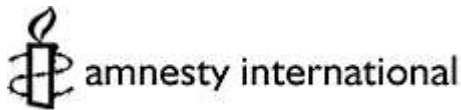


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Crimea: Rapidly Deteriorating Human Rights Situation in the International Blind Spot

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Three years after the peninsula's unlawful annexation by Russia in March 2014, the human rights situation in Crimea is worsening fast. It is exacerbated by the absence of any effective international monitoring mechanism with access to the peninsula, which has emboldened the Russian and the de facto authorities in Crimea to persevere in their relentless campaign against all vestiges of dissent. Ensuring effective international human rights monitoring in Crimea, including agreeing on the practicalities for a relevant mechanism's unobstructed access to Crimea, should be a priority for the international community.

In December 2016, Amnesty International published a briefing *Crimea in the dark: The silencing of dissent*, (1) which documented the abject disregard for, and assault on, the rights to freedom of expression, peaceful assembly and association by Russia and the de facto authorities in the peninsula. Since then, the persecution and harassment of any remaining dissenting voices, most of them of ethnic Crimean Tatars, has further intensified.

The criminal prosecution of members and leaders of the Crimean Tatar Mejlis, designated an "extremist" organization by the Russian authorities, has reached new levels. Additional charges have been brought against activists already accused, on spurious grounds, of membership of the Islamist organization "Hizb ut-Tahrir" which is on the official Russian register of terrorist organizations. Few lawyers dare to take up cases of individuals accused under extremism or terrorism-related charges in Crimea, and the two most prominent ones who have (one from Russia and the other resident of Crimea), have faced intense harassment by the de facto and Russian authorities.

Meanwhile, ordinary ethnic Crimean Tatar residents of the peninsula face new levels of harassment too, particularly in the form of house searches by security forces, which appear to target their community arbitrarily. The use of administrative detention against social media users who have posted content deemed "extremist" in Russia has seen a rise, even when the post preceded Russia's annexation of Crimea.

Following Russia's occupation of Crimea, international and regional human rights mechanisms have been refused entry to the peninsula by the de facto authorities. Among the first of these were the OSCE High Commissioner on National Minorities and the UN Special Rapporteur on Minority Issues. Since Russia established a border between Crimea and mainland Ukraine, it has regarded visits to the peninsula as entry into the Russian Federation. This, apart from requiring permission to enter from the Russian authorities, has made access to Crimea for international and regional human rights mechanisms impossible on terms that would be acceptable to Ukraine and would not be seen as, or amount to, recognition of the change of Crimea's status and a violation of Ukraine's territorial integrity. Ukraine's official requirements for travel to Crimea were formulated in the Law "On Provision of Rights and Freedoms of Citizens and the Legal Region on the Temporarily Occupied Territory of Ukraine" (adopted in April 2014) and formalized in the Cabinet of Ministers' Decree "On Approval of the Regulations for Entry to the Temporarily Occupied Territory of Ukraine and Exit from It" (issued on 4 June 2015). According to these, foreign visitors to Crimea require a formal permission from the State Migration Service of Ukraine and can only access it via specific checkpoints on mainland Ukraine. Access to Crimea via Russia now constitutes a criminal offence under Ukrainian law, and, if undertaken "with the purpose of causing damage to interests of the state", is punishable by up to eight years of imprisonment (under Article 332-1 of the Criminal Code of Ukraine).

On 14 March 2014, the Office of the United Nations High Commissioner for Human Rights

(OHCHR) deployed a Human Rights Monitoring Mission to Ukraine (HRMMU) to monitor and report on the human rights situation throughout the country. Its mandate included monitoring and reporting from Crimea. The territorial integrity of Ukraine, including its sovereignty over Crimea and the city of Sevastopol, was reiterated by the UN General Assembly in its Resolution 68/262 adopted on 27 March 2014.² However, the Mission has been denied access to the peninsula while its mandate over Crimea has not been recognized by Russia.

International and regional human rights monitoring mechanisms should be given unconditional and immediate access to Crimea, and be able to report on their findings from the ground, without any obstruction or interference by any party. This should include, but not be limited to, the UN HRMMU, the UN Special Rapporteur on Minority Issues, other UN human rights mechanisms and relevant special procedures, the OSCE High Commissioner on National Minorities, the Council of Europe human rights monitoring mechanisms and bodies, including the Committee for the Prevention of Torture, the European Commission against Racism and Intolerance, the Advisory Committee of the Framework Convention for the Protection of National Minorities, the Commissioner for Human Rights. International and regional organisations whose mandate extends, fully or partly, to the areas in which human rights violations have occurred in Crimea, including UNESCO in particular within its area of competence, should consider establishing mechanisms for monitoring the situation in Crimea, within their respective competences, and to seek effective and unimpeded access to the peninsula to be able to monitor and report on the respective issues.

New levels of harassment and persecution faced by members of the Crimean Tatar Mejlis

In April 2016, the de facto and Russian authorities banned the self-governing Crimean Tatar Mejlis as an "extremist" organization for its members' peaceful defiance of the Russian occupation of the peninsula. Since then, individuals associated with the Mejlis have faced increasingly aggressive persecution. A meeting of the Mejlis's members in the privacy of one of their own homes may result in a fine imposed for purported administrative violation or lead to criminal charges.

Several members of the Mejlis held a private meeting in the house of Ilmi Umerov, a deputy leader of the Mejlis and veteran Crimean Tatar activist on 22 September 2016. A few days later,

nine of them were summoned for questioning to the Ministry of the Interior's Center for the Prevention of Extremism, commonly known as "Center E", in Simferopol. Three of them, including Ilmi Umerov,

received administrative fines of between RUB 750 and 1,000 (US\$ 13-17) under Article 20.28 of the Code of Administrative Offences of the Russian Federation (participation in the activities of a forbidden organization).(3)

When trying to pay the fine, in December 2016, Ilmi Umerov discovered that he had already been put on the Russian federal list of "extremists" in connection with a criminal investigation against him under extremism-related charges, which is still ongoing.(4) Being on this list means that Ilmi Umerov cannot freely access his banking account, and any financial transaction by him now needs to be explicitly approved by the security department of his bank.

On 30 January 2017, Ilmi Umerov was formally charged with making "public calls against the territorial integrity of the Russian Federation" (Article 280.1 of the Russian Criminal Code) in connection with his TV appearance in March 2016 on the ATR channel (a Crimean Tatar-language channel which was forced into exile from Crimea to mainland Ukraine in June 2015) in which he said that Russia should be "forced to leave Crimea, Donetsk and Luhansk". If convicted, Ilmi Umerov faces up to 2 years in prison.

Amnesty International considers the charges against Ilmi Umerov to be groundless. His calls for cessation of Russia's occupation are protected by the right to freedom of expression. Ilmi Umerov has never called for or advocated the use of violence. His prosecution is unlawful, and should be terminated immediately.

Violation of fair trial principles in the "26 February case"

The trial of another deputy leader of the Crimean Tatar Mejlis and prisoner of conscience Akhtem Chiygoz, is currently ongoing. Since the court hearings in his case began, on 2 August 2016, Akhtem Chiygoz has been denied the possibility of attending his trial in person. He is required to take part via Skype, despite the fact that he is being held in detention less than a block away from the courthouse. This measure was introduced because of the "danger" Akhtem Chiygoz would ostensibly pose if present in the court room in person. This restriction is both arbitrary and has, in practice, compromised his ability to participate effectively in his own trial. For example, during a typical court hearing observed by Amnesty International on 27 September 2016, Akhtem Chiygoz could not hear everything that was said in court, and the trial had to be interrupted several times because of the bad quality of the internet connection. Because of the video link, at no point during the hearing was Akhtem Chiygoz able to consult his lawyer in private.(5)

Akhtem Chiygoz stands accused of having "organized mass disturbances" in Crimea on 26

February 2014. On that day, pro-Ukrainian and pro-Russian demonstrators assembled

simultaneously in front of the regional parliament in Simferopol. There were skirmishes between the two crowds, but there were no "mass disturbances" according to the terms of the definition in the Russian Criminal Code. Not a single alleged participant from the pro-Russian side has been prosecuted or identified. Furthermore, the date of the event in question precedes Russia's annexation of Crimea.

After Akhtem Chiygoz was arrested on 29 January 2015, the Russian security services arrested five other Crimean Tatars, as part of the same criminal investigation, and accused them of participating in the same "mass disturbances". On 20 July 2016, the de facto Supreme Court of Crimea decided to separate Akhtem Chiygoz's case for separate criminal proceedings as the

"organizer" of the "mass disturbances", in which the others were mere "participants". Out of the five, only Ali Asanov and Mustafa Dehermendzhy remain in detention, while the other three were released on bail in 2015. In court, Mustafa Dehermendzhy has testified that he was approached by the investigating authorities with an "offer" to testify against Akhtem Chygoz, in exchange for release from detention, but he refused.

As Akhtem Chygoz's trial has progressed, the absence of sufficient grounds for his prosecution has become increasingly apparent. Thus, with the exception of three secret witnesses for the prosecution, who testified on 6 December 2016, 13 February and 13 March 2017 respectively, not a single witness questioned in person in court testified in support of the prosecution's assertion that Akhtem Chygoz "organised mass disturbances" on 26 February 2014 in

Simferopol.(6)

In Russian courts, secret witnesses are typically questioned by video link with their voices changed and their faces hidden. Amnesty International was not able to attend the court sessions in question but, according to journalists who report regularly on legal matters and who were present in court on these days, the secret witnesses, contradicted themselves in their testimonies, were inconsistent, and changed their statements repeatedly when they contradicted the prosecution's assertions. There are a total of seven secret witnesses in Akhtem Chygoz's case (only three have testified so far). If convicted, Akhtem Chygoz faces up to 15 years in jail.

Mustafa Dehermendzhy is one of the witnesses called to testify in the case against Akhtem Chygoz, as well as being a defendant, himself, in what is now a separate "26 February" case. In his court testimony on 6 March 2017, in the case against Akhtem Chygoz, Dehermendzhy stated that he had not seen Akhtem Chygoz during the events on 26 February 2014. He also told the court that while in detention, the Federal Security Service (FSB) requested his "cooperation" in exchange for freedom, and that he had been further pressured by the Crimean Mufti to testify against Akhtem Chygoz, but that he had refused.⁷ The trial of Mustafa Dehermendzhy and his codefendant Ali Asanov has also started, but is still in its early stage.

Ali Asanov has four children, and has never seen the youngest who was born after his arrest. Mustafa Dehermendzhy used to take care for his elderly parents. Both men face up to eight years in jail, if convicted.

New charges against people accused of membership of Hizb ut-Tahrir

Crimean human rights defender Emir-Usein Kuku, and Vadim Siruk, both arrested on 11 February 2016 and prosecuted together as part of the same case, were initially accused of membership of the Islamist organization "Hizb ut-Tahrir" (which in Russia is designated as a terrorist organization). Recently, new charges have been added in their case.(8)

Emir-Usein Kuku is a prisoner of conscience whose prosecution is politically motivated and intended as a reprisal for his peaceful activism and his human rights work in Crimea. Amnesty International has previously raised concern about the violation of his and the other suspects' right to a fair trial.(9)

On 17 January 2017, Emir-Usein Kuku and Vadim Siruk were separately informed that they are now also suspected of conspiring to seize or retain power by violent means (Article 278 of the Russian Criminal Code). According to their lawyers, the decision to present new accusations was based on the results of so-called "linguistic-religious expertise" requested by the investigating authorities, which examined the content of a secretly recorded conversation between Kuku, Siruk and four other men about politics. All six individuals are currently in pre-trial detention. Their

lawyers have requested to see the expert conclusions to be able to challenge their remand and their prosecution but have been refused. Their court appeal against the refusal has been unsuccessful.

In Russia, membership of a terrorist organization carries a sentence of up to 20 years in prison. Conspiring to seize power by violent means is a crime also punishable by up to 20 years' imprisonment.

Harassment of ordinary Crimean Tatar residents of the peninsula

From the beginning of Russia's occupation of Crimea in 2014, the Crimean Tatar

community has been seen as disloyal by the de facto and Russian authorities, and subjected to routine harassment by security forces. For instance, there have been numerous house searches targeting members of the community - often ordinary residents of Crimea who are ethnic Crimean Tatars.

Independent media outlets which would often report such incidents, many of them publishing in Crimean Tatar language, were forced to close in 2015. Since their closure, word of mouth and posts on social media are the only source of information about house searches and other forms of harassment of ethnic Crimean Tatars (for local residents access to media outlets reporting from mainland Ukraine over the internet is often blocked in Crimea).

Typically, when security forces arrive and begin searching a Crimean Tatar home, local residents quickly arrive at the site and film or take pictures of the event.

In a recent, characteristic incident, on 22 February 2017, activist Marlen Mustafa was arrested near his home by members of the police's Centre for Combating Extremism. He was taken to their headquarters in Simferopol but managed to raise awareness of his detention through his mother, who witnessed it. While Marlen Mustafa was in Simferopol, the de facto law enforcement officials performed a search of his house. Ten people gathered outside Marlen Mustafa's home to film the search but were themselves arrested and promptly sentenced to five days of administrative detention each, for participating in an "unsanctioned mass event" (which is an administrative offence in Russia). Marlen Mustafa was sentenced to 11 days of administrative detention for reposting an "extremist" video on his social media account in 2014.¹⁰ They have all served the full length of their administrative sentences and been released.

Harassment of lawyers Emil Kurbedinov and Nikolay Polozov intensifies

Lawyers defending those accused on extremism and other charges in Crimea have also been come under attack. Lawyers Emil Kurbedinov and Nikolay Polozov have come under increasing pressure from the de facto authorities to desist from defending their clients in Crimea. The harassment has gone as far as threatening both lawyers with criminal prosecution.

The Russian lawyer Nikolay Polozov is part of the defence team of Ilmi Umerov and Akhtem Chiygoz. At the request of the FSB, Kievskiy District Court in Simferopol ruled on 13 December 2016 that Nikolay Polozov should be compelled to testify as a witness in Ilmi Umerov's case, despite being his lawyer. After refusing to sign a summons for questioning on 15 December, Nikolay Polozov was forcefully taken by security officials from his hotel in Simferopol to the FSB Crimea headquarters on 25 January and questioned by the FSB investigator in Ilmi Umerov's case.

The questioning did not follow due process. Nikolay Polozov requested that a lawyer be present as his legal representative, but was refused. He reminded the investigator about the inadmissibility of his statements as "witness" because of his role as Ilmi Umerov's lawyer. Despite this, the questioning continued, with the questions revolving around Nikolay Polozov's role in Ilmi

Umerov's trial. Polozov was videotaped during the questioning. He refused to sign the report (protokol) of his questioning. Nikolay Polozov and Ilmi Umerov now fear that Nikolay Polozov might be removed from the case because of his new status in the case as a "witness", should the FSB make such a request to a judge to do so.(11)

Around the same time, on 26 January 2017, lawyer Emil Kurbedinov was arrested by members of the Centre for Combating Extremism on his way to Bakhchisaray, where he was intending to offer legal aid to Seyran Saliev, who was arrested on a suspicion of having "extremist" literature in his home. The "Centre E" members promptly took Kurbedinov to their headquarters in Simferopol and searched his house and office, in contravention of the law which protects lawyers against searches to ensure confidentiality of their relations with their clients. On the same day, Zheleznodorozhnyi District Court in Simferopol found Kurbedinov "guilty" of posting a video on his social media account in 2013, and sentenced him to 10 days of administrative detention for spreading "extremist" information. Seyran Saliev was found guilty of "spreading extremist materials" and sentenced to 12 days of administrative detention. Both were released after serving their respective sentences.(12)

Human rights violations in Crimea must be reported and addressed

The international community should explore every available opportunity for effective monitoring of the human rights situation in Crimea.

Intergovernmental bodies, Ukraine's and Russia's international partners should use every available opportunity, at bi- and multilateral fora, to raise the issue of access to Crimea for human rights monitoring mechanisms, and insist on it being granted immediately and unconditionally - alongside insistence on full respect for human rights in Crimea.

The de facto and Russian authorities must respect the rights to freedom of expression, peaceful assembly and association, and the right to a fair trial, for everyone in Crimea, and ensure that these rights can be exercised by any individual and group, without discrimination on the grounds of political or religious views, ethnicity, or any other grounds.

For a full detailed list of recommendations regarding human rights violations in Crimea, see Crimea in the Dark: The Silencing of Dissent.(13)

1 - Crimea in the Dark: The Silencing of Dissent, available at <https://www.amnesty.org/download/Documents/EUR5053302016ENGLISH.PDF>.

2 - In the Resolution, the UNGA concluded that the "referendum" held in Crimea had "no validity" and could not form the basis for any alteration of the status of Crimea and of the city of Sevastopol (paragraph 5). For more information about the HRMMU mandate, see paragraphs 7 and 8 of the "Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine", 19 September 2014, available at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A-HRC-27-75_en.pdf (accessed 9 March 2016).

3 - Amnesty International remote interview with Nikolay Polozov, Ilmi Umerov's lawyer, on 20 February 2017.

4 - For details on the criminal prosecution of Ilmi Umerov, see Crimea in the Dark: The Silencing of Dissent, available at <https://www.amnesty.org/download/Documents/EUR5053302016ENGLISH.PDF> (accessed 10 March 2017).

5 - For more details, see *Crimea in the Dark: The Silencing of Dissent*, available at <https://www.amnesty.org/download/Documents/EUR5053302016ENGLISH.PDF>.

6 - After the forcible exile of the Mejlis's leader Refat Chubarov in July 2014, the Deputy Chairman Akhtem Chiogoz emerged as its most senior member still residing in Crimea. He was arrested on 29 January 2015 after the de facto authorities accused him of having organized "mass disturbances" on 26 February 2014 in front of the Supreme Council of Crimea. Amnesty International considers Akhtem Chiogoz a prisoner of conscience.

7 - Amnesty International interview with Mavile Dehermendzhy, sister of Mustafa Dehermendzhy in December 2016 in Kyiv; 15Minut news agency, "Mustafa Dehermendzhy na 'sude' po 'delu' Chiyoza rasskazal, chto 'mufti' Kryma Ablaev sklonial ego k sotrudnichestvu s okkupantami v obmen na osvobozhdenie", 6 March 2017, available at <http://15minut.org/news/169629-mustafa-degermendzhi-na-sude-po-delu-chiigoza-rasskazal-chto-muftij-kryma-ablaevsklonyal-ego-k-sotrudnichestvu-s-okkupantami-v-obmen-na-osvobozhdenie-video> (accessed 10 March).

8 - Amnesty International remote interview with Meriem Kuku, wife of Emir-Usein Kuku, in January 2017.

9 - For more information about Emir-Usein Kuku and other Hizb ut-Tahrir cases, see *Crimea in the Dark: The Silencing of Dissent*, available at <https://www.amnesty.org/download/Documents/EUR5053302016ENGLISH.PDF>.

10 - "Vse arestovannye v Krymu zayavili chto im namerenno ne davali pit vodu s utra do pozdnego vechera", Fakty, available at <http://fakty.ua/230985-vse-arestovannye-v-krymu-zayavili-chto-im-namerenno-ne-davali-pit-vodu-s-utra-do-pozdnegovechera> (accessed 9 March 2017).

11 - Amnesty International remote interview with Nikolay Polozov on 20 February 2017.

12 - Amnesty International remote interview with Emil Kurbedinov on 15 February 2017.

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