

ALTERNATIVE REPORT

to the Committee on the Elimination of Racial Discrimination, CERD, 93rd session

to the report of the Russian Federation for submission to the Committee on the Elimination of Racial Discrimination, in accordance with Article 9 of the International Convention on Elimination of All Forms of Racial Discrimination.

Information on the Human Rights and Discrimination situation in the Autonomous Republic of Crimea and the city of Sevastopol

Submitting NGO:



Crimean Human Rights Group¹

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1. National and ethnic discrimination

1.1. Education access discrimination

Upon the findings of monitoring the access to education in the native language in Crimea carried by the Crimean Human Rights Group (*Annex 1*), the number of pupils studying in Ukrainian reduced 36 times for 3 years of occupation. Correspondingly, the number of Ukrainian medium classes reduced 31 times for the same period. In the 2013/2014 academic year 13,589 people in the Autonomous Republic of Crimea were educated in Ukrainian in 875 classes. In the answer sent by the 'Ministry of Education' of Crimea (*Annex 2*) only 28 classes are reported to have left in Crimea in the academic 2016/2017 year where only 371 children of 188,517 pupils of Crimea (excluding Sevastopol) were educated in Ukrainian medium, i.e. was 0.2% of the total number of pupils in Crimea in 2016.

The census carried by the RF in 2014 states that there were 18,706 children of Ukrainian nationality and 29,140 children of Crimean Tatar nationality. So only 3.2% of Ukrainian children and 25.2% of Crimean Tatar children are educated in the native language. Other children of Ukrainian and Crimean Tatar nationalities are educated in Russian.

On May 4 2017 representatives of the Sevastopol Ukrainian National Cultural Society required Mr Rodikov, a director of Sevastopol education department, to return Ukrainian medium education as well as learning it in Sevastopol schools. Mr Rodikov answered that the Ukrainian language was not a state language in Sevastopol, and there were no Russian educational programs in Ukrainian, so there were no legal grounds for teaching in Ukrainian medium in the city secondary schools.²

2. Discrimination of national and faith based organizations

The Russian Federation applies Russian legal provisions on 'terrorist' and 'extremist' organizations in the territory of Crimea to restrict or ban activities of certain organizations or their members without any grounds. The practices of enforcing these provisions testify a selectivity of their application and faith or opinion-based discrimination of freedom of associations and groups. The list of forbidden organizations includes **Hizb-ut-Tahrir**, **Mejlis of Crimean Tatar People**, **Management Center for Jehovah Witnesses in Russia**, etc. The data of such organizations are input into the Unified Federal List of Organizations including foreign and international ones, declared terroristic by RF courts³ and 'List of non-commercial organizations that have been sentenced by court effective ruling to be closed down or be banned to function on the grounds stipulated by Federal Law 'On fighting the extremist activities'⁴. Article 205.5 of RF Criminal Code is applied for criminal prosecution of members of such organizations⁵, and articles 20.28, 20.29 and 20.3 of RF Code of Administrative Offences constitute a basis for administrative one.

2.1. Persecution of Mejlis of Crimean Tatar People members

On April 26 2016 Mrs Terent'yeva, Judge of 'Supreme Court' of Crimea, determined to declare **the Crimean Tatar People Mejlis** an extremist organization and to forbid its activities on the territory of the Russian Federation (hereinafter the *Mejlis*), with this ban being valid also in the territory of Crimea controlled by Russia.

¹ Crimean Human Rights Group: <http://crimeahrg.org/en/>

² Sevastopol Activists Demand To Return Ukrainian in Schools, Radio SVOBODY Project website, Krym Realii, 4 may 2017 <https://ru.krymr.com/a/news/28467489.html>

³ <http://www.fsb.ru/fsb/npd/terror.htm>

⁴ http://minjust.ru/nko/perechen_zapret

⁵ http://www.consultant.ru/document/cons_doc_LAW_10699/b3c75b6ea12bfa94d8edc4d027b3fa1ab7b6a27e/

Members of the Crimean Tatar People Mejlis and Quriltai (Assembly) delegates have been many times called to the RF MIF Center for Fighting Extremism in Simferopol (hereinafter *Center E*) to provide explanations on Mejlis resolutions.

On September 27 2016 Mr **Ali Khamzin**, a Crimean Tatar People Mejlis member, after the questioning in the Bakhchisarai District MIA department, with participation of the Center E personnel, was accused of violating Article 20.28.1⁶ of RF CAO. The same day Ms Olga Morozko, 'judge of Bakhchisarai District Court' sentenced Mr Khamzin to fine at a rate of RUR1,000.

On September 28 Mr Skisov, 'judge of Bakhchisarai District Court', found Mr **Ilmi Unerov**, deputy Mejlis chairman, guilty according to the same article – 20.28.1 of RF CAO – and imposed a fine at a rate of RUR750.⁷

On September 29 at the session of Supreme Court of Russian Federation on the case 'On imposing a ban on activities of the Crimean Tatar People Mejlis public association' Mr Vladimir Chukhrin, Senior Prosecutor of Crimea, stated that 'the Mejlis activities constitute a threat for the security of state and society'. The RF Supreme Court rejected an appealing complaint of the defence team on the 'Mejlis Ban Case' and affirmed the decision of the 'Supreme Court of Crimea' of April 26 2016 on banning the Mejlis activities.

On September 30, reports, according to Article 20.28.1 of RF CAO, were drawn up on six Crimean Tatars (**Avamilev, Akiyev, Maushev, Mamutov, Sadykhov, Kaybullayev**) at the Center E in Bakhchisarai. On October 4 the 'Bakhchisarai District Court' imposed fines on Mr Mamutov and Mr Sadykhov (RUR 750), Mr Kaybullayev (RUR 500), for participation in the Mejlis meetings 'as public organization banned on the territory of the RF and Crimea'.

On October 14 the 'Bakhchisarai District Court' sentenced Ms **Avamileva**, head of Mejlis department for education, to imposition of fine at a rate of RUR 750. On October 20 Mr Egiz, a Mejlis member, was sentenced by the 'court' to a fine of RUR750. On October 24 the 'court' imposed a RUR 500 fine on Mr Akiyev. According to Article 20.28.1 of RF CAO, the 'Bakhchisarai District Court' imposed a fine of RUR 750 on Mr **Yakubov** on November 1 and on Mr **Maushev** on November 23⁸.

On June 1 2017 Ms Yeletsikh, 'justice of peace of Sovetsky District', sentenced Mr **Rustem Mennanov** to an administrative fine at a rate of RUR 2,000, according to Article 13.15 of RF CAO (abuse of mass information freedom) for mentioning the Mejlis in the social network.

2.2. Persecution of 'Hizb-ut-Tahrir' members

The organization is allowed to act in Ukraine, but is forbidden in the RF. The ban on the organization activities has been expanded by the RF for the occupied part of Ukraine – the AR of Crimea – too.

As at July 2017 19 people have been deprived from liberty on charge of Hizb-ut-Tahrir membership. These are: **Mr Ruslan Zeitullayev, Mr Rustem Vaitov, Mr Nuri Primov, Mr Ferat Sayfullayev** (found guilty), **Mr Enver Bekirov, Mr Vadim Siruk, Mr Muslim Aliyev, Mr Emir Usenin Kuku, Mr Refat Alimov, Mr Arsen Dzhenparov, Mr Enver Mamutov, Mr Remzi Memetov, Mr Zevri Abseitov, Mr Rustem Abiltarov, Mr Teymur Abdullayev, Mr Rustem Ismailov, Mr Aider Saledinov, Mr Uzeir Abdullayev, and Mr Emil Dzhemadenov** (in the custody).

These cases lack direct evidence, the prosecution uses 'secret; witnesses', the FSB involves its own officers as experts, defence lawyers face obstacles in their work, judges intend to hold sessions in camera. All these facts indicate the falsification of evidence, prejudice of judges, political motifs and religious discrimination in exercising the right to a fair trial.

On October 12, 2016 large scaled searches were held in Simferopol and Strogonovka Village. After the searches Mr Teimur Abdullayev (charged according to Article 205.5-1 of RF CC), Mr Rustem Ismailov, Mr Aider Saledinov, Mr Uzeir Abdullayev and Mr Emil Dzhemadenov (charged according to Article 205.5-2 of RF CC) were detained. On October 13 'Kiyevsky District Court' of Simferopol remained all four in the custody.

Mr Ruslan Zeitullayev, Mr Rustem Vaitov, Mr Nuri Primov, Mr Ferat Sayfullayev detained in early 2015, were transported to the RF and sentenced by the North Caucasian Area Military Court on September 7 2016 to the imprisonment in the general regime penal colony. Mr Ruslan Zeitullayev was given a seven year's sentence according to Article 205.5 (Set-up and participation in activities of terrorist organization) of RF CC, and others were given a five year's sentence. On April 26, 2017, after the appeal of the RF Prosecutor's Office, the judgment for Mr Seytullayev was revised – he was given a 12 year's sentence in the maximum security penal colony.

Mr Bekirov, Mr Siruk, Mr Aliyev, Mr Kuku, Mr Alimov, Mr Dzheparov detained on February 11 2015 in Yalta and charged before according to Article 205.5 of RF CC, were added a charge according to Articles 30 and 278 of RF CC (attempt of violent coup). On July 1 2017 the 'investigation' on the case of the Muslims detained in Yalta was finished and sent to the 'court'.

⁶ Article 20.28. Organization of activity of a non-government or religious association in which respect a decision has been taken to suspend its activity, RF Code of Administrative Offences, 30.12.2001 # 195-FZ

⁷ https://bahchisarai-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=438913054&delo_id=1500001&new=0&text_number=1

⁸ CHRG monitoring report for October 2016 http://crimeahrg.org/wp-content/uploads/2016/11/Crimean-Human-Rights-Group_October_2016_RU.pdf

Apart from the criminal prosecution, the RF authorities launched administrative persecution of the citizens for publishing the Hizb-ut-Tahrir symbols in the social networks, in Crimea. And the persecution does not take into account the fact that publications in the social networks were made a long time before the occupation of Crimea. Thus, a retrospective legislation is applied for persecution of the Muslims, that violates the fundamental human rights.

On January 26 2017 Center E officers detained **lawyer Emil Kurbedinov**. He was accused of violating Article 20.3 of RF CAO (public demonstration of extremist organization symbols) and sentenced to a 10 –day’s administrative arrest. The charge referred to a post made by Mr Kurbedinov in June of 2013 with information on the Hizb-ut-Tahrir meeting held in Simferopol⁹.

At the moment of detention Lawyer Kurbedinov was driving to the family of Saliyevs, Crimean Tatar activists whose house was being searched. **Mr Seyran Saliyev** was sentenced to 12 day’s administrative arrest, article 20.29 CAO (dissemination of extremist materials) and article 20.3 RF CAO (public demonstration of extremist organization symbols).

On February 21 2017 the house of Mr **Mustafayev** in Kamenka village was searched. He was accused of placing a post in the internet that demonstrated the Hizb-ut-Tahrir symbols. Mr Mozheliansky, judge of ‘Kiyevsky District Court’ sentenced him to an 11-day’s administrative arrest, Article 20.3-1 RF CAO (demonstration of extremist organization symbols).

In addition to Mr Mustafayev, 10 people (Mr Bekirov, Mr Arifmemetov, Mr Izetov, Mr Suleymanov, Mr Murtazayev, Mr Karimov, Mr Abdurakhmanov, Mr Abrurakhmanov, Mr Tasinov, Mr Grigor’) who came to witness the search in Mr Mustafayev’s house, were detained that day in Kamenka village. They were charged on violation of Article 20.2 RF CAO (violation of the established procedure to organize or hold an assembly, rally, demonstration, procession or picketing) and sentenced to 5-day’s administrative arrest¹⁰.

On March 30 2017 Mr Remzi Bekirov was invited to Center E as if to be returned the belongings expropriated during the detention in Kamenka on February 21. However, he was detained instead and sentenced to 3-day’s administrative arrest for the post in VKontakte social network he had placed in 2010 and deleted by him, as he said¹¹.

On April 13 2017 after the search officers of Center E and OMON (special purpose police force) detained Mr Mustafayev¹² and Mr Mudzhaba¹³. They were accused of violating Article 20.3 of CAO for publications in the social networks and sentenced to 10 and 3 days of administrative arrest, correspondingly. Residents of Bakhchisarai, Mr Mustafa and Shevket Abduramanov (son and father), Mr Memetov, Mr Zudiyev, Mr Azizov, who came to the houses being searched, were detained by the officers of the RF MIA. They were found guilty in violating Article 20.2-6.1 of RF CAO (violation of meeting holding rules). Mr Abduramanov was sentenced to a RUR5,000 fine, others – to administrative arrests of 2 to 7 days.

3. Religious discrimination

3.1. Searches in mosques

On September 5 2016 a **mosque in Simferopol**, 7 Mokrousova street, known before as Al Raid organization office, was searched. According to the mufti’s words, the armed OMON officer entered the premise to search for the prohibited religious literature.

On November 14 2016 Khan Dzhami Mosque in Yevpatoria was searched without proper procedure documents. The electric power supply was disconnected in the mosque before their visit. The search was done in darkness. During the search one of the FSB officers stated that he had found the prohibited religious literature under the carpet. The electricity supply was restarted as soon as the search was done. On November 24 2016 imam Abdulganiyev was detained by the RF MIA officers, and Judge Ruslan Izmaylov found him guilty in storing and disseminating the extremist literature (Article 20.29 of RF CAO).

3.2. Restrictions on missionary activity as religious and opinion based discrimination

On July 6 2016 two Federal laws No 374-FZ ‘On amending Federal Law ‘On fighting the terrorism’ and certain RF legislative instruments in terms of introducing additional actions to fight the terrorism and to ensure the public security’¹⁴ and No 375-FZ ‘On amending the Criminal Code of RF and the Criminal Procedure Code of RF in terms of introducing additional actions to fight the terrorism and to ensure the public security’¹⁵ came into effect in the Russian Federation. These laws strengthen the liability on ‘anti-terrorist’ and ‘anti-extremist’ articles of RF criminal and administrative codes.

⁹ CHRG monitoring review for January 2017 http://crimeahrg.org/wp-content/uploads/2017/02/Crimean-Human-Rights-Group_Jan_2017_RU.pdf

¹⁰ CHRG monitoring review for February 2017 <http://crimeahrg.org/monitoringovviiy-obzor-za-fevral-2017-goda/>

¹¹ CHRG monitoring review for March 2017 <http://crimeahrg.org/monitoringovviiy-obzor-za-mart-2017-goda/>

¹² Judgement of Bakhchisarai District Court of 13 June 2017, case No 5-183/2017 https://bahchisarai-krm.sudrf.ru/modules.php?name=sud_delo&srj_num=1&name_op=doc&number=439067736&delo_id=1500001&new=0&text_number=1

¹³ Judgement of Bakhchisarai District Court of 13 June 2017, case No 5-184/2017 https://bahchisarai-krm.sudrf.ru/modules.php?name=sud_delo&srj_num=1&name_op=doc&number=439067743&delo_id=1500001&new=0&text_number=1

¹⁴ <https://rg.ru/2016/07/08/antiterror-dok.html>

¹⁵ <https://rg.ru/2016/07/11/uk375-dok.html>

Article 8 of Law No 374-FZ has introduced the concept of ‘missionary activity’ and provisions on its restrictions. The list of persons that may act as missionaries and the list of places where they may act as missionaries were limited.

The liability for violation of laws on freedom of conscience, freedom of religion, and faith based organizations (Article 5.26 of RF CAO) has been stiffened. So Article 5.26 of RF CAO was completed with Part 3 – liability of religious institution for activities without indicating its full name- and Part 4 – liability for missionary activity with violations of legal provisions on freedom of conscience, freedom of religion, and faith-based organizations.

There is information on 6 decisions on administrative cases commenced in 2017 under Article 5.26-3 and 5.26-4 of RF CAO at the ‘Justices of the Peace of Crimea’ website.

On February 9 2017 Mr Cherkashyn, ‘justice of the peace of Bakhchisarai district’, imposed a fine to Crimean Muslim **Arsen Ganiyev** according to Article 5.26-4 of RF CAO ‘for distributing calendars and leaflets on MAULID event being prepared (Birthday of Mohammed the Prophet) and ‘Mevliud ayy Khaiyrly Olsun’ book’. ‘Judge’ Cherkashyn considered this to be a missionary activity in the improper place¹⁶.

On February 13 2017 Ms Bekenstein, ‘justice of the peace of Yalta Court District’ imposed a RUR 30,000 fine on Mr **Stasiuk**, head of local faith-based organization ‘The Seventh Day Adventist Church’ of Yalta Town, for the absence of information sign on the building where the church sermons take place¹⁷.

On May 11 2017 Ms Yesina, ‘justice of the peace of Bakhchisarai District’, made a decision on imposing a RUR 30,000 fine on Mr **Blyschik**, pastor of local faith based organization ‘Church of Resurrection. Christians of Evangelical Faith’, for the absence of information sign on the building where the church sermons take place¹⁸.

In June of 2017 Mr Chich, ‘justice of the peace of Kerch Court District’, imposed fines on Mr **Martiushov**¹⁹ and Mr Kudin²⁰ of RUR5,000 each for participation in the religious service of local Jehovah’s Witnesses branch.

On June 19 2017 Mr Kireyev, ‘justice of peace of Yalta Court District’, rendered a judgment on imposing a RUR5,000 fine on Mr Sazonov, according to Article 5.26-4 of RF CAO. He was accused that he, not being entitled by the Jehovah’s Witnesses organization, read the Bible, sang songs and preyed being on the service. The ‘Judge’ considered this to be a missionary activity²¹.

On June 27 2017 Mr Tulparov, ‘justice of the peace’ in Dzhankoy, chaired the court proceedings on the case of Mr **Vitaliy Arseniuk** accused of the illegal missionary activity according to Article 5.26-4 of RF CAO²². Mr Arseniuk had been a head of the local Jehovah’s Witnesses Committee before the ban on this organization in the RF. The same night, after the ‘court’ session, Mr Arseniuk passed away due to extensive infarction.

On April 20 2017 the RF Supreme Court declared extremistic the activity of ‘Jehovah’s Witnesses’ organization and forbid it. The ban was extended also on the occupied Crimea where 22 organization branches acted²³.

At the same time no restrictions have been recorded regarding the Russian Orthodox Church of Moscow Patriarchate. On contrary, on August 24 2016 the traffic was shut down in Simferopol from 05.30pm to 06.30pm due to the Cross Procession with relics of Russian Admiral Fedor Ushakov. On June 11 2017 the roads were partly closed in Simferopol from 11.00am to 02.00pm due to the Cross Procession on St Lucas’ Memory Day. But other religious and public organizations face constantly restrictions for holding their public events.

4. Discrimination on exercising the right to a freedom of peaceful assemblies

4.1. Unjustified restrictions on Ukrainian or Crimean Tatar peaceful assemblies

On May 12 Ms Tkachenko, deputy head of Sudak Town Administration, objected activist **Ametov** holding a public event dedicated to the anniversary of the Crimean Tatar people deportation, without stating any reasons.

Ms Aleksandrova, a representative of Simferopol City Administration, refused to agree with holding a picket against the political persecutions for national and religious grounds in Crimea that was planned on May 19 in Simferopol.

Before May 18 (the anniversary of the Crimean Tatar people deportation) the RF MIA sent warning notes to Crimean Tatar activists on inadmissibility of violating the RF laws that restricted the freedom of peaceful assemblies. Such warning notes were received by activists **Mennanov, Ametov, Avamilev and Dzhelialov** (*Annex 3*).

On May 18 the RF MIA officers did not allow to lay flowers to the monument to deportation victims. On May 18 the RF MIA officers stopped activist Osman Izmaylov four times because of his driving with the Crimean Tatar flag.

¹⁶ Resolution on imposing administrative punishment of 09.02.2017, Case 05-029/29/2017: <http://mirsud82.rk.gov.ru/officework/dectextsas/?id=17553&year=2017>

¹⁷ Resolution on imposing administrative punishment of 13.02.2017 Case 05-030/96/2017 <http://mirsud82.rk.gov.ru/officework/dectextsas/?id=7433&year=2017>

¹⁸ Resolution on imposing administrative punishment of 11.05.2017 Case 05-0136/29/2017 <http://mirsud82.rk.gov.ru/officework/dectextsas/?id=20997&year=2017>

¹⁹ Resolution on imposing administrative punishment of 15.06.2017 Case 05-0160/46/2017 <http://mirsud82.rk.gov.ru/officework/dectextsas/?id=23819&year=2017>

²⁰ Resolution on imposing administrative punishment of 19.06.2017 Case 050-161/46/2017 <http://mirsud82.rk.gov.ru/officework/decisionas/?id=315034>

²¹ Resolution on imposing administrative punishment of 16.06.2017 Case 050-175/94/2017 <http://mirsud82.rk.gov.ru/officework/dectextsas/?id=23289&year=2017>

²² <http://mirsud82.rk.gov.ru/officework/decisionas/?id=313441>

²³ <https://www.jw-russia.org/news/17033011-120.html>

The same day the police detained activist **Karametov** during a single person picket. He was standing alone with the Crimean Tatar people's flag at the monument to Lenin in Simferopol. Karametov was detained and transported to the Simferopol MIA district station. He was released in 4 hours after the questioning. In Feodosiya Mr Suleyman Kadyrov was detained when laying flowers to the monument though soon after the detention he was released.

On May 18 in Bakhchisarai Crimean Tatars: **Mr Abdurefiev**²⁴, **Mr Umerov**²⁵, **Mr Mamutov**²⁶, **Mr Mamutov**²⁷ and **Mr Yusupov**²⁸, who were driving the cars with Crimean Tatar flags, were detained. They were accused of violating Article 20.2-5 of RF CAO (Violation of the peaceful assembly holding procedure). The local court imposed a RUR10,000 fine on each of them.

At the same time on May 8-9 2017 public events dedicated to the Victory Day (end of the war between the USSR and Germany) were held. A lot of cars with 'St George's Flags' and flags with Soviet symbols were driving along the Crimean roads. And participants of these events did not face any restrictions.

Ms Aleksandrova, a representative of Simferopol City Administration, objected Mr **Kuzmin**, an activist of the **Ukrainian Cultural Center**, holding a rally in front of the monument to Taras Shevchenko on March 9, the poet's birthday, without stating any reasons. In addition, the RF MIA made also 'warning notice on inadmissibility of violating the RF laws' which violation would be imputed to the activists in case of holding an unauthorized rally'²⁹.

At the same time on June 6-7 2017 celebrations dedicated to the birthday of Russian poet Alexander Pushkin were held all over Crimea. On June 2-12 2017 Crimea hosted 'Great Russian Word' Festival dedicated to the Russian language. 60 public events to be held in various cities and towns of Crimea were indicated in the festival program³⁰. These Russian culture events were held without any restrictions.

4.2. Disturbance of public events on the political grounds

On March 17, 2017 the municipality of Sevastopol objected holding the 'Rally to Support a Demand to Investigate Facts of Corruption of Highest State Officials of Russia' planned for March 26 2017. The authorities de facto restricted the rally twice: close to the monument to St George due to the pavement tiling replacement, and at Nakhimova Square due to the fact that the rally might obstruct the movement of pedestrians

On March 22, 2017 the similar rally was also objected by the Simferopol administration. It referred to the incompleteness of the submitted documents package. Having been refused, 7 activists tried to organize a number of single-person pickets but were detained by the police the day before the picketing. Mr. **Kisiyev**, the detained, was arrested for 10 days. Another detained – Mr. **Yefremov** – was fined for RUR 500.00 for violating Article 19.3 of RF CAO 'Failure to follow a lawful order of a policeman'.

5. Discrimination and criminal prosecution for beliefs and opinions

On December 8 2016 the RF FSB officers searched for the third time illegally the house of well-known Ukrainian activist **Vladimir Balukh**. On December 12 2016 the local court issued a pre-trial restraining order in the form of detention. The activist is charged on 'illegal keeping of weapons and ammunition supplies' that may cause his deprivation from liberty for up to 4 years (*Annex 4*). His house was searched with major procedure violations. The FSB failed to submit sufficient grounds for the search to the court. The case documents and the defence lawyers state the falsification of evidence and that the bullets were 'planted' into the activist's house.

The judges have no grounds for issuing the pre-trial restraining order in the form of detention since Mr Balukh and his defence lawyers have submitted necessary data to substitute the pre-trial restraining order with non –detention form. But the judges, violating the Russian laws, have extended 4 times the detention in custody and neglect the defence lawyers' applications.

The facts testify that the criminal case against the Ukrainian activist has been manufactured on political motives due to his explicitly expressed beliefs. When the Crimea had been occupied by Russia, Mr Balukh spoke in public that including the Crimea into the Russian Federation was illegal. Protesting, he displayed the national flag of Ukraine on his house roof in March of 2014. De facto authorities searched the activist's house illegally twice and took the flag away. Mr Balukh hanged the Ukrainian flag on his house roof again and did not take it down. On November 29 2016 he placed a sign 'Heaven Hundred Heroes Street - 18' on his house wall (in memory of the civil participants of the protests at Kyiv's Maydan died in February of 2014). Then the criminal case was illegally commenced against him.

²⁴ Judgement of Bakhchisarai District Court, Case no 5-238/2017 of 08.06.2017 https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=466061138&delo_id=1500001&new=0&text_number=1

²⁵ Judgement of Bakhchisarai District Court, Case no 5-238/2017 5-239/2017 of 08.06.2017 https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=466061139&delo_id=1500001&new=0&text_number=1

²⁶ Judgement of Bakhchisarai District Court, Case no 5-238/2017 5-237/2017 of 08.06.2017 https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=464679180&delo_id=1500001&new=0&text_number=1

²⁷ Judgement of Bakhchisarai District Court, Case no 5-238/2017 5-236/2017 of 08.06.2017 https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=464679181&delo_id=1500001&new=0&text_number=1

²⁸ Judgement of Bakhchisarai District Court, Case no 5-238/2017 5-236/2017 of 08.06.2017 https://bahchisarai--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=461869738&delo_id=1500001&new=0&text_number=1

²⁹ Monitoring CHR group for March 2017 http://crimeahrg.org/wp-content/uploads/2017/04/Crimean-Human-Rights-Group_March_2017_RU.pdf
³⁰ http://crimea.gov.ru/content/uploads/files/vrs/11/program_vrs_11.pdf



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SITUATION WITH ACCESS TO THE EDUCATION IN THE NATIVE LANGUAGE IN CRIMEA

The Russian Federation controls unlawfully the territory of Crimea after its occupation, it is not relieved from the responsibility to observe the human rights on the peninsula. However, the political actions of the Russian authorities in Crimea have caused discrimination almost in all spheres of Crimeans' life. The International Convention on the Elimination of All Forms of Racial Discrimination commits Russia to secure the right of Crimean residents to education and professional training without any discrimination. But the residents of Crimea have faced a discrimination on the ethnic origin and language in the education sphere. Specifically jeopardized is a situation with the access to the Ukrainian school education.

Findings of monitoring on the **Ukrainian school education in Crimea** performed by the Crimean Human Rights Group are presented below.

According to the information of 'Ministry of Education' of Crimea, **the number of pupils with Ukrainian teaching medium has reduced 36 times since 2013**. So if in 2013 13589 were educated in Ukrainian teaching medium in the Autonomous Republic of Crimea, in 2016 the number of such pupils reduced up to 371. Correspondingly, **the number of classes with Ukrainian as instruction language reduced 31 times within 2 years**.

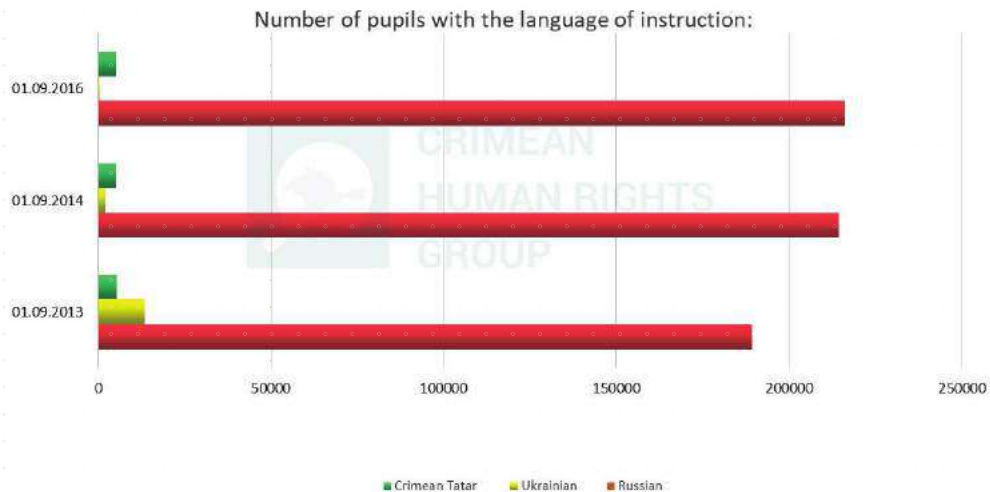
Number of classes with the language of instruction:





The Crimean Human Rights Group (CHRG) compared the data received from the Ministry of Education of Ukraine and the 'Ministry of Education' of Crimea by such criteria as languages of instruction in Crimea; the total number of pupils on the peninsula who learnt the native language, the ethnic and age composition of the Crimean residents (in order to estimate approximately the number of pupils, Ukrainian or Crimean Tatar speakers). These data cover years 2013 — 2016.

As the Ministry of Education of Ukraine has informed the CHRG, at the moment of occupation **208536** pupils were educated in Crimea, including **189132**, or **90.7%** in the Russian teaching medium, **13589** or **6.5 %** in Ukrainian one, and **5551** or **2.7%** in Crimean Tatar one. In 2013 **7** Crimean schools offered a complete schooling course in Ukrainian, 15 schools did it in Crimean Tatar, in addition, there were several schools with two languages of instruction. The number of classes in Crimea, as to the language of instruction, was divided as follows: **875** Ukrainian classes, **384** Crimean Tatar classes, and **8965** Russian classes. Of all the pupils in Crimea the Russian language as academic subject was learned by **206866** children or **99.2 %**, the Crimean Tatar language — by **18020** or **8.6 %**.



Therefore, before the occupation, though Russian was not a state language of Ukraine, 90.7% of Crimean pupils were instructed in Russian, and 99.2% learnt it as academic subject. **Should not this be a convincing argument that the Russian speaking population in Crimea faced no problems with speaking the native language? In light of this the attempt of Russia 'to defend the Russian speaking' Crimeans against 'Ukrainization' seems to be nothing more than a myth created by the Russian authorities to justify the unlawful actions on the peninsula?**

In November 2014 upon the information request placed by the Crimean Human Rights Field Mission (*this initiative had to stop its activities in August 2015*) the 'Ministry of Education' of Crimea gave an answer on languages of instruction in Crimea for the **academic year 2014/2015** that demonstrated explicitly a sharp worsening of the situation with Ukrainian medium teaching in the peninsula schools. Just one school with the complete Ukrainian medium teaching, out of 532 comprehensive secondary educational establishments of Crimea, went on working. The total number of Ukrainian medium classes reduced to **163**, with only **2154** pupils enlisted. The situation with the Crimean Tatar medium teaching changed, too, though not so dramatically: officially the number of schools remained the same, but the number of classes where **5146** children were taught, reduced to **348**.

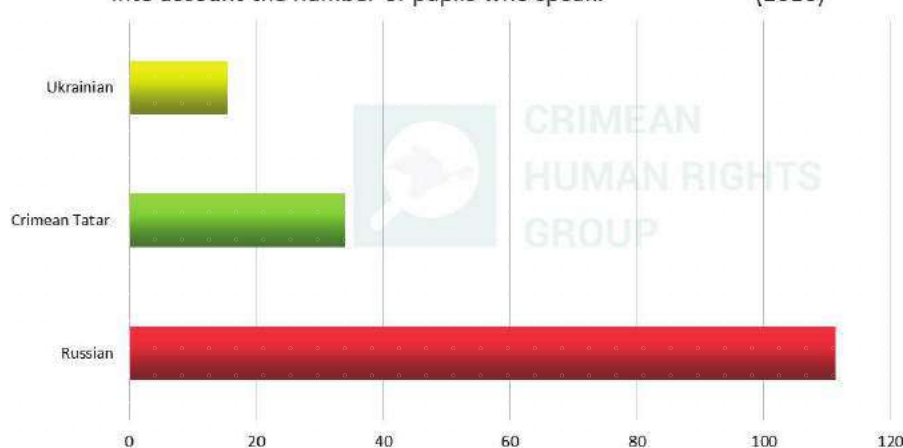
Situation with access to the education in the native language in Crimea



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GROUP

In October 2016 the Crimean Human Rights Group received a copy of the information provided by the Ministry of Education¹ of Crimea on the same inquiry. The review of the document demonstrated the Ukrainian language situation worsening in **the academic year 2016/2017** up to the critical level. According to the letter signed by Ms N.Goncharova, 'Minister of Education' of Crimea, there left only **28** classes in Crimea in 2016 where only **371** children out of **188517** of Crimean pupils (w/o Sevastopol) were instructed in Ukrainian. This makes **0.2%** of the total number of pupils in Crimea in 2016.

The number of classes in% of the required number of classes, taking into account the number of pupils who speak: (2016)



Even the Ministry of Statistics of RF stated that in 2014 Ukrainians composed 15.08% of the Crimean population, i.e. 344,515 persons, being the second ethnic group after the Russians as to the number (65.31% or 1,492,078)¹. The Crimean Tatars have become third Crimean ethnic group in terms of number (10.17% or 232,340). As stated by the census made by Russia, **18706** children of school age in Crimea identify themselves as Ukrainians, and **29140** as Crimean Tatars². So just based on the number of Crimeans who call Ukrainian their mother tongue related to the total number of Ukrainians in Crimea — 21%³ the number of school age children (7 to 17 years old) considering Ukrainian the native language was **3950** in 2016. Since the percentage of the Crimean Tatars calling Crimean Tatar their native language is higher — 74%, the number of children speaking Crimean Tatar, correspondingly, is assumed to be **21604** (or 74% of 29,140).

It should be taken into account that the census in Crimea in September of 2014 was held under the occupation. **The local and Russian mass media applied actively a hate speech in relation to Ukraine, Ukrainians, and the Ukrainian culture.** Some mass media demonstrated a hard hate speech calling to violence and discrimination. For instance, Sevastopol News Portal FORPOST published information titled 'Fallen Heroes of Novorossia: Heroic Deed of Krasnodon Cossack Aleksandr Skriabin in Battle at Izvarino'. The author of this information not only used aggressively negative wording ('ukry', 'bandery') as labels for Ukrainians that provoked creating a negative image of the entire people, but also praised openly a wish of 'Cossack Aleksandr Skriabin' to kill Ukrainians⁴.

¹ Ethnic composition of population http://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/tab-krim/pub-04-01.xlsx

² Population of certain ethnic groups by age and sex http://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/tab-krim/pub-04-07.xlsx

³ Population of certain ethnic groups by native language http://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/tab-krim/pub-04-06.xlsx

⁴ <http://sevastopol.su/world.php?id=63544>



Many mass media used also such attributes as 'fascist', 'nazi', 'junta' to identify Ukrainians. For example, the author of article 'Bloody Pearl at Sea' published by the KRYMINFORM Information Agency called Ukrainians and the Ukrainian authorities 'fascist beasts'⁵. The CHRГ monitors systematically the hate speech facts in Crimea and the findings (to be published soon) clearly demonstrate that it is Ukrainians who become object of hard and middle hate speech in most cases.

Such hate speech level, together with other facts of discriminating Ukrainians in Crimea, **forces many Ukrainians to avoid acknowledging explicitly their ethnic origin that may subject them to persecutions by authorities or make victims of hatred inspired crimes**. Thus, data on the Ukrainians in Crimea received within the census organized by Russia in 2014, do not comply with the reality, with the number of Ukrainians on the peninsula being underestimated.

Anyway, even the understated census data do not disprove the statement that **one school or 28 classes for the entire Crimea is disastrously insufficient to satisfy a need of almost 4 thousand children, who are Ukrainian speakers, to be instructed in the native language**.

A simple assessment helps establish to what extent the Crimean children are provided with classes of native language medium teaching. Let's divide the number of classes with a specific language medium by the number of children aged 7 to 17 who consider a specific language their mother tongue, and multiply the received result by average number of pupils per class in Crimea. Value of more than 100% would demonstrate that the number of classes is over the need, value of less than 100% — the number classes with this or that language medium is below the need. As a result, for the Russian language this value was 111.3%, for Crimean Tatar — 33.9%, and for Ukrainian — 15.5%. These outcomes show that only one third of children speaking Crimean Tatar and less than one sixth of Ukrainian speaking children are provided with possibility of the native language medium teaching. If the calculations are based on the ethnic origin of children, correlation of available native language medium classes and the required number becomes a speaking proof of inequality developed in Crimea: 3.2% for Ukrainians, 25.2% for Crimean Tatars and 137.4% for Russians.

In addition, as stated by parents and teachers, when choosing a language of instruction, the parents are subject to moral or administrative pressure by the school management or employers, they are demanded not to indicate Ukrainian as language of instruction. It is not less important that when Ukrainians are labelled once and again as 'enemies' the Crimeans are scared of stating clearly their Ukrainian identity in choosing the language of instruction.

The number of classes in% of the required number of
classes, taking into account the ethnic composition of the
pupils: (2016)



⁵ <http://www.c-inform.info/comments/id/102>

Situation with access to the education in the native language in Crimea



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So due to the actions of Russia in Crimea discrimination of Ukrainians and Crimean Tatars in the sphere of education and language is seen to have become an everyday life's fact though **targeted policy of destroying fundamentals of Ukrainian identity and Ukrainian culture on the peninsula** is not less dangerous in terms of observance of democratic principles and human rights.

The situation developed proves gross violations of international right standards that commit the state to exclude any discrimination including on ethnic origin or language, or eliminate it in any form, by Russia.

Pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, Russia as state controlling Crimea de facto shall not take any actions or acts related to the racial discrimination in relation to Ukrainians and all bodies and institutions of the de facto authorities shall act in line with this commitment.

Information collected by the Crimean Human Rights Group on discriminating Ukrainians in access to the Ukrainian language medium teaching **were submitted to the UN International Court as part of evidence base on the case 'Ukraine Against Russia' on violating the International Convention on the Elimination of All Forms of Racial Discrimination by Russia in Crimea**. On April 19th the UN International Court published the Order and preliminary provisional measures including a **unanimous decision of judges to commit the Russian Federation to ensure access to Ukrainian school education in Crimea**⁶.

Follow the link

<http://crimeahrg.org/category/monitor/>,
to read monthly monitoring reviews
of the **Crimean Human Rights Group**

Follow the link

<http://crimeahrg.org/category/analytic/>,
to read thematic reviews and articles
of the **Crimean Human Rights Group**

⁶ <http://www.icj-cij.org/docket/files/166/19394.pdf>

Annex 2

The answer of the 'Ministry of Education' of Crimea on Ukrainian and Crimean Tatar classes and pupils in Crimea,
15 November 2016



РЕСПУБЛИКА КРЫМ
МИНИСТЕРСТВО ОБРАЗОВАНИЯ, НАУКИ И МОЛОДЕЖИ
МІНІСТЕРСТВО ОСВІТИ, НАУКИ ТА МОЛОДІ
ТАСИЛЬ, ИЛИМ ВЕ ГЕНЧЛИК НАЗИРЛИГИ

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от 15.11.2016 № 2-5/3432/2

на № 172 от 09.11.2016

Редактору СМИ «Керчь.ФМ»
Б.В. Демидович

ул. Театральная, 15-7,
г. Керчь, 298300
info@kerch.fm

Уважаемая Белла Валерьевна!

Министерство образования, науки и молодежи Республики Крым в соответствии с Вашим запросом информирует.

В соответствии со статьей 14 Федерального закона от 26.12.2012 № 273-ФЗ «Об образовании в Российской Федерации» граждане России имеют право на получение дошкольного, начального и основного общего образования (с 1 по 9 классы) на родных языках, а также право на изучение родных языков в пределах возможностей, предоставляемых системой образования.

Право граждан Российской Федерации, проживающих в Республике Крым, на получение дошкольного, начального общего и основного общего образования на родном языке, а также право на изучение родных языков обеспечивается созданием необходимого числа соответствующих образовательных организаций, классов, групп, а также созданием условий для их функционирования.

Изучение украинского и крымскотатарского языков осуществляется в образовательных организациях Республики Крым на основании заявления родителей (законных представителей).

Согласно оперативным данным, предоставленным муниципальными органами управления образованием, в 2016/2017 учебном году в Республике Крым функционирует 532 муниципальных общеобразовательные организации, в которых обучается 188517 детей, из них 182765 детей – на

русском языке (96,9 % от общего контингента), 5381 (2,9 %) – на крымскотатарском, 371 (0,2 %) – на украинском.

В Республике Крым функционирует 15 общеобразовательных организаций с крымскотатарским языком обучения (201 класс, 3651 учащийся), 1 – с украинским языком обучения (9 классов, 132 учащихся). Кроме того, на базе общеобразовательных учебных заведений с русским языком обучения открыты классы с крымскотатарским (137 классов, 1730 учащихся) и украинским (19 классов, 239 учащихся) языками обучения.

Количество общеобразовательных учебных заведений с крымскотатарским языком обучения в текущем учебном году по сравнению с 2013/2014 учебным годом не изменилось, количество школ с украинским языком обучения уменьшилось на 6. Всего учащихся, обучавшихся в 2013/2014 учебном году на украинском языке – 12,6 тыс. человек (7,2 % от общего контингента), на крымскотатарском – 5,5 тыс. (3,1 %), на русском – 158,1 тыс. (89,7 %).

Кроме того, крымскотатарский и украинский языки изучаются в общеобразовательных организациях Республики Крым в различных формах (как предмет, факультативно, кружок). Также по желанию обучающихся в общеобразовательных организациях Симферополя, Евпатории, Ялты, Белогорского, Кировского районов организовано изучение армянского, болгарского, греческого и немецкого (как родного) языков.

Армянский язык преподают 3 учителя, болгарский – 1, греческий – 2, крымскотатарский – 471, немецкий (как родной) – 1, украинский – 436.

Министерством образования, науки и молодежи Республики Крым в 2015 году подготовлены Примерные программы «Крымскотатарский язык (родной)», «Крымскотатарский язык (неродной)» и «Крымскотатарская литература», «Украинский язык (родной)», «Украинский язык (неродной)», «Украинская литература» для дошкольных образовательных и общеобразовательных организаций. Данные программы решением федерального учебно-методического объединения по общему образованию Министерства образования и науки Российской Федерации (протокол от 20.05.2015 № 2/15) одобрены и включены в реестр Примерных основных общеобразовательных программ Министерства образования и науки Российской Федерации.

Министерством образования, науки и молодежи Республики Крым совместно с АО «Издательство «Просвещение» в 2015 году организована и проведена работа по переводу, изданию и доставке в общеобразовательные организации Республики Крым 45 наименований учебников, учебных пособий и программ на крымскотатарском языке для учащихся общеобразовательных организаций и классов с крымскотатарским языком обучения общим тиражом 45 тысяч экземпляров. Из бюджета Республики Крым для обеспечения вышеуказанных услуг выделено 32510,6 тыс. рублей.

В настоящее время ведется работа по подготовке еще 21 наименования переводных учебников на крымскотатарском языке для общеобразовательных организаций Республики Крым, которые будут изданы до конца 2016 года.

Организована работа по подготовке оригинальных учебных комплектов (учебник, пособие для учителя, хрестоматия и электронный вариант учебника) по крымскотатарскому языку и литературе для учащихся 1-11 классов (всего 22 комплекта).

С уважением

Министр



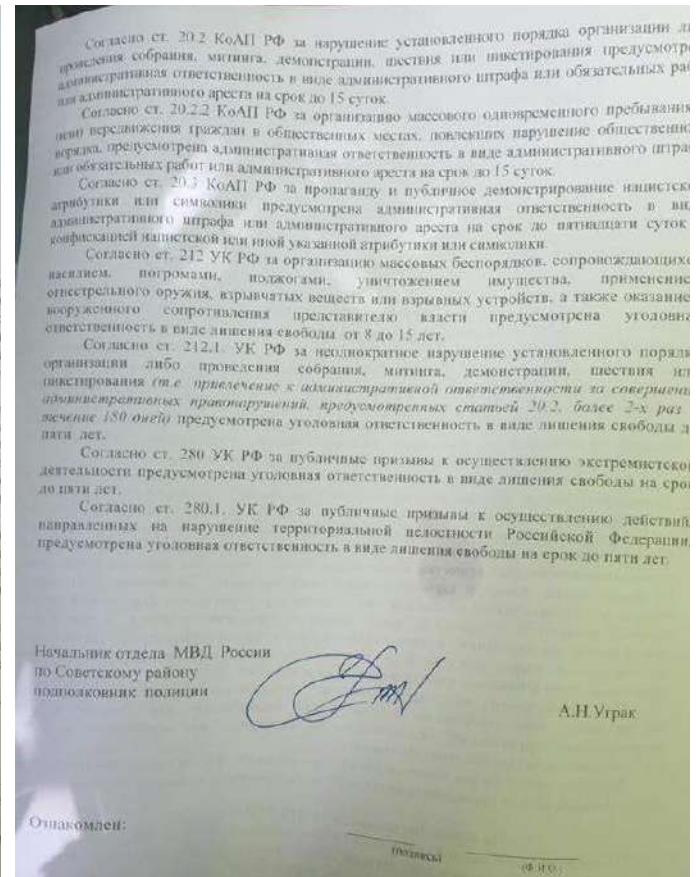
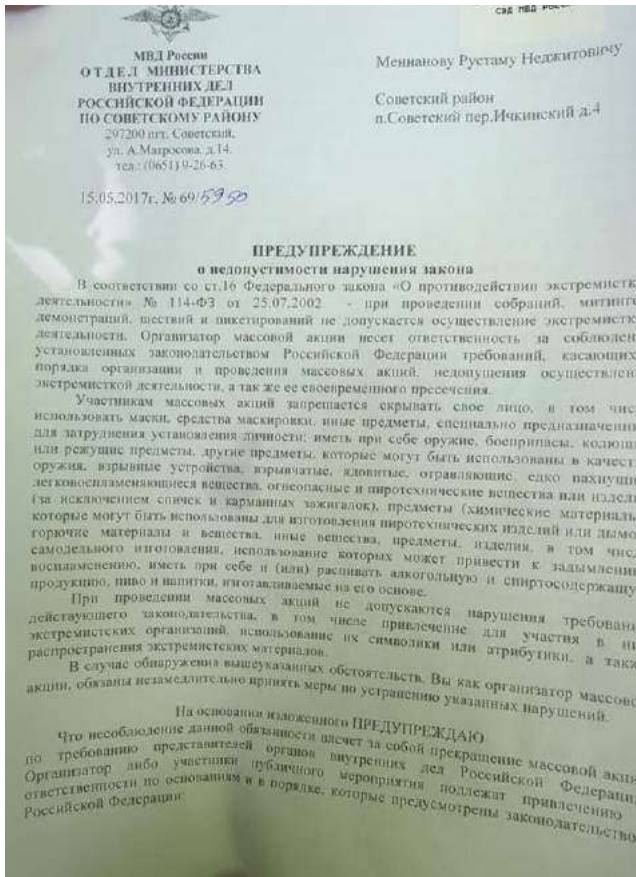
Н.Г. Гончарова

Сулейманова З.С.
(3652) 25 04 15

Annex 3

The RF MIA warning note to activist Mennanov on inadmissibility of violating the RF laws that restricted the freedom of peaceful assemblies,

15 May 2017



The court order to detain the activist Vladimir Balukh

9 December 2016

ПОСТАНОВЛЕНИЕ

Дело № 3/1-10/2016

09 декабря 2016 года

пгт. Раздольное

Раздольненский районный суд Республики Крым в составе:
Председательствующего судьи Абеляшева А.В.
секретаря судебного заседания Чеботарева А.В.,
с участием прокурора Королёва Д.С.,
подозреваемого Балуха В.Г.,
защитника – адвоката Якушевой В.В.,
рассмотрев в открытом судебном заседании постановление о
возбуждении перед судом ходатайства об избрании подозреваемому меры
пресечения в виде заключения под стражу в отношении:

Балуха Владимира Григорьевича родившегося 08.02.1971 года в с. Серебрянка, Раздольненского района, Крым, гражданина Украины, не женатого, не работающего, зарегистрированного по адресу: Республика Крым, Раздольненский район, с. Серебрянка, ул. Мира, д. 20, проживающего по адресу: Республика Крым, Раздольненский район, с. Серебрянка, ул. 40 лет Победы, д. 18, судимого приговором Раздольненского районного суда Республики Крым 10.06.2016 г., по ст. 319 УК РФ к наказанию в виде 320 часов обязательных работ, подозреваемого в совершении преступления, предусмотренного ч. 1 ст. 222 УК РФ,

УСТАНОВИЛ:

Балух В.Г., подозревается в совершении преступления,
предусмотренного ч. 1 ст. 222 УК РФ.

Балух В.Г., незаконно приобрел и хранил до 07 час., 30 мин., 08 декабря 2016 г., боеприпасы, которые согласно справке об исследовании № 5/199 от 08.12.2016 г., являются боеприпасами к нарезному огнестрельному оружию 5,45 мм., военными патронами (5,45х39), изготовленными промышленным способом, из них 19 патронов для стрельбы пригодны. Незаконно приобретенные и хранившиеся Балух В.Г., боеприпасы, были изъяты сотрудниками УФСБ России по Республике Крым и городу Севастополю 08.12.2016 г., в ходе проведения обследования помещения по месту его жительства по адресу: Республика Крым, Раздольненский район, с. Серебрянка, ул. 40 лет Победы, д. 18.

08.12.2016 г., в отношении Балух В.Г., возбуждено уголовное дело по признакам состава преступления, предусмотренного ч. 1 ст. 222 УК РФ.

08.12.2016 г., в 22 час., 00 мин., Балуг В.Г., был задержан по подозрению в совершении указанного преступления.

08.12.2016 г., Балух В.Г., был уведомлен о подозрении в совершении преступления, предусмотренного ч. 1 ст. 222 УК РФ.

08.12.2016 г., Балух В.Г., от дачи показаний и подписи протокола допроса его в качестве подозреваемого, отказался в присутствии защитника Якушевой В.В.

В судебном заседании подозреваемый Балух В.Г., отказался от услуг защитника Якушевой В.В., назначенной ему на основании постановления дознавателя и заявил, что он отказывается от услуг данного защитника, поскольку не доверяет ему, а также он был лишен возможности пригласить защитника самостоятельно, или иным лицом по его поручению.

Согласно ст. 50 УПК РФ, защитник приглашается подозреваемым, а также иным лицом по поручению или с согласия подозреваемого.

В соответствии с ч. 4 ст. 108 УПК РФ, постановление о возбуждении ходатайства об избрании в качестве меры пресечения заключения под стражу подлежит рассмотрению единолично судьей районного суда с обязательным участием подозреваемого, прокурора, защитника.

Согласно ст. 51 УПК РФ, участие защитника в уголовном судопроизводстве обязательно, если: подозреваемый не отказался от защитника в порядке, установленном ст. 52 УПК РФ.

Согласно ч. 1 ст. 52 УПК РФ, подозреваемый вправе в любой момент производства по уголовному делу отказаться от помощи защитника. Такой отказ допускается только по инициативе подозреваемого. Отказ от защитника допускается в письменном виде.

Согласно ч. 2 ст. 52 УПК РФ, отказ от защитника не обязателен для дознавателя, следователя, суда.

Согласно ч. 3 ст. 52 УПК РФ, отказ от защитника не лишает подозреваемого права в дальнейшем ходатайствовать о допуске защитника к участию в производстве по уголовному делу.

В материалах, поступивших в суд вместе с постановлением о возбуждении ходатайства об избрании меры пресечения в виде заключения под стражу, имеется заявление об отказе от услуг защитника, однако, данное заявление Балух В.Г., не подписано.

В судебном заседании подозреваемый Балух В.Г., заявил ходатайство о предоставлении ему возможности самостоятельно, или иным лицом по его поручению пригласить защитника.

В п. 16 Постановления Пленума Верховного Суда Российской Федерации «О практике применения судами законодательства о мерах пресечения в виде заключения под стражу, домашнего ареста и залога» от 19.12.2013 г., N 41 определено, что если участие защитника в судебном заседании в соответствии с требованиями ст. 51 УПК РФ является обязательным, а приглашенный подозреваемым или обвиняемым, его законным представителем либо другими лицами по поручению или с согласия подозреваемого, обвиняемого защитник, будучи надлежащим образом извещенным о месте и времени судебного заседания (в том числе посредством СМС-сообщения в случае его согласия на уведомление таким способом и при фиксации факта отправки и доставки СМС-извещения адресату), в суд не явился, то дознаватель или следователь в силу части 3

статьи 16 и части 4 статьи 50 УПК РФ принимает меры по назначению защитника. В этом случае судья выносит постановление о продлении срока задержания с учетом положений пункта 3 части 7 статьи 108 УПК РФ. После назначения защитника к указанному в постановлении сроку судья с участием сторон рассматривает ходатайство по существу.

Суд, заслушав участников судебного заседания, учитывая тот факт, что подозреваемый Балух В.Г., высказал желание самостоятельно пригласить защитника, с целью реализации его законного права на защиту и обеспечения соблюдения его прав на приглашение защитника самостоятельно, или по его поручению другим лицом, приходит к выводу о необходимости продлить срок задержания Балух В.Г., на 72 часа.

На основании изложенного и руководствуясь ст. 50, 51, 52, 108 УПК РФ, суд

ПОСТАНОВИЛ:

Продлить срок задержания Балух Владимира Григорьевича родившегося 08.02.1971 года в с. Серебрянка, Раздольненского района, Крым гражданина Украины, зарегистрированного по адресу: Республика Крым, Раздольненский район, с. Серебрянка, ул. Мира, д. 20, проживающего по адресу: Республика Крым, Раздольненский район, с. Серебрянка, ул. 40 лет Победы, д. 18 с момента вынесения настоящего постановления до 16 часов 30 минут 12 декабря 2016 г., но не более чем на 72 часа.

Рассмотрение ходатайства об избрании меры пресечения в виде заключения под стражу в отношении Балух Владимира Григорьевича, назначить в 14 часов 30 минут 12 декабря 2016 года.

Постановление суда может быть обжаловано или опротестовано в Верховный суд Республики Крым через Раздольненский районный суд в течение 3 суток со дня его вынесения.

Судья - *перенесено*

Судья

Секретарь



Владимир Верин

АВ Абелишев

АВ Чебошарев