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HARASSMENT AND VIOLENCE AGAINST CRIMEAN TATARS BY STATE AND NON-STATE ACTORS

At the time of Russia's military intervention in Crimea, the majority of the Crimean Tatar community expressed its concern and its support for the territorial integrity of Ukraine. Most Crimean Tatars, who comprise 12% of the peninsula's population, boycotted the 'referendum on the status of Crimea' which took place on 16 March 2014. It resulted in the annexation of the peninsula by Russia, a move which was supported by the region's ethnic Russian majority. Consequently, Crimean Tatars are in the awkward position of having opposed those under whose jurisdiction they now find themselves and they are fearful of reprisals.

Since the start of the Russian occupation of Crimea, the *de facto* Crimean authorities and the Russian authorities have engaged in a campaign aimed at co-opting the local Tatars, by means of both persuasion and repression. While publicly declaring full support for the Crimean Tatars and their rights, the authorities are simultaneously targeting their community through arbitrary restrictions on the rights to freedom of expression, assembly and potentially association. For example, on the same day that Vladimir Putin announced to a meeting of Crimean Tatar representatives in Moscow that Russia will do all it can to ensure that Crimean Tatars feel like "fully-fledged masters in their own land," a ban was imposed on all mass meetings in Crimea until 6 June, which directly affected events planned by the community during those days (see below).

There have also been increasing reports of violence and reprisals against Crimean Tatar individuals targeted by both the authorities and self-styled, unofficial "self-defence" groups. Such informal armed groups have emerged across Ukraine on all sides of the political divide during the current crisis. Typically, they are armed, dressed in military outfits with no identifying insignia and have no clear command structure. Many such groups currently patrol areas of Ukraine and are increasingly being accused of carrying out human rights abuses with impunity and, furthermore, with the acquiescence of the local authorities. In Crimea, they are reported to have been behind a number of abductions, beatings and other human rights abuses, including in relation to Crimean Tatars.

Legacy of the deportation

In 1944, the entire Crimean Tatar population was deported from Crimea by the Soviet authorities under Joseph Stalin, predominantly to Central Asia. Crimean Tatars were prohibited from returning to their homeland until the late 1980s, and it was only in the 1990s that significant numbers of ethnic Crimean Tatar families were finally able to come back and settle in

Crimea. By then, the peninsula was part of an independent Ukraine. Crimean Tatars have enjoyed a limited degree of protection and recognition from the Ukrainian authorities as a distinct group but they were not able to claim back their homes and other property lost in 1944 and have remained a marginalised group.¹

With the occupation of Crimea by Russia, many Crimean Tatars have feared that they will lose this, albeit limited, degree of recognition and protection against harassment and discrimination. Spokespersons for the community have stated that the current targeting of the Crimean Tatar community is causing many to fear a repetition of the trauma of mass deportation and dispossession. The apparent and anticipated targeting of their community has caused thousands of Crimean Tatars to leave Crimea to go to mainland Ukraine. A speaker for the Crimean Tatar Mejlis (the informal body which is generally recognized as the highest representative body of the Crimean Tatars) referred to estimates that approximately 5,000 have moved out of Crimea. Other reported estimates suggest that in the brief period since occupation, around 7,000 Tatars have left.²

Arbitrary restrictions and harassment of Crimean Tatars

In the two months following Russia's annexation of Crimea, a whole series of incidents of harassment and arbitrary restrictions on the rights of members of the Crimean Tatar community have been reported.

On 22 April, a long-standing informal leader of the Crimean Tatars, Ukrainian MP and Soviet dissident, Mustafa Jemiliev, was reportedly informed by the Russian Federal Migration Service that he was a "*persona non grata*" and banned from entering Crimea, which is his homeland, for five years. The Russian authorities denied the reports, but on 2 May Mustafa Jemiliev was refused entry to Moscow, from where he hoped to fly to Simferopol in Crimea (there are currently no flights to Crimea from mainland Ukraine). He was sent back to Kyiv.

On 3 May, Mustafa Jemiliev made another attempt to gain entry to Crimea, this time by land, through the checkpoint at Armyansk located on the stretch of land between Crimea and mainland Ukraine. At least 3,000 Crimean Tatars in over 800 cars arrived at Armyansk to meet him. They created a human corridor welcoming Mustafa Jemiliev into Crimea, and he was able to walk past the checkpoint, but he was stopped again by law enforcement officers and Crimean "self-defence" members on the Crimean side and refused entry once more. He remains outside of Crimea. A number of shorter, spontaneous protests broke out in other towns the same day against the refusal by the authorities to grant Mustafa Jemiliev entry.

The Russian authorities have failed to give any official explanations to Mustafa Jemiliev concerning the ban. He has also been the focus of a smear campaign. The head of the *de facto* Crimean administration Sergei Aksionov described Mustafa Jemiliev as an "instigator and provocateur" in an interview on 18 May, and accused him of violating Russian law, inciting ethnic

¹ Briefing Note UNPO: Recent Developments in Crimea and the Crimean Tatars May 2014

² <http://www.ua-ru.info/news/15549-posle-anneksii-kryma-bolee-semi-tysyach-tatar-pokinuli-poluostrov-postpred-ukrainy-v-oon.html>

violence and cynicism.³ Mustafa Jemiliev has not been informed of any criminal or other proceedings brought against him that would explain the ban or such accusations.

On 14 May 2014, Mustafa Jemiliev's house in Crimea was searched by law enforcement officials; due to the ban against him, he was not there. A group of riot police officers arrived in several buses and surrounded the house and forced entry, claiming to be looking for evidence in a case related to his son.

In recent days, there have been a number of other searches of houses belonging to Crimean Tatars by the authorities, reportedly by officers of the Russian Federal Security Services (FSB), including house searches of other members of the Mejlis. Also on 14 May, the authorities searched the home of Mejlis member Edem Mustafaev claiming they were looking for weapons and explosives; none was found. On 15 May, the home of the Head of the Department for External Relations of the Mejlis, Ali Khamzin, was also searched for about two hours. Ali Khamzin later told reporters he believed the searches were linked to the activities of the Mejlis and intended to put pressure on its members.

On 4 May 2014, the Prosecutor of Crimea issued a formal warning to another Crimean Tatar leader, Refat Chubarov, according to which he may face criminal prosecution under Russia's anti-extremism legislation. Refat Chubarov succeeded Mustafa Jemiliev as the leader of the Mejlis in late 2013. The Prosecutor of Crimea accused him of organizing "unlawful public protest actions" in Armyansk and other places in Crimea.

According to information provided to Amnesty International by a representative of the Crimean Tatar Mejlis, at least three of its members have since been summoned for questioning by the investigation authorities, including Nariman Jelal. It is unclear what the content of the questioning was. Nariman Jelal who was summoned on 12 May, followed his lawyer's advice and refused to answer the investigator's questions in accordance with Article 51 of the Russian Constitution which guarantees the right to remain silent. In response, the investigator reportedly claimed that the lawyer had no right to advise his client because he is not licensed to do so under Russian regulations.

The authorities have initiated administrative proceedings against dozens of Crimean Tatars across the peninsula in connection with the events on 3 May in Armyansk and other towns. They have been charged with "public disorder" and "unlawfully crossing the Russian border". So far, according to information provided to Amnesty International by the Mejlis, there have been at least 55 court hearings on individual cases, which resulted in hefty fines of between RUB 10,000 and RUB 15,000 (USD 290-430) in relation to at least 49 individuals, and RUB 40,000 (USD 1,150) in relation to six individuals. For many who have been prosecuted, such a fine is far beyond anything they can afford to pay.

Reportedly, all the Tatar cars that had arrived at Armyansk to greet Mustafa Jemiliev were filmed by the authorities which facilitated the identification of their owners and others involved.

³ In interview with Krym-Inform, 18 May 2014, available at <http://www.c-inform.info/news/id/5713>.

Other restrictions on the right to freedom of peaceful assembly

The prosecution of those who peacefully tried to welcome Mustafa Jemiliev at Armyansk, or protest against his ban, was the first reported indication of the authorities' intention to restrict the right to freedom of peaceful assembly in Crimea. Such restrictions were unreported prior to the recent occupation of the peninsula by Russia.

On 18 May, which this year marked the seventieth anniversary of the deportation of Crimean Tatars in 1944, the community planned to hold commemorative events across Crimea, as is customary every year. However, on 16 May, Sergei Aksionov, announced that all mass meetings in Crimea were banned until 6 June, in order to "eliminate possible provocations by extremists, who had managed to penetrate the territory of the Republic of Crimea" and to prevent "disruption of the summer holiday season". The ban has been widely interpreted as a blatant obstruction of the Crimean Tatars' plans to commemorate the deportation.

In the event, the Tatars were allowed to hold a common prayer followed by a commemorative rally on 18 May, but only on the outskirts of the Crimean capital, Simferopol, and nowhere else in Crimea.

On 17 May, on the eve of the rally, the authorities organized "crowd control" training of Russian-uniformed riot police in Simferopol's central square. In a clear show of force, the training included hundreds of heavily equipped police officers. On the day of the rally, the riot police maintained a heavy presence in Simferopol, police helicopters were flying above the peaceful gathering, and armoured military vehicles were reportedly parked in the vicinity alongside vehicles intended for transportation of detainees.

Threats to freedom of association

The Crimean Tatar Mejlis has long been recognized as an organization which, along with the Kurultai (general assembly which elects members of the Mejlis) *de facto* represents the Crimean Tatar community, including in its dealings with the governing authorities. It is an association which was founded in 1991, and performs an important representative function, enjoying a degree of recognition with the Ukrainian authorities.

Less than two months after the annexation of Crimea by Russia, the Mejlis' existence was put into question. The formal warning issued by the Prosecutor of Crimea to the head of the Mejlis, Refat Chubarov, on 4 May following the peaceful protest events in Armyansk and across Crimea, also included a threat to dissolve and prohibit the functioning of the Mejlis "on the territory of the Russian Federation" if it proceeds to engage in "extremist activities."

The Special Rapporteur on the rights to freedom of peaceful assembly and association has noted that "the suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient."⁴ This threat to dissolve the Crimean

⁴ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Human Rights Council, Twentieth session, Agenda item 3, 21 May 2012, available at

Tatar Mejlis constitutes an arbitrary interference in the right to freedom of association.

The Mejlis evolved as a form of association, representative of the Crimean Tatar community, and has been performing this function for years, without having any formal legal status under Ukrainian law. In an interview on 18 May 2014, the head of the *de facto* Crimean administration, Sergei Aksionov, stated that it will have to register under Russian legislation or it will not enjoy any recognition by the authorities.

However, whether it is registered or not, the prosecutor's threat to ban it under Russian anti-extremism legislation is much more serious, as this will make membership of the Mejlis a criminal offense punishable by up to four years in prison (Article 282.2 of the Russian Criminal Code). The Russian authorities have used anti-extremism legislation to harass and obstruct the normal operation of non-mainstream religious groups and non-governmental organizations (NGOs) in Russia,⁵ and criminally prosecute civil society activists by applying its provisions arbitrarily.

Harassment of media and journalists

There are reports that the local Crimean Tatar TV channel, ATR, received informal instructions from the authorities not to broadcast reports which included members of the Mejlis or leaders of the Crimean Tatar community, unless they were loyal to the *de facto* authorities and Russia. Although the instructions were reportedly issued informally and cannot be verified, the content of the channel's subsequent broadcasts is consistent with this report.

In the meantime, independent journalists continue to be subjected to intimidation and harassment, particularly by the members of the so-called Crimean "self-defence" forces. Their members are believed to have been behind the disappearances of journalists and activists during the weeks preceding the "referendum".⁶

During the meeting on 18 May 2014, members of the "self-defence" forces reportedly detained Crimean Tatar journalist Osman Pashayev, his cameraman Cengiz Kizgin (Turkish national), and seven other persons (reportedly, all or most of them media professionals). They have all since been released. In his interviews, Osman Pashayev spoke about his unlawful detention and ill-treatment by the "self-defence" forces, who held him for about four hours, most of the time standing with his face to the wall while he was interrogated and beaten on his legs. His equipment was taken away and not returned. According to Osman Pashayev, other persons held captive were ill-treated too. Before his release, Osman Pashayev was handed over by his captors to police and members of the Investigative Committee (a stand-alone official agency in Russia

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf

⁵ The Prosecutor's Office in Russia undertook a series of unannounced "inspections" of independent Russian NGOs in spring 2013, which it explained – at least in some cases – by the need to enforce anti-extremism legislation. See Amnesty International, *Freedom under threat: The clampdown against freedoms of expression, assembly and association in Russia*, report, 24 April 2013 (AI Index: EUR 46/011/2013), page 32, available at <http://www.amnesty.org/en/library/info/EUR46/011/2013/en>.

⁶ <http://www.amnesty.org/en/news/ukraine-clashes-and-abductions-ahead-disputed-crimea-vote-2014-03-14>

responsible for investigating serious crime), where he was held for a further few hours – some ten hours of captivity in total. The Investigative Committee officials questioned and released him, but they claimed that they could not establish who had originally held him or, implausibly, who had delivered him to them.

The journalist intends to submit official complaints, but holds little hope that those who initially detained him will be effectively investigated. He has left Crimea for fear of further reprisals.

Other incidents of violence and ill-treatment targeting Crimean Tatars

There are increasing concerns that the authorities are failing in their duty to protect the Crimean Tatar community from a reported rise in incidents of harassment and violent attacks by Crimea's "self-defence" forces.

On 3 March, 39-year old Reshat Ametov, a Crimean Tatar, held a one-man protest in front of the Crimean Council of Ministers building in the region's capital, Simferopol, which was being guarded by 'self-defence' forces. Video footage shows him being led away by three men from the 'self-defence' forces. His family claim that when they reported him as missing, there was no subsequent contact from the authorities. His body was found almost two weeks later, showing signs of torture. A criminal case has been opened, but no progress in the investigation has been reported.

Amnesty International has spoken with a member of the Crimean Mejlis who was also beaten by 'self-defence' forces in central Simferopol on 6 May. Abduraman Egiz was approached by three or four men and asked to show them his identity documents and the content of his car. When he refused, the men called for reinforcement. Some 15 or 20 other 'self-defence' men arrived within minutes. They asked Abduraman Egiz again to show his documents. When he refused again, stating that he would only deal with the police, they handcuffed him and started to beat him. To stop the violence, Abduraman Egiz showed them his passport. At this point they let him go with no apology or explanation. He told Amnesty International, "I understood then that there is no rule of law. These men were drunk, they had guns and they can do anything they want." He was subsequently diagnosed with concussion. Abduraman Egiz informed the police about the incident, which was filmed by a nearby security camera, and an investigation has been opened. Police came to the site of the incident and took photos, but made no effort to locate and question any members of the 'self-defence' forces.

Pressure to give up citizenship

The Russian authorities have given Crimean residents the unenviable choice of having to give up their Ukrainian citizenship for a Russian one or become foreigners in their own land and acquire a "residence permit". Failure to do either will amount to a violation of Russian immigration regulations and result in severe penalties, including the loss of the right to continue to reside in Crimea. Crimeans were given a very short period of only one month to make the decision and, should they wish to do so, declare to the authorities their decision to keep their Ukrainian citizenship and receive a residence permit. There were only four centres in the whole of Crimea where this could be done, and although the deadline has been extended, the need to do so promptly or face legal and other consequences remains.

The full implications of rejecting Russian citizenship are as yet unknown, but it is clear that there will be substantial consequences. For example, a "foreign citizen" in Crimea will not be able to

vote, hold an official position, such as that of a member of the police force, or own agricultural land – the source of livelihood for many local Tatars. There are also concerns that access to education, employment and healthcare will be hindered.

Recommendations

To the *de facto* Crimean and Russian authorities:

- Ensure that all those living in Crimea are able to exercise and enjoy their human rights, without discrimination;
- Respect and protect the rights of minorities, including Crimean Tatars in particular;
- Respect freedom of movement and freedom to choose one's place of residence, in accordance with Article 12 of the International Covenant on Civil and Political Rights, with regards to all residents of Crimea, and in particular:
 - Lift the entry ban on Mustafa Jemiliev, giving him immediate and unimpeded access to Crimea, in order that he may exercise his right to enter his own country;
- Ensure that any changes to the institutional and legal framework in Crimea, including those regarding citizenship, do not adversely impact on the enjoyment of the full range of human rights by all persons in Crimea. In particular, fully protect all the rights of those in Crimea who choose to remain citizens of Ukraine, including as regards the rights to residence, work, property, education and health;
- Respect and protect the rights to freedom of assembly, expression and association, and in particular:
 - drop the charges against all those who took part in the peaceful assemblies in Armyansk and in other locations in Crimea on 3 May 2014, and immediately revoke all penalties imposed on peaceful protesters;
 - lift the ban "on mass meetings" announced on 16 May by head of the *de facto* Crimean administration, Sergei Aksionov;
 - immediately end the harassment of members of the Mejlis, and recall the warning in connection with "extremist activities" issued against it by the Prosecutor of Crimea;
 - end the harassment of the media, individual journalists and human rights defenders and investigate effectively and impartially all reported incidents of violence and harassment of journalists in Crimea, including the cases of abduction and unlawful deprivation of freedom of journalists earlier this year;
- Publicly condemn human rights abuses, harassment, torture and other ill-treatment or the arbitrary use of force and unlawful deprivation of freedom, by law enforcement officers or by members of the so-called "self-defence" forces; and ensure that all such cases are promptly, effectively and independently investigated, and that those reasonably suspected of such crimes are prosecuted in proceedings which fully comply with international standards for fair trial;
- Ensure that any arrest or detention of persons in Crimea is carried out strictly in accordance with law, by competent officials or persons authorized to exercise those powers, acting in accordance with their human rights obligations and adhering to international law and standards on the use of force and firearms;

- Grant immediate, full and unimpeded access, and provide all necessary assistance to international monitoring missions.

To the international community:

- Monitor the human rights situation and report human rights violations in Crimea, and raise these at every available opportunity with the Ukrainian and Russian authorities, in the appropriate bilateral and multilateral fora;
- Ensure effective coordination and cooperation between international monitoring mechanisms operating in Ukraine;
- Demand that the *de facto* Crimean and Russian authorities grant full and unimpeded access to international monitors, including the OSCE Special Monitoring Mission in Ukraine and the UN Human Rights Monitoring Mission.

To the OSCE:

Ensure that the OSCE Special Monitoring Mission in Ukraine:

- Strengthens its human rights component;
- Cooperates closely with the Office for Democratic Institutions and Human Rights; and
- Continues to request access to Crimea and report on the situation there.

To the High Commissioner on National Minorities:

Continue to engage with the *de facto* authorities in the Crimea and the Russian authorities, including through visits to the region, and urge them to ensure the respect for the rights of Crimean Tatars and other minorities.

End/