

Crimea after six years of Russian occupation: fear, human rights abuses and absence of freedom

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This year we mark the six years of occupation of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) by the Russian Federation. This occupation happened as a result of a breach of all the fundamental principles of international law, principles of UN Charter, including the principle of non-use of force or threat by force by the Russian Federation, the state, who should have been the guardian of international peace and security as a permanent member of the UN Security Council but has become the biggest violator of international law in the XXI century.

For Ukraine the biggest date to commemorate in relation to events of February and March 2014 in Crimea is 26 February 2014. This was a day of the biggest pro-Ukrainian rally in Simferopol gathered by the Crimean Tatar and Ukrainian activists. To remember this date on 26 February 2020 the President of Ukraine Volodymyr Zelenskyi signed a Decree to commemorate 26 February every year as the Day of Resistance to the occupation of the Autonomous Republic of Crimea and the city of Sevastopol¹.

When researchers prepare articles on Crimea they sometimes tend to use the surveys conducted on the temporarily occupied territory of Crimea by companies registered and working in Russia. These surveys and polls are conducted by Russian companies on the territory which is currently temporarily controlled by Russia. Any Ukrainian state body, international organization, Ukrainian and international company do not have access to the territory of Crimea. Thus, the researchers use Russian polls and point out that the Russian surveys and polls show that Crimeans are “happy” with Russia and find nothing bad in Russian control over Crimea. But let us imagine a survey or poll conducted in 1939 by a German company in Austria or in 1941 by a Soviet state enterprise in Estonia, or a survey or poll conducted in 1980 in USSR... What would be the results of these surveys? We as

¹ <https://www.president.gov.ua/documents/582020-32537>

the Ukrainian Crimean authorities often hear from our citizens who reside on the temporarily occupied territory of Crimea that the peninsula has turned into a grey zone, a place where people are afraid to talk with their family members and neighbours, a place, where anyone can be charged with extremism or terrorist activity for committing no crime. Our citizens often say that when they cross the temporary checkpoints on the temporary administrative border line between Crimea and the Kherson region and come to the territory which is controlled by the Ukrainian government, they feel at home and breathe the freedom in the air.

Human rights violations in temporarily occupied Crimea became something usual, something regular, including the gravest violations – war crimes and crimes against humanity. And these systematic human rights violations are reflected in annual resolutions of the UN General Assembly “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”, including the latest resolution A/Res/74/168 of 18 December 2019² and in the Report of the UN Secretary-General with the same name distributed in 2019³. Thus the United Nations system permanently points out human rights violations in the occupied Crimea.

The situation with gross human rights violations in the temporarily occupied Crimea is now being preliminary examined by the Office of the Prosecutor of the International Criminal Court (ICC) on the basis of Ukraine’s declarations on the recognition of jurisdiction of the ICC under Article 12(3) of the Rome Statute⁴. In its 2019 Report on Preliminary Examination Activities⁵ the Office of the Prosecutor points out that officials of the Russian occupying authorities allegedly committed such alleged war crimes in the temporarily occupied Crimea: wilful killings, torture, outrages upon personal dignity, unlawful confinement, compelling protected persons to serve in the forces of a hostile power, wilfully depriving protected persons of the rights of fair and regular trial, the transfer of parts of the population of the occupied territory outside this territory (with

² UN General Assembly Resolution “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” A/Res/74/168 of 18 December 2019: <https://undocs.org/en/A/RES/74/168>

³ Report of the UN Secretary-General “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”: https://reliefweb.int/sites/reliefweb.int/files/resources/A_74_276_E.pdf

⁴ Preliminary Examination: Ukraine: <https://www.icc-cpi.int/ukraine>

⁵ International Criminal Court, Office of the Prosecutor. Report on Preliminary Examination Activities 2019: <https://www.icc-cpi.int/itemsDocuments/191205-rep-otp-PE.pdf>

regard to the transfer of detainees in criminal proceedings and prisoners), seizing the enemy's property that is not imperatively demanded by the necessities of war, with regard to private and cultural property; and that officials of the Russian occupying authorities allegedly committed such alleged crimes against humanity: murder, deportation or forcible transfer of population (with regard to the transfer of detainees in criminal proceedings and prisoners), imprisonment or other severe deprivation of physical liberty, torture, persecution against any identifiable group or collectivity on political grounds, enforced disappearance of persons. Commission of such gravest crimes on the occupied territory does not correspond with the picture of “happy” Crimeans.

Talking about human rights violations one shall start with systematic persecution of Crimean Tatars and pro-Ukrainian activists. Such persecution results in illegal detentions of our citizens for showing their pro-Ukrainian position and them becoming political prisoners with charges on extremism, terrorism, etc. As of now there are around 120 Ukrainian citizens who are political prisoners detained by the occupying authorities. Most of them are Crimean Tatars. Server Mustafaev, Seiran Saliiev, Emir-Usein Kuku, Volodymyr Dudka, Oleksii Bessarabov and many other Ukrainian citizens are still kept in Russian jails for committing no crime.



Ukrainian political prisoners Volodymyr Dudka and Oleksii Bessarabov, photo: Censor.NET



Ukrainian Crimean Tatar political prisoners Server Mustafaev and Seiran Saliiev, photo: "Crimean Solidarity"

Grave violation of international humanitarian law by the Russian occupying authorities in Crimea is forced conscription to the Armed Forces of the Occupying Power. This forced conscription started in spring 2015 and up to now around 22000 of Ukrainian citizens from the temporary occupied Crimea were forcibly conscripted to serve in the Russian Armed Forces. Such forced conscription to the Armed Forces of the Occupying Power is regarded as a war crime by international humanitarian and international criminal law and may be seen as the most systematic war crime committed by the representatives of the Russian occupying authorities in the temporary occupied Crimea. It is completely unacceptable that this forced conscription is happening now in Spring 2020 when the whole world is facing COVID-19 pandemic.

Militarization of the occupied Crimea by the Russian occupying authorities also deals with the educational process. Children at schools study basics of military training within the framework of movement "Yunarmia", Cassack schools and Cassack classes.



Children during the Day of the Russian Airborne Forces in the temporarily occupied Sevastopol, 2 August 2019, photo: Krym. Realii



**In the city of Dzhankoi (temporarily occupied Crimea) during the celebrations of the Day of the City the occupying authorities organized and convened demonstration with participation of children during which the children used against each other pistols, knives and other weapons, September 2018
Source: Censor.NET**



Members of “Yunarmia” movement in the temporarily occupied Crimea, photo: Oleh Tereshchenko

Our Crimean children are taught how to be prepared to battle and how to fight. Educational process in the temporarily occupied Crimea has another problematic dimension – erasure by the Russian occupying authorities of Ukrainian and Crimean Tatar national identity in particular by limiting education at Crimean Tatar language and leaving Crimea without schools with Ukrainian as language of education. By this the occupying authorities seek to erase the Ukrainian and Crimean Tatar national and cultural identity and identity of children and youth as citizens of Ukraine.

Occupying authorities also systematically use transfer of citizens of the Russian Federation to the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. It is done with the specific intent to change the demographic map of population of Crimea. Such conduct is a war crime under international humanitarian and international criminal law. Together with the coming of the Russian citizens to the temporary occupied Crimea, the Russian occupying authorities create such conditions for active pro-Ukrainian Crimeans that they have to leave Crimea under the threat of persecution and illegal detention.

Forced Russian citizenship on the territory of temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol can be deemed to be a new form of hybrid

warfare as it may be seen by the Occupying Power as an instrument that gives it specific rights in relation to Ukrainian citizens residing in Crimea.

Ukrainian Orthodox Church (Orthodox Church of Ukraine) is one of the religious communities in Crimea, which is facing extremely difficult situation. After the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation the Ukrainian Orthodox Church was outside the law. Now there are only several parishes and a few clergymen of the Ukrainian Orthodox Church (Orthodox Church of Ukraine) left in Crimea.

The worshipers and clergymen of the Crimean Diocese (headed by Archbishop Klyment) were the subject of harassment, the parish premises were taken over and the Sunday schools, established by the Crimean Diocese with the education, provided in Ukrainian language, were closed down by the occupying authorities.



Archbishop of Simferopol and Crimea Klyment of the Ukrainian Orthodox Church (Orthodox Church of Ukraine) in the Cathedral during the service, photo: Krym. Realii

The ability of the diocese to use its main cathedral is limited and in early March 2020 the representatives of the so-called “Self-defence” were stationed in the cathedral in order to secure the Occupying Power’s state organ which is now stationed in the cathedral together with the Ukrainian Church. Other religious groups also face harassment and persecution in the temporary occupied Crimea, in particular Jehovah’s Witnesses and some Muslim organizations.

Lawyers and human rights defenders also face problems in the temporarily occupied Crimea, in particular lawyers who defend political prisoners in courts controlled by Russia. In many cases lawyers are the only source of information of getting the sense what is happening in Crimea and Russian occupying authorities want to block their ability to be defenders in courts on cases of political prisoners. Human rights activists and defenders, in particular members of “Crimean Solidarity” group also are subject to persecution. Coordinator of “Crimean Solidarity” Server Mustafaev is now in Russian jail for committing no crime.

The property rights are also abused in the temporarily occupied Crimea. Anybody can be deprived of his/her property anytime by the occupying authorities and there are no effective remedies to protect abused property rights as there are no independent courts and no fair trial right in the occupied Crimea, there are no independent human rights non-governmental organizations and international human rights monitoring missions do not have access to the territory of the temporarily occupied Crimea because of the position of the Occupying Power. Moreover in March 2020 the President of the Russian Federation signed a Decree which provides that foreign citizens, persons without citizenship and foreign legal entities will be deprived of the right to be the owners of land in practically all the districts of Crimea. Thus the citizens of Ukraine and Ukrainian legal entities which do have valid Ukrainian documents on the ownership of land in Crimea may be deprived of their property rights by the Occupying Power. And only persons with Russian passports and Russian legal entities will have the right to be the owners of that land.

All in all Crimea now is the “grey zone” where human rights and rules of international humanitarian law are systematically violated by the representatives of the Russian occupying authorities and anybody can face charges on extremism or terrorism without committing any offence. Thus the right to a fair trial is not secured in the temporarily occupied Crimea.

We do believe that talking to the victims of the Russian occupation apparently will be more efficient than relying on results of any Russian originated poll. In particular, talking to Crimean Tatar and Ukrainian activists, members of Mejlis of Crimean Tatar people residing in Crimea, wives and children of the political prisoners can provide the

comprehensive picture encompassing all griefs and severities which are happening in Crimea. One can also talk to the former Crimean political prisoners Oleh Sentsov, Oleksandr Kolchenko, Volodymyr Balukh, Edem Bekirov and find out for what and why they were illegally imprisoned by the occupying authorities.



Oleh Sentsov with daughter in the Boryspil airport, photo: Getty Images



Oleksandr Kolchenko came back home within the mutual release of persons between Ukraine and the Russian Federation, 7 September 2019, photo: hromadske



Former Ukrainian political prisoner Volodymyr Balukh, released from Russian jail in September 2019, during an interview in Kyiv, 23 December 2019, photo: hromadske



Edem Bekirov, Ukrainian Political Prisoner, Crimean Tatar who came back home during the mutual release of persons between Ukraine and the Russian Federation, 7 September 2019, photo: Official website of the President of Ukraine

Another alternative is talking to activists and human rights defenders who permanently reside in Crimea during events which are happening on the territory

controlled by the Ukrainian Government and abroad. They can provide a lot of information about their day-to-day life in the occupied Crimea. Given the foregoing there is a variety of sources to find out what is happening in the temporarily occupied Crimea and what do Ukrainian citizens residing in Crimea think about it. Crimea was, is and will be a part of Ukraine irrespective of Russian attempts to change the reality.