



HUMAN RIGHTS IN CRIMEA DURING THE SEVEN YEARS OF RUSSIAN OCCUPATION



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The human rights situation in the Autonomous Republic of Crimea during the seven years of occupation:
Analytical report / Edited by O. Vinogradova; Human Rights House Crimea, the Crimean Human Rights Group, the Regional Centre for Human Rights, Almenda Centre for Civic Education, ZMINA Human Rights Centre. Kyiv, 2021. — 88 p.

This report presents sets forth a consolidated array of information on the human rights situation for the seven years of occupation of Crimea by the Russian Federation and analyses the main trends in the area of human rights violations by the occupying authorities in Crimea. This report consists of an introduction, a section on civil and political rights, a section on economic, social and cultural rights and conclusions summarizing the overall picture of life on the peninsula during the occupation in terms of human rights. Additionally, each section contains a brief summary of the situation concerning the relevant group of rights in occupied Crimea as well as a conclusion describing the trends outlined in each section. This report contains only analyzes of the acts of the Russian Federation as an occupying power in relation to its obligations to protect, respect and ensure human rights in the temporarily occupied territory of the Crimean Peninsula and does not cover information on Ukraine's acts at the national, regional and international levels taken in relation to its sovereign territory, of which the entire Crimean Peninsula is an integral part.

The report was prepared by the Human Rights House Crimea, Crimean Human Rights Group, Regional Centre for Human Rights, Almenda Centre for Civic Education and ZMINA Human Rights Centre. The report is intended for representatives of public authorities, international and intergovernmental organizations, journalists, human rights advocates, and civil society activists.



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LIST OF ABBREVIATIONS

- ODIHR** — OSCE Office for Democratic Institutions and Human Rights
- OJSC** — Open joint-stock company
- HCNM** — OSCE High Commissioner on National Minorities
- IHE** — institution of higher education
- WHO** — the World Health Organization
- IDPs** — internally displaced persons
- CPT** — European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- ECHR** — Convention for the Protection of Human Rights and Fundamental Freedoms (or European Convention on Human Rights)
- ECHR** — The European Court of Human Rights
- CJSC** — Closed Joint-stock Company
- MM** — mass media
- AFRF** — Armed Forces of the Russian Federation
- CC RF** — Criminal Code of the Russian Federation
- CRFAO** — Code of the Russian Federation on Administrative Offenses
- CHRG** — the Crimean Human Rights Group
- CFU** — the so-called «Crimean Federal University»
- MIA RF** — Ministry of Internal Affairs of the Russian Federation
- HRMMU** — UN Human Rights Monitoring Mission in Ukraine
- ME RF** — Ministry of Emergencies of the Russian Federation
- MH RF** — Ministry of Health of the Russian Federation
- ICCPR** — International Covenant on Civil and Political Rights
- ICESCR** — International Covenant on Economic, Social and Cultural Rights
- OSCE** — Organization for Security and Co-operation in Europe
- UN** — United Nations Organization
- PJSC** — Public Joint Stock Company
- PrJSC** — Private Joint-Stock Company
- OCU** — Orthodox Church of Ukraine
- RAS** — Russian Academy of Sciences
- ROC** — Russian Orthodox Church
- RF** — Russian Federation
- RCHR** — Regional Centre for Human Rights
- ICR** — Investigative Committee of Russia
- CMM OSCE** — OSCE Special Monitoring Mission
- TNU** — Vernadsky Taurida National University
- LLC** — Limited Liability Company
- OHCHR** — Office of the United Nations High Commissioner for Human Rights
- FSBIC** — Federal state budgetary institution of culture
- FSBSI** — Federal state budgetary scientific institution
- FSB RF** — Federal Security Service of the Russian Federation

INTRODUCTION

The events of February-March 2014 divided not only the history of the present-day independent Ukraine into “before” and “after” the occupation of the Autonomous Republic of Crimea and the city of Sevastopol, but also marked a new wave of confrontation between countries that learnt well the lessons of two previous world wars and are keen to meet their commitments to peaceful coexistence based on the principles of good neighbourhood and respect for the territorial integrity of each sovereign state, proclaimed in the Charter of the United Nations,¹ and those that still exist in the paradigm of self-assertion by moving borders using armed force.

The Russian Federation’s armed aggression against Ukraine began on February 20, 2014, when Russian Armed Forces occupied the Crimean Peninsula, part of the territory of Ukraine.² On February 22, 2014, illegal militarized pro-Russian groups in Crimea, such as “Crimean Self-Defense” and “People’s Militia”, blocked key infrastructure and garrisoned military and strategic facilities in Crimea, supported by Russian troops. Five days later, on February 27, 2014, detachments of gunmen wearing the uniforms without identifying insignia captured the Verkhovna Rada of Crimea (the Parliament of the Autonomous Republic) and the Council of Ministers of Crimea (the Government), “dismissing” the latter.³

Immediately after the events of February 27, 2014, Russia significantly strengthened its military control over Crimea by illegally deploying more troops and further forcing out the Ukrainian military.

¹ *Charter of United Nations Organizations*, available at (in Russian): https://zakon.rada.gov.ua/laws/show/995_010/conv#Text (date of access: 01 Mar 2021);

² For more detail — see website of Ministry of Foreign Affairs of Ukraine *10 Facts About Military Aggression of Russia Against Ukraine* dated 9 December 2019, at: <https://mfa.gov.ua/10-faktiv-pro-zbrojnu-agresiyu-rosiyi-proti-ukrayini> (date of access: 01.03.2021);

³ Office of the United Nations High Commissioner for Human Rights; Dedicated Report: *Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*, available at: https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_Ukrainian.pdf (date of access: 01 Mar 2021);

As of March 15, 2014, 19,908 Russian soldiers were stationed on the Crimean Peninsula to control the area, though only 11,370 military men were assigned to the Russian Federation Black Sea Navy. The rest were servicemen of other formations and units of the Armed Forces of the Russian Federation that were illegally moved into Ukrainian territory.⁴

On March 11, 2014, the “parliaments” of Crimea and Sevastopol adopted a joint Declaration of Independence, stating that Crimea and Sevastopol would unite to form an independent state — the “Republic of Crimea” — and seek integration into the Russian Federation. Russian soldiers and “Crimean self-defense” oversaw a referendum on March 16, 2014, and the Russian authorities stated that Crimean residents supported ‘including’ Crimea in the Russian Federation. The referendum was declared invalid by the Government of Ukraine and the UN General Assembly. Later, the Russian Federation and the “Republic of Crimea” signed the “Treaty of Accession”, and pursuant to this document, the Russian Federation considers the territory to be its own.⁵

Immediately after these events, on March 27, 2014, the 68th session of the UN General Assembly adopted, by open voting of UN member states, with 100 voted for, the UN General Assembly Resolution “*Territorial Integrity of Ukraine*” № 68/262. The Crimean “referendum” was not recognized, and the UN General Assembly called upon all States, international organizations and specialized agencies not to recognize any alteration to the status of the Autonomous Republic of Crimea or the city of Sevastopol and to refrain from any action or dealing that might be interpreted as recognizing any such altered status.⁶

The same position of the UN General Assembly was confirmed in Resolution 71/205 “*Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*”, approved on December 19, 2016.⁷ In addition, this Resolution became the first UN official document declaring Russia an Occupying Power. The document was followed by UN GA resolutions adopted each next year: of December 19, 2017 (A/RES/72/190);⁸ of December 22, 2018 (A/RES/73/263);⁹ of December 18, 2019 (A/RES/74/168);¹⁰ of December 16, 2020 (A/RES/75/192),¹¹ that affirmed illegal occupation of Crimea by the Russian Federation and sovereignty of Ukraine over Crimea, and condemned the policy of the Occupying Power on the temporarily occupied territory of the peninsula.

Numerous documents on supporting the territorial integrity of Ukraine within its internationally recognized borders were adopted by the Parliamentary Assembly of Council of Europe¹² and

⁴ European Court of Human Rights Grand Chamber Decision *Applications nos. 20958/14 and 38334/18 UKRAINE v. RUSSIA (RE CRIMEA)*, available at (in English): <http://hudoc.echr.coe.int/eng?i=001-207622> (date of access: 01 Mar 2021);

⁵ Office of the United Nations High Commissioner for Human Rights; Dedicated Report: *Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine* (see above);

⁶ Resolution adopted by the General Assembly on 27 March 2014 68/262 *Territorial integrity of Ukraine* (A/RES/68/262), available at (in English): <https://undocs.org/A/RES/68/262> (date of access: 01 Mar 2021);

⁷ Resolution adopted by the General Assembly on 19 December 2016 71/205 *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)* (A/RES/71/205), available at (in English): <https://undocs.org/en/A/RES/71/205> (date of access: 01 Mar 2021);

⁸ Resolution adopted by the General Assembly on 19 December 2017 72/190 *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine* (A/RES/72/190), available at (in English): <https://undocs.org/en/A/RES/72/190> (date of access: 01 Mar 2021);

⁹ Resolution adopted by the General Assembly on 22 December 2018 73/263 *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine* (A/RES/73/263), available at (in English): <https://undocs.org/en/A/RES/73/263> (date of access: 01 Mar 2021);

¹⁰ Resolution adopted by the General Assembly on 18 December 2019 74/168 *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine* (A/RES/74/168), available at (in English): <https://undocs.org/en/A/RES/74/168> (date of access: 01 Mar 2021);

¹¹ Resolution adopted by the General Assembly on 16 December 2020 75/192 *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine* (A/RES/75/192), available at (in English): <https://undocs.org/en/A/RES/75/192> (date of access: 01 Mar 2021);

¹² see, for instance, Resolution 2028 (2015) *The humanitarian situation of Ukrainian refugees and displaced persons*, available at (in English): <https://pace.coe.int/pdf/8899d95a910e101820cedcaa6094f8140798dfc93326667a8259ffe25682ae848428feba12/resolution%202028.pdf>; Resolution 2067 (2015) *Missing persons during the conflict in Ukraine*, available at (in English): <https://pace.coe.int/pdf/95fc834efbd53f7a1ee4bccb33112828061bc4fd3326667a8259ffe25682ae848428feba12/resolution%202067.pdf>; Resolution 2112 (2016) *The humanitarian concerns with regard to*

the Parliamentary Assembly of the OSCE.¹³ According to international law, the territory of the Crimean Peninsula shall be a part of the sovereign territory of Ukraine; the attempt to separate the peninsula from Ukraine and extend the sovereignty of the Russian Federation over it shall be an occupation of the Autonomous Republic of Crimea and Sevastopol by the Russian Federation, and will be condemned by the international community. The Russian Federation has been recognized as an occupying power both at the Ukrainian national level and European and world levels.

Though the international community does not recognize the occupation of the Crimean Peninsula by the Russian Federation, Russia, since the very first days of the Crimea's "accession" has begun to implement not only its own national policy, that is recognized in international law as the policy of the occupying power, but also a policy that fundamentally contradicts international humanitarian norms and international human rights law, on its territory.

The Russian Federation's failure to uphold its obligations under international law as an occupying power has been highlighted in the above-mentioned resolutions of the UN General Assembly, the Parliamentary Assembly of the Council of Europe and the OSCE Parliamentary Assembly. In addition, during the seven years of occupation various intergovernmental and non-governmental human rights organizations recorded cases of human rights violations in occupied Crimea on many occasions. However, despite a wealth of information human rights situation in the peninsula, which has been assessed by this report's authors, there are no analytical documents that consolidate this data. Such an analysis is important in order to describe the evolution of the human rights situation in Crimea and their key trends and changes during the seven-year occupation, as well as to present this information in a format intelligible for a wide audience.

The most complete information on the human rights situation in the occupied territory of Crimea is available in the regular reports¹⁴ of the Office of the UN High Commissioner for Human Rights. In March 2014, the UN Secretary General UN placed a UN Human Rights Monitoring Mission in the country in response to a request from the Government of Ukraine. Since then, OHCHR has been collecting and analyzing information through the HRMM on the human rights situation in Crimea, that is published in periodic monitoring reports on the human rights situation in Ukraine, as well as special thematic reports focusing on the situation in Crimea (four reports were prepared in total: one in 2017¹⁵

people captured during the war in Ukraine, available at (in English): <https://pace.coe.int/pdf/9d28b85e18e9fcdcef485dac12051d1203a71fc93326667a8259ffe25682ae848428feba12/resolution%202112.pdf>; Resolution 2133 (2016) Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities, available at (in English): <https://pace.coe.int/pdf/20d22932f59d66ff5a2dd4340a35fd4b6e328f03326667a8259ffe25682ae848428feba12/resolution%202133.pdf>; Resolution 2132 (2016) Political consequences of the Russian aggression in Ukraine, available at (in English): <https://pace.coe.int/pdf/746ffbf5b86d4e27643c2807408e24fbada4aaf332667a8259ffe25682ae848428feba12/resolution%202132.pdf>; Resolution 2231 (2018) Ukrainian citizens detained as political prisoners by the Russian Federation, available at (in English): <https://pace.coe.int/pdf/e5dfbc31a6a508376958380ed1d8b6028d434e6a3326667a8259ffe25682ae848428feba12/resolution%202231.pdf> (date of access: 01 Mar 2021); Resolution 2198 (2018) Humanitarian consequences of the war in Ukraine, available at (in English): <https://pace.coe.int/pdf/b88f2a1765477c2081416bdf2c4033c7dda7f23d3326667a8259ffe25682ae848428feba12/resolution%202198.pdf> (date of access: 01 Mar 2021);

¹³ See, for instance, OSCE Parliamentary Assembly Resolution on Clear, Gross and Uncorrected Violations of Helsinki Principles by the Russian Federation (2014), the Resolution on the Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Federation (2015), the Resolution on Adherence to the Helsinki Principles in Inter-State Relations Across the OSCE Area (2015), the Resolution on Violations of Human Rights and Fundamental Freedoms in the Autonomous Republic of Crimea and the City of Sevastopol (2016), the Resolution on Restoration of the Sovereignty and Territorial Integrity of Ukraine (2017), and the Resolution on Ongoing Violations of Human Rights and Fundamental Freedoms in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine) (2018), the Resolution on the Militarization by the Russian Federation of the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, the Black Sea and the Sea of Azov (2019), available at (in English): <https://www.oscepa.org/documents/annual-sessions> (date of access: 01 Mar 2021);

¹⁴ See UNO website. Human Rights. Office of the UN High Commissioner for Human Rights. Ukraine — *OHCHR Reports on Human Rights Situation in Ukraine*, available at: <https://www.ohchr.org/RU/Countries/ENACARegion/Pages/UARReports.aspx> (date of access: 01 Mar 2021);

¹⁵ Office of the UN High Commissioner for Human Rights *Thematic Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*, available at: https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_Ukrainian.pdf (date of access: 01 Mar 2021);

and one in 2018¹⁶ and two based on the OHCHR documents and prepared by UN General Secretary in 2019¹⁷ and 2020.¹⁸ As the Russian Federation denied approval for the HRMM operations in the temporarily occupied Crimea, the Mission monitored the situation with human rights remotely.¹⁹

In addition, the Russian Federation has denied the OSCE Special Monitoring Mission access to the temporarily occupied territory of Crimea for the for the entire seven-year period.²⁰ This challenges OSCE activities in collecting information about the human rights in the occupied Ukrainian peninsula substantially.²¹

Only two official international missions have visited the peninsula since the beginning of the occupation both representing the Council of Europe. These were a mission of Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, in September 2014,²² and a human rights mission of the Council of Europe to Crimea headed by Ambassador Gérard Stoudmann, a Swiss diplomat.²³

As reported by non-governmental human rights organizations, there is an endemic problem for human rights monitoring missions with getting into the territory of occupied Crimea.²⁴

Therefore, to consolidate the information on the human rights situation during the Russian Federation's seven year of occupation of Crimea, as well as to analyse major trends in violating human rights by the occupying authorities, a group of Ukrainian human rights NGOs have prepared this report. These NGOs are members of Human Rights House Crimea and include organizations that left Crimea: Regional Centre for Human Rights, City of Sevastopol (RCHR), ALMENDA Centre for Civil Education, town of Yalta, Crimean Human Rights Group (CHRG) as well as ZMINA Human Rights Centre.²⁵

¹⁶ Office of the UN High Commissioner for Human Rights *Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine. 13 September 2017 – 30 June 2018*, available at: https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_UKR.pdf (date of access: 01 Mar 2021);

¹⁷ United Nations General Assembly *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine Report of the Secretary-General (A/74/276)* 2 August 2019, available at (in English): <https://digitallibrary.un.org/record/3825582?ln=ru> (date of access: 01 Mar 2021);

¹⁸ United Nations General Assembly *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine Report of the Secretary-General (A/75/334)* 1 September 2020, available at (in English): <https://digitallibrary.un.org/record/3885151?ln=ru> (date of access: 01 Mar 2021);

¹⁹ For more detail see sections 4-6 of the report *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine Report of the Secretary-General (A/75/334)*;

²⁰ See for instance the website of Ministry of Foreign Affairs of Ukraine, MFA of Ukraine *Comment regarding the extension of the mandate of Special OSCE Monitoring Mission in Ukraine*, 19 Mar 2020, available at: <https://www.kmu.gov.ua/news/komentar-mzs-ukrayini-u-zvyazku-z-prodovzhenniam-mandatu-specialnoyi-monitoringovoyi-misiyi-obsyev-ukrayini-1903> (date of access: 01 Mar 2021); UKRINFORM, *EU in OSCE: Monitoring Mission Shall Be Let into Crimea*, 28 Jan 2021, available at: <https://www.ukrinform.ua/rubric-crimea/3180244-evrosouz-v-obse-monitoringovamisia-mae-otrimati-dostup-do-krimu.html> (date of access: 01 Mar 2021);

²¹ See, for instance, Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights and High Commissioner on National Minorities; *Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015)*; 17 Sept 2015, available at: <https://www.osce.org/files/f/documents/4/8/180606.pdf> (date of access: 01 Mar 2021 po ky);

²² Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe following his Mission in Kyiv, Moscow and Crimea from 7 to 12 September 2014, available at (in English): [https://rm.coe.int/ref/CommDH\(2014\)19](https://rm.coe.int/ref/CommDH(2014)19) (date of access: 01 Mar 2021);

²³ Report to the Secretary General of the Council of Europe by Ambassador Gérard Stoudmann on his human rights visit to Crimea (25-31 January 2016) 11 April 2016, available at (in English): <https://reliefweb.int/sites/reliefweb.int/files/resources/SG%20Inf%20%282016%2915%20rev%20EN%20-%20Expert%20report%20on%20Crimea.pdf.pdf> (date of access: 01 Mar 2021);

²⁴ See, for instance, hromadske, 19.09.2018, *There Is Endemic Issue For International Missions To Enter Crimea Territory — Human Rights Expert*, available at: <https://hromadske.ua/posts/isnuie-systemna-problema-z-dostupom-mizhnarodnykh-misii-na-terytoriiu-krymu-pravozakhysnytsia> (date of access: 01 Mar 2021);

²⁵ For more information on activities of Human Rights House CRIMEA, see, for instance, the CHRG website Monitoring and Documenting Human Rights Violations and Military Crimes in Crimea. *HRH Crimea Joined International Network of Human Rights House*, available at: <https://crimeahrg.org/uk/dpl-krim-uvijshov-domizhnarodno%D1%97-merezhi-domiv-prav-lyudini/> (date of access: 01 Mar 2021) or at the website of Human Rights House Foundation *Human Rights House Crimea*, available at (in English): <https://humanrightshouse.org/human-rights-houses/crimea/> (date of access: 01 Mar 2021);

This report consists of an introduction, a section on civil and political rights, a section on economic, social and cultural rights and conclusions summarizing the overall picture of life on the peninsula during the occupation in terms of human rights. Additionally, each section contains a brief summary of the situation concerning the relevant group of rights in occupied Crimea as well as a conclusion describing the trends outlined in each section.

The report covers only the review of the actions of the Russian Federation as an occupying power in relation to its obligations to protect, respect and ensure human rights in the temporarily occupied territory of the Crimean Peninsula and does not include information on Ukraine's actions at the national, regional and international levels regarding its sovereign and inviolable territory of which the entire Crimean Peninsula is an integral part. This report is intended for a wide audience and does not claim to be an exhaustive record. The group of organizations-authors of this report plans to produce further documents on a regular basis, supplementing them with new data, and will audit, at regular intervals, the trends in the human rights situation in the temporarily occupied Crimea that were outlined in this report.

I. CIVIL AND POLITICAL RIGHTS

Traditionally, civil and political rights refer to “first generation” human and civil rights and freedoms, i.e. those that were based on traditional liberal values and defined the limits of state intervention on civil society and private life.²⁶ This group of rights is believed to include some physical rights and freedoms (e.g., the right to life, liberty and security of person), personal rights and freedoms (e.g., the right to respect for dignity, freedom of thought and speech, conscience and religion, freedom of movement and choice of residence) and political rights and freedoms (e.g., right to a nationality, right to associate freely with a political party, right to assemble peaceably and without arms and to hold rallies, marches, and demonstrations, right to take part in the government of the person’s country, in referenda, right to vote and to stand for election to governmental bodies and local self-government authorities, right to equal access to public service in the person’s country).²⁷

Unlike international humanitarian law, which applies only during armed conflicts and occupation, international human rights law remains in force both in peacetime and in times of armed confrontation.²⁸ A power that exercises control over a territory and population must ensure the full range of human rights guaranteed by international standards in this area. Hence, the Russian Federation, as an occupying power, must strictly adhere to the provisions of both humanitarian law and human rights law in the territory of Crimea.

²⁶ *General Theory of State and Law: [Textbook for students of law schools]* / M.V.Tsvik, O.V.Petryshyn, L.V.Avramenko, et al. Edited by Mr.Tsvik, Doctor of Law, Prof. Academician of Academy of Legal Sciences; and Mr.Petryshyn,, Doctor of Law, Prof. Academician of Academy of Legal Sciences. — Kharkiv, Pravo, 2009. — 452p. Available at: http://library.nlu.edu.ua/POLN_TEXT/KNIGI_2009/TEorijaDerjav_2009.pdf (date of access: 01 Mar 2021);

²⁷ *Ibid*, p. 455-456;

²⁸ see., for instance, Noam Lubell, *Human rights obligations in military occupation*, International Review of the Red Cross, Volume 94 Number 885 Spring 2012, available at (in English): <https://international-review.icrc.org/sites/default/files/irrc-885-lubell.pdf> (date of access: 01 Mar 2021);

However, from the first days of the occupation it has become clear that human rights would not be respected by the occupying power, with civil and political rights, those that allowed the people to resist state arbitrariness, being particularly endangered.

For all seven years of occupation, international and national human rights organizations have recorded details of enforced disappearances, torture, extrajudicial punishments, politically motivated persecution and imprisonment of Crimean activists, the use of “legal” and illegal mechanisms and tools for direct and indirect discrimination against the Crimean Tatar indigenous population as well as the destruction of any form of resisting the occupation or keeping ties with Ukraine, that would be presented in the relevant parts of this section dedicated to the relevant law.

During the first months of the occupation in the peninsula resembled a regime of complete lawlessness and indignity, disappearances would not be investigated, activists’ arrests were justified by laws that were not be in force, rules were enforced by illegal paramilitary units of the “Crimean Self-Defense”, etc. However, the occupying power has since veiled all of its attacks on civil and political rights in a legal ‘shell’, an active enforcement of Russian anti-terrorism and anti-extremism laws. It has wrapped a ‘squeeze-out’ of all forms of Crimean Tatar and Ukrainian liberation and national-patriotic movements from the peninsula, and all forms of “dissidence” that were not aligned with the official paradigm of the Kremlin have been subject to persecution.

This section describes the situation regarding exercising the right to liberty and security of the person, it is presented in detail how after the seven years of occupation the inhabitants of Crimea have forgotten even what this right means. After all, as this report will show, for the slightest suspicion of disobedience, the occupying power can not only choose the extent and form of punishment for the person at its own discretion, but also direct its punitive system against the whole environment of the victim, creating an atmosphere of fear and making a total obedience in the peninsula mandatory.

Under such conditions, it is obvious that Crimean residents are deprived of the opportunity to participate in the management of local affairs.

Thus, the activities of key Crimean Tatar and Ukrainian religious, cultural and human rights organizations have been stopped: either banned directly as extremism, or blocked indirectly by intimidating activists or their close associates. Various religious movements, which are not banned on the Ukrainian mainland, are constantly persecuted in Crimea.

Peaceful assemblies have become possible only if they fit the narrative of Crimean and Russian unity, with the space for holding peaceful assemblies increasingly reduced over time. As this report will show, as of the end of 2020 in Crimea it is no longer possible to, for example, publicly celebrate the anniversary of Taras Shevchenko’s birthday or to take part in a flash mob dedicated to Ukrainian Embroidery Day. Other authorized mass events and assemblies are subject to severe censorship, for instance, mass demonstrations on the anniversary of the deportation of Crimean Tatars. The same trends may be noticed when residents of the peninsula try to exercise their rights to freedom of expression or freedom of information.

This section offers the readers detailed information on major trends of framework to exercise civil and political human rights in Crimea during the seven years of occupation. The section is split into parts, each dedicated to a certain right and reviewing the most typical features of the occupying power’s policy in the relevant sphere of social relations. The section is summed up with by assessing the common trends related to the violated rights described.

RIGHT TO LIBERTY AND SECURITY²⁹

The right to liberty and security is enshrined in Article 3 of the Universal Declaration of Human Rights,³⁰ Article 9 of ICCPR³¹ and Article 5 of ECHR.³² In particular, it means that everyone has the right to liberty and personal security. No one shall be subjected to arbitrary arrest or detention. The right to liberty and security consists of two key components: liberty from arbitrary arrests and detentions, and protection against enforced disappearances.

Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

Everyone arrested or detained lawfully shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

ARBITRARY ARRESTS AND DETENTIONS IN CRIMEA

For the period of the occupation of Crimea, the right to liberty and security of the person has been violated many times as a result of the actions of representatives of the occupying authorities of Crimea or paramilitary groups affiliated with them. “Arbitrary arrests and detentions take different forms and appear to serve various purposes, from instilling fear, to stifling opposition, and inflicting punishment,” the UN High Commissioner for Human Rights said in the report on the situation in Crimea published in 2017.³³

“In many cases, victims are neither charged nor tried, but detained by the police, FSB or self-defence groups as a form of extra-judicial punishment or harassment. Detention under such circumstances usually lasts for a period of several hours to several days, exceeding the legal limits for temporary detention and ignoring procedural requirements, such as the establishment of a protocol of arrest. Many of the victims were journalists, land or business owners, and people arrested during so-called ‘prophylactic’ police operations at markets, mosques, cafés, restaurants or places of entertainment. OHCHR noted a prevalence of members of the Crimean Tatar community among people apprehended during police raids. They were typically taken to the police centre to fight extremism (“Center E”), photographed, fingerprinted and made to provide DNA samples before being released, usually without any charge being pressed”.³⁴

For instance, for the first five years of the occupation of Crimea the Crimean Human Rights Group and ZMINA Human Rights Centre recorded at least 47 cases of arbitrary detentions of journalists when taking videos or photos or collecting information,³⁵ including 13 that occurred in March 2014, and featured cruel treatment by law enforcement bodies and paramilitary groups.

²⁹ The section was prepared by the ZMINA Human Rights Center

³⁰ hereinafter: *Universal Declaration of Human Rights*, adopted and proclaimed by UN GA Resolution 217 A (III) dated 10 Dec 1948, available at: https://zakon.rada.gov.ua/laws/show/995_015/conv#Text (date of access: 01 Mar 2021);

³¹ hereinafter: *International Covenant on Civil and Political Rights*, ratified by Edict of Presidium of Supreme Council of Ukrainian SSR no 2148-VIII dated 19 Oct 1973, available at: https://zakon.rada.gov.ua/laws/show/995_043/conv#Text (date of access: 01 Mar 2021);

³² *Convention for the Protection of Human Rights and Fundamental Freedoms* ratified by Law of Ukraine no 475/97-VR dated 17 Jul 1997, available at: https://zakon.rada.gov.ua/laws/show/995_004#Text (date of access: 01 Mar 2021);

³³ *Thematic Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine for 2017, (mentioned above)*;

³⁴ *Ibid*, p.15;

³⁵ *Crimea: Freedom of Speech in Occupation. Information Analytic Report on Persecution of Journalists and Bloggers in the Territory of Crimean Peninsula (March 2014 — September 2019)*.— Kyiv, 2019. — 40p.;

In other cases, people deprived of liberty were charged with offences of extremism, terrorism or territorial integrity violations, before being detained and tried. This form of treatment has been commonly applied against political opponents, such as Crimean Tatar figures linked to the Mejlis, practising Muslims accused of belonging to banned Islamic groups, and journalists or individuals posting messages critical of the Russian Federation authorities or expressing dissent on social media.³⁶

One of the biggest mass detentions of this kind was on March 27 2019, when Russian security service agents searched 27 houses of the Crimean Tatars in the territory of Simferopol, Krasnogvard-eynsk, and Belogorsk districts of Crimea. 20 persons were detained. During the operation, all of them were charged under Article RF CC³⁷ 205.5 (*‘Organization of a terrorist organization or participation in its activities’*).³⁸

According to Ukrainian human rights organizations, the number of political prisoners (citizens of Ukraine who are imprisoned in the territory of the Russian Federation and occupied Crimea) exceeded 100 persons as of January 2021.³⁹ More than 70 of them are Crimean Tatar Muslims, subject to criminal persecution on blatantly fabricated charges of terrorism and extremism. As a result of this, about 200 children are growing up without their fathers.

Those who tried to protest against arbitrary detentions and arrests were also persecuted by the occupying authorities. In October 2017, about 100 Crimean Tatars held single-person protests against the arrests in various parts of Crimea. According to the mission of the Human Rights Houses, the vast majority of protesters were detained, stood trial, were found guilty and sentenced to pay fines.

The International Mission of Human Rights Houses, that visited the occupied Crimea in September 2018, drew attention to the persecution of Mr. Server Karametov, a 76-year-old Crimean Tatar, who in August 2017 went on a single person protest to the Supreme Court building in Simferopol to protest against a trial over the Crimean Tatars being held then. He was detained on charges of violating the rules of holding single person protests and disobeying police during his arrest (this elderly man was suffering from Parkinson’s disease), and was sentenced to a fine of RUR10,000 (approximately USD175) and 10 days administrative arrest. A week later, seven elder Crimean Tatars held single person protests against a punishment imposed on Mr. Karametov. They were detained and then released, though Mr.Yarykula Davlatov was fined RUR10,000 (approximately USD175).

According to the Mission’s observations, the practice of unlawful detentions and arrests was also applied to supporters of the occupation of Crimea though opponents of the current Russian political regime. Thus, in March 2017, public activists Dmitriy Kisiyev and Aleksey Yefremov who called for single-person and online protests in support of anti-corruption rallies organized by Aleksey Navalny in different cities of the Russian Federation, were sentenced to administrative arrests and fines for organizing “unauthorized rallies” and for resisting law enforcement officials in Crimea.⁴⁰

In response to the practice of arbitrary detentions and searches in Crimea, politically motivated trials, the phenomenon of citizen journalism has emerged: since professional independent journalists who might cover these human rights violations practically disappeared from the peninsula, the Crimean Tatar activists have taken their place under the Crimean Solidarity initiative, taking photos and videos, recording these facts and covering them on social networks.

³⁶ *Thematic Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine for 2017, (mentioned above);*

³⁷ Hereinafter, RF CC stands for Criminal Code of the Russian Federation;

³⁸ RF CC, available at (in Russian): <http://pravo.gov.ru/proxy/ips/?docbody&nd=102041891> (date of access: 01 Apr 2021);

³⁹ ZMINA. *Human Rights Experts Updated List of Kremlin Prisoners Held in Crimea and Russia*, 23 Nov 2020, available at: <https://zmina.info/articles/stante-golosom-zaruchnykiv-kremlya-u-sviti-pidpyshit-petyczyu/> (date of access: 01 Mar 2021);

⁴⁰ *Crimea: Breaking Wall of Silence. Human Rights Mission of three Human Rights Houses to Crimea. November 2018*, available at: <https://zmina.ua/content/uploads/sites/2/2019/09/Krym-rozbyvayuchy-stinu-movchannya.pdf> (date of access: 01 Mar 2021);

However, according to the Human Rights House mission, several citizen journalists were detained and charged. Among them is Mr. Nariman Memedeminov, a journalist, blogger and media coordinator of the Crimean Solidarity civil movement, who was arrested in March 2018.⁴¹

The practice of arbitrary arrests of Crimean Tatar activists in Crimea has been sensitized by international human rights NGOs Human Rights Watch and Amnesty International based on the outcomes of their visits to the occupied Crimea.

For instance, in 2016, upon the results of the trip to Crimea, Amnesty International reported numerous detentions and arrests of journalists and Crimean Tatar activists in the occupied peninsula.⁴²

ENFORCED DISAPPEARANCES

According to OHCHR, from March 3, 2014 till June 30, 2019, at least 42 persons became victims of enforced disappearances in Crimea. 27 persons were released after being unlawfully kept in custody for periods of time varying from several hours to two weeks; 12 remain missing, and their relatives are afraid that they have died; two persons are in custody, and one person was found dead.

The highest number of enforced disappearances was recorded in 2014, when 28 persons went missing, with statements made in most cases that ‘Crimea Self-Defence’, an unlawfully established military unit that helped Russia annex the peninsula, was involved. Two cases of enforced disappearance were recorded in 2015, three in 2016, seven in 2017, and two in 2018.

In 2014-2020, the Crimea-SOS NGO documented the enforced disappearances⁴³ of 44 persons. According to Crimea-SOS, the fate and whereabouts of 15 of them is still unknown.

According to OHCHR, the victims of enforced disappearances were mostly pro-Ukrainian activists who opposed the occupation and supported the Ukrainian Armed Forces quartered in the peninsula (22 cases). Among the other victims were five persons associated with Crimean Tatar groups or institutions, including the Majlis, four journalists, one Ukrainian military man, one Ukrainian Muslim, one Greek Catholic priest, five migrants from Central Asia, and three others whose nationality is unknown.

In many cases, abductions were carried out by several members of organized groups. For example, 76 involved offenders were identified in 42 documented cases, as representatives of pro-Russian formations and military and security institutions of the Russian Federation. In particular, the disappearances were attributed to members of the “Crimean Self-Defense” (23 cases), the FSB (23), the Armed Forces of the Russian Federation (10), Kazak groups (8), the Russian police (6), RUSSKOYE YEDINSTVO political party (Russian Unity) (4) and the “Army of the Liberation of Crimea” (2). Unlike the first years of the occupation, when enforced disappearances were associated mainly with “Crimean Self-Defense”, later most cases were associated with the FSB.

Victims who were released often reported physical violence and psychological pressure they had been subject to during the detention without the right to communicate or correspond.

In none of the documented cases were the perpetrators brought to justice.

⁴¹ In October 2019 the court sentenced Mr. Memedeminov to two years and a half in the settlement colony. With the sentence expired, Mr. Memedeminov released from settlement colony no 8 in the village of Sadkovskoye, Rostov Region;

⁴² Amnesty International, *Crimea in the Dark: Suppression of Disagreement*, 2016, available at: https://www.amnesty.org.ua/wp-content/uploads/2019/07/Crimea-in-the-Dark-UKR_web-1.pdf (date of access: 01 Mar 2021);

⁴³ CRIMEA SOS report “*Enrforced Disappearances in Crimea for Period of Russian Federation Occupation, 2014 – 2020* / Hromad’sky Prostir, 02 Dec 2020, available at: <https://www.prostir.ua/?news=krymsos-predstavyla-zvit-nasylnytski-zyknennya-u-krymu-za-period-okupatsiji-rosijskoyu-federatsijeyu-u-2014-2020-rokah> (date of access: 01 Mar 2021);

The first recorded case of enforced disappearance in Crimea was on March 3, 2014, less than a week after Russian control had been established. Reshat Ametov, a Crimean Tatar, went out to protest on March 3, 2014 on Lenin Square in the city of Simferopol. According to eyewitnesses, during this single person protest, three people from “Crimean Self-Defense” approached him, surrounded him and quickly led him in an unknown direction. There was no further news of him until his body was found on March 15, 2014 in the village of Zemlyanichnoye, Belogorsk district with signs of torture. Handcuffs were found next to him, his head was wrapped with adhesive tape.

Violations of the right to liberty and security of the person were reported by HRMMU OHCHR, Council of Europe Commissioner for Human Rights Niels Muiznieks,⁴⁴ ODIHR and the OSCE High Commissioner on National Minorities in their 2014⁴⁵ and 2015⁴⁶ reports.

For instance, in 2014 the OSCE mission obtained information on the abduction of people, with representatives of the ‘Crimean Self Defence’ group being suspected of involvement. In some cases, the victims of enforced detention were subject to torture and other forms of ill-treatment. The report points out that *the attacks were mainly targeted at Maydan activists as well as Ukrainian military men*. It also mentioned searches of a local NGO that had been supporting drug addicted-persons and intimidation of recovering drug users who Crimean anti-drug police planted drugs on and then arrested.

In 2014 Human Rights Watch highlighted unlawful actions of so-called ‘Crimean Self-Defense units *involved in unlawful detention, abduction, ill-treatment including torture, and harassment of pro-Ukraine activists and other residents*. ‘Crimean Self-Defense’ involvement in abducting and then murdering Reshat Ametov, a Crimean Tatar activist, was specifically pointed out.⁴⁷

In addition, violations of the right to liberty and security of the person were reported by an international mission of the Human Rights Houses. According to the Mission, the application of the Russian legislative package on extremism, terrorism and separatism, in particular against Crimean Tatars and Ukrainians, had the most detrimental effect on human rights in Crimea: *Non-acceptance of the occupation and declaration of Crimea’s territorial affiliation with Ukraine is criminalized and persecuted by the Russian authorities. When the separatism law came into force in May 2014, questioning the occupation of Crimea by Russia, to claim its territorial affiliation with Ukraine is a crime punished under Article 280.1 of RF Criminal Code*.⁴⁸ The mission cites examples of criminal cases against journalist Mykola Semena and Deputy Chairman of the Crimean Tatar People’s Majlis Ilma Umerov: the former was banned from leaving Crimea due to the publication of an article on Radio Svoboda, and the latter was under house arrest for his statements in the media.

Regarding the violation of the right to liberty and security of the person in the context of the Crimean occupation, on August 11, 2018, Ukraine filed two applications against the Russian Federation with the European Court of Human Rights (ECHR): *Ukraine v. Russia (re Crimea)*, application no 20958/14,⁴⁹ and *Ukraine v. Russia (VII)*, application no 38334/18.⁵⁰

⁴⁴ Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe Following his Mission in Kyiv, Moscow and Crimea from 7 to 12 September 2014 (abovementioned);

⁴⁵ Human Rights Assessment Mission in Ukraine. Human Rights and Minority Rights Situation. ODIHR Mission, 6 March – 1 April 2014; HCNM Mission, 8 March – 17 April 2014. The Hague/ Warsaw, 12 May 2014, available at: <https://www.osce.org/files/f/documents/d/3/118476.pdf> (date of access: 01 Mar 2021);

⁴⁶ Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015); (abovementioned);

⁴⁷ Human Rights Watch, *Rights in Retreat. Abuses in Crimea, 2014*, available at: https://www.hrw.org/reports/crimea1114ru_ForUpload.pdf (date of access: 01 Mar 2021);

⁴⁸ *Crimea: Breaking Wall of Silence. Human Rights Mission of three Human Rights Houses to Crimea. November 2018* (abovementioned);

⁴⁹ Law confrontation with Russian Federation, *Ukraine v. Russia (re Crimea)* available at: <https://lawfare.gov.ua/cases/ukraine-vs-russia-crimea>, (date of access: 01 Mar 2021);

⁵⁰ Law confrontation with Russian Federation, *Ukraine v. Russia (VII)* available at: <https://lawfare.gov.ua/cases/ukraine-v-russia-vii> (date of access: 01 Mar 2021);

The inter-State application *Ukraine v. Russia* (VII) concerns violations of the rights of 71 Ukrainian citizens who were/are being illegally detained in the temporarily occupied territory of the Autonomous Republic of Crimea and the territory of the Russian Federation, and demonstrates gross and systematic violations of international law by the Russian Federation. The cases covered by this application refer to the persecution of Ukrainian citizens in occupied Crimea and in Russia including so-called “The Case of 26 February”, persecution of members of the Islamic organization Hizb ut-Tahrir, so-called “Ukrainian Saboteurs” cases, “The Case of Vedzhiie Kashka”, cases of persecuting Volodymyr Balukh, Oleh Sentsov, Oleksandr Kol’chenko, Hennadiy Afanasyev, Oleksiy Chyrniy, and others.

On 14 January 2021 the Grand Chamber of the European Court of Human Rights delivered its admissibility decision in the interstate case *Ukraine v. Russia (re Crimea)* (application nos. 20958/14 and 38334/18), and found that the Russian Federation had been exercising effective control over Crimea as of 27 February 2014.⁵¹

In addition to inter-state cases, the ECHR has been receiving a lot of personal applications concerning the events in Crimea. On December 17, 2018, the Court disseminated the information about its intention to postpone considering personal applications until the decision in the inter-state case had been made.

RIGHT TO FAIR TRIAL⁵²

Right to a fair trial is enshrined in Article 14 of ICCPR⁵³ and Article 6 of ECHR.⁵⁴ This is the right of any person to a fair and public hearing of their case within a reasonable time by an independent and impartial tribunal established by law, in the determination of any criminal charge against them, or their rights and obligations in a suit at law. Nowadays the right to a fair trial encompasses three categories of the right: the right to a trial and to take proceedings before a court, the right to be presumed innocent, and to defend himself in person or through legal assistance of his own choosing. Each of these rights covers a wide range of rights and duties exercised both by the citizens and the State.

The right to a trial means the right of any citizen to apply to court. The court should be independent of any impact and impartial as established by law.

The right to take proceedings before a court means that the person may in appeal an action violating these rights.

Additionally, the right to apply to court (or *right to have the case tried by a court*) encompasses two mandatory elements to exercise this right effectively: (1) a court institution established by law that complies with requirements of independence and impartiality shall be in place, and (2) the court shall be sufficiently competent to decide on all issues of a dispute and/or charge.

These right violations have been repeatedly recorded in the occupied Crimea. For instance, the human rights organizations⁵⁵ and representatives of the Government of Ukraine note that judges are under psychological pressure⁵⁶ from Russian security bodies and are forced to issue a verdict they need.

⁵¹ ECHR decision of 16 December 2020 in the case *Ukraine v. Russia (re Crimea)*, application no 20958/14, available at (in English): <http://hudoc.echr.coe.int/eng?i=001-207622> (date of access: 1 Mar 2021);

⁵² The section was prepared by the Regional Center for Human Rights;

⁵³ International Covenant on Civil and Political Rights (as previously referred to);

⁵⁴ Convention for the Protection of Human Rights and Fundamental Freedoms (as previously referred to);

⁵⁵ *Crimean process: problems of observance of standards of fair justice in politically motivated cases* / Under the general editorship by D. Sviridova. — K.: КБІІ, 2018. — 78 p., accessible via link (in Russian): https://zmina.info/upload/CrimeanProcessRU_Web.pdf, p. 3, 70-73 (date of access: 17 March 2021); *Thematic report “The situation in the area of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) in 2017”* (see above), p.10, 75-77, 79-73;

⁵⁶ *Peninsula of fear*: five years of imprisonment in the Crimea / Under the general editorship of O. Skripnik. — Third edition, revised and supplemented. Kyiv Paperovyi Zmii-OPT, 2019. — 140 p., accessible via link: https://helsinki.org.ua/wp-content/uploads/2019/06/Peninsula-Fear_2019-RU.pdf#page=3 (date of access: 17/03/2021);

Court persecutions have often featured prejudice and political reasons⁵⁷

The OHCHR has also recorded cases of presumption of innocence violations in Crimea. Thus, as of 2020, there were 25 criminal cases against 43 people, with the occupation courts having ruled that a person was guilty of committing an “offense” at a time when the case was still under investigation. The OHCHR further notes that it has become a general practice to issue such decisions backed either with non-existent evidence or perjurious testimony of “witnesses and experts”. In such cases, the courts also neglect their duty to verify the evidence and grounds for at least the detention of a person. The judges also did not seek to find whether new charges had been made only to justify an arbitrary detention of the accused.⁵⁸

Repeated violations of the right to legal assistance have also been recorded. For example, cases where defence counsels appointed for defendants failed to perform their duties and found new evidence of their clients’ guilt instead. For example, in the well-known case of 24 Ukrainians, crew members of ships seized by the Russian Federation near Kerch Bay on 25 November 2018, the OHCHR documented ill-treatment of one of the detainees in front of his lawyer, who in turn provided free legal assistance to the sailor. According to the lawyer, FSB officers severely and repeatedly beat the detainee in the shoulder and exerted moral coercion through threats and insults, while he himself could not do anything. Later, during an interrogation, the same lawyer tried to persuade the detained crew member to cooperate fully with the FSB and admit his guilt in illegally crossing the state border of the Russian Federation.⁵⁹

The OHCHR has also documented cases where the Russian authorities deliberately appointed defence counsels from the free legal assistance system and denied defendants access to their previously contracted defence lawyers, depriving defendants of the right to have counsels of their own choosing. In all such cases, the FSB used threats of ill-treatment, promises of leniency, or release from custody to force defendants to renounce their contracted defence lawyers.⁶⁰

For example, in one case, three accused Crimean Tatars terminated a contract with their lawyers after FSB men had forced them to do so, “warning” them of the possible consequences for their family members and relatives. They stated that the engagement of “pro-Ukrainian” defence lawyers can “harm” the defence’ of suspected persons in the Crimean courts⁶¹

There have also been cases where lawyers have been sent threats for performing their professional duties.⁶²

RIGHT TO NO PUNISHMENT WITHOUT LAW⁶³

The right to no punishment without law is an essential element of the rule of law, enshrined in Article 15 of ICCPR⁶⁴ and Article 7 of ECHR,⁶⁵ and occupies a prominent place in the Convention system of protection, as is underlined by the fact that no derogation from it is permissible under Article 7 in time of war or other public emergency. It should be construed and applied, as follows from its object and

⁵⁷ Crimean Process: Issues of Compliance with Fair Justice Standards in Politically Motivated Cases: Endorsed by D.Sviridova. — K.: KBTs, 2018. — 78p., available at (Russian) https://zmina.ua/content/uploads/sites/2/2019/09/CrimeanProcessRU_Web.pdf (date of access: 1 March 2021);

⁵⁸ Office of the High Commissioner for Human Rights (UN Human Rights). *Human Rights in Context of Administering Justice in Conflict Related Cases in Ukraine, April 2014 — April 2020*, available at https://ukraine.un.org/sites/default/files/2020-08/Ukraine-admin-justice-conflict-related-cases-ukr_0.pdf (date of access: 1 March 2021);

⁵⁹ p.Id., p.36.

⁶⁰ Id., p.37.

⁶¹ Id., p.37.

⁶² Id., p.37.

⁶³ This section was prepared by the Regional Centre for Human Rights

⁶⁴ *International Covenant on Civil and Political Rights*, (abovementioned);

⁶⁵ *European Convention on Human Rights and Fundamental Freedoms* (abovementioned);

purpose, in such a way as to provide effective safeguards against arbitrary prosecution, conviction and punishment. This guarantee includes but is not limited to prohibiting the retrospective application of criminal law to an accused's disadvantage. It also embodies, more generally, the principles that only the law can define a crime and prescribe a penalty (*nullum crimen, nulla poena sine lege*) and that criminal law must not be extensively construed to an accused person's disadvantage, for instance by analogy.

Article 7 of the Convention requires the existence of a legal basis in order to impose a sentence or a penalty. The Court must therefore verify that a legal provision was in force at the time of the act which led to the accused being prosecuted and convicted which made that act punishable, and that the punishment imposed did not exceed the limits fixed by that provision.⁶⁶

The retroactive application of the law by the Russian Federation in occupied Crimea and the detention and arrest of Crimeans for acts they had committed before the occupation has become an endemic problem. Under international humanitarian law, an Occupying Power shall not arrest or prosecute persons for acts committed or thoughts expressed prior to the occupation.

Contrary to this, such cases of imprisonment occurred quite often. For example, OHCHR documented conflict-related cases against 29 persons (24 men and 5 women) convicted in Crimea under the Russian law for acts committed prior to the occupation. Most of these cases concerned publications on social networks that contained symbols, slogans or statements of organizations banned in the Russian Federation, or materials that were considered extremist in the Russian Federation but not prohibited by law in Ukraine. Sometimes Russian security agencies deemed statements in favour of Ukraine, made by such persons, as extremist and a threat to the Occupying Power's national security.⁶⁷

For example, on February 21, 2017, a Crimean Tatar from the town of Kamyanka was sentenced by a Crimean court to 11 days in jail for posting on social media in 2013, where he had mentioned Hizb ut-Tahrir, a pan-Islamist organization banned only in the Russian Federation. Another Crimean Tatar who in about 2011-2012 had posted information about another Islamist organization banned in Russia and four folk songs by a Chechen singer that contained anti-Russian rhetoric, on his social network page, faced a similar situation. In addition to the obvious nonsense of these cases, the judges also ignored the fact that the 'criminal offences' had been committed before the Russian law came into force in the territory of Crimea, which constitutes *a clear violation of the principle of non-retroactivity of criminal law*.⁶⁸

On March 29, 2017, the Mejlis of the Crimean Tatar people, the representative body of the Crimean Tatars, filed an application to the European Court of Human Rights to contest its inclusion in the list of extremist organizations, which banned its activities, by the Russian authorities. They considered this to be in violation of the guarantee of no-punishment without law.⁶⁹

On December 7, 2018, the Simferopol District Court sentenced Lawyer Emil Kurbedinov, a Crimean Tatar, known for his defense of those opposing the Crimean occupation and members of banned organizations in the Russian Federation (Mejlis and Hizb ut-Tahrir), to five days of administrative arrest for disseminating extremist symbols through social networks. During the trial, the judge ignored the fact that the disputed content had been posted five years previously — before the occupation of the Crimean Peninsula — and rejected more than 40 petitions filed by his defense team, including those to secure the prosecutor's presence, question the expert as a witness and disqualify the judge.⁷⁰

⁶⁶ For detailed information, see: European Court on Human Rights, Guide on Article 7 of the European Convention on Human Rights; No punishment without law: the principle that only the law can define a crime and prescribe a penalty; available at: https://www.echr.coe.int/Documents/Guide_Art_7_UKR.pdf (date of access: 01 Mar 2021);

⁶⁷ OHCHR *Human rights in the administration of justice in conflict-related criminal cases in Ukraine (April 2014 — April 2020)* (abovementioned);

⁶⁸ Ibid;

⁶⁹ See, for instance, MEMORIAL Human Right Centre, *Mejlis of Crimean Tatars Filed Application to European Court, 30 Mar 2017*, available at (in Russian): <https://memohrc.org/ru/news/medzhlis-krymskih-tatar-podal-zhalobu-v-evropeyskiy-sud> (date of access: 01 Mar 2021);

⁷⁰ See, for instance, Krym.Realii. *Emil Kurbedinov: To Live for Justice*, available at: <https://ua.krymr.com/a/emil-kurbedinov-zhyttya-zarady-spravedlyvosti/29641084.html> (date of access: 01 Mar 2021), as well as Statement of

RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE⁷¹

The right to respect for private and family life is enshrined in Article 17 of ICCPR⁷² and Article 8 of ECHR,⁷³ and means that everyone has the right to respect for his private and family life his home and his correspondence, without interference by a public authority in exercising this right, as well as the right to the protection of the law against such interference or attack. The spheres to be subject to the right to respect for private life often cause debate.

However, in general, the issue is in the boundary between the human right to choose where, how and with whom people may live, and the sphere that is to be regulated and controlled by the authorities. This right includes four main components: private life, family life, home and correspondence. Based on the decisions of the ECtHR, the sphere of “private” life refers to various aspects of physical and moral integrity. This shall mean the right to self-identification (including the right to a name, first and last), personal data relating to privacy, the protection of medical data, and the right/opportunity to develop relationships with others, including emotional and sexual ones. When defining the notion of “family life”, the degree of consanguinity as well as the presence of family ties are mostly considered. The right to confidentiality of correspondence, telephone conversations and other types of communication (communication privacy) shall mean a ban for anyone, without the consent of a person, to read his correspondence or interfere in other forms of communication, wiretap his telephone conversations, etc., or to disclose their content or the fact of correspondence, telephone conversations, sending or receiving money transfers and other forms of communication. Home integrity (territorial privacy) is determined by the rules of interference with a person’s private space, such as home or other property. Home interference is allowed only for examination or search due to a justified court decision or other cases stated by the law.

Among the most typical manifestations of violations of the right to respect for private and family life during the occupation of Crimea are constant searches of private homes and businesses, mainly of those of Crimean Tatars, the designation of Crimeans, including journalists, public figures, as “terrorists” and “extremists”, pressure on the families of political prisoners, conscription of Crimean citizens into the armed forces of the Russian Federation, deportation from or bans on entry to Crimea for Crimeans who have family members in Crimea, transfer of Crimeans to serve their sentences in places located in remote regions of the Russian Federation, confiscation of housing without compensation, etc.

SEARCHES OF PRIVATE HOUSES AND BUSINESSES OF CRIMEANS

OHCHR estimated that up to 150 police and FSB raids of private houses, businesses, cafés, bars, restaurants, markets, schools, libraries, mosques and madrassas (Islamic religious schools) took place in 2014–2017. These actions were carried out with the justification of searching for weapons, drugs or literature with extremist content forbidden under Russian law. The Crimean Tatars have become a group disproportionately subjected to raids of their private homes, businesses and meeting places in Crimea. From 1 January 2017, to 30 June 2019, the OHCHR recorded that of 186 searches in Crimea, at least 140 targeted Crimean Tatars’ houses, private businesses or meeting places.⁷⁴

Though the searches were usually carried out due to court decisions, some of them were held without search warrants being presented or were ‘house examinations’ (an investigation that is not subject to a court decision if the property owner has agreed). The raids often involved excessive use

Ukrainian Lawyers Regarding Persecuting Lawyers in Occupied Crimea, available at: <https://helsinki.org.ua/articles/zayava-ukrajinskyh-advokativ-schodo-peresliduvannya-advokativ-v-okupovanomu-krymu/> (date of access: 01 Mar 2021);

⁷¹ This section was prepared by ZMINA Human Rights Centre

⁷² *International Covenant on Civil and Political Rights*, (abovementioned);

⁷³ *European Convention on Human Rights and Fundamental Freedoms* (abovementioned)

⁷⁴ OHCHR *Report on the human rights situation in Ukraine 16 May to 15 August 2019*, available at: <https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019-UA.pdf#page=31> (date of access: 01 Apr 2021), p. 25;

of force and scope. According to victims, materials considered illegal were planted in homes by the security men, and false written testimonies declaring the presence of illegal substances were signed under their duress. There were reports that some house raids had been conducted at a time when only Crimean Tatar women were present and that the absence of female officers among those carrying out the search greatly disturbed them.

All this amounts to an arbitrary or unlawful interference with an individual's privacy, family and home, in violation of international human rights law.

The searches were conducted on the basis of the Russian Federation's anti-extremism law, which is very broad and has been used extensively in Crimea. The OHCHR states, '*In view of the excessively broad interpretation of the Russian Federation's anti-extremism law applying to Crimea, such limitations may amount to undue interference with the right to private and family life and to the right to the peaceful enjoyment of one's possessions*'.⁷⁵

PRESSURE ON THE FAMILIES OF POLITICAL PRISONERS

In addition to the politically motivated searches of Crimeans, numerous instances of pressure on their families have been recorded.

One such case is the harassment of Emir-Usein Kuku's family, a Crimean Tatar human right defender from Yalta, and a member of Human Rights Contact Group. After his arrest, in March 2016, an unknown person approached Kuku's son, 9-year-old Bekir, in front of the school and said that he "works for the FSB" and that his father had got into "bad company" and "will fester in prison for 12 years". The frightened boy told his mother, and with the help of Emir-Usein's lawyer, the family filed a complaint with the local police about the incident. Shortly afterwards, the juvenile inspector contacted Mrs Meriem Kuku to find out how the father had allowed his son to be alone on the street in front of the school. The school was visited with a request to provide information about children and parents; followed by threats to deprive the Kuku family of parental rights.⁷⁶

LISTING OF CRIMEANS AS 'TERRORISTS' AND 'EXTREMISTS'

Another way of interfering in private and family life has become the practice of putting Crimeans on the "List of organizations and individuals known for their involvement in extremist activities and terrorism", held by the Federal Financial Monitoring Service of the Russian Federation (Rosfinmonitoring).⁷⁷

According to the legislation of the Russian Federation, a number of financial and property restrictions shall be applied to the persons/entities included on this list of Rosfinmonitoring. Financial, banking, credit organizations have the right to reject monetary transactions to persons/entities on the list, or to refuse service in general. The persons/entities added to the list can only carry out operations to receive and spend a salary of not more than RUR10,000 (about USD140 US as of the beginning of 2021) per family member. All actions of the people on the list concerning money or property are constantly monitored by various bodies and services of the Russian Federation. As of 10 September 2017, the OHCHR reported 38 persons from Crimea and Sevastopol (35 men and 3 women) were on the list.

⁷⁵ OHCHR, *Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)* available at: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2017_09_ohchr_crimea_report_ua.pdf#page=20 (date of access: 01 Apr 2021), para. 110, p. 17;

⁷⁶ ZMINA «Amnesty International Demands Stopping Harassing of Emir Usein Kuku's Family, 20 Oct 2016, available at: https://zmina.info/news/simja_pravozahisnika_jemirusejina_kuku_v_zoni_riziku__amnesty_international-2/ (date of access: 01 Apr 2021);

⁷⁷ see. *List of organizations and individuals known for their involvement in extremist activities and terrorism*, available at website of RosFinMonitoring at (in Russian): <http://www.fedsfm.ru/documents/terr-list> (date of access: 01 Mar 2021);

CONSCRIPTION OF CRIMEANS TO THE RF ARMED FORCES

Pursuant to international humanitarian law, the Occupying Power may not compel the population of occupied territories to serve in its armed forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted. This violates Article 51, IV Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949.⁷⁸

Contrary to this, after the occupation the Russian Federation introduced a practice of conscripting Crimeans. In the first year of this campaign 485 Crimean men were called up for service in the Russian army and later this figure became much higher — about 3,000 people for each conscription campaign. In total, according to the Crimean Human Rights Group, 25,000 Crimean residents have been drafted into the Russian army over the past five years.⁷⁹

The occupying power has also persecuted the Crimeans who did not want to serve in the Armed Forces of the Russian Federation. In total, at the end of December 2020, the Crimean Human Rights Group recorded 163 criminal cases for evasion of service in the RF Armed Forces, transferred to the so-called “courts” of Crimea. 153 of them have already been sentenced, another 10 are under consideration.⁸⁰

In addition to violating the international humanitarian law, the practice of military conscription is also a gross interference in the private and family lives of conscripts.

DEPORTATION OF UKRAINIAN CITIZENS FROM CRIMEA AND BAN ON ENTRY TO CRIMEA

The Russian Federation has consistently discriminated against and persecuted Ukrainian citizens who are in the occupied territories without Russian documents which have been unlawfully issued in Crimea.

The Russian authorities apply migration legislation to such Crimeans that results in restrictions on freedom of movement, employment and medical care, as well as administrative penalties. In addition, the deportation of Ukrainians from the occupied territory of Ukraine is a violation of international humanitarian law and is considered a Russian war crime in Crimea.

The article most often applied by the occupying authorities against the citizens who did not obtain so called ‘automatic’ RF passport, was RF CoAO18.8⁸¹ (*Violation of rules to entry to the Russian Federation or regime of residence (staying) in the Russian Federation by a foreign citizen or stateless person*).⁸²

According to the Regional Centre for Human Rights, the total number of cases involving an administrative offense punishable by expulsion from the occupied Crimea, considered by the courts of Crimea and the city of Sevastopol for the period from July 2014 to May 2018, amounts to 9,538. In particular, thanks to access to the information on the outcomes of 9,484 cases, 2,425 victims were identified, against

⁷⁸ hereinafter: *Convention relative to the protection of civilian persons in time of war*, ratified with reservations by Edict of Presidium of Supreme Council of UkrRSR, 3 Jul 1954, the reservations were withdrawn by Law of Ukraine no 3413-IV of 08 Feb 2006, available at: https://zakon.rada.gov.ua/laws/show/995_154#Text (date of access: 01 Mar 2021);

⁷⁹ CHRG, *Enforced Conscription in Annexed Crimea: What Crimeans Refusing RF Army Risk At? 18 Oct 2020*; available at: <https://crimeahrg.org/uk/primusovij-prizov-v-aneksovanomu-krimu-chim-rizikuyut-krimchani-shho-ne-jdut-do-vijskarf/> (date of access: 01 Mar 2021);

⁸⁰ See, for instance, CHRG, *Record Number of Sentences For Rejecting Service in RF Army Issued Against Crimeans in December*, 13 Dec 2020, available at: <https://crimeahrg.org/uk/u-grudni-proti-krimchan-uhvalili-rekordnu-kilkist-virokiv-za-vidmovu-služhiti-v-armi%20197-rf/> (date of access: 01 Mar 2021);

⁸¹ Hereinafter RF CoAO means Code of Administrative Offences of Russian Federation, available at (in Russian): <http://pravo.gov.ru/proxy/ips/?docbody&nd=102074277> (date of access: 01 Mar 2021);

⁸² See, for instance, CHRG *RF Violating Consistently Rights of Crimeans Non-Holders of Russian Documents Forcing to Obtain Them (infographics)*, 17 Mar 2021, available at: <https://crimeahrg.org/uk/rf-systemno-porushuye-pravakrymchan-kotri-ne-mayut-rosijskyh-dokumentiv-i-prymushuye-do-otrymannya-yih-infografika/> (date of access: 01 Mar 2021);

whom the occupation courts applied administrative penalties in the form of deportation. Among them were 2,112 men and 313 women (87.1% and 12.9% of the total number of deportees, respectively).⁸³

Under the Russian law, expulsion results in an automatic ban on entry to Crimea, which Russia considers a part of its territory, for a period of five to ten years.

According to the Regional Centre for Human Rights, for the period from July 2014 to May 2018, more than 2,000 people were deported based on the decisions of the Crimean “courts”.⁸⁴ The CHRG documented at least 1,249 court rulings on holding liable under RF CoAO Article 18.8.⁸⁵ The “courts” of appeal overturned only seven such decisions, the others remained in force. Of the 1,080 rulings under RF CoAO Article 18.8, 677 were issued against citizens of Ukraine, 313 — against foreign citizens,⁸⁶ another 90 — against persons whose citizenship could not be established.

While issuing these rulings on expulsion, the occupation “courts” ignored the presence of close relatives. The CHRG recorded the expulsion of Ukrainian citizens, though their children and wives (husbands) lived in Crimea. The presence of relatives were also ignored during consideration of the cases in the “courts” of the second instance. In their decisions, the “judges” copied the decision of the Supreme Court of the Russian Federation dated 19.02.2019 no 11-AT19-32, that ruled to deport a citizen of Ukraine from the Russian Federation, despite the presence of close relatives. This practice is a gross interference in private and family life (Article 8 of the ECHR).

The OHCHR also reported such cases. For instance, in January 2017, due to an alleged “illegal stay”, a Crimean court ruled to expel the head of a Yevpatoria non-governmental organization that provided free legal aid, from Crimea. The man was then transferred from Crimea to the Krasnodar Area, Russia, where he was detained for 27 days, and then deported to mainland Ukraine, where he is residing now as an IDP. Until December 19, 2021, he was banned from entering Crimea, where his wife and son live.

In addition, the occupying power imposed a five-year entry ban to Crimea on a number of Ukrainian citizens including the Crimean Tatar people’s leaders: Mustafa Dzhemilev, and Refat Chubarov. Due to this ban Mr. Dzhemilev, for instance, was unable to go to Crimea for his sister’s funeral.

The Regional Centre for Human Rights also examined the statistics of cases subject to an administrative liability in the form of expulsion for year 2020. According to the data obtained, in 2020 the total number of cases with the administrative offences punishable by deportation amounted to 724. In particular, 190 people were identified who were sentenced to deportation (both in the form of expulsion and self-departure), 88 of them being Ukrainians, 54 — foreigners, and other 47 people whose citizenship was not established.⁸⁷

According to experts, such a reduction in the number of cases where the punishment is expulsion results from introducing a number of temporary restrictions on the rules of movement of persons within state borders and beyond in connection with the COVID-19 pandemic.

Thus, the Russian government has introduced its own “rules” of entry into occupied Crimea: Ukrainian citizens who are not registered in the peninsula under the law of the occupying power

⁸³ UHHRU, RCHR, CHROT *Crimea beyond rules Thematic review of the human rights situation under occupation Forcible Expulsion of the Civilian Population from the Occupied Territory by Russia Special Issue*, available at (in English): https://krymbezpravil.org.ua/wp-content/uploads/2019/01/CBR_forcible-expulsion.pdf#page=27 (date of access: 01 Mar 2021), p. 27;

⁸⁴ Ibid, p. 29;

⁸⁵ See, for instance, CHRG, *Ukrainians Who Did Not Obtain Russian Passports Arrested in Crimea and Deported*, 07 Jul 2020, available at: <https://crimeahrg.org/uk/u-krimu-shtrafuyut-i-vidvoryayut-ukra%20d1%97ncziv-kotri-ne-otrimali-rosijski-pasporti/> (date of access: 01 Mar 2021);

⁸⁶ RF authorities sued foreigners who at the moment of Crimea occupation start had been authorized to stay in the territory of Ukraine by Ukrainian authorities;

⁸⁷ Own study of RCHR, for additional information, visit: <https://rchr.org.ua/>;

may enter Crimea if their spouse, parents, adopted children or adoptive parents, guardians or trustees live there.⁸⁸

Also, during the pandemic only one exit from Crimea is allowed. The only exception is for Crimeans having close relatives who live in mainland Ukraine.

In addition, Edict of the President of the Russian Federation no 274 of April 18, 2020 “*On temporary measures to regulate the legal status of foreign citizens and stateless persons in the Russian Federation in connection with the threat of further spread of a new coronavirus infection (COVID-19)*” as amended by no 791 of 15 Dec 2020,⁸⁹ imposed a ban on taking the decision to expel foreign citizens and stateless persons from the Russian Federation for the period from March 15 up to June 15, 2020 inclusive. The edict also suspended the deadline for leaving the territory of the Russian Federation by foreign citizens and stateless persons subject to the decision made on administrative expulsion in the form of a monitored self-departure from the Russian Federation. Since the Russian Federation considers the territory of occupied Crimea as its own, this edict was enforced in the territory of the peninsula, too.

Moreover, monitoring and publishing data on expelling Ukrainian citizens from Crimea is likely to have a “cooling effect” on the work of occupation courts in Crimea. It seems that judges in Crimea, fearing possible punishment from the Ukrainian and international communities, have begun to issue milder judgements — instead of punishment in the form of deportation, people were more often fined.

FORCED EVICTION

The OHCHR also documented cases where the Russian authorities in Crimea demolished private houses of Crimean Tatars in Strilkova, Simferopol, without any compensation to the owners. There were self-developed residential houses in this area built on state land by earlier displaced persons. In 2015 the occupation authorities allowed the people to purchase land plots on which their self-developed houses had been. However, the OHCHR reported seven cases where the local authorities groundlessly denied this right to owners of houses from Strilkova. The OHCHR also documented 14 cases when the Crimean Tatars (10 men and 4 women) had applied to court in 2017 and 2018 to be entitled to land or to prevent the demolition of their houses to no avail. According to available data, as of 5 July 2019, 334 of the 345 houses in Strilkova had been demolished. Though the Russian authorities of Crimea stated that the affected owners had been compensated, the OHCHR identified at least three cases (two men and a woman) where the courts issued rulings on demolishing the houses without payment of compensation and which may be considered as forced eviction.

RESPECT FOR PRIVATE AND FAMILY LIFE OF DETAINEES OR CONVICTS IN THE OCCUPIED CRIMEA

Another vulnerable category of population in terms of violations of the right to respect for private and family life are prisoners, though it is important for many of them to keep connections with their families.

Soon after the occupation of Crimea the correspondence between the prisoners and mainland Ukraine was blocked, and family members were banned from visiting.

⁸⁸ See, for instance: Krym.Realii. Sergey Mokrushyn «*Temporary Restrictions Are Applied...*» *Who and Why Restricts Movements of Crimeans to Mainland Ukraine*, 11 Dec 2020, available at (in Russian): <https://ru.krymr.com/a/rossijskie-ogranicheniya-na-vyezd-krymchan-na-materikovuyu-ukrainu/30991691.html> (date of access: 01 Apr 2021);

⁸⁹ Text of Edict is available at (in Russian): https://mvd.ru/upload/site21/document_news/020/057/597/Ukaz_Prezidenta_RF_274.pdf01.03.2021 (date of access: 01 Apr 2021);

Moreover, after the occupation, the Russian authorities introduced the practice of transferring prisoners from Crimea to penitentiaries in various parts of the Russian Federation for sentencing or serving a prison sentence, in particular Rostov-na-Donu, Novorossiysk, Volgograd, Bataysk, Tambov, Kirovo-Chepetsk, Nizhny Novgorod and Vladimir. Some detainees were sent to remote prisons located 6,000-9,000 kilometres from Crimea, adversely affecting the frequency of visits by lawyers and family members.

For example, in the autumn of 2017 political prisoner Oleg Sentsov was transferred to Labytnangi where a penitentiary institution (colony No 8) of the Federal Penitentiary Service for Yamalo-Nenetsky Autonomous Area is located, i.e. 4,500km from Crimea.

The OHCHR verified information on the transfer of 211 prisoners — 200 men and 11 women — from Crimea to Russia, including 125 people imprisoned before the occupation. However, the actual number of transferred prisoners is much higher. According to the RCHR, the Russian Federation deported about 9,000 Ukrainian citizens from the territory of Crimea to its own territory to serve their sentences during the six years of occupation.⁹⁰

By severing family ties and obstructing the periodic visits of these convicts by relatives, the Russian authorities are violating international humanitarian law as regards the rules of conduct of an occupying power.

The most complete information on the human rights situation in the occupied Autonomous Republic of Crimea and the City of Sevastopol including the right to privacy, may be found in the OHCHR reports.⁹¹

Violations of the right to respect for private and family life were also reported by international organizations and international missions that visited the occupied Crimea or monitored the situation remotely, for instance, Nils Muižnieks, Council of Europe Commissioner for Human Rights, OSCE ODIHR and HCNM (report of 2015).⁹²

In particular, forms of harassment and intimidation faced by the media in Crimea include anonymous phone threats, harassment by plainclothes officers, wiretapping, telephone calls, or visits of law enforcement whose questions regarding private life were vague or threatening. One journalist reported that Crimean law enforcement officers also began calling the media in Crimea and asking for the IP addresses of their Internet readers whenever the latter made critical comments against Russia or the de facto authorities in Crimea.

Harassment of drug addicts in Crimea who had previously received substitution therapy (unlike in Ukraine, substitution therapy is illegal in Russia) was mentioned specifically. “*Some recipients of such help expressed concern that they could easily be found through the health care database, so they decided not to obtain new passports, that means they can no longer travel,*” the ODIHR and HCNM report states.

In addition, violations of the right to privacy were reported by an international mission of the Human Rights Houses.⁹³

The mission documented numerous reports of raids and searches in Crimean Tatar villages and of use of disproportionate force and intimidation: during the raid the surrounding streets were blocked with masked security service men armed with assault rifles, no one could leave, even children.

The children of political prisoners suffer particularly from the persecution of their fathers. The mission was informed that some children had not seen their fathers for more than a year and were

⁹⁰ Own RCHR study. Additional information is available at <https://rchr.org.ua/>;

⁹¹ OHCHR *Reports on situation of human rights in Ukraine* (abovementioned);

⁹² *Report of Human Rights Assessment Mission to Crimea, 6-18 July 2015* (abovementioned);

⁹³ *Crimea: Breaking Wall of Silence; Human Rights Missions of three Human Rights Houses to Crimea. November 2018:* (abovementioned);

sometimes bullied at school because of their fathers. They also witness searches and raids. Thus, according to data documented by the HRH mission, one boy, after a search of their home, had been repeatedly asking his grandmother: “*Can bad people come back?*”. Children who have experienced such situations need psychological support. As one of the mothers told the Mission, “*they will remember this for the rest of their lives.*”

The Mission also documented cases of denial of childcare allowance because the permission of the father, who was a prisoner, was required, as well as cases where relatives of prisoners lost their jobs after arrests with reasons given such as “we don’t want to have problems”.

In their visit to occupied Crimea in 2014, Human Rights Watch reported *unauthorized searches in mosques and Islamic schools as well as private houses of Crimean Tatars, particularly those of Mejlis members.*⁹⁴

Searches of private houses of Crimean journalists and activists were also reported by Amnesty International during their trip to occupied Crimea in 2016.⁹⁵

As for the violations of the right to respect for private and family life regarding the occupation of Crimea, since 11 August 2018 the European Court for Human Rights (ECtHR) has been considering two interstate applications of Ukraine against Russia no 20958/14 (re Crimea)⁹⁶ and no 38334/18 (VII),⁹⁷ mentioned earlier.

RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION⁹⁸

The right to freedom of thought, conscience and religion is enshrined, in Article 18, ICCPR⁹⁹ and Article 9, ECHR,¹⁰⁰ and means freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching, and the corresponding duty of the state to ensure exercising this right. The authorities shall not subject a person to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. This right shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Apart from the commitments under abovementioned international conventions, the Russian Federation as Occupying Power shall be committed by international humanitarian law. For instance, pursuant to Article 27 of the 4th Geneva Convention,¹⁰¹ ‘*protected persons are entitled, in all circumstances, to respect for ... their religious convictions and practices, and their manners and customs... shall be treated ...without any adverse distinction based, in particular, on ... religion*’. Article 58 of the convention states that ‘*the Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.*’ Articles 15 and 53 of Protocol 1 Additional to Geneva Conventions of 12 August 1949 demand protection of cultural objects and of places of worship and state that civilian religious personnel shall be respected and protected.¹⁰²

⁹⁴ Human Rights Watch, *Rights in Retreat. Abuses in Crimea, 2014* (abovementioned);

⁹⁵ Amnesty International, *Crimea in Dark: The Silencing of Dissent*, 2016 (abovementioned);

⁹⁶ Law confrontation with Russian Federation, *Ukraine v. Russia (re Crimea)* (abovementioned);

⁹⁷ Law confrontation with Russian Federation, *Ukraine v. Russia (VII)* (abovementioned);

⁹⁸ This section was prepared by the Crimean Human Rights Group

⁹⁹ *International Covenant on Civil and Political Rights* (see above);

¹⁰⁰ *Convention for the protection of human rights and fundamental freedoms* (abovementioned);

¹⁰¹ *Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949* (abovementioned);

¹⁰² hereinafter *Protocols additional to Geneva Conventions of 12 August 1949, Protocol 1 relating to protection of victims of*

After the occupation of the peninsula, the Russian Federation extended the Russian laws and the relevant enforcement practice to the territory of Crimea, which led to the curtailment of the right to freedom of thought, conscience and religion and the persecution of Crimean residents for expressing religious beliefs. Religious freedom is restricted due to the mandatory registration of communities as organizations and the registration of religious sites, control over the publication and distribution of religious literature, and significant fines for violating the requirements for registration of religious organizations. Failure to comply with the requirement to register religious organizations leads to loss of legal entity status and subsequent liquidation of the organization. The religious groups and the religious in the Russian Federation are subject not only to laws that restrict the freedom of religion, but also to so-called anti-terrorist, anti-extremism laws and laws restricting freedom of peaceful assemblies.

Since 2014, the practice of applying Russian anti-extremism laws to the religious communities of Crimea for storing religious literature included in the “list of extremist materials” has become common. The production and distribution of such materials are subject to an administrative liability under RF CoAO Article 20.29.¹⁰³ Religious books are included in this list by decisions of the Russian courts, usually without any legal justification, or within a general list containing several published materials. The list of extremist materials includes a lot of books of religious content, primarily Islamic, which before the occupation of Crimea could be freely kept in libraries, mosques, madrasas and private collections. Crimean residents are persecuted not only for having copies of such literature, but also for publishing such materials on social networks. Under the pretext of searching for “forbidden” literature, prosecutors, the police and the FSB conducted regular searches of mosques, madrasas and private homes of Muslims.

PERSECUTION OF CRIMEAN MUSLIMS

Crimean Muslims are persecuted not only administratively but also criminally. The most common practice was to prosecute Muslims on charges of participating in Hizb ut-Tahrir (or the “case against Crimean Muslims”).¹⁰⁴ On February 11, 2003, by the decision of the Supreme Court of the Russian Federation no GKPI 03-116, the “Hizb ut-Tahrir” organization was declared a terrorist institution in the Russian Federation.¹⁰⁵ The decision to declare an organization a terrorist institution was made for a list of 15 organizations, including Hizb ut-Tahrir. No justification for including the Hizb ut-Tahrir was provided, and no fact of the organization’s involvement in preparing or committing a terrorist act was presented. ‘Hizb ut-Tahrir’ was not banned in Ukraine, so its activities were not restricted in the peninsula before the occupation. After the occupation of Crimea, the Russian Federation, in violation of international humanitarian law, enforced its criminal law in the peninsula, and started persecuting local Hizb ut-Tahrir members.

Defendants in such cases are accused of membership in Islamic organizations (in most cases, ‘Hizb ut-Tahrir’) or propaganda activity within such organizations that are recognized as terrorist or extremist in Russia, not under Ukrainian law. Cases are heard in violation of the right to a fair trial: the main evidence for the court is the testimony of anonymous “secret” witnesses (many of them being RF FSB men), the pre-trial testimony of witnesses who later claim in court that they testified under pressure, and linguistic examinations of the conversations of the accused Muslims. Evidence provided by the defense is usually not considered by judges.

The first known detentions in these cases took place in Sevastopol on January 23, 2015. Ruslan Zeitullayev, Yuriy (Nuri) Primov and Rustem Vaitov were detained then. On April 2, Ferat Saifullayev

international armed conflicts. Dated 8 June 1977, ratified as requested by Edict of Presidium of Supreme Council of UkrRSR, no 7960-XI dated 18 Aug 89, available at: https://zakon.rada.gov.ua/laws/show/995_199/conv#Text (date of access: 01 Mar 2021);

¹⁰³ RF CoAO (abovementioned);

¹⁰⁴ See, for instance, <https://www.ukrinform.ua/tag-sprava-hizb-uttahrir> (date of access: 01 Apr 2021);

¹⁰⁵ National Anti-Terrorist Committee of Russian Federation, *Decision of Supreme Court of Russian Federation, 11 Feb 2003 no ГКПИ 03-116*, available at (in Russian): <http://nac.gov.ru/zakonodatelstvo/sudebnye-resheniya/reshenie-verhovnogo-suda-rf-ot-14-fevralya.html> (date of access: 01 Mar 2021);

was detained in the same case. On September 7, 2016, the Southern Area Military Court sentenced Ruslan Zeitullayev to seven years in a general regime penal colony, and three other defendants to — five years in a general regime penal colony. However, on December 27, 2016, the Supreme Court of the Russian Federation decided to remand Ruslan Zeitullayev’s case for where he was sentenced to 12 years in a maximum-security regime penal colony, later his sentence was extended to 15 years. On January 22, 2020, Yuri Primov and Rustem Vaitov were released from the colony after serving their sentences and returned to Crimea, and on March 31, 2020, Ferat Saifullayev was released after serving his sentence.¹⁰⁶

The most mass detentions were in 2019, when 35 Muslims — citizens of Ukraine were detained in Crimea charged with membership of Hizb ut-Tahrir.

As of the end of 2020, the number of Crimean residents detained within the “Crimean Muslims case”, i.e. on charges relating to Hizb ut-Tahrir, was 69.¹⁰⁷ Another five people are restricted in their movement: three are under surveillance and unable to leave the occupied territory, two are under house arrest.

It is important that a significant number of detained Crimean Tatars are bloggers, journalists, and Crimean Solidarity activists. The lack of evidence, delays in considering the cases, obstruction of lawyers, violations of fundamental human rights, and civic activism of detained Muslims prove political motives for persecuting and using such cases to put pressure on Crimean civil society.

Another case proving the political motives for persecuting the Crimean Tatars and Muslims is the case of Nariman Memedeminov, a media activist and blogger. On October 2, 2020, the Southern Area Military Court in Rostov-na-Donu (RF) sentenced him to 2 years and 6 months in penal colony-settlement, and banned him from administering sites for two years. The journalist was accused of promoting the activities of Hizb ut-Tahrir — under RF CC Article 205.2.¹⁰⁸

In addition to charges of working with Hizb ut-Tahrir, the occupation authorities are persecuting local Muslims for participating in the Jamaat Tabligh Islamic movement. Thus, on January 22, 2019, four representatives of the Jamaat Tabligh, detained in 2017, were found guilty under RF CC Article 282.2 (Organization of extremist organization activity). One of them was sentenced to 4 years in a general regime penal colony, the others to 2 years suspended.¹⁰⁹

PERSECUTION OF JEHOVAH’S WITNESSES RELIGIOUS ORGANIZATION MEMBERS

Another group of believers who are imprisoned by the Russian occupation authorities for their religious beliefs are Jehovah’s Witnesses, designated as “extremist” organization in Russia since 2017. On April 20, 2017, the Supreme Court of the Russian Federation recognized the “Jehovah’s Witnesses” organization as extremist and banned its activities in the territory of the Russian Federation. On August 16, 2017, the Ministry of Justice of the Russian Federation added the Crimean Jehovah’s Witnesses “religious organizations” to the list of extremist organizations.¹¹⁰

¹⁰⁶See, for instance, MEMORIAL Human Rights Centre, *Sevastopol Case on Membership in Banned Hizb-ut-Tahrir*, <https://memohrc.org/ru/special-projects/sevastopolskoe-delo-o-chlenstve-v-zapreshchyonnoy-hizb-ut-tahrir/> (date of access: 01 Apr 2021);

¹⁰⁷KRYMSOS, *What Prevents From Releasing Political Prisoners in Hizb-ut-Tahrir Case?*, 20 Oct 2020, available at: <https://krymsos.com/news/shcho-zavazhaye-zvilnennyu-politv--yazniv-u--spravakh-khizb-uttakhrir/> (date of access: 01 Apr 2021);

¹⁰⁸Krym.Realii, *Nariman Memedeminov Way to Freedom (photo gallery)*, 21. 09.2020, available at: <https://ua.krymr.com/a/photo-nariman-memedeminov-shliakh-do-svobody/30850659.html> (date of access: 01 Apr 2021);

¹⁰⁹Krym.Realii, *Court in Crimea Passed Judgement for Four Crimean Under Jamaat Tabligh Case*, 22 Jan 2019, available at (in Russian): <https://ru.krymr.com/a/news-v-krymu-prigovor-krymchane-tabligi-djamaat/29723946.html> (date of access: 01 Apr.2021);

¹¹⁰DW, *RF MinJustice Included Jehovah’s Witnesses Into Extremist List 17 Aug 2017*, available at (in Russian): <https://bit.ly/3aOKceL> (date of access: 01 Apr 2021);

In 2018, the criminal persecution of Jehovah's Witnesses began. The FSB searched at least six Jehovah's Witnesses in Yalta and Alupka and at least nine members in Sevastopol, and there were also searches in Dzhankoy.

In 2020, people were sentenced to prison terms for being Jehovah's Witnesses for the first time. On March 5, 2020, the so-called "Dzhankoy District Court" found Serhiy Filatov guilty under RF CC — Article 282.2-1 — for establishing a branch of "Jehovah's Witnesses" religious organization and sentenced him to six years in prison with deprivation of the right to be engaged in educational sphere, carry out any actions related to speeches and publications in the media, to place materials in information and telecommunications networks, including the Internet, for 5 years, and a custodial restraint for one year, serving the major sentence in a general regime penitentiary.¹¹¹ Also on March 5, Yalta Town Court found Artem Gerasimov guilty under the same article of the RF Criminal Code and sentenced him to a fine of RUR400,00. However, on June 4, 2020, the Supreme Court of Crimea upheld the appeal of the "prosecutor's office" and decided to imprison Artem Gerasimov for six years. He was immediately taken into custody from the courtroom.¹¹²

Both Crimeans were transferred to penal colonies. It is also known that at least four more local residents are in custody in the Simferopol Pre-Trial Detention Centre, and two are restricted in travel.

OPPRESSION OF ORTHODOX CHURCH OF UKRAINE

The Orthodox Church of Ukraine (*formerly the Ukrainian Orthodox Church of the Kyiv Patriarchate*) has been one of the centres of resistance to the occupation during the occupation of Crimea, so the occupation authorities started pursuing a consistent policy of its extermination. This caused a significant reduction of the number of church religious communities operating in Crimea. As of the beginning of 2014, there were 45 religious' communities of UOC KP in Crimea, in 2018 their number fell down to 11 communities operating at 8 churches.

In 2019, the pressure on the Orthodox Church of Ukraine increased. On March 3, Russian policemen detained the Archbishop of the Crimean Eparchy of the Orthodox Church of Ukraine, Father Clement for 7 hours without charge.¹¹³ In April, the so-called "Office of the Ministry of Justice of the Russian Federation for Crimea" refused to register a local religious organization at the request of Archbishop Clement. And on June 8, the so-called "Arbitration Court" of Crimea terminated the tenancy agreement for the premises where the functional Cathedral of Saints' Volodymyr and Olha of the OCU in Simferopol was located. The reason for the termination of the agreement was a debt of 2 hryvnia 30 kopyikas. (about USD 0.09). On July 24 Archbishop Clement reported that all church-ware of Bishop Administration had been stolen from the Cathedral of Saints' Volodymyr and Olha under the pretext of repairs.

The OCU Crimean Eparchy appealed against the decision to evict it from the cathedral in Simferopol. However, on August 4, 2020, the Supreme Court of the Russian Federation declined to reconsider the decision, resulting in the liquidation of the OCU community in Crimea.¹¹⁴

¹¹¹See, for instance, CHRГ Monitoring and Documenting Human Rights Violations and Military Crimes in Crimea, *S.Filatov, Defendant of Jehovah's Witnesses' Case in Crimea Sentenced to 6 Years*, 06 Mar 2020, available at: <https://crimeahrq.org/uk/figuranta-spravi-svidkiv-egovi-s-filatova-v-krimu-zasudili-do-6-rokiv-pozbavlennya-voli/> (date of access: 01 Mar 2021);

¹¹²See, for instance, CHRГ Monitoring and Documenting Human Rights Violations and Military Crimes in Crimea, *Supreme Court of Crimea Sentenced Jehovah's Witnesses Supporters to Six Years in Penal Colony*, 04 Jun 2020, available at: <https://crimeahrq.org/uk/verhovnij-sud-krimu-zasudiv-prihlnika-svidkiv-egovi-do-shesti-rokiv-kolonii/> (date of access: 01 Mar 2021);

¹¹³DW, *OCU Archbishop Clement Detained in Crimea*, 03 Mar 2019, available at: <https://cutt.ly/YbflQa7> (date of access: 1 Apr 2021);

¹¹⁴BBC News Ukraine, «*To Kill Man, To Demolish Church*». *How OCU Remains Are Eliminated in Crimea*, 07 Aug 2020, available at: <https://www.bbc.com/ukrainian/features-53693033> (date of access: 1 Apr 2021);

On July 23, 2020, representatives Federal Service of Court Officers of the Russian Federation handed a resolution on demolishing the church in Yevpatoria to Father Clement, Archbishop of the OCU Crimean Eparchy. The decision to demolish the religious building was made by the Crimean “court” alleging that the defendant lacked evidence of the “legality of the use of land and buildings” by the religious community of the OCU in Yevpatoriya.¹¹⁵

The practice of administrative persecution under RF CoAO Article 5.26 (Violation of the Law on Freedom of Conscience, Freedom of Religion and Religious Associations), which envisages punishment for “missionary activity”, should also be mentioned. Interpretation and application of this article has resulted in discrimination against almost all religious communities and organizations, except for the Russian Orthodox Church of the Moscow Patriarchate.

‘Crimean judges’ of peace are constantly considering administrative proceedings under this RF CoAO article against various religious organizations and their members, including Muslims, Protestants, Baptists, Jews, Scientologists and Krishnaites. Believers have been persecuted for performing rites outside of their premises or in premises that are not registered as religious buildings under Russian law. The total amount of fines increases every year, for example, in 2019 fines imposed in these proceedings totaled at least RUR130,000 (approximately USD2,000), and in 2020 — RUR560,000 (approximately USD7,500). These fines imposed in Crimea total at least RUR1,455,500 (approximately USD19,500) during the occupation to date.

Violations of the right to freedom of thought, conscience and religion in Crimea are being reported by the UN Monitoring Mission in Ukraine in its quarterly reports on the human rights situation in Ukraine.

They are also described in the dedicated reports of the UN Secretary General ‘*Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*’, the latest being published on October 7, 2020.¹¹⁶ The report covers the period from 1 July 2019 till 30 June 2020 and is based primarily on violations of international humanitarian law and human right international law in Crimea monitored and documented by the UN Human Rights Monitoring Mission.

Certain aspects regarding freedom of thought, conscience, and religion in Crimea are presented in the report of OSCE ODIHR and HCNM HRAM in Ukraine on the situation of human rights and rights of minorities, upon the results of their visit to Ukraine in July 6 – 18 2015, upon the invitation of the Government of Ukraine.¹¹⁷ For instance, one of the sections is dedicated to the outcomes of enforced ‘re-registration’ of religious communities according to the RF laws.

Some violations of the religious freedoms of Muslims and the Crimean Tatar people were highlighted in the report of the unofficial Turkish delegation upon the outcomes of the visit to the Autonomous Republic of Crimea on April 27-30, 2015.¹¹⁸

Ukrainian human rights organizations have been documenting the violations of the right to freedom of thought, conscience, and religion since 2014. For example, this is reflected in the monthly reviews¹¹⁹ as well as in the Analytical Review of the Crimean Human Rights Group on the situation of

¹¹⁵See, for instance, CHRNG Monitoring and Documenting Human Rights Violations and Military Crimes in Crimea, *Statement of Human Rights Organizations Due to Elimination of Orthodox Church of Ukraine in Crimea*. 28 Jul 2020, available at: <https://crimeahrg.org/uk/zayava-pravozahisnih-organizacij-z-privodu-znishhennya-pravoslavnoi-cerkvi-ukraïni-u-krimu/> (date of access: 01 Mar 2021);

¹¹⁶*Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine Report of the Secretary-General* (A/75/334) (mentioned above);

¹¹⁷*Report of Human Rights Assessment Mission on Crimea (6-18 July 2015)* (mentioned above);

¹¹⁸See, for instance, Ministry of Foreign Affairs of Ukraine, *MFAU Comment regarding the published report of unofficial Turkish delegation upon the outcomes of the visit to the Autonomous Republic of Crimea on April 27-30, 2015*, 18 June 2015, available at: <https://mfa.gov.ua/news/3577-shhodo-oprilyudhennya-zvitu-neoficijnoji-tureckykoji-delegaciji-za-rezulytatami-vizitu-v-ar-krim-u-period-27-30-kvitnya-2015-roku> (date of access: 01 Mar 2021);

¹¹⁹See, for instance, CHRNG Monitoring and Documenting Human Rights Violations and Military Crimes in Crimea, available at: <https://crimeahrg.org/uk/category/monitor-3/> (date of access: 01 Mar 2021);

freedom of religion and belief in the conditions of Crimea occupation, which covers the period from April 2014 to January 2018.¹²⁰

Problems of violation of the rights of the Orthodox Church of Ukraine are in focus of the thematic review “*Crimea without Rules. Religious Occupation: Oppression of the Ukrainian Orthodox Church of the Kyiv Patriarchate*”, prepared by the Regional Centre for Human Rights and the Ukrainian Helsinki Human Rights Union.¹²¹

Violation of the right to freedom of thought, conscience, religion of Crimean Tatars and Ukrainians constitutes a part of Ukraine’s lawsuit against the Russian Federation before the UN International Court of Justice for violation of the International Convention on the Elimination of All Forms of Racial Discrimination in Crimea.¹²² The lawsuit was filed with the International Court of Justice on January 16, 2017. On April 19, 2017, the International Court of Justice ruled on interim measures in *the case of “Application of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)”*.

As of the end of 2020, at least 7 complaints were filed with the ECtHR regarding violations of the rights of the Crimean Eparchy of the Orthodox Church of Ukraine in Crimea. The complaints concern the seizure of churches in Sevastopol and the village of Perevalnoye in 2014, the seizure the Cathedral of Saints’ Volodymyr and Olha in Simferopol by the Russian authorities, the detention of Father Clement, Archbishop of the Crimean Eparchy of the Orthodox Church of Ukraine, in 2019, the destruction of a church in Yevpatoriya in 2020. At the end of 2020, the ECtHR sent a request to the Russian government to comment on the case of the Cathedral in Simferopol. On the eve of this, the ECtHR refused to apply interim measures in this case.¹²³

Relevant complaints about violations of the rights of the Orthodox Church of Ukraine in Crimea were also filed with the UN Human Rights Committee. The Committee appealed to the Russian Federation to refrain from evicting the religious community of the Orthodox Church of Ukraine from the Cathedral of Equal-to-Apostles Saints’ Prince Volodymyr and Princess Olha in Simferopol.¹²⁴

RIGHT TO FREEDOM OF EXPRESSION¹²⁵

The right to freedom of expression is enshrined in Article 19 of the ICCPR¹²⁶ and Article 10 of the ECHR¹²⁷ and means the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The right to freedom of

¹²⁰Freedom of Religion and Belief in Crimea: Analytical Review on Situation of Freedom of Religion and Belief in Conditions of Occupied Crimea (April 2014 — January 2018) / prepared by A.Siedov, general editorship O.; style editor: M.Budzar. — Kyiv, 2018. — 40 p., available at (in Russian): <https://crimeahrg.org/wp-content/uploads/2018/03/Svoboda-religii-v-Kryimu.pdf> (date of access: 01 Mar 2021);

¹²¹RCHR, *Religious Occupation: Oppression of the Ukrainian Orthodox Church of the Kyiv Patriarchate*, available at: <https://rchr.org.ua/analytics/relihiyna-okupatsiia-utysky-ukrains-koi-pravoslavnoi-tserkvy-kyivs-koho-patriarkhatu/> (date of access: 01 Mar 2021);

¹²²International Court of Justice. Case Concerning Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine V. Russian Federation). Memorial Submitted by Ukraine 12 June 2018, available at (in English): <https://www.icj-cij.org/public/files/case-related/166/166-20180612-WRI-01-00-EN.pdf> (date of access: 01 Mar 2021);

¹²³ECtHR, press release published by Court Secretary, *The European Court refuses urgent measures in cases concerning the Ukrainian Orthodox Church in Crimea*, ECHR 241 (2020), 01.09.2020, available at (in English): <https://www.echr.com.ua/wp-content/uploads/2020/09/ECHR-refuses-urgent-measures-in-cases-concerning-Ukrainian-Orthodox-Church-in-Crimea.pdf01.03.2021> (date of access: 01.04.2021);

¹²⁴openDemocracy, *In occupied Crimea, Ukraine’s church is facing extinction*, 11.11.2019, available at (in English): <https://www.opendemocracy.net/en/odr/ukraine-orthodox-church-crimea-extinction/> (date of access: 01 Apr 2021);

¹²⁵The section was prepared by the Crimean Human Rights Group

¹²⁶*International Covenant on Civil and Political Rights (as previously referred to)*

¹²⁷*Convention for the Protection of Human Rights and Fundamental Freedoms (as previously referred to)*

expression is a foundation to exercise other fundamental rights, in particular freedom of assemblies, freedom of thought, conscience and religion, political rights, etc. This right may be subject to such restrictions as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

In case of armed conflict, persecution against any identifiable group or collectivity on political grounds, namely for expression of opinions shall constitute “crime against humanity” pursuant to Article 7 (1) (h) of the Rome Statute of International Criminal Court.¹²⁸

With the Autonomous Republic of Crimea and City of Sevastopol having been occupied, when the occupying power does not effectively investigate gross human rights violations and does not provide the necessary legal protection to victims of such violations, freedom of expression becomes a necessary component of exercising the essential right to establish the truth about the crimes committed during the armed conflict in the territory of the Crimean Peninsula. Fundamentally, this right was enshrined in Article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949,¹²⁹ which, first of all, created the obligation of the State to establish the truth in cases of enforced disappearances during armed conflicts. This application was later extended to other gross violations of human rights, for instance, torture.

Once Crimea was occupied by Russia, a wide-scaled attack on the freedom of expression, and an implementation of policy to eliminate independent mass media and restriction on information from the Crimean residents has started. Such RF actions were legalized through criminalization of Crimeans holding and expressing opinions that were not in line with the Kremlin’s position or protesting against the occupation of the peninsula.

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 year. Thus, the public expression of opinions about the occupation of Crimea and the territorial integrity of Ukraine enshrined in all relevant international legal documents, became criminalized.

Since 2015, the occupying authorities have been actively using this article to persecute public figures, activists and journalists who have publicly opposed the occupation. For instance, on February 2, 2015, the RF FSB investigative department in Crimea opened a criminal case, under RF CC Art. 280.1-2, against journalist Anna Andriyevskaya for a publication on the Center for Journalistic Investigations’ website entitled “Volunteers of CRIMEA Battalion¹³⁰”, and on March 10, 2015 — against the editor-in-chief of “Black Sea News” Andrey Klimenko.¹³¹ On March 13, 2015, the RF FSB searched an apartment of Ms. Andriyevskaya’s parents, and an apartment of her colleague — Ms. Natalia Kokorina, a Center for Journalistic Investigations journalist, who had then to leave Crimea for Kyiv.¹³²

¹²⁸Rome Statute of the International Criminal Court, accessible via link (in Russian): https://zakon.rada.gov.ua/laws/show/995_588/conv#Text (date of access: 01/04/2021);

¹²⁹Protocol (I) to Geneva Conventions (as previously referred to)

¹³⁰See, for instance, *Center for Journalistic Investigations*, “Volunteers of CRIMEA Battalion”, 11 December 2014, available at (Russian) <https://investigator.org.ua/ua/articles/144257/> (date of access: 1 March 2021);

¹³¹Holos Krymu, European Federation of Journalists: Repression in Crimea has reached a new level, 27.04.2016, accessible via link: <https://voicecrimea.com.ua/main/news/yevropejska-federaciya-zhurnalistiv-represi%D1%97-proti-zhurnalistiv-v-krimu-perejshli-na-novij-riven.html> (date of access: 01.04.2021);

¹³²DM, *FSB searches apartment of Natalia Kokorina, the editor of “Centre for Investigative Journalism”* (updated), 13.03.2015, accessible via link: <https://detector.media/community/article/104841/2015-03-13-u-krymu-fsb-provodyt-obshuk-u-kvartiry-redaktora-tsentru-zhurnalistykh-rozsliduvan-natalii-kokorinoi-onovleno/> (date of access: 01.04.2021);

One of the most illustrative examples of applying a criminal article to the persecution of Crimean residents for the public position of “Crimea-Ukraine” is the case of Ilma Umerov, Deputy Chairman of the Crimean Tatar People Mejlis. On September 27, 2017, the ‘Simferopol District Court’ found Mr. Ilma Umerova guilty under RF CC Article 280.1-2 “*Public calls to actions aimed at violating the territorial integrity of the Russian Federation, with using information and telecommunication networks (including the Internet)*” for his public statements in support of territorial integrity in the air of ATR Channel and sentenced him to two years in the penal settlement colony, with a ban to act publicly for two years. During the ‘court proceedings’ Mr. Umerov insisted on the territorial affiliation of Crimea to Ukraine, though this position was classified as ‘crime’.¹³³

On September 22 of the same year, 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 RF 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.¹³⁴

On September 19, 2020, a Yevpatoria resident and Oleksandr Dolzhenkov, a 22-year-old Odesa resident who came to Crimea were detained by RF FSB under RF CC Article 280.1 “Public calls to actions aimed at violating the territorial integrity of the Russian Federation” for leaflets calling to return Crimea to Ukraine. At the time of publishing, they were in Simferopol Pre-Trial Detention Centre facing a potential sentence of up to 4 years.¹³⁵

In 2020, the Russian authorities increased the penalty for expressing opinions in contradiction of the Kremlin’s official position on Crimea. On December 8, the President of the Russian Federation signed laws¹³⁶ amending the Criminal Code of the Russian Federation and increasing penalties for calls to violate the territorial integrity of the Russian Federation (RF CC Article 280.1), and introduced a new criminal article — liability for actions aimed at alienating a part of RF territory (RF CC Article 280.2). Thus, calls for the de-occupation of Crimea and attempts to return it to control of Ukraine were identified by Russia as a criminal offense. A person calling publicly to commit actions aimed at violating the territorial integrity of the Russian Federation may be prosecuted if he/she has committed these acts after bringing him/her to an administrative liability for a similar act within one year. If calls for the return of Crimea to Ukraine are followed by any action, the sanction could range from six to ten years in prison.

In addition to special criminal articles used directly to persecute activists for expressing the Crimea-Ukraine position and journalists for their professional activities, the practice of fabricating criminal cases against this category of Crimean people under “terrorist” and “espionage” articles or possession of arms articles has become common.

For instance, the case of Volodymyr Balukh,¹³⁷ a Ukrainian farmer, has become a world-famous example of such criminal persecution. After the occupation of Crimea, he repeatedly disagreed publicly with the actions of the Russian Federation and in protest in March 2014 set the state flag of Ukraine on the

¹³³LB.UA, The prosecutor’s office in absentia served the notice of suspicion to the Crimean judge in the case of Ilma Umerov, 22.10.2019, accessible via link: https://lb.ua/news/2019/10/22/440358_prokuratura_zaochno_predyavila.html (date of access: 01.04.2021);

¹³⁴Radio Liberty, Radio Liberty journalist Mykola Semena in Kyiv: *I am missing my work very much*, 19.02.2020,, accessible via link: <https://www.radiosvoboda.org/a/news-mykola-semena/30442982.html> (date of access: 01.04.2021);

¹³⁵BlackSeaNews, *Person detained by the FSB in Crimea on charges of extremism is a resident of Odessa*, 25.09.2020, accessible via link: <https://www.blackseanews.net/read/168627> (date of access: 01.04.2021);

¹³⁶Legislation support system. *Bill no 989303-7 ‘On amending the Criminal Code of the Russian Federation, and Articles 30 and 31 of the Criminal Procedure Code of the Russian Federation (in terms of introducing a liability for violation of territorial integrity of the Russian Federation)*, available at: <https://sozd.duma.gov.ru/bill/989303-7> (date of access: 01 March 2021);

¹³⁷DW, *the Balukh Case: The only hope is a political decision*, 06.04.2018, accessible via link: <https://bit.ly/2SgNkK3> (date of access: 01.04.2021); *The “grey zone” people. Witnesses of the Russian annexation of Crimea 2014* / compilation and introduction by Andrievska A., Halimon O. — Kyiv: K.I.C., 2018. — 264 p., accessible via link: <https://bit.ly/3nAaJ4G> (date of access: 01.04.2021);

roof of his own home. Since April 2015, Balukh's house has been illicitly searched several times, with the state flag of Ukraine being removed from the roof of his house and confiscated. During one of these searches, the activist was beaten by the police and eventually persecuted for 10 days for "disobeying a police officer's request" (RF CoAO¹³⁸ Article 19.3). He was later persecuted for a second time for the same violation, and was sentenced to 320 hours labor in November 2016. However, Volodymyr Balukh raised the Ukrainian flag on the roof of his home again, and on November 29, 2016, he hung a "Heroes of the Heavenly Hundred Street" sign on the wall of his house in memory of the civilian protesters killed on Independence Square in Kyiv in February 2014). After that, in December 2016, the FSB searched the activist's and his mother's homes again, removed the Ukrainian flag, and claimed to "find" ammunition and dynamite in the house. On January 16, 2018, despite the evidence of the activist's innocence and falsification of evidence, he was sentenced under RF CC Art. 222-1 (*Illegal acquisition, storage of weapons, ammunition*), Art. 222.1-1 (*Illegal acquisition, storage of explosive substances or devices*)¹³⁹ — imprisonment for a period of three years and seven months with a fine of RUR10,000, serving a sentence in a penal settlement colony (after sentence in the first criminal case had been taken into account). After the "appeal", he was sentenced to imprisonment for three years and five months and fined.

Even after that, the occupying authorities continued to persecute him and on August 22, 2017, a third criminal case was opened against Volodymyr Balukh, who was already under arrest, RF CC Article 321-2 "Disorganization of activity of institutions that provide isolation from society." The formal reason for the new case was soiling the clothes of V. Tkachenko, Head of Temporary Detention Centre, with dishwashing liquid. On July 5, 2018, the 'Rozdolnoye District Court' sentenced him to three years in prison, and, taking into account previous illicit sentences, sentenced him to five years in a general security penal colony and a fine of RUR10,000.

In September 2019, Volodymyr Balukh was released from the Russian colony as part of the so-called "big exchange". But almost immediately after that, the Russian occupation authorities imprisoned another Ukrainian activist who had publicly spoken out against the occupation. On October 9, 2019, the FSB detained Oleg Prykhod'ko in the village of Orikhove, Saki District.¹⁴⁰ This was preceded by a search on his apartment on February 8, 2019, during which Ukrainian symbols, flags of the Svoboda Party, red and black flags, a portrait of Stepan Bandera, etc. were confiscated. The RF FSB accused Mr. Prykhod'ko of illicitly producing explosive substances (RF CC Article 223-1) preparing an act of terror (RF CC Article 205). However, in both cases, of Volodymyr Balukh, and Oleh Prykhod'ko, there is evidence that the FSB falsified the evidence.¹⁴¹

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 Southern Military Area Court in Rostov-na-Donu (Russia) to two years and six months in a settlement colony, banned from administering websites for two years. The journalist was accused of promoting the activities of Hizb ut-Tahrir under RF 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.

Thus, the criminal laws of the RF 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 speaking out.

¹³⁸Here and after: RF CoAO means Code of Administrative Offences of Russian Federation

¹³⁹CC RF (see above);

¹⁴⁰See, for instance, CHRG: Monitoring and Documenting Violations of Human Rights and War Crimes in Crimea. *Statement of Human Rights Organizations on Detaining Ukrainian Activist Oleh Prykhod'ko in Crimea*, 10 October 2019, available at: <https://crimeahrg.org/uk/zayava-pravozahisnih-organizacij-z-privodu-zatrimannya-ukra%27nskogo-aktivista-olega-prihodka-u-krimu/> (date of access: 1 March 2021);

¹⁴¹Crimea Realias, *From annexation to the verdict: The story of Oleg Prikhodko in photos (photo gallery)*, 03.03.2021, accessible via link (in Russian): <https://ru.krymr.com/a/photo-istoriya-prikhodko/30961016.html> (date of access: 01.04.2021);

In addition, the RF occupation authorities are constantly obstructing the professional activity of journalists and closing down uncontrolled mass media. During the military campaign seizing Crimea in February — March 2014, dozens of journalists were victims of physical attacks by representatives of RF security agencies or RF controlled paramilitary units. The result was that many local journalists stopped their professional activity or left Crimea. To prevent disseminating information on human rights violations and crimes of occupying bodies in Crimea, the RF applies the practice of banning entry for Ukrainian journalists. One of the recent examples is a 34-year ban to enter Crimea and RF for Ukrainian journalist Taras Ibragimov, imposed by RF FSB (till 2054). On January 18, 2020, when he tried to enter Crimea to continue his professional journalistic activity, he was handed the ban.¹⁴² Taras Ibragimov has been working in Crimea since 2016 and has covered politically motivated lawsuits such as the “case of February 26th”, the case of Ilma Umerov, the “case of Crimean Muslims”, the “case of Ukrainian commandos” and others as well as reported searches, arrests, and abductions taking place in Crimea. Earlier, other Ukrainian journalists were also banned from entering the peninsula. For example, on November 24, 2018, the Russian FSB banned Ukrainian journalist Aliona Savchuk¹⁴³ from entering Crimea for ten years, and on February 18, 2019, photojournalist Alina Smutko¹⁴⁴ was also banned from entering Crimea for nine years.

After establishing the control de facto in the peninsula, the Russian Federation 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. The occupying authorities held a non-transparent and discriminatory contest for having frequencies assigned, with local broadcasters unable to participate. When in 2015 the deadline set by Russia for the re-registration of Crimean media under Russian law expired, as of April 1, according to Roskomnadzor, 232 media outlets were registered, of which 163 were print media and news agencies.¹⁴⁵ This is almost 13 times less than before the occupation, for example, according to the UN, as of early 2014, about 3,000 media outlets were registered in Crimea.¹⁴⁶

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.

In 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

¹⁴²Human Rights Platform, *Statement of human rights advocates and media organizations on the ban on entry into Crimea for journalist Taras Ibragimov*, 21.01.2020, accessible via link: <https://www.ppl.org.ua/zayava-pravozaxisnix-i-medijnix-organizacij-z-privodu-zaboroni-v%D1%97zdu-do-krimu-zhurnalista-tarasa-ibragimova.html> (date of access: 01.04.2021);

¹⁴³Ukraina Moloda, The FSB prohibited journalist Olena Savchuk to enter the occupied Crimea, 24.11.2018, accessible via link: <https://umoloda.kyiv.ua/number/0/2006/128330/> (date of access: 01.04.2021);

¹⁴⁴CHRG, *Ukrainian photojournalist Alina Smutko banned from entering Crimea until 2028*, 19.02.2019, accessible via link: <https://crimeahrg.org/uk/ukrayinskij-fotokorespondenttsi-alini-smutko-zaboronili-v-yizd-do-krimu-do-2028-roku/> (date of access: 01.04.2021);

¹⁴⁵Interfax. April 1, 2015, Roskomnadzor registered over 200 mass media outlets in Crimea, available at <http://www.interfax.ru/russia/433642> (date of access: 1 March 2021);

¹⁴⁶*Topical Report: Situation with Human Rights in Temporarily Occupied Autonomous Republic of Crimea and City of Sevastopol (Ukraine), 2017 (as referred to earlier)*

of Reintegration of the Temporarily Occupied Territories of Ukraine have been completely blocked.¹⁴⁷ Monitoring of FM broadcasting in the north of Crimea showed that the signal of Ukrainian radio stations could be received only in 7 out of 19 settlements.¹⁴⁸ Signals are jammed by Crimean and Russian radio stations broadcasting at the same frequencies as used by Ukrainian broadcasters. In addition, a new TV and radio tower was installed next to the CHAPLYNKA checkpoint in the occupied territories in 2020, which potentially could be used to strengthen the jamming of the Ukrainian signal.¹⁴⁹ This is the way by which the occupying power of the Russian Federation deprives the inhabitants of Crimea of access to Ukrainian sources of information and information about human rights violations.

Thus, the violations of the right to freedom of expression have become wide-spread and consistent, the occupying power is seeking a full control over the information space of Crimea; residents of Crimea become victims of criminal cases and are deprived of liberty for long periods because they express opinions that are not in line with the Kremlin's police or describe RF crimes in the peninsula.

The UN Monitoring Mission in Ukraine constantly reports about violations of the right to freedom of expression in Crimea in quarterly reports on the human rights situation in Ukraine. Violations of the right to freedom of expression are presented in the UN Secretary-General's special reports "The Situation of Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine", the latest of which was published on October 7, 2020.¹⁵⁰ The report covers the period from July 1, 2019 to June 30, 2020 and is based primarily on the monitoring and documentation of violations of international humanitarian law and international human rights law in Crimea, carried out by the UN Human Rights Monitoring Mission.

The report of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the OSCE High Commissioner on National Minorities (HCNM) prepared upon the results of the visit to Ukraine in July 6-18, 2015, at the invitation of the Government of Ukraine, is focused on some aspects of the situation with freedom of expression in Crimea.¹⁵¹

The names of Crimeans (Oleg Sentsov, Volodymyr Balukh, Emir-Usein Kuku, Server Mustafayev), who were imprisoned in fabricated criminal cases specifically for expressing their opinions, have been repeatedly included in United Nations General Assembly resolutions '*Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*'.

The Ukrainian human rights organizations have been documenting the violations of the right to freedom of expression since 2014. For instance, this is presented in monthly reviews by the Crimean Human Rights Group,¹⁵² and an information analytical report on persecuting journalists and bloggers for the period of March 2014 — September 2019, '*Crimea: Freedom of Speech in Occupation*'¹⁵³.

¹⁴⁷See, for instance, CHRNG Monitoring and Documenting of Human Rights Violations and War Crimes in Crimea, *Ukrainian On Line Media in Crimea Blocked by At Least 11 Providers in 9 Cities*, 21 December 2020, available at: <https://crimeahrg.org/uk/ukra%d1%97nski-onlajn-media-v-krimu-blokuyutsya-shhonajmenshe-11-provajderami-u-8-mistah/> (date of access: 1 March 2021);

¹⁴⁸See, for instance, CHRNG Monitoring and Documenting of Human Rights Violations and War Crimes in Crimea, *New Wave of Jamming Ukrainian FM Broadcasting in North of Crimea by Occupation Authorities — Monitoring*, 22 December 2020, available at: <https://crimeahrg.org/uk/nova-hvilya-blokuvannya-ukra%d1%97nskogo-fm-movlennya-na-pivnochi-krimu-okupaczijnoyu-vladoyu-monitoring/> (date of access: 1 March 2021);

¹⁴⁹See, for instance, CHRNG Monitoring and Documenting of Human Rights Violations and War Crimes in Crimea, *A New Tower Installed by Occupation Authorities in Northern Crimea to Jam a Ukrainian FM Station Signal*, 20 September 2020, available at: <https://crimeahrg.org/uk/na-pivnochi-krimu-okupaczijna-vlada-obladnala-novu-vezhudylya-blokuvannya-signalu-ukra%d1%97nskih-fm-stanczij-2/> (date of access: 1 March 2021);

¹⁵⁰*Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine Report of the Secretary-General* (A/75/334) (as referred to earlier);

¹⁵¹*Report of Mission on Assessing Situation with Human Rights in Crimea (July 6-18, 2015)* (as referred to earlier)

¹⁵²See, for instance, CHRNG Monitoring and Documenting of Human Rights Violations and War Crimes in Crimea, available at: <https://crimeahrg.org/uk/category/monitor-3/> (date of access: 1 March 2021);

¹⁵³*Crimea: Freedom of Speech in Occupation: Information Analytical Report on Persecuting Journalists and Bloggers in the territory of Crimean Peninsula* (March 2014 — September 2019). Kyiv, 2019. — 40p. Available at (in Russian): <https://crimeahrg.org/wp-content/uploads/2020/02/krimbookru.pdf> (date of access: 1 March 2021);

Details of violations of the right to freedom of expression were included in Ukraine's legal action against the Russian Federation at the UN International Court of Justice for violation of the International Convention on the Elimination of All Forms of Racial Discrimination in Crimea by the Russian Federation.¹⁵⁴

Violations of the right to freedom of expression are also presented in both Ukraine's interstate complaints against Russia and individual applications to the ECtHR.

RIGHT OF ASSEMBLY¹⁵⁵

The right to freedom of associations and peaceful assemblies is enshrined in Article 21 of the ICCPR¹⁵⁶ and Article 11 of the ECHR¹⁵⁷ and means protection for associations of persons they may integrate into to pursue jointly common purposes,¹⁵⁸ and both organized and non-organized (spontaneous) assemblies of individuals who use this way to reach the joint purpose, including to formulate and express a certain position on this or other issue of social or state life.¹⁵⁹ This right means also that the States 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.

After the occupation of the Autonomous Republic of Crimea and City of Sevastopol and the spread of Russian legislation on the peninsula, the Russian occupying authorities built a governance system that made it impossible to hold mass rallies except those that openly welcomed and supported 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. First of all, there is a mandatory obligation to obtain prior permission from the city or district administration to hold each 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.

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 organizers 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.

The practice of applying Russian law in occupied 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 Russian security forces, and participants of such assemblies are frequently sanctioned without legal and reasonable grounds. Moreover, the organizers or participants of anti-Russian and/or 'anti-occupation' assemblies become defendants in politically motivated criminal cases, resulting in long-term sentences.

¹⁵⁴International Court of Justice. *Ukraine V. Russian Federation. Memorial Submitted by Ukraine* (as referred to earlier);

¹⁵⁵The section was prepared by the Crimean Human Rights Group

¹⁵⁶*International Covenant on Civil and Political Rights* (as previously referred to)

¹⁵⁷*Convention for the Protection of Human Rights and Fundamental Freedoms* (as previously referred to)

¹⁵⁸For more detail *Guidance for Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Freedom of Assemblies and Associations*; available at: <https://www.echr.com.ua/publication/svoboda-zibranta-obyednannya/>

¹⁵⁹see details in Melnyk R.S. *The right to freedom of peaceful gatherings: theory and practice*. — K., 2015. — 168 p., accessible via link: <https://www.osce.org/files/f/documents/0/e/233491.pdf> (date of access: 01.03.2021);

The list of RF's legal and regulatory documents materially restricting the freedom of assembly in Crimea, includes but is not limited to:

On July 21, 2014, Law no 258-FZ "*On Amendments to Certain Legislative Acts of the Russian Federation Concerning the Improvement of Legislation on Public Events*"¹⁶⁰ came into force in the Russian Federation. It created a criminal liability for repeated violations of the procedure for organizing or holding mass events. In October 2014, Article 9 of the Federal Law "*On Assemblies, Rallies, Demonstrations, Marches and Pickets*"¹⁶¹ was amended. A public event shall not begin before 7 a.m. and end after 10 p.m. of the same day, local time, except for public events dedicated to Russia anniversaries and public cultural events.

On May 19, 2015, the State Duma of the Russian Federation adopted the Federal Law "*On Amendments to Certain Legislative Acts of the Russian Federation*".¹⁶² The law was called the '*Law on Unwanted Foreign and International Organizations*'. The law prohibits the activities of organizations that, in the opinion of the authorities, pose a threat to the constitutional order, defense or security of the state. The law establishes severe sanctions for violating it, including imprisonment. In addition, the law allows criminal prosecution for collaborating "with unwanted organizations" or for disseminating information about them. Many norms of law lack legal certainty that makes it possible to use it selectively, including persecution of participants of peaceful assemblies for affiliation or collaboration with such organizations.

On March 9, 2016, the State Duma of the Russian Federation adopted amendments to the Federal Law "*On Assemblies, Rallies, Demonstrations, Marches and Pickets*",¹⁶³ that equated actions such as car rallies and pitching tents with the public events. Moreover, the amendments to the law, easily assembled/disassembled prefabricated structures were included in the concept of picketing. Thus, the permit-based legislation on assemblies, rallies, demonstrations, marches, and picketing was extended to car rallies and the organization of tent camps. Additionally, a single person picket, if accompanied with an easily assembled/disassembled prefabricated structure that may obstruct pedestrian movement and traffic flow, requires notification.¹⁶⁴

Additional restrictions on freedom of assembly have been introduced by local acts of the occupying authorities in Crimea. Thus, on May 16, 2014, the "Head" of Crimea Sergey Aksionov issued Decree no 29,¹⁶⁵ which prohibited the holding of peaceful assemblies in Crimea until June 6, 2014. He substantiated such a comprehensive ban on peaceful assemblies with "elimination of possible provocations by extremists who can get into the territory of the Republic of Crimea, to avoid disruption of the holiday season in the Republic of Crimea". No confirmation of such threats was ever provided.

The ban on holding peaceful assemblies was extended on mourning on May 18, 2014, dedicated to the 70th anniversary of deportation of the Crimean Tatar people. Previously the Crimean Tatars had held these actions every year.

On August 8, 2014, the "State Council of the Republic of Crimea" adopted the law "*On Ensuring Conditions for Exercising the Right of Citizens of the Russian Federation to Hold Assemblies, Rallies,*

¹⁶⁰see the text of the law following link: http://www.consultant.ru/document/cons_doc_LAW_165926/ (date of access: 01.04.2021);

¹⁶¹Federal Law "On Amendments to Article 9 of the Federal Law "On Meetings, Rallies, Demonstrations, Processions and Pickets" dated 04.10.2014 N 292-ФЗ (latest wording), accessible via link (in Russian): http://www.consultant.ru/document/cons_doc_LAW_169415/ (date of access: 01.04.2021);

¹⁶²text accessible via link (in Russian): <https://docs.cntd.ru/document/420275427> (date of access: 01.04.2021);

¹⁶³text accessible via link (in Russian): http://www.consultant.ru/document/cons_doc_LAW_194880/ (date of access: 01.04.2021);

¹⁶⁴See, e.g., ГАПАХТ.РФ, *Car Rallies and Tent Camps Equated with Public Events*, 09 March 2016, available at: <http://www.garant.ru/hotlaw/federal/701246/> (date of access: 1 March 2021);

¹⁶⁵Decree of Head of Republic of Crimea "*On restrictions on holding public events due to actions in South East of Ukraine*"; available at (in Russian) http://rk.gov.ru/rus/file/pub/pub_232588.pdf (date of access: 1 March 2021);

Demonstrations and Pickets in the Republic of Crimea”, that significantly restricted freedom of peaceful assemblies in Crimea. The law requires a written notice to be submitted directly to the local municipal unit no earlier than 15 and no later than 10 days before the day of the public event. Specially designated places determined by the Council of Ministers of the Republic of Crimea, taking into account the requirements of the Federal Law “On Assemblies, Rallies, Demonstrations, Marches and Pickets”, were proposed for holding peaceful assemblies.¹⁶⁶

On November 12, 2014, the “Council of Ministers of the Republic of Crimea” issued *resolution no 452 ‘On Approving the List of Places for Holding Public Events in the Territory of the Republic of Crimea’*¹⁶⁷ that determined the places for holding peaceful assemblies. For instance, in Simferopol (a city with 400,000 residents) peaceful assemblies may be held only in four places.

On July 4, 2016, the “Council of Ministers of Crimea”, by Resolution no 315,¹⁶⁸ significantly reduced the already limited list of places allowed for peaceful assemblies. For example, in Kerch, the list of venues for public events was reduced from fifteen to three. Overall, the total number of places for holding peaceful assemblies in Crimea was reduced from 717 to 360. The resolution does not specify the reasons for choosing these places, there are no grounds for banning peaceful assemblies on other city venues. Significant restrictions on places for peaceful assemblies violate freedom of assembly and severely limit the ability of Crimean residents to hold peaceful assemblies in the area of visibility and audibility of the audience they intend to address.

In addition to permanent restrictions on freedom of assemblies, so called ‘moratoria’ on holding peaceful actions were regularly introduced. For instance, on September 27, 2015, Head of Simferopol Administration G. Bakhariev issued *resolution no 953 ‘On Actions Responding to Situation Arisen in the Territory of Simferopol on 26 September 2015’*.¹⁶⁹ The resolution is aimed at restricting public and other events in the city. The reason was an armed attack on an ambulance substation on September 26. The resolution recommended that persons who had announced the holding of mass public events and agreed with the administration of the city of Simferopol to hold them properly, postpone the date and time of their event until further notice. Individuals and legal entities were advised not to hold mass and public events in Simferopol in the period from September 27 until further notice. This resolution was indefinite in time and was valid until the head of administration ordered otherwise. On October 9, the restrictions were removed by resolution no 1070.¹⁷⁰

On November 22, 2015, due to the announcement of a state of emergency in Crimea when the Ukrainian authorities suspended the electricity supply to the peninsula, a “moratorium” on holding mass events was introduced in Simferopol. The “head” of the Simferopol City administration G. Bakhariev decided to “temporarily suspend the activities of holding mass, public, cultural, entertainment and other events” in the territory of Simferopol from November 22, 2015 until further notice.¹⁷¹ On March 7, 2016, the resolution was amended: the words ‘to temporarily suspend’ and ‘to restrict’

¹⁶⁶Text accessible via link (in Russian): <https://rq.ru/2014/08/25/krim-zakon56-reg-dok.html> (date of access: 01.04.2021);

¹⁶⁷Resolution of Council of Ministers of Republic of Crimea, 12 November 2014, no 452, ‘On approving the list of places for holding public events in the territory of the Republic of Crimea’, available at (in Russian): http://rk.gov.ru/rus/file/pub/pub_235446.pdf (date of access: 1 March 2021);

¹⁶⁸Resolution of Council of Ministers of Republic of Crimea, 4 July 2016, no 315, “On amending Resolution of Council of Ministers of Republic of Crimea, 12 November 2014, no 452”, available at (in Russian): http://rk.gov.ru/rus/file/pub/pub_298128.pdf (date of access: 1 March 2021);

¹⁶⁹Administration of Simferopol City, RESOLUTION, 27 September 2015, no 953 “On actions responding to the situation arisen in the territory of municipal unit — city area of Simferopol, Republic of Crimea, on 26 September 2015”, available at (in Russian): <https://goo.gl/oYwVMK> (date of access: 1 March 2021);

¹⁷⁰Administration of Simferopol City, RESOLUTION, 09 October, no 1070 “On cancelling Resolution of Administration of City of Simferopol dated 27 September 2015, no 953 ‘On actions responding to the situation arisen in the territory of municipal unit — city area of Simferopol, Republic of Crimea, on 26 September 2015’”, available at (in Russian): http://simadm.ru/media/acts/2015/10/12/_1070_%D0%BE%D1%82_09.10.2015_.pdf (date of access: 1 March 2021);

¹⁷¹Administration of Simferopol City, RESOLUTION, 22 November 2015, no 1347 “On restricting mass, public, cultural, entertainment and other events in the territory of municipal unit — city area of Simferopol, Republic of Crimea”; available at (in Russian): http://simadm.ru/media/acts/2015/11/22/_1347_%D0%BE%D1%82_22.11.2015.pdf (date of access: 1 March 2021);

were replaced with 'to ban'. The only exception for this resolution was actions held by the current authorities.¹⁷² The ban on holding mass events was cancelled on March 22, 2016.¹⁷³

Restrictive measures due to the COVID-19 pandemic have further aggravated the situation with freedom of peaceful assembly.¹⁷⁴ On March 17, 2020, the "head of the Crimea" S. Aksionov signed an order on introducing a "high alert" regime to prevent the spread of COVID-19, which established the first official restrictions in Crimea.¹⁷⁵ S. Aksionov introduced the "high alert" regime in Crimea from 12:00am, March 17 until further notice, that made the restrictions on rights and freedoms still valid as of the end of 2020. In particular, a ban on children's, sports, cultural and other mass events, including peaceful assemblies, was introduced. However, in practice such restrictions were applied selectively depending on the political goals of the occupying power. Thus, with the complete ban on peaceful actions, the occupying authorities allowed the holding of mass events to propagandize war and service in the armed forces of the Russian Federation. The traditional May 9, 2020 victory parade in Russia and occupied Crimea was canceled due to COVID-19. However, Russian President Vladimir Putin later postponed the parade to June 24. The "head" of the occupying power of the Crimea, Sergei Aksionov, initially decided not to hold a military parade on June 24 in Simferopol. By order of March 17, he banned all mass events due to COVID-19. However, on June 22, S. Aksionov amended the order. These changes stated that the ban on mass events "does not apply to holding the events on June 22, 2020, dedicated to the 75th anniversary of the Victory in the Great Patriotic War of 1941-1945 in the city of Simferopol and the hero city of Kerch."¹⁷⁶ After that, the occupying power held a parade of Russian troops and machinery in the cities of Crimea on June 24, 2020, despite the COVID-19 pandemic.¹⁷⁷ These and other public military events were held in Crimea although the situation with COVID-19 in Crimea was becoming worse.¹⁷⁸

At the same time, local residents were administratively persecuted, referring to anti-COVID-19 regulations, even for single pickets. For example, on September 5, 2020, Mrs. Venera Mustafayeva, the mother of imprisoned Crimean Tatar activist Server Mustafayev, held a single-person picket against the illicit persecution of her son. On September 22, she was summoned by police and informed that two reports had been drawn up against her for holding this action under RF CoAO Art. 20.2 and Art. 20.6.1 (for violation of "quarantine restrictions"). On December 14, 2020, the "Bakhchisaray District Court" fined Venera Mustafayeva RUR1,000 in her absence. The fine was for violation of RF CoAO Art. 20.6.1. The court officer did not allow the audience to be present at this hearing, justifying the ban with actions on preventing the coronavirus spread.¹⁷⁹

¹⁷²Administration of Simferopol City, RESOLUTION, 7 March 2016, no 372 "On amending Resolution of Administration of City of Simferopol, Republic of Crimea, dated 22 November 2015, no 1347 "On restricting mass, public, cultural, entertainment and other events in the territory of municipal unit — city area of Simferopol, Republic of Crimea"; (as amended) available at (in Russian): <https://qoo.gl/luZ58C> (date of access: 1 March);

¹⁷³Administration of Simferopol City, RESOLUTION, 22 March 2016, no 496 "On cancelling Resolution of Administration of City of Simferopol, Republic of Crimea, dated 22 November 2015, no 1347 "On restricting mass, public, cultural, entertainment and other events in the territory of municipal unit — city area of Simferopol, Republic of Crimea"; available at (in Russian): <https://qoo.gl/c27IWD> (date of access: 1 March 2021);

¹⁷⁴For more information: Crimean Human Rights Group *Findings of monitoring the COVID-19 pandemic response in Crimea (May 18-31, 2020)*, available at (in English): https://crimeahrg.org/wp-content/uploads/2020/06/covid_in_crimea_2020.05.18-31_en.pdf (date of access: 1 March 2021);

¹⁷⁵Decree of Head of Republic of Crimea, 17 March 2020, no 63-U «On introducing a high alert regime in the territory of Republic of Crimea», available at (in Russian): <https://rq.ru/2020/03/17/krym-ukaz67-reg-dok.html> (date of access: 01 March 2021);

¹⁷⁶Decree of Head of Republic of Crimea, 22 June 2020, no 203-U, "On amending Decree of Head of Republic of Crimea, 17 March 2020, no 63-U", available at (in Russian): https://rk.gov.ru/ru/document/show/22120?fbclid=IwAR0dD_Ku1vSyalxklum3ajlGXVjumTObMF1s9ghnDJm6ER-hWXCfQRMdxuU: (date of access: 01 March 2021);

¹⁷⁷See, for instance, CHRГ Monitoring and Documenting of Violations of Human Rights and War Crimes in Crimea, 25 June 2020; *In Crimea Occupying Power Failed to Provide Spectators with Necessary COVID-19 Protection Means during Military Parades*, available at: <https://crimeahrg.org/uk/u-krimu-okupaczijina-vlada-ne-zabezpechilaglyadacham-neobhidnih-zahodiv-zahistu-vid-covid-19-pid-chas-vijskovih-paradiv/> (date of access: 01 March 2021);

¹⁷⁸See, for instance, CHRГ Monitoring and Documenting of Violations of Human Rights and War Crimes in Crimea, 8 September 2020, *In Crimea COVID-19 incidence rate is increasing the second month*, available at: <https://crimeahrg.org/uk/u-krimu-drugij-misyacz-pospil-zrosta%1%94-zahvoryuvanist-na-covid-19/> (date of access: 01 March 2021);

¹⁷⁹See, for instance, CHRГ Monitoring and Documenting of Violations of Human Rights and War Crimes in Crimea, 14 December 2020, *Mother of activist Server Mustafayev Fined by 'Court' for Single Person Picket without*

The practice of persecuting criminally and administratively peaceful assembly organizers and participants in Crimea has become consistent. The criminal cases of ‘May 3rd’ and ‘February 26th’ are an illustration of this.

On May 2, 2014, a peaceful assembly of Crimean Tatars in support of the leader of the Crimean Tatar people, Member of Ukrainian Parliament Mustafa Dzhemilev, who was banned from entering Crimea by the Russian FSB, was held in Armiansk. Several thousand Crimean Tatars took part in the assembly, after which the “prosecutor” of Crimea Natalia Poklonskaya sent a resolution to the Investigative Committee and the FSB of the Russian Federation in order to “initiate criminal prosecution of perpetrators under Articles 212, 318 and 322 of the RF Criminal Code” (*mass riots, violence against a government official and an illegal crossing of the state border*). During the event, the participants did not turn to violence, but within a week they began to receive summons. As a result, about 200 people were fined under RF CoAO Art. 19.3 and Art. 20.2. Then there was a wave of searches in the houses of participants of the peaceful assembly “May 3rd”. Five participants (Musa Abkerimov, Rustam Abdurakhmanov, Tair Smedliayev, Edem Ebulisov and Edem Osmanov) were detained from October 2014 to January 2015 under RF CC Art. 318. As part of the “Case of May 3rd”, 4 sentences were passed, of which 3 sentences — deprivation of liberty on probation, 1 sentence — a fine of RUR40,000 (circa USD 645).¹⁸⁰

The “Case of February 26th” was opened to persecute participants in the peaceful assembly held on February 26, 2014 in Simferopol near the parliament of the Autonomous Republic of Crimea as a rally in support of the status of the Autonomous Republic of Crimea, organized by the Crimean Tatar Mejlis. Several thousand Crimeans opposing the holding of an extraordinary session of the Verkhovna Rada (Parliament) of Crimea, where it was planned to make an illicit decision to initiate a referendum in Crimea, took part in the action. In January 2015, the Investigative Committee of the Russian Federation opened a criminal case “for holding and participating in mass riots” (RF CC Article 212), even though the events of February 26, 2014 had taken place before the spread of Russian law in the occupied territories. On January 29, 2015, Akhtem Chiygoz, Deputy Chairman of the Crimean Tatar People’s Mejlis, was the first to be detained in this case. Then seven more people were accused of participating in mass riots within the “case of February 26” (RF CC Article 212-2). On September 11, 2017, the “Supreme Court of the Crimea” sentenced Akhtem Chiygoz to eight years in a general security penal colony. On October 25, Akhtem Chiygoz was released as a result of talks between Turkish President Recep Tayyip Erdoğan and Russian President Vladimir Putin and Recep Tayyip Erdoğan’s visit to Ukraine to meet with President Petro Poroshenko. Within the “Case of February 26th”, eight sentences were passed, of which one sentence was eight years of imprisonment in the maximum-security penal colony for Akhtem Chiygoz, the remaining seven sentences were deprivation of liberty on probation.¹⁸¹

There is a widespread practice of administrative persecution of participants in peaceful assemblies. In the case of an “unauthorized” peaceful assembly, the organizers and participants are persecuted under RF CoAO Art. 20.2 (Violation of the procedure of holding an assembly, rally, demonstration, march or picket) and Art. 20.2.2 (Organization of mass simultaneous stay and (or) movement of citizens in public places, which led to a violation of public order). In addition, the participants of peaceful assemblies are subject to RF CoAO Art. 19.3 (Failure to comply with the requirements of a police officer) and Art. 20.1 (Disorderly conduct).¹⁸²

Thus, decisions of the Crimean “courts” for the period from April 2014 to September 2018, reviewed by the Crimean Human Rights Group, showed that for this period 353 people were held administratively, and 12 people criminally liable. Crimean “judges” adopted 367 rulings on bringing

her Attending the Session, available at: <https://crimeahrg.org/uk/matir-aktivista-servera-mustafa%d1%94va-sud-oshtarafuvav-za-odinochnij-piket-bez-%d1%97%d1%97-uchasti-v-zasidanni/> (date of access: 01 March 2021);

¹⁸⁰ Crimea Realias, “Case of 3 May”: four terms of imprisonment for a meeting with Dzhemilev, 13.12.2015, accessible via link: <https://ua.krymr.com/a/27423769.html> (date of access: 01.04.2021);

¹⁸¹ UKRINFORM, “Case of 26 February”: How Crimean Tatars were recognized extremists, 26.02.2019, accessible via link: <https://www.ukrinform.ua/rubric-crimea/2647820-sprava-26-lutogo-ak-z-krimskih-tatar-lipili-ekstremistiv.html> (dated of access: 01.04.2021);

¹⁸² CRFAO (see above);

administrative responsibility, of which 334 rulings were fines totaled RUR3,924,500. Administrative arrests (the CHRG documented 22 such resolutions) and community service (11 resolutions) were also applied to participants in the peaceful assemblies).¹⁸³

Among the administrative cases it is necessary to point out “Case of Pickets on October 14”. On October 14, 2017, Crimean Tatar and Muslim activists intended to hold single-man protests against the arbitrariness of the Russian security forces and fabricated cases against activists. Though the picketers were in different settlements, the police detained them at a large scale that day. Later, according to the Crimean Human Rights Group, at least 82 of them were each fined RUR 10,000 to 15,000. As of the end of January, the fines for participation in the single man pickets that day totaled RUR850,000. It should be noted that the court rulings defined the holding an unauthorized mass event organized as single-person pickets but united by a common idea, as violation of rules of holding assemblies.¹⁸⁴

In 2019 the CHRG recorded seven new administrative cases against participants of peaceful assemblies or single-person pickets. They were fined RUR500 to 20,000. Twice they were sentenced to an administrative arrest of 5 and 15 days.

In 2020, the CHRG documented 17 new administrative cases under RF CoAO Articles 20.2 and 20.2.2 for participating in the peaceful assemblies that were not approved by the Russian occupation authorities. Within these cases, eight fines were imposed totalling RUR135,000, six rulings on 5-day administrative arrests were issued, in relation to three cases, information on the type of penalty was not specified. Among the actions, the participants of which were brought to administrative responsibility were: a rally in defense of Taigan Park, Friday prayers, a car rally with Azerbaijani flags, a car rally with Crimean Tatar flags, a rally of the Communist Party of Russia, pickets criticizing the Russian authorities.

The UN Monitoring Mission to Ukraine frequently reports about violations of the right to peaceful assembly in Crimea in quarterly reports on the human rights situation in Ukraine. Violations of the right to peaceful assembly are described in the UN Secretary-General’s special reports “Situation of Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine”, the latest of which was published on October 7, 2020.¹⁸⁵ The report covers the period from July 1, 2019 to June 30, 2020 and is based primarily on the monitoring and documentation of violations of international humanitarian law and international human rights law in Crimea, carried out by the UN Human Rights Monitoring Mission.

Ukrainian human rights organizations have been documenting the violations of freedom of assembly since 2014. For instance, this subject is covered in the monthly CHRG reviews,¹⁸⁶ and in the CHRG analytical review on the violation of freedom of peaceful assembly in Crimea ‘Objected Freedom’ covering the period from March 2014 to March 2017.

¹⁸³ See, for instance, CHRG Monitoring and Documenting of Violations of Human Rights and War Crimes in Crimea, 2 October 2018. *How Russia Persecuting for Peaceful Assemblies in Occupied Crimea (infographics)*, available at: <https://crimeahrg.org/uk/yak-rosiya-peresliduye-za-mirni-zibrannya-v-okupovanomu-krimu-infografika/> (date of access: 1 March 2021);

¹⁸⁴ See, for instance, CHRG Monitoring and Documenting of Violations of Human Rights and War Crimes in Crimea, 11 December 2018, ‘Authorities’ of Crimea Using Selective Practice for Single Person Pickets, available at: <https://crimeahrg.org/uk/vlada-krimu-zastosovuye-vibirkovu-praktiku-dlya-uchasnikiv-odinochnih-piketiv/> (date of access: 1 March 2021);

¹⁸⁵ *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine Report of the Secretary-General (A/75/334)* (as referred to earlier);

¹⁸⁶ See, for instance, CHRG Monitoring and Documenting of Violations of Human Rights and War Crimes in Crimea, available at: <https://crimeahrg.org/uk/category/monitor-3/> (date of access: 1 March 2021);

RIGHT TO LIBERTY OF MOVEMENT AND FREEDOM TO CHOOSE HIS RESIDENCE¹⁸⁷

Freedom of movement and the right to freely choose a residence place are enshrined in ICCPR Article 12¹⁸⁸ and Article 2 of EHRC Protocol 4.¹⁸⁹ The freedom of movement also provides for the liberty to leave any country, including a person's own. This right is not absolute — the state may restrict it based on the laws and for legal purposes as to protect national security, public order, public health or morals or the rights and freedoms of others. This being said, this right of the person correlates with a ban imposed on the state from forcibly resettling or expelling its own citizens to other countries en masse.¹⁹⁰ In addition, the relevant rights are also secured with special norms of the international humanitarian law in force in Crimea due to the occupation (*in particular Articles 49 and 76 of the 4th Geneva Convention*).¹⁹¹

The RF policy in the occupied territories of the AR of Crimea and City of Sevastopol results in numerous violations of the rights to free movement and freely choosing a place of residence. The most common are as follows:

1. Generation of internally displaced people flowing from the Autonomous Republic of Crimea and City of Sevastopol to other regions of Ukraine;
2. Deportation of imprisoned Ukrainian nationals to RF territory;
3. Forced removal of civilians due to verdicts of occupying courts for violations of Russian migration law.

GENERATION OF INTERNALLY DISPLACED PEOPLE FLOW

Since the beginning of the Russian occupation, migrants from the territory of the Autonomous Republic of Crimea and the city of Sevastopol have been moving to the territory controlled by the Government of Ukraine. This resettlement is caused by systematic violations of human rights, discrimination, and persecution of persons disloyal to the occupying power, as well as overall decline of living standards in the occupied territories.

According to the Ministry of Social Policy of Ukraine, as of August 2020, about 49,000 internally displaced persons from Crimea were registered.¹⁹² In addition, a significant number of migrants later left Ukraine. Accurate data about the number of Crimeans who emigrated from Ukraine is not known.

¹⁸⁷The section was prepared by the Regional Center for Human Rights;

¹⁸⁸International Covenant on Civil and Political Rights (as previously referred to);

¹⁸⁹Convention for the Protection of Human Rights and Fundamental Freedoms (as previously referred to);

¹⁹⁰UN HRC General Comments Adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights No 27 (67), 01.11.1999 (CCPR/C/21/Rev.1/Add.9), item 19. See at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.9&Lang=en (date of access: 1 March 2021);

¹⁹¹IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (as previously referred to);

¹⁹²UNHCR Denis Savchenko, *CrimeaSOS: from three volunteers to a network working with 73 initiatives regarding IDPs*, 29.03.2021, accessible via link: <https://bit.ly/334ccqm> (date of access: 01.04.2021);

VIOLATION OF FREEDOM OF MOVEMENT IN TERMS OF DEPORTATION (DISPLACEMENT) OF UKRAINIAN NATIONALS SENTENCED IN CRIMEA TO THE TERRITORY OF THE RUSSIAN FEDERATION TO CONTINUE THEIR SENTENCE

According to the Regional Centre for Human Rights, since the beginning of the occupation and enforcement of the Russian laws in the peninsula, Russia has displaced at least 9,000¹⁹³ prisoners from the territory of Crimea to its own territory. These persons are now in at least seventy-one penal colonies in the territory of thirty-three territories of the Russian Federation. The number of convicts deported from Crimea to Russia is constantly growing, as there are no correction facilities in the occupied territory for such categories of persons as minors, women as well as persons living with HIV / AIDS, active tuberculosis, mental disorders, drug addiction, alcoholism.

There are only two penal colonies in the territory of Crimea (city of Sevastopol and city of Kerch) and one pre-trial detention centre (city of Simferopol), with a total capacity of just over 3,000 persons.

The issues related to deportation of convicted Ukrainian nationals to the RF territory have been highlighted in the Communications sent earlier to the UN HRC, namely *Communication №3022/2017 Bratsylo, Golovko and Konyukhov v. Russia; Case №3326/2019 Larionov v. Russia*, etc.¹⁹⁴

VIOLATION OF FREEDOM OF MOVEMENT IN TERMS OF DEPORTING PERSONS FROM THE TERRITORY OF CRIMEA DUE TO VERDICTS OF THE OCCUPYING COURTS

Having occupied the Crimean Peninsula, Russia, in violation of international law, enforced its laws in its territory, including those for migration. Violation of the rules of stay in the territory of Crimea by persons not possessing Russian citizenship is qualified by the RF authorities as an administrative offense under Article 18.8 of the Code of Administrative Offenses of the Russian Federation (CoAO).¹⁹⁵ The penalty for this is an administrative expulsion from the territory of the Russian Federation. As the Russian authorities consider Crimea as the territory of the Russian Federation, the expulsion procedure also includes Crimea. Such a penalty is enforced through a controlled voluntary departure of the person or expulsion preceded with placing a person into the Detention Centre for Foreigners. A ruling on deportation is taken by the courts established by the occupying authorities.

According to the Regional Centre for Human Rights, as of July 2020, the number of people forcibly deported by the Russian Federation reached over 4,700 (including 2,425 identified by the Regional Centre for Human Rights in June 2018). About half of the deportees are citizens of Ukraine. The other deportees include citizens of 37 countries as well as stateless persons.¹⁹⁶

An illustrative example of expulsion based on the court decision is the case of journalist Yevgeniy Gayvoronsky. On December 20, 2019, he was detained by police in Yalta. After his detention, a report was drawn up against him for violating the regime of stay in the Russian Federation by a foreigner. The charge was based on his living in Crimea with a Ukrainian passport. On the same day, December 20, 2019, the Yalta City Court ruled that Mr. Gayvoronsky was guilty of the offense and imposed a fine with an administrative expulsion from the Russian Federation (case № 5-569 / 2019, decision of December 20, 2019). Before the forced expulsion he was placed in the Detention Centre

¹⁹³in-house research of RCHR, for additional information, refer to link: <https://rchr.org.ua/>;

¹⁹⁴For list of cases against the Russian Federation under consideration at the UN HRC, see (English) <https://www.ohchr.org/en/hrbodies/ccpr/pages/ccprindex.aspx> (date of access: 1 March 2021);

¹⁹⁵CRFAO (see above);

¹⁹⁶in-house research of RCHR, for additional information, refer to link: <https://rchr.org.ua/>;

for Foreigners in the village of Novoukrayinskoye, Krasnodar Area, where he stayed for nine days. After the expulsion Mr. Gayvoronsky was banned from entering the territory of the Russian Federation and the territory of Crimea.¹⁹⁷

*VIOLATION OF FREEDOM OF MOVEMENT IN OTHER AREAS.
VIOLATION OF RIGHT TO FREE MOVEMENT AS CAUSE FOR
VIOLATION OF THE RIGHT TO RESPECT OF PRIVATE
AND FAMILY LIFE*

In addition to the violations described above in terms of the right to freely choose the residence and in terms of deportation of convicts, that are clearly mass-scaled, there are also cases of violation of the right to free movement in other aspects. This could be illustrated with the case of Mr. Izzet Skandel. Mr. Skandel, a Crimean Tatar by nationality, lives in the village of Novoolksiyivka, Kherson region, 25 kilometres from the administrative border with Crimea. His grandmother lives in the territory of Crimea, in the village of Nyzhnioghirs'ke, where his grandfather also lived until his death in May 2019. Many of his other relatives also live in Crimea. Izzet used to visit his grandparents at least once a week, supporting them financially and helping physically. They are strongly linked emotionally. On January 22, 2018, while trying to enter Crimea, the FSB border guard staff informed Izzet Skandel about the ban on entering the territory of the Russian Federation until January 11, 2048. The official reason was the threat to Russia's national defence capability and security. The ban was challenged in court, but Izzet's lawsuit was dismissed. On May 9, 2019, Izzet's grandfather died. He was buried in the village where he lived. Due to the ban on entry, Izzet was unable to attend the funeral and has been unable to visit his grandfather's grave yet. After the ban, he also almost lost the opportunity to see his grandmother — it is difficult for her to leave Crimea due to age and health condition. Mr. Skandel appealed to the European Court of Human Rights to protect his rights. To date, his complaint has been registered by the court and is waiting for communication.

¹⁹⁷UKRINFORM, *Crimean "court" rejected the appeal filed by blogger Haivoronsky*, 22.01.2020, accessible via link: <https://www.ukrinform.ua/rubric-crimea/2861065-krimskij-sud-zavernuv-apelaciu-blogera-gajvoronskogo.html> (date of access: 01.04.2021); CHRГ, *"Court" in Yalta decided to forcibly deport blogger Gaivoronsky from Crimea*, 21.12.2019, accessible via link: <https://crimeahrg.org/ru/sud-v-yalte-postanovil-prinuditelno-deportirovat-blogera-gajvoronskogo-iz-kryma/> (date of access: 01.04.2021);

CONCLUSION TO SECTION

For 2014-2020, the situation with exercising civil and political rights in Crimea remained steadily critical. The level of public space on the peninsula has been reduced to a minimum by the occupying power and is under the constant control of Russian security agencies or local occupation authorities.

Nevertheless, the resistance movement for the occupation of Crimea by the Russian Federation has been active since February 2014 and still remains, has many supporters among the Crimean people and is seen by the occupying power as a real threat to its policy of aggression, as evidenced by numerous initiatives by both, the Russian federal authorities, and their local henchmen in Crimea, to narrow the civil and political rights of the residents of the occupied peninsula for all seven years of occupation.

However, during this period the position of the occupying power in Crimea was strengthened. If in the first years of the occupation the Russian government was so weak that it resorted to direct, undisguised violence to suppress liberation initiatives — abductions, torture, arbitrary arrests, a moratorium on peaceful assemblies, later it developed its institutional capacity on the peninsula and gradually “wrapped” its aggression in a “legal” shell, actively creating an idea of the existence of the legal system in Crimea.

For example, of the 44 known cases of forced disappearances in Crimea, the vast majority (28) dates back to the first year of occupation. Eventually, forced disappearances, although not stopped, were increasingly replaced by arbitrary arrests and imprisonment. Similarly, it was in the first years of the occupation that Crimean Self-Defense, the illegal paramilitary unit that most forced disappearances are associated with, was most active, and shortly afterwards the Russian FSB began to take over openly the leading role in abductions, though it has not remained the only ‘contractor’ for dirty political orders to liquidate opponents of the occupation. At the same time, both during the abductions and arrests the victims were subject to physical and psychological violence, which became a typical element of the occupying power’s entire policy regarding its Crimean opponents for all these seven years of occupation.

The position of the occupying power regarding its circle of potential enemies has markedly changed between 2014 and the present day. If its first victims were pro-Ukrainian activists — active fighters for the territorial integrity of Ukraine, later the punitive machine of the Russian Federation also extended its attention to journalists, bloggers, religious and national leaders, representatives of the Ukrainian and Crimean Tatar communities, who explicitly expressed their position of Ukraine and Crimea unity, as well as members of their families and close associates.

For instance, those who participated in peaceful rallies against arbitrary arrests in Crimea were arrested and persecuted under traditionally “political” articles of the RF CC and CoAO, or, for example, children of arrested activists were “warned” on the streets by plainclothes men, that their fathers should change the behavior, as happened to the 9-year-old son of political prisoner Emir-Usein Kuku, etc.

It should be noted here that the occupying authorities in Crimea promote and protect not only the idea of Crimea’s belonging to the Russian Federation, but also the political regime ruling in Russia. Thus, even Crimean supporters of the occupation became victims of arbitrary arrests and punishments, if they, for example, supported openly anti-corruption rallies of Russian opposition figure O. Navalny.

One of the most striking manifestations of the reactionary policy of the occupying power in Crimea were searches in private homes and at businesses. Moreover, the annual number of such searches tends to increase. From 2014 to 2017 150 such searches were recorded, then in the next year and a half there were 186 searches and these are only those that became known to human rights activists. Most of these raids were carried out at the places of residence or permanent meetings of the Crimean Tatars.

Searches and subsequent criminal charges against Crimean Tatars, including journalists and public figures, for committing crimes were often accompanied with including their names in the lists of “terrorists” and “extremists” — a list of organizations and individuals known for their involvement in extremist activities and terrorism”, held by the Federal Service for Financial Monitoring of the Russian Federation, that caused the application of a number of financial and property restrictions to these persons.

Most often, members of religious organizations that operate legally in Ukraine, but are banned in Russia have been enlisted there. Thus, the Hizb ut-Tahrir Islamic organization and the Jamaat Tabligh movement were added to the list and during the seven years of occupation, 69 people considered by the Russian authorities to be involved in their activities, were deprived of liberty in criminal proceedings. In 2017, the “Jehovah’s Witnesses” religious organization also appeared in the list, and in 2020 the first sentences with custodial restraints were handed down to the members of this organization.

The above mentioned became one of the elements of the general policy of the Russian Federation against the religious and ethnic diversity of Crimea and the restriction of the right to freedom of thought, conscience, and religion. For example, Crimean “judges of peace” regularly consider administrative proceedings against various religious organizations and their members, including Muslims, Protestants, Baptists, Jews, Scientologists, and Krishnaites. Believers are prosecuted and fined for performing rites outside the premises or in premises not registered under the legislation of the Russian Federation as religious buildings, and the total amount of such fines increases every year. In addition, the Orthodox Church of Ukraine is specifically oppressed. So, for the occupation the number of OCU parishes in Crimea reduced more than three times — as of 2018, only 11 communities remained of former functioning 45.

In addition, with some time after the start of the occupation, Crimeans who disagreed with the occupying power’s policy were simply deported from the peninsula by so-called “courts” or banned from entering Crimea for a long period of time. This has somewhat simplified the tasks of the occupying authorities in combating pro-Ukrainian sentiments in the peninsula and replaced the need to constantly monitor such activists in Crimea or to apply brutal “investigative actions”. According to the human rights activists’ estimates, for the period of occupation over 9,000 cases have been considered, with deportation from Crimea as punitive measure, and in more than 2,500 of these cases the defendant was subject to deportation.

Attempts of repressed victims to protect their rights in the usual civilized way, for example, with the help of a lawyer, in court, through public direct actions (rallies, single-person protests, demonstrations, etc.), did not bring any results and there were several reasons for this.

First, since 2014, everything that can give Crimea residents hope for exercising their right to a fair trial has been systematically eliminated in Crimea. The occupying authorities’ intimidation of lawyers or blocking of access to them, psychological pressure on judges by the Russian security agencies, and the involvement of false witnesses or false experts in the process have become systematic and common in the peninsula.

Secondly, though since 2014 the occupying power has been enforcing its laws in the territory of Crimea, it has recognized that this legislation is not enough to combat the pro-Ukrainian resistance movement in the peninsula, and in the seven years since Russia has actively amended its own normative legal acts to determine literally any expression of non-acceptance of the fact of occupation and declaration of the position on the belonging of Crimea to Ukraine a criminal offense and/or an administrative offense.

Thirdly, in the temporarily occupied territory of Ukraine a dangerous practice of violating the fundamental legal principles on which the whole logic of law has been built for centuries, has developed. Thus, human rights organizations recorded frequent cases of retrospective application of the “legal” norms of the occupying power, when individuals were persecuted for their statements on social networks made long before the occupation. Or, for example, the violation of the presumption of innocence, when the occupation courts ruled that a person was guilty of an “offense” even though the case was still under investigation. This also includes cases of court decisions based on non-existent evidence.

Fourthly, during the seven-year occupation of Crimea, the right to freedom of expression, as well as the right to freedom of associations and peaceful assemblies, have been gradually limited to such a level that today it is difficult to consider them to be rights, consequently, to use opportunities they offer as tools to protect people’s rights and interests. For example, the policy of withholding information about Crimea from the rest of Ukrainian territory introduced by Russia from the very beginning of the occupation was constantly supported by the norms of the Criminal Code of the Russian Federation on responsibility for denying the Kremlin’s official position on Crimea, and in 2020 these norms were amended to increase the punishment severity. All-Russian disproportionate restrictions on the freedom of peaceful assemblies are exacerbated by special orders of the Crimean occupying authorities regarding either an absolute ban on holding public events for a long period of time, or imposing such requirements on the organization or venue of assemblies that make it impossible or senseless to hold them. The provisions of the Russian legislation, extended by the occupying power to the territory of Crimea, regarding the activities of public associations and their support from abroad also make it virtually impossible for the international human rights community to get any access to victims of political persecution in Crimea.

All mentioned above has been accompanied, during the entire occupation, by a significant number of violations of international humanitarian law, which is obviously applicable to the situation in Crimea. For example, human rights activists record cases of Crimeans being transferred to serve their sentences in remote areas of the Russian Federation 6,000-9,000km from Crimea, the Russian Federation generating a flow of internally displaced persons from Crimea to other regions of Ukraine, and forced evictions of Crimean residents. etc.

In addition, the lack of any initiatives to bring to justice those responsible for serious human rights violations in Crimea creates an atmosphere of permissiveness for the occupying power, spreads fear among the civilian population and affects the evolution of sentiments of Crimeans regarding the return of the peninsula to the previous normal life within the sovereign borders of Ukraine.

II. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Very often the doctrine of law, especially in the post-Soviet perestroika time, defined economic, social, and cultural rights as secondary to civil and political — say, only in the case of a developed civil society, in the presence of all opportunities for the right to manage public affairs through effective mechanisms of direct and indirect participation in public administration, economic, social and cultural rights may be proportionally exercised. But the present-day world legal science moved away from these human rights concept several decades ago. Thus, back in December 1996, the UN General Assembly stated that all human rights and fundamental freedoms shall be indivisible and interdependent, and therefore the full realization of civil and political rights shall be impossible without the realization of economic, social, and cultural rights. The International Covenant on Economic, Social and Cultural Rights,¹⁹⁸ adopted on December 16, 1966, is a fundamental international document that establishes the register of economic and social human rights and freedoms recognized by the world community. Ukraine, as well as Russia have ratified the Covenant, and therefore its provisions are binding on both countries. It is even written in the preamble of the Covenant, that the states party to it recognize that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights.¹⁹⁹

Consequently, with a total mass violation of civil and political rights as described in the first section of the report, one could imagine a level of challenges faced by residents of occupied Crimea on realizing their economic, social, and cultural rights.

¹⁹⁸*International Covenant on Economic, Social and Cultural Rights*, ratified by Edict of Presidium of Supreme Council of Ukrainian RSR, no 2148-VIII dated 19 October 1973, available at: https://zakon.rada.gov.ua/laws/show/995_042/conv#Text (date of access: 01 Mar 2021);

¹⁹⁹O.M.Rudnieva. *International Standards of Economic and Social Human Rights*. — Scientific Bulletin of Dnipro University for Internal Affairs. — 2012 — no 1. — p. 26-33

Is freedom, independence, and objectivity of the educational process possible if all ideologies, other than that dominating in the occupying state, are banned under penalty of criminal punishment or deportation from the peninsula? Can the indigenous people or any national minority of the peninsula develop freely and harmoniously if their religious and national organizations are banned and stigmatized as extremist or terrorist? Is it possible to exercise the right to freely own one's own property if arbitrary searches and confiscations have become part of the daily life of Crimeans? Is it possible to preserve cultural and historical values if independent international organizations, whose mandate is the protection and preservation of world cultural heritage, do not have access to these monuments? What is the value of the health of the occupied peninsula residents, if the occupying state in the midst of quarantine holds mass military propaganda events in support of the dominant ideology?

The answers to these and other questions presented in this section of the report on the situation of economic, social, and cultural rights in Crimea during the seven years of its occupation by the Russian Federation, unfortunately, show that both groups have suffered greatly in the conditions of peninsula unfreedom. And while the oppression of civil and political rights has historically affected primarily the politically or socially active part of the population, the violation of economic, social, and cultural rights is experienced by every Crimea resident, directly affecting the quality of their daily life.

So, no one in Crimea now can be sure of the inviolability of their right to property, because the Russian Federation, starting from the first years of occupation, has been depriving, in various ways, a large number of individuals and legal entities of property rights. And given the bias and dependence of the judiciary, as discussed in the previous section, there is almost no chance of returning what was lost under occupation.

However, not only tangible, but also intangible, not only individual, but also collective property is affected.

For example, as this section of the report will show, everything Ukrainian in Crimea has been destroyed or banned in less than seven years of occupation: Ukrainian cultural figures are persecuted, arrested, convicted under RF Criminal Code articles, Ukrainians are almost completely deprived of Ukrainian language education in Crimea. Celebrating Ukrainian holidays or memorable dates have been equated to a crime, pro-Ukrainian cultural institutions have been closed and their activities have been stopped in various ways. Ukrainian school textbooks have been removed from Crimean libraries and replaced by Russian ones, Ukrainian monuments have been dismantled and replaced by ideologically "correct" pro-Russian ones.

The rights of the Crimean Tatar people as indigenous one to their own land, culture, language, and religion, guaranteed by international law, are also constantly violated. The 'window of freedom' for the Crimean Tatar people in Crimea is open insofar as it does not prevent the Russian authorities from promoting their own narrative of Crimea as a historically Russian territory. The history of Crimea is being mercilessly rewritten in favor of the ideology prevailing in Russia.

In addition, in favor of the central government and taking into account only the interests of the Russian Federation in Crimea, especially economic ones, monuments of history and culture are being relocated, ruined, and demolished: historic buildings, fortifications, unique objects of ancient history, etc. In addition, archeological excavations, and research, as this section of the report will show, are being conducted in Crimea in violation of generally accepted rules and regulations for such activities. Unfortunately, not only Ukraine, but also the entire world community risks losing forever the unique objects of world cultural heritage due to the barbaric and uncontrolled policy of the occupier in the field of cultural heritage protection in Crimea.

A specific problem for the peninsula residents has been raised from the fact that all seven years of occupation Russia has been demonstrating the inability to effectively address the basic needs of communities for a safe living environment, resulting in increased morbidity, and general deterioration of the quality of life of the Crimean population. Emissions of harmful substances into the atmosphere,

illegal felling of greenery, including unique relict plants, illegal extraction of building materials, pollution of coastal sea waters with untreated sewage, solid waste disposal, irrational water use have become common practice of the occupying administration.

In addition, Crimean residents have been greatly challenged by the COVID-19 pandemic and how the occupying power acted to protect the population on the peninsula. Underestimation of morbidity and mortality from the virus, lack of testing for people with symptoms, lack of drugs in pharmacies, holding mass events during peak periods of infection — all this became a logical continuation of the general policy of human rights neglect pursued by the occupying power in Crimea.

This section offers readers detailed information on the evolution of exercising economic, social, and cultural human rights in Crimea during the seven years of occupation of the peninsula by the Russian Federation. The section may be divided into five parts, four of which describe the situation of realization of the relevant right in the occupied Crimea: property rights, the right to education, the right to participate in cultural life and use of cultural institutions, the right to an environment safe for life and health. The fifth part is specifically dedicated to the state of response of the occupying power to last year's global challenge, the COVID 19 pandemic, and actions applied by the occupying administration to protect the occupied Crimea population against the virus. The section ends with conclusions assessing general trends of described rights.

RIGHT TO PROPERTY²⁰⁰

Right to property is protected by article 1, of ECHR Protocol 1.²⁰¹ With the right of the person to peacefully enjoy his possessions and not to be deprived of them arbitrarily, the norm commits the state not to deprive the private property except in the public interest and subject to the conditions provided for by law and by the general principles of international law. According to the ECtHR, this right also ensures the person is provided with just satisfaction for deprivation of property. It is critical to understand that in the ECtHR practice the concept of 'right to property' is wider than in the legal systems of the post-Soviet countries. Therefore, the relevant Convention article may protect property titles defined according to laws of Ukraine or the Russian Federation as right of possession, right of use, right of habitual residence, etc. The right of personal property of legal entities is also subject to this norm.

The violation of the right of property may simultaneously constitute the violation of related rights exercised through using the property. Thus, confiscating or destroying the housing potentially violates the right to privacy of home protected by Article 8 of the ECHR and Article 17 of the ICCPR.²⁰² If confiscated or destroyed property was used for religious purposes, this could be a potential violation of the right to freedom of religion protected by Article 9 of the ECHR, and Article 18 of the ICCPR.

Once the occupation began, the occupying authorities, in the interests of the Russian Federation, have been unlawfully confiscating and destroying the private property of individuals and legal entities in Crimea. These processes are currently underway.

In addition to the appropriation and destruction of real estate, the Russian Federation also pursues a policy of banning the ownership of land in the territory of the Autonomous Republic of Crimea and the city of Sevastopol to persons who are not RF nationals.

The occupying authorities involved in the process of property appropriation are: "Council of Ministers of the Republic of Crimea" (hereinafter — CM RC), "State Council of the Republic of Crimea" (SC RC), "Government of Sevastopol" (GS), "Legislative Assembly of Sevastopol" (LFS), courts.

²⁰⁰The section was prepared by the Regional Center for Human Rights

²⁰¹Convention for the Protection of Human Rights and Fundamental Freedoms (as previously referred to)

²⁰²International Covenant on Civil and Political Rights (as previously referred to)

The review of decisions of the occupation administrations and courts made in 2014-2020 in Crimea shows the following major ways to appropriate the private property in Crimea:

- a) Nationalization, i.e., adopting acts on automatically transiting titles to the public or private property to so called ‘Republic of Crimea’ or ‘federal city of Sevastopol’ as RF subjects;
- b) Property confiscation based on the court decisions;
- c) Forced property sale due to the occupation authority acts.

*NATIONALIZATION*²⁰³

During 2014, the private property of the largest Crimean business entities was nationalized.

Thus, by adopting 28 resolutions of the “Parliament of the Republic of Crimea”, without any guarantees and compensation provided to the owners, the property of PJSC “KRYMAVTOTRANS Joint Stock Company”, Crimean branches of PJSC “UKRTELECOM”, PrJSC “KYIVSTAR”, PrJSC “EAST CRIMEAN ENERGY COMPANY”, PJSC “KRYMENERGO”, PJSC “KERCHGAZ”, “UKR-GASPROM” private company, PJSC “CB PRIVATBANK” were nationalized.

In order to take some property under control paramilitary units of so-called Crimean Self-Defence were involved. For instance, this was done for seizing the property of PrJSC “KYIVSTAR”, PJSC “UKRTELECOM”, PJSC “KRYMGAZ”, PJSC “KRYMAVTOTRANS Joint Stock Company”, “KRYM SPOZHVSILKA” Consumer Cooperative Association, OJSC ‘MORE FEODOSIYA SHIPBUILDING COMPANY’.

The private property within the territory of City of Sevastopol was nationalized by GS resolutions, for instance, assets of PJSC “SEVMORZAVOD”, BELBEK AIRPORT Ltd.

PROPERTY CONFISCATION BASED ON THE COURT DECISIONS

Based on findings of the open-source study done by the Regional Centre for Human Rights, the occupying authorities deprived at least 3,702 people of land ownership in 2014-2020, including land plots of 3,532 physical persons confiscated due to the decisions of courts of City of Sevastopol, and those of 170 — on the basis of decisions of the courts acting in the territory of the Autonomous Republic of Crimea.²⁰⁴

An important role in this process is played by the city de facto authorities (LFS, “prosecutor’s office”, “Department of Property and Land Relations of Sevastopol”), that file lawsuits against individuals and legal entities demanding the seizure of land plots in favour of the City of Sevastopol. Thus, on December 30, 2016, Public Contract № 290 was signed by the “Department of the Governor’s Office and the Government of Sevastopol” and “Legal Protection” Ltd. to be paid out of the state budget funds. Pursuant to this contract, ‘Legal Protection’ Ltd. Shall deliver legal services (including filing lawsuits to the court) seeking the invalidation of acts related to entitlement to use or own land plots and/or retrieving these land plots from unlawful possession by other persons. As this contract terms and conditions state, the number of statements of claims planned to be filed in 2017, totalled 2,500.

Sometimes the RF Ministry for Defence is also a complainant party in such cases.

The major claim argument is presented as ‘unlawful entitlement to the land’ granted to physical persons. In fact, the occupying authorities are revising the decisions of the state bodies and local authorities of Ukraine adopted before the peninsula occupation.

²⁰³details in *Citizenship, land, “nationalization of property” under occupation of Crimea: lack of rights. Analytical report / Independent Ukrainian centre of political studies : Under general editorship of Yu. Tishchenko. — K.: “Ukraine” Agency, 2015. — 96 p., accessible via link: <http://ucipr.org.ua/publicdocs/Zvit%20Krym.pdf#page=2> (date of access: 01.04.2021);*

²⁰⁴in-house research of RCHR, for additional information, refer to link: <https://rchr.org.ua/>;

Another “reason” for appropriation used by the occupation authorities is the declared illegality of land ownership by individuals because a land plot is classified as ‘forest fund lands’. Stating this, the courts refer to the decision of the occupying power body made after March 18, 2014. This decision established a state forestry enterprise and transferred land plots, including those already owned by individuals, to it.

In addition, the courts unreasonably refuse to accept the complainant party’s arguments that there are original documents on transferring the land to the ownership of individuals in the archives. These archival institutions have been under the control of the occupation authorities since March 2014.

Given that property owners cannot, either physically, or legally, verify the statements on the absence of such documents in the archives, there is a high probability that the occupying power abuses its authority to arbitrarily retrieve land from people. In the light of the above, it seems particularly cynical that the occupation courts do not accept for consideration and evaluation as evidence the original Ukrainian documents the people have which confirm the legality of ownership of these land plots.

*FORCED PROPERTY SALE*²⁰⁵

On August 8, 2014, the SC of the Republic of Crimea adopted the Law “47-ZRK” *“On the Peculiarities of Redemption of Property in the Republic of Crimea”*, that established the grounds and procedures for forced redemption of the private property of physical persons and legal entities located in the territory of the AR of Crimea. Redemption shall be done in the interests of the “Republic of Crimea”.

The occupation authorities forcibly bought the property of “Yalta Film Studio” CJSC, “Euromed-center” LLC, “Genesis” Private Hospital, etc.

BAN FOR NON-RF NATIONALS TO OWN LAND PLOTS

According to the edict of the President of the Russian Federation of January 9, 2011 No 26, foreigners, stateless persons and foreign legal entities shall be banned from owning land within the border areas.²⁰⁶

On March 20, 2020, by Edict of the President of the Russian Federation No 201, the effect of Edict No 26 was extended to the occupied territory — 80% of the territory of the Autonomous Republic of Crimea and 99.95% of the territory of the city of Sevastopol were classified as the border areas. In violation of international law, the Russian authorities ordered the legal owners of such land plots to carry out their mandatory expropriation by March 20, 2021.

This edict violates the rights of following categories of the land plot owners:

- Nationals of all countries, but for the RF;
- Nationals of Ukraine, who, as of 18 March 2014, resided permanently in the AR of Crimea and City of Sevastopol and applied later to preserve the citizenship of Ukraine (rejected the forced Russian citizenship as established by the occupying power);
- Nationals of Ukraine who, as of 18 March 2014, did not permanently reside in the AR of Crimea and City of Sevastopol;
- Stateless persons;
- Legal entities not registered under the RF laws.

In case of failure to satisfy the expropriation requirement, the occupation authorities will sell the land forcedly through a court procedure. Such forced sale may start as early as on March 21, 2021.

²⁰⁵ details in *Citizenship, land, “nationalization of property” under occupation of Crimea: lack of rights*. Analytical report / Independent Ukrainian centre of political studies : Under general editorship of Yu. Tishchenko. — K.: “Ukraine” Agency, 2015. — 96 p., accessible via link: <http://ucipr.org.ua/publicdocs/Zvit%20Krym.pdf#page=2> (date of access: 01.04.2021);

²⁰⁶ text of the decree is accessible via link: <https://bit.ly/3eHMxcx> (date of access: 01.04.2021);

DESTRUCTION OF PROPERTY

Property in the occupied territory is destroyed due to the decisions of the so-called courts as well as other bodies, legal institutions created by the occupying power. According to open sources, in 2014–2020 the occupation authorities destroyed the real estate of at least 250 people, including 192 cases based on the decisions of the courts acting in the territory of the Autonomous Republic of Crimea, and 58 — based on the decisions of the occupation courts acting in the territory of the City of Sevastopol.

Such decisions are usually grounded by the declared illegality within the Russian legal framework of building permits issued by the state authorities of Ukraine before the occupation.

The property is destroyed without any reimbursement for owners.

For instance, a Ukrainian national bought a real estate unit (a pumping station) in December 1999. With the title to the real estate, he also acquired a right to use the land plot where this real estate unit was placed. In January 2015, the real estate unit was registered in the cadastre, and the RF cadastre passport was obtained. In 2016, as commissioned by ‘CAPITAL CONSTRUCTION’ State Treasure Institution, a work program project on demolishing or dismantling Capital Construction’s facilities were developed. In December 2016 ‘Department of Architecture and Urban Development of City of Sevastopol’ issued a permit to reconstruct and construct the contractor, Victory Park to RABOCHAYA-1 Ltd. Company. On September 22, 2017, this company demolished the the pumping station before notifying its owner. On October 29, 2018, Leninsky District Court of Sevastopol dismissed the owner’s case for damages caused by the building demolition. Later the court of appeal upheld this decision.

On July 26, 2016, Gagarinsky District Court of Sevastopol City passed a judgement on demolishing a 1,742sq m building, that had been privately owned since 2013. The major arguments for demolition were incompliance of the construction with the RF laws, and unauthorized, within the RF laws, construction process. The court of appeal upheld the decision on demolition.

Details of illegal expropriation of the private property units, owned by both individuals and companies, have been many times presented by international organizations, for instance, in UN GA resolutions of 19 December 2017, and 22 December 2018, PACE resolutions of 9 April 2014, and 23 January 2018, and OSCE PA Resolutions of 2016 and 2018.²⁰⁷

Victims suffering the property right violations, are applying to the ECtHR. These cases are being considered, with no court judgements passed yet.

RIGHT TO EDUCATION²⁰⁸

Right to education is secured by Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR),²⁰⁹ Article 29 of Convention on the Rights of the Child²¹⁰ and Article 2 of Additional Protocol to European Convention on Human Rights (ECHR).²¹¹ Pursuant to the contents of this right, education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms shall

²⁰⁷All resolutions are indicated in the Introduction of this Report;

²⁰⁸The section was prepared by the Center for Civic Education “Almenda”;

²⁰⁹International Covenant on Economic, Social and Cultural Rights was ratified by Edict of Presidium of Supreme Council of Ukrainian RSR No 2148-VII of 19 October 72, available at https://zakon.rada.gov.ua/laws/show/995_042/conv#Text (date of access: 1 March 2021);

²¹⁰Convention on the Rights of the Child dated 20 November 1989, ratified by Resolution of Parliament of Ukraine no 789-XII of 27 February 1991;

²¹¹Convention for the Protection of Human Rights and Fundamental Freedoms (as previously referred to);

enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.

The UN Committee on economic, social and cultural rights highlighted four essential features of the right to education: availability, accessibility (non-discrimination, physical and economic accessibility), acceptability and adaptability²¹² as well as pointed out that the right to education may be realized only when academic freedom of teachers and students is ensured.²¹³

The right to education is not absolute as it may be subject to reasonable restrictions, taking into account that this right ‘by its nature’ shall be regulated by the state, though the right to education is decisive for realizing the human rights.

RIGHT TO ACCESSIBILITY OF EDUCATION

The network of general education establishments in Crimea (statistic data on the website of the so-called Crimean “Ministry of Education”) remains almost unchanged: in the 2014/2015 academic year, there were 586 secondary educational establishments of all types and forms of ownership in the “republic” (587 in the 2013/2014 academic year). In 2019, students began studying in 597 educational institutions (527 secondary schools in temporarily occupied Crimea and 70 secondary schools in annexed Sevastopol). The reduction of the network of general educational establishments in the Autonomous Republic of Crimea and the city of Sevastopol is not significant and is caused by demographic changes or optimizing the education system.

The number of school students has been growing for 7 years and there is reason to project that this trend will continue due to the demographic policy of the Russian Federation, which is purposefully replacing the Crimean population with its citizens. Specifically, since 2014, during the period of seven years of occupation, 205,559 Russians moved to the Crimea, including 117,114 — to the territory of the republic and 88,445 — to Sevastopol.²¹⁴

Table 1. Movements in the number of students in the occupied Crimea²¹⁵

Academic year	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Pupils, total	182 000	191 100	189 800	188 500	196 500	200 700	208 000 ²¹⁶

The statistics do not indicate a significant increase in the military contingent and special agencies staff, most of whom have been “moving” to the peninsula with their families. The following examples are illustrative: in Sevastopol in the 2017/2018 academic year, the number of first-graders increased by 30% (from 3,800 to 4,500), that caused introducing a two-shift training; in the 2017-2018 school year, the number of first-graders in Simferopol increased by more than 1,000 children,²¹⁷ so over 5,000 pupils were to have classes in the second shift (14%).²¹⁸

²¹²The UN Committee on Economic, Social and Cultural Rights, *General comment No. 13 “Right to education”*, 08.12.1999 (E/C.12/1999/10), clause 6, accessible via link (in English and Ukrainian): https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1999%2f10&Lang=en (date of access: 01.03.2021);

²¹³see clause 38 of the *General comment No. 13 “Right to education”*;

²¹⁴Radio Liberty, *From Siberia to Crimea: how is the structure of the population of the peninsula changing in connection with the Russian occupation?*, 28.01.2021, accessible via link: <https://bit.ly/3u8oERS> (date of access: 01.04.2021);

²¹⁵see, for example, Welcome to the city of Sevastopol, Education and science, accessible via link (in Russian): http://sevastopol.osp-ua.info/ch-2_fl-osvita.html (date of access: 01.03.2021);

²¹⁶ See, e.g., VESTI.KRYM. Back to School: Number of First Graders Increasing in Crimea., 21 Aug 2019; available at (in Russian) <https://vesti-k.ru/snova-v-shkolu-v-krymu-rastet-chislo-pervoklassnikov/> (date of access: 1 March 2021)

²¹⁷Krym.Realii. *Record in Crimea — 23 000 Will Become First Graders — Ministry of Education*. 01 Sept 2018, available at (in Russian) <https://ru.krymr.com/a/news-pervyj-zvonok-v-krymu/29465173.html>; (date of access: 1 March 2021)

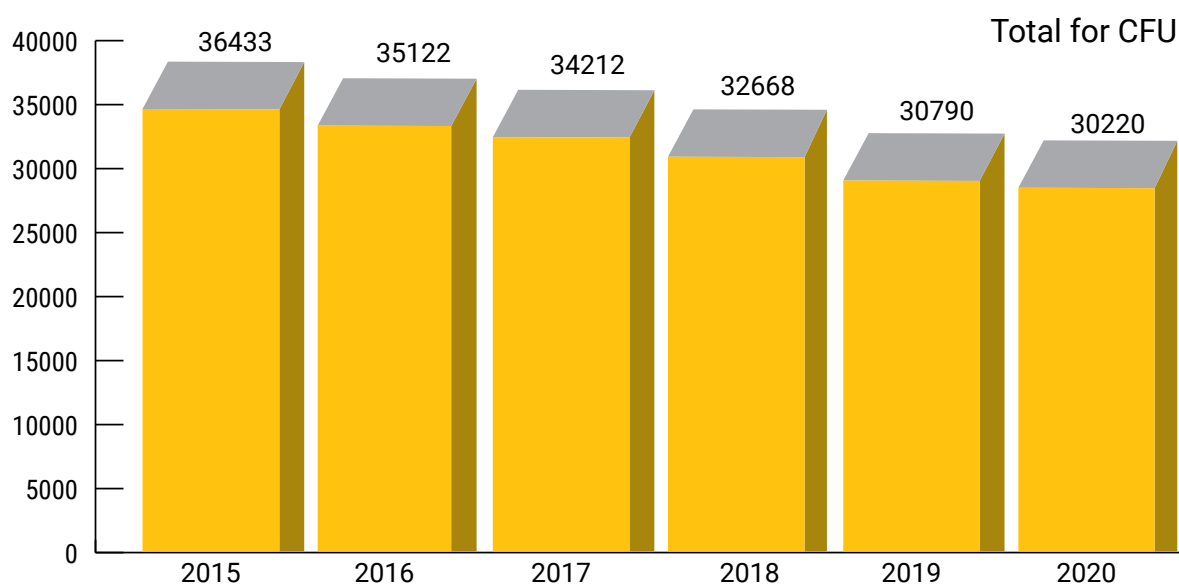
²¹⁸RG.RU. *Classes Till First Star*, 17 Aug 2017, available at (in Russian) <https://rg.ru/2017/08/17/reg-ufo/v-krymu-velichitsia-chislo-shkolnikov-obuchaiushchihsia-vo-vtoruiu-smenu.html>; (date of access: 1 March 2021)

The situation with the higher education system of Crimea is different. At the beginning of 2014, about 48,000 students were studying in Crimea,²¹⁹ and about 17,000 students were studying in universities of III-IV levels of accreditation of annexed Sevastopol.²²⁰ In September 2020, 30,220 students studied at the Crimean Federal University, that incorporated almost all higher educational institutions of the peninsula.²²¹

During the years of occupation, the total number of CFU students decreased by 6,213 (17%), the number of students studying at the expense of the State decreased by 1,501 people (12.2%).

Academic Year	2015	2016	2017	2018	2019	2020
Studying in CFU, total ²²²	36 433	35 122	34 212	32 668	30 790	30 220
Full time (bachelor and master degrees), free of charge	12 344	12 016	12 548	11 882	11 299	10 843

* including full time and correspondence students (bachelor, master, specialist, post-graduate student and college student)



The I. Vernadsky Crimean Federal University was established on the basis of I. Bernadsky Tavriya National University by uniting 7 higher educational institutions and 7 scientific organizations of Crimea. Though almost all university presidents (except Mr. Bagrov, the president of TNU), and heads of scientific institutions were against the unification, on August 4, 2014 the Government of the Russian Federation decided to establish I. Vernadsky CFU.²²³ And on March 25, 2015 the CFU was accredited by the state.²²⁴ However, the CFU went on 'absorbing' and as of 2020 the CFU was composed of 17 higher education institutions.

²¹⁹<http://gosstat.crimea.ru/arh082013.php#den>

²²⁰See for instance: Welcome to City of Sevastopol. Education and Science, available at (in Ukrainian) http://sevastopol.osp-ua.info/ch-2_fl-osvita.html; (date of access: 1 March 2021)

²²¹See for instance, V.I.Vernadsky Crimean Federal University, available at (in Russian): <https://cfuv.ru/> (date of access: 1 March 2021)

²²²Id.;

²²³Government of Russian Federation, *Ordinance no 1465r of 4 August 2014*, available at (in Russian): <http://government.ru/media/files/41d4fa86c7c77acc9ae8.pdf> (date of access: 1 March 2021)

²²⁴See, e.g. RIA NOVOSTI. *Crimean Federal University Accredited by State*, 27 March 2015, available at (in Russian): <http://ria.ru/society/20150327/1054834958.html>; (date of access: 1 March 2021)

Most of higher education institutions did not support the unification, for instance, students of medicine protested against including the I. Georgiyevsky Crimean Medical University²²⁵ into the CFU, and when the medical university was not included into the CFU, over 400 foreign students left the university.²²⁶

For the years of occupation, the number of higher education institutions has reduced: 94 in early 2014 in Crimea, 12 in autumn of 2020.²²⁷

RIGHT TO BE EDUCATED IN NATIVE LANGUAGE

During the years of occupation of Crimea, access to education in Ukrainian and Crimean Tatar has become restricted.

31,000 schoolchildren study the Crimean Tatar language as a subject — either in-depth, or optionally, or extracurricularly. 6,500 children (3.1% of the total number of pupils) study in the Crimean Tatar language in 15 secondary schools with the Crimean Tatar language of instruction (237 classes). 117 Crimean Tatar classes for 1,700 children have been opened in 22 schools on the basis of Russian-language classes.²²⁸

Textbooks in the Crimean Tatar language began to be published in 2015. However, they do not cover the STEM (mathematics, physics and others) and are designated for grades 1-9.

Academic Years	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Pupils studying in Crimean Tatar	5 551	4 895	5 083	5 300	5 600	6 100	6 500
Share of pupils studying in Crimean Tatar	3,1%	2,7%	2,76%	3%	3%	3,1%	3,1%

But according to the monitoring of NGOs, the official statistics of the occupying power do not reflect the real state of affairs, i.e. education in the Crimean Tatar language is nothing but ‘paper’.²²⁹

With regard to education in the Ukrainian language, the education of children in the Ukrainian language has been constantly subject to discrimination since the occupation began. The number of pupils studying in Ukrainian decreased 36 times, and the number of classes with Ukrainian as the language of instruction decreased 31 times.²³⁰ Opportunities to be taught in Ukrainian were reduced in all areas:

- In May 2014 “the Ministry of Education of Crimea’ announced re-qualification of Ukrainian language and literature teachers,²³¹ and in summer 276 teachers were sent on a 10-month ‘Russian Language and Literature’ re-training course.

²²⁵See, for instance, Vesti.UA *Future Health Workers Revolted in University of Crimea*, 8 Dec 2014; available at (in Russian): <http://vesti-ukr.com/poleznoe/80792-v-kgm-podnjali-bunt> (date of access: 1 March 2021)

²²⁶See, for instance, Vesti.UA *400 Foreigners Left Medical Institute in Crimea*, 23 Oct 2014; available at (in Russian): <http://vesti-ukr.com/krym/74593-iz-simferopolskogo-medika-sbezhalo-400-inostrannyh-studentov> (date of access: 1 March 2021)

²²⁷See, for instance, SOBYTIYA KRYMA. INFORMATION WEBSITE, *Number of Higher Education Institutions in Crimea Reduced 8 Times*, 10 Oct 2014, available at (in Russian): <http://www.sobytiya.info/news/14/45374> (date of access: 1 March 2021)

²²⁸Ministry of Education, Science, and Youth of Republic of Crimea, *State and other languages of the Republic of Crimea*, available at (in Russian): <https://monm.rk.gov.ru/ru/structure/210> (date of access: 1 March 2021)

²²⁹Crimea. Realias, «Official status of the Crimean Tatar Language in Crimea is an imitation»: *problems of the language of the indigenous people on the peninsula and the mainland*, 19.01.2020, accessible via link: <https://ua.krymr.com/a/derzhavna-krymskotatarska-mova-v-krymu-imitatsiya/30385748.html> (date of access: 01.04.2021);

²³⁰See, for instance, UKRINFORM, *For Three Years Number of Ukrainian Instructed Pupils in Crimea Reduced 36 Times*

²³¹See, for instance, KRYMINFORM, Information Agency, 5 Aug 2014. *Crimean Teachers of Crimean Language and Literature Included into Re-Training Program*, available at (in Russian): <http://www.c-inform.info/news/id/10106> (date of access: 1 March 2021)

- In June 2014 “the Ministry of Education of Crimea’ sent circular letter ‘*On selecting a language of instruction*’²³² to the educational establishments, declaring the right to select the language of instruction and pointing out at the same time that ‘*The state languages of the Republic of Crimea shall not be taught and learned to the detriment of teaching and learning the State Language of the Russian Federation*’.²³³
- On September 1 of 2014/2015 academic year the number of pupils instructed in Ukrainian reduced substantially, from 12,867 to 1,990. The Ukrainian language was learnt as subject in 142 classes, Ukrainian instructed classes were in 20 schools, though only 1 school with Ukrainian as language of instruction remained of 7 (School No 20 in Feodosiya);²³⁴
- Ukrainian Philology Department was closed in the I. Vernadsky Tavria National University (City of Simferopol).²³⁵
- The State Program for the Development of Education and Science in the Republic of Crimea for 2015-2017,²³⁶ adopted at the end of 2014, had nothing stated regarding education in the Ukrainian language;
- In 2015, Indicative Academic Programs: “Ukrainian Language”, “Ukrainian Literature” as native and non-native, for preschools and secondary schools, were developed and approved by the decision of the Federal Educational and Methodological Association for General Education of the Ministry of Education and Science of the Russian Federation (Minutes № 2/15 dated 20.05.2015).²³⁷ However, the programs themselves are developed only in Russian. Furthermore, they have not been updated for five years.
- 117 titles of educational and methodical publications in the Crimean Tatar and Ukrainian languages with a circulation of 168,248 copies, prepared and published in accordance with FDOS,²³⁸ are used in the educational process, but almost all of them refer the philological (language and literature) and social sciences and the vast majority of them are published in the Crimean Tatar language;
- During the seven years of occupation, seven textbooks for primary school on Ukrainian language and literature²³⁹ were published (textbooks on other subjects were not published). No textbook has been published for high school;
- Education in the native language, according to Russian law, is possible at the level of preschool, primary general and basic general education,²⁴⁰ i.e. only in grades 1–9, and at the level of secondary general education (grades 10–11) education is in Russian. This provision was duplicated in Article 11.2. Law no 131-ZRK / 2015 of 06.06. 2015 “On education in the Republic of Crimea”.²⁴¹
- In the 2019/2020 school year there were 404 preschool educational organizations (PSEO) in the “Republic of Crimea”, enrolling 76,622 children, that included 1 PSEO with Crimean Tatar language of instruction for 40 pupils but no PSEO with Ukrainian language of instruction.

²³²Ministry of Education, Science, and Youth of Republic of Crimea, *Letters of Ministry*, available at (in Russian):: <https://monm.rk.gov.ru/ru/structure/125> (date of access: 1 March 2021);

²³³see, for example, the newspaper of the Cabinet of Ministers of Ukraine “Government Courier”, *Potemkin Villages of education after annexation*, 29.05.2020, accessible via link: <https://ukurier.gov.ua/uk/articles/potomkinski-sela-osviti-pislya-aneksiji/> (date of access: 01.04.2021);

²³⁴Ibid;

²³⁵See, e.g., Higher Education. Information Analytical Website on Higher Education in Ukraine and Abroad, 15 Sept 2014; *Ukrainian Philology Department Closed in Tavria University*, available at (in Russian) <http://vnz.org.ua/novyny/podiyi/6586-u-tavrijskomu-universyteti-likvidovano-fakultet-ukrayinskoyi-filologiyi>, (date of access: 1 March 2021);

²³⁶Council of Ministers of Republic of Crimea, Resolution no 204 of 16 May 2016 ‘*On approving the State Program for the Development of Education and Science in the Republic of Crimea*’, available at (in Russian): <http://docs.cntd.ru/document/413912863> (date of access: 1 March 2021);

²³⁷Ministry of Education, Science, and Youth of Republic of Crimea, *State and other languages of the Republic of Crimea* (as previously referred to);

²³⁸Id.;

²³⁹Id.;

²⁴⁰RF Law of Education, General Provisions of the 2020 Federal Law on Education; *Federal Law ‘On Education in the Russian Federation’ no 273FZ of 29 December 2021, as amended in 2020*, available at (in Russian) <http://zakon-ob-obrazovanii.ru/> (date of access: 1 March 2021)

²⁴¹Draft Law of Republic of Crimea ‘*On Education in the Republic of Crimea*’, available at (in Russian): <http://crimea.gov.ru/textdoc/ru/7/project/252.pdf> (date of access: 1 March 2021)

In 12 PSEO with Russian language of instruction there were 19 groups with Crimean Tatar language enrolling 491 children (0.6%), in 19 PSEO there were 41 groups with mixed form of education in Russian and Crimean Tatar languages, enrolling 758 children (0.98 %) and in 2 PSEO there were 2 groups with Ukrainian language of instruction, enrolling 65 children (0.08%).²⁴²

- The only Crimean school with instruction in the Ukrainian language, according to the information of the Russian Federation, is the secondary school №20²⁴³ (Feodosiya),²⁴⁴ located 14 km from the city of Feodosiya in the village of Primorskiy, with 12,500 residents^{245, 246}. The school is understaffed. All documentation and information are in Russian. Education in 10th – 11th grades is Russian. School clubs offer mainly war games and sports.²⁴⁷ The information about admission to 1st grade says nothing about teaching in the Ukrainian language.²⁴⁸
- For the years of occupation, the number of pupils studying in Ukrainian in the educational institutions of the occupied Crimea *has reduced drastically: from 12,867 to 206*.

Table 2. Number of male and female students studying in Ukrainian in the educational institutions of the temporarily occupied Crimea²⁴⁹

Academic Years	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Pupils studying in Ukrainian	12 867	1990	949	371	318	249	206
Share of pupils studying in Ukrainian	7,3%	1,2%	0,5%	0,2%	0,2%	0,12%	0,09%

A level of suppression of the Ukrainian language in the temporarily occupied Crimea was confirmed by the International Court of Justice's order promulgated on 19 April 2017 regarding application of provisional measures of protection in 'Ukraine v RF' case on financing of terrorism and elimination of racial discrimination. Among other, it calls on the Russian Federation to ensure accessibility of education in the Ukrainian language in the AR Crimea.²⁵⁰

²⁴²Ministry of Education, Science, and Youth of Republic of Crimea, *State and other languages of the Republic of Crimea* (as previously referred to);

²⁴³Municipal Budget General Education Institution — SCHOOL no 20, City of Feodosiya, Republic of Crimea. Official website available at (in Russian): <http://feoschool20.lbihost.ru/основные-сведения> (date of access: 1 March 2021)

²⁴⁴Ministry of Education, Science, and Youth of Republic of Crimea, 8 Sept 2015, *Slightly More than 3% of Children Studying in Crimean Tatar and Ukrainian in Crimea*, available at (in Russian): <https://monm.rk.gov.ru/article/show/322> (date of access: 1 March 2021); 2 March 2017, *Ministry of Education of Crimea Paying A Lot of Attention to Create Conditions for Studying Native Languages*, available at (in Russian): <https://monm.rk.gov.ru/article/show/681> (date of access: 1 March 2021); 29 Jan 2019, *In Academic 2018/ 2019 Year Learning Native Languages Organized for 38,871 Crimean Schoolchildren*, available at (in Russian): https://monm.rk.gov.ru/article/show/2019_01_29_11_31_v_2018_2019_uchebnom_godu_izuchenie_rodnykh_azykov_organizovano_dlia_38_871_krymskogo_shkolnika (date of access: 1 March 2021); *State and other languages of the Republic of Crimea* (as previously referred to); 03 March 2017, KRYM.REALII, *Only 371 Children Studying in Crimea in Ukrainian — Ministry of Education of Crimea*, available at (in Russian): <https://ru.krymr.com/a/28343616.html> (date of access: 1 March 2021);

²⁴⁵Tables with Results of Federal Statistic Observation: 'Census in Crimean Federal Area', available at (in Russian): https://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/tab-krim.htm (date of access: 1 March 2021));

²⁴⁶Municipal Budget General Education Institution — SCHOOL no 20, City of Feodosiya, Republic of Crimea. Official website (see above);

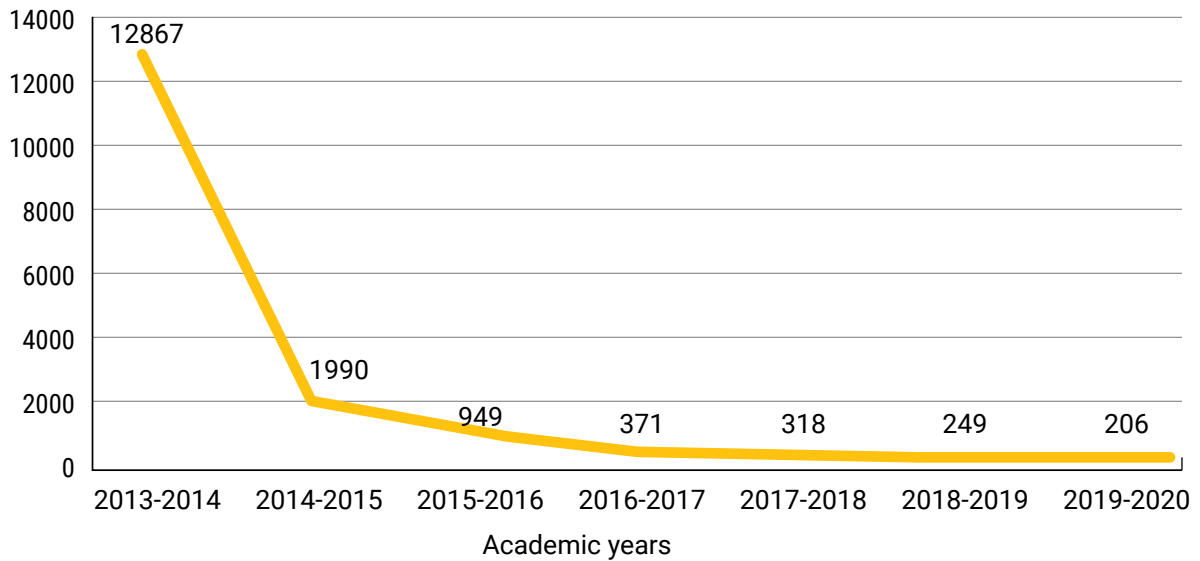
²⁴⁷Municipal Budget General Education Institution — SCHOOL no 20, City of Feodosiya, Republic of Crimea. Official website available at (in Russian): <http://feoschool20.lbihost.ru/%d0%be%d0%b1%d1%80%d0%b0%d0%b7%d0%be%d0%b2%d0%b0%d0%bd%d0%b8%d0%b5/> (date of access: 1 March 2021);

²⁴⁸Municipal Budget General Education Institution — SCHOOL no 20, City of Feodosiya, Republic of Crimea. Official website: *Admitting to Grade 1*, available at (in Russian): <http://feoschool20.lbihost.ru/%d0%bf%d1%80%d0%b8%d0%b5%d0%bc-%d0%b2-1-%d0%ba%d0%bb%d0%b0%d1%81%d1%81-%d0%bd%d0%b0-2018-2019-%d1%83%d1%87%d0%b5%d0%b1%d0%bd%d1%8b%d0%b9-%d0%b3%d0%be%d0%b4/> (date of access: 1 March 2021);

²⁴⁹see, for example, the newspaper of the Cabinet of Ministers of Ukraine "Government Courier", Potemkin villages of education after annexation (mentioned above);

²⁵⁰Ukrainian Law, April 23, 2017, Order of the UN International Court of Justice on Interim Measures in the Case of "Terrorist Financing and Racial Discrimination in Ukraine" (Ukraine v. Russia), available at: https://ukrainepravo.com/international_law/public_international_law/ranai-pkzrausersgs-ftsets-ssr-ses-khypafsvysh-iashsekv-ts-ftuavk-chkrarftsvaryya-khyeusuvipts-kha-ua/ (accessed 01.03.2021);

Graph 2. Number of pupils in the occupied Crimea studying in Ukrainian



RIGHT OF PARENTS TO ENSURE EDUCATION AND TEACHING IN LINE WITH THEIR RELIGIOUS AND IDEOLOGICAL CONVICTIONS

After the occupation of Crimea, 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.

In 2014, the interethnic tolerance educational course “Culture of Good Neighborliness”²⁵¹ 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” (2 hours) dedicated to ‘Reuniting Crimea and City of Sevastopol with the Russian Federation. ‘Crimean Spring’ of 2014’ or ‘Republic of Crimea as Subject of Administrative Territorial Division of the Russian Federation. ‘Crimean Spring’ of 2014’.²⁵²

Then, after the occupation, the replacement of Ukrainian textbooks with Russian ones started, and all textbooks used by children before 2014, were withdrawn from the school libraries.

The study of the History of Ukraine course is not included in the school’s courses on history. Therefore, since 2014, Crimean schoolchildren have not had the opportunity to study the history of the Ukrainian people.²⁵³ The Guidelines on the Peculiarities of Teaching History and Social Sciences in 2015/2016 and Evaluation Criteria emphasize that the *main difference between new textbooks and the previous ones is that they are based on a common methodological concept and a common content standard developed by the Russian Historical Society. This is an attempt to achieve, based on them, an all national consensus on our history*. The guidelines focus specifically on teaching the history of Russia: ‘*HISTORY OF RUSSIA course is a priority and shall account to at least 60-70% of the total academic time*’.²⁵⁴

²⁵¹Transcarpathian Institute of Postgraduate Pedagogical Education, *Crimean Teachers Introduce Course entitled “The Neighbourhood Culture”*, October 2013, accessible via link: <http://zakinppo.org.ua/kabineti/kabinet-doshkilnoi-pochatkovoi-ta-inkluzivnoi-osviti/pochatkova-osvita/1404-krimski-pedagogi-vprovadzhuut-kursu-kultura-dobrosusidstva> (date of access: 01.04.2021);

²⁵²Independent Ukrainian centre of political studies, *Towboat for Crimeans: How Ukraine is fighting for Enrollees from the Peninsula*, accessible via link (in Russian): http://www.ucipr.org.ua/index.php?option=com_content&view=article&id=372:buksir-dlya-krimchan&catid=10&Itemid=214&lang=ua (date of access: 01.04.2021);

²⁵³Ukrainska Pravda, *Back in the USSR. How Crimea is changing under the Russian occupation. Special project*, 08.04.2020, accessible via link: <https://www.pravda.com.ua/articles/2020/04/8/7246911/#e4> (date of access: 01.04.2021);

²⁵⁴text accessible via link (in Russian): <http://krippu.ru/files/metod/2016/history.doc> (date of access: 01.04.2021);

The analysis of textbooks on the history of Russia²⁵⁵ showed great bias and prejudice against the territory of modern Ukraine, Belarus and Lithuania and certain historical processes. For example, a textbook on the history of Russia for 10th grade by M. Gorinov and A. Danilov states that “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.”²⁵⁶

MILITARIZATION OF EDUCATION

In Russia, special purpose state programs “On patriotic education of citizens of the Russian Federation” have been realised in the educational process for already considerable period of time from now, and since April 2014 such programs have been implemented in Crimea,²⁵⁷ in particular, at the time of preparation of this report, the state program “On patriotic education of citizens of the Russian Federation in 2016-2020” was being implemented in Crimea.²⁵⁸

In addition, since late May 2015, the state began to implement in Crimea the “*Strategy for the development of education in Russia for the period up to 2025*”.²⁵⁹ In particular, Part 2 of Section III of this Strategy states that “*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*”.

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*”²⁶⁰ and many documents for its implementation (plans, activities, programs) were in place.

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 2020.²⁶¹ Cadet classes are opened or patronized by various institutions. For example, there is a cadet class in the Simferopol school No 28 under the auspices of the occupying power’s Ministry of Internal Affairs in Crimea, in September 2017 a cadet class of the RF 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).

The opening of a specialized 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.²⁶² There are cadet classes of the Investigative Committee in Sevastopol in school No 22. There are two

²⁵⁵ZN,UA, 18 Mar 2016, *Textbook on History — Main Weapons of Russia*, available at: <http://gazeta.dt.ua/EDUCATION/pidruchnik-z-istoriyi-golovna-zbroya-rosiyi-.html> (date of access: 1 March 2021);

²⁵⁶available at: (in Russian): <https://ru.krymr.com/a/pochemu-prepodavanie-istorii-kryma-privodit-k-shkolnym-skandalam/30725394.html> (date of access: 1 March 2021);

²⁵⁷Federal Archival Agency, the State-owned program «Patriotic Education of Citizens of the Russian Federation for 2011-2015», accessible via link (in Russian): https://archives.gov.ru/programs/patriot_2015.shtml (date of access: 01.03.2021);

²⁵⁸text accessible via link (in Russian): <http://www.rosvoenentr-rf.ru/obobshchennye-doklady/razrabotka-gpp-2016-2020-iyun-noyabr/utochnennyy-variant-gosprogrammy.php> (date of access: 01.03.2021);

²⁵⁹Strategy for the Development of Education in the Russian Federation for the Period until 2025, Approved by order of the Government of the Russian Federation № 996-r dated 29 May 2015 No. 996-p, accessible via link (in Russian): https://monm.rk.gov.ru/file/14_Raspor_996_p.pdf01.03.2021 (date of access: 01.03.2021);

²⁶⁰text accessible via link (in Russian): 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 (date of access: 01.03.2021);

²⁶¹Crimea. Realia, *Crimean children are hostages of the Russian authorities*, 05.12.2020, accessible via link (in Russian): <https://ru.krymr.com/a/krymskiye-deti-zalozhniki-rossiyskoy-vlasti/30984474.html> (date of access: 01.03.2021);

²⁶²Education Policy Portal of Public Experts, *Militarization of Education in the occupied Crimea*, 12.03.2018, accessible via link (in Russian): <http://education-ua.org.ua/articles/1150-krimski-khunvejbin-dlya-putina> (date of access: 01.03.2021);

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.²⁶³

The project of defense and sports profile is being implemented in the school in Koreiz (town of Yalta), there are navy classes in the Yalta school no 7, a Kazak class in the Livadia school, and cadet classes in school No 11. Cadet classes also function in schools of Sevastopol.²⁶⁴

In August 2017, the occupation structure — Derzhkomnats (State Committee for Interethnic Relations and Deported Citizens of the Republic of Crimea) of the Council of Ministers of the annexed Crimea ordered 83 sets of uniforms of Kuban Kazaks for RUR870,000 (approximately USD12,000). According to the so-called ataman of the Crimean Kazak Area Vladimir Mironov, it is planned to open a dozen more classes in the future, and Assistant to the Head of the Occupation Council of Ministers of the Crimea for Kazaks Anton Sirotkin explained to Russian journalists that such classes were in all schools in the neighboring Kuban, so Crimea had an example to follow.²⁶⁵

Currently, the Ministry of Defense, the Ministry of Education and Science, the FSB, the Ministry of Emergencies, the Ministry of Internal Affairs, the Investigative Committee, other state authorities of Russia, the Russian Orthodox Church (ROC), various paramilitary organizations such as the so-called “Cossacks” and others, deal with the military training of children aged 3 to 18 in occupied Crimea.²⁶⁶

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% of the total number of graduates) entered higher educational institutions including 145 (53% of the total number of graduates) who chose universities of law enforcement ministries and departments for further education, and 122 among them (45% of the total number of graduates) entered higher military educational institutions.²⁶⁷

From 2014 to 2020, thematic events, competitions, and projects aimed at forming a Russian identity were held for schoolchildren and youth of the Autonomous Republic of Crimea and the city of Sevastopol. For example, the All-Russian project “Dialogues with Heroes”. The main goal of this project 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.²⁶⁸

²⁶³P. Movchan, M Sulianina, A Halai, Information and analytical research “Education in the temporarily occupied territories of Ukraine (2014-2019)”, under general editorship of V. Potapov. — Kyiv, 2020, p. 33, accessible via link: https://helsinki.org.ua/wp-content/uploads/2021/03/Osvita_01_dlia-sayta.pdf#page=32 (date of access: 01.04.2021);

²⁶⁴Crimea. Realias, Crimean children are hostages of the Russian authorities (see above);

²⁶⁵Ibid;

²⁶⁶P. Movchan, M Sulianina, A. Halai, Information and analytical research “Education in the temporarily occupied territories of Ukraine (2014-2019)”, under general editorship of V. Potapov. — Kyiv, 2020, p. 32, accessible via link: https://helsinki.org.ua/wp-content/uploads/2021/03/Osvita_01_dlia-sayta.pdf#page=32 (date of access: 01.04.2021);

²⁶⁷CHRG, Russian Cadets instead of Crimean Children, 12.06.2020, accessible via link: <https://crimeahrg.org/uk/rosijske-kadetstvo-zamist-krimskogo-ditinstva/> (date of access: 01.04.2021);

²⁶⁸P. Movchan, M. Sulianina, A. Halai, Information and analytical research “Education in the temporarily occupied territories of Ukraine (2014-2019 pp.)” (see above), p. 30;

PARTICIPATION IN CULTURAL LIFE AND USE OF CULTURAL INSTITUTIONS²⁶⁹²⁷⁰

The right to participate in cultural life may be found in the Universal Declaration of Human Rights²⁷¹ of which Article 27, Part 1 states that “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”, and in the International Covenant on Economic, Social and Cultural Rights, which Article 15, Part 1(a) states that “The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life...”.²⁷² This right corresponds with relevant obligations of the States to take steps necessary for the conservation, the development and the diffusion of science and culture; to respect the freedom indispensable for scientific research and creative activity; to recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

The right to safeguard, to protect, and to respect cultural property in the period of occupation is also enshrined in *the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* dated 14 May 1954²⁷³ and protocols to it, to which the Russian Federation is party.

The right to independence, immunity and conservation of culture is enshrined in the UNESCO Constitution,²⁷⁴ the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970²⁷⁵ and the Convention concerning the Protection of World Cultural and Natural Heritage of 1972.²⁷⁶ The Russian Federation is a Party to both these documents.

International humanitarian law forbids an occupying power from destroying cultural property, historical monuments, spiritual sites and objects of cultural or spiritual heritage of peoples as well as to use them to success in military actions.²⁷⁷ Article 8(2)(b)(ix) of the Rome Statute defines destruction and damage to cultural monuments as ‘war crime’.²⁷⁸

During 2014-2015, the Russian Federation appropriated all cultural heritage sites of Ukraine located in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. This is more than 1/10 of all registered objects in Ukraine.

On August 8, 2014, the ‘State Council of the Republic of Crimea’ adopted the Law ‘*On Cultural Heritage Sites in the Republic of Crimea*’.²⁷⁹ The document states that “*objects of cultural heritage (his-*

²⁶⁹all figures, calculations, statistical data given in this section are taken from the all-Ukrainian popular scientific, historical and regional magazine on cultural heritage of Ukraine “Sights of Ukraine. National Heritage” No. 4-6 of 2019, special issue “Memorial sites of Crimea — the current state of cultural heritage of Ukraine”, accessible via link (paper version): <http://presa.ua/pam-jatki-ukraini-nacional-na-spadschina.html> or <https://files.nas.gov.ua/PublicMessages/Documents/0/2019/10/191018124255512-5021.pdf01.03.2021> (date of access: 01.04.2021);

²⁷⁰The section was prepared by the Regional Center for Human Rights

²⁷¹*Universal Declaration of Human Rights* (see above);

²⁷²International Covenant on Economic, Social and Cultural Rights (as earlier referred to)

²⁷³Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict dated 14 May 1954, available at https://zakon.rada.gov.ua/laws/show/995_157/conv#Text (date of access: 1 March 2021);

²⁷⁴Charter of the United Nations on Education, Science and Culture, accessible via link: https://zakon.rada.gov.ua/laws/show/995_014/conv#Text (date of access: 01.03.2021);

²⁷⁵Convention on Measures to Prohibit and Prevent the Illicit Import, Export and Transfer of the Title to Cultural Values of 14 November 1970, *ratified by Decree of the Presidium of the Supreme Soviet of the USSR No. 5396-XI dated 10.02.1988*, accessible via link: https://zakon.rada.gov.ua/laws/show/995_186/conv#Text (date of access: 01.03.2021);

²⁷⁶*Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by Decree of the Presidium of the Supreme Soviet No. 673-XI dated 04.10.1988*, accessible via link: https://zakon.rada.gov.ua/laws/show/995_089/conv#Text (date of access: 01.03.2021);

²⁷⁷See, for instance, Hague Convention of 1954; Additional Protocol of 1977 to Geneva Conventions of 1949 (as referred earlier)

²⁷⁸Rome Statute of the International Criminal Court (see above)

²⁷⁹text accessible via link: https://archive-gkokn.rk.gov.ru/rus/file/pub/pub_233575.pdf01.03.2021 (date of access: 01.03.2021);

torical and cultural monuments) in the Republic of Crimea shall constitute an integral part of the national wealth and property of the peoples of the Russian Federation”.

In addition, for the last five years, the Russian authorities have been completing unprecedented illegal and large-scale archaeological excavations in the Crimean Peninsula; destroyed a number of valuable archeological monuments during the construction works and has caused irreparable damage to a number of historical and cultural monuments. In particular, some of the cultural heritage objects were moved to the territory of the Russian Federation — a collection of paintings by Aivazovsky (Feodosiya, Autonomous Republic of Crimea, Ukraine) was temporarily taken out for exhibition at the Hermitage (St. Petersburg, Russia).

According to the decision of the UNESCO Executive Board, the monitoring of the situation in the Autonomous Republic of Crimea (Ukraine) began in 2018, but the monitors have not been able to enter the temporarily occupied territory yet.²⁸⁰ Nevertheless, in September 2019, Ms. Audrey Azoulay, the UNESCO Director-General, stated the general deterioration of the situation in the Crimean peninsula in all areas of the organization’s competence as well as “destructive actions of the Russian authorities in Crimea, which really threaten the preservation of universal cultural and historical value” and the authenticity of Ukrainian cultural heritage sites, in particular the site “The Ancient City of Tauric Chersonese and its Chora” — listed as the UNESCO World Heritage Site, and the Khan’s Palace in Bakhchisarai.²⁸¹

Ukrainian scientists and researchers note that at the time of Russia’s attack on Ukraine in 2014, there were 7,227 archaeological monuments, 3,861 historical monuments, 742 architectural, urban planning and landscape art monuments, 520 monuments of monumental art, including 227 of national importance, on the state register in the Autonomous Republic of Crimea (AR Crimea). At the same time, 246 archaeological monuments, 1,479 historical monuments, 719 monuments of architecture, urban planning and landscape art, 262 monuments of monumental art, including 42 of national importance, were registered in Sevastopol. In total, there are 14,364 monuments in Crimea.²⁸²

At the beginning of 2014, 32 state museum institutions have been functioning in the Autonomous Republic of Crimea, including seven historical and cultural reserves: branch of the National Conservation Area “St. Sophia of Kyiv”, the Sudak Fortress State Architectural and Historical Reserve (established in 1928), Kerch Historical and Cultural Reserve (1987), Bakhchisarai Historical and Cultural Reserve (1990), Alupka State Palace and Park Reserve (1990), Kalos-Limen Republican Historical and Archaeological Reserve in Chernomorske settlement (1997), Historical and Cultural Reserve “Old Crimea” (2000) Historical and Archeological Reserve “Naples Scythian” (2011).²⁸³

At least 10 state museums were operating in Sevastopol when the Russia’s aggression has been started, including the Khersones-Tavriysky National Reserve (national status was granted in 1994).²⁸⁴

There were 917,500 items in the state part of the Museum Fund of Ukraine in the Autonomous Republic of Crimea, and 320,200 in Sevastopol. In addition, there were more than 300 public and departmental museums on the state register only in Crimea. There were a number of similar institutions in Sevastopol.²⁸⁵

²⁸⁰DW, *UNESCO Direct Monitoring in Crimea: mission impossible?*, 18.04.2018, accessible via link: <https://cutt.ly/pbldaWN> (date of access: 01.04.2021);

²⁸¹UNESCO. Executive Board, 210th, 2020, *Follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions, Part I: Programme issues, P. Follow-up of the situation in the Autonomous Republic of Crimea (Ukraine)*, accessible via link (in English): <https://unesdoc.unesco.org/ark:/48223/pf0000374521.locale=en> (date of access: 01.04.2021);

²⁸²Coordinating Council of Organizations of Internally Displaced Persons from Crimea, «*The Treasure Peninsula in the hands of the occupiers: threats and challenges to the Ukrainian cultural heritage in Crimea*», accessible via link: <https://coordradacrimea.website/uk/pivostriv-skarbiv-v-rukah-okupantiv-zagrozi-i-vikliki-ukrainskij-kulturnij-spadshhini-v-krimu/> (date of access: 01.04.2021);

²⁸³Ibid;

²⁸⁴Ibid;

²⁸⁵Ibid;

As of June 25, 2020, the list of cultural heritage objects of national significance included in the State Register of Immovable Monuments of Ukraine²⁸⁶ including 63 cultural heritage sites of the Autonomous Republic of Crimea and 23 of Sevastopol. As of June 25, 2020, the list of cultural heritage sites of local significance included in the State Register of Immovable Monuments of Ukraine included 1,080 sites in Crimea, and 32 sites in Sevastopol.

Among violations related to the preservation of cultural heritage, three key aspects may be indicated:

- Illicit transfer of cultural heritage objects from the Crimean Peninsula;
- Illicit archaeological excavations in the temporarily occupied territory of the AR of Crimea and City of Sevastopol;
- Restoration works resulting in cultural heritage loss.

ILLEGAL TRANSFER OF CULTURAL HERITAGE OBJECTS

From the first year of the occupation, the occupying authorities have begun the practice of removing movable cultural heritage from the peninsula in violation of Article 11 of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970,²⁸⁷ which states that the export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power shall be regarded as illicit.

On July 29, 2016, the exhibition of works by Ivan Aivazovsky was opened in the Tretiakovka Gallery, that included about 100 pictures and 50 graphic works of the artists, including those from Feodosiya Picture Gallery. The exhibition was open till November 20, 2016.²⁸⁸

On June 29, 2017, the A.S. Pushkin State Fine Arts Museum (Moscow) held an exhibition titled ‘Panticapaeum and Phanagoria: Two Capitals of Bosporan Kingdom’. 450 artefacts presented the history of the Bosporan Kingdom, from 7th century BC to 1st century AD, were presented at the exhibition, including archaeological findings from the collections of the Eastern Crimea Historical and Cultural Reserve Museum (City of Kerch).²⁸⁹

On April 5, 2019, the ‘Golden Horde and Black Sea Area: Lessons of Chingiside Empire’ exhibition was opened in the State Historical, Architecture, and Fine Arts Reserve Museum ‘Kazan’s Kremlin’ where a unique artefact — a carved stone frame of well dated 13th-14th cc. — from the Yalta Historical and Literature Museum collection was exhibited. Ms. Yekaterina Popova, a head of Yalta Historical and Literature Museum development unit, stated that the artefact would be displayed till October 2019.²⁹⁰

ILLICIT ARCHAEOLOGICAL EXCAVATIONS IN CRIMEA

The Russian Federation is continuously excavating in the territory of the Crimean Peninsula, which violates the norms of international law. Since the beginning of the occupation, in 2014 — 2018 representatives of at least 29 legal entities received more than 90 permits for archaeological excavations from the Ministry

²⁸⁶Ministry of Culture of Ukraine website. State Register of Immovable Monuments of Ukraine. See at <https://cutt.ly/1iE6h71> (date of access: 1 March 2021);

²⁸⁷Convention on Measures to Prohibit and Prevent the Illicit Import, Export and Transfer of the Title to Cultural Values of 14 November 1970 (see above);

²⁸⁸GQ, *Exhibition on the occasion of the 200th anniversary of Aivazovsky in the Tretyakov Gallery, 03.08.2016*, accessible via link (in Russian): <https://www.gq.ru/travels/vystavka-k-200-letiyu-ajvazovskogo-v-tretyakovskoj-galeree> (date of access: 16 March 2021)

²⁸⁹The State Museum of Fine Arts named after A.S. Pushkin, *Panticapaeum and Phanagoria. Two capitals of the Bosporus kingdom*, 2017, accessible via link (in Russian): <http://www.arts-museum.ru/events/archive/2017/bospor/index.php/> (date of access: 16 March 2021)

²⁹⁰Crimean ECHO, the Golden Horde and Black Sea region, 04.04.2019, accessible via link (in Russian): <https://c-eho.info/zolotaya-orda-i-prichernomore/> (date of access: 01.04.2021);

of Culture of the Russian Federation. A significant number of archaeological excavations were carried out within the framework of infrastructure projects — construction of a transport crossing through the Kerch Strait, construction of an “energy bridge to Crimea”, a main gas pipeline “Krasnodar Area — Crimea” and “Tavrida Route”. Accordingly, the timing of archaeological excavations was limited by the timing of project work. Although, only during the construction of the transport crossing through the Kerch Strait, archaeologists excavated over a million artifacts, including over 100 thousand artifacts of scientific value.²⁹¹

On October 1, 2018, during the excavations of the ancient city of Tyritáke, the Bosphorus Archaeological Expedition discovered a bone statuette of Harpocrates (Egyptian god of silence). Such a find is unique for studying artefacts in the territory of the Bosphorus Kingdom.²⁹²

On October 16, 2018, the Institute of Archaeology and Ethnography of the Siberian Branch of the Russian Academy of Sciences (Novosibirsk) reported that during the construction of the ‘Tavrida Route’, the Institute staff found and researched nine archeological monuments of different epochs, including about 140 Muslim burials.²⁹³

On October 23, 2018, the staff of the Khersones-Tavriysky National Reserve found an unknown object near the Quarantine Gully during archeological excavations.²⁹⁴

On November 9, 2018, the ‘Ministry of Culture of Crimea’ reported that during the construction of railway approaches to the Kerch Bridge, an ancient settlement of Manitra of the Bosphorus kingdom epoch (4th – 2nd centuries BC) was excavated near the village of Zhovtneve, Leninsky district. The total area of the settlement is more than four thousand m², as to style of development, and state of preservation, the monument is unique for that epoch’s cultural heritage sites in the Northern Black Sea region.²⁹⁵

On December 20, 2018, Mr. S. Vnukov, Doctor of Historical Sciences, Lead Researcher of the Institute of Archaeology of the Russian Academy of Sciences, explained that during 2 years of archaeological excavations within the Tavrida Route construction project, archaeological works were carried out on the area of 300 km from Sevastopol to Kerch, with hundreds of thousands of artifacts excavated. Meanwhile, Mr. Vnukov confirmed that the time of the archaeological excavations was short, because they were directly linked to the time of the Tavrida Route construction.²⁹⁶

On January 17, 2019, archaeologists reported on the results of excavations at the 4th bastion of the defence of Sevastopol (the works have been underway as part of the reconstruction of the Historic Boulevard since November 2018). The archaeological excavations have been carried out by the staff of the Institute of the History of Material Culture of the Russian Academy of Sciences and the State Hermitage (St. Petersburg). Since the beginning of the works, about 8,000 artifacts dated to the period of the Crimean War and the

²⁹¹RIA Novosti Crimea, Over 1 million artefacts found in the area of construction of the Crimean bridge, 13.02.2018, accessible via link (in Russian): <https://crimea.ria.ru/society/20180213/1113827679.html> (date of access: 01.04.2021);

²⁹²Crimea. Realia, Archaeologists found a «unique» during excavation in Kerch (+ photo), 02.10.2018, accessible via link: <https://ua.krymr.com/a/news-u-kerchi-arkheology-vyjavlyi-unikalnu-statuetku/29520645.html> (date of access: 01.04.2021);

²⁹³REAL ESTATE RIA Novosti, Siberian archaeologists have restored finds from the Scythian burial mounds of the Crimea, 16.10.2018, accessible via link (in Russian): <https://realty.ria.ru/20210430/turizm-1730653049.html> (date of access: 01.04.2021);

²⁹⁴Crimea. Realias, *An ancient settlement was discovered in Sevastopol near Karantinnaya Bay* (+photo), 23.10.2018, accessible via link (in Russian): <https://ru.krymr.com/a/v-sevastopole-vozle-karantinnoi-balki-obnaruzhili-drevnee-gorodishe/29559889.html> (date of access: 01.04.2021);

²⁹⁵ИЗВЕСТИЯiz, *The Treasure Peninsula: what was found during the construction of the Crimean Bridge*, 07.01.2020, accessible via link (in Russian): <https://iz.ru/958276/elena-motrenko/poluostrov-sokrovishch-cto-nashli-pri-stroitelstve-krymskogo-mosta> (date of access: 01.04.2021);

²⁹⁶OBOZREVATEL, *The Nazis are «having fun»: Russia is looting on a giant scale*, 09.08.2018, accessible via link (in Russian): <https://plus.obozrevatel.com/crime/rossiya-grabit-kryim.htm> (date of access: 01.04.2021);

defence of Sevastopol in 1941-1942 have been excavated. The excavations of the Historical Boulevard in Sevastopol were completed in May 2019.²⁹⁷

On January 25, 2019, Mr. A. Malgin, Director of the Central Museum of Tavrida (Crimean Republican Local Lore Museum) said that Crimean museums did not have enough space equipped to store new artifacts found.²⁹⁸

On February 8, 2019, an exhibition displaying 140 Scythian gold ornaments of the 1st & 2nd centuries AD, found during excavations of the Ust-Alminsk necropolis in 2017, was opened in the Khan's Palace (Bakhchisaray Historical and Cultural Reserve).²⁹⁹

On March 20, 2019, Mr. A. Bukatov, Head of the Underwater Archaeology Department of the Tauric Chersonesos Museum-Reserve, announced the archaeologists' plans to start archaeological excavations in Omega Bay in Sevastopol in 2019. The excavations in Kozacha and Karantinna bays would also be continued.³⁰⁰

On March 24, 2019, Mr. O. Herzen, Dean of Faculty of History, V.I.Vernadsky Crimean Federal University, the head of the archaeological expedition in the territory of the Bakhchisaray Palace, stated that more than 10,000 artifacts had been found during the excavations in the territory of the palace.³⁰¹

On May 13, 2019, the Institute of Archaeology of the Russian Academy of Sciences published a 2-volume study "Crimea-Tavrida" dedicated to the results of archaeological excavations in the territory of the Crimean Peninsula in 2017-2018.³⁰²

From October 1 to October 20, 2020, the first stage of the Franco-Russian archaeological project "Crimean War" took place, which included archaeological excavations and earth-works in the Almin Valley and in the city of Sevastopol.³⁰³

SITUATION WITH PRESERVING AND RESTORING CULTURAL HERITAGE OBJECTS IN THE TERRITORY OF CRIMEAN PENINSULA

In 2015, one of the towers of the Genoese fortress, a landmark object included in the UNESCO World Heritage Tentative List collapsed. The management of the museum hired unskilled workers who carried out repairs, consisting of routine construction work without any sign of restoration.³⁰⁴ In January 2018, the occupying administration confirmed the collapse of part of the vault of the southern

²⁹⁷TASS Science, *XIX century Bastion* found by archaeologists in the centre of Sevastopol will become a branch of a museum, 07.02.2019, accessible via link (in Russian): <https://nauka.tass.ru/nauka/6088399> (date of access: 01.04.2021);

²⁹⁸Horod24 online, Andrei Malhin: On branch of the Hermitage in Crimea and Scythian gold, 25.01.2019, accessible via link (in Russian): https://gorod24.online/simferopol/news/89531-andrey_malgin_o_filiale_ermitaja_v_kryimu_i_skifskom_zolote.html (date of access: 01.04.2021);

²⁹⁹VestiSevastopol, 140 Scythian golden fineries presented in Bakhchisaray for the first time, 08.02.2019, accessible via link (in Russian): <https://bit.ly/3tgzFzy> (date of access: 01.04.2021);

³⁰⁰FederalCity, underwater archaeologists begin research in Omega Bay of Sevastopol, 21.03.2019, accessible via link (in Russian): <https://federalcity.ru/index.php?newsid=5355> (date of access: 01.04.2021);

³⁰¹TASS Science, *Archaeologists found than 10 thousand artefacts in the Khan's Palace in Bakhchisaray*, 24.03.2019,, accessible via link (in Russian): <https://nauka.tass.ru/nauka/6252220> (date of access: 01.04.2021);

³⁰²RG.RU, Scientists are close to uncovering the secret of the "headless" burial in the Crimea, 13.05.2019, accessible via link (in Russian): <https://rg.ru/2019/05/13/reg-ufo/uchenye-priotkryli-tajnu-bezglavogo-zahoroneniia-v-krymu.html> (date of access: 01.04.2021);

³⁰³VestiSevastopol, *The French participate in the excavation of military burials in Sevastopol*, 04.10.2020, accessible via link (in Russian): <https://vesti92.ru/news/novosti/frantsuzy-uchastvuyut-v-raskopkakh-voinskikh-zakho/>, (date of access: 01.04.2021);

³⁰⁴Coordinating Council of Organizations of Internally Displaced Persons from Crimea, *"The Treasure Peninsula" in the hands of the occupiers: threats and challenges to the Ukrainian cultural heritage in Crimea* (see above);

gate of the Yeni-Kale fortress.³⁰⁵ Since January 30, 2019, the fortress has been closed for visits, though the restoration work has not begun.³⁰⁶

In 2018, without any archaeological excavations done in advance, 1,134 pillars, each 30m long, were installed and filled with concrete directly on the slopes of Mount Mithridates, where the ancient acropolis is located. On January 28, 2019, columns located at the excavations of Panticapaeum (Mithridates) inclined; the entrance to the settlement is closed and guarded. On February 13, 2019, the columns of the ancient city of Panticapaeum (Kerch) fell and were transported to the East Crimean Historical and Cultural Museum-Reserve. As of March 7, 2019, the historical artefact was in the East Crimean Historical and Cultural Museum-Reserve, with no restoration work started.³⁰⁷

In addition, the Russian Federation is destroying cultural heritage sites whilst claiming to restore them. For instance, restoration works on the objects of Bakhchisaray Historical and Cultural Reserve as instructed by the “Council of Ministers of the Republic of Crimea” dated 29.12.2015 No 1311-r, were carried out by Atta Corporation Group LLC (design documents produced by Kiramet LLC). The contractor who performed the work had no experience in the restoration of historical and cultural sites. In fact, instead of restoration, the monument was repaired: original oak beams were replaced, handmade tiles were replaced, and the 18th-century painting of the Great Khan’s Mosque (Biyuk Khan Jami) was damaged, with cracks appearing on the building’s façade. The result is that the cultural heritage site, the only surviving example of Crimean Tatar palace architecture, suffered irreparable damage.³⁰⁸

TAURIC CHERSONESOS

On October 3, 2015, Government of the Russian Federation adopted an ordinance on including ‘Tauric Chersonesos’ National reserve’ into the federal property — into the ‘list of federal cultural heritage list sites included into the Unified State Register of Cultural Heritage Sites (monuments of history and culture) of the Russian Federation peoples’. Russia tried to integrate ‘Tauric Chersonesos’ in its new status into the global cultural space, but UNESCO did not recognize Russian jurisdiction over the site and stopped official cooperation with the reserve museum for the period of temporary occupation. On December 22, 2015, the ‘authorities’ of the annexed Crimea moved a founding stone and a memorial stone of St Volodymyr’s Cathedral of Tauric Chersonesos, monument to Prince Volodymyr and construction of the Cathedral, to the Russian city of Vladimir. The blatant destructive actions of the occupying power included the holding of the “Opera in Chersonesos” “International Music Festival” in 2018-2019, for which 15 trucks of metal structures and a diesel-generator power substation were brought in the territory of the reserve, four stages, three screens and a tribune for spectators with a total weight of 500 tons, light and sound equipment with a capacity of 50 kilowatts were installed. All this was mounted directly on the ancient ruins and created an extremely negative anthropogenic load on the UNESCO monument. Medieval arched stones and an ancient column were thrown away as rubbish in preparation for the entertainment event. Communication cables were laid on the remains of archaeological objects, the construction site included the sections where the research and restoration works had not been finished yet, the heavy machinery ran on the cultural layer and unexcavated part of the ancient settlement site.³⁰⁹

³⁰⁵KRYMINFORM, *Part of the arch of the Enikale fortress collapses in Kerch*, 24.01.2018, accessible via link (in Russian): <https://www.c-inform.info/news/id/61251> (date of access: 01.04.2021);

³⁰⁶Holos Krymu CULTURE, *Stargazers are powerless against boors*, 11.07.2020, accessible via link: <https://culture.voiccrimea.com.ua/uk/monitorynh-porushennia-mizhnarodnoho-humanitarnoho-prava-shchodo-zberezhenia-kulturnoi-spadshchyny-na-tymchasovo-okupovaniij-terytorii-ar-krym-ta-m-sevastopolia/> (date of access: 01.04.2021);

³⁰⁷Ibid;

³⁰⁸Coordinating Council of Organizations of Internally Displaced Persons from Crimea, *“The Treasure Peninsula” in the hands of the occupiers: threats and challenges to the Ukrainian cultural heritage in Crimea* (see above); Den, *Cultural Heritage is annexed, lost, stolen*, 31.10.2018, accessible via link: <https://day.kyiv.ua/uk/article/den-ukrayiny/kulturna-spadshchyna-aneksovana-vtrachena-rozkradena> (date of access: 01.03.2021);

³⁰⁹Voice of Crimea. *Threats to Lose ‘Tauric Chersonesos’, World and Ukrainian Heritage Site, Due to Russian Occupation*. 3 October 2019, available at: <https://voiccrimea.com.ua/main/articles/the-threat-loss-object-world-and-ukrainian-heritage-tauric-chersonesos-as-consequence-russian-occupation.html> (date of access: 1 March 2021);

UKRAINIAN CULTURE IN CRIMEA

On March 9, 2014, during the celebration of the 200th anniversary of Taras Shevchenko's birth, Ukrainian activists Andriy Shchekun and Anatoliy Kovalsky, organizers of the annual cultural and educational event held at the Shevchenko monument in Simferopol, were abducted. They were missing for 11 days. The Crimean Ukrainians were tortured and tormented in the basement of the military commissariat. They were exchanged for Russian representatives of security services on March 20, 2020.³¹⁴

In 2014, Crimean activists established the 'Ukrainian People's House' NGO. All members of the new public initiative went missing after the occupation of the Crimean Peninsula by the Russian Federation. Timur Shaimardanov (missing since May 26, 2014), Seyran Zeynedinov (missing since May 30, 2014), Leonid Korzh (missing since May 22, 2014).

On March 9, 2015, Ukrainians in Crimea were officially denied permission to lay flowers at Taras Shevchenko monument and celebrate the 201st anniversary of the birth of the Ukrainian Kobzar in Shevchenko Park by the Russian authorities. Activists of the Ukrainian Cultural Centre (UCC) decided to hold the event in another place — Gagarina Park. On that day, three activists were detained for Ukrainian symbols and forcibly taken to the Simferopol Railway District Court, which found the Crimean activists, UCC members: Leonid Kuzmin, Veldar Shukurdzhiyev, and Oleksandr Kravchenko, guilty and sentenced them to corrective labor.³¹⁵

On May 15, 2015, the Crimea Prosecutor's Office warned Mr. Leonid Kuzmin, a UCC activist, about the inadmissibility of using Ukrainian symbols at mourning events on May 18 dedicated to the Day of Deportation of the Crimean Tatar People.³¹⁶

On May 21, 2015, when celebrating Vyshyvanka Day (*an annual holiday dedicated to a traditional Ukrainian embroidered shirt/blouse*), four members of the UCC (Leonid Kuzmin, Mykhailo Batrak, Veldar Shukurdzhiyev and Serhiy Dub), as well as members of the INTER Ukrainian TV channel camera crew were detained and interrogated in connection with taking photos in embroidered shirts on the background of the inscription "Crimea", at the entrance to the administrative territory of the peninsula.³¹⁷

Between 2016 and 2018, most active members of the UCC were forced to cease their active public position and organizing various cultural and educational events in Crimea, and because of political pressure from Russian intelligence services had to leave the temporarily occupied territory of Crimea for mainland Ukraine. Most of them left at the last minute before their possible arrests for their public demonstration of belonging to the Ukrainian community, for their Ukrainian identity.³¹⁸

After the Russian occupation of Crimea, in November 2014, the Russian occupation authorities closed out the Crimean Academic Ukrainian Musical Theatre, located in Simferopol, the only one in Crimea whose repertoire always included Ukrainian-language productions and had the

³¹⁴KrymSOS, *Kobzar's Birthday. How are Ukrainian patriots commemorating this day in the occupied Crimea*, March 2021, accessible via link: <https://krymsos.com/news/60488326b6d26/> (date of access: 01.04.2021);

³¹⁵Ibid; and also see: Voice of Crimea CULTURE, *Sentence in the «Shevchenko» case — 40 hours of community service*, March 13, 2015, available at: <https://voicecrimea.com.ua/main/the-verdict-shevchenko-case-40-hours-community-service.html> (accessed 01.04.2021);

³¹⁶Holos Krymu CULTURE, *Ukrainian symbols are banned, persecution of pro-Ukrainian activists continues in Crimea. (Report of Crimean Field Mission)*, 19.06.2015, accessible via link: <https://voicecrimea.com.ua/main/law/u-krimu-pid-zaboronoyu-ukra%D1%97nnska-simvolika-ta-peresliduvannya-proukra%D1%97nskix-aktivistiv-zvit-kpm.html> (date of access: 01.04.2021);

³¹⁷See, for instance, Voice of Crimea, *Vyshyvanka Day: Arrest, Interrogation, Search, and Again... Threats*, 22 May 2015. Available at <https://voicecrimea.com.ua/main/news/developments/den-vishivanki-aresht-dopit-obshuk-i-znovu-pogrozi.html> (date of access: 1 March 2021);

³¹⁸Commissioner for the Protection of the State Language, *A Review of Restrictions on the Functioning of the Ukrainian Language in the Temporarily Occupied Territories of Ukraine*, accessible via link: <https://mova-ombudsman.gov.ua/oglyad-ukrayinskoyi-movi-na-timchasovo-okupovanih-teritoriyah-ukrayini> (date of access: 01.04.2021);

word ‘Ukrainian’ in the name. Now it is called “State Academic Musical Theatre of the Republic of Crimea”. There are no more Ukrainian-language performances in the repertoire.³¹⁹

In February 2015, the Vira Roik Museum of Ukrainian Embroidery was closed in Simferopol. A nameplate of the museum disappeared from the building; the door is locked.³²⁰

On December 28, 2015, during the meeting of the SVITANOK Ukrainian Studio Theatre acting in Crimea since 1993, it was announced that the studio stopped its activities in Crimea.³²¹

In early March 2016, the Crimean occupying authorities closed the Lesya Ukrainka Museum, sited in the the house which Lesya Ukrainka lived in 1897, in Yalta to visitors. The museum was closed to repair, as announced, the house in which it is located, and in which Lesya Ukrainka lived in 1897. However, according to Yalta activists, no work has been done there, though the official opening of the museum after the repairs was scheduled for the end of 2017. The Lesya Ukrainka Museum in Yalta is still closed to visitors.³²²

RIGHT TO ENVIRONMENT SAFE FOR LIFE AND HEALTH³²³

Pursuant to Principle 1 of the Stockholm Declaration (Declaration of UN Conference on the Environment of 1972), ‘Man has the fundamental right to freedom, equality and adequate conditions of life, in the environment’.³²⁴

In 1992 the second UN Conference on the Environment and Development adopted the Rio-de-Janeiro Declaration on Environment and Development, that clarified people’s right to a favourable environment in the context of sustainable development to satisfy the needs not only of the present but also future generations through the interaction of human beings and nature. However, this right was recognized and secured on a sector level, not in the documents on fundamental human rights and freedoms.³²⁵

Like any armed conflict, the occupation of the Crimean Peninsula by the Russian Federation has generated a set of negative environmental factors, including pollution, harm to, and destruction of the environment. The occupying power, fighting for natural resources, takes actions that directly (as well as indirectly) affect not only the population and environment of occupied Crimea, where they occur, but also the entire natural environment of the Azov-Black Sea basin and the Earth’s natural ecosystem, because nature can’t be split with administrative borders, and therefore cannot be divided into separate sections or parts. Destroying certain areas of the Crimean Peninsula causes a loss of harmonious balance; these environmental effects will remain, being irrecoverable.

³¹⁹Ibid;

³²⁰Espresso.TV, *The Museum of Ukrainian Embroidery named after Vira Roik closed in Simferopol*, 06.02.2015, accessible via link: https://espreso.tv/news/2015/02/06/u_simferopoli_zakryly_muzey_ukrayinskoyi_vyshyvky_imeni_viry_royik (date of access: 01.04.2021);

³²¹Holos Krymu CULTURE, *Ukrainian studio “Svitanok” stops its activity due to pressure in Crimea*, 30.12.2015, accessible via link: <https://voicecrimea.com.ua/main/news/chez-tisk-u-krimu-pripinila-robotu-ukra%D1%97nska-studiya-svitanok.html> (date of access: 01.04.2021);

³²²The newspaper of the Cabinet of Ministers of Ukraine «Government Courier», *Lesya Ukrainka and Crimea*, 22.05.2020, accessible via link: <https://ukurier.gov.ua/uk/articles/lesya-ukrayinka-i-krim/> (date of access: 01.04.2021);

³²³The section was prepared by the Regional Center for Human Rights

³²⁴UN Conference on Environment Declaration was adopted by the UN Conference on Environment, Stockholm, 1972. Available as (Russian) https://zakon.rada.gov.ua/laws/show/995_454#Text (date of access: 1 March 2021);

³²⁵Shompol O.A. International legal principles to secure environmental human rights. Hot Topics of International Relations. Issue 83 (Part II), 2009, pp.183-187, available at <http://journals.iir.kiev.ua/index.php/apmv/article/viewFile/424/391> (date of access -1 March 2021);

The increased anthropological burden on the ecosystems of the Crimean peninsula, the need to maintain and provide it with the natural resources, the need to increase industrial production in Crimea, in particular due to the need to develop and maintain military bases etc., including industrial, and military facilities, all these actions are taken by the Russian Federation in Crimea in violation of the nature exploitation regimes of the territories, neglecting the factor of limited natural resources.

EMISSIONS OF THE POLLUTANTS IN THE AMBIENT AIR

“Crimean Titan” PrJSC (Armians’k), a chemical company whose prime product is titanium dioxin. In August–September 2018, emissions of toxic chemicals from the company’s acid storage in the air were observed.³²⁶

In March 2019, the next major release of chemical substances from the acid storage of the titanium plant was recorded; the chemical production waste of the titanium plant is kept under the layer of phosphogypsum and a water “cap”. The local residents said that a strong evaporation of chemicals was observed in the area of the acid storage, and the emissions were moved by a strong wind to the city of Armians’k and surrounding settlements. The plant workers were provided with respiratory protection during shift work.³²⁷

A similar release was reported in August 2019. The occupying authorities of the Autonomous Republic of Crimea covered up the release of chemicals.³²⁸

Each release was accompanied with a sharp worsening of the health state of local residents. Numerous visits of the Dzhankoy and Krasnogvardiysk districts residents in the temporarily occupied territory of the AR of Crimea to hospitals were observed.³²⁹

ILLEGAL FELLING OF GREEN AREAS INCLUDING UNIQUE RELIC VEGETATION

In 2015–2016, the construction of two eight-storey residential buildings was completed in the Laspi area. The developer was Agat-A LLC. According to activists of All-Russian People’s Front, the pro-government Russian NGO, 345 Red Book trees were cut down during the construction of the first stage of the residential area, the estimated amount was RUR31,135,000. (circa USD 480 thousand).³³⁰

On October 5, 2018, Ms. T. Tymochko the head of the All-Ukrainian Environmental League, stated that since the beginning of the occupation of the Autonomous Republic of Crimea and Sevastopol in the Laspi area 800 of the 2,000 unique relict juniper trees had been destroyed. As of June 2018, 10 hectares had been cut down.³³¹

³²⁶Crimea. Realia, *Two million cubic meters of water dumped into the acid storage of “Crimean Titan” — Aksenov’s deputy*, 22.10.2018, accessible via link: <https://ua.krymr.com/a/novyny-krymu-vybukh-u-kerchikrymskyi-tytan/29557999.html> (date of access: 01.04.2021);

³²⁷UKRINFORM, *Emissions of chemicals again recorded in the north of Crimea*, 12.03.2019, accessible via link: <https://www.ukrinform.ua/rubric-crimea/2658032-na-pivnoci-krimu-znovu-zafiksuvali-vikidi-v-povitra-himicnih-recovin.html> (date of access: 01.04.2021);

³²⁸see, for example, LB.UA, *«Crimean Titan» stops operations of a workshop «to prevent the deterioration of the environmental situation»*, 29.08.2019, accessible via link: https://lb.ua/society/2019/08/29/435891_krimskom_titane_ostanovili_tseh.html (date of access: 01.04.2021);

³²⁹see, for example, *Crimea. Realia*, *“There are people who really suffered”: “retribution” for emissions in Armyansk*, 17.08.2019, accessible via link: <https://ua.krymr.com/a/vykydy-v-armiznsku-krym/30113895.html> (date of access: 01.04.2021);

³³⁰Crimea. Realias, *How a forest becomes a “not forest”: Development of multi-storied buildings continues in Laspi stow*, 19.05.2019, accessible via link (in Russian): <https://ru.krymr.com/a/sevastopol-zastroyka-urochischa-laspi/29949859.html> (date of access: 01.04.2021);

³³¹Obozrevatel, *A new disaster in Crimea: environmentalists raise the alarm*, 05.10.2018, accessible via link: <https://plus.obozrevatel.com/ukr/crime/nove-liho-v-krimu-ekologiy-byut-na-spoloh.htm> (date of access: 01.04.2021);

In May 2018, based on the decision of the federal authorities for the nature management supervision (Rosprirodnadzor), juniper plantations were destroyed in the village of Gaspra. According to media reports, a plot in the village of Gaspra is being cleared for cottage development.³³²

According to N. Mil'chakova, PhD. (Biological Sciences), Head of the Laboratory of Phytore-sources of the so-called "Federal State Budgetary Institution of Science", The Kovalevsky Institute for Marine Biological Research, the situation with juniper felling in Crimea is catastrophic. In Barh-chisarai district alone more than 1,000 juniper trees aged 100 years and older were victimized. Such juniper plantations cannot be restored. According to Ms. Mil'chakova, 16 enterprises manufacturing products from juniper operate in Bakhchisarai district.³³³

On February 14, 2019, Mr. M. Karpenko, the head of the Department for Development of Resort Territories and Tourist Resources of the so-called "Ministry of Ecology and Natural Resources of the Republic of Crimea" informed the mass media about the occupying administration's plans to open an official beach in the "Silent Bay" landscape park in Koktebel.³³⁴ In May 2017, construction work began on a plot of 42,788 m². Griffon Advisor LLC (a Russian company) has begun construction of three nine-story buildings.³³⁵

According to the press office of the so-called "State treasury institution of the Republic of Crimea" 'Road Service of the Republic of Crimea' dated 12.03.2019, on compensation for the replacement cost of greenery cut down during the construction of the so-called "Tavrida Route". More than 111,000 trees and more than 116,000 bushes were cut down during the 'route' construction. Since the reclama-tion of the territory before the completion of construction was decided to be unreasonable, the compensation was made in cash equivalent — RUR209 million transferred to the so-called "Ministry of Ecology and Natural Resources of the Republic of Crimea" (circa USD 3,215,384).³³⁶

On May 30 2019 Mr. I. Anats'ky, Director General of the company contracted to rehabilitate the Salgir River embankment in Simferopol³³⁷ announced plans to fell 649 trees growing within the river bed or destroying its banks. The embankment is being rehabilitated by ASGARD Ltd (Simferopol), project cost being RUYR498.259mln (circa USD 7,665,523).³³⁸

ILLEGAL PRODUCTION OF CONSTRUCTION MATERIALS

Illegal extraction of construction materials is in progress in the territory of the Crimean peninsula; they are used for the construction of the transport crossing through the Kerch Strait, the so-called "Tavrida Route" and other infrastructure facilities.

³³²Crimea. Realias, *Damage for the next 200 years: How activists save the Red Book Heritage in Gaspra*, 30.05.2018, accessible via link (in Russian): <https://ru.krymr.com/a/29258606.html> (date of access: 01.04.2021);

³³³news under headline «*The situation around the cutting of juniper in Crimea is catastrophic*» was published in Russian on site <https://sevasnews.ru> 06.06.2018 at link: <https://sevasnews.ru/news/society/5371-rubka-mozhzhevelnika-stala-ogromnym-tenevym-biznesom.html>, although at the time of preparation of this Report access to this news was possible through Google 's cache (Google's cache) only via link: <http://webcache.googleusercontent.com/search?q=cache:19vPZjAinH8J:https://sevasnews.ru/news/society/5371-rubka-mozhzhevelnika-stala-ogromnym-tenevym-biznesom.html&hl=en&gl=ch&strip=1&vwsr=0> (date of access: 30/04/2021);

³³⁴Crimea.NEWS, *An official beach opening is scheduled in Tikhaya Bay*, 14.02.2019, accessible via link (in Russian): <https://krym.news/news/turizm/v-tikhoy-bukhte-planiruetsya-otkryt-ofitsialnyy-plyazh/> (date of access: 01.04.2021);

³³⁵Crimea. Realias, residents of Koktebel asked Putin to save *Tikhaya Bay* from development, 29.05.2017, accessible via link (in Russian): <https://ru.krymr.com/a/28516604.html> (date of access: 01.04.2021);

³³⁶*State Treasury Institution of the Republic of Crimea "Roads Service of the Republic of Crimea", The replacement cost of green spaces cut down during the construction of "Tavrida" Centre compensated*, 12.03.2019, accessible via link (in Russian): <http://sadrk.ru/informatsiya-141/> (date of access: 01.04.2021);

³³⁷Crimea. Realias, «*Non-transparency and lack of communication*»: *how the Salgir embankment is being reconstructed in Simferopol*, 26.06.2019, accessible via link (in Russian): <https://ru.krymr.com/a/rekonstrukciya-salgira-v-simferopole/30021095.html> (date of access: 01.04.2021);

³³⁸RG.RU, *The Salgir embankment reconstruction continues in Simferopol*, 28.04.2020, accessible via link (in Russian): <https://rg.ru/2020/04/28/reg-ufo/v-simferopole-prodolzhat-rekonstrukciiu-naberezhnoj-salgira.html> (date of access: 01.04.2021);

Contaminated sand is extracted from the Upper Churbash and Lower Churbash tailings pits. According to available information, as of September 2018, the area of sand production in the territory of the Upper Churbash tailing pit increased 18 times, compared to 2017, to 7.2 hectares. In early 2019, local Crimean media reported on the destruction of the dam of the Lower Churbash tailing pit.

For reference: Tailing pits were used from 1968 to 1994 to collect toxic waste from the Kamysh-Burunsky Iron Ore Plant.³³⁹ A chemical analysis of tailings made in 2016 revealed that they exceeded the maximum allowable concentrations of arsenic by a factor of 500, antimony by a factor of 3, vanadium 3.5, and chromium by a factor of 1,420.³⁴⁰ In 2017, according to the ‘court’ decision, sand mining was banned, “Kamysh-Burunsky Iron Ore Plant” JSC was obliged to restore the dam of the Lower Churbash tailings pit, part of which was in fact destroyed due to sand mining. However, according to available information, as of September 2018, the area of sand production sites in the territory of Verknio-Churbashske tailings pond has increased 18 times compared to 2017, to 7.2 hectares, and in early 2019 the media reported on the destruction of the dam of Nyzhnio-Churbashske tailings pond.³⁴¹

For the needs of construction of infrastructure facilities, construction materials are actively extracted in recreational areas. In particular, in March 2018, the extraction of soil for the construction of the “Tavrída Route” started in Nemetska Ravine near the village of Kacha (Sevastopol).³⁴² After protests of the local residents in May 2018, mining was stopped, but then resumed in January 2019.³⁴³

Limestone is mined with explosions in the territory of the Baksan Quarry (Belogorsk district). The use of this technology causes the destruction of houses of local residents in the surrounding villages, and water is disappearing in the Burulcha River.³⁴⁴

Since 2015, the Russian Federation has been illegally extracting sand from the territory of Karinkitsky Bay (extraction is carried out in the territorial waters of the Kherson region), which results in erosion of the Bakalska Spit.

According to local residents, an unknown legal entity was issued the license a sand mining valid until April 17, 2018 to by “federal authorities”. Extraction of sand from the Gulf continued after the expiration of the license.³⁴⁵

According to media reports, sand was mined and covered by border patrol ships of the FSB border guard service.³⁴⁶

³³⁹Crimea. Realias, «*Endless free money*»: Will the FSB stop the extraction of poisonous sand in Kerch?, 22.12.2019, accessible via link (in Russian): <https://ru.krymr.com/a/fsb-rossii-v-krymu-dobycha-peska-v-kerchi/30331734.html> (date of access: 01.04.2021);

³⁴⁰Ukrainskaya Pravda, *Waste storage dam destroyed in occupied Crimea, everything is dumped into the sea* — MM, 04.02.2019, accessible via link (in Russian): <https://www.pravda.com.ua/rus/news/2019/02/4/7205663/> (date of access: 01.04.2021);

³⁴¹Crimea. Realias, *Extraction of toxic sand in Kerch destroys the dam of the waste storage (+photo)*, 04.02.2019, accessible via link (in Russian): <https://ru.krymr.com/a/news-toksichnyy-pesok-dobycha-v-kerchi/29750843.html> (date of access: 01.04.2021); Centre for Investigative Journalism, Phosphorus, arsenic and chromium may get into the sea in Kerch, 10.09.2018, accessible via link: <https://investigator.org.ua/ua/news-2/210984/> (date of access: 01.04.2021); *Ukrainskaya Pravda*, *Waste storage dam destroyed in occupied Crimea, everything is dumped into the sea* — MM (see above);

³⁴²Apostrof, *Turned into a quarry: photos and videos of the destruction of the famous beach in the Crimea published*, 27.04.2018, accessible via link: <https://apostrophe.ua/ua/news/society/accidents/2018-04-27/prevratili-v-karer-opublikovanyi-foto-i-video-unichtojeniya-izvestnogo-plyaja-v-krymu/128442> (date of access: 01.04.2021);

³⁴³depo.ua, *Threat of landslides due to uncontrolled mining in Nemetskaya Bay in the suburbs of Sevastopol*, 16.11.2020, accessible via link: <https://krym.depo.ua/ukr/krym/u-peredmisti-sevastopolya-vinikla-zagroza-zsvu-gruntu-cherez-bezkontrolniy-vidobutok-u-nimetskiy-baltsi-202011161245311> (date of access: 01.04.2021);

³⁴⁴RG.RU Assassination attempt on «Crimean Switzerland» 04.03.2020, <https://rg.ru/2020/03/04/reg-ufu/v-krymu-zhiteli-treh-sel-poprosili-zakryt-karer-razrushaiushchij-ih-doma.html>

³⁴⁵RIA Novosti Crimea, *Save Bakalskaya Sand Bar: a unique reserve dies before our eyes*, 13.03.2020, accessible via link (in Russian): <https://crimea.ria.ru/society/20200313/1118040515/Spasti-Bakalskuyu-kosu-unikalnyy-zapovednik-umiraet-na-glazakh.html> (date of access: 01.04.2021);

³⁴⁶Ukrainian military portal, *Russian Ship covers illegal sand mining*, 04.12.2018, accessible via link: <https://mil.in.ua/uk/korabel-rosiyi-prykryvaye-nezakonnyj/> (date of access: 01.04.2021);

The sand extraction from the waters of Karkinitsky Bay caused an actual destruction of the Bakalska Spit (the village of Steregushche, Rozdolnensky District). In 2000, Bakalska spit attained the status of a regional landscape park. Due to the erosion of the sandy spit, changes in currents, the recreational area in the village of Steregushche turned into a swamp. The coast is polluted by algae and waste brought by the sea. In addition, due to illegal extraction of sand, the nature reserve “Small Philophoric Field” (Bakalskaya Bay) is threatened with destruction. “Swan Islands”, the ornithological branch of the Crimean Nature Reserve, is located 25 kilometers northeast of Bakalska Spit.³⁴⁷

Since 2015, Yachtstroyservice LLC has been extracting sand from Lake Donuzlav (village of Mirny, Yevpatoria).

According to the information of the occupying authorities (register of “state registration of local significance subsoil use licenses in the Republic of Crimea as of 28.02.2018”, posted on the website of the so-called “Ministry of Ecology and Natural Resources of the Republic of Crimea”³⁴⁸) the right to extract sand from Donuzlavsky field was granted to Yachtstroyservice LLC until 25.12.2033 (northern part of the field) and 25.02.2024 (southern part of the field).³⁴⁹

After the protests of local residents on October 1, 2017, the issue of “rationale to continue sand mining in Lake Donuzlav near the villages of Mirne and Novoozerne by Yachtstroyservice LLC” was subject to public consultations. The discussion outcome was as follows: draft resolution of City of Yevpatoriya of the Republic of Crimea ‘On addressing the Council of Ministers of the Republic of Crimea to initiate an additional study of the feasibility to continue sand mining in Lake Donuzlav, near the villages of Mirny and Novoozerne by “Yachtstroyservice” LLC, was approved.³⁵⁰ The draft was completed with a section to ban mining the sand from Lake Donuzlav and to instructed the so called FSBUN ‘Maritime Hydrophysical Institute of Russian Academy of Sciences’ (City of Sevastopol) to study the feasibility of continued sand mining.

However, the sand is still being mined from Lake Donuzlav. The so-called FSBUN “Marine Hydrophysical Institute of the Russian Academy of Sciences” “did not find negative impacts of sand mining” for local ecosystems. At the same time, local residents claim that due to mining works, the recreational area on Lake Donuzlav was actually destroyed, and the flora and fauna of the lake became significantly impoverished. However, the so-called “Ministry of Ecology and Natural Resources of the Republic of Crimea” justifies the extraction from Lake Donuzlav by stating that this is the only deposit of sand that meets the state Russian standard and is suitable for use in construction in the Crimean Peninsula.³⁵¹

In May 2019 the local residents published a petition to S. Aksionov, ‘the Head of Republic of Crimea’, and the Ministry of Ecology and Natural Resources of the Russian Federation’ at website Change.org to preserve Lake Donuzlav.³⁵²

³⁴⁷Centre for Investigative Journalism, *Pirates of the Sand Quarries of Crimea: people, companies, vessels*, 30.05.2020, accessible via link: <https://investigator.org.ua/ua/investigations/225626/> (date of access: 01.04.2021);

³⁴⁸site of the Ministry of Ecology and Natural Resources of the Republic of Crimea, *Subsoil use*, accessible via link (in Russian): <https://meco.rk.gov.ru/ru/structure/768> (date of access: 01.04.2021);

³⁴⁹Crimea. Realia, *the Government of Yevpatoria has changed its mind about sand mining in Donuzlav and proposes to approve it*, 26.11.2017, accessible via link: <https://ua.krymr.com/a/news/28877729.html> (date of access: 01.04.2021); Crimea. Realias, «War» for Donuzlav: *Crimeans versus businesses*, 07.12.2017, accessible via link (in Russian): <https://ru.krymr.com/a/28902294.html> (date of access: 01.04.2021);

³⁵⁰RG.RU, *The sand will remain in the water?*, 04.10.2017, accessible via link (in Russian): <https://rg.ru/2017/10/04/reg-ufo/zhiteli-zapada-kryma-progolosovali-protiv-dobychi-peska-na-ozere-donuzlav.html> (date of access: 01.04.2021);

³⁵¹MARINE HYDROPHYSICAL INSTITUTE of the RAS, Site “Notes”: *“The path to the beach will be built from the beach”*, 31.05.2019, accessible via link (in Russian): http://mhi-ras.ru/news/news_201905311517.html (date of access: 01.04.2021);

³⁵²Change.org, *Let’s save the best children’s resort in Russia! Petition to ban the pumping of sand at Donuzlav*, accessible via link (in Russian): <https://bit.ly/3vyaz0t> (date of access: 01.04.2021);

CONTAMINATION OF COASTAL SEA WATERS WITH UNTREATED SEWAGE

On August 29, 2018, Crimean media reported that the court ruled that the so-called State Unitary Enterprise ‘Water of Crimea’ had been fined RUR37,000 for accidentally discharging untreated sewage into the Bulganak River, from where it got into the Kerch Strait.³⁵³

On October 29, 2018, Mr. O. Boltachov, head of the plankton department of the so-called O.O. Kovalevsky Institute of Marine Biology of the Russian Academy of Sciences, stated that the mass discharge of untreated sewage into the sea could provoke a cholera epidemic in Crimea. According to him, sewage is discharged untreated in the city of Balaklava, the southern treatment facilities in the city of Sevastopol treat wastewater only mechanically, with the situation being a bit better at the northern treatment facilities of the city. A fast growth of green algae confirms a severe pollution of sea water.³⁵⁴

On November 8, 2018, local activists of the All-Russian pro-government NGO — ‘All-Russian People’s Front’ discovered places of unauthorized discharge of untreated sewage in the area of lakes Tobe-Chokrak and Kovsh (Saki).³⁵⁵

On May 26, 2019, the residents of Alushta recorded the discharge of sewage pipes directly onto the beach of the eastern embankment.³⁵⁶

Experts of the so-called “Interregional Department of Rospotrebnadzor in the Republic of Crimea and City of Sevastopol” confirm that the existing sewage system does not cope with the load during the holiday season, so the untreated sewage is discharged into the sea, thus swimming on several beaches, especially near rivers, poses a hazard to health.³⁵⁷

LANDFILLING OF SOLID HOUSEHOLD WASTE

The situation with landfilling the solid waste in the territory of the Crimean Peninsula remains critical. Landfills are not being rehabilitated; the number of unofficial dumps is increasing. As investments in Crimea are restricted due to the sanctions imposed by the EU and the US, no waste recycling plants are being built.³⁵⁸

The situation with drainage and landfilling of solid waste in the Crimean Peninsula deteriorates. The occupying administration demonstrates an inability to effectively address the basic needs of communities for a safe living environment. The outcome of current trends may be a significant deterioration in the health care situation, an increased morbidity, and a general degradation of quality of human life.

³⁵³KrymINFORM news agency, *Court imposes on «Water of Crimea» a RUR 37 thousand fine for emergency discharge of sewage into the Kerch Strait*, 28.08.2018, accessible via link (in Russian): <https://www.c-inform.info/news/id/68535> (date of access: 01.04.2021);

³⁵⁴Crimea. Realias, *An epidemic is possible in Crimea due to wastewater discharge into the sea — ecologist*, 29.10.2018, accessible via link (in Russian): <https://ru.krymr.com/a/news-v-krymu-vozmozhna-epidemiya-izza-cbroza-stokov-v-more/29569797.html> (date of access: 01.04.2021);

³⁵⁵site of All-Russia People’s Front, *Experts from All-Russia People’s Front summoned to stop discharges in Saki, Yalta, Alushta and Feodosia*, 05.08.2020, accessible via link (in Russian): <https://onf.ru/2020/08/05/eksperty-onf-prizvali-likvidirovat-slivny-v-sakah-yalte-alushte-i-feodosii/> (date of access: 01.04.2021);

³⁵⁶Alushta24, *Sewerage drains into the sea near Alushta*, 06.06.2019, accessible via link (in Russian): <https://alushta24.org/blog/alushta/id-25725-vozle-alushtyi-v-more-slivaetsya-kanalizatsiya.html> (date of access: 01.04.2021);

³⁵⁷Crimea. Realias, *Dangerous sea of Crimea: where it is not recommended to swim*, 25.07.2019, accessible via link (in Russian): <https://ru.krymr.com/a/opasnoe-more-kryma-gde-ne-rekomenduut-kupatsa/30075464.html> (date of access: 01.04.2021);

³⁵⁸RG.RU, *Do not litter this place*, 09.07.2015, accessible via link (in Russian): <https://rg.ru/2015/07/09/reg-kfo/poligony.html>, (date of access: 01.04.2021);

MISUSE OF WATER

The situation with water supply in the Crimean Peninsula is presented in the report of the Republican Committee of the Autonomous Republic of Crimea on the Environment titled “On the state and protection of the environment of the Republic of Crimea in 2013”³⁵⁹ and similar reports prepared by the so-called “Ministry of Ecology and Natural Resources of the Republic of Crimea” in 2014-2017.³⁶⁰ These documents record several issues with the water supply for the Crimean Peninsula, which are significantly exacerbated by the lack of access to water used to be supplied by the North Crimean Canal.

The deterioration of the water supply situation has been caused by lack of any action taken by the occupying administration to restore the water supply and sewerage infrastructure, which is critically worn out.

According to the so-called “Ministry of Ecology and Natural Resources of the Republic of Crimea” the average rate of water loss in water supply systems in 2017 was 52.2%. The share of failing and worn-out drinking water supply pipelines in the “Republic of Crimea” in 2017 was 63%, the ageing of water treatment plants — 75%, sewage treatment plants — 82%, etc. The measures taken by the occupation administration to solve this problem can be assessed as simply insufficient.

On March 29, 2019, the CEO of the so-called “State Unitary Enterprise”, ‘Water of Crimea’ reported over 13,000 accidents recorded in the water supply networks of the Crimean Peninsula in 2018. Accidents on water mains occur almost every hour.

In addition, the occupying authorities are consistently trying to increase the volume of water intake from local sources, which is creating serious long-term negative impacts for the environment not only for Crimea, but also for the entire Azov-Black Sea region. The current observations have recorded impairment of groundwater quality in the peninsula, in particular, in the northern and eastern regions of Crimea, soil salinization, groundwater volume reduction, etc.³⁶¹

The attempt of the occupying authorities to redistribute the available water resources through the reconstruction of the water supply infrastructure has already adversely affected the local ecosystems. In many cities of Crimea, especially in Simferopol, Yalta, Sevastopol, Sudak, Alushta, restrictions of water supply to the population have been introduced. The population of the peninsula complains about the low quality of tap water, namely brown colour, and bad taste.³⁶²

In addition, an important reason for the deterioration of water quality for the population is the use of water to support operations of industrial facilities, including the chemical industry and military plants rather than to meet the needs of the general population.³⁶³

In February 2020, “Green Patrol” NGO reported that drinking water in the territory of the Crimean Peninsula was widely used for industrial wash-out of sand (enrichment of sand-gravel mixture).³⁶⁴

Thus, the water from illegally drilled artesian wells is used for construction purposes instead of humanitarian needs.

³⁵⁹ document accessible via link (in Russian): <https://meco.rk.gov.ru/ru/article/show/3> (date of access: 01.04.2021);

³⁶⁰ see all reports via link (in Russian): <https://meco.rk.gov.ru/ru/structure/60> (date of access: 01.04.2021);

³⁶¹ Ukrainska Pravda, The Worst is ahead: one million of Crimeans will have problems with drinking water, 02.05.2020, accessible via link: <https://www.pravda.com.ua/columns/2020/05/2/7250174/> (date of access: 01.04.2021);

³⁶² Public TV, Crimea, *Hair and nails suffer from poor quality water, it is quite noticeable | A resident of Simferopol discusses water supply issues*, 20.12.2020, accessible via link: <https://crimea.suspilne.media/ua/news/2508> (date of access: 01.04.2021);

³⁶³ Radio Liberty, There is enough water in the Crimea for the population’s needs. *Why does the occupying power prepare Crimeans for the worst?*, 27.03.2021, accessible via link: <https://www.radiosvoboda.org/a/voda-krym-okupatsiya/31171747.html> (date of access: 01.04.2021);

³⁶⁴ Krasnoperekopsk Online, *Scarce drinking water in Crimea is spent on sand extraction*, 26.02.2020, accessible via link: <http://www.krasnoperekopsk.net/2020/02/deficitnyyu-pitevuyu-vodu-v-krymu-rasxoduyut-na-dobychu-peska/> (date of access: 01.04.2021);

COVID-19 AND HUMAN RIGHTS IN CRIMEA³⁶⁵

The right not to be subjected, without any discrimination, to acts or omissions which are intended or expected to cause unnatural or premature death, is an integral part of the fundamental human right to life³⁶⁶ as enshrined in Article 6 of the ICCPR,³⁶⁷ Article 2 of the ECHR³⁶⁸ and Article 6 of the Convention on the Rights of the Child.³⁶⁹ The right to life also presupposes that the state shall create such conditions under which no one may be arbitrarily deprived of his life. Moreover, this right includes the right to a dignified life.

Derogation from the right to life is not permitted in situations of armed conflict, and international humanitarian law enshrines the positive obligations of the Occupying Power to protect the right to life of civilians.³⁷⁰

Thus, the situation with the COVID-19 pandemic in occupied Crimea falls under the norms of international human rights law concerning the protection of the right to life.

In addition, pursuant to Article 38 of the 4th Geneva Convention,³⁷¹ persons who find themselves in the hands of an occupying power of which they are not nationals ('protected persons') '*shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.*' Article 76 of the Convention refers to the occupying power's obligations specifically regarding vulnerable category of persons, protected persons who have been accused of offences. The occupying authorities shall create conditions of food and hygiene which will be sufficient to keep them in good health. They shall receive the medical attention required by their state of health.

Specific obligations are enshrined in Article 56 of the 4th Geneva Convention,³⁷² that states: '*To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.*' Articles 10 and 14 of Additional Protocol to Geneva Conventions³⁷³ also enshrine a duty to satisfy medical needs of those in the occupied territory who have them.

In addition to these international treaties, which enshrine the fundamental right to life in the context of the COVID-19 pandemic, new documents have emerged aimed at protecting human life and health due to the spread of a new coronavirus infection. The World Health Organization has developed COVID-19 Strategic Preparedness and Response Plan. Operational Planning Guidelines to Support Country Preparedness and Response,³⁷⁴ and on May 19, 2020, the 73rd World Health

³⁶⁵This section was prepared by the Crimean Human Rights Group

³⁶⁶For more detail regarding the right to life, see *General Comment no 36 of Human Rights Committee, 3 September 2019* (CCPR/C/GC/36), particularly paragraph 3, available at: (in English): <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H1I59790VGGb%2bWPAXhNI9e0rX3cJImWwe%2fGBlmVrGmT010n6KBQqgmXPNljrLLdefuuQjN19BqOr%2fS93rKPWbCbqoJ4dRqDoh%2fXgwn> (date of access: 01 Mar 2021);

³⁶⁷*International Covenant on Economic, Social and Cultural Rights* (abovementioned);

³⁶⁸*Convention for the Protection of Human Rights and Fundamental Freedoms* (abovementioned);

³⁶⁹*Convention on the Rights of the Child* ratified by Resolution of Supreme Council of Ukraine no 789-XII dated 27 Feb 1991, available at: https://zakon.rada.gov.ua/laws/show/995_021#Text (date of access: 01 Mar 2021);

³⁷⁰See, for instance, paragraph 63 of *General Comment no 36*;

³⁷¹4th Geneva Convention relative to the protection of civilian persons in time of war (abovementioned);

³⁷²*Ibid*;

³⁷³*Protocol additional to Geneva Conventions of 12 August 1949 relating to the protection of victims of international armed conflicts* (abovementioned);

³⁷⁴*COVID-19 Strategic Preparedness and Response Plan. Operational Planning Guidelines to Support Country Preparedness and Response (Draft as of 12 February 2020)*, available at (in English): https://www.who.int/docs/default-source/coronaviruse/covid-19-sprp-unct-guidelines.pdf?sfvrsn=81ff43d8_4 (date of access: 01 Mar 2021);

Assembly adopted a resolution entitled “*COVID-19 Response*”³⁷⁵ on the joint efforts of the world community to combat the COVID-19 pandemic, which was initiated by more than 130 countries. As stated in the Council of Europe documents, “Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic” of Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) dated 20 March 2020 should be mentioned.³⁷⁶

On March 17, the so-called “Head of the Republic of Crimea” Sergei Aksyonov signed “Order № 63-U”³⁷⁷ on introducing the “high alert regime” that imposed restrictions on rights and freedoms, in order to prevent the spread of COVID-19 from 12.00am March 17, 2020, until further notice. With this order, the representatives of the occupying authorities imposed the first coronavirus related restrictions on the rights and freedoms in Crimea. In particular, a ban on children’s, sports, cultural and other mass events was introduced, and the police were instructed to find out the whereabouts of citizens who “came from troubled areas”.³⁷⁸ The “order” also required employers to monitor the body temperature of staff at the workplace with the mandatory removal from work for people with fever and to take actions on intensifying the disinfection. This order was constantly amended, to expand or reduce the list of restrictions. A similar regime and restrictions were introduced in the city of Sevastopol.

However, in parallel to restrictions aimed at reducing the COVID 19 spread, the occupying authorities have regularly taken actions directly endangering the life and health of local residents.

HOLDING MASS EVENTS DURING PANDEMIC

Thus, under the valid ban on peaceful assemblies and other public events, as well as the constant increase in the number of patients,³⁷⁹ the occupying authorities held several mass military events for the civil population, including representatives of vulnerable to COVID-19 groups. For example, only during the summer of 2020, at least 4 such events were reported by the Crimean Human Rights Group:

- 24 June 2020, the occupying authorities held military parades of the Russian army and equipment in different cities in Crimea;³⁸⁰
- 26 July 2020, the occupation authorities held several mass events dedicated to the RF Navy Day in Sevastopol;³⁸¹
- 27 – 29 August 2020, ARMY 2020 Military Engineering Forum was held in Kerch and Sevastopol.³⁸²

³⁷⁵Resolution of World Health Assembly of May 19, 2020 “*COVID-19 response*”, available at (in English): https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_R1-en.pdf (date of access: 01 Mar 2021);

³⁷⁶ “*Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic*”, available at: <https://rm.coe.int/16809d8e63> (date of access: 01 Mar 2021);

³⁷⁷ see “*Edict of Head of Republic of Crimea no 63-U of 17 March 2020 ‘On introducing the high alert regime in the territory of Republic of Crimea’*”, available at (in Russian): <https://rq.ru/2020/03/17/krym-ukaz67-reg-dok.html> (date of access: 01 Mar 2021);

³⁷⁸ See, for instance, paragraphs 2, 4, 5, 11 of the mentioned ‘Edict’ no 63-U of 17 March 2020;

³⁷⁹ See, for instance, CHRG, *Sharp Increase of COVID 19 Contractions Observed in Crimea for Fifth Week Already*, 26 Aug 2020, available at (in Russian): <https://crimeahrg.org/ru/v-krymu-pyatuyu-nedelyu-nablyudaetsya-rezkij-rost-zarazhenij-covid-19/> (date of access: 01 Mar 2021);

³⁸⁰ See, for instance, CHRG, *Occupation Authorities in Crimea Failed To Provide Audience With Necessary COVID 19 Protection Measures During Military Parades*, 24 Jun 2020, available at (in Russian): <https://crimeahrg.org/ru/v-krymu-okkupacionnye-vlasti-ne-obespechili-zritelnyam-neobhodimyh-mer-zashhity-ot-covid-19-vo-vremya-voennyh-paradov/> (date of access: 01 Mar 2021);

³⁸¹ See, for instance, CHRG, *Military Parade in Sevastopol Held With Gross Violations of Anti-Epidemic Norms — photo*, 26 Jul 2020, available at (in Russian): <https://crimeahrg.org/ru/v-sevastopole-proveli-voennyj-parad-s-grubym-narusheniyami-protivoepidemiologicheskikh-norm-foto/> (date of access: 01 Mar 2021);

³⁸² See, for instance, CHRG, *Despite Pandemic, Propaganda of Service in Russian Army in Kerch Downtown (photo)*, 28 Aug 2020, available at (in Russian): <https://crimeahrg.org/ru/v-centre-kerchi-nesmotrya-na-pandemiyu-propagandiruyut-sluzhbu-v-rossijskoj-armii-foto/> (date of access: 01 Mar 2021); See, for instance, CHRG, *Mass Military Events Held in Sevastopol During Pandemic*, 29 Aug 2020, available at (in Russian): <https://crimeahrg.org/ru/v-sevastopole-vo-vremya-pandemii-provodyat-militaristkie-massovyje-meropriyatiya/> (date of access: 01 Mar 2021);

AIR COMMUNICATION WITH MOST CONTRACTED RF REGIONS

In addition, the spread of COVID-19 on the peninsula was facilitated by regular flights from Moscow, which has consistently had the highest instances of COVID-19 in the Russian Federation.³⁸³ Russian citizens mostly arrived in Crimea during May-September 2020 for tourism purposes and were not subject to the requirement of 14 days' self-isolation upon arrival, that was in force for those arriving from territory controlled by the Government of Ukraine. For example, on May 1, 2020, S. Aksonov stated that the number of flights to Crimea had increased one and a half times in a day.³⁸⁴ Most flights came directly from Moscow. Moscow (with more than 85,000 confirmed cases as of early May 2020)³⁸⁵ and Moscow Region (16,000 confirmed cases)³⁸⁶ were epicenters of COVID-19 in Russia. By comparison, 14,195 cases were registered across the entire Ukrainian controlled territory at that time (May 6, 2020).³⁸⁷

In this way, the Russian Federation ignored its obligation to ensure the right to life, which applies to reasonably foreseeable threats and situations that are life-threatening and can lead to death.

CONTRACTION STATISTIC DATA

Moreover, due to the above-mentioned actions of the Russian Federation, it is impossible to establish the exact number of people who contracted and/or died of coronavirus due to the lack of independent monitoring of the situation on the peninsula. Though the statistics of the occupying authorities show that the number of diseases and deaths in Crimea was steadily increasing during 2020,³⁸⁸ human rights organizations claim that the data on the number of COVID-19 infections and deaths in Crimea provided by the occupying authorities is untrue and understated. So, the occupying authorities started to report COVID-19 fatalities on April 30, 2020.³⁸⁹ Between April 30 and July 7, 2020, 31 deaths from COVID-19 (excluding the city of Sevastopol) were notified through the Internet on Russian-controlled resources. However, on July 8, 2020, the head of the 'Crimean Ministry of Health', Igor Chemodanov, announced changes in the system of calculating deaths from coronavirus infection,³⁹⁰ resulting in only 12 deaths from COVID-19 being reported. Thus, it is reasonable to believe that the media resources of the Crimea "authorities" show statistics with significantly lower mortality rates from COVID-19, which does not reflect the real scale of the pandemic in the peninsula.

Furthermore, in an interview, medical personnel told the Crimean Human Rights Group about an unspoken order to hide the actual number of people who died from coronavirus infection on the peninsula and to indicate diseases other than COVID-19 as the cause in death documents.³⁹¹

³⁸³ See, for instance, Газета.RU, 05 Apr 2020, *Most Covid Contracted Regions of Russia Named*, available at (in Russian): https://www.gazeta.ru/social/news/2020/04/05/n_14252155.shtml (date of access: 01 Mar 2021); coronavirus contraction statistics data, at website стопкоронавирус.рф of Russian Federation Government, available at (in Russian): <https://xn--80aesfpebagmblc0a.xn--p1ai/information/> (date of access: 01 Mar 2021);

³⁸⁴ CHRГ, *Increasing Flights from Russia to Simferopol May Cause a New Covid 19 Outbreak in Crimea*, 12 May 2020, available at: <https://crimeahrg.org/uk/zbilshennya-aviarejsiv-z-rf-do-simferopolya-mozhe-viklikati-novij-spalah-covid-2019-u-krimu/> (date of access: 01 Mar 2021);

³⁸⁵ Red Line, *Number of Coronavirus Contracted in Russia Reached 166,000. Number of Sick Increased 26 Times for Month*, 06 May 2020, available at: <https://www.rline.tv/news/2020-05-06-chislo-infitsirovannykh-koronavirusom-v-rossii-dostiglo-166-tysyach-chelovek-za-mesyats-chislo-bolny/> (date of access: 01 Mar 2021);

³⁸⁶ Ibid;

³⁸⁷ SLOVO I DILO, Analytical Website, *14,195 Persons Contracted Coronavirus in Ukraine*, 08 May 2020, available at: <https://www.slovoidilo.ua/2020/05/08/novyna/suspilstvo/ukrayini-koronavirus-zaxvorily-14-195-lyudej> (date of access: 01 Mar 2021);

³⁸⁸ See, for instance, CHRГ, *COVID 19 Contraction Increasing in Crimea for Second Month in Row* " , 08 Sept 2020, available at: <https://crimeahrg.org/uk/u-krimu-drugij-misyacz-pospil-zrostac-zahvoryuvanist-na-covid-19/> (date of access: 01 Mar 2021);

³⁸⁹ Krym.Realii, *First COVID-19 Caused Death In Sevastopol*, 30 Apr 2020, available at (in Russian): <https://ru.krymr.com/a/news-sevastopol-pervaya-smert-ot-koronavirusa/30585630.html> (date of access: 01 Mar 2021);

³⁹⁰ See, for instance, KRYMINFORM News Agency, *One COVID-19 Caused Death Confirmed in Crimea For 24 Hours*, 08 Jul 2020, available at: <https://www.c-inform.info/news/id/87118> (date of access: 01 Mar 2021);

³⁹¹ See, for instance, CHRГ, *Occupation Authorities Conceals Number of Deaths Caused by COVID-19*, 08 Oct 2020, available at: <https://crimeahrg.org/uk/okupaczijna-vlada-navmisno-prihovue-kilkist-smertej-vid-covid-19/> (date of access: 1 Mar 2021);

Therefore, the population of occupied Crimea is not provided with complete and reliable information on the level of morbidity and mortality from COVID-19, or the measures taken by the authorities in response to the pandemic.

Human rights organizations have recorded the practice of medical institutions sending patients for treatment at home by prescribing a set of medicines and instructions for their use instead of testing patients with COVID-19 and pneumonia classified symptoms.³⁹²

Locals have to buy the necessary medicines themselves in pharmacies. Meanwhile, a monitoring of Crimean pharmacies conducted by the Crimean Human Rights Group in December 2020 showed that many Crimean pharmacies at that time did not have the entire list of medicines needed to treat pneumonia caused by COVID-19.³⁹³ Thus, the Crimean pharmacy network was not provided with the basic medicines needed to treat complications caused by COVID-19.

COVID-19 AND PLACES OF DETENTION

One of the most vulnerable groups, whose members' right to life was not protected by the Russian Federation in the context of the COVID-19 pandemic, were prisoners in places of detention. For example, the actions of the administration of Pretrial Detention Centre no 1 of the Federal Penitentiary Service of the Republic of Crimea and Sevastopol (Simferopol PDC) did not comply with the WHO COVID-19 Strategic Preparedness and Response Plan. Operational Planning Guidelines to Support Country Preparedness and Response³⁹⁴ and caused threats to the life and health of people held in pre-trial detention facilities. In particular, according to the monitoring carried out by human rights organizations, the administration of the PDC:

- Introduced a six person quarantine cell for persons with COVID-10 or URTI symptoms. The necessary sanitary and hygienic conditions were not provided in this cell and there was no hot tap water;
- Did not test prisoners suspected of having COVID-19 for the disease, only measuring body temperature;
- Did not provide the prisoners with personal protective equipment (masks and disinfectants).³⁹⁵

The Simferopol PDC was constantly overcrowded. This was confirmed, for instance, by Aleksandr Kalashnikov, Director of the RF Federal Penitentiary Service in his letter addressed to Chairman of RF Supreme Court.³⁹⁶

However, despite the overcrowding of the Pretrial Detention Center, the Russian Federation did not follow the recommendations of the ECPT on applying measures alternative to deprivation of liberty.³⁹⁷ For example, courts have not changed their practice of selecting or extending pre-trial detention. Between March 17 and December 30, 2020, according to data the Crimean Human Rights

³⁹²See, for instance, CHRГ, *Findings of Monitoring COVID 19 Response Situation in Crimea (16-29 March 2020)*, 31 Mar 2020, available at: <https://crimeahrg.org/uk/rezultati-monitoringu-situaczi%D1%97-z-reaguvannya-na-pandemiyu-covid-19-v-krimu-16-29-bereznya-2020-roku/> (date of access: 01 Mar 2021);

³⁹³For more detail, see CHRГ, *Significant Shortage of Medicines To Treat Covid19 Caused Pneumonia in Crimean Pharmacies*, 25 Dec 2020, available at: <https://crimeahrg.org/uk/v-aptakah-krimu-znachnij-deficzit-likiv-dlyalikuivannya-pnevmonii-viklikanoi-covid-19/?fbclid=IwAR1D5pljGmZR6Qkpf5VcjV6xV59m2OZ102F5q6Hx9v2B0Q-kq12cKPvvVeQ0> (date of access: 01 Mar 2021);

³⁹⁴*COVID-19 Strategic Preparedness and Response Plan. Operational Planning Guidelines to Support Country Preparedness and Response (Draft as of 12 February 2020)*, available at (in English): https://www.who.int/docs/default-source/coronaviruse/covid-19-sprp-unct-guidelines.pdf?sfvrsn=81ff43d8_4 (date of access: 01 Mar 2021);

³⁹⁵CHRГ *Findings of Monitoring COVID 19 Response Situation in Crimea (16 — 29 March 2020 poky)*, available at: <https://crimeahrg.org/uk/rezultati-monitoringu-situaczii-z-reaguvannya-na-pandemiyu-covid-19-v-krimu-16-29-bereznya-2020-roku/> (date of access: 01 Mar 2021);

³⁹⁶See, for instance, RBC.ru, *Due to Virus FSIN Asked to Avoid Arrests for Non Severe Crimes*, available at: <https://www.rbc.ru/society/18/04/2020/5e9ae92c9a79477104514365> (date of access: 01 Mar 2021);

³⁹⁷“Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic’ (above mentioned);

Group managed to document, the courts of first instance, as part of the politically motivated persecution of Crimean residents, issued at least 260 decisions to hold in or extend detention within the pre-trial investigation for 65 people, including 172 passed by “courts” in the peninsula, 88 by Russian courts. Since this practice was never changed, the Simferopol PDC has remained overcrowded, supporting the spread of COVID-19 among the detainees.³⁹⁸

In addition, several Ukrainian citizens were still subject to transfer from Crimea to Rostov-na-Donu or back for investigation or trial. The transfers were held in unsanitary conditions without any food or medical care provided for the detainees.

The problems of protection of the civilian population of Crimea in the context of the COVID-19 pandemic and the responsibility of the Russian Federation were mentioned in the UN General Assembly Resolution “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”, adopted in 2020.³⁹⁹ In particular, the resolution expressed concern about additional challenges for the enjoyment of human rights and fundamental freedoms by residents of Crimea resulting from unnecessary and disproportionate restrictive measures taken by the occupying power under the pretext of combating the coronavirus disease (COVID-19) pandemic, as well as failing to ensure and maintain public health and hygiene, including measures on preventing the spread of COVID-19, in Crimea by the occupying power in accordance with international humanitarian law. The UN also expressed its grave concern about the inadequate conditions of detention in penitentiary institutions, including overcrowded cells and a lack of proper medical care, which exposes the detainees to the risk of the spread of diseases, including COVID-19.

³⁹⁸CHRG, *During the Pandemic Occupants Create Direct Threats For Life and Health of Crimean Residents*, 11 Feb 2021, available at: <https://crimeahrg.org/uk/okupanti-pid-chas-pandemi%D1%97-stvoryuyut-pryami-zagrozi-dlya-zhittya-ta-zdorovya-meshkancziv-krimu/> (date of access: 01 Mar 2021);

³⁹⁹UN Resolution adopted by the General Assembly on 16 December 2020 “*Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*” (A/RES/75/192) (abovementioned);

CONCLUSION TO THE SECTION

For seven years of occupation the situation with economic, social, and cultural rights in occupied Crimea has been constantly worsening.

The greatest oppression in the economic and cultural spheres was suffered by the Ukrainians of Crimea, whose situation was enormously affected by the measures of the occupying power in each of these categories of rights.

Thus, during the seven years of occupation, a lot of Ukrainian state and private enterprises were nationalized, and Ukrainians, as non-citizens of the Russian Federation, were deprived of the title to land plots in Crimea. These processes are still ongoing.

The Ukrainians were also deprived of the right to education in their mother tongue almost immediately after the occupation. Given the fact that the network of secondary schools in Crimea remains quantitatively almost unchanged during all the years of occupation, there is only one school left in the peninsula, with Ukrainian as medium of teaching, and only up to 9th grade; the number of schoolchildren studying in Ukrainian decreased by 36 times compared to 2014, and the number of classes with Ukrainian as the language of instruction decreased by 31 times. As of the date of this report, the number of schoolchildren studying in Ukrainian in the educational institutions of the temporarily occupied Crimea has dropped dramatically from 12,867 in 2014 to 206 now. The faculty of Ukrainian Philology, Academician Vernadsky Tavriya National University (Simferopol) was closed in the first months of the occupation, and there are no more preschools in the occupied Crimea. The history of Ukraine is not taught, Ukrainian school textbooks have been removed from libraries and replaced with Russian ones.

During the first years of the occupation, professional and amateur Ukrainian theaters and theater studios in Crimea stopped working, museums of Ukrainian history and culture were closed, and Ukrainian monuments were dismantled and replaced with pro-Russian monuments. Celebrating Ukrainian holidays and memorial dates is an administrative offence or even a crime, and Ukrainian national symbols are considered extremist.

The situation of the Crimean Tatars who remained living in occupied Crimea is not better.

During the seven years of occupation of the peninsula, human rights activists recorded cases of destruction of Crimean Tatar houses by the occupying administration under the pretext of their illegal construction, as well as restrictions on exercising the titles to the property owned by Crimean Tatar legal entities.

Though it is easier to receive education in Crimean Tatar than in Ukrainian in the occupied Crimea, human rights activists emphasize that the statistics of the occupying power on the number of schoolchildren studying in Crimean Tatar and the relevant school classes exist only “on paper” and do not reflect the real situation. This is evidenced at least by the fact that school textbooks, which the occupation authorities began to publish in the Crimean Tatar language, are designed only for school children in grades 1-9 and are not intended for studying sciences such as physics, mathematics, etc. Moreover, the analysis of the Russian Federation program regulations for structuring the educational process in Crimea shows that even the language of indigenous people of Crimea, Crimean Tatar, may be learned only to the extent that it does not obstruct learning Russian.

In addition to issues with the educational process, Crimean Tatar cultural events, memorial dates and holidays are subject to severe censorship by the occupying authorities and are only allowed if they support the narrative of Russia-Crimea integrity.

With regards to the general trends of each of the rights described in this section, the following should be pointed out.

Since the beginning of the occupation of Crimea, the seizure of property of individuals and legal entities has begun backed by decisions of authorities of various levels (federal laws of the Russian Federation, decisions of the so-called “government” and “parliament” of the occupied Crimea, decisions of local “authorities” of Sevastopol). and through various procedures: nationalization, judicial seizure of property, mandatory buyout in the administrative procedure. In other words, the Russian Federation is trying to ‘veil’ raids on the property of Ukrainian citizens in Crimea and present them as legal procedures carried out in compliance with the legislation of the occupying power, which in fact has never been the case. The international community has highlighted the unlawful nature of such actions many times, for instance in resolutions of UN General Assemblies dated 19 Dec 2017 and 22 Dec 2018, in the resolutions of the Parliamentary Assembly of the Council of Europe of 09 Apr 2014 and 23 Jan 2018, resolutions of the OSCE Parliamentary Assembly of 2016 and 2018.

The education system in Crimea has been severely oppressed and transformed. In addition to the above restrictions on the right to education in the mother tongue, a great challenge for Crimean residents were the militarization of the educational process, which began in the first months of the occupation and only increased in pace and volume over time. Various law enforcement and military agencies of the Russian Federation (Ministry of Internal Affairs, Investigation Committee, Ministry of Emergency Situations, Armed Forces of the Russian Federation, etc.) have been opening more and more cadet classes in secondary schools, the number of classes in Crimea increased from 12 in 2016 to 109 in 2020. The quality of cadet education, according to some parents, is much lower than the general level of education in the peninsula, as more attention is paid to military training than to the study of academic disciplines. Later cadets become students of higher educational establishments related to the relevant agencies and, consequently, replenish the contingent of military and law enforcement agencies of the Russian Federation, which are respectively used to protect and defend the occupation regime.

Serious changes have taken place in the system of higher education in Crimea. For the years of occupation, the number of higher education institutions has reduced: at the beginning of 2014 there were 94 universities in Crimea, and in autumn 2020 there were only 12. This was achieved, inter alia, through centralizing the management of Crimean universities. Thus, despite the protests of professors and students, during 2015-2020, 17 higher education institutions were merged into the unified Crimean Federal University, which allowed the occupying power to control all processes taking place among academics and students, more easily. At the same time, it affected the access of Crimean residents to higher education. Thus, during the years of occupation, the total number of CFU students decreased by 6,213 people (17%).

As for the situation with historical and cultural monuments that were in Crimea at the time of the occupation, their fate was not better. In the first years of the occupation, the Russian authorities illegally appropriated all the cultural heritage sites of

Ukraine located in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. Then the Russian Federation began to dispose of these monuments at its discretion. Thus, during the seven years of occupation, human rights activists have repeatedly recorded the transfer of historical and cultural monuments from Crimea to Russia.

The occupying power has been also carrying out large-scale archaeological excavations within the peninsula for all these seven years, though they are not only illegal in nature, but also harmful to archeology as a science: excavations are carried out by staff without experience of working at similar sites, in too a short time to properly explore the area and achieve the goals of excavations. With the 'research' completed, the sites are transferred for the construction of modern residential or infrastructure facilities of the peninsula (e.g., the TAVRIDA Highway) that actually means the loss of relevant sites for archaeological and historical sciences.

In addition, the existing unique historical sites in the territory of the peninsula are subject to destruction due to the criminal policy of the occupying power in relation to the Crimean monuments of history and culture. For example, a firm contracted to restore the Bakhchisaray Khan's Palace had no experience of working on such facilities, which resulted in irreparable damage to the unique elements of the exterior and interior palace decoration. Similar actions caused one of the towers of the Genoese fortress in Sudak to collapse.

The occupying authorities are inflicting such irreparable damage on the unique nature of the peninsula. For the sake of construction of various social and industrial facilities the entire woods of unique plants: relict green plantings, valuable species of trees etc., are cut down uncontrollably in Crimea.

In addition, the general environmental situation in the peninsula has significantly deteriorated during the years of occupation. In fact, Russia is using the territory of Crimea as its own resource base and its actions backed by this attitude have already led to the destruction of the ecosystem in the region. For example, the extraction of sand for building bridges and highways led to: caving of the sandy Bakalska spit and change of currents that caused transforming the recreational area around this spit into a swamp; destruction of the dam of the Lower Churbash tailings pond (where the sand, is extremely contaminated with a whole list of harmful chemicals); destruction of the ecosystem of Lake Donuzlav that caused a disappearance of the recreational area around the lake in fact, and a significant depauperation of local fauna and flora. The same vandalism is observed in extracting other peninsula natural resources, too.

Hazardous industrial production, that emits, without any control, toxic chemicals into the atmosphere as well as the disposal of solid waste and the irrational use of freshwater done in violation of generally accepted standards and regulations all seven years of occupation, adversely affects the peninsula environment.

The Russian authorities showed no better care for Crimean residents when COVID-19 appeared in the peninsula. In fact, the response of the federal government and its protégés in Crimea was just a reflection of the general tendencies of the Kremlin's policy towards the population of the peninsula. Thus, during the pandemic, Crimea remained a "recreation center" for residents of the capital and other settlements of the Russian Federation, flights from the most affected regions of the occupying power were not canceled at all, on the contrary, they regularly brought crowds of

vacationers to Crimea. At the same time, there was no requirement for the visitors to get tested, and pharmacies experienced a lack of the most basic medicines used to treat COVID-19. During the quarantine in Crimea, mass propaganda events aimed at glorifying the greatness of the Russian army in the eyes of the occupied Crimean people continued, and at the same time the real statistics of morbidity and mortality from COVID-19 in Crimea was hidden and purposefully adjusted to reduce it.

Thus, as the review of Russia's policy towards the economic, social, and cultural rights of the occupied Crimea residents showed, the mass propaganda campaign conducted by the Russian authorities to demonstrate how the socio-economic situation of the Crimea residents has improved after its "accession" to Russia, is far from the truth. Starting from the very first days of the occupation and so far, Crimea has remained nothing more than a resource base for the supply of cheap natural and human resources for Russia and at the same time its military training ground. Almost all initiatives implemented by the occupying power in Crimea are achieved at the expense and to the detriment of the natural, social, cultural, and economic potential of the peninsula.

CONCLUSION

The word “occupation” has never had a positive connotation. This term always means a violent, brutal attack on human rights in every existing sphere of life.

As this report has shown, the occupation of Ukrainian Crimea by the Russian Federation in early 2014 was no exception to the general rule. Enforced disappearances, arbitrary arrests, complete lack of respect for man, his private and family life, eradication of all forms and manifestations of dissent, freedom of speech and expression, unpredictable policies towards private owners, militarization and centralization of education, consumptive attitude towards natural and human resources and neglect of cultural heritage — all this is only part of the policy of the Russian Federation in occupied Crimea.

In addition, as is common for such cases, the Russian occupation of Crimea is accompanied with a large-scale propaganda campaign for the “long-awaited reunification” of Crimea and Russia, as well as for the improvement of all spheres of life on the occupied peninsula.

And if the former could be, albeit with difficulty, at least documented as a violation of specific rights, the latter is extremely difficult to oppose. It is to show the real, evidence backed, changes of life on the peninsula under occupation that this report was prepared for.

The data gleaned for all seven years since the occupation started from various sources by a group of Ukrainian human rights organizations, members of the Human Rights House Crimea (Regional Center for Human Rights, city of Sevastopol; ALMENDA Center for Civic Education, town of Yalta; Crimean Human Rights Group as well as the ZMINA Human Rights Centre), and categorized by principal human rights groups, have clearly and vividly described the whole picture of what has happened in the occupied Crimea over the past seven years.

The sphere of civil and political rights for seven years of occupation has been described with such events and phenomena as:

- Enforced disappearances of pro-Ukrainian activists from the first days of the occupation to the present day;
- Arbitrary arrests of activists, journalists, national and religious leaders;
- Pressure on judges and lawyers;
- Extension of occupying power opponents list;
- Wide scale application of Russian anti-terrorist and anti-extremist laws to combat the pro-Ukrainian movement in the occupied territory;
- Oppressions of Muslim religious community, Orthodox Church of Ukraine, and other religious organizations in Crimea;
- Elimination of freedom of speech in the peninsula;
- Deportation of Ukrainian citizens from Crimea;
- Transfer of Ukrainian prisoners from Crimea to remote areas of Russian Federation
- Generation of IDP flow;
- Forced conscription of Ukrainian citizens to the Russian army, etc.


With the civil and political space in the peninsula restricted to such an extent, the residents of occupied Crimea have almost no chances to enjoy in full their economic, social, and cultural rights.

Correspondingly, the occupying power has mainly attacked this sphere by:

- Removing the right to property by Ukrainian citizens in Crimea;
- Turning the education process into an instrument for the occupying power's propaganda policy, and at the same time a means for eliminating the connections of Crimea with everything Ukrainian;
- Breaking the balance of regional ecosphere by using all, without any exception, valuable and unique natural resources of the peninsula;
- Neglecting the implementation of a necessary health care response to COVID-19;
- Imposed a ban on almost all non-pro-Russian manifestations of culture in Crimea;
- And destroying through willful misconduct or neglect the most valuable monuments of Crimea cultural heritage.

Despite Ukraine's comprehensive and almost unanimous support in its fight against the occupation of Crimea by the international community, unfortunately, as of today, all crimes against human rights in Crimea remain uninvestigated and those responsible for them are not prosecuted. The lawsuits filed by the Government and citizens with various international judicial bodies have remained unresolved since the very first years of the occupation of Crimea. International monitoring missions are not allowed by Russia in the territory of Crimea.

As this report has shown, as of today, there are virtually no effective legal mechanisms to protect the individual and collective rights and interests of Ukrainian citizens living in Crimea. Therefore, monitoring, documenting, and publishing the facts of human rights violations in the occupied territories, compiled in publications like this, along with political processes taking place at the level of governments and international organizations, remain the only tool in the struggle for Ukrainian citizens in Crimea, for protection of their rights and freedoms under occupation until the liberation of Crimea.



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