

MONITORING REVIEW

OF THE SITUATION WITH FREEDOM OF SPEECH AND EXPRESSION OF OPINION

in Crimea in the first quarter of 2017

This monitoring review of the situation with the freedom of speech and expression of opinion in Crimea has been furnished by the Human Rights Information Centre (humanrights.org.ua) based on materials collected and documented by the organization in the first quarter of 2017.

The document contains review of the cases when freedom of speech and expression of opinion was violated in Crimea resulting in criminal or administrative sanctions, interrogations, searches, detentions as well as media blockages on the internet, denial of access to information, prohibitions to use photo- and video equipment and other cases that show pressure against journalists, bloggers and other citizens who express their views publicly or disseminate information.

The data was obtained as a result of "first-hand" monitoring (i.e. monitoring of the situation and events in Crimea, interviews with representatives of key target groups), based on information from official sources and legislation, as well as other open sources (statements of human rights defence organizations and media) that underwent additional verification.



CRIMINAL CASES:



On 12 January 2017, at about 7 a.m., as part of a pre-trial verification six FSB officers searched the apartment of wife and husband, **Natalia Kharchenko** and **Andriy Vynohradov** in Simferopol. The search was underpinned by a writ allowing the house-search issued by an investigator. As a result, 4 computers were seized. After this, the officers of the FSB Department for the Republic of Crimea transported Natalia Kharchenko for an interrogation as part of pre-trial investigation upon suspicion of a criminal violation under Article 280 of the Criminal Code of the Russian Federation for alleged extremist posts in the VKontakte network. Upon interrogation, she was requested to sign a non-disclosure pledge. The lawyer who represents interests of Ms. Kharchenko, was not allowed to see her. This was despite the fact that the investigator and on-duty officer of the FSB Department were notified of the lawyer's presence. It is possible, that throughout the interrogation Ms. Kharchenko, under pressure, wrote a voluntary waiver from services of a lawyer. Throughout the pre-trial investigation, her husband, Andriy Vynohradov, was interrogated as well. He refused to testify, citing Article 51 of the Constitution of the Russian Federation.



On 18 January 2017 member of the regional Medjlis of the Crimean Tatar People in Feodosia, **Suleiman Kadyrov**, was summoned to FSB. He arrived with lawyers, Emil Kurbedinov and Andrey Sabinin.

It is noteworthy that in October 2016 it became known that Kadyrov was facing a criminal case under part two of Article 280.1 of the Criminal Code of the Russian Federation – “Public calls to action aimed at violating territorial integrity of the Russian Federation made through media, electronic or information-telecommunication networks (including the internet)”. Under the case, linguistic expert assessment of the video-appeal made by Demyan Demyanchenko and the comment of Mr. Kadyrov thereto was conducted.

In January, an FSB investigator allowed Mr. Kadyrov and his lawyers to see the results of the linguistic expert assessment. According to it, the words (comment) of Suleyman Kadyrov were not a call to action but were rather an approval of the action by the Crimean Tatar battalion “Asker”. At the same time, the investigators did not agree with this conclusion and launched an additional psychological-linguistic expert assessment. The FSB returned to Mr. Kadyrov the laptop and telephone that were seized throughout the search.

On 1 February the investigator extended the timeframe for the pre-trial investigation for the case of Suleyman Kadyrov until 7 April 2017.



On 20 January 2017, FSB investigator, Aleksandr Parshutin, handed over the indictment to journalist, **Mykola Semena**. The journalist is accused under part two of Article 280.1 of the Criminal Code of the Russian Federation (Public calls to action aimed at violating territorial integrity of the Russian Federation). The investigative side believes that the Crimean journalist “*drafted an article "Blockade – the necessary first step to freeing Crimea" that contained calls to violation of territorial integrity of the Russian Federation*”. The indictment is based on the results of linguistic expert assessment. Emil Kurbedinov, as the defence lawyer, noted that the defence side in the case was going to appeal the results of the linguistic expert assessment. The journalist is still in Crimea under a travel ban.

On 28 February the “Zheleznodorozhny district court” of Simferopol held a preliminary hearing for the case of Mykola Semena. Andrey Sabinin, the defence lawyer, appealed to return the case to be further investigated, this time with correcting the mistakes made by the prosecution side. The lawyer believes that the linguistic expert assessment was conducted in a wrong manner, as the expert was assessing the *legal* rather than the *linguistic* aspect of the text by Semena.

On 20 March, a regular court hearing was held in the case of Mykola Semena¹. Throughout the hearing, the lawyers of the journalist appealed for the hearings to be held in a more spacious room. The appeal was substantiated by defence lawyer, Aleksandr Popkov, by the fact that many journalists failed to attend the hearings, as there was insufficient space in the courtroom. He also noted the work of defence lawyers was made complicated by the small premises and the suspect, Mykola Semena, was lacking even a table to place his papers. At the same time, according to the lawyer, the two large courtrooms were empty at the time of the hearing. Prosecutor, Svetlana Udinskaya, stated that she believed the appeal to be contempt of court, and that the stated goals of accessibility and openness of the case were mere “whims” of the defence lawyers.

¹ Hearing in the case of Semena rescheduled based on appeal from the defense side that requested more openness / Human Rights Information Centre, 20.03.2017 - https://humanrights.org.ua/ru/material/zasedaniye_po_delu_semeny_perenesli_po_prosbe_zashhity_trebovavshej_g_lasnosti_i_dostupnosti

Judge, Nadezhda Shkolnaya, noted that journalists submitted applications to conduct videography but the applications were not considered, as they were filled in wrongly. She also explained that the courtroom in question was selected due to an earlier appeal to have audio-recording of the hearing, and transfer of the equipment would take too long. At the same time, due to a procedural error (as the judge opined prior to hearing both sides) she had to reschedule the hearing to 3 April 2017.

Worthwhile mentioning is the fact that in spring 2016, mass searches were organized, including with the journalists who were suspected of collaborating with the Krym.Realii project by Radio Liberty. A criminal case was launched against Mykola Semena, and Russian investigators prohibited him to leave the peninsula. On 23 August 2016, the defence of Mr. Semena appealed to allow him to leave Crimea to undergo medical treatment in Kyiv at the Romodanov Institute of Neurosurgery. Nonetheless, the FSB Department for Crimea declined the appeal. On 28 November 2016, Mr. Semena, due to the travel ban, failed to receive in-person the Pavlo Sheremet European Prize on Freedom of Speech that he was scheduled to get at the eighth annual assembly of the Eastern Partnership Civil Society Forum.



Deputy head of the Medjlis of the Crimean Tatar People, **Ilmi Umerov**, was deprived of one of his key defender – lawyer Nikolay Polozov.

Ilmi Umerov is accused of actions under part two of Article 280.1 of the Criminal Code of the Russian Federation – “Public calls to action aimed at violating territorial integrity of the Russian Federation made through media, electronic or information-telecommunication networks (including the internet)” for his statements that Crimea was territory of Ukraine.

On **25 January** 2017, lawyer Nikolay Polozov was detained in Simferopol by 6 FSB officers that forcibly took him to an interrogation as a witness in the Umerov case. This happened immediately after Polozov’s return from Strasbourg where he, at the PACE session, spoke of the repressions in Crimea. Nikolay Polozov appealed the action of the FSB investigator, noting that this was a stark violation of international standards for protection of defence lawyers, the law “On the bar and attorney activities in the Russian Federation” as well as the Criminal-Procedural Code of the Russian Federation. On 14 February, the “Supreme Court” of Crimea declined the appeal of Mr. Polozov against the ruling of judge Viktor Mozhelianskiy of “Kyiv district court” of Simferopol that allowed FSB investigator, Igor Skripka, to interrogate Mr. Polozov as witness in the case of Ilmi Umerov. The court hearing in question was presided by judge Yuriy Latynin. According to the court, interrogation of lawyer Polozov as a witness in the case where Umerov is accused, “did not interfere with his rights”.

On 21 March, Ilmi Umerov was handed an indictment. Defence lawyer Edem Semedliaiev noted that now all of the case materials would be channelled to the “Bakhchisaray court”. In turn, Ilmi Umerov noted that the defence side motioned two appeals: one on closing the case and another one – on considering results of linguistic expert assessment. Yet, none of the two were included into the case file.

On 24 March, the “Kyiv district court” failed to satisfy the complaint² of lawyer Nikolay Polozov regarding action by FSB officers who ensured his forcible delivery to an interrogation in the Ilmi Umerov case.



ADMINISTRATIVE CASES:



On 26 January 2017 about 9 a.m. officers of the Centre for Countering Extremism (so-called “Centre E”) detained Crimean lawyer, **Emil Kurbedinov**, having accused him of an administrative offense under Article 20.3 of the Administrative Code for a video posted on the VKontakte network. The video featured a rally of Hizb ut-Tahrir members and symbols of this organization. On this same day, the “Zheleznodorozhny district court” of Simferopol ruled that the lawyer be issued 10 days of arrest as a sanction for the offense. The court disregarded mistakes made in the family name of the accused that were made in the administrative offense protocol; the statute of limitations was considered as unexpired, since the video could still be found on the social network.

On that same day, as part of administrative case investigation, police officers inspected the premises where lawyer Emil Kurbedinov lived, refusing to admit lawyer Dzhemil Temishev to that premises for about forty minutes. This was done despite the fact that the premises where Mr. Kurbedinov resided were registered as headquarters of a local bar association – and rooms like that may not be inspected in absence of the Chair of this bar. A search was also organized in the office where Emil Kurbedinov was working. Law enforcers looked through documents of defence lawyer cases, and have seized all computer equipment.



On 21 February 2017, officers of the Centre for Countering Extremism conducted a house search with Crimean Tatar activist, **Marlen Mustafaev**, who was then accused of an administrative offense. Throughout the inspection, religious literature, a desktop computer and a mobile phone were seized.

Marlen Mustafaev was detained about 7:30 a.m. by the officers of “Centre E” with backing from riot police. He was accused of administrative offence under Article 20.3 of the Administrative Code of the Russian Federation, i.e. for demonstrating extremist symbols in social networks (VKontakte and Facebook) linked to a rally of Hizb ut-Tahrir party that were posted in July 2014. On that same day, the “Kyiv district court” of Simferopol sanctioned him for 11 days of arrest. The defence side appealed to interview the expert who had drafted the expert assessment and had assessed the social media posts by Mustafaev as being extremist. Judge Mozhelianskiy refused to satisfy the appeal. A similar decision was made regarding the appeal to view the materials of the case in presence of a prosecutor. Instead, an officer of “Centre E”, Ruslan Shambazov, was asked to testify. He noted that all of the case materials were recorded onto the disk. The judge refused to view contents of the disk.

² Crimean court refused the complaint of Polozov regarding the enforced interrogation / Human Rights Information Centre, 24.03.2017 -

https://humanrights.org.ua/ru/material/krymskij_sud_otklonil_zhalobu_polozova_na_prinuditelnyj_dopros



On 21 February 2017 in Simferopol, in the vicinity of the house belonging to Marlen Mustafaev where the house search was organized, the police detained **10 Crimean Tatars** who were shooting video footage of what was going on and live-streaming the video. All of them were accused of participating in an impromptu mass event and sanctioned with 5 days of administrative arrest for violating Article 20.2 of the Administrative Code of the Russian Federation. A number of witnesses who were called in to testify to the fault of the detained, refused from their witness-statements noting that they did not even read the protocols that they had signed under pressure from police officers.



On 30 March 2017 activist and streamer, **Remzi Bekirov**, who proactively reports on persecutions of Crimean Muslims, was detained³ by officers of the Centre for Countering Extremism. Bekirov set off to the "Centre E" in the morning, as the officers demanded that he come and pick up his hat with an Arab-language inscription. The hat was seized on 21 February throughout a massive detention in Kamenka village where Bekirov was streaming the actions by the law enforcers, and was supposed to be subject to an expert assessment. On 30 March, Remzi Bekirov was handed an indictment under Article 20.29 of the Administrative Code (production and dissemination of extremist materials) for the fact that seven years earlier he had posted on the VKontakte network two video-materials: an interview with "Primorsk guerrillas" and "Black hawks" blow up the FSB". According to the friends of Bekirov, he had deleted the page the month before. Nonetheless, judge of the "Simferopol district court", Svetlana Belik, sanctioned Remzi Bekirov with 3 days of administrative arrest.



SEARCHES, INTERROGATIONS, DETENTIONS:



On 16 February 2017 police officers in Simferopol apprehended a camera crew of the STB channel (**Alyona Lunkova, Andriy Shurin, Sergiy Sivko, Vitaliy Kikot**) and journalist of Hromadske Radio, **Iryna Romaliyska** as they were engaged in professional activities in K. Liebknecht street where they were interviewing passers-by on a variety of topics. Police officers checked the documents for about one hour but did not take anyone into custody or transfer to a police station. Having learned that a lawyer was on the way to the scene, police officers quickly wrapped up the check and left. Later on, the journalists reported that they were followed from Kerch to Yalta.



On 24 February 2017 scientist, **Guriy Kornilyev**, residing in Yalta was, over the phone, summoned to the FSB Borderguard Department of the Russian Federation in Simferopol. The officer who carried out the phone conversation refused to introduce himself or to state the grounds for summoning Mr. Kornilyev to an interrogation. He also refused to introduce himself throughout the interrogation itself, noting that his

³ Crimea sees streamer arrested for three days for a video published 7 years ago / Human Rights Information Centre, 30.03.2017 - https://humanrights.org.ua/ru/material/strimera_v_krymu_arestovali_na_troje_sutok_za_opublikovannoje_7_let_na_zad_video

rank was “secret”. Mr. Kornilyev was asked about the sports activities that he did, fitness for military service, friends from amongst Ukrainian military and law enforcers, trips to Ukraine, participation in the events on the Maidan in Kyiv in 2013-2014 and rallies all over Ukraine, reasons for refusal from the Russian passport, as well as ability to “transfer secret scientific information to the mainland through the internet” at work, as well as the purposes of his internet connection use at work. These activities of the FSB officer are explained by Mr. Kornilyev by his refusal from Russian citizenship in Crimea, as well as his openly-stated pro-Ukrainian position. Thus, for instance, in 2014, Mr. Kornilyev notified his peer-scientists from Russia and Customs Union countries in writing that Crimea is facing an open military intervention of Russian troops.



On 10 March 2017, officers of the Russian Borderguard Service at the Chongar checkpoint stopped a **journalist of a large foreign print medium** (details undisclosed for security reasons) for an additional verification. Apart from verification measures that are envisaged by the Russian legislation, the journalist was faced with a number of illegal interventions – his finger-prints were taken without his prior consent, his “mug shot” was taken, and mobile phone checked.



WEBSITE BLOCKAGE:



As of 27 March 2017, the territory of Crimea faces blockage of such websites: **Krym.Realii, Centre for Journalist Investigations, Blackseanews.net, 15 Minut, QHA, Krym-SOS, Ukrainskaya Pravda, Hromadske Radio, UAinfo, STB TV-channel website**. At the same time, the verification found out that the previously blocked websites of Sobytiya Kryma, Obozrevatel, Apostrof and Censor.net were accessible.



DENIAL OF ACCESS:



On 20 March 2017, at the “Zheleznodorozhny district court” of Simferopol prior to the court hearing of the Mykola Semena case, court officers refused to admit journalists of **Perviy Krymskiy TV-channel** to the courthouse. The explanation provided was that the application for admission and accreditation was filled in with errors. **RIA Novosti** journalist, **Maksim Groznov**, was denied access to the courtroom due to alleged lack of space. The persons present in the courtroom (amongst them journalists) were warned by the court officer and secretary of the judge that audio-recording shall not be carried out without explicit permission from the court – despite the fact that this prohibition was illegal from the point of view of the Russian legislation. The court officer even threatened those who would be carrying out audio-recording without permission that the equipment would be seized.



On 27 March 2017, **two journalists of a foreign print medium** were denied an interview and comments by the Government Agent for Human Rights of Crimea,

Liudmila Lubina. The cited grounds for the refusal included absence of accreditation with the Ministry of Foreign Affairs of the Russian Federation.



PROHIBITION OF VIDEO- / PHOTOGRAPHY:



On 25 January 2017, journalist **Anton Naumliuk** was taking photos nearby the FSB Department in Simferopol, where the defence lawyer for Ilmi Umerov, Nikolay Polozov, had been transported to. An officer of the building's security unit ordered photography to be stopped as the building was considered a high-security facility. The journalist complied with the order.



On 26 January 2017 the court officers at the "Zheleznodorozhny district court" of Simferopol denied access to journalists of the **Inter TV-channel** and journalist **Anton Naumliuk** to attend the hearings of the administrative case against defence lawyer Emil Kurbedinov. The officers demanded that the photo/video-equipment be stowed away prior to entrance of the building. Moreover, a blogger was prohibited from running an online text-cast of the hearing, once in the courtroom.



On 16 and 21 February 2017, judges of the "Kyiv district court" of Simferopol ignored the application of journalist **Anton Naumliuk** to conduct photo- and videography.



On 20 February 2017, the "Supreme Court" of Crimea refused the application for videography to the **France 24** TV-channel to report on a court hearing for Deputy Head of the Medjlis of the Crimean Tatar People, Akhtem Chiygoz within the larger framework of the so-called "26 February" case. The judges noted that video-recording could violate the rights of witnesses and representatives of the prosecution side. The court further ignored the proposal of the defence side that the journalists place the equipment in such a manner that only the accused be caught on camera, not the rest of the parties to the case.

Publication of the review was funded by the British Embassy in Ukraine as part of the project "Support of journalists and human rights activists in Crimea" implemented by the Human Rights Information Center and the Crimea Human Rights Group. The views expressed in this publication are those of the author(s) and may not coincide with the official position of the UK Government.

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