

ONE YEAR ON

VIOLATIONS OF THE
RIGHTS TO FREEDOM OF
EXPRESSION, ASSEMBLY
AND ASSOCIATION IN
CRIMEA

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INTRODUCTION

The downfall of President Viktor Yanukovych on 22 February 2014 following the three month-long EuroMaydan protests in Kyiv set in motion a rapid chain of events in Ukraine's autonomous Republic of Crimea, culminating in its annexation by Russia.¹

Virtually overnight, Russian laws in their entirety were extended to Crimea, including those limiting the exercise of the right to freedom of expression, association and assembly,² heralding a rapid deterioration in the respect for human rights in the peninsula and a clampdown on dissent, targeting particularly those opposed to Russian annexation and suspected of harbouring pro-Ukrainian views.

The attitude of the de facto Crimean authorities, and their Russian masters, to their opponents is simple: leave or shut up. Many vocal critics have indeed left, spurred also by a spate of abductions in the first few months after the annexation. Several pro-Ukrainian associations and human rights groups have likewise relocated or ceased to operate altogether.

The 200,000 strong Crimean Tatar community³ has been particularly affected. Many of the rights violations documented in this briefing have been suffered by Tatars. This is not surprising, as prominent Tartar leaders remain the most visible and vocal opponents of Russian rule left in the region. Their distinct way of life, culture, religion, language, names and even appearance further set them apart from the majority of Crimea's residents. Unlike many ethnic Ukrainian activists who have since relocated to mainland Ukraine, Crimean Tatars for the most part regard Crimea as their only homeland and are unwilling to contemplate relocating.

However, the human rights violations over the past year are not limited to Crimean Tatars.

¹ On 26 February 2014, supporters of the new government in Kyiv and pro-Russian activists staged two opposing rallies in front of the Crimean parliament in the capital Simferopol. There were isolated clashes, which left two dead and some 30 people injured. Leaders of the opposing crowds and police prevented further escalation and negotiated departure of the demonstrators. The following night, key administrative buildings across Crimea were occupied by armed paramilitaries, and in subsequent days military installations throughout the peninsula were blocked by Russian regular military forces operating without insignia. The Crimean parliament met on 27 February and elected a new leader, Sergei Aksionov, the head of the Russian Unity movement. A "referendum" was called, in violation of the Ukrainian laws, for 16 March 2014, in which an overwhelming majority were recorded as voting favor of Crimea joining Russia. Opponents boycotted the poll as unlawful, and its results have not been recognized by the Ukrainian government and internationally. On 18 March, a "treaty" was signed in the Kremlin in Moscow on the accession to the Russian Federation of Crimea and Sevastopol (a separate administrative unit in Crimea and the home of Russia's Black Sea Fleet in accordance with a Russian-Ukrainian agreement).

² For details on the latter, see Amnesty International, *Violation of the Right to Freedom of Expression, Association and Assembly in Russia*, briefing, 2 October 2014 (AI Index: EUR 46/048/2014).

³ Crimean Tatars make up a little more than 10% of the population of Crimea.

This document offers only a snapshot of a much longer catalogue of cases of human rights violations in Crimea over the first year that has passed since the peninsula's annexation by Russia. Unless the ongoing clampdown on human rights, including freedom of expression, assembly and association in Crimea is reversed, and past violations are effectively addressed, the outlook for the people living on the peninsula is bleak.

METHODOLOGY

This briefing is based primarily on the findings of a research mission by Amnesty International delegates to Crimea in February 2015, including a series of interviews with a number of key informants, as well as desk research, including publicly available materials. Some of the interviews took place in mainland Ukraine and in Moscow. During the mission to Crimea the delegation met with a number of representatives of the Crimean Tatar community, lawyers, human rights activists, an official from the *de facto* Crimean Prosecutor's Office in Crimea and the Crimean Human Rights Commissioner (Ombudsperson). The human rights activists included two representatives of the "Crimean Field Mission", a human rights monitoring mechanism set up through collaboration of Russian and Ukrainian human rights activists. In mainland Ukraine, the interviews were with a number of displaced people from Crimea.

ABDUCTIONS AND IMPUNITY

In the first few months of the Russian occupation of Crimea, at least a dozen people were abducted and ill-treated by unidentified paramilitaries (generally referred to as “Crimean self-defense forces”);⁴ the fate of seven of them has not been resolved and not a single perpetrator has been identified. Some pro-Ukrainian activists – most famously the film director Oleg Sentsov⁵ – were arrested by the Russian Federal Security Service and unlawfully transferred to Russia as criminal suspects on highly questionable charges of forming a terrorist group and planning acts of terrorism.

There have also been several cases of abduction of Crimean Tatars by paramilitaries over the past year. Typically, Crimean Tatar men were stopped in the street, pushed into a vehicle, and driven away by an organized group of armed men. The *de facto* authorities have created a special contact group to investigate these abductions and have promised repeatedly to do the utmost to find those responsible, but as of the time of writing not a single case has been solved.

Reshat Ametov, age 39, was abducted on 3 March 2014 while attending a small protest in front of the Council of Ministers in Crimea. He was known for his posts on Facebook critical of the current situation of the Crimean Tatars and the future of the peninsula. A video posted on the internet shows him being led into a car by three men in green unidentifiable uniforms.⁶ His body was found on 15 March with signs of torture. The identity of his abductors has not been established.

Islyam Dzhapparov, age 19, and Dzhevdet Islyamov, age 23, were last seen on 29 September by Abdurashid Dzhapparov, Islyam's father and Dzhevdet's uncle, being taken away from near their home in Belogorsk by four men in black unidentifiable uniforms, who pushed them into a VW Transporter van and drove away. Abdurashid Dzhapparov told Amnesty International that he immediately alerted the local police and subsequently met four times with senior officials from the *de facto* Crimean government, but no progress has been reported in the investigation of this case.

The *de facto* Prosecutor's Office insisted in a meeting with Amnesty International researchers, and subsequently in writing, that they are diligently investigating all cases of abductions, but relatives report having received no news progress in these cases – and indeed, the prosecutor Amnesty International met with was not able to report any.

⁴ See Amnesty International, “Crimea: three activists disappear after their car is reportedly shot at”, press release, 14 Mar 2014, available at <http://www.amnesty.org.uk/press-releases/crimea-three-activists-disappear-after-their-car-reportedly-shot>.

⁵ Amnesty International, “Ukrainian Detainee Threatened with Rape”, Urgent Action Update, 24 June 2014 (AI Index: Index: EUR 50/027/2014).

⁶ Available at www.youtube.com/watch?v=11S2Vhkr-bc (last accessed on 17 March 2015).

FREEDOM OF EXPRESSION: MUZZLING THE MEDIA

Freedom of expression has been severely restricted in Crimea since the occupation and annexation of the peninsula by Russia in February and March 2014. This has followed, in part, from the application of generally restrictive Russian laws and practices, but has clearly been aggravated by the desire of the *de facto* authorities in Crimea to silence pro-Ukrainian and other dissenting voices.

Senior members of the *de facto* authorities have repeatedly made threatening statements warning about imminent sanctions against those who would seek to disseminate views and media coverage which they deem unwelcome. Law enforcement agencies have been deployed to harass people holding, or likely holding, such views, particularly from among members of the Crimean Tatar community. Means of harassment include issuing official “warnings” and conducting home and office searches, and questioning people known for their pro-Ukrainian views.

Media outlets suspected of disloyalty by the *de facto* authorities, have also been subjected to direct harassment by law enforcement agencies and several Amnesty International spoke to acknowledged that they exercised considerable self-censorship.

Russian legislation intended to combat “extremism” has long been used in Russia to target government critics and others with dissenting views and has provided the Crimean authorities with a ready-made vehicle to clampdown on similar dissent in the peninsula. According to the journalists and editors interviewed by Amnesty International in Crimea, its use – and the fear of its use – is a significant driver of self-censorship. Failure to be self-restrictive over issues that clash with the officially-supported position in Russia is seen as risking closure of the media outlet or legal sanctions against its staff.

As a result, one year after the annexation, there is notably less pluralism in the local media, both offline and online where openly dissenting – particularly pro-Ukrainian – political views are no longer tolerated.

The right to freedom of expression is key to enabling individuals to exercise their other human rights, and any restrictions are subject to a strict test of justification. International law requires that any limitations on the right to freedom of expression, must be precisely defined in national law, must be strictly limited to what is necessary and proportionate to achieve a legitimate purpose, and that the state must not put in jeopardy the right itself.

Media and journalists – including bloggers – play a key role in the effective realization of all aspects of freedom of expression. Restrictions on them can negatively affect the right of all individuals to freedom of expression. Journalists and bloggers may face particular risks arising from their work; states have an obligation to protect them against attacks or threats,

which are not only an attack on their lives and physical integrity but also a violation of their own and others' right to freedom of expression.

HARASSMENT OF INDEPENDENT BLOGGER

Elizaveta Bogutskaya was one of the last – if not the last – openly pro-Ukrainian bloggers in Crimea opposing the annexation of Crimea by Russia. On 8 September 2014, following complaints by her neighbours about her Facebook posts, her house was searched by operatives from the “Center for Combating Extremism” (Center “E”) of the Ministry of the Interior who claimed they were looking for weapons, drugs and extremist literature. After the search all data storage media were taken for further inspection. Immediately after the search, Elizaveta Bogutskaya was summoned to the Center “E”’s headquarters in Simferopol for questioning. The officials who questioned her claimed her Facebook posts were of extremist nature because she was calling for the reunification of Crimea with Ukraine. Immediately after this she was taken to see an investigator from the Prosecutor’s Office to be questioned as a witness in another criminal case, unrelated to her directly.⁷ Elizaveta Bogutskaya left Crimea that day for fear of further persecution and has not returned.⁸

There is also a growing number of cases of internet users within the Russian Federation being arbitrarily detained and prosecuted for their online postings,⁹ or, in some cases, re-posting content produced by others, under Russia’s anti-extremism legislation. Often, the content is directly linked to events in Ukraine.

INTIMIDATION AND HARASSMENT OF INDEPENDENT MEDIA: THE CASE OF ATR TV

“We have self-censorship in our heads”

Lilya Bujakova, Deputy Director for Information Policy, in an interview with Amnesty International, February 2015

In Russia, the government exercises considerable control over the mainstream media which has become noticeably less pluralistic in recent years.¹⁰ This trend has accelerated since the EuroMaydan events in Ukraine, the occupation and annexation of Crimea and the conflict in the East of the Ukraine. Online and offline media that have sought to provide alternative coverage of the protests in Kyiv, and Russia’s military engagement in Crimea and eastern

⁷ The case concerned the events of 3 May 2014, when Crimean Tatar leader Mustafa Dzhemilev tried to cross overland into Crimea from the mainland Ukraine but was prevented by the armed men guarding “the border”. There were minor incidents of violence between his supporters who had come to meet him and the paramilitaries from the so-called Crimean self-defense.

⁸ Amnesty International’s interview with Elizaveta Bogutskaya, February 2015.

⁹ E.g., see Amnesty International, “Russian Federation: Tatar activist charged for ‘instigating hatred’”, Urgent Action 012/15, 21 January 2015 (AI Index: Index: EUR 46/001/2015); and “Detention of Tatar Activist Extended”, Urgent Action Update, 4 March 2015, (AI Index: Index: EUR 46/1128/2015).

¹⁰ See Amnesty International, *Violation of the Right to Freedom of Expression, Association and Assembly in Russia*, briefing, 2 October 2014 (AI Index: EUR 46/048/2014).

Ukraine, have experienced various forms of pressure, in the form of official warnings, the removal of editorial staff and the severing of business ties, as well as physical attacks against journalists by assailants who remained unidentified even after official investigations were opened.¹¹ In Crimea, where the media enjoyed considerably greater freedom prior to the annexation of the peninsula by Russia, the curtailment of this freedom has been particularly striking.

The new, *de facto* authorities have been brazen in their suppression of dissent and the expression of pro-Ukrainian sentiments. In October 2014, Yuliya Martynova, the *de facto* Deputy Minister for Internal Politics, Information and Mass Communication, urged all media outlets in Crimea to re-register in accordance with Russian legislation, by the deadline of 1 January 2015, and warned them that any “provocative” acts thereafter would result in sanctions.¹² The *de facto* leader of Crimea, Sergei Aksionov, has on repeated occasions expressed his aversion to pro-Ukrainian media. In one of his more recent pronouncements, on 13 February 2015, in response to a question about the Crimean Tatar TV channel ATR, he described such media as “inimical in essence” and stressed that any media outlet which might “give hope to some citizens that Crimea will return to Ukraine” would “definitely not be welcome.”¹³ Sergei Aksionov went on to state that this was his personal position, but the point was made. It was, in any case, already perfectly clear to ATR.

Editors of the ATR TV channel told Amnesty International that they had received unofficial warnings over the phone from influential persons they were unwilling to name for fear of reprisals, in response to some of its coverage of events affecting the Tatar community. The channel also received a formal warning, in writing, from the Center “E” on 24 September 2014. The warning followed a complaint submitted by the Russian communications watchdog, the Federal Service for Supervision in the Sphere of Telecommunications, Information Technology and Mass Communications (Roskomnadzor), to Center “E”, alleging that ATR “persistently instils the perception about possible repression based on ethnic or religious grounds, fosters the formation of anti-Russian views and deliberately foments distrust among Crimean Tatars towards the authorities through their actions, which indirectly results in the threat of extremist activity.”¹⁴

¹¹ For further detail, see Amnesty International, “Russia: Media black-out ahead of disputed Crimea referendum”, Press Release, 14 March 2014; and “Flowers for Anna – Russia’s offensive on media and the truth”, 7 October 2014; see also “Russian Federation” chapter in Amnesty International, *Amnesty International Report 2014/15: The State of the World’s Human Rights*, 25 February 2015 (AI Index: POL 10/0001/2015), available at <https://www.amnesty.org/en/documents/pol10/0001/2015/en/>.

¹² E-Crimea, “SMI v Krymu popadut pod sanktsii za provokatsionnyu politiku”, 1 October 2014, available at <http://www.e-crimea.info/news/smi-v-krymu-popadut-pod-sankcii-za-provokatsionnyu-politiku> (last accessed 17 March 2015).

¹³ 15Minut, “Krymskaya vlast snova poshla v ataku na telekanal ATR”, 13 February 2015, available at <http://15minut.org/article/krymskaya-vlast-snova-poshla-v-ataku-na-telekanal-atr-2015-02-13-23-01-28> (last accessed 17 February 2015).

¹⁴ QHA, “Krymskotatarskiy telekanal ATR obvinyayut v ekstremizme”, 24 September 2014, available at <http://qha.com.ua/krymskotatarskii-telekanal-atr-obvinyayut-v-ekstremizme-140082.html> (last accessed 17 February 2015).

The news website www.15minut.org, a sister company of ATR, has been subjected to similar pressure and harassment by the *de facto* authorities.¹⁵

Considering the real threat of reprisals against ATR channel, including the imminent revocation of its broadcasting license in light of the repeated refusals by Roskomnadzor to re-register it, as well as the possible criminal prosecution of its members of staff, under the Russian Law “On countering extremist activities” which gives a wide and vaguely-worded definition of “extremist activity”, the editors of the ATR decided to drop words like “annexation” and “occupation” from their coverage. The editorial team decided to drop the weekly investigative program “Zaman-Itogi” from the broadcasting schedule for the same reason.

ATR has been the focus of much attention and pressure from the *de facto* authorities due to its popularity among, and wide outreach within, the Crimean Tatar community. Its apogee, so far, was the raid conducted on its premises by *de facto* law enforcement authorities. On 26 January 2015, at about 11am, some 30 armed masked men from the riot police unit, as well as ten officials from the Investigative Committee and the Federal Security Service, searched ATR’s offices for several hours. They disrupted the normal broadcasting, and took away computer servers. The search was conducted in connection with a criminal case opened into the purported “mass disturbance” events in Simferopol on 26 February 2014 (the clashes between supporters of the new government in Kyiv and pro-Russian activists in front of the Crimean parliament). The case has led to the arrest of Crimean Tatar leader Akhtem Chiygoz, both the arrest and the raid against the TV channel have served as a very clear warning to pro-Ukrainian and other dissenting voices in Crimea, particularly those from the Crimean Tatar community, that persevering with attempts to exercise one’s right to freedom of expression will have serious repercussions.

ELIMINATION OF INDEPENDENT MEDIA OUTLETS THROUGH ADMINISTRATIVE PROCEDURES

Following Crimea’s annexation by Russia, the *de facto* authorities ordered all legal entities in Crimea to re-register under relevant Russian legislation, by 1 January 2015, a deadline that was subsequently extended to 1 April 2015.¹⁶ On 11 March the *de facto* Minister of Internal Policy, Information and Communications in Crimea Dmitriy Polonskiy complained during a press conference in Simferopol that “currently, a large number of media outlets have not registered for varying reasons.” He added that the media outlets that failed to register before 1 April “will not be able to work on the territory of the Russian Federation.”¹⁷

on 17 March 2015).

¹⁵ Amnesty International’s interview with Lenur Yunusov, Editor of news agency 15Minut (www.15minut.org), February 2015.

¹⁶ Information Policy Directorate Mininform RK, “V Krymu prodlena pereregistratsiya SMI do apreliya 2015 goda”, official website of the *de facto* Government of the Republic of Crimea, 24 November 2014, <http://rk.gov.ru/rus/index.html/news/289528.htm> (last accessed on 17 March 2015).

¹⁷ QHA, “Polonskiy uveriayet, pereregistratsiya SMI prohodila maksimalno prozrachno”, 11 March 2015,

The registration procedure confers a wide discretion on the registering authorities to delay or deny registration, including on minor technicalities – or sometimes purporting there are irregularities but without specifying what they are. For instance, the Crimean News Agency (QHA), another Crimean Tatar media outlet, began the re-registration process in October 2014 when it submitted its application, with the required accompanying documents, to the Federal Service for Supervision in the Sphere of Telecommunications Roskomnadzor in Moscow. Roskomnadzor returned the application and pointed out that a certain correction was required. QHA consulted with the local Directorate of Roskomnadzor and re-submitted a corrected application in November 2014. On 20 February 2015 it received Roskomnadzor's final decision to deny registration. The decision stated simply that the information submitted "does not correspond to reality", without any further explanation.¹⁸ QHA has submitted a request to Roskomnadzor to provide it with details, and is awaiting a reply at the time of writing.

At least five local radio stations, all of them general entertainment stations, were deprived of their broadcasting frequencies in Crimea's biggest towns through another administrative procedure initiated by the federal Russian authorities.¹⁹ On 15 December 2014, Roskomnadzor announced a tender on its website inviting radio broadcasters to submit bids for the use of certain radio frequencies in Crimea, including frequencies that had already been assigned before the annexation. The tight deadline of 29 January 2015 presented a particular challenge to Crimean radio stations, not only due to their lack of bidding experience and the long official holiday period in early January, but also on account of their need to complete their re-registration first. Six Crimean radio stations requested Roskomnadzor to extend the deadline; they also requested help from the federal Russian Commissioner for Human Rights (Ombudsperson) Ella Pamfilova, who publicly supported their call and addressed the Russian federal authorities on their behalf.²⁰ They also asked Russian President Vladimir Putin to intervene. Nonetheless the tender was held as planned, without an extension, with the official results published by Roskomnadzor on 25 February 2015: The five stations lost their frequencies in big towns to other broadcasters, including Russian.²¹

available at <http://gha.com.ua/polonskii-uveryaet-pereregistratsiya-smi-prohodila-maksimalno-prozrachno-143588.html> (last accessed on 17 March 2015).

¹⁸ QHA, "Informagentstvu QHA otkazano Roskomnadzorom v registratsii", 20 February 2015, available at <http://gha.com.ua/informagentstvu-gha-otkazano-roskomnadzorom-v-registratsii-143200.html> (last accessed on 17 March 2015).

¹⁹ Ales Pratasevich, "Yaki ukrayinski radiostantsiyi vtratyli svoyi chastity vnaslidok nezakonnogo konkursu v Krymu", *TeleKritika*, available at <http://www.telekritika.ua/rinok/2015-03-11/104734> (last accessed 17 March 2015).

²⁰ RIA Novosti, "Pamfilova prosit sohranit veschaniye mestnykh teleradiokompaniy v Krymu", 7 February 2015, available at <http://ria.ru/society/20150207/1046426715.html> (last accessed on 17 March 2015).

²¹ Roskomnadzor, "Opredeleny pobediteli konkursov na radioveschaniye na territorii Krymskogo federalnogo okruga", 25 February 2015, official website of the Federal Service for Supervision in the

One of these five affected radio stations, Lider FM, submitted its registration application on 17 December 2014. Its application was turned down by Roskomnadzor which, in its reply received on 2 February, informed the radio station that it could not be registered because there already was a registered radio station under this name.²² Accordingly, Lider FM missed the tender deadline, which meant that it lost its license to broadcast in Simferopol. So did Trans-M-Radio, Briz and others radio stations which had been using their designated radio frequencies in Crimea prior to Roskomnadzor's decision to tender these out.

Sphere of Telecommunications, Information Technology and Mass Communications (Roskomnadzor), <http://rkn.gov.ru/news/rsoc/news30647.htm> (last accessed on 17 March 2015).

²² Amnesty International's interview with Lilya Bujurova, February 2015.

FREEDOM OF ASSEMBLY

Authorities have an obligation to respect, protect and fulfil the right to peaceful assembly, that is, to ensure that neither their own agents nor others abuse these rights, and that no restrictions are imposed on peaceful assemblies other than those which are demonstrably necessary and proportionate for a legitimate purpose permitted under international law.

The right to freedom of peaceful assembly has been severely curtailed since the peninsula's annexation by the Russia. Public gatherings and street protests in Crimea have visibly decreased since March 2014, as the *de facto* authorities have employed restrictive Russian legislation²³ and administrative technicalities to curb any public protest or other assemblies that could be seen as opposing the new regime. Under Russian law, organizers of public assemblies are obliged to obtain official authorization unless they plan to hold them in a specially designated, and typically remote, location. These provisions have been used to repeatedly ban unwelcome demonstrations and public gatherings. Other events have been disrupted by young men shouting insults at participants.

Crimean Tatars have borne the brunt of these newly imposed restrictions. They have been forced to move their traditional commemorative events from central squares to remote neighbourhoods, and in some cases have been denied the opportunity to assemble altogether. But they are not the only group to have endured violations of their right to peaceful assembly.

HARASSMENT AND DETENTION OF PRO-UKRAINIAN ACTIVISTS

Public gatherings opposing the annexation of Crimea virtually ceased after 18 March 2014, when the "treaty" sealing Crimea's annexation by Russia was signed in Moscow. Since then, most openly pro-Ukrainian activists – among them all publicly known EuroMaydan activists – have left the peninsula, fearing for their personal safety and the risk of criminal prosecution. Such fears became particularly acute in May 2014, following the arrest, unlawful transfer to Moscow, and alleged torture of the film director Oleg Sentsov and several other individuals by Russian Federal Security Service officers, and their subsequent criminal prosecution under terrorism-related charges.²⁴

Since then, pro-Ukrainian sentiments are hardly ever publicly expressed in Crimea, and even public assemblies intended to celebrate Ukrainian cultural events have been prevented by the *de facto* authorities and pro-Russian thugs.

²³ For details, see Amnesty International, *A Right, Not a Crime: violations of the right to freedom of assembly in Russia* (Index: EUR 46/028/2014).

²⁴ Oleg Sentsov is a public figure and a known participant in the so-called AvtoMaydan protest by automobilists in Kyiv during the EuroMaydan events. The criminal case against him has been handled in secrecy, and the charges against him are widely seen as politically-motivated and tramped up. For more detail see Amnesty International, "Ukrainian Detainee Threatened with Rape", Urgent Action Update, 24 June 2014 (AI Index: Index: EUR 50/027/2014).

Following the death in a car accident on 2 February 2015 of the popular Ukrainian singer and leader of the group “Skryabin”, Andriy Kuzmenko, spontaneous commemorative public vigils were held in his honor throughout Ukraine. However, one such, entirely peaceful, gathering of about a dozen people in the Crimean city of Sevastopol was interrupted by police. Police officers told the participants to turn off their mobile phones on which Kuzmenko’s songs were being played, checked their identification documents and copied their personal details, and told them to disperse. When the mourners tried to argue with the police, they were confronted by a group of thuggish-looking men who told them to “respect the law on police”.²⁵

The celebration of the 201st anniversary of the birth of the poet and Ukrainian cultural icon, Taras Shevchenko, on 9 March 2015 was also placed under intensive scrutiny by the *de facto* Crimean authorities. The request to assemble in front of the poet’s statue in the Crimean capital Simferopol was turned down, and the organizers moved the event to another location where around 50 people chanted pro-Ukrainian slogans and wore Ukrainian symbols. Three people – Aleksandr Kravchenko, Vilidar Shukurjiev and Leonid Kuzmin – were subsequently detained for taking part in an “unlawful assembly”. Leonid Kuzmin was later fired from the school where he was working as a history teacher, for behaviour “inconsistent with his position”.²⁶

TRADITIONAL ASSEMBLIES BY CRIMEAN TATARS CURTAILED, PROTESTS DISALLOWED

The Crimean Tatar community has been particularly affected by the new restrictions on the right to freedom of peaceful assembly in Crimea, which the *de facto* authorities have used to curtail traditional public gatherings.

The most significant date for Crimean Tatars, marked annually by public prayers and other commemorative events across the peninsula, is 18 May. On that day, in 1944, the entire Crimean Tatar population was deported from the peninsula to remote parts of the then Soviet Union, for their collaboration with the Nazis during the German occupation. In May of 2014, the year of the 70th anniversary of this event, the *de facto* authorities issued a temporary ban on all public events in Crimea. Though never articulated as such, the ban clearly targeted the Crimean Tatar community. On 16 May, the *de facto* Prime Minister of Crimea Sergei Aksionov announced that all public assemblies in Crimea were to be disallowed until 6 June, in order to “eliminate possible provocations by extremists, who have managed to penetrate the territory of the Republic of Crimea” and to prevent “disruption of the summer holiday season”.

In the event, the Crimean Tatars were allowed to hold a collective prayer followed by a

²⁵ RFE/RL Ukrainian Service, “Politsiya, dozhd i ‘zakonoposlushnye grazhdane’ ne pomeshali sevastopolsam zazhech svechi v chest Kuzmy”, *Radio Free Europe/Radio Liberty*, 2 February 2015, available at <http://ru.krymr.com/content/article/26826641.html> (last accessed on 17 March 2015).

²⁶ RFE/RL Ukrainian Service, “Organizator aktsii ko dnu rozhdeniya Shevchenko v Simferopole uvolili s raboty”, *Radio Free Europe/Radio Liberty*, 11 March 2015, available at <http://ru.krymr.com/content/article/26894117.html> (last accessed on 17 March 2015).

commemorative rally on 18 May, but only on the outskirts of the Crimean capital Simferopol. The event was not allowed to take place on the central Lenin Square in Simferopol, and no other gatherings were allowed elsewhere in Crimea. During several meetings between organizers and the *de facto* authorities prior to the event, the latter made repeated demands for a show of loyalty by the Crimean Tatars to the Russian Federation, in the form of relevant public statements or by playing the Russian anthem during the commemoration; however, the Crimean Tatars refused.²⁷

Crimean Tatar activists were also denied the opportunity to commemorate the European Day of Remembrance for Victims of Stalinism and Nazism,²⁸ on 23 August. The *de facto* authorities prohibited the gathering on the grounds that the weather in Simferopol and Sevastopol was extremely hot and posed concerns for the health of participants.

Another day traditionally commemorated by the Crimean Tatars is 23 February, when the national hero Numan Chelibejihan is celebrated. In 2015, the Crimean Tatar Mejlis, a body elected at an informal Crimean Tatar assembly (Kurultai) that performs a representative role on behalf of the community, offered to move the celebratory event from its usual public location in Simferopol to the enclosed courtyard of the Khan Saray palace in Bakhchisaray, a town some 30 kilometers south-west of Simferopol, but permission to hold the event was denied anyway.²⁹ So was permission to stage a public protest in Bakhchisaray on 19 February 2015 against the persecution of Ahtem Chiygoz, Deputy Head of the Mejlis (see below). The reply from the *de facto* authorities received by the organizer informed him that the submitted information did not “comply with the requirements” but did not specify further what the purported discrepancies were.³⁰

HUMAN RIGHTS EVENTS DISRUPTED BY THUGS

Three attempts to organize events with a human rights focus in Simferopol since December 2014, have failed.

On the occasion of International Human Rights Day, on 10 December 2014, the NGO Committee for Protection of the Rights of the Crimean Tatar People planned to organize a series of events, including a street chalk art competition for children, a photo exhibition and a human rights conference, and submitted a single application for authorization for these three public events, for which permission was denied by the *de facto* authorities on the

²⁷ Amnesty International's interview with Nariman Jelyal, Deputy Head of the Mejlis, February 2015.

²⁸ Declaration of the European Parliament on the proclamation of 23 August as European Day of Remembrance for Victims of Stalinism and Nazism, 23 September 2008, Brussels, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0439+0+DOC+XML+V0//EN> (last accessed on 17 March 2015).

²⁹ Amnesty International's interview with Nariman Jelyal, Deputy Head of the Mejlis, February 2015.

³⁰ Amnesty International's interview with Ilmi Umerov, the organizer, February 2015. Also, see QHA, “Krymskim tataram ne razreshili provodit miting v podderzhku Chiygoza”, 10 February 2015, available at <http://qha.com.ua/krimskim-tataram-ne-razreshili-provodit-miting-v-podderjku-chiigoza-142978.html> (last accessed on 17 March 2015).

pretext that the organizers could not specify the number of participants in them.

In response, the organizers Eskender Bariev, Sinaver Kadyrov and Abdulmejit Suleymanov decided to hold a street protest on 10 December, and notified the local authorities to this effect. They did not receive a reply to their letter of notification. Instead, the *de facto* Prosecutor's Office of Crimea issued a formal warning addressed to the three men that if they went ahead with their protest without a formal permission this would be against the law.³¹

Following the warning, the organizers decided to hold a press conference on 10 December and speak about the reaction of the *de facto* authorities' response to their initiative. However, this event was disrupted by some 20 men in sports clothing who threw the green liquid "viride nitens" at the speakers.³² Police were called and came, but did not arrest the assailants. The human rights conference was finally organized on 17 January 2015, but it was also interrupted by about 30 young men who tried to insult the speakers and left only after the police arrived.³³

Under international law, the authorities have an obligation to facilitate the right to peaceful assembly, including by protecting the exercise of these rights against interference by third parties. Police must fulfil their duty to protect peaceful demonstrators, e.g. by arresting counter-demonstrators who are harassing participants.

On 23 January 2015, the Eskender Bariev, Sinaver Kadyrov and Abdulmejit Suleymanov were trying to cross into mainland Ukraine when they were stopped at the checkpoint in Armyansk by Russian border guards. After their documents were checked, Sinaver Kadyrov was told that as a "foreigner" (he is a resident of Crimea but with a Ukrainian passport since he refused to become a Russian citizen) he had overstayed the maximum permitted period of 90 days "in Russia". He was taken to court on the same day which ruled in favour of his deportation from Crimea and fined him 2,000 rubles (US\$30). Sinaver Kadyrov was immediately deported and his appeal against the decision was denied by a higher-instance court on 6 February.³⁴ Eskender Bariev and Abdulmejit Suleymanov also left Crimea and have since expressed fears of arrest if they return to the peninsula.³⁵

³¹ QHA, "Prokuratura vynesla predosterezhenie zaschitnikam prav krymskih tatar", 9 December 2014, available at <http://qha.com.ua/prokuratura-vinesla-predosterejenie-zaschitnikam-prav-krimskih-tatar-141748.html> (last accessed on 17 March 2015).

³² QHA, "Zaschitnikov prav krymskih tatar oblili zelenkoi na press-konferentsii", 10 December 2014, available at <http://qha.com.ua/zaschitnikov-prav-krimskih-tatar-oblili-zelenkoi-na-pesskonferentsii-141768.html> (last accessed on 17 March 2015).

³³ Amnesty International's interview with Andrey Krysko and Sasha Krylenkova, member of the Crimean Field Mission, February 2015.

³⁴ Sobytiya Kryma, "Sud otklonil apeliatsiyu na reshenie o vydvorenii iz Kryma krymskotatarskogo pravozaschitnika", 6 February 2015, available at <http://www.sobytiya.info/news/15/49043> (last accessed on 17 March 2015).

³⁵ Yevgeniy Andreev, "Troitsa medzhlisovskih 'komitetchikov' boitsia vozhaschiatsia v Krym",

THE RIGHT TO FREEDOM OF ASSOCIATION

As with the rights to freedom of expression and peaceful assembly, the right to freedom of association in Crimea has been severely squeezed since the peninsula's annexation by Russia. A number of prominent NGOs have ceased to exist, particularly those involved in human rights work or EuroMaydan-related activism. The Mejlis has been denied the *de facto* recognition that it enjoyed by the Ukrainian authorities in Kyiv. Prominent members of the Mejlis have been subjected to harassment and persecution. Parishes belonging to the Ukrainian Orthodox Church of Kyiv Patriarchate have been under pressure to switch their allegiance to the Moscow Patriarchate.

All associations in Crimea face difficulties related to the pressure to re-register under Russian law. They are threatened with disestablishment or other reprisals for failing to do so, while only a handful of those who have attempted to register have succeeded. According to the report for the year 2014 by the Crimean Human Rights Commissioner (Ombudsperson) Liudmila Lubina, only 396 NGOs – out of more than 10,000 registered in 2013 – re-registered during the whole of 2014 under Russian law.³⁶ It is unclear how many of these were human rights NGOs, but as of October 2014, only three NGOs which the Commissioner described as human rights organizations were re-registered.³⁷

EXODUS OF INDEPENDENT NGOS

Following the annexation by Russia, many prominent human right groups from Crimea have chosen to cease to exist or relocate elsewhere in Ukraine. Some have done so in protest against the annexation, while others have felt compelled to do so on account of the personal threats and physical violence faced by their members.

Ukrainian House, a group which worked to promote the Ukrainian language and culture in

Politnavigator, 6 March 2015, available at <http://www.politnavigator.net/troica-medzhlisovskikh-komitetchikov-boitsya-vozvrashhatsya-v-krym.html> (last accessed on 17 March 2015).

³⁶ *Report of the Human Rights Commissioner of the Republic of Crimea 2014*, official website of the Human Rights Commissioner of the Republic of Crimea, 2014, Simferopol, http://ombudsman.rk.gov.ru/file/File/JPCHvRK/%D0%95%D0%B6%D0%B5%D0%B3%D0%BE%D0%B4%D0%BD%D1%8B%D0%B9_%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4_%E2%84%961.pdf (last accessed on 17 March 2015).

³⁷ Hromadske radio Holosa Kryma, "Krymskiy 'ombudsmen' priznala, chto na poluostrove 'ne v polnoi mere' sobliudayutsia prava", 21 October 2014, available at <http://crimea.hromadskeradio.org/2014/10/21/krymskiy-ombudsmen-priznala-chto-na-poluostrove-ne-v-polnoy-mere-soblyudayutsya-prava/> (last accessed on 17 March 2015).

Crimea, was among the first to have their members targeted by pro-Russian paramilitaries and other supporters.³⁸ Several of the members of Ukrainian House disappeared and are believed to have been abducted in connection with their vocal support for EuroMaydan, their role in organizing local pro-EuroMaydan events, and subsequent opposition to the Russian occupation. Andriy Schekun, leader of Ukrainian House, was abducted on 9 March 2014 from the train station in Simferopol by members of the so-called Crimean self-defense (pro-Russian paramilitaries), held for 11 days in a secret location, and abused with electric shocks while being interrogated on at least three occasions (during the interrogations, his captors were asking questions about his pro-EuroMaydan and pro-Ukrainian activism).³⁹ On 20 March, his captors handed him over to Ukrainian military servicemen at the checkpoint in Chongar, a village across a narrow strait separating mainland Ukraine from Crimea. He has not returned to Crimea since. Another member of the group, Leonid Korzh, went missing on 25 May 2014. His colleagues Timur Shaymardanov and Seyran Zinetdinov began a search for him, and went missing too, on 26 and 30 May respectively.⁴⁰ They are still missing, and their fate and whereabouts remain unknown.

Many civil society activists from pro-Ukrainian groups had already left the peninsula before then. The Center for Civil Education "Almenda", in Yalta, was a Crimean NGOs promoting human rights education and providing free legal assistance to the local residents. It was part of an NGO network engaged in the promotion of civil rights in Crimea. Four out of its five member organizations have since ceased to exist after their members decided to leave the peninsula. Olga Skrypyk, Director of Almenda, promptly left Crimea together with her husband on 16 March 2014, the day after she had been warned by members of the so-called Crimean self-defense that their safety was "no longer guaranteed". In the following weeks, other Almenda members also left Crimea fearing reprisals. The organization is now registered in Kyiv and no longer has any presence in Crimea. The fifth member NGO of the network took the decision to remain in Crimea and seek registration under Russian law, but whether it has succeeded in doing so is unclear: Almenda's contacts with its members have now been lost.⁴¹

HARASSMENT OF THE CRIMEAN TATAR MEJLIS

The Mejlis has faced particular harassment. From the outset of the Russian occupation, its members have been targeted by the *de facto* authorities and pro-Russian paramilitaries. The year since Crimea's annexation has already furnished a long list of examples of harassment and persecution of leaders of the Mejlis, including by means of forcible exile and criminal prosecution.⁴² Members of the Mejlis describe this as a campaign to subdue the Crimean

³⁸ Piotr Puliyaev, "Krymskaya samooborona stala obschestvennoy organizatsiyey", *Vesti Ukraina*, 26 November 2014, available at <http://vesti-ukr.com/krym/79084-krymskaja-samooborona-stala-obwestvennoj-organizaciej> (last accessed on 17 March 2015).

³⁹ Amnesty International's interview with Andriy Schekun, February 2015.

⁴⁰ RFE/RL, "V Simferopole propal uzhe tretiy za nedeliju proukrainskiy aktivist", 1 June 2014, available at <http://www.svoboda.org/content/article/25405784.html> (last accessed on 17 March 2015).

⁴¹ Amnesty International's interview with Olga Skrypyk, February 2015.

⁴² Mustafa Dzhemiliev, Crimean Tatar long-standing informal leader and former Head of the Mejlis, has not been able to return to Crimea since April 2014. During this time, he was repeatedly turned back by

Tatars by pressuring them into electing a new Mejlis leadership who would look more favorably on Russia's annexation of the region.⁴³

The existence of the Mejlis itself has been repeatedly threatened by the *de facto* authorities. The *de facto* Crimean Prime Minister Sergey Aksionov described the raising of the Crimean Tatar flag over the building of the Mejlis on 20 April 2014 as a "provocation", and warned that the Mejlis risked being designated as an extremist group.⁴⁴ Such designation would make any association with the Mejlis by others subject to criminal prosecution. This threat was repeated in an official warning read out by the Prosecutor of Crimea, Nataliya Poklonskaya, to the Mejlis's leader Rifat Chubarov on 6 May 2014, in which she stated that the Mejlis may be "liquidated" under the Russian law on combating extremism.⁴⁵

PRESSURE ON THE UKRAINIAN ORTHODOX CHURCH OF THE KYIV PATRIARCHATE

Religious groups have also faced existential difficulties in the new Crimea. Of the more than 1,400 officially registered religious groups prior to the annexation, as of February 2015, only around a dozen had been re-registered under Russian law, according to a report produced the

officials controlling entry to the peninsula, when attempting to enter Crimea overland and by plane from Russia. Later, he was banned from entering Russia for five years, purportedly on the grounds of national security; his attempts to challenge the ban in Russian courts has been unsuccessful, with the respective court hearings repeatedly postponed (see Natalia Dzhapoladova, "Zapreshchionnyi Dzhemiliov", *RFE/RL*, 22 January 2015, available at <http://www.svoboda.org/content/article/26806096.html>, last accessed on 17 March 2015). His successor as the Mejlis leader, Refat Chubarov, too, has been barred from re-entering Crimea for five years by the *de facto* authorities. While he was still in Crimea, in May 2014, the *de facto* Prosecutor of Crimea Natalia Polonskaya issued him with an official warning, listing a host of Russian laws including anti-extremism legislation and the law governing public assemblies which he had supposedly violated and threatened him with criminal prosecution.

Ahtem Chygoz, the most senior member of the Mejlis remaining in Crimea, was detained on 29 January 2015, accused of organizing "mass disturbances" on 26 February 2014, and remanded into pre-trial detention until 19 May 2015. Amnesty International delegates attempted to attend one of his remand hearings on 11 February but, similarly to members of Ahtem Chygoz's family and local activists, were denied entry into the court building. Moreover, his lawyer could not attend the hearing either, because he had only been notified of it three hours previously and was away from Simferopol where the hearing was held.

Nariman Jelyal, currently the most senior member of the Mejlis after Chygoz, expressed concerns in an interview with Amnesty International that his arrest would come next.

⁴³ Amnesty International's interview with Nariman Jelyal, Deputy Head of the Mejlis, February 2014.

⁴⁴ Ukrainskaya Pravda, "Aksionov prigrizil Medzhlisu priznat krymskih tatar ekstremistami", 20 April 2014, available at <http://www.pravda.com.ua/rus/news/2014/04/20/7023102/> (last accessed on 17 March 2015).

⁴⁵ See video posted on YouTube at <https://www.youtube.com/watch?v=HV5P7WoONE> (accessed 12 March 2015).

Crimean Field Mission (a human rights initiative involving Russian and Ukrainian NGOs).⁴⁶

The Ukrainian Orthodox Church of the Kyiv Patriarchate (UOCKP), which split from the Russian Orthodox Church in Ukraine in 1992, and is unrecognized by other Orthodox patriarchates, risks losing its parishes and church buildings in Crimea if they do not succeed in registering under Russian law.

Recently, the Russian Federal Security Service (FSB) has requested the UOCKP to voluntarily give up its rights to the plot of land in Simferopol where it was planning to build a temple, for the construction of apartment blocks for FSB personnel there. The FSB's plans for construction on this land have already been approved by Sergey Aksionov.⁴⁷

Further pressure has been applied against UOCKP by pro-Russian thugs. The church in the village of Perevalnoe was stormed on 1 June 2014 by men armed with knives, sabres and whips, and wearing Cossack outfits. They damaged the interior of the church, issued death threats against the priest Ivan Katkalo, and demanded that he leave.⁴⁸ He has not returned since. In a similar manner, other UOCKP churches in Sevastopol, Krasnoperekopsk and Kerch' were ransacked and closed. The prayers in the main UOCKP temple in Simferopol are being routinely visited by security services monitoring the parishioners who attend the services.⁴⁹

⁴⁶ Crimean Human Rights Field Mission, *Overview of the Situation in Crimea*, February 2015, available at http://crimeahr.org/wp-content/uploads/2015/03/Crimea_Field_Mission_Report_February_2015_RU.pdf (last accessed on 17 March 2015).

⁴⁷ Credo.ru, "Kievskomu patriarhatu predlagayut dobrovolno otkazatsia ot zemli v Simferopole v polzu FSB", 27 February 2015, available at <http://www.portal-credo.ru/site/?act=news&id=112270> (last accessed on 17 March 2015).

⁴⁸ RFE/RL Ukrainian Service, "V Perevalnom otobrali hram v UPTs Kievskogo patriarhata", *Radio Free Europe/Radio Liberty*, 1 June 2014, available at <http://ru.krymr.com/media/video/25406225.html> (last accessed on 17 March 2015).

⁴⁹ Crimean Human Rights Field Mission, *Overview of the Situation in Crimea*, November 2014, available at http://crimeahr.all4sale.com.ua/wp-content/uploads/2015/01/crimea_field_mission_report_november_2014_ru.pdf (last accessed on 17 March 2015).

RECOMMENDATIONS

To the de facto Crimean authorities

General

- Abstain from applying any regulations concerning the media, public assemblies and associations which are not in line with international law and standards;
- Investigate promptly, effectively and impartially all incidents and allegations of attacks, unlawful pressure and harassment of any media outlets and journalists, members of independent civil society organizations, including NGOs and churches, and other civil society initiatives; identify the perpetrators and bring them to justice in line with fair trial standards;
- Effectively investigate all incidents and allegations of human rights violations and abuse, including threats and physical violence, by police officials, unidentified paramilitaries and any other persons during public assemblies, religious service and private gatherings; ensure that all those responsible are prosecuted, judged in a fair trial and duly punished in a manner that conforms to international human rights standards;
- Ensure that law enforcement officials provide adequate protection to participants in public assemblies, religious services and private gatherings who are subjected to threats and violence by others;
- Ensure that the right to freedom of expression, peaceful assembly and association can be exercised by any individuals and groups in Crimea, without discrimination on the grounds of political or religious views, ethnicity, or any other grounds.

Freedom of expression

- Respect and promote media freedom and pluralism;
- Abstain from the threat to close down any established media outlet for failure to re-register under Russian law; extend the deadline for the re-registration and abstain from arbitrarily denying it to any independent media outlets, particularly the Crimean Tatar-language ones;
- Effectively investigate the allegations of harassment of ATR and any other media outlets, and unlawful interference with their work, including looking into the legality of the search of ATR's offices by armed law enforcement officials; identify and hold to account all those responsible.

Freedom of association

- Stop the harassment and smearing of Crimean Tatar, pro-Ukrainian and any other independent civil society organizations in Crimea, and any discrimination on the grounds of political or religious views, ethnicity, or any other grounds.

Freedom of peaceful assembly

- Ensure the right to freedom of peaceful assembly to all persons in Crimea without discrimination, in accordance with international human rights law and standards;
- Ensure that any relevant penalties under Russian law do not serve as a deterrent to public protest and any other forms of peaceful assembly in Crimea;
- Ensure that the requirement of prior notification of local authorities on planned public assembly is not applied in practice as an authorization procedure, and that there is clear scope for spontaneous peaceful assembly in response to a current event and where a delay would render a later assembly obsolete.

Fair trial

- Ensure that all internationally recognized fair trial guarantees are respected in criminal and administrative proceedings in Crimea.

Abductions and alleged enforced disappearances

- Promptly, effectively and impartially investigate all alleged cases of abductions and enforced disappearances; establish fate and whereabouts of the disappeared persons and ensure their safety and well-being, and identify and bring all those found responsible to justice in line with fair trial standards.

To the international community

- Monitor and report on all cases of human rights violations and key human rights developments in Crimea, report all findings, and raise these in discussions with the Russian authorities at any bilateral and multilateral forums.

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