

## Human Rights in the Occupied Crimea and Uncontrolled Parts of the Donetsk and Luhansk Regions of Ukraine

The situation with the observance of human rights in the occupied Crimea and uncontrolled parts of Donetsk and Luhansk regions continues to deteriorate. In Crimea, there is ongoing militarization of the peninsula; an active part of the local population is being forced out and replaced by citizens of the Russian Federation from different regions through controlled migration, and a deliberate policy of human rights violations and suppression of dissent is being pursued. In the certain parts of the Luhansk and Donetsk regions, which are under the de facto Russian control, the movement of the population through checkpoints is blocked; illegal places of detention, such as the “Izoliatsiia”, continue to function; there are no legal mechanisms to protect property, personal freedom, health and human life.

Ceasefire in eastern Ukraine has been increasingly violated since July 2020, with the number of security incidents documented on a monthly basis 40% higher than a year ago. Compared to the second half of 2020, there has been an increase in the number of civilian casualties and the number of civilian objects damaged along the contact line.

The following are the key human rights concerns that require attention of the international community.

### **Political persecution in Crimea**

In Crimea, there is an organized system of political persecution, which is exercised both in an illegal way (torture, beatings, enforced disappearances, etc.) and with the use of legal mechanisms (arbitrary arrests, illegal surveillance, fabricated criminal cases, etc.) The repressive legislation of the Russian Federation provides ample opportunities for suppressing dissent. The technology of persecution has been worked out. Immediately after arrest, isolation is applied to a person; it is a widespread practice for such detainees to be denied access to independent lawyers. During this period, torture may be applied to the person in order to obtain confessional statements to crimes that he or she did not commit. Those arrested in Crimea are often involuntarily confined without a court decision to a psychiatric clinic for up to 28 days for forensic psychiatric examination, where interrogation continues in the absence of their lawyers. At least 127 people have been imprisoned for political reasons. 89 of them are Crimean Tatars. Most of the detainees were illegally transported from Crimea to the territory of the Russian Federation.

### **Freedom of religion in Crimea**

The annexation of Crimea by the Russian Federation entailed numerous violations of freedom of thought, conscience and religion. The forced implementation of the Russian legislation has significantly worsened the situation of religious groups. Mandatory state registration of religious communities and objects of religious significance, control over the publication and dissemination of religious literature, and special rules for carrying out missionary activities were established. One of the methods of pressure has been the deprivation of ownership of the religious buildings of Ukrainian churches as a result of physical seizures or decisions of the occupation courts. The practice of mass raids in mosques to verify the documents of believers during the Juma Namaz is widespread. The number of criminal cases initiated for belonging to religious organizations that are recognized as terrorist or extremist in the Russian Federation is growing. Thus, on October 25, 2021, a resident of Sevastopol, Igor Shmidt, was sentenced to six years in prison only for belonging to Jehovah's Witnesses.

## **Civic journalism in Crimea**

During the years of the occupation, censorship has been introduced on the territory of the peninsula; independent media outlets have been closed or forced to move to mainland Ukraine, such as the Crimean Tatar TV channel ATR; and broadcasting and websites of a number of Ukrainian media and human rights organizations have been blocked. This has led to the emergence of the phenomenon of "civic journalism". Civic activists began publicly reporting on human rights violations, attending searches, visiting courts during trials of politically motivated cases, recording human rights violations on the phone, livestreaming events, and writing short notes and longer reports. It is civil journalists who often become the main source of timely information about the situation in Crimea, which is used by international organizations, the Ukrainian and foreign media. The occupation authorities obstruct the activities of civic journalists. They are subject to illegal administrative penalties and prosecuted. To date, 11 civic journalists in Crimea have been imprisoned on trumped-up charges.

## **Pressure on independent lawyers in Crimea**

Professional activities of lawyers in Crimea pose serious risks. Defenders of victims of political persecution are in a particularly vulnerable position. The practice of not allowing a lawyer to visit his or her clients and the violation of the right to the confidentiality of lawyer-client meetings are widespread; access to case materials is complicated. Intimidation of suspects in order to force them to waive the right to an independent lawyer has been repeatedly documented. Lawyers are subject to illegal arrests, the threat of being deprived of legal status, cyber-bullying, warnings against extremist activities, etc. Thus, on October 25, 2021, the lawyer of Edem Semedlyayev was detained while providing legal aid to his client at a police station. The reason for the detention was the drawing up of an administrative protocol on the fact of the lawyer's refusal to take all his clothes off so that the law enforcement officers could check his body for extremist tattoos. On November 11, 2021, the occupation court sentenced the lawyer to administrative detention and imposed a penalty for "failure to obey the lawful demands of the police".

## **Freedom of movement in Donbas**

The de facto authorities in the so-called Donetsk and Luhansk People's Republics, which are under the de facto control of the Russian Federation, continue to block the work of five of the seven entry-exit checkpoints – Shchastia, Zolote, Gnutovo, Mayorske and Maryinka. At the moment, there is only one working crossing point of Stanitsa Luhanska, while another one in Novotroitske is open only twice a week. Illegal armed groups are using the pandemic to deepen the severing of ties between the residents of ORDLO and the territory controlled by the Ukrainian government, for which they let people pass only according to the lists they have drawn up. This has reduced the flow of people who cross the contact line every day from 14 million crossings in 2019 to 527 thousand in 9 months of 2021. These actions of the de facto authorities pose a real threat, in particular, for the elderly, who are forced to regularly cross the checkpoint in order to receive a state pension, use the services of ATMs, draw up documents, purchase medicines or food.

## **Torture and ill-treatment in Donbas**

In addition to the so-called official prisons and pre-trial detention centres, there is an extensive network of secret places of deprivation of liberty. In particular, the secret detention centre "Izoliatsiia" on the territory of the military base in Donetsk, mentioned in the reports of the Office of the UN High Commissioner for Human Rights. Most places of detention are unsuitable even for a short-term stay of people, and the very conditions of detention, both in "official" and in secret places of detention, can be equated with torture and ill-treatment. The UN Human Rights Monitoring Mission in Ukraine has

documented numerous testimonies of the widespread practice of torture and ill-treatment of detainees. They were subjected to beatings, electric shocks, asphyxiation (wet and dry methods), sexual violence, positional torture, removal of body parts (fingernails and teeth), deprivation of water, food, sleep or access to the toilet, imitation of the death penalty, threats of violence or death, threats of harm to the family. In some places of detention, forced labour is used. For example, in the secret detention centre “Izoliatsiia”, prisoners cut metal and weld grates, make military training grounds, wash military equipment. People are not provided with adequate medical care, which makes them particularly vulnerable in the context of the COVID-19 pandemic.

### **Release of illegally detained persons in Donbas**

Negotiations on the implementation of the Minsk Agreements on the immediate release of illegally detained people have been at an impasse for more than two years. The last exchanges took place back in 2019, when in September film director Oleg Sentsov and 34 other people who were imprisoned for political reasons in Russia and the annexed Crimea returned to Ukraine, and in December they managed to release 76 people who were illegally imprisoned on the territory of the occupied Donbas. According to official data, about 296 prisoners of war and civilian hostages are held captive in the uncontrolled part of the territories of Donetsk and Luhansk regions. Among them are men and women of different ages, social situation, walks of life, and health status. Contrary to the international humanitarian law, even the International Committee of the Red Cross does not have access to them. The Russian Federation uses illegally imprisoned people to put pressure on Ukraine in order to achieve specific geopolitical goals. The Kremlin demands amendments to the Constitution of Ukraine, elections in the east, amnesty for war criminals, restoration of water supply to the occupied Crimea, etc.

### **Blocking the work of the OSCE monitors in Donbas**

In September 2021, the Russian Federation refused to approve the extension of the mandate of the OSCE Observer Mission at the international automobile checkpoints of Gukovo and Donetsk after its expiration on 30 September. OSCE observers had worked since July 2014 based on the consensus decision of the OSCE Permanent Council for “permanent monitoring of the Ukrainian-Russian state border and verification by the OSCE”. At the time of its discontinuation, the Observer Mission comprised 22 permanent international Mission members, including the Chief Observer. According to its mandate, the mission did not control the entire 407-kilometer border, but only 40 meters of the territory of two permanent patrol bases. Leaving this territory or using binoculars was prohibited. The observers did not have the right to ask a person to show the trunk of a car or see who was sitting on the bus. In addition, the OSCE Special Monitoring Mission (SMM) often encounters various forms of obstacles to its work, which is reflected in its regular reports. Thus, on October 17, 2021, the OSCE SMM was forced to suspend its work in Donetsk for security reasons after the mission members were blocked at the hotel where its office was located.

### **Recommendations to the OSCE bodies and participating States**

1. Demand that the Russian Federation guarantee unhindered access for international intergovernmental and international humanitarian organizations to the occupied Crimea and parts of the Donetsk and Luhansk regions, which are under the de facto control of the Russian Federation.
2. Demand that the Russian Federation, which exercises the de facto control over certain parts of Donetsk and Luhansk regions, use its influence to fulfil the paragraph of the Minsk Agreements on the release of illegally detained persons, as well as significantly change the conditions of detention and treatment of prisoners: eliminate the secret detention centre “Izoliatsiia”, provide free access for the

International Committee of the Red Cross, end the practice of torture, isolation, and denial of medical care.

3. Demand that the Russian Federation stop political persecution and immediately release Ukrainian citizens imprisoned for political reasons in Russia and the occupied Crimea, and until that time observe their rights and freedoms, in particular, freedom from torture, the right to an effective remedy, the right to fair trial, etc.
4. Demand that the Russian Federation end the policy of changing the demographic composition of the population of the occupied Crimea by moving its own population to the peninsula from the territory of the Russian Federation.
5. Demand that the Russian Federation stop illegal archaeological excavations on the territory of the Crimean Peninsula, in particular, on the territory of the UNESCO World Heritage Site “The Ancient City of Chersonesos and its Choirs”, as well as investigate all the facts of destruction and damage to cultural heritage sites of Ukraine in Crimea.
6. Demand that Ukraine strictly observe the principle of inevitability of criminal responsibility for war crimes and crimes against humanity committed during the armed conflict, and for this goal call on Ukraine to ratify the Rome Statute of the International Criminal Court, and the President of Ukraine to sign Bill No. 2689, which brings national legislation into compliance with international criminal and international humanitarian law.
7. Pay due attention to the security situation in eastern Ukraine in order to ensure a comprehensive ceasefire as well as the implementation of the following measures:
  - weapons banned by the Minsk Agreements should be immediately withdrawn from the contact line under international control;
  - necessary confidence-building measures, which can be implemented in the form of investments in health, water and environmental protection;
  - investing in the conflict-affected region in the transition period to strengthen democratic regional governance, education, economic development and environmental stabilization as an effective means of improving the security situation.