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**Special Rapporteur on Freedom of
Religion or Belief**

freedomofreligion@ohchr.org

Respect, observance and protection of the right to freedom of thought in Crimea and its relationship with other fundamental human rights

Since 2014, the beginning of the temporary occupation of Crimea by the Russian Federation, the situation with the implementation and protection of human rights has worsened in the region. Crimean Tatars, the indigenous people of Crimea professing Islam, opposed the occupation of their homeland. To overcome nonviolent resistance, the occupation authorities launched a campaign to persecute them and form the image of an “internal enemy” using hate speech, violating fundamental human and collective rights, in particular the rights of the indigenous Crimean Tatar people. The de facto authorities are actively using all instruments of pressure: illegal detentions, arrests, searches, initiation of fabricated administrative and criminal cases, threats, beatings, torture, violent abductions, murders, refusal to re-register and illegal alienation of private property, destruction of property. All these crimes are of a systemic nature.

Russia, applying its own criminal legislation in the occupied territory, violates Art. 64 of the IV Geneva Convention for the Protection of Civilian Persons in Time of War of 12 August 1949. In parallel with this, the application of Russian legislation in the occupied Ukrainian territory entails the introduction of restrictions for Ukrainian citizens in the exercise of their right to freedom of thought. For example, criminal liability has been introduced into Russian legislation for denying that Crimea belongs to the Russian Federation.

The most common tool in the fight against Crimean Tatar and Ukrainian activists who oppose the actions of the de facto authorities in Crimea is the initiation of criminal cases under Art. 205.5 of the Criminal Code of the Russian Federation (Organization

of the activities of a terrorist organization and participation in its activities). Today, for the alleged participation in the organization of "Hizb ut-Tahrir", 31 people have been sentenced to a term of 7 to 19 years in a strict regime colony, 44 people are in jail and awaiting sentences, 3 people have already served a sentence of 5 years in a strict regime colony and are currently under 8-year administrative supervision.

The organization "Hizb ut-Tahrir al-Islami" was banned in the Russian Federation by the decision of the Supreme Court of the Russian Federation dated February 14, 2003, in Ukraine this organization is not banned and can carry out its activities legally. In these "cases", the main evidence of involvement in the activities of the organization, and as a consequence in terrorist activities, is the recording of the conversations of the "accused" about religion and the socio-political situation, as well as the testimony of hidden witnesses. Often court sessions on these "cases" are held behind closed doors. Thus, we can trace the connection between freedom of thought and the right to punish solely on the basis of the law and the right to a fair trial.

For a position or an opinion different from the official position of the de facto authorities in Crimea, people are accused of terrorism or extremism, and given that the legal judicial system has been destroyed in Crimea, the "accused" are not able to exercise their right to an effective legal protection. Separately, it is worth noting the fact that the Russian penitentiary system has developed a practice of cruel, inhuman and degrading treatment of accused under extremist and terrorist articles. This practice is also applicable to Crimean political prisoners. In addition to the use of torture, this manifests in the form of being kept in cages or "aquariums" during "court" sessions, as well as untimely and inadequate medical care.

Another tool for prosecuting dissent is Art. 282.2 of the Criminal Code of the Russian Federation (Organization of the activities of an extremist organization), which is used against followers of the Jehovah's Witnesses organization. For today 3 people have been sentenced to 6 - 6.5 years in a penal colony, 5 people are under house arrest, 1 person under recognizance not to leave, 1 has the status of an accused in the case, 1 has a ban on certain actions.

Despite constant pressure and attempts to intimidate by the occupation authorities, the residents of Crimea continue to actively defend their right to freedom of thought. The practice of single pickets in support of political prisoners in Crimea has become widespread. As a rule, the wives and mothers of political prisoners come out to them, with posters "Our children are not terrorists", "Crimean Tatars are not terrorists." In most cases, administrative protocols are drawn up against them, and then a fine is imposed. In the last 1.5 years alone, 5 similar administrative cases have been

initiated. Also, family members of political prisoners have repeatedly stated that they and their homes are being monitored, which is a violation of the right to privacy.

Persecution of Crimean Muslims, except for charges under Art. 205.5 of the Criminal Code of the Russian Federation is also carried out in an administrative manner. For example, in 2020 the world "court" of Simferopol fined imam Rasim Dervishev 5,000 rubles, who was accused of "conducting illegal missionary activities." At the same time, the experts involved in the "case" in the actions of Dervishev could not accurately confirm the presence of signs of "missionary activity."

The "Prosecutor's Office" of Alushta opened an administrative "case" against the imam of the religious community "Alushta" Yusuf Ashirov for allegedly "illegal missionary activity." Another administrative "case" was also initiated against the imam of the mosque Dlyaver Khalilov for "conducting illegal missionary activities" and "organizing unauthorized meetings, processions, rallies", he was fined 30,000 rubles for "organizing an unauthorized meeting", namely: for holding a collective Friday prayer, obligatory for Muslims, in the mosque.

In addition to violating the rights of Muslims, believers of the Orthodox Church of Ukraine (the former Ukrainian Orthodox Church - Kyiv Patriarchate) are also subjected to oppression.

According to the Ministry of Foreign Affairs of Ukraine, the occupation authorities continue systematic harassment of religious communities on the territory of Crimea: 7 out of 49 religious communities of the OCU remained, and 4 out of 23 clergymen.

In an attempt to stifle manifestations of dissent on the peninsula, the occupation authorities have resorted to violating the right to private property. Metropolitan of Simferopol and Crimean OCU Clement received a decree from the so-called "Crimean bailiffs service" to demolish the OCU temple in Yevpatoria. The religious building was demanded to be demolished within five days.

The Supreme Court of the Russian Federation refused to reconsider the decision to evict the OCU community from the Cathedral in Simferopol. According to the lawyer Sergei Zaits, this means the complete liquidation of the Ukrainian Orthodox community in Crimea, and with such actions the Russian Federation continues to purge Crimea of everything Ukrainian.

The right to freedom of thought is a fairly broad concept, it includes both the ability to freely choose and practice religious customs and traditions, and to have your

own opinion regarding the political situation in your region and country. This right is practically impossible to exercise without free access to information, which is also limited in Crimea and manifests itself in the form of blocking websites and prohibiting the activities of disloyal media.

De facto the authorities are pursuing a purposeful policy of imposing and implanting their own views and beliefs, which results in ignorance and gross violation of the right to freedom of thought, since a free and thinking society poses a threat to their system. Thus, in an attempt to establish a framework, the criminalization of actions aimed at expressing one's own opinion is carried out. As a result, in the occupied Crimea, a situation has developed when it is not safe to have your own opinion for yourself and your family.

Recommendations for the de facto authorities of Crimea:

- to stop the practice of applying their own criminal legislation in the occupied territory;
- refrain from criminalization and administrative prosecution of actions aimed at expressing one's own opinion;
- remove restrictions on access to information.

Best regards,

**Head of the Board
of the Crimean Tatar Resource Center,
Head of the Department of Legal
Affairs and Foreign Affairs of the
Mejlis of the Crimean Tatar People**



Eskender Bariiev