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Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights Violation in occupied Crimea

The human rights situation in Crimea has severely deteriorated since the Russian Federation began its occupation. In particular, de-facto authorities have targeted the Crimean Tatars - the indigenous Muslim population of Crimea, who openly spoke out against the occupation and who comprise the minority of Crimean population. At the same time de-facto authorities encourage widespread abuses implicated in enforced disappearances and unlawful detention and ill-treatment of Crimean Tatars, activists, journalists, and other individuals who are perceived to be pro-Ukrainian.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) actively monitors the human rights situation in Crimea, utilizing a network of contacts. According to the OHCHR, human rights concerns include abusively resorting to anti-extremism and anti-terrorism legislation to criminalize the expression of non-violent views, opinions and beliefs; cruel, inhumane or degrading treatment or punishment; and violations of due process, including the right to unimpeded access to legal counsel.

The OHCHR mentions a separate group of rights that were also violated by occupying power – that is the rights of minorities and indigenous people. In April 2016, the “supreme court of Crimea” declared the Mejlis an extremist organization and banned all its activities. On 29 September 2016, the Supreme Court of the Russian Federation rejected an appeal against the Crimean court ‘decision’ and upheld the ban. The Mejlis is a traditional organ of an indigenous people: its members, forming an executive body, were elected by the Kurultai, the Crimean Tatars’ assembly. In addition to the national Mejlis - which has 33 members - there are about 2,500 regional and local Mejlis members in Crimea. The OHCHR underlines - though approximately 30 Crimean Tatar NGOs are currently registered in Crimea “none can be considered to have the same degree of representativeness and legitimacy as the Mejlis and Kurultai”.

In 2016, the European Parliament's Committee on Human Rights issued the study “The situation of national minorities in Crimea following its annexation by Russia”. According to the study, National minorities in Crimea have been subject to systematic violations of their rights since the illegal annexation of Crimea by Russia on 18 March 2014. Documented violations have occurred in the areas of freedom of expression, conscience, and religion; the right to peaceful assembly and association; freedom of the media and access to information; the right to a fair trial and effective remedy; the right to education in one’s native language; and linguistic and cultural rights. The de- facto authorities in Crimea have neglected to investigate cases of grave violations of the rights to life, liberty, security, and physical integrity. The response of the international community has been limited. Limited support is available to human rights organisations focused on or working in Crimea, and human rights monitors still cannot gain access to Crimea. The European Union, and the European Parliament, in particular, should actively advocate for the establishment of an international human rights monitoring presence in occupied Crimea.

In May 2016, the European Parliament adopted its resolution on the Human rights situation in Crimea, in particular of the Crimean Tatars. The resolution reiterates that the Russian Federation has illegally annexed Crimea and Sevastopol in open violation of international law underlines that targeted abuses have been registered against the Tatar community, the majority of which opposed the Russian takeover and boycotted the so-called referendum on 16 March 2014, particularly through the enforcement of Russia’s vague and overly broad ‘anti-extremist’ legislation to intimidate or silence critics; whereas these abuses include abduction, forced disappearance, violence, torture and extrajudicial killings that the de facto authorities have failed to investigate and prosecute.

The resolution also mentioned that European Parliament:

- deplores the decision of the Russian Federation to designate the Crimean Tatars self-government body Mejlis as an “extremist” organisation; calls on the Russian authorities to overturn this ruling and recognise the full legitimacy of this organ thus allowing the democratic representation and expression of this historical indigenous population of the Crimean peninsula;
- condemns the discriminatory policies imposed by the so-called authorities against, in particular, Crimea’s ethnic Tatar minority, the infringement of their property rights, the increasing intimidation of this community and the lack of the freedom of expression and association in the peninsula;

- condemns, in particular, the unjustified and selective criminal prosecutions against Crimean Tatar and pro-Ukrainian activists and organisations.

Freedom House, an international NGO, reports that Russia and occupied Crimea in terms of political, civil, and the general level of freedom and human rights are “not free”. On a 100 scale (where 100 is the worst) Crimea was given 94 points which is almost on the same level as Turkmenistan and Uzbekistan.

“Crimea SOS”, a Ukrainian NGO, reports 277 human rights violations starting from the beginning of occupation. The categories of violations include attacks on media offices, murders, assaults, kidnappings, intimidation, detention, interrogations, imprisonment of journalists, public figures and activists, searches of houses and mosques, banning citizens from entering Crimea, restriction in access to meetings of the authorities including the courts, placing pro-Ukrainian journalists on the so-called “list of terrorists” of the Russian Federation, censorship, the ban of the Mejlis of Crimean Tatar people and continuous pressure on the Crimean Eparchy of the Ukrainian Orthodox Church. As evidence of the repressive policy of the Russian Federation against citizens of Ukraine, who live in Crimea, there are 17 missing, 12 deceased, and more than 40 political prisoners, including the following 9 sentenced to terms ranging from 7 to 20 years: V. Vigovsky, O. Sentsov, O. Kolchenko, O. Cherny, O. Kostenko, R. Zeytullaev, R. Vaitov, Y. Primov, A. Kolomiets. There are 28 Crimean Tatars among the political prisoners.

One of the most recent and extremely worrying cases of the human rights violation in the occupied Crimea is the detention of Emil Kurbedinov and Nikolay Polozov, the human rights lawyers who defend political prisoners in Crimea. Among their clients are members of Mejlis Akhtem Chygoz and Ilmi Umerov, journalist Mykola Semena as well as other people who became victims of repressions due to their political or civil stand against the occupation. Mr. Kurbedinov was detained on 26 January 2017 in Bakhchisaray. Later, he was sentenced to 10 days in detention for “public distribution of extremist materials”. The formal pretext for the alleged misdemeanor was his share of an article about a 2013 public meeting of supporters of Hizb ut-Tahrir on his Facebook page. Mr. Polozov was detained in 25 January 2017 in Simferopol and brought to the FSB office. After a two-and-half-hours of interrogation he was allowed to leave. These attacks on human rights lawyers in the annexed Crimea signal prominently about the harshening of the repressions in the peninsula.

As a fact, the occupation of the Crimean Peninsula by the Russian Federation is a crime against Ukraine and its citizens. The occupation powers of the Russian Federation turned Crimea into the peninsula of fear. In the light of the facts and cases described above, the situation with the human rights in Crimea continues to deteriorate drastically after its annexation in 2014. Particularly alarming is the situation of Crimean Tatars (Qırımlı), the indigenous people of Crimea, who had a vocal anti-occupation position back in 2014. It is of the utmost importance for the international community to pay close attention to the mass and brutal cases of the human rights violation and to call for the independent permanent human rights monitoring mission in Crimea.