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The situation of Crimean Tatars

Report¹

Committee on Equality and Non-Discrimination

Rapporteur: Ms Thorhildur Sunna Ævarsdóttir, Iceland, Socialists, Democrats and Greens Group

Summary

Since early 2014 and the ongoing temporary occupation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol (Crimea), which is part of the territory of Ukraine, Crimean Tatars have faced grave violations of their rights.

These include killings, enforced disappearances, torture and inhuman or degrading treatment allegedly committed by members of the security forces or law enforcement officials and that have moreover not been subject to an effective investigation, as well as illegal searches and unjustified legal proceedings. These are often based on the abusive application of Russian legislation in Crimea and lead to illegal transfers of Crimean Tatars to the territory of the Russian Federation. The work of journalists and the freedom of expression and assembly have also been unjustifiably restricted. The constant, disproportionate pressure placed on Crimean Tatars and human rights defenders working on their behalf creates a climate of fear and hostility.

The international community does not recognise the annexation of Crimea. Nevertheless, the Russian Federation must be held accountable for human rights violations committed in territory under its effective control, must put an immediate end to these violations and take all necessary measures to prevent similar violations in future.

¹ Reference to Committee: Doc. [14262](#), Reference 4371 of 16 March 2018.

A. Draft resolution²

1. The Parliamentary Assembly reaffirms its attachment to the pursuit of peace based upon respect for human rights, democracy and the rule of law. In this context, it underscores its role as the most important pan-European platform in which political dialogue can take place, on the basis of the Council of Europe's values and principles, as a means of reaching lasting, peaceful solutions.
2. The Assembly recalls that since the adoption of its [Resolution 1988 \(2014\)](#) "Recent developments in Ukraine: threats to the functioning of democratic institutions" and [Resolution 1990 \(2014\)](#) "Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation" in April 2014, it has repeatedly condemned the violation of Ukraine's sovereignty and territorial integrity by the Russian Federation, and the latter's illegal annexation of Crimea, expressed its deep concern about the situation of the Crimean Tatars and other persons belonging to groups in a minority situation in Crimea, notably Ukrainians, and urged the Russia Federation to ensure that their rights were not violated.
3. The Assembly strongly condemns the ongoing temporary occupation of part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") – by the Russian Federation, and reaffirms the non-recognition of its annexation.
4. The Assembly condemns the grave violations committed against Crimean Tatars immediately prior to and following the purported annexation of Crimea by the Russian authorities, including killings and enforced disappearances, which moreover have not since been subject to an effective investigation.
5. It deplores the fact that many serious violations of the rights of Crimean Tatars, including torture and inhuman or degrading treatment by security forces and law enforcement officials, continue to be reported. Crimean Tatars continue to be subjected to unjustified legal proceedings and illegal searches, as do lawyers and human rights defenders working to defend the rights of Crimean Tatars. The Assembly deeply regrets the fact that these violations often result from the application in Crimea of Russian legislation, which is contrary to international law.
6. The Assembly also expresses its concern about the restrictions faced by Crimean Tatars with regard to freedom of expression and peaceful assembly, including the prosecution of individuals for having conducted peaceful single pickets. It is deeply concerned by the practice of denying entry to Crimea to journalists and banning them from entering the territory of the Russian Federation for long periods, sometimes decades, which not only violates their rights but contributes to the isolation of Crimea and to a lack of independent reporting outside the peninsula about the situation in Crimea.
7. The Assembly regrets that, despite the granting of official status to the Crimean Tatar language, the number of Crimean Tatar children receiving instruction in their language has reportedly not increased, as parents are not encouraged to request it.
8. The deterioration of the human rights situation and the pattern of abusive application of Russian legislation create a climate of fear and hostility in Crimea that may affect all those who live there. However, the Assembly observes with regret that Crimean Tatars appear to be under constant pressure and disproportionately affected. Crimean Tatars are thus not only victims of violations of their human rights as such, but, due to the disproportionate application of abusive measures against them, are also victims of discrimination.
9. The Assembly is deeply concerned by this situation, which, in its view, gives rise to serious violations of numerous international human rights instruments, including the European Convention on Human Rights. It notes in this context that the European Court of Human Rights has recently declared admissible an interstate case raising many of these issues, *Ukraine v. Russia (re Crimea)* (application no. 20958/14).
10. The Assembly further underlines that the failure of the Russian Federation to implement the resolutions adopted by the United Nations General Assembly and the measures ordered by the International Court of Justice and the European Court of Human Rights is likely to worsen the situation of the Crimean Tatars as well that of other persons belonging to groups that are in a numerical minority situation in Crimea.
11. In view of all the above, and reaffirming the recommendations contained in its [Resolution 2292 \(2019\)](#), in which, inter alia, it called on the Russian Federation to implement all the recommendations of the Assembly contained in its [Resolutions 1990 \(2014\)](#), [2034 \(2015\)](#) and [2063 \(2015\)](#), the Assembly urges the Russian authorities:

² Adopted by the Committee at its meeting on 14 April 2021.

11.1. to implement United Nations General Assembly resolution [A/RES/68/262](#) on the territorial integrity of Ukraine as well as its resolutions [A/RES/71/205](#), [A/RES/72/190](#), [A/RES/73/263](#), [A/RES/74/168](#) and [A/RES/75/192](#) on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) and to comply with the measures ordered with respect to the Russian Federation by the International Court of Justice and the European Court of Human Rights

11.2. with regard to violations of international humanitarian law in Crimea that have a particular impact on Crimean Tatars:

11.2.1. to cease applying Russian law in Crimea, including in the fields of terrorism and extremism, and to apply, in accordance with international law, the laws in force in Ukraine;

11.2.2. to release any person unlawfully detained or imprisoned due to the abusive application of Russian law in Crimea, which is contrary to international law;

11.2.3. to put an end to the forced conscription of residents in Crimea, including Crimean Tatars, into Russian Federation armed forces;

11.2.4. to put an end to the transfer of detainees, including Crimean Tatars, from Crimea to the Russian Federation and to ensure their return to Crimea or mainland Ukraine;

11.3. with regard to allegations of human rights violations committed against Crimean Tatars in Crimea or within the territory of the Russian Federation:

11.3.1. to conduct without delay an effective investigation within the meaning of the European Convention on Human Rights into each alleged case of killing, abduction, forced disappearance, torture or inhuman or degrading treatment of Crimean Tatars and to apply appropriate sanctions to the perpetrators of any violations found;

11.3.2. to take all necessary measures to prevent similar violations in future;

11.3.3. to ensure dignified conditions of detention and that all detained persons have access to all the medical care they need;

11.3.4. to allow lawyers and other human rights defenders working with Crimean Tatars to carry out their work without hindrance;

11.3.5. to put an immediate end to any administrative or judicial harassment of Crimean Tatars and to ensure that any search or raid carried out with respect to them is carried out with full respect for human rights;

11.3.6. to annul the decision prohibiting the activities of the Mejlis of the Crimean Tatar people, and to allow its leaders Mr Mustafa Dzhemiliev and Mr Refat Chubarov to return to Crimea;

11.3.7. to guarantee full respect for the freedoms of association and peaceful assembly of Crimean Tatars;

11.3.8. to lift the ban on Crimean Tatars' media outlets and to allow these media to operate in compliance with the standards of the European Convention on Human Rights;

11.3.9. to ensure access to teaching in and of the Crimean Tatar language, and to work actively to create the conditions enabling Crimean Tatars to express, preserve and develop their identity, in accordance with the standards of the Framework Convention for the Protection of National Minorities (ETS No. 157) and the United Nations Declaration on the Rights of Indigenous Peoples;

11.4. to ensure full and unfettered access of established international and regional human rights monitoring bodies to Crimea, in accordance with the principles and recommendations set out in the Assembly's [Resolution 2240 \(2018\)](#) on Unlimited access to member states, including "grey zones", by Council of Europe and United Nations human rights monitoring bodies, to enable them to carry out their mandate without prejudice to the principles and norms of international law as well as to the status of Crimea as temporarily occupied territory of Ukraine.

12. The Assembly invites all relevant actors to envisage directly involving the representatives of Crimean Tatars, including the Mejlis of the Crimean Tatar people, in international dialogue related to the situation of Crimean Tatars and of Crimea.

Doc. ...

13. The Assembly invites its Monitoring Committee to take into account in its future work the follow-up given to these recommendations by the Russian Federation and also to pay particular attention in this context to the situation of other groups present in Crimea, such as Ukrainians and Jehovah's Witnesses.

B. Explanatory memorandum by Ms Thorhildur Sunna Ævarsdóttir

1. Introduction

1. This report stems from a motion for a resolution³ on the worsening human rights situation of Crimean Tatars since the Crimean peninsula was illegally annexed by the Russian Federation in 2014. This motion for a resolution notes that the many resolutions already adopted by the Assembly calling on the Russian Federation to refrain from discrimination against the population of the Crimean peninsula, to cease political and cultural suppression against the Crimean Tatar and Ukrainian people, to suspend the decree banning the *Mejlis* of the Crimean Tatar people, to take all necessary steps to halt the disappearance of Crimean Tatars and to promptly investigate those disappearances that have already occurred had been ignored.⁴ The Assembly was accordingly invited to draw up a comprehensive report on the matter and to propose recommendations in this regard.

2. Following the departure from the Assembly of the previous rapporteur, Mr Manuel Tornare (Switzerland, SOC) in January 2020, I was appointed rapporteur by the Committee on Equality and Non-Discrimination. I have analysed only the current situation and that prevailing over the last seven years, taking note also of the situation before spring 2014. Since that date, not only the Assembly but also the Committee of Ministers and other bodies of major international organisations, in particular the United Nations General Assembly, have condemned the situation many times.⁵ The positions taken by these bodies have however been regularly contested by the Russian Federation.⁶

3. This draft report draws on numerous written sources, especially reports by international organisations and organisations for the defence of human rights, as well as recent press articles. Following the meeting held by our Committee on 12 September 2019, the Russian delegation forwarded a written statement, which has also been taken into account. The report further relies on the oral testimony of eyewitnesses of the situation in Crimea and of organisations and human rights defenders working directly with Crimean Tatars. Due to the particularly complex context in Crimea, it was unfortunately not possible to organise a fact-finding visit during the preparation of this report. However, several bilateral meetings were held by my predecessor with international figures and NGOs who had been able either to travel to Crimea or to meet people active on the ground and directly hear their testimony. In addition, the Committee of Equality and Non-Discrimination has held two hearings. On 7 March 2019, the committee held a hearing with the participation of a representative of the UN Human Rights Monitoring Mission in Ukraine, which gathered first-hand information through direct interviews with victims and witnesses of human rights violations, and a representative of Human Rights Watch, who was able to travel to Crimea several times between early 2014 and October 2017. On 15 October 2020, the committee held a second hearing, with the participation of Ms Liudmyla Denisova, Ukrainian Parliament Commissioner for Human Rights; Ms Tatiana Moskalkova, High Commissioner for Human Rights of the Russian Federation; and two representatives of Crimean Tatars living in Crimea, Mr Refat Chubarov, Chairman of the *Mejlis* of the Crimean Tatar People, and Mr Nariman Dzhelialov, Head of Information and Analysis Department, *Mejlis* of the Crimean Tatar People.

4. Throughout this report, wherever it occurs in relation to facts arising as from the spring of 2014, the term "Crimea" should be understood as referring to the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation.⁷

2. Situation of the Crimean Tatars before spring 2014

5. The Crimean Tatars have lived on the Crimean peninsula for hundreds of years. In May 1944, on Stalin's orders and on the pretext that they had collaborated with the Nazi regime, the Crimean Tatars were deported *en masse* to Uzbekistan and other Soviet republics. More than 180,000 Crimean Tatars were deported,

³ Doc. 14262.

⁴ See Resolution 1990 (2014), Resolution 2028 (2015), Resolution 2067 (2015), Resolution 2112 (2016), Resolution 2132 (2016), Resolution 2133 (2016), Resolution 2198 (2018) and Resolution 2231 (2018).

⁵ See part 3 of this explanatory memorandum.

⁶ See inter alia Ministry of Foreign Affairs of the Russian Federation, [Comment](#) by the Information and Press Department on the decision on Crimea adopted by the Council of Europe's Committee of Ministers, 5 May 2017; see also the Russian Federation's explanations of votes in the United Nations General Assembly contained in documents [A/73/PV.65](#) (21 December 2018, 3pm), p. 9-10; [A/72/PV.73](#) (19 December 2017, 10am), p. 27; et [A/71/PV.65](#) (19 December 2016, 10h), p. 37-38.

⁷ See the series of United Nations General Assembly Resolutions on the Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, most recently [A/RES/75/192](#) adopted on 16 December 2020.

together with people from other ethnic groups, in under three days.⁸ In 1956, Khrushchev denounced these mass deportations⁹ but this did not lead to the return of the deportees.

6. The Crimean Tatars began to return to Crimea in significant numbers in 1989.¹⁰ According to the last Ukrainian population census, carried out in 2001, 248,200 Crimean Tatars were living in Ukraine, of whom 243,400 (98%) were in Crimea, where they made up 12% of the population. The total population of the peninsula stood at 2,024,000 people. 58.3% of the population of this region identified themselves at the time as being of Russian nationality (ethnic origin) and 24.3% as being of Ukrainian nationality (ethnic origin). 93% of Crimean Tatars reported that Crimean Tatar was their mother tongue, while approximately 85% of Crimean Tatars said they were fluent in Russian and approximately 20% fluent in Ukrainian.¹¹

7. The returns continued in the years following the census, with the result that by the beginning of 2014, according to the Ukrainian authorities, there were 282,000 Crimean Tatars living in Ukraine; former deportees made up 13.4% of the population of the Autonomous Republic of Crimea (excluding Sevastopol at that time). In addition, there were still about 100,000 Crimean Tatars outside Ukraine who might return to Crimea.¹²

8. Although, following the break-up of the USSR, Ukraine facilitated the resettlement of the Crimean Tatars and other formerly deported persons, individuals wishing to return faced major administrative and legal obstacles. Because of the numerous administrative procedures involved, the resettlement process was costly and potentially lengthy, and the various rules relating to nationality meant that some of the individuals concerned were at risk of statelessness.¹³

9. Furthermore, following their deportation in 1944, the Crimean Tatars lost their land and their homes, and this property – which was situated for the most part on the southeast coast – was redistributed.¹⁴ Despite the considerable efforts made by Ukraine to facilitate the resettlement of formerly deported persons, and in particular the Crimean Tatars, following the break-up of the USSR, Crimean Tatars undeniably suffered from injustice, especially in terms of access to economic and social rights. In 2012, it was noted that the Crimean Tatars “continue to face inequalities due to the continued lack of a legislative framework pertaining to the restitution and compensation for the loss of farmland suffered as result of the deportations. They often live in sub-standard conditions on unauthorised settlements with limited access to public services, utilities and infrastructure”.¹⁵ The difficulties regarding access to land and the lack of transparency in the procedures for allocating land were also a major source of tension within Crimean society and the Crimean Tatars found themselves trapped in a vicious circle.¹⁶ They also faced high levels of poverty and difficulties in accessing employment, health care, social services and education.¹⁷

10. Crimean Tatars and other formerly deported peoples were also adversely affected by the tensions over the status of the Russian language in Ukraine and lacked opportunities to preserve and develop their languages and cultures and to practise their religion (mainly Islam in the case of the Crimean Tatars).¹⁸ While 92% of Crimean Tatars regarded Crimean Tatar as their mother tongue, fewer than 5% of them considered that their co-ethnics knew the language perfectly. There were only 15 schools with instruction in Crimean Tatar, compared with 371 before the Second World War, and only 3% of pupils belonging to this minority studied in Crimean Tatar.¹⁹ Two television channels (one state-run, GTRK Krim, and the other privately owned, ATR) broadcast a few hours of programmes in Crimean Tatar per week and a radio station broadcast 24 hours a

⁸ The figures vary according to the source: this one is the most conservative estimate.

⁹ Nikita Khrushchev's speech to the 20th Congress of the Communist Party, 24-25 February 1956. Full text available at <https://www.theguardian.com/theguardian/2007/apr/26/greatspeeches1>.

¹⁰ OSCE HCNM, *The integration of formerly deported people in Crimea, Ukraine: Needs assessment*, August 2013, p. 5. From 1993 until 2013, returns were governed by the Agreement on the issues relating to the restoration of the rights of deported persons, national minorities and peoples (the Bishkek Agreement), which was ratified by Ukraine in 1993.

¹¹ <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/> and <http://2001.ukrcensus.gov.ua/eng/results/general/language>.

¹² United Nations, Committee on Economic, Social and Cultural Rights, 52nd session, List of issues in relation to the sixth periodic report of Ukraine, Addendum, Replies of Ukraine to the list of issues, 21 January 2014, [E/C.12/UKR/Q/6/Add.1](https://www.unhcr.org/refugees/4d9d9d9d.html), paragraphs 60 to 62.

¹³ OSCE HCNM (2013), pp. 4-8.

¹⁴ ECRI report on Ukraine (fourth monitoring cycle), 21 February 2012, [CRI\(2012\)6](https://www.unhcr.org/refugees/4d9d9d9d.html), paragraph 87.

¹⁵ Advisory Committee on the Framework Convention (ACFC), Third Opinion on Ukraine, 28 March 2013, [ACFC/OP/III\(2012\)002](https://www.unhcr.org/refugees/4d9d9d9d.html), paragraph 163.

¹⁶ OSCE HCNM (2013), pp. 9-15.

¹⁷ United Nations, Committee on Economic, Social and Cultural Rights, 52nd session, Concluding observations on the sixth periodic report of Ukraine, 13 June 2014, [E/C.12/UKR/CO/6](https://www.unhcr.org/refugees/4d9d9d9d.html), paragraphs 9, 12 and 17. See also OSCE HCNM (2013), pp. 19-22.

¹⁸ ACFC (2013); OSCE HCNM (2013), p. 22-26.

¹⁹ OSCE HCNM (2013), p. 23 and 27 and sources cited therein.

day in Crimean Tatar but its coverage outside of Simferopol was limited. As for the Crimean Tatar-language written press, its survival was under threat due to lack of funding.²⁰

11. In addition, according to various sources, senior politicians at regional and national level had engaged in hate speech against Crimean Tatars that had gone unpunished, and there was an increase in the level of anti-Tatar sentiment among the population from 2010 onwards.²¹

12. In April 2014, following efforts by Crimean Tatar representatives over many years, the Ukrainian parliament recognised the Crimean Tatars as an indigenous people.

3. Events of spring 2014

13. Towards the end of 2013, mass political protests began in Kyiv and other Ukrainian cities, including in Crimea, and continued for several months, until February 2014. The protests were initially peaceful but turned violent in a context of political crisis and growing polarisation of Ukrainian society. The Ukrainian president left the country on 21 February 2014. On 23 February the Ukrainian Parliament appointed an interim president and set 25 May 2014 as the date for the election of a new president.

14. On the same day, following the resignation of the mayor of Sevastopol, a new mayor of Russian nationality was installed in office. There were violent clashes on 26 February in Simferopol between pro-Ukrainian and pro-Russian factions. That night, armed men without insignia took control of certain public buildings in Crimea and stood guard in front of military bases and other strategic sites. Members of the Russian armed forces participated in these operations.²² On 27 February 2014, with armed men present, members of the Crimean Parliament elected Sergey Aksenov as the head of Crimea in a vote tainted by fraud.²³ On 6 March 2014 the Crimean Parliament passed a resolution calling for the holding of a referendum on 16 March on the status of Crimea.²⁴

15. The Committee of Ministers of the Council of Europe immediately voiced its "grave concern concerning the intention to hold a referendum on the status of Crimea not authorised by Ukraine" and supported the Secretary General's referral of the question of the lawfulness of such a referendum to the Venice Commission.²⁵ On 20 March 2014, reiterating that the crisis in Ukraine had to be resolved peacefully, on the basis of the territorial integrity, sovereignty and independence of Ukraine, as well as in strict adherence to international law, the Committee of Ministers condemned the holding of the referendum in violation of Ukrainian legislation²⁶, taking the view that both the referendum and the annexation of Crimea were illegal and stressing that they could not form any basis for any alteration of the status of Crimea or of Sevastopol.²⁷

16. The United Nations General Assembly noted on 27 March 2014 that the referendum, which had not been authorised by Ukraine, had no validity and could not form the basis for any alteration of the status of the entities concerned.²⁸ Accordingly, it did not recognise the annexation of Crimea by the Russian Federation, considering the latter as an occupying power bound by all the international obligations arising from that position, and has since consistently reiterated that view. It has moreover repeatedly "strongly condemn[ed] the continuing and total disregard by the Russian Federation for its obligations under the Charter of the United Nations and international law regarding its legal responsibility for the occupied territory, including the responsibility to respect Ukrainian law and the rights of all civilians".²⁹

17. At its part-session in April 2014, our own Assembly condemned Russia's military aggression and its violation of Ukrainian sovereignty and territorial integrity, described the annexation of Crimea by the Russian

²⁰ ACFC (2013), pp. 25-26; OSCE HCNM (2013), p. 24.

²¹ ECRI (2012), paragraph 50.

²² The President of the Russian Federation expressly acknowledged this a few weeks later: Direct Line with Vladimir Putin, 17 April 2014, <http://eng.kremlin.ru/news/7034>.

²³ Reuters, "RPT-INSIGHT-How the separatists delivered Crimea to Moscow", 13 March 2014.

²⁴ For further details, see OSCE HCNM and OSCE ODIHR, Ukraine, [Human Rights Assessment Mission: Report on the Human Rights and Minority Rights Situation, March-April 2014](#), p. 22-25; OHCHR, [Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and city of Sevastopol \(Ukraine\)](#) (report covering the period 22 February 2014 to 12 September 2017), paragraphs 20-29. Hereinafter, all such reports are referred to as OHCHR Crimea report, dates covered.

²⁵ [CM/Del/Dec\(2014\)1194/1.7](#).

²⁶ [CM/Del/Dec\(2014\)1195/1.7](#).

²⁷ [CM/Del/Dec\(2014\)1196/1.8](#); see also [CM/Del/Dec\(2014\)1207/1.5](#); [CM/Del/Dec\(2015\)1225/1.8](#); [CM/Del/Dec\(2016\)1254/1.6](#); [CM/Del/Dec\(2017\)1285/2.1bisb](#).

²⁸ See [A/RES/68/262](#) on the territorial integrity of Ukraine.

²⁹ See [A/RES/71/205](#), [A/RES/72/190](#), [A/RES/73/263](#), [A/RES/74/168](#) and [A/RES/75/192](#) on the Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine).

Doc. ...

Federation as unlawful and having no legal effect and condemned the military occupation of Ukrainian territory.³⁰ These views have been reiterated on numerous occasions.³¹

18. International legal scholars have also repeatedly concluded that that the purported annexation of Crimea by the Russian Federation was illegal in international law.³² It has further been observed that – although the Russian Federation has invoked the right to self-determination as a basis for its actions – the only people with a right to self-determination in Crimea is the Crimean Tatar people.³³

4. Human rights violations since the spring of 2014

19. The Crimean Tatars who, through their representative body, the Mejlis, supported the territorial integrity of Ukraine and boycotted the so-called "referendum" of 16 March 2014, quickly found themselves in a very precarious situation.³⁴

20. In the months following the "referendum", serious human rights violations occurred, including extrajudicial killings, abductions and enforced disappearances, chiefly targeting Crimean Tatars and pro-Ukrainian activists. There were reports of politically motivated prosecutions, discrimination, harassment, intimidation, violence, arbitrary detentions, torture and ill-treatment of detainees and their transfer from Crimea to the Russian Federation, as well as reports of abuses of freedom of expression, freedom of religion or belief and freedom of association and the right to peaceful assembly.³⁵

21. In the following paragraphs, without trying to paint an exhaustive picture, I list the main matters of concern that have come to my knowledge during the preparation of this report. While certain events dating from the weeks and months following the Russian Federation's occupation of Crimea are well known, other (more recent) events are less so.

22. I take note before proceeding further that, according to information provided by the Russian delegation, efforts are under way to strengthen the socio-economic situation and the social and political rights of Crimean Tatars. Also according to these elements, as of 1 January 2019, the population of the Crimean peninsula stood at 2,355,000 people, of whom 1,493,000 (65.3%) were Russian, 343,000 (15%) were Ukrainian and 232,800 were Crimean Tatars.³⁶

4.1. Extrajudicial executions, forced disappearances, acts of torture, inhuman or degrading treatment

23. According to the OHCHR, 42 people were victims of forced disappearances in Crimea between early March 2014 and the end of June 2018, of whom 28 went missing in 2014 alone. The OHCHR documented two enforced disappearances in 2015, three in 2016, seven in 2017 and two in the first six months of 2018. Among these 42 cases, 27 victims were ethnic Ukrainians, nine were Crimean Tatars, four Tajiks, one Uzbek and one person of mixed Tatar-Russian origin. Twenty-seven of these persons had been released after having been illegally detained for periods lasting from a few hours to two weeks; 12 were still missing as of 30 June 2018; two were still in detention, and one had been found dead.

24. The victims of these acts were mostly pro-Ukrainian activists. Five had links to Crimean Tatar groups or institutions, four were journalists and five were migrants from Central Asia. There were also a member of the Ukrainian armed forces, a Ukrainian Muslim and a Greek-Catholic priest. None of the perpetrators had been prosecuted; the authorities had refused to register certain complaints and had suspended investigation proceedings in others.³⁷

25. In the first months following the illegal annexation of Crimea, Human Rights Watch also documented several cases of forced disappearances of Crimean Tatars, into which no effective investigation has been

³⁰ [Resolution 1988 \(2014\)](#) of 9 April 2014 and [Resolution 1990 \(2014\)](#) of 10 April 2014.

³¹ [Resolution 2025 \(2015\)](#), [2034 \(2015\)](#), [2063 \(2015\)](#), [2067 \(2015\)](#), [2112 \(2016\)](#), [2132 \(2016\)](#), [2133 \(2016\)](#), [2141 \(2017\)](#), [2198 \(2018\)](#), [2231 \(2018\)](#), [2259 \(2019\)](#) and [2292 \(2019\)](#).

³² See for example *German Law Journal* (2015), Special Issue on Crimea, vol. 16 no. 3.

³³ Bowring B. (2018), "Who are the "Crimea People" or "People of Crimea"? The Fate of the Crimean Tatars, Russia's Legal Justification for Annexation, and Pandora's Box" in Sayapin S. and Tsybulenko E. (eds), *The Use of Force against Ukraine and International Law*, T.M.C. Asser Press, The Hague.

³⁴ OSCE HCNM and OSCE ODIHR (2014), p. 110.

³⁵ Human Rights Watch, "*Crimea: Enforced Disappearances: Crimean Tatars, Other Pro-Ukraine Figures Among the Missing*", 7 October 2014; [A/RES/71/205](#), [A/RES/72/190](#) and [A/RES/73/263](#).

³⁶ Written communication of the Russian delegation to the Parliamentary Assembly, 24 September 2019; Committee hearing, 15 October 2020.

³⁷ OHCHR Crimea report, [22 February 2014 to 12 September 2017](#), paragraphs 99-104; Crimea report, [13 September 2017 to 30 June 2018](#), paragraphs 32-35.

conducted.³⁸ Some Crimean Tatars targeted in the operations carried out on 27 March 2019 (see chapter 4.2 below) also allegedly experienced cruel or degrading treatment, or even torture.³⁹ Methods such as electroshocks, threats of sexual violence, suffocation and beatings with wet towels, fists, metal objects and bats are reported to have been used by the Russian FSB and penitentiary staff.⁴⁰

26. According to the findings of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, those who opposed the March 2014 referendum were particularly at risk from these human rights violations, as well as other people having criticised the de facto authorities – journalists, bloggers, activists and Crimean Tatars, including in particular those who supported the Mejlis.⁴¹ He stressed that, to prevent torture, it was crucial to guarantee access for persons deprived of their liberty to independent, international control mechanisms.

27. Regarding the situation of persons deprived of their liberty, detained Crimean Tatars have reportedly been given food they could not eat for religious reasons.⁴² Appalling conditions of detention have been reported, particularly in the Simferopol pre-trial detention centre (SIZO). Up to eight people were said to be accommodated per 9m² cell there, having to take turns to sleep; the cells were infested with bed-bugs, cockroaches and mice; sick inmates slept alongside the others, and access to medical care was inadequate and often delayed. Furthermore, there had been no independent investigations of deaths in custody.⁴³

28. Several cases in which the lack of access to medical care has gravely endangered the health of Crimean Tatars detained in the Simferopol SIZO have been reported. In the case of Edem Bekirov, the authorities waited two months and sixteen days after the European Court of Human Rights had ordered his immediate transfer to a civilian hospital in order to make the transfer; while in detention, he was denied adequate medication and later forcibly treated with inappropriate medication.⁴⁴ In March 2020, Server Mustafayev, founder and coordinator of the grassroots Crimean Solidarity movement, and two of his co-defendants, Memet Belyalov and Seyran Saliyev, were reportedly forced to attend court hearings over nine hours, without water or food, despite suffering symptoms of viral respiratory infection, including high fever. In September 2020, they were amongst seven Crimean Tatars sentenced to between 13 and 19 years of imprisonment on terrorism-related charges, though none related to planning, carrying out or being an accessory to any act of violence.⁴⁵

4.2. Threats, assaults, illegal searches and arbitrary arrests

29. In the first months after the illegal annexation of Crimea, Human Rights Watch gathered evidence of the harassment of Crimean Tatars, as well as threats, physical assaults and unfounded prosecutions, and even convictions based on false accusations, especially extremism- or terrorism-related offences. It has also documented instances of the arrest of Crimean Tatars on trumped-up terrorism charges. The latter cases involved no accusation of planning or carrying out any acts of violence and the prosecutions seem to have been calculated to stifle dissent. Lawyers working on such cases are also subjected to pressure and, especially, threats of disbarment.⁴⁶

30. Nineteen Crimean Tatar men were sentenced in 2018 to 10- to 24-years' imprisonment following a highly questionable trial on terrorism-related charges on the basis of their alleged affiliation with Hizb ut-Tahrir, despite the fact that none of them were found to have planned, committed or supported any act of violence.

³⁸ Human Rights Watch, [Rights in Retreat: Abuses in Crimea](#), November 2014; Gorbunova Y., “100 Crimean Tatar Kids Who Lost Their Fathers”, Human Rights Watch, 28 November 2017.

³⁹ Human Rights Watch, [“Crimean Tatars Face Unfounded Terrorism Charges: Raids, Arbitrary Arrests, Torture of Activists”](#), 12 July 2019.

⁴⁰ OHCHR, Report on the human rights situation in Ukraine, [16 August-15 November 2019](#), paragraph 96. Hereinafter, all such reports are referred to as OHCHR Ukraine report, dates covered.

⁴¹ Human Rights Council, Visit to Ukraine: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 17 January 2019, [A/HRC/40/59/Add.3](#). While deploring the lack of access to the territory of Crimea and persons deprived of their liberty there, the Special Rapporteur states that he had been able to meet a number of individuals who had managed to escape from Crimea, allegedly after being subjected to acts of torture and ill-treatment at the hands of Russian law enforcement and intelligence officers.

⁴² Committee hearing, 15 October 2020.

⁴³ Human Rights House Foundation, [Crimea: Breaking the Wall of Silence](#), November 2018, p. 26. See also OHCHR Ukraine report, [16 February 2019-15 May 2019](#), paragraphs 101-102.

⁴⁴ See inter alia Savchuk A., “Death by jail: what occupied Crimea does to political prisoners”, Open Democracy, 15 August 2019; RFE/RL, [“Court in Russia-Annexed Crimea Releases Crimean Tatar Activist On Trial”](#), 28 August 2019; OHCHR Ukraine report, [16 August-15 November 2019](#), paragraph 99.

⁴⁵ Amnesty International, [“Urgent Action: Detained Rights Defender Denied Medical Care”](#), 6 March 2020; Gorbunova Y., [“Russian Repression a Persistent Reality in Crimea”](#), Human Rights Watch 22 September 2020.

⁴⁶ See notably Human Rights Watch, [Rights in Retreat: Abuses in Crimea](#), November 2014; Gorbunova Y., [“Russian authorities increase pressure on Crimean Human Rights Lawyer”](#), Human Rights Watch, 14 January 2019.

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Their sentences were upheld on appeal in September 2020.⁴⁷ On 12 November 2019, Crimean Tatar human rights defender Emir-Usein Kuku and five co-defendants were similarly sentenced to prison terms of between seven and 19 years, following their transfer outside Crimea, to the territory of the Russian Federation, for trial; their convictions were also upheld by a military appeals court in June 2020.⁴⁸

31. There have also been reports of numerous searches carried out by armed and masked members of the security forces in Muslim religious institutions, as well as in businesses and private residences belonging to Crimean Tatars.⁴⁹ These operations and searches conducted by the police, the security forces (FSB), the special forces (OMON) and/or the Russian National Guard (Rosgvardia) are reportedly disproportionately directed against the Crimean Tatars and often conducted in a manner failing to respect fundamental rights, culminating in excessive use of force in some cases.⁵⁰

32. Besides the Crimean Tatars detained after such operations, many other Crimean Tatars have received suspended sentences or been placed under house arrest under procedures based on criminal law provisions relating to terrorism, extremism or separatism. In this context, more and more people have found themselves on the "list of terrorists and extremists" kept by the Russian federal financial monitoring service. Their bank accounts are suspended as a result, which prevents them from carrying out day-to-day banking transactions and even from being paid pensions.⁵¹

33. Where more recent developments are concerned, 26 Crimean Tatars were arrested following house searches carried out on 14 February 2019 in the Oktyabrsky district (three arrests) and a second operation carried out on a particularly large scale on 27 March 2019 in Simferopol and several other areas (23 arrests on the same day), targeting persons accused of being members of the Hizb ut-Tahrir group, which is banned as a terrorist organisation in the Russian Federation but not in Ukraine.⁵² Sources claim that false evidence was planted on the premises searched by members of the law enforcement agencies.⁵³ Eight other Crimean Tatars were arrested on 10 June 2019 in similar circumstances.⁵⁴ A further 24 Crimean Tatars were arbitrarily arrested in March 2020.⁵⁵ Most of the people arrested during the operations of 27 March 2019 are reportedly members of the Crimean Solidarity organisation, an association of journalists and civic activists set up following the events of spring 2014 with the aim of providing support to detainees and their families or the families of missing persons. Such raids and arrests moreover continue: on 17 February 2021, seven Muslim men, of whom six were Crimean Tatars and all of whom were reportedly either members of Crimean Solidarity or had supported some of its activities, were arrested following night-time raids on their homes. Six were accused of involvement with Hizb ut-Tahrir and placed in custody.⁵⁶

34. At the time of drafting this report, those arrested in March 2019 are currently on trial, in several separate trials but facing identical or strongly similar terrorism-related charges, based on Articles 205.1 or 205.2 and Article 278 of the Russian Criminal Code. Defendants who expressed themselves in the Crimean Tatar language at the Southern District Military Court in Rostov-on-Don on 16 March 2021 were expelled from the courtroom.⁵⁷

35. I note with concern the view expressed by numerous observers that accusations of terrorism – which are punished with very severe criminal sanctions – against Crimean Tatars are a powerful means of intimidating or silencing activists opposed to the current regime in Crimea and also serve to create a climate of anti-Muslim feeling among the population.⁵⁸ As the Director of Amnesty International Ukraine stated with respect to Crimean Tatar leaders Ilmi Umerov and Akhtem Chygoz, deputy heads of the Mejlis sentenced to two and eight years' imprisonment in 2017, "It is increasingly clear that leaders of the Crimean Tatar community

⁴⁷ Aitkhozhina D., "[Harsh sentences for alleged Hizb-ut-Tahrir followers in Russia](#)", Human Rights Watch, 1 October 2020.

⁴⁸ Joint [Letter](#) by Human Rights Watch and Amnesty International to Russia's Prosecutor General, 22 June 2020; [frontlinedefenders.org/fr/profile/emir-usein-kuku](#).

⁴⁹ Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his mission in Kyiv, Moscow and Crimea from 7 to 12 September 2014, [CommDH\(2014\)19](#).

⁵⁰ IPHR et al. (2019), [Fighting terrorism or terrorising activism? Persecution of civic activists in Crimea](#); see also Savchuk A., "[My only crime is that I am a Muslim: mass terrorism arrests hit Crimean Tatar solidarity campaign](#)", Open Democracy, 1 April 2019.

⁵¹ At the end of 2018, following a visit to Crimea, several Human Rights Houses put the number of people unlawfully detained on trumped-up charges in Crimea or the Russian Federation at 68. Human Rights House Foundation (2018), p. 6.

⁵² Kharkhiv Human Rights Protection Group (KHPG), "[Russia brings terror to more Crimean Tatar families](#)", 15 February 2019; RFE/RL, "[Crimean Tatars Detained After House Searches](#)", 27 March 2019.

⁵³ IPHR et al. (2019).

⁵⁴ RFE/RL, "[Russian FSB Detains Crimean Tatars After Searching Their Homes](#)", 10 June 2019.

⁵⁵ Committee hearing, 15 October 2020.

⁵⁶ Gorbunova Y., "[New Raids and Arrests in Crimea](#)", Human Rights Watch, 19 February 2021.

⁵⁷ Coynash H., "[First Russian came for the journalists, and now it's hiding their trials](#)", KHPG, 29 March 2021.

⁵⁸ Human Rights House Foundation (2018); IPHR et al. (2019); see also Savchuk A. (1 April 2019).

who dare to speak out against the Russian occupation and illegal annexation of the peninsula face two options: either exile or prison.”⁵⁹

36. Pressure is reportedly also exerted through imposing (sometimes disproportionate) administrative fines, repeated house searches, placing people in administrative or preventive detention (often for periods ranging from several months to more than a year), charging individuals with several offences relating to the same events and/or bringing criminal proceedings.⁶⁰ This pattern was followed in the cases of Volodymyr Balukh and Emir-Usein Kuku for instance.⁶¹

37. The Assembly has already expressed concern over the situation of Ukrainian nationals detained in Crimea or the Russian Federation for political reasons or on the basis of false accusations and called on the Russian Federation to release these political prisoners without delay.⁶² Many of these issues are currently being examined by the Committee on Legal Affairs and Human Rights in its work on a report on Political prisoners in the Russian Federation, for which I have also been appointed rapporteur.⁶³ Subverting justice in this manner is clearly contrary to all democratic principles and does much to create a climate of hostility, fear and repression.

4.3. Freedom of religion

38. Incidents targeting both individuals and places of worship, the obligation to re-register religious organisations, searches of religious buildings and restrictions imposed in the name of combating extremism all constitute violations of freedom of religion.⁶⁴

39. As mentioned above, many Crimean Tatars accused of being members of Muslim groups that are banned in the Russian Federation (but not in Ukraine) such as Hizb ut-Tahrir have been prosecuted for terrorism, although they have not called for the commission of any public order offences.⁶⁵ Many have had extremely harsh sentences imposed on them and have been transferred to serve them in penitentiary colonies with strict regimes far from Crimea (see further below, 5.4). Other Crimean Tatars have been convicted on the basis of their links with the Tabligh Jamaat religious movement, which is banned as an "extremist" organisation in Russian law (but not in Ukrainian law). While the Russian delegation has drawn attention to the construction of several new mosques which it indicates is ongoing, to the recognition of Muslim religious feasts and to assistance in carrying out the hajj,⁶⁶ representatives of civil society observe a lack of trust in the new religious structures that have been put in place since the events of spring 2014; moreover, leaders of Muslim communities not affiliated to the Spiritual Administration of Muslims of Crimea, but who, prior to occupation, had been granted the right to use mosques indefinitely, reportedly faced a growing trend of prosecutions for proselytism since early 2020.⁶⁷

40. Where other religions are concerned, the numbers of parishes and priests of the Ukrainian Orthodox church have fallen heavily in Crimea since spring 2014, and the lease granted to the Ukrainian Orthodox cathedral, concluded in 2002 between that church and the Ukrainian authorities, was revoked on 28 June 2019 by an arbitration tribunal in Crimea.⁶⁸ The Orthodox Church of Ukraine has repeatedly been denied registration in Crimea; courts have ordered the eviction and demolition of places of worship under Russian law, and the number of parishes and priests has dropped dramatically.⁶⁹ Jehovah's Witnesses have been imprisoned under Russian criminal legislation on the charge of involvement in an "extremist" organisation banned under Russian

⁵⁹ Amnesty International, "[Russia: Released Crimean Tatar leaders should be free to return home and speak out](#)," 27 October 2017.

⁶⁰ Committee hearing, 7 March 2019; see also *inter alia* Human Rights House Foundation (2018).

⁶¹ Human Rights House Foundation (2018), p. 31-33.

⁶² [Resolution 2231 \(2018\)](#) on Ukrainian citizens detained as political prisoners by the Russian Federation, adopted on 28 June 2018.

⁶³ Motion for a resolution tabled on 28 January 2020, [Doc. 15049](#).

⁶⁴ OHCHR Crimea report, [22 February 2014 to 12 September 2017](#), paragraphs 136-145; Crimea report, [13 September 2017 to 30 June 2018](#), paragraphs 39-42.

⁶⁵ OHCHR Ukraine report, [16 November 2018-15 February 2019](#), paragraphs 107-109. See also Forum 18, "[Crimea: Residents 'don't believe' FSB allegations against imam](#)", 24 April 2019.

⁶⁶ Written communication of the Russian delegation to the Parliamentary Assembly, 24 September 2019; Committee hearing, 15 October 2020.

⁶⁷ Bilateral meeting with representatives of civil society, June 2019; OHCHR Ukraine report, [16 February-31 July 2020](#), paragraph 112.

⁶⁸ Coynash H., "[Russia seizes main Cathedral and centre of the Orthodox Church of Ukraine in occupied Crimea](#)", KHPG, 1 July 2019.

⁶⁹ OHCHR Ukraine report, [1 August 2020-31 January 2021](#), paragraphs 101-102.

law, although this religious movement is not banned in Ukraine; one-third of house searches documented in Crimea in 2020 are reported to have concerned Jehovah's Witnesses.⁷⁰

4.4. Freedom of expression and of peaceful assembly and access to information

41. In the months following the illegal annexation of Crimea, the former Chairman of the Mejlis of the Crimean Tatar people, Mr Mustafa Dzhemilev (a member of our Assembly since October 2006) and the current Chairman, Mr Refat Chubarov, were banned from entering Crimea as from 22 April and 5 July 2014 respectively.⁷¹ On 26 April 2016, the so-called Supreme Court of Crimea, followed by the Supreme Court of the Russian Federation on 29 September 2016, declared the Mejlis of the Crimean Tatars an extremist organisation and outlawed its activities.⁷² The ban on the Mejlis remains in force despite a decision of the International Court of Justice in 2017 (see section 7 below). Mr Dzhemilev is currently on trial *in absentia* in Crimea. The ban on his entering Crimea was recently reported to have been extended for a further 15 years from the initial 5 years; he will be over 90 years old when it ends in 2034.⁷³

42. The Crimean Tatars' main television channel, ATR, was refused a broadcasting licence and forced to stop broadcasting on 1 April 2015. The move came after the de facto authorities put pressure on ATR to change its editorial policy, which was highly critical of the illegal annexation of Crimea. Two radio stations and a children's TV channel owned by the same Crimean Tatar businessman as ATR, together with the Crimean Tatar news agency QHA, suffered the same fate.⁷⁴ While more than 3000 media outlets were allowed to work under Ukrainian legislation, only 232 were (re-)registered on 1 April 2015.⁷⁵ Such broadcasting restrictions and the regular blocking of internet sites mean residents of Crimea are in an information vacuum, and leave Crimean Tatars feeling isolated, forgotten and threatened.⁷⁶

43. Journalists covering events organised by Crimean Tatars have been attacked or investigated for "extremist" activities.⁷⁷ There is a pattern of journalists being denied entry to Crimea, and some have been banned from entering the territory of the Russian Federation for decades. On 18 January 2020, Ukrainian journalist Taras Ibrahimov, who had been reporting on events in Crimea and working inter alia for an outlet of RFE/RL focusing on Crimea, was denied entry to Crimea and banned from entering the Russian Federation until 2054.⁷⁸ This contributes to the isolation of Crimea and to a lack of independent reporting about the situation in Crimea outside the peninsula.

44. Many Ukrainian websites, together with the sites of the Crimean Tatar Mejlis, Hizb ut-Tahrir and the Jehovah's Witnesses are blocked by several internet providers in Crimea.⁷⁹ Signals from a number of Ukrainian radio channels have also been jammed or replaced by signals from Russian channels in many areas in northern Crimea.⁸⁰

45. Other actions are taken to silence critics or voices of dissent. Freedom of expression is violated by the excessively widespread application of legislation against extremism, as mentioned above. Even people who demonstrate individually are regularly prosecuted.⁸¹ On 18 December 2017, more than 70 Crimean Tatar activists were tried simultaneously for having staged peaceful, individual protests in various locations in Crimea

⁷⁰ Forum 18, "Crimea: Prisoner sent to Russia, more awaiting trial", 26 July 2019; OHCHR Ukraine report, [16 February-31 July 2020](#), paragraph 113 and boxed section after paragraph 115; Ukraine report, [1 August 2020-31 January 2021](#), paragraph 103.

⁷¹ Commissioner for Human Rights, [CommDH\(2014\)19](#).

⁷² See [A/RES/71/205](#), [A/RES/72/190](#) and [A/RES/73/263](#).

⁷³ Coynash H., "Russia bans Crimean Tatar leader Mustafa Dzhemilev for longer than he spent in Soviet labour camps", KHPG, 9 March 2021.

⁷⁴ Shevchenko V., "Crimean Tatar media 'silenced by Russia'", BBC Monitoring, 1 April 2015; Reporters without borders, "FSB warns Tatar newspaper editor in Crimea", 18 September 2014.

⁷⁵ OHCHR Crimea report, [22 February 2014 to 12 September 2017](#), paragraph 157.

⁷⁶ Committee hearing, 15 October 2020.

⁷⁷ OSCE Representative on Freedom of the Media, "Pressure on Tatar media must stop", Vienna, 19 September 2014.

⁷⁸ Lokshina T., "Crimea bans for journalists are choking the truth", Human Rights Watch, 21 January 2020; OHCHR Ukraine report, [16 November 2019-15 February 2020](#), paragraphs 116-117.

⁷⁹ Crimean Human Rights Group, "10 Providers Blocking Completely 14 Ukrainian Information Websites in Crimea", 12 July 2019; "Providers in Crimea are blocking minimum 14 websites completely – monitoring", 9 April 2019; "Blocking Ukrainian websites in Crimea: completely 11 and partially – 19 (monitoring)".

⁸⁰ Crimean Human Rights Group, "In Most Settlements of Northern Crimea Ukrainian FM Frequencies Seized by Russian Broadcasters", 28 June 2019; "Ukrainian Radio Signal from Chaplynka and Chongar Towers Blocked in North of Crimea", 28 June 2019; "No Ukrainian FM Radio Station Signal in Minimum 10 Northern Crimean Settlements", 9 December 2018; "Radio Broadcasting to Crimea from a New Ukrainian Tower Jammed By Russian Signal", 25 July 2018.

⁸¹ Amnesty International, "Crimea: Release elderly Crimean Tatar locked up for holding up a placard," 10 August 2017.

– although single-person picketing does not require prior authorisation.⁸² As far as the right of peaceful assembly is concerned, there are reports of arbitrary arrests and prosecutions in breach of that right.⁸³

4.5. Language rights

46. With regard to the use of languages, the Crimean Tatar language has been recognised as a State language in the constitution of Crimea and it has been reported that new signs in Crimean Tatar have been placed on some public buildings.⁸⁴ The Russian delegation has stated that since 2014, the number of classes in which the Crimean Tatar language is the language of instruction has increased.⁸⁵ However, the formal linguistic status assigned to educational establishments that are supposed to provide such teaching does not always correspond to the reality on the ground: there are reportedly no longer any schools where teaching is solely in the Crimean Tatar language.⁸⁶ The committee has also heard that, while 31 000 pupils are enrolled in Crimean Tatar language classes, the recognition of the Crimean Tatar language has not led to more children receiving instruction in this language, as parents are discouraged from requesting it.⁸⁷ Moreover, as noted above (section 5.2), Crimean Tatars facing criminal charges have been denied the possibility of expressing themselves in their language during their trial.

47. The possibility of following a course of study in Ukrainian in Crimea has fallen by 98% since the 2013/2014 school year. It is said that only 0.2% of pupils were taught in Ukrainian during the 2018-2019 school year.⁸⁸

48. The refusal by the authorities in Crimea to grant a licence to media outlets broadcasting or produced in the minority languages in Crimea can also be considered a violation of the language rights of the persons who belong to these minorities.

5. Violations of international humanitarian law

5.1. Illegal application of Russian law in Crimea

49. The Russian Federation is imposing its legal system in Crimea. This is contrary to international humanitarian law and has been repeatedly condemned by the United Nations General Assembly.⁸⁹

50. According to the OHCHR, the application of this legislation has a disproportionate impact on practising Muslims and members of religious organisations that are banned in the Russian Federation. As I have already pointed out, the *Hizb ut-Tahrir* organisation, of whom some persons – chiefly Crimean Tatars – were alleged to be members and targeted in a massive operation carried out on 27 March 2019 (see above) is classified as a terrorist organisation and banned in the Russian Federation but not in Ukraine.⁹⁰ Prior to the operation on 27 March 2019, 27 Crimean Tatars accused of organising or participating in that organisation's activities had already been prosecuted under the Russian Criminal Code.⁹¹ Such prosecutions are moreover carried out in military courts.

51. Furthermore, Russian law is being applied retroactively, including in the area of criminal law, which constitutes a breach of human rights. For example, on 11 September 2017, a Crimean court sentenced one of the deputy speakers of the *Mejlis*, Akhtem Chiygoz, to eight years' imprisonment for offences under the Russian Criminal Code, dating from 26 February 2014.⁹² In January 2018, Enver Krosh was detained due to a message published on social networks back in 2012 or 2013.⁹³ On 7 December 2018, the Crimean Tatar Emil Kurbedinov, a lawyer, who in particular had defended several individuals accused of being members of

⁸² Amnesty International, "Crimea: More than 70 Crimean Tatar activists put on trial simultaneously in brazen crackdown", 18 December 2017.

⁸³ OHCHR Crimea report, 22 February 2014 to 12 September 2017; Crimea report, 13 September 2017 to 30 June 2018.

⁸⁴ Gorbunova Y., "100 Crimean Tatar Kids Who Lost Their Fathers", Human Rights Watch, 28 November 2017.

⁸⁵ Written communication of the Russian delegation to the Parliamentary Assembly, 24 September 2019.

⁸⁶ OHCHR Ukraine report, 16 February 2019-15 May 2019, paragraphs 104-105; Crimean Human Rights Group, "No Ukrainian language media school has remained in Crimea", 14 March 2019.

⁸⁷ Committee hearing, 15 October 2020.

⁸⁸ OHCHR Ukraine report, 16 February 2019-15 May 2019, paragraphs 104-105; Crimean Human Rights Group, "No Ukrainian language media school has remained in Crimea", 14 March 2019.

⁸⁹ See *inter alia* A/RES/73/263, A/RES/74/168 and A/RES/75/192.

⁹⁰ OHCHR Ukraine report, 16 February 2019-15 May 2019, paragraphs 96-98; IPHR et al. (2019), section III.C.i "What is Hizb ut-Tahrir?"

⁹¹ RFE/RL, "Crimean Tatars Detained After House Searches", 27 March 2019.

⁹² Shortly afterwards, he was released and returned to Kyiv. Amnesty International, *Crimean Tatar leaders released*, 10 November 2017; for more details of his case, see Amnesty International, *Crimea in the Dark: The silencing of dissent*, 2016, p. 4-5.

⁹³ IPHR et al. (2019), paragraph 37.

organisations that were outlawed in the Russian Federation, was sentenced to five days in administrative detention for having published on social networks – before Russian legislation was applied *de facto* in Crimea – symbols regarded as extremist under Russian law.⁹⁴

5.2. “Passportisation” and forcible transfers and deportation of non-Russian citizens

52. As of 18 March 2014, all persons resident in Crimea automatically acquired Russian citizenship unless they expressly objected within one month. However, the conditions allowing a person to refuse Russian nationality were both lacking in transparency and very restrictive, depriving many individuals of any real possibility of making a choice. Some people who were nevertheless able to refuse Russian nationality were deported.⁹⁵

53. The effect of the “passportisation” process has been to compel residents of Crimea, including Crimean Tatars to adopt Russian citizenship in order not to be treated as foreigners. Those who did not do so laid themselves open to discrimination in areas such as employment, education and health, including being denied access to the distribution of PPE and sanitising products during the pandemic.⁹⁶ Hundreds of individuals who are considered foreigners under Russian Federation immigration law have been deported since 2014, including high numbers of Ukrainian citizens. Those expelled are frequently banned from entering the Russian Federation for up to 10 years; due to the fact that the Russian Federation applies Russian law in Crimea, this in effect also bans them from returning to Crimea.⁹⁷

54. The imposition of Russian citizenship on detainees originally from Crimea has moreover led to the denial of Ukrainian consular visits to them in places of detention in the Russian Federation.⁹⁸

5.3. Forced conscription

55. The OHCHR has reported that ten conscription campaigns have been run in Crimea since the beginning of the occupation; in the most recent campaign, at least 3 000 men from Crimea were enlisted into the Russian armed forces. The total number of men concerned is now over 21 000⁹⁹. Since 2017, Russian legislation has provided that conscripts from Crimea may be transferred to the territory of the Russian Federation to carry out their military service. Those who do not wish to undertake military service in the Russian armed forces, including Crimean Tatars, face prosecution; they are subject to a fine or up to two years’ imprisonment, which does not however absolve them from the obligation to carry out military service. Many consider they have no option but to leave Crimea. Forcing persons who are protected under international humanitarian law to serve in the armed forces of an occupying power is however contrary to international humanitarian law.¹⁰⁰

5.4. Transfers of detainees to the territory of the Russian Federation

56. The Russian Federation is continuing to transfer detainees to its own territory, in violation of international law. These individuals then find themselves a long way from their families, who are rarely able to afford to travel, and from their lawyers, whose ability to defend them is therefore significantly reduced.¹⁰¹ According to the findings of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, hundreds of prisoners and others held in provisional detention have been transferred to the Russian Federation, and some of them incarcerated in high-security penitentiary colonies in Siberia¹⁰².

57. Many of these detainees are Crimean Tatars, prosecuted for alleged membership in *Hizb Ut-Tahrir* (banned under Russian Federation law but not Ukrainian law – see above, 4.3) and sentenced for excessively

⁹⁴ OHCHR Ukraine report, [16 February 2019-15 May 2019](#), paragraph 104; Amnesty International, “[Crimea: Lawyer detained in latest campaign of harassment of human rights defenders](#)”, 6 December 2018.

⁹⁵ Commissioner for Human Rights, [CommDH\(2014\)19](#).

⁹⁶ Commissioner for Human Rights, [CommDH\(2014\)19](#); OHCHR Crimea report, [22 February 2014 to 12 September 2017](#), paragraphs 55-72; Committee hearing, 15 October 2020.

⁹⁷ OHCHR Ukraine report, [16 November 2019-15 February 2020](#), paragraph 116; Ukraine report, [1 August 2020-31 January 2021](#), paragraph 104, and sources cited therein.

⁹⁸ OHCHR Ukraine report, [16 August-15 November 2019](#), paragraph 97.

⁹⁹ OHCHR Ukraine report, [16 November 2019-15 February 2020](#), paragraph 113.

¹⁰⁰ OHCHR Crimea report, [22 February 2014 to 12 September 2017](#), paragraphs 120-122; Crimea report, [13 September 2017 to 30 June 2018](#), paragraphs 71-74; Ukraine report, [16 November 2018-15 February 2019](#), paragraph 114; Ukraine report, [16 November 2019-15 February 2020](#), paragraphs 114-115.

¹⁰¹ Committee hearing, 7 March 2019.

¹⁰² Human Rights Council, Visit to Ukraine: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 17 January 2019, [A/HRC/40/59/Add.3](#), paragraph 105. While deploring the lack of access to the territory of Crimea and persons deprived of their liberty there, the Special Rapporteur stated that he had been able to meet a number of individuals who had managed to escape from Crimea, allegedly after being subjected to acts of torture and ill-treatment at the hands of Russian law enforcement and intelligence officers.

long periods. Their detention in remote facilities far from Crimea, cut off from family contacts, exacerbates their vulnerability to torture and inhuman and degrading treatment, as in the case of Teimur Rza-ogly Abdullaiev.¹⁰³

6. Obstacles to monitoring human rights

58. No international organisation has been able to gain access to the Crimean peninsula since 2014. Neither the Council of Europe Commissioner for Human Rights, who undertook a mission to Crimea in September 2014, nor the OSCE High Commissioner for National Minorities, who made a series of visits to Ukraine, including Crimea, between 8 March and 17 April 2014,¹⁰⁴ has been able to return to Crimea since. The United Nations Human Rights Monitoring Mission in Ukraine also continues to be denied access to Crimea, despite its mandate, which covers the entire territory of Ukraine within its internationally recognised borders.¹⁰⁵

59. I wish to highlight the considerations set out by the Assembly in its [Resolution 2240 \(2018\)](#) on unlimited access to member states, including “grey zones”, by Council of Europe and United Nations monitoring bodies. I would emphasise in this regard the importance of a constructive attitude on the part of both the *de jure* and the *de facto* authorities in order to permit the effective monitoring of the human rights situation in these areas. As pointed out by the Assembly in the above resolution, it should be noted that the activities of human rights monitoring bodies with respect to territories under the control of *de facto* authorities, including their contacts with those authorities and visits to the territories concerned, do not constitute and should not be presented as recognition of the legitimacy of those authorities under international law.

7. Ongoing international judicial proceedings

60. A number of judicial or arbitration procedures linked to the situation of the Crimean Tatars are currently pending before international bodies.

61. Since 2014, Ukraine has lodged several interstate applications with the European Court of Human Rights against the Russian Federation, some of which relate to the situation in Crimea.¹⁰⁶ As of 14 January 2021, there were two other inter-State cases and over 7,000 individual applications pending before the Court concerning events in Crimea, Eastern Ukraine and the Sea of Azov.¹⁰⁷

62. In the case of *Ukraine v. Russia (re Crimea)* (application no. 20958/14), referring to events between 27 February 2014 and 26 August 2015 (the date on which the application was introduced), the Ukrainian Government complains that the Russian Federation is responsible for an administrative practice of human rights violations in Crimea. Following a hearing held on 11 September 2019, the Grand Chamber of the European Court of Human Rights, proceeding on the basis that Russia’s jurisdiction over Crimea was in the form of effective control over an area, rather than of territorial jurisdiction, declared the case to be partly admissible. It found admissible complaints of:

- enforced disappearances and the lack of an effective investigation into such a practice (Article 2);
- ill-treatment and unlawful detention (Articles 3 and 5);
- extending the application of Russian law to Crimea from 27 February 2014, with the effect that the courts in Crimea could not be considered to have been “established by law” (Article 6);
- automatic imposition of Russian citizenship and raids of private dwellings (Article 8);
- harassment and intimidation of religious leaders not conforming to the Russian Orthodox faith, arbitrary raids of places of worship and confiscation of religious property (Article 9);
- suppression of non-Russian media (Article 10);
- prohibiting public gatherings and manifestations of support, as well as intimidation and arbitrary detention of organisers of demonstrations (Article 11);
- expropriation without compensation of property from civilians and private enterprises (Article 1 of Protocol No. 1);
- suppression of the Ukrainian language in schools and harassment of Ukrainian-speaking children at school (Article 2 of Protocol No. 1);
- restricting freedom of movement between Crimea and mainland Ukraine (Article 2 of Protocol No. 4);
- targeting Crimean Tatars (Article 14, taken in conjunction with Articles 8, 9, 10 and 11 of the Convention and with Article 2 of Protocol No. 4 to the Convention).

¹⁰³ OHCHR Ukraine report, [16 August-15 November 2019](#), paragraph 98; Ukraine report, [1 August 2020-31 January 2021](#), paragraphs 108-109; Coynash H., “Crimean Tatar political prisoner with dangerous Covid-19 symptoms thrown into punishment cell”, KHPG, 19 November 2020.

¹⁰⁴ Commissioner for Human Rights, [CommDH\(2014\)19](#); OSCE HCNM and OSCE ODIHR (2014).

¹⁰⁵ See [A/RES/71/205](#) and [A/RES/72/190](#).

¹⁰⁶ European Court of Human Rights, [press release](#), 17 December 2018.

¹⁰⁷ European Court of Human Rights, [press release](#), 14 January 2021. A total of four inter-State cases brought by Ukraine against Russia were pending as of 23 February 2021 ([press release](#) of 23 February 2021).

The question whether Russia is responsible for the acts complained of will be determined at the merits phase of the proceedings. Complaints raised in this case of administrative practices of killing and shooting and of the detention of foreign journalists and seizure of their equipment in the first half of March 2014 were however found inadmissible due to the limited number of allegations. Finally, both the admissibility and the merits of additional complaints regarding the transfer of prisoners from Crimea to the territory of the Russian Federation, raised in December 2018, will be determined by the Court at a later stage.¹⁰⁸

63. On 24 April 2014, the International Criminal Court launched a preliminary examination of the situation in Ukraine, including crimes committed in Crimea. On 11 December 2020, the prosecutor of the International Criminal Court announced that she had concluded her preliminary examination and that the statutory criteria for opening investigations were met.¹⁰⁹

64. On 16 January 2017, Ukraine initiated proceedings before the International Court of Justice (ICJ) concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. In this case, on 19 April 2017, the ICJ issued an order for the indication of provisional measures, in which it found that the Russian Federation must refrain, pending the final decision in the case, from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*, and ensure the availability of education in the Ukrainian language. The Russian Federation has not complied, however.¹¹⁰ The ICJ held public hearings from 3 to 7 June devoted to the preliminary objections raised by the Russian Federation in this case; on 8 November 2019, it rejected these preliminary objections, found that it had jurisdiction to entertain the claims made by Ukraine, and fixed 8 December 2020 as the time-limit for the filing of the counter-memorial of the Russian Federation. At the request of the latter, this time-limit was recently extended to 8 July 2021.¹¹¹

65. Following the seizure by the Russian Federation of three Ukrainian naval vessels passing through the Kerch Strait and its arrest of 24 Ukrainian servicemen on 25 November 2018, Ukraine addressed a new interstate application to the European Court of Human Rights (*Ukraine v. Russia (VIII)*) (application no. 55855/18). Ukraine also applied to the International Tribunal for the Law of the Sea in this context. On 25 May 2019, the Court ordered the Russian Federation to release immediately the three ships and return them to the custody of Ukraine, and to release the 24 servicemen immediately and allow them to return to Ukraine.¹¹² On 27 May 2019, however, the court in Moscow upheld the extending of pre-trial detention of those servicemen.¹¹³ These 24 servicemen were among the 35 prisoners transferred to Ukraine by the Russian Federation in the framework of the exchange of prisoners carried out by the Russian and Ukrainian authorities on 8 September 2019.

8. Conclusions

66. As I pointed out above (in section 2), Crimean Tatars suffered violations of their rights before March 2014. Although measures were taken to help them gain access to teaching of and in their language and to media in their language, those measures remained below the level of protection they enjoyed before their deportation, and their request to be recognised as an indigenous people went unheeded until March 2014.

67. Since March 2014, however, the situation of the Crimean Tatars has considerably worsened, and constant pressure has been exerted on them by the authorities. A striking pattern of harassment, prosecution and intimidation of Crimean Tatars and of the lawyers defending them, as well as of journalists reporting on this situation and activists contesting it, has developed. The grave human rights violations set out above – forced disappearances, torture and inhuman treatment, as well as violations of personal security, unjustified searches, excessive use of force, unjustified prosecutions, violations of freedom of expression and peaceful assembly – occurred only after the Russian Federation's occupation of Crimea and remain to date unpunished. International law and the principle of the rule of law are also flouted.

68. Many actors emphasise that a climate of fear and hostility exists in Crimea that has an impact on everyone living there. This is why I have also relayed in my report some concerns regarding the treatment of

¹⁰⁸ European Court of Human Rights, Grand Chamber [decision](#), application no. 20958/14, 14 January 2021.

¹⁰⁹ International Criminal Court, [Statement](#) of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination in the situation in Ukraine, 11 December 2020.

¹¹⁰ See [A/RES/73/263](#). Documents relating to this case can be consulted at www.icj-cij.org/en/case/166.

¹¹¹ International Court of Justice, press release no. [2019/23](#), 7 June 2019; press release no. [2019/46](#), 8 November 2019; [order](#) of 20 January 2021.

¹¹² International Tribunal for the Law of the Sea, Press release, 25 May 2019, [ITLOS/Press 284](#). For the stance taken by the Assembly regarding these events, see [Resolution 2259 \(2019\)](#) on the escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security, adopted on 24 January 2019.

¹¹³ RFE/RL, "[Moscow Court Upholds Extending Pretrial Detention of Ukrainian Sailors](#)", 27 May 2019.

people who do not identify as Crimean Tatars, in particular Jehovah's Witnesses and persons who identify as Ukrainian or who may be considered to support pro-Ukrainian positions, as well as concerning difficulties around access to media and education in Ukrainian.

69. Crimean Tatars seem however to be disproportionately affected by unjustified repressive measures that are contrary to both international and Ukrainian law. These abusive measures often affect Crimean Tatars who work actively to protect the rights of persons belonging to this minority. It seems that these persons may be being targeted by the Russian authorities at least in part because they have voiced political dissent against the occupation. Regardless, and whether such treatment is based on ethnic origin, religion or political opinion, the effect is that Crimean Tatars are not only victims of violations of their human rights as such but also appear to be discriminated against, directly or indirectly, as a result of the disproportionate use of such abusive measures against them.

70. Most of the recommendations made in the text which I invite the Committee to submit to the Assembly for adoption are based on the above conclusions. In addition, I underline that when ratifying the credentials of the Russian delegation on 26 June 2019 ([Resolution 2292 \(2019\)](#)), the Assembly called on the Russian Federation to implement all the recommendations set out in resolutions [1990 \(2014\)](#), [2034 \(2015\)](#) and [2063 \(2015\)](#). Where the situation of Crimean Tatars is concerned, that includes the following requirements:

- to reverse the illegal annexation of Crimea;
- to fully and transparently investigate the deaths and disappearances of political activists who were critical of this annexation;
- to refrain from exerting pressure on and threatening to close independent media outlets, and reopen the Crimean Tatar television channel, ATR;
- to refrain from harassing and putting pressure on Crimean Tatar institutions and organisations;
- to allow Mr Mustafa Dzhemilev and Mr Refat Chubarov to return to Crimea and allow them to move freely across the administrative boundary line;
- to ensure that the rights of Crimean Tatars and Ukrainians are not violated.

In its [Resolution 2292 \(2019\)](#), the Assembly also called on the relevant Russian authorities to co-operate fully with all human rights monitoring agencies and with the Monitoring Committee, including by granting them access to all relevant sites.

71. All these requirements are still pending. I wish to point out that all member states of this Organisation have an obligation to uphold the fundamental rights set forth in the European Convention on Human Rights, in relation to everyone within their jurisdiction. My report and all of the recommendations formulated in my draft text for adoption are firmly geared towards the goal of ensuring respect for international law and protection for human rights, which must be secured no matter what the political situation.