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Anti-Discrimination Centre Memorial works on protection of the rights of discriminated minorities and migrants in Eastern Europe and Central Asia, carrying out monitoring, reporting, advocacy on local and international level, opposing discrimination by litigation and human rights education.

Parallel Information to the Russian Federation's Report on its Implementation of the Recommendations Contained in the Concluding Observations of the Committee on the Elimination of Racial Discrimination Following Consideration of the Combined 23rd and 24th Periodic Reports on Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

Situation in Crimea

For the Committee on the Elimination of Racial Discrimination

July 2019

Discrimination of the Crimean Tatars and the Ukrainians in Crimea

Comment to Information provided by Russian Federation on follow-up to the Concluding observations on the twenty-third and twenty-fourth periodic reports of Russian Federation

In 2017 Anti-Discrimination Center Memorial, International Federation for Human Rights (FIDH), CrimeaSOS and Information-Analytical Center SOVA submitted an alternative report regarding the situation in the Russian Federation and the territories controlled by Russia to the Committee on the Elimination of Racial Discrimination (CERD). Since 2017 ADC Memorial with its partners keeps monitoring the situation in Crimea, and in the present report provides its comment to the information presented by the government of the Russian Federation within follow-up to the Concluding Observations on the twenty-third and twenty-fourth periodic reports of CERD.

Since submission of the alternative report to the Committee in 2017, the situation in Crimea regarding racial discrimination of the Crimean Tatars and Ukrainians has not improved. On the contrary the tendencies highlighted in the previous report has strengthened. The government of the Russian Federation has not taken any measures to address the existing issues and change the state policy toward the mentioned ethnic groups.

Russian ethnic policy toward ethnic groups in Crimea

The Russian ethnic policy in Crimea described in the alternative report has not changed since August 2017. While the Russian legislation formally provides equal rights and opportunities for all ethnic groups in Crimea, the law enforcement practice is different. The Russian ethnic policy in Crimea depends on loyalty or disloyalty of the ethnic groups to the occupation of the peninsula in 2014. Since 2014 Crimean Tatars and Ukrainians living in Crimea, took a stand against Russian control over Crimea, and has been perceived as disloyal groups, while Russians living in Crimea are perceived as loyal group by the Russian authorities. This merges discrimination and persecution based on ethnic, religious and political grounds. The representatives of disloyal groups are persecuted by the Russian authorities and the group identity is being suppressed. Crimean Tatars and Ukrainians labelled as terrorists and extremists that raises hatred in the society. Such policy keeps polarizing society and provokes inter-ethnic conflicts in Crimea. The low turnout of the Crimean Tatars during the presidential elections in Russia in 2018 made some politicians to demand the revision of the ethnic policy and abandonment of any privileges to Crimean Tatars as deported peoples.¹

Right to self-governance: ban of Mejlis of the Crimean Tatar people

Despite the decision of International Court of Justice on provisional measures adopted on April 2017 with the case Ukraine v. Russian and the Concluding Observations issued in August 2017 by CERD, the government of the Russian Federation did not take any measure to comply with these decisions and annul the ban of Mejlis of the Crimean Tatars.

The Russian authorities create government-controlled assemblies of the Crimean Tatars in Crimea that are presented as new self-government bodies. The newly-created structures are not supported by the Crimean Tatar community and are not seen by the community as representation bodies. That new structures are created by the *de facto* authorities, and not elected by the Crimean Tatar peoples. These structures also do not genuinely protect the rights and interests of peoples and do not raise the most serious concerns of the Crimean Tatars regarding prosecution, ban of independent assemblies, media and associations.

¹ Krymskie Izvestiya, Ethnic police in Crimea should be corrected, 13.04.2018, <http://new.crimiz.ru/rubriki/97-mezhnatsionalnye-otnosheniya/7073-natsionalnaya-politika-v-krymu-trebuuet-korreksii>

On February 2018 Kurultai of Muslims of Crimea, organized by the government decided to create Shura (Council) of the Crimean Tatars.² Kurultai was organized by Muftiat (Religious Board of Muslims of Crimea), controlled by Russian authorities. The candidates to members of the council were agreed with *de facto* authorities. On March 28, 2018 *de facto* head of Crimea approved creation of the Council of Crimean Tatars under the Head of the Republic of Crimea as a consultant body. The members are appointed by the Head of the Republic of Crimea, and he is a head of the Council.³

In October 26, 2018 the Russian authorities once again organized Kurultai of the Muslims of Crimea. The assembly re-elected the mufti - Emirali Ablayev, loyal to Russian authorities, members of the Revision Commission and decided to transfer the property confiscated from the Mejlis to Russian-controlled Religious Board of Muslims of Crimea (DUMK).⁴ Riza Ganiev was willing to be nominated as a candidate to the position of Mufti of Crimea, but he was even not allowed to enter the building where the assembly took place. Some Russian state officials have stated that Kurultai can be used to form new Mejlis, different from banned one.

The Mejlis of the Crimean Tatar peoples keep operating in the mainland of Ukraine. The leaders of Mejlis are still prohibited to enter Crimea. In 2017 two deputy leaders of Mejlis - Akhtem Chyigoz and Ilmi Umerov after being sentenced by the Russian courts within politically-motivated processes were released and transferred to Turkey. Since then they are also prohibited to enter the territory of Crimea. The members of Mejlis that stay in Crimea face regular interrogations and detentions.

Criminal prosecution of Crimean Tatar activists, human rights defenders and civil journalists

Since August 2017 at least 58 Crimean Tatars have become accused within politically-motivated criminal cases. The same number of people were prosecuted during the previous three years of Russian presence in the peninsula. The absolute majority are accused of terrorism, extremism and related crimes and sentenced to long term imprisonment. Within these processes the fair trial guarantees are violated, the *de facto* police and prosecutors fail to provide the evidence of the guilt. Some accused faces torture and inhumane treatment in detention.

Among the numerous cases of persecution of the Crimean Tatars the most recent and the most flagrant include criminal prosecution of Edem Bekirov, kidnapping and torture of Renat Paralamov, and death of Vedzhie Kashka.

Edem Bekirov was detained while crossing the administrative border between Ukraine and Crimea in December 2018, accused of an attempt to transport 12 kilos of TNT and 200 bullets and arrested. However, the accusations seem absurd and falsified. Edem Bekirov is an elderly person with disabilities, he has a prosthesis of a leg, diabetic and heart disease, before the detention he had had heart surgery. His wife is a head of Genichesk District Mejlis, situated in the mainland Ukraine, Kherson region, and a head of Genichesk district state administration. He himself is a member of Crimean Tatar national movement. Despite the serious deterioration of health and threat to his life, he is still kept under arrest by the Russian authorities. European Court of Human Rights adopted the provisional measures under article 39 of its Statute, demanding release of Edem Bekirov and provision of medical assistance. Russia does not comply with this decision.

² DUMK, Kurultai of Muslims of Crimea created the Council of the Crimean Tatars, 17.02.2018, <http://qmdi.org/resheniem-kurultaya-musulman-kryima-sozdan-sovet-kryimskotatarskogo-naroda/>

³ Decree of the Head of the Republic of Crimea, On creation of the Council of Crimean Tatars, 29.03.2018 https://rk.gov.ru/rus/file/pub/pub_388244.pdf

⁴ DUMK, VI Kurultai accomplished its work, 27 October 2018, http://qmdi.org/vi-kurultay-musulman-kryima-zavershil-svoyu-rabotu-foto/?fbclid=IwAR0F4CcBOPo5wR4O12C04svN8BBYAE594Sqf5UqNug3qD1K_st1avqNiTGs

In September 2017 following the search in his house Renat Paralamov was detained. After the detention he was brought to FSB building and severely tortured. The police officers demanded him to give false testimonies within other politically-motivated criminal cases.⁵ He was released on the next day in the critical health state, and later was forced to leave Crimea. The de facto authorities denied investigation of the incident and initiated the criminal case against Paralamov himself.

In October 2017 as a result of law enforcement operation due to disproportionate use of force by the Russian police, the veteran of the Crimean Tatar national movement - 83 years old Vedzhi Kashka has died.⁶ The Russian authorities also refused to investigate effectively the incident.

The case of illegal prosecution of the Ukrainian activist Volodymir Balukh illustrates the persecution of Ukrainians in Crimea. Volodymir was arrested on false grounds of storing weapon in December 2016. The real reason for his detention was his open disloyalty to Russian control over Crimea and the fact that he flew the Ukrainian flag at his building. In December 2017 he was additionally accused of disruption of the order in the pre-trial detention center. Based on two accusations he was sentenced to 5 years of imprisonment.⁷ He is recognized as a political prisoner by a number of human rights organizations.

In 2018 there have been more than 100 cases of administrative liability - fines or arrests, at least 59 searches and more than 250 persons were illegally detained. The absolute majority of searches and detentions are those of Crimean Tatars.

During 2018-2019 the Crimean Tatar and Ukrainian self-organized human rights and cultural initiatives and activists become targeted. In May 2018 Server Mustafayev, the coordinator of civic initiative "Crimean Solidarity" - a movement that supports relatives of political prisoners - was detained.⁸ Two months before, another activists of "Crimean Solidarity" and civic journalist - Nariman Memedeminov was arrested. Both are accused in terrorism. In 2019 dozens activists of "Crimean Solidarity" were arrested under accusations in terrorism.⁹ The searches and detentions of other activists as well as interruption of the meetings of the "Crimean Solidarity" are regular.

Another self-organized civil initiative persecuted by the Russia police in 2017-2018 is the Ukrainian Cultural Center. The initiative worked on preservation and development of the Ukrainian language and culture in Crimea. Following the searches, detentions and interrogations of members of the majority of the activists were forced to leave Crimea. The initiative itself - the only informal civil society group to support and develop Ukrainian culture in Crimea - stopped its activities.

Crimean Tatar and Ukrainian language in Crimea

According to the *de facto* legislation Crimean Tatar and Ukrainian are official languages in Crimea together with Russian, however in practice their study and usage are difficult. In 2017 the new local bill «On state languages of the Republic of Crimea and other languages of the Republic of Crimea» was elaborated and adopted in the first hearings. The bill provides opportunity of secondary (not

⁵ CrimeaSOS, Renat Paralamov: kidnapped and tortured by FSB in the occupied Crimea, 1 November 2017, <https://www.youtube.com/watch?v=D0f1leOJHC0>

⁶ KrymRealii, During detention Vedzhi Kashka was beaten by the stock of weapons and handcuffed, 25 November 2018, <https://ru.krymr.com/a/news-pri-zaderzhanii-vedzhye-kashka-udarili-prikladom-avtomata-i-nadevali-naruchniki/29619652.html>

⁷ Human Rights Center «Memorial», Vladimir Balukh, <https://memohrc.org/ru/defendants/baluh-vladimir-grigorevich>

⁸ Crimean Solidarity, Sever Mustafayev, <https://crimean-solidarity.org/ru/polit-prisoners-profile/mustafayev-server>

⁹ Ukrainian Helsinki Human Rights Union, Statement regarding large scale crack-down on human rights activists and other individuals in the occupied Crimea, 27 March 2019, <https://helsinki.org.ua/en/appeals/statement-against-large-scale-crack-down-on-human-rights-activists-and-other-individuals-in-the-occupied-crimea/>

higher) education in any of three official languages, however the study of the language would be organized depending on the opportunities of the system of education.¹⁰ This means that educational institution can refuse the study of the language due to lack of capacities. Such reasoning is already used by the school administrations to refuse the studies of Crimean Tatar and Ukrainian. The bill still is under consideration.

The official legislation, documents and information issued by *de facto* authorities are only in Russian, translation to Crimean Tatar and Ukrainian is not provided. The judges and other officials are not able to conduct the official proceedings in other languages except Russian. In prisons, according to ex-prisoners, the prisoners were sent to solitary confinement for speaking Ukrainian.¹¹ Such cases are also recorded in the private sector. For example on November 18, 2018 the director of wellness center «Sudak» prohibited employers to speak in Crimean Tatar among themselves.¹²

The study of Crimean Tatar and Ukrainian in schools and universities is still problematic, and the situation has not improved since 2017. According to de facto Ministry of Education of the Republic of Crimea in 2018-2019 6100 (3,1%) pupils study the Crimean Tatar language and 249 (0,2%) –study Ukrainian. There are 15 schools with the Crimean Tatar language of education, and 1 school with Ukrainian. In comparison with 2017-2018 academic year, the official number of pupils studying Crimean Tatar raise from 5600 to 6100, and Ukrainian decreed from 318 to 249 persons.

However, in practice the lessons of the Crimean Tatar and Ukrainian languages are extra-curriculum subject scheduled in the evening, Saturday or other inconvenient time. The teaching in the Crimean Tatar and Ukrainian schools are mostly in Russian. The high school is taught only in Russian. According to the monitoring of «Crimean Human Rights Group» in the only Ukrainian school - school No 20 of Feodosia, all the subjects are taught in Russian.¹³

The school administrations often refuse to open new classes with the Crimean Tatar language of education or limit the classes of native language. For example, in March 2019 in Simferopol secondary school No 8 the administration of the schools requested parents of Crimean Tatar children to refuse from the study of the language. In June 2018 in Tsvetochnoe, Belogorsky district the school director refused to accept the applications from the parents to study Crimean Tatar.¹⁴ In August 2018 the director of school No 46 in village Orlovka in Nakhimov district (Sevastopol) denied to open the class with the study of Crimean Tatar. The situations were regulated by the intervention of human rights lawyers and parents.

Crimean Tatar cultural heritage

Since the adoption of the Concluding Observations, the issue of preservation of the cultural heritage in Crimea has become critical. Having rich historical and cultural background, there are 10 000 various objects of cultural heritage, 32 museums, and 6 historical-cultural reserve, 1 object of

¹⁰ Law of the Republic of Crimea «On State Languages of the Republic of Crimea and other languages of the Republic of Crimea», 24 May 2017 <http://crimea.gov.ru/textdoc/ru/7/act/1562prz.pdf>, <http://www.crimea.gov.ru/law-draft-card/5420>

¹¹ KrymRealii, The hostage of annexation. How a prisoner sentenced in Crimea serves the term in the mainland of Ukraine, 21 August 2018, <https://ru.krymr.com/a/ukrainskaya-zakluchennaya-iz-kryma-yana-poplavskaya/29444125.html>

¹² ATR, In Sudak laundry the employers are prohibited to speak Crimean Tatar, 19 November 2018, <http://atr.ua/news/180214-v-pracecnoj-sudaka-rabotnicam-zapretili-govorit-na-krymskotatarskom-azyke>

¹³ Crimean Human Rights Group, No Ukrainian language school has remained in Crimea, 14.03.2019, https://crimeahrg.org/v-krymu-ne-ostalosi-odnoj-shkoly-s-ukrainskim-yazykom-obucheniya/?fbclid=IwAR1Zp5nFnawABJev2_BJb0R7qRsgtfBBRGt9aU6x5-knXifTGLebuRXCX0

¹⁴ Crimean Legal Bureau, Information regarding the school in village Tsvetochnoe, 27 June 2018, <https://www.facebook.com/145101022958996/photos/a.235467717255659/235467307255700/?type=3&theater>

UNESCO World Heritage list, and 5 of preliminary list situated in Crimea. In 2015 all the objects of cultural heritage were nationalized by the Russian Federation. Since 2017 the Russian authorities started the 2017-2020 program for renovation of cultural heritage objects in Crimea.¹⁵

However, instead of preservation, the program led to destruction of cultural objects. The most known case is the so-called restoration of Bakhchisaray Khan palace (16th century). The works are conducted since October 2017 and already led to the destruction of authenticity of the object. The original roof of the mosque at the territory of cultural reserve was destroyed and substituted by modern one. The authentic drawings at the ceiling and at the front of the mosque were destroyed, the underground construction of the mosque and palace were harmed.¹⁶ The legal suits against the company that conducts restoration were dismissed by the local court. In 2018 the activists that conducted the one-man demonstration protesting the reconstruction of the Khan Palace were detained and prevented from expressing their protest. The reconstruction works are still ongoing. The similar situation going on with other objects, including those of UNESCO World Heritage list - Sudak fortress (16th century), Khersones Tavriyskiy reserve (5 century BC), House-museum of Ayvazovskiy and others. 53 objects of cultural heritage that had been given that status by the Ukrainian authorities were deprived of this status by Russia

Moreover, due to construction of Tavrida highway through the territory of Crimea, the archeological excavations along the construction take place. Due to that many objects of high historical and cultural significance are destroyed or transported to the territory of Russia.

Other civil and cultural rights

As in the previous years, cultural and religious life of Ukrainian and Crimean Tatars communities continue to be controlled and dictated by the Russian authorities. Only the assemblies loyal to Russia are permitted and organized. For example, on 18 May - the memory Day of 1944 Deportation of Crimean Tatars and other ethnic groups - the official events are organized by the local authorities, the independent events are prevented. On 17 May 2018 around 20 persons were detained in Simferopol when they were conducting the action of memory «Light the light in your heart». They lit the candles in memory of victims of 1944 Deportation. The detained were interrogated, their fingerprints and biomaterials were taken, and later they were released. The same happened in 2019. The Crimean Tatars and others who came within their own initiative in the center of Simferopol to the monument in memory of deportation were forced by police to leave the place, the persons who conducted auto-rally in different cities of Crimea were stopped by the traffic police and prevented to have Crimean Tatar national flags at their cars. When the local authorities allow assemblies, they intervene in the plan of the event and approve or disapprove activities or speakers.

In October 2017 more than 100 Crimean Tatars around the peninsula went out with one-man picket (no need for permission from the authorities to protest the arrests of the Crimean Tatars) to protest the massive arrest a week before. Several months later almost all the participants of pickets were brought to the administrative liability for unsanctioned assembly.

The religious life is also under the control of local authorities. On March 3, 2019 the leader of the Ukrainian Orthodox community in Crimea, archbishop Kliment was detained by the *de facto* police for 9 hours. In February 2019, the local authorities demanded the Ukrainian Orthodox Church to leave

¹⁵ Ministry of Culture of Crimea, 2017 Year Report regarding realization and assessment of effectiveness of State Program,

https://mkult.rk.gov.ru/uploads/mkult/attachments//d4/1d/8c/d98f00b204e9800998ecf8427e/phpIYdlmh_2017.pdf

¹⁶ Den, Cultural Heritage: annexed, lost and stolen, 31 October 2018, <https://day.kyiv.ua/ru/article/den-ukrainy/kulturnoe-nasledie-anneksirovannoe-utrachennoe-razvorovannoe>

the building of the cathedral of St. Vladimir and Olga in Simferopol. On June 28, 2019 the de facto court supported that decision of the local authorities.¹⁷ In March 2019, the local authorities demanded demolition of the chapel of Ukrainian Orthodox Church in Eupatoria.

In August 2018 Bilyal Bilyalov, the director of Crimean Tatar state academic music and drama theatre was dismissed by the local authorities. He was the head of the theater for 30 years. Bilyal Bilyalov and actors declared that his dismissal was pressure to the independent Crimean Tatar theatre. Medjede Melgazieva, who was appointed at the position of director of the theatre, before was in charge of economic management of the theatre. Later 20 actors left the theatre protesting against dismissal of Bilyalov. Bilyalov himself complained to the court, seeing his dismissal as illegal. Later he organized independent Crimean Tatar theatre «Altyn Beshik». On December 2018 the local authorities prevented the performance of the premier of the theatre. The Djankoy house of culture, where the premier had been arranged, refused to provide the hall in the very last day.

Hate speech against Crimean Tatars and Ukrainians

Hate speech against Crimean Tatars and Ukrainians are reported both at the level of state rhetoric and statements of state officials, and at the level of inter-personal communication. The state rhetoric strengthens the Ukrainophobic and Tatarophobic ideas in the society.¹⁸

On 9 July 2018 secretary of Security Council of the Russian Federation Nikolay Patrushev during his visit to Crimea stated that the political, social and economic situation in Crimea is threatened by the government of Ukraine, Ukrainian nationalists and Mejlis of the Crimean Tatar peoples.¹⁹

Each politically motivated and falsified criminal cases against Crimean Tatars are accompanied by the publications in the state media depicting Mejlis/Crimean Tatars, or Ukraine/Ukrainians as extremists and terrorists. For example, when on 17 October 2018 18-years-old Vladislav Roslyakov killed 21 persons in the Kerch polytechnic college, the *de facto* police accused Ukrainian nationalists in the incident. Several days later that accusation turned out to be absurd.

Hate speech against Crimean Tatars are often connected with Soviet narrative of World War II used in Russia. In January 2019 the new textbook on the history of Crimea for the 10th grade was distributed to the Crimean schools. The textbook included the statements that during the Second World War the Crimean Tatars welcomed the Nazi army more than other ethnic groups, and that they collaborated with the Nazi occupational army more actively than other ethnic groups living in Crimea.²⁰ These statements are controversial and are not confirmed by historic facts. Under the pressure of the Crimean Tatar community, the textbooks were removed from the schools for the expertize.

The acts of vandalism are also widespread all around the peninsula. For example, on May 9, 2019 in village Orlovka the unknown persons broken the memorial commemorating Crimean Tatars that perished during World War II. No effective investigation was conducted. In 2018 mosque in Belogorsky and the Crimean Tatar cemetery in Leniskiy district were also attacked by vandals.

¹⁷ Center of Journalist Investigations, In Crimea a «court» obliged Crimean Diocese of Orthodox Church of Ukraine to pass the building of cathedral of the «Ministry of State Property», 28 June 2019, <https://investigator.org.ua/news-2/217710/>

¹⁸ Crimean Human Rights Group, Information-Analytical Report «Hate Speech in Media in Crimea», 2018 <https://crimeahrg.org/wp-content/uploads/2018/03/Hate-book-RU.pdf>

¹⁹ Tass, Patrushev stated that the threat of destabilization in Crimea is still exist, 9 July 2018, <https://tass.ru/politika/5358749>

²⁰ Crimean Human Rights Group, The Russian textbook on history for 10th grade instigate hate to Crimean Tatars, 18 February 2019 <https://crimeahrg.org/rossijskij-uchebnik-istorii-kryma-dlya-10-go-klassa-razzhihaet-nenavist-k-krymskim-tataram-pravozashhitniki/>