



№119 May 18, 2016

OPEN LETTER TO THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE

Dear Mr. Thorbjørn Jagland,

We express our gratitude to you for organizing a special human rights monitoring mission in the temporarily occupied Crimea. The Russian Federation is consistently pursuing a policy aimed at isolating the peninsula and is denying access there to international intergovernmental organizations, in particular, the UN Human Rights Monitoring Mission, the mission of the Council of Europe Commissioner for Human Rights, the OSCE Human Rights Assessment Mission on Crimea, etc. It has been more than a year and a half since the last visit of the representatives of an international intergovernmental organization. That is why we consider the efforts of the Council of Europe on attracting international attention to the human rights situation in Crimea to be extremely important.

For more than two years, we have been continuously monitoring respect for human rights in Crimea. That is why we are well aware of the difficult working conditions and the significance of your contribution. At the same time, we would like to draw your attention to the fact that a good number of issues which are quite important in the light of implementation of the European Convention on Human Rights remained undescribed in the report of the special mission headed by Ambassador Gérard Stoudmann.

Occupation of the peninsula by the Russian Federation led to systematic violations of human rights and freedoms, purposeful discrimination aimed against the Crimean Tatar people, as well as to the development of an organized system of political persecution. Persecution of this kind has quite an extensive arsenal. Both legal mechanisms (illegal arrests and interrogations, fabricated criminal and administrative cases, ban on peaceful gatherings, etc), and non-legal methods (intimidation, beating, abduction, torture) are applied.

It is important to note that any person attempting to exercise his or her rights and freedoms can become a victim of this persecution regardless of whether this person has any oppositional views or not. This is also confirmed by the recent crackdown on a peaceful protest against the closure of the Cadet Corps; participants of the protest were holding flags of the Russian Federation and posters with appeals to Vladimir Putin.

Therefore, the conclusion in the report of the special mission that “cases of repression mostly target individual opponents” contradicts the assessment of international and local human rights organizations. On the contrary, Russian human rights activists point out that the occupation authorities apply all tools available in the legislation and practice of the Russian Federation in order to suppress any alternative point of view and completely cleanse the independent civil society on the peninsula.

We would like to particularly draw your attention to the fact that victims of human rights violations, who went against the agenda of the Russian side by taking courage to meet the members of the special mission and to give evidence, exposed themselves to a serious risk. It is not incidental that after the visit ended,

a number of participants were subjected to searches; and a member of the Crimean human rights contact group who met with the mission separately, Emir-Usein Kuku, was arrested on fake criminal charges and is still kept in custody.

In general, the situation around the world is leading us to a serious discussion regarding challenges that arise while organizing international presence on the occupied territories by efforts of the Council of Europe. The challenges include providing full and unrestricted access to the occupied Crimea for all human rights agencies of the Council of Europe so that they can perform their monitoring activities without hindrance and in compliance with their mandates; manning the missions with people possessing extensive experience in human rights work and competence in the international human rights law; ensuring access for international experts to various sources of information with its further verification; planning secure contacts for victims of human rights violations with view of intimidation and possible further persecution, etc.

Therefore, we send you our proposals on the human issues that we recommend for the Council of Europe to pay special attention to. We are ready to provide comprehensive support, in particular, the necessary documents and contacts, to the activities of the Council of Europe regarding human rights and fundamental freedoms monitoring in the in the occupied Crimea. We consider it extremely important to ensure participation of the human rights conventional mechanisms of the Council of Europe and the Council of Europe Commissioner for Human Rights in monitoring Crimea as a part of Ukraine.

We are well aware of all the threats that members of international missions have to deal with just to carry out their work. In fact, after the report by the Council of Europe Commissioner for Human Rights was published in 2014, the Russian Federation made it impossible for him to further visit Crimea.

But we are in a situation where approximately two and a half million people de facto have become hostages of the armed aggression of the Russian Federation that annexed Crimea with the help of its army, that suppresses and consistently purges the civil society, conducts systematic attacks on human rights and freedoms, endangers the very existence of the Crimean Tatar people, and in general, with its actions has destroyed the existing system of post-war peace and security. Caution and evasiveness in statements and assessments in such a situation should be left to diplomats.

The language of human rights is different; it provides for honesty, uncompromising integrity and ability to call things by their names even if there remains nothing but words and one's individual example.

With deep respect and hope to be heard,
Chairperson of the Board
of the Center for Civil Liberties
Co-ordinator of Euromaidan SOS Initiative
Oleksandra Matviychuk



Proposals to the report of the special mission for human rights monitoring in the temporarily occupied Crimea, organized by the Secretary General of the Council of Europe 25-31 January 2016

1. Law enforcement authorities

As rightfully noted in the report, the majority of the participants of the meetings were telling that it was worthless to try to complain about bullying, threats of abduction, unlawful searches, disproportionate use of force by law enforcement officials. Please take into account that this directly demonstrates that there are no effective means of protection against arbitrary actions of occupation police on the territory of the occupied Crimea.

The report contains a statement of occupation authorities that they "conduct independent, tireless and transparent investigations publicly presenting current developments and findings" regarding 21 missing persons, 5 of whom were found dead. Please be advised of the existing practice, which proves the inefficiency in investigating politically motivated crimes. We request you to kindly pay attention to the following illustrative cases. The criminal proceedings regarding the brutal murder of a single participant of the one-man picket Reshat Ametov was suspended in the fall of 2014¹ and resumed only a year after being started. The very moment of abduction of Reshat Ametov by the "Crimean selfdefense" was recorded on video². At the same time there are no suspects in the case materials so far. The investigation of the abduction of a public activist Andrei Shchekun was "frozen" in a similar way. He was delivered by the "Crimean self-defense" to the police station, and further transferred by the police to other representatives of the "Crimean self-defense." Andriy Shchekun spent 11 days in captivity in spring of 2014; along with other illegally detained persons he was brutally tortured (beatings, shot limbs, use of electric shocks,³ etc.)

We recommend to examine the situation regarding introduction of repressive model of police operation which is typical of the Russian Federation on the territory of the occupied Crimea. We also recommend to provide official assessment of the absolute impunity of law enforcement officers for the human rights violations committed by them.

2. "Self-defense force"

The report tells that a paramilitary group called "Crimean self-defense" was dissolved⁴ and turned into "two separate security units." At the same time, the report notes that the special mission could not "fully explain their current legal status and functions".

Please be advised that "the Crimean self-defense" was officially legalized through the saw-called Law of the Republic of Crimea "On People's Militia – People's Squad of the Republic of Crimea" adopted by the self-proclaimed authorities in June 2014. Currently, its legal status and functions are defined in Articles 1, 2, and part 1 of Article 10 of this document⁵. But despite this, the "Crimean self-defense" continues to perform the functions of the "private army" of the self-proclaimed head of the Republic and in general enjoys a broad financial, material and technical support of the occupation authorities⁶.

¹ Monitoring report of the Crimean field mission for March 2015:

http://cfmission.crimeahr.org/wpcontent/uploads/URObzor_KPM_Mart_2015_final.pdf

² Link to the video of the abduction: <https://www.youtube.com/watch?v=2gwhz17dbj0>

³ Joint report of the Ukrainian human rights organizations "Peninsula of fear: a chronicle of the occupation and human rights violations in Crimea": http://rchr.org.ua/images/news/2015/faire/FearEng_links.pdf

⁴ Section 3.4. of Report of Council of Europe Commissioner for human rights Niels Mužnieks as for results of the visit to the temporarily occupied Crimea from 7 to 12 September 2014:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2624575&SecMod e=1&DocId=2197556&Usage=2>

⁵ Document on the official website of the so-called State Council of the Republic of Crimea <http://crimea.gov.ru/act/12291>

⁶ Section 3.4. of Report of Council of Europe Commissioner for Human Rights Niels Muzhnieks as for results of the visit to the temporarily occupied Crimea from 7 to 12 September 2014:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2624575&SecMod e=1&DocId=2197556&Usage=2>

It is noted in the report that the special mission was not able to confirm "their participation in the abductions of people and other violent acts." For verification of these facts we recommend speaking with the community activists who are now in the Ukrainian Mainland of Ukraine and who were released from captivity of the "Crimean self-defense". We also suggest meeting with relatives of the missing people during subsequent visits, for example, with the relatives of Islyam Dzhapparov, Dzhevdet Islyamov, who were witnessed being pulled into a van by representatives of the "Crimean self-defense" on September 27, 2014.

We recommend gathering evidence regarding involvement of the "Crimean self-defense" in violent disappearances, acts of torture, seizure of religious buildings, beatings of journalists, crackdowns on peaceful assemblies and other serious human rights violations⁶. Separately, we would like to note that none of its representatives have been made accountable for the committed crimes.

3. Judiciary

We realize that due to the short period of time, the special mission "did not have enough opportunities to conduct a comprehensive and detailed assessment of the current state of the judiciary in the Crimea."

Therefore, we recommend examining cases of numerous violations of the right to a fair trial referred to in the reports of international intergovernmental organizations and human rights lawyers, including cases of deprivation of the right to protection, pressure on independent defense lawyers, demonstrative biased attitude of the Court when considering "political affairs", etc.⁷ To do this, we would like to draw your attention to the illegal withdrawal of Emil Kurbedinov, a defense lawyer who defended persons accused in being members of a terrorist organization (Rustem Vaitov, Ferat Saifullayev, Nuri Primov, detained in 2015, as well as Enver Bekirov, Muslim Aliyev, Emir-Usein Kuku detained in 2016)⁸. Also, attention should be given to Court's refusal to consider claims regarding torture used by police against detainees, for example, a claim by lawyer Dmytro Sotnikov stating that his client was subjected to torture. This is how the police tried to force Alexander Kostenko to confess in committing a crime. Separately, it is worth paying attention to limitation of public access to Court, for instance, the illegal detention of journalist Zair Akadirov for "taking photos of the lobby of the Court" which in January 2016 was hearing the case of the Deputy Chairman of Mejlis Akhtem Chiyyoz.

The report mentions a statement of the self-proclaimed General Prosecutor on decriminalization of 118 offences. Thus the self-proclaimed General Prosecutor is trying to make a false impression about humanization of the criminal law. We would like to draw your attention to the fact that criminal law has become "stricter" after the occupation. The forced introduction of Russian legislation in itself, which contradicts international standards of human rights, automatically lowers the level of protection of rights and freedoms in the occupied territory.

We also recommend noting the legislative amendments⁹ adopted after occupation in the field of information dissemination, combating extremism, rallies and mass activities. These regulations

⁶ Section 1 of the Report by Human Rights Watch "Rights in retreat. Abuses in Crimea": <https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea>

⁷ In particular, some cases of violations are mentioned in p. 9, 106, 140, 142-146 of the report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), written in joint effort by the Office for democratic institutions and human rights and the High Commissioner on national minorities. Link to the report: <http://www.osce.org/odihr/180596> ⁹ A message from the Facebook personal page of lawyer Emil Kurbedinov: <https://www.facebook.com/emil.kurbedinov/posts/1060635804001016>

⁸ For example, the introduction of a new crime element 28.06.2014 in the Federal Law of the Russian Federation No. 179FZ, namely amendments to part 2 of Article 280 of the Criminal Code of the Russian Federation that sets criminal penalties in the form up to 5 years of imprisonment for "public calls to extremist activity, made with the use of media, or information and telecommunication networks, including the Internet network".

introduced new crime elements, increased the existing criminal liability, extended the repressive powers of state authorities and constituted grounds for suppressing any view contrary to that of the ruling authorities and any activity unauthorized by the occupation authorities. As an example, one can consider the criminal prosecution of Yuri Ilchenko, who has been detained for more than two years for a posting on his social network profile criticism of the annexation of the Crimea.

4. Penitentiary institutions

The situation with the "proper conditions of detention in local penitentiary institutions in line with international standards" is quite alarming. It is not incidental that in its Resolution No. 2112 (2016) the Parliamentary Assembly the The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to establish a special monitoring mission that would check the confinement conditions of the Ukrainian prisoners detained for political motives in the Russian Federation and Crimea.

We recommend evaluating the actual state of compliance with international human rights standards in places of imprisonment, in particular, examining the widespread practice of torture and ill-treatment. Despite the fact that people are intimidated and completely lose faith in the ability to restore justice, such cases periodically become known to human rights organizations. As an example we can refer to the case of Crimean Tatar Enver Krosh, who was subjected to torture by electric shocks for refusing to cooperate with the FSB (Federal Security Service)⁹. Another illustrative case is refusal to provide medical aid to prisoner Oleksandr Kostenko, whose broken arm was "shrinking" after being tortured by the police.

Attention should also be paid to the illegal transfer of prisoners from the territory of the occupied Crimea to places of imprisonment on the territory of the Russian Federation to serve sentences. It is worth noting that this practice grossly violates the international humanitarian law. Center for Civil Liberties received a letter from one of these prisoners, who complains about the bad conditions, lack of access to representatives of Ukrainian State and total legal arbitrariness - "here we are people without a nationality and fatherland".

5. Crimean Tatars and other minorities

As you may know, after the visit of the special mission the occupation Court recognized the Mejlis of Crimean Tatar people to be an extremist organization and banned its activities. The report clearly states though that "such a decision would be an evidence of a new wave of repression against the Crimean Tatar community in general." Moreover, Deputy Head of the Crimean Tatar Mejlis Ilmi Umerov faced criminal charges for encouraging violation of the territorial integrity of the Russian Federation.

With this in mind, please pay particular attention to the report's statement that "cases of repression are rather aimed against individual opponents, than represent a collective policy of repressions against the Crimean Tatars as an ethnic group."

It is necessary to somewhat clarify the situation. The fact that some members of the Mejlis (who agreed to collaborate with the occupation regime) are occupying some ruling positions, and are not in prison or exile as other members of the Mejlis (who did not agree to collaborate), does not mean that mass repressions against the Crimean Tatars are not the case. Any Crimean Tatar, regardless of expressing opposing or supporting views about the occupation authorities, is under constant threat of being searched in his/her own home, detained during prayers in mosques, groundlessly arrested for identification, etc.

⁹ Message from the Facebook profile of the leader of Crimean Tatar people Mustafa Dzhemilev: https://www.facebook.com/permalink.php?story_fbid=136727716697950&id=100010821679062

In this context, the unlawful ban of Mejlis in April 2016 lies entirely within the policy of systematic¹⁰ repression of the Crimean Tatar people conducted by the occupation authorities¹¹.

We recommend interviewing the victims of the illegal massive searches in the Crimean Tatar settlements and law enforcement raids to the Tatar mosques, accompanied by numerous detentions. One can take as an example massive searches that took place in February 2016¹² in Yalta¹⁵, Alushta, Bakhchisarai, the villages of Krasnokamianka, Kholmivka¹⁶, Viktorivka. The FSB then detained more than ten Crimean Tatars; four of them, namely Emir-Usein Kuku, Muslim Aliev, Vadym Siruk, Enver Bekirov, are still in custody. Another example is detention of several dozen Muslims in mosques after Jumu'ah (Friday prayer), which occurred in May 2016 in Molodizhne of Simferopol Rayon¹⁷.

Also we recommend to verify the statements of occupation authorities mentioned in the report regarding "measures taken to ensure the needs of the Crimean Tatar community", in particular, "recognition of the Crimean Tatar language as official, construction of mosques, introduction of the Crimean Tatar educational modules in schools", possibility to "use the Crimean Tatar flags and symbols without any limitation". We would like to draw your attention to the report by Human Rights Watch, which describes how the police and FSB officers searched a school in Bakhchisaray area in September 2014. The parents claimed that their children were forced to take off the items bearing the Crimean Tatar symbols¹⁸. One of the latest cases recorded by journalists concerns members of the children's ensemble in village Uhlove of Bakhchisaray Rayon who were forced to wear T-shirts bearing the flag of the Crimean Tatar (tamga) inside out in order to hide it during the performance¹³.

According to our information only, the number the Crimean Tatars persecuted for political motives and currently held in detention is at least 16 persons. Given this fact we believe that the Advisory Committee of the Framework Convention for the Protection of the Rights of National Minorities should get involved in the monitoring process.

6. Freedom of religion

The report states that re-registration of religious communities "has not caused any significant difficulties". It should be noted that even the occupation authorities were forced (December 31, 2014²⁰ and April 1, 2015) to extend period of registration twice since religious communities were not able to complete this procedure meeting the deadline.

The report explains a drastic reduction in the number of registered organizations this way: "as reported, most of them had not been active." Also, the report contains the following statement "it is reported that

¹⁰ Link to page 20 of the Amnesty International report "One year on violations of the rights to freedom of expression, assembly and association in Crimea": <https://www.amnesty.org/en/documents/EUR50/1129/2015/en/>

¹¹ Regarding persecution of the Mejlis in 2014 see Section 1 of Report by Human Rights Watch "Rights in retreat. Abuses in Crimea": <https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea>

¹² Message from the Facebook profile of lawyer Emile Kurbedinov <https://www.facebook.com/emil.kurbedinov/posts/104795969193529>

¹⁵ Message from the Facebook profile of lawyer Emile Kurbedinov: <https://www.facebook.com/emil.kurbedinov/posts/104724426200683>

¹⁶ Message from the Facebook profile of lawyer Emile Kurbedinova: <https://www.facebook.com/emil.kurbedinov/posts/104726538533805>

¹⁷ Message from the Facebook profile of lawyer Emile Kurbedinova: <https://www.facebook.com/emil.kurbedinov/posts/110631184610007>

¹⁸ <https://www.hrw.org/report/2014/11/17/rights-retreat/abusescrimea>

¹³ <http://15minut.org/news/159086-v-krymu-nachali-zapreschat-krymskotatarskuyu-simvoliku> ²⁰Federal law of the Russian Federation No. 506-FZ:

<http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102033238&backlink=1&&nd=102365319>

many religious organizations that stopped their activities were Muslim organizations which were probably funded from abroad."

We recommend interviewing and citing testimonies of people who became victims of searches aimed at seizure "of the banned extremist literature" in mosques, madrassas (schools) and private homes of Muslims.

Following a separate meeting with Archbishop Kliment of the Ukrainian Orthodox Church of Kyiv Patriarchate, the report mentions "difficulties regarding full use of and access to the administrative buildings in Simferopol". We would like to inform you about the nature of these difficulties. Ukrainian Orthodox Church of Kyiv Patriarchate periodically publishes information about kidnappings and beatings of clerics, illegal searches and interrogations, preventive conversations with its parishioners, forcible seizures of churches by law enforcement agencies and representatives of the "Crimean selfdefense"¹⁴. For example, the website of the General Prosecutor's Office of Ukraine contains information on an illegal search at the home of the mother of the Priest of Svyato-Pokrovskiy Temple (Ukrainian Orthodox Church of Kiev Patriarchate) which took place on 6 December 2015. During the search, his personal records were seized; and in January of the following year, two unknown men in civilian clothes detained and interrogated his mother. Currently the Priest has been put on the "wanted list" by the occupation authorities for alleged extremism¹⁵.

It is appropriately noted in the report that these issues "should be considered also in the light of the requirements provided for in Article 9 of the European Convention on Human Rights". We recommend giving an official assessment regarding proportionality of the intervention of the occupation authorities in the freedom of thought, conscience and religion in accordance with the aforementioned article of the Convention.

7. Freedom of expression / the mass media

The report mentions restrictive impact of the Russian legislation, which resulted in "reduction of the mass media diversity." We recommend to separately examining the situation with the introduction of censorship, intimidation of journalists and threats by law enforcement agencies, searches and seizures of the property belonging to journalists and bloggers¹⁶, arrests of the media representatives and other forms of obstruction in journalist professional activity. Criminal prosecution of Eskender Nebiyev, operator of ATR TV-channel, who was sentenced in October of 2015 to two and a half years of conditional punishment, can be viewed as an example. Another example is the recent criminal case regarding "separatism" against journalist Mykola Semen for his publications in the mass media. Also, attention should be given to the popular practice of giving preventive warnings to individuals for their personal publications on the Internet.

We recommend investigating the details of "other reasons" mentioned in the Ambassador's report as those causing the closure of newspapers. As an example, one can cite the words of the editor of the last Ukrainian newspaper "Krymska Svitlytsia" about the forced closure of the media due to the "inability to guarantee safety to journalists": "We have an information war here. Anything Ukrainian is forbidden. While there are some Crimean Tatar channels, newspapers, there is nothing Ukrainian which would be

¹⁴ Page 16, 21-22 of the report of Amnesty International "One year on violations of the rights to freedom of expression, assembly and association in Crimea": <https://www.amnesty.org/en/documents/EUR50/1129/2015/en/>

¹⁵ A message on the official website of the General Prosecutor's Office: <http://www.gp.gov.ua/ua/news.html? m=publications& c=view& t=rec&id=168805>

¹⁶ Paragraph 32 of the Report of Council of Europe Commissioner for Human Rights Niels Mužnieks as for results of the visit to the temporarily occupied Crimea from 7 to 12 September, 2014: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2624575&SecMod e=1&DocId=2197556&Usage=2>

legal. Even libraries are throwing our historical books away. Here any person can be charged for anything under Russian law, even for the fact that we do not recognize the Crimea to be Russian in our newspaper. We cannot get our salary. Only by a miracle someone might bring it from Kyiv. We are working via our home Internet connections”¹⁷.

Also it is worth reminding that the occupation authorities in Crimea have been consistently destroying the only independent Crimean Tatar channel - ATR¹⁸. Its editorial team was accused of extremism because channel “strongly broadcasts the opinion about possible reprisals, and promotes the formation of anti-Russian public opinion.”¹⁹ Its staff faced a series of searches, reporters were forbidden to access the Crimean Tatar cultural institutions, as mentioned, in particular, in the report by Human Rights Watch²⁰. The channel’s broadcasting license has not been extended after four attempts to pass the reregistration in accordance with the Russian legislation²¹. The report stated that “the sense of frustration is probably one of the main reasons that led to the creation of Millet TV - a new Crimean Tatar public channel.” I would like to inform you that channel Millet TV was launched exclusively in order to compete with the ATR, which continues to broadcast from the mainland territory of Ukraine. Editorial policy of Millet TV is under full control of the occupying authorities, which defines the content and language of the channel. ATR’s signal is simultaneously being blocked in the Internet on the territory of Crimea.

We recommend providing an official assessment of the situation regarding pressure inflicted by the occupation authorities on mass media, numerous violations of freedom of expression, as well as effectiveness in investigating cases of obstruction in journalists’ professional activity.

8. Freedom of Assembly and Association

The report appropriately noted the importance of compliance with Article 11 of the European Convention on Human Rights. Therefore, we recommend investigating and providing an official assessment of the facts of numerous violations of the freedom to peaceful assembly, referred to in the reports of international intergovernmental organizations and human rights defenders, for instance, disproportionate restrictions on peaceful meetings, forced dispersal and beatings of their participants, illegal arrests of protesters and fake administrative and criminal charges pressed against them, etc.

For example, it is worth to pay attention to the illegal decisions of the occupation authorities, which automatically ban all parties from holding peaceful assemblies for an indefinite period of time. In particular, it is worth to view the resolution of the occupation Administration of the city of Simferopol No. 1347 of 22 November, 2015²⁹ with amendments thereto³⁰, according to which the “restrictions” on peaceful assemblies actually acquire the form of a direct ban to conduct them. It should be noted that the provisions of the resolution do not apply to actions of the occupation authorities.

¹⁷ http://freecrimea.com.ua/91935/2015/4/6/Krym:_territoriya_pravonarushenyi

¹⁸ Link to pages 10-13 of report of Amnesty International "One year on violations of the rights to freedom of expression, assembly and association in Crimea": <https://www.amnesty.org/en/documents/EUR50/1129/2015/en/>

¹⁹ Paragraph 31 of the Report of Council of Europe Commissioner for Human Rights Niels Mužnieks as for results of the visit to the temporarily occupied Crimea from 7 to 12 September, 2014:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2624575&SecMod e=1&DocId=2197556&Usage=2>

²⁰ Link to Section II of the report by Human Rights Watch "Rights in retreat. Abuses in Crimea":

<https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea>

²¹ Paragraph 77 of the report of the Mission to assess the state of affairs regarding respect for human rights in Crimea (6-18 July 2015), written in joint effort by the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities. Link to the report: <http://www.osce.org/odihr/180596> ²⁹

http://simadm.ru/media/acts/2015/11/22/_1347_%D0%BE%D1%82_22.11.2015.pdf ³⁰ Link to the document:

http://simadm.ru/media/acts/2016/03/07/%D0%9F%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5_372_%D0%BE%D1%82_07.03.2016.PDF

We recommend interviewing participants of peaceful assemblies on the legitimacy of the intervention of the law enforcement authorities and the “Crimean self-defense”. In general the current situation on the territory of the peninsula is that assemblies of even cultural character, such as floral tributes to the famous Ukrainian poet Taras Shevchenko on his birthday anniversary, are prohibited and hampered. Separately, it is worth adding, that participants of such a floral tribute in March 2015, were arrested and subjected to administrative punishment²².

Please take into account that peaceful assemblies initiated by the occupation authorities receive allround support. Discriminatory approach to freedom of peaceful assembly is evident by the example of the promotion of Vladimir Putin’s favorites – “Night wolves” bikers – who held their assembly in the center of Simferopol in April 2016. As it is mentioned in the report, the occupation authorities allocated only 4 assembly places in 300-thousand city, that are also quite distant from the center.

The report contains two contradictory statements. A number of the participants of the meetings testified about “difficulties” for the Crimean Tatars in receiving permits to hold peaceful assemblies. In contrast to it, the other participants of the meetings said that these “past restrictions in 2014 were caused by specific political circumstances that prevailed at the time.” We recommend verifying both assertions. To do this, we recommend examining the circumstances of the celebration of religious events for Crimean Tatars, such as Day of the victims of deportation of the Crimean Tatar people²³, the Day of the flag, etc. It is worth to remind that the prayer rally devoted to the Day of victims of deportation was banned both in 2014²⁴, and in the following years as well²⁵, including 2016.

The report calls the reason for the decrease of the civil society sector in Crimea “a very complex and administratively binding process of rearranging the re-registration”. Additionally, it is reported that a large number of NGOs registered before the occupation “had not been in active operation”.

We recommend paying attention to the massive outflow of independent journalists, human rights defenders and civic activists from Crimea and examining the causes of this forced emigration in the light of protection of the freedom of associations²⁶. For example, in Crimea after the occupation, an extensive network of public reception rooms, which provided free legal assistance throughout the peninsula and had offices in Alushta, Simferopol, Dzhankoi and Yalta, was forced to stop its activities. The Coordinator of the network, the Crimean human rights defender Olexandra Dvoretzka, faced threats and persecution campaign organized by the occupation government and was forced to move to Kiev. Leaflets²⁷ with her picture and a request to inform the FSB about the “lady-fascist”, who “while working in nongovernmental organization funded by the US Department of State and European intelligence agencies betrayed the interests of the Crimea inhabitants” were placed all over the city.

9. Education

²² Crimea. The Chronicles of occupation. http://ccl.org.ua/wp-content/uploads/2013/07/hroniky_march-may_2015.pdf

²³ Link to Section 1 of the Report by Human Rights Watch “Rights in retreat. Abuses in Crimea”:

<https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea>

²⁴ Section 4.1.4 of the report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), written jointly by the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities. Link to the text of the report: <http://www.osce.org/odihr/180596>

²⁵ Link to the pages 16-17 of the report of Amnesty International “One year on violations of the rights to freedom of expression, assembly and association in Crimea”: <https://www.amnesty.org/en/documents/EUR50/1129/2015/en/>

²⁶ Link to the pages 19-20 report by Amnesty International “One year on violations of the rights to freedom of expression, assembly and association in Crimea”: <https://www.amnesty.org/en/documents/EUR50/1129/2015/en/>

²⁷ http://gdb.rferl.org/6D252751-DD39-46A4-8464-A6CC9DFE11A6_mw1024_s_n.jpg

As seen from the text of the report, the special mission during its visit focused on the language of teaching at schools. We recommend verifying the absence of “obvious signs of deterioration of the situation” in the field of school education conducted in the Crimean Tatar language²⁸. Also, check the accuracy of the assertions made by occupation authorities that a significant decrease in the number of schools and classes conducting teaching in Ukrainian language is the result of a free choice of parents, “who now prefer to have their children taught in Russian”²⁹. To do this, we recommend that you meet with the parents of the one and only Ukrainian Gymnasium in Simferopol, which is shut down despite their desperate resistance and public protest. Separately, it is worth talking to the Director of this gymnasium Nataliya Rudenko on the issue of teaching in Ukrainian language in Crimean schools. As a result of pressure, she was forced to leave the territory of Crimea and presently is residing in Kiev.

10. Conclusion

The situation with human rights and freedoms in the occupied Crimea in general is rapidly getting worse. Therefore, the Council of Europe invokes quite high expectations. We confirm once again our commitment to provide comprehensive support to the activity of the Council of Europe regarding monitoring the situation with human rights and basic freedoms in the occupied Crimea, in particular, the necessary documents and contacts. We see it extremely important to ensure that human rights conventional mechanisms of the Council of Europe and the Council of Europe Commissioner for Human Rights participate in monitoring Crimea as a part of Ukraine.

Ukrainian and Russian human rights organizations are jointly engaged in human rights monitoring in the occupied Crimea; they are carefully keeping track of all the information that is promulgated by various agencies of the UNO, the Council of Europe and the OSCE. We are full of expectations and readiness to continue our cooperation with international institutions and participate in public discussions of the obtained results at the national and international levels.

Information :

The Center for Civil Liberties (CCL) was founded in Kiev in 2007 for promotion and introduction of values of human rights in Ukraine and in territories of new independent states.

The main objectives of the organization are:

- 1) promotion of implementation of reforms connected with ensuring human rights;
- 2) introduction of public control over actions of law enforcement agencies, judges, local government,
- 3) documenting of cases of political prosecutions in the Crimea and the international crimes on Donbas,
- 4) educational activity for the purpose of promoting values of human rights,
- 5) participation in different programs of the international solidarity

The Euromaidan-SOS public initiative is a self-organized group of human rights activists, civil society activists, lawyers, journalists and other non-indifferent people of different professions, which was created in response to illegal actions of the Government concerning dispersal of peaceful action in the night of November 30, 2013 on the Maidan Nezalezhnosti. Expeditious providing legal aid to Euromaidan’s injured participants in Kiev and in other cities of the country, and also collecting and analyzing information for protection of peaceful protest participants and providing intermediate

²⁸ P. 188-198 of the report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), written jointly by the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities. Link to the text of the report: <http://www.osce.org/odihr/180596>

²⁹ P. 19 of the report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), written jointly by the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities. The text of the report: <http://www.osce.org/odihr/180596>

assessment of the development of the situation became the purpose of activity of the Euromaidan-SOS public initiative. At the moment the facts which were recorded by the Initiative during the Maidan became a basis for the facts for the appeal to the International Criminal Court concerning an assessment of criminal acts of the Government during the peaceful protest on the Maidan. Now volunteers of the Initiative are engaged in documenting human rights violations in the Crimea and war crimes in eastern Ukraine. <https://www.facebook.com/EuromaidanSOS>

For the more information, please, contact us:

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