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The situation of national minorities in Crimea following its annexation by Russia

DROI



STUDY

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ABSTRACT

National minorities in Crimea have been subject to systematic violations of their rights since the illegal annexation of Crimea by Russia on 18 March 2014. Documented violations have occurred in the areas of freedom of expression, conscience, and religion; the right to peaceful assembly and association; freedom of the media and access to information; the right to a fair trial and effective remedy; the right to education in one's native language; and linguistic and cultural rights. The de facto authorities in Crimea have neglected to investigate cases of grave violations of the rights to life, liberty, security, and physical integrity. The response of the international community has been limited. While Western countries pursue non-recognition policies towards Crimea, international sanctions introduced in response to the occupation of Crimea are weak, and there have been no measures taken to address the international humanitarian law and human rights violations in Crimea. Limited support is available to human rights organisations focused on or working in Crimea, and human rights monitors still cannot gain access to Crimea. The European Union, and the European Parliament, in particular, should actively advocate for the establishment of an international human rights monitoring presence in occupied Crimea. Tailor-made support programmes should be offered to Ukrainian government agencies and civil society working towards the protection of the rights of Ukrainian citizens in Crimea. The European Parliament should continue raising the issue of human rights violations in Crimea and monitor individual cases. Furthermore, the Council of the European Union should consider imposing sanctions for the violations of international humanitarian law and human rights in occupied Crimea.

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Executive summary

This study examines the situation of national minorities in Crimea since its illegal annexation by Russia on 18 March 2014 up to the time of the writing of this report in March 2016. It focuses on the systematic violations of the rights of persons belonging to the two largest minority groups in the occupied peninsula – Crimean Tatars, who are also indigenous to Crimea, and Ukrainians, who became a de facto minority following Crimea's annexation. Such violations have occurred in the areas of freedom of expression, conscience, and religion; the right to peaceful assembly and association; freedom of the media and access to information; the right to a fair trial and effective remedy; the right to education in one's native language; and linguistic and cultural rights. Russian legislation on extremism and terrorism and on criminal code provisions has been applied extensively by the de facto authorities in Crimea in order to silence the dissent of the Crimeans who opposed its annexation and to target non-Russian religious and ethnic groups, especially Crimean Muslims, most of whom are Crimean Tatars. There are also cases of grave violations of the rights to life, liberty, security, and physical integrity of minority group representatives that have not been investigated by the de facto authorities. Against the worsening backdrop of human rights violations in occupied Crimea, the de facto authorities have further aggravated inter-ethnic relations by using intolerant and hateful language, including through mass media, and by labelling minority representatives and groups as 'loyal' or 'disloyal'.

As an occupying power, Russia is responsible for the implementation of international humanitarian law and for respecting the human rights of Crimean residents. Furthermore, even though Ukraine does not have effective control over Crimea, it is still obliged to use all available legal and diplomatic means to protect the rights of its citizens in the occupied territory.

This study also examines the response of the international community, including the European Union, to the human rights situation in occupied Crimea. Major international security and human rights institutions, many to which Russia is a party, were unable to convince Russia to cease its illegal annexation of Crimea or to respect international laws of occupation. While Western countries pursue non-recognition policies towards Crimea, international sanctions introduced in relation to the occupation of Crimea are weak, and there have been no restrictive measures introduced in response to the violations of international humanitarian and human rights law in occupied Crimea. The international community has also been unable to secure the presence of international human rights organisations in Crimea. Support to human rights organisations working on and in Crimea remains extremely limited.

In this regard, a number of recommendations for the European Union and, specifically, the European Parliament, are made, namely:

- to advocate for and establish an international human rights monitoring presence in occupied Crimea. Meanwhile, the European Union should encourage the government of Ukraine to ease the rules of entry to the peninsula for foreigners to allow access for representatives of international human rights non-governmental organisations and journalists;
- to strengthen sanctions against Russia for the occupation of Crimea and to link these sanctions to violations of international humanitarian law and human rights in occupied Crimea to comply with the European Union's own commitments set out in the Treaty on Functioning of the European Union and relevant European Union guidelines;
- to continuously raise the issue of the illegal annexation at all international fora and meetings with Russian representatives and to demand Russia's compliance with international humanitarian law and international human rights law and the de-occupation of Crimea;

- to introduce tailor-made programmes to support Ukrainian government agencies and civil society in devising effective policies towards the occupied territory and population and effective strategies towards a peaceful de-occupation, and to provide support to media outlets broadcasting in Crimea and organisations representing the indigenous people of Crimea; and
- to encourage the government of Ukraine to improve its domestic policies towards internally displaced people, especially Crimean Tatars, ensuring their right to preserve their language and culture on mainland Ukraine, and to adopt international standards on the rights of indigenous peoples and develop national legislation on the rights of Crimean Tatars in Ukraine.

Any efforts of the European Union and the international community to address the violations of human rights and the worsening situation of minorities in occupied Crimea should also take into account the pressing need to reform and strengthen the relevant international and regional human rights and security institutions, which have failed to adequately respond to Russia's acts of aggression towards Ukraine and its illegal occupation of Crimea. The European Parliament could also play a role in this effort by encouraging debate on these issues.

List of abbreviations

ABL	Administrative Boundary Line
CoE	Council of Europe
CSDP	Common Security and Defence Policy
ECHR	European Court on Human Rights
ECRI	European Commission against Racism and Intolerance
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EP	European Parliament
EU	European Union
FSB	Federal Security Service of the Russian Federation
HCNM	High Commissioner on National Minorities of the OSCE
ICC	International Criminal Court
IcSP	Instrument contributing to Stability and Peace
IHL	International Humanitarian Law
IHRL	International Human Rights Law
NGO	Non-governmental organisation
ODIHR	Office for Democratic Institutions and Human Rights of the OSCE
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
OSCE SMM	Special Monitoring Mission of the OSCE to Ukraine
PACE	Parliamentary Assembly of the Council of Europe
UN	United Nations
UNGA	United Nations General Assembly
UNDP	United National Development Programme
USA	United States of America

1 Introduction

Historically, Crimea is a multicultural, multi-ethnic region. According to the Ukrainian Population Census of 2001, Russians comprised the majority (58.5 %) of persons in Crimea, followed by Ukrainians (24.4 %), Crimean Tatars (12.1 %), Belarusians (1.5 %), Tatars (0.5 %), Armenians (0.4 %), Jews, Poles, Moldovans, Azeris (0.2 % each), and other ethnic groups; altogether, representing over 125 nationalities in the two million people that populated Crimea.¹ Despite the wide use of the Russian language, Crimea is a multi-lingual society in which Russian was considered the native language by 76 % of its inhabitants, Crimean Tatar by 11 %, and Ukrainian by 10 % in 2001.² The region is also diverse in terms of religious beliefs and denominations. According to data from Ukraine's Ministry of Culture, among the 1 409 registered religious communities present in Crimea as of January 2014, 42.7 % represented Christian Orthodoxy, 29 %—Islam, 20 %—Protestantism, 1.6 %—Catholicism, 0.9 %—Judaism, and 5.6 %—other religions.³

The annexation of Crimea on 18 March 2014 was justified by Russia and the de facto authorities as a move to protect the Russian and Russian-speaking populations from the 'nationalists, neo-Nazis, anti-Semites, and Russophobes' who 'seized power in Ukraine' and to return to Russia what 'was and has always been an integral part of the country'.⁴ The annexation has dramatically changed the legislative framework de facto applied in Crimea, including that which regulates human rights and fundamental freedoms, but also the situation of its ethnic groups. While a minority in Ukraine, Russians have strengthened their position in Crimea after the annexation. Ukrainians, in contrast, have turned into a de facto minority and their rights, especially linguistic, were affected almost immediately, despite the fact that the 'Constitution of the Republic of Crimea', approved on 11 April 2014 by the de facto authorities, declared Ukrainian, together with Russian and Crimean Tatar, as the state languages on the local level. Crimean Tatars have found themselves in an unsafe position because, in addition to being a minority, they are indigenous people of Crimea, with no kin-state to seek protection from.⁵ They have strong memories of the forcible deportation of the Crimean Tatars from Crimea by the Soviet Union and of the earlier Russian colonisation of Crimea. The Russian annexation of Crimea has evoked fears among Crimean Tatars of new persecutions, forced assimilation, or forced emigration. While the de facto authorities and the government of Russia have made a number of declarations that the rights of the minorities on the peninsula would be protected, including the Russian President's decree on the

¹ All-Ukrainian Population Census 2001, National Structure of Population in the Autonomous Republic of Crimea, <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/Crimea/>. By early 2014, the share of the Crimean Tatar population was likely higher than in the census data, given that there was a continuous return of Crimean Tatars from Central Asia between 2001 and 2014 and a relatively high birth rate in the Crimean Tatar community, as compared to the negative indicators for the Russian and Ukrainian populations. See N. Useinov, 'Crimea: from annexation to annexation, or how history has come full circle', in K. Bachmann & I. Lyubashenko, eds., *The Maidan Uprising, Separatism and Foreign Intervention: Ukraine's complex transition*, Series: Studies in Political Transition - Vol. 4, Peter Lang: Frankfurt am Main, 2014.

² All-Ukrainian Population Census 2001, Share of population by native language, Autonomous Republic of Crimea (% of all population). Retrieved from <http://database.ukrcensus.gov.ua/> on 1 March 2016. In October 2014, the occupying power conducted a population census, according to which the share of Russians increased to 67.9 %, the share of Ukrainians decreased to 15.6 %, the share of Crimean Tatars dropped to 10.5 %, and the share of Tatars was 2 %. However, the occupying authorities may have manipulated the data in order to legitimise the annexation of Crimea as a region with a population of over two thirds ethnic Russians. Given the atmosphere of fear and intimidation in Crimea, ethnic minorities may also have been unwilling to reveal their true ethnicity or may have boycotted the census.

³ Institute for Religious Freedom, Religious map of Crimea – infographics, 8 April 2014,

http://www.irf.in.ua/eng/index.php?option=com_content&view=article&id=407:1&catid=36:com&Itemid=55

⁴ President of Russia, Obrashenie Prezidenta Rossiyskoy Federatsii [Address of the President of the Russian Federation], 18 March 2014. Retrieved from <http://kremlin.ru/events/president/news/20603> on 1 March 2016.

⁵ See also A. Osipov, 'What Do the Crimean Tatars Face in Crimea?', European Centre for Minority Issues Brief 32, April 2014.

rehabilitation of the peoples deported from Crimea in 1944,⁶ ethnic Ukrainians and Crimean Tatars who support Ukraine's territorial integrity and oppose the change of the status of Crimea have found themselves in an extremely vulnerable position. According to the State Emergency Service of Ukraine, over 21 000 Crimeans have fled to mainland Ukraine.⁷ However, the real number of displaced persons is believed to be much higher.⁸ Moreover, of those displaced, according to Refat Chubarov, Chairman of the Mejlis (the self-governing body of the Crimean Tatar people), about half are Crimean Tatars.⁹

Since the first days of the military occupation in Crimea, pro-Ukraine Crimeans, especially Crimean Tatars, have been targeted by the de facto authorities, Crimean 'self-defence', and other paramilitary groups through various restrictive measures and human rights abuses, including forced disappearances, murders, unlawful searches, interrogations, seizures and arrests, intimidation, and entry bans on political leaders. The de facto authorities have also enacted a wide ban on independent media, including Crimean Tatar outlets, and imposed restrictions on civil, social, and cultural rights.

This study aims to analyse the situation of the national minorities in Crimea since its annexation by Russia (March 2014-March 2016) as well as the policies and practices adopted by the de facto authorities, and to evaluate the response of the international community, including the European Union (EU), to the human rights violations in the occupied peninsula.

This study draws on numerous reports from international intergovernmental organisations and non-governmental organisations (NGOs) that assess the human rights situation in Crimea since its annexation. These reports will be examined in the next section as the principal sources of data and analysis on the situation of the national minorities in Crimea. The reports are complemented by recent accounts from the media, as well as by interviews and informal discussions with representatives of human rights organisations, think tanks, and international organisations, and by participant observation at a number of events on the human rights situation in Crimea during February through early March 2016 in Kyiv.

The remainder of this report is divided into seven sections. The next section examines the available sources of information on the human rights situation in Crimea. Section 3 provides an overview of the situation of national minorities in Crimea and the major violations of their rights from the annexation in March 2014 to the time of the writing of this report in March 2016. Section 4 outlines the de facto legislative framework affecting the rights of minorities in Crimea, including the application of Russian legislation and the relevant acts passed by the de facto authorities. Section 5 reviews the international legal norms and standards relevant to the situation of the occupation of Crimea. Section 6 discusses the actions taken by the international community to improve the situation of these minority groups and to ensure the application of international law. Section 7 evaluates the actions taken by the EU. The report concludes with recommendations for future policy measures.

⁶ Ukaz Prezidenta Rossiyskoy Federatsii ot 21 aprelya 2014 No 268 [Decree of the President of the Russian Federation from 21 April 2014 No 268], Rossiyskaya Gazeta No 6363, 23 April 2014. Retrieved from <http://www.rg.ru/2014/04/21/reabilitaciya-site-dok.html> on 1 March 2016.

⁷ State Emergency Service of Ukraine, Vid pochatku roku regionalnymy shtabamy DSNS zareyestrovano ponad 7 tysiach vnurishnio peremishchenyh osib [Since the beginning of the year regional offices of the SES have registered over 7 thousand internally displaced persons], 5 February 2016 <http://www.mns.gov.ua/news/45731.html?PrintVersion>

⁸ UNIAN, 'Chubarov: Okupirovannyi Krym pokinuli okolo 35 tysiach chelovek, polovina kotoryh – krymskie tatar'y' ['Chubarov: Occupied Crimea is left by about 35 thousand people, half of which are Crimean Tatars'], UNIAN, 17 February 2016, <http://www.unian.net/politics/1268050-chubarov-okkupirovannyiy-kryim-pokinuli-okolo-35-tyisyach-chelovek-polovina-kotoryih-kryimskie-tataryi.html>

⁹ UNIAN, 'Chubarov: Okupirovannyi Krym pokinuli okolo 35 tysiach chelovek, polovina kotoryh – krymskie tatar'y' ['Chubarov: Occupied Crimea is left by about 35 thousand people, half of which are Crimean Tatars'], UNIAN, 17 February 2016, <http://www.unian.net/politics/1268050-chubarov-okkupirovannyiy-kryim-pokinuli-okolo-35-tyisyach-chelovek-polovina-kotoryih-kryimskie-tataryi.html>

2 Overview of available sources of information

Since Russia's annexation of Crimea, regarded as illegal by the vast majority of the international community, including the EU and the United Nations General Assembly (UNGA) through its Resolution 68/262 of 27 March 2014, the human rights situation in Crimea has been the focus of many reports from international intergovernmental organisations, international human rights NGOs, Ukrainian and Russian human rights groups, and ombudspersons. These reports, as a rule, include overviews of the situation of the national minorities in Crimea.

Among these reports, several provide a greater focus on the situation of the minorities in Crimea. The report of the **United Nations (UN) High Commissioner for Human Rights Special Rapporteur on Minority Issues** Rita Izsák, based on her mission to Ukraine in early April 2014, analysed the situation of national minorities in Ukraine along with the policy framework for the protection of their rights. Though the Special Rapporteur was not allowed to enter Crimea, she was able to meet with representatives of the national minorities, including the Crimean Tatars and ethnic Ukrainians, as 'de facto minorities in some localities including the Autonomous Republic of Crimea'.¹⁰ The report raised concerns over the situation of minority groups, including religious communities, in Crimea in the immediate aftermath of the annexation and called for further international presence and monitoring. At the **Council of Europe (CoE)**, the **Advisory Committee on the Framework Convention for the Protection of National Minorities** issued an ad hoc report based on their visit to Ukraine during 21-26 March 2014.¹¹ The Advisory Committee did not travel to Crimea, but instead met with representatives of the minority groups in Kharkiv, Kyiv, and Odesa. The report expressed concerns over 'the safety and access to rights of minority populations in Crimea', in particular, the Crimean Tatars, numerically smaller minorities such as the Karaim and the Krimchak, and persons belonging to the Ukrainian community 'who are in a minority situation in Crimea'.¹² Another **CoE** report delivered by the **Commissioner for Human Rights** Nils Muižnieks upon his visits to Kyiv, Moscow, and Crimea in September 2014 also reviewed the main violations of the rights of ethnic and religious minorities in the context of the human rights situation in Crimea.¹³

The most extensive reports on minority rights in Crimea were prepared by the **Organisation for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities (HCNM)** within the human rights assessment mission conducted jointly with the **Office for Democratic Institutions and Human Rights (ODIHR)**. The first report of the ODIHR and the HCNM provided an assessment of the human rights situation in Ukraine in the spring of 2014 and featured specific sections on Crimea in the context of human rights and, in particular, the situation of minorities. The findings of the Crimea sections were based on visits conducted separately by ODIHR and HCNM delegations to Crimea in March and April 2014. While the ODIHR delegation raised concerns over the situation of the pro-Maidan activists, the Ukrainian military, and Crimean Tatars as communities opposed to the annexation, the HCNM delegation noted:

Ethnic Ukrainians and Crimean Tatars who espouse pro-Ukrainian views on the status of Crimea or manifest a will to uphold their identity, especially their religious, cultural or

¹⁰ UN High Commissioner for Human Rights Special Rapporteur on Minority Issues, Rita Izsák, Report Addendum Mission to Ukraine (7-14 April 2014), Distr. General 27 January 2015.

¹¹ Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, Ad hoc Report on the situation of national minorities in Ukraine adopted 1 April 2014, Public ACFC (2014) 001.

¹² Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, Ad hoc Report on the situation of national minorities in Ukraine adopted 1 April 2014, Public ACFC (2014) 001.

¹³ Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Report Following His Mission in Kyiv, Moscow, and Crimea from 7-12 September 2014, Strasbourg, 27 October 2014.

linguistic rights, appear increasingly vulnerable, and are in urgent need of protection – an obligation borne first and foremost by the authorities exercising de facto control in Crimea.¹⁴

Centring on the human rights situation in Crimea, the second ODIHR and HCNM report of September 2015 is the most recent report issued by an international organisation that explicitly focused on the rights of minorities in the occupied peninsula. However, this time, the OSCE human rights assessment mission was not allowed access to Crimea and, thus, the report is based on interviews conducted on mainland Ukraine as well as on remote interviews with contacts in Crimea. The report emphasised ‘a particularly vulnerable position’ of the Crimean Tatars and Ukrainians ‘who openly supported the territorial integrity of Ukraine and did not support the de facto authorities,’ and noted the shrinking space for maintaining Ukrainian and Crimean Tatar identity in Crimea.¹⁵

The **UN Human Rights Monitoring Mission in Ukraine** conducts continuous monitoring of the human rights situation in Crimea, though the mission is denied access to Crimea by the de facto authorities. The results of this monitoring have been published by the Office of the UN High Commissioner for Human Rights (OHCHR), first as monthly reports and since 2015, as quarterly reports. The reports contain a separate section that provides an overview of civil, political, economic, social, and cultural rights in Crimea, paying special attention to the rights of indigenous people.¹⁶

International NGOs, such as **Amnesty International**,¹⁷ **Human Rights Watch**,¹⁸ the **Atlantic Council/Freedom House**,¹⁹ and the Ukrainian-American human rights group **Razom**²⁰ have produced reports focusing specifically on human rights abuses in Crimea. Regular monitoring of the human rights situation in Crimea was conducted by the **Crimean Human Rights Field Mission**, a coalition of Ukrainian and Russian human rights groups, which monitored violations of international humanitarian law (IHL) and international human rights law (IHRL) in Crimea between March 2014 and June 2015. These reports covered, inter alia, inter-ethnic and inter-religious relations and the situation of minorities in Crimea.²¹

Supported by the **Turkish authorities**, in June 2015, an unofficial delegation led by Professor Zafer Üskül published a report on the situation of Crimean Tatars following Crimea’s annexation by Russia, which was based on their four-day visit to Crimea in April 2015.²² The report noted ‘a serious decline in the exercise of fundamental rights and freedoms, such as the right to assembly and demonstration, and the freedom

¹⁴ OSCE Office for Democratic Institutions and Human Rights & High Commissioner on National Minorities, Human Rights Assessment Mission in Ukraine. Human Rights and Minority Rights Situation. ODIHR HRAM: 6 March-1 April 2014. HCNM HRAM: 8 March-17 April 2014, the Hague/Warsaw, 12 May 2014, 79 p.

¹⁵ OSCE Office for Democratic Institutions and Human Rights & High Commissioner on National Minorities, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), the Hague/Warsaw, 17 September 2015, p. 7-8.

¹⁶ OHCHR reports on the human rights situation in Ukraine are available at <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/UAReports.aspx>

¹⁷ Amnesty International, One Year On: Violations of the Rights to Freedom of Expression, Assembly and Association in Crimea, March 2015, p. 26.

¹⁸ Human Rights Watch, Rights in Retreat: Abuses in Crimea, November 2014, p. 45.

¹⁹ A. Klymenko, Human Rights Abuses in Russian-Occupied Crimea, Washington, DC: The Atlantic Council of the United States and Freedom House, March 2015, p. 23; Freedom House, ‘Crimea’, [in] Freedom in the World 2015, available at <https://freedomhouse.org/report/freedom-world/2015/crimea>

²⁰ I. Bilych et al., Human Rights on Occupied Territory: Case of Crimea, New York: Razom, 2015, <http://razomforukraine.org/crimeareport>

²¹ The Crimean Field Mission monitoring reports for the period between March 2014 and June 2015 are available in Russian and English at <http://cfmission.crimea.hr.org/category/monitoring/>

²² The Turkish delegation first visited Kyiv, then from Kyiv travelled to Moscow and from there to Crimea. See S. Erkuş, ‘Turkish delegation chooses Russia’s way in Crimea’, Hurriyet Daily News, 29 April 2015, <http://www.hurriyetdailynews.com/turkish-delegation-chooses-russias-way-in-crimea.aspx?pageID=238&nID=81738&NewsCatID=510>

of expression' and 'a systematic policy of suppression and intimidation' pursued by the de facto authorities.²³

Experts of the **Eurasian Jewish Congress**, an organisation uniting Jewish communities and organisations from post-Soviet (but not only) countries, produce monthly chronicles of anti-Semitism and xenophobia in Ukraine, including in the Autonomous Republic of Crimea. Based on these chronicles, a special report entitled 'Two years of repressions: the rights of national minorities in Crimea, 2014-2015' was issued, and assessed the human rights situation in the occupied region as 'catastrophic'.²⁴

There are also numerous reports produced by **Ukrainian NGOs**, such as the Ukrainian Helsinki Human Rights Union,²⁵ the Ukrainian Centre for Independent Political Research,²⁶ and coalitions of human rights groups.²⁷ The Kyiv-based Crimea Human Rights group stepped up the work of the Crimean Human Rights Field Mission by publishing reports from July 2015 onwards.²⁸ The Centre for Civil Liberties and Euromaidan-SOS issue monthly 'Chronicles of the Occupation' covering politically motivated human rights violations.²⁹ Crimea-SOS, a Ukrainian NGO, runs an interactive map of human rights violations in Crimea based on information available in open sources. The map has a separate section entitled 'Repressions against Crimean Tatars'.³⁰

As for the Ukrainian authorities, the **Ukrainian Parliament Commissioner for Human Rights** (ombudsperson) discussed the situation in Crimea in the 2014 annual report.³¹ The 2014 annual report produced by the **High Commissioner for Human Rights in the Russian Federation** features a section entitled 'Crimea: despite the difficulties of the transition period'.³² It focused on the restoration of rights of Crimean Tatars and inter-ethnic relations mainly by describing the steps conducted by 'the authorities in Crimea' to improve the situation of Crimean Tatar people.

The most fundamental and persistent challenge for independent monitoring and reporting on human rights in Crimea is the lack of access to the peninsula since the annexation. International

²³ Z. Üskül et al., The Situation of the Crimean Tatars Since the Annexation of Crimea by the Russian Federation. Report prepared based on information obtained during interviews conducted by an unofficial Turkish Delegation in Crimea on 27-30 April 2015, 5 June 2015. Retrieved from

https://www.researchgate.net/publication/292906164_The_Situation_of_the_Crimean_Tatars_since_the_Annexation_of_Crimea_by_the_Russian_Federation on 1 March 2016.

²⁴ V. Likhachev, Dva goda repressiy: prava natsionalnykh menshinstv v Krymu, 2014-2015. Ksenofobia, narusheniya prav natsionalnykh menshinstv, religioznye presledovaniya i repressii v otnoshenii nezavisimogo krymskotatarskogo dvizheniya [Two years of repressions: the rights of national minorities in Crimea. Xenophobia, violations of national minority rights, religious persecutions and repressions against independent Crimean Tatar movement], Report. Retrieved from http://eajc.org/data/file/Oirim_under_the_Occupation.pdf on 1 March 2016.

²⁵ O. Martynenko, Y. Zakharov, Human Rights in Ukraine - 2014. Human rights report of the Ukrainian Helsinki Human Rights Group, Kharkiv: LLC "Publishing Human Rights", 2015. p. 324.

²⁶ Y. Tyshchenko, ed., Hromadianstvo, zemlia, 'natsionalizatsiya vlasnosti' v umovah okupatsiyi Krymu: deficyt prav [Citizenship, land, 'nationalisation of property' under the occupation of Crimea: The rights deficit], Kyiv: Ukrainian Centre for Independent Political Research, 2015; Y. Tyshchenko, O. Smyrnov, eds, 'Anneksovana' osvita v tymchasovo okupovanomu Krymu ['Annexed' education in the temporary occupied Crimea], Kyiv: Ukrainian Centre for Independent Political Research, 2015.

²⁷ For example, T. Pechonchyk, ed., The Fear Peninsula: Chronicle of Occupation and Violation of Human Rights in Crimea, Kyiv, 2015, 77 p.

²⁸ The Crimea Human Rights Group reports are available at <http://crimeahrg.org/category/monitor/>

²⁹ The website of the Centre for Civil Liberties <http://ccl.org.ua/> is temporarily unavailable, but their monthly digests are available at http://www.prostir.ua/category/library/?filter-type=novyyny_po_rehionah&filter-value=krym

³⁰ The map and data on violations are available at <http://crimeamap.krymsos.com/ru/list.html>

³¹ Schorichna dopovid Upovnovazhenoho Verkhovnoyi Rady Ukrainy z prav liudyny pro stan doderzhannia ta zahystu prav i svobod liudyny i hromadianyna [Annual report of Ukrainian Parliament Commissioner for Human Rights on the situation of respect and protection of human and citizen rights and freedoms], Kyiv, 2015, p. 552.

³² Doklad Upolnomochennogo po pravam cheloveka v Rossiyskoy Federatsiyi za 2014 god [Report of the High Commissioner for Human Rights in the Russian Federation for 2014], Moscow, 2015.

intergovernmental organisations and international NGOs have access to the peninsula for human rights monitoring regularly denied or impeded. Since the mission of the CoE Commissioner for Human Rights Nils Muižnieks to Crimea in September 2014 until late January 2016, when the delegation sent by the CoE Secretary General and led by Gérard Stoudmann visited Crimea, no international organisations were able to visit the peninsula.

Impediments to access of international organisations to Crimea are related to its disputed status. If the international organisations are invited by the government of Ukraine to monitor the human rights situation in Crimea, the Russian occupying authorities block access (as it occurred in the case of the UN Human Rights Monitoring Mission and the OSCE Special Monitoring Mission in Ukraine). Even if this obstacle could be overcome, the government of Ukraine could not ensure security of an international delegation on territory that it does not control. Furthermore, if monitors from international NGOs attempt to enter Crimea in a personal capacity, without disclosing the true purpose of their visit, they may face significant security risks during their stay. Thus, cooperation with Russia is necessary in order to obtain third-party access to occupied Crimea; however, as the occupying power, Russia does not recognise that human rights are violated in Crimea, nor do they recognise a need for independent monitoring.

Moreover, given the restrictive climate for civic activism in Crimea, the monitoring and documentation of human rights violations by local activists constitutes a major risk, as these activists could be arrested (a member of the human rights contact group Emir-Usein Kuku was jailed for two months on 11 February 2015 after previous detentions) or deported. A number of prominent Crimean human rights organisations have ceased activities or relocated to mainland Ukraine. The above-mentioned Russian-Ukrainian Crimean Human Rights Field Mission, which was one of few groups present on the ground in 2014 and the first half of 2015, was forced to terminate its work due to persecution by Russian authorities and the restrictive conditions of entry to the peninsula imposed by Ukrainian authorities.³³ The Crimea Human Rights Group, the organisation that assumed the activities of the Russian-Ukrainian Crimean Human Rights Field Mission following the termination of its work, conducts its monitoring in complete secrecy through a network of local activists.³⁴ Another Kyiv-based group that was interviewed decided to end its monitoring of education rights due to risks to their informants: fearful of persecution, Crimean teachers would refuse any contacts with this organisation.³⁵ A human rights group representative stated that there is only awareness of the documented human rights violations; many Crimeans are simply too scared to report what has happened to them.³⁶ Thus, the real scale and scope of the human rights violations in Crimea is unknown.

3 The situation of national minorities following the annexation

The situation of the minorities in Crimea should be considered, first and foremost, in the broader context of the human rights situation on the occupied peninsula. Since the occupation and annexation of Crimea by Russia, fundamental human rights and freedoms have been severely restricted. On the one hand, the more restrictive (as compared to that of Ukraine) legislation regulating political and civil rights of Russia has been extended to Crimea to curtail the fundamental freedoms of assembly, expression, association, access to information, and religion. This has had a negative impact on the rights of all residents in Crimea, especially those who oppose or resist the occupation. As one interviewee in Kyiv noted, the path towards

³³ Crimean Human Rights Field Mission, Statement about reformatting activities of the Crimean Human Rights Field Mission, 9 September 2015. Retrieved from <http://cfmission.crimeahr.org/en/statement-about-reformatting-activities-of-the-crimean-human-rights-field-mission/> on 1 March 2016.

³⁴ Interview with a civil society group member, Kyiv, 11 February 2016.

³⁵ Interview with a civil society group member, Kyiv, 18 February 2016.

³⁶ Interview with a civil society group member, Kyiv, 17 February 2016.

the full suppression of fundamental rights and political and civic freedoms, which Russia has been following for two decades, has been implemented in Crimea over the course of one year.³⁷ On the other hand, the *de facto* authorities of Crimea have applied the new rules in a manner that is particularly restrictive and repressive towards certain groups, namely human rights and civil society organisations, journalists, activists, and representatives of non-Russian ethnic groups, as well as the Russians who have opposed the annexation. Compared to ethnic Ukrainians, the largest *de facto* minority on the peninsula, Crimean Tatars are better organised and consolidated and are more visible (as they can be distinguished physically); this has made them particularly vulnerable to discrimination and violations of their collective and individual rights by the *de facto* authorities as well as by the Crimean 'self-defence' and other paramilitary groups in Crimea. As far as ethnic Ukrainians are concerned, they become victims of discrimination and political persecution when they explicitly express pro-Ukraine views or their Ukrainian identity (speaking in the Ukrainian language, celebrating Ukrainian holidays, or wearing symbols of Ukraine). Some human rights defenders speak of systematic repressions against the 'political Ukrainians' among Crimeans, referring to civic rather than ethnic identity and identification with the Ukrainian state.

As the ODIHR and HCNM joint 2015 report concluded:

As a result of the annexation, the changes in government and the legal framework being applied in Crimea have dramatically impacted the enjoyment of the full spectrum of human rights and fundamental freedoms by residents there, particularly of those residents who were opposed to the annexation, were unable to reject forced Russian citizenship, and/or did not seek to acquire Russian passports.

Fundamental freedoms of assembly, association, movement, expression and access to information have all been restricted in some fashion – whether through formal measures, or through the sporadic targeting of individuals or communities representing opposing views, voices or socio-political structures.³⁸

Against the backdrop of a general deterioration in the situation of human rights and fundamental freedoms in Crimea, the *de facto* authorities have adopted more restrictive policies towards national minorities than those that existed in Ukraine. These restrictions have been felt first by ethnic Ukrainians, Crimean Tatars, and other smaller ethnic and religious groups on the peninsula (such as the Karaims, Krimchaks, Jews, Jehovah's Witnesses, non-Russian Orthodox Church believers, and Muslim communities). These restrictions can also be viewed in the context of attempts by the *de facto* authorities to silence dissent and to suppress disloyal ethnic groups, and to justify the 'self-determination' of Crimea as a 'historically Russian land'. Some long-standing Russian policies, especially those towards religious minorities, such as non-Russian Orthodox Christian churches or Muslim groups (in the context of the North Caucasus insurgency), have been transferred to Crimea. The situation of minority groups in Russian-occupied Crimea has been summarised in the following statement by the OSCE High Commissioner on National Minorities, Astrid Thors, based on the results of the 2015 monitoring mission:

We found in Crimea that those Ukrainians and Crimean Tatars who openly supported the territorial integrity of Ukraine, refused Russian citizenship, or did not support the *de facto* authorities were in a particularly vulnerable position. Since the annexation of Crimea, the Crimean Tatar and Ukrainian communities have been subjected to increasing pressure on and control of the peaceful expression of both their culture and their political views.³⁹

³⁷ Interview with a civil society group member, Kyiv, 17 February 2016.

³⁸ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 7.

³⁹ The OSCE ODIHR and HCNM joint report identifies widespread human rights violations, discrimination, and legal irregularities in Crimea, Kyiv, 17 September 2015. Retrieved from <http://www.osce.org/odihr/182526> on 1 March 2016.

It must be mentioned that whereas the most noticeable and grave violations of the rights of Crimean Tatars and Ukrainians as well as certain religious groups are documented and reported, there is a lack of reliable information about the situation of other smaller minority groups, including those groups previously deported on ethnic grounds. This lack of information may imply that they are either not specifically persecuted, or not sufficiently numerous and organised to be heard by those who monitor and report on human rights violations in Crimea. While it is beyond the limits of this study to resolve this lack of knowledge regarding the situation of other minorities, there is a pressing need to bridge this gap, including through international human rights monitoring on the ground in Crimea, in order to make a complete and comprehensive assessment of the situation of all minority groups, inter-ethnic relations, and the risks of an ethno-political conflict in annexed Crimea.⁴⁰

3.1 Grave human rights violations targeted at minorities: the rights to life, liberty, security, and physical integrity

The most serious human rights violations to which minority groups have become especially vulnerable involve the **rights to life, security, liberty, and physical integrity**. Since the annexation of Crimea by Russia, numerous cases of disappearances have been reported. Mustafa Dzhemilev, a Crimean Tatar leader, Member of Parliament of Ukraine, and Commissioner of the President of Ukraine on Crimean Tatar People's Affairs, said in December 2015 that since the beginning of the occupation, 20 Crimean Tatars have disappeared.⁴¹ However, the exact number of disappeared Crimeans is unknown. The most recent cases include the **disappearances** of Marcel Aliautdinov (February 2016), Ernest Ablyazimov (January 2016), and Ruslan Ganiev and his friend Arlen Terekhov (in December 2015).⁴² It is worth noting that the de facto authorities endeavour to present the disappearances of Crimean Tatars as an intentional exodus to serve in extremist religious groups or to fight in Syria (as was the case regarding the disappearance of 16-year-old Elvina Razakova; however, she was later found by her relatives). Other similar cases include: Muhtar Arislanov, abducted by uniformed men on 29 August 2015;⁴³ Fyodor Kostenko, father of an arrested Euromaidan activist, who disappeared on 4 March 2015 upon his return to Crimea after speaking to the press in Kyiv about his son's case;⁴⁴ Eskender Apselyamov who went missing in October 2014;⁴⁵ Islyam Dzhepparov and Dzhevdet Islyamov, who were abducted on 27 September 2014 by unknown men in military uniform;⁴⁶ and Leonid Korzh, Timur Shaimardanov, and Seiran Zinedinov, all members of pro-Ukraine civil society groups, disappeared in May 2014.⁴⁷

Moreover, two people who had disappeared were found **dead**: Edem Asanov (September 2014)⁴⁸ and Belial Belialov (October 2014).⁴⁹ Those responsible for the disappearances and deaths of these persons, as

⁴⁰ The media covering Crimea increasingly reports incidents of societal discrimination and hate speech that may fuel inter-ethnic tensions; however, there is a need for a systematic documentation of such cases. This issue definitely deserves further investigation.

⁴¹ Ukrainska Pravda, 'Z pochatku okupatsii Krymy znykly vzhe 20 krymskyh tatar – Dzhemilev' ['20 Crimean Tatars are already missing since the start of the occupation – Dzhemilev'], Ukrainska Pravda, 24 December 2015, <http://www.pravda.com.ua/news/2015/12/24/7093547/>

⁴² Data retrieved from Crimea-SOS, Interactive Map of Human Rights Violations, <http://crimeamap.krymsos.com/ru/list.html> on 1 March 2016.

⁴³ OHCHR, Report on the human rights situation in Ukraine - 16 August to 15 November 2015.

⁴⁴ T. Pechonchyk, op. cit., p. 49.

⁴⁵ T. Pechonchyk, op. cit., p. 51; Crimea-SOS, Interactive Map.

⁴⁶ OHCHR, Report on the human rights situation in Ukraine - 16 August to 15 November 2015.

⁴⁷ OHCHR, Report on the human rights situation in Ukraine - 16 May to 15 August 2015; Crimea-SOS, Interactive Map.

⁴⁸ Regarding Edem Asanov, he may have been abducted due to the resemblance of his name to another person who was allegedly connected to the case of Oleg Sentsov, who was accused of terrorism and sentenced to 20 years in prison. See T. Pechonchyk, op. cit., p. 50.

⁴⁹ OHCHR, Report on the human rights situation in Ukraine 15 November 2014.

well as of Reshat Ametov, who was abducted and found dead in early March 2014, and those responsible for the murders of Ukrainian military officer Stanislav Karachevsky (6 April 2014) and Ukrainian teenager Mark Ivaniuk (20 April 2014), have not been brought to justice.⁵⁰ All of the abductions involved uniformed military men, allegedly, the Crimean 'self-defence'.⁵¹

According to the Centre for Civil Liberties, which is leading the public campaign 'Let My People Go!', of the 25 Ukrainian citizens who have been **illegally arrested** by the Russian authorities and have faced politically motivated charges based on the Russian Criminal Code, 18 are Crimeans (see Annex 1).⁵² Six were **illegally transferred to Russia** (including Oleg Sentsov, Oleksandr Kolchenko, Oleksiy Chyorny, and Gennadiy Afanasiev, who were convicted as 'Crimean terrorists'). Twelve Crimeans have been **unlawfully placed in Crimean prisons and tried as Russian citizens** (including the Mejlis Deputy Chairman Ahtem Chygoz and other Crimean Tatars arrested in the 'Case of 26 February', Crimean Tatar Muslims arrested in the 'Case of Hizb ut-Tahrir', and Yuriy Ilchenko, who is facing 20 years in prison for publishing an article on his website opposing Russia's annexation and the war in Donbas).⁵³

The Case of 26 February

*In January 2015, Ahtem Chygoz, Deputy Chairman of the Mejlis of the Crimean Tatar people, was arrested along with six other Crimean Tatars. They were accused of the organisation of or participation in mass riots according to the Russian Criminal Code. The case concerns the events of 26 February of 2014, when two opposite rallies – one pro-Ukrainian and one pro-Russian – took place in front of the building of the Crimean Supreme Council. Violating the norms of international humanitarian law, in particular the Geneva Convention of 1949, as well as the Russian Criminal Code, the de facto authorities retroactively applied Russian legislation to events that occurred before the occupation. Only the Crimean Tatars who rallied to support Crimea within Ukraine were prosecuted. Out of the nine persons accused in this case, Ahtem Chygoz, Mustafa Degermendzi, and Ali Asanov remain imprisoned. Arsen Yunusov, Eskender Kantemirov, and Eskender Emirvaliev were released under personal surety. At the end of 2015, Eskender Nebiev and Talyat Yunusov were sentenced to two and a half and to three and a half year suspended sentences, respectively. This case is widely seen as another instance of political repression against the Mejlis and Crimean Tatars. Nikolay Polozov, Chygoz's attorney, is afraid that given the intention of the de facto authorities to outlaw the Mejlis as an extremist organisation, Chygoz could face new criminal charges in addition to the current accusation of the organisation of mass riots.*⁵⁴

In the case of Oleksandr Kostenko, a Crimean Euromaidan activist who was arrested on 5 February 2015 and sentenced to three years and 11 months in prison on the territory of Russia for the alleged infliction of bodily harm to a riot police officer from Crimea during the protests of 2013-2014, the de facto authorities applied the Russian criminal code to the events taking place in Kyiv and involving only Ukrainian citizens, thus violating international law and Russian legislation. The de facto authorities also opened a criminal case against Kostenko's brother, Yevgeniy, and attempted to place him in a psychiatric facility.⁵⁵

⁵⁰ OHCHR, Report on the human rights situation in Ukraine 15 November 2014.

⁵¹ Ibid; Muižnieks, op. cit.

⁵² T. Urbanskaya, 'Uzniki sovesti: zachem Kremlyu zalozhniki iz Ukrainy' ['Prisoners of conscience: why the Kremlin needs hostages from Ukraine'], UNIAN, 24 March 2016, <http://www.unian.net/politics/1299675-uzniki-sovesti-zachem-kremlyu-zalozhniki-iz-ukrainyi.html>; Let My People Go! campaign Facebook page <https://www.facebook.com/letmypeoplegoukraine>

⁵³ Centre for Civil Liberties and E-SOS, Let my People Go! Ukrainian prisoners in Russia. Information leaflet, 2015; Let My People Go! Facebook page.

⁵⁴ Skype intervention by Nikolay Polozov at the press conference organised by the Ukrainian Helsinki Human Rights Union and Human Rights Information Centre, Kyiv: Interfax, 26 February 2016.

⁵⁵ Crimea Human Rights Group, Crimean Human Rights Situation Review, December 2015, p. 7.

Whereas no independent group has access to the detention facilities in Crimea, there have been reports of the **torture** of several Crimean political prisoners, including Sentsov, Kolchenko, Afanasiev, Chyryniy, Kostenko, and Ilchenko,⁵⁶ and extremely poor conditions of detention.⁵⁷ In December 2015, there was a report of the torture of a Crimean Tatar by the Federal Security Service of the Russian Federation (FSB) after he had refused to cooperate.⁵⁸

Detentions, searches, and interrogations targeting Crimean Tatars and Ukrainian activists have become a regular practice in Crimea. As of November 2015, the de facto authorities have launched unlawful searches and interrogations in the houses and offices of the organisers of the Crimea Blockade, which was a civic action occurring on the territory of mainland Ukraine. The organisers were: Lilia Budzhurova, ex-chief editor of ATR, a Crimean Tatar TV channel, Elzara Islyamova, ex-director of ATR, Refat Chubarov, Mejlis Chairman, and Lenur Islyamov, businessman and owner of ATR. A criminal case has been opened against them (the '**Case of the Crimea Blockade**'). Pressure was also exerted on the organisers by other means. In November, the licence of Just Bank, owned by Islyamov, was cancelled. CinCityTrans, a company owned by Lenur Islyamov's father, was fined in November and further searched by the de facto authorities in January 2016. In December 2015, a Crimean court seized the property of Lenur Islyamov. The de facto prosecutor of Crimea, Natalia Poklonskaya, said that his property may be nationalised to compensate for the harm caused by the blockade.⁵⁹

Prominent political and civil society leaders are not the only targets. Media and human rights groups reported a series of house searches in the districts populated by Crimean Tatars in the autumn of 2015 and winter of 2016.⁶⁰ For example, on 28 December 2015, FSB officers and Crimean Cossacks interrogated Crimean Tatars living in Dolynka, an ethnically mixed village, because a Ukrainian flag had been painted on a bus stop nearby, and then photographed all houses that were displaying Crimean Tatar flags.⁶¹ The OHCHR reported that the apparent intention behind the raid was to intimidate local Crimean Tatars.⁶²

3.2 Violations of the freedom of assembly targeted at minorities

The ODIHR and HCNM joint report has stated that 'some residents seeking to assemble and express dissenting political opinions or non-Russian cultural identities have had their civil and political rights heavily restricted by multiple new regulations, including their freedoms of peaceful assembly, expression, and movement in particular'.⁶³ These restrictions mainly concern the assemblies and expressions attempted by Crimean Tatars and Ukrainians. The de facto authorities **routinely deny** human rights groups and opposition political groups, such as the Mejlis, **the right to hold public assemblies on days important for their national identity**, such as Deportation Day or the Day of the Crimean Tatar flag. Participants in such public gatherings, even if these gatherings are not mass events, are penalised. Public assemblies organised by pro-Russian organisations do not face any reported restrictions⁶⁴ if they are not openly critical of the de facto authorities.

⁵⁶ A. Osavlyuk, P. Brodyk, and M. Lysenko, 28 zalozhnikov Kremliia [The 28 Hostages of the Kremlin], Kyiv: E-SOS, Open Dialogue Foundation, Let my people go! Centre for Civil Liberties, January 2016.

⁵⁷ 15minut, 'Advocat: Zaderzhannyh krymskikh tatar soderzhat v nevyynosimyh usloviyah' ['Attorney: Detained Crimean Tatars are kept in unbearable conditions'], 15minut, 29 February 2016, <http://15minut.org/news/158082-advokat-zaderzhannyh-krymskih-tatar-soderzhat-v-nevyynosimyh-usloviyah>

⁵⁸ Crimea Human Rights Group, Crimean Human Rights Situation Review, December 2015, p. 4.

⁵⁹ Crimea-SOS, Interactive Map.

⁶⁰ Crimea-SOS, Interactive Map.

⁶¹ OHCHR, Report on the human rights situation in Ukraine 16 November 2015 - 15 February 2016.

⁶² OHCHR, Report on the human rights situation in Ukraine 16 November 2015 - 15 February 2016.

⁶³ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 41.

⁶⁴ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 53.

The Case of 3 May

One of the most notorious cases where not only the freedom of assembly but also other rights, such as the right to a fair trial, have been violated by the de facto authorities is the 'Case of 3 May'. The de facto authorities used the provisions of the Russian Criminal Code to prosecute members of the Crimean Tatar community who came to greet Mustafa Dzhemilev during his attempt to enter the peninsula from mainland Ukraine on 3 May 2014. Around 200 Crimean Tatars were fined and five were arrested under accusations of participating in an unauthorised gathering, riots and acts of violence against a representative of authority, and the illegal crossing of 'the state border of the Russian Federation'.⁶⁵ Of the five arrested, four Crimean Tatars, Musa Abkerimov, Eden Osmanov, Rustem Abdurahmanov, and Tair Smedliaev, were sentenced to several years in prison (suspended), and Edem Ebulisov was sentenced to paying a fine of 40 000 RUB (about 500 EUR).⁶⁶

On 16 May 2014, two days before the 70th anniversary of the deportation of the Crimean Tatars, the de facto authorities banned all public assemblies in Crimea for 18 days. In 2015, the de facto authorities also banned or significantly restricted peaceful assembly for civic organisations or groups wishing to commemorate the 71st anniversary of the deportation. On 18 May 2015, 60 participants of a car rally commemorating Deportation Day were **detained and delivered to the police**.⁶⁷ The statement of de facto leader Sergey Aksenov sheds some light on why Crimean Tatar public assemblies are banned in Crimea: 'During 20 years, [Crimean Tatar] events were used to blackmail the authorities in order to show the strength and say that Tatars are ready for everything. And, after each demonstration, the authorities would accede to their demands. [...] The crowd of Crimean Tatars, especially youth, behaved provocatively, went with Crimean Tatar flags and, no doubt, tried to humiliate the Russians'.⁶⁸

Attempts at peaceful assembly and the public expression of pro-Ukraine views through waving Ukrainian flags or displaying Ukrainian identity, such as gathering in Ukrainian national embroidered shirts,⁶⁹ commemorating the birthday of Ukrainian poet and writer Taras Shevchenko⁷⁰, or mourning the death of Ukrainian musician Andriy Kuzmenko,⁷¹ are **punished by detention, interrogation, or administrative penalties**, such as fines, compulsory labour, or dismissal from public jobs. To discourage peaceful assembly, the de facto authorities have also threatened Ukrainian activists with the **application of legal norms on extremism**. On 24 June 2015, several days before Ukraine's Constitution Day, Leonid Kuzmin from the Ukrainian Cultural Centre received a letter from the Prosecutor's Office warning him against holding an unauthorised public assembly and to refrain from extremist activity.⁷²

⁶⁵ See T. Pechonchyk, op. cit., p.51-52; Crimea-SOS, Interactive Map.

⁶⁶ I. Putilov, "Delo 3 maya": chetyre sroka za vstrechu s Dzemilevym' ["The Case of 3 May": four sentences for a meeting with Dzemilev], Krym.Realii, 11 December 2015, <http://ru.krymr.com/content/article/27421680.html>

⁶⁷ Crimea-SOS, Interactive Map.

⁶⁸ O. Gerasimenko, A. Galustyan, "Ni u kogo net chetkogo plana deistviy", govorit ispolniayuschiy obiazanosti glavy Kryma Sergey Aksenov' ["Nobody has a clear plan of action", says the interim chief of Crimea Sergey Aksenov], Kommersant, 22 September 2014, <http://www.kommersant.ru/doc/2569810>

⁶⁹ Crimean Field Mission on Human Rights, Brief Review of the Situation in Crimea (May 2015), p. 7. Retrieved from http://cfmmission.crimeahr.org/wp-content/uploads/2015/06/Crimea_Field_Mission_Review_May_2015_ENG.pdf on 1 March 2016.

⁷⁰ Crimean Field Mission on Human Rights, Brief Review of the Situation in Crimea (March 2015), p. 10. Retrieved from http://cfmmission.crimeahr.org/wp-content/uploads/2015/04/Crimea_Field_Mission_Report_March_2015_ENG.pdf on 1 March 2016.

⁷¹ Crimean Field Mission on Human Rights, Brief Review of the Situation in Crimea (February 2015), p. 14. Retrieved from http://cfmmission.crimeahr.org/wp-content/uploads/2015/03/Crimea_Field_Mission_Report_February_2015_Eng.pdf on 1 March 2016.

⁷² OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 55.

3.3 Violations of the freedoms of expression and the media targeted at minorities

From the very first days of the occupation, the de facto authorities have **shut down the broadcasting of Ukrainian television** stations in Crimea and launched **attacks against independent journalists and local television and radio** stations airing dissenting voices. Chernomorskaya television and radio station, which belonged to a Ukrainian politician, the Centre of Independent Journalists, key Crimean Tatar television station ATR, Mejlis newspaper Avdet, and the Crimean News Agency (QHA) were targeted both by the 'self-defence' and the de facto authorities through attacks against journalists, intimidation, searches and property seizures, arrests, and close-downs. After the annexation of Crimea, the de facto authorities **used Russian legal norms on extremism and separatism to prosecute** independent media, journalists, bloggers, and even ordinary residents posting on social networks. The de facto authorities further limited the freedom of expression and access to information by **ordering the re-registration of media outlets**. As a result, in 2015, only 232 media outlets were authorized under Russian law to work in Crimea, as compared to the approximately 3 000 media outlets previously registered under Ukrainian regulations.⁷³ By denying registration to such popular Crimean Tatar media outlets as ATR and Lale television channels, Meydan and Lider radio stations, the QHA news agency, Avdet newspaper, and the Internet site 15minut, the de facto authorities have not only 'restricted media freedom and access to information, but also deprived the Crimean Tatar community of a vital instrument to maintain and revitalize its identity'.⁷⁴

Ukrainians of Crimea can only watch Ukrainian channels via satellite. There is one 13-minute television programme in Ukrainian shown twice a week on the state-run Crimean television. The only Ukrainian language newspaper, 'Krymska Svitlytsia', funded by the government of Ukraine, was closed.⁷⁵

3.4 Violations of the freedom of movement of minorities

The de facto authorities have enacted policies and commenced activities aimed at suppressing and politically prosecuting Crimean Tatars who resist Russian occupation and, in particular, Mejlis members. In April 2014, Russia's FSB **banned the entry** of Mustafa Dzhemilev, the first Chairman of the Mejlis and a member of the Ukrainian Parliament, to Crimea until 19 April 2019. On 5 July 2014, a five-year entry ban was also issued to the current Mejlis Chairman, Refat Chubarov. By preventing Crimean Tatar leaders from entering Crimea, the de facto authorities are repressing these organisations and their members in Crimea. Subsequently, the Advisor to the Mejlis Chairman on relations with Turkey, Ismet Yuksel, an ethnic Crimean Tatar and Turkish national permanently residing and having business in Crimea, was expelled from the occupied peninsula. Additionally, in March 2016, three Crimean Tatars received a five-year entry ban to Crimea.⁷⁶

In January 2015, three members of the Committee on the Rights of the Crimean Tatar People, Eskender Bariev, Sinaver Kadyrov, and Akmedzhit Suleimanov, were detained when returning to Crimea from mainland Ukraine.⁷⁷ The Committee has been active in advising Crimean Tatars on the protection of their rights and attempts to organise peaceful assemblies, including on International Human Rights Day,

⁷³ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 34.

⁷⁴ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 7.

⁷⁵ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 90.

⁷⁶ Krym.Realii, 'Trem krymskim tataram iz Hersonskoi oblasti zapretili vyezd v Krym na 5 let' ['Three Crimean Tatars from Kherson region were banned to entry Crimea for 5 years'], Krym.Realii, 22 March 2016, <http://ru.krymr.com/archive/news-ru/20160322/16898/16898.html?id=27628205>

⁷⁷ T. Pechonchyk, op. cit., p. 76.

which has been refused by the de facto authorities on multiple occasions.⁷⁸ Sinaver Kadyrov was deported from Crimea based on a court order, while the other two activists fear returning to the peninsula because of criminal cases opened against them on charges of separatism.⁷⁹ These violations of freedom of movement accompany other human rights violations, such as the right to property, the right to respect for family life, and discrimination.⁸⁰

3.5 Violations of the freedom of association targeted at minorities

In September 2014, the de facto authorities **organised searches, seized property, and evicted the charitable organisation the 'Crimea Foundation'** from its premises in Simferopol. The Crimea Foundation is an assembly of Crimean Tatar people and is funded by the Crimean Tatar Kurultai, a general assembly of Crimean Tatar people. The organisation was also **denied registration** by the de facto authorities. The eviction also affected the central office of the Mejlis and the Mejlis weekly newspaper Avdet, which were headquartered in the same building. Furthermore, members of the Ukrainian Cultural Centre are regularly detained and interrogated.

When asked about the prospects for cooperation with the Mejlis in an interview in September 2014, de facto leader of Crimea Sergey Aksenov first denied that such an organisation existed and then said that it has little authority, having only 'support of 15-20 % of Crimea Tatars'.⁸¹ While the de facto authorities have attempted to silence Crimean Tatars who oppose Crimea's annexation, they have also encouraged the **establishment of parallel organisations that represent minorities who are loyal to the de facto authorities**. Examples of such organisations are Kyryym, an initiative of former Mejlis member and de facto Deputy Speaker of the Crimean Parliament Remzi Ilyasov; Kyryym Birligi, chaired by former Chief of Henichesk rayon administration and Party of Regions member Seitumer Nemitullaev; and the Association of Crimean Tatar Businessmen, chaired by the son of Seitumer Nemitullaev, Rustem Nemitullaev.

In the case of other minority groups, the de facto authorities have adopted **a policy of promoting loyal NGOs and stimulating the establishment of 'regional national-cultural autonomies'**.⁸² Such 'autonomies' are eligible to receive public funding to develop their culture, language, and education, according to the Russian law 'On National-Culture Autonomy' of 17 June 1996. Loyal minority leaders are also co-opted into public bodies (e.g. the chairmen of the Regional National-Cultural Autonomies of Greeks and Germans in Crimea are members of the de facto parliament; the Chairman of the National-Cultural Autonomy of Bulgarians in Crimea is a member of the Civic Chamber of Crimea and the Civic Chamber of Russia; the Chairman of the Regional National-Cultural Autonomy of Azeris is a member of the scientific council on law making and the de facto Chairman of the State Council of Crimea). By using loyal minority organisations in 'public diplomacy', Russia attempts to show to their kin states and the world that Crimea, under Russian rule, pursues a friendly policy towards national minorities. However, such a policy of creating internal divisions among minority groups and dividing minority groups into 'loyal' and 'disloyal' threatens to increase inter-ethnic tensions in occupied Crimea. This issue deserves further investigation, which, however, is difficult given the lack of reliable information on the situation of smaller minority groups in occupied Crimea.

⁷⁸ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 54.

⁷⁹ OHCHR, Report on the human rights situation in Ukraine 1 December 2014 to 15 February 2015.

⁸⁰ S. Zaets et al., The right to liberty of movement and freedom to choose residence. Crimea Beyond Rules. Issue 1, Kyiv: Regional Centre of Human Rights, the Ukrainian Helsinki Human Rights Union, and CHROT, 2015, p. 10.

⁸¹ O. Gerasimenko, A. Galustyan, op. cit.

⁸² The list of 'regional national-cultural autonomies' in Crimea is available at the website of de facto State Committee on Inter-ethnic Relations and Deported Citizens of the Republic of Crimea <http://gkmn.rk.gov.ru/rus/info.php?id=616539>

3.6 Targeting the Mejlis as a self-governing body of Crimean Tatars

The de facto authorities have adopted a policy of persecution of the Mejlis as a representative and executive body consisting of 33 members elected by the Kurultai, a general assembly of the Crimean Tatar people. However, while there is no direct ban on the participation of Crimean Tatars in public life, they are only allowed to participate if they support the policies of the de facto authorities. There are three members of Crimean Tatar ethnicity out of 75 total members in the de facto parliament: all entered through the United Russia party list, including Vice-Speaker Remzi Ilyasov. The de facto Vice-Prime Minister is also a Crimean Tatar, as well as the Chairman of the de facto State Committee on Nationalities.⁸³

The Mejlis and its members were the first to resist the military occupation of Crimea and, since the early days of annexation by Russia, have faced numerous instances of persecution and repression. Initially, pressure was exerted on Mejlis leaders. As early as late April-early May 2014, the de facto Prosecutor of Crimea, Natalia Poklonskaya, issued **warnings** to Rize Shavkiev, Mejlis member and Chairman of the 'Crimea Foundation', and Mejlis Chairman, Refat Chubarov, **threatening to ban the Mejlis** for extremist activity.⁸⁴ Further repression against the Mejlis was enacted through the above-mentioned **entry bans** to Mustafa Dzhemilev and Refat Chubarov. The de facto authorities also attempted to exert pressure on Mustafa Dzhemilev through the detention of and criminal charges against his son Haiser, who was arrested and charged with the murder of a man who worked for his family in May 2013.⁸⁵ Despite the fact that Haiser was a Ukrainian citizen and did not accept his forced Russian citizenship, the de facto authorities transferred him to a prison in Russia where he was tried and sentenced by a Russian court according to Russian law. First Ukraine, and later Dzhemilev, appealed to the European Court of Human Rights (ECHR) against Russia. The ECHR ruled to free Haiser Dzhemilev as an interim measure, but this decision was not accepted by Russia. However, his sentence was subsequently revised by the Russian court.⁸⁶

Pressure increased when the de facto authorities began persecuting Mejlis leaders who remained in Crimea (the Case of 26 February, searches and seizures of Mejlis property) and leaders of regional Mejlis, as the body has associations across Crimea. In 2015, a de facto court in Simferopol issued decisions to **arrest** Mustafa Dzhemilev (January) and Refat Chubarov (October).⁸⁷ Since November 2015, house searches of regional Mejlis chairmen and members in Crimea have become a regular occurrence.

The ODIHR and HCNM joint 2015 report concluded:

Being deprived of resources and with its leaders in exile, detention or under constant pressure, the Mejlis is blocked from fully performing its functions as a representative and self-governing body of Crimean Tatars on the territory of Crimea. Its capacity to reach out to the community and solve the daily problems of the Crimean Tatars is significantly constrained by the actions of the de facto authorities.⁸⁸

⁸³ Kommersant, 'Krymskotatarskoye ego' ['Crimean Tatar ego'], Kommersant, 23 March 2015, <http://kommersant.ru/projects/crimeantatars>

⁸⁴ V. Likhachev, op. cit., p. 6 - 8.

⁸⁵ A. Klymenko, op. cit., p. 13.

⁸⁶ Crimea-SOS, Interactive Map.

⁸⁷ Tsent zhurnalistskih issledovaniy, 'V Krymy sud zaочно arestoval lidera krymskikh tatar Mustafu Dzemileva' ['A Crimean court has arrested in absentia Crimean Tatar leader Mustafa Dzhemilev'], Tsent zhurnalistskih issledovaniy, 20 January 2016, <http://investigator.org.ua/news/172316/>

⁸⁸ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 86-87.

On 15 February 2016, de facto Prosecutor Poklonskaya appealed to the Supreme Court of Russia to **ban the Mejlis as an extremist organisation**. Human rights defenders are afraid that once the Mejlis is banned, any Crimean Tatar can face imprisonment for extremism, as the Mejlis has structures across the territory of Crimea and many people participate in elections of Mejlis members through the Kurultai. Given that the Mejlis is not a registered organisation with fixed membership, any Crimean Tatar who has ever participated in the public life of his or her community could face persecution.

NB: Upon the completion of this study, a major development occurred which should be reported here briefly given its grave impact on the situation of Crimean Tatars. On 18 April 2016, the Ministry of Justice of the Russian Federation put the Mejlis on the list of extremist organisations based on the decision of the de facto prosecutor of Crimea of 13 April 2016 to ban activities of the Mejlis pending a court decision. On 26 April 2016, the so-called Supreme Court of Crimea ruled to recognise the Mejlis as an extremist organisation and ban its activities.

3.7 Violations of freedom of religion targeted at minorities

Since Russia's occupation of Crimea, representatives of **religious communities other than the Russian Orthodox Church have been targets of attacks** by the 'self-defence' and other aggressive groups and **discriminative policies** of the de facto authorities. Before the occupation, there were over 1 400 registered religious communities in Crimea, with an additional 674 operating informally (mostly Muslim communities);⁸⁹ however, by January 2016, only 365 were re-registered in line with the demands of the de facto authorities.⁹⁰ Moreover, only Russian citizens have the right to register religious organisations, which excludes those who refused to take the forced Russian citizenship. Religious communities to which Crimean Tatars and ethnic Ukrainians typically belong, such as Islamic groups, the Ukrainian Orthodox Church of Kyiv Patriarchate, and the Ukrainian Greek Catholic Church, have faced restrictions and repression.

Priests of the Ukrainian Orthodox Church of Kyiv Patriarchate and the Ukrainian Greek Catholic Church **were intimidated, abducted, interrogated, and accused of extremist activity**. As a result, many have left Crimea. **Church buildings were seized and destroyed**, property inside the churches was damaged, parishes were forced underground, and parishioners are fearful to practice or speak of their religion. The Ukrainian Orthodox Church of Kyiv Patriarchate has lost half of its church buildings since the annexation and a Crimean court ruled to confiscate its cathedral in Simferopol.⁹¹ Only one priest from the Ukrainian Greek Catholic Church has remained in Crimea.⁹² As Ukrainian citizens, priests are not allowed to stay in Crimea over 90 days. The Ukrainian Greek Catholic Church has attempted to register with the de facto authorities; however, the registration has yet to be granted.⁹³

⁸⁹ T. Pechonchyk, op. cit., p. 64.

⁹⁰ OHCHR, Report on the situation of human rights in Ukraine 16 November 2015 to 15 February 2016.

⁹¹ Krym.Realii, 'Ukrainskaya cerkov poteriala polovinu pomescheniy v Krymu za vremya anneksiyi – arkhiepiskop Klement' ['The Ukrainian church has lost half of its buildings since the annexation – Archbishop Klement'], Krym.Realii, 28 January 2016, <http://ru.krymr.com/content/news/27517102.html>; Ukrainska Pravda, 'V UPC KP vidbyrayut prymischennia soboru v centri Simferopolya' ['The UOC KP is being stripped of its cathedral in the centre of Simferopol'], Ukrainska Pravda, 28 January 2016, <http://www.pravda.com.ua/news/2016/01/28/7097102/>

⁹² Y. Stepankovska, 'Yak ukrainskym cerkvam u Krymu vdaetsia zalyshatysia ukrainskymy' ['How the Ukrainian churches in Crimea manage to remain Ukrainian'], Crimea-SOS, 14 January 2016, <http://krymsos.com/news/yak-ukrayinskim-tserkvam-u-krimu-vdayetsya-zalishatysya-ukrayinskimi/>

⁹³ Y. Stepankovska, 'Yak ukrainskym cerkvam u Krymu vdaetsia zalyshatysia ukrainskymy' ['How the Ukrainian churches in Crimea manage to remain Ukrainian'], Crimea-SOS, 14 January 2016, <http://krymsos.com/news/yak-ukrayinskim-tserkvam-u-krimu-vdayetsya-zalishatysya-ukrayinskimi/>

Mosques and Muslim schools (madrassas) have been searched, property has been confiscated, and teachers and staff have been interrogated. Many of these searches took place in mosques and madrassas that belong to the Spiritual Administration of Muslims of Crimea (DUMK).⁹⁴ Incidents of vandalism have also been reported.

The Case of Hizb ut-Tahrir

Representatives of the Islamic movement Hizb ut-Tahrir are in a particularly vulnerable situation. While this movement exists legally in Ukraine (as well as in many European countries), and is involved in religious, political, and educational activities, it is outlawed in Russia as a terrorist organisation. Since early 2015, four Crimean Tatars: Ruslan Zeytullaev, Nuri Primov, Rustem Vaitov, and Ferat Saifullaev, remain under arrest for the alleged 'establishment of a terrorist organisation and participation in the activities of this organisation'.⁹⁵ On 11 February 2016, 14 people, mainly Crimean Tatars, were detained and their houses were searched. Of these people, four, Emir-Usein Kuku, a member of a human rights contact group, Enver Bekirov, Muslim Aliev, and Vadym Siruk were placed under arrest for two months, and, according to de facto Prosecutor Poklonskaya, are accused of creating the terrorist group 'Hizb ut-Tahrir'.⁹⁶ Given that Hizb ut-Tahrir is not registered and does not have a fixed membership, human rights activists warn that any Crimean, in particular, any Crimean Tatar, can potentially be charged with belonging to this movement and convicted of terrorism. Moreover, there is a long list of Muslim religious literature, previously legal in Ukraine, that is now outlawed in Russia and anyone possessing it can be accused of extremism.⁹⁷

The de facto authorities have **promoted the establishment of alternative Muslim groups**, such as the Muftiyat of Taurida, in order to divide the Muslim believers in Crimea, most of whom are Crimean Tatars, and to seize control of Crimean mosques (for example, the Dzhuma-Dzhami mosque in Yevpatoria was illegally seized).⁹⁸ The main goal of such restrictive policies towards religious organisations is seemingly to suppress dissent, including by Crimean Tatars. As the ODIHR and HCNM joint report states, the de facto authorities have softened their approach towards the DUMK after its leader Mufti Emirali Abliev, a member of the Mejlis, refrained from direct criticism of the authorities exercising de facto control over Crimea.⁹⁹

3.8 Violations of the right to education and cultural rights targeted at minorities

Minority groups have been **restricted in their right to education in their native language**. As the ODIHR and HCNM joint 2015 report concluded:

In schools throughout Crimea, native-language education and language studies in the Ukrainian and Crimean Tatar languages were widely reduced or eliminated, and parents reportedly have been discouraged from requesting such classes be made available – both to the detriment of those communities' enjoyment of their cultural and language rights. Books in the Ukrainian language, on Ukrainian topics, and by Ukrainian authors were reportedly removed from schools and public libraries.¹⁰⁰

⁹⁴ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 87.

⁹⁵ T. Pechonchuk, op. cit., p. 54; Crimea-SOS, Interactive Map.

⁹⁶ I. Putilov, 'Nova sprava "Hizb ut-Tahrir": chogo dobyvaetsia FSB u Krymu?' ['The new case "Hizb ut-Tahrir": What does FSB in Crimea attempt to achieve?'], Krym.Realii, 13 February 2016, <http://ua.krymr.com/content/article/27550228.html>

⁹⁷ T. Pechonchuk, op. cit., p. 65.

⁹⁸ T. Pechonchuk, op. cit., p. 65.

⁹⁹ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 88.

¹⁰⁰ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 69.

Ethnic Ukrainians have been particularly limited in their right to education in their native language. There has been a significant decrease in the number of students who receive their secondary education in Ukrainian. As of September 2015, out of the seven schools with Ukrainian as the language of instruction that existed in Crimea before the annexation, none remain. Only 20 schools offer classes with Ukrainian as a language of instruction.¹⁰¹ In the 2014-2015 school year, 1 990 students (or 1.2 %) were enrolled in classes with education in Ukrainian. Before the annexation, this share equalled 8.2 %, or 12 649 students.¹⁰² No first grade classes with Ukrainian as a language of instruction were opened in the 2015-2016 school year.¹⁰³ Ukrainian as a language of instruction was also completely removed from university-level education.¹⁰⁴

The faculty of Ukrainian philology was closed at Taurida State University, and most of the academic staff was fired. Ukrainian language teachers in schools were either fired or were forced to re-train as Russian literature and language teachers.¹⁰⁵ As the authors of a monitoring report on education in annexed Crimea stated, the de facto authorities promoted 'an atmosphere of intolerance towards everything Ukrainian and any expression of "Ukrainian-ness" (Ukrainian identity) that influenced the choice of language of instruction by pupils. According to parents, most felt unsafe and did not submit relevant demands at education institutions'.¹⁰⁶

Ukrainian theatres, museums, and libraries have been closed or renamed. Activists of the Ukrainian Culture Centre, including the Director of its library, were intimidated, detained, or interrogated on various occasions.

Whereas Crimean Tatars had difficulties exercising their right to education in their native language even before 2014, the situation has deteriorated since the annexation. The number of schools in which the Crimean Tatar language is taught as a subject or is used as a language of instruction has not changed. The number of students who receive their education in the Crimean Tatar language, however, has dropped by 12 % (from 5 551 in the 2013-2014 school year to 4 895 in the 2014-2015 school year).¹⁰⁷ Furthermore, the number of hours dedicated to the Crimean Tatar language as a subject has decreased significantly. In the senior classes of secondary schools, Crimean Tatar is not taught as a subject.¹⁰⁸ Seemingly, this is due to the implementation of Russia's education policy, according to which, native languages are not offered in senior-level classes.¹⁰⁹ Additionally, training for teachers of the Crimean Tatar language and literature is no longer offered by Crimean universities.¹¹⁰

¹⁰¹ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 96.

¹⁰² Y. Tyshchenko, O. Smyrnov, op. cit., p. 6-7; OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 70.

¹⁰³ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 91.

¹⁰⁴ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 98.

¹⁰⁵ Y. Tyshchenko, O. Smyrnov, op. cit., p. 7.

¹⁰⁶ Y. Tyshchenko, O. Smyrnov, op. cit., p. 7. See also OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 97.

¹⁰⁷ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 70.

¹⁰⁸ Y. Tyshchenko, O. Smyrnov, op. cit., p. 8.

¹⁰⁹ Interview with a civil society group representative, Kyiv, 18 February 2016.

¹¹⁰ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 99.

3.9 Property rights of the Crimean repatriates

The problems Crimean Tatars have experienced in exercising their **right to land as a deported people** have not been fully solved by the Ukrainian government and, at present, persist. Given that the Ukrainian authorities had not introduced a system of providing land to returning Crimean Tatars, many have seized plots of land and erected houses or other immovable property. The right to land was one of the most contentious issues in Crimea before its annexation. The de facto authorities promised to solve this issue by legalising the land seized by Crimean Tatar repatriates. In 2015, the de facto authorities adopted a law that enabled Russian citizens of Crimea who illegally built property on a seized plot of land to acquire this land as their property.¹¹¹ However, there are numerous obstacles to the implementation of this law, and the process of legalisation advances slowly.¹¹² Moreover, there have been cases of the destruction of the immovable property built by Crimean Tatars on seized land plots. The de facto authorities had requested authorisation from the Russian State Duma to destroy such property without requiring a court decision.¹¹³ This provoked protests by Crimeans. In January 2015, Seidament Gemedzi, the leader of 'Sebat', an NGO providing assistance on land issues, was arrested. In March 2015, the First Deputy Chairman of the Mejlis, Nariman Dzelial, reported an attempt of the de facto authorities to destroy six buildings and a market in Sudak, all belonging to Crimean Tatars, including to the Chairman of the Sudak regional Mejlis.¹¹⁴

Generally, **violations of economic and social rights** in Crimea are related to the imposition of Russian citizenship on Ukrainian citizens in Crimea. Without Russian citizenship, Crimeans are denied access to education, healthcare, social benefits, right to work, and the full enjoyment of property rights.

To summarise, the discrimination and persecution of Crimean residents is based on multiple grounds, such as religion, political views, and belonging to an ethnic group. Expressions of political opinion that contradict the 'official policy' and the expression of non-Russian culture and non-Russian national, religious, or language identity are restricted in Crimea. Three important trends affecting the situation of minorities and the future of inter-ethnic relations in occupied Crimea raise concerns. First, the situation of minority groups in Crimea seems to be moving from bad to worse. In February 2016, there was a spike in violations of the rights of minorities, especially of Crimean Tatars, and a potential ban of the Mejlis will likely initiate a new broader wave of repressions. Second, having analysed statistical data from the open registers of the de facto authorities, Ukrainian human rights defenders warn of a transfer of the civilian population from Russia to Crimea, which is a major breach of international humanitarian law.¹¹⁵ Third, in addition to the discriminatory policies of the de facto authorities, pro-Russian mass media and public officials in Crimea systematically employ hate speech and incite inter-ethnic enmity towards Ukrainians

¹¹¹ No 66-ZRK/2015 of 15 January 2015 'On provision of the land plots which are in state or municipal property and on certain issues of land relations', available at <http://crimea.gov.ru/textdoc/ru/7/act/66z.pdf>. See more Y. Tyshchenko, op. cit., p. 21.

¹¹² OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 89.

¹¹³ H. Karamanoglu, 'L'gotniki v Krymu trebuyut zemli' ['Persons with social benefits demand land in Crimea'], Krym.Realii, 21 October 2015, <http://ru.krymr.com/content/article/27317963.html>

¹¹⁴ Krym.Realii, 'Snosit doma krymskih tatar v Sudake priehali okolo sotni vooruzhennyh silovikov – Dzhelial' ['Nearly a hundred of armed security men arrived to demolish buildings of Crimean Tatars in Sudak'], Krym.Realii, 23 March 2016, <http://ru.krymr.com/content/news/27630899.html>

¹¹⁵ Regional Centre of Human Rights, the Ukrainian Helsinki Human Rights Union and CHROT, Peremeshchenie grazhdanskoho naselenia Rossiyskoy Federatsii na okupirovannuyu territoriu Ukrainy. Krym bez pravil. Spetsialnyi vypusk [The displacement of the civilian population of the Russian Federation to the occupied territory of Ukraine. Crimea beyond rules. Special Issue], Kyiv: 2015.

and Ukraine, which 'causes serious threats to the life and health of Ukrainian activists or persons openly expressing their Ukrainian identity'.¹¹⁶

4 Overview of relevant legislative acts of the Russian Federation and the de facto authorities

Russia has extended its legal framework to occupied Crimea following its annexation. Russian Criminal Code norms have become de facto applicable to Crimea and significantly affect civil and political rights in Crimea, especially the rights of those individuals who oppose the annexation, the free media, NGOs, and religious minorities. By applying Russian legislative norms on extremism and terrorism, the de facto authorities violate the rights of people belonging to minorities in Crimea and create a climate of intolerance towards Crimean Tatars and Ukrainians. The de facto Crimean parliament, the 'State Council', may also adopt legislative acts on Crimea that affect the rights of minorities on the occupied peninsula. This section reviews the most significant norms deriving from **the legislative acts of Russia and those passed by the de facto authorities of Crimea** that have affected or potentially affect the situation of minorities in occupied Crimea (see also Annex 2 for a summary).

1. Forced citizenship: After annexing Crimea, Russia granted Russian citizenship to all Ukrainian citizens in Crimea, including minority group representatives, and strongly discouraged the option to refuse it.¹¹⁷ In June 2014, Russia introduced criminal responsibility for failing to disclose a second citizenship (in force since 1 January 2016 for Crimean residents) by amending the federal law of 31 May 2002 **No 62-FZ 'On citizenship of the Russian Federation'**. The law equally violates the rights of those Crimean residents who had been forced to take Russian passports in order to be able to legally reside in Crimea (to have the rights to work, education, pensions, and medical care, among others), but who have wished to preserve their Ukrainian citizenship, and those Crimean residents who have taken Russian passports voluntarily, but were not able to denounce their Ukrainian citizenship.

2. Criminal prosecution of events prior to the annexation: The Russian federal law of 5 May 2014 **No 91-FZ 'On the Application of Regulations of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation in the Territories of the Republic of Crimea and the Federal City of Sevastopol'** enabled the prosecution of acts performed in Crimea and the city of Sevastopol before 18 March 2014, according to **the Criminal Code and the Criminal Procedure Code of the Russian Federation** (Article 2). The de facto authorities have applied this law to persecute pro-Ukrainian activists and leaders of the Crimean Tatar community in occupied Crimea.¹¹⁸ In violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Article 70), which prohibits the arrest, prosecution, or conviction by the occupying power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war, the de facto authorities used this norm to bring Ahtem Chiyozy and other Crimean Tatars to trial in the 'Case of 26 February' for the events that occurred in Crimea on 26 February 2014.

3. Freedom of association: The laws regulating the activity of NGOs (the federal law of 12 January 1996 **No 7-FZ 'On non-commercial organisations'**, the federal law of 19 May 1995 **No 82-FZ 'On public**

¹¹⁶ Crimea Human Rights Group, Krym: ukrainskaya identichnost pod zapretom. Analiticheskii doklad o politicheski motivirovannyh presledovaniyah i discriminatsii po priznaku proukrainskikh ubezhedenii [Crimea: Ukrainian identity under the ban. Analytical report about politically motivated persecutions in Crimea and discrimination on the basis of pro-Ukrainian views], Kiev, 2016.

¹¹⁷ For detailed restrictions introduced by Russia, see OHCHR, Report on the human rights situation in Ukraine - 15 May 2014, p.28.

¹¹⁸ T. Pechonchyk, op. cit., p. 17.

associations', the Code of Administrative Offences, and the Criminal Code), including the amendments adopted since July 2012, widely known as the laws on 'foreign agents' and 'undesired organisations', restrict freedom of association. Any Crimean NGO that receives foreign funding and pursues political activity is affected. As a result, most human rights, environmental, media, and other civil society organisations operating in Crimea before the annexation have made the decision to cease activities.¹¹⁹ In May 2014, Russia adopted legislative amendments widely known as the 'law on undesired organisations', according to which foreign NGOs that threaten national security may be banned, money transfers may be blocked, and criminal responsibility for participation in such organisation has been introduced.¹²⁰

According to an OSCE report, 'no more than 5 to 10 per cent of the NGOs, media and religious organisations previously registered under Ukrainian law have successfully re-registered with Crimean de facto authorities. In some cases, those re-registration processes appeared to be used to administratively exclude pro-Ukrainian organisations and media, and have quite literally decimated the breadth and diversity of civil society space, while simultaneously chilling dissent'.¹²¹

Given the recent anti-Turkish turn in Russia's foreign policy, Crimean Tatars receiving support from Turkish organisations or even Turkish cultural organisations supporting educational activities have also been affected. Moreover, Turkish citizens have been banned from employment in Russia from January 2016, which may create constraints for Crimean Tatar organisations as well.¹²² One result of this policy is that the de facto authorities have fired all teachers in the Turkish lyceum for gifted children in Tankove, in the Bakhchisaray region, and have burnt Turkish books. The school has effectively ceased to function.

4. Freedom of assembly: The de facto authorities use the norms of the federal law of 19 June 2004 **No 54-FZ 'On Meetings, Rallies, Demonstrations, Marches, and Pickets'** and the relevant articles of the Code of Administrative Offences to violate the rights of peaceful assembly in Crimea. According to Russian legislation, organisers of public meetings must receive authorisation from authorities. Fines from RUB 300 000 (approximately EUR 3 900) to RUB 600 000 (EUR 7 800) and compulsory labour are envisaged for violations of the law. The law can be applied to events occurring up to one year previously. In July 2014, amendments to the law were adopted to introduce criminal responsibility for repeated violations of the order of organising or conducting of mass events (fines ranging RUB 600 000 to RUB 1 000 000, compulsory labour, and imprisonment for up to five years).¹²³

In addition, on 8 August 2014, the de facto State Council of Crimea adopted **law 56-ZRK 'On Ensuring the Conditions for the Exercise of the Right of Citizens of the Russian Federation to Hold Meetings, Rallies, Demonstrations, and Pickets in the Republic of Crimea'** (amended on 16 September 2015). This act restricts the time period during which a written request should be submitted to the local authorities and the areas where the right to assembly can be exercised.¹²⁴ The legislation of Russia and

¹¹⁹ Moscow Helsinki Group, V Krymu pole grazhdanskogo obschestva I SMI prakticheski polnostiu zachishcheno. Interview s Andreyem Yurovym [In Crimea, the space for civil society and mass media has been nearly completely destroyed. Interview with Andrey Yurov], 21 March 2015, <http://mhg-main.org/v-krymu-pole-grazhdanskogo-obshchestva-i-smi-prakticheski-polnostiyu-zachishcheno>. See also OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 37.

¹²⁰ Moscow Helsinki Group, Monitoring primeneniya novogo zakonodatelstva v Rossijskoi Federatsii [Monitoring of the application of the new legislation in the Russian Federation], Moscow: 2015, p. 9. Retrieved from <http://mhg-main.org/sites/default/files/files/monitoring-zakonodatelstvo-08-2015.pdf> on 1 March 2016.

¹²¹ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 40.

¹²² On 28 November 2014, the President of Russia signed a decree 'On measures to ensure the national security of the Russian Federation and the protection of Russian citizens from criminal and other unlawful activities and the application of special economic measures against the Republic of Turkey'.

¹²³ Moscow Helsinki Group, Monitoring, p. 21.

¹²⁴ Crimean Field Mission on Human Rights, Brief Review of the Situation in Crimea (July-August 2014), p. 8-9. Retrieved from

the de facto State Council of Crimea are used to prohibit the peaceful assembly of Crimean Tatars and Ukrainians under distinct pretexts on such days as the commemoration of the Day of Deportation of Crimean Tatars, Crimean Tatar Flag Day, Ukraine's Flag Day and Independence Day, Taras Shevchenko's birthday, Human Rights Day, and the European Day of Remembrance for victims of Stalinism and Nazism.¹²⁵ These laws were also used by the de facto courts of Crimea to persecute Crimean Tatars who travelled to greet Mustafa Dzhemilev during his attempt to enter Crimea on 3 May 2014 (the Case of 3 May).

5. Legalisation of the Crimean 'self-defence', which is allegedly responsible for serious human rights abuses: On 11 June 2014, the de facto State Council of Crimea passed **law No 22-ZRK 'On the People's Militia – Narodnaya Druzhyna'**, which was further amended on 11 December 2014. This law established a people's militia to support public authorities and law enforcement agencies to ensure public order. It is widely viewed as the legalisation of the 'self-defence' units that played an instrumental role in the occupation of Crimea and were allegedly responsible for serious human rights abuses, including forced disappearances, illegal detention, ill treatment, torture, and murder. According to the initial version of the law, members of the militia were authorised to check identity documents, detain lawbreakers, and, if other measures were exhausted and if the lawbreakers refused to abide by militia instructions or resisted, to use physical force against them. The amendments of December 2014 reduce these rights to assisting police in performing their duties to ensure public order, though they may still apply physical force, according to Russia's federal law No 44-FZ of 2 April 2014 'On participation of citizens in the protection of public order'. Seemingly, the 'self-defence' is financially supported by the authorities (as a public enterprise).¹²⁶ As Human Rights Watch reports, while the people's militia is authorized to act only in conjunction with law enforcement agencies, 'they appear to be operating autonomously and regularly harass, question, and sometimes beat people without the presence of police'.¹²⁷ In July 2014, de facto Prime Minister of Crimea Sergey Aksenov introduced a draft law proposing granting amnesty to all members of the 'self-defence' units for the period between February and April 2014;¹²⁸ however, this law has yet to be passed by the de facto parliament. A similar law is pending in Russia's State Duma, which proposes amnesty for members of the self-defence units for the period between February 2014 and January 2015.¹²⁹

6. Extremism and terrorism: The de facto authorities of Crimea have extensively applied Russian legislation on terrorism and extremist activity to prosecute those who oppose the annexation, including the Crimean Tatar community and pro-Ukraine activists. According to information from the de facto Prosecutor of Crimea, in 2015, 12 criminal cases 'on the criminal responsibility of persons affiliated with

http://cfmission.crimeahr.org/wp-content/uploads/2015/01/crimea_field_mission_report_july-august_2014_eng.pdf on 1 March 2016.

¹²⁵ Crimean Field Mission on Human Rights, Brief Review of the Situation in Crimea (July-August 2014), p. 8-9. Retrieved from http://cfmission.crimeahr.org/wp-content/uploads/2015/01/crimea_field_mission_report_july-august_2014_eng.pdf on 1 March 2016.

¹²⁶ V. Nikiforov, 'Krymskaya samooborona zaputalas v statute' ['Crimea self-defence is confused about its status'], Kommersant, 20 February 2015, <http://www.kommersant.ru/doc/2673147>

¹²⁷ Human Rights Watch, Rights in Retreat, p. 20-21.

¹²⁸ 'The draft of the law of the Republic of Crimea "On the prevention of prosecution of persons for acts committed in order to protect public order and interests of the Republic of Crimea"', <http://crimea.gov.ru/textdoc/ru/6/project/1664.pdf>

¹²⁹ Human Rights Watch, Rights in Retreat, p. 2. See also the appeal of the 'State Council of Crimea' to the State Duma of the Russian Federation of 30 September 2014.

[http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/16740DBDDF67CCDF43257D650048D45D/\\$FILE/613379-6.PDF?OpenElement](http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/16740DBDDF67CCDF43257D650048D45D/$FILE/613379-6.PDF?OpenElement)

nationalist or extremist organisations or pursuing their ideology' were opened.¹³⁰ These cases include the Case of Kostenko, the Case of the Crimea Blockade, and the Case of 26 February ('on the illegal armed group created by Mejlis members'), among others.

The work of media professionals and independent media outlets, including the Crimean Tatar newspaper Avdet and the ATR television station, was restricted or totally impeded due to the application of the Russian federal law of 25 July 2002 **No 114-FZ 'On Combating Extremist Activities'** by the de facto authorities. A Ukrainian flag with the words 'Crimea is Ukraine' and 'annexation' or 'occupation' are recognised as 'extremist symbols' and 'extremist rhetoric' by the de facto authorities. The de facto authorities also monitor social media 'for propaganda of extremism and terrorism'. In 2014, the Criminal Code of Russia was amended to introduce such crimes as public incitement to extremist activity via the Internet, which is punished by compulsory labour up to five years and may be accompanied by a ban to occupy certain positions or pursue certain activities or incarceration for up to five years. Russian legislation also enables the de facto authorities to shut down media if it repeatedly publishes 'extremist' content; this also includes blogs with over 3 000 readers.

The Federal List of Extremist Materials introduced by the federal law 'On Combating Extremist Activities' has particularly affected the situation of Crimean Tatars. The list currently includes over 3 200 publications, audio and video materials, images, and Internet resources, including, for example, books on the Holodomor of 1932-1933 in Ukraine and Islamic literature.¹³¹ According to Alexander Verkhovsky, the Director of the Russian NGO SOVA Center, which conducts research on nationalism and racism, approximately 25 % of the items on the list pertaining to Islamic literature are widely used by the Islamic community and include no extremist content.¹³² According to Human Rights Watch, enforcement of this law in Crimea 'has had a discriminatory impact on Crimean Tatars who are Muslims' and 'violates international law on the protection of freedom of expression, as well as the obligations of Russia as an occupying power'.¹³³ Indeed, mosques, madrassas, and the homes of Crimean Tatars are frequently searched for extremist items. The federal law of 6 March 2006 **No 35-FZ 'On Combating Terrorism'** and the relevant articles of the Criminal Code of the Russian Federation have been used in cases against eight people – seven Crimean Tatars and one ethnic Ukrainian – who are accused of the organisation of and participation in the 'terrorist organisation Hizb ut-Tahrir'.

7. Separatism: On 28 December 2013, before the annexation of Crimea, the **Russian Criminal Code** was amended to include such crimes as public incitement to actions violating the territorial integrity of the Russian Federation, which carries a fine of up to RUB 300 000 (approximately EUR 3 900), compulsory labour up to 300 hours, or imprisonment up to three years (Article 280.1). If such incitement is conducted via the media or the Internet, the punishment increases to compulsory labour up to 480 hours or five years in prison. On 21 July 2014, Article 280.1 of the Criminal Code was further amended (federal law No 274-FZ) to introduce more severe punishments and a ban to occupy certain positions or to pursue certain activities. As a result, publicly acknowledging that 'Crimea is Ukraine' or calling the de facto authorities in Crimea 'occupying authorities' may lead to four to five years in jail.

8. Access to education: The federal law of 5 May 2014 **No 84-FZ 'On the peculiarities of the legal regulation of relations in the sphere of education in connection with the Admission of the Republic**

¹³⁰ De facto Prosecutor's Office of the 'Republic of Crimea', 'Prokuratura v 2015 godu napravila v organy sledstviya 12 materialov dlya vozbuzhdeniya ugovolnykh del ekstremistskoi napravlenosti' ['In 2015, the Prosecutor's Office passed 12 materials for opening criminal cases on extremist-related crimes to the investigation bodies'], 27 January 2016, <http://rkproc.ru/ru/news/prokuratura-v-2015-godu-napravila-v-organy-sledstviya-12-materialov-dlya-vozbuzhdeniya>

¹³¹ The list can be found at <http://minjust.ru/ru/extremist-materials>

¹³² Human Rights Watch, Rights in Retreat, p. 18.

¹³³ Human Rights Watch, Rights in Retreat, p. 19.

of Crimea into the Russian Federation and the Establishment of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol – and on the Introduction of Changes to the Federal Law “On Education in the Russian Federation”” integrated the system of education of Crimea into that of Russia. The education institutions of Crimea were to function according to Russian education standards and programmes. Access to education has been allegedly used by the de facto authorities as a tool to compel citizens to obtain Russian passports as children and students without Russian citizenship or permanent residency status are not eligible for education in public institutions – both secondary schools and public universities.¹³⁴

The ‘Constitution of the Republic of Crimea’ adopted by the de facto State Council of Crimea on 11 April 2014 as the basic law of a constituent entity of the Russian Federation rules that the ‘state languages of the Republic of Crimea are Russian, Ukrainian, and Crimean Tatar’. The law ‘On Education in the Republic of Crimea’ of 17 June 2015, adopted by the de facto legislative body of Crimea, stipulates that Russian citizens residing in Crimea are entitled to receive ‘pre-school, primary general, and basic general education in their native languages, including Russian, Ukrainian, and Crimean Tatar, and the right to learn their native language within the possibilities provided by the system of education in the manner established by the legislation on education. The exercise of these rights is ensured through establishment of a sufficient number of education organisations, classes and groups, and the conditions for their functioning’.¹³⁵ This law entered into force on 1 January 2016. However, current practice largely contradicts the norms of this law, given that native-language education and language studies in Ukrainian and Crimean Tatar have been drastically reduced across occupied Crimea.¹³⁶

9. Rights of minorities: Initially after the annexation, the de facto authorities attempted to demonstrate that they respected the rights of minorities, especially of Crimean Tatars, by declaring their intention to solve pressing economic issues, in hopes of lessening minority resistance to the occupation. However, these declarations have scarcely been put into practice.

On 21 April 2014, Russian President Vladimir Putin signed **decree No 268 ‘On Measures of Rehabilitation of Armenian, Bulgarian, Greek, Crimean Tatar and German peoples and state support to their revival and development’**. Commenting on the decree, Putin emphasised that Crimean Tatar people had suffered the most of all and stated that this decree would be the basis for systematic measures towards the cultural, political, and economic rehabilitation of Crimean Tatars, including the regulation of land property issues.¹³⁷ Crimean Tatar representatives, including Mustafa Dzhemilev, were critical of the decree, as the decree focused on cultural rights and equated Crimean Tatars to other national minorities, instead of treating them as an indigenous people.¹³⁸

Following Putin's decree, on 4 June 2014, the de facto State Council of Crimea passed in its first reading the draft law ‘On certain guarantees of rights of peoples who were deported in an extra-judicial way on the basis of nationality from the Autonomous Crimean Soviet Socialist Republic in 1941-1944’. The draft law promised many social benefits to the repatriates, such as compensation of transportation expenses for their return to Crimea, compensation of expenses for completing the construction of houses, provisions for accommodation, provisions for land plots to build homes, and other measures.¹³⁹ Similarly, on 30 July 2014, the draft law ‘On the regulation of issues of the self-occupation of land’, which envisaged

¹³⁴ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 69-70.

¹³⁵ The text can be found at http://rk.gov.ru/rus/file/pub/pub_252464.pdf

¹³⁶ OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 70.

¹³⁷ Ria Novosti, ‘Putin: ukaz o rehabilitatsii krymskih tatar – osnova dlia razvitiia’ [‘Putin: Decree on the rehabilitation of Crimean Tatars is the basis for development’], Ria Novosti, 16 May 2014, <http://ria.ru/politics/20140516/1008042615.html>

¹³⁸ Kommersant, ‘Krymskotatarskoye ego’.

¹³⁹ The text can be found at <http://crimea.gov.ru/textdoc/ru/6/act/2203.pdf>

the legalisation of all self-occupied land plots by 2017, was passed in its first reading.¹⁴⁰ On 20 June 2015, the de facto State Council passed in its first reading the draft law 'On measures of social support to victims of political repressions', which offers further social benefits to individuals, including those who had been deported.¹⁴¹ However, this draft legislation has yet to be adopted and seems to have been dropped.

Among the legislative acts that have been adopted and are relevant to the situation of minorities is the law 'On holidays and historic dates in the Republic of Crimea' of 24 December 2014, which provides minorities with the right to celebrate their religious and national holidays. The law 'On the adoption, publishing and entering into force and deposit of laws of the Republic of Crimea' of 11 June 2014 envisages that laws shall be published in each of the state languages of Crimea; however, the website of the de facto State Council where laws are published electronically is only available in Russian. The law 'On crime prevention in the Republic of Crimea' of 8 August 2014, Article 18(3), envisages measures to prevent inter-ethnic conflicts in Crimea, including by creating a culture of tolerance and support for the development of the languages and cultures of the people of Crimea. However, classes on patriotism and studies on extremist legislation are taught in Crimean schools instead.¹⁴²

On 25 June 2014, the de facto State Council of Crimea by its decree No 2254-6/14 ruled to ask the Russian government to include the smaller groups of indigenous peoples of Crimea, namely the Karaims (numbering 850 people, according to the information provided in the decree) and Krimchaks (numbering 380 people, according to the Register of Indigenous People of the Russian Federation), in line with the federal law 'On Guarantees of the rights of small indigenous people of the Russian Federation' which 'would allow the promotion of retaining religion, authentic ethnic culture, and historic heritage'.¹⁴³ The de facto authorities also approved a list of historical geographic names, mainly Crimean Tatar, that had been changed during Soviet times and which are to be used in parallel with their current names.¹⁴⁴

5 Applicability of relevant international legal norms and standards to the de jure and de facto authorities

The occupation of Crimea since the end of February 2014¹⁴⁵ constitutes a grave violation of Ukraine's territorial integrity and is an act of aggression as defined by **UNGA Resolution 3314 (XXIX)** of 14 December 1974. Russia violated the principles of international law that prohibit the threat or use of force against the territorial integrity or political independence of another state as enshrined in the **Charter of the UN** (Article 2(4)). Russia's occupation also violates the principle of non-interference in internal affairs and the principles of territorial integrity and the inviolability of borders, as enshrined in the **Final Act of the Conference on Security and Cooperation in Europe**, signed in Helsinki on 1 August 1975; the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (**Budapest Memorandum**) of 5 December 1994; the **Ukraine-Russia Treaty on Friendship, Cooperation and Partnership** of 31 May 1997; and the **Alma-Ata Declaration** of 21 December 1991.¹⁴⁶

¹⁴⁰ The text can be found at <http://www.crimea.gov.ru/draft/4067>

¹⁴¹ The text can be found at <http://www.crimea.gov.ru/draft/4649>

¹⁴² Interview with a civil society representative, Kyiv, 18 February 2016.

¹⁴³ The Russian register of indigenous people only includes those whose population is less than 50 000.

¹⁴⁴ TASS, 'V Krymy naselennym punktam vozvrashchaut izmenennnye pri sovetsoi vlasti nazvaniya' ['Crimean municipalities are given back the names which were changed during the Soviet times'], TASS, 8 February 2016, <http://tass.ru/obschestvo/2649277>

¹⁴⁵ The Ukrainian government recognises 20 February 2015 as the start of Russian aggression in Crimea. Russia also indirectly recognised 20 February 2014 as the first day of its military intervention in Crimea by issuing medals of the Ministry of Defence 'For the Return of Crimea: 20.02.2014-18.03.2014'.

¹⁴⁶ Resolution adopted by the UNGA on 27 March 2014 68/262 'Territorial integrity of Ukraine'.

For the purposes of international law, illegally annexed territories are considered occupied. Thus, the illegal annexation of Crimea, which occurred on 18 March 2014, is a continuation of the occupation that began in February 2014.¹⁴⁷ Territory that is controlled by a foreign power is regarded as occupied regardless of whether the occupation has met a violent resistance and whether a state of war was declared.¹⁴⁸

In the case of occupation, International Humanitarian Law (IHL) applies: specifically, the land regulations of the **1907 Hague Convention (IV)** and the **Fourth Geneva Convention** (relating to the Protection of Civilian Persons in the Time of War) of 12 August 1949, and the **Additional Protocol I** (relating to the Protection of Victims of International Armed Conflicts) of 8 June 1977.¹⁴⁹ For example, IHL norms stipulate that the population cannot be transferred from the occupied territory; thus, deportations are violations of IHL (Article 49 of the Fourth Geneva Convention). Additionally, the occupying power cannot transfer its civilian population into the occupied territory; private property shall be respected; and the occupying power shall provide food, medical supplies, and healthcare to the population, and education to the children on the occupied territory regardless of their citizenship (Articles 50, 55, and 56). Resistance to an unlawful occupation is lawful. The occupying power cannot prosecute civilians for crimes occurring before the occupation (Article 70) and the penal laws of the occupied territory shall remain in force, except when they constitute a threat to the security of the occupying power or an obstacle to the application of the Fourth Geneva Convention (Article 64). No derogations can be made from IHL. Despite the fact that Russia refuses to admit the de jure application of the IHL rules of occupation, as it insists on the legality of the annexation of Crimea, IHL remains applicable.

The occupying power bears legal responsibility for the occupied territory, including respect for and protection of all human rights. Russia is also responsible for preventing and taking action against human rights abuses by local authorities and forces acting as its proxies.¹⁵⁰

Russia as the occupying power has to comply with its own human rights obligations in occupied Crimea and with the human rights obligations of the occupied territory – that is, binding commitments taken by the lawful sovereign Ukraine.¹⁵¹ These international human rights obligations include compliance with **international and regional human rights treaties and other instruments to which Russia is a party**, including the International Bill on Human Rights (the Universal Declaration; the International Covenant on Civil and Political Rights and the two Optional Protocols; and the International Covenant on Economic, Social, and Culture Rights and its Optional Protocol); the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention on the Rights of the Child and its three Optional Protocols; and other international conventions, as well as obligations taken under membership in the CoE (first of all, the European Convention for the Protection of Human Rights and

¹⁴⁷ P. Wrangé, S. Helaoui, Occupation/Annexation of a Territory: Respect for International Humanitarian Law and Human Rights and Consistent EU Policy. Study of the European Parliament. Brussels, 25 June 2015, p. 8.

¹⁴⁸ P. Wrangé, S. Helaoui, Occupation/Annexation of a Territory: Respect for International Humanitarian Law and Human Rights and Consistent EU Policy. Study of the European Parliament. Brussels, 25 June 2015, p. 14. See also OSCE, Report of the Human Rights Assessment Mission on Crimea, p. 17.

¹⁴⁹ P. Wrangé, S. Helaoui, Occupation/Annexation of a Territory: Respect for International Humanitarian Law and Human Rights and Consistent EU Policy. Study of the European Parliament. Brussels, 25 June 2015, p.15.

¹⁵⁰ See also Human Rights Watch, Questions and Answers: Russia, Ukraine, and International Humanitarian and Human Rights Law, 21 March 2014, <https://www.hrw.org/news/2014/03/21/questions-and-answers-russia-ukraine-and-international-humanitarian-and-human-rights>

¹⁵¹ OSCE, Report of the Human Rights Assessment Mission on Crimea, p.18.

Fundamental Freedoms), the Helsinki Final Act, and the OSCE human dimension commitments that are politically binding.¹⁵²

Human rights may be limited by the occupying power, especially in the situation of armed conflict, when its security may be threatened or control is fluid; however, some rights are non-derogable in line with international conventions (such as the right to be free from torture and any inhumane and degrading treatment or punishment, the right to life, the right to be free from slavery or servitude, the right to protection from retroactive application of penal laws, and right to freedom of thought, conscience, and religion).¹⁵³ In the context of an illegal annexation where Russia is in full control of Crimea, it has an obligation to respect and protect human rights.

Both Ukraine and Russia are parties to the **CoE Framework Convention for the Protection of National Minorities**; thus, the provisions of this convention are legally binding for Russia in Crimea. Compliance with the Framework Convention is subject to monitoring by the Advisory Committee on the Framework Convention for the Protection of National Minorities. The Russian state report (as well as the Ukrainian state report) on the status of the implementation of this Convention under the fourth monitoring cycle has been overdue since 2014.

Ukraine is also a party to the **European Charter for Regional or Minority Languages**. Russia signed the Charter in 2001, but did not ratify this CoE convention. Therefore, whereas Russia has no obligation to comply with its provisions on its territory, it must comply with it on the territory of Crimea.

Crimean Tatars (as well as Karaims and Krimchaks) are indigenous people whose rights shall be protected in line with the **UN Declaration on the Rights of Indigenous Peoples** of 2007, which sets minimum standards of protection. However, this document is non-binding;¹⁵⁴ hence, the path towards protecting the rights of indigenous people in occupied Crimea is through the norms of other binding conventions. Shortly after the annexation, on 20 March 2014, Ukraine's parliament adopted a resolution on the guarantees of the rights of Crimean Tatar people in the Ukrainian state, in which it recognised Crimean Tatars as indigenous people possessing the right to self-determination within the state of Ukraine and the Kurultai and the Mejlis as their representative and executive bodies, respectively. The parliament called on the government of Ukraine to join the UN Declaration on the Rights of Indigenous Peoples, which it did in May 2014.

There are numerous challenges to compelling Russia's compliance with its obligations as the occupying power in Crimea, from its refusal to recognise itself as such and up to the limited mechanisms of enforcement available under international law. In fact, **many international human rights commitments are not respected by Russia on its own territory**. Over 10 000 applications against Russia are pending before the European Court of Human Rights (ECHR).¹⁵⁵ Furthermore, to avoid compliance with ECHR rulings, in December 2015, Russian authorities passed amendments to the law on the Constitutional Court allowing the court to legalise the non-implementation of ECHR decisions.¹⁵⁶ This act stipulates the supremacy of domestic law; accordingly, any international convention can be overruled by the Russian Constitution. In February 2016, the Ministry of Justice of Russia asked the Constitutional Court to rule on

¹⁵² OSCE, Report of the Human Rights Assessment Mission on Crimea, p.18.

¹⁵³ OSCE, Report of the Human Rights Assessment Mission on Crimea, p.15.

¹⁵⁴ Both Ukraine and Russia abstained during its vote, which may be interpreted as their disinterest in endorsing the rights of indigenous peoples.

¹⁵⁵ European Court on Human Rights, 'Russia', Press Country Profile, Update in January 2016, http://www.echr.coe.int/Documents/CP_Russia_ENG.pdf

¹⁵⁶ V. Hamraev, A. Pushkarskaya, 'Yevropeyski sud Rossii ne ukaz. Gosduma reshila, kak ne ispolniat yego reshenia' ['The European Court has no authority over Russia. State Duma decided how to not implement its decisions], Kommersant, 5 December 2015, <http://www.kommersant.ru/doc/2870960>

whether it may choose not to implement the decisions of the ECHR.¹⁵⁷ Observers believe that this step may signal Russia's intention to avoid the responsibilities of compliance with its international commitments and exit the CoE.¹⁵⁸ In fact, Russian authorities threatened withdrawal from the CoE in 2016 after the CoE Parliamentary Assembly (PACE) voted in favour of continuing the suspension of the Russian delegation's voting rights, a sanction introduced in response to its annexation of Crimea and its activities in eastern Ukraine in April 2014. The Russian Parliament did not send its delegation to participate in the 2016 ordinary session of the PACE.

The government of **Ukraine derogated in whole from certain human rights obligations to Crimean residents**, deferring to the responsibility of Russia as an occupying power in effective control of the peninsula.¹⁵⁹ Despite the fact that Ukraine does not have effective control over Crimea, it is still obliged to use all legal and diplomatic means available to guarantee the rights of its citizens in the occupied territory, as stipulated by the ECHR in cases concerning Moldova in Transnistria.¹⁶⁰ Ukrainian human rights defenders argue that Ukraine must intensify investigations of the crimes committed against its citizens on the territory of Crimea during the occupation and make better use of the available international mechanisms for protection. It is beyond the scope of this study to analyse how the current measures put in place by Ukraine towards Crimea, including the derogation from human rights obligations, the rules on crossing the administrative boundary line with Crimea, and others, affect the human rights of Ukrainian citizens in occupied Crimea and what steps Ukraine should take to protect its citizens in the region. These important issues deserve further investigation in a separate study.

In order to compel Russia to comply with its human rights obligations in Crimea, **Ukraine lodged two inter-state applications to the ECHR**: *Ukraine v. Russia* (no. 20958/14) on 13 March 2014, and *Ukraine v. Russia* (no. 42410/15) on 27 August 2015 for numerous violations of the European Convention on Human Rights in the territories of Ukraine where Russia exercises effective control. Moreover, there are also an unknown percentage of individual applications, out of the total number of over 1 400, concerning events in Crimea and eastern Ukraine (most of which relate to the situation in eastern Ukraine; there are no statistics on what percentage of these are lodged against Russia, Ukraine, or both).¹⁶¹

Though Ukraine has accepted the jurisdiction of the **International Criminal Court (ICC)**, which tries individuals accused of committing genocide, crimes against humanity and war crimes, over the alleged

¹⁵⁷ A. Pushkarskaya, 'Reshenia ESPCh- ni v zhizn. V Konstitutsionnyi sud postupilo pervoe obraschenie Minyusta' ['ECHR decisions are not to put in force. The Constitutional Court receives the first Ministry of Justice request'], *Kommersant*, 2 February 2016, <http://www.kommersant.ru/doc/2906219>. Upon the completion of this report, on 19 April 2016, the Constitutional Court of the Russian Federation ruled it 'impossible' to implement the decision of the ECHR in the case of *Anchugov and Gladkov v Russia* (2013). See <http://www.ksrf.ru/ru/News/Pages/ViewItem.aspx?ParamId=3281>

¹⁵⁸ M. Bushuev, M. Ostaptschuk, 'Russia to ignore international courts', *Deutsche Welle*, 17 December 2015, <http://www.dw.com/en/russia-to-ignore-international-courts/a-18923829>; UNIAN, 'Kremlin strategy: Russia may have long plotted quitting Council of Europe', UNIAN, 5 February 2016; A. Arbatov, A. Kolesnikov, 'Does Russia Need the Council of Europe? Carnegie.ru Commentary, 4 February 2015, <http://carnegieendowment.org/2015/02/04/does-russia-need-council-of-europe>

¹⁵⁹ Postanova Verkhovnoi Rady Ukrainy 'Pro Zayavu Verkhovnoi Rady Ukrainey "Pro Vidstup Ukrainy vid okremykh zobov'язan, vyznachenyh Mizhnarodnym Paktom pro hromadianski i politychni prava ta Konventsieu pro zahyst prav ludyny i osnovopolozhnyh svobod"' ['Resolution of the Parliament of Ukraine "On derogation from certain obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms"'] No 462-VIII of 21 May 2015. It should be noted that some of the rights envisaged by the derogations are non-derogable as defined by the UN Human Rights Committee (such as the right to a fair trial) or still obliged under international humanitarian law (such as the right to effective remedy).

¹⁶⁰ In ECHR judgments of 19 October 2012 in *Catan and Others v. Moldova and Russia* and of 8 July 2004 in *Ilascu and others v. Moldova and Russia*. See OHCHR, Note on the derogation of the Government of Ukraine from certain obligations under international human rights treaties to which Ukraine is a party, 2 March 2016.

¹⁶¹ European Court of Human Rights, 'European Court of Human Rights communicates to Russia new inter-State case concerning events in Crimea and Eastern Ukraine', Press Release, ECHR 296 (2015), 1 October 2015.

crimes committed on Ukraine's territory from 20 February 2014 onwards, crimes of aggression may fall under the jurisdiction of the ICC only after January 2017, subject to a decision to be taken then by participating states. Thus, even if there is a potential case for Ukraine at the ICC, it is likely to focus on the investigation of the crimes committed in eastern Ukraine rather than in Crimea.

6 Actions taken by the international community to improve the situation of minorities in Crimea

Despite the fact that by occupying and illegally annexing Crimea, Russia broke many fundamental provisions of international law and dealt a major blow to post-WWII international and European security, the international community was unable to respond to this breach in a way that would compel Russia to change its behaviour and enforce compliance. Neither the UN Security Council, nor the OSCE, of which Russia is a member, appeared capable of dealing with Russia's military aggression towards Ukraine, just as they were not able to deal with similar earlier crises, though of a more limited scope, such as the war between Russia and Georgia in 2008.

The UN Security Council was unable to adopt any act condemning Russia's aggression due to Russia's veto. The only response that the UN produced was the non-binding UNGA resolution of 27 March 2014 68/262 on Ukraine's territorial integrity, which declares the referendum of 16 March 2014 as 'having no validity, [and it] cannot form the basis for any alteration of the status of the Autonomous Republic of Crimea or of the city of Sevastopol'. While it was supported by 100 UN members and opposed by only 11 members (Armenia, Belarus, Bolivia, Cuba, Nicaragua, North Korea, Russia, Sudan, Syria, Venezuela, and Zimbabwe), the vote also showed a major schism within the international community, as 58 UN members, mainly South American, African, and Asian states, abstained from providing an unequivocal assessment of Russia's actions in Crimea.

Similarly, the only agreement that OSCE participant states could reach in response to the illegal annexation of Crimea was to deploy an unarmed Special Monitoring Mission to Ukraine (OSCE SMM) on 21 March 2014 with the aim of reducing tensions and fostering peace, stability, and security, and to monitor and support the implementation of all OSCE principles and commitments. One of the OSCE SMM tasks is to monitor and support the respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities.¹⁶² However, the principal geographical focus of the mission's activity moved to the two eastern regions of Ukraine, where armed conflict is ongoing. Russia effectively blocked access of the mission to Crimea, arguing that 'the Republic of Crimea and Sevastopol have become an integral part of the Russian Federation' and, thus, could not be covered by a mission with a mandate on Ukraine.¹⁶³

¹⁶² OSCE Permanent Council, Decision No 1117 Deployment of an OSCE Special Monitoring Mission to Ukraine, 991st Plenary Meeting, 21 March 2014, <http://www.osce.org/pc/116747?download=true>

¹⁶³ OSCE Permanent Council, Decision No 1117 Deployment of an OSCE Special Monitoring Mission to Ukraine, 991st Plenary Meeting, 21 March 2014, <http://www.osce.org/pc/116747?download=true>

6.1 Non-recognition policy and sanctions against the occupier

Following the UNGA Resolution 68/262, part of the international community is pursuing a **policy of non-recognition** of the illegal annexation of Crimea by Russia. The EU as a bloc has adopted a non-recognition policy as decided by the European Council on 20 March 2014.¹⁶⁴ As part of this policy, the EU has imposed restrictions on economic exchanges with the occupied territory. These restrictions include an import ban on goods originating from Crimea (unless they have Ukrainian certificates); an investment ban; a ban on providing tourism services (European cruise ships may only call at ports of the Crimean peninsula in case of emergency); an export ban on goods and technology for the transport, telecommunications, and energy sectors and the exploration of oil, gas, and mineral resources; and a prohibition on technical assistance, brokering, construction, or engineering services related to infrastructure in the mentioned sectors.¹⁶⁵ On 19 June 2015, the Council extended these measures to 23 June 2016. Similarly, in December 2014, the United States of America (USA) imposed a trade and investment ban on Crimea and prohibited financial transactions with Crimea (later limited only to those for commercial purposes).¹⁶⁶ The consulates of EU countries (e.g. Poland) in Crimea were closed and the states implementing a non-recognition policy do not recognise Russian passports issued in Crimea.

In response to the events in Crimea, on 6 March 2014, the USA was the first to introduce an asset freeze and entry ban against persons involved in the occupation. Similar measures were adopted by Canada. The EU also introduced **restrictive measures against the persons and entities involved** in actions against Ukraine's territorial integrity on 17 March 2014. Subsequently, the EU's asset freezing and travel ban list grew to 149 persons and 37 entities. Of these, over 60 are Russian or Crimean politicians, members of the military, or officials who were added to the list because of their role in the occupation of Crimea, 13 are entities in Crimea that were 'nationalised' by the de facto authorities, and one is a Russian state airline flying directly to Crimea. These measures have been extended to 15 September 2016.

The sanctions against Russia also included **diplomatic measures**, such as the cancellation of high-level meetings with Russian authorities (the G8 summit, the EU-Russia summit, the suspension of negotiations on the new EU-Russia agreement and visa liberalisation talks, the suspension of Russia's accession to the Organisation for Economic Cooperation and Development and the International Energy Agency, the suspension of loans by the European Investment Bank, and the suspension of cooperation programmes, except on cross-border and civil society). As the events in Ukraine evolved, including Russia's intervention in eastern Ukraine, international sanctions were expanded in July-September 2014 and new restrictive

¹⁶⁴ European Council, Conclusions of 20-21 March 2014, Brussels, 21 March 2014 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/141749.pdf. On 20 March 2014, the European Council declared not to recognise the illegal referendum in Crimea, considered it in clear violation of the Ukrainian Constitution, and condemned the illegal annexation of Crimea/Sevastopol to Russia, committing not to recognise it.

¹⁶⁵ Council Regulation (EU) No 692/2014 of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ L 183, 24.6.2014, p. 9), <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02014R0692-20141220&qid=1444987014323&from=EN>

¹⁶⁶ The President of the USA, Executive Order 13685 of December 19, 2014 Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to the Crimea Region of Ukraine, https://www.treasury.gov/resource-center/sanctions/Programs/Documents/ukraine_eo4.pdf; Office of Foreign Assets Control, Executive Order 13685 of December 19, 2014 Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to the Crimea Region of Ukraine, General License Nj. 6 Noncommercial, Personal Remittances Authorized, https://www.treasury.gov/resource-center/sanctions/Programs/Documents/eo13685_gl_6.pdf

measures were added by the EU, the USA, Canada, Australia, Japan, Switzerland, and Norway (see Annex 3).¹⁶⁷

On 31 July 2014, shortly after Malaysia Airlines Flight MH17 was shot down in eastern Ukraine, the EU imposed **sanctions targeting Russia as a state**, which were further reinforced in September 2014. The sanctions included bans on the trade of financial instruments and on loans to five state-owned banks, three energy companies, and three defence companies; a trade embargo on arms; an export ban on dual-use goods for military use in Russia or by Russian military users; and a ban on the export of certain energy-related equipment, technology and services, and certain products and services for deep sea oil exploration.¹⁶⁸ These 'economic' sanctions, as they have been called by the EU, are linked to the implementation of the Minsk accord on the ceasefire in Donbas and have been subsequently prolonged to remain in force until 31 July 2016.

The **US sanctions** include measures against people, entities, and companies, including non-recognised institutions in Crimea, as well as sectoral economic measures (financial sanctions against Russian entities, including Russian banks, energy and defence companies, restrictions on military and dual-use technology, and an export ban on technology for deep oil and gas exploration).¹⁶⁹

Turkey, which has a large Crimean Tatar diaspora, condemned the illegal annexation of Crimea, but did not introduce sanctions against Russia related to the occupation. The government sent an unofficial delegation led by Professor Zafer Üskül on 27-30 April 2015 that produced a critical report on the human rights violations of the Crimean Tatar population following the illegal annexation.¹⁷⁰ The Turkish President delivered the report to the Russian President at the European Games in Baku in June 2015.

There are diverse views on the effectiveness and impact of the sanctions against Russia. One view maintains that sanctions have been counterproductive because they have led to a consolidation of the elite in Russia.¹⁷¹ According to another view, though sanctions did not reverse the annexation of Crimea or push Russia to withdraw from eastern Ukraine, they raised the cost of 'Crimea's absorption', making the occupied region the most dependent on federal budget transfers from Russia.¹⁷²

Many civil society representatives in Ukraine, including those interviewed for this study, view the economic sanctions that were introduced by the international community, and specifically the EU, in reaction to the events in Donbas as the most effective mechanism of forcing Russia to change its behaviour towards Ukraine. However, they express concerns that if the 'Donbas' sanctions were to be eventually lifted, the 'Crimean' sanctions would be too weak to force Russia to revisit its behaviour, comply with international law, and end its occupation of Crimea.

¹⁶⁷ For comparison of sanctions by international actors see J. Ćwiek-Karpowicz, and S. Secieru, *Sanctions and Russia*, Warsaw: PISM, 2015.

¹⁶⁸ European Union, 'EU sanctions against Russia over Ukraine crisis', European Union Newsroom, http://europa.eu/newsroom/highlights/special-coverage/eu_sanctions/index_en.htm

¹⁶⁹ The US Department of the Treasury, 'Ukraine/Russia-related Sanctions', <https://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx>

¹⁷⁰ Anadolu Post, 'Report shows Russian violation of Crimean Tatars' rights', Anadolu Post, 16 June 2015, <http://aa.com.tr/en/world/report-shows-russian-violation-of-crimean-tatars-rights/36012>

¹⁷¹ R. Connolly, 'The impact of EU economic sanctions on Russia', in Dreyer, I., & Luengo-Cabrera, L., eds., *On target? EU sanctions as security policy tools*, ISSUE Report 25, September 2015, Paris: EUISS, p. 29-38.

¹⁷² S. Secieru, 'Have EU Sanctions Changed Russia's Behaviour in Ukraine', [in] Dreyer, I., & Luengo-Cabrera, op. cit., p. 39-48.

6.2 International law enforcement and human rights protection mechanisms

Although the illegal annexation of Crimea by Russia is routinely condemned by the EU, the USA, and allied countries, as well as at international fora, such as the parliamentary delegations of the international organisations to which Russia is a member (the CoE and the OSCE), there is little action taken in practice to force Russia as the occupying power to adhere to its international obligations and respect the rights of the civilian population, including that of the national minorities. The available mechanisms at the UN-level include the UN Human Rights Council and the Universal Periodic Review as an instrument of peer pressure, as well as various monitoring and advisory bodies for compliance with UN human rights treaties. At the CoE, the ECHR is the strongest enforcement mechanism, also available for individuals, whereas monitoring and advisory mechanisms for the promotion of compliance exist within the CoE and the OSCE. However, effective enforcement ultimately depends on the good will of a complying state.

As mentioned above, **the OSCE SMM** does not monitor the human rights situation in Crimea, despite the fact that its mandate covers the entire territory of Ukraine. The closest the mission has approached Crimea is the office in Kherson that monitors the situation at three crossing points on the Administrative Boundary Line (ABL) between Crimea and the Kherson region.¹⁷³

The **OSCE ODIHR** and the **High Commissioner on National Minorities** published two reports covering the human rights situation in Crimea, including that of national minorities, described previously. The **OSCE Parliamentary Assembly** adopted two resolutions (of 1 July 2014 and of 8 July 2015) condemning Russia's actions and expressing support for Ukraine's sovereignty, political independence, unity, and territorial integrity and also attempted to act as a forum for dialogue by hosting meetings between Russian and Ukrainian parliamentarians.

The CoE is the only international organisation whose delegation recently accessed Crimea. The mission, led by Swiss diplomat Ambassador Gérard Stoudmann, visited Crimea on 25-31 January 2016 to assess the human rights and rule of law situation. They held over 50 meetings on the peninsula, including with the imprisoned Mejlis Deputy Chairman Ahtem Chiygoz, as well as conducted meetings in mainland Ukraine. The mission is expected to prepare a report with recommendations in a number of key areas within the CoE mandate. This was the second time that the CoE was allowed into the annexed peninsula since Commissioner for Human Rights Nils Muižnieks' visit of September 2014.

Declaring that Russia's annexation of Crimea was 'in clear contradiction with the Statute of the Council of Europe' and Russia's accession commitments, since April 2014, the **PACE** has suspended the voting rights of the Russian delegation, as well as its right to be represented in the Assembly's leading bodies and its right to participate in election observation missions.¹⁷⁴ Through its resolutions, the PACE regularly calls on Russia 'to reverse its illegal annexation of Crimea' and refers to the situation of human rights and fundamental freedoms in occupied Crimea in its resolutions.¹⁷⁵

¹⁷³ See OSCE SMM, Thematic Report: Freedom of movement across the administrative boundary line with Crimea, 19 June 2015, <http://www.osce.org/ukraine-smm/165691?download=true>

¹⁷⁴ PACE, Resolution 1990 (2014) 'Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation' adopted by the Assembly on 10 April 2014.

¹⁷⁵ See, for example, PACE, Resolution 2067 (2015) 'Missing persons during the conflict in Ukraine' adopted by the Assembly on 25 June 2015.

The **International Advisory Panel**, proposed by the CoE Secretary General to oversee the investigations conducted by the Ukrainian authorities of the violent incidents in Ukraine from 30 November 2013 onwards, produced reports related to the Maidan violence of 2013-2014 and the Odessa violence of May 2014, but not on the Crimean events. The CoE Office in Kyiv is conducting a project on the human rights protection of internally displaced people in Ukraine.

The European Commission against Racism and Intolerance (**ECRI**), a CoE body tasked with assisting Member States in combating racism, racial discrimination, xenophobia, anti-Semitism, and intolerance, adopted its conclusions on Ukraine in March 2015; however, they did not discuss Crimea.¹⁷⁶ The last country report on Russia was issued before the occupation.

The activities of **the UN**, and in particular, the ad hoc report of the UN High Commissioner for Human Rights Special Rapporteur on Minority Issues of 2014, and the regular reports covering the situation in Crimea produced by the UN Human Rights Monitoring Mission to Ukraine, which does not have access to the peninsula, have already been mentioned in Section 2. The UN Development Programme (UNDP) office in Ukraine was the first and only international agency that responded promptly to the human rights situation in occupied Crimea by coordinating and administering donor support (chiefly from Denmark's Ministry of Foreign Affairs) to civil society initiatives such as the Crimean Human Rights Field Mission, and for the provision of legal aid, rights monitoring and awareness raising, trainings for human rights activists and journalists, and other projects of Ukrainian NGOs working on and/or in Crimea, all of which have been mentioned previously in this study. Within the project entitled 'Democratisation, Human Rights and Civil Society Development', the UNDP, together with Denmark, supported the Office of the Ukrainian Ombudsperson and assisted in organising an international conference on human rights in Crimea on 31 March 2015 in Kyiv.

7 The implementation of relevant EU policies, frameworks, programmes, and guidelines

Although the EU has strongly condemned the violation of Ukraine's sovereignty and territorial integrity by an act of aggression from Russia from the start of crisis in Crimea and has expressed non-recognition of its subsequent annexation and introduced a system of restrictive measures,¹⁷⁷ not much has been done in practice to effectively respond to the Russian occupation of Crimea. The suspension of high-level meetings with Russian officials and personal sanctions against Crimean and low-level Russian politicians fell short of pushing Russia to revisit its plans for Crimea. Proposals to send an EU fact-finding mission to Ukraine did not find enough support in the Council; consequently, the EU supported the OSCE monitoring mission instead.

The EU's strategy was to **focus on strengthening Ukraine through assistance on reforms rather than dealing with conflict settlement directly**. In April 2014, the EU agreed to send a Common Security and Defence Policy (CSDP) mission to advise Ukraine on security sector reform. Ukrainian civil society representatives, including those interviewed for this study, complained that the mandate of the mission was too narrow and did not deal with conflict issues; thus, they viewed the EU as failing to provide an adequate response to the armed conflict and occupation of Ukraine. France and Germany led diplomatic peace efforts over the conflicts in eastern Ukraine, while Crimea quickly fell off the radar. Many EU

¹⁷⁶ European Commission against Racism and Intolerance, ECRI Conclusions on the Implementation of the Recommendations in respect of Ukraine Subject to Interim Follow-Up. Adopted On 19 March 2015. Published On 9 June 2015, <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-IFU-IV-2015-25-ENG.pdf>

¹⁷⁷ See Council conclusions on Ukraine, Foreign Affairs Council meeting, Brussels, 3 March 2014; Council conclusions on Ukraine, Foreign Affairs Council meeting, Brussels, 17 March 2014; Council Conclusions on Ukraine approved by European Council, 20 March 2014.

Member States, including Poland and the Baltic states, were dissatisfied with such developments, and Bulgaria's Prime Minister publicly criticised the leaders of Germany and France for de facto accepting Russia's annexation of Crimea.¹⁷⁸ The implementation of the Minsk accords overshadowed any discussion on the status of Crimea.

The illegal annexation of Crimea by Russia is routinely mentioned in **public statements and speeches made by EU representatives**, including the High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini. However, apart from the EU delegation in Kyiv, public statements by Brussels-based high-level EU officials specifically addressing the situation in occupied Crimea and the rights of its residents and directed at the occupying power Russia remain rare, especially since the active military phase of the occupation has ended.¹⁷⁹

The **European Parliament** (EP) has been the most outspoken EU institution on the issue of the occupation of Crimea, adopting resolutions on Ukraine, the Russian Federation, the Eastern Partnership, the strategic military situation in the Black Sea Basin, and, most recently, on the human rights situation in Crimea, in particular with regard to Crimean Tatars. The EP resolution of 4 February 2016 is of special importance as it explicitly acknowledges Crimean Tatars as 'indigenous people of Crimea' and raises awareness of the critical situation regarding human rights on the illegally annexed peninsula and of Russia's responsibility as an occupying power to ensure the safety of the population as a whole and to show respect for the rights of the indigenous Crimean Tatars and all minority groups.¹⁸⁰ This resolution was much welcomed by Crimean Tatar representatives, the Ukrainian government, and civil society.

The **EU** has **guidelines on promoting compliance with IHL**, which can be implemented by means of political dialogue with third countries, public statements and *démarches* on specific conflicts, sanctions, crisis management operations, and cooperation with other international organisations.¹⁸¹ Examining the effectiveness of the implementation of these guidelines in the case of Russia's occupation of Crimea remains outside the scope of this study; however, it seems that their full potential has yet to be realised. For example, these guidelines envisage restrictive measures against state and non-state actors as an effective means of promoting compliance with IHL; yet, the sanctions introduced by the EU do not reflect the ongoing violations of IHL in occupied Crimea (or, for that matter, in eastern Ukraine). In addition, the EU Action Plan on Human Rights and Democracy (2015-2019) sets out a number of objectives to ensure a comprehensive human rights approach to conflicts and crises. They include an evaluation of the implementation of the EU guidelines on promoting compliance with IHL by 2016. It is also envisaged that by 2017, a system for the mandatory reporting of grave violations of IHRL and IHL by staff in EU delegations and CSDP missions will be established. It is important that the implementation of these measures also extends to Crimea.

All EU cooperation programmes on the territory of Crimea have been terminated, including those with civil society organisations. However, the EU could have deployed emergency funding under the European Instrument for Democracy and Human Rights (EIDHR) to assist human rights defenders working in and on Crimea who face risks (e.g. imprisonment, detentions). Nevertheless, the EIDHR has yet

¹⁷⁸ V. Zhelev 'Bulgarian PM criticises France and Germany for accepting Crimea annexation', EUObserver, 2 April 2015, <https://euobserver.com/beyond-brussels/128238>

¹⁷⁹ They include, for example, statements on the reported holding of local "elections" in Crimea, Brussels, 15 September 2014, or statements by High Representative/Vice-President Mogherini on the sentencing by a Russian court of Ukrainian citizens O. Sentsov and O. Kolchenko, Brussels, 25 August 2015.

¹⁸⁰ European Parliament resolution of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars (2016/2556(RSP)).

¹⁸¹ Updated EU guidelines on promoting compliance with international humanitarian law (IHL), 2009/C 303/06, published in the Official Journal of the European Union on 15 December 2009.

to be used to support human rights activities in or on Crimea.¹⁸² Additionally, the Instrument contributing to Stability and Peace (IcSP) has not been used to finance projects related to Crimea, either, although it funded the OSCE SMM and a project by the International Organisation for Migration that supported displaced and conflict-affected people. The EU also financially supports the UN Human Rights Monitoring Mission in Ukraine that, being denied access to the occupied region, monitors the human rights situation in Crimea from Kyiv.

There have been routine complaints among Ukrainian human rights groups that there is no universal funding available to support their work in and on Crimea, and that much of this work has been conducted on a volunteer basis. While small grants, including those provided by the embassies of EU Member States, can be applied for, it is still extremely difficult to ensure the sustainability of human rights work. One of the leading groups monitoring the human rights situation in Crimea raised concerns that their time and resources were primarily spent seeking funds and writing grant reports instead of conducting international advocacy and raising awareness on the issues of occupation. Many complained that European and other international organisations providing support to Ukraine perceive Crimea as 'too political' an issue to deal with and are not eager to fund civil society projects on Crimean issues, apart from providing support to internally displaced people.

8 Conclusions and recommendations regarding possible EU policy measures

Since the illegal annexation of Crimea, the human rights and fundamental freedoms of its residents have been violated, including the freedoms of expression, assembly, and association, the freedom of movement, and the right to a fair trial and effective remedy. The most vulnerable groups have been those who opposed the annexation, including journalists, civil society activists, and representatives of national minorities. The most active segments of Crimean civil society have experienced abduction, detention, interrogation, and intimidation, and many have left the peninsula or were forcefully deported or banned from entering, as in the case of the leaders of the Crimean Tatar Mejlis. Minority groups in occupied Crimea, especially Ukrainians and Crimean Tatars, have faced systematic violations of their political, civic, and cultural rights as those associated with the 'enemy' state of Ukraine. While persecution and discrimination in Crimea is complex and based on multiple grounds, most prominently religion, political position, and identity, Crimean Tatars often see their rights violated as both Muslims and opponents of the occupation. Even politically inactive Crimean Tatars or those who do not belong to the Russian-banned Islamic movements (such as Hizb-ut-Tahrir) may face searches, interrogation, intimidation, and arrest. Furthermore, Ukrainians in Crimea are not free to express or demonstrate their identity, because any identification with Ukraine is seen as opposition to the occupation and may be punished.

The Russian legislative framework that has been de facto applied in Crimea since the annexation significantly restricts the political and civil rights of Crimeans. The de facto authorities broadly apply Russian legislation on extremism and terrorism to suppress dissenting voices and to silence the opponents of the annexation. Furthermore, in violation of IHL and the basic principles of law, Russian criminal laws have been used in Crimea retroactively to persecute civil society activists and Mejlis members.

While serious violations of the rights of the two largest minority groups in Crimea, Crimean Tatars and Ukrainians, are regularly reported and documented, information on the situation of other ethnic minorities in Crimea is scarce. At the same time, there are reports that the de facto authorities pursue

¹⁸² Interview by email with a representative of the EU delegation to Ukraine, 1 March 2015.

practices of divide and rule towards minority communities by splitting them into loyal and disloyal groups. These issues certainly deserve further attention.

The language of intolerance and hatred towards Ukraine and Ukrainians is widespread in pro-Russian media and in the discourse of public officials in Crimea. This may aggravate inter-ethnic relations and conflicts on the occupied peninsula. In this respect, there is a pressing need to ensure regular and unbiased monitoring of the human rights situation in Crimea through an international presence.

The international community and the EU have taken a range of actions in response to the annexation by adopting a non-recognition policy and imposing restrictive measures; however, these actions have failed to reverse or improve the situation thus far. Unfortunately, the situation of the minorities in Crimea, especially that of the indigenous Crimean Tatar people, is deteriorating. The attempt of the de facto authorities to ban the Mejlis, if enacted, has the potential to affect every Crimean Tatar. These developments require the international community and the EU to revise and strengthen its response. Any efforts of the EU and the democratic international community to improve the situation of the national minorities in Crimea should deal with its root cause — namely, Russia's illegal occupation of the peninsula.

The following steps should be considered by the EU:

1. The Council of the EU, Member States, and the European External Action Service (EEAS) should work with the UN, the OSCE, and the CoE to **ensure a continuous international presence in Crimea** to monitor compliance with IHL and IHRL. A mission with an ad hoc mandate could be considered, and a compromise solution acceptable for Ukraine and Russia should be reached, with Russia being ultimately responsible for providing access to Crimea and ensuring the security of international monitors. An international presence in Crimea would allow for the monitoring of the situation of all minority groups and inter-ethnic relations and may also have a constraining effect on the de facto authorities. The EP, following its resolution of 4 February 2016 in which it called on Russia and the de facto authorities in Crimea 'to grant unimpeded access to Crimea for international institutions and independent experts from the OSCE, the United Nations, and the CoE, as well as for any human rights NGOs or news media outlets that wish to visit, assess, and report on the situation in Crimea', may be able to facilitate discussion on the type of international monitoring mechanism that can be established in Crimea. The EP may also be able to support this effort by inviting relevant stakeholders and experts to thematic EP hearings.
2. As the first step towards an international human rights presence on the peninsula, the EU, through the Council of the EU and the EEAS, should **encourage the government of Ukraine to ease restrictions on the travel of foreigners to Crimea** from mainland Ukraine in order to facilitate access for representatives of international human rights NGOs, the media, and official EU delegations (including the EP).
3. EU Member States should **impose additional sanctions that would be linked explicitly to ongoing violations of IHL and IHRL in Crimea** in order to comply with their own commitments set out in the Treaty on Functioning of the European Union and relevant EU guidelines. The Council and the EEAS should institute a review of such 'Crimean' sanctions in response to the developments on the ground (such as the attempted ban on the Mejlis and the imprisonment and persecution of the representatives of the national minorities and anyone else who raises their voice against the de facto authorities). Such sanctions would send a strong signal to Russia that Crimea is not 'a case closed', contrary to the Russian leadership's beliefs, and it will not be overshadowed by the events in eastern Ukraine. At the same time, the EU and its allies should **continue and reinforce existing economic sanctions against Russia**, which is viewed as the most effective means to compel Russia to change its behaviour in Ukraine.

4. The EU and its Member States should continuously **raise the issue of the illegal annexation of Crimea at all international fora and meetings with Russian representatives** and demand de-occupation. Discussion on the status of Crimea should not be decoupled from ongoing talks on the status of certain districts in the Donetsk and Lugansk regions of Ukraine.
5. The EP should **ensure that the issue of Crimea remains high on its agenda** and the agendas of other EU institutions. The EP should also continue raising awareness of individual cases of human rights violations in occupied Crimea. To this end, the EP's committees (in particular, the Subcommittee on Human Rights (DROI) and the Committee on Foreign Affairs (AFET)) could **organise regular sessions to review the situation in Crimea**. Inviting experts and human rights activists from the field would provide first-hand knowledge of the situation in Crimea and, at the same time, would serve as a way to endorse their activities.
6. EU Member States, the EEAS, and the European Commission should introduce tailor-made programmes to **support initiatives to promote de-occupation**. There is a need to think innovatively and carefully about how to support dissidents and the victims of human rights violations, as well as how to support societal integration in Crimea without creating substantial risks for Crimean residents. **Independent media outlets** focused on Crimea and available in Crimea via satellite, radio, and the Internet should be supported in order to mitigate the negative consequences of the restrictions on the media and to ensure the cultural and linguistic rights of the minorities and indigenous people.
7. The EU should envisage **special funding for civil society initiatives in Ukraine** and for the organisations representing the indigenous people of Crimea and working on Crimean human rights issues, including monitoring of human rights violations, providing legal support to victims of these violations, and providing domestic and international advocacy and awareness raising. By the mid-term review in 2017, the EEAS and the European Commission should **create a special funding envelope for civil society projects on Crimea** within the EDIHR and the IcSP. In addition, there should be a better use of the European Endowment for Democracy, which can provide quick and flexible funding to non-registered groups and individuals.
8. The EU should consider providing **support for dialogue within Ukraine** on how to engage with occupied Crimea and assistance to both government agencies and civil society organisations in Ukraine to develop effective policies towards the occupied territory, the protection of Ukrainian citizens in Crimea, and strategies for the peaceful restoration of Ukraine's territorial integrity.
9. The EEAS, EU member states and the EP should express **vocal support to the Mejlis**, condemn its ban, continuously remind Russia to respect its international obligations to respect human rights in occupied Crimea, including the rights of minorities, and devise solutions on how to **support Mejlis activities while in exile**.
10. In search of appropriate and creative solutions, the EEAS and the Commission should **draw comparisons from the existing practices of supporting civil society actors in hostile environments and occupied territories**. A thorough reflection in the form of a learning exercise and exchange of best practices on how to enforce a coherent approach to the protection of human rights in occupied territories/non-recognised entities may be needed.
11. EU Member States and the EEAS should **recommend that Ukraine's government improve its domestic policies** and use all available legal and diplomatic measures **to protect the rights of its citizens** in Crimea. The EU should also recommend the government of Ukraine to improve its policies supporting **displaced populations**, especially Crimean Tatars, and to ensure their right to preserve their language and culture while living on mainland Ukraine. As a first step, the EU should encourage the government of Ukraine to sign and ratify the International Labour Convention on

the Rights of Indigenous and Tribal Peoples in Independent Countries No 169 as a legally binding international instrument specifically dedicated to indigenous peoples and to adopt national legislation on the rights of indigenous people. The EP should use its cooperation with the parliament of Ukraine through the EU-Ukraine Parliamentary Association Committee to promote such legislation. The EU should encourage the government of Ukraine to play an active role in the United Nations Permanent Forum on Indigenous Issues and cooperate with the UN Special Rapporteur on the rights of indigenous people.

The above-mentioned steps may help to mitigate the risks of the human rights violations in occupied Crimea and to raise the issue of Crimea on European and international agendas. Nevertheless, it should not be forgotten that the deteriorating human rights situation in Crimea is a result of a failure of the international community to effectively deal with Russia's act of aggression towards Ukraine and the subsequent occupation of Ukraine's territory. Therefore, any efforts of EU institutions and Member States to address the issue of human rights in occupied Crimea should also take into account a pressing need to **reform and strengthen the relevant international and regional human rights and security institutions**, so that they are better equipped to deal with such crises in the future. The EP could support this effort by encouraging debate on these issues.

Annex 1 Crimean political prisoners

	Name	Case	Sentence/Outcome	Current place of incarceration
1	Gennadiy Afanasiev	The Case of the Crimean Terrorists <ul style="list-style-type: none"> pro-Ukraine activists arrested in May 2014 in Crimea accused of participating in a terrorist group forced Russian citizenship and transferred to Moscow for trial 	Sentenced to 7 years in prison plus 1.5 years of limitation of liberty	Mikun, the Komi Republic, Russia (After an appeal, a Russian court ordered the transfer of Gennadiy to closer to Crimea because, according to Russian law, he has to serve his sentence in either his place of residence or where the verdict was issued.)
2	Oleksiy Chyrniy		Sentenced to 7 years in prison	Magadan oblast, Russia
3	Oleksandr Kolchenko		Sentenced to 20 years in prison	Kopeysk, Chelyabinsk oblast, Russia
4	Oleg Sentsov		Sentenced to 10 years in prison	Yakutsk, the Sakha Republic, Russia
5	Oleksandr Kostenko	The Case of Oleksandr Kostenko <ul style="list-style-type: none"> Euromaidan activist arrested in February 2015 in Simferopol accused of infliction of bodily harm to a riot police officer from Crimea in Kyiv in February 2014 Russian legislation was retroactively applied to this incidence that occurred on mainland Ukraine and involved two Ukrainian citizens Oleksandr's father, Fyodor, disappeared in Crimea in March 	Sentenced to 3 years and 11 months in prison	Kirov oblast, Russia

		<p>2015</p> <ul style="list-style-type: none"> Oleksandr's brother, Yevgeniy, is facing criminal charges for 'undermining the authority of the judicial branch and humiliating Judge V.A. Mozheliansky' 		
6	Haiser Dzhemilev	<p>The Case of Haiser Dzhemilev</p> <ul style="list-style-type: none"> son of Mustafa Dzhemilev arrested and tried in Crimea for homicide committed in Ukraine in May 2013 (occurring before the occupation) in April 2014, his file was re-opened by the de facto authorities in September 2014, he was transferred to Krasnodar Krai, Russia for trial the Russian court retroactively applied Russian legislation against a citizen of Ukraine for a crime that he had already been tried and sentenced for in Ukraine in July 2014, the ECHR ruled to ensure Haiser's right to liberty 	Sentenced to 5 years in prison; the term was later reduced to 3.5 years	Astrakhan, Russia
7	Yuriy Ilchenko	<p>The Case of Yuriy Ilchenko</p> <ul style="list-style-type: none"> blogger, arrested in July 2015 in Sevastopol accused of extremist activity 	Pre-trial detention, pending trial	Crimea
8	Ali Asanov	<p>The Case of 26 February</p> <ul style="list-style-type: none"> Ahem Chygoz, Deputy Chairman of the Mejlis was arrested in January 2015 along with six other Crimean Tatars and accused of the organisation of mass riots 	Ongoing trial	Crimea
9	Ahem Chygoz	<ul style="list-style-type: none"> Ali Asanov was arrested in April 		

10	Mustafa Degermendzi	<p>2015 and Mustafa Degermendzi was arrested in May 2015 and accused of participation in mass riots</p> <ul style="list-style-type: none"> • Russian legislation was retroactively applied to this alleged crime that occurred on the territory of Ukraine before the annexation and involving citizens of Ukraine • a further three Crimean Tatars tried in this case were released under personal surety and another two received suspended sentences 		
11	Ferat Saifullaev	<p>The Case of Hizb ut-Tahrir</p> <ul style="list-style-type: none"> • Crimean Muslims, arrested in Crimea on 23 January and 2 February 2015 • accused of the establishment of the terrorist organisation 'Hizb ut-Tahrir' and participation in its activities 	Pre-trial detention	Crimea
12	Nuri Primov			
13	Rustem Vaitov			
14	Ruslan Zeytullaev			
15	Muslim Aliev	<p>The Case of Hizb ut-Tahrir-2</p> <ul style="list-style-type: none"> • Arrested on 11 February 2016 • accused of creating the terrorist group 'Hizb ut-Tahrir' 	Pre-trial detention	Crimea
16	Enver Bekirov			
17	Emir-Usein Kuku			
18	Vadym Siruk			

Source: Authors' compilation based on A. Osavlyuk, P. Brodyk, and M. Lysenko, *op.cit.*; Let My People Go! Facebook page and media reports.

Annex 2 Key legislative acts of the Russian Federation and the de facto authorities relevant for the rights of national minorities in Crimea

Act	Main issues
<p>The federal constitutional law of the Russian Federation of 21 March 2014 No 6-FKZ 'On Admitting to the Russian Federation the Republic of Crimea and Establishing within the Russian Federation the New Constituent Entities of the Republic of Crimea and the City of Federal Importance Sevastopol'</p>	<p>Integration of Crimea into the political and legal space of the Russian Federation; forced Russian citizenship on Crimean residents; only Russian citizens are entitled to be public servants</p>
<p>The federal law of 31 May 2002 No 62-FZ 'On citizenship of the Russian Federation' (with amendments of 4 July 2014)</p>	<p>Criminal responsibility for not disclosing a second citizenship</p>
<p>The federal law of 5 May 2014 No 91-FZ 'On Application of Regulations of the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation in the Territories of the Republic of Crimea and the Federal City of Sevastopol'</p>	<p>Retroactive application of the Russian Criminal Code and the Criminal Procedure Code to the acts performed in Crimea before 18 March 2014</p>
<p>The Code of Administrative Offences of the Russian Federation</p>	<p>Widely applied to limit the civil and political rights of Crimeans</p>
<p>The Criminal Code of the Russian Federation; The Criminal Procedure Code of the Russian Federation</p>	<p>Widely applied to limit civil and political rights of Crimeans</p>
<p>The federal law of 12 January 1996 No 7-FZ 'On non-commercial organisations'; The federal law of 19 May 1995 No 82-FZ 'On public associations'</p>	<p>Restriction of the freedom of association and expression</p>
<p>The federal law of 19 June 2004 No 54-FZ 'On Meetings, Rallies, Demonstrations, Marches, and Pickets'; The law of the Republic of Crimea of 8 August 2014 56-ZRK 'On Ensuring the Conditions for Exercise of the Right of Citizens of the Russian Federation to Hold Meetings, Rallies, Demonstrations, and Pickets in the Republic of Crimea' (with amendments of 16 September 2015)</p>	<p>Restriction of the freedom of assembly and expression</p>
<p>The federal law of 2 April 2014 No 44-FZ 'On participation of citizens in protection of public order';</p>	<p>Reliance on paramilitary groups in restricting civil and political rights in</p>

<p>The law of 11 June 2014 No 22-ZRK 'On People's Militia – Narodnaya Druzhyna' (with amendments of 11 December 2014)</p>	<p>Crimea; encouraging the impunity of paramilitary groups for human rights abuses</p>
<p>The federal law of 6 March 2006 No 35-FZ 'On Combatting Terrorism'</p>	<p>Restriction of the freedom of expression and civil and political rights</p>
<p>The federal law of 25 July 2002 No 114-FZ 'On Combating Extremist Activities', including the Federal List of Extremist Materials</p>	<p>Restriction of the freedom of expression, thought, conscience, and religion, and civil and political rights, persecution of the Mejlis</p>
<p>The Constitution of the Republic of Crimea of 11 April 2014</p>	<p>Established Crimean Tatar and Ukrainian as state languages</p>
<p>Decree of the President of the Russian Federation of 21 April 2014 No 268 'On Measures of the Rehabilitation of Armenian, Bulgarian, Greek, Crimean Tatar and German peoples and state support to their revival and development'</p>	<p>Political guidance on introducing the guarantees of the rights of deported ethnic groups, including Crimean Tatars</p>
<p>The federal law of 30 April 1999 No 82-FZ 'On Guarantees of the rights of small indigenous peoples of the Russian Federation'; Decree of the State Council of Crimea of 25 June 2014 No 2254-6/14 'Request on the inclusion into the Single Register of small indigenous peoples of the Russian Federation of Crimean Karaims and Krimchaks'</p>	<p>Establishing the rights of small indigenous peoples (under 50 000), including economic, social, and cultural</p>
<p>The federal law of 5 May 2014 No 84-FZ 'On peculiarities of legal regulation of relations in the sphere of education in connection with the Admission of the Republic of Crimea into the Russian Federation and the Establishment of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol and on the Introduction of Changes to the Federal Law "On Education in the Russian Federation"</p>	<p>Integration of the system of education of Crimea into that of Russia; restrictions of the right to education of non-Russian citizens and limitations of the right to education in their native language for minority groups</p>
<p>The law of the Republic of Crimea 17 June 2015 No 131-ZRK 'On Education in the Republic of Crimea'</p>	<p>The right to education in Ukrainian and Russian at pre-school, primary general, and basic general education levels</p>

Source: authors' compilation.

Annex 3 International sanctions related to the annexation of Crimea by Russia

Sender	Types
EU	<p>Entry ban and asset freeze against separatists and Russian officials</p> <p>Asset freeze against Crimean entities</p> <p>Investment ban on Crimea</p> <p>Import ban on goods from Crimea</p> <p>Export ban on goods and services in the sectors of transport, telecommunications, energy, and the exploitation of oil, gas, or mineral resources</p> <p>Ban on tourism services in Crimea and the docking of cruise ships in Crimean ports</p> <p>Suspension of cooperation programmes, including loans of the European Investment Bank</p> <p>Suspension of talks on the new agreement and visa liberalisation</p> <p>Suspension of bilateral summits</p>
USA	<p>Entry ban and asset freeze against separatists and Russian officials</p> <p>Asset freeze against Crimean entities and some Russian entities (Bank 'Rossiya')</p> <p>Ban on financial, trade, and other commercial transactions with Crimea</p> <p>Suspension of bilateral talks and cooperation programmes</p> <p>Restrictions on military and dual-use technology</p>
Canada	<p>Entry ban and asset freeze against separatists and Russian officials</p> <p>Asset freeze against Crimean entities</p> <p>Investment ban on Crimea</p> <p>Imports and exports ban on Crimea goods</p> <p>Ban on tourism services in Crimea and the docking of cruise ships in Crimean ports</p>
Australia	<p>Entry ban and asset freeze against separatists and Russian officials</p> <p>Imports ban from Crimea</p> <p>Export ban on goods, services, and commercial activity in the sectors of transport, telecommunications, energy, and the exploitation of oil, gas, or mineral resources</p>

Norway	<p>Entry ban and asset freeze against separatists and Russian officials</p> <p>Asset freeze against Crimea entities</p> <p>Investment ban on Crimea</p> <p>Import ban on goods from Crimea</p> <p>Export ban on goods, services, and commercial activity in the sectors of transport, telecommunications, energy, and the exploitation of oil, gas, or mineral resources</p> <p>Ban on tourism services in Crimea and the docking of cruise ships in Crimean ports</p>
Switzerland	<p>Entry ban and asset freeze against separatists and Russian officials</p> <p>Asset freeze against Crimean entities</p> <p>Suspension of free trade talks</p> <p>Suspension of military cooperation</p> <p>Imports ban from Crimea (for transactions after 27 August 2014)</p> <p>Investment and financing ban in the sectors of transport, telecommunications, energy, and exploitation of oil, gas, or mineral resources</p> <p>Export ban on certain key goods used in the extraction of oil and gas (for transactions after 27 August 2014)</p>
Japan	<p>Suspension of new cooperation plans</p> <p>Asset freeze against separatists and two Crimean entities</p> <p>Restrictions on imports from Crimea</p>
New Zealand	<p>Entry ban against separatists</p> <p>Suspension of free trade talks</p>
CoE	<p>Suspension of voting rights of the Russian delegation in the PACE</p>
NATO	<p>Suspension of cooperation</p>
EBRD	<p>Suspension of new projects in Russia</p>
G8	<p>Suspension of membership</p>

Source: authors' compilation.

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