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PENINSULA OF FEAR: FIVE YEARS OF UNFREEDOM IN CRIMEA



May, 2019
Kyiv

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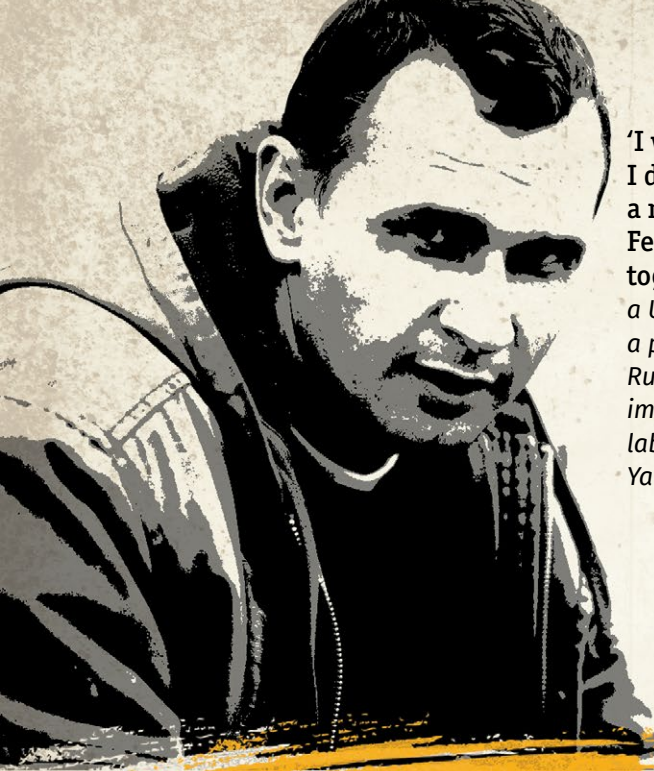
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This publication presents a summary of factual documentation of human rights violations and violations of international humanitarian law emanating from the occupation of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) by the Russian Federation military forces during February 2014 — May 2019. The publication is intended for the representatives of human rights organizations, civil activists, diplomatic missions, state authorities, journalists, as well as educational and research institutions.

The publication includes photos from open sources, official websites of the authorities of Ukraine, the Russian Federation and occupation authorities, Crimean Human Rights Group, online edition Krym.Realii / Radio Free Europe / Radio Liberty, journalists, relatives of victims of politically motivated prosecutions, materials of criminal and administrative cases.

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T. Pechonchyk, D. Svyrydova, 2019



'I was and will remain a citizen of Ukraine. I do not recognize annexation of Crimea and a military occupation of Crimea by the Russian Federation. I am not a serf, I can't be transferred together with the land', — Mr. Oleg Sentsov, a Ukrainian national, a Crimean film director, a political prisoner, convicted unlawfully by the Russian authorities and sentenced to 20 years' imprisonment, now in the maximum security labor camp №8 ('White Bear'), town of Labytnangi, Yamalo-Nenetsky Autonomous Area, Russia



'I am sure Ukraine will assert its right to live and own honourably lands of Crimea and Donbass given to us by God much faster than the Kremlin mob hopes, and the fact of its taking citizens of another state hostage would become not a small share in this', — Mr. Volodymyr Balukh, a Ukrainian national, a Crimean farmer, a political prisoner, convicted unlawfully by the Russian authorities and sentenced to 5 years' imprisonment, now in the general security labor camp No 4, town of Torzhok, Tver Region, Russia

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LIST OF ACRONYMS

AF	Armed Forces
All-UA	All Ukrainian Association
ARC	Autonomous Republic of Crimea
CC	Criminal Code
CCP	Control Check Point
CoAO	Code of Administrative Offences
CPC	Criminal Procedure Code
ECHR	European Convention on Human Rights
EE CP	Entry/Exit Check Point
EU	European Union
FZ	Federal Law
ICCPR	International Covenant on Civil and Political Rights
MIA	Ministry of Internal Affairs
MM	Mass Media
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
OUC	Orthodox Church of Ukraine
PC	Penal Colony
RC SC	State Council of Republic of Crimea
RF	Russian Federation
TVRBC	Television and Radio Broadcasting Company
UNGA	General Assembly of the United Nations
UN	United Nations Organization
UOC KP	Ukrainian Orthodox Church of Kyivan Patriarchate
VR ARC	Verkhovna Rada of Autonomous Republic of Crimea
VRU	Verkhovna Rada of Ukraine (Parliament)

OCCUPATION OF CRIMEA: CHRONOLOGY OF SEIZING¹

PART 1

The Russian Federation was denying for a long time its military presence in Crimea during the events preceding the day of so called ‘referendum’ of March 16th 2014. With the year passed, the Russian leaders acknowledged that there had been the Russian military men in Crimea that caused an occupation of the part of Ukrainian territory. Numerous international documents have assessed clearly these actions of the Russian Federation (hereinafter the RF) from the legal and political positions, and classified them as an international armed conflict and a temporary occupation of the part of Ukraine’s territory as well as verified more than once non-recognition of the Crimea annexation.

Occupation (*i.e. a seizure of the territory of one power, entirely or partly, by armed forces of another power*) is caused by direct military activities between the powers. However, in terms of Crimea, there were no full-scale armed conflicts, and the Russian authorities tried to use this fact to create a myth of peninsula ‘voluntary joining’. But the chronology of events presented below explicitly demonstrates that there was a direct seizure of Crimea — a part of the territory of independent state of Ukraine — by the RF armed forces.

¹ The authors of the section: Ms Olga Skrypnyk, Crimean Human Rights Group, and Ms Iryna Siedova, Crimean Human Rights Group

On February 23th 2014, at a rally on Nakhimov Square in Sevastopol, Crimea, businessman Alexey Chaly was elected the ‘people’s mayor’ in direct violation of the law of Ukraine. On this day, the formation of so-called ‘self-defense’ forces (hereafter, ‘Crimean self-defense’) was announced. During its first two weeks, the ‘Crimean self-defense’ acted jointly with Russian troops that were operating in military uniforms but without insignias. It was these Russian troops who are called ‘little green men’. In 2015, Russian president Vladimir Putin, in a series of interviews and films about so-called ‘Crimean spring’, finally admitted that the ‘little green men’ were in fact Russian military soldiers.

The occupation of Crimea started in Sevastopol, which, according to a treaty — between Russia and Ukraine, served as the base of the Russian Black Sea Fleet, a part of the Russian Navy and Russian Armed Forces.

On February 25th 2014, two ‘Ural’ military vehicles with Russian license plates entered Yalta, 80 km from Sevastopol. The trucks with armed soldiers without insignia arrived at the Health Resort of the Ministry of Defence of the Russian Federation. The health resort director Vladimir Klemeshev admitted that they were Russian military.

On February 26th 2014, a demonstration in support of Ukrainian sovereignty and the status of the Autonomous Republic of Crimea was held in Simferopol, the administrative center of the Autonomous Republic of Crimea (ARC). The demonstration was organized by the Mejlis of the Crimean Tatar people and was attended by several thousand Crimeans. The head of Mejlis, Refat Chubarov, addressed the speaker of Crimean parliament Vladimir Konstantinov with a request to adjourn the extraordinary session of the parliament of the ARC. Eventually the session was cancelled. At the same time, Russian nationalists organized a rally near the Crimean parliament demanding that Crimea join Russia. Their provocations led to clashes.

On the same day, Russian Defense Minister General Sergey Shoygu said that the Russian Defense Ministry would take measures to ensure the safety of the Black Sea Fleet in Crimea, which further led to an increase of Russian military presence in Crimea.

Early in the morning on February 27, armed people without insignia seized the main administrative buildings of Simferopol — the Council of Ministers



Russian military in the center of Simferopol, March 2th 2014 © Stanislav Yurchenko / RFE/RL

and the parliament (Verkhovna Rada) of the ARC. The takeover of these buildings was confirmed by Ukraine's Minister of Internal Affairs Arsen Avakov. After the takeover, the center of Simferopol and the city's main streets were blocked by unmarked soldiers in vehicles with Russian license plates.

A session of the Crimean parliament held in the presence of these armed people dismissed the Crimean government headed by Anatoly Mogilev. In violation of Ukrainian law, the leader of the Crimean pro-Russian party 'Russian Unity' Sergey Aksyonov was appointed the new Chairman of the Council of Ministers. According to the Ministry of Internal Affairs of Ukraine, Aksyonov was a member of the Crimean organized criminal group called 'Salem' in the 1990s.

On the same day, the deputies of the Crimean parliament adopted a resolution calling for a region-wide referendum on the status of Crimea on May 25, 2014. This decision was made in violation of Ukrainian law which does not allow local referendums on changes to the territorial integrity of the state.

The Prosecutor's Office of ARC opened criminal proceedings under Article 258 of the Criminal Code of Ukraine ('Terrorist Act') in connection with the seizure of the buildings of the Council of Ministers and the parliament of the ARC.

The official website of the Russian Defense Ministry announced² that the military units of the Western and Central Military Districts of the Russian Federation started a large-scale relocation to designated areas. The designated areas were not identified in the announcement, though the announcement noted: *'General Staff officers will inform army and unit commanders about to which regions and which tasks to be executed by troops (forces) after the opening of corresponding packages.'*

At the entry point to Crimea, the first roadblocks appeared (near the town of Ar — myansk and Chongar settlement) under the control of the 'little green men' and rep — resentatives of the Berkut, special unit of the Ukrainian Ministry of Internal Affairs. This 'Berkut' unit was disbanded after the death of civilians in Kyiv's Maidan Square in February 2014.

Furthermore, Ukrainian soldiers, journalists, and local residents repeatedly observed unauthorized movements by personnel of the Russian Black Sea Fleet.

On the night of February 28, military trucks with unidentified armed men blocked access to the airport 'Belbek', the international airport located at a military airdrome and serving passengers in Sevastopol and other Crimean cities. On the same night, the territory of Simferopol international airport was raided by about 150 soldiers in heavy KamAZ trucks. In the morning, Ukraine's Minister of Internal Affairs Arsen Avakov confirmed that the 'Belbek' and Simferopol airports had been blocked by the Russian military.

On February 28th about 60 Cossacks and pro-Russian fighters blocked an entrance to the territory of the Permanent Representative Office of President of Ukraine for the ARC.³ The same day KRYMAERORUKH (Crimean Air Traffic Control)

² Troops (forces) involved into the operation readiness check are moved to specified areas / RF Ministry of Defence, February 2, 2014 — http://function.mil.ru/news_page/country/more.htm?id=11905614%40egNews

³ At the Permanent Representative Office of the President for Crimea — a non-stop protest with a demand of Mr Kunitsyn's resignation (Mr Sergey Kunitsyn was a Representative of President of Ukraine for Crimea in 2014 — hereinafter a translator's comment) / Tsentr, February 28, 2014 — <http://investigator.org.ua/news/120251/>



Simferopol, Crimea. February 28th 2014. Simferopol Airport Controlled by the Russian army men | © Stanislav Yurchenko / RFE/RL

company was seized in Simferopol.⁴ UKRTELECOM OJSC reported a seizure of several communication centers in Crimea.⁵ Journalists of the KRYM Public TVRBC informed that the company building was encircled by about 20 armed men.⁶

The State Border Guard Service of Ukraine reported an attempt of blocking the Sevastopol Sea Forces Unit quartered in Balaklava by RF military men.⁷ The next day – March 1st – military men came to the unit gate by TIGR armored motorcars and military KAMAZ trucks. Many vehicles were with Russian license plates. At night from February 28th to March 1st the military men captured a military airfield in Kirovskoye.⁸

⁴ 'Russian Military Captured KRYMAERORUKH Public Company'/ Radio SVOBODA, February 28, 2014 — <http://www.radiosvoboda.org/a/25280143.html>

⁵ 'The Unknown Cut Crimea Off Internet and Communication — Ukrtelecomn'/ LIGA, February 28, 2014 — https://news.liga.net/politics/news/neizvestnye_v_krymu_zablokirovali_uzly_svyazi_ukrtelekoma

⁶ KRYM Public TVRBC Under Control of Russian Military / Tsent, February 28, 2014 — <http://investigator.org.ua/news/120348/>

⁷ RF Black Sea Navy Military At Sevastopol Sea Forces Unit/ SBGSU, February 28, 2014 <http://dpsu.gov.ua/ua/news/bilja-sevastopolskogo-zagony-morskoi-ohoroni-perebyvajut-vijskovoslyzhbovci-chf-rf>

⁸ 'Detailed Information on Seizure of Airfield in Crimean Settlement of Kirovskoye Appeared'/ KRYM 24, March 1, 2014 — <http://crimea24.info/2014/03/01/poyavilis-podrobnosti-zakhvata-aehrodroma-v-krymskom-poselke-kirovskoe/>

On March 1st, 2014, Sergey Aksyonov arbitrarily subordinated Crimean security agencies to himself and appealed to Russian president Vladimir Putin for assistance. Aksyonov said that the referendum on the status of Crimea would be held not on May 25, but on March 30. Not long after, Russian President Vladimir Putin asked for the Federation Council's authorization to use Russian military forces *'until the stabilization of the social and political situation'* in Ukraine. The Federation Council granted this request.

On the same day, a group of armed people seized the Trade Union building in Simferopol, as Russian troops occupied the former airdrome in Dzhankoy.

On March 1st, armed people occupied the building of the Permanent Delegation of the Ukrainian President in Crimea, while Russian soldiers and Cossacks demanded that the Ukrainian marine battalion in Feodosia lay down its arms and blocked the Ukrainian coastal defense base in Perevalnoye village.

Furthermore, the 'little green men' blocked the A-0669 military base of Ukrainian marine battalion in Kerch and occupied the headquarters of Azov, Black Sea, and Simferopol border detachments.

Russian military blocking the Ukrainian Navy HQ in Sevastopol, March 3rd 2014,
© Vladimir Chekrygin / Crimean Human Rights Group



On March 1st, 2014, the head-quarters of Ukrainian Navy and several Ukrainian military bases were attacked, injuring two officers of the Sevastopol brigade of the Tactical Air Forces of Ukraine.

Russian soldiers blocked the Ukrainian military base No.2904 in Bakhchisaray, while Black Sea Fleet ships blocked the Ukrainian corvette 'Ternopil' and command ship 'Slavutich' in Sevastopol bay. Representative of the Russian Black Sea Fleet demanded that commanders of the Belbek military base to change its allegiances to the de facto Crimean authorities, however the Ukrainian commanders remained true to their oath.

The same day it was informed about a seizure of Ukrainian Armed Forces air defense unit at Yevpatoria and an attempt to capture a military unit in the settlement of Pereval'noye where the 36th independent brigade of the Ukrainian Navy Sea Forces was quartered.

On March 1st the State Border Guard Service of Ukraine informed on invading the Crimean water zone by RF landing craft carriers MINSK and KALININGRAD.⁹ At night of March 1st – 2nd the military entered the base of sea border guards in Kerch. According to the event witness' words, the military came by three minibuses, one having a Russian military base license plate.¹⁰



⁹ Communication of State Border Guard Service of Ukraine on RF ships Invasion/ SBGSU, March 3, 2014 — <http://dpsu.gov.ua/ua/news/hronologija-nepravomirnih-dij-rosijskoi-storoni-v-avtonomnij-respybliki-krim/>

¹⁰ Non-Identified Military in Kerch Seize the Sea Forces /Youtube, April 2,,2014 — <https://www.youtube.com/watch?v=y--4cScQ688>

¹¹ Video of blocking a sea forces unit in Balaklava/Youtube, March 1, 2014 — https://www.youtube.com/watch?v=vf8RqIBOM_g

¹² Russia's Little Green Men Enter Ukraine: Russian Roulette in Ukraine (Dispatch 1)/Youtube, 03.03.2014 — <https://www.youtube.com/watch?v=TNKsLK52ss>

The same day the armed men blocked A2542 military unit in Simferopol.¹³ The military set up also a check point at the entrance to the Simferopol City Military Commissariat (a recruiting station) and encircled it.¹⁴

On March 3rd Mr Nickolay Feldman, a Ukrainian journalist, recorded a convoy of military vehicles composed of Russian KAMAZ trucks and TIGR motorcars, in the north of Crimea on the road to Chongar check point.¹⁵

On March 4th the State Border Guard Service of Ukraine reported an armed seizure of checkpoint at the Kerch Ferry Line by armed people who came from the RF. One of the military blocking the Kerch Ferry Line told the journalists that he was a RF national.¹⁶

Convoy of TIRG armored motorcars with Russian license plates, Northern Crimea, March 3rd, 2014. © Nikolay Feldman



¹³ Ukrainian Military Denied Disarming / Youtube, April 2, 2014 — <https://www.youtube.com/watch?v=hATWhBURI2A>

¹⁴ Timeline of March 2nd in Crimea (updated)/ATR, March 2, 2014 — <http://15minut.org/news/32809-hronika-sobytij-v-krymu-2-marta-obnovljaetsja-2014-03-02-08-34-45>

¹⁵ TIGERS Move on Dzhankoy — Armiansk Motorway to Kremlin Troops Check Point in Perekop / Youtube — March 3, 2014 <https://www.youtube.com/watch?v=MgpwIEDD98>

¹⁶ Russian Soldiery Did Interview in Kerch. / Youtube, March 4, 2014 — <https://www.youtube.com/watch?v=b0Z8ymyx8A>

In the Bel'bek Military Airport the ATR TV Channel journalists video recorded the Russian military with automatic arms firing into the air when the Ukrainian military tried to return to their military unit.¹⁷

The same day the Ukrainian A 4519 air defense unit was attacked in Yevpatoria.¹⁸ As reported by Major Nikolay Luk'yanchuk from this unit, there were about 100 attackers including the Russian armed men and local 'self-defense' fighters.

On March 5th the armed men blocked Mr Robert H.Serry, a UN special envoy. The diplomat's car was stopped in Simferopol when Mr Serry refused, as demanded by the unknown, to go to the airport.¹⁹

On March 5th, eight Ukrainian Border Guard divisions were blocked by Russian soldiers, which also destroyed the facilities of a surface to air-missile regiment in Cape Fiolent near Sevastopol.

On the same day, OSCE observers were prevented from passing through roadblocks at the entry point to ACR. This OSCE observation mission was formed following demands by Ukraine and 15 other OSCE countries. The purpose of the mission was to obtain objective information and to encourage Russia to hold negotiations with Ukraine. Around the same time, members of the 'Crimean self-defense' forces in Simferopol blocked the OSCE Representative on Freedom of the Media Dunja Mijatović, who met with Crimean media editors and civic activists.

On March 5th, the Russian military blocked sea access by ships of the Ukrainian Southern Naval Base, sinking the cruiser 'Ochakov' and the rescue towboat 'Shakhter' at the entrance to Donuzlav lake. On the same day, the Russian military blocked another two facilities of the Ukrainian Border Guard Service.

In the ARC parliament building, still controlled by 'little green men', deputies held an extraordinary session on March 6th in which they called for

¹⁷ CRIMEA, Belbek, Anthem of Ukraine and AK47 Firing/Youtube, March 4,2014 — <https://www.youtube.com/watch?v=eGC9Ns9uijg>

¹⁸ Russian Special Ops Unit Attacks Air Defense Unit 4519 in Yevpatoria /TSN, March 4,2014 — <https://ru.tsn.ua/video/video-novini/v-epvatorii-rossiyskiy-specnaz-shturmuet-zenitno-raketnuyu-chast-a-4519.html>

¹⁹ Armed Unknown Hold UN Special Envoy in Crimea /Liga, March 5, 2014 — http://news.liga.net/news/politics/996026-v_krymu_neizvestnye_s_oruzhiem_uderzhivayut_spetsposlannika_oon.htm

a referendum on March 16, in 9 days' time. In addition, deputies adopted a resolution on Crimea's joining the Russian Federation as a federal subject. a special session of Sevastopol City Council adopted a similar decision on joining the Russian Federation.

There was an attempt to seize KRYM Tactical Group Command Post of the Ukrainian Air Forces (2355 Military Unit) on March 7th in Sevastopol. As reported by the military unit commander, the attackers crushed the gate with URAL truck and ran into the military unit territory.

At night of March 7th–8th the 'Crimean Self-Defense' seized the Republican Military Commissariat.²⁰

On March 8th, Russian troops seized the Shchelkino Ukrainian border checkpoint in Cape Kazantip. On the same day, 'Crimean self-defense' forces occupied the building of the Republican military commissariat in Simferopol; cars of pro-Ukrainian activists who arrived at the location were attacked by weapons fire.

The State Border Guard Service of Ukraine reported that on March 8th, at about 05:30pm the armed men opened fire on the border guard aircraft at the administrative border with the ARC.²¹

On March 8th, Russian soldiers seized the Ukrainian frontier post in Chernomorskoye, while a convoy of several dozen military trucks with unmarked Russian soldiers arrived at Simferopol.

The same day Vladislav Seleznev, a head of Crimean Regional Media Center of the Ministry of Defence of Ukraine, reported a seizure of a military airfield in Saki blocked by the Russian military since March 5th 2014.²²

On the night of March 10th, Russian military forces occupied a separate missile technical service unit in Chernomorskoye and the A-2904 military unit in Bakhchisaray.

²⁰ Main Crimean Military Commissariat Seized in Simferopol / BBC, March 8, 2014 — http://www.bbc.com/russian/international/2014/03/140308_simferopol_commissariat_seized

²¹ Communication of State Border Guard Service of Ukraine on shooting on the aircraft/ SBGSU, March 8, 2014 — <http://dpsu.gov.ua/ua/news/prikordonnij-litak-zi-storoni-ar-krim-obstriljali-z-avtomatichnoi-zbroi/>

²² Russian Military Seized Airfield in Saky. Machine Guns Mounting / Ukrayinska Pravda, March 9, 2014 — <http://www.pravda.com.ua/rus/news/2014/03/9/7018234/>



At Chongar Checkpoint, the border with Crimea, a man wearing BERKUT (special police forces in Ukraine till 2014 that sided the Russian forces in Crimea) uniform fired a shot on one of Motor Rally participants moving to Crimea from the mainland Ukraine.²³

On March 11th vehicles with humanitarian aid from Russia and armored machines passed Kerch. a convoy of armored personnel vehicles that came from the RF was recorded at the Kerch Ferry Line. The same day Simferopol Independent Artillery Coastal Group 406 of the Ukrainian Navy was blocked with concrete units.

On March 12th the Russian forces started fortifying the Crimean border with anti-tank mines and barbed wire.²⁴

On March 12th a SIGINT post in the village of Olenevka, after an ultimatum, was seized by the Russian soldiery.

²³ 'The Unknown Wearing Berkut Uniform Shooting AvtoMAIDAN (Revolution of Dignity, MAIDAN Mobile Unit) in Chongar / Radio Svonoda, March 10, 2014 — <http://www.radiosvoboda.org/a/25291954.html>

²⁴ Trenches and Defensive Structures Raised At Chongar Settlement / Podrobnosti, March 12, 2014 — <http://podrobnosti.ua/964165-vozle-poselka-chongar-sozdajutsja-okopy-i-oboronitelnye-sooruzhenija.html>



Scuttled Ship of the RF Black Sea Navy Obstructed the Donuzlav Bay in Crimea, March 6th, 2014. © <http://www.3652.ru>

On March 13th, Russian troops and members of the ‘Crimean self-defense’ blocked access to the military base in Inkerman.

On March 13th the fourth ship was scuttled by the RF military at the exit from the Donuzlav Bay. In total, the RF military scuttled five RF Black Sea Navy ships to block the Ukrainian Navy. The same day the TSN (TV Channel) reported that armed men had attacked a border guard post in Livadia.²⁵

On the night of March 14th, the Ukrainian Foreign Intelligence Service division in Alushta was assaulted. On the same day, a convoy of Russian military equipment including large-caliber guns drove onto the peninsula from Kerch.

As reported by Aleksandr Yurga, a commander of independent SIGINT unit, 11 RF military commanded by a Russian officer seized the technical positions of the unit quartered in the village of Uyutnoye, in the outskirts of Yevpatoria, at 03.00 am of March 14th, and disconnected them from the power.²⁶

On March 15th, the Ukrainian Border Guard Service facilities in Massandra and Gurzuf were occupied. On the same day, an air defense missile battalion, including four batteries, was delivered via the Kerch ferry.

²⁵ Border Guard Post Attached with Arms in Livadia: Soldiers Walking Out Under Guns / TSN, February 13, 2014 — <https://ru.tsn.ua/politika/v-livadii-s-oruzhiem-napali-na-post-pogranichnikov-boycov-vyvodili-pod-dulami-pistoletov-354456.html>

²⁶ Communication on seizing military facilities in the village of Uyutnoye / Facebook, March 14, 2014 — <https://www.facebook.com/vladislav.seleznev.94/posts/413694642100598>

The same day journalists recorded military vehicles on the territory of Kerch Radio and TV transmission station.²⁷ The Russian military without identification signs landed at the village of Strelkove, Henichesk District, Kherson Region. The RF spec ops forces captured a gas pumping station and ChERNOMORNEFTEGAZ Storage Base.²⁸

By March 16, Russian soldiers and ‘Crimean self-defense’ units subordinated to Aksyonov had seized the main military facilities and administrative buildings in Crimea, and the Russian military presence, including troops and equipment, had been significantly increased.

The most active stage of the occupation, from February 23 to March 16, 2014, was marked by the non-violent protests of the civilian population of Crimea. Anti-war rallies and demonstrations in support of the integrity of Ukraine were conducted in Simferopol, Sevastopol, Kerch, Bakhchisaray, Yalta, and other cities.

During this period, several civic activists who openly protested against Russia’s actions in Crimea, including Reshat Ametov, Andrey Shchekun, Anatoly Kovalsky, Yuriy Gruzinov, Yaroslav Pilunskiy, Alexey Gritsenko, Sergey Suprun, Natalia Luk’yanchenko and others, were kidnapped. Many of them were tortured while Reshat Ametov was brutally murdered.

A so-called Crimean referendum was held under the conditions of occupation, in the presence of foreign military forces, and in an atmosphere of persecution of pro-Ukrainian activists. In such an environment it is impossible to speak about the free expression of the public’s will. The preparation of the ‘referendum’ was not intended to assess the true desires of Crimea’s population, as the date of the ‘referendum’ was moved up several times, the time to prepare for the ‘referendum’ was only 9 days, the ability of journalists to cover events was restricted, and Ukrainian media was blocked.

Moreover, even before the March 16, 2014 ‘referendum’, the illegitimate Crimean parliament had already announced Crimea would join the Russian Federation. The illegitimacy of the results of the Crimean ‘referendum’ was confirmed by the conclusion of the Venice Commission.

²⁷ Armored Vehicles at Kerch TV Center Gate/ My City Kerch, March 15, 2014 — <http://www.kerch.com.ru/articleview.aspx?id=35916>

²⁸ 120 Russian Commandos Landed at Arabat Spit/ TN, March 15, 2014 <https://ru.tsn.ua/video/videonovini/120-rossiyskih-desantnikov-vysadilis-na-arabatskoy-strelke.html>



Anti War Protest in Crimea, March 8th 2014. © Radio Free Europe / Radio Liberty

March 16 was in fact not a day when Crimeans chose and determined their future, as Russia leaders have sought to convince the world. Indeed, several weeks before this date, the Russian Federation had occupied the territory of the Autonomous Republic of Crimea and Sevastopol City through a military intervention on the territory of the sovereign state of Ukraine.



Women of Crimea for Peace Campaign, Feodosiya, March 8th, 2014 © Radio Free Europe / Radio Liberty

INTERNATIONAL LEGAL ASPECT OF OCCUPATION OF THE AUTONOMOUS REPUBLIC OF CRIMEA AND SEVASTOPOL CITY²⁹

PART 2

The occupation of the Autonomous Republic of Crimea and Sevastopol City was an act of RF aggression against Ukraine. Having seized the peninsula by force, the RF violated fundamental norms of the international law and set a precedent that jeopardizes the world security.

Part 2 presents:

- Principal documents of international and intergovernmental institutions as well as individual countries that assess the RF actions in Crimea in terms of international law;
- Legal and regulative acts of Ukraine that established a status of the Autonomous Republic of Crimea and Sevastopol City as temporarily occupied territory of Ukraine and determined a legal regime on the peninsula;
- Legal and regulative acts of the RF applied by the Russian authorities to enforce illegally its laws on the occupied territory and set up occupying power bodies;
- Acts of de facto Crimean authorities adopted for occupying Crimea by Russia;
- Major reports of international and national structures on the human rights situation in Crimea.

²⁹ Section authors: Ms Darya Svyrydova, Ukrainian Helsinki Human Rights Union; Mr Sergiy Zayets, Regional Center for Human Rights, Mr Vladimir Chekrygin, Crimean Human Rights Group

2.1. INTERNATIONAL LEGAL DOCUMENTS

2.1.1. United Nations documents

United Nations General Assembly resolution 3314 (XXIX) “Definition of Aggression”³⁰

Date of adoption: 14 December 1974

United Nations General Assembly resolution 68/262 “Territorial integrity of Ukraine”³¹

Date of adoption: 27 March 2014

United Nations General Assembly resolution 71/205 “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”³²

Date of adoption: 19 December 2016

United Nations General Assembly resolution 72/190 “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”³³

Date of adoption: 19 December 2017

United Nations General Assembly resolution 73/194 “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 Azov”³⁴

Date of adoption: 17 December 2018

United Nations General Assembly resolution 73/263 “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”³⁵

Date of adoption: 22 December 2018

³⁰ [https://undocs.org/en/A/RES/3314\(XXIX\)](https://undocs.org/en/A/RES/3314(XXIX))

³¹ <https://undocs.org/A/RES/68/262>

³² <https://undocs.org/A/RES/71/205>

³³ <https://undocs.org/A/RES/72/190>

³⁴ <https://undocs.org/A/RES/73/194>

³⁵ <https://undocs.org/A/RES/73/263>

2.1.2. European Parliament documents

European Parliament resolution (2014/2717(RSP)) “Situation in Ukraine”³⁶

Date of adoption: 17 July 2014

European Parliament resolution (2014/2841(RSP)) “Situation in Ukraine and state of play of EU-Russia relations”³⁷

Date of adoption: 18 September 2014

European Parliament resolution (2014/2965(RSP)) “Situation in Ukraine”³⁸

Date of adoption: 15 January 2015

European Parliament resolution (2015/2036(INI)) “The strategic military situation in the Black Sea Basin following the illegal annexation of Crimea by Russia”³⁹

Date of adoption: 11 June 2015

European Parliament resolution (2016/2556(RSP)) “Human rights situation in Crimea, in particular of the Crimean Tatars”⁴⁰

Date of adoption: 04 February 2016

European Parliament resolution (2017/2596(RSP)) “Ukrainian political prisoners in Russia and situation in Crimea”⁴¹

Date of adoption: 04 February 2016

European Parliament resolution (2017/2869(RSP)) “The cases of Crimean Tatar leaders Akhtem Chygoz, Ilmi Umerov and the journalist Mykola Semena”⁴²

Date of adoption: 05 October 2017

European Parliament resolution (2018/2754(RSP)) “Russia, notably the case of Ukrainian political prisoner Oleg Sentsov”⁴³

Date of adoption: 14 June 2018

³⁶ http://www.europarl.europa.eu/doceo/document/TA-8-2014-0009_EN.pdf

³⁷ http://www.europarl.europa.eu/doceo/document/TA-8-2014-0025_EN.pdf

³⁸ http://www.europarl.europa.eu/doceo/document/TA-8-2015-0011_EN.pdf

³⁹ http://www.europarl.europa.eu/doceo/document/TA-8-2015-0232_EN.pdf

⁴⁰ http://www.europarl.europa.eu/doceo/document/TA-8-2016-0043_EN.pdf

⁴¹ http://www.europarl.europa.eu/doceo/document/TA-8-2017-0087_EN.pdf

⁴² http://www.europarl.europa.eu/doceo/document/TA-8-2017-0382_EN.pdf

⁴³ http://www.europarl.europa.eu/doceo/document/TA-8-2018-0259_EN.pdf

European Parliament resolution (2018/2870(RSP)) “Situation in the Sea of Azov”⁴⁴

Date of adoption: 25 October 2018

European Parliament resolution (2017/2283(INI)) “EU-Ukraine Association Agreement”⁴⁵

Date of adoption: 12 December 2018

2.1.3. Parliamentary Assembly of the Council of Europe documents**Parliamentary Assembly of the Council of Europe 1990 (2014) “Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation”⁴⁶**

Date of adoption: 10 April 2014

Parliamentary Assembly of the Council of Europe 2028 (2015) “The humanitarian situation of Ukrainian refugees and displaced persons”⁴⁷

Date of adoption: 27 January 2015

Parliamentary Assembly of the Council of Europe 2034 (2015) “Challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation”⁴⁸

Date of adoption: 28 January 2015

Parliamentary Assembly of the Council of Europe 2063 (2015) “Consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015))”⁴⁹

Date of adoption: 24 June 2015

Parliamentary Assembly of the Council of Europe 2067 (2015) “Missing persons during the conflict in Ukraine”⁵⁰

Date of adoption: 25 June 2015

⁴⁴ http://www.europarl.europa.eu/doceo/document/TA-8-2018-0435_EN.pdf

⁴⁵ http://www.europarl.europa.eu/doceo/document/TA-8-2018-0518_EN.pdf

⁴⁶ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20882>

⁴⁷ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21480>

⁴⁸ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21538>

⁴⁹ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21956>

⁵⁰ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21970>

Parliamentary Assembly of the Council of Europe 2112 (2016) “The humanitarian concerns with regard to people captured during the war in Ukraine”⁵¹

Date of adoption: 21 April 2016

Parliamentary Assembly of the Council of Europe 2132 (2016) “Political consequences of the Russian aggression in Ukraine”⁵²

Date of adoption: 12 October 2016

Parliamentary Assembly of the Council of Europe 2133 (2016) “Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities”⁵³

Date of adoption: 12 October 2016

Parliamentary Assembly of the Council of Europe 2141 (2017) “Attacks against journalists and media freedom in Europe”⁵⁴

Date of adoption: 24 January 2017

Parliamentary Assembly of the Council of Europe 2145 (2017) “The functioning of democratic institutions in Ukraine”⁵⁵

Date of adoption: 25 January 2017

Parliamentary Assembly of the Council of Europe 2198 (2018) “Humanitarian consequences of the war in Ukraine”⁵⁶

Date of adoption: 23 January 2018

Parliamentary Assembly of the Council of Europe 2231 (2018) “Ukrainian citizens detained as political prisoners by the Russian Federation”⁵⁷

Date of adoption: 28 June 2018

Parliamentary Assembly of the Council of Europe 2259 (2019) “The escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security”⁵⁸

Date of adoption: 24 January 2019

⁵¹ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22750>

⁵² <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23166>

⁵³ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23167>

⁵⁴ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23400>

⁵⁵ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23453>

⁵⁶ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24432>

⁵⁷ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24994>

⁵⁸ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25419>

2.1.4. OSCE Parliamentary Assembly documents

OSCE Parliamentary Assembly resolution “Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Federation”⁵⁹

Date of adoption: 09 July 2015

OSCE Parliamentary Assembly resolution “Violations of Human Rights and Fundamental Freedoms in the Autonomous Republic of Crimea and the City of Sevastopol”⁶⁰

Date of adoption: 05 July 2016

OSCE Parliamentary Assembly resolution “Restoration of the Sovereignty and Territorial Integrity of Ukraine”⁶¹

Date of adoption: 09 July 2017

2.1.5. The Office of the Prosecutor of the International Criminal Court reports

The International Criminal Court. The Office of the Prosecutor. Report on Preliminary Examination Activities 2016⁶²

Date of adoption: 14 November 2016

The International Criminal Court. The Office of the Prosecutor. Report on Preliminary Examination Activities 2017⁶³

Date of adoption: 04 December 2017

The International Criminal Court. The Office of the Prosecutor. Report on Preliminary Examination Activities 2018⁶⁴

Date of adoption: 05 December 2018

⁵⁹ <https://www.oscepa.org/documents/annual-sessions/2015-helsinki/declaration-3/2977-2015-helsinki-declaration-eng/file>

⁶⁰ <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>

⁶¹ <http://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file>

⁶² https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf

⁶³ https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf

⁶⁴ <https://www.icc-cpi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf>

2.1.6. Other documents

The Memorandum on Security Assurances in connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons⁶⁵

Date of signature: 05 December 1994

Date of entry into force: 05 December 1994

The Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation⁶⁶

Date of signature: 31 May 1997

Date of ratification: 14 January 1998

Date of entry into force: 01 April 1999

The Treaty expired according to the Law of Ukraine No. 2643-VIII (2643-19) dated 06 December 2018

The opinion of the Venice Commission 762/2014 on "Whether the decision taken by the Supreme Council of the Autonomous Republic of Crimea in Ukraine to organise a referendum on becoming a constituent territory of the Russian Federation or restoring Crimea's 1992 constitution is compatible with constitutional principles"⁶⁷

Date of adoption: 21 March 2014

International Court of Justice order on application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)⁶⁸

Date of adoption: 19 April 2017

USA. Michael R. Pompeo, Secretary of State. Crimea Declaration⁶⁹

Date of adoption: 25 July 2018

Declaration by the High Representative Federica Mogherini on behalf of the EU on the Autonomous Republic of Crimea and the city of Sevastopol⁷⁰

Date of adoption: 17 April 2019

⁶⁵ http://zakon4.rada.gov.ua/laws/show/998_158

⁶⁶ http://zakon4.rada.gov.ua/laws/show/643_006

⁶⁷ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)002-e)

⁶⁸ <https://www.icj-cij.org/files/case-related/166/166-20170419-ORD-01-00-EN.pdf>

⁶⁹ <https://www.state.gov/crimea-declaration/>

⁷⁰ https://eeas.europa.eu/delegations/council-europe/59960/declaration-high-representative-federica-mogherini-behalf-eu-autonomous-republic-crimea-and_en

2.2. REGULATORY LEGAL ACTS OF UKRAINE

The Decree of the Verkhovna Rada of Ukraine ‘On the Statement of the Verkhovna Rada of Ukraine Regarding the Suspension of the Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea Dated 06 March 2014 on Holding of the All-Crimean Referendum on 16 March 2014’⁷¹

Number and date of adoption: 11 March 2014, No. 857-VII

The Decree of the Verkhovna Rada of Ukraine “On Early Termination of Powers of the Verkhovna Rada of the Autonomous Republic of Crimea”⁷²

Number and date of adoption: 15 March 2014, No. 891-VII.

The Decree of the Verkhovna Rada of Ukraine “On Declaration of the Verkhovna Rada of Ukraine regarding the guarantees of the rights of the Crimean Tatar People in the state of Ukraine”⁷³

Number and date of adoption: 20 March 2014, No. 1140-VII

The Law of Ukraine “On provisions for the rights and freedoms of the citizens and the legal status in the temporarily occupied territory of Ukraine”⁷⁴

Number and date of adoption: 15 April 2014, No. 1207-VII.

Date of entry into force: 27 April 2014

The Law of Ukraine “On creation of a Crimea free economic zone and on peculiarities of economic activities in the temporarily occupied territory of Ukraine”⁷⁵

Number and date of adoption: 12 August 2014, No. 1636-VII.

Date of entry into force: 27 September 2014

The Law of Ukraine “On ensuring the rights and freedoms of the internally displaced persons”⁷⁶

Number and date of adoption: 20 October 2014, No. 1706-VII.

Date of entry into force: 22 November 2014

⁷¹ <http://zakon4.rada.gov.ua/laws/show/857-18>

⁷² <http://zakon3.rada.gov.ua/laws/show/891-18>

⁷³ <http://zakon5.rada.gov.ua/laws/show/1140-vii>

⁷⁴ <http://zakon4.rada.gov.ua/laws/show/1207-18>

⁷⁵ <http://zakon4.rada.gov.ua/laws/show/1636-18>

⁷⁶ <http://zakon4.rada.gov.ua/laws/show/1706-18>

The Law of Ukraine “About features of state policy on ensuring the state sovereignty of Ukraine in temporarily occupied territories in the Donetsk and Luhansk regions”⁷⁷

Number and date of adoption: 18 January 2018, No. 2268-VIII

Date of entry into force: 24 February 2018

President of Ukraine Decree “On the Introduction of Martial Law in Ukraine”⁷⁸

Number and date of adoption: 26 November 2018, No. 393/2018

2.3. REGULATORY LEGAL ACTS OF THE RUSSIAN FEDERATION

The executive order of the President of the Russian Federation “On recognising Republic of Crimea”⁷⁹

Number and date of adoption: 17 March 2014, No. 147

The Treaty made between the Russian Federation and the Republic of Crimea on accession of the Republic of Crimea and Sevastopol to the Russian Federation and creation of new constituent entities in the Russian Federation⁸⁰

Date of adoption: 18 March 2014

Date of ratification: 21 March 2014, Federal law of the RF, No. 36-FZ⁸¹

The federal constitutional law of the Russian Federation “On accession of the Republic of Crimea to the Russian Federation and creation of new constituent entities in the Russian Federation – the Republic of Crimea and the federal city of Sevastopol”⁸²

Number and date of adoption: 21 March 2014, No. 6-FKZ

Federal Law of the RF ‘On the application of provisions of the Criminal Code and the Criminal Procedure Code of the Russian Federation in the territory of the Republic of Crimea and the federal city of Sevastopol’⁸³

Number and date of adoption: 05 May 2014, N 91-FZ

⁷⁷ <https://zakon.rada.gov.ua/laws/show/2268-19>

⁷⁸ <https://www.president.gov.ua/documents/3932018-25594>

⁷⁹ <http://en.kremlin.ru/acts/news/20596>

⁸⁰ <http://kremlin.ru/events/president/news/20605>

⁸¹ <http://base.garant.ru/70618344/>

⁸² <http://www.rg.ru/2014/03/22/krym-dok.html>

⁸³ <http://www.rg.ru/2014/05/07/primenenie-dok.html>

The executive order of the President of the Russian Federation “On certain categories of foreign citizens and stateless persons entitled to fast-track procedure when applying for Russian citizenship”⁸⁴

Date of adoption: 01 May 2019

2.4. REGULATORY ACTS OF THE DE-FACTO AUTHORITIES OF CRIMEA

The Decree of the Verkhovna Rada of the Autonomous Republic of Crimea “On organization of the republican (local) referendum on improvement of the status and powers of the Autonomous Republic of Crimea”⁸⁵

Number and date of adoption: 27 February 2014, No. 1630-6/14

The Resolution of the Presidium of the Verkhovna Rada of the Autonomous Republic of Crimea “On certain issues involving the organization and holding of the republican (local) referendum in the Autonomous Republic of Crimea”⁸⁶

Number and date of adoption: 03 March 2014, No. 1691-6/14

The Decree of the Verkhovna Rada of the Autonomous Republic of Crimea “On holding of the all-Crimean referendum”⁸⁷

Number and date of adoption: 06 March 2014, No. 1702-6/14

The Decree of the Verkhovna Rada of the Autonomous Republic of Crimea “On Declaration of Independence of the Autonomous Republic of Crimea and Sevastopol”⁸⁸

Number and date of adoption: 11 March 2014, No. 1727-6/14

The Decree of the State Council of the Republic of Crimea “On Independence of the Crimea”⁸⁹

Number and date of adoption: 17 March 2014, No. 1727-6/14

⁸⁴ <http://en.kremlin.ru/events/president/news/60429>

⁸⁵ <http://crimea.gov.ru/act/11610>

⁸⁶ <http://crimea.gov.ru/act/11607>

⁸⁷ <http://crimea.gov.ru/act/11689>

⁸⁸ http://www.crimea.gov.ru/news/11_03_2014_1

⁸⁹ <http://crimea.gov.ru/act/11748>

2.5. MAJOR REPORTS OF INTERNATIONAL AND NATIONAL STRUCTURES ON THE HUMAN RIGHTS SITUATION IN CRIMEA

The situation on human rights observance is regularly updated in Quarterly Reports of UN High Commission on Human Rights (hereinafter the OHCHR) on the human rights situation in Ukraine.⁹⁰

To implement the UN GA resolutions theme reports on Crimea have been produced. The first OHCHR report on the human rights situation in the temporarily occupied Autonomous Republic of Crimea and Sevastopol City was produced pursuant to UN GA Resolution 71/205 and covered a period from February 22 2014 to September 12 2017, the second one was produced after UN GA resolution 72/190 and covered a period from September 13 2017 to June 30 2018.⁹¹

Upon outcomes of special missions to Crimea reports of Mr Nils Muiznieks, Council of Europe's Commissioner for Human Rights (*published on October 27th 2014*)⁹² and Mr Gerard Studman, Special Envoy of the Council of Europe Secretary General (*published in April 2016*).⁹³

Specific aspects of the human rights situation in Crimea were covered by the report of the the Human Rights Assessment Mission on Crimea (6–18 July 2015), OSCE/ODIHR and High Commissioner on National Minorities.⁹⁴

Upon the outcomes of the Crimean visit of non-official Turkish delegation (27–30 April 2015) the report 'The Situation of the Crimean Tatars since the Annexation of Crimea by the Russian Federation was published.⁹⁵

The issue of human rights in Crimea is paid attention to in annual reports of the Ukrainian Ombudsman dedicated to the situation with observance

⁹⁰ <https://www.ohchr.org/ru/Countries/ENACARegion/Pages/UAReports.aspx>

⁹¹ https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_RU.pdf

⁹² http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/102_muiznieksreport_/102_muiznieksreport_en.pdf

⁹³ <https://rm.coe.int/CoERMPublicCommonSearchServices/documentAccessError.jsp?url=http://rm.coe.int:80/CoERMPublicCommonSearchServices/sso/SSODisplayDCTMContent?documentId=0900001680641d1b>

⁹⁴ <http://www.osce.org/ru/odihr/180601?download=true>

⁹⁵ <http://worldcrimeantatarcongress.org/wp-content/uploads/2016/01/K%C4%B1r%C4%B1m-Raporu-Eng - Gayri-Resmi-Heyet-2015.pdf>

and defence of human rights and freedoms.⁹⁶ The Russian Ombudsman includes Crimea in her reports.⁹⁷

Apart from the documents mentioned above, a number of Ukrainian, Russian and international institutions: Crimean Field Mission (till 2015), Crimean Human Rights Group,⁹⁸ Ukrainian Helsinki Human Rights Union,⁹⁹ Ukrainian Center for Independent Political Research, Crimea SOS,¹⁰⁰ Centre for Civil Liberties, Regional Center of Human Rights,¹⁰¹ Crimean Tatar Resource Center, Freedom House, Human Rights Watch, Fédération internationale des droits de l'homme, Memorial Human Rights Center, Human Rights House Foundation mission,¹⁰² et al. — produced dozens publicly available reports and reviews of the human rights situation on the peninsula during the occupation.

⁹⁶ <http://www.ombudsman.gov.ua/ua/all-news/pr/5515-qv-schorichna-dopovid-upovnovazhenogo-pro-stand-derzhannya-ta-zaxistu-pr/>

⁹⁷ <http://ombudsmanrf.org/www/upload/zles/docs/appeals/doklad2014.pdf>

⁹⁸ <https://crimeahrg.org/category/monitor/>

⁹⁹ <http://helsinki.org.ua/publications/dopovid-pravozahysnyh-orhanizatsij-prava-lyudyny-v-ukrajini-2014/>

¹⁰⁰ <http://krymsos.com/ru/reports/analitichni-zviti-po-krimu/>

¹⁰¹ <https://precedent.crimea.ua/>

¹⁰² <https://zmina.info/upload/Крим/Крим розбиваючи стіну мовчання.pdf>

OCCUPATION AFTERMATH: POLITICAL PERSECUTION SYSTEM¹⁰³

PART 3

After a mass shooting of the unarmed EURO-MAIDAN¹⁰⁴ protesters in Kyiv downtown and the escape of dictatorship regime Ukraine faced new challenges. The Russian Federation committed to be a guarantor of Ukraine' independence, sovereignty and respect for existing borders by the Budapest 1994 Memorandum,¹⁰⁵ started an armed occupation of Crimea in 20 years.

A formal reason for using armed forces and invasion was declared to be '*a need to defend the Russian speaking rights*'. The Russian Federation tried to make an open aggression act legitimate through so called '*an at rifle point referendum*' of March 16th 2014.

The illegitimacy of the 'referendum', and lack of any legal grounds for any status change of the Autonomous Republic of Crimea or Sevastopol City were recognized by the international community.¹⁰⁶ Thus, contrary to generally recognized international law principles and own international commitments undertaken, the RF annexed a part of sovereign state territory.

¹⁰³ Section author: Ms Oleksandra Marviychuk, Centre for Civil Liberties

¹⁰⁴ <https://en.wikipedia.org/wiki/Euromaidan>

¹⁰⁵ Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, 5 December 1994

¹⁰⁶ UN GA resolution of 27 March 2014

Given that the civil society in Crimea was actively against the occupation, the self-appointed 'Crimean authorities' started an overwhelming attack on its representatives. Participants of peaceful actions for Ukraine integrity, leaders of local EUROMAIDANS, journalists, human rights experts, social activists, Crimean Tatar people representatives became victims of these actions. The entire arsenal of possible persecution methods applied through both legal procedures – unlawful detentions, commencement of falsified administrative and criminal cases, re-registration denial, discrimination on grounds of political views and other forbidden reasons, unlawful expropriation of private property – and out-of-law means as threats, property destruction, beating, forced disappearances, tortures, murders.

The RF anti-extremist and anti-terrorist laws of repressive nature provide manifold opportunities to silence dissent. The number of victims of the politically motivate persecution is constantly growing, totaling today at least 98 persons in Crimea and on the RF territory where they have been unlawfully moved contrary to the international humanitarian law norms. Oleg Sentsov, a film director, Emir Usein Kuku, a human rights expert, Server Mustafayev, the Crimean Solidarity coordinator, Volodymyr Balukh, a farmer, Nikolay Semena, a Radio Svoboda journalist, et al. are among the unlawful criminal persecution victims.

Action for Support of Political Prisoner Volodymyr Balukh, Kyiv, December 8, 2017
© Yelena Lysenko / Crimean Human Rights Group



The persecution technology is perfectly worked out. Once arrested, a person is subject to isolation. An independent lawyer chosen by the family may be unreasonably denied an access to the client, while the person may be tortured to extract confessions of crimes he/she has not committed. The arrested in Crimea may be also forcedly placed – without any court decision – in the mental hospital for up to 28 days where they are still being questioned, with their lawyers absent.

A clear political reason can be traced in all these actions,¹⁰⁷ i.e. actual grounds of acts or failures to acts of public bodies, unacceptable in the democratic society, aimed at achieving such objectives as

- a) strengthening and maintaining the occupying power in Crimea;
- b) forcing the civil society representatives whose opinion is different to 'the pro-government' one to stop non-voluntarily the public actions.

All these crimes constitute a part of a large-scale consistent persecution of the peaceful civilians. The scopes of such hate campaign cover entirely all spheres of the social life on the peninsula. The very existence of any institutions non-controlled by the self-appointed 'Crimean authorities' is considered as a potential threat for the occupying regime. The comprehensive nature of the process is proved by well-organized and coordinated actions of public bodies of different kinds: registration offices, police, prosecutor's office, courts, a paramilitary group (so called 'Crimean self-defence'), etc.

These crimes do not target someone ad hoc, they address a specific group of people who could be identified as civil society representatives. It should be noted that victims of persecutions are different by age, sex, profession, incomes, social origin, residence place, religion, ideological philosophy, etc. But they all are united by power non-controlled social activities and alternative to the 'pro-government' (either actual or imputed) position.

At the same time, a mass scale information and propaganda campaign has been unleashed in Crimea that calls activists 'fascists' and terrifies the local residents with 'bloody junta' that would '*obliterate Russian speaking*

¹⁰⁷ <http://www.khpg.org/index.php?id=1384001187>



Action for Support of Political Prisoner Oleg Sentsov, Kyiv, March 31, 2018
 © Yelena Lysenko / Crimean Human Rights Group

population'. The Russian mass media themselves have become, in fact, a component of the military campaign on occupying the peninsula and a tool for the hybrid war in the east of Ukraine. So called '*enemies from within*' — these are civil society representatives — have been taken as one of the attack targets for this information and propaganda campaign, and the atmosphere of discrediting and harassing the people whose position differs from the 'pro-government' one has prevailed on the peninsula.

Facing real threats for their lives, health and personal liberty, an overwhelming majority of journalists, public figures, human rights experts had to leave Crimea in 2014. a number of horizontal initiatives involved into human rights, journalism, and other non-violent social activities have evolved on the peninsula for the five years of occupation. For instance, the Crimean Solidarity initiative which activists support the families of political prisoners, attend court sessions on fake cases, record unlawful actions of the law enforcement agencies, report publicly political persecution cases, etc. The Ukrainian Cultural Center acts solely in the cultural field.

The situation is becoming rapidly worse and worse. It was two years ago when the occupying authorities arrested demonstratively lawyer Emil



Action for Support of Political Prisoner Oleg Sentsov and Kremlin hostages, Kyiv, July 1, 2018 © Petro Vygivsky

Kurbedinov who consistently defended political prisoners, in Crimea. Then he was subject to one more administrative arrest, while his colleagues were warned on *'inadmissibility of extremist actions'*. It has been already in 2019 that persistent attempts have started to withdraw his lawyer's licence to prevent him for providing legal aid to the persecution victims.

In March 2019 an extraordinary *'clean-up operation'* of the Crimean Solidarity initiative grounded by a fake pretext of *'fight against terrorism'* was carried out. There were mass searches and 24 people including 17 who were Crimean Solidarity activists, were arrested (where is one of them remains unknown). It is essential to point out that there have not been so many simultaneous arrests for the recent years. All of them, sacks on heads, were transported by special flight to the RF territory – to Rostov that is 800km far.

This is the way used by the occupying power in attempt to break the political persecution defence system built up by the hands of people who remained face to face with the occupiers. This means that the gauge of unfreedom on the occupied peninsula has reached its threshold and needs an immediate response of the international community.

The occupied peninsula has actually become a large testing ground where Russia is carrying out an experiment on integrating the annexed territory, that is unique for nowadays. A forced imposing of the RF citizenship and a structured political persecution system developed to hold the people under control are this experiment components.

The occupying authorities in Crimea apply all the instruments elaborated legally and practically in the RF, to suppress any alternative position and to clean up completely the entire independent civil society on the peninsula.

There are no efficient procedures to defend from the political persecutions launched by the occupying authorities in Crimea today. So the people initiating public actions beyond the 'authorities' control or whose position, actual or imputed, differs from the pro-government one, are facing a difficult choice: to be imprisoned under a falsified criminal case after a number of preventive sessions and administrative charges or to leave Crimea or to stop any social activity and keep silence.

FIVE YEARS AFTER: MAJOR HUMAN RIGHTS VIOLATIONS IN CRIMEA¹⁰⁸

4.1. FIRST VICTIMS OF OCCUPATION

4.1.1. *Abduction and Tortures of Pro-Ukrainian Activists*

Militant occupation actions of the RF in Crimea in 2014 caused victims both among the civilians and the Ukrainian military men. This was the time when the Russian security agencies and unlawful paramilitary units practiced abducting and torturing the activists. Several dozens became victims of enforced disappearance as interpreted by the International Convention for the Protection of All Persons from Enforced Disappearance. *“For the purposes of this Convention, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.*¹⁰⁹ When the occupation started, the abductions were

¹⁰⁸ Section authors: Ms Olga Skrypnyk, Ms Iryna Siedova, Mr Aleksandr Siedov, Crimean Human Rights Group, Ms Tetiana Pechonchyk, Zmina, Center for Human Rights, Ms Darya Svyrydova, Ukrainian Helsinki Human Rights Union; Mr Sergey Zayets, Regional Center for Human Rights

¹⁰⁹ International Convention for the Protection of All Persons from Enforced Disappearance /UNO — https://www.un.org/ru/documents/decl_conv/conventions/disappearance.shtml



Reshat Ametov with his kids, photo from the family album

politically reasoned, with the Russian security agencies, the authorities de facto, and the paramilitary units created with RF support, involved.

The first to disappear on the peninsula was Reshat Ametov, a Crimean Tatar, aged 39. He was abducted by the people wearing cammies on March 3rd 2014 in the center of Simferopol when he was on a single-person protest against the Russian occupation of Crimea on the square at the building of the Council of Ministers of Crimea. This fact was video shot.¹¹⁰ His body, with torture signs, was found in the village of Zemlianichnoye, Belogorsk District. The handcuffs were found near the body, and the head of the killed was wrapped with a packing tape. The death was caused by open cut/stab globe injury of sharp force. His spouse — Zarina Ametova — when interviewed by Der Spiegel (the German magazine) said, *'The body was horribly disfigured. Signs of knife wounds and bruises everywhere. One eye was lost. There was a plastic bag on his head'*. Reshat Ametov had three children, the youngest being 2.5 months at the time of father's death.

Though Russia opened a criminal case due to the fact of activist death, the guilty have been never brought to justice. Moreover, 'Crimean self-defence'

¹¹⁰ Video of Reshat Ametov abduction — <https://www.youtube.com/watch?v=11S2Vhkr-bc>

members involved into the abduction of Ametov have been identified but are named witnesses in the case.

On March 7th 2014 Ivan Bondarets, aged 23, and Valeriy Vaschuk, aged 28, who had participated in the protests at MAIDAN in Kyiv, disappeared in Simferopol. That day the activists called their relatives and told that they had been detained by the police in Simferopol Railway Terminal. Then the connection interrupted, and their whereabouts has been unknown since.

On March 15th Vasily Chernysh, an AutoMAIDAN¹¹¹ activist, who participated in seeking the disappeared activists in Crimea and had been earlier an officer of Security Service of Ukraine for Sevastopol, disappeared. That day he communicated for the last time. His whereabouts has been unknown since. Aleksey Hrytsenko, an AutoMAIDAN activist, stated that they had managed to get information that Chernysh had been taken from his apartment by the policemen to an undisclosed location.

On May 25th 2014, Timur Shaymardanov, an activist of 'Ukrainian Folk House' public initiative, who supported the Ukrainian military men with humanitarian aid in Crimea, reported the colleagues a disappearance of Leonid Korzh (who later returned home). On May 26th 2014 Shaymardanov left home and never came back, the communication with him was lost the same day. The witnesses and relatives informed that the 'Crimean self-defence' members had been involved into his abduction.

Seyran Zinedinov, a participant of campaign against the Russian actions in Crimea, was seeking disappeared Timur Shaymardanov. On May 30th 2014, in the evening, he was meeting with Shaymardanov's wife and did not return home after the meeting. His mobile signal, after the disappearance, was recorded on the territory of DELPHIN Recreational Center close to Yevpatoriya Town. In addition, Zinedinov's relatives informed about a video record of the security camera that had recorded how the activist was enforced to get into the car. The witnesses also informed about the involvement of the 'Crimean self-defence' members into the abduction.

On September 27th Islïam Djepparov, aged 18, and Djavdet Islïamov, aged 23, disappeared in Belogorsk. As reported by the witnesses, two men wearing

¹¹¹ <https://en.wikipedia.org/wiki/AutoMaidan>

masks and black uniform, supposedly, Crimean self-defence' members, were searching Isliam Djepparov and Djavdet Isliamov, then forcedly put them into a Volkswagen Transporter, a blue colour van, and drove towards Feodosiya. Isliam Djepparov is a son of Abdureshyt Djepparov, a Crimean Tatar public figure and an organizer of the Contact Group for Human Rights for Crimea.

Cases of enforced disappearances were documented by human rights experts after 2014, too. One of the most talked about was an abduction of Ervin Ibragimov, aged 30, a Crimean Tatar public figure, who had been chief official of the Interethnic Relations Department of Bakhchisarai District State Administration and a member of Bakhchisarai Town Council before the occupation. On May 24th 2016 non-identified people wearing the Russian traffic police uniform stopped Ervin Ibragimov in Bakhchisarai when he was driving his car. Then he was forced to get into the car and taken to an undisclosed location. On June 1st the passport and the employment record book of the abducted were found not far from Bakhchisarai, though he has been never found.

The human rights organizations have reported other cases of enforced disappearance nature in Crimea (Edem Asanov, Mukhtar Arislanov, Eskender Apseliamov, Bilial Bilialov, Arlen Terekhov, Ruslan Ganiyev, Arsen Aliyev, Abdurakhman Ayubov, et al.), but it is difficult to determine the precise number.

Some civil activists abducted in Crimea in 2014 were released, though many were tortured and suffered from other types of cruel treatment.

For instance, on March 9th 2014, after the action dedicated to the birthday of Taras Shevchenko, a Ukrainian poet, the 'Crimean self-defence' paramilitary group abducted Ukrainian activists and leaders of EuroMAIDAN Crimea movement: Andrey Schekun, head of the UKRAINISKY DOM Crimean Center for Business and Cultural Cooperation, and Anatoliy Koval'sky, a scientist and a public figure, in Simferopol. They were moved out to the area of Chongar (Northern Crimea) and kept in the basements in the hellish conditions. The members of 'Crimean Liberation Army' organized by Igor Strelkov (Girkin), a terrorist and a RF security agency man, brutalized the prisoners. Andrey Schekun was tortured many times. On March 20th 2014 the activists were set at liberty at the Crimean border through exchange.

Yuriy Shevchenko, from Pavlograd, Dnipropetrovsk Region, who was not an activist, got into the same basement, with Andrey Schekun and Anatoliy

Koval'sky. He came to Simferopol to see his friend but was detained in the Simferopol Railway Terminal because he was mistaken for '*an activist of some radical organization*'. He was beaten and got two legs shot through. The bullets were taken away in Kherson, when he was released.

On March 9th 2014 at the Armiansk Check Point when entering Crimea from Kherson Region, unknown armed men stopped two cars where there were Aleksandra Riazantseva and Yekaterina Butko, AvtoMAIDAN activists, journalist Yelena Maksimenko, cameraman Oles Kromplias, and driver Yevgeniy Razkhno. When a Ukrainian flag was found in the car trunk, they were victimized, and girls were pulled by hair, beaten and threatened with death. Then they were moved to the RF Black Sea Navy base and held in single person cells as well as interrogated about AvtoMAIDAN actions and their funding. They were set at liberty on March 11th 2014.

At night of March 13th — 14th 2014 AvtoMAIDAN activists: Aleksey Grytsenko (son of Anatoliy Grytsenko, a member of Ukrainian Parliament), Natalia Lukyanchenko, and Sergey Suprun, who were delivering the humanitarian aid to the Ukrainian military men in Crimea, were abducted. Before the abduction they were chased by unknown people in the car who then started shooting. When abducted, the volunteers were convoyed to Simferopol Military Commissariat (conscription station). a couple of days after the abduction, on March 20th, they were also released in the area of Chongar after negotiations and exchange.

On March 16th 2014, on the day of so called 'referendum', Yuriy Gruzinov, a RF national, and Yaroslav Pilunsky, a Ukrainian, both cameramen, were abducted in Simferopol. They both were members of the BABYLON 13 Association of Cinematographers that recorded actions of protests at MAIDAN (Independence Square) in Kyiv, Crimean events and then military campaign in the east of Ukraine. They were held prisoners in Chongar for several days. Yuriy Gruzinov was tortured and beaten. They were released on March 20th 2014, close to Chongar, together with other activists due to negotiations and exchange.

With five years of occupation past, nobody has been ever brought to justice for tortures and abductions. Neither these facts were investigated by the Russian authorities, nor the investigation was efficient. Fates of abducted Crimean residents remain unknown, while the persons involved go unpunished.

4.1.2. Murders of Ukrainian military men

On March 18th 2014 warrant officer Sergey Kokurin, aged 36, was killed in Simferopol when the 13th Photogrammetric Center of the Main Combat Support Department of Armed Forces of Ukraine was attacked. According to the forensic examination, the Ukrainian military man was killed with two 5.45mm balls shot from Kalashnikov assault rifle, bottom upwards.

As military men who stood guard over the photogrammetric center said, the whole area around the military unit had been controlled by the 'Crimean self-defence' and the Russian soldiery for three days before the assault. The tower where the warrant officer was killed and other Ukrainian officers were wounded, was fired at from the bottom that was testified by the holes in the tower envelope. However, the Crimean police that had been acting together with the Russian military at that time, stated that the Ukrainian military man had been killed by '*an unknown sniper*'.

Killed Sergey Kokurin had a four-year's old son, and his wife was expecting the second baby when the husband was killed.

The second murder was on April 6th 2014 in the settlement of Novofedorovka, in the hostel where the Ukrainian military from Saki base were staying before departing to the Ukraine controlled territory. Major Stanislav Karachevsky, aged 32, was preparing to leave Crimea.

He as well as other Ukrainian military men, when returning to the hostel, were passing the check point of their unit controlled by the Russian military. The military started quarrelling because of 'personal enmity'. The Russians were armed, the Ukrainians were not. Stanislav Karachevsky tried to escape and hide in the hostel, but the Russian soldiery caught him up and shot.

Russian military man Yevgeniy Zaytsev who shot Stanislav Karachevsky in the back, was charged with murder under RF CC Article 105. But when delivering a judgement, 'Crimean Garrison Military Court' re-qualified the case to RF CC Article 108-2 (*Homicide Committed in Excess of the Measures Needed for the Detention of a Person Who Has Committed a Crime*). Due to this Zaytsev was sentenced only to 2 years in the penal settlement. The accused was all time at liberty during the investigation and the court proceedings, and served the same way he had done before killing the Ukrainian.

Kids backed with Karachevsky Poster
© KRYM.REALII



Stanislav Karachevsky had two children. After his death his wife Olga has been serving in the Ukrainian army – in the sea air brigade.

4.2. POLITICALLY MOTIVATED CRIMINAL PERSECUTION

After the occupation of Crimea over 100 persons were unlawfully deprived from liberty within the politically motivated criminal persecution. The occupying power cooks up criminal cases to persecute the Crimeans for their beliefs and a public disagreement with the Russia actions in Crimea or membership in the non-governmental associations uncontrolled by the Russian authorities. Regarding victims of such persecution, Russia neglects fundamental rights and freedoms: right to liberty and security, right to a fair trial, freedom of expression, right to respect for private and family life.

4.2.1. 'Case of Sentsov – Kol'chenko' or 'Case of Crimean Four'

Within this case Oleg Sentsov, Aleksandr Kol'chenko, Gennadiy Afanasyev, and Aleksey Chirniy, Ukrainian nationals, who lived in Crimea, were detained. This is the first and one of the most known politically motivated cases after the occupation of Crimea aimed at suppressing the protests against the peninsula seizure. Oleg Sentsov is a famous Ukrainian film director and film writer, he contributed to the organization of the humanitarian aid to the Ukrainian military on the territory of Crimea in February – March

2014. Aleksandr Kol'chenko is a Ukrainian activist, an anti-fascist movement member, a participant of student and 'green' actions in Crimea. Gennadiy Afanasyev a photographer, and a participant of Ukrainian actions. Aleksey Chirniy is a historian. They all were detained in Crimea and convoyed to Moscow. On May 30th the RF FSB informed that 'Right Sector'¹¹² terrorist sabotage group members had been detained who, according to the investigation, *'were preparing acts of terror in Simferopol, Yalta and Sevastopol'*. The Crimeans were accused of preparing an act of terror, setting up a terrorist community and being its members as well as acquiring unlawfully and possessing the arms, its major components, and ammunition. However the only fact that the investigation managed to establish was act of arson of the 'Russian Community' office door and windows (a former office of V.Yanukovich's¹¹³ 'Party of Regions').

Lawyers reported many times that their clients had been subject to inhuman tortures to make them confess. Friends and relatives of Sentsov and Kol'chenko in Crimea, members of the art center creative group who knew Sentsov were permanently under pressure.

The criminal case was built up on the evidence of Aleksey Chirniy who was said to act as a member of the 'terrorist community' headed by Sentsov, which aim was *'to exert influence upon the decisions of the Russian Federation governmental bodies on the Republic of Crimea withdrawing from the federation'*. But his lawyer Ilya Novikov acknowledged at the court that the client had incriminated himself when tortured, and then a judge disqualified the lawyer from the proceedings for *'disagreement with the principal's position'*. Chirniy was found guilty of preparing and carrying out an act of terror, and the court sentenced him to seven years of imprisonment in the maximum security regime penal colony.

Another defendant, Gennadiy Afanasyev, was tortured to force him to enter a plea bargain and make a full confession. The court also found him guilty and sentenced to seven years in the maximum security regime penal colony. During the court session on Sentsov and Kol'chenko charge, Afanasyev withdrew his testimony against them. He stated that he had incriminated Sentsov under torture, while in fact he did not know Sentsov and Kol'chenko. Then

¹¹² https://en.wikipedia.org/wiki/Right_Sector

¹¹³ https://en.wikipedia.org/wiki/Viktor_Yanukovich

Afanasyev lawyer informed that the Russian policemen were threatening his client revenge that he had withdrawn the earlier testimony at the court.

The lawyers presented sufficient evidence that the Crimeans had no relation to the terrorism as well as evidence that their clients had been tortured and the investigation evidence had been falsified. But the Russian court disregarded this.

On August 25th in Rostov judge Sergey Mikhayliuk read out a sentence to Oleg Sentsov and Aleksandr Kol'chenko who were found guilty. Sentsov was sentenced to 20 years, and Kol'chenko — to 10 years in the maximum security regime penal colony.

On June 14th 2016 Gennadiy Afanasyev was released from the Russian colony due to the negotiations and the following exchange with Russia. Together with another Ukrainian national — Yuriy Soloshenko, he came to Kyiv where he lives now.

On May 14th 2018 Oleg Sentsov declared a non-stop hunger strike. His condition for stopping the hunger strike was liberty of all Ukrainian political prisoners. On May 31st 2018 Aleksandr Kol'chenko declared a hunger strike, demanding to set Oleg Sentsov free, but stopped it on June 7th due to his health deterioration. Oleg Sentsov decided to stop the hunger strike on October 6th. He explained this decision — to stop the hunger strike that lasted for 145 days — by a forced feeding to be applied to him.

Three Crimeans are serving an unlawful punishment in the Russian colonies: Oleg Sentsov in the 8th maximum security penal colony ('White Bear'), Labytnagi, Yamal Nenetsky Autonomous Area; Aleksandr Kol'chenko in the 6th penal colony, Kopeysk, Cheliabinsk Region, and Aleksey Chirniy in the 15th penal colony, Bataysk, Rostov Region.

4.2.2. Case of Aleksandr Kostenko

Aleksandr Kostenko, a Ukrainian national, lived in Crimea and participated in the protests at Maidan in Kyiv. This case has become one of the most politicized processes against Ukrainian activists in Crimea. The Case of Kostenko has become also really extraordinary since Russia judged him for participation in the events of February 2014 that were in Kyiv, not in Crimea.



Aleksandr Kostenko, November 2018 © Yelena Lysenko/
Crimean Human Rights Group

The activist was unlawfully detained on February 5th 2015 in Simferopol at his house, though brought to the police only next day. This was preceded by his torturing at night by the FSB men in the countryside house of Artur Shambazov, a former Security Service of Ukraine (hereinafter the SBU) officer who supported the occupation and joined the FSB.¹¹⁴ When torturing, the activist was demanded to confess and turn himself to the police that he finally did.

According to the investigators, Kostenko, *'feeling ideological hatred and enmity to the policemen'*, armed himself with *'stones 10 x10 x 12cm (cob-bled stones) in Kyiv and threw purposefully this stone into warrant officer Poliyenko V.V. who was cordoning. Due to this Crimean 'BERKUT' man was injured – 'a major hematoma in the area of left arm, middle and lower third' – though he went to the doctor with this injury in several months when Crimea had been occupied already and Poliyenko joined the Russian law enforcement bodies. And it is obvious that the Crimean occupation authorities did not undertake any investigations of these events in Kyiv.*

¹¹⁴ Current through ears, Beaten to fractures – Aleksandr Kostenko told about brutal tortures in Crimea/ CHRГ, November 29, 2018 – <https://crimeahrg.org/puskali-tok-cherez-ushi-izbivali-do-perelomov-aleksandr-kostenko-rasskazal-o-zverskih-pyitkah-v-kryimu/>

Aleksandr Kostenko and his lawyer reported torturing of the activist many times, the lawyer laid an action against the FSB men who had tortured his client, but they were not brought to justice.

The Crimean 'court' disregarded that the events occurred in Kyiv, Ukraine, on February 18th, 2014, when both Kostenko and the supposedly suffered BERKUT man had been Ukrainian nationals. It is the proper bodies of Ukraine that should treat Kostenko's actions legally, while the RF Criminal Code should not be applied to them. The lawyer pointed out also the falsification of evidence, false statements intentionally made by the witnesses. But no arguments of defence were considered by the court.

The entire process was politicized and aimed at discrediting EUROMAIDAN movement Ukrainian activists for the Crimean society. This is the most explicitly proved by an accusatory speech of Nataliya Poklonskaya, 'prosecutor' of Crimea, in the court. She declared: *'Today we are judging here, in the person of defendant, not only him but the concept of fascism and Nazism that with 70 years of Great Victory over them passed, are trying again to revive and raise heads... Kostenko, together with other participants, unabashed, was shouting pro-Bandera Nazi slogans and, imitating a fascist greeting gesture, raised his hand just above the head'. The prosecutor herself stressed out that she did not intend to establish the truth, the guilt, and the circumstances of event, her purpose was to convict an idea. Finishing her speech, the prosecutor concluded: 'For the sake of justice and sacred memory of millions of innocent victims and heroes of the Great Patriotic War who sacrificed their lives for peaceful world, I am asking the court to take these circumstances into account when passing a judgement for Kostenko'.*

On May 15th 2015 Aleksandr Kostenko was sentenced to 4 years and 2 months in the general regime penal colony as found guilty of violating RF CC Article 115-2 (b) (*purposeful infliction through light injury*) and 222-1 (*unlawful possession of firearms*). On August 26th 'the Supreme Court of Crimea' modified the sentence in terms of punishment — period of deprivation from liberty — 3 years and 11 months.

Aleksandr Kostenko was moved from Crimean territory and served the unlawful sentence in full in the 5th penal colony, Kirovo-Chepetsk, Kirov Region, RF. On August 3rd 2018 the political prisoner was released from the



Aleksandr Kostenko arm after the surgery in Kyiv © Olena Lysenko / Crimean Human Rights Group

Russian colony,¹¹⁵ and on August 6th, escorted by the staff of Ukrainian Consulate to Russia, he came to Kyiv.

His arm is severely harmed due to the tortures he was subject to in Crimea. He got a necessary surgery in Kyiv, now he is on after-treatment, but the full mobility of the arm is impossible to return anymore.

4.2.3. Case of Andrey Kolomiyets

Cases of Andrey Kolomiyets and Aleksandr Kostenko are similar since both were accused of injuring BERKUT special police force men from Crimea during the protests at Maidan in Kyiv in February 2014.

Andrey Kolomiyets' residence place is Kyiv region, he has never lived in Crimea. In 2014 he went to the RF to his future spouse Galina living in Kabardino-Balkar Republic. On May 15th 2015 the RF police detained the Ukrainian in her house. He was tortured to make him confess. Then he was convoyed to Crimea and accused of attacking the former Ukrainian policemen who joined the RF law enforcement bodies.

On June 10th 2016, judge Belousov, a former Ukrainian judge, passed a judgement Andrey was found guilty and sentenced to 10 years in the

¹¹⁵ Ukrainian Political Prisoner of Kremlin Set Free / Hromadske, August 3, 2018 — <https://hromadske.ua/posts/ukrainskyj-politviazhen-kremlia-kostenko-vyishov-na-svobodu-hromadska-nahliadova-komisiia>

maximum security regime penal colony. He was accused of attempted homicide of two former BERKUT men during the Maidan events in Kyiv under several RF CC articles: 105 (*homicide of two and more persons (unfinished)*), 228 (*drug possession*), and 30 (*attempted crime*).

The General Prosecutor's Office of Ukraine disposed the participation of Andrew Kolomyiets in attacks on BERKUT. When the sentence was delivered, he was conveyed to the 14th Russian penal colony (Krasnodar Area) where he is staying now.

4.2.4. Case of Volodymyr Balukh

After the occupation Volodymyr Balukh, a farmer from the village of Serebrianka, Razdolnensky District, many times demonstrated publicly his disagreement with including Crimea into the RF. He put the State Flag of Ukraine at his own house roof as a symbol of protest in March 2014. In 2014 the occupation authorities threatened the activist but he rejected to take the Ukrainian flag down. Then his persecution, both administratively and criminally, was launched.

On November 14th 2015 Volodymyr Balukh was beaten by the police after the unlawful search and the Ukrainian flag withdrawal. 'Judge' Abeliashvili assigned 10-day's administrative arrest under RF CoAO Article 19.3 '*Failure to follow a lawful order of the policeman*'.

On November 18th 2015 the first criminal case was opened against the activist. On June 10th 2016 'judge' Bedritskaya convicted him under RF CC Article 319 '*Insult of a representative of authority*' and sentenced to 320 mandatory works hours. Volodymyr Balukh refused performing them and then the punishment was replaced with 40 days of deprivation from liberty in the penal settlement.

Despite the persecution, the Ukrainian did not abandon his beliefs and on November 29th 2016 put a sign 'Street of Heavenly Hundred Heroes' (*to commemorate the killed civil participants of the protests at Maidan Nezalezhnosti in Kyiv in February 2014*) on his house wall.

As reaction on this, on December 8th 2016 after the unlawful search and the withdrawal of the Ukrainian flag he was arrested within the second criminal



Volodymyr Balukh in Razdolnensky 'Court', © Aleksandra Yefimenko

case against him. The case was falsified using the cartridges planted in his house. On January 16th 2018 'judge' O.Tedeyeva imposed a sentence under RF CC Articles 222-1 (*Unlawful procurement, and possession of arms and ammunition*), 222.1-1 (*Unlawful procurement, storage of explosive substances or devices*) – imprisonment for 3 years and 7 months to be served in the penal settlement and a fine of RUR10,000 (*the punishment in the first criminal case taken in account*). With 'appeal' considered, the sentence was changed to 3 years and 5 months in custody, and the fine.

On August 22nd 2017 the third criminal case – under RF CC Article 321-2 '*Disorganization of activities of the establishments providing the social isolation*' – was started against the Ukrainian who had been in the Detention Centre already. The official reason for the new case was making the clothes of Mr V.Tkachenko, Temporary Holding Cell Senior Officer, dirty with a washing up liquid. On July 5th 2018 judge Pirkalo of 'Razdolnensky District Court', sentenced him to 3 years in prison, and taking into account the previous unlawful sentences – awarded the final punishment – 5 years

in the general regime penal colony and fine of RUR10,000. ‘The Supreme Court of Crimea’ revised the sentence and shortened the sentence period by a month, having sentenced Volodymyr Balukh to 4 years and 11 months in the colony and a fine of RUR10,000.

On October 18th 2018 he was convoyed to the 2nd penal colony in Kerch. But on February 13th 2019, the Ukrainian, without his consent, was convoyed to the 4th Penal Colony of Torzhok, RF, thus violating Article 49 of the 4th Geneva Convention Relative to the Protection of Civilian Persons in Time of War. After his arrival to the colony the activist is constantly sent to the punishment cell without a right to receive packages with foodstuffs and clothes.

4.2.5. ‘Case of Crimean Muslims’

The ‘anti-terrorist’ RF laws are used to persecute both individuals and entire groups un – controlled by Kremlin or authorities de facto. The most wide-scale persecution of this kind was the ‘case of Crimean Muslims’. The defendants are accused of organizing actions or participating in actions of ‘Hizb-ut-Tahrir’ that was declared terroristic in the RF. In Ukraine the activities of this organization are not forbidden. The ‘anti-terrorist’ law norms are applied to persecute the people for their religion and public activities. Many detained within this case are journalists, bloggers, Crimean Solidarity Non-Governmental Association members. The indictment is based on testimony of the RF law enforcement bodies staff or people in personal animus towards the accused. The case has no evidence of Muslims’ involvement into the acts of terror or their preparation. The detained report on unhuman custodial conditions and a restricted access to the medical treatment. The RF authorities’ statements on detaining another group of ‘terrorists’ in Crimea develops a negative attitude to the Crimean Muslims in the society. This case is used by the authorities to justify permanent unlawful searches in the houses of Muslims and Crimean Tatars.

The human rights experts divide the case into several subcases by the place and the date of detention.

As at the end of April 2019 56 persons were deprived from liberty in Crimea charged with Hizb-ut-Tahrir membership or its activity propaganda, including 27 who were detained in 2019.

- Ruslan Zeytullayev (15 years' sentence in the maximum security regime penal colony), Rustem Vaitov (5 years' sentence in the general regime penal colony), Nuri Primov (5 years' sentence in the general regime penal colony), Ferat Sayfullayev (5 years' sentence in the general regime penal colony): with judgements of conviction delivered, they are now in the colonies on the RF territory;
- Enver Mamutov (17 years' sentence in the maximum security regime penal colony), Remzi Memetov (9 years' sentence in the maximum security regime penal colony), Zevri Abseitov (9 years' sentence in the maximum security regime penal colony), Rustem Abil'tarov (9 years' sentence in the maximum security regime penal colony): with the judgements of conviction delivered, they are waiting for the sentence appeal hearing and are held in the Rostov/na/Donu Detention Center;
- Inver Bekirov, Vadim Siruk, Muslim ALiyev, Emir Usein Kuku, Refat Alimov, Arsen Djepparov are in the Rostov/na/Donu Detention Center (RF), with the case being at trial;
- Teymur Abdullayev, Rustem Ismailov, Ayder Saledinov, Uzeir Abdullayev, Emil Djemadenov are in the Rostov/na/Donu Detention Center (RF), with the case being at trial;
- Marlen Asanov, Seyran Saliyev, Memet Belialov, Timur Ibragimov, Server Zakir'yayev, Ernes Ametov, Enver Seytosmanov, Server Mustafayev, Edem Smailov, Rustem Emiruseinov, Eskender Abdulganiyev and Arsen Abkhaïrov: the case is on pre-trial investigation, they are in the Simferopol Detention Center;
- Tofik Abdulgazyev, Vladlen Abdulkadyrov, Izet Abdullayev, Medjit Abdurazhmanov, Bilial Adilov, Enver Ametov, Osman Arifmemetov, Farkhad Bazarov, Akim Bekirov, Remzi Bekirov, Server Gazyev, Djemil Gafarov, Riza Isetov, Alim Karimov, Yashar Muedinov, Seyran Murtaza, Erfan Osmanov, Seitveli Seytabdiyev, Rustem Seytkhalilov, Ruslan Suleymanov, Shaban Umerov, Rustem Sheykhaliev, Asan Yanikov were detained on March 27-28th 2019. On April 16th 2019. On April 16th Raim Ayvazov was deprived from liberty. The case is on pre-trial investigation, and they are in the Rostov/na/Donu Detention Centre. The whereabouts of Edem Yayachikov who disappeared those days, is unknown.

All are charged under RF CC Article 205.5-1 (*Establishment of terrorist organization*) and/or RF CC Article 205.5-2 (*Membership in terrorist organization*). Later some defendants were also accused under RF CC Article 278 (*Violent upheaval or violent retention of power*).

All those who were detained in March and April of 2019 were for the first at the pre-trial investigation stage moved away from Crimea, and not only Crimean but also Russian investigators deal with the cases. As to all previous detentions, the investigation was in Crimea and the detained were held in the Simferopol Detention Center.

Nariman Memedeminov deprived from liberty on March 22nd 2018 for publishing videos at YouTube that, according to the RF FSB, appealed to join Hizb-ut-Tahrir, is also this case defendant. He is charged with RF CC Article 205.2 (*Public appeals to acts of terror, public justification of terrorism or propaganda of terrorism*). However, the human rights experts consider his civil activities in Crimea to be a real reason for his persecution.

4.2.6. 'Case of Ukrainian Commandos'

Within this case at least 14 Ukrainian nationals are known to be deprived from liberty. From the formal point of view, these are several individual cases with some common features: information on detaining the defendants is disclosed via wide dissemination of selected video fragments of staged questioning with confessions to 'subversions' (*espionage, preparing of acts of terror and sabotage*) as instructed by the Ministry of Defence of Ukraine'. The video is published by the Russian mass media several days after the detention referring to the RF FSB.

However, despite the RF SB bombastic rhetoric about the 'commandos' the defendants are often convicted in the delivered judgements under other RF CC articles that have no relation to the sabotage or espionage. Torturing by the RF FSB men to make people confess were recorded regarding at least 5 detained. A wide information support for these cases in the Crimean and Russian mass media proves a politically reasoned persecution for scaremongering the Crimeans and setting up the specter of enemy — Ukraine — as well as using the case internationally as instrument of the Russian hybrid war against Ukraine.

Yevgeniy Panov Deprived from liberty on August 7th 2016. On August 10th the RF FSB disseminated a video where Panov was declaring the preparation of acts of sabotage in Crimea. Independent lawyers managed to see Panov only on November 29th 2016. He informed the lawyers that the RF FSB men had tortured him for August 7th – 10th 2016 to make him confess. On July 13th 2018 the Ukrainian was sentenced to 8 years in the maximum security regime penal colony. He was charged with possessing the arms and preparing the act of sabotage. Since February 7th 2019 he has been in the 6th Penal Colony, Omsk (RF).

Redvan Suleymanov. Deprived from liberty on July 30th 2016. He was charged under RF CC Article 207-2 (*Misleading information on act of terror*). The investigation stated that he had been acting as instructed by the Ukrainian military men. On August 10th 2017 he was sentenced to 1 year and 8 months in the penal settlement and a fine of RUR3,500,000. Suleymanov served the sentence on the RF territory. Now he is in Crimea and can't leave it until the fine is paid.

Andrey Zakhtey. Deprived from liberty on August 7th 2016. He had been detained under RF CoAO Article 20.1 (*Disordely conduct*), but later he was charged with RF CC Article 222 (*Unlawful possession of arms*) and RF CC Article 281 through RF CC Article 30-1 (*Preparation of act of sabotage*). Andrey Zakhtey stated that he had been tortured to make him confess. On February 16th 2018 he was sentenced to 6 years and 6 months in the maximum security regime penal colony and a fine of RUR220,000. Now he is held in the 1st Penal Colony of Simferopol.

Vladimir Prisich. Deprived from liberty on August 13th 2016. On August 21st the RF FSB disseminated the information that Vladimir Prisich was supposed to have been collecting the information for the Armed Forces of Ukraine. He stated in the 'court' that he was innocent and had confessed under the psychological and physical pressure of the RF FSB men and the appointed counsel. On May 18th 2017 Vladimir Prisich was sentenced to 3 years in the general regime penal colony under RF CC Article 228 (*Unlawful possession of drugs*) since cannabis was said to have been found in his car 12 hours after the detention. The Ukrainian is now in the 1st Penal Colony, Kamenka Town (RF).

Aleksey Bessarabov, Vladimir Dudka, and Dmitriy Shtyblikov. Deprived from liberty on November 9th 2016 in Sevastopol. On November 10th the RF FSB informed that a group preparing acts of sabotage in Crimea had been

detained. On November 14th the RF FSB disseminated a video of staged questioning of Shtyblikov and Bessarabov who stated that they had been collected the information for the Ukrainian Armed Forces. The detained Ukrainians are Sevastopol residents who have been engaged earlier in analytical activities and journalism.

On November 17th 2017 Dmitriy Shtyblikov was sentenced to 5 years in the maximum security regime penal colony and a fine of RUR200,000. He is in the 6th penal colony in Omsk (RF) now.

On April 4th Aleksey Bessarabov was sentenced to 14 years in the maximum security regime penal colony and a fine of RUR300,000, and Vladimir Dudka – to 14 years in the maximum security regime penal colony and a fine of RUR350,000. They are now in the 1st Detention Center in Simferopol, waiting for the case hearing at second instance.

Aleksey Stogniy and Gleb Shabliy. Deprived from liberty on November 15th 2016 in Sevastopol. On November 21st the RF FSB disseminated the information via the mass media that Stoniy and Shabliy were agents of subversive group.

On July 17th 2017 Aleksey Stogniy was sentenced to 3 years and 6 months in the general regime colony. He is held in the 2nd Penal Colony, Kerch. On October 23rd Gleb Shabliy was sentenced to 5 years in the general regime penal colony and a fine of RUR120,000 under RF CC Article 222.1-1 and Article 223.1-1 (*unlawful possession and production of explosive substances*). On August 20th 2018 the sentence was changed in terms of punishment: the judge kept the imprisonment but cancelled the fine. Gleb Shabliy is held in the 13th Penal Colony, Ufa (RF).

Gennadiy Limeshko. Deprived from liberty on August 12th 2017. The RF FSB disseminated a video stating that Limeshko had planning a subversion: sawing the electric support due to the Ukrainian intelligence service instruction. On May 10th 2018 he was sentenced to 8 years in the general regime penal colony. The judgement states that he was convicted for possessing the arms and explosive substances '*motivated by ideological enmity*'. Gennadiy Limeshko is held in the 6th Penal Colony, Dedymskiy (RF).

Yunus Masharipov. Deprived from liberty on September 27th 2017. He reported torturing to make him confess. On November 13th 2018 he was

sentenced to 4 years and a fine of RUR110,000. The mass media published a video of his 'confession': he was said *'to have been instructed by the Crimean Tatar People Mejlis and the SBU to throw about medical injectors on the beaches, fire up the forest, disseminate anti-Russian pamphlets, collect local newspapers, information on the road traffic accidents, make records of military machines, and take pictures of garbage'*.

Dmitriy Dolgoplov and Anna Sukhonosova. Deprived from liberty on September 29th 2017. That day the Russian mass media reported detention of Dmitriy Dolgoplov and Anna Sukhonosova accused of espionage for Ukraine. The RF FSB disseminated a video of staged questioning, with Dolgoplov saying that he had transferred the information to the Ministry of Defence of Ukraine.

On February 28th 2019 Dmitriy Dolgoplov was sentenced to 10 years in the maximum security regime penal colony under RF CC Article 275 (*Treason against the State*) and Anna Suknosova — to 9 years in the maximum security regime penal colony under RF CC Article 276 (*Espionage*). On delivering the sentence, they both were in the Rostov/na/Donu Detention Center (RF).

Konstantin Davydenko. Deprived from liberty on February 11th 2018. On February 12th the RF FSB reported a detention of Ukrainian national who had collected the information for Ukraine and disseminated a video of staged questioning, with Davydenko saying that he had come to Crimea as instructed by the SBU. Since February 2018 he had been in Lefortovo Detention Center, Moscow. In 2019 the case was transferred to the 'Supreme Court of Crimea', and in May 2019 Konstantin Davydenko was convoyed to Simferopol to be present the court sessions.

Subversion actions were also stated by the RF FSB when Edem Bekirov, a Crimean Tatar Activist from Kherson Region, was detained. That happened on December 12th when entering Crimea. He was charged under RF CC Articles 222-2 and 222.1-2 (*unlawful possession and movement of explosive substances and ammunition*). As the RF FSB reports, Edem Bekirov brought 12kg of tritol and 200 cartridges for the firearms in spring of 2018 to Crimea, though no evidence of his relation to *'the detected hidden storage place'* was presented. Due to his health condition, he can't be kept in custody. He is of disability group 1, suffers from diabetes, with cut off limb and cardiac shunts.

4.2.7. Persecution of lawyer Emil Kurbedinov

Emil' Kurbedinov is a lawyer who defends the Crimeans accused within many political reasoned criminal cases (cases of Nickolay Semena, Mejlis members Akhtem Chiygoz and Ilmi Umerov, Ukrainian sailors captured in the area of Kerch Strait, et al.). He is consistently persecuted due to his lawyer's activities, and has been twice detained within administrative cases.

In August 2016 his office was searched, and desktops as well as other office equipment were withdrawn.

On January 26th 2016 he was detained by the Russian police when driving from Simferopol to Bakhchisarai to defend the rights of Crimean Tatar Seyran Saliyev during his house search. The same day he was held administratively liable – a 10-day's administrative arrest under RF CoAO Article 20.3 (*extremism*) that was grounded by publication at his VKontakte social network page dated January 5th 2013, before the occupation.

On October 25th 2018 the 'prosecutor's office of Crimea sent Emil Kurbedinov a warning notice on inadmissibility of violating anti-extremist laws. The notice indicated him as organizer of planned mass event, non-authorized by the authorities.

On December 6th 2018 Emil Kurbedinov was detained again and placed on 5 days' administrative arrest under RF CoAO Article 20.3 (*extremism*). This time detention was caused by publications on his page in another social network – Facebook – placed from June to October 2013.

On December 18th 2018 the RF Ministry of Justice addressed the Crimean Bar Association demanding to exclude Kurbedinov. In February 2019 this demand was rejected by this institution decision.

4.3. CAPTURE OF UKRAINIAN SAILORS

On December 24th 2003 Ukraine and the RF signed Cooperation Treaty for using the Sea of Azov and the Kerch Strait. Pursuant to this document, civil ships and war vessels of Ukraine and Russia may pass unimpededly from the Black Sea to the Sea of Azov and back through the Kerch Strait. Pursuant to

the United Nations Convention on the Law of the Sea, the powers bordering the straits shall not impede a transit. Due to the occupation of Crimea the RF took, in fact, the Kerch Strait under its control. By May 2018 Russia had spanned the strait with a road bridge, while the railway one is still under construction. The bridge construction affected adversely the environment conditions of the Strait and the Sea of Azov, launched changes of the bottom configuration, navigable and hydrodynamic strait parameters, and other adverse effects.

The RF authorities inspected regularly civil ships passing the Kerch Strait. However, the Ukrainian and foreign ships sailed from the Black Sea to the Sea of Azov and back. Ukrainian war vessels also enjoyed the freedom of navigation. The situation had been like this till November 25th 2018. On November 23rd 2018 small artillery ships (SAS) BERDIANSK, NIKOPOL, and YANA KAPU harbor tug of the Ukrainian Navy sailed from Ukrainian Port of Odesa to Ukrainian Port of Mariupol. 24 Ukrainian Navy men were on board.

YANA KAPU harbor tug

- Viktor Bepal'chenko (born 1987)
- Yuriy Budzylo (born 1973)
- Vladimir Varimez (born 1992)
- Mikhail Vlasiuk (born 1984)
- Vladimir Lisovoy (born 1984)
- Oleg Mel'nichuk (born 1995)
- Yevgeniy Semidotsky (born 1998)
- Vladimir Tereschenko (born 1994)
- Sergey Chuliba (born 1989)
- Andrey Shevchenko (born 1991)

BERDIANSK small artillery ship

- Andrey Artemenko (born 1994)
- Yuriy Bezyazychny (born 1990)
- Bogdan Golovash (born 1996)

- Denis Grytsenko (born 1984)
- Roman Mokriak (born 1986)
- Vasiliy Soroka (born 1991)
- Andrey Eyder (born 1999)

NIKOPOL small artillery ship

- Andrey Drach (born 1994)
- Viacheslav Zinchenko (born 1998)
- Vladislav Kostyshyn (born 1994)
- Bogdan Nebylitsa (born 1994)
- Andrey Oprysko (born 1971)
- Sergey Popov (born 1991)
- Sergey Tsybizov (born 1997)

On November 25th 2018 the vessels came to the Kerch Strait, the only existing sea passage to Mariupol port. The crews informed the RF traffic control services about their intention to pass the Kerch Strait. Then the ships anchored to wait for their turn to go. But the RF Border Guard vessels tried to ram Ukrainian ones. That was done by DON guard ship, deadweight of 1620ton, speed of 13 knots, armed with two 30mm 6 tube gun mounts, crew of 47 sailors including 6 officers and sub-officers. One of unsuccessful attempts to ram the ships finished with damage of IZUMRUD Russian guard ship. Ram attempts were intendedly done, in the open sea, that may cause ship sinking and death of sailors. The RF authorities closed the passage through the Kerch Strait, placing NEYMA tank vessel between the Kerch Bridge supports.

The commanders of Ukrainian ships decided to unmoor and the ships went in open sea to return to Odesa. But BERDIANSK SAS was shelled by the Russian Navy: the ship was damaged in 8 places due to this shellfire and three crew members were wounded (A.Artemenko, V.Soroka, and A.Eyder, the youngest of all ships).

Having tugged the ships to Kerch Port, the RF authorities made a video of captured sailors' evidence. The video record of three questionings was sent to the Russian mass media and widely disseminated by them. Watching the

video, it is possible to understand that the sailors were reading a text from the medium off scene.

All 24 crew members were detained and placed in custody on November 27–28th 2018 by ‘Kievsky District Court’ of Simferopol. They all were charged under RF CC Article 322-3 (*crossing the State Border of RF without valid documents authorizing to enter the RF or leave the RF or without a proper permit received according to the procedure established by the RF laws, by a group of people collusively or by an organized group with violence or with violence threat*).

On November 29-30th 2018 all sailors were convoyed to Moscow and placed in the investigation isolation wards of Lefortovo and Matrosskaya Tishyna. All crew members were put into single cells, their private belongings, military uniforms were taken away and they were re-dressed in the prison clothes.

Though RF denies a military conflict, the lasting occupation of Crimea has been qualified as armed conflict in line with the international humanitarian law norms. According to Article 45 of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, ‘*A person who takes part in hostilities and falls into the power of an adverse Party shall be presumed to be a prisoner of war, and therefore shall be protected by the Third Convention*’. The Ministry of Foreign Affairs of Ukraine informed the RF authorities that the detained sailors should be considered prisoners of war. But the courts considering their keeping in custody rejected recognizing their status of prisoners of war.

It is important to note that the RF exposed to risk the lives of sailors due to YANY KAPU tug ram and shelling of other two ships. Using lethal arms by the RF can’t be justified since the Ukrainian ships notified their intention to pass the Kerch Strait to Berdiansk Port.

The accusation of the sailors of violating RF State Border contradicts the international humanitarian law norms.

The sailors are prisoners of war and therefore should be treated as guaranteed by the international humanitarian law. But none of the mentioned guarantees was observed by the RF authorities.

- (1) The sailors were taken away their military uniform as well as badges of rank when forced to put on the prison clothes (*Article 40*)
- (2) They were withdrawn their private belongings (*Article 18*)
- (3) They were not protected against the public curiosity because the video record of questioning was given to the mass media and disseminated by them (*Article 13*)
- (4) They were restricted in communicating with each and isolated (*Article 21*), they have no possibility to communicate with the relatives (*Article 70*);
- (5) Sailors were placed in the prison as criminals (*Article 22*);
- (6) Their health supervision as well as regular medical inspections are not ensured (*Article 31*);
- (7) Sailors do not have conditions for exercising their religious duties (*Article 34*).

4.4. INVOLUNTARY NATIONALITY^{116,117}

According to the State Statistics Service of Ukraine data (*'Population Size of Ukraine' Statistic Book*),¹¹⁸ as at 1 January 2013 about 2 million 350 thousand people lived in the Autonomous Republic of Crimea and Sevastopol City.

Pursuant to FKZ no 6, all Ukrainian nationals who resided permanently and were registered in Crimea, were automatically recognized RF citizens. The peninsula residents were automatically declared the R citizens, without considering each case individually and taking an individual decision. Since the Russian authorities considered the passport record data they became

¹¹⁶ For more information on involuntary nationality, see "Crimean without Rules. Right to nationality" — <https://precedent.crimea.ua/issues/kryim-bez-pravyl-vyipusk-3-pravo-na-hrazhdanstvo>. Human rights in terms of involuntary nationality — <https://www.opensocietyfoundations.org/sites/default/files/report-osji-crimea-20180601.pdf>

¹¹⁷ Section author: Sergey Zayets, Regional Center for Human Rights

¹¹⁸ http://ukrstat.org/uk/druk/publicat/Arhiv_u/13/Arch_nnas_zb.htm

disposed of, everybody who was recorded as residing in Crimea and did not submit a Russian nationality rejection statement (including internally displaced people who left before so called referendum or the first weeks after it or who, due to different reasons, had not change a residence registration by 2014) faced the involuntary nationality issue.

To avoid ‘an automatic nationality’ a person had to submit personally an application on ‘*the wish of preserving the Ukrainian nationality*’ till April 18th 2014. Though formally the period for submitting this application was to be one month (from March 18 to April 18 2014), in fact the procedure for accepting such applications was put in force on April 1st (when Law ‘*On integrating Crimea*’ came into effect), though the actual reception of such applications started even several days later and lasted for a bit more than two weeks. At first there were four offices of the RF Federal Migration Service for the whole Crimean territory (including Sevastopol City) where an application could be submitted, queuing together with those wishing to get a Russian passport. Since April 2014 some more RF FMS for Crimea offices were authorized to receive applications for rejecting the Russian nationality, though their total number was not more than 9 (with about 250 offices, according to the RF FMS data, opened for receiving documents on applying for the Russian passport). The offices where the application on ‘*the wish of preserving the Ukrainian nationality*’ could be submitted, functioned also for receiving the Russian passport applications. This caused additional problems due to long queues.¹¹⁹

However, technical obstacles for submitting applications on rejecting the Russian nationality is just one of means to “force to the Russian nationality’. Two other factors that had impact on this process were fear of persecution and lack of complete and reliable information on the choice to be made.

The fear of persecution was caused by the fact that late February – early March 2014 pro-Ukrainian activists were threatened, subject to abductions and other forms of persecution (for instance, journalists were forced to leave the premises rented by the editorial offices). The Crimean residents were in fear that the occupation authorities used the Russian nationality rejection procedure through submission of applications to ‘list’ opponents

¹¹⁹ Report on the human rights situation in Ukraine. 15 May 2014. Para 127. <https://www.ohchr.org/Documents/Countries/UA/HRMMUReport15May2014.pdf>

to be also later subject to persecutions. This circumstance became a material constraint for submitting the application on *'the wish of preserving the Ukrainian nationality'*, even for the people who did not intend to obtain a Russian nationality (this was the situation faced by many internally displaced people, particularly those who left Crimea the first months after the occupation start).

In addition, lack of proper communication on the consequences of this or the other decision caused also the situation when many were declared RF nationals *'in default'*. For instance, there was no information on how the situation of the person who had agreed on the Russian passport or, on contrary, rejected it would change.

In fact, both options (receiving a Russian passport or rejecting it) resulted into worsening of the situation of Crimeans comparing to the pre-occupation period.

When having submitted applications on rejecting the RF nationality, the Ukrainian nationals in Crimea transformed legally into foreigners. So they were subject to general migration regime requirements including an up to 90 day's limit of staying on the territory of Crimea for 180 days without a break or a need to apply for temporary or constant residence permit. These people as foreigners turned out to be restricted in exercising a lot of civil and political rights.

Obtaining the Russian nationality resulted in rejecting all privileges associated with the Ukrainian nationality by the occupying power. For instance, 'new' RF nationals can't object objection to military service in the Russian army for reasons of conscience, despite an on-going armed conflict with the RF, are deprived of the consular protection and all other guarantees granted to the protected persons by the Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, etc.

A RF national passport is a mandatory condition for the Crimean residents to exercise their major rights. They include receiving all types of social benefits, obtaining a driver's licence, registering a vehicle, employing at certain positions (e.g., civil service), applying for land plots, exercising the right of entitling free of charge to a self-occupied land plot, getting medical aid free of charge, and simplifying property re-registration procedure, etc. There are

known facts when public officers of all levels were forced to write so called 'Ukrainian nationality' rejections and hand in their Ukrainian passports to the administration of institutions they worked for. Some of the rights mentioned may be exercised with temporary residence permits or permanent resident card.

The number of persons who, according to the data of the RF FMS Regional Department for Crimea Head, used a possibility to reject the RF nationality totaled 3 500. The authors do not consider this number reliable. In addition, there were cases when those who wanted to submit this application, just were short of time to do that. People being abroad, the sick and the aged people, et al did not manage to submit such applications.

The most sensitive position was that of orphans and children under state guardianship and custodianship as well as those deprived of liberty. According to the official data, there were 4 228 orphans and children under state guardianship and custodianship in Crimea as at August 1st 2014. Administrations of all institutions started cooperating with the RF authorities. The children were in fact deprived of right to reject the involuntary RF nationality (a RF passport shall be received when a person is aged 14).

The persons deprived of liberty were not only able to submit an application on rejecting the RF nationality, but also, usually, had no information on both the choice to be made, and consequences of becoming RF nationals. During the court proceedings such people were deprived of consular protection, and sent later to serve the sentence on the RF territory. The RF authorities reject their applications on transferring to the Ukrainian authorities to serve the sentence referring the provision that the RF nationals can't be transferred to the third countries. The most illustrative cases are those of Oleg Sentsov and Aleksandr Kol'chenko detained, moved to Moscow and then convicted. Both were Ukrainian nationals and lived in Crimea at the moment of occupation. They did not do anything to apply for RF nationality, and they renounce the fact of obtaining it. Anyway, they were convicted under the Russian laws as RF nationals. a consul was not allowed to see them. They were rejected to be transferred to the Ukrainian authorities. For instance, the UN Human Rights Committee is considering several cases on this issue.¹²⁰

¹²⁰ See claim of Bratsylo et al. v. Russia 3022/2017.

It is also important that renunciation of the RF nationality does not resolve the issue in most cases. Firstly, to renounce the RF nationality you should obtain a RF passport first. In addition, the renunciation procedure requires availability of certificates on tax clearance and absence of outstanding liabilities. Many, declared RF nationals due to the Crimean residence registration, can't follow this way. This is not also a solution for those who still live in Crimea because then exercising a good many rights will be limited to them as foreigners. In addition, people serving their sentences in custody due to the court decisions can't renounce the RF nationality. Speaking about those with life sentences, they would never return to Ukraine.

A specific category are those who lived permanently in Crimea without a residence registration. Such people became foreigners in Crimea. To be granted a permanent residence card or a RF passport they had to prove the fact of their permanent residence in Crimea through the court. The court procedures caused financial costs and a need to prove the eligibility of the action. But even a court award was not a guarantee for obtaining the Russian passport or the residence card. Even with the court decision on establishing the fact of residence on the territory of Autonomous Republic of Crimea or Sevastopol City a decision on granting a RF national passport was made based on a thorough examination of all case circumstances by the Federal Immigration Service officials.

This being said, the RF laws envisage a criminal liability for the second nationality suppression (the Crimeans have been subject to this RF legal norm since January 1 2016¹²¹). Starting from that day, all Ukrainian nationals living in Crimea and declared Russian nationals shall report their Ukrainian nationality in jeopardy of the criminal persecution (RF CC Article 330-2 — a fine of up to RUR200,000 or equal to annual income of the sentenced or up to 400 hours of mandatory works). If the person reports the double nationality after the deadline or informs incomplete or deliberately false data, he/she shall be held administratively liable — a penalty of RUR500 to 1,000.

On December 29th 2014 the FKZ no 6, Article 4¹²² was amended that allowed the Crimean residents for renouncing their second 'foreign nationality' (i.e. Ukrainian one), submitting a relevant application and give in their Ukrainian

¹²¹ <https://rg.ru/2014/06/06/grajdanstvo-dok.html>

¹²² <http://www.rg.ru/2014/12/31/krym-dok.html>

passports to the RF competent bodies. The legal provisions are worded so that such people be recognized as people without the other power's nationality on the RF territory. This provision may be applied only to Ukraine, not to any other state.

From the other side, the RF plays over with the nationality for its purposes, for instance, to push actually the unwelcome to leave the peninsula. For instance, contrary to declaring all Crimeans the RF nationals, Sinaver Kadyrov was forcedly deported from Crimea. The "Supreme Court of Crimea" stated in its decision that it had failed to find any evidence that Mr Kadyrov was a RF national, thereby recognizing, consequently, that there was no 'automatic nationality'. Such court behavior indicates both lack of any court independence (courts award in fact political judgements) and incompliance of the law on nationality with stability and justice requirements, the purpose to ensure and defend major rights being fundamentals of law governed state and supremacy of law in the present-day world.

The European Convention on Nationality ratified by Ukraine and signed, though not ratified by the Russian Federation defines "nationality" as the legal bond between a person and a State and does not indicate the person's ethnic origin. This being stated, the UN International Court of Justice established in one of its judgements (Nottebohm's Case) that nationality is a legal bond between a person and a State based on the social fact of actual link, interests and emotions, together with mutual rights and duties.

Thus, 'automatic' assigning the RF nationality to Ukrainian nationals in Crimea can't be considered legal since the inner state procedure of its acquisition applied in the RF do not comply with valid international agreements, the international conventional law and law on nationality principles.

De facto Russia has not only seized a part of Ukrainian territory but also made most people living on that territory subordinate to it, having deprived them of freedom of choice. Such actions constitute a terrible precedent of arbitrary determination of human fate by the aggressive power. This cause significant legal issues, and makes a process of returning the Crimean peninsula under Ukraine's control much more difficult since it is far easier to declare granting own nationality to other country nationals than to overcome later aftermath of this outrage.

4.5. PERSECUTIONS FOR FREEDOM OF SPEECH AND EXPRESSION IN CRIMEA

After the Russian occupation of Crimea restrictions on freedom of speech were launched supported by referring to the RF laws on counteracting extremist actions, criminal liability for ‘appeals to separatism’, by persecuting journalists, closing down independent mass media, blocking alternative information sources, etc.

4.5.1. Legal restrictions

To restrict the free speech in Crimea the RF laws have been applied since April 2014.

For instance, lack of clear definition of the crime components in RF CC Article 280.1 (*introduced by RF FZ no 433 of December 28 2013 ‘On amending the Criminal Code of Russian Federation’*) made it possible to start an unreasonable criminal persecution of the mass media staff for using such common concepts in the armed conflict context as ‘occupation’, ‘aggression of the Russian Federation’, ‘annexation’, etc.

On July 21st 2014 President of RF signed Federal Law no FZ-274 ‘*On amending Article 280-1 of the Criminal Code of Russian Federation*’¹²³ that increased the punishment for such appeals. Pursuant to the law, the minimum penalty for appeals to violate a territorial integrity of the RF (RF CC Article 280.1-1) is RUR100,000 and the maximum one — RUR300,000. The law has also introduced a punishment in a form of forced works for three years or an arrest for 4–6 months. The maximum period in custody can be four years. Appeals for separatism through mass media or internet (RF CC Article 280.1-2) are punished with mandatory works for up to 480 hours or deprivation of liberty for up to five years. The law has also introduced an additional punishment as depriving temporarily of right to certain positions or certain activities.

On November 25th 2017 Vladimir Putin signed law FZ 327 ‘*On amending articles 10-4 and 15-3 of the Federal Law ‘On information, information*

¹²³ Law274-FZ/Official RF legal information website — <http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102041891&backlink=1&nd=102356125&rdk=>

technologies and information protection' and Article 6 of Law of Russian Federation 'On mass media'.¹²⁴ These amendments allowed for declaring mass media foreign agents.

Pursuant to the law, any information source located abroad and financed out of foreign funds may be declared a foreign agent. Such mass media shall report to the Ministry of Justice on their activities and indicate the fact of being foreign agents in their produce. If a media organization denies a foreign agent registration, it will be forbidden to operate in Russia.

On December 5th 2017 KRYM.REALII online media outlet (a regional RADIO SVOBODA project) was included into the list of 'Foreign Agents Mass Media' that impedes the operations of the information resource and its staff.

By the end of 2018 the Russian authorities had been consistently referring to RF CC Article 282 '*Incitement of hatred or enmity as well as abasement of human dignity*' to persecute journalists, bloggers, activists for freedom of expression in the social networks. On December 27th 2018 Law no 519-FZ was published that stipulated an administrative liability for posts in the social networks '*inciting hatred*' instead of criminal persecution under RF CC Article 282. The administrative liability is incurred only with the first fact of violation. This allowed for ceasing criminal persecution on the cases opened earlier and revising sentences awarded under RF CC Article 282. Simultaneously Law no 521-FZ,¹²⁵ came into effect that introduced a new article — RF CoAO Article 20.3.1 (*Incitement of hatred or enmity as well as abasement of human dignity*). It provides for a sanction as a penalty of RUR10,000 to 20,000, mandatory works for up to 100 hours or an administrative arrest of up to 15 days.

On December 29th 2018 Law no 472-FZ became valid that changed a response time for hosting provider and website owner regarding Roskomnadzor notice on the information forbidden for dissemination presented on the website. Pursuant to new norms, such information shall be deleted immediately, while earlier it had to be done within 24 hours.¹²⁶

¹²⁴ Law 327-FZ/Official RF legal information website, — <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102451257&intelsearch=327-%D4%C7>

¹²⁵ Law 521-FZ/Official RF legal information website, — <http://publication.pravo.gov.ru/Document/View/0001201812280002>

¹²⁶ Law 472-FZ/Official RF legal information website, — <http://publication.pravo.gov.ru/Document/View/0001201812180020?index=0&rangeSize=1>

Four RF laws: no no 27-FZ, 28-FZ, 30-FZ, and 31-FZ became effective on March 28th 2019, that introduced an administrative liability for individuals and entities in case of disseminating the misleading information presented as reliable as well as the information that *‘expresses explicitly and improperly disrespect to the RF State and its governmental bodies’*. The final version suggests penalizing individuals for disseminating the *‘misleading information’* to an amount of RUR30,000–100,000; officials — RUR60,000–200,000, and legal entities — RUR200,000 to 500,000, with the *‘administrative violation subject’* to be confiscated.

‘Improperly expressed disrespect to the authorities’ shall be punished with an administrative arrest up to 15 days or a penalty of RUR30,000–100,000 for the first time, RUR100,000 to 200,000 or an administrative arrest for the second time, and RUR200,000 to 300,000 or an administrative arrest for the third time.

A legal uncertainty of wordings allows for persecuting selectively for publications which information is not in line with the official RF authorities’ position or criticizes the power.¹²⁷

On May 1st 2019 President of RF signed bill no 608767-7 *‘On amending Federal Law “On communication’ and Federal Law ‘On information, information technologies and information protection’*.¹²⁸ The document provides for creating, by November 2019, a local internet on the RF territory and absolute internet traffic control instruments’. The law allows the RF authorities to limit substantially the access of occupied Crimea residents to the information.

One more instrument for restricting the freedom of speech on the peninsula is legal and regulative documents of the local occupation authorities.

On January 30th 2015, Sergey Aksionov, ‘Head’ of Crimea, issued Edict *‘On approving the Comprehensive plan for counteracting terrorism ideology in the Republic of Crimea for 2015–2018’*.¹²⁹ The document calls *‘helpmates of armed*

¹²⁷ RF bills on ban to criticize the authorities and on ‘misleading’ information provoke new persecutions for Crimeans/ CHRГ, March 7, 2019 — <https://crimeahrg.org/zakonoproekty-rf-o-zaprete-kritiki-vlasti-i-nedostovernoj-informatsii-grozyat-novymi-presledovaniyami-krymchan/>

¹²⁸ Bill no 608767-7/Support System for RF GOSDUMA Legislative Activities <http://sozd.duma.gov.ru/bill/608767-7>

¹²⁹ Edict On approving the Comprehensive plan for counteracting terrorism ideology in the Republic of Crimea for 2015 — 2018’ no 26-U/ Government of Republic of Crimea — http://rk.gov.ru/rus/file/pub/pub_238807.pdf

conflict participants in Syria and Ukraine, *'disseminators of terrorist, extremist ideology and information that discredit the Russian Federation*, *'active members and ideologists of non-traditional religious organizations*' persons carrying out *'destructive actions*'. To implement the plan, actions on blocking the websites presenting *'terrorist and extremist materials*' as decided by the local authorities were approved.

On July 7th 2017 an order of Department for Internal Policy of Sevastopol City was published that incompliance with the dress code requirements may cause non-admittance of journalists to the events of 'Governor and Government of Sevastopol'.¹³⁰ The order includes a lot of evaluation concepts (e.g., wearing *'dirty clothes and footwear*', *'sports and beach style clothes*', *'revealing jeans clothes*') to be used by the Department of Internal Policy staff not to allow selectively the mass media people to be present at the official events.

4.5.2. Physical attacks

One of the most dangerous ways to obstruct the work of journalists is physical attacks recorded mainly in the early period of Crimea occupation. Among them were attacks of the journalists by "Crimean Self-Defense' representatives, including attempts to record the RF soldiery assaults of military units and other strategic facilities.

For instance, on March 7th 2014 when there was an attempt to seize the CRIMEA Air Forces of Ukraine Tactical HQ (military unit 2355) the unknown attacked and beat journalists who were recording the assault. Andrey Tsapliyenko, an INTER Channel special correspondent, and Vladimir Dedov were injured.¹³¹

As said by Andrey Tsapliyenko, they were attacked by 5 or 6 men, who first were air firing from Makarov guns and then started beating black and blue the camera crew members. According to his words, the armed banditti took their money, documents, and equipment.¹³² Anton Loktionov, a Channel

¹³⁰ Order No 42 / Department for Internal Policy of Sevastopol City" — <https://sevastopol.gov.ru/files/iblock/cc4/prikaz-42.pdf>

¹³¹ "I Was Not Harmed. I Was Morally Killed"/"Detector Media, March 19, 2014 — http://video.detector.media/show/intervu/1912-elena_mehan

¹³² Journalists Beaten in Crimea/Podrobnosti, March 8, .2014 — <http://podrobnosti.ua/963349-v-krymu-izbili-zhurnalistov.html>



5 film director, was also harmed during the attack. As his colleagues said, his fingers were broken when attacked.¹³³ And Kostas Onisenko, a Greek journalist, got a broken nose.¹³⁴

The human rights experts recorded at least 15 cases of rude attacks on the journalists, most of which date back to 2014.

4.5.3. Damage and seizure of property

When working in Crimea, journalists and bloggers faced many times the situation of damaging or seizing the property, mainly, in the first year of occupation. For instance, on August 1st 2014 the territory of Chernomorskaya TRK (ChTRK) was seized by the 'self-service' paramilitary men who did not allow

¹³³ Journalists Rudely Beaten in Sevastopol / Ukrayinska Pradva, March 7, 2014 — <http://www.pravda.com.ua/news/2014/03/7/7018119/>

¹³⁴ Pressing Machine: How Russia Killed Free Speech in Crimea, book, p. 26 — <https://bit.ly/2MfzDE4>



Chernomorskaya TRK after Visit of Federal Russian Court Enforcement Service Staff Visit, August 4, 2014 © Krym.Realii\RFE\RL

Center for Journalist Investigations Information Agency staff (renting some rooms at the ChTRK) as well as company lawyers to enter. Several days later the company premises were free, but due to the judgement of Sevastopol Court of Appeal the court enforcement officers, supported with the police, arrested the entire TV Channel property for a debt of RUR 3mln to the Radio and TV Transmitting Center. The property of the Center for Journalist Investigations was also moved away though it was not mentioned in the judgement.¹³⁵

4.5.4. Out-of-court detentions, searches, questionings

One of the most common methods of pressure on the journalists and bloggers is arbitrary detentions. This was mainly done by law enforcement men or paramilitary units. Journalists were usually detained without any reporting. And at least in two cases tortures were recorded.

For instance on March 16th 2014 in Simferopol cameramen of Babylon 13 Association of Cinematographers: Yaroslav Pilunsky and Yuriy Gruzinov —

¹³⁵ CHMReview for July August 2014/CHM — https://crimeahrg.org/wp-content/uploads/2016/10/crimea_field_mission_report_July-August_2014_RUS.pdf

were abducted in Simferopol. On March 21st they were set free and reported the tortures.¹³⁶

On June 2nd 2014 at about 07:00pm the ‘Self-Defence’ men violently detained Sergey Mokrushyn, a journalist of the ‘Center for Journalist Investigations’, and Vlad Mel’nikov, a Chernomorskaya TRK cameraman, they were said to insult Vladimir Putin, President of Russia. The journalists were handcuffed and convoyed to the ‘self-defence’ head quarters. The ‘self-defence’ men, activist Andrey Yur’yev and Anatoliy Petrov, Deputy of Simferopol Council, were insulting the detained, threatened them to use violence and hit and kicked. In addition, a camera of one of journalists was damaged. In an hour the journalists were delivered to the police, and released late at night. The police did not react to the statement of unlawful detention sent to the police by Valentina Samar, editor in chief of the Center for Journalist Investigations Information Agency. Mokrushyn made a commission of crime statement, but a criminal case was not started. Later he had to leave Crimea.¹³⁷

Later detentions and questionings were largely without physical violence, but some detained stated moral pressure and threats.

For instance, on January 15th 2016 police captain Ruslan Shambazov with OMON men detained blogger Zair Akadyrov at the ‘Supreme Court of Crimea’ in Simferopol. There was a hearing of ‘February 26th case’ in the court, but Akadyrov was not allowed to enter due to lack of seats in the room, as it was said. The journalist was convoyed to ‘Zheleznodorozhny Police Station’ where Shambazov questioned him. After the questioning the journalist reported threats and psychological pressure. No detention report was made.¹³⁸

Later the ‘prosecutor’s office of Crimea said that it had failed to find law violations in the actions of policemen who had threatened Akadyrov with violence.¹³⁹

¹³⁶ Abducted Yaroslav Pilunsky Beaten In Crimea Because of His Father Deputy /Tsentr, March 23, 2014 — <http://investigator.org.ua/news/122862/>

¹³⁷ CHRNG Review for June 2014/CHRNG — https://crimeahrg.org/wp-content/uploads/2016/10/crimea_field_mission_report_June_2014_RUS.pdf

¹³⁸ Journalist Akadyrov: ‘I Was Subject To Psychological Pressure’/15 Minut, January 15, 2016 — <http://15minut.org/news/155098-zhurnalists-akadyrov-na-menya-okazyvali-psihologicheskoe-davlenie>

¹³⁹ ‘Prosecutor’s Office of Crimea Failed to Find Violations in Akadyrov’s Detention/QHA, June 2, 2016 — <http://old.qha.com.ua/ru/obschestvo/prokuratura-rk-ne-nashla-narushenii-v-zaderjanii-akadirova/160425/>



Journalist Azair Akadyrov Detaining, Simferopol, January 15, 2016,
© zair1.livejournal.com

4.5.5. Criminal and administrative persecutions

Another way to obstruct the works of journalists in Crimea is criminal and administrative persecutions. Criminal cases against journalists were started due to publications and declarations of the Crimea belonging to Ukraine.

Crimean journalists Nikolay Semena, Anna Andriyevskaya, and Andrey Klimenko became criminal case defendants due to the publications in the mass media. Andrey Klimenko and Anna Andriyevskaya moved in March 2014 to the territory controlled by Ukraine where they continue working as journalists.

However, on February 2nd 2015 Investigation Department of RF FSB Department for Crimea started a criminal case against Anna Andriyevskaya for the article ‘Crimea Battalion Volunteers’¹⁴⁰ under RF CC Article 280.1-2 (*appeals to actions aimed at violating the territorial integrity of the RF*).

¹⁴⁰ Crimea Battalion Volunteers / Tsentri, December 11, 2014 — <https://investigator.org.ua/ua/articles/144257/>



Nikolay Semena © Alina Smutko\Krym. Realii\RFE\RL

On March 13th 2015 the RF FSB Department men searched the Crimean apartment of Andriyevskaya's parents and withdrew the desktop of the journalist's father.¹⁴¹

Journalist Natalia Kokorina's apartment was also searched within the Andriyevskaya's case, and she had later to leave Crimea for Kyiv. Journalist Anna Shaydurova was called for questioning within this case and then she had to sign a non-disclosure statement.

On March 10th 2015 the FSB started a criminal case against Andrey Klimenko, editor-in-chief of BlackSeaNews outlet, under Article 280.1 (public appeals to actions aimed at violating the territorial integrity of the RF). According to his information, houses of more than ten his colleagues in Yalta were searched within the case.

Nikolay Semena, Krym. Realii journalist, who remained working in Crimea, got two and a half year's suspended sentence on September 22nd 2017 for

¹⁴¹ CHRG review for March 2015/CHRG — https://crimeahrg.org/wp-content/uploads/2016/10/Crimea_Field_Mission_Review_March_2015_RU.pdf

publishing article *'Blockade is a Necessary First Step to Liberation of Crimea'*. He was charged under RF CC Article 280.1-2.

On December 8th 2017 an appeal of journalist Nikolay Semena was considered. The result was that Semena was found guilty, but the sentence was changed in terms of punishment — a ban on professional occupation was reduced from three years to two. Within Semena's case there were searches at other journalists', too — the Crimean law enforcement men suspect them in cooperation with Krym.Realii Ukrainian online media outlet.

Semena, Andriyevskaya, and Klimenko are in the list of terrorists and extremists at the Federal Financial Monitoring Agency (Rosfinmonitoring). Pursuant to Law no 115 *'On counteracting legalizing (laundering) incomes earned criminally and funding the terrorism'*, Semena faced restrictions on using his bank account.

On July 2nd 2015 blogger Yuriy Il'chenko was arrested in Sevastopol due to extremism charge. The reason for arrest was publishing an article criticizing harshly the Russian occupation of peninsula and appealing *'to resist the aggressor'* on his own website.¹⁴² He was held in the Detention Center for 11 months, then changed to home arrest. In June 2016 the blogger managed to escape the arrest and ran to the mainland Ukraine.¹⁴³ The RF put him on the wanted list, stating that Il'chenko was charged with inciting hatred by national origin.

One more method of pressing journalists and bloggers used also by the Crimean authorities is administrative arrests and penalties for social network publications.

On March 30, 2017, Remzi Bekirov, Crimean Tatar streamer and activist of *'Crimean Solidarity'* Initiative, was detained by Center for Counteracting Extremism men (Center E).¹⁴⁴ He was charged under RF CoAO Article 20.29

¹⁴² Ukrainian Patriot Accused of Extremism and Arrested in Sevastopol/QHA, June 10, 2015 — <http://old.qha.com.ua/ru/politika/v-sevastopole-obvinili-v-ekstremizme-i-arestovali-ukrainskogo-patriota/146183/>

¹⁴³ Crimean Human Right Group, Facebook, August 17, 2016 — <https://m.facebook.com/crimeahrg/posts/1762767774008856>

¹⁴⁴ Streamer Arrested in Crimea for Three Days for Video Published Seven Years Ago/ Information Center for Human Rights, March 30 2017 — https://humanrights.org.ua/ru/material/streamera_v_krymu_arestovali_na_troje_sutok_za_opublikovannoje_7_let_nazad_video

Похитители хоронили по спискам. Привезли нас в лесную местность. Меня держали за каручники и били своими палками по бёдрам, голням и ягодицам. Ударили зубами по затылку головы, в результате чего я несколько раз рел сознание.

По дороге, пока нас везли в микроавтобусе, до лесистой местности осматривали мои каручник и барсетку, без моего разрешения. В результате пропала барсетка с вещами: барсетке были дорожная кофр, 16050 рублей, паспорт шатка, паспорт гражданина Украины, украинский загранпаспорт. Также сняли с моих рук каручные часы и мой мобильный телефон.

После того как потерял сознание, в состоянии привели кошатрыем люди ортже в зельное ч в зельных моих

Fragment of blogger Osman Arifmemetov's letter describing tortures on detention

(production and dissemination of extremist materials) for placing two jingles in VKontakte social network seven years ago: an interview with 'Primoria' partisans and 'Black Hawks Blowing Up FSB'. According to Bekirov's friends, this page was deleted by him a month ago. Despite of this, Svetlana Belik, a judge of 'Simferopol District Court', sentenced him to 3-day's administrative arrest.

On March 27th 2019 Remzi Bekirov, who had got already a journalist card of GRANI.RU media outlet, together with Osman Arifmemetov, 'Crimean Solidarity' streamer, were detained in Rostov/na/Donu as suspected of Hizbut-Tahrir membership. They reported torturing on detention.

A day before another Crimean Solidarity media activist — Tofik Abdulgazyiev — was detained in Simferopol. 'Kievsky District Court of Simferopol' passed a decision on keeping all three media activists in custody till May 15th 2019. They are charged under RF CC Article 205.5-2 (participation in the terrorist organization activities). Now they are in the Rostov/na/Donu Detention Center.

4.5.6. Searches

The human rights experts documented cases when homes of bloggers and media activists were searched without drawing necessary procedure documents. Almost all cases finished with withdrawing computers, mobiles and other equipment that impeded further actions of such people.

For instance, on August 29th 2018 the RF FSB men searched Olga Pavlenko's house. She was an activist of the Ukrainian Cultural Center that published KRYMSKY TEREN Ukrainian language newspaper. The search was carried out by decree of the 'Kievsky District Court' of Simferopol. Her notebooks with records and mobile were withdrawn, and the information from the personal computer was copied. After the search the activist was questioned at the RF Investigation Committee as witness of the criminal case on involvement of Crimean activists into activities of the 'Pravy Sector' (Right Sector) organization forbidden in the RF.¹⁴⁵

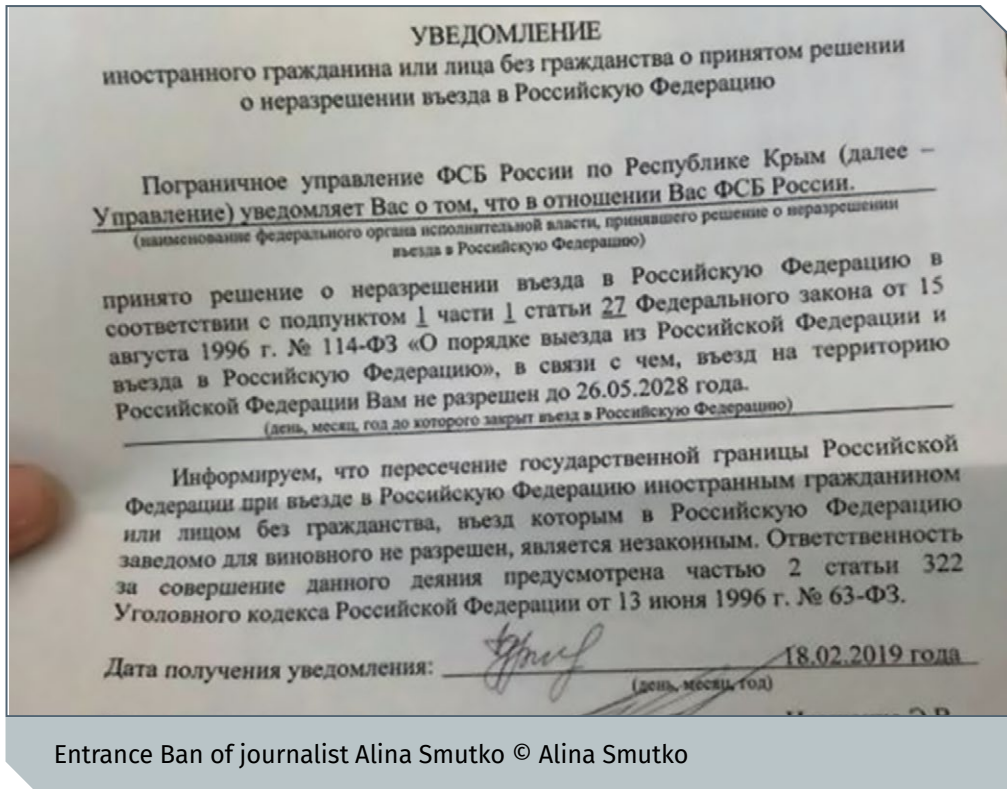
4.5.7. Denial to access, photo/video and record information

The most typical cases of pressing the free speech are denials to access and obstructions to record. Journalists coming to write about politically reasoned court hearings are usually not allowed to enter the court building, while their requests on photo and video recording are – unreasonably and selectively – denied.

On June 14th 2017, one of visitors was recording on mobile in the 'Simferopol District Court' before the start of session on Ilmi Umerov's criminal case how a court officer was demanding the old woman to leave the room. Another court officer pulled it from her hands and deleted the video. On June 21st 2017 the court officers forbade also everybody to record in the court hall as well as other court rooms, threatening with administrative punishment for the failure to follow court officer's requirements.

On January 26th 2019 the RF MIA started an administrative case against media activist Nuri Abdurashytov under RF CoAO Article 17.3-2 for recording

¹⁴⁵ FSB Men Searched Home of Olga Pavlenko, Activist of Ukrainian Cultural Center in Crimea/ CHRG, August 29, 2018 — <https://crimeahrg.org/vdome-aktivistki-ukrainskogo-kulturnogo-tsentra-v-kryimu-olgi-pavlenko-sotrudniki-fsb-proveli-obyisk/>



Entrance Ban of journalist Alina Smutko © Alina Smutko

video in the corridor of the 'Kievsky District Court of Simferopol'.¹⁴⁶ On February 26th Yelena Kliopova, a judge of 'court of peace of Republic of Crimea' fined him for RUR500 for this and charged him with violation of RF CoAO Article 17.3-2 (*failure to follow a lawful instruction of court officer*).

In addition some denials of the Russian authorities to enter Crimea through an administrative border with the mainland Ukraine were also recorded. When the occupation started the journalists were not allowed to enter by the armed men without any grounds for this. Later the RF FSB Border Guard staff started stopping the journalists at the border and denying their access.

For instance, on February 25th 2016 journalist Anastasia Ringis was handed by the FSB men at DZHANKOY Check Point a notice on denial to enter Crimea till September 1st 2020.

¹⁴⁶ Crimean Solidarity/Facebook, January 26 2019 — https://www.facebook.com/crimeansolidarity/posts/778313392536119?_tn_=-R

On February 7th 2018 Madeline Roach, a British journalist, was deported from the peninsula and out of the RF for journalist activities in Crimea: she, introducing herself a journalist, was surveying and interviewing the people, collecting the information on the Crimean residents and traditions’.

On November 24th 2018 RF FSB men at DZHANKOY Check Point banned entrance to the RF, including Crimea, for Ukrainian news reporter Aliona Savchuk for 10 years (till August 27th 2028). She was handed a ‘notice for foreign national on adopted decision to ban entrance to the Russian Federation.’¹⁴⁷

The same ban notice was handed to Ukrainian national and photo reporter Alina Smutko when she tried to enter Crimea on February 18th 2019 at DZHANKOY Check Point, by the RF FSB men — she was banned to enter the RF territory till May 26th 2028.

Bans on entering the RF de facto include also the territory of Crimea since after the occupation the RF enforced their laws on the peninsula. In addition, the Crimean officials disrespect information requests of journalists on socially relevant information, not replying at all, that violates even the RF laws valid de facto on the peninsula.

DDoS attacks on the pro-Ukrainian media working in Crimea were also recorded the first years of Crimean occupation. Later such cases were not reported any more.

For instance, on September 4th 2014, the website of pro-Ukrainian information agency ‘Center of Journalist Investigations’ was attacked by hackers that caused the interruption of the resource work till September 5th. According to the information of Valentina Samar, media editor-in-chief, the IA journalists were also regularly questioned by the FSB and Prosecutor’s office men.

On December 2nd 2014 the QHA IA website was DDoS attacked that blocked access to the website on the territory of several countries, including Russia and Ukraine. According to QHA data, for October — December 2014 there were about 10 DDos attacks on its website.¹⁴⁸

¹⁴⁷ CHRG Review for November 2018, CHRG, — https://crimeahrg.org/wp-content/uploads/2018/12/Crimean-Human-Rights-Group_Nov_2018_RU.pdf

¹⁴⁸ QHA Information Agency Website DDos Attacked/QHA, December 2, 2014 — <http://old.qha.com.ua/ru/obschestvo/sait-informagentstva-qha-podvergsya-ddosatake/141577/>

4.5.8. Dismissals

For five years of occupation dismissals of the mass media people were recorded. At the beginning of the occupation the dismissals were related to mass media restructuring, re-registration, and departure of some mass media outlets to the mainland. Sometimes mass media restructuring was a reason to fire out pro-Ukrainian journalists. Some dismissals were caused by censorship or pressure on the journalists due to their publications.

For instance, since September 26th 2014 due to closing down the KRYM public radio and TV broadcasting company and setting up TELECOMPANY KRYM autonomous non-commercial organization, as Arza Selimova, a former editor-in-chief of the program, said, about 150 people were fired out. Journalists and staff of the Crimean Tatar programs of the Public TVRBC KRYM stated that the dismissal was unlawful because the company was closed down with gross procedure violations.¹⁴⁹

On August 29th 2018 Zera Bekirova, editor-in-chief of YANY DIUNYA Crimean Tatar Newspaper dismissed due to censorship and constant pressure of the Crimean authorities de facto on the MM journalists. Several other newspaper employees handed dismissal statements, too.¹⁵⁰

4.5.9. Censorship

The censorship became an integral part of the pressure on free speech in Crimea. It is expressed with verbal and written requirements of the authorities to delete these or those materials from the media, to withdraw the newspaper circulation, to deny opening subscription on the mass media, to follow recommendations on the contents, to forbid Ukrainian music and to delete news about this ban.

For instance, at the end of March 2016 Anastasia Silina, MORE Music Radio producer, informed that Ukrainian music was more and more banned in Crimea. For instance, such Ukrainian singers as Ruslana, 'Vopli Vodopliasova',

¹⁴⁹ CHRГ review for October 2014, CHRГ — https://crimeahrg.org/wp-content/uploads/2016/10/Crimea_Field_Mission_Review_October_2014_RU.pdf

¹⁵⁰ Editor-in-Chief and Some Employees Left YANY DIUNYA Paper /Avdet, August 29, 2018 — <https://avdet.org/ru/2018/08/29/glavnyj-redaktor-i-chast-kollektiva-uvolilis-iz-gazety-yany-dyunya/>

Djamala, 'Warriors of Light' song by LIAPIS TRUBETSKOY Belorussian Music Band, were forbidden at her radio.¹⁵¹

4.5.10. Threats and intimidation

Journalists and bloggers working on the peninsula receive regularly verbal and written threats. Sometimes the authors of these threats are unknown, but there are cases when they were threatened directly by law enforcement men, paramilitary unit men, and local officials. For instance, on August 28th 2017 Yalta blogger known under nickname ALEKSEY VLADIMIROVICH wrote that he had to leave Crimea due to *'threats his spouse started receiving that endangering the kid's health'*.

4.5.11. Incitement of hatred

Inciting hatred to journalists and bloggers has become a common practice on the peninsula, expressed through statements of local politicians and occupying power representatives, publications of mass media controlled by the Crimean and RF authorities, and comments to publications on various media platforms, including social networks.

For instance, in 2016 many pro-Russian mass media of the peninsula supported persecution of the KRYM.REALII journalists. For instance, Natalia Krivopustova, editor-in-chief of 'KRYMSKOYE EKHO' website stated, *'I wonder why the prosecutor's office has paid attention to the subversive actions of these people just not'*.¹⁵²

'KRYMSKAYA GAZETA', an official press media of the annexed Crimea government, compared independent journalists with spies, and spoke for deportation of Nikolay Semena.¹⁵³

In 2017 'Public Chamber of Crimea' organization developed the 'Crimean dossier' of political and cultural figures of Ukraine and Russia who did not

¹⁵¹ Cultural Underground/Opendemocracy, 28.03.2016 — <https://www.opendemocracy.net/ru/neliubimaya-padcheritsa/>

¹⁵² Krymskoye Vremia April 21, .2016, p 2

¹⁵³ Krymskaya Gazeta, April 22, 2016, p 8

[/opcrimea.ru/krymskoe-dose.html](http://opcrimea.ru/krymskoe-dose.html)



19.07.2018
[Казарин П.](#)

[> Читать далее](#)



19.07.2018
[Клименко А.](#)

[> Читать далее](#)

**Открыта
«горячая линия»**

**Мониторинговой
группы по контролю
за соблюдением прав
человека нынешней
властью Украины
по отношению
к гражданам РФ,
проживающим
в Крыму**



ГОСУДАРСТВЕННАЯ
ПОДДЕРЖКА ННО
некоммерческих
неправительственных
организаций

Journalists Pavel Kazarin and Andrey Klimenko in Crimean Dossier Folder at the PUBLIC CHAMBER OF CRIMEA website

recognize the choice made by Crimeans in March 2014. The people included there are those, who, according to the list authors, *‘try to incite international enmity with their statements as well as threaten with acts of terror on the peninsula’*. *‘We will include there people who are unofficially called ‘Crimea eater’, Grigoriy Yoffe, the organization head, explained.*

This list includes, inter alia, Crimean journalists: Pavel Kazarin, Aleksandr Yankovsky, Valentina Samar, who left Crimea after the occupation.^{154,155}

4.5.12. Blocking media resources

To ‘clean up’ the Crimean information space the Russian authorities use a consistent and wide scale blocking of independent information sources.

The analogue broadcasting of all Ukrainian TV channels and radio stations was stopped by the occupation authorities in March 2014. These frequencies were assigned to the Russian TV and Radio companies. In several months digital and cable broadcasting of Ukrainian TV channels was also switched off. Editorial offices of the highest rated Crimean mass media had to leave

¹⁵⁴ Crimean Dossier Folder at the PUBLIC CHAMBER OF CRIMEA — <https://opcrimea.ru/krymskoe-dose.html>

¹⁵⁵ Politicians, Actors, Journalists: PC of Crimea Produced ‘Crimea Eater List’/RIA KRYM, July 19, .2018 — <https://crimea.ria.ru/society/20180718/1114860600.html>



Russian Law Enforcement Men Came to Search ATR Crimean Tatar Channel, January 26th 2015 © Krym.Realii\RFE\RL

to the mainland Ukraine due to constant threats, searches, intimidations. The other reason to stop operating was a denial to re-registered according to the RF laws. In addition, a discriminate tender for assigning frequencies was launched in line with the de facto valid RF laws, that local broadcasters were not eligible to participate in.

On March 31st 2015 the re-registration of Crimean MM that had been previously licensed by Ukraine, was completed. As at April 1st, according to the Roskomnadzor data, 232 MM were registered in Crimea, including 163 press MM and information agencies.¹⁵⁶ According to the UN data, in early 2014 about 3,000 MM were registered in Crimea.¹⁵⁷

Offices of ATR, LALE, and CHERNOMORSKAYA TELERADIOKOMPANIYA TV Channels, websites 15 MINUT, QHA, SOBYTIA KRYMA, Center for Journalist

¹⁵⁶ Roskomnadzor registered about 200 MM in Crimea/Interfax, April 1, 2015 — <http://www.interfax.ru/russia/433642>

¹⁵⁷ Situation with Human Rights in the temporarily occupied Autonomous Republic of Crimea and Sevastopol City (Ukraine))/UN, — https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf

Investigations, BlackSeaNews and MEYDAN Radio closed on the peninsula. Nowadays these MM are producing the content on Crimea but most journalists live constantly in Kyiv.

The next step to cancel an access to the independent information sources in Crimea was blocking Ukrainian online media resources. This started in 2015 with blocking selectively Ukrainian and Crimean media for so called 'extremist content'.

According to the Crimean Human Rights Group data, as at March 2019 ten Crimean providers blocked completely 12 Ukrainian information websites and 2 social networks. Access to 28 websites more is restricted in different way by different providers. It should be noted that only a minor part of websites from this list is blocked by Roskomnadzor decision.¹⁵⁸

Since 2017 the Ukrainian authorities have been trying to broadcast on the North of Crimea. For this purpose capacity of radio towers located at the administrative border with Crimea in the settlements of Chongar and Chaplynka, was increased. The Ukrainian radio broadcasters have assigned the frequencies to broadcast to the territory of the Northern Crimea from these settlements. But the Russian authorities deliberately switch on Russian and RF controlled Crimean radio stations on the same frequencies in the north of Crimea or mount the equipment that suppresses the signal of the Ukrainian stations.

For instance, in October 2018 the Crimean Human Rights Group checked receiving the radio signal of the Ukrainian broadcasters in the north of Crimea, settlements of Armiansk, Krasnoperekopsk, Lobanovo, Chaykino, Mysovoye, Medvedevka, Voykovo.

Some Ukrainian radio stations can be heard only in three settlements of the list and at CHONGAR Check Point, as to other towns and settlements, there is no broadcasting at all at the frequencies of Ukrainian stations, or the Russian stations broadcast.¹⁵⁹

¹⁵⁸ Providers in Crimea Blocking 14 Websites Completely — monitoring /CHRG, April 6, 2019 — <https://crimeahrg.org/provajdery-v-krymu-polnostyu-blokiruyut-minimum-14-sajtov-monitoring/>

¹⁵⁹ No Ukrainian FM Stations Signal in Minimum 10 North Crimean Settlements/ CHRG, December 9, 2018 — <https://crimeahrg.org/minimum-v-10-naselennyih-punktah-severnogo-kryima-net-signala-ukrainskih-fm-ctantsiy/>

4.5.13. Other persecutions due to freedom of expression

For the first three years of occupation of Crimea Russia has almost completely eliminated an independent journalism on the peninsula. Then the occupation authorities started persecuting the activists who placed pro-Ukrainian or other critical materials in the social networks.

In parallel to intensifying the repressions against Hizb-ut-Tahrir Muslim party the pressure on streamers and other activists of the Crimean Solidarity movement who publicize consistently political motivated or religious cases and publish photo and video files of them in the Internet has been strengthened, too. It should be noted that Crimean Solidarity activists are subject to the anti-extremist and anti-terrorist laws.

For instance, on November 8th 2017 Seytumer Seytumerov, one of the most active streamers of the Crimean Solidarity movement was convoyed after the home search to Bakhchisarai District Court by the police. He was charged under RF CoAO Article 203 for publishing Hizb-ut-Tahrir party symbols – forbidden in the RF but acting legally in Ukraine. The court penalized him to RUR2,000. In addition, during the search the streamer's computer with the Crimean Solidarity video files was withdrawn. Later Seytumer Seytumerov had to move to the mainland Ukraine.

Seytumer Seytumerov © Stanislav Yurchenko\ Krym.Realii\RFE\RL



On May 21st 2018 Server Mustafayev, Crimean Solidarity coordinator, was detained and accused of terrorism under RF CC Article 205.5-2 (*membership in the terrorist organization*) for Hizb-ut-Tahrir party membership. ‘Kievsky District Court’ of Simferopol made a judgment on keeping Mustafayev in custody. When this being written, Server Mustafayev is in the Simferopol Detention Center.

Blogger Nariman Memedeminov was also deprived of liberty and charged for publishing a video with Hizb-ut-Tahrir symbols under RF CC Article 205.2-2 (*public appeals for terrorist actions, public justification of terrorism or terrorism propaganda*). He was arrested on March 22nd 2018 and since then he has been in the Simferopol Detention Center.

Internet publications become grounds for persecuting other activists who do not ‘suit’ the occupation government, too. For this purpose the anti-extremist and anti-terrorist laws are applied, even often retrospectively. Ill defined wording and other serious shortcomings of the Russian laws applied in Crimea in disregard of the international humanitarian law norms, support abusive practice of the occupying power.

For instance, Ukrainian activists Igor Movenko and Larisa Kitayskaya became criminal case defendants for their publications in the social networks.

On July 18th 2016 the FSB men detained Larisa Kitayskaya, a Ukrainian activist and EUROMAIDAN Yalta movement member, in Yalta.¹⁶⁰ The RF FSB handed her a suspicion notice for extremism and incitement of national enmity for the pro-Ukrainian posts in the networks. On December 26th 2017 Larisa Kitayskaya was charged with a two year suspended sentence for publication in Facebook social network (RF CC Article 282-1). In March 2018 the ‘Supreme Court of Crimea’ controlled by Kremlin changed the sentence of Larisa Kitayskaya, reducing the suspended punishment period from 2 years to 1 year and 10 months. On January 23rd 2019, when this article had been decriminalised, Larisa Kitayskaya was exonerated of ‘*extremism in the social networks*’, though the she was not returned the equipment withdrawn during the searches anyway. Then she had to leave Crimea.

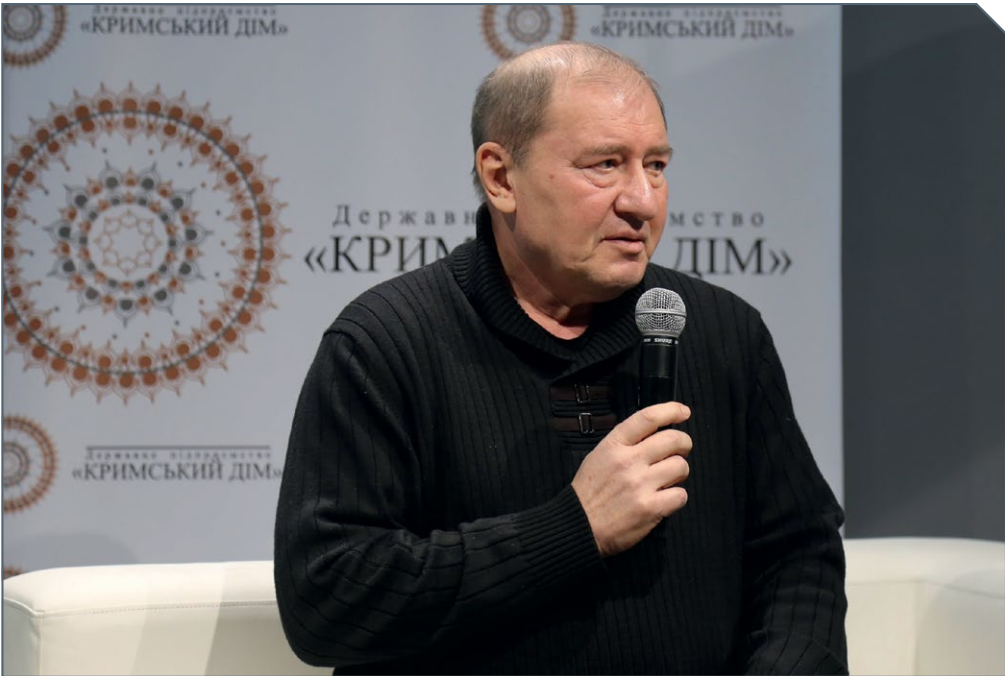
¹⁶⁰ CHRG Review for July 2016/ CHRG, — https://crimeahrg.org/wp-content/uploads/2016/08/Crimean-Human-Rights-Group_July_2016_RU.pdf



Igor Movenko © Aleksandra Yefimenko

In April 2017 a criminal case under RF CC Article 280-2 (*public appeals to extremism actions in Internet*) was started against Ukrainian activist Igor Movenko. On May 4th 2018 Pavel Kryllo, a judge of ‘Gagarinsky District Court of Sevastopol’, sentenced him under RF CC Article 280-2 to 2 years in the general regime penal colony. Once the judgement had been read out Movenko was deprived of liberty and convoyed to the Simferopol Detention Center. On June 26th 2018 ‘Sevastopol City Court’ considered the appeal against the sentence, and judge Vasiliy Avkhimov changed the sentence in terms of punishment to two year suspended sentence with one year trial period. On June 28th Movenko was released from the Detention Center.

The criminal case against the activist was started for the comment he published in the Crimea – Ukraine’ group, VKontakte social network, in the summer of 2016 – a need of coercive actions against those who participated in the Crimea occupation. The comment demonstrates explicitly the author’s disagreement with the Crimea occupation. Earlier Igor Movenko had also demonstrated publicly his support of the territorial integrity of Ukraine through placing Ukrainian symbols on his bicycle. This was the reason



Ilmi Umerov © Olena Lysenko\Crimean Human Rights Group

for beating him by Vladimir Sukhodolsky,¹⁶¹ a RF policeman and former Ukrainian BERKUT man. The criminal case was started against Igor Movenko when he tried to have the fact of attacking him be investigated. The comment was published much earlier but at that time it did not attract the FSB attention. The case for attacking the Ukrainian had not been ever opened. The FSB applied a selective approach in using the anti-extremist laws for a politically reasoned persecution.

One more way to repress those who disagree with the RF actions in Crimea is to persecute the activists for citations in mass media. People who acknowledged publicly that Crimea remained a territory of Ukraine become defendants of criminal cases for so said appeals to separatism.

For instance, representatives of the Crimean Tatar People Mejlis: Ilmi Umerov, Suleyman Kadyrov, and Eskander Bariyev became victims of such

¹⁶¹ Policeman Who Beat Ukrainian Activist Movenko in Crimea — Berkut Man/ CHRГ, April 22, 2017 — <https://crimeahrg.org/politseyskiy-izbivshiy-ukrainskogo-aktivista-movenko-v-kryimu-sotrudnik-berkuta/>

persecution under RF CC Article 280.1 (*public appeals to actions aimed at destroying the Russian Federation territorial integrity*).

On September 27th Ilmi Umerov was sentenced to two years in the penal settlement for an interview to the ATR Crimean Tatar channel when he was speaking about the territorial belonging of Crimea. Ilmi Umerov was also forbidden for two years to act publicly and speak in the MM. On October 25th 2017 he was transferred to Turkey, and in two days he came to Ukraine. Umerov was set free by decision of President of Russia though he was not handed any documents thereof.

On March 1st 2018 Suleyman Kadyrov, a member of regional Mejlis of Crimean Tatar People in Feodosiya, was charged with a two year suspended sentence for the comment in the social network: *'Crimea is Ukraine, was always, is and will be!*'. The court also forbade him to act publicly for two years.

On January 29th 2019 Eskender Bariyev, Chairman of Crimean Tatar Resource Center Board and member of Mejlis of Crimean Tatar People, was put by the Crimean occupation authorities on the international wanted list. After the occupation Bariyev has to live in Kyiv. a criminal case was opened against him under RF CC Article 280.1-2. *'Kievsky District Court of Simferopol'* imposed on him a pre-trial restriction as *'keeping in custody for 2 months since the moment of extradition to the RF territory or since the moment of detaining on the RF territory'* on December 24th 2018.¹⁶²

Such persecution contradicts the concluding observations on the seventh periodic report of the Russian Federation of the UN Human Rights Committee that called the RF to apply the anti-separatism laws in line with ICCPR Article 19 and not to use them for deterring the people criticizing the governmental foreign policy including that for Crimea.¹⁶³

The number of activists held administratively and criminally liable for publications in the internet and statements in the MM totals, for the occupation period, at least 29 persons.

¹⁶² RF Put Eskender Baliyev, a Crimean Tatar People Mejlis member, on the Wanted List/ CHRГ, February 13, 2019 — <https://crimeahrg.org/chlena-medzhilisa-krymskotatarskogo-naroda-eskendera-barieva-rf-obyavila-v-rozysk/>

¹⁶³ Concluding observations on the seventh periodic report of the Russian Federation / UN, April 25, 2015, para. 20 — <https://bit.ly/2ZDBA3h>

For instance, since the occupation start 12 judgements have been passed under RF CoAO Article 20.3 (*propaganda or public demonstration of Nazi attributes or symbols or attributes or symbols of extremist organizations or other attributes or symbols, which propaganda or public demonstration are forbidden by federal laws*) for demonstration of Hizb-ut-Tahrir symbols that are not forbidden in Ukraine. Some of the persecuted are active public figures on the peninsula. For instance, Emil Kurbedinov, a lawyer of the Crimean political prisoners, Crimean Tatar activists Marlen Mustafayev and the Kulametovs. The punishment for such actions can range from a RUR1000 fine to 12 days' arrest. Regarding these 12 judgements, there are 8 arrests and 4 fines.

It should be noted that posts with Hizb-ut-Tahrir symbols the Crimean Muslims were penalized and arrested for had been largely published before the occupation of Crimea. Some of them were not reviewed and reposted many time, some had been deleted before the punishment judgement was passed. Nevertheless, these cases finished mostly with arrests for 5, 10 and 12 days.

The Crimeans are also fined under RF CoAO Article 20.29 (*production and dissemination of extremist materials*), mainly for disseminating the literature, songs and other arts matters that are considered extremist in the RF. Most of them are forbidden in Ukraine, and the Crimeans could disseminate them freely before the occupation, not violating the laws of their country.

When the occupation started, at least 22 court judgements were delivered on punishing the possession of literature that was not forbidden in Ukraine. These are various Islamic books, literature of 'Jehovah's Witnesses', and anarchist books. Crimeans Aleksey Shestakovich and Ivan Markov were sentenced to 10 day's arrest for anarchist books. Anarchist Sergey Vasilchenko was also sentenced to 10 day's arrest for publishing the songs of La Vida Cuesta Libertades group titled 'Black Terror' and 'Farewell Capitalism!'.

Sentencing Crimeans to 10 day's administrative arrests for music, literature and posts in the internet that are not forbidden in Ukraine is unacceptable and may be likened to a criminal persecution for the freedom of expression since the punishment is a deprivation of liberty.

Due to such Russian policy it has become dangerous for the Crimeans to express their opinions. The practice of applying administrative punishments to the Crimeans for the freedom of expression demonstrates that such persecutions are politically motivated in many cases.

4.6. DISRESPECT OF THE FREEDOM OF PEACEFUL ASSEMBLIES

Since the occupation the freedom of assemblies has been consistently and globally restricted. The violations started with rude attacks of so called 'Crimean Self-Defence' and other paramilitary units on the peaceful actions to support the territorial integrity of Ukraine, abductions and murders of protesters in the spring of 2014. Then a practice of unlawful administrative and criminal persecutions of the actions organizers and participants including mass detentions and arrests of the single-person protest activists, has become common.

Peaceful protest in Simferopol on March 2, 2014 © Stanislav Yurchenko\RFE\RL



For these purposes in Crimea the RF mostly uses norms of Federal Law no 54-FZ of 19 June 2004 '*On assemblies, rallies, demonstrations, processions and picketing*' that demand the activists to have any peaceful assembly agreed on by the local administration. Lack of legal determination in these norms allows the officials de facto in Crimea to interpret the law in their own discretion, apply selectively, forbid unreasonable some actions and allow others depending on whether their organizers' views match those of Kremlin or local administration.

4.6.1. Regulations of the occupation authorities to restrict the freedom of peaceful assemblies

On August 8th 2014 the 'State Council of Republic of Crimea' adopted law '*On conditions for exercising the rights of the Russian Federation citizens regarding assemblies, rallies, demonstrations, and picketing in the Republic of Crimea*' that restricted substantially the freedom of peaceful assemblies in Crimea. The law commits to deliver a written information notice directly to the municipally controlled local body (or '*to the municipal local authorities*') not earlier than 15 days and not later than 10 days before the planned public event day. Given the FZ '*On assemblies, rallies, demonstrations, processions and picketing*', the 'Council of Ministers' determines specific locations for peaceful assemblies.

On November 12th 2014 'the Council of Ministers' issued Resolution no 452 '*On approving the list of locations for the public events on the territory of Republic of Crimea*',¹⁶⁴ where the locations for peaceful assemblies were identified. For instance, in Simferopol (the city with population of 400,000) the peaceful assemblies may be held only in four locations.

On July 4th 2016 'the Council of Ministers of Crimea' reduced significantly the list of locations allowed for holding peaceful assemblies though it had been short already, by resolution no 315.¹⁶⁵ For instance, the list of locations for public events in Kerch was reduced from 15 to three. Totally for Crimea the number of locations for peaceful assemblies decreased from 717 to 360.

¹⁶⁴ Resolution of Council of Ministers of Republic of Crimea of November 12 2014, No 452/ Pravitelstvo – http://rk.gov.ru/rus/file/pub/pub_235446.pdf

¹⁶⁵ Resolution of Council of Ministers of Republic of Crimea of July 14 2016, No 315/ Pravitelstvo http://rk.gov.ru/rus/file/pub/pub_298128.pdf

The resolution does not indicate reasons for selecting these locations, and there are no grounds presented why holding peaceful assemblies is forbidden in other locations of the city.

On June 20 2017 Sevastopol 'government' adopted law *'On assemblies, rallies, demonstrations, processions and picketing in Sevastopol City'* that indicated only 3 places for holding peaceful assemblies. On December 6th 2018 the 'government' of Sevastopol adopted a new resolution that identified locations in the city outskirts for holding peaceful assemblies.

The established limited list of locations for peaceful assemblies is one of the reasons to deny agreeing the actions in Crimea.

A substantial restriction of settlement area to hold peaceful actions violates the freedom of assemblies and limits considerably the opportunities for Crimeans to hold an event in the area of visibility and audibility for the target audience.

4.6.2. Direct bans on holding peaceful assemblies for a limited period of time

On May 16th 2014 Sergey Aksionov, 'Prime Minister of Crimea', issued Edict No 29,¹⁶⁶ that forbade peaceful assemblies on the territory of Crimea till June 6th of the current year. The reason for such wide ban on peaceful assemblies was presented by him as *'preventing possible provocations of the extremists who may penetrate into the territory of Republic of Crimea, in order to avoid a failure of holiday season in Crimea'*. The local authorities had no evidence of such threats.

The ban on peaceful assemblies was also applied to mourning events of May 18th 2014 to commemorate the 70th anniversary of the Crimean Tatar deportation.

On September 27th 2015 G. Bakharev, Head of Simferopol Administration, issued resolution no 953 *'On response measures due to the situation on the territory of Simferopol occurred on September 26th 2015'*.¹⁶⁷ The resolution was

¹⁶⁶ Edict ' On restricting mass actions due to the events in the South-East of Ukraine/ Pravitelstvo RK — http://rk.gov.ru/rus/file/pub/pub_232588.pdf

¹⁶⁷ Resolution No 953 of 27 September 2015/ Administration of Simferopol -<https://goo.gl/oYwVMK>

aimed at restricting public and other events in the city and was reasoned by an armed attack on the EHS station on September 26th.

The resolutions recommended individuals and legal entities not to hold mass and public events on the territory of Simferopol from September 27th till a special order issued. This resolution was time unlimited and remained valid till the relevant order of the administration head. The restrictions were cancelled by resolution no 1070 of October 9th.¹⁶⁸

On November 22nd 2015, due to an emergency situation declared in Crimea and caused by electric power shutdown, a new moratorium for mass events was put in effect on the territory of Simferopol. G.Bakharev, Head of Simferopol City Administration, decided *'to stop temporarily activities on mass, public, cultural and entertainment as well as other events'* on the territory of Simferopol from November 22nd 2015 till a special order issued.¹⁶⁹ On March 7th 2016 the resolution was amended. Wording *'to stop temporarily'* and *'to limit'* was replaced with *'to ban'*. Only events held by the authorities were exempted from the resolution coverage.¹⁷⁰ The ban on holding mass events was cancelled on March 22nd 2016.¹⁷¹

4.6.3. Facts of restricting the freedom of peaceful assemblies in Crimea backed with the Russian laws or acts adopted by the authorities de facto

The most common reason to deny authorizing the peaceful assembly in the 'administration' officials practice is to refer to another application earlier submitted by another organization to hold a peaceful assembly at the same time and at the same location.

For instance, Kerch administration denied the local branch of 'Communist Party' (CPRF) in holding a rally against raising the retirement age, utility fees and gasoline prices on July 13th 2018. The 'municipal authorities' explained

¹⁶⁸ Resolution No 1070 of October 9 2015/ Administration of Simferopol: http://simadm.ru/media/acts/2015/10/12/_1070_%D0%BE%D1%82_09.10.2015_.pdf

¹⁶⁹ Resolution No 1347 22 November 2015/ Administration of Simferopol: http://simadm.ru/media/acts/2015/11/22/_1347_%D0%BE%D1%82_22.11.2015.pdf

¹⁷⁰ Resolution No 372 of 7 March 2016/ Administration of Simferopol – <https://goo.gl/1Uz58C>

¹⁷¹ Resolution No496 of 22 March 2016/ Administration of Simferopol – goo.gl/c271WD



Detention of Single Person Protester in Simferopol, 14 August 2017 © Zair Smedliayev

this with an event to be held there by another organization that had been already agreed on with the administration. In fact, on July 13th there was no event at all at the planned location, with only RF police present there. The policemen told the CHRF representatives that they were there not to protect so said ‘agreed on’ event, but to prevent an unauthorized CPRF rally.¹⁷²

Referring to RF CoAO Article 6.21-1, that stipulates an administrative liability for propaganda of ‘non-traditional values’, the local administrations in Crimea denied agreeing on rallies to support the LGBT rights in Crimean cities and towns in October 2017. For November 18–20th 2017 the administrations of Armiansk, Bakhchisarai, Dzhankoy, Krasnoperekopsk, Simferopol, Feodosiya, Alushta, Kerch, Saki, Sevastopol, Sudak sent Nikolay Alekseyev, a LGBT movement activist, rejections to agree on the rallies due to a possible propaganda of ‘no-traditional values’. The administration of Yalta Town denied agreeing on the events in Yalta and settlements of Alupka, Gurzuf, and Simeiz.,

¹⁷² Instead of Rally Bored Horse in Kerch on Square Youtube, July 13, 2018 — https://www.youtube.com/watch?v=am7q_WDFE7A

Rejections are often not substantiated at all, just naming the Law 54-FZ of 19 June 2004 ‘*On assemblies, rallies, demonstrations, processions and picketing*’ norms. For instance, On May 12th 2017 Svetlana Tkachenko, deputy head of Sudak Town Administration, denied activist Ilver Ametov to agree on a public event dedicated to the anniversary of the Crimean Tatar people deportation. Though the reasons for denial were not stated, the document included a warning on the liability for holding an unauthorized event.

One of the consequences of the ‘administration’ demand to have a peaceful assembly agreed on in advance is intimidation of the activists that has become a common practice in Crimea. They are threatened with administrative and criminal sanctions for holding an unauthorized peaceful assembly.

For instance, in 2017 before May 18th (an anniversary of the Crimean Tatar people deportation) the RF police were sending Crimean Tatar activists warning notices on inadmissibility of violation of RF laws restricting the freedom of peaceful assemblies. Rustam Mennanov, Sovetsky District of Crimea, received such warning on May 16th, Ilver Ametov from Sudak, Emine Avamileva and Nariman Djelialov from Simferopol did on May 17th.

Lack of administration authorization to hold a peaceful assembly is a reason for the RF police to prevent the action and to persecute organizers and participants under RF CoAO Articles 20.2 or 20.2-2.

By April 2019 the Crimean Human Rights Group had recorded 373 decrees of the Crimean ‘courts’ on imposing a punishment for organizing / participating in peaceful assemblies regarding 358 local residents. According to the decrees, the penalties amounted to min RUR3.95mln, 10 judgements on mandatory public works were passed, and 24 were sentenced to administrative arrests.

The highest number of judgements on administrative punishment was documented due to:

- Mass actions of May 3rd 2014 demanding to withdraw a ban for Mustafa Djemilev’s entry to Crimea — at least 158 were held administratively liable and imposed penalties of RUR10,000 to 40,000 that totaled at least RUR1.7mln. In addition, criminal cases under RF CC 318 (*violence against a representative of authority*) were commenced against

5 persons. Within a pre-trial investigation the accused were placed in the Simferopol Detention Center for one to two months. Later one defendant was fined for RUR40,000, and 3 were charged with suspended jail sentences.

- Participation in single-person protests of October 14th 2017. The single person protests were held all over Crimea demanding to stop repression against the Muslims and the Crimean Tatars. One of the attributes of single person protest is a distance between participants that should not be less than 50m. The distance between the participants was much more than 50m so the action could not be classified as a mass event. However, just on October 14th the RF police detained 49 persons at the places of single-person protests for unauthorized participation in the mass event. For the next months the reports on administrative offence were made by the RF police for 83 activists. After considering 'at the courts' the RF authorities penalized 79 persons for a total amount of RUR810thou.

In Crimea the RF applies also the norms of laws restricting the freedom of peaceful assemblies to the actions that do not raise any demands or statements and are not mass events themselves.

For instance, the RF FSB and the RF police, during the mass searches of the homes of Muslims and Crimean Tatars, detain Crimeans coming to the homes of the persecuted to support or record the facts of human rights violations. Such activists are accused of holding an unauthorized mass event. Participation in an authorized event is also a charge for those Crimeans who come to the RF FSB and RF police departments to find out the whereabouts of their detained friends and relatives. For instance, on October 11th 2017 there were mass searches of Muslims' homes and detentions in Bakhchisarai. The RF law enforcement agency men detained nine people of those standing at the houses being searched. The reports were made under RF CoAO Article 20.2-2 (*organization of mass simultaneous presence and/or movement of people in the public places that caused a violation of the public order*). The activists published a video demonstrating the picketing people did not violate the public order in any way.¹⁷³

¹⁷³ Video from Osman Arifmemetov account/Facebook — <https://www.facebook.com/osmanarifm/videos/2067381566823828/>



Rally at Building of Supreme Council of Crimea, February 26, 2014
© Stanislav Yurchenko\RFE\RL

Prior to enforcement of a package of laws in RF that persecute for missionary actions, the RF authorities in Crimea applied the norms restricting the freedom of peaceful assemblies to persecute the participants of religious events. For instance, on May 10th 2015 8 members of the Evangelist Baptist Christians came to the village of Maryanovka to congratulate the inhabitants with Easter. The RF police who came to the festival place, detained the participants, made reports on them and handed court hearing notices. 7 event participants were sentenced to a fine of RUR10,000, and the organizer – that of RUR20,000.

In 2015, 2016, and 2017 at least 24 administrative reports were made on the participants of car rallies that were held on May 18th to commemorate the Crimean Tatar people deportation anniversary. To compare: every year car rallies dedicated to the anniversary of Victory over Germany in WWII are held in Crimea on May 9th, but their participants are not persecuted at all.

4.6.4. Retrospective application of laws

The RF authorities often apply the laws retrospectively — to persecute criminally the participants of peaceful assemblies held before the start of occupation.

On February 26th 2014 there were two simultaneous rallies at the parliament of the Autonomous Republic of Crimea. One was organized by the Mejlis of Crimean Tatar People to keep the status of Crimea as Ukraine's territory, the other one — by Russkoye Yedinstvo party to hold a referendum in disregard for the Constitution of Ukraine.

On January 2015 the RF Investigation Committee commenced a criminal case for organizing mass disorders and participating in them (RF CC Article 212). The first to be detained on January 29th 2015 within this case was Akhtem Chiygoz, Deputy Head of Mejlis of Crimean Tatar People. He was accused of organizing mass disorders (RF CC Article 212-1). Seven people more charged with participation in mass disorders (RF CC Article 212-2) within the 'Case of February 26th'.

Akhtem Chiygoz was deprived of liberty and was in the Simferopol Detention Center for January 29th 2015 — October 25th 2017. He was sentenced to seven years in the maximum security penal colony. After the sentence due to the negotiations of Recep Tayyip Erdoğan, President of Turkey, and Vladimir Putin, RF President, and a visit of R. Erdogan to Ukraine to meet with President Petro Poroshenko, Chiygoz was released and transported to Turkey, and then left to Kyiv. Two other defendants of the 'Case of February 26th': Mustafa Degermendji and Ali Asanov — were in custody for 2 years, then they were put under home arrest with a ban on leaving the territory of their houses. On June 19th 2018 'Kievsky District Court of Simferopol' charged them with a suspended jail sentence.

4.6.5. Application of anti-terrorist and anti-extremist laws

In February 2018 the RF authorities applied an arrest of organizers indicated in the application for a peaceful assembly as preventive measure. On February 26th 2018, at the eve of RF president election, the non-governmental association 'Anarchists of Sevastopol' informed the Sevastopol

administration about their intention to hold a rally ‘Position of President – Monarchy Atavism’ on March 10th. It was on March 1st 2018 when the homes of 5 anarchist movement activists were searched by the RF police including Aleksey Shestakovich, Aleksey Prisiazhniuk, and Igor Paniuta who were indicated in the application as responsible for holding the rally. The reason for search as declared was looking for the literature included into the extremist list. Aleksey Shestakovich stated that he had been tortured during the search. After the search Aleksey Shestakovich was arrested for 11 days and had later to leave Crimea.

In 2018 the RF police and Russian Guard many times interrupted the meetings of the Crimean Solidarity nongovernmental association. For instance, on January 27th they demanded the event participants to show the identification papers and to inform on the meeting objectives, and on October 27th three participants were handed warning notices on inadmissibility of violating the anti-extremism and anti-terrorism laws.

4.6.6. Coercion to attend actions and events

In Crimea the human rights experts record the cases when the local authorities de facto grossly interfere in the freedom of peaceful assemblies, forcing the people to participate in the actions held by the authorities.

For instance, on February 15th 2016 ‘Department’ for Education of Sevastopol City issued an order that instructed all city schools to take 10,000 children to Nakhimova Square on February 22nd to celebrate the Day of Motherland Defender. The order was attached with a schedule for children’s participation in the celebration, indicating the time ‘on duty’ for schoolchildren of every school on the square as well as identifying a quota of how many children of each school were to come. Thus, according to the ‘department’ order, 20 to 700 pupils of each school were forced to come to the square on February 22nd and spend there several hours.¹⁷⁴

On April 27th 2016, A.Zh.Kurenkov, acting as head of department for education of Simferopol District of Crimea, issued order ‘*On participating in the*

¹⁷⁴ Sevastopol Schools Ordered to Take 10 Thousand Children to Nakhimova Square /Forpost, February 18, 2016 <http://sevastopol.su/news.php?id=84716>

events dedicated to celebration of the HYDYRLEZ Crimean Tatar national holiday'. A. Kurenkov ordered the headmasters of 15 educational establishments of Simferopol District to participate obligatorily in the public events prepared by the administration of Simferopol District for the holiday celebration.¹⁷⁵

Thus, in Crimea the RF uses all methods for preventing any actions of protest or disagreement of the local residents. The persecution targets both those who participated in the protest actions before the unlawful enforcement of the Russian laws on the peninsula, and those who try to demonstrate their civil position after the occupation. This system engages 'the police', 'the prosecutor's office', and 'the courts' that deprives the Crimeans of any possibility to defend the right to peaceful assemblies.

4.7. VIOLATIONS OF FREEDOM OF RELIGION

The Crimean occupation resulted into global violations of freedom of religion. The RF extended its laws and its enforcement practice that are basically different from the tolerant policy of Ukraine and other democratic countries in the field of religion, to the peninsula. The Russian law norms are applied to persecute most religious communities and the faithful. The religious freedom is restricted through a mandatory registration of communities as institutions and a registration of religious purpose assets, a monitoring of publication and dissemination of religious literature, major penalties for violations of requirements on the religious institution registration. The religious groups and the faithful are subject in the RF not to the laws restricting the freedom of religion, but also anti-terrorist, anti-extremist laws and laws on restricting the freedom of peaceful assemblies. The number of criminal and administrative cases due to confession is constantly growing.

4.7.1. Searches and administrative persecution for possession and dissemination of religious materials forbidden in the RF

One of the illustrations for applying the RF anti-extremist laws to persecute the faith-based organizations in Crimea is a punishment for possession

¹⁷⁵ CRHG review for April 2016, Annex 5 — http://crimeahrg.org/wp-content/uploads/2016/05/Crimean-Human-Rights-Group_April_2016_RU.pdf

of religious literature included into the '*list of extremist materials*'.¹⁷⁶ The production and dissemination of such materials are subject to an administrative liability under RF CoAO Article 20.29.

The books are included into the list by the RF court decrees, rather often without any sufficient legal substantiation or by one list consisting of several materials. A lot of books of religious contents, first of all Islamic that could be freely possessed by libraries, mosques, madrassas, and individuals before the occupation of Crimea, are included into the list of extremist materials. The RF authorities mean also publication of such materials in the social networks as dissemination.

4.7.2. Searches

Before the occupation of Crimea, local people did not face a ban on certain literature and liability for its possession. When the Russian authorities had come unlawfully to the peninsula, the literature in the libraries or posts in the social networks were not verified on compliance with the list of RF extremist materials, and the population, in fact, was not communicated the aftermath.

As a result, the RF police, prosecutor's office and FSB got a reason for numerous searches in Crimea to reveal the forbidden materials. First of all, the Muslim faith based organizations: mosques and madrassas as well as religious figures were searched. To find the literature the searches are so scrupulous that makes a large scale dissemination of materials doubtful. There were several cases when imams of mosques that were searched stated that the books had been planted by the RF law enforcement agency men during the procedure actions.

In 2014 the madrassa in the village of Kolchugino, Simferopol District, Krasnogvardeysk hafiz madrassa, Azov men's and women's madrassa, Training Center in Simferopol, the women's madrassa in Kamenka and Simferopol Seit Settar madrassa were searched in 2014 under pretence of looking for the forbidden literature.

The searches were violently held with a lot of law enforcement agency men involved. For instance, as reported by the witnesses of the search in the

¹⁷⁶ Federal list of extremist materials/ RF Ministry of Justice — <http://minjust.ru/ru/extremist-materials>



Crimean Tatars finishing a holiday namaz in an unfinished mosque of Mezhdurechye (Ai-Serez) village, Sudak District, that they are building by themselves

© Alina Smutko

village of Kolchugino, about 30 men wearing OMON and BERKUT sign uniform entered the building, having broken the door and damaged the walls of the building where the students were. One of them informed that the people come questioned the headmaster, collected all students in one hall and took away all their mobiles, then asked the students about the purposes of studying at the madrassa and reading the Quran. Based on the outcomes of this and other searches, the RF authorities imposed fines on the Crimea madrassa staff and withdrew the religious literature.

The mosques of the peninsula were also searched under pretence of looking for the forbidden literature. For instance, on November 14th 2016 Khan Djami Mosque was searched in Yevpatoria. Elmar Abdulganiyev, the mosque imam, reported that three men came to the mosque, one introduced himself as a prosecutor's office officer, and two others — FSB men, and declared an intention to search, though they did not show any relevant documents.

Before their visit to the mosque the electric power had been switched off. They were proposed to wait with the search until the electric power supply restarted but they said that they were in a hurry and searched in the darkness, without witnesses to the search. During the search one of the FSB men said that he had found the forbidden religious literature under the carpet behind the column. The witnesses published a search video that showed searching with the flashlights.¹⁷⁷ The electricity supply was restarted once the search had been finished.

Sometimes the RF authorities search several mosques simultaneously. For instance, in the late October 2016 the RF law enforcement agencies searched four mosques of Simeiz, Koreiz, Derekoya and Ai-Vasilia at once.

In addition to the searches in the mosques related to religious literature check, the RF authorities use the mosques for mass man-hunting to check the documents of the faithful. The law enforcement agencies use Friday Juma Namaz,¹⁷⁸ as time when a lot of Muslims gather in one place. The last such incident was recorded on April 6th 2018 in the mosque of Pavlovka village. The armed men entered the mosque and said that extremist actions were held in the mosque. The RF FSB men and the RF prosecutor's officers did not allow the Muslims to leave the mosque without personal search and taking a photo.

4.7.3. Persecution for confessions declared extremist or terrorist by the RF authorities

On February 11th 2003 the RF Supreme Court, decision No GKPI 03-116, declared the Hizb-ut-Tahrir a terrorist organization in the RF.¹⁷⁹ The decision was made for the list of 15 organizations that included Hizb-ut-Tahrir. The part of the document justifying the reasons for including Hizb-ut-Tahrir in the list does not indicate any facts of the organization contribution to carrying out or preparing any act of terror.

¹⁷⁷ How Unauthorized Search of Khan Djami Mosque Held, November 15, 2016 -<https://www.youtube.com/watch?v=-JiPbu2ocdA&featu>

¹⁷⁸ Juma Namaz or Friday Namaz is an obligatory collective praying of Muslims prescribed in the Quran

¹⁷⁹ National Anti-Terrorist Committee/Decision of Supreme Court of RF, 11 February 2003, No GKPI 03-116 — <http://nac.gov.ru/zakonodatelstvo/sudebnye-resheniya/reshenie-verhovnogo-suda-rf-ot-14-fevralya.html>



Sons of Muslims arrested in May 2016 going to Juma Namaz (Fridat Praying) to the mosque in one of Crimean Tatar compact settlement areas in Bakhchisarai
© Alina Smutko

Before the occupation of Crimea Hizb-ut Tahrir organization was not forbidden by the Ukrainian power in Crimea, and its activities were not restricted. When the RF included Crimea into its jurisdiction, the RF SB started persecuting the local people. The persecution may be caused by information on membership in the organization before the occupation, Islamic literature found during the searches, posts in the social networks. It should be pointed out that the Muslims are persecuted for the posts published in the social networks before the occupation of Crimea.

Combination of actually non-substantiated determination of the organization as terrorist one and an unproven involvement into this organization allows the RF FSB for charging almost any Muslim in Crimea as a member or organizer of terrorist organization.

As at the end of April 2019 56 people in Crimea were deprived of liberty charged with involvement into the Hizb-ut-Tahrir, including 27 who were detained in 2019.

Apart from the criminal persecution for publications with Hizb-ut-Tahrir symbols, the RF authorities apply also an administrative punishment under RF CoAO Article 20.3 in Crimea (*propaganda or public demonstration of Nazi attributes or symbols, or attributes and symbols of extremist organizations, or other attributes and symbols which propaganda and public demonstration are forbidden by federal laws*). Since the start of occupation at least 14 administrative punishments have been imposed on the Crimean residents for publishing Hizb-ut-Tahrir symbols, including 10 administrative arrests for 3 to 12 days. The practice of applying RF CoAO Article 20.3 in Crimea demonstrates that punishment in a form of arrest under this article is applied solely to the Muslims. For instance, among 24 judgements on imposing the punishment under this article for distribution of Nazi symbols only one is a decree of arrest while other 23 are penalties of RUR1,000 to 2,000.

It is essential to point out that social active Muslims often suffer from criminal and administrative persecution. Their computers, mobiles and religious literature are withdrawn when their homes are searched.

Apart from Hizb-ut-Tahrir membership, as at the end of April 2019, the RF authorities deprived 2 more Muslims of liberty for membership in the organizations declared terrorist in the RF and 3 more are charged with suspended jail sentence.

On April 20th 2017 the RF Supreme Court recognized the 'Administrative Center of Jehovah's Witnesses in Russia' an extremist organization. The court determined to close down the organization and forbid its activities on the RF territory. The court also decided to forfeit the organization's property to the State. 22 organizations of 'Jehovah's Witnesses' in Crimea are also subject to this ban.¹⁸⁰ According to the information of 'Jehovah's Witnesses in Russia' website, 8,000 faithful of 'Jehovah's Witnesses' live now on the territory of Crimea.

In October 2018 in Dzhankoy and in April 2019 in Alupka and Yalta the organization members' homes were totally searched within the criminal cases under RF CC Article 282.2 (*management of extremist organization actions*). The cases are at an investigation stage.

¹⁸⁰ 22 Crimean Jehovah's Witnesses Organizations Applied to the RF Supreme Court/ Jehovah's Witnesses in Russia, March 30, — <https://www.jw-russia.org/news/17033011-120.html>

4.7.4. Administrative persecution for missionary activities (RF CoAO Article 5.26)

The RF extended its practice of applying laws to persecute religious organizations and their members for the missionary activities to Crimea. Additional provisions of RF CoAO Article 5.26 (*violation of laws on freedom of conscience, freedom of religion and religious associations*) entered in force on 2016. This resulted into persecuting the faithful administratively for religious services, rites, sermons out of the religious buildings or for absence of the full religious organization name on the houses of worship.

For 2016 – May 2019 the Crimean Human Rights Organization recorded 44 judgements on punishment under RF CoAO Article 5.26 in Crimea. These are penalties of RUR5,000 to 10,000 for individuals and RUR30,000–50,000 for legal entities. The total amount of penalties is more than RUR650,000.

The review of RF CoAO Article 5.26 application practice shows that punishments under this article are not substantiated and grossly violate the freedom of religion, restricting the religious organizations in communicating their views and teaching. The practice of enforcing RF CoAO Article 5.26 in Crimea is represented by persecuting the people for disseminating religious materials outside the churches, for conversations about a religious organization or on religious topics, even for the recommendation to visit a service, if the person has done without a written confirmation of his authorities or if these recommendations are made by the authorized person outside the house of worship.

The faith based organizations are most often penalized for absence of the information plate with the full organization name on the building. For instance, the Sevastopol religious organization – Catholic Church of Byzantine Rite – Parish of the Assumption of the Holy Mother of God in Sevastopol City (a former Ukrainian Greek Catholic Church) was imposed a RUR30,000 fine for absence of the information plate with the full organization name on the church building.

A persecution can be also caused by the religious literature available in the house of worship. For instance, the Sevastopol religious organization – Church of Jesus Christ of Latter Day Saints was imposed a RUR30,000 fine, with the withdrawal of the religious materials and printed literature, by a local

‘court’. The judgement was justified by the absence of the full name of the faith based organization on the religious literature found in the premise rented by the church.

RF CoAO Article 5.26 may be also applied for non-religious events. For instance, on November 1st 2017 ‘a judge of peace of Yalta Court District’ imposed a RUR5,000 fine on Olga Sabitova for her inviting the people to make together a complex of Falun Gong recreation gymnastics exercises. The ‘judge’ considered the missionary activity Sabitova’s intention to do exercises in the line with Falun Gong book contents. The ‘judge’ disregarded Sabitova’s statement that she was Orthodox, and the gymnastics was not a religion or faith but doing Chikung Falun Gong exercises was based on studying the methodology by Falun Gong book.

The Orthodox Church may carry out some rites out of the places allowed by RF CoAO Article 5.26. For example, funeral services or blessing of the real estate. But the practice of application of RF CoAO Article 5.26 demonstrates that the only non-Orthodox confessions are subject to the sanctions that proves a selective application of administrative laws.

4.7.5. Expropriation of faith based organization assets or ban on using them

The Ukrainian Orthodox Church of Kyiv Patriarchate (UOC KP) in Crimea has become of symbols for non-violent resistance to the occupation that caused repressions by the Russian authorities.¹⁸¹ The UOC KP roundly condemned the Russian aggression and became the only faith based organization in Crimea that did not re-register according to the RF requirements.

The Russian authorities actions caused elimination of several dozens of UOC KP religious communities. Of over 40 that were at the beginning of 2014, only 8 survived to 2015.

The most cruel methods of pressing out the UOC KP from Crimea were recorded on seizing three churches.

¹⁸¹ For more details see ‘Crimea Without Rules: Religious Occupation’ — <https://precedent.crimea.ua/issues/kryim-bez-pravyl-spetsyalnij-vyipusk-relyhyoznaya-okkupatsyya-prytesnenye-ukraynskoj-pravoslavnoj-tserkvy-kyevskoho-patryarhata/>

Church of Apostles Peter and Paul, and St Nickolay, Archbishop of Mira, the Wondermaker was on the territory of the Ukrainian Navy Training Center in Sevastopol. Since June 1st 2014, upon a commander of the Russian military unit that quartered on the Training Center territory, an access of the priests and the parish to the church was forbidden.

The UOC KP Crimean Diocese made an attempt to fight for the right of access to the church. The action was dismissed by the judgement of Appeal Court of Sevastopol on July 28th 2017, and 'courts' of higher levels upheld this judgement. The dismissal was grounded by the fact that the church building was a RF governmental property, transferred under control of the RF Ministry of Defence and located on the territory of military unit. Thus the UOC KP Crimean Diocese as a representative of foreign faith based organization on the Crimean territory may access the church only if agreed with the RF FSB bodies, signed agreements on cooperation with the Ministry of Defence high level administration, and re-registered as faith based organization pursuant to the RF laws provisions.

Church of Intercession of the Holy Mother of God of UOC KP is located on the territory of the former military unit A0279 of the Armed Forces of Ukraine in the village of Perevalnoye, Simferopol District. The church was built by the parish and out of their own funds, and belonged to the UOC KP since the late 1990s.

Due to the occupation the military unit and the church of Intercession of the Mother of God located on its territory appeared under the RF control, in particular the RF Ministry of Defence. The church was seized by the RF representatives on June 1st 2014.

The Crimean Diocese filed a lawsuit on returning the building. The Court of Appeal dismissed the action by its judgement of September 19th 2018. In the course of the case consideration it was found that the church building had been given to the Orthodox Church of Moscow Patriarchate that had met, at least, some of the conditions for using the church building: had re-registered according to the RF laws and signed an agreement with the RF Ministry of Defence.

Cathedral of Sts Vladimir and Olga, Equal to Apostles in Simferopol is located in the building of the former House of Officers in Simferopol granted to



Clement, Archbishop of Simferopol and Crimea © Olena Lysenko / Crimean Human Rights Group

the UOC KP in 1995. The 'State Council of Republic of Crimea' confirmed the right of the Crimean Diocese to use the premises of area of 1,478.7sq m till 2050 by its resolution no 2059-6/14 of April 18th 2014.

But on August 31st 2017 the court enforcement officers broke the door, entered the altar, and sealed several rooms without any understanding of their functions. a charity canteen, a chapel, and a churchware storeroom were seized. When seizing, Clement, Archbishop of Simferopol and Crimea, was subject to violence and got arm dislocated. a fence making an obstacle to use the cathedral was mounted in the court.

The church tried again to appeal against these actions of the Russian authorities. But the action was dismissed by judgment of Court of Appeal of Simferopol of October 18th, 2017.

In April 2019 the occupation authorities filed a lawsuit against the Crimean Diocese Administration to dispossess from the Cathedral under false claims on the tenancy debt of UAH2. This action is still under entertaining when this publication has been prepared.

On March 23rd 2019 Clement, Archbishop of Orthodox Church of Ukraine (former UOC KP), informed that he had to submit documents on registering a Ukrainian Orthodox parish in Crimea according to the Russian laws. On April 12th 2019 the 'Department of RF Ministry of Justice for Crimea' denied registering the Ukrainian Orthodox parish.

The Russian authorities policy in Crimea is intolerant to other Orthodox and religious confessions, but for the controlled Orthodox church. The evidence for this is that the Russian Orthodox Church and the Ukrainian Orthodox Church of Moscow Patriarchate do not face any restrictions, and are not subject in Crimea to many Russian laws norms aimed at restricting substantially the freedom of religion. The situation that has developed in Crimea shows that in fact, the RF authorities do not recognize the freedom of religion as a fundamental human right, and allow the activities of the religious communities depending on the level of their loyalty to the Russian power and support of the peninsula annexation.

4.8. VIOLATION OF FREEDOM OF MOVEMENT

The occupation of Crimea has caused a consistent violation of freedom of movement –the right to liberty of movement within the territory of a State and freedom to choose a residence, be free to leave the country and to come back. This right is an international standard secured by Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2, and the International Covenant on Civil and Political Rights, Article 12. The violation of freedom of movement makes a person much more vulnerable to the state, depriving him/her of the possibility to leave the territory of this state. The violation of freedom of movement may, on the contrary, result into a wish or even a need to leave the state.

One of the illustrations to the interference into the freedom of movement is an established RF control over entering/ exiting the territory of Crimea.

The valid associated conditions (e.g., availability of certain documents or a limited period of staying for non-RF nationals) make often the entry or the exit impossible.

The most evident interference to the freedom of movement and freedom to choose a residence is a requirement of obtaining a residence card for those Crimeans who have submitted a statement on renouncing the Russian nationality (or, as this is stipulated Article 4 of FKZ6, ‘on a wish to preserve the Ukrainian nationality’). Designated for the persons coming to the RF territory from abroad, these requirements restrict materially the rights of Crimeans to live where their home has been for ages (could be from the birth). Thus, the Crimean residents who rejected to be considered the RF nationals by the occupation authorities, turned out to be ‘foreigners’ at home. An attempt to leave temporarily the peninsula may result for such people in attracting the attention of migration control and imposing the 90 of 180 days limit on the period of staying in Crimea. The Kerch Ferry Line is also subject to a passport control so in terms of freedom of movement Crimea seems to be an island that may be left only if the RF occupation authorities have been informed.

In addition, the Russian authorities have extended their rather rigid control over the residence registration and if this registration matches an actual residence place to the peninsula. If these norms in Ukraine are rather declarative, the violation of the RF migration requirements may result into holding a serious liability.

Due to the established migration control, the RF authorities consistently make decisions on deporting Ukrainian nationals and stateless persons out of Crimea. According to the findings of monitoring the Crimean occupation courts, at least 2,189 persons for the period of June 2014 to May 2018 were imposed a deportation in a form of controlled self-departure by the courts (90.27% of the total number of deported).¹⁸²

For instance, Aleksandr Koval’chuk, a Ukrainian national, had been living on the territory of Crimea, and did not obtain a RF passport after the occupation. Pursuant to the ‘court’ judgement, in November 2017 he was found guilty

¹⁸² Subject Review of the human rights situation in the occupation, ‘Crimea Without Rules: Deportation of Civilians from Occupied Crimea by the Russian Federation: <https://precedent.crimea.ua/wp-content/uploads/2018/07/KBP-Vyidvorennye.pdf>

of administrative offence and imposed a punishment: an administrative penalty of RUR2,000 and an administrative deportation out of the RF. Being afraid of a further arrest and placing to the Reception Center for Foreign Nationals (TsVSiG) the Ukrainian had to leave the territory of Crimea.¹⁸³

In most cases a judgement on forced administrative deportation is passed when the person has failed to leave the territory of Crimea by him/herself, i.e. in case of a repeated administrative offence.

The human rights organizations identified 163 persons (Ukrainian nationals, foreigners and stateless persons) subject to a forced deportation for the period of June 2014 — May 2018, with a deprivation of liberty for 24 hours — over 18 months.¹⁸⁴

For instance, activist Konstantin Sizarev, a Ukrainian national, went on living in Yevpatoria Town after the occupation and did not obtain a RF national passport. He was found guilty of violating the RF migration laws and in furtherance of court judgement he was convoyed from Crimea to the RF territory and placed in the TsVSiG of RF Police Main Department for Krasnodar Area. There he was kept till February 17th 2017, i.e. for 27 days, and then deported to the territory controlled by Ukraine.¹⁸⁵

The RF migration laws are used in Crimea for political purposes, too, namely, to fight with those who speak against the Crimean occupation. For instance, leaders and activists of the Crimean Tatar movement were in fact subject to deportation and ban on living at home. Injunctions on entering Crimea, pursuant to FZ *'On the procedure of entering the Russian Federation and exiting the Russian Federation'* were issued against Mustafa Djemilev, a member of Ukrainian Parliament, Refat Chubarov, Chairman of Mejlis of Crimean Tatar People, Ismet Yuksel, General Coordinator of KRYMSKIYE NOVOSTI Information Agency QHA, Sinaver Kadyrov, a counsellor of the Mejlis Chairman. Sinaver Kadyrov, a member of the Committee for Human Rights of the Crimean Tatars was deported from Crimea upon a judgement of 'Armiansk District Court'. The

¹⁸³ Ukrainian Was Unlawfully Deported from Crimea/ CHRГ, December 2, 2017 — <https://crimeahrg.org/ukraintsya-nezakonno-vyidvorili-iz-kryima/>

¹⁸⁴ Subject Review of the human rights situation in the occupation, 'Crimea Without Rules: Deportation of Civilians from Occupied Crimea by the Russian Federation: https://precedent.crimea.ua/wp-content/uploads/2019/01/CBR_forcible-expulsion.pdf

¹⁸⁵ UN OHCHR Report on the human rights situation in Ukraine 16 May to 15 August 2017, par. 155: https://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf

deportation was justified by his violation, according to the Russian authorities' opinion, of the 90-day's period that as a Ukrainian national he could stay on the RF territory.

A decision of the Russian authorities to deny entry to the territory where a person constantly lives after a short-term exit beyond this territory is considered in the European Court practice as a form of expulsion.

A specific example of the freedom of movement violation is a case when the person has been already issued an injunction to enter the RF territory, and this injunction became automatically valid on the territory of Crimea. For instance, Oleg Khomenok, a journalist and a media expert, living in Simferopol, has faced such situation. On October 29th 2012 he was issued an injunction to enter the RF territory for 5 years. Since March 2014 this injunction has become valid on the territory of Crimea, with its violation causing a criminal liability.

The Russian authorities issued injunctions on entering Crimea and the RF for some Ukrainian journalists (Anastasia Ringis, Aliona Savchuk, Alina Smutko), and British journalist Madeline Roach was deported from the territory of peninsula and the RF for doing journalism in Crimea.

The territory of Crimean peninsula is a territory of Ukraine, so any actions of the Russian authorities on restricting the movement between Crimea and the other part of Ukraine should be considered an interference with the right of Ukrainian nationals to move within the territory of the own state. However, the occupation authorities, restricting substantially this right, are active in barring the connections between the peninsula and the mainland Ukraine.

4.9. RESTRICTIONS OF THE CRIMEAN TATAR PEOPLE RIGHTS

In 1944 the Soviet power deported the authentic Crimean Tatar people out of the peninsula, and only after the collapse of the USSR the Crimean Tatars were able to return home. During the occupation of Crimea the Mejlis of Crimean Tatar People organized rallies to support the integrity of Ukraine, many Crimean Tatars rejected participating in the unlawful March 16th 'referendum'. Desiring to suppress a resistance of a substantial number of the Crimean Tatars, the RF launched a well targeted policy of pressure and persecution of the Crimean Tatar activists through regular searches of

their homes, politically motivated criminal and administrative persecution, restrictions or bans on the Crimean Tatar peaceful actions, including those dedicated to the anniversary of the Crimean Tatar deportation (May 18th). Leaders of the Crimean Tatars: Mustafa Djemilev and Refat Chubarov are forbidden to enter Crimea.

'FOND KRYM' Charity Organization (CO) had been working in Crimea for many years, supporting the Mejlis of the Crimean Tatar People activities. Mustafa Djemilev was one of the Fund founders. On September 16th 2014 the 'Crimean Self-Defence' and the police blocked the building where the Mejlis was located, under the pretence of investigative actions. The building was owned by the FOND KRYM CO. Riza Shevkiyev, Director General of FOND KRYM CO, was informed that the Mejlis, the FOND KRYM CO and the AVDET Newspaper editorial office were to dispossess the premises within 24 hours. The list of the RF laws violations, as stated by the 'prosecutor's office of Crimea, included the fact that Mustafa Djemilev, a Ukrainian national, declared persona non grata on the RF territory, was one of the Fund founders. The same day the Simferopol court delivered a judgement on forbidding the FUND KRYM CO to use its assets at seven addresses (including the building where the Mejlis office was), arrested the current accounts and forbade to open new ones. Later the Simferopol Court imposed a fine of RUR4,5mln on the FUND KRYM CO, and RUR350,000 on Riza Shevkiyev, the organization director. The official reason for this was repairs carried out in one of the buildings and non approved by the Committee for Monument Protection. Later the Department of RF Ministry of Justice for Crimea denied registering the 'FOND KRYM' CO as a non-profitable organization.

On February 15th 2016 Natalia Poklonskaya, 'Prosecutor' of Crimea, addressed the 'Supreme Court of Crimea' with a demand to recognize the Mejlis of the Crimean Tatar People an extremist organization and forbid its activities on the RF territory. On April 12th 2016 Poklonskaya decided '*to suspend the activities of the non-governmental association*' regarding the Mejlis of Crimean Tatar People.¹⁸⁶ The same day, based on the prosecutor's decision, the Mejlis of the Crimean Tatar People was included into the list of non-governmental and religious associations which activities were suspended due to their extremist acts. On April 26th 2016 Natalia Terentyeva,

¹⁸⁶ CHRG Review for April 2016, Annex 4. — http://crimeahrg.org/wp-content/uploads/2016/05/Crimean-Human-Rights-Group_April_2016_RU.pdf

a ‘judge of the Supreme Court of Crimea’, determined to recognize the Mejlis of Crimean Tatar People an extremist organization and to forbid its activities on the RF territory. This judgement was upheld by the RF Supreme Court.

The ban on the Mejlis of Crimean Tatar People activities violates the rights of indigenous people including those to self-governance, preservation of own customs and institutes. Such actions endanger the identity and development of the Crimean Tatar people. The RF ‘anti-extremism’ law norms applied to the Mejlis allow the RF persecute not only the Mejlis members, but also other Crimean Tatar people representatives.

On April 19th 2017, the UN International Court on Ukraine Against Russia case on violating the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in Crimea, ordered on precautionary measures, including the lift of the ban on the activities of the Mejlis in Crimea. However, the RF has been still disregarding the Court Order.

Apart from the Mejlis, activities of other Crimean Tatar organizations and associations are restricted or persecuted in Crimea. The Committee for Human Rights of the Crimean Tatar People was established after the occupation. Eskender Bariyev (Mejlis member), Sinaver Kadyrov, and Abmedjit Suleymanov (Mejlis member) became its coordinators. The Committee tried several times to hold peaceful assemblies for protecting the Crimean Tatars, organized the Conference of their protection issues, and delivered legal consultations.

In January 2015 the ‘prosecutor’ of Crimea sent the files for commencing a criminal persecution of three Committee coordinators. They were accused of appealing to the actions aimed at violating the RF territorial integrity (RF CC Article 280.1-2). Later Eskender Bariyev, Sinaver Kadyrov, and Abmedjit Suleymanov were detained at the Russian check point in Armiansk. Kadyrov was sent to ‘Armiansk Town Court’ that the same day passed the judgement on deporting the activist from Crimea for violation of the RF migration laws. Eskender Bariyev and Abmedjit Suleymanov had to leave Crimea and moved to the territory controlled by Ukraine.

In Kyiv Eskender Bariyev became a head of the Crimean Tatar Resource Center. In January 2019 it became known that the Russian occupation

authorities of Crimea put him on the international wanted list within the criminal case under RF CC Article 280.1-2 (*public appeals to the actions aimed at violating the RF territorial integrity with the mass media used*). On December 24th 2018 ‘Kievsky District Court’ of Simferopol imposed on Bariyev in absentia a custodial placement as pre-trial restriction.¹⁸⁷

After the occupation of Crimea and due the growing number of unlawfully detained Muslims and Crimean Tatars the Crimean Solidarity (KRYMSKAYA SOLIDARNOST) social initiative was set up to protect the victims of the human rights violations. Most association members are Crimean Tatars, relatives and friends of unlawfully detained people. Activists record videos of unlawful searches in the Crimean Tatars’ houses, and court sessions for the politically motivated cases, collect care packages to the detention centers and prisons. The association members have been many times persecuted by the occupation authorities. For instance, on May 21st 2018 two Crimean Tatar activists, Edem Smailov and Server Mustafayev, were detained after their homes had been searched. On May 22nd 2018 ‘Kievsky District Court’ of Simferopol arrested them on suspicion of membership in the Hizb-ut-Tahrir, recognized a terrorist organization in the RF. But the human rights experts are sure that the activists are persecuted solely for their civil actions.¹⁸⁸ Server Mustafayev was a Crimean Solidarity coordinator.

On November 23rd 2017 Crimean Tatar national movement activists: Bekir Degermendji, Asan Chapukh, Kazim Ametov, and Ruslan Trubach were detained accused of extorting money from a Turkish national. During the detention Vedjie Kashla, a veteran of the Crimean Tatar movement, died. According to the detained, this was the Turkish national who had to return her the borrowed money. Vedjie Kashka died in the ambulance. E Center staff and the police, with the RF FSB men involvement, participated in the detention. The RF Investigation Committee for Crimea rejected twice to commence a criminal case due to Vedjie Kashka death. The lawyer filed a claim on the unlawful actions of the investigator who had refused to investigate the death of Vedjie Kashka. But the ‘Supreme Court of Crimea’ denied considering the claim.

¹⁸⁷ Eskender Bariyev, Member of Crimean Tatar People Mejlis, Put on Wanted List by RF /CHRG, February 13, 2019 — <https://crimeahrg.org/chlena-medzhilisa-krymskotatarskogo-naroda-eskendera-barieva-rf-obyavila-v-rozysk/>

¹⁸⁸ Human Rights Experts Demand to Set Free Activists Mustafayev and Smailov and Stop Pressing Crimeanb Solidarity Activities / CHRG, May 29, 2018 — <https://crimeahrg.org/uk/pravozahisniki-vimogayut-zvlniti-aktivistiv-mustafayeva-i-smayilova-ta-pripiniti-tisk-na-diyalnist-krimskoyi-solidarnosti/>

The Russian and controlled Crimean mass media used the case, trying to discredit the Mejlis of Crimean Tatar People. The news of the mass media controlled by Kremlin stressed out that *'all detained are linked to the Mejlis of Crimean Tatar People, as it was said. The review of the news topics from that period proves that an intention to discredit the Mejlis was related with the RF actions on justifying the unlawful ban on its activities in Crimea'*.

Crimean Tatar activists Bekir Degermendji, Asan Chapukh, Kazim Ametov, and Ruslan Trubach were in the detention center for more than a year, despite a bad health condition. On April 2019 'Kievsky District Court' of Simferopol charged them with suspended sentences: Bekir Degermendji, Kazim Ametov, and Ruslan Trubach — three years with a three year's trial period, and Asan Chapukh — three and a half years with the same trial period. They were found guilty under RF CC Article 163-2 (*grand money extortion by an organized group*), and Asan Chapukh was additionally charged under RF CC Article 222-1 (*unlawful possession of arms and ammunition*).

4.10. RESETTLEMENT OF CIVIL POPULATIONS AND CHANGE IN DEMOGRAPHY

Actions aimed at changing a demographic composition of the occupied territories were for the first time declared an international crime at the Nurnberg Trial of 1945. The Nazi criminals were charged with 'germanizing' annexed territories, including Norway, a part of France, Luxembourg, the Soviet Union, Denmark, Belgium, and the Netherlands, attempts to destroy the national identity of these territories through a forced deportation of the residents, mostly of non-German nationality, and settlement of these territories with thousands of German colonists.

Despite a negative historical experience, the RF official authorities, once the territory of the Autonomous Republic of Crimea and the Sebastopol City were occupied, also launched the policy aimed at cleansing the occupied territory from the disloyal population and settling simultaneously the peninsula with own 'colonists'. Even within the first years of occupation this has caused already a substantial demography change on the occupied territory: local residents are pushed out and replaced with the occupying power nationals.

4.10.1 Cleansing of territory

Direct and indirect RF actions on cleansing the occupied territory are presented, on one side, in deporting the people the people without a Russian nationality, moving the sentenced to serve the sentence on the RF territory, on the other side — in creating the conditions when the Ukrainian nationals themselves have to leave to the mainland Ukraine or emigrate.

Pursuant to Rome Statute, Article 7(1)(d) deportation or forcible transfer of population means the crime.

Due to the monitoring of open sources it was found out that as at May 2018 the Crimean courts had considered over 9,500 cases of administrative violations in the migration law field. It is solidly established that over 2,400 people were deported. Over 1000 in this number are Ukrainian nationals.¹⁸⁹

Particular illustrations of deportation may be cases of Sinaver Kadyrov (see also a section on the freedom of movement), Konstantin Sizarev, and Aleksandr Koval'chuk.¹⁹⁰ They all lived in Crimea permanently before the occupation, renounced the Russian passport and were deported from the own home.

Due to a direct indication of FZ-114, Article 27 (11) 'On procedure of entering the Russian Federation and exiting the Russian Federation' a deportation shall result into a ban on entering the RF territory (and, consequently, Crimea as a territory controlled by Russia).

In addition, the Regional Center for Human Rights identified at least 4,700 Ukrainian nationals deprived of liberty by the RF authorities in Crimea. As at 2017, at least 3,500 of them were transferred to the RF territory to serve the sentence.

According to the Elements of Crimes the term 'forcible' is not limited to use of physical force and may mean a threat with force or coercion caused, for

¹⁸⁹ Crimea Without Rules: Special Issue. Deportation of Civil Population from Occupied Crimea by Russian Federation/ Crimean Precedent, June 21, 2018 — <https://precedent.crimea.ua/issues/kryim-bez-pravyl-spetsyalnij-vyipusk-nasylstvennaya-vyisyilka-hrazhdanskoho-naselenyya-s-okkupyrovannoj-terrytory-rossyjskoj-federatsyej/>

¹⁹⁰ See the same source

instance, by a fear of violence, major coercion, detention, psychological pressure or abuse of authority in relation of such person or persons or another person or using the situation of coercion nature.¹⁹¹

This approach has been developed in the practice of International Criminal Tribunal for the Former Yugoslavia (ICTY). In the Krajišnik case¹⁹² the ICTY Trial Chamber found the accused guilty of participating in mass transfer of the Bosnian Muslims and Croats. The chamber pointed out, namely, that these crimes were serious in view of the fact that people were illegally moved against their will or without a genuine choice from the area in which they were lawfully present. Forcible removal in this case was part of the campaign of persecution, with non-Serbs being fired from their jobs and being, in general, discriminated against. This process culminated in many tens of thousands of people being excluded from the economic and social life of their communities.

The ICTY recognized the movement forcible because the Serbian authorities had created harsh conditions of life for the Muslims and the Croats. In such conditions they had no choice but to leave their home land. The harshness was, inter alia, caused by searches, cutoff of water supply, electric power, phone services, etc.

The first wave of the people forced to leave the territory of Crimea were those who were frightened with the RF armed aggression and pro-Ukrainian activists suffered from persecutions or being scared of them.

In April 2014 the RF laws were enforced in Crimea that caused a complete disorganization of life on the peninsula and a need to follow the RF authorities' requirements. L.Lubina, so called human rights ombudsperson for the Republic of Crimea, describes the situation as follows¹⁹³:

'The Republic of Crimea is facing now a heavy burden of 'transition period', the time allocated for integrating our region with established system of law and state governance into the system of Russian Federation state institutes... Therefore a common man feels lost in the versatility of new rules of life, not similar to those, he has become accustomed to...

¹⁹¹ See note at page 129: https://www.un.org/ru/documents/rules/icc_elements.pdf

¹⁹² Krajišnik Trial Judgement, ICTY, 27 September 2006, para. 1144, <http://www.icty.org/x/cases/krajsnik/tjug/en/kra-jud060927e.pdf>

¹⁹³ https://ombudsman.rk.gov.ru/file/File/UPCHvRK/Ежегодный_Доклад_№1.pdf

Impossibility to receive smoothly governmental services makes also one of such issues, including:

- *Inputting the data on the former existing titles to the real estate, deals with its, restrictions and encumbrances*
- *Re-registering cars and bikes, replacement of driver's licences*
- *Re-registering and registering non-commercial organizations*
- *Formalizing the pensions for the people who have reached a retirement age by the Ukrainian laws valid in the Republic of Crimea for the 'transition period', i.e. till 1 January 2015*
- *Formalizing the documents for obtaining Veteran of Labour title*
- *Submitting the documents and obtaining a mandatory medical insurance policy*
- *Re-registering business entities of all legal forms'*

Those, who did not manage to adapt or did not want to adapt to the new conditions of life started also leaving Crimea.

Later, in addition to fear of the life, the decision to move was pushed by the Russian authorities policy with consistent violations of human rights. In particular, here are some factors that, individually or combined, force the people to leave the occupied territory:

- Lack of possibility to represent openly the political views
- Lack of possibility to satisfy the cultural needs and to maintain a national or cultural identity
- Difficulties with maintaining family relations
- Forced RF nationality

- Confiscation / loss of business
- No opportunities to find a job and earn an income at the level necessary to satisfy the basic needs
- Threat of conscription to the military service
- Persecutions by religion
- Lack of fair justice
- Violation of freedom of speech and peaceful assemblies
- Obstructed access to medical and social services
- Impossibility to be educated in the native language and/or in line with cultural beliefs

When this book was being prepared, the number of internally displaced people from Crimea had exceeded 50,000, while the number of the emigrated can't be reliably established.

4.10.2. Colonization¹⁹⁴

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 85, regards the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies a war crime. Pursuant to the Rome Statute of the International Criminal Court, Article 8(2)(b) (XVIII) the Court shall have jurisdiction in respect of it.

The statistic data demonstrate that for 18 months of the occupation the demography composition of Crimea and Sevastopol City had changed substantially. And this statistics is based on the official residence registration by

¹⁹⁴ Crimea Without Rules: Special Issue. Transfer of Civil Population of Russian Federation to Occupied Territory of Ukraine/ Crimean Precedent, May 4th 2018 — <https://precedent.crimea.ua/issues/kryim-bez-pravyl-spetsyalnyj-vyipusk-peremeschenye-hrazhdanskoho-naselenyya-rossyjskoj-federatsyy-na-okupyrovannuyu-terytoryyu-ukraynji/>

the RF Federal Migration Service, i.e. the RF authorities are rather deliberate in allowing and supporting the settlement of their nationals on the occupied territory.

The transfer of the RF nationals is most obviously recorded for Sevastopol City. For instance, as at 1 March 2014 the population of Sevastopol was 386,168. By 1 January 2015 the number of city residents had grown by 12,805 and totaled 398,973. The witnesses, based on their own experience from the pre-occupation period, note a more significant population increase. In addition, there are consideration based on the indirect counting methods.

The data of the number of voters for the election of the State Council of the Republic of Crimea (hereinafter SCRC) members of the first convocation and members of the Legislative Assembly of the Sevastopol City of the first convocation held on September 14th 2014 and so called 'referendum' of March 16th 2014 held under the absolute RF control, also prove the population increase and demonstrate even more significant numbers of the Russian nationals who have moved to the occupied territories.

For instance, according to the official data, the number of voters in the list for the election of Legislative Assembly of the Sevastopol City members of the first convocation on September 14th, 2014, was 344,835. To compare, the number of registered voters for Sevastopol City for the election to the Supreme Council of Ukraine in 2012 was 303,093. According to the data of the Central Election Commission of Ukraine, the number of the voters in Sevastopol remained stable for the last decade and ranged within 1,000. Therefore, by October 2014, only the increment of voters was 41,000, or almost 12%.

The flow of the RF nationals to the occupied territory was promoted, inter alia, with a radical change of the legal regulation. The problems faced due to the legal regulation change, were admitted in the report of '*human rights ombudsman for the Republic of Crimea*' for 2014.¹⁹⁵

All this caused a decrease of the local people competitiveness and a flow of 'professionals' from the Russian Federation.

¹⁹⁵ https://ombudsman.rk.gov.ru/file/File/UPCHvRK/Ежегодный_Доклад_№1.pdf

The governmental bodies in charge of employment widely communicate an information on the vacancies in Crimea. Though some of the jobs are of seasonal nature, there are rather many offers of the permanent jobs, even with accommodation provided.

For instance, such information is published at the official websites of State Committee for Employment of Republic of Khakassia, Employment Center of Novokuznetsk City (Kemerovo Region), Employment Center of Kemerovo City, Ministry of Economics of Republic of Buryatia, Ministry of Education and Science of Republic of Buryatia that suggest the local people to check vacant jobs on the territory of Crimea.

The inhabitants of Kemerovo City are offered about 10,000 permanent and seasonal job positions in Crimea, with and without accommodation. At the website of the State Committee for Employment of Republic of Khakassia one may find information on 323 vacant jobs in Crimea, with and without accommodation. The lists of open jobs inform about a position, a place of potential employment, a remuneration amount, and give contact details of employer.

The RF nationals from these regions are offered both temporary and permanent employment on the peninsula territory in such cities and towns as Simferopol, Alushta, Sudak, Yevpatoriya, Feodosiya, Saki, and others, with jobs in various sectors: administration, medicine, resort and health treatment, culture, restaurants, farms, etc.

CVs of Russian government officials in open access (so called 'Council of Ministers of RC', and 'Government of Sevastopol' as well as 'Prosecutor's Office' for the RC and Sevastopol) are a good illustration for numerous Russian nationals who transferred to Crimea. The transfer of the civilian population may be also traced by the composition of the senior management for health care, education, etc. In addition, the 'settlers' from the RF account for a substantial share of the lawyers.

The information on transferring the civilian population is very relevant in terms of statements made sometimes in the mass media that the '*situation might be resolved*' by a new referendum on the status of Crimea to be held under the monitoring of international institutions. The demography profile of the occupied territories changed by the RF excludes this way to resolve the issue.

In addition, the transfer of Ukrainian nationals from Crimea becomes a new burden for the Government of Ukraine. The circumstances caused this transfer make it possible to state that the RF shall hold liability for these violations. The issue of RF liability may and must be raised not only at the International Criminal Court, but also in individual lawsuits filed to the European Court or UN Committee for Human Rights. The scale of the issue may justify an address with an inter-state lawsuit to the European Human Rights Court.

4.11. UNLAWFUL CONSCRIPTION OF UKRAINIAN CITIZENS TO THE RUSSIAN ARMY

The forcible nationality has resulted into drafting Ukrainian nationals living in Crimea to the Russian Army. The number of Ukrainian nationals unlawfully called up the military services in the RF Armed Forces (RF AF) had reached over 15,000 by the early 2019.

Within the spring conscription campaign of 2019, the RF authorities plan to call up 3,400 Crimean residents more. a trend to increase the number of draftees year to year is clearly observed. Since 2017 the Crimean residents called up to the RF AF have been sent to serve the service on the RF territory, that contradicts the initial statement that they would serve only in Crimea. As declared by the RF AF commandment, 673 men were sent from Crimea in 2017 to the military units on the RF territory. According to the plans declared for spring 2019, there would be at least 2,400 men.

Coercion to the military services is ensured with administrative and criminal punishments for dodging conscription to the RF AF. In case of evading the military service the Crimeans may be held criminally liable: from penalty (up to RUR200,000 max) to a two year's sentence. The Crimean Human Rights Group is recording awarding judgements in Crimea for evading the military services in the Russian Army.

For instance, as at early May 2019, it recorded 57 criminal cases commenced for dodging conscription to the RF AF, including 4 cases closed, 52 cases with delivered judgements, and 1 being considered at the 'court'. At to the judgements delivered, 1 was for an 8 month's suspended jail sentence, 1–240 hours of mandatory works, and most – fines of RUR5,000 to RUR80,000.



Within Syria Turnover Movable Exhibition Children Are Demonstrated Arms Seized by Russia in Syria, Sevastopol, 3 March 2019 © Crimean Human Rights group

Russia sends the Crimeans not only to the land forces. Since spring 2015 the RF Navy commandment has been manning the RF Navy ship crews out of Crimea residents. The Crimean Human Rights Group has recorded the facts when the RF Navy ships manned with the Crimean residents participated in the Mediterranean sea campaigns and military operations in Syria. This is proved by copies of award sheets for 'Participant in Military Operations in Syria' medals the Crimean residents were awarded with. In addition, there was a hearing on the complaint of several RF Black Sea Navy sailors for non-paying an extra remuneration for participation in the military operation in Syria at the 'Crimean Garrison Military Court' in 2019. At least one of them had served earlier in the Armed Forces of Ukraine, and, consequently, is a Ukrainian national.

In addition, the RF AF services is ambitiously advertised to the Crimean residents, including the schoolchildren: there is a pre-conscription training at schools, children are invited to the summer camps where they are

trained in military fundamentals and arms handling. Exhibitions of the military machines are regularly held in the Crimean major cities, with appeals to serve in the RF AF.

Conscription of the Crimean residents to the RF Armed Forces and military propaganda in Crimea constitute a war crime since Russia breaches gravely Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Articles 49 and 51, and norms of the Rome Statute of the International Criminal Court.

For the Crimean residents the situation has aggravated even more when Vladimir Putin, President of RF, addressed the Federal Assembly of RF on March 1st 2018. Demonstration of nuclear and other weapons, readiness of Russia to offensive operations verify the fact that Russia is a danger for global security today. For the Crimean residents this means a further rollback of fundamental freedoms and rights, the increased number of draftees, sending Crimean draftees to the places of local armed conflicts Russia is involved into, enhanced militarization of the peninsula, and threat to be forcibly involved into the military conflict of Russia with other states.

4.12. BREACH OF PROPERTY RIGHTS

Property is an economic foundation for all freedoms and a possibility to fight for them. So called middle class has developed in the country for the years of Ukraine's independence. Crimea is not an exclusion, and the people have become also accustomed to a certain level of freedom and a possibility to fight for their rights. a well-established business allows for diverting time to time from pure earning a living in favour of defending civil rights and freedoms.

The Crimea occupation is accompanied with a large scaled property expropriation. For March 2014 — March 2015 the property of over 330 state and trade union owned enterprises, institutions and organizations¹⁹⁶ as well as over 280 private business was nationalized.¹⁹⁷

¹⁹⁶ SC RC Resolutions no 2042-6/14, no 1950-6/14, no2079-6/14, no 2084-6/14, no1757-6/14, no 1837-6/14, no 1948-6/14; no 2267-6/14, no 2026-6/14, no18366/14, CM RC ordinances no 1119r, no 783r.

¹⁹⁷ SC RC resolution no 2085-6/14, Government of Sevastopol Resolution no 118-PP and no 23-PP, CM RC resolution no 316

Federal law no 124-FZ of 5 May 2014 ‘On amending Federal Law ‘On enforcing part I of the Civil Code of the Russian Federation, and Article 1202 of Part III of the Civil Code of the Russian Federation’ amended RF Civil Code Article 19. Pursuant to these amendments it was necessary to re-register legal entities located on the territory of Crimea in line with the RF laws and to include them into the Unified State Register of Legal Entities by 1 January 2015 (later the deadline was extended till 1 March 2015). Without the re-registration the legal entities might operate on the RF territory only since getting a status of branch (representative office) of a foreign legal entity (Article 1-7). As at 12 December 2014 only 12,752 of the total number of 52,885 legal entities managed to re-register.¹⁹⁸

A special stage in expropriating and destroying the property was marked with demolition of a 16-storeyed building at Khrustalny Cape in Sevastopol in December 2014.¹⁹⁹

In 2015–2016 small trading structures located in Sevastopol downtown (*Istorichesky Boulevard, Zakharova Square, etc.*) were dismantled on a large scale.

In October 2017 the ‘Government’ of Sevastopol approved an inventory of 50 real estate assets of different type declared un-authorized and subject to demolition.²⁰⁰ This inventory included both commercial and residential property.

In summer 2018, pretending to ensure the fire safety, almost all big shopping malls were closed simultaneously in Sevastopol (MUSSON, CONSOLE PLAZA, etc.) that generated a substantial loss for the entrepreneurs who had business in the premises rented in the shopping malls. Though most shopping malls restarted their work in a couple of months, for many entrepreneurs this break became a disaster.

For 2015–2018 ‘the Government’ of Sevastopol, applying the courts, commenced a large scaled expropriation of land plots of garden and dwelling cooperative members.

¹⁹⁸ Annual Report of RF Human Rights Ombudsman for 2014 <http://goo.gl/SLa480>

¹⁹⁹ <https://www.youtube.com/watch?v=yo2hzTGPYBA>

²⁰⁰ Order of Municipal Property Department of Sevastopol City, 16 October 2017, no 352-OD/«Government of Sevastopol», October 18th, 2017 — <https://sev.gov.ru/docs/239/43312/>

Dozen thousands of land plots of dozens of land cooperatives in Sevastopol City were sequestered. In particular, on December 30th 2016 so called Department of Governor, Government of Sevastopol and PRAVOZASCHITA Ltd made a contract no 290. According to the contract, PRAVOZASCHITA Ltd undertook a commitment to deliver legal services to be paid out of budget (including filing lawsuits the court) on declaring void state acts related to granting the property right or right of enjoyment for land plots and/or recovering the land plots held in adverse possession. According to this contract, the number of lawsuits to be placed was 2,500. In addition, the courts were also addressed with the same lawsuits by the prosecutor's office and Ministry of Defence.

The structures and land plots located in the area of TAVRIDA Motorway and Kerch Bridge construction were to be expropriated, too.

All these cases refer to the property purchased before the occupation in line with the Ukrainian laws. Revising the legacy of Ukrainian bodies' decisions made many years before the occupation, without considering a limitation period, is rather often an official reason for property expropriation.

Deprivation of property adversely affects the status of other rights and freedoms as well as deprives the people of confidence in the future. Sometimes the loss of economic base makes people leave the occupied peninsula and, thus, becomes a powerful factor provoking the change of demographic situation in Crimea.

4.13. CRIMEAN JUSTICE

Pursuant to the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 6, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Pursuant to Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 54, the Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience. But in the context of Crimea

occupation Russia regularly breaches these fundamental norms that has created a system when the Crimean residents are almost deprived of right to a fair trial.

Pursuant to FKZ-6 Article 9 of 21 March 2014, the judges appointed to the position in line with the Ukrainian laws and working at the Ukrainian courts at the moment of the law adoption, were authorized to execute justice on the territory of Crimea for a transition period. Their status was established by law as *'citizens substituting positions of judges'*. The conditions to be eligible for executing the justice were adoption of RF nationality, submission of the original passport verifying the Ukrainian nationality to the Russian authorities, and a statement of renouncing the Ukrainian nationality. The period of executing the justice by the *'citizens substituting the judges'* was set till the establishment of RF courts in Crimea. So this period when the justice on the territory of the Autonomous Republic of Crimea and Sevastopol City was executed by 'judges' in this status lasted till 1 April 2014 to 26 December 2014. Federal courts unlawfully established by Russia and some appointed federal judges started working since a new — 2015 year.

On December 19th 2014, by Edict of President of RF no 786 *'On appointing judges of federal courts'* deputy presidents of 'Supreme Court of Republic of Crimea' and 'Sevastopol City Court', presidents of 4 district 'courts', deputies for 18 'district' courts and 2 garrison military 'courts' as well as several hundreds of Crimean judges were appointed for a 6 year's period.

Though the law guaranteed a priority right for the *'citizens substituting the judge positions'* to be appointed a judge of the RF courts established in Crimea, the procedure of building up federal courts did not foresee any guarantees, and on the contrary, supported a competition with the judges from the RF. Based on the review of the court composition, as at March 18th 2014 and after the edict adoption, there were judges that though had been on the position before March 18th and passed a contest, were not appointed on the positions of judges in Crimea.

Since April 2014 the justice in Crimea had been still executed by the Ukrainian courts established earlier in line with the Ukrainian laws, though with the RF procedure laws applied. It should be noted that they preserved their competence not only pursuant to Law of Ukraine *'On securing rights and*

freedoms of citizens and a legal regime on the temporary occupied territory of Ukraine', but also because the RF laws (for instance, commercial and administrative courts) did not cover some of them. The cases are known when court acts of 'Crimean courts' on behalf of the RF in 2014 were sealed with the Ukrainian court stamp.

Since March 2014 the courts located on the territory of Crimea stopped sending the documents of civil, criminal, and administrative cases for revising the court judgements to the higher level courts located on the mainland Ukraine. All cases (including criminal ones, in breach of Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 64) were re-considered under the RF laws. This caused obstacles for revising the previously adopted judgments by Ukrainian courts of cassation as well as revising them due to the judgements of the European Human Right Court.

The actions of Russian authorities resulted into destruction of judicial system independence on the peninsula. For instance, the competence of the judges appointed according to the Ukrainian laws was suddenly cancelled, and their status became non-determined. The Russian laws regulating the court system operations, do not have the concept 'substitution' of judge position. Consequently, the status of people assigned to this category, their competences, a required qualification, a level of education, and law knowledge were not clearly stated. The general policy of forcible Russian nationality under the threat of dismissal, a possible appointment on the judge position expected, and non-transparency of the procedure pushed the candidates to demonstrate the maximum loyalty to the RF authorities. First of all, this loyalty demonstration affected court judgements passed within the political motivated administrative or criminal cases.

Starting from 2015 more and more judges of Russian nationality have been transferred to from the RF territory to Crimea. These judges regularly award unlawful (even in terms of the RF laws) judgements on the Crimean residents who do not support the peninsula occupation.

The occupation resulted into creating a new justice system serving mostly the interests of the Russian power, that is verified with the following data. For 2014–2015 the RF persecuted over 70 Ukrainian nationals within the politically

motivated cases,²⁰¹ initiated at least 300 administrative and 12 criminal cases to persecute for freedom of peaceful assemblies, over 30 criminal cases for membership in the organizations forbidden in the RF, over 70 cases under the RF 'anti-extremist' laws. The monitoring of court procedures held by the human rights organizations in Crimea proves that these cases are held with a grave breach of right to a fair trial.

The right to a fair trial is disrespected by the Crimean judges regarding the Ukrainian activists, Crimean Tatar national movement representatives to suppress a resistance of the population disloyal to the RF.

For instance, in the case of Volodymyr Balukh, a Ukrainian national, who raised a Ukrainian flag on his house (*for more details see 4.2.4*) the occupation courts, considering criminal charges against him, were in material breach of the right to a fair trial: standards of participation of the accused in the process were not observed because the court sessions were held without his presence; the accused was not secured the last word; the accused was deprived of questioning the witnesses testifying against him or right to have these witnesses questioned, the court rejected the defence motions on presenting the expert's opinions while all motions of the prosecution were satisfied; the behavior of the judge during the interrogation and statements of witnesses demonstrated a support to the prosecution; placement of the defendant into the cage during the court sessions and dissemination of his photos in the cage by the mass media breached the presumption of innocence.²⁰²

Another illustration of breaching the right to a fair trial is the case of 'February 26th' used to persecute the participants of the pro-Ukrainian rally of February 26th 2014 in Simferopol: Akhtem Chiygoz, Ali Asanov, Mustafa Degermendji, et al. (*for more details see 4.6.4*). The RF occupation courts considered the cases on accusing the Ukrainian nationals due to the events occurred before the RF established an actual control over Crimea. Therefore, violating the general principles of fair trial, the occupation courts made a criminal law retrospective.²⁰³

²⁰¹ According to data of the Ukrainian human rights organizations, resolutions 2017/2596 (RSP) of European Parliament, of March 15, 2017

²⁰² Crimean Process: Issues of Meeting Fair Trial Standards in Politically Motivated Cases//UHHRU – https://helsinki.org.ua/wp-content/uploads/2019/02/201902_CrimeanProcess.pdf

²⁰³ Crimean Process: Issues of Meeting Fair Trial Standards in Politically Motivated Cases//UHHRU – https://helsinki.org.ua/wp-content/uploads/2019/02/201902_CrimeanProcess.pdf

Some cases demonstrate an active position of Crimean judges that aggravated the position of accused more than initiated by the persecution. For instance, in the case of Ukrainian activist Igor Movenko the first instance court awarded a severer sentence than that asked. In the case of Ilmi Umerov, a Mejlis of Crimean Tatar People member, the court also awarded a real punishment though the prosecutor requested a punishment not related with deprivation of liberty (*for more details see 4.5.13*).

Thus, under the occupation the Crimeans are deprived of possibility to defend themselves at the Crimean courts, that do not respect the fair trial guarantees. The most vulnerable categories are civil activists, members of Mejlis of Crimean Tatar people and participants of the Crimean Tatar national movement, organizers and participants of peaceful assemblies in Crimea, former and current Ukrainian military men, political figures of Ukraine, Ukrainian civil officials and others.

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FIVE YEARS OF UNFREEDOM IN CRIMEA

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