had a blue-and-yellow cardboard plaque on which "No to War" was written, was sentenced to RUR35,000 fine.¹²

The Crimean Human Rights Group has documented the facts of applying the article "For discrediting the army" in Crimea from early March to July 20, 2022. For this period the occupation authorities sent at least 73 administrative cases under RF CoAO Article 20.3.3 for consideration by Crimean 'courts'. For 62 of them a punishment verdict was passed, with the amount of fines totalling about RUR2mln.

The most common reason for persecution was 'No War' statement published on a social network or single person protest with the same statement on the poster. In one of the cases, "I am for peace" statement became a reason for persecution. According to the "logic" of the occupying power, the Russian Federation is not officially at war with Ukraine, as it has been "conducting a special operation", so calls for peace are a defamation of the Russian Armed Forces.

Then, conversations about the Russian-Ukrainian war with acquaintances, colleagues or relatives also become an often reason for persecution. People are also persecuted for posting or commenting on social networks.

In order to initiate administrative proceedings, it is enough to call the war "A WAR" or to publish information that the Russian Armed Forces have been involved in mass killings of civilians in Ukraine.

In several cases, people were persecuted for destroying or painting over symbols of war: destroying posters with "Z" letter or attacking cars with such symbols. In one case, a Crimean man was persecuted for throwing eggs at the military unit front gate.

As wording of "court" decisions shows, the proceedings are most often initiated by a denunciation. For example, in one of the cases, pupils denounced the teacher, who during the lesson tried to tell that there were no Nazis in Ukraine, and Ukrainians did not welcome the Russian army as a liberator. In another case nursery school teachers wrote a denunciation against their colleague for negative statements about the president of the Russian Federation and the war in Ukraine. In the third case, the wife informed the police about political disputes with her husband.

https://crimeahrg.org/uk/spravu-zhurnalista-vladislava-esipenka-povernuli-do-sudu-pershoï-instancziï/

¹² https://crimeahrg.org/uk/u-krimu-vinesli-pershij-shtraf-za-gaslo-ni-vijni/

In addition, performing the national anthem of Ukraine or chanting the slogan "Glory to Ukraine" also constitutes the reason for persecuting under RF CoAO Article 20.3.3. The "judges" explain this stating that though there is no official war, "congratulating the Armed Forces of Ukraine being an opposing side of the Russian Federation in the "special operation" is defamation of the Armed Forces of the Russian Federation."

Crimeans who publicly demonstrate their disagreement with Russia's war against Ukraine are persecuted in another way, too.

Earlier the CHRG has reported about an arrest and a sentence of Valeria Goldenberg, a 60-year-old resident of the village of Soniachna Dolyna (Sudak), for allegedly "desecrating the grave" of a soldier who died during hostilities against Ukraine. On June 8, she was sentenced to 2 years in the penal colony-settlement, and imposed a compensation in the amount of RUR500,000.¹³

On June 30, 'Nakhimovsky District Court of Sevastopol City' fined a 23-years-old resident of Sevastopol for "insulting the Russian military" from the MOSKVA cruiser on the Internet¹⁴.

On July 13, Rolan Osmanov, a Crimean Tatar activist, who came to the session of the case of Nariman Dzhelial, Asan and Aziz Akhtemov, was detained in the building of the "Supreme Court" of Crimea. He was taken to the 'Center for Combating Extremism'. The activist was accused of public actions discrediting the armed forces of the Russian Federation (*RF CoAO Article 20.3.3*). In addition, the activist was charged with another offense under RF CoAO Article 19.3-1 ("*Disobedience to the lawful order of a policeman*"). Rolan Osmanov was arrested for three days.

CASE OF BOHDAN ZIZA

On May 17, Bohdan Ziza, a 28-year-old local resident, was detained on charges that he had splashed the entrance of the Yevpatoriya «administration» building with yellow and blue paints on the night of May 16. The court took him into custody, and then Olena Spasyonova,

a judge of 'the Supreme Court' decided on keeping the activist in custody. He is currently being held in the Simferopol Pre-trial Detention Center and there are reasons to believe that investigators are using illegal methods of investigation (pressure, intimidation, threats, obstruction of the lawyer's work, etc.).

In June, Yelena Spasionova, "judge" of the "Supreme Court" of Crimea, upheld the decision of the first instance "court" keep the activist in custody. When detained, Bohdan Ziza was accused of terrorism, but charged with RF CC Article 30-3 (attempt to commit a crime) and Article 167-2 (deliberate destruction or damage to someone else's property). However, RosFinMonitoring included him in the "list of terrorists and extremists."

In early July, new charges were added to the activist's case. Now he is accused of violating RF CC Article 167-2 (*deliberate destruction or damage to someone else's property by arson*); Article 214 (*vandalism*), Article 205 (*act of terror*). On July 12 Mr.Sirenko, "judge" of "Kievskiy District Court", extended a detention period for 3 months.¹⁵

CASE OF AZIZ FAYZULAYEV

On June 7, 2022, Aziz Faizulayev, a resident of the village of Pushkino, Sovietsky district, was arrested. He was accused of allegedly throwing a Molotov cocktail into the village council building on the night of June 5. On the same day, all premises and court buildings were searched in Faizulayev's house.

A few days later, a staged video with a "heartfelt confession" was broadcast, with Aziz Faizulayev saying that he had thrown the incendiary mixture to protest against the full-scale invasion of the Russian Federation into Ukraine. The cousin of the detainee claims that he could testify under pressure. Mr. Faizulayev is currently being held in the Simferopol Pre-trial Detention Center. The CHRG sees the political reasons of the persecution and the risks of using illegal methods of investigation in this case. ¹⁶

¹³ https://crimeahrg.org/uk/litnya-krimchanka-otrimala-dva-roki-za-splyundruvannya-mogili/

¹⁴ https://crimeahrg.org/uk/meshkanku-sevastopolya-oshtrafuvali-za-obrazu-v-merezhi-moryakiv-z-krejsera-moskva/

¹⁵ https://crimeahrg.org/uk/krimskomu-hudozhniku-bogdanu-zizi-prodovzhili-aresht/

¹⁶ https://crimeahrg.org/uk/krimskogo-tatarina-zatrimali-za-pidpal-administraczi%d1%97-sela-cherez-nezgodu-z-vijnoyu/

USING CRIMEA AS RUSSIAN MILITARY BASE



CONSCRIPTION OF OCCUPIED TERRITORY RESIDENTS TO ARMED FORCES OF OCCUPYING POWER

The Russian Federation has been using Crimeans in the full-scale war against Ukraine. In violation of the international humanitarian law norms, the Crimeans are still forcedly drafted into the armed forces of the Russian Federation. Only in the autumn, the Russian Federation forcibly mobilized 3,000 Crimeans. Some of them were sent to participate in hostilities against Ukraine. On April 1, a new forced conscription campaign began, after which other several thousands of Crimeans will be sent to war. However, in Crimea, the figures of

conscription are concealed, and Yuriy Lymar, the "military commissar of Crimea", refused to announce plans for this year's conscription campaign.¹⁷

Sergey Aksyonov, the so-called «head» of Crimea, said that at least a «Crimean battalion» of 1,200 volunteers, including representatives of the «Kazaks», had been sent to war to «defend the national interests of Russia.» ¹⁸

At the same time, persecutions for evading service in the Armed Forces of the Russian Federation continue in Crimea. As of July 20, the Crimean Human Rights Group registered 336 criminal cases under RF CC Article 328 in Crimea (*Evasion of service in the Armed Forces of the Russian Federation*), that were sent to the «courts» on the occupied peninsula. 37 such criminal cases have been sent already after February 24, 2022. 315 cases have been sentenced, 21 are under consideration.¹⁹

¹⁷ https://feo.rk.gov.ru/ru/article/show/10084

¹⁸ https://crimeahrg.org/uk/na-vijnu-vidpravili-krimskij-bataljon-z-1200-osib-aksonov/

¹⁹ https://crimeahrg.org/uk/pislya-24-lyutogo-v-krimu-peredali-do-sudiv-37-sprav-za-uhilennya-vid-prizovu-do-armiï-rf/

Since February 24, 2022, the Crimean Human Rights Group has been collecting data on the dead²⁰ and captured Russian military men related to military units in Crimea. Some of them were forcibly drafted into the Armed Forces of the Russian Federation and then sent to participate in hostilities in another part of Ukraine. The information about captured Crimean soldiers, who report that the command did not tell them about a full-scale war but sent them to "training" or "special operation", is being also collected.

As of July 24, 2022, the CHRG documented at least 56 dead and 19 captured Crimeans.

The Russian authorities are trying to hide the information about the actual number of dead and wounded among the Russian military, such information is not provided in Crimea, too. However, morgues and hospitals are overloaded in Crimea.

PREPARATION TO MOBILIZATION

The Crimean Human Rights Group has found out that the Russian occupation authorities in Crimea have been carrying out mobilization preparation activities. Thus, in accordance with Edict of the so-called "Chairman of the Republic of Crimea" No. 151-U of June 30, 2022 "On conscription commissions for mobilizing citizens in the Republic of Crimea and on declaring certain edicts of the Chairman of the Republic of Crimea invalid" conscription commissions for mobilizing the citizens that, according to the legislation of the Russian Federation, perform one of the key functions in the mobilization process, shall be created in Crimea.

Then, by ordinance of the "Head of the Republic of Crimea" No. 68-rg dated July 8, 2022 "in accordance with the completion of preparations for the organization of mobilization activities in the Republic of Crimea in connection with conducting the special military operation on the territory of Ukraine" it was decided to allocate 30 thousand places for graves and 100,000 places in

health care institutions, in the occupied Crimea. These places will be used for Russian military participating in the hostilities against Ukraine.

Thus, if the President of the Russian Federation announces general or partial mobilization, the procedures for mobilizing Ukrainian citizens to the armed and auxiliary forces of the Russian Federation will have been implemented on the territory of Crimea. These measures do not include conscription campaigns, which are held twice a year in Crimea.

This being said, compelling the population of the occupied territories in service in the army of the occupying power constitutes a violation of the norms of international law, namely, the provisions of Art. 51 of the Convention relative to the protection of civilian persons in time of war. The actions of individuals responsible for such forced involvement constitute a war crime according to Art. 8 of the Rome Statute of the International Criminal Court.

ATTACKS ON UKRAINIAN CIVILIANS FROM CRIMEA

After February 24 this year, Crimea has become the base used by Russia for striking Ukrainian cities. A few weeks before the full-scale invasion of Ukraine (in February 2022), the Russian Armed Forces began to move a masse from Russia to the occupied Crimea via the Kerch Bridge.

The military equipment from Crimea, which took part in the further occupation of Ukraine in the first weeks of the war, was marked with the letter Z. Later, this symbol became the official "brand" among propagandists supporting the Russian aggression in Ukraine.

Russia carries out missile strikes and airstrikes on many civilian objects of Ukraine from the territory of the occupied Crimea and the waters of the Black Sea, that caused deaths and injuries of the civilians.

²⁰ <u>https://crimeahrg.org/uk/zagibli-vijskovi-iz-krimu/</u>

²¹ https://crimeahrg.org/wp-content/uploads/2022/07/rasporyazhenie-30-iyunya-2022.pdf?fbclid=lwAR3FPrcGyveSZcUHuZ-y-DHLXUARGydJDK5USUYSfHo9H1zS70I7sVa276k

https://crimeahrg.org/wp-content/uploads/2022/07/293876246_424748242726357_8639409287132725335_n.jpg?fbclid=lwAR1Fj141Tn8FkCGz8nQso80a-kr4elzTy1RVIHaahxnYSo_r8QReeNGrA6s

For instance, on July 14, a fast attack craft launched three KALIBR missiles, which hit the center of Vinnytsia, from the area of Cape Fiolent²³. 55 multi-apartment and private residential buildings, 40 cars and 2 trams²⁴ were damaged and destroyed as a total result of the shelling. As of today, 26 persons including 3 children are known to be killed²⁵.

On the night of July 19, Odesa region was attacked with seven KALIBR missiles from the Black Sea. One was shot down by the air defense forces of Ukraine, the remaining six hit in the village of Dachne²⁶. 5 private buildings were destroyed, a school, a cultural center, several other private estates, and cars were damaged. 6 civilians were injured, including a 5-month-old kid.²⁷

²³ https://www.facebook.com/watch/?v=451915109788655

²⁴ https://t.me/dsns_telegram/8394

²⁵ https://espreso.tv/rosiyskiy-raketniy-udar-po-vinnitsi-kilkist-zagiblikh-zrosla-do-26

²⁶ https://www.facebook.com/watch/?v=1049193099061590

²⁷ https://www.facebook.com/pgo.gov.ua/posts/415545453941627