



Analytical review on violation of right  
to peaceful assembly in Crimea

# UNSANCTIONED FREEDOM

March 2014 – March 2017



CRIMEAN  
HUMAN RIGHTS  
GROUP

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The review has summed up outcomes of the consistent and comprehensive work of the Crimean Human Rights Group on monitoring and documenting the facts of violating the freedom of peaceful assemblies on the territory of Crimea after the occupation and unlawful annexation of the peninsula. The review is made in line with the international human rights law standards, following the relevant documents. The review includes also conclusions and recommendations for international organizations, authorities of Ukraine and authorities of the Russian Federation.

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The Crimean Human Rights Group (CHRG) is an initiative of Crimean human rights defenders and journalists aimed at supporting the observance and defense of human rights in Crimea through attracting a wide attention to the issues of human rights and international humanitarian law on the territory of the Crimean Peninsula as well as searching and elaborating instruments for defending human rights in Crimea.

The CHRG activities are regulated, first of all by standards of fundamental human rights documents, namely Universal Declaration of Human Rights, Helsinki Final Act, Convention on Human Rights and Fundamental Freedoms, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, etc.

The CHRG follows principles of fairness, accuracy and timeliness in preparing and distributing the information. The CHRG team is composed of experts, human rights defenders and journalists from various countries who have been participating in monitoring and documenting violations of human rights in Crimea since February 2014. The CHRG pays a major attention to the human rights violations due to the unlawful actions of the Russian Federation in Crimea.

The Crimean Human Rights Group appreciates a contribution of **Mr. Aleksandr Burmagin**, a media lawyer, Human Rights Platform NGO expert, an expert of the European Commission for Democracy through Law (Venice Commission) of Council of Europe, a member of Independent Media Council, to the review preparation.



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## STATUTORY REGULATIONS OF THE RUSSIAN FEDERATION THAT ARE MOSTLY USED TO VIOLATE THE FREEDOM OF PEACEFUL ASSEMBLIES IN CRIMEA\*

### CODE OF ADMINISTRATIVE OFFENCES OF THE RUSSIAN FEDERATION (RF CAO)<sup>1</sup>

**Article 19. 3.** Failure to follow a lawful order of a policeman, a military man, an officer of the federal security service bodies, an officer of state guard service bodies, an officer of bodies authorized to exercise the functions of control and supervision in the field of migration or an officer of the body of institution of the criminal punishment system or an officer of the Russian Federation National Guard troops.

**Article 20. 2** Violation of the established procedure for arranging or conducting an assembly, a rally, a demonstration, a procession or picket

**Article 20. 28** Organization of activity of a non-government or religious association in which respect a decision has been taken to suspend its activity

### CRIMINAL CODE OF THE RUSSIAN FEDERATION (RF CC)<sup>2</sup>

**Article 205. 5** Organization of activity of a terrorist organization and participation in the activity of such organization

**Article 212** Mass riots

**Article 318** Use of violence against a representative of the power

### FEDERAL LAW 'ON ASSEMBLIES, RALLIES, DEMONSTRATIONS, PROCESSIONS AND PICKETING', FZ54, OF 19 JUNE 2004<sup>3</sup>

*\*Hereinafter these regulations are referred to in abbreviation.*

<sup>1</sup> [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/3262fd14537fe74196521d1f5da6bc9ae5508786/](http://www.consultant.ru/document/cons_doc_LAW_34661/3262fd14537fe74196521d1f5da6bc9ae5508786/)

<sup>2</sup> [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/](http://www.consultant.ru/document/cons_doc_LAW_10699/)

<sup>3</sup> [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48103/](http://www.consultant.ru/document/cons_doc_LAW_48103/)



# VIOLETIONS OF FREEDOM OF PEACEFUL ASSEMBLIES AND ASSOCIATIONS IN CRIMEA

## March 2014 – March 2017

Due to actions of local authorities and RF state bodies, since February 2014 many public activists, human rights defenders, independent experts and journalists have been forced to leave the peninsula due to the persecution. The Russian de-facto authorities on the territory of Crimea has resulted into a large-scale rollback of fundamental rights and freedoms. The Crimean Human Rights Group has documented numerous violations of freedom of assemblies and associations on the territory of Crimea that are system-based and testify a deliberate policy of the Russian authorities focused on rolling back fundamental rights and freedoms on the peninsula.

### **1 UNJUSTIFIED BANS AND RESTRICTIONS ON PEACEFUL ASSEMBLIES**

Article 21, International Covenant on Civil and Political Rights (hereinafter ICCPR), and Article 11, European Convention on Human Rights, states a right of peaceful assemblies that shall not be subject to any restrictions other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of other<sup>4</sup>.

Before the occupation, numerous public events had been held rather freely in Crimea. They were not restricted either by place or by political slogans of the protesters. Organizers had just to notify the authorities in advance about the time and the place of such peaceful assembly.

When the Russian authorities established their control in Crimea, they started using any possibility to prevent public events other than those that supported and welcomed acts of the Russian governance. Public assembly restrictions are grounded by the RF laws that establish much more restrictions of peaceful assembly freedom than the Ukrainian ones. First of all, this is a permission on every public event issued in advance by municipal or district administration. The fact of applying a permit system to authorize peaceful assemblies instead of notification one is an evidence of violating the standards in the peaceful assembly freedom sphere.

Lack of legitimate determination in the Russian legal statutory regulations on the peaceful assemblies entitles the representatives of authorities de facto to interpret them in their discretion, to apply them on a case by case basis, restricting, without any grounds, these assemblies and permitting others depending on whether the convictions of their organizers coincide with the views of administration or contradict them.

#### **1.1 RESTRICTIONS ON PEACEFUL ASSEMBLIES DEDICATED TO MEMORIAL DATES AND EVENT ANNIVERSARIES**

On June 17<sup>th</sup> 2014 the City Council of Simferopol rejected a request of the Crimean Tatar People Mejlis on holding a cultural public event dedicated to the Day of Crimean Tatar Flag in the city center on 26 June 2014. The authorities grounded their rejection by the statement that ‘many people assembling on the limited area that is not intended for placement of the number of participants

<sup>4</sup> [http://www.un.org/ru/documents/decl\\_conv/conventions/pactpol.shtml](http://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml)





additionally declared may create conditions for violating the public order, rights and legally protected interests of other citizens. <sup>5</sup> Such grounds for rejection do not meet the criteria on assembly freedom restrictions in the democratic society.

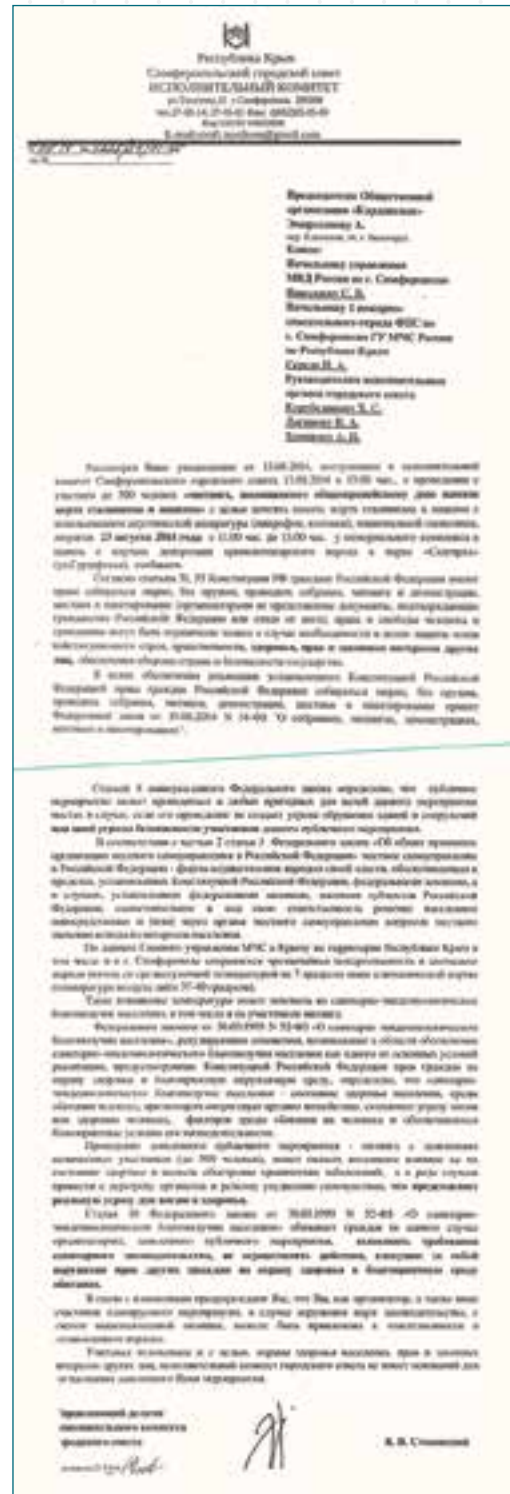
On June 18<sup>th</sup> the Simferopol City Council denied ‘no-objection’ for a motor rally route to the Crimean Tatar Flag date suggested by the Mejlis. The city authorities proposed to change this route, excluding the central streets from it<sup>6</sup>. Such restriction deprived the event organizers from the opportunity to achieve ‘sight and sound’ of the target audience.

In August 2014 the authorities de facto forbade the KARDASHLYK Crimean Tatar NGO to hold a mourning rally dedicated to the European Day of Remembrance for Victims of Stalinism and Nazism of August 23rd. The reason for refusal — ‘too hot weather’ — does not meet criteria of acceptable restrictions due to interests of national or public safety, public order, protection of health and the morals or rights and freedoms of others<sup>7</sup>.

On November 28<sup>th</sup> 2014 the Committee for Protection of Crimean Tatar People Rights submitted a notification to the Simferopol city administration on holding several events dedicated to the International Human Rights Day. Having been refused, the Committee addressed the administration with the request on organizing a picket against the restriction on the freedom of peaceful assemblies. On December 9<sup>th</sup> 2014 the Committee representatives received a refusal on holding the picket at the place requested by the organization. The same day the Committee coordinators addressed the Simferopol city administration verbally and in writing, confirming the Committee readiness to hold the picket at any place in the city of Simferopol that would be approved. At 10.00pm the refusal for holding the picket was received.

On December 7<sup>th</sup> 2014 the Crimean Prosecutor’s Office rendered a caveat to Mr. Akhtem Chiygoz, deputy Chairman of the Crimean Tatar Mejlis, on inadmissibility of non-authorized rallies.

On February 5<sup>th</sup> 2015 the Bakhchisarai Town Council received a request of Mr. Ilmi Umerov on holding a rally ‘to support unreasonably seized Akhtem Chiygoz, deputy Chairman of the Crimean Tatar Mejlis’ on February 19<sup>th</sup> in



Denial of Simferopol City Council to issue ‘no objection’ on holding a mourning rally dedicated to the European Day of Remembrance for Victims of Stalinism and Nazism by KARDASHLYK Crimean Tatar NGO, 15 August 2014, Simferopol

<sup>5</sup> <http://qha.com.ua/ru/politika/krimskim-tataram-zapretili-provodit-den-flaga-v-parke-trenea/137163/>  
<sup>6</sup> <http://ru.krymr.com/a/25426854.html>  
<sup>7</sup> [http://zn.ua/UKRAINE/krymskim-tataram-zapretili-pominat-zhertv-stalinizma-151149\\_.html](http://zn.ua/UKRAINE/krymskim-tataram-zapretili-pominat-zhertv-stalinizma-151149_.html)



Bakhchisarai. The rally was to be held at the central square of Bakhchisarai, with 250 to 300 people present, from 11.00am to noon. However, Mr. Umerov was refused to hold the rally. The reason for rejection was stated as incompliance of the request submitted with the provisions of Law FZ54. The refusal was signed by acting as head of the Bakhchisarai Town administration Mr. V.A. Verkhovod<sup>8</sup>.

On May 8<sup>th</sup> 2015 the head of Simferopol City Administration office Mr. G. V. Aleksandrov denied the request of the Crimean Tatar Mejlis on holding a mourning rally dedicated to the 71st anniversary of the Crimean Tatar People Deportation on May 18<sup>th</sup>. The rejection was justified by the statement that requests on holding the assemblies on May 18<sup>th</sup> 2015 at the places allowed for the public assemblies had been submitted already<sup>9</sup>.

In addition to the rejection, the 'Prosecutor's Office' of Crimea made a caution to several Crimean Tatar activists on inadmissibility of holding public assemblies on May 18<sup>th</sup> 2015. For instance, Mr. Nariman Djelial reported that the Prosecutor's Office of Crimea rendered a caution to the Mejlis on inadmissibility of public events on the Deportation Day of May 18<sup>th</sup>. On May 15<sup>th</sup> Mr. **Shevket Kaibullayev**, a member of the Crimean Tatar People Mejlis, AVDET Newspaper editor-in-chief, was called to the Prosecutor's Office of Crimea where he was handed a caution on inadmissibility of holding mourning events on May 18<sup>th</sup> by the Crimean Tatar People Mejlis representatives.

On May 15<sup>th</sup> Mr. **Leonid Kuzmin**, activist of the Ukrainian Cultural Center, received a caution from the Prosecutor's Office on responsibility for organizing the mourning assemblies on May 16<sup>th</sup> and May 18<sup>th</sup>. The caution was made verbally, with no documents in writing presented by the Prosecutor's Office staff.

In early June 2015 representatives of youth organizations that participated every year in organizing the Crimean Tatar National Flag Day created an organizing committee to hold events dedicated to this day. The Organizing Committee notified the city administration of Simferopol on holding a public event dedicated to the Crimean Tatar Flag Day on June 26<sup>th</sup> 2015 in the Fontany residential area of Simferopol. However, this notification was denied. The reason for refusal was that other organizations had submitted the notifications and got 'no objection' on holding the public events on June 26<sup>th</sup>. Since then the Organizing Committee had submitted twice the notification with the event time and place changed, but the replies were identical to the first one. The Organizing Committee was also denied on approving a motor rally.

On July 18<sup>th</sup> 2015 it became known that the local authorities of Bakhchisarai Town and the police forbade the town Muslim community to hold a cultural event within the Uraza Bayram Festival. The event was planned in the Khan Chaiyr residential area close to the mosque. Earlier this event had been annually held close to this mosque. The authorities' grounds to refuse were that a lot of people came to this event. The refusal reason is not grounded since there is no evidence that this cultural event threatens the safety and the public order<sup>10</sup>

On August 11<sup>th</sup> 2015 activists **Veldar Shukurdjyev** and **Irina Kopylova** made photos with the Ukrainian flag at the monument to Lenin on one of the squares of Simferopol and then were detained by the police. The detention report referred to Article 20.2 of RF CAO though this article regulates rallies, demonstrations, processions or picketing, while the process of taking photos does not fall within the scope of the article. The actual reason for the detention as the activists think, was their using the Ukrainian flag.

<sup>8</sup> CHRГ review for February 2015, annexes 10 and 11. — [http://crimeahrg.org/wp-content/uploads/2016/10/Crimea\\_Field\\_Mission\\_Review\\_February\\_2015\\_RU.pdf](http://crimeahrg.org/wp-content/uploads/2016/10/Crimea_Field_Mission_Review_February_2015_RU.pdf)

<sup>9</sup> [goo.gl/G1b1r5](http://goo.gl/G1b1r5)

<sup>10</sup> <http://gordonua.com/news/crimea/v-bahchisarae-policija-ne-razreshila-musulmanam-otprazdnovat-uraza-bayram-90250.html>



On August 18<sup>th</sup> 2015 the activists of the **Ukrainian Cultural Center** made a notification on holding the events dedicated to the Independence Day of Ukraine in Simferopol including the planned laying of flowers in front of the monument to Ukrainian poet Taras Shevchenko in Simferopol. However, the Simferopol administration objected to this peaceful assembly and warned that participants and organizers of the public event would face the consequences in case of violating the Russian legislation standards<sup>11</sup>. The reason for rejection was stated as incompliance with the notification submission timing set by the RF laws. The organizers were to submit the notification at least 10 days prior to the event, i. e. 10 days before August 24<sup>th</sup>, while this was done on August 18<sup>th</sup>. So the activists were rejected to hold the peaceful assembly due to the formal grounds.

On August 22<sup>nd</sup> 2015 Mr. Veldar Shukurdiyev, an activist of the Ukrainian Cultural Center, was handed a ruling on inadmissibility to hold objected public events on August 23<sup>rd</sup> (Ukraine Flag Day) and August 24<sup>th</sup> (Independence Day of Ukraine).

On January 22<sup>nd</sup> 2016 Mr. A.A. Katsala sent a notification to the Internal Policy Department of Sevastopol City on holding a cultural and musical event — St Patrick's Parade — on March 19<sup>th</sup>, 2016, from 03.00pm to 04.00pm. But, having considered the notice of intent, the department denied the procession on January 26<sup>th</sup> due to the emergency situation announced in the city of Sevastopol<sup>12</sup>.

On March 1st 2016 the activists of the Ukrainian Cultural Center were informed that the administration of Simferopol City denied them to hold a public event by which the activists wanted to celebrate the birthday of Taras Shevchenko on March 9<sup>th</sup>. In their reply addressed to Ms Aliona Popova, the city authorities of Simferopol referred to the ordinance of Mr. Sergey Aksionov, the head of the current Crimean government, dated November 22<sup>nd</sup> 2015 'On introducing the emergency situation regime' and 'On restricting mass, public, cultural entertainment and other events' as well as on the minutes of meeting of the head office on eliminating the emergency situation consequences that suspended temporarily organizing the public events starting from November 22<sup>nd</sup> 2015 till 'a special notice'<sup>13</sup>. The representative of the Ukrainian Cultural Center Mr. Leonid Kuz'min was, in addition to this, called to the 'Prosecutor's Office of Simferopol City and handed a 'caution on inadmissibility of violating the laws on anti-extremist actions and laws on assemblies, rallies, demonstrations, processions and picketing'<sup>14</sup>.

In 2017 Ms G.V. Aleksandrova, a representative of Simferopol administration, denied again Mr. Leonid Kuz'min, activist of the Ukrainian Cultural Center, to hold a rally in front of the monument to Taras Shevchenko on March 9<sup>th</sup> — the poet's day of birth. Grounds for the refusal were not stated, but the RF MIA (Ministry of Internal Affairs) issued additionally 'a caution on inadmissibility of law violations', referring to RF CC and RF CAO which violations would be imputed should the 'objected rally' be held.<sup>15</sup>

The administration of Yalta Town denied the local residents to hold an event on May 3<sup>rd</sup> 2016 in the settlement of Koreiz to celebrate the Crimean Tatar HIDIRLEZ Festival. The reason for refusal was 'lack of possibility to secure the safety' that was grounded by the local authorities by a need to secure the safety of the festival held in the SHAKHEREZADA Cultural and Entertainment Center.

<sup>11</sup> CHRГ Review for July — August 2015, Annex 7. — [http://crimeahrg.org/wp-content/uploads/2016/02/Crimean\\_Human\\_Rights\\_Group\\_July\\_August\\_2015\\_ENG.pdf](http://crimeahrg.org/wp-content/uploads/2016/02/Crimean_Human_Rights_Group_July_August_2015_ENG.pdf)

<sup>12</sup> CHRГ Review for January 2016, Annex 4. — [http://crimeahrg.org/wp-content/uploads/2016/02/Crimean\\_Human\\_Rights\\_Group\\_January\\_2016\\_Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/02/Crimean_Human_Rights_Group_January_2016_Eng.pdf)

<sup>13</sup> CHRГ Review for March 2016, Annex 3. — [http://crimeahrg.org/wp-content/uploads/2016/04/Crimean-Human-Rights-Group\\_March\\_2016-Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/04/Crimean-Human-Rights-Group_March_2016-Eng.pdf)

<sup>14</sup> <http://crimeahrg.org/wp-content/uploads/2016/04/Predosterezhenie-Kuzminu.pdf>

<sup>15</sup> <https://www.facebook.com/photo.php?fbid=10203082838467619>





This event was organized by the local authorities so in the letter of refusal the Yalta authorities suggested the Koreiz residents to visit this particular event instead of organizing their own<sup>16</sup>.

On May 4<sup>th</sup> 2016 **Ms Sanie Ametova**, a representative of the regional Crimean Tatar People Mejlis, submitted a request on holding a rally on May 18<sup>th</sup> dedicated to the Memorial Day of Crimean Tatar Deportation Victims. On May 13<sup>th</sup> 2016 the administration of Voinka Village of Krasnoperekopsk District represented by Ms Ekaterina V. Maksimova, chairman of the village council and head of administration, denied to permit the rally.

The reason for refusal was land improvement works to be carried by the local authorities on the territory of the park where the event was planned. Therefore, the administration forbade any public events there on May 18<sup>th</sup>, except laying the flowers to the memorial sign to the deportation victims initiated by the local authorities<sup>17</sup>. On May 16<sup>th</sup> Ms Ametova, a rally organizer, filed an administrative claim for actions of Ms E. Maksimova in the court. On May 17<sup>th</sup> Ms Olga V. Shevchenko, 'judge of Krasnoperekopsk district court', rejected the claim<sup>18</sup>. Having considered the appeal, the 'Supreme Court of Crimea' remitted the case. On October 4<sup>th</sup> Mr. Aleksandr Savchenko, 'judge of Krasnoperekopsk district court', rejected again the Ametova's claim for the administration head<sup>19</sup>. On January 11<sup>th</sup> 2017 the 'Supreme Court of Crimea' confirmed the claim rejection judgement.



Denial of Voinka Village administration to issue 'no objection' on holding a public event at the memorial sign to the Crimean Tatar Deportation Victims on May 18 2016. Document, 13 May 2016. Voinka

The day before May 18<sup>th</sup> 2016 some educational establishments of Crimea informed teachers and pupils that it was forbidden to be absent at school on May 18<sup>th</sup>, and the school administrations were obliged to report the number and reasons of absence on May 18<sup>th</sup>, including 'separately for the Crimean Tatar children'.<sup>20</sup>

On August 23<sup>rd</sup> 2016 **Mr. Mikhail Batrak**, activist of the Ukrainian Cultural Center in Crimea, was called to the Prosecutor's Office of Crimea. He was handed a 'caution on inadmissibility of violating RF Law on anti-extremist actions and RF Law on assemblies, rallies, demonstrations, processions and picketing'. The reason for issuing the caution was information on a planned public event dedicated to Independence Day of Ukraine that seemed to have been received by the Prosecutor's Office from the RF FSB (Federal Security Bureau)<sup>21</sup>.

<sup>16</sup> CHRG Review for May 2016, Annex 11. — [http://crimeahrg.org/wp-content/uploads/2016/07/Crimean-Human-Rights-Group\\_May\\_2016-Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/07/Crimean-Human-Rights-Group_May_2016-Eng.pdf)

<sup>17</sup> CHRG Review for May 2016, Annex 9. — [http://crimeahrg.org/wp-content/uploads/2016/07/Crimean-Human-Rights-Group\\_May\\_2016-Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/07/Crimean-Human-Rights-Group_May_2016-Eng.pdf)

<sup>18</sup> [https://krasnoperekopskiy-krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&name\\_op=doc&number=223413547&delo\\_id=1540005&new=0&text\\_number=1](https://krasnoperekopskiy-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=223413547&delo_id=1540005&new=0&text_number=1)

<sup>19</sup> [https://krasnoperekopskiy-krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&name\\_op=doc&number=223414876&delo\\_id=1540005&new=0&text\\_number=1](https://krasnoperekopskiy-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=223414876&delo_id=1540005&new=0&text_number=1)

<sup>20</sup> CHRG Review for May 2016, Annex 10. — [http://crimeahrg.org/wp-content/uploads/2016/07/Crimean-Human-Rights-Group\\_May\\_2016-Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/07/Crimean-Human-Rights-Group_May_2016-Eng.pdf)

<sup>21</sup> <http://voicecrimea.com.ua/main/predstavnik-ukra%D1%97nskogo-kulturnogo-centru-v-krimu-vizvali-do-prokuraturi.html>



On October 25<sup>th</sup> 2016 the Sevastopol City Court legitimized a rejection of Sevastopol Government on authorizing the organizers to hold a gay pride march on May 6<sup>th</sup>–7<sup>th</sup> 2016. The Government of Sevastopol grounds to reject were that the pride march was supposed to be held on the streets and squares where children’s establishments and play grounds were located.

The organizers appealed against the decision. However, ‘Leninsky District Council’ of Sevastopol and ‘Sevastopol City Council’ found the refusal to hold the assembly legal. The court, justifying the judgement, referred to Federal Law ‘On protecting children against the information adversely affecting their health and development’. This law forbids ‘propaganda of non-traditional sexual relations among the non-adults’. So, invoking this law, the local authorities may block any public event to support the LGBT community since there would be always probable for a non-adult to appear ‘within the event space’.<sup>22</sup>

## 1.2 RESTRICTIONS ON PEACEFUL ASSEMBLIES CRITICIZING THE ACTIONS OF AUTHORITIES

On August 25<sup>th</sup> 2014 a Sevastopol policeman forbade the ZASCHITIM SEVASTOPOL (‘Let’s Defend Sevastopol’) NGO to hold an anti-corruption rally at Nakhimov Square. The policeman informed that the rally would be considered unlawful because it obstructed a motor show.

In September 2014 the Simferopol authorities denied the SOBOL Russian Community to hold rallies against the seizure of the KRYMAVTOTRANS Company property, at Lenin Square.

On April 15<sup>th</sup> 2017 activists of the DEFEND SEVASTOPOL public movement assembled at Nakhimov Square for the public event ‘Pose a Question to Putin’ that was aimed at criticizing the local authorities. Before the public event started, a person who introduced himself as Vladimir Kolesnikov, an officer of Internal Policy Department of the Government, had demanded to stop the event. He explained his demands by the fact that the rally had not been authorized. Mr. Vasiliy Fedorin, the movement head, informed that the notification on holding the rally had been submitted according to the established timing on April 5<sup>th</sup>, but no answer on ‘no-objection’ had been received from the Sevastopol administration. The participants refused meeting the demand and continued the assembly. Then the policemen detained three assembly organizers to draw up administrative reports. This having been done, they were released. Earlier, on April 5<sup>th</sup>, the police demanded to stop the similar public events held in another part of the city.



Detention of activists of the Defend SEVASTOPOL public movement during the the public event ‘Pose a Question to Putin’, 15 April , 2015. Nakhimovskaya Square. Sevastopol. Photo: KRYM REALII

<sup>22</sup> [http://gs.sev.sudrf.ru/modules.php?name=press\\_dep&op=1&did=127](http://gs.sev.sudrf.ru/modules.php?name=press_dep&op=1&did=127)



On April 24<sup>th</sup> 2015 the administration of Alushta Town denied the organizers to authorize and hold the public event ‘Defend Native Town — Preserve Gardens and Parks’ to be held on April 26<sup>th</sup>, at 10.00 am in front of the town administration building. In addition, a lot of police and special police troops as well as two special purpose trucks (prison buses) had appeared on the square in front of the town administration several hours before the event. The organizers and participants came to the square but due to the presence of the police called all to leave. Then, as reported by the witnesses, several people including the activists with fly sheets dedicated to Victory Day were detained by the policemen.

On December 3<sup>rd</sup> 2015 the Simferopol administration denied the Crimean Tatar People Mejlis to hold a picket on December 10<sup>th</sup> at the building of the Crimean Prosecutor’s Office, Sevastopolskaya Street, Simferopol. It was planned to use the Crimean Tatar symbols for the picket that demanded to release the political prisoners and to stop political persecutions<sup>23</sup>.

On December 11<sup>th</sup> 2015 the police detained picketers at the Belogorsk District Court of Crimea who came out in support of Mr. Oleg Zubkov, owner of SKAZKA Yalta Zoo. The court found the activists guilty pursuant to Article 20.2 of RF CAO — all picket participants were fined for RUR 20,000.00 each<sup>24</sup>.

On February 14<sup>th</sup> 2016 the city administration of Simferopol City forbade a picket against fouling the Crimean villages with garbage. According to the rally organizers’ words, they were warned by Simferopol police department on responsibility for holding the unauthorized public event though on February 2<sup>nd</sup> the officials permitted the picket, having notified the organizers of a need to comply with the public event holding regulations<sup>25</sup>.

On May 6, 2016 representatives of the Crimean Kozacks came to the public event protesting against closing the Crimean Kozack Cadet Detachment in Simferopol. The event organizers submitted a notification on the assembly but the no-objection was denied, referring to the other event to be held on the same place and at the same time. However, since there were no other public events at the same time and place coordinates, the assembly participants decided to held the planned one. The policemen demanded to stop it since it had not been authorized by the city administration. The organizer was informed in advance on drawing up an administrative offence report against him. The event participants refused to depart, and justified their refusal stating that they did not break the public order, did not obstruct the pedestrians to move or other public events to be held here. However, the policemen started dispersing the event participants using the force. The video record



Use of force of the RF police for dispersing the Crimean Kozack protect event, 6 May 2016. Simferopol. Screenshot of the ARGUMENTY NEDELI — KRYM video news agency

<sup>23</sup> CHRNG Review for December 2015, Annex 6. — [http://crimeahrg.org/wp-content/uploads/2016/02/Crimean-Human-Rights-Group\\_December\\_2015\\_RU.pdf](http://crimeahrg.org/wp-content/uploads/2016/02/Crimean-Human-Rights-Group_December_2015_RU.pdf)

<sup>24</sup> <http://ru.krymr.com/a/news/27422812.html>

<sup>25</sup> <http://ru.krymr.com/a/news/27548868.html>



showed that minimum two event participants were detained and put into the prison bus, with force and special means applied to one of them.<sup>26</sup>

On June 4<sup>th</sup> 2016 a peaceful assembly against the development of the Central Embankment started at 10.00am at the Central Embankment of the town of Alushta. The assembly participants (about 50 people) used slogans ‘Power Neglects Opinion of Alushta Residents’, ‘Embankment — Property of People’, ‘Let’s Clear Embankment of Illegal Amusements’, etc. Mr. Pavel Stepanchenko, member of the town council, came to meet with the assembly participants. The police started blocking the assembly, and three people — assembly activists **Mr. Leonid Litvinchuk**, **Mr. Ruslan Marinkov** and **Mr. Pavel Stepanchenko**, the council member, were detained.<sup>27</sup> Mr. Stepanchenko spent about seven hours in the police station, and was released when the administrative offence report had been drawn up. Other two participants were left in the police cell till the court passed the judgement. On June 5<sup>th</sup> defence lawyer Mr. Andrey Loginov came to the police station to meet with the activists, his clients. But the lawyer was not allowed to see the detained. The lawyer informed that he was rejected because the police station front office was ‘technically unable’ to provide such meetings. The lawyer was also said that he would be able to see his clients only at the court<sup>28</sup>. Such acts of the policemen constitute a serious violation of right to defense.

On June 6<sup>th</sup> it became known that two detained assembly participants — Mr. Leonid Litvinchuk and Mr. Ruslan Marinkov — were released from the police station. One more activist — Mr. Valentin Lomov — informed that the policemen tried to make him accountable for the participation in the assembly a month later, on July 4<sup>th</sup>. He informed the TVOYA GAZETA periodical about a call from the authorizing office of the town police station which officers notified him about the questions they had to him and asked him to come to the station. When he came it became clear that he was called to draw up an administrative report for his defiance as it was said to the policemen’s demands during the June 4<sup>th</sup> assembly. But Mr. Lomov stated that no policeman came to him during the June 4<sup>th</sup> assembly, no demands were made, and no dialogue was started. He considers drawing up the report against him unlawful since he did not commit the offence he is imputed. When the report was drawn up Mr. Lomov was convoyed to the Alushta town court to get a judgement made upon the report consideration. But no judge was present there since the work hours were over. The policeman asked Mr. Lomov to return to the police station but he refused<sup>29</sup>.

Residents of Gurzuf submitted a request on holding a rally close to GUROVSKIYE KAMNI Beach (they got to know that the RF authorities were planning to transfer this beach to the ARTEK Children’s Center). But the local authorities denied to hold the rally in the settlement and authorized it in the town of Yalta though Yalta is located 15km far from Gurzuf and the place authorized for the rally in Yalta — a small public garden named after T. Shevchenko — is far from the town authorities location. Moreover, with a high air temperature and substantial occupancy of the public transport as well as taking into account that many of the Gurzuf residents who wanted to participate in the rally are retired age people, it would be difficult for them to get to Yalta. Thus, the authorities de-facto violated severely the freedom of peaceful assemblies and deprived the people of opportunity to hold the assembly within the ‘sight and sound’ of the target audience, i. e. in Gurzuf. On June 26<sup>th</sup> the Gurzuf residents held the rally, though in Yalta, at the place authorized by the authorities de-facto. During the assembly they also voiced a complaint on violating the peaceful assembly freedom due to ban on the event in Gurzuf.<sup>30</sup>

<sup>26</sup> <https://www.youtube.com/watch?v=gdMleM5EeFU>

<sup>27</sup> [https://vk.com/video138152152\\_456239038?hash=6b8e8493e7535f90](https://vk.com/video138152152_456239038?hash=6b8e8493e7535f90)

<sup>28</sup> <http://www.tvoya-gazeta.com/news-alushta/4173-policejskij-bespredel-v-alushte-prodolzhaetsja-k-zaderzhannym-ne-dopuskajut-advokata-video.html>

<sup>29</sup> <https://www.youtube.com/watch?v=5l0vEi4V08k>

<sup>30</sup> <http://openbereg.ru/?p=6118>





On July 2<sup>nd</sup> 2016 Simferopol activists, including **Mr. Aleksey Shestakovich**, came to the street to hold a picket to support the Ukrainian political prisoners in the RF. When the picket started, the police arrived including Mr. Konstantin Gapanovich, 'police major, head of public order protection of the RF MIA Simferopol City Department'. He demanded to show documents on the picket 'no-objection' by the city administration. The activists showed the document — a notification on holding the public event addressed to the Simferopol City administration. However, Mr. Gapanovich stated that this was not enough to hold the event since the activists were to receive a written answer with the city administration 'no-objection' to the event, i. e. to have a permission. The police major also informed that all public events were banned at that place since according to the Simferopol city administration ordinance, public events were admitted only in four allowed places in the city. The policemen demanded to stop the picket because they considered it 'non-authorized', and then conveyed several activists to the police station to make written explanations<sup>31</sup>.

The event was a voluntary peaceful assembly, its participants were attracting the attention to the destiny of the political prisoners. Its slogans and signs had no appeals to violence, hostility or discrimination, it did not prevent the pedestrians to walk or the traffic to run, and its holding had been notified. Therefore, the authorities de facto had no grounds to force the assembly to stop. The authorities de-facto violated the principle of proportionality of peaceful assembly restrictions, the presumption in favor of holding assemblies, and neglected the authorities duty to defend the peaceful assembly freedom.

On November 2<sup>nd</sup> 2016 Mr. Aleksey Puchkov, Simferopol Prosecutor assistant, handed Crimean activist Aleksey Shestakovich a further caution on inadmissibility of holding unauthorized rallies by the anarchist organization<sup>32</sup>. The caution was issued due to the information of the MIA Anti Extremism Center. According to Mr. Shestakovich's words, this is the third caution of this kind. And he informed that the information of the Anti-Extremism Center did not correspond to the reality and was not verified with the facts.

On July 8<sup>th</sup> 2016 the activists of **DEFEND SEVASTOPOL** public movement notified the 'Government' of Sevastopol on holding the rally 'Instructions of Sevastopolers to Candidates to the RF State Duma Members' on July 22<sup>nd</sup>, 06:00pm — 08:00pm at Nakhimov Square. <sup>33</sup>. However, the same day the rally organizers received an answer of Mr. Vladimir Tiunin, acting as head of the Sevastopol internal policy department, that objected the public event place indicated by the activists. Mr. Tiunin suggested the activists to hold the rally in another place and indicated three locations where the activists would be permitted to hold the meeting (a site at the SOLDIER AND SAILOR Monument, Kapitanskaya Street; Svobody Square (1 P. Korchagina Street); a site around the monument to St George in the Pobedy Park). To achieve the public event targets it was necessary for the activists to hold the rally specifically at Nakhimova Square, so on July 12<sup>th</sup> they filed an objection on the V. Tiunin's answer. In respond to the objection, Mr. Tiunin denied again to issue 'no objection' on holding the public event at Nakhimova Square. He explained his restriction, stating that 'a number of institutions with a specific working regime including the Plenipotentiary Representative Office of President in the Crimean Federal Area and the engineering department of the RF Black Sea Navy, are located on Nakhimova Square, and in order to avoid any disruptions of their operations it is not recommended to hold the public events in the close vicinity to them.'

Since the refusal was not grounded, the activists came to Nakhimova Square on July 22<sup>nd</sup> in order to hold the planned event. When they mounted an information stand with inscription 'For

<sup>31</sup> [https://www.youtube.com/watch?v=a\\_f3DyAgWkg&feature=youtu.be](https://www.youtube.com/watch?v=a_f3DyAgWkg&feature=youtu.be)

<sup>32</sup> [https://www.youtube.com/watch?v=k\\_7PJd\\_zC3k&feature=share](https://www.youtube.com/watch?v=k_7PJd_zC3k&feature=share)

<sup>33</sup> <http://sevsps.com/2016/07/pravitelstvo-sevastopolya-opyat-ne-razreshilo-provedenie-mitinga-na-ploshhadi-naximova/>





Resignation of Meniyalo. For Direct Voting for Governor' they were approached by the police who forbade the public event.

The activists appealed the restriction of the Sevastopol authorities de facto to hold the rally at Nakhimova Square at Leninsky District Court of Sevastopol. Judge O. V. Prokhorchuk satisfied the claim on declaring the decision on the public event restriction illegitimate<sup>34</sup>. But the activists did not manage to hold the rally because the judge statement was made after July 22nd.

On August 20<sup>th</sup> 2016 the police and administration of Simferopol City did not allow to hold the '**OBMANUTYI KRYM**' (Deceived Crimea) rally where the activists intended to express their claims to the local authorities. The organizers wanted to hold the rally at Lenin Square but the city administration restricted the rally place. The organizers transferred the rally to the Trade Unions Palace of Culture that was notified to the local administration<sup>35</sup>. But, according to the words of **Mr. Ilya Bolshedvorov**, chairman of CRIMEAN REPUBLICAN ANTI-CORRUPTION COMMITTEE NGO, the police and representatives of the city administration who appeared when the event was starting, forbade it, referring to the fact that the public event had been objected by the city authorities<sup>36</sup>.

Activists of Alushta town and Partenit settlement submitted a notification on holding a rally to express their distrust to members of YEDINAYA ROSSIYA party in Alushta on September 3<sup>rd</sup> 2016. The notification was submitted on August 24<sup>th</sup>. On August 25<sup>th</sup> Mr. Igor Sotov, head of Alushta town administration, issued his 'non-objection' to the rally and appointed Mr. T. N. Garviliuk to represent the town authorities<sup>37</sup>.

However, the day before the rally, on September 2nd, Mr. Aleksey Nazimov, the event organizer, found two documents in his entrance door split: notification of the town administration on forbidding the earlier 'non-objected' event and a caution of the police town unit on inadmissibility of violating the law on public events. The reason for restriction was that a public event of 'MOLODAYA GVARDIYA YEDINOY ROSSII' of Alushta would be held at the same place at the time indicated by the organizers<sup>38</sup>. The MOLODAYA GVARDIYA event did not occur though this became a reason for depriving the Partenit activists from the possibility to exercise the right to peaceful assemblies.

On December 12<sup>th</sup> in Simferopol at Lenina Square the police detained activist **Sergey Akimov** who was on the single-person picket, and **Mr. Ilya Bolshedvorov**, who was photographing the event.

*"At 05.00 pm Sergey Vladimirovich Akimov, due to the restriction on holding a group picket 'For Russia, For Constitution' came to Lenin Square to hold a single-person picket. Five minutes later he was detained by the police. Police lieutenant colonel Nikitin explained the detention in the straightforward way: 'One is*



Activist Sergey Akimov after detention for holding a single-person picket. Dye on his hands after fingerprinting at the police station. 7 February 2017. Simferopol. Photo from Ilya Bolshedvorov Facebook page

<sup>34</sup> <http://sevnews.info/rus/view-news/Sud-reshil-cto-Vladimir-Tyunin-byt-ne-prav-Sevastopolcy-imeyut-pravo-sobiratsya-na-ploshadi-Nahimova-i-vyskazyvat-svoyo-mnenie/27447>

<sup>35</sup> <http://an-crimea.ru/page/news/142832>

<sup>36</sup> <http://echo.msk.ru/news/1824114-echo.html>

<sup>37</sup> <http://www.tvoya-gazeta.com/news-alushta/4268-v-partenite-alushta-sostoitsja-miting.html>

<sup>38</sup> <http://www.tvoya-gazeta.com/news-alushta/4277-vlast-alushty-zapretila-razreshennyj-eju-zhe-miting-video.html>



Denial of Yevpatoria Town administration to issue 'no-objection' on holding a picket at the RF MIA Yevpatoria department building to attract attention of the public to political repressions. Document. 25 November 2016. Yevpatoria.



Activists detained in VERONA Café when planning the single person pickets. Photo of Dmitriy Kisiyev made in the police bus. 26 February 2017. Simferopol.

standing with the picket sign, the other is recording a video at a distance of less than 50m, you have been seen together before'; — Ilya Bolshedvorov wrote at his Facebook site. The video of detention was published at 'Anticorruption. Crimea' YouTube channel.<sup>39</sup> Both Crimeans were taken to the police station where reports on violating the picket regulations were drawn up against them. On February 6<sup>th</sup> 2017 Mr. Bolshedvorov and Mr. Akimov were detained again, under the same circumstances, during the single-person picket 'Stolen Simferopol — Wall of Shame'<sup>40</sup> In February 2017 activists Sergey Akimov and Yuriy Belov were detained during the single-person picket at the Prosecutor's Office building.<sup>41</sup>

On November 23<sup>rd</sup> 2016 a group of citizens notified the administration of Yevpatoria Town on intention to hold a picket at the Yevpatoria RF MIA unit on November 26<sup>th</sup>. The notification declared the aim of the picket as 'to attract attention of the public to political repressions' and indicated the number of participants — 10-15 people<sup>42</sup>. The Yevpatoria Town Administration restricted the picket explaining that the chosen place was not on the list of sites for public events<sup>43</sup>.

But the places allowed for the public events deprive the activists from the possibility to achieve the target audience, namely the MIA staff. Since the participation in the objected picket results into an administrative punishment, the organizers had to refuse the picket. On November 26<sup>th</sup> the single-person picket that did not require the administration 'non-objection' was held at the planned place next to the MIA unit building. The police did not prevent the single-person event.<sup>44</sup>

On March 17<sup>th</sup> 2017 the Sevastopol city authorities objected holding the 'Rally to Support a Demand to Investigate Facts of Corruption of Highest State Officials of Russia' planned for March 26<sup>th</sup> 2017. The Department of

<sup>39</sup> <https://www.youtube.com/watch?v=ipMFsnRqjA>

<sup>40</sup> <https://www.facebook.com/ilya.bolshedvorov/videos/1028193430619503/>

<sup>41</sup> <https://www.facebook.com/ilya.bolshedvorov/videos/1029362457169267/>

<sup>42</sup> CHRГ Review for November 2016, Annex 2. — <http://crimeahrg.org/wp-content/uploads/2016/12/Crimean-Human-Rights-Group-Nov-2016-ENG.pdf>

<sup>43</sup> CHRГ Review for November 2016, Annex 3. — <http://crimeahrg.org/wp-content/uploads/2016/12/Crimean-Human-Rights-Group-Nov-2016-ENG.pdf>

<sup>44</sup> <https://www.facebook.com/aleksej.shestakovich/posts/1255833564480008>



Public Communications of Sevastopol' restricted the rally twice: close to the monument to St George due to the pavement tiling replacement, and at Nakhimova Square due to the fact that the rally might obstruct the movement of pedestrians <sup>45</sup>.

On March 22<sup>nd</sup> 2017 the similar rally was also objected by the Simferopol administration. It referred to the incompleteness of the submitted documents package. According to the words of activist **Dmitriy Kisiyev**, the reason for objection was that only copy of Kisiyev's passport was attached to the notification on the rally though three organizers were mentioned in it<sup>46</sup>. Having been refused, 7 activists tried to organize a number of single-person pickets but were detained by the police when they were meeting at the café<sup>47</sup>. Mr. Dmitriy Kisiyev was among the detained. On March 26<sup>th</sup> he wrote that he was arrested for 10 days<sup>48</sup>. One of the detained — **Mr. Aleksey Yefremov** — informed on March 26<sup>th</sup> in the afternoon, that he was detained again by the plain-clothed people, and one of them showed him an MIA identification card. He was told that he was being transported for examination. Later he wrote that upon the court ruling he was fined for RUR 500.00 for violating Article 19.3 of RF CAO 'Failure to follow a lawful order of a policeman'. Mr. Yefremov pointed out that the same article was used to sentence Dmitriy Kisiyev for 10 days in prison.

### 1.3 DISCRIMINATION IN AUTHORIZING THE PUBLIC EVENTS

One of illustrations of the discrimination in issuing permits to hold public events is ANTIMAIDAN assembly hold in Simferopol on February 21st 2015. The public event was aimed at supporting the 'state sovereignty of Russia and political course of Vladimir Putin'. The event organizers were Crimean branch of VELIKOYE OTECHESTVO Party, ANTIMAIDAN Movement and NIGHT WOLVES Russian bikers. The event was held just in the center of the city, where streets Karla Marksa and Pushkina cross. In addition, the Crimean authorities allowed the organizers to drive cars and bikes on the pedestrian zone. Apart from this, the rally place was not on the list of those identified by the local authorities for holding the public events in Simferopol.

### 1.4 OTHER CASES OF UNLAWFUL RESTRICTIONS OF PEACEFUL ASSEMBLY FREEDOM

On March 4<sup>th</sup> 2017 the headmaster and the local police officer interrupted a football march between neighborhood teams. The headmaster did not want the match to be played on the school stadium. According to the match participants, the reason for dispersal was a declaration that the 'rally' had not been authorized by the administration of Feodosiya <sup>50</sup>.

A contest of drawings 'My Mother is the Best' was held on March 11<sup>th</sup> in the House of Culture of the Crimean settlement of Oktiabrskoye, Krasnogvardeysk District. Mr. Vladimir Melnik, head of the settlement, accused the contest organizers of holding an unauthorized rally and filed a report on them to the RF MIA, stating that they had violated Article 20.2 of RF CAO. As Mr Melnik informed the KRYMSKIY TELEGRAPH News Agency, he was outraged that the event had been hold without his authorization and this was a principle for him to get the organizers punished<sup>51</sup>.

<sup>45</sup> <https://www.facebook.com/crimeahrg/posts/1870179933267639>

<sup>46</sup> <http://ru.krymr.com/a/news/28383734.html>

<sup>47</sup> [https://vk.com/wall64972578\\_10489](https://vk.com/wall64972578_10489)

<sup>48</sup> [https://vk.com/wall412152752\\_156](https://vk.com/wall412152752_156)

<sup>49</sup> [https://vk.com/wall64972578\\_10513](https://vk.com/wall64972578_10513)

<sup>50</sup> <https://www.youtube.com/watch?v=yU8WSu5SngA>

<sup>51</sup> <http://ktelegraf.com.ru/8973-iniciativa-nakazuema.html>





## 2 POLITICALLY MOTIVATED PERSECUTION OF PEACEFUL ASSEMBLY ORGANIZERS AND PARTICIPANTS

### 2.1 CASE OF MAY 3<sup>RD</sup>

On May 3<sup>rd</sup> 2014 a peaceful assembly of Crimean Tatars to support Mr. Mustafa Djemilev, Member of Parliament of Ukraine, Leader of the Crimean Tatar People that was not allowed by the Russian border guards to enter Crimea, was held in Crimea (Armiansk). The assembly was participated by several thousands of Crimean Tatars, and afterwards Prosecutor of Crimea Ms Natalia Poklonskaya sent a resolution to the Investigation Committee and the RF FSB 'to initiate a criminal prosecution against the people guilty due to articles 212, 318 and 322 of RF CC (mass riots, violence to an official representative and illegal crossing of the state border). No violence was used by the participants during the peaceful assembly. In a week the event participants started receiving requests for summons. As a result about 200 people were fined for amounts of RUR 10thou to 40thou according to articles 19.3 and 20.2 of RF CAO. This was followed with a wave of searches in the house of 'May 3<sup>rd</sup> peaceful assembly' participants. Five participants were detained from October 2014 to January 2015 within the criminal prosecution of the participants according to Article 318 of RF CC:

- **Mr. Musa Abkerimov:** was in the detention facility from October 14 2014 to December 11 2014. On May 28 2015 he was given a 4 year and 4 month suspended sentence.
- **Mr. Rustam Abrurakhmanov:** was in the detention facility form October 17 2014 to December 11 2014. He left to the non-occupied territory of Ukraine before the sentence.
- **Mr. Tair Smedliayev:** was in the detention facility from October 22 2014 to December 11 2014. On December 10 2015 he was given a 2-year suspended sentence.
- **Mr. Edem Ebulisov:** was in the detention facility from November 25 2014 to December 17 2014. On August 14 2015 he was sentenced to RUR 40,000.00 fine.
- **Mr. Edem Osmanov:** was in the detention facility from January 20 2015 to February 2015. On December 8 2015 he was given a year suspended sentence.



Representative of the RF law enforcement agencies blocked the road at the 'administrative border' of Crimea during the assembly to support Mustafa Djemilev. 3 May 2014. Armiansk. Photo from the news.allcrimea.net. website.



## 2.2 CASE OF FEBRUARY 26<sup>TH</sup>

Persecution of the participants of the peaceful assembly held on February 2014 in Simferopol raises a particular concern. That day a rally to support the status of the Autonomous Republic of Crimea organized by the Crimean Tatar People Mejlis was held in Simferopol at the Parliament of the Autonomous Republic of Crimea. Several thousands of Crimeans who protested against an extraordinary session of the Supreme Council of Crimea that was to adopt an unlawful resolution on the referendum in Crimea, participated in the event.



Rally at the building of the Supreme Council of AR Crimea. 26 February 2014. Simferopol. Photo from GOSSOVET KRYMA website.

In January 2015 the RF Investigation Committee initiated a criminal case for organizing and participating in the mass riots (Article 212 of RF CC). The first who was detained within this case on January 29<sup>th</sup> 2015 was **Mr. Akhtem Chygoz**, deputy Chairman of the Crimean Tatar People Mejlis. He was accused of organizing the mass riots (Article 212. 1 of RF CC). He has been still in the Detention Facility No 1 of Simferopol, and the court hearings on his case are still going in.

Seven people more are accused of participating in the mass riots within the February 26<sup>th</sup> Case (Article 212.2 of RF CC):

- **Mr. Eskender Kantemirov:** *was in the detention facility from February 7 2015 to April 6 2015. As at May 2017, the court hearings are in progress.*
- **Mr. Eskender Yemirvaliye:** *was in the detention facility from February 18 2015 to April 17 2015. As at May 2017, the court hearings are in progress.*
- **Mr. Taliat Yunusov:** *was in the detention facility from March 11 2015 to April 17 2015. On December 28 2015 he was given a 3 year and 6 month suspended sentence by 'Tsentralny District Court' of Simferopol City*
- **Mr. Eskender Nebiyev:** *was in the detention facility from 22 April 2015 to 18 June 2015 and October 9 2015 to October 12 2015. On October 12 2015 he was given a 2 year and 6 month suspended sentence by 'Tsentralny District Court' of Simferopol City*
- **Mr. Ali Asanov:** *was in the detention facility all the time from April 15 2015 to April 6 2017. As at May 2017, the court hearings are in progress.*
- **Mr. Mustafa Degermendji:** *was in the detention facility all the time from May 7 2015 to April 6 2017. As at May 2017, the court hearings are in progress.*
- **Mr. Arsen Yunusov:** *is named in the case as accused. As at May 2017, the court hearings are in progress.*

All persons accused within the case are citizens of Ukraine, the peaceful assembly was held on the territory of Ukraine, the participants of this peaceful assembly did not violate the Ukrainian law standards. Russia has no grounds to apply the Russian jurisdiction to the events of February 26<sup>th</sup> 2014, and only Ukraine has a right to consider these actions in terms of legal offences.





## 2.3 CRIMINAL PROSECUTION FOR THE PARTICIPATION IN THE PEACEFUL ASSEMBLIES IN KYIV

Participants of protests at Maidan in Kyiv held in January — February 2014 are being prosecuted in Crimea.



Aleksandr Kostenko at the court session

On February 5<sup>th</sup> 2015 **Mr. Aleksandr Kostenko** was arrested in Simferopol. He was tortured when he was being detained and then interrogated. The 'Prosecutor's Office' of Crimea accused him of attacking an officer of BERKUT MIA of Ukraine detachment during the protests at Maidan Nezaleshnosti in Kyiv in February 2014 and found guilty of violating Article 115. 2. b of RF CC (intentional infliction of light injury by reason of political, ideological, racial, national or religious hatred or enmity, or by reason of hatred or enmity with respect to some social group). After the search carried with violations of the RF CC when the investigators announced that they had found a tube at his home, he was accused also of possession of weapon. On May 15 2015 'Kiyevsky District Court of ' sentenced Mr. Kostenko to 4 years and 2 months in the standard regime penal colony. At the moment he is serving the sentence given on the politically motivated criminal case in the penal colony No 5 in the town of Kirovo-Chepetsk, Kirov Region, RF.



Andrey Kolomiyets at the court session

On May 15 2015 **Mr. Andrey Kolomiyets** was detained in Kabardino-Balkaria (RF). Then he was transported to Crimea where he was accused of violating Article 105, Article 228, Article 30 RF CC (assault to murder). He was accused that he seemed to have tossed a bottle with incendiary mixture into the officers of the BERKUT MIA of Ukraine detachment during the protests at Maidan Nezaleshnosti in Kyiv. According to the information of Mr. Kolomiyets and his defense lawyer, he was tortured during the interrogation. On 10 June 2016 Andrey Kolomiyets was sentenced to 10 years in the maximum security penal colony. At the moment he is serving the sentence given on the politically motivated criminal case in the penal colony No 14 of Krasnodar, RF.

The RF law enforcement bodies have no legal grounds for such actions since these events were on the territory of Kyiv (Ukraine). Mr. Kostenko and Mr. Kolomiyets are citizens of Ukraine as well as BERKUT officers considered to be injured. Criminality and penalty are determined by the criminal law in force at the moment of committing a specific action. This case is regulated by the criminal law of Ukraine. Article 12. 3 of RF Criminal Code states that foreign nationals and stateless persons who do not reside permanently in the Russian Federation and who have committed crimes outside the boundaries of the Russian Federation shall be brought to criminal liability under this Code in cases where the crimes run against the interests of the Russian Federation or a citizen of the Russian Federation or a stateless person permanently residing in the Russian Federation, and also in the cases provided for by international agreements of the Russian Federation, and unless the foreign citizens and stateless persons not residing permanently in the Russian Federation have been convicted in



a foreign state and are brought to criminal liability on the territory of the Russian Federation. Therefore, actions that the RF law enforcement bodies incriminate to Mr. Kostenko and Mr. Kolomiyets are not subject to the Criminal Code of the Russian Federation.

## 2.4 ADMINISTRATIVE PERSECUTION OF PEACEFUL ASSEMBLY PARTICIPANTS

On August 24 2014 GIBDD (State Traffic Safety Inspectorate) officers detained **Mr. Viktor Neganov**, organizer of the Ukrainian rally in Sevastopol. He was unlawfully searched, his personal belongings were exempted, and his car was searched without his presence. No reports were made. Previously the Crimean authorities had declared that they would not draw up reports and make accountable people for violation of the vehicle glass filming requirements within the transition period (up to 1 January 2015). Mr. Neganov is the only person on the territory of Crimea who was made accountable for this violation. The CHRГ believes that the actual reason for stopping his vehicle and drawing up reports on administrative offence was that on that day (Independence Day of Ukraine) Mr. Neganov, with the national flag of Ukraine and wearing the scarf in the colors of the national flag of Ukraine, laid flowers to the basement where the monument to Hetman Sahaidachny had been before. Later, being threatened with criminal prosecution, Mr. Neganov had to leave Crimea.

On March 30<sup>th</sup> 2015 the RF police detained seven students who planned to make a video to support ATR TV channel. On April 1st 2015 Kiyevsky District Court of Simferopol City session found one of the students — **Mr. Aleksey Yefremov** guilty according to Article 20.2.1 of RF CAO. He was fined for RUR 20,000.00. In addition, the court found him guilty according to Article 19.3 of RF CAO (resistance to police) and fined for RUR 500.00 more. Mr. Yefremov himself denied completely his guilt and insisted that he had not resisted detention.

On April 15<sup>th</sup> 2015 the Commission for Minor Citizen Cases and their Rights Defense of Simferopol City found two under the legal age students detained together with Mr. Yefremov, guilty according to Article 20.2.5 of RF CAO and issued a ruling on applying the administrative punishment as fine amounting to RUR 10,000.00 to each of them<sup>52</sup>.

The court and the Commission members found the students guilty in 'violating the established procedure for conducting an assembly, a rally, a demonstration, a procession or picket'. However the actions of students (an attempt to record a video to support the ATR Crimean Tatar TV Channel) do not come within the definition of 'meeting, rally, demonstration, procession or picket' as stated in Article 2 RF FZ 'On meetings, rallies, demonstrations, processions and picketing'. Therefore, the situation occurred when the judge and commission members interpret arbitrarily the Russian legal standards, bringing an administrative action against the people.

Several Crimean Tatars were brought to the administrative action because they hold a mourning rally dedicated to the anniversary of the Crimean Tatar people deportation on May 18<sup>th</sup> 2015. On May 19<sup>th</sup> 2015 law enforcement officers called the head of regional Mejlis of Krasnoperekopsk district **Ms Sanie Ametova** on whom the administrative report on violating the procedure of holding the public event had been drawn up, to the interrogation. Ms Ametova informed that grounds for drawing up the report were use of self-made banners dedicated to the Memorial Day of the Deportation Victims at the rally. The 'Krasnoperekopsk District Court' sentenced her to a fine of RUR 1,000.

<sup>52</sup> CFM Review for April 2015, Annex 17. — [http://crimeahrg.org/wp-content/uploads/2016/10/Crimea\\_Field\\_Mission\\_Review\\_April\\_2015\\_RU.pdf](http://crimeahrg.org/wp-content/uploads/2016/10/Crimea_Field_Mission_Review_April_2015_RU.pdf)



On June 26<sup>th</sup> 2015 imam of Dolinka village of Krasnoperekopsk District **Yunus Nemetullayev** was also brought under the administrative action due to the participation in the same rally. The 'Krasnoperekopsk District Court' sentenced him to a fine of RUR 10,000. On November 26<sup>th</sup> 2015 the court cancelled its sentence.

On June 30<sup>th</sup> judge of 'Krasnoperekopsk District Court' Mr. O. V. Shevchenko heard a case of administrative offence against **Ms Zeinep Aidogan**. On May 26 2015 the report was drawn up against her that stated that she had organized and held a picket, without the notification of the authorities, in the village of Voinka as well as demonstrated picket signs calling to return the Crimean Tatar language the status of state one. Ms Aidogan did not agree with the report, claiming that she had no intention to violate the laws. The 'judge' changed the qualification and decided to make Ms Aidogan accountable not as organizer but as participant. The 'court' found her guilty according to Article 20.2.5 of RF CAO and sentenced to the fine of RUR 10,000.

On May 18<sup>th</sup> 2015 the participants of motor rally dedicated to the Memorial Day of the Deportation Victims were stopped at the Simferopol City exit by OMON (special police troops) and GIBDD officers. The participants stated that the motor rally in terms of its organization was not a public event. As a result administrative reports for creating a traffic accident situation were drawn out against 8 participants.

A year later on May 18<sup>th</sup> 2016 motor rallies dedicated to the Memorial Day of Deportation Victims were also held in several cities and towns of Crimea. The motor rallies did not create traffic accident situations on the roads, did not obstruct the motor traffic. However, several participants of such motor rallies were detained and held liable.

**Mr. Eskender Ganiyev**, 17 years' old, was detained on the way to Bakhchisarai and drawn up a report on administrative offence as well as recovery of fine for RUR 4,000, and then he was released.

In L'govskoye village of Kirov District four motor rally participants **S. Kurukch**, **R. Yapalakhov**, **U. Fakhriyev** and **E. Berberov** were detained, with drawing up the reports according to Article 20. 2 of CAO. On May 19<sup>th</sup> 'judge of Kirov District Court' Roman Mikhailov found them guilty of administrative offence according to Article 20.2.6.1 of RF CAO<sup>53</sup>. For each of them the 'judge' made a ruling on an administrative punishment of 20 mandatory work hours<sup>54</sup>.

Four Crimean Tatars were detained in Sudak: **Abliakim Abliakimov**, **Seitmamut Seitumerov**, **Enver Chavush** and **Alim Musliadinov**. On May 18<sup>th</sup> 2016 they drove cars with the Crimean Tatar



Participants of the motor rally dedicated to the deportation victim memory who were stopped by the RF MIA staff, 18 May 2016. Photo from 15minut.org website

<sup>53</sup> [https://kirovskiy--krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=19.05.2016](https://kirovskiy--krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=19.05.2016)

<sup>54</sup> <https://www.facebook.com/nariman.dzhelalov/posts/1107699962627196>



symbols through Sudak and stopped at the monument to deportation victims in order to participate in the 'Light Candle' Event. At the monument they were detained by the police and conveyed to the police city station where reports were drawn up against them according to Article 20.2.2 of RF CAO. On June 7<sup>th</sup> 'judge of Sudak City Court' Yelena Kharaman issued an order to terminate the proceedings on the administrative offence case against all four Crimean Tatars<sup>55</sup>. On July 19<sup>th</sup> it became known that 'acting as head of Sudak City MIA of Russia Department' Dmitriy Krekov made a complaint on the decision to terminate the proceedings on the administrative offence case against four Crimean Tatars<sup>56</sup>. 'The Supreme Court of Crimea' satisfied the complaint of Dmitriy Krekov and remitted the case.

On October 27<sup>th</sup> the administrative case against four Crimean Tatars was reconsidered. This time Alim Musliadinov, Abliakim Abliakimov, Enver Chavush, Seitmamut Seitumerov were found guilty and sentenced to a fine of RUR 20,000 each<sup>57</sup>. In December the 'Supreme Court of Crimea' reduced the fine amount to RUR 10,000.

On August 24<sup>th</sup> 2016 the Supreme Court of Crimea dismissed the appeal of **Seiran Saliyev**. Earlier 'Bakhchisarai District Court' had sentenced him to fine of RUR 20,000 for 'organizing an unauthorized rally' on May 12<sup>th</sup> 2016. On May 12<sup>th</sup> 2016 Mr. Seliyev announced by microphone from the local mosque minaret that the FSB officers were searching the houses of Crimean Tatars. This action was qualified as call to non-authorized rally<sup>58</sup>.

On December 6<sup>th</sup> 2016 'judge of Bakhchisarai District Court' Marina I. Nikischenko sentenced **Mr. Enver Sherfiyev** to a fine of RUR 15,000. He was accused of violating Article 20. 2. 6. 1 of CAO for coming to SALACHIKE café in Bakchisarai on May 12<sup>th</sup> 2016 when the Muslims were being arrested within the Hizb-Ut-TAHRIR case. Earlier the fines for the same 'offences' were sentenced to Bakhchisarai residents: **Marlen Asanov, Emin Belialov, Emil Belialov, Seiran Saliyev**. They were also fined for supporting their compatriots during the searches and detentions of May 12<sup>th</sup> 2016. All previous sentences on fines were also made by 'judge' Nikischenko.

On February 21st 2017 the house of Marlen Mustafayev in the village of Kamenka was searched. 10 people who came to record this were detained: **Remzi Bekirov, Osman Arifmeme-tov, Riza Izetov, Ruslan Suleymanov, Seran Murtazayev, Alim Karimov, Abliakim Abdurakhman-ov, Medjit Abdurakhmanov, Enver Tasinov, Valeriy Grigor**'. The police officers announced that all present violated the laws on public events. All detained were found guilty according to article 20.2 of RF CAO and sentenced to 5 days in custody.

<sup>55</sup> [https://sudak-krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&H\\_date=07.06.2016](https://sudak-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&H_date=07.06.2016)

<sup>56</sup> CHRG Review for July 2016, Annex 1. — [http://crimeahrg.org/wp-content/uploads/2016/09/Crimean-Human-Rights-Group\\_July\\_2016-Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/09/Crimean-Human-Rights-Group_July_2016-Eng.pdf)

<sup>57</sup> <https://www.facebook.com/lenora.dyulber/videos/vb.100001852246809/1244940598911003/?type=2&theater>

<sup>58</sup> <http://qha.com.ua/ru/obschestvo/sud-ne-udovletvoril-apellyatsionnyu-jalobu-seirana-salieva/164624/>





### 3 OBSTRUCTION OF PEACEFUL ASSEMBLIES WITH THE HELP OF LAW ENFORCEMENT AGENCIES AND CRIMEAN SELF DEFENSE PARAMILITARY ORGANIZATION

Numerous facts of using the law enforcement agencies and Crimean Self Defense paramilitary organization to disperse peaceful assemblies or obstruct them have been recorded in Crimea.

On March 3 2014, Mr **Reshat Ametov** was holding a single person picket against the occupation of Crimea at the square in front of the building of the Council of Ministers of Crimea. There is an open access video that shows how several people wearing camouflage took Mr Ametov away from the square and forced him to sit in the car. The body of Mr Ametov was found on March 15 2014 in the field close to Zemlianichnoye Village of Belogorsk District with marks of torture, head wrapped with sticky tape, and feet in handcuffs. Persons who took Mr Ametov away from the square have been identified but are qualified as witnesses in the criminal case. Up to date nobody has been brought to responsibility for a brutal murder of the activist.

On May 18<sup>th</sup> 2014 to restrict the peaceful assembly — mourning events on the 70<sup>th</sup> anniversary of the Crimean Tatar deportation — the central streets of Simferopol were blocked with the Russian troops, law enforcement personnel, with military machinery used, too.

On August 24<sup>th</sup> 2014 (Independence Day of Ukraine) the law enforcement officers and representatives of 'Citizens in Arms' cordoned off the monument to T. Shevchenko in Simferopol. On December 10<sup>th</sup> 2014, International Human Rights Day, central streets of Simferopol were cordoned off with the law enforcement officers and representatives of 'Citizens in Arms'. Journalists were forbidden to take photo and video records.

On May 17<sup>th</sup> 2016 in Sevastopol a spontaneous assembly of protesting local entrepreneurs started on Istoricheskyi boulevard. The protest became a reaction of small trading stand owners on the attempt of the local authorities to move away one of the stands. A truck of the SEVAVTODOR state unitary company loaded one of the stands on it but entrepreneurs — stand owners — blocked the truck movement, demanding a court decision on the stand demolition<sup>59</sup>.

The situation lasted until the evening. Late at night there was an attempt of forced dispersal of the entrepreneurs and release of truck with the stand on it. According to the words of entrepreneurs and witnesses, these actions were performed by the police personnel, representatives of local authorities and local self-defense. As a result it was decided to unload the stand from the truck and return it to its previous place, then the entrepreneurs de-blocked the truck and it left Istoricheskyi boulevard<sup>60</sup>.

<sup>59</sup> <http://sevastopol.su/news.php?id=87075>

<sup>60</sup> <http://sevastopol.su/news.php?id=87104>





## **4 APPLICATION OF RUSSIAN AND LOCAL LAWS TO RESTRICT FREEDOM OF ASSEMBLIES**

The International Covenant on Civil and Political Rights, Article 21, and European Convention on Human Rights, Article 11, admits restrictions on the right of peaceful assembly if they are imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. However, the Russian and local laws in Crimea contain some substantial formal restrictions of the peaceful assembly freedom that are of no necessity in the democratic society. In addition, the authorities de-facto take decisions on the total temporary ban of all peaceful assemblies on the territory of Crimea.

### **4.1 RF REGULATIONS RESTRICTING THE FREEDOM OF PEACEFUL ASSEMBLIES**

On July 21st 2014 Law FZ 258 'On amending certain laws of the Russian Federation in terms of improving the legislation on public events' that introduced criminal sanctions for repeated violation of the procedure for arranging or conducting the public events, came into force in the RF.

In October 2014 Article 9 of Federal Law 'On assemblies, rallies, demonstrations, processions and picketing' was amended. A public event shall not commence before 07:00am and finish after 10:00pm of the current day, local time, except the public events dedicated to the memorial dates of Russia, public cultural events. Therefore, one more restriction of the peaceful assembly freedom forbidding peaceful assemblies after 10:00pm was introduced.

The freedom of associations including the territory of Crimea is threatened by Federal Law 'On amending certain legal documents of the Russian Federation' adopted by the State Duma of the RF on May 19<sup>th</sup> 2015. The law was titled 'Law on undesirable foreign and international organizations'. The law provides for prohibiting activities of the organizations which, in the judgement of the authorities, constitute a threat for the constitutional system, national defense capability or security. The law introduces severe sanctions for its violations, up to imprisonment. In addition, the law makes it possible to bring to a criminal responsibility for collaboration with 'undesirable organizations' or distribution the information about them. Many provisions of law lack legal determination that enables its selective application.

Pursuant to this law, on July 7<sup>th</sup> 2015 the RF Federal Council published the 'Patriotic Stop List' that included 12 organizations: Open Society Institute (Soros Fund), National Endowment for Democracy, International Republican Institute, National Democratic Institute for International Affairs, John D. and Catherine T. MacArthur Foundation, Freedom House, Charles Stewart Mott Foundation, Education for Democracy Foundation, East European Democratic Centre, the Ukrainian World Congress, the Ukrainian World Coordinating Council, the Crimean Field Mission on Human Rights. Afterwards the Crimean Field Mission on Human Rights stopped its activities on the peninsula.

On March 9<sup>th</sup> 2016 the State Duma of RF approved amendments to Federal Law 'On assemblies, rallies, demonstrations, processions and picketing', and consequently, such actions as motor rallies and stand installation were set equal to the public events. Moreover, according to the law amendments, a form of public expression of opinion through installing fast mounted assembling/ disassembling structures at the picketed facility was defined as picketing. Therefore,



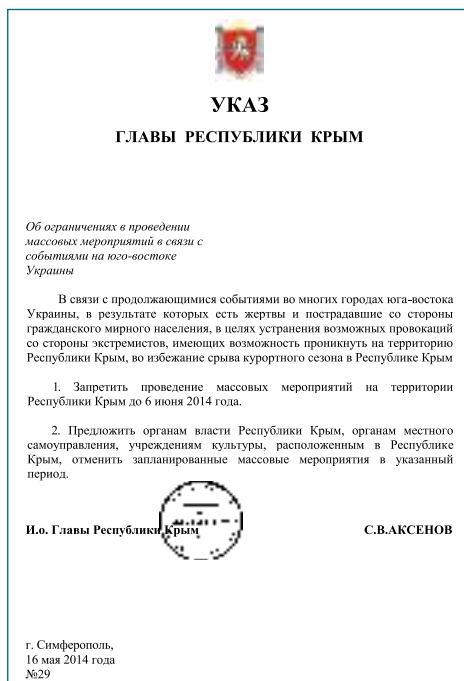
the legislation on assemblies, rallies, demonstrations, processions and picketing subject to the authorization was extended to cover motor rallies and tent camps. In addition, notification is required if a picket held by single man presumes using the fast mounted assembling/ disassembling structure that obstructs the movement of pedestrians and vehicles<sup>61</sup>.

## 4.2 REGULATIONS OF AUTHORITIES DE-FACTO RESTRICTING FREEDOM OF PEACEFUL ASSEMBLIES

On May 16<sup>th</sup> 2014 ‘Prime Minister’ of Crimea Sergey Aksionov issued Edict No 29<sup>62</sup> that prohibited peaceful assemblies on the territory of Crimea till June 6<sup>th</sup> that year. Such wide restriction on peaceful assemblies was justified by Mr Aksionov by ‘eliminating possible provocations of extremists who are able to enter the territory of Republic of Crimea in order to prevent the obstruction of holiday season in the Republic of Crimea’. The local authorities had no verifications for such threats.

The ban on peaceful assemblies was applied also to the mourning events of May 18<sup>th</sup> 2014 dedicated to the 70<sup>th</sup> anniversary of the Crimean Tatar deportation. Earlier the Crimean Tatars had held these events on annual basis.

On August 8<sup>th</sup> 2014 the ‘State Council of Republic of Crimea’ adopted Law ‘On securing the conditions of exercising the rights of the Russian Federation citizens to hold assemblies, rallies, demonstrations and picketing in the Republic of Crimea’ that restricted substantially the freedom of peaceful assemblies in Crimea. The Law obliges to submit a notification in writing directly to the local self-government body of municipal formation 15 days the earliest and 10 days the latest before the public event day. Specifically assigned places to hold the peaceful assemblies are introduced and shall be established by the Council of Ministers of the Republic of Crimea, in line with the requirements of Federal Law “On assemblies, rallies, demonstrations, processions and picketing’.



On November 12<sup>th</sup> 2014 the ‘Council of Ministers of Crimea’ issued resolution No 452 ‘On approving the list of places for holding public events on the territory of the Republic of Crimea’<sup>63</sup>, that indicates the places for holding peaceful assemblies. For instance, in Simferopol (city with 400<sup>th</sup> residents) the peaceful assemblies may be held only in four places.

On July 4<sup>th</sup> 2016 the ‘Council of Ministers of Crimea’ — by resolution no 315<sup>64</sup> — reduced significantly a short already list of places allowed for holding peaceful assemblies. For instance, the list of places for public events in Kerch went down from 15 to 3. For the whole Crimea the total number of places for holding peaceful assemblies decreased from 717 to 360. The resolution does not state reasons for selecting these places, and does not include

Edict of Sergey Aksionov, ‘head of Republic of Crimea’ ‘On restrictions for holding public events due to the events in the South and the East of Ukraine’, document, 16 May 2014, Simferopol.

<sup>61</sup> <http://www.garant.ru/hotlaw/federal/701246/>

<sup>62</sup> [http://rk.gov.ru/rus/file/pub/pub\\_232588.pdf](http://rk.gov.ru/rus/file/pub/pub_232588.pdf)

<sup>63</sup> [http://rk.gov.ru/rus/file/pub/pub\\_235446.pdf](http://rk.gov.ru/rus/file/pub/pub_235446.pdf)

<sup>64</sup> [http://rk.gov.ru/rus/file/pub/pub\\_298128.pdf](http://rk.gov.ru/rus/file/pub/pub_298128.pdf)



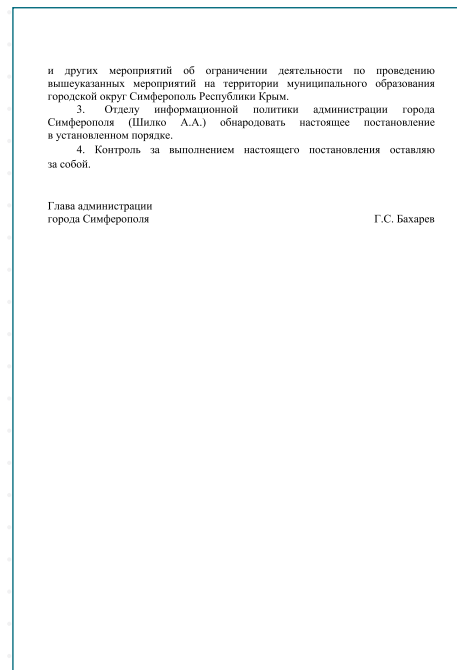
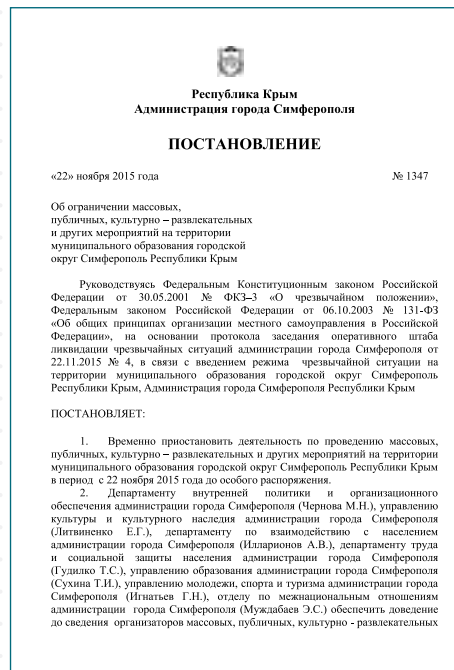
grounds for restricting the peaceful assemblies in other places of cities and towns. A substantial limit on the number of places to hold peaceful assemblies violates the freedom of assemblies and restricts considerably the possibilities for the Crimean residents to hold a peaceful assembly within the 'sight and sound' of the audience they want to address.

On September 27<sup>th</sup> 2015 Mr G. Bakharev, head of Simferopol Administration, issued resolution No 953 'On actions of response due to the situation created on the 26<sup>th</sup> September 2015' on the territory of Simferopol<sup>65</sup>. The resolution purpose is to restrict public and other events in the city. The reason was an armed attack on the emergency health service substation on September 26<sup>th</sup>.

The resolution recommended the persons who had announced holding mass, public events that were approved by the Administration of Simferopol City within the established procedure, to postpone the date and time of their holding till a special instruction. The physical persons and legal entities were recommended not to hold mass and public events on the territory of Simferopol starting from September 27<sup>th</sup> and till the specific instruction. This resolution was for an indefinite period and remained in force till the relevant ordinance of the administration head. On October 9<sup>th</sup> the restrictions were cancelled by resolution No 1070<sup>66</sup>.

On 22<sup>nd</sup> November 2015, due to announcing an emergency situation in Crimea because of electric energy shutdown, a new moratorium on holding public events was introduced on the territory of Simferopol. Mr G. Bakharev, head of Simferopol Administration, decided 'to suspend temporarily actions on holding mass, public, cultural and entertainment and other events' on the territory of Simferopol starting from November 22<sup>nd</sup> 2015 and till the specific instruction<sup>67</sup>. On March 7<sup>th</sup> 2016 the resolution was amended. Words 'suspend temporarily' and 'restrict' were replaced with 'forbid'. Only events held by the current authorities were excluded from the resolution scope<sup>68</sup>. Ban on holding public events was cancelled on March 22<sup>nd</sup> 2016<sup>69</sup>.

Resolution of Simferopol City Administration 'On restricting mass, public, cultural and entertainment and other events on the territory of 'Simferopol City Area of Republic of Crimea' municipal formation', 22 November 2015, document. Simferopol



<sup>65</sup> <https://goo.gl/oYwVMK>

<sup>66</sup> [http://simadm.ru/media/acts/2015/10/12/\\_1070\\_%D0%BE%D1%82\\_09.10.2015\\_.pdf](http://simadm.ru/media/acts/2015/10/12/_1070_%D0%BE%D1%82_09.10.2015_.pdf)

<sup>67</sup> [http://simadm.ru/media/acts/2015/11/22/\\_1347\\_%D0%BE%D1%82\\_22.11.2015\\_.pdf](http://simadm.ru/media/acts/2015/11/22/_1347_%D0%BE%D1%82_22.11.2015_.pdf)

<sup>68</sup> <https://goo.gl/luZ58C>

<sup>69</sup> <http://goo.gl/c27IWD>



## 5

### VIOLATION OF FREEDOM OF PEACEFUL ASSOCIATIONS

ICCPR, Article 22, and European Convention on Human Rights, Article 11, establishes the right to freedom of association with others, including the right to form and join trade unions for the protection of the interests.

The freedom of associations is systematically violated on the territory of Crimea, first of all, regarding the Crimean Tatar associations.

The property of numerous public associations that had been active on the territory of Crimea earlier, was transferred, without their consent, to the disposal of other organizations. Among examples are All-Ukrainian **PROSVITA** Society named after T. H. Shevchenko in Sevastopol, All-Ukrainian Information and Cultural Center, Guest House for Writers named after A. P. Chekhov in Yalta, termination of tenancy contract with the SOVET UCHITELEY (Council of Teachers) NGO for a building in Bakhchisarai Town, where the district Crimean Tatar People Mejlis was located, termination of tenancy contract for premises with CHATYR DAG Organization (Alushta).

On October 19<sup>th</sup> 2016 the police inspected a room of the **YUSTI\*S** Scientific Society of Law Students and Post-Graduate Students NGO. The organization provided a free-of-charge legal support to the low income people. The inspection was performed by policemen Aleksey Fedorinin, Andrey Savchenko and Yevgeniy Kryme, though they were not in the uniform. Mr Konstantin Sizarev, the NGO founder, filed a complaint to the MIA on the police actions. In this complaint he pointed out procedure violations, use of force to the organization members, and obstruction to the organization activities<sup>70</sup>.

#### 5.1 PERSECUTION OF THE CRIMEAN TATAR PEOPLE MEJLIS

On September 16<sup>th</sup> 2014, in Simferopol the representatives of 'Crimean Self-defense' and the police, on the pretext of investigation, blocked the building where the Crimean Tatar People Mejlis was located. The building is owned by 'FOND KRYM' (Crimea Foundation) Charity Organization (hereinafter CO). On September 17<sup>th</sup> Mr Rize Shevkiyev, FOND KRYM Director General, was informed that the Crimean Tatar People Mejlis, FOND KRYM CO and AVDET newspaper office should vacate the premises within 24 hours. The Prosecutor's Office of Crimea presented as one of the Russian laws violations the fact that Mr M. Djemilev, citizen of Ukraine, that was sentenced to be an undesirable person on the territory of Russia, was one of the organization founders. The same day the court of Simferopol issued a decision that imposed a ban on the FOND KRYM Co to use its property at seven addresses (including the building where the Mejlis was), froze the bank accounts and prohibited opening new ones. On November 18<sup>th</sup> the court of Simferopol passed a judgement on imposing a fine of RUR 4.5 mln on the FOND KRYM CO and a fine of RUR 350 thou on its Director Mr Riza Shevkiyev. The judgement was grounded by repairs works carried in one of the organization premises together with the Committee for Monument Protection. At the end of 2014 the Prosecutor's Office of Crimea prepared and sent a claim on withdrawing the Foundation property (building in Shmidta Street) out of the Foundation ownership. On December 18<sup>th</sup> the department of Ministry of Justice of RF in Crimea rejected the FOND KRYM CO application on registering as non-commercial organization. The rejection was grounded by using two names in different documents: 'charity organization' and 'public charity organization'. The second reason for rejection was stated as absence of indication of the non-commercial organization operational territory in its name.

<sup>70</sup> CHRNG Review for November 2016, Annex 4. — [http://crimeahrg.org/wp-content/uploads/2016/12/Crimean-Human-Rights-Group\\_Nov\\_2016\\_RU.pdf](http://crimeahrg.org/wp-content/uploads/2016/12/Crimean-Human-Rights-Group_Nov_2016_RU.pdf)





Gunmen without identification signs at the entrance to the building where the Crimean Tatar People Mejlis was located at that moment, 16 September 2014, Simferopol, Photo: from vesti-ukr.com website



On February 15<sup>th</sup> 2015, ‘Prosecutor of Crimea’ Ms Natalia Poklonskaya made an application ‘On imposing a ban on activities of public association according to the procedure and due to the grounds stated by articles of Federal Law FZ-114 of 25 July 2002 ‘On anti-extremism actions’ to the ‘Supreme Court of Crimea’. Ms Poklonskaya requested to declare the Crimean Tatar People Mejlis an extremist organization and to impose a ban on its activities on the territory of the Russian Federation. On March 7<sup>th</sup> Mr Nariman Djeljal, first deputy chairman of the Crimean Tatar People Mejlis, informed that the defence team of the Mejlis ban case received the related documents on the claim. On March 17<sup>th</sup> court proceedings on the case of declaring the Crimean Tatar People Mejlis an extremist organization and banning its activities were started.

On April 12<sup>th</sup> 2016, Prosecutor of Crimea Ms Poklonskaya took a ‘decision on suspending the activities of the public associations’ regarding the Crimean Tatar People Mejlis<sup>71</sup>. According to Poklonskaya’s decision, activities of the Crimean Tatar People Mejlis were suspended until the ‘Supreme Court of Crimea’ examined her application on the Mejlis ban.

The same day, based on the prosecutor’s decision, the Crimean Tatar People Mejlis was included into the list of public and religious associations which activities were suspended due to their extremist activities. The list was published at the website of the Ministry of Justice of RF<sup>72</sup>.

Thus, as early as on April 12<sup>th</sup>, before the court judgement to ban the Crimean Tatar People Mejlis, substantial restrictions were imposed on the association and its members according to the Russian laws. Having been written down into the RF MinJustice list, the Mejlis was forbidden to continue its activities, distribute information on its activities and documents, and the access to the official website was limited. The Mejlis members were imposed a restriction to work at educational establishments, be engaged into private investigation and security business, they were not allowed to hold public events with the Mejlis symbols and attributes. The Mejlis members were restricted to be founders of a public or religious association or any other non-commercial organization on the territory of Crimea.

On April 26<sup>th</sup> 2016 Ms Natalia Terentyeva, ‘judge of the Supreme Court of Crimea’ determined to declare the Crimean Tatar People Mejlis an extremist organization and to forbid its activities on the territory of the Russian Federation.

On September 26<sup>th</sup> 2016 several members of Crimean Tatar People Mejlis and Quriltai (Congress) delegates were summoned for questioning to the Anti-Extremism Center of MIA in Simferopol.

<sup>71</sup> CHRNG Review for April 2016, Annex 4. — [http://crimeahrg.org/wp-content/uploads/2016/05/Crimean-Human-Rights-Group\\_April\\_2016-Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/05/Crimean-Human-Rights-Group_April_2016-Eng.pdf)

<sup>72</sup> [http://minjust.ru/nko/perechen\\_priostanovleni](http://minjust.ru/nko/perechen_priostanovleni)



The MIA officers put questions regarding recent decisions of the Mejlis to suspend mandates of certain Mejlis members.

On September 27<sup>th</sup> Mr **Ali Khamzin**, a Crimean Tatar People Mejlis member, after the questioning in the Bakhchisarai District MIA department, with participation of the Anti-Extremism Center personnel, was accused of violating Article 20.28.1 of RF CAO. The same day Ms Olga Morozko, 'judge of Bakhchisarai District Court' sentenced Mr Khamzin to fine at a rate of RUR 1,000.

On September 28<sup>th</sup> Mr Aleksandr Skisov, 'judge of Bakhchisarai District Court', found Mr **Ilmi Unerov**, deputy Mejlis chairman, guilty according to the same article — 20.28.1 of RF CAO — and imposed a fine at a rate of RUR 750.

On September 29<sup>th</sup> the proceedings on the case 'On imposing a ban on activities of the Crimean Tatar People Mejlis public association' according to the procedure and on the grounds specified by Article 9 of RF Federal Law 'On anti-extremism activities' were held at the Supreme Court of Russian Federation. At the session Mr Vladimir Chukhrin, Senior Prosecutor of Crimea, insisted that 'the Mejlis activities constitute a threat for the security of state and society'. The RF Supreme Court rejected an appealing complaint of the defence team on the 'Mejlis Ban Case and affirmed the decision of the 'Supreme Court of Crimea' of April 26<sup>th</sup> 2016 on banning the Mejlis activities.

On September 30<sup>th</sup>, reports, according to Article 20.28.1 of RF CAO, were drawn up on six Crimean Tatars (**Emine Avamilev, Diliaver Akiyev, Mustafa Maushev, Bekir Mamut, Sadykh Tabakh, Shevket Kaybullayev**) at the Anti-Extremism Center in Bakhchisarai.

On October 4<sup>th</sup> the 'Bakhchisarai District Court' imposed fines on Bekir Mamut (RUR 750), Sadykh Tabakh (RUR 750), Shevket Kaybullayev (RUR 500), for participation in the Mejlis meetings 'as public organization banned on the territory of the RF and Crimea'.

On October 14<sup>th</sup> the 'Bakhchisarai District Court' sentenced Ms **Emine Avamileva**, head of Mejlis department for education, to imposition of fine at a rate of RUR 750. On October 20<sup>th</sup> Mr **Adburaman Egiz**, a Mejlis member, was sentenced by the 'court' to a fine of RUR 750. On October 24<sup>th</sup> the 'court' imposed a RUR 500 fine on **Mr Diliaver Akiyev**<sup>73</sup>. According to Article 20.28.1 of RF CAO, the 'Bakhchisarai District Court' imposed a fine of RUR 750 on Mr **Zeinur Yakubov** on November 1st and on Mr **Mustafa Maushev** on November 23rd<sup>74</sup>.

## 5.2 'HIZB-UT-TAHRIR' CASE

Since February 2015 the Muslims imputed of membership in the Hizb-ut-Tahrir organization forbidden in the RF have been persecuted in Crimea. They all are accused of violating Article 205. 5 of RF CC.

Totally 19 people were detained within the case.

4 people — in Sevastopol. These are **Yuriy Primov, Rustem Vaitov, Ruslan Zeitullayev** who were detained on January 23<sup>rd</sup> 2015, and **Feirat Saifullayev** detained on April 2<sup>nd</sup> same year. They all were first in the detention facility no 1 of Simferopol, then they were transported to the RF for hearings at the North Caucasian Area Military Court in Rostov-na-Donu. On September 7<sup>th</sup> 2016 Yuriy Primov, Rustem Vaitov and Feirat Saifullayev were given a five-year sentence. Mr Ruslan Zeitullayev was given a seven year sentence but the Supreme Court of RF, upon the prosecutor's request, remitted

<sup>73</sup> CHRG Review for October 2016. — <http://crimeahrg.org/wp-content/uploads/2016/11/Crimean-Human-Rights-Group-October-2016-ENG.pdf>

<sup>74</sup> [https://bahchisarai-krm.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&name\\_op=doc&number=205282029&delo\\_id=1500001&new=0&text\\_number=1](https://bahchisarai-krm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=205282029&delo_id=1500001&new=0&text_number=1)



Yuriy Primov, Rustem Vaitov, Ruslan Zeitullayev, Ferat Saifullayev at the session of the North Caucasian Area Military Court in Rostov-na-Donu, RF. Photo from KRYM REALII website

the case. After the re-consideration on April 26<sup>th</sup> 2017 the North Caucasian Area Military Court found Mr Zeitullayev guilty in creating the Crimean Hizb-ut-Tahrir organization and gave him 12 year sentence in the maximum security penal colony.

6 people — in Yalta. **Emir Usein Kuku, Inver Bekirov, Muslim Aliyev, Vadim Siruk** were detained on February 11<sup>th</sup> 2016. **Refat Alimov** and **Arsen Djepparov** on April 18<sup>th</sup> same year. In January 2017 the accusation of Muslims detained in Yalta was topped up with Article 30. 1 and Article 278 of RF CC (Attempt of violent upheaval).

4 people — in Bakhchisarai. These are **Enver Mamutov, Rustem Abiltarov, Zevri Abseitov, Remzi Memetov** — all were detained on May 12<sup>th</sup> 2016.

5 people — in Simferopol. These are **Teimur Abdullayev, Uzeir Abdullayev, Rustem Ismailov, Aider Saledinov, Emil Djemadenov**.

All 15 people detained in 2016 are in the detention facility No 1 of Simferopol. The cases are at the prejudicial enquiry stage.



## 6

### COMPULSION TO PARTICIPATE IN EVENTS AND ASSEMBLIES

There are cases recorded in Crimea when the local authorities de facto interfere rudely into the freedom of peaceful assemblies, forcing the people to participate in the events organized by the power.

On February 15<sup>th</sup> 2016 the department for education of Sevastopol City issued an order that instructed the schools of Sevastopol City to ensure the presence of 10<sup>th</sup> children at Nakhimova Square for celebrating the Defender of Motherland Day. The order was enclosed with a schedule of children participation in the celebration, where the time for presence 'on- duty' at the square for pupils of each city school as well as quotas fixing the number of the pupils to be provided by each school were indicated. Thus, according to the order of Sevastopol City department for education, 20 to 700 pupils of each school had to come to the square on February 22<sup>nd</sup> and spend there several hours<sup>75</sup>.

On April 27<sup>th</sup> 2016 Mr A. Zh. Kurenkov, acting as head of department for education of the Simferopol District of Crimea, issued order 'On participating in the events dedicated to celebration of the Hidirlez Crimean Tatar national holiday'. Mr Kurenkov instructed masters of 15 educational establishments of the Simferopol District to participate obligatorily in the public events of the Simferopol District administration on the occasion of the holiday<sup>76</sup>.

<sup>75</sup> <http://sevastopol.su/news.php?id=84716>

<sup>76</sup> CHRNG Review for April 2016, Annex 5. — [http://crimeahrg.org/wp-content/uploads/2016/05/Crimean-Human-Rights-Group\\_April\\_2016-Eng.pdf](http://crimeahrg.org/wp-content/uploads/2016/05/Crimean-Human-Rights-Group_April_2016-Eng.pdf)





## CONCLUSIONS AND RECOMMENDATIONS

Freedom of assembly and the right to express one's views through it are among the paramount values in a democratic society. The essence of democracy is its capacity to resolve problems through open debate. Sweeping measures of a preventive nature to suppress freedom of assembly and expression other than in cases of incitement to violence or rejection of democratic principles — however shocking and unacceptable certain views or words used may appear to the authorities, and however illegitimate the demands made may be — do a disservice to democracy and often even endanger it.

In a democratic society based on the rule of law political ideas which challenge the existing order and whose realisation is advocated by peaceful means must be afforded a proper opportunity of expression through the exercise of the right of assembly as well as by other lawful means (Assessment of the European Court of Human Rights, Case *Stankov and United Macedonian Organization Ilinden v. Bulgaria*, 2 October 2001).

The violations of the right to freedom of peaceful assemblies and associations being recorded by the Crimean Human Rights Group for the last three years on the territory of the Autonomous Republic of Crimea (ARC) and City of Sevastopol annexed from Ukraine, and presented in the review, testify a systematic and repressive nature of the Russian authorities' actions regarding the internationally developed standards in this sphere. Such conclusion can be easily made if the fundamental international principles are compared with the practices applied widely today in the ARC and Sevastopol City as well as if procedure and other standards are compared with the present-day reality on the peninsula.

Pursuant to the Guidelines on Freedom of Peaceful Assembly (edition 2, prepared by the Office for Democratic Institutions and Human Rights OSCE/ODIHR Panel of Experts on the Freedom of Assembly and by the Council of Europe's European Commission for Democracy through Law (Venice Commission), the following **major guiding principles** are stated:

- *The presumption in favour of holding assemblies*
- *The state's positive obligation to facilitate and protect peaceful assembly*
- *Legality*
- *Proportionality*
- *Non-discrimination*
- *Good administration*
- *The liability of the regulatory authority*



### THE PRESUMPTION IN FAVOUR OF HOLDING ASSEMBLIES

*As a fundamental right, freedom of peaceful assembly should, insofar as possible, be enjoyed without regulation. Anything not expressly forbidden by law should be presumed to be permissible, and those wishing to assemble should not be required to obtain permission to do so. A presumption in favour of this freedom should be clearly and explicitly established in law (Guidelines of OSCE/ODIHR and Venice Commission).*



The assessment of recent amendments to the RF laws valid today on the ARC territory states that the authorities practice the approaches that are precisely opposite to the abovementioned principle. So when the ARC and Sevastopol City had been annexed in 2014, the following legislative documents were adopted at the federal level:

- Federal Law, RF No 258 FZ 'On amending certain laws of the Russian Federation in terms of improving the legislation on public events' (21 July 2014)
- Federal Law, RF No 292 'On amending Article 9 of Federal Law 'On assemblies, rallies, demonstrations, processions and picketing'' (9 October 2014)

The authorities implemented several 'legislative initiatives' directly in the ARC in 2014 and 2015, too. One should mention among them:

- Law of Republic of Crimea No 56-ZRK 'On securing the conditions of exercising the rights of the Russian Federation citizens to hold assemblies, rallies, demonstrations and picketing in the Republic of Crimea'(21 August 2014) that is almost identical to the RF Federal Law No 54-FZ 'On assemblies, rallies, demonstrations and picketing' (4 July 2004);
- Ordinance of Council of Ministers of Republic of Crimea no 452 'On approving the list of places for holding public events on the territory of the Republic of Crimea' (12 November 2014)
- Resolution 'On procedure for organizing and holding public events on the territory of 'Simferopol City Area of Republic of Crimea' municipal formation, public events on the territory of the Simferopol City Municipality' (28 January 2015) (from the report of the Human Rights Assessment OSCE/ODIHR Mission on Crimea (6–18 July 2015)

Such legal and regulative documents have empowered the authorities with the following instruments, in addition to existing ones already, for formal and selective restrictions:

- Only Russian citizens may be organizers of public events
- A request for permission to hold an assembly shall be placed 15 days the earliest and 10 days the latest before the planned event day
- Additional place restrictions for public assemblies are in place (in Simferopol they may be held only at four officially allowed locations)
- Criminal punishment for physical persons in case of the repeated violation of the assembly organizing rules
- Ban for presence of children under 14 at the political assemblies has been introduced
- Time for holding the authorized assemblies is restricted: from 07:00am to 10:00pm

How in fact these innovations are applied is perfectly demonstrated by this analytical review. Bans due to hot weather, repairs works, a need to receive a permission (authorization procedure), places for peaceful assemblies allocated in the outskirts — all this testifies that in fact the presumption in favor of the authorities is in force in the ARC.

An obvious illustration to the absence of even slightest signs of compliance with the international standard is Edict of Sergey Aksionov of May 16<sup>th</sup> 2014 (issued two days before the 70<sup>th</sup> anniversary of the Crimean Tatar Deportation on the May 18<sup>th</sup> 2014) on imposing the ban on all public events in Crimea up to 6 June 2014.



## THE STATE'S POSITIVE OBLIGATION TO FACILITATE AND PROTECT PEACEFUL ASSEMBLY

*It is the primary responsibility of the state to put in place adequate mechanisms and procedures to ensure that the freedom is practically enjoyed and not subject to undue bureaucratic regulation. In particular, the state should always seek to facilitate and protect public assemblies at the organizers' preferred location and should also ensure that efforts to disseminate information to publicize forthcoming assemblies are not impeded. (Guidelines of OSCE/ODIHR and Venice Commission).*

As the analytical review demonstrated, the 'state' exercising today the power on the peninsula does everything the other way around. The locations for holding are selected by the authorities; they issue (in most cases forbid) a permission to hold peaceful assemblies; people coming to the event are regularly attacked by 'john does' who later remain anyway unidentified and are not made liable. At the same time, to oppose holding the peaceful assemblies in a more efficient way, the authorities use law enforcement and subordinate bodies: the prosecutor's office — to disseminate letters threatening with criminal sanctions among organizers or just related people or those who have just an intention to express or have expressed already their position on participation in the events; the police — to disperse the people who have come anyway; courts — to hold liable those whom the police have detained. The facts presented in the review show that when the contents of peaceful assembly are forbidden by the authorities or when the people or associations (ethnic, sexual minorities, pro-Ukrainian organizations) planning to hold it are 'forbidden' by the authorities — the event would not occur under any circumstances. All instruments to implement 'the ban' will be used: prosecutor's office letters, a force dispersal, detentions and criminal or administrative sanctions.



## LEGALITY

*Any restrictions imposed must have a formal basis in law and be in conformity with the European Convention on Human Rights and other international human rights instruments. To this end, well-drafted legislation is vital in framing the discretion afforded to the authorities. The law itself must be compatible with international human rights standards and be sufficiently precise to enable an individual to assess whether or not his or her conduct would be in breach of the law, as well as the likely consequences of any such breaches. (Guidelines of OSCE/ODIHR and Venice Commission).*

As abovementioned, since the moment of annexation, the RF jurisdiction has come in force on the territory of peninsula. Moreover, it is after the annexation when a number of legislative innovations were adopted at the federal and local levels that referred solely to additional restrictions on exercising the right to peaceful assemblies and freedom of associations. On one hand, the RF legislation which validity covers the territory of Crimea is the most formalized in this sphere today, on the other, it is the most vague and 'of poor quality' in terms of the European Court of Human Rights standards since many provisions afforded the authorities unframed discretion to choose grounds for bans or interpret these or those events for the purpose of restriction.

One of convincing illustrations for this 'quality' of the Russian laws is definitions of the forms of peaceful assemblies in Article 2 of Federal Law 'On assemblies, rallies, demonstrations, processions and picketing' [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_48103/](http://www.consultant.ru/document/cons_doc_LAW_48103/)



Let's mention some of them:

*'Assembly means a joint presence of citizens in the specially allocated or adapted for the purpose place to discuss together any socially significant issues'*

Such definition allows the authorities to disperse or persecute any unwelcome group of people that assemble at any place. For instance, there are benches or seats, presence of 2 citizens sitting is enough, what kind of issues are 'socially significant' will be defined by the authorities, too.

*'Picketing means a form of expressing publicly the opinions without moving and using sound amplifying technical means and by one or more citizens using signs, banners and other visual propaganda means as well as fast mounted assembling/ disassembling structures placed at the picketed facility' (edition of 2016).*

Other propaganda means can be any object. To be subject to sanctions for an unauthorized rally, in fact, it is enough to stop at the place defined by the authorities as 'forbidden'. If you happen to be holding a flag of this or other country in the hands, a poster then this is definitely the picket which holding requires to pass the entire authorization procedure and to obtain a permission.

The entire legislative framework valid on the territory of the ARC in the sphere of peaceful assemblies contains such defected standards starting from the definitions and finishing with procedure aspects. The courts when considering issues and disputes related to imposing sanctions, violating the holding procedure or breaching the rights to peaceful assemblies, take a side with 'the state agents' — executive power.



#### PROPORTIONALITY

*Any restrictions imposed on freedom of assembly must be proportional. The least intrusive means of achieving the legitimate objective being pursued by the authorities should always be given preference. The principle of proportionality requires that authorities do not routinely impose restrictions that would fundamentally alter the character of an event, such as relocating assemblies to less central areas of a city. A blanket application of legal restrictions tends to be over-inclusive and, thus, will fail the proportionality test, because no consideration has been given to the specific circumstances of the case. (Guidelines of OSCE/ODIHR and Venice Commission).*

Proportionality is one more fundamental principle of exercising the right to peaceful assemblies that is explicitly neglected by the authorities acting on the territory of the peninsula. For the period of study cases when the authorities 'detached' the people from the locations where they would like to express their opinion were recorded many times. Finally, the authorities started indicating specific places where an assembly might be held in general. In 95% cases these are sites remote from the public agencies, local self-governance, and busy areas of settlements. If you want to rally — please but make you invisible and inaudible. This is more or less a concept implemented by the authorities today on the territory of Crimea.



#### NON-DISCRIMINATION

*Freedom of peaceful assembly is to be enjoyed equally by everyone. In regulating freedom of assembly the relevant authorities must not discriminate against any individual or group on any grounds. The freedom to organize and participate in public assemblies must be guaranteed to individuals, groups, unregistered associations, legal entities and corporate bodies; to members of minority ethnic, national, sexual and*





*religious groups; to nationals and non-nationals (including stateless persons, refugees, foreign nationals, asylum seekers, migrants and tourists); to children, women and men; to law-enforcement personnel; and to persons without full legal capacity, including persons with mental illnesses. (Guidelines of OSCE/ODIHR and Venice Commission).*

Regarding this aspect, serious breaches of this fundamental principle on the ARC territory may be stated, too. Starting with the laws — when a right to hold the assemblies is granted only to RF citizens (Article 2. 1. 1 of Federal Law ‘On assemblies, rallies, demonstrations and picketing’) and restrictions are implied for sexual minorities, non-registered associations — to their implementation practices — in fact, a comprehensive ban has been introduced for pro-Ukrainian events, events of the Crimean Tatar people, public events criticizing the current authorities, and LGBT community actions.



### GOOD ADMINISTRATION

*The public should be informed which body is responsible for taking decisions about the regulation of freedom of assembly, and this must be clearly stated in law. The regulatory authority should ensure that the general public has adequate access to reliable information about its procedures and operation. Organizers of public assemblies and those whose rights and freedoms will be directly affected by an assembly should have the opportunity to make oral and written representations directly to the regulatory authority. The regulatory process should enable the fair and objective assessment of all available information. Any restrictions placed on an assembly should be communicated promptly and in writing to the event organizer, with an explanation of the reason for each restriction. Such decisions should be taken as early as possible so that any appeal to an independent court can be completed before the date provided in the notification for the assembly. (Guidelines of OSCE/ODIHR and Venice Commission).*

This may be the single principle that to certain extent is observed today at the ARC in the sphere of peaceful assemblies, except the promptness of taking decision and communicating it to the event organizers as well as fair assessment of all available information. It is true that where and whom to address to obtain a permission in Crimea is known, and the people are communicated in writing about the decisions, sometimes even in the cases when they did not plan to participate or organize (a preventive intimidation by the prosecutor’s office bodies). Cases when a ban notice was received just a few hours before the event start are numerous, cases when the administrative bodies changed several times grounds for denial or, if a permission had been issued, informed a day before the event that the decision had changed and now the organizers were rejected to hold peaceful assemblies are not also exceptional.



### THE LIABILITY OF THE REGULATORY AUTHORITY

*The regulatory authorities must comply with their legal obligations and should be accountable for any failure — procedural or substantive — to do so. Liability should be gauged according to the relevant principles of administrative law and judicial review concerning the misuse of public power. (Guidelines of OSCE/ODIHR and Venice Commission).*

As the study performed, and other reports of human rights organizations (report of the Human Rights Assessment OSCE/ODIHR Mission on Crimea (6–18 July 2015) testify, liability on the ARC territory exists only for those who want to organize and hold peaceful assemblies. There is no



judicial review over the administrative bodies as such. The executive power, applying a wide defected legal relation regulation, use the afforded discretion for any and all restrictions that often sound clearly absurd.

The grounds for the restrictions that you may find in the report:

- Gathering of a lot of people on the limited territory that is assigned for location
- Creation of conditions for breaching the public order, rights and legal interests of other citizens
- Too hot weather
- Incompliance with the notification submission timing (absolute non-flexible rule of 10 days)
- Lack of possibility to ensure the security measures
- Works on the land improvement are carried by the local authorities on the territory of the park where the event was planned
- Gay pride parade in the streets and on the squares where children's establishments and play grounds are located
- The rally will impede the motor show
- The other event will take place at the same time and at the same place (sometimes this turned out to be true, sometimes nobody held anything)
- Ordinance of Simferopol City administration that public events may be held only at four locations allowed in the city
- a number of institutions with a specific working regime including the Plenipotentiary Representative Office of President in the Crimean Federal Area and the engineering department of the RF Black Sea Navy, are located on Nakhimova Square, and in order to avoid any disruptions of their operations it is not recommended to hold the public events in the close vicinity to them.'
- The place chosen is not on the list of locations allowed for the public events

All the abovementioned demonstrates that breach of basic and fundamental international principles by the authorities in the ARC results into failure to comply with all other rules and standards in force for exercising the right to peaceful assemblies and freedom of associations.

For instance, "**Sight and sound**". *Public assemblies are held to convey a message to a particular target person, group or organization. Therefore, as a general rule, assemblies should be facilitated within "sight and sound" of their target audience.*

For instance, **Spontaneous assemblies**. *Where legislation requires advance notification, the law should explicitly provide for an exception from the requirement where giving advance notice is impracticable. Such an exception would only apply in circumstances where the legally established deadline cannot be met. The authorities should always protect and facilitate any spontaneous assembly so long as it is peaceful in nature.*

The situation with compliance in the ARC with rules and standards regulating the simultaneous assemblies and counter-demonstrations is absolutely obvious.

**Simultaneous assemblies**. *Where notification is provided for two or more unrelated assemblies at the same place and time, each should be facilitated as best as possible. The prohibition of a public assembly solely on the basis that it is due to take place at the same time and location as another public assembly will likely be a disproportionate response where both can be*



reasonably accommodated. The principle of non-discrimination requires, further, that assemblies in comparable circumstances do not face differential levels of restriction.

**Counter-demonstrations.** Counter-demonstrations are a particular form of simultaneous assembly in which the participants wish to express their disagreement with the views expressed at another assembly. The right to counter-demonstrate does not extend to inhibiting the right of others to demonstrate. Indeed, demonstrators should respect the rights of others to demonstrate as well. Emphasis should be placed on the state's duty to protect and facilitate each event where counter-demonstrations are organized or occur, and the state should make available adequate policing resources to facilitate such related simultaneous assemblies, to the extent possible, within "sight and sound" of one another. (Guidelines of OSCE/ODIHR and Venice Commission).

It should be noted that such principles and approaches to exercise the right to freedom of peaceful assemblies in most cases are based on the principles and approaches developed in the practice of European Court of Human Rights which resolutions are binding for all countries, members of Council of Europe.

So in terms of counter-demonstrations the ECHR, in its judgement for the CASE OF PLATTFORM "ÄRZTE FÜR DAS LEBEN" v. AUSTRIA (1985), stated:

*'32. A demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold the demonstration without having to fear that they will be subjected to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate. Genuine, effective freedom of peaceful assembly cannot, therefore, be reduced to a mere duty on the part of the State not to interfere: a purely negative conception would not be compatible with the object and purpose of Article 11 (art. 11). Like Article 8 (art. 8), Article 11 (art. 11) sometimes requires positive measures to be taken, even in the sphere of relations between individuals, if need be.'*

The list of ECHR judgements that established standards in the field of the right to peaceful assemblies and freedom of associations, may be found after the conclusions and recommendations.

One of the most popular grounds used by the authorities on the ARC territory to restrict the peaceful assemblies and to ban the freedom of associations is 'extremism prevention', 'fight against extremism'.

Regarding this, an approach developed in the Guidelines of OSCE/ODIHR and Venice Commission, referring to the international legal instruments, may be applied.

**Efforts to tackle terrorism or extremism and to enhance security must never be invoked to justify arbitrary action that curtails the enjoyment of fundamental human rights and freedoms.** The actions free of any limits that prejudice exercising the fundamental human rights and freedoms must not under any circumstances be justified by a need to take actions to fight the terrorism or extremism or to strengthen the safety. The International Commission of Jurists 2004 Declaration on Upholding Human Rights and the Rule of Law in Combating Terrorism (the Berlin Declaration) 142 emphasized that "the odious nature of terrorist acts cannot serve as a basis or pretext for states to disregard their international obligations, in particular in the protection of fundamental human rights". Similarly, both the Guidelines of the Committee of Ministers of the Council of Europe on Protecting Freedom of Expression and Information in Times of Crisis (2007)<sup>143</sup> and the OSCE manual Countering Terrorism, Protecting Human Rights (2007)<sup>144</sup> caution against the imposition of undue restrictions on the exercise of freedom of expression and assembly during crisis situations.



Criminal prosecution of the peaceful assembly participants as such is a non-proportional interference of the authorities. But imposing administrative sanctions as fines is clearly opposite to the standard that has been established in the ECHR judgement long ago: irrespective to the difficulties the state may face to ensure the peaceful assembly, an individual shall not be subjected to a sanction for participation in such a demonstration, so long as this person does not himself commit any reprehensible act on such an occasion (CASE OF GALSTYAN v. ARMENIA, 15 November 2007).

The review of facts on restricting the freedom of peaceful assemblies and freedom of associations made testifies systematic breaches of the international standards in this sphere both in terms of law quality and its enforcement practices. The legislative regulation results into a factual rejection of the authorities to ensure enjoyment of the fundamental human rights, while their actions are repressive in nature. Since the moment of annexation of Crimea policies of 'total bans' on holding peaceful assemblies and activities of associations that for any reasons are unwelcome for the authorities acting on the peninsula, have been implemented.





## RECOMMENDATIONS

### FOR THE AUTHORITIES OF THE RUSSIAN FEDERATION:

1. To stop unjustified administrative and criminal persecutions of peaceful assembly participants and organizers
2. To set free immediately the persons who were deprived of liberty due to their political, religious and other beliefs, or due to exercising the freedom of speech and expression of opinion, freedom of peaceful assemblies and associations or other rights guaranteed by the International Covenant on Civil and Political Rights or the European Convention on Human Rights and Fundamental Freedoms, to rehabilitate them and reimburse them the damage caused by the unlawful imprisonment, tortures or other inhuman and degraded ways of treatment
3. To cancel all decisions taken on imposing penalties and other sanctions on the peaceful assembly organizers and participants which adoption was a breach of international human rights standards
4. To investigate the facts of politically motivated criminal and administrative persecution of the peaceful assembly organizers and participants and make accountable the persons that employed unlawfully violence to the peaceful assembly participants and issued unjustified decisions on restricting the freedom of peaceful assemblies
5. To make the territory of Crimea accessible for international organizations, UN, OSCE, EU, Council of Europe structures and independent representatives, representatives of international human rights organizations and human rights organizations of Ukraine, ombudsmen of the Parliament of Ukraine to monitor the observance of the right to freedom of associations and other fundamental rights and freedoms as well as for journalists from Ukraine and other countries and not to obstruct politically and in other way such missions and visits.
6. To observe as the Occupying Power exercising the effective control rights guaranteed by the International Covenant on Civil and Political Rights or the European Convention on Human Rights and Fundamental Freedoms as well as meet the commitments under the international humanitarian law



## FOR THE AUTHORITIES OF UKRAINE:

1. To investigate the facts of breaching the freedom of peaceful assemblies and associations, persecution of peaceful assembly participants and organizers, inflicting injury to them, and make a legal assessment of such facts
2. To legitimize guarantees for defence and restoration of the rights violated on the territory of Crimea due to the politically motivated persecution for expressing political, ethnic, religious and other beliefs, participating in the peaceful assemblies and events of nonviolent resistance to the Russian Federation actions including drafting and adopting a law on protection of political prisoners and other persons who suffered due to the unlawful actions and decisions of the Russian Federation as a result of the Crimean Peninsula occupation and annexation
3. To monitor on regular basis breaches of the peaceful assembly freedom and other fundamental human rights in Crimea with involvement of the human rights ombudsman of the Parliament of Ukraine and in cooperation with the relevant human rights organizations of Ukraine
4. Ministry of Information Policy of Ukraine, Ministry of Culture of Ukraine, State TV and Radio Broadcasting Committee of Ukraine — to initiate and manage the work on creating a media content to highlight the issues of breaching the human rights in Crimea including the freedom of assemblies and associations as well as to communicate the information on events and other nonviolent actions of the residents of Crimea to defend human rights and internationally recognized borders of Ukraine to the Ukrainian and international communities .



## FOR INTERNATIONAL ORGANIZATIONS (INCLUDING THE UN, EUROPEAN UNION, COUNCIL OF EUROPE, OSCE) AND HUMAN RIGHTS ORGANIZATIONS:

1. To keep on monitoring the situation in Crimea to document facts of breaching the right to freedom of peaceful assemblies and associations as well as other fundamental rights on the peninsula and to communicate them to the international human rights institutions
2. To hold reporting events in the relevant UN, EU, CoE, OSCE structures and within their authorities on a regular basis to present findings of the monitoring of breaches of the human rights and international humanitarian law standards in Crimea
3. To establish a multilateral monitoring group to monitor violations of the freedom of assemblies and associations in Crimea
4. To initiate a discussion on preparing and holding the negotiations at the international level dedicated to restoring the violated human rights in Crimea, to set free political prisoners and to reintegrate Crimea as well as to re-establish a legitimate control of Ukraine over the peninsula
5. To apply all possible international legal and diplomatic instruments to defend human rights in Crimea, to set free political prisoners and to cease politically motivated persecution of Crimean residents
6. To expand the existing sector sanctions and to introduce additional ones against the Russian Federation due to the regular violations of the human rights in Crimea and failure to meet international commitments in the sphere of human rights and international humanitarian law
7. To expand personal sanctions against the persons who are personally responsible for serious human rights violations in Crimea
8. To respond promptly and publicly on the facts of serious or mass violations of human rights in Crimea



## ANNEX

### PRACTICES OF THE EUROPEAN COURT OF HUMAN RIGHTS REGARDING THE FREEDOM OF PEACEFUL ASSEMBLIES AND FREEDOM OF ASSOCIATIONS

- Acik v. Turkey (Application no. 31451/03, judgment of 13 January 2009)
- Ahmed and Others v. United Kingdom (Application no. 22954/93, judgment of 2 September 1998)
- Aldemir (Nurettin) and Others v. Turkey (Applications nos. 32124/02, 32126/02, 32129/02, 32132/02, 32133/02, 32137/02 and 32138/02, judgment of 18 December 2007)
- Amann v. Switzerland [GC] (Application no. 27798/95, judgment of 16 February 2000)
- Anderson v. United Kingdom (Application no. 33689/96, Commission admissibility decision of 27 October 1997);
- Appleby v. United Kingdom (Application no. 44306/98, judgment of 6 May 2003)
- A. R. M. Chappell v. United Kingdom (Application no. 12587/86, admissibility decision of 14 July 1987); (1987)
- Ashingdane v. the United Kingdom (Application no. 8225/78, judgment of 28 May 1985);
- Ashughyan v. Armenia (Application no. 33268/03, judgment of 17 July 2008)
- Association of Citizens Radko & Paunkovski v. the former Yugoslav Republic of Macedonia (Application no. 74651/01, judgment of 15 January 2009)
- Axen v. Germany (Application no. 8273/78, judgment of 8 December 1983); (1983)
- Bączkowski and Others v. Poland (Application no. 1543/06; judgment of 3 May 2007)
- Balcik and Others v. Turkey (Application no. 25/02, judgment of 29 November 2007)
- Balkani (Zeleni) v. Bulgaria (Application no. 63778/00, judgment of 12 April 2007)
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*The list of ECHR' decisions is presented in the OSCE Guidelines on Freedom of Peaceful Assembly Second edition.*



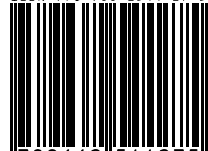


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