

Flygtningenævnets baggrundsmateriale

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Other issues of concern related to the administration of justice by the Russian Federation in Crimea are covered in [OHCHR's thematic report](#), and in the [Secretary General's report on Crimea](#).

HRMMU notes that Russian Federation authorities continued their practice of arbitrary detention. In one emblematic case, a Crimean Tatar man accused of membership in an illegal armed formation in mainland Ukraine remained incarcerated in the Simferopol SIZO despite the expiration of his pretrial detention order on 17 October 2020. Three days later, during the trial, the defence lawyer learned that the defendant's remand had been extended for almost six months following an *in absentia* court hearing. Neither the lawyer nor the defendant were notified of the hearing or indeed invited to be present in court, nor did the judge provide any grounds or justification for the extended detention.

HRMMU further notes that practicing lawyers continued to face difficulties in discharging their professional duties when representing Ukrainian citizens before courts in Crimea, and in the Russian Federation following their clients' deportation. Female defence lawyer Liliia Hemedzhy has frequently represented Crimean Tatars in *Hizb ut-Tahrir* and other trials in Crimea and the Russian Federation. During a recent *Hizb ut-Tahrir* trial, over a period of at least eight months, the judges verbally "cautioned" her for "over eagerness" during witness cross-examinations, for arguing with the court, and for "violating the court order". Ms. Hemedzhy

claims she was merely exercising her professional duties, representing her clients' best interests, and does not understand how it could be interpreted as professional misconduct. Following a Special Ruling on 17 August 2020, finding that Ms. Hemedzhy's actions constituted contempt of court and disrupted the court's normal process, Ms. Hemedzhy is now at risk of disbarment. This has made it difficult for her to discharge her professional duties and has had a chilling effect on other lawyers representing clients in similar cases.

International human rights law requires that detainees are treated humanely and with respect for human dignity, including the highest attainable standard of physical and mental health. However, HRMMU interviews indicated that conditions of detention in the Simferopol SIZO and places of pretrial detention in the Russian Federation in which Crimean residents have been held following deportation from Crimea are inadequate. Places of detention are cramped and overcrowded, forcing detainees to adopt sleeping schedules to access a bed. Detainees complain of insufficient natural light and fresh air, lack of heating during the harsh winters, and rudimentary medical care, with only basic painkillers available, even for *debilitating conditions*. The Russian Federation, as the occupying Power in Crimea, must ensure that conditions of detention are in line with international standards.

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