

***Shadow Report to the VIII Periodic Report of the Russian Federation on the implementation of
the International Covenant on Civil and Political Rights***

***in the context of the Covenant's application in the Autonomous Republic of Crimea and the city
of Sevastopol***



This Report was prepared by a coalition of civil society organizations.

Regional Center for Human Rights.

ПРАВОЗАХИСТ. АНАЛІТИКА. КРИМ

RCHR

Regional Centre for Human Rights (RCHR) is a non-governmental human rights organization whose core is composed of lawyers who, before the occupation of Crimea by the Russian Federation, worked on the peninsula and moved to Kyiv in 2014. Since 2014, the organization has focused on identifying human rights violations in the context of the Russian occupation of the Crimean peninsula and on protecting human rights at the international level - at the European Court of Human Rights, the UN Human Rights Committee and the International Criminal Court.

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Crimean Human Rights Group



CRIMEAN HUMAN RIGHTS GROUP

The Crimean Human Rights Group (CHRG) is a public non-profit organization of Crimean human rights defenders and journalists, aimed at promoting the observance and protection of human rights in Crimea by attracting wide attention to problems of human rights and international humanitarian law in the territory of the Crimean peninsula. The CHRG focuses on documentation and ongoing monitoring of human rights violations in connection with the illegal actions of the Russian Federation in Crimea.

In the preparation and spreading of the information, the CHRG is guided by principles of objectivity, reliability and timeliness.

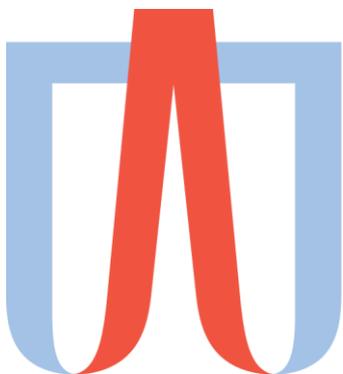
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Ukrainian Helsinki Human Rights Union



UKRAINIAN HELSINKI HUMAN RIGHTS UNION

The Ukrainian Helsinki Human Rights Union (UHHRU) is the largest association of human rights organizations in Ukraine, which unites 27 human rights NGOs. The Union contributes to the development of a humane society based on respect for human life, dignity and harmonious relationship between man, nature and the state through the creation of a platform for cooperation between members of the Union and the other members of the human rights movement.

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Human Rights Center ZMINA



HUMAN RIGHTS CENTER

Human Rights Center ZMINA is a Ukrainian human rights organization, the purpose of which is to promote human rights, the rule of law and values of civil society in Ukraine. In March 2014, together with Russian and Crimean human rights activists, the organization participated in the Crimean Field Mission for Human Rights (KFM), the only international human rights civil initiative that had worked in Crimea on a permanent basis. After the Federation Council included KFM in the so-called “patriotic stop list” in summer 2015, it was forced to stop working in Crimea because of the risk of criminal prosecution of its monitors. Since then, ZMINA has continued monitoring the situation regarding freedom of speech and expression in Crimea, cooperating with local activists and supporting Crimean journalists and human rights defenders. The organization is engaged in informational, analytical work and advocacy of human rights topics in Crimea on the national and international arena.

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NGO Centre of Civic Education „Almenda”



The Centre of Civic Education „Almenda” is a non-governmental human rights organization, registered on 14.09.2011 in the city of Yalta and re-registered in the city of Kyiv on 18.07.2014 due to the change of location following the occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation in early 2014.

The main aims of the CCE “Almenda” are: protection of human rights through legal and educational activities and development of civil society institutions. Due to the events in Crimea, a separate direction of work of the CCE “Almenda” is provision of legal aid to internally displaced persons and those who remained in the occupied territory, as well as development of regulatory and legal framework and monitoring of Ukrainian legislation in the occupied territories and protection of human rights on the peninsula.

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List of Abbreviations

EIE	External Independent Evaluation
FSB	Federal Security Service
GC (III)	Geneva Convention relative to the treatment of prisoners of war
HIV/AIDS	Human immunodeficiency virus / Acquired immune deficiency syndrome
IHL	International Humanitarian Law
IK	Penal Colony
NGO	Non-governmental organization
ONHCR	The Office of the United Nations High Commissioner for Refugees
ROC	Russian Orthodox Church
RF	Russian Federation
SIZO	Pre-Trial Detention Facility
UFSIN	Office of the RF Federal Penitentiary Service
UOC-KP	Ukrainian Orthodox Church of the Kiev Patriarchate

Introduction

1. In early 2014, the Russian Federation occupied the territory of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) and has been exercising control over the territory of the Crimean peninsula and the adjacent sea area. Under international law, the continuing presence of Russian Federation in Crimea is classified as occupation: see UN General Assembly resolutions 68/262 of March 27, 2014 on the territorial integrity of Ukraine, 71/205 and 72/190 on the human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, of December 19, 2016 and December 19, 2017 respectively, and a number of others.
2. Thus, on February 27, 2014, armed individuals in unmarked uniforms seized the building of the Crimean Parliament – the Verkhovna Rada – as well as the building of its executive body, the Council of Ministers.¹
3. On March 16, 2014, Crimean residents were to take part in the so-called “referendum” on whether to “join the Russian Federation”. The results of this "referendum" were never officially published. The information about its results is derived solely from conflicting public statements made by persons involved in its organization. All attempts to find data on the number of registered votes in the “referendum” of March 16, 2014 have been unsuccessful. This information is not available on the official website of Russian Federation’s Central Election Commission or on the website of the Central Election Commission of the Republic of Crimea.
4. On March 18, 2014, the so-called “Agreement on the Accession of the Republic of Crimea to the Russian Federation” (“Accession Agreement”) was signed by the de facto authorities of Crimea and Russian Federation.² Under the so-called “Accession Agreement”, Russian Federation renamed the Autonomous Republic of Crimea as self-proclaimed independent “Republic of Crimea” and officially accepted it, along with the “city of federal significance Sevastopol”, as two new federal entities of the Russian Federation.
5. The so-called “Accession Agreement” (which entered into force on the day of its signing, on March 18, 2014) automatically declared all permanent residents of Crimea Russian citizens³, except for those who “within one month after this day express a wish for themselves and/or their children under the age of majority to retain their current citizenship or remain stateless.”⁴ On March 21, 2014, the Russian Federation adopted Federal Constitutional Law No. 6-FKZ, which

¹“Ukraine: Running out of time”, International Crisis Group, May 14, 2014, p.3 <https://d2071andvip0wj.cloudfront.net/ukraine-running-out-of-time.pdf>

²“Agreement on the accession of the Republic of Crimea to the Russian Federation signed”, Office of the President of the Russian Federation, March 18, 2014 <http://en.kremlin.ru/events/president/news/20604> ; “Ukraine crisis: Putin signs Russia-Crimea treaty”, BBC, March 18, 2014 <http://www.bbc.co.uk/news/world-europe-26630062>

³ The establishment of permanent residence status required a residence registration stamp or a court decision proving residence (Open Society Justice Initiative, Human Rights in the Context of Automatic Naturalisation in Crimea, June 2018, paragraph 75 (<https://www.opensocietyfoundations.org/sites/default/files/report-osji-crimea-20180601.pdf>).

⁴ Article 5. Accession Agreement.

confirmed that “From the day of admission to the Russian Federation of the Republic of Crimea and establishment of new entities within the Russian Federation, citizens of Ukraine and stateless persons permanently residing on this day in the territory of the Republic of Crimea or in the territory of the city of federal significance Sevastopol are declared citizens of the Russian Federation, with the exception of persons who within one month after this day express a wish for themselves and/or their children under the age of majority to retain their current citizenship or remain stateless”⁵ (italic added for emphasis). The Law No. 6-FKZ entered into force on April 1, 2014. Those wishing to “reject” Russian citizenship were able to do so by April 18, 2014 (that is, for 18 days, not one month).⁶ An application for refusing Russian citizenship could only be submitted in person and at certain location.

6. At the same time, vulnerable groups of the population, such as prisoners, orphans and children deprived of parental care, were given no chance to refuse Russian citizenship. There was no special procedure envisaged, which in fact made it impossible to refuse Russian citizenship.
7. It was reported that prisoners (among other vulnerable groups) were in a particularly difficult situation in the context of access to the “refusal” procedure. According to the State Penitentiary Service of Ukraine, there were over 2,000 prisoners that were Crimean residents at that time in Crimea.⁷ According to Russian Federation’s Ombudsman, only 18 prisoners submitted written applications refusing Russian citizenship.⁸ OHCHR reported that “pressure was exerted on detainees who refused to accept automatic Russian citizenship.”⁹
8. It was also reported that after the prisoners held on the Crimean peninsula found out that Russian Federation seized effective control over Crimean territory, about 450 of them immediately signed a letter requesting their movement to the territory controlled by the Ukrainian government.¹⁰
9. 4,228 orphans and children deprived of parental care, who resided in specialized educational institutions, remained in the occupied territory of the Crimean peninsula, under Russian authority.

⁵ Article 4, Federal Constitutional Law No. 6-FKZ "On the Accession of the Republic of Crimea to the Russian Federation and the Formation within the Russian Federation of New Entities – the Republic of Crimea and the City of Federal Significance Sevastopol." - Link: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=200047&fld=134&dst=100136,0&rnd=0.46997960940071615#0> (Last accessed: November 1, 2016); see also “Position of the Russian Federation” on p. 27-28 in the original and on p. 13 in the English text.

⁶ Open Society Justice Initiative, Human Rights in the Context of Automatic Naturalisation in Crimea, June 2018, p. 21 (<https://www.opensocietyfoundations.org/sites/default/files/report-osji-crimea-20180601.pdf>); Regional Centre for Human Rights, Ukrainian Helsinki Union and CHROT, Crimea Beyond Rules: Thematic review of the human rights situation under occupation, Vol 3, Right to nationality (citizenship), 2017, https://helsinki.org.ua/wp-content/uploads/2016/04/Crimea_beyond_rules_-3_en-fin.pdf

⁷ Human Rights in the Context of Automatic Naturalisation in Crimea, p. 26.

⁸ Human Rights in the Context of Automatic Naturalisation in Crimea, p. 27.

⁹ Human Rights in the Context of Automatic Naturalisation in Crimea, p. 27.

¹⁰ Communication to the UN Human Rights Committee in the case Bratsylo, Golovko and Konyukhov v. Russia (No. 3022/2017).

These children were deprived of the opportunity to refuse Russian citizenship, as the administrations of these institutions were immediately made subordinate to Russian authorities.¹¹

10. Children born in the occupied territory are being declared Russian citizens from birth.
11. As result of the occupation of the Crimean peninsula, tens of thousands people left its territory. As of early 2019, the number of internally displaced persons was over 46 thousand (Appendix 4.1). The number of persons that emigrated to other countries is unknown.
12. Russian Federation is a party to the International Covenant on Civil and Political Rights and its Optional Protocol. The Russian government made no statements in regards to derogation from its commitments under the Covenant, as per Article 4 the Covenant. Thus, Russian Federation bears full responsibility for compliance with its commitments under the Covenant.
13. Although Russian Federation denies the existence of an armed conflict, the ongoing occupation of Crimea has been classified exactly as an armed conflict in accordance with the provisions of the international law.¹² Thus, Russian Federation's human rights commitments should be considered in the context of interaction between the commitments under the Covenant and the provisions of international humanitarian law.¹³

Article 6.

Failure to provide medical care to prisoners that resulted in their death; lack of thorough investigation into cases of violent deaths in places of detention; shelling of Ukrainian military vessels in the Kerch Strait in November 2018.

Death as a result of failure to provide medical care in places of detention

14. RF is responsible for persons held in places of detention in Russia-controlled territories (territories of the RF administrative divisions and the occupied Crimea).
15. Failure to provide medical care in places of detention, primarily to persons suffering from serious illnesses, which leads to the death of such persons, as well as failure to effectively investigate cases of violent deaths, according to NGOs' opinion, does not correspond with the Article 6 of the Covenant.

¹¹ See Appendix. The data are submitted by the Ministry of Social Policy of Ukraine, dated May 29, 2017 № 20/0/143-17/371

¹² Report of the Office of the Prosecutor of the International Criminal Court on Preliminary Examination Activities 2018, paragraph 68: <https://www.icc-cpi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf>

¹³ For details about the circumstances related to the occupation and enforced citizenship see communications submitted to the UN Human Rights Committee concerning the cases Bratsylo, Golovko and Konyukhov v. Russia (№3022/2017); Larionov v. Russia (№3326/2019); Dmitry Abramov and Yana Akimbayeva v. Russia; Maksym Bashkirov and Andriy Brodetsky v. Russia; Yevgeniy Davydov, Vladimir Kutovoy, Victor Lutsyshyn and Oleg Taranovskyy v. Russia and Ukraine; Oleg Metlin v. Russia; Andrey Piskov v. Russia; Yekaterina Posmetnaya v. Russia, as well as the report of the Office of the High Commissioner for Human Rights "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)", 2017 http://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf

16. There exist documented facts that at least 12 Ukrainian citizens held in Russia-controlled places of detention in the occupied Crimea at the time died because they were not provided with medical care. Of those, 9 convicted citizens of Ukraine had been moved from Crimea and died in the territory of Russian Federation (7 persons died in the custody of Penal Colony-1 (hereinafter – IK) of the Office of the RF Federal Penitentiary Service (hereinafter – UFSIN) in the Republic of Adygea; 1 person – in the custody of IK-25, the RF UFSIN in the Komi Republic; 1 person – in the custody of IK-4, the RF UFSIN in the Stavropol Krai). Three Ukrainian citizens died in the custody of SIZO-1 (hereinafter – Pre-Trial Detention Facility) of the RF UFSIN in the Republic of Crimea and the city of Sevastopol.
17. Thus, Ukrainian citizen Valery Kerimov, born October 5, 1973, who suffered from a number of serious illnesses since 2010, including HIV/AIDS and hepatitis B and C, was sentenced to 6 years and 1 month in prison by the RF occupying courts in the city of Sevastopol (Gagarinsky District Court – judgments of January 19, 2015 and March 11, 2015, as well as Balaklavsky District Court – judgment of May 19, 2015). Mr. Kerimov was moved from Crimea to the RF territory to serve his sentence in IK-1 of the RF UFSIN in the Republic of Adygea, where he was not provided with proper medical care. A sharp deterioration in health led to his death on September 8, 2016 (Appendices 1.1. and 1.2).
18. Another example is Ukrainian citizen Andrey Levin, born September 7, 1976 and sentenced by the Dzhankoy District Court (AR Crimea) on August 11, 2015, to 3 years and 6 months in prison (taking into account the appeal determination of Republic of Crimea Supreme Court of September 30, 2015). He suffered from a number of serious illnesses, such as HIV/AIDS, tuberculosis, kidney cyst, hepatitis and others. After his relocation to the RF territory, he died in the same penal colony on March 6, 2017 as result of failure to provide him with medical care. 20 days before his death, Mr. Levin submitted a letter to the Prosecutor's Office of the Republic of Adygea (dated February 16, 2017), complaining about the lack of medical treatment and stating that he would die soon without it (Appendix 1.3).
19. In March 2017, Ombudsman Lyudmila Lubina appointed by the Crimean occupying authorities made a statement that 36 prisoners died in Crimean UFSIN institutions in the occupied Crimea in 2016 alone. She also explicitly stated that the cause of these deaths was lack of proper medical care.¹⁴

¹⁴ <https://newdaynews.ru/crimea/597756.html>

Violent deaths in places of detention. Lack of investigations

20. In March-April 2019, bodies of four Ukrainian citizens with signs of violent death were found in the Simferopol SIZO (Server Bilyalov, Islam Iskerov, Oleg Goncharov and Dmitry Shipovnik).¹⁵ On April 20, 2019, this information was partially confirmed by the management of the Crimean Office of the Federal Penitentiary Service¹⁶, but the occupying authorities ignored their duty to conduct a thorough investigation into these incidents.

Shelling on Ukrainian ships in the Kerch Strait

21. In late November 2018, by ramming the Yany Kapu tugboat of the Ukrainian Navy in open sea and shelling on armored boats of the Ukrainian Navy Berdyansk and Nikopol, the Russian government violated the right to life of Ukrainian military personnel serving on these ships.
22. There is an Agreement on Cooperation in the Use of the Sea of Azov and the Kerch Strait between Russian Federation and Ukraine signed on December 24, 2003, according to which civilian and military vessels of both countries have the right of free passage through the Kerch Strait from the Black Sea to the Sea of Azov and back.
23. On November 23, 2018, Ukrainian Navy ships Berdyansk, Nikopol and Yany Kapu left the Ukrainian port of Odessa for the Ukrainian port of Mariupol. Their route ran through the Kerch Strait (this route was the only possible one).
24. On November 25, 2018, Russian armed forces attempted to ram the tugboat Yany Kapu and fired on the boats Berdyansk and Nikopol. Three crewmen of the Berdyansk were injured, the boat was damaged in at least 8 places, 2 of those by 30 mm projectiles that hit the boat's upper superstructure. The Nikopol also sustained damages, which forced it to lose speed. The nature of the damage suggests that the shelling was done with lethal force and was aimed at the command decks of the ships with crew stationed, which could have resulted in their deaths. Ramming a ship in open sea could also have resulted in the death of the people aboard¹⁷.
25. The use of lethal force by the RF authorities cannot be justified by the ongoing armed conflict between the RF and Ukraine, since even during such a conflict, derogation from the commitments under Article 6 of the Covenant is not allowed. Furthermore, RF has made no statements on derogation from its commitments under the Covenant.

¹⁵ <https://crimeahrg.org/en/4-people-died-unnaturally-in-april-in-simferopol-detention-center/>

¹⁶ http://www.krim.fsin.su/news/detail.php?ELEMENT_ID=387016

¹⁷ For details see Grytsenko et al. v. Russia (UN HRC, app. No. 3294/2019)

Articles 7, 10

Inhuman treatment of Ukrainian citizens held in places of detention in Crimea or moved to serve their sentence in the RF territory; degrading treatment of prisoners of war.

Ill-treatment of detainees

26. In addition to the above-mentioned 11 victims of unprovided medical care (who must have experienced terrible suffering before dying), there exists other documented evidence concerning 16 detained Ukrainian citizens¹⁸ (convicted ones as well as those for whom detention was chosen as a pre-trial restraining measure), who, since the beginning of Crimea's occupation, have been victims of inhuman treatment in places of detention at the hands of the RF authorities, which do not provide medical care to people suffering from serious illnesses. 6 of them are in IK-1 of the RF UFSIN in the Republic of Adygea, 1 – in IK-1 of the RF UFSIN in the Republic of Mordovia; 2 – in IK-2 and 1 – in IK-12 of the RF UFSIN in Rostov Oblast, 3 – in SIZO-1 of Simferopol, 1 – in SIZO-1 of Rostov-on-Don; 1 – in IK-1 of the RF UFSIN in Stavropol Krai; 1 – in IK-14 of the RF UFSIN in Krasnodar Krai.
27. Thus, Ukrainian citizen Andrey Lugin, born December 22, 1971, was sentenced by the Appellate Court of the Autonomous Republic of Crimea on September 28, 2010. After the beginning of occupation, on May 16, 2016, he was relocated from Crimea to serve the remainder of his sentence at the RF territory in the custody of IK-1 of the RF UFSIN in the Republic of Mordovia. A. Lugin has serious health problems, namely: opticoneuroarachnomyelitis accompanied by prolonged headaches, high blood pressure and serious problems with the spinal cord (Appendix 2.1). As a result of his relocation to the RF territory, his health has deteriorated significantly, yet no medical care has been provided to him (Appendix 2.2).
28. Ukrainian citizen Ivan Fedirko, born May 25, 1983, was convicted by an occupying court, namely, the Kyiv District Court of Simferopol on June 8, 2015. After the sentence came into force, in August-September 2015, he was relocated from Crimea to continue serving his sentence at IK-1 of the RF UFSIN in the Republic of Adygea. I. Fedirko suffers from a number of illnesses, including chronic ones, in particular: Peyronie's disease, chronic prostatitis, kidney stones, urethritis. In addition, he is being subjected to constant threats from the IK-1 administration for his refusal to donate blood as part of the state genome registration program, arguing that he is not a Russian citizen and has committed no crime in the RF territory nor has acted against it (Appendix 2.3).

¹⁸ One of them has been allowed to return to the territory of Ukraine on March 17, 2017, and one other left the occupied territory after the restraining measure against him had been changed to one that did not involve detention.

29. Another Ukrainian citizen transferred from Crimea, Valery Makarov, born November 1, 1968, is held at the same penal colony; he suffers from a number of serious illnesses and was infected with HIV during his detention at the end of 2017.
30. At SIZO-1 of Simferopol, medical care has been withheld for many months from detainees in the so-called “Vedzhie Kashka” case – Crimean Tatars Asan Chapukh, who survived a micro-stroke at that SIZO, and Bekir Degermendzhi, who has chronic asthma.

Degrading treatment of Ukrainian sailors

31. On the night between November 25 and 26, 2018, Russian authorities detained 24 servicemen of the Ukrainian Navy in the Kerch Strait.
32. They were later charged under part 3, Article 322 of the RF Criminal Code, with a restraining measure in the form of detention. After the restraining measure had been determined, the Ukrainian Navy servicemen were placed in the Lefortovo pre-trial facility in Moscow.
33. With a view to the ongoing armed conflict between the RF and Ukraine and the status of military personnel, these persons are prisoners of war¹⁹ and, according to international humanitarian law provisions, have the right to respect and honor they are entitled to as military personnel²⁰.
34. The GC (III) rules were violated by the RF government. In particular, Ukrainian sailors were placed in prison facilities as criminals and isolated from each other; their military uniforms, badges and insignia denoting their belonging to Ukrainian Navy were confiscated, and they were forced to put on prison uniforms; they were not provided with regular medical inspections or the opportunity to exercise their religious duties.²¹
35. Such treatment is degrading to the Ukrainian sailors – POWs and violates both the special norms of GC (III) that are in effect during an armed conflict as well as, according to the NGOs’ opinion, Article 7 of the Covenant, which protects human dignity in general, and Article 10 of the Covenant, which protects the human dignity of detainees.

¹⁹ Report on the human rights situation in Ukraine, November 16, 2018 – February 15, 2019 / OHCHR. UN. - https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16Nov2018-15Feb2019_Ukrainian.pdf

²⁰ (Article 14 of the Geneva Convention (III). In particular, they have the right to retain articles of personal use other than arms (Article 18 of GC (III); the right to keep their badges of rank and nationality (Article 18 of GC (III), Article 40 of GC (III); the right to not be held in close confinement (Article 21 of GC (III) and penitentiaries (Article 22 of GC (III); the right to not be separated from other prisoners of war from the armed forces in which they were serving (Article 22 of GC (III); the right to regular medical inspections (Article 31 of GC (III); the right to exercise their religious duties, including attendance at the service of their faith (Article 34 of GC (III).

²¹ For details see Grytsenko et al. v. Russia (UN HRC, app. No. 3294/2019)

Use of torture, cruel, inhuman and degrading treatment against pro-Ukrainian activists and members of the Crimean Tatar national movement in the territory of the Crimean Peninsula by the representatives of Russian Federation security forces.

36. The practice of torture, inhuman and degrading treatment is widespread and has been systematically employed by the RF authorities since the beginning of Crimea's occupation in 2014. As of today, at least 106 instances of torture of civilians in Crimea and Sevastopol have been documented, involving RF officers from law enforcement bodies established in the occupied territories and the RF-controlled paramilitary entities²².
37. In most known cases of torture and inhuman treatment, this practice was employed by employees of the Federal Security Service (FSB) and bodies subordinate to it, as well as members of the RF-controlled paramilitary entities (such as the so-called "Crimean Self-Defense", Cossacks, and members of voluntary people's guard).
38. Among the victims of torture there are civil society activists, journalists, human rights defenders, members of the Crimean Tatar national movement, pro-Ukrainian activists. Torture and inhuman treatment are often used in conjunction with arbitrary detentions and imprisonment of these people.
39. Thus, on March 9, 2014, pro-Ukrainian activist Andrey Shchekun was kidnapped by the members of voluntary people's guard of the "Russian Unity" party and held for 11 days in a basement at an unknown base near the administrative border with Crimea. During that time he was subjected to constant torture: the perpetrators shot bullets through his hands, stripped him naked, beat him up, tortured him with electric current, refused to let him go to the toilet for several days and kept him blindfolded²³ for long periods of time. On March 20, 2014 he was released along with other pro-Ukrainian activists.^{24 25}
40. On March 11, 2014, Yuri Shevchenko was abducted at the Simferopol railway station by members of the "Crimean Self-Defense". Mistaken for a pro-Ukrainian activist, he was detained with the use of brute force, imprisoned and systematically beaten; the perpetrators cut off a part of his ear. Yuri was denied clothes and was constantly handcuffed and tied to a chair for several days, left without food and opportunity to go to the toilet, handcuffed to a battery and kept there blindfolded

²² Information about these and other facts of torture and ill-treatment in Crimea was published in the final observations of the UN Committee against Torture regarding the sixth periodic report of the Russian Federation, which was discussed during the 2018 Committee session //P. 11, «Crimea and the city of Sevastopol»

https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/RUS/CAT_C_RUS_CO_6_32062_E.pdf

²³ Interview with Andrey Shchekun after release, 21 March 2014 <https://www.youtube.com/watch?v=TpevSYLdcAw>, Peninsula of fear: a chronicle of the occupation and violations of human rights in Crimea / Edited by O. Skripnik and T. Pechonchik. Second edition, revised and updated. - Kiev: KBC, 2016 https://helsinki.org.ua/wp-content/uploads/2016/05/PeninsulaFear_Book_ENG.pdf, p.60

²⁴ Radio Free Europe/Radio Liberty, Andriy Shchekun: it was difficult to overcome, <https://www.radiosvoboda.org/a/25304724.html>

²⁵ Fakty, Adnriy Shchekun: My painkiller during the torture was the thought that my wife and three children managed to escape, <http://fakty.ua/196153-andrej-cshekun-glavnym-obezbolivayucshim-pri-pytkah-by-la-mysl-o-tom-chto-zhena-i-troe-detej-uspeli-uehat>

at gunpoint. Furthermore, masked men shot both of Shevchenko's legs and left him like that in a basement. No medical care was provided to him. Shevchenko had been in captivity until March 20, 2014.²⁶

41. Furthermore, on September 13, 2017, a search was conducted in Simferopol at the residence of Crimean Tatar activist Rinat Paralamov, after which unidentified masked individuals without insignia detained Paralamov and took him away in an unknown direction. On September 14, 2017 Rinat Paralamov was found at the Simferopol bus station with signs of torture and in a critical condition, unable to speak. It was later established that Paralamov had been subjected to beatings and torture for a whole day, in order to make him cooperate with the de facto RF law enforcement and security services in Crimea. According to Paralamov, they put on a mask on him, removed his clothes and underwear and used electric current on him through wires on his buttocks; they would also force him to his knees, squeeze his head with a belt and give him injections of unknown substances.
42. Human rights organizations have documented other examples of torture and ill-treatment practiced by the RF representatives and agents in the territory of the Crimean peninsula.²⁷

Article 9.

Unlawful/arbitrary detention of persons held in detention at the time of the beginning of Crimea's occupation.

Violation of the freedom and personal inviolability of expelled persons. Violation of the right to freedom of Ukrainian POW sailors.

Arbitrary and unlawful detention of persons that were held in places of detention at the time of the beginning of the occupation

43. Detentions by the RF authorities of persons held in detention at the beginning of Crimea's occupation are arbitrary and unlawful because RF has no jurisdiction to enforce decisions on the choice of restraining measure in the form of detention imposed by Ukrainian courts on Ukrainian citizens. The assumption of such powers by Russian Federation (detention of Ukrainian citizens, classification of their actions under the RF legislation and their subsequent conviction) constitutes an interference with the sovereignty of Ukraine and, according to the NGOs' opinion, is incompatible with the guarantees given in Article 9 of the Covenant.
44. The issue of arbitrary and unlawful detentions of the above-mentioned category of persons was raised in such communications submitted to the Committee as: *Bratsylo, Golovko and Konyukhov*

²⁶ Crimean Human Rights Group, Ukrainian Identity Under Ban, 2016 <https://crimeahrg.org/wp-content/uploads/2016/03/Kryim-ukrainskaya-identichnost-pod-zapretom-Ru-KPG.pdf>, International Partnership for Human Rights, International Crimes in Crimea, 2016, <http://iphronline.org/wp-content/uploads/2016/09/Crimea-report-Sept-2016.pdf>

²⁷ The practice of torture by the Russian Federation in occupied Crimea, 2014–2018: https://helsinki.org.ua/wpcontent/uploads/2018/07/Zvit_Torture_by_Crimea_A5_preview.pdf

v. Russia (№3022/2017); Larionov v. Russia (№3326/2019); Dmitry Abramov and Yana Akimbayeva v. Russia; Maksym Bashkirov and Andriy Brodetsky v. Russia; Yevgeniy Davydov, Vladimir Kutovoy, Victor Lutsyshyn and Oleg Taranovskyy v. Russia and Ukraine; Oleg Metlin v. Russia; Andrey Piskov v. Russia; Yekaterina Posmetnaya v. Russia.

Arbitrary detentions of persons expelled from the occupied territory

45. The RF authorities in the occupied Crimea have been actively applying provisions of their own migration law and the RF Code of Administrative Offenses, which establishes administrative penalties in the form of expulsion for its violation. By issuing orders to expel Ukrainian citizens, foreign nationals and stateless persons from the occupied territory with their further subsequent detention at the Temporary Detention Center for Foreign Nationals, the occupying courts are unlawfully interfering with these people's freedom and personal inviolability, since such decisions were taken by the occupying courts without regard for the fact that the Crimean peninsula is *de jure* sovereign Ukrainian territory and the occupation is a temporary legal regime. Such situation provides for certain discredit concerning the member state respect of its obligations in regard to Article 9 of the Covenant, as RF has no legal basis for the expulsion of these persons or for detaining them in order to enforce such expulsion.
46. At least 163 persons have been identified (citizens of Ukraine, foreigners and stateless persons), in relation to whom from June 2014 to May 2018 the occupying courts in Crimea ordered forced expulsion that involved detentions, lasting from one day to over a year and a half²⁸.
47. An example of this is the story of human rights activist and Ukrainian citizen Konstantin Sizarev, born December 27, 1958. After the beginning of Crimea's occupation, K. Sizarev continued living in the city of Yevpatoria without getting a passport of Russian citizen. When the court ordered his expulsion, K. Sizarev was relocated from Crimea to the RF territory and placed in the Temporary Detention Center for Foreign Nationals of the Russian Ministry of Internal Affairs' Main Directorate in Krasnodar Krai (Gulkevichsky Rayon, Novoukrainskoye Village, 5 Shkolnaya Street). He was kept there until February 17, 2017 (for 27 days), after which he was expelled to the territory controlled by the Ukrainian government (Appendix 3.1).²⁹
48. Another example is the case of Nedim Khalilov. Khalilov is a stateless person, born in the city of Samarkand (Republic of Uzbekistan) in 1959 in a family of Crimean Tatars, who had been

²⁸ Thematic review of the human rights situation under conditions of the occupation "Crimea beyond rules: Deportation of civilians from the occupied Crimea by the Russian Federation": https://precedent.crimea.ua/wp-content/uploads/2019/01/CBR_forcible-expulsion.pdf

²⁹ Information on the case of K. Sizarev can also be found in paragraph 155 of the OHCHR report on the human rights situation in Ukraine for the period from May 16 to August 15, 2017 // UN OHCHR Report on the human rights situation in Ukraine 16 May to 15 August 2017, par. 155: https://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf

deported from Crimea in 1944. Khalilov lived in Crimea since 1986 until his expulsion in November 2016. The RF authorities consider him a citizen of Uzbekistan. By the order of the “Zheleznodorozhny District Court of the City of Simferopol” dated November 7, 2016, N. Khalilov was found guilty of an administrative offense and was ordered to pay an administrative fine in the amount of 2,000 rubles as well as to be expelled from the Russian Federation (Appendix 3.2). On the night between November 7 and 8, 2016, the court decision was carried out; he was taken from Crimea and delivered to the Temporary Detention Center for Foreign Nationals in the village of Vardane, Krasnodar Krai. Later Khalilov was transferred to another detention center, now in Gulkevichsky Rayon of Krasnodar Krai, and in June 2017 he was brought to yet another detention center, that of the Main Directorate of the RF Ministry of Internal Affairs in Stavropol Krai located in the city of Georgiyevsk (Appendix 3.3). On May 15, 2018 he was forcibly taken to Uzbekistan by plane. Prior to his deportation, Khalilov spent 553 days in detention.

49. On February 2, 2018, the “Yevpatorian City Court” issued an order on forcible expulsion of 23 Ukrainian citizens. In January 2018, 23 citizens of Ukraine legally arrived in the occupied Crimea from mainland Ukraine for the purpose of finding employment. On February 2, 2018, these Ukrainian citizens were found guilty of an administrative offense under part 3, Article 18.10 of the RF Code of Administrative Offenses, namely "repeated work by a foreign citizen or stateless person in the Russian Federation without a work permit or patent". To enforce these court decisions, all 23 citizens were ordered by the police and migration service officers to stay in a KAMAZ truck until given permission to leave, where they spent between 17 and 19 hours (from 09:00 on February 2 until their expulsion at 02:16-03:57 on February 3).³⁰

Unlawful detention of Ukrainian sailors

50. On the night between November 25 and 26, 2018, after shelling as well as ramming attempts, Russian naval forces detained in the Kerch Strait (with crews on board) vessels of the Ukrainian Navy Yany Kapu, Berdyansk and Nikopol, which were moving from the port of Odessa to the port of Mariupol. The detainees were then escorted to the port of Kerch.
51. The detained servicemen of the Ukrainian Navy were charged under part 3, Article 322 of the RF Criminal Code – illegal crossing of the state border of the Russian Federation committed by a

³⁰ Information on the case of 23 expelled Ukrainian citizens can be found in paragraph 77 of the OHCHR report on the human rights situation in the temporarily occupied Autonomous Republic of Crimea and the city Sevastopol (Ukraine) for the period from September 13, 2017 to June 30, 2018 // UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine 13 September 2017 to 30 June 2018, par. 77:

https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_EN.pdf

group of persons as part of prior conspiracy or by an organized group, or with the use of violence or threat thereof³¹.

52. In light of the ongoing armed conflict between Ukraine and RF, the detainees, being military personnel, have the status of prisoners of war in accordance with the IHL provisions.
53. On November 27 and 28, 2018, the so-called Kiev District Court of Simferopol established by the RF authorities in the occupied Crimea determined detention until January 25, 2019 as the restraining measure for the sailors. The restraining measure was subsequently extended and as of the date of submitting of this report, the detainees were still in custody.
54. In this case, the Russian authorities stated the need to prosecute for the crossing of the RF state border as the legitimate purpose of detention. However, there is no RF state border in the place where Ukrainian Navy servicemen had allegedly crossed it. It is recognized only under the RF law and not under international law, according to which Crimea is an occupied territory of Ukraine. Thus, the detainees were moving between two Ukrainian ports through the waters adjacent to an occupied part of Ukraine, without violating the borders of the Russian Federation. Such actions are not considered a crime under the RF law or international law, which is why the detainees, being POWs, may not be convicted of it, in accordance with Article 99 of GC (III). Accordingly, there is no legitimate purpose for the detention, so the above-mentioned Ukrainian Navy crewmen were deprived of liberty unlawfully and arbitrarily, in violation of Article 9 of the Covenant.

Article 12.

Generating flows of displaced persons. Violation by the RF authorities of the right to freedom to choose one's residence. Relocation of convicts from the occupied territory to the RF territory. Expulsion from the occupied territory.

Generating flows of displaced persons. Violation of the freedom to choose one's residence.

55. Systematic violations of human rights in the territory of the Crimean peninsula and the policy pursued by the RF authorities in the occupied territory are incompatible with the RF commitments under Article 12 of the Covenant. The actions of the RF authorities generate displacement and have already led to the displacement of tens of thousands of people (Appendix 4.1).
56. In addition to the facts presented in this report, systematic human rights violations have also been documented by the UN Monitoring Mission in Ukraine³².
57. In the terms of Article 12 of the Covenant, this violation can be classified as a violation of the right to freedom to choose one's residence. An example of this is the communication submitted to the

³¹For details see Grytsenko et al. v. Russia (UN HRC, app. No. 3294/2019). Also https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_26/C26_Order_25.05.pdf

³² https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf

UN Human Rights Committee by Svetlana Rebrysta (*Rebrysta v. Russia* – the number of the communication at the time of preparing this report is unknown). Even without a direct ban on entry into the occupied territory by the RF authorities, many of those that had been forced to relocate now find themselves unable to go home or remain there out of fear for their life and safety.

Displacement of prisoners from the occupied territory to the RF territory

58. Freedom of movement guaranteed by Article 12 of the Covenant includes prohibition of forcible displacement or expulsion of citizens from their country (General Comment 27 (67) – Sixty-seventh session (1999), paragraph 19). Such displacement also violates Articles 49 and 76 of Geneva Convention IV. Thus, by relocating convicted Ukrainian citizens from the *de jure* Ukrainian to its own sovereign territory, the RF violates Article 12 of the Covenant.
59. Since the beginning of Crimea's occupation and the extension of its legislation over the territory of the occupied peninsula, the RF has relocated over 4,700 people from Crimea to its territory. These people are in the custody of at least 71 penal colonies in the territory of 33 RF administrative divisions (Appendix 4.2). The number of prisoners relocated from the occupied Crimea keeps growing, since there are no correctional institutions in Crimea for such categories of the population as minors, women, people with HIV/AIDS, active tuberculosis and some other somatic illnesses, people suffering from mental disorders, drug addiction, and alcoholism.
60. Issues concerning relocation of convicted Ukrainian citizens to the RF territory are also raised in communications submitted earlier to the UN Human Rights Committee, namely: *Communication No. 3022/2017 Bratsylo, Golovko and Konyukhov v. Russia*; *Case No. 3326/2019 Larionov v. Russia* and others (see paragraph 46).

Expulsion

61. As result of establishing their migration control in the occupied Crimea, the RF authorities have been making systematic decisions on the expulsion of Ukrainian citizens and stateless persons from the Crimean peninsula.
62. Decisions made by the occupying courts regarding the expulsion of Ukrainian citizens, foreigners and stateless persons are usually executed in the form of controlled unassisted departure from the RF. In accordance with such a decision, the person must move outside the RF territory within 5 days after the decision enters into force. Decisions on compulsory administrative expulsions are usually made when a person has not yet left the territory of the occupied Crimea through controlled unassisted departure, in the event of a repeated administrative offense (see paragraphs 47-51).

63. The monitoring of the RF occupying courts in Crimea shows that from June 2014 to May 2018, the courts applied expulsion in the form of controlled unassisted departure to at least 2,189 people (90.27% of the total number of deported persons).³³
64. Take, for instance, Ukrainian citizen Aleksandr Kovalchuk, born January 13, 1972. He had lived in the Autonomous Republic of Crimea, in the city of Yalta, since 2011, and without getting Russian passport since the beginning of the occupation. In accordance with the decision of the Yalta City Court of November 17, 2017, A. Kovalchuk violated immigration laws on November 16, 2017 and thus committed an administrative offense under part 1.1, Article 18.8 of the RF Code of Administrative Offenses (violation by a foreign citizen or stateless person of the regime of residence in the Russian Federation, in the form of absence of documents confirming the right to stay (reside) in the Russian Federation). A. Kovalchuk was brought to the "Yalta City Court" on November 17, 2017 by FSB officers. Based on said decision, A. Kovalchuk was found guilty of committing an administrative offense and was fined for 2,000 rubles and ordered to leave the RF through controlled unassisted departure (Appendix 4.3). Afraid of being arrested and brought to a Temporary Detention Center for Foreign Nationals in Krasnodar Krai, A. Kovalchuk was forced to leave the territory of the Autonomous Republic of Crimea on November 27, 2017.

Article 14.

The establishment of courts in the occupied territories of Crimea and Sevastopol constitutes an interference with the right to a fair trial by an independent and impartial court established by law.

65. The Convention (IV) on Protection of Civilian Persons in Time of War imposes an obligation on the occupying power not to change the status of judges; not to introduce new criminal laws, with the exception of cases when it is done for the sake of ensuring the security of the occupying power; not to make laws retroactive; to consider criminal cases in the first and second instances in the occupied territory, etc. Among other things, it does not allow prosecuting people for their actions or opinions committed or expressed before the occupation.
66. As of March 1, 2014, 492 judges were administering justice on the Crimean peninsula.
67. During the second half of 2014, the Russian authorities selected new judges and formed new courts to administer justice in Crimea on the basis of the RF law.
68. Only those who renounced Ukrainian citizenship and swore allegiance to the Russian Federation were allowed to participate in the administration of justice: some of the judges appointed by Ukraine left Crimea in March 2014; to be appointed a judge, a person must hold Russian citizenship; unlike ordinary citizens, who were made Russian citizens as a result of the unilateral

³³ Thematic review of the human rights situation under conditions of the occupation "Crimea beyond rules: Deportation of civilians from the occupied Crimea by the Russian Federation": <https://precedent.crimea.ua/wp-content/uploads/2018/07/KBP-Vyidvorennye.pdf>

will of the Russian authorities, judges were required to confirm their intention and to hand over their Ukrainian passports (which, among other things, would make it impossible for them to travel to the territory controlled by the Ukrainian government); even having relatives in Ukraine-controlled territory was usually enough to prevent a judge from being allowed to administer justice.

69. The establishment of courts and appointment of judges in the occupied Crimea under conditions of the RF systematic intervention resulted in the appointment of judges loyal to the RF government.³⁴
70. Thus, the intervention of the RF authorities in the functioning of courts on the Crimean peninsula and the procedure for appointing judges suggest that the system of judicial authorities created on the peninsula does not meet the criteria of courts "established by law" and does not guarantee the independence and impartiality of these bodies. In particular, the RF authorities failed to comply with the requirement of the Convention (IV) to keep the courts that were effective earlier. In addition, the mechanism used for the establishment of these courts had a selective approach to picking candidates. All this, according to the authors of the submission, shows the RF failure to fulfill its commitments under Article 14 of the Covenant.

Violation of the right to a fair trial in the context of political prosecution of the population of the Crimean peninsula through the use of the system of the RF occupying courts in order to bring criminal charges against representatives of protected groups.

71. Ukrainian citizens living in the Crimean peninsula, by virtue of the Geneva Convention (IV), are considered protected persons. Russian Federation as the occupying power must provide the population of the occupied territory with guarantees of a fair trial. Depriving protected persons of such guarantees is a gross violation of international humanitarian law and can be classified as a war crime under Article 8 of the Rome Statute of the International Criminal Court.
72. During 2014-2019, Russian Federation prosecuted about 70 political prisoners in politically motivated cases³⁵, initiated at least 300 administrative and 12 criminal cases on the right to peaceful assembly, over 30 criminal cases on membership in organizations banned in the RF; over 70 cases within the framework of the RF "anti-extremism" legislation. The monitoring carried out by human rights initiatives shows that these cases are conducted with gross violations of the right to a fair trial.
73. Violations of the right to a fair trial are often committed against pro-Ukrainian activists and representatives of the Crimean Tatar national movement in order to crush the resistance of the population disloyal to Russian Federation. The nature of prosecutions and the circumstances of

³⁴ Report "Crimean process: Observance of Fair Trial Standards in Politically Motivated Cases": https://humanrights.org.ua/upload/CrimeanProcessENG_Web.pdf

³⁵ According to a group of Ukrainian human rights organizations and resolution 2017/2596 (RSP) of the European Parliament dated March 15, 2017.

such cases suggest that the Russian government is guided solely by political motives when delivering sentences.

74. Thus, Ukrainian citizen Vladimir Balukh, born 1971, who lived in the village of Serebryanka, Razdolnensky Rayon, Autonomous Republic of Crimea, where he worked as a farmer, was prosecuted for refusing to remove the Ukrainian flag from his roof after the Crimea's occupation, as well as for his openly demonstrated pro-Ukrainian position. Since 2015, three searches were conducted at his residence, and later administrative and criminal charges were brought against him for alleged insulting of a police officer on duty (Article 319 of the RF Criminal Code) and possession of ammunition (Article 222 of the RF Criminal Code). Balukh was arrested and placed in the Simferopol SIZO, to be later sentenced to 5 years in prison and a penalty charge.
75. When considering the criminal charges against Balukh, the occupying courts committed a number of gross violations of the right to a fair trial, namely: they violated the principle of the defendant's participation in his trial by holding hearings in his absence, as well as the defendant's right to say his last word; the defendant was not given the opportunity to interview prosecution witnesses or to have them interviewed; the court denied motions of the defense to use expert opinions while usually allowing prosecution similar requests; the judge's conduct during the interviewing of witnesses and the reading of their statements suggested bias in favor of the prosecution; placing of the defendant in a cage during court hearings and dissemination of photographs of him in the said cage by the media was supposed to make him appear guilty; full texts of the rulings of first instance and other courts are closed to the public³⁶.
76. We should also bring up violations of guarantees under Article 14 of the Covenant committed during the "February 26th" case, which involved participants of a pro-Ukrainian meeting that took place on February 26, 2014 in the city of Simferopol, Autonomous Republic of Crimea: Akhtem Chygoz, Ali Asanov, Mustafa Degermendzhi and others. The RF occupying courts examined these cases, among others, based on charges that concerned events which took place before the RF established control over Crimea. Thus, in violation of the general principles of justice, the occupying courts made criminal law retroactive. Moreover, the courts ordered longer periods of restraining measures for some of the defendants than those suggested by the prosecution.³⁷
77. In certain cases, the occupying courts had an active position that had a worse effect on the defendants' situation than what was asked for by the prosecution (thus, during the trial of activist Igor Movenko, the first instance court delivered a harsher sentence than was requested by the

³⁶ Pages 16-19, "Crimean process: Observance of Fair Trial Standards in Politically Motivated Cases": https://helsinki.org.ua/wp-content/uploads/2019/02/201902_CrimeanProcess.pdf

³⁷ Pages 32-37, "Crimean process: Observance of Fair Trial Standards in Politically Motivated Cases": https://helsinki.org.ua/wp-content/uploads/2019/02/201902_CrimeanProcess.pdf

prosecution; in the case of Mejlis member Ilmi Umerov, the court also sentenced him to real prison time despite the prosecution's request for a probation sentence).

78. Other examples of Ukrainian citizens being deprived of the right to a fair trial by the occupying authorities of Crimea in political trials can be found in reports of human rights organizations³⁸ and reports on the human rights situation in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) of the OHCHR^{39 40}.

Article 15.

Retroactive application of the RF legislation in the occupied territory

79. After occupying the Crimean peninsula, Russian Federation issued Federal Law No. 91-FZ of May 5, 2014 "On the Application of the Provisions of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation in the Territories of the Republic of Crimea and the City of Federal Significance Sevastopol". Referring to this document, Russian Federation argues that provisions of its criminal and criminal procedure codes extend to the Republic of Crimea and city of Sevastopol (Appendix 5.1).
80. Articles 64 and 65 of the Convention (IV) on Protection of Civilian Persons in Time of War stipulate that the criminal legislation of the occupied territory remains in force and regulations issued by the occupying power that carry criminal liability are only valid after they are published and communicated to the local population in its native language (Convention (IV) on Protection of Civilian Persons in Time of War, Article 64). In any case, the effect of these regulations must not be retroactive. In violation of international humanitarian law, Russian Federation has been exclusively using its own criminal law in the occupied territory without bothering to publish it. Moreover, as already stated in communications submitted to the Committee earlier (see paragraph 46), the practice of courts established by the RF in the occupied territory that consists of punishing for acts committed before the occupation also constitutes a violation of international law provisions.
81. In light of the above, any decisions taken by the occupying power in criminal cases violate international law provisions, particularly Article 15 of the Covenant.

³⁸ "Crimean process: Observance of Fair Trial Standards in Politically Motivated Cases": https://helsinki.org.ua/wp-content/uploads/2019/02/201902_CrimeanProcess.pdf

³⁹ UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 2017, par. 73–79: https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf

⁴⁰ UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 2018, par. 18-21: https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_RU.pdf

Article 17

Enforced citizenship.

82. In the paragraph 25 of the Member State report RF pronounces that «The right to refuse Russian citizenship was ensured to persons residing at the territory of the republic for the moment of its accession to Russian Federation. 2 519 persons exercised this right».⁴¹ Nevertheless, the facts mentioned below provide for certain discredit in regard to equal access to the right to refuse the RF citizenship.
83. Article 4 of the Law of the Russian Federation No. 6-FKZ “On the Accession of the Republic of Crimea in the Russian Federation and the Formation within the Russian Federation of New Entities – the Republic of Crimea and the City of Federal Significance Sevastopol” stipulates:
- ...from the day that the Republic of Crimea is accepted as part of the Russian Federation and the new entities are formed within the Russian Federation, citizens of Ukraine and stateless persons permanently residing as of this day (...) in the territory of the city of federal significance Sevastopol, are declared citizens of the Russian Federation, with the exception of persons who within one month after said day express the wish for themselves and/or their children under the age of majority to retain other citizenship or to remain stateless.*
84. As result, Russian citizenship was forcibly imposed on the overwhelming majority of Ukrainian citizens living in the Crimean peninsula. With these actions, Russian Federation has created a lasting situation that is incompatible with its commitments under Article 17 of the Covenant and constitutes interference with private life (also see paragraphs 6 – 9 of the submission).
85. The interference consists of forced change of social identity and enforced behavior in accordance with the imposed identity⁴².
86. The imposition of Russian citizenship is of particular importance since the forced change of social identity occurred in the context of the armed conflict between the RF and Ukraine and implies that the Crimean population stands with the aggressor state, which is negatively perceived by a large number of Crimeans. This constitutes a complete denial of their Ukrainian identity as well as an imposition of additional duties on them (service in the Russian armed forces, criminal liability for disloyal behavior under Article 275 of the RF Criminal Code, etc.)
87. The issue of enforced citizenship is particularly serious for vulnerable groups of the population: orphans and children deprived of parental care that reside in Crimean boarding schools, as well as

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https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fRUS%2f8&Lang=en

⁴² For details about the automatic naturalization see Open Society Justice Initiative Report on Human Rights in the Context of Automatic Naturalization in Crimea: <https://www.opensocietyfoundations.org/sites/default/files/report-osji-crimea-20180601.pdf> and Crimea Beyond Rules: Right to Nationality https://precedent.crimea.ua/wp-content/uploads/2017/04/Crimea_beyond_rules_3_en.pdf

prisoners. Because of enforced Russian citizenship, the prisoners were denied the right to be handed over to the Ukrainian authorities to serve out their sentence. One example of this is the communication submitted to the Committee regarding the case of Bratsylo et al. v. Russia (no. 3022/2017).

88. The RF authorities have not provided for any mechanism for addressing the repercussions of imposed citizenship. In addition, Crimean residents without Russian citizenship are considered foreign nationals, which results in restrictions on a number of rights and on migration, makes it necessary for them to obtain a residence permit, etc. Thus, relinquishing Russian citizenship cannot be considered a remedy, as it only leads to new violation of rights.

Article 18.

Violations of the freedom of religion in the context of oppression of the rights of parishioners of the Ukrainian Orthodox Church of the Kiev Patriarchate (UOC-KP) in the occupied territory.

89. This chapter disconfirms the information provided by RF in the part of «Information for the subparagraph f of the paragraph 23 of the Committee remarks», namely, paragraphs 41-43 of it.
90. Supporting the Russian Orthodox Church of the Moscow Patriarchate, the Russian government suppresses all other religious confessions and movements. In this report, we bring up the issue of repressions aimed against the Ukrainian Orthodox Church of the Kiev Patriarchate (UOC-KP), renamed Orthodox Church of Ukraine (OCU) as of December 2018.
91. A striking example of the pressure that other denominations are subjected to is the demolition of the Holy Trinity Church of the UOC-KP in the city of Noginsk. On June 23, 2016, the Noginsk City Court of Moscow Oblast ordered the demolition of the Holy Trinity Church in Noginsk, the only church of the UOC-KP in Moscow Oblast. In a letter of November 10, 2016, the Main Directorate of Public Relations in Moscow Oblast replied to a UOC-KP parishioner from Noginsk that the above-mentioned church was schismogenic and it is recommended to visit churches of the Russian Orthodox Church (Appendix 6.4).
92. This policy was extended to the territory of the occupied Crimea. In addition to this, interference with the freedom of religion in Crimea took the form of compulsory re-registration of religious organizations operating in Crimea. Outright seizures of UOC-KP churches took place as well.
93. Registration of religious organizations is one of the forms of state control over the activities of such organizations. Failure to comply with this requirement results in a loss of legal status and subsequent liquidation of the organization.
94. Since the UOC-KP during the first days of the occupation made sharp statements regarding Russia's aggression, re-registration under Russian law would be unacceptable due to the political views of the clerics as well as their parishioners (Appendix 6.3).

95. UOC-KP has always been a religious minority on the peninsula. Because of the current policy in the field of religion, the number of UOC-KP religious communities in Crimea has been further reduced. In early 2014, 45 religious communities of this confession had been operating in Crimea. As of 2018, there remained only 11 of them (these communities are acting within 8 churches). For details see Appendices 6.1 and 6.2.
96. Some churches were taken by force, such as the Church of Apostles Peter and Paul, Church of Archbishop Nicholas, Church of Archbishop of Myra in Lycia the Wonderworker (Sevastopol), Temple of Protection of the Most Holy Mother of God (Perevalnoye village, Simferopol Rayon) and Cathedral of the Equiapostolic Vladimir and Olga (Simferopol). 43
97. The Temple of Protection of the Most Holy Mother of God (Perevalnoye, Simferopol Rayon) was handed over to the Russian Orthodox Church of the Moscow Patriarchate (Appendix 6.5).

Article 19.

Persecution of journalists and employees of Crimean media. Banning of media outlets disloyal to Russian Federation. Mass blocking of access to independent media and social networks for the population of Crimea.

98. Since the beginning of the occupation in February 2014, most independent Crimean journalists were subjected to persecution and were forced to leave the peninsula. According to the OHCHR, the right to express one's views and opinions is significantly restricted in Crimea. In March 2014, the analogue broadcasting of Ukrainian TV channels was stopped and their frequencies were taken over by Russian channels.⁴⁴ ⁴⁵ By May 2014, most media outlets disloyal to the occupying authorities ceased their activities.⁴⁶
99. According to the National Television and Radio Broadcasting Council of Ukraine, dozens of Ukrainian media were deprived of the opportunity to continue broadcasting in Crimea after occupation: analogue TV broadcasting – 31 broadcasting companies; digital terrestrial TV broadcasting – 28 broadcasting companies, radio broadcasting – 39 broadcasting companies.⁴⁷
100. Ukrainian information online resources are systematically blocked. According to the monitoring of the Crimean Human Rights Group, most of these are websites of Ukrainian TV channels and

⁴³ Thematic review of the human rights situation under conditions of the occupation "Crimea beyond rules: Religious occupation: oppression of the Ukrainian Orthodox Church of the Kiev Patriarchate":

<https://precedent.crimea.ua/issues/kryim-bez-pravyl-spetsyalnyij-vyipusk-relyhyoznaya-okkupatsyya-prytesnenye-ukraynskoj-pravoslavnoj-tserkvy-kyevskoho-patryarhata/>

⁴⁴ OHCHR report on the human rights situation in Ukraine, May 7 – June 7, 2014., par. 298-301.

⁴⁵ UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, par. 154–161, p. 25: https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf

⁴⁶ Report of the Crimean Field Mission: <https://goo.gl/bpTpVh>

⁴⁷ Report on violations and losses in the field of television and radio broadcasting in the territory of the ARC and Sevastopol after the beginning of the occupation, 2014-2017, <https://www.nrada.gov.ua/wp-content/uploads/2018/03/Proekt-Zvitu-Porushennya-i-vtraty-u-sferi-teleradiomovlennya-v-Avtonomnij-Respublitsi-Krym-ta-m.-Sevastopoli-2014-2017.pdf>

popular online media outlets (at least 120 Ukrainian information websites)⁴⁸, as well as websites of Crimean editorial offices that were forced to leave the peninsula in 2014 due to persecution. In addition, 9 Crimean Internet providers completely block access to social networks LinkedIn and Telegram. The providers even block websites that are not banned in Russia, which suggests arbitrary random blocking of Ukrainian online media resources in the occupied Crimea.

101. Russia's Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) banned 13 articles published on the website of the Crimean Human Rights Group⁴⁹. According to the Roskomnadzor, these publications on Russia's violations of international humanitarian law in Crimea "undermine constitutional order." This disconfirms the position of the member state outlined in the paragraph 18: *«At the territory of the republic all the residents possess the right of free expression of opinion and access to the Internet network, news outlets and other resources are freely accessible through the Internet network as well as are broadcasted to the territory of the republic through the satellite communication channels. There were no appeals witnessing the facts of any limitations in using the Internet network, including prohibition of free publication of information in social networks»*.

102. Ukrainian radio stations are regularly blocked in Northern Crimea (radio stations "Ukrainian Radio", "Luks FM", "Maydan", "Army FM", "Radio Hayat", "Radio NV", "Crimea.Realities", "Kherson FM"). Monitoring conducted in November 2018 confirmed that on these frequencies in Northern Crimea, either the Ukrainian broadcasting is blocked or Russian radio stations can be heard ("Sputnik in Crimea", "Crimea", "Mayak" (Lighthouse), "More" (Sea), "Vesti FM").⁵⁰

103. The only Crimean Tatar TV channel, ATR, one of the largest in Crimea, has been persecuted by the occupying authorities since the beginning of the occupation. On January 26, 2015, ATR's editorial office was searched by representatives of the RF Investigative Committee and Anti-Extremism Center accompanied by OMON officers with automatic rifles; they confiscated the channel's server equipment, which resulted in disruption of their broadcasting. In February 2015, Roskomnadzor gave the frequencies previously used by the ATR to another company. The ATR management appealed to the occupying authorities several times, asking to retain their right to broadcast, but they were unsuccessful. On the night of April 1, 2015, the ATR channel stopped broadcasting. In May 2015, the channel attempted to resume its activities on the Internet, but the journalists were not allowed to work, being systematically denied access to events and interviews as well as the right to make photos and videos. In November 2015, searches were conducted at the

48 Results of the Crimean Human Rights Group monitoring entitled "Crimean providers are stepping up the blocking of Ukrainian websites" <https://crimeahrg.org/kryimskie-provayderyi-usilili-blokirovanie-ukrainskih-saytov-monitoring/>

49 <https://crimeahrg.org/podryivayut-osnovyi-konstitutsionnogo-stroya-kryimskiy-sud-zapretil-13-statey-sayta-kpg/>

50 <https://crimeahrg.org/minimum-v-10-naselennyih-punktah-severnogo-kryima-net-signalu-ukrainskih-fm-ctantsiy/>

residences of the ATR's ex-general director E. Islyamova and ex-deputy director L. Budzhurova. In June 2015, systematic persecution forced the channel to relocate to mainland Ukraine, where it continues to work to this day, covering events in Crimea via satellite TV.⁵¹

104. Journalists of the Information Agency "Center of Journalist Investigations" were also subjected to systematic persecution. Thus, on February 2, 2015, the Investigative Department of the RF FSB Directorate in Crimea opened a criminal case against Anna Andriyevskaya, one of the agency's journalists, under Article 280.1 of the RF Criminal Code in connection with her article published on the Center's website.⁵² According to the information from the website of the Federal Financial Monitoring Service (Rosfinmonitoring), the journalist was put on the list of terrorists and extremists.⁵³ Fearing persecution by the occupying authorities, Ms. Andriyevskaya left the occupied peninsula and relocated to Kiev.⁵⁴ In light of the real threat of further persecution at the hands of the occupying authorities and the impossibility to work in Crimea, the Center's leadership decided to evacuate the outlet. In October 2015, the RF Roskomnadzor blocked access to the website of the "Center of Journalist Investigations".⁵⁵

105. A detailed analysis of the situation with restrictions on freedom of speech and persecution of journalists in Crimea after occupation is given in the thematic review "Crimea beyond rules. Informational occupation"⁵⁶ and in the material of the international NGO Committee to Protect Journalists.⁵⁷

106. Since March 28, 2019, four laws have entered into force on the territory of Russian Federation that place significant restrictions on freedom of speech: 27-FZ⁵⁸, 28-FZ⁵⁹, 30-FZ⁶⁰ and 31-FZ⁶¹. The effect of these laws extends to Russia-occupied Crimea.

107. Under these laws, a Crimean resident can be penalized for 30 thousand to 100 thousand rubles for dissemination of deliberately inaccurate socially significant information; officials – for 60 to 200 thousand rubles; and legal entities – for 200 to 500 thousand rubles. In this case, the "object of the administrative violation" is be confiscated. Furthermore, for "contempt of authorities in an indecent form" Crimeans can be detained for up to 15 days or penalized for 30 thousand to 300

⁵¹ Crimea beyond rules. Thematic review of the human rights situation under conditions of the occupation. Issue 4, p.43 https://precedent.crimea.ua/wp-content/uploads/2018/05/CBR_issue4_ru.pdf

⁵² Text of A.Andriyevskaya's article: <https://investigator.org.ua/ua/articles/144257/>

⁵³ <http://www.fedsofm.ru/documents/terrorists-catalog-portal-act>

⁵⁴ Crimea beyond rules. Thematic review of the human rights situation under conditions of the occupation. Issue 4, p.30 https://precedent.crimea.ua/wp-content/uploads/2018/05/CBR_issue4_ru.pdf

⁵⁵ Ibid, p. 38.

⁵⁶ Crimea beyond rules. Thematic review of the human rights situation under conditions of the occupation. Issue 4, https://helsinki.org.ua/wp-content/uploads/2016/04/4Kr_Ru_fin_18.12.2017.pdf

⁵⁷ <https://cpj.org/ru/2015/07/post-94.php>

⁵⁸ <http://www.pravo.gov.ru/laws/acts/22/50554510601047.html>

⁵⁹ <http://www.pravo.gov.ru/laws/acts/22/50564510601047.html>

⁶⁰ <http://www.pravo.gov.ru/laws/acts/22/51484510601047.html>

⁶¹ <http://www.pravo.gov.ru/laws/acts/22/51494510601047.html>

thousand rubles. These laws have vague wording and do not meet the qualitative criteria for legislation, providing the authorities with opportunities for corruption, pressure on media and selective application of regulations. The laws allow widespread practice of persecution aimed against activists, journalists and bloggers in Crimea for their open criticism of the occupying authorities in the media and social networks.

Article 22

Obstruction of the activities of civil society organizations. Harassment of members of the Ukrainian House NGO and the Crimean Solidarity Initiative; ban of the Mejlis of the Crimean Tatar people.

108. After occupying the peninsula, RF extended its legislation over its territory, which significantly affected and restricted the activities of civil society organizations in Crimea. In mid-March 2014, 4,090 NGOs were registered on the peninsula, with only 1,852 of them left in Crimea and Sevastopol by September 4, 2017⁶².
109. In the first months of the occupation, several members of the Ukrainian House NGO became victims of torture and enforced disappearance due to their pro-Ukrainian activities and resistance against Russian Federation presence. Civil society groups and NGOs that remained in Crimea and refused to accept the new government's policies are facing systematic obstacles to their activities, intimidation and sometimes even criminal prosecution.⁶³
110. In May 2015, in order to preserve and promote Ukrainian identity and culture after Crimea's occupation, the Ukrainian Culture Center was established in Crimea. In August 2017, it started publishing a monthly Ukrainian-language newspaper, whose authors admitted exercising self-censorship and sometimes using aliases. The occupying law enforcement authorities repeatedly threatened members of this initiative and warned them not to engage in "extremist activity", failing to explain what exactly they meant by such activity⁶⁴. In the summer of 2018, the residence of one of the Center's activists was unlawfully searched, after which she was forced to leave Crimea⁶⁵. As a result, the Ukrainian Culture Center was essentially forced to cease its activities.
111. On April 26, 2016, the Supreme Court of the "Republic of Crimea" declared the Mejlis an extremist organization and banned it from carrying out any activity. On September 29, 2016, the Supreme Court of the Russian Federation upheld this ban⁶⁶. Other than the ban on any public activity by the Mejlis or

⁶² UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 2017, par. 167
https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf

⁶³ Ibid, par. 163.

⁶⁴ UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 2018, par. 54,
https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_RU.pdf

⁶⁵ <https://ru.krymr.com/a/news-olga-pavlenko-pokinula-krym/29466382.html>

⁶⁶ <https://memohrc.org/ru/news/medzhlis-krymskih-tatar-podal-zhalobu-v-evropeyskiy-sud>

on its behalf, this decision means that about 2,500 members of national and local bodies of the Mejlis can be sentenced for up to eight years in prison for membership in an organization defined as extremist. Some members of the Mejlis have already faced administrative sanctions (eight members of the Mejlis were penalized for holding an “illegal assembly” of this organization). This disconfirms the RF position outlined in the paragraph 366: «As regards to the state regulation of interethnic relations, integration of Crimean Tatars to Russian society became one of the priorities. Crimean-Tatar language is recognized as one of the state languages of the Republic of Crimea».

112.OHCHR noted that the above decision confirms the significant restrictions on the activities of the Mejlis already introduced by the RF authorities in Crimea since 2014. It appears that this decision was based on biased evidence and ignores the legitimate nature of the Mejlis as an elected body representing the Crimean Tatar community.

113.On April 19, 2017, the International Court of Justice ruled on temporary measures in Ukraine’s complaint against Russia, stating that Russia should "abandon existing or refrain from imposing new restrictions on the right of Crimean Tatars to have their representative institutions, including the Mejlis."⁶⁷ As of the time of preparing this report, the Mejlis remains a banned organization in Russia.

114.In response to arbitrary detentions and prosecution of Crimean Tatar activists, relatives of detained Crimean Tatars established the Crimean Solidarity association, which acts as a platform for exchanging information, mobilizing support and establishing contacts with lawyers and human rights activists.

The association is systematically harassed by the occupying authorities. On January 27, 2018, a meeting of the Crimean Solidarity in Sudak with 150 people present was disrupted by law enforcement officers who were allegedly looking for drugs and weapons. The activists were interviewed and photographed, even though no illicit items were found⁶⁸. On May 21, 2018, Server Mustafayev, human rights activist and coordinator of the Crimean Solidarity”, was arrested and remains in custody to this day on evidence-free accusations. On March 27, 2019, the RF occupying authorities in Crimea conducted arbitrary searches in 27 residences of Crimean Tatars in Simferopol, Belogorsk and Krasnogvardeysky rayons. Most of these Crimean Tatars are activists of the Crimean Solidarity. The occupying court ordered the arrest of 23 Crimean Tatars detained during the searches⁶⁹.

⁶⁷ UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, par. 187-193, p. 31 https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf

⁶⁸ UN OHCHR Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 2018, par. 53, https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_RU.pdf

⁶⁹ Statement against large-scale crackdown on human rights activists and other individuals in the occupied Crimea, <https://helsinki.org.ua/en/appeals/statement-against-large-scale-crack-down-on-human-rights-activists-and-other-individuals-in-the-occupied-crimea/>

Article 24.

Interference to the right of choosing one's citizenship through "erasure" of Ukrainian cultural identity in the occupied territory and enforcing behavior in accordance with the imposed identity.

115. It causes concerns that an environment is being created in which the children who wish to preserve their Ukrainian identity, culture and traditions are facing social isolation. This is expressed in the attitude of school administrations and teachers toward children who demonstrate their Ukrainian identity, in degrading behavior and in social isolation that leads to bullying or harassment.
116. At the same time, college entrants from the temporarily occupied Crimea and their parents can be held accountable under the Yarovaya Law. This is primarily due to the interpretation of spring 2014 events in Crimea, which differs from the one officially adopted in the RF. The use of such terms as “temporarily occupied territory”, “annexed Crimea” and others may also result in administrative or criminal liability. Preparation for the external independent evaluation (EIE) and studying of certain school subjects also falls under effect of the Yarovaya Law.⁷⁰
117. In particular, when preparing for the EIE, schoolchildren study the topic on occupation of Crimea, which involves a mandatory mention of the following: “The occupation of Crimea by Russia has become a real challenge for Ukraine and the international community” (Topic 41. Historical challenges: Revolution of Dignity. ATO as a war for independence). Many similar examples can be given almost for every school history topic for grades 10-11.
118. In Crimea and Sevastopol, not only children studying or planning to study in Ukrainian higher educational institutions but also their parents are being subjected to pressure. Thus, in February 2018, information was being collected in schools of Sevastopol regarding those who intended to enter Ukrainian universities, which was followed by “conversations” with the parents of those children.
119. Militarization of education in the occupied Crimea also causes concerns.⁷¹ Thus, as early as in December 2014, the “Concept of patriotic, spiritual and moral education of the population in the Republic of Crimea” was created, and a number of documents were adopted to implement it – plans, events and programs. The analysis of these programs shows that patriotic education in Crimea is largely a military-patriotic education.

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[https://ru.wikisource.org/wiki/%D0%A4%D0%B5%D0%B4%D0%B5%D1%80%D0%B0%D0%BB%D1%8C%D0%BD%D1%8B%D0%B9_%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD_%D0%BE%D1%82_06.07.2016_%E2%84%96_375-](https://ru.wikisource.org/wiki/%D0%A4%D0%B5%D0%B4%D0%B5%D1%80%D0%B0%D0%BB%D1%8C%D0%BD%D1%8B%D0%B9_%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD_%D0%BE%D1%82_06.07.2016_%E2%84%96_375-%D0%A4%D0%97https://ru.wikisource.org/wiki/%D0%A4%D0%B5%D0%B4%D0%B5%D1%80%D0%B0%D0%BB%D1%8C%D0%BD%D1%8B%D0%B9_%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD_%D0%BE%D1%82_06.07.2016_%E2%84%96_375-%D0%A4%D0%97)
https://ru.wikisource.org/wiki/%D0%A4%D0%B5%D0%B4%D0%B5%D1%80%D0%B0%D0%BB%D1%8C%D0%BD%D1%8B%D0%B9_%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD_%D0%BE%D1%82_06.07.2016_%E2%84%96_375-%D0%A4%D0%97

⁷¹ <https://upload.wikimedia.org/wikipedia/commons/f/fd/KS-49-2016.pdf>

<https://upload.wikimedia.org/.../commons/e/e8/KS-01-2017.pdf>

https://upload.wikimedia.org/.../f/f4/KS-35-2017_PRESS.pdf

120. In February 2015, the Council of Ministers of the occupied Crimea converted the Crimean Republican Internet Lyceum with enhanced military and physical training (opened in 2001) into the State Budgetary Institution of the Republic of Crimea "Cadet Boarding School "Crimean Cadet Military School".
121. As of early 2017, 12 cadet classes were already operating in the temporarily occupied Crimea. These cadet classes are opened or supported by various institutions. Thus, there is a cadet class under the patronage of the Crimean office of the Interior Ministry in Simferopol school 28. Also, the Simferopol Cadet Association was established in 2016, which unites the cadet classes of the city.
122. In September 2017, another "specialized" class was opened in the temporarily occupied Crimea – the cadet class of Russia's Investigative Committee. In the summer of 2017, "specialized" changes were made in the Artek children's camp, entitled "Young Investigator". During summer "holidays", 40 hours were dedicated to professional hands-on training taught by specialists of the Russia's Investigative Committee.
123. Another area where children are getting involved in militarization is various competitions and celebrations. For example, on September 8, 2017, sports military games were held in Sevastopol on the territory of one of clusters of the future Patriot. 50 teams from Sevastopol, Crimea and the Artek camp took part in the competition. The number of "memorable dates" associated with the military past is growing, and each one of these "red-letter" dates is accompanied by military performances, concerts and parades, with the obligatory presence of the military, Russian or "Crimean" Cossacks, veterans and participants of military actions in southern Ukraine.⁷²
124. The "Young Army" (Yunarmiya)⁷³ – pan-Russian Children and Youth Military Patriotic Movement began its activities in the temporarily occupied Crimea on September 1, 2016. The Crimean branch of the Young Army was established with the support of the Ministry of Education, the state budgetary institution Krympatriottsentr, the Public Chamber of the Republic of Crimea, the "People's Militia of the Republic of Crimea", the Simferopol City Union of War, Labor and Military Service Veterans, the Crimean branch of the Volunteer Society for Cooperation with the Army, Aviation, and Navy, and the Military Commissariat of the Republic of Crimea. By order of the Sevastopol head, units of the Young Army were created in all educational institutions of Sevastopol, with cells opened in 55 Sevastopol schools by the autumn of 2016. The situation is similar all over the occupied Crimea. Thus, the Military-Patriotic Center "Yunarmiya-Crimea of the Razdolnensky Rayon" was established within the Department of Education, Youth and Sports of the occupying administration of Razdolnensky Rayon. In Yevpatoria, a Young Army cell was established on the basis of the public organization

⁷² https://crimeahrg.org/shkolniki-v-kerchi-prinyali-prisyagu-kazakov-i-otryada-druzey-fsb/?fbclid=IwAR2IXwEZs-nTXK7o_H9I7cG2Ya3Lb14nGHpzDBtpBqunPvdW-6kuRah1OOY

⁷³ <http://education-ua.org/ua/articles/1150-krimski-khunvejbi-dlya-putina>

“Crimean Kung Fu Federation”, in Dzhankoy – on the basis of the Autonomous Non-Profit Organization “Center for Military-Patriotic Education and Scientific-Technical Creativity of Youth “Sivash”. In 2018, the year-round "Heroes' Camp" for teenagers was established by the Young Army and the RF Ministry of Defense in the occupied Crimea.

125. Percentage-wise, the number of Crimean Young Army members significantly exceeds their total numbers throughout Russia. Young Army units are operating in each of the Sevastopol schools and currently include about 3,000 children, with Young Army branches available in every region of the occupied Crimea.

126. The Young Army was founded by the occupying Ministry of Education. In Sevastopol, this militarized children's movement is subordinate to the occupying head of the city, D.Ovsiyannikov.

127. The Young Army is fully financed by the state, with large funds allocated to it. In the past few years, over 2 million rubles were allocated on “patriotic” activities in the occupied Crimea.

128. One of the main goals of the Crimean Young Army is to eradicate Ukrainian mentality and to propagate the idea of Ukraine as the enemy. While in Russian Federation education is based on particular stereotypes of enemies (“fascists”, “NATO”, etc.), in Crimea, “Banderas” are added to this list. It should also be noted that among the "adult" members of the Crimean Young Army there are those who took part in the occupation of Crimea and in the military actions in Donetsk and Lugansk oblasts in eastern Ukraine.

129. In 2018, the Office of the RF Commissioner for the Rights of the Child launched the project “Yunarmy. Mentoring”⁷⁴. The Commissioner ordered regional governments to charge appropriate local departments with implementing this project in orphanages. The target audience consists of children residing in orphanages aged 7–17 and adolescents that exhibit deviant behavior. By order of the Commissioner, 50,000 orphans and children without parental care were enlisted in the Young Army. This reform aimed at the militarization of orphanages has two founders – the Young Army itself and the President’s Commissioner for the Rights of the Child.

130. There are 7 institutions in the annexed peninsula that house orphans and children deprived of parental care (Simferopol special boarding schools 1 and 2, Chernyshevsky Orphanage, Sevastopol General Education Boarding Schools 1, 3 and 4), which had about 180 children in 2017 and which are actively militarizing the educational process in violation of international law.

131. Establishment of Young Army units in boarding schools in the occupied territory is yet another illegal step by the Russian authorities. At the beginning of the occupation, almost all children that resided in the boarding schools of Crimea and Sevastopol received Russian citizenship (several dozen pupils of

⁷⁴ <https://yunarmy.ru/static/docs/7107a131843a5786303cca6b4918a1ef.pdf>

these institutions refused to accept Russian citizenship and were deported to Ukraine). Now, these orphans and children without parental care are forced to join militarized youth units.

132. The action plan for the “Yunarmy. Mentoring” project mentions that it could be extended to institutions for children with disabilities.

Article 26.

Enforced citizenship as a form of racial discrimination. Unconditional displacement of minors and women

133. The practice of imposing the RF citizenship on residents of the occupied territory is a form of racial discrimination, as it leads to the erasure of Ukrainian cultural identity in the occupied territory⁷⁵.

134. In addition, minors and women convicted as a result of criminal prosecution are facing discrimination. Adult men have a chance to be kept to serve their sentence in the occupied territory, while all minors and women in the same situation are relocated to the Russian Federation⁷⁶.

135. Religious confessions and movements other than the Russian Orthodox Church are also subjected to discriminatory attitudes, particularly the parishioners of the UOC-KP (OCU). Not only the UOC-KP churches in Crimea are being seized, but at least one of those churches was handed over to the ROC (in the village of Perevalnoye).

136. In the paragraph 27 of the Report, member state pronounces that «Administration of the pre-trial facilities and penitentiary institutions explained the provisions of the Federal Constitutional Law in the part of the procedure of acknowledgement of the RF citizenship, retention of Ukrainian citizenship, obtaining the passport of the citizen of Russian Federation during serving sentence as well as after release from custody». At the same time, the examples below throw discredit on RF statement. Since May 2019, Ukrainian consuls do not have access to the political prisoner, citizen of Ukraine Vladimir Balukh (in February 2019, this Ukrainian citizen was deported under guard from Crimea to IK-4 of Torzhok town in Tverskaya Oblast of Russia without his consent, thus, violating Article 49 of the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War). According to the personnel of the penitentiary institution, the reason for this is that, based on the FSIN information, Mr. Balukh is the citizen of RF. Not a single confirming fact was provided. On June 10, 2019 Ukrainian citizen informed his advocate that in the penitentiary institution he was hit the high spots in regard to his citizenship. According to the text of the document, some Crimean expert, after examining “documents”, made a conclusion that Mr. Balukh is the citizen of RF. The Ukrainian citizen was not provided with the copy of this document. Vladimir Balukh is the citizen of Ukraine, he did not get Russian passport “automatically” in Crimea. Earlier, he was convicted in

⁷⁵ Human Rights in the Context of Automatic Naturalisation in Crimea,

⁷⁶ See communication to the UN HRC concerning the case *Yekaterina Posmetnaya v. Russia* (registration number unknown as of submitting this report).

Crimea as the citizen of Ukraine. Moreover, occupying courts used Ukrainian citizenship of the activist as one of the reasons for taking him into custody.

Article 27.

Limitations in studying native language

137. The network of general education organizations in Crimea (statistics taken from the Crimean “ministry” website) remains largely unchanged: during the 2014/2015 academic year, there were 586 general education organizations of all types and forms of ownership operating in the “republic” (587 in the 2013/2014 academic year). Of the total number of general education organizations, 540 are general education day schools, 3 are part-time evening schools, 17 are general education and specialized boarding schools, 16 are general education schools of other ministries (departments), 9 are non-governmental institutions. The number of students was 208.5 thousand (191.1 thousand in the 2014/2015 academic year; 200.1 thousand in 2018/2019), the average number of students per school was over 300.
138. In 2013, 7 Crimean schools were providing complete education in Ukrainian language and 15 schools – in Crimean Tatar language; in addition, there were several schools with lessons taught in two languages. The distribution of classes in Crimea based on the language of instruction was as follows: 875 in Ukrainian, 384 – in Crimean Tatar, 8,965 in Russian.
139. According to the RF Ministry of Statistics, in 2014, Ukrainians made up 15.08% of the population, or 344,515 people, and were the second largest nationality after Russians (65.31%, 1,492,078 people). Crimean Tatars were the third largest nationality in Crimea (10.17% or 232,340 people). According to a census carried out by Russia, 18,706 schoolchildren identify as Ukrainians and 29,140 – as Crimean Tatars. It should be noted that the census in Crimea in September 2014 was carried out under the occupation.
140. The statistics of the "Ministry of Education of Crimea" indicate a rapid decrease in the number of students taught in Ukrainian. According to the “Ministry”, over 10,000 students were receiving full-time and extra-mural education in the 2017/2018 school year, although it is impossible to verify this; over that year, the number of students with access to their native language decreased by 2,300 persons (over 18%).⁷⁷
141. There “exists” one Ukrainian language school in the temporarily occupied Crimea (Feodosia school 20, and only in class 1–9, with classes 10–11 being taught in Russian only).
142. However, according to the monitoring of the Crimean Human Rights Group, School No. 20 in Feodosia, which allegedly provides education in Ukrainian, actually, based on the information from

⁷⁷ <http://almenda.org/mova-sprotivu/>

parents, has all lessons taught in Russian. Ukrainian language remains only as a separate subject in certain classes.

143. Compared to the official statistics for the 2017-2018 school year, the number of students taught in the Crimean Tatar language increased from 5,600 to 6,100 persons. At the same time, the number of schools with classes taught in Crimean Tatar language decreased from 31 to 27. The number of students taught in Ukrainian language decreased from 318 to 249 persons, and the number of schools with classes taught in Ukrainian decreased from 7 to 5, while the number of those classes dropped from 13 to 8.
144. Thus, in 2018/2019, the share of schoolchildren studying Ukrainian language in the Autonomous Republic of Crimea dropped to 0.12%, and those studying Crimean Tatar language – to 3%.
145. In the 2014/2015 academic year, subjects like Ukrainian literature and Ukrainian history were completely removed from the curricula of general education schools.
146. The subjects of Crimean studies and Crimean history are being introduced in classes 5–9, describing Crimea as a historically Russian region. In every class, this subject starts with the “introduction” section (2:00) entitled “The reunification of Crimea and Sevastopol with the Russian Federation. ‘Crimean Spring’ of 2014”, or “Republic of Crimea as an administrative division of the Russian Federation. ‘Crimean Spring’ of 2014”. All relevant decisions, school programs and examples of textbooks are available.
147. Crimean Tatar children are being increasingly pressured through collection of information about them and their families. Thus, on the eve of Memorial Day of May 18, 2016, the principals of all Crimean schools received the following message from the “Minister”: “To the heads of educational institutions. We remind you that on May 18, activities dedicated to the Memorial Day for Those Deported from Crimea are held. This day is a school day, and neither students nor school workers are allowed to skip classes for the above reason. In this regard, I request that you inform me on May 18, by 9:00 am, via e-mail, about the number of absent students as well as the reason for their absence, including, in particular, students of Crimean Tatar nationality.”

Recommendations:

1. To ensure that **Ukrainian sailors are treated** in accordance with their **prisoners of war status**.
2. To ensure that **the persons convicted to deprivation of liberty**, who remain in the occupied territory (pre-conflict prisoners), **serve their sentence in the territory controlled by the Government of Ukraine**.
3. **To stop pressure on the parishioners of the Ukrainian Orthodox Church of Kyiv Patriarchate. To recognize** the Ukrainian Orthodox Church of Kyiv Patriarchate (The Orthodox Church of Ukraine) **as a legal entity** operating in Crimea in accordance with the registration carried out by Ukraine's authorities. **To return confiscated churches** to the Ukrainian Orthodox Church of Kyiv Patriarchate (The Orthodox Church of Ukraine). **To refrain from attempts to seize** or destroy the cathedrals in the future.
4. To make it possible for the Ukrainian nationals **to enjoy the right of unobstructed residence of unlimited duration** in the territory of the Crimean Peninsula.
5. **To terminate the practice of deporting Ukrainian citizens** and persons without citizenship from the Crimean Peninsula.
6. To ensure **provision of appropriate medical treatment for imprisoned Ukrainian nationals**. To provide for Ukrainian medical personnel's access to them.
7. To stop the practice of **detainment of Ukrainian convicts by the RF's authorities**, to allow **their transfer back** to Ukraine.
8. To ensure **investigation of the fact of applying lethal force against Ukrainian sailors** captured in the Kerch Strait.
9. To conduct a **thorough investigation into all facts of deaths of persons held in detention facilities** in the occupied territory.
10. To take immediate action **for stopping the practice of torture in Crimea**, including torture used to pressure, punish or extract confession from detainees, political opponents and activists.
11. To conduct a **thorough investigation of all instances of torture and ill-treatment**, and ensure that **the perpetrators are brought to justice**.
12. To ensure **compliance with international humanitarian law in the administration of justice in Crimea**, among other things, by terminating the practice of applying the Russian laws there.
13. **To stop unlawful political persecution of individuals**, including persecution for their views and statements in the context of the fact that Crimea belongs to Ukraine.

14. To put **an immediate stop to any form of persecution against independent journalists, civic journalists** and particular **media outlets**, as well as **the mass blocking of access to independent media** and social networks for the population of Crimea.
15. **To cease the obstruction of the NGOs' activities and persecution of members** of such organizations and initiatives **as the Crimean Solidarity. To permit functioning of the Mejlis of the Crimean Tatar People.**
16. **Not to hinder the activities of international independent human rights monitors in Crimea**, including intergovernmental and inter-state human rights missions authorized to operate in Ukraine.
17. To ensure **the observance and protection of the right to obtain education** in one's native language.
18. To secure **the preservation of the Ukrainian identity**, including through the possibility of studying the history and culture of the Ukrainian people.
19. To put **an immediate stop to the mass militarization of children** in the occupied peninsula.