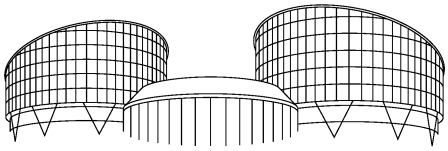

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

GRAND CHAMBER

CASE OF UKRAINE v. RUSSIA (RE CRIMEA)

(Applications nos. 20958/14 and 38344/18)

ANNEX TO THE JUDGMENT

STRASBOURG

25 June 2024

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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RELEVANT EVIDENCE

I. DOMESTIC LAW AND PRACTICE

A. Ukrainian practice

Ukrainian courts' case-law

1. According to the judgment of the Lutsk Municipal and District Court of Volyn Region of 23 February 2016, it was established that the defendant, S.V., a Ukrainian citizen, had been "awarded the Medal of the Ministry of Defence of the Russian Federation 'For the return of Crimea' for activity in the interests of a foreign country".

B. Law and practice of the Russian Federation

1. The Constitution of the Russian Federation of 12 December 1993

2. Article 15 § 4 of the Constitution of the Russian Federation reads:

> "4. Universally recognised principles and norms of international law, as well as international treaties of the Russian Federation, shall be an integral part of its legal system. If an international treaty of the Russian Federation establishes rules that differ from those provided for by law, then the rules of the international treaty shall be applied."

3. Article 26 of the Constitution of the Russian Federation provides:

> "1. Everyone shall have the right to determine and declare his (or her) nationality. Nobody shall be forced to determine and declare his (or her) nationality.
>
> 2. Everyone shall have the right to use his (or her) native language and to a free choice of the language of communication, upbringing, education and creative work."

2. Criminal Code of the Russian Federation

4. Article 12 of the Criminal Code of the Russian Federation ("the CrCRF") provides as follows:

> "1. Russian nationals and stateless persons who permanently reside in the Russian Federation and who have committed a crime outside the Russian Federation against the interests protected by this Code shall be held criminally liable under this Code unless there is a court decision of a foreign State regarding that crime with respect to the aforementioned persons.
>
> 2. Servicemen of military units of the Russian Federation deployed outside the Russian Federation shall be held criminally liable under this Code for crimes committed on the territory of a foreign State unless otherwise provided for by a treaty of the Russian Federation.
>
> 3. Foreign nationals and stateless persons who do not reside permanently in the Russian Federation and who have committed a crime outside the Russian Federation shall be held criminally liable under this Code when the crime is committed against the interests of the Russian Federation or a Russian national or a stateless person who

permanently resides in the Russian Federation, as well as when so provided for by a treaty of the Russian Federation or other international instrument containing obligations recognised by the Russian Federation in the area of relations covered by this Code, unless foreign nationals and stateless persons who do not permanently reside in the Russian Federation are convicted in a foreign State and provided they are held criminally liable in the territory of the Russian Federation."

3. Federal Constitutional Law no. 6-FKZ of 21 March 2014 on admitting the Republic of Crimea to the Russian Federation and establishing within the Russian Federation the new constituent entities of the Republic of Crimea and the City of Federal Importance of Sevastopol

5. This law defines the basic principles of the so-called "admission" of "the Republic of Crimea" and the creation of "new constituent entities" of the Russian Federation, their borders and local government, as well as the issues of citizenship, military service, and the "transitional period" between 18 March 2014 and 1 January 2015, during which Crimea was to be "integrated" into Russia's economic, financial, credit, legal and governmental spheres.

6. Section 3 of this Law reads:

"1. The boundaries of the territory of the Republic of Crimea and the territory of the federal city of Sevastopol shall be determined by the boundaries of the territory of the Republic of Crimea and the territory of the Federal City of Sevastopol that existed as of the day of the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation.

2. The land border of the Republic of Crimea adjacent to the territory of Ukraine shall be the State border of the Russian Federation."

7. Section 4 of this Law, as in force during the "period under consideration" (in so far as application no. 20958/14 is concerned), provided:

"1. From the date of admission of the Republic of Crimea to the Russian Federation and the creation of new constituent entities in the Russian Federation, the citizens of Ukraine and persons without citizenship who as of that date are permanently residing in the territory of the Republic of Crimea or the Federal City of Sevastopol shall be recognised as citizens of the Russian Federation, except for persons who within one month after that date shall declare the desire to keep the other nationality they and/or their minor children have, or to remain stateless.

2. Identity documents of a citizen of the Russian Federation shall be issued within three months from the date of admission of the Republic of Crimea to the Russian Federation and the creation of new constituent entities in the Russian Federation.

3. The restrictions on occupying State and municipal positions and jobs in the public and municipal service specified by the legislation of the Russian Federation that applies to citizens of the Russian Federation having the nationality of a foreign State, a residence permit or any other document confirming the right to permanent residence of a citizen of the Russian Federation in the territory of a foreign State shall start to apply in the territories of the Republic of Crimea and the federal city of Sevastopol one month

after the date of admission of the Republic of Crimea to the Russian Federation and the creation of new constituent entities in the Russian Federation.

4. A person recognised in accordance with subsection 1 of this section as a citizen of the Russian Federation who has received an identity document of a citizen of the Russian Federation shall be recognised in the territory of the Russian Federation as a citizen who does not have the citizenship of a foreign State if he or she submits a declaration of unwillingness to be a citizen of a foreign State. A declaration of unwillingness to be a citizen of a foreign State shall be submitted to the federal executive body responsible for the development and implementation of State policy and legal regulation in the field of migration. Together with a declaration of unwillingness to be a citizen of a foreign State, the person shall submit a document confirming that he or she has a foreign citizenship."

8. Pursuant to section 9(1) and (5) of this Law, between 18 March 2014 and 1 January 2015 the courts of the Russian Federation were to be created in Crimea in accordance with the laws of the Russian Federation on the judiciary. Until the courts of the Russian Federation were created in this territory, justice on behalf of the Russian Federation was to be administered by the courts that had been operating in the territory until 18 March 2014. The persons who had held judicial positions at those courts as of 18 March 2014 were to continue to administer justice on condition that they were citizens of the Russian Federation.

4. Federal Law no. 91-FZ of 5 May 2014 on the application of the provisions of the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation in the territories of the Republic of Crimea and the City of Federal Importance of Sevastopol

9. The relevant provisions of this Law read as follows:

Section 1

"Criminal proceedings in the territories of the Republic of Crimea and the City of Federal Importance of Sevastopol shall be carried out in accordance with the rules established by the criminal procedural legislation of the Russian Federation, taking into account the provisions of Federal Constitutional Law no. 6-FKZ of 21 March 2014 on admitting the Republic of Crimea to the Russian Federation and establishing within the Russian Federation the new constituent entities of the Republic of Crimea and the City of Federal Importance of Sevastopol and this Federal Law."

Section 2

"The issues of whether an act committed on the territory of the Republic of Crimea and of the city of Sevastopol prior to 18 March 2014 constitutes a criminal offence and is punishable by criminal law shall be decided on the basis of criminal law of the Russian Federation. It is not permissible to apply a law that would punish the act more harshly."

5. Federal Law no. 114-FZ of 25 July 2002 on combating extremist activity, with amendments introduced on 21 July 2014 in brackets:

10. Section 1 of this Law provides the following definition of "extremist materials":

> "(3) extremist materials – documents or information on other media intended for publication [dissemination or public demonstration], which call for extremist activity, warrant or justify the need for such activity, including works of the leaders of the National-Socialist Workers Party of Germany, the Fascist Party of Italy, [speeches, images of leaders of groups, organisations or movements recognised as criminal in accordance with the verdict of the International Military Tribunal for the trial and punishment of the major war criminals of the European Axis countries (Nuremberg Tribunal), speeches, images of leaders of organisations that collaborated with these groups, organizations or movements,] publications substantiating or justifying national and/or racial supremacy, either supporting or justifying the practice of committing war or other crimes directed at a complete or partial erasure of any ethic, social, racial, national, or religious group."

6. Federal Law no. 101-FZ of 24 July 2002 on farmland turnover

11. Section 3 of this Law states as follows:

> "Foreign citizens, foreign legal entities, stateless persons, as well as legal entities that have over 50% of their share (pooled) capital owned by foreign citizens, foreign legal entities and stateless persons, may only possess plots of land pertaining to farmland on a leasehold basis."

7. Decree of the President of the Russian Federation no. 201 of 20 March 2020 on amendments to the list of border territories in which foreign citizens, stateless persons and foreign legal entities cannot own plots of land, approved by Decree of the President of the Russian Federation no. 26 of 9 January 2011

12. By this Decree, nineteen territories in Crimea and eight in Sevastopol were granted the status of "border areas" of the Russian Federation. Pursuant to the Decree, foreign and stateless physical persons, as well as foreign legal entities, are not allowed to be owners of plots of land located in those "border areas".

8. Code on the Execution of Criminal Sentences ("the CES") of 8 January 1997

13. The relevant provisions of the CES both before and after the amendments that entered into force on 29 September 2020, as well as the relevant rulings of the Constitutional Court of Russia, are summarised in *Polyakova and Others v. Russia* (nos. 35090/09 and 3 others, §§ 45-56, 7 March 2017) and *Dadusenko and Others v. Russia* ((dec.), no. 36027/19 and 3 others, §§ 12-15 and 18, 7 September 2021).

9. Ruling of the Supreme Court of the Russian Federation of 17 November 2014

14. Ruling on an application by the Prosecutor General of Russian Federation, the Supreme Court of the Russian Federation found that the following Ukrainian organisations were extremist organisations and prohibited their activities on the territory of the Russian Federation: "Right Sector" (*Правий сектор*), the Ukrainian National Assembly – Ukrainian People's Self-Defence ("UNA-UNSO" – *Українська Національна Асамблея-Українська Народна Самооборона, УНА-УНСО*), the Ukrainian Insurgent Army (UPA – *Українська повстанська армія, УПА*), the "Stepan Bandera All-Ukrainian Organisation 'Tryzub'(Trident)" (*Всеукраїнська організація "Тризуб" імені Степана Бандери*) and "Bratstvo (Brotherhood)" (*Братство*). The judgment began by stating, in particular:

> "... Extremist activity under [the Extremism Act 2002] includes violent change to the foundations of the constitutional order and violation of the integrity of the Russian Federation; incitement to social, racial, national or religious hatred; promotion of the exclusivity, superiority or inferiority of a person on the grounds of his or her social, racial, national, religious or linguistic affiliation or attitude to religion; and violation of the rights, freedoms and legitimate interests of a person and a citizen on the basis of his or her social, racial, national or religious affiliation or attitude to religion. In the Russian Federation, the establishment and activities of public and religious associations and other organisations whose aims or actions are aimed at extremist activities are prohibited (section 9 of this Federal Law). Meanwhile, a number of such Ukrainian associations are operating on the territory of the Russian Federation without official registration. ..."

15. Concerning the Ukrainian National Assembly - Ukrainian People's Self-Defence (UNA-UNSO) – the purported successor of the "Organisation of Ukrainian Nationalists (OUN)" and of the "Ukrainian Insurgent Army (UPA)" – the Supreme Court relied on the statutory and programme documents of the organisation which were perceived as aiming to promote violence on political, racial, national, and religious grounds in order to achieve its goal, namely the creation of a new Ukrainian nation on a polyethnic basis and unification of all Slavic lands into a single empire "from the Adriatic to the Pacific Ocean", with its capital in Kyiv. The Supreme Court pointed to the nationalist activities of the organisation in Ukraine and the participation of its members in local and regional armed conflicts on the territory of the former Soviet Union (in the context of the conflicts in Transdniestria, Abkhazia, South Ossetia or the Chechen Republic). It also referred to extremist material found in a State library and recognised as such by a Russian court, and to documents and videos distributed on the internet by the organisation.

16. As regards the "Right Sector" organisation, the Supreme Court underlined its ideology based on radical Ukrainian nationalism and explicit Russophobia, one of its specified aims being the implementation of armed

opposition to the "Russian aggression in Crimea." The court further referred to various alleged extremist and terrorist activities carried out in Crimea which were being investigated by Russian State bodies (preparation of terrorist acts and arson of the office of Russian Unity and of the office of the regional branch of the United Russia party in Simferopol by individuals who had created a terrorist community with the direct participation of the "Right Sector" organisation, as well as public calls for intensification of the armed struggle against the Russian Federation by Mr D.A. Yarosh, the head of the "Right Sector" organisation, published on the latter's webpage). In addition, the Supreme Court mentioned material publicly available on the internet aimed at spreading radical Ukrainian ideology among Russian nationals and encouraging them to engage in extremist and terrorist activities.

17. The Supreme Court added that the "Stepan Bandera All-Ukrainian Association 'Tryzub'" was a right-wing nationalist organisation established as a military order, while "Brotherhood" was a radical nationalist movement established as a religious community. According to the Supreme Court, their main objective was the inclusion in Ukraine of several regions which were constituent parts of the Russian Federation. It also noted that trained activists from those organisations had been participating in combat operations in the south-east of Ukraine.

18. Lastly, the Supreme Court highlighted that by decision no. 1740-6/14 of 11 March 2014 on countering the spread of extremism in the Autonomous Republic of Crimea, the *Verkhovna Rada* of the Autonomous Republic of Crimea had already prohibited the activities of several political parties and public organisations in Crimea, including "Right Sector" and the groups of which it was composed in the Supreme Court's view (that is, UNA-UNSO, the "Stepan Bandera All-Ukrainian Association 'Tryzub' (Trident)" and "Bratstvo (Brotherhood)"), as they were considered to pose a threat to the life and security of the Crimean population.

10. Ruling of the Supreme Court of the Russian Federation No. 127-APG15-2 dated 27 May 2015

19. The relevant parts of this ruling read as follows:

> "The Russian United Democratic Party 'Yabloko' applied to the court with a request to declare invalid the Law of the Republic of Crimea no. 47-ZRK of 8 August 2014 on the features of the redemption of property in the Republic of Crimea ...
>
> As the contested Law creates a threat of loss of the property that is to be acquired in the future, ... the applicant believed that its ownership rights to its property might be violated by the provisions of the contested Law in the future. ... [T]he case file does not contain evidence that the initiation or implementation of any rights and legitimate interests of the RUDP 'Yabloko' would be affected by the adoption of the contested normative legal act[. T]his act obviously does not affect its rights and freedoms.
>
> ...

Considering that the applicant is not entitled to represent the interests of an indefinite circle of persons in court [and] the contested act obviously does not affect the rights and freedoms of the applicant itself, [the court decides] to terminate the proceedings ..."

C. "Treaty Between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of new constituent entities of the Federation, signed on 18 March 2014 and Ratified by the Russian State Duma on 21 March 2014" ("the Accession Treaty")

20. The "Accession Treaty", which as a matter of Russian law is an "international treaty", was signed by President Putin for the Russian Federation; Mr Konstantinov, Chairman of the State Council, and Mr Aksenov, the Prime Minister, for the "Republic of Crimea", and Mr A. Chaly, for the City of Sevastopol.

21. In its Preamble, the "Accession Treaty" invoked the principle of peoples' self-determination, the "historic unity of nations" and the "free volition of the peoples of Crimea expressed during the all-Crimean referendum of 16 March 2014".

22. With effect from 18 March 2014, the "Republic of Crimea" was admitted to the Russian Federation as a new constituent entity (Articles 1.1 and 2).

23. Under Article 5 of the "Accession Treaty", as of the date of Crimea's admission into the Russian Federation, Ukrainian citizens and stateless persons permanently residing in Crimea and in the city of Sevastopol were to be recognised as Russian citizens, unless within one month from that day they declared their wish to retain their existing citizenship or to remain stateless persons. As of the date of Crimea's admission into the Russian Federation, and until 1 January 2015, the "Accession Treaty" provided for a transitional period during which the new constituent entities were to be integrated into the economic, financial, credit and legal system of the Russian Federation (Article 6). The "Accession Treaty" further provided that legislative and other regulatory legal acts of the Russian Federation would be in effect on the territories of Crimea and the city of Sevastopol from the date of Crimea's accession to the Russian Federation, unless otherwise specified by Russian legislation (Article 9 § 1). The "Accession Treaty" entered into force on 1 April 2014.

D. Regulations of Crimean local authorities adopted after 27 February 2014

1. *Regulations of the* Verkhovna Rada *of Crimea no. 1731-6/14 of 11 March 2014 on certain questions relating to sustaining a livelihood in the territory of the Autonomous Republic of Crimea*

24. The Regulations read, in so far as relevant:

> "In order to ensure the security, rights and legitimate interests of the inhabitants of the Autonomous Republic of Crimea, the balanced socio-economic development of the autonomy, to ensure public law and order and the uninterrupted functioning of all life-sustaining facilities on the territory of the Autonomous Republic of Crimea,
>
> The *Verkhovna Rada* of the Autonomous Republic of Crimea orders:
>
> ...
>
> 1.2. Temporarily until the legal status of the Autonomous Republic of Crimea is settled:
>
> 1.2.1. All structures, military units, units of the Armed Forces of Ukraine, other military formations, law-enforcement and supervisory bodies, the bodies of the Prosecutor's Office, the bodies of the State Border Service of Ukraine, and other bodies of State power located in the territory of the Autonomous Republic of Crimea shall be subordinated to and report to the Head of the Council of Ministers of the Autonomous Republic of Crimea."

2. *Law of the Republic of Crimea N 7-ЗРК of 29 May 2014 on the State Civil Service of the Republic of Crimea*

25. Section 47 ("Transitional Provisions") of this Law reads:

> "1. Persons recognised as citizens of the Russian Federation in accordance with Article 5 of [the 'Accession Treaty'] and who were civil servants on the date of entry into force of this Law must present a passport of a citizen of the Russian Federation upon admission to the civil service.
>
> A copy of the document confirming renunciation of existing citizenship of another State and the surrender of a passport of another State shall be submitted in the manner prescribed by federal legislation."

3. *Law of the Republic of Crimea no. 56-ЗРК of 8 August 2014 on ensuring conditions for the implementation of the right of citizens of the Russian Federation to hold gatherings, rallies, demonstrations and picketing in the Republic of Crimea*

26. Section 1 of this Law defines a public assembly as "open, peaceful, accessible to everyone, carried out in the form of a gathering, rally, demonstration, procession or picket, or in various combinations of these forms, an event carried out on the initiative of citizens of the Russian Federation, political parties, other public associations and religious associations, including events that involve vehicles."

27. Pursuant to section 2 of this Law, organisers of public assemblies, with the exception of one-person events, must inform the local government of the planned event in writing no more than fifteen days and no fewer than ten days prior to the planned event.

II. INTERNATIONAL LAW AND PRACTICE

A. Treaties, customary international law, and relevant scholarly writings

1. Geneva Convention Relative to the Treatment of Prisoners of War, concluded on 12 August 1949[1] ("Geneva Convention III")

28. Article 13 ("Humane treatment of prisoners") in Part II ("General Protection of Prisoners of War") of Geneva Convention III provides:

> "Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.
>
> Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.
>
> Measures of reprisal against prisoners of war are prohibited."

29. Article 21 ("Restriction of liberty of movement") in Section II ("Internment of Prisoners of War") of Chapter I ("General Observations") of Part III ("Captivity") reads, in so far as relevant:

> "The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter."

30. Article 118 ("Release and repatriation") in Section II ("Release and Repatriation of Prisoners of War at the Close of Hostilities") of Part IV ("Termination of Captivity") provides, in so far as relevant:

> "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities."

31. Article 129 ("Penal sanctions: I. General observations") in Section I ("General Provisions") of Part VI ("Execution of the Convention") provides:

> "The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.
>
> Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. ...

[1] Ratified by the Ukrainian Soviet Socialist Republic on 3 August 1954. Ratified by the Union of Soviet Socialist Republics on 10 May 1954. The Russian Federation submitted a notification of continuity on 13 January 1992.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article. ..."

32. Article 130 ("II. Grave breaches") in the same Section reads:

"Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention."

2. *Geneva Convention Relative to the Protection of Civilian Persons in Time of War, concluded on 12 August 1949*[2] *("Geneva Convention IV")*

33. Article 4 ("Definition of protected persons") in Part I ("General Provisions") of Geneva Convention IV reads:

"Persons protected by the Convention are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of persons a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention."

34. Article 27 ("Treatment: I. General observations") in Section I ("Provisions common to the Territories of the Parties to the Conflict and to Occupied Territories") of Part III ("Status and Treatment of Protected Persons") provides:

"Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

[2] Ratified by the Ukrainian Soviet Socialist Republic on 3 August 1954. Ratified by the Union of Soviet Socialist Republics on 10 May 1954. The Russian Federation submitted a notification of continuity on 13 January 1992.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war."

35. Article 32 in the same Section provides:

"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents."

36. Paragraph 1 of Article 33 ("Individual responsibility, collective penalties, pillage, reprisals") in the same Section provides:

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."

37. Article 34 ("Hostages") in the same Section provides that "[t]he taking of hostages is prohibited".

38. Article 42 ("V. Grounds for internment or assigned residence. Voluntary internment") in Section II ("Aliens in the Territory of a Party to the Conflict") of the same Part states:

"The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary. If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be."

39. Article 43 ("VI. Procedure") in the same Section provides:

"Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power."

40. Article 49 ("Deportations, transfers, evacuations") in Section III ("Occupied Territories") of the same Part provides:

> "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.
>
> Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.
>
> The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.
>
> The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.
>
> The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.
>
> The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

41. Article 50 ("Children") of the same Section provides:

> "The Occupying Power shall, with the co-operation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.
>
> The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.
>
> Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.
>
> A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.
>
> The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years."

42. Article 58 ("Spiritual assistance") of the same Section provides:

> "The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory."

43. Article 64 ("Penal legislation: I. General observations") of the same Section provides:

"The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them."

44. Article 65 ("Penal legislation. II. Publication) of the same Section provides:

"The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive."

45. Article 67 ("IV. Applicable provisions") of the same Section states:

"The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power."

46. Article 70 ("VII. Offences committed before occupation") in the same Section reads, in so far as relevant:

"Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war ..."

47. Article 76 ("Treatment of detainees") in the same Section states as follows:

"Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly."

48. Article 78 ("Security measures. Internment and assigned residence. Right of appeal") of the same Section provides, in so far as relevant:

"If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power."

49. Article 147 ("Penal sanctions: II. Grave breaches") of Section I ("General provisions") of Part IV ("Execution of the Convention") reads as follows:

"Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

3. Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977[3]

50. Article 15 ("Protection of civilian medical and religious personnel") in Section I ("General protection") of Part II ("Wounded, sick and shipwrecked") of Protocol I provides:

"1. Civilian medical personnel shall be respected and protected.

2. If needed, all available help shall be afforded to civilian medical personnel in an area where civilian medical services are disrupted by reason of combat activity.

3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions. The Occupying Power may not require that, in the performance

[3] Ratified by the Ukrainian Soviet Socialist Republic on 25 January 1990. Ratified by the Union of Soviet Socialist Republics on 29 September 1989. The Russian Federation submitted a notification of continuity on 13 January 1992.

of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.

4. Civilian medical personnel shall have access to any place where their services are essential, subject to such supervisory and safety measures as the relevant Party to the conflict may deem necessary.

5. Civilian religious personnel shall be respected and protected. The provisions of the Conventions and of this Protocol concerning the protection and identification of medical personnel shall apply equally to such persons."

51. Article 75 ("Fundamental guarantees") in Section III ("Treatment of persons in the power of a Party to the conflict") of Part IV ("Civilian population") provides, in so far as relevant:

"1. In so far as they are affected by a situation referred to in Article 1 of this Protocol, persons who are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. Each Party shall respect the person, honour, convictions and religious practices of all such persons.

2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

(a) violence to the life, health, or physical or mental well-being of persons, in particular:

(i) murder;

(ii) torture of all kinds, whether physical or mental;

(iii) corporal punishment; and

(iv) mutilation;

(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;

(c) the taking of hostages;

(d) collective punishments; and

(e) threats to commit any of the foregoing acts.

3. Any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest, detention or internment have ceased to exist.

..."

52. Article 79 ("Measures of protection for journalists") in the same Section provides:

"1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.

2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 A (4) of the Third Convention.

3. They may obtain an identity card similar to the model in Annex II of this Protocol. This card, which shall be issued by the government of the State of which the journalist is a national or in whose territory he resides or in which the news medium employing him is located, shall attest to his status as a journalist."

4. Regulations Concerning the Laws and Customs of War on Land, annexed to the Hague Convention (IV) of 1907 ("The Hague Regulations")[4]

53. Article 43 of the Hague Regulations reads:

"The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

54. Article 45 of the Hague Regulations states that "[i]t is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power".

55. Article 52 of the Hague Regulations provides:

"Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far is possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible".

5. Customary International Humanitarian Law, Volume I: Rules, International Committee of the Red Cross, Jean-Marie Henckaerts and Louise Doswald-Beck, 2009

56. Rule 51 of *Customary International Humanitarian Law* provides:

"In occupied territory:

(a) movable public property that can be used for military operations may be confiscated;

[4] According to IHL database of the ICRC available online, Ukraine acceded to the Convention (IV) Respecting the Laws and Customs of War on Land and its Annex on 29 May 2015. The Russian Federation ratified the Convention (IV) Respecting the Laws and Customs of War on Land and its Annex on 27 November 1909.

(b) immovable public property must be administered according to the rule of usufruct; and

(c) private property must be respected and may not be confiscated except where destruction or seizure of such property is required by imperative military necessity."

57. Rule 87 states that "[c]ivilians and persons hors de combat must be treated humanely."

58. Rule 99 provides that "[a]rbitrary deprivation of liberty is prohibited".

59. Rule 104 states that "[t]he convictions and religious practices of civilians and persons *hors de combat* must be respected."

6. *"International humanitarian law and basic education", Sobhi Tawil, in* International Review of the Red Cross*, no. 839, published on 30 September 2000*

60. The relevant parts of this article read:

"... A wide range of legal instruments are commonly referred to in support of the right of refugee children and young people and those in emergency situations to continued access to quality basic education. The fact that education is defined first and foremost as an 'inalienable human right' is endorsed by reference to instruments of international law such as the Universal Declaration of Human Rights (1948) and the United Nations Convention on the Rights of the Child (1989). In the case of refugee education, more particularly, additional reference is made to the Convention relating to the Status of Refugees (1951). The right to education is thus seen as binding under all circumstances and to be protected in all situations, including crises and emergencies resulting from civil strife and war.

...

As part of the general protection of civilian populations in the context of armed conflict, international humanitarian law makes the following provisions for the protection at such times of the right to education:

Education of orphaned or unaccompanied children

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition. [Art. 24, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.]

Education under military occupation

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children. ... Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend. [Art. 50, ibid.]

Education of interned children and young people

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside. [Art. 94, ibid.]

Education of children during non-international armed conflicts

Children shall be provided with the care and aid they require, and in particular: (a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care. " [Art. 4(3)(a), Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.]"

7. Consular Convention between the Russian Federation and Ukraine of 15 January 1993

61. The relevant provisions of the Consular Convention between the Russian Federation and Ukraine of 15 January 1993[5] ("the 1993 Consular Convention") read as follows:

Article 13. Notification of detention, arrest or imprisonment, and visits

"1. The competent authorities of the host State shall immediately, but not later than within three days, notify the relevant consular official of the accredited State about the detention, arrest or any other restriction on the liberty of the national of the accredited State.

At the same time, the competent authorities of the host State shall promptly transmit any communication addressed to the consular post by this person.

2. The competent authorities of the host State shall immediately, but not later than within four days from the moment of detention, arrest or any other restriction of the liberty of a national of the accrediting State, shall ensure the exercise of the right of the consular officer to visit or contact such person, including for the purpose of rendering requisite legal assistance to him/her.

3. The competent authorities of the host State shall notify a national of the accredited State about the provisions of paragraphs 1 and 2 of this Article.

4. The rights referred to in paragraphs 1 and 2 of this Article shall be exercised in accordance with the laws and regulations of the host State, provided, however, that the said laws and regulations do not nullify these rights."

Article 14. Rendering assistance to nationals of the accrediting State

"1. A consular officer shall have the following rights:

1.1. to contact and visit any national of the accredited State who is on the territory of the consular district, and the host State shall not interfere with the relations between the

[5] Ratified by Ukraine on 4 February 1994. Ratified by the Russian Federation on 24 April 1995.

nationals of the accredited State and the consular post or impose restrictions on their access to the consular post;

1.2. to accept for temporary storage property, money, jewellery and documents of any national of the accredited State, if it does not contradict the legislation and regulations of the host State;

1.3. to request the competent authorities of the host State immediately to provide information about any event involving material damage, loss of life, seizure of vehicles, and accidents involving nationals of the accredited State;

1.4. to request assistance from the competent authorities of the host State in the search for missing persons who are nationals of the accredited State.

2. If a national of the accredited State cannot protect their rights and interests in due course in accordance with the laws and rules of the host State, a consular officer may represent him or her before the judicial and other competent authorities of the host State or ensure adequate representation until he or she appoints a representative or is capable of defending his or her rights and interests."

B. United Nations

UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/07, 28 April 2015

62. The Concluding Observations under this head stated, *inter alia*:

"Violations of Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol

The Committee, having due regard for General Assembly resolution 68/262 on the territorial integrity of Ukraine, is concerned about reported violations of the Covenant in the Autonomous Republic of Crimea and the city of Sevastopol, which are under the effective control of the State party, including:

(a) Allegations of serious human rights violations, many of which involve the 'Crimean self-defence' forces, including enforced disappearances, abductions, arbitrary detention, ill-treatment and attacks against journalists;

(b) Alleged violations of freedom of expression and information, including harassment of media, blockage of Ukrainian Internet sites and forced relocation of local Internet sites, and threats and intimidation against journalists;

(c) Limitation of the possibility for Crimean residents to make an informed decision on the free choice of their citizenship owing to the very short period granted to them to refuse Russian citizenship. This disproportionately affected those individuals who could not apply in person at the designated locations to refuse citizenship, in particular persons in places of detention and other closed institutions, such as hospitals and orphanages. It also resulted in serious implications on the ability of Crimean residents who retained Ukrainian nationality to enjoy their rights under the Covenant;

(d) Allegations that Oleg Sentsov has been deprived against his will of his Ukrainian nationality, tried in Moscow as a citizen of the Russian Federation and subject to legal proceedings that fail to meet the requirements of articles 9 and 14 of the Covenant;

(e) Allegations of discrimination and harassment of members of minorities and indigenous peoples, in particular Crimean Tatars, including a ban on entry into the territory of Crimea for five years of some of their leaders: Mustafa Dzhemilev, Ismet Yuksel and Reshat Chubarov;

(f) Reports of violations of freedom of religion and belief on the territory of Crimea, such as intimidation and harassment of religious communities, including attacks on the Ukrainian Orthodox Church, the Greek Catholic Church and the Muslim community (arts. 1, 2, 6, 7, 9, 10, 12–14, 16–19, 21, 22 and 25–27).

The State party should:

(a) Take effective measures to investigate all allegations of serious human rights violations, in particular abductions, enforced disappearances, arbitrary detention and ill-treatment, including those committed by 'Crimean self-defence' forces, and bring perpetrators to justice and provide victims or their families with effective remedies, including appropriate compensation;

(b) Ensure the exercise in practice of freedom of expression and information for all residents of Crimea, including freedom to use the Internet, in accordance with the State party's obligations under the Covenant;

(c) Ensure that appropriate and transparent procedures are in place for Crimean residents to revisit their decision concerning their nationality; consider the possibility of allowing residents to retain their Ukrainian citizenship even if they are interested in a Russian citizenship;

(d) Ensure that Crimean residents who retained their Ukrainian nationality are not discriminated against in any sphere of public life and are granted full access to public services on equal terms;

(e) Respect and ensure the rights of minorities and indigenous peoples, in particular, that Crimean Tatars are not subject to discrimination and harassment, and revisit the legal justification for criminal cases brought against some Crimean Tatar leaders and activists;

(f) Respect and ensure freedom of religion and belief in the territory of Crimea and refrain from any actions that may compromise it, in accordance with the State party's obligations under the Covenant."

C. Council of Europe

1. Convention on the Transfer of Sentenced Persons

63. The Council of Europe Convention on the Transfer of Sentenced Persons (1983, ETS no. 112), which came into force in respect of Ukraine on 1 January 1996 and in respect of the Russian Federation on 1 December 2007, includes the following provisions in particular:

Article 2 – General principles

"1. The Parties undertake to afford each other the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Convention.

2. A person sentenced in the territory of a Party may be transferred to the territory of another Party, in accordance with the provisions of this Convention, in order to serve

the sentence imposed on him. To that end, he may express his interest to the sentencing State or to the administering State in being transferred under this Convention.

3. Transfer may be requested by either the sentencing State or the administering State."

Article 3 – Conditions for transfer

"1. A sentenced person may be transferred under this Convention only on the following conditions:

(a) if that person is a national of the administering State;

(b) if the judgment is final;

(c) if, at the time of receipt of the request for transfer, the sentenced person still has at least six months of the sentence to serve or if the sentence is indeterminate;

(d) if the transfer is consented to by the sentenced person or, where in view of his age or his physical or mental condition one of the two States considers it necessary, by the sentenced person's legal representative;

(e) if the acts or omissions on account of which the sentence has been imposed constitute a criminal offence according to the law of the administering State or would constitute a criminal offence if committed on its territory; and

(f) if the sentencing and administering States agree to the transfer.

2. In exceptional cases, Parties may agree to a transfer even if the time to be served by the sentenced person is less than that specified in paragraph 1.c.

3. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, indicate that it intends to exclude the application of one of the procedures provided in Article 9.1.a and b in its relations with other Parties.

4. Any State may, at any time, by a declaration addressed to the Secretary General of the Council of Europe, define, as far as it is concerned, the term "national" for the purposes of this Convention."

Article 4 – Obligation to furnish information

"1. Any sentenced person to whom this Convention may apply shall be informed by the sentencing State of the substance of this Convention.

2. If the sentenced person has expressed an interest to the sentencing State in being transferred under this Convention, that State shall so inform the administering State as soon as practicable after the judgment becomes final.

3. The information shall include:

(a) the name, date and place of birth of the sentenced person;

(b) his address, if any, in the administering State;

(c) a statement of the facts upon which the sentence was based;

(d) the nature, duration and date of commencement of the sentence.

4. If the sentenced person has expressed his interest to the administering State, the sentencing State shall, on request, communicate to the State the information referred to in paragraph 3 above.

5. The sentenced person shall be informed, in writing, of any action taken by the sentencing State or by the administering State under the preceding paragraphs, as well as of any decision taken by either State on a request for transfer."

Article 5 – Requests and replies

"1. Requests for transfer and replies shall be made in writing.

2. Requests shall be addressed by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State. Replies shall be communicated through the same channels.

3. Any Party may, by a declaration addressed to the Secretary General of the Council of Europe, indicate that it will use other channels of communication.

4. The requested State shall promptly inform the requesting State of its decision whether or not to agree to the requested transfer."

2. Resolutions of the Parliamentary Assembly of the Council of Europe

(a) Resolution 1900 (2012) on the definition of political prisoner, adopted on 3 October 2012

64. Resolution 1900 (2012) reads as follows:

"1. The Parliamentary Assembly recalls that the definition of 'political prisoner' was elaborated within the Council of Europe in 2001 by the independent experts of the Secretary General, mandated to assess cases of alleged political prisoners in Armenia and Azerbaijan in the context of the accession of the two States to the Organisation.

2. The Parliamentary Assembly notes that the criteria put forward by the above-mentioned experts were inspired by, *inter alia*, the specific circumstances of the civil war in Namibia in 1989. They were applied to cases with regard to two countries during their accession to the Council of Europe and have not until now been subject to comprehensive debate or explicit approval by the Parliamentary Assembly.

3. The Assembly reaffirms its support for these criteria, summed up as follows:

'A person deprived of his or her personal liberty is to be regarded as a "political prisoner":

a. if the detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights and its Protocols (ECHR), in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association;

b. if the detention has been imposed for purely political reasons without connection to any offence;

c. if, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of;

d. if, for political motives, he or she is detained in a discriminatory manner as compared to other persons; or,

e. if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities.' (SG/Inf(2001)34, paragraph 10).

4. Those deprived of their personal liberty for terrorist crimes shall not be considered political prisoners if they have been prosecuted and sentenced for such crimes according to national legislation and the European Convention on Human Rights (ETS No. 5).

5. The Assembly invites the competent authorities of all the member States of the Council of Europe to reassess the cases of any alleged political prisoners by application of the above-mentioned criteria and to release or retry any such prisoners as appropriate."

(b) Resolution 2133 (2016) on legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities, adopted on 12 October 2016

65. The relevant parts of Resolution 2133 (2016) read as follows:

"6. Both in Crimea and in the conflict zone in the Donbas region, serious human rights violations have occurred, and are still occurring, as documented by numerous reports from, *inter alia*, the Council of Europe's Commissioner for Human Rights, the United Nations Human Rights Monitoring Mission in Ukraine, the Special Monitoring Mission to Ukraine of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), and leading Ukrainian and international non-governmental human rights organisations. These violations include extrajudicial executions, enforced disappearances, torture and inhuman and degrading treatment, unlawful detentions and disproportionate restrictions on the freedom of expression and freedom of information.

7. Victims of human rights violations have no effective internal legal remedies at their disposal:

...

7.2. As far as the residents of Crimea are concerned, fear of retribution affects the independence of the courts and, in particular, the willingness of the police and the prosecution service to hold to account perpetrators of crimes against perceived or actual Ukrainian loyalists.

...

8. In Crimea, Ukrainians in general, and Crimean Tatars in particular, live in a climate of severe intimidation created by the above-mentioned human rights violations and the fact that they remain largely unpunished. Many were forced to leave Crimea. In parallel, all inhabitants of Crimea have been placed under immense pressure to obtain Russian passports and renounce their Ukrainian nationality in order to have access to health care, housing and other essential services. As a result of the recent decision of the Supreme Court of the Russian Federation on banning the Mejlis and its local branches, the Crimean Tatars have lost their traditional democratic representation. Tatar media and the Tatar's Muslim religious practices were also targeted. The cumulative effect of these repressive measures is a threat to the Tatar community's very existence as a distinct ethnic, cultural and religious group.

...

17. The Assembly therefore urges:

...17.2. the Russian authorities to:

...17.2.7. bring an end to the displacement from the territory of Crimea to the territory of the Russian Federation of people that do not have Russian citizenship – including those sentenced to imprisonment – who have, whatever the circumstances, found themselves under the control of the Russian Federation in Crimea[.]"

(c) Resolution 2198 (2018) on humanitarian consequences of the war in Ukraine, adopted on 23 January 2018

66. The relevant parts of Resolution 2198 (2018) read as follows:

"5. The Assembly expresses its regret that the Russian Federation continues to ignore Resolution 2133 (2016) on legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities and has not implemented any of the requests to the Russian authorities made therein.

...

7. The Assembly strongly condemns the Russian policy of shifting the demographic composition of the population of illegally annexed Crimea by forcing the pro-Ukrainian population and, in particular, the Crimean Tatars to leave their homeland, while at the same time increasing migration of the Russian population to the peninsula, and calls on the Russian Federation to put an end to this repression. The Assembly stresses that this Russian policy should be viewed as a violation of Article 49 of Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, according to which individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motivation."

(d) Resolution 2231 (2018) on Ukrainian citizens detained as political prisoners by the Russian Federation, adopted on 28 June 2018

67. The relevant parts of Resolution 2231 (2018) read as follows:

"3. The Assembly is therefore deeply concerned by reports that as many as 70 or more Ukrainian citizens – widely considered, including by the European Parliament in its resolution of 14 June 2018 on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov, to be political prisoners – are still detained in Crimea or the Russian Federation on politically motivated or fabricated charges. As examples, it considers that the cases of Mr Oleh Sentsov, Mr Volodymyr Balukh and Mr Pavlo Hryb in particular meet the Assembly's definition of political prisoners, as set out in its Resolution 1900 (2012) on the definition of political prisoner.

4. As regards the cases of Mr Sentsov, Mr Balukh and Mr Hryb, the Assembly is alarmed by reports concerning their conditions of detention. There have been allegations of torture and inhuman treatment in the cases of Mr Sentsov and Mr Balukh and denial of access to essential health care for potentially serious medical conditions in the cases of Mr Balukh, who has been on hunger strike since March 2018, and Mr Hryb. Mr Sentsov has also been on hunger strike since May 2018, as a result of which he reportedly now suffers from heart and kidney problems; it has been suggested that he has been force-fed by the Russian authorities, in possible violation of Article 3 of the European Convention on Human Rights (ETS No. 5).

5. The Assembly is also gravely concerned by the detailed reports of ill-treatment and denial of access to health care in other cases of alleged political prisoners."

(e) Resolution 2387 (2021) on human rights violations committed against Crimean Tatars in Crimea, adopted on 23 June 2021

68. The relevant parts of Resolution 2387 (2021) read as follows:

"5. It deplores the fact that many serious violations of the rights of Crimean Tatars, including torture and inhuman or degrading treatment by members of the security forces and law-enforcement officials, continue to be reported. Crimean Tatars continue to be subjected to unjustified legal proceedings and illegal searches, as do lawyers and human rights defenders working to defend the rights of Crimean Tatars. The Assembly deeply regrets the fact that these violations often result from the application in Crimea of Russian legislation, which is contrary to international law.

6. The Assembly strongly condemns the high number of arbitrary arrests and unfounded prosecutions and convictions of Crimean Tatars on false extremism- or terrorism-related charges for political reasons, including alleged affiliation with Muslim groups and opposition to the current regime in Crimea. It is deeply concerned by numerous cases of violations of Crimean Tatars' freedom of religion, including the targeting of specific religious groups allegedly involved with terrorist and extremist organisations in spite of there being no connection to any offence against public order.

7. The Assembly also expresses its concern about the restrictions faced by Crimean Tatars with regard to freedom of expression and peaceful assembly, and freedom of thought, conscience and religion, including the prosecution of individuals for having conducted peaceful single-person protests. It is deeply concerned by the practice of denying entry to Crimea to journalists and banning them from entering the territory of the Russian Federation for long periods, sometimes decades, which not only violates their rights but contributes to the isolation of Crimea and to a lack of independent reporting outside the peninsula about the situation in Crimea.

8. The Assembly regrets that, despite the granting of official status to the Crimean Tatar language, the number of Crimean Tatar children receiving instruction in their language has reportedly not increased, as parents are not encouraged to request it.

9. The Assembly is deeply concerned about the unlawful decisions of the Supreme Court of the Russian Federation on banning the Crimean Tatar Mejlis representative and self-governing body in Crimea, as an extremist organisation, which is contrary to international standards. It calls on the Russian Federation to implement immediately the provisional measures ordered by the International Court of Justice on 19 April 2017.

10. The deterioration of the human rights situation and the pattern of abusive application of Russian legislation create a climate of fear and hostility in Crimea that may affect all those who live there. However, the Assembly observes with regret that Crimean Tatars appear to be under constant pressure and disproportionately affected. Crimean Tatars are thus not only victims of violations of their human rights as such, but also, due to the disproportionate application of abusive measures against them, victims of discrimination.

11. The Assembly is deeply concerned by this situation, which, in its view, gives rise to serious violations of numerous international human rights instruments, including the European Convention on Human Rights (ETS No. 5). It notes in this context that the European Court of Human Rights has declared admissible an interstate case raising many of these issues: *Ukraine v. Russia (re Crimea)* (Application No. 20958/14).

...

13. In view of the above ... the Assembly urges the Russian authorities:

...

13.2. with regard to violations of international humanitarian law in Crimea that have a particular impact on Crimean Tatars, to:

13.2.1. cease applying Russian law in Crimea, including in the fields of terrorism and extremism, and to apply, in accordance with international law, the laws in force in Ukraine;

13.2.2. release any person unlawfully detained or imprisoned due to the abusive application of Russian law in Crimea, including for political reasons, which is contrary to international law;

...

13.2.4. put an end to the transfer of detainees, including Crimean Tatars, from Crimea to the territory of the Russian Federation and to ensure their return to Crimea or mainland Ukraine;

13.3 with regard to allegations of human rights violations committed against Crimean Tatars in Crimea or within the territory of the Russian Federation, to:

13.3.1. conduct without delay an effective investigation within the meaning of the European Convention on Human Rights into each alleged case of killing, abduction, forced disappearance, torture or inhuman or degrading treatment of Crimean Tatars and to apply appropriate sanctions to the perpetrators of any violations found;

13.3.2. take all necessary measures to prevent similar violations in future;

13.3.3. ensure dignified conditions of detention and that all detained persons have access to all the medical care they need;

13.3.4. allow lawyers and other human rights defenders working with Crimean Tatars to carry out their work without hindrance;

13.3.5 put an immediate end to any administrative or judicial harassment of Crimean Tatars and ensure that any search or raid carried out with regard to them is undertaken with full respect for human rights;

13.3.6. ensure full respect for the freedom of religion of Crimean Tatars and cease persecuting them for alleged membership of Muslim groups with no connection to any offence;

13.3.7 annul the decision prohibiting the activities of the Mejlis of the Crimean Tatar people, and allow its leaders Mr Mustafa Dzhemiliev and Mr Refat Chubarov to return to Crimea;

13.3.8 guarantee full respect for the freedoms of expression, association and peaceful assembly of Crimean Tatars;

13.3.9 lift the ban on Crimean Tatars' media outlets and allow these media to operate in compliance with the standards of the European Convention on Human Rights;

133.10. ensure access to teaching in and of the Crimean Tatar language, and work actively to create the conditions enabling Crimean Tatars to express, preserve and develop their identity, in accordance with the standards of the Framework Convention for the Protection of National Minorities (ETS No. 157) and the United Nations Declaration on the Rights of Indigenous Peoples[.]"

(f) Resolution 2446 (2022) on reported cases of political prisoners in the Russian Federation, adopted on 21 June 2022

69. The relevant parts of Resolution 2446 (2022) read as follows:

"1. The Parliamentary Assembly is appalled by the large and growing number of political prisoners in the Russian Federation and the pattern of systematic repression by the current authorities against all opponents.

...

9. The Assembly condemns the introduction of a number of restrictive laws, including the 'foreign agents' law, the law on 'undesirable organisations' and the law on 'extremism' which have contributed to the growing and systematic repression of political opponents, journalists, human rights defenders and civil society activists in the Russian Federation. These repressive laws have all been criticised by different Council of Europe bodies, including the European Commission for Democracy through Law (Venice Commission). Consequently, it should be noted that the increasing scourge of political prisoners is due to structural and systemic causes that have only been exacerbated by the recent actions of the Russian authorities.

10. The Assembly recalls that lists of political prisoners have long been maintained by the Memorial Human Rights Centre, one of the Russian Federation's most respected non-governmental organisations. According to the latest information from Memorial, there are 478 political prisoners in the Russian Federation, including 113 strictly political prisoners and 365 persons imprisoned on religious grounds. Having regard to the strict criteria applied by Memorial, which are based on, but not identical to, the definition in Resolution 1900 (2012), the Assembly considers these lists to be credible and reliable and concludes that the persons featuring on them can be presumed to be political prisoners who should therefore be released.

...

12. The Assembly reiterates its deep concern over the specific situation of Crimean Tatars addressed in Resolution 2387 (2021) 'Human rights violations committed against Crimean Tatars in Crimea', in which, *inter alia*, it called on the Russian authorities to release any person unlawfully detained or imprisoned due to the abusive application of Russian law in Crimea, including for political reasons, and to put an immediate end to any administrative or judicial harassment of Crimean Tatars. It also recalls its Resolution 2231 (2018) 'Ukrainian citizens detained as political prisoners by the Russian Federation', in which it called on the Russian Federation to release without further delay all Ukrainians detained in the Russian Federation and in Crimea on politically motivated or fabricated charges. The repression of Crimean Tatars and Ukrainian citizens following the Russian Federation's illegal annexation of Crimea and its intervention in eastern Ukraine serves as a stark warning of the horrors that await the Ukrainian population."

(g) Resolution 2495 (2023) on deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators, adopted on 27 April 2023

70. The relevant parts of Resolution 2495 (2023) read:

"1. ... The forced displacement of Ukrainian civilians, particularly of children from an early age up to 17 years, to the Russian Federation or within temporarily occupied Ukrainian territories, is an especially serious feature of this aggression.

...

2. ... Such practices are prohibited under international humanitarian, human rights and criminal law and deserve prosecution as war crimes and crimes against humanity. In the case of forcibly transferred children, the crime of genocide has reared its head and must be thoroughly investigated and prosecuted.

...

10. The Assembly underscores that the forcible transfer of children from one group to another group, with the intention to destroy, totally or in part, a national, ethnic, racial or religious group is considered as a crime of genocide under Article 2, paragraph (e), of the Genocide Convention, which matches with the documented evidence of deportation and forcible transfer of Ukrainian children to the Russian Federation or territories temporarily under Russian occupation.

...

14. The Assembly also supports the need for thorough recording, gathering and assessment of evidence of the crime of genocide as provided for by both the Rome Statute and the Genocide Convention. The Assembly supports the investigation and prosecution of the State policy of forcible transfers and deportation of Ukrainian children by the Russian Federation and Ukraine's potential actions before the International Criminal Court and the International Court of Justice."

3. *Declaration of the Committee of Ministers on the effective processing and resolution of cases relating to inter-State disputes adopted on 5 April 2023*

71. The Declaration read as follows:

"The Committee of Ministers,

Recalling the Declaration adopted by the High-Level Conference in Copenhagen on 12 and 13 April 2018, in particular its paragraph 54.c),

Recalling that cases relating to interstate disputes often involve grave and large-scale human rights violations, in many cases to the detriment of vulnerable people,

Deploring the actions of the Russian Federation in various member States that grossly violate human rights and have resulted in numerous interstate and individual applications to the European Court of Human Rights,

Mindful that the utmost importance of cases relating to interstate disputes requires that the European Court of Human Rights, supported by the State Parties and the Council of Europe as a whole, continues to prioritise them and takes the steps necessary to ensure their effective and speedy examination and resolution;

1. Affirms the special character and significant importance of the interstate procedure under Article 33 of the European Convention on Human Rights allowing a State Party to bring before the Court an alleged breach of the Convention, notably to complain about systemic problems and administrative practices in another State Party with a view to vindicating the public order of Europe, within the framework of collective responsibility under the Convention, and to denounce violations by another State Party of the human rights of its nationals or other victims;

...

3. Calls on member States which are parties in interstate proceedings and related individual applications to fully comply with their obligations under Article 38 as interpreted by the Court at all stages of the proceedings;

...."

4. *Human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine. Report of the Secretary General of the Council of Europe (SG/Inf(2023)29), 31 August 2023*

72. The relevant part of this report read as follows:

"...

18. ... The issue of accountability for abuses allegedly committed in 50 documented cases of enforced disappearances in Crimea since March 2014, remain unaddressed and perpetrators are yet to be brought to justice. It is recalled that 11 people remain missing. In one case the victim was subsequently summarily executed. In five cases, the missing persons were found in a detention centre, and 33 others were subsequently released ...

...

22. The Secretariat received numerous serious allegations of torture and ill-treatment in connection with individuals who were unlawfully detained in adjacent regions occupied by the Russian Federation and forcibly transferred to pre-trial detention facilities in Crimea. This includes the case of a Ukrainian woman activist who was unlawfully detained by unknown men in Kherson on 13 May 2022 and was found after several months to be held in a pre-trial detention facility in Crimea. The Ukrainian Parliament Commissioner for Human Rights and human rights defenders raised legitimate concerns that she was tortured while also having been denied a lawyer during the first weeks of confinement...

...

24. Lack of access to adequate medical care in detention reportedly resulted in instances of fatal outcomes for the most vulnerable. On 7 February 2023, it was reported that a Ukrainian citizen from Crimea, who had been convicted on alleged 'illegal espionage charges', died while serving his 12-year sentence in a Russian penal colony in Novotroitsk, in the Orenburg region of the Russian Federation. Although the victim reportedly suffered from cardiovascular disease, it has been claimed that the prison administration removed his medicines following his transfer from Crimea, while vital surgeries of heart and joints were not performed ...

...

29. The Ukrainian authorities and human rights defenders consistently raised the issue of individuals unlawfully detained in the Kherson and Zaporizhzhia regions and forcibly transferred further to Crimea. They reported that at least 110 persons were held in the new pre-trial detention centre in Simferopol as of October 2022, as well as other premises converted into detention facilities ...

30. The occupying authorities reportedly failed to administer justice in an impartial and independent manner. The information received by the Secretariat on several terrorism-related criminal cases revealed similar violations. These included judges' overreliance on testimony of "anonymous witnesses" and security personnel, their validation of coerced self-incriminatory confessions along with eavesdropping and other illicitly obtained evidence, regular dismissals of defence motions, inadequate

reasoning of the final verdict, as well as the delivery of sentences in absentia or after pro-forma hearings ...

...

35. Crimean Tatars continued to face systematic and multiple forms of reprisal. During the reporting period, the Secretariat received information about instances of them being prevented from using their language in public, including in at least one case during court hearings, as well as attempts to prevent them celebrating their national holidays or commemorating the 1944 deportation and its victims. It was reported to the Secretariat that on the eve of the Crimean Tatar National Flag Day, on 26 June 2022, at least 50 activists were issued warnings by the Prosecutor's Office against attending unsanctioned gatherings ...

36. Ordinary members of the community, notably those affiliated to the Mejlis – the main representative body of the Crimean Tatar people – continued to be targeted by regular mass raids and searches of private homes, businesses and places of worship, resulting in unlawful interference with the persons' rights to family life and privacy, along with a high number of prosecutions and excessive sentences in view of the abusive application of anti-terrorist and anti-extremist legislation ...

...

38. ... On 21 September 2022, the Russian-appointed Supreme Court in Crimea sentenced the deputy leader of the Mejlis and member of the Qurultay of the Crimean Tatar People to 17 years imprisonment and a fine of 700 000 Russian roubles on 'sabotage charges'. It is recalled that he remains the highest-ranking member of the Mejlis that lives in Crimea and was detained shortly after his participation in the Summit of the Crimea Platform in 2021 ...

...

40. ... At least 15 people of Crimean Tatar and Ukrainian origin were deprived of liberty during the reporting period on charges related to serving in or financing of an illegal armed unit ...

42. ... access to education in Ukrainian remained severely limited, with only one school in Feodosia formally providing instruction in this language. The Ukrainian authorities estimated that since the start of the occupation, the number of Ukrainian schoolchildren studying in Ukrainian had decreased sixtyfold. According to Ukrainian human rights organisations, the teaching of Ukrainian literature and history will be stopped in school programmes as of 2023 ...

...

44. Pressure on teachers reportedly intensified, including with a view to forcing them to endorse and promote the Russian invasion, while expression of criticism was reportedly followed by retaliation. Among the reported cases, a teacher of the Bilohirsk Technical School in Crimea was sentenced in September 2022 to administrative arrest for playing a Ukrainian military song opposing the full-scale Russian invasion to his students and was subsequently dismissed. In another reported instance, a geography teacher from Dzhankoy, was forced to resign after stating to her students, during a break, that there was no Nazism in Ukraine. The occupying authorities also continued to run programmes facilitating the relocation of teachers from the Russian Federation's regions to teach in the educational institutions of the peninsula.

...

50. The occupying authorities continued to enforce a repressive policy towards Crimean Tatar Muslim individuals whom they continued to portray as violent extremists and terrorists over their alleged involvement in religious political Islamic organisations, notably Hizb ut-Tahrir which is banned in Russia but legal in Ukraine. In 2022, severe prison sentences ranging between 11 and 19 years were meted out to at least 26 individuals while an additional 10 were detained on fresh charges ...

...

53. The activities of Jehovah's Witnesses remained banned pursuant to the Russian Supreme Court's decision of 20 April 2017. Members of this religious community continued to face criminal prosecutions during the period under review. According to Ukrainian human rights organisations, at least 12 Jehovah's Witnesses remained deprived of their liberty by the end of 2022. Six additional individuals were reportedly sentenced to imprisonment on extremism-related charges. The occupying authorities reportedly conducted searches in at least 28 community members' homes in the framework of investigations, resulting in arrests of several individuals. At least 40 individuals were believed to be under ongoing investigations at the time of the report's writing.

...

56. The application of the new legislation was extended to Crimea in violation of international humanitarian law obligations of an occupying power to respect the criminal law of the occupied territory. ... the laws were swiftly and extensively enforced to censor a wide range of expressions of direct and perceived criticism of or disagreement with the war, and in this context to virtually silence any calls for peace by ordinary individuals. Soon after the adoption of the law, an elderly Simferopol resident was fined on 11 March 2022, for discrediting the Russian army after displaying an anti-war message in Ukrainian flag colours at the monument of Ukrainian poet Taras Shevchenko. By 31 January 2023, the OHCHR had documented 210 prosecutions since the introduction of these punishable offences with at least 206 prosecutions resulting in convictions, while observing at the same time a progressive increase in their number during 2022 ...

57. During the reporting period, the Council of Europe's Platform to Promote the Protection of Journalism and the Safety of Journalists continued to receive new alerts relating to criminal proceedings and convictions of journalists in Crimea. As of the end of 2022, the platform counted 14 journalists currently in detention, including one woman. 11 of them are Crimean Tatars ...

58. The occupying authorities continued to prohibit Ukrainian television and radio broadcasting in the peninsula, including by seizing Ukrainian frequencies and assigning them to Russian channels. The Ukrainian authorities reported that 86 Ukrainian media entities continued to function under occupation in Crimea. In the aftermath of the full-scale invasion on 24 February 2022, the media landscape further deteriorated as the Russian Government proceeded to block access to websites of key Ukrainian news outlets, foreign media, as well as a number of Russian outlets purportedly critical of the Government. On 28 February 2022, by the request of the Prosecutor General's Office of the Russian Federation, several news outlets, including Ukrainian media outlets were blocked ...

...

64. ... most of the reported transfers to Crimea have been primarily related to children's expedited placement in recreation camps which engaged in intensive pro-Russian re-education and provided military training. While precise data is lacking,

the occupying authorities in Crimea claimed having received 10 000 children from other occupied territories in 2022. At least seven institutions, with a capacity of hosting 2 000-2 500 children, were identified by a recent independent research study ...

65. ... In one case, 46 children aged from four months to four years from the Kherson Regional Children's Home, were reportedly transferred by Russian forces to Simferopol on 21 October 2022. In a separate case reported by the Ukrainian media, 16 children with disabilities from Oleshky in the Kherson region were taken to a psychiatric hospital in Crimea on 23 October 2022, although their prospective transfer onwards to the Russian Federation was not ruled out at the time.

66. In February 2023, the Council of Europe Commissioner for Human Rights noted that failure to return Ukrainian children to their parents or legal guardians is a clear violation of those children's human rights and the best interest of the child ..."

5. Commissioner for Human Rights of the Council of Europe

(a) Report following the Commissioner's Mission in Kyiv, Moscow and Crimea from 7 to 12 September 2014 ("the 2014 Commissioner's Report")

73. The relevant parts of the 2014 Commissioner's Report read as follows:

"**3.1 Human rights situation in Crimea**

3.1.1 Accountability for serious human rights violations

...

13. ... The circumstances of Mr Ametov's disappearance and death have not been clarified to date. The local prosecutorial authorities informed the Commissioner that the investigation was still ongoing and that 300 expert examinations had been carried out. The Commissioner considers that all relevant video recordings purportedly showing Mr Ametov being taken from the site of the 3 March protest should be subject to an expert analysis. Further, steps should be taken to identify the three men shown in those videos, and to question them.

14. Another case concerned a 16-year old student, Mark Ivanyuk, who died under unclear circumstances on the highway Chernomorskoe-Olenevka on 21 April 2014. While the leadership in the region released information that the death was due to a hit-and-run car accident, certain media reported that the person's mother had alleged police involvement in his death. When the Commissioner raised the case, Ms Poklonskaya indicated that the local prosecutorial authorities were not aware of it.

15. The Commissioner also enquired about the cases of three local civil society activists, Leonid Korzh, Timur Shaimardanov, and Seiran Zinedinov, who went missing at the end of May 2014 (respectively, since 22, 26, and 30 May). Mr Shaimardanov and Mr Zinedinov are included in the publicised list of missing persons ... After the mission, the Commissioner became aware of reports about the abduction by uniformed men of Islyam Dzhepparov and Dzhevdet Islyamov on 27 September 2014 near the Simferopol – Feodosia highway. The men were placed in a minibus and taken in an unknown direction.

...

17. During his meeting with the regional decision-makers, the Commissioner highlighted the need to ensure prompt, effective and adequate investigations into all cases of serious human rights violations, while emphasising that those cases which fall

under Articles 2 and 3 of the European Convention on Human Rights should be treated as a priority. All investigations should be conducted in compliance with the principles established in the case-law of the European Court of Human Rights. One of the most important of these elements is independence: it is a very basic principle that those involved in the operational conduct of an investigation should be independent from those who may be implicated. Furthermore, investigations must be thorough and all reasonable steps must be taken to secure evidence concerning the incidents in question, including identifying and interviewing the alleged suspects and eyewitnesses, and victims (in cases of possible Article 3 violations), seizing instruments or weapons which may have been used in perpetrating the violation, and gathering forensic evidence, including through medical expertise and autopsy where applicable. The investigation must be comprehensive and seek to shed light on all significant events and circumstances related to the case. The investigation must also be conducted in a prompt and reasonably expeditious manner, without unjustifiable delays. In addition, there should be sufficient public scrutiny of the investigation, and in all cases, the victim or the victim's survivor(s) must be involved in the procedure to the extent necessary to safeguard their interest.

18. A person's disappearance is a grave violation of human rights. The deleterious effects of such a tragedy are far-reaching. Disappearances have a profound effect on the whole of society, starting with the individual's close family and friends, all of whom suffer from not knowing and from a sense that their plight is being ignored. This lack of knowledge can cast those concerned in a state of perpetual distress, depriving them of the possibility to lead a normal life. Therefore, the truth should be established and the relatives of the victims must receive a satisfactory and convincing explanation about the fate of their loved ones.

19. The Commissioner noted with concern that at least some of the above-mentioned cases involved activists who – according to various reports – have openly expressed critical views of the events unfolding in the region after February 2014. It is also worrisome that there have been allegations of implication of members of the "self-defence" forces in these violations (cf. the section on "Self-Defence forces"). There is an urgent need to carry out effective investigation into all allegations about abuses by the police and other auxiliary forces that have been operating in the region since February 2014.

3.2 Situation of Minorities

20. The situation of ethnic minorities was the main topic of the previous Commissioner's visit to the region which took place in November 2011, and a follow-up letter to the Prime Minister of the Autonomous Republic of Crimea, Mr Anatolii Mohyliov. Within the framework of the current mission the Commissioner paid particular attention to the situation of the Crimean Tatar community and ethnic Ukrainians residing on the peninsula.

21. The Commissioner received reports about a number of searches - carried out by armed and masked members of the security forces - in Muslim religious institutions, as well as businesses and private homes belonging to members of the Crimean Tatar community. The purpose of those actions was to search for prohibited items, including weapons and 'extremist literature'. By the time of the Commissioner's visit, such searches had been carried out in 8 out of 10 religious schools (madrasas) belonging to the Spiritual Directorate of the Muslims of Crimea (*Dukhovnoe Upravlenie Musulman Kryma*). There were also reports that 'informative talks' had been carried out with scores of persons in order to check whether they adhered to 'undesirable' or 'non-traditional' forms of Islam. The perception among various representatives of the

Crimean Tatar community was that the above-mentioned actions were intrusive and performed with an intent to intimidate them. Moreover, Mr Mustafa Dzhemilev, one of the key leaders of the Crimean Tatar community and former Chairman of the Mejlis, and Refat Chubarov (on 20 August 2014, the President of Ukraine, Mr Petro Poroshenko, signed a decree whereby Mr Dzhemilev was appointed as Commissioner of the President on the Affairs of Crimean Tatars), the current Chairman of the Mejlis have respectively been barred since 22 April and 5 July 2014 from entering the territory of Crimea.

22. During his meeting with the regional leadership on 11 September 2014, the Commissioner expressed the opinion that the above-mentioned searches and checks were disproportionate and excessive, and that care should be taken to avoid any further actions which selectively target members of the Crimean Tatar community in the name of fighting extremism. In response, the authorities indicated that they would engage with representatives of the Crimean Tatar community with a view to resolving the problem. However, on 18 September 2014, after the Commissioner's return from the mission, he was informed that the building of the Crimean Tatar Mejlis in Simferopol - which he had visited - was seized by security forces and that the employees of the organisations located in the building were evicted, reportedly on the basis of a court order.

...

24. ... In the wake of the events of February-March this year, some of them decided to leave the region because they no longer felt secure, while others preferred to refrain from openly stating and/or manifesting their views.

25. The Commissioner took note of the allegations about attempts to gain control over churches owned by the Ukrainian Orthodox Church of the Kyiv Patriarchate and apply pressure upon priests serving in the Crimean diocese. One such incident was reported on 1 June 2014 when uniformed men, said to be Cossacks and members of the 'self-defence' forces, entered a local church in the village of Perevalne proclaiming that they were seizing it with the intention of transferring it to the authority of the Moscow Patriarchate. According to the local head of the Ukrainian Orthodox Church of the Kyiv Patriarchate, archbishop Kliment, six out of fifteen churches belonging to that religious denomination were no longer under the control of the Kyiv Patriarchate. The Commissioner raised the matter with the local leaders and urged them to enter into a dialogue with the representative of that church with a view to resolving the foregoing issues. The Commissioner's interlocutors promised to organise such a meeting.

26. The Commissioner is of the opinion that multiculturalism is a unique feature and asset of this territory and should be nurtured and preserved, including through the media, as well as in schools and public institutions. Despite the changing legal framework, the three languages - Russian, Crimean Tatar and Ukrainian – continue to be used as languages of communication. However, the Commissioner received reports that the use of Ukrainian language in the schools has been diminishing. Apparently, the only Ukrainian-language gymnasium in Simferopol has been transformed into a school where in some classes education will continue to be provided in Ukrainian, while in other classes Russian will become the language of instruction. Whether this was done on the basis of the requests received from the parents of the schoolchildren has been a matter of some dispute. Moreover, whether parents can make language choices free of pressure has also been questioned.

...

3.3 Media Situation

...

30. The Commissioner received information about two main 'waves' of attacks against journalists: in March 2014, around the time of the 'referendum', and in 15-19 May 2014, around the commemoration day of the 1944 deportation of Crimean Tatars (18 May). One case involved a local journalist, Osman Pashaev, who was detained and physically assaulted by members of 'self-defence' forces on 18 May 2014 in Simferopol and subsequently left Crimea. The Commissioner had an opportunity to meet with some of the affected journalists who shared with him their accounts of being intimidated or assaulted by members of the 'self-defence' forces.

...

3.4 Status of 'Self-Defence' Forces (*Samooborona*)

34. The legal status and functions of the Crimean 'Self-Defence' (*Samooborona Kryma*) – auxiliary forces which have been playing a visible role in the events of February-March 2014 and thereafter - were also among the issues raised by the Commissioner with his interlocutors in the region. As was mentioned in previous sections, the Commissioner received numerous reports that ..., on a number of occasions, members of [the Crimean 'Self-Defence' (*Samooborona Kryma*)] have reportedly been implicated in cases of serious human rights violations, including abductions, arbitrary detention, ill-treatment and attacks against journalists. One of the many cases communicated to the Commissioner involved two activists, Andriy Schekun and Anatoly Kovalsky, who were detained and allegedly ill-treated by those forces on 9 March 2014. After spending eleven days detained in an unknown location, they were transferred to the territory under control of the Ukrainian government.

35. ... [The Commissioner] was also informed about their (members of CSDF) alleged involvement in the seizure and 'nationalisation' of private enterprises. One such case occurred during the Commissioner's mission and was effectively acknowledged by the local leadership, who indicated that the interference was made due to unlawful actions by the company in question.

36. In June this year the local legislative body, in an apparently retroactive manner, endorsed a proposal to 'legalise' those forces through an act which provided them with a rather wide range of functions, but included only a limited number of checks and appropriate safeguards. Furthermore, the Commissioner was informed that there were two legislative initiatives – one introduced locally and another one pending in the State Duma – which provides for immunity from prosecution for actions committed by members of those forces after February 2014.

...

3.6 Citizenship-Related Issues

44. During his mission, some of the Commissioner's interlocutors drew his attention to various aspects of the on-going process of issuance of Russian passports (commonly referred to as 'passportisation') and shared their concerns as to how the choices made by various individuals may eventually affect their access to and enjoyment of a number of human rights.

45. The Russian Federation stipulated in its legislation that all permanent residents on the territory of Crimea, unless they explicitly refuse Russian citizenship, will become

citizens of the Russian Federation one month after the date on which, according to the Russian Federation, Crimea was incorporated into its territory ...

46. The Commissioner received several reports suggesting that the wish of the person concerned was not always taken into account throughout the above-mentioned process ... In at least some of these cases there are reasons to believe that the affected persons did not have an effective possibility to exercise their choices (see below). The Commissioner was also made aware of some cases of persons who reportedly wished to acquire Russian citizenship but were not in a position to do so due to certain 'eligibility' criteria (lack of proof of permanent residence has frequently been invoked in such cases).

47. In the Commissioner's view, people should have a choice in matters relating to their citizenship. The consent of the person concerned should be the paramount consideration in this regard, and this consent should be active and clearly stated ...

48. Another issue of concern raised by the Commissioner's interlocutors relates to the effective possibility to express one's wishes. The period granted for initiating a procedure to refuse Russian citizenship was very short (one month, expiring on 18 April 2014). Moreover, instructions from the relevant migration service as to the exact procedure to follow were only available as of 1 April 2014. Furthermore, information about the places where the relevant application should be submitted was only available after 4 April; from 4 to 9 April only two such places, in Sevastopol and in Simferopol, were functioning; as of 10 April, a total of nine localities had been made available. Finally, additional requirements were introduced during the process, such as the necessity to make an application in person, or that both parents were required for the application of a child.

49. Certain persons in closed institutions might have experienced difficulties with expressing their consent. This in particular applies to those imprisoned on remand or serving a sentence, as well as people in other closed institutions (geriatric institutions, hospitals and psychoneurological clinics, orphanages, etc.) ...

50. Persons who find themselves in the situation described above should also have all the necessary information enabling them to make an informed choice. In other words, they should be fully informed and have a clear understanding of all possible legal consequences attached to one option or the other. While individuals who initiated a procedure for refusing Russian citizenship were asked to sign a document stating they were fully aware of the legal consequences of their decision, it would appear that a whole range of important issues related to their future status has not been clarified to date. First and foremost, questions have been raised as to whether these individuals will 'automatically' acquire permanent resident status or not, and to what extent this will affect their social and economic rights, access to employment, and similar issues.

51. For certain groups of individuals – such as civil servants – the decision not to accept Russian citizenship meant the loss of their current employment. The Commissioner also received reports suggesting that public sector employees (e.g. teaching staff in universities and other educational institutions) were also 'advised' to renounce their Ukrainian citizenship.

52. Several of the Commissioner's interlocutors in Kyiv, Moscow and Simferopol drew his attention to the poor conditions of detention in the penitentiary establishments in the region. The local ombudsperson expressed particular concerns over the lack of food and medical supplies and overcrowding in places of detention. The observations and recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its delegation's

visit, *inter alia*, to the temporary detention facilities in Alushta, Simferopol and Yalta and the pre-trial detention establishment (SIZO) in Simferopol remain relevant in this regard.

3.8 Access of International Humanitarian and Human Rights Organisations

53. There appears to be an issue with regard to free and unhindered access of international organisations and missions to the region, including those whose mandate is to provide independent and impartial monitoring of the human rights situation. Some of these obstacles stem from the relevant legislative framework, others from its practical implementation; still others arise from what appears to be an arbitrary or selective application of the rules by the relevant executing bodies. Except for the Council of Europe Commissioner for Human Rights, representatives of other international institutions, including UN OHCHR, have not been able to secure access of their monitors to the region after March 2014.

...

55. During his exchange of views in Moscow with the Deputy Minister of Foreign Affairs, the Commissioner formed the impression that the Russian authorities consider that the access route via Moscow represents the best option under the current circumstances. Apart from the requirement to obtain a Russian visa, the Commissioner does not have information suggesting that the legislation which is effectively (*de facto*) applied in the region imposes any additional or separate rules or procedures on foreign citizens and/or stateless persons wishing to enter the region by land from the north."

(b) "*Crimean Tatars' struggle for human rights*" ("the 2023 Commissioner's Report")

74. The report, published on 18 April 2023, is based on the country work of the Commissioner and her predecessors, including several country visits to Ukraine, of which the most recent one took place in February-March 2023. It further draws on regular exchanges with representatives of Crimean Tatars, including several meetings with the Mejlis of the Crimean Tatar People ("the Mejlis") held in Kyiv in April 2021, May 2022 and March 2023. Of crucial importance in the preparation of the report were meetings held online in 2021 and in 2023 with representatives of Ukrainian and Russian civil society organisations and human rights defenders, as well as with Crimean Tatars, including those based in Crimea, which provided the Commissioner with an opportunity to hear testimonies of victims and direct witnesses of human rights violations. The report reads, in so far as relevant:

"II. Human rights of Crimean Tatars under the jurisdiction of Russian occupying authorities

1. Russian ban of the Mejlis and the persecution of Crimean Tatar leadership

11. In 2016, the Supreme Court of the Russian Federation declared the Mejlis of the Crimean Tatar People – the highest executive body and key traditional structure of the Crimean Tatar people – as an 'extremist organisation' and banned its activities in Crimea in retaliation for opposing Russia's occupation and illegal annexation of the peninsula. The ban remains in place to date, notwithstanding the binding interim order issued in 2017 by the International Court of Justice, which enjoined the Russian

Federation to 'refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis'. Attempts were also made by Russian occupying authorities in Crimea to put in place an alternative Crimean Tatar governance structure, and to sow division within the Crimean Tatars' religious community, especially by targeting mosques and religious schools with police raids or searches, or by imposing unfair administrative penalties on them. It has been reported that some mosques associated with Crimean Tatars were denied permission to re-register under new rules imposed on religious organisations by Russian occupying authorities. Crimean Tatar leaders were persecuted and targeted by spurious criminal charges. As an example, in September 2017 Akhtem Chiygoz and Ilmi Umerov, two deputy chairmen of the Mejlis, were convicted by a Russian court in Crimea and sentenced, respectively, to eight and two years in prison for having organised an anti-Russian demonstration in February 2014; they were later expelled from the peninsula. In June 2021, the chairman of the Mejlis, Refat Chubarov, banned from entering Crimea since 2014, was convicted by a Russian court in Crimea, in absentia, of 'organising a mass riot' in relation to a rally in which he participated prior to Crimea's illegal annexation.

12. The persecution of the Crimean Tatar leadership, aimed at discrediting the legitimate representation of the Crimean Tatar people and hindering the exercise of their civil and political rights, continued after the beginning of Russia's full-scale invasion of Ukraine. In March 2022, a member of Crimean Tatars' highest representative body, the Qurultai, Zair Semedlyayev, was arrested and detained for several days. In April 2022, the Commissioner reacted to the criminal conviction by a Russian court in Crimea, *in absentia*, of Crimean Tatar leader Mustafa Dzhemilev on spurious charges. Mr Dzhemilev had previously – in 2014 – been banned from entering the territory of Crimea until 2034. In September 2022, the Commissioner condemned the criminal conviction on spurious charges of the first deputy chairman of the Mejlis, Nariman Dzhelyal, and two other Crimean Tatars, Asan and Akhtem Akhtemov. Nariman Dzhelyal and his co-defendants were allegedly held in detention incommunicado for almost 24 hours and denied access to a defence lawyer, while two of them have also complained that they were tortured to extract a confession. Mr Dzhelyal was also subjected to involuntary psychiatric evaluation and treatment for one month prior to standing trial, which was perceived by his legal counsel and the Ukrainian authorities as retaliation for his public criticism of the Russian authorities. The three co-defendants were sentenced, respectively, to penalties of imprisonment of 17, 15 and 13 years. The Commissioner called for their exoneration and release. In March 2023, Mustafa Mustafayev, another member of the Qurultai, and his son were arrested and detained in Crimea, drawing a reaction by the Secretary General of the Council of Europe.

2. Misuse of Russian anti-extremism and counterterrorism law

13. The misuse of Russian anti-extremism and counterterrorism criminal legal framework to charge, prosecute and convict Crimean Tatars in Crimea represents another prevalent pattern, as it affects a large number of activists and ordinary Crimean Tatars in the peninsula. In addition to the general issue of extending Russian jurisdiction over Crimea, and Russian laws having been applied retroactively at times, the Commissioner's attention was drawn to a number of human rights issues related to the criminal prosecution of Crimean Tatars and other Muslims on spurious charges, in violation of fair trial guarantees and without effective remedies. This includes, for instance, being prosecuted in connection with their alleged affiliation with organisations deemed by Russian occupying authorities as 'extremist' or 'terrorist', such as Hizb ut-Tahrir, an organisation which is banned in Russia but remains legal under Ukrainian law.

14. While the Commissioner does not endorse the doctrine espoused by Hizb ut-Tahrir, she considers the use of Russian anti-extremism and counterterrorism laws against persons that the Russian authorities deem affiliated with that organisation, and their accompanying harsh treatment, unacceptable and problematic from a human rights point of view. The Commissioner takes note of a consensus among the leading Russian NGOs that the decision taken by the Supreme Court of the Russian Federation in 2003 to declare Hizb ut-Tahrir as a 'terrorist organisation' was unlawful and unjustified as it did not assess any evidence, nor did it provide justification for such a conclusion. As found by the European Court of Human Rights in a 2013 judgment, that decision had been taken in the absence of the public or representatives of the organisation and had not been officially published, leaving the public unaware of the reasons for the ban. The Commissioner was informed that persons concerned who attempted to challenge that decision were unfairly denied standing to do so. It also appears that the practice of the Russian courts, including in Crimea, is to impose penalties of at least 10 years of imprisonment for the simple alleged affiliation with an organisation labelled as 'terrorist', failing regularly to assess whether the person concerned has actually been engaged in any form of violent activity.

15. The Commissioner also received information that many criminal cases concerning Crimean Tatars have been decided either on the basis of testimonies of so-called anonymous witnesses – sources supportive of the indictment whose identity is concealed from the defence – or evidence prepared by experts who cooperate with Russian law enforcement bodies, or incriminating 'extremist literature' and other prohibited items reportedly planted during raids, in violation of the principle of equality of arms and other fair trial guarantees. In many cases, allegations of ill-treatment to extract confessions or accusatory testimonies also remain unaddressed by Russian courts in Crimea. In her statement of November 2021, the Commissioner condemned the lack of fair trial guarantees in criminal proceedings and the severe sentences imposed in this manner, in recent years, on Crimean Tatar activists, including Osman Arifmemetov, Edem Bekirov, Aider Dzhapparov, Timur Ibragimov, Rustem Ismailov, Suleyman Kadyrov, Emir-Usein Kuku, Server Mustafayev, Enver Omerov, Riza Omerov, Erfan Osmanov, Seyran Saliev, Ruslan Suleymanov, and dozens of others. The Commissioner further notes that during hearings, Crimean Tatars were often held in special tempered glass cages, in a manner indicating that they may be dangerous criminals. She points out that defendants should normally not be kept in cages during trials as this measure clearly violates the presumption of innocence.

16. Russia's full-scale invasion of Ukraine in 2022 brought with it generally more repressive and discriminatory attitudes of Russian occupying authorities in Crimea towards Crimean Tatars. Waves of mass arrests, searches and raids of private homes, businesses, and meeting places in Crimea, which disproportionally affected Crimean Tatars in the past, have continued, often accompanied by accusations of 'extremism' or 'terrorism' in the wake of attacks carried out by unidentified persons on military targets in Crimea.

17. In this manner, since February 2022, many Crimean Tatars have been targeted by spurious criminal charges and sentenced to harsh prison terms. Activists and ordinary Crimean Tatars, such as Remzi Bekirov, Riza Izetov, Raim Aivazov, Shaban Umerov, Akim Bekirov, Seitveli Seitabdiyev, Rustem Seitkhalilov, Eskender Suleymanov, Asan Yanikov, Timur Yalkabov, Lenur Seydametov, Emil Ziyadinov, Oleh (Ali) Fedorov, Ernest Ibragimov, Ismet Ibragimov, Azamat Eyupov, and Yashar Shykhametov, were convicted and sentenced to prison terms ranging from 13 to 19 years. In January 2023, a military court in the Russian city of Rostov-on-Don convicted of alleged participation in a 'terrorist' organisation the last five of 25 Crimean Tatar activists in connection with

their activity within Crimean Solidarity, a civil society group connecting Crimean Tatar activists and providing support for the families of detainees. The element of discrimination of Crimean Tatars was evident in the sheer number of criminal prosecutions and convictions. According to the Crimean Tatar Resource Centre, a civil society organisation tracking violations of Crimean Tatars' human rights, as of February 2023 there were at least 98 Crimean Tatars prosecuted and detained for their alleged membership or affiliation with Hizb ut-Tahrir, of which 73 served prison sentences ranging between 10 and 20 years in Russian prisons and colonies. Of the 243 persons imprisoned or criminally prosecuted since the beginning of Crimea's illegal annexation by Russia in 2014, 173 were representatives of the Crimean Tatar people.

18. Since the start of Russia's full-scale invasion of Ukraine, Crimean Tatars have also been detained in other parts of Ukraine occupied by Russian troops, and later transferred to detention facilities in Crimea. Separate zones were reportedly created in 2022 in Crimean detention centres, notably in Simferopol (Aqmescit), to detain ethnic Ukrainians and Crimean Tatars accused by Russia of involvement with 'prohibited organisations'. This was notably the case for persons allegedly affiliated with the 'Noman Çelebicihan Crimean Tatar Volunteer Battalion' – a Ukrainian paramilitary unit named after the early 20th century Crimean Tatar statesman who was executed by the Bolsheviks – which the Supreme Court of the Russian Federation recognised as a 'terrorist organisation' in June 2022. Between early March and early June 2022, Russian forces arrested and transferred to Crimea eight Crimean Tatar residents of Kherson, namely, Nasrullah Seydaliyev, Rustem Gugurik, Arsen Ibragimov, Artur Mametshaiev, Rustem Osmanov, Ruslan Abdurrakhmanov, Aider Umerov, and Mamed Dovgopolov, on suspicion of involvement in the unit. Charged with sabotage, between August and October 2022 several of them, including Osmanov, Abdurrakhmanov, Memetshayev and Gugurik, were sentenced to penalties ranging between five and eight and a half years' imprisonment. The Commissioner was informed that, although dozens of Crimean Tatar names are included on the Ukrainian government's list for negotiations over releases of prisoners of war, the Russian authorities reportedly continue to refuse to agree to the release of Crimean Tatar prisoners.

19. The Commissioner was informed by her interlocutors that arbitrary arrests, unfair criminal convictions, and lengthy prison sentences imposed on many Crimean Tatars have an additional negative impact on their family life by depriving their families of an important source of livelihood. About 220 Crimean Tatar children are currently being raised in families where one parent has been placed in arbitrary detention or imprisoned following an allegedly unfair criminal conviction.

3. The situation of Crimean Tatars in detention

20. In violation of international humanitarian law, Crimean Tatars put in pre-trial detention or sentenced to prison terms in Crimea are routinely transferred to high-security prisons or strict-regime penal colonies in Russia. Unfairly and abusively charged with or convicted of 'extremist' or 'terrorist' activity, many are forced to carry the highly stigmatising label throughout the criminal justice system and within the penitentiary environment, resulting in increased mental anguish and degrading treatment. The Commissioner notes that, according to the United Nations Office of the High Commissioner for Human Rights (OHCHR), many Crimean Tatar detainees of such penitentiary institutions have been subjected to discriminatory practices of being placed in 'special security regimes' applied indefinitely and with no possibility of appeal. They are also more likely to be placed in lengthy solitary confinement or denied phone calls and personal visits.

21. The Commissioner has previously drawn attention to the particular hardships suffered by Crimean Tatar detainees, including those of advanced age or poor health, held in such detention centres in Russia. According to OHCHR, prisoners transferred from Crimea to the Russian Federation complained of various types of inadequate conditions of detention and instances of ill-treatment, including 'poor hygiene and sanitary standards, extremely low quality of food, the unjustified seizure of personal items, including religious books such as the Qur'an, and severe prison overcrowding'. The Commissioner was informed that adequate medical assistance was withheld from some Crimean Tatar detainees as an element of pressure or as punishment. For many Crimean Tatars who have languished in Russian penitentiary centres for many years, their long-term detention without adequate medical care or access to medication has resulted in aggravated health problems, including those connected with serious chronic diseases.

22. Russia's full-scale invasion of Ukraine only worsened the already-deplorable conditions of Crimean Tatar detainees. The Commissioner was provided with a list of 23 Crimean Tatars currently held in detention in Russia despite being affected by serious health problems and disabilities.

...

23. The Commissioner was particularly saddened to learn of the death, on 10 February 2023, of Crimean Tatar activist and member of Crimean Solidarity Dzhemil Gafarov in a detention centre in Novocherkassk, in Russia. Mr Gafarov, who had been convicted on spurious charges and sentenced to 13 years in prison, died after spending more than four years in detention without access to adequate medical care, despite being affected by chronic heart and kidney disease and a heart attack suffered in October 2022.

...

25. If the work of Crimean Tatar lawyers and other lawyers providing legal counsel to Crimean Tatars had often met with obstruction prior to 2022, Russia's full-scale invasion of Ukraine resulted in an aggravation of their already delicate situation. In May 2022, four Crimean Tatar lawyers – Edem Semedlyaev, Nazim Sheikhmambetov, Ayder Azamatov and Emine Avamileva – were arrested and placed in so-called administrative arrest for periods between five and eight days, and fined, in connection with their legitimate activity. Further, in mid-2022, the law licences of Crimean Tatar lawyers Nazim Sheikhmambetov, Rustem Kiamilev and Liliya Gemedzhi were revoked. This effective disbarment further restricts access to legal assistance for Crimean Tatars living in Crimea.

5. Restrictions on freedoms of expression and assembly

26. Since 2014, the Russian occupying authorities have been enforcing Russian legal framework governing public assemblies and freedom of expression in the territory of Crimea, showing little tolerance for demonstrations or any form of criticism, dissent, or opposition towards Russia's illegal annexation of the peninsula. Leaders, activists, and ordinary Crimean Tatars have been among those most affected by the implementation of repressive Russian legal provisions, which have been repeatedly found to be in violation of the European Convention on Human Rights by the European Court of Human Rights, and also criticised by the Commissioner and her predecessor. According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea, since 2014, 234 individuals were prosecuted in occupied Crimea for the alleged violation of public order during mass gatherings, and 205 of them were Crimean Tatars. Authorisation to hold Crimean Tatar assemblies has been frequently denied and Russian occupying authorities have handed activists advance warnings, threatening them with

administrative or criminal prosecution for holding such events. This has often applied to rallies organised to mark key Crimean Tatar commemorations, such as the anniversary of the 1944 deportation of the Crimean Tatar people on 18 May, or the Crimean Tatar Flag Day held on 26 June.

27. ... In May 2021, a court in Crimea fined three Crimean Tatar women for participation in an unauthorised public gathering, although they had staged solitary pickets separately at different times and in different locations.

28. ... In the period between September and November 2021, 116 people participating in Crimean Tatar assemblies were charged with violating health regulations, and 22 of them were placed under so-called administrative arrest or briefly arrested and later released without any charge. The victims and their lawyers believed that the true reason for their arrests was to suppress dissenting views. In October 2021, 21 Crimean Tatars, including civil society activists, lawyers and journalists, were arrested for the simple fact of having gathered in front of a court building in Simferopol (Aqmescit) to express solidarity with friends and relatives being put on trial. In another example, in January 2023, 34 Crimean Tatars were arrested for gathering in front of a local court building where several others were being tried on spurious charges; 28 of them were placed in so-called administrative arrest for up to 15 days.

29. The Commissioner was informed that with the advent of Russia's full-scale invasion of Ukraine, the already very restrictive attitude of Russian occupying authorities in Crimea towards policing Crimean Tatar assemblies has veered towards even tighter control. Sanctions such as short-term arrests and fines have been meted out against Crimean Tatars, often on the spot and without any prior warning. More generally, the exercise of Crimean Tatars' freedom of peaceful assembly is reportedly negatively impacted by an atmosphere of surveillance and harassment. The Commissioner was informed that eavesdropping and covert surveillance have been used increasingly against Crimean Tatars. Russian occupying authorities scrutinise every aspect of Crimean Tatar communal life, such as, for example, songs performed at weddings or festive banners displayed in Crimean Tatar settlements, for hidden meanings. Crimean Tatar human rights defenders and activists reported to the Commissioner that they have either seen or suspected their movements having been monitored by informants, who often surreptitiously attend Crimean Tatar meetings or gatherings.

6. Restrictions on Crimean Tatar media freedom

...

31. Independent journalists reporting on issues relating to Crimean Tatars have been threatened, physically attacked, detained, and investigated for involvement in 'extremist' activities. Several have been denied entry to Crimea and banned from entering the territory of Russia. This was, for instance, the case of Ukrainian journalist Taras Ibrahimov, known for his coverage of cases of Crimean Tatars, who in 2020 was banned from Russia and Crimea for 34 years.

32. Crimea's increasingly restrictive media environment led the Crimean Tatars to rely on citizen journalists and bloggers for accessing and imparting information on human rights violations committed against members of their community. These persons are often ordinary Crimean Tatars who document, record, and share on social media footage evidence of human rights violations, such as arbitrary arrests, police raids and searches of Crimean Tatar homes, or the conduct of criminal trials. However, again, this kind of activity has attracted spurious criminal charges, including related to alleged

'extremism' or 'terrorism', with the most active members of Crimean Solidarity being especially targeted.

33. The Council of Europe Platform to promote the protection of journalism and safety of journalists ('Safety of Journalists Platform') recorded a number of alerts relating to the treatment of journalists and media outlets from Crimea, many of which involve Crimean Tatar citizen journalists and bloggers. One example is that of Nariman Memedeminov, convicted in 2019 of 'membership in a terrorist organisation' and 'making calls for extremist activity' for sharing three video clips on YouTube (two of which pre-dated the 2014 illegal annexation), and sentenced to two and a half years in prison. In March 2019, Crimean Tatar citizen journalists Osman Arifmemetov, Remzi Bekirov, and Rustem Sheikhaliev were arrested, beaten, prosecuted and convicted for allegedly supporting Hizb ut-Tahrir. In 2020 and 2021, Crimean Tatar citizen journalists Seyran Saliev and Amet (Ahmet) Suleymanov were sentenced to, respectively, 16 and 12 years' imprisonment for supposed involvement in Hizb ut-Tahrir. In December 2022, another Crimean Tatar citizen journalist Ernes Ametov was sentenced by a Russian military court to 11 years' imprisonment in a penal colony for alleged terrorism. Other Crimean Tatar citizen journalists, like Dlyaver Ibrahimov, Yusup Useynov, or Kulamet Ibraimov, were repeatedly arrested and placed in so-called administrative arrest in a special detention centre in Yevpatoria (Kezlev) for periods of 12 to 13 days. In March 2022, Crimean Tatar Abdureshit Dzhepparov was detained in this manner for 15 days in connection with a video posted on social media. In addition, new repressive Russian criminal law provisions, passed by the Russian parliament in March 2022, have been used as a basis for tightening censorship through the criminal prosecution of many Crimean Tatar activists and citizen journalists. One detained Crimean Tatar activist, Rolan Osmanov, reported being offered lenient treatment if he agreed to filming a video in support of the Russian army.

34. ... Educational programmes reportedly focus on the history of Russia and on presenting Crimea as a historically Russian region, belying the Crimean Tatars' rich legacy as the peninsula's indigenous people. Overall, there appear to be attempts to imbue schoolchildren with a sense of Russian patriotism and identity, at the expense of their Crimean Tatar affiliation. Importantly, this involves what has been referred to as the militarisation of schools and children in Crimea, with children as young as three years old reported to have participated in military-themed courses or games.

...

37. ... A 2021 UNESCO report found that Russia 'erase[d] traces of the cultural presence of the Crimean Tatars on the peninsula' and that its actions 'weaken[ed] the fundamental role of the indigenous Muslim people in the history of Crimea', providing 'ideological and historical justification for its occupation of the peninsula for its citizens'.

...

40. The forced mobilisation was accompanied by an intense Russian propaganda campaign aimed at setting new lines of division within the community and between Crimean Tatar people on the one hand, and the Ukrainian state on the other. The Commissioner was informed that it has also been accompanied by harassment and threats against many Crimean Tatars, including university professors or businesspeople, with Russian occupying authorities making public video statements of some Crimean Tatars forced to profess support for the Russian military campaign, or forcing individuals to provide funds for the purchase of military equipment. Crimean Tatar activists who refuse to support the Russian aggression are being publicly discredited.

...

2. Accountability for enforced disappearances

44. Among the 50 cases of enforced disappearances which occurred in Crimea since the illegal annexation of the peninsula by Russia in 2014 and have been documented by OHCHR by late June 2022, 13 concerned Crimean Tatars. Crimean Tatar victims included persons linked to the Mejlis or other Crimean Tatar institutions but also ordinary Crimean Tatars without any verified political affiliation. Examples of those disappeared include Reshat Ametov, disappeared in 2014 and later found dead with markings of violence and torture on his body; Timur Shaimardanov and Seiran Zinedinov, who disappeared in May 2014 and remain missing; Islyam Dzhepparov and Dzhevdet Islyamov, disappeared in September 2014; Edem Asanov, disappeared in October 2014 and later found hanged in an abandoned building in Yevpatoria (Kezlev); Eskender Apselyamov, disappeared in October 2014 and never found again; Erwin Ibrahimov, member of the World Congress of Crimean Tatars, who disappeared in 2016 and remains missing; or Renat Paralamov, who disappeared in 2017 and who was kept in incommunicado detention, subjected to ill-treatment, and forced to make self-incriminating statements prior to his eventual release. The majority of enforced disappearances took place in 2014 and alleged perpetrators included agents of the Russian FSB and other Russian occupying authorities.

45. Examples referred to in the preceding paragraph reveal a general pattern of grave violations of human rights. Victims of enforced disappearances in Crimea have reportedly been subjected to torture or ill-treatment, including alleged use of electroshocks, threats of sexual violence, suffocation, and beatings. In some cases, they were kept in incommunicado detention for unrecorded periods of time. Some were subsequently formally arrested and, in several cases, criminally convicted. According to OHCHR and to the Commissioner's knowledge, none of the victims or their relatives have been provided with any form of redress. Generally, there has been a lack of progress in investigations and a comprehensive failure to bring perpetrators to justice. In some cases, Russian occupying authorities have refused to register complaints, while in others the investigation proceedings were later suspended. As of June 2022, OHCHR had recorded 11 persons as still missing.

46. ... According to OHCHR, the risk of enforced disappearance was especially high for men and particularly Crimean Tatars, most exposed to checks by Russian officials during travel from Ukraine's mainland to Crimea. As an example, Crimean Tatar language teacher Appaz Kurtamet from the village of Novooleksiivka in Ukraine's Kherson region disappeared while crossing into Crimea and remained missing until October 2022, when it transpired that he had been detained incommunicado in a pre-trial detention centre in Simferopol ...

Conclusions and recommendations

47. The illegal annexation of Crimea by Russia in 2014 has, once again in the history of Crimean Tatar people, set in motion a tragic cascade of events and measures characterised by the common motif of grave and repeated violations of the human rights of the long-suffering indigeneous people of the peninsula. Numerous patterns of serious violations of human rights, persecution, discrimination, and stigmatisation targeting a significant part of the Crimean Tatar people in Crimea, especially those opposing the illegal annexation or expressing dissent, emerge clearly through consistent testimonies shared with the Commissioner over the years by many Crimean Tatars, human rights organisations, and many other reputable sources. The overwhelming scale and gravity

of the human rights violations that have affected individual Crimean Tatars in the past years have additionally been reinforced by an 'entrenched culture of impunity' for serious human rights violations on the part of the Russian occupying authorities in the peninsula.

48. Many of the acts and measures described above likely reflect a deliberate strategy on the part of the Russian occupying authorities. It is important to mention that the above-mentioned measures overall contribute to an environment which stigmatises Crimean Tatars and sows ethnic division, both against and within the community. In particular, the prevalent conflation of arrests of Crimean Tatar activists with 'extremist' or 'terrorist' activity by pro-Russian propaganda paves the way for the stigmatisation of a significant part of the Crimean Tatar people, antagonising the general population of Crimea against them and creating an anti-Muslim climate.

49. The Commissioner reiterates her call for the persecution of Crimean Tatars to stop. In particular, she condemns the Russian-imposed ban on the Mejlis. The Mejlis is a key traditional and social representative body of the Crimean Tatar people and it should be able to function without any hindrance. She further calls for an immediate end to all arbitrary arrests, harassment, and searches of homes of Crimean Tatar human rights defenders, activists, leaders, and journalists, as well as ordinary members of the group. Recalling that international humanitarian law forbids an occupying power from applying its penal laws on occupied territory, the Commissioner calls for an end to all criminal prosecutions based on misuse of Russian anti-extremism and counterterrorism laws or other similarly spurious charges, imposed on many Crimean Tatar activists in Crimea. All Crimean Tatars who have been convicted or detained in connection with such abusive criminal prosecutions should be released immediately and exonerated. Crimean Tatar victims of human rights violations should receive adequate redress and support.

50. Meanwhile, the Commissioner also calls for the humane treatment of all those held in detention in Crimea and of Crimean detainees held in detention centres in Russia. She recalls that they are entitled, under international law, to food and hygiene which will be sufficient to keep them in good health and to receive the medical attention required by their state of health. International human rights monitoring mechanisms and humanitarian organisations should be afforded safe and unhindered access to all detainees, including Crimean Tatars. Transfers of detainees from Crimea to detention centres in Russia – a practice which is at variance with international humanitarian law – should cease immediately and all persons transferred in this way should be allowed to return to Crimea.

51. All Crimean Tatars should be able to fully make use of their freedom of assembly without fear of reprisals or criminal prosecution. Crimean Tatars, including journalists and media workers, should also enjoy secure conditions enabling them to exercise their freedom of expression without fear and intimidation. All Crimean Tatars should be able to practice their religion in public or private and to receive education in the Crimean Tatar language.

...

55. Relatives of many Crimean Tatars who went missing in the peninsula have been waiting, for many years now, to discover the truth about the fate and whereabouts of their loved ones. The fate and whereabouts of all Crimean Tatars and other persons who have disappeared since Russia's illegal annexation of Crimea in 2014 should be clarified in prompt, effective and adequate investigations, in compliance with the principles established in the case-law of the European Court of Human Rights. All those responsible for cases of enforced disappearances of Crimean Tatars must be brought to

justice, and relatives of the missing persons and their associations should be provided with the necessary support."

6. *European Commission for Democracy Through Law (Venice Commission)*

Opinion no. 660/2011 of 20 June 2012 on the Federal Law on Combating extremist activity of the Russian Federation

75. The relevant parts of Opinion no. 660/2011 read as follows:

"**II. Preliminary remarks**

5. The Federal Law on Extremism (Federal Law No. 114 FZ on Combating Extremist Activity) was originally adopted on 25 July 2002, with the aim of defining extremism and extremist activities and providing the authorities of the Russian Federation, at all levels, with tools for the detection, prevention and suppression of extremist activities. ... The Law is applicable both to organisations - public, religious and other organisations[.]

...

7. The broad interpretation of the notion of 'extremism' by the enforcement authorities, the increasing application of the Law in recent years and the pressure it exerts on various circles within civil society, as well as alleged human rights violations reported in this connection have raised concerns and drawn criticism both in Russia and on the international level.

...

VI. Conclusions

...

74. ... [T]he manner in which this aim is pursued in the Extremism Law is problematic. In the Commission's view, the Extremism Law, on account of its broad and imprecise wording, particularly insofar as the 'basic notions' defined by the Law - such as the definition of 'extremism', 'extremist actions', 'extremist organisations' or 'extremist materials' – are concerned, gives too wide discretion in its interpretation and application, thus leading to arbitrariness.

75. In the view of the Venice Commission, the activities defined by the Law as extremist and enabling the authorities to issue preventive and corrective measures do not all contain an element of violence and are not all defined with sufficient precision to allow an individual to regulate his or her conduct or the activities of an organisation so as to avoid the application of such measures. Where definitions are lacking the necessary precision, a law such as the Extremism Law dealing with very sensitive rights and carrying potential dangers to individuals and NGOs can be interpreted in harmful ways. The assurances of the authorities that the negative effects would be avoided thanks to the guidelines of the Supreme Court, the interpretation of the Russian Institute for Legislation and Comparative Law or good faith are not sufficient to satisfy the relevant international requirements.

76. The specific instruments that the Law provides for in order to counter extremism – the written warnings and notices - and the related punitive measures (liquidation and/or ban on the activities of public religious or other organisations, closure of media

outlets) raise problems in the light of the freedom of association and the freedom of expression as protected by the ECHR and need to be adequately amended.

77. The Venice Commission recalls that it is of crucial importance that, in a law such as the Extremism Law, which has the capacity of imposing severe restrictions on fundamental freedoms, a consistent and proportionate approach that avoids all arbitrariness be taken. As such, the Extremism Law has the capacity of imposing disproportionate restrictions of fundamental rights and freedoms as enshrined in the European Convention on Human Rights (in particular Articles 6, 9, 10 and 11) and infringe the principles of legality, necessity and proportionality. In the light of the above comments, the Venice Commission recommends that this fundamental shortcoming be addressed in relation to each of the definitions and instruments provided by the Law in order to bring them in line with the European Convention on Human Rights."

D. European Union

1. *European Parliament resolution of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea (2017/2596(RSP)) ("EP Resolution of 16 March 2017")*

76. The relevant parts of the Resolution read as follows:

"*The European Parliament*,

...

D. whereas according to human rights organisations and public sources, at least 62 Ukrainian citizens have been illegally prosecuted for political reasons by the Russian law enforcement agencies, 49 of whom are residents of Crimea; whereas the number of Ukrainian political prisoners in Russia increased during 2016, despite the welcomed release of six Ukrainians; whereas, currently, 17 citizens of Ukraine are illegally detained in the Russian Federation and 15 in occupied Crimea; whereas at least one hundred Ukrainians are being held hostage in appalling conditions by the Russia-supported separatist forces in the Donetsk and Luhansk regions of Ukraine;

E. whereas the use of torture and cruel and degrading treatment has been reported in various cases; whereas these allegations have not been appropriately investigated to date; whereas torture has been used to obtain confessions and support false evidence of guilt; whereas Crimean lawyers who provide legal assistance to these people and human rights defenders who report cases of politically motivated enforced disappearance in Crimea, as well as journalists who report on the situation of the Crimean Tatars, have also been targeted;

F. whereas many of the prisoners and detainees have faced harsh and inhumane conditions in prisons, causing physical and psychological risks to their health; whereas there are prisoners who require urgent medical attention and treatment;

G. whereas on 16 December 2016 the United Nations General Assembly (UNGA) defined Russia as an occupying power and condemned the temporary occupation of the territory of Ukraine – The Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and reaffirmed the non-recognition of its annexation;

H. whereas according to Article 70 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 'protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation'; whereas in the UNGA resolution Russia is recognised

as a State which is the Occupying Power, and obligations of the Occupying Power, including the protection of the people and citizens of Crimea, are imposed on it;

I. whereas restrictive Russian legislation regulating political and civil rights has been extended to Crimea, which has resulted in the freedoms of assembly, expression, association, access to information and religion being drastically curtailed, as well as credible reports of intimidation, enforced disappearances and torture;

...

2. Recalls that the human rights situation on the Crimean peninsula has significantly deteriorated, violation of freedom of speech, media abuse and forced imposition of Russian citizenship have become systematic and fundamental human rights and freedoms are not guaranteed in Crimea;

3. Condemns the discriminatory policies imposed by the so-called authorities against, in particular, Crimea's ethnic Tatar minority, the infringement of their property rights, the increasing intimidation of this community and of those that oppose the Russian annexation, and the lack of freedom of expression and association in the peninsula;

4. Calls on Russia to release without further delay all illegally and arbitrarily detained Ukrainian citizens, both in Russia and in the temporarily occupied territories of Ukraine, and to provide for their safe return, including Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksiy Chyrniy, Oleksandr Kostenko, Serhiy Lytvynov, Valentyn Vyhivskyi, Viktor Shur, Andriy Kolomiyets, Ruslan Zeytullayev, Nuri Primov, Rustem Vaitov, Ferat Sayfullayev, Akhtem Chiyhoz, Mustafa Dehermendzhi, Ali Asanov, Inver Bekirov, Muslim Aliyev, Vadim Siruk, Arsen Dzhepparov, Refat Alimov, Zevri Abseitov, Remzi Memetov, Rustem Abiltarov, Enver Mamutov, Artur Panov, Evheniy Panov, Roman Suschenko and Emir-Usein Kuku, human rights defender, and others, and to allow all the above-mentioned people to travel freely, including Mykola Semena, who is being prosecuted for his journalistic work for Radio Free Europe/Radio Liberty;

5. Stresses that the decision of the Russian Federation on 21 March 2014 to annex Crimea remains illegal, and strongly condemns the subsequent decision of the Russian authorities to give all inhabitants of Crimea Russian passports;

6. Reminds the Russian Federation, as an occupying power with effective control over Crimea and bound by international humanitarian law and international human rights law, of its obligation to ensure the protection of human rights in the peninsula and calls on the Russian authorities to grant unimpeded access to Crimea for international institutions and independent experts of the Organisation for Security and Cooperation in Europe (OSCE), the United Nations and the Council of Europe, as well as for any human rights NGOs or news media outlets that wish to visit, assess and report on the situation there; calls on the Ukrainian authorities to simplify the procedure for foreign journalists, human rights defenders and lawyers to be granted access to the peninsula;

7. Considers that the rights of the Crimean Tatars have been gravely violated through the banning of the activities of the Mejlis and strongly reiterates its call for the immediate reversal of the related decision and its effects; deplores the legal persecution and threats of arrest of the Mejlis leaders, such as Mustafa Dzhemilev, a Member of the Ukrainian Verkhovna Rada and a Sakharov Prize nominee, and Refat Chubarov, the Chairman of the Mejlis;

8. Underlines that the Crimean Tatars, as an indigenous people of the peninsula, and their cultural heritage seem to be prime targets for repressions; calls for unrestricted

access to Crimea by international institutions and independent experts from the OSCE, the United Nations and the Council of Europe;

...

10. Expresses strong concern over the many credible reports of cases of disappearances, torture and systematic intimidation of local citizens opposed to the annexation of Crimea, and calls on Russia to immediately cease the practices of persecution, to effectively investigate all cases of human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment of detainees, and to respect the fundamental freedoms of all residents, including the freedoms of expression, religion or belief and association and the right to peaceful assembly; calls for all disappearances and kidnappings during the period of occupation of Crimea to be investigated immediately, including the case of Ervin Ibragimov;

11. Recalls that according to Russian legislation, the jurisdiction of the Russian justice system applies only to crimes committed on the territory of Russia; deplores the fact that Russian law enforcement agencies have initiated several criminal cases regarding acts committed on the territory of Ukraine and Crimea before its annexation;

...

14. Condemns the prevailing practice of transfers of detainees to distant regions of Russia, as this severely hinders their communication with their families and human rights organisations; underlines that this practice is in breach of Russian legislation in force, in particular Article 73 of the Criminal Enforcement Code, according to which sentences should be served in the region in which the convicts reside or in which the court sentence was handed down; denounces the practice of denying consular visits to the people detained and calls on the authorities to unconditionally allow such visits; urges access for the International Committee of the Red Cross (ICRC) to prisons in the occupied territories and the respect of detainees' rights to communicate with their relatives and friends at regular intervals, both by correspondence and by receiving visits;

..."

2. *European Parliament resolution of 5 October 2017 on the cases of Crimean Tatar leaders Akhtem Chiygoz, Ilmi Umerov and the journalist Mykola Semena (2017/2869(RSP)) ("EP Resolution of 5 October 2017")*

77. The relevant parts of the Resolution read as follows:

"The European Parliament,

...

A. whereas numerous credible reports, including the most recent by the United Nations High Commissioner for Human Rights, offer evidence of the increasing abuse of human rights in Crimea affecting representatives of the Crimean Tatars, journalists, media workers, bloggers and ordinary people who speak up against the Russian occupation or simply try to document the atrocities of the *de facto* authorities;

B. whereas the report of the UN Office for Human Rights of 25 September 2017 on the 'Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)' states that 'grave human rights violations,

such as arbitrary arrests and detentions, enforced disappearances, ill-treatment and torture, and at least one extra-judicial execution were documented';

C. whereas Ilmi Umerov, Crimean Tatar Leader and Deputy Chair of the Mejlis, was sentenced to a period of two years in prison for voicing dissent against the illegal annexation of the Crimean peninsula under Article 280.1 of the Russian criminal code on 'public calls to action aimed at violating Russia's territorial integrity';

D. whereas Akhtem Chiygoz, Deputy Chair of the Mejlis, was sentenced to eight years of imprisonment for 'organising mass disturbances' on 26 February 2014;

E. whereas journalist Mykola Semena received a suspended prison sentence for a period of two-and-a-half years and a three-year ban on conducting journalistic work on the basis of Article 280.1 of the Russian criminal code on 'public calls to action aimed at violating Russia's territorial integrity';

F. whereas the recent court rulings prove that the judicial system is being instrumentalised as a political tool to repress those opposed to the Russian annexation of the Crimean peninsula;

G. whereas abductions, enforced disappearances, as well as the use of torture and cruel and degrading treatment in detention facilities, have been reported in various cases; whereas torture has been used to obtain false evidence of guilt; whereas these allegations have not been appropriately investigated to date;

H. whereas in Crimea large-scale expropriation of public and private property has been conducted without compensation or regard for international humanitarian law provisions protecting property from seizure or destruction;

I. whereas the space for civil society to operate in Crimea has been considerably diminished as media outlets have been shut down, disproportionately affecting the Crimean Tatar community, their right to information and their right to maintain their culture and identity;

J. whereas the annexation of Crimea by the Russian Federation is illegal and in violation of international law and European agreements signed by both the Russian Federation and Ukraine, notably the UN Charter, the Helsinki Final Act and the 1994 Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation;

K. whereas throughout the duration of the annexation the Russian Federation is to be held responsible for the protection of the people and citizens of Crimea, through the *de facto* authorities present in the region;

1. Condemns the sentencing of Ilmi Umerov, Crimean Tatar Leader and Deputy Chair of the Mejlis, Akhtem Chiygoz, Deputy Chair of the Mejlis, and journalist Mykola Semena; demands that these convictions be reversed and that Mr Umerov and Mr Chiygoz are immediately and unconditionally released and all charges against Mr Semena are immediately and unconditionally dropped;

2. Strongly condemns the harsh sentences handed out to leaders of the Crimean Tatar community and others opposing the Russian annexation, such as Uzair Abdullaev, Teymur Abdullaev, Zevri Abseutov, Rustem Abiltarov, Muslim Aliyev, Refat Alimov, Ali Asanov, Volodymyr Balukh, Enver Bekirov, Oleksiy Bessarabov, Hlib Shabliy, Oleksiy Chirniy, Mustafa Degermenji, Emil Dzhemadenov, Arsen Dzheparov, Volodymyr Dudka, Pavlo Gryb, Rustem Ismailov, Mykola Karpyuk, Stanislav Klykh, Andriy Kolomiyets, Oleksandr Kolchenko, Oleksandr Kostenko, Emir-Usein Kuku, Sergey Litvinov, Enver Mamutov, Remzi Memethov, Yevhen Panov, Yurii Primov,

Volodymyr Prisich, Ferat Sayfullayev, Eider Saledinov, Oleg Sentsov, Vadym Siruk, Oleksiy Stogniy, Redvan Suleymanov, Roman Sushchenko, Mykola Shiptur, Dmytro Shtyblikov, Viktor Shchur, Rustem Vaitov, Valentyn Vygovsky, Andriy Zakhtey and Ruslan Zeytullaev, following farcical court proceedings and questionable charges; demands the repeal of their court rulings and the immediate release of those detained;

3. Condemns the discriminatory policies imposed by the so-called authorities against, in particular, the indigenous Crimean Tatar community, the infringement of their property rights, the increasing intimidation in political, social and economic life of this community and of all those who oppose the Russian annexation;

4. Considers that the rights of the Crimean Tatars have been gravely violated through the banning of the activities of the Mejlis and declaring it an extremist organisation on 26 April 2016, and through the ban on their leaders re-entering the peninsula; strongly reiterates its call for the immediate reversal of the related decisions and their effects and for compliance with the International Court of Justice Order on provisional measures in proceedings brought by Ukraine against the Russian Federation, issued on 19 April 2017, which concludes that the Russian Federation must 'refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis';

5. Recalls that the reality of repression and the application of legislation on extremism, terrorism and separatism has led to a severe deterioration in the human rights situation on the Crimean peninsula and to the widespread violation of freedom of speech and association, and that forced imposition of Russian citizenship has become systematic and fundamental freedoms are not guaranteed on the Crimean peninsula; demands that discriminatory legislation is revoked and emphasises the urgent need for accountability for human rights violations and abuses in the peninsula;

6. Strongly condemns the prevailing practice of transferring detainees to distant regions of Russia, as this severely hinders their communication with their families and friends and the ability of human rights organisations to monitor their wellbeing; underlines that this practice is in breach of the Russian legislation in force, in particular Article 73 of the Criminal Enforcement Code, according to which sentences should be served in the region in which convicts reside or in which the court sentence was handed down;

...

9. Condemns the repression of independent media outlets representing minority communities and urges the Russian authorities to refrain from placing legal and administrative obstacles to their operation;

...

13. Deplores the plight of Crimean children growing up without their fathers who have been illegally deprived of their liberty as *de facto* political prisoners, including those transferred to distant parts of the Russian Federation; considers this to be a blatant violation of international human rights, children's rights and the international obligations of the Russian Federation, such as the UN Convention on the Rights of the Child; calls on the Russian authorities and the *de facto* Crimean authorities to allow the abovementioned persons regular contact with members of their families, particular the minors;

..."

E. International case-law

1. International Court of Justice

(a) Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (*Ukraine v. Russian Federation*), Preliminary Objections, Judgment, ICJ Reports 2019, p. 558

78. In this judgment, the ICJ, declaring admissible Ukraine's allegations against the Russian Federation of a pattern of discrimination against Crimean Tatars and ethnic Ukrainians in Crimea, noted the following:

> "29. In the present case, the Court notes that Ukraine is not requesting that it rule on issues concerning the Russian Federation's purported 'aggression' or its alleged 'unlawful occupation' of Ukrainian territory. Nor is the Applicant seeking a pronouncement from the Court on the status of Crimea or on any violations of rules of international law other than those contained in the ICSFT [International Convention for the Suppression of the Financing of Terrorism] and CERD [the International Convention on the Elimination of All Forms of Racial Discrimination]. These matters therefore do not constitute the subject-matter of the dispute before the Court.
>
> ...
>
> 88. According to Ukraine, its claims under CERD fall squarely within the definition of 'racial discrimination' under Article 1, paragraph 1, of the Convention. Ukraine alleges that the Russian Federation has implemented a 'policy of discrimination in political and civil affairs' and a 'campaign of cultural erasure' against Crimean Tatars and ethnic Ukrainians in Crimea. The Applicant claims that the Russian Federation has impaired the civil and political rights of the Crimean Tatar and Ukrainian communities in Crimea by a series of targeted murders and acts of torture; forced disappearances and abductions; arbitrary searches and detentions; the imposition of Russian citizenship on the residents of Crimea; and the ban on the *Mejlis*. The Applicant also claims that the Russian Federation has impaired the economic, social and cultural rights of these communities, by imposing restrictions on Crimean Tatar and Ukrainian media outlets; the degradation of their cultural heritage; the suppression of culturally significant gatherings of these communities; and the suppression of minority rights relating to education, and in particular restrictions placed on education in the Crimean Tatar and Ukrainian languages. It is the Applicant's position that these measures were principally aimed against the ethnic groups of Crimean Tatar and Ukrainian communities in Crimea and had the 'purpose and/or effect' of disproportionately affecting these communities less favourably than other ethnic groups in Crimea. Accordingly, Ukraine maintains that these measures amount to racial discrimination within the meaning of Article 1, paragraph 1, of CERD.
>
> ...
>
> 95. At the current stage of the proceedings, the Court only needs to ascertain whether the measures of which Ukraine complains fall within the provisions of the Convention (see paragraph 57 above). In this respect, the Court notes that both Parties agree that Crimean Tatars and ethnic Ukrainians in Crimea constitute ethnic groups protected under CERD.
>
> Moreover, Articles 2, 4, 5, 6 and 7 of the Convention set out specific obligations in relation to the treatment of individuals on the basis of 'race, colour, descent, or national or ethnic origin'. Article 2, paragraph 1, of CERD contains a general obligation to

pursue by all appropriate means a policy of eliminating racial discrimination, and an obligation to engage in no act or practice of racial discrimination against persons, groups of persons or institutions. Article 5 imposes an obligation to prohibit and eliminate racial discrimination, and to guarantee the right of everyone to equality before the law, notably in the enjoyment of rights mentioned therein, including political, civil, economic, social and cultural rights.

96. The Court, taking into account the broadly formulated rights and obligations contained in the Convention, including the obligations under Article 2, paragraph 1, and the non-exhaustive list of rights in Article 5, considers that the measures of which Ukraine complains (see paragraph 88 above) are capable of having an adverse effect on the enjoyment of certain rights protected under CERD. These measures thus fall within the provisions of the Convention.

97. Consequently, the Court concludes that the claims of Ukraine fall within the provisions of CERD.

...

130. The Court notes that, according to Ukraine, the Russian Federation has engaged in a sustained campaign of racial discrimination, carried out through acts repeated over an appreciable period of time starting in 2014, against the Crimean Tatar and Ukrainian communities in Crimea. The Court also notes that the individual instances to which Ukraine refers in its submissions emerge as illustrations of the acts by which the Russian Federation has allegedly engaged in a campaign of racial discrimination. It follows, in the view of the Court, that, in filing its Application under Article 22 of CERD, Ukraine does not adopt the cause of one or more of its nationals, but challenges, on the basis of CERD, the alleged pattern of conduct of the Russian Federation with regard to the treatment of the Crimean Tatar and Ukrainian communities in Crimea. In view of the above, the Court concludes that the rule of exhaustion of local remedies does not apply in the circumstances of the present case.

...

134. For these reasons,

THE COURT,

(4) Unanimously,

Rejects the preliminary objection raised by the Russian Federation to the admissibility of the Application of Ukraine in relation to the claims under the International Convention on the Elimination of All Forms of Racial Discrimination[.]"

(b) Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (*Ukraine v. Russian Federation*), Provisional Measures, Order of 19 April 2017, ICJ Reports 2017, p. 104

79. The relevant parts of the ICJ order of 19 April 2017 read:

"7. With respect to CERD, ... Ukraine asked the Court to indicate the following provisional measures:

(b) The Russian Federation shall refrain from any act of racial discrimination against persons, groups of persons, or institutions in the territory under its effective control, including the Crimean peninsula.

(c) The Russian Federation shall cease and desist from acts of political and cultural suppression against the Crimean Tatar people, including suspending the decree banning the *Mejlis* of the Crimean Tatar People and refraining from enforcement of this decree and any similar measures, while this case is pending.

...

102. Reminding the Russian Federation of its duty to comply with its obligations under CERD, the Court considers that, with regard to the situation in Crimea, the Russian Federation must refrain, pending the final decision in the case, from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*.

...

106. For these reasons,

The Court,

Indicates the following provisional measures:

...

(a) By thirteen votes to three,

Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*[.]"

(c) Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (*Ukraine v. Russian Federation*), Judgment of 31 January 2024, Reports

80. The ICJ clarified, in the light of the evolution of the situation which was "very different today than it was when Ukraine submitted its application in January 2017", that Ukraine was not requesting that it rule on issues concerning the Russian Federation's alleged "aggression" or its alleged "unlawful occupation" of Ukrainian territory, nor was Ukraine seeking a pronouncement of the ICJ on the status of the Crimean Peninsula under international law.

81. The ICJ first found that the Russian Federation, by failing to take measures to investigate facts contained in information received from Ukraine regarding persons who had allegedly committed an offence set forth in Article 2 of ICSFT, had violated its obligation under Article 9, paragraph 1, of the ICSFT. The ICJ further rejected all other submissions made by Ukraine with respect to that international Convention.

82. Next, the ICJ examined the legal aspects deriving from the application of the CERD, and explained the nature and the scope of the case before it in these terms:

"161. ... In order to arrive at the conclusion that a pattern of racial discrimination has occurred, the Court must be satisfied, first, that a significant number of individual acts of racial discrimination within the meaning of Article 1, paragraph 1, of CERD have taken place, and, secondly, that these acts together constitute a pattern of racial discrimination."

83. As regards the burden and standard of proof, the ICJ stated that it needed "convincing evidence" and considered that racial discrimination could be proved by statistical evidence "that [wa]s reliable and significant" as well as other methods of "reliable proof" such as reports from official or independent bodies, witness statements, and, to a certain extent, press articles and extracts from publications.

84. The ICJ defined the notion of "racial discrimination" in these terms:

> "195. 'Racial discrimination' under Article 1, paragraph 1, of CERD thus consists of two elements. First, a 'distinction, exclusion, restriction or preference' must be 'based on' one of the prohibited grounds, namely, 'race, colour, descent, or national or ethnic origin'. Secondly, such a differentiation of treatment must have the 'purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights'.
>
> 196. Any measure whose purpose is a differentiation of treatment based on a prohibited ground under Article 1, paragraph 1, constitutes an act of racial discrimination under the Convention. A measure whose stated purpose is unrelated to the prohibited grounds contained in Article 1, paragraph 1, does not constitute, in and of itself, racial discrimination by virtue of the fact that it is applied to a group or to a person of a certain race, colour, descent, or national or ethnic origin. However, racial discrimination may result from a measure which is neutral on its face, but whose effects show that it is 'based on' a prohibited ground. This is the case where convincing evidence demonstrates that a measure, despite being apparently neutral, produces a disparate adverse effect on the rights of a person or a group distinguished by race, colour, descent, or national or ethnic origin, unless such an effect can be explained in a way that does not relate to the prohibited grounds in Article 1, paragraph 1. ..."

85. The ICJ further noted that the Parties agreed that Crimean Tatars and ethnic Ukrainians constituted ethnic groups protected under the CERD and proceeded to examine the concrete allegations made by Ukraine under Articles 2 and 4 to 7 of CERD. These allegations referred to the following situations:

1. disappearances, murders, abductions and torture of Crimean Tatars and ethnic Ukrainians;
2. law-enforcement measures taken against persons of Crimean Tatar origin, or against the Mejlis, including searches, detentions and prosecutions;
3. ban on the Mejlis;
4. measures relating to citizenship;
5. measures relating to culturally significant gatherings;
6. measures relating to media outlets;
7. measures relating to cultural heritage and cultural institutions; and
8. measures relating to the access to education in the Ukrainian language and in the Crimean Tatar language.

86. The ICJ declared that the Russian Federation had violated its obligations under Article 2, paragraph 1 (a), and Article 5 (e) of the CERD with regard to access to education in the Ukrainian language in Crimea. The ICJ observed that the Parties had agreed that there had been a steep decline

in the number of students receiving their school education in Ukrainian between 2014 and 2016 and took the view that the explanations for this decline put forward by the Russian Federation, which exercised full control over the public school system in Crimea, were not fully convincing. The ICJ further found that the Russian Federation had applied a practice intended to lead to a structural change in the educational system in favour of the Russian language and that such conduct constituted a pattern of racial discrimination.

87. On the other hand, the ICJ was not convinced, on the evidence before it, that the incidents regarding school education in the Crimean Tatar language constituted a pattern of racial discrimination. The ICJ considered that the allegations made by Ukraine concerned the quality of the education available in that language, rather than its actual availability or a significant change in the number of students. In that connection, the ICJ noted with concern some incidents, such as the use in schools of a textbook which referred to the history of the Crimean Tatar community in a discriminatory manner or the statements made by some teachers justifying the deportation of Crimean Tatars in 1944. However, the ICJ held that the evidence before it did not demonstrate that the Russian Federation had failed to take immediate and effective measures to prevent incidents such as those alleged by Ukraine.

88. The ICJ rejected all the other submissions made by Ukraine with respect to the CERD. From the evidence put forward by the Parties, the ICJ found that it had not been established that the Russian Federation had violated its respective obligations under the CERD. More particularly, the ICJ established that, although the occurrence of several incidents had not been disputed by the Parties, such occurrences had not been racially motivated in the sense of the CERD.

89. With regard more specifically to the allegations of disappearances, murders, abductions and torture of Crimean Tatars and ethnic Ukrainians, the ICJ found that the Parties had agreed that several incidents of physical violence had occurred in Crimea since early March 2014. These incidents included, among others, the murder of Reshat Ametov in March 2014, the disappearances of Timur Shaimardanov and Seiran Zinedinov in May 2014, and the disappearance of Ervin Ibragimov in May 2016 as well as other instances of enforced disappearances and physical violence. However, the ICJ was not convinced by the evidence placed before it that Crimean Tatars and ethnic Ukrainians had been subjected to acts of physical violence based on their ethnic origin. Rather, the ICJ found that the reports of intergovernmental organisations and other publications indicated that the victims had been attacked for their political and ideological positions, in particular for their opposition to the March 2014 referendum and their support for the Ukrainian Government. The ICJ reiterated that a political identity or position was not a relevant factor for the determination of the "ethnic origin" in the sense of the CERD. Therefore, the ICJ did not find it necessary to examine whether the acts in question were attributable to the Russian

Federation, or to determine the precise date on which the Russian Federation had started to exercise territorial control over Crimea. With regard to the obligation, stemming from Article 6 of the CERD, to investigate the alleged occurrences of physical violence, the ICJ held that Ukraine had not demonstrated that, at the relevant time, reasonable grounds to suspect that racial discrimination had taken place had existed which should have prompted the Russian authorities to investigate.

90. Also, the ICJ noted that the Russian Federation did not contest the occurrence of measures taken against the Mejlis prior to its ban and against Crimean Tatar leaders. However, the ICJ considered that the context in which the measures had been taken indicated that they had been in response to the political opposition that these persons and institutions had displayed against the exercise of territorial control by the Russian Federation in Crimea and had not, as such, been based on the ethnic origin of the targeted persons. With regard to the actual ban on the Mejlis, the ICJ indicated, based on the evidence before it, that that measure had been decided on account of the political activities carried out by some of its leaders in opposition to the Russian Federation, rather than on grounds of their ethnic origin.

91. Finally, the ICJ found that "the Russian Federation, by maintaining the ban on the Mejlis, has violated the Order indicating provisional measures the Russian Federation" (see paragraph 79 above). The ICJ specifically referred to the failure of the Russian Federation to uphold the obligation to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis. Also, the ICJ found that the Russian Federation had violated its obligation under the 2017 Order to refrain from any action that might aggravate or extend the dispute before it or make it more difficult to resolve.

2. The Permanent Court of Arbitration

***Oschadbank v. Russian Federation,* PCA case no. 2016-14, Award of the Permanent Court of Arbitration of 26 November 2018**

92. The relevant parts of this decision state:

"1. Regulatory framework for Ukrainian banks introduced by the Respondent in the Crimean Peninsula

...

69. On 2 April 2014, the Respondent enacted the federal law 'on Peculiarities of Functioning of Financial System of the Republic of Crimea and the Federal City of Sevastopol within the Transitional Period' (the 'Crimean Financial System Law'). *Inter alia*, this law required Ukrainian banks operating in the Crimean Peninsula during the Transitional Period to: (i) provide services in Russian rubles ('RUB'); (ii) provide the Bank of Russia with a register of their obligations towards creditors and depositors upon request within 15 calendar days; and (iii) provide the Bank of Russia with financial reports and information regarding their registration, ownership structure and

management. If a Ukrainian bank failed to comply with these requirements, the Bank of Russia was empowered to terminate the operations of its noncomplying branches in the Crimean Peninsula. The Bank of Russia was also empowered to terminate the operations of a Ukrainian bank's branch if that branch failed to perform its obligations towards its creditors or depositors within one or more days of the day when such obligations should have been performed.

…

VIII. Decision on Liability

…

Lawfulness of the expropriation

...

294. Central to the Claimant's contention, the Respondent 'promptly set the scheme of expulsion of the Ukrainian banks from Crimea, which was utilized to take over the Claimant's investments in Crimea'. The Claimant suggests that the Respondent formalized such a scheme through the adoption of a package of federal laws including the Federal Law on the Crimean Financial System Law (or Federal Law No. 37), the Federal Law on Crimean Depositor Protection (or Federal Law No. 39) and the issuance of Order No. OD-561 of the Russian Central Bank. The combined effect provided a platform for the Bank of Russia to terminate immediately the activities of the Claimant in the Crimean Peninsula under Article 7(2) of Federal Law No. 37 if the Claimant failed to perform obligations towards creditors or depositors within one or more days of the date such obligations were due; or failed to comply with the requirements provided in Federal Law No. 37.

...

314. Putting aside the question of the adequacy of compensation, in the present case, the Claimant has recorded that, to date, the Respondent 'procures continuing losses to the Claimant and has not provided any compensation'. The Tribunal has received no evidence suggesting otherwise and it finds that no compensation has been paid to the Claimant.

...

317. The Tribunal finds that the legal framework established by the Respondent for the Bank of Russia's decision on termination of activities of the Ukrainian banks did not even attempt to provide any meaningful assessment process nor any practical means for the Ukrainian banks to defend themselves. For example, Federal Law No. 37 did not provide an opportunity for the Claimant to present its case or to be heard in relation to alleged breaches of the regulations. ...

320. Additionally, the Tribunal finds that the Crimean Financial System Law was also discriminatory, in that it imposed more onerous obligations and requirements on the Claimant than on Russian banks. The Tribunal wishes to emphasize, in particular, the striking difference in treatment between the Respondent's banks and Ukrainian banks in relation to the compliance and enforcement of banking legislation. Banks which had licenses from the Bank of Russia were 'subjected to relaxed banking supervision' under the Federal Law on Banks and Banking Activity.

...

XI. Dispositif

...

2. The Respondent has breached the Treaty of 27 November 1998, namely the Agreement between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on the Encouragement and Mutual Protection of Investments, and in particular Article 5(1) (Expropriation) of the Treaty in engaging in the unlawful expropriation of the Claimant's investments in the Crimean Peninsula[.]"

F. Monitoring and observer missions set up by intergovernmental organisations

1. The Secretary General of the United Nations

(a) Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, Report of 2 August 2019 (A/74/276)

93. The first report by the Secretary General, covering the period from January 2014 to 30 June 2019, read in so far as relevant:

"2. The report is based on the information collected by the Office of the United Nations High Commissioner for Human Rights (OHCHR)...

3. The present report provides information on the progress made in the implementation of resolution 73/263 up to 30 June 2019.

...

B. Administration of justice and fair trial rights

...

14. OHCHR notes that defence lawyers in cases of alleged extremism and terrorism reported numerous violations of fair trial rights. OHCHR also notes that, in some cases, authorities of the Russian Federation in Crimea exerted pressure on defendants to coerce them to waive their privately hired lawyers in exchange for a lenient sentence or release from custody.

...

C. Rights to life, liberty and security

...

18. OHCHR documented numerous accounts of arbitrary arrests, usually preceded by house raids and searches conducted by police and FSB. From 1 January 2017 to 30 June 2019, OHCHR recorded 186 searches, 140 of which concerned homes, private businesses or meeting places of Crimean Tatars. In some of these cases, individuals were reportedly detained without formal charges being brought against them or respecting procedural guarantees. In nearly all cases of arbitrary arrest documented by OHCHR, "authorities" in Crimea and the Crimean self-defence allegedly resorted to torture, ill-treatment and the extraction of false confessions.

D. Right to physical and mental integrity

...

20. OHCHR received information alleging torture and ill-treatment of individuals deprived of their liberty before and after their admission in places of detention in Crimea. The majority of victims were men. According to OHCHR, such individuals were usually charged with extremism, affiliation with groups banned in the Russian Federation, sabotage or 'anti-Russian' activities.

21. In nearly all accounts received by OHCHR, torture was used to obtain a confession of the victim's engagement or plans to engage in unlawful activities, or to elicit incriminating information regarding other individuals. In those reports verified by OHCHR, perpetrators resorted to various forms of torture and ill-treatment, including mock executions, beatings and electric shocks, as well as sexual violence.

22. OHCHR does not have access to official information on criminal investigations and prosecutions against members of FSB, the "police force" in Crimea or the Crimean self-defence believed to have been involved in cases of torture or ill-treatment in Crimea. Based on the information received by OHCHR, it appears that criminal investigations have not been launched systematically even in cases where victims made credible complaints of torture or ill-treatment supported by medical evidence or personal details regarding the alleged perpetrators. While OHCHR is aware of some cases in which investigations were initiated, no alleged perpetrators have been brought to justice.

E. Rights of detainees

23. The Russian Federation considers that, pursuant to the application of the laws of the Russian Federation in Crimea, four Ukrainian penal institutions located in Crimea have been "integrated" into the penitentiary system of the Russian Federation. According to OHCHR, this has affected pre-conflict prisoners in Crimea, some of whom have been transferred to penal colonies in the Russian Federation. OHCHR also verified cases of detainees remaining in Crimea who faced inhuman conditions of detention, ill-treatment and inadequate medical assistance.

24. The number of detainees in Crimea dropped to 2,575 in 2018 from 3,295 in 2014. OHCHR collected first-hand information suggesting that the vast majority of the prison population in Crimea was automatically considered by the "authorities" in Crimea as citizens of the Russian Federation. According to statistics of the Russian Federation, 18 prisoners have managed to comply with a formal opt-out procedure rejecting its citizenship.

1. Detainees in Crimea

25. According to international human rights law, all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and should be held in places which meet the international standards for material conditions of detention.

26. OHCHR received complaints from some former detainees alleging detention conditions which could potentially amount to inhuman or degrading treatment. The only pretrial detention facility in Crimea is reportedly severely overcrowded. In 2018, pretrial detention centre No. 1 in Simferopol had an average of 1,349 inmates compared with a capacity of 747. Similar levels of overcrowding were reportedly observed in previous years.

27. OHCHR also received information alleging that prisoners had not received adequate medical assistance. In the majority of documented cases, prison officials are alleged to have either ignored the health needs of detainees or not provided effective medical assistance. OHCHR noted that the Russian Federation had previously acknowledged 'enormous problems' in diagnosing medical problems and providing medical assistance in detention. OHCHR notes that, according to information publicly available but not independently verified, during the past two years, 27 individuals are thought to have died in places of detention in Crimea.

2. Detainees transferred from Crimea to the Russian Federation

...

29. OHCHR obtained and verified information concerning the transfer of prisoners from Crimea to penitentiary institutions across the Russian Federation to face trial or serve prison sentences, including in Rostov-on-Don, Novorossiysk, Volgograd, Bataysk, Tambov, Kirovo-Chepetsk, Nizhny Novgorod and Vladimir. Some detainees were reportedly placed in remote prisons, which can negatively impact the frequency of visits by lawyers and family members.

30. In several cases verified by OHCHR, requests from detainees to meet with Ukrainian consular officers were rejected, on the basis that their 'Russian citizenship' prevailed under the law of the Russian Federation. OHCHR received accounts of alleged intimidation, harassment and inadequate medical assistance being provided to prisoners transferred from Crimea to the Russian Federation. OHCHR has verified that, since 2014, 12 pre-conflict Ukrainian detainees (11 men and 1 woman) previously transferred to the Russian Federation have returned to Ukraine as a result of cooperation between the ombudspersons of the Russian Federation and Ukraine. Despite repeated calls from OHCHR, the Russian Federation has not publicly disclosed the number of detainees transferred from Crimea to the Russian Federation.

...

G. Freedoms of opinion and expression

...

37. OHCHR received information alleging that the 'authorities' in Crimea applied legislation of the Russian Federation arbitrarily and sometimes selectively brought criminal and administrative charges in ways that undermine freedom of expression in Crimea. OHCHR documented cases of individuals sanctioned and even detained for expressing dissenting views towards authorities of the Russian Federation online, criticizing the occupation of Crimea or distributing content and literature deemed 'extremist', including on social networks."

(b) Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, Report of 1 September 2020 (A/75/334)

94. The relevant parts of the Secretary General's report, covering the period from 1 July 2019 to 30 June 2020, read as follows:

"2. The report is the third report of the Secretary-General on the human rights situation in Crimea. The first report (A/74/276), submitted at the seventy-fourth session of the General Assembly, covered the period from January 2014 to 30 June 2019. The second report (A/HRC/44/21), which was an interim report, was submitted at the forty-fourth session of the Human Rights Council and covered the period from 1 July

to 31 December 2019. The present and final report, submitted at the seventy-fifth session of the Assembly, covers the period from 1 July 2019 to 30 June 2020.

...

[5. T]o date, OHCHR has not been able to find appropriate modalities to conduct a mission to Crimea in line with General Assembly resolution 74/168. The present report is therefore based on information collected through remote monitoring conducted by OHCHR through the human rights monitoring mission in Ukraine. The mission has worked in Ukraine and monitored the situation in Crimea remotely on a continuous basis since March 2014. The report is primarily based on direct interviews with victims of alleged human rights violations and abuses in Crimea. The mission verifies allegations by interviewing other stakeholders (including relatives of victims, witnesses, and lawyers), collecting documents, meeting officials of the Government of Ukraine and civil society representatives, and analysing court registries of the Russian Federation. It analyses legislation from Ukraine and the Russian Federation that has an impact on the enjoyment of human rights in Crimea. It also conducts regular monitoring at the Administrative Boundary Line between Crimea and other parts of Ukraine.

6. Unless otherwise specified, the information in the present report was documented and verified by the mission, according to OHCHR methodology.

...

A. Administration of justice and fair trials

...

9. According to the legal regime applied by the Russian Federation, cases involving allegations of membership of civilians in banned religious groups, espionage and subversive activities in Crimea are typically assigned to military courts in the Russian Federation. Contrary to international human rights standards, such trials are held without justification of the necessity of trying this category of civilians in military courts. As at 30 June 2020, OHCHR had documented the convictions of 26 Ukrainian citizens (25 men and one woman) from Crimea by military courts in the Russian Federation since the beginning of the temporary occupation, and trials in military courts against 18 other Ukrainian citizens from Crimea were ongoing.

10. OHCHR received information indicating that such trials in military courts might not meet the fair trial standards and the guarantee of impartiality established under international human rights law. OHCHR also received credible allegations from lawyers that judges of military courts often favoured prosecutors when assessing defence motions, oral statements or evidence. According to the Special Rapporteur on the independence of judges and lawyers, using military courts to try civilians in the name of national security or counter-terrorism is ‘a common practice’ that runs counter to all international standards (A/68/285, paras. 14 and 46).

11. OHCHR continued to document a trend, in high-profile cases, of restrictions to the right to a public hearing by excluding the family of the accused, the public and media from the courtroom on questionable grounds (A/HRC/44/21, para. 9). OHCHR documented seven cases (concerning 16 men) involving charges of membership in religious groups banned by the Russian Federation, espionage and subversive activities, where court hearings were held in camera.

12. In at least five of the seven cases, courts delivered guilty verdicts in circumstances that raised concerns as to the right to a fair hearing by an impartial tribunal. In line with the previously documented pattern in Hizb ut-Tahrir cases, judges continued to find

defendants guilty almost exclusively on the basis of the testimonies of anonymous witnesses, pretrial written testimonies, and reports of linguistic or theological prosecution experts who had examined the content of defendants' private conversations or video materials. In four cases, judges dismissed without sufficient justification alternative expert reports provided by the defence.

13. Free legal assistance was limited to defendants in criminal cases and was often ineffective. OHCHR documented four criminal cases where the appointed State legal aid lawyers failed to provide effective representation, sometimes acting contrary to their clients' interests. In particular, lawyers failed to raise basic due process violations, ignored defendants' complaints of torture, objected to their clients' motions during trial, and failed to take any action while present during ill-treatment of their clients by the Federal Security Service of the Russian Federation.

...

B. Rights to life, physical and mental integrity, liberty and security

...

17. OHCHR documented seven cases (involving seven men) of the Federal Security Service and other law enforcement agencies allegedly torturing or ill-treating Crimean residents following their arrests on charges associated with the possession of firearms or explosives, espionage, sabotage or terrorism. Five victims informed OHCHR that Federal Security Service officers used torture and ill-treatment to obtain confessions or incriminating testimony against others. Consistent with previously established patterns (A/74/276, para. 21), torture methods included mock executions, beatings, electric shocks and sexual violence.

18. The alleged perpetrators of torture and ill-treatment have not been brought to account. Five of the victims reported torture or ill-treatment to Russian law enforcement agencies or courts. When investigations were initiated, they were usually conducted in the form of 'inquiries'. The European Court of Human Rights has previously found that such inquiries fall short of what is required for an effective remedy. Investigations were further undermined by the lack of documentation provided by medical personnel, who, in some cases, refused to document the victims' injuries (A/HRC/44/21, para. 15). When victims made complaints of torture or ill-treatment during trials, judges either ignored them, referring to the formal results of 'pre-investigative inquiries', or dismissed them as unsubstantiated, leaving victims with no effective remedy.

19. OHCHR documented the arbitrary arrests of 11 men in Crimea. All were arrested on suspicion of terrorism or participation in a terrorist or extremist organization, espionage, subversive activities or illegal storage of firearms or explosives. The victims complained of excessive force applied during their arrests, use of sacks as blindfolds, failure by arresting officers to state the reasons for the arrest or to produce an arrest warrant, and use of false administrative charges to legitimize the deprivation of liberty (A/HRC/44/21, para. 14).

...

C. Rights of detainees

...

21. OHCHR documented that individuals detained in places of incarceration suffered from inadequate conditions of detention and limited access to medical care. The only pretrial detention centre in Crimea remained overcrowded, with an average population

of 1,164 in 2019, despite its official capacity of 747. Former detainees complained of lack of personal space, insufficient natural light and air, cold temperatures, failure to meet basic sanitary and hygiene requirements, extremely poor quality of food, as well as lack of privacy as a result of the constant video surveillance of toilets. According to multiple accounts, only basic medicine, such as aspirin, was available, and those needing special medication had to depend on the limited amounts received from relatives.

22. Russian authorities in Crimea continued to transfer prisoners from Crimea to the Russian Federation, where they faced trial or served prison sentences. The actual number of individuals transferred over the course of six years, including pre-conflict prisoners, remains unknown. OHCHR documented the transfers of nine individuals (eight men and one woman) from Crimea to penal colonies located in remote areas of the Russian Federation. The detainees, including prisoners serving life sentences, were consequently essentially divested of their right to family visits. Those who were transferred to face trial could not genuinely exercise their right of access to a lawyer of their choice, given the distance and financial costs of their lawyers' travel from Crimea to the Russian Federation. Ukrainian detainees, considered by the Russian authorities in Crimea to be Russian citizens as their registered address is in Crimea, experienced additional hardships. In addition to being denied Ukrainian consular visits during incarceration, upon release, they were not allowed to leave Crimea or to renounce their Russian citizenship until their post-prison supervision was over.

...

D. Freedoms of opinion and expression

...

24. OHCHR continued to document cases of Crimean residents sanctioned for expressing their views on social media or for distributing materials, including images and songs, considered as extremist under Russian Federation law. OHCHR identified 55 cases of individuals charged with extremism-related administrative offences. On the basis of available information, including the nature of the charges, at least four of these cases raised concerns regarding the freedom to impart information.

...

H. Property rights

...

37. OHCHR documented cases of private homes belonging to Crimean Tatars in the 'Strelkovaya' settlement in Simferopol that had been demolished by Russian authorities in Crimea without compensation to the owners. The settlement consisted of unauthorized dwellings constructed on public land by formerly displaced persons. In 2015, Russian authorities in Crimea adopted a legislative framework with the aim of rectifying the unauthorized appropriation of land by allowing those affected to acquire the land plot on which their home was built. Nevertheless, OHCHR documented seven cases of homeowners from 'Strelkovaya' being arbitrarily denied that right by local authorities. OHCHR further documented 14 cases of Crimean Tatar residents (10 men and four women) going to court in 2017 and 2018 to secure tenure rights or otherwise oppose the demolition of their houses, albeit with no result. According to available data, by 5 July 2019, 334 of 345 houses previously located in 'Strelkovaya' had been demolished. Although Russian authorities in Crimea claim that the affected homeowners have received compensation, OHCHR identified at least three cases (two

men and one woman) of courts issuing demolition orders without compensation, which may amount to forced eviction.

38. On 20 March 2020, the President of the Russian Federation issued a decree by which 19 territories in Crimea and 8 in Sevastopol were granted the status of "border areas" of the Russian Federation. This effectively restricts land ownership to Russian citizens and Russian companies. According to Russian authorities in Crimea, 11,572 land plots within the 'border areas' of Crimea belong to 'foreigners', including 9,747 (more than 82 per cent) that belong to Ukrainian citizens. Unless those people obtain Russian Federation citizenship or dispose of their land by March 2021, they risk losing their land in an enforced sale or nationalization."

(c) Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, Report of 25 July 2022 (A/77/220)

95. The relevant parts of the Secretary General's report, covering the period from 1 July 2021 to 30 June 2022, read as follows:

"...

B. Rights to life, physical and mental integrity, liberty and security

...

13. OHCHR documented five cases (all concerning men) of torture and ill-treatment of Crimean residents by Russian law enforcement officers. OHCHR verified that, in three of those cases, the victims were tortured or ill-treated after having been detained by the Federal Security Service following early morning house raids. They were then handcuffed, blindfolded and taken to buildings in unknown locations where they were held incommunicado without access to lawyers and forced to provide information concerning their alleged involvement in criminal activities. The methods of torture included electrocution and threats of physical violence, including threats of sexual and gender-based violence (see A/HRC/50/65, para. 13).

14. According to OHCHR, during the reporting period, Russian law enforcement officers arbitrarily arrested at least 234 individuals in Crimea, including 211 men, 20 women and 3 children (1 boy and 2 girls). OHCHR notes with concern that the number of arbitrary arrests increased by more than 600 per cent in comparison with the previous reporting period. The victims include participants in peaceful public assemblies, persons suspected of being members of banned religious groups [footnote: The Russian authorities arrested nine men for allegedly being members of Hizb ut-Tahrir, a religious group considered a terrorist organization under Russian Federation law but not under Ukrainian law. Since the beginning of the occupation, the Russian authorities have arrested no fewer than 91 men for their alleged affiliation with this group], individuals affiliated with the Mejlis, 12 journalists, including citizen journalists, 13 activists of Crimean Solidarity 14 and people prosecuted for sharing information, including their views on matters of public interest and content deemed "extremist", on social media. In one case, on 14 December 2021, Federal Security Service officers arrested a man and brought him to their premises in an unknown location. Following an interrogation and a polygraph test, the officers threatened the victim with imprisonment to force him to become an informant. He was released only after he had signed the necessary paperwork to become an informant and agreed to a call sign for future contact. Among the victims is also the First Deputy Head of the Mejlis, who was arrested by the Federal Security Service on 4 September 2021 in connection with an alleged explosion at a gas pipeline, an act qualified by the Russian

authorities as sabotage (see A/HRC/50/65, para. 15). The alleged perpetrators held him incommunicado for 19 hours and denied him access to a lawyer.

15. OHCHR documented seven enforced disappearances in Crimea. Six victims are men (four of them are Crimean Tatars, including one Deputy Head of the Mejlis) and one is a local woman activist and citizen journalist who went missing on 29 April 2022, marking the first documented disappearance of a woman since earlier reports in 2014. The Federal Security Service kept the victims incommunicado, including in unofficial places of detention, and refused to provide information on their fate and whereabouts to their lawyers and relatives. In some cases, the Federal Security Service directly denied its involvement in the disappearances. The victims were subjected to torture, ill-treatment and periods of detention that were not recorded to compel them to testify against themselves and/or others. Five victims were subsequently formally arrested, but the initial periods of detention were not included in the official record of arrest. Victims were missing for between 13 hours and 18 days until their whereabouts became known to their relatives or lawyers."

(d) Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, Report of 26 May 2023 (A/HRC/53/64)

96. In this report, the Secretary General describes the progress made in the implementation of General Assembly resolution 77/229. The relevant parts of the report, covering the period from 1 July to 31 December 2022, read as follows:

"...

10. ... OHCHR received complaints from other Crimean human rights defenders alleging that Russian law enforcement officials had intimidated and harassed them, such as by threats of arrest, with the aim of dissuading them from continuing their human rights work and publicly voicing their opinions.

11. ... OHCHR verified 16 cases (concerning 15 men and one woman) where courts had convicted Ukrainian citizens following proceedings carried out in disregard of fair trial guarantees. In all cases, the courts failed to ensure the minimum guarantees for the defence and based their decisions primarily on the statements of anonymous witnesses, without questioning the necessity of their identities remaining concealed.

...

13. OHCHR documented the use of torture and ill-treatment by Russian law enforcement officers in relation to five men and one woman. In those cases, the perpetrators subjected the victims to torture and ill-treatment, with a view to extracting information, including passwords for their electronic devices, and obtaining self-incriminating statements or testimony against third persons. The methods included beatings with bare hands or wooden sticks, suffocation, the twisting arms or fingers, the use of electric shocks to various body parts, including the earlobes, nipples and genitals, which is a form of sexual violence, and the burning of victims' feet with a portable gas burner...

14. OHCHR has documented 60 cases of arbitrary arrest (55 men and 5 women), 34 of which (32 men and 2 women) occurred during the reporting period. The groups most frequently affected included former military personnel of the Ukrainian armed forces, suspected saboteurs and spies, journalists, alleged former members of the 'Noman Çelebicihan' Crimean Tatar battalion, religious minorities and individuals perceived to have pro-Ukrainian political views. Those victims who were arrested outside Crimea

were usually held in unrecorded incommunicado detention in unofficial locations and outside the protection of the law, for periods lasting from several days to more than two months.

...

16. OHCHR has documented seven cases (five men and two women) of such enforced disappearances since 24 February 2022. In those cases, OHCHR found no credible information indicating that investigations had been carried out in relation to the disappearances, despite reports having been filed by lawyers and relatives with the Russian police and appeals having been made to the authorities. In at least one case, Russian law enforcement bodies explicitly refused to open a criminal investigation, as outlined in a letter to the victim's lawyer dated 20 September 2022. Documented cases indicate that, following the initial periods of disappearance, Federal Security Service, law enforcement and penitentiary authorities of the Russian Federation have detained persons in pretrial detention centres incommunicado and without formally opening any criminal investigation against them for long periods of time. Relatives reported that, when they visited the detention centre, the administration routinely denied that the victims were there. Five victims whose whereabouts eventually became known had been forcibly disappeared for periods of between 18 days and eight months.

...

20. In September 2022, the Russian authorities opened the new pretrial detention centre No. 2 in Simferopol. ... According to OHCHR, in October, the occupying Power began transferring individuals detained in connection with the armed conflict to pretrial detention centre No. 2 from other occupied parts of Ukraine. Most of the detainees had been arrested in the Kherson and Zaporizhzhia regions. During the reporting period, OHCHR received consistent and reliable accounts about inadequate conditions of detention in pretrial detention centre No. 2 that might amount to inhuman and degrading treatment, including complete isolation from the outside world, denial of the right to outdoor exercise (only one 20-minute walk outside every two weeks), constant video surveillance inside cells and the requirement to maintain a standing position with no possibility to sit or lie down during the day.

...

24. Restrictions on the exercise of the right to freedom of opinion and expression particularly affected teachers in Crimea. Teachers were pressured by the senior management of schools, collectively in staff meetings and individually, to actively endorse and cultivate a positive attitude among schoolchildren towards the Russian full-scale invasion of Ukraine and to generally refrain from criticizing the Russian authorities. Teaching staff who refused to follow those guidelines faced retaliation and sanctions...

25. Prosecutions for 'discrediting' the Russian armed forces also impinged on the exercise of the right of peaceful assembly. Public displays of pro-peace sentiments or criticism of the Russian full-scale invasion of Ukraine, whether individual or collective, led to prosecutions, including prosecutions of single-person protests, where the victims held 'no to war' and 'peace' posters...

26. The Russian authorities maintained the general restriction on 'public and mass events', introduced in response to the coronavirus disease (COVID-19) pandemic, which effectively banned peaceful assemblies in Crimea. The Russian authorities have not provided a justification for the necessity of maintaining such general restrictions...

...

28. The freedom of the media, civil activism and access to information in Crimea were also adversely affected by Russian legislation, which imposed the status of 'foreign agent' on media outlets that had received funding or other forms of undefined 'support' from foreign States, their government agencies, international and foreign organizations and foreign citizens. Radio Free Europe/Radio Liberty and its outlet Crimea.Realities were both listed as 'foreign agents' by the Russian authorities. The status carries stringent registration, reporting and public disclosure requirements, which do not apply to other media organizations.

...

30. ... As at 31 December 2022, OHCHR had documented 13 new court cases, lodged in 2022, for proselytizing-related offences, against five religious organizations and eight individuals (seven men and one woman) who identified as Muslim (five), Evangelical (three), Jewish (one), pagan (one) and Protestant (one). The cases stemmed from the application of anti-extremist laws of the Russian Federation and an overly broad interpretation of prohibited 'missionary activities'. The courts handed down convictions for the practice of religion or belief, without establishing that the conduct of the accused constituted proselytizing and without analysing how the general prohibition against 'missionary activities' related to freedom of religion or belief ...

31. The full-scale invasion of Ukraine by the Russian Federation on 24 February 2022 has had a significant impact on the population and their freedom of movement. It has also led to the further dilution of the social links between Crimea and other parts of Ukraine. As a result of the invasion, the Government of Ukraine temporarily lost control of the crossing points at the administrative boundary line with Crimea. The Russian authorities subsequently used the crossing points to operate a system of so-called 'filtration' to carry out security checks, which have targeted men in particular. During 'filtration' processes, Russian armed forces have often subjected persons to body searches, sometimes involving forced nudity, and detailed interrogations about their personal background, family ties and political views and allegiances. The practice has resulted, according to credible reports received by OHCHR, in numerous human rights violations, including of the rights to liberty, security of person and privacy. 'Filtration' has also involved the collection of personal data, including sensitive personal data, and the checking of mobile phone content. OHCHR has documented that those who failed to pass through the system of 'filtration', for example, for being perceived to have pro-Ukrainian views, have been subjected to arbitrary detention, torture, ill-treatment and enforced disappearance ... The system of "filtration" has deterred people from exercising their right to freedom of movement, because it has targeted people for their perceived views, instead of assessing their likelihood of posing a security threat...

...

34. ... According to OHCHR, arising out of that mass confiscation exercise, which has been officially categorized as 'nationalization', as at 31 December 2022, the Russian authorities have expropriated, without compensation, 156 real estate properties in Crimea...

35. Individuals without Russian citizenship who own land plots in Crimea, including Ukrainian citizens, continue to be at risk of losing their land as a result of decree No. 201 of the President of the Russian Federation, which restricts land ownership to Russian citizens and legal entities in 27 territories of Crimea ..."

(e) Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, Report of 1 September 2023 (A/78/340)

97. The relevant parts of the Secretary General's report, covering the period from 1 July 2022 to 30 June 2023, read as follows:

"...

4. ... On 24 January 2023, OHCHR transmitted a note verbale to the Russian Federation, in which it requested the country's cooperation for the Office to conduct a mission in Crimea. In its reply, the Russian Federation expressed 'principled non-acceptance' of Assembly resolutions 'on Crimean and Ukrainian issues', but noted its willingness to host missions undertaken 'in full compliance with the procedures applied for visiting any other subject of the Russian Federation'.

5. Given those conditions, OHCHR has, to date, been unable to find a modality under which to conduct a mission to Crimea or other territories of Ukraine temporarily controlled by the Russian Federation, in line with General Assembly resolution 77/229...

...

10. On 20 March 2023, after more than six months of litigation, a local court in Simferopol disbarred two prominent Crimean Tatar human rights lawyers (one man and one woman) who were well known for representing Ukrainian citizens charged with terrorism and extremism in Crimea and the Russian Federation... The lawyers' disbarment was the culmination of a prolonged campaign of intimidation and harassment by the Russian authorities that appears to be in retaliation for their lawful professional activities (A/HRC/53/64, paras. 8 and 9) ...

11. OHCHR documented the arbitrary dismissal by the Federal Security Service of the Russian Federation of three lawyers (all men) who had been privately engaged by detainees' family members and whom the detainees wished to retain to represent them in a case in which they faced terrorism charges. Following their dismissal on 23 January 2023, the Federal Security Service investigator denied the lawyers access to their clients. The investigator argued that the lawyers had previously represented other defendants in a separate terrorism case in Crimea, which could potentially lead to a conflict of interest in the future. Given that the assertion was grounded in speculation and not supported by any evidence, the decision to dismiss the lawyers appears to have been made arbitrarily. In another case documented by OHCHR, an older Crimean Tatar male defendant was coerced into discharging his privately retained lawyer, after the Federal Security Service threatened the defendant with physical violence and a long prison sentence inside the courthouse following his bail hearing on 25 January 2023.

12. OHCHR documented 17 cases (concerning 16 men and 1 woman) in which courts convicted Ukrainian citizens following proceedings that had been carried out without ensuring fair trial guarantees...

...

14. OHCHR documented 24 cases of torture or ill-treatment by Russian law enforcement officers concerning 23 men and 1 woman, who were all detained following house raids in Kherson city and Kherson and Zaporizhzhia Provinces and subsequently transferred to Crimea. The victims were handcuffed, blindfolded and taken to buildings in unknown locations, where they were held incommunicado, without access to lawyers, and forced to provide self-incriminating statements or testimony against third

persons, implicating them or themselves in espionage, sabotage or other criminal activities. The methods of torture included physical and psychological violence, including electrocution to various body parts, such as genitals, and leaving victims in a standing position and handcuffed for several days...

15. In total, OHCHR documented 124 cases of arbitrary arrest (117 men and 7 women), 95 of which (91 men and 4 women) occurred during the reporting period. In some cases, Russian law enforcement officers arrested victims in other territories of Ukraine under the temporary military control of the Russian Federation and kept them in incommunicado detention in unofficial places for periods ranging from several days to more than two months. Their detention was usually formalized only upon their transfer to Crimea and handover to the Federal Security Service...

...

17. Following the full-scale invasion of Ukraine by the Russian Federation, enforced disappearances emerged as a significant human rights concern in Crimea and other territories of Ukraine under the temporary military control of the Russian Federation. The risks of arbitrary deprivation of liberty increased for individuals residing in occupied parts of Kherson and Zaporizhzhia Provinces or travelling through the administrative boundary line with Crimea. OHCHR documented the forcible transfer of detained individuals from other parts of Ukraine to Crimea and deportations to the territory of the Russian Federation, increased risks of detention for individuals undergoing the 'filtration' process [This entails a thorough security check, which usually involves subjecting persons to body searches, forced nudity and detailed interrogations about their personal background, family ties, political views and allegiances, along with the collection of personal data, including sensitive personal data, and the checking of cell phone content (see A/HRC/53/64, para. 31).] at the administrative boundary line with Crimea and the prolonged concealment of the fate and whereabouts of individuals, combined with a lack of official charges against them. In all cases, there were strong indications that the Federal Security Service or the Russian armed forces were the likely perpetrators.

18. During the reporting period, OHCHR documented 50 cases (47 men and 3 women) of enforced disappearance originating in Crimea, at the administrative boundary line, or where persons were transferred to Crimea from other parts of Ukraine, representing a significant increase from the 7 cases documented in the previous reporting period. According to OHCHR, during the initial period of detention, the Federal Security Service often detained persons in unofficial places of detention and, in response to enquiries from victims' relatives, denied the detention. In 29 cases (28 men and 1 woman), after the initial periods of detention, the Federal Security Service forcibly transferred individuals from Kherson and Zaporizhzhia Provinces to Crimea. In 8 of 36 other documented cases, persons (all men) were further deported to the Russian Federation from Crimea and detained in pretrial detention centres.

...

20. OHCHR documented 10 cases (9 men and 1 woman) of enforced disappearance that occurred after persons had undergone the 'filtration' process. Russian armed forces or Federal Security Service officers had initiated the process by requesting that persons crossing the administrative boundary line undergo additional checks, which included reviewing the content of their mobile devices and laptops...

...

22. In all documented cases, and despite reports filed by lawyers and relatives with law enforcement agencies and appeals to the occupying authorities, OHCHR found no

credible information to indicate that the Russian authorities had opened investigations into the disappearances. Overall, OHCHR has documented 98 cases (91 men and 7 women) of possible enforced disappearances related to Crimea since the beginning of the occupation in 2014. This total comprises 22 persons who remain missing, 2 enforced disappearances of persons who were subsequently summarily executed; 32 victims, including 1 woman, who were found in an official detention centre where they remained as of the end of the reporting period; and 42 victims, including 6 women, who were released. None of the victims has been provided with any form of redress ...

...

24. According to OHCHR, at the time of writing, at least 20 individuals (19 men and 1 woman) from Crimea, who are detained in Crimea and the Russian Federation, suffer from medical conditions that require regular and ap propriate medical attention. These include five men with disabilities, two men with hepatitis C, two men with heart-related conditions, one person who had suffered from stroke in detention and one man with suspected cancer ...

...

26. The Russian authorities continued to prosecute individuals for 'public actions directed at discrediting' the use of Russian armed forces ...

27. ... OHCHR documented four criminal prosecutions (all against men), all of which resulted in guilty verdicts, and 191 administrative prosecutions (against 120 men and 71 women), 189 of which resulted in convictions (against 119 men and 70 women). Those persons convicted received fines ranging from 30,000 to 100,000 roubles and imprisonment sentences ranging from 5 to 15 days. Crimean residents were convicted, *inter alia*, for various verbal and non -verbal expressions, such as mentions of a Russian 'attack' or 'aggression', criticism of the 'Z' and 'V' symbols used by the Russian army, standing on the street and holding a 'no war' poster, putting a 'stop the war' sticker on their cars or wearing a blue and yellow armband. The convictions led to arbitrary detentions, as they were carried out in response to the victims' legitimate exercise of their right to freedom of expression, and the legal grounds for the convictions do not appear to comply with international human rights law, as the victims did not violate public order while exercising their rights.

...

30. All congregations of the Jehovah's Witnesses religious group in Crimea remained under a blanket prohibition as 'extremist organizations' (A/HRC/44/21, para. 35). The occupying authorities continued to conduct criminal prosecutions against believers on the peninsula on the basis of their religious practices, violating international human rights law. During the reporting period, OHCHR documented three cases of prosecutions of Jehovah's Witnesses. On 6 October 2022, a district court in Sevastopol sentenced three men to six years in prison for organizing online worship gatherings with other Jehovah's Witnesses adherents. The court also prohibited the men from conducting educational activities or publicly disseminating information for seven years...

31. Prior to the temporary occupation of Crimea, 90.7 per cent of children received instruction in Russian. According to official statistics of the Russian Federation, for the 2022/23 academic year, 197 students (0.1 per cent) were taught subjects in Ukrainian (down from 212 in 2021/22 and 214 in 2020/21), and 3,486 students learned Ukrainian as a regular subject, an elective course or an extracurricular activity (down from 3,780 in 2021/22 and 4,155 in 2020/21). Only one school has the status of a

Ukrainian-language school in Crimea, while one Ukrainian class is offered in a Russian-language school in Simferopol.

32. ... 16 Crimean Tatar schools operate on the peninsula, and 21 Russian-language schools offer classes with instruction in Crimean Tatar. OHCHR continues to note potential discrepancies between the formal language status of a native-language school or class and the *de facto* availability of learning and instruction in both Crimean Tatar and Ukrainian, as well as the impact it could have on the well-being and development of children belonging to those ethnic minorities (A/77/220, paras. 39 and 40)."

2. *Office of the United Nations High Commissioner for Human Rights (OHCHR)*

(a) Report on the Human Rights Situation in Ukraine, 15 November 2014

98. The relevant parts of the OHCHR Report of 15 November 2014, which covered the period from 17 September to 31 October 2014, read as follows:

"**I. Executive Summary**

1. This is the seventh report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine, based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU). It covers the period from 17 September to 31 October 2014.

...

X. Human Rights in the Autonomous Republic of Crimea

207. The situation in Crimea was marked by the continued implementation of the policy aimed at integrating the peninsula into the legal and political system of the Russian Federation and by persistent acts of intimidation targeting the Crimean Tatars, as well as those who opposed the March 'referendum' or were critical of the *de facto* 'authorities'. As a result, the number of people leaving Crimea is constantly increasing.

208. On 23 September, the 'Crimean prosecutor general' posted a statement mentioning that all actions aimed at the non-recognition of Crimea as part of the Russian Federation will be prosecuted. The position of the United Nations on the status of Crimea and Sevastopol is guided by General Assembly resolution 68/262 of 27 March 2014 on the Territorial Integrity of Ukraine, which calls on all states and international organizations '*not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol*'.

...

A. Civil and political rights

...

Actions targeting possession and dissemination of 'extremist' literature

...

223. The Crimea 'ministry of education, science and youth' is participating in the campaign to remove extremist religious literature and other banned books. In a letter

dated 12 September, the ministry 'orders the administrations of educational organizations to conduct ... an analysis and audit of literature present in libraries and educational premises on the subject of the presence of materials on the Federal List, with the aim of its removal and destruction'.

...

B. Economic and social rights

...

Right to education

238. According to information obtained on 21 October from Ms. Natalya Popovich, the Permanent Representative of the Ukrainian President in the Autonomous Republic of Crimea, out of the 600 secondary schools in the peninsula, only 20 teach Ukrainian language and literature three hours per week. Teachers of Ukrainian language and literature have been forced either to retrain on their own account or to resign. In the last six months, the number of high schools teaching Ukrainian has dropped from 96 to 12. According to Ms. Popovich, this would be explained by a cessation of funding to schools that refused to join the newly created Crimean Federal University."

(b) Report on the Human Rights Situation in Ukraine, 16 February to 15 May 2015

99. The relevant parts of this report read as follows:

"158. During the reporting period, the HRMMU obtained new information, including medical and court records, concerning the case of Oleksandr Kostenko. As previously reported, Mr. Kostenko was arrested by the 'police' on 8 February 2015 on suspicion of wounding a Berkut police officer on 18 February 2014 during the Maidan protests in Kyiv. New information suggests that on 5 February 2015 he was abducted by two men, possibly affiliated to the Federal Security Service (FSB) of the Russian Federation, blindfolded, hit and tortured, including through electric shocks, to extort a confession of guilt he made after being delivered to the 'police' on 8 February. The HRMMU has a copy of Mr Kostenko's medical examination revealing multiple fractures, a dislocated shoulder and a broken elbow.

159. On 9 February 2015, Mr. Kostenko was provided with a lawyer and placed by a 'court' in pre-trial detention for two months. This term has later been prolonged until 3 June. According to his lawyer, he was beaten up by other detainees. His lawyer requested the 'court' to exempt from the case file all the evidence obtained under duress. On 3 April, the 'court' rejected the request as unfounded, stating that the evidence obtained and the allegations made, including torture claims, should be examined together in future court proceedings, in order not to compromise the establishment of facts and responsibility. On 15 May, Mr. Kostenko was found guilty of inflicting deliberate injury and possession of firearms by a 'court' in Simferopol and sentenced to four years and two months of imprisonment. His lawyer said he would appeal the decision. The HRMMU considers that in addition to evidence of confessions obtained under torture, the case points to an absence of conditions for a fair trial and legal safeguards for the accused."

(c) Report on the Human Rights Situation in Ukraine, 16 February to 15 May 2016

100. The relevant parts of this report read:

"C. Due process and fair trial rights

189. OHCHR has been following legal proceedings involving Andrii Kolomiiets, a Maidan activist arrested in the Russian Federation on 15 May 2015, and transferred to Crimea (Simferopol), where he has been held in custody since 13 August 2015. A Ukrainian citizen from the region of Kyiv, he is accused of murder or attempted murder of a law enforcement officer during the Maidan protests in Kyiv and of possession of drugs. If found guilty, he risks a prison sentence of up to 20 years. During a court hearing, on 30 March, Mr. Kolomiiets' lawyer stated his client had been tortured following his arrest, which was allegedly confirmed by a witness of the defence. The lawyer also claimed that the charges had been fabricated and that Mr. Kolomiiets was forced to testify against Oleksandr Kostenko.

190. The Kolomiiets case follows a pattern observed in the Kostenko case and the legal proceedings against the deputy head of the Mejlis and six other Crimean Tatars. All have been convicted or indicted on the basis of legislation introduced after the March 2014 'referendum' for facts which occurred before that date. This raises serious concerns of compliance with the principle of legality, and particularly the retroactive application of the law"

(d) Report on the human rights situation in Ukraine, 16 May to 15 August 2016

101. The relevant part of this report reads:

"B. Due process and fair trial rights

157. On 10 June 2016, a Crimean court sentenced Andriy Kolomiyets, a resident of Kyiv region, to 10 years' imprisonment in a high-security prison. He was sentenced to six years for allegedly attacking a Ukrainian Berkut riot police officer in Kyiv during the Maidan events in February 2014, and to four years for possession of drugs. Kolomiyets was arrested in the Russian Federation on 15 May 2015 and transferred to Simferopol, where he has been held in custody since 13 August 2015. He is the second Maidan activist sentenced in Crimea, following Oleksandr Kostenko, who was sentenced on 15 May 2015. Both men were convicted on the basis of legislation introduced after the March 2014 'referendum' for acts that occurred prior to that date. This raises serious concerns about compliance with the principle of legality, particularly due to retroactive application of the law."

(e) Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 25 September 2017

102. Referring, *inter alia*, to the work done by the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU), the relevant parts of the OHCHR 2017 Report, which covered the period from 22 February 2014 to 12 September 2017, read as follows:

"I. Executive Summary

2. ... The report covers the period from 22 February 2014 to 12 September 2017. HRMMU has not been provided access to Crimea by Russian Federation authorities since its former Head of Mission accompanied the former Assistant Secretary-General for Human Rights, Ivan Šimonović, on 21-22 March 2014. As a result, it has been monitoring human rights developments in Crimea from mainland Ukraine.

3. Pro-Russian groups in Crimea rejected the ousting by Parliament of former President of Ukraine Viktor Yanukovych on 22 February 2014, criticizing it as an unconstitutional change of power. One of these groups was the 'people's militia', a local paramilitary formation created on 23 February 2014, and commonly referred to as the 'Crimean self-defence'. With the support of Russian Federation troops (footnote 5: Speaking to journalists, the President of the Russian Federation, Vladimir Putin, stated: *'Behind the backs of the Crimean self-defense units, there were our soldiers. They acted in a very polite, but decisive and professional manner. There was no other way to help the people of Crimea to express their free will*'. Video conference, Ria Novosti, 17 April 2014), the Crimean self-defence blocked key infrastructure, airports and military installations and took control of strategic facilities. It has been accused of committing numerous human rights abuses with impunity since the end of February 2014.

4. The President of the Russian Federation Vladimir Putin stated that in a meeting with heads of security agencies during the night of 22 and 23 February 2014 he took the decision to 'start working on the return of Crimea to the Russian Federation' (reference was made to an interview given to the TV channel 'Rossiya' as part of a documentary 'Crimea. The way home').

...

7. Since the beginning of occupation, Ukrainian laws were substituted by Russian Federation laws, in violation of the obligation under international humanitarian law to respect the existing law of the occupied territory ...

8. Laws and judicial decisions deriving from the implementation of the legal framework of the Russian Federation in Crimea have further undermined the exercise of fundamental freedoms. Mandatory re-registration requirements were imposed on NGOs, media outlets and religious communities in Crimea. Russian Federation authorities have denied a number of them the right to re-register, generally on procedural grounds, raising concerns about the use of legal norms and procedures to silence dissent or criticism.

9. Most affected by these restrictions were individuals opposed to the March 2014 referendum or criticizing Russian Federation control of Crimea, such as journalists, bloggers, supporters of the Mejlis, pro-Ukrainian and Maidan activists, as well as persons with no declared political affiliation but advocating strict compliance with the tenets of Islam, who are often accused of belonging to extremist groups banned in the Russian Federation, such as Hizb ut-Tahrir. The rights of these people to freedom of opinion and expression, association, peaceful assembly, movement, thought, conscience and religion, were obstructed through acts of intimidation, pressure, physical attacks, warnings as well as harassment through judicial measures, including prohibitions, house searches, detentions and sanctions.

10. Russian Federation justice system applied in Crimea often failed to uphold fair trial rights and due process guarantees. Court decisions have confirmed actions, decisions and requests of investigating or prosecuting bodies, seemingly without proper judicial oversight. Courts frequently ignored credible claims of human rights violations occurring in detention. Judges have applied Russian Federation criminal law provisions

to a wide variety of peaceful assemblies, speech and activities, and in some cases retroactively to events that preceded the temporary occupation of Crimea or occurred outside of the peninsula in mainland Ukraine.

11. Grave human rights violations, such as arbitrary arrests and detentions, enforced disappearances, ill-treatment and torture, and at least one extra-judicial execution were documented. For a three-week period following the overthrow of Ukrainian authorities in Crimea, human rights abuses occurring on the peninsula were attributed to members of the Crimean self-defence and various Cossack groups. Following Crimea's temporary occupation, on 18 March 2014, representatives of the Crimean Federal Security Service of the Russian Federation (FSB) and police were more frequently mentioned as perpetrators.

12. While those human rights violations and abuses have affected Crimean residents of diverse ethnic backgrounds, Crimean Tatars were particularly targeted especially those with links to the Mejlis, which boycotted the March 2014 referendum and initiated public protests in favour of Crimea remaining a part of Ukraine. Intrusive law enforcement raids of private properties have also disproportionately affected the Crimean Tatars and interfered with their right to privacy under the justification of fighting extremism. Furthermore, the ban of the Mejlis, imposed in April 2016 by the Supreme Court of Crimea, has infringed on the civil, political and cultural rights of Crimean Tatars.

13. The Russian Federation authorities in Crimea have failed to effectively investigate most allegations of human rights violations committed by the security forces or armed groups acting under the direction or control of the State. Failure to prosecute these acts and ensure accountability has denied victims proper remedy and strengthened impunity, potentially encouraging the continued perpetration of human rights violations.

14. Since the beginning of the temporary occupation, all penitentiary institutions in Crimea have been integrated into the penitentiary system of the Russian Federation, leading to numerous transfers of detainees from Crimea to penal colonies in the Russian Federation, contrary to provisions of international humanitarian law.

...

16. Large scale expropriation of public and private property has been conducted without compensation or regard for international humanitarian law provisions protecting property from seizures or destruction. Crimean Tatars who returned from deportation in the 1990s and built their houses on land plots without obtaining construction permits remain at risk of seeing their security of tenure contested and being forcibly evicted.

17. The space for public manifestation of Ukrainian culture and identity has shrunk significantly. Groups manifesting their attachment to national symbols, dates or historic figures have been issued warnings or sanctioned by courts for violating public order or conducting unauthorized rallies. Education in the Ukrainian language has almost disappeared from Crimea, jeopardizing one of the pillars of an individual's identity and cultural affiliation.

...

II. Introduction

23. In Simferopol, the capital of the Autonomous Republic of Crimea, supporters of Ukrainian unity, mainly Crimean Tatars, clashed on 26 February with pro-Russian residents in front of the parliament. A stampede left two people dead and some

70 injured. On the following night, armed groups without insignia took over the buildings of the local government and parliament. On 27 February, members of the Parliament of Crimea, in the presence of gunmen, dismissed the local Government and elected Sergey Aksenov as the Head of Crimea.

III. Methodology

30. HRMMU has a mandate *inter alia* to monitor and publicly report on the human rights situation in Ukraine through teams based in various locations, including through a presence in Crimea's capital, Simferopol.

31. Former Assistant Secretary-General for Human Rights Ivan Šimonović was the last United Nations official to visit the Crimean peninsula, on 21 and 22 March 2014.

32. On 18 September 2014, a letter addressed by HRMMU to the Head of Crimea requested the opportunity to establish a sub-office in Simferopol, in line with its mandate and General Assembly resolution 68/262. The response, received on 8 October 2014, stated that HRMMU had been deployed on the territory of Ukraine upon the invitation of the Government of Ukraine; that Crimea was part of the Russian Federation; and that questions of international relations were not within the competence of Crimean institutions.

33. On 20 April 2017, following consultations with the Government of Ukraine, OHCHR informed the Government of the Russian Federation of its intention to send a mission of HRMMU to Crimea in order to prepare the report on the human rights situation in Crimea requested by General Assembly resolution 71/205. While no formal response was received, OHCHR was notified informally that it would not be granted access to Crimea due to its mandate covering Ukraine and that any OHCHR mission would need to be agreed upon directly with the Russian Federation authorities. A second notification mentioning an OHCHR mission to Crimea, addressed to the Russian Federation on 13 June 2017, remained unanswered at the closing date of the present report.

...

35. Given the lack of access to Crimea, HRMMU has monitored the human rights situation in the peninsula from its presence in mainland Ukraine. HRMMU systematically collects and analyzes information gathered through direct interviews and fact-finding missions, including at the Administrative Boundary Line (ABL) between mainland Ukraine and Crimea. This report only describes allegations of human rights violations and abuses and violations of international humanitarian law that OHCHR could verify and corroborate in accordance with its methodology. OHCHR is committed to the protection of its sources and systematically assesses the potential risks of harm and retaliation against them.

...

V. Population data and movements

46. According to the last census conducted in Ukraine, in 2001, 125 nationalities lived on the Crimean peninsula, which had a population of 2,401,209 (2,024,056 in Crimea and 377,153 in Sevastopol). The census enumerated the population by ethnicity, finding the largest national groups in Crimea and Sevastopol to be Russians, numbering 1,450,394 (60.40 per cent); Ukrainians 576,647 (24.12 per cent); and Crimean Tatars 245,291 (12.26 per cent).

...

49. According to that same census (September 2014), in the entire peninsula, the number of persons of Russian nationality increased to 1,492,078 (65.31 per cent), the Ukrainians dropped to 344,515 (15.08 per cent) and the Crimean Tatars decreased to 232,340 (10.17 per cent). The other communities diminished, except for the Tatars – a group culturally affiliated with the Volga Tatars and the Crimean Tatars – whose numbers rose from 13,602 to 44,996.

...

VI. Civil and Political Rights

A. Right to nationality

55. The adoption of the Treaty on Accession on 18 March 2014 had an immediate consequence for the status of residents of Crimea and rights attached to it: all Ukrainian citizens and stateless persons who were permanently residing on the peninsula, as evidenced by a residency registration stamp in the passport, were automatically recognized as citizens of the Russian Federation. An exception was made for persons who, within one month of the entry into force of the treaty (i.e. by 18 April 2014), rejected Russian Federation citizenship in writing.

56. The automatic citizenship rule led to the emergence of three vulnerable groups: those who rejected in writing Russian Federation citizenship; those who, for lack of a residency registration in Crimea, did not meet the legal criteria to become Russian Federation citizens; and those who had to renounce their Ukrainian citizenship to keep their employment. As of May 2015, the High Commissioner for Human Rights of the Russian Federation (Ombudsperson) estimated that around 100,000 persons living in Crimea (about 4 per cent of the population) did not have Russian Federation citizenship.

57. Imposing citizenship on the inhabitants of an occupied territory can be equated to compelling them to swear allegiance to a power they may consider as hostile, which is forbidden under the Fourth Geneva Convention. In addition to being in violation of international humanitarian law, the automatic citizenship rule raises a number of important concerns under international human rights law.

1. Ukrainian citizens having Crimean residency registration who rejected Russian Federation citizenship

58. The procedure for rejecting Russian Federation citizenship, which had to be completed by 18 April 2014, was marked by certain constraints: instructions from the Russian Federal Migration Service (FMS) on the refusal procedure were only made available on 1 April; information about FMS centres was not available until 4 April; only two FMS centres were functioning on 9 April 2014; and some requirements in the procedure evolved over time, such as the demand that both parents make the application on behalf of their child.

59. After 18 April 2014, FMS reported that 3,427 permanent residents of Crimea had applied to opt out of automatically obtaining Russian Federation citizenship.

60. Renouncing Russian Federation citizenship remains legally possible on the basis of the 2002 law On Citizenship, except for people who were indicted, sentenced, have outstanding obligations towards the Russian Federation, or have no other citizenship or guarantee for the acquisition thereof.

61. Residents of Crimea who opted out of Russian Federation citizenship became foreigners. They could obtain residency permits through a simplified procedure, giving them certain rights enjoyed by Russian Federation citizens, such as the right to pension,

free health insurance, social allowances, and the right to exercise professions for which Russian Federation citizenship is not a mandatory requirement.

62. However, overall, persons holding a residency permit and no Russian Federation citizenship do not enjoy equality before the law and are deprived of important rights. They cannot own agricultural land, vote and be elected, register a religious community, apply to hold a public meeting, hold positions in the public administration and reregister their private vehicle on the peninsula.

63. OHCHR documented some cases of Crimean residents who had rejected Russian Federation citizenship and faced discrimination. For instance, a man from Simferopol was subjected to regular psychological harassment by his employer for having renounced Russian Federation citizenship. In 2016, after two years of being pushed by his employer to take back his formal rejection of Russian Federation citizenship, he was dismissed after being told that his anti-Russian position disqualified him from continued employment. Two of his colleagues were also dismissed, including one who rejected Russian Federation citizenship, and another who took up Russian Federation citizenship but publicly expressed pro-Ukrainian views.

2. Ukrainian citizens without Crimean residency registration who are excluded from Russian Federation citizenship

64. Ukrainian citizens living in Crimea whose passport stamps indicated they were registered in mainland Ukraine could not become citizens of the Russian Federation. They assumed the status of a foreigner. As such, they could no longer legally remain in Crimea for more than 90 days within a period of 180 days from the moment they entered the peninsula, according to Russian Federation legislation applicable to foreigners.

65. Non-compliance with immigration regulations imposed by the Russian Federation can lead to court-ordered deportations. For instance, in 2016, a court in Sevastopol ordered a Ukrainian citizen who had overstayed to be deported to mainland Ukraine although he owned property in this city; another court deported a Ukrainian citizen who had a wife and children in Crimea.

66. Under international humanitarian law, deportation or transfer of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, is prohibited regardless of the motive.

67. Rules regulating stay were not consistently applied, sometimes favouring individuals who supported Crimea's accession to the Russian Federation. For example, the Supreme Court of Crimea ruled not to deport a Ukrainian citizen who described himself as 'an active participant of the Russian Spring in Sevastopol' and claimed his deportation to Ukraine would threaten his life and well-being. The Court accepted the argument that he had a family in Crimea and that his deportation would interfere with his private and family life.

68. Employment of Ukrainian citizens lacking Crimean residency registration is prohibited. A quota system under Russian Federation law allows up to 5,000 foreigners to reside and work in Crimea but this only applies to foreigners with non-Ukrainian passports who were living in Crimea before March 2014 and held Ukrainian residence permits.

69. In 2016, police raids against private businesses were conducted, resulting in the opening of administrative proceedings against owners of catering institutions and private entrepreneurs who were illegally employing Ukrainian citizens. People illegally employed risk deportation and their employers face administrative sanctions of up to 800,000 RUB (nearly USD 13,200) or closure of their business for up to 90 days.

70. Ukrainian citizens without residency registration in Crimea are excluded from free health insurance and access to public hospitals. In one case documented by OHCHR, a Ukrainian woman who had lived in Crimea for 10 years, but was registered in Kharkiv, died in 2015 after a public hospital in Crimea refused to treat her due to the fact that she did not have health insurance. According to Russian Federation legislation, she was a foreigner and, as such, she did not have a Russian Federation passport affording the right to free health insurance and access to public hospitals. The refusal to provide life-saving medical treatment - including due to origin or status, such as citizenship - constitutes a grave violation of the right to the highest attainable level of physical and mental health, and a violation of the obligation, under international humanitarian law, to ensure that the health system in place in an occupied territory continues to function adequately.

...

B. Administration of justice and fair trial rights

73. The *Treaty on Accession* provided for a transition period until 1 January 2015 to fully apply the legal framework of the Russian Federation in Crimea. In practice, the gradual substitution of the Ukrainian legal system by that of the Russian Federation implied that both systems coexisted, regulating different spheres and consequently causing confusion for legal practitioners as well as legal uncertainty for rights-holders.

74. OHCHR recalls that in accordance with international humanitarian law, the penal laws in place in the occupied territory must remain in force and be applied by courts, with the exception of norms that constitute a threat to the security of the occupying power, or an obstacle to the application of relevant international humanitarian law provisions.

75. As documented by OHCHR, the judicial and law enforcement authorities of the Russian Federation in Crimea frequently violated the presumption of innocence; the right to information without delay of the nature and cause of charge; the right to defend oneself or be assisted by a lawyer of one's own choice; the right to adequate time to prepare defence; the right to trial without undue delay; the right to appeal or review; the right to a hearing by an independent and impartial tribunal; and the right not to be compelled to testify against oneself or confess guilt.

76. OHCHR documented cases demonstrating that allegations of torture and ill-treatment in post-referendum Crimea committed by State agents of the Russian Federation during pre-trial investigations were often disregarded by courts. For instance, in March 2015, a court rejected the request of a defence lawyer to exclude evidence against his client reportedly obtained under duress. The judge stated that torture allegations should be examined together with other elements in order not to compromise the establishment of facts and responsibility.

77. Suspects were charged and some convicted in relation to acts which occurred before the application of Russian Federation legislation in Crimea, in disregard of the principle of non-retroactive application of criminal law enshrined in international human rights and humanitarian law treaties. On 11 September 2017, a court in Crimea sentenced a deputy chair of the Mejlis, Akhtem Chyigoz, to eight years of imprisonment on the basis of Russian Federation legislation, after it found the accused guilty of organizing mass protests, which were held on 26 February 2014 when the legal framework of Ukraine still applied in Crimea. In addition, two individuals received prison sentences in 2015 and 2016 for allegedly injuring 'Berkut' police officers during the Maidan protests in Kyiv, on 18 February 2014. Their convictions were based on Russian Federation legislation introduced in Crimea after 18 March 2014.

78. Some judgments were passed in apparent disregard of the right to a hearing by a competent, independent and impartial tribunal. In 2017, 10 Crimean Tatars arrested for filming a police raid of the home of another Crimean Tatar man were judged in one day and sentenced to five days of administrative arrest. No representatives of the prosecution were present; two men were convicted in the absence of lawyers; and in at least one proceeding, the judge ignored the public retraction of a witness statement supporting the claim that the individuals were breaching public order and freedom of movement.

79. Instances of intimidation of defence lawyers representing clients opposed to the presence of the Russian Federation in Crimea have also been reported. On 25 January 2017, a lawyer from the Russian Federation defending one of the deputy chairmen of the Mejlis was forcefully brought to the FSB office in Simferopol for interrogation and asked to disclose details of the case concerning his client. Despite being pressed to cooperate, he refused, invoking his duty to uphold the attorney-client privilege, and was released after two and a half hours. On 14 February 2017, an appellate court upheld a first instance decision to enable the FSB investigator to interrogate him as a witness in a criminal case against one of his clients. OHCHR reiterates that international administration of justice standards explicitly protect the freedom of exercise of the profession of lawyer.

C. Right to life

80. In February, March and April 2014, four persons were killed and two others died, as described in this chapter, during incidents related to Crimea's unrecognized accession to the Russian Federation. While other deaths, including murders, have occurred in Crimea in the three and a half years since the occupation began, OHCHR does not have credible circumstantial evidence that they could be attributed to State agents of the Russian Federation in Crimea.

81. In March 2014, a pro-Ukrainian Crimean Tatar activist, Mr. Reshat Ametov, was abducted, tortured and summarily executed by people believed to be members of the Crimean self-defence. He disappeared on 3 March after staging a one-man picket in front of Crimea's government building in Simferopol. Video footage shows him being led away by three men in military-style jackets. On 15 March, his body was found in a village of the Bilohirsk district, bearing signs of torture. The Crimean police opened a criminal investigation. As of December 2014, more than 270 witnesses had been interrogated and over 50 forensic analyses and 50 examinations had been carried out. OHCHR has serious doubts about the effectiveness of these investigations. The suspects, members of the Crimean self-defence, who were filmed abducting the victim, were only interrogated as witnesses and later released. In 2015, the investigation was suspended due to the fact that the individual suspected by the police to be the perpetrator was allegedly no longer in Crimea. It resumed in 2016 but has since been conducted intermittently.

82. Three killings occurred during armed incidents. On 18 March 2014, one Ukrainian serviceman and one Crimean self-defence volunteer were killed during a shooting incident in Simferopol. OHCHR does not have information about the investigation conducted in relation to this case. On 6 April 2014, a Ukrainian Army naval officer was killed by a Russian Federation serviceman in a dormitory in Novofedorivka. A Russian Federation military tribunal in Crimea sentenced the perpetrator to two years of imprisonment on 13 March 2015. The accused was convicted of homicide committed in excess of the requirements of justifiable defence. In addition, the victim's widow sued and obtained from the Ministry of Defence of the Russian Federation 500,000 RUB (about USD 8,000) in compensation for the harm incurred.

83. The impartiality of investigations carried out by the Crimean police is particularly questionable in relation to the violence that occurred on 26 February 2014. On that date, pro-Ukrainian and pro-Russian groups clashed in front of the parliament of Crimea, resulting in the death of two pro-Russian demonstrators. The criminal proceedings identified pro-Ukrainian supporters belonging to the Crimean Tatar community as being the only suspects although the skirmishes involved representatives of pro-Russian groups as well.

D. Right to physical and mental integrity

84. The right to physical and mental integrity encompasses freedom from torture and other inhuman treatment. The Russian Federation and Ukraine have both ratified international conventions obliging them to prevent and redress torture, cruel and/or inhuman or degrading treatment.

85. Multiple and grave violations of the right to physical and mental integrity have been committed by state agents of the Russian Federation in Crimea since 2014. The absence of investigations suggests that their perpetrators have benefited from and continue to enjoy impunity.

86. Victims and witnesses have accused the Crimean self-defence of violence against pro-Ukrainian activists, mainly in 2014. Its members have reportedly been implicated in attacks, abductions, enforced disappearances, one summary execution, arbitrary detention, and torture and ill-treatment of individuals opposed to the March 2014 referendum, as well as of Maidan supporters, members and affiliates of the Mejlis, journalists and Ukrainian servicemen. On 11 June 2014, the Parliament of Crimea legalized the Crimean self-defence by turning it into a civil group with powers to assist the police.

87. The Russian Federation has indicated that several criminal cases were opened in which the suspects were members of the Crimean self-defence. These cases are connected with a robbery, in April 2014, and incidents in which vehicles were taken illegally with the threat of the use of firearms.

88. Two legislative initiatives registered in the Crimean and Russian Federation Parliaments in August 2014 proposing immunity from prosecution for actions committed by the self-defence forces have not been pursued.

89. In view of the multiplicity of testimonies mentioning illicit acts committed by members of the self-defence with apparent impunity, OHCHR has serious doubts that the Russian Federation authorities have complied with their obligations to ensure accountability through effective and impartial investigations. The duty to investigate and prosecute is made more compelling by the fact that the existence of the self-defence group has been legalized, and its members have been recognized as agents of the State.

90. FSB and the Crimean police have also been accused of violating the right to physical and mental integrity of persons holding dissenting views, in particular Crimean Tatars and ethnic Ukrainians. Such violations have occurred prior to and during detention, in penitentiary institutions and in places where people were illegally kept *incommunicado*.

91. In two cases documented by OHCHR in 2016, pro-Ukrainian supporters were compelled by FSB officers to confess to terrorism-related crimes through torture with elements of sexual violence. The victims were kept incommunicado, tied, blindfolded, beaten up, subjected to forced nudity, electrocuted through electric wires placed on their genitals, and threatened with rape with a soldering iron and wooden stick.

92. Forced internment in a psychiatric institution has been used as a form of harassment against political opponents, which may amount to torture or ill-treatment. Procedurally, such placements are decided by a judge upon the request of the police or FSB investigator. A deputy Chairman of the Mejlis, Mr. Ilmi Umerov, underwent an imposed court-ordered 'psychiatric assessment' for three weeks after being charged in May 2016 with calls to violate the territorial integrity of the Russian Federation. In November and December 2016 five Crimean Tatar men suspected of being members of Hizb ut-Tahrir, an organization banned for terrorism in the Russian Federation, were also placed in a psychiatric hospital for weeks. During the psychiatric assessment, doctors reportedly asked them unrelated questions, including on their religious practice and political views.

E. Right to liberty and security

93. The right to liberty and security of person exists to ensure that subjects of a State can pursue their daily activities without harassment or apprehension of being restrained without any lawful basis. It includes two key components: freedom from arbitrary arrest or detention; and protection from enforced disappearances. Arbitrary deprivation of liberty may amount to a violation of the requirement of common Article 3 of the Geneva Conventions and Additional Protocol I that all civilians and persons hors de combat should be treated humanely.

1. Arbitrary arrests and detentions

94. The Fourth Geneva Convention specifies that in an occupied territory, a civilian may only be interned or placed in assigned residence for "imperative reasons of security" (Article 78). Arbitrary detention is prohibited under customary international humanitarian law93 and international human rights law protects individuals from arbitrary arrest and detention by the State, as well as by private individuals or entities empowered or authorized by the State to exercise powers of arrest or detention. According to the United Nations Human Rights Committee, '*arbitrariness is not to be equated with 'against the law', but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law.*' Any deprivation of liberty must therefore be lawful, reasonable and necessary.

95. OHCHR documented multiple allegations of violations of the right to liberty as a result of acts attributed to agents of the Russian Federation authorities in Crimea. While most of them occurred in 2014, fresh claims of unlawful deprivation of liberty are regularly recorded. Arbitrary arrests and detentions take different forms and appear to serve various purposes, from instilling fear, to stifling opposition, and inflicting punishment.

96. In many cases, victims are neither charged nor tried, but detained by the police, FSB or self-defence groups as a form of extra-judicial punishment or harassment. Detention under such circumstances would usually last from several hours to several days, exceeding the legal limits for temporary detention and ignoring procedural requirements, such as the establishment of a protocol of arrest. Many of the victims were journalists, land or business owners, and people arrested during so-called 'prophylactic' police operations at markets, mosques, cafés, restaurants or places of entertainment. OHCHR noted a prevalence of members of the Crimean Tatar community among people apprehended during police raids. They were typically taken to the police centre to fight extremism ('Center E'), photographed, fingerprinted and made to provide DNA samples before being released, usually without any charges being pressed.

97. In other cases, people deprived of liberty were charged with offences of extremism, terrorism, territorial integrity violations, detained and tried. This form of treatment has been commonly applied against political opponents, such as Crimean Tatar figures linked to the Mejlis, practising Muslims accused of belonging to banned Islamic groups, and journalists or individuals posting messages critical of the Russian Federation authorities or expressing dissent on social media. Prosecutions often seemed to be tainted by bias and a political agenda. The initial arrests were usually carried out by FSB and followed by searches of victims' houses and harassment of their families by law enforcement. Victims were charged and subjected to lengthy pre-trial detention despite a general lack of sufficient evidence.

98. In the most egregious cases, unlawful detentions were accompanied by physical or psychological abuse amounting to torture. Many of the victims were people accused of spying and planning terrorist acts, as well as political and civic activists supporting the Maidan protests and pro-Ukrainian demonstrations in Crimea or seeking to assist Ukrainian soldiers stationed in Crimea. On 9 March 2014, two members of a pro-Ukrainian organization were abducted by the Crimean self-defence, detained in a secret location without the presence of a lawyer for 11 days - and one of them tortured - before being released. The arrests were made without reasonable suspicion, proper motivation and court review, qualifying as violations of the right to liberty and security. In addition, the torture allegations were not investigated, in denial of the right to an effective remedy.

2. Enforced disappearances

99. Enforced disappearance, as defined by the International Convention for the Protection of All Persons from Enforced Disappearance, violates, or threatens to violate, a range of international humanitarian law norms, most notably the prohibition of arbitrary deprivation of liberty, torture and other cruel or inhuman treatment and murder. The duty to prevent enforced disappearances is further supported by the requirement to record the details of persons deprived of their liberty. The obligations placed on States by the Convention arguably represent customary international law, which Ukraine (which has ratified the Convention) and the Russian Federation (which has not done so) are required to respect. OHCHR notes a precedent in the jurisprudence of the European Court of Human Rights for holding an occupying power liable for violation of the right to liberty and security arising from the failure of authorities to investigate the fate and whereabouts of missing persons in its occupied territory.

100. The first recorded case of enforced disappearance in Crimea occurred on 3 March 2014, less than a week after the establishment of a pro-Russian Government in Crimea, on 27 February. Since then, dozens of persons have gone missing, mostly in 2014. While the majority of victims were released by perpetrators within hours or days, the whereabouts of others are still unknown.

101. The highest number of enforced disappearances in a single month occurred in March 2014, when at least 21 persons were abducted in Crimea. The victims included pro-Ukrainian and Maidan activists, journalists, Crimean Tatars and former and active Ukrainian servicemen. They were held incommunicado and often subjected to physical and psychological abuse by armed individuals allegedly belonging to the Crimean selfdefence and one Cossack group. Most victims were released after being illegally held from a few hours to several days, with no contact with their relatives or lawyers.

102. OHCHR documented 10 cases of persons who disappeared and are still missing: six Crimean Tatars, three ethnic Ukrainians and one Russian-Tatar - all men. Seven went missing in 2014, two in 2015 and one in 2016.

103. On 1 October 2014, the Head of Crimea decided to create a 'contact group' focusing on the disappearances and other incidents involving Crimean Tatars. The group convened for the first time on 14 October 2014 in the presence of investigative authorities and the relatives of five missing Crimean Tatar men but achieved little beyond information-sharing and the decision to transfer the investigations to the central Investigation Department of the Russian Federation. Of the 10 disappearances mentioned, criminal investigations were still ongoing in only one case as at 12 September 2017. They were suspended in six cases due to the inability to identify suspects, and in three cases no investigative actions have been taken as the disappearances were allegedly not reported.

104. In five cases, the possible involvement of State agents was raised by witnesses who saw the victims being abducted by men dressed in uniform associated with the security forces or the Crimean self-defence. Circumstances which may suggest political motives in the other five cases include the profile of the victims who were pro-Ukrainian activists or had links to the Mejlis.

F. Right to private and family life

105. OHCHR estimates that up to 150 police and FSB raids of private houses, businesses, cafés, bars, restaurants, markets, schools, libraries, mosques and madrassas (Islamic religious schools) have taken place since the beginning of Crimea's occupation. These actions have usually been carried out with the justification to search for weapons, drugs or literature with extremist content forbidden under Russian Federation law. Several interlocutors shared their conviction that the objective pursued by such operations was to instil fear, particularly in the Crimean Tatar community, in order to pre-empt or discourage actions or statements questioning the established order since March 2014.

106. The searches were conducted on the basis of the Russian Federation's antiextremism law, which is very broad and has been used extensively in Crimea. The law gives wide discretion to law enforcement agencies to interpret and apply its provisions, which can be viewed as an infringement of the principles of legality, necessity and proportionality. In her annual report for 2014, the Ombudsperson of the Russian Federation stated in relation to Crimea that law enforcement officers should adopt 'a well-balanced approach that rules out any arbitrary, excessively broad interpretation of the notion of 'extremism'.

107. OHCHR documented raids, which at times took place without search warrants being presented, involved excessive use of force, and amounted to an arbitrary or unlawful interference with an individual's privacy, family and home, in violation of international human rights law. According to victims, materials considered illegal were planted in homes and false written testimonies declaring the presence of illegal substances were signed under duress. On 4 and 5 September 2014, at least 10 houses belonging to Crimean Tatars were searched by police officers and FSB officials in Simferopol, Nizhnegorsk, Krasnoperekopsk and Bakhchisaray. The police found no weapons or drugs but confiscated religious literature.

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G. Rights of detainees

111. According to the Ministry of Justice of Ukraine, on 20 March 2014, 1,086 individuals were detained at Crimea's only pre-trial detention facility in Simferopol, 1353 convicts were serving their sentences in a strict regime colony in

Simferopol, 789 convicts 16 were held in a general regime colony in Kerch and 67 in a correction centre in Kerch. All four institutions have been integrated into the penitentiary system of the Russian Federation, which led to the transfer of hundreds of detainees held in Crimea to penitentiary institutions in the Russian Federation.

1. Violations of the rights of prisoners in Crimea

112. After the Russian Federation took control of Crimea, local courts discontinued all pending appeal proceedings under Ukrainian law, in violation of fair trial guarantees. Ukrainian penal legislation was repealed and prison sentences were requalified in accordance with Russian Federation law, sometimes to the detriment of detainees.

113. Former detainees in Crimea complained to OHCHR about overcrowding, which can amount to degrading treatment. Built for a maximum capacity of 817 people, the pre-trial detention centre in Simferopol had 1,066 detainees in March 2014, 1,532 in December 2015, and a similar level of overcrowding in 2016.

114. Soon after the occupation started, correspondence between detainees in Crimea and mainland Ukraine was blocked by the administration of the penitentiary service and all family visits were denied violating the right of prisoners to be allowed to communicate with family and friends at regular intervals.

115. Pressure was exerted on detainees who refused to accept automatic Russian Federation citizenship as prison officials recorded those who did or did not take Russian Federation passports. A female detainee who rejected Russian Federation citizenship complained that she was denied family visits and that sunflower oil was regularly poured over her personal belongings as a harassment technique. Other detainees who refused Russian Federation citizenship were placed in smaller cells or in solitary confinement.

2. Transfer of prisoners to the Russian Federation

116. A sizeable number of Crimea's prison population was transferred to the Russian Federation. A key factor explaining this situation is the lack of specialized penitentiary facilities in Crimea, which has led to the transfer of juveniles in conflict with the law, people sentenced to life imprisonment, and prisoners suffering from serious physical and mental illnesses. In addition, Crimea having no prisons for women, 240 female detainees convicted by Crimean courts were sent to the Russian Federation between 18 March 2014 and 15 June 2016 to serve their sentences.

117. Transfers of pre-trial detainees have also taken place. This is the case of Ukrainian filmmaker Mr. Oleg Sentsov, who was arrested in Simferopol on 11 May 2014 on suspicion of 'plotting terrorist acts'. On 23 May 2014, he was transferred to Moscow's Lefortovo prison and later to Rostov-on-Don (Russian Federation) where he was placed in remand detention. Following his trial and conviction on 25 August 2015, he was incarcerated in a high security penal colony in the Siberian region of Yakutia.

118. OHCHR notes that international humanitarian law strictly prohibits forcible transfers of protected persons, including detainees, from occupied territory to the territory of the occupying power, regardless of the motives of such transfers ...

119. On 17 March 2017, negotiations between the Ombudspersons of Ukraine and the Russian Federation enabled the return to mainland Ukraine of 12 detainees (11 men and a woman) sentenced by Ukrainian courts before March 2014, and transferred from Crimea to various penitentiary institutions in the Russian Federation after that date. OHCHR interviewed each of them. Some detainees publicly expressing pro-Ukrainian sentiments reported having been ill-treated and placed in solitary confinement. Others complained of the absence of medical treatment. OHCHR documented the death of at

least three male prisoners transferred from Crimea to the penitentiary institution in Tlyustenkhabl, Adygea region, who were suffering from serious ailments and did not receive necessary medical care. Under international human rights and humanitarian law provisions, detainees must be provided with the medical attention required by their state of health.

...

I. Freedom of movement

123. The introduction by the Russian Federation of a State border at the ABL between mainland Ukraine and Crimea, in violation of General Assembly resolution 68/262, has adversely affected freedom of movement between mainland Ukraine and the Crimean peninsula. Other legal restrictions, as per this section, have been imposed both by the Governments of the Russian Federation and Ukraine.

124. International human rights law guarantees freedom of movement to anyone lawfully within the borders of a State and the right to leave and enter their own country. It also recognizes that a sovereign Government has the right to restrict freedom of movement provided such a measure is necessary, reasonable and proportionate.

1. Restrictions imposed by the Russian Federation authorities

125. On 25 April 2014, the Russian Federation authorities established its 'border' at the northern entrance to Crimea. Ukrainian activists, supporters and members of the Mejlis, in particular, have frequently faced infringements on their movement, including intrusive and lengthy interrogations whenever entering or leaving Crimea through the ABL.

126. In addition, citizens of Ukraine have been deported from Crimea for violating Russian Federation immigration rules, which, pursuant to resolution 68/262, should not apply to the territory of Crimea. For instance, the Crimea-born chairman of an NGO from Evpatoriia providing free legal aid was convicted in January 2017 of "illegal stay" by a Crimean court which ordered his deportation. In 2012, his Crimean passport registration had been cancelled on procedural grounds, which disqualified him from obtaining Russian Federation citizenship in March 2014. The court which ordered his deportation found him to be a foreigner who violated immigration rules by staying in Crimea beyond the authorized 90-day period. Following the ruling, the man was transferred from Crimea to the region of Krasnodar (Russian Federation), detained for 27 days, and subsequently deported to mainland Ukraine where he currently lives as an IDP. He is banned from entering Crimea - where his wife and son live - until 19 December 2021, which violates his freedom of movement and his right to family life. In addition, his forced transfer and deportation contravene international humanitarian law rules applying to protected persons in situations of occupation.

127. OHCHR has information that 20 to 25 other Ukrainian citizens were deported from Crimea to mainland Ukraine in 2016, and has reasons to believe that the total number since the beginning of the occupation of Crimea may be significantly higher.

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J. Freedom of thought, conscience and religion

137. After the start of the occupation, freedom of religion or belief in Crimea has been jeopardized by a series of incidents targeting representatives of minority confessions and religious facilities belonging to them. Limitations on religious freedom have also resulted from the imposition of legal re-registration requirements, legislation increasing

restrictions on the activities of religious groups in the name of fighting extremism, and judicial decisions.

138. The Parliament of the Russian Federation adopted legal amendments – commonly referred to as the 'Yarovaya package' – which came into force on 20 July 2016 as an antiterrorism measure allowing the authorities to monitor extremist groups. The amendments practically ban missionary groups and house prayers by making proselytizing, preaching, praying, or disseminating religious materials outside of 'specially designated places', like officially recognized religious institutions, a punishable crime.

139. In the first year after adoption of the 'Yarovaya package' eight persons from Crimea - including four Jehovah's Witnesses, three Protestants and one Muslim – were fined 5,000 RUB each (USD 85) for conducting a missionary activity. In addition, eight religious communities - two Jehovah's Witness, one Catholic, one Lutheran, one Pentecostal and one Hare Krishna - were fined in amounts ranging from 30,000 RUB (USD 525) to 50,000 RUB (USD 875) for violating the prohibition for a religious organization to conduct activities 'without indicating its official full name'.

140. The gravest and most frequent incidents involving representatives of minority confessions were reported in 2014. For instance, on 1 June, men in Russian Cossack uniforms broke into the local Ukrainian Orthodox Church of the Kyiv Patriarchate (UOCKP) in the village of Perevalne, shouting and terrorizing churchgoers. The car of the priest was damaged. The police were called but did not investigate the incident. On 21 July, a house in the village of Mramorne belonging to the UOC-KP was burnt to the ground. A pastor of the Protestant Church from Simferopol and his family left the peninsula after reportedly being told by FSB officers that he could 'disappear'. Greek-Catholic priests faced threats and persecution, resulting in four out of six of them leaving Crimea. A Polish citizen and the senior Roman Catholic priest in the Simferopol parish had to leave on 24 October, due to the non-renewal of Ukrainian residence permits. Most of the 23 Turkish Imams and teachers on the peninsula have left for the same reason. On 26 April, unknown persons threw Molotov cocktails at a mosque in the village of Skalyste, setting it 20 on fire. On 25 July, a Muslim cemetery in Otuz was damaged. Several mosques and madrassas (Islamic schools) belonging to the Spiritual Administration of the Muslims of Crimea (DUMK) were raided in 2014 by FSB officers searching for banned extremist materials and members of radical groups. The raids have continued in the following years but their frequency diminished after the DUMK leadership started cooperating with the Russian Federation authorities in Crimea in 2015.

141. Pursuant to Russian Federation legislation imposed in Crimea, public organizations in Crimea, including religious communities, were subjected to the obligation to re-register to obtain legal status. The religious communities which applied for registration had to submit the statutes of the organization, two records of community meetings, a list of all the community members, and information on the 'basis of the religious belief'. Only Russian Federation citizens are allowed to register a religious community.

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143. Before the occupation of Crimea, there were 2,083 religious organizations in Crimea and 137 in Sevastopol, both with and without legal entity status. As of 4 September 2017, 722 religious communities were registered in Crimea and 96 in Sevastopol. They included the two largest religious organizations of the Christian Orthodox and Muslim communities, as well as various Protestant, Jewish, Roman-Catholic and Greek-Catholic communities, among other religious groups.

144. One of the religious communities registered in Crimea, the Jehovah's Witnesses, was declared illegal in an April 2017 decision of the Supreme Court of the Russian Federation, which found that the group had violated the country's anti-extremism law. On 1 June 2017, all 22 congregations in Crimea were de-registered, affecting the right to freedom of religion of an estimated 8,000 believers. On 9 June 2017, a Jehovah Witness was told at a military conscription centre in Crimea that he could not invoke his right to an alternative civilian service under Russian Federation legislation unless he renounced his faith and changed his religion. On 27 June, the head of the Jehovah Witnesses community in Dzhankoy was summoned to court, charged with unlawful missionary activity, and died later that day of a heart attack.

145. The Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP) chose not to re-register under Russian Federation law and thus has no legal recognition. Since 2014, five UOC-KP churches have been either seized by paramilitary groups or closed due to nonrenewal of their property leases. The activities of another UOC-KP church, located in Simferopol, were disrupted on 31 August 2017, when court bailiffs stormed the building of the church. The action was undertaken pursuant to a judgment, upheld by the Supreme Court of the Russian Federation in February 2017, ordering to vacate premises in the building used by a daughter company of the UOC-KP as office space and a shop. As of 12 September 2017, worship services were still held but fewer parishioners attended them.

...

K. Freedom of peaceful assembly

147. The possibility to peacefully gather or hold a rally in Crimea has been significantly reduced since March 2014. Restrictive legal measures placed additional obstacles to the exercise of the right to peaceful assembly. According to legislation adopted by the Parliament of Crimea in August 2014, the organizers of public assemblies must be Russian Federation citizens and must officially request permission to hold an assembly no more than 15 days and no fewer than 10 days prior to the planned event. In addition, a resolution of the Government of Crimea of 4 July 2016 reduced from 665 to 366 the number of locations throughout the 'Republic of Crimea' where public events could be organized, without explaining the motives of this decision.

148. Lengthy blanket prohibitions on holding public assemblies have been issued, including an indefinite one decided by the Simferopol city authorities. In March 2016, a ban on all public events on the territory of the city was decreed, with the exception of those organized by the republican and local authorities. This measure was not taken in response to a sudden deterioration of public order and clearly infringed on the freedom to hold peaceful public assemblies.

149. Public events initiated by groups or individuals not affiliated with the Russian Federation authorities in Crimea or which consider that Crimea remains a constituent part of Ukraine have systematically been prohibited and prevented. On 23 September 2014, the Prosecutor of Crimea issued a statement that '*all actions aimed at the non-recognition of Crimea as a part of the Russian Federation will be prosecuted'*. Consequently, any assembly demanding the return of Crimea to Ukraine or expressing loyalty to Ukraine has been effectively outlawed.

150. Requests to hold peaceful public assemblies have often been rejected on procedural technicalities, which appeared to be neither necessary to justify a ban nor proportionate and responding to a general public interest ...

151. In some cases, refusals to authorize public events were based on unsubstantiated allegations that 'extremist' or 'separatist' messages would purportedly be disseminated during their conduct.

152. Spontaneous gatherings have been met with sanctions. Crimean Tatars taking part in unauthorized motorcades to commemorate the Crimean Tatar deportation were regularly arrested, interrogated for hours, and fined. An elderly Crimean Tatar man holding a one person picket in support of prosecuted Crimean Tatars was arrested in front of the building of the Supreme Court of Crimea on 8 August 2017. He was charged with carrying out an unauthorized public gathering and resisting police orders and sentenced by court to an administrative fine of 10,000 RUB (USD 175) and 10 days of detention.

L. Freedom of opinion and expression and the media

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155. The right to express one's view or opinion has been significantly curtailed in Crimea. In March 2014, analogue broadcasts of Ukrainian television channels were shut off and the vacated frequencies started broadcasting Russian TV channels. Journalists were attacked or ill-treated without any investigation being conducted into these incidents. In June 2014, the only Ukrainian language newspaper, *Krymska svitlytsia*, was banned from distribution and had to vacate its rented premises.

156. Official 'warnings' have often preceded the closing down of a media outlet. They applied to views, articles or programmes whose content were deemed 'extremist'. The editor of the weekly Mejlis newspaper *Avdet* received several written and oral warnings from FSB officers that the newspaper materials allegedly contained extremist content, such as use of the terms 'annexation', and 'temporary occupation' of Crimea. The Crimean Tatar *ATR* television channel was warned by *Roskomnadzor*, the Russian Federation media regulatory body, against disseminating false rumours about repression on ethnic and religious grounds and promoting extremism.

157. *ATR* and *Avdet* were among the Crimean Tatar media outlets which were denied re-registration according to Russian Federation legislation and had to cease operations on the peninsula. When the deadline for re-registration expired on 1 April 2015, *Roskomnadzor* reported that 232 media were authorized to work, a small fraction of the approximately 3,000 media outlets previously registered under Ukrainian regulations. In addition, other popular Crimean Tatar media outlets, such as *Lale* television channel, *Meydan* and *Lider* radio stations, *QHA* news agency and *15minut* Internet site, were denied licenses to work. Procedural violations were cited as the main reasons for rejection.

...

159. According to the United Nations Human Rights Committee 'the penalization of a media outlet [including online media], publishers or journalists solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of the freedom of expression.' Yet, provisions of the Russian Federation penal code have regularly been used by the authorities in Crimea to criminalize free speech and dissenting opinions of journalists and non-journalists alike.

160. On 7 July 2017, a court in Crimea convicted a Crimean Tatar man from Sevastopol to one year and three months of prison for 'publicly inciting hatred or enmity'. During an eight months period in 2016, he had posted statements on *Facebook* mentioning the 'oppression' of the Crimean Tatars, referring to Crimea being

'occupied' and 'annexed', and quoting a Crimean Tatar leader who had organized the food and trade blockade of Crimea in September 2015.

161. People have also been charged under the accusation of advocating separatism. In 2017, the trials of a journalist from Crimea and a deputy chairman of the Mejlis, started. Both men were charged with 'public calls to violate the territorial integrity of the Russian Federation' in connection with an article and a televised interview, respectively. If found guilty, they face prison sentences of up to five years.

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VII. Economic, Social and Cultural Rights

A. Property rights

170. Following Crimea's occupation, the Russian Federation authorities proceeded with a large-scale nationalization of public and sometimes private property. Expropriation was done in disregard of ownership rights and without compensation. Proper regulation of housing, land and property issues are also central to the Crimean Tatars who, almost three decades after returning from deportation, have not obtained security of tenure guarantees.

1. Property nationalization

171. Since the March 2014 referendum, many of the most economically valuable assets in Crimea – from energy companies to mobile operators – have been expropriated, often by force.

172. On 24 August 2014, the Crimean self-defence took over the *Zaliv* shipbuilding company, preventing the management from entering the premises. A new administration from Zelenodolsk (Tatarstan) was subsequently imposed on the firm. On 27 August 2014, members of the Crimean self-defence entered the headquarters of Ukrainian gas company *Krymgas* and seized all documents and stamps. The entrances were blocked and the employees were advised either to quit or to sign applications for transfer of their jobs to a newly created gas company.

173. Regulatory acts have been adopted to provide legitimacy to the nationalization process. However, frequent amendments, which increased the number and nature of property to be nationalized, undermined legal certainty and guarantees against arbitrariness. For example, Resolution No. 2085-6/14, which originally focused on nationalization of property without ownership or belonging to the State of Ukraine, was amended to include 111 individual property assets listed in a separate Annex called 'List of property considered as the property of the Republic of Crimea'. During 2014 - 2016, hotels, private apartments, non-residential premises, markets, gas stations, land plots and movable property, were added to the Annex by new resolutions, which contained no criteria for the nationalization and, in most cases, no information on the owners of nationalized property.

174. On 27 February 2015 Crimea's Parliament adopted Resolution No. 505-1/15 declaring an end to the nationalization process and prohibiting the inclusion of new property into the Annex starting from 1 March 2015. However, this provision was subsequently amended on 16 September 2015, allowing inclusion of land plots and some new information in the List of nationalized property for 'clarification purposes.' As of 12 September 2017, the Annex with the list of nationalized property had been amended 56 times and now contains 4,618 'nationalized' public and private real estate assets.

175. Similar processes have taken place in the city of Sevastopol. With the purpose of 'restoring social fairness and maintaining public order', the city authorities nationalized 13 companies and 30 real estate assets between February 2015 and July 2016.

...

179. After taking control of the peninsula, the Russian Federation authorities in Crimea pledged to legalize the unauthorized appropriation of land or allocate alternative land plots to Crimean Tatars. In 2015, they adopted a law enabling Russian Federation citizens of Crimea who illegally built property on a seized plot of land to acquire this land. There is no information on how this law has been implemented. Crimean Tatars have expressed concern about the citizenship requirement prescribed by the law, which automatically excludes from the process of legalization formerly deported persons who were not residents of Crimea on 18 March 2014 or have returned from deportation after that date. Other obstacles, including resistance from title owners of land plots and competing interests among Crimean Tatar groups representing returnees have also adversely affected the process of acquisition.

180. Additional concerns rose after several cities in Crimea allowed the demolition of buildings constructed without necessary permits. The most recent decision applies to Simferopol and envisages that buildings constructed on land plots located in areas of restricted use, such as public areas and areas near utility facilities, will be torn down. The demolition of such buildings, to be ordered by local administrations and special 'demolition commissions', could result in evictions disproportionately affecting Crimean Tatars.

181. Forced evictions constitute a violation of a broad range of human rights, including the right to adequate housing and freedom from arbitrary interference with home and privacy. OHCHR recalls the importance of preventing forced evictions by *inter alia* repealing legislation which allows for such practice and taking measures to ensure the right to security of tenure for all residents.

182. The Russian Federation authorities in Crimea have denied various manifestations of Ukrainian and Crimean Tatar culture and identity by groups perceived as hostile to the Russian Federation and to Crimea's status as a part of it. Pressure, intimidation and prohibitive administrative or court decisions have been applied. Such actions violate Article 15 of the International Covenant on Economic, Social and Cultural Rights, which guarantees the right of everyone to take part in cultural life, and Article 27 of the International Covenant on Civil and Political Rights, which provides that in States where ethnic, religious or linguistic minorities exist, persons belonging to such minorities should not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

…

B. Right to maintain one's identity, culture and tradition

1. Limitations of the right of Ukrainians and Crimean Tatars to express their culture and identity

183. Following Crimea's occupation, the Ukrainian and Crimean Tatar communities have been constricted in their ability to display Ukrainian state and cultural symbols and publicly celebrate important dates for their communities. Festivities and assemblies organized by minority groups have only been allowed if those groups supported the position of the Russian Federation on the status of Crimea.

184. On 18 February 2015, the Bakhchysarai authorities prohibited the local Mejlis from carrying out a rally in commemoration of the anniversary of the death of Noman Çelebicihan, an important figure in Crimean Tatar history. On 11 March 2015, a court in Simferopol ordered 40 hours of corrective labour for three pro-Ukrainian activists and 20 hours for a fourth after they unfurled a Ukrainian flag bearing the inscription 'Crimea is Ukraine' during a rally to commemorate the anniversary of the national poet of Ukraine, Taras Shevchenko, two days before. In June 2015, the city of Simferopol rejected an application by the Mejlis to hold celebrations of the Crimean Tatar Flag Day.

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2. The ban of the Mejlis

187. In 2016, the Russian Federation authorities in Crimea outlawed the Mejlis, a development which many in the Crimean Tatar community perceived as an attack against their culture and identity. While it is not supported by all Crimean Tatars, the Mejlis is viewed by many as a self-governing body and traditional organ of an indigenous people. Its members, forming an executive body, were elected by the Kurultai, the Crimean Tatars' assembly.

188. On 26 April 2016, the Supreme Court of Crimea declared the Mejlis to be an extremist organization and prohibited it from conducting any activities. The ruling was followed by an instruction, in May 2016, by the Vice Prime Minister of Crimea addressed to the heads of local governments in Crimea to report to the Prosecutor of Crimea any violations committed by Mejlis members or activists.

189. On 29 September 2016, the Supreme Court of the Russian Federation upheld the ban, and supported the Prosecution which argued that the Crimean Tatar leadership of the Mejlis had repeatedly violated Russian Federation legislation and caused prejudice to residents of Crimea by organizing a trade blockade in 2015. The Mejlis was also accused of orchestrating a cut-off in energy supplies to the peninsula - with adverse humanitarian consequences for the population - caused by the sabotage of electricity pylons in mainland Ukraine. OHCHR notes that the ruling confirms the significant restrictions already imposed by the Russian Federation authorities in Crimea on this institution since 2014. It appears to be based on prejudicial evidence and disregards the legitimate character of the Mejlis as an elected organ representing the Crimean Tatar community.

190. In addition to prohibiting any public activity by or on behalf of the Mejlis, the court decision implies that the estimated 2,500 members of the national and local Mejlis bodies can incur criminal liability and face up to eight years in prison for belonging to an organization recognized as extremist. While no criminal sanctions have been imposed so far, some members of the Mejlis have been subjected to administrative sanctions. On 28 September 2016, eight of them were fined by courts in amounts ranging from 750 RUB (USD 12) to 1,000 RUB (USD 15) for holding an 'illegal meeting' of this organization.

191. On 19 April 2017, the International Court of Justice delivered an Order on provisional measures in proceedings brought by Ukraine against the Russian Federation, concluding that the Russian Federation must '*Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis'*.

192. On 25 August 2017, the Committee on the Elimination of Racial Discrimination issued its Concluding Observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation. In these Concluding Observations, the Committee

stated that it was 'particularly concerned' about the ban on the Mejlis and the 'strict limitations on the operation of Crimean Tatar representative institutions, such as the outlawing of the Mejlis and the closure of several media outlets.'

193. As of 12 September 2017, the Mejlis remains a banned organization pursuant to the decisions of the Supreme Courts of Crimea and the Russian Federation.

C. Right to education in native language

194. International human rights instruments ratified by both Ukraine and the Russian Federation guarantee the right to education. States are obliged to prioritize the introduction of compulsory, free primary education and must 'take steps' towards the realization of secondary, higher and fundamental education for all those within its jurisdiction. Article 2 of the First Protocol to the European Convention on the Protection of Human Rights and Fundamental Freedoms provides that states should respect the right of parents to ensure education and teaching in conformity with their own religious and philosophical convictions ...

195. Shortly after the March 2014 referendum, schools and universities in Crimea started functioning in accordance with the curriculum and educational standards of the Russian Federation. The education and academic qualifications obtained in Ukrainian educational establishments were recognized while a large-scale in-training programme for over 20,000 Crimean teachers started in June 2014.

196. Overall, the introduction of Russian Federation education standards has limited the right of ethnic Ukrainians and Crimean Tatars to education in their native language. While under Russian Federation law minority language instruction is available from grades 1 to 9, in senior classes of secondary schools (grades 10 and 11) all subjects must be taught in Russian. Furthermore, there is no clear procedure regulating the education in a mother tongue and no legally defined numeric threshold for opening schools or classes.

197. The number of students undergoing instruction in Ukrainian language has dropped dramatically. In the 2013-2014 academic year, 12,694 students were educated in the Ukrainian language. Following the occupation of Crimea, this number fell to 2,154 in 2014-2015, 949 in 2015-2016, and 371 in 2016-2017. In April 2015, the longtime director of the only Ukrainian-language gymnasium in Simferopol left Crimea, allegedly due to threats and harassment. Between 2013 and 2017, the number of Ukrainian schools decreased from seven to one, and the number of classes from 875 to 28.

198. ... Pressure from some teaching staff and school administrations to discontinue teaching in Ukrainian language has also been reported.

199. At the university level, the Department of Ukrainian Philology in the Vernadskiy Taurida National University was closed down in September 2014 and the majority of its teaching staff laid off. The departments of Ukrainian philology, culture of the Ukrainian language and theory and history of the Ukrainian language have been merged into one department. By the end of 2014, Ukrainian as a language of instruction had been removed from university-level education in Crimea.

200. On 19 April 2017, the International Court of Justice delivered an Order on provisional measures in proceedings brought by Ukraine against the Russian Federation, concluding unanimously that the Russian Federation must '*Ensure the availability of education in the Ukrainian language*'.

201. The number of students receiving their instruction in Crimean Tatar language has remained stable, largely due to a high level of cultural awareness among the Crimean Tatars. In the 2013-2014 academic year, when Ukraine's curriculum was last applied in Crimea, 5,551 Crimean Tatars were educated in their native language. In 2014-2015, the figure was 5,146, in 2015-2016 it was 5,334, and in 2016-2017, 5,330 children were educated in Crimean Tatar. Fifteen Crimean Tatar national schools were functioning in 2017, as in 2013.

...

VIII. Conclusions and Recommendations

220. The human rights situation in Crimea has significantly deteriorated since the beginning of its occupation by the Russian Federation. The imposition of a new citizenship and legal framework and the resulting administration of justice have significantly limited the enjoyment of human rights for the residents of Crimea. The Russian Federation has extended its laws to Crimea in violation of international humanitarian law. In many cases, they have been applied arbitrarily.

221. Russian Federation authorities in Crimea have supported groups and individuals loyal to the Russian Federation, including among national and religious minorities, while preventing any criticism or dissent and outlawing organized opposition, such as the Mejlis. The space for civil society to operate, criticize or advocate has considerably shrunk. Media outlets have been shut down, disproportionately affecting the Crimean Tatar and Ukrainian communities, their right to information and to maintain their culture and identity.

222. Grave human rights violations affecting the right to life, liberty and security have not been effectively investigated. The judiciary has failed to uphold the rule of law and exercise proper administration of justice. There is an urgent need for accountability for human rights violations and abuses and providing the victims with redress.

223. Moreover, the freedom of movement between mainland Ukraine and Crimea has been restricted and the ABL has acquired many attributes of a State border.

...

226. In order to improve the human rights situation in Crimea, OHCHR recommends:

To the Government of the Russian Federation to:

...

o) Put an end to police actions, including house searches, summons, detentions, taking of DNA samples, targeting disproportionately members of the Crimean Tatar community;

..."

(f) Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 21 September 2018

103. This report, which covers the period from 13 September 2017 to 30 June 2018, reads, in particular, as follows:

"3. OHCHR findings confirm the continuing failure of the Russian Federation authorities, as the occupying power, to adequately guarantee and protect a wide range

of human rights in Crimea. The Russian Federation continued applying its legislation in Crimea, which included holding Russian Federation presidential elections in Crimea on 18 March 2018, contrary to the international humanitarian law obligation to respect the laws of the occupied territory. Systemic problems requiring urgent measures include the absence of impartiality in the administration of justice; restrictions on the exercise of fundamental freedoms, including actions to prevent or suppress criticism and dissent; and a general lack of accountability for human rights violations committed by state agents. Crimean Tatars continued to be disproportionately affected by police raids and prosecuted under terrorism and extremism-related offences in proceedings falling short of human rights standards. From 1 January 2017 to 30 June 2018, 86 per cent of the 95 property searches or raids documented by OHCHR affected Crimean Tatars, indicating a pattern that suggests intent in targeting the group.

4. According to information collected by OHCHR, due process and fair trial rights of 94 individuals were violated by state agents of the Russian Federation in Crimea, including judges, prosecutors, investigators, the Federal Security Service of the Russian Federation ('FSB') and police. Several convictions sanctioned political dissent and appeared to be designed to serve as warnings to others.

5. Prohibited practices, notably torture by electrocution and sexual violence, have been used, allegedly by state agents, against people in detention or in the time between their *de facto* deprivation of liberty and formal placement in detention. In seven cases, victims were ill-treated and sometimes tortured as punishment or to extort "confessions".

6. Among documented cases, 19 arbitrary arrests and detentions and four enforced disappearances occurred during the reporting period. In addition, in 11 cases of enforced disappearances, which occurred prior to the reporting period, the victims are still missing as of 30 June 2018. The Russian Federation authorities often either refused to register a case, or suspended previously initiated investigations. To date, no perpetrators have been brought to justice.

7. The absence or lack of effective investigations cuts across all violations. Failure to ensure accountability creates a climate of impunity and denies victims access to justice and remedy.

8. The report raises allegations of violations of fundamental freedoms, including freedoms of peaceful assembly, expression, association, religion and movement. Peaceful assemblies, including single-person pickets, were prohibited or sanctioned. 'Unauthorized' assemblies were repressed and their participants prosecuted. Three individuals calling for the return of Crimea under Ukrainian jurisdiction were sentenced to suspended prison terms. Courts imposed sanctions for posting or saving online content deemed 'extremist'. OHCHR documented continued interference in journalistic activity. Despite an April 2017 Order by the International Court of Justice ('ICJ') requiring that the Russian Federation refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, the Mejlis, a traditional organization of the Crimean Tatar people, is still banned in Crimea.

...

III. Civil and Political Rights

A. Administration of justice and fair trial rights

18. In the period under review, OHCHR documented 39 cases where due process and fair trial guarantees prescribed under international human rights and humanitarian law were disregarded by Russian Federation state representatives in Crimea, including

judges, prosecutors, investigators, police and FSB officers, affecting 94 individuals. These violations were documented in criminal and administrative proceedings.

19. At least 10 people were convicted pursuant to Russian Federation laws applied to acts committed before the occupation, in violation of the principle of legality and despite the obligation for an occupying power to maintain the penal legislation in force in the occupied territory and the prohibition to arrest, prosecute or convict protected persons for acts committed or opinions expressed before the occupation. Half of the sentences retroactively implementing Russian Federation law penalized social media posts allegedly containing symbols, slogans or statements of organizations banned in the Russian Federation or materials considered as extremist. The other five sentences involved Crimean Tatar men who allegedly took part in 'mass disturbances' on 26 February 2014 prior to the *de facto* implementation of Russian Federation legislation in Crimea on 18 March 2014.

20. Arrests and convictions sometimes appeared to pursue the objectives of penalizing political dissent and seemed designed to serve as warnings to others. On 14 March 2018, a Crimean farmer with pro-Ukrainian views was fined and sentenced to three years and five months in prison for unlawful possession of firearms and explosives. They were reportedly found in his home as it was searched shortly after the accused displayed a Ukrainian flag and a sign in his yard paying tribute to victims of the 2014 Maidan protests in Kyiv.

21. Defendants facing terrorism or extremism-related charges were pressured into waiving their privately-hired lawyers in exchange for promised leniency. Three Crimean Tatar defendants cancelled the contract with their lawyers after being prompted to do so by FSB officers and warned, through their family members, that having 'pro-Ukrainian' counsels would damage their defense. A man accused of planning a terrorist act terminated the contract with four privately-hired lawyers after the prosecution made it a condition for a plea bargain. In another case, the lawyer of a Crimean Tatar man accused of spitting at a police officer during a house search was threatened by an investigator for 'actively' defending his client. The investigator warned the lawyer he would "lose his license" and that it was a 'matter of time' before he became a defendant himself.

B. Right to physical and mental integrity

22. State agents of the Russian Federation in Crimea continued applying prohibited practices against people in detention or in the time between their effective deprivation of liberty and placement in detention. OHCHR documented seven cases, which occurred during the reporting period, where victims were ill-treated and sometimes tortured as a punishment, to extort confessions or to obtain specific information. The alleged perpetrators were members of the Russian Federation FSB and police in Crimea. The Geneva Conventions of 1949, their Additional Protocols of 8 June 1977 and applicable international human rights law prohibit torture and other cruel or inhuman treatment and outrages upon individual dignity.

23. On 13 September 2017, following a search of his home, a Crimean Tatar man was arrested by the FSB. He was held incommunicado for more than a day in the FSB premises in Simferopol, tortured, including by electric shock, and threatened with sexual violence to make incriminating statements against himself and others. On 14 September, the victim was left at a bus station in Simferopol. No formal record of his arrest was made and no official charges were brought against him.

24. On 23 January 2018, FSB officers tortured a Crimean Tatar man suspected of extremism inside a minibus on the way to their headquarters in Simferopol. Although

the victim's physical injuries were properly documented by doctors and forensic experts, the Russian Federation Investigative Committee refused to open a criminal case, claiming the absence of *corpus delicti*.

25. On 1 March 2018, Crimean police officers reportedly tortured a man to obtain the passwords to his social network accounts. During the court hearing, the judge dismissed the victim's torture complaint, stating it 'goes beyond the merits of the case'.

26. Detainees were often held in conditions amounting to cruel, inhuman or degrading treatment. In the Simferopol pre-trial detention center, overcrowded cells have necessitated sleeping schedules. At times, detainees have been denied food and water before being taken to court hearings or access to necessary medicine. The Ombudsperson of Crimea has acknowledged an acute lack of medical personnel in penitentiary institutions jeopardizing access to medical care for detainees. In addition, as of 30 June 2018, at least three Crimean residents detained in the peninsula or the Russian Federation - Oleh Sentsov, Volodymyr Balukh, and Emir-Usein Kuku - were on a hunger strike, raising further health concerns. Under international humanitarian law, detained protected persons must enjoy standards of food and hygiene sufficient to keep them in good health, and must receive the medical attention required by their state of health.

C. Right to liberty and security

27. The right to liberty and security ensures that subjects of a State can pursue their daily activities without harassment or apprehension of being restrained without any lawful basis. It includes two key components: freedom from arbitrary arrest or detention; and protection from enforced disappearance.

1. Arbitrary arrests and detentions

28. The arrest or detention of an individual is arbitrary where there is no reasonable suspicion that they committed or planned to commit a crime or where there has been no due process of law. Arbitrary detention is strictly prohibited under international humanitarian law and international human rights law. Unlawful confinement of a protected person constitutes a grave breach of the Fourth Geneva Convention (article 147).

29. Eleven arrests taking place outside any legal framework were documented during the reporting period. In those cases, detention records often include a fictitious date of arrest preceded by a period of incommunicado detention during which the authorities concealed information about the whereabouts of the victim from relatives and lawyers. This also amounts to an enforced disappearance. During this period, torture and ill-treatment is often used to obtain specific information or to extract filmed confessions. In one case documented during the period under review, a judge approved a guilty plea agreement despite evidence that the accused had been unlawfully detained several days prior to the documented date of arrest. During the period preceding official arrest, he was tortured and subjected to a mock execution.

30. Justifications underpinning the arrests and detentions of alleged members of terrorist or extremist groups often provided little evidence that the suspect posed an actual threat to society by planning or undertaking concrete actions. On 11 October 2017, FSB arrested six Crimean Tatar men for alleged membership in *Hizb ut-Tahrir*, an organization banned in the Russian Federation as it is considered 'terrorist'. The evidence presented in the bill of accusation mentioned three meetings ('*sokhbets'*) at a mosque, during which the defendants discussed world-wide political developments.

31. Crimean Tatars were disproportionately subjected to police and FSB raids of their homes, private businesses or meeting places, often followed by arrests. OHCHR documented 57 searches in 2017, of which 53 concerned Crimean Tatar properties, and 38 searches in the first half of 2018, of which 30 concerned properties of Crimean Tatars. The number of searches carried out in the first six months of 2018 has nearly tripled compared to the similar period in 2017, when 14 searches were documented, 11 of which concerned Crimean Tatars. While the searches were usually carried out on the basis of court warrants, some were conducted without presenting any authorization or portrayed as a 'house observation', an investigative activity not requiring judicial supervision when it is conducted with the consent of the property owner. The raids often involved excessive use of force and an extent of searches not warranted by circumstances, going beyond the lawful objective of preventing crime and protecting the rights and freedoms of others.

32. OHCHR conducted a review of cases of individuals who went missing in Crimea from 3 March 2014 to 30 June 2018, and found that at least 42 persons were victims of enforced disappearances, including four during the reporting period. The victims (38 men and 4 women) include 27 ethnic Ukrainians; 9 Crimean Tatars; 4 Tajiks; 1 person of mixed Tatar-Russian origins; and 1 Uzbek. Twenty-seven were released after being illegally detained for periods lasting from a few hours to two weeks; twelve are missing and feared dead by their relatives; two are held in custody; and one was found dead.

...

35. In none of the cases documented have perpetrators been brought to justice. Seven persons identified by OHCHR as victims of enforced disappearances are listed by Russian Federation authorities as 'missing'. In relation to at least ten victims, the authorities have either refused to register a case or suspended previously initiated investigations. The lack of progress in the investigations raises questions about their effectiveness.

41. The Crimean Tatars have traditionally been affiliated to the Spiritual Administration of Crimean Muslims, which re-registered in 2015 and is treated favourably by the authorities. Crimean residents who are perceived as sympathizers of unauthorized Muslim groups, such as *Hizb ut-Tahrir* and *Tablighi Jamaat*, face prosecution.

...

F. Freedoms of opinion and expression

43. Reflecting a continuing trend, Russian Federation authorities in Crimea placed excessive limitations on the freedoms of opinion and expression. In accordance with human rights law, the exercise of fundamental freedoms may only be subjected to restrictions provided by law and necessary for the respect of the rights or reputations of others, or the protection of national security, public order, public health or morals.

44. Three individuals advocating for the return of Crimea to Ukraine or expressing the view that Crimea remains a territory of Ukraine were sentenced by courts in Crimea during the reporting period on the basis of Russian Federation legislation criminalizing public calls encouraging separatism. This runs counter to the concluding observations of the Human Rights Committee, which called on the Russian Federation to apply anti-separatism legislation in a manner consistent with article 19 of the ICCPR, and not to silence individuals critical of the State's foreign policy, including with regard to Crimea.

45. The right to express one's views has been curtailed through court-imposed sanctions against individuals posting information, pictures or saving social media content deemed 'extremist'. On 15 March 2018, the Supreme Court of Crimea upheld the conviction of a Crimean woman found guilty of inciting hatred for a *Facebook* post criticizing the Russian Federation, its army and historical characters.

46. Based on interviews with current and former journalists from Crimea, OHCHR noted continued interference in journalistic activity and a lack of independent reporting. Several interlocutors mentioned widespread self-censorship and filtering of content prior to publication. An undercover reporter monitoring trials of Crimean Tatars accused of terrorism was questioned by police about his journalistic activity. He was 'warned' about the consequences of 'wandering around' court hearings and let go after writing an explanatory note. The police did not present any grounds for stopping or questioning him.

G. Freedom of peaceful assembly

47. During the period under review, the right to hold and participate in peaceful assemblies continued being selectively protected. While Russian Federation authorities in Crimea have allowed some public events to take place, including national celebrations or commemorations, they arbitrarily banned or sanctioned the conduct of other processions, assemblies or meetings of a non-violent nature in violation of applicable human rights law.

48. Under Russian Federation legislation applied in Crimea, most public events require prior authorization by local authorities. Conduct of unauthorized assemblies was thus regularly sanctioned. On 20 September 2017, a court fined a Crimean Tatar man for organizing a protest against the expropriation of land in Sevastopol. The local authorities had previously denied the request to hold this assembly, citing plans to hold another event on the same date and location. In the case of simultaneous assemblies at the same place and time, it is good international practice to allow, protect and facilitate all events, whenever possible.

49. According to Russian Federation legislation, one-person pickets do not require preauthorization. However, between December 2017 and March 2018, courts in Crimea fined 80 Muslim men, who, on 14 October 2017, had conducted single-person pickets to protest the arrests of other Muslim men, mostly Crimean Tatars, for alleged membership in terrorist or extremist organizations. The courts based their decisions on jurisprudence of the Constitutional Court of the Russian Federation providing that when several one-person pickets are held simultaneously and are similar to one another with 'sufficient obviousness', they may be considered as one public picket carried out by a group of individuals requiring prior authorization. OHCHR notes that the judgments offer no evidence that single picketers had harmed national security, public safety, public order, public health or morals, or the rights and freedoms of others, which are the only permissible grounds to restrict the right to peaceful assembly under international human rights law.

...

H. Freedom of association

51. Due to a deteriorated human rights environment and declining freedoms, informal civil society networks have sprung up. They have chosen not to register to avoid oversight and control of their activities by the authorities.

52. In response to arbitrary arrests and prosecutions of Crimean Tatar activists, relatives of detained Crimean Tatars created a civic group 'Crimean Solidarity' operating as a platform to exchange information, mobilize support, and reach out to lawyers and human rights defenders. In 2017, the network launched a fundraising campaign - Crimean marathon - to cover fines imposed on Crimean Tatars holding protests, filming police raids or publishing critical social media posts. On 27 January 2018, a Crimean Solidarity meeting in Sudak attended by 150 people was disrupted by law enforcement officers allegedly searching for drugs and weapons. The activists were questioned and photographed but no prohibited items were found.

53. The Ukrainian Cultural Centre was set up in May 2015 to maintain and promote Ukrainian identity and culture after Crimea's occupation. In August 2017, it launched *Krymskyi Teren*, a monthly Ukrainian language newspaper which published nine issues until 30 June 2018. Contributors acknowledged applying self-censorship and sometimes using pseudonyms. Members of the Centre were warned by law enforcement not to engage in ill-defined 'extremist activities' and sometimes threatened; as a result, the Centre only had three active members in 2018.

54. The Mejlis, viewed by many Crimean Tatars as a self-governing body comprising elected representatives of the Crimean Tatar people, remains banned for extremism in Crimea and the Russian Federation despite a 2017 ICJ Order requiring that the Russian Federation '*Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis*'.

...

VI. Illegal population transfers

...

77. During the reporting period, OHCHR verified 13 cases where Ukrainian citizens detained in Crimea were transferred to the Russian Federation to stand trial or serve a sentence. The actual number is believed to be much higher, since Russian Federation authorities do not publicly report on the number of such transfers [footnote 84: The Government of Ukraine identified 255 Ukrainian detainees who were transferred from Crimea to various penitentiary institutions in the Russian Federation since March 2014. The NGOs 'Ukrainian Helsinki Human Rights Union' and 'Regional Center for Human Rights' claim that such transfers have involved at least 4,700 detainees]. OHCHR continued receiving regular reports of torture and ill-treatment in Russian Federation penitentiary facilities."

(g) Briefing Paper "Enforced Disappearances in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, temporarily occupied by the Russian Federation", UN Human Rights Monitoring Mission in Ukraine, 31 March 2021

104. At the request of the Government of Ukraine, the OHCHR established the UN Human Rights Monitoring Mission in Ukraine ("HRMMU"), which was deployed on 14 March 2014. The HRMMU Briefing Paper explained:

"1. Since the beginning of the occupation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, ('Crimea') in 2014, OHCHR has documented 43 cases of enforced disappearances in Crimea[.]

...

The vast majority of the enforced disappearances documented by OHCHR took place in 2014 (28), with an additional two disappearances in 2015, four in 2016, seven in 2017, and two in 2018. The first documented disappearance took place on 3 March 2014 and the most recent on 23 May 2018.

...

Perpetrators and victims

In the spring of 2014, a militia group, commonly referred to as 'Crimean self-defense' and similar militia groups targeted people who expressed support for Ukrainian territorial integrity, participated in the Euromaidan protests, opposed the Crimean status referendum held on 16 March 2014, or for other reasons were perceived as "pro-Ukrainian".

At least 20 such persons who were targeted in this way became the victims of enforced disappearances.

...

Emblematic Cases

The cases described below are emblematic for different categories of disappearances: a summary execution, those who remain missing, those who were later placed in formal detention, and victims who were released. These examples are listed in chronological order and showcase differing types of alleged perpetrators and circumstances of abduction and/or deprivation of liberty. OHCHR documented these cases by engaging multiple sources to corroborate allegations, including direct interviews with the victims themselves where it was possible, relatives, lawyers, human rights defenders, video footage, photographs, medical records, criminal case files, official statements and documents issued by the Russian Federation authorities, correspondence, and media reports. The selected cases have been verified to such an extent that they may be described at length and serve to illustrate larger trends and systematic violations.

Reshat Ametov

Reshat Ametov is the only victim of an enforced disappearance in Crimea whose death has been confirmed. His case is also the first enforced disappearance documented by OHCHR since the beginning of the occupation of Crimea.

Reshat Ametov, a Crimean Tatar and a supporter of Ukrainian unity, was last seen alive at a pro-Ukrainian protest in Simferopol on 3 March 2014. Publicly available footage clearly shows him being escorted into a car by men in camouflage uniforms. His body was found on 15 March 2014 bearing signs of torture. One eye was missing and appeared to have been cut out by a knife. Adhesive tape was wrapped around his head. Allegedly, local police initially informed his relatives that he had been briefly detained by the Crimean self-defense but then released. The authorities publicly rejected these allegations.

The local authorities investigated the case as a murder incident. However, the leading investigators in the case frequently moved on to other cases and the investigation was suspended in 2015, due to the alleged failure to identify perpetrators of the crime. It was reportedly re-opened again in 2016, however, no further progress was made in bringing any perpetrator to justice. The level of impunity in this case is particularly troubling since there appeared to be strong evidence, including video footage that showed the

perpetrators during the abduction, and torture signs on the body of the deceased. The disappearance, torture and extra-judicial execution of Mr. Ametov is a grave human rights violation and his family is entitled to redress and to know the circumstances leading to his death.

Timur Shaimardanov & Seiran Zinedinov

Timur Shaimardanov remains missing and there has been no accountability.

Timur Shaimardanov is an ethnic Tatar who disappeared on 26 May 2014, shortly after joining a grassroots initiative, "Ukrainian House", aiming to support the territorial integrity of Ukraine. On the day of the incident, he called his ex-wife to say that he would pick up their son but he never did and did not return to his home. Before the disappearance, Mr. Shaimardanov had received threats from the Crimean self-defence and had reported being under surveillance. He provided assistance to the Ukrainian military stationed in the peninsula and cooperated with numerous pro-Ukrainian activists. Seiran Zinedinov, a fellow pro-Ukrainian activist who coordinated a search for Mr. Shaimardanov, disappeared himself on 30 May 2014. Before the disappearance, Mr. Zinedinov told Shaimardanov's ex-wife that he had been negotiating the release of Mr. Shaimardanov. She drove Mr. Zinedinov to the arranged meet-up place, after which he has never been seen again.

Mr. Shaimardanov's ex-wife, sister and mother submitted reports of his disappearance. The police initiated a formal inquiry into the disappearances of Mr. Shairmardanov and Mr. Zinedinov in July 2014 but suspended it in 2015. In 2018, the Supreme Court in Crimea rejected an appeal of the family's lawyer, claiming inaction of the Investigative Committee of the Russian Federation in investigating the disappearance. No information on Mr. Shaimardanov's and Mr. Zinedinov's fate and whereabouts has become available to date.

...

Valentyn Vyhivskyi

Valentyn Vyhivskyi is the only victim, who remains officially detained as of 18 November 2020.

Valentyn Vyhivskyi was a resident of mainland Ukraine and a participant of the Euromaidan protests. He disappeared during his trip to Crimea on 17 September 2014. As his relatives found out later, the FSB apprehended Mr. Vyhivskyi when he entered the territory of Crimea and held him in an unofficial place of detention for several days. Around 21 September 2014, Mr. Vyhivskyi was deported to the Russian Federation and eventually placed in the Lefortovo SIZO in Moscow. In the meantime, Mr. Vyhivskyi's parents made numerous unsuccessful attempts to locate their son, including through enquiries with law enforcement agencies in Crimea. They finally received information about his whereabouts approximately a month after his disappearance in a letter issued by the FSB to the Embassy of Ukraine in the Russian Federation.

Russian Federation authorities denied his parents confidential correspondence or confidential meetings with their son in detention and access to his criminal case files. Mr. Vyhivskyi complained to relatives about ill-treatment and torture during his initial deprivation of liberty in Crimea, during the deportation to Russia, and in Moscow, which comprised repeated beatings and a mock execution with the use of a gun. On 15 December 2015, a court in Moscow convicted him of espionage and sentenced him to 11 years in prison in an in camera trial. Mr. Vyhivskyi continued to be held in pre-trial detention centres until May 2016, when he was transferred to serve his prison term in a

maximum-security prison colony in the Kirov region of Russia. After his transfer, Mr. Vyhivskyi complained of regular placement in solitary confinement cells and health problems due to the earlier beatings and aggravated by inadequate conditions of detention.

Oleksandr Kostenko

Oleksandr Kostenko's abduction and further undeclared detention is an emblematic example of an enforced disappearance which was followed by criminal prosecution and formal detention. His case is also characterized by particularly brutal torture and ill-treatment suffered during his enforced disappearance.

Oleksandr Kostenko was a former employee of the local department of the Ministry of Internal Affairs in Simferopol. He was also a devout supporter of the political party 'Svoboda'. Mr. Kostenko participated in the Euromaidan protests in Kyiv. He returned to Crimea in late 2014 and hid in his parents' apartment fearing retaliation for his participation in the Euromaidan protests and pro-Ukrainian views. On 5 February 2015, he was attacked by two men, who later turned out to be FSB officers, beaten up and driven to an unidentified private house. On the way to the place of captivity, the perpetrators beat and kicked Mr. Kostenko, broke his nose, and suffocated him with a plastic bag. They also stopped the car in a wooded area where they subjected the victim to a mock execution. He was forced to kneel while an FSB officer placed a gun to the back of his head and then fired a blank shot in the space next to his ear. The FSB officer then fired a second blank shot with the gun aimed directly at the victim's head. The FSB officers threatened Mr. Kostenko, saying that he would disappear and no one would ever find him. Mr. Kostenko was further detained in the basement of a private house where he was tortured and accused of participating in the Euromaidan protests and planning "sabotage activities" in Crimea. The torture included electrocution by connecting wires to his fingers and ears while gradually increasing the intensity of electric current, repeated beatings with fists and rubber batons, kicking, knife cuts and attempts to cut off Mr. Kostenko's fingers. The torture caused a serious injury to his arm. The bone in his elbow broke and the attackers then pressed their feet onto the injury. Shortly after, they hung him on a door with his arms outstretched, resembling a crucifixion. The injury to Mr. Kostenko's arm had not healed by the time of his release in 2018, three years later.

On the following day after the abduction, the FSB officers brought Mr. Kostenko to the premises of the Investigative Committee of the Russian Federation. An officer of the Investigative Committee pressured Mr. Kostenko to confess to crimes allegedly committed during the protests in Maidan square in Kyiv. He refused to confess and two men wearing masks beat him up in the presence of the interrogator of the Investigative Committee, including by banging his head on the table until it bled. An Investigative Committee officer continued to compel him to confess with the help of a state-appointed lawyer who attempted to reassure him that he would be killed or 'become disabled' if he did not confess. Succumbing to the pressure, Mr. Kostenko signed a confession without reading it through, which, as he later learned, stated that he had caused injuries to a Berkut officer during the Euromaidan protests, an allegation that happened in mainland Ukraine before the occupation of Crimea and against another Ukrainian citizen. The charges were later amended to include additional accusations connected to 'an ideological and political motive' and illegal purchase, carrying, and possession of firearms.

Mr. Kostenko's father made attempts to identify the whereabouts of his son and filed a report on abduction, which was not investigated. The authorities allowed Mr. Kostenko's father to see him briefly, without the possibility to talk, as a reward for

the latter's forced confession on the day following his abduction. Mr. Kostenko's arrest was subsequently formalized and the authorities placed him in several official places of detention. He was convicted and sentenced to 3 years and 11 months in prison and deported to the Russian Federation to serve his term. During detention in both Crimea and the Russian Federation, law enforcement officers and fellow detainees repeatedly beat him in retaliation for being a pro-Ukrainian Crimean resident and Maidan activist. The penitentiary workers did not intervene to put an end to such beatings. He received no effective medical treatment for the injuries caused by torture. The authorities released Mr. Kostenko in August 2018.

Renat Paralamov

Renat Paralamov's case highlights the practice of using undeclared incommunicado detention to compel the victim to make self-incriminating statements through torture, ill-treatment and sexual violence. Mr. Paralamov's case is also typical of those cases where, following release, victims felt compelled to leave Crimea hastily for fear of further violence.

Renat Paralamov is a Crimean Tatar who participated in the initiatives of Crimean Tatar civic groups, including the collection of funds for covering fines imposed on activists. On 13 September 2017, during a search in the house where Mr. Paralamov was staying, he was taken to the FSB office in Simferopol although the law enforcement told him and his family that they were taking him to a local police station. They kept him in undeclared detention in the FSB office in Simferopol for over 24 hours before the FSB finally dropped him off on a highway nearby Simferopol.

The FSB tortured Mr. Paralamov with beatings, kicking, electrocution, and threats of rape. The FSB used torture to force Mr. Paralamov to make incriminating statements against himself and others and become an informant of the security forces. They also threatened to prosecute Mr. Paralamov as a coordinator of a Hizb ut-Tahrir terrorist cell. The FSB concealed the fact of Mr. Paralamov's detention by making him sign a document saying that he had arrived to their office voluntarily, then left and spent the night in the park, and then came back to them again. The FSB made no formal record of his arrest and brought no official charges against him. In the meantime, Mr. Paralamov's relatives and a lawyer made numerous attempts to find him. The lawyer and one relative arrived to the FSB office while Mr. Paralamov was still detained there, but the FSB denied having him in their captivity.

Upon release, Mr. Paralamov attempted to document his injuries in a hospital. Two hospitals refused to examine him, as the staff insisted that they only document injuries upon referrals from the police. In the third hospital, he was partly successful after saying that he was robbed and beaten and calling the police. The medical staff examined Mr. Paralamov but did not make any assessment of his visible bodily injuries. The police officers recorded Mr. Paralamov's testimony regarding his disappearance and torture; however, it is not clear whether the authorities attempted to investigate the incident in any meaningful manner. Mr. Paralamov subsequently relocated from Crimea to mainland Ukraine and never returned, out of fear of further serious violence.

Oleksandr Steshenko

Oleksandr Steshenko's case is illustrative for a range of disappearances of residents of mainland Ukraine at the Administrative Boundary Line (ABL) with Crimea. His case is also one of the most recent disappearances, as it took place in April 2018.

Mr. Steshenko disappeared at the Russian Federation-controlled side of the ABL on 11 April 2018. The FSB apprehended him, but brought no official charges. The FSB kicked and beat up Mr. Steshenko using their hands and blows of batons to his chest, groin, liver, and kidney areas during the apprehension and on the way to the place of detention. They also took him out of the car and engaged in a mock drowning, by placing his head under water and threatening to kill him while telling him that 'no one will ever find you'. They then placed Mr. Steshenko in an unidentified basement in Simferopol, handcuffed him to a radiator and beat him again. The objective of the beatings was to make Mr. Steshenko confess to his cooperation with the Ukrainian intelligence service. On the following day, they formally arrested him on fabricated charges of an administrative offense at the railway station in Simferopol. He spent 12 days in the special detention centre for administrative offenses.

In the meantime, relatives of Mr. Steshenko, human rights defenders and lawyers on the ground made numerous attempts to inquire about his whereabouts, including directly from the FSB office. The law enforcement and penitentiary institutions in Crimea failed to provide any information. About 12 days after the initial abduction, a lawyer managed to locate Mr. Steshenko in the special detention centre for administrative offenses. However, on the following day, when the term of Mr. Steshenko's administrative detention ended, the FSB abducted him again and brought him to the initial place of captivity. The beatings continued, followed by twisting of limbs and torture by electrocution, including to his genitals, which amounts to sexual torture. The FSB resorted to torture with the aim of compelling Mr. Steshenko to read out a confession on video. He tried to resist but the abductors began undressing him and threatened to rape him with barbed wire attached to a tube. Eventually, Mr. Steshenko agreed to confess to the intentional destruction of property by arson of the house of a pro-Russian Mufti of Crimea. They kept Mr. Steshenko in the basement until 26 July 2018, that is, for over three months, until the court hearing in his case and transfer to the Simferopol SIZO. Meanwhile, lawyers and relatives continued to make inquiries about Mr. Steshenko's fate. However, his whereabouts remained unknown for another month until his first meeting with a lawyer on 21 August 2018. The FSB continued to threaten Mr. Steshenko with retaliation. Under these conditions, Mr. Steshenko did not appeal against his conviction and prison term or complain about the abduction and torture. Between November 2018 and August 2019, Mr. Steshenko served his prison term in a penal colony in Kerch before being released on parole and expelled to mainland Ukraine on 6 August 2019.

Lack of Accountability

Russian Federation authorities have not been transparent about investigations into enforced disappearances in Crimea. Official information from the Russian Federation authorities is often lacking on whether formal investigations have been initiated and of any eventual outcomes. As a general rule, the relatives of victims are denied access to the investigation's case files and, as such, allege that these are only pro-forma investigations.

OHCHR's documenting of cases shows that not one individual has been prosecuted in relation to any of the disappearances described in this paper, including the missing persons, the victim of summary execution, and the cases where victims have been eventually released. Inquiries and investigations that were opened in relation to the documented cases have not reached the trial stage, even though 28 of the enforced disappearances occurred in 2014.

The authorities did not make progress in investigating enforced disappearances in early cases where there was evidence that members of the Crimean self-defense were

the perpetrators. In 2014, the Parliament of Crimea legalized the Crimean self-defense by turning it into a civil group with powers to assist the police. This recognition of the group as agents of the state took place despite the numerous testimonies implicating members of the self-defense in crimes and human rights violations with apparent impunity. In later years, when available evidence pointed to the FSB as the main perpetrator, investigations again showed no results.

Out of the 11 disappeared persons who remain missing, the Investigative Committee of the Russian Federation lists only seven as missing persons, with no mention of the remaining four."

(h) Report on the Human Rights situation in Ukraine, 24 March 2023

105. The Report, covering the period from 1 August 2022 to 31 January 2023, read as follows, in so far as relevant:

"...

53. During the reporting period, OHCHR documented an increased risk of enforced disappearance at the Administrative Boundary Line (ABL) between Crimea and Kherson region, especially for male travellers. OHCHR documented that three men and one woman were subjected to enforced disappearance at the ABL after Russian armed forces searched their mobile devices for any statements or symbols that might be perceived as anti-Russian or pro-Ukrainian ...

...

76. During the reporting period, OHCHR documented 10 cases (7 men, 3 women) of enforced disappearances and arbitrary detentions of media workers and human rights defenders in territory occupied by the Russian Federation ...

...

78. In Crimea, Russian authorities continued to prosecute individuals on the grounds of 'public actions directed at discrediting' and 'obstructing' the Russian armed forces. By 31 January 2023, OHCHR had documented 210 prosecutions (against 138 men and 72 women) since the introduction of these punishable offenses in 2022. No fewer than 206 prosecutions (against 137 men and 69 women) resulted in convictions. There was a progressive increase in the number of convictions throughout 2022. Convictions verified by OHCHR resulted in fines ranging from 30,000 to 75,000 roubles and imprisonment from 5 to 15 days. Crimean residents were convicted, *inter alia*, for various expressions made in private conversations such as mentions of Russian 'attack' or 'aggression', criticism of 'Z' and 'V' symbols used by the Russian armed forces, and references to the 'occupation of Crimea'...

79. ... Six individuals were charged with publicly displaying the symbol of an 'extremist organization' and discrediting Russian armed forces two days after a disc jockey played a Ukrainian patriotic song during a wedding at a restaurant in Bakhchysarai on 10 September. On 13 September, a local court in Bakhchysarai convicted the disc jockey, the mothers of the bride and the groom, a guest, and the owner of the restaurant and his wife. Four of them were sentenced to detention for periods ranging from 5 to 15 days, and the remaining two were ordered to pay administrative fines...

80. Restrictions on the exercise of the right to freedom of expression particularly affected teachers in Crimea. They were pressured to actively endorse the Russian armed attack on Ukraine, to cultivate a positive attitude among schoolchildren towards the

military operations against Ukraine, and to generally refrain from criticizing the Russian authorities. Teaching staff who refused to follow these guidelines faced retaliation and sanctions...”

(i) Report on the human rights situation in Ukraine, 4 October 2023

106. The Report, covering the period from 1 February 2023 to 31 July 2023, read as follows, in so far as relevant:

“...

65. The Security Service of the Russian Federation arbitrarily detained 18 civilian men and 3 civilian women in Crimea during the reporting period. A number of these cases may amount to incommunicado detention or enforced disappearances. Moreover, three detained civilian men were forcibly transferred from Russian-occupied territory of Donetsk, Luhansk, Kherson and Zaporizhzhia regions to Crimea, across the Administrative Boundary Line (ABL) between Crimea and mainland Ukraine ...

66. In one case, FSB officers apprehended a journalist who had reported on pro-Ukrainian demonstrations in Kherson on 7 March 2022. He was first detained in unofficial places of detention in Kherson. Nine days later, the FSB unlawfully transferred him to Crimea, where he was held in a pre-trial detention facility (SIZO) in Simferopol. FSB officers tortured him to force him to record a statement to the effect that the Ukrainian Security Service had financed pro-Ukrainian demonstrations in Kherson. During the period of detention, the man was held without charges and denied the right to challenge the lawfulness of the detention. His relatives tried to establish his fate and whereabouts, but the occupying authorities provided no information in response to their requests and concealed his location by categorically denying his presence in all places of detention ...

67. OHCHR continued to receive complaints regarding the inadequate provisions of medical care in detention facilities in Crimea. Due to this one Crimean Tatar man died on 10 February 2023. In one case documented by OHCHR, the failure to provide medical assistance resulted in the death of a 60-year-old Crimean Tatar man on 10 February 2023 at the SIZO in the city of Novocherkassk, Russian Federation. The victim, a former resident of the Simferopol district of Crimea, was serving a 13-year prison sentence for his membership in Hizb ut-Tahrir. He had multiple longstanding health conditions, including chronic kidney disease, and had suffered a stroke in 2017 while in detention ...

...

93. OHCHR also documented that Ukrainian children from Russian-occupied territory in Kharkiv and Kherson regions were taken to summer camps in Crimea and the Russian Federation, with the purported consent of their parents, in the summer and autumn 2022, but were not returned home at the end of the originally agreed period of two or three weeks. Some of them still remain in the Russian Federation. Only parents or relatives who could make the trip were able to reunite with their children and bring them home, in some cases after seven months of separation. Some children who returned told OHCHR that they experienced or witnessed psychological or physical violence, often as a punishment for expressing pro-Ukrainian views or refusing to participate in pro-Russian activities, such as singing the Russian anthem or attending a flag ceremony. In some cases, educational staff in the camps also threatened the children that they would be given up for adoption or sent to orphanages in the Russian Federation if they were not picked up by their parents ...

...

113. On 25 June 2023 in Bilohirsk city, police arrested two Crimean Tatar men for having Tatar flags. According to the police, the men had organized a motor rally in violation of the procedure for holding a public gathering as they had not received prior authorization from the authorities, which constitutes an administrative offence. Several hours later, the Bilohirsk city court convicted the individuals and fined each of them 20,000 roubles after a hurried trial lasting two minutes, raising serious concerns about respect for the right to a fair trial. OHCHR also notes that the blanket requirement of prior authorisation of peaceful assemblies in Crimea maintained by the occupying authorities infringes on freedom of expression and constitutes an undue restriction on the right of peaceful assembly, at variance with IHRL."

3. *Joint reports of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE High Commissioner on National Minorities (HCNM)*

(a) Human Rights Assessment in Ukraine, The Hague/Warsaw, 12 May 2014

107. The relevant parts of the Report under this head read as follows:

"6. In the reporting period, the HRAM [Human Rights Assessment Mission in Crimea] received credible allegations of enforced disappearances. In Crimea, the targeted individuals primarily included pro-Maidan activists, journalists and members of the Armed Forces of Ukraine. In a number of these cases, victims were reportedly subjected to torture and other ill-treatment while in custody. Any steps taken by law enforcement and prosecutorial bodies to investigate enforced disappearances and related acts appear to have been ineffective ...

10. ... Reports point to numerous checks by 'self-defence' groups on a daily basis ... Acting outside the law, these groups appear to have enjoyed the acquiescence and, in some cases, the active complicity of the authorities exercising *de facto* control, including their law-enforcement bodies.

11. The situation of legal uncertainty that arose from the change in the authorities exercising *de facto* control over Crimea carries with it a number of risks, including potential infringements of the rule of law and human rights ...

107. In the reporting period, the HRAM received credible allegations of enforced disappearances ...

120. The incidents described above reveal a disturbing pattern of violations entailing enforced disappearances and allegations of torture and other ill-treatment primarily targeting pro-Maidan activists and Ukrainian military officers. These violations appear to have been perpetrated by individuals reported as wearing a variety of uniforms and acting as members of 'self-defence' groups, Cossacks, 'Crimean Army', etc. Although acting outside the law, the groups responsible for such acts appear to have enjoyed the acquiescence and, in some cases, the active complicity of the authorities exercising *de facto* control, including their law-enforcement bodies ...

132. The incidents described above indicate a disturbing pattern of physical attacks, harassment, threats and intimidation of journalists and pro-Maidan activists taking place in the reporting period in Crimea. The alleged perpetrators were usually described as unidentified men who were, in some cases, wearing a uniform and are reportedly associated with 'self-defence' groups ..."

(b) Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015), 17 September 2015

108. The relevant parts of the Report, drafted after a joint Human Rights Assessment Mission in Crimea (HRAM), read as follows:

"4. Despite their clear mandates to monitor the human rights situation in Crimea, the institutions and independent experts of the OSCE, the United Nations and the Council of Europe have all had their access to the Crimean peninsula either fully or partially restricted since the annexation. The *de facto* authorities in Crimea did not respond to requests to facilitate access to Crimea for the HRAM, for which reason the HRAM primarily conducted fact-finding and research in the territory of mainland Ukraine, as well as through remote interviews with relevant contacts in Crimea and elsewhere.

5. Through extensive meetings and interviews with over 100 civil society actors, Ukrainian authorities, internally displaced persons and cross-boundary travellers, the HRAM received numerous credible, consistent and compelling accounts of human rights violations and legal irregularities in Crimea – some of them of a serious nature. The allegations documented and trends established by the HRAM demand urgently to be addressed by Crimean *de facto* authorities, and underscore the need for systematic independent monitoring of the human rights situation in Crimea by impartial international bodies.

...

13. In the penitentiary system, more than 2,000 convicts imprisoned in Crimea at the time of annexation reportedly were unable to opt out of mandatory Russian citizenship, did not benefit from Ukrainian-ordered amnesties and conditional releases in 2014, and are potentially subject to transfer to penal colonies in mainland Russia, as has reportedly transpired in some cases.

...

16. The HRAM found in Crimea that those Crimean Tatars and Ukrainians who openly supported the territorial integrity of Ukraine and did not support the *de facto* authorities continued to be in a particularly vulnerable position. The suppression of activities of Mejlis – a self-governing body of Crimean Tatars – as well as intimidation, expulsion, or incarceration of prominent leaders of the Mejlis of the Crimean Tatar People has had a detrimental effect on the exercise of political and civil rights of persons belonging to the Crimean Tatar community.

...

18. The space for Ukrainian culture in the illegally annexed Crimea has also decreased. Cultural, religious and symbolic elements of Ukrainian identity have been restricted and/or suppressed through various administrative or law- enforcement measures. Hostile attitudes in Crimea towards residents of Crimea who support the territorial integrity of Ukraine, display Ukrainian state and cultural symbols and publicly celebrate important dates for the Ukrainian culture and history are widespread.

...

67. Since March 2014, the Crimean *de facto* authorities have undertaken to expropriate (or 'nationalize') Ukrainian public properties and enterprises, as well as many private properties and businesses of Crimean residents. The law on nationalization itself does not specify a procedure for property purchase, and provides neither a requirement of actual notification of the owner of the property being nationalized, nor an appeal procedure.

68. According to Crimean lawyers, NGOs, residents and IDPs who spoke with the HRAM, as well as NGO reports, the ensuing seizures of public and private properties and businesses have reportedly been without adequate notification, compensation, legal basis or opportunity for appeal. In some cases the seizures were reportedly enforced by 'self-defence' militia, or apparently targeting civil society, media organizations, ethnic minorities or religious communities.

...

70. Crimean *de facto* authorities in February 2015 reportedly identified 250 public enterprises that had been nationalized; while the Ministry of Justice of Ukraine estimated the actual number to include approximately 4,000 such enterprises, valued by Ukrainian authorities at over US$1 trillion. Additional to the list of 141 public properties Crimean *de facto* authorities designated in March 2014 for nationalization, countless other public and private properties have also reportedly been seized under recently enacted legislation – including a large portion of the tourism and industrial sectors. The Ukrainian Government claims that there have been thousands of cases of expropriations of private properties and enterprises from Crimean residents or IDPs who were the legal owners prior to annexation ...

...

2. Civil and political rights

96. Following the annexation of Crimea by the Russian Federation, some residents seeking to assemble and express dissenting political opinions or non-Russian cultural identities have had their civil and political rights heavily restricted by multiple new regulations, including their freedoms of peaceful assembly, expression, and movement in particular. Media freedoms have also deteriorated radically as a result of new regulations and criminal punishments restricting freedom of expression, leading to both self-censorship and prosecutions in relation to the content of journalistic work.

97. Those restrictions have appeared to constitute discriminatory measures targeting individuals and groups at least on the prohibited grounds of their ethnicity and political or other opinions.

...

102. Despite these commitments and obligations, *de facto* authorities in Crimea have applied expansive interpretations of Russian criminal law since annexation. The Criminal Code of the Russian Federation includes newly added provisions banning so-called "extremist" or "separatist" statements, which have been used to prevent and punish the expression of views allegedly opposed to the Russian government or its annexation of Crimea. Those new criminal provisions, which entered into force in May 2014, are punishable by large fines and up to three years in prison; additionally, they provide enhanced punishments for media professionals, including up to five years in prison and/or a ban on conducting journalistic work for up to three years. Criminal charges of 'extremism' and 'separatism' have frequently been threatened and applied to restrict the rights of activists, journalists, minority communities and other members of the public seeking to present dissenting views on the Russian occupation of Crimea – whether at public assemblies, in private gatherings, through online social media, or in journalistic activities.

2.1.1. Right to hold opinions without interference

103. While Crimean Tatar and pro-Ukrainian activists and media have been especially targeted, restrictions on freedom of expression have likewise been applied to speech at the marketplace, in the streets, in education institutions, and frequently in online social

media forums. Crimean residents and IDPs informed the HRAM of the chilling of dissent by public authorities and a widespread climate of discrimination resulting from pro-Russian propaganda in Crimea, which has led to self-censorship as well as intimidation, harassment and threats to those expressing independent voices.

104. As an example of common restrictions on freedom of expression, a member of the Crimean Tatar Mejlis in Kherson cited public posters allegedly disseminated by *de facto* authorities in Crimea, which call on residents to inform a hotline of the Russian security services (FSB) about anyone speaking critically against the occupation and annexation. A Ukrainian media channel published an image of one such announcement, allegedly distributed in Simferopol:

> 'Although peace has been established in our land, there still are scums who want chaos, disorder, and war. They live among us, go to the same shops as we do, ride with us in public transport. You may know the people who were against the return of Crimea to the Russian Federation or took part in the regional 'Maidan'. Such personalities should be reported immediately to the FSB at: 13, Franko Boulevard, Simferopol, or by phone: 37-42-76 (anonymity guaranteed).'

105. A Crimean IDP in Kyiv informed the HRAM that she and her husband were chased from Crimea by 'self-defence' forces, on account of her husband's pro-Maidan blog. After their neighbours allegedly reported him to the Russian security service, she claimed that a local Russian Cossack organization (which organized the local 'self-defence' group) published a list of pro-Ukrainian residents on its VKontakte social media page. She reported that the list included a photo of her husband and threats against him. In October 2014, her husband was attacked and beaten, at which point she said they fled to mainland Ukraine.

106. A journalist still operating in Crimea informed the HRAM of Crimean residents receiving heavy sentences for their use of social networks, allegedly on charges of 'extremism', 'separatism' or 'incitement of ethnic hatred'. In one such case of alleged 'hate speech', reported both by the Crimean journalist and a Ukrainian human rights NGO, a village Imam in Bakhchysarai region received a two-year suspended sentence from Bakhchysarai Raion Court for incitement of hatred.

107. A Kyiv resident informed the HRAM that her Crimean Tatar friend in Yalta had received criminal warnings from authorities for the opinions and links he had posted on his Facebook page, which included views he expressed against annexation and about discrimination faced by Crimean Tatars.

108. As a result of widespread surveillance, multiple sources informed the HRAM that Crimean residents commonly conceal their opinions when speaking publicly or communicating through email, Skype, Viber or other commonly used online media platforms, due to fears of reprisals for expressing their views. A journalist still operating in Crimea said that the journalists remaining there often use social networks to monitor developments, but that people are very afraid to speak with them online, as they 'could be accused of anything' by authorities.

109. The HRAM was informed by several sources and reviewed primary documentation indicating that ethnic Ukrainian and Crimean Tatar communities in Crimea have also faced discrimination and threats of prosecution for displaying Ukrainian and Crimean Tatar flags to express their cultural identities. For example, the head of the Kherson regional Mejlis informed the HRAM that a local mullah and another member of the Mejlis in the Soviet Raion of Crimea, were both summoned for questioning by *de facto* authorities – and subsequently fined 10,000 rubles – for displaying the Crimean Tatar flag during the community's annual flag day on 26 June.

After Simferopol authorities reportedly rejected multiple requests by Crimean Tatar youth groups to hold their annual commemoration of Crimean Tatar flag day on 26 June 2015, the Prosecutor's Office reportedly issued a warning letter on 25 June to members of the Mejlis in Crimea, cautioning them on the inadmissibility of extremist messages in 'unsanctioned protest events' dedicated to the day of the Crimean Tatar flag.

...

2.2.3. Sanctions and penalties imposed after assemblies

138. As with prior restraints, the principle of proportionality applies to liability for any offenses allegedly committed in the course of public assemblies. The UN Human Rights Committee and the European Court of Human Rights have found in multiple cases that excessive sanctions of minor violence or disorderly conduct during assemblies may also constitute disproportionate interference with the right to freedom of assembly or expression. Any prosecutions or administrative sanctions should thus be proportionate to the severity of the offence, including when minor in nature.

139. Conversely, *de facto* authorities in Crimea have aggressively prosecuted the organizers and participants of peaceful assemblies for 'extremism', which in some cases has appeared to amount only to the peaceful and public expression of participants' cultural identities or political beliefs.

...

142. In more recent cases, the Prosecutor's Office of the Republic of Crimea has also begun to retroactively prosecute Crimean residents and IDPs under the Criminal Code of the Russian Federation – and as Russian citizens – for their alleged roles as organizers of, or participants in the 'Euromaidan' protests in Kyiv. Those cases are remarkable also in that they pertain to incidents that occurred prior to the Russian occupation and annexation of Crimea, as well as outside of the territory of Crimea – thus extending the jurisdiction of Russian courts in Crimea both extraterritorially and to alleged crimes committed prior to the introduction of the Russian criminal code in Crimea.

143. The first prosecution and conviction in such a case was that of Aleksandr Kostenko. Mr. Kostenko was arrested on 6 February 2015 for allegedly throwing a rock at a Ukrainian *Berkut* special police officer a year earlier, on 2 February 2014, during the demonstrations at Independence Square (Maidan) in Kyiv. The court judgment confirming the detention of Mr. Kostenko refers to him as a Russian citizen, who was 'aware of the mass public disorder [at Maidan] aimed at unlawful and violent toppling of the Constitutional order of Ukraine', and who 'felt ideological hatred towards law enforcement officers who were securing public order'. According to public accounts of his lawyer, Mr. Kostenko was abducted, beaten, tortured with electricity and subjected to mock execution on 5 February 2015, the day prior to his arrest under a court order issued on 6 February. Though his detention order noted that Kostenko was suspected of 'committing a minor crime entailing the sentence for up to two years in detention', the court ultimately sentenced him to four years and two months in prison.

144. The Crimean Prosecutor, who personally prosecuted the case against Kostenko, celebrated the verdict on her Facebook page as a 'legitimate and justified ... restoration of justice'. Two weeks after the verdict in Kostenko's case, the Crimean Prosecutor announced on her Facebook page that a criminal investigation identified all the other organizers 'who gathered in Crimea the supporters of the so-called 'Euromaidan' to send them to Kyiv, and they also co-ordinated all the 'peaceful demonstration' actions. ... The people in question have not yet been arrested, but the punishment for them will be inevitable – they soon will be in the dock.' A few days later, partial scanned copies of apparently official documentation from the criminal investigation were leaked to the

media, identifying approximately 25 people under investigation for traveling to Kyiv to participate in the Maidan demonstrations. The list also included information on the current location of alleged participants in demonstrations and whether or not they supported the political opposition.

145. The targeted prosecutions of alleged participants in Euromaidan assemblies in Kyiv appear not only to be politically motivated – and thereby to violate the prohibition on discrimination based on political opinion – but also to conflict with the Russian Federation's obligations under both international human rights law and international humanitarian law. In particular, Article 15(1) of the ICCPR provides, 'No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence ... at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed.' The Fourth Geneva Convention further observes: (1) that the penal laws of the displaced sovereign State's legal system should remain in force; (2) that courts in the occupied territory should only enforce laws that were applicable prior to any alleged offence; (3) that courts 'shall take into consideration the fact that the accused is not a national of the Occupying Power,' and (4) an occupying power 'shall not arrest, prosecute or convict protected persons for acts committed or opinions expressed before the occupation ... with the exception of breaches of the laws and customs of war.'

146. Five Crimean Tatars have also been detained and face retroactive prosecution under the Russian criminal code for their crimes allegedly committed while participating in the 26 February 2014 rally in Simferopol. One of those five is Akhtem Chiygoz, vice chairman of the Mejlis in Crimea, who was arrested by Crimean *de facto* authorities on 29 January 2015. In April 2015, the Russian MFA referred to Mr. Chiygoz as a citizen of Ukraine who 'is well known in Crimea for his regular extremist escapades'.

147. In contrast, the Crimean Prosecutor has not apparently sought to investigate or prosecute pro-Russian 'self-defence' groups, which have been accused of committing serious human rights abuses at the start of and since the occupation of Crimea – including in the context of political assemblies, and against many of the same activists on the prosecutor's supposed investigation list. As documented by ODIHR and HCNM in their 2014 joint report, those alleged abuses include disappearances, extrajudicial killings, torture and ill-treatment of Euromaidan activists, journalists and others that 'self-defence' groups allegedly abducted. Rather than prosecute those groups, the Russian parliament proposed measures to amnesty their past abuses (which have not yet been publicly adopted), and their legal statuses were formalized in Crimea. 'Self-defence' groups reportedly continue with impunity to intimidate, harass, detain and seize the properties of Crimean residents, particularly those accused of opposing the Russian annexation, without an adequate legal basis.

...

2.4. Summary of findings

175. Following the annexation of Crimea by the Russian Federation, fundamental freedoms of assembly, expression and movement have been restricted and eroded in Crimea. This is primarily the case for individuals, organizations and communities attempting to express dissenting political opinions or cultural identities.

176. Through regulatory restrictions and stifling administrative procedures, *de facto* authorities have reduced the access and number of independent media in Crimea, have cut off the free flow of information to the public (particularly online and broadcast

media), and have threatened criminal sanctions against private and public figures for expressing views opposed to Russia's annexation of Crimea.

177. The Crimean Prosecutor has applied 'extremism' and 'separatism' charges under the Russian criminal code to a wide variety of assemblies and speech, in some cases retroactively to events prior to annexation and/or outside of Crimea. The targeted prosecutions of Crimean activists, journalists and ethnic community leaders under Russian criminal laws appear to conflict with Russia's obligations under both international human rights law and international humanitarian law. Additionally, those prosecutions appear to be politically motivated, and thus to violate the prohibition of discrimination based on political or other opinion. On a positive note, the Ombudsperson of the Russian Federation also cautioned Crimean *de facto* authorities in her annual report for 2014 that law enforcement should adopt 'a well-balanced approach that rules out any arbitrary, excessively broad interpretation of the notion of "extremism".'

...

179. Grave breaches of international humanitarian law, as provided under the Fourth Geneva Convention, include *inter alia*: torture and ill-treatment; unlawful detention, transfer or deportation of protected civilians; forced conscription into the armed forces; wilful deprivation of the Convention's protections of the right to a fair trial; the taking of hostages; and extensive appropriation of property, where not justified by military necessity.

180. In light of the prohibition of those forms of conduct, the Russian Federation and Crimean *de facto* authorities should ensure that any instances of torture, ill- treatment, hostage taking and expropriation of properties in Crimea are duly investigated, prosecuted and punished – regardless of whether committed by State or non-State actors. Russian Federation authorities and *de facto* authorities should likewise refrain from any of those forms of conduct in the future, as well as the forced conscription of Crimean residents into the armed forces, and refrain from the transfer or deportation of Crimean residents to outside of Crimea (including detainees, convicts, and other persons residing in social-care institutions).

...

3.1 Right to education

...

192. *De facto* authorities have also reportedly removed all textbooks and educational materials issued by the Ministry of Education of Ukraine, and seized books written by blacklisted Ukrainian authors. Crimean Tatar residents informed the unofficial Turkish delegation that Crimean Tatar schools are experiencing a shortage of school textbooks, as those used during Ukrainian rule were banned upon annexation, and new textbooks have not yet been supplied. Additionally, the Crimean Field Mission on Human Rights observed that Crimean Tatars are no longer able to hire Turkish teachers for cultural education, as those teachers are now unable to work in Crimea so they have left.

4. Situation of Minority Communities

223. Since the annexation of Crimea in March 2014, the Crimean Tatar and ethnic Ukrainian communities have been subjected to increasing pressure on and control of the peaceful expression of their political views and cultural practices. The situation has become particularly precarious for those who have openly opposed the takeover of Crimea or refused to take Russian citizenship.

...

4.1. Crimean Tatar community

4.1.1. Self-governing organizations of Crimean Tatars

225. The Mejlis and prominent Crimean Tatar leaders have been the main targets of reprisals by the *de facto* authorities against communities opposing the illegal annexation. The Mejlis is a self-governing body of the Crimean Tatars elected by a people's assembly, the Qurultai.

226. Since the beginning of mass return in the late 1980s, the Mejlis has played a key role in protecting and promoting the rights of Crimean Tatar returnees to Crimea. After the illegal annexation of Crimea, the Mejlis represented and defended the interests of the community in dealings with the authorities exercising *de facto* control in Crimea.

227. The Mejlis openly opposed what it sees as the Russian Federation's illegal annexation of Crimea and called on Crimean Tatars to boycott the so-called March 2014 referendum on Crimea's status and the September 2014 *de facto* local elections. It also exposed the targeted actions by so-called 'self-defence' militias, who were implicated in a number of serious human rights abuses and in a campaign of intimidation of the Crimean Tatar and other people with pro-Ukrainian views on the peninsula, calling on the authorities exercising *de facto* control in Crimea to rein in, disarm and disband the militia.

228. Prominent Crimean Tatar leaders and Mejlis members have remained staunch and vocal opponents to the rule of the authorities exercising *de facto* control in Crimea and have galvanized the support of the Crimean Tatar community. After initial attempts in March 2015 to win over the support of the Mejlis failed, the authorities exercising *de facto* control in Crimea adopted repressive policies, first and foremost targeting the Mejlis and its most prominent activists.

229. In April and May 2014, the long-time leader of the Crimean Tatar people and former chairperson of the Mejlis, Mustafa Dzhemilev, and QHA news agency general co-ordinator and adviser to the Mejlis, Ismet Yuksel, were declared *personae non grata* and banned from entering Crimea for five years. On 3 May 2014, Dzhemilev attempted to enter the territory of Crimea and was stopped at the administrative border of Kherson Oblast. Up to 2,000 Crimean Tatars gathered to support Dzhemilev and to protest the entry ban.

230. On 5 May 2014, the *de facto* prosecutor of Crimea issued a warning to the Chairperson of the Mejlis, Refat Chubarov, notifying him that the Mejlis could be banned on the grounds of involvement in the organization of extremist activities in connection with the 3 May event (see paragraph above). On 5 July, while he was away from Crimea, Chubarov was also served a notice by the *de facto* Prosecutor's Office of Crimea, banning him from entering the peninsula for five years.

231. The period since early July 2014 has been marked with a wave of 'preventive talks' by the security service; warnings from the *de facto* Prosecutor's Office of Crimea; and the interrogation and detention of Crimean Tatar leaders and activists, on charges related to extremism, participation in and membership of radical religious organizations and/or taking part in illegal assemblies. During this period, using the Russian Federation's broad anti-extremism legislation, the authorities exercising *de facto* control in Crimea have issued several 'anti-extremist warnings' to the organizations and activists connected with the Mejlis. The pressure mounted further in the run-up to the local elections organized by the *de facto* authorities in September 2014 and especially

after the Crimean Tatar community largely heeded the calls of the Mejlis leaders to boycott them.

232. On 16 September 2014, just two days after the elections, the police in Simferopol conducted a 17-hour search of the offices of the Mejlis on the premises owned by the Crimea Fund, a charitable organization that provides administrative support to the Mejlis, and the Mejlis newspaper *Avdet*. The next day, the executive director of the Crimea Fund was given a court order stipulating that the property of the Crimea Fund was to be confiscated. Hence, the Mejlis' property was effectively seized.

233. On 25 September 2014, the economic court ruled in favour of the company that manages the real estate property of Bakhchysarai City Council to terminate a contract with the public foundation Council of Teachers, which had rented premises to the regional Mejlis in Bakhchysarai. In March 2015, the appeals court in Sevastopol upheld this decision. On 31 March 2015, the regional Mejlis vacated the premises.

234. In October 2014, the *de facto* Prosecutor's Office of Crimea opened a number of cases related to the 3 May events mentioned earlier, which are known as the '3 May' case. To date, two activists have been tried and sentenced and three more remain under criminal investigation.

235. The authorities exercising *de facto* control in Crimea also initiated and completed administrative proceedings against scores of Crimean Tatars in connection with the 3 May events, fining at least 140 of them for 'public disorder' and 'unlawful border crossing'.

236. At the end of January 2015, the *de facto* Prosecutor's Office of Crimea opened a criminal case in relation to the events of 26 February 2014, when Crimean Tatars and pro-Russia demonstrators clashed in front of Crimea's parliament building, events that took place before the annexation of Crimea. Seven people, including the deputy chairperson of the Mejlis and the head of the regional Mejlis in Bakhchysarai, Akhtem Chiygoz, were arrested and charged with the organization of and participation in mass riots. The majority of them are facing from four to ten years in prison, in accordance with Article 212(1)(2) of the Criminal Code of the Russian Federation. Chiygoz's custody has been extended until 19 November 2015. Dozens of people have been interrogated and over 30 homes have been searched in relation to this case.

237. In May 2015, a criminal case was brought against Refat Chubarov in Crimea. He was charged under Article 280(1) of the Criminal Code of the Russian Federation for 'Public calls to extremist activities' and could face up to five years in prison.

238. As of late, the persecution of the Mejlis members has slightly subsided, but the *de facto* authorities continue to create obstacles to the activities of its leaders. Most recently, on various grounds, several prominent Mejlis leaders were prevented from leaving Crimea to attend the World Congress of Crimean Tatars in Ankara on 2-3 August 2015.

239. In June 2014, a number of smaller organizations that had been traditionally in opposition to the Mejlis merged to create the organization Kyryym Birligi. On 20 October 2014, the *de facto* Deputy Speaker of the Crimean Parliament, Remzi Ilyasov, announced the establishment of the regional public movement, Kyryym. Both organizations have pledged co-operation with the authorities exercising *de facto* control in Crimea in the name of solving problems of the Crimean Tatar community. Thus far, Kyryym has had the upper hand in terms of securing the backing of the authorities exercising *de facto* control in Crimea. Remzi Iliasov, formally being a member of the Mejlis, has not challenged its authority, but announced the intention to organize early elections to the Mejlis to change its composition. So far, this tactic has not been

successful, as Iliasov has not gathered the support of a sufficient number of Qurultai members. The popularity of Kyryym among Crimean Tatars reportedly remains low.

240. Being deprived of resources and with its leaders in exile, detention or under constant pressure, the Mejlis is blocked from fully performing its functions as a representative and self-governing body of Crimean Tatars on the territory of Crimea. Its capacity to reach out to the community and solve the daily problems of the Crimean Tatars is significantly constrained by the actions of the *de facto* authorities.

241. Having failed to garner the support of the Mejlis's elected leaders and the Qurultai, the authorities exercising *de facto* control in Crimea have sought to sideline the Mejlis. As the Mejlis commands the support of the majority of the Crimean Tatar community, this policy essentially aims to restrain political participation and, most importantly, undermines the role of the Mejlis as a representative structure that formulates issues of concern on behalf of the community, including at international forums, and that is capable of defending the rights and interests of members of the Crimean Tatar community. Ultimately, these policies and those targeting independent Crimean Tatar media outlets, as described earlier in this report, seek to silence influential voices of dissent among the community.

4.1.2. Religious organizations of Crimean Tatars

242. The pressure on Crimean Tatar religious organizations exhibits a clear pattern of increasing and subsiding periods. From June to September 2014, the *de facto* Crimean law-enforcement bodies conducted searches in mosques and madrassas (Islamic schools) across the peninsula and interrogated dozens of Crimean Tatars suspected of possession of banned extremist materials or of affiliation with religious organizations banned under Russian Federation legislation, such as *Hizb-ut-Tahrir*. Many of these searches took places in mosques and madrassas that belong to the Spiritual Administration of Muslims of Crimea (DUMK).

243. On 24 June 2014, the Federal Security Service (FSB) raided a madrassa in the village of Kolchugino in the Simferopol district. On 13 August 2014, three madrassas in Simferopol, the Education Centre on Victory Avenue, a women's madrassa in Kamenka and Seit-Settar madrassa were also searched.

244. On 22 September 2014, a seven-hour search was carried out at the Derekoi Mosque in Yalta. Three Crimean Tatars, Ruslan Zeytullaev, Nuri Primov and Rustam Vaitov, were charged with participation in extremist religious organizations under Article 205(5) of the Criminal Code of the Russian Federation.

245. After the initial wave of raids against religious communities under control of the DUMK, the authorities modified their approach. In January 2015, Sergey Aksyonov, *de facto* head of Crimea, publicly admitted the excessive nature of searches in the homes of religious Crimean Tatars. On 17 February 2015, theYevpatoria City Court also ruled that the Juma-Jami Mosque in Yevpatoria belonged to the DUMK, and that a recently formed splinter group that had broken away from DUMK, which calls itself *Tavrichseskiy Muftiyat,* has no title to it. The latter was founded by the former head of the Juma-Jami religious community. At the end of February 2015, the DUMK was officially registered in accordance with the Russian Federation legislation on registration of religious organizations.

246. The *de facto* authorities most likely changed their policies towards the DUMK due to the more moderate stance of the DUMK's leader mufti Emirali Ablaev, who, importantly, is a member of the Mejlis. As of late, he has refrained from direct criticism of the authorities exercising *de facto* control over Crimea, and has participated in official meetings organized by the *de facto* authorities.

...

4.4. Summary of findings

292. Crimean Tatars and Ukrainians who openly support the territorial integrity of Ukraine and do not support the *de facto* authorities continue to be in a particularly vulnerable position. The Mejlis – a self-governing body of Crimean Tatars – became the main target of administrative and criminal reprisals by the *de facto* authorities. Intimidation, expulsion, or incarceration of prominent leaders of the Mejlis of the Crimean Tatar People has a detrimental effect on the exercise of the political and civil rights of persons belonging to the Crimean Tatar community. The *de facto* authorities have recently imposed severe limits to the right to freedom of assembly of persons belonging to the Crimean Tatar and Ukrainian communities who openly express their identity and opposition to the illegal annexation of Crimea by the Russian Federation. Cultural, religious and symbolic elements of Ukrainian identity have been restricted and/or suppressed through various administrative or law-enforcement measures.

...

Recommendations

To Russian Federation authorities and the *de facto* authorities in Crimea:

...

Right to property

...

Immediately halt expropriations ('nationalizations') and other seizures of properties and enterprises in Crimea, by de facto authorities and private actors;

Review the legality of all past expropriations and seizures of properties and enterprises in Crimea, and adopt measures to grant full restitution and other forms of reparations to those who have suffered from damages resulting from any such wrongful actions."

III. OTHER MATERIALS

A. Foreign government reports

Ukraine 2014 International Religious Freedom Report, The United States Department of State, October 2015

109. The section of this report concerning government practices stated as follows:

"The occupation authorities subjected religious minorities, in particular the UOC-KP, the UGCC, and Muslim Tatars, to harassment, intimidation, detentions, and beatings. They ordered all religious groups to reregister with the Russian government by January 1, 2015, or face loss of their legal status. On December 25 the deadline was extended until March 1, 2015. Russian forces reportedly prevented UOC-KP priests from entering their churches, resulting in a loss of UOC-KP control over most of their places of worship. The occupation authorities also raided mosques and confiscated literature they deemed 'extremist.' They supported the creation of a pro-occupation

Muslim organization in opposition to the Mejlis, the legally recognized representative body of the Crimean Tatars.

According to the UOC-KP and NGOs, the occupation authorities and 'self-defense' groups engaged in a campaign of surveillance and intimidation against the UOC-KP since March. 'Self-defense' groups protested in front of UOC-KP churches, intimidating parishioners, and Russian Federal Security Service (FSB) agents sat in churches, recording the names of parishioners. FSB agents reportedly met with all UOC-KP priests individually for what were termed 'conversations.'

The UOC-KP reported that on June 1, members of the 'self-defense' forces broke into the UOC-KP Intercession Church in Perevalne. They reportedly verbally abused the parish priest and beat his pregnant wife and daughter, who suffered from cerebral palsy. Police representatives who arrived at the scene reportedly sided with the attackers. A senior UOC-MP representative condemned the assault and appealed to UOC-KP followers to refrain from retaliatory violence against the UOC-MP. The occupation authorities refused to investigate the incident. The church was since closed.

Since the beginning of the Russian occupation of Crimea, UGCC priests reported harassment at the hands of the FSB and local pro-Russian militia. Priests, along with all other Crimean residents, were pressured to take Russian citizenship.

On March 15, members of the pro-Russian 'self-defense' forces and police kidnapped Sevastopol-based Greek Catholic priest Mykola Kvych from his church during a religious service. Joined by Russian security officers, they questioned the priest for eight hours. According to Kvych, he was verbally and physically abused after his captors reportedly found bulletproof vests in his apartment that they said he had intended to give to Ukrainian military personnel stationed in Crimea. They also accused Kvych of supplying weapons to the Ukrainian Navy. He left Crimea upon his release.

UGCC Yalta priest Ihor Havryliv and Yevpatoria priest Bogdan Kostetsky reportedly went into hiding after hearing that members of pro-Russian militia might detain them.

On June 6, the AUCCRO expressed concern over attempts to spark religious hatred and draw religious groups into violent confrontation within Crimea. The AUCCRO urged the occupation authorities in Crimea to prevent the use of violence in dealing with interdenominational relations. It also called on all religious groups not to give in to provocations, but to honor the freedom of worship and promote religious peace.

The occupation authorities ordered all religious groups to register with the Russian federal government by January 1, 2015. In December the deadline was extended until March 1, 2015. If an organization did not register by that time, it would lose its legal status, including the right to own property and control bank accounts, among other rights. Only Russian citizens could register a religious organization. The Government of the Russian Federation conferred Russian citizenship on all residents of Crimea unless they specifically opted out. Many members of religious minorities, especially Tatars, Greek Catholics, and members of the UOC-KP, refused Russian citizenship. Those who refused Russian citizenship, or who were citizens of other nations, were subject to expulsion if they were not granted residency.

On October 20, the AUCCRO, individual religious leaders, and NGOs expressed concern that under Russian law religious organizations which had existed in their localities for less than 15 years would be ineligible to reregister their statutes and would either cease to exist or have to join one of Russia's existing religious associations.

On April 26, the Crimean Diocese of the UOC-KP released a statement that Russian soldiers had denied its priest and his parish members access to the St. Clement Church

in Sevastopol. As of October, the UOC-KP reported that two out of thirteen UOC-KP churches in the Crimea were no longer under its control.

The Crimean Tatar community refused to recognize Russia's attempted annexation of Crimea and refused to take part in the 'referendum' conducted by the occupying authorities to support annexation. The Tatar community also refused to participate in the elections staged by the occupying authorities to form a new Crimean government.

The occupation authorities reportedly utilized Russian laws banning 'extremism,' which allowed officials to prohibit the activity of a religious association and to confiscate religious materials, to target Tatar communities and Muslim institutions. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

On April 22, Crimean Tatar leader Mustafa Dzhemilev told Channel Five, a Ukrainian news outlet, that Russian FSB officers maintained a conspicuous presence at Crimean mosques, taking note of 'who has a longer beard' and 'how religious people are' in an apparent effort to categorize devout Muslims as 'Islamic radicals.'

The occupation authorities conducted searches at Crimean mosques and other religious and educational Muslim buildings in order to seize Islamic publications viewed by the Government of the Russian Federation as 'extremist.' On August 27, a court in Dzhankoy found a madrassah director guilty of possessing 'extremist materials.' The court fined the director and confiscated the publications.

On September 17, the occupation authorities raided a mosque, a school, and four residences of Tatar Muslims, seeking 'extremist' materials. The Borchokrak Mosque was raided and the occupation authorities prevented worshipers from entering. On September 22, the occupation authorities raided the Derekoi Mosque in Yalta seeking 'extremist' materials. Two pamphlets were found. The Turkish imam was summoned for questioning. By November eight of 10 Tatar religious schools had been searched by the occupation authorities.

In August the Tauride Muftiate was formed by the occupation authorities as a competing Muslim organization to the Spiritual Administration of Muslims of Crimea. In September the Tauride Muftiate took over the Juma-Jami Mosque in Evpatoria. Tatar Muslims said they believed the occupation authorities had created the Tauride Muftiate in order to supplant local Muslim leadership and said it was supervised by the Russian FSB.

Officials put in place to administer Russian law in the territory denied residence permission to foreign religious leaders who previously had been granted permanent residency by the government in Kyiv. They denied residency permits to all 23 Turkish imams working with the Tatar Muslim community. They also refused requests to extend the residency permit for Piotr Rosochacki, a Polish citizen and parish priest in Simferopol. The Greek Catholic Church reported only four of its 12 congregations in Crimea had a priest because of the *de facto* authorities' refusal to grant residency permits."

B. Reports of non-governmental organisations

1. *Human Rights Watch, "Rights in Retreat: Abuses in Crimea", November 2014*

110. The relevant parts of the Report read as follows:

"Summary

Human rights protections in Crimea have been severely curtailed since Russia began its occupation of the peninsula in February 2014. In the past eight months, the *de facto* authorities in Crimea have limited free expression, restricted peaceful assembly, and intimidated and harassed those who have opposed Russia's actions in Crimea. In particular the authorities have targeted the Crimean Tatar community, a Muslim ethnic minority that is native to the Crimean peninsula and that has openly opposed Russia's occupation. At the same time the authorities have failed to rein in or effectively investigate abuses by paramilitary groups implicated in enforced disappearances and unlawful detention and ill-treatment of Crimean Tatars, activists, journalists, and other individuals who are or perceived to be pro-Ukrainian. By bestowing Russian citizenship on Crimea residents through a coercive process, the authorities have also engaged in discrimination against Ukrainian citizens in Crimea, laid the groundwork for the potential expulsion of some Ukrainian citizens, and violated their obligations as an occupying power under international humanitarian law in relation to protecting civilians' rights.

Following the signing of the Treaty on the Adoption of the Republic of Crimea into Russia between local Crimea authorities and Russia and the Russian Duma passing the law On the Acceptance of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects on March 20, 2014, Russian and Crimea's authorities started the process of extending Russian legislation and policy to Crimea. This includes Russian laws relating to citizenship, media registration, and laws on 'extremism', including prohibited literature.

In particular, authorities in Crimea have used Russia's vaguely worded laws on extremism to issue several 'anti-extremist warnings' to the Mejlis, the Crimean Tatar representative body, and have banned mass public gatherings by the Crimean Tatar community. Between August and October, authorities conducted invasive and in some cases unwarranted searches at mosques and Islamic schools and searched dozens of private homes of Crimean Tatars, including members of the Mejlis. The searches, which the authorities say were conducted to look for 'drugs, weapons, and prohibited literature,' were carried out by both local police and Russia's Federal Security Service (FSB), but also involved dozens of unidentified armed, masked men.

The authorities have harassed pro-Ukraine and Crimean Tatar media outlets, searched their offices, shut down some, and threatened others with closure. The FSB and Crimea prosecutor's office issued formal and informal warnings to leading Crimean Tatar media outlets against publishing 'extremist materials' and invited editors to their offices for meetings during which they threatened that the outlets would not be allowed to reregister under Russian legislation unless they changed what they called their anti-Russian editorial policies.

The authorities continue to support so-called self-defense units, armed paramilitary groups which formed in Crimea toward the end of February and were implicated in enforced disappearances, beatings, and in at least one case, the torture of pro-Ukraine activists in March. These units continue to unlawfully detain and beat pro-Ukraine activists in Crimea. The authorities have neither restrained the units from committing abuses nor investigated the abuses themselves. Rather, in June they took steps to regularize the units under the law and give them wider powers. Additionally, in July the *de facto* prime minister of Crimea, Sergei Aksyonov [Aksenov], introduced a draft law to the Parliament of Crimea proposing to grant amnesty to all members of the self-defence units in Crimea for the period between February and April 2014. At this writing, a similar law is pending in Russia's State Duma, which proposes amnesty for

members of the self-defense units for the period between February 2014 and January 2015 with the exception of those 'motivated by personal gain'.

This report documents the abuses outlined above. It is based on on-site research in Crimea in October 2014, during which a Human Rights Watch researcher met and spoke with journalists, activists, lawyers, civil society representatives, and members of the Crimean Tatar community, including the leadership of the Mejlis and the Spiritual Directorate of the Muslims of Crimea. Human Rights Watch researchers also conducted telephone interviews with people who have left Crimea for mainland Ukraine. The report also includes previously published material gathered during a research trip to Crimea in March 2014.

On November 6, Human Rights Watch sent a letter summarizing our research findings to the Crimean authorities. We are awaiting a response.

...

Harassment of the Crimean Tatar Mejlis and Its Affiliates

The Mejlis, a self-governing body comprised of 33 members, is the highest executive body of the Crimean Tatar people and represents them in their dealings with the authorities and international bodies.

The Mejlis has openly criticized Russia's occupation of Crimea, called on Crimean Tatars to boycott the March referendum on Crimea's status and the September local elections, and also called on the authorities to disarm and disband the self-defense units in Crimea.

On April 22, 2014, the authorities banned Mustafa Dzhemilev, the informal leader of the Crimean Tatars and a previous chair of the Mejlis, from entering Crimea for five years after Russia's Federal Migration Service (FMS) declared him a *persona non grata* in Russia. On May 3, when Dzhemilev, a Ukrainian citizen, attempted to enter Crimea from mainland Ukraine through the Armyansk checkpoint in northern Crimea, law enforcement and members of self-defense units refused to allow him to enter. On May 14, the authorities searched Dzhemilev's house in his absence. Dzhemilev has not been charged with any offense.

On May 3, 2014, about 2,000 Crimean Tatars came to greet Dzhemilev at the border. According to media reports, some of those gathered at the Armyansk checkpoint broke through a police cordon while attempting to create a corridor through which Dzhemilev could cross through the checkpoint buffered from law enforcement and border officials. Law enforcement stopped the crowd, which at times, according to one eyewitness, became agitated but according to other witnesses, stood down upon Dzhemilev's request. On the same day, groups of Crimean Tatars protested Dzhemilev's ban in several cities in Crimea. While the protests were largely peaceful, in some cases they blocked roads, disrupting traffic. Local authorities initiated administrative proceedings against dozens of Crimean Tatars in connection with the events of May 3, fining at least 140 of them for 'public disorders' and 'unlawful border crossing' for amounts ranging from 10,000 to 40,000 rubles (approximately US$290 to $1,500).

Human Rights Watch was not in a position to independently research the May 3 events and assess whether the administrative charges and fines were proportionate responses to the specific incidents. However, the authorities have subsequently referenced these events to justify extensive searches, warnings, and other measures against Crimean Tatar groups and individuals. The authorities have not produced new, specific evidence to justify such measures. Rather, the measures appear from their scope and frequency and from the vague accusations levelled at those targeted designed to

intimidate members of the Crimean Tatar community who are perceived as opponents of Russia's takeover of Crimea, and therefore opponents of Russia.

On May 4, the prosecutor of Crimea issued a warning to Refat Chubarov, the chair of the Mejlis, that the group was at risk of being accused of 'extremist actions' for the May 3 events. Chubarov told Human Rights Watch that the prosecutor read the warning out to him and threatened to dissolve the Mejlis and ban its work should it engage again in such 'extremist' activities as the May 3 actions but did not provide him with a copy of the warning. On July 5, authorities banned Chubarov, who at that time was away from Crimea, from entering the peninsula for five years.

Also in May, two days before the 70th anniversary of the deportation of Crimean Tatars (on May 18, 1944), which the Mejlis for years had commemorated by organizing large peaceful gatherings, local authorities banned all mass events on the territory of Crimea through June 6, referring to possible 'provocations' and disruption of the summer holiday season. Local authorities eventually allowed a small-scale commemoration event to take place on May 17, although not in the center of Simferopol.

The prosecutor issued several statements warning the Mejlis against 'extremist' activities, including after it called for a boycott of the September 14 local elections. In September, the *de facto* prime minister of Crimea stated publicly that the Mejlis was not a 'legal organization' and that it had 'very little authority' among the Crimean Tatar population.

...

Use of Anti-Extremist Legislation to Silence Criticism

The authorities in Crimea have used Russia's vaguely worded and overly broad anti-extremism legislation to pressure Crimean Tatar media outlets into ceasing criticism of Russia's occupation of Crimea.

For instance, the authorities issued official and informal warnings to Shevket Kaibullaev, the editor-in-chief of the Mejlis newspaper, Avdet, which was established in 1990 and publishes in Crimean Tatar and Russian. Kaibullaev told Human Rights Watch that in early June the Simferopol prosecutor's office issued him an official warning that some of the newspaper's materials allegedly contained extremist content, for example the call to boycott the September elections in Crimea and use of the terms 'annexation,' 'occupation,' and 'temporary occupation' of Crimea. The authorities also called Kaibullaev for two informal conversations, he said, during which FSB agents and officials from the prosecutor's office warned him that Avdet will not be allowed to re-register under Russian law if it continued to publish such controversial content.

As noted above, on September 16, law enforcement agents searched the office of Avdet, located in the same building as Mejlis's office in Simferopol.

...

In an official response to a September 19 statement by the Organization for Security and Co-operation in Europe (OSCE) expressing concern about the fate of Avdet, Russia's Ministry of Foreign Affairs said that the search was connected with alleged extremist activities of the newspaper, which 'refuses to work within the boundaries of the law'.

The authorities also harassed ATR, the only Crimean Tatar television station ... ATR's deputy director, Lilya Budzhurova, told Human Rights Watch that ... since May the FSB and the prosecutor's office in Crimea visited ATR's office several times and had

conversations with Budzhurova and her colleagues about the channel's editorial policies ...

Budzhurova also said that when ATR was reporting on the wave of searches of Crimean Tatars' homes, schools, and mosques in September, FSB agents would call ATR requesting that it refrain from airing the materials.

...

[T]he FSB agents threatened the television station with imminent closure and prevented ATR journalists from reporting on official events, such as local parliamentary sessions. In August, the authorities cancelled ATR journalist Shevket Namatullaev's accreditation ...

A September 24 letter from the Interior Ministry's Center for Combating Extremism to ATR's director, which Human Rights Watch reviewed, stated that the center received information that ATR's editorial policies were directed at creating 'anti-Russian' public opinion and inciting 'distrust towards authorities among the Crimean Tatar population.'

...

Discriminatory Treatment of Ukrainian Citizenship Holders

The process of bestowing Russian citizenship on Ukrainians in Crimea was not simply a matter of allowing those who wished to apply for Russian citizenship. The process required all residents of Crimea who were citizens of Ukraine prior to the occupation of Crimea to take proactive steps to confirm their Ukrainian citizenship within one month period, or become Russian citizens by default.

... [R]ights groups and numerous media reports suggest that a significant number of people who wished to retain their Ukrainian citizenship faced difficulties that prevented them from doing so within the one-month deadline. Such difficulties included the extraordinary short grace period compounded by lack of publicly available information on the procedure and other obstacles outlined below.

According to local residents and rights monitoring groups on the ground in Crimea, Russia's FMS operated only four offices in Crimea where Crimean residents could confirm Ukrainian citizenship. These offices were not easily accessible to Crimean residents living in the countryside: three were in or around the regional capital of Simferopol and one was in Sevastopol. Local media reported on long lines exceeding daily capacity of each of four offices, which resulted in some people not being able to get to the top of the queue before the deadline expired. Several more offices were open in Crimea at the end of April, but the timeframe for retaining Ukrainian citizenship, which expired on April 18, was not extended.

Crimean residents who wanted to receive Russian passports could do so by mail, apply at 160 designated offices around Crimea, or apply at any Russian consulate or embassy in the world. Crimean residents who were Ukrainian citizens but were outside Crimea during that one-month period had no clear recourse for declaring Ukrainian citizenship within the deadline due to conflicting information provided by the authorities on whether Russian embassies and consulates around the world accepted such applications. Rights groups, journalists, and bloggers reported cases where people were unable to apply to retain their Ukrainian citizenship abroad because Russian consulates refused to accept such applications citing lack of clear instructions and absence of forms to process such requests."

2. Amnesty International, "One Year On: Violations of the Rights to Freedom of Expression, Assembly and Association in Crimea", 2015

111. With regard to its methodology, this report noted:

> "This briefing is based primarily on the findings of a research mission by Amnesty International delegates to Crimea in February 2015, including a series of interviews with a number of key informants, as well as desk research, including publicly available materials. Some of the interviews took place in mainland Ukraine and in Moscow. During the mission to Crimea the delegation met with a number of representatives of the Crimean Tatar community, lawyers, human rights activists, an official from the *de facto* Crimean Prosecutor's Office in Crimea and the Crimean Human Rights Commissioner (Ombudsperson). The human rights activists included two representatives of the 'Crimean Field Mission', a human rights monitoring mechanism set up through collaboration of Russian and Ukrainian human rights activists. In mainland Ukraine, the interviews were with a number of displaced people from Crimea."

112. The report also provided an illustration of the immigration regulations that Russia had put in place after taking over Crimea:

> "Mustafa Dzhemiliev, Crimean Tatar long-standing informal leader and former Head of the Mejlis, has not been able to return to Crimea since April 2014. During this time, he was repeatedly turned back by officials controlling entry to the peninsula, when attempting to enter Crimea overland and by plane from Russia. Later, he was banned from entering Russia for five years, purportedly on the grounds of national security; his attempts to challenge the ban in Russian courts has been unsuccessful, with the respective court hearings repeatedly postponed ... His successor as the Mejlis leader, Refat Chubarov, too, has been barred from re-entering Crimea for five years by the *de facto* authorities."

113. The report also included the following passage:

> "Russian legislation intended to combat 'extremism' has long been used in Russia to target government critics and others with dissenting views and has provided the Crimean authorities with a ready-made vehicle to clampdown on similar dissent in the peninsula."

3. Open Society Justice Initiative, "Human Rights in the Context of Automatic Naturalization in Crimea", June 2018

114. With regard to the issue of citizenship after Russia's overtake of Crimea, the report stated as follows:

> "82. Groups monitoring the situation in Crimea, including the UN Office of the High Commissioner for Human Rights (OHCHR) and Human Rights Watch, have cited multiple obstacles in the practical exercise of the opt out process, including the limited time period during which the option applied, the limited information available about the procedure and the limited number of locations where individuals could declare their intention to opt out:
>
> - The procedure was only effectively available for 18 days. The FMS did not provide instructions on the refusal procedure until 1 April 2014.

- Information regarding FMS locations for opting out was not available until 4 April 2014.
- From 4 through 9 April 2014, only two locations in Crimea were available to formally apply to renounce Russian citizenship, and a total of nine from 10 through 18 April. Since these sites were also dually designated for those seeking to acquire Russian passports, queues of thousands of individuals resulted and those applying to reject Russian citizenship were intimidated and harassed.
- These long lines surpassed the daily capacity of these offices and left some people unable to reach to the front of the line before the deadline expired.
- Offices were difficult to access for Crimean residents living in the countryside.
- On the other hand, Crimean residents who wished to receive Russian passports could do so either by mail or in-person at 160 designated offices around Crimea or any Russian consulate or embassy.
- Those who were outside Crimea 'during [the] one-month period had no clear recourse for declaring Ukrainian citizenship within the deadline due to conflicting information provided by the authorities on whether Russian embassies and consulates around the world accepted such applications.' Several cases were reported in which Ukrainian citizens who were abroad were unable to retain their Ukrainian citizenship because Russian consulates would not applications, 'citing lack of clear instructions and absence of forms to process the requests.'
- Several of the requirements in the procedure for refusing Russian citizenship evolved over a short period of time, such as the requirement to make the application in person, whither both parents needed to be present to apply/reject on behalf of minors."

115. The report also contained the following parts:

"102. **Prisoners**. The State Penitentiary Service of Ukraine reported that at the time of annexation, there were over 2,000 prisoners in Crimea who were local residents.

- Oleksandr Kolchenko filed a complaint to the European Court of Human Rights regarding 'the compulsory imposition of the Russian nationality'.
- Russian authorities claimed that Oleh Sentsov, a prominent Ukrainian filmmaker, was Russian. They detained him in Crimea and he was sent to a Moscow [detention facility].
- Claiming that Kolchenko and Sentsov had acquired Russian nationality, Russian authorities deprived both of consular protection and their right under the Convention on the Transfer of Sentenced Persons (1983) to be transferred to the Ukraine to serve their sentences. According to Ukrainian human rights experts, 'this problem actually concerns hundreds of Ukrainian prisoners who as of today are being transferred from Crimea to the territory of the Russian Federation.'
- According to the Ombudsperson of the Russian Federation, 'only 18 [convicts] rejected Russian citizenship in writing; 22 convicts filed in petitions asking to be extradited to Ukraine.'

103. OHCHR reported that 'pressure was exerted on detainees who refused to accept automatic Russian Federation citizenship.'

- A female detainee who rejected Russian citizenship claimed that she was subjected to various forms of harassment, including the denial of family visits, regularly having sunflower oil poured over her belongings.
- Many detainees who refused Russian citizenship were transferred into smaller cells or placed in solitary confinement.
- According to Ukrainian human rights organizations, '[t]here is also evidence of convicts who were tortured for refusing Russian citizenship; they were sent to a punishment cell or are put under pressure through other prisoners'.

...

Application of Russia's anti-extremism laws

147. This section provides a brief overview of the wide range of measures that constitutes the Russian anti-extremism legal framework, as well as illustrative examples that demonstrate the discriminatory manner in which that framework has been applied in occupied Crimea. The Russian Federation uses this framework to stigmatize those identifying or identified as pro-Ukrainian, including ethnic Ukrainians and Crimean Tatars, and their perceived or actual political and cultural institutions, labeling them instead as public enemies. Implementation of anti-extremism laws in Crimea has been facilitated – and offered a façade of legitimacy – through the imposition of Russian citizenship throughout the region.

148. **Legal framework**. The Russian Federation has imposed its framework of anti-extremist legislation in occupied Crimea, which includes the 2002 Federal Law No. 114-FZ 'On Countering Extremist Activity' ('Anti-extremism Law'), provisions of the Code of Administrative Violations of the Russian Federation, the Russian Criminal Code, as well as relevant rules in other laws such as those regulating expression, religious activities, public associations and assemblies and the media.

- 'Anti-extremism Law'

Article 1.1. of the Anti-extremism Law lists a range of vaguely-defined actions deemed 'extremist.' In its opinion on the law, the Venice Commission stressed that several of the actions listed in Article 1.1. were 'too broad,' 'lack clarity' and risk violating rights and freedoms enshrined in international treaties, the ECHR and customary law binding the Russian Federation. In the Commission's view, such 'broad and imprecise wording... [gave] too wide discretion in its interpretation and application, thus leading to arbitrariness.' Furthermore, several of the actions listed in the law do not 'require an element of violence' in order for the activity to be deemed extremist – contrary to state practice and the Shanghai Convention, to which Russia is a party. Many human rights monitoring institutions have reiterated these concerns, including the Russian Federations' Ombudsperson who stated that in relation to Crimea, officials should adopt 'a well-balanced approach that rules out any arbitrary, excessively broad interpretation of the notion of 'extremism.' Reportedly, the Foreign Ministry of Russia admitted that the definition of extremism is 'too broad.'

Article 6 of the Act criminalizes 'preparatory acts with characteristics of extremism' empowering the Prosecutor-General to send written warnings to suspected transgressors to correct or cease such actions it deemed extremist. Failure to obey the warning can result in the imposition of such punitive measures as the liquidation of an association or closure of a media outlet, among others. The Venice Commission

criticized this provision noting that 'written warnings and notices - and the related punitive measures ... raise problems in the light of the freedom of association and the freedom of expression as protected by the ECHR ...'

Article 13 of the Act obliges the Ministry of Justice to publish online a '*Federal List of Extremist Materials*.' Enforcement agencies can 'take administrative measures to restrict the distribution of extremist materials' on this list under Article 20.29 of the Code of Administrative Violations, which prohibits these items production and distribution. The Venice Commission expressed concern regarding 'the absence of any criteria and any indication in the Law on how documents may be classified as extremist and believes that this has the potential to open the way to arbitrariness and abuse'.

- Code of Administration Offenses

Article 20.29 of the Code of Administrative Offenses empowers authorities to prohibit 'the production and distribution of extremist material.' The list currently includes over 4400 items, including books, audio, video, images and online resources. The list is difficult to navigate and monitor, leaving individuals and organizations unaware that they may be distributing or storing listed items. Moreover, there is no formal removal procedure when items are no longer classified as extremist.

- Russian Federation Criminal Code

Article 280.1 of the Russian Criminal Code criminalizes public 'calls for separatism' or the 'implementation of actions aimed at violation of the territorial integrity of the Russian Federation.' The law was amended in July 2014 adding harsher penalties along with a new ban on expressing certain opinions, such as 'publicly acknowledging that 'Crimea is Ukraine' or calling the *de facto* authorities in Crimea 'occupying authorities' may lead to four to five years in jail.' In a recent review of Russia's state report, the Human Rights Committee recommended that 'The State party...ensure that article 280.1...is not used to silence individuals critical of the State party's foreign policy, including with regard to Crimea.'

Article 282 'defines extremist crimes as those motivated by ideological, political, racial, national, or religious enmity, as well as hatred or enmity towards a social group' and covers incitement to hatred or hostility, and humiliation of human dignity. Article 282.2-bis criminalizes leading or participating in an extremist organization. Punishments for these crimes range from fines to corrective labor to imprisonment.

- Other anti-extremism and related laws

Criminal and administrative provisions used to target 'extremists', including by searches and raids at religious sites such as mosques. For example Federal Law No. 375-FZ (2016) on tightening punishments for terrorist activities and expanding the powers of investigative bodies, and Federal Law No. 433-FZ (2013) regarding the prohibition of 'public calls for actions aimed at violating the territorial integrity of the Russian Federation.'

Internet filtering legislation for 'extremist content.' Federal Law No. 369-FZ (2013) on Internet Watching; No. 139-FZ on blacklisting of websites; and No. 374-FZ on Additional Anti-Terror Measures

149. **Implementation**. The application of anti-extremism laws is also frequently the legal predicate for discriminatory treatment, population transfers (discussed in the preceding section), and the suppression of fundamental freedoms of these groups in Crimea.

150. Federal List of Extremist Materials. Muslim groups have been particularly targeted by the Federal List, as several Islamic texts, including quotations from the Koran, have been deemed to be 'extremist.' According to the Director of the Russian NGO SOVA Center, approximately one-fourth of the items on the list relate to Islamic literature, are widely used by the community and do not contain extremist content.

151. *Banning of Mejlis as an extremist organization*. Numerous Mejlis serving in Crimea's local government and the Qurultay, the Crimean Tatars' national congress, have been banned from the region. The Vice Prime Minister of Crimea has instructed local governments to report any public activity by Mejlis members to the prosecutor. The ban implies that all members (approximately 2,500) are criminally liable for belonging to 'an organization recognized as extremist,' which carries a prison sentence of up to eight years. Both the current and former chairpersons of the Mejlis, Refat Chubarov and Mustafa Dzhemilev (Jemilev) were banned from Crimea, and deputy head, Ilmi Umerov, was transferred to a psychiatric ward, before he was sentenced to two years in a colony settlement.

152. According to the Unrepresented Nations and Peoples Organization (UNPO), the ban renders all Crimean Tatars 'more vulnerable' as they now lack representation, and has enabled 'repressive measures, such as massive identity checks [of] "non-Slavic"-looking people' allowing the stigmatization of the group as 'extremists,' 'suggesting that they might be a threat' to Crimea.

153. Despite the Russian Federation's claim that its 'decision to ban the Mejlis was taken on security grounds and ... bore no relation to the ethnicity of its members,' the International Court of Justice adopted a provisional order in April 2017 directing the Russian Federation to 'refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis.'

154. The UN General Assembly urged the Russian Federation to 'revoke immediately the decision declaring the Mejlis...an extremist organization and banning its activities' and to 'repeal the decision banning leaders of the Mejlis from entering Crimea.' The CERD Committee and the PACE expressed similar concern regarding the ban and the strict limitations imposed on the Mejlis and other Crimean Tatar institutions.

155. *Limitations on free press, expression and association*. Warnings pursuant to the Anti-extremism Law have preceded the shutdown of Crimean Tatar media outlets, claiming that the views, articles or programs contained content considered extremist – including the use of the words 'annexation,' 'temporary occupation' or discussing ethnic repression.

156. Ethnic Ukrainians and Crimean Tatars experience severe limitations on their right to association and expression on account of the anti-extremism framework. For instance, five Crimean Tatars were committed to a psychiatric facility for weeks, based on suspicion that they were members of a banned organization in the Russian Federation (though it is not banned in Ukraine). Several individuals have been convicted and sentenced to prison terms for statements made, and articles posted or reposted, on their social media accounts, referring to such things as the 'oppression of the Tatars' or stating that Crimea being 'occupied' or 'annexed.'

157. *Harassment, ill-treatment, surveillance and intimidation*. Evidence from human rights monitoring since 2014 suggests that the authorities regularly abuse the criminal system itself to harass and mistreat Crimean Tatars and those identified as pro-Ukrainian.

158. Law enforcement raids of mosques, madrassas and private homes of Muslims, usually Crimean Tatars, are frequent, with officials stating they are conducting searches for prohibited extremist literature or 'proof of connections with extremist and terrorist groups.' Searches of mosques often interrupt prayers, many worshippers have been detained, and reportedly video cameras have been installed to track those who attend services. Subjects of raids and searches state that such materials have been planted, false testimonies have been signed that declare possession of such items, and religious literature has been confiscated.

159. In 2016, two pro-Ukrainian supporters were forced to confess to terrorism-related charges 'through torture with elements of sexual violence,' and 'were kept *incommunicado*, tied, blindfolded, beaten up, subjected to forced nudity, electrocuted through electric wires placed on their genitals, and threatened with rape with a soldering iron and wooden stick.'

160. Nine Ukrainian citizens were detained in Crimea, subjected to torture which resulted in a forced admission that they were so-called 'members of the terror sabotage group of Defense of Ukraine,' without any evidence. As of 2017, three had received prison sentences.

161. OHCHR has noted that for those tried for extremism and separatism-related crimes, 'prosecutions often seemed to be tainted by bias and a political agenda'."

4. International Partnership for Human Rights, "International Crimes in Crimea: An Assessment of Two and a Half Years of Russian Occupation" ("IPHR 2016 Report"), September 2016

116. The report described its authors and the methodology used as follows:

"6. ... IPHR works together with human rights groups from different countries on project development and implementation, research, documentation and advocacy. Its team members have wide experience in international human rights work and cooperate with human rights groups from across Europe, Central Asia and North America, helping to prepare publications and conduct advocacy activities. Since its establishment, IPHR has carried out a series of activities aimed at assisting and empowering local human rights groups from the Russian Federation, Central Asia and South Caucasus to engage effectively with the international community.

...

7. The evidence of violations presented in this report has been empirically documented by IPHR through field missions and interviews, or collected from independent, reliable sources by IPHR monitors.

8. Since March 2014, IPHR has an established presence in Ukraine with the objective of supporting Ukrainian civil society organizations in their work to document human rights violations, fight impunity and advocate for desired change during the times of upheaval. As armed conflict erupted in the south and east of Ukraine, IPHR launched an open call to form a group of local observers to engage in documenting crimes of international character being committed in the context of Crimea annexation. Fifteen observers were selected through this call and received extensive practical training in documenting war crimes and crimes against humanity in September 2014. The group of monitors commenced documentation activities in Crimea in summer 2015.

9. To ensure a consistent methodology of documentation, IPHR developed a tailor made crime documentation manual and a practical toolbox. The manual includes detailed description of elements of crimes (war crimes and crimes against humanity), classification of evidence, instructions on obtaining and safely storing different categories of evidence, guidelines on conducting field interviews and obtaining appropriate statements from victims and witnesses and security aspects of the fieldwork.

10. Thirty-seven victim and witness statements have been recorded since summer 2015. Statements relating to concrete incidents/crimes form the basis of this report. The majority of these were [documented] in Crimea and only two were collected from witnesses who had been forcibly displaced to the continental part of Ukraine. The victims and witnesses interviewed include Crimean Tatars, activists, human rights defenders and witnesses to crimes committed by agents and proxies of the occupying authorities.

11. Furthermore, this report documents information collected by other independent human rights organisations, most notably the Crimean Contact Group and Crimea-SOS. Documented cases have also been analysed with reference to human rights violations documented by international organisations such as the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Organisation for Cooperation and Security in Europe (OSCE), and journalistic investigations. The authors also drew conclusions on the basis of official documents, laws and statements made by the occupying authorities. Additional information was obtained through desk research, using open-source documents."

117. The report also contained the following relevant passages:

"VI. Torture and other forms of inhuman treatment
A. Overview

110. In this section IPHR presents 20 cases of torture and a further 16 cases of conduct amounting to inhuman treatment or other inhume acts. It is submitted that all conduct set forth in this section violates the principle of humanity and caused serious mental or physical suffering or injury. The precise legal qualification of the conduct varies on a case-by-case basis, depending on the severity and duration of the acts and ensuing injuries. All documented cases were perpetrated in the context of the occupation, and/or as part of the occupying authorities' widespread and systematic attack on targeted civilians on the Crimean Peninsula, and therefore qualify as war crimes and/or crimes against humanity.

...

C. Summary of evidence
I. Torture

114. IPHR has documented at least 20 cases of inhuman treatment that reached the threshold of torture, perpetrated in the context of the occupation or as part of a widespread or systematic attack on the targeted civilian population of the Crimean Peninsula.

115. Documented forms of torture include the use of electricity, firearm wounds, mutilation, severe beatings, and strangulation. In all documented cases, the acts of torture were perpetrated by or on behalf of the occupying authorities – namely by officials of the FSB, police, and paramilitary organisations such as the Crimean

Self-Defence Militia. In at least two cases, members of the Russian armed forces are implicated in acts of torture.

116. Evidence reveals two main purposes behind the documented acts of torture. In the first group of cases, victims were subjected to acts of torture pending their trial, as part of the occupying authorities' efforts to extract confessions or obtain evidence to support the prosecution of targeted opponents of the occupation. The second group of cases involved torture as a form of extra-judicial punishment, deterrence or investigative technique, and did not generally result in prosecution or trial.

II. Other forms of inhuman treatment

117. In addition to cases of torture, IPHR has documented at least 16 cases of other forms of inhuman treatment, perpetrated in the context of the occupation or as part of a widespread or systematic attack on the targeted civilian population on the Crimean Peninsula.

118. Documented forms of inhuman treatment include beatings, deprivation of basic amenities in custody, deprivation of medical treatment for injuries, threats of death, rape and physical mutilation, and holding victims in conditions of enforced disappearance. In all documented cases, inhuman treatment was perpetrated by or on behalf of the occupying authorities – namely by FSB officials, and paramilitary groups such as the Crimean Self-Defence Militia. In addition, the arbitrary detentions and enforced disappearances documented elsewhere in this report may also amount to inhuman treatment.

119. In all documented cases, the victims of inhuman treatment are civilians identified by the perpetrators as being anti-Russian, anti-occupation or pro-Ukrainian. In some cases, inhuman treatment was applied as punishment for refusing to be recruited by the authorities. Inhuman treatment described in this sub-section was perpetrated in custody, in public or at checkpoints.

...

III. Analysis

120. IPHR submits that all cases set forth in this section violate the principle of humanity and caused serious mental or physical suffering or injury. The exact legal qualification in each case depends on the severity and duration of the act and ensuing injuries.

...

122. A further 16 cases, although arguably not reaching the severity of conduct and suffering required for torture, may nevertheless qualify as inhuman treatment or other inhumane acts. Beatings, threats of death, sexual violence and physical mutilation, severe ill treatment in custody and conditions of enforced disappearance have all been qualified as inhuman treatment in international jurisprudence.

123. The fact that all victims of torture and other forms of inhuman treatment were targeted by or on behalf of the occupying authorities on the basis of their actual or perceived opposition to the occupation, presents a reasonable basis to believe that the conduct was perpetrated in the context of and was associated with the occupation. For the same reasons, the conduct presented herewith may qualify as being part of a widespread and systematic attack on the targeted civilian population on the Crimean Peninsula.

...

VII. Illegal detention
A. Overview

125. In this section IPHR presents 90 cases of illegal detention. The illegality of the detention stems from the lack of legitimate grounds for detention as well as a systematic failure by detaining authorities to comply with minimum procedural safeguards. All documented cases of illegal detention were perpetrated in the context of the occupation, and as part of the occupying authorities' widespread and systematic attack against the targeted civilian population on the Crimean Peninsula. Consequently, IPHR submits that the cases of detention presented in this section qualify as war crimes and/or crimes against humanity.

...

C. Summary of evidence
I. Types of illegal detention

132. Although each case has its unique set of facts, parallels may be drawn across the documented cases, revealing three recognisable trends of illegal detention applied by the occupying authorities.

133. The most prolonged form of illegal detention – best illustrated by the cases of Oleh Sentsov and his alleged accomplices - involve the full machinery of the federal justice system. Victims are arrested by the FSB, interrogated in Crimea and transferred to Moscow (often *via* Rostov-on-Don) for further interrogation and detention. Allegations of torture and other inhumane acts at the FSB detention facilities are commonplace, but seldom investigated by the authorities. Victims are tried on charges of terrorism in what appear to be public show-trials. Prosecutors often rely on fabricated or torture-tainted evidence, and the accused is denied fundamental fair trial rights. Victims are inevitably found guilty and sentenced to lengthy prison terms to be served thousands of kilometers away in eastern Siberia. This form of treatment appears to be reserved for activists who are perceived as a tangible threat to the occupation, and/or is intended to act as a powerful deterrent to other activists and critics.

134. More frequently, victims are arrested, charged with offences of extremism and public disorder, interrogated, detained and tried on the territory of the occupied Crimean Peninsula. This form of treatment is commonly applied against prominent members and organisers of protests, such as participants in Kyiv's Euromaidan (Euromaidan cases), and protesters against the occupation (26 February cases and 3 May cases). All documented prosecutions by the occupying authorities are tainted by prosecutorial bias and a manifest political agenda. The initial arrests are carried out by the FSB, police forces of the occupying authorities or paramilitary groups. Arrests are typically followed by multiple searches of the victims' houses and harassment of their families by law enforcement. Victims are charged and subjected to lengthy pre-trial detention despite a general lack of sufficient evidence. The accused are invariably convicted as a result of trials falling far short of international standards of fairness.

135. In many cases, victims are neither charged nor tried, but simply detained by occupying authorities or proxy paramilitary groups as a form of extra-judicial punishment or harassment. Detention under such circumstances can last from several hours to several days, exceeding legal limits for temporary detention and ignoring procedural requirements such as the formation of a 'protocol of arrest'. This form of punitive detention takes place at FSB premises, police stations, border checkpoints,

locations controlled by paramilitary groups or at the Ministry of the Interior's Centre for Fighting Extremism. Although typically no charges or official reasons are given for detention, detainees are often subjected to lengthy interrogations aimed at intimidation and deterrence. In cases where paramilitary groups conduct arrests, the latter typically overstep their legal powers by detaining and interrogating victims on the authorities' behalf. Typical victims of such forms of detention include Ukrainians and Tatars displaying or celebrating national symbols, such as flags and statutes of poets, journalists and religious leaders. Such practices are also frequently relied on to harass and intimidate members of targeted groups such as Crimean Tatar communities and owners of land and businesses marked for seizure.

II. Categories of detainees

136. The vast majority of detainees documented in this report are civilians, detained by or on behalf of the occupying authorities to assert Russian control over the occupied territory, or as part of the occupying authorities' widespread and systematic attack against targeted members of the civilian population on the Crimean Peninsula.

137. Those identified as actual or perceived Tatar dissidents consist of current and former members of the Crimean Tatar Mejlis, members of banned organisations such as Hizb-ut-Takhrir, and a residual sub-category of Tatar 'activists'. The latter sub-category includes protesters, journalists, other persons of Tatar ethnicity who voice support for the rights of the Tatar minority, as well as those persons of Tatar ethnicity who are perceived to oppose the occupation. Mass arrests and detention is a common trend, for instance the cases of ethnic Tatars accused of participating in protests on 26 February and 3 May 2014.

138. Those identified as actual or perceived pro-Ukraine dissidents consist of protesters, journalists and members of civil society. This group also includes civilians who are perceived as holding anti-Russian or pro-Ukrainian views. Accusations supporting their incarceration range from terrorism, to public order offences, to the vaguely defined charge of 'extremism'. A growing number of detention cases involve Ukrainian citizens tried by Russian courts for conduct alleged to have taken place on the territory of Ukraine prior to the occupation – a serious jurisdictional anomaly ignored by the occupying authorities.

...

E. Analysis

139. IPHR submits that all detention cases documented in this report involve arbitrary deprivations of liberty. In all such cases, the occupying authorities have either lacked sufficient grounds for detention, violated basic procedural safeguards, or both. Selective arrests, biased prosecutions, intimidation tactics, systematic violations of domestic and international procedural rules and a recurrent lack of sufficient evidence demonstrates that detentions were politically motivated, rather than a genuine exercise of law enforcement or protection of public order.

140. Evidence presented in this report provides a reasonable basis to believe that documented cases of illegal detention may be qualified as either war crimes and/or crimes against humanity. In the first instance, the internment of civilians for their opposition to the occupation with no concrete evidence of serious prejudice to the security of the occupying power, amounts to the war crime of unlawful confinement. Although this qualification may apply to most of the documented cases, it is particularly pertinent to the numerous cases of extra-judicial 'punitive' detention. In those cases

where the detainees were tried, the systematic denial of due process may also qualify as a war crime of denying a fair trial.

141. There is a reasonable basis to believe that all the documented cases may also qualify as crimes against humanity of imprisonment or other severe deprivation of physical liberty. IPHR has documented systematic violations of domestic procedural laws, including prolonged detention without charge, protocol of detention, or judicial order, imposition and extension of pre-trial detention in absence of sufficient grounds or evidence, and *ultra vires* detention by paramilitary groups such as the Crimean Self-Defence Militia. Detention has also resulted from frequent violations of international fair trial rights, such as the use of confessions obtained under duress or torture, institutionalised lack of equality of arms, lack of independence and impartiality, and restrictions on access to independent counsel.

142. The resultant instances of arbitrary deprivation of liberty took place in the context of the occupation and as part of the occupying authorities' widespread and systematic attack on targeted members of the civilian population on the Crimean Peninsula.

...

VIII. Forced displacement

A. Overview

144. In this section IPHR presents evidence of forced displacement of civilian residents of the Crimean Peninsula in the wake of its occupation by the Russian Federation. Estimates for the number of civilians displaced as a result of the occupation range from 20,000 to 60,000 people, representing approximately 2.5 percent of the total population of the Peninsula. Of those who have left, an estimated 15,000 – 30,000 are believed to be Crimean Tatars. Thousands of others remain under the threat of forced displacement. All displaced residents were lawfully present on the territory of the Peninsula and were involuntarily displaced by expulsion or other forms of coercion, with no justification under international law. In addition, up to 2 200 Ukrainian detainees located in Crimean prisons at the time of the invasion have been involuntarily transferred to other facilities in the Russian Federation. This forced displacement has taken place in the context of the occupation, and as part of the occupying authorities' widespread and systematic attack on the targeted civilian population. Consequently, IPHR submits that the war crime and/or crime against humanity of deportation or forcible transfer have taken place on the Crimean Peninsula following its occupation by the Russian Federation.

...

C. Summary of evidence

...

III. Ukrainian detainees transferred to detention facilities on Russian territory

162. According to the OSCE and the State Penitentiary Service of Ukraine, at the onset of the occupation, there were 2 033 Ukrainian inmates convicted under Ukrainian law by Ukrainian courts serving custodial sentences in prisons in Crimea, and a further 1 086 pre-trial detainees being held in Simferopol. It is reported that these inmates were not given the option to opt-out of automatic Russian citizenship, and therefore involuntarily became citizens of the Russian Federation. As early as March 2014, at least 179 such inmates were transferred to other detention facilities on the territory of the Russian Federation. Lawyers representing Ukrainian prisoners in the custody of the

occupying powers allege that to date up to 2 200 Ukrainian inmates have been forcibly transferred onto the territory of the Russian Federation. [This figure has been given to IPHR by the lawyers who have also verified it with information from penitentiary services and families of inmates.]"

...

118. Under the heading "Appropriation of private property", the report stated:

"179. ... IPHR has documented 25 representative cases of appropriation of private property, including agro-industrial enterprises, a major bank, property belonging to associations, media and telecommunication companies, energy companies, construction and transport companies and tourism-sector enterprises. Aside from big commercial enterprises, appropriations have taken place against small businesses, mainly belonging to Crimean Tatars and persons in actual or perceived opposition to the occupation. In at least 11 cases, the appropriations were implemented by paramilitary groups such as the Crimean Self-Defence Militia.

...

181. Aside from private enterprises, the occupying authorities have also targeted the property of cultural and religious organisations. As a result, a Tatar cultural centre and property belonging to the Ukrainian Orthodox Church of the Kyiv Patriarchate have been seized with no compensation or right of appeal.

iii. Destruction of cultural, religious and historic monuments and property belonging to ethnic minorities

182. IPHR has documented 11 cases of total or partial destruction of cultural, religious and private property. The common thread in all documented cases is that the property belonged to or represented the cultural heritage of ethnic minorities, particularly Crimean Tatars. Targeted monuments include memorials to the Tatar deportation, a Holocaust memorial, four mosques, and three other monuments of historical and cultural significance to Tatars. In addition, Tatar shops have been attacked and defaced with paint and racist slogans. Although in most cases it is difficult to ascertain the direct perpetrators of the attacks, it is apparent that the attacks have been motivated by ethnic or religious hatred in line with the persecution against ethnic minorities set out in section X of this report".

119. The report also described documented cases of appropriation of private property. This section listed twenty-five documented cases of appropriation of property in various parts of Crimea between 17 March 2014 and 11 May 2015. All of these instances had involved large businesses, for example oil and gas businesses, transhipment terminals, energy companies, construction and transport companies, banks, media companies, farms and agricultural enterprises, resorts and restaurants, a shipyard, the Sevastopol Marine Plant, and cultural and religious property. In different cases the appropriation had been carried out by the "occupying authorities", the prosecuting authorities, local courts, the "self-defence" forces, the "people's militia", "Cossacks", the Orthodox Church of Moscow Patriarchate, or sometimes a combination of two of these groups. In nineteen of the twenty-five cases, no compensation had been awarded, while the

compensation awarded in the remaining six cases was characterised by the IPHR as inadequate.

120. Lastly, the report also contained the following relevant passages:

"X. Persecution and collective punishment
A. Overview

190. In this section, IPHR presents evidence of the occupying authorities' intentional and severe deprivation of fundamental rights of Crimean Tatar and Ukrainian residents of the occupied Crimean Peninsula.

191. From the onset of the occupation, the occupying authorities have identified Crimean Tatars as an ethnic group whose leadership and members are opposed to Russian rule. Similarly, the occupying authorities have subjectively identified as 'Ukrainians' those Crimean residents who are in actual or perceived opposition to the occupation. Both groups have been targeted on ethnic, political and/or religious grounds, as all three characteristics are intrinsically linked to their members' actual or perceived identities. Their leaderships and vocal activists have been subjected to violence, including murder, enforced disappearance, unlawful deprivation of liberty and other forms of inhuman treatment. Other actual or perceived group members have been subjected to regular harassment by agents and proxies of the occupying authorities. Laws and administrative acts passed by the authorities have restricted the groups' fundamental freedoms of expression, assembly and religion, and have enabled appropriation of property belonging to its members. Other acts and measures appear to be aimed at purging the groups' distinct cultural identities. As many as 60 000 members of both groups have fled the peninsula as a result.

192. It is submitted that the cumulative effect of these criminal acts and violations of civil, political, social, economic and cultural rights, amounts to systemic discrimination, which satisfies the definition and severity threshold of the crime against humanity of persecution. This conduct may also be qualified as a form of collective punishment against groups and individuals in actual or perceived opposition to the Russian occupation.

...

C. Summary of evidence

200. Statements, actions and laws made by occupying authorities make it clear that all groups and individuals in actual or perceived opposition to the occupation will be targeted by all means at their disposal. Evidence of severe deprivation of fundamental rights on the territory of the Crimean Peninsula by the occupying authorities and their proxies has been well documented by civil society and human rights monitoring organisations. These violations combined with evidence of criminal conduct set out in preceding sections, reveal a clear pattern of systemic discrimination against identifiable groups on the Crimean Peninsula in actual or perceived opposition to the occupation. Ethnic, linguistic, political and religious divisions on the peninsula and their complex inter-relations suggest that this targeting has taken place on several concurrent grounds:

I. Targeting of **Crimean Tatars on ethnic, political and/or religious grounds**

201. Crimean Tatars are an ethnic group of Mongolian-Ottoman origin that has settled the Crimean Peninsula since the 13th century. At the end of the 19th century, Crimean Tatars constituted the biggest ethnic group on the peninsula, however, by the end of World War II, Stalin had ethnically cleansed the peninsula of its Tatar population. In

the run-up to the Russian invasion in 2014, it is estimated that Crimean Tatars accounted for approximately 12 percent of the peninsula's population, made up of returnee survivors of the Stalinist purge and their descendants. The vast majority of Crimean Tatars are Muslim and their ethnic and cultural identity as a group is closely associated with the Islamic faith and traditions. Their distinction from the Slavic majority is also apparent in their unique language, script, distinctive cultural practices and historic roots.

202. The 1944 forced deportation serves as an important marker of their identification as a distinct ethnic group. It is also a major reason for the strong opposition to Russian occupation shown by the leaders and members of the Crimean Tatar community. Through peaceful protest, vocal opposition, trade blockade and other forms of non-violent resistance, Crimean Tatars have presented the strongest and most organised opposition to the occupying authorities since the onset of the occupation. Unsurprisingly, this opposition has resulted in a systematic attack on the Crimean Tatar population by the occupying authorities through criminal conduct and severe deprivation of fundamental rights.

203. According to our analysis, at least five Crimean Tatars have been murdered, and 10 have disappeared since the onset of the occupation. We have further documented scores of cases of unlawful deprivation of liberty perpetrated against Tatars, ranging from short 'punitive' detention to prolonged imprisonment of members of the leadership and perceived activists. At least nine of these detainees have reported being subjected to torture and other inhuman acts.

204. Political figures, activists as well as ordinary members of the Tatar community have been subjected to widespread harassment by police, security agents and militia groups, with frequent reports of physical and psychological abuse. The Mejlis, a representative body of Crimean Tatars, has been banned by occupying authorities as an 'extremist' organisation, its leaders banished from the peninsula, arrested and/or threatened with prosecution.

205. Crimean Tatars have lost their fundamental freedoms of association, assembly and expression, with bans on public gatherings to commemorate culturally significant dates, closure of independent Tatar media and other societies and organisations. Mosques have come under attack, either through vandalism or raids by security forces under the guise of fighting Muslim extremism. The vast majority of madrassas have been shut down, with the last remaining madrassa now put under the occupying authorities' control. Individuals as well as the group as a whole has come under unsubstantiated accusations of religious extremism, and subjected to religiously motivated hate-crimes. Attacks have also been documented on property owned by Crimean Tatars and property of historic, religious and cultural significance to the Tatar community. According to an OSCE report, native-language education and language studies in Crimean Tatar has been 'drastically reduced' since the occupation.

206. Echoing Stalin's ethnic cleansing of the peninsula, between 15 000 and 30 000 Crimean Tatars are believed to have fled the territory of the Crimean Peninsula, forcibly displaced by the cumulative effect of discrimination, violence and/or fear of persecution. This figure represents roughly half of all victims of forced displacements documented in Section VIII.

II. Targeting of Ukrainians on ethnic and/or political grounds

207. Notwithstanding shared historical origins and certain cultural similarities, Ukrainians represent a distinct ethnic group. The distinction is defined by language, unique cultural references and the formation of separate national identities from the 14th century. Prior to the occupation, it is estimated that people self-identifying as

Ukrainians made up approximately 20percent of the total population of the Crimean Peninsula. The occupation of Crimea and subsequent armed conflict in Donetsk and Luhansk Provinces has strengthened the notion of Ukrainian ethnic and national identity and its separation from 'Russian world'. More importantly, from the onset of the occupation, the occupying authorities and proxies have subjectively identified as 'Ukrainians' those residents of Crimea who are in actual or perceived opposition to the occupation. This is evidenced, first and foremost, by the obstacles and hardships imposed on residents who chose to reject 'automatic' Russian citizenship in favour of remaining Ukrainian. It is also apparent from the authorities' rhetoric against any groups or persons who contest the transfer of the peninsula from Ukraine to Russia.

208. According to our analysis, at least two Ukrainians (other than Crimean Tatars who may equally identify as Ukrainians) have been murdered, and five have disappeared since the onset of the occupation. We have further documented scores of cases of unlawful deprivation of liberty perpetrated against so called 'pro-Ukrainians', ranging from short 'punitive' detention to prolonged imprisonment of actual or perceived activists. At least 25 of these detainees have reported having been subjected to torture and other inhuman acts.

209. As with Crimean Tatars, activists, journalists, public figures and ordinary Ukrainians have been subjected to widespread harassment by police, security agents and militia groups, with frequent reports of physical and psychological abuse. Ukrainians are no longer allowed to assemble to celebrate national holidays or historical figures, display national symbols or express opinions that are perceived as contesting the legitimacy of the occupation. All those caught doing so are subjected to violence and the arbitrary deprivation of liberty.

210. As per Sergey Aksyonov's diktat, Ukrainian media has been 'purged as a class', whilst the authorities closely monitor social media and revise the ever increasing list of censored websites. The study of the Ukrainian language and culture has been removed from Crimean schools and universities. The Ukrainian Orthodox Church and other Ukrainian denominations have had their properties seized and their leadership displaced from the territory of the peninsula. Cultural links between the Crimean Peninsula and Ukraine are being severed by the occupying authorities. Some 60 000 Crimean residents have fled to Ukraine as a result of the occupation.

D. Analysis

211. The rights violations and criminal conduct perpetrated against Crimean Tatars and Ukrainian are not spontaneous, random or isolated incidents. They form part of a systemic discrimination perpetrated against these two groups and their members on ethnic, political and religious grounds.

212. The widespread opposition of Crimean Tatars to the occupation is regarded by the occupying authorities as a major obstacle to cementing and legitimacy of its occupation. A leaked letter from the regional deputy head of the FSB to Sergey Aksyonov proposes a plan to suppress the Tatars' opposition. The plan includes the dismantling of the Mejlis, and systematic harassment of the Tatar population with raids, searches and assaults on religious gatherings by security forces and 'patriotic organisations with radical attitudes towards Tatars'. Evidence documented by IPHR and other human rights organisation demonstrates that this plan has been put into action since the onset of the occupation. Public statements by Sergey Aksyonov and other prominent members of the occupying authorities also confirm the existence of a plan or policy to target the Tatar community.

213. Similarly, the continuing resistance by a sizeable minority of Ukrainian residents of Crimea to redefine their ethnic, national and cultural identity as Russian is an impediment to the success of the annexation project. As a result, any display of Ukrainian identity is systematically targeted as a reprimand and deterrent to other members of the group. Efforts to sever residents' cultural and linguistic ties to Ukraine is further evidence of that Ukrainians, as a group, are being targeted by the occupying authorities.

214. Both groups are targeted for their actual or perceived political opposition to the occupation. However, in both cases, political opposition, ethnic identity and faith are closely inter-linked. For these reasons, we submit that the groups are being targeted concurrently on ethnic, political and/or religious grounds. This targeting forms part of the wider attack on the civilian population, set out in this report. This conduct may also be qualified as a form of collective punishment, against groups and individuals in actual or perceived opposition to the Russian occupation. It highlights the existence of a plan or policy and the gravity underlying the conduct set forth in this report."

5. *Truth Hounds, "War in religious dimension: attacks on religion in Crimea and Donbas region", 2019*

121. The report described its methodology in the following way:

"The evidence of violations presented in this Report has been empirically documented by the Authors through fact-finding field missions and witness interviews, or collected from independent, reliable sources.

Collecting data

The main form of data collection for the purposes of documentation of persecutions is interviewing witnesses and victims of alleged crimes. To gather witness and supporting evidence, documentation teams travel to the alleged crime site with the view of identifying victims, witnesses and, whenever possible, physical evidence. Witness statements, conducted in an impartial and open manner, form the bulk of the evidence – a crucial part of the investigation.

Further contextual and/or corroborating information is sought from official documents such as reports from State and quasi-State organs (e.g. statements by representatives of the warring parties, law enforcement agencies, international monitoring organizations, media reports)".

122. With regard to the religious persecution of Crimean Tatar Muslims after the annexation, the report noted:

"Ukraine's large ethnic group of the Crimean Tatars constitute the majority of Muslim population in the country. In the run-up to the annexa on, Crimean Tatars accounted for approximately 12 per cent of the Peninsula's population. The vast majority of Crimean Tatars are Muslim and their ethnic and cultural identity as a group is closely associated with the Islamic faith and traditions. Their distinction from the Slavic majority is also apparent in their unique language, script, distinctive cultural practices and historic roots. The forced deportation of the Crimean Tatar population on Stalin's orders in 1944 contributes to the Crimean Tatar communities' mistrust of and opposition to Russian authority over the Peninsula.

As a community, Crimean Tatars have presented the strongest and most organized opposition to the occupying authorities through peaceful protest, trade blockades and

other forms of nonviolent resistance. This has resulted in the systematic targeting of politically active and vocal Crimean Tatars by the Russian authorities. Crimean Tatar political and civic organizations have been banned (e.g.: the Mejlis) or subjected to constant pressure and harassment (e.g. Crimean Solidarity). The authorities have qualified all forms of opposition to the annexa on as 'extremism' or 'terrorism', deploying its law enforcement and the judiciary to gag Crimean Tatar dissent.

Based on figures compiled by victims' lawyers and civil society organisations since the annexation, at least 13 Crimean Tatars have been murdered by occupying authorities or groups and persons associated with them, and a further 12 Crimean Tatars remain 'disappeared'. An estimated 96 Crimean Tatars are subject to politically motivated criminal prosecutions, hundreds have been placed in administrative detention and a further 210 have been arbitrarily detained outside the context of criminal or administrative proceedings. There are currently no accurate estimates for the number of Crimean Tatars who have been subjected to torture, inhuman or degrading treatment.

Political figures, activists as well as ordinary members of the Crimean Tatar community have been subjected to widespread harassment by law enforcement, security services and militia groups, with frequent reports of physical and psychological abuse.

The Mejlis, a representative body of Crimean Tatars, has been banned by the occupying authorities as an 'extremist' organisation, its leaders banished from the Peninsula, arrested and/or threatened with prosecution. Crimean Tatars have all but lost their fundamental freedoms of association, assembly and expression, with bans on public gatherings to commemorate culturally significant dates, closure of independent Crimean Tatar media outlets, as well as other societies and organizations.

Mosques have come under attack, either through vandalism or raids by security forces under the guise of fighting Muslim extremism. The vast majority of madrassas have been shut down, with the last remaining madrassa now put under the occupying authorities' control. Individual members as well as arguably the group as a whole has come under unsubstantiated accusations of religious extremism and subjected to religiously motivated hate-crimes.

Attacks have also been documented on property owned by Crimean Tatars and property of historic, religious and cultural significance to the Crimean Tatar community. According to an OSCE report, native-language education and language studies in Crimean Tatar have been 'drastically reduced' since the occupation."

6. *Ukrainian Helsinki Human Rights Union and others, "Crimea Beyond Rules. Thematic review of the human rights situation under occupation. Right to nationality (citizenship)", Issue no. 3, 2017*

123. The relevant parts of this report stated as follows:

"The periodic review 'Crimea beyond rules', prepared by joint efforts of several organizations and invited experts, aims to help the international community, human rights organizations, international and national bodies and structures as well as anyone who wants to better understand the human rights situation in Crimea.

Each review is themed around a specific topic and includes a number of analytical articles, references to international regulations, standards and legislation relating to the chosen themes as well analysis of prospects for potential complaints or those already filed with the international bodies for the protection of human rights. The series of thematic reviews 'Crimea beyond rules' is devoted to the study and description of

violations of human rights and rules of international humanitarian law resulting from the continuing aggressive expansion on the side of the Russian Federation in respect of Crimea as a part of the territory of Ukraine.

...

Crimean cases

...

Particularly, the 'Kolchenko's case' should be mentioned in the context of nationality, as it indicates the compulsory nature of the 'automatic nationality' of the Russian Federation, which does not depend on the will of a person. The court denied the retention of the Ukrainian citizenship by Kolchenko, despite the fact that Kolchenko while being in custody in Moscow could not apply for Russian citizenship and obtain a Russian passport. Kolchenko confirms that he has taken no actions to obtain Russian citizenship. The only document that has been certifying his identity since the time of his arrest is his Ukrainian passport. Kolchenko considers himself a citizen of Ukraine, and Ukraine recognizes Kolchenko's Ukrainian citizenship.

The court decided to deny the retention of the Ukrainian citizenship by Oleksandr Kolchenko. The court's decision to deny the retention of the Ukrainian citizenship contradicts international law, Russian and Ukrainian legislations. Therefore, Kolchenko is deprived of the right to nationality, despite the fact that no one can be deprived of nationality arbitrarily. In addition, the judgment violates Article 16 of the International Covenant on Civil and Political Rights of 1966, which guarantees that everyone shall have the right to recognition everywhere as a person before the law. Thus, Kolchenko's legal personality is based on his Ukrainian nationality, and his legal nexus as a national of Ukraine remains unchanged outside Ukraine. In this case, the court, deciding in the name of the Russian Federation, unreasonably refuses to recognize Oleksandr Kolchenko's legal personality ...

...

If Crimeans do not have a 'document confirming the legality of staying in the territory of Russia' (Russian passport or residence permit) this leads to restriction or deprivation of many of their rights. Without Russian passport or a residence permit it is impossible be formal employment, apply for health services, social benefits and pensions.

...

Consequences of renunciation of Russian nationality

Applying to renounce Russian nationality automatically led to the fact that this person acquired the status of a foreigner with the relevant restrictions (related to employment, the right to social benefits, migration control, prohibition of participation in political activities and to be engaged in public life, etc.). But unlike the common situation when a foreigner deliberately moves to a foreign country and agrees to relevant limitations, this category of Crimean residents found themselves to have a status of foreign nationals at home. The further stay on the peninsula became entirely dependent on the discretion of the occupation authorities as to permission to stay.

...

[I]t is more complicated for him to receive all kinds of social benefits, obtain a driver's license, register a vehicle, be employed in certain positions (public institutions), obtain of land plots, free medical care, re-registration of ownership."

7. Ukrainian Helsinki Human Rights Union and others, "Crimea Beyond Rules. Thematic review of the human rights situation under occupation. Information occupation", Issue no. 4, 2017

124. Under the heading "Review of national legislation and regulation of occupation regime", the report included an extract from the "Decree of the [so-called] Head of the Republic of Crimea 'On the approval of the comprehensive plan to counter the ideology of terrorism in the Republic of Crimea for 2015-2018'", published on the website rk.gov.ru and which read as follows:

> "(1) The comprehensive plan developed measures to prevent the radicalization of various groups of the population of the Republic of Crimea, especially young people, and prevent their involvement in extremist and terrorist activities.
>
> (2) According to the provisions of the Comprehensive Plan, the ideology of terrorism (terrorist ideology) is understood to mean a set of ideas, concepts, beliefs, dogmas, goals, slogans that justify the need for terrorist activity, as well as other destructive ideas that led or may lead to such an ideology.
>
> (3) The list of persons, conducting destructive activities, includes 'accomplices of participants in armed conflicts in Syria and Ukraine'; 'distributors of terrorist, extremist ideology and information discrediting the Russian Federation'; 'active members and ideologists of non-traditional religious organizations and sects carrying out their activities in the Republic of Crimea'.
>
> (4) Among the planned activities, it is proposed to introduce measures to protect the Internet space of the Republic of Crimea from the penetration of terrorist and extremist materials, destructive information, instructions for manufacturing explosive devices, calls for the commission of terrorist acts; work on the identification and blocking of Internet sites containing terrorist and extremist materials."

125. The relevant parts of this report read:

> **"Crimean cases**
>
> With the beginning of occupation of Crimea in February 2014 and before the holding of the so-called 'referendum', many independent journalists of Crimea and the city of Sevastopol were persecuted and forced to leave the peninsula. According to Tatiana Kurmanova, the editor of the Center for Investigative Journalism (Crimea), the peak of attacks on journalists in Crimea was in March 2014 (85 cases were recorded). Since April 2014, access to public information has been limited. And by May 2014, the media unwelcome by new 'authorities' had practically ceased their activities on the peninsula.
>
> ...
>
> The initial stage of physical ousting of journalists from Crimea was replaced by a period of systematic intimidation, which concerns also those who found themselves outside the occupied territory. The searches and prosecutions conducted by the occupation authorities aimed not only and not so much to punish those who are directly concerned but rather to force others to be silent. This policy has affected not only professional journalists. Bloggers, human rights lawyers and activists are also exposed to pressure for expressing their opinions. Below are some stories that illustrate the situation with the persecution of journalists and the media on the peninsula.

Ganna Andriievska[,] Journalist, investigator of the information agency 'Center for Investigative Journalism' (Crimea)[,] Simferopol, AR of Crimea

In May 2014, Crimean journalist Ganna Andriievska, fearing persecution by the occupation authorities, left for Kyiv. ... On 2 February 2015, the investigative department of the Federal Security Service of the Russian Federation in Crimea launched a criminal proceeding under p. 2 of Article 280.1 of the Criminal Code. The basis for the institution of this proceeding was the publication of Ganna Andriievska called 'Volunteers of the battalion "Crimea"' on the website of the Center for Investigative Journalism. In this publication, the occupation authorities saw incitements for actions aimed at violating the territorial integrity of the Russian Federation. The article mainly dealt with volunteers who were helping Crimean people fighting in the area of the antiterrorist operation and protecting the territorial integrity of Ukraine in Donbas. The text of the article is available following the link: https://investigator.org.ua/ua/articles/144257/ On 13 March 2015, officers of the Federal Security Service of the Russian Federation in Crimea conducted a search in the house of Ganna's parents in Crimea. During the search a computer of the journalist's father was confiscated. The FSS of RF ordered employees of the post office to report about any correspondence addressed to G. Andriievska. The journalist claims that all correspondence sent to her registration address in Crimea, including the address of her family members, is censored. According to the data from the website of the Federal Service for Financial Monitoring (Rosfinmonitoring), the journalist is put in the List of Terrorists and Extremists. Today Ganna Andriievska continues to work as a journalist in mainland Ukraine.

...

Yelizaveta Bogutskaya[,] Crimean blogger, public activist[,] Simferopol, AR of Crimea

With the beginning of occupation of Crimea in 2014 she expressed pro-Ukrainian position on her Facebook page. In her blogs Yelizaveta repeatedly expressed disagreement with occupation of Crimea, imposition of citizenship of the Russian Federation in Crimea, seizure of Ukrainian territories in the Eastern Ukraine, etc. On 24 August 2014, she participated in a meeting dedicated to the Independence Day of Ukraine near the monument to Taras Shevchenko in Simferopol. On 8 September 2014, the police officers made a search in Bogutskaya's house. A computer, a camera, a USB flash drive and other property were seized by the police during the search. After the search, Bogutskaya was transferred to the Center for Countering Extremism for interrogation. The interrogation lasted more than 6 hours. The police explained their actions by the fact that her messages in the social network Facebook incite interethnic hostility and provoke interethnic conflicts. The next day, fearing for her life, Bogutskaya left the territory of the peninsula. 'I left at night ... I decided that writing articles out of prison is better than not writing them behind the bars' (from interview).

...

Lilia Budzhurova[,] Deputy Director General of the ATR television channel until March 2015. Deputy Director General of QaraDeniz Production[,] Simferopol, AR of Crimea

In 2014, the occupation authorities announced a warning to journalist Lilia Budzhurova about the inadmissibility of carrying out extremist activities. The reason was the activity of the television channel ATR, the only Crimean Tatar TV channel on the peninsula, in which the journalist held the position of deputy director general.

...

Tatyana Guchakova[,] Journalist, former Deputy Editor-in-chief of the website BlackSeaNews.net[,] Yalta, AR of Crimea

On 9 April 2015, the officers of the FSS in Crimea conducted a search in the house of Guchakova. The search lasted 10 hours and was conducted in connection with the institution of a criminal proceeding against another journalist of the BlackSeaNews website - Andrey Klimenko. Computer equipment, a telephone, a fax machine, documents, business cards were confiscated during the search. After the search, the FSS officers took the journalist to the interrogation. The summons to interrogations were repeated after a while. During the interrogations, Guchakova was able to listen to the records of the personal telephone conversations that were recorded by the Russian security services. Consequently, they asked questions about the content of the conversations. After the third interrogation in the so-called FSS of Crimea Tatyana Guchakova decided to leave the occupied peninsula.

Andrey Klimenko[,] Editor-in-chief of the newspaper 'Big Yalta News', co-founder and editor-in chief of the website BlackSeaNews.net, Head of the Supervisory Board of the 'Maidan of Foreign Affairs' Foundation[,] Yalta, AR of Crimea

Right after the beginning of occupation, the journalist and editor-in-chief of the website 'Blackseanews.net' left the territory of Crimea and continues to report about events in Crimea. On 10 March 2015, the FSS in Crimea launched the criminal proceeding against Klimenko under Article 2801 of the Criminal Code. According to the data from the website of Rosfinmonitoring, the journalist is included in the list of terrorists and extremists under number 3414. Klimenko associates initiation of the aforementioned criminal prosecution with his professional activities.

...

Natalia Kokorina[,] Editor of the Information Agency 'Center for Investigative Journalism' (Crimea)[,] Simferopol, AR of Crimea

On 13 August 2015, the house of Natalia's parents was searched by the Russian FSS officers. A lawyer was not allowed to enter the house during the search. Documents, three laptops, including laptops of the journalist's parents, were confiscated. After the search Natalia was taken to the interrogation to the FSS of the Russian Federation in Crimea. The interrogation lasted six hours. The search and interrogation of Kokorina was carried out in connection with the criminal proceeding launched on the fact of publication 'Volunteers of the battalion "Crimea"' on the resource of the Center for Investigative Journalism. Later, criminal charges in connection with the preparation of this material were filed against a journalist Ganna Andriievska. Fearing further persecution, Natalia Kokorina left the occupied territory and moved to mainland Ukraine.

...

Sergey Mokrushin[,] Correspondent of the Information Agency 'Center for Investigative Journalism' (Crimea), journalist at 'Gromadske.Krym', TV host of the project Radio Svoboda 'Krym.Realii'[,] Simferopol, AR of Crimea

Being a correspondent of the Information Agency 'Center for Investigative Journalism' Sergey Mokrushin was engaged in investigative journalism, including illegal actions of representatives of the authorities of Crimea. On 2 June 2014,

Mokrushin, along with the film director Vladlen Melnikov, were illegally detained and severely beaten by representatives of the so-called 'Crimean self-defense' in Simferopol. According to 'self-defenders', journalists allegedly insulted the honor and dignity of the highest officials of the Russian Federation. On 13 August 2015, Sergey Mokrushin, along with his colleagues, came to the FSS office in Crimea to support journalist Natalia Kokorina (see N. Kokorina's case above). During this action, the police copied the passport data from all its participants. The police officers justified aforementioned actions by the order of their supervisors. Also, the journalist conducted his own investigation on the circumstances related to the institution of the criminal proceeding against Maidan activist Alexander Kostenko by the authorities of Crimea. Kostenko was accused of inflicting bodily harm to a staff member of the Berkut on Maidan in Kyiv. Alexander Kostenko was subsequently illegally sentenced by the occupation authorities, and Ukrainian human rights organizations recognize him as a political prisoner. According to Sergey Mokrushin, by his investigation he interfered with the plans of the officers of the FSS of the Crimea to falsify the case against activist A. Kostenko. According to the journalist, immediately after the annexation of Crimea, journalists having the pro-Ukrainian position worked almost like guerrillas (they did not discuss important matters over the phone, did not act under their own names), it practically became impossible to work. Fearing persecution, the journalist decided to leave Crimea, and now continues his professional activities in mainland Ukraine.

Valentyna Samar and the NGO 'Information Press Center'[,] Editor-in-chief of the Information Agency 'Center for Investigative Journalism' (Crimea)[,] Simferopol, AR of Crimea

Valentyna Samar is a Crimean journalist, editor-in-chief of the Center for Investigative Journalism, the author of many journalistic investigations, including illegal actions of the Crimean authorities. At the beginning of March 2014, 20 people in camouflage uniforms without identification signs seized the House of the Federation of Independent Trade Unions of Crimea, where the Public organization 'Information Press Center' leased premises for the media center, editorial office and studio for the production of TV programs by the Center for Investigative Journalism. Video which captures the seizure of the building was posted on the YouTube channel. Journalists of the Center for Investigative Journalism, who were preparing to go live on the Chernomorskaya TV and Radio Company, were blocked for three hours in the premises of the editorial office and the television studio. The cameraman of the ATR television channel M. Murtazaev, who was streaming the seizure of the House of Trade Unions, was beaten by unknown persons. Later, in the seized media center, activists of the Eurasian Youth Union (was banned by a court decision at the time of the occupation of Crimea) held their press conference. After these events, the editorial staff of the Center was forced to look for a new premises and temporarily settled in the building of the Chernomorskaya TV and Radio Company. In June 2014, the film director Vladlen Melnikov and the journalist of the Center Sergey Mokrushin were illegally detained by representatives of the so-called 'Crimean self defense' (see the case of S. Mokrushin above). On 1 August 2014, bailiffs of the Russian Federation and representatives of the Federal Security Service of Crimea, using force, broke into premises of the Chernomorskaya TV and Radio Company, where the editorial office of the Center had to move. Representatives of the occupation authorities confiscated and arrested all television and office property not only of the Chernomorskaya TRC, but also of the Information Press Center, although the court decision was only extended to the property of the Chernomorskaya TRC. The representatives of the occupation authorities asked journalists and employees of the company to leave the building. The information press center lost equipment and premises, a significant amount of information was destroyed

(photos and video materials), in fact, the work and broadcasting of TV programs were stopped. It made impossible for journalists to continue their professional activities. Despite the fact that in December 2014 the property was returned, most of the equipment was not subject to recovery and repair. In September 2014, the editorial mail of the 'Center for Investigative Journalism' was hacked, the web-site of the editorial office was subjected to powerful DDos attacks, the website's functioning was temporarily stopped. Valentyna Samar and other employees of the Center were summoned for 'preventive talks' to the prosecutor's office of Crimea and the FSS in Simferopol, which is currently under the control of the Russian authorities. In connection with the real threat of further persecution by the occupation authorities and the inability to work in Crimea, a decision was made to evacuate the agency. Valentyna Samar and other employees of the Center were forced to leave the peninsula. In October 2015, Roskomnadzor of the Russian Federation blocked access to the 'Center for Investigative Journalism'. At the moment, Samar and other journalists of the NGO 'Information Press Center' continue to work with the Crimean topic in mainland Ukraine.

...

Tatyana Rikhtun[,] The Media Center 'IPC Sevastopol', the website of investigative journalism 'Civil Defense' (911sevastopol.org)[, t]he city of Sevastopol

On 3 March 2014, Rikhtun was attacked by unknown persons during the filming of the siege of the headquarters of the Ukrainian Navy in Sevastopol. On 9 March 2014, she was present as a journalist at a meeting at the monument to Taras Shevchenko in Sevastopol. This meeting was stopped because of clashes between its participants and pro-Russian activists. Later on that day, unknown people were watching her near her own house and showered her with eggs. On 13 March 2014, the representatives of the so-called 'Crimean self-defense' in camouflage burst to the room that was rented by the media center 'IPC Sevastopol'. Together with the Sevastopol police they blocked journalists in a small room, held them there for several hours, during which they conducted an illegal examination of personal belongings and copying of documents. The video of this incident is available on YouTube channel. Fearing for her life and health, Tatyana Rikhtun was forced to leave the occupied territory of Crimea and at the moment she continues to work in mainland Ukraine. Law enforcement bodies have not carried out an effective investigation of the facts of repeated attacks on Rikhtun and interference in her journalistic activities.

...

Chernomorskaya TV and Radio Company

Founded in 1993, 'Chernomorskaya' TRC was one of the largest television companies of the Crimean Peninsula. The television company created over 140 television projects and TV cycles.

Chernomorskaya TRC broadcasts via satellite and cable networks in other regions of Ukraine since 2011. The broadcaster actively covered the events on Maidan from positions that differed from the coverage of the Ukrainian Revolution of Dignity in the Russian media. From the very beginning of the occupation, the TV company was persecuted by the occupation authorities. For instance, on 11 April 2014, during the attack on the staff of the television channel, a flash card with video material was destroyed by representatives of the 'Crimean self-defense'. On 29 June 2014, Chernomorskaya TRC was disconnected from broadcasting in cable networks. On 1 August 2014, all property of the Chernomorskaya TRC, located in its building in

Simferopol, was arrested and confiscated by the occupation authorities of Crimea. For some time on the territory of the company there were located the representatives of the 'Crimean self-defense', who did not let journalists of the agency 'Center for Investigative Journalism' to enter the premises (See the case of V. Samar). Subsequently, the broadcasting of the TV channel was suspended. With the help of 14 transmitters belonging to the Chernomorskaya TRC, the occupation authorities started to illegally provide broadcasting of the Rossiya-24 television channel. Chernomorskaya TRC was forced to move to Kyiv. One of the company's tasks today is to inform citizens of Ukraine about the events in occupied Crimea.

ATR TV Channel

ATR channel was founded in 2005. It was the first Crimean Tatar TV channel to broadcast in Crimea, Turkey and European countries.

ATR is one of the largest television channels in Crimea. Starting from the beginning of the occupation the channel was persecuted by the occupation authorities. On 11 August 2014, the ATR journalist Sh. Nemattulaev has lost his accreditation in the so-called Crimean State Council. On 24 September, the general director of the ATR channel E. Islyamova received a letter from the Center for Combating Extremism with a request to provide certain documents. The aforementioned document contained a reference to a letter of the Roskomnadzor Office, established on the territory of Crimea, where it was stated that the ATR channel had changed the direction of information content and 'stubbornly lays down the idea of possible repressions on the national and religious grounds, contributes to the formation of anti-Russian opinion, deliberately foments Crimean Tatars distrust of power and its actions, which indirectly carries the threat of extremist activity'. On 26 January 2015, representatives of the Investigative Committee of the Russian Federation and the Center for Countering Extremism, accompanied by OMON officers armed with automatic weapons, searched the editorial office of the ATR channel and confiscated the server, as a result of which the broadcasting process was disrupted. In February 2015, Roskomnadzor provided broadcast frequencies, used by the ATR channel, to another TV and radio company. The executives of ATR repeatedly appealed to the occupation authorities to preserve the right to broadcast, but has not received permission to continue broadcasting in Crimea. On the night of 1 April 2015, the ATR channel stopped its broadcasting. In May 2015, the television channel tried to resume work on the Internet, but journalists were prevented from working, systematically denied admission to events, interviews, and filming. In November 2015, searches were conducted in the homes of ex-general director of the ATR E. Islyamova and ex-deputy director L. Budzhurova. In December 2015, a search was conducted in the house of R. Spiridonov, the ex-editor of the news agency '15 Minutes', which was part of the ATR holding. In June 2015, due to systematic persecution the TV channel moved to mainland Ukraine where it continues to work, including constantly covering events in Crimea and for Crimeans via satellite television."

8. Ukrainian Helsinki Human Rights Union and others, "Crimea Beyond Rules. Thematic review of the human rights situation under occupation. Religious occupation: oppression of the Ukrainian Orthodox Church of the Kyiv Patriarchate", special issue, 2019

126. The relevant passages of this report read as follows:

"The position of the international community with respect to the oppression of religious minorities in Crimea

Since the occupation of the peninsula by the Russian Federation, international organizations and missions reported numerous violations of human rights and discrimination of communities in the sphere of religion. In report for 2014, the ODIHR Human Rights Assessment Mission in Ukraine pointed out that after the occupation '*a range of local religious leaders, including the priests of the Ukrainian Orthodox Church (Kyiv Patriarchate) and the Ukrainian Greek-Catholic Church abandoned Crimea*'. '*Under the threat of criminal cases of separatism, the family of the priest Ivan Katkalo (the Church of the Pokrov of Our Lady in the Perevalnoye village) had to leave Crimea. Threatened by physical violence, the clergy of the Crimean Eparchy had to take their families (women and children) to the mainland*', recalls Archbishop Clement.

...

Spread of the law of the Russian Federation at the territory of the Crimean peninsula and violation of the UOC-KP rights

One of the problems posed by the occupation was the requirement for re-registration which had to be performed by all religious organizations of the peninsula before March 1, 2015 to continue their activities. Pursuant to the laws of the Russian federation, registration of such associations shall be performed in accordance with the Federal Law On the Freedom of Conscience and Religious Associations. Re-registration of legal entities shall be performed in accordance with the Article 19 of the Federal Law of the Russian Federation 'On the Implementation of the First Part of the Civil Code of the Russian Federation'. If religious organizations fail to fulfil the re-registration requirement, they will lose the right to carry out their activities on the territory of the Russian Federation and shall be subject to dissolution. The re-registration procedure itself involved fulfilment one of the two requirements:

1) become a part of an existing in Russia centralized religious organization of a corresponding confession;

2) undergo a state theological examination in accordance with the procedure established by the Order № 53 by the Ministry of Justice of the Russian Federation 'On the State Theological Examination'.

The Crimean Eparchy Administration of the UOC-KP refused to undergo the re-registration. As a result, it was deprived of its legal capacity. Currently, the eparchy cannot conclude contracts, open a bank account, etc. Nonetheless, the courts did not debar it of the right to act as a claimant in the legal cases.

'*In accordance with item 1 and 9 of Article 13 of the Law № 52-FZ "On the Implementation of the First Part of the Civil Code of the Russian Federation", legal entities which had a permanent location of a permanent executive authority (other body or person entitled to act on behalf of a legal entity without a power of attorney) at the territory of the Republic of Crimea or the territory of the federal city Sevastopol at the date of acceptance to the Russian Federation of the Republic of Crimea and the federal city of Sevastopol which before 01.03.2015 did not bring their foundation documents in line with the law of the Russian Federation, did not apply for registration of their information in the Uniform State Register of Legal Entities (USRLE), do not have a right to carry out activities at the territory of the Russian Federation and shall be subject to dissolution.*

Pursuant to item 7 of Article 19 of the Federal Law !52-FZ "On the Implementation of the First Part of the Civil Code of the Russian Federation", legal entities which have

a civil legal capacity (see item 1)... at the territory of the Republic of Crimea or the territory of the federal city of Sevastopol at the date of acceptance to the Russian Federation of the Republic of Crimea and the federal city of Sevastopol, and establishment of new subjects as part of the Russian Federation, who did not make an application as per item 1 of this Article, have a right to carry out activities at the territory of the Russian Federation after acquiring the status of a subsidiary (a representative office) of a foreign legal entity in accordance with the procedure established by the laws of the Russian Federation.

... If legal entities did not bring their foundation documents in line with the law of the Russian Federation and did not apply for registration of their information in the Uniform State Register of Legal Entities (USRLE) before 01.03.2015, after this date they acquire a limited legal capacity, i.e. They are deprived of a right to carry out activities at the territory of the Russian Federation (excluding activities related to fulfilment of their obligations) and shall be subject to dissolution.

Therefore, as was correctly noted by the representative of the Ministry of Defence of the Russian Federation, such organizations will not be dissolved, but loose the right to carry out their commercial activity at the territory of the Russian Federation without acquiring the status of a subsidiary or a representative office of a foreign legal entity..." ... (extract from the decision of the Arbitration Court of the city of Sevastopol).

...

Seizure of the church in the city of Sevastopol

On April 21, 2014, the command of the Black Sea fleet of the Russian Federation notified the Crimean Eparchy Administration on the closure of the church in Sevastopol and offered to remove all property. On June 1, 2014, at the request of Leonid Zinchenko, captain of the 1st rank (the commander of the Russian military base which took control under the Training Centre) the pass control was introduced at the territory of the base which obstructed access of the senior priest, other clergymen, and the churchgoers to the church premisses. This made the practice of worship impossible.

[The report includes the photograph of a men in military uniform with the caption 'Leonid Zinchenko, captain of the 1st rank (photo – www.spb.kp.ru)']

As a result, the church of the UOC-KP in Sevastopol was dissolved from June 2014. For some time, its senior priest delivered worship services in his flat; however, after the officers of the Federal Security Service of Russia had an off-the-record conversation with him, he stopped this practice. Consequently, the community ceased to exist."

9. *Ukrainian Helsinki Human Rights Union and others, "Crimea Beyond Rules. Thematic review of the human rights situation under occupation. Forcible Expulsion of the Civilian Population from the Occupied Territory by Russia", special issue, 2018*

127. The relevant parts of this report are reproduced below.

"General description of the situation with forcible expulsions

...

The Russian occupation authorities expel protected persons from the occupied territory to the territory of the Russian Federation, the territory of third countries and to the non-occupied territory of Ukraine based on decisions made by the courts to consider

those individuals as subject to administrative liability for violations of the migration legislation of the Russian Federation and other administrative violations (for example, illicit traffic in narcotic drugs - Part 2 of Article 6.8 of the Code of Administrative Offenses).

The application of the Russian migration legislation on the territory of the occupied peninsula harmfully affected primarily Ukrainian citizens:

- whose place of residence was officially registered on the territory of the Autonomous Republic of Crimea and the city of Sevastopol, and who subsequently refused to accept the citizenship of the Occupying Power imposed by the Russian Federation;

- who lived in the mentioned territory before the occupation without official registration (which does not constitute a violation of Ukrainian law);

- who arrived in the specified territory after the beginning of occupation in personal, family and other affairs.

...

Grounds for taking decisions on forcible expulsion

...

Code of Administrative Offences of the Russian Federation provides for 23 administrative offences, for which a penalty in the form of administrative expulsion from the Russian Federation may be imposed[.]

...

Crimean cases

Kadyrov Sinaver Arifovich ... is a human rights activist. From 1991 to 2013, he was a delegate of Kurultay and a member of the Mejlis of the Crimean Tatar people. After the occupation of Crimea, Kadyrov S.A. in cooperation with other human rights defenders, representatives of the Mejlis and other pro-Ukrainian activists initiated the peaceful rallies and demonstrations against the occupation regime. On January 23, 2015 according to the decision of the Armyansky City Court of the Republic of Crimea (judge Likhachev L.A.), Kadyrov S.A. was expelled from the temporarily occupied territory of the Autonomous Republic of Crimea due to his active civil and political activities.

...

In the course of a formal court hearing, the judge found Kadyrov S.A. guilty of committing an administrative offense of excessing the established period of stay in the territory of Crimea, and decided to expel him through the procedure of an independent controlled exit. Representatives of the migration service of the Russian Federation accompanied Kadyrov S.A. to the administrative border and expelled him from the territory of Crimea. He was also informed about the ban on entry to the territory of the Russian Federation and the Autonomous Republic of Crimea for 5 years from the date of expulsion. Since that time S. Kadyrov has never been in the temporarily occupied territory of Crimea, where he has a wife, son, a seriously ill father and other close relatives."

10. Crimean Human Rights Field Mission (CHRFM), "Overview of the human rights situation in the Crimea", September 2014

128. The relevant parts of this report stated as follows:

"I. Introduction

This monitoring review has been prepared by the Crimean Monitoring Field Mission on Human Rights on the basis of the material collected by the Mission in September 2014 while working in the Crimea, as well as in Russia and Ukraine.

...

The findings of this paper are based on the results of collection of first-hand information (monitoring of the situation and developments in the Crimea, interviewing representatives of key target groups), media monitoring, event and legislative framework analysis, while using the official statistics.

...

II. Problems of the Crimean population
2.1. Civil and political rights
Searches

In September, there were more frequent searches in the homes of Crimean Tatars, which were exercised in violation of the procedural rules and with involvement of the armed persons from the 'Crimean self-defence'. The nature of these searches largely indicates at politically motivated prosecutions of leaders of the Crimean Tatar people. The majority of those who were searched were members of the Majlis.

Thus, on 3 September in Simferopol district about three dozens of militants (possibly, 'the Crimean self-defence') penetrated into the house of the family of Isaev, the head of a village Majlis, after which a search was held. During the search, they did not allow anyone out of the house, refused to invite witnesses from among neighbours, and brought witnesses with them. No documents were presented as a proof of identity or authority. They only showed to Isaev a court ruling by the Kievsky District Court in Simferopol.

According to the daughter, the law enforcement officers allegedly found a black bag with a substance resembling TNT in the adjacent building of the household.

On 4 September, there was a series of searches in the homes of Crimean Tatars, which began early in the morning. Thus, there was a search in the house of Mustafa Salman, the chairman of Nizhnegorsky regional Majlis in the village of Razlivy of Nizhnegorsky district. After the search, along with his two sons he was taken to the district department for interrogation, and released later.

The right to education

The Ministry of Education, Science and Youth of the Crimea has instructed administrations of educational institutions, to analyze and audit in libraries and premises of educational institutions for any literature appearing in the Federal list of extremist materials for the purpose of its removal and elimination. Searches in schools are underway and various literature, primarily Islamic one is seized."

11. Crimean Human Rights Field Mission, "Brief review of the situation in Crimea", April 2015

129. This report described its methodology in the following way:

> **"I. Introduction**
>
> This monitoring review has been prepared by the Crimean Human Rights Field Mission based on the materials collected by the Mission in April 2015 during its work in Crimea, as well as in Russia and Ukraine.
>
> ...
>
> The conclusions in this paper are based on results of the first-hand information collection (observation of the situation and developments in Crimea, interviews with members of key target groups), mass media monitoring, analysis of developments and legal framework, and official statistics."

130. With regard to the case of Oleksandr Kostenko, the report cited the allegations made by his father in a complaint to the Public Prosecutor of Crimea in relation to events that had taken place on 5 February 2014. The report refers to the physical abuse and ill-treatment that Mr Kostenko had allegedly suffered at the hands of several men in civilian clothes, after having been kidnapped and taken to an unknown location. The complaints made by his father to various authorities remained unanswered.

131. The report described the cases of illegal raids and searches of Crimean Tatar communities as follows:

> **"II. Problems of the residents of Crimea**
>
> **...**
>
> **Right to liberty and security of person**
>
> **...**
>
> **Detentions, arrests, searches**
>
> Between 2 and 10 April, some measures were going on in Crimea, which, according to the RF MIA internal troops, were part of the Cordon 2015 operational and strategic exercise aimed to practice 'instructions as regards strengthening border protection and conducting antiterrorist activities'.
>
> ...
>
> In Zhuravky settlement, where about 500 Crimean Tatars live, the exercise was observed to occur as follows. Roadblocks were set on all the three roads leading to the settlement (from Pervomayskoe, Kirovskoye and Privetnoye). Road police and special police squad officers stopped all the passing cars at the roadblocks to examine documents. According to some witnesses, the checks were random and discriminatory: Slavic-looking people only had to produce their documents whereas Crimean Tatars were sometimes accompanied to their homes to carry out an 'inspection' of their housing. Some houses were simply entered with no attesting witness or search. A full-scale search was conducted in 10 houses."

132. The report further indicated the names of several individuals, mostly Crimean Tatars, who had been detained or interrogated in the context of the 26 February case or whose house had been searched.

133. The report also contained the following passages:

"**Struggle with extremism and restrictions of freedom of expression and freedom of speech**

A special threat to the freedom of speech and expression is posed by so-called 'struggle with extremism and terrorism'. Main work 'to counter extremism and terrorism' is carried out by the Crimean prosecution office. An interagency working group to combat manifestations of extremism, headed by Crimea Public Prosecutor Natalia Poklonskaya, has been established in Crimea. One of the key areas of such work consists of continuous supervision of internet resources and social networks. Intensification of such activities is also connected with implementation of S. Aksionov's decree 'On approval of the Comprehensive Plan for counteraction to the ideology of terrorism in the Republic of Crimea for 2015-2018'.

The above-mentioned plan assumes counteraction not to concrete actions but to 'ideas, concepts, beliefs, dogmas, goals, slogans substantiating the need for terrorist activity as well as other destructive ideas having led or able to lead to such ideology'. However, no clear criteria against which an idea or slogan can be identified as terrorist or destructive is set. The plan fixes a number of measures in relation of not only mass media but also ordinary users of internet resources, for example: monitoring or terrorist and anti-Russian activity on the internet; working to detect and block websites containing terrorist and extremist materials; development of guidelines on the operating procedure of the Republic of Crimea public authorities, natural and legal persons for documentation of the facts of dissemination of destructive ideas and terrorism ideology on the internet and for submission of such facts to law-enforcement bodies.

As part of 'counteraction to the terrorism ideology', the Crimean prosecutor's office started urging local residents to apply to the prosecution bodies when they find any internet resources containing materials with extremist content. The official website of the Crimean prosecutor's office now has a special option of the 'Notification of extremism' that allows any user to report, at his/her discretion, about manifestations of extremism.

According to the notification form, key information sources that can contain extremist materials include websites, photo and video repositories, emails, clubs, groups, communities, chats, forums, guest books, newsgroups, bulletin boards, and knowledge banks. The applicant should find in the information source any signs of calls to mass riots, extremist activity or participation in mass (public) events held in violation of the established procedure ... Such notifications provide grounds for checking the information source by prosecutor's office officials, for summoning the information authors to prosecution bodies, or for blocking the websites.

...

Application of the Russian counter-extremism legislation in Crimea has resulted in criminal prosecution of participants (or possible participants) of Hizb ut-Tahrir international political organization. For example, on 23 January, the court imposed on detained Nuri Primov, Ruslan Zeytullaev and Rustem Vaitov a restraint in the form of two-month custody, and in March it extended their arrest for another two months. The three detainees are suspected of violation of Art. 205.5 RF CC (Organization of, and participation in, activities of a terrorist organization) because, in the investigators' opinion, they are involved in Hizb ut-Tahrir.

Later on, searches in Muslim homes were conducted on suspicion of involvement in Hizb ut-Tahrir activities in Crimea. For example, on 2 April, FSB officials conducted a search in the house of Ferat Sayfullaev in Orlinoye village, Balaklava district (near

Sevastopol). His lawyer Emil Kurbedinov said that Sayfullaev had been summoned to an interrogation after the search. A ground for the search and interrogation consisted of his being suspected of connections with Hizb ut-Tahrir that, according to the RF legislation, is found to be a terrorist organization."

134. Lastly, the report referred to the cases of Oleg Sentsov and Oleksiy Cherniy. Doubts as to the lack of fairness of the trials against them, including allegations that evidence obtained under torture had been used, were raised.

12. Crimean Human Rights Group, "Crimea: Ukrainian identity banned. Analytical report on politically motivated persecution and discrimination on the ground of pro-Ukrainian opinion", February 2016

135. The relevant paragraphs read as follows:

"The CHRG [Crimean Human Rights Group] is guided by principles of objectivity, reliability and timeliness while preparing and spreading information. The CHRG's team consists of experts, human rights activists and journalists from different countries who are involved in monitoring and documenting human rights violations in Crimea, since February 2014. CHRG focuses on human rights violations in connection with the illegal actions of the Russian Federation in Crimea.

...

CRIMINAL PROSECUTION FOR POLITICAL REASONS

For the purposes of criminal prosecution of the Ukrainian citizens in Crimea who openly express their pro-Ukrainian position, provisions of the so-called anti-extremism and anti-terrorism laws of the Russian Federation are applied. In Crimea, a number of criminal cases have been opened that have a political overtone and are aimed at suppressing manifestations of disagreement with the actions of Russia in Crimea. All those cases demonstrate similar features making it possible to single out a number of common features in politically motivated criminal cases:

- Persons involved in politically motivated cases are usually citizens of Ukraine, who, regardless of their ethnicity, publicly expressed support for Ukraine's integrity, opposed Russia's actions in Crimea, and participated in pro-Ukrainian movements and events.

- Use of various forms of pressure on suspects aimed at obtaining confessions or information about other 'suspects'; establishment of 'special procedures' for the case consideration, waiver of counsel by the defendant. The forms of pressure include torture, physical violence, psychological pressure.

- Obstruction of work of the defenders: lawyers are faced with various obstacles in their work - denial of access to material, denial of meetings with the defendant, threats and pressure, pressure on the defendants to force them waive the counsel and choose the 'appointed' lawyer instead.

- Absence of a fair trial, judges' political bias, inequality of parties in the proceedings and the priority of the prosecutor's position, groundless delays in the judicial process.

- Pressure on the relatives of the accused by threats, psychological pressure, summoning for interrogations, conducting searches in their homes early in the morning or at night, etc.

- Presence of constant procedural irregularities and tampering with evidence.

- Presence of systemic violations of international human rights, disregard for international law by judges.

- The desire of local authorities and the investigation and prosecution authorities to ensure the closed and non-public trial process (through creating conditions to prevent the media, family members and observers from attending the court sessions) or to create an illusion of transparency and openness of the judicial process by allowing only controlled media to highlight the process.

The politically motivated criminal cases, listed below, include examples of persecution of both entire groups of people and individuals.

THE SENTSOV – KOLCHENKO CASE OR THE CASE OF THE CRIMEAN TERRORISTS

The defendants in this case are Oleg Sentsov, Oleksandr Kolchenko, Gennady Afanasiev and Oleksiy Chirniy, Ukraine citizens who lived in Crimea. The case had a political bias from the beginning and was aimed at the suppression of protests against the occupation of Crimea. Oleg Sentsov is a well-known Ukrainian film director and screenwriter, and Maidan activist who participated in humanitarian assistance to the Ukrainian military in Crimea in February to March 2014; Oleksandr Kolchenko is a Ukrainian activist, a member of the anti-fascist movement, participant in many student and environmental events in Crimea; Gennady Afanasiev is a photographer who took part in pro-Ukrainian events, Oleksiy Chirniy is a historian. Both activists openly opposed the Russian Federation actions in Crimea. All four were arrested in Crimea and taken to Moscow. On May 30, the Russian FSB stated that its officers detained in the Crimean the alleged members of a subversive and terrorist group of the 'Right Sector', who allegedly prepared terrorist attacks in the cities of Simferopol, Yalta and Sevastopol. The 'Right Sector' immediately refuted the allegations that Sentsov is in any way connected to that organization. The Crimeans were accused of a terrorist act and organization of a terrorist group and participation in it, as well as the illegal acquisition and possession of weapons, their main component parts and ammunition. In reality, however, all that the investigation managed to establish was arson of the door and windows of the 'Russian community' office, which had previously been an office of Viktor Yanukovych's Party of Regions. Even under the Russian legislation, such actions are determined as hooliganism or damage to property, but not as an act of terrorism.

Lawyers have repeatedly reported on the use of brutal torture to the defendant in order to obtain their confessions. In Crimea, Sentsov and Kolchenko's friends and relatives, and members of the creative team of the art center who knew Sentsov personally, have been under permanent pressure.

The criminal case was based on the testimony of Oleksiy Chirniy, who allegedly acted as a member of the 'terrorist group' headed by Sentsov, whose goal was to 'influence decisions made by the state authorities of the Russian Federation regarding secession of the Republic of Crimea from it'. His lawyer [I.N.], however, stated in court that the accused incriminated himself under torture, after which the judge dismissed [I.N.] from participation in the proceedings for «divergence from the client's stance'. Chirniy was found guilty of preparing and committing a terrorist act; the court sentenced him to seven years' imprisonment in a strict regime colony.

Another involvant, Gennady Afanasiev, under torture was forced to enter an agreement with the investigation authorities and fully acknowledge his guilt. The court also found him guilty and sentenced him to seven years' imprisonment in a strict regime colony. During a court hearing on charges against Sentsov and Kolchenko, Afanasiev

withdrew his testimony against Sentsov and Kolchenko. He said that he had testified under duress and torture. According to him, in reality he does not know Sentsov and Kolchenko. After that, Afanasiev's lawyer Aleksandr Popkov said that Russian law enforcement bodies threaten his client with revenge because he with-drew the testimony he had given earlier.

Lawyers, human rights activists and relatives believe that the criminal case is completely fabricated. Prosecutor O.T. motioned that Sentsov and Kolchenko are sentenced to 23 years and 12 years imprisonment in a strict regime colony, respectively. Oleg Sentsov was charged with creating a terrorist group (Part 1 of Article 205.4 of the Criminal Code), committing two acts of terrorism (clause (a) in Part 2 of Article 205 of the Criminal Code); preparation to commit two acts of terrorism (Part 1 of Article 30 and clause (a) in Part 2 of Article 205 of the Criminal Code), as well as with two episodes of illicit trafficking of weapons and explosives (part 3 of Article 222 of the Criminal Code). Oleksandr Kolchenko – with involvement in a terrorist group (Part 2 of Article 205.4 of the Criminal Code) and with committing a terrorist act (clause (a) in Part 2 of Article 205 of the Criminal Code).

On August 25, in Rostov, military judge Sergei Mikhailyuk announced the verdict to Oleg Sentsov and Oleksandr Kolchenko who had been found guilty. Sentsov was sentenced to 20 years of deprivation of liberty, Kolchenko – to 10 years imprisonment in a strict regime colony. The court disregarded Sentsov's and Kolchenko's repeated statements of torture, and the fact that one of the key witnesses for the prosecution – Gennady Afanasiev, previously convicted in that case – withdrew his previous testimony in the process.

The four Crimeans were moved from the territory of Crimea to Russia; the trials were held in Russia; after the verdict, they were escorted to penal colonies in different regions of Russia: Oleg Sentsov – to the Republic of Sakha (Yakutia), Oleksandr Kolchenko – to Chelyabinsk Oblast, Gennady Afanasiev – to the Republic of Komi; Oleksiy Chirniy – to Magadan Oblast.

After the verdict was pronounced, relatives and lawyers reported torture applied to the Crimean activists or creating inhumane conditions of detention in the colonies.

THE CASE OF OLEKSANDR KOSTENKO

Oleksandr Kostenko, a Ukrainian citizen residing in Crimea, actively participated in the Maidan protests in Kyiv and openly supported the national movements in Ukraine. The trial on his case has become one of the most politicized processes against Ukrainian activists in Crimea. Kostenko's case was an unprecedented one, because he was accused of involvement in the events of February 2014 that did not even occur in Crimea but in Kyiv.

The activist was illegally detained on February 5, 2015 in Simferopol, but he was not delivered to a police station until the following day. According to him, on the previous night FSB officers tortured him trying to make him surrender a full confession and acknowledgement of guilt. He was charged with intentionally causing bodily harm motivated by political, ideological, racial, ethnic or religious hatred against a social group, as well as possession of weapons.

Investigators believe that Kostenko, 'experiencing a sensation of ideological hatred and hostility to the law enforcement officers', armed himself with 'stones of 10x10x12 cm in size (paving stone blocks)' and threw a stone aiming at ensign V.V. P., who stood in cordon. The investigators insist that as a result of that, the Crimean 'Berkut' police unit suffered bodily harm 'in the form of an extended hematoma in the

middle and lower thirds of his left shoulder'. How Simferopol investigators were able to conduct investigation into the events that occurred in Kyiv a year ago is unknown.

Other activists who were in the Maidan in Kyiv together with Kostenko argue that he could not throw the stone, because at that time he was not out in the street but in a room where he was helping the wounded.

Oleksandr Kostenko and his lawyer, D.S., have repeatedly made statements about torture applied to the activist; the lawyer filed a lawsuit against the FSB officers who tortured his client but the FSB officers have not been brought to justice. Within the framework of the criminal case, searches were conducted in the apartments of other activists who knew Oleksandr Kostenko, as well as in the homes of his relatives. The lawyer has constantly drawn the court's attention to the fact that the event in connection with which the activist is tried, occurred in Kyiv, Ukraine, on February 18, 2014. At that time, both Kostenko and the allegedly injured Berkut officer were citizens of Ukraine. In that regard, it is only the Ukrainian competent authorities that are entitled to the legal assessment of Kostenko's actions, and they may not be subject to the RF Criminal Code. Lawyer Dmitry Sotnikov also pointed to the fabrication of evidence and on perjury by witnesses. None of his arguments, however, have been considered by the court.

The whole process was highly politicized and aimed at discrediting, in the person of Kostenko, all pro-Ukrainian activists who participated in the 'Euromaidan'. The most vivid proof to that was the accusatory speech of the Crimean Prosecutor Natalia Poklonskaya during the hearing of the case. She said: 'Today, it is not only the defendant himself who is put on trial, but in his person, it is the very idea of fascism and Nazism, which, 70 years after the Great Victory over those, try to revive and raise their head... Kostenko and other participants, without any embarrassment, shouted pro-Banderite Nazi slogans and, imitating the fascist greeting gesture, stretched out his hand slightly above the head.' The Prosecutor herself stressed that her goal was not to establish the truth, guilt and circumstances of the event, her purpose was to condemn an idea. At the end of her speech, the Prosecutor concluded: 'The said once again confirms the criminal Nazi ideology underlying the atrocities that Kostenko committed. In 1946, the International Military Tribunal at Nuremberg found the Gestapo to be a criminal organization. Most of its main organizers and leaders were sentenced to death and various prison terms. In the name of justice and the sacred memory of millions of innocent victims and heroes of the Great Patriotic War who gave their lives for peace on earth, I ask the court to take into account those circumstances when awarding a sentence for Kostenko. When pronouncing the sentence, I ask to take into account the degree of the social danger of the crimes committed by Kostenko and motives that drove him.'

Besides, this process was accompanied by the public uproar artificially stirred about the alleged 'Nazi acts' of the Ukrainian activist. This is reflected in the appeal against the sentence to Kostenko, filed by his lawyer D.S. He points out: 'The trial was accompanied by an increased attention on part of the media, which, before the sentence was pronounced, spread false information about the defendant, specifically, that he was preparing an attempt on Aksenov and Konstantinov, personally tortured 49 Berkut officers and was preparing terrorist attacks in Crimea, all those actions being carried out with the support of the Crimean Prosecutor's Office, with the personal involvement of the SOBR special police unit on the MIA in the Republic of Crimea'.

In May, Kostenko was sentenced to 4 years and 2 months imprisonment in a general regime penal colony, after he was found guilty of violating pro-visions of clause (b), Part 2 of Article 115 (intentional infliction of minor bodily harm) and Part 1 of

Article 222 (illegal possession of firearms) of the RF Criminal Code. On August 26, the Crimean Supreme Court changed the sentence to 3 years 11 months per totality, instead of 4 years 2 months.

Oleksandr Kostenko was taken from the territory of Crimea and is placed in the penal colony no. 5 in Kirovo-Chepetsk, Kirov Oblast, Russian Federation. In relation to his brother, Yevhen Kostenko, a criminal case was initiated in Crimea for insulting the judge while pronouncing the verdict to Oleksandr.

In total, the Crimean Prosecutor's Office granted victim status to 49 Berkut officers, following their statements on the actions of pro-Ukrainian activists who allegedly injured them during protests in Kyiv. Those statements, however, were filed after the Russian Federation had established it control in Crimea; no statements were filed with the Ukrainian law enforcement authorities. Besides, the statements were filed by the Berkut officers who previously served with the Ukrainian law enforcement bodies, but after the occupation of the Peninsula went to serve in the Russian law enforcement structures. Therefore, using the 49 'victims', the Crimean Prosecutor's Office can open cases similar to the Kostenko case against virtually every protester in Kyiv.

A proof to that is the fact that on January 20, 2016, the Crimean Prosecutor Natalia Poklonskaya approved the indictment against another citizen of Ukraine, a resident of Kyiv Oblast in Ukraine Andriy Kolomiets, born 1993. According to investigators, Kolomiets is a member of the 'Ukrainian Insurgent Army' (UPA) extremist organization, and during the Euromaidan events in Kyiv in January 2014 he allegedly made an attempt on the life of two Crimean Berkut officers, throwing Molotov cocktails at them. Also, according to the investigators, Kolomiets stored and transported drug-containing crops in large amounts. He was arrested in May 2015 in the territory of the Russian Federation, was transported to Crimea and he is in a pre-trial center in Simferopol since August 2015.

THE FEBRUARY 26 CASE

The case is a high-profile and politicized one; it involves the Crimean Tatars persecuted for their participation in one of the widest-scale rallies held in Crimea against the holding of an extraordinary session of the Verkhovna Rada of Crimea, where it was planned to make a decision on holding a referendum in Crimea. On February 26, 2014, a rally was held in Simferopol, near the parliament of the Autonomous Republic of Crimea, in support of Ukraine's sovereignty and the status of the Autonomous Republic of Crimea, which was organized by the Medzhlis of the Crimean Tatar People. The rally gathered several thousand Crimean residents.

After the Russian Federation had established its illegitimate control over the Peninsula, a reaction of the Russian authorities to that rally followed. In January 2015, the Investigative Committee of the Russian Federation informed that criminal proceedings were initiated on the organization of, and participation in mass riots on February 26, 2014, and causing death by negligence. On January 29, 2015, Deputy Chairperson of the Medzhlis of the Crimean Tatar People Ahtem Chiygoz was arrested. Ahtem Chiygoz pleads not guilty and believes that the charges are fabricated and politicized. Within the case, the FSB conducted a search at the Crimean Tatar ATR Channel to withdraw the video recordings of the February 26 events. The investigators believe that during these events two people died by negligence, and about 70 people received injuries of different severity. According to a medical report, a man and a woman died as a result numerous injuries suffered as a result of a stampede. Within the framework of the criminal case, dozens of searches were conducted and more than 150 people were interrogated.

The fabricated nature of the criminal proceedings aimed at political persecution of supporters of the Ukrainian integrity is specifically confirmed by the fact that the proceedings themselves were initiated in violation of the Russian law. On March 21, 2014, Russia passed the Federal Law no. 6-FK3 which included Crimea into the Russian Federation, in violation of provisions of international and Ukrainian laws. The law itself came into force on April 1, 2014, therefore Russia recognizes its jurisdiction in Crimea beginning on that day. In spite of that, however, the Investigative Committee of the Russian Federation began to initiate criminal proceedings on events that had occurred before April 1, 2014, and therefore do not fall under the jurisdiction of the Russian Federation in accordance with the Russian legislation itself.

As of now, there is information about nine persons accused in connection with the 'February 26 Case', two of whom have already been convicted (Taliat Yunusov and Eskender Nebiev); six more are under investigation (Ahtem Chiygoz, Mustafa Degermendzhi, Ali Asanov, Eskander Emirvaliev, Eskander Kantemirov and Arsen Yunusov), and one was interrogated in the status of the accused, after, according to the Crimean human rights group, could leave the territory of Crimea.

In February and March 2014, Medzhlis of the Crimean Tatar People held several events in support of Ukraine's integrity. That active stance was one of the main reasons for the persecution of many Crimean Tatar leaders and activists.

...

THE CASE OF VOLODYMYR BALUKH

Volodymyr Balukh, a Ukrainian agricultural worker, lives in the village of Serebryanka in Razdolnenskiy District of Crimea. Since the beginning of protests in Maidan in Kyiv in November 2013, he raised the Ukrainian flag on the roof of his wife's house, which he did not remove even after the occupation of the Peninsula. Volodymyr Balukh was detained for the first time in July 2014. Police officers did not allow him to attend a meeting of the Serebryanka residents with the Chairperson of the State Council of Crimea Vladimir Konstantinov. The police detained him for 'failure to comply with the legitimate demands of police officers'. Volodymyr Balukh, however, believes that he was detained to prevent his participation in that event, as he openly opposed the actions by Russia in Crimea. In late April 2015, in the house where Volodymyr Balukh lived with his common-law partner in the village of Serebryanka, the Russian police officers, jointly with the Russian Federation FSB officers, conducted a search, in the course of which the Ukrainian flag was torn off the roof of the house. The pretext for the search was a statement about a theft of tractor spare parts in the village of Chernyshevo, located 30 km away from the search venue, and a statement to the police by an unknown person alleging that Balukh was selling the tractor parts. During the search, the police and the FSB officers seized the activist's Ukrainian passport, driving license, flash drives and other personal items belonging to Volodymyr Balukh. At the time of the search, V. Balukh was absent; no search record was prepared. On November 14, 2015, the home of Balukh's civil wife was searched again. The reason for the search that time was a criminal case on a theft of a car in the nearby village of Razdolnoe. It is noteworthy that the main witness in both cases – on the theft of tractor parts and the case of car – was one and the same man who indicated Baluch to be the suspect, though Baluch never met that person. Volodymyr Balukh said that after search had begun, he was taken outside, made to sit in a car, and beaten and insulted on grounds of his ethnicity. The police officers, however, were not held accountable for such actions; instead, the local court found Balukh guilty of disobedience to a police officer and sentenced him to administrative detention for ten days. The activist spent 10 days in detention; he repeatedly requested medical treatment but was denied it. Besides, while

he was under arrest, on November 18, 2015, the Razdolnensky Department of the Investigative Committee of Russia initiated a criminal case against him. Balukh was accused of committing a crime of 'publicly insulting a government official in the course of performance of their official duties'. The criminal case was investigated within two days and was sent to the Razdolnenskiy District Prosecutor.

As a result, on February 5, 2016, the court found Volodymyr Balukh guilty under Article 319 of the RF Criminal Code 'Insult of a representative of authority' and sentenced him to 320 hours of compulsory labor.

Balukh believes that the case, same as the previous ones, were fabricated against him because of his openly pro-Ukrainian stance. In passing the sentence, the judge took into account only the evidence for the prosecution; the defense evidence was ignored.

THE CASE OF VALENTYN VYGOVSKY

Valentyn Vygovsky was not a Crimean resident, he lived in Kyiv, had a private business and participated in the Euromaidan movement in Kyiv. On September 17, 2014, he went to Crimea by train. On September 18, 2014, his disappearance became known. According to his father [P.V.], his son did not let the family know about the purpose of his trip, he only said that he would return on September 19. On September 18, however, communication with him was lost. On that day, Valentyn Vygovsky and several other people were detained at the Simferopol railway station by the 'Crimean self-defense'. He was taken to the building of the former Chief Directorate of the Ukrainian State Security Service in Crimea. It became known later that he was tortured to make him confess of espionage. His father [P.V.] filed a statement about the disappearance of his son with the law enforcement authorities in Simferopol, but received no information following his statement.

From Crimea, Vygovsky was delivered to the Lefortovo prison in Moscow. Initially, he was charged with 'commercial espionage' (Article 183 of the RF Criminal Code), but later it was changed to 'espionage' (Article 276 of the RF Criminal Code).

[Z.S.], a lawyer and a member of the Russian Public Monitoring Commission for Human Rights Observance in Places of Detention, who visited Vygovsky in the Moscow detention center, reported that the citizen of Ukraine is not allowed to meet the Ukrainian consul, and is by all means forced to cooperate with the investigation and confess.

On December 15, 2015, the Moscow Oblast Court found Valentyn Vygovsky, illegally detained in Crimea, guilty of military and economic espionage in the Russian aerospace industry, and sentenced him to 11 years' imprisonment to be served in a strict-regime colony, under Article 276 of the RF Criminal Code.

CRIMINAL PROSECUTION OF UKRAINIAN JOURNALSITS

Anna Andriyevska, a resident of Simferopol, journalist with the Ukrainian 'Center for Investigative Journalism'. In connection with the persecution of Ukrainian journalists that began in Crimea after March 2014, she was forced to move to Kyiv to continue her journalistic activities. On March 13, 2015, the house of the journalist's parents was searched and the computer equipment, which did not belong to Andriyevska, was seized. Andriyevska learned about the search from her parents. Criminal proceedings against Andriyevska were initiated under Article 280.1 of the RF Criminal Code for an article allegedly containing calls for the overthrow of the government in Crimea. The investigators believe that one of Andriyevska's articles on the website of the 'Center for Investigative Journalism' is an 'extremist material'.

In the article the journalist tells the story of volunteers of the Ukrainian 'Crimea' battalion, who are in the conflict area in eastern Ukraine, but the material contains no calls for the overthrow of the government in the Peninsula.

Within the criminal proceedings, Andriyevska's former colleagues, who lived at that time in Crimea, were summoned for interrogation. Due to the criminal prosecution, Andriyevska cannot come home in Crimea and see her parents.

...

ADMINISTRATIVE PERSECUTION FOR POLITICAL MOTIVES

...

[On 9 March] 2015, a group of Ukrainian activists came up for a rally related to the 201st anniversary of the famous Ukrainian writer T. Shevchenko [approved by the local authorities]. ... During the gathering, the participants used Ukrainian symbols, including the Ukrainian flag and the inscription 'Crimea is Ukraine'. During the peaceful gathering, law enforcement representatives detained three activists — Leonid Kuzmin, Alexander Kravchenko and Veldar Shurukujiev [under] art. 20.2 of the Administrative Code of the Russian Federation 'Violation of the order of organizing or holding meetings, rallies, demonstrations, marches and pickets'. The detainees gave written explanations and then were let go.

On the 12 of March 2015, the [Zheleznodorozhny district court of Simferopol found the three activists guilty of an administrative offence due to the Ukrainian symbols and inscriptions used at the rally, which the court considered extremist. All three were subject to an administrative penalty in the form of 40 hours of compulsory work]. ... All three of the activists ... appealed the court decision. The Court of Appeal upheld the conviction and replaced compulsory work with a 10 thousand roubles fine. After this event the activists were summoned to the anti-extremism department (E division) several times for 'prophylactic talks'.

On 11 March [2015] Leonid Kuzmin, a teacher in one of Simferopol's schools, was fired by the school administration for 'being inconsistent with job'. In the school, he was told that 'a school worker shouldn't participate in political activity'. Another activist, Alexander Kravchenko, had to leave Crimea.

...

RUSSIAN 'ANTI-TERRORISM' AND 'ANTI-EXTREMISM LEGISLATION AS A TOOL FOR OPPRESSION AND PERSECUTION OF SUPPORTERS OF UKRAINE IN CRIMEA

Over the past decade, a certain practice of application of the so-called anti-terrorism legislation has formed in the Russian Federation. This legislation is hinged on the Federal Law 'On combating terrorism' no. 130-F3, dated July 25, 1998, and a number of provisions in the Criminal Code, namely Article 205 'Act of terrorism', Article 205.1 'Cooperation in terrorist activities', Article 205.2 'Public calls to terrorist activities or public justification of terrorism', Article 205.4. 'Organization of a terrorist group and participation in it', Article 205.5 'Organization of activities of a terrorist organization and participation in the activities of such an organization'. Application of those Criminal Code articles, however, is not always connected to the real fight of Russian authorities against terrorism. Abuse of those regulations has often been associated with elimination of the opposition groups, competitors in the area of large and medium-sized businesses, and influential religious groups in certain regions of Russia. In Russian law,

the term 'terrorism' is interpreted rather loosely, and in criminal cases the prosecution often arbitrarily interprets the motives of an act, in order to determine a person's actions to be an act of terrorism. According to Article 205 of the RF Criminal Code, the motive for an act of terrorism is the intention to 'destabilize the activities of authorities or international organizations, or to influence decisions that they make'. In many 'terrorist' cases, lawyers, human rights activists and relatives of suspects reported fabrication of evidence, perjury by witnesses, and bias on part of experts who carry out various examinations, etc.

After the Russian Federation had illegally established control over Crimea, a practice of selective application of the anti-terrorism legislation of the Russian Federation has become wide-spread in the Peninsula. Events of the past two years testify that the legislation is applied in Crimea against two main groups: Muslims (primarily the Crimean Tatars) and supporters of the territorial integrity of Ukraine.

The most revealing process is the so-called 'the Crimean terrorists case', in which Oleg Sentsov, Oleksandr Kolchenko, Gennady Afanasiev and Oleksiy Chirniy were sentenced to imprisonment. The investigation was only able to establish involvement of some of them in the arson of the 'Russian unity' office. Those acts fall under part 3 of Article 213 'Hooliganism' of the RF Criminal Code. However, since the trial of the Crimeans was political in nature and was aimed at intimidating the opponents of Russia in Crimea, the investigation sought to do everything possible to determine those actions as terrorism. In that connection, evidence was doctored to demonstrate that the 'terrorist group' had planned to carry out explosions in several cities. Since the moment of detention, torture was applied to all detainees in order to make them confess that they had known each other and maintained strong ties in the group. All charges were largely based on the testimony of one person, who incriminated himself under duress and testified against Sentsov. At the trial, one of the persons involved, Afanasiev, confessed that he slandered Sentsov under torture. Thus, a great number of facts testified to the fabrication of the entire criminal case. The court, however, catering to a 'political order', ignored all arguments of the defense and the obvious facts, and found all the defendants guilty on terrorism charges.

...

Proceeding from the antiterrorist legislation of Russia, the *de facto* authorities in Crimea form a local regulatory framework, which is not so much aims at prosecution of possible terrorist organizations as of supporters of the territorial integrity of Ukraine.

Thus, on January 18, 2016, the leader of Crimea Sergei Aksenov, who is at the same time Chairperson of the anti-terrorist commission in the Crimea, stated at its meeting that 'the activities of the antiterrorist commission are built with account to the existing security threats and contain expressly Crimean specifics. This is connected, primarily, with territorial claims on part of Ukraine, and with the refusal of some countries to acknowledge the reunification of Crimea with Russia'.

On January 30, 2015, S. Aksenov approved the 'Comprehensive Plan to counter the ideology of terrorism in the Republic of Crimea for 2015 - 2018'. In that way the de facto authorities in Crimea have expanded the use of Russia 'anti-terrorism' legislation in Crimea and interference by the authorities with the exercise of fundamental human rights and freedoms. It is not only terrorism, manifested in specific actions, that the law enforcement agencies counteract, but also 'the ideology of terrorism', which is a subjective concept void of legal certainty. The plan stipulates that 'the ideology of terrorism (terrorist ideology) refers to a set of ideas, concepts, beliefs, dogmas, targets, slogans, justifying the need for terrorist activities, as well as other destructive ideas that have entailed or may entail such ideology'. The main groups that were subject to the

application of 'comprehensive measures to counter the ideology of terrorism' are religious organizations, journalists, social network users and supporters of the territorial integrity of Ukraine.

Provisions of 'anti-extremism' legislation have become widely spread in the organization of political persecution or disproportionate restriction of fundamental human rights and freedoms. The anti-extremist legislation is based on the Federal Law no. 114-F3, dated July 25, 2002, 'On Counteraction to Extremist Activities', which broadly interprets the concept of 'extremism', as well as a number of articles of the Criminal Code: Article 280. 'Public calls for extremist activities», Article 280.1. 'Public calls for actions aimed at violation of the territorial integrity of the Russian Federation', Article 282. 'Inciting hatred or hostility, and humiliation of human dignity', Article 282.1. 'Organization of an extremist group', Article 282.2. 'Organization of activities of an extremist organization', Article 282.3. 'Financing activities of an extremist organization'. The Center for Counteraction to Extremism (the E Center) in essence acts as the 'political police', being primarily engaged in the persecution of citizens who disagree with the current government or regime.

Experts of the SOVA Center for Information and Analysis, analyzing the practice of anti-extremist legislation in Russia, use the term 'wrongful anti-extremism'. In their opinion, the term includes two levels of violations. The first is restrictions on the fundamental human rights and freedoms to the extent that is significantly greater than that prescribed by international law. The second is the abuse of the effective legislation, sufficiently repressive as it is.

Since March 2014, the practice of inappropriate application of the anti-extremism legislation of the Russian Federation has become characteristic in Crimea. Analytical materials published by the SOVA Center indicate that over the recent years (until 2013) the number of persecutions of members of religious and religious-political groups in Russia exceeded the number of persecutions of political and civil society activists. After Russia has illegally established control over the Peninsula, however, the situation began to change. Primarily in connection with Russia's actions in Crimea, a new criminal liability Article was introduced – 280.1. 'Public calls for actions aimed at violation of territorial integrity of the Russian Federation'. The Article that entered into force on May 9, 2014, envisages penalty in the form of deprivation of liberty for up to four years, and if the calls were spread in mass media or on the Internet – up to five years.

Experts of the Russian OVD-Info human rights media project also link the adoption of Article 280.1 with the events in Ukraine and the intentions of the Russian authorities to persecute those who oppose the opinion about 'Crimea voluntarily joining with Russia'. In Crimea, the application of anti-extremist laws touches upon two major groups – religious communities and organizations, and any opponents of the illegal establishment of Russian control over Crimea. Formally, a text or graphical message posted in the social networks that challenges Crimea belonging to Russia may entail deprivation of liberty for up to 5 years. In Crimea, a number of criminal cases have been initiated against the citizens of Ukraine, the Crimean residents, who publicly deny Crimea being a part of Russia. Among them are Ukrainian journalists Anna Andrievska and Andriy Klimenko, People's Deputy of Ukraine Refat Chubarov, and others. According to the Russian Law 'On Counteraction to Extremist Activities', the list of non-profit organizations, in respect of which a court passed inured decisions on elimination or prohibition of activities, include a number of Ukrainian organizations: the 'Right Sector', the Ukrainian National Assembly – Ukrainian People's Self-Defense (UNA-UNSO), Ukrainian Insurgent Army (UPA), the Stepan Bandera 'Trident' organization, the 'Bratstvo' (Brotherhood) organization. All those organizations have been included in the list by decision of the Supreme Court on November 17, 2014.

Activities of these organizations or participation in them are subject to criminal prosecution in the territory of Crimea. Formally, for prosecutors and the investigative committee to initiate a criminal case, it is sufficient to have a photo in a social network, where someone may be photo-graphed next to the symbols or a member of one of those organizations, or a statement by any person reporting that, in his or her opinion, this or that person is a member of a prohibited Ukrainian organization. On the basis of provisions of the anti-extremist legislation, searches have repeatedly been conducted in the homes of the Crimean activists who participated in the 'Euromaidan' movement...

On 15 February 2016 the Crimean prosecutor Natalia Poklonskaya appealed to 'the Supreme Court of the Republic of Crimea' with the request 'On prohibition of activity of the public association in the manner and on the grounds stipulated by art. FZ as of 25.07.2002 #114-FZ 'On Countering Extremist Activity'. N. Poklonskaya requests to declare Mejlis of Crimean Tatar people as an extremist organization and to ban its activity in the territory of the Russian Federation. If Mejlis of Crimean Tatar people is recognized as extremist organization, all its members will be at risk of criminal prosecution based on the following articles of the Criminal Code of the Russian Federation: art. 280. 'Public calls for extremist activity'; art. 282.1. 'Organization of an extremist community'; art. 282.2. 'Organization of activity of an extremist organization' and others. These articles of the Criminal Code suggest criminal punishment including imprisonment for up to 8 years. Mejlis of Crimean Tatar people has publicly opposed the so-called 'referendum' that was held on 16 March 2014 in Crimea and participated in the organization and conduction of pro-Ukrainian rallies and protests in Crimea in the period of February-March 2014. That's why there is a reason to believe that the above-mentioned actions of the prosecutor of Crimea serve as continuation of re-pressions against Crimean inhabitants who do not support the occupation of the peninsula.

Under the law 'On Counteraction to Extremist Activity', the notion of 'extremist materials' has been introduced in Crimea ...

The Federal List of Extremist Materials, published on the website of Ministry of Justice of the Russian Federation, does not only contain religious publications (primarily literature of Hizb-ut-Tahrir), the distribution of which is prosecuted in the Crimea, but also literature on the history of Ukraine ... The majority of the banned publications are dedicated to the Holodomor events. The subject of Holodomor is an unalienable part of the Ukrainian history, therefore, it is present in the curriculum of schools and universities. History teaching implies the examination of various points of view on the issue, use of various sources, including archives and other materials. In that connection, publications on Holodomor in Ukraine were freely available in the Crimean libraries. Application of norms of the Russian legislation, however, has led to the prohibition of such literature.

...

Analysis of application of provisions in the anti-terrorist and anti-extremist legislation in Crimea shows that in many cases application of those provisions is aimed at wrongful restriction of the freedom of speech, of assembly, of expression, at persecution of Ukrainian activists and opponents of the illegal establishment of the Russian control over the territory of Crimea. Protecting the Crimean residents from the abuse of provisions in the Russian legislation is complicated by the fact that courts, police, prosecution authorities and the FSB in Crimea are politically engaged, because the majority of officers in those bodies are either the Crimean residents who supported the occupation of the Peninsula, or officials who were sent to Crimea from various regions of Russia."

13. Crimean Human Rights Group, "Situation with Access to Education in the Native Language in Crimea", undated

136. Below are the relevant parts of his report.

"Findings of monitoring on the Ukrainian school education in Crimea performed by the Crimean Human Rights Group ['CHRG'] are presented below.

...

As the Ministry of Education of Ukraine has informed the CHRG, [i]n 2013, 7 Crimean schools offered a complete schooling course in Ukrainian, 15 schools did it in Crimean Tatar, in addition, there were several schools with two languages of instruction. The number of classes in Crimea, as to the language of instruction, was divided as follows: 875 Ukrainian classes, 384 Crimean Tatar classes, and 8965 Russian classes. Of all the pupils in Crimea the Russian language as academic subject was learned by 206866 children or 99.2 %, the Crimean Tatar language – by 18020 or 8.6 %.

...

In October 2016 the Crimean Human Rights Group received a copy of the information provided by the 'Ministry of Education' of Crimea [which] demonstrated the Ukrainian language situation worsening in the academic year 2016/2017 up to the critical level. According to the letter signed by Ms N. Goncharova, 'Minister of Education' of Crimea, there left only 28 classes in Crimea in 2016 where only 371 children out of 188517 of Crimean pupils (w/o Sevastopol) were instructed in Ukrainian. This makes 0.2% of the total number of pupils in Crimea in 2016."

14. Crimean Human Rights Group, "Human Rights and International Humanitarian Law Norms: Crimea 2022 situation review", January 2023

137. The relevant parts of this report read as follows:

"Politically motivated criminal prosecution

Before the full-scale invasion of the Russian Federation into Ukraine at least 116 citizens of Ukraine were deprived of liberty due to politically and/or religiously motivated criminal persecution.

As of the end of 2022, at least 149 citizens of Ukraine were deprived of liberty due to politically and/or religiously motivated criminal persecution. The list is published on the CHRG's website ...

For the purpose of politically motivated persecution, the occupation authorities kept on 'cooking' criminal cases under 'terrorist' and 'extremist' articles, articles related to illegal military units, acts of sabotage, espionage, and illegal storage of arms or explosive ...

...

Case of Crimean Muslims

The defendants in the case are accused of affiliating to Islamic organizations or propagandizing activities of the organizations that are declared terrorist or extremist in the RF though they are not according to the Ukrainian law. Cases are considered in violation of the right to a fair trial, the main evidence for the court is the testimony of

anonymous witnesses (many of whom are RF FSB men), pre-trial testimony of witnesses who later declare in court that such testimony was given under duress, and linguistic examinations of conversations of the accused Muslims. The evidence provided by the defence is usually not accepted by the judges.

As of the late 2022, the number of Crimean residents deprived of liberty within the 'Case of Crimean Muslims' reached at least 88 persons.

In 2022, the Russian courts passed 26 sentences...

...

In 2022 new people were detained on charges of Hizb ut-Tahrir membership. Totally, 10 Crimean Tatars were detained, 9 of them have been kept in the Simferopol Pre-Trial Detention Center no 1.

...

Case of Mustafa Dzhemiliev

On April 22, after 57 court sessions the 'Armiansk Town Court' passed a sentence in absentia on Mr. Mustafa Dzhemiliev, a Crimean Tatar people leader. Pursuant to RF CC Article 222-1 (*illegal acquisition, transfer, sale, storage of the weapon*) 'judge' Venera Isroilova sentenced to 1 year of confinement and a [RUB] 15,000 ... fine. But Mr. Dzhemiliev was acquitted 'due to the lapse of the statute of limitations.' Pursuant to RF CC Article 224 (*negligent storage of firearms*), the court imposed a [RUB] 20,000 fine but acquitted Mr. Dzhemiliev 'due to the lapse of the statute of limitations.' Pursuant to RF CC Article 322-4 (*illegal crossing of the state border of Russia*) Dzhemiliev was sentenced in absentia to 2 years of confinement and released 'under the amnesty declared due to the 70th anniversary of the victory."

Nariman Dzhelial's case

On September 21, the 'Supreme Court of Crimea' convicted Nariman Dzhelial, the deputy Chairman of the Mejlis of the Crimean Tatar People, and the Akhtemov brothers, Azan and Aziz, activists. The court found them guilty of involvement in the 'blow-up of the gas pipeline in the village of Pereval'ne' and sentenced them under three articles of the Criminal Code of the Russian Federation: Article 281-2 a), b) (*sabotage by an organized group*); Article 222.1-4 (*illegal acquisition, storage and transportation of explosive devices committed by an organized group*); Article 226.1-3 (*illegal transfer of an explosive device across the customs border committed by an organized group*).

...

Case of Ukrainian commandos

At least 16 citizens of Ukraine detained before the full-scale invasion of the Russian Federation into Ukraine, are in prison within the cases of 'Ukrainian commandos and spies', including: Andriy Zachtei, Volodymyr Dudka, Oleksiy Bessarabov, Dmytro Shtyblikov, Hennadiy Limeshko, Leonid Parkhomenko, Kostiantyn Davydenko, Dmytro Dolhopolov, Anna Sukhonosova, Yunus Masharipov, Ivan Yatskin, Kostiantyn Shyring, Halyna Dovhopola, Vladyslav Yesypenko, Yevhen Petrushyn, Stanislav Stetsenko (Khudolei). When detained, they were accused by RF FSB of 'preparing sabotage, storing arms and spying.' Within these cases, illegal methods of investigating and torturing to obtain confessions, violation of the presumption of innocence,

distribution of 'confession' videos by the FSB of the Russian Federation through the Russian media were recorded.

On April 27, the court in Rostov-na-Donu announced a new verdict of Dmytro Shtyblikov, one of defendants of the 'Case of Crimean Commandos', 19 years and 6 months in confinement under Article 275 of the Russian Criminal Code (*High Treason).* The previous sentence expired in November 2021, but due to a new faked case, Mr. Shtyblikov has been kept in custody.

...

Freedom of speech and expression

In 2022 freedom of speech was being curtailed, and journalists were being persecuted in Crimea. In addition, new legislative restrictions came in force after March 4, that criminalized so called 'fakes' about the Russian army actions in Ukraine. A new RF CC article – 207.3 – introduced punishment for disseminating 'knowingly false information about the activities of the Russian Armed Forces.'

The persecution under the new administrative article on 'public actions aimed at discrediting the Russian army' (*Article 20.3.3 of the CoAO of the Russian Federation*) also continued. The maximum penalty is a fine of up to [RUB] 100,000. For 2022, the CHRG documented at least 168 judgements of occupation 'courts' on administrative punishment under Art. 20.3.3 of RF CoAO.

The occupation authorities also kept on prosecuting citizen journalists on trumped-up charges of terrorism (*alleged Hizb ut-Tahrir membership*) or storage of arms or explosives. According to human rights activists, at least 15 Crimean journalists are behind the bars within such cases (Oleksiy Bessarabov, Vladyslav Yesypenko, Seyran Saliyev, Marlen (Suleyman) Asanov, Timur Ibrahimov, Server Mustafayev, Osman Arifmemetov, Remzi Bekirov, Ruslan Suleymanov, Rustem Sheikhaliyev, Amet Suleymanov, Asan Akhtemov, Iryna Danylovych, Vilen Temeryanov, Ernes Ametov).

In addition, the occupation authorities also persecuted Crimean Tatar public figures. Thus, on March 16, Abdureshyt Dzhepparov, a Crimean human rights activist and veteran of the Crimean Tatar national movement, was placed under a 15-days' administrative arrest for a publication on the Internet. He was accused of RF Code of Administrative Offence Article 20.3-1, 'Propaganda or public display of Nazi attributes or symbols' because in 2019 he had published a video on Facebook where a Russian march was compared to Nazi one.

Zair Smedliayev, Head of the CEC of the Kurultay of the Crimean Tatar people, was arrested for 2 days under RF CoAO Article 20.3-1 (*Propaganda or public display of Nazi attributes or symbols*) for the publication on Facebook on March 1, 2014, and fined [RUB] 40,000 under RF CoAO Article 20.3.3-1 (*Public actions aimed at discrediting the Armed Forces of the Russian Federation*) ..."

15. Center for Civil Liberties, "Freedom of Assembly in Crimea Occupied by the Russian Federation", undated

138. The relevant passages of this report read:

"Prohibition of peaceful actions on cultic dates of Crimean Tatars

On May 16, 2014 self-proclaimed Crimean Prime Minister Sergei Aksionov issued a decree prohibiting the assemblies in Crimea until June 6, 2014, including mourning

actions on the occasion of the 70th anniversary of the deportation of Crimean Tatars. S. Aksionov justified the decision in such a way: '*Taking into account the continuing events in many cities of the south-eastern Ukraine, resulting with injured and killed civilians, in order to eliminate possible provocations performed by extremists who are able to enter the territory of the Crimea Republic, to avoid disruption of the holiday season in the Crimea Republic, we prohibit any mass events in the Crimea Republic until June 6, 2014*'.

...

During negotiations, the Crimean Tatars were allowed to hold the collective prayer and memorial run on May 18, but only on the suburbs of Simferopol. In all other cities of Crimea the Crimean Tatar memorial events were prohibited. During several meetings which the organizers held with the self-proclaimed authorities, the authorities repeatedly demanded the Crimean Tatars to demonstrate their loyalty to the Russian Federation in the form of appropriate public statements or performance of the Russian national anthem during the assembly; however, the Crimean Tatars refused to do that.

June 11, 2014 Tatar Mejlis gave notice to the Simferopol City Council about the mass cultural event dedicated to Tatar Crimean flag on June 26 that was to be held in the city central park. However, on June 17 Mejlis received a written response refusing to hold this assembly.

The refusal of the local authorities states the following: '*In the park named after K.A. Trenov there are playgrounds and attractions currently functioning, especially popular during the school holidays; classes, competitions, exhibitions and other events involving hundreds of children are held here, the School of Music is enrolling students on the 2014-2015 academic year (listening)... gathering of a large number of people in a limited area, not intended for extra number of participants, can create conditions that would disturb public order, the rights and legitimate interests of the others*'.

In addition, Simferopol City Council refused to approve the route of the motor rally proposed by Mejlis on the Crimean Tatar Flag Day. The city authorities proposed to change the route of the rally and exclude the downtown streets from it. Thus, the Crimean Tatars were prevented from holding a peaceful assembly (rally) in the sight of the target audience.

Crimean Tatar NGO 'Kardashlyk' planned to hold a mourning meeting devoted to the European Day of Remembrance for the Victims of Stalinism and Nazism on August 23, 2014. The assembly had to be held in Simferopil in the Gurzufskay street in the 'Salgirka' park. The Notice of the assembly was directed to the Simferopil City Council on August 13, 2014, but in 10 days authorities forbade to hold the memorial service, explaining this refusal by hot weather which, according to the local authorities, might harm the health of the participants.

They also forbade the remembrance assembly dedicated to the national hero of Crimean Tatar Noman Chelebidzhihan on February 23, 2015, despite the fact that Crimean Tatar Mejlis proposed to move the action from Simferopil to the private courtyard of the palace Khan in Saray, Bakhchisarai.

The case of February 26': prosecution for participating in the assembly against the annex[at]ion of Crimea

A mass assembly of the pro-Ukrainian activists devoted to the unity of Ukraine was held on February 26, 2014 in front of the building of the Supreme Soviet of the Autonomous Republic of Crimea. At the same time near the building of the Verkhovna Rada of Crimea there was an assembly attended by representatives of the pro-Russian

organizations demanding autonomy to join Russia. Inefficient actions of the police which haven't ensured the safety of peaceful assembly resulted with fights and 30 people injured. Thus, participants received head injuries, blunt abdominal trauma etc. 6 people were hospitalized, and three of them were in serious condition, 3 – Average. According to the leader of the Crimean Tatars Mustafa Dzhemilev a rally in support of saving the Crimea as a part of Ukraine was attended by about 12-13 thousand Crimean Tatars. He also reported the death of 2 people during the confrontations: one man had a heart attack, another woman was trampled by the crowd.

A year after, on the 30th of December, in Bakhchysarai a law enforcement officers conducted a search in the house of the deputy head of Mejlis (executive-representative person of the Crimean Tatars) Akhtem Chyigoz. On the 4th of February they conducted the interrogation of Asan Chebiyev, a close relative of one of the coordinators of The Committee for the Protection of Rights of Crimean Tatars Abmedjit Suleimanov. On the 7th of February 2015 they arrested Iskender Kantemyr who was suspected in the organization and participation in civil disorder. On the 8th of February the court decided to keep Iskender Kantemyrov in prison for two months. According to the investigators he 'inflicted bodily harm on several people on 26th of February 2014 in Simferopol'. Akhtem Chyigoz was arrested on the 29th of January 2015 on a suspicion of organizing and participating in civil disorder. Right now he is under arrest.

On the 11th of March 2015 a Crimean Tatar activist Taliata Junusov was arrested; on the 23th of March 2015 another member of Mejlis, Ilm Umerov, was called for an interrogation. On the 27th of March 2015 another interrogation of a member of Mejlis Nariman Jelial was conducted. According to the members of Mejlis legal proceedings against them are conducted by the Investigating Committee of the Russian Federation nearly every day.

It should be noted that the rally itself was held on the 26th of February 2014 before the pseudo referendum 'at the point of the gun' and the attempts of Russia to legally settle the annexing of Crimea. The human-rights Ombudsman in the Supreme Council of Ukraine commented on the situation in the following way: 'It is the jurisprudential surrealism – I can't think of a different name for it because people had the right to participate in peaceful assemblies on Ukrainian territory according to the law. At the moment there is no particular law that would regulate the freedom of assembly, but there is a direct constitutional provision giving each person the right to take part in peaceful assemblies. It is absolutely certain. Actually, these people have been arrested and their houses have been searched because they used their constitutional right according to the Ukrainian law. This is a clear indicator of how the occupying authority treats the law and by the law I mean both, international and Ukrainian'.

...

'Case of May 3': the pursuit of Crimean Tatars

The occupying authorities banned Mustafa Dzhemilev from entering the territory of Crimea after his stay in mainland Ukraine. On May 2, 2014 he was prevented from flying from Moscow to Simferopol. Next, the leader of Crimean Tatars attempted to enter the peninsula by car but was stopped at a checkpoint 'Turetskiy Val' in Armyansk. In protest, Crimean Tatars headed towards their leader and blocked the road and the neutral territory (no man's land). Nevertheless, occupying authorities still prevented Mustafa Dzhemilev from entering the Crimean peninsula. In order to prevent escalation of the situation, Mustafa Dzhemilev urged the protesters to return to Crimea before going back to Kyiv. Self-proclaimed attorney of Crimea Nataliya Poklonska sent the investigative committee and the Federal Security Service of the Russian Federation a

resolution on basis of 'unlawful public events' in Armyansk during the greeting of Dzhemilev by Crimean Tatars. According to Nataliya Poklonska, 'Crimean Tatar Mejlis, led by Refat Abdurahmanovich Chubarov held illegal public events of extremist nature in connection with mass disturbances, road blockings, illegal crossing of international border with RF, combined with unlawful obstruction of government agencies, as well as violence.'

'The persecution of those who attempted to peacefully meet Mustafa Dzhemilev in Armyansk or the ones who protested the prohibition of Dzhemilev's entrance to Crimea, became the first evidence of the government's intent to restrict the right to freedom of peaceful assembly in Crimea. Until the recent occupation of the peninsula by Russia, such restrictions did not exist.' This was the comment on the situation in the report of department of operations security of interim president of Ukraine in the affairs of Crimean Tatar people. 'Crimean Tatar people on the threshold of 2015.'

After this incident the occupying authorities filed administrative proceedings against dozens of Crimean Tatars across the entire peninsula. License plates of Crimean Tatars' cars that came to meet Dzhemilev have been recorded on video. Attendants of the peaceful gathering were accused of participating in 'public disturbances' and 'illegal crossing of the Russian border.' During the first three weeks of hearings at least 49 people were made to pay fines ranging from 10,000 (approximately $160) to 15,000 Rubles (approximately $240), additionally another six people had to pay a 40,000 Rubles fine (approximately $640). According to 'Crimean Field Mission,' as of February 13, 2015, over 100 persons have been fined.

Additionally, 5 persons who were detained in cells with video surveillance had criminal cases opened against them for using force against the police officers. In December 2014: Musa Apkerimov, Rustam Abdurakhmanov, Tahir Smedlyayev, Eden Ebulisov. Later they were released on bail due to changes in their preventive measures at the request of the self-proclaimed head of Crimea Sergey Aksenov. On January 19, 2015, 34-year-old Eden Osamanov, who was meeting the leader of Crimean Tatars in Armyansk with thousands of other Crimean Tatars, was arrested. On February 6, 2015 investigation unit of FSB of Russia in Crimea and Sevastopol called in to testify the head of CEC of Kurultai of Crimean people, ex-Mejlis member Zair Smedlyayev. However examination scheduled for February 6, 2015 did not take place, due to the lack of Crimean Tatar language interpreter. Investigation on these criminal cases is currently in progress.

Human Rights Watch has reported that organization 'did not have an opportunity to hold an independent investigation on the events of May 3 and assess compliance of administrative charges and fines in the particular situation. Eventually the self-proclaimed authorities used these events to justify mass searches, warnings and other measures in relations to Crimean Tatar groups and individuals. No additional specific grounds for such measures were cited by the self-proclaimed authorities. Considering the scale and intensity and also the vagueness of charges, these measures were likely used as a means of pressure on the representatives of the Crimean Tatar community, who are opposed to the occupation of Crimea and therefore are against Russia'."

16. Ukrainian Center for Independent Political Research, "'Annexed' Education in Temporarily Occupied Crimea", March 2015

139. The relevant parts of this report are presented below.

"The monitoring report is prepared within the framework of 'Democratization, Human Rights and Civil Society Development in Ukraine' programme, implemented by the United Nations Development Programme with financial support from the Ministry of Foreign Affairs of Denmark during 2013-2016.

...

The Monitoring Report presents a brief description of the situation in Crimea after annexation in the area of education in Ukrainian and Crimean Tatar, the content of humanitarian subjects and opportunities of Crimean school graduates for entering Ukrainian HEIs. The Report is based on statistical and actual data, documentary materials on transformations in the system of Crimean education as well as the educational rights of Ukrainians and Crimean Tatars.

...

II. In the area of ensuring the right to teaching in or of the native (Ukrainian) language:

...

Since February 2014, Crimean authorities have created the atmosphere of Ukrainophobia and intolerance to Ukrainian identity, which has influenced the choice of the language of instruction. According to parents, most of them felt uncomfortable and failed to file applications for the language of tuition. Some parents reported special community meetings held by school masters to dissuade them from writing applications and saying that 'the study of Ukrainian is a waste of time for your children. The knowledge of Ukrainian will not increase but reduce their opportunities to enter HEIs'. The problem of opposition between parents and school teachers was solved only by means of administrative pressure on teachers and teaching staffs and intimidation of parents through parent committees or individual conversations often attended with threats of violence and physical attack. Parents were pressed to decrease the number of applications for the teaching in the native language.

...

[T]he so-called Crimean Constitution [states:] 'Ukrainian, Russian and Crimean Tatar shall be the national languages of the Republic of Crimea', 'the Republic of Crimea shall recognize the principle of diversity of cultures, ensure their equal development and mutual enrichment' (Paragraph 3, Article 1) and 'everyone shall have the right to use his/her native language and to freely choose the language of communication, teaching, education and creation' (Paragraph 2, Article 19).

...

6. Specific Features of Educational Work in the Autonomous Republic of Crimea

...

In December 2014, two new documents have been issued to promote the development of education and training in Crimea, the decree of the Head of the Republic No. 522-У 'On the Approval of the Concept of Patriotic, Spiritual and Moral Education of the Population of the Republic of Crimea' of 18 December and the resolution of the Crimean Council of Ministers No. 651 'On the Approval of the State Program for the Development of Education and Science in the Republic of Crimea for 2015-2017» of 30 December [2014] prioritizing, among other things, «military and patriotic upbringing of the students'.

Meanwhile, no Program Section is dedicated to the access to education in minority languages or, at least, the exercise of the right to learn them. There are no statistical data on the language of instruction or other characteristics of the existing educational institutions of Crimea".

17. Regional Center for Human Rights, "Standing Against Discrimination: Human Rights Abuses in Crimea", 2023

140. The relevant parts of this report read as follows:

"II. Persecution on religious grounds on the territory of the temporarily occupied Crimean Peninsula (on the Example of Crimean Muslims)

In 2014, the Russian Federation gravely breached international law, occupied the territory of the Crimean peninsula, and extended its legislation to the peninsula territory, which led to violations of the rights of people residing in Crimea.

Immediately after the occupation, politically motivated persecution of people not loyal to the Russian authorities and those they considered potentially disloyal began. The occupation authorities carry out such persecution, mainly on religious grounds. Persecution of persons is carried out through prosecution for participation or organization of activities of extremist and terrorist organizations, public calls for terrorist activities, public justification of terrorism or propaganda of terrorism, propaganda or public display of attributes or symbols of extremist organizations or other characteristics and signs, the propaganda or public display of which is prohibited by law, and for carrying out missionary activities. It is mostly Crimean Tatars who are prosecuted. The majority of those persecuted by the occupation authorities, i.e., 98%, are members of the Crimean Tatar ethnic group, which indicates that they are being targeted.

Criminal prosecutions are often accompanied by violations of criminal procedure, including violations of the right to a fair trial. The occupation authorities conduct searches at night or early in the morning; the persecuted persons are tortured; convicted persons are forcibly transferred to the territory of the Russian Federation to serve their sentences. The primary evidence relied upon by the courts in passing sentences is the results of linguistic examinations and the testimony of anonymous ('secret') witnesses, many of whom are employees of the FSS of the Russian Federation, as well as the testimony of witnesses during the pre-trial investigation, which they recant during the trial, claiming that they were previously given under pressure. Whereas evidence provided by the defense is often not considered by the court.

1. Political persecution for participation in 'extremist and terrorist organizations'

Crimean Tatars are being prosecuted for their involvement in the organizations Hizb ut-Tahrir and Tablighı Jamaat. Before the occupation of Crimea by the Russian Federation, thousands of people belonging to both organizations lived on its territory. After the occupation, in violation of international humanitarian law, the Russian Federation extended its criminal legislation to the peninsula, under which it prosecuted Crimean Muslims for belonging to Hizb ut-Tahrir and Tablighi Jamaat. In Ukraine, the activities of both organizations are not prohibited, and, accordingly, before the occupation of Crimea by the Russian Federation in 2014, their actions were not restricted in any way. After the Russian Federation occupied the Crimean peninsula, it began active persecution for the participation and organization of the activities of both organizations.

1.1. Participation in Hizb ut-Tahrir

Hizb ut-Tahrir aims to spread world Islam and build a world Islamic state.

On 14 February 2003, the Supreme Court of RF declared Hizb ut-Tahrir a terrorist organization. By this decision, Hizb ut-Tahrir, along with fourteen other organizations, was recognized as a terrorist organization. Since then, the organization's activities have been banned in the Russian Federation. In its decision, the court stated that the organization 'aims to eliminate non- Islamic governments and establish Islamic rule globally by recreating a "World Islamic Caliphate", initially in regions with predominantly Muslim populations, including Russia and the CIS countries. The main forms of activity: bellicose Islamist propaganda, combined with intolerance towards other religions; active recruitment of supporters, targeted work to divide society (primarily propaganda with strong financial backing)'.

Members of Hizb ut-Tahrir are prosecuted mainly for 'organizing the activities of a terrorist organization and participation in the activities of such an organization,' which is punishable under Article 205.5 of the Criminal Code of the Russian Federation. The amendments that increased criminal liability for this act were introduced to this Article in May 2014, two months after the occupation of the Crimean peninsula.

The first searches and detentions of Hizb ut-Tahrir members in Crimea took place in January and April 2015. On 7 September 2016, the North Caucasus District Military Court in Rostov-on-Don found all participants in the case guilty of committing a criminal offense. It sentenced Yurii (Nuri) Primov, Rustem Vaitov, and Ferat Saifulayev to 5 years in a strict regime colony for participation in a terrorist organization (part 2 of Article 205.5 of the Criminal Code of the Russian Federation). Ruslan Zeitullayev was sentenced to 7 years imprisonment for organizing the activities of a terrorist organization (part 1 of Article 205.5 of the Criminal Code of the Russian Federation). On 27 July 2017, the Supreme Court of the Russian Federation increased the sentence for Ruslan Zeitullayev to 15 years in a strict regime colony.

2022-2023, a new wave of persecution of Crimean Muslims occurred. On 11 August 2022, six Crimean Muslims were arrested: Enver Krosh, Vilen Temerianov, Rinat Aliyev, Edem Bekirov, Murat Mustafayev, and Seitia Abbozov. Enver Krosh was charged with committing an offense under Part 1 of Article 205.5 of the Criminal Code of the Russian Federation, i.e., 'organizing the activities of an organization that is recognized as a terrorist organization following the legislation of the Russian Federation', and the others were charged with committing a criminal offense under Part 2 of Article 205.5 of the Criminal Code of the Russian Federation, i.e., 'participation in the activities of an organization that is recognized as a terrorist organization following the legislation of the Russian Federation.'

In January 2023, six more people were arrested: Ekrem Krosh, Ayder Asanov, Refat Seidametov, Osman Abdurazakov, Leman Zekeriyev, and Khalil Mambetov. They are accused of 'participation in the activities of an organization that is recognized as a terrorist organization under the legislation of the Russian Federation', which is punishable under Part 2 of Article 205.5 of the Criminal Code of the Russian Federation.

As of 2023, the occupation authorities have already prosecuted more than a hundred Crimean Muslims for participating in Hizb ut-Tahrir. Some have already been sentenced to imprisonment and forcibly transferred to serve their sentences from Crimea to RF.

1.2. Participation in the Tablighi Jamaat

The Tablighi Jamaat organization is a 'system of preachers' who preach the dogma of the 'true Quran'. The organization's ideology is based on the Quran and does not include calls for a change in the social order or the establishment of a Caliphate. Despite this, in May 2009, the Supreme Court of the Russian Federation recognized Tablighi Jamaat as an extremist organization. On 3 August 2009, Tablighi Jamaat was included in the Federal List of Extremist Organisations.

After the occupation of Crimea, RF increased its liability for extremism. On May 5, 2014, amendments were made to Article 282.2 of the Criminal Code of the Russian Federation, which added parts 1.1 and 3 to Article 282.2 of the Criminal Code, introducing liability for 'Inducement, recruitment or other involvement of a person in the activities of an extremist organization' and 'Acts under parts 1, 1 or 2 of this article committed by a person using his official position' respectively. Amendments to parts 1 and 2 were introduced on February 3, 2014, actually before the start of the occupation.

In October 2017, the occupation authorities arrested four supporters of Tablighi Jamaat, Crimean Muslims Renat Suleymanov, Talat Abdurakhmanov, Arsen Kubedinov, and Seyran Mustafayev. In 2019, the 'Supreme Court of the Republic of Crimea' found Talat Abdurakhmanov, Arsen Kubedinov, and Seyran Mustafayev guilty of a crime under Part 2 of Art. 282.2 of the Criminal Code of the Russian Federation, i.e., 'inducing, recruiting or otherwise involving a person in the activities of an extremist organization,' and sentenced them to two years suspended imprisonment.

At the same time, Renat Suleymanov was found guilty of 'organizing the activities of an extremist organization' (part 1 of Article 282.2 of the Criminal Code of the Russian Federation) and sentenced to 4 years in a general regime colony and one year of restriction of freedom.

To serve his sentence, Renat Suleymanov was transferred to the territory of the Russian Federation to the Kabardino-Balkar Republic. After serving his sentence and returning to Crimea, Suleymanov was under administrative supervision for eight years.

2. Persecution for possession of religious literature is included in the 'list of extremist materials'

The occupation authorities persecute for possession of religious literature that they consider extremist.

Article 20.29 of the Code of Administrative Offences of the Russian Federation provides for liability for 'production and distribution of extremist materials'.

The determination of whether certain materials are extremist is made on the basis of a list compiled by the Ministry of Justice on the basis of Russian court decisions that have entered into force. The formation of the list is often accompanied by a violation of the principle of legal certainty, which makes it difficult to predict whether the dissemination of certain materials is prohibited and punishable at a given time. The list was first published in 2007. Since then, it has been updated periodically. It is not legally defined whether the day a particular material is banned is the day the name of the material is included in the list of 'extremist' materials on the website of the Ministry of Justice or the day it is published in Rossiyskaya Gazeta (Russian Newspaper), which is later. Moreover, the Ministry of Justice edits the list, clarifying and changing the data in it, but does not additionally inform about it. Such changes are not reflected in Rossiyskaya Gazeta. For example, in 2022, the list was changed more than 20 times.

After the beginning of the occupation in 2014, the occupation authorities began massive searches of madrassas, mosques, and private homes of Muslims in search of banned literature. There are cases of banned literature being planted during searches. Searches conducted to find banned literature often become the basis for further prosecution of Crimean Muslims but on more serious charges, such as participation in extremist or terrorist organizations.

On 25 February 2016, the Kyiv District Court of Simferopol found the president of the Association for the Promotion of Social and Cultural Projects, Mohamed Tahu Ali, guilty of possessing prohibited materials in the mosque of the Islamic Cultural Centre and sentenced him to a fine of 2000 rubles.

...

IV. Discrimination Against Convicted and Imprisoned Citizens of Ukraine by the Russian Federation

After the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol in February 2014, the Russian Federation extended its criminal and criminal procedure legislation to the occupied territory in violation of international law. Among other things, this has resulted in discrimination against Ukrainian citizens by the Russian Federation. While the occupation and 'integration' of the occupied peninsula into the Russian Federation was underway, the Russian authorities launched a policy aimed at forcibly changing the demographic composition of the population, one of the components of which is the transfer of Ukrainian citizens outside the peninsula to 'serve their sentences' of deprivation or restriction of freedom, as well as to try certain categories of criminal cases outside the occupied territory.

According to the statistics of the State Penitentiary Service of Ukraine, as of 20 March 2014, 3,295 persons were held in its institutions on the territory of the Autonomous Republic of Crimea.

...

The discriminatory nature of the Russian Federation's policy of the transfer of Ukrainian prisoners and citizens of Ukraine to its territory is manifested in the following:

1. With respect to the category of citizens from among the convicts

In June 2014, the first group of Ukrainian citizens who had already served a criminal sentence of deprivation of freedom or were sentenced to the above form of punishment in the territory of the Autonomous Republic of Crimea and the city of Sevastopol (most of them by Ukrainian courts) was transferred to the territory of the Russian Federation 'to further serve their criminal sentences'. Russia justified such actions as necessary to comply with the provisions of Article 73 of its own Criminal Executive Code (KIK), which authorizes the relevant bodies of the Federal Penitentiary Service (FSIN) to determine the place of serving the sentence for convicted persons.

The provisions of the first paragraph of Article 76 of the GC-IV were completely disregarded. This provision stipulates that protected persons, if accused of offenses in the occupied territory, must serve their sentences in therein.

Since June 2014, such deportations have become an administrative practice of the Russian Federation, which systematically transfers Ukrainian citizens sentenced to deprivation of liberty to its own territory.

...

2. With respect to the category of citizens in the status of defendants

Since late 2015, the Russian Federation has been systematically transferring Ukrainian citizens in custody and pending trial in their criminal cases after the pre-trial investigation from the occupied to its own territory. Generally, these are cases of so-called 'terrorism', most of the accused are Crimean Muslims, of whom, in turn, the majority are Crimean Tatars.

The Russian Federation justifies such actions as necessary to comply with the provisions of Article 31, paragraph 6.1 of its own Criminal-Procedural Code, which defines the jurisdiction over the Crimean 'terrorism' cases to the Southern District Military Court of the Russian Federation, located in Rostov-on-Don. This provision does not establish any differences in the treatment of citizens and non-citizens of the Russian Federation, so it is outwardly neutral.

In applying the provisions of Article 31(6)(1) of the Criminal Procedure Code, the Russian Federation completely disregards the requirements of Article 66(1) of the GC-IV, which stipulates that the trial of persons accused of committing crimes in the occupied country shall take place therein.

During 2015-2016, such deportations became an administrative practice of the Russian Federation, which continues systematically to this day.

The reasoning behind such treatment is similar to that described above. Compared to Russian citizens who are transferred from the occupied territory to the territory of the Russian Federation, Ukrainian citizens find themselves in a much worse situation: on the territory of a hostile Power to which all connections have been lost, from postal to transport, which effectively implies that the convicts cannot see their relatives, receive assistance from them or communicate. In addition, citizens of Ukraine are deprived of the opportunity to openly demonstrate their affiliation with the Ukrainian national group, in particular, to communicate in Ukrainian, to celebrate holidays and memorable occasions, as this may be qualified as a criminal offense under the Russian legislation. An additional obstacle to the manifestation of their own identity is that, in violation of Article 76(1) of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, the Occupying Power keeps them in detention with its own citizens, rather than separately, as required by the provision. This poses additional threats to Ukrainians deprived of their freedom, who are exposed to aggression from convicted Russian citizens.

...

3. With respect to female convicts, minors and persons suffering from somatic diseases and mental illnesses

The nature of the discriminatory treatment of this category of Ukrainian citizens lies in the fact that the Russian Federation has not provided for the possibility of serving their criminal sentences on the territory of the Crimean peninsula - all of them are mandatorily deported to the Russian Federation with reference to the lack of appropriate penitentiary institutions in Crimea. Such actions are equally violative of the first paragraph of Article 76 of the GC-IV.

...

Legal qualification of the discriminatory practice of the Russian Federation against Ukrainian citizens convicted in Crimea

As of 2022, according to the data collected by the Regional Center for Human Rights, the Russian Federation has transferred more than 12,500 convicts from the occupied Crimean peninsula to its territory. Ukrainian citizens from the territory of the peninsula are serving criminal sentences in at least 102 correctional institutions in 42 regions, including Omsk, Orenburg, Penza, Nizhny Novgorod regions, Komi, Mordovia and Yakutia (Sakha) Republics, Krasnoyarsk, Magadan, etc. In addition, a convicted person may be transferred across the territory of the Russian Federation several times during one sentence at the discretion of the Federal Penitentiary Service (FSIN).

Russia's discriminatory policy on the transfer of Ukrainian prisoners violates Customary Rules 129 and 130 of international humanitarian law, as well as Articles 49, 66 and 76 of the Convention (IV) relative to the Protection of Civilian Persons in Time of War."

18. Crimea SOS, "On Whom the Sanctions Toll. Top 26 Judges Complicit in Confinement of Crimean Political Prisoners", undated

141. This document contains a list of judges who played a role in the alleged unlawful imprisonment of Ukrainian nationals – characterised as "political prisoners" – in Crimea, after February 2014. It was alleged that the judges had been directly involved in a number of violations of international human rights and humanitarian law.

C. Media reports

1. Reporters Without Borders, "Summary of attacks on media", published on 31 August 2015

142. The author of the article was not specified. The article detailed the chronology of attacks on the journalists' rights in Crimea in reverse order:

"26.01.2015 - Heavy-handed raid on Tatar TV station in Crimea

Armed and masked members of the Russian interior ministry's OMON special forces and government investigators raided the independent TV station ATR in the Crimean capital of Simferopol on 26 January, interrupting its programming for much of the day while they carried out a search. Run by Crimea's Tatar ethnic minority, ATR was able to resume broadcasting in the evening, after they had left. The investigators seized ATR's servers and disconnected Internet access throughout the building to prevent live coverage of the raid. The station's staff had to spend the entire day in the building without being able to work. The Investigative Committee (Russia's FBI equivalent) said the aim of the raid was to find video recordings of clashes between pro- and anti-annexation demonstrators on 26 February 2014 in which two demonstrators were killed. Around 100 people gathered outside ATR headquarters in the afternoon in protest against this heavy-handed attempt to intimidate the station's staff. Reporters Without Borders condemns this new attack on one of Crimea's last remaining independent news outlets. The Tatar community's representatives continue to support the Ukrainian government in Kiev and its media have been singled out for harassment since Russia's annexation of Crimea.

...

11.08.2014 - Online information war intensifies

After censoring most Ukrainian TV stations in Crimea when it was annexed in March, the Russian authorities are now restricting access to Ukrainian news websites. Most Crimean Internet Service Providers are blocking Glavnoe, Cenzor.net.ua and Novy Region, it was reported on 11 August. Meanwhile, the Ukrainian authorities, who already blocked the retransmission of several Russian TV news channels in Ukraine, are also threatening to censor the Internet. On 5 August, the UNIAN news agency published a letter that the SBU sent to the Ukraine Internet Association in late July asking it to block around 60 websites and web resources 'promoting war, racial hatred or the overthrow of the constitutional order, or attacking territorial integrity.' They include not only separatist sites but also Ukrainian news sites, YouTube videos, blogs hosted on the LiveJournal platform and video games. Some are hosted in Ukraine, others abroad. The Ukraine Internet Association has not as yet taken any action, but it could eventually ask Internet Service Providers to block them. Reporters Without Borders condemns Internet censorship and reminds the Ukrainian and Russian authorities that Frank La Rue, the UN special rapporteur on the right to freedom of opinion and expression, has said that any blocking or withdrawal of online content should be kept to the minimum and judicial permission should be obtained.

...

04.08.2014 - Crimea's last independent media censored

Around 20 court bailiffs and policemen confiscated all of the property of Chernomorka, an independent TV station based in the Crimean capital of Simferopol, on 1 August, and then police and 'self-defence militias' began blocking access to its headquarters on 4 August, preventing its journalists from working. Two other independent Crimean information sources have been affected: the Press and Information Centre and the Centre for Journalistic Investigation, which rent their offices from Chernomorka. Their equipment has also been seized and their staff is also being denied access. In a suit brought by the Autonomous Republic of Crimea's Broadcast Transmission Centre for payment of 1 million hryvnia (60,000 euros) in arrears, a court ordered the pre-emptive seizure of Chernomorka's assets before the first hearing in the case. If Chernomorka loses the case and cannot pay its debts, its seized assets worth 4 million hryvnia (240,000 euros) will be auctioned off. Reporters Without Borders condemns this politically-motivated and disproportionate decision, which is designed to silence the last critical media in Crimea. When Russia annexed the peninsula in March, Chernomorka's signal was arbitrarily cut and replaced by that of the Russian station Rossiya 24. In June, most cable TV operators dropped it from the channels they provide. Chernomorka filed a complaint with the Broadcast Transmission Centre in late June about the 'illegal occupation' of the frequencies and transmitters it had been assigned, but so far no action has been taken."

2. Black Sea News*, "Kyiv and foreign journalists are detained at the entrance to Crimea / Photo", 1 March 2014*

143. The author of this article was not specified. The article cited a Twitter post by a Hromadske TV journalist, Bohdan Kutyepov, who had reported that he had been unable to enter Crimea. According to the article, Mr Kutyepov had said that his car had been stopped by the "Cossacks" and armed "Berkut" people around Chongar. According to the article, Mr Kutyepov's profession

had been the reason he had been denied entry to Crimea, and he had been warned that his attempts to videorecord anything would be followed by gunfire.

144. According to the article, Mr Kutyepov had also reported that other foreign and Ukrainian journalists had been denied entry to Crimea at gunpoint.

3. Associated Press, "Crimea's New Russian Overlords are Seizing Thousands of Businesses", 2 December 2014

145. The article, authored by Laura Mills and John-Thor Dahlburg, described the findings of the Associated Press' investigation into the attacks on property rights in Crimea in the following way:

> "... Crimea's new pro-Moscow leaders say the takeovers, which they call nationalizations, are indispensable to reverse more than two decades of wholesale plunder by Ukrainian politicians and oligarchs.
>
> But an Associated Press investigation throughout this peninsula the size of Massachusetts found many instances of less noble practices: legal owners strong-armed off their premises; buildings, farms and other prime real estate seized on dubious pretenses, or with no legal justification at all; non-payment of the compensation mandated by the Russian constitution; and targeting of assets belonging to or used by independent news media, the Crimean Tatar ethnic minority and the pro-Kiev branch of the Orthodox Church. In a preliminary estimate, Ukraine's Justice Ministry told AP that around 4,000 enterprises, organizations and agencies have had their property expropriated.
>
> ...
>
> The seizures investigated by the AP vary in scale and type of assets involved. But many, like Dobrobut, are reliably profitable and would require little additional investment.
>
> ...
>
> In April, Trans-Bud, a construction and transport company, delivered 54 vehicles, from excavators to dump trucks, to a Simferopol-based firm, Krymsky Passazh. But the customer never paid the $5.2 million bill, and the equipment is now in the hands of camouflage-clad self-defense forces. ...
>
> Trans-Bud took the matter to the police, company director Vadim Padalko said. Padalko and an investigator drove to the scene, where an armed guard put the policeman on the phone with his boss. 'On the way back he (the investigator) asked me: "Why didn't you tell me this was going to be nationalized?"' Padalko told AP. 'I said, "What is being nationalized? This is private property!" By the time we were back (at the police station) they had decided that no crime could be established.'"

4. Daily Mail*, "The fresh-faced victim of bloody violence in Crimea: Was 16 year old Mark murdered because he only spoke Ukrainian?", 25 April 2014*

146. This article, written by Will Stewart, reported that Mark Ivanyuk had been beaten by Russian policemen in Crimea and had died of head injuries.

The date of the event was not specified. The mother of the deceased was reported to believe that her son's speaking Ukrainian had been the reason for the attack. She had stated that the local Crimean police had mocked her and grimaced while she was reporting her son's murder using the Ukrainian language. According to the article, the case had been investigated by the Russian Investigative Committee.

5. Pod Pritselom*, "Ukraine is under a ban in Crimea", 5 May 2016*

147. This article, written by Irina Sedina, read:

"**Court cases on political grounds**

Oleg Sentsov and Alexander Kolchenko in the Russian court room

The repressions of the Russian authorities in Crimea touched, first of all, the Euromaidan activists and those, who didn't hide own pro-Ukrainian position after the occupation. Most of the Revolution of Dignity participants were forced to leave the peninsula being apprehensive for their life. Nevertheless, many activists were held criminally responsible under various article of the Criminal Code, including on a charge of terrorism.

The director Oleg Sentsov, civic activists Gennady Afanasiev and Alexander Kolchenko, the historian Aleksey Chirniy were one of the first people suffered from the Russian persecution machine. They were arrested in Crimea in May 2014 and deported to Russia, where they were convicted on a charge of preparing terrorist acts on the peninsula.

The sentence for the Crimean supporters was severe: Afanasiev and Chirniy were sentenced to 7 years in prison, Kolchenko – to 10 years, and the 'head' of the terrorist organization, according to the Russian court, Sentsov – to 20 years in prison.

Alexander Kostenko was convicted in Crimea for his participation in the Maidan events in Kiev in February 2014, in particular, for bodily injury to law enforcement officers. After the appeal, he was sentenced to 3 years and 11 months in standard regime penal colony. Today, another maidanovets Andrey Kolomiets, who is accused of attempting murder of the 'Berkut' employees, is on trial.

One of the most notable cases was the case of 'February 26', the defendants of which were the Crimean Tatars – the participants of the pro-Ukrainian meeting near the building of the Supreme Council of Crimea on February 26, 2014. Two people have already received judgements of conviction on this 'case': Talyat Yusunov and Eskender Nebiev received suspended sentences – 3.5 and 2.5 years respectively. The trial against another six defendants, including the deputy chairman of the Majlis of the Crimean Tatar people Aktem Chiygoz, is still conducting. The initial charges of organizing and participating in mass disorders were expanded with suspicions of the extremis activity that invokes a more serious punishment.

The verdict for Ukrainian flag

In February 2016, the Crimean court delivered another verdict against the Crimean farmer Vladimir Balukh, whose house was decorated with the Ukrainian flag after the occupation, in the fabricated charges. The Russian law enforcement officers carried out a number of searches in the house of the farmer under artificial reasons, took the flag out and finally accused him of the 'public insult of a public authority'. As a result, Balukh was sentenced to 320 hours of community service.

Sergey Dub near the Taras Shevchenko monument in Simferopol

Other pro-Ukrainian Crimeans are constantly exposed to various administrative penalties for the use of Ukrainain symbols. In particular, on August 24, 2014, in the Independence Day, Sergey Dub arrived by bicycle with the Ukrainian flag to the Taras Shevchenko monument in Simferopol. The police detained him, and the court found him guilty of disorderly conduct and sentenced to a fine of 500 rubles.

After the 201th anniversary of the birth of the Ukrainian poet Taras Shevchenko (on March 9, 2015), the Crimean law enforcement officers detained three protesters – Leonid Kuzmin, Veldar Shukurdzhiev and Alexander Kravchenko. They were sentenced to 40 hours of compulsory work for using the Ukrainian flag with the inscription 'Crimea is Ukraine'. The Court of Appeal kept the sentence unreversed while replacing the community work with the fine of 10 thousand rubles. Another one participant of the meeting of March 9 Kurtseit Abdullaev was sentenced to 20 hours of compulsory work later."

D. Video materials

1. "Russian President Putin's Annual Call-In Programme, Video conference", Ria Novosti, 17 April 2014

148. When speaking to journalists, the President of the Russian Federation, Vladimir Putin, stated: "Behind the backs of the Crimean self-defence units, there were our soldiers. They acted in a very polite, but decisive and professional manner. There was no other way to help the people of Crimea to express their free will."

2. "Who killed Rishat Ametov? Unreported World Shorts", Channel 4, by Marcel Theroux

149. The footage captured Mr Rishat Ametov, a prominent member of the Crimean Tatar community, holding a one-man protest against "the annexation of Crimea" in front of the building of the Verkhovna Rada of Crimea in Simferopol on 3 March 2014. The video captured a number of armed people in military uniforms and Russian flags around the Verkhovna Rada. Mr Ametov was seen being taken away from the place of his protest by three men and being forcefully placed into the back seat of a car. Two of the three men were wearing military uniforms, and the third person appeared to be wearing a leather jacket. The two men in the military uniform sat on the back seat next to Mr Ametov, and the third person remained outside when the car took off.

150. According to the reporter's comments to the video footage, Mr Ametov's body was found two weeks later. Mr Ametov's wife, interviewed for this video, said that when Mr Ametov's body had been discovered, it had been all blue, had broken ribs, and must have been electrocuted. "It was terrible", she added.

151. The reporter stated that one of the men leading Mr Ametov to the car had later told the police that "they had instructions to take him to this militia

headquarters" but once they had arrived there, "the driver left with Rishat, and they did not know the driver's identity".

IV. MATERIAL FROM UKRANIAN AUTHORITIES AND OTHER NATIONAL BODIES

A. Letter from the Ministry of Reintegration of the Temporarily Occupied Territories dated 29 December 2022

152. This letter is addressed to the Ministry of Justice of Ukraine. Attached to it purportedly was the Register of persons deprived of their liberty by "illegal military groups, occupational administration", and/or Russian authorities in the occupied territory of Ukraine or in Russia owing to their civil or political activity in 2018-2021. However, the attachment has not been provided.

B. Letter from the General Prosecutor's office, undated

153. This document is a response to a letter of 10 January 2023 from the Ministry of Justice. It is addressed to the Agent of the Ukrainian Government before the Court in support of Ukraine's position in the present case. It appears from this letter that the information is based on the investigative measures taken by the Ukrainian law-enforcement authorities.

154. The letter states that criminal cases had been opened into eight disappearances in Crimea during the period under consideration. On 27 September 2014, unidentified persons in military uniform had abducted Islyam Dzhepparov and Dzhavdet Isliamov in the city of Bilohirsk. On 7 and 14 March 2014 respectively, the "Crimean self-defence forces" "took premeditated actions" towards Ivan Bondarets and Valerii Vashchuk. On 26 and 30 May 2014 respectively, Tymur Shaymardanov and Seyran Zinedinov had disappeared. On 27 August 2015 two persons in police uniform had forcefully placed Mukhtar Arislanov in a van and took him in an unknown direction. Those victims had not been seen ever since.

155. On 3 March 2014 Reshat Ametov was forcefully placed in a car in a square near the building of the Council of Ministers of Crimea in Simferopol. He was taken to the headquarters of the "Crimean self-defence forces". On 15 March 2014 Mr Ametov's body was found with signs of torture and violent death near the village of Zemlianychne in Crimea. The Ukrainian law-enforcement authorities had given notice of their suspicion in respect of two members of the "Crimean self-defence forces" and a former serviceman of the Russian Armed Forces, who was believed to have overseen the abduction.

156. Between 9 and 11 March 2014, unidentified persons unlawfully detained and physically abused Ms Maksymenko, Ms Butko and Mr Rakhno near the city of Armyansk in Crimea.

157. In addition to this case, four investigations had been opened into illegal detentions and five into torture and inhuman treatment in Crimea during the period under consideration. They included the case of Mr Yu. Shevchenko, Mr A. Kovalskii, Mr M. Kryvdenko, Mr O. Hrytsenko, Mr S. Suprun, Mr M. Vdovchenko and others, who had been detained in the Simferopol Commissariat between 9 and 20 March 2014. The treatment they had undergone and the perpetrators were not specified in the letter, although it was implied that ill-treatment was the main subject of the investigation.

158. On 16 March 2014, unidentified armed persons abducted Mr Ya. Pilunskii and Mr Yu. Gruzynov in Simferopol. For six days, they were held in a closed room at an unknown location and physically abused.

159. On 18 September 2014 Mr Valentyn Vyhivskyi was detained in Simferopol, physically abused and tortured for his pro-Ukrainian position. He was subsequently found guilty of espionage and transferred to Russia to serve his sentence.

160. Between 2 July 2015 and 2 June 2016 Mr Yu. Ilchenko was illegally held in the Simferopol SIZO, systematically tortured and humiliated by the FSB, in particular for speaking the Ukrainian and Crimean Tatar languages.

161. On 6 August 2015 Mr Murad Aliiev was detained and physically abused.

162. On 19 December 2022 two Russian FSB officers were found guilty of violating the laws and customs of war for torturing and illegally depriving of liberty a pro-Ukrainian activist, Mr O. Kostenko. This episode purportedly took place during the period under consideration, although the dates are not specified in the letter.

163. On 13 March 2014 Mr David Geoffrion, a teleoperator of the French television broadcaster Canal+, was abducted by members of the "Crimean self-defence forces". Two of them had been notified of a suspicion of, *inter alia*, abduction.

164. On 13 March 2015 the editor of the "Centre of Journalist Investigations", Ms Natalia Kokorina, was unlawfully detained by FSB agents. Two of them had been notified of a suspicion of a breach of the inviolability of the home.

165. On 9 March 2015, unidentified representatives of the "occupational law-enforcement agencies" unlawfully detained Mr L. Kuzmin, Mr O. Kravchenko and Mr V. Shukurdzhyiev for using Ukrainian symbols at a rally dedicated to the anniversary of Taras Shevchenko's birth.

166. Without giving further details, the letter states that the Ukrainian authorities were investigating the unlawful detention of Mr A. Shchekun.

167. On 4 June 2015 the Ukrainian prosecutor's office initiated an investigation into the unlawful detention of Mr Ryza Izietov and twelve other persons who had come to support him.

168. In January 2015 the Russian authorities searched and detained Mr Seidamet Hemedzhy, a Crimean Tatar who was a member of the "Sebat" NGO, on suspicion of fraudulent actions involving plots of land.

169. On 22 April 2015 the Ukrainian authorities initiated an investigation into the unlawful detention of Mr Emir-Usein Kuku, a representative of the Contact Group for Human Rights in the Yalta region.

170. Unidentified members of the "occupational law-enforcement agencies" unlawfully searched and/or detained the Crimean Tatars Mr Eskender Emirvaliiev, Mr Taliat Yunusov, Mr Asan Charukhov, and Mr Eskender Kantemirov between 7 February and 11 March 2015.

171. The Ukrainian authorities were investigating thirteen cases of "violations of the right to a fair and official trial" of pro-Ukrainian activists and Crimean Tatars, although the letter does not clearly specify when the violations took place. The three cases that appear to have taken place during the period under consideration are the cases of Mr A. Chiygoz, Mr O. Kostenko and Mr A. Kolomiyets. The other cases are those of Mr I. Umerov, Mr E. Panov, Mr V. Prysych, Mr A. Zakhtey, Mr V. Dudka, Mr D. Shtyblikov, Mr O. Bessarabov, Mr O. Stohniy, Mr H. Shabliy, and other activists.

172. In five of the thirteen cases, the Ukrainian authorities had indicted a number of judges appointed by the Russian Federation in Crimea. In one of the thirteen cases, a number of law-enforcement officers appointed by the Russian Federation in Crimea had also been indicted.

173. The Ukrainian authorities were investigating the large-scale destruction and misappropriation of property by "illegally created bodies" in Crimea in two sets of criminal proceedings initiated during the period under consideration. Under investigation were over 300 judicial acts by the "illegally established courts" depriving Ukrainian citizens, legal entities, and the Mejlis of their property.

174. The Ukrainian authorities were investigating six cases of illegal searches of the homes of Crimean Tatars, which had taken place during the period under consideration, and four searches and arrests on suspicion of "organising and taking part in the activities of the terrorist organization Hizb ut-Tahrir". It is unclear from the letter whether the six searches were separate episodes from the four searches on suspicion of participating in Hizb ut-Tahrir al-Islami ("Hizb ut-Tahrir"). All searches were carried out by the "occupational law-enforcement bodies" or, in other cases, "armed persons". One "Crimean FSB" agent had been notified of a suspicion.

175. The house of Mr Eskander Bariiev, a member of the Mejlis, was illegally searched in Simferopol by armed persons on 16 September 2014.

176. On 13 March 2015, the residence of a journalist of "Chornomorska TRK", Ms H. Andriievska, in Petrivka (Crimea) was illegally searched by agents of the "Crimean FSB". Two of them had been notified of a suspicion of a breach of the inviolability of the home.

177. Without specifying the dates of the events, the letter states that the Ukrainian authorities were investigating unlawful transfers of Ukrainian citizens from detention facilities in Crimea to detention facilities in Russia. In addition, four people had contacted the Ukrainian law-enforcement bodies about being convicted in Crimea and being transferred to serve their sentences in Russia. However, the dates of those events are either not specified or fell outside the period under consideration.

178. According to the letter, on 24 June 2014 Mr O. Taranovskiy was convicted in Feodosia, but it is unclear from the letter whether he had been transferred to Russia to serve his sentence.

179. Six sets of criminal proceedings had been opened in respect of religious harassment by the "occupying authorities" in Crimea that had occurred during the period under consideration. The targets of the harassment were mostly persons not belonging to the Russian Orthodox Church. The investigated episodes included at least three illegal searches of a church in Sevastopol, violations of the proprietary rights of the Kyiv Patriarchate of the Ukrainian Orthodox Church ("UOC-KP") in Simferopol by the *de facto* Crimean authorities, forceful disruption of a church service, destruction of internal furnishings, forcing out of the priest in Perevalne by armed "Cossacks", and the subsequent seizure of that church by armed "Cossacks", during which they had caused bodily harm to the priest Father I. Katkalo, his daughter, who had cerebral palsy, and a pregnant woman who had tried to prevent the capture.

180. The letter stated that since March 2014, twelve churches of the UOC-KP had been forcefully closed in Crimea.

181. The Ukrainian authorities were also investigating the seizure of an Islamic religious school by people in "Berkut" uniform on 24 June 2014. The letter states that in August 2014 a number of Turkish temples and religious teachers of the Crimean Muftiate had had to leave Crimea. On 26 April 2015, unidentified persons set fire to a mosque in Skalyste in Crimea.

182. Since March 2014 an investigation had been ongoing into the illegal persecution of seventy-seven people allegedly connected with Hizb ut-Tahrir. This included the cases of Mr R. Vaitov, Mr N. Primov, Mr F. Zeytullayev, Mr M. Aliiev, Mr E. Bekirov, Mr E. Mamutov, Mr R. Abiltarov, Mr R. Memetov, Mr Z. Abseitov, Mr F. Saifullayev, Mr E.-U. Kuku, Mr V. Syruk, Mr R. Alimov, Mr A. Dzhepparov, Mr R. Izmailov, Mr U. Abdullayev, Mr T. Abdullayev, Mr E. Dzhemadinov, and Mr A. Saledinov. Over half of them had been imprisoned as of the date on which the letter was sent. In June 2020 a Crimean FSB officer was notified of a suspicion in those proceedings and placed on a wanted list.

183. The Ukrainian authorities were investigating six instances of violations of journalists' rights in Crimea during the period under consideration. Representatives of the "illegally created military and law-enforcement bodies in Crimea" and the Russian law-enforcement agencies had obstructed the activity of the television channels ATR, Chornomorska TRK, the newspaper *Krymsky telehraf*, the television and radio company Kerch, and other outlets of the media holding company ATR; detained Mr Wacław Radziwinowicz, a journalist of the Polish newspaper *Gazeta Wyborcza*, for six hours; and obstructed the activity of Mr Yuhosh of the internet portal Podii Krymu and Mr Kaibullaiev of the newspaper *Avdet*. Additionally, on 7 March 2014, unidentified persons had beaten and obstructed the activity of Ms Yurchenko of Krym. Realii and five other Crimean journalists.

184. On 22 April 2014 the Russian authorities blocked the broadcasting of the speeches of Crimean Tatar leaders on the Krym television and radio station.

185. The Ukrainian authorities were investigating a violation of the right to peaceful assembly of the Mejlis by the *de facto* Russian authorities. Between May and December 2014, the "Prosecutor of the Republic of Crimea" had officially warned the Mejlis itself, its leaders Mr Refat Chubarov and Mr Akhtem Chiygoz, and the Committee for the Protection of the Rights of the Crimean Tatar People of the "unacceptability of extremist activities" and/or the "unacceptability of a rally". During June 2014, the Mejlis had been repeatedly prohibited from holding cultural and public events. The letter describes repeated attempts by the *de facto* Russian authorities to seize the property of the Mejlis during the period under consideration.

186. In 2016 the Crimean courts and the Supreme Court of the Russian Federation declared the Mejlis an extremist organisation at the request of the "Prosecutor of the Republic of Crimea", Ms N. Poklonskaya. The latter had been notified of a suspicion by the Ukrainian law-enforcement authorities for violating the laws and customs of war.

187. On 29 January 2015 the Mejlis leader Akhtem Chiygoz was arrested "in relation to the events that took place near the *Verkhovna Rada* of Crimea on 26 February 2014" in Simferopol and charged with mass disorder. In 2017 and 2021 respectively, the Crimean *de facto* authorities found Akhtem Chiygoz and Refat Chubarov guilty of participating in the pro-Ukrainian rally of 26 February 2014.

188. The "case of 26 February [2014]" was being investigated and related to offences including negligent homicide, causing moderate and severe bodily injuries, illegal obstruction of rallies in support of the territorial integrity of Ukraine with the use of physical violence, beatings on 26 February 2014 near the building of the *Verkhovna Rada* of Crimea, as well as illegal persecution of participants in a pro-Ukrainian rally.

189. The letter also describes other violations of the right to peaceful assembly of Crimean Tatars in Simferopol in 2021.

190. On 12 March 2014 and 5 May 2015 the Ukrainian authorities initiated criminal proceedings against the members of "illegally established bodies" in Crimea regarding the "large-scale destruction and misappropriation of property not justified by military necessity and carried out illegally and aimlessly". Under investigation were over 300 Crimean "judicial acts" depriving Ukrainian citizens, legal entities and the Mejlis of their property. However, the dates of those "judicial acts" were not specified.

191. An investigation was ongoing into the prohibition on teaching the Ukrainian language in schools in the "occupied territory of Ukraine". In April 2014 the *de facto* authorities of Sevastopol had decided to "stop teaching" at the Ukrainian-language boarding school no. 7, starting from the 2014/15 academic year. Since April 2014, teaching the Ukrainian language in Ukrainian schools in Crimea had been prohibited.

192. In April and May 2014, the *de facto* Russian authorities banned the Mejlis leaders Mr Refat Chubarov and Mr Mustafa Dzhemilev from entering Crimea for five years. The same decision was taken in July 2014 regarding the journalist Mr Yuksel Ismet.

193. Eleven sets of criminal proceedings had been initiated in total in relation to the deportation of civilians from Crimea; however, only one of those sets of proceedings had been initiated during the period under consideration. Altogether, the "illegally established courts" of Crimea had issued over 300 deportation decisions against Ukrainian citizens who had opted out of receiving a Russian passport. Those persons were found to have been in violation of Russian immigration legislation. However, slightly more than 100 of the decisions had been given during the period under consideration.

194. Two examples were the cases of the coordinator of the Committee for the Protection of the Rights of the Crimean Tatar People Mr Sinaver Kadyrov and Mr P. Bagday, who had received administrative fines of 2,000 Russian roubles (RUB) and had been expelled from Crimea for violating Russian immigration legislation. Both cases had taken place during the period under consideration. The two judges who presided over these cases had been indicted by the Ukrainian authorities.

195. The Ukrainian law-enforcement bodies were also investigating the illegal transfers of Ukrainian orphans to Russia. In 2014, in the course of the Russian "Train of Hope" programme, twelve consent forms had been signed by Russian citizens to adopt children from Crimean orphanages. Seven children from 10 months to 8 years old had immediately gone to adoptive families in Russia.

C. Letter from the Prosecutor's Office of the Autonomous Republic of Crimea and the city of Sevastopol to the Agent of the Ukrainian Government before the European Court of Human Rights, Kyiv, 22 November 2023

196. This document is addressed to the Agent of the Ukrainian Government before the Court in support of Ukraine's position in the present case. It contains detailed information on the criminal proceedings conducted by the Prosecutor's Office of the Autonomous Republic of Crimea and the city of Sevastopol against judges who, after 2014, had joined the judicial bodies established by the Russian Federation in Crimea.

197. The latter Prosecutor's Office had provided procedural guidance in 219 sets of criminal proceedings. Also, indictments had been issued in respect of 173 judges and 44 verdicts had been reached on the basis of Articles 111 or 438 of the Criminal Code of Ukraine. The letter provided further specific details with regard to the circumstances of the proceedings initiated against individual judges who had joined the judiciary of the Russian Federation, including the "Supreme Court of the Republic of Crimea".

198. In addition, the same Prosecutor's Office was also carrying out investigations in 483 sets of criminal proceedings concerning 717 criminal offences related to human rights violations by the Russian authorities in Crimea.

D. Letter from the Mission of the President of Ukraine in Crimea dated 19 January 2023

199. This letter is addressed to the Ministry of Justice of Ukraine. It is a cover letter for the annexes described in sections E-M below.

E. Informational and analytical report of the Mission of the President of Ukraine in Crimea on "the system of occupying judicial authorities" in Crimea, undated

200. While this report is undated, it follows from its contents that it was drawn up in August 2020. The source of the information is not specified.

201. This report provides an overview of the judicial system established by Russia in Crimea pursuant to Federal Law no. 6-FKZ of 11 June 2014 on the establishment of courts of the Russian Federation on the territory of the Republic of Crimea and the Federal City of Sevastopol and on amendments to specific legislative acts of the Russian Federation".

202. As of August 2020, Russia had established 35 courts in Crimea, including 30 courts of general jurisdiction, 2 military courts and 3 arbitration courts. Also, 121 court stations had been created and 121 magistrate judges were appointed. The report provides a detailed overview of the jurisdiction

and hierarchy of those courts. As of 20 August 2020, there were 392 "judges" in the territory of the so-called "Republic of Crimea" and the city of Sevastopol, including 219 judges holding Ukrainian citizenship and 95 holding Russian citizenship (the citizenship of 78 other "judges" was not specified).

F. List of Crimean "judges" with the citizenship of the Russian Federation, undated

203. This list was prepared by the Mission of the President of Ukraine in Crimea. The source of the information is not specified.

204. The list contains full names of the ninety-five people with Russian citizenship who occupied positions as judges in Crimea after it had been taken over by Russia, and the decrees by which they had been appointed to their respective positions between 2014 and 2020. According to this document, one person on the list was subject to the personal sanctions imposed by the Decree of the President of Ukraine of 15 May 2017.

G. "The religious situation in Crimea", undated

205. The author of this report is not indicated, but it is implied in the cover letter that it came from the Mission of the President of Ukraine in Crimea. From its contents it follows that the document was drafted in 2017. The source of the information is not specified.

206. This report corroborates the information submitted in the documents IV.B, IV.H, IV.I, IV.P and IV.Q of this section. Additionally, it states that the Russian authorities were attempting to stop religious groups of Ukrainian origin that were not registered in Russia: first and foremost, the UOC-KP and the Ukrainian Greek Catholic Church ("UGCC"). The Russian authorities were limiting the proprietary rights of the UOC-KP in various ways and denying their applications for State registration.

207. At the same time, the Ukrainian Orthodox Church of the Moscow Patriarchate ("the UOC-MP"), which was actively cooperating with the "occupying administration", had been among the first to re-register in Crimea and was able to freely conduct its activities. However, some of the UOC-MP priests remained pro-Ukrainian and were subject to persecution. The clergy of St Paisius Velichkovsky's Stavropegial Monastery of the UOC-MP in the village of Morozivka was under continuous pressure for that reason. On 13 October 2016, unidentified persons had set on fire some of the buildings of the monastery. The administration of the monastery received frequent threats from the "occupying administration". The gates of the monastery had been vandalised with threatening inscriptions, including "Russian land for Russians". There had been cases of deportation of the UOC-MP priests who rejected Russian citizenship.

208. In 2014 the UGCC priests had been subjected to repression; several of them had been unlawfully detained by the "Crimean self-defence" forces. Most of the UGCC's priests had left Crimea and could only work there for ninety days in a row, after which Russian law obliged them to leave, so the priests rotated. From 2016 to 2019, the UGCC's attempts to register in Crimea were repeatedly rejected.

209. The Russian authorities had intimidated and pressured the Crimean Muslim community in general, and the Mufti of the Religious Administration of Muslims of Crimea and Sevastopol ("the RAMCS") in particular, in an effort to make them cooperate. Examples included arsons of mosques in Simferopol and Sonyachna Dolyna village in 2014, unreasonable and unlawful searches of mosques by the Russian law-enforcement authorities, and restrictions on the distribution of Muslim literature under the guise of combating extremism.

210. Following his decision to cooperate with the Russian authorities, the Mufti of the RAMCS had become involved in the persecution of dissenting Muslims: he had testified against them in court and publicly supported the Russian law-enforcement officers. This cooperation also resulted in increased persecution of non-conformist Islamic groups (those not controlled by the RAMCS), such as Hizb ut-Tahrir al-Islami. In January and April 2015, there were two searches and four arrests of the Hizb ut-Tahrir members Mr Ruslan Zeytullayev, Mr Rustem Vaitov, Mr Nuri Primov and Mr Ferat Saifullayev.

211. This practice continued beyond the period under consideration. In particular, in February and April 2016 Mr E.-U. Kuku, Mr I. Bekirov, Mr M. Aliyev, Mr V. Siruk, Mr A. Dzhepparov and Mr R. Alimov of the so-called "Yalta group" were arrested. On 12 May 2016 Mr E. Mamutov, Mr Z. Abseitov, Mr R. Memetov and Mr R. Abiltarov of the "Bakhchisaray group" were arrested as well. On 12 October 2016 the houses of members of the so-called "Simferopol group", Mr E. Dzhemadonov, Mr A. Saledinov, Mr U. Abdullayev, Mr T. Abdullayev and Mr R. Ismailov, were searched.

212. In November 2016, at the initiative of the Mejlis, fourteen Crimean Tatar religious communities created a "real" Muftiate, headed by Mr Aider Rustamov, to counteract Russian control over religious life and to maintain influence among Muslims in Crimea. The Russian authorities considered this Muftiate illegal and were attempting to prevent it from becoming stronger in Crimea.

H. The religious situation in Crimea in the context of national security, undated

213. The author of this report is not indicated, but it is implied in the cover letter that it came from the Mission of the President of Ukraine in Crimea. From its contents it follows that the document was drafted in 2017. The source of the information is not specified.

214. The report states that the UOC-MP and the Muslim communities in Crimea were fully controlled by Moscow and were being used for Russian ideological and propagandistic purposes. In 2017 a number of joint public events had been held by the UOC-MP and the Russian military, the FSB, the Ministry of Defence, the ruling political party Yedinaya Rossiya, Russian people's deputies, and "Cossacks". Since 2014 the Russian authorities had also been supporting the Russian Orthodox Old Believer Church in exchange for it promoting Russian ideology.

215. The RAMCS was likewise fully controlled by Russia. Alternative Muslim movements, such as Hizb ut-Tahrir, were continuously persecuted. In 2017 a mosque in Bakhchisaray had been vandalised, allegedly by Russian law-enforcement bodies or pro-Russian radicals.

216. On 20 April 2017 Russia declared the "Management Centre of Jehovah's Witnesses" an extremist organisation and banned its activities in Russia. Its members were under the threat of criminal persecution if they continued to practise their religion. Since 2014-2015 its annual mass congresses and the spreading of Jehovah's Witnesses literature had been prohibited, its parishioners had been fined and punished, and its worship services had been disrupted by Crimean law-enforcement officers.

I. Informational and analytical report on the religious situation in Crimea, undated

217. The author of this report is not indicated, but it is implied in the cover letter that it came from the Mission of the President of Ukraine in Crimea. The source of the information is not specified. It follows from its contents that the document was drafted in August 2019.

218. As of the beginning of 2019, sixty-three members of the Hizb ut-Tahrir had been imprisoned for "terrorism" (thirty-five of them were sentenced during 2019). The report states that the "case of Hizb ut-Tahrir" (also known as "the case of Crimean Muslims") was fabricated by Russia. While Russia considered Hizb ut-Tahrir a terrorist organisation, Ukraine did not. Without providing further details, the report states that the accusations were based on the testimony of Russian law-enforcement officers and persons who had hostile relations with the suspects.

219. The letter states that the accusations of involvement in Hizb ut-Tahrir were often used by the "occupying authorities" as a justification for illegal searches of the homes of Crimean Tatars and other Muslims. There is, however, no indication of the time period this statement refers to. The letter specifies that in 2019, there had been at least 73 illegal searches, 55 of which were of the homes of Crimean Tatars. In the first half of 2019, 69 people had been detained, 57 of whom were Crimean Tatars; 97 interrogations and "conversations" had been conducted, and Crimean Tatars were the subject of

59 of them; 200 arrests had been conducted, 138 of them regarding Crimean Tatars.

220. Before the "occupation" in 2014, there had been 2,083 religious organisations in Crimea. As of August 2019, only about 700 had survived.

221. Since 2015 the Russian authorities had persecuted the UOC-KP by seizing plots of land and the church in Simferopol, engaging in intimidations and raids, closures of the Sunday schools taught in Ukrainian language, and so on. Problems had also arisen from failure to re-register under Russian law.

222. Before March 2014, the UOC-KP had forty-six parishes, three Orthodox brotherhoods, one mission, and one male monastery in Crimea. As of August 2019, only four parishes and four priests remained operative.

223. This report echoes the information provided in the document IV.H above regarding the persecution of Jehovah's Witnesses in Crimea. Other non-traditional religious groups had been persecuted as well; for example, the religious organisation "Your Victory", the priest of which was pro-Ukrainian, had been declared extremist in Crimea in 2019.

224. According to the report, the 2016 prohibition of the Mejlis, which was labelled "extremist" by the Russian authorities, violated the right of the Crimean Tatar people, as an indigenous people of Ukraine, to self-governance and to preservation of their own customs and institutions.

J. Informational and analytical report concerning the information and communication space in Crimea, undated

225. The author of this report is not indicated, but it is implied in the cover letter that it came from the Mission of the President of Ukraine in Crimea. The source of information is not specified. It follows from its contents that the document was drafted after 2017.

226. Since March 2014 the information and communication space of Crimea had been built on the "Concept of Informatisation of the Republic of Crimea", which had been developed in accordance with the Russian State information policy. On 25 December 2017, the "Council of Ministers of the Republic of Crimea" had approved the "Information Society" programme for 2018-2020, funded from the Crimean State budget.

227. Russia had illegally integrated Crimea into the Russian unified information space, particularly in such fields as education, healthcare, tourism, social security, work and employment, utilities, the safety of living, transport, culture, energy and agriculture.

228. The "Ministry of Internal Policy, Information and Communication of the Republic of Crimea" had created at least two new media holding companies and eight new pro-Russian media outlets (including Crimean Tatar media outlets) and re-registered some of the older ones under Russian law. The time frame of these events was not specified.

K. Analytical and informational report on the issues of informatisation and communication in Crimea as of 1 September 2018

229. This report is authored by the Mission of the President in Crimea. It illustrates that the Crimean Peninsula has been fully integrated in the Russian electronic communications systems used by the local and federal governments.

230. According to the report, all major Russian television and radio stations were currently operating in Crimea, covering around 84% of its population. Since 2014, Ukrainian television channels had been available for viewing only on the internet through the service "Divan.TV". However, since February 2017 the Chongar Tower had begun retransmitting the signals of Ukrainian broadcasters on the peninsula.

231. There were 628 print media and twelve online news agencies functioning in Crimea. Ukrainian periodicals had not been available in Crimea since the "Russian occupation". The most important daily newspapers in Crimea were Russian.

232. After the "occupation", the Ukrainian broadcaster Ukrtelecom had continued to provide communication services until December 2014. After the "nationalisation" of Ukrtelecom's Crimean division, the management of its assets had been transferred to Russian Krymtelecom.

L. Informational and analytical report on the functioning of print media and telephone communications in Crimea, undated

233. The author of this report is not indicated, but it is implied in the cover letter that it came from the Mission of the President of Ukraine in Crimea. The source of the information is not specified. It follows from its contents that the document was drafted in August 2019.

234. The report states that since the "occupation", major Russian newspapers had been widely disseminated in Crimea. The "occupying authorities" had imposed excessive restrictions on the freedom of speech, opinion, and expression.

235. As of June 2019, ten internet providers that operated in nine different locations in Crimea, including the largest and the most populated towns, were blocking numerous websites, including fourteen Ukrainian media and social networks, and the websites of the Mejlis, Jehovah's Witnesses and Hizb ut-Tahrir. Some of them had blocked an even higher number of Ukrainian websites and media outlets, including the website of the "Crimean Solidarity" NGO.

M. Informational and analytical report of the Mission of the President of Ukraine in Crimea on the illegal persecution of journalists, undated

236. It follows from the contents of this report that it was drafted around July 2021.

237. The report states that between 26 February and 22 March 2014, there had been over 100 cases of violations of the rights of journalists and bloggers in Crimea, as reported by 48 different media outlets and 39 journalists. Without giving the specifics, the report states that the "Cossacks", "*opolchentsy*" and "people's self-defence forces" had committed beatings, abductions, torture, politically motivated detentions, and used various forms of threat and intimidation against journalists.

238. Since the "occupation", at least ten pro-Ukrainian media outlets and a number of journalists had been subjected to persecution and illegal interference in their professional activities by the Russian authorities. They had been forced to either stop their work or relocate to mainland Ukraine. Citing the Human Rights Centre "Zmina" and the Crimean Human Rights Group, the report states that during 2014-2019, more than 350 journalists and bloggers were persecuted in Crimea.

239. Citing the UN (without a more specific reference), the report points out that approximately 3,000 mass media had been registered in Crimea as of the beginning of 2014, whereas only 232 had been registered there as of 1 April 2015, according to the Russian official statistics. Media outlets that were not controlled by the Russian authorities were denied a licence.

240. The Russian legislation on extremism and terrorism was widely used to persecute independent journalism. As of 8 July 2021, eleven Crimean journalists were Russian political prisoners, according to the Human Rights Centre "Zmina" and the Crimean Human Rights Group. Of them, nine were Crimean Tatars accused of Hizb ut-Tahrir membership – the so-called "Crimean Muslims case" that included Mr S. Mustafaiev, Mr T. Ibrahimov, Mr M. Asanov and Mr S. Saliyev. A Ukrainian journalist, Mr O. Bessarabov, had also been imprisoned as of the date this report was drafted.

241. The Russian authorities had labelled "extremist" at least four Crimean journalists and bloggers. Over twelve journalists had been forced to leave Crimea because of their persecution by the Russian authorities. In 2014 the Russian FSB had banned the Ukrainian Truth journalist Anastasiia Rinhis from entering Crimea until 2020. In the same vein, the Krym.Realii correspondents Olena Savchuk and Alina Smutko had been banned until 2028, and Taras Ibrahimov until 2054.

242. Without specifying the time range, the report mentions more than thirteen administrative cases of politically motivated persecution for freedom of speech, where journalists had been punished with administrative arrests and fines. The Russian courts had applied Article 13.15 of the Administrative

Code of Russian Federation ("Abuse of the freedom of mass information") in over nine cases. While such a provision did not exist in Ukrainian law, the relevant provision of Russian law envisaged liability for mentioning "prohibited" organisations without indicating that they had been banned in Russia.

243. Without specifying the time range, the report states that over fifteen journalists and bloggers had been searched and over forty-seven had been detained by the "Crimean militias". In 2014-2019, there had been 80 cases of full bans on filming and eight refusals to provide public information. At least five Crimean journalists had been labelled as "foreign agents".

244. "Warnings against extremist activities" by the "local prosecutor's office" had become a widespread measure of intimidation of opposition journalists. On 31 March 2015 the "Crimean prosecutor's office" had warned the Mejlis leaders Nariman Dzhelial and Ilmi Umierov of the "unacceptability of organising, holding and participating in unauthorised actions and events in support of the Crimean Tatar ATR TV channel".

N. Informational and analytical report on the situation in the sphere of education in Crimea, undated

245. This report is authored by the Mission of the President of Ukraine in Crimea. The source of the information is not specified. It follows from its contents that the report was likely drafted in 2019.

246. The report states that the education system imposed in Crimea by the *de facto* authorities had been closely integrated with the Russian State propagandistic system of "military-patriotic training of citizens", through which children were taught to form intolerance and aggression towards the countries that did not support the ideas of the "Russian world", in particular, forming a negative image of Europe, the United States, and Ukraine as their "puppet". At the end of 2014, a State-funded supplementary education centre, known as *Krympatroicentr* ("Crimea Patriot Centre"), had been established in Crimea. As of an unspecified date, it encompassed 300,000 Ukrainian citizens under its influence.

247. The schooling process was heavily militarised in Crimea, and its academic establishments systematically interacted with military formations. One of such State-funded formations, *Yunarmiya* ("the Youth Army"), created in 2016 at the initiative of the Russian Minister of Defence Mr Shoigu, had 17,000 participants in Crimea as of 2019. The Russian *de facto* authorities in Crimea supervised the process and made sure that no academic establishment evaded it.

O. Judgment of the Sviatoshynskyi District Court of Kyiv dated 27 January 2020

248. The Sviatoshynskyi District Court of Kyiv ("the Sviatoshynskyi Court") found the former judge of the (Ukrainian) Yalta City Court of the Autonomous Republic of Crimea Mr Y. Bereshchanskyi guilty of treason and sentenced him to twelve years' imprisonment with confiscation of all his property.

249. The Sviatoshynskyi Court established that between March and December 2014 Mr Bereshchanskyi had continued to administer "justice" in Yalta on the basis of section 9(5) of the Russian Law no. 6-FKZ and that he was applying Russian legislation. Between March and November 2014, he had applied for the position of judge at the illegally established "Yalta City Court of the Republic of Crimea of the Russian Federation", continuing to apply the substantive and procedural legislation of Russia. In December 2014 he had been appointed to that position and assumed the duties of a judge of Russia as an "occupying State".

250. These facts were proven by two judicial acts of the Yalta court in question during the period under consideration. Additionally, they were proven by Russian regulatory acts. Namely, in pursuance of section 9 of the Russian Law no. 6-FKZ, prior to the establishment of the Russian courts in Crimea, justice had been administered on behalf of the Russian Federation by the courts that were in operation on the day of the "annexation of Crimea" – 21 March 2014. In accordance with Federal Law no. 154-FZ and the Resolution of the Plenum of the Supreme Court of the Russian Federation no. 21 of 23 December 2014, Russian courts had been established in Crimea and had begun operating on 26 December 2014.

251. Pursuant to section 4 of the above-mentioned Russian Law no. 6-FKZ, from 21 March 2014 all Ukrainian citizens permanently residing in Crimea were automatically recognised as Russian citizens. They still had one month to declare their desire to retain Ukrainian citizenship. After this one-month period, the Russian legal restrictions on holding public office by persons with foreign citizenship started applying in Crimea. Pursuant to section 9(2) and (5) of Law no. 6-FKZ, the (Ukrainian) judges were guaranteed a judicial position at the newly established courts, provided that they had Russian citizenship.

P. Letter from the *Verkhovna Rada* Commissioner for Human Rights ("the Ukrainian Ombudsperson") dated 18 January 2023

252. This letter is addressed to the Agent of the Ukrainian Government before the Court in support of Ukraine's position in the present case. According to the letter, from March to October 2014 the monitoring activities of the Ukrainian Ombudsperson and the Crimean Human Rights Field

Mission had uncovered around forty cases of abductions and killings of both Crimean Tatars and "Ukrainians who actively opposed the Russian occupation". The most high-profile cases were the murders of Mr Reshat Ametov, Mr Edem Asanov, Mr Belial Bilialov, Mr Mark Ivaniuk and Mr Stanislav Karachevskyi, the disappearances of Mr Timur Shaimardanov, Mr Seiran Zinedinov, Mr Isliam Dzhepparov, Mr Dzhevdet Isliamov, Mr Eskender Apseliamov, Mr Ivan Bondarets, Mr Valerii Vashchuk, Mr Vasyl Chernysh, and other civil society activists whose fate remained unknown.

253. On 2 March 2014 Mr Reshat Ametov had been holding a one-person protest outside the Council of Ministers of Crimea. According to witnesses, the next day, he was detained by unidentified men in camouflage uniforms, and on 15 March 2014 his body was found with numerous signs of violence, including puncture wounds, in the village of Zemlianychne, in the Bilohirsk district of Crimea.

254. On 20 April 2014 Mr Mark Ivaniuk, sixteen at the time, was beaten to death by law enforcement officers for speaking Ukrainian, according to his relatives and a friend who had witnessed the incident.

255. Without giving any specifics, the letter states that there was an extremely passive attitude in the investigation of such cases on the part of the (Russian) law-enforcement agencies, who systematically used all possible means to terminate the criminal proceedings on far-fetched grounds.

256. Between March and June 2014, Crimean Tatar and Ukrainian activists had been tortured. The letter provided the example of Mr Andrii Shchekun, a pro-Ukrainian activist, who had been kidnapped and tortured by the Crimean "self-defence forces" on 9 March 2014. The length of his detention was not specified in the letter.

257. On 29 January 2015 the Deputy Chairman of the Mejlis, Akhtem Chiygoz, was arrested for participating in the public gathering of 26 February 2014 and charged with the criminal offence of "mass riots". On 30 January 2015 his house was searched by law-enforcement officers. According to Mr Chiygoz's wife, the officers behaved aggressively, humiliated her religious and national feelings and refused to invite independent witnesses to the search.

258. Four Ukrainian citizens, Mr Oleg Sentsov, Mr Oleksandr Kolchenko, Mr Hennadii Afanasiev, and Mr Oleksiy Cherniy, were detained by the FSB in Crimea between 11 and 16 March 2014 for "organising a terror attack and storing firearms". They sustained bodily injuries as a result of beatings and torture during the investigation stage, as reported by their colleagues and acquaintances. All four were transferred to the Lefortovo SIZO in Moscow. Mr Sentsov's defence counsel Mr Dmitriy Dinze stated in an interview with Ms Mariia Makeyeva that his client had been tortured. During a court hearing, Mr Sentsov made a statement that he had been tortured to obtain a confession and had received improper treatment from the

Russian law-enforcement officers. His statement was not taken into account by the court.

259. Immediately after Mr Afanasiev's detention, he was tortured and forced to confess to a crime, as evidenced by his testimony given to his lawyer, Mr Popkov. Mr Afanasiev was, no later than July 2015, transferred to SIZO-4 in Rostov-on-Don to testify at the trial of Mr Sentsov and Mr Kolchenko. On 31 July 2015 Mr Afanasiev retracted his confession as having been obtained by means of torture, but the retraction was not taken into account by the court. Mr Afanasiev was beaten by an FSB officer for retracting his confession. Mr Afanasiev's bodily injuries were recorded by the officers of SIZO-1 in Rostov-on-Don on 12 August 2015.

260. Mr Sentsov and Mr Kolchenko were found guilty on 25 August 2015, and Mr Afanasiev on 24 December 2015. They were sentenced to twenty, ten and seven years of imprisonment respectively and served their sentences in the territory of Russia – Prison no. 1 in Yakutsk (Mr Sentsov), Prison no. 6 in Chelyabinsk region (Mr Kolchenko), and Prison no. 25 in the Republic of Komi (Mr Afanasiev).

261. According to the Ukrainian Ombudsperson, the conditions of transportation and detention of Mr Afanasiev in Prison no. 25 "might equate to torture" – in particular, the prohibition on entering the residential premises during the day, the lack of provision of stools and drawers, or the impossibility of keeping any personal belongings.

262. Immediately after Mr Sentsov's and Mr Kolchenko's convictions, the Ukrainian Ombudsperson contacted the Head of the Supreme Court of the Russian Federation and the Russian Ombudsperson and emphasised that the convictions had been based on the confessions obtained by means of torture. She also pointed out that the severity of the punishment imposed had been a result of the allegation that Mr Sentsov and Mr Kolchenko had been involved in the creation of the "Right Sector" in Crimea with the aim of separating Crimea from Russia. The Ukrainian Ombudsperson believed that there had been discrimination on the basis of national origin. She referred to a number of Russian criminal convictions from 2002 and 2012 where two groups of people had been found guilty of terrorism and preparation of a forceful overthrow of power. According to the Ukrainian Ombudsperson, in those cases the convicted persons had received more lenient punishments (from four and a half to twelve years' imprisonment) despite the fact that they had actually carried out a number of explosions.

263. The Ukrainian Ombudsperson had also contacted the Russian Ombudsperson regarding the case of Mr Afanasiev. She pointed out that Mr Afanasiev's representative, hired by his mother, had never been allowed to take part in the case. For about eight months after Mr Afanasiev's conviction by a court of first instance, his lawyers had not been allowed to meet with him, and thus he had been deprived of the opportunity to appeal.

264. After a prolonged period of communication with the Russian Ombudsperson by mail, in June 2015 the Ukrainian Ombudsperson had been allowed to meet with Mr Sentsov, Mr Soloshenko, and Mr Vyhivskyi.

265. The "case of 3 March [2014]" was a set of criminal proceedings against the persons who had attended a Crimean Tatar gathering in Armyansk to meet and greet their leader Mr Mustafa Dzhemilev on 3 March 2014. The Crimean Tatars Mr Tair Smedlyaiev, Mr Rustam Abdurakhmanov, Mr Musa Alkerimov, Mr Edem Ebulisov, and Mr Edem Osmanov were detained between October 2014 and 19 January 2015 and charged with the use of violence against the authorities.

266. Pursuant to section 4 of the Russian Law no. 6-FKZ, all Ukrainian citizens and stateless persons who as of 21 March 2014 had been permanently resident in Crimea were considered Russian citizens. They could opt out of Russian citizenship until 18 April 2014 by personally submitting an application for themselves and/or their minor children at a designated migration service office.

267. However, Crimeans were not informed of the addresses of the migration service offices or were forced to stand in queues with those wishing to obtain Russian citizenship. According to the regional office of the Ombudsperson and the Crimean Human Rights Field Mission, only four migration service offices had accepted applications for opting out of Russian citizenship in Crimea, whereas 250 offices had been working on issuing Russian passports. Although formally opting out was possible between 18 March and 18 April 2014, in practice applications had only been accepted from 1 to 17 April 2014. At the same time, applications for Russian passports had been accepted until November 2014.

268. In addition, Russian citizenship was mandatorily imposed on those unable to opt out – persons in orphanages, boarding schools, psychiatric institutions, pre-trial detention centres, and prisons.

269. A Russian passport was required in order to obtain employment, including in the civil and municipal service (educational institutions, hospitals, and so on), and even in the private sector – to "simplify record keeping and eliminate possible misunderstandings in the future". Moreover, often people were required to renounce their Ukrainian citizenship to obtain a job at a State-funded institution or to access the public service.

270. From 1 January 2015, Crimeans who did not have Russian citizenship had to have a permanent residence permit, which was further complicated by quotas for foreign citizens, long queues, and the requirement to indicate one's source of income in the application form. A permanent residence permit – or a Russian passport – was also required to take out a State health insurance policy.

271. Furthermore, Federal Law no. 142-FZ of 4 June 2014 imposed an obligation on Russian citizens in Crimea to notify the migration service of their other citizenships, with effect from 1 January 2016. Concealing dual

citizenship was a criminal offence; failure to inform the authorities within the sixty-day notification period or providing incorrect information about dual citizenship was an administrative offence.

272. On 13 October 2014 the official website of the Russian Commissioner for Children's Rights published information about the adoption programme "Train of Hope", aimed at Ukrainian orphans and children deprived of parental care, who would be taken to Russia regardless of their place of origin and family ties.

273. After the "occupation of Crimea", convicted and detained persons had found themselves in a state of complete isolation from their families, relatives and friends. According to the information available to the Ukrainian Ombudsperson, there were about 400 Ukrainian citizens in the Crimean prison system who desired to be transported to mainland Ukraine. To address this issue, the Ukrainian Ombudsperson had drawn up a draft memorandum on an *ad hoc* mechanism for the transfer of convicted persons from Crimea to mainland Ukraine and had sent it to her Russian counterpart. However, on 24 July 2015 the Russian Ombudsperson had rejected the proposal and suggested employing the procedure established by the (1998) Convention on the Transfer of Persons Sentenced to Imprisonment for the Further Service of their Sentence, adopted within the framework of the Commonwealth of Independent States.

274. The Spiritual Administration of Muslims of Crimea had reported inspections and searches of mosques, Islamic educational institutions, and private homes of clerics. The items searched for included "prohibited Islamic literature" (which was not prohibited under Ukrainian law) and "drugs, weapons, and extremist materials". At least three such searches had been conducted by the FSB and the "Crimean self-defence" forces between June and September 2014 in Simferopol, Kolchugino and Yalta. During the searches, doors and windows were broken and office equipment seized.

275. After the "occupation of Crimea", convicted and detained persons had found themselves in complete isolation from their loved ones and were also forcibly granted Russian citizenship. The Centre for Civil Liberties NGO had informed the Ukrainian Ombudsperson about Mr B. Dzhygyrei, who had been convicted in Crimea in 2013, had his sentence "brought into line with Russian legislation" on 26 June 2015 and was transferred to Prison no. 15 in the Rostov Region of Russia in 2016.

276. Most religious denominations in Crimea, with the exception of the UOC-MP, were systematically subjected to various forms of harassment, including intimidation, discrediting, deprivation, damage and destruction of property, bureaucratic delays, and obstacles.

277. The churches of the UOC-KP had been closed in Sevastopol, Krasnoperekopsk, Kerch and Perevalne, and priests were pressured by the FSB and local authorities. Many of them had been forced to leave Crimea with their families. According to Metropolitan Kliment, he had received

threats, and his country house had been set on fire. The amount of rent for the UOC-KP building in Simferopol had been sharply increased from one to 600,000 Ukrainian hryvnias per year.

278. The (Russian) Crimean Prosecutor's Office had refused to open criminal proceedings in respect of the attack on parishioners in the village of Perevalne.

279. Resolution no. 437 of the Council of Ministers of the Republic of Crimea of 11 November 2014 on the transfer of religious property publicly owned by the Republic of Crimea to religious organisations created the conditions for depriving religious organisations not loyal to the *de facto* Crimean authorities of their property.

280. The re-registration requirement led to the religious organisations that "were not part of centralised structures" having to be reviewed by the Russian Ministry of Justice to "identify destructive organisations". All religious communities whose priests did not have Russian citizenship faced the threat of their churches being closed.

281. As of January 2023, there were virtually no Ukrainian-language print media in Crimea and no official versions of regional and municipal media in Ukrainian. Crimean television had only one Ukrainian programme out of the four that had existed before. Ukrainian-language websites were being blocked in Crimea.

282. In November 2022 the Ukrainian Ombudsperson received a complaint about the expropriation by the Russian authorities of the property of the Ukrainian Red Cross Society in Crimea, which had belonged to it as of 2014. However, it was not specified when the expropriation had taken place.

283. According to the Ministry of Education, Science, Youth, and Sports of Crimea, during the 2013/14 school year, the language of instruction had been Ukrainian for more than 12,600 school children, whereas during the 2014/15 school year it had been the language of instruction for only about 2,000 school children. Seven Ukrainian-language schools had operated during the 2013/14 school year, but by the beginning of the 2014/15 school year, this number had been reduced to four. Moreover, by the end of 2014, only two such schools had continued to operate.

284. Ukrainian language as a school subject had been taught to 162,700 Crimean children during the 2013/14 school year, but only to 39,000 during the 2014/15 school year.

285. The letter states that the parents of schoolchildren "are being forced to give up the Ukrainian language of instruction". The letter states, without giving the time frame or other details, that the Ukrainian school in Simferopol had been pressured and had significantly reduced instruction in the Ukrainian language.

286. In September 2014 the Faculty of Ukrainian Philology had been abolished at the Vernadsky Tauride National University in Simferopol, and most of the faculty members had been laid off. The letter states that the

Sevastopol branch of the pro-Ukrainian educational organisation Prosvita named after Taras Shevchenko had been closed but does not specify when that happened.

Q. Ukrainian Government's third-party observations of 5 November 2021 in the case of *Upravlinnya Krymskoyi Yeparkhiyi Ukrayinskoyi Pravoslavnoyi Tserkvy v. Russia* (no. 33931/19)

287. The information provided in these observations largely reiterates that submitted in the documents IV.B, IV.G, IV.H, IV.I and IV.P above. Additionally, the Ukrainian Government relied on the 2020 Ukrainian Ombudsperson's annual report ("the 2020 Ombudsperson's report") and stated that among the forty-nine Ukrainian Orthodox religious organisations that had operated in Crimea before March 2014, only six continued to operate in 2020. The observations describe additional examples of persecution of various religious denominations in Crimea (with the exception of the UOC-MP) that took place in 2016-2020.

288. Relying on the 2020 Ombudsperson's report, the Government stated that Muslim communities that did not recognise the authority of the pro-Russian RAMCS were persecuted.

289. Relying on the former United States Ambassador to Ukraine John Herbst's testimony before the US Commission on International Religious Freedom of 16 September 2020, the Ukrainian Government stated that as of March 2014, there had been forty-six UOC-KP churches on the peninsula. By the end of 2014 that number had dropped to nine. By late 2019 it had dropped to six.

290. Relying on the 2017 OHCHR report (see paragraph 102 above), the Government stated that on 21 July 2014, a house in Mramorne belonging to the UOC-KP had been burnt to the ground.

291. Without relying on specific evidence, the Government stated that in addition to Hizb ut-Tahrir, the Tablighi Jaamat movement was also prohibited in Russia. Its members and followers were persecuted as terrorists.

292. The Ukrainian Government cited section 7 of Federal Law no. 125-FZ on the freedom of conscience and religious associations, pursuant to which every three years (since 2021 once every year) religious groups were obliged to notify the authorities of the continuation of the group's activities, as well as of its beliefs, places of worship, and the personal information of all the members of the group, including their full names and addresses.

293. Section 9 of this Law specified that a religious organisation was to be established by ten Russian citizens who were at least eighteen years of age and resided within the same territory, city or village. Section 13 of the Law imposed limitations (since 2016, nearly a full ban) on the activities of foreign religious organisations in Russia.

294. Since 13 July 2015 section 27 of the Law had limited the rights of (new) local religious organisations that were not a part of a centralised religious organisation to provide religious education, host an office of a foreign religious organisation, invite foreigners to administer religious ceremonies, among other activities, in the first ten years following their registration.

295. The Ukrainian Government also relied on an interview with Mr Vladimir Putin of 16 January 2019, posted on the official website of the Russian President kremlin.ru. In this interview, Mr Putin had stated that the (Constantinople 2019) decision to grant autocephaly to the OCU was contrary to religious norms. He called it "an exclusively political, secular project" the main goal of which was to divide the peoples of Russia and Ukraine. A similar narrative had been repeated by the Russian Foreign Affairs Minister Mr Lavrov in interviews to Tass on 24 July 2019 and to Gazeta.ru on 6 November 2019. All three interviews were attached to the observations.

296. According to a publication on kremlin.ru dated 12 October 2018, the decision to grant autocephaly to the OCU had been one of the subjects of a meeting of the Security Council of the Russian Federation.

R. Report "On violations and losses in the field of broadcasting on the territory of the Autonomous Republic of Crimea and the city of Sevastopol following the occupation [in] 2014-2017", dated March 2018

297. The report covers the period between February 2014 and March 2018. It is authored by experts of the Ukrainian Ministry of Policy on Information, the National Council of Television and Radio Broadcasting, and local NGOs. The report presents the results of their monitoring activities concerning the situation in Crimea.

298. Ukrainian media had had to stop working in Crimea or leave it as a result of the physical seizure of public telecommunications infrastructure and transmission equipment of national broadcasters, the requirement to re-register under Russian law, the legal ban on creation of media outlets by foreign citizens, the reinforcement of Russian legislation on countering extremism and separatism and other repressive laws, and the demonstrative trials and persecutions of independent Crimean journalists. Many journalists had had to stop practising owing to the fear of persecution. Some local editorial offices had also been forced to close as they were unable to re-register under the Russian legislation.

299. On 1 July 2014 Russia started broadcasting at least twenty-six of its major national and local television channels and three radio stations in Crimea.

300. In February 2015 almost all private Crimean radio companies had their frequencies seized. By March 2018, Russia had captured a total of

503 frequency assignments and illegally used them to broadcast Russian programmes.

301. The Crimeans received their main information from Russian publications and television channels, as well as from Crimean media loyal to the "occupying authorities". The news had been replaced with disinformation. Public statements were restricted, and journalists worked in accordance with instructions received from the "occupying authorities".

302. In August 2014 and January 2015 the "occupying authorities" searched and seized the equipment of the Chornomorska TV and radio company and the Crimean Tatar TV channel ATR. The ATR unsuccessfully sought a Russian licence to broadcast in Crimea. Both had to relocate to mainland Ukraine.

303. As of March 2018 at least thirty independent media outlets were blocked in Crimea. The Ukrainian media had no legal ability to work in Crimea. Journalists of the Ukrainian media, even those who had left for mainland Ukraine and those who had continued to work in Crimea covertly, were subjected to severe persecution, including criminal prosecution.

304. Relying on the Freedom House 2017 publication *The Freedom of the Press*, the report states that the level of freedom of speech in Crimea had fallen to one of the worst in the world since 2014. On a 100-point scale, where 100 was the worst score, Crimea received 94 points.

305. In total, approximately two million Crimeans had lost access to the analogue and digital broadcast signal of Ukrainian television channels and radio stations. According to the Independent Rating Agency "Big Data UA" LLC, more than 230,000 subscribers had lost access to Ukrainian cable television.

S. Letter from the State Committee of Television and Radio Broadcasting of Ukraine dated 5 January 2023

306. This letter is addressed to the Agent of the Ukrainian Government before the Court in support of Ukraine's position in the present case.

307. Unless specified otherwise, all the information in this letter pertains to the period under consideration.

308. Most Ukrainian online media were blocked in Russia. The editorial office of the Ukrainian-language newspaper *Krymska Svitlytsia* had been seized; the property of the Crimean Tatar newspaper *Avdet* had been confiscated; Ukrainian-language periodicals such as *Dumka*, *Krymske slovo*, *Slovo Sevastopolya* and *Dzvin Sevastopolya* had been discontinued in Crimea. Ukrainian-language Crimean online publications such as *Media-Krym*, *Holos Tavrii* and *Ukrainskyi Kavkaz* had been subjected to hacker attacks. All the Ukrainian-language media had relocated to the mainland Ukraine.

309. All Ukrainian television channels were blocked, and Russian television channels had started illegally using their frequencies. The

"occupants" had seized the State Television and Radio Company Krym and the enterprise Radioteleviziinyi peredavalnyi tsentr v AR Krym. As a result of the "Russian aggression", 161 transmitters and twenty radio lines had been lost in Crimea.

310. According to the information agency Holos Krymu, at least five journalists had left Crimea because of a threat to their lives, and their families had been subject to repression. The letter also describes similar cases that occurred after the period under consideration. In April 2015 the Crimean Field Mission on Human Rights and the Information Centre on Human Rights had pointed to significant violations of the freedom of thought and expression in Crimea.

311. In the first half of March 2014, rallies had been held almost daily in support of the territorial integrity of Ukraine. Their participants had been constantly attacked by the "self-defence forces", which were coordinated by the Russian security services. The coordinators of the "Euromaidan movement" Mr Andrii Shchekun and Mr Anatolii Kovalskii had been abducted and ill-treated by the "self-defence of Crimea" in March 2014.

T. Letter from the National Union of Journalists of Ukraine dated 6 January 2023

312. This letter is addressed to the Agent of the Ukrainian Government before the Court in support of Ukraine's position in the present case.

313. Without specifying the source of the information, dates, and identities of the perpetrators, the letter states that there had been beatings of journalists; in particular, "a TV crew from Denmark was beaten and robbed in the centre of Simferopol". According to the head of the Department for the Development of Crimean Tatar Media, director of the QHA news agency Ms Gayana Yuksel, over 200 journalists had had to leave Crimea because of "pressure and threats". The time frame of these events is not specified.

314. Relying on the PEN America report "Ukrainian Culture Under Attack: Erasure of Ukrainian Culture in Russia's War Against Ukraine" ("the PEN America report"), which covered the period between 2014 and 2022, the letter states that the Russian authorities had repeatedly harassed and threatened the people associated with the Ukrainian Cultural Centre, an NGO established in Simferopol in May 2015 to support Ukrainian culture, history and language.

315. In the first days of the "occupation", the Republican Press Centre at the Crimean House of Trade Unions and the editorial office of the Centre for Investigative Journalism had been stormed and they had had to stop their activity. The "occupiers" had seized the Crimean Ministry of Justice and terminated the Crimean Media Register there. All editorial offices had been given a deadline for re-registration under the Russian law and received an unofficial curator from the FSB, who had taken on the role of both an editor

and a censor. Only those who agreed to collaborate with the "occupiers" had remained in editorial offices. The editorial policy of all media had been changed to support and justify the "occupation".

316. Among the media that had stopped operating in Crimea as a result of the Russian "occupation" were the Krym television channel, the Chornomorska television channel, the Crimean bureau of the news agency Ukrinform, and the Crimean Tatar channel ATR. The Ukrainian-language newspapers *Krymska svitlytsia* and the Crimean Tatar newspaper *Avdet* had stopped publishing printed versions. Without specifying the time frame, the letter states that twelve Crimean media outlets (for example, Radio Liberty and QHA) and their correspondents had relocated to mainland Ukraine.

317. The delivery and sale of newspapers and magazines from Kyiv to Crimea was blocked. Instead, newspapers from Moscow had begun to be widely distributed.

318. According to Ms Gayana Yuksel, the number of media outlets in Crimea had decreased by 80% between 2014 and 2021. Over 500 violations of journalists' rights and the principle of freedom of speech in Crimea had been recorded by Ukrainian human rights activists. The majority of those violations had occurred in 2014 and 2015.

319. Relying on the PEN America report, the letter states that between 2014 and 2022, the "occupying authorities" had imprisoned 162 Ukrainian journalists, activists and writers, 103 of whom were Crimean Tatars. The Russian authorities had restricted access to independent media and broadcasting in the Ukrainian and Crimean Tatar languages, replacing them with Russian content, which also included a pro-Russian Crimean Tatar station. The Russian authorities had tried to suppress the use of the Crimean Tatar and Ukrainian languages in schools and had put pressure on children and their parents not to demand education in those languages.

320. The letter describes fourteen cases of civilian journalists and freelancers imprisoned in Crimea on false charges of terrorism for spreading information about the "Russian crimes in Crimea" and cooperating with independent media. At least one journalist had been detained in Crimea the next day after attending a pro-Ukrainian rally dedicated to the anniversary of Taras Shevchenko's birth. All these cases, however, took place after the period under consideration.

321. Without specifying the time frame of those events, the letter states that a number of Ukrainian journalists had been banned from visiting Crimea for ten to thirty-five years. Below are the summaries of five such cases that took place after the period under consideration.

322. Oleksiy Bessarabov, a Sevastopol journalist and the deputy editor-in-chief of the *Chornomorska bezpeka* magazine, who used to write about the problems of the Russian Black Sea Fleet in Crimea, was detained by Russian security forces in November 2016. He was later arrested on trumped-up charges of planning a sabotage and tortured to extract a

confession. In April 2019 he was sentenced to fourteen years in a strict regime prison. He was being held in a penal colony in Kochubeevskoye (Stavropol Region of Russia).

323. Marlen (Suleiman) Asanov, a Bakhchisaray journalist and a streamer of the NGO Krymska solidarnist, covered the trials of Crimean political prisoners and helped their families since the "annexation of Crimea". In the autumn of 2017, his house was searched by the Russian security forces on fabricated charges of creating a terrorist organisation and planning a forcible seizure of power. In September 2020 he was sentenced to nineteen years in a strict regime prison. In September 2022 his wife reported that he had been transferred from pre-trial detention in Rostov-on-Don to a strict regime prison in the Republic of Mordovia.

324. Tymur Ibrahimov, a Bakhchisaray journalist and a streamer of the NGO Krymska solidarnist, had highlighted searches of the homes of Crimean Tatar activists and politically motivated trials since 2015. In October 2017 Russian security forces arrested him during a search of his home on the same trumped-up charges that had been brought against Mr Asanov. In September 2020 Mr Ibrahimov was sentenced to seventeen years in a strict regime prison. In August 2022 it became known that he would serve his sentence in a strict regime prison in the village of Klekotki in the Ryazan Region of Russia.

325. Seiran Saliiev, a Bakhchisaray journalist and a streamer of the NGO Krymska solidarnist, had highlighted searches in the homes of Crimean Tatars "after the annexation of Crimea" and publicly called for support to the victims of Muslim persecution. He was fined for that activity in 2016. His house was searched in January and October 2017. During the second search, the Russian security forces arrested him on the same trumped-up charges that had been brought against Mr Asanov and Mr Ibrahimov. He was sentenced to fifteen years in a strict regime prison and was transferred to Tula to serve his sentence.

326. Server Mustafayev, a human rights activist and a coordinator of the NGO Krymska solidarnist, publicly defended the victims of political persecution and highlighted human rights violations in Crimea. In May 2018, during a search of his house, Russian security forces arrested him on the same fabricated charges. In September 2020, he was sentenced to fourteen years in a strict regime prison. From September 2022 he had been held in a transit unit in the Tambov region, pending his transfer to a strict-regime colony.

U. Extract from the letter from the Prosecutor General's Office of Ukraine of 17 July 2017

327. On the basis of investigative measures taken by the Ukrainian law-enforcement authorities, 499 former Crimean officials had been notified of a suspicion of high treason, including 276 judges and 145 officials of the

Prosecutor's Office of Crimea, for "taking the side of the occupying authorities and carrying out their activities against the State of Ukraine". This letter contains a full list of those suspects.

V. Summary of the case-law of Russian courts in administrative cases concerning rallies or protests in Crimea, undated

328. The applicant Government provided a table with a summary of twelve judicial decisions taken in Crimea between 8 May 2014 and 3 August 2015. It includes case numbers, names of the "courts" and the "judges", the dates, and other details for each case, although there is no indication of the author or the source of the information.

329. According to the table, twelve people had been found guilty of rallies unauthorised by Russian law, which was considered an administrative offence. At least six of the rallies had had pro-Ukrainian elements – the banners "Crimea is Ukraine", the symbols of Ukraine or of the Crimean Tatar television channel ATR – or had been dedicated to the anniversary of the birth of Taras Shevchenko. Another two rallies had been organised "to express public opinion following the prohibition of entry into the territory of Crimea of a member of Parliament" or had been aimed at "drawing attention to the problems of State sovereignty". The sanctions included administrative fines of RUB 10,000 to RUB 40,000 and/or "compulsory work" for forty hours.

V. WITNESS STATEMENTS

A. Kliment, Metropolitan of Simferopol and Crimea (legal name - Pavel Kushch)

330. In 2014-2015 the witness was a bishop and the administrator of the Crimean Diocese of the Ukrainian Orthodox Church – Kyiv Patriarchate ("the UOC-KP"), registered in Ukraine in 1995. His statement is summarised below.

331. The witness declared that, in February and March 2014, the UOC-KP, Crimean Tatars and Ukrainians in Crimea had resisted the actions of Russia by holding rallies, participating in confrontations, providing social and humanitarian assistance, and collecting supplies for the Ukrainian military in Crimea. Between 3 and 9 March 2014 a priest of the Ukrainian Greek Catholic Church ("the UGCC") in Sevastopol, Father Nikolai (Kvach), had been kidnapped for storing shields and bulletproof vests on the premises of the church and in his house, which he had tried to transmit to the Naval Forces of Ukraine. After the UGCC was closed in Sevastopol, people had gathered at Father Nikolai's house. The FSB officers had broken into his house, searched it, and kidnapped him. The witness was not sure whether Father Nikolai had been exchanged or forced to leave to mainland Ukraine.

332. The witness also mentioned the murder of a Ukrainian military officer, Sergei Kokurin, on 18 March 2014 during the Russian capture of a Ukrainian military unit in Simferopol where secret cartographic information had been stored.

333. In early April 2014, priests in the village of Perevalne village were denied access to the church. The witness turned for help to Vladimir Mertsalov, whom the witness described as a participant in the "Crimean spring" responsible for taking over Ukrainian military units. Mr Mertsalov ordered the "self-defence troops" and "Cossacks" not to approach the church. Mr Mertsalov then suggested to the witness to support the transfer of Crimea to Russia. The witness refused.

334. The witness statement contained a hyperlink to an interview with Mr Mertsalov, "Attempt on Crimea" ("*Покушение на Крым*"), published in *Novaya Gazeta* on 15 April 2016. According to the article, "after the referendum, Mertsalov took an important position [as head of the Crimean] Anti-Corruption Committee [in the Aksenov government in Crimea]. For participation in special operations as part of the Russian military units, he was awarded by Vladimir Putin the Order of Courage and the medal of the Order of Merit for the Fatherland, 2nd degree".

335. On 9 March 2014 the witness learned about the kidnapping of pro-Ukrainian activists Andrii Shchekun and Anatolii Kovalskii (see their witness statements below). They were kidnapped by police, transferred to the "local self-defence", tortured and ill-treated. Journalists and members of Automaidan were also kidnapped, among them the son of the former Defence Minister, Mr Gritsenko.

336. In March 2014, to find out the fate of Andrii Shchekun, the witness engaged with Mr Panasyuk and Mr Kazannik, who in turn contacted Sergei Aksenov and people connected with him. The witness stated that he had also contacted other people close to the Russian authorities. The witness heard back that Mr Shchekun was "still alive".

337. On 20 March 2014 the witness met with Igor Girkin ("Strelkov") in the building of the Crimean Council of Ministers. Mr Girkin suggested that the witness sign a statement for the public indicating that no illegal actions were taking place in relation to the Crimean Diocese of UOC-KP. The statement indicated that the witness had the exclusive right to address Mr Aksenov directly in case of a conflictual situation. When the witness asked about the fate of Mr Shchekun, Mr Girkin responded, "Do not worry, he will live".

338. Already at that time, the UOC-KP church in Sevastopol was sealed off and the priest was unable to enter its premises. Between 2 and 5 May 2014 it was closed at the request of Commander Zinchenko, a Navy officer, who, according to the witness, had come from St Petersburg and taken part in the capture of the training military complex of the Naval Forces of Ukraine in the spring of 2014. Afterwards, the church services were held underground, in

the apartment of Makariy Shchepakov, a hieromonk. After the introduction in 2016 of a law which banned "missionary activities" in non-religious settings ("the Yarovaya law"), Mr Shchepakov was visited by an FSB officer and told to stop church services.

339. On 3 March 2014 the witness was told on the phone by the priest in Perevalne that armed persons were seizing the church there. On a different occasion later in March 2014, a priest of the Moscow Patriarchate together with the armed "self-defence forces" brazenly broke into the church in Perevalne and shouted that there would be no dissenters there. The church was closed between 2 and 5 May 2014 and captured on 1 June 2014.

340. By the end of 2014, the churches in Kerch, Krasnoperekopsk and Saki district were closed because the priests had left for Ukraine fearing persecution. According to the witness, "[w]here the priests remained, those parishes survived", as was for example the case in the village of Balki in the Belohirsk District.

341. In 2014, the UOC-KP obtained property rights to a plot of land in Sofiyivka, in mainland Ukraine. The FSB demanded that the witness abandon the plot of land in its favour. On an unspecified date after 2014, the plot of land was transferred to the Catholic parish.

342. Russian law obliged all Ukrainian religious organisations to re-register by 1 March 2015. The UOC-KP did not officially recognise the "annexation of Crimea" and did not re-register the Crimean diocese. The witness stated that it was the only religious organisation that was still operating in Crimea without having re-registered. In 2017 the Crimean *de facto* authorities seized the first floor of the building in Simferopol, where the UOC-KP had its central office and a church. In 2019 a Crimean court ruled in favour of the eviction of the UOC-KP from all floors of the building for non-registration under Russian law. That decision had not been enforced as of 2022.

343. In 2019 a trial court ordered the dismantling of the UOC-KP church in Yevpatoria. As of 2022, the litigation was ongoing.

344. In 2021 Mr Skokov, a UOC-KP priest, was fined by a Crimean court for illegal missionary activities and performing religious services without registration.

345. Between 2019 and 2020 the witness made four attempts to register the Crimean Diocese of the UOC-KP under Russian law but to no avail because the law did not allow for the registration of religious and missionary organisations that had their headquarters outside Russia.

346. The witness had heard from other priests and parishioners that immediately after the "referendum", psychological and even physical pressure had begun to be applied to children in Ukrainian classrooms. Schools were setting Russian-speaking children against Ukrainian-speaking children, which sometimes led to physical abuse. Teachers took a position of non-interference although there was a conflict based on national hate.

Teachers even heated up the conflict. This led to parents taking children out of Ukrainian classes and Ukrainian classes being closed.

347. On an unspecified date after 2014, the Crimean law-enforcement authorities confiscated and destroyed books in Ukrainian from the Ukrainian library and the Ukrainian school in Simferopol, as posing threats to national security.

348. Also, according to the witness, he and other UOC-KP priests who had decided to continue their religious activities in Crimea were forced to receive a Russian passport. The witness understood that those continuing to reside in Crimea without a Russian passport would be placed on the list of "unreliable people" and could be subjected to reprisals. The witness cited the examples of Mustafa Dzhemilev and Refat Chubarov, two Crimean Tatar leaders, whom the Russian authorities had banned from entering Crimea, as well as a number of his own parishioners who had faced issues such as the loss of their pension or the inability to register property as a result of not applying for Russian citizenship. Those people were ultimately forced to renounce Ukrainian citizenship and apply for Russian citizenship. The priest Ivan Katkalo Jr. had encountered the same problem and was also forced to apply for Russian citizenship. The witness feared that opting out of Russian citizenship would cause additional aggression from the Russian authorities and lead to the liquidation of the church.

349. In 2014 Archpriest Mykhailo Khazov was forced to leave Crimea with his family. He was originally a Russian citizen. In 2000 he moved to Crimea and obtained Ukrainian citizenship. When Russia purported to annex Crimea, "he refused to be on Russian territory and moved to mainland Ukraine".

350. The witness referred to cases of pro-Ukrainian political prisoners detained in Russia in 2016 and later, to whom the UOC-KP had provided spiritual and humanitarian support, including parcels. He summarised those cases as follows.

351. Yevhen Panov was detained by the Russian authorities in Crimea in August 2016 and charged with preparing an act of sabotage. He was held in Simferopol SIZO. His mother asked the witness, who held a Russian passport, to transfer a parcel to her son. She was not allowed to do it herself since she held a Ukrainian passport. The witness personally transferred parcels for Mr Panov on two separate occasions. Other people were afraid to do it at that time because of the nature of the charges against Mr Panov. Later, the parishioners of the UOC-KP transferred more parcels for Mr Panov.

352. Volodymyr Dudka was detained by the Russian authorities in November 2016 on charges of preparing an act of sabotage. In 2018 his son asked the witness to meet with Mr Dudka at the Simferopol SIZO for spiritual support. However, the witness was not allowed inside the detention facility to see Mr Dudka.

353. In June 2018 the witness travelled to penal colony no. 8 "White Bear" in Labytnangi (Salekhard) to meet with Oleg Sentsov. However, the witness was not allowed inside the colony because his religious organisation was not registered in Russia and the witness could not confirm that he was a clergyman.

354. Without specifying the dates, the witness stated that Mr Volodymyr Balukh's defender had requested a court's permission for his client to meet with the witness for confession and communion. The court had refused, stating that the religious organisation represented by the witness had not been registered in Russia. After a second criminal case had been initiated against Mr Balukh, the witness was allowed to participate in it as a public defender and consequently to visit him in the temporary detention centre and at the Simferopol SIZO. This happened while Mr Balukh had gone on hunger strike. The witness was able to see Mr Balukh about twenty times in 2017 and 2018 "to keep him alive and mentally sane".

355. Pavlo Hryb was detained by the Russian authorities in Belarus on 24 August 2017. He was kept in the Rostov-on-Don detention centre and accused of preparing a terrorist attack. On 18 February 2019, the witness went to Rostov-on-Don to attend Mr Hryb's trial and meet with him, but the hearing was rescheduled for 4 March 2019. On 4 March 2019 the witness applied to the court for permission to visit Mr Hryb.

356. The witness also mentioned his eight-hour detention by the police in Simferopol on 2 March 2019 while he was trying to travel to Rostov-on-Don to see Pavlo Hryb.

B. Yaroslav Hontar

357. The witness is a priest of the UOC-KP. His statement can be summarised as follows. In 2014 he had lived in Yevpatoria and had six parishes. After the Russian takeover of Crimea, parishioners, fearing the authorities, felt that attending a service of the UOC-KP would have adverse consequences for them.

358. The witness stated that on 2 December 2014 the church in Yevpatoria had been set on fire. Around 90% of parishioners there had already left Crimea. The parish in Krasnoperekopsk was closed after one parishioner who helped the church received death threats. In Saki, the owner of the premises where the witness had held services had asked him to "quietly" vacate the building. After the closure of the parishes in Krasnoperekopsk and Saki, only four of the witness's parishes remained active.

359. The UOC-KP's failure to re-register under Russian law made it impossible to sign contracts for utility services. As of 2022, only one of the four acting churches had electricity; it was impossible to heat the other churches in wintertime.

360. In 2015 the witness was invited to change over to the Moscow Patriarchate. He also stated that "during the occupation, there are inspections here: from time to time, some person shows up who in reality does not come to the church, as if we are being monitored".

361. According to the witness, his son used to attend School no. 13 in Yevpatoria. Each grade was divided into three groups, two of which were taught in Ukrainian and one in Russian. After the Russian takeover of Crimea, the witness's son and some other classmates had been bullied at school for speaking the Ukrainian or Crimean Tatar languages. The witness's son was unable to speak Russian, which negatively affected him. The witness's son's teacher was told to switch to teaching in Russian. Eventually, the Ukrainian class was closed. The school's principal was forced to resign. The witness took his family out of Crimea.

362. The witness had had to take up Russian citizenship in August 2014, because otherwise he "would not be able to serve on the territory of Crimea". He cited the examples of other priests (Greek Catholics) without Russian citizenship who were not allowed to officiate at church services in Crimea and had been deported.

C. Refat Chubarov

363. The witness is the Chairman of the Mejlis of Crimean Tatar People. His statement can be summarised as follows. He was one of the main organisers of the peaceful rally in support of Ukraine's territorial integrity, which was held on 26 February 2014 in front of the *Verkhovna Rada* of Crimea and mainly attended by Crimean Tatars and pro-Ukrainian people. On the same date, the political party "Russian Unity" ("*Russkoye Yedinstvo*"), led by Sergei Aksenov, held their own separate rally at the same location at 2 p.m.

364. The witness also stated that, during the first days of March 2014, the main building of the Security Service of Ukraine ("the SSU") had been seized by the Russian FSB. Without using force, they had announced their control over the building and put two or three "Cossacks" at its entrance.

365. Crimean "self-defence" forces and "Cossacks" consisted of local Crimean marginals, as well as "newcomers" from the Krasnodar and Stavropol Regions in Russia. They were armed. Each squad had three to six people who "watched" them. Attacks on (Ukrainian) military units were made jointly by the FSB and the "Cossacks", who were always sent first. The witness stated that immediately after the "referendum", the "green men" started to be called Russians as there was nothing to hide anymore.

366. Also, according to the witness, on 11 March 2014, Rustam Minnikhanov, the Head of Tatarstan in Russia, had met with the witness and requested that Crimean Tatars take part in the "referendum" and in the newly formed government in Crimea. Similar requests were made by deputies of the

Russian Parliament, namely Igor Morozov and Leonid Slutskiy. The witness refused because the Mejlis and all Crimean Tatars did not accept the "invasion of Russian troops" and were continuing public protests. At some point (the witness did not specify when), in Bakhchisaray district the houses of Crimean Tatars had been marked with crosses for a few days.

367. On 3 March 2014 Reshat Ametov, a Crimean Tatar, was abducted by the "self-defence" forces. The ART channel broadcast that Mr Ametov was being forcefully removed from the central square. On 15 March 2014 the witness found out that the corpse of Mr Ametov had been discovered with traces of "severe torture".

368. Around 1 March 2014 almost all local TV channels were "switched off" with the exception of the Crimean Tatar channel ART.

D. Anatoliy Burgomistrenko

369. The witness is a first-rank captain of the Naval Forces of the Armed Forces of Ukraine and the Chief of the Intelligence Headquarters of the Naval Command of the Armed Forces of Ukraine. His statement can be summarised as follows.

370. The witness provided a detailed chronological timeline of the transfer of Russian troops and military equipment to Crimea and the seizure of Ukrainian military objects by the Russian forces between 2 and 15 March 2014.

371. According to the witness, at 6.30 a.m. on 2 March 2014, 300 "Cossacks" had been transferred to Crimea by the "Crimea-Caucasus" ferry. On 5 March 2014, members of the "self-defence" forces started arriving from Russia in large numbers. On 7 March 2014 other military equipment, including ten "ПАЗ" buses, arrived in Crimea on the *Georgiy Pobedonosets* dock landing ship and were used to transport the "local self-defence" forces. On the same day, around forty "Cossacks" and fifteen Russian servicemen jointly seized the command post of the Task Force "Crimea" of the Air Force of Ukraine. Around 8 to 10 March 2014, the "Cossacks" were being accommodated at all of Sevastopol's hotels and resorts.

372. On 3 March 2014 the Russians captured the building of the Ukrtelekom telecommunications company in Dzhankoy. At 10 a.m. on 6 March 2014, a radio and television transmitter in Simferopol was seized and the Russian channels started being broadcast instead of the Ukrainian ones. On 8 March 2014 ATR, the television channel of the Crimean Tatars, was disconnected from the internet. Its website (15minut.org) underwent a denial-of-service (DoS) attack.

E. Mariia Tomak

373. The witness is a human rights activist and a journalist residing in Kyiv. In March 2014 she worked for the civil society organisation "Centre for Civil Liberties" and volunteered for the public initiative "Euromaidan SOS".

374. In March 2014 the witness took two trips to Crimea to document the "Russian troops' intervention in Crimea". During the trip of 4 to 10 March 2014, the priest of the UOC-KP church in Perevalne, Ivan Katkalo, told the witness about the attacks on the church by people wearing civilian clothes and St George ribbons. As far as the witness was aware, Father Katkalo had later been abducted by the "self-defence" forces, who, according to the witness's observations, acted in conjunction with the so-called "green men". Father Katkalo was subsequently transferred to mainland Ukraine.

375. As well as in Perevalne, the "green men" were present everywhere in Simferopol, escorted by military equipment. The witness stated that it was an obvious fact that they were Russian servicemen.

376. On 5 March 2014 the witness herself took a photograph of packaging of the Russian army's dry rations near the military base in Feodosia which had been blocked by armed people in military uniform without insignia. The photograph was enclosed with the witness's statement. In a conversation with the witness, one of those people confirmed that he had come from Russia. He had a clear Russian accent not typical for Crimeans or other Ukrainians. He also said that he had been sent to Crimea against his will.

377. On 7 March 2014 the witness went to Cape Fiolent upon learning about the Russian seizure of the command post of the Task Force "Crimea". There she personally video-recorded two masked militiamen, who reminded her of the Ukrainian "Berkut" military forces which collaborated with the Russian military. The video provided by the witness shows masked militiamen knocking a journalist off his feet and kicking him on the head and body with a repeated phrase, "What are we filming [obscenity]?" (*Шо снимаем, [нецензурная брань]?*). The witness stated that one of those militiamen shouted that he was a Russian citizen.

378. A representative of the command of the Task Force "Crimea",Vitalii, interviewed by the witness, said that after the Task Force "Crimea" had been invaded by the Russian regular army, the so called "self-defence" forces had arrived there within an hour. The witness attached to her statement the video-recording of this interview, published on the EvromaidanSOS YouTube channel on 8 March 2014. The witness herself saw Russian troops and "*druzhynniki*" (another name for the "self-defence" forces) leaving the territory of the Task Force "Crimea" shouting "To the base!" which was located at the headquarters of the Russian Black Sea Fleet. The witness attached to her statement a copy of her Facebook post published on the EvromaidanSOS page the same day. The post contains the same information.

379. On 8 March 2014 the witness personally interviewed Andrii Ivanchenko, the captain of the Naval Forces of the Armed Forces of Ukraine. He stated that sixty to ninety representatives of the "self-defence" forces of Crimea, including "Cossacks", had arrived at a military base, backed up by servicemen without insignia staying 300 metres behind the "self-defence" forces, with snipers and machine gunners behind them. The witness attached to her statement the video-recording of this interview, published on the UKRLIFE.TV YouTube channel on 11 March 2014.

380. During her second trip to Crimea between 14 and 17 March 2014, the witness directly saw the military enlistment office in Simferopol guarded by "green men" and the deployment of the "self-defence" forces and of "Cossacks" at its gate. There she witnessed people in uniform without insignia armed with Kalashnikov rifles coming out of the enlistment office, attacking the group of journalists, and seizing photo and video equipment and tablets, including professional equipment. A serviceman announced that the equipment would be checked, but only a few foreign journalists received it back after five hours of waiting. The witness attached to her statement the video-recording of her interview with a Polish journalist, Mateusz Mularski, in which he stated that, during the attack, his photo equipment worth 2,500 United States dollars had been seized. The interview was published on the EvromaidanSOS YouTube channel on 15 March 2014.

381. On 15 March 2014 at the Hotel Moskva in Simferopol, the witness personally saw the "green men" breaking the camera lenses of a few journalists with rifle butts and seizing memory cards. The witness attached a video-recording she had made, which showed an armed man breaking one camera with a rifle butt. Among those armed men were General Valeriy Kuznetsov, the "Minister of Defence of Crimea", and Aleksandr Borodai, the former head of the "Donetsk People's Republic" and a Moscow political strategist. The witness attached a video-recording she had made of them, which showed their faces.

382. On 16 March 2014, when the "referendum" was held in Crimea, the voting polls were guarded by the "self-defence" forces (some having armbands saying "*druzhnynniki* of Crimea"). The "referendum" was carried out also with the help of "Berkut" militiamen (the former Ukrainian special force unit that collaborated with Russia). The witness attached the photographs she had taken of both of these groups.

383. The witness also attached a video of an interview she had made with Ilmi Umerov, the Mejlis leader. He stated that the Crimean Tatars did not support the "occupation of Crimea" and that the "self-defence" forces controlled by Mr Aksenov were backed up by the Russian army. The interview was published on the EvromaidanSOS YouTube channel on 16 March 2014.

384. Discussing the disappearance of Mr Schekun and Mr Kovalskii, the witness stated that Mr Aksenov had acknowledged their abduction, thus

confirming the involvement of the "self-defence" forces. Twelve people were missing as of 17 March 2014, according to the witness's personal calculations.

F. Olena Maksymenko

385. In March 2014 the witness worked as a freelance journalist. Her statement can be summarised as follows. When entering Crimea on 9 March 2014, she had been detained together with Mr Oles Kromplyas, a photographer, and Mr Yevgen Rakhno at the "Turetsky Val" checkpoint by the "Crimean self-defence" forces. The witness believed that they had been attacked because of the cameras, camera lenses, journalist IDs, and a bulletproof vest found in their car. They were later joined by Ms Oleksandra Ryazantseva and Ms Yekateryna Butko, whose hands were tied and who were being whipped with a Ukrainian flag.

386. There were around 200 people at the checkpoint: "Cossacks", "Crimean self-defence" forces, local "*titushky*", "Berkut", "green men" (also known as the "polite people", the Russian servicemen who had blocked strategically important sites during the "annexation" of Crimea). The "green men" came to the witness and her group, interrogated them on camera a few times, and checked their IDs.

387. Oles Kromplyas was severely beaten, his trousers were cut with a knife, and a cigarette butt was put on his head while he was lying down with his hands tied. A knife and a gun were put to his head, and he was threatened with having a grenade put in his mouth.

388. The people at the checkpoint put Yevgen Rakhno down on the ground and shot 5-10 centimetres from his face with a live round.

389. The witness was strangled with her shoelaces, punched on the head, and had her hair cut with a knife. One of those controlling the checkpoint, a person of Caucasian appearance, told her that he had participated in the war in Beslan (Russia).

390. The group was taken into the building of the traffic police and then shortly afterwards transferred to the guardhouse of a military prison in Sevastopol in a lorry, guarded by Russian soldiers. At the guardhouse, the members of the group were taken to separate cells, stripped naked, searched, accused of being drug addicts, arbitrarily subjected to drug tests, humiliated and interrogated with the purpose of obtaining a "confession of pro-Western activity". Mr Polishchuk (see his witness statement below) was also detained at the guardhouse at the same time.

391. On 11 March 2014 the witness and her group were taken back to the checkpoint. They were transported by Russian soldiers, who complained that their military service should have been over by that time. Their "guardian", a Russian serviceman, said that he would have to argue with the "Cossacks" and "Berkut" to release the witness's group. At the checkpoint, the road was

blocked by an armoured personnel carrier, and cars were not allowed from Armyansk to mainland Ukraine. Yevgen Rakhno's car was returned in a bad state, with Russian army dry rations in the boot, and the group was set free. Cameras, recorders, SIM cards, IDs, personal belongings and a considerable amount of cash had gone missing from the car.

G. Andrii Shchekun

392. The witness is a pro-Ukrainian public activist and an organiser of the "Euromaidan Crimea" movement and of other peaceful rallies in Crimea in support of territorial integrity of Ukraine, including the one of 26 February 2014.

393. On 9 March 2014 the witness was abducted together with Anatolii Kovalskii at the train station in Simferopol by the "Crimean self-defence" forces and taken to the railway police station. There they were told that the superiors ("*cmapшue*") should arrive soon. Two men in civilian clothing but displaying a military posture indeed appeared later, and the witness was taken to the regional military enlistment office ("Commissariat") in Simferopol. The witness's questions about the grounds for his detention remained unanswered. He was stripped naked and forced to squat. During the entire period in captivity, the witness was blindfolded. The people who detained him had a Caucasian accent. Naked, the witness was taken to a cold room, tied to a chair, threatened and intimidated, and cut with a knife near his heart. A man with a Caucasian accent prepared him for the interrogation by attaching electrodes to his body. Then he was interrogated by Igor Girkin ("Strelkov"), whom he later recognised on the internet by his voice, and Igor Bezler ("Bes"), who subsequently became one of the leaders of the "Donetsk People's Republic" ("the DPR"). During the interrogation, the witness repeatedly received electric shocks and fainted. He was kicked on the chest and beaten on the back with a hot, thin object. He underwent two more interrogations with similar techniques by people with a non-local accent who were called "specialists" ("*спецы*"). During the interrogations, the perpetrators sought information about western funding for Euromaidan, his political activity and activism, his connections with other prominent figures thought to possess pro-Ukrainian views, and his personal finances.

394. The witness was kept in a sauna room and guarded by three individuals called "Maestro", "Dan" and "Maloy". The detainees held there were at times starved and they did not receive water. They were forced to sing the Russian anthem. The witness stated that at one point the guards made him squat for fifteen minutes, and that they beat him and shot him in the arms and legs twenty times with a pneumatic gun. A few bullets stuck in his arm.

395. The witness shared a cell with Yurii Shevchenko, who had his ear cut off. He could no longer walk; he had bullets in both legs. Other detainees

associated with the Maidan protests and the Armed Forces of Ukraine were beaten and ill-treated with even more severity.

396. The witness had his blindfold removed only two times, and both times he saw armed "green men" guarding him.

397. During an unsuccessful release attempt on 15 March 2014, led by General Kuznetsov, the witness saw other detainees while on the bus. Some of them were released, but new ones came in. On 20 March 2014, together with six other detainees, he was transferred to the Armed Forces of Ukraine at Chongar. On that day, the witness also saw the detained son of the Minister Anatoliy Grytsenko and his friend on the bus.

H. Anatolii Kovalskii

398. The witness is a pro-Ukrainian public activist, an organiser of the "Euromaidan Crimea" movement and a former member of the Crimean Council of Ministers.

399. On 2 March 2014 the witness went to Perevalne together with Metropolitan Kliment and personally saw "green men" in the UOC-KP church. He attached to his statement the photographs he had taken of four men in full military equipment without insignia armed with rifles standing by the church, next to Metropolitan Kliment.

400. According to the witness, in March 2014, leaflets were distributed around his neighbourhood. The leaflets contained his photograph and labelled him a traitor of the Motherland. On 9 March 2014 the witness was abducted by the "Crimean self-defence" forces together with Andrii Shchekun and he was taken to the regional military enlistment office ("Commissariat") in Simferopol. He was stripped naked and beaten until he lost consciousness. For the first three days, he was starved. During the entire period in captivity, the witness was blindfolded and kept in unsanitary conditions in a sauna room. While he was there, a total of around fifteen people were held in that room for different durations.

401. Some guards had a Caucasian accent; the witness heard them saying "Allahu Akbar". One guard was called "Dan". The witness recognised the voice of Igor Girkin ("Strelkov"), and he also heard the name "Bes" mentioned by the guards. The "locals" interrogated the witness about his personal finances, while the "Russians", whom he identified by their accent, asked him about American financing of Maidan, as well as about weapons and military units.

402. The witness stated that he had been treated better because of his advanced age, but Andrii Shchekun had been beaten, treated with electric shocks, and shot in the legs and arms. Other detainees were beaten and "tortured". The witness heard two Crimean Tatars being suffocated with water, and then he heard about the bodies of two Crimean Tatars that had been found near a waste disposal unit. He also heard "Dan" and his colleague

screaming, "Why did you not take this stiff away?" and understood from this that someone had been killed.

403. During the unsuccessful release attempt on 15 March 2014, the detainees had been transported "like cattle". The witness had been made to kneel in the aisle of the bus for the entire ride, which lasted two hours. He was released on 20 March 2014 together with Mr Shchekun.

I. Andrii Senchenko

404. In March 2014, the witness was a member of parliament of Ukraine and a former member of the Parliament of the Autonomous Republic of Crimea ("the ARC"). He was appointed Deputy Head of the Presidential Administration and led the efforts aimed at the release of eighteen Ukrainians captured by the Russian troops and the "Crimean self-defence" force, including Andrii Shchekun, the son of Minister Grytsenko, and the Vavylon-13 production team. According to the witness, the "Crimean self-defence" force backed up the Russian troops and the FSB. It was composed "according to the Russian scenario" – of local criminals and aggressive marginals and it was financed by Russia through Ukrainian State property seized in Crimea.

405. Since 11 March 2014 the witness had negotiated with the Russian retired General Kuznetsov, who operated on the ground in Crimea calling himself "a Minister of Defence of Crimea", with the leadership of the Ministry of Defence of Russia, with Andrey Serdyukov, the first Deputy Commander of the South Military District of Russia, and with the military attaché of the Russian Embassy in Kyiv. Ultimately, forty Ukrainian citizens "illegally deprived of their liberty" were exchanged for Roman Filatov, an officer of the Main Intelligence Service of the General Staff of the Armed Forces of Russia. Among the Ukrainians exchanged were Yulii Mamchur, Dmytro Delyatytskyi, and Oleksandr Kalachov (see their witness statements below). The last-mentioned of these, according to the witness, had been held captive for a month and had undergone a mock execution while in captivity.

J. Vladyslav Polishchuk

406. In 2014 the witness was an active participant in the Revolution of Dignity as a paramedic. On 7 March 2014 he arrived in Sevastopol to support the pro-Ukrainian population of Crimea and joined three other activists: Olha Chernyatynska, Serhii Tkachuk and Mykola Shyptur.

407. On 9 March 2014 the witness attended a pro-Ukrainian peaceful rally near the Shevchenko monument in Sevastopol. Soon the "self-defence" forces bearing Russian flags encircled the participants and started provocations and altercations. The witness, together with Olha Chernyatynska, Serhii Tkachuk and Mykola Shyptur, managed to escape.

408. Later that day, all four were captured by the "self-defence" forces and transferred to a police station. There the witness was interrogated on camera about the contents of his first-aid kit, which was later portrayed on Russian television as drugs consumed by pro-Ukrainian activists. The witness was chained to a chair and left overnight. Militia members came in and threatened the use of force. A Caucasian-looking person in green military uniform threatened to cut off the witness's ear. Serhii Tkachuk said that "Berkut" people used force against him. The witness saw Serhii Tkachuk displaying bodily injuries, a bruised eye and a red ear. They were taken to a court, where the judge acquitted them of hooliganism.

409. According to the witness, on 10 March 2014 around fifteen "green men" with Russian flags on their sleeves took him, while he was blindfolded, together with Olha Chernyatynska and Serhii Tkachuk, to what the witness believed to be a military base. Olena Maksymenko and Dmytro Delyatytskyi were also held in different cells there (see their witness statements above). Captives were constantly brought into and out of the cells. The cells were guarded by the same armed "green men". No one explained to him the reason for his detention, but one day a man in balaclava told him it was because he was pro-Ukrainian. The witness was not interrogated.

410. On 25 March 2014 two armed servicemen and two men in civilian clothing wearing balaclavas took the witness and Serhii Tkachuk to the outskirts of Sevastopol and left them there. They reached mainland Ukraine on their own.

K. Yaroslav Pilunskii

411. The witness is a cinematographer and a co-founder of the Vavylon-13 production association. Together with Yurii Gruzinov, a video operator, the witness arrived in Crimea on 4 March 2014 to film the "referendum" and to take care of his father in Simferopol.

412. The witness stated that Crimean Tatars held the most pro-Ukrainian views and had conducted numerous rallies.

413. On 14 March 2014 the witness and Yurii Gruzinov filmed a story about the "self-defence" forces at a checkpoint in Verkhnye-Sadove near Simferopol. They personally saw "Serbs", "Cossacks" from Kuban and from the outskirts of Moscow, as well as locals. The "Cossacks" told the witness that 1,500 of them had arrived from Moscow. There the witness personally saw two Ukrainians, detained and handcuffed in a car.

414. The witness saw an attack on a military base near Simferopol and the "green men" working in unison with the "Cossacks" with clearly defined roles between the two groups. On 15 March 2014 the witness personally filmed the "self-defence" checkpoint near Bakhchisaray, which had flags of Russia and the Russian Black Sea Fleet, and St George ribbons around it. It

was controlled by armed "Cossacks" wearing Cossack hats and military uniform without insignia.

415. The same type of armed "Cossacks" guarded the voting poll stations on 16 March 2014. The witness had personally seen them kicking out the journalists of the Crimean Tatar channel ART from the polling station with automatic weapons.

416. The witness and Yurii Gruzinov were detained by the "self-defence" forces for having filmed at a polling station. They were blindfolded, and then they were taken to the main base of the "self-defence" force, and from there to the military enlistment office ("Commissariat") in Simferopol. They were kept in a storeroom with no or little food. The toilet was extremely unsanitary.

417. The witness saw or heard at least three other detainees there; he heard Yurii Gruzinov being beaten. There was blood on the tiles of the witness's cell and a gunshot in his mattress. While in captivity, the witness was kicked and had two ribs broken. He was threatened with a weapon pointed at his head and he was interrogated about the "Right Sector" and "Maidan".

418. The witness and Yurii Gruzinov were released on 22 March 2014 at the Chongar checkpoint.

L. Alena [Alona] Kushnova

419. In March 2014 the witness was a judge of the District Administrative Court of the ARC in Simferopol. On 28 February 2014, while she was leaving Crimea near Chongar, and on 10 March 2014, upon her return, her car was stopped by people in camouflage with no insignia, armed with machine guns. On 10 March 2014 she saw armed people at the checkpoint ill-treating a group of foreign journalists, seizing their equipment and dragging them in an unknown direction.

420. According to the witness, after 16 March 2014 all Crimeans were given one month to renounce their Ukrainian citizenship and take up Russian passports. To opt out of Russian citizenship, one had to submit an application and a copy of a passport or a birth certificate with personal data to the Russian authorities, "thus declaring one's pro-Ukrainian position". The witness refused Russian citizenship in writing. Her application was registered by the Directory of the Federal Migration Service in the Republic of Northern Ossetia-Alania. She received a certificate with no stamp or signature that her application had been "accepted for review". The witness attached a copy of it to her statement.

421. The witness stated that judges from Russia had held gatherings at the Simferopol Court of Appeal, lecturing about Russian law and the Russian legal system, under which the Crimean courts were to function from that moment. Since 24 March 2014, judges in Crimea had no longer been able to work under Ukrainian law and deliver justice in the name of Ukraine. In order

to continue working, they had to receive Russian passports. The local administrative court did not function for a month as a result.

M. Oleksandr Kalachov

422. In March 2014 the witness was a captain in Military Unit 1145 of the Naval Forces of the Armed Forces of Ukraine. He provided a detailed timeline of the transfers and deployment of Russian regular troops and military equipment in Crimea in February and March 2014. He indicated that, starting from 3 March 2014, such transfers through the Kerch ferry line had been undertaken by the "Cossack" units.

423. The witness stated that on 19 March 2014 the armed "Crimean self-defence" force had detained Rear Admiral (*контр-адмирал*) Gaiduk of the Simferopol garrison.

424. On 25 March 2014 the witness was detained in Kerch by former officers of the SSU, who introduced themselves as agents of the Russian FSB. He was briefly held in the SSU building in Kerch, then taken to the buildings of the SSU and the police in Simferopol, and then to the guardhouse of the Russian Black Sea Fleet in Sevastopol. That building was guarded by the 810th Independent Marine Infantry Brigade of the Russian Black Sea Fleet. The witness was interrogated by the FSB, who intimidated him and threatened him with drowning. They made threats to his family, claiming that "a car accident would occur", and also threatened him with malicious prosecution for trumped-up drugs offences. The interrogations were aimed at obtaining classified military information. The FSB agents refused to provide a reason for the witness's detention despite his repeated inquiries and his requests for legal assistance.

425. On 9 April 2014 two armed people in civilian clothing wearing balaclavas handcuffed and blindfolded him, put him in the back of a truck and put a gun to his head, asking questions and sliding the gun. The witness was sure he would be killed there. He was, however, taken out of the vehicle in Sevastopol and left there.

426. Upon returning home to Kerch, the witness found out that on 27 March 2014 his wife, Viktoriia Kalachova, had initiated a criminal investigation into his disappearance. On 10 April 2014 the witness personally went to the police station at 8 Lenina Street in Kerch and requested that the criminal case into his disappearance be closed.

427. On 14 April 2014 the witness met in Kyiv with Vyacheslav Demyanenko, who had been detained at the same place and time and had seen the witness there.

N. Dmytro Malitskii

428. In March 2014 the witness was a Military Commissar of the ARC in Simferopol with the military rank of a colonel. From 4 March 2014 the "self-defence" forces and "Cossacks" blocked the building of the Commissariat in Simferopol and they ended up capturing it on 8 March 2014. The witness believed that they were Russian regular troops in disguise. He negotiated with the "Minister of Defence of Crimea", retired Russian General Valeriy Kuznetsov, to have his personnel members released.

429. On 8 March 2014 the witness personally saw Igor Girkin ("Strelkov") arriving at the Commissariat with the "terrorist 'Romashka'". The latter shot at a car in which the passengers were trying to film them and beat up a man who was filming with his phone.

430. The witness later learned directly from General Nechiporenko that on an unspecified date, the latter had been abducted by the "self-defence" forces. They had tied his hands, put a plastic bag over his head, and kept him in the Commissariat basement for about a week with three other individuals.

O. Dmytro Delyatytskyi

431. In March 2014 the witness was a colonel and a commander of the First Separate Battalion of the Marine Corps in Feodosia.

432. According to the witness, the blockage of his military unit had started on 26 February 2014 with the "Cossacks" and "self-defence" force "recommending" that he refrain from resisting and leaving the territory of the unit. The next day the unit became blocked by "green men" without insignia, who, according to the witness, were regular troops of the Russian army. The witness personally knew many of their commanders, including the deputy commander of the 810th Marine Infantry Brigade, Vladimir Karpushenko, and the deputy commander of the Coastal Defence of the Black Sea Fleet of Russia, Major-General Aleksandr Ostrikov.

433. After 16 March 2014 the "Cossacks" and "self-defence" force joined the "green men" in blocking the military unit. The witness received repeated offers from high-ranking Russian military officers to surrender the unit and to be given a high position in the Russian Armed Forces in exchange, but every time the witness refused. When his unit was seized on 24 March 2014, the Russian soldiers beat the witness and took him by helicopter to the Sevastopol garrison of the Russian Black Sea Fleet together with his deputy for human resources. There he was kept alone in a cell for three days. He personally saw officers Mamchur and Voronchenko there (see their witness statements below). He was interrogated by the deputy commander of the Russian Black Sea Fleet, Rear Admiral (*контр-адмирал*) Valeriy Kulikov, and again was unsuccessfully encouraged to join the Russian Armed Forces.

434. On 26 March 2014 the witness was blindfolded, had his hands tied and his mouth taped, and was taken to Feodosia to his wife. There they were given twenty minutes to pack (and they left Crimea straight away).

P. Yulii Mamchur

435. In March 2014 the witness was a commander of the 204th Tactical Aviation Brigade of the Air Forces of Ukraine and a commander of military unit A 4515 in Sevastopol. From 27 February 2014 his military unit was blocked by "green men" whose military uniform and vehicles had no insignia, under the leadership of "Roman". The witness believed that they were Russian troops because of their typical Russian accent, poor knowledge of the infrastructure and terrain, and the admissions of some of them that they came from Russia. The "green men" were shortly joined by the "self-defence" forces, who established a checkpoint at the entrance of the military unit. On 22 March 2015 the Zvezda television channel of the Russian Ministry of Defence broadcast a story about the "return of Crimea and the Black Sea Fleet" showing "Roman" in particular. The witness attached this video material to his statement.

436. On 3 March 2014 the witness's personnel rejected the demand of Lieutenant Colonel Vladimir Mirnov, Deputy Communications Chief of the Russian Black Sea Fleet, to surrender the military unit. The next day, the witness's personnel openly sang the Ukrainian anthem for the Russian soldiers to hear.

437. On 22 March 2014, Russian soldiers transferred the witness, under false pretences, to the Russian Black Sea Fleet Guardhouse, where he was kept in solitary confinement for four days and was constantly deprived of sleep. The witness was interrogated by the Russian FSB, encouraged to join the Russian side, and offered high positions in the Russian Armed Forces. When that failed, the FSB told him that the Russian Investigative Committee was working on accusing him of using prohibited methods of warfare.

438. On 26 March 2014 the witness had a plastic bag put on his head and was released at Chongar, together with Dmytro Delyatytskyi (who had "traces of torture" on his face and body), Ihor Voronchenko (see their witness statements below), and a major of the Ukrainian Marine Corps, whose name the witness had forgotten.

Q. Ihor Voronchenko

439. In March 2014 the witness was a deputy commander of the Naval Forces of the Armed Forces of Ukraine for Coastal Defence. On 20 and 22 March 2014, high-ranking Russian military officers, in particular the deputy commander of the Southern Military District of the Russian Armed Forces, Mr Turcheniuk, unsuccessfully attempted to have the witness switch

to the Russian side and offered him a high position in the Russian Armed Forces and an apartment in Russia.

440. On 22 March 2014 he left the military unit, which was already encircled by the "Cossacks" backed by the "green men", for "negotiations". Instead, he was captured by the FSB, handcuffed, had a plastic bag put over his head, and was transferred to the Russian Black Sea Fleet guardhouse in Sevastopol in a vehicle with a Russian military number plate. His capturers had a clear Russian accent and were poorly oriented in Crimea. The witness's epaulettes were ripped off and he was put in solitary confinement in a cell with no windows. While in captivity, the witness saw Dmytro Delyatytskyi, Yulii Mamchur and Mr R. Lomtyev through a slit in his cell.

441. According to the witness, Rear Admiral (*контр-адмирал*) Valeriy Kulikov, the deputy commander of the Russian Black Sea Fleet, again unsuccessfully encouraged him to join the Russian Armed Forces.

442. On 26 March 2014 Major-General O.L. Ostrikov, the deputy commander of the Coastal Defence of the Black Sea Fleet of Russia, together with at least two Russian officers and two FSB agents, transferred the witness, who was blindfolded and handcuffed, to the outskirts of Sevastopol and released him there.

R. Mykhaylo Koval

443. In March 2014 the witness was Director of the Department of Personnel of the State Border Guard Service of Ukraine. His statement can be summarised as follows.

444. On 5 March 2014 in Simferopol the witness's car was surrounded by "Cossacks" led by Vladimir Mertsalov. Following negotiations, the witness was allowed to meet with his personnel in exchange for staying with Mr Mertsalov at all times. The latter was constantly escorted by armed guards and stayed in touch with his commanders by phone. Later that day, at the entrance to the detachment of maritime security in Yalta, the witness's car was blocked by Mr Mertsalov's car. He heard someone say: "Where is this Banderites' [a word used to describe a member of, or someone who subscribes to the ideas of, the political movement of Stepan Bandera] General?" At that moment, he was kicked and beaten on his torso with a brake shoe and a baseball bat, had his epaulettes ripped off, and he was forcefully put into a different car. Three armed "specialists" ("*спецы*") – special-purpose military and paramilitary forces of Russia – drove him around asking questions. They received instructions on the phone from a person they called "Superior Kuznechikov". They ordered the witness to leave Crimea the next morning or otherwise they would "destroy" him and the "captured family of [Ukrainian] Colonel Kosik". They released him at the bus station in Simferopol in the evening of 5 March 2014.

S. Viktor Get

445. As of early March 2014, the witness was the Head of the Counterintelligence Department of the SSU in Crimea. The SSU's investigative and counterintelligence activities from October 2013 to February 2014 revealed that active players in the "annexation of Crimea" – Sergei Aksenov, Vladimir Konstantinov, and Sergei Tsekov – had had direct contact with the Russian leadership at the highest levels, in particular with Leonid Slutskiy, a representative of the Russian Parliament, Oleg Lebedev, the first deputy chairman of the Russian Parliament, Mr O. Zhuravliov, the leader of the Rodina political party, Mr B. Rappoport, the Deputy Head of the Presidential Administration, Mr K. Zatulin, the director of the Institute of the Commonwealth of Independent States, Mr V.Yu. Surkov, then assistant to the President of Russia on domestic policy, and Mr D. Sablin, a member of the Russian Parliament.

446. On 1 and 2 March 2014 the witness received several offers to join the Russian side from Mr Aksenov, Mr Mertsalov and Vladimir Antiufeyev, the former "Minister of State Security of the Transdniestrian People's Republic". Mr Antiufeyev, according to the witness, was the real "supervisor" of Mr Aksenov, Mr Konstantinov and Mr Tsekov, with the chain of command then going up to the Russian "special services" in the Russian Black Sea Fleet.

447. According to the witness, alongside with the mass transfers of Russian troops and military equipment to Crimea in late February 2014, a flow of Russian "Cossacks" had arrived by Russian landing craft and stayed with the Russian Black Sea Fleet in Sevastopol. In late February 2014, these "green men", together with the "Cossacks" who had arrived from Russia, local pro-Russian young people and the "Berkut" former Ukrainian special police unit, established checkpoints in the Krasnoperekopsk and Chongar area, where Crimea connects with mainland Ukraine. On 4 March 2014 they detained the witness's car for an hour and a half; two "Cossacks" with a clear Russian accent searched his car and two "green men" silently monitored the situation.

VI. SPECIFIC MATERIAL CONCERNING APPLICATION No. 38334/18

A. General material

1. *"Russia's Investigative Committee sets up special unit to investigate international crimes in Ukraine", press release by the Investigative Committee of the Russian Federation, 4 June 2014*

448. The press release reported that the Investigative Committee of the Russian Federation had set up a special department for investigation of international crimes committed against the civilian population in Ukraine. It

emphasised that the Committee had already been investigating a number of cases regarding crimes against Russian and Ukrainian nationals in Ukraine, notably cases against members of UNA-UNSO concerning the wounding of a Russian journalist from the *Russia Today* news agency in Ukraine and others. Other investigations concerned illegal methods of warfare in the "DPR" and the "Luhansk People's Republic" ("LPR") (under Article 356 of the CrCRF) aimed at identifying, *inter alia*, the servicemen and the members of the Ukrainian National Guard and the "Right Sector" organisation who had given and carried out orders for air bombing, artillery shelling and annihilation of citizens and settlements in south-eastern Ukraine. As for the individuals involved in crimes against civilians, the Investigative Committee intended to hold criminally responsible all the officials and servicemen personally involved in the punitive operations, as well as those ordering and financing murders of civilians. The press release continued as follows (original in English):

> "The Investigative Committee urges everybody, including conscientious citizens of Ukraine, to help identifying immediate perpetrators of the killings of civilians in Southeastern Ukraine – military men: pilots, snipers, commanders of artillery units and others, who committed and keep on committing those crimes.
>
> Those 'Heroes of Ukraine' should have no doubts that their 'feats of arms' will be valued deservedly, but not by their present-day masters giving wrongful orders, but by Russian and international judicial authorities."

2. *"Criminal proceedings on war crimes in Ukraine: on what grounds are they initiated in Russia?" in The Tragedy of Southeastern Ukraine. The White Book of Crimes*

449. This article by Alexander G. Volevodz, published in the abovementioned book, which was edited by Alexander I. Bastrykin (2nd edition, Moscow, 2015), refers to the initiation on 30 May 2014 by the Main Investigative Department of the Investigative Committee of the Russian Federation of a criminal case, by virtue of Article 356 § 1 of the CrCRF, concerning the use of prohibited means and methods of warfare, namely the use, in an armed conflict, of means and methods prohibited by the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. The case was initiated in connection with events which resulted in the killing of civilians and destructions of numerous buildings in May 2014 in Slovyansk, Kramatorsk, Donetsk and Mariupol allegedly by unidentified servicemen of the Armed Forces of Ukraine, as well as unidentified members of the so-called National Guard of Ukraine and the "Right Sector".

450. Referring to the "the principle of universality" and the concept of "universal jurisdiction" and to the provisions of international law and international humanitarian law, as well as of national legislation (including Article 12 § 3 of the CrCRF), and domestic, European or international

case-law, the author concluded that there should be no doubt as to the lawfulness and the well-founded nature of the institution and the conduct of the criminal investigations into the crimes committed.

3. Letters from the Ukrainian Helsinki Human Rights Union addressed to the Agent of the Ukrainian Government before the European Court of Human Rights

451. The two letters (one of 11 July 2018 and the second undated) contained two charts providing information about the political prisoners allegedly persecuted by the Russian Federation: details and number of persons prosecuted (deprived of liberty or convicted); places of detention and imprisonment terms (in respect of the convicted persons); and motives of political persecution, which were still being tested by the human rights organisations. According to these letters, at that time, seventy-one Ukrainian nationals were listed as politically persecuted persons by the human rights organisations, out of whom thirty-nine were in Crimea and thirty-two in Russia.

4. Information regarding the prisoner exchange of 7 September 2019

(a) "Russia/Ukraine Prisoner Exchange Includes Release of Oleg Sentsov. A Total of 70 Prisoners Included in the Swap", hrw.org, 7 September 2019

452. This article, published on the Human Rights Watch website, reads, in particular, as follows:

> "After several increasingly tense weeks amid swirling rumors, a much-anticipated large-scale prisoner swap has finally happened between Russia and Ukraine. Among those who arrived in Kyiv this Saturday afternoon, newly released from Russian custody are 35 people. That number includes 11 Ukrainian prisoners – among them Edem Bekirov, Oleg Sentsov, Pavlo Hryb, Oleksandr Kolchenko, Stanislav Klykh, Mykola Karpyuk, Volodymyr Balukh, Roman Sushchenko – and 24 Ukrainian sailors, captured by Russia in November 2018. At around the same time, a plane with 35 Russian prisoners, released by Ukraine, landed in Moscow.
>
> Let's pause to celebrate. This long-awaited exchange is truly wonderful news for all those jailed for politically motivated reasons and who can now come home. Some who are gravely ill, like Edem Bekirov and Pavlo Hryb, can finally get urgently needed medical help. Others get to hug their families after years of separation. ..."

(b) "Ukrainians who returned home on September 7 in the framework of the mutual release of detained persons by Ukraine and Russia", 7 September 2019

453. A press release published by the Office of the President of Ukraine on 7 September 2019 listed the names of the thirty-five persons concerned and read, in particular, as follows:

> "1. Roman Sushchenko.
>
> 2. Oleg Sentsov.

3. Oleksandr Kolchenko.

4. Volodymyr Balukh.

5. Stanislav Klykh.

6. Mykola Karpiuk.

7. Oleksiy Syzonovych.

8. Pavlo Hryb.

9. Edem Bekirov.

10. Yevhen Panov.

11. Artur Panov.

..."

5. Letter from the Ministry for the Reintegration of the Temporary Occupied Territories of Ukraine to the Ministry of Justice of Ukraine

454. This letter, sent on 29 December 2022, contains an extract from the "Register of persons deprived of their personal liberty by illegal armed groups, the occupation administration and/or the authorities of the Russian Federation in the temporarily occupied territories of Ukraine and/or the territory of the Russian Federation in connection with the public or political activities of such persons, in respect of whom measures have been taken to protect and ensure their rights and freedoms" containing the names of 203 persons. The register is kept by the Ministry for the Reintegration of the Temporary Occupied Territories of Ukraine in accordance with domestic legislation and entries have been made therein as of 2018.

B. Material concerning individual cases

1. "Persecution of Crimean Tatars"

(a) "Case of 26 February 2014"

(i) Official notification letter signed by Refat Chubarov, Chairman of the Mejlis of the Crimean Tatar People, about a rally

455. By this notification letter, addressed to the Simferopol Municipal Council, the organisation informed the local authorities on the morning of 26 February 2014 about a rally which would be "exceptionally peaceful and [could] in no way harm the health and the rights and interests of other people", scheduled to be held the same day in front of the ARC Supreme Council from 10 a.m. to 5 p.m. About 3,000 participants were expected to take part. The rally was organised in order "to preserve the territorial integrity of Ukraine and to prevent the Supreme Council of the Autonomous Republic of Crimea from adopting decisions aimed at destabilising the situation in the Autonomous [Republic]".

(ii) Official notification letter signed by Mr Mikhail Sheremet, Chairman of the Simferopol branch of the Russian Unity Party, about a rally

456. By this notification letter, the party leader informed the local authorities about a rally organised in order to "resist destabilisation of the situation, [and] preserve and extend the authority of the Republic of Crimea". The rally was scheduled for 26 February 2014, from 1 p.m. to 8 p.m., in the square in the front of the ARC Supreme Council. 10,000 to 15,000 people were expected to attend the rally.

(iii) "The Simferopol detainees – Akhtem Chiygoz, Ali Asanov and Mustafa Dehermendzhi – are political prisoners", memohrc.org, 15 February 2016

457. This profile by Memorial Human Rights Center ("the Memorial HRC") presented the organisation's position on the arrest and investigation of Mr Akhtem Chiygoz, Mr Ali Asanov and Mr Mustafa Dehermendzhi in the context of the criminal case concerning the events of 26 February 2014 in front of the building of the ARC Supreme Council. It read, in particular, as follows (original in English):

"The Russian investigation

The Russian authorities began to investigate the events, even though they took place on Ukrainian territory before the annexation of Crimea by the Russian Federation.

These incidents were described as 'mass disturbances' and the fact that at least two of the 79 individuals named as being injured were Russian citizens was used as an excuse for the intervention of the investigators from Russia. We believe that this interpretation was artificially promoted to permit extensive political harassment and persecution.

This view is supported by the following circumstances:

- One, neither of the named Russian citizens sought medical aid and it is doubtful that their injuries were genuine (this doubt extends to more than half of the remaining so-called victims);

- Two, the Russian investigators charge the accused [1] with causing damage to a Ukrainian administrative building (the supposed pogrom perpetrated within the walls of the Crimean Supreme Soviet), and [2] disobeying the demands of those acting on behalf of the Ukrainian Ministry of Internal Affairs. They even claim that the accused violated Ukrainian legislation about the holding of rallies. This demonstrates that the investigators completely disregarded the sovereign status of Ukraine.

Political motives

Only supporters of the Crimean Tatar Assembly (or Majlis) who demonstrated in favour of the Euro-Maidan are being prosecuted, although both sides engaged in similar levels of violence. This reveals very clearly the political motivation behind the investigation.

It should be added that the seizure of the administrative building with which the accused are charged was repeated the very same night by unidentified persons wearing masks. This second event, however, was regarded by the Russian authorities not as a pretext for a criminal investigation but as part of the preparations for a 'legitimate' referendum.

The men and the charges they face

...

We have our doubts about the organised character of the violence which took place on the square in front of the Crimean Supreme Soviet on 26 February 2014. In our view accusations of an 'organised crush' is speculative, since the crush that develops in the centre of any crowd is equally dangerous to both parties involved and is a consequence, rather, of the conflict.

The suggestion that the mass release of tear-gas was deliberate and took place on someone's orders is also doubtful. Once again it was a threat, equally, to all then present on the square.

The evidence of witnesses (including those who remain unidentified) that Chiygoz was supposedly involved in organising these disturbances appears contradictory and often improbable. Sergei Aksyonov, the chairman of the Crimean Supreme Soviet, says that Chiygoz used a loudspeaker to urge all to behave in a peaceful manner while quietly issuing orders to engage in violence. If that is the case it is hard to understand how his orders could have been heard on such a noisy occasion. Meanwhile, the investigators have ignored extant video recordings of the event that show how Chiygoz called on people to behave in a peaceful manner and tried to separate those who were fighting.

Asanov and Dehermendzhi are accused of minor acts of violence. The former struck a blow with his fist, the latter kicked someone. They do not deny their involvement in the fighting.

Neither of the participants of the pro-Russian rally who later claimed to be injured sought medical assistance. There is no evidence that they were unable to work as a result. Such a level of violence is classified, under the RF Criminal Code, as 'assault' (Article 116) or the 'infliction of minor injury' (Article 115). The highest penalty for these offences, when exacerbated by hooliganism or driven by hatred, is two years' imprisonment. Such crimes, furthermore, do not usually require pre-trial custody.

Asanov and Dehermendzhi, however, have been detained since April or May 2015 and are charged with 'serious' offences.

The international dimension

As concerns the protection of civilians in wartime The 1949 Geneva Convention (Article 70) states that occupying forces cannot detain, prosecute or convict individuals for actions or thoughts committed or voiced before the occupation of the territory or during the temporary cessation of that occupation. The only exceptions concern violations of the laws and customs of war."

(iv) Report of the International Expert Group, published in 2017 and entitled "Case of 26th February. Part 1: Reconstruction and legal analysis of events near the building of the Verkhovna Rada of the Autonomous Republic of Crimea in the city of Simferopol 6th February 2014"

458. The report contains a reconstruction and legal analysis of the events of 26 February 2014 outside the building of the ARC Supreme Council in Simferopol, when two rallies organised by the Russian Unity Party and the Mejlis of the Crimean Tatar People were held. The International Expert Group was created in December 2015. For the preparation of the present report it included representatives of six organisations from four countries: the

Association of Ukrainian Human Rights Monitors on Law Enforcement (Ukraine), the Regional Centre for Human Rights (Ukraine), the Resource Center for Human Rights – CReDO (Moldova), the Memorial Human Rights Centre (Russia), the Ukrainian Helsinki Human Rights Union (Ukraine) and the Helsinki Foundation for Human Rights (Poland). The search and collection of information was limited to public sources and materials voluntarily provided by the participants, observers and parties to the events. The collection of information and materials used in the preparation of the report (which lasted twelve months) was carried out until the autumn of 2016.

459. After the reconstruction and legal analysis of the events of 26 February 2014 (Section 1), the report outlined the investigation of those events by different authorities (Section 2) before conducting a legal analysis (Section 3). Finally, the report drew several general conclusions.

460. Under the sub-heading "Application of criminal law with respect to persons who have committed offences outside the boundaries of the Russian Federation", the report notes, in particular (original in English):

> "The defendants in the case at the time of the events than took place on 26 February 2014 on the territory of Ukraine were Ukrainian citizens. Other participants of these events recognized as victims in the case also were citizens of Ukraine residing on the territory of the Autonomous Republic of Crimea and the city of Sevastopol [footonote: If to agree with the position of the prosecution that among more than 80 victims there are two Russian citizens as of 26.02.2014 (S. Kulikov and A. Ivkin), then the jurisdiction of the Russian Federation is limited only to the harm caused to these particular citizens. It should be noted that in respect of these citizens there is no evidence of the fact of receiving injuries by them, and they did not seek medical care after the rally].
>
> Since the events occurred on the territory of the sovereign State Ukraine and concerned the internal political structure of the country, any reference to the fact that "the crime was directed against the interests of the Russian Federation" is null. The recognition of the interest of the Russian Federation in the procedure and conditions of holding a mass event, which was aimed to preserve the territorial integrity of Ukraine, would mean the Russian intervention into the internal affairs of a sovereign State, which is contrary to the well-established international principles and cannot be considered a legitimate interest of the RF.
>
> It should be noted that Article 2 of the Federal Law of the Russian Federation No. 91-FZ "On the application of the provisions of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation on the territories of the Republic of Crimea and City of Federal Importance of Sevastopol", in fact, sets forth additional rules for geographical and personal scope of the criminal law on the territory of Crimea and Sevastopol that is contrary to the provisions of Article 12 of the Criminal Code of the Russian Federation.
>
> In this case, the accused are actually prosecuted for the crimes, the object of which was the interests of Ukraine. Article 294 of the Criminal Code of Ukraine, which criminalizes the organization and participation in mass riots, refers to offences against public order in Ukraine. The indictment against all the defendants in the '26 February criminal case' clearly reads that they are charged with violation of Article 39 of the Constitution of Ukraine, which stipulates the order of the realization of the right to peaceful assembly.

In fact, the wrongful act, which the citizens of Ukraine are charged with, lacks elements of *corpus delicti*, which constitutes a violation of the provisions of Russian laws and regulations (in the part of organization and holding of rallies and demonstrations)."

461. With regard to jurisdiction, as well as to the compliance of the proceedings with the principle of "no punishment without law", the report concludes:

"(1) On the territory of the Autonomous Republic of Crimea, the Russian Federation has no right to carry out any proceedings in relation to the events of 26 February 2014 at the SC ARC building, without the consent of the authorized agencies of Ukraine, and otherwise than in the manner prescribed by the international treaty, the parties to which the Russian Federation and Ukraine are.

(2) The extension of Russian criminal law to wrongful acts that were committed prior to the annexation of the Crimean peninsula implies the retroactive effect (*ex post facto*), which is contrary to one of the fundamental principles of criminal procedure recognized in international law – 'no punishment without law'.

(3) Application by the Russian Federation of the principle of extraterritorial jurisdiction in the '26 February criminal case' is impossible due to the fact that the crimes, which the citizens of Ukraine (Ahtem Chiygoz and others) are charged with, do not relate either to war crimes or crimes against humanity, and do not fall under any of the Conventions on the Suppression and Punishment of the Crime.

(4) The defendants in the '26 February criminal case' are being prosecuted for crimes, the object of which was interests of Ukraine (organization of and participation in mass riots refers to the offences against public order). In fact, the wrongful act, which the citizens of Ukraine are charged with, lacks elements of *corpus delicti*, which constitutes a violation of the provisions of Russian laws and regulations.

(5) The existing legal problems, together with the unmotivated selective approach of the *de facto* authorities of Crimea to the prosecution of the organizers and participants of the two rallies (among the defendants are only 'pro-Ukrainian' rallyers) demonstrate the politically motivated nature of the criminal prosecution of A. Chiygoz and other persons by the Russian Federation."

462. With regard to the politically motivated prosecution of Mr Chiygoz and other defendants in criminal case no. 2015417109, the report concludes:

"The selective nature of justice and politically motivated prosecution of A. Chiygoz and other defendants is proved by the following facts: (1) only participants of the 'pro-Ukrainian' rally, representatives of the Crimean Tatar people, are prosecuted in the criminal case No. 2015417109; (2) Russian Federation is lacking jurisdiction and legal grounds to investigate into the events of 26 February 2014 both pursuant to international law and national legislation. In addition, the most victims in the criminal case no. 2015417109 belong to the participants of the 'pro-Russian' rally, representatives of the SDPU and law enforcement officers. No participant of the 'pro-Ukrainian rally' has been identified as a victim."

(v) Media articles

(α) "Pro-Russian forces blocked the building of the Council of Crimea demanding a referendum on independence", Radio Svoboda website, 25 February 2014

463. According to this article, several hundred pro-Russian activists blocked the building of the ARC Supreme Council on 25 February 2014 and put forward their demands to the latter's Chairman, Mr Konstantinov, to hold an extraordinary session and to vote on holding a referendum on the independence of Crimea. On the same day, Mr Konstantinov came out to the protesters and announced that on 26 February 2014 an extraordinary session would be held, the agenda of which would depend on the decision of the Parliament of Ukraine about early parliamentary elections in the Crimea.

(β) "Putin's arbitrary rule: Why Chiygoz has been in 'the Simferopol SIZO' for a year", glavred.info, 31 January 2016

464. This article presents the individuals arrested in relation to the "26 February criminal case" and describes the events of 26 February 2014 in front of the building of the ARC Supreme Council as seen by Mr Refat Chubarov, Chairman of the Mejlis in Crimea, during which the Crimean Tatars supported the territorial integrity of Ukraine. Mr Refat Chubarov contended that, after the events, Mr Akhtem Chiygoz had acted as the Chairman of the Mejlis in Crimea in the absence of the other leaders, who had been prohibited from entering Crimea. Mr Chiygoz and other activists were under pressure to act according to the interests of the Russian authorities. The article also presented allegations by Mr Akhtem Chiygoz's lawyer pertaining to the severe conditions of detention in which his client was being kept in the Simferopol SIZO, his detention in a special wing without outside contact except with his lawyers, the poor quality of food in prison and the constant pressure put on him in order to confess to the crime he was charged with.

465. In addition, the article outlines Mr Chiygoz's lawyer's concerns about the fabricated charges brought against his client for political motives, the application of the provisions of Article 12 of the CrCRF to those charges, the similarities with the "Bolotnaya case" adjudicated by the Russian courts, the investigation of the case and its subsequent adjudication by prosecutors and judges of Crimean courts who had an interest in displaying their loyalty to the Russian authorities, as well as the fact that the defendants in the case were all members of the Crimean Tatar community, whereas all the alleged victims were representatives of the Russian-speaking population and members of the so-called people's militia from Crimea.

(γ) "Human rights activists describe terrible conditions of detention in Simferopol SIZO", fakty.ua, 29 June 2017

466. Referring to Mr Volodymyr Balukh's detention in the Simferopol SIZO, this article reported on the allegedly inadequate conditions of detention there as described by the Crimean Human Rights Group:

"In the occupied Crimea, the conditions in the cell of the Simferopol SIZO where a Ukrainian political prisoner, Volodymyr Balukh, is being held are unacceptable. This is confirmed by the Crimean Human Rights Group.

Together with Balukh there are 20 people in the cell, but it is designed for 16 places. According to their relatives, detainees have to sleep in turns. The size of the cell is 42 square metres (6×7 metres).

The norm of sanitary space per person in the cell is 4 square metres. At present, there is just over 2 square metres per detainee.

All personal belongings, including food, household and hygiene products, are kept in the cell and take up a lot of space. It is very hot in the cells, as the temperature in Simferopol during the day rises to 40 degrees Celsius. People wash and dry their laundry right in the cells. This makes the air in the cramped rooms too humid.

The cells are poorly lit, the detainees' eyesight is damaged. There are cockroaches, ants and other insects in the premises. People are bitten by fleas and mosquitoes. Toilet is located right in the cell, it is one for all and is [separated from the remaining cell with a plastic sheet]. Because of this, there is a particular odour in the cells.

For walks, prisoners are taken to a semi-open room, which is smaller than the cell itself, it is under the roof and the sky is not visible.

The food given to people is practically inedible. Prisoners can only eat what their loved ones pass on. But food has to be shared with other prisoners. As a result of the poor diet, many have lost a lot of weight.

Living in such terrible conditions leads to the aggravation of chronic diseases of prisoners and the emergence of new ones. In particular, relatives of Volodymyr Balukh have reported that he suffers from headaches due to aggravated maxillary sinusitis; also aggravated heart problems, Balukh has high blood pressure. We would remind you that the Supreme 'Court' of the annexed Crimea upheld the complaint of the lawyer of the pro-Ukrainian activist Volodymyr Balukh that his detention until 21 August was groundless."

(δ) Article "Every condition to keep people in such a state that they think that it would be best to die has been created in the Simferopol SIZO", krymr.com, 23 April 2018

467. The article referred to Mr Akhtem Chiygoz's statement during an interview on the Krym Realii radio station (a Crimea-focused news outlet of Radio Free Europe/Radio Liberty) about the difficult conditions of detention in the Simferopol SIZO and to reports from Crimean Human Rights Group and Russian bodies about the death of four detainees in that detention facility.

(vi) Evidence concerning Mr Akhtem Chiygoz

(α) Material from criminal proceedings

468. By a decision of 29 January 2015, the "Kyiv District Court of Simferopol" ordered Mr Chiygoz's detention for twenty-four days on the grounds that he was suspected, on the basis of the material in the criminal case file, of having committed serious offences (negligent homicide and organising and participating in mass disorder), that he might threaten or exert

pressure on the witnesses with whom he was acquainted by virtue of his social activities, or that he might abscond (being an Ukrainian national and having left for Ukraine on several occasions) and continue his criminal activities. On 6 February 2015 the "Supreme Court of the Republic of Crimea" upheld the decision.

469. By a decision of 11 February 2015, the same "District Court" extended Mr Chiygoz's pre-trial detention until 19 May 2015. On 22 February 2015 the "Supreme Court of the Republic of Crimea" upheld the decision.

470. By a decision of 15 February 2016, the "Supreme Court of the Republic of Crimea" examined a request from Mr Chiygoz's lawyer to return the case to the prosecutor. The "Supreme Court" noted that as a result of the unlawful actions of the organisers of the riot and those taking part, seventy-nine residents of the Republic of Crimea, as well as other unidentified people, had sustained injuries of varying degrees during the alleged disturbances. In addition, property belonging to the ARC Supreme Council had been destroyed or damaged. Given that the victims of the riot were citizens of the Russian Federation, and that criminal proceedings into the events had not been instituted by the competent authorities of Ukraine, it found that the accused should be criminally liable under Article 12 § 3 of the CrCRF. However, the "Supreme Court" observed that the case file did not contain the victims' statements and that there was no indication of the nature of the injuries allegedly inflicted upon them. Moreover, the property destroyed or damaged had neither been described nor evaluated. Thus, it ordered the return of the case to the prosecutor. By a decision of 3 March 2016, the criminal-law collegium of the "Supreme Court of the Republic of Crimea", sitting on appeal, upheld the decision.

471. By a decision of 20 July 2016, the "Supreme Court of the Republic of Crimea" decided to continue the examination of the case against Mr Chiygoz and to sever the case against the other defendants and remit it for consideration to the "Central District Court of Simferopol". On 13 September 2016 the criminal-law collegium of the "Supreme Court of the Republic of Crimea" upheld the decision.

472. By a judgment of 11 September 2017, the "Supreme Court of the Republic of Crimea" convicted Mr Akhtem Chiygoz of organising mass disorder under Article 212 § 1 of the CrCRF and sentenced him to eight years' imprisonment in a common-regime penal facility. On the basis of witness statements, video recordings, photographs and expert reports, the "Supreme Court" found it established that Mr Akhtem Chiygoz had planned, organised and led the actions of the supporters of the Mejlis during the rally which had taken place on 26 February 2014 in front of the building of the ARC Supreme Council, calling on them to use violence and push their opponents from the Russian Unity Party who were present in the courtyard of the above-mentioned building, as well as to enter the building. Those

actions had resulted in the death of two, bodily injuries to about eighty persons and property destruction. In rejecting an argument of the defence pertaining to the application of the Ukrainian law at the time when the alleged actions had occurred – which had prompted Mr Chiygoz to allege that his prosecution was politically motivated – the "Supreme Court" referred to the provisions of section 2 of Federal Law no. 91-FZ of 5 May 2014 on the application of the provisions of the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation in the territories of the Republic of Crimea and the City of Federal Importance of Sevastopol. It stressed that in accordance with this section, the application of the criminal law to events which had occurred before 18 March 2014 in Crimea was regulated by general provisions of Russian law and that it was not permissible to apply a law that would punish the act more harshly.

(β) Other evidence

– *Profile of Mr Chiygoz published on the website letmypeoplego.org.ua*

473. According to the information provided on the letmypeoplego.org.ua website, the campaign #LetMyPeopleGo was launched on the initiative of Euromaidan SOS to protect Ukrainian citizens who were imprisoned in Russia and occupied Crimea for political reasons. It aims to secure the release of all the prisoners on the #LetMyPeopleGo list and monitors compliance with the fundamental rights of the Kremlin's hostages, particularly freedom from torture, free access to a lawyer and medical care. The campaign has been supported by a number of organisations in Ukraine and abroad, including the Center for Civil Liberties and the Kharkiv Human Rights Protection Group. A dedicated page on the above-mentioned website reported information about the Mr Chiygoz's arrest, detention, conviction, pardon and extradition to Türkiye.

– *"Akhtem Chiygoz and Ilmi Umerov extradited to Türkiye", Ukrainska Pravda, 25 October 2017*

474. This article reported on the convictions of Mr Akhtem Chiygoz and Mr Ilmi Umerov on 11 September and 25 September 2017 respectively, and their extradition to Türkiye. According to Mr Mustafa Dzhemilev, the leader of the Crimean Tatar people, the extradition was made possible following agreements reached during a visit by the President of Türkiye to Ukraine.

(vii) Evidence concerning Mustafa Dehermendzhi

(α) Material from criminal proceedings

475. By a resolution of 8 May 2015, Mr Mustafa Dehermendzhi was charged with participating in mass disorder during which, disregarding the orders of the law-enforcement bodies of Ukraine, he had deliberately used violence against the members of the Russian Unity Party who were present

in front of the ARC Supreme Council and more specifically had punched one individual, causing him physical pain.

476. By a decision of 8 May 2015, the "Kyiv District Court of Simferopol" placed Mr Dehermendzhi – who had been arrested on 7 May 2015 – in pre-trial detention for two months. The "District Court" found the detention necessary in view of the risk of his absconding and continuing criminal activity; those risks were inferred from the gravity of the charges and the information that he was a national of another State and was in contact with extremist groups.

477. By decisions of 3 July and 19 August 2015, the District Court extended Mr Dehermendzhi's pre-trial detention. It noted that there were also reasons to believe that Mr Dehermendzhi would exert pressure on witnesses with the aim of obstructing the criminal proceedings and that he was unmarried and had no children, and thus no social ties with his place of residence.

478. By a decision of 11 August 2015, the "Kyiv District Court of Simferopol" rejected Mr Dehermendzhi's request to discontinue the criminal proceedings for lack of *corpus delicti*.

479. By a decision of 3 February 2016, the "Supreme Court of the Republic of Crimea" upheld the decision of 25 January 2016 of a panel of judges of the same court extending the pre-trial detention of Mr Dehermendzhi.

480. By a decision of 2 March 2018, the "Central District Court of Simferopol" extended the measure of home arrest taken earlier in the proceedings with regard to Mr Dehermendzhi and Mr Asanov. On 23 April 2018 the same court extended the measure until 7 July 2018.

(β) Witness statement by Ms Mavile Dehermendzhi

481. In a written statement of 20 June 2018, Ms Mavile Dehermendzhi, Mr Mustafa Dehermendzhi's sister, set out information about the latter's arrest and placement in pre-trial detention, the search of his home and his conviction. She mentioned that on 26 February 2014 her brother, together with their father, had participated in the rally held near the ARC Supreme Council. They had left the rally before 4 p.m. and had gone to her brother's apartment because their father had felt ill. She pointed to the existence of a certain video recording supporting her allegations. However, according to the prosecution authorities, Mr Mustafa Dehermendzhi had still been near the ARC Supreme Council at that time.

(γ) Other evidence

– *Press release from May 2015 issued by the Ministry of Information Policy of Ukraine*

482. In this press release from May 2015 issued on the occasion of the seventy-first anniversary of the deportation of the Crimean Tatars, the Ministry of Information Policy of Ukraine stated:

> "The Ukrainian Government will make every effort to release the victims of the FSB: Akhtem Chiyhoz, Ali Asanov as well as Mustafa Dehermendzhi and Ernest Nebiyev who have been thrown in jail a year ago, on February 26, just because they joined the Crimean Maidan to defend the sovereignty and territorial integrity of Ukraine together with thousands of their fellow countrymen."

– *"Native Mustafa Dehermendzhi faces prison term of up to eight years", hromadskeradio.org, 20 August 2015*

483. This article set out information about the extension of the pre-trial detention of Mr. Dehermendzhi. It also reported allegations by his relatives (his uncle and his father) that the charges brought against him and the grounds for the extension of his pre-trial detention were absurd. In addition, it referred to Mr Dehermendzhi's claims that he had been under psychological pressure to confess to his guilt during the investigation.

– *"Home arrest for the figurants of the '26 February case' was extended", ctrcenter.org, 8 March 2018*

484. This article reported that the measure of home arrest concerning Mr Dehermendzhi and Mr Asanov had been extended.

– *"In Crimea, the persons involved in the '26 February criminal case' were sentenced to probation", krymr.com, 19 June 2018*

485. This article reported that the "Central District Court of Simferopol" had sentenced Mr Ali Asanov and Mr Mustafa Dehermendzhi to four years and six months' imprisonment, suspended on probation, Mr Arsen Yunusov and Mr Eskender Kantemirov to a four-year prison term, suspended on probation, and Mr Eskender Emirvaliev to three years and six months' imprisonment, suspended on probation. In 2015 Mr Taliat Yunusov and Mr Eskender Nebiyev had previously been sentenced to various prison terms suspended on probation, after they had made an agreement with the investigative authorities. According to the terms of the agreement, they had pleaded guilty on condition that their testimony would not be used as evidence in the "26 February criminal case".

– *"Mustafa Dehermendzhi", ovdinfo.org, undated*

486. This article provided information about the criminal case against Mr Dehermendzhi and mentioned that he was incarcerated in Simferopol SIZO during his pre-trial detention.

(viii) Evidence concerning Taliat Yunusov

(α) Material from criminal proceedings

487. By a judgment of 28 December 2015, the "Central District Court of Simferopol" convicted Mr Taliat Yunusov of participating in mass disorder under Article 212 § 2 of the CrCRF and sentenced him to three years and six months' imprisonment, suspended on probation. The judgment confirmed the legality of a plea-bargaining agreement concluded between Mr Yunusov and the prosecutor's office in the framework of which the former had confessed to his crime and agreed to be sentenced without a trial. The "District Court" found that Mr Yunusov, sharing the radical political views of Mejlis aimed at obstructing the normal functioning of the authorities of the Autonomous Republic of Crimea and under the instructions of Mr Chiygoz, had violently pushed the members of the Russian Unity Party present during the rally held on 26 February 2014 out of the place where they had been gathering. He had also punched two individuals in the head and the body respectively, causing them physical pain. Moreover, together with other Crimean Tatars, he had entered the building of the ARC Supreme Council and participated in the destruction of items in the building.

(β) "The Crimean Tatar Taliat Yunosiv detained: 'Armed people with masks broke into the house'", censor.net.ua, 11 March 2015

488. This article reported that Mr Yunusov had been arrested on 11 March 2015 in the context of the case concerning the rally of 26 February 2014. According to Mr Yunusov's father, masked men carrying arms had broken into his house at 7 a.m. After mentioning that Mr Yunusov's participation in the rally of 26 February 2014 had been recorded on camera and that he was suspected of having caused bodily injuries to another person, they had taken him to Simferopol. The article reported that the family had had no communication with him ever since.

(ix) Evidence concerning Eskender Nebiyev

(α) Material from criminal proceedings

489. By a judgment of 12 October 2015, the "Central District Court of Simferopol" convicted Mr Nebiyev of participating in mass disorder under Article 212 § 2 of the CrCRF and sentenced him to two years and six months' imprisonment, suspended on probation. The District Court found that even though Mr Nebiyev had committed the offence outside the Russian

Federation, he could be held criminally liable for his actions pursuant to Article 12 § 3 of the CrCRF, on account of Mr Nebiyev's and the victims' Russian nationality and because Ukraine had failed to open a criminal investigation into the events.

490. The judgment confirmed the legality of a plea-bargaining agreement concluded with the prosecutor's office according to which Mr Nebiyev had confessed to his crime and agreed to be sentenced without a trial. The "District Court" found that Mr Nebiyev, sharing the radical political views of the Mejlis aiming at obstructing the normal functioning of the authorities of the Autonomous Republic of Crimea and under the instructions of Mr Chiygoz, had violently pushed the members of the Russian Unity Party present during the rally held on 26 February 2014 out of the place where they had been gathering. He had also hit two individuals with his hand and leg, causing them physical pain. Moreover, together with other Crimean Tatars, he had entered the building of the Supreme Council and participated in the destruction of items in the buildings.

(β) Media articles

– *"ATR cameraman Nebiyev was released from jail", investigator.org.ua, 18 June 2015*

491. This article reported that Mr Nebiyev, who had been arrested on 20 April 2015 and whose house had been searched, had been released after two months. It further mentioned that human rights activists believed that the "26 February criminal case" had no basis in law, but was a tool for political persecution, given that only opponents to the current government in Crimea had been arrested in the criminal case.

– *"Behind bars again. Eskender Nebiyev was arrested in Simferopol", krymr.com, 10 October 2015*

492. This article reported that on 9 October 2015 Mr Eskender Nebiyev had been arrested in the context of the "26 February criminal case". He had already been arrested on 20 April 2015 and detained for two months. Three other participants in the rally were still in pre-trial detention.

(b) "Case of 3 May 2014"

(i) Material from domestic proceedings

(α) Evidence concerning Mr Edem Osmanov

493. By a decision of 20 January 2015, the investigator brought charges against Mr Edem Osmanov for using violence against a public official during the incidents of 3 May 2014, under Article 318 § 1 of the CrCRF.

494. By a decision of 25 February 2015 of an investigator of the "Main Investigative Department of the Investigative Committee of Russia in the Republic of Crimea", Mr Osmanov – who had been arrested on 19 January

2015 and placed on pre-trial detention on 21 January 2015 – was released under a personal guarantee. The investigator noted, *inter alia*, that Mr Osmanov had confessed to his crime. The decision was notified to the Simferopol SIZO, where Mr Osmanov was incarcerated.

495. By a judgment of 7 December 2015, the "Armyansk City Court" convicted Mr Osmanov of using violence against a public official under Article 318 § 1 of the CrCRF and sentenced him to a suspended term of one year's imprisonment with a one-year probationary period. It found that Mr Osmanov had hit in the chest and face a police officer from a human corridor formed during the rally held on 3 May 2014 at the Armyansk checkpoint. In reaching its decision, the "Armyansk City Court" had regard notably to the statements of the victim and two eyewitnesses, a video recording provided by a television channel, a report drawn up after an on-site inspection, documentary material concerning the organisation of the intervention by the police forces and the conclusions of an identity parade based on photographs. Having regard to the same body of evidence, the court rejected Mr Osmanov's arguments in defence to the effect that (i) his conduct had been justified by a "state of necessity" on account of his being attacked by an individual during the events and (ii) he was unaware of the fact that the individual concerned was a police officer. It is unclear whether this judgment is final.

(β) Evidence concerning Mr Tair Smedlyaiev

496. By a decision of 23 October 2014, Mr Smedlyaiev was charged with use of violence against a public official during the incidents of 3 May 2014, under Article 318 § 1 of the CrCRF.

497. By a decision of 24 October 2014, the "Kyiv District Court of Simferopol" placed Mr Smedlyaiev – who had been arrested on 22 October 2014 – in pre-trial detention for two months. The District Court found the detention necessary in view of the risk of his absconding, continuing criminal activity and hindering the criminal investigation by putting pressure on the witnesses and other participants; those risks were inferred from the information that he was a Ukrainian national and not a citizen of the Russian Federation, and had no employment, and that the investigation had documented threats against the police officers involved in his arrest.

498. By a decision of 11 December 2014 of the investigator, Mr Smedlyaiev was released under a personal guarantee. The investigator noted, *inter alia*, that he had confessed to his crime. The decision was notified to the Simferopol SIZO, where Mr Smedlyaiev was incarcerated.

499. By a judgment of 10 December 2015, the "Armyansk City Court" convicted Mr Smedlyaiev of use of violence against a public official under Article 318 § 1 of the CrCRF and sentenced him to a suspended sentence of two years' imprisonment. It found that Mr Smedlyaiev had grabbed a police officer by the collar and then pushed him during the incidents of 3 May 2014.

In reaching its decision, the "Armyansk City Court" had regard notably to the statements of the victim and those of four prosecution witnesses; a video recording provided by a television channel; a report drawn up after an on-site inspection; documentary material concerning the organisation of the intervention by the police forces; the conclusions of an identity parade based on photographs; the conclusions of an export report regarding the examination of the police officer's jacket, and Mr Smedlyaiev's confession made during the preliminary investigation in the presence of the lawyer of his own choosing. Having regard to the same body of evidence, the court rejected Mr Smedlyaiev's defence arguments to the effect that the police officer in question was not a member of the police force. It further explained that the accused's statement to be taken into consideration in the case was the one made during the preliminary investigation through which he had confessed to his crime as it presented a detailed version of the facts and was consistent with the rest of the evidence. It thus rejected other statements made by Mr Smedlyaiev during the investigation in which he alleged that his conduct had been triggered by the fact that he had been hit by an individual wearing a camouflage uniform, as well as the statements he had made at the court hearing to the effect that he had merely tapped the victim on the shoulder in a friendly way to thank him for not using weapons during the incidents. It is unclear whether the judgment is final.

(ii) Media articles

(α) "Trial of Tair Smedlyaiev to take place on October 24", qha.com.ua, 23 October 2014

500. The article reported the arrest of Mr Tair Smedlyaiev on 22 October 2014 as described by the latter's brother (original in English):

> "The policemen introduced themselves and [said] that Tair's car was involved in a traffic accident and examined his documents. After that they forced Tair and his elder son in the 'Gazel car'. The elder son was later let go as there w[as] another 4-year old son, crying in the car."

(β) "Another arrest in dubious 'May 3' case against Crimean Tatars", khpg.org, 26 November 2014

501. The article reported the arrest and remand in custody of Mr Edem Ebulisov on 25 November 2014 in the context of the incidents of 3 May 2014. The arrest followed the deprivation of liberty of three other Crimean Tatars in October 2014 for offences related to the bodily harm inflicted on law-enforcement officers carrying out their duties during the above-mentioned incidents. The article continued as follows (original in English):

> "On May 3 around 5 thousand Crimean Tatars came to meet Mustafa Dzhemiliev at the Armyansk crossing between the Kherson oblast in mainland Ukraine and the Crimea. The 71-year-old former political prisoner and Ukrainian MP had been stopped from flying to Simferopol the day before, and it seemed clear that the authorities,

despite initial denials, were going to impose the extraordinary 5-year-ban on Dzhemiliev entering his native Crimea while under Russian occupation.

Mustafa Dzhemiliev and the Crimean Tatars who came to meet him were confronted by Russian OMON riot police and Crimean 'police'. It was decided that Dzhemiliev would return to Kyiv in order to avert bloodshed. The only actual 'offences' reported at the time were that roads were blocked.

The following day the so-called prosecutor, Natalya Poklonskaya sent two reports to the Russian Investigative Committee and FSB 'for the organization of criminal prosecution in connection with unlawful public protests' by Crimean Tatars in Armyansk. She also issued Refat Chubarov, head of the Mejlis, or representative assembly of the Crimean Tatars with a warning that the Mejlis could be dissolved, claiming that the protest was 'action of an extremist nature'.

According to Alexandra Krylenkova from the Crimean Human Rights Field Mission around 200 people were fined between 10 and 40 thousand roubles on administrative charges over an 'unauthorized rally' and 'not obeying the police'.

Like the Bolotnaya Square anti-Putin protests on May 6, 2012 in Moscow, the events in Armyansk on May 3, 2014, have been cited by the Crimean occupation regime as justification for numerous armed searches of Crimean Tatar homes and mosques, as well as repressive measures against members of the Mejlis.

The fact that Crimean Tatars are now being arrested and remanded in custody is therefore a matter of deep concern, as are the blurred charges, including of 'extremism' based on denunciations."

(γ) "Edem Osmanov was arrested in the '3 May case'", ovd-info.org, 21 January 2015

502. This article reported on, *inter alia*, Mr Osmanov's arrest on 19 January 2015 – the fifth person arrested in the "3 May case" – and the charges brought against him.

(c) Ilmi Umerov

(i) Material from criminal proceedings

503. By a decision of 12 May 2016 by a Crimean FSB investigator, Mr Umerov – who had been arrested on the same day – was released, having signed an undertaking not to leave his place of residence in Crimea.

504. By a decision of the same day, the "Kyiv District Court of Simferopol" allowed the investigator's request regarding the search of Mr Umerov's home.

505. By a decision of 19 May 2016, Mr Umerov was charged with carrying out public calls for extremist activities aimed at undermining the territorial integrity of the Russian Federation using information and telecommunication networks (including the internet), an offence under Article 280.1 § 2 of the CrCRF. The charges referred to a live interview broadcast by the Crimean Tatar ATR television channel in March 2016 during which Mr Umerov had declared that Crimea should be returned to Ukraine. The video recording of the interview was later uploaded to YouTube

with unrestricted access. More specifically, the investigator contended that Mr Umerov had threatened Russia's territorial integrity when making the following comments: "It is necessary to force Russia to leave the Crimea, Donbas and Luhansk, if they returned the borders of Ukraine back to their former place"; " I repeat it is necessary to force Russia to leave the Crimea and Donbas"; "Ukraine should not change its opinion, and in a short time should adopt several laws, on indigenous peoples, on the status of the Crimean Tatar people, then make changes to the constitution of Ukraine, territorial autonomy should be changed into national autonomy"; "Be sure if the Crimean Tatar Autonomy would be part of Ukraine"; " To help the Mejlis of the Crimean Tatar People, all together we would expand and deepen and strengthen these sanctions, and force Russia to leave Crimea"; "If the borders of Ukraine were returned back, to their former place", and "I repeat it is necessary to force Russia to leave the Crimea and Donbas" (translation of the investigator's decision provided by the applicant Government).

506. On 7 September 2016 a forensic psychiatric expert report concluded that Mr Umerov had not suffered any mental illness, chronic or temporary, at the time of the commission of the alleged acts and had been able to apprehend their nature and the harm that they would cause. The expert report mentioned that Mr Umerov had been admitted to a local hospital from 11 to 18 August 2016.

507. By a decision of 21 September 2016, a request by Mr Umerov's lawyers to alter the preventive ban imposed on him in order for him to undergo emergency medical treatment in Kyiv was rejected by the investigator. The investigator rejected the request on the grounds that it was shown that Mr Umerov had already received specialist treatment in a hospital in Simferopol in August 2016.

508. In a series of decisions, the investigator extended the deadline for the completion of the investigation regarding Mr Umerov in order to take various investigative measures.

509. By a decision of 13 December 2016, the "Kyiv District Court of Simferopol" allowed a request by the investigator for N.P., a lawyer of the Moscow Bar Association, to be heard as a witness. The hearing would aim to investigate the involvement of Mr Umerov in the Mejlis. The "Kyiv District Court of Simferopol" noted that N.P. had represented Mr Umerov before the "District Court" and the "Prosecutor General's Office" in August 2016 but was not representing Mr Umerov in the course of the pre-trial investigation under Article 280.1 § 2. It concluded that the rules on lawyer-client privilege were not applicable in the circumstances and that N.P. could be questioned as a witness by the investigation. N.P. was heard as a witness in January 2017.

510. By a judgment of 27 September 2017, the "Simferopol District Court" convicted Mr Umerov as charged and sentenced him to two years' imprisonment in a colony-settlement and a two-year ban on carrying out public activities relating to speeches and publications in the mass media or

telecommunications networks (including the internet). The "Simferopol District Court" observed that the offence Mr Umerov was accused of concerned calls for violent and non-violent acts and that it was irrelevant whether the calls had inspired third parties to commit such acts or not. The "Simferopol District Court" based its findings on a translation of Mr Umerov's interview and an expert report produced by a linguist on the basis of that translation. Both the translator and the linguist were heard during the trial. The "Simferopol District Court" dismissed as subjective the defence witnesses' testimony according to which Mr Umerov's comments had not called for the undermining of the Russian Federation's territorial integrity, but had merely expressed opinions about the political situation in Crimea. It is unclear whether the judgment is final.

(ii) Material from administrative proceedings

511. By a decision of 28 September 2016, the "Bakhchisaray District Court" found Mr Umerov guilty of an offence under Article 20.28 § 1 of the CAORF on the grounds of holding a meeting of the Mejlis – which had been suspended by the "Prosecutor's Office of Crimea" on 12 April 2016 – at his place of residence on 22 September 2016 in breach of the legislation prohibiting meetings of associations whose activities were suspended (section 42 of Federal Law no. 82-F3 on public associations) and fined.

(iii) Media articles

(α) "Crimean Tatar Mejlis Leader Arrested on 'extremist' charges", khpg.org, 13 May 2016

512. The article reported mainly on Mr Umerov's arrest on 12 May 2016 in Bakhchisaray on charges of public calls for extremist activities aimed at undermining the territorial integrity of the Russian Federation, two weeks after the Mejlis organisation had been banned as an "extremist organisation" in April 2016. It further reported on Mr Umerov's release on the same day, the search carried out at his house and his poor state of health. The article also expressed the view that Mr Umerov's call for the return of Crimea to Ukraine contained no suggestion of the use of violent means in order to achieve that aim. In addition, it emphasised that Article 280.1 of the CrCRF had come into force in May 2014 and that fears had been expressed at the time that charges based on those provisions could be used against critics of "Russia's occupation of Ukrainian territory", fears which had come true in respect of several individuals.

(β) "Umerov's condition in the Crimean psychiatric hospital is deteriorating, he is denied three meals a day – his relatives report", krymr.com, 24 August 2016

513. This article referred to allegations by Mr Umerov's daughter that Mr Umerov's state of health had worsened after six days spent in the psychiatric hospital: the results of his blood tests were abnormal; he was not able to talk to his visitors; and he was not allowed three meals a day.

(iv) Video recording

514. This video recording showed a live interview of Mr Umerov broadcast by the Crimean Tatar ATR television channel in Crimean Tatar language.

2. *Persecution of Euromaidan activists*

(a) Oleksandr Kostenko

(i) "Memorial considers Crimean participant in the Kiev Euromaidan Alexander Kostenko", memohrc.org

515. On an unspecified date, the Memorial HRC published a press release under the above-mentioned heading reporting information about the arrest, detention and conviction of Mr Oleksandr Kostenko. It mentioned the following (original in English):

"This criminal case is part of a political and informational campaign that has been conducted by the Russian authorities against Ukraine and supporters of the Euromaidan since the change of government in Kiev in February 2014. In this case it is absurd to charge someone with a crime supposedly committed by one citizen of Ukraine against another citizen of Ukraine on the territory of Ukraine.

Kostenko is accused of a minor crime envisaged under point 'b' of part 2, article 115 of the Russian Criminal Code (allegedly throwing a stone and hitting a policeman in Kiev Mariinskiy park on 18/02/2014), which even if relevant, could not be aimed 'against the interests of the Russian Federation or a citizen of the Russian Federation or a non-citizen residing permanently in the Russian Federation'. According to the materials of the case, the crime was started and finished on February 18, 2014, when both the accused and the 'victim' were citizens of the Republic of Ukraine and were in its capital. Obviously there is no possibility that Kostenko's criminal prosecution could be based on any kind of agreement signed by the Russian Federation.

Besides Kostenko's evidence in the stage of the preliminary investigation, which was most likely obtained under torture, the evidence of witness 'Stepa' was made secret without any basis (he said, in particular, that 'Kostenko A.F. told him that in the basement of the Kiev city administration of the "Gestapo" he tortured and killed people, both civilians and police'), in the absence of any substantive proof (no implements of the crime or photos/video that could incriminate Kostenko in any way, or results of forensic expertise), the guilt of the accused is confirmed only by evidence from former Berkut employees who switched to serving in the Russian police and have a clear interest in convicting Kostenko. Neither in the sentencing or in the charging documents was there any description of Kostenko, from which many months later he was successfully 'identified' by a number of employees of the Crimean police; the evidence

didn't even mention what clothes the accused was wearing on February 18, 2014. The charge under part 1, article 222 of the Russian Criminal Code was similarly fabricated, and the sawn-off shotgun was most likely planted during a search.

The case of Alexander Kostenko is part of a campaign of persecution of pro-Ukrainian activists that has been launched in Crimea since it was annexed to Russia in March 2014. The politicisation of the process highlights the fact that the charge of committing two minor crimes was supported in court personally by the prosecutor of the Republic of Crimea, Natalya Poklonskaya, and in the stage of preliminary investigation the case was taken from the examination department and transferred to the head office of the Russian Investigations Committee for the Republic of Crimea by order of the prosecutor. Both the content and style of the motive section of Kostenko's sentence are characteristic: 'In the period from November 2013 until February 18, 2014... Kostenko A.F., who was informed about events in the city of Kiev, Ukraine, the riots aimed at an illegal, violent overthrow of the constitutional order of Ukraine and the bodies of executive power of the time, was a member of a Ukrainian radical nationalist political party – the Svoboda national organisation, with the aim of fomenting armed resistance against employees of the law-enforcement bodies, came to Independence Square in the city of Kiev, Ukraine, where barricades had been erected.'

The charge under part 1, article 222 of the Russian Criminal Code is similarly fabricated, and the sawn-off shotgun was most likely planted during a search. During the investigation it became clear that witnesses had not seen the appearance of the weapon, and there were also other serious violations during the search.

There are serious grounds to believe that Kostenko was subjected to abduction and torture both on arrest and during his time in custody. On arrest his arm was broken and other bodily injuries were inflicted on him. Later, according to him, he was subjected to systematic physical and moral pressure from prisoners, associated with the administration of detention centre 1 in the city of Simferopol - they tried to force him to admit his guilt and make him cooperate with Russian security services."

(ii) "Russia takes revenge for Euromaidan by imprisoning and tormenting Ukrainian Maidan activists", khpg.org, 2 July 2018

516. In relation to Mr Kostenko, the article read, in particular, as follows (original in English):

"Kostenko was one of the first political prisoners 'convicted' by Russian-controlled courts in Crimea. If you ignore the fact that the charges were unprovable and pertained to alleged events in Kyiv over which Russia could have no jurisdiction, the sentence was relatively short. Application for early release on parole was, predictably, rejected, but now Russia cannot keep him imprisoned longer than 3 August 2018.

A member of the Kirov oblast Public Monitoring Commission [ONK] Denis Shadrin has reported that Kostenko was placed in a punishment cell [SHIZO] on 21 June. The grounds sound fabricated, however Kostenko could not deny them, as you get an extra 10 days punishment for objecting. Kostenko himself believes that the prison staff are finding any pretext to punish him before his release. The conditions in the SHIZO are particularly bad, and Kostenko is clearly near breaking point. He told Shadrin that he would be ready to make a suicide attempt in protest at the punishments being meted out.

Oleksandr Kostenko was recognized by the authoritative Memorial Human Rights Centre as a political prisoner in April 2015. The 32-year-old Ukrainian from Simferopol is a former police officer who took part in Euromaidan from December 2013.

He was arrested in Russian-occupied Crimea on Feb 5, 2015, and savagely tortured for over 24 hours before the officially recorded time of arrest. The injuries he sustained included a broken arm which has never been properly treated, and he is now in danger of losing any movement in that arm. The only 'lawyer' present was one appointed by the investigators, and a 'confession' was obtained from Kostenko, as well as a statement that he had been beaten on the street by unidentified individuals.

Kostenko retracted all such 'confessions' as soon as he was able to see to a real lawyer, and his real lawyer, ... has since tried in vain to get criminal investigations initiated over both the initial torture, and ongoing ill-treatment of his client while he was held in detention.

Kostenko was charged with slightly injuring a Ukrainian Berkut officer in Kyiv on Feb 18, 2014. He had, it was claimed, deliberately aimed a cobble stone at ..., with this allegedly resulting in ... receiving an injury 'in the form of a large haematoma on the left shoulder'.

Kostenko was supposed to have been motivated by 'a feeling of ideological hatred and enmity to law enforcement officers'.

Since the Berkut officer had not been a Russian national in Feb 2014, there was no possibility of keeping Kostenko in detention and then imprisoning him. Kostenko was therefore later also accused of 'unlawfully obtaining, keeping or carrying the main parts of a firearm'. The investigators claimed to have found a rifle barrel when searching his home. Not one of the official witnesses of the search have confirmed this. The investigators claimed that Kostenko's father, ... had identified the gun barrel as belonging to his son. They also claim, however, that it was Kostenko Senior who gave permission for the search. ... disappeared shortly after this in circumstances which remain of the greatest concern.

The court ignored both the surreal absurdity of the indictment and Kostenko's retraction of his initial 'confession'. On May 15, 2015, judge ... from the Kievsky District Court in Simferopol found Kostenko guilty of both charges, and sentenced him to four years imprisonment. The sentence was later reduced to 3.5 years."

(iii) "Ukrainian Activist released from the Russian prison after four years", Radio Free Europe/Radio Liberty (RFE/RL), rferl.org, 3 August 2018

517. This article reported Mr Kostenko's release from a penal colony in Russia on 3 August 2018. According to a human-rights group, Mr Kostenko had been placed in solitary confinement in June 2018. The article added that Russian authorities claimed jurisdiction to prosecute Mr Kostenko on account of the fact that one of the police officers allegedly injured by him had obtained Russian citizenship.

(iv) "The condition of Oleksandr Kostenko is satisfactory, but he needs treatment", hromadskeradio.org, 3 August 2018

518. This article reported that, upon release, Mr Kostenko's state of health was satisfactory, except for his arm, which had been broken by the FSB

officers and for which he needed serious medical treatment. It added that Mr Kostenko had been refused early release several times.

(b) Andrii Kolomiyets

(i) Judgment of 10 June 2016 of the "Kyiv District Court of Simferopol"

519. By a judgment of 10 June 2016, the "Kyiv District Court of Simferopol" convicted Mr Kolomiyets of attempted murder of two or more persons in connection with their performance of a public duty on grounds of political and ideological hatred (under Article 30 § 3 in conjunction with Article 105 § 2 (a), (b), (e) and (l) of the CrCRF) and of unlawful acquisition, storage and carrying of large quantities of drugs, without any intention to sell (under Article 228 § 2 of the CrCRF), and sentenced him to a total term of ten years' imprisonment.

520. As to the attempted murder offence, the District Court, based its judgment on the following body of evidence: (i) Mr Kolomiyets's statements given during the preliminary investigation in which he had admitted that on 20 January 2014, during the Euromaidan protests in Kyiv, he had thrown Molotov cocktails at the officers from the Ukrainian Berkut special police unit while foreseeing that his actions could result in the death of those officers; (ii) statements by the two victims and one of their colleagues, who had identified Mr Kolomiyets as the person who had thrown the Molotov cocktails at them; (iii) statements by other Berkut officers present at the scene who had indicated that Molotov cocktails had been thrown at the law-enforcement officers that night and noticed that the jacket of one of them had set on fire; (iv) identity parades through which the victims had recognised Mr Kolomiyets as the protester who had thrown Molotov cocktails at them; (v) a statement by the officers who had questioned Mr Kolomiyets about his participation in the Euromaidan protests and who had stated that he had confessed to his crimes; and (vi) two pictures submitted by one of the victims displaying the jacket of a police uniform showing burn marks.

521. The "Kyiv District Court of Simferopol" rejected several arguments raised by Mr Kolomiyets's lawyer during the trial, notably the two mentioned below.

(i) With respect to the argument relating to the Russian authorities' lack of territorial jurisdiction, it found that at the time when criminal proceedings had been opened (11 April 2014), the two Berkut police officers attacked by the defendant had already held Russian nationality. Hence, Mr Kolomiyets's actions had been directed against Russian nationals, a consideration which, pursuant to Article 12 § 3 of the CrCRF, justified the authorities' jurisdiction to investigate his actions.

(ii) As to the argument pertaining to the unlawfulness of Mr Kolomiyets's self-incriminating statements which had been obtained under torture by the police officers during the preliminary investigation, the "District Court"

found that those confessions, which had been made in accordance with the law and in the presence of Mr Kolomiyets's lawyers, were admissible in evidence.

522. As to the motives of Mr Kolomiyets's actions, the "District Court" found in particular:

> "A.V. Kolomiyets, as a member of the Ukrainian Insurgent Army, sharing its extremist ideology, arrived at Independence Square in Kyiv in order to offer armed resistance to law-enforcement officers aimed at overthrowing the constitutional system of Ukraine, and showed an intolerable, hateful attitude towards these employees, including [K.M.V.] and [G.A.V.], previously unknown to him, who belonged to the structures of government bodies, which functioned on the basis of the Constitution of Ukraine and implemented a policy that differed from his own political views. At the same time, the court considers that hostility, hatred and intolerance towards others, in the present case towards the law-enforcement bodies present on Independence Square and directed by the authorities at the time of the crime was the dominant motive for the murder, along with other motives."

523. The "District Court" held that the offence of unlawful acquisition, storage and transportation of large quantities of drugs, without any intention to sell, was supported by several pieces of evidence: Mr Kolomiyets's confessions, witnesses' and attesting witnesses' statements, an inspection report of the car in which he had been apprehended, an export report revealing that the drugs were being carried out in the plastic bag found under Mr Kolomiyets's car seat, an expert report revealing that traces of drugs had been found on Mr Kolomiyets's hands and the nasolabial triangle at the moment of his arrest, and a drug test which confirmed the effects of cannabis intoxication on the defendant.

(ii) Judgment of 27 October 2016 of the "Supreme Court of the Crimea Republic"

524. By a judgment of 27 October 2016, the "Supreme Court of the Crimea Republic" upheld Mr Kolomiyets's sentence. It dismissed his allegation that his confessions had been extracted under physical and psychological pressure at the hands of the police, finding that his guilt was proven by the evidence examined by the first-instance court. It further rejected his argument to the effect that an investigation had already been opened by the Ukrainian authorities into the murder and aggression of law-enforcement officers during the Euromaidan protests and that the criminal proceedings under Russian law should therefore have been terminated. In doing so, the District Court pointed out that no investigation had been opened in respect of Mr Kolomiyets, nor had the victims lodged any criminal complaint with the Ukrainian authorities.

(iii) Profile of Mr Kolomiyets by the Memorial HRC, last updated on 24 January 2017

525. Memorial HRC published a profile of Mr Andrii Kolomiyets as part of its "Support for political prisoners" programme, reporting information about his arrest, detention, ill-treatment and conviction. In particular, it noted: (i) that Mr Kolomiyets had not been released after his questioning on 15 May 2015; (ii) that he had been subjected to torture with electricity after his arrest; (iii) that during the trial, on 15 March 2016, Mr Kolomiyets had stated that he had participated in the Euromaidan protests but denied any intention to kill the police officers; and (iii) that he had complained to the court examining his case that all the State-appointed lawyers had ignored his claims of torture. It further set out several grounds on which Mr Kolomiyets could be considered a political prisoner, stating as follows:

"Grounds for recognition as political prisoners

We associate the political motive for the persecution of Kolomiyets with the ongoing anti-Ukrainian campaign in the State media and in the statements of officials in senior leadership positions in the Russian Federation since spring 2014. One of the components of this campaign has been the initiation of criminal cases against citizens who publicly express a position on events in Ukraine which is different from the official one, and directly against citizens of Ukraine.

1. The investigation of the case is being conducted in gross violation of international and Russian law.

Firstly, the episode associated with the events in Kyiv in no way falls under the jurisdiction of Russian law-enforcement agencies. A citizen of Ukraine, Kolomiyets is charged with an act committed on the territory of Ukraine against citizens of Ukraine (the injured Berkut officers received Russian citizenship after the annexation of the Crimea, and, in accordance with Article 9 § 1 of the CrCRF, the criminal nature and reprehensibility of the act are determined by the criminal law in force the time of the act).

At the same time, the indictment states that no case was initiated by the competent authorities of Ukraine, and therefore, the case is being investigated by Russia. At the same time, [the Berkut officers] did not apply to the Ukrainian law-enforcement agencies to be recognised as victims even before acquiring Russian citizenship (and even during the month remaining until the flight of Yanukovych and the change of power in the country). Also, according to the certificate provided by the defence, the Main Investigation Department of the General Prosecutor's Office of Ukraine carried out a pre-trial investigation in criminal proceedings no. 12014100100001455 of 16 February 2014 in relation to acts of murder and attempted murder, and causing bodily harm to law-enforcement officers and military personnel of the Interior Troops of Ukraine during protest actions in the central part of Kyiv.

Secondly, the allegations of torture were not properly investigated. A request for a forensic medical examination of torture was rejected by the court. Kolomiyets's lawyer, he said, appealed to the Deputy Prosecutor General and the head of the Ministry of Internal Affairs of Russia for the North Caucasus, but did not receive any answer. The lawyer also reports that from the presidents of the bar associations of Russia, Crimea, Kabardino-Balkaria, he received meaningless answers regarding the inaction of State lawyers.

2. The case shows signs of falsification of evidence, intentional incorrect characterisation of the alleged act, and the conviction being ordered without a sufficient body of evidence.

(a) For the episode associated with the events on the Maidan, there is no physical evidence (photo, video) of the violent actions by Kolomiyets. His guilt was proved only by the testimony of the Berkut officers.

...

(b) In this case there is no evidence of harm done to victims. [G.] states that he did not go to the doctor and he was not injured, and the decision recognising him as a victim states that he was injured and physically injured. The decision to recognise [K.] as a victim states that the actions of an unidentified person on 18 February 2014 had caused acute left-sided hearing loss. The decision says nothing about the harm caused to him on 20 January 2014, and [K.] himself points out that there was no need to consult a doctor.

(c) In this case there is no evidence that Kolomiyets was a member of the UPA or any other extremist organisation banned in Russia, therefore, these allegations are unsubstantiated. Moreover, the Ukrainian Insurgent Army was liquidated with final effect in 1954 and we are not aware of the existence of a modern organisation with such a name. Even in the decision of the Supreme Court of the Russian Federation to ban the UPA and other Ukrainian nationalist organisations, the UPA is [seen as] a military formation of Stepan Bandera, operating during the Second World War, and its modern ideological successor is UNA-UNSO.

(d) When the victims identified Kolomiyets, two [persons belonging to one of the ethnic groups populating the North Caucasus area], who were 10 and 23 years older than the accused, were brought in as extras [during an identity parade], that's why, it was not difficult for the victims to recognise among those present the young Ukrainian.

(e) According to Resolution no. 15 of the Plenum of the Supreme Court of 22 December 1992 – 'On judicial practice in cases of premeditated murder' – a charge of attempted murder can be brought only if there is a direct intent, that is, when the actions of the perpetrator indicated that he foresaw the onset of death and wanted this, but the death did not occur because of circumstances beyond his will. The ability to foresee death after clothing had been set on fire, considering that the [officers'] colleagues were equipped (including with fire extinguishers,) is somewhat exaggerated.

In addition, all the deaths of police officers during the clashes on the Maidan occurred from 18 to 20 February and were caused by gunshot wounds, and no policeman died from the ignition of incendiary bottles. Moreover, the Russian media, reporting on the injured policemen during the clashes on Grushevsky Street did not say that one of them had been burned. It is unlikely that the throwing of Molotov cocktails could seriously be considered by protesters as a means to kill.

(f) The prosecution's hypothesis as regards the acts related to drug possession ([that Mr Kolomiyets had been] allowed to leave an interrogation session, [that he had] gathered crops in a field, [and that he had] stopped a passing car), looks artificial. In particular, Kolomiyets did not need to sleep on a bench in Nalchik, since three sisters of Z. lived in the town. It is also not clear why returning to the settlement of Prokhladnyy, even by [taking a ride in] passing cars and taking into account the break for collecting hemp, took a whole day and the journey was still going on on around midnight. Also, according to the lawyer, in the expert report by the Expert Forensic Centra of the Ministry of Internal Affairs of the Russian Federation for Kabardino-

Balkaria dated 17 May 2016, Kolomiyets' fingerprints had not been found on the bag with the weed."

(iv) Media articles

(α) "Andrii Kolomiyets's wife: 'The Russian security forces made a fool out of him'", krymr.com, 9 June 2017

526. The article presented an interview by Mr Kolomiyets's partner, Ms Z., in which she described, in detail, the arrival at her house of five police officers (three wearing masks and two dressed in civilian clothes). During the house search the police officers found drugs in a strongbox, but ultimately they did not mention it in the search report. After having briefly informed Ms Z. that her partner was a "terrorist", the police officers took Mr Kolomiyets to the police for questioning. The police officers threatened Ms Z., saying that she would be imprisoned and her children would be sent to an orphanage. She was not informed about Mr Kolomiyets's whereabouts for three days, when he was allowed to call her. Ms Z. contended that her partner had not been released during that period but placed in a car where drugs had been planted by the police. She rejected the prosecution's allegations that Mr Kolomiyets had been released after his questioning and arrested again in the night of 16 to 17 May 2015 in Chehem (Kabardino-Balkarian Republic) when cannabis was found on him. When she first met Mr Kolomiyets she noticed injuries on his arms. She was also told by him that he had been subjected to torture for three days, including by electric shocks. After his transfer to Crimea, Mr Kolomiyets was able to hire a lawyer with the assistance of the Crimean Human Rights Group.

(β) "Head of the Crimean Human Rights Group, Olga Skrypnyk: Conditions in Crimean pre-trial detention centres are approaching torture", glavcom.ua, 31 August 2017

527. The article consisted of an interview with Olga Skrypnyk, head of the Crimean Human Rights Group. She explained that the work of lawyers was impeded in Crimea by the "so-called Crimean authorities", and she mentioned Mr Kolomiyets's case in that connection. She reported that Mr Kolomiyets had claimed that all five State-appointed lawyers who had represented him before he could be assisted by a lawyer of his choice had failed to provide any effective assistance and had advised him to sign all the documents submitted by the investigator.

Ms Skrypnyk also described the conditions of detention in the Simferopol SIZO as follows (translation into English provided by the Ukrainian Government):

"Speaking about the SIZO in Simferopol, the situation there only worsened. They feed people very badly there. The only thing people can eat is what their relatives give them. That is, the food provided by the SIZO is not suitable for use, it only worsens the health. They give, in particular, water, in which there are some kind of non-cooked

porridge. The detainees in the Hizb ut-Tahrir case reported that in the so-called soup, it is possible to find insects, or wool knots. Problems with digestion have almost all detainees who are in jail. This is the first.

The second problem is the conditions associated with a room that is very damp. Because of this, in people who are sick with tuberculosis, the condition of the worse, in others there are illnesses of a lung. Thirdly, now it's summer. There's so hot that it's impossible to stay in several wards that have windows facing up to the sunny side. This causes heart problems. Volodymyr Baluch exacerbated from chronic diseases and got the new ones. He now has problems with heart through such a hot weather and the inability to be on fresh air. The conditions that are there are close to the conditions of torture. People are kept in inhumane conditions, as has been repeatedly reported in complaints, in letters to the European Court of Human Rights (ECHR). We are also constantly addressing this issue and are constantly writing letters to the UN structures, telling them about it. When prisoners who are in the Crimean prisons are taken to court, they are not fed at all. That is, the person remains hungry for the whole day."

(γ) "Ukrainian political prisoner Andrii Kolomiyets in the Russian colony is forced to physical labour", crimeahrg.org, 7 September 2017

528. In this article, the Crimean Human Rights Group reported that on his first month of work in the IK-14 detention facility in the Krasnodar Region, Mr Kolomiyets had received twenty packs of cigarettes as pay. Quoting Mr Kolomiyets's partner, it added that Mr Kolomiyets had lost weight and suffered from stomach problems because of the poor food in the colony. He worked continuously, including at weekends from 7 a.m. to 9 p.m. Mr Kolomiyets was placed in a ward with sixty detainees, several of whom showed a hostile attitude towards him because of his Ukrainian nationality and political opinions. In February 2017 he had been placed in a punishment cell for having smoked in an unauthorised place.

(δ) "Make free the activist of Maidan Kolomiyets – newspaper Tyzhden", crimeahrg.org, 1 November 2017

529. This article reported on, among other things, Mr Kolomiyets's arrest in Russia, his transfer to Crimea, his prosecution and conviction by the Crimean courts in 2016 and his transfer to the Russian Federation in order to serve his sentence. It also presented the allegations of the organisation's director that Mr Kolomiyets had been subjected to torture while placed in pre-trial detention both before and after his transfer to Crimea with the aim of extracting confessions about his intention to kill the Berkut officers during the Euromaidan protests. In addition, it mentioned the lack of any answer to complaints of torture filed by Mr Kolomiyets's lawyer with various law-enforcement authorities in the Kabardino-Balkarian Republic (the Prosecutor's Office, branches of the Ministry of the Interior and branches of the Investigative Committee) and condemned the ineffectiveness of the State-appointed lawyers or the bias of the first-instance judge examining Mr Kolomiyets's criminal case when faced with allegations of torture.

(ε) "In Russia, convicted Euromaidan activist for the second time this month was transferred to a punishment cell", segodnya.ua, 10 March 2018

530. The article quotes statements by Mr Kolomiyets's wife about his placement in a punishment cell in February and March 2018 in the IK-14 detention facility in the Krasnodar Region. It points out that while Mr Kolomiyets was in the punishment cell, investigators questioned other prisoners who had worked with him at the same workplace. They had been asked whether they knew that Mr Kolomiyets was a political prisoner. Moreover, the prison guards were interested in knowing whether Mr Kolomiyets and other prisoners were talking about Ukraine or the Euromaidan protests.

(στ) "Ukrainian Consul visited political prisoner Kolomiyets in Krasnodar colony", crimeahrg.org, 28 March 2018

531. The article reported that, in March 2018, Ukrainian consular officials in Rostov-on-Don had visited Mr Kolomiyets who observed that he was suffering from headaches, psoriasis and crumbling teeth. The article further stated that on 26 February 2018 Mr Kolomiyets had been placed in a punishment cell for a period of ten days on account of non-compliance with the dress code in the workplace. In fact, because of the low temperatures in the workplace, he had been wearing warm sports clothes instead of a uniform. On the last day in that cell, his placement had been extended for another ten days on the grounds that he had been photographed lying on the floor of the cell, which was against the prison's rules (only standing, walking or sitting on a stool were permitted during daytime hours in the cell).

(c) Mykola Shyptur

(i) Material from criminal proceedings

532. By a judgment of 28 April 2015, the "Gagarinskiy District Court of Sevastopol" convicted Mr Shyptur of illegal storage, transportation and carrying of firearms and ammunition (under Article 222 § 1 of the CrCRF) and attempted murder publicly, in a dangerous way, of two or more persons in connection with their performance of a public duty (under Article 30 § 3 in conjunction with Article 105 § 2 (b) and (e) of the CrCRF) and sentenced him to ten years' imprisonment in a strict-regime penal facility.

533. As regards the offence of illegal storage, transportation and carrying of firearms and ammunition, the "District Court" based its decision on a confession by Mr Shyptur (who stated that he had found a gun and several cartridges on a street in Kyiv in February 2014 while dismantling the barricades built during the Euromaidan protest) which was corroborated by the material in the case file.

534. As to the offence of attempted murder, the "District Court" found that on 9 March 2014 Mr Shyptur had participated in a rally for the

commemoration of Taras Shevchenko, which had turned into a brawl. He had left the scene and gone to an apartment but had reached the street again when Ms C. had called him asking for help as she had been stopped by members of the local self-defence forces. When encountering four members of those forces, Mr Shyptur had started running and shooting with a gun he had brought from Kyiv. The "District Court" found that Mr Shyptur had fired the gun with the intention of killing the members of the self-defence forces while he was running away from them in a park and through a children's playground at a time when children and their parents were present. The "District Court" dismissed Mr Shyptur's argument that he had fired the gun with the sole intention of discouraging his pursuers, referring to the following considerations: (i) according to the first pursuer, Mr Shyptur had shot at him with the intention to kill; (ii) Mr Shyptur had used a gun (Makarov pistol) which qualified as a weapon of war; and (iii) Mr Shyptur had shot all the available ammunition. It further rejected Mr Shyptur's argument of self-defence, pointing to the lack of any illegal action of the members of local self-defence forces which would have justified a response from him. Finally, the "District Court" rejected Mr Shyptur's contention that he had arrived in Sevastopol with the aim of participating in a commemoration rally, stressing that he had arrived armed and together with other persons, which showed that he had actually intended to prevent the proper conduct of the envisaged referendum in Crimea. In its findings, the "District Court" relied on various pieces of evidence: witness statements, a crime report, an on-site reconstruction report, a ballistic expert report and other documentary material.

535. By a judgment of 16 June 2015, the "Sevastopol City Court" excluded the element of transportation in respect of the offence under Article 222 § 1 of the CrCRF because at the time of the commission of the alleged act, that is, before 18 March 2014, transporting firearms and ammunition had not been a criminal offence under the Criminal Code of Ukraine. It reduced the overall sentence to nine years' imprisonment in a strict-regime penal facility.

536. By a decision of 6 August 2015, the "Sevastopol City Court", sitting as a single judge, declared inadmissible a cassation appeal by Mr Shyptur's representative against the judgments of the "Gagarinskiy District Court of Sevastopol" of 28 April 2015 and of the "Sevastopol City Court" of 16 June 2015.

537. On 28 October 2015 the Supreme Court of the Russian Federation rejected a cassation appeal by Mr Shyptur and upheld the judgment of the "Sevastopol City Court" of 16 June 2015.

(ii) Letters concerning Mr Shyptur's transfer to Ukraine

538. By a letter of 10 July 2017, the office of the Ombudsperson of the Russian Federation informed Mr Shyptur that his application of 10 May 2017

seeking his transfer to Ukraine in order to serve his sentence under the Convention on the Transfer of Sentenced Persons of 1983 had been referred to the Russian Federal Service for the Execution of Sentences for consideration.

539. By a letter of 15 July 2017, that service informed Mr Shyptur that the necessary material had been forwarded to the relevant department of the Ministry of Justice of the Russian Federation for further exchanges with the Ukrainian authorities. It also informed Mr Shyptur that his transfer was contingent upon an undertaking by the Ukrainian authorities that the sentence would be served in full.

(iii) Media article

"Mykola Shyptur. A Crimean captive who has been forgotten by Ukraine", helsinki.org.ua, 27 October 2016

540. The article reported on the conviction of Mr Shyptur and his detention in IK-1, a strict-regime penal facility in Simferopol. It stated that Mr Shyptur was incarcerated in barracks together with about 100 prisoners in "appalling sanitary conditions and [with] inadequate food".

(iv) Video recording

541. This video reportage by the BBC journalist Ben Brown was undated and showed a pro-Ukrainian gathering in the centre of Sevastopol dedicated to the anniversary of the birth of the Ukrainian poet Taras Shevchenko. According to the reporter, it was filmed during the time when the Russian control over Crimea had been "tightening".

According to the reporter, after the meeting had started, pro-Russian young men "turned up to try and gate-crash this rally". The video then showed representatives of the two opposing camps shouting at each other and one "Russian man" lying on the ground and bleeding, according to the reporter.

The reporter then said that "soon the Russians [had] had their revenge" and had shattered a car window of a representative of the pro-Ukrainian camp. The reporter stated that another "Ukrainian" had been taken to the bushes, beaten and kicked. The video footage showed a group of men apparently beating someone lying on the ground. The reporter then said that he and his crew had also received threats but had managed to run away.

3. "Case of an activist" - Volodymyr Balukh

(a) Material from judicial proceedings

542. By a decision of 13 November 2015, the "Rodzolnenskiy District Court" authorised the search of Mr Balukh's place of residence in Serebrianka. The authorisation was given in the context of proceedings relating to a car theft that had taken place on 10 October 2015 in Radzolnoye.

The "District Court" considered the testimony of a witness who had declared that he had previously met Mr Balukh in a café and that the latter had confessed that he had stolen the car in early October 2015, had stored it at his place of residence, had dismantled it and later had sold parts of it. The "District Court" held that there were sufficient reasons to believe that parts of the car would be found at the Mr Balukh's place of residence.

543. By a judgment of 5 February 2016, the "Rodzolnenskiy District Court" examined charges brought against Mr Balukh for public insult of a public official in connection with the performance of his duties (under Article 319 of the CrCRF) that had allegedly been committed on 14 November 2015. It appears from the decision that the officer in question had been conducting the search at Mr Balukh's home and that he had refused to comply with the officer's orders. Mr Balukh had pleaded not guilty and argued that he had been hit during the incident. The "District Court" relied on the victim's statement, as well as the statements of two attesting witnesses and of the police officers who conducted the search. The testimony of Mr Balukh's partner was not considered since the "District Court" found that she had not been present during the incident. Mr Balukh was sentenced to 320 hours of compulsory work.

544. An arrest report was drawn up on 8 December 2016 at 10 p.m. by an officer of the criminal unit of the Rozdolnenskiy District Department of the Interior on account of acts prohibited by Article 222.1 of the CrCRF. The record was drawn up in the presence of two witnesses. The arrest was ordered since "explicit traces of a crime" had been found in Mr Balukh's place of residence. Mr Balukh refused to sign it.

545. By a decision of 9 December 2016, the "Rozdolnenskiy District Court" extended Mr Balukh's arrest up to seventy-two hours and scheduled a hearing for 12 December 2016 to choose a preventive measure to be imposed on Mr Balukh because he had refused to be represented by a court-appointed lawyer and wished to secure a lawyer of his own choosing.

546. By a judgment of 4 August 2017, the "Rozdolnenskiy District Court" examined charges brought against Mr Balukh on the basis of Articles 222 and 222.1 of the CrCRF. The facts of the case stemmed from the findings made on 8 December 2016, when the house of his partner had been searched. Mr Balukh had claimed his innocence and alleged that someone had "planted" the ammunition which had been found in the attic of the house.

Evidence was presented before the "District Court", in particular:

- witness testimony, including from Mr Balukh's partner;

- statements of the officers who had organised and conducted the search, including two attesting witnesses;

- an inspection of the ammunition and expert opinions. More specifically, two expert opinions were filed which attested that the items seized during the house search contained explosive substances or could have been used as ammunition for firearms.

The "District Court" found Mr Balukh guilty of unlawful acquisition and storage of ammunition (Article 222 § 1 of the CrCRF) and of explosive materials (Article 222.1 § 1 of the CrCRF). It dismissed the defence's arguments, finding that they were refuted by the evidence and were too vague and hypothetical. Mr Balukh was sentenced to three years and six months' imprisonment and a fine of RUB 10,000; the unserved part of his sentence under Article 319 of the CrCRF (insulting a public official) was added so that the overall term of imprisonment amounted to three years and seven months.

547. In an appeal lodged on 30 January 2018 against a decision of 16 January 2018 given by the "Rodzolnenskiy District Court", Mr Balukh's lawyers complained that that court had not ensured a fair hearing. The lawyers challenged the manner in which the "District Court" had interpreted the witnesses' statements and argued that some were incomplete, contradictory or hostile. They also complained that one of the main witnesses had not been heard by the courts and relied on Article 6 § 3 of the Convention and on the Court's case-law.

They further submitted that the examination of the ammunition found in the attic during the house search had not been complete. In their view, that ammunition had not actually been operational. Moreover, they argued that the acts of which Mr Balukh was accused had not been proven, and that his allegations that the evidence had been planted by the authorities had not been examined by the lower court. In addition, Mr Balukh had claimed in the course of the trial that he had not been in the attic of the house since 1998 and that he had no connections with the criminal underworld but the lower court had not examined the defence's arguments.

Lastly, the lawyers pointed out several procedural shortcomings that had taken place at the investigation stage.

(b) Information reported by NGOs

(i) Profile of Mr Balukh published by Memorial HRC

548. This profile sets out information about the criminal proceedings conducted against Mr Balukh and reads as follows, in so far as relevant (original in English):

> "Vladimir Balukh, a farmer and pro-Ukrainian activist who remained a citizen of Ukraine after 2014 and refused to become a citizen of Russia, has been charged with committing crimes under Article 222, Section 1 (illegal possession and transportation of firearms and ammunition), of the Russian Criminal Code. Since 8 December 2016 Balukh has been in pre-trial detention, and his period of detention has on two occasions been extended, on the latest occasion until 4 March 2017.
>
> On 8 December 2016, in the home of Vladimir Balukh's common-law wife in the village of Serebryanka in Razdolnensky district of Crimea, FSB officers conducted a formal 'search of the premises'. During this search, they allegedly found in the attic of the house 89 'military' [as described in the court ruling remanding Balukh in custody] 5,45×39mm cartridges, professionally made, of which 19 cartridges were ready for firing.

There is a high degree of probability that the immediate reason for fabricating the criminal case against the activist was the fact that, on 29 November 2016, he had put up a sign on his house that read, 'Street of the Heavenly Hundred Heroes, 18' [*Вулиця Героїв Небесної сотні 18'*]. After this, he was visited by the chair of the village council along with his assistants who threatened him that his independent stance would bring unpleasant consequences, including the 'discovery' in his home of weapons or drugs. The chair of the village council demanded that Balukh remove the sign.

It would seem to be highly unlikely that an activist well-known at the regional level, who is an object of continuous harassment by law enforcement agencies and leading local officials, and whose house was twice subjected to searches in 2015, would store ammunition. It is also important to note that the investigators have no evidence that the ammunition found in the attic of the house of Balukh's common-law wife in fact belongs to him; his fingerprints are not even on them. The discovery of the ammunition took place in the presence of witnesses brought in by the police and in the absence of the accused.

We note that the permission to conduct the formal 'search of the premises' in the house of Balukh's common-law wife was issued by the deputy chair of the Supreme Court of the Republic of Crimea, Viktor Sklyarov, more than a month before the search was conducted.

The decision to remand Balukh in custody is disproportionate to the public danger represented by the alleged crime. It is shocking that the accused has been remanded in custody on charges of a crime that is not serious and without any apparent grounds."

(ii) Profile of Mr Balukh published on the website letmypeoplego.org.ua

549. Various personal details, as well as information referring to the proceedings against Mr Balukh and his alleged persecution, are set out on a dedicated page on the above-mentioned website.

(iii) "Crimean Human Rights Situation Review", December 2017

550. The monitoring review, prepared by the Crimean Human Rights Group on the basis of materials collected in December 2017, presented alleged breaches of civil and political rights in Crimea, as well as violations of international humanitarian law. With respect to Mr Balukh, the report referred to the initial criminal proceedings against him and set out details on the criminal charges for illegal possession of ammunition. It contained allegations about the criminal proceedings having been flawed: the witness statements were contradictory and there were indications that some of the police evidence had been falsified. It stated that, while the judges from the "Rodzolnenskiy District Court" had changed the preventive measure of pre-trial detention to house arrest on 1 December 2017, Mr Balukh was forbidden to use a phone or the internet or to receive and send correspondence. The report further stated that new criminal charges had been brought against Mr Balukh in 2017, which had subsequently been reclassified on 7 December 2017 as "disruption of a prison's activities" (under Article 321§ 2 of the CrCRF). On 27 December 2017, during a hearing before the "Rodzolnenskiy District Court", Mr Balukh's health deteriorated, and an ambulance was

called. Nonetheless, the judge had continued the hearing which eventually lasted nine hours.

(iv) "Crimean 'court' denied a medical check-up to a Ukrainian, Mr Balukh", crimeahrg.org, 22 December 2017

551. This news item, published by the Crimean Human Rights Group, stated that the "Rodzolnenskiy District Court" in Crimea had once again refused to grant a request by Mr Balukh to be provided with medical screening although his medical condition (back and kidney problems) had worsened after a year spent in remand prison. The judge in the case also refused to call as witness the State agent who had been in charge when the house search was conducted. The report also stated that Mr Balukh's house arrest was subject to many restrictions: he was not allowed to use the toilet in the back yard of the house, had no communication with his family and could not use the internet.

(v) "Vladimir Balukh's term of detention was extended until August 14", crimeahrg.org, 15 June 2018

552. The news item, published by the Crimean Human Rights Group, stated that Mr Balukh's detention had been extended for two months by a "judge of the Rodzolnenskiy District Court". According to Mr Balukh's lawyer, his health had deteriorated during the proceedings, since he had experienced severe pain in the chest and heart, shortness of breath, dizziness and nauseas for four days. An ambulance had been called but the treatment administered did not improve his condition. The report also states that because of an "unfair and unlawful sentence on a fabricated case against him", Mr Balukh had started a hunger strike.

(vi) Letter from the Media Initiative for Human Rights to the Deputy Minister of Justice of Ukraine, 9 July 2018

553. This letter was addressed by the coordinator of the Media Initiative for Human Rights NGO to the Deputy Minister of Justice of Ukraine to support the application of the Ukrainian Government to the Court with regard to four Ukrainian prisoners – Mr Stanislav Klykh, Mr Volodymyr Balukh, Mr Serhiy Lytvynov and Mr Emir-Usein Kuku. It contained the information set out below.

554. Mr Stanislav Klykh had started demonstrating disturbing behaviours in October 2015. Some examples were cutting himself, believing that someone was trying to kill him, believing that his parents had died or had been killed, being aggressive, cursing and undressing in court, looking dirty and shaggy, saying things that did not make sense, and having memory gaps. He was first treated with psychiatric drugs in the remand prison, where in July 2017 he told his lawyer that he had not eaten in three weeks. In August-

September 2017 he received inpatient treatment in the Chelyabinsk prison psychiatric hospital, after which he spent six days in a coma. Mr Klykh's mother reported that in October 2017 he had weighed 73-74 kg while being 190 cm tall.

555. He continued being disturbed and receiving psychiatric medication in prison before being transferred to the Magnitogorsk prison psychiatric hospital in July 2018.

556. Two psychiatric examinations conducted by the Russian State authorities in 2014 and 2016 found Mr Klykh fit to stand trial. Two independent psychiatric evaluations in 2016 and 2017 (carried out without examining Mr Klykh in person) questioned those conclusions and recommended that Mr Klykh receive psychiatric treatment.

557. Mr Volodymyr Balukh, held in a SIZO in Crimea, went on hunger strike in mid-March 2018. He lost around 30 kg, and his physical weakness caused him bodily pain and inability to go out for walks. Since the Russian authorities denied that Mr Balukh had gone on hunger strike, the inference drawn was that he was not receiving proper medical care.

558. Mr Serhiy Lytvynov was detained in the summer of 2014 and sentenced to eight years and six months' imprisonment. In June 2017 he was transferred from a prison in Rostov-on-Don to a prison in the Magadan Region. In July 2018 Mr Lytvynov met with a Ukrainian consular officer and informed him that he had lost 17 kg in six months because of poor nutrition and conditions of detention. His cell had no proper ventilation; he had no summer clothing. Mr Lytvynov was often sent to the isolation unit for "breaches of discipline" and claimed that he had been ill-treated in order to extract a confession.

559. Mr Emir-Usein Kuku, a Crimean Tatar held in a SIZO in Rostov-on-Don, went on hunger strike on 26 June 2018. He had no intention to end his hunger strike.

(c) Media articles

(i) "On Wednesday in the annexed Crimea an ambulance was called for the Ukrainian activist Volodymyr Balukh", zmina.info, 29 December 2016

560. This article referred to a statement by the Crimean Human Rights Group citing a declaration made by Mr Balukh's wife. It reported that in December 2016 an ambulance had been called for Mr Balukh while he was detained in the Rozdolnenskiy temporary detention facility. The doctor did not give a diagnosis and did not issue any document to attest to the consultation. He did provide a medical prescription to Mr Balukh's wife, who brought the prescribed medication and handed it to the officer on duty at the detention centre. It was not clear whether Mr Balukh had received it. The article further indicated that Mr Balukh suffered from chronic bronchitis.

(ii) "In Crimea a new criminal case was opened against Ukrainian activist Volodymyr Balukh", zmina.info, 29 August 2017

561. This article was based on a report by the Crimean Human Rights Group and reported on the criminal case opened against Mr Balukh for use of violence against a public official (under Article 318 § 1 of the CrCRF), following an incident that had taken place on 11 August 2017. Mr Balukh was accused of having hit the governor of the remand prison, but Mr Balukh's lawyer argued that his client had been attacked by the State agent, and had been hit, insulted with obscene language and humiliated on the basis of his nationality. Allegedly the incident had been recorded on video. In addition, in April 2017 Mr Balukh had already been discriminated against on ethnic grounds.

(iii) "Political prisoner Balukh ends hunger strike", Interfax Ukraine, published on 16 May 2018

562. This article reproduces Mr Balukh's "address" to Ukrainians, published on the website of the Crimean Human Rights Group. He had stated that he decided to end his hunger strike in order to prevent the likelihood of forced feeding and unauthorised use of medical procedures, to preserve his body and avoid unnecessary grief to his family. Instead, he envisaged continuing with limited nutrition. The article further referred to Mr Balukh's allegations that he had been beaten, mocked and robbed of his personal belongings while in detention. He had also claimed that the pressure and provocation had continued even after his transfer to a separate cell.

(d) Extract from criminal proceedings initiated by the Ukrainian authorities

563. By a decision of 14 December 2016, the Prosecutor's Office of the Autonomous Republic of Crimea joined two sets of criminal proceedings concerning unlawful actions perpetrated against Mr Balukh. The Prosecutor's Office noted: (i) that in July 2014, Mr Balukh had been arrested for seventy-two hours and ordered to pay a fine for "drinking alcohol in a public place"; (ii) that at the end of April 2015 the Russian police and FSB officers conducted a search following which his Ukrainian passport and driving licence had been seized; and (iii) that on 14 November 2015, following a new search at his place of residence in the village of Serebrianka (Razdolnenskiy District of the Autonomous Republic of Crimea), he had again been arrested, handcuffed and brought to the local police department, before being sentenced to ten days' administrative arrest for "disobeying the lawful requirements of a police officer".

4. "Internet cases"

(a) Emil Minasov

(i) "The FSB of the Russian Federation reported the arrest of a resident of Sevastopol for posts on social networks – Media", krymr.com, 18 July 2017

564. This article was published by *Krym Realii* citing the pro-Russian news outlet Kryminfo, which had reported information about Mr Emil Minasov based on information released by the FSB of the Russian Federation. According to the FSB, Mr Minasov had been convicted for extremist activities and sentenced to one year and three months' imprisonment in a colony-settlement. Without pointing to any specific publication, the FSB reported that from March to October 2016 Mr Minasov had shared extremist materials on social media. The Russian investigators had opened six criminal cases on account of actions aimed at incitement to hatred and enmity, as well as debasing the human dignity of a person, under Article 282 § 1 of the CrCRF.

(ii) "A sentence was imposed on a resident of Sevastopol for sharing extremist statements on social networks", ruinformer.com, 18 July 2017

565. Citing information made public by the FSB, this article set out the same information as that reported in the article mentioned in the previous paragraph.

(iii) "Crimean Tatar Minasov was sentenced to one year and three months' imprisonment for posts on Facebook', stopfake.org, 19 July 2017

566. The article reported the investigation opened against Mr Minasov and his conviction and sentence. Referring to the information available on the "Pervomaiskyy District Court's" website, it pointed out that there had not been any preliminary hearings in the case, which had eventually been examined during two court hearings, on 6 and 7 July 2017. Even though the FSB had not mentioned the posts which formed the basis of the charges, it appeared from the "wall" of Mr Minasov's Facebook account that on 2 March 2016 he had signed a petition, prepared by the group "Let My People Go – Ukraine" for the attention of the Minister of Foreign Affairs of Germany asking him to help with the release from pre-trial detention of the defendants in the "case of 26 February" – Ahtem Chiygoz, Ali Asanov and Mustafa Dehermendzhi. He had uploaded a hyperlink to that petition on his Facebook "wall" and added the following comment: "Illegally held in custody, and in general there is a complete infringement of the [rights of] indigenous people of Crimea – the Crimean Tatars!" In addition, on 11 March 2016 Mr Minasov reposted on his Facebook "wall" quotations from an interview with a person involved in organising the blockade of food and energy supply channels to Crimea about steps needed for the return of Crimea to Ukraine. Lastly, from

information released by the FSB according to which the sentence had become effective, it could be inferred that Mr Minasov had not lodged an appeal and hence accepted the conviction.

(b) Ihor Movenko

(i) Material from the administrative proceedings

567. In a letter of 9 September 2016, signed by its director, the State Museum of Heroic Defence and Liberation of Sevastopol stated that a sticker found on Mr Movenko's bicycle had a Nazi connotation. More specifically, the symbol of the Ukrainian special operations "Azov" battalion was the same as the one used during the Second World War by the 2nd Panzer Division *Das Reich*.

568. By a judgment of 22 September 2016, the "Gagarinskiy District Court of Sevastopol", relying on several pieces of evidence, including the letter from the State Museum of Heroic Defence and Liberation of Sevastopol, found that Mr Movenko had publicly displayed a Nazi symbol contrary to the legislation banning the use of such symbols and sentenced him to a fine of RUB 2,000 pursuant to Article 20.3 § 1 of the CAORF. During the trial, Mr Movenko explained that he had bought and put on his bicycle a sticker that represented the symbol of the "Azov" battalion. He also claimed that on 7 September 2016 he had been approached by an unknown man who had reproached him for displaying such a sticker and had then struck several blows to his head, as a result of which he had been taken to hospital.

569. By a judgment of 7 November 2016, the "Sevastopol City Court" dismissed an appeal lodged by Mr Movenko against the judgment of 22 September 2016 and rejected his claims that the District Court had wrongly established the Nazi character of the symbol in question, in the absence of proper scientific evidence. It found that the public display of the symbol and the Nazi character of the sticker had been supported by the evidence. The argument of Mr Movenko that the letter from the State Museum of Heroic Defence and Liberation of Sevastopol was not reliable was dismissed since that letter had been accepted by the lower court as proper evidence and was consistent with the rest of the evidence.

(ii) Material from criminal proceedings (public calls for extremist activities)

570. On 8 November 2016 an expert report was prepared by the "FSB Department for the Republic of Crimea and the city of Sevastopol" with regard to posts and comments that Mr Movenko had made on VKontakte, a social network. The expert was called to establish whether the language used amounted to calls for extremist activities or whether it had been aimed at inciting hatred and enmity and humiliating the dignity of a person or a group of people on account of their gender, race, nationality, language, origin or religion. The expert found that certain words, given the context in which they

had been used, amounted to calls for violent actions: "self-defence", "ex-feathered", "all military traitors", "all political elite that belongs to the Russian parties". By contrast, the expert did not find any indication of incitement to hatred or discrimination.

571. By a decision of 14 December 2016, an investigator of the "FSB Department for the Republic of Crimea and the city of Sevastopol" authorised a search at Mr Movenko's place of work. According to the operational information available to the FSB, the posts made on VKontakte had an extremist content and had been made using electronic equipment available at the workplace.

572. Two reports regarding the search of premises were drafted on 16 December 2016 by FSB agents in the presence of attesting witnesses. The first report was started at 9.14 a.m. and completed at 11.03 a.m. at Mr Movenko's place of work. The second report was started at 12.06 a.m. and was completed at 2.13 p.m. on an unspecified date.

573. By a decision of 24 March 2017 of the FSB investigator, criminal proceedings were initiated against Mr Movenko for public calls for extremist activities using the internet, under Article 280 of the CrCRF. The alleged offences related to the posts that he had made on VKontakte. Particular words and expressions posted were found to be problematic: "all self-defence [forces]", "ex-feathered", "all military traitors" and "all political elite that belongs to the Russian parties".

574. By a decision of 7 April 2017, the senior investigator rejected a request from Mr Movenko for the return of several objects that had been seized on 16 December 2016.

575. By a decision of 18 July 2017, the senior investigator granted a request by the investigative department of the FSB to extend the preliminary investigation in the case by two months.

(iii) Proceedings relating to allegations of ill-treatment

576. Several medical documents issued by the public hospital in Sevastopol where Mr Movenko had been admitted from 9 to 16 September 2016 were submitted. Several injuries were recorded in them, including an open craniocerebral injury, a cerebral concussion, a basal skull fracture, an orbital fracture, and a fracture of the maxillary sinus on the left side. It appears that Mr Movenko was examined by various specialists and received treatment. Several recommendations were made for further treatment and surgical intervention.

577. On 13 October 2016 Mr Movenko lodged a complaint with the local authorities about the ill-treatment to which he had been subjected on 7 September 2016. He relied on medical documents and described his aggressor as a "man unfamiliar to him" who had "introduced himself as an officer of the riot police".

578. By a decision of 5 December 2016 of the "Department of the Gagarinskiy District for Police and Supervision of Juvenile Delinquents of the Ministry of Internal Affairs of the Russian Federation", Mr Movenko's complaint that he had been subjected to ill-treatment was dismissed for lack of *corpus delicti*.

579. By a decision of 8 December 2016, the deputy prosecutor at the "Gagarinskiy District Court of Sevastopol" quashed the decision not to open criminal proceedings and ordered that further investigative steps to be taken.

(iv) Media article

"Crimean savagely beaten for pro-Ukraine views gets 2-year prison sentence for 'extremism'", khpg.org, 7 May 2018

580. The article reported that on 4 May 2018 the "Gagarinskiy District Court of Sevastopol" had sentenced Mr Movenko to two years' imprisonment for the comments he had posted on VKontakte. The proceedings had been initiated in retaliation for his criminal complaint alleging ill-treatment. The sentence was "disturbing" especially since the prosecutor had asked for a suspended sentence and the court had passed a sentence to be served in a medium-security prison colony. Mr Movenko had been taken into custody from the courtroom.

581. The prosecution was triggered by comments made on a VKontakte group named "Crimea is Ukraine" and referring to what should happen to traitors after the occupation of Crimea ended. Those comments were strongly worded but was rather an expression of "black humour", as Mr Movenko had explained in court. They were an excuse that the occupying authorities had decided to use over a year later. As in other similar cases, the investigation was meant to send a warning to others.

582. Mr Movenko was attacked on 7 September 2016 because of two stickers displayed on his bicycle. One represented the Ukrainian trident and the other was the symbol of the "Azov" battalion, which was on the list of Russia's banned organisations. The aggressor claimed to be from the police, though he did not show any ID. The Crimean Human Rights Group identified him as V.S., a former officer of the Ukrainian Berkut special force unit, working at the date of the events for the police of the Russian Federation.

583. The article included a link to a video available on YouTube that showed that the police officers who arrived at the scene of the incident were on the best of terms with the assailant and that they prevented Mr Movenko's wife from attending to him. Mr Movenko was lying on the ground, handcuffed and in obvious need of medical treatment.

584. There was no criminal investigation into the attack, despite Mr Movenko's complaints insisting on the opening of such an investigation. In response, he was detained on 16 December 2016 during a "special operation". FSB officers intercepted him on his way to work; they began

beating him and threatening to take him to a forest, strip him naked and leave him there. Then they took him to his place of work, where he was prevented from speaking to anybody and when he tried to do so, he was dragged into a corner and dealt several blows. His computer was taken away. Afterwards, he was taken to his home where a search was performed. His wife said that she had been prevented from using the telephone to call a lawyer.

585. During a court hearing on 31 January 2018, one of the attesting witnesses whom the FSB agents had almost certainly (and illegally) brought with them, confirmed that, during the search, Mr Movenko had been held with his hands handcuffed behind his back and had not been allowed to contact a lawyer. Those infringements had not been investigated either.

(v) Video recording

586. This video showed a man lying on the ground, his head and hands covered in blood; there was also blood on the ground. According to the voice behind the camera, the video had been recorded by the wife of the man lying on the ground. The date of the recording and the identities of the people seen in the video were not specified. Three men standing around the person lying on the ground were wearing police uniforms.

The man on the ground said that he had been beaten for no reason and that he had not resisted. He also said that the person who had beaten him had introduced himself as a militia officer.

An unidentified woman in the video then said that "it is stupid to ride around, in the territory of Crimea ... when this organisation kills and rapes in the territory of Ukraine!"

(c) Ismail Ramazanov

(i) "A resident of the Simferopol district is suspected of extremism", press release published by the Investigative Committee of the Russian Federation, sledcom.ru, 23 January 2018

587. The Investigative Committee of the Russian Federation reported that an investigation for incitement to hatred and enmity was ongoing in respect of a 31-year-old resident of Simferopol under Article 282 § 1 of the CrCRF. The investigation was looking into statements he had purportedly made in public in October 2017 on an internet radio station which, according to an expert opinion, were of an extremist nature.

(ii) Media articles

(α) "He was making statements against Russians: why did they arrest the Crimean Tatar Ismail Ramazanov?", krymr.com, 25 January 2018

588. The article reported that Mr Ramazanov had been arrested on charges of incitement to hatred and enmity on the internet. He was investigated for statements that he had made in October 2017 on the internet

radio station Zello, which was banned in Russia. He was arrested in the early morning of 23 January 2018 when a search was conducted at his house. Ammunition for Makarov guns was supposedly found. Mr Ramazanov denied the charges. His relatives believed that the ammunition was planted.

589. At the court hearing during which the proposal for his arrest was examined, Mr Ramazanov stated that he had been beaten the day before by agents of the federal security service and that he was unable to participate in the session because of the pain. A journalist from Radio Svoboda reported that when the decision was given, Mr Ramazanov had been unable to stand on his feet, but the judge had refused to call an ambulance. His lawyer confirmed that he had been beaten on the head and hands and in the kidneys, and stated that he would request a proper investigation.

590. The article further reported that according to the Crimean Solidarity organisation, Mr Ramazanov had not been given food or water for almost two days after his arrest, and that he had not been given any warm clothes. He had not been given the food that his father had brought for him.

591. On 24 January 2018 at night, Mr Ramazanov was taken to a temporary detention facility.

(β) "Crimea: The occupiers kept Ramazanov under arrest until 23 February", pravda.com.ua, 3 February 2018

592. This article reported that the "Supreme Court of the Republic of Crimea" had dismissed an appeal lodged by Mr Ramazanov against his arrest and had extended his detention to 21 February 2018. The judge had further dismissed requests made by Mr Ramazanov's lawyer to have the court hearing recorded and to hear Mr Ramazanov's brother as a witness, since he had been present at the time of the arrest. In addition, the judge disregarded the protest made by the lawyer regarding his client being held in a cage during the court hearing.

593. According to the lawyer's account, Mr Ramazanov had been subjected to torture on 23 January 2018 when he was arrested and his house searched. On the same day, a medical examination had been conducted, and it had confirmed and recorded the bodily injury. The following day, when Mr Ramazanov was taken to court for preventive detention proceedings, he had not been given proper medical assistance. Apparently, another lawyer had confirmed that Mr Ramazanov had been beaten while being brought before the Investigative Committee of the Russian Federation. Mr Ramazanov's lawyer had lodged a complaint with the prosecutor's office regarding the ill-treatment to which his client had been subjected.

594. Finally, quoting his lawyer, the article reported that Mr Ramazanov was being kept in an overcrowded cell where eighteen inmates had to share six beds between them. They had to sleep standing up.

(γ) Untitled article published at radiosvoboda.org, on 19 February 2018

595. This article describes the following events. Mr Ramazanov was arrested on 23 January 2018 when Russian security officials entered his house, put a jacket on his head, searched the house and beat him. He stated that he had been hit in the back, in the kidneys, on the head and the back of his neck, and on his hands and feet, and that his fingers had been twisted. His lawyer said that his client had been taken to a hospital in Simferopol, where his injuries had been confirmed, but the beatings had continued afterwards in the car. Mr Ramazanov's pre-trial detention was extended to 18 March 2018 on the grounds that he might abscond given that he held a Ukrainian passport.

(δ) "Crimea: the court left Ramazanov, suspected of extremism, under arrest", radiosvoboda.org, 18 April 2018

596. The article reported that Mr Ramazanov's pre-trial detention had been extended until 18 May 2018. His appeal against that decision had been rejected by the "Supreme Court of the Republic of Crimea". His lawyer stated that there were no grounds to extend the detention and that the prosecution's arguments that his client might hide or continue his public activities were weak.

(ε) "Ramazanov's case: 'expert review' and suspicious witnesses", krymr.com, 20 June 2018

597. This article reported the following. Mr Ramazanov had been arrested in the beginning of 2018 and detained in the Simferopol SIZO. A criminal investigation had been initiated by the security forces controlled by Russia with regard to Mr Ramazanov's statements that had supposedly amounted to incitement to hatred and enmity towards other people, especially "the social group of the Russians" (an offence under Article 282 § 1 of the CrCRF). Those statements had been made on Zello, an internet radio station, which had been banned by the Russian Federal Service for Supervision of Communications, Information Technology and Mass Media. The charges had later been extended to possession of ammunition (under Article 222 § 1 of the CrCRF) allegedly found at his house during a search performed in January 2018.

598. A forensic medical examination had confirmed that Mr Ramazanov suffered bodily harm in January 2018 after his arrest.

599. Referring to allegations of Mr Ramazanov's lawyer, the article further reported that Mr Ramazanov had denied the charges and claimed that the ammunition had been planted by an officer of the security services, whom he was ready to identify. Suspicious witnesses had appeared in the case and a confrontation with those witnesses was requested. Doubts were also raised as to the expertise of the linguistic expert who had reviewed the statements made on Zello.

600. The "Supreme Court of the Republic of Crimea" had extended Mr Ramazanov's pre-trial detention to 16 July 2018. His lawyer, who had asked for the replacement of the preventive measure, pointed to the political motivation of the extension of the detention, arguing that it was not in line with the general practice of the courts in such matters. Mr Ramazanov's relatives had not been allowed to attend the court hearings.

601. It was also reported that, while in detention, Mr Ramazanov had complained of kidney pains and oedema in the feet. His lawyer had managed to bring his client some medication and his state of health had become tolerable.

602. Emil Kurbedinov, a Crimean lawyer, and the Crimean Solidarity organisation stated that Mr Ramazanov's prosecution was politically motivated, being linked to his Crimean Tatar ethnicity.

(στ) "The blogger Ramazanov will be released – 'the court' in Crimea did not extend the detention", ukrinform.ru, 12 July 2018

603. Citing posts by the Crimean Solidarity organisation on Facebook, this article reported that the prosecutor's request to have the detention of Mr Ramazanov extended had been rejected by a "court". The detention was due to expire on 16 July 2018.

604. Mr Ramazanov's lawyer stated that his client had been held in conditions of detention in breach of human rights standards: he had been incarcerated with four detainees in a cell measuring 12.5 sq. m with only four beds; the cell was not ventilated, and the ceiling was covered in mould.

605. Mr Ramazanov denied the charges and claimed that he had been tortured in a cruel manner. He indicated the name of the FSB officer who had tortured him and asked for a confrontation with him.

(ζ) "The blogger Ramanazov has been released", Ukrinform.ru, 24 July 2018

606. Referring to a post by the chairman of the Central Election Commission of the Qurultay of the Crimean Tatar People on his Facebook "wall", this article stated Mr Ramazanov had been released from Simferopol SIZO. Mr Ramanazov's lawyer had repeatedly requested that his arrest be replaced by house arrest and argued that his detention had been unlawful.

(iii) Facebook posts published on 24 January 2018 by the Crimean Solidarity organisation

607. On 24 January 2018 sixteen posts were published by members of the Crimean Solidarity organisation in the form of live updates from the premises of the "Simferopol District Court", which was holding a hearing regarding the arrest of Mr Ramazanov. They stated that Mr Ramazanov had been put in a cage; that he looked weak and had asked for water since he had not been given any for a long time; that he appeared in pain and could hardly stand up

when called by the judge; that he had complained of beatings and pain; that the prosecutor had objected to an ambulance being called but had provided a medical document of 23 January 2018 recording the injuries sustained by Mr Ramazanov; that the judge had refused to call an ambulance; that Mr Ramazanov's lawyer had been denied access to a document provided to the judge by the prosecutor; that the lawyer had challenged the expert report drawn up with regard to the statements made on Zello; that the lawyer had asked for the replacement of the measure of detention with house arrest given his client's character and medical condition; that Mr Ramazanov had stated that he had been arrested at 5 a.m. on 23 January 2018, and not at 2.30 p.m. as indicated in the official record and that he had not been given food, water or warm clothes; and that an ambulance had eventually been called but had not come.

(d) Yevhenii Karakashev

(i) Profile of Mr Karakashev published by Memorial HRC, memohrc.org

608. Memorial HRC collected the following information about Mr Karakashev's case. On 1 February 2018 Mr Karakashev was arrested. According to information posted by a journalist on her Facebook "wall", the authorities had conducted a search at his house. The search had been rough: the officials had laid Mr Karakashev on the floor, twisted his arms and handcuffed him. There was a huge abrasion on his forehead. He was taken in handcuffs from his house to the place of detention and was not allowed to contact his friends until the evening. The investigator stated that he did not remember how long Mr Karakashev had been kept handcuffed, whether it had been "five minutes or three hours".

609. On 2 February 2018 the "Yevpatoriya City Court" arrested Mr Karakashev for two months, on suspicion of having committed the crimes set out in Article 282 § 1 (incitement to hatred and enmity) and Article 205.2 § 2 of the CrCRF (public calls for terrorism).

610. Mr Karakashev was under investigation for having published a video footage supposedly calling for terrorism on his VKontakte page. The video had been recognised as extremist material in Russia. He was also suspected of having downloaded texts that contained signs of "violent ideology propaganda" and "calls for conducting terrorist activity" in a chat group of thirty-five people. The actual text was not revealed, but the experts who examined it stated that it started with the words "use the bombshell against" and ended with the words "to the windows of the authorities, good luck".

611. It was highly likely that the criminal case against Mr Karakashev was politically motivated and was triggered by his social and political activity and his continuous participation in protest actions in Crimea. From the circumstances of his persecution it could be assumed that he had been deprived of his liberty to stop his public activities.

(ii) Media articles

(α) "The Crimean surveillance: you, your friends and the federal security service", krymr.com, 4 February 2018

612. The article reported that on 1 February 2018, the mayor of Yevpatoriya had held a public meeting relating to the construction of a medical and entertainment complex in the vicinity of a lake. The project was opposed by many residents. During the meeting the mayor had hinted that a criminal group had opposed the investment project and that that morning, the federal security service had detained several individuals. When asked by the journalists to clarify that information, the mayor denied it.

613. That evening, it was revealed that Mr Karakashev had been arrested. His mother stated that officials had come to her house at 7 a.m., and when she had opened the door, they had pointed a gun at her. A scramble had followed and she had then seen her son lying on the floor with abrasions on his head. The head investigator had stated in court that Mr Karakashev had put up resistance during the search and had therefore been handcuffed. According to the official documents, his detention had started at 6.25 p.m., but in reality, it had started at 7 a.m.

614. Mr Karakashev was under investigation on two counts. Firstly, he was suspected of having posted video footage on VKontakte in 2017 called "The last interview of Primorsk's partisans", which had been declared extremist by a Russian court. Secondly, it appeared from monitoring of his communications that in 2014 he had uploaded another untitled video and he had made statements calling "for the performance of terrorist activities" in a chat group. During the court hearing the investigator had not revealed all the words used, but only the beginning and the end of the statements: "Use the bombshell against ... to the windows of the authorities. Good luck!"

615. The day after the detention of Mr Karakashev, the federal security service had published photographs depicting his search and arrest and explained that the "Siloviki" (law-enforcement officers) had caught a subversive group from Ukraine that was preparing provocations and mass protests during the presidential elections. This event called to mind statements made by the mayor of Yevpatoriya about the detention of a group of provocateurs.

616. Mr Karakashev was described as an activist who had been detained before and had been called by the authorities to give explanations about his activities. As in the case of Mr Ramazanov, he was detained not for having posted on social media, but for having made statements on a chat group and a communication channel with a limited number of participants.

617. The article also reported information on Mr Ramazanov, who had been arrested on 23 January 2018, when agents from the federal security services entered his house and severely beat him. He was beaten on the back, in the kidneys, on the head and on the back of the neck and had his fingers disjointed. He was later beaten in a car. During the court session he could

hardly stand because of pain, but the judge refused to call for an ambulance. Also, he was not given water or food for two days. The federal security service tortured him and used psychological pressure to extract confessions.

618. Mr Ramazanov was charged with spreading information inciting to hatred and enmity via the internet radio station Zello. He had communicated with the members of a closed group called "Crimea Center". Agents of the federal security services accessed these exchanges and found signs of extremism. This appeared to be the new working method of the intelligence bodies in Crimea, consisting in monitoring statements made on closed channels and chat forums on social media without a court-approved warrant. Sometimes the content of the conversation was provided to them by the company that owned the social network in question, which would explain why most messages came from VKontakte.

(β) "The Supreme Court of Crimea kept the anarchist Yevhenii Karakashev in remand prison until 2 April", avtonom.org, 14 February 2018

619. The article stated that on 14 February 2018 the "Supreme Court of the Republic of Crimea" had examined, behind closed doors, an appeal brought by Mr Karakashev against the decision of 2 February 2018 of the "Yevpatoriya City Court" that had placed him on detention on remand in the Simferopol pre-trial detention facility. His parents were not allowed to attend the court hearing. His lawyer had pleaded that the preventive measure in question had not been based on any grounds, but the judge had dismissed the appeal.

620. According to Mr Karakashev's lawyer, the investigation had been launched because of the activist work of his client, who was known as an "anarchist and an anti-fascist", having participated in a picket near the building of the FSB in Simferopol. In November 2016 he had planned a protest demonstration "against police brutality in Crimea" near the building of the Ministry of Internal Affairs in Yevpatoriya, but the protest had been forbidden by the local authorities. The "law-enforcement officers" had invited him instead to give explanations, which Mr Karakashev had refused. Later, he had also publicly opposed a construction project near the Salt Lake in Yevpatoriya.

621. After the search carried out on 1 February 2018 at Mr Karakashev's house, he had been incarcerated in the Simferopol SIZO.

(γ) "The court extended the Yevpatoriya activist Yevhenii Karakashev's detention until 30 April", memohrc.org, 28 March 2018

622. The article reported that on 27 March 2018, the "Yevpatoriya City Court" had extended the detention of the left-wing activist until 30 April. The court hearing had been held behind bars, Mr Karakashev's parents had been denied access to the courtroom and his lawyer had not been allowed adequate access to the case file.

(δ) "The court in Crimea extended the arrest of the Yevpatoriya activist Yevhenii Karakashev for one more month ", memohrc.org, 20 April 2018

623. The article reported that on 19 April 2018, the "Yevpatoriya City Court" had extended the detention of Mr Karakashev for one month, on the basis of his Ukrainian citizenship. According to the court, he would have been able to use his Ukrainian passport to abscond during the investigation. The article pointed, however, to the fact that Mr Karakashev's passport had been seized during the search of his home.

624. According to the article, Mr Karakashev had been taken for a psychological and mental health examination to a medical facility and would soon be transferred to the Simferopol SIZO.

(ε) "The Yevpatoriya court extended the term of Yevhenii Karakashev's detention to 30 June", avtonom.org, 27 May 2018

625. The article reported that the "Yevpatoriya City Court" had extended Mr Karakashev's pre-trial detention for one month until 30 June 2018 based on the fact that he had a Ukrainian passport. The article also quoted his lawyer, who pointed to various procedural irregularities: the court hearing was held behind closed doors and Mr Karakashev was held in a cage. The lawyer also stated that Mr Karakashev had not been handed correspondence from his friends and supporters. Mr Karakashev believed that the charges brought against him were fabricated and false.

626. The article reiterated information already reported by the press in relation to Mr Karakashev's arrest, the charges brought against him and the circumstances of the home search.

627. Mr Karakashev's lawyer considered that the opening of criminal investigations and the subsequent arrest were associated with his client's social and political activist work. He had been involved in several protests in Yevpatoriya and Simferopol.

628. It was highly likely that the criminal case was politically motivated, and it came in the context of persecution of left-wing activists and anti-fascists that had been going on since January 2018.

(στ) "The Yevpatoriya court extended Mr Yevhenii Karakashev's detention until the end of July", avtonom.org, 30 July 2018

629. The article reported that on 28 June 2018 the "Yevpatoriya City Court" had extended Mr Karakashev's detention until 31 July 2018. It also noted that the investigator had pointed to Mr Karakashev holding a Ukrainian passport and had argued that he might also threaten witnesses, arguments which had been endorsed by the court. Mr Karakashev's lawyer had also explained that at the end of the pre-trial investigation, Mr Karakashev would be taken to a remand prison in Rostov-on-Don, where his criminal case would be considered.

5. Cases of "Ukrainian saboteurs"

(a) Yevhen Panov

(i) Material from the administrative proceedings

630. By a decision of 8 August 2016, Mr Panov was placed in administrative detention by the "Zheleznodorozhnyy Police Department of Simferopol" for actions in breach of the provisions of Article 20.1 § 1 of the CAORF (petty hooliganism).

631. On the same day, the "Zheleznodorozhnyy District Court of Simferopol" initiated administrative proceedings against Mr Panov under Article 20.1 § 1 of the CAORF and subsequently sentenced him to fifteen days of administrative detention. The court found that he had breached public order, had used obscene language in public and had insulted third parties. It appears from the judgment that Mr Panov had admitted his guilt and expressed remorse for his acts. The conviction was based on administrative documents filled in by the police, as well as the statements of Mr Panov and those of two witnesses.

(ii) Material from the criminal proceedings

632. By a decision of 10 August 2016, the FSB Department for Crimea and Sevastopol launched criminal investigations in respect of Mr Panov, who was suspected of having prepared to commit acts of sabotage as part of an organised group, such as explosions aimed at disrupting the economic security and defence capacity of the Russian Federation. It appears from the decision that Mr Panov had been apprehended by FSB officers on 7 August 2016.

633. By a decision of 14 June 2017, the "Investigative Department of the FSB Department for Crimea and Sevastopol" the pre-trial investigation regarding Mr Panov extended by two months.

634. By a decision of 1 August 2017, the "Supreme Court of the Republic of Crimea" extended by two months the pre-trial detention of Mr Panov, which amounted to fourteen months in total. The court took into account the fact that Mr Panov was being investigated for very serious crimes, and could abscond and continue his criminal activities from Ukrainian territory, and the complexity of the case.

635. By a decision of 7 February 2018, the "Supreme Court of the Republic of Crimea" extended the pre-trial detention of Mr Panov by two months on the basis of the seriousness of the crime Mr Panov was charged with, and also the fact that, being a Ukrainian citizen, he could abscond and continue his criminal activities, and could destroy the evidence or influence the witnesses.

636. By a judgment of 13 July 2018, the "Supreme Court of the Republic of Crimea" convicted Mr Panov for preparing acts of sabotage in the form of explosions in Crimea (Article 30 § 1 in conjunction with Article 281 § 2 (a)

of the CrCRF), attempted smuggling of ammunition across the borders of the Customs Union within the Eurasian Economic Union (Article 30 § 3 in conjunction with Article 226.1 § 3), and storage and transportation of ammunition (Article 222 § 3), and sentenced him to eight years' imprisonment. The conviction was based on witness statements, including those of witnesses whose identity had not been disclosed; monitoring of telephone communications, forensic examination of those communications and examination of the telephones in question; forensic examination of various objects; expert opinions; and various reports and documents delivered by the investigative authorities. As regards the statements made by Mr Panov, the court preferred his confession made at the initial stage of the criminal investigation and dismissed as "flimsy" his later statements through which he had retracted his confession. The court dismissed as "unreasonable" the allegations of the defence that Mr Panov had confessed as a result of unlawful methods used by the investigative authorities, allegations which had already been examined in separate proceedings and dismissed. Lastly, the court dismissed all the arguments of the defence that some pieces of evidence had been unlawfully obtained or unfounded.

(iii) Proceedings regarding the allegations of ill-treatment

637. By a decision of 19 September 2017, the chief of the Military Investigative Department of the Military Investigation Department of the Investigative Committee of the Russian Federation for the Black Sea Fleet ("the Black Sea Fleet Investigative Committee") quashed a refusal to initiate criminal proceedings into allegations that Mr Panov had been subjected to ill-treatment and ordered additional investigative steps, namely the identification and questioning of the FSB officers involved, the questioning of the law-enforcement agents of the detention facility where Mr Panov had been held and a forensic medical examination. The decision indicates that Mr Panov had complained that from 7 to 12 August 2016, FSB officers had subjected him to ill-treatment by handcuffing him and lifting him while handcuffed, by beating him on the soles of his feet and by applying an electric current to his body. On 10 February 2017 a prosecutor had refused to initiate criminal proceedings.

(iv) Media articles

(α) "Yevhen Panov: foiled Ukrainian Crimea Saboteur Plot, or the limits of Russian FSB torture" and "Russia seeks secret trial of tortured Ukrainian accused of Crimea 'sabotage plot'", khpg.org, published on 9 August 2017 and 17 April 2018 respectively

638. These articles, containing essentially the same information, reported that Mr Panov had been arrested and tortured in August 2016 and that he had been under considerable pressure to plead guilty to fabricated charges.

Mr Panov was charged with planning acts of sabotage in Crimea as part of a group of saboteurs, as well as with smuggling ammunition across the borders of the Customs Union. The acts of sabotage had been directed at civilian and military sites in Crimea. His trial had been held under closed doors because secret documents had been included in the file. In this connection, Mr Panov's lawyer stated that he had been informed that the case material included a "secret file" allegedly containing information about the sites where the purported "acts of sabotage" were planned to take place.

639. Mr Panov was a driver working for the Zaporizhzhia nuclear power plant in Enerhodar and was involved as a volunteer in the civil defence in his city and with the Ukrainian army. On 6 August 2016 he received a phone call, seemingly from a fellow volunteer asking for help to evacuate a family from Russian-occupied Crimea. His own family had only found out about this call after Mr Panov's disappearance.

640. On 10 August 2016 the FSB claimed that it had foiled terrorist acts planned by the Ukrainian Defence Ministry's military intelligence and targeting critically important parts of Crimea's infrastructure. According to the FSB, the plans were aimed at destabilising the situation before the elections that were taking place in occupied Crimea. Those claims were made on the basis of video recordings showing the confessions of four men, among which Mr Panov. His supposed confession contained inaccuracies.

641. The video of Mr Panov's confession was widely broadcast on State-controlled media. On the video, he could be seen "confessing" to working for Ukrainian military intelligence and saying that he had been invited to Kyiv and told that a group was being created to carry out acts of sabotage in Crimea. He reeled off the names of several people, none corresponding to the people he had allegedly been caught with, who had come to Crimea together to decide on the targets of the acts of sabotage. They had chosen a ferry crossing, an oil handling terminal, a helicopter regiment and a chemical factory. On the video, Mr Panov looked as though he had been beaten and spoke as though he was saying what he had been instructed to say.

642. The FSB prevented the lawyer chosen by Mr Panov's family from seeing his client. They produced a scrap of paper, with a typed statement, allegedly from Mr Panov, rejecting the lawyer's services. The paper was unsigned, and Mr Panov's family applied to the European Court of Human Rights, with the help of a human rights group. The Court requested information from the Russian Government regarding the origin of Mr Panov's bruises and confirmation that he had been allowed to see the lawyer his family had chosen. Following this communication from the Court, and after two full months of total isolation, Mr Panov was able to briefly meet with the lawyer. He immediately retracted all his previous testimony, confirming that it had been obtained under torture. He described the methods of torture used, including severe beatings, being suspended in handcuffs,

being subjected to mock executions and having electric shocks and clamps applied to his genitals.

643. After the meeting with his chosen lawyer, Mr Panov was moved to Moscow together with Mr Zakhtey. They were pressured to give up their independent lawyers. They refused and were moved back to Crimea to the Simferopol SIZO, where the conditions of detention amounted to torture.

(β) "In the Crimean 'court' the investigation with regard to the complaint of Ukrainian citizen Yevgeny Panov's defence against the investigator's actions has been postponed", crimeahrg.org, 15 May 2017

644. According to this article, on 10 August 2016 the FSB of the Russian Federation had reported that during the night of 7 August 2016, a group of "Ukrainian saboteurs" who were allegedly preparing terrorist attacks on the territory of the peninsula had been detained in Crimea. The article further reported that Mr Panov's lawyers had complained to the courts that they had been denied access to their client while he was held in Lefortovo Prison. On 5 December 2016 the "Kyiv District Court of Simferopol" had dismissed their complaint. Separate proceedings challenging the refusal to open criminal proceedings against the investigator who had denied the lawyers' access to Mr Panov in Lefortovo Prison were also pending before the "Kyiv District Court of Simferopol".

(v) Video recording

645. This video shows an interview with Yevhen Panov recorded on an unspecified date. Mr Panov had visible injuries on his forehead and his upper lip. His speech did not appear to be spontaneous.

The interviewer, who did not introduce himself, asked Mr Panov about his military background and his connections with the Ukrainian intelligence services. Mr Panov replied that he had been a part of a "sabotage group" created in Kyiv and named the five participants in that group and their military ranks. Mr Panov stated that they had come to Crimea together to decide on targets for their acts of sabotage and had chosen a ferry crossing, an oil handling terminal, a helicopter regiment, and a chemical factory. Mr Panov said that during that trip he and his counterpart had also purchased five pairs of Russian military uniform and had hidden weapons and explosives in a cache. He further said that the Ukrainian military intelligence services had paid him for doing that.

It appears that the last bit of the video interview was filmed on a different occasion since Mr Panov was wearing a different shirt and his facial injuries looked fresher and were more visible. In addition to the injury on his forehead and upper lip, his lower lip was bruised, and his nose and cheeks looked red. His voice was shaking. Mr Panov said that the planned bombing of Russian military equipment had been accompanied by a serious risk of human casualties.

(b) Andriy Zakhtey

(i) Material from criminal proceedings

646. A search report of 7 August 2016 set out information about the search conducted at Mr Zakhtey's house in the presence of his wife and two attesting witnesses.

647. On 11 August 2016 a detention report was drafted by a senior investigator of the FSB Department for Crimea and Sevastopol attesting that Mr Zakhtey had been placed in detention as a suspect.

648. By a decision of 21 September 2016, a senior investigator of the FSB Department for Crimea and Sevastopol granted a request by Mr Zakhtey to replace the officially appointed lawyer with a lawyer of his own choosing.

649. By a letter of 5 May 2017, the "Black Sea Fleet Investigative Committee" notified Mr Zakhtey at his place of detention about the refusal to initiate criminal proceedings, without providing details about the allegations concerned or the grounds for refusal. The notification contains information about the possibility of challenging the decision in accordance with the applicable procedure.

650. By a decision of 17 July 2017, the "FSB Department for Crimea and Sevastopol" applied for the extension of the preliminary investigation in the criminal case by two months. The request was justified by the need to carry out addition investigative activities, among them the hearing of at least five witnesses and expert opinions. The decision indicated that the investigation concerned both Mr Panov and Mr Zakhtey, that on 13 August the "Kyiv District Court of Simferopol" had placed Mr Zakhtey in pre-trial detention for two months and that on 5 September 2016 he had been charged with having prepared acts of sabotage in Crimea, under Article 30 § 1 in conjunction with Article 281 § 2 (a) of the CrCRF. The decision further stated that on 5 September 2016, Mr Zakhtey and Mr Panov had been transferred from the Simferopol SIZO to the Lefortovo SIZO (Moscow) and that on 14 February 2017 they had been transferred back to the Simferopol SIZO.

651. By a judgment of 16 February 2018, the "Supreme Court of the Republic of Crimea" convicted Mr Zakhtey of: (i) acquisition of means and instruments for the commission of a crime and creation of the conditions for acts of sabotage aimed at destroying the livelihood of the population in order to undermine the economic security and defence capability of the Russian Federation, committed by an organised group (under Article 30 § 1 taken together with Article 281 § 2 (a) of the CrCRF), (ii) illegal storage and transportation of firearms, ammunition and explosives by an organised group (Article 222 § 3 and Article 222.1 § 3) and (iii) unlawful acquisition of an official document granting rights (a Russian passport) and use of the document knowing that it was forged (Article 324 and Article 327 § 3). He was sentenced to six years and six months' imprisonment in a strict security prison and a fine of RUB 220,000. The court examined the case in special

proceedings on the basis of a plea-bargaining agreement Mr Zakhtey had previously entered into with the investigative authorities, in the framework of which he had admitted his guilt on all counts.

(ii) Profile of Mr Zakhtey published on the website letmypeoplego.org.ua

652. Various personal details, as well as information referring to Mr Zakhtey's arrest, the criminal proceedings against him and the alleged torture with electricity he had been subjected to, are set out on a dedicated page on the above-mentioned website. It reads as follows in so far as relevant (original in English):

"Incrimination:

preparation to subversive activities (Article 30 and clause 'a' of Part Two of Article 281 of the Russian Criminal Code). According to the allegations of Russian investigators, Andriy Zakhtey was a member of a 'subversive group,' which entered Crimea from mainland Ukraine over the Syvash Lake. Two Russian officers were allegedly killed during the arrest of Ukrainians near the village of Suvorove, where a cache of weapons was supposedly discovered.

...

On the night of August 7–8, 2016, Andriy Zakhtey was arrested upon his arrival to the village of Suvorove. Zakhtey had been asked to come to Suvorove by a friend from Kyiv, Y.F. F. had asked to pick up a group of people in north Crimea and, possibly, to help them to obtain Russian passports.

'At midnight or so, I arrived at the given address and began to wait for clients. Some time later a truck drove to me and armed men in military uniforms got out if it. They got in my car, introduced themselves as FSB officers, and began to ask what I was doing there and who I was waiting for. Having received the call and found out the exact address, we (three FSB officers in uniforms, one in civilian clothes, who took the wheel, and me) drove to the village of Suvorove. As soon as we got there, a firefight began. I hid between the seats of the car. After 2 or 3 minutes, the firefight stopped. As I understood, one of the FSB officers was killed, and those who had fired at the FSB officers disappeared,' the prisoner says.

On August 12, Russia 24 TV Channel showed a video featuring Zakhtey's confession. He said he had been 'recruited' by the Ukrainian Defense Intelligence and become a member of a 'subversive group'. In the autumn of 2016, he, along with another Ukrainian prisoner, Yevhen Panov, was transported to the Lefortovo remand jail in Moscow. There he finally met with his lawyers under the agreement and told them about the torture he had been subject to after the arrest.

In February 2017, the two 'saboteurs' were transported back to Crimea. Now both are held in a remand jail of Simferopol. They complain about overcrowded prison cells and other terrible conditions.

As of today, Zakhtey is accused of illegal acquiring of a Russian passport (Article 324 of the Russian Criminal Code). The passport was recognized invalid and Zakhtey was deprived of Russian citizenship. Thus he remains a Ukrainian citizen.

Exculpatory evidence:

DNA molecular analysis and other forensic examinations of the objects discovered in the cache in Suvorove revealed no biological signs or fingertips of Andriy Zakhtey.

The lawyers emphasize that the only thing the 'new Crimean saboteurs' have in common only is the year of birth and the time spent in military schools in Ukraine. Perhaps, they knew each other but to construct a 'Ukrainian sabotage and terrorist group' out of them is the absurdity.

Torture and pressure:

There have been several reports from the arrested regarding the use of torture in the cases of 'Crimean saboteurs.' According to the prisoner, he was tortured with electricity over two days into making a confession:

'At first, they attached battery terminals to his legs and buttocks, forcing me to admit my guilt. I said I was an ordinary taxi driver, I had come to the place of the firefight on the call of a client, but I was tortured nonetheless. Then they attached the terminals to the genitals, and I lost consciousness a few times.'"

(c) Volodymyr Prysych

"'Crimean saboteurs' a year later. How is the case of failed terrorist attacks on the peninsula being investigated and what happened to its defendants", zona.media, 11 July 2017

653. This article reported the information below.

654. Mr Prysych, a truck driver, was arrested on 13 August 2016 in Sevastopol.

655. On 21 August 2016 the television channel Russia1 broadcast a video recording that showed Mr Prysych confessing that he had been recruited by the Ukrainian intelligence services in order to collect information about the movement of military equipment on the territory of Crimea, and especially the number of vehicles, the type of equipment and the details of the licence plates. To this end, he had used an IT program installed on his phone by officials of the Ministry of Defence. He confessed that he had come to Crimea eight times and transmitted photographs of military equipment, radar stations and cars located near military units.

656. Before the court, Mr Prysych denied the charges and claimed that he had made a confession after having been tortured. He alleged that he had been taken to Simferopol by masked men on the night of 13 August 2016 when he had been interrogated and tortured with electric shocks. The men had tried to persuade him to confess to espionage activities on Russian territory in favour of the Ukrainian authorities. When he refused, marijuana had been found in his truck. He believed that the drugs had been planted. He had again been tortured with electricity and forced to record a confession "according to a text dictated by the police officers".

657. On 18 May 2017 the "Gagarinskiy District Court of Sevastopol" found Mr Prysysch guilty of illegal possession of drugs (Article 228 § 2 of the CrCRF) and sentenced him to three years' imprisonment.

658. He was detained in the Simferopol SIZO. He had medical issues, and on 20 June 2018 he experienced numbness in the head and nose bleeding, and he lost consciousness. His relatives suspected that he had suffered a minor stroke.

(d) Dmytro Dolgopolov and Ganna Sukhonosova

"Russia arrests Crimean soldier who betrayed oath to Ukraine on charges of 'spying' for the Ukrainian intelligence", khpg.org, 2 October 2017

659. The article reported that, according to a statement published on 29 September 2017 by the FSB that had been widely relayed by the Russian state-controlled media, Mr Dolgopolov and Ms Sukhonosova have been arrested and charged with having "collected and handed to the Ukrainian security service information constituting a State secret about the activities of the units and the formations of the Black Sea Front". Mr Dolgopolov was a former Ukrainian soldier who had betrayed his oath of allegiance to Ukraine. Ms Sukhonosova was a fitness instructor. Criminal proceedings had been initiated against them for "State treason" and they faced a potential sentence of up to twenty years' imprisonment. Various sources had stated that the accusations against Mr Dolgopolov did not seem plausible.

660. The article reiterated that there had been at least ten arrests on charges of either planning sabotage or espionage for Ukraine since August 2016, with the only evidence in each person's case being video recordings of their supposed confessions. More specifically, it referred to the cases of Mr Volodymyr Prysych, Mr Redvan Suleymanov, Mr Andriy Zakhtey and Mr Yevhen Panov, of whom some lacked access to their chosen lawyers or had been subjected to torture. Lastly, the article stressed that one of the six men arrested in November had also since been convicted of something radically different from his confessions, there being reasonable grounds to believe that the "confessions" had been extracted under torture or other forms of ill-treatment.

(e) Oleksiy Bessarabov, Volodymyr Dudka and Dmytro Shtyblikov

(i) Handwritten criminal complaint by Mr Dudka dated 14 July 2017

661. In his complaint addressed to the Black Sea Fleet Investigative Committee, Mr Dudka stated that on 9 November 2016 he had taken into custody by FSB officials. He had been taken into a minibus, where the officials had collected saliva samples and other body samples (from his hands, stomach, and neck). He was taken afterwards to his house, where a home search was carried out.

During the home search, several items were found (a case with cigarette butts and a Samsung Duos phone with a battery charger and a map of the city of Sevastopol) which did not belong to him. They were deliberately handed to him for review in order for his biological samples and fingerprints to be found on them.

The arrest report was drafted at 5.45 p.m., and he was taken to a temporary detention facility in Bakhchisaray. He could not consult his lawyer and was kept in isolation. On 10 November 2016, the "Leninskiy District Court of Sevastopol" ordered his pre-trial detention. On the way from the detention facility to the court and back, he was kept handcuffed with a jacket wrapped around his head for around five hours. He remained at the temporary detention facility from 10 to 12 November 2016 without extra clothes, personal hygiene items or the possibility of taking a shower. He could not contact his lawyer or his relatives.

On 12 November 2016, he was tortured by officials of the FSB on the way from the temporary detention facility to FSB headquarters. After the minibus he was in left the road and stopped, he was blindfolded, and something was attached to his fingers. He felt electrical discharges and experienced severe physical pain, suffering, fear, and anxiety for about one hour. He was urged to make a confession, and the officials proffered death threats against him as well as against his family and friends. He was then taken to headquarters where he was given a piece of paper and told to learn it by heart and replicate it while being filmed. Afterwards, he was interrogated in the presence of an officially appointed lawyer.

On 15 November 2016, he was transferred to the Simferopol SIZO no. 1.

(ii) "Vladimir Dudka declared failure of medical aid in 'court'", crimeahrg.org, 9 February 2017

662. This article reported that Mr Dudka had been arrested on 9 November 2016 together with Mr Bessarabov and Mr Shtyblikov. According to the FSB, they were members of a terrorist sabotage group coordinated by the Main Intelligence Department of the Ministry of Defence of Ukraine. On 10 November 2016 they had been placed in pre-trial detention by decision of the "Leninskiy District Court of Sevastopol" and later transferred to the Simferopol SIZO. The detention had been extended by the courts until 8 March 2017.

The article further reported that, during a court hearing, Mr Dudka had complained of inadequate conditions of detention (the cells were cold and draughty) and the absence of appropriate medical care (the medicine brought by his relatives had been handed to him after a month's delay) in the pre-trial facility. The article also mentioned that Mr Dudka had experienced an exacerbation of various chronic diseases after he had been taken into detention, and that it had become known in December 2016 that he needed a medical examination. The treatment that he had administered himself had had

no effect. His lawyer had complained to the medical unit of the detention facility but had not received any answer.

(iii) Profile of Mr Dudka published on the website letmypeoplego.org.ua

663. A dedicated page on the above-mentioned website reported information about Mr Dudka's detention and the charges brought against him, as well as the alleged lack of medical care available to him in detention. As far as the charges and the lack of medical assistance were concerned, it read as follows (original in English):

> "After his detention, the Russian Federal Security Service (FSB) stated that Volodymyr Dudka was a member of a sabotage terrorist group instructed to the Main Intelligence Department of the Ukrainian Defense Ministry. He was accused of preparing subversive activities at the military infrastructure and life support facilities in Crimea, particularly the Simferopol Airport, bus stations in Simferopol, Sevastopol, and Yalta, and the Kerch Strait ferry line.
>
> However, Volodymyr has been suffering from several chronic diseases. The 'law enforcers' did not let his son hand him necessary medicines several times. Dudka's relatives fear that, without the care of professional doctors, he will not recover. According to the most recent reports, the relatives were finally allowed to pass the medicines."

(iv) Excerpt from criminal proceedings initiated by Ukrainian authorities

664. This document, dated 11 November 2016, noted that the Ukrainian police authorities had registered in the Unified Register of Pre-trial Investigations the opening of a criminal investigation into the unlawful deprivation of liberty of Mr Bessarabov, Mr Dudka and Mr Shtyblikov, under Article 146 § 2 of the Criminal Code of Ukraine.

(f) Hlib Shabliy and Oleksiy Stohniy

(i) Material from judicial proceedings regarding Mr Hlib Shabliy

(α) Material concerning Mr Shabliy's allegations of ill-treatment

– *Handwritten criminal complaint of Mr Shabliy, undated*

665. In this document, named "Statement about a crime" and addressed to the head of the Black Sea Fleet Investigative Committee, Mr Shabliy complained that he had been kidnapped on 15 November 2016 by unknown men. He claimed that he had been approached by a man who enquired about his identity and that he had then been attacked from the back by another man. He had then been put in the back seat of a car. After that, he had been blindfolded and handcuffed and his personal belongings, including his laptop, his mobile phone, his Russian passport and his keys, had been taken away from him. His kidnappers had repeatedly asked him about his military rank. He had then been taken to a facility where he was beaten and tortured with electricity with wires connected to his fingers. Between episodes of electric

shocks, he had received threats to his life and that of his relatives. He had also been threatened in order to force him to make a confession in front of a camera. He had remained blindfolded on a chair until 16 November 2016.

666. Mr Shabliy further complained that he had been taken to his place of work, where a search had been conducted. He claimed that two packages had been found there but he denied that they belonged to him. He believed that they had been put in his office while he had been made to wait in a car. Mr Shabliy had been taken back to the initial facility, where he had remained on a chair until 17 November 2016. He had not been allowed to use the toilet and had not been provided with any food. Because of the torture and the threats, his medical condition had worsened, and he needed to take a lot of medication.

667. From 17 to 18 November 2016 he had been illegally deprived of his liberty in a facility in Bakhchisaray.

– *Decisions of the investigative authorities and other documents*

668. By a decision of 21 December 2016, the "Prosecutor's Office of Sevastopol" dismissed a request lodged by Mr Shabliy to declare his pre-trial statements made between 15 and 17 November 2016 inadmissible in evidence because he had been subjected to torture, psychological pressure and threats to his life and those of his family members. It found that Mr Shabliy had not indicated sufficient details in his complaint.

669. By a letter of 23 August 2017, Mr Shabliy was informed that the Black Sea Fleet Investigative Committee had registered his request to open criminal proceedings under Article 286 § 3 (a) (abuse of official powers by a civil servant with the use of violence) and Article 303 § 4 (tampering with evidence by an investigating official in a criminal investigation to accuse a person known not to be involved in the commission of a crime) of the CrCRF against officers of the Crimean FSB and that it had been forwarded to one of its local branches. The notification was sent to his place of detention.

670. On 6 September 2017 an investigator of the Black Sea Fleet Investigative Committee examined Mr Shabliy's request to open an investigation under Articles 286 § 3 (a) and Article 303 § 4 of the CrCRF and rejected it owing to the lack of any element of a crime. Mr Shabliy's allegations of torture were dismissed on the basis of statements by the two alleged perpetrators, who vehemently denied any wrongdoing and described Mr Shabliy's allegations as groundless and far-fetched.

671. On 25 September 2017 Mr Shabliy requested the "Prosecutor's Office of Sevastopol" to provide him with copies of the materials of the inquiry that had resulted in the dismissal of his request lodged on 8 December 2016 to declare his pre-trial statements made under duress between 15 and 17 November 2016. He reiterated his request several times, emphasising that as a detainee he could not visit the premises to study the materials of the inquiry. On 11 and 25 October and 7 November 2017 the "Prosecutor's

Office of Sevastopol" informed Mr Shabliy that he or his representative could visit its premises to make copies of the materials sought.

672. By a decision of 26 October 2017, an investigator of the Black Sea Fleet Investigative Committee examined the complaint received on 28 August 2017 with regard to Mr Shabliy's alleged kidnapping on 15 November 2016 and the alleged use of physical violence and torture, as well as the search performed at his workplace on 16 November 2016, when allegedly two packages had been "planted" by FSB officers. He refused to initiate criminal proceedings in relation to the alleged events. He had questioned the State agents involved in the alleged events, who had denied the allegations.

673. By a letter of 17 November 2017, the Black Sea Fleet Investigative Committee informed Mr Shabliy that his criminal complaint had been registered and that a decision to refuse to initiate criminal proceedings had been adopted on 26 October 2017.

674. On 9 January 2018 Mr Shabliy requested the "Leninskiy District Court of Sevastopol", pursuant to Article 125 of the CCrPRF, to declare unlawful the "Prosecutor's Office of Sevastopol's" documents of 11 and 25 October and 7 November 2017 concerning access to the materials of the inquiry and to require the "Prosecutor's Office" to provide him with the materials sought.

675. On 17 January 2018 Mr Shabliy wrote to the head of the Black Sea Fleet Investigative Committee in connection with the letter of 17 November 2017 informing him of the refusal of 26 October 2017 to open criminal proceedings (see paragraph 673 above). He requested that certain details be added to his previous statements concerning the alleged torture and tampering with evidence and that he be provided with the materials of the inquiry into his allegations.

676. By a decision of 19 January 2018, the "Leninskiy District Court of Sevastopol" declared Mr Shabliy's complaint under Article 125 of the CCrPRF inadmissible (see paragraph 674 above). Referring to the refusal of the "Prosecutor's Office of Sevastopol" of 21 December 2016 to initiate criminal proceedings (see paragraph 668 above) and the letters from the "Prosecutor's Office" to Mr Shabliy dated 11 and 25 October and 7 November 2017 (see paragraph 671 above), it found that there had been no grounds for a court to scrutinise that body's actions as Mr Shabliy's complaint in essence concerned the admissibility and assessment of evidence, that is, the issues to be decided upon in the course of his trial. Mr Shabliy appealed against that decision.

677. By a letter of 15 February 2018, the Black Sea Fleet Investigative Committee informed Mr Shabliy of the decision of 26 October 2017 refusing to initiate criminal proceedings (see paragraph 672 above) and attached a copy of it.

678. On 20 February 2018 Mr Shabliy complained to the Prosecutor General of the Russian Federation about the inactivity of the "Prosecutor's Office of Sevastopol". He principally challenged the refusal by the "Prosecutor's Office" to remove the statements he had made under duress between 15 and 17 November 2016 from his criminal file. He also complained that he had requested access to his criminal file but that the "Prosecutor's Office" had informed him that this was only possible on its premises during working hours. However, Mr Shabliy had been in detention at that time.

679. On 22 February 2018 Mr Shabliy asked the Black Sea Fleet Investigative Committee about the decision of 6 September 2017 refusing to initiate criminal proceedings (see paragraph 670 above) and a subsequent decision to quash it, which he had never received. He requested access to the materials of the inquiry into his criminal complaints.

(β) Material concerning Mr Shabliy's pre-trial detention

680. By a decision of 17 November 2016, the "Leninskiy District Court of Sevastopol" placed Mr Shabliy in pre-trial detention for two months. The reasons put forward for the detention were the gravity of the crime, and the fact that Mr Shabliy was also a Ukrainian citizen and could abscond from the criminal proceedings. The "District Court" dismissed the defence's argument that Mr Shabliy had been arrested on 15 November 2016, holding instead that his detention had started when the arrest report had been drafted, that is, on 17 November 2016, at 5 p.m.

681. By a decision of 1 December 2016, the "Sevastopol City Court" upheld the decision of the "Leninskiy District Court of Sevastopol" of 17 November 2016 regarding Mr Shabliy's pre-trial detention.

682. By decisions of 10 January, 10 March, 3 May, 9 June, 21 July, and 22 August 2017, the "Leninskiy District Court of Sevastopol" and subsequently the "Gagarinskiy District Court of Sevastopol" extended Mr Shabliy's pre-trial detention for periods varying between one and three months, largely based on the seriousness of the charges against him. In addition, it was found that Mr Shabliy might abscond and that he might hinder the criminal proceedings, continue his criminal activities or put pressure on the witnesses.

683. By a decision of 10 August 2017, the "Gagarinskiy District Court" dismissed an appeal lodged by Mr Shabliy against the decision of 21 July 2017 and found that the extension of his pre-trial detention had been lawful and well-founded.

684. By a notification of 9 October 2017, Mr Shabliy complained to the President of the "Sevastopol City Court" that an appeal he had lodged against the decision of the "Gagarinskiy District Court of Sevastopol" of 22 August 2017 (see paragraph 682 above) had not yet been considered and argued that his continuing detention had become illegal.

685. By a decision of 13 October 2017, the "Sevastopol City Court" dismissed the appeal lodged by Mr Shabliy against the decision of 22 August 2017 of the "Gagarinskiy District Court of Sevastopol". It found the extension of his pre-trial detention to have been in accordance with the law since the nature and degree of public danger of his alleged actions together with his identity were reasonable indications that he might abscond.

686. On 16 October 2017 Mr Shabliy asked the "Sevastopol City Court" to provide a copy of the record of the decision of 13 October 2017 which had been sent to his place of detention.

(γ) Material concerning the criminal proceedings against Mr Shabliy

– *Decision of 10 May 2017 of the senior investigator of the "Investigative Department of the Federal Security Service Directorate of Russia in the Republic of Crimea and in the city of Sevastopol"*

687. By a decision of 10 May 2017, the senior investigator of the "FSB Investigative Department for the Republic of Crimea and Sevastopol" dismissed Mr Shabliy's request for the criminal case against him to be discontinued. The investigator found that the evidence gathered, especially the results of the search conducted at Mr Shabliy's workplace, convincingly demonstrated the guilt of the accused.

– *Indictment of 16 May 2017*

688. Mr Shabliy was indicted on charges provided for by Article 223.1 § 1 and Article 222.1 § 1 of the CrCRF. He was accused of having acquired the necessary components (including TNT and an electric detonator) and having taken steps to manufacture an explosive device. The device had been found during a search at an address that appeared to be Mr Shabliy's workplace.

689. The evidence against Mr Shabliy included witness statements (the officials who performed the search at his place of work and some of his colleagues), expert opinions and forensic examinations, physical evidence (the objects found at his place of work), records drafted after the search and other documents.

– *Information notes from the "Sevastopol City Prosecutor's Office"*

690. On 11 October 2017 Mr Shabliy was informed, at his place of detention, of his procedural rights, in particular his right to become acquainted, on the premises of the "Prosecutor's Office", with "the documents and materials concerning the consideration of an appeal". It appears that this note was sent in response to a previous request made by Mr Shabliy. Similar information notes were sent to Mr Shabliy on 23 and 25 October 2017.

– *Judgment of 23 October 2017 of the "Gagarinsky District Court of Sevastopol"*

691. The "District Court" convicted Mr Shabliy of illegal manufacturing of an explosive device and illegal storage of explosives and of an explosive device (offences under Article 222.1 and Article 223.1 § 1 of the CrCRF) and sentenced him to five years' imprisonment and a fine of RUB 120,000. It held that Mr Shabliy had illegally manufactured an explosive device that had been found and seized on 16 November 2016 by FSB officers during a search conducted at his place of work. The "District Court" found Mr Shabliy guilty on the basis of witness statements, mainly those of the FSB agents who had conducted the search on 16 November 2016 and the attesting witnesses present during the search, expert opinions and reports and official documents. The "District Court" examined the arguments put forward by Mr Shabliy in his defence and dismissed them. More specifically, the "District Court" found that his arguments that FSB agents had used illegal means of investigation were not proven. In that connection, the "District Court" relied on the statements of nineteen witnesses and the decision of the "Prosecutor's Office" not to initiate criminal proceedings.

– *Complaint of 17 November 2017 to the President of the "Gagarinskiy District Court of Sevastopol"*

692. On 17 November 2017 Mr Shabliy complained to the President of the "Gagarinskiy District Court of Sevastopol" that the record of a court hearing during which witnesses had been heard lacked important information about the subject matter of the case and the arguments put forward by the defendant. He indicated examples where the witness statements had been recorded in an incomplete or inexact manner. He also noted that his representatives and the public prosecutor had not been present in the courtroom during the public delivery of the judgment at the hearing on 23 October 2017.

– *Appeals lodged against the judgment of 23 October 2017 of the "Gagarinskiy District Court of Sevastopol"*

693. In an appeal against the "Gagarinskiy District Court of Sevastopol"'s judgment of 23 October 2017, Mr Shabliy argued that the facts set out against him in the judgment were not supported by the material in the case file. He further challenged the admissibility of evidence and the jurisdiction of the "Gagarinskiy District Court of Sevastopol" to adjudicate the case.

694. In addition, he further argued that the evidence, especially the witness testimony, was not reliable and objective and should not have been used in convicting him. His requests for the taking of evidence had been refused, in breach of his procedural rights. Lastly, he argued that the provisions relating to the delivery of the judgment had not been complied with since his lawyer had not been present when the verdict was given.

695. Further similar grounds of appeal were lodged by Mr Shabliy's lawyer on 2 November 2017.

696. On 5, 7 and 13 March 2018 Mr Shabliy supplemented his appeal. He argued that his defence rights had not been respected and asked the authorities to ensure that he could attend the examination of his appeal. He complained that the records of some witness statements had been lost and that some other statements had been significantly distorted. He also complained that on 17 November 2016, when biological samples had been collected from him, his rights had not been explained to him and that his lawyer had not been present. He also requested an additional scientific examination.

– *Requests to the "Gagarinskiy District Court of Sevastopol" and "Sevastopol City Court"*

697. On 19 February and 1 and 5 March 2018 Mr Shabliy asked both the "Gagarinskiy District Court of Sevastopol" and the "Sevastopol City Court" for complete copies of the case material and of the record of a court hearing held on 13 October 2017 to be sent to his place of detention.

– *Judgment of 20 March 2018 of the "Sevastopol City Court"*

698. On 20 March 2018 the "Sevastopol City Court" partially allowed an appeal by the defendant against the decision of 23 October 2017 and cancelled the fine. It found that Mr Shabliy's guilt had been proven by the body of evidence adduced in the case and that the first-instance judgment was duly reasoned. Having examined all the arguments put forward by the defendant, it held that no procedural shortcomings that would have justified quashing the decision of the "District Court" were identified. The "City Court" dismissed the specific argument that force had been used by State agents during the search conducted at Mr Shabliy's workplace and noted that this had not been proven in separate criminal proceedings either.

– *Requests of 21 March 2018 to the Sevastopol City Court*

699. Mr Shabliy requested the Sevastopol City Court to send him, at his place of detention, a copy of the record of the court hearing held on 20 March 2018. On the same day, he asked for a copy of all the material in the case file.

(δ) Criminal proceedings initiated by the Ukrainian authorities

700. A document dated 21 August 2017 recorded that the Prosecutor's Office of the Autonomous Republic of Crimea had registered in the Unified Register of Pre-trial Investigations (URPI) the opening of a criminal investigation into the unlawful deprivation of liberty of Mr Shabliy, under Article 146 § 2 of the Criminal Code of Ukraine.

(ii) Media article

"Russia continues Crimean arrests with debunked 'Ukrainian nationalist' proof", khpg.org, 23 November 2016

701. The article reported the following (original in English):

"Two more Crimeans have been arrested and remanded in custody accused by Russia of planning acts of 'sabotage'. Typically the main news source was provided by [D.K.], described by the BBC as 'Russia's chief spin doctor', in a long feature under the title 'The latest failure by Ukrainian intelligence: saboteurs failed to harm Crimea'.

Any doubts about the propaganda motive behind the latest arrests are dispelled at around 02.09 on the video of [D.K.]'s program. The same business card from the Ukrainian nationalist organization 'Right Sector' which first caused Internet mirth back in 2014 (when it was triumphantly displayed after being supposedly found intact in a totally gutted car) is yet again demonstrated. This is straight video montage, with the card supposedly found a week earlier at the home of one of the first men arrested, but is simply displayed without any explanation between the two men's 'confessions'.

Oleksiy Stohniy is claimed to be an officer of Ukraine's Military Intelligence [HUR], while Hlib Shabliy is referred to as a Ukrainian officer, a Rank 2 captain in the Ukrainian Fleet. Stohniy works in a shop selling toys and office supplies, and Shabliy is also described as a businessman, with [D.K.] claiming that in both cases the men's jobs were 'cover' for their actual activities working for Ukrainian intelligence.

Both men were remanded in custody initially for 2 months, during a court hearing in Sevastopol held behind closed doors. There was no information about them before the Russian media reports, and it is most unlikely that either man was allowed access to a proper lawyer or contact with their families.

The confessions are thus given by men totally under the control of the FSB. In Stohniy's case, the detention itself was clearly carried out in very rough manner.

He states that he received remuneration for providing information, that he went to Kyiv several times and also received it from Dmytro Shtyblikov, a world-known analyst and expert on the Black Sea region whom Russia is claiming was the leader of this 'plot'. Shtyblikov allegedly brought the money to him in his shop. He was supposed to provide information about infrastructure of the Black Sea fleet and about those employed on it.

After the 'Right Sector' interlude, Shabliy also says, as though reading a text, that he worked for Ukrainian Military Intelligence.

This is all that the two men are heard 'confessing' to.

Five men have thus now been arrested in Russia's latest 'Crimean sabotage' case, with the first arrests on Nov 9 of two well-known academics - Dmytro Shtyblikov and Oleksiy Bessarabov - having elicited outrage both in Ukraine and beyond. They were arrested together with a retired Ukrainian military officer Volodymyr Dudka.

Dudka is supposed to have travelled to Kyiv with Shtyblikov and then delivered the money. He also says, on another of these videoed 'confessions' that he was supposed to bring 'a maximum amount of trotyl'.

The program claims that the men were planning to blow up major items of infrastructure, with an electricity station even mentioned. Worth noting that the FSB came up with precisely the same claims when they first announced the arrests on May

30, 2014 of Ukrainian filmmaker Oleg Sentsov, civic activist Oleksandr Kolchenko and two other opponents of Russia's occupation of Crimea. Since Sentsov and Kolchenko stood firm and provided no 'confessions', their eventual trial demonstrated the lack of any evidence against them at all. This did not stop Russia from sentencing Sentsov to 20 years, Kolchenko to 10. Both remain in Russian prisons, as do almost all of the Ukrainians arrested on charges that bear no scrutiny.

It was reported earlier that Shtyblikov and Bessarabov were not being allowed to see proper lawyers. Dudka was allowed to briefly see a lawyer and told her that his 'confession' was extracted through threats to his family. His son expressed concern that his father was under pressure to reject an independent lawyer. It is standard (illegal) procedure for the investigators and FSB to either actively obstruct real lawyers from seeing their clients, or put major pressure on the prisoners to themselves reject them. This leaves them with state-appointed 'lawyers' who normally encourage them to 'confess' and are there essentially to sign documents.

On earlier videos Shtyblikov stated that he was a Ukrainian Military Intelligence colonel and had worked for Intelligence since 1998. Bessarabov also claimed to be a Ukrainian Military Intelligence colonel, with this dating back to 2008.

In an appeal launched on Nov 13, a large number of academics, journalists and civic activists from Ukraine and abroad condemned the arrests. They pointed out that until the spring of 2014, Dmytro Shtyblikov had been the Director of International Programs for the Nomos Centre [in full, the Centre for furthering research into geopolitical issues and Euro-Atlantic cooperation in the Black Sea Region]. This was a Ukrainian non-government think tank founded in Sevastopol in 2003. Bessarabov was one of his colleagues, and the Deputy Editor of the journalist Black Sea Security. The journal published works by Ukrainian, and foreign experts.

For almost 10 years Shtyblikov and Bessarabov had researched issues of international and regional security and published a large number of texts in this field, as well as appearing in the media and expert meetings. The authors of the appeal note that the absurdity of the charges against prominent experts is clear to all who had any dealings with the Nomos Centre. They demand the men's release and call on Ukraine to take all efforts to defend the men just arrested and all other innocent victims of repression, using also the potential of international organizations. The appeal can be endorsed by sending an email to ...

Judging by the maximum propaganda mileage which Russian state-controlled television is taking from all these alleged 'Crimean sabotage' stories, it seems likely that the arrests will continue with any Ukrainian effectively at risk."

6. Persecution of Muslims

(a) New Bakhchisaray case of Crimean Muslims

(i) Material from the criminal proceedings against Mr Syleyman Asanov, Mr Tymur Ibragimov, Mr Server Zekeryaev, Mr Seyran Saliyev, Mr Memet Belyalov and Mr Ernest Ametov

702. By a decision of 9 October 2017, criminal proceedings were initiated, under Article 205.5 § 2 of the CrCRF, against six Crimean Tatars for organising the activities or being members of the organisation Hizb ut-Tahrir, recognised as terrorist by a judgment of 14 February 2003 of the Supreme Court of the Russian Federation. Mr Marlen (Syleyman) Asanov

was suspected of organising the activities of Hizb ut-Tahrir, more specifically of (i) carrying out anti-Russian and anti-constitutional activities in the form of propaganda among the local population; (ii) managing the activities of the local branch of Hizb ut-Tahrir; and (iii) organising and leading secret meetings with members of the local branch, during which he taught the Hizb ut-Tahrir ideology, organised the recruitment of new members and developed or amended plans and set objectives for the organisation. Mr Tymur Ibragimov, Mr Server Zekeryaev, Mr Seyran Saliyev, Mr Memet Belyalov and Mr Ernest Ametov were charged with participating in the organisation's activities.

703. By a decision of 11 October 2017, Mr Saliyev was arrested. It appears from the arrest report that he was placed in the Simferopol SIZO.

704. By a decision of 12 October 2017 the "Kyiv District Court of Simferopol" ordered the placement in pre-trial detention of Mr Saliyev for one month and twenty-eight days on the grounds that, on the basis of the material of the criminal case, he was suspected of a serious offence and was faced with the risk of a prison term, and that he might abscond, continue his criminal activities, interfere with participants in the proceedings, hide evidence or otherwise hinder the criminal proceedings.

705. By a decision of 5 March 2018, the "Kyiv District Court of Simferopol" extended the pre-trial detention of Mr Asanov, Mr Belyalov and Mr Saliyev for three months. The "District Court" took into account the fact that Mr Asanov and Mr Saliyev had already been fined under several provisions of the CAORF, as well as Mr Belyalov's Ukrainian nationality.

(ii) "Two persons of interest in the Bakhchisaray 'Hizb ut-Tahrir case' were placed in a psychiatric hospital", ctrcenter.org, 21 January 2018

706. Published by the Crimean Tatar Resource Centre on its website and citing information published by a journalist (Anton Naumlyuk) on his Facebook page, this news item reported about the extension of the pre-trial detention of the six Crimean Tatars arrested in the so-called "Bakhchisaray Hizb ut-Tahrir case" and the admission of two of them to hospital in order to undergo a compulsory psychiatric examination.

(b) Sevastopol case of Crimean Muslims

(i) Criminal proceedings initiated against the Crimean Muslims

(α) Material concerning Mr Ruslan Zeytullayev

707. According to an arrest report of 23 January 2015, Mr Zeytullayev was arrested being suspected of organising the activities of the Hizb ut-Tahrir organisation in the villages of Orlyne, Tylove and Shturmove (in Sevastopol's Balaklava district). According to the arrest report, "the authorities did not conduct a personal search of Mr Zeytullayev, but he

voluntarily provided his passport". He was incarcerated in a temporary detention facility in Sevastopol.

708. By an indictment issued on 29 January 2015, charges were brought against Mr Zeytullayev under Article 205.5 § 2 of the CrCRF. More specifically, he was accused of (i) carrying out anti-Russian and anti-constitutional activities in the form of propaganda among the local population; (ii) managing the activities of the local branch of Hizb ut-Tahrir; and (iii) organising and leading secret meetings with the members of the local branch during which he taught the Hizb ut-Tahrir ideology, organised the recruitment of new members, and developed or amended plans and objectives for the organisation. It was considered that Mr Zeytullayev had acted deliberately, in violation of Federal Law no. 35-FZ on countering terrorism, by organising the activities of the Hizb ut-Tahrir organisation, which had been recognised as a "terrorist organisation" and thus banned in the Russian Federation by a judgment of 14 February 2003 of the Supreme Court of the Russian Federation.

709. By a decision of 16 February 2015, the "Sevastopol City Court" upheld the order made on 23 January 2015 by which the "Leninskiy District Court of Sevastopol" had remanded Mr Zeytullayev in custody. It emphasised that Mr Zeytullayev was suspected of a serious offence and was faced with the risk of a prison term of up to twenty years, and thus might abscond should a non-custodial preventive measure be imposed. Moreover, it appeared from the case material that he was not officially employed, did not have a permanent source of lawful income and had not been living at his registered place of residence.

710. By a decision of 16 March 2015, the "Leninskiy District Court of Sevastopol" extended the pre-trial detention of Mr Zeytullayev by two months. The "District Court" added that Mr Zeytullayev might continue his criminal activities, taking into account his active involvement in the Hizb ut-Tahrir organisation. Moreover, numerous investigative measures were yet to be carried out in the proceedings, including "making a procedural decision on objects and documents seized during searches".

711. By decisions of 4 December 2015 and 14 January 2016, the "Sevastopol City Court" ordered the extension of Mr Zeytullayev's pre-trial detention by two months, noting that the grounds for the detention remained valid. It also took account of the following arguments put forward by the prosecution: Mr Zeytullayev had several places of residence where he was characterised negatively, he had already been convicted of breaching the legislation on associations, and he might threaten witnesses or other participants in criminal proceedings.

(β) Material concerning Mr Rustem Vaitov

712. According to an arrest report of 23 January 2015, Mr Rustem Vaitov was arrested on suspicion of participating in the Hizb ut-Tahrir organisation

and was incarcerated in a temporary detention facility in Sevastopol. According to the arrest report, "the authorities did not conduct a personal search of Mr Vaitov, but he voluntarily surrendered his mobile phone and driving licence".

713. By a decision of 23 January 2015, the "Leninskiy District Court of Sevastopol" ordered Mr Vaitov's pre-trial detention for two months on the grounds that he was suspected of a serious offence, was faced with the risk of a prison term of up to ten years, and that he might abscond (taking into account his lack of any legitimate source of income and the fact that he was not living at his registered place of residence) or hinder the criminal proceedings. It added that numerous investigative measures were yet to be carried out in the proceedings. By a decision of 20 February 2015, the "Sevastopol City Court" upheld the decision.

714. By a decision of 16 March 2015, the "Leninskiy District Court of Sevastopol" extended the pre-trial detention, adding that there were reasons to believe that Mr Vaitov would continue to engage in criminal activities, taking into account his active involvement in the activities of the Hizb ut-Tahrir organisation. It noted that numerous investigative measures were yet to be carried out in the proceedings, including "making a procedural decision on objects and documents seized during searches". It pointed out that, on 29 January 2015, charges had been brought against Mr Vaitov, who was accused of participating in secret meetings organised by Mr Zeytullayev, during which he had developed and amended plans and set objectives for the Hizb ut-Tahrir organisation, and of carrying out anti-Russian and anti-constitutional activities in the form of propaganda among the local population aimed at recruiting new members.

715. By a decision of 3 June 2015, the "Sevastopol City Court" dismissed the appeal lodged by Mr Vaitov against a decision of the "Leninskiy District Court" of 13 May 2015 extending his pre-trial detention. Firstly, it rejected Mr Vaitov lawyer's arguments aimed at the replacing of the preventive measure. In addition, it rejected his allegations to the effect that the decision of 13 May 2015 had been taken without the public being authorised to enter the courtroom. In doing so, the "City Court" noted that it appeared from the record of proceedings in the "District Court" that the hearing had been public.

716. By a decision of 15 March 2016, the "Sevastopol City Court" extended Mr Vaitov's pre-trial detention by two months. It noted, *inter alia*, that the criminal investigation had been finalised and that Mr Vaitov and his lawyer had been given access to the case file.

(γ) Material concerning Mr Ferat Saifullayev

717. By a decision of 13 May 2015, the "Leninskiy District Court of Sevastopol" extended Mr Saifullayev's pre-trial detention – which it had initially ordered on 2 April 2015 – pointing to the risks of absconding, influencing witnesses or other participants in the proceedings, tampering with

evidence and reoffending. In doing so, the "District Court" took account of (i) the fact that Mr Saifullayev had been charged with a serious offence and was faced with the risk of a prison term of up to ten years; (ii) his active involvement in the activities of the Hizb ut-Tahrir organisation; and (iii) Mr Saifullayev's personal circumstances (he was unemployed and thus without a lawful source of income, and at his place of residence he was known as living on unstable income and maintaining connections with religious extremist people whose ideology he had been spreading among the local population). The "District Court" pointed out that Mr Saifullayev's involvement in the alleged criminal activity was confirmed, among other things, by the "objects and documents seized during the search of the dwellings of Mr Saifullayev, Mr Vaitov, and Mr Primov".

718. By a decision of 15 March 2016, the "Sevastopol City Court" extended Mr Saitullayev's pre-trial detention, finding that the reasons for his continued detention remained valid. It emphasised the complexity and the exceptional features of the case and noted that the accused had not had time to study all the case material presented by the investigators, a consideration which by virtue of the provisions of the CCrPRF allowed the pre-trial detention to be extended beyond the maximum period set out therein. It referred to Mr Saifullayev's lack of income in order to dismiss his request for release on bail. It further refused to place him under house arrest, noting, *inter alia*, that Mr Saifullayev was living in rural areas, which would deprive the appropriate State authorities of the opportunity to check whether the obligations and restrictions applying to such a preventive measure were being complied with. On 21 April 2016 a different formation of the "Sevastopol City Court" upheld the decision.

(δ) Material concerning Mr Nuri Primov

719. By a decision of 17 December 2015, the "Sevastopol City Court" upheld a decision of the "Leninskiy District Court of Sevastopol" of 10 November 2015 extending the pre-trial detention of Mr Primov – initially imposed on him on 23 January 2015 – by two months.

(ii) Criminal proceedings initiated by the Ukrainian authorities

720. By a decision of 28 April 2015, the Henichesk District Prosecutor's Office in Ukraine joined into a single case separate criminal cases which had been opened with regard to the allegedly unlawful arrest of individuals including Mr Zeytullayev, Mr Vaitov and Mr Primov. The criminal proceedings had been opened on the basis of information received from the Crimean Field Mission on Human Rights or reported by the media.

(iii) Other evidence

(α) "Crimean Tatar political prisoner punished in Russia for refusal to act as an informer", khpg.org, 18 April 2017

721. This media article reported the following (original in English):

"Rustem Vaitov has spent 45 days of the last 2 months in a Russian prison punishment cell, with the three 15-day sentences clearly due to his refusal to collaborate with the prison administration by spying and informing on other prisoners. The information first became available when his lawyer [E.S.] was able to visit him at the Kurgan prison colony at the end of March, and has now been confirmed by the local monitoring group who saw him on April 6. It seems likely that the other two political prisoners – Ferat Saifullaev and Nuri Primov – moved to Russian prisons at the same time have received similar treatment.

[E.S.] reported after his visit that the pretexts for throwing him in the SHIZO [the punishment cell] were clearly fabricated – twice he was supposed to have got up after the others, and once it was for allegedly using foul language, which Vaitov's faith makes inconceivable. The Kurgan civic monitoring group have confirmed that the conditions in the SHIZO are like torture. It is damp, dark and there is no ventilation. No personal items are allowed, no contact, nor parcels from families, etc. Vaitov has not received medical care, despite repeated requests and has not seen the consul. After 3 such SHIZO terms, it is customary for prisoners to be moved to solitary confinement prison cells where the conditions are even worse.

[E.S.] is convinced that the real reason why Vaitov is receiving such treatment is that on the very first day the administration proposed that he 'collaborate', with this entailing acting as an informer against other prisoners. The 31-year-old rejected the suggestion, calling such work dirty and saying that his religious beliefs did not allow this.

Despite the punishments, [E.S.] says, Vaitov is in good, fighting spirits. His lawyer did, however, lodge a complaint while still in the prison and is planning a number of other complaints concerning his client's health and the conditions he is held it.

...

Rustem's mother, Zarema Vaitova, only learned on February 17 that her son had been taken to Prison No. 1 in Kurgan ... though it seems he had arrived earlier. She was relieved that he was in the city itself, 'not somewhere in the taiga', however the prison is still around 3 thousand kilometres from his home and family.

Russia is ignoring the European Court of Human Rights judgement in the Case of Polyakova and others vs. Russia, which found that imprisoning people thousands of kilometres away from their families is a violation of their right to family ties.

This is only one of the clear violations in the case of Vaitov and all other Ukrainians whom Russia is holding prisoner. In at least some of the prisoners' cases, it is likely that Russia is deliberately seeking to isolate the prisoners from family, lawyers and the media.

Nuri Primov is known to be in Colony No. 5 in Yasny, the Republic of Mari El, which is also a huge distance from Crimea. Ferat Saifullaev is in Colony No. 17 in the Kirov oblast, which has a very bad reputation. Ruslan Zeytullayev is still in Rostov, where a supposed retrial is underway.

First 4 victims of Russia's conveyor belt of repression

The four men are all from Sevastopol and have been in custody since the beginning (or in case almost the beginning) of 2015. They and now 14 other men held in indefinite detention, were charged with either 'organizing' or 'involvement' in Hizb ut-Tahrir, a peaceful organization with pan-Islamist views which is legal in Ukraine and most countries.

There is nothing at all to explain why Russia has declared the organization 'terrorist' and there was no evidence that any of the men were now members of it.

There was one 'kitchen discussion' on the level of what would, theoretically, be a good world order and a 'secret witness' who spoke with long hesitation from a separate room with the breaks clearly being used for somebody to prompt him on what to answer. Even under such circumstances, his answers were confused and contradictory.

Aside from a former Ukrainian SBU officer with a known axe to grind against Zeytullaev and Saifullaev and now wanting to use the prosecution for promotion in the Russia FSB, the other witnesses almost all retracted testimony they had allegedly given or denied having said what was asserted of them.

This was recognized by the judges in the Rostov Military Court who threw out the charge of 'organization' in Zeitullaev's case and sentenced all men to the minimum sentence.

The FSB clearly found this destroyed their paperwork, and the sentence in Zeytullaev's case was appealed. Courts in Russia do not make their own decisions (which was why the 'lenient' sentences back in September 2016 seemed like a 'victory'). The sentence was duly overturned, and a new panel of judges at the same court are going through exactly the same imitation trial, with it tragically clear that this time the FSB will get a sentence close to the 17 years demanded (see Crimean Tatar political prisoner declares hunger strike).

The renowned Memorial Human Rights Centre issued a statement recognizing the four men as political prisoners well before the end of the trial. They pointed out, among other things, that Russia is occupying Crimea and has no right to impose its legislation. The situation is especially cynical given that Hizb ut-Tahrir is entirely legal in Ukraine."

(β) "Russia puts Crimean Tatar political prisoner in punishment cell for six months", khpg.org, 4 July 2017

722. This article reported on Mr Saifullayev's placement in a punishment cell for six months, during which time he had been deprived of any phone contact with his family. The disciplinary measure was based on a fabricated offence (a SIM card had been found). Mr Saifullayev was also banned from reading the Koran, a ban which confirmed that he had been persecuted for his religious beliefs. While not giving the name of the penal facility where Mr Saifullayev was held, the article specified that it was "over two and a half thousand kilometers from his wife and children in Crimea". The article also concluded that the criminal case which led to his conviction had been based on unconvincing evidence.

(γ) Profiles of Mr Zeytullayev, Mr Saifullayev and Mr Primov published on the website letmypeoplego.org.ua

723. Dedicated pages on the above-mentioned website reported information about the arrest, the detention, the criminal proceedings and the ensuing conviction and sentencing of Mr Zeytullayev, Mr Saifullayev and Mr Primov.

724. With respect to Mr Zeytullayev, the website reported in so far as relevant (original in English):

> "In January 2015, FSB operatives conducted a search in Zeytullaev's house. As an outcome, they confiscated all the kinds of data carriers (computers, CDs, and USB flash drives). Ruslan himself was arrested and accused of organizing the activity of the Islamic Party of Liberation (Hizb ut-Tahrir al-Islami) in the villages of Orlyne, Tylove, and Shturmove (Sevastopol's Balaklava district).
>
> Ruslan has not [pleaded] guilty and refused to witness against himself during the investigation.
>
> Prior to his arrest, Ruslan represented himself as a human rights defender. He believes he was targeted because of defending the rights of the fellow residents of his district.
>
> On September 7, 2016, a military court in the Russian city of Rostov-on-Don sentenced Ruslan Zeytullaev to 7 years in penal colony. In July 2017, after the retrial, the Russian Supreme Court found him 'guilty' of 'organizing a terrorist community' and increased the prison term to 15 years."

725. As regards Mr Saifullayev, the page read as follows, in so far as relevant:

> "On April 2, 2015, Ferat was arrested and accused of participating in the activity of the Islamic Party of Liberation (Hizb ut-Tahrir al-Islami) in the villages of Orlyne, Tylove, and Shturmove (Sevastopol's Balaklava District).
>
> Ferat has not [pleaded] guilty [and] refused to witness against himself during the investigation. He is positioning himself as a human rights activist and public figure. Ferat was engaged in an intense public activity, took part in the organization and carrying out of various events. He has a lot of friends and acquaintances of different confessions and ethnic origins.
>
> Ferat used to be the head of a Muslim community, which was in charge of a plot that was claimed on by the local authorities and state security officers. After the illegal annexation of Crimea, those officers betrayed their oath and defected to Russia's Security Service. Therefore they had a personal motive to take revenge on Sayfullaev.
>
> On September 7, 2016, the North Caucasus District Military Court sentenced Ferat to 5 years in general regime penal colony."

726. As regards Mr Primov, the page read as follows, in so far as relevant:

> "In January 2015, FSB operatives conducted a search in Primov's house. As an outcome, they confiscated all the kinds of data carriers (computers, disks, and USB flash drives). Yurii himself was arrested and accused of organizing the activity of the Islamic Party of Liberation (Hizb ut- Tahrir al-Islami) in the villages of Orlyne, Tylove, and Shturmove (Sevastopol's Balaklava District).

Primov has not [pleaded] guilty and refused to witness against himself during the investigation.

On 7 September 2016, a military court in the Russian city of Rostov-on-Don sentenced Primov to 5 years in penal colony."

727. The webpages concerning each of the three above-mentioned individuals gave the same list of shortcomings in the proceedings opened against them:

"Multiple violations took place in the course of the investigation:

The court hearings regarding the extension of the preventive measure to ... were not transparent. The audience was barred from entering the courtroom under various pretexts.

The court violated ...'s right for defense by denying the presence of a public defender at the court hearings along with the lawyer.

The court denied the access of the defense to the case materials that substantiated the prolongation of the detention term.

The court dismissed the application of the defense on the disqualification of the judge filed on the basis of the abovementioned facts that point at his direct or indirect interest in the outcome of the case.

The investigator did not provide the lawyer and the defendant with copies of the case materials. Thereby they were deprived of the possibility to file a relevant complaint and other rights guaranteed by Russian and international law.

The investigator dismissed the application of the defense on the disqualification of the expert on the basis of his incompetence and bias.

The investigation has kept secret the locations of the expertises, which contradicts Russia's procedural law."

(c) Case of Vedzhie Kashka – Evidence concerning Mr Bekir Dehermendzhi

(i) Decisions by the public investigator to arrest Mr Dehermendzhi and by the "Kyiv District Court of Simferopol" to order his pre-trial detention

728. On 23 November 2017 the public investigator ordered Mr Dehermendzhi's arrest on the grounds that he was suspected of extorsion, together with three other perpetrators.

729. On 24 November 2017 the "Kyiv District Court of Simferopol" ordered Mr Dehermendzhi's placement in pre-trial detention for twenty-three days on the grounds that he was suspected of a serious offence and was faced with the risk of a prison term, and taking into account the risk that he might interfere with the witnesses or the victim, abscond (being a Ukrainian national and possessing a Schengen visa with multiple entries) or continue his criminal activities.

(ii) Witness statement by Mavile Dehermendzhi

730. In a written statement of 20 June 2018, Ms Mavile Dehermendzhi, Mr Bekir Dehermendzhi's daughter, set out information about her father's arrest on 23 November 2017 and his placement in the Simferopol SIZO. She mentioned that on 23 November 2017, following special operations of the Russian security forces, her father had been detained and placed in custody in the Simferopol SIZO together with three other Crimean Tatars. From her point of view, her father had been detained on account of his active civic stance and his patriotism, as he repeatedly visited European Union countries in which he covered events regarding the fate of Ukrainian political prisoners. She mentioned that her father had been described by "the Russian occupation authorities" as being a member of the Mejlis although he had never been a member of that organisation.

731. She further described her father's poor state of health before incarceration (he suffered from chronic asthma), and the extension of his pre-trial detention despite the significant deterioration of his state of health. She pointed out that on 6 December 2017, at a hearing before the Supreme Court of the Republic of Crimea, her father had needed emergency medical care as he had felt ill. On 14 December 2017 he had been hospitalised and had been in a coma for a week. Afterwards he had been installed in the corridor of the pulmonary ward and chained to the bed with the help of police officers. A request from his lawyers to have his detention replaced with house arrest, supported by a medical report attesting that his placement in the SIZO was dangerous for his state of health and that he needed special care, had eventually been rejected by the courts on the grounds that the original medical report had not been submitted. On 2 January 2018 Mr Dehermendzhi was transferred to the Simferopol SIZO. According to a new medical examination carried out in a local hospital in Simferopol, it had been found that Mr Dehermendzhi could be kept in detention. During the first ten months of his detention, no investigative measures had been carried out. The alleged victim in the criminal proceedings brought against Mr Dehermendzhi had disappeared.

732. Ms Dehermendzhi further described the inadequate conditions of detention in the Simferopol SIZO: there were fifteen people in the cell; no fresh air was available because of the lack of ventilation in summertime, and the food was prepared mostly with pork fat which could not be eaten by Muslim prisoners. Her father was kept in the medical ward of the detention facility, which had a high level of humidity and was lacking proper medication and specialised doctors. Mr Dehermendzhi's family had to pass the necessary medication on to him.

(iii) Medical report of 21 December 2011

733. According to this medical report issued by a municipal hospital in Crimea, Mr Dehermendzhi was suffering from chronic obstructive pulmonary disease and pulmonary hypertension.

7. "The Chechen case" – Mykola (Nikolay) Karpyuk and Stanislav Klykh

(a) Material concerning Mr Mykola Karpyuk's pre-trial detention

(i) Courts' decisions on pre-trial detention

734. On 21 March 2014 the Yessentuki City Court of the Stavropol Region ("the Yessentuki Court") placed Mr Karpyuk in pre-trial detention for two months, until 21 May 2014. The decision contained the following information.

735. On 31 October 2011 criminal case no. 68144 was severed from criminal case no. 40317, opened on 2 March 2000 by the military prosecutor's office of military unit no. 20102 under Article 105 § 2 and Article 208 of the CrCRF into "a military clash of 29 February 2000 in the area of Ulus-Kert, in the Shatoy District in the Chechen Republic, between the military personnel of the Sixth Company of the 104th Regiment of the 76th Pskov Division of the Airborne Forces performing a combat mission and members of the illegal armed groups ([Sh.B.]'s and [Kh.]'s detachments), in the course of which eighty-four soldiers [had been] killed and six soldiers [had been] injured". In 1994 Mr Karpyuk had allegedly organised an armed group of Chechen insurgents, which had participated in armed confrontations with the Russian federal troops between 13 December 1994 and 16 January 1995. The criminal case was suspended and resumed several times, and was also joined to criminal cases against other individuals.

736. On 21 March 2014 Mr Karpyuk was arrested, pursuant to Articles 91 and 92 of the CCrPRF, in connection with the offence under Article 209 § 1 of the CrCRF (establishment and leadership of a stable armed group (gang)). When questioned on the same day, Mr Karpyuk remained silent. The following reasons were provided to justify his placement in pre-trial detention:

> "... the suspect, N.A. Karpyuk, may abscond from the preliminary investigation and the judicial authorities, may continue to engage in criminal activities, may threaten witnesses and other participants in criminal proceedings, and may otherwise interfere with the criminal proceedings; on this account it is necessary to choose a preventive measure in the form of pre-trial detention."

737. On 15 May 2014 the Yessentuki Court extended the term of Mr Karpyuk's pre-trial detention by three months, until 21 August 2014. The decision contained the following information. On 19 April 2014 Mr Karpyuk had been served with a bill of indictment under Article 209 § 1 of the CrCRF. When questioned as an "accused", Mr Karpyuk had also confessed to having been involved in the creation of UNA-UNSO in the early 1990s and repeated

his confession regarding the events of December 1994 and January 1995. The extension of pre-trial detention was justified by the fact that many investigative measures still remained to be taken. The decision read, in particular, as follows:

> "On 28 March 2014 the suspect N.A. Karpyuk, undergoing additional questioning, testified that at the beginning of December 1994 ... he had participated in hostilities in the Chechen Republic on the side of the Chechen insurgents, along with other members of UNA-UNSO who had travelled by plane from Kyiv to Tbilisi, Georgia. ... The following day, they had been transported by trucks to the border with Russia, where they received weapons as previously arranged, namely Kalashnikov assault rifles of 5.45 mm calibre, changed trucks and arrived in Grozny. On 12 December 1994 [I.M.] had met them in Grozny. Also in Grozny, [Mr Karpyuk] had met with his friend [A.Muz.]. Until the end of December 1994, he [Karpyuk], as deputy to the head of the Viking group, [A.Muz.], met two groups of UNA-UNSO members who had arrived in Grozny by the same route. There had been five persons in both groups. ... These groups had been armed with various Kalashnikov assault rifles of 5.45 mm and 7.62 mm calibre. On the evening of 31 December 1994 the armed forces of the Russian Federation had begun storming the city of Grozny. Their group ... had taken up positions at Minutka Square in Grozny. A group of fifteen people ... had also been in the same position on the square. At Minutka Square, they had destroyed a unit of Russian soldiers, consisting of about thirty people. The fighting in the city of Grozny had lasted until 4 or 5 January 1995, during which period they had personally killed about twenty-five Russian servicemen with Kalashnikov assault rifles, not counting those whom they had shot at Minutka Square. Another five Russian servicemen were killed with a 7.62 mm SVD rifle, which he [Karpyuk] had borrowed from Mr B. In addition, in February 1995, in the city of Grozny, he, along with [I.M.] and others, had taken part in torturing and killing captured Russian soldiers, taking the lives of at least twelve servicemen."

738. On 19 August 2014 the Yessentuki Court extended the term of Mr Karpyuk's pre-trial detention by two months, until 21 October 2014, holding that it was necessary to perform a number of investigative and procedural measures in order to complete the preliminary investigation.

739. On 17 October 2014 the Yessentuki Court extended the term of Mr Karpyuk's pre-trial detention by three months, until 21 January 2015, on similar grounds. The court also noted that the preliminary investigation in the case had been extended until 30 April 2015 and added that the guilt of the accused had been confirmed by the evidence obtained in the case.

740. On 19 January 2015 the Yessentuki Court extended the term of Mr Karpyuk's pre-trial detention by two months until 21 March 2015, also in order to complete the criminal investigation.

741. On 16 March 2015 the Stavropol Regional Court ("the Stavropol Court") extended the term of Mr Karpyuk's pre-trial detention by three months until 21 June 2015. It found that the extension was justified in view of the need to perform a number of investigative measures, such as obtaining additional information or ordering an expert handwriting report and an essential forensic examination, or to take additional procedural decisions.

742. On 15 June 2015 the Stavropol Court extended the term of Mr Karpyuk's pre-trial detention by three months until 21 September 2015, and found that the grounds for detention remained valid. Referring to the gravity of the crimes that Mr Karpyuk had been accused of, it held that the particular complexity of the criminal case file justified an exceptional extension of the term of detention by over two months.

743. On 20 February 2016 the Supreme Court of the Chechen Republic, which had received the criminal case file on 28 August 2015, extended the term of Mr Karpyuk's pre-trial detention. It referred to the gravity of the charges and found that the pre-trial detention was lawful and justified, especially since there was a risk that the defendant, who was a citizen of another State, could abscond or interfere with the criminal proceedings.

(ii) Mr Karpyuk's handwritten statement

744. The case material supplied by the applicant Government includes a handwritten statement of 29 September 2015 by Mr Karpyuk, the content of which may be summarised as follows.

745. In March 2014 Mr Karpyuk travelled by car from Ukraine to Russia together with Mr V.F. and a driver named Igor. Mr Karpyuk, as a representative of the "Right Sector" organisation, intended to take part in negotiations with the Russian authorities, which had been organised by Mr V.F.

746. On 17 March 2014 Mr Karpyuk, Mr V.F. and the driver were stopped by Russian law-enforcement officers at a checkpoint on the border between Ukraine and Russia. For several hours, they were asked questions concerning the purpose of their trip. Eventually, reports on an administrative offence were drawn up in respect of the three detained men, none of whom understood the nature of the administrative offence in question. Then they were taken to a local district court, the name of which Mr Karpyuk did not know, where each man was sentenced to fourteen days of administrative arrest. Following the sentencing, the three detained men were taken to the FSB Department for the Bryansk Region, and were each placed in a different cell of the FSB temporary detention facility.

747. Mr Karpyuk was kept alone in his cell. He refused to eat the food served.

748. The men who guarded and interrogated Mr Karpyuk never introduced themselves, but when he asked if they belonged to the FSB one of them nodded his head. The FSB officers held several interviews with the detained men, asking about the purpose of their trip to Russia, one of which took place in the presence of a representative of the Presidential Executive Office of Russia (*Администрация Президента РФ*).

749. On the morning of 20 March 2014 several servicemen entered Mr Karpyuk's cell, put chains on his wrists and ankles and, without saying anything, put him in a minivan and drove him to Yessentuki.

750. They arrived at the Yessentuki branch of the Investigative Committee of the Russian Federation during the night of 20 to 21 March 2014. Once there, Mr M.K., an investigator, told Mr Karpyuk that he had been arrested on suspicion of having committed offences punishable under Article 209 § 1 of the CrCRF in Russian territory between 1994 and 2001 in the course of hostilities in the Chechen Republic. Mr Karpyuk was given a female lawyer whose name he did not remember and who defended him during a court hearing concerning the choice of a preventive measure.

751. Mr Karpyuk spent a day in the temporary detention facility of the Yessentuki police. On the evening of 21 March 2014 Mr Karpyuk was told that he would be transferred to other detention facilities.

752. He was blindfolded with a plastic bag attached with adhesive tape, put in a lorry for transporting detainees ("*avtozak*") and taken to an unknown place. Once the lorry reached its destination, Mr Karpyuk, still blindfolded, was taken up the stairs of a building, which he counted, to the fourth floor, where a group of people awaited him.

753. The leader of the group told Mr Karpyuk that his name was "Maxim" and went on to describe what the group would do to ensure that he confess to the crimes of which he was accused: first, they would apply electric shocks to him; second, they would beat him up; and third, if the first two measures did not result in a self-incriminating statement, they would kidnap Mr Karpyuk's wife and son with a view to torturing them.

754. Mr Karpyuk told the men under "Maxim's" command that he had not been in the Chechen Republic, but they ignored him. The men uncuffed him, tied his hands behind his back with a rope and attached wire clamps to the left second toe and the right middle finger. Then they passed an electric current through Mr Karpyuk's body time and again, varying the duration of each application. Mr Karpyuk could not tell how long it lasted.

755. Mr Karpyuk did not admit to having committed any crimes because he had not participated in the hostilities in the Chechen Republic. While carrying out their "interrogation", the men kept repeating, "You did this and that", "On such and such date you arrived in Grozny and did this and that", "On such and such date so and so came with you to Grozny" and so on. After a while the torture ended, and the men told Mr Karpyuk that they would continue their "conversation" the following night.

756. Subsequently, Mr Karpyuk was transported to a temporary detention facility, which he assumed to be in Yessentuki, and was taken to an investigative room (*следственная комната*), inside which there was a wire cage measuring one square metre. Mr Karpyuk was kept in the cage for ninety-six hours. At all times, the men guarded him in the investigative room taking turns and ensured that the detainee remained awake. It was not until 20 April 2014 that Mr M.K., the investigator, told Mr Karpyuk that he had not been in Yessentuki, but in a temporary detention facility in Vladikavkaz.

757. Mr Karpyuk could barely feel his fingers after the torture by an electric current. He underwent four night-time sessions of such torture, during which the men attached wire clamps to different part of his body and passed a current through his whole body, through the heart and through the genitalia. On one occasion, when "Maxim" was not present, one of the men did not uncuff Mr Karpyuk before passing an electric current through him, so that the handcuffs left a burn mark on his right wrist. No lawyer was present during those "interrogations".

758. On 25 March 2014 Mr Karpyuk was taken to be interrogated again. "Maxim" told him that his group were tired of Mr Karpyuk's stubbornness and that he had given orders to kidnap Mr Karpyuk's son, adding that they would take his wife as well if necessary but could be satisfied by taking only the boy. Mr Karpyuk told them not to touch his wife and son and said that he was ready to take the blame and to sign all the requisite documents. "Maxim" asked him to make a confession. Mr Karpyuk said everything he had heard while being tortured. Then he began hallucinating because of sustained sleep deprivation, later coming to his senses in a cell of the Vladikavkaz temporary detention facility.

759. On the morning of 26 March 2014 another investigator, Mr P., came to Mr Karpyuk with a view to drawing up an interrogation record. For Mr Karpyuk, the most humiliating part of the process was that he had to say out loud every element of the "confession": if he did not follow closely the story that he had heard from "Maxim's" men, the guards blindfolded him, and "Maxim" himself came in the evening in to indicate the "wrong statements" saying: "Nikolai, have you forgotten, or are you intentionally misleading the investigation? This [event] happened on such and such date. There were such and such people present."

760. Investigator P. also added some clarifications as regards certain events: he gesticulated how Mr Karpyuk "had stabbed" a Russian military serviceman and said that the reason "why he was confessing" was Mr Karpyuk's reaction to the lack of assistance for his cause. By the end of March 2014, the investigators finished working with Mr Karpyuk, and a lawyer, Ms L.T. M., came in to sign the finalised interrogation record.

761. Devastated by knowing that he had falsely incriminated several persons, Mr Karpyuk sharpened a nail found in his cell, intending to cut his own throat, but the guards, who were watching a CCTV camera feed from the cell, rushed into it, took the nail away and continued the video surveillance of the cell.

762. Mr Karpyuk's nose was bleeding for a month and a half after the torture. He regained control of his fingers three months later.

763. On 29 December 2014 Mr Karpyuk was transferred to another temporary detention facility in Vladikavkaz, and on 6 January 2015 to the Vladikavkaz pre-trial detention facility ("the Vladikavkaz SIZO").

764. In January 2015 the governor of the Vladikavkaz SIZO allowed Mr Karpyuk to write a letter to his family. The remand prison authorities refused to dispatch the first version of the letter, which was written in Ukrainian, so Mr Karpyuk rewrote it in Russian. His wife received that letter and responded to it. Five letters sent later never reached her.

765. On 3 July 2015 Mr Karpyuk was taken to the Chelyabinsk pre-trial detention facility ("the Chelyabinsk SIZO"). On 11 September 2015 he was transferred to the Grozny remand prison ("the Grozny SIZO").

766. Every now and then Mr Karpyuk was given a sheet of paper with a waiver of legal assistance printed on it to copy by hand and sign. In any event, he had little trust for any legal-aid lawyer and no funds to retain a lawyer of his choosing. While in Chelyabinsk, he was given a lawyer to help him study the criminal case file, but Mr Karpyuk considered that studying the fabricated file would be futile.

767. According to Mr Karpyuk's statement, he had not attempted to seek medical assistance while in detention in Russia because he was not in a position to do so. There remained a visible spot on his second left toe where a wire clamp had been attached and a trace of a handcuff on his right wrist.

768. At the time of making his written statement, Mr Karpyuk was not experiencing major health problems. Mr Karpyuk was certain that the FSB officers had known that he had not participated in the Chechen wars: since 2001, the Prosecutor's Office of the Chechen Republic had repeatedly sent requests for legal assistance concerning several citizens of Ukraine, yet his name had never been mentioned.

769. In the course of the investigation Mr Karpyuk was told many times by the officers that Russia was not a country where human rights were respected. In his opinion, he was being persecuted for his opinions and his years of work towards building an independent Ukraine.

(b) Documents concerning Mr Stanislav Klykh's pre-trial detention

(i) Ms T. Klykh's letter

770. In a letter to the Office of the President of Ukraine, received on 25 October 2017, Mr Klykh's mother, Ms T. Klykh, described her journey to IK-1 in Verkhneuralsk, the Chelyabinsk Region, and her three-day "family visit" to her son between 9 and 11 October 2017, including the information that Mr Klykh had related to her in the course of the visit. The content of the letter may be summarised as follows.

771. At the time of Ms Klykh's visit, her son's physical and mental health was very poor. He had lost weight, going from 83 kg to 72 kg, had bedsores (because of which he had to sleep on the floor after being transferred back to the prison), drooled uncontrollably, and could no longer move two fingers on the left hand and three on the right. Mr Klykh wore at all times a placard

reading "Particularly Dangerous Criminal". Ms Klykh had to clean him up and assist him as he was weak to the point of being helpless.

772. In summer 2017 Mr Klykh held a twelve-day hunger strike protesting against his unlawful detention in a Russian prison. When he requested to be transferred to a medical facility on account of low haemoglobin levels, he was sent to a psychiatric hospital in Magnitogorsk, in the Chelyabinsk Region. On arrival at the Magnitogorsk hospital, Mr Klykh received injections of unknown substances that made him feel "like an oak tree". For six days he was in a coma.

773. Whereas during one of her visits in the detention facility in Grozny Mr Klykh's mother was able to observe aggressive behaviour on his part, during the meeting of 9-11 October 2017 he displayed childish behaviour instead. Such a change in behaviour was also confirmed by the Consul of Ukraine in Yekaterinburg, who first visited Mr Klykh immediately after his arrival at the prison, and a second time after his return from the medical institution in Magnitogorsk. Mr Klykh became indifferent to everything, lost his ability to read, would often recall his childhood, say obscure things or constantly walk from one wall to another and believed that he did not have much time left to live. Ms Klykh expressed doubt that her son would survive in detention.

(ii) Handwritten letter to the Ukrainian Ombudsperson from Ms T. Klykh and Mr R. Klykh

774. In a letter of 2 May 2015, Ms T. Klykh and Mr R. Klykh, Mr Stanislav Klykh's father, to the Ukrainian Ombudsperson described the following. Mr Klykh had left Ukraine for the town of Oryol in Russia on 7 August 2014. Once there, he had been arrested and placed in the Oryol remand prison. They had received one phone call from their son two weeks later upon his transfer to Yessentuki, in the Stavropol Region, and had no contact with him since.

(iii) Mr Klykh's undated handwritten statement

775. The case material supplied by the applicant Government includes an undated handwritten statement by Mr Klykh, the content of which may be summarised as follows.

776. Following his arrest on 8 August 2014, unlawful coercive measures were applied to Mr Klykh both in the Zelenokumsk temporary detention facility ("the Zelenokumsk IVS") and in the Vladikavkaz SIZO. In particular, he was repeatedly beaten up, injured by the use of handcuffs and the application of an electric current, and forced to stand on his knees for hours at a stretch. His wrists, knees, ankles, and feet were covered with numerous scars.

777. While in detention in Zelenokumsk and Vladikavkaz between 28 August and 22 September 2014, he was forcibly given alcohol and received intravenous injections of psychotropic medication. Such measures were taken to force him to make a false confession that in 1994-2000 he had been fighting in the Chechen Republic, had taken part in killings of Russian federal servicemen, and had intended to carry out terrorist attacks in various Russian cities.

778. While in detention in Vladikavkaz, at times he was forced to spend several days at a stretch in the facility's courtyard with no food and water.

779. In the course of his detention in Russia, Mr Klykh developed dystrophy: he could not hold a spoon or a pen.

780. The men who tortured Mr Klykh wore masks; they put a bag on his head and tied the bag up with an adhesive tape. They used first names to identify themselves. At times officers of the Zelenokumsk IVS and the Vladikavkaz SIZO also participated in torturing Mr Klykh. He was given vodka for two nights in a row by a masked man, after which he lost consciousness until the following morning.

781. Following the interrogation sessions by the masked men, Mr Klykh was taken to the Investigative Committee's branches in Zelenokumsk and Vladikavkaz. Mr Klykh thought that both investigators had been put under pressure.

782. In Vladikavkaz, Mr Klykh was tortured every two or three days.

783. On 11 September 2014 Mr Klykh was beaten up. Afterwards, he was again forced to spend a few days and nights in a courtyard with no food or water. When he was eventually taken to a cell, there was no mattress on the bunk bed. At about 8 p.m. on the following day a group of masked men entered the cell and dragged Mr Klykh to the basement, where one of the men wearing a mask put metal caps on his little fingers and began passing an electric current through his body. While doing so, the man kept asking questions about Crimea and the Chechen Republic; when dissatisfied with Mr Klykh's answers, he increased the voltage. That scenario was reproduced for three nights in a row.

784. On the mornings following the night-time torture sessions, unknown masked men came to Mr Klykh's cell and covered the injuries on his hands, arms, wrists, legs, and feet caused by the torture with iodine and a bright green substance (in some places there was no more skin left). Such injuries left a lasting impact: Mr Klykh's skin on his wrists and knees remained very thin and sensitive.

785. At some point one of the men came to see Mr Klykh and told him that he worked "for another organisation". He told the detainee that he could be released any day, that his injuries sustained in detention were not life-endangering and talked to him about art and Crimean archaeological research. He said that he could give orders so that Mr Klykh would no longer be tortured. Later the men brought a mattress into the cell, and Mr Klykh was

given some milk and honey. They continued to feed the detainee for two or three days.

786. After that they again took the mattress away from the cell and put a bag on Mr Klykh's head. One of the masked men entered the cell, delivered several heavy blows and kicks to Mr Klykh in the ribs, and ordered him to say during a formal interrogation that he had cut the throats of Russian federal servicemen in the Chechen Republic.

(c) Material concerning the criminal case against Mr Mykola Klykh and Mr Stanislav Karpyuk

*(i) Report concerning a "statement of surrender and confession" (*явка с повинной*) by Mr A.M.*

787. According to the report concerning a "statement of surrender and confession" drawn up on 4 October 2013 by the administration of a penal facility, Mr A.M., who was serving a sentence in that facility, voluntarily admitted to having participated in the fighting between December 1999 and March 2000, among a UNA-UNSO group comprising around thirty persons. The "statement of surrender and confession" does not mention either Mr Klykh or Mr Karpyuk. The report set out different details about the activities in Chechnya of groups of "mercenaries" who were Ukrainian nationals.

(ii) First-instance judgment

788. On 26 May 2016 the Supreme Court of the Chechen Republic, following a jury trial that had resulted in a guilty verdict, sentenced Mr Karpyuk to twenty-two years and six months' imprisonment, the first ten years to be served in prison and the remainder of the sentence in a strict-regime penal facility, and Mr Klykh to twenty years' imprisonment, the first nine years to be served in prison and the remainder of the sentence in a strict-regime penal facility. The jury found Mr Karpyuk and Mr Klykh guilty of having respectively organised, on the territory of Ukraine, and joined a group of people with the purpose of engaging in activities against the authorities of the Russian Federation and its citizens in the context of the conflict in Chechnya. Having regard to the circumstances established by the jury's verdict, the Supreme Court found that Mr Karpyuk and Mr Klykh had, between 31 December 1994 and 2 January 1995, used incendiary weapons, resulting in the death of thirty Russian federal soldiers and the wounding of thirteen soldiers.

The judgment also read, in particular, as follows:

> "The verdict of the jury of 19 May 2016 established the guilt of N.A. Karpyuk and S.R. Klykh in the following: as members since the early 1990s of the right-wing radical militant political organisation UNA-UNSO who shared its ideology, in that in December 1994, while on the territory of Ukraine, N.A. Karpyuk had organised and headed a group of people, which S.R. Klykh had joined in December 1994, for their

subsequent participation in the armed conflict on the territory of the Russian Federation on the side of the self-proclaimed Chechen Republic of Ichkeria, and had taken an active part in it. The goal and purpose of the group was to destabilise the socio-political situation in the territory of the Chechen Republic of the Russian Federation, to produce a violent impact on the State authorities of the Russian Federation with a view to changing the constitutional order, to violate the territorial integrity of the Russian Federation, and to kill its citizens, including those of Russian [ethnicity], law-enforcement officers and military personnel of the Armed Forces of the Russian Federation."

(iii) Addendum to the statement of appeal

789. The addendum to the statement of appeal of 29 August 2016 filed by Mr Klykh's counsel raised the following grounds of appeal: that the statute of limitations had expired; that Mr Klykh's self-incriminating statements had been made under physical and psychological duress and thus should have been declared inadmissible in evidence; and that the questions had been put to the jurors in breach of the correct procedure. The document read, in so far as relevant, as follows:

"The forensic medical examination of 17 December 2015, which was ordered by the court and held by the Republican Office of the Medical and Ecological Centre of Grozny, described a much larger number of injuries with a wider spectrum of localisation on the body of S.R. Klykh, but experts could not tell about the nature of the formations of scars described by them and the scars on the body of S.R. Klykh, referring to the lack of methods for determining traces of electric shocks on the bodies of living people. At the same time, experts of the Republican Office examined at the court hearing on 4 April 2016, [I.T.] and [M.Ch.], indicated that a method for determining the effect of an electric current on living people did exist and that the duration of damage formation on the body of S.R. Klykh most probably coincided in time with the circumstances indicated by him in his statement that he was beaten, suspended and tortured with an electric current."

(iv) Appeal judgment

790. On 26 October 2016 the Supreme Court of Russia upheld in full the judgment of 26 May 2016. It held that the participation of the jury in the trial had been lawful and dismissed, for lack of evidence, the argument that the jurors had lacked objectivity. With regard to the "statements of surrender and confession" made by Mr Karpyuk and Mr Klykh, the presiding judge had taken measures to investigate the allegations that they had been made under physical and mental coercion; to that end, the material from inspections carried out by law-enforcement agencies and forensic medical examination reports had been examined and several officials and lawyers had been questioned. The Supreme Court was satisfied that the statements had been voluntary and in compliance with the requirements of the law.

(d) Documents concerning attempts at rendering consular assistance to Mr Mykola Karpyuk and Mr Stanislav Klykh

791. By a letter of 3 September 2014, the Embassy of Ukraine to Russia requested assistance from the Ministry of Foreign Affairs of the Russian Federation ("the Russian MFA") "in obtaining information from the competent authorities of the Russian Federation concerning the reasons, circumstances and exact time of the detention of S.R. Klykh, as well as his current whereabouts".

792. By a letter of 15 September 2014, the Consulate General of Ukraine in Rostov-on-Don asked the Investigative Department of the town of Pyatigorsk to confirm "the fact of conducting investigative measures regarding [Mr Klykh], and to provide information about the actual place of his detention (name of institution, postal address, phone numbers to contact investigators and lawyers) and to specify the reason for his detention".

793. By a letter of 1 October 2014, the Consulate General of Ukraine in Rostov-on-Don requested from the Department of the International Legal Cooperation of the Investigative Committee of the Russian Federation information "about the actual location in the territory of the Russian Federation [of Mr Klykh and Mr Karpyuk] (the name of the institution, its postal address, and phone numbers to contact the investigators and lawyers)".

794. A letter of 16 October 2014 from the Ministry of Foreign Affairs of Ukraine to the Embassy of Russia to Ukraine read as follows:

> "At present, no response has been received regarding the request for information about the circumstances of the detention of S.R. Klykh sent by the Consulate General of Ukraine in Rostov-on-Don to the bodies of the Ministry of Internal Affairs and the Investigative Committee of the Russian Federation, as well as the Embassy of Ukraine in the Russian Federation to the Ministry of Foreign Affairs of the Russian Federation.
>
> The answers by the Investigative Committee of the Russian Federation received by the Consulate General of Ukraine in Rostov-on-Don on the arrest of M.A. Karpyuk (letter of 22/09/2014) contain no information on the place where the arrested person is being detained."

795. By letters of 19 November and 19 December 2014, as well as of 27 January 2015, the Consulate General of Ukraine in Rostov-on-Don requested the North Caucasus Investigative Department to ensure consular access to Mr Karpyuk and Mr Klykh.

796. A letter of 27 December 2014 from the Consulate General of Ukraine in Rostov-on-Don to the Representation of the Russian MFA in the town of Mineralnye Vody read as follows:

> "On the basis of the note of the Ministry of Foreign Affairs of the Russian Federation ... of 7 November 2014, [in which] it is reported that the General Investigation Department of the Investigative Committee of the Russian Federation in the North Caucasus Federal District will provide [consular access to] the citizens of Ukraine N.A. Karpyuk and S.R. Klykh, accused in a criminal case, if the consular officials of the Consulate General of Ukraine in Rostov-on-Don make such an application, we are asking for assistance in organising access for persons occupying consular posts in the

Consulate General of Ukraine in Rostov-on-Don to the above-mentioned citizens of Ukraine."

797. A letter of 29 December 2014 from the Embassy of Ukraine to Russia to the Russian MFA read as follows:

"The Consulate General of Ukraine in Rostov-on-Don sent applications in the established manner to the Main Investigation Department of the Investigative Committee of the Russian Federation in the North Caucasus Federal District regarding assistance in organising a meeting with the above-mentioned citizens of Ukraine. Moreover, the Russian party was informed in advance of the departure on 27 December 2014 of the Ukrainian consul in the town of Yessentuki to the relevant remand prison for a meeting with N.A. Karpyuk and S.R. Klykh.

At the same time, despite all the measures [taken by Ukrainian officials], Russian officials, in breach of the provisions of Article 13 of the Consular Convention between Ukraine and the Russian Federation, denied the Ukrainian Consul [an opportunity] to hold this meeting."

798. By a letter of 19 January 2015, the Embassy of Ukraine to Russia requested the Russian MFA to accelerate "the provision of a response to the note of the Embassy ... of 29 December 2014 on ensuring that the Russian party immediately provide to a consular officer of the Consulate General of Ukraine in Rostov-on-Don access to the Ukrainian citizens N.A. Karpyuk and S.R. Klykh held in the North Caucasus Federal District in the place of their detention".

799. A letter of 29 January 2015 from the Russian MFA to the Embassy of Ukraine to Russia read as follows:

"On 27 December 2014 officers of the General Consulate of Ukraine in Rostov-on-Don did not apply to the Main Investigation Department of the Russian Investigative Committee for the North Caucasus Federal District to visit the citizens of Ukraine N.A. Karpyuk and S.R. Klykh who were accused in criminal case no. 68144.

If Ukrainian consular officials apply to the Main Investigation Department of the Russian Investigative Committee for the North Caucasus Federal District in accordance with Article 13 of the Consular Convention between the Russian Federation and Ukraine of 15 January 1993, they will be granted the right to visit N.A. Karpyuk and S.R. Klykh and to discover the actual place of detention of the above-mentioned accused."

800. By a letter of 5 February 2015, the Ministry of Foreign Affairs of Ukraine requested assistance from the Embassy of Russia to Ukraine "in the unconditional provision by the Russian party of the implementation of the right of consular officials of Ukraine to visit citizens of Ukraine in places of detention in the territory of the Russian Federation".

801. By letter of 17 June 2016, the Ministry of Justice of Ukraine informed Mr V. Karpyuk, Mykola Karpyuk's brother, of the steps taken to obtain consular access and to secure Mr Karpyuk's transfer to Ukraine.

(e) Documents concerning attempts to secure the transfer of Mr Karpyuk and Mr Klykh to Ukraine

802. A letter of 23 June 2016 from the Ministry of Justice of Ukraine to the Ministry of Justice of Russia read as follows:

> "According to the information available to the Ministry of Justice of Ukraine, the verdict of the Supreme Court of the Chechen Republic of the Russian Federation convicted a citizen of Ukraine, Stanislav Romanovich Klykh ..., who is currently serving a sentence in the Russian Federation."

803. A letter of 4 August 2016 from the Ministry of Justice of Ukraine to the Ministry of Justice of Russia read as follows:

> "On the basis of the second paragraph of Article 6 of the Convention on the Transfer of Sentenced Persons of 1983, the Ministry of Justice of Ukraine applied to the Ministry of Justice of the Russian Federation to send the necessary documents for consideration of the transfer of the convicted citizens of Ukraine Nikolai Andronovich Karpyuk ... and Stanislav Romanovich Klykh ... from the Russian Federation to Ukraine to continue serving their sentence (letters of 15/06/2016 ... and 23/06/2016 ...).
>
> In accordance with Article 5 § 4 and Article 6 § 2 of the above-mentioned Convention, we ask you to send the requested documents to the Ministry of Justice of Ukraine as quickly as possible, or to inform us of the reasons preventing this."

804. By letters of 30 November 2016 and 9 February 2017, the Ministry of Justice of Ukraine reiterated its request.

805. By a letter of 4 May 2017, the Ukrainian Ombudsperson requested information from the Ministry of Justice of Ukraine regarding the measures it had taken to resolve the issue of the transfer of Mr Klykh to Ukraine. In so far as relevant, the letter read as follows:

> "As far as is known, at the beginning of January 2017, S.R. Klykh, sentenced by the Supreme Court of the Chechen Republic to twenty years' imprisonment, was transferred under guard from the remand prison in Grozny to the Chelyabinsk Region to serve his sentence.
>
> According to the Ombudsman of the Russian Federation, S.R. Klykh is serving a sentence in the federal State institution 'Prison of the General Directorate of the Federal Prison Service in the Chelyabinsk Region'".

806. A letter of 27 November 2017 from the Ministry of Justice of Russia to the Ministry of Justice of Ukraine concerning Mr Klykh read as follows:

> "The Ministry of Justice of the Russian Federation, taking into consideration the processing of the application by the Ukrainian party regarding the transfer of S.R. Klykh, born in 1974, to Ukraine to continue serving a sentence of imprisonment, reports as follows.
>
> After examination of the material relating to the convicted prisoner S.R. Klykh, the decision has been made to refuse his transfer in accordance with the provisions of Article 3 § 1 (f) of the Convention on the Transfer of Sentenced Persons of 1983."

807. A similar letter was sent on the same day regarding Mr Karpyuk.

808. A letter of 20 December 2017 from the Ministry of Justice of Ukraine to the Ministry of Justice of Russia concerning Mr Klykh reads as follows:

> "In connection with the letter of 27 November 2017 received from the Russian Federation, we are asking you to let us know the reasons of your refusal to transfer Stanislav Klykh to Ukraine to serve the sentence of imprisonment imposed by a Russian court, and to provide a copy of the decision of the court given under Articles 469 and 470 of the Criminal Procedure Code of the Russian Federation."

809. A similar letter was sent on the same day regarding Mr Karpyuk.

810. A letter of 19 January 2018 from the Ministry of Justice of Russia to the Ministry of Justice of Ukraine concerning Mr Klykh read as follows:

> "The Ministry of Justice of the Russian Federation, taking into consideration the application by the Ukrainian party regarding the transfer of S. Klykh, born in 1974, to Ukraine to continue serving a sentence of imprisonment, reports that the Ministry of Justice of Ukraine was informed about this issue by a letter from the Ministry of Justice of Russia on 27 November 2017."

811. A similar letter was sent on the same day regarding Mr Karpyuk.

(f) Profile of Mr Klykh published by Memorial HRC, memohrc.org

812. As part of its "Support for Political Prisoners" programme, Memorial HRC described the case of Mr Klykh as follows:

> "Stanislav Romanovich Klykh, ... in Kyiv, is a citizen of Ukraine and teaches at the Kyiv Transport and Economic College. He was sentenced to twenty years' imprisonment in a maximum security facility under Article 209 § 2 of the CrCRF , Article 102 (c), (h), (m) of the RSFSR Criminal Code (intentional killing of two or more persons in connection with the performance of their duties, committed by a group of persons by prior agreement), Article 15 § 2 in conjunction with Article 102 (c), (h), (m) of the RSFSR Criminal Code (attempt at intentional killing of two or more persons in connection with the performance of their duties, committed by a group of persons by prior agreement)."

813. According to the publication, criminal case no. 40317 had been opened in 2000 into "the participation of members of the prohibited organisation in Russia, UNA-UNSO, in the hostilities on the side of Chechen insurgents in 1994-96", concerning several individuals. Case no. 68144 (later no. 84003) concerning Mr Karpyuk and Mr Klykh had subsequently been severed from case no. 40317.

814. The publication described Mr Klykh's arrest in Russia as follows:

> "Stanislav Klykh, a citizen of Ukraine who lived in Kyiv, was arrested on 8 August 2015 in the city of Oryol, where he had gone to see a young woman whom he had previously met in Crimea. He was accused under Article 19.3 § 1 CAORF (disobeying a lawful order of a police officer) and was sentenced to fifteen days of administrative detention. A week later, on 15 August 2014, [A.M.], already detained and cooperating with the investigation, for the first time 'remembered' that he had seen Klykh among the militants of UNA-UNSO in Grozny in January 1995. Before Klykh's detention by the Russian authorities, [A.M.] had not mentioned him."

815. The publication described the bill of indictment concerning Mr Klykh as follows:

"In 1994–2006 [Mr Klykh] participated in 'the stable armed group (gang) 'Viking' formed by Ukrainian nationalists who fought on the side of Chechen insurgents, in the organisation and leadership of which Nikolai Karpyuk allegedly participated. The indictment states that this armed group (gang) was responsible for the death of thirty and the wounding of thirteen Russian servicemen of the 131st Brigade and the 81st and 276th Regiments during the Battle of Grozny between 31 December 1994 and 2 January 1995. In addition, allegedly 'between March 1999 and May 2000, S.R. Klykh, together with other gang participants, UNA-UNSO members N.A. Karpyuk, [I.M.], [A.Muz.], [V.B]. and others, repeatedly entered the territory of the Chechen Republic, where [he] learned tactics of warfare in various conditions, the basics of topography and handling firearms in a camp located near the settlement of Vedeno in the Vedenskiy District of the Chechen Republic under the command of field commander [S.R.].

It should be noted that between 1991 and 1996 Stanislav Klykh studied at the Faculty of History at the Taras Shevchenko National University of Kyiv; after graduation he worked as a teacher and consultant in advertising and marketing. According to Mr Klykh's lawyer and his acquaintances, he became disillusioned with UNA-UNSO in the second half of the 1990s. According to investigators, he left the organisation (allegedly a 'gang') only in 2006, when he moved to the Social and Patriotic Assembly of Slavs (SPAS), an organisation that took a rather pro-Russian position, was opposed to Ukraine's accession to NATO and to Ukraine's Euro-Atlantic orientation, and collaborated with Russian national patriotic associations."

816. The publication described the circumstances of Mr Klykh's detention between August 2014 and May 2015 as follows:

"For almost ten months between August 2014 and the end of May 2015, Stanislav Klykh was in informational isolation, was not allowed to use the services of a retained lawyer and was denied visits from the Ukrainian consul. Only in May 2015 was counsel M.D. able to become involved in the case, after which Klykh retracted all his confessions given during the preliminary investigation regarding himself, Mykola Karpyuk and other persons, stating that he had given them under torture, and refused to give new evidence before the beginning of the trial in accordance with Article 51 of the Russian Constitution."

817. The publication described the trial as follows:

"The trial of Nikolai Karpyuk and Stanislav Klykh in the Supreme Court of the Chechen Republic in the city of Grozny began on 15 September 2015. During the preliminary hearing, Judge [V.I.] refused to close the case or return it to the prosecutor's office. On 17 September the judge, granting requests from the accused, decided to form a jury. The jury was formed on 12 October 2015, after which the consideration of the case began. The hearings continued until 18 January 2016, when the Supreme Court of the Chechen Republic decided to postpone the consideration of the case, granting a request by the lawyer [M.D.] to conduct an outpatient psychiatric examination of Stanislav Klykh in the Republican psycho-neurological clinic. On 26 May 2016 a judge of the Supreme Court of [the Chechen Republic], [V.I.], sentenced Karpyuk to twenty-two years and six months' imprisonment in a strict-regime penal facility, and Klykh to twenty years' imprisonment in a strict-regime penal facility."

818. Memorial HRC considered Mr Karpyuk and Mr Klykh political prisoners because deprivation of liberty had been applied to them solely on the basis of their national origin, and because their right for a fair trial and other rights and freedoms guaranteed by the International Covenant on Civil

and Political Rights or the Convention had been breached. The publication read, in particular, as follows:

> "Nikolai Karpyuk and Stanislav Klykh were prosecuted for allegedly participating in hostilities during the First Chechen War against the backdrop of the anti-Ukrainian campaign that has been ongoing in the State media and in the statements of senior officials of the Russian Federation since the spring of 2014. One of the components of this campaign has been the initiation of criminal cases against citizens who publicly express a position on events in Ukraine differing from the official one, and directly against citizens of Ukraine. The criminal case against Karpyuk and Klykh should be considered in the context of this anti-Ukrainian campaign.
>
> The Memorial Human Rights Centre has analysed the indictment in case no. 84003 and published the results in four parts. Analysis of the indictment in the case of UNA-UNSO in Grozny revealed that it was compiled in violation of the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation, it includes a description of non-existent crimes, it contains a large number of factual errors, and, in general, it is almost completely built on the likely accusation made by witness [A.M.] (who twice 'remembered' that new participants [had been involved in] the fighting in Grozny a few days after they had been detained by the Russian special services) and the self-incriminating statements of the accused persons. The above elements allow us to speak with a very high degree of probability of the complete innocence of Nikolai Karpyuk and Stanislav Klykh, and to conclude that the investigation has no evidence that they have ever been in Chechnya.
>
> ...
>
> The evidence base of the case against Karpyuk and Klykh is built primarily on the testimony of the defendants themselves, which they retracted immediately after they were able to use the help of lawyers, and the witness [A.M.] who, at the time of giving his testimony, was serving a twenty-three-year sentence in a penal colony. Thus, [A.M.] is the only witness who claims that Karpyuk was in Grozny at all. Only witness [D.S.] gave testimony that Klykh had fought in Chechnya. He was Klykh's cellmate in the Zelenokumsk IVS (in August 2014, [D.S.] was placed there for theft): the Ukrainian allegedly *'told him that he had taken some part in the hostilities in the Chechen Republic in the 1990s'*. None of the victims, the surviving Russian servicemen who fought in Grozny at that time or were in captivity, pointed to Karpyuk, Klykh or [A.Ya.] as participants in armed clashes and crimes against them. The participation of all three, on the contrary, is denied by the Ukrainian nationalists who actually fought in Chechnya.
>
> ...
>
> The factual errors, inaccuracies and absurdities with which the indictment is filled prompt the conclusion that the prosecution has been unfounded.
>
> ...
>
> A comparison of the evidence of crimes against military prisoners with information from external independent sources suggests that during the preliminary investigation, Klykh and Karpyuk were forced to incriminate themselves and other Ukrainians accused of participating in hostilities in Chechnya. The investigation does not indicate any information about the identity of the victims. The scene of the crime, the capture and murder of servicemen, is near Minutka Square, where no fighting took place at the beginning of January 1995 (see above). Finally, no bodies with the specific injuries described in the indictment passed through the system of the Main Military Medical

Directorate of the General Staff of the Russian Army. That is why the investigation did not provide any objective evidence on this episode in the indictment, did not describe it in any way, and did not attribute responsibility to the persons involved in the case. Obviously, these statements were placed in the document solely in order to give Klykh and Karpyuk the most negative image in the eyes of the judge and the jury.

...

Accordingly, it may be confidently asserted that the accusations made in relation to Nikolai Karpyuk and Stanislav Klykh regarding the killings of thirty Russian servicemen are not based on a study of the actual circumstances of the deaths of those servicemen. ...

...

Regarding the criteria adopted by Memorial HRC, the circumstances of the prosecution suggest that the deprivation of liberty was imposed solely on the grounds of national origin, violating the right to a fair trial, other rights and freedoms guaranteed by the International Covenant on Civil and Political Rights or the European Convention on Human Rights. The deprivation of liberty was based on falsification of evidence of the alleged offence in the absence of the event itself, that is, the alleged participation of Stanislav Klykh in hostilities in Chechnya.

The defence of Stanislav Klykh claims that he has an alibi and that he studied at the Faculty of History of the Taras Shevchenko National University of Kyiv in 1994–95."

(g) Publications and articles concerning Mr Mykola Karpyuk and Mr Stanislav Klykh

(i) Press release by the Investigative Committee of the Russian Federation, 26 August 2015

819. A press release by the Investigative Committee of the Russian Federation entitled "Members of UNA-UNSO to stand trial in Chechnya for series of crimes", published on 26 August 2015, read as follows:

"[Mr Klykh and Mr Karpyuk] have been charged with crimes under Article 209 §§ 1 and 2 of the CrCRF 1996 (leadership of and participation in a gang), Article 102 (c), (h), (m) of the RSFSR Criminal Code (murder of two or more people in connection with their duties), and Article 15 § 2 in conjunction with Article 102 (c), (h), (m) of the RSFSR Criminal Code (attempted murder of two or more people in connection with their duties).

...

Karpyuk, together with [D.K.] and other members and leaders of UNA-UNSO, came to Chechnya to attack and kill Russian citizens, servicemen and law-enforcement officers as part of an armed group consisting of UNA-UNSO members and together with members of gangs that acted in the republic and were led by [A.Mas.], [Sh.B.] and others. Thus, following the orders of the gang leaders, Karpyuk and [A.Muz.] led a gang called 'Viking', which also included UNA-UNSO members [D.Ya.], [Yu.D.], [A.M.], Stanislav Klykh and others.

In the period of time between December 1994 and January 1995, Karpyuk, Klykh, [A.M.] and other gangsters repeatedly took part in armed conflicts with Russian soldiers in the presidential palace, Minutka Square and Grozny railway station, during which they killed at least thirty military men and wounded thirteen more."

(ii) "UNA-UNSO [criminal] cases found in Grozny. Ukrainian nationalists to stand trial for massacres in Chechnya", Investigative Committee of the Russian Federation website, 27 August 2015

820. On 27 August 2015 the above-mentioned article published by the *Kommersant* newspaper appeared on the website of the Investigative Committee of the Russian Federation. It read as follows:

> "The investigation into the crimes committed by members of the nationalist organisation UNA-UNSO has been under way in Chechnya since the mid-1990s, but, according to *Kommersant*'s data, the names of Nikolai Karpyuk and Stanislav Klykh only appeared in it in 2013, when [A.M.], who had been arrested, confessed. The accused [A.M.], formerly a low-ranking Viking fighter, having concluded a pre-trial cooperation agreement with the Prosecutor General's Office, told the investigators about the actions of Ukrainians in Chechnya in detail. After checking his testimony, the Investigative Committee of [the Russian Federation] established the names of dozens of Ukrainian citizens who had fought on the side of the militants. Among them were, for example, the current leader of the 'Right Sector', [D.Ya.], and the famous nationalist [A.Muz.] who, according to the official version, committed suicide during his detention in 2014."

(iii) "The Ukrainian consul was admitted for the first time to [visit] Klykh and Karpyuk, imprisoned in Chechnya", hromadske.ua, 27 October 2015

821. The news item read as follows:

> "On 26 October 2015 the Supreme Court of the Chechen Republic proceeded with the consideration of the criminal case [of Mr Karpyuk and Mr Klykh], after which the Consul visited the two Ukrainians in the remand prison (SIZO).
>
> Mr I.N., counsel, said that the Consul had noted scars from the torture a year and a half earlier. This information was conveyed by diplomatic channels.
>
> Klykh and Karpyuk were in a cheerful mood, especially after they learned that Ukraine was treating them as political prisoners."

(iv) "Klykh was found in a psychiatric prison hospital in Magnitogorsk", pravda.ua.com, 4 July 2018

822. The article reported that Ms E.B., a lawyer with the Ural Human Rights Protection Group, had found Mr Klykh in the Magnitogorsk psychiatric facility and had the impression that he was under the influence of tranquilisers. According to her, Mr Klykh had said that the medical personnel were administering him "some sort of vaccination [scheme]" and had complained that letters from his mother had been quickly taken away and that he had rarely been allowed a walk.

(v) "Now we're going to steal your son, he's a bastard just like you. We will torture him right in front of you", censor.net, 23 June 2016

823. The article consists of an interview with Ms M.D. and Mr D.I., Mr Klykh's and Mr Karpyuk's lawyers, who reported the following.

824. While in Russia, Mr Klykh was regularly tortured (subjected to electric shocks, subjected to "Palestinian hanging", administered unknown psychotropic drugs, and denied food and water for days) over the course of almost three months. According to Ms M.D., he had been kept in solitary confinement for ten months. His mental health had become very poor in detention. In Vladikavkaz, Mr Klykh had been kept in the prison yard for several days with no shelter, food or water. At some point he had been given water and drunk it greedily, after which he had begun hallucinating, picturing his father being thrown under a train and dying. Later Ms M.D. and Ms T. Klykh would try to convince him that his father was still alive, but Mr Klykh would not believe it. He was often interrogated despite his poor state of health. He "confessed".

825. Mr Karpyuk had been tortured for four days with electric shocks, while the investigators repeated the same story: "On such and such date with this one or that one you did this and that, you killed so many soldiers there. You killed at Minutka Square, at the railway station. You had a machine gun. Confess!" On the fifth day, they had threatened to kidnap Mr Karpyuk's minor son from Kyiv to torture the boy in front of his father, following which Mr Karpyuk "confessed" as he had been told to.

826. Both men retracted their "confessions" at the trial as having been obtained under duress, but the jury did not believe them.

827. On 11 May 2016 the Chechen State television channel Grozny broadcast a programme in which the guilt of the two men was described as convincingly proven. The jury had been pressured and coerced into delivering a guilty verdict. Mr Ramzan Kadyrov's close associates had attended every trial hearing.

828. Ms M.D. and Mr D.I. received threats and were spied upon in connection with their work on the case of Mr Karpyuk and Mr Klykh.

8. Cases of "the Crimean Four"

(a) Request to open a criminal investigation lodged by Ms E.Z., counsel to Mr Sentsov, Mr Kolchenko and Mr Afanasiev

829. On 6 October 2015 Ms E.Z., counsel to Mr Sentsov, Mr Kolchenko and Mr Afanasiev, lodged an application with the Prosecutor's Office of Crimea in Kyiv pursuant to Article 214 of the Code of Criminal Procedure of Ukraine for the opening of a criminal investigation into several crimes, including abduction, torture, robbery, and knowingly unlawful apprehension or detention, in connection with the treatment that her clients had been subjected at the hands of the Russian authorities. It described the facts as follows.

(i) Mr Sentsov

830. On 10 May 2014 Mr Sentsov was abducted in Simferopol near the entrance to his block of flats. He was thrown into a minivan with his head covered with a bag, and taken for interrogation to a building at 13 Ivana Franka Street, where the Department of the Security Service of Ukraine for Crimea ("the Crimean SBU") had been located prior to the annexation of the peninsula by Russia.

831. The men who had apprehended Mr Sentsov asked him questions about pro-Ukrainian activists known to him (that is, persons opposing the Russian annexation of Crimea) and demanded that he falsely accuse them of preparing to blow up monuments to Lenin in the ARC. They kicked Mr Sentsov, punched him and beat him with batons while he was either prostrate or sitting down. When he refused to speak, the men put a plastic bag on his head to suffocate him. They stripped Mr Sentsov naked and threatened to rape him with a truncheon and bury his dead body in a forest. As Mr Sentsov kept refusing to make false statements concerning himself and others, the men proposed that he make a false statement implicating the persons who had led the Euromaidan protests: "[You should say that] they ordered that the monuments be blown up, and then you would be sentenced to a seven-year term; if not, we would name you as a leader [of a criminal group] in this case and you would [be imprisoned] for twenty years ...". Mr Sentsov rejected the proposal.

832. After four hours of interrogation the men took Mr Sentsov to his flat and searched it, at which point Mr Sentsov learned that he had been abducted and tortured by FSB officers later identified as Col D.V., Lt Col A.K., Maj A.Z. and Lt S.M, former employees of the Crimean SBU who had joined the FSB after the annexation of Crimea. Money which belonged to a film production company for which Mr Sentsov worked and which was intended for the making of the film *Rhinoceros* was taken out of his home following the "search".

833. Later, Mr Sentsov was illegally taken out of Ukraine and taken to the Lefortovo SIZO.

834. On 26 August 2015 the North Caucasus Circuit Military Court sentenced Mr Sentsov to twenty years' imprisonment in a strict-regime facility.

(ii) Mr Kolchenko

835. On 16 May 2014 Mr Kolchenko was abducted in the vicinity of the former Crimean SBU building in Simferopol. The abductors beat him in the face and body and demanded that he incriminate himself in a crime that he had not committed.

836. According to the record of the arrest, Mr Kolchenko was informed that he was suspected of crimes punishable under Article 205 § 2 (a) (a terror attack committed by a group) and 205.4 § 2 (participation in a terrorist organisation) of the CrCRF. The FSB investigators alleged that he had been

involved in the explosions near the Eternal Flame memorial and a monument to Lenin during the night of 8 May 2014 and in an arson attack on the offices of the Russian Community of Crimea on 14 April 2014 and the offices of the United Russia party on 18 April 2014.

837. On 30 May 2014 the FSB officially announced that Mr Kolchenko and three other persons, allegedly members of "Right Sector", had been arrested. The representatives of "Right Sector" and Mr Kolchenko asserted that he was not a member of the organisation. As of that date he had been unlawfully deprived of his liberty and held in various places of detention.

838. On 23 May 2014 Mr Kolchenko was illegally taken out of Ukraine and taken to the Lefortovo SIZO.

839. On 26 August 2015 the North Caucasus Circuit Military Court sentenced Mr Kolchenko to ten years' imprisonment in a strict-regime facility. At trial, Mr Kolchenko confirmed his participation in the arson attack the United Russia party's office but categorically disagreed with its characterisation as a terrorist act. He also rejected the charges of participating in a terrorist organisation.

(iii) Mr Afanasiev

840. On 9 May 2014 Mr Afanasiev went to the Victory Day parade in Simferopol and was abducted by unidentified persons. He was thrown into a minivan, with his head covered with a bag, and taken to the former building of the Crimean SBU, where he was interrogated and tortured with a view to obtaining a falsely incriminating statement to the effect that pro-Ukrainian activists had intended to commit terrorist acts.

841. The abductors punched and kicked Mr Afanasiev and beat him with batons. They demanded that he falsely accuse pro-Ukrainian activists of preparing to blow up a monument to Lenin near Simferopol railway station. When Mr Afanasiev refused to speak, the men suffocated him, attached wire clamps to various body parts, including his genitals, and passed an electric current through his body. Later, while his head was still covered with the bag, the men took Mr Afanasiev to his home, laid him prostrate on the floor and searched the premises. When leaving, the men took expensive photography equipment and money with them. They did not draw up any records. Subsequent attempts to locate the missing property were futile.

842. Afterwards Mr Afanasiev was taken to the FSB premises, where Maj A.B., a senior FSB investigator from Moscow in charge of the cases of Mr Sentsov and Mr Kolchenko, demanded that Mr Afanasiev confess to a plot to prepare explosions near the Eternal Flame monument in Simferopol.

843. Mr Afanasiev was illegally deprived of his liberty, subjected to illegal prosecution and kept in various detention facilities. On 25 May 2014 he was illegally taken out of Ukraine and taken to the Lefortovo SIZO.

844. On 17 December 2014 the Moscow City Court passed a knowingly unlawful judgment, sentencing Mr Afanasiev to seven years' imprisonment

in a strict-regime penal facility. When he managed to retain counsel on 12 August 2015, Mr Afanasiev was being held in a remand prison in Rostov.

845. At a trial hearing of 31 August 2015 in the North Caucasus Circuit Military Court, Mr Afanasiev retracted his pre-trial statement implicating Mr Sentsov and Mr Kolchenko and refused to give witness testimony against them, stating that he had falsely incriminated the two accused under torture.

(b) First-instance conviction in the criminal case against Mr Sentsov and Mr Kolchenko

846. On 25 August 2015 the North Caucasus Circuit Military Court ("the first-instance court") delivered a sentence in respect of Mr Sentsov and Mr Kolchenko. Mr Sentsov was found guilty under Article 205.4 § 1 of the CrCRF (creation of a terrorist organisation), Article 205 § 2 (a) (committing a terrorist act though arson by an organised group), Article 30 § 1 in conjunction with Article 205 § 2 (a) (preparing to commit a terrorist act as part of an organised group), Article 30 § 3 in conjunction with Article 222 § 3 (attempted purchase of explosive materials), and Article 222 § 3 (storage of arms and ammunition by an organised group) and was sentenced to twenty years' imprisonment in a strict-regime facility. Mr Kolchenko was found guilty under Article 205.4 § 2 (participating in a terrorist organisation) and Article 205 § 2 (a) (committing a terrorist act though arson as part of an organised group) of the CrCRF and sentenced to ten years' imprisonment in a strict-regime facility. Mr Sentsov argued that his alleged membership and the links with the leaders of the "Right Sector", as well as his acceptance of the organisation's ideology, had not been supported by evidence. The first-instance court did not address this argument. It pointed out that the organisation "Right Sector" had been declared extremist and banned in the territory of the Russian Federation pursuant to the ruling of the Supreme Court of the Russian Federation of 17 November 2014.

847. The beginning of the judgment reads as follows:

> "In March 2014 Sentsov, not supporting the decision on the accession of the Republic of Crimea to the Russian Federation, attended various events organised by the supporters of [the idea] of that region being part of Ukraine, where he positioned himself as a follower of one of the extremist organisations operating in Ukraine. Sentsov's creation of a terrorist group was determined by the decision to conduct actions as part of an organised group in order to destabilise the activities of the authorities of the Russian Federation that were being set up in the Republic of Crimea and to influence the decision to separate the Republic of Crimea from the Russian Federation.
>
> In late March and early April 2014 Sentsov's terrorist organisation was joined by Cherniy, Afanasiev and other persons who had in advance formed a stable group in order to prepare and commit terrorist acts that would terrorise the population and cause risks of loss of life and of significant damage to property in order to influence the Russian authorities' decision-making.

As of then, Sentsov as the leader of the terrorist organisation began to exercise managerial functions in relation to its members, coordinating the activities of members of the criminal community, planning terrorist acts, distributing duties among members of the group in committing crimes, and supplying the group with weapons, ammunition, explosives, combustible materials and other items necessary for the commission of terrorist acts. Sentsov's leadership introduced sustainability and focus to the criminal activities of the terrorist organisation, thus [enabling] the participants in the criminal community to commit two terrorist acts and to prepare for a further terrorist act.

At the same time, in March 2014, Kolchenko, not supporting the decision on the accession of Crimea to the Russian Federation, began attending public events of supporters of [the idea of] the region being part of Ukraine. At those meetings of the like-minded, Kolchenko learned that Sentsov had created a group to carry out actions destabilising the activities of the authorities of the Russian Federation in the Republic of Crimea in order to make them decide that the Republic of Crimea should [cease to be a part of] the Russian Federation.

Sharing such views, no later than on 18 April 2014 Kolchenko joined the terrorist organisation created by Sentsov that had been joined at various times by Cherniy, Afanasiev and a number of other identified persons and expressed his consent to participating in the commission of a terrorist act that would terrorise the population and cause risks of loss of life and significant damage to property."

848. The alleged events were described as follows:

"Under the leadership of Sentsov, the members of the terrorist organisation he had created committed two terrorist acts, made preparations for a terrorist act, attempted to illegally obtain explosive devices, and illegally acquired of firearms and ammunition on behalf of an organised group, under the following circumstances.

Not later than on 14 April 2014 Sentsov instructed Afanasiev, Cherniy and other members of the organised group to commit a terrorist act, an arson attack on the office of the 'Russian Community of Crimea' located at ... to influence the authorities in their decision to separate the Republic of Crimea from the Russian Federation. When giving such an order, Sentsov realised that by committing arson the participants in the terrorist organisation would cause risks of loss of life and significant damage to property and would terrify the population.

At 5 p.m. on 14 April 2014 Afanasiev, Cherniy and their accomplice acted as planned on Sentsov's orders. While Afanasiev was keeping watch, Cherniy and a member of the group poured flammable liquids acquired by Sentsov onto the front door of the Russian Community of Crimea's office located at ... and set it on fire, thus causing the population to fear further possible violent actions. The arson attack resulted in damage to the property in the amount of 30,000 Russian roubles.

Acting with the same purpose, Sentsov instructed Afanasiev, Kolchenko, Cherniy and a group member to commit an act of terrorism on 18 April 2014, namely an arson attack on the office of the Simferopol branch of the Crimean branch of the United Russia political party ... At the same time, Sentsov realised that the participants in the terrorist group, by carrying out the arson, would endanger people, cause significant damage to property and terrify the population.

Afanasiev, fulfilling Sentsov's instructions, notified Cherniy, Kolchenko and another member of the group about the need to commit a terrorist act, in order to influence the authorities in their decision to withdraw the Republic of Crimea from the Russian Federation.

Acting as part of an organised group, on the night of 18 April 2014 the named individuals took a sledgehammer from the cache, and containers with flammable liquid – items previously acquired by Sentsov. When they had arrived at the scene, Afanasiev told the group members how to act when committing a crime, handing them masks with eye slits and fabric household gloves. According to the plan that was developed, Afanasiev and Kolchenko were supposed to have been digging to observe their surroundings and to be ready to warn associates about the possible appearance of law-enforcement officers, and Cherniy and another participant was supposed to set fire to the office building.

At about 2.50 a.m. on 18 April 2014, Afanasiev and Kolchenko, fulfilling the instructions of Sentsov, who was observing, made sure that Cherniy, together with another member of the group, broke the glass window of the United Russia office at ..., after which, pouring a flammable liquid inside the room, set it on fire, frightening the population, creating a risk of human death and causing significant damage. As a result of the burning of the office, the United Russia political party sustained damage to its property in the amount of 200,000 Russian roubles.

Also, at the beginning of April 2014, but not later than on 11 April 2014, Sentsov, supervising the terrorist group, with a view to influencing the decision-making authorities, instructed members of the group to commit a terrorist act, namely the explosion of the monument to Lenin, located in Simferopol near the railway station. In addition to Cherniy, who was entrusted by the Sentsov with the direct execution of the explosion, Afanasiev, who was charged with coordinating Cherniy's activities, and another person were involved in the commission of this crime. In order to purchase the components necessary to manufacture an improvised explosive device, Sentsov handed money to Cherniy with the help of Afanasiev.

On 16 April 2014 Cherniy, following Sentsov's instructions, suggested that [Mr A.P.] create an improvised explosive device (the IED), initially with limited power, to demonstrate the possibilities, and gave [P.] some money to purchase the necessary components. ([Mr A.P.] told the Russian Federal Security Service about the actions of Cherniy aimed at acquiring IEDs for the commission of the terrorist act, taking part in operational-search measures in the form of a 'sting operation' (an operation designed to catch a person committing a crime, by means of deception)).

On 24 April 2014 Sentsov learned from Cherniy that it would be possible to acquire an IED (improvised explosive device) and instructed the contractor to develop a mechanism for slowing down the explosion.

At the end of April 2014 Sentsov was made aware of the difficulties of the contractor in manufacturing of the decelerator. He instructed Afanasiev to involve another member of the terrorist group who, through the internet, would have to train members of the organised group in how to manufacture a detonator.

On 29 April 2014 a Skype video call was organised at Cherniy's place of residence, during which one of the group members provided [Mr A.P.] (who was participating in the operational-search activity) with instructions on how to make an initiating decelerating device, as well as with recommendations on the required power of an IED (improvised explosive device) to obtain the planned results of the explosion.

On the same day Sentsov, with the help of Cherniy, additionally transferred to [Mr A.P.] some funds for the acquisition of the necessary components of the IED.

On 4 May 2014 Sentsov announced to Afanasiev and Cherniy that a second IED needed to be made, after which on 7 May 2014 Cherniy, following Sentsov's instructions, commissioned [P.] to make one more IED.

On 8 May 2014 Cherniy, implementing the plans of the organised group to commit a terrorist act, received from [P.] (who was participating in the operational-search activity) two objects simulating initiating deceleration devices, which he kept at home at ... According to the plan developed by Sentsov, Cherniy, having received the IED, was supposed to carry out an explosion of the monument to Lenin in Simferopol, near the train station on 9 May 2014.

Cherniy ... illegally acquired explosive devices to carry out a terrorist act ...

It proved impossible for the terrorist group to carry out deliberate actions aimed at committing crimes owing to circumstances beyond the control of the individuals concerned. At 1.10 a.m. on 9 May 2014 Cherniy was arrested by law-enforcement officers, and some items imitating IEDs were seized from him. Between 9 and 16 May 2014, law-enforcement agencies arrested other members of the terrorist group, and this prevented actions of an organised group aimed at the illegal acquisition of explosive devices and explosives and preparation for a terrorist act.

...

The witness [Ch.] testified that from Cherniy he had learned about a person named Oleg who was the alleged leader of the terrorist group in Simferopol, and the group was supposed to receive the weapons and money directly from one extremist organisation.

...

According to the records of inspection of documents of 24 September 2014, in the course of reviewing the accounts of Afanasiev on the VKontakte and Facebook social media sites, two accounts were found ... of the administrators of the groups 'Right Sector Crimea' and 'Ukraine-Crimea', which facilitated the communication between people who supported the idea of Crimea leaving the Russian Federation ...

According to Mr Afanasiev's testimony, having joined the group 'Right Sector Crimea' on VKontakte, he met other members who were opposed to Crimea becoming a part of the Russian Federation, and after the referendum, which took place on 16 March 2014, he started attending gatherings at which Sentsov called for radical actions aimed at Crimea leaving the Russian Federation.

The witness [B.] stated that in February 2014 he met Afanasiev and Cherniy through the group 'Right Sector Crimea' on the VKontakte social media site ..."

849. The judgment summarised Mr Cherniy's pre-trial statement as follows:

"... in March 2014 Cherniy took part in many protest rallies and actions organised by supporters of the Republic of Crimea's secession from the Russian Federation. At one of such events Afanasiev introduced him to Sentsov, who promoted drastic methods of opposition to the [Russian] government bodies ... At those meetings, Sentsov, addressing his supporters, proposed that a monument to Lenin be blown up, explaining that the monument was located on one of the central squares of Simferopol, and that its explosion would attract the attention of the authorities and the press and would result in public panic. ... Cherniy, a supporter of one of the extremist organisations, at the end of March 2014 joined the group created by Sentsov and regarded him as a leader whose instructions were to be followed. Early in April 2014 Cherniy told Sentsov that a third person could produce an IED, [which was done] within Afanasiev's hearing. The latter, who was responsible for the activities of all members of the organised group, transferred money to Cherniy to acquire the necessary parts of the IED. On 16 April 2014 Cherniy agreed with his acquaintance [Mr A.P.] that the latter would produce the IED to blow

up a monument to Lenin, but first he would produce a less powerful IED to show its capabilities.

...

... [O]n the night of 13 to 14 April 2014, acting on Sentsov's orders, Cherniy, together with Afanasiev and [Mr Z.], committed an arson attack on the office of the Russian Community of Crimea, then, on Sentsov's orders, on the night of 17 to 18 April 2014, Cherniy, together with Afanasiev, Kolchenko and [Mr B.], set United Russia's office on fire. Acting on Afanasiev's instructions, Cherniy set the office on fire together with [Mr B.], while Afanasiev and Kolchenko monitored the adjacent area, ensuring their safety.

As follows from the records of inspection of documents of 7 November 2014, the CD disks that had been provided by the Crimean FSB contained information about the files consisting of screenshots of the desktop of Cherniy's personal computer taken between 2 and 5 May 2014 about searching for and viewing on the internet resources VKontakte and YouTube video statements of the leader of the organisation 'Right Sector' ...

According to the statements of Cherniy, having joined the group 'Right Sector Crimea' on VKontakte, he in March 2014 chatted with Afanasiev, whom he later met at one of the protests conducted by those opposed to Crimea becoming a part of the Russian Federation."

(c) Appeal judgment in the criminal case against Mr Sentsov and Mr Kolchenko

850. On 24 November 2015 the Supreme Court of the Russian Federation upheld the judgment of 25 August 2015 on appeal, holding that the findings of the first-instance court as to the guilt of Mr Sentsov and Mr Kolchenko in respect of the criminal acts referred to in the verdict were supported by the body of evidence.

851. The pre-trial statements by Mr Kolchenko, Mr Afanasiev and Mr Cherniy were referred to, in particular, as follows:

"The [first-instance] court correctly considered the pre-trial statements by the members of the terrorist organisation Afanasiev and Cherniy, as well as the statement by Kolchenko at the initial investigation stage, to be evidence of the guilt of Sentsov and Kolchenko.

The statements by Afanasiev and Cherniy confirm that Sentsov organised and led the terrorist organisation and that Kolchenko was a member of the community and on 18 April 2014 committed a terrorist act as a member of an organised group.

According to the same statements, Sentsov led the terrorist organisation in preparing for the explosion of the Lenin monument on 9 May 2014. He also organised the terrorist attacks on 14 and 18 April 2014 by providing flammable materials for arson and other necessary items, by choosing the objects for an attack, the participants and their functions.

...

During a face-to-face confrontation with Kolchenko, on 27 April 2015 Afanasiev confirmed his statements regarding Kolchenko's involvement in the terrorist attack of 18 April 2014 and the role of Sentsov as a leader in the commission of that act.

...

When questioned as a suspect on 16 and 19 May 2014, Kolchenko admitted that in March 2014 he had attended public protests against the reunification of Crimea with the Russian Federation, where Sentsov had introduced him to Afanasiev. On 17-18 April 2014, having met Afanasiev, Cherniy and others, he was instructed to set fire to United Russia's office in order to intimidate the population and influence the government's decision to withdraw the Republic of Crimea from the Russian Federation and agreed to participate in the commission of a terrorist act. At the crime scene, Afanasiev, having handed over black masks and gloves, informed the group members of the plan for the arson attack, according to which he, Kolchenko, and Afanasiev were to monitor the situation, and Cherniy and another participant were to set fire to the office building.

On 19 May 2014 Kolchenko confirmed that information when confirming his testimony at the crime scene."

852. Mr Sentsov and Mr Kolchenko claimed that the case file had contained no evidence of their connections with the "Right Sector" as well as that organisation's functioning in Crimea in general. The Supreme Court of the Russian Federation did not address those arguments. It dismissed the defence's allegations that incriminating and self-incriminating pre-trial statements had been made under coercion, holding as follows:

"The arguments of the defence regarding the unlawful reading out of the pre-trial statements by Afanasiev and Cherniy during the trial and their use as evidence in this case are groundless.

The criminal procedure law does not proscribe interrogation in the courtroom of a person convicted in a separate criminal case about other accomplices to a crime and submission of the testimony of such an accomplice if there are grounds for that.

[The first-instance court] studied and rejected as untruthful Afanasiev's statements set out in appeals that the pre-trial statements incriminating Sentsov and Kolchenko had been made under coercion.

There is no such data in the case file regarding Cherniy, who at the court hearing confirmed his pre-trial statements.

The [first-instance] court reasonably took into account the fact that the statements by Afanasiev and Cherniy that incriminated Sentsov and Kolchenko had been made in the presence of counsel for the defence ... The above excluded the use of any unlawful measures against them. The accuracy of the facts set out in the records and protocols, and the strict observance of the procedure for investigative actions, were certified with personal signatures by Afanasiev, Cherniy and their lawyers. Afanasiev and Cherniy had been informed of their procedural rights, including the right not to incriminate themselves. Both were informed that their pre-trial statements could be used as evidence in the criminal case even if later retracted. Afanasiev and Cherniy described the circumstances of the case themselves, the reports on the subject were drawn up during the investigation, and no objections to them were raised. In the course of the investigation and trial of the criminal case against Afanasiev and Cherniy, they did not allege that unlawful methods of investigation had been applied to them ...

...

The correct assessment was given [by the first-instance court] to Kolchenko's statements of 16 and 19 May 2014 ...

The investigative actions were taken with the participation of counsel for the defence and after clarifying Kolchenko's procedural rights. Kolchenko and his lawyer had no objections to the records. The statements were not made under coercion. The pre-trial statements and their confirmation at the crime scene were supported by other evidence, and therefore Kolchenko's testimony was reasonably taken into account in the verdict as evidence in the case."

(d) Mr Afanasiev's interview as the victim of a crime

853. On 1 September 2016 the Prosecutor's Office for Crimea in Kyiv interviewed Mr Afanasiev in his capacity as a victim of a crime.

854. Mr Afanasiev described the circumstances surrounding his apprehension as follows:

"Between 9 a.m. to 9.30 a.m. on 9 May 2014 I was in Simferopol on the Victory Day parade. ... Approaching the bridge near the Simferopol cinema, from the side of a bank, I saw a police car ... I took ten footsteps, ... another ten steps [and] saw that I was being followed by two or more people. They were of a very strong posture in civilian clothes. I was attacked from behind, my hands were twisted, they punched me in the belly and the head. They kicked me to the ground, twisted my hands and handcuffed them behind my back. ...

While I was lying on the ground, they pulled a hood over my head and a black bag. They pulled me up, took to a car and laid me on the backseat ...

And we drove off. During all the way they were silent, then I was placed between them on the back seat. They did not tell me why I had been apprehended, and immediately began to ask me about Sentsov, Cherniy and other people ... They beat me in the stomach and head. I did not say anything, because I did not understand at all what was happening."

855. Mr Afanasiev described the first interrogation as follows:

"I had no lawyer, I was not allowed to make any phone calls. They had taken away my phone and did not return it.

The so-called interrogation had started. They said that they knew what I had been doing, knew that I was a terrorist. 'You are caught, you understand, there is no way back, your accomplices have already made statements implicating you, we knew everything about you, all audio and video records with you are available, you would be imprisoned for at least fifteen years'. They asked me about Cherniy, Sentsov and other people whose last names I do not remember.

They demanded that I confess, that I begin cooperating with them. They had no story for 'the confession' yet, they spoke in general phrases about arson attacks, about a bomb.

[FSB investigators] left the room and returned with new questions. I think they went to Cherniy and returned from him with some new information. They threw this information at me and said something new all the time.

...

By the time of my apprehension, I had had no contact with Cherniy for a month, he had not spoken to me throughout April. Nobody believed me.

I was not beaten in the [interrogation] room. They put a mask on my head and took me out of the room and ... brought me to a large office where they beat me in the stomach, they chained me to a seat, they asked questions ...

... They beat me on the head. They told terrible stories. It lasted for about an hour, maybe more.

They took me back to the interrogation room ... where I spent some two hours. Afterwards, they took me to another office. Counsel [V.] was there, ... there were no confidential conversation with a lawyer, and he did not demand one, he asked, 'How was it?' I replied that I was not guilty. He asked whether they had beaten me or not; I said they had been beating me on the way. He said that he was almost retired, and that my case was the last, hopeless, I would receive at least ten to fifteen years. He did not react to [the fact that] I had been beaten."

856. Mr Afanasiev described the ill-treatment suffered while on the FSB premises as follows:

"On the first day they only beat me. I was chained to an iron chair. I did not have a lawyer. I was surrounded by a large number of investigators from Moscow and also extremely big guys from the Caucasus, the FSB staff. They tried to threaten me. When they understood that I did not have any interesting information, they demanded that I incriminate myself. I must have admitted that on 9 May I had tried to explode the war memorial. The absurdity of these demands was that they detained me in front of people, as I was walking with other people in the procession, without any explosives or guns. During the first five days FSB officers tried to get me to talk. They beat me in the head, wearing boxing gloves to avoid bruises.

...

They put a plastic bag on my head, suffocating me, and beat me again and again. But I kept silent. But it turned out to be a good attitude. Then the real torture began. This was psychological pressure: when a person testifies against you, the investigators say that you have nowhere to go, nothing can be done. Investigators said that I didn't have a chance. ... They put a gasmask on my head with a lot of holes. Then they unscrewed the mask and sprayed some gas inside. I started to throw up and choke on my own vomit. When I was losing consciousness, they took the mask off and gave me some ammonia to smell, and then repeated the whole process. Because of the cruel acts of torture, I pleaded guilty. Then they became interested in Oleksandr Kolchenko and Oleg Sentsov, other political prisoners. I refused. Then they attached electric wires to my genitals. That was the way they prepared documents. In the end they demanded a plea agreement from me. They took off my clothes, pressed me down, and started passing an iron nail over my body, telling me what would happen with my body when the iron tools were under me [touching me]. They said the same would be done to my mother, and that got the desired effect."

(e) Material concerning the criminal proceedings against Mr Cherniy

857. By a decision of 9 May 2014, the "Kyiv District Court of Simferopol" ordered Mr Cherniy's placement in pre-trial detention. The decision read, in particular, as follows:

"[Mr Cherniy] is suspected of [the following]. [B]eing a supporter of the Right Sector nationalist organisation, on 11 April 2014 he asked [Mr A.P.] to make an improvised explosive device (an IED) with the aim of carrying out an explosion in a public place in the city of Simferopol of the Republic of Crimea of the monument to Lenin, to

destabilise the activities of the authorities of the Republic of Crimea, and to influence the decision-making authorities of the Russian Federation to decide that the Republic of Crimea should leave the Russian Federation.

Between 16 April and 8 May 2014, [Mr Cherniy] handed to [Mr A.P.] 200 hryvnias, to buy the components necessary to make an IED to explode the Lenin monument. On 7 May 2014 [Mr Cherniy] instructed [Mr A.P.] to make a second IED to explode the Eternal Flame monument in Simferopol, ... for which he was given another 200 hryvnias.

During the operational-search activity, 'an operational experiment', on 8 May 2014 [Mr Cherniy] was given two objects imitating improvised explosive devices through the cache by [Mr A.P.], which were taken away on 9 May 2014.

On the same day in the course of the search of [Mr Cherniy's] home at the address: ..., the following items were found and seized, among other things: two detonators based on an electronic clock, eight cartridges of various calibres, a plastic bag containing nitrate, and also the item described by [Mr Cherniy] as a checker block based on ammonium nitrate and gunpowder. ..."

858. The arrest record drawn up in respect of Mr Cherniy by an investigator of the Russian FSB on 9 May 2014 indicated that he had acknowledged having been informed of the consequences of entering into a pre-trial deal to cooperate with the investigative authorities on the basis of the provisions of criminal procedural law. The record also stated that Mr Cherniy had acknowledged having been informed of the nature of the charges held against him, mainly of a terrorist nature, on the basis of Article 205.4 § 2, Article 30 § 1 in conjunction with Article 205 § 2 (a), and Article 30 § 3 in conjunction with Article 222 § 3 of the CrCRF.

859. The warrant for an urgent search of Mr Cherniy's home issued by an investigator of the Russian FSB on 9 May 2014 stated that delaying the search might cause the destruction, the concealment or the loss of items of relevance to the criminal case, including explosives, improvised explosive devices, firearms or material with extremist content. It was considered that, in view of the emergency, it was necessary to conduct the house search without a court warrant.

860. The record of Mr Cherniy's questioning as a suspect on 9 May 2014 drawn up by an investigator of the Russian FSB reproduced Mr Cherniy's statements, in particular, as follows:

"Considering the suspicions [against me], I can say the following: I fully admit my guilt in the acts of which I am accused, I want to cooperate with the investigation and to give true testimony.

Sometime between 28 January and 3 February 2014, I decided to visit the [Euromaidan protests] in Kyiv to see what the situation was and to meet people who shared my anti-Russian views. In Kyiv, I stayed in an apartment with my friend [M.S.].

Upon my return to Simferopol, I just spent a few days at home, doing nothing.

On 23 February 2014 ... I met [S.Ye.], who actively promoted anti-Russian views ...

Together with [S.Ye.], we attended the [pro-Ukraine] rally held on 8 March 2014 ...

At this event, I became acquainted with Gennady, whose last name I cannot now recall. He also expressed anti-Russian views and tried to participate in various events. ...

After that, we exchanged mobile phone numbers and met several times. At one of the meetings, he gave me three lightweight gas masks, as well as cans containing a chemical substance unknown to me.

After the referendum on the accession of the Autonomous Republic of Crimea to the Russian Federation of 16 March 2014, Gennady called me to set up a meeting ...

The meeting was attended by the people actively opposing the accession of the Autonomous Republic of Crimea to the Russian Federation. At the meeting, Gennady actively urged [the audience] not to abandon the struggle and to continue to use various means to ensure that the authorities of the Russian Federation would decide that the Republic of Crimea should leave the Russian Federation.

During the meeting, Gennady asked everyone whether they knew any pyrotechnic experts. I told Gennady that I had a friend [Mr A.P.], nicknamed 'Penguin'.

Having heard this, Gennady spoke of the need to manufacture an improvised explosive device to explode the monument to Lenin and gave me 200 hryvnias to buy the necessary components.

Also at this meeting, I met Oleg, who also expressed his sincere concern about the accession of the Autonomous Republic of Crimea to the Russian Federation. ...

After receiving this instruction from him, after some time I contacted [Mr A.P.] and asked him to make an IED to explode the monument to Lenin. While [Mr A.P.] was making it, I was constantly in touch with Gennady and Oleg, who were interested in the preparation process and deadlines.

During a telephone call around 5 May 2014, Oleg and Gennady set me the task of manufacturing a second IED to explode the Eternal Flame memorial. According to their plan, both explosions were to be held on the eve of the Victory Day.

Having contacted [Mr A.P.], I told him that he needed to make a second IED in the shortest possible time. Having tested the mechanisms made by [Mr A.P.] on my instructions, we agreed that he would hide two IEDs in a niche on a bridge located not far from my house.

On 9 May, after I had removed two IEDs from the niche, I was approached by FSB officers.

I am ready to continue my testimony during subsequent interrogations."

861. The report on the search of Mr Cherniy's home drawn up on 10 May 2014 stated that items had been found which, according to the explanations of an expert, were improvised explosive devices built from watches. An inscription with the text "Glory to Ukraine, Glory to heroes" had also been found.

(f) Documents concerning attempts to render consular assistance to Mr Sentsov, Mr Kolchenko, Mr Afanasiev and Mr Cherniy

862. A letter of May 2014 from the governor of the Lefortovo SIZO to the Embassy of Ukraine to Russia read as follows:

"Your request to organise a meeting with the Ukrainian national Mr O. Sentsov in [the Lefortovo SIZO] has been examined.

We inform you that the Ukrainian national Mr O. Sentsov is not detained in [the Lefortovo SIZO]."

863. By letters of 23 and 29 May, 25 July and 18 August 2014, the Embassy of Ukraine to Russia requested the governor of the Lefortovo SIZO and the FSB to ensure consular access to Mr Sentsov, Mr Kolchenko, Mr Afanasiev and Mr Cherniy pursuant to Articles 13 and 14 of the Consular Convention between Ukraine and the Russian Federation 1993 (see paragraph 61 above).

864. A letter of 20 July 2014 from the Embassy of Ukraine to Russia to the Russian MFA read, in so far as relevant, as follows:

"Despite repeated appeals from the Embassy in order to obtain permission for the Ukrainian consul to meet with the Ukrainian nationals Mr Sentsov, Mr Cherniy, Mr Afanasiev and Mr Kolchenko, being held in [the Lefortovo SIZO] in Moscow, permission by the Russian authorities for a consular officer of the Embassy to meet with these Ukrainian nationals has not been provided to date, which is a gross violation of the provisions of Article 13 § 2 of the Consular Convention between Ukraine and the Russian Federation, in accordance with which the competent authorities of the host State must immediately, and in any event no later than four days after the detention of a national of the accredited State, ensure the realisation of the right of a consular officer to visit such a national and to render him the requisite legal assistance."

865. A letter of 26 September 2014 from the Ukrainian MFA to the Prosecutor General's Office of Ukraine read, in particular, as follows:

"As regards the request to provide information on the case of the Ukrainian citizens Mr Sentsov, Mr Kolchenko, Mr Cherniy and Mr Afanasiev, who were arrested by the FSB of the Russian Federation in the Autonomous Republic of Crimea, we inform you as follows.

According to the available information, all the above-mentioned citizens were arrested in the city of Simferopol in May 2014. The criminal case pending against the detained persons was opened on 9 May 2014 by the so-called 'investigative department of the Department of the FSB of the Russian Federation in the Republic of Crimea and the city of Sevastopol'.

On 24 May [2014] the above-mentioned Ukrainian citizens were transferred from the city of Sevastopol to the city of Moscow, where they have been detained ever since in [the Lefortovo SIZO].

Despite numerous requests to the Russian party to allow visits of the detainees by consular staff of the consular service of the Embassy of Ukraine to the Russian Federation, permission to meet with the detainees has not been given, in breach of Article 14 of [the 1993 Consular Convention].

Moreover, on 22 September 2014 the Embassy received a note from the Russian MFA regarding the Ukrainian consular staff's access to Mr Sentsov, Mr Kolchenko and Mr Afanasiev because the Russian party considers them citizens of the Russian Federation. Permission to visit Mr Cherniy has not been granted either. ..."

(g) Documents concerning attempts to secure the transfer of Mr Sentsov and Mr Kolchenko to Ukraine

866. By a letter of 7 October 2016 the Russian MFA informed the Ukrainian MFA that the request to transfer Mr Sentsov to Ukraine had been denied. The letter read, in so far as relevant, as follows:

> "Pursuant to section 6(1) of [the Citizenship of the Russian Federation Act, No. 62-FZ of 31 May 2002], which provides that a national of the Russian Federation who also has a different nationality is considered by the Russian Federation to be a national of the Russian Federation alone unless an international treaty [to which Russia is a State party] or federal law provides otherwise, owing to the absence of an international treaty regulating issues of dual nationality between Russia and Ukraine, and also owing to the fact that O.G. Sentsov is a Russian citizen, the transfer to Ukraine of this convicted person in accordance with the 1983 Convention on the Transfer of Sentenced Persons is not possible."

867. By a letter of 9 January 2017 the Russian MFA informed the Ukrainian MFA that the request to transfer Mr Sentsov and Mr Kolchenko to Ukraine had been denied. The letter read, in so far as relevant, as follows:

> "It has established that A A. Kolchenko and O.G. Sentsov are citizens of the Russian Federation pursuant to section 4(1) of Federal Constitutional Law No. 6-FCL of 21 March 2014 on the accession to the Russian Federation of the Republic of Crimea and the establishment of new constituent entities within the Russian Federation, the Republic of Crimea and the city of federal importance of Sevastopol. They also permanently reside in the territory of the Russian Federation.
>
> Pursuant to Article 6 § 3 of the 1997 European Convention on Nationality, to which the Russian Federation is a party, each State Party is to provide in its domestic law for the possibility of the naturalisation of persons who are lawfully and habitually resident on its territory.
>
> Pursuant to section 6(1) of [the Citizenship of the Russian Federation Act, no. 62-FZ of 31 May 2002], a national of the Russian Federation who also holds a different nationality is considered by the Russian Federation to be a national of the Russian Federation alone, unless an international agreement [entered into by] the Russian Federation or its federal law specify otherwise.
>
> Given that there is no international agreement between the Russian Federation and Ukraine regulating issues of dual nationality, and in view of the fact that A.A. Kolchenko and O.G. Sentsov are Russian citizens, the Russian State party sees no reason for their transfer to Ukraine to continue serving their sentence."

(h) Information reported by NGOs

(i) "The Memorial Human Rights Centre considers Oleg Sentsov, Alexander Kolchenko and Gennady Afanasyev political prisoners", memorialhrc.org

868. Memorial HRC's profile of Mr Sentsov, Mr Kolchenko and Mr Afanasiev read as follows, in so far as relevant (original in English):

> "On August 25 the [the North Caucasus Circuit Military Court] sentenced Crimean activists: film director Oleg Sentsov received 20 years of strict regime, and anti-fascist Alexander Kolchenko 10 years.

Previously two other defendants were sentenced in this case: Gennady Afanasyev and Alexei Chirny – both [pleaded] guilty and received seven years in a strict-regime colony."

869. The profile continued as follows:

"The essence of the case

The investigation and trial listed all four as members of a terrorist group. The organisation's deeds included the night-time arson of the office of the Russian [Community] of Crimea (April 14, 2014) and the regional branch of United Russia (April 18, 2014). No one was hurt in the arsons: in one case a door burned down, and in the other a kitchen, but both were deemed terrorist acts.

According to the FSB, the group was planning to blow up a Lenin statue on the night of May 9, 2014, which was also considered a potential terrorist act, and they tried to acquire explosives for this.

Chirny actually tried to acquire a bomb, while [Mr A.P.], from whom he asked for help, wrote a statement for the FSB and helped the law-enforcement bodies to conduct surveillance while he provided Chirny with dummy explosives. When Chirny took the dummy explosives out of the hiding place he was arrested."

870. The circumstances under which incriminating pre-trial statements had been made were described as follows:

"Later [Mr Cherniy] gave evidence as part of his confession and named Sentsov as the leader of the group. Subsequently he told the Ukrainian consul that he was subjected to beatings and threats during his arrest. Gennady Afanasyev was the next person to be arrested, and he also signed a confession and gave evidence against Sentsov.

On July 31, 2015 in a hearing in the case of Sentsov and Kolchenko, Gennady Afanasyev renounced his testimony, saying that he had given it under pressure. Later he told lawyer [P.] that after his arrest he was subjected to a beating, torture (had a gas mask forced on him, an electric shock, sleep deprivation) and threats, and that this had forced him to incriminate Sentsov and himself partly.

Sentsov himself also said that he was subjected to torture. According to him, he was abducted in Simferopol a day before his official arrest, on May 10, 2014, beaten, suffocated with a plastic bag, stripped naked and threatened with being raped with a truncheon. Marks from beatings were noted three weeks later. As Sentsov asserts, FSB investigator [A.B.] proposed that he should plead guilty and get seven years in a colony, and after his refusal said that he would be charged as the leader of the group and would get 20 years."

871. As regards Mr Sentsov, the publication read as follows:

"Sentsov did not participate in the arsons or in the preparations to blow up the statue, but was found guilty of these actions only because he was supposedly the leader of a criminal group who gave orders to its members. The only confirmation of these orders was the testimony of Chirny and Afanasyev.

The court ignored the fact that Afanasyev publicly renounced his testimony.

Chirny confirmed the testimony he gave to the investigation. However, we find that Chirny's testimony contains signs of falsification: for example, on May 9 he asserts that the idea to blow up the Lenin statue was put forward by Afanasyev, but the next day that it was Sentsov. A video from a hidden camera containing the conversations of

Chirny and [Mr A.P.] fundamentally refutes the theory of the existence of a terrorist group that was involved in the arsons and in the preparations to blow up the statue. Chirny repeatedly says that he is making the improvised explosive device at his own initiative and planning the explosion with specific people who were not suspected or charged in the case.

We consider that Sentsov's guilt has not been proven and that he should be fully acquitted."

872. As regards Mr Kolchenko, the publication read as follows:

"[Mr Kolchenko] does not deny that he participated in the arson, but specifically kept watch on the street while Chirny and [Mr N.B.] (wanted) set fire to the building. At the same time Kolchenko did not admit his guilt, considering that his actions were not terrorism.

We agree with Kolchenko's position. The arson was committed at night, and the participants knew there was no one in the office. At the same time they made no demands. In recent years offices of the United Russia party in various regions of Russia have repeatedly been the target of arson attacks, sometimes in similar circumstances, but the prosecutions are usually carried out under part 2, article 167 of the Criminal Code (Arson, up to five years in prison) or under article 213 (Hooliganism, up to seven years in prison). Thus, Kolchenko's prosecution was not commensurate either with the damage done, or with standard Russian practice. We find the charge against Kolchenko of participating in a terrorist group to be baseless, since he only participated in an illegal action once with the other defendants."

873. As regards Mr Afanasiev, the publication read as follows:

"Initially [Mr Afanasyev] fully admitted his guilt and made a deal with the investigators.

After publicly talking about torture being used against him, he explained to his lawyer that he did participate in the arsons, but he had nothing to do with the acquisition of the bomb. Having studied the case, we came to a similar conclusion: the recording of the conversations of Chirny and [Mr A.P.] indicates that Afanasyev was not involved in preparations to blow up the Lenin statue. We believe that the FSB forced Afanasyev to incriminate himself in this episode in order to construct the theory about a terrorist group.

As in the case of Kolchenko, we believe that qualifying the arsons as terrorist acts is excessive. Afanasyev himself now talks about the fact that his motives were hooliganism, not terrorism.

We note that after Afanasyev's public statements that he incriminated Sentsov and Kolchenko under torture, he was placed in real danger."

874. The following observations were made under the subheading "The circumstances associated with the occupation of Crimea":

"The case is being investigated with large-scale violations of human rights and international law. From the point of view of international law, Russia has carried out an occupation of Crimea. In this case, according to IV of the Geneva Convention, the removal of the civilian population from an occupied territory is forbidden: people who are accused of subversive acts against the occupying power must be held on the occupied territory during the investigation, trial and imprisonment.

Forcibly changing the citizenship of Sentsov and Kolchenko from Ukrainian to Russian is also unprecedented.

A number of factors let us know that this case has an obvious political subtext. One of them is the constant inappropriate reference to Right Sector. The investigation has no real information providing evidence that the defendants in the case have any connection with that organisation. We believe that the real motive for the obsessive inclusion of Right Sector in the charges is to create a primitive media image of a nationalist threat in Crimea.

We demand the immediate and unconditional release of Oleg Sentsov, his complete rehabilitation and a thorough investigation into his statements about torture by the FSB.

We also demand an investigation into Gennady Afanasyev's statements about torture and that his safety be guaranteed. The cases of Gennady Afanasyev and Alexander Kolchenko should be re-examined and their real actions qualified correctly. At the same time, the investigation should stop giving Kolchenko Russian citizenship against his will and return him to Crimea, in accordance with international law."

875. As regards Mr Cherniy, the following was observed:

"We did not find it possible to recognise Alexei Chirny as a political prisoner, but we draw attention to the fact that he, like the other Crimeans, was transported out of Crimea illegally, and there are serious grounds to suspect that he was subjected to violence on the part of employees of the FSB, and political tendencies can be seen in the qualification of his actions."

(ii) Profile of Mr Sentsov published on the website letmypeoplego.org.ua

876. A dedicated page on the above-mentioned website reported information about Mr Sentsov, which read, in particular, as follows (original in English):

"Exculpatory evidence

- All the witnesses for the state prosecution were biased. They were people who either had a criminal record and, therefore, were dependent on the investigation, or voluntarily decided to collaborate with the FSB, or belonged to the so-called secret witnesses, who were likely to be FSB officers.

- The 'evidence' of Sentsov's 'guilt' consisted exclusively of the 'testimonies' obtained from Oleksiy Cherniy and Hennadii Afanasiev under torture. On the Sentsov and Kolchenko trial, Afanasiev renounced his false 'testimony'.

- The allegation concerning the very existence of the 'Crimean terrorist group' was fallacious. None of the defendants questioned in the case told anything about the membership of the 'group' or its structure. There was also no consistent evidence concerning the size of the 'group.' The defendants had not even been familiar with each other. Kolchenko maintained that he had not personally known Sentsov, while Sentsov said that he had not been acquainted with Kolchenko.

- It became clear during the trial that the story of the arson had been an FSB provocation. It was conceived as a pretext for the criminal prosecution of the Crimean anti-occupation resistance activists, who were depicted as 'terrorists from the Right Sector.' In particular, the FSB was said to have learned of Cherniy's intention to set fire to the offices of the 'Russian Community of Crimea' and 'United Russia' as early as

11 and 14 April 2014, respectively. Yet, strikingly, the enforcement agencies did nothing to prevent the arson.

Torture

Sentsov's lawyer revealed the information on the torture used against her client back in June 2014.

On August 6, 2015, in the course of the trial, Sentsov described the torture applied to him in detail:

They beat me with their hands, feet, and special means, while I was standing, lying, and sitting. It was hard to keep sitting on a chair when being beaten with a club. They choked me with a bag and threatened to rape me with a club.

Nonetheless, in October 2014, Russia's Investigative Committee refused to bring an action in view of the fact of torture. Moreover, as far as Sentsov's injury was documented, the resolution on the refusal stated that the prisoner had allegedly been 'keen on sadomasochism, and the injuries on his back had been inflicted by some female partner shortly before the arrest.'

(iii) Profile of Mr Kolchenko published on the website letmypeoplego.org.ua

877. A dedicated page on the above-mentioned website reported information about Mr Kolchenko, which read, in particular, as follows (original in English):

"On May 23, 2014, the Crimean anti-occupation resistance activist Oleksandr Kolchenko and the other defendants in the 'Crimean Four case' were transported from the Russian-annexed peninsula, where they were captured, to the Lefortovo remand jail in Moscow. The transportation was an illegal act, which violated the international humanitarian law.

The trial of Kolchenko and Sentsov started in the [North Caucasus Circuit] Military Court in Rostov-on-Don on July 21, 2015. The verdict was pronounced in a month, on August 25. Kolchenko was found guilty of 'participation in a terrorist group' and 'committing a terrorist act' and sentenced to 10 years in a tight security colony. Specifically, Kolchenko was incriminated the involvement in an attempt to set fire to the Simferopol office of Putin's party 'United Russia.' The party branch had not yet been registered at the time, and therefore its subsequent recognition as an 'aggrieved party' was groundless. Oleksandr has been denying the accusations of 'terrorism' but has not refuted his participation in the arson. It is worth noting that arsons are typically qualified by Russian judges simply as hooliganism or property damage.

To impute 'terrorism' to Oleksandr was clearly incommensurable with his supposed conduct. During the court sessions, Kolchenko called the arson a symbolic gesture. He said that he 'had no other way to express his stance against the [Russian] military invasion and civil rights abuse in Crimea': 'I was against the war and against violence. My actions were aimed against the 'United Russia' party, which voted for bringing of the armed forces [in Ukraine]'.

The Russian human rights activists consider the attempt at the compulsory change of Sentsov and Kolchenko's citizenship from the Russian to Ukrainian one an unprecedented act of abuse. The compulsion took place despite the fact that both defendants declared themselves Ukrainian nationals and possessed only the passports of Ukraine. Under the pretext of the ascribed Russian citizenship to all Crimea's

permanent residents, Ukrainian consuls were not allowed to visit Sentsov and Kolchenko for a long time.

On September 24, 2015, the Ukrainian President decorated Sentsov and Kolchenko in absentia with the Orders for Courage of the First Class.

On November 24, 2015, the Russian Supreme Court dismissed the appeal of Sentsov and Kolchenko's defence and upheld the sentence earlier passed on them.

At the beginning of March 2016, it became known that, after his long-term confinement in the Rostov remand jail, Oleksandr Kolchenko was transported to the Urals to serve his sentence in penal colony [no.] 6 in the town of Kopeysk, Chelyabinsk [Region]. This colony has got a bad reputation of the facility where convicts have been subjected to torture.

At the end of the same month, the defense announced the appeal for cassation in the Sentsov and Kolchenko case.

The Russian Human Rights Centre 'Memorial' recognized Sentsov, Kolchenko, and Hennadii Afanasiev as political prisoners.

All the witnesses for the state prosecution were biased. They were people who either had a criminal record and, therefore, were dependent on the investigation, or voluntarily decided to collaborate with the FSB, or belonged to the so-called secret witnesses, who were likely to be FSB officers.

- The 'evidence' of Kolchenko's 'guilt' consisted exclusively of the 'testimonies' obtained from Oleksiy Chyrniy and Hennadii Afanasiev under torture. On the Sentsov and Kolchenko trial, Afanasiev renounced his false 'testimony.'

- The allegation concerning the very existence of the 'Crimean terrorist group' was fallacious. None of the defendants questioned in the case told anything about the membership of the 'group' or its structure. There was also no consistent evidence concerning the size of the 'group.' The defendants had not even been familiar with each other. Kolchenko maintained that he had not personally known Sentsov, while Sentsov said that he had not been acquainted with Kolchenko.

- It became clear during the trial that the story of the arson had been an FSB provocation. It was conceived as a pretext for the criminal prosecution of the Crimean anti-occupation resistance activists, who were depicted as 'terrorists from the Right Sector.' In particular, the FSB was said to have learned of Chyrniy's intention to set fire to the offices of the 'Russian Community of the Crimea' and 'United Russia' as early as April 11 and 14, 2014, respectively. Yet, strikingly, the enforcement agencies did nothing to prevent the arson.

- The investigation authorities stated that Kolchenko was a member of the Right Sector. This sounds absurdly given that he adhered to anarchist views. Oleksandr used to be a member of left-wing communities and took part in their actions in Crimea many times.

Tortures and pressure

Oleksandr Kolchenko described the tortures used against him as follows:

'*After the arrest, they beat me on my face and body. I do not confirm the evidence I gave during the investigation. The [court-appointed] lawyer deceived me then about the articles [of the Criminal Code] I was charged under. I have not complained about the violence [earlier] because, when I became aware of the torture applied to Oleg*

[Sentsov], I decided that the pressure on me was insignificant and that it would be unworthy to complain.'

The pressure on Kolchenko is still in progress after his conviction and transportation to the colony in Chelyabinsk Oblast. In particular, right after his arrival in the colony, he was placed in the penal ward for fifteen days under the pretext that he used slang and did not comply with the rules of prison uniform."

(iv) Profile of Mr Cherniy published on the website letmypeoplego.org.ua

878. A dedicated page on the above-mentioned website reported information about Mr Cherniy, which read, in particular, as follows (original in English):

"Oleksiy Chyrniy is the fourth defendant in the so-called Crimean Four 'terrorist case' (along with Oleg Sentsov, Oleksandr Kolchenko, and Hennadii Afanasiev), and the one who is often forgotten. His situation has differed from that of the other three because he had acknowledged his guilt on trial and later not refuted the 'evidence' given under torture. The case of Chyrniy, like that of Afanasiev, was allotted for separate proceedings and heard in special order.

Oleksiy was ascribed the Russian citizenship against his will and denied a meeting with a Ukrainian consul, in spite of the diplomatic pressure. Thus, he spent nine months in complete isolation. Chyrniy himself was stressing his Ukrainian citizenship from the very beginning of his misadventure. His first meeting with Ukrainian Consul Hennadii Breskalenko took place as late as February 3, 2015, in Lefortovo remand jail. During the meeting, Chyrniy stated that he had been subjected to torture after his capture in May 2014. He said he had been beaten in his head and other parts of his body to make him 'confess' to his involvement in the offense.

During the trial, his lawyer [I.N.] argued that there are signs of torture on Chyrniy's body. This torture, [I.N.] stated, had led to the false confession of his client. But the defendant, apparently wary of reprisal on the part of 'law enforcers,' did not cancel the pretrial agreement, which implied the 'avowal.' [I.N.] describes that situation as follows:

The trial in the case of Oleksiy Chyrniy started. I immediately expressed my confidence that he had slandered himself and others under the pressure of the investigative authorities. Oleksiy does not want to break an agreement with the investigative authorities because he is afraid of the consequences. He realizes that he will probably get from 7 to 10 years [in prison] as it had earlier happened to Afanasiev. We had arranged that I would present my position but he would not support it and ask the court to hear the case today rather than return it to the prosecutor's office... Chyrniy is not a hero: he feels defenseless and does not believe that Ukraine can help him.

As a result, the prosecution succeeded in debarring of the lawyer from the defense because of the conflict of positions. It should be noted that the Russian law considers the inconsistency between the positions of the defender and the defendant in the only case, that is the use of illegal methods of inquest and investigation.

In his last plea on trial, Chyrniy admitted his 'guilt' but denied the qualification of his conduct as 'terrorist activity.'

Oleksiy was charged with the participation in a 'terrorist group,' 'terrorist activity' related to the plotted arson of the 'United Russia' party office, and alleged preparation for the explosion of the Lenin monument and the Eternal Flame memorial in

Simferopol. On April 21, 2015, the [North Caucasus Circuit] Military Court in Rostov-on-Don pronounced a verdict on Chyrniy. It found him guilty of 'terrorism' and preparation for a 'terrorist act.'

The case of Chyrniy did not receive international publicity. Besides, he was deprived of support from his family and friends.

Exculpatory evidence

- All the defendants in the Crimean Four case state that they were tortured to make them 'confess.'

- All the witnesses for the state prosecution were biased. They were people who either had a criminal record and, therefore, were dependent on the investigation, or voluntarily decided to collaborate with the FSB (Russia's Federal Security Service), or belonged to the so-called secret witnesses, who were likely to be FSB officers.

- The allegation concerning the very existence of the 'Crimean terrorist group' was fallacious. None of the defendants questioned in the case told anything about the membership of the 'group' or its structure. There was also no consistent evidence concerning the size of the 'group.'

- During the trial, it became clear that the story of the arson had been an FSB provocation. It was conceived as a pretext for the criminal prosecution of the Crimean anti-occupation resistance activists, who were depicted as 'terrorists from the Right Sector.' In particular, the FSB was said to have learned of Chyrniy's intention to set fire to the offices of the 'Russian Community of the Crimea' and 'United Russia' as early as April 11 and 14, 2014, respectively. Yet, strikingly, the enforcement agencies did nothing to prevent the arson.

- Oleksiy Chyrniy was tortured both right after his arrest and later, during the investigation. He was placed to a mental hospital where he most probably was made to take psychotropics.

Torture

During his long-awaited meeting with the Ukrainian consul, Oleksiy Chiyrniy confirmed that he was subject to torture in Russian custody. In April 2015, the lawyer [I.N.] made an official statement that his client had suffered from torture, which had led to his false confession. However, because Oleksiy became a 'trump card' of the investigative authorities used to beat all the 'Crimean Four,' there is only scarce information concerning his condition and the effects his misfortune has had on his health.

It is known that in July 2014, Chyrniy was held at the Moscow Serbsky Center for Social and Forensic Psychiatry where he could be made to take psychotropic drugs. Next month, he was transferred to the psychiatric department of the infamous Moscow Butyrka jail. The place, widely known under the nickname *Koshkin Dom* ('Cat's House'), has a bad reputation among prisoners. There is a well-grounded suspicion that Chyrniy could suffer from psychotropics in this facility, too. Here is what the Russian human rights activist [Z.S.] tells about her meeting with Chyrniy:

When I first saw him in Koshkin Dom, he looked strangely overinhibited. He could hardly understand what he was asked about. He told that he felt 'like his mind was befogged' and told things like 'this is the end of my life because there is no future, there is no more the country I used to live in.'"

(i) The 2015 Report of the High Commissioner for Human Rights in the Russian Federation, published in 2016 (Moscow)

879. The report described as follows the conditions of detention in the Simferopol SIZO:

> "In particular, in December 2015, in the only pre-trial detention centre of Simferopol, with a maximum capacity of 817 people there were 1,532 detainees (187%); among them there were 7 convicts who kept the citizenship of Ukraine and requested their extradition to serve their sentence in that country.
>
> Despite the measures taken (parole, amnesty for the year 2015, a differentiated approach to using pre-trial detention as a preventive measure), there is a continuous trend of population growth in the mentioned facility.
>
> For the entire period of use of the SIZO building (1991-2014), the State Prison Service of Ukraine had not taken the necessary measures to bring the buildings and structures of the pre-trial detention centre into line with basic requirements for holding detainees in them. The SIZO building is in a dangerous condition and not suitable for detention of people and investigative measures, and it is, in fact, a place of mass human rights violations.
>
> Moreover, there are problems with the provision of medical assistance to accused and convicted persons, and a lack of medical personnel; a significant part of the medical equipment has fully exhausted its resources and is not working.
>
> The electrical, plumbing and heating systems, as well as sewerage system, are in an emergency condition in the facility. The cells have no supply-and-exhaust ventilation. Immediate replacement and installation of additional sanitary and technical equipment, communication systems, automatic fire alarms and electrical wiring is required. In a number of cells and in the punishment cells conditions nearly amount to torture. Punishment cells are located in the semi-basement and are unsuitable for detention. Elementary health and anti-epidemic requirements are not observed. In some cells, near the pipeline, there are twisted old, insufficiently insulated wirings covered with condensate that may cause electric shock. Punishment cells are plastered with rough coating, which has not been used in the Russian Federation for over 20 years.
>
> During the field inspection in Crimea by senior staff of the High Commissioner's Office in December 2015, these facts about SIZO-1 were ascertained and recorded."

(j) Media articles

(i) "Letter from Ukrainian film-maker Oleg Sentsov smuggled out of prison", theguardian.com, 12 September 2016

880. This article noted that Mr Sentsov had said at his trial that he had been beaten up by his interrogators and told to confess, which he had refused to do. The article reproduced in full the first letter that Mr Sentsov had sent out of prison despite severe restrictions on correspondence imposed by the prison authorities (original in English):

> "For three years I've been sitting in a Russian prison. For those three years a war has been conducted against my country. The enemy is fighting like a coward, vilely, pretending he has nothing to do with it. No one believes him now but that doesn't stop him.

War is never pretty but truth is on our side. We attacked no one and are just defending ourselves. However, there are other enemies besides the known, outside ones. They are smaller and on the inside, here, under our skin, almost native. But they aren't supporting us. They are supporting themselves.

Some of them are leftovers from old times, times of poverty and fear. Some desire just to live in the old ways but in a new guise: newly rich and empowered. But it's not going to work out. Each enemy, the larger and the smaller one, has different goals but we are on paths different from the ones they're taking. I'm not going to state: 'we'll see who wins'. I know who will win. The desire for freedom and progress is unstoppable.

There are many of us in captivity in Russia and even more in Donbass. Some have been freed. Others wait and hope. Everyone has their story and their experiences of conditions of detention. Some do PR on behalf of the captives.

Some really get down to work. Becoming a better-known prisoner – to get exchanged for Russian captives in Ukraine – faster than others isn't, however, the way I'd choose.

I don't want to pull a blanket over me. I want to remain just a surname on the list. I doubt I'll be given an offer to leave prison last – but that would've been a good choice all the same. Here, in captivity, we are limited: and not even by freedom – this can no longer be taken – but by being of little help to our country while we're in here. To be more precise, we can do one thing: hold on.

There is no need to pull us out of here at all costs. This wouldn't bring victory any closer. Yet using us as a weapon against the enemy will. You must know: we are not your weak point. If we're supposed to become the nails in the coffin of a tyrant, I'd like to become one of those nails. Just know that this particular one will not bend."

(ii) "Without Any Chance. Afanasiev and Soloshenko on How Russian FSB Breaks Its Captives" pravda.com.ua, 17 June 2016

881. This article, published by the *Ukrainska Pravda* media outlet (see also paragraph 929 below), reproduced the interview of Mr Afanasiev given upon arrival at a Ukrainian hospital as follows, in particular (original in English):

"THIS NEEDS TO BE SAID. PEOPLE NEED TO KNOW WHAT IS HAPPENING. I AM NOT THE ONLY ONE.

On 9 May 2014 I was marching in the Victory Day parade in Simferopol carrying a photo of my great-grandfather.

Afterwards, I went to visit a girl I knew who lived nearby in the city centre. But on the way, I was attacked by plainclothes men with machine guns and pushed into a car. Journalists were standing nearby, filming everything.

In the car, they threw me to the floor, put a bag over my head and drove away. While driving, they beat me in the stomach and head, asked me about different people, threatened me that they were taking me to the forest, that I would dig my own grave.

Eventually, they brought me home - they already knew where I lived. They took the keys to the flat, and just like that, with the bag on my head, they brought me into the flat and threw me on the floor. They searched the flat for something but found nothing. After that, they took me to the FSB [Department] in Crimea, and from there to a temporary detention centre for ten days.

Usually, they hold you there for three days, and then transfer you to a pre-trial detention centre. But I was held for ten days - they needed it.

I did not have a lawyer, but there were a lot of investigators from Moscow and these very big guys from the Caucasus, FSB officers. I was chained to an iron table. At first, they were talking, threatening me, but I didn't say anything.

On the first day, they just beat me. They took me to the second floor, where there were special people and an investigator. They asked me different questions again.

When they realised that I did not know the facts they were interested in, they demanded that I incriminate myself, that I confess to allegedly wanting to blow up the Eternal Flame monument on 9 May.

This is absurd, because I was among the people who went to the monument! I was detained there, and a lot of people saw it.

On this second floor, they put on boxing gloves and hit me on the head with them to avoid bruising. That was the first day.

I was taken to a temporary detention facility for the night. All ten days I was in this place, I was not allowed to sleep, eat, there was not even toilet paper, there was nothing. It was some kind of a basement, very cold.

During the first 5 days, they used... They just put a bag on my head and strangled me... (Gennadiy stops talking, continues after a moment).

This has to be said. People need to know what is happening. Because I'm not the only one. I have seen many such examples: they did this not to everyone, but to those they needed.

Oleksiy Cherniy was brought to my cell, and in front of me he said that I was so-and-so.

We had met before. At the very beginning of the occupation of Crimea, I organised a community that provided medical care for our prisoners who were surrounded. It was in this community that we met Cherniy.

So, Cherniy testified against me and the guys.

It was mental pressure: when a person testifies against you, and the investigators say that you have nowhere to go, nothing to do.

The investigators said I had no chance, 'You will get twenty to twenty-five years. You can confess, and then you will get less'.

I decided that if they testified against me, and it was only about arson, I would sign a confession.

I didn't testify against anyone, I just admitted my guilt.

Then they became interested in Oleksandr Kolchenko and Oleg Sentsov. Cherniy testified against them.

After that, the torture began.

They put a gas mask on my head with a hose, unscrewed the lower valve and sprayed me with a can - I started vomiting, you started choking on it because you were wearing a mask.

When you choke, they would take off the mask, give you a sniff of ammonia, and repeat the process.

Just sign, that's all.

I understood what was [written] there. I saw what was written. But I didn't write it myself, everything was already prepared, the whole text.

Almost at the end, when they demanded to sign a confession, they stripped me, put me on the floor, some people held me down and drove a soldering iron around my body and told me what would happen if the soldering iron got under me.

Most importantly, I have a mother, and they threatened to get to her. It worked...

I am blaming myself, punishing myself now for not being stronger. I retracted my words, but ...

I signed those documents, and I was transported to Moscow. With the same threats, they forced me to appear on television, to say what they wanted. I remembered what they had done to me in the last few days, and I didn't believe that anyone could protect me so that it wouldn't happen again. So I just repeated what they wanted me to say.

They told me, 'This way you will be able to sit quietly in a prison near your home, where it is warm and nice, and if not, you will end up in very bad places'. I believed they could do that.

When human rights activists came to me, I was keeping clear of them. What if I told these people what had happened to me, what would then? I don't know.

AFTER I SAID IN COURT THAT KOLCHENKO AND SENTSOV WERE INNOCENT, SOMETHING CHANGED IN ME - I STOPPED BEING AFRAID

For the whole first year and a half, I had a terrible struggle in my soul because of the testimony against the innocent guys.

I held out until their trial, because I thought that if I incriminated myself, they would make sure that I would not be taken to court at all.

I wanted it to be a surprise at the trial. I waited for it.

I had already decided that it was over. I wrote letters of apology for all my sins to all my friends, to my mother, and went to court.

Immediately after this speech, the FSB operatives in Rostov beat me up. Thankfully, lawyers and human rights defenders appeared and recorded the injuries inflicted on me.

The Russians fulfilled their promise, they took me to a modern Gulag in the Komi Republic, the only penal facility of its kind in Russia. There I was not even in a [penal facility], but in harsh barracks.

I can't explain it to you - those who have not been there will not understand.

And the journey itself was very difficult - it was 40-45 [Celsius] degrees outside, the carriages got so hot that they had to be cooled by a fire truck. There was no water or toilets inside. These are the general conditions for a Russian prisoner. They live like animals, there is no other way to put it.

I was already transported to the [penal facility], where they planted a blade in my belongings.

We went to court, but they refuse to even show me the video from the night, saying, 'It is not relevant to the case'. No witnesses, no defence - they just refuse, that's all. Because of this blade, I was immediately transferred from quarantine to a punishment cell, and then to a high-security barracks.

It's a big barrack, with iron bars running about a metre and a half from the walls, and guards walking behind them. You feel like you're in a zoo, there are people around you, they see you. And next to you, there are 100 people on 150 square metres.

There is no place to sit, no place to lie down, everything is forbidden. This is the first such high-security barracks in all of Russia.

But I complained about the conditions, I complained all the time. You know, after I came to the court and said that Kolchenko and Sentsov were innocent, something changed in me - I stopped being afraid.

But I didn't believe anyone. Even when my lawyer [P.] came to see me, he showed me his [credentials] and passports, because I said, 'I'm not going to talk to you'.

There, in the Komi Republic, I became very ill.

I do not know the diagnosis, they are checking me. There were very large inflammations on my skin that would not go away, they needed to be treated, but no one did [treat them]. So I cut them out. The guys and I tore the sheet, bandaged it, then washed it and bandaged it again. We took some baby cream and applied it - whatever we could.

After a while, they started bringing me pills - antibiotics. But they caused another disease because my stomach was damaged.

These inflammations on my skin would disappear and then reappear in a week or two.

After a while, a phone SIM card was planted in my winter jacket. The jacket was in a separate room that was locked at night. In the morning, I went outside - we had a scheduled search.

When I was returning, I was the only one who was approached and told, 'We have operational information'. They said that you had gone to the hospital for four days before, and when you left, the other prisoners planted a SIM card. Although I was alone in the punishment cell there.

I insisted that the Russian Federation investigators seize this SIM card from the colony, so that they could do billing, print out the text, and see that these were not my conversations. But in the first days they destroyed the card.

I was taken to the town of Mikun, where there is a women's [penal facility] no. 31. The most dangerous [male] criminals are kept in a small room. I was kept in solitary confinement.

For 2 months and 15 days, I was constantly alone, I saw no one at all. There were only books near me.

At first, there were letters. But in the last month, they did not come again, and they did not send mine either, or they started to get lost, as they explained to me, 'Today we had some actions and maybe those people lost them', or 'A woman asked, passed them through her colleagues, and they lost them'.

A year and three months later, I went to Rostov. I went downstairs and they gave me my belongings. Among them were all the letters I had sent to people and all the letters people had sent to me. There was also a book by Taras Shevchenko, and I brought it with me.

Until then, I had only received letters from my mother.

I also received letters from the penal [facility], but not for long - I complained, wrote letters everywhere. Then I was banned from receiving letters, and they stopped coming at all."

(iii) "'I participated in a pro-Ukrainian protest against Russian occupation'. Afanasiev tells his story of what happened to him after that in 2014", hromadskeradio.org, 24 February 2018

882. In this interview with Hromadske Radio, Mr Afanasiev described the ill-treatment to which Russian State agents had subjected him at the time of his arrest and during his detention in Russia, including, in particular, the use of a gas mask and some unknown gas to suffocate him, torture by electric current, and long-term placement in solitary confinement.

9. "Right Sector" cases

(a) Mr Mykola (Nikolai) Dadeu

(i) First-instance judgment concerning Mr Dadeu

883. On 21 May 2018 the Oktyabrsky District Court of Novorossiysk found Mr Dadeu guilty of aiding and abetting a member of a banned "extremist" organisation and sentenced him to one year and six months' imprisonment in a colony-settlement (Article 33 § 5 in conjunction with Article 282.2 § 2 of the CrCRF).

884. The judgment held that in 2015 Mr Dadeu, while living in Mykolaiv, Ukraine, had assisted the "Right Sector" participants in the blockade of Crimea from the Kherson Region, which had been carried out by Ukrainian organisations banned as extremist by the Russian authorities, including "Right Sector". The blockade had consisted in setting up checkpoints, organising patrols and carrying out motor vehicle inspections, and was aimed at stopping food supplies to the population of the peninsula.

The District Court found that at the end of 2014 and the beginning of 2015, Mr Dadeu – a member of the Ukrainian volunteer movement collecting resources to support the units of the Armed Forces of Ukraine in the Donetsk and Luhansk regions, and also various Ukrainian organisations – had become a Facebook user and registered the "UkrVolonterProm" page, on which, from the moment of its creation until 14 May 2016, he had, as an administrator, posted with open access about his volunteer activities and called on others to follow his example. Furthermore, Mr Dadeu had begun to use the page for providing open access to publications calling on the population to assist in the activities of Ukrainian non-governmental organisations, including extremist ones, directed against the legitimate interests of the Russian Federation, by making donations in various forms. Mr Dadeu had been a supporter of the "Right Sector" extremist organisation and was aware of the nature of its activities, especially those aimed at violating the integrity of the Russian Federation, inciting social and national hatred, and violating the

rights, freedoms and legitimate interests of individuals on the grounds of their social, national and linguistic affiliation.

More specifically, Mr Dadeu, by posting on the above-mentioned Facebook page, had on various dates in October 2015 helped an unidentified Ukrainian national who was a member of the "Right Sector" organisation to receive four car tyres and two handheld transceivers as donations for "Right Sector".

885. As regards the issue of jurisdiction, the Oktyabrsky District Court of Novorossiysk observed the following:

> "In accordance with Article 12 § 3 of the [CrCRF], foreign nationals not residing permanently in the Russian Federation who have committed a crime outside the Russian Federation are subject to criminal liability under the Criminal Code of the Russian Federation in cases where the crime is directed against the interests of the Russian Federation, provided that they have not been convicted in a foreign country and are brought to justice in the territory of the Russian Federation.
>
> Pursuant to section 15 of [the Extremist Act 2002], foreign nationals, on an equal footing with citizens of the Russian Federation, are criminally liable for extremist activities regardless of the place of their commission. ..."

886. The Oktyabrsky District Court of Novorossiysk attached weight to Mr Dadeu's pre-trial statement, which was subsequently retracted, and dismissed his allegations that some parts of this statement had been made under duress. The court found that his guilt had been confirmed both by objective witness testimonies and other evidence examined in court. The court further held that the initial statement had been objective since Mr Dadeu had given detailed information about his activities on the territory of Ukraine with the purpose of assisting the "Right Sector" organisation and that his later allegations, denying any involvement in the crime, had been aimed at evading criminal liability. Moreover, the initial statements had been gathered in accordance with the procedure provided for by law, in the presence of a defence lawyer who had not alleged any shortcomings in this respect.

(ii) Statement of appeal

887. Ms M.D., counsel to Mr Dadeu, filed a statement of appeal against the first-instance judgment of 21 May 2018 pointing out that (i) the actions for which Mr Dadeu had been convicted did not constitute the elements of a crime; (ii) the alleged actions had not entailed any public danger; (iii) there had been no convincing evidence to convict him; and (iv) Mr Dadeu had been kept in a metal cage during court hearings on detention measures and trial hearings in breach of Article 3 of the Convention. The statement of appeal further emphasised that neither the identity of the Ukrainian national who had received help following Mr Dadeu's actions nor his involvement with "Right Sector" had been established convincingly. In addition, Mr Dadeu did not belong to that organisation, had not been involved in its activities and did not

share its values, goals and objectives or those of other extremist organisations.

(iii) Profile of Mr Dadeu published by Memorial HRC

888. The profile of Mr Dadeu published by Memorial HRC read, in so far as relevant, as follows (original in English):

> "... Dadeu has been held on remand since 10 July 2017, and effectively deprived of liberty since 13 June 2017.
>
> Memorial Human Rights Centre has examined the materials of Dadeu's case and concludes that, while the activity of Right Sector has been banned by the Russian Supreme Court on the territory of the Russian Federation, Nikolai Dadeu, according to the charges, was a participant in the organisation only on the territory of Ukraine, of which country he is a citizen. In our view, there are no grounds to assert that the activity of Right Sector in Ukraine is aimed at achieving the 'alteration by violence of the foundations of the constitutional order or the violation of the integrity of the Russian Federation, and the undermining of the security of the state'. Nor is there any evidence to support the assertion that Dadeu caused significant damage to the interests of Russia.
>
> In addition, while Article 282.2 of the Russian Criminal Code sets out the formal definition of the offence (to be convicted, it is enough to be a participant in the banned group), according to the Russian Criminal Code to constitute a crime an act must represent a danger to the public, while Dadeu has not been charged with any dangerous actions. It is all the more absurd that, as distinct from other cases, Dadeu has not even been charged with membership of Right Sector but with promoting participation in the organisation of individuals whose identity has not been established.
>
> Furthermore, at the time Dadeu came to live in Russia in 2017 he stopped assisting the banned Right Sector and did not engage in any political activity. In other words, it is clear that Dadeu's case falls under the explanatory note to Article 282.2 of the Russian Criminal Code, according to which a person who voluntarily ends their participation in an extremist organisation, who has not committed any other offences, is not subject to criminal liability.
>
> We have studied the decision of the Supreme Court of the Russian Federation banning Right Sector and in our view the arguments do not withstand criticism. The ban is based on conjecture and unchecked facts, including the fake 'appeal by Dmitry Yarosh to Doku Umarov', the authorship of which Right Sector has denied. We believe that a criminal prosecution cannot be based on a decision of this poor quality.
>
> For these reasons, we argue that Dadeu has been deprived of liberty without having committed any offence. The campaign against Right Sector is one of the 'witch hunts' characteristic of contemporary Russia. It is part of a political campaign directly related to the conflict between Russia and Ukraine."

(b) Mr Oleksandr Shumkov

(i) Notification of arrest

889. On 6 September 2017 an investigator of the Bryansk Regional Department of the Investigative Committee of the Russian Federation informed Mr Shumkov's mother that her son had been arrested on the same day on suspicion of committing a crime under Article 282.2 § 2 of the

CrCRF. The notification pointed out that Mr Shumkov had declared that he was a "contracted member of the Armed Forces of Ukraine".

(ii) "Ukrainian military service person Aleksandr Shumkov is a political prisoner", memohrc.org, 26 April 2018

890. The profile of Mr Shumkov published on the Memorial HRC's website read as follows (original in English):

"Ukrainian military service person Aleksandr Shumkov is a political prisoner. Memorial demands his immediate release.

Aleksandr Shumkov, a Ukrainian citizen from the city of Kherson serving in the Ukrainian armed forces, has been charged with committing a crime under Article 282.2 § 2 of the Russian Criminal Code (taking part in activities of an extremist organisation) on the grounds that, allegedly, he is a member of Right Sector, an organisation banned in Russia.

Shumkov has been formally held on remand since 6 September 2017. However, there is reason to believe that by that time he had already been deprived of liberty on the territory of Bryansk region. It is well-known that the Ukrainian police, in the course of their investigation into the disappearance of Shumkov, established that he had crossed the border with Russia at the Bachevsky checkpoint on 23 August 2017 in a car together with three other persons. At the present time, Ukrainian law enforcement agencies are establishing the identities of the individuals involved in the abduction of Shumkov in case no. 12017230040005547 concerning a suspected crime under Article 146 § 1 of the Ukrainian Criminal Code (unlawful deprivation of liberty or abduction of a person).

The activities of Right Sector have been banned on the territory of Russia by the Supreme Court of the Russian Federation. However, Aleksandr Shumkov, according to the charges, took part in the organisation only on the territory of Ukraine, the country of which he is a citizen. The sole point in the current charges is Shumkov's participation in the Right Sector organisation."

(iii) "A man will appear before a court on charges of participating in activities of an extremist organisation", press release by the Investigative Committee of the Russian Federation, 5 June 2018

891. The Investigative Committee of the Russian Federation published a press release on its website detailing the criminal proceedings against Mr Shumkov under Article 282.2 § 2 of the CrCRF that read, in so far as relevant, as follows:

"... According to investigators, [Mr Shumkov] took an active part in the activities of the Ukrainian extremist organisation 'Right Sector' directed against the interests of the Russian Federation and encroaching on its territorial integrity.

In particular, in September 2015 he participated in blocking the highway, preventing the delivery of food and other vital goods to the Republic of Crimea. Shumkov also took part in a number of actions aimed at intimidating the residents of the Kherson Region who had been protesting against the blockade and calling for the restoration of economic and political relations with Russia.

The significant role of the accused in the activities of the extremist organisation is demonstrated by the fact that for a long time he was the personal bodyguard of its leader.

In August 2017 Shumkov was detained by Russian border guards at the Troyebortnoye checkpoint in the Sevsky District of the Bryansk Region while attempting to enter Russia. Operational support in this criminal case was carried out by officers of the Federal Security Service [the FSB].

The investigation gathered sufficient evidence, on the basis of which the prosecutor has approved the indictment, and the criminal case will be sent to court for consideration on the merits."

(iv) "United States expresses concern over hunger strike of Sentsov, Klykh, Shumkov, Balukh", ukrinform.net, 19 June 2018

892. This article read as follows (original in English):

"The United States is concerned about the growing number of prisoners in Russia on political and religious grounds and expressed concern over the hunger strike of Oleg Sentsov, Stanislav Klykh, Oleksandr Shumkov, and Volodymyr Balukh.

This is stated in an official statement by the U.S. Department of State, an Ukrinform correspondent reported.

'The United States is deeply concerned by the growing number of individuals – now more than 150 – identified by credible human rights organizations as political and religious prisoners held by the Government of the Russian Federation,' the document reads. 'We are especially concerned about the welfare of four Ukrainians unjustly imprisoned who are currently on hunger strike – Oleh Sentsov, Stanislav Klykh, Oleksandr Shumkov, and Volodymyr Balukh...'

The United States called on Russia to release all those identified as political or religious prisoners immediately and cease its use of the legal system to suppress dissent and peaceful religious practice."

(c) Mr Ternovskyy

(i) Report on Mr Ternovskyy's arrest

893. On 12 October 2017 a senior investigator of the Prosecutor's Office of Russia reported by fax to his management that at 12.30 p.m. on that day, while in his office on the premises of the Rostov Regional Department of the Investigative Committee of the Russian Federation, he had arrested Mr Ternovskyy pursuant to Articles 91 and 92 of the CCrPRF.

(ii) Pre-trial detention decisions

894. On 13 October 2017 the Basmannyy District Court of Moscow placed Mr Ternovskyy in pre-trial detention in connection with his participation in the activities of the "Right Sector", an organisation declared extremist in the Russian Federation, under Article 282.2 § 2 of the CrCRF, referring to the fact that the suspect was a foreign national, to the gravity of the charges, and to the risk of absconding. The District Court noted that criminal proceedings had been instituted against him that on 11 October 2017 and that, on the same day, those proceedings were joined to earlier proceedings initiated in 2016 against the leaders of the organisation. The

District Court found that the decision to arrest Mr Ternovskyy had been lawful, reasonable and well founded.

895. On 8 December 2017 the Basmannyy District Court of Moscow extended Mr Ternovskyy's pre-trial detention until 30 March 2018.

(iii) Records of questioning as a suspect

896. On 12 October 2017 an investigator of the Rostov Regional Department of the Investigative Committee of the Russian Federation interviewed Mr Ternovskyy According to the record of the questioning of a suspect, Mr Ternovskyy admitted having joined the "Right Sector" organisation in 2015 and still being a member. He had held several positions, among them deputy head of the information department of the "Ararat battalion", the organisation's combat wing, and later that of head of inventory and logistics management of "Right Sector" in Kharkiv. His operational duties were fundraising, disseminating information about "Right Sector" on Facebook, and providing items with logos for its members. He had taken part in the organisation of demonstrations, protests and other public events of "Right Sector".

897. During additional questioning as a suspect on 14 February 2018, Mr Ternovskyy stated that he had visited the territory controlled by the "DPR" and "LPR" in 2014 as he had needed to renew his residence documents. He had communicated with the members of "LPR" at that time, but he was not a member of the "LPR" militia.

(iv) Witness interview records

898. The record of a witness interview with A.V.V. on 12 October 2017 indicated that the witness had been a member of the "LPR" militia and that he had seen Mr Ternovskyy in the Luhansk Region together with leaders of the battalions of the "LPR" in 2015. He believed that Mr Ternovskyy was in an administrative position in the government structures of the "LPR". The witness's father, who himself had been a member of the "LPR" militia, had seen a video of Mr Ternovskyy on YouTube (showing Mr Ternovskyy among Ukrainian fighters of "Right Sector" waving its flag) and confirmed that the latter had been a member of the militia. The witness knew of people who had switched sides from the "LPR" militia to join the voluntary battalions, including the "Right Sector" organisation, and thought Mr Ternovskyy to be one of them.

899. The record of a witness interview with V.V.V., A.V.V.'s father, on 12 October 2017 specified that, in 2016, his son had shown him a video of a man waving the "Right Sector" flag while standing among Ukrainian fighters. The witness remembered this man from the "LPR" militia but mentioned that he did not remember exactly where and when he had seen him. He added that his son had informed him that this man was Roman Ternovskyy and that the

latter had joined "Right Sector". This was later confirmed in 2017, when his son had discovered Mr Ternovskyy's Facebook page which contained photographs and material relating to "Right Sector".

900. On 31 January 2018 Ms M., Mr Ternovskyy's life partner and the mother to one of his children, was questioned as a witness. Ms M. confirmed that Mr Ternovskyy had lived in Ukraine from December 2014 to December 2016, and that she had first learned of his involvement with the "Right Sector" organisation in 2016. In September 2016, when she had visited him in Ukraine, she had seen red and black business cards of the "Right Sector" organisation bearing her partner's name. In December 2016 Mr Ternovskyy had returned to Rostov-on-Don to the family home.

(v) Articles and publications

(α) Press release by the Investigative Committee of the Russian Federation, 18 October 2017

901. The Investigative Committee of the Russian Federation published on its official website a press release reading, in particular, as follows:

> "It has been established that Ternovskyy as a 'Right Sector' member repeatedly took part in assemblies, rallies and other public events in the territory of Ukraine. In addition, using an account on the Facebook social network, Ternovskyy promoted the 'Right Sector' organisation among internet users, including persons permanently residing in the territory of the Russian Federation.
>
> The above actions of Ternovskyy were directed against the interests of the Russian Federation and are classified by the investigation under Article 282.2 § 2 of the [CrCRF], which establishes criminal liability for participation in the activities of an extremist organisation.
>
> During a search of the suspect's home in Rostov-on-Don clothes and other personal belongings with symbols of the 'Right Sector' organisation have been found.
>
> At the request of the investigation, a court placed Ternovskyy in pre-trial detention.
>
> Work to identify and prosecute the leaders and members of the 'Right Sector' organisation is ongoing."

(β) "The Ministry of Foreign Affairs of Ukraine sent a note to Russia in connection with the arrest of Ternovskyy", Gordonua.com, 18 October 2017

902. On 18 October 2017 a news item was published by the gordonua.com media outlet that read as follows:

> "The official authorities of the Russian Federation have informed Ukrainian diplomats about the arrest in the Rostov Region of Roman Ternovskyy, who is suspected of participation in the activities of the 'Right Sector', said the head of the Department of Consular Service of the Ministry of Foreign Affairs of Ukraine [V.K.].
>
> The Ministry of Foreign Affairs of Ukraine learned about the arrest of a Ukrainian, Roman Ternovskyy, in the Rostov Region from the message of the Investigative Committee of Russia; the authorities of that country did not inform Ukrainian diplomats about the event through official channels. ...

‘The prompt actions of the consuls, who clarified the information under what circumstances and for what reason this citizen of Ukraine was detained, have not yet yielded results. By these actions, I mean telephone conversations with representatives of the Investigative Committee. At the same time, the Consulate General of Ukraine in Rostov-on-Don today sent a note to the competent authorities of the Russian Federation with the requirement to immediately inform them about the reasons for the detention and its location, and to provide the Consul with permission to visit him’, said [V.K.].

On 18 October [2017] the Investigative Committee of Russia reported on the detention in the Rostov Region of a Ukrainian, Roman Ternovskyy, who is allegedly involved in the activities of ‘Right Sector’, declared an extremist organisation in Russia.”

(γ) “The Right Sector: the Ukrainian arrested in Russia was a supporter of the [Right Sector] but the contact with him has been lost for a year”, radiosvoboda.org, 18 October 2017

903. This article, published on the website of Radio Svoboda, read as follows:

“[A representative of] ‘Right Sector’ claimed that Roman Ternovskyy, arrested in Russia on charges of involvement in the organisation, used to be a supporter of ‘Right Sector’ but added that there had been no contact with him for over a year. In addition, ‘Right Sector’ claimed that they did not know how Ternovskyy came to Russia.

‘That what I was able to find out: the Ukrainian arrested in Russia had supported [‘Right Sector’] but contact with him had been lost.

‘What I found out: about two years ago, he was our Kharkiv supporter, was what is called a fan. As far as I know, he was not a member of the party, but he helped and was a supporter. For about a year there was no contact with him, he did not communicate with us, and how he came to Russia or what he was doing is unknown to us,’ [A.S.], press officer of the ‘Right Sector’, told Radio Svoboda, adding that he personally does not know Ternovskyy.

He condemned the arrest of a Ukrainian citizen in Russia.

‘We see that this shameful practice of detention of Ukrainians in Russia continues. It is not important whether he was a member of “Right Sector” or not, whether he helped “Right Sector” or not, he is a citizen of Ukraine, and what he considered necessary to do, he did in Ukraine, not in Russia’, said the spokesperson for ‘Right Sector’.

On 18 October [2017] the Investigative Committee of Russia reported on the arrest of a citizen of Ukraine, Roman Ternovskyy, in a joint operation with the FSB on charges of involvement in the activities of ‘Right Sector’, banned as an extremist organisation in Russia.

According to the Investigative Committee, items of clothing and other personal belongings with the symbols of the organisation ‘Right Sector’ had been found at the suspect’s home in Rostov-on Don.

At the request of the Russian investigation, a court decided to detain Ternovskyy pending trial. ...”

(δ) Press release by the Investigative Committee of the Russian Federation, sledcom.ru, 15 June 2018

904. The press release published by the Investigative Committee of the Russian Federation on its official website read as follows:

"The Main Investigative Department of the Investigative Committee of the Russian Federation completed the investigation of the criminal case against a citizen of Ukraine Roman Ternovskyy, involved in the activities of the extremist organisation 'Right Sector', banned in the territory of the Russian Federation by a decision of the Supreme Court of the Russian Federation (Article 282.2 § 2 of the [CrCRF]).

According to investigators, in 2015-16 in Ukraine Ternovskyy was engaged in the organisation of production and distribution of merchandise with the symbols of 'Right Sector', and also took part in public actions against the interests of the Russian Federation.

In particular, on 15 February 2016, near the 'Goptovka' checkpoint on the Russian-Ukrainian border in the Kharkiv Region, in violation of the existing agreements on friendship, cooperation, partnership, and on the smooth transit of transport between Russia and Ukraine, Ternovskyy participated in the 'Bears' blockade' organised by, among others, representatives of 'Right Sector', which was aimed at illegally blocking the passage of Russian trucks through the territory of Ukraine with a view to causing pecuniary and reputational damage to the Russian Federation in its foreign economic relations.

On 12 June 2016 Ternovskyy and other members of the organisation carried out a similar deliberate action to prevent and disrupt the events in honour of Russia Day in the Consulate General of the Russian Federation in Kharkiv.

Among other things, the accused promoted the activities of 'Right Sector' among internet users, including persons permanently residing in the territory of the Russian Federation.

Last October, Ternovskyy was arrested in Rostov-on-Don. By now, the criminal case against him with an approved indictment has been sent to a court for consideration on the merits.

Work to identify and prosecute the leaders and members of the 'Right Sector' organisation is ongoing."

10. Case of the so-called "war criminal" - Serhiy Lytvynov

(a) Letter concerning Mr Lytvynov

905. By a letter of 12 November 2015, the Embassy of Ukraine to Russia informed Mr Lytvynov's counsel of the following:

"According to the Directorate of the State Traffic Inspectorate of the Main Directorate of the Ministry of Internal Affairs of Ukraine in the Luhansk Region:

1. Opel Frontera vehicle, year of manufacture – 1992, colour – red, licence plate 1525AM, is not registered.

2. Opel Frontera vehicle, identification number VIN – ..., body number ..., year of manufacture – 1992, colour – red, was registered with the licence plate number 27366AM in the name of a citizen, [O.G.M.] ... The specified vehicle was deregistered for sale on 1 October 1997. As of 1 January 2014, and as of 1 September 2015, the

above-mentioned vehicle is not listed in the National Automated Information System of the Department of the State Automobile Inspectorate of the Ministry of Internal Affairs of Ukraine.

3. As of 1 June 2014 and as of 1 September 2015, UAZ 452 vehicle, year of manufacture – 1986, colour – green, chassis ..., licence plate BB8317AX, is registered in the name of a citizen, [A.A.A.] ..."

(b) First-instance judgment concerning Mr Lytvynov

906. On 20 April 2016 the Tarasovskiy District Court of the Rostov Region found Mr Lytvynov guilty of robbery by means of illegal entry into a dwelling, premises or storehouse with the aim of misappropriating another's property of substantial value (under Article 162 § 3 of the CrCRF) and sentenced him to eight years and six months' imprisonment in a strict-regime penal facility.

907. The acts of which Mr Lytvynov was accused were described in the judgment as follows:

"Between April 2014 and 15 February 2015, a non-international armed conflict has occurred between the self-proclaimed Luhansk and Donetsk People's Republics and the National Guard and the Armed Forces of Ukraine (hereinafter referred to as 'law-enforcement agencies of Ukraine') in the south-east of Ukraine.

No later than on 29 June 2014, in the territory of the Stanichno-Luhanskiy District of the Luhansk Region of Ukraine (a more precise date and place have not been established), S.N. Litvinov entered into a criminal conspiracy with at least two unidentified representatives of the law-enforcement agencies of Ukraine, who were participants in the armed conflict in the south-east of Ukraine, to commit an armed attack in order to steal property belonging to civilians who were not any party to the conflict.

Bringing this criminal intent into action, on one day between 29 June 2014 and 2 July 2014 at 10.30 a.m. (a more precise date and time have not been established), S.N. Litvinov, together with two unidentified representatives of the law-enforcement agencies of Ukraine, who were armed with Kalashnikov machine guns (more details on the model of the guns have not been established), knowing that [A.G.L.], a Russian citizen, possessed vehicles, ... arrived in an unidentified car at the victim's house .... Having seen [A.G.L.] in the yard of the house, S.N. Litvinov pointed him out to the two unidentified accomplices, after which one of them ... attacked [A.G.L.], striking him in his face with a Kalashnikov gun butt, as a result of which the victim fell to the ground, and then S.N. Litvinov and the first accomplice ... inflicted multiple kicks to [A.G.L.]'s head, back, upper and lower limbs. ... During the beatings, Litvinov and the unidentified accomplices ... demanded [A.G.L.] to give them the keys to his two cars, namely: the key to an Opel Frontera car (vehicle body number ..., Ukrainian registration number 1525AM, year of manufacture 1992) which cost 164,789 roubles and 94 kopecks and a UAZ 452 car (Ukrainian registration number BB 8317AX, year of manufacture 1986) that cost 27,240 roubles and 79 kopecks. ...

Continuing his unlawful actions, S.N. Litvinov, acting in concert with unidentified accomplices, illegally entered [A.G.L.'s] house, took the keys to the victim's cars and garage, and ... got behind the wheel of the Opel Frontera and tried to start its engine. At the same time, an unidentified second accomplice ... took the key to the UAZ 452 car and started the engine of the vehicle. Given that the Opel Frontera car could not run

independently as it had no battery, the second accomplice and Litvinov S.N. towed it out of the garage, which was another storage area, on a rope using the UAZ 452 car. ...

Later, S.N. Litvinov and the two unidentified accomplices disposed of the cars at their own convenience, causing the victim pecuniary damage of 192,030 roubles and 73 kopecks in total."

908. The Tarasovskiy District Court of the Rostov Region dismissed Mr Lytvynov's arguments as follows:

"At a court hearing the defendant S.N. Litvinov did not admit his guilt in committing the crime, showed the court that between 29 June 2014 and 2 July 2014 he had not been staying at the address: ...; that he did not know the victim; that he did not maintain any relations with representatives of the law-enforcement agencies of Ukraine, and that he had never taken any property from [A.G.L.]. Owing to severe toothache, in order to receive prompt assistance in a medical institution in the Tarasovskiy District of the Rostov Region in the summer of 2014, he had crossed the Russian-Ukrainian border at the Manotskiy-Yuganovka checkpoint. While in hospital, he had been in contact with Ukrainian militia members, to whom he had explained that he had not participated in military operations. However, after a while, unknown people had taken him out of the hospital at night and brought him to the territory of Donbas, where they had used torture and harassment, and had then returned him to the hospital on the same day. After that he had been detained and held in custody.

However, the guilt of the defendant Litvinov is confirmed by the evidence examined at the court session...

...

The court is critical of the testimony of the defendant concerning his non-involvement in the commission of this crime, regarding it as a defence strategy used to avoid punishment for the act committed. Despite the position taken by the defendant in relation to the charges, his guilt in committing a crime has been confirmed, in the court's opinion, by a sufficient body of admissible and reliable evidence, collected during the preliminary investigation and examined at a court hearing with the parties present.

...

The argument of counsel for defence that the court did not confirm the fact that the Opel Frontera and UAZ 452 cars belonged to the victim [A.G.L.] cannot be accepted by the court, since any person holding property that is the subject of a criminal act, including a non-owner, may be a victim. The defence did not present any evidence to prove that the property which was the object of the crime was not being used by [A.G.L.] at the specified period of time... [T]he court heard from a witness [V.A.S.] that [A.G.L.] had been using the cars for a long time, civil-law transactions had been concluded in respect of them, and in June-July 2014 the vehicles had been on the premises of the victim's household in the village of Kolesnikovka, in the Stanichno-Luhanskiy District of the Luhansk Region of Ukraine.

...

The absence of written evidence confirming the fact that [A.G.L.]. had crossed the Russian-Ukrainian border in the period from 29 June to 2 July 2014 through the Manotskiy-Yuganovka checkpoint does not refute the evidence obtained at a court hearing from the testimony of [A.G.L.] and of witness [V.A.S.] about the location of [A.G.L.] at the specified period of time at the address: Ukraine, Luhansk region, Stanichno-Luhanskiy District, village of Kolesnikovka ...

...

Other arguments of the defence certainly do not indicate the lack of involvement of S.N. Litvinov in the commission of this crime or the absence of the event of a crime."

(c) Letter from the Ministry of Justice of Ukraine dated 20 August 2019

909. This document was prepared in response to an inquiry from the NGO Hromadske TV and reported the following information. On 1 February 2018 the judgment of 20 April 2016 given by the Tarasovskyy District Court of the Rostov Region had been brought into line with Ukrainian legislation by the Bilovodskyy District Court of the Luhansk Region. The Ministry of Justice of Ukraine then had forwarded that decision to the Ministry of Justice of the Russian Federation on the basis of the 1983 Convention on the Transfer of Sentenced Persons.

On 14 August 2018 the Magadan City Court had agreed to transfer Mr Lytvynov to Ukraine to serve his sentence. Further to an agreement with the competent authorities of the Russian Federation, on 6 March 2019 Mr Lytvynov had been admitted into Ukrainian territory. He had continued to serve his sentence in the Dykanivska Correctional Facility no. 12.

On 13 July 2019 Mr Lytvynov had been released from serving his sentence on the basis of a pardon ordered by the President of Ukraine on 11 July 2019 and an order of the Ministry of Justice of Ukraine of 12 July 2019 on the enforcement of that pardon.

(d) Profile of Mr Lytvynov published by Memorial HRC

910. The profile of Mr Lytvynov published by Memorial HRC read, in so far as relevant, as follows (original in English):

"Memorial Considers the Ukrainian Citizen Sergey Lytvynov a Political Prisoner

Sergey Lytvynov, working as a farmer in the border village in the Luhansk region, was arrested in the summer of 2014 in Rostov-on-Don, Russia, where he was undergoing treatment after a surgery on his jaw. For more than a year he was being accused of large-scale war crimes.

The investigative Committee called Lytvynov a fighter of the *Dnepr* battalion and imputed to him the murder and rape of dozens of civilians in the Luhansk region. Quite soon it became clear that the charges were absurd and imagined, and the names of the 'victims' are fictitious. However, the prisoner was not released and was accused of robbery.

On 20 April 2016 Tarasovskiy District Court of Rostov region sentenced Sergey Lytvynov to 8 years and 6 months of imprisonment in a penal colony in accordance with Part 3 of Art. 162 (robbery committed with illegal breaking in a dwelling, a premise or other storehouse/robbery of large amounts of property) of the Criminal Code. According to the verdict, in summer of 2014, in the village of Konstantinovka-Stanichno, Luhansk region, Lytvynov with two unidentified Ukrainian law enforcers stole two cars, *Opel Frontera* and *UAZ-452*, from a citizen of the Russian Federation [A.G.L.]. At the same time, according to the investigation, they threatened [A.G.L.] with Kalashnikov guns and beat him.

Having [studied] the facts of the case, we find this accusation fabricated. According to the Ukrainian side, at that time, [A.G.L.] was not in Ukraine. One of the alleged stolen cars was deregistered in 1997 without the right of recovery (and the plate belongs to the wanted car of another brand). Another car does not belong to [A.G.L.]. Damage to health is confirmed only by a conclusion of the expertise that [A.G.L.]'s nose has been once broken. We consider it unacceptable to pass a guilty verdict based on such low quality and contradictory evidence.

Obviously, the first charge in the massacre was deliberately false. Even if, according to the implausible explanation of the Investigative Committee, Lytvynov slandered himself due to his good imagination, his 'confession' could be checked in a few days. Their unreliability was obvious from the beginning (for example, a battalion of *Dnepr* has never fought in the Lugansk region). There are good reasons to believe that Lytvynov was subjected to torture and psychological pressure. In particular, according to data on psychological and physiological examination: 73% of Lytvynov's reactions signified that he had been tortured.

Lytvynov, in our opinion, has become a victim of the Russian-Ukrainian conflict and has been used for propaganda purposes. At the same time, Lytvynov it is one of those Russian-speaking civilians in the Luhansk whom the Investigative Committee of the Russian Federation declared to protect, having unjustifiably appropriated the functions of the International Criminal Court.

We demand the immediate release of Sergey Lytvynov."

(e) Profile of Mr Lytvynov published on the website letmypeoplego.org.ua

911. The dedicated page on the above-mentioned website which reported information about Mr Lytvynov read as follows (original in English):

"Serhiy Lytvynov used to live in the village of Komyshne in the frontline area of Luhansk Region (East Ukraine), where he carried out various kinds of household work for a local entrepreneur. Serhiy finished only seven years of study and, according to his fellow villagers, had very poor reading and writing skills. His lawyer confirms that his client has the problems of mental development. Lytvynov was not liable for military conscription.

On 12 August 2014 Serhiy Lytvynov left for Russia's Rostov [Region] for medical treatment because he needed an urgent dental surgery. All the medical facilities in the Luhansk [Region] close to his village were inaccessible due to the hostilities. Lytvynov stayed in a Russian hospital for several days together with the militants of the so-called ['LPR' and 'DPR'] who had fought against Ukraine in Donbas. Serhiy allegedly told them about his 'membership' of a Ukrainian volunteer battalion. On 21 August 2014, he was taken away from the hospital by unknown masked persons and delivered to the Rostov [Regional] Department of Control over Organised Crime.

In the course of the investigation, Lytvynov 'acknowledged his guilt' of killing civilians in East Ukraine, namely the murders of thirty men, rape and murders of eight women and a 12-year-old girl. Lytvynov also 'confirmed' that he allegedly got the orders from the commanders of the Ukrainian battalion Dnipro-1, and those orders were aimed 'exclusively at the deterioration of the demographic situation amidst the Russian-speaking population.' The soldiers of the battalion were supposedly paid monetary rewards as incentives 'depending on the number of people killed during clean-up operations' from the private funds of Dnipropetrovsk governor [I.K.]. According to the case materials, [I.K.] 'personally brought the money to the soldiers.' The complex of crimes Lytvynov was charged with could cost him life imprisonment.

After a meeting with the Ukrainian consul on 10 November 2014, Lytvynov disclaimed his earlier 'testimony' and stated that he was subject to torture. He also denied his service in the battalion Dnipro-1. This information had earlier been confirmed by the Ukrainian Interior Ministry.

The crimes imputed to Lytvynov provided for the chance of a trial by jury. Importantly, Serhiy's lawyer [V.P.] was well-known as an expert in the details of the jury trial. Given the substantial evidence of Lytvynov's innocence, his denial of the 'testimony' wrested under torture, and his skilful legal defense, the investigation authorities found themselves in a difficult situation. On 30 November 2015, the charges of military crimes were completely dismissed and Lytvynov was vindicated.

In the summer of 2016, he put a claim to the compensation of [non-pecuniary damage] caused by the illegal prosecution and torture. While the claimant demanded 3,300,000 Russian roubles (more than 50,000 U.S. dollars), the court [awarded] him the humiliating 'indemnity' of 1,000 roubles (15 U.S. dollars) in November 2016.

On 10 September 2015, a new [set of criminal proceedings] was brought against Lytvynov in the case of 'robbery.' The investigators stated that Serhiy, together with two armed accomplices, had hijacked two cars owned by a Russian citizen who had stayed in the territory controlled by the Russian occupation units and ['LPR'] separatists.

Lytvynov's lawyer argues that the 'robbery case' was framed up like the previous one. He stresses that the Russian citizenship of the car owner raises doubts and that there is no other evidence of the 'crime' but the words of the reported 'aggrieved party.'

Exculpatory evidence

- Lytvynov's defense questioned the credibility of the interrogation transcripts in the case of 'war crimes.' The defense underscored that Serhiy had finished only seven years of study and it was difficult for him to even specify accurately his personal data. Meanwhile, the transcripts included complex grammar constructions and special criminalistic vocabulary.

- The lawyer [V.P.] found out that the 'victims' listed in Lytvynov's case file did not exist at all. Those persons have never lived or registered at the mentioned addresses, and their bodies have never been received in any mortuary.

- According to the explanation of [A.H.], the advisor of the Ukrainian Interior Ministry, the battalion Dnipro-1 has never fought in the territory of Luhansk [Region]: it was stationed only in Donetsk [Region] instead.

- The complex psychological and psychophysical forensic assessment with the use of a polygraph showed 72% probability that Lytvynov 'had not been involved in executions either on his own or within a group of people'. The experts concluded that he 'had neither participated in the rapes of women or children nor obtained any orders to take part in clean-up actions in settlements in the ranks of the battalion Dnipro-1 nor been offered to join it.'

- There is reason to challenge the accusation of robbery. According to the papers of the 'aggrieved party,' the vehicle had been hijacked many years ago. The data provided by the Ukrainian Border Guard Service shows that the car owner had legally crossed the Ukraine-Russia border for the last time long before the reported 'crime.' The house this person owns in Donbas has been deserted, and its windows boarded up.

- Lytvynov slandered himself because he was subject to severe tortures.

Torture

After the meeting with the Ukrainian consul, Lytvynov stated that he had made a false 'confession' of guilt because of tortures. He told [O.M.], a member of the Moscow Public Supervisory Commission, that unknown persons took him to the woods, where they bound him to a tree upside down, beat and hit him with the electric current, shot near his ear and wounded him in a rib cage with a knife.

Lytvynov's words were confirmed with a polygraph test, which showed 73% probability that he 'had been taken away from the hospital in Russia's Rostov [Region] to an unknown settlement or area and subject to physical and [pharmacological] influence (tortures) by unknown persons ... who aimed to make him testify about his participation in the "punitive actions" of the battalion Dnipro-1.'"

(f) "Ukrainian Consul was able to visit Lytvynov, a Kremlin political prisoner: he had lost 17 kg", hromadske.ua, 1 July 2018

912. This article read as follows (original in English):

"The Ukrainian Consul in Novosibirsk visited the colony near Magadan, where Sergiy Lytvynov, a Ukrainian political prisoner of the Kremlin, was serving a sentence of [eight years and six months] in prison for allegedly committing a robbery against a Russian citizen [A.G.L.]. This is the first visit of [the] Ukrainian Consul to a political prisoner during the time of his serving near Magadan.

This is what [Mr S.O.], who was charged with the affairs of Ukrainian political prisoners, reported in a comment to *Hromadske*, [having] also spoke[n] on this occasion with [Ms D.I.], the Ukrainian Consul in Novosibirsk.

'She visited him three days ago. As far as I know, that was the first time, when the Consul saw him near Magadan. Nobody saw him for two years, although the Consul had repeatedly requested ... his visit', said [Mr S.O.].

According to him, during his stay in a colony of severe regime, Lytvynov reduced in weight by 17 kilograms due to poor nutrition and conditions.

[Mr S.O.] added that Ukrainian political prisoner did not receive new summer clothing kit, so he was forced to wear regular T-shirt and black pants. At the same time, the administration of the colony considered it a violation of the [prison] regime and sent the political prisoner to a punishment cell.

'He does not have any support from his homeland, there are no parcels. I think that he has lost a connection with the family at all. He wants to return to the Rostov Region, where he initially served a punishment, because according to the law – this is the place where he was convicted, and he has this right', said [Mr S.O.].

As a reminder, Sergiy Lytvynov was detained in 2014 and accused of murder of several dozens of civilians in the Luhansk Region, which he had supposedly committed while being a member of the Dnipro-1 Volunteer Battalion.

However, when the defence proved that Lytvynov's 'victims' never existed, the [Russian] investigating committee withdrew the allegations. Immediately after that, the Ukrainian was charged with theft and sentenced to [eight years and six months'] imprisonment.

Lytvynov's lawyer at the material time reported that the Russian Prosecutor General's Office apologised to Lytvynov in writing because of the previously filed charges against him concerning murder and the use of prohibited means and methods of warfare.

In February 2017, the lawyer of the Ukrainian political prisoner Lytvynov died."

11. Case of a journalist - Roman Sushchenko

(a) "FSB: Ukrainian Intelligence Colonel Sushchenko is detained for espionage", ntv.ru, 3 October 2016

913. This article, published on the website of the Russian NTV channel, read as follows:

"The Federal Security Service of Russia confirmed the arrest of a Ukrainian citizen, Roman Sushchenko, in Moscow, who, according to the [FSB], is a staff member of the Main Intelligence Directorate of the Ukrainian Ministry of Defence.

The Ukrainian national agency 'Ukrinform' claims that Roman Sushchenko is a correspondent of the agency, who was on vacation and went to Moscow on personal business. According to the newspaper, he was detained on 30 September [2016] immediately upon arrival in the Russian Federation.

The FSB said that Sushchenko 'purposefully collected information constituting State secrets about the activities of the Armed Forces and the troops of the National Guard of the Russian Federation, the leakage of which abroad could damage the defence capability of the State' and was detained during a spy action.

The FSB of the Russian Federation stated: 'The FSB of Russia in Moscow during a spy operation detained Col. Roman Sushchenko, a staff member of the Main Intelligence Directorate of the Ministry of Defence of Ukraine'.

'Ukrinform' rejected espionage charges against its correspondent, calling him 'a journalist with many years of impeccable professional reputation'. The agency considers the detention of Sushchenko 'a planned provocation'.

The lawyer [M.F.], who represents Sushchenko's interests at the request of his spouse, confirmed that his client was in the Lefortovo remand prison, as reported earlier by [Z.S.], a member of the Public Monitoring Commission of Moscow.

[M.F.]: 'Sushchenko worked in Paris as a correspondent for "Ukrinform", he was always engaged in journalism. It's a surprise to me to hear about such accusations.'

According to TASS, Sushchenko has been detained for two months.

In Kyiv, they demanded the immediate release of Sushchenko. [I.G.], Deputy Speaker of the *Verkhovna Rada*, ... said that she was waiting for 'immediate statements from the OSCE and from other structures that are obliged to protest against the arrest of a Ukrainian journalist by the Russian Federation based on false accusations'.

[Yu.S.], the head of the Ministry of Information Policy of Ukraine, said that the department was monitoring the situation and collecting information on the circumstances and causes of the detention. At the same time, the Ministry of Foreign Affairs of Ukraine reported that they were dealing with the issue of the admission of Ukrainian consuls to visit Sushchenko."

(b) Profile of Mr Sushchenko published on the website of the Committee to Protect Journalists (cpj.org)

914. The profile of Mr Sushchenko published on the website of the Committee to Protect Journalists NGO read, in particular, as follows (original in English):

"Russian security officers detained Sushchenko, a correspondent for Ukraine's state news agency Ukrinform, on September 30, 2016, when he arrived in Moscow from Paris, the Russian weekly ... reported. He had travelled to Russia on vacation to visit relatives, according to his employer.

His arrest on espionage charges was not disclosed until the Public Monitoring Commission, a Russian human rights group, spotted him on October 2, 2016, visit to the Lefortovo detention center in Moscow, according to Ukraine's Channel 24 TV. Until this date, neither his family nor employer knew his whereabouts. Sushchenko was not allowed to see his lawyer, [M.F.], until October 4, when the two met for 15 minutes, the news website Ukrainska Pravda reported. According to media reports, the Ukrainian consul was not permitted to meet with the journalist until October 10.

The press service of Russia's Federal Security Service, or FSB, said on October 3, 2016, that Sushchenko was a Ukrainian Defense Ministry intelligence officer who was in Russia 'to collect classified information on the activities of the Russian military and national guard' that 'could hurt Russia's defense capabilities if leaked abroad.' The FSB said it had initiated a criminal case under Article 276 of the Criminal Code for espionage.

On October 7, 2016, Sushchenko was formally charged with espionage.

Sushchenko, who has been Ukrinform's Paris correspondent since 2010, denied the charge.

Ukrinform dismissed the accusations of espionage as false and called the arrest a 'planned provocation.' The agency described Sushchenko as 'a journalist with many years of impeccable professional reputation.' According to the journalist's colleagues, Sushchenko covered French events such as local elections and meetings related to Ukraine and the European Union and interviewed Ukrainian officials visiting Paris. He also covered meetings between Ukrainian and European Union officials on Crimea and eastern Ukraine.

Ukrainian Defense Intelligence denied the FSB's accusations, the news website Vector News reported.

In a statement reported by Ukrinform, the Ukrainian Foreign Ministry called Sushchenko's arrest 'another step in the purposeful policy of the Russian Federation to use Ukrainians, who are in the hands of the authorities, as political hostages in its hybrid aggression against our country.'"

12. "Spy cases"

(a) Mr Vyhivskyi

(i) Documents concerning Mr Vyhivskyi's criminal conviction

(α) First-instance judgment

915. On 14 December 2015 the Moscow Regional Court convicted Mr Vyhivskyi of espionage and sentenced him to eleven years' imprisonment in a strict-regime penal facility.

916. According to the first-instance judgment in his case, no later than on 29 November of an unspecified year, Mr Vyhivskyi had contacted an unidentified military attaché of a third country and offered to supply the blueprints and other documents concerning the Russia-produced 117C

aircraft engine for a fee. His offer was accepted. Mr Vyhivskyi had later contacted and promised money to Ms N.N.B., an acquaintance of his who was an employee of a military aircraft manufacturer, and obtained documents related to the 117C aircraft engine containing classified information, which he had planned to send to the military attaché.

917. The Moscow Regional Court accepted the admission of guilt made by Mr Vyhivskyi during a court hearing, according to which in 2012 he had had the idea of selling information collected about a 117C aircraft engine and, for that purpose, in April 2013, he had become acquainted on a social network with Ms N.N.B. using a fake name.

918. During the proceedings, Ms N.N.B. testified that she had been arrested on 14 March 2014 in relation to an offence under Article 183 § 1 of the CrCRF and that on 20 March 2014 she had voluntarily agreed to participate in an operational experiment under the supervision of FSB agents aimed at establishing the identity and intentions of a certain A.A. She had communicated with the latter via Skype and had recorded the conversations, which she had later sent to the security services. During the conversations, her correspondent had asked for all the information that she could obtain and she had handed him documents regarding a 117C aircraft engine she had had received from the FSB officers and that had had no value.

(β) Appeal judgment

919. By a judgment of 31 March 2016 the Supreme Court of the Russian Federation upheld Mr Vyhivskyi's conviction at first instance, finding that the evidence had been thoroughly and objectively examined. It further rejected as unfounded the defence's arguments to the effect that the information collected did not constitute State secrets and that the acts committed might have constituted at most an offence under Article 183 of the CrCRF (collection of information constituting a commercial secret). In that connection, it referred to an expert panel's opinion of 8 April 2015, according to which the information collected had constituted a State secret.

(ii) Documents concerning attempts to secure Mr Vyhivskyi's transfer to Ukraine

920. By letters of 4 and 20 April 2016, Mr Vyhivskyi's father and Mr Vyhivskyi himself, respectively, requested the Ukrainian Ministry of Justice to secure his transfer to Ukraine to serve his sentence under the 1983 Convention on the Transfer of Sentenced Persons. The letter of Mr Vyhivskyi's father letter read, in particular, as follows:

> "On 18 September 2014 Valentin Petrovich Vyhivskyi was detained by employees of the Russian security forces in Simferopol. A few days later he was taken to the territory of Russia, to Moscow, and placed in the Lefortovo remand prison of the Federal Security Service of Russia. Mr Vyhivskyi was first suspected of an offence under Article 183 (illicit collection of commercial information) of the [CrCRF], and later the charges were reclassified under Article 276 (espionage) of the [CrCRF].

> On 14 December 2015 V.P. Vyhivskyi was found guilty under Article 226 of the [CrCRF] and sentenced to eleven years' imprisonment in a strict-regime facility. On 31 March 2016 the court of appeal held a hearing and left the sentence unchanged. ..."

921. A letter of 1 March 2017 from the Ukrainian Ministry of Justice to its Russian counterpart read, in particular, as follows:

> "The Ministry of Justice of Ukraine reports its consent to the transfer of Valentin Petrovich Vyhivskyi to the territory of Ukraine to continue serving his sentence.
>
> In accordance with section 3 of [the Citizenship Act of Ukraine], [Mr Vyhivskyi] is a citizen of Ukraine.
>
> ...
>
> Pursuant to Article 3 § 1 (f) of [the 1983 Convention], we would kindly ask you to inform us of the final decision of the Russian party regarding the transfer of V.P. Vyhivskyi to Ukraine to continue serving his sentence. ..."

922. A note from the Embassy of Ukraine to Russia to the Russian MFA of 3 April 2017 read as follows:

> "The Ministry of Justice of Ukraine informed the Ministry of Justice of the Russian Federation by a letter ... of 1 March 2017 of its consent to the transfer of the citizen of Ukraine V.P. Vyhivskyi and, pursuant to Article 3 § 1 (f) of the [1983 Convention], asked to be informed of the decision by the Russian party regarding the transfer of [Mr Vyhivskyi] to Ukraine.
>
> In this regard, the Embassy would kindly ask for assistance in resolving this issue as soon as possible and [would ask] that the Ukrainian party be informed about the final decision considering the transfer of V.P. Vyhivskyi to Ukraine to continue serving his sentence."

923. A letter of 10 November 2017 from the Russian Ministry of Justice to its Ukrainian counterpart read as follows:

> "The Ministry of Justice of the Russian Federation, taking into consideration the processing of the application by the Ukrainian party regarding the transfer of V.R. Vyhivskyi, born in 1983, to Ukraine to continue serving his sentence of imprisonment, reports the following.
>
> On the basis of the results of the processing of the material relating to the convicted person V.R. Vyhivskyi, the decision was made to refuse his transfer in accordance with the provisions of Article 3 § 1 (f) of the [1983 Convention]."

924. By letter of 14 December 2017 the Ukrainian Ministry of Justice requested its Russian counterpart to provide the reasons for the refusal to transfer Mr Vyhivskyi to Ukraine to continue serving his sentence.

(b) Mr Soloshenko

(i) Documents concerning attempts at securing Mr Soloshenko's transfer to Ukraine

925. On 16 September 2015 the Ukrainian Ombudsperson wrote to the Ukrainian Ministry of Justice asking it to consider requesting Mr Soloshenko's transfer under the 1983 Convention. On 31 January 2016

Mr Soloshenko's son requested the Ukrainian Ministry of Justice to secure his father's transfer to Ukraine under the 1983 Convention. On 1 March 2016 the Ukrainian Ministry of Justice informed both him and Mr Soloshenko of its intention to seek the transfer from the Russian authorities.

926. A letter of 1 March 2016 from the Ukrainian Ministry of Justice to its Russian counterpart read as follows:

> "A convicted person, Mr Yurii Danilovich Soloshenko, applied to the Ministry of Justice of Ukraine to resolve the issue of his transfer from the Russian Federation to Ukraine to continue serving his sentence on the basis of [the 1983 Convention].
>
> In accordance with section 3 of the Citizenship Act of Ukraine, Mr Soloshenko, who was born on 6 May 1942, is a citizen of Ukraine.
>
> According to the available information, Mr Soloshenko was sentenced to six years' imprisonment by a judgment of the Moscow City Court of 14 October 2015 and is currently serving a sentence in [IK-5 in the Nizhny Novgorod Region].
>
> Pursuant to Article 6 § 2 of [the 1983 Convention], we ask you to provide the documents necessary to consider the issue of the transfer of the convicted person Mr Soloshenko to Ukraine to continue serving his sentence."

927. By a letter of 25 March 2016, the Russian Ministry of Justice replied to its Ukrainian counterpart that the request would be considered.

(ii) "Torture by investigation. How the FSB violate the constitutional right of an accused to defend himself", openrussia.org, 29 April 2015

928. On 29 April 2015 Ms Z.S., a human rights defender and a member of the Public Monitoring Commission of Moscow, published on the openrussia.org media outlet a blog post which read, in so far as relevant, as follows (original in English):

> "...Yurii Soloshenko, formerly the head of an armament manufacturer in Poltava, has been detained in [the Lefortovo SIZO] since last September. ...
>
> [As a human rights activist and a member of the Public Monitoring Commission] I have been visiting Moscow prisons for seven years now, and it is the first time I have come across such an outrageous attitude towards the accused.
>
> The first time I visited Yurii Soloshenko in [the Lefortovo SIZO], he complained that [a] lawyer rarely visited him, that he almost never spoke to the investigator, and that he was not guilty of the crimes imputed to him.
>
> Then his sons from Poltava contacted me and reported that they had concluded an agreement with lawyers [I.P.] and [Ye.S.]. The chosen lawyers told the investigator, [Mr M.], that they wanted to see their client, and he began stalling in every way: he avoided the lawyers for several days, did not answer their calls, and when they complained of his actions in court, he showed them the paper by which Mr Soloshenko had refused to accept their services.
>
> On 15 and 26 April [2015], together with my colleagues from the Public Monitoring Commission ..., I met with Soloshenko during a scheduled periodic inspection.
>
> Imagine our surprise when he told us while being recorded by officers of [the Lefortovo SIZO] carrying portable video recorders, 'I wrote a statement to the

investigator that, upon receipt of a letter from my relatives, I had decided that [I.P.] and [Ye.S.] would be my lawyers during the investigation

Today is 29 April, but neither [Ye.S.], nor [I.P.] have managed to meet with their client.

Why? The same investigator, [Mr M.], precludes them from doing so.

And today, the period of detention in custody of Soloshenko was extended once again.

But not only lawyers are not allowed to come to the 72-year-old citizen of Ukraine. For several months now, the Ukrainian consul has not been allowed to do that although he has already sent dozens of notes to the Ministry of Foreign Affairs of Russia and has officially petitioned [...] the investigator and the FSB investigative department dozens of times.

...

Violating the Constitution of Russia and the rulings of the Constitutional Court, the [Lefortovo SIZO] officers require permission from the investigator to allow lawyers to visit their clients.

And when a criminal case [against a detainee] falls apart and there is no evidence to prove the charges, then they resort to anything, be it intimidation or blackmail, and the accused writes a refusal to meet with the chosen lawyer. ...

Apparently, in the case of Yurii Soloshenko everything happens according to this script: now he has a State-appointed lawyer [S.K.], and the investigation does not allow visits from the chosen lawyers. ...

In a telephone conversation, the [State-appointed] lawyer [S.K.] assured me that Yurii Soloshenko did not want to see the Ukrainian consul [G.B.] at all. ...”

(iii) “Without Any Chance. Afanasiev and Soloshenko on How Russian FSB Breaks Its Captives”, pravda.com.ua, 17 June 2016

929. This article contains an interview with Mr Soloshenko given upon his admission to a Ukrainian hospital (see also paragraph 881 above).

930. Mr Soloshenko described the circumstances surrounding his arrest as follows (original in English):

“EVEN TO THIS DAY I DON’T KNOW WHAT WAS WRITTEN, IN THESE ‘SECRET’ PAPERS

I was a factory director, constantly working with the Russian department of defence. It was our only client, for we produced military technology which was used by the armed forces of the Russian Federation.

We normally worked as a single collective since soviet times. We were invited for seminars, which because of our presence were considered international.

...

One day, during one of these general orders, a colonel of the Russian army called and stated, that they had obtained a large quantity of our product and ask for our goods to be used in their technology.

I tell him-we need to check whether the products really meet conditions. He asked ‘Can you do this?’

I evaded the question for a while – saying I needed to help my ailing wife, that I've the tickets booked for her treatment. And I'd left the factory back in 2010. Yet they insisted: 'Go on, come over for a day. We've got the machinery, in and out.'

...

In Moscow I'm met by Kolehov and Demyanov, also a colonel, formerly: 'So you've just arrived, with nothing?'

And I replied: 'I've only arrived for half a day, without anything. You've got all the equipment for the checks?' – 'We've got it.'

We arrive in their office, in their courtyard there's a vehicle of sorts, in the office schematics which I recognize. I enter. I hadn't even time to follow custom and say hello, and the door breaks down – and with all the characteristics of a cop show: 'Nobody move! FSB!'

...

When a Lieutenant-Colonel jumps to my side, puts me to a wall, arms on the wall, legs wide. I don't understand what's going on. They search me, take both mobile phones, stuck them in the evidence bag, and give them back: 'Take your telephones'. I look and with the telephones there are some papers.

I answer: 'That's not mine'. – 'No, that's yours. You travelled with it'.

Turns out, they prepared some sort of supposedly secret documents, which I had supposedly arrived for, so as to steal them from Russia.

'Secret Materials' turned out [to be] papers for the C-300, which the Ukrainian armed forces have been using for over forty years, and in any case are made in the Kyiv factory 'Generator'.

They tied me up, handcuffed me, photographed me, all as per normal.

The only 'Nuance' – were these telephones and documents, which they had put forward themselves. The papers didn't even have my fingerprints on them. I never read them, even today I don't know what's on those papers. They were of no interest to me whatsoever.

We arrive in the detective's office ... they take this very seriously, and write a protocol for my detention.

The detective informs me: 'We informed the embassy'. We arrive at court, I again begin to say that this is an absurd allegation.

Yet the Judge tells me: 'The matter is not in the allegation, but to resolve before this session ends the question of the extent of your punishment'. And rules to place me in Isolation at 'Lefortovo'.

They locked me up in a one-man cell. The next day they take me in a convoy to the investigative department.

Then the operative tells me: 'You write these petitions, and we all laugh at you. We know how to write, we wrote everything correctly.

Take Russian citizenship, and your status will be changed to that of a witness. We were keeping an eye on Kolehov, not you. You know, what his position was, he was always under our observation. You just happened to pass by. If you take the citizenship, your status will be changed to that of a witness, you'll be defended by Russia's law defending witnesses.'

Well, I, Naturally, didn't agree.

Then they just locked me up.

'IF YOU ACKNOWLEDGE YOURSELF GUILTY OF ESPIONAGE, IN A WEEK YOU'LL BE UNDER HOUSE ARREST'

...

Yet in the investigative department I was told: 'There's a lawyer from your friends walking around here. He'll only harm your case, because he was specially sent, so he can check the reasons for your detention, so as to safeguard his own people, these masterminds.' They insisted in a variety of ways for me to reject this lawyer.

2nd of October the jury sat deciding the extension of my arrest. And after the jury... I am imprisoned again for two months.

When I found out, that I'm not being released, I almost had a stroke, I truly felt very bad. I hoped, that two months – and this misunderstanding will end.

A month passes, and I don't leave the cell. After a month and a few days I'm taken in a convoy to the investigative department and [they] say: 'We can't conduct an investigation. Your lawyer doesn't want to arrive. For that reason we advise you take such and such a lawyer, he's excellent, principled'.

Long story short, 'Recommend'. They bring him, and he opens with: 'From tomorrow we'll begin preparing materials changing your case, as espionage is a very tough case, that's 10-20 years, and no amnesty, no petitions.'

He promised a lot – 'But money first, then we can begin work'.

Well, my children paid him the money.

And as soon as he received the money, he stated simply: 'You have two options – admit your guilt, which gets you the minimum 10 years. If you do not admit your guilt, you get 20 years'.

I looked at him and said: 'Look at me. Ten or twenty years looks like it matters to me? Of course I'll not declare myself guilty.'

All in all, I was without a lawyer for 10 months, and about 8 months without a consul. And they needed to close the case. ..."

(c) Mr Shur

(i) Publications concerning Mr Shur

(α) "The Bryansk Regional Court delivers a sentence in a State treason case", oblsud.brj.sudrf.ru, 8 October 2015

931. This news item, published on the official website of the Bryansk Regional Court under the above-mentioned heading, read as follows:

"On 7 October 2015 the Bryansk Regional Court sentenced a citizen of the Russian Federation Viktor Shur for having committed State treason by espionage, a crime provided for by Article 275 of the Criminal Code of the Russian Federation.

Shur was found guilty of the following. A citizen of the Russian Federation, on 9 December 2014 he carried out intelligence activities in the Bryansk Region: he collected information constituting State secrets about a high-security facility of the Ministry of Defence of the Russian Federation [acting] on an assignment [received

from] the State Border Service of Ukraine. The information collected, if released to the [State] security services of Ukraine, could have been used against the security [interests] of the Russian Federation.

On the same day, while crossing the Russian-Ukrainian border, Shur was detained by officers of the Federal Security Service of the Russian Federation [the FSB].

At a court hearing, Shur pleaded guilty of State treason and cooperation with the security services of a foreign State.

For having committed a particularly grave crime, the court sentenced Viktor Shur to twelve years' imprisonment to be served in a strict-regime penal facility.

The sentence has not yet entered into force."

(β) "Ukrainian political prisoner held in inhumane conditions" ukraine.web2ua.com, 8 April (the year is unknown)

932. This article read as follows:

"To make Viktor Shur, who was convicted in the Russian Federation in 2015 of espionage in favour of Ukraine, refuse to see a Ukrainian diplomat, he was put in a solitary confinement cell with no heating, water, light or toilet. This is what [Ms Ya.G.] of the 'RosUznik' project wrote on Facebook. She wrote, 'The staff of the penal facility forced Mr Shur to write several refusals of consular visits, threatening him [to send him to Siberia] 'to calm him down' [if he refused]. Given that [Mr Shur] refused to do so, [the penal facility's staff] locked him in a cell without basic means of subsistence. 'They kept him there until 7 p.m. and told him they would never let him see the consul', she added.

We would remind you that Victor Shur was arrested by FSB officers in December 2014 while crossing the Russian-Ukrainian border in the Bryansk Region. According to the version of the prosecution, Victor Shur had been sent to the Bryansk Region by the security services of Ukraine to collect information about a Russian military enterprise, which in reality is an abandoned airport [equipped] with ballistic missile silos that had been [abandoned and] flooded back in the 1980s.

On 7 October 2015 Shur was sentenced to 12 years in a strict-regime colony."

(γ) Profile of Mr Shur published on the website letmypeoplego.org.ua

933. The profile of Mr Shur by the "Let My People Go" project read as follows (original in English):

"Viktor Shur is a jeweler and the son of a famous Ukrainian collector of rare icons. He is the only Russian citizen in the LetMyPeopleGo list. Viktor was born in Soviet Ukraine, yet after the collapse of the USSR, he chose Russian citizenship as a result of his business dealings in Russia. However, he was interested in residing in Ukraine. More recently, he was a permanent resident of Chernihiv in northeast Ukraine, where his family remains to this day.

Victor was taken into custody ostensibly for offending a policeman and was sentenced to fifteen-day imprisonment. Then he was accused of disclosing a classified facility, which was later reclassified as treason and collaboration with the secret services of a foreign state (Article 275 of the Russian Criminal Code). Viktor's relatives knew where he was being held only a month after his capture, when he had signed all the papers the

investigative authorities wanted. The official information on the case appeared in the media on July 22, 2015, when the court in Moscow extended Shur's detention.

According to the case file, Shur was arrested while allegedly attempting to photograph a 'secret facility' in Bryansk Oblast. The 'facility' was, in fact, a derelict airport abandoned back in the 1980s. Now the territory of the airport is known to be used for grazing cattle.

Viktor Shur acknowledged his 'guilt.' He was sentenced to twelve years in a strict regime colony. His relatives and Viktor himself believe that an appeal in his case would be waste of time. Nonetheless, his family initiated the process of restoring Viktor's Ukrainian citizenship. Thanks to this, he is expected to qualify for a prisoner exchange and consular defense.

Exculpatory evidence

Victor Shur's case file is classified as 'top secret,' and his trial took place behind closed doors. However, despite the incompleteness of information, some circumstances clearly point to the illegal nature of his prosecution by the FSB:

- all the attempts made by Viktor's family to hire independent lawyers proved unsuccessful. The lawyers either were denied access to the case or did not enter it due to the pressure of the authorities;

- the former aerodrome photographed by Shur was closed back in the Soviet times and today is simply a grassy field. Its 'strategic importance' is now more than doubtful.

Torture

Viktor stated that he was made to take psychotropic substances in custody."

(δ) "Ukrainian sentenced to 12 years for a snapshot of cows at a disused aerodrome", khpg.org, published on 10 April 2018

934. This article, published by the Kharkiv Human Rights Protection Group, read as follows (original in English):

"After concocting a 'trial' on truly surreal 'spying' charges to imprison Ukrainian Viktor Shur, Russia has since deployed any means to prevent him having contact with the Ukrainian consul and lawyers. Shur's daughter reports that the 61-year-old has been placed in a punishment cell to prevent the consul from visiting him on April 12. This is after a previous visit was prevented on the grounds that warning needed to be given, and that the Consul could be infected since some of the prisoners have an open form of tuberculosis. Shur's daughter is understandably anxious. Not only is her father imprisoned on preposterous charges, but Russia is putting his very life in danger.

[Ms O.N.] reports that the consul saw her father last summer. He planned to come again, but Shur was forced to sign a statement rejecting any visits from the consul, human rights activists or lawyers. The method was brutally simple: any such attempt, he was clearly given to understand, would mean that he again ended up in a punishment cell, or in a prison even further away from his family. Nor [was it] only threats, as he has learned. As soon as the consul left the first time, Shur was flung in an unheated box without light, water, food, without even a toilet. The conditions in the prison in Bryansk are already bad, and much worse even in standard punishment cells, and Shur suffers from chronic bronchitis and other medical conditions.

It is unclear what else Russia has to hide as Viktor Shur's illegal imprisonment enters its fourth year.

Shur is one of three Ukrainians (together with Valentyn Vyvhivsky and the late Yurii Soloshenko) who were seized in Russia in 2014, charged with mystery 'spying' and sentenced to long terms of imprisonment. In each case, it seemed that Russia first seized a Ukrainian and then fabricated some charges against him.

With Shur, the charges proved particularly fluid. A client had phoned him in Ukraine and they arranged that Shur would drive to the Bryansk oblast. He was supposed to return immediately, but simply disappeared. The family began searching but it was only after a week that Shur phoned his partner and told her that he had been arrested for fighting with a policeman and that he would return in another week.

He was initially held in the Bryansk SIZO [remand prison] and then taken to the FSB's Lefortovo prison in Moscow.

The family much later ascertained that he had been seized in the zone between the Ukrainian and Russian borders, where he was supposed to have photographed some kind of field. Olha says that this was by men in masks, who broke the windows in the car and used smoke bombs.

It seems that the field in question had once been an aerodrome which her father had not known. There was grass growing, and cows grazing, and nothing to indicate that this was some kind of important strategic site.

Such 'spying' cases are doubtless a favourite for the FSB since everything is held in secret, making it very easy to put pressure on the Ukrainians detained to 'confess' – whether through torture, or simply deceit.

[O.] knows that the 'investigators' used psychotropic drugs to get 'information' out of her father. He has not told her of other forms of torture, though she believes he may have been more open with his son, [V.]. The latter vanished last year and there is absolutely no information as to what happened.

Viktor Shur may have been tortured, but was certainly also simply tricked, told that everything would be fine if he simply cooperated. He signed absolutely everything they put in front of him, and doesn't even know what most of the documents were about.

Sur has been imprisoned in Russia since Dec 9, 2014, one of the first wave of victims of Russia's undeclared war against Ukraine.

Shur has now received Ukrainian citizenship, but at the time of his arrest had only a Russian passport and permanent residency in Ukraine. He had been born in Soviet Ukraine, and all remaining family members are Ukrainian, but after the collapse of the USSR, he opted for Russian citizenship because his work was linked with regular trips around Russia. His wife died several years ago, and he was living in Chernihiv, helping his elderly father. He had supported Euromaidan, and later helped Chernihiv volunteers.

After finally opting for the charges of state treason and collaborating with the security service of a foreign state (i.e. Ukraine), the FSB claimed that Shur had been sent by Ukraine's Security Service [SBU] to the Bryansk oblast to gather information about 'a Russian military enterprise'. This was how the abandoned aerodrome and mines for launching ballistic missiles were described. The mines had been flooded back in the 1980s, so such information was of no interest to anyone, let alone a security service.

During a closed court hearing on Oct 7, 2015 the Bryansk Regional Court convicted Shur of 'state treason'. He was claimed to have 'gathered information constituting a state secret about a protected Defence Ministry site on the commissioned of Ukraine's

State Border Service. Had the information gathered been passed to Ukraine's Security Service, the latter could have used it against Russia's security'.

He was sentenced, despite keeping his part of the bargain, to 12 years."

(ii) Documents concerning attempts to secure Mr Shur's transfer to Ukraine

935. By letters of 3 March and 25 November 2016 Mr Shur and his daughter, respectively, requested the Ukrainian Ministry of Justice to secure his transfer to Ukraine to serve his sentence.

936. A letter of 27 September 2016 sent by Mr Shur's daughter to the First Deputy Speaker of the *Verkhovna Rada* read, in particular, as follows:

"... [Mr Shur's son] ... asked the Ministry of Foreign Affairs of Ukraine to restore his father's Ukrainian nationality on the grounds of his birth and because he holds a residence permit, and [Mr Shur's father and children] are citizens of Ukraine permanently residing in the country.

...

[Mr Shur] sent documents asking to restore citizenship ... to the Consular Section in Moscow. ... [T]he documents were [prepared] and sent to the penal facility to [Mr Shur], where he should have been informed that he has obtained Ukrainian citizenship. ..."

937. By a letter of 9 December 2016 the Ukrainian Ministry of Justice addressed the Russian Ministry of Justice as follows:

"The daughter of [Mr Shur] applied to the Ministry of Justice of Ukraine requesting to resolve the issue of his transfer from the territory of the Russian Federation to Ukraine for further serving the sentence.

In accordance with section 8 of the Citizenship Act, Viktor Valentinovich Shur ... is a citizen of Ukraine.

We have received the information that V.V. Shur was convicted and sentenced by a Russian court and is now serving a sentence in the territory of the Russian Federation.

Pursuant to Article 6 § 2 of [the 1983 Convention], we ask you to provide the documents necessary to consider the issue of the transfer of [Mr Shur] to Ukraine to continue serving his sentence."

938. By a letter of 20 March 2017 the Ukrainian Ministry of Justice informed the Embassy of Ukraine to Russia as follows:

"The Ministry of Justice of Ukraine ... is considering the issue of the transfer under [the 1983 Convention] to Ukraine of [two] convicted citizens of Ukraine, Alexey Vladimirovich Cherniy ... and Viktor Valentinovich Shur ...

By letters of 21 October 2016 and 9 December 2016, the Ministry of Justice of Ukraine requested the Ministry of Justice of the Russian Federation to provide the documents listed in Article 6 § 2 of [the 1983 Convention] necessary to consider the issue and to take a decision on the transfer of these citizens to Ukraine to continue serving the sentence; however, the documents requested have not been received yet.

In view of the above, we would kindly ask that the Ministry of Justice of the Russian Federation be requested to expedite the submission of the documents requested or to supply the reasons that prevent this."

13. "Cases of so-called terrorists"

(a) Mr Syzonovych

(i) First-instance judgment in respect of Mr Syzonovych

939. On 31 July 2017 the North Caucasus Circuit Military Court found Mr Syzonovych guilty as charged for preparation of a terrorist act (under Article 30 in conjunction with Article 205 § 2 (a) of the CrCRF), unlawful acquisition, transfer, sale, storage, transport and possession of explosive substances and explosive devices (under Article 222.1 § 3), and illegal crossing of the Russian State border (under Article 322 § 1) (A 914), and sentenced him to twelve years' imprisonment in a strict-regime penal facility and to two fines of RUB 250,000 in total (approximately 3,600 euros).

940. The North Caucasus Circuit Military Court held that in April 2014 Mr Syzonovych, together with another individual, had set up an organised criminal group. He had illegally purchased, stored and transported explosive devices; had illegally crossed the State border of the Russian Federation without documents authorising his entry; and had made preparations for setting off an explosion in the Rostov Region for the purpose of terrifying the population, endangering human life, causing considerable damage to property and destabilising the activities of the authorities. Later, on 13 June and on 8 July 2016, Mr Syzonovych had travelled from Ukraine to the town of Kamensk-Shakhtinskiy in the Rostov Region in order to identify possible targets for the explosion. He had been instructed by leader of the group to commit the attack on 17 or 18 September 2016 in the settlement of Likhovskoy of the town of Kamensk-Shakhtinskiy.

941. The circumstances leading to Mr Syzonovych's arrest by the FSB were described as follows. Mr Syzonovych had not managed to commit the attack because he had been arrested on 26 August 2016 by the law-enforcement bodies of Ukraine on suspicion of having committed other crimes in the Luhansk Region. Hidden explosives and armament had been found on 17 September 2016 during the FSB preliminary investigation. On 27 September 2016 Mr Syzonovych had attempted, in order to avoid criminal prosecution in Ukraine, to cross the State border with the Russian Federation, although he did not possess documents authorising his entry into that country, and had been arrested on the same date at 7 p.m. by the FSB Border Guard Service of Russia in the Rostov Region.

942. The North Caucasus Circuit Military Court held that Mr Syzonovych's guilt had been proven by his confession and the testimony of a witness who , at approximately at 2 p.m. on 8 July 2016, had seen two men digging in the settlement of Likhovskoy of the town of Kamensk-Shakhtinskiy. The witness had then reported those facts to the FSB Department of the Rostov Region and had identified Mr Syzonovych as one of those two men following an identification parade.

(ii) Articles concerning Mr Syzonovych

(α) "Prosecution asks court to sentence Syzonovych to twelve years", kyivpost.com, 29 July 2017

943. This article read as follows (original in English):

"ROSTOV-ON-DON – The public prosecutor requested the North Caucasus Circuit Military Court to sentence a Ukrainian citizen Oleksiy Syzonovych charged with preparing terrorist attacks in Russia and Ukraine to twelve years' imprisonment in a maximum-security penal colony and a fine of 250,000 roubles, an Interfax correspondent reported.

Syzonovych's defence [team], for their part, asked the court to mitigate the defendant's sentence as much as possible.

'I ask the court to take into account that my client cooperated with investigators and participated in identification [parades]. I also ask to take into account his age (sixty-one years old) and health condition', Syzonovych's counsel [Ms Ye.V.] said.

The court will deliver the sentence on 31 July.

As reported, Syzonovych confirmed at the court earlier that he had admitted his guilt. 'I fully confirm the [pre-trial statement] given to investigators and admit my guilt. I repent [for] all that I have done. Sincerely', he said at a hearing in the court.

Investigators believe that in April 2014 Syzonovych and an unknown individual set up an organised group in Kyiv, agreeing to commit terrorist attacks in Russia and Ukraine. The person investigators had been unable to identify ran the group, while the defendant collected information about transport infrastructure facilities and prepared various explosive devices [because he possessed] special skills in explosion engineering.

According to the investigators, in late May 2016 Syzonovych had been given an order to go to the town of Kamensk-Shakhtinsky, the Rostov Region, to survey and take pictures of the local railroad station, as well as to determine the place [where] to plant explosive devices. A terrorist attack at the railroad station was planned for September 2016.

Law enforcement officials detained the defendant. He has been held in custody since 28 September 2016.

Syzonovych is charged under articles [concerning] 'preparing a terrorist attack', 'illegal purchase, handover, sales, storage, transport or possession of explosive substance or explosive devices,' and 'illegal crossing of the Russian State border' of the Russian Criminal Code."

(β) "The Ukrainian consul was allowed to visit for the first time Mr Syzonovych, a Ukrainian convicted for terrorism in the Russian Federation", gordon.ua, 23 March 2018

944. This article read, in particular, as follows:

"The Consul of Ukraine in Novosibirsk [Ms D.I.] obtained permission for the first time and visited Aleksey Syzonovych, a Ukrainian pensioner convicted of terrorism, in a Russian prison. Syzonovych said that he had been beaten up so that he had been in the state of a clinical death twice. The Ukrainian consul first visited the 61-year-old citizen of Ukraine Aleksey Syzonovych, sentenced to twelve years' imprisonment by

the North Caucasus Circuit Military Court of the Russian Federation for allegedly preparing terrorist attacks. This was stated by the Consul of Ukraine in Novosibirsk [Ms D.I.] in an interview with Radio Liberty. 'When he entered the room in which we met, he asked me, "Who are you?" And when I said that I was a consul of Ukraine, he said: "Thank God, I finally met you!"', [Ms D.I.] said. Syzonovych told the consul that while in a prison in Rostov-on-Don, he had been beaten up heavily. 'He was beaten hard so that he was in a state of clinical death twice. He said that he was being subjected to torture, including electric shocks ...

He said he really wanted to see a consul. But the consul was not allowed to visit him, because upon being beaten, Syzonovych's head was black and twice as large as now. Now the man looks normal. And when he went to the court in Rostov, they put a lot of makeup on his face', the consul noted. [Ms D.I.] said that, according to her knowledge, there are a lot of prisoners from Ukraine in this region of Russia. 'Recently, many boys and girls have been detained in accordance with Article 228 [of the CrCRF that concerns drug-related crimes]', the consul said.

The North Caucasus Circuit Military Court of the Russian Federation sentenced Syzonovych on 31 July 2017. According to the Russian investigation, in April 2014 Syzonovych and his accomplice had established an organised group in Kyiv and agreed to commit terrorist acts in Russia and Ukraine. Syzonovych had allegedly collected information about items of transport infrastructure and manufactured various explosive devices. The investigation argued that he had worked for eleven years in a mine in Ukraine as a demolition specialist, and, accordingly, possessed [relevant] skills.

According to the investigators, in late May 2016 Syzonovych took an order to go to the town of Kamensk-Shakhtinsky, in the Rostov Region, to inspect and photograph the local railway station, as well as to determine where to install explosive devices. A terrorist attack on that station was allegedly planned in September [2016]. According to Interfax, Syzonovych was arrested by law-enforcement officers of Russia in September 2016 when crossing the border and was detained from then on. According to information from 'Sotsportal', the Luhansk miner was detained in August 2016 in the town of Izvarino in the Luhansk Region on the border with Russia. The media outlet noted that Syzonovych was an activist of 'Motherland'."

(b) Mr Hryb

(i) Decisions extending Mr Hryb's pre-trial detention

(α) Decision of 15 December 2017

945. On 15 December 2017 the Oktyabrsky District Court of Krasnodar extended the term of Mr Hryb's pre-trial detention by two months, up to six months and ten days in total.

946. The District Court noted that the preliminary investigation had established that Mr Hryb was a supporter of the UNA-UNSO – an extremist organisation – and that he was guided by the ideas of supremacism (based on an ethnic group and culture) and segregation. Between 27 March and 13 April 2017 he had sent text messages in Ukrainian via Skype expressing extremist views and in particular had contacted Ms T.Ye. in order to incite her to manufacture an IED, to plant it in the building of a school in Sochi, in the Krasnodar Region, and to detonate it on 30 June 2017. Those acts were punishable under Article 205 § 3 (b) of the CrCRF.

947. The circumstances surrounding Mr Hryb's arrest were described as follows:

> "On 28 July 2017 [Mr Hryb] was given the status of an accused under Article 205.1 § 1 of [the CrCRF]. Given that his actual location was unknown, ... he was [declared wanted by the FSB] ...
>
> On 12 August 2017 [Mr Hryb's name] was put on the Interpol wanted list.
>
> On 18 August 2017 the Oktyabrsky District Court of Krasnodar ... applied a preventive measure to [Mr Hryb] in the form of pre-trial detention. The term of his detention was extended [by the same court] on 18 October 2017 by two months and ten days, that is, up to four months and ten days on total, until 4 January 2018.
>
> On 25 August 2017, pursuant to Articles 91, 92 and Article 210 § 3 of [the CCrPRF], [Mr Hryb] was arrested in the town of Yartsevo, in the Smolensk Region [of Russia]. On the same day ... he was charged under Article 205.1 § 1 of [the CrCRF]. He fully admitted his guilt and made detailed statements on [how he had incited] [Ms T.Ye.] to commit a terror attack. During the subsequent questioning, [Mr Hryb] confirmed his statement and supplied further statements regarding the circumstances of the crime."

948. The following reasons for extending the term of pre-trial detention were provided: the medical record did not set out any reasons preventing the detention; the crimes in question were of a terrorist nature and the acts had been committed deliberately on the grounds of national hatred. Moreover, additional investigative and procedural measures needed to be taken, especially further interviews with residents of the Krasnodar Region who were aware of the criminal activities of Mr Hryb; a complex outpatient psychological and psychiatric forensic examination of Mr Hryb; forensic examinations; and allowing Mr Hryb to take cognisance of the expert opinions.

(β) Statement of appeal against the extension order of 2 March 2018

949. On 2 March 2018 the Oktyabrsky District Court of Krasnodar extended the term of Mr Hryb's pre-trial detention. The statement of appeal against the decision lodged on 5 March 2018 read, in so far as relevant, as follows:

> "...
>
> 3. In the decision [of 2 March 2018] the [first-instance] court refers to the fact that P.I. Hryb is a citizen of Ukraine who has no permanent residence in the territory of the Russian Federation.
>
> ...
>
> In the present case, Mr Hryb could not have violated the administrative requirements for registration at the place where he was staying [in the Russian Federation] because he was arrested in the territory of Belarus in the city of Gomel and illegally trafficked into the territory of the Russian Federation, as Mr Hryb himself pointed out at the hearing. The materials submitted by the investigation to the court [in order to obtain an extension of the pre-trial detention] contain inaccurate information about the place of detention of Mr Hryb. He had no intention whatsoever to cross the border of the Russian

Federation, and therefore the absence of a permanent place of residence on the territory of the Russian Federation cannot be a reason for extending the term of his pre-trial detention."

(γ) Decision of 28 April 2018

950. On 28 April 2018 the Oktyabrsky District Court of Krasnodar extended the term of Mr Hryb's pre-trial detention by two months, up to ten months and ten days in total. When deciding on the extension of the detention the court took into account the fact that Mr Hryb had no permanent place of residence in the territory of the Russian Federation, had no permanent sources of income, was single, had no dependent children, had no previous criminal convictions and was accused of committing a serious crime. The court further stated that, according to the material in the criminal case file, Mr Hryb had acted deliberately, fully aware of the grave consequences in the form of loss of life of teachers and students of the school and damage to property, with a view to destabilising the activities of the authorities of the Russian Federation and influencing their decisions on the status of individual regions of the Russian Federation. Lastly, it concluded that, if at liberty, MrHryb might abscond.

(ii) Observations by Professor V.P.P.

951. On 1 October 2017 Professor V.P.P., Mr Hryb's physician in a Kyiv children's hospital, drew up written observations regarding the results of a medical examination of Mr Hryb "detained since 26 August 2017 in [SIZO-5 of Krasnodar]". He noted that the reports on Mr Hryb's medical examinations of 6 and 14 September 2017 had not contained sufficient information to reliably assess the patient's state of health; that no blood test results had been made available; that, contrary to the accepted practice, no dietary recommendations had been made; and that the documents supplied were in barely legible handwriting. The observations read, in particular, as follows:

"Portal hypertension is a chronic process; patients diagnosed with this condition are in a constant process of adaptation against the background of all ... changes in the body, especially if the person has been affected since birth. Therefore, the assessment of a patient's general condition as 'stable' does not [demonstrate] the full picture of the state of health, as a range of states may be described as 'stable', ranging from 'consistently satisfactory' to 'consistently grave'.

...

For a more objective assessment of the state of health of a patient (detainee) diagnosed with portal hypertension, a medical examination must be carried out by expert physicians experienced in the field who are familiar with every detail of this condition."

952. On 26 October 2017 Professor V.P.P. drew up an opinion regarding the materials supplied by the authorities of the Russian Federation in the context of the request for indication of interim measures to the Government of Russia addressed to the Court. The opinion read as follows:

"[Mr Hryb], 19 years old, has been detained since 26 August 2017 in [SIZO-5].

The medical service and administration of the facility in which [Mr Hryb] is detained obviously underestimate [the gravity of the state of] health of this patient. In the primary diagnosis, only a duodenal ulcer in remission is presented as the main [diagnosis], and the diagnosis of portal hypertension and varicose veins of the oesophagus is presented only with a question mark.

The administration of the facility has disregarded the medical records provided by the patient about the presence and the course of the disease in him, and in the description of the main disease, portal hypertension, has followed medical history only. [Mr Hryb] has been ill from birth and was diagnosed with portal hypertension for the first time at the age of 4 and a half. He received treatment under the supervision of medical staff of the Okhmatdit hospital in Kyiv and of his parents (in outpatient conditions). That being so, the patient could not have known all the details of his condition and the characteristics of his treatment.

According to the documents submitted, in [Mr Hryb's case] there is a clinical progression of the main disease – portal hypertension (deterioration of the general condition, weakness of ability, weight loss, appearance of streptoderma and skin ulceration, sensation of burning, expressed signs of hypersplenism ..., increase of total bilirubin ..., significant increase in the size of the spleen in the dynamics (according to ultrasound data), presence of varicose veins, ulcers and signs of inflammation of the mucous membrane, oesophagus, stomach and duodenum).

In the medical recommendations of the above-mentioned institution, not all the elements of symptomatic treatment were taken into account, especially that with regard to the curvature of the blood in portal hypertension and the presence of the duodenum-gastro-oesophagus-reflux component in this condition, which can cause the sudden appearance of severe bleeding from the oesophageal lumen, stomach or duodenum with appropriate consequences. [Mr Hryb] needs portosystemic shunting as part of complex treatment.

The description of the results of instrumental examinations (ultrasound and FEGDS) conducted in the above-mentioned institution does not adequately characterise the main indicators of the underlying disease, portal hypertension, which suggests that the examination should be conducted at higher-level hospitals directly involved in portal hypertension.

A more professional approach to examining and treating [Mr Hryb] could improve his health."

(iii) Letters concerning Mr Hryb

953. By a letter of 12 October 2017 the FSB Department for the Krasnodar Region ("the Krasnodar FSB") responded to an email sent by Mr Hryb's father as follows:

"In response to your application of 7 September 2017 received at the e-mail address of [the Krasnodar FSB], we inform you that on 25 August 2017 [Mr Hryb] was arrested in the territory of the Russian Federation by [the Krasnodar FSB] officers pursuant to Articles 91, 92 and Article 210 § 3 of [the CCrPRF] as a person wanted by the police on charges of committing a crime under Article 205.1 § 1 of [the CrCRF] (inciting a person to commit a crime proscribed by Article 205 of [the CrCRF]), in criminal case no. 11707030001000103.

A preventive measure in the form of pre-trial detention has been applied to [Mr Hryb]. He is currently detained in [SIZO-5 in Krasnodar]."

954. A letter of 12 October 2017 from the Consulate General of Ukraine in Rostov-on-Don to the Prosecutor's Office of the Krasnodar Region read as follows, in particular:

"[Mr Hryb], a citizen of Ukraine, is currently held in [a SIZO] in Krasnodar.

[He] has a number of chronic diseases that require timely monitoring and treatment with certain medication. Moreover, to determine his current state of health, [Mr Hryb] requires a medical examination by qualified specialists.

Despite the repeated official requests by the Consulate General of Ukraine in Rostov-on-Don to the Federal Security Service of Russia in the Krasnodar Region ..., the Consulate General of Ukraine has not been informed of [Mr Hryb's] health issues.

In view of the above, upon prior written notice to the Federal Security Service of Russia in the Krasnodar Region, qualified specialists from the Ministry of Health of Ukraine, Professor [V.P.P] and Professor [Yu.L.K.], arrived in Krasnodar.

Nevertheless, the FSB officers refused to grant them access to [Mr Hryb]. ..."

955. On 12 October 2017 Professors V.V.P and Yu.L.K. sent the following note to the Krasnodar FSB:

"We, Ukrainian physicians, Professor [V.P.P.] and Professor [Yu.L.K.], inform you that ... [we] came to [SIZO-5 in Krasnodar] on 12 October 2017 to perform a medical examination of [Mr Hryb].

A written notification stating the time and purpose of our arrival and the reasons behind the need to examine [Mr Hryb] had been sent to you in advance.

However, upon arrival at [SIZO-5 in Krasnodar], we were denied admission to the citizen of Ukraine.

For that reason, we wish to register a strong protest against the actions of officials of [the Krasnodar FSB] ..."

956. A letter of 12 October 2017 from the representation of the Russian MFA in Krasnodar to the Consulate of Ukraine in Rostov-on-Don read as follows, in particular:

"As stated in the response from [SIZO-5 in Krasnodar], pursuant to [domestic law], suspects and accused are only allowed visits from their relatives and other persons on the basis of written permission by the person or body in charge of the criminal case. The legislation in force does not provide for carrying any other events, including medical examinations, in a meeting room of a remand prison.

... [M]edical assistance is provided to the accused by officers of the medical unit of a remand prison. In complex cases ... patients are examined by specialists of medical correctional institutions of the penal system, while it is also possible to involve specialists [employed by] municipal and State healthcare systems of the Russian Federation. It is not permitted to involve foreign medical specialists.

On 15 September 2017 [Mr Hryb] underwent a complex medical examination, following which no illnesses that would impede detention were detected and it was established that no hospital admission was necessary.

[Mr Hryb] receives medication daily. Unauthorised persons are not allowed to provide him with any medication ... If there is a written statement by the accused, with the permission of the attending physician, it is possible for the medical unit of a remand prison to purchase any medication with the money stored in the personal account of the accused ..."

(iv) Press release published by the Ministry of Health of Ukraine, 12 October 2017

957. A press release published by the Ministry of Health of Ukraine entitled "Ukrainian doctors arrived in the Russian Federation to examine a Ukrainian citizen, Pavlo Hryb, detained in the remand prison in Krasnodar" read as follows, in particular:

"19-year-old Ukrainian Pavlo Hryb, who was kidnapped from Belarus and taken to Russia at the end of August, has been detained for more than a month in a SIZO in Krasnodar and has been denied the necessary medical care.

In connection with Pavlo Hryb's unsatisfactory state of health and his lack of access to the necessary medication, Ukraine has repeatedly requested the Russian side to allow Ukrainian doctors access to the detained person.

The Ministry of Health of Ukraine has identified the specialists tasked with carrying out a medical examination of the Ukrainian citizen Pavlo Hryb between 12 and 15 October and with collecting the information on the young man's current state of health and recommending treatment.

To date, despite the numerous requests of the Consulate General of Ukraine in Rostov-on-Don and the position of the European Court of Human Rights on the need to allow Ukrainian doctors access to Pavlo Hryb, no agreement has been received from the Russian side.

In order to prevent the deterioration of the young man's health, a decision was taken to dispatch Ukrainian doctors to Russia and to demand that they be given an opportunity to immediately carry out an examination of the detainee."

(v) Articles concerning Mr Hryb

(α) "Ukrainian doctors arrive in Russia to examine Pavlo Hryb held in Russia's Krasnodar", unian.info, 12 October 2017

958. This article, published by the UNIAN media outlet read, in particular, as follows (original in English):

"A group of Ukrainian doctors arrived in the city of Krasnodar of the Russian Federation to check on the health condition of an illegally detained 19-year-old Pavlo Hryb, Acting Health Minister [Dr U.S.] wrote on Facebook.

The minister has stressed that the 19-year-old Ukrainian citizen suffers from a serious congenital disease and needs daily specific treatment, and there is a direct threat to his life if the relevant medical treatment is not provided.

'Due to unsatisfactory state of Hryb's health and the lack of his access to necessary medications, Ukraine has repeatedly appealed to the Russian side with a request to allow Ukrainian doctors to examine the detainee', [Dr U.S.] said.

According to her, despite numerous appeals by the Consulate General of Ukraine in Rostov-on-Don and position of the European Court of Human Rights on the need to

allow access of Ukrainian doctors to the detained teenager, no agreement has yet been reached with the Russian side. ...

As UNIAN reported earlier, a member of the State Border Guard Service's public council, [Mr I.H.], said on August 28 his 19-year-old son, Pavlo Hryb, was missing.

Pavlo reportedly disappeared in Belarus on August 24 after he had travelled to the city of Gomel for a meeting with a Russian girl whom he had met on social networks and who had allegedly also flown to Gomel.

The youngster's father said Pavlo was supposed to return on the same day. When it did not happen, the father went to Gomel in search for his son. He found out that Pavlo was wanted by the FSB in [the Krasnodar Region] (Sochi) under Article 205 of the Criminal Code of the Russian Federation (an act of terrorism).

It became known on September 7 that Pavlo was being kept in [SIZO-5 of Krasnodar].

On September 13 the court in Krasnodar ruled to arrest Pavlo Hryb until October 17.

On September 15, the Foreign Ministry reported that Hryb was transferred from the detention facility to a medical center. On September 16, he was returned to the detention facility.

On October 6, lawyer [Ye.Z.] stated that the [European Court of Human Rights had] invited Ukrainian doctors to assess Pavlo's health condition and to find out whether he receives the treatment required.

'I hope that the Ukrainian Foreign Ministry, the Ministry of Health and the Ombudsperson will do everything to ensure that our doctors get to Pavlo Hryb as soon as possible, while Russia will not dare violate the direct instruction by the ECHR and refuse their access to Pavlo', the lawyer said.

The case of Pavlo Hryb is being personally supervised by Minister of Foreign Affairs of Ukraine [P.K.]."

(β) "Russia falsifies medical records endangering the life of abducted Ukrainian teenager Pavlo Hryb", khpg.org, 12 April 2018

959. This article read as follows, in particular (original in English):

"[Mr Hryb's father] reported on 11 April that the Krasnodar SIZO staff had refused to allow virtually all the food products that his wife had tried to send to their son. With cruel cynicism, they told the mother, 'Pavlo is on a diet'.

[Mr Hryb] suffers from serious blood circulation issues, including portal hypertension, and has been under specialist medical supervision most of his life. The young man complained to his lawyer on 9 April of severe stomach pain and vomiting, and there has long been concern that he could suffer internal haemorrhaging at any time.

His father has spoken with Professor [V.P.P] ..., Pavlo's doctor from early childhood. [He] warns that with the general deterioration in Pavlo's health, this refusal to provide him with a minimum of vital food products will lead to an increase in stomach acid. This can only heighten the danger of haemorrhaging in the digestive tract, stomach or duodenum, with this especially dangerous due to blood coagulation. His doctor says that [Mr Hryb] needs a portosystemic bypass as part of his treatment, and [Mr Hryb's father] reports that his son had been scheduled to have such an operation in September last year.

There are no medical facilities in Krasnodar that would be capable of treating [Mr Hryb] should such haemorrhaging begin, and no falsification of medical tests can alter the fact that Russia is now placing the young man's life in danger.

...

The 'investigators' are insisting on holding even detention renewal hearings behind closed doors. His near total isolation, and the refusal to allow visits from the Ukrainian consul, as well as from his own mother, seem part of the deliberate policy aimed at putting maximum pressure on the young man. This is, unfortunately, standard procedure in cases involving Ukrainians held illegally in Russia, with the aim being to extract 'confessions' that enable the 'investigators' to conceal the lack of any.

Pavlo Hryb is a first-year student in the Philosophy Faculty of the Kyiv-Mohyla Academy. The19-year-old disappeared on August 24, after going to Gomel, in Belarus to meet a 17-year-old Russian girl from Krasnodar whom he had met on the Internet. His father sounded the alarm almost immediately, although Russia's FSB took 13 days to admit that the young man was in Russian custody in a Krasnodar SIZO. Russia has since fiddled the date, claiming that the young man was 'arrested' in Russia's Smolensk on August 25.

Had [Mr Hryb] really been on the international wanted list, as his father was told, he should have been detained at the Ukrainian – Belarusian border, with proper procedure set in motion. Instead, he passed into Belarus with no difficulty, and was [apprehended] by unidentified individuals who pushed him into a car. He could not have [come] from Belarus into Russia without the Belarusian side being at least aware what was happening, since this was assuredly against the young Ukrainian's will.

The young woman, who was at the time of the correspondence, underage, told Ukrainian journalists after it became clear that Pavlo had been abducted, that she had been threatened with prosecution herself by the FSB if she didn't cooperate by tricking [Mr Hryb].

The FSB are claiming that Hryb encouraged the 17-year-old schoolgirl to plant [an IED] in a school on June 30, 2017. He is supposed to have done this by Skype from March 27 to April 13, 2017. There are no records of those Skype conversations, but there are of the later correspondence between the two adolescents. From a month after the alleged mention of a plan to commit an act of terrorism, there is not one word about it. Not before the alleged date chosen, not on the day, nor afterwards. Nothing at all to back the FSB's claim.

The FSB themselves, who claim to have discovered this plan, did not say or do anything. Yet on July 4, they allegedly launched a criminal investigation, with this involving a search of the young Russian girl's flat. By July 28, the FSB had designated Hryb as the 'accused' in this story, and they then set about intimidating the young girl into persuading Pavlo to meet her in Belarus."