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CRIMEA: BREAKING THE WALL OF SILENCE

November 2018

Human rights mission to Crimea by three Human Rights Houses.

“ Support from outside of Crimea is very important. For those behind bars, when they receive letters, when they know that outside someone is speaking about their cases and drawing the attention of the international community to what is happening here, when someone comes to Crimea to listen to their stories – all of that is extremely important. This is not a way to live, but it is a way to resist.

LAWYER

Defending political prisoners in Crimea.





Crimea

SEPT 2018

Cover photo:
Meryem Kuku.

Photo: Human Rights Information Center.

This photo:
The mission travels through Crimea.

Photo: Human Rights Information Center.

ABOUT THIS REPORT

The Human Rights Houses Mission to Crimea from 14-18 September 2018 and this report were coordinated by Human Rights Information Center, member of Crimean Human Rights House.

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MISSION BY THREE HUMAN RIGHTS HOUSES

Aiming to break the wall of silence and document first-hand the human rights situation in Crimea, representatives of Human Rights Houses visited the occupied Autonomous Republic of Crimea and the city of Sevastopol (hereinafter referred to as “Crimea”) from 14-18 September 2018.

This was an opportunity for an international human rights mission to collect on-the-ground information and document the human rights situation on the peninsula.

A “grey zone” with no human rights protection

Four and a half years have passed since the Russian Federation occupied Crimea in 2014. Over this time, the peninsula has become a “grey zone” for human rights, subjected to the rule of the Russian Federation and practically inaccessible to independent international scrutiny. At the same time, the information that does leak out – primarily thanks to modern information technology – indicates that the human rights situation remains dire and that serious violations continue to take place. During this time, the majority of the human rights community in Crimea has had to leave the peninsula due to persecution and threats, and those who still work on human rights run grave risks of persecution and are forced to work under the surface.

The international community has not recognised the March 2014 unlawful referendum on the status of Crimea, organised under the control of the Russian military, nor the subsequent annexation of Crimea by the Russian Federation. The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has been operating in Ukraine since March 2014, and provides regular updates on the

human rights situation in Crimea in its quarterly reports. Despite the UN Mission’s numerous attempts, the Russian Federation has consistently denied it access to the peninsula. The UN Mission therefore monitors the situation in Crimea from the mainland.

The Russian Federation has also denied the UN Mission access to prepare two dedicated reports on the human rights situation in Crimea, as mandated by the General Assembly in its resolutions 71/ and 72/190. This denial disregards the General Assembly’s call for the Russian Federation to “ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organisations to Crimea”.

There is no “new normal” life in Crimea, despite attempts by the occupying power to convey such appearances to the outside world. The occupation of the peninsula builds on a system of repression and maintains a climate of fear, in which anyone perceived as an opponent is persecuted. Specifically, Crimean Tatars, Ukrainians, civic activists, lawyers, journalists, bloggers, and members of religious communities are targeted, and any attempts at dissent or criticism of official policies are deterred, suppressed, and silenced.

Ever since the first arrests made by the Russian authorities in 2014, the number of political prisoners has been constantly increasing: at least 68 Ukrainians are now imprisoned in Crimea and the Russian Federation in fabricated/ falsified cases. This situation is exacerbated by concerted efforts to seal off the peninsula and prevent Ukrainian and international human rights monitors, journalists, and others from traveling to Crimea, reinforcing impunity for perva-

sive human rights violations against the population.

Within the “grey zone” of the peninsula, the people of Crimea do not have access to any mechanisms of human rights protection, leaving them at the mercy of the Russian Federation government, which can violate their human rights with total impunity.

People spoke of feeling abandoned and forgotten in numerous discussions with the Human Rights Houses Mission. It is therefore important to reinforce the scrutiny and attention given to the human rights situation in Crimea, and to encourage journalists and missions by international human rights defenders to travel to Crimea to document the violations that are occurring, and to strengthen advocacy campaigns at national and international levels. Within this context, access to the peninsula is of primary importance, and conditions should be eased to allow such visits to take place.

“Support from outside of Crimea is very important. For those behind bars, when they receive letters, when they know that outside someone is speaking about their cases and drawing the attention of the international community to what is happening here, when someone comes to Crimea to listen to their stories – all of that is extremely important. This is not a way to live, but it is a way to resist,” said a lawyer defending political prisoners in Crimea.

Giving a voice to Crimeans

The visit by the monitoring Mission brought together five experienced human rights defenders from three Human Rights Houses. It has contributed to ensuring that the facts on the ground are known, and has helped to give a voice to the Crimean people.

During the four days spent in Crimea, the members of the Mission spoke to more than 50 people, including victims of human rights violations and their relatives, mothers and wives of political prisoners, and journalists, lawyers, and civic activists. Mission participants spoke to people who lived in Crimea prior to the occupation and did not leave, as well as to people who moved from Russia to Crimea after the occupation. They spoke to people with different political opinions and convictions, and different political positions, including both people who had been against the occupation and people who had been in favour. All spoke of a climate of fear.

The primary focus of the Mission was to examine and document the situation for human rights defenders and the effects of restrictions on the freedoms of expression, assembly and association. Yet, in the course of interviews conducted by the Mission, information was received concerning a wide range of other human rights violations. They include violations of the right to life, the right to a fair trial, and the right to preserve one's national identity, as well as the use of fabricated charges, torture and ill-treatment, and unacceptable conditions of detention.



Mission members Tatsiana Reviaka (Barys Zvozkau Belarusian Human Rights House) and Kyrlo Yekymov (Educational Human Rights House Chernihiv), with Shevket Kaybullaev (editor of Avdet newspaper). Photo: Human Rights Information Center.



Mission member Aleh Matskevich (Barys Zvozkau Belarusian Human Rights House). Photo: Human Rights Information Center.

DOCUMENTING THE HUMAN RIGHTS SITUATION FIRST-HAND



Members of the Mission shared their initial observations at a press conference in September 2018. Kyrlo Yekymov, Educational Human Rights House Chernihiv (l), Tatsiana Reviaka, Barys Zvozkau Belarusian Human Rights House (r). Photo: Ukrainian Crisis Media Center.

Mission by experienced human rights organisations

The Human Rights Houses Mission travelled to Crimea from 14-18 September 2018. The Mission, and this report were coordinated by Human Rights Information Center, member of Crimean Human Rights House.

This project was realised by Barys Zvozkau Belarusian Human Rights House, Human Rights House Azerbaijan, Educational Human Rights House Chernihiv (Ukraine), and Crimean Human Rights House (Ukraine), with the support of Human Rights House Foundation (HRHF) and People in Need (PIN).

Findings based on first-hand accounts

The primary source of information for this report is first-hand accounts provided to the Human Rights Houses Mission during their visit to Crimea.

Interviews were conducted in accordance with internationally recognised human rights monitoring principles. For reasons of security and confidentiality, the identity of the majority of interviewees has been withheld. Secondary sources consulted for the report include: case law of the European Court of Human Rights; materials from intergovernmental organisations, including the United Nations, OSCE, and the Council of Europe and Parliamen-

tary Assembly of the Council of Europe (PACE); materials of NGOs; and information from open sources and media.

Citations for all sources are provided.

In line with the thematic priorities of the Human Rights Houses, the authors of this report sought to document the situation in Crimea with regard to the rights to the fundamental freedoms of association, assembly and expression. The report furthermore contains information on the threats and challenges human rights defenders face in Crimea and raises questions with regard to the access for human rights defenders to the peninsula, from both Russian and Ukrainian sides.

HUMAN RIGHTS OF CRIMEANS CONTINUE TO BE VIOLATED

Since the Russian Federation occupied Crimea in 2014, the human rights of the residents of Crimea continue to be severely violated. From the impressions of the Mission by the Human Rights Houses and the numerous testimonies received, the situation has worsened. Repression has not decreased, and there is no indication that this pressure will subside.

The civic space where independent voices may be heard has ceased to exist in Crimea, and any attempt to exercise the right to freedom of expression, assembly, and association is met with systematic repression. This includes intimidation, pressure, physical attacks, and harassment through judicial measures, such as warnings, prohibitions, house searches, administrative detentions and high fines. Having a chilling and deterrent effect, this forces journalists, civic activists, and lawyers to cease their activities and places at risk human rights defenders who dare stand up to speak of these violations. The result is self-censorship, not only of professionals but the population at large, stunting any attempt at civic engagement.

Discrimination and persecution on ethnic grounds

Discrimination and persecutions on ethnic grounds are directed against Ukrainians and Crimean Tatars, and on religious grounds against Muslims on charges of extremism and engagement in the organisation Hizb-ut-Tahrir – which is forbidden in the Russian Federation but not outlawed in Ukraine. Crimean Tatars suffer regular raids on their communities and private homes, and live under the permanent threat of being persecuted as “extremists” and “terrorists”. Ukrainians also risk persecution for anything that is arbitrarily considered “pro-Ukrainian”, and risk charges of “separatism” and “terrorism”. The rule

of law has been completely obliterated in Crimea. Sentences are brought under fabricated charges in trials in which the outcomes are pre-ordained. These trials take place in contempt of fair trial guarantees.¹ Russian Federation criminal law is arbitrarily and abusively applied, in particular Russian Federation extremism and anti-terrorism law, equating criticism or dissent with extremism. In some cases, Russian Federation criminal law has been applied retroactively to events taking place before the occupation, in violation of international law.

At least 68 political prisoners – Ukrainian citizens – are illegally held in Crimea or in the Russian Federation on politically motivated charges, or for their religion. The Mission heard of unacceptable conditions of detention and transportation during detention, and torture and inhuman treatment. Enforced disappearances are not being investigated and questions from relatives of abducted persons go unanswered.

Ukrainians, Crimean Tatars and Crimeans who opposed the occupation are the primary targets. However, the “conveyor belt” of repression is reaching more and more groups of people. The Mission received disturbing reports that those who support, assist, or show solidarity with persons who are persecuted risk becoming the next victims and face intimidation and pressure.

Pattern of systemic violations

Put together, the information received points to a pattern of systemic violations that are well planned and coordinated. In what seems the execution of political will, the occupying authorities have created and maintain an atmosphere of fear in Crimea, abusing charges of terrorism and extremism as a means of persecution to dissuade all attempts of criticism or dissent.

Wall of silence

At the same time, a “wall of silence” is being built around the peninsula, blocking access and international scrutiny of the human rights situation in Crimea, which reinforces the impunity with which the occupying authorities violate the human rights of the population.

During the interviews, many people spoke of their lack of hope. They also expressed a sense of being cut-off and the fear of being forgotten – by Ukraine and the outside world. Civil society has been decimated and those who are left are weary and at a loss about what to do. Yet, there is resilience and a strong sense of solidarity and resistance among people, who continue to take risks by engaging in civic initiatives and standing up for human rights. The people in Crimea need support to ensure that their human rights are respected and protected. This requires first-hand information and access to the peninsula. The “State border” illegally established by the Russian Federation, as well as entry procedures put in place by Ukrainian authorities, have created the notion that the peninsula is inaccessible.

Few Ukrainian journalists travel to Crimea to cover events. Human rights defenders should be encouraged to undertake regular missions to Crimea to document the situation, building on the Mission by Human Rights Houses. “If you want to document the situation of human rights in Crimea, it is important to write about it in the proximity of the people concerned – where everything is happening,” one respondent told the Mission.

¹ Daria Svyrydova, Крымский процесс: проблемы соблюдения стандартов справедливого правосудия в политически мотивированных делах, 2018. (Available in Russian).

TIME TO ACT

Recommendations to:

Russian Federation

- Comply with the provisions of international humanitarian law and end the unlawful practice of forcibly applying Russian Federation legislation in occupied Crimea, including stopping the retroactive application of laws to acts committed before the occupation. Remove restrictions imposed on the right to peaceful assembly, freedom of expression and opinion, and freedom of association, including the restrictive regulations unlawfully introduced under Russian Federation law.
- Ensure a safe and enabling environment for human rights defenders, so that they can carry out their work without hindrance and free from threats.
- Create an enabling environment for journalists and independent media outlets, whether in print, audiovisual, or online, without hindrance and free from threats and persecution. Ensure that journalists from mainland Ukraine have unimpeded access to Crimea and are able to conduct their work freely.
- Respect the right to peaceful assembly and cease the practice of administrative and criminal prosecution for exercising this right, including allowing single-person protests and the freedom to choose the venue for meetings and demonstrations.
- Remove restrictions on the exercise of cultural and linguistic rights of Crimean Tatars and Ukrainians, including the free manifestation of one's traditions and national symbols, in accordance with international humanitarian law.
- Ensure that human rights and fundamental freedoms can be exercised in Crimea in line with international standards and without discrimination on the grounds of political or religious views, ethnicity, or any other grounds.
- Put an end to the prosecution and imprisonment of persons who peacefully oppose the Russian occupation of Crimea, and allow them to express their views freely irrespective of the media used.
- Immediately release and rehabilitate all political prisoners and drop all charges against those who are arbitrarily subjected to criminal or administrative proceedings in connection with their peaceful civic activism, human rights work, or journalistic activities. Create an enabling environment for the expression of opinions and cultural, linguistic, and religious identity.
- Remove the Mejlis of the Crimean Tatar People from the list of "extremist organisations", lift all restrictions, and allow the representative body of the Crimean Tatar people to freely assume its functions in Crimea.
- Cease arbitrary raids and searches, and the intimidation and harassment of Crimean Tatar communities and families and Muslims.
- Refrain from applying the Russian Code of Criminal Procedure in trials, and cease the illegal transfer of detained Crimeans to the territory of the Russian Federation, and cease trying civilians before Russian military courts. Put an end to the practice of deportations, the forcible transfer of Crimeans to the Russian Federation, and bans on leaving occupied Crimea.
- Effectively and impartially investigate all alleged cases of enforced disappearance, extrajudicial killings and torture in Crimea since March 2014 and bring perpetrators to justice.
- Cooperate fully with all international and regional monitoring mechanisms, in particular with the UN, OSCE, Council of Europe, and all independent human rights monitoring initiatives. Provide them with full and unrestricted access to Crimea and, in particular, lift the requirement to obtain a Russian Federation visa to visit Crimea.

Ukraine

- Simplify procedures for international monitors and foreign journalists and human rights defenders to access Crimea, including by providing the possibility to apply online to enter Crimea and developing expedient entry procedures for foreigners (including notification rather than authorisation-based travel).
- Ensure and strengthen at the normative and legal level mechanisms to provide legal, psychological, and financial support to victims of human rights violations in occupied Crimea.

International community

- Ensure that the human rights situation in Crimea remains on the international agenda including at international human rights fora.
- Insist that the Russian Federation abides by obligations under international humanitarian law and international human rights law with regard to the population of Crimea, in particular as concerns the right to freedom of expression, peaceful assembly and association, and the right to be a human rights defender.
- Follow closely the situation of human rights defenders in Crimea and denounce cases of violations of their rights.
- In bilateral settings as well as in international fora:
 - Demand the liberation and rehabilitation of people imprisoned for their opinions, civic activism and human rights work.
 - Call for accountability for the acts of intimidation, harassment, arbitrary detention and other human rights violations against human rights defenders and activists in Crimea.
 - Insist on the Russian Federation's cooperation with international and regional human rights mechanisms and the UN Human Rights Monitoring Mission, including by granting unimpeded and full access to Crimea.
- For international organisations:
 - The Council of Europe should continue to follow closely and address the human rights situation in Crimea. It should insist on access for the Commissioner for Human Rights and its monitoring mechanisms to enter the peninsula and be able to observe and report on human rights in Crimea, in accordance with its respective mandates and relevant resolutions of PACE.
 - The Office of the UN High Commissioner for Human Rights should continue insisting on access for the Human Rights Monitoring Mission in Ukraine to Crimea.

Simferopol

14 SEPT 2018

The railway line that connects Crimea to mainland Ukraine is almost at a complete standstill.

Photo: Tatsiana Reviaka.

HUMAN RIGHTS IN CRIMEA: FOUR YEARS OF OCCUPATION

From occupation to consolidated control

A period of extreme violence against the residents of Crimea began in late February 2014. This commenced with attacks by the Russian Federation military, including in uniform without insignia, and with the ultimate overthrow of Ukrainian authorities in Crimea.

The grave human rights violations committed during this period are well documented by NGOs and international organisations,² encompassing arbitrary arrests and detentions, enforced disappearances, ill-treatment, torture and extra-judicial killings. During the first weeks of the occupation by the Russian Federation, paramilitary groups such as the pro-Russian “Crimean self-defence units” and Cossacks moved around the peninsula spreading fear among the population, carrying out raids and searches and abducting and killing people. Crimean Tatar Reshat Ametov was the first to be abducted and killed, on 3 March 2014. Unidentified men in camouflage picked him up from the square outside the Crimean government building in Simferopol, where Ametov was holding a single-person protest against the occupation. His mutilated body was found two weeks later.

Acts of violence, brutality and harassment led many to flee Crimea, fearing for their life. Among those targeted were

people who considered themselves citizens of Ukraine, displayed any sign of national or ethnic identities or showed disapproval of the annexation. Activists, journalists and lawyers who opposed Russia’s annexation of Crimea or simply spoke up for human rights were also hounded out of the peninsula, or faced torture and persecution.

Most of the human rights organisations and media outlets relocated to the mainland for safety reasons. None of the allegations of human rights violations committed by the armed groups were ever investigated by the occupying power. Adding to the sense of impunity, the Crimean authorities legitimised the paramilitary organisation “Crimean self-defence” in June 2014 through a “Law on People’s Militia of the Crimean Republic”.³ These and other volunteer groups, including Cossacks, continue to be active on the peninsula.⁴ In Sevastopol, for example, the Mission was told that Cossacks patrol the town, though they do not have any official functions.

During the months following the occupation, the Russian Federation gradually consolidated its institutional control and built up its State structures in Crimea, including secret services, law enforcement and the judiciary. The methods of repression changed, becoming more systematic and coordinated as State organs took over. The human rights situation worsened: after a stage of severe persecution, which included enforced disappearances and torture, the peninsula experienced a “systemic tightening of the screws,” as emphasised by a number of people in interviews with the Mission.

² The Peninsula of Fear: Chronicle of Occupation and Violation of Human Rights in Crimea, Olga Skrypyuk and Tetiana Pechonchyk eds, 2016, p88. Human Rights Watch, Crimea: Human Rights in Decline - Serious Abuses in Russian-Occupied Region of Ukraine, 2014. Office of the UN High Commissioner for Human Rights (OHCHR), Reports on the human rights situation in Ukraine, 2014-2018

³ Crimean Human Rights Group, Legalization of ‘Crimean Self-Defense’, Olga Skrypyuk, Head of Crimean Human Rights Group, 2015.

⁴ Human Rights in Crimea Militarization Context, Olga Skrypyuk and Irina Sedova eds, July 2017.

Atmosphere of fear and distrust

Repression in Crimea obstructs the exercise of fundamental freedoms, including freedom of opinion and expression, association, peaceful assembly, movement, thought, conscience and religion. Compounded by patriotic propaganda, this repression has had a chilling impact on freedom of speech, including public discussions, and has created an atmosphere of fear and distrust in Crimean society. “Most people wisely do not use their rights to defend their rights, to speak freely, to go to a peaceful assembly,” commented one interlocutor to the Mission.

Today, the Russian Federation is applying in Crimea its well-tested recipe of persecution through judicial measures, in which courts that lack independence and are subordinated to the executive authorities dispense disproportionate sanctions, to stifle fundamental freedoms and deter criticism or dissent. Charges are fabricated and brought against those who are considered disloyal to the authorities, in particular charges of “terrorism”, “extremism” and “separatism”, as well as of alleged membership in Hizb-ut-Tahrir – an outlawed organisation in the Russian Federation.

“Russia very skilfully plays with its laws on terrorism and extremism... instruments they can frame anybody with... They are made for this, to tighten the screws”, commented a lawyer defending cases in Crimea, when speaking to the Mission.

Crimean Tatars and Ukrainians are particularly targeted by this form of repression, creating a sense of fear among activists. Some are imprisoned, while others work low key or stop their activities altogether.

A framework of repression: Application of Russian Federation laws and the impact on human rights in Crimea

Civil and political rights, in particular freedoms of expression, peaceful assembly, association, and religion have been curtailed through the application of a complex and restrictive body of law of the Russian Federation relating to these rights. This has been compounded by the use of Russian extremism, separatism and terrorism laws. The effect has been disastrous for ethnic and religious communities and civil society, human rights defenders, civic activists, independent journalists, lawyers, and the LGBTI community.

Curtailed human rights and fundamental freedoms

Media outlets, civil society organisations, and religious communities, which previously operated in an enabling environment provided by Ukrainian law, were obliged to re-register subjected to highly restrictive Russian legislation.

Prior to the occupation, a vibrant and diverse civil society was active in Crimea, including human rights groups and Crimean Tatar organisations. Many organisations left the peninsula after the occupation, some due persecution and for safety reasons, and others because they declined to go through the registration process under Russian Federation law. Among those who stayed, many attempted unsuccessfully to register and eventually closed down.

Russian Federation authorities denied a number of them the right to re-register, generally on procedural grounds. As of 4 September 2017, 1,852 NGOs were registered in Crimea, compared to 4,090 in mid-March 2014.⁵ By June 2018, the number of religious organisations had almost halved since the occupation, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁶

The mandatory re-registration of media totally changed the media landscape. All mass media outlets – online and offline – were forced to register with the Russian federal media regulator, Roskomnadzor, and to obtain a license. Editors were repeatedly warned by officials that they would not be allowed to register if they disseminated “extremist” materials. After the deadline for registration expired in April 2015, only 232 media outlets had successfully registered, compared to the more than 3,000 that were registered in Crimea prior to the occupation.⁷ Authorities seized television and radio stations and confiscated the property of Ukrainian media.

Since the occupation, homophobic attacks have increased, fuelled by homophobic propaganda and incitement by the Crimea authorities, and comforted by the Russian anti-LGBTI legislation. This has led to an exodus of LGBTI persons and has paralysed the activities of LGBTI activists and defenders.⁸

In practical terms, the substitution of Ukrainian laws represented a considerable retrogression and the application of Russian Federation legislation has severely impacted the enjoyment of human rights and fundamental freedoms by the residents of Crimea. The forced introduction of Russian legislation lowered the level of protection of rights and freedoms in the occupied territory. Regarding criminal law, the occupation introduced offences and sanctions that do not exist in Ukrainian law.

5 OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 25 September 2017, para. 167.

6 OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 10 September 2018, para 40.

7 OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 25 September 2017, para. 157.

8 Anti-Discrimination Center “Memorial” and Center for Civil Liberties, Violation of the rights of LGBTI people in Crimea and Donbass: the problem of homophobia in the territories not controlled by Ukraine, 2016. (Нарушение прав ЛГБТИ в Крыму и Донбассе: проблема гомофобии на территориях, неподконтрольных Украине).

Ukrainian laws were substituted by the law of the Russian Federation on 18 March 2014, following the Treaty of accession of Crimea.⁹ This was in violation of the obligation under international humanitarian law to respect the existing law of the occupied territory.¹⁰ The treaty also established automatic Russian citizenship for the residents of Crimea. The forcible imposition of Russian Federation citizenship has led to the infringement of a broad set of rights, including conditionality on social entitlements, which has placed restrictions on access to health, education, and social benefits. For example, the Mission heard that children have been refused treatment in hospitals if the parents could not show their Russian passports.

Additionally, the Russian Federation State Duma introduced criminal pro-

ceedings in Crimea according to the criminal law of the Russian Federation, in a separate law adopted on 5 May 2014.¹¹ The law also stipulated that it would apply retroactively to acts committed in Crimea before 18 March 2014, contravening a fundamental principle of international law¹² – also reflected in the Constitution of the Russian Federation.¹³ Under this retroactive law, a number of cases have been brought in connection with events not only held before 18 March (“case of 26 February”¹⁴), but which do not relate to Crimea or did not take place on the peninsula, such as in the case of Oleksandr Kostenko.¹⁵

Abuse of extremism laws

One of the most damaging effects on the human rights of the people of Crimea

is the application of the Russian Federation legislative package on extremism, terrorism, and separatism, which in particular targets Crimean Tatars and Ukrainians. At least 68 political prisoners are now held in Crimea or in the Russian Federation, most of them on charges that fall within this legislation. Scores of others are serving suspended sentences or under house arrest, while others suffer warnings and threats, undergo searches and face administrative sanctions.

In connection with the extremism law, the Russian practice of including people on the “List of terrorists and extremists” managed by Russia’s Federal Financial Monitoring Service¹⁶ is becoming increasingly used in Crimea, sometimes without informing the person. Inclusion on the list results in financial and prop-

Laws on extremism and terrorism

The anti-extremist legislation of Russia consists of the Federal Law on Countering Extremist Activity (Extremism Law), specific provisions of the Russian Federation Criminal Code, and the Code of Administrative Offences and relevant norms included in a number of laws on public associations, religious activities, public gatherings, mass media publications, and the investigative work of law enforcement authorities.

The extremism law adopted in 2002 (N 114-FZ) criminalises a broad spectrum of speech and activities. “Extremist activity” includes “incitement

to social, racial, national, or religious discord.” The law contains no clear definition of extremism. Instead it provides an extremely heterogeneous list of violent and nonviolent activities that can be considered to be extremist. After amendments in 2007, the qualification of “extremist activities” no longer requires that there is the threat or the use of violence, and such activities can be subject to prosecution regardless of their consequences and the level of public danger.

The anti-terrorism legislative package of 2014 added to Articles 282.1 and 282.2 of the Criminal Code, establishing criminal responsibility for “inducing, recruiting or otherwise involving a person” in the activities of an extremist organisation or community, punishable by one to six years in prison.

The “Yarovaya Laws” (N 374-FZ and N 375-FZ) adopted in 2016 amended over 21 laws on grounds of “countering terrorism”. They critically curtailed the space for exercising freedoms of expression, assembly, and association. They include amendments to Article 205.2 of the Criminal Code, with prison terms of up to seven years for publicly calling for or justifying terrorism online; as well as to Article 212.1 (on mass disorder), providing for up to 10 years in prison for proscribing, convincing, recruiting or engaging a person in “mass disorder”. Article 205.6 introduces criminal liability for not reporting a crime related to terrorism. The age of criminal responsibility for terrorism was also lowered to 14 years of age.

The Federal Financial Monitoring Service manages the list of “terrorists and extremists”, which is publicly available on its website.

9 Agreement between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea in the Russian Federation and on Forming New Constituent Entities within the Russian Federation, signed Moscow 18 March 2014. See press release (English) and full text (Russian).

10 Fourth Hague Convention: Laws and Customs of War on Land, 18 October 1907, Article 43, and Convention annex: Regulations concerning the Laws and Customs of War on Land.

11 Russian Federation Law 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, Law No.91-FZ, 5 May 2014.

12 International Covenant on Civil and Political Rights, 1966, article 15.

13 Constitution of the Russian Federation, article 54.

14 Доклад Международной экспертной группы, Ukrainian Helsinki Human Rights Union. Дело 26 февраля. Часть 1. Реконструкция и правовой анализ событий 26 февраля 2014 года у здания Верховной Рады Автономной Республики Крым в г. Симферополь, 2017, Roman Martynovsky and Daria Svyrydova eds. (Available in Russian).

15 Crimean Human Rights Group, Крым: украинская идентичность под запретом. 2016, Olga Skrypnik ed. (Available in Russian).

16 List of terrorists and extremists, Russia's Federal Financial Monitoring Service. (Available in Russian).

erty restrictions, with banks and other financial services bodies able to suspend the use of a person's accounts and refuse to carry out money operations, which can include receiving pensions. People on the list are limited in their capacity to carry out business transactions such as the sale of property, and notaries refuse to provide them services. The Mission heard about numerous such examples. In some cases, the spouses of people on the list were also barred from accessing financial services, with families finding themselves in financial difficulties as a result. The Mission heard from one man who was forced to find employment in which he could be paid in cash, because he could not use banking services.

In Ukraine, concepts and laws on extremism did not exist. Adherence to any organisation, political opinion or religious beliefs was not forbidden. People could protest if they were dissatisfied with something. "Before, there was no forbidden literature; it was possible to go to the mosque when you want, read what you want; the person themselves chose what they needed, what not. The situation is completely different in Russia: you can't think this way; say something this way; you can't walk like this, you have to be in the mosque at a certain hour", explained a person met by the Mission.

Persecution on religious grounds primarily targets Muslims, but also Jehovah Witnesses – who are banned in Russia as an extremist organisation. The authorities have confiscated the property of this community in Crimea, and regularly search and charge its members.

The Russian Federation laws on terrorism and extremism are vague and therefore "flexible", and can be used as a tool to repress any type of activity. This leaves space to package anything under the law, lawyers told the Mission. One of them added: "there is always social media, where it is much easier to find 'terrorists' and 'extremists'."

More than once, the Mission heard accounts of the predominant role played by the Federal Security Services (FSB)

in the context of persecution for extremism, terrorism and separatism. "Officials from the FSB and the police Centre on Extremism ("E-Centre") monitor social media, open hundreds of cases, produce statistics, and get promotions", commented one interlocutor to the Mission, suggesting the fight against "terrorism" and "extremism" pays off for law enforcement.

External observers corroborate this. Russian human rights expert Vitaly Ponomarev notes: "With the anti-extremism legislation, Russia launched a conveyor belt of political repression where you can be sentenced on the basis of spurious cases which have little in common with reality." Ponomarev thinks that "until it is stopped, 'the conveyor belt' will demand more and more victims", and that this type of case is a fast track for officials of special services to make their careers.¹⁷

It is a criminal offence to declare opposition to the occupation and state that Crimea is part of Ukraine, and this is prosecuted by the Russian Federation authorities. The Law on Separatism introduced harsher penalties in May 2014, making it a criminal offence to question the Russian occupation, and leading to prosecution under article 280.1 of the Russian Criminal Code. This is demonstrated in practice by the cases of journalist Mykola Semena and the deputy chairman of the Mejlis (the executive-representative body of the Crimean Tatars) Ilmi Umerov – who was under criminal investigation and house arrest for his statements in the media.

In addition to article 280.1, prosecutions are also recurrent under article 282 of the Criminal Code for "inciting of hatred, and humiliation of human dignity, with the use of the media including the Internet". The legal uncertainty of this article allows the authorities to bring charges against people for almost any post on the Internet that positively characterises Ukraine or Ukrainian activists, expresses support to the Mejlis, or criticises the Russian and Crimean authorities. With the entry into force

of the "Yarovaya laws", this can result in a prison sentence of up to five years. A man in the Crimean coastal town of Feodosia, who was formerly with the militia, shared a post on social media and added a comment. He was handed a two-year suspended sentence, with two-years' probation and a two-year ban on public activity related to publishing on communication networks including the Internet.

Freedom of expression, assembly and association: Findings of the mission

After "clean-up" operations in the aftermath of the occupation, the civic space in Crimea virtually disappeared. Despite the difficult conditions, people are making numerous attempts to revive independent civic activism, but they are met with the determination of the occupying authorities to suppress any attempt to rebuild a civil society. Civic engagement is increasingly taking parallel forms, including individual initiatives, as tight controls affect the holding of assemblies, creation of associations, and the dissemination of ideas and information.

Stifling freedom of expression Control of media

Today, audiovisual media is totally under the control of the authorities, with no news item or subject going on air without their approval. As one person told the Mission: "Aksyonov and Konstantinov never leave the TV screen; every move they make is filmed." (Sergey Aksyonov is the Head of the Republic of Crimea, and Vladimir Konstantinov is the Chairman of the State Council of the Republic of Crimea.)

The public channels all contain the same propaganda, including a channel in Crimean-Tatar language – "Millet". The private channels are somewhat freer, but abstain from any type of criticism. A

17 Human Rights Centre Memorial, «Таблиги Джамаат» и «Хизб ут-Тахрир»: на таких делах сотрудники спецслужб РФ быстро делают карьеру» Interview with Vitaly Ponomarev, 8 November 2017. (Available in Russian).

former journalist told the mission that he had stopped reading Crimean newspapers and watching TV, as they all show the same pictures, calling the media “a vile subservience to the authorities, in the worst or even feudal traditions”. In one case, the Mission heard that the evening TV reported that a “Hizb-ut-Tahrir cell” had been uncovered, but the searches only started the next morning.

Independent TV stations all disappeared after the occupation, put under pressure and barred from registering. The Crimean Tatar channel ATR was one of the last to leave, having resisted and aired until 1 April 2015 - despite multiple warnings by Roskomnadzor about possibly being held liable for promoting extremism and spreading ‘rumours’ about repression on ethnic and religious grounds. Ukrainian TV channels from the mainland are blocked, as is access to online media, although reception varies according to locations. While in Crimea, the Mission checked access to Ukrainian media sites on the Internet: of 40 outlets, 26 were accessible, while 14 (35%) were blocked by Roskomnadzor or led to a HTTP403 (forbidden) message.

Prior to the occupation, Crimea had a diverse media landscape and journalists enjoyed broad space to express opinions. Criticism was accepted and even if problems occurred no media outlet was ever searched or shut down.

Threats to journalists

The persecution and repressive methods used against journalists and media workers following the armed attack by the Russian Federation in February 2014 sent a strong warning to others. As a result, the media closed quickly. The journalists who remain either practise self-censorship or have stopped working completely, conscious of the risks related to such activity, or they operate informally or as bloggers, as they cannot register or get accreditation. Rare are those who continue working on the peninsula. Mykola Semena is one of the few Ukrainian journalists who continued working in Crimea after the occupation, publishing for various media, including for the Radio Free Europe/Radio Liberty project Krym.Realii (“Crimea.Realities”). In April 2016, the authorities opened a

criminal investigation against Semena. In September 2017, he was charged under article 280.1 of the Criminal Code of the Russian Federation for “calling for attempts against the territorial integrity of the Russian Federation”, in an article in Krym-Realii. He was handed a two-and-a-half-year suspended sentence and a three-year ban on “public activities”. Spyware had been installed on his computer without his knowledge even before a court order was issued. During questioning, he was shown screenshots from his computer, taken while he was writing the article about the blockade of Crimea.

Some media outlets have managed to survive, such as the Crimean Tatar weekly newspaper Avdet, albeit with difficulties. After 2014, the newspaper tried to register four times, and each time was denied. Avdet continues working without registration – the law does not require registration for periodical publications with print runs of fewer than 1,000 copies. The newspaper manages thanks to the support of the Crimean Tatar community, and many journalists work as volunteers. They print 999 copies, which people from around Crimea pick up and distribute in their area.

In 2015, Avdet’s access to subscription services, which is handled by the post, was blocked, as was its access to the periodical distribution network. Avdet also has a website. Avdet has repeatedly faced acts of harassment against its staff. Since 2014, the paper has had to move offices three times after successive landlords gave them notice. In one of the premises, the locks were changed during the night. Its offices were searched and documents and hardware were confiscated and not returned, and the FSB gave an oral warning to the newspaper that it was not supposed to use the terms “occupation” and “annexation”.

In 2016, a copy of the newspaper was sent to the prosecutor’s office in Moscow for expertise. The office concluded that Avdet contained “hidden extremism”. The paper’s editor, Shevket Kaibullaev repeatedly received official warnings and threats, in particular over the phone. The paper’s editorial team mostly works from home “to avoid being together in one place”.

Freedom of expression

The Russian Law on Mass Media has over the years introduced provisions that have restricted independent print and audiovisual media. These include stringent registration requirements, inspections, warnings, and the possibility of facing lawsuits, and have been extended to online media and websites. The laws adopted since 2012 have broadened the power to restrict access to information, carry out surveillance, and arbitrarily censor information labelled “extremist”, thus closing the space for online debate. This legislation allows authorities to target journalists, bloggers, political activists, online media outlets and individual social media users. Roskomnadzor, the Russian media regulator, has the authority to extrajudicially determine whether information online includes “forbidden content”, and to order its removal, blacklist webpages and websites, and order internet service providers to block them. Further laws undermine the privacy and security of internet users and restrict users’ access to information.

The “Yarovaya package” introduced further restrictions: providers and operators are required to store information about users’ communication activities as of July 2016, and all content of communications as of July 2018. Information must be stored for at least six months and security services can access it without a court order. Operators can only use encryption methods approved by the government and are required to disclose means to decrypt data upon request by the security services. Besides, in 2014, article 280.1 was added to the Criminal Code on “Public calls to activities directed to violating the territorial integrity of the Russian Federation”, which foresees criminal charges with prison sentences of up to four years for making such calls, and up to five years if the calls are made through the media.

“Most people wisely do not use their rights to defend their rights, to speak freely, to go to a peaceful assembly.

Prior to the occupation, Kaibullaev used to publish a magazine on history, Qasevet. It was discontinued in 2014 because of a lack of funds and the need to register.

Restrictions on freedom of expression don't only affect media. The poet Alie Kendjalieva published an anti-war poem in the newspaper Qirim on 9 May 2018. Charges were brought against her for “Rehabilitation of Nazism”, and under article 354.1 of the Russian Criminal Code she risks up to five years in prison.

Bloggers and citizen journalists – the new targets

Against such a backdrop, the Internet remains one of the few accessible means to obtain information in Crimea. Besides, the disappearance of established media outlets both offline and online has given rise to a large network of citizen journalists and bloggers, which together with social media, in particular Facebook and Twitter, have become one of the most reliable source of information on Crimea. Citizen journalism is rapidly replacing professional journalism, with growing numbers of social media users who stream, film and share information on events they witness. This is particularly effective as the dissemination of information happens live and attracts the immediate attention of people – which is important if, for example, there is an attempt at abduction. During raids on the homes of Crimean Tatars, people from the vicinity gather to watch and take pictures and videos that they share online. They are often threatened with arrest for streaming what is happening, the Mission learnt.

Citizen journalists and bloggers who report independently on what is happening in Crimea are therefore becoming the new targets of repression. A number of citizen journalists have been detained and face charges. Among them is Nariman Memedeminov, who was arrested in March 2018 and charged under article 205.2 of the Russian Federation Criminal Code (Making public calls for terrorist activities using the Internet) for his YouTube posts from 2013 and 2014, showing the retroactive application of laws to activities that took place prior to the occupation.

Restrictions on freedom of assembly

Restrictions, administrative and criminal sanctions

The Mission met with and heard a number of cases of persons who have been charged with administrative offences in the context of assemblies. People risk sanctions not only for the organisation of such events, but also participating in them. Charges are also brought for “unauthorised assemblies” against single-person protests, although according to Russian Federation legislation, individual protests do not require pre-authorisation.

Russian legislation on peaceful assemblies foresees a long list of restrictions and conditions for both organisers and

Freedom of assembly

The Russian Law “On assemblies, rallies, demonstrations, marches and pickets” of 2004 has been repeatedly amended, successively introducing more and more restrictions, particularly in 2012 and 2014. Although the text still foresees a notification procedure to organise peaceful assemblies as set out in the original law, the numerous changes have de facto created an authorisation-based system and introduced a number of administrative offences. Fines for breaking these rules have been substantially increased, and the 2014 law introduced two new forms of sanctions. First, it included administrative detention, including for participants in unauthorised public events. Second, prior to being discontinued following the decision of the Constitutional Court in the case of Ildar Dadin, the 2014 law introduced a prison sentence of up to five years for a person who has committed two or more administrative offences within 180 days (article 212.1 CC).

participants of public events, together with a number of administrative and criminal sanctions for non-compliance with these restrictive regulations. Immediately after the occupation, Crimean authorities seized control and applied these restrictions, and the courts started imposing punishments foreseen under Russian law. According to the Crimean Human Rights Group,¹⁸ 353 people were tried by administrative courts between April 2014 and September 2018: some 334 fines were administered, together with at least 22 cases of administrative arrest and 11 cases of community work. Another 12 people faced criminal charges: eight were sentenced in the “26 February” (2014) case, in which charges were brought retroactively for events that took place prior to the application of Russian legislation.

In August 2017, 76-year-old Crimean Tatar Server Karametov stood alone in front of the Supreme Court in Simferopol holding a sign to protest the ongoing trial of Crimean Tatars. He was detained, and charged with breaking the rules on holding of single-person protests and disobeying the police during his arrest (he suffered from Parkinson disease). He was sentenced to pay a 10,000 ruble fine and serve 10 days of administrative detention. A week later, seven more Crimean Tatar senior citizens held single-person protests against Karametov’s punishment. They were detained and then released; one of them, 68-year-old Yarikula Davlatov, was fined 10,000 rubles.

In October 2017, some 100 Crimean Tatar men conducted single-person protests against the arrests in various places in Crimea. The overwhelming majority of them were arrested and sentenced with high fines.

Politicised authorisation

Authorisations for public events are handed out arbitrarily, depending on the subject of the event, and are rarely granted for the locations requested – most are authorised for out-of-the-way residential areas. Public events that take place in city centres are those organised by “GONGOs” (government organised

NGOs) in support of the government, or by the municipal authorities themselves.

Nevertheless, people still go to gather, but after each such assembly participants face administrative prosecution. Often, when small groups get together, even in places such as gardens and yards, law enforcement attends to enquire about what they are doing.

Authorities do not only refuse assemblies related to human rights or considered political or “pro-Ukrainian”. The union of Sevastopol entrepreneurs wanted to hold a protest because of the closure of one of the main shopping centers in Sevastopol. In May 2018, the union’s lawyer Vladimir Novikov applied to hold an assembly in the city centre, but instead received authorisation to hold the protest in areas in the outskirts of the city. When he challenged this, the Court upheld the local government’s decision. This is not the only time Novikov has been refused to hold an assembly in the city centre, with justifications including that holding a rally would “restrict access to infrastructure, impede pedestrians and create obstacles for the movement of organised groups of tourists”.

Pressure on civil society and human rights defenders

Few associations have managed to register under Russian Federation law, and many voluntarily renounced registration, the Mission heard, due to the cost, complicated process, and additional risks of administrative harassment. Most of the organisations that formed after the occupation operate as “civic initiatives”, a status which does not require registration under Russian law. New initiatives and activists have appeared since the occupation, also to react to the increase in arrests and prosecutions, in particular of Crimean Tatars.

The Ukrainian Cultural Centre, established in May 2015, focuses on promoting Ukrainian culture, history and language. The Centre never attempted to register as an association. In the beginning, its members met in private homes,

and then rented an office in Simferopol, which they later had to give up because of lack of financing and legal issues. In August 2017, the Ukrainian Cultural Centre started issuing Krymskyi Teren, a monthly Ukrainian language newspaper, but did not fully carry out events, lectures, literary conferences and language courses because of formalities such as failing to secure a venue.

The Centre has been under constant pressure, with periodic inspections by the prosecutor’s office and warnings. Its public activities, including paying tribute to the Ukrainian poet Taras Shevchenko, have often been disrupted or prohibited. Its members have been repeatedly harassed, threatened, and called in by the police or FSB for “informal talks”, and in one case an activist with

Freedom of association

Russian NGO legislation has become increasingly restrictive since 2006, including through the 2012 “foreign agents law” (N 121-FZ) and the 2015 law on “undesirable organisations” (N 129-FZ), which considerably restricted the work of independent civil society organisations. This has resulted in overly bureaucratic and burdensome registration procedures and reporting requirements that are difficult and costly to comply with, and broad discretion to deny registration and limit the right to establish or participate in an NGO. It also brought in broad powers to control and inspect organisations, and an obligation for NGOs to register as “foreign agents” for receiving foreign funding and “engaging in political activity” – defined in such a way that it could include almost every civic activity. Together with a long catalogue of sanctions and penalties for non-compliance, this legislation is effectively used to silence dissent and criticism.

18 Crimean Human Rights Group, “How does Russia persecute for peaceful assemblies in the occupied Crimea (infographic)”, 30 September 2018.



Meeting with Crimean Solidarity in Bakhchisaray. Photo: Human Rights Information Center.



Meeting with Crimean Solidarity in Bakhchisaray. Photo: Human Rights Information Center.

the Centre received a visit by officials at her place of work. One after the other, the activists were forced to leave Crimea, after being accused of “extremist activities” and threatened with arrest. In the latest case, Olga Pavlenko left in August 2018 after her apartment was searched. Practically nobody from the Centre is left, and its cultural activities have stopped. However, the Centre does run an “embroidery club” in private homes, where people can get together and talk.

The initiative Crimean Solidarity was created in 2016 as a platform for relatives of detained Crimean Tatars to exchange information and provide victims with legal, moral, and material support, and the assistance of lawyers and human rights defenders. It operates as a “civic initiative”, which means it is not required to register, but it experiences other forms of pressure. Crimean Solidarity prepared a website, yet when the platform was ready and the domain name obtained, the authorities blocked it. Several of its activists have been arrested, including its coordinator, Server Mustafaev, who is accused of Hizb-ut-Tahrir membership under article 205.5 (Section 2) of the Russian Federation Criminal Code. Together with other activists, Mustafaev remains in pre-trial detention.

Crimean Human Rights Contact Group was created in October 2014 as a civic initiative. Initially, one of its aims was to be in contact with the authorities regarding arrests, disappearances and abductions, but this was discontinued due to a lack of official response. Within the framework of its human rights activities, the group provides legal and psychological assistance to families whose relatives have been abducted. The son of one of its members, Abdureshit Djepparov, has been abducted. Djepparov is also regularly put under psychological pressure: he has been followed by men in a jeep; when he crosses the Russian border he is questioned; and he has the feeling that he is being followed and watched.

In March 2018, Suleiman Kadyrov was convicted and given a suspended sentence under article 280.1 of the Russian

Criminal Code, for “calls for violation of the territorial integrity of the Russian Federation”. A retired lawyer, he started documenting human rights violations after the occupation. Going public with them, including on TV, he attended court hearings, gave people legal advice and helped them to obtain their Ukrainian documents. His house has been searched twice, in November 2015 and then again in October 2016, after which he was charged with separatism over a comment on Facebook criticising the occupation of Crimea. In addition to his two-year suspended sentence, he is barred from “public activities”.

For Lutfie Zudieva, the director of the Children’s Centre Elif, the starting point for her civil engagement was the searches and harassment of the Centre, having experienced how “the lack of knowledge of one’s human rights is exploited”. After that, she started to work as a lay public defender, which is possible under Russian Federation law. Her first experience was after the mass arrests of Crimean Tatars after the single-person protests on 14 October 2017, when more than 17 trials were ongoing in the Northern Crimean town of Dzhankoy and there was a shortage of defence lawyers. Since then, she has worked within dozens of trials, and the number is increasing. In her view, there are many defenders who are interested in developing in this field of work, and she sees a need to raise people’s awareness of their legal rights, especially in small towns and villages. Zudieva continues her civic activism, both as a lay public defender and as an activist with Crimean Solidarity.

When a raid by the authorities started in the central Crimean town of Bakhchisaray in May 2016, Crimean Tatar activist Seyran Saliev ran to the mosque and through the microphone informed the population that a search operation was underway at four houses of Crimean Tatars, calling for solidarity. He was arrested and placed in administrative detention, but continued to engage in activism. In October 2017, he was arrested together with five other residents of Bakhchisaray and charged with terrorism and belonging to a Hizb-ut-Tahrir group.

The Mission documented a number of accounts of individual initiatives and expressions of solidarity. This is especially true in the Crimean Tatar community: when the family of a political prisoner needs help, people get together and respond, and Crimean Solidarity shares information on social media. In 2017, Crimean Solidarity organised the “Crimean Marathon” – a fundraising event to pay the high fines imposed on Crimean Tatars for holding protests, filming police raids or publishing critical social media posts. People were invited to donate 10-ruble coins, and the campaign managed to raise 826,000 rubles. Following the success of this event, a second Marathon was organised in February 2018. This collected two million rubles and received donations from people living in mainland Ukraine and abroad.

“For every activist who is put in prison, there are two new ones. More and more people come and attend the trials; every time you see new faces, people from all walks of life”, the Mission heard from lawyer Emil Kurbedinov, who has previously been sentenced to 10 days administrative detention for “distributing extremist materials”.

Targeting of Crimean Tatars and Ukrainians

The space for the manifestation of Ukrainian culture and identity has shrunk significantly. Although the law and the “constitution” of Crimea recognise three official languages, the authorities do everything in their power to suppress the use of Ukrainian and Crimean Tatar. The curriculum in Crimean schools focuses exclusively on Russian culture. Ukrainian-language schools have disappeared, and only some of the remaining schools have separate Ukrainian classes.

For a class to be provided in Ukrainian, parents must request this in writing, and a minimum number of requests are required for a school to open such a class. This is however not encouraged, and increasingly parents refrain from writing such requests for fear of being exposed. The result is a diminishing number of classes due to a “lack of demand”.

The same system applies for education in Crimean Tatar.

The Crimean Tatar Children’s Centre “Elif” opened in Dzhankoy in October 2015. It educates about 20 children aged two to six years, and does not conceal the national or religious component of its education. Three months after it opened, the authorities came to the centre to carry out a “complex inspection”. This included representatives of the prosecutor’s office, the police, the FSB, the Federal Service for Supervision of Consumer Rights Protection and Human Well-Being, the Ministry of Emergency Situations, and the education department. They searched the premises in the absence of the director and without asking permission. Small children, who were present were frightened and hid under the tables. During the visit, some 20 books were taken away for “linguistic expertise” and only returned almost a year later, without any conclusion or explanation.

After this incident, the director of the Centre, Lutfie Zudieva, was summoned to the prosecutor’s office to give an explanation. She refused to speak without the presence of a lawyer and asked about the reasons for the sudden inspection. The prosecutor reproached her for having spoken to the media about the search and other unlawful actions by the officials. Zudieva filed a complaint. During another visit to the Centre, officials asked to see all of its documents, including the teaching programmes and administrative documents. In March 2017, the Centre received a fine for minor violations of health and sanitary regulations. In June 2017, an inspection by the prosecutor took place “in the framework of compliance with legislation on education”, this time also in the presence of representatives from the education department. Again, all documents were examined, including the log of visitors, discussions with parents, and the calendar of work. After the searches, the number of children attending the Centre decreased from 20 to 12. The Centre is fighting for survival.

Displaying attachment to Ukrainian national symbols and literary or historic figures exposes people to warnings, sanctions and threats or charges of

separatism. Today in Crimea, there are no newspapers or magazines in the Ukrainian language. People face xenophobic slurs if they speak Ukrainian in the street, as one person told the mission, nowadays “only grandmothers speak Ukrainian”.

The list of Ukrainians detained for alleged “Right Sector membership” on charges of sabotage, separatism, and terrorism continues to grow, having started in 2014 with an early wave of arrests including of filmmaker Oleh Sentsov (winner of the 2018 Sakharov Prize), activist Oleksander Kolchenko and others. To face such charges, it is sufficient for a person to hang a Ukrainian flag on their house, as was the case for Volodymyr Balukh, or to post comments on the “Crimea is Ukraine” group on social media platform VKontakte, as happened to Ihor Movenko, who was sentenced to two-years in prison on charges of extremism.

A few weeks before his arrest, Movenko was attacked by a police officer while riding a bicycle displaying a sticker with the symbol of the Ukrainian Azov Battalion. For half a year, he unsuccessfully attempted to file a complaint regarding this attack. More than this, in April 2017, he was charged under article 280 of the Russian Criminal Code (public calls to extremist activities) for his comments on VKontakte. He was held in the Simferopol pre-trial detention centre.

Prior to the occupation, Larysa Kytayska was a member of the Yalta Municipal Council and a Maidan activist. She and her family left for the mainland after the occupation, but Kytayska returned to Yalta in July 2016 to sell their apartment. A few days after she arrived, her apartment was searched without a warrant. For an alleged anti-Russian Facebook post – which she denies writing – she

was banned from leaving Crimea and accused of “inciting hatred” under article 282.1 of the Russian Federation Criminal Code. In December 2017, she was handed a two-year suspended sentence. Kytayska has been placed on the list of “extremists and terrorists”, which means that she cannot access banking services or sell her apartment.

The number of prosecutions for “pro-Ukrainian” or “anti-Russian” posts or reposts on social media, some dating back to before the occupation, has been steadily increasing. In June 2018, Elina Mamedova, a bank employee from Yalta, was charged under art. 280.2 (public calls for the implementation of extremist activities) of the Russian Criminal Code for reposts of pro-Ukrainian posts on VKontakte in 2014 and 2015. She was released but forbidden to leave Crimea, and placed on the list of “extremists and terrorists”.

Severe targeting of Crimean Tatars

Crimean Tatars have since the beginning of the occupation been severely targeted. Many of them boycotted the March 2014 referendum and took part in public protests for Crimea to remain in Ukraine. The majority of Mejlis members refused to cooperate with the Russian authorities, and Mejlis leaders Mustafa Dzhe-milev and Refat Chubarov are banned by the Russian authorities from entering Crimea, currently residing in mainland Ukraine. Crimean Tatar media outlets have been shut down, while the Mejlis – which took an open stand against the referendum – was declared an extremist organisation and banned. The Supreme Court of Crimea examined the ban on the Mejlis in April 2016.¹⁹

During the hearing, the deputy chair of the Mejlis, Nariman Dzhelyal, underlined that the Mejlis is not a public association, but the executive of the Kurultay

– the highest self-governing representative body of the Crimean Tatar people. As such, it could not be outlawed. This argument was not considered by the Supreme Court in its decision to uphold the ban, the Mission heard.

Members of the Mejlis and Crimean Tatar activists are harassed and imprisoned. The persecution of Crimean Tatars has continued since 2014, and has become worse. An increasing number of Tatars are arrested on fake charges of terrorism and extremism, and authorities repeatedly search and raid Crimean communities, private homes, and businesses. OHCHR documented 57 searches in 2017, of which 53 concerned Crimean Tatar properties, and 38 searches in the first half of 2018, of which 30 concerned properties of Crimean Tatars.

The number of searches carried out in the first six months of 2018 has nearly tripled compared to the similar period in 2017, when 14 searches were documented, 11 of which concerned Crimean Tatars.²⁰

Increasingly, Crimean Tatars are being charged with being members of “Hizb-ut-Tahrir”. New methods for such charges consist of uncovering Hizb-ut-Tahrir “extremist cells” and simultaneously arresting several people. A “Sevastopol group”, “Yalta group”, “Simferopol group” and two “Bakhchisaray groups” have already been arrested. Many of those charged and convicted for extremism are active within the civic initiative Crimean Solidarity, which protects political prisoners and disseminates information.

The Mission heard claims that their persecution is related to their civic engagement. A disturbing detail is that several of them had been previously contacted

19 Speech of Nariman Dzhelyal before the Supreme Court, QHA media, 27 April 2016.

20 OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 10 September 2018, para 31.

by the FSB to act as informants, and had refused.

The human rights organisation Memorial notes that “four years after the annexation, Crimea has joined the three regions [in Russia] with the most large-scale persecution on grounds of Hizbut-Tahrir by the Russian authorities, targeting a group historically disloyal to Russia, the Crimean Tatars”.²¹

The mission documented numerous accounts of raids and searches in Crimean Tatar communities, and of the disproportionate use of force. During a raid, the streets around are cut off by special services wearing masks and carrying automatic rifles, and nobody is allowed to leave, even children. In Bakhchisaray, during one of the raids, six streets were cut off and onlookers were photographed and had their documents checked.

In Simferopol, the Mission was told of frequent raids, which mostly take place on Thursdays (the population calls them “clean Thursday”). These “show” raids, interlocutors believe, are carried out to build psychological pressure and to instil fear, signalling that this can happen to anyone. During the raids, the authorities detain people who come to show their support to the family being searched or who come to film and stream what is happening.

The Mission heard numerous cases of people being searched, taken away for questioning, and having their mobile phones and computers confiscated, before then released often without explanation. Such cases demonstrate the arbitrary nature of the harassment. On the eve of the Russian presidential elections, many Crimean Tatars were called in for “talks”, which were, in fact, warnings.



Abdureshit Djepparov, Crimean Tatar activist whose son and nephew were kidnapped in 2014. Photo: Human Rights Information Center.

Zarema Kulametova had her son taken away by police during a search of their house. Later the same day, she went to the district police station to enquire about her son. She was charged with “insulting a policeman”, according to a lawyer who spoke to the Mission, and was sentenced to 250 hours community work – cleaning the city park. More and more people started going to show their support. The police picked Kulametova up at the park, went to her house and undertook a search. They fined her 1,000 rubles for a video she reposted in 2011. Her daughter and husband, who were present at the house during the search, objected and received administrative sanctions.

As women are becoming increasingly active, more and more are being prosecuted. While for the moment the majority of these cases remain administrative, the Mission heard concerns that the feminisation of repression will increase and that authorities will escalate the use of criminal charges.

As the mission learnt, people face other forms of pressure such as threats to deprive them of parental rights and of the ability to find work, and more surreptitious forms such as cutting off gas and electricity during the winter months, or ensuring people are refused when trying to rent an apartment, because landlords are afraid of getting into trouble with the secret services.

This persecution aims to quell dissent and targets first the people who have their own opinion, “who did not sit at home... who are the first to go and ask what happened,” the Mission heard. Several people told the Mission that the harassment of Ukrainians and Crimean Tatars, including through the abuse of judicial means, is aimed at pushing them to leave the peninsula. When Volodymyr Balukh’s mother went to the pre-trial detention centre to visit her son, the head of the centre told her: “Let the bastard go to his Ukraine”. Ukrainians and Crimean Tatars feel that they are being persecuted for what they are: for their culture, language, religion, and identity.

21 Memorial, “Ялтинское дело о членстве в запрещённой «Хизб ут-Тахрир»”. (Available in Russian).

The “conveyor belt”: Role of the judiciary as a mechanism of repression

Rule of law is virtually nonexistent

In today’s Crimea, the rule of law is virtually non-existent, and the judiciary suffers from a lack of independence and dominance by the executive authorities – the same as the judicial system in the Russian Federation. Lawyers who spoke to the Mission asserted that courts operate correctly in civil cases, and in some administrative cases, so long as the cases are not “political”. Yet, in politically motivated cases, the judiciary remains a major tool of persecution, used by the authorities to stifle dissent and deter criticism. Judicial harassment follows a pattern of stepping up pressure. This starts with administrative sanctions and builds to fines – which are disproportionately high compared to the low incomes of people sentenced. Escalating, the Courts dispense administrative detentions, followed by warnings and then criminal charges. The numerous testimonies received by the mission suggest that administrative offences are stacked, leading to increased sanctions. For example, charges for disobeying law enforcement could be added to organising an unauthorised public event.

Judges apply administrative and criminal law provisions to a wide variety of activities related to holding peaceful assemblies, and exercising the rights to freedom of expression and association. They do so even in cases where the law does not provide for sanctions, such as the holding of single-person protest, or where the law would need be applied retroactively, such as in relation to events that preceded the occupation or

occurred in mainland Ukraine. Courts also frequently ignore claims of human rights violations occurring in detention.

Violation of right to a fair trial

The increasing persecution on ethnic and religious grounds has led to an increase in criminal trials on charges of extremism, terrorism and separatism. A number of cases have been relocated for trial to the Northern Caucasus District Military Court in Rostov, which further violates the fundamental fair trial requirements of international law that civilians should not be tried by military courts.

A number of suspended sentences have been supplemented with a “ban on public activities”, which presents an effective way to prevent a person from speaking out or engaging in activism or human rights work. People affected by this ban have to report once a month to the police station of their place of residence to verify that the ban is being respected. However, people affected by such bans note that it has not been explained to them what constitutes “public activities”, despite their attempts to clarify this. All spoke of an absence of clear rules on what activities are forbidden and which are permitted. In this way, criminal charges effectively contribute to curtailing freedom of expression and the work of human rights defenders.

Trials are fraught with procedural irregularities, denials of due process, and violations of fair trial standards. Except in civil cases, residents of Crimea cannot expect justice from their courts, one lawyer told the Mission: “Once the FSB and the Centre on Extremism (E-Centre) are involved, the outcome of the trial is pre-determined. Judges blindly accept all the information, testimonies, and assessments produced by the prosecution and investigative bodies, and render the decisions that are expected from them.”

 *Until it is stopped, ‘the conveyor belt’ will demand more and more victims.*

Lawyers from the Agora International Human Rights Group who defend cases in Crimea, note that most trials in Crimea conclude with a sentence, whereas in Russia there are cases of acquittals for similar charges. Also, sentences for extremism seem to be harsher in Crimea than in Russia.

The Mission was informed about case materials being fake or tampered with. Protocols of interrogation and indictments have also been found to be word-for-word identical in some cases, with only the names and dates changed, suggesting that templates are used. Some of the documents presented have also been full of factual inaccuracies such as to names or dates. Judges have also permitted protocols that were evidently changed after they were received by the defendant, even when lawyers showed that their clients had a different version of the same document.

It is difficult for lawyers to ensure the defence of their clients in such circumstances. Crimea has an acute lack of defence lawyers, and the Mission heard that sometimes the hearings in cases of the same lawyer are scheduled to take place at the same time.

Lawyers receive case materials very late; in one case a lawyer was given 20 minutes to read over one hundred pages. Defence submissions are often ignored, and courts refuse to call defence witnesses. Judges also reject petitions such as for non-custodial measures (house arrest); in one case a judge turned down a request to allow a suspect stay outside of custody while awaiting trial even though he had a medical certificate attesting to his poor health. In another case, a judge in an administrative court took 10 minutes to decide on a 10-day detention.

Often, the judges and prosecutors do not even listen to the defence: “They just sit through the hearings; they already have all the documents and decisions. Often,

they mix up dates or forget to change the names in the documents or use the wrong articles. All this shows that the rulings are decided in advance and that they are not interested in the proceedings,” reported a lawyer speaking to the Mission.

In the hearings of the case of the journalist Mykola Semena, the defence contended that Semena’s position on Crimea being a territory of Ukraine coincided with the position adopted by the UN General Assembly and the Council of Europe, backed up by references to international legal instruments. The expert of the defence also tried in vain to explain to the judges that international law, which in the Russian Federation takes precedence over national law, allowed Semena to disagree with the Russian authorities’ position on Crimea. The judges ignored all the arguments on constitutionality and international legal norms. The defence also argued that the provisions of article 280.1 of the Criminal Code were contrary to the Russian Constitution, which guarantees freedom of speech (Semena’s article was published as an “opinion”).

Within the court system, the use of fake and anonymous witnesses is widespread. The same witnesses appear in different cases, according to local lawyers who met the Mission. These witnesses – whose identity is concealed from the lawyers – give testimonies remotely, with their voices changed. It often happens that they give incorrect descriptions and contradictory testimonies, and repeat what is in the indictment. When such a witness fumbles or cannot answer the defence lawyer during cross-examination, judges interrupt the hearing or withdraw the question.

Appraisals by “experts” play an essential role in reaching convictions in cases regarding extremism and separatism. This is not specific to Crimea: in the Russian Federation, expert evaluations

are conducted in cases that call for “special scientific knowledge”, and such evaluations have come to be used also in trials related to extremism. A category of experts with links – both direct and indirect – to Russian federation law enforcement agencies has also emerged. “The mission of these experts... is to protect the State, ignoring both professional standards and common sense,” writes Dmitry Dubrovsky, a researcher at the Centre for Independent Social Research.²² As a lawyer explained to the Mission: “Far-fetched conclusions by ‘experts’ working for the FSB can transform any harmless conversation into a secret agreement among extremists”.

A lack of expertise in specific fields is another issue, such as with historians being entrusted to evaluate a question of religion. The Mission heard about the case of a linguistic expert engaged to analyse whether Mykola Semena’s article contained elements of incitement had a degree in Chinese from Vladivostok. Her evaluation contained 72 spelling mistakes, of which 20 were of primary school level. In the trial against Ihor Movenko, the linguistic expert had a medical degree, and was incapable of explaining which of five established evaluation criteria had been used to prepare the assessment.

Trials are in principle public, but the presence of observers is discouraged, the Mission learnt. Journalists are arbitrarily allowed or forbidden to take photos or record by the judge.

In Rostov, the court proceedings are held in a small room, meaning many relatives who travel long distances from Crimea cannot attend the trial. The “cages” where suspects sit have been replaced with glass boxes, which lack ventilation. In Crimea, hearings for such cases are also held in small rooms, even when larger rooms in the courthouse are free. Requests by lawyers to change rooms are rejected.

22 Dmitry Dubrovsky, “Experts for hire: how independent analysts create crimes for Russian law enforcement”, 1 December 2017.

Appalling detention conditions

The Simferopol SIZO (pre-trial detention centre) hosts appalling conditions of detention, as confirmed by lawyers, relatives of political prisoners, and persons who have been detained there. The SIZO is overcrowded with up to eight people to a 3x3m cell. Detainees take turns to sleep, and are kept together with inmates who are sick. The cells are full of bedbugs, cockroaches and mice. Detainees are denied access to medical treatment. When detainees are sick and ask for medical help, they have to wait several days before they can see a doctor. In the case of dental problems, a dentist from outside needs to be called in, and the administration has to make a request for the necessary equipment, but this is not done. Almost all detainees have gastric problems. The doctors do not give all the necessary medical information and as result the SIZO does not receive the appropriate medication. The Mission heard of several cases of detainees who died without any proper reaction from the SIZO staff. The administration often refuses to take parcels for detainees containing medication.

Far-fetched conclusions by 'experts' working for the FSB can transform any harmless conversation into a secret agreement among extremists.

Cases of hangings have been also been recorded at the SIZO. In April 2018, at least four people died unnaturally. The official version of events concluded suicide as the cause of death, but no independent investigation took place.²³ The Mission also heard about detainees being transported in cruel and inhumane conditions, including transport in the isolation compartments of prison vans, which are extremely confined spaces.²⁴ During transfer, detainees have also been beaten or frightened with dogs.

Families of political prisoners face hardship

The Mission met with the relatives of people who have been detained and imprisoned by the Russian authorities, including many wives, mothers and relatives of political prisoners. Some of the

women came to the meetings with their children because they had no one to take care of them (many of the fathers of the children are in prison). They all spoke of the hardships and discrimination they endured.

It is difficult for families to communicate with their relatives in prison and obtain visits, and often the only way to obtain information on their loved ones is through their lawyers. The procedure to request a visit is complicated; the investigator of the case must send a letter to the SIZO, and families must come in person to the SIZO to enquire whether the authorisation has been granted. No information is provided over the phone, and requests with mistakes are rejected with families having to re-start the whole procedure. For the families of people detained as part of the first "Bakhchisaray group", they were not allowed to visit for the first 10 months, and no explanations were given for the refusal.

Examination of cases are lengthy and drag on, and relatives feel the refusal to visit as a form of psychological pressure. They have to travel long distances for visits or to attend trials, particularly when these have been transferred to Rostov. Women spend a long time on the road to obtain permissions for visits and to bring food parcels to the prison, leaving little time to care for the family.

Children in particular suffer from the consequences of persecution and detention of their parents. The mission heard that some children had not seen their fathers for more than a year, and sometimes experience bullying in school linked to their parents. Also, they witness the searches and raids. After their house was searched, a boy for a long time reportedly asked his grandmother: "Are the bad people coming back?" Children who have experienced such situations need psychological support. As one of the mothers told the mission, "They will remember this all their lives". Prior to their detention, the people imprisoned had good jobs or ran

²³ Crimea Human Rights Group, "4 people died unnaturally in April in Simferopol Detention Center", 19 April 2018.

²⁴ See decisions of the ECtHR in the cases *Idalov v. Russia* (Application no. 5826/03), 22 May 2012, and *Kavalerov and others v. Russia* (Application no. 55477/10 and 7 others), 4 May 2017.

successful businesses, as noted by their relatives. They were doctors, lawyers and teachers. Now their families face economic hardship, especially as all of the detainees are on the “list of extremists and terrorists”. The Mission heard that it took a year for the wife of one of the prisoners to get a power of attorney to be able to rent out the dental practice that is in her husband’s name, which is the only source of income of the family. After Marlen Asanov was detained and charged, his cafe in Bakhchisaray closed, leaving his family and employees without an income. Families also have difficulties accessing social services. The mission heard of a case in which child benefits were refused because the father’s authorisation was needed, even though he was in prison. In numerous cases, relatives have lost their jobs following the arrest of their family members, with the people making these decisions “not wanting to have problems”. However, many people privately express their support to these families, and also help them materially.



Ilya Bolshedvorov, anti-corruption activist. Photo: Human Rights Information Center.

Creating a climate of fear

Repression is growing

Repression is growing in Crimea and drawing increasingly broader circles. The Mission heard that not only are activists persecuted, but their families and anybody who assists or shows solidarity with them risks being subjected to police and judicial harassment and sanctions. While the main target of repression continues to be Crimean Tatars, Ukrainians and people perceived as pro-Ukrainian and opposed to the annexation, it now reaches others. This includes people who either supported the annexation or do not openly oppose it, even Russians who moved to Crimea after 2014, and people who engage in activism on other issues or are active in Russian political parties and movements, including anarchists and communists.



Larysa Kytaiska, blogger from Yalta. Photo: Human Rights Information Center.

Crimea used to be a politically active region, with its own mentality. Now it is as if everybody has inhaled some kind of a gas – no one speaks, there is silence here, like in a cemetery.

Targeting socially active citizens

After the occupation, Valery Bolshakov, the former chair of the Sevastopol Workers' Union, joined the Russian leftist party Russian United Labour Front ("ROT Front") and publicly criticised the policies of the authorities and the law enforcement. At the time of the Mission, he was awaiting trial charged with extremism and incitement (articles 280 and 282 of the Russian Federation Criminal Code), and he had been put on the "list of extremists and terrorists".

In March 2017, the civic activists Dmitry Kissiev and Alexei Yefremov called for single-person and online protests in support of the anti-corruption rallies organised by Alexei Navalny across Russia. They were detained and sentenced to administrative detention and fines for organising "unauthorised meetings" and disobeying police. Since then, they have been harassed and attacked, and Kissiev was excluded from university. Ahead of the March 2018 presidential elections, his home was searched in connection with "provocations ahead of the elections".²⁵

The Mission spoke to anti-corruption activist Ilya Bolshedvorov, who moved to Crimea from Irkutsk (Russia) after the occupation. Back in Irkutsk, he had helped people to recover illegal commissions from banks. In Simferopol, he started working as the legal advisor of a company that was renting a derelict cinema theatre used as a covered market.

The theatre was supposed to be renovated, but the lease was cancelled and the traders were evicted. When the municipality unilaterally cancelled the lease and ordered the market to close, he supported the traders' protest against the closure. He runs a civic initiative that supports victims of corrupt practices. Most of the requests he presented for holding a peaceful assembly were turned down or authorised to be held in locations of the city where there are no people. Refusals were of a formal nature, for example that the area of the location requested was too small.

As Bolshedvorov told the Mission, the real reason for such refusals is that the authorities know that public events are a

demonstration of strength, which allow people to share information, and which also demonstrate that many people are unsatisfied. Every time an assembly takes place, even when authorised, Bolshedvorov is wary of administrative sanctions. He notes that in Irkutsk it was easier to organise assemblies, and that in general the climate was freer.

Bolshedvorov's civic initiative takes actions against the confiscation of land. Responding to his support of almost 30 families who were given symbolic compensation that does not relate to the value of their property, the Head of the Republic of Crimea Aksyonov filed a lawsuit for defamation – claiming 1.5 million rubles moral compensation as Bolshedvorov publicly spoke about the involvement of Aksyonov and his family in the illegal land deals. Criminal charges were brought against Fazil Ibraimov, a Crimean Tatar who had led a process to legitimise action taken by Crimean Tatars to reclaim land that was seized from them during soviet times". He received a suspended sentence for fraud.

Ilya Bolshedvorov is not the only person who faces legal action for their activism against corruption. Dmitry Dzhigalov and Oleg Semyonov run the anti-corruption bureau in Sudak, which looked into issues related to illegal construction projects and the management of a local waste site. Both were charged under article 282 (incitement) of the Russian Criminal Code, allegedly because Dzhigalov "insulted Bulgarians". Dzhigalov was fined 320,000 rubles.

As these cases show, judicial harassment is being directed against socially active citizens independent of their political views. Many of the people who spoke to the Mission believe that this repression will not stop, but continue targeting new groups of people. Anybody who takes the slightest civic position on public matters comes under the radar of the occupying authorities.

Also, several people told the Mission that the dissatisfaction of Crimeans is growing, regardless of their position on the

25 Кругм. Реаліі, «Крымский сторонник Навального Ефремов сообщил об обыске в квартире активиста Кисиева», 1 March 2018. (Available in Russian).



Monument to the Novgorod-Kirillov regiment, which was stationed at the Genoese Fortress arrived in Sudak after the annexation of Crimea by the Russian Federation. Photo: Tatsiana Reviaka

occupation. Ordinary citizens are lost and disoriented. Some people who supported the occupation feel that promises have not been kept, while people who moved to Crimea from Russia are also beginning to feel disappointed, as living conditions are different and it is easier to get into conflict with the law.

People in Crimea do not have the same social and economic rights compared to the Russian mainland, the Mission heard. In Crimea, the main Russian banks do not operate, neither do the main mobile providers, with the exception of MTS. It is harder for businesses, especially small and medium-sized enterprises. Prices have gone up, on foodstuffs and necessary goods, and on real estate. Salaries in Crimea remain low. Many feel like “second class citizens”.

“Crimea used to be a politically active region, with its own mentality. Now it is as if everybody has inhaled some kind of a gas – no one speaks, there is silence here, like in a cemetery”, one interlocutor told the mission, speaking about the climate of uncertainty and fear.

Fear is being stoked by the authorities and distrust encouraged, the Mission heard. The controlled media disseminate

propaganda and incite hatred, and report on events that did not happen – such as claiming to have found weapons during raids, evidenced by pictures taken from other sources. People are frightened to speak freely to journalists and are even cautious in casual conversations, for fear of informants. In schools and government institutions, management is responsible for identifying “extremists” – in schools, the parents of “suspicious” children are called in “for talks”.

Transfer of populations and deportations

Many interlocutors spoke of a covert demographic change. Following the occupation, an important inflow of military and civil servants and their families came from Russia. Russians are also increasingly moving to Crimea, attracted by incentives with regard to housing and employment. Some see this as an additional reason to push the local population to leave, thus freeing jobs and housing. Numerous construction sites are under way in the cities, including of new housing complexes. Deportations also continue to take place, according to data collected by

the UN Mission to Ukraine (HRMMU): according to the Russian Federation court registry, 512 deportation orders were issued in 2017, of which at least 287 concerned Ukrainian citizens.²⁶ People also face a form of hidden discrimination and are being dismissed from work. These “purges” are taking place in, for example, schools, where directors are put under pressure to dismiss “unreliable” teachers. The Mission heard that increasingly, when people call for a taxi, they ask for a “Slavic-looking” driver.

Among those who engage in activism, no one feels safe in Crimea. As one activist told the mission, for the past four years, “the day starts with looking out of the window to see if they came for you; in the evening, when you leave work, you wonder if you will make it home”.

Anybody who is active attracts the attention of the authorities – whether they lived in Crimea before the occupation, or moved to Crimea after that, and independent of their views and political ideas.

26 OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 10 September 2018, para 77.



VOLODYMYR BALUKH

Five years in prison for flying the Ukrainian flag

Facing five years in prison and a fine of 10,000 rubles, Volodymyr Balukh is a farmer from Serebryanka village in northern Crimea, where he lived with his wife and mother. Making no secret of his disapproval of the Russian occupation of Crimea, he kept the Ukrainian flag flying on his house and did not seek Russian citizenship. In the spring of 2015, the police searched his house, allegedly in connection with stolen spare parts for a tractor.

They returned in November, allegedly in connection with a stolen car. This time, they beat him and he received 10 days administrative detention for “refusing to obey a police order”. A criminal case was opened against him for “insulting a representative of the state” (art. 319 of the Russian Criminal Code) for which he was subsequently sentenced to 320 hours labour. He again hoisted the flag and placed a sign on his house that read “Вулиця Героїв Небесної сотні” (Street of the Heavenly Hundred – a name given to people killed during Euromaidan protests). Two weeks later the FSB searched his house, during which they claim they found military ammunition in the attic. He was arrested and charged with illegal possession of weapons (article 222.1 of the Russian Criminal Code) on 8 December 2016 and put in pre-trial detention in the Simferopol SIZO.

Both his wife and mother spoke of the day the arrest took place: “They arrived at 6.30 am, 16 of them. They went up to the attic and found the ammunition – 89 bullets. The attic is large. They found them in five minutes.” His mother, Nataliya Balukh believes that the real

reason for his persecution is her son’s views against the annexation, and his raising of the Ukrainian flag.

While Balukh was in pre-trial detention, another case was brought against him by the director of the pre-trial detention centre in Razdolnoe. This was for “violence against a representative of the state” (article 318 CC), requalified in December 2017 as “disruption of order in the pre-trial detention centre” (article 321 CC), for which he was sentenced to three years in prison. After spending one year in pre-trial detention, he was placed under house arrest in December 2017, but was again put in prison in January 2018. Volodymyr appealed against these sentences. In March 2018, the Supreme Court of Crimea upheld the sentence in connection with the illegal possession of weapons. In protest, he started a hunger strike, until October 2018.

The interview with the Mission took place while Volodymyr was still on hunger strike. His wife and mother found their requests for visits declined without explanation. They are only able to obtain information through the lawyer who told them that his condition was worsening. Since his first incarceration, his mother has only seen him twice.

Their life has changed: “Volodymyr kept the family and household going,” they said. Every time they hear a car pass or dogs bark, they live in fear of a new search. They face hardships and isolation. His wife Nataliya did not get the job at the school for which she applied; she was made to understand that the

school did not want problems. Many people who lived in the village have now moved to mainland Ukraine, including those who supported Volodymyr. “There are still people in the village who support him, but they remain silent. They have to – they have families and children and are afraid of consequences”, says his mother. “People looked away when there were searches, nobody came.” After the first search of their house, the police also put pressure on their relatives and friends, conducting searches at their houses. Since then, his wife’s godfather stopped communicating with her.

Crimean Solidarity and Ukrainian activists support the family and bring them foodstuffs. From Ukraine they get legal aid and help in transmitting parcels to the SIZO for Volodymyr. They are grateful for that. But both his wife and his mother have lost hope that anything will change for the better for their family.

His mother wants Volodymyr to leave for mainland Ukraine when he is released: “There is no life for him here”, she says. But she plans to stay.

 *They cannot arrest him for a flag, so they fabricated charges.*

NATALIYA BALUKH

Mother of Volodymyr Balukh, pictured on the left with mission member Tatsiana Reviaka. Photo: Tatsiana Reviaka

EMIR-USEIN KUKU

Facing 20 years in Russian prison

Imprisoned and facing a sentence of up to 20 years, Emir-Usein Kuku worked for the Yalta municipality as an economic inspector and is a member of the local Crimean Tatar community. Following the occupation of Crimea he became a human rights defender.

In October 2014, Emir-Usein Kuku joined the Crimean Human Rights Contact Group, a civic initiative that documents cases of disappearance, monitors investigations into enforced disappearances and supports relatives of disappeared persons. On several occasions, he was contacted by the FSB and invited to act as informant, but he refused to cooperate.

On 20 April 2015, FSB officers searched his home, following what looks like a foiled attempt to abduct him. As he was leaving for work, he noticed two men in civilian clothes in a minibus parked near his house. As they approached him, he took a shortcut and ran out onto the main road. They seized him, held his arms behind his back and pushed him down face forward, but by this time a large crowd had gathered and witnessed the scene. He was then forced into the van and taken to the FSB office in Yalta, and then back to his house. On the way, he was beaten and cursed by his abductors for having “brought all those people there”. According to his wife, Meryem Kuku, their property was full of police vans with men with masks and automatic rifles. Emir-Usein was brought in handcuffed with abrasions and bruises from the beating. During the search of the house he was questioned by an unmasked FSB officer who threatened that if he did not cooperate, he would “go down for terrorism”.

The next day, he posted photos of the marks from the beating, stating that if he disappeared, they should look for him at the Yalta FSB office. He went to a doctor

to receive a medical record of his injuries, and went to the local police station to file a complaint. The police refused to open a criminal investigation into his allegations.

In the next months, Emir-Usein was called in several times for questioning, including by the Military Investigative Committee in Yalta. His wife told the Mission that every time he was late from work, she was very worried. They discussed leaving the peninsula, but Emir-Usein insisted that he had done nothing wrong and would not “run away”. On 3 December, the Investigative Committee in Yalta called in Kuku and informed him that he was under criminal investigation for posting extremist material on his social media accounts.

On 11 February 2016, their house was searched again. At 7 am, masked men with automatic rifles broke down the door. Emir-Usein was taken away and has been in detention ever since. The next day, he was accused of being a member of a Hizb-ut-Tahrir group and placed in pre-trial detention, at the same time as three other Crimean Tatars - the “Yalta Group”. In April, two more members of the local Crimean Tatar community were arrested for belonging to this so-called group, which was allegedly planning to overthrow the constitutional order. Kuku was charged, together with the others, with offences under article 205.5 (section 2) of the Russian Criminal Code (participating in activities of a terrorist organisation) which carries a sentence of up to 20 years in prison, and articles 35 (section 2), 30 (section 1), and 278 of the Russian Criminal Code (preparing a violent seizure of power by an organised group in prior collusion), carrying a penalty of up to 10 years in prison.

After spending almost two years in the Simferopol SIZO, they were transferred to Rostov in the Russian Federation in

“ In the beginning, young men were regularly disappearing. Then the arrests started. In a way, we all expected this would happen.

MERYEM KUKU
Wife of Emir-Usein Kuku

December 2017. On 14 February 2018, they were charged with orchestrating or contributing to a terrorist group's activities, as well as with attempting a forcible seizure of power.

After his arrest, harassment of his family continued. In March 2016, an unknown man approached his son in front of his school and told him that his father had fallen into "bad company" and would go to prison. Shortly after, an inspector for minors contacted Meryem with a question about how the father allowed their son to be alone outside in front of the school. The school received a visit requesting information on the children and the parents, and threats were made to deprive them of paternal authority.

During his detention in Simferopol, Emir-Usein was only allowed to see his family once, and numerous requests for visits were turned down. Now that Emir is in Rostov, it is much easier to get permissions for visits, and Meryem thinks that the conditions of detention are better there as well.

The trial is currently taking place at the North Caucasus District Military Court, but is dragging on; in August, the judge returned the case for further investigation because in his opinion there are two and not one "organisers" of the "Yalta Group" – which means that a second person in the group could be facing a longer sentence.

When violence following the taking control of Crimea by the Russian Federation subsided, "we thought that the worst was over... so it seemed to us", Meryem told the Mission. Ever since the arrest of her husband, and even now, she rushes to the window if there is noise in the street early in the morning. "They take away the best from among us".



Meryem Kuku , wife of Emir-Usein Kuku. Photo: Human Rights Information Center.



Emir-Usein Kuku's personal documents. Photo: Human Rights Information Center.

ACCESS TO CRIMEA

The Mission's travel

The members of the Mission accessed Crimea through one of the three functioning crossing points. After obtaining a supporting letter from the Ukrainian Ministry of Temporarily Occupied Territories and internally displaced persons (IDPs) and having put together all the necessary documents, the foreign members of the Mission submitted a request for a special entry permit to the State Migration Services in Kyiv. They received their permits three days later. The procedures for foreigners to obtain authorisation to enter Crimea are detailed in the "Order of Entry and Exit from and to Temporarily Occupied Territory of Ukraine".²⁷

The Mission travelled by rail from Kyiv to Novooleksiivka (Kherson oblast) and crossed into Crimea at Chongar. This was the only crossing point open on that day due to the Ukrainian border guards service having closed the two other crossing points following an ecological incident, which took place not far from the administrative border line in Armyansk, on Crimean territory.

This allowed the members of the Mission to experience first-hand all the steps needed to reach the occupied territory of Crimea in accordance with Ukrainian law.

The Russian Federation has introduced a "State border" on the territory of Ukraine to enter occupied Crimea, in violation of General Assembly resolution 68/262. This has adversely affected the freedom of movement between the territories under control of the government of Ukraine and

the Crimean peninsula. This has given rise to a complex set of legal restrictions by the governments of both the Russian Federation and Ukraine, which has complicated life for ordinary people.

According to Ukrainian legislation, Ukrainian citizens have the right to free and unimpeded access to Crimea.²⁸ However, over time, successive regulations have been applied that regulate state border crossings, for example customs regulations for personal goods.²⁹

Following the occupation of Crimea and the establishment by the Russian Federation of a 'border' at the entrance to Crimea, as of 25 April 2014, Ukrainian authorities closed all crossing points of the state border on the occupied territories and set up crossing points controlling entry and exit to the territory.³⁰ Since the beginning of 2015, the Ukrainian side for reasons of national security has enforced border regulations in several parts of Kherson oblast for entry into Crimea.³¹

Ukraine complicates access

Between March and December 2014, Ukraine suspended public and direct transport with the peninsula, including by sea and air. Railway and bus transport operating between the mainland and Crimea were suspended in December 2014. Passenger trains for Crimea stop in Novooleksiivka and Kherson.

Currently, three control points function to cross into occupied Crimea: Chongar, Kalanchak and Chaplynka. All three may only be passed on foot or in private vehicles. At

each crossing point, a neutral zone of 800 and 2,000 metres in length is established between the Ukrainian and Russian crossing points.³²

People travel across for a variety of reasons, including to visit relatives on both sides, to go to study on the mainland or to obtain Ukrainian documents, such as birth and death certificates and passports.

The suspension of public transport to Crimea especially affects the most vulnerable and economically disadvantaged groups. Getting to the control points takes a long time and is expensive.

The main difficulties people experience at the control points are long queues and the lack of infrastructure.³³ In July 2018, the Ukrainian authorities allocated more than 105 million hryvna to improve the facilities at the crossing points Kalanchak and Chongar.³⁴

Access to Crimea for foreigners and stateless persons was regulated by decree No. 367 of the Cabinet of Ministers of Ukraine on 4 June 2015.³⁵

It contains a list of persons eligible to receive authorisations and conditions, such as: having family and close relatives living in Crimea; in the case of death of a family member; or owning property on the peninsula, supported by relevant documents issued by the Ukrainian authorities. Furthermore, the decree laid down that foreigners must apply at the State Migration Service of Ukraine and submit relevant documents in order to obtain a special permit to enter Crimea for these purposes, as well as fulfilling the requirement that foreigners can only enter Crimea through Ukraine and not through Russia. Foreign

27 Cabinet of Ministers of Ukraine Resolution 4 June 2015, No. 367 "Order of Entry and Exit from and to Temporarily Occupied Territory of Ukraine".

28 Law No. 1207-VII "On the rights and freedoms of citizens on the temporarily occupied territory of Ukraine", 15 April 2014.

29 Law of Ukraine "On the Creation of the "Crimea" Free Economic Zone and on Specifics of Economic Activity on the Temporarily Occupied Territory of Ukraine".

30 Cabinet of Ministers of Ukraine Order of 30 April, No. 424-p "On Temporary closure of crossing points across the border and checkpoints".

31 Cabinet of Ministers of Ukraine resolution No. 38 of 30 January 2015, "On Certain Issues of Strengthening of Ukraine's National Security Level".

32 OSCE Special Monitoring Mission to Ukraine thematic report, "Freedom of movement across the administrative boundary line with Crimea", 21 June 2015.

33 Ukrainian Helsinki Human Rights Union, "Checkpoints on the border with Crimea are in need of modernization, say human rights defenders", 23 February 2018.

34 Sergey Gromenko, "Домой без препятствий: какими будут пункты пропуска на админгранице с Крымом", 10 June 2018. (Available in Russian).

35 Law No. 1207-VII "On the rights and freedoms of citizens on the temporarily occupied territory of Ukraine", 15 April 2014.



Entrance to Crimea. Photo taken at the Kalanchak-Armyansk border crossing point. Photo: Tatsiana Reviaka.

citizens violating rules on access to Crimea are prohibited from entering Ukraine for a period of three years, and the law foresees administrative and criminal sanctions.

A subsequent amendment broadened the category of foreigners eligible to apply for a permit and included foreign NGOs and international human rights missions and journalists.³⁶

While this has rendered it possible for international human rights monitors to access Crimea, the procedures to obtain such a permit are nevertheless complicated and lengthy. Permits for foreigners, members of international and foreign NGOs, and international human rights missions require the prior consent of the Ministry of Temporarily Occupied Territories and IDPs. For journalists, consent is needed from the Ministry of Information Policy of Ukraine. Applicants cannot apply for permits online or from abroad through Ukrainian consulates, and must travel to Ukraine and submit requests to the State Migration Service in person, together with all documents and forms in Ukrainian. Permits take up to

five days to be processed and issued. These bureaucratic procedures complicate the work and entail additional financial costs and time, and can have a discouraging effect for foreign human rights defenders and journalists. Also, these procedures make it impossible to undertake emergency and short-notice trips to Crimea to cover events as they break or to monitor trials.

Russian Federation controls access and creates considerable obstacles

At the same time, the Russian Federation authorities, which practically control access to Crimea and apply their legislation, create considerable obstacles to accessing Crimea. They impose restrictions on entry and staying on the peninsula, which contravenes international law and violates the right to freedom of movement.

Frequently, people have been stopped and subjected to lengthy interrogations and inspections of personal belongings when entering or leaving Crimea – particularly Ukrainian activists, journalists, supporters

and members of the Mejlis. As reported by OHCHR, seven Crimean Tatar women, all spouses of men under criminal prosecution in Crimea, were detained and interrogated for several hours when returning from the mainland in November 2017.³⁷

Opponents and critics have been banned from entering the Russian Federation and consequently are unable to access Crimea. This includes the leaders of the Mejlis: Mustafa Dzhemilev and Refat Chubarov, and Ismet Yuksel the director of the Crimean Tatar news agency QHA.³⁸

Residents of Crimea who did not want to or could not obtain Russian citizenship documents are considered “foreigners” and risk sanctions under article 18.8 of the Russian Federation Code of Administrative Offences (“violating entry regulations or right to remain”), including fines and deportation. Between July 2014 and May 2018, 9,538 sanctions were pronounced by the courts in occupied Crimea and deportations ordered.³⁹

36 Cabinet of Ministers Resolution No. 722, 16 September 2015.

37 OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 10 September 2018, para 38.

38 The Peninsula of Fear: Chronicle of Occupation and Violation of Human Rights in Crimea, Olga Skrypnik and Tetiana Pechonchik eds, 2016, p. 88.

39 Ukrainian Helsinki Human Rights Union, “Crimea beyond rules: Forcible Expulsion of the Civilian Population from the Occupied Territory by Russia”, 2016, p. 27.

INTERNATIONAL LEGAL FRAMEWORK

On 27 March 2014, the UN General Assembly adopted resolution 68/262 on the territorial integrity of Ukraine, which affirmed its commitment to the sovereignty and territorial integrity of Ukraine within its internationally recognised borders. In its resolution 71/205 of 19 December 2016, it qualified the situation in Crimea as an occupation, falling under the framework of the Geneva Conventions of 12 August 1949, and called upon the Russian Federation to uphold its obligations under applicable international law as an occupying Power, reiterating this stand in its latest resolution 72/190 of 19 December 2017.

European regional organisations declared that they would not recognise the referendum and annexation of Crimea. The Venice Commission concluded that the referendum was illegitimate, in its Opinion of 21 March 2014.⁴⁰ The Parliamentary Assembly of the Council of Europe (PACE) suspended the Russian Federation's voting rights in April 2014.⁴¹ Since then, both the European Union (EU) and the Council of Europe have repeatedly condemned the occupation and expressed concern about the human rights situation in Crimea. In June 2018, PACE adopted a resolution calling on the Russian Federation to release without further delay all Ukrainians detained in the Russian Federation and in Crimea on politically motivated or fabricated charges.⁴²

Ukraine is not a party to the Rome Statute.

However, on 17 April 2014, the Government of Ukraine lodged a declaration under article 12(3) of the Statute accepting the International Criminal Court's (ICC's) jurisdiction over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014, followed by a second declaration under article 12(3) lodged on 8 September 2015, in relation to the period from 20 February 2014 onwards. In 2016, the Office of the Prosecutor of the ICC found that the situation in the Autonomous Republic of Crimea and Sevastopol amounted to a state of occupation and that the law of international armed conflict would apply in its analysis.⁴³

In January 2017, Ukraine filed an application instituting proceedings before the International Court of Justice against the Russian Federation for alleged violations of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).⁴⁴ In its Order of 19 April 2017, the Court considered that, with regard to CERD, "the Russian Federation must refrain, pending the final decision in the case, from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis.

In addition, the Russian Federation must ensure the availability of education in the Ukrainian language."⁴⁵

Ukraine has also lodged applications related to Crimea to the European Court of Human Rights (ECtHR) under article 33 of the European Convention on Human Rights, in 2014⁴⁶ and more recently in August 2018, concerning the detention, prosecution, and conviction of Ukrainian nationals on charges of membership in organisations banned by Russian law, incitement to hatred or violence, war crimes, espionage, and terrorism.⁴⁷ Furthermore, the ECtHR received a number of individual applications with regard to Crimea; just in the first months of the occupation, 20 cases were submitted to the Court.⁴⁸ In July 2015, the Russian Constitutional Court ruled that Russia does not have to abide by ECtHR decisions if they contradict the Russian constitution.⁴⁹

Since the occupation, the Russian Federation has been reviewed by the UN Human Rights Committee⁵⁰, the Committee on the Elimination of Racial Discrimination (CERD)⁵¹, and the Committee against Torture (CAT)⁵². All three mechanisms have noted the "effective control" over Crimea, asserted Russia's protection obligations under the respective instruments, and made recommendations to that effect with regard to Crimea.

40 Venice Commission opinion on "whether the decision taken by the Supreme Council of the Autonomous Republic of Crimea in Ukraine to organize a referendum on becoming a constituent territory of the Russian Federation or restoring Crimea's 1992 constitution is compatible with constitutional principles", Doc CDL-AD(2014)002, decision No 762/2014 of 21 March 2014.

41 PACE Resolution 1990 (2014), "Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation", adopted 10 April 2014.

42 PACE Resolution 2231 (2018), "Ukrainian citizens detained as political prisoners by the Russian Federation", adopted 28 June 2018.

43 Office of the Prosecutor of the International Criminal Court, preliminary examination of the situation in Ukraine.

44 International Court of Justice, 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).

45 International Court of Justice, 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), Provisional Measures, Order of 19 April 2017, I.C.J. Reports 2017, para. 102.

46 European Court of Human Rights, Application No 20958/14.

47 European Court of Human Rights, Application no 38334/18.

48 Registrar of the Court press release, ECHR 345 (2014), 26 November 2014.

49 Statement by the Russian Constitutional Court.

50 UN Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation (CCPR/C/RUS/CO/7), March 2015.

51 UN Committee on the Elimination of Racial Discrimination, Concluding observations (CERD/C/RUS/CO/23-24), August 2017.

52 UN Committee against Torture, Concluding observations on the Russian Federation (CAT/C/RUS/CO/6), August 2018.

“ *The level of political repressions unleashed in Crimea in 2014 has not decreased, though the forms and types of pressure and persecution have changed.*

TATSIANA REVIKA

Mission member, Representative of the
Barys Zvozkau Belarusian Human Rights House





HUMAN RIGHTS MISSION TO CRIMEA BY THREE HUMAN RIGHTS HOUSES

Aiming to break the wall of silence and document first-hand the human rights situation in Crimea, representatives of Human Rights Houses visited the occupied Autonomous Republic of Crimea and the city of Sevastopol from 14-18 September 2018.

The visit by the monitoring Mission brought together experienced human rights defenders from three Human Rights Houses. It has contributed to ensuring that the facts on the ground are known, and has helped to give a voice to the Crimean people.

This was an opportunity for an international human rights mission to collect on-the-ground information and document the human rights situation on the peninsula.