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**Office of the United Nations  
High Commissioner for Human Rights**

**Situation of human rights in the temporarily  
occupied Autonomous Republic of Crimea and the  
city of Sevastopol (Ukraine)**



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## I. Executive Summary

1. On 14 March 2014, following a request of the Government of Ukraine addressed to the United Nations Secretary-General to establish a human rights mission in Ukraine, the Office of the United Nations High Commissioner for Human Rights (OHCHR) deployed a Human Rights Monitoring Mission in Ukraine (HRMMU). Since then, HRMMU has been collecting and analyzing information on the human rights situation throughout Ukraine, including in the Autonomous Republic of Crimea and the city of Sevastopol<sup>1</sup> on the basis of United Nations General Assembly resolutions 68/262, reaffirming the territorial integrity of Ukraine and 71/205 referring to the Crimean peninsula as Ukrainian territory temporarily occupied<sup>2</sup> by the Russian Federation. According to the Constitution of Ukraine, Crimea and the city of Sevastopol are separate administrative units of the Crimean peninsula having their own governing institutions.

2. The present report was developed based on the mandate of OHCHR and HRMMU, but also following a request by General Assembly resolution 71/205<sup>3</sup> on the *“Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”* for a dedicated thematic report of OHCHR on the “situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol”. 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 Yanukovich 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’.<sup>4</sup> With the support of Russian Federation troops<sup>5</sup>, 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”.<sup>6</sup>

5. On 27 February 2014, uniformed men without insignia took control of the Parliament of Crimea. On the same day, the Parliament of Crimea dismissed the Government of Crimea. On 11 March 2014, the Parliaments of Crimea and Sevastopol adopted a joint Declaration of Independence stating that Crimea and Sevastopol will unite to form an independent state - the “Republic of Crimea” - and seek integration into the Russian Federation if Crimean residents choose to join the Russian Federation at a referendum scheduled for 16 March.<sup>7</sup> According to the pro-Russian authorities in Crimea, a large majority of voters backed Crimea’s “incorporation” into the Russian Federation. The referendum was declared invalid by the Government of Ukraine and the United Nations General Assembly. The United Nations Secretary-General Ban-Ki Moon expressed “deep concern and disappointment”, adding that the referendum would only exacerbate an “already complex and tense situation”.<sup>8</sup> Subsequently, the Russian Federation and the “Republic of Crimea” signed on 18 March 2014 a “treaty of accession” effectively annexing the peninsula into the Russian Federation.

6. One consequence of this development was the imposition of Russian Federation citizenship on residents of Crimea. This has resulted in regressive effects on the enjoyment of human rights, particularly for those who refused to automatically adopt Russian

Federation citizenship, were ineligible to obtain it, or were required to forfeit their Ukrainian citizenship in order to remain employed.

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.<sup>9</sup> Among other implications, this led to the arbitrary implementation of Russian Federation criminal law provisions designed to fight terrorism, extremism and separatism, which have restricted the right to liberty and security of the person and the space for the enjoyment of fundamental freedoms.

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,<sup>10</sup> 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.<sup>11</sup>

15. Restrictions affecting freedom of movement to and from Crimea have been imposed by the Russian Federation and Ukraine on the grounds of security or pursuant to immigration rules. They include five-year exiles, deportations, prohibitions on entry of individuals and public transportation, non-recognition of documents, and restrictive regulations applicable to travel of children and transportation of personal belongings.

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.

18. The availability of health services in free-of-charge State medical institutions has been impaired since March 2014 due to the numerous departures of doctors and other medical staff to more lucrative private sector institutions in Crimea. This has resulted in delayed treatment of the most economically disadvantaged, jeopardizing their right to life and health. Retrogressive measures stemming from the implementation of Russian Federation legislation have affected people suffering from drug dependence.

19. The right of the Crimean population to an adequate standard of living has been affected by measures taken by Ukrainian authorities or implemented on mainland Ukraine, including the interruption of water and energy supplies to the peninsula. Under international humanitarian law, the Russian Federation as the occupying power is obliged to ensure to the fullest extent of the means available to it sufficient hygiene and public health standards, as well as the provision of food and medical care to the population. At the same time, this does not exonerate Ukraine from its obligations under the International Covenant on Economic, Social and Cultural Rights not to interfere with the enjoyment of the rights it enshrines, and from respecting the requirement under international humanitarian law to ensure that the basic needs of the population continue to be met under conditions of occupation.

## **II. Introduction**

20. The political events that marked the Maidan protests in Kyiv, and culminated in the departure, on 21 February 2014, of then President of Ukraine Viktor Yanukovich and the establishment of an interim Government of Ukraine on 23 February, affected Crimea. The Crimean peninsula had also been the theatre of pro- and larger anti-Maidan rallies since December 2013.<sup>12</sup>

21. 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".<sup>13</sup>

22. On 23 February 2014, demonstrations in Sevastopol led to the resignation of the Kyiv-appointed authorities and the installation by the local parliament of a pro-Russian “People’s Mayor” on 24 February.<sup>14</sup>

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.<sup>15</sup>

24. On 6 March 2014, the Parliament of Crimea adopted a resolution calling for a referendum<sup>16</sup> on the status of the peninsula, to be held on 16 March 2014, basing the decision on the “absence of legitimate State organs in Ukraine”.<sup>17</sup> In an Opinion<sup>18</sup> concerning the compatibility of this resolution with constitutional principles, the European Commission for Democracy through Law (Venice Commission) of the Council of Europe noted that the referendum violated the Constitution of Ukraine, and asserted that circumstances in Crimea did not allow for a referendum to be held in line with European democratic standards.<sup>19</sup> On 17 March 2014, United Nations Secretary-General Ban-Ki Moon regretted that the referendum would only exacerbate an “already complex and tense situation”.<sup>20</sup> Furthermore, during his mission to Crimea on 21 and 22 March 2014, former UN Assistant Secretary-General for Human Rights Ivan Šimonović received information on alleged cases of non-Ukrainian citizens participating in the referendum, as well as individuals voting numerous times in different locations.<sup>21</sup>

25. According to the pro-Russian authorities in Crimea, an overwhelming majority of the Crimean population voted in favour of joining the Russian Federation. Opponents boycotted the poll, considering it as unlawful.<sup>22</sup> The authorities of Ukraine declared these developments unconstitutional and terminated the powers of Crimean institutions.<sup>23</sup>

26. On 18 March 2014 a “*Treaty on the Accession of the Republic of Crimea to the Russian Federation*” (“*Treaty on Accession*”) was signed in Moscow, and on 21 March 2014, the Parliament of the Russian Federation ratified a Constitutional Law “*On the Accession of the Republic of Crimea to the Russian Federation and the Creation of the New Constituent Entities of the Republic of Crimea and the City of Federal Importance Sevastopol within the Russian Federation*”.

27. On 15 April 2014, the Parliament of Ukraine passed a law designed to regulate legal aspects related to the temporary occupation of Crimea.<sup>24</sup> It defines principles applying to legal and property rights, economic activity, social rights and benefits, freedom of movement, and compensation for damages incurred from the temporary occupation.

28. The General Assembly of the United Nations adopted two resolutions on Crimea. Resolution 68/262<sup>25</sup> on the “*Territorial integrity of Ukraine*” of 27 March 2014 states that the March 2014 referendum has “no validity” and cannot form the basis for any alteration of the status of Crimea. Resolution 71/205 on the “*Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)*”, adopted on 19 December 2016<sup>26</sup>, refers to Crimea as being under the “temporary occupation” of the Russian Federation. It calls on the latter to abide by the Geneva Conventions. It also urges the Russian Federation to ensure proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations (NGOs) to the peninsula, and requests the United Nations Secretary-General to seek ways and means to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms. In addition, it requests the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a dedicated thematic report on the human rights situation in Crimea.



29. The present report was developed pursuant to General Assembly Resolution 71/205, and covers the period between 22 February 2014 and 12 September 2017. Since the adoption of this resolution, OHCHR has been analyzing incidents occurring in Crimea based on an international humanitarian law framework, as well as against international human rights standards.

### **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.<sup>27</sup>

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.<sup>28</sup>

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.

34. In response, the Government of Ukraine, in its Notes Verbales of 30 March 2017, 19 July 2017, 28 July 2017 and 7 September 2017, reaffirmed its position on the need to ensure safe and unfettered access to the Autonomous Republic of Crimea and the city of Sevastopol by established regional and international human rights monitoring mechanisms to enable them to carry out their mandate, expressed its readiness to provide HRMMU with full freedom of movement throughout Ukraine, and confirmed its strong commitment to properly implement resolution 71/205 of the United Nations General Assembly.

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.<sup>29</sup>

### **IV. Application of International Law**

36. International human rights and humanitarian law are complementary bodies of international law. In the case of occupation, humanitarian law and human rights law apply concurrently and place protection obligations both on the occupying power and the State whose territory is under occupation.

## 1. *International Human Rights Law*

37. Human rights are guaranteed by international treaties and agreements, as well as customary law, which apply at all times, regardless of peace or war.

38. Under international law, the Russian Federation must respect its obligations under international human rights law in Crimea from the moment it acquired “effective control” over the territory.<sup>30</sup>

39. Ukraine considers that the occupation of Crimea started on 20 February 2014<sup>31</sup> and denies having human rights obligations in relation to this territory from the moment it lost effective control over the peninsula. On 14 May 2015, the Parliament of Ukraine adopted a Declaration on Derogation<sup>32</sup> stating that the Russian Federation “*shall bear full responsibility for observance of human rights and performance of the respective international obligations at the annexed and temporarily occupied territory.*”

40. On 19 April 2017, the Government of Ukraine established an Intergovernmental Commission on derogation in order to review periodically the territorial application of the derogation. Its mandate includes the review of the necessity and proportionality of derogation measures and making proposals to the Government on the continuation and scope of the derogation.

41. OHCHR notes that States are allowed, in exceptional circumstances, namely in times of public emergency threatening the life of the nation, to adjust their obligations temporarily under a treaty. However, under the International Covenant on Civil and Political Rights, States have a continuing obligation to ensure respect for the rights recognized in the Covenant in relation to the population of a territory controlled by *de facto* authorities or armed groups within the limits of their effective power.<sup>33</sup> Similarly, under the case law of the European Court of Human Rights, a State that has lost effective control over a part of its territory is nevertheless obliged under Article 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms to use all the legal and diplomatic means available to continue to guarantee the enjoyment of the rights and freedoms defined in the Convention to those living there, as the region is recognized under public international law as part of its territory.<sup>34</sup>

## 2. *International Humanitarian Law*

42. Both the Russian Federation and Ukraine are parties to the 1907 Hague Regulations, the Fourth Geneva Convention of 1949, and the 1977 Additional Protocol I to the 1949 Geneva Conventions. This body of international law provides the primary basis for rules governing occupation. The legal regime of an occupied territory is also regulated by international customary law.

43. An occupying power does not acquire sovereignty over the occupied territory. The occupying power must respect the laws in force in the occupied territory, unless they constitute a threat to its security or an obstacle to the application of the Fourth Geneva Convention.<sup>35</sup>

44. Under international law, States are responsible for violations of international humanitarian law attributable to them, including: violations committed by their organs, including their armed forces; violations committed by persons or entities they have empowered to exercise elements of governmental authority; violations committed by persons or groups acting in fact on their instructions, or under their direction or control; and violations committed by private persons or groups which they acknowledge and adopt as their own.<sup>36</sup>

45. In 2016, the Office of the Prosecutor of the International Criminal Court found Crimea to be under the occupation of the Russian Federation and stated it will apply an

international armed conflict legal framework to the analysis of facts and alleged crimes perpetrated there.<sup>37</sup>

## 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).<sup>38</sup> 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).

47. There were also 35,157 Belarussians; 13,602 Tatars; 10,088 Armenians; 5,531 Jews; 4,562 Moldovans; 4,459 Poles; 4,377 Azeri; 3,087 Uzbeks; 3,036 Greeks; 3,027 Koreans; 2,790 Germans; 2,679 Chuvash; 2,594 Mordovians; 2,282 Bulgarians 2,137 Georgians; 1,905 Roma; and 1,192 Maris. In addition, 17,298 persons did not declare themselves or belonged to ethnic groups numbering less than 1,000 individuals.

48. In September 2014, the Russian Federation conducted a census on the peninsula, which was not recognized by the Government of Ukraine.<sup>39</sup> According to its results, the population of Crimea and Sevastopol had decreased by 4.8 per cent since 2001, down to 2,284,769, albeit with differences between the two administrative units: in Crimea, the population decreased by 6.5 per cent, to 1,891,465, while that of Sevastopol grew by 4.1 per cent, to 393,304.

49. According to that same census, 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.

50. Since the beginning of the occupation, the displacement of residents of Crimea - mostly ethnic Ukrainians and Crimean Tatars - had multiple causes, notably the refusal to live under Russian Federation jurisdiction, fear of persecution on ethnic or religious grounds, threats or reported attacks, avoiding military conscription in the Russian Federation army and enrolling in Ukrainian education institutions.

51. In April 2017, the State Emergency Service of Ukraine estimated the number of internally displaced persons (IDPs) from Crimea living in mainland Ukraine at 22,822.<sup>40</sup> Ukrainian NGOs estimate that between 50,000 and 60,000 former Crimean residents could be displaced in mainland Ukraine.<sup>41</sup>

52. The demographic structure of Crimea continues to change, mainly as a result of a continuous influx of Russian Federation citizens into Crimea, which started after the 2014 referendum. Most of them are pensioners, public servants and servicemen with their families. Around 13,200 IDPs fleeing the conflict in eastern Ukraine had taken refuge in Crimea at the end of 2014.<sup>42</sup>

53. According to the State Statistics Service of the Russian Federation, as of 1 January 2017, the population of the Crimean peninsula had increased by 56,152 since the September 2014 census, to 2,340,921.<sup>43</sup> During this period, the population of the city of Sevastopol, where the Black Sea Fleet is based, rose from 393,304 to 428,753, which constitutes an eight per cent increase.

54. OHCHR recalls that the 1949 Geneva Convention relative to the Protection on Civilian Persons in Time of War provides in Article 49 that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies".

## 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.<sup>44</sup> 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.<sup>45</sup>

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.<sup>46</sup> 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.<sup>47</sup>

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.<sup>48</sup>

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.<sup>49</sup>

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.<sup>50</sup>

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,<sup>51</sup> vote and be elected, register a religious community, apply to hold a public meeting, hold positions in the public administration and re-register their private vehicle on the peninsula.<sup>52</sup>

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.<sup>53</sup> 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<sup>54</sup>; another court deported a Ukrainian citizen who had a wife and children in Crimea.<sup>55</sup>

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.<sup>56</sup>

67. Rules regulating stay were not consistently applied, sometimes favoring 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.<sup>57</sup> 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.<sup>58</sup>

69. In 2016, police raids against private businesses were conducted, resulting in the opening of administrative proceedings against owners of catering institutions<sup>59</sup> and private entrepreneurs<sup>60</sup> 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.<sup>61</sup> 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.

3. *Ukrainian citizens who were made to renounce Ukrainian citizenship*

71. Russian Federation law does not require Ukrainian citizens who apply for Russian Federation citizenship to surrender their Ukrainian passports or relinquish their Ukrainian citizenship. However, residents of Crimea who were employed in government and municipal jobs before the referendum were obliged by law to give up their Ukrainian citizenship no later than 18 April 2014, in addition to obtaining a passport of the Russian Federation if they wanted to retain their employment.<sup>62</sup> A law adopted by the Parliament of Crimea further required them to possess “a copy of the document confirming denial of existing citizenship of another State and the surrender of a passport of another State.”<sup>63</sup>

72. Before the Russian Federation occupied Crimea, 20,384 civil servants were employed on the peninsula.<sup>64</sup> According to the head of the FMS department for citizenship, asylum and readmission in Crimea, as of 21 May 2015, 19,000 Crimean residents had applied to renounce Ukrainian citizenship.<sup>65</sup> While no information is provided about their identity or profession, it is likely that civil servants constitute the bulk of this group. This is contrary to the Fourth Geneva Convention, which prohibits an occupying power from altering the status of public officials in the territories it occupies.<sup>66</sup>

**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.<sup>67</sup> 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.<sup>68</sup>

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.<sup>69</sup>

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.<sup>70</sup>

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.<sup>71</sup> 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.<sup>72</sup> 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.<sup>73</sup>

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.<sup>74</sup> OHCHR reiterates that international administration of justice standards explicitly protect the freedom of exercise of the profession of lawyer.<sup>75</sup>

### **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.<sup>76</sup> 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.<sup>77</sup> 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.<sup>78</sup> It resumed in 2016 but has since been conducted intermittently.<sup>79</sup>

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.<sup>80</sup> 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.<sup>81</sup> 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.<sup>82</sup>

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.<sup>83</sup> 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.<sup>84</sup>

#### **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.<sup>85</sup>

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.<sup>86</sup> 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.<sup>87</sup>

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.<sup>88</sup>

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.<sup>89</sup>

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.<sup>90</sup>

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<sup>91</sup> 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.<sup>92</sup>

## **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 law<sup>93</sup> 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.<sup>94</sup> 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.*”<sup>95</sup> 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.<sup>96</sup>

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.<sup>97</sup> 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.<sup>98</sup> 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,<sup>99</sup> violates, or threatens to violate, a range of international humanitarian law norms, most notably the prohibition of arbitrary deprivation of liberty,<sup>100</sup> torture and other cruel or inhuman treatment<sup>101</sup> and murder.<sup>102</sup> The duty to prevent enforced disappearances is further supported by the requirement to record the details of persons deprived of their liberty.<sup>103</sup> 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.<sup>104</sup>

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.<sup>105</sup> 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 self-defence 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.<sup>106</sup>

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.<sup>107</sup> Of the 10 disappearances mentioned, criminal investigations were still ongoing in only one case as at 12 September 2017.<sup>108</sup> They were suspended in six cases due to the inability to identify suspects,<sup>109</sup> and in three cases no investigative actions have been taken as the disappearances were allegedly not reported.<sup>110</sup>

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.<sup>111</sup> 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 anti-extremism 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.<sup>112</sup> 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'"*.<sup>113</sup>

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.<sup>114</sup> 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.<sup>115</sup> The police found no weapons or drugs but confiscated religious literature.

108. There are reports that some house raids were conducted at a time when only Crimean Tatar women were present and that the absence of female officers among those carrying out the search greatly disturbed them.<sup>116</sup>

109. As at 12 September 2017, 38 individuals from Crimea and the city of Sevastopol (35 men and three women) were on a special list of people 'believed to be involved in extremism or terrorism', administered by the Russian Federation Financial Monitoring Service.<sup>117</sup> According to the laws of the Russian Federation on preventing financing of terrorism applied in Crimea, the bank accounts of individuals on this special list should be constantly monitored and most of their bank transactions are suspended.

110. In view of the excessively broad interpretation of the Russian Federation's anti-extremism law applying to Crimea, such limitations may amount to undue interference with the right to private and family life and to the right to the peaceful enjoyment of one's possessions.

## **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

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,<sup>118</sup> 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.<sup>119</sup> 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,<sup>120</sup> 1,532 in December 2015,<sup>121</sup> and a similar level of overcrowding in 2016.<sup>122</sup>

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.<sup>123</sup>

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.<sup>124</sup> 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.<sup>125</sup> Other detainees who refused Russian Federation citizenship were placed in smaller cells or in solitary confinement.<sup>126</sup>

### 2. *Transfer of prisoners to the Russian Federation*

116. A sizeable number of Crimea's prison population was transferred to the Russian Federation.<sup>127</sup> 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.<sup>128</sup>

117. Transfers of pre-trial detainees have also taken place. This is the case of Ukrainian filmmaker Mr. Oleh Sientsov, 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,<sup>129</sup> 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.<sup>130</sup> In this regard, the imposition of Russian Federation citizenship to residents of an occupied territory does not alter their status as protected persons.

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.<sup>131</sup> 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.<sup>132</sup> Under international human rights and humanitarian law provisions, detainees must be provided with the medical attention required by their state of health.<sup>133</sup>

## **H. Forced enlistment**

120. Since the occupation began, residents of Crimea have been subjected to conscription in the armed forces of the Russian Federation. Until 31 December 2016, military service could only take place on the territory of the Crimean peninsula.<sup>134</sup> Since 2017, conscripts can also be sent to serve on the territory of the Russian Federation. On 25 May 2017, 30 conscripts from Sevastopol were sent to the Russian Federation after reportedly expressing the will to serve there.<sup>135</sup>

121. OHCHR spoke to several Crimean Tatars who left the peninsula to avoid serving in the Russian Federation army. They stated they could not return to Crimea as they would be prosecuted for avoiding the draft.<sup>136</sup> On 12 April 2017, the Military Commissioner of the Russian Federation in Crimea announced that a criminal case had been opened against a resident of Crimea who refused to serve in the Russian Federation army.

122. OHCHR notes that under international humanitarian law, an occupying power is prohibited from compelling protected persons to serve in its armed or auxiliary forces or to exercise pressure or propaganda which aims at securing voluntary enlistment.<sup>137</sup>

## **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.<sup>138</sup>

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.<sup>139</sup> 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.<sup>140</sup> 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.<sup>141</sup> In addition, his forced transfer and deportation contravene international humanitarian law rules applying to protected persons in situations of occupation.<sup>142</sup>

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.<sup>143</sup>

128. Unlawful limitations to freedom of movement were also imposed against political opponents and individuals criticizing the human rights situation on the peninsula who were prohibited entry into the Russian Federation, consequently banning their access to Crimea. On 22 April 2014, a Russian Federation officer at the ABL handed the former leader of the Mejlis, Mr. Mustafa Dzhemilev, an unsigned document informing him of being banned from entering the territory of the Russian Federation for five years. On 5 July 2014, the current head of the Mejlis, Mr. Refat Chubarov, was issued an entry ban for allegedly inciting inter-ethnic hatred.<sup>144</sup> Other people subjected to similar prohibitions include in 2014 the director of Crimean Tatar news agency *QHA*, and in 2016 a Ukrainian journalist and a defence lawyer.<sup>145</sup>

## 2. *Restrictions imposed by Ukraine*

129. Between March and December 2014, Ukraine suspended air, train and bus connections to the peninsula. Older persons, persons with disabilities and children were the most affected by the absence of public transportation. Some said they had no choice but to walk across the ABL for more than two kilometres, sometimes in adverse weather conditions.<sup>146</sup> The only means of transport remaining are private cars and taxis that operate between Ukraine's mainland and Crimea.

130. According to Ukrainian legislation, Ukrainian citizens have the right to free and unimpeded access to Crimea.<sup>147</sup> However, crossing into the peninsula is permitted – for Ukrainian citizens and foreigners alike – only through three crossing points located in the region of Kherson, namely Kalanchak, Chaplynka or Chonhar. Foreign citizens violating rules on access to Crimea are prohibited from entering Ukraine for a period of three years.<sup>148</sup>

131. National legal requirements related to the travel of children have constricted freedom of movement. Children below 16 years of age, if accompanied by only one parent, must have notarized written consent of the other parent.<sup>149</sup> This has created problems for Crimean residents, as documents issued by the Russian Federation authorities in Crimea are not recognized in Ukraine.

132. Specific requirements also apply to foreigners and stateless persons who may only enter and leave Crimea with a special permission issued by Ukrainian authorities following a lengthy procedure.

133. Another freedom of movement restriction applied to limitations in the transportation of consumer goods and personal belongings to and from Crimea introduced by Government decree No. 1035 of 16 December 2015. A court decision issued in June 2017 found the restrictions to be unlawful, although OHCHR observed through monitoring of the ABL it conducted in August 2017 that posters informing travellers of transportation limitations under decree No. 1035 were still present at the Chonhar crossing point.<sup>150</sup>

134. A so-called civil blockade of Crimea was initiated in September 2015 by the Crimean Tatar leadership in mainland Ukraine to prevent trade with the Russian Federation occupying Crimea and draw the attention of the international community to human rights violations on the peninsula. The enforcement of the blockade was accompanied by incidents, including physical attacks by blockade participants of people travelling from Crimea, as well as confiscation of goods and personal items, violating human rights and

impacting freedom of movement across the ABL.<sup>151</sup> On 17 January 2015, the organizers of the ‘civil blockade’ of Crimea announced they had stopped enforcing their embargo.<sup>152</sup>

135. OHCHR noticed security risks for travellers related to the presence of insufficiently marked minefields on both sides of the road leading to the Kalanchak and Chaplynka crossing points. Representatives of Ukraine’s State Border Guard Service said they had no maps with mine locations. Although small triangular mine signs are visible, the risk of accidentally walking into an ill-marked minefield remains.<sup>153</sup>

## **J. Freedom of thought, conscience and religion**

136. It is a norm of customary international humanitarian law that the convictions and religious practices of civilians and persons *hors de combat* must be respected.<sup>154</sup> Article 58 of the Fourth Geneva Convention provides that the occupying power must permit ministers of religion to give spiritual assistance to members of their religious communities, and Article 15 of the First Protocol to this Convention states that an occupying power should respect and protect civilian religious personnel. Furthermore, the International Covenant on Civil and Political Rights and the European Convention on the Protection of Human Rights and Fundamental Freedoms provide that everyone has the right to freedom of thought, conscience and religion, and that the right to manifest one’s religion and beliefs may only be subject to limitations, which are prescribed by law and are necessary to protect public safety, order, health, morals or the rights and freedoms of others.<sup>155</sup>

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 anti-terrorism 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.<sup>156</sup>

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.<sup>157</sup> 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”.<sup>158</sup>

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 (UOC-KP) 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.<sup>159</sup> On 21 July, a house in the village of Mramorne belonging to the UOC-KP was burnt to the ground.<sup>160</sup> 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’.<sup>161</sup> 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.<sup>162</sup> On 26 April, unknown persons threw Molotov cocktails at a mosque in the village of Skalyste, setting it

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.<sup>163</sup> 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.

142. Without registration, religious communities can congregate but cannot enter into contracts to rent State-owned property, open bank accounts, employ people or invite foreigners. The deadline for re-registration was extended twice and expired on 1 January 2016. The process has been lengthy and lacked transparency.<sup>164</sup>

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.<sup>165</sup> 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.<sup>166</sup> 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.<sup>167</sup>

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 non-renewal of their property leases.<sup>168</sup> 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.<sup>169</sup>

## **K. Freedom of peaceful assembly**

146. Freedom of peaceful assembly guarantees the right of individuals to gather peacefully in order to express an aim or issue in public. It is protected by various international legal instruments and closely connected with other fundamental rights such as freedom of speech, thought and association. Limitations are permitted in accordance with international law, including administrative regulations, as long as they are proportionate and not used to oppress the nature of free 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.<sup>170</sup>

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.<sup>171</sup> 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.*”<sup>172</sup> 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. For example, the Simferopol city authorities refused to grant permission for an assembly planned by the Crimean Tatar NGO *Kardashlyk* for 23 August 2014 near the memorial complex for the victims of the Crimean Tatar deportation. The motive provided was that the extremely high temperatures could negatively affect the health of participants. Yet, other outdoor events planned on the same day went ahead.<sup>173</sup>

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.<sup>174</sup>

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.<sup>175</sup> 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.

153. The European Court of Human Rights has found that restrictions imposed on assemblies to prevent minor disorder are often disproportionate measures, and that incidents of violence are better dealt with by way of subsequent prosecution or disciplinary actions.<sup>176</sup> In relation to blanket legal provisions which ban assemblies at specific times or in particular locations, the Special Rapporteur on the rights to freedom of peaceful assembly and of association stated that they require greater justification than restrictions on individual assemblies.<sup>177</sup>

## **L. Freedom of opinion and expression and the media**

154. Human rights law guarantees the right to hold opinions without interference. Undue restrictions on the right to seek, receive and impart information and ideas of all

kinds gravely undermine freedom of expression, which is protected under Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on the Protection of Human Rights and Fundamental Freedoms.

155. The right to express one's view or opinion has been significantly curtailed in Crimea.<sup>178</sup> 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.<sup>179</sup> 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.<sup>180</sup> 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.<sup>181</sup>

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.<sup>182</sup> 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.<sup>183</sup>

158. The minority language media that continued operating or registered as a new media entity, have no political content or support the official position on the status of Crimea. Crimean television has information and education programmes in the native languages of national minorities, including Armenian, Bulgarian, Crimean Tatar, German, Greek, and Ukrainian. Its programmes for the Crimean Tatar community include the Crimean Tatar news *Haberler*, *Netije*, and *Ekindi Subet*; the talk-show *Dilde*, *fikirde*, *işte birlik*; the educational programme *Eglenip-Ogrenem*; the cultural and religious programme *Selyam Aleykum*; and the informational and cultural programme *Tanysh-Belish*.<sup>184</sup>

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."<sup>185</sup> 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.<sup>186</sup>

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.<sup>187</sup> If found guilty, they face prison sentences of up to five years.

## M. Freedom of association

162. Following the occupation of Crimea, most human right groups ceased to exist or relocated elsewhere in Ukraine. Some did so in protest against the new situation, while others felt compelled to do so, on account of personal threats and physical violence faced by their members.

163. For instance, the director of the Yalta-based NGO *Almenda* left Crimea on 16 March 2014, one day after she was warned by members of the Crimean self-defence that her safety was “no longer guaranteed.”<sup>188</sup> Several members of the NGO *Ukrainian House* were tortured and forcibly disappeared in connection with their role in organizing Maidan events in Crimea and their subsequent opposition to Russian Federation presence.

164. Civic groups or non-governmental institutions which stayed but did not accept the policies of the new authorities faced systematic obstruction of their activities, intimidation and sometimes prosecution. In September 2014, the Crimean police organized searches, seized property, and evicted the charitable organization *Crimea Foundation* from its premises in Simferopol. The eviction also affected the central office of the Mejlis and the Mejlis weekly newspaper *Avdet*.<sup>189</sup>

165. As other legal entities, NGOs were required to re-register under Russian Federation law, which involved a number of constraints. Application documents included *inter alia* a new version of the NGO statute and a formal decision by the NGO executive body to align its founding documents with legislative requirements. If the NGO was not registered at the local address of a founder who was a Crimean resident, applicants were required to provide a letter from the owners of the intended rental premises of the NGO guaranteeing that they did not object to such a registration.<sup>190</sup>

166. The re-registration of NGOs was further stymied by implementation of the Russian Federation’s law on ‘foreign agents’ and ‘undesirable organizations’ in Crimea, both of which have had a chilling effect on civic groups.<sup>191</sup> Some decided not to seek registration while others decided to forgo foreign funding rather than endure frequent inspections and stigmatization.

167. The restrictive conditions placed by the legislation of the Russian Federation on activities of civil society organizations have been reflected in the number of NGOs which currently operate on the peninsula. As of 4 September 2017, 1,852 NGOs were registered in Crimea and the city of Sevastopol<sup>192</sup> compared to 4,090 in mid-March 2014.<sup>193</sup>

168. While the Russian Federation authorities in Crimea attempted to silence the Mejlis, they selectively allowed the establishment of organizations representing the Crimean Tatars, including *Kyryym*, *Kyryym Birligi*, the *Crimean Tatar 'Inkishaf' Society* and the *Association of Crimean Tatar Businessmen*.

169. Four national-cultural associations representing Ukrainians have been registered in Crimea: the Simferopol-based *Renaissance in Unity*, *Ukrainians of Simferopol*, *Ukrainians of Yevpatoriia* and *Ukrainians of Yalta*. The members of the unregistered Simferopol-based *Ukrainian Cultural Centre*, which has been under constant surveillance since 2014, were regularly called by the police or FSB for ‘informal talks’. Their public activities, including paying tribute to Ukrainian literary, political or historic figures, were often disrupted or prohibited. In May 2017, the Centre closed due to the absence of funds to pay for the rent of its premises, and on 29 August 2017, its director left the peninsula for mainland Ukraine following anonymous text message threats and information that the FSB would arrest him.<sup>194</sup>

## 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.<sup>195</sup> 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.<sup>196</sup>

173. Regulatory acts have been adopted to provide legitimacy to the nationalization process.<sup>197</sup> 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.<sup>198</sup>

175. Similar processes have taken place in the city of Sevastopol.<sup>199</sup> 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.<sup>200</sup>

176. OHCHR recalls that, according to international humanitarian law, private property, as well as the property of municipalities and institutions dedicated to religion, charity and education, the arts and science may not be confiscated,<sup>201</sup> and that immovable public property must be administered according to the rule of usufruct.<sup>202</sup>

#### 2. *Housing, land and property of formerly deported people*

177. The question of housing, land and property in Crimea is sensitive, particularly for Crimean Tatars who returned from exile starting from the late 1980s. The unmanaged

return process and the perceived injustices in land allocation led to Crimean Tatars settling on unoccupied or public land.<sup>203</sup>

178. While successive Governments of Ukraine took steps to facilitate repatriation to Crimea and resolve some of the issues facing formerly deported persons, many problems remained. In a decree issued by former President Viktor Yanukovych in 2010, the need to solve “the burning problem of resettlement” of formerly deported persons was acknowledged.<sup>204</sup>

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.<sup>205</sup> 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.<sup>206</sup> 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<sup>207</sup> 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.<sup>208</sup> 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.<sup>209</sup>

## **B. Right to maintain one’s identity, culture and tradition**

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.

### *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.<sup>210</sup> In June 2015, the city of Simferopol rejected an application by the Mejlis’ to hold celebrations of the Crimean Tatar Flag Day.

185. Institutions promoting Ukrainian culture and traditions have been shut down. The Museum of Ukrainian Vyshyvanka - a traditional Ukrainian embroidery - was closed in February 2015, and books by contemporary Ukrainian authors have been removed from the *Franko* Library located in Simferopol.<sup>211</sup>

186. The recognition under the constitution of the “Republic of Crimea” of Ukrainian and Crimean Tatar as official languages on a par with the Russian language has been largely declaratory. A draft law on the use of Crimea’s official languages was registered in the Parliament of Crimea on 4 April 2017, but has yet to be discussed.<sup>212</sup>

## 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.<sup>213</sup>

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.<sup>214</sup>

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*”.<sup>215</sup>

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.<sup>216</sup> 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.<sup>217</sup> 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.<sup>218</sup> 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. Article 50 of the Fourth Geneva Convention provides that the occupying power should, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

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.<sup>219</sup>

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 long-time 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.<sup>220</sup>

198. OHCHR considers that the main reasons for this decrease include a dominant Russian cultural environment and the departure of thousands of pro-Ukrainian Crimean residents to mainland Ukraine. 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.<sup>221</sup> 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*”.<sup>222</sup>

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.<sup>223</sup> Fifteen Crimean Tatar national schools were functioning in 2017, as in 2013.<sup>224</sup>

## **D. Right to health**

202. The availability of health care treatment in Crimea has been affected by the departure of numerous doctors and medical staff from medical State institutions. Drug users have additionally suffered from a disruption in treatment caused by the implementation of Russian Federation legislation.

203. In General Comment No. 14, the United Nations Committee on Economic Social and Cultural Rights reminded all States parties to the International Covenant on Economic, Social and Cultural Rights of the “*minimum essential levels of each of the rights enunciated in the Covenant, including essential primary health care.*” Those minimum essential levels include “*the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups,*” including the provision of essential drugs. Similarly, international humanitarian law obliges an occupying power to ensure food, hygiene, public health and medical supplies for the inhabitants of occupied territories.

### *1. Medical staff deficit in public hospitals*

204. Crimea is confronted with an acute lack of medical personnel, an enduring phenomenon which pre-dates the occupation by the Russian Federation but has been aggravated after March 2014 due to the departure of many doctors to the private sector.

205. Since 2014, many doctors in Crimea have left public health care institutions for private clinics on the peninsula, which provide higher salaries and better working conditions. A similar situation prevails in the city of Sevastopol, where salaries in private clinics in 2017 were two and a half times higher (40,000 RUB i.e. USD 660) than in public hospitals (16,000 RUB i.e. USD 265).<sup>225</sup> Physicians in public hospitals also criticized what they viewed as excessive bureaucratic paperwork and a system of remuneration deriving from new Russian Federation regulations, with the payment of a full doctor’s salary depending on the result of multiple inspections and internal audits.<sup>226</sup>

206. In November 2016, 7,195 doctors and 17,283 other medical personnel were employed in public medical centres in Crimea, with only 62.3 per cent of physicians’ positions occupied.

207. The Minister of Health of Crimea publicly acknowledged a lack of physicians, pediatricians, general practitioners, emergency staff and laboratory technicians. For three months in 2016, the main public hospital in Crimea’s second most populated district, Kerch, had no doctor in its neurosurgical department. The situation is most worrying in the districts of Rozdolne, Nyzhnohirskiy, Krasnoperekopsk, Pervomaysky and Armyansk, and in the countryside, where only 40 per cent of the medical staff positions are filled.<sup>227</sup>



208. The shortage of medical personnel has had an impact on the quality of free public health care services and created long waits, delaying treatment for the most economically-disadvantaged patients and jeopardizing their right to health.<sup>228</sup>

## 2. *Impaired treatment of drug users*

209. Retrogressive measures introduced in Crimea since the application of Russian Federation legislation have undermined the right to health for those suffering from drug dependence.

210. An estimated 21,100 injecting drug-users lived in Crimea in 2013. Substitution Maintenance Therapy (SMT) for Crimean patients was terminated after the peninsula was incorporated in the Russian Federation. The latter bans the medical use of methadone and buprenorphine in the treatment of drug dependence and does not have maintenance therapy programmes.<sup>229</sup> Medicines given to patients in rehabilitation centres include benzodiazepines, barbiturates, neuroleptics and anti-psychotic drugs, which are not considered a reasonable alternative to the banned treatments among independent health care experts.

211. As a result, 803 registered heroin addicts previously receiving Opioid Substitution Therapy (OST) in Crimea no longer had access to this treatment.<sup>230</sup> This has had major detrimental effects, including changes in treatment, breaches of patient confidentiality, and increased mandatory drug screening.<sup>231</sup>

212. Without methadone, users often relapse into taking heroin and risk an overdose. The United Nations Special Envoy for HIV/AIDS evoked the possibility that by January 2015, up to 100 former OST recipients had died in Crimea due to complications related to overdose or suicide,<sup>232</sup> although in June 2014, Crimea's health authorities were denying any deaths.<sup>233</sup>

213. Comprehensive harm reduction strategies, which include OST, are essential to prevent and treat HIV, hepatitis and tuberculosis among people who inject drugs. The ban on OST opiates crippled Crimea's HIV prevention programmes, which included *inter alia* needle exchanges covering 14,000 people and OST for intravenous drug-users.

214. According to the Chief Doctor of Crimea's Centre for the prevention and control of AIDS, 1,417 newly diagnosed cases of HIV infection were recorded in Crimea for the first nine months of 2016, including 25 per cent resulting from drug injection.<sup>234</sup>

## E. **Access to water and other essential services**

215. The right to an adequate standard of living including in particular access to food, water and other essential items, is included in several international human rights treaties.<sup>235</sup> In addition, international humanitarian law prohibits the attack, destruction, removal, or rendering useless objects indispensable to the survival of the civilian population, such as foodstuffs, water installations and supplies and irrigation works.<sup>236</sup>

216. Until 2014, Crimea was 82 per cent dependent on water supplies via the North Crimean Canal that links the Dnepr river in mainland Ukraine and the peninsula. The eastern Crimean regions stretching from Sudak to Kerch have virtually no surface sources of water. On 13 May 2014, the Ukrainian State Water Resources Agency informed that Ukraine had shut off water supplies to Crimea via the North-Crimean Canal. While this situation had no negative implications on drinking water,<sup>237</sup> agricultural lands were affected, and practically all rice plantations on the peninsula perished.<sup>238</sup> According to the Federal target programme on the socioeconomic development of Crimea, until 2020 "*Crimea's dependence on supply of water via the North Crimean Canal can be eventually reduced or eliminated by searching for underground water sources, including manmade ones*".<sup>239</sup>

217. Crimea was also dependent on supplies from mainland Ukraine for up to 85 per cent of the electricity it consumed. Access to energy is a component of the right to adequate housing, which is derived from the right to an adequate standard of living.<sup>240</sup> On 21-22 November 2015, energy deliveries were disrupted after perpetrators believed to be supporting the blockade of Crimea damaged four transmission towers in the region of Kherson, which supplied electricity to Crimea. Although one of the power lines was later repaired, energy supplies from mainland Ukraine have since not resumed due to the non-renewal of the contract between Ukraine's energy company and the Russian Federation authorities in Crimea, which expired on 1 January 2016.<sup>241</sup>

218. Following the power outage, for about three weeks, the interruption of energy deliveries to Crimea caused widespread disruptions, affecting food conservation, lighting, heating, public transportation and economic activity. Although the Russian Federation authorities in Crimea redirected available energy resources to the most critical social infrastructure, such as hospitals and schools, the impact of this situation has been acute, particularly for people with limited mobility and low income.

219. Pursuant to the International Covenant on Economic, Social and Cultural Rights, States parties must ensure the satisfaction of minimum essential levels of rights under the Covenant in all circumstances.<sup>242</sup> Under international humanitarian law, the Russian Federation as the occupying power is obliged to ensure to the fullest extent of the means available to it sufficient hygiene and public health standards, as well as the provision of food and medical care to the population. At the same time, this does not exonerate Ukraine from its obligations under the International Covenant not to interfere with the enjoyment of the rights it enshrines, and from respecting the requirement under international humanitarian law to ensure that the basic needs of the population continue to be met under conditions of occupation.<sup>243</sup>

## **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.

224. Since the attempted alteration of the status of Crimea by the Russian Federation, a development which was denounced by General Assembly resolution 68/262 and later qualified as occupation in General Assembly resolution 71/205, the forcible integration of the peninsula into the political, legal, socio-economic, educational, informational, cultural and security spheres of the Russian Federation has been actively pursued, deepening the divide between this territory of Ukraine and the rest of the country.

225. In July 2016, Crimea was administratively attached to the Southern Federal District of the Russian Federation, further strengthening implementation of policies from the central level and coordination with neighboring regions of the Russian Federation. The peninsula has been integrated into the energy grid of the Russian Federation, which is also building a rail-and-road bridge through the Kerch strait, creating a land corridor to Crimea. This intensified integration is further compounded by population movements - from the Russian Federation to Crimea and from Crimea to mainland Ukraine - which tend to favour and strengthen pro-Russia sentiments on the peninsula.

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

**To the Government of the Russian Federation to:**

- a) **Uphold human rights in Crimea for all and respect obligations that apply to an occupying power pursuant to international humanitarian law provisions;**
- b) **Ensure proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, pursuant to General Assembly resolution 71/205;**
- c) **Apply Ukrainian laws in Crimea, pursuant to General Assembly resolutions 68/262 and 71/205;**
- d) **Ensure accountability for human rights violations and abuses through effective investigations of allegations of ill-treatment, torture, abductions, disappearances and killings involving members of the security forces and the Crimean self-defence; bring perpetrators to justice and provide redress for victims;**
- e) **Comply with the international humanitarian law prohibition to compel residents of the occupied territory of Crimea to serve in the armed forces of the Russian Federation and to deport or transfer parts of the civilian population of the Russian Federation into Crimea; return to Crimea all protected persons transferred to the territory of the Russian Federation;**
- f) **Ensure independent and impartial administration of justice, including due process and fair trial rights, and that persons deprived of liberty benefit from all legal guarantees, including equal treatment before the law, the right not to be arbitrarily detained, the presumption of innocence and the prohibition from self-incrimination;**
- g) **End the practice of retroactive application of penal laws to acts committed before the occupation of Crimea, and refrain from using law enforcement bodies and the justice system to pressure and intimidate opponents;**
- h) **Uphold the right of defence counsel to perform their professional functions without intimidation, harassment or improper interference;**
- i) **End the practice of extracting confessions of guilt from persons in detention through threats, torture, or ill-treatment, and refrain from practices such as forcible psychiatric hospitalization, which may amount to ill-treatment;**
- j) **Ensure adequate medical assistance to all individuals detained in penitentiary institutions irrespective of their citizenship or any other grounds;**
- k) **Enable unimpeded freedom of movement to and from Crimea, and end deportations of Crimean residents pursuant to Russian Federation immigration rules;**
- l) **Ensure that the rights to freedom of expression, peaceful assembly, association, thought, conscience and religion can be exercised by any individual and group in Crimea, without discrimination on any grounds, including race, nationality, political views or ethnicity;**

- m) Stop applying legislation on extremism, terrorism and separatism to criminalize free speech and peaceful conduct, and release all persons arrested and charged for expressing dissenting views, including regarding the status of Crimea;**
- n) Allow the development of independent and pluralistic media outlets, including those representing minority communities, and refrain from placing legal and administrative obstacles on their registration or operation;**
- o) Put an end to police actions, including house searches, summons, detentions, taking of DNA samples, targeting disproportionately members of the Crimean Tatar community;**
- p) Lift any limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis;**
- q) Ensure the availability of education in the Ukrainian language, and enable all ethnic communities in Crimea, including the Crimean Tatars and Ukrainians, to maintain and develop their culture, traditions and identity, and to commemorate important events;**
- r) Ensure access of all Crimean residents, including those without Russian Federation passports, to employment, health treatment, property and public services, without discrimination;**
- s) End the ban on the use of Substitution Maintenance Therapy (SMT) for patients suffering from drug dependence;**
- t) Respect the right to property and the prohibition to confiscate private property; ensure security of tenure for the Crimean Tatars by putting in place a mechanism facilitating recognition of their property rights.**

**To the Government of Ukraine to:**

- a) Use all legal and diplomatic means available to promote and guarantee the enjoyment of the human rights of residents of Crimea;**
- b) Investigate, within practical limits, human rights violations and abuses committed in Crimea as well as those perpetrated in mainland Ukraine in relation to the ‘civil blockade’ of Crimea;**
- c) Remove all non-necessary restrictions to freedom of movement to and from Crimea, and ensure that the perimeter of the mined area near the Kalanchak and Chaplynka crossing points in the Kherson region is visible and well protected;**
- d) Simplify access to civil documents, education and other public services to residents of Crimea and IDPs;**
- e) Support dialogue between the Ombudspersons of Ukraine and the Russian Federation to facilitate the voluntary transfer of Ukrainian prisoners held in Crimea to penitentiary institutions in mainland Ukraine;**
- f) Refrain from actions that would raise obstacles to the enjoyment by residents of Crimea of their human rights.**

**To the international community:**

- a) Insist on full cooperation of the Russian Federation with international and regional monitoring mechanisms, including by granting unrestricted access to their representatives to Crimea;**

- b) Remind the Russian Federation and Ukraine to strictly abide by international human rights law and international humanitarian law in ensuring the protection of the population of Crimea;**
- c) Raise cases of human rights violations and abuses in discussions with the Russian Federation authorities at bilateral and multilateral forums.**

## IX. End notes

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<sup>1</sup> Hereafter referred to as ‘Crimea’.

<sup>2</sup> All future references to the term “occupation” are to be interpreted in line with UN General Assembly resolution 71/205 referring to the “temporary occupation” of Crimea.

<sup>3</sup> The resolution 71/205 was adopted by the UN General Assembly on 19 of December 2016.

<sup>4</sup> The people’s militia was registered on 29 July 2014. It is composed of former policemen and army officers, Afghan war veterans and biker groups, tasked to ‘maintain order and combat fascism’ on the peninsula; see Народное Ополчение Республика Крым, “Устав Общественной Организации”, 9 сентября 2014, available at: <http://narodnoe-opolchenie.ru/ustav-obshhestvennoy-organizatsii/>.

<sup>5</sup> 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.

<sup>6</sup> Interview given to the TV channel “Rossiya” as part of a documentary “Crimea. The way home”, available at: <https://www.youtube.com/watch?v=c8nMhCMphYU>.

<sup>7</sup> The referendum question provided two alternatives: “1. Are you in favour of the Autonomous Republic of Crimea reuniting with Russia as a constituent part of the Russian Federation?” or “2. Are you in favour of restoring the Constitution of the Republic of Crimea of 1992 and of Crimea’s status as part of Ukraine?”

<sup>8</sup> See the statement of the Spokesperson of the UN Secretary-General of 17 March 2014 <http://www.un.org/apps/news/story.asp?NewsID=47366#.WcU48nRx3IU>.

<sup>9</sup> Article 45 of the Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907 and Article 64, Geneva Convention IV.

<sup>10</sup> The Mejlis is a self-governing institution of the Crimean Tatar people holding executive powers. Its members are chosen from among the members of an elected assembly, the Kurultai.

<sup>11</sup> Articles 49 and 76, Geneva Convention IV.

<sup>12</sup> See “Human Rights Assessment Mission in Ukraine. Human Rights and Minority Rights Situation”, OSCE report of the High Commissioner for National Minorities and the Office for Democratic Institutions and Human Rights, The Hague/ Warsaw (12 May 2014), pp. 49-76.

<sup>13</sup> Interview given to the TV channel “Rossiya” as part of a documentary “Crimea. The way home”, available at: <https://www.youtube.com/watch?v=c8nMhCMphYU>.

<sup>14</sup> <https://www.theguardian.com/world/2014/feb/25/ukraine-sevastopol-installs-pro-russian-mayor>.

<sup>15</sup> According to the Constitution of the ‘Republic of Crimea’, adopted on 11 April 2014, the Head of Crimea («Глава Республики Крым») who is the highest-ranking official of Crimea may also act as the Prime Minister of Crimea. Starting from 14 April 2014, Sergey Aksenov has been acting as the Head and the Prime Minister of Crimea. See: <http://glava.rk.gov.ru/rus/officially.htm>

<sup>16</sup> The referendum question provided two alternatives: “1. Are you in favour of the Autonomous Republic of Crimea reuniting with Russia as a constituent part of the Russian Federation?” or “2. Are you in favour of restoring the Constitution of the Republic of Crimea of 1992 and of Crimea’s status as part of Ukraine?”

<sup>17</sup> <http://www.crimea.gov.ru/act/11689>.

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<sup>18</sup> The Opinion was prepared following a request of the Secretary-General of the Council of Europe of 7 March 2014.

<sup>19</sup> See Paragraph 28 of Opinion no. 762 / 2014 on “Whether the decision taken by the Supreme Council of the Autonomous Republic of Crimea in Ukraine to organize a referendum on becoming a constituent territory of the Russian Federation or restoring Crimea’s 1992 constitution is compatible with constitutional principles” (Venice, 21-22 March 2014).

<sup>20</sup> See *supra* endnote 8.

<sup>21</sup> OHCHR report on the human rights situation in Ukraine, 15 April 2014, paragraph 82

<sup>22</sup> According to the Crimean the election commission, 1,274 096 persons (83.1 per cent) cast their ballots, of whom 1,233,002 (96.77 per cent) voted to join the Russian Federation, 31,997 (2.51 per cent) voted for Crimea to be part of Ukraine, and 9,097 votes (0.72 per cent) were invalid; see <http://archive.is/bvjR6>. In Sevastopol, 274,101 persons (89.5 per cent) cast their ballots, of whom 262,041 (95.6 per cent) voted to join the Russian Federation, 9,250 (3.37 per cent) voted for Crimea to be part of Ukraine, and 2,810 votes were invalid (1.03 per cent); see <http://archive.is/zbExZ>.

<sup>23</sup> On 14 March 2014, the Constitutional Court of Ukraine ruled that the decision to hold a referendum was unconstitutional, and on 15 March the Parliament of Ukraine terminated the powers of the Parliament of Crimea.

<sup>24</sup> The law “*On Securing the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine*” entered into force on 22 November 2014.

<sup>25</sup> The resolution was adopted by 101 countries, 11 voted against, 58 abstained and 24 were absent.

<sup>26</sup> The resolution was adopted by 70 countries, 26 voted against, 77 abstained and 21 were absent.

<sup>27</sup> Agreement between the Office of the High Commissioner for Human Rights and the Government of Ukraine concerning the deployment of a short-term UN Human Rights Monitoring Mission in Ukraine, done at Geneva on 31 July 2014.

<sup>28</sup> The objectives of the visit were to discuss allegations of human rights violations, protection concerns and the establishment of a sub-office of the HRMMU in Simferopol. See OHCHR report on the human rights situation in Ukraine, 15 March to 2 April 2014, paragraphs 80 to 93.

<sup>29</sup> Gender-sensitive investigation methods, including regarding interviewing, security arrangements, witness protection and safe handling of information were used by OHCHR. See OHCHR manual on gender integration in monitoring available at <https://intranet.ohchr.org/Offices/Geneva/TEsprDD/RuleofLawEqualityandNon-DiscriminationBranch/WomensHumanRightsAndGenderSection/Documents/Chapter15-20pp.pdf>.

<sup>30</sup> Article 42 of the 1907 Hague Regulations states: “*Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.*”

<sup>31</sup> On 15 September 2015, Article 1 of the law of Ukraine “*On Securing the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine*” was amended to establish the beginning of the occupation of Crimea on 20 February 2014.

<sup>32</sup> The Government of Ukraine exercised its right to derogate from its obligations under the International Covenant on Civil and Political Rights in relation to the rights to liberty and security (Article 9); fair trial (Article 14); effective remedy (Article 2(3)); respect for private and family life (Article 17); and freedom of movement (Article 12) as well as obligations enshrined in Article 5 (liberty and security), Article 6 (fair trial) Article 8

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(respect for private and family life) and Article 13 (effective remedy) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>33</sup> Human Rights Committee, Concluding Observations on Moldova (CCPR/C/MDA/CO/2(2009), paragraph 5).

<sup>34</sup> *Ilascu and Others v. Moldova and Russia*, 48787/99, European Court of Human Rights, 8 July 2004, paragraph 331.

<sup>35</sup> Article 43, 1907 Hague Regulations.

<sup>36</sup> Henckaerts, Doswald-Beck, *Customary International Humanitarian Law*, Volume I. Rule 149, hereinafter, Customary IHL Rules; See also Article 3, Hague Convention (IV) and Article 91, Additional Protocol I.

<sup>37</sup> See Report of the International Criminal Court on Preliminary Examination Activities (2016), paragraphs 155 to 158. Pursuant to two article 12(3) declarations lodged by the Government of Ukraine on 17 April 2014 and 8 September 2015, the Court may exercise jurisdiction over Rome Statute crimes committed on the territory of Ukraine since 21 November 2013.

<sup>38</sup> <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>.

<sup>39</sup> <http://www.statdata.ru/naselenie-krima-i-sevastopolya>.

<sup>40</sup> <http://www.dsns.gov.ua/ua/Ostanni-novini/61047.html>.

<sup>41</sup> <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis>.

<sup>42</sup> [http://www.gks.ru/free\\_doc/new\\_site/population/demo/perepis\\_krim/obsh\\_itog\\_kfo.docx](http://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/obsh_itog_kfo.docx)

<sup>43</sup> <http://www.statdata.ru/naselenie-krima-i-sevastopolya>.

<sup>44</sup> See Article 4 of the Russian Federation law “*On the Accession of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol*” (21 March 2014).

<sup>45</sup> See Annual Report of the High Commissioner for Human Rights of the Russian Federation for 2014, Crimea chapter.

<sup>46</sup> Article 45, 1907 Hague Regulations.

<sup>47</sup> OHCHR report on the human rights situation in Ukraine, 2 April to 6 May 2014, paragraph 127.

<sup>48</sup> [http://rian.com.ua/CIS\\_news/20140422/345528247.html](http://rian.com.ua/CIS_news/20140422/345528247.html).

<sup>49</sup> Article 20, Federal Law No. 62-FZ “*On Citizenship of the Russian Federation*” (31 May 2002).

<sup>50</sup> <http://helsinki.org.ua/advices/poluchenye-vyda-na-zhytelstvo-dlya-hrazhdan-pozhelavshyh-sohranyt-ukraynskoe-hrazhdanstvo-y-prozhyvayuschyh-postoyanno-na-territoryi-kryima/>.

<sup>51</sup> Article 3 of the Russian Federation Law “*On circulation of agricultural land*” (24 July 2002).

<sup>52</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2016, paragraph 197.

<sup>53</sup> OHCHR report on the human rights situation in Ukraine, 16 November 2016 to 15 February 2017, paragraphs 139 to 141.

<sup>54</sup> Judgment of the Balaklava district court of the Republic of Crimea, 22 November 2016, No. 5-207/2016, <http://sudact.ru/regular/doc/s56ZvgkNvSgw/>

<sup>55</sup> Judgment of the Supreme court of the Republic of Crimea, 15 November 2016, No. 12-2050/2016, <http://sudact.ru/regular/doc/hbZ5VPzDk7l0/>.

<sup>56</sup> In addition, 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. See Article 49, Geneva Convention IV.

<sup>57</sup> Judgment of the Supreme court of the Republic of Crimea, 17 November 2016, No. 12-401/2016, <http://sudact.ru/regular/doc/Q9mwes1Qfjb/>.



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- <sup>58</sup> See “Human Rights in Retreat. Abuses in Crimea”, Human Rights Watch, 17 November 2014, available at: <https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea>.
- <sup>59</sup> Judgment of the Supreme court of the Republic of Crimea, 2 November 2016, No. 12-1696/2016, <http://sudact.ru/regular/doc/55PTDREeCUZT/>.
- <sup>60</sup> Judgment of the Sudak city court of the Republic of Crimea, 25 October 2016, No. 5-131/2016, <http://sudact.ru/regular/doc/MdwdkOOIxGdO/>.
- <sup>61</sup> OHCHR report on the situation of human rights in Ukraine, 16 November 2015 to 15 February 2016, paragraph 195.
- <sup>62</sup> Article 4 of the Federal Constitutional Law “*On the Accession of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol*” (21 March 2014).
- <sup>63</sup> Article 11 of the Law of the Republic of Crimea “*On State Civil Service of the Republic of Crimea*” (29 May 2014).
- <sup>64</sup> This number includes 3,581 persons employed in the city of Sevastopol and 16,803 in the Autonomous Republic of Crimea. [http://www.ukrstat.gov.ua/druk/publicat/kat\\_u/2014/bl/03/bl\\_ds\\_13.zip](http://www.ukrstat.gov.ua/druk/publicat/kat_u/2014/bl/03/bl_ds_13.zip).
- <sup>65</sup> <http://ru.krymr.com/content/news/27024784.html>.
- <sup>66</sup> Article 54, Geneva Convention IV.
- <sup>67</sup> Article 6 of the Russian Federation law “*On the Accession of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol*” (21 March 2014).
- <sup>68</sup> The Annual Report of the High Commissioner for Human Rights of the Russian Federation for 2014 mentions in relation to Crimea that the “*objective difficulties of the transition period throughout 2014*” have given rise to “*a number of legal and law enforcement grey areas*” which have encouraged corruption schemes, Moscow, 2015, p. 96.
- <sup>69</sup> Article 64, Geneva Convention IV.
- <sup>70</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2015, paragraph 159.
- <sup>71</sup> See Articles 64, 65, 67, and 70, Geneva Convention IV and Article 15, International Covenant on Civil and Political Rights.
- <sup>72</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2015, paragraphs 158-159 and HRMMU report on the human rights situation in Ukraine, 16 May to 15 August 2016, paragraph 157.
- <sup>73</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2017, paragraph 144.
- <sup>74</sup> Ibid. paragraph 145.
- <sup>75</sup> UN Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Principles 16 and 22.
- <sup>76</sup> OHCHR report on the human rights situation in Ukraine, 15 March to 2 April 2014, paragraph 86.
- <sup>77</sup> See List of Issues in Relation to the Seventh Periodic Report of the Russian Federation, *Human Rights Committee*, 18 December 2014, CCPR/C/RUS/Q/7/Add.1, paragraph 173.
- <sup>78</sup> <http://khp.org/en/index.php?id=1457018864>.
- <sup>79</sup> HRMMU interview, 13 August 2017.
- <sup>80</sup> <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10716412/Ukraines-unlikeliest-funeral-the-only-two-foes-to-die-in-Russias-Crimea-takeover-are-mourned-together.html>.
- <sup>81</sup> <http://www.independent.co.uk/news/world/europe/ukraine-naval-officer-shot-dead-by-russian-solider-in-crimea-9243306.html>.
- <sup>82</sup> <https://ru.krymr.com/a/27740314.html>.

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- <sup>83</sup> <https://www.kyivpost.com/article/content/euromaidan/two-die-in-rallies-outside-crimean-parliament-says-ex-head-of-mejlis-337708.html>.
- <sup>84</sup> OHCHR report on the human rights situation in Ukraine, 16 November 2015 to 15 February 2016, paragraph 187.
- <sup>85</sup> See Article 2, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Article 7, International Covenant on Civil and Political Rights; and Article 3, European Convention for the Protection of Human Rights and Fundamental Freedoms.
- <sup>86</sup> See OHCHR report on the human rights situation in Ukraine, 15 June 2014, paragraphs 299-303 and 309 and OHCHR report on the human rights situation in Ukraine, 18 August to 16 September 2014, paragraph 165.
- <sup>87</sup> See Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, following his Mission in Kyiv, Moscow and Ukraine, from 7 to 12 September 2014, paragraph 17.
- <sup>88</sup> See List of Issues in Relation to the Seventh Periodic Report of the Russian Federation, *Human Rights Committee*, 18 December 2014, CCPR/C/RUS/Q/7/Add.1, paragraph 174.
- <sup>89</sup> Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Principle 2.
- <sup>90</sup> HRMMU interviews, 7 September 2016 and 11 December 2016.
- <sup>91</sup> OHCHR report on the human rights situation in Ukraine, 16 August to 15 November 2016, paragraph 158.
- <sup>92</sup> OHCHR report on the human rights situation in Ukraine, 16 November 2016 to 15 February 2017, paragraph 133.
- <sup>93</sup> Rule 99, Customary International Humanitarian law.
- <sup>94</sup> Article 9, International Covenant on Civil and Political Rights; UN Human Rights Committee (HRC), General comment no. 35, Article 9 (Liberty and security of person), 16 December 2014, CCPR/C/GC/35.
- <sup>95</sup> Communication No. 458/1991, *A. W. Mukong v. Cameroon* (Views adopted on 21 July 1994), in UN doc. *GAOR*, A/49/40 (vol. II), p. 181, paragraph 9.8.
- <sup>96</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2016, paragraphs 183 to 185.
- <sup>97</sup> OHCHR report on the human rights situation in Ukraine, 16 November 2015 to 15 February 2016, paragraph 202.
- <sup>98</sup> HRMMU interview, 20 October 2014.
- <sup>99</sup> Article 2, Convention for the Protection of All Persons from Enforced Disappearance.
- <sup>100</sup> Rule 99, Customary International Humanitarian Law.
- <sup>101</sup> Rule 90, *Ibid.*
- <sup>102</sup> Rule 89, *Ibid.*
- <sup>103</sup> Rule 123, *Ibid.*
- <sup>104</sup> See *Cyprus v. Turkey*, 25781/94, Judgment, European Court of Human Rights, 10 May 2001, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59454>.
- <sup>105</sup> Reshat Ametov, a pro-Ukrainian activist, was abducted in Simferopol and found dead two weeks later.
- <sup>106</sup> The Ukrainian NGO *CrimeaSOS* estimates that between March 2014 and March 2017, agents of the Russian Federation were directly or indirectly involved in at least 36 cases of enforced disappearances. See Enforced Disappearance in Crimea Annexed by Russian Federation 2014-2016, *CrimeaSOS*, p. 2.
- <sup>107</sup> OHCHR report on the human rights situation in Ukraine, 15 November 2014, paragraphs 213-215.
- <sup>108</sup> Information provided by the Prosecutor's office of the Republic of Crimea to *CrimeaSOS* on 29 November 2016.

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- <sup>109</sup> Ibid.
- <sup>110</sup> Ibid.
- <sup>111</sup> The Federal List of Extremist Materials was introduced by Federal Law No. 114-FZ “*On Combating Extremist Activities*” (25 July 2002).
- <sup>112</sup> See Opinion No. 660/2011 on the Federal Law on Combating Extremist Activity of Russian Federation, The European Commission For Democracy Through Law (Venice Commission), 1 June 2012.
- <sup>113</sup> Annual Report of the High Commissioner for Human Rights of the Russian Federation for 2014, Moscow, 2015, p. 99
- <sup>114</sup> See “*The Situation of the Crimean Tatars since the Annexation of Crimea by the Russian Federation*”, Report prepared by an Unofficial Turkish Delegation in Crimea on 27-30 April 2015 (5 June 2015), pp. 9-10.
- <sup>115</sup> OHCHR report on the human rights situation in Ukraine, 18 August to 16 September 2014, paragraphs 155-156.
- <sup>116</sup> See “*The Situation of the Crimean Tatars since the Annexation of Crimea by the Russian Federation*”, *ibid.* p. 9.
- <sup>117</sup> <http://fedsfm.ru/documents/terrorists-catalog-portal-act>
- <sup>118</sup> [http://www.krim.fsin.su/news/detail.php?ELEMENT\\_ID=129921](http://www.krim.fsin.su/news/detail.php?ELEMENT_ID=129921).
- <sup>119</sup> Article 14(5), International Covenant on Civil and Political Rights.
- <sup>120</sup> Statistics of the State Penitentiary Service of Ukraine as of 20 March 2014, <http://www.kvs.gov.ua/peniten/control/main/uk/publish/article/735176>.
- <sup>121</sup> Annual Report of the High Commissioner for Human Rights of the Russian Federation for 2015, Moscow, p. 72
- <sup>122</sup> Report of the High Commissioner for Human Rights in the Republic of Crimea, 2016, p. 63, [http://ombudsman.rk.gov.ru/file/doklad\\_2016.pdf](http://ombudsman.rk.gov.ru/file/doklad_2016.pdf)
- <sup>123</sup> Rule 58, United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules).
- <sup>124</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2017, paragraph 150.
- <sup>125</sup> HRMMU interview, 21 March 2017.
- <sup>126</sup> Ibid.
- <sup>127</sup> One Ukrainian NGO claimed on 31 May 2016 that 2,200 prisoners had been transferred from Crimea to the Russian Federation, <https://hromadskeradio.org/programs/hromadska-hvylya/2200-krymskyh-uvyaznennyh-bulo-peremishcheno-na-teryoriyu-rosiyi-advokat#V0In6plSZF0.twitter>.
- <sup>128</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2016, paragraph 181.
- <sup>129</sup> The trial started on 21 July 2015, and on 25 August 2015, a military tribunal sentenced him to 20 years of imprisonment.
- <sup>130</sup> See Articles 49 and 76, Geneva Convention IV.
- <sup>131</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2017, paragraph 151.
- <sup>132</sup> Ibid. paragraph 152.
- <sup>133</sup> See Article 76, Geneva Convention IV; Article 10, International Covenant on Civil and Political Rights; Article 3, European Convention on Human Rights and Fundamental Freedoms, and *Kudla v. Poland*, 30210/96, European Court of Human Rights, 26 October 2000, paragraph 94.
- <sup>134</sup> Article 7, Treaty of Accession between the Republic of Crimea and the Russian Federation (18 March 2014).
- <sup>135</sup> This figure was announced by the military commissioner of Sevastopol, Alexei Astakhov, on 25 May 2017.

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- <sup>136</sup> HRMMU interviews, 20 November 2015 and 13 October 2016.
- <sup>137</sup> Article 51, Geneva Convention IV.
- <sup>138</sup> See OSCE Special Monitoring Mission to Ukraine thematic report, “Freedom of movement across the administrative boundary line with Crimea” (21 June 2015), available at: <http://www.osce.org/ukraine-smm/165691>.
- <sup>139</sup> See Article 12, International Covenant on Civil and Political Rights; and Articles 2 and 3, Protocol 4 to the European Convention on Human Rights and Fundamental Freedoms.
- <sup>140</sup> HRMMU interview, 5 May 2017.
- <sup>141</sup> See Article 23, International Covenant on Civil and Political Rights; Article 10, Convention on the Right of the Child; Article 8, European Convention on Human Rights and Fundamental Freedoms.
- <sup>142</sup> Article 49, Geneva Convention IV.
- <sup>143</sup> HRMMU interview, 26 May 2017.
- <sup>144</sup> The decision on the undesirability of stay of Mr. Dzhemilev and Mr. Chubarov in the Russian Federation was taken pursuant to Article 27 of the Federal Law “*On the Procedure of Exit from the Russian Federation and Entry to the Russian Federation*”. See Annual Report of the High Commissioner for Human Rights of the Russian Federation for 2014, p. 101.
- <sup>145</sup> HRMMU interview, 17 October 2016.
- <sup>146</sup> HRMMU interviews, 19 February 2015, 22 September 2015 and 3 February 2016.
- <sup>147</sup> See Article 10, Law of Ukraine “*On Guaranteeing the rights and freedoms of citizens and on the legal regime on the temporarily occupied territory of Ukraine*”.
- <sup>148</sup> On 23 November 2016, 14 citizens of Uzbekistan and one Azeri citizen travelling from Crimea to mainland Ukraine were stopped by Ukrainian border guards on the ABL and issued with three-year entry bans to Ukraine for having accessed Crimea through the Russian Federation, in violation of Ukrainian legislation.
- <sup>149</sup> See Government Regulation No. 367 of 4 June 2015.
- <sup>150</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2017, paragraph 148.
- <sup>151</sup> OHCHR report on the human rights situation in Ukraine, 16 August to 15 November 2015, paragraphs 144 to 146.
- <sup>152</sup> OHCHR report on the human rights situation in Ukraine, 16 November 2015 to 15 February 2016, paragraph 198.
- <sup>153</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2016, paragraph 175.
- <sup>154</sup> Rule 104, Customary International Humanitarian Law.
- <sup>155</sup> See Article 18(3), International Covenant on Civil and Political Rights, and Article 9(2), European Convention on Human Rights and Fundamental Freedoms.
- <sup>156</sup> Maximum fines amount to the equivalent of \$780 for individuals or \$15,000 for organizations.
- <sup>157</sup> See Article 5.26, part 4 of the Code of Administrative Offenses of the Russian Federation (“Carrying out missionary activity in violation of the requirements of the law”).
- <sup>158</sup> See Article 5.26, part 3, *ibid*.
- <sup>159</sup> OHCHR report on the human rights situation in Ukraine, 7 May to 7 June 2014, paragraph 315.
- <sup>160</sup> OHCHR report on the human rights situation in Ukraine, 16 July to 16 August 2014, paragraph 163.
- <sup>161</sup> OHCHR report on the human rights situation in Ukraine, 1 to 30 November 2014, paragraph 84.
- <sup>162</sup> OHCHR report on the human rights situation in Ukraine 15 December 2014, paragraph 84.

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<sup>163</sup> On 24 June 2014, the FSB raided a madrassa in the village of Kolchugino, in the Simferopol district. On 13 August 2014, three madrassas in Simferopol were searched. On 22 September 2014, a seven-hour search was carried out at the Derekoi Mosque in Yalta.

<sup>164</sup> See report of the Independent Expert on minority issues, Rita Izsák, concerning the protection and promotion of the rights of religious minorities, A/68/268, paragraph 61: “*It is essential to ensure that all procedures for registration are accessible, inclusive, non-discriminatory and not unduly burdensome. Registration procedures designed to limit beneficiaries due to political or social intolerance run afoul of human rights standards*”. See also report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/22/51, paragraph 42: “*failure to register, or re-register periodically, could lead to legal vulnerability that also exposes the religious minorities to political, economic and social insecurity*”.

<sup>165</sup> The term “religious organizations” includes parishes, congregations, theological schools, monasteries, and other constituent parts of a church or religious group.

<sup>166</sup> <http://khp.org/en/index.php?id=1497831415>.

<sup>167</sup> <https://uawire.org/news/jehovah-s-witness-follower-in-the-crimea-dies-after-trial>.

<sup>168</sup> The churches in Perevalne (Simferopol district) and Sevastopol were seized while those in Krasnoperekopsk, Kerch and Saki were closed.

<sup>169</sup> <https://ru.krymr.com/a/news/28721834.html>.

<sup>170</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2016, paragraphs 165 to 167.

<sup>171</sup> OHCHR report on the human rights situation in Ukraine, 16 November 2015 to 15 February 2016, paragraphs 199-200.

<sup>172</sup> OHCHR report on the human rights situation in Ukraine, 17 September to 31 October 2014, paragraph 212.

<sup>173</sup> OHCHR report on the human rights situation in Ukraine, 18 August to 16 September 2014, paragraph 159.

<sup>174</sup> According to the International Covenant on Civil and Political Rights (Article 21) and the European Convention on Human Rights and Fundamental Freedoms (Article 11), state authorities have a responsibility to respect and ensure freedom of peaceful assembly, including by protecting assemblies from attacks or disruption by third parties. Any restrictions of this right must be proportionate to achieve a legitimate aim that is demonstrably necessary in a democratic society.

<sup>175</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2015, paragraph 175.

<sup>176</sup> European Court of Human Rights, *Stankov and the United Macedonian Organization Ilinden v. Bulgaria* (2001), paragraph 94.

<sup>177</sup> See A/HRC/31/66 paragraph 30, and A/HRC/23/39, paragraph 63.

<sup>178</sup> See Amnesty International “*One Year On. Violations of the right to freedom, expression and association in Crimea*”, March 2015, pp 9-14.

<sup>179</sup> OHCHR report on the human rights situation in Ukraine, 7 May to 7 June 2014, paragraphs 298 to 301 and 303.

<sup>180</sup> *Ibid.* paragraph 302.

<sup>181</sup> OHCHR report on the human rights situation in Ukraine, 17 September to 31 October 2014, paragraph 230.

<sup>182</sup> Ministry of Foreign Affairs of the Russian Federation, submission to UNESCO, 14 April 2015, available at: <http://russianunesco.ru/eng/article/2070>.

<sup>183</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2015, paragraphs 165-166.

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<sup>184</sup> See Fourth Report submitted by the Russian Federation pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities (Received on 20 December 2016), p. 28.

<sup>185</sup> *Human Rights Committee*, General Comment No. 34, *Article 19: Freedoms of opinion and expression*, UN Doc. CCPR/C/GC/34 (12 September 2011), paragraph 42.

<sup>186</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2017, paragraph 139.

<sup>187</sup> See Amnesty International Public statement, “*Crimea: Rapidly Deteriorating Human Rights Situation in the International Blind Spot*”, 17 March 2017, p. 5.

<sup>188</sup> HRMMU interview, 29 June 2014.

<sup>189</sup> See “*The situation of national minorities in Crimea following its annexation*”, European Parliament, Policy Department, Directorate General for External Policies, 2016, p.19, available at:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578003/EXPO\\_STU\(2016\)578003\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578003/EXPO_STU(2016)578003_EN.pdf).

<sup>190</sup> Russian Federal Law “*On Amending the Federal Law ‘Enacting chapter 1 of the Civil Code of the Russian Federation’ and Article 1202(3) of the Civil Code of the Russian Federation*” (5 May 2014), available at: <http://base.garant.ru/70648870/>.

<sup>191</sup> Russian Federal Law “*On Amending some legal acts of the Russian Federation*” (23 May 2015) and Russian Federal Law “*On Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-Commercial Organizations Performing the Function of Foreign Agents*” (20 July 2012).

<sup>192</sup> This number includes “autonomous non-commercial organizations”, “national-cultural autonomies” and “non-government organizations”. See <http://unro.minjust.ru/NKO.aspx>.

<sup>193</sup> <http://rgo.informjust.ua/>.

<sup>194</sup> HRMMU interview, 3-4 September 2017

<sup>195</sup> OHCHR report on the human rights situation in Ukraine, 18 August to 16 September 2014, paragraph 165.

<sup>196</sup> *Ibid.*

<sup>197</sup> See law “*On special aspects of regulation of property and land matters in the Republic of Crimea*” (31 July 2014), Resolution of the ‘State Council of the Republic of Crimea’ “*On aspects of administration of the property of the Republic of Crimea*” (30 April 2014) with subsequent amendments. Other legal acts seeking to facilitate the process of nationalization include the law “*On the administration and disposition of state-owned property in the Republic of Crimea*” (8 August 2014), and the Resolution of the ‘State Council of the Republic of Crimea’ “*On property nationalization of agricultural companies, institutions and organizations in the Republic of Crimea*” (26 March 2014).

<sup>198</sup> This figure is based on information collected by OHCHR from open sources.

<sup>199</sup> In the city of Sevastopol, nationalization was conducted in accordance with a Resolution of the Sevastopol city government “*On some aspects of the nationalization of property*” (28 February 2015) with subsequent amendments.

<sup>200</sup> See Resolutions of the Sevastopol city Government “*On some aspects of the nationalization of property*” No. 118-III, 123-III, 662-III of 28 February 2015, 28 February 2015 and 8 July 2016 respectively.

<sup>201</sup> Articles 46 and 56, 1907 Hague Regulations.

<sup>202</sup> *Ibid.* Article 55.

<sup>203</sup> See “*The Integration of Formerly Deported People in Crimea, Ukraine*”; Needs Assessment of the OSCE High Commissioner on National Minorities, August 2013, pp. 9-15.

<sup>204</sup> Presidential Decree No. 615/2010 proposed taking “*measures, in accordance with established procedures, for facilitating the adoption of the Concept of the State ethno-*

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*national policy and programmes for the period until 2015 for resettlement of Crimean Tatars, other persons deported on the ground of ethnic origin, and their descendants who have returned or are returning to Ukraine for permanent residence, their adaptation and integration in Ukrainian society.”*

<sup>205</sup> On 10 May 2014, the Russian Federation Minister of Crimean Affairs stated at a press conference that the Russian authorities would deal with cases of unauthorized acquisition of land in Crimea “with full responsibility and caution”; see OHCHR report on the human rights situation in Ukraine, 7 May to 7 June 2014, paragraph 320.

<sup>206</sup> Law ‘On provision of land plots which are in state or municipal property and on certain issues of land relations’ (15 January 2015), available at <http://crimea.gov.ru/textdoc/ru/7/act/66z.pdf>.

<sup>207</sup> Resolution No. 2206 “On the demolition of illegally constructed buildings in the municipal district of Simferopol”, adopted on 23 September 2016.

<sup>208</sup> See Article 11(1), International Covenant on Economic, Social and Cultural Rights; Article 17(1), International Covenant on Civil and Political Rights; Article 1, European Convention on Human Rights and Fundamental Freedoms; and UN Committee on Economic, Social and Cultural Rights (CESCR); General Comment No. 7: The right to adequate housing (Art. 11.1): forced evictions, 20 May 1997, E/1998/22

<sup>209</sup> See Resolutions 1993/77 and 2004/28 of the United Nations Commission on Human Rights.

<sup>210</sup> OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2015, paragraph 163.

<sup>211</sup> See “Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015)”, OSCE Office for Democratic Institutions and Human Rights and High Commissioner for National Minorities, paragraph 258, 17 September 2015, available at: <http://www.osce.org/odihr/report-of-the-human-rights-assessment-mission-on-crimea?download=true>

<sup>212</sup> See law No.1236/30-10 (4 April 2017), which regulates the use of official languages in the spheres of education, legislation, public relations, official correspondence and daily life.

<sup>213</sup> OHCHR report on the human rights situation in Ukraine, 15 May to 16 August 2016, paragraphs 176-177.

<sup>214</sup> OHCHR report on the human rights situation in Ukraine, 16 August to 15 November 2016, paragraphs 167 to 169.

<sup>215</sup> See 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); Request for the indication of provisional measures, 19 April 2017, General List No. 166, paragraph 106.

<sup>216</sup> Committee on the Elimination of Racial Discrimination, CERD/C/RUS/CO/23-24.

<sup>217</sup> See Article 26, International Covenant on Civil and Political Rights; Articles 2 and 13, International Covenant on Economic, Social and Cultural Rights; Article 29, Convention on the Right of the Child; Article 5, Convention on the Elimination of All Forms of Racial Discrimination; Article 10, Convention on the Elimination of Discrimination Against Women ; Articles 1, 2 and 5, UNESCO Convention against Discrimination in Education; Articles 26 and 29, International Labor Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries, No. 169.

<sup>218</sup> See *Committee on Economic, Social and Cultural Rights, General Comment No. 13*, (twenty-first session, 1999), *the right to education (article 13 of the Covenant)*, E/C.12/1999/10, 8 December 1999, paragraphs 51-52.

<sup>219</sup> See Information on the Situation in the Republic of Crimea (Russian Federation) in the Fields of UNESCO Competence, Received from Russian Competent Authorities (As of 10 October 2014); 195 EX/5.INF.5, Paris, 21 October 2014, p.14.

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<sup>220</sup> See “Situation with Access to Education in the Native Language in Crimea”, *Crimean Human Rights Group*, available at: [http://www.civicsolidarity.org/sites/default/files/detailed\\_report\\_education\\_crimea\\_a4\\_.pdf](http://www.civicsolidarity.org/sites/default/files/detailed_report_education_crimea_a4_.pdf).

<sup>221</sup> The university was made a part of the Crimean Federal University (CFU) as the Taurida Academy in Crimea. Following this, the Ukrainian authorities relocated the Vernadsky Taurida National University to mainland Ukraine, and reopened it in Kyiv on 27 September 2016.

<sup>222</sup> See 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); Request for the indication of provisional measures, 19 April 2017, General List No. 166, paragraph 106.

<sup>223</sup> According to the Crimean Tatar NGO *Maarifchi*, among 1<sup>st</sup> grade children in September 2016, 825 out of approximately 20,000 were educated in the Crimean Tatar language.

<sup>224</sup> See “Situation with Access to Education in the Native Language in Crimea”, *Crimean Human Rights Group*, available at: [http://www.civicsolidarity.org/sites/default/files/detailed\\_report\\_education\\_crimea\\_a4\\_.pdf](http://www.civicsolidarity.org/sites/default/files/detailed_report_education_crimea_a4_.pdf).

<sup>225</sup> <https://www.15minut.org/news/172009-sevastopolskie-vrachi-uvolnyayutsya-iz-zanizkih-zarplat-i-vysokih-cen-na-zhile>.

<sup>226</sup> HRMMU interview, 20 December 2016.

<sup>227</sup> This information was mentioned by the Minister of Health of Crimea in November 2016. See <http://podpricelom.com.ua/en/read/social-analitics-read/minister-medical-centers-crimea-staffed-doctors-one-third.html>.

<sup>228</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2015, paragraph 186.

<sup>229</sup> The Committee on Economic Social and Cultural Rights expressed its concern “*about the continued ban on the medical use of methadone and buprenorphine for treatment of drug dependence*” in the Russian Federation “*and the fact that the Government does not support opioid substitution therapy (OST) and needle and syringe programmes.*” See fifth periodic report of the Russian Federation (E/C.12/RUS/5), Concluding Observations, 1 June 2011, paragraph 29.

<sup>230</sup> In Crimea, OST was legal since 2006.

<sup>231</sup> See “*Substitution maintenance treatment in Ukraine: Humanitarian and medical mission 16-21 May 2014*”, Expert report of the Pompidou Group, P-PG/ (2014) Misc. 1 rev.

<sup>232</sup> <https://www.theguardian.com/world/2015/jan/20/ukrainian-drug-addicts-dying-due-to-treatment-ban-says-un>.

<sup>233</sup> <http://www.rferl.org/a/crimeas-methadone-ban-hitting-rehab-patients-hard/25429665.html>.

<sup>234</sup> <http://podpricelom.com.ua/en/read/social-analitics-read/increase-hiv-incidence-recorded-crimea.html>.

<sup>235</sup> See Article 11, International Covenant on Civil and Political Rights; Articles 24(2)(c) and 27, Convention on the Right of the Child; and Article 28, CRPD; and Article 25, Universal Declaration of Human Rights.

<sup>236</sup> Article 54(2), Customary International Humanitarian Law.

<sup>237</sup> OHCHR report on the human rights situation in Ukraine, 15 June 2014, paragraph 322.

<sup>238</sup> <http://tass.ru/en/economy/749184>.

<sup>239</sup> <http://tass.ru/en/russia/790555>.

<sup>240</sup> *Committee on Economic, Social and Cultural Rights, General Comment No 4, The Right to Adequate Housing (Article 11(1) of the Covenant)*, 13 December 1991, paragraph 8(b), E/1992/23, Annex 3.



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<sup>241</sup> OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2016, paragraph 200.

<sup>242</sup> *Committee on Economic, Social and Cultural Rights, General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant)*, 14 December 1990, E/1991/23.

<sup>243</sup> Under international human rights law, the Government remains obliged to ensure the satisfaction of minimum essential levels of social and economic rights (e.g. primary health care, essential food stuff, basic shelter and housing and most basic forms of education); see *Committee on Economic, Social and Cultural Rights, General Comment No. 3*, *ibid.*