



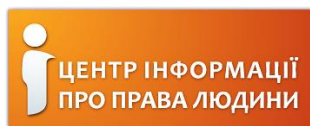
**CRIMEA
HUMAN RIGHTS
GROUP**

Monitoring review of the human rights situation in Crimea

July-August 2015

Crimean Human Rights Group

in collaboration with



Ukrainian
Helsinki
Human
Rights Union



Українська
Гельсінська
спілка
з прав людини

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1. INTRODUCTION

The monitoring review was prepared by the Crimean Human Rights Group and is based on the materials collected in July-August 2015.

The Crimean Human Rights Group (CHRG) is an initiative of representatives of human rights organizations, which aims to promote the observance and protection of human rights in Crimea through attracting wide attention to issues related to human rights and international humanitarian law in the territory of the Crimean peninsula.

The Crimean Human Rights Group commenced its work in August 2015.

In its activity the CHRG is guided, first of all, by the provisions of fundamental documents on human rights, namely the Universal Declaration of Human Rights, the Helsinki Final Act, the Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights etc.

The aims of the CHRG are as follows:

- 1) collection and analysis of information on the human rights situation in Crimea;
- 2) wide provision of information to authorities, international organizations, intergovernmental bodies, non-governmental organizations, the media and other target groups by publishing and disseminating the analytical and informational materials on the human rights situation in Crimea;
- 3) promotion of the protection of human rights and respect for international law in Crimea;
- 4) development of recommendations for the authorities and international organizations in the field of human rights;
- 5) ensuring the presence of the topic "human rights in Crimea" in the information space.

In preparation and dissemination of information the CHRG is guided by the principles of objectivity, reliability and timeliness.

The CHRG works in conjunction with the Crimean Field Mission on Human Rights, organizations of the Initiative Group on Human Rights in Crimea Coalition, the Field Human Rights Center.

2. CIVIL AND POLITICAL RIGHTS

RIGHT TO LIFE. FORCED DISAPPEARANCES

It has been repeatedly noted that the investigation of disappearances of people in 2014 is carried out ineffectively in Crimea. In turn, the Ukrainian prosecution authorities and investigators take certain action to investigate these facts.

Thus, according to the information obtained from the Prosecutor's Office of Crimea (reestablished in Kyiv) and the Ministry of Internal Affairs of Ukraine, with regard to the disappearance of **Ivan Bondarets** the Prosecutor's Office of Crimea opened the criminal proceedings for an offense under Part 1 of Article 115 of the Criminal Code of Ukraine – the premeditated murder (**Annex 1**).

With regard to the disappearance of **Vasiliy Chernysh** the Main Department of MIA of Ukraine in Kyiv commenced a pre-trial investigation on the basis of the application on his disappearance (**Annex 2**).

With regard to the disappearance of **Vladislav Vashchuk** the Department of MIA of Ukraine in Rivne region initiated a pre-trial investigation for an offense under Part 1 of Article 115 of the Criminal Code of Ukraine – the premeditated murder. However, the materials on the given proceeding on April 11, 2014 were sent to Simferopol. At the time, the Ukrainian government agencies, including the law enforcement bodies, were not operating in Simferopol. Currently, the Prosecutor's Office of Crimea is trying to establish the actual location of these materials (**Annex 1**). It should be noted that the response of the Ministry of Internal Affairs of Ukraine contradicts the information of the Prosecutor's Office of Ukraine, as the MIA of Ukraine replied that there is no information about the criminal proceedings into the disappearance of Vladislav Vashchuk (**Annex 2**). However, the Prosecutor's Office of Ukraine indicated the number of the given criminal proceedings (**Annex 1**).

Currently, it is unknown what action is taken by the investigating authorities in Crimea with regard to the investigation into these disappearances.

It should be recalled that in early March 2014, Ivan Bondarets (born in 1990) and Vladislav Vashchuk (born in 1985) disappeared. They got in touch for the last time from Simferopol on March 7. Vladislav Vashchuk called his sister and said that he, together with Bondarets, arrived in Simferopol, complained about the check of documents and personal inspection at the station. None of them got in touch since then. Both activists participated in the pro-Ukrainian movements. Also, in March, Vasiliy Chernysh (born in 1978) who lived in Sevastopol went missing. According to his relatives, before he was a staff member of the Security Service of Ukraine, took part in the so-called 'Automaidan' and in Sevastopol communicated exclusively in Ukrainian. For the last time he got in touch on March 15. The family believes that he could become a victim of the crimes committed by 'the Crimean self-defense'.

Recently, the cases of abduction and murder of the Crimean Tatars have been of particular concern.

Thus, on July 26, in the Chaikino village of Dzhankoy district a 60-year-old Crimean Tatar **Kachok Mukhiddin** who lived in this village was killed. The witnesses reported that before his death they saw the three men attempting to talk to him. It is possible that the conflict in which he was mortally wounded occurred on the grounds of ethnic hatred. The body of the deceased was found by his wife, who said that she saw the wound in the temporal region of her spouse's head. This wound could be the cause of death. Eskender Bariev, one of the coordinators of the Committee on the Protection of

the Rights of the Crimean Tatar People reported that the relatives called the police. One of the suspects in the crime was arrested, but after a few days he was released. The relatives fear that the investigation will not be effective as one of the suspects is at liberty¹.

In August, there were other murders, the victims in which were the Crimean Tatars (**Memet Selimov** and **Osman Ibragimov**); the information about the possible motives and circumstances of the offense, as well as the course of investigation is being verified.

RIGHT TO FREEDOM AND PERSONAL IMMUNITY

ABDUCTIONS, DISAPPEARANCES

On August 27, a resident of the Fountains district in Simferopol **Mukhtar Arislanov**, who, according to his wife, went shopping and never returned, was abducted. According to the sister of the abducted, Nurfie Karakash, the locals saw a few people dressed in police uniforms, who put Mukhtar Arislanov in a minibus Mercedes Vito. After that, some of these people also stepped into the minibus, and some to LadaPriora and drove off in the direction of Simferopol. The 45-year-old Mukhtar Arislanov is a physical education teacher at a school in Simferopol district. He is a judo coach. The telephone contact with him was lost in the afternoon.

The relatives went to the police, which received a report on the missing person and said that they had nothing to do with the disappearance of Mustafa Arislanov. The Field Human Rights Center reports that the Arislanov's wife experienced a psychological impact from the investigative bodies aimed to force her to retract the report on the abduction.

ARRESTS

The same as last year, the 23rd (the Flag Day of Ukraine) and the 24th of August (the Independence Day of Ukraine) were accompanied by unlawful actions of the security agencies and arrests on trumped-up reasons. Thus, at least 9 of such cases are known.

On August 11, in the evening, the Ukrainian activists **Veldar Shukurdzhiev** and **Irina Kopylova** in a square in Simferopol near the monument to Lenin attempted to take a picture with a Ukrainian flag. They were arrested by the police. In addition, there also was a Russian lawyer from Moscow **Irina Biryukova**, who was not involved in the photographing, but she was also arrested. As the police drew up a protocol, it deprived her as a lawyer of the possibility to defend the interests of the arrested activists. They spent a few hours in the police department and after the drawing up of the protocols all the arrested were released. The protocol of arrest of Veldar Shukurdzhiev states that *"on August 11, 2015 at 19.30 in the Lenin square in Simferopol, at the monument to V.I. Lenin in front of the Council of Ministers of Crimea, Shukurdzhiev V.S. by his actions violated the established order of holding the meeting in the abovementioned place with the flags of Ukraine, i.e. committed an offense that involves administrative responsibility, Part 5, Article 20.2 of the Code of Administrative Offences of the RF"* (**Annex 3**). However, the photographing of two people with a flag in form is not a public meeting, there is no established procedure for photographing in the public places in accordance with the Law of RF On Meetings, Rallies, Demonstrations, Marches and Pickets.

¹ <http://qha.com.ua/ru/proisshestiya/v-djankoe-ubit-krimskii-tatarin-pravozaschitnik/147778/>

On August 24, at around 7 am, in Kerch, the police arrested 3 people who were photographing on the Mitridat Mountain with a Ukrainian flag. All the activists were taken to the city police department, where the protocol on an administrative offense for the use of foul language was drawn up. For one of the arrested the court determined a punishment in the form of 15 days of detention for the "*breach of the public order showing obvious disrespect for society, accompanied by the use of foul language in public*" (**Annex 4**), for the second - a fine in the amount of 1,000 rubles; during the session concerning the third arrested person it was found that the only witness specified in the protocol of the offense did not see anything and gave testimony according to her husband's words. In this regard, the hearing on this protocol was postponed. One of the arrested currently has served the 15 days of detention.

On August 24, at the time of laying the flowers to the monument of the Ukrainian writer Taras Shevchenko in Simferopol the police officers arrested the pro-Ukrainian activists **Leonid Terletsky**, **Maxim Kuzmin** and **Leonid Kuzmin**. The law enforcers explained their actions by the fact that they suspected them of intending to carry out an unauthorized mass event. L.Terletsky stated that he did not give any reasons for such a conclusion.

The arrested L.Terletsky was forcibly brought to the Central Police Department of Simferopol without the drawing up a protocol on conveyance; during the arrest the law enforcement officers confiscated his camera. The interrogation lasted for more than an hour in the presence of a lawyer. After the interrogation L.Terletsky was released and got back his camera and documents. Leonid Kuzmin was also brought to the police department for interrogation, which took place in the presence of a lawyer, and then L.Kuzmin was released.

In both cases, the law enforcers refused to provide to the arrested and the lawyer the copies of the protocol of interrogation. A few days later Leonid Kuzmin was again called to the police station. He refused to come and informed the police that he was at work. The police officers did not clearly explain the reason for the call to the police. After that, the police brigade came to the place of residence of L. Kuzmin. The mother of L. Kuzmin was home and she had to let the law enforcers in. The officers conducted an unauthorized inspection of premises and left. Later, L. Kuzmin, accompanied by a lawyer came for questioning, where he was given a verbal warning and released. The access to the protocol of interrogation was denied.

OTHER

On July 5, a representative of the Contact Group on Human Rights **Emir Usein Kuku** on his Facebook page reported that the Russian FSS is "framing up his criminal case". He reported that on June 30 he was summoned to the Investigative Committee and told that a statement from the FSS officers was received stating that he allegedly beat them. Kuku said that the investigation set out a lead that the FSS officers allegedly stopped him and asked for directions to Yalta, Kirov Street, and in response he hit them.

It should be recalled that on April 20, in Crimea, the men in camouflage uniforms arrested a representative of the Contact Group on Human Rights Emir Usein Kuku. He was taken to the police station, questioned and later released. Then Emir-Usein Kuku was charged under Article 282 of the CC of the RF for "inciting hatred or hostility, and humiliation of human dignity".

PROGRESS OF THE HIGH-PROFILE CRIMINAL CASES

The 'May 3 case'

As part of this case a hearing in Armyansk should have been held. On July 7, due to the absence of the victim, the Armyansk City Court of Crimea adjourned the hearing on the case of **Eden Osmanov**, who was charged under Part 1 of Article 318 of the Criminal Code of the RF (use of violence dangerous for health against a representative of authorities in connection with the performance of his official duties) in connection with the events of May 3, 2014 at the Armyansk checkpoint. On July 24, another hearing was held, and the next hearing was not scheduled.

On August 3, the Armyansk City Court sentenced **Eden Ebulisov** who was charged under Part 1 of Article 318 of the Criminal Code of the RF (use of violence dangerous for health against a representative of authorities in connection with the performance of his duties) in connection with the events of May 3, 2014 at the Armyansk checkpoint. He was found guilty and fined in the amount of 40 thousand rubles.

On August 4 and 18, the Armyansk City Court postponed the hearing on **Tahir Smedlyayev**, the brother of the Head of CEC of Kurultai of the Crimean Tatar people of Zair Smedlyayev. He was charged Part 1 of Article 318 of the Criminal Code of the RF (use of violence dangerous for health against a representative of authorities in connection with the performance of his duties) in connection with the events of May 3, 2014 at the Armyansk checkpoint. The next hearing is scheduled for September 7.

The 'February 26 case'

Under this case, "on suspicion of organizing and participating in the mass disorder", on January 29, 2015, the deputy head of the Mejlis **Ahtem Chiygoz** was arrested; later, in April 2015, **Ali Asanov** and in May 2015 **Mustafa Degermendzhy** were arrested whose period of the detention, the same as Ahtem Chiygoz's, had been repeatedly extended. This is one of the criminal cases in which the Russian authorities under the Russian law bring to justice the citizens of Crimea for the events that occurred before the recognition by the Russian Federation of its full control over the territory of Crimea and the change of the legal environment in Crimea to the legislation of the Russian Federation.

On July 28, the court in Simferopol extended the period of detention of Ahtem Chiygoz until November 19, 2015. On August 10, the request of the lawyer was partially satisfied and the period of detention of Ahtem Chiygoz was reduced till the 19th of August. However, on August 14, 2015, in the Kiev District Court of Simferopol there was a consideration of another request of the investigator for the extension of the detention of Ahtem Chiygoz. The court quashed the decision of the Supreme Court of Crimea of August 10, and thus extended the detention of Chiygoz until November 19 (**Annex 5**).

The lawyer Alexander Lesovoy believes that there is no reason to extend the detention of Ahtem Chiygoz: *"Based on the standards of the European Convention on Human Rights I believe that in one and a half year after the events being investigated took place, there is no reason to continue the detention of Chiygoz. Bearing in mind that over the past period as of the events that took place on February 26 Chiygoz did not commit any actions impeding the investigation"*.

According to the lawyer Alexander Lesovoy, the court of the first instance, with regard to Ahtem Chiygoz decided to extend the preventive measure at a time when the period of investigation had been over and was not renewed. Only after the defense pointed to this fact in the appeal, the Investigative Committee of the Russian Federation extended the period of investigation, and the second court instance did not satisfy the appeal. According to the lawyer, the investigation into the 'February 26' case is completed and the materials were submitted to the prosecutor's office to prepare the indictment.

On August 12, the Kiev District Court of Simferopol extended the detention of Ali Asanov until October 15, 2015. On August 19, the Simferopol Court extended the detention of Mustafa Degermendzhy until November 7, 2015.

According to the Head of CEC of Kurultai of the Crimean Tatar people Zair Smedlyaev, Mustafa Degermendzhy, as well as Ali Asanov are required to perjury against Ahtem Chiygoz. At the trial, Mustafa Degermendzhy said that he did not consider himself guilty and was going to prove his innocence to the utmost. Bekir Degermendzhy, the father of Mustafa Degermendzhy called the trial absurd and said: *"They judge my son for the rally which took place in Ukraine. What right do they have to do this? In Ukraine we were allowed to hold rallies. I think this is an outrageous situation with regard not only to my son, but with respect to all of our people, they just want to scare us"*².

On July 28, Zair Smedlyaev and the First Deputy Chairman of the Mejlis of the Crimean Tatar people Nariman Jalal were called in for questioning as witnesses in this case (*see more in the section 'Freedom of movement'*).

The 'Hizb ut-Tahrir case'

According to the lawyer of the arrested Crimean Tatars **Ruslan Zeytullaev, Nuri (Yuri) Primov, Rustem Vaitov, Ferat Sayfulaev** who are accused of terrorist activity of the organization Hizb ut-Tahrir, the investigator challenged the lawyer E. Kurbedinov in respect of the three defendants under par. 3 of Part 1 of Article 72 of the Russian Federation Code of Criminal Procedure of the conflict of interests of the clients (**Annex 6**). The lawyer considers that there were no reasons for this as all the three clients refused to testify and therefore it is impossible to identify the conflict of interests.

Moreover, the lawyer was denied a request for a copy of the court decision of his challenge. The appeal against the denial to provide a copy of the decision on the challenge of the court of first instance failed – the consideration was formal, the decision reflects only the position of the investigator, while the lawyer focused on the law enforcement. The lawyer filed an appeal petition.

In addition, on May 29, the investigator Serdyuk A.N. refused to satisfy the lawyer's request for a copy of the decision on the appointment of forensic psychophysiological examination of Primov Y.V. (**Annex 6**).

The 'Kostenko's case'

In May, Alexander Kostenko was sentenced to 4 years and 2 months in a general regime penal colony after being convicted of violating paragraph "b" of Part 2 of Article 115 (intentional infliction of bodily harm) and Part 1 of Article 222 (illegal possession of firearms) of the Criminal Code of the RF. The court confirmed the version of the investigation that Kostenko threw a stone at the member of 'Berkut' during the protests in Kiev in February 2014, and also kept the arms.

On August 26, the Supreme Court of Crimea changed the Kostenko's sentence and changed the period of detention to 3 years 11 months, collectively amounting to 4 years 2 months. The Kostenko's lawyer Dmitry Sotnikov is not satisfied with this decision; he considers that in this way the Supreme Court is only creating an illusion of competition. On his Facebook page Sotnikov wrote, *"Kostenko A.F. is not guilty. He did not keep arms in the apartment. He did not harm the members of 'Berkut'. At Maidan he only exercised his right to call the power to account"*.³ Furthermore, the court did not take into account the fact that A. Kostenko was tortured after the arrest.

² <http://hromadskeradio.org/prava-lyudyny/krymchanynu-mustafe-degermendzhy-grozyt-do-vosmy-let-lyshenyaya-svobody>

³ https://www.facebook.com/permalink.php?story_fbid=531950073648596&id=100005008243232

On August 27, the North Caucasus District Military Court dismissed the appeal against the decision of the Crimean garrison military court for the return of the lawyer's complaint of the inaction of the military investigation into the torture of Kostenko by the FSS officers.

Due to the hand injury suffered during torture, Alexander Kostenko is in need of medical care and medicines. In order to prescribe the proper treatment it is necessary to obtain a doctor's opinion. However, for two months the Kostenko's relatives have been requesting the doctor's visit to the detainee, but to date, according to the lawyer and the relatives, the adequate medical care had not been provided to Kostenko.

According to **Stanislav Krasnov**, who is a close friend of Alexander Kostenko, on August 21 the members of the Investigative Committee of the Russian Federation, under the threat of forced conveying, forced his mother into a car. The activist said that she was taken in for questioning by the investigator A.S. Lukyanchuk. The lawyer of A. Kostenko Dmitry Sotnikov said that the interrogation was conducted in violation of the procedural rules, included insults and threats. The woman reported that the investigator strongly asked her when her son allegedly "became a fascist", whether he kept arms at home, why did he go to the Maidan and whether he was planning further terrorist activities. Nadezhda Krasnova responded that she knew nothing about it, that there were no arms in the apartment. Also, the investigator asked personal questions about the father of S. Krasnov and the private life of the activist.

FREEDOM OF SPEECH AND EXPRESSION

FREEDOM OF THE MEDIA

On August 24, in Simferopol the employees of the Ukrainian TV channel Inter - **Yulia Kryuchkova** and **Vitaly Zyatkovsky** were arrested. The lawyer Dzhemil Temishev said that *"the group arrived at the shooting in the Shevchenko Park in Simferopol. They were approached by the police, offered to go to the police department for identification"*. The journalists were brought to the central police department of Simferopol, but the protocol on conveyance was not drawn up. Soon, the journalists were released, their documents were returned and the police apologized "for the inconvenience".

On July 27, in Simferopol, the bus with journalists was stopped by the traffic police. The journalists were heading to the field meeting of Saki Administration due to the cancellation of the **Befooz festival**. The journalists reported that a protocol was drawn up with regard to the bus driver, but they did not know the reason for drawing up the protocol. In addition, on the site there was a senior prosecutor of the department on supervising the execution of laws on federal security, interethnic relations and countering extremism and terrorism of the Prosecutor's Office of Crimea Valentin Chuprina and inspector of the Federal Service for Supervision of Transport, who previously attended a place of gathering of journalists before the departure; they were in plain clothes. The organizers had to provide the journalists with a second, smaller bus. On the same day, two hours later, in Saki, the bus with the journalists was again stopped by the traffic police. The deputy chief of department of the Ministry of Internal Affairs Vasiliy Klimenko and senior prosecutor of the department on supervising the execution of laws on federal security, interethnic relations and countering extremism and terrorism of the Prosecutor's Office of Crimea Valentin Chuprina arrived also. V. Klimenko told the journalists that the police had to make sure that the "journalists were not terrorists and extremists". The journalists were strictly forbidden to film what was happening.

The unreasonably strict limitations were introduced by the local authorities in relation to the **ATR TV channel**. Thus, the Deputy Director General of ATR TV channel Lilia Bujurova reported that the ATR staff members were banned to film in the Crimean Tatar cultural establishments⁴. The representatives

⁴ <https://www.facebook.com/lilya.takosh/posts/729845200471060>

of the establishments explained the ban referring to the letter of the Ministry of Internal Policy and Information of Crimea, which advised not to provide access to journalists of **ATR**, the **publications '15 Minutes', 'Crimea. Realities', the 'Center for Investigative Journalism' and QHA ('Crimean News')**. However, the Chairman of the Committee of the State Council of Crimea on Information Policy and Mass Communication Sergey Shuvaynikov denies the existence of such a letter.

Currently, the ATR channel operates in Crimea on the basis of the certificate of registration of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) issued for the 'Kvinmedia'. The Field Human Rights Center reported that Lilia Bujurova told that Roskomnadzor filed a lawsuit demanding to revoke the certificate of registration of the media, issued for the Kvin Media LLC for the broadcast of ATR in the Russian Federation. In addition, the journalists of ATR reported that they constantly face other obstacles in their professional activities, such as the biased demands of the traffic police to show the documents, the accompanying of their transport by the police car to make a video recording of their work, denial of accreditation.

On August 2, the unknown persons illegally entered the premises of the Crimean **newspaper Yany Dyunya**, stole computers and hard drives that contained the archives and all the basic information, the documentary archive of the editorial office was destroyed⁵. Elmira Rumieva, the journalist of the Crimean Tatar radio station Meydan reported that among the archival photographs the photos that depicted political events - rallies were torn.

FREEDOM OF EXPRESSION

The Crimean Field Mission on Human Rights (CFM) has repeatedly recorded the cases when the residents of Crimea, which openly expressed the pro-Ukrainian attitudes, were discriminated or prosecuted for using the Ukrainian symbols. In order to put pressure on the Ukrainian activists the administrative formal restrictions are frequently used.

Thus, in the evening on August 11, the activists **Veldar Shukurdzhiev** and **Irina Kopylova** in a square in Simferopol, near the monument to Lenin were photographing with a Ukrainian flag. They were arrested by the police. The protocol was drawn up with regard to the violation of the order of holding the meetings, rallies, demonstrations, marches and pickets. However, the photographing of two people is inherently not a rally, demonstration, march or picket under the relevant law of the Russian Federation. The activists consider that the actual reason for the arrest was the use of the Ukrainian flag.

A similar situation occurred in Kerch, on August 24, when three young men were arrested after they unfurled the Ukrainian flag for photographing. However, the protocol was drawn up for disorderly conduct - a violation of the public order (for details, see the section '*The right to freedom and personal immunity*').

FREEDOM OF ASSOCIATION

On May 19, the State Duma of the RF adopted the Federal Law On amendments to certain legislative acts of the Russian Federation. The law was named "the law on the ineligible foreign and international organizations" and allows to prohibit the activities of organizations which, according to authorities, pose a threat to the constitutional order, defense capacity or security of the state.

On the basis of this law, on July 7, the Federation Council of Russia published a "patriotic stop-list", which includes 12 organizations: the Open Society Institute (Soros Foundation), the National Endowment for Democracy, the International Republican Institute, the National Democratic Institute for International Affairs, the MacArthur Foundation, the Freedom House, the Charles Stewart Mott

⁵ <http://news.allcrimea.net/news/2015/8/4/v-krymu-razgromili-redaktsiju-krymskotatarskoi-gazety-42249/>

Foundation, the Education for Democracy Foundation, the East European Democratic Centre, the World Congress of Ukrainians, the Ukrainian World Coordinating Council, the **Crimean Field Mission on Human Rights**⁶.

The Federation Council appealed to the Prosecutor General of the RF, the Minister of Foreign Affairs of the RF, the Minister of Justice of the RF to identify additional measures to counter, in his opinion, *"the anti-Russian activities of foreign or international non-governmental organizations"*.⁷ The Prosecutor General's Office is checking these 12 organizations, including the Crimean Field Mission, to recognize their activities ineligible.

In the event the organization is recognized as ineligible, according to the new norms of the Russian legislation, the activities of such organization are prohibited on the territory of the Russian Federation. Thus, if the CFM is considered ineligible, the Russian authorities will ban its activity in Crimea. In addition, the individuals who are involved in the "ineligible" organization may be imposed an administrative fine amounting to up to 15 thousand rubles, officials - up to 50 thousand rubles and organizations - up to 100 thousand rubles. The multiple violations of the prohibition of activities of the "ineligible organization" or collaboration with it entail criminal penalties, including the imprisonment for a period of 2 to 6 years. The "ineligible" organizations are also forbidden to hold public events, store and distribute own materials - including through the media.

Currently, the Prosecutor General's Office is checking the CFM in connection with the request of the Federation Council in the form of a "patriotic stop list". The CFM has no legal registration, bank accounts, the charter and the seal; the CFM is an informal association of human rights defenders engaged in monitoring the human rights situation in Crimea. The CFM is not involved in any political activity. Thus, under the legislation of the Russian Federation there are no grounds to consider it an "ineligible" organization, which poses a threat to the constitutional order, the defense capacity or security of the Russian Federation. However, the Federation Council intends to achieve its recognition as the "ineligible" organization.

Andrey Klishas, the representative of the Krasnoyarsk area executive body, said that the lack of a "legal status" of the CFM does not interfere with the recognition of the CFM "ineligible" and prohibition of its activity. He believes that *"the activities of the Mission, according to the published reports and the statements of its leaders, is questionable in terms of maintaining the level of confidence in the actions of state authorities of the Russian Federation; the federal legislator has the right, in order to protect the constitutionally significant values, to develop the preventive measures aimed at preventing the unlawful activities"*⁸.

Currently, of the 12 organizations included in the "stop-list", one is recognized as "ineligible" and is now banned in the Russian Federation. The US National Endowment for Democracy (NED) has been officially recognized the first ineligible organization in Russia. On July 29, the Ministry of Justice included NED in the list of foreign and international non-governmental organizations whose activities are considered ineligible in the territory of the Russian Federation. The organization was included in the list in accordance with the Federal Law On measures against persons involved in violations of the fundamental human rights and freedoms, the rights and freedoms of the citizens of Russia on the basis of the decision of the Deputy Prosecutor General of Russia of July 28, 2015.⁹

⁶ <http://ria.ru/society/20150707/1118850670.html#ixzz3lVvwDp2p>

⁷ <http://council.gov.ru/activity/documents/57487>

⁸ <http://council.gov.ru/press-center/blogs/57921/>

⁹ <http://www.vedomosti.ru/politics/articles/2015/07/29/602705-natsionalnii-fond-v-podderzhku-demokratii-stal-pervoi-nezhelatelnioi-organizatsiei-v-rossii>

With respect to the CFM, the decision has not been made yet. The fact of inclusion of the CFM in the so-called “patriotic stop-list” raises great concern among the human rights defenders and human rights organizations. Thus, the inclusion of the CFM in the “stop-list” is not only threatening the safety of the CFM members, it constitutes a violation of the freedom of assembly and is aimed at a significant limitation of activity of the human rights defenders and preventing the dissemination of information on human rights violations.

FREEDOM OF PEACEFUL ASSEMBLY

On July 18, it became known that the local authorities of **Bakhchysarai** as well as the police banned the city **Muslim community** to hold a cultural event on the occasion of Eid al-Fitr. The event has been planned to be held near the mosque in the Khan Chayyr district. Previously, such an event was held near this mosque every year. The authorities explained the refusal by the fact that the event will gather a lot of people. The reason for the refusal is not justified because there is no evidence that this cultural event is threatening the security and public order¹⁰.

On August 18, the activists of the **Ukrainian Cultural Center** submitted a notification of holding in Simferopol of the events dedicated to the Independence Day of Ukraine. Leonid Kuzmin, an activist of the Center and one of the organizers explained that in the framework of these activities it was planned to lay the flowers to the monument to the Ukrainian writer Taras Shevchenko in Simferopol. However, the Simferopol city administration refused to approve this peaceful assembly and warned that the participants and organizers of the public event would be held responsible in the event of violation of the Russian law on holding the rallies, demonstrations and marches (**Annex 7**). The reason for the refusal was the violation of the term of submission of notification, namely, according to the legislation of the Russian Federation, the organizer should give notice at least 10 days before the event, i.e., 10 days before August 24, and the notification was submitted on August 18. Thus, based on the formal grounds the activists were denied of peaceful assembly. These formal requirements violate the freedom of assembly, as the freedom of peaceful assembly envisages the use of the system of notification, but the local authorities apply the system of authorization.

On the eve of August 24 (the Independence Day), the Prosecutor’s Office of Simferopol and other cities issued warnings about the impermissibility of the uncoordinated mass events, extremist actions and the responsibility for violations of the Russian law. On August 22, **Veldar Shukurdzhiev**, the activist of the Ukrainian Cultural Centre was handed a resolution on the impermissibility of the holding the uncoordinated mass events on the 23rd (the Flag Day of Ukraine) and 24th of August (the Independence Day of Ukraine). In addition, these warnings have been handed over not only to the participants of the Ukrainian Cultural Center, which had previously applied for holding a peaceful assembly on August 24. Such warnings were issued by the Prosecutor’s Office for the pro-Ukrainian activists who had no relation to the organization or participation in the peaceful assemblies.

FREEDOM OF CONSCIENCE AND RELIGION

On August 14, to the **mosque in the Ay-Vasil (Vasilevka) village in Yalta** the officers of the FSS of Russia arrived in order to install the security cameras. The FSS said that the reason for the installation of cameras was “the need to counter terrorism”. The video recording was not the initiative of the local community, but the initiative of the Federal Security Service. The lawful ground for such intervention by the FSS is either a specific criminal case with regard to specific individuals, but their status should be determined by the decision of the investigator (as suspects), or the banning of the activity of the religious organization in connection with implementation of the prohibited activities defined by law. However, none of these grounds were named by the FSS, and referred only to the verbal explanation. Thus, the video surveillance in the mosque is the intervention of the authorities

¹⁰ <http://gordonua.com/news/crimea/V-Bahchisarai-policiya-ne-razreshila-musulmanam-otprazdnovat-Uraza-Bayram-90250.html>

and the FSS in the religious and ceremonial practices, which violates the freedom of conscience and religion.

In addition, the witnesses reported that the FSS officers encouraged the Muslims to register a new community, referring to the fact that the previous community will not be registered under the Russian legislation. However, the religious community did not intend to re-register, the initiative was brought up by the FSS. Thus, there is a question about the validity of the re-registration of the religious community on the initiative of the authorities when the community itself has no such intentions. Also, the FSS, according to witnesses, said that the members of the Muslim community will have to participate in the “preventive talks” in the Russian FSS.

Another unjustified interference with the freedom of religion and the restriction of worship was the ban on the celebration of **Eid al-Fitr** in the **Khan Chayyr district in Bakhchisaray**. The Eid al-Fitr is one of the major holidays of the Muslims, which marks the end of the fasting and symbolizes the end of the Muslim holy month of Ramadan. Previously, the Muslim community annually held this festival openly in the streets without any violations of the public order and in compliance with safety standards. The representatives of the Muslim community had to celebrate the holiday in a residential area of the city.

There are repeated cases of discrimination, including on the basis of belonging to a religious group. Thus, in Simferopol, **Rustem Seitov**, the Crimean Tatar who works as a hairdresser in a beauty salon, said that the owner of the salon prohibited the employees to speak the Crimean Tatar language, and to practice namaz. Namaz is one of the major religious practices of Muslims in the form of a prayer, which usually takes place every day, five times a day. Rustem Seitov posted the recording of a conversation in which the owner of the salon prohibited the Crimean Tatar language and namaz, and expressed hate speech against Muslims on the Internet¹¹. Ludmila Lubina, who is a local Ombudsman, did not provide an unambiguous assessment of the situation as discrimination and violation of the freedom of religion. She also stated that *“there is also an ethical dimension. The situation is not straightforward, it needs clarification”*. R. Seitov intends to defend his rights. Moreover, he said that he has worked at the salon for six years and had not encountered such discrimination, and namaz had not been a problem for his employer. The organization of the working time for namaz is generally regulated by the labor relations between the employee and the employer. Previously, the labor relations allowed R.Seitov to practice namaz, but now the employer changed her mind. The requirement to ban the use of the native language is inappropriate and demonstrates certain intolerance of the employer and desire to control the content of communication.

The Field Human Rights Center reported that in the **Rodnikovoe village of Simferopol district** the police found “extremist literature” in the mosque, but the community members deny that the literature belongs to them. The witnesses reported that with regard to the imam of the mosque the administrative report was drawn up. The details are being clarified.

RIGHT TO A FAIR TRIAL

The ‘Sentsov – Kolchenko case’

On June 21, the North-Caucasian Military District Court represented by the collegium of judges Edward Taranenko and Vyacheslav Korsakov, under the chairmanship of Sergey Mikhailuk commenced the trial on the merits.

The court satisfied the request to dismiss the appointed lawyers and allowed family visits to the accused. The requests for the appointment of the activist Vladislav Ryazantsev a public defender of **Alexander Kolchenko** and Natalia Kochneva, a sister of **Oleg Sentsov** as his defender were

¹¹ <http://15minut.org/article/razgovarivaj-zdes-na-russkom-yazyke-video-2015-08-21-11-45-32>

rejected. Also, the request of the lawyers of the defendants Dmitry Dinze and Svetlana Sidorkina for admission to their clients of the Ukrainian consul before the announcement of the verdict was rejected. They noted that the defendants are the citizens of Ukraine. The prosecution requested to dismiss the request, arguing that the defendants are the citizens of Russia.

On the same day, via the videocommunication from Simferopol the "victims" Andrey Kozenko and Alexander Bochkarev were questioned. A.Kozenko, a member of the "State Council" of Crimea from 'United Russia', in April 2014 was the head of the executive committee of the 'Russian community of Crimea'. He said that as a result of the arson at the headquarters of the organization, which was allegedly organized by Oleg Sentsov, the front door, façade, canopy over the porch, lighting fixture, eyehole and doorbell were damaged. The material damage amounted to 30 thousand rubles. A.Bochkarev is a representative of the Simferopol unit of the party 'United Russia' estimated the fire damage at 200 thousand rubles.

On July 29, during the session, the parties interrogated a key witness in the Sentsov-Kolchenko's case – the chemistry student Alexander Pirogov, who, at the request of another person involved in the case - **Alexey Chirniy** - was, according to the investigation, to make the improvised explosive devices to blow up the monuments to Lenin and Eternal Flame in Simferopol and for other failed terrorist attacks.

According to Pirogov, having received such a proposal from Chirniy, he told about it to his friends from the 'self-defense', and they advised to contact the FSS, which he did. Within the framework of "operational actions" the chemist gave Chirniy the simulant explosive devices made by the specialists of the security service; upon removal of one of them from the hiding place Chirniy was arrested red-handed¹². Earlier, Alexey Chirniy agreed to cooperate with investigators and confessed; his case was considered under special circumstances; he was sentenced to seven years in prison.

According to the verdict, A.Chirniy acted as part of the headed by the film director O.Sentsov "terrorist community", whose goal was to *"influence the decision-making by the government bodies of the Russian Federation on the secession of the Republic of Crimea"*. At the trial of the Chirniy's case the interests of the accused in the North Caucasus district court were represented by a lawyer Ilya Novikov, which was involved in the case after the approval of the indictment. Because of the pre-trial agreement with the investigation, the process took place in a specific order. Novikov said that he offered Chirniy to withdraw from the agreement and to try to prove his innocence, but the defendant refused to do so. The lawyer stated in court that the accused incriminated himself, after which the judge removed Novikov from the process for the disagreement with the position of the principal.

Four months before sentencing A.Chirniy - in December 2014 - the other defendant in the case **Gennadiy Afanasyev** was sentenced to the same term of imprisonment. Like Chirniy, after his arrest, he signed an agreement with the investigation and fully admitted his guilt.

On July 30, the North Caucasian District Military Court questioned Alexey Chirniy as a witness. Chirniy refused to testify under Article 51 of the Constitution. As Alexey Chirniy refused to testify under Article 51 of the Constitution, but did not refute the testimony given earlier, the prosecutor asked to include them in various procedural materials, as well as watch in the presence of a witness the video of his meetings with Pirogov, the transcripts of which were read to the court. The Chirniy's lawyer did not object.

On July 31, the judge questioned Gennady Afanasiev as a witness, whose case was earlier separated and reviewed in a special manner. The Moscow City Court on December 17, 2014 sentenced him to seven years in a strict regime prison on charges of terrorism. During the investigation he testified on himself, on Sentsov and Kolchenko and directly called Sentsov the organizer of the sabotage.

¹² <http://zona.media/online/sentsov-3/#7845>

However, at the trial Afanasiev retracted his testimony against Oleg Sentsov and Alexander Kolchenko. He said that he testified under duress and torture. According to him, in fact, he does not know Sentsov and Kolchenko¹³.

Alexander Popkov, a lawyer of Gennady Afanasyev said that the Russian security forces threaten to revenge his client because he withdrew the testimony provided earlier in the court.

On August 6, the North Caucasus District Military Court interrogated Oleg Sentsov and Alexander Kolchenko, the defendants. Oleg Sentsov said that he did not consider the court legitimate because he and Kolchenko are Ukrainian citizens who were detained in the territory of their country. In his speech he spoke briefly about the torture¹⁴ applied to him¹⁵.

Alexander Kolchenko made almost a similar statement: *"I do not agree with the prosecution and plead not guilty. I did not participate in any activities aimed to destabilize the situation or impact the authorities. I was not involved in any terrorist community"* - he said. According to the defendant, he has nothing to do with the 'Pravy Sector'¹⁶.

On August 19, the North-Caucasian Military District Court concluded the trial of Oleg Sentsov and Alexander Kolchenko accused of terrorism. The prosecutor Oleg Tkachenko requested for them 23 years and 12 years of imprisonment in a penal colony, respectively. Oleg Sentsov was charged with the establishment of a terrorist community (Part 1 of Article 205.4 of the Criminal Code), commission of two acts of terrorism (paragraph "a" of Part 2 of Article 205 of the Criminal Code), preparation of the commission of two acts of terrorism (Part 1 of Article 30 and paragraph "a" of Part 2 of Article 205 of the Criminal Code), as well as two incidents related to the illicit trafficking in arms and explosives (Part 3 of Article 222 of the Criminal Code). The minimum penalty under the Article 'Establishment of a terrorist community' is 15 years in prison, the maximum - for life. Alexander Kolchenko was accused of involvement in the terrorist community (Part 2 of Article 205.4 of the Criminal Code) and of committing a terrorist act (paragraph "a" of Part 2 of Article 205 of the Criminal Code). O.Sentsov and A.Kolchenko refused to participate in the debate.

The lawyer Vladimir Samokhin said that the "terrorist community" was artificially established by the investigators, and most of the evidence was obtained in violation of the law: *"Sentsov did not establish any communities and did not lead any actions. The indictment does not describe the features of the "terrorist community" referred to in Article 205.4 of the Criminal Code. The charge includes obvious contradictions, said the defender. Thus, even the composition of the alleged "terrorist community" is described differently"*.

"All of the features of the terrorist community were not reflected in the indictment - said the defender - and none of the witnesses questioned in court could not tell anything about the composition and structure of the group. Such features do not exist, the same as the community established by Sentsov".

Alexander Kolchenko delivering his last speech, said: *"I disagree with the accusations of terrorism and plead not guilty. I think this case was framed and politically motivated"*. He also informed about the torture against him.

¹³ <http://www.novayagazeta.ru/news/1695569.html>

¹⁴ <http://www.svoboda.org/content/article/27173887.html>

¹⁵ <http://sockraina.com/rus/news/19123>

¹⁶ <http://zona.media/online/sentsova--podsudimye/>

In his final statement to the court Oleg Sentsov said that he would not ask the court for anything. He added: *"I am very pleased that Gena Afanasiev could overcome himself and performed a very courageous deed"*¹⁷.

On August 25, the trial of Oleg Sentsov and Alexander Kolchenko was held in the North Caucasus District Military Court in Rostov-on-Don, the presiding judges were Sergey Mikhailyuk, Vyacheslav Korsakov and Edward Korobenko. The prosecution was represented by the prosecutor Oleg Tkachenko, Alexander Kolchenko was defended by the lawyer Svetlana Sidorkina and Oleg Sentsov by Dmitry Dinze and Vladimir Samokhin.

The military judge Sergei Mikhailyuk announced the verdict for the Ukrainian film director Oleg Sentsov and anarchist Alexander Kolchenko accused of terrorism: they were found guilty. Sentsov was sentenced to 20 years and Kolchenko to 10 years of imprisonment in a penal colony. The court did not consider that Sentsov and Kolchenko repeatedly reported on being tortured, and one of the key prosecution witnesses – the previously convicted in this case Gennadiy Afanasyev – withdrew his testimony, which he provided during investigation.

According to the indictment¹⁸, in April 2014, Sentsov established a "terrorist community" in Crimea, which received guidance from unknown individuals in Kiev. The aim of the community was to "destabilize the situation" in Crimea and "impact the authorities": the "Crimean terrorists", according to investigators, tried to force Russia to give up the decision on admission of the peninsula to the Federation.

Members of the community, according to the court, committed two "terrorist acts" in Simferopol – the arson of the office door of the 'Russian Community of Crimea' and the windows of the local branch of 'United Russia', as well as were preparing the explosions of the monuments to Lenin and the Eternal Flame. Alexander Kolchenko was accused of becoming a member of the terrorist community and participating in one of the arsons. In addition to him, according to the prosecution, the group also included Alexey Chirniy and Gennadiy Afanasyev (both were previously convicted under particular procedure and were sentenced to seven years in prison), as well as **Stepan Tsyryl, Ilya Zuikov, Enver Asanov** and **Nikita Borkin** (these four were declared wanted).

Sentsov was charged with the establishment of a terrorist community (Part 1 of Article 205.4 of the Criminal Code), commission of two acts of terrorism (paragraph "a" of Part 2 of Article 205 of the Criminal Code), preparation of the commission of two acts of terrorism (Part 1 of Article 30 and paragraph "a" of Part 2 of Article 205 of the Criminal Code), as well as the illicit trafficking in arms and explosives (Part 3 of Article 222 of the Criminal Code). Kolchenko – with the involvement in terrorist community (Part 2 of Article 205.4 of the Criminal Code) and commission of a terrorist act (paragraph "a" of Part 2 of Article 205 of the Criminal Code).

Both Sentsov and Kolchenko will serve their sentences in a penal colony. Before the sentence comes into force, they will remain in the Detention Center-4 in Rostov-on-Don.

The lawyer Dmitry Dinze insists that Sentsov and Kolchenko are the citizens of Ukraine and the defense intends to ensure their relocation to serve their sentence in Ukraine.

The case gained international attention because of the political bias, the framing of evidence, systemic application of torture, the deprivation of the right to citizenship. The campaigns in support of Oleg Sentsov, Alexander Kolchenko, Gennadiy Afanasiev and Alexey Chirniy are regularly held in many countries.

¹⁷ <http://zona.media/online/sentsov-preniya/>

¹⁸ <http://zona.media/online/sentsov-nachalo/#7595>

FREEDOM OF MOVEMENT AND MOVEMENT THROUGH THE CHECK POINTS

In late August, there was an increased number of reports of arbitrary and unlawful actions of the Border Guard Service of the Russian Federation at the entrance to Crimea. Often, people were detained for several hours for the “preventive conversations”, required to provide personal data or the personal data of their relatives, underwent the inspection of belongings, required to show the personal information on the mobile phone or computer. In these cases, the protocols were not drawn up; it was forbidden to make phone calls.

The **Mejlis of the Crimean Tatar people** reported on the use of formal grounds to restrict the exit from Crimea of the Crimean Tatar people to participate in the Crimean Tatar World Congress in Ankara. Thus, on July 28, in the department of the Investigative Committee of Russia in Crimea the summons for questioning as a witness in the ‘February 26 case’ were handed to the head of the Central Election Commission of Kurultay of the Crimean Tatars **Zair Smedlyaev** and the first Deputy Chairman of the Mejlis of the Crimean Tatar people **Nariman Dzhelal** (*Annex 8*). They were summoned for questioning on August 1 and the Crimean Tatar World Congress in Ankara was held on August 1-2. For this reason, N. Dzhelal and Z. Smedlyaev consider this an unlawful way of limiting their freedom of movement.

The Ukrainian authorities continue to apply restrictions on the entry and exit from Crimea according to the Order of entry to the temporarily occupied territory of Ukraine and exit from it (the Resolution of the Cabinet of Ministers of Ukraine No 367 of June 4, 2015). The restrictions apply not only to foreigners but also to the citizens of Ukraine, who have not reached 16 years of age. These children and their parents need to have a travel document or passport for travelling abroad. Previously, all Ukrainian citizens crossed the checkpoints with the internal Ukrainian passport and birth certificates of children issued under the Ukrainian sample. Now they are forced to apply for new documents, which takes a considerable amount of time and does not allow the children to get to Crimea as necessary. Thus, the Order imposed additional requirements for the Ukrainian citizens under 16 years of age. These requirements are contrary to the Law of Ukraine On ensuring the rights and freedoms of citizens and the legal regime of the temporarily occupied territory of Ukraine. This law establishes the right of entry and exit from Crimea for all citizens of Ukraine.

The experts of the Regional Center for Human Rights concluded that this constitutes an interference with the right to the freedom of movement of the citizens of Ukraine under 16 years of age. Such intervention is not envisaged by the current Law On the temporarily occupied territory and, therefore, constitutes a violation of the freedom of movement¹⁹. Moreover, they and the lawyers of the Ukrainian Helsinki Human Rights Union filed a claim on the fact that this Resolution violates the Constitution of Ukraine and other laws of Ukraine, as well as contradicts the international standards. According to the human rights activist, the plaintiffs in this case are both the citizens of Ukraine and foreign nationals.

Another limitation is the need to obtain special permits for foreign nationals, issued on the territory of Ukraine by the State Migration Service of Ukraine. The journalism, advocacy and human rights activity are not considered the legitimate purposes for visiting the peninsula. In this regard, foreign journalists, lawyers, human rights activists need to apply to the Ministry of Foreign Affairs of Ukraine. The MFA of Ukraine can issue a petition under the paragraph about the “protection of the national interests of Ukraine, de-occupation or humanitarian policy”. However, this wording is not consistent with the purposes of journalism, advocacy and the protection of human rights and poses a threat of criminal prosecution for the foreign nationals who are the citizens of Russia.

¹⁹ <http://rchr.org.ua/index.php/uk/ekspertno-analitichni-materiali/item/224-pravovoj-analiz-poryadka-v-ezda-na-vremenno-okkupirovannuyu-territoriyu-i-vvezda-s-nee-utverzhdennogo-postanovleniem-kabinetu-ministrov-ukrainy-ot-04-06-2015-goda-367-v-chasti-kasayushchejsya-grazhdan-ukrainy>

Thus, **Vissarion Aseev**, a human rights activist from North Ossetia, a citizen of the Russian Federation, in cooperation with the Ukrainian human rights organizations is involved in human rights monitoring in Crimea. He appealed to the State Migration Service of Ukraine to obtain a special permit to enter Crimea. His purpose of entry to Crimea Aseev was declared as the implementation of human rights activities and human rights monitoring. He also attached a petition of the Ukrainian human rights organization, which confirmed the purpose of his visit to Crimea. However, V.Aseev was denied a special permit, and thus refused the entry to Crimea according to par. 4 of clause 7 of the Order (**Annex 9**). The refusal is justified by the fact that the list of grounds for the entry of foreign nationals does not include the activity of human rights organizations.

Thus, this Order greatly complicated the work of lawyers, journalists and human rights organizations that deal with issues related to Crimea. In this regard, the human rights and public organizations of Ukraine initiated the process of amending the existing Order.

ISSUES RELATED TO CITIZENSHIP

A significant number of people, due to the much limited timeframe, could not submit the so-called application for preservation of the Ukrainian citizenship (within March 18 - April 18, 2014). In this regard, they were endued with the "automatic" citizenship of the Russian Federation without their consent. Some citizens of Ukraine, who found themselves in this situation, refused to obtain the Russian passport.

Thus, **Svetlana**, a resident of Krasnoperekopsk, did not manage to timely apply for the preservation of the Ukrainian citizenship, but refused to obtain a Russian passport as she wishes to remain only the citizen of Ukraine. In this regard, she needs to obtain a residence permit so she could continue to permanently reside in Crimea. She was denied the registration of a residence permit, since she automatically became the citizen of the Russian Federation. Svetlana decided to apply for the renunciation of the citizenship of the Russian Federation in accordance with Russian legislation, in order to apply for a residence permit as a citizen of Ukraine. She appealed to the Ombudsman of the Russian Federation for the explanation of her situation. Ella Pamfilova responded that *"for the residents of Crimea, who were recognized as citizens of the Russian Federation, but did not obtain the Russian passports, the applications for the renunciation of the Russian citizenship are received by the FMS only based on the existing passports of the citizens of Ukraine. The Ukrainian citizens which reside in Crimea and are willing to renunciate the Russian citizenship are entitled to obtain, in the prescribed manner, the residence permits of foreign citizens"* (**Annex 10**). Svetlana has a valid passport of a citizen of Ukraine. In addition, the response of the Ombudsman of the Russian Federation states that *"in general, the procedure of renunciation of the Russian citizenship by the Ukrainian citizens residing in Crimea is rather simple and not burdensome"*. However, despite the explanations provided by E. Pamfilova, Svetlana, for more than a year, has been unable to renunciate the Russian citizenship and apply for the residence permit.

In order to renunciate the Russian citizenship, in addition to the passport of a citizen of Ukraine she was requested to submit a package of other documents: the application, photographs, a certificate from the tax authorities on the absence of debts to the Russian Federation. In September 2014, Svetlana with her husband submitted all the necessary documents for the renunciation of citizenship of the Russian Federation (**Annex 11**) and the documents for the registration of residence. After a long time, in March 2015, they applied to the Federal Migration Service in order to obtain a residence permit. However, in the FMS they were told that the entire package of documents has been lost. They were advised to re-submit all the documents: for the renunciation of the citizenship of the Russian Federation, and for issuance of the residence permit. The couple had to re-collect all the documents. The mandatory document for the renunciation of citizenship of the Russian Federation is a certificate from the tax authority on the absence of debts to the Russian Federation. However, the tax authorities refused to issue such a certificate on the grounds that they do not have the Russian

passports and because they are the automatic citizens of the Russian Federation the tax inspectorate refused to provide the services to them without the submission of the Russian passports. It should be noted that in 2014, the Krasnoperekopsk tax inspectorate issued such a certificate to them without submission of the Russian passports, explaining that it was a transition period. The couple kept a copy of the statements (**Annex 11**), but the FMS requires a new certificate dated 2015, as their documents have been lost and they applied again in 2015.

Thus, for formal reasons, the couple cannot renunciate the “automatic citizenship of the Russian Federation”, until they get the Russian passports. And because they cannot renunciate the Russian citizenship, they cannot obtain a residence permit as the citizens of Ukraine. As a result, for the second year in a row the family is unable to obtain the documents allowing them to reside in Crimea and to receive the necessary social and medical services. For the same reason Svetlana cannot get a job. Without their consent, they were recognized as citizens of the Russian Federation, but they do not have the opportunity to renunciate the Russian citizenship.

In addition, the information on the possibility to renunciate the citizenship of the Russian Federation is not available on the official websites of the Federal Migration Service; the residents of Crimea are not informed about this. Such information was only temporarily placed on the Facebook page of the FMS in Sevastopol. In some branches of the FMS, for example, in Kerch, the residents of Crimea were denied the applications for renunciation of the citizenship of the Russian Federation as the staff of the FMS were not aware of such a procedure.

The residents of Sevastopol, which established the fact of the permanent residence in court (because they did not have the registration in Crimea), and obtained the Russian citizenship in July had the registration of temporary residence cancelled. As of the end of 2014, for such residents of Sevastopol there was a mechanism of temporary registration. A special certificate was issued for a period of six months, which ensured the right to get a job, to open a bank account, to obtain a military registration, to enroll the children in educational establishments. As of July 2015, the FMS of Sevastopol suspended this mechanism and does not issue the certificates of temporary registration. According to the rough estimates of the Department of Housing Policy about 20 thousand people are lacking temporary registration, thus now being severely limited in the exercise of social and economic rights, including the access to education for children and the access to free medical services.

3. PROBLEMS OF THE RESIDENTS OF CRIMEA WHO HAD TO ESCAPE FROM THE PENINSULA AND MOVE TO CONTINENTAL UKRAINE (INTERNALLY DISPLACED PERSONS)

RIGHT TO EDUCATION FOR THE CITIZENS OF UKRAINE

According to the Ministry of Education and Science of Ukraine (MES), in Crimea there were 18 higher educational establishments, with, as of April 1, 2014, up to 15.605 students studying under the the state order (**Annex 12**). The number of pupils, according to the Ministry of Education of Crimea is about 191 thousand. With regard to the citizens of Ukraine, Ukraine has the obligation to provide the opportunity to exercise the right to education.

The exercise of the right to education in accordance with the fundamental human rights instruments should adhere to the four main principles:

1. **Availability** - a sufficient number of existing establishments and programs.

There are no educational establishments of Ukraine in the territory of Crimea; the activity aimed to create the opportunities for distance education at the level of the state policy was not implemented. The Ukrainian government announced that it will not recognize the documents issued in the occupied territories, which is confirmed by the letter of MES #1/9-21 of January 20, 2015 On certain issues of the state final examination and external independent evaluation in the 2014/2015 academic year.

However, Ukraine proposed the only option for education through externship (Letters of MES #1/9-21 of 20.01.2015, #1/9-164 of 31.03.2015, #1/9-194 of 04.10.2015), which greatly complicates the possibility to obtain both the Ukrainian education, and the diploma. The externship involves the self-study and obtaining of a certificate in the Ukrainian school. In accordance with the Regulation on external studies (the Order of MES of 19.05.2008 #431), the pupils must confirm their knowledge either by the relevant certificate (i.e., obtained in the schools of Crimea, which are not recognized by Ukraine), or pass the test (i.e., confirm their knowledge and receive the appropriate assessment at the school where the externship is arranged).

Thus, the Ministry of Education offered the pupils from Crimea to pass eighteen examinations for certification and gaining access to the independent external evaluation. The passing of these exams is extremely difficult for the pupils from Crimea, as they are forced, for the second year in a row, to study according to the Russian standards, which differ from the educational standards of Ukraine.

In addition, the Ministry of Education proposed to use distance education having published a Letter of MES #1/9-26 of 22.01.2015, which is declarative in nature as there are no mechanisms for obtaining the education certificates. The International Ukrainian School, which has a license to arrange distance education, did not deal with this issue. Moreover, this institution, according to its status, arranges the education only for people living outside Ukraine.

Thus, in more than a year, the state has not started to implement the legalization of the distance education, namely, to provide the possibility to obtain the state certificates (certificate, diploma) at the completion of the educational level. The current state of development of the information technology makes it possible to develop a base of "distance educational establishments".

2. **Accessibility** – the educational establishments and programs should be accessible to everyone without any discrimination. The accessibility is characterized by the three complementary features: non-discrimination, physical accessibility, affordability.

With regard to physical accessibility, there are restrictions for the residents of Crimea, namely the introduction of a passenger transport blockade (closing of the passenger rail). This led to the fact that many Crimeans were not physically able to get secondary education guaranteed by Ukraine.

In relation to students, Ukraine had not developed the order of transfer from the Crimean universities (there is only the temporary Order of the Ministry #556 of 07.05.2014). Since the term of transfer was determined until September 2014, on November 13, 2014 the Order #1311 On amendments to the Order of the Ministry of Education and Science of Ukraine of May 7, 2014 #556 was issued, according to which the term of the transfer of students from Crimea was extended until March 1, 2015. However, there was almost no information about this, except for the websites of the Verkhovna Rada and the Ministry of Education. On the MES website this document was not included in the tab with the information for Crimeans. Subsequently, the term was extended until May 20, but again there was no information about it.

The affordability is related to the actual arrangement of examinations within the external studies. According to the Regulation, and taking into account the physical and mental strain, it is impossible to pass several tests on different subjects in one day. The schoolchildren from Crimea are required to pass at least 18 exams, which takes a few days or weeks. Thus, the pupils and at least one of the parents need to leave Crimea and arrange for accommodation and meals elsewhere for a certain period of time. The fare for the students to Crimea and back amounts to three scholarships (730 UAH*3 = 2.190 UAH, the cost of services of the private carriers is 1000 UAH one way). For many families, these costs are non-affordable due to the fact that the monthly family income is not enough to cover them.

3. **Admissibility** with regard to the right to education means that the form and content of education, including the curricula and teaching methods, must be acceptable, take into account the cultural characteristics etc. Today, however, the content of textbooks on history cannot meet the needs of the society as it promotes the negative stereotypes against Crimea and to the peoples residing in Crimea²⁰.

4. **Adaptation** of education – the education has to be flexible so it can adapt to the needs of the society, which are constantly changing, as well as meet the needs of those who study within the various socio-cultural norms.

The right to education involves the actions of the state aimed to create the conditions under which it is possible to exercise this right. Ukraine has the opportunity to create such conditions through the introduction of distance education, or through changing the regulatory framework. However, to date, the conditions for the Ukrainian citizens - residents of Crimea to get education have not been created.

The review was prepared by:

Olga Skrypnik, coordinator of the analytical activity of the Crimean Human Rights Group;

Vissarion Aseev, coordinator of the monitoring activity of the Crimean Human Rights Group (Russia);

Dariia Sviridova lawyer, Ukrainian Helsinki Human Rights Union (Ukraine);

Valentina Potapova, deputy head of the Centre of Civil Education "Almenda" (Ukraine);

Tetiana Pechonchyk, coordinator of the advocacy activity of the Crimean Human Rights Group, Human Rights Information Centre (Ukraine).

²⁰ <http://almenda.org/informacijne-osvitnye-pole-pidruchnik/>

Орса[01] 04/2-2806ux-15



Прокуратура України

ПРОКУРАТУРА АВТОНОМНОЇ РЕСПУБЛІКИ КРИМ

м. Київ, вул. Різницька, 13/15, 01011

телефон/факс: (044) 280-26-03

10.04.2015 № 04/2-409-15

Вхід. 419
13.07.2015.

Виконавчому директору
Української Гельсінської спілки
з прав людини
Бушенку А.П.
04071, м. Київ, а/с 100

Ваш запит про надання інформації щодо кримінальних проваджень за фактами зникнення громадян на території анексованого Російською Федерацією півострову Крим розглянуто.

Моніторингом даних Єдиного реєстру досудових розслідувань (далі – ЄРДР) установлено, що 02.04.2014 Острозьким МВ УМВС України в Рівненській області розпочато досудове розслідування у кримінальному провадженні № 12014180170000136 за ознаками кримінального правопорушення, передбаченого ч. 1 ст. 115 КК України, за фактом зникнення безвісти 07.03.2014 на території м. Сімферополя (АР Крим) жителя с. Межиріч Острозького району Рівненської області Ващука В.В.

Матеріали вказаного кримінального провадження, відповідно до даних ЄРДР, 11.04.2014 направлено за підслідністю до Сімферопольського МУ ГУМВС України в АР Крим.

Наразі прокуратурою автономії вживаються заходи, спрямовані на встановлення місцезнаходження вищезазначених матеріалів.

Крім того, 03.03.2015 прокуратурою АР Крим до ЄРДР за № 42015010000000018 внесено відомості про кримінальне правопорушення, передбачене ч. 1 ст. 115 КК України, за фактом безвісного зникнення І. Бондарця після затримання співробітниками територіального підрозділу МВС України в АР Крим у м. Сімферополі.

Підслідність вказаного кримінального провадження Генеральною прокуратурою України визначена за СУ УМВС України в Херсонській області.

Також повідомляю, що відомості про кримінальне правопорушення за фактом зникнення безвісти на території окупованого півострову Крим В. Черниша у ЄРДР відсутні.

Перший заступник прокурора
Автономної Республіки Крим
старший радник юстиції

Н. Холодницький

Response of the Prosecutor's Office of the Autonomous Republic of Crimea (Kiev) regarding the citizens of Ukraine declared missing in Crimea (V. Chernysh, V.Vashchuk, I. Bondarets)

**МВС УКРАЇНИ
ГОЛОВНЕ УПРАВЛІННЯ
В МІСТІ КИЄВІ
СЛІДЧЕ УПРАВЛІННЯ**

вул. Володимирська, 15, м. Київ, 01601
СЗ. 07.2015 № 115-1422
на № _____ від _____

Виконуючому директору
Української Гельсінської
спілки з прав людини

Бушенку А.П.
04071, м. Київ, а/с, 100

Про розгляд запиту. *17.07.15 № 4232*
25.08.15

На Ваш запит повідомляємо, що за наявними обліками МВС України за фактом зникнення безвісті Бондарець Івана Андрійовича, 31.07.1990 року народження, Рівненським МВ УМВС в Рівненській області, внесені відомості до ЄРДР за № 120141800010001927 від 09.04.2014. За фактом зникнення безвісті Черниша Василя Володимировича, 02.01.1978 року народження, Голосіївським РУ ГУМВС України в м. Києві, внесені відомості до ЄРДР за № 12014100010004863 від 18.06.2014.

Інформація щодо наявності кримінального провадження за фактом зникнення Владислава Вашука, 1985 року народження, відсутня.

Заступник начальника
підполковник міліції



С.В. Приходько

Шляхов 098-721-98-72

Response of the Main department of the Ministry of Internal Affairs of Ukraine in Kiev regarding the citizens of Ukraine declared missing in Crimea (V. Chernysh, V.Vashchuk, I. Bondarets))

КОПИЯ ПРОТОКОЛА № РК039715
об административном правонарушении

"11" 08 2015 г. "21" час. "30" мин. (место составления)

Я, Сидорова Ольга Викторовна (должность, наименование подразделения, звание, фамилия, инициалы лица, составившего протокол, руководствующая статьей 28.2 Кодекса Российской Федерации об административных правонарушениях, составившего настоящий протокол о том, что лицо (юридическое, должностное, физическое))

Сидорова фамилия Ольга имя Викторовна отчество

Число, месяц, год рождения 20.08.1985 Место рождения г. Симферополь, Республика Крым

Место жительства (фактическое), регистрации г. Симферополь, Республика Крым тел. 8(978) 123 45 67

Место работы (учебы) и должность Служба безопасности на иждивении Семейное положение (несовершеннолетние и иные лица в соответствии с законодательством Российской Федерации)

Представитель (представители) Сидорова Ольга Викторовна (лица в отношении которого ведется производство по делу об административном правонарушении)

Подвергался административным наказаниям, имеется ли судимость нет (указывается каким органом, когда наложено наказание, статья Кодекса или нормативного акта, вид и размер взыскания, кто наложил санкции)

Документ, удостоверяющий личность Паспорт (серия, номер, где, когда и кем выдан документ) гражданство Украина

В целях составления адм. протокола был (а) доставлен (а), кем Сидорова Ольга Викторовна

"11" 08 2015 г. "21" час. "30" мин. г. Симферополь, Республика Крым

т.е. совершил (а) правонарушение, что предусматривает административную ответственность, (пункт, часть, статья, наименование нормативного акта)

Свидетели, понятые, потерпевшие и иные лица:

1) Сидорова Ольга Викторовна (фамилия, имя, отчество, число, месяц, год рождения, место жительства, телефон) подпись Сидорова

2) Сидорова Ольга Викторовна (фамилия, имя, отчество, число, месяц, год рождения, место жительства, телефон) подпись Сидорова

Мне разъяснены права и обязанности свидетеля, потерпевшего, которые указаны на обороте протокола. Кроме этого, я, как свидетель, предупрежден (а) об административной ответственности за заведомо ложные показания по ст. 17.9 КоАП РФ.

Защитник Сидорова Ольга Викторовна (фамилия, имя, отчество, число, месяц, год рождения, место работы, данные ордера или доверенности, серия, номер документа, удостоверяющего личность, кем и когда выдан)

права и обязанности, предусмотренные ст. 25.5 КоАП РФ, разъяснены и понятны

Лицу Сидорова Ольга Викторовна права и обязанности, предусмотренные ст. 51 Конституции Российской Федерации и ст.ст. 24.2, 24.4, 25.1-25.7, 28.2 КоАП РФ, разъяснены и понятны разъяснены и понятны

(подпись лица, в отношении которого ведется производство по делу об административном правонарушении)

Место и время рассмотрения дела об административном правонарушении мне объявлены Сидорова Ольга Викторовна (подпись)

ОБЪЯСНЕНИЕ
(физического лица или законного представителя юридического лица)

Сидорова Ольга Викторовна (фамилия, имя, отчество, число, месяц, год рождения, место жительства, телефон) (подпись)

Подпись Сидорова Ольга Викторовна Замечания и дополнения нет

К протоколу прилагаются копия протокола (перечень прилагаемых к протоколу документов и вещей)

С протоколом ознакомлен Сидорова Ольга Викторовна (подпись лица, в отношении которого ведется производство по делу об административном правонарушении (его представителя))

(свидетели, потерпевшие, понятые и иные лица, участвующие в производстве по делу об административном правонарушении)

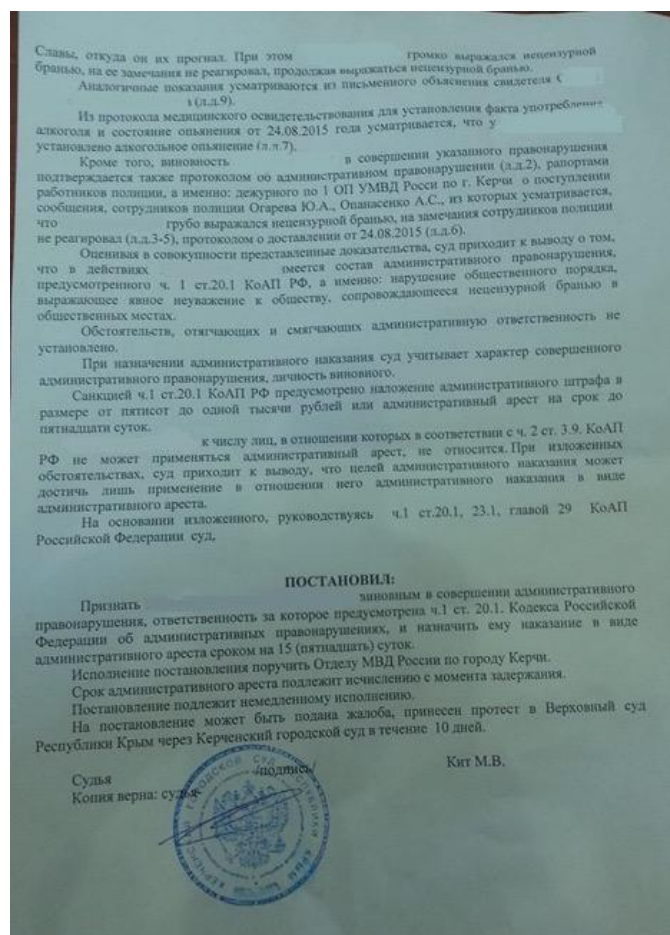
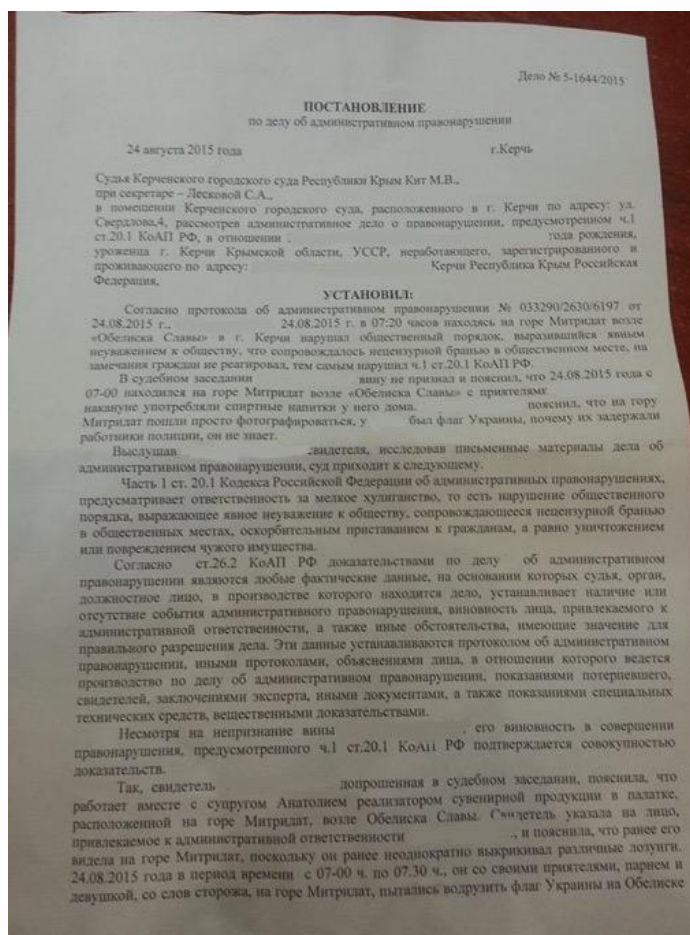
Подпись лица, составившего протокол Сидорова Ольга Викторовна

Копию протокола получил Сидорова Ольга Викторовна "11" августа 2015 г. (подпись, инициалы и фамилия)

В случае отказа подписать протокол делается об этом запись

Подписи понятых, свидетелей Сидорова Ольга Викторовна

The protocol of arrest of Veldar Shukurdzhiev of August 11, 2015 (Lenin sq., Simferopol)



The court decision in the case concerning the administrative offense, Kerch, August 24, 2015

дело №33-288/2015

ПОСТАНОВЛЕНИЕ
14 августа 2015 года

г. Симферополь

Киевский районный суд г. Симферополя Республики Крым в составе председательствующего судьи Касаткина И.В., с участием секретаря Собакина А.А., прокурора отдела прокуратуры Республики Крым юриста 1 класса Романовского С.О., старшего следователя первого следственного отдела управления по расследованию особо важных дел Главного следственного управления Следственного комитета Российской Федерации по Республике Крым старшего лейтенанта юстиции Николая П.В., адвоката Курбасова З.И., помощника Семедзеева Э.С., обвиняемого Чийгоза А.З., рассмотрев в открытом судебном заседании постановление следователя о возбуждении перед судом ходатайства о продлении срока содержания под стражей в отношении:

Чийгоза Ахтема Зейтуллаевича.

решив на судебном, обвиняемого в совершении преступления, предусмотренного ч.1 ст.212 УК РФ, постановил:

В производстве следственного отдела управления по расследованию особо важных дел Главного следственного управления Следственного комитета Российской Федерации по Республике Крым находится уголовное дело №20/4467091 по обвинению Чийгоза А.З. в совершении преступления, предусмотренного ч.1 ст.212 УК РФ - в организации массовых беспорядков, сопровождающихся насилием и уничтожением имущества.

Органы следствия Чийгоза А.З. обвиняют в том, что он 26.02.2014 в период времени с 09 часов до 17 часов, вместе с организаторами массовых беспорядков, сопровождающихся насилием и уничтожением имущества, находившись на участке местности своего дома Верховного совета Автономной Республики Крым, расположенного по адресу: Республика Крым, г. Симферополь, ул. Кюрия Марко, д. 18, во время проведения митинга сформировал общественное движение «Милитари красно-тигровый карол», грубо нарушил общественный порядок и правила проведения массовых мероприятий, игнорируя законные требования представителей власти - сотрудников МВД Республики Украины о прекращении противоправных действий, систематически применял силу, совершил насилие над гражданскими лицами, в том числе над представителями власти, применяя оружие и подручные средства, в том числе в отношении граждан, принадлежащих к этнической группе «русские еврейства», и уничтожил имущество в здании Верховного Совета Автономной Республики Крым, что привело к возмущению массовых беспорядков с участием Касаткина Э.Э., Зинченко Э.Э., Юрченко Т.А., Асимова А.А., Никитина З.Б., Чернова А.С., Дегерменджи М.Б. и неустановленных лиц, сопровождавшихся применением насилия и уничтожением имущества, грубо нарушил общественный порядок и правила проведения массовых мероприятий, игнорируя законные требования представителей власти, применяя оружие и подручные средства, в том числе в отношении граждан, принадлежащих к этнической группе «русские еврейства» в Автономной Республике Крым, нарушил и уничтожил имущество в здании Верховного совета Автономной Республики Крым.

От полученных данных телесных повреждений Корень В.Д. и Пестов Н.А. оценочно, 80 жителей Республики Крым получили телесные повреждения различной степени тяжести.

Верховный Совет Автономной Республики Крым, постановивший лица из числа представителей крымской татар принадлежать к этнополитическому движению, признанному экстремистским и запрещенным Верховным Советом Автономной Республики Крым, в том числе и Чийгоза А.З. задержан в порядке, предусмотренном ст.91, 92 УПК РФ.

В этот же день Киевский районный суд г. Симферополя в отношении Чийгоза А.З. избрал меры пресечения в виде заключения под стражу.

30.01.2015 Чийгозу А.З. предъявлено обвинение в совершении преступления, предусмотренного ч. 1 ст. 212 УК РФ. Будучи задержанным в качестве обвиняемого Чийгоз А.З. свою вину в совершении преступления не признал.

11.02.2015 срок содержания обвиняемого Чийгоза А.З. под стражей продлен Киевским районным судом г. Симферополя на 03 месяца, а всего до 03 месяца 20 суток, то есть до 18.05.2015.

15.05.2015 срок содержания обвиняемого Чийгоза А.З. под стражей продлен Киевским районным судом г. Симферополя на 02 месяца 10 суток, а всего до 06 месяца 00 суток, то есть до 29.07.2015.

28.07.2015 срок содержания обвиняемого Чийгоза А.З. под стражей продлен Киевским районным судом г. Симферополя на 03 месяца 21 суток, а всего до 09 месяца 21 суток, то есть до 19.11.2015.

30.08.2015 постановлением Верховного Суда Республики Крым постановлено Киевского районного суда г. Симферополя от 28.07.2015 изменить, срок содержания обвиняемого Чийгоза А.З. под стражей продлен на 21 суток, а всего до 06 месяца 21 суток, то есть до 19.08.2015 включительно.

30.07.2015 постановлением Президиума Следственного комитета Российской Федерации срок предварительного следствия по уголовному делу продлен на 03 месяца 00 суток, а всего до 15 месяца 00 суток, то есть до 19.11.2015.

Следователь по особо важным делам первого следственного отдела управления по расследованию особо важных дел Главного следственного управления Следственного комитета Российской Федерации по Республике Крым старший лейтенант юстиции Николай П.В. обратился в суд с ходатайством о возбуждении перед судом ходатайства о продлении обвиняемому срока содержания под стражей, мотивируя тем, что срок содержания обвиняемого Чийгоза А.З. под стражей по данному уголовному делу истекнет 19 августа 2015 года,

однако окончить предварительное расследование в установленный срок не представляется возможным, так как по уголовному делу необходимо выполнить ряд следственных действий, оснований для изменения или отмены меры пресечения обвиняемому не имеется.

В судебном заседании следователь, прокурор поддержали доводы, изложенные в постановлении. Обвиняемый возражал против продления срока содержания под стражей, поскольку намерений скрываться от следствия он не имеет, вся его семья находится в Крыму. Давление на свидетелей он также не имеет намерения под стражей является политическим заказом, просит избрать более мягкую меру пресечения. Защитники возражали против продления сроков содержания под стражей, Оснований для продления сроков содержания под стражей следствием не представлено, одной тяжести обвиняемого обвинения недостаточно. Не имеется также доказательств, подтверждающих обоснованность обвинения, что суд должен проверить при решении ходатайства следователя. Чийгоз А.З. не может обвиняться по российскому законодательству, что противоречит ст. 12 УК РФ.

Заслушав участников процесса, исследовав представленные материалы, суд считает ходатайство обоснованным и подлежащим удовлетворению по следующим основаниям.

Суд приходит к выводу, что следствием представлены достаточные данные о событии преступления и причастности обвиняемого к его совершению. Вопросы о правильности квалификации действий Чийгоза А.З. при рассмотрении ходатайства о продлении срока содержания под стражей судом не разрешаются.

Чийгоз А.З. обвиняется в совершении тяжкого преступления, за которое предусмотрено наказание в виде лишения свободы сроком до 10 лет. Чийгоз А.З. имеет паспорт гражданина Украины, то есть является гражданином указанного государства, по роду общественной деятельности он знаком со свидетелями по уголовному делу.

Окончить расследование по уголовному делу не представляется возможным, в связи с тем, что по уголовному делу необходимо выполнить ряд следственных и процессуальных действий, а именно: окончить производство медицинских судебных экспертиз; ознакомить заинтересованных лиц с заключенными судебными экспертизами; предъявить обвинение в окончательной редакции Чийгозу А.З., Кантемирову Э.Э., Эмирханову Э.Э., Чернову А.С., Юсупову Т.А., Асанову А.А., Дегерменджи М.Б. и Юсупову А.И.; принять исчерпывающие меры к установлению лиц, принимавших участие в массовых беспорядках; провести иные следственные и процессуальные действия, направленные на окончание расследования, выполнить требования ст.ст. 215-220 УПК РФ.

Кроме того, в соответствии с Постановлением Конституционного Суда РФ от 22.03.2005 уголовное дело подлежит направлению в суд для рассмотрения по существу за 14 суток до истечения срока содержания обвиняемого под стражей, а в соответствии с ч.1 ст.221 УПК РФ - прокурор рассматривает поступившие от следствия уголовное дело с обвинительным заключением и принимает по нему решение в течение 10 суток.

Суд принимает во внимание необходимость выполнения по делу указанных следственных действий, соглашается с утверждением органов предварительного следствия о невозможности окончания расследования в настоящее время по объективным причинам, при этом, признаков неэффективного расследования уголовного дела в отношении деяний обвиняемых, с участием большого количества потерпевших, не установлено.

Принимая во внимание фактические данные о событии преступления, а также данные о личности обвиняемого, суд считает необходимым сохранить меру пресечения в виде заключения под стражей, поскольку приходит к выводу, что данная мера пресечения является единственно возможной в отношении Чийгоза А.З.

Избрание Чийгозу А.З. иной, более мягкой меры пресечения, по мнению суда, не обеспечит его надлежащее процессуальное поведение и исполнение процессуальных решений по делу. Обстоятельства, которые учитывались судом при избрании меры пресечения, не изменились, являются актуальными и в настоящее время.

Как усматривается из представленного материала, состояние здоровья, возраст Чийгоза А.З. не препятствуют содержанию его в условиях следственного изолятора.

На основании изложенного, руководствуясь ст.ст. 101, 108, 109 УПК Российской Федерации, суд,

п о с т а н о в и л :

Продлить срок содержания Чийгоза Ахтема Зейтуллаевича, 1 обвиняемого по ч.1 ст.212-

УК РФ, на 03 месяца 00 суток, а всего до 09 месяца 21 суток, то есть до 19.11.2015 года включительно.

Обязать лицо, в производстве которого находится уголовное дело, незамедлительно уведомить о месте содержания под стражей обвиняемого кого-либо из его близких родственников, при их отсутствии - других родственников.

На постановление может быть принесена апелляционная жалоба в Верховный суд Республики Крым в течение трех суток со дня его вынесения.

Судья:

Касаткина И.В.
Касаткина И.В.
Секретарь

The decision of the court of Simferopol on the extension of the arrest of A. Chiogoz until November 19, 2015

Экз. № 1

ФЕДЕРАЛЬНАЯ
СЛУЖБА БЕЗОПАСНОСТИ
РОССИЙСКОЙ ФЕДЕРАЦИИ
(ФСБ России)

Адвокату
Курбединову Эмилю

Управление
по Республике Крым и г. Севастополю

Служба в г. Севастополе

26 мая 2015 года № 18/15/12-448
ул. Ленина, 37, 299011, г. Севастополь, тел. (0692) 54-37-78

УВЕДОМЛЕНИЕ

Сообщаю, что 26 мая 2015 г. мною, старшим следователем СО УФСБ России по Республике Крым и г. Севастополю капитаном юстиции А.Н. Сердюком, в соответствии со ст. 51, ч. 1 ст. 62, п. 3 ч. 1 и ч. 2 ст. 72 УПК РФ вынесено постановление об отводе адвоката Курбединова Эмиля I от участия в производстве по уголовному делу № 2015405001 в качестве защитника обвиняемого Примова Ю.В.

Одновременно разъясняю, что Вы вправе обжаловать данное решение в порядке, предусмотренном главой 16 УПК РФ.

Старший следователь СО УФСБ России
по Республике Крым и г. Севастополю
капитан юстиции

 А.Н. Сердюк

Л.Д. _____

ПОСТАНОВЛЕНИЕ
об отказе в удовлетворении ходатайства

г. Севастополь

29 мая 2015 г.

Старший следователь следственного отдела УФСБ России по Республике Крым и г. Севастополю капитан юстиции Сердюк А.Н., рассмотрев материалы уголовного дела № 2015405001, -

У С Т А Н О В И Л :

28 мая 2015 года после ознакомления с постановлением от 28.05.2015 г. о назначении по уголовному делу № 2015405001 психофизиологической судебной экспертизы Примова Ю.В. защитник обвиняемого Зейтуллаева Р.Б.- адвокат Курбединов Э.М. заявил ходатайство о предоставлении копии данного постановления.

Настоящее ходатайство рассмотрено и не подлежит удовлетворению по следующим основаниям.

Обвиняемый Зейтуллаев Р.Б. и его защитник - адвокат Курбединов Э.М. в соответствии со ст. 198 УПК РФ своевременно и надлежащим образом были ознакомлены с указанным постановлением. Основания для предоставления копии постановления о назначении экспертизы отсутствуют, поскольку уголовно-процессуальным законодательством это не предусмотрено.

Таким образом, имеются достаточные основания для отказа в удовлетворении настоящего ходатайства защитника обвиняемого Зейтуллаева Р.Б.- адвоката Курбединова Э.М.

На основании изложенного и руководствуясь ст.ст. 121, 122, 159 УПК РФ, -

П О С Т А Н О В И Л :

1. В удовлетворении ходатайства защитника обвиняемого Зейтуллаева Р.Б.- адвоката Курбединова Э.М. о предоставлении копии постановления о назначении психофизиологической судебной экспертизы Примова Ю.В. - отказать.

2. О принятом решении уведомить защитника обвиняемого Зейтуллаева Р.Б.- адвоката Курбединова Э.М., разъяснив ему, что оно может быть обжаловано в порядке, установленном главой 16 УПК РФ.

Старший следователь
капитан юстиции

 А.Н. Сердюк

- 1) Decision on the withdrawal of the lawyer E. Kurbedinov from the criminal proceedings with regard to Primov Y.V.
- 2) Decision to dismiss a request of the lawyer E. Kurbedinov for a copy of the decision on the appointment of forensic psychophysiological examination of Primov Y.V.


 АДМІНІСТРАЦІЯ МІСТА СІМФЕРОПОЛЯ РЕСПУБЛІКИ КРИМ АДМИНИСТРАЦИЯ ГОРОДА СИМФЕРОПОЛЯ РЕСПУБЛИКИ КРЫМ КЪЫРЫМ ДЖУМХУРИЕТ СИМФЕРОПОЛЬ ШЕЗРИНИЪ МЕМУРИЕТ

ул. Горького, 15, г. Симферополь, Республика Крым, 295000, тел.: (0652) 27-32-36, факс: (0652) 33-40-32

от 30.08.2015 № К21-109/13987
 на № _____

[Redacted]

Рассмотрев Ваше уведомление от 18 августа 2015 года о проведении публичного мероприятия в форме митинга с целью «...возложение цветов к памятнику Т.Г. Шевченко, по случаю 24-й годовщины Независимости Украины...»

Место проведения митинга – г. Симферополь, Центральный район, площадь у памятника Т.Г. Шевченко

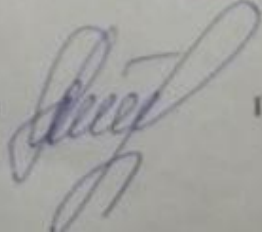
Дата и время проведения публичного мероприятия: 24.08.2015 г. с 8.30 до 9.20.

Предполагаемое количество участников публичного мероприятия – 100 человек..., администрация города Симферополя сообщает.

В соответствии с ч. 1 ст. 7 Федерального закона от 19 июня 2004 года № 54-ФЗ «О собраниях, митингах, демонстрациях, шествиях и пикетированиях» (далее – Федеральный закон) уведомление о проведении публичного мероприятия подается его организатором в письменной форме в орган местного самоуправления в срок не ранее 15 и не позднее 10 дней до дня проведения публичного мероприятия.

Учитывая вышесказанное, руководствуясь п. 2, ч.1, ст. 12 Федерального закона администрация города Симферополя рекомендует подать уведомление о проведении публичного мероприятия в соответствии с действующим законодательством, после чего вернется к рассмотрению вопроса согласования указанного Вами мероприятия.

Одновременно сообщаем, что за нарушение установленного порядка организации или проведения собраний, митинга, демонстрации, шествия и пикетирования организатор и участники публичного мероприятия несут ответственность в соответствии с действующим законодательством.

Руководитель аппарата администрации города Симферополя  Г.В. Александрова

Refusal of the administration of Simferopol to approve the peaceful assembly of activists of the Ukrainian Cultural Center

Л.Д. _____

Гражданину Смедляеву З.С.
(фамилия, имя, отчество)

Адрес: _____

ПОВЕСТКА
о вызове на допрос

В соответствии со ст. 188 УПК РФ Вам надлежит прибыть « 01 » августа 2015 г. к 11 ч 00 мин в Управление по расследованию особо важных дел Главного следственного управления Следственного комитета РФ по Республике Крым по адресу: г. Симферополь, ул. Тренева, 16

кабинет № 9 к следователю по особо важным делам Никсель П.В.
(фамилия, имя, отчество, должность)

для допроса в качестве свидетеля

При себе необходимо иметь паспорт или иной документ, удостоверяющий личность.

Сопровождению сообщаем, что для участия в следственном действии Вы вправе пригласить защитника самостоятельно либо ходатайствовать об обеспечении участия защитника следователем (инициатором) в порядке, предусмотренном ст. 50 УПК РФ.

При наличии причин, препятствующих явке по вызову в назначенный срок, а также при нарушении заявителем ходатайства об обеспечении участия защитника следователем (инициатором) Вам или представляющим в установленном порядке Ваши интересы лицам необходимо заранее уведомить по телефону или иным способом и представить письменное заявление об этом по указанному выше адресу.

В случае неявки в указанный срок без уважительных причин на основании ст. 113 УПК РФ Вы можете быть подвергнуты принуду либо на основании ст. 118 УПК РФ на Вас может быть наложено денежное взыскание.

Следователь по ОВД
(подпись)
старший лейтенант юстиции
(подпись)
« 28 » июля 2015 г.
часов минут
(дата и время написания повестки)

Никсель П.В.
(инициалы, фамилия)

Повестка направлена посредством _____
(личная, телефонная, факсимильная, электронная, телеграф)

адресный ящик, электронный или почтовый ящик и иные средства или передачи
либо нарочным Смедляеву З.С.
(фамилия, имя, отчество, отношение к вызываемому лицу)

при необходимости иного способа

Summons for questioning as a witness in the "February 26 case" for the head of the Central Electoral Commission of the Kurultai of the Crimean Tatar people Zair Smedlyayev

ДМС УКРАЇНИ
ГОЛОВНЕ УПРАВЛІННЯ
ДЕРЖАВНОЇ МІГРАЦІЙНОЇ
СЛУЖБИ УКРАЇНИ В МІСТІ КИЄВІ

вул. Березняківська, 4-а, м. Київ, 02152,
тел./факс (044)550-31-88,
E-MAIL: kyiv@dmsu.gov.ua
Web: <http://kiev.dmsu.gov.ua>
Код ЄДРПОУ 37768863

Асєєву В.В.

03.08.2015 № 243/15

На № _____ від _____

Повідомлення

про відмову у видачі іноземцю або особі без громадянства спеціального дозволу на в'їзд іноземця або особи без громадянства на тимчасово окуповану територію України та виїзду з неї

Звернення громадянина Російської Федерації Асєєва Віссаріона _____, щодо оформлення спеціального дозволу на в'їзд іноземця або особи без громадянства на тимчасово окуповану територію України та виїзду з неї розглянуто ГУ ДМС України в місті Києві. У задоволенні заяви від 31.07.2015 року відмовлено на підставі підпункту 4 пункту 27 Порядку в'їзду на тимчасово окуповану територію та виїзду з неї, затвердженого постановою Кабінету Міністрів України від 04.06.2015 року № 367.

Т.в.о. начальника



М.В. Войналович

Наливайко М.А.
271-93-84

Refusal of the State Migration Service of Ukraine to issue a special permit for the human rights activist V. Aseev to enter Crimea

**УПОЛНОМОЧЕННЫЙ
ПО ПРАВАМ ЧЕЛОВЕКА В РОССИЙСКОЙ ФЕДЕРАЦИИ**

101000, Москва, Мясницкая ул., дом 47 тел. 607-18-54, факс 607-39-77

№ 25.24413-44 «03» ОКТ 2014 г.

1-1406/44-108

Уполномоченному Верховной Рады
Украины по правам человека

В.В. Лутковской

Уважаемая Валерия Владимировна!

В своем письме Вы сообщаете об обращениях к Вам жителей Крыма по вопросам, связанным с сохранением гражданства Украины. По Вашей информации, значительное число граждан Украины по разным обстоятельствам не смогли обратиться с заявлением об отказе от гражданства Российской Федерации в связи с недостаточным сроком для отказа от российского гражданства. Не могу в полной мере оценить обоснованность этой информации, поскольку подобные обращения ко мне единичны и рассматриваются они индивидуально, с оказанием заявителям необходимой помощи.

В соответствии с Федеральным законом от 31.05.2002 г. № 62-ФЗ «О гражданстве Российской Федерации» выход из гражданства Российской Федерации осуществляется на основании добровольного волеизъявления такого лица в общем порядке, за исключением случаев, когда выход из гражданства Российской Федерации не допускается.

Граждане Украины, признанные российскими гражданами в соответствии со статьей 5 Договора между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов от 18.03.2014 г., и не заявившие в течении одного месяца после этого о своем желании сохранить имеющееся у них и (или) их несовершеннолетних детей



иное гражданство либо остаться лицами без гражданства, признаются гражданами России.

Российское законодательство не содержит каких-либо ограничений для реализации права этих лиц обратиться с заявлением о выходе из российского гражданства. Равно как и не ограничены в праве обратиться с заявлением о приеме в гражданство Российской Федерации лица, ранее заявившие о нежелании быть признанными гражданами России в установленный названным Договором месячный срок, но затем изменившие это решение.

В целом процедура выхода из российского гражданства украинских граждан, проживающих на территории Крыма, достаточно проста и необременительна.

Для жителей Крыма, признанных гражданами Российской Федерации на основании названного Договора, но не получивших российские паспорта, заявления о выходе из российского гражданства принимаются Федеральной миграционной службой только по имеющимся паспортам граждан Украины. Украинские граждане, проживающие на территории Крыма, изъявившие желание выйти из российского гражданства, вправе получить в установленном порядке вид на жительство иностранного гражданина. Вид на жительство, за исключением ряда политических прав, фактически уравнивает права и свободы иностранных граждан с гражданами России.

В случае возникновения у Вас каких-либо затруднений при рассмотрении обращений жителей Крыма я готова, при наличии соответствующих индивидуальных обращений, оказать необходимое содействие в решении вопросов по установлению гражданства.

С уважением, *Э.А. Памфилова* Э.А. Памфилова

Response of the Ombudsman of the RF Ella Pamfilova on the possibility to renunciate the "automatic" Russian citizenship by the residents of Crimea

КРАСНОПЕРЕКОПСКАЯ ОБЪЕДИНЕННАЯ
НАЛОГОВАЯ ИНСПЕКЦИЯ НАЛОГОВОЙ
СЛУЖБЫ РЕСПУБЛИКИ КРЫМ
296000, г. Красноперкопск,
ул. Северная, 2
21.08.2014 № 1796/05/10

Приложение N 1
Утверждена
приказом Налоговой службы
Республики Крым
от "25" апреля 2014 г. N 19

Справка N 1...5 от «21» августа 2014
об отсутствии задолженности по налогам, сборам,
платежам, которые контролируются
Налоговой службой Республики Крым

Налогоплательщик: _____
(наименование налогоплательщика, код)

Адрес: _____

по состоянию на 21.08.2014г. не имеет неисполненную обязанность по
(лицу)
уплате налогов, сборов, пеней, штрафов, подлежащих уплате в соответствии с
законодательством о налогах и сборах Республики Крым Красноперкопской
объединенной налоговой инспекции налоговой службы Республики
Крым _____
(наименование налогового органа)

Председатель ликвидационной комиссии
Красноперкопской ОНИ,
и.о. начальника Красноперкопской ОНИ
налоговой службы Республики Крым

С.В. Вовк

М.П.

исп. Бойков Н.Н. 21900

Справка N 71

Дана _____
в том, что _____ (Ф.И.О. заявителя)
от нее приняты документы на получение _____ (дата приема заявления)
вида _____ (вид документа) Российской
Федерации.

Начальник МП УФС России по Республике
Крым в Красноперкопском районе
Стадник С.И.

М.П.

The certificate for the renunciation of the citizenship of the Russian Federation and a document that confirms that the person has provided the necessary documents for obtaining a residence permit



МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ

Державне підприємство «Інфоресурс»

03057, м. Київ, вул. О. Довженка, 3, тел. (044) 239-86-20. Код ЄДРПОУ 37533381

09.08.2015 № 01.01-14/702

Потапова В. І.

Про розгляд запита
на інформацію

Розглянувши відповідно до листа Міністерства освіти і науки України від 14.05.2015 № 1/11-6851 Ваш запит на інформацію від 21.04.2015, в межах компетенції надаємо інформацію за даними Єдиної державної електронної бази з питань освіти про перелік вищих навчальних закладів державної форми власності, що розташовані в Автономній Республіці Крим, станом на 01.01.2014 (додаток 1).

Також повідомляємо, що станом на 01.01.2014 у вищих навчальних закладах державної форми власності, що розташовані в Автономній Республіці Крим, здобували освіту за кошти державного бюджету 15 605 студентів.

Інформація про розподіл державного замовлення в Єдиній державній електронній базі з питань освіти відсутня.

Додаток: на 1 арк.

Директор

В. А. Карандій

Терницька А.М.
тел. 239-86-20

The response of the Ministry of Education and Science of Ukraine on the number of students which received education in Crimea at the expense of the funds of the state order