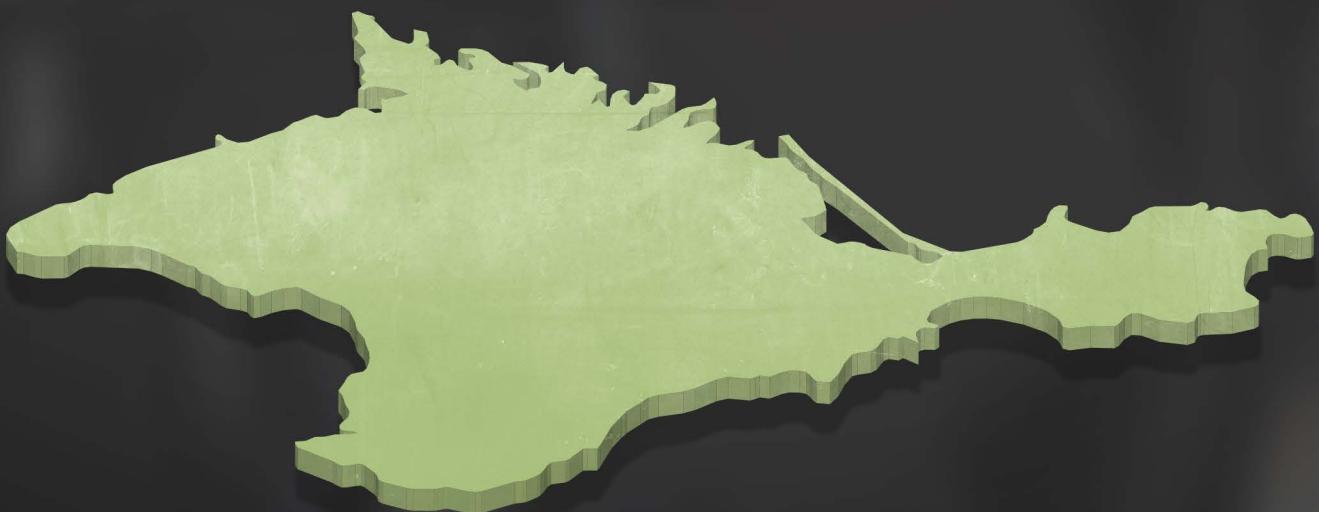


CRIMEA

DISTRESSING HUMAN RIGHTS SITUATION IN NEED OF INTERNATIONAL ATTENTION

INTERNATIONAL COMMUNITY MUST CALL FOR AN END TO IMPUNITY FOR HUMAN RIGHTS VIOLATIONS

BRIEFING NOTE FOR THE **71ST SESSION** OF THE
UNITED NATIONS GENERAL ASSEMBLY
NOVEMBER 2016



HUMAN RIGHTS HOUSE
FOUNDATION



Human Rights
Information
Center



CRIMEAN
HUMAN RIGHTS
GROUP



UKRAINIAN
HELSINKI
HUMAN RIGHTS
UNION

Prepared by:

Crimean Human Rights Group
Human Rights Information Center
Ukrainian Helsinki Human Rights Union
Human Rights House Foundation

November 2016

On 27 March 2014, the United Nations General Assembly adopted resolution 68/262 affirming Ukraine's territorial integrity. It underlined that the 16 March 2014 referendum in Crimea that led to the peninsula's annexation by the Russian Federation has "no validity" and that the parties should "pursue immediately a peaceful resolution of the situation."

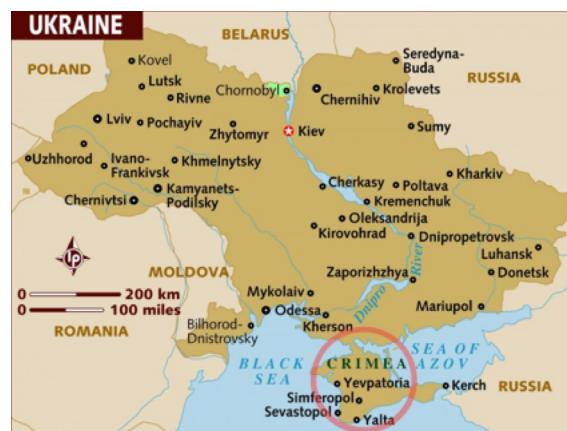
Since the annexation, the human rights situation has seriously deteriorated. The Russian Federation has imposed its laws and justice system on the controlled area, and imposed new authorities on Crimea who have conducted a severe crackdown on civil society and perceived political opponents.

The United Nations General Assembly must clearly call for the respect of all human rights for all people in Crimea and further hold the *de facto* authorities to account for the human rights violations committed in the territory under their control.

Despite the hopes raised by the Euromaidan movement and a decrease in the number of civilian causalities in Ukraine, the last two years have been the theatre of a devastating conflict. The report of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) highlighted that “the situation in the east of Ukraine remains volatile and may develop into a ‘frozen conflict’, creating a protracted environment of insecurity and instability”¹. While noting some amendments to the Constitution of Ukraine regarding the judiciary, the last report of HRMMU underlined that: “the conflict in the east continues to undermine any real progress that would lead to systemic changes in the promotion and protection of human rights for the whole of Ukraine”².

In Crimea, restrictions on public demonstrations, civil society organisations, the media, and others are routine. This situation is exacerbated by concerted efforts to prevent Ukrainians and international human rights monitors, journalists, and others from traveling to Crimea. Governments, international organisations, and human rights organisations must take steps to bear witness to the on-going tragedy in Crimea and do their best to put a stop to it.

Quick facts about the human rights situation in Crimea



- 16 March 2004, a so-called referendum organised by the de facto authorities resulted in 95% of voters supporting joining Russia; Crimean Tatars did not participate.
- 18 March 2014, the Russian Federation illegally annexed the Crimean Peninsula from the territory of Ukraine.
- 27 March 2014, the United Nations General Assembly adopted resolution 68/262 affirming Ukraine's territorial integrity and underscoring the invalidity of the Crimean referendum.
- According to the last census from 2014, there are 2,284,400 people living in Crimea, of which 65.3% are Russians, 15.7% Ukrainians, 12.2% Crimean Tatars, 0.9% Belarusians and 0.5% Armenians.
- At least 20,000 people have fled Crimea and officially registered as internally displaced persons.

Systemic rule of law and human rights violations since annexation

The *de facto* authorities use intimidation and harassment to eliminate any public opposition to the occupation of Crimea and to the current government. Local independent media and journalists have nearly all been co-opted, forced to flee, or run out of business. Local entrepreneurs, minority religious groups, and others perceived to oppose Russian rule are swiftly dealt with.

The judicial system now in place in Crimea suffers from the same lack of independence and dominance by the executive authorities as the judicial system in Russia. Moreover, Russian authorities have taken steps to avoid international accountability for their actions through a Russian Constitutional Court ruling that Russia does not have to abide by European Court of

¹ United Nations Human Rights Monitoring Mission in Ukraine, Report on the human rights situation in Ukraine 16 February to 15 May 2016, 3 June 2016, available at http://www.un.org.ua/images/14th_OHCHR_report_on_the_human_rights_situation_in_Ukraine.pdf

² UN, Human Rights Monitoring Mission in Ukraine, Report on the human rights situation in Ukraine 15 May to 16 August 2016, 15 September 2016, available at http://www.un.org.ua/images/Ukraine_OHCHR_15th_Report.pdf.

Human Rights (ECtHR) decisions if they contradict the Russian constitution. This was apparently in response to an application to the ECtHR submitted by Ukraine³.

The *de facto* authorities in Crimea have applied vague charges of “extremism” and “separatism” under the Russian criminal law to a large number of activities, such as to assembly and to speech. The majority of such criminal warnings, investigations and prosecutions appeared to be politically motivated and directed at pro-Ukrainian activists, journalists and minority community members⁴.

Such violations amount to systemic human rights abuses, a consequence of Russia’s occupation of Crimea.

Crackdown against civil society and media

Since the beginning of the occupation, the *de facto* authorities in Crimea have led a crackdown on civil society through an oppressive legislative and regulatory framework imported from the Russian Federation, including, among other things, Russian laws regulating non-governmental organisations (NGOs), laws purportedly aimed at preventing extremism and terrorism, and media regulation and manipulation. The report of the HRMMU from June 2016 highlights that while Ukrainians have gained greater freedom to exercise individual liberties since the Maidan events in 2014, members of political parties, NGOs and media professionals continue to face significant challenges in operating in the conflict-affected area⁵.

A report of ODHIR and OSCE from 2015 showed that under the Russian regulations requiring the re-registration of legal entities, “no more than five to 10% of the NGOs, media and religious organisations previously registered under Ukrainian law have successfully re-registered with Crimean *de facto* authorities”⁶.

The HRMMU reported that in April 2016, the ‘supreme court of Crimea’ declared the Mejlis to be an extremist organisation and banned its activities in Crimea. The Mejlis is a self-governing body of the Crimean Tatar people. This decision means that the estimated 2500 members of the Mejlis bodies can face criminal liability and a sentence of up to eight years in prison for belonging to an organisation recognised as ‘extremist’⁷.

Following the wave of intimidation against civil society activists, as documented by the HRMMU⁸, the only independent civil society actors with regular access to Crimea able to monitor human rights on the ground are those working within the Crimean Human Rights Field Mission (CHRFM), while independent civil society groups and organisations are almost entirely unable to operate in Crimea.

³ See the Russian Constitutional Court’s statement on the ruling, available at <http://www.ksrf.ru/ru/News/Pages/ViewItem.aspx?ParamId=3244>.

⁴ OSCE, Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015), 17 September 2015, p. 5.

⁵ HRMMU, Report on the human rights situation in Ukraine 16 February to 15 May 2016, op. cit., p. 26.

⁶ ODHIR & OSCE, Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015), op. cit. p. 40.

⁷ HRMMU, Report on the human rights situation in Ukraine 16 February to 15 May 2016, op. cit. p. 45.

⁸ United Nations Human Rights Monitoring Mission in Ukraine,

Report on the human rights situation in Ukraine 1 December 2014 to 15 February 2015, paras 98 and following.

Following the annexation of Crimea by the Russian Federation, repressions and restrictions to media rights and the right to freedom of opinion and expression have increased. Broadcasters have been shut down, journalists have been attacked and harassed, offices have been searched, authorities have repeatedly denied the registration or re-registration of media outlets⁹. A “mopping up” of the media scene followed the occupation of Crimea. The largest opposition TV and radio company, Chernomorskaya, has been unable to operate since March 2014.

The *de facto* authorities try to obstruct the work of all media that are seen as “anti-Russian.” This applies above all to media controlled by Ukrainian or Crimean Tatar organisations or companies, but also in general to all media that are in any way critical of Russia’s annexation of Crimea¹⁰.

From 15 to 19 May 2014, the Crimean Field Mission on Human Rights recorded nine cases of gross violations of the rights of journalists by the ‘Crimean self-defence’. They included unlawful arrests and detentions, confiscation of and damage to equipment, and physical violence against representatives of media¹¹.

In June 2014, Shevket Kaybullayev, the chief editor of the Crimean Tatar newspaper Avdet, press organ of the Mejlis of the Crimean Tatar people, received an official warning over “extremist content”, based on the paper’s coverage of opposition activities and even the use of terms such as “occupation”¹². The Avdet’s office was raided, searched and finally sealed, and its bank accounts were frozen. With the support of the Ukrainian government and the Crimean Tatar community, the station moved its operations to Kyiv and resumed broadcasting in June 2015.¹³

On 30 May 2016, Lilia Budzhurova, deputy director of the Crimean Tatar channel ATR was warned by Crimean ‘prosecutors’ against expressing “extremist” views due to her criticism of the arrests of Crimean Tatars on social media¹⁴. The situation is aggravated by the fact that attacks on journalists have not yet been investigated by Crimean authorities. This generates an atmosphere of impunity for the perpetrators and fear for the journalists.

Between June and August 2016, five criminal cases were started in Crimea with allegations of extremism on social networks.¹⁵ In early August 2016, Natalia Poklonskaya, who was appointed by Moscow to serve as a “prosecutor” of Crimea, launched a shut-down campaign against six pro-Ukrainian Crimean media outlets and a number of Ukrainian media Internet sites. Poklonskaya attributed her actions to a “fight against terrorism and extremism”.¹⁶

⁹ The Peninsula of fear: Chronicle of occupation and violation of human rights in Crimea, Kyiv: KBC, 2016.

¹⁰ Rights in Retreat: Abuses in Crimea, Report by Human Rights Watch, p. 24, available at <https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea>.

¹¹ Crimean Field Mission on Human Rights, Brief Review of the Situation in Crimea, January 2015.

¹² Report on the human rights situation in Ukraine, OHCHR, 15 June 2014.

¹³ See: <https://www.opendemocracy.net/andrii-ianitskyi/crimean-tatar-tv-back-on-air>.

¹⁴ HRMMU, Report on the human rights situation in Ukraine 16 February to 15 May 2016, p. 37.

¹⁵ Human Rights Information Centre, Curbing the freedom of speech, opinion and expression in Crimea: facts and trends, available at <http://humanrightshouse.org/noop/file.php?id=21908>.

¹⁶ Human Rights Information Centre, Prison cell or hospital bed? - Infographics in support of Crimean journalist Semena, available at https://humanrights.org.ua/en/material/v_tjurmu ili v bolnicu_inforgrafika_v_podderezhku_krymskogo_zhurnalistu_semeny.

The authorities also use legislation on extremism and separatism to prosecute independent media, bloggers and journalists. They further limited the freedom of expression and access to information by ordering the re-registration of media outlets. As a result, in 2015 only 232 media outlets were authorised to work in Crimea, as compared to the approximately 3 000 media outlets previously registered under Ukrainian regulations¹⁷.

The authorities' practices and measures in the field of freedom of expression in Crimea are leading to a significant reduction of objective information about the events, as well as to the disappearance of independent media on the peninsula¹⁸.

The crackdown on civil society and media in Crimea is a way of shutting down dissent and any possibility to openly monitor the human rights violations since the annexation of Crimea by the Russian Federation.

Population transfer and hate speech

Cleaning the territory of undesired people, mainly on an ethnical basis, is one of the goals of the Russian authorities who see ethnic and linguistic minorities as a threat to their iron-fist control over the peninsula. To reach their goal, the authorities do not resort to forced deportation, but instead use more sophisticated and less visible approaches that are part of the overall process of Russianisation of Crimea. New rules are put in place to make people's everyday life more difficult. The use of hate speech against cultural (Ukrainian) or ethnic (Tatar) minorities is key in this strategy to stigmatise part of the population and push it to abandon the Crimean territory.

As a part of this "Russianisation" campaign, Russia and the *de facto* Crimean authorities have coerced residents of Crimea into receiving Russian passports, by making it significantly more difficult to formally maintain their Ukrainian citizenship than to change their citizenship to Russian. Furthermore, the repression against those who consider themselves Ukrainian or hold other national or ethnic identities led many to flee Crimea.¹⁹ The fact that the parliamentary elections of the Russian Federation were held in Crimea on 18 September 2016 is part of this same process.

This dynamic is especially apparent with the Crimean Tatar community in a sadly ironic twist given this group's persecution in the Soviet Union. Indeed, as part of its efforts to assume total control of the peninsula, "from the first days of the occupation, the Russian Federation organized a large-scale campaign of physical harassment and criminal prosecution of potentially disloyal groups and anyone who opposed the annexation of Crimea."²⁰. Partly because of this

¹⁷ The situation of national minorities in Crimea following its annexation by Russia, Directorate-General for external policies, Policy Department, European Parliament, 2016, available at [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU\(2016\)578003](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2016)578003).

¹⁸ The Peninsula of fear: Chronicle of occupation and violation of human rights in Crimea, Kyiv: KBC, 2016.

¹⁹ See: <http://humanrightshouse.org/Articles/21902.html>.

²⁰ Andrii Klymenko, Atlantic Council of the United States and Freedom House, page 10.

persecution, at least 20,000 people have fled Crimea and have registered officially as internally displaced persons (IDPs)²¹.

Hate speech episodes take place regularly in annexed Crimea, mainly targeting Tatars and LGBT communities. Authorities publicly use and allow the use of hard hate speech, including the incitement to discrimination and violence.²² Many LGBT people have felt compelled to leave Crimea following the general hostile environment and surge in hate crimes against LGBT people and activists by organised groups since March 2014. The legislative framework imported from Russia has contributed to further restrict the environment for LGBT groups, and has resulted in a complete ban of all public events supporting LGBT rights.²³

Ukrainian and international access to Crimea severely limited

The *de facto* authorities in Crimea have effectively and systematically denied access to Crimea to nearly all foreign representatives and international institutions responsible for monitoring human rights, including those responsible specifically for monitoring the situation in Crimea such as the HRMMU.

The visit to Crimea, in January 2016, by the Council of Europe's Commission on Human Rights was a positive step, in particular its ability to visit individuals such as Akhtem Chiygov, Vice-Chairman of the Mejlis of the Crimean Tatar People, who is imprisoned in Semferopol²⁴.

Yet, following the visit, some reports indicated that Crimean Tatars that had met with the delegation were targeted with raids and arrests²⁵. Akhtem Chiygov's lawyer claims that during his court hearing in September 2016, “it was revealed that the investigator arbitrarily changed testimony, the victim insisted on the testimony he gave in court”²⁶.

As for the access to Crimea from Ukrainian's mainland, the Ukrainian Ministry of Foreign Affairs is working on a draft piece of legislation to amend the regulations for accessing Crimea for foreign citizens. We call upon Ukraine to ensure that new regulations simplify and encourage access to Crimea for international human rights organisations and foreign journalists, as well as Russian lawyers.

²¹ There are approximately 20,000 registered IDPs from Crimea elsewhere in Ukraine according to the UN High Commissioner for Refugees. See pp. 1 at https://issuu.com/irf_ua/docs/gi-2015-1.

²² Crimean Human Rights Group, Crimean Human Rights Situation Review, available at : http://crimeahrg.org/wp-content/uploads/2016/05/Crimean-Human-Rights-Group_April_2016-Eng.pdf.

²³ Violation of LGBTI in Crimea and Donbass: the problem of homophobia in territories beyond Ukraine's control, available at: http://adcmemorial.org/wp-content/uploads/lgbtENG_fullwww.pdf.

²⁴ “Council of Europe human rights mission returns from Crimea,” 3 February 2016, available at: <http://www.coe.int/en/web/portal/-/council-of-europe-human-rights-mission-returns-from-crimea>.

²⁵ See <http://www.rferl.org/content/ukraine-crimea-raids-tatars-yalta-bakhchesary/27545630.html>.

²⁶ Akhtem Chiygoz was arrested in January 2015 for participating in the rally in support of the territorial integrity of Ukraine in front of the Supreme Council of Crimea on 26 February 2014. Russian de facto authorities in Crimea accuse Chiygoz of organizing mass unrest. victim said at the hearing that he had not seen the defendant before. “Crimean activist Chiygoz did not hear victims participating in trial via videoconference”, 7 September 2016, available at: https://humanrights.org.ua/en/material/chijgoz_jakogo_sudjat_po_videozvazku_ne_chuje_poterpilih

Recommendations to the General Assembly

The United Nations General Assembly must clearly call for the respect of all human rights for all people in Crimea and further hold the *de facto* authorities to account for the human rights violations committed in the territory under their control.

The General Assembly resolution 68/262 of 27 March 2014 was adopted by 100 votes in favour, 11 votes against and 58 abstentions. This resolution focused only on the territory and integrity of Ukraine and not on the human rights situation in Crimea.

We call upon the UN General Assembly to:

- Adopt a resolution on the situation of human rights in Crimea since the beginning of the occupation and annexation of Crimea by the Russian Federation;
- Ensure access to Crimea from all sides and establish the distressing human rights situation in such a resolution, especially in regard to the systemic nature of rule of law and human rights violations, the crackdown against civil society and media, the population transfer, and hate speech.
- Clearly denounce and demand accountability for the acts of intimidation, harassment, retaliation and other human rights violations against human rights defenders in Crimea;
- Recall General Assembly resolution 68/262.

Contact person:

Florian Irminger
Head of Advocacy, Human Rights House Foundation
Mob: +41 79 751 80 42
Email: florian.irminger@humanrightshouse.org