



# Russian Federation's Periodic Report

Civil Society Submission on the situation with human rights in Crimea  
to the Human Rights Committee under the ICCPR during its 134<sup>th</sup> session

## Introduction

This is a civil society submission to the Human Rights Committee ahead of Russian Federation's periodic report at the Committee's 134<sup>th</sup> session. It is a joint submission made by the following organisations:

### Human Rights House Crimea (HRHC)

HRHC unites four organisations (Center for civic education "Almenda"; Crimean Human Rights Group; ZMINA. Human Rights Centre; Regional Centre for Human Rights) operating in exile in Kyiv; aims to develop, strengthen, and coordinate the capacity of organisations involved in human rights protection in Crimea, ensuring more effective and systematic human rights work. It focuses on promoting and observing human rights of all residents of the occupied peninsula.

### Human Rights House Foundation (HRHF)

HRHF is an international human rights organisation that protects, empowers and supports human rights defenders and their organisations through Human Rights Houses (HRH), which are collaborative projects of HGOs working in partnership to promote and advance human rights at home and abroad. Within a HRH, human rights defenders and their organisations remain independent and address the rights and issues that matter to them and the society they live in, while they benefit from cooperation, shared resources, solidarity, expertise, visibility, and strength in advocacy.

Due to the illegal occupation of Crimea in 2014, this submission recognises the need to differentiate analysis of the human rights situation in the peninsula, due to the fact that de-facto its territory is controlled by the Russian Federation. That is why, despite the fact that the de-jure Autonomous Republic of Crimea (AR Crimea) and the city of Sevastopol are the parts of Ukraine, we make this submission for the Russian Federation's periodical report in relation to areas of specific rights obligations, as distinguished by the articles of the International Covenant on Civil and Political Rights (ICCPR).

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## General remarks

1. The Russian Federation is a party to the ICCPR and its Optional Protocol. Russia did not declare the derogation from obligations under the ICCPR in accordance with Art. 4. Thus, the Russian Federation bears full responsibility for compliance with the obligations under the Covenant.
2. In early 2014, the Russian Federation occupied the territory of the AR Crimea and Sevastopol (Ukraine) and is exercising continued control over its territory and the adjacent sea area. The continued presence of the Russian Federation in Crimea qualifies as an occupation under international law: UN General Assembly resolutions 68/262 of 27 March 2014 on the territorial integrity of Ukraine, resolutions 71/205 and 72/190 on the situation of human rights in the AR Crimea and Sevastopol, Ukraine, of 19 December 2016 and 19 December 2017, respectively, and a number of others.
3. Although the Russian Federation denies the existence of an armed conflict, the ongoing occupation of Crimea is qualified as an armed conflict in accordance with international law<sup>1</sup>. Thus, the obligations of the Russian Federation in the field of human rights should be considered in the context of the harmonisation of the obligations under the Covenant with the provisions of International Humanitarian Law (IHL).

## Article 6. The violation of the right to life

4. *Consists of the failure to provide medical care, which led to the death of citizens of Ukraine convicted in occupied Crimea, who were in custodial settings in Crimea or were transferred to the territory of the Russian Federation to serve their sentence. In addition, the failure of the official authorities to effectively investigate cases of violent death in custodial settings constitute the above-mentioned violation.*
5. The Russian Federation is responsible for persons held in custodial settings in the territories controlled by it (the territories of the Russian Federation's constituent entities and occupied Crimea). The failure to provide medical care in custodial settings, primarily to persons suffering from serious illnesses, which leads to the death of these persons, as well as the failure to conduct an effective investigation of cases of violent death, is a violation of Art. 6 of the Covenant by the Russian Federation.
6. The facts of death due to the lack of medical care were documented for at least 12 citizens of Ukraine convicted in Crimea, who were at the time of death in the Russia-controlled custodial settings. Of these, nine convicted Ukrainians were previously transferred from Crimea and died in the Russian Federation's territory (seven persons died while being kept in the Federal state-funded institution Correctional Colony No. 1 of the Russian Federation's Federal Penitentiary Service in the Republic of Adygea; one person in the Federal state-funded institution Correctional Colony No. 25 of the Russian Federation's Federal Penitentiary Service in the Republic of Komi; one person in the Federal state-funded institution Correctional Colony No.4 of the Russian Federation's Federal Penitentiary Service for the Stavropol Territory). Three Ukrainian citizens died in the

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<sup>1</sup> Report of the Office of the Prosecutor of the International Criminal Court on Preliminary Examination Activities 2018, n. 68: <https://www.icc-cpi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf>

- Federal state-funded institution Pre-trial detention center No. 1 of the Russian Federation's Federal Penitentiary Service in the "Republic of Crimea" and Sevastopol.
7. In March 2017, the Commissioner for Human Rights Lyudmila Lubina, appointed by the occupation authorities of Crimea, announced that 36 prisoners died in the Crimean institutions of the Federal Penitentiary Service in 2016 alone. Herewith, she directly indicated that the cause of their death lies in the lack of necessary medical care.
  8. In March-April 2019, simultaneously four Ukrainian citizens were found with traces of violent death in the Simferopol pre-trial detention centre (Server Bilyalov, Islam Iskerov, Oleg Goncharov and Dmitry Shipovnik). On 20 April 2019, this information was partially confirmed by the leadership of the Crimean Department of the Federal Penitentiary Service. However, the occupation authorities did not fulfil their obligations to conduct an effective investigation of these facts.
  9. Vedzhie Kashka, born on 01.01.1935, is a prominent veteran of the Crimean Tatar movement. She was detained on 23 November 2017 along with several other persons by officers of the mobile special service "Berkut" of the Department of the Russian Guard of the Ministry of Internal Affairs "in the Republic of Crimea". The detention was performed in a rigid form with the use of force. Immediately after the arrest, Kashka suffered a heart attack, which manifested itself in the form of a sharp deterioration in well-being. An ambulance passing by was stopped to provide assistance. Doctors diagnosed V. Kashka with acute heart failure. However, the investigator did not allow her to be transported to the hospital until an investigative action had been completed. On the way to the hospital, V.Kashka died.
  10. In this case, there are grounds to assert that the Russian Federation authorities are responsible for the death of V.Kashka. In particular, the use of force by persons in frightening equipment in front of an elderly (83 years old) woman and the possible use of force against her personally is in a causal relationship with the heart attack she suffered. The subsequent actions of the investigator were not adequate to the current situation. The detainee's state of health required immediate transfer to a hospital. On the contrary, the investigator delayed the ambulance's departure to the hospital for at least 20 minutes, which proved to be critical to take Kashka there and provide her with qualified assistance in a timely manner there.
  11. In addition, the Russian Federation authorities did not conduct a proper investigation into the death of V.Kashka. Several checks resulted in the refusal to institute criminal proceedings. However, these checks were limited to the questioning of the police officers who conducted the detention and were carried out by employees of the same authority, "the Ministry of Internal Affairs for the Republic of Crimea". During the checks, all the case circumstances were not properly examined. In particular, no assessment was made of the investigator's actions, which prevented the urgent placement of V. Kashka in a hospital. Also, the investigators for a long time did not allow the lawyer of V. Kashka's son to get acquainted with the case materials. He received such an opportunity only three and a half years after the completion of the check.
  12. The son of V. Kashka applied for protection to the ECfHR. To date, his complaint has been registered by the court.

**Article 7: Freedom from torture, cruel, inhuman and degrading treatment or punishment**  
**Article 10: Rights of those detained or imprisoned**  
**Article 16: Right for a fair trial**

13. Russia is responsible for persons held in custodial settings on the territories controlled by it (the territories of the constituent entities of the Russian Federation and occupied Crimea). The failure to provide medical care in custodial settings, primarily to persons suffering from serious diseases, which is inhuman treatment, causes severe suffering to the victims and reaches the level of torture, which indicates a violation of Art. 7 of the Covenant.
14. The CHRГ documented information on the use of torture by the FSB and the police to obtain confessions as well as other illegal methods of investigation, and violation of the criminal procedure Russian Federation's legislation. Such cases are often trialled behind closed doors (often in cameras) since the information contained in their files is regarded by Russian Federation as highly classified. This prevents these trials from being monitored by the public. Hence, the use of torture-stained evidence, absence of free access to the court by the public and inability to provide equity of arms violates as well Article 14 of the Convent.
15. Penal colony and pre-trial detention centre administrations in Russia and Crimea hold detainees in conditions that cause them suffering: the condition of the cells does not meet minimum sanitary standards, the penitentiary administration applies long and arbitrary detention in the punishment cells with extremely severe detention facilities.
16. The joint detention of citizens of Ukraine (protected persons within the meaning of Article 4 of the GC-IV) and citizens of the occupying power is contrary to the requirements of Article 76 of the GC-IV and can be considered as inhuman treatment.
17. Mr. Ivan Yatskin, a citizen of Ukraine, detained on charges of high treason in October 2019, was kept at the Lefortovo Pre-trial Detention Centre in Moscow from October 2019 to July 2021, and then he was transferred to Crimea for sentencing<sup>2</sup>. Yatskin's lawyer said that Mr.Yatskin needed medical help in Lefortovo. Another detained Ukrainian citizen, Mr.Yesypenko, who met Yatskin in the pre-trial detention centre, said that Mr.Yatskin had frostbitten toes because he had been taken for a walk in slippers in the winter. Yatskin's lawyer reported that the detainee was suffering pain due to frostbite, but did not receive any medical treatment, except that he had been given an unknown ointment without instructions for use. The administration ignores Yatskin's claims about medical care, including lower extremity vascular diagnostics and MRI. In April, Yatskin's lawyer reported that there were rats and bedbugs, and mould on the ceiling in the cell of the Simferopol remand prison where I. Yatskin was being held<sup>3</sup>.
18. On May 21, the 'Supreme Court of the RC' sentenced Yatskin to 11 years in the maximum security penal colony under Art. 275 (High treason) of the Criminal Code<sup>4</sup> On September 16, 2021, the Russian court (3rd Court of Appeal of Sochi) upheld Yatskin's sentence.<sup>5</sup>

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<sup>2</sup> [https://crimeahrg.org/wp-content/uploads/2021/05/crimean-human-rights-group\\_apr\\_en.pdf](https://crimeahrg.org/wp-content/uploads/2021/05/crimean-human-rights-group_apr_en.pdf)

<sup>3</sup> <https://www.facebook.com/nikolay.polofov/posts/3980770328655000>

<sup>4</sup> [https://crimeahrg.org/wp-content/uploads/2021/06/crimean-human-rights-group\\_may\\_en.pdf](https://crimeahrg.org/wp-content/uploads/2021/06/crimean-human-rights-group_may_en.pdf)

<sup>5</sup> [https://crimeahrg.org/wp-content/uploads/2021/10/crimean-human-rights-group\\_sep\\_en.pdf](https://crimeahrg.org/wp-content/uploads/2021/10/crimean-human-rights-group_sep_en.pdf)

After the court decision, Mr.Yatskin was conveyed to the place of execution in the Kemerovo region, Russia. Yatskin's lawyer said that the legs of the political prisoner 'were actually rotting away' due to frostbite and he might lose his limbs. During his transfer to the colony, Mr.Yatskin was deprived of the medicines and bandages he needed<sup>6</sup> When Mr.Yatskin came to the colony (VK-2 in the village of Dvubratskiy, Krasnodar Area), there was no heating in the colony that caused an exacerbation of foot disease. Yatskin's lawyer also reported that just after his arrival at the colony in the Krasnodar Area (Russia), Mr.Yatskin had been placed in the punishment cell for three days, since there was no free space in the ordinary cells. Rules of staying in the punishment cell demand that after waking up, and up to lights out, the bed shall be vertically attached to the wall, Mr.Yatskin was forced to spend all day standing on sick legs. The lawyer also noted that Mr.Yatskin was not receiving medical care in the penal colony and that no proper medical examination was being done<sup>7</sup>.

19. On March 10, 2021, Mr. Vladyslav Yesypenko, Radio Svoboda journalist, was detained in Crimea where he was on editorial assignment for the KRYM.REALII project. After the detention, he was kept in the Simferopol Pre-trial Detention Center. The FSB of the Russian Federation accused the journalist of illegal production of ammunition, namely "taking out the components of an explosive device from the secret storage": Mr. Yesypenko was said to have taken a grenade from the secret storage under the order of the Foreign Intelligence Service of Ukraine. On 18 March KRYM.24, a Russian-controlled channel, published an "interview" with V.Yesypenko in which he admitted his guilt. However, Mr.Yesypenko told the lawyer that he had been tortured<sup>8</sup> in order to obtain a confession. Until the end of March, Mr.Yesypenko was denied access to lawyers<sup>9</sup> with whom he wished to enter into an agreement. Instead, he was appointed Ms. Sineglazova, a lawyer who had previously been appointed to other politically motivated cases. Ms.Sineglazova did not file complaints about detention and illegal methods of investigation, persuaded her client to come to an agreement with the investigation and provide false testimony. In July 2021, the Special Rapporteur on the situation of human rights defenders and a number of other rapporteurs sent a letter<sup>10</sup> to the Russian government requesting information on detained Vladyslav Yesypenko, as well as details and results of the investigation that could be carried based on Yesypenko's statements of torture and inhuman and degrading human dignity treatment.
20. In September 2021, the Russian Federation FSB detained Mr. Nariman Dzhelial, deputy Head of the Crimean Tatar People's Mejlis, on charges of sabotage - blowing up a gas pipeline, that, according to investigators, occurred on 23 August 2021 near Simferopol. During the interrogation, in the absence of a lawyer, Dzhelial was handcuffed and head sacked. In addition, interrogators threatened "bad" consequences for the detainee if he pleaded not guilty, after which Dzhelial had to admit all charges made against him by these persons. In addition, on the first day of his detention, Nariman was held for hours in the 2-square-metre cell. Later, he was taken into custody by the decision of the Crimean 'court'. Dzhelial is a civil activist and journalist who has publicly condemned the Russian

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<sup>6</sup> <https://www.facebook.com/nikolay.polofov/posts/4585279121537448>

<sup>7</sup> <https://www.facebook.com/nikolay.polofov/posts/4591068874291806>

<sup>8</sup> <https://crimeahrg.org/en/journalist-vladyslav-yesypenko-stated-torturing-in-court-in-crimea/>

<sup>9</sup> [https://crimeahrg.org/wp-content/uploads/2021/04/crimean-human-rights-group\\_mar\\_en.pdf](https://crimeahrg.org/wp-content/uploads/2021/04/crimean-human-rights-group_mar_en.pdf)

<sup>10</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26459>

Federation's armed aggression against Ukraine and its occupation of Crimea. On 23 August 2021, he was present at the International Summit of the CRIMEA PLATFORM organised by the Ukrainian authorities<sup>11</sup>.

21. Asan and Aziz Akhmetovs were detained in the same case with Mr. Dzhelial. According to the lawyer, Asan Akhmetov was taken to an unknown place after his detention, where he was beaten and tortured with electric shocks. Then he was put in a car and taken in an unknown direction. Asan was told in the car that he would be taken to the forest, where he would be shot dead, allegedly while trying to escape. When Mr. Akhmetov had refused to get out of the car, he was taken back to the room, where his torture with electric shocks, demanding a confession, went on. When Asan Akhmetov agreed to sign the confession, he was taken to the FSB department for formal investigations. Later, the Zvezda TV channel published a video in its Telegram channel allegedly from the place of the sabotage on the gas pipeline in Crimea and the interrogation of the Akhmetov brothers.<sup>12</sup> Asan Akhmetov's lawyer also reported that the detainee was not receiving proper medical care: he was complaining of severe pain in his left ribs, but no treatment was being provided.<sup>13</sup>
22. In March 2021, Ms. Halyna Dovhopola, aged 66, was convicted under Art. 275 of the Russian Federation Criminal code (high treason) to 12 years of imprisonment, serving the sentence in the general regime penal colony and the restriction of freedom for one year. Ms Dovhopola was accused of allegedly "secretly collaborating with the Main Intelligence Directorate of Ukraine's Ministry of Defence." Her criminal case was heard in camera, because "the case file contained information of national secret." Halyna had publicly condemned Russia's occupation of Crimea, and also was in contact with volunteer Ukrainian organisations operating in the territory controlled by the Ukrainian government.<sup>14</sup> The sentence for Ms. Dovhopola was passed by 'judge' Igor Kozhevnikov, a Russian citizen who has repeatedly convicted Ukrainian citizens in politically motivated cases, violating the standards of the right to a fair trial, like in the cases of Volodymyr Dudka and Oleksiy Bessarabov. In November 2019, Ms Dovhopola was taken into custody and transferred to the Lefortovo Pre-trial Detention Centre in Moscow, and in early 2021 she was returned to the Simferopol Pre-trial Detention Centre. When sentenced, Ms Dovhopola was transferred to Russia to serve her sentence in the women's penal colony in the Vladimir Region. She had not been provided with any medical care during her pre-trial detention.

## **Article 9. Violation of the liberty and security (personal integrity) of persons expelled from the territory of Crimea based on decisions of the occupation courts by keeping them in centres for the temporary detention of foreign**

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<sup>11</sup> <https://crimeahrg.org/en/review-on-the-human-rights-situation-in-crimea-in-september-2021/>

<sup>12</sup> <https://crimeahrg.org/en/crimean-tatar-asan-akhmetov-severely-tortured-to-beat-a-testimony-out-lawyer/>

<sup>13</sup> <https://crimeahrg.org/uk/krimskomu-tatarinu-asanu-ahmetovu-v-sizo-ne-nadayut-nalezhno%d1%97-medichno%d1%97-dopomogi-advokat/>

<sup>14</sup> <https://crimeahrg.org/en/statement-of-human-rights-organizations-regarding-sentence-of-ms-halyna-dovhopola-in-crimea/>

## **citizens and stateless persons on the territory of the Russian Federation (CTDFC).**

23. In Crimea, Russia actively applies the provisions of its migration legislation and the Russian Federation's Code of Administrative Offences, which establishes administrative liability in the form of expulsion for their violation. Decisions by the occupation courts regarding the expulsion of citizens of Ukraine, foreigners, and stateless persons from the occupied territory with their further detention in the *CTDFC* is an unlawful interference with liberty and security of person, since such decisions were made by the occupation courts without taking into account the fact that the Crimean peninsula is *de jure* a sovereign territory of Ukraine, and the occupation is a temporary legal regime. Thus, the Russian Federation violates Art. 9 of the Covenant as it has no legal grounds either for the expulsion of these persons or for the deprivation of their liberty in order to enforce the decisions on expulsion.
24. At least 283 persons (citizens of Ukraine, foreigners, stateless persons) were identified, in respect of whom, from June 2014 to December 2021, the occupation courts in Crimea applied forcible expulsion associated with imprisonment for a period of one day to more than one-and-a-half years.
25. On 2 February 2018, the "Evpatoria City Court" ruled on the forcible expulsion of 23 citizens of Ukraine. In January 2018, 23 citizens of Ukraine legally arrived in the territory of occupied Crimea from the territory of mainland Ukraine in order to find employment. On 2 February 2018, citizens of Ukraine were found guilty of an administrative offence in accordance with part 3 of Article 18.10 of the Code of Administrative Offences of the Russian Federation, namely, in the repeated implementation "by a foreign citizen or stateless person of labour activity in the Russian Federation without a work permit or a patent". In order to enforce court decisions, the police and the migration service officers ordered all 23 citizens to get into the load space of a pick-up truck "KAMAZ" and not leave it without permission. They were there between 17 and 19 hours (in the period from 09:00 on 2 February until their expulsion at 02:16 - 03:57 on 3 February. Information on the case of 23 expelled citizens of Ukraine is contained in paragraph 77 of the UN OHCHR<sup>15</sup>
26. For example, Yevgeny Gaivoronsky, a journalist, was detained on 20 December 2019 by employees of the Ministry of Internal Affairs in the city of Yalta. He was charged under Art. 18.8, Part 1.1, of the Code of Administrative Offences of the Russian Federation, i.e. violation by a foreign citizen of the regime of stay in the Russian Federation. The essence of the accusation was that he lived in the territory of Crimea on the basis of a Ukrainian passport. On the same day, on 20 December 2019, Gaivoronsky was taken by the officers of the Ministry of Internal Affairs to the Yalta City Court for consideration of the above protocol. The court found Gaivoronsky guilty of committing the above-mentioned offence and sentenced him to a fine with administrative expulsion from the Russian Federation (case No. 5-569/2019, court order of 20 December 2019). The court decided to place Mr. Gaivoronsky in the *CTDFC* in the Gulkevichsky district, Novoukrainskoye village, Krasnodar

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<sup>15</sup> UN OHCHR Report on the situation of human rights in the temporarily occupied AR Crimea and city of Sevastopol, Ukraine 13 September 2017 to 30 June 2018, par. 77:

[https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_EN.pdf)

- Territory. He was held in custody until his transfer to the territory of Ukraine, which took place on 30 December 2019. The total term of arbitrary deprivation of liberty was 9 days.
27. There are also weighty grounds for asserting that violations of the liberty and personal integrity of expellees in the manner described above will be repeated. In particular, Art. 18.8 of the Code of Administrative Offences of the Russian Federation is applied to citizens of Ukraine and foreigners due to the fact that the Russian Federation considers Crimea to be part of its territory and has extended its federal legislation to it. At the same time, there is no tendency to change the position of the Russian Federation on this issue, since the Russian Federation does not recognize the fact of occupation and violates IHL.

## **Article 12. Violation by the authorities of the Russian Federation of the right to liberty (freedom) of movement and freedom to choose one's residence**

28. Systematic violations of human rights in Crimea territory and the policy pursued by Russia's authorities in the occupied territory are incompatible with the Russian Federation's obligations under Art. 12 of the Covenant. Such actions generate flows of migrants and have already led to the displacement of tens of thousands of people. Thus, according to Ukraine's Ministry of Social Policy, as of the beginning of 2019, the number of IDPs from Crimea exceeded 46,000 people. In addition, a significant part of people who have left Crimea is leaving Ukraine (exact data on the number of those emigrated outside Ukraine is unknown).
29. In addition to the facts presented in this alternative submission, systemic human rights violations have also been recorded by the United Nations Monitoring Mission in Ukraine (UNMMU).<sup>16</sup>
30. In terms of Art. 12 of the Covenant, a violation may be qualified as a violation of the right to freedom to choose one's residence. Even in the absence of a direct ban on entry into the occupied territory by the Russian authorities, many of those who were forced to leave cannot return to their abandoned home or stay there due to fear for their lives or safety.

## **Article 12. Violation of the freedom of movement in the context of the transfer (deportation) of convicted citizens of Ukraine from the territory of Crimea to the territory of the Russian Federation for further serving their sentence.**

31. Freedom of movement guaranteed by Art. 12 of the Covenant includes the prohibition of enforced population transfers or mass expulsions to other countries from the territory of the state of person's nationality (General Comment 27 (67) - Sixty-seventh session (1999), para. 19). Such transfers also violate articles 49, 76 of the Geneva Convention (IV). Thus,

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<sup>16</sup> [https://www.ohchr.org/Documents/Countries/UA/Crimea2014\\_2017\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf)

by transferring convicted citizens of Ukraine from de jure territory of Ukraine to its sovereign territory, the Russian Federation violates Art. 12 of the Covenant.

32. Since the beginning of Crimea's occupation and the spread of Russian Federation's legislation to peninsula's territory, Russia has transferred more than 9,500 people from the Crimea to its territory. These persons are being kept in at least 103 correctional colonies on the territory of 39 constituent entities of the Russian Federation. The number of convicted persons transferred from occupied Crimea continues to grow steadily, since, for example, in the territory of Crimea there are still no correctional institutions for such categories of persons as minors, women, as well as persons with HIV/AIDS, an active form of tuberculosis and some other somatic diseases, suffering from mental disorders, drug addiction, alcoholism.
33. Issues related to the transfer of convicted citizens of Ukraine to the Russian Federation's territory are also raised in communications previously sent to the UN HRC, namely: *Communication No. 3022/2017 Bratsylo, Golovko and Konyukhov v. Russia; Case No. 3326/2019 Larionov v. Russia; Case No. 3892/2021 Posmetnaya v. Russia* and others.

## **Article 12 together with Article 17 Prolonged separation of prisoners taken from the territory of Crimea to the Russian Federation territory with members of their families.**

34. In the vast majority of cases, the transfer of a convicted person to the territory of the Russian Federation from the territory of Crimea creates severe and sometimes insurmountable obstacles for him to maintain ties with family members who remained in Crimea. Very often, the place of detention of a prisoner is located thousands of km from their home, and relatives, due to objective reasons (age, state of health, high cost of travel expenses), can visit him very rarely or cannot visit at all.
35. An illustration of this is the situation of Teymur Abdullaev, Uzeyir Abdullaev, Ayder Saledinov and Emil Dzhemadenov convicted by the verdict of the North Caucasus District Military Court dated 18 June 2019, who are serving their sentences in penal colonies in the city of Salavat of the Republic of Bashkortostan of the Russian Federation. Salavat is located at a distance of about 2,500 km from the city of Simferopol, where the families of the convicts live. There is no direct communication between the cities. To get to the location of the prisoners, it takes 12 hours with transfers to get to the city of Ufa, and after another 2 hours by car from Ufa to Salavat.
36. Another important factor is that all four convicts have young children and in the colonies, there are no conditions for the stay of young children during a long three-day visit. Thus, placing convicts at such a great distance from their families is a clearly disproportionate interference by the Russian authorities in their right to respect for family life. This case is by no means the only one and is given as an illustration of the general trend of violations, which are widespread.

## **Article 12 together with Article 24: Transfer of orphans and children deprived of parental care to the territory of the Russian Federation, including for adoption**

37. The freedom of movement guaranteed by Art 12 of the Covenant, namely the prohibition contained in Art 12(4) of the arbitrary deprivation of a person's right to enter one's own country, as explained by the Committee, includes:
38. The right to remain in one's own country; and
39. Prohibition of enforced transfers or mass expulsions of citizens from the territory of their country of citizenship<sup>17</sup>
40. Art 49 of the GC IV provides: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive".
41. The Crimean peninsula is the territory of Ukraine temporarily occupied by the Russian Federation. Thus, any forcible transfer or deportation of the civilian population from Crimea to territory outside Ukraine violates Article 12 of the Covenant.
42. Despite the prohibition, Russian authorities transfer children to the Russian Federation as a result of their adoption or as a result of general policy implemented in the occupied territory. Thus, some children have been transferred and are now being held in special institutions in the Russian Federation, others have been transferred for adoption to families of Russian citizens, also in the Russian Federation. This issue is the most sensitive and latent violation due to secrecy of adoption as well as due to the children's impossibility to protect their rights independently.
  
43. *Violations of the rights of orphans and children deprived of parental care, failure to provide them with adequate protection, in particular, to preserve their identity, discrimination against these children.*
44. Art 24 of the ICCPR recognizes that every child, without any discrimination, shall have the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
45. According to Ukraine's Ministry of Social Policy, as of 1 August 2014, 4 228 children deprived of parental care were in special children's institutions in the AR Crimea and Sevastopol (orphanages, specialised children's homes, foster families, family-type orphanages, boarding schools, centres for socio-psychological rehabilitation, social hostels), that is, under the care of the State.
46. Since the occupation started, Russia's authorities have taken control over the administration of these institutions.
47. According to Article 8 of the Convention on the Rights of the Child, States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
48. According to Article 50 of GC relating to the protection of civilian persons in time of war of 12 August 1949 (GC IV), the Occupying Power may not, in any case, neither change

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<sup>17</sup> General Comment No. 27 (67) (1999), para. 19.

personal status of such children, nor enlist them in formations or organizations subordinate to it.

49. Despite these obligations, Russian Federation at the beginning of the occupation subjugated all orphanages and other institutions where children were kept. According to Art 4 of the Federal Law no. 6-FKZ “On admission to the Russian Federation the Republic of Crimea and establishing within the Russian Federation the new constituent entities of the Republic of Crimea and the city of federal importance Sevastopol”, Russian citizenship was imposed on all children residing in the occupied territory and being in such institutions.
50. On the grounds of “respecting the best interests of the child” in favour of these children, there was not filed any application “declaring willingness to keep their existing ... other nationality”.
51. Besides, children, born since the beginning of Crimea’s occupation, are automatically recognized as Russia’s citizens by the occupation authorities. Thus, in accordance with art. 12 of the Federal Law “On the citizenship of the Russian Federation”, a child acquires citizenship of the Russian Federation by birth, if at the date of the birth of the child both or the only parent have citizenship of the Russian Federation (irrespective of the birthplace).
52. Also, despite all obligations, Russian authorities had subordinated children to common rules of adoption that are valid in the Russian Federation.
53. In October 2014, the Ministry of Foreign Affairs of Ukraine called on the Russian side to take, in accordance with its international legal obligations, all necessary measures to prevent the illegal adoption of Ukrainian citizens by foreigners and their further illegal transfer from the occupied territory of Ukraine<sup>18</sup>.
54. The Covenant requires that children should be protected against discrimination on any grounds such as race, colour, sex, language, religion, national or social origin, property or birth<sup>19</sup>.
55. The State’s failure to ensure that persons who are in a substantially different situation are treated differently constitutes discrimination (Thlimmenos v. Greece, Appl no. 34369/97, Judgement of 6 April 2000, § 44).
56. The application to orphans and children deprived of parental care, kept in special children’s institutions in AR Crimea and Sevastopol, of the general provisions of Russian legislation regarding adoption, the transfer of such children for adoption to the territory of the Russian Federation does not take into account the specifics of their situation (namely, the fact that they are Ukrainians living in the occupied territory and having the status of protected persons in accordance with the GC IV). Such children are in a more vulnerable position than those kept in similar institutions in the Russian Federation’s territory and therefore need special treatment.

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<sup>18</sup> <https://www.unian.net/politics/997041-mid-prizyivaet-rossiyu-ostanovit-kampaniyu-po-usyinovleniyu-kryimskih-sirot-inostrantsami.html>

<sup>19</sup> General Comment No. 17 (1989), para 5.

## **Article 18. Persecution of the parishioners and the clergy of the Orthodox Church of Ukraine (OCU) (until 2019 – Ukrainian Orthodox Church (UOC) of the Kyiv Patriarchate)**

57. Before the occupation of the peninsula, the Crimean Diocese of the Kyiv Patriarchate (hereinafter “the OCU”) had 45 parishes (26 of which had their own permanent premises), two Orthodox fraternities and missions, and a convent. The staff of the diocese consisted of 14 clergy persons. The OCU was quite active. Among its parishioners were Ukrainians, Russians, Crimean Tatars, and representatives of other nationalities.
58. On 11 March 2014, the Council of Bishops of the UOC of the Kyiv Patriarchate (since December 2018 is part of OCU) made an official statement in which it categorically condemned the occupation of Ukraine's sovereign territory, AR Crimea and Sevastopol, affected by the Russian troops. In this way, the Ukrainian church demonstrated disloyalty to the new authorities, which led to the persecution of the organisation and its worshippers, violation of religious freedom and peaceful association, and, finally, ousting of many parishioners and clergy from the peninsula.
59. The main tools of persecution were the following:
  60. imposing Russian citizenship on parishioners and clergy (according to the Russian legislation, which is illegally extended by the Occupying Power in Crimea, members of religious communities and even more so the clergy can be only Russia’s citizens);
  61. seizure of church property;
  62. pressure on parishioners and clergy of the OCU (including abduction, torture, destruction of property, threats, attempts to recruit for cooperation with the FSB);
  63. bringing the clergyman to administrative responsibility for “illegal missionary activity”;
  64. discrediting through the media.
65. A more detailed description of the violations is provided in the report of the Regional Center for Human Rights on the policy on Forcible change of the demographic composition of the occupied Crimean peninsula by the Russian authorities<sup>20</sup>.
66. Some violations of the rights of OCU worshippers in the occupied Crimean peninsula were recorded in a report<sup>21</sup>.
67. As a result of the persecution, the number of parishes in the Crimean diocese decreased from 45 to 7. The number of full-time clergypersons decreased from 14 to 4, with a significant number of parishioners being forced to leave the occupied peninsula with their families.
68. Jehovah's Witnesses case:
  69. Prior to the temporary occupation of AR Crimea and Sevastopol, the number of adherents of this religious doctrine was over 7 000. There were 22 communities on the peninsula<sup>22</sup>.
  70. The Russian Federation considers Jehovah's Witnesses to be an “extremist” organisation, citing a decision of the Russian Federation Supreme Court dated 20 April 2017<sup>23</sup>. However, although the decision itself does not substantiate the “extremist” activities of supporters

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<sup>20</sup> <https://krymbezpravil.org.ua/en/issues/report-on-the-results-of-the-study-of-the-policy-of-the-russian-federation-on-forcible-change-of-demographic-composition-of-the-occupied-crimean-peninsula/ p. 75-98>

<sup>21</sup> [https://www.ohchr.org/Documents/Countries/UA/Crimea2014\\_2017\\_EN.pdf, para.140](https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf, para.140)

<sup>22</sup> <https://ark.gp.gov.ua/ua/news.html? m=publications& t=rec&id=211333&fp=80>

<sup>23</sup> <http://president-sovet.ru/files/b0/a7/b0a7acf3eae6915211fbdfea281ecf.pdf>

of the religious doctrine, it gave the occupation courts grounds to convict members of the organisation under Article 282.2 of the Criminal Code only with reference to the fact that the organisation was recognized as extremist. This created a wave of illegal persecution of the organisation's followers not only in the territory of the Russian Federation but also in occupied Crimea.

71. Thus, on 5 March 2020, the “Dzhankoy District Court” found the head of the local religious community of Jehovah's Witnesses, a Ukrainian Serhiy Filatov, guilty of charges under Part 1 of Article 282.2 of the Russian Federation Criminal Code (“Organizing the Activity of an Extremist Community”) and sentenced him to six years in prison. In addition to refusing to assess the defendant's argument regarding the freedom of religion, the court failed to establish the unlawfulness of S. Filatov's and Jehovah's Witnesses' activities in general<sup>24</sup>. Similar sentences were handed down in 10 more cases.<sup>25</sup>
72. Back in 2010, the ECfHR unanimously ruled that the liquidation of the Religious Community of Jehovah's Witnesses in Moscow and the ban on its activities were illegal and violated freedom of thought, conscience and religion. The court ordered the Russian Federation to take appropriate measures to stop these violations and compensate for the consequences. Instead, as mentioned above, in 2017, the Supreme Court banned Jehovah's Witnesses in general, increasing the scale of the previous violation and creating grounds for new restrictions of the freedom of religion, including in the occupied Crimea.
73. As of early 2022, the activities of the religious organisation Jehovah's Witnesses in the occupied Crimea continue to be banned, its places of worship have been seized, and access to the official website has been restricted. Proponents of religious doctrine are deprived of the right to peaceful assembly and collective worship, are being persecuted and intimidated, and purposefully called up for military service. These circumstances become a compelling reason for the forced relocation of members of the community of Jehovah's Witnesses outside the occupied territories.
74. Hizb ut-Tahrir al-Islami case:
75. At the beginning of Russia's occupation of Crimea, the Crimean Tatars demonstrated resistance to actions that violated the sovereignty and territorial integrity of Ukraine, in fact showing disloyalty to the occupation authorities and the Russian Federation as a whole. Among the Crimean Tatars, the majority profess Islam, while the supporters of Hizb ut-Tahrir al-Islam (hereinafter “Hizb ut-Tahrir”), which should be considered both as a religious organization and as a political party, are particularly zealous for religious dogma and traditions.
76. On 14 February 2003, the Russian Federation Supreme Court declared the Islamic Liberation Party (Hizb ut-Tahrir) terrorist and its activities were prohibited. The motivational part of the court decision contained references to the goals of the organization, the elimination of Islamic governments, the establishment of world domination of the Caliphate, especially in Russia and other Commonwealth of Independent States (CIS) countries. In addition, the court decision mentions “Islamist propaganda”, “religious intolerance”, and “split society” as the main forms of Hizb ut-Tahrir activity that characterize it as “terrorist”.

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<sup>24</sup> <https://ru.krymr.com/a/news-sud-djankoi-svidetel-iegovy-prigovor/30468831.html>

<sup>25</sup> [https://unesdoc.unesco.org/ark:/48223/pf0000378910\\_rus\\_p.25](https://unesdoc.unesco.org/ark:/48223/pf0000378910_rus_p.25)

77. In Ukraine, as in most countries of the world, Hizb ut-Tahrir operates legally. Prior to the occupation of Crimea, local supporters of the party, numbering 2-5,000, openly and unhindered, held various actions, forums, lectures, distributed propaganda literature and published its own newspaper "Renaissance". Today, they are being persecuted by the Occupying Power and being pushed out of the occupied Crimea. The tools of this policy of the Russian Federation are mass searches and detentions, blackmail and threats, demand for "cooperation" with the FSS, aggressive campaign in the media to discredit "Hizb ut-Tahrir" and Muslims living in Crimea in general, discriminatory law enforcement practices, fabricated criminal proceedings and unjustifiably severe punishments, violations of the right to legal aid, torture, use of "secret witnesses", etc.
78. According to the Memorial Human Rights Center, as of 19 October 2021, 92 members of Hizb ut-Tahrir al-Islami are being prosecuted in the occupied territories of the AR of Crimea and the city of Sevastopol, three of whom have already served their sentences in Russian colonies. In percentage terms, the number of persecuted Crimean Muslims is 27.49%, which constitutes almost a third of the total number of people persecuted by the Russian Federation, both in its own and in the occupied territories. The number of persecuted persons per capita in Crimea reaches 1 in 26 500 people. For comparison, this figure for 16 constituent entities of the Russian Federation averages 1 in 227 374 people. Thus, the rate of persecution in occupied Crimea exceeds the same figure for 16 constituent entities of the Russian Federation 8.5 times. Whereas in Crimea, this figure was formed over the past seven years, while for 16 constituent entities of the Russian Federation, it covers a period of 17 years.
79. The persecution of Hizb ut-Tahrir members in the occupied Crimea, except on grounds specific to the regions of the Russian Federation (e.g. Tatarstan, Bashkortostan, Moscow, Chelyabinsk Oblast), is aimed at repressions on the grounds of nationality. A convincing argument in support of this thesis is the arrest in March 2019 of 24 people who participated in the work of the human rights association "Crimean Solidarity". According to Serhiy Davidis, head of the Political Prisoners program at the Memorial Human Rights Center, there are strong doubts that they had anything to do with Hizb ut-Tahrir. The accusation, in turn, became a convenient tool for suppressing the "disloyal" group of population in the occupied territories.
80. It should be noted that the Russian Federation has shown inconsistency and a selective approach in the persecution of organizations which, by a decision of the Russian Federation's Supreme Court of 14 February 2003, were classified as "terrorist". On the one hand, hundreds of Hizb ut-Tahrir supporters are being persecuted under the pretext of fighting global terrorism, and on the other, there is open cooperation with the Taliban leadership, which is also recognized as a terrorist organization by a court decision.
81. The creation of an atmosphere of fear among Crimean Muslims, in particular members of Hizb ut-Tahrir, their relatives and friends, forces them to move from the occupied territories to mainland Ukraine or third countries. The Prosecutor's Office of the AR Crimea and Sevastopol provides procedural guidance in criminal proceedings under Part 1 of Art. 146, part 2 of Art. 146, part 2 of Art. 162 of Ukraine's Criminal Code on the facts of illegal persecution of Crimean Tatars in the occupied peninsula.

## **Article 18. The right of parents to ensure education and teaching in line with their religious and ideological convictions.**

82. After the Crimea's occupation, Russia quickly began developing Russian identity among children and youth without any respect to the right of parents to education and teaching in accordance with their religious and ideological convictions.
83. In 2015, the interethnic tolerance educational course "Culture of Good Neighborliness" was substituted with the "Crimean Studies" course for grades 5-9, presenting Crimea as a historically Russian region. In each grade, this course begins with "Introduction" (two hours) on 'Reuniting Crimea and Sevastopol with Russia. 'Crimean Spring' of 2014' or 'The Republic of Crimea as Subject of Administrative Territorial Division of the Russian Federation. 'Crimean Spring' of 2014'.
84. Guidelines on the Peculiarities of Teaching History and Social Sciences in 2015/2016 and Evaluation Criteria emphasise that: *'HISTORY OF RUSSIA course is a priority and shall account to at least 60-70% of the total academic time'*
85. The textbook's analysis of the history of the Russian Federation showed great bias and prejudice against the territory of modern Ukraine, Belarus and Lithuania and certain historical processes. For example, one textbook for 10th grade by M. Gorinov and A. Danilov states: *"nationalists came to power in Ukraine in early 2014. The legally elected President Viktor Yanukovich was overthrown. It was proposed to abolish the status of Russian as a regional language that would mean a de facto ban on its use."*

## **Article 19. Right to freedom of expression**

86. After the Russian occupation of Crimea in 2014, a wide-scale attack on the freedom of expression and implementation of policy to eliminate independent media outlets and put restrictions on information from Crimean residents has started. Such actions by Russia were legalised through the criminalisation of opinions that were not in line with the Kremlin's position and the occupation of the peninsula. Russian criminal laws have become a major tool to punish the people for expressing disagreement with the occupation or disseminating information about human rights violations, these criminal cases are being used to stop people in Crimea from speaking out.
87. The first step of the Russian Federation was a new article of the Criminal Code of the Russian Federation. On May 9, 2014, the Federal Law of the Russian Federation of December 28, 2013 No 433-FZ *"On Amendments to the Criminal Code of the Russian Federation"* entered into force, supplementing the Code with a new Article 280.1 *"Public calls to actions aimed at violating the territorial integrity of the Russian Federation"*. *The maximum penalty under this article (for appeals in the media and the Internet) shall be five years.*
88. After establishing de-facto control in the peninsula, Russia immediately began a policy of information isolation in Crimea. Analogue broadcasting of Ukrainian TV channels and radio stations was stopped in March 2014, and the Russian TV and radio companies started operating on these frequencies. Within a few months, digital and cable

broadcasting of Ukrainian TV channels was cut off. The editorial offices of the highest-rated Crimean media were forced to leave for Ukraine-controlled territory due to constant threats, searches, and intimidation. In addition, the reason for the Ukrainian media to stop operating was their refusal to be re-registered under Russian law.

89. The editorial offices of TV Channels “ATR”, “Lale” and “CHORNOMORS’KA TV and Radio Broadcasting Company’ as well as websites ‘15 MINUTES’, ‘QHA’, PODIYI KRYMA’ (Events of Crimea), ‘Centre of Journalistic Investigations’, “BlackSeaNews”, and ‘MEYDAN’ Radio had to stop their activity in Crimea. Now they are operating in the Ukraine controlled territory.
90. Since 2015 many journalists were forced to leave the peninsula due to persecutions: Anna Andriyevskaya<sup>26</sup> and Andrey Klimenko, the editor-in-chief of “Black Sea News”, Natalia Kokorina<sup>27</sup>, a Centre for Journalistic Investigations (Art. 280.1-2 Russian Federation CC) and many others.
91. On 22 September 2015, Mr. Mykola Semena, a Ukrainian journalist for the Krym.Realii (Radio Liberty) outlet, who continued to work in Simferopol after the occupation of Crimea, was sentenced to two and a half years, with a probation period of three years, under Russian Federation CC Article 280.1- 2. The criminal case was initiated due to his professional activity as a journalist. In his publications, including the article “Blockade, A Necessary First Step Towards Liberation of Crimea,” he denied the legitimacy of Russia’s occupation of Crimea and referred to the principles of international law.<sup>28</sup>
92. Crimean Tatar bloggers and civil society activists covering human rights violations are systematically persecuted under so-called “anti-terrorism” legislation in Russia, with criminal cases fabricated against them on charges of belonging to organizations banned in Russia. So, on October 2, 2019, media activist and blogger Nariman Memedeminov was sentenced by the Russian Federation’s Southern Military Area Court in Rostov-on-Don to 2,5 years in a settlement colony, banned from administering websites for two years. The journalist was accused of promoting the activities of Hizb ut-Tahrir under Russian Federation CC Art. 205.2. In 2015 Mr. Memedeminov, Crimean Tatar “Crimean Solidarity” civil journalist, became one of the first to start reporting on the court proceedings in the politically motivated ‘Case of Crimean Muslims’. It is his activity that became a real reason for his persecution by the occupation authorities.
93. Since 2015, selective blocking of Ukrainian Internet media for allegedly “extremist” content began. Later the blockade intensified, and a significant number of Ukrainian sites are being blocked even without the sanction of Roskomnadzor, i.e., in violation of procedural rules of Russian law. As of the end of 2020, according to the results of Crimean Human Rights Group monitoring of 11 providers in Crimea, at least 25 Ukrainian popular sites are completely blocked, with another five partially blocked. In addition, the websites of LinkedIn, the Crimean Tatar Mejlis, Jehovah’s Witnesses, and the Ministry of Reintegration of TOT of Ukraine have been completely blocked.<sup>29</sup>

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<sup>26</sup> <https://investigator.org.ua/ua/articles/144257/>

<sup>27</sup> <https://detector.media/community/article/104841/2015-03-13-u-krymu-fsb-provodytobshuk-u-kvartiry-redaktora-tsentru-zhurnalistskykh-rozsliduvan-natalii-kokorinoi-onovleno/>

<sup>28</sup> <https://www.radiosvoboda.org/a/news-mykola-semena/30442982.html>

<sup>29</sup> <https://crimeahrg.org/uk/ukra%d1%97nski-onlajn-media-v-krimu-blokuyutsya-shhonajmenshe-11-provajderami-u-8-mistah/>

## Article 20. Any propaganda for war shall be prohibited by law.

94. In Russia, special purpose state programs “On patriotic education of Russian Federation citizens” have been implemented in the educational process for already considerable period of time from now, and since April 2014 such programs have been taught in Crimea<sup>30</sup> (ex. “On patriotic education of Russian Federation citizens in 2016-2020”)<sup>31</sup>.
95. In May 2015, the state began to implement in Crimea the “*Strategy for development of education in Russia for the period up to 2025*”.<sup>32</sup> Part 2 of Section III of this Strategy states: “*the patriotic education and the unfolding of the Russian identity involve the fostering in children of patriotism, sense of pride in their homeland, readiness to defend the interests of the Fatherland, and responsibility for Russia’s future through patriotic education programs, in particular, through military and patriotic training*”.
96. Within the general system of education, militarization is mainly introduced through patriotic education. As early as in December 2014, the “Concept of patriotic and spiritual and moral education of the population in the Republic of Crimea”<sup>33</sup> and many documents for its implementation (plans, activities, programs) were in place.
97. As a result of implementation of these programs and strategies, the number of cadet classes in Crimea increased from 12 in 2016 to 109 in 2020<sup>34</sup>. Cadet classes are opened or patronized by various institutions (ex: cadet class in Simferopol school No28 under the auspices of the occupying power’s Ministry of Internal Affairs in Crimea, in September 2017 a cadet class of the Russian Federation Ministry of Emergencies and a cadet class of the Investigative Committee of Russia were opened on the basis of Simferopol Academic High School (former Ukrainian High School)).
98. The opening of a specialised class was not the first step of the ICR in this area — in the summer of 2017 there were several ‘special purpose’ shifts “Young Investigator” in the ARTEK children’s camp.<sup>35</sup> There are cadet classes of the Investigative Committee in Sevastopol in school No 22. There are two classes in Simferopol A.S.Makarenko school-lyceum no 3. Three cadet classes — pupils of 3rd, 6th, and 7th grades — in Yevpatoria school no 16, with the third-graders being the youngest in Russia students in the cadet classes of the Investigative Committee<sup>36</sup>.
99. Currently, the Ministry of Defense, Ministry of Education and Science, FSB, Ministry of Emergencies, Ministry of Internal Affairs, Investigative Committee, other state authorities of Russia, the Russian Orthodox Church, various paramilitary organisations such as the so-

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<sup>30</sup> [https://archives.gov.ru/programs/patriot\\_2015.shtml](https://archives.gov.ru/programs/patriot_2015.shtml)

<sup>31</sup> <http://www.rosvoenentr-rf.ru/obobshchennye-doklady/razrabotka-gpp-2016-2020-iyun-noyabr/utochnenny-variant-gosprogrammy.php>

<sup>32</sup> [https://monm.rk.gov.ru/file/14\\_Raspor\\_996\\_p.pdf01.03.2021](https://monm.rk.gov.ru/file/14_Raspor_996_p.pdf01.03.2021)

<sup>33</sup> [https://monm.rk.gov.ru/file/1\\_%D0%A3%D0%BA%D0%B0%D0%B7%20%D0%93%D0%BB%D0%B0%D0%B2%D1%8B%20%D0%A0%D0%9A.pdf01.03.2021](https://monm.rk.gov.ru/file/1_%D0%A3%D0%BA%D0%B0%D0%B7%20%D0%93%D0%BB%D0%B0%D0%B2%D1%8B%20%D0%A0%D0%9A.pdf01.03.2021)

<sup>34</sup> <https://ru.krymr.com/a/krymskiye-deti-zalozhniki-rossiyskov-vlasti/30984474.html>

<sup>35</sup> <http://education-ua.org/ua/articles/1150-krimski-khunvejbin-dlya-putina>

<sup>36</sup> [https://helsinki.org.ua/wp-content/uploads/2021/03/Osvita\\_01\\_dlia-sayta.pdf#page=32](https://helsinki.org.ua/wp-content/uploads/2021/03/Osvita_01_dlia-sayta.pdf#page=32)

called “Cossacks” and others, deal with the military training of children aged 3 to 18 in Crimea<sup>37</sup>.

100. According to the website of the State Budget General Educational Institution of the Republic of Crimea “CRIMEAN CADET CORPS Cadet Boarding School”, for 5 years 273 young men graduated from the cadet corps. 240 of them (88 per cent of the total number of graduates) entered higher educational institutions including 145 (53 per cent of the total number of graduates) who chose universities of law enforcement ministries and departments for further education, and 122 among them (45 per cent of the total number of graduates) entered higher military educational institutions<sup>38</sup>.
101. From 2014 to 2020, thematic events, competitions, and projects aimed at forming a Russian identity were held for schoolchildren and youth of the AR Crimea and Sevastopol (e.g. All-Russian project “Dialogues with Heroes”). The project main goal is to develop a system of mentoring and succession of generations, the formation of patriotic consciousness and the formation of moral and value orientations on the heroic example of people who dedicated their lives to serving the homeland and people who have done deeds worthy of imitation<sup>39</sup>.
102. In 2018, a specialised unit “School of Future Commanders” was opened in the camp “Rechnoi” (River) of the international children center “Artek”. Educational program is implemented in the children center together with “Youth Maritime League”, the thematic partner of “Artek”<sup>40 41</sup>
103. In particular, the thematic educational program provides the expected results: “the participant will acquire knowledge: specific characteristics of service in the Navy and study at Russian navy schools; construction of light weapons and methods of shooting; ways of waging a general military battle...”<sup>42</sup>
104. Today in ‘the Republic of Crimea’, there are 25 regional headquarters of the All-Russian patriotic movement “Youth Army”. 874 detachments have been created on the basis of schools and centers, which include about 29 thousand children, which is more than 10 per cent of the total number of school children in Crimea.<sup>43</sup>
105. Despite the UNGA Resolution, the occupation authorities continue to spread militarization. In 2021, the occupational “Council of Ministers of of Crimea” issued the Order № 403-r “*On the organization of measures to promote the development of the Youth Army movement in the Republic of Crimea in 2021*”<sup>44</sup> according to which:
106. carrying out of a complex of the Youth Army actions within the federal project “Youth Army. Mentoring” in two boarding schools and institutions for orphans and children deprived of parental care;

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<sup>37</sup> [https://helsinki.org.ua/wp-content/uploads/2021/03/Osvita\\_01\\_dlia-sayta.pdf#page=32](https://helsinki.org.ua/wp-content/uploads/2021/03/Osvita_01_dlia-sayta.pdf#page=32)

<sup>38</sup> <https://crimeahrg.org/uk/rosijske-kadetstvo-zamist-krimskogo-ditinstva/>

<sup>39</sup> P. Movchan, M. Sulianina, A. Halai, Information and analytical research “Education in the temporarily occupied territories of Ukraine (2014-2019 pp.)” (see above), p. 30;

<sup>40</sup> <https://artek.org/press-centr/news/artek-gotovit-budushih-komandirov/>

<sup>41</sup> <https://docplayer.ru/72766653-Shkola-budushchih-komandirov-dopolnitelnaya-obrazovatel'naya-programma.html>

<sup>42</sup> <https://docplayer.ru/120705493-Tematicheskaya-obrazovatel'naya-programma-shkola-budushchih-komandirov.html>

<sup>43</sup> <https://www.ukrinform.ua/rubric-crimea/3387324-u-krimu-okupanti-zaverbuvali-v-unarmiu-blizko-29-tisac-ditej.html>

<sup>44</sup> <https://rk.gov.ru/ru/get-attachment/68240b5b82ef58bd2201bc21e4e146acaf52daa3276f02e136c6a4f3bf47381a843351bbf2f757cd3435af58728926d1dd1a009d1a8501bf1cd4a09e1c3955d8>

107. participation of Youth Army members in the youth-patriotic action “Conscript Day”
108. Therefore, in the last 2021 alone, about 4,000 Crimean children were enrolled in the Russian paramilitary organization. The military forces them to “participate in heroic-patriotic and educational events, where special attention is paid to preserving the memory of feats and fighting traditions of older generations, memorable events and dates in the history of Russia, the Black Sea Fleet and the Southern Military District”.<sup>45</sup>

## **Article 21. The right of peaceful assembly**

109. The right of peaceful assemblies is enshrined in Article 21 of the ICCPR. Thus, the Russian Federation shall not place any restrictions on the exercise of the right of peaceful assemblies other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Moreover, the Russian Federation has obligations under IHL. In particular, according to article 64 of the GC relative to the Protection of Civilian Persons in Time of War, an occupying State has no right to extend the application of its criminal law but is obliged to keep in force the legislation of Ukraine except when this legislation threatens the security of the occupying State or prevents the application of IHL.
110. After Crimea’s occupation and the spread of Russian legislation on the peninsula, the occupying authorities built a governance system that made it impossible to hold mass rallies except those that openly welcomed and supported the actions of the Russian leadership. Restrictions of mass assemblies are based on the legislation of the Russian Federation, whose purpose is to restrict the freedom of peaceful assemblies, rather than to ensure it. There is a mandatory obligation to obtain prior permission from the administration for every public event. Using a permitting system instead of notifying one to have peaceful assemblies agreed on, demonstrates a violation of standards regarding the freedom of peaceful assemblies.
111. The lack of legal certainty in the rules of Russian law governing peaceful assemblies allows the occupying authorities to interpret it at their own discretion, apply selectively, unreasonably ban some and allow other events, depending on whether the opinions of their organisers match the views of the administration or contradict them. In this way, the participants of the assembly are almost deprived of the opportunity to freely determine the purpose of their event or what they want to express during it.
112. The practice of applying Russian law in Crimea shows that the occupying authorities are ignoring their obligation to prevent unjustified interference in the peaceful assemblies. During the occupation, peaceful assemblies that do not correspond to the position of the occupying power are prohibited, restricted, blocked or disrupted by representatives of the security forces, and participants of such assemblies are frequently sanctioned without legal and reasonable grounds. Moreover, the organisers or participants of anti-Russian and/or ‘anti-occupation’ assemblies become defendants in politically motivated criminal cases, resulting in long-term sentences.

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<sup>45</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/345/86/PDF/N2034586.pdf?OpenElement>

113. During 2021 the restrictions on the freedom of assembly in Russian Federation has developed further[1]<sup>46</sup>:
114. On 24 February 2021, the law of the Russian Federation came into force, which increases the responsibility for disobedience to police officers during rallies, as well as introduces liability for violating the rules of financing peaceful assemblies.
115. In 2021, a permitting system continued to operate in Crimea. As well as the practice of intimidation of activists continued in 2021. They are threatened with prosecution in the event of an ‘unauthorized’ peaceful assembly. Police officers warn activists in advance of the inadmissibility of rallies, indicating the administrative and criminal prosecution. The CHRG has documented at least 36 such warnings in 2021, including rallies in support of Russian opposition leader Alexei Navalny.
116. In the case of an “unauthorised” peaceful assembly, the organisers and participants are prosecuted under Art. 20.2 (Violation of the order of holding meetings, rallies, demonstrations, marches or pickets) and Art. 20.2.2 of the Russian Federation Code of Administrative Offences (Organisation of mass simultaneous stay and (or) movement of citizens in public places, which led to a violation of public order). In addition, the Russian authorities apply Art. 19.3 (Disobedience to a lawful order of a police officer) and Art. 20.1 (Petty hooliganism) of the Code of Administrative Offences to participants in peaceful assemblies in Crimea.
117. In 2021, the “courts” of Crimea and Sevastopol adopted at least 120 resolutions on administrative penalties under Articles 20.2 and 20.2.2 of the Code of Administrative Offences for participation in peaceful assemblies without the consent of the occupation authorities (in 2020 there were 17 such resolutions). They include 67 decisions on imposition of fines totaling 957 000 rubles, 37 decisions on administrative arrests for a period of 1 to 14 days, 13 decisions on forced labour for 20-30 hours, and information on 3 decisions is currently lacking.
118. Russian Federation authorities, through the COVID-19 pandemic in 2021, extended the ban on holding peaceful assemblies and period of the application of the Article 20.6.1 of the Code of Administrative Offenses to activists (Failure to comply with the rules of conduct in case of emergency or threat of its occurrence). In 2021, the CHRG recorded 85 administrative proceedings against participants in peaceful assemblies under Art. 20.6.1 of the Administrative Code, under which at least 69 people were fined to the amount totalling 693 500 rubles.
119. Since September 2021, the occupation authorities have conducted several “waves” of mass detentions of the participants attending peaceful assembly in support of victims of politically motivated persecution and/or previously detained peaceful protesters, mainly of Crimean Tatar origin. Over 150 people were detained on various charges, including the human rights defence lawyer Edem Smedlyaev that prevented him to execute his professional duties. The analysis of the application of norms of the Russian Federation’s Code of Administrative Offenses, which restrict the freedom of peaceful assembly, conducted in 2021, confirmed the widespread practice of discrimination against Crimean Tatars in the exercise of the right to freedom of peaceful assembly.

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<sup>46</sup> Review of the Compliance with Human Rights Standards and Norms of International Humanitarian Law, January 2022, p. 17-18 // [https://crimeahrg.org/wp-content/uploads/2022/01/zvit\\_2021\\_ua-2.pdf](https://crimeahrg.org/wp-content/uploads/2022/01/zvit_2021_ua-2.pdf)

