



Alternative report for the UN Committee against Torture

64th session

**Review of the Russian Federation compliance with the Convention against Torture
and Other Cruel, Inhumane and Degrading Treatment or Punishment**

**The practice of torture by the Russian Federation in occupied
Crimea, 2014-2018**

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Recommendations

Recommendations to the UN Committee against Torture for further demands from the Government of the Russian Federation:

- (1) to immediately stop any practice of torture and inhuman treatment against the civilian population of the occupied territories of Crimea, including for intimidation, either as revenge or punishment for a certain civil position, for receiving false testimony within politically motivated criminal prosecutions, for inducement to cooperate with the power structures of the Russian Federation;
- (2) to conduct an effective investigation of all cases of torture and inhuman treatment against activists, political prisoners, representatives of the Crimean Tatar community and other civilian population of Crimea;
- (3) to immediately stop the practice of denial of timely and proper medical care to persons in custodial settings in the occupied territories;
- (4) to admit to the territory of Crimea the UN Special Rapporteur on Torture, and also to promote the admission of international preventive and monitoring missions and mechanisms so that the inhuman treatments including torture may not be committed on the territory of the occupied peninsula.

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Introduction

At the end of February 2014, the Russian Federation launched a military operation to seize the part of the territory of Ukraine - the Autonomous Republic of Crimea and the city of Sevastopol, led its troops into the peninsula and by the end of April 2014 established effective control over its territory.¹ Having annexed the territory of Crimea, in violation of international law, Russia imposed compulsory citizenship for all persons who lived in Crimea at the time of annexation, extended its legislation to the Autonomous Republic of Crimea and the city of Sevastopol and completely changed the governmental system.²

Moreover, since 2014 Russia started to pursue a policy of suppressing any dissent with the annexation of the peninsula and disloyalty to the current Russian government, accompanied by systematic and massive violations of human rights in Crimea. These violations are recorded by international and national human rights organizations. Thus, the UN Human Rights Monitoring Mission in Ukraine notes that "the human rights situation in Crimea has significantly deteriorated since the beginning of its occupation by the Russian Federation. The imposition of a new citizenship and legal framework and the resulting administration of justice have significantly limited the enjoyment of human rights for the residents of Crimea".³

In 2016 and 2017 the UN General Assembly adopted Resolution 71/205 of 19 December 2016 and Resolution 72/190 of 19 December 2017 on the human rights situation in Crimea and condemned the violations of human rights and urged the Russian Federation "to take all measures necessary to bring an immediate end to all abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation".⁴ The Office of the Prosecutor of the International Criminal Court recognized the situation in Crimea as an international armed conflict between the Russian Federation and Ukraine, and noted a number of alleged international crimes being committed by the Russian Federation on the territory of Crimea.⁵

In the situation of armed conflict and occupation of Crimea, the systematic practice of torture by the Russian occupation authorities in Crimea is extremely alarming. At the moment, there are documented 106 cases of torture committed by members of the Russian law enforcement agencies established in the occupied territories and Russian-controlled paramilitary structures against

¹ The Peninsula of Fear, pp.7-16 https://helsinki.org.ua/wp-content/uploads/2016/05/PeninsulaFear_Book_ENG.pdf, Taras Berezovec, Annexation of Crimea: Chronicles of hybrid war, Kyiv, Bright Star Publishing 2015

² OSCE, Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015), pp.20-41 <https://www.osce.org/odihr/report-of-the-human-rights-assessment-mission-on-crimea?download=true>, Office of the United Nations High Commissioner for Human Rights, the situation of human rights in Ukraine, May 15, 2014, paragraphs 125-129 (on citizenship), Regional Center on Human Rights, Crimea Beyond Rules, Right to Citizenship, Kyiv, 2017 https://helsinki.org.ua/wp-content/uploads/2016/04/Crimea_beyond_rules_-3_en-fin.pdf

³ Office of the United Nations High Commissioner for Human Rights, Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 2017, paragraph 220, https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf

⁴ Resolution by the General Assembly 71/205 of 19 December 2016, n. 2b <https://www.un.org/en/ga/71/resolutions.shtml>, Resolution by the General Assembly 72/190 of 19 December 2017, n. 3c <https://www.un.org/en/ga/72/resolutions.shtml>

⁵ International Criminal Court, the Office of the Prosecutor, Report on Preliminary Examination Activities, 2017, para 88, 97-103, https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf

civilians in the Autonomous Republic of Crimea and the city of Sevastopol. The situation is aggravated by the lack of effective means for protection of victims of torture and inhumane treatment and efficient preventive mechanisms.

Based on international practice and decisions of international organizations, an overview of the situation in Crimea regarding torture and other forms of inhumane and degrading treatment and punishment is provided to the Committee. The authors of the report ask the Committee to take this issue into consideration in view of the urgent and difficult situation in Crimea for the following reasons:

- the practice of torture and other forms of inhumane and degrading treatment in the conditions of the occupation of Crimea is widespread and has been applied by the Russian authorities systematically since 2014;
- it occurs in the context of an armed conflict and thus violations of the Convention against torture and other inhumane and degrading treatment or punishment also constitute international crimes;
- lack of effective means of protection and preventive mechanisms, as well as no access to Crimea for international human rights institutions.

In this context, it is important to note that Art. 2 of the International Covenant on Civil and Political Rights provides that a State has human rights obligations with respect to persons in the territory of that State or subject to its jurisdiction. The existence of human rights obligations of the occupying state has been recognized in decisions of international and regional organizations, including the International Court of Justice,⁶ the UN Human Rights Committee,⁷ and the European Court of Human Rights.⁸

In relation to Crimea, the UN General Assembly recognized Russia as an occupying Power and called for respect for human rights on the peninsula in its Resolution 71/205 of 19 December 2016 and Resolution 72/190 of 19 December 2017.⁹ The International Court of Justice indicated provisional measures in the *Ukraine v. Russia case*, including *prima facie* jurisdiction over the case.¹⁰ One of the issues is Russia's violation of the Convention on the Elimination of All Forms of Racial Discrimination in Crimea. Reviewing the situation in Russia, the UN Committee on the Elimination of Racial Discrimination also considered the situation in Crimea “without prejudice

⁶ International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Territories, 2004

⁷ UN Human Rights Committee, General Comment No. 31, 2015; UN Human Rights Committee, López Burgos v Uruguay Communication and Celiberti v Uruguay Communication

⁸ The European Court of Human Rights, case of Ilascu and Others v. Moldova and Russia, 2004; The European Court of Human Rights, Loizidou v. Turkey, 1996; The European Court of Human Rights, the case of al-Skeini and others v. The United Kingdom, 2011; The European Court of Human Rights, case of Moser v. Moldova and Russia, 2016

⁹ Resolution by the General Assembly 71/205 of 19 December 2016, p. 2b <https://www.un.org/en/ga/71/resolutions.shtml>, Resolution by the General Assembly 72/190 of 19 December 2017, p. 3c <https://www.un.org/en/ga/72/resolutions.shtml>

¹⁰ International Court of Justice, *Ukraine v. Russia*, Request on Indication of Provisional Measures, <http://www.icj-cij.org/en/case/166>

to the legal status of Crimea under international law and emphasizing the fundamental importance of the principle of territorial integrity of all Member States of the United Nations".¹¹

The Russian Federation has ratified international conventions obliging to prevent torture, cruel and (or) other inhuman or degrading treatment and provide appropriate compensation to the victims. Having extended its jurisdiction to the occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, the Russian Federation assumed the responsibility of maintaining public order and guaranteeing the fundamental rights of citizens residing in this territory, including by observing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by UN General Assembly Resolution 39/46 on 10 December 1984.

Currently, the recommendations of the UN General Assembly, OHCHR as well as regional human rights organizations such as the Council of Europe and the OSCE in stopping the practice of torture and bringing to justice those responsible for human rights violations by effectively investigating allegations of ill-treatment, torture, abductions, disappearances and murders by Russian state security services and Russian controlled paramilitary groups are ignored by the Russian Federation.

General conclusions

Based on the systemic monitoring of the situation in Crimea, the authors of the report conclude that torture is a systemic practice and a part of the policy of the Russian occupation authorities in Crimea. From February 2014 to June 2018 106 cases of torture by the state agencies of the Russian Federation has been documented. No single incident of torture has been subjected to an effective investigation by the Russian authorities and the occupation authorities under its control.

In known cases, torture and inhuman treatment on the territory of Crimea is applied by the Russian Federal Security Service (FSS) and its subordinate structures, as well as by members of the paramilitary groups controlled by the Russian Federation (the so-called Crimean "self-defense", Cossacks, vigilantes).¹² Civil rights activists, journalists, human rights activists, members of the Crimean Tatar national movement, pro-Ukrainian activists become the victims of torture.¹³ However, there are also documented tortures against people who do not express their civil position in any way and are not engaged in any related activity. In relation to these people, torture is usually applied to receive confession or false testimony within politically motivated cases to discredit Ukraine and its citizens. In fact, any person in Crimea can become a victim of torture and inhuman treatment being under attention of *de facto* security structures of the occupied peninsula.

The first cases of torture in Crimea by the actors controlled by the Russian Federation were documented in late February 2014 - March 2014 during the first days of the Russian military

¹¹ Committee on the Elimination of Racial Discrimination, Concluding observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation, 20 September 2017, para 19-20

¹² More detailed information is presented below in the text.

¹³ Note: Victims of torture express a disloyal, position in relation to the current government in Russia, in its broad sense, and not exclusively political pro-Ukrainian position. Left-wing activists, Crimean Tatar activists, and religious activists, as well as loyal to Russia anti-corruption activists or activists, who are engaged in issues of urban planning and management also become victims of torture.

operation in Crimea. At that time, torture and inhuman treatment were committed mainly against journalists, politicians, activists, clergymen who did not support the actions of the Russian Federation in Crimea, and also covered the occupation and opposed it.¹⁴ After the establishment of effective control of the Russian Federation over Crimea, in May 2014, the practice of torture becomes an instrument for obtaining false testimony in the framework of politically motivated criminal prosecution of persons who disagree with the occupation or for coercion to cooperate with the special services of the aggressor country.

The practice of torture in Crimea is closely related to other violations of human rights, which makes it systemic. For example, Russia institutes fabricated criminal cases, violating the right to personal freedom. The suspect or the witnesses are subjected to torture in order to obtain evidence of the guilt of a suspect who did not commit the crimes charged. In a trial that violates basic guarantees for a fair trial, statements of suspects or witnesses about the application of torture are de facto ignored by the courts established in the occupied territories. Within such a system, torture is not a single act, but is a component inscribed in the general repressive policy of the Russian Federation.

Methods of illegal physical abuse include beatings, electric shocks, and strangulation. Psychological methods include threatening people's relatives and inflicting various kinds of pressure and humiliation.

The main forms of torture and inhuman treatment in the occupied territories, depending on the purpose of the application are:

- torture and inhuman treatment used for intimidation of civilian population and as a revenge or punishment for a particular civil position (see below Reshat Ametov case, Ervin Ibragimov case, Andrey Shchekun case and others);
- torture and inhuman treatment of detainees, accused and witnesses for obtaining false testimony within politically motivated criminal proceedings (see below Oleg Sentsov case, Yevhen Panov case, Olexander Kostenko's case and others);
- torture and inhuman treatment against the civilian population for coercion to cooperate with the security forces of the Russian Federation (see below the case of Rinat Paralamov case, Emil Mukhteremov case and others).

Inhuman treatment and inadequate detention conditions are also a systemic problem of places of detention in Crimea, in particular, denial of emergency medical care, which leads to death in places of deprivation of liberty. Practice of inhuman treatment regarding disloyal prisoners and political prisoners aimed at exerting pressure or punishment is also a serious problem, as the latter are deliberately put into more severe conditions of detention.

The situation in respect of torture and inhuman treatment has seriously deteriorated compared to the previous reporting period, when Crimea was under the jurisdiction of Ukraine prior to the outbreak of the armed conflict and its occupation by the troops of the Russian Federation. First of all, reason for this is the absence of any effective preventive and monitoring mechanisms for the protection of victims of torture left on the peninsula after the occupation of Crimea.

¹⁴«The Peninsula of Fear: Chronicle of Occupation and Violation of Human Rights in Crimea» / Under the general editorship of O. Skrypnyk and T. Pechonchyk. – Kyiv: KBC, 2016 https://helsinki.org.ua/wp-content/uploads/2016/05/PeninsulaFear_Book_ENG.pdf, c. 40-41

After the annexation of Crimea by Russia, the system of the national preventive mechanism existing in Ukraine ceased to exist on the territory of occupied Crimea. The Russian system of Public Monitoring Commissions was introduced only in 2018. Meanwhile, people loyal to the occupation authorities were elected to these commissions. Independent human rights defenders from the Russian Federation and Crimea were denied participation in the PMC. The International Committee of the Red Cross are also denied access to prisoners by de facto authorities. In four years, the Ukrainian Ombudsman only once was allowed to enter Crimea and visit several prisoners. Relatives of those arrested on politically motivated criminal cases are denied visits to their family members during the whole period of the investigation (from 9 months to a year and a half). In order a lawyer can get to the defendant, he is compelled to queue up in the temporary detention facility (SIZO) in Simferopol for at least a few hours, while sometimes it can take several days. In this regard, lawyers do not physically have access to their clients. Thus, there is no access of any entities independent of state power.

As for the remedies for victims of torture, the occupying authorities ignore statements relating torture or inhuman treatment, no proceedings are being conducted in this regard or these statements are rejected. None of the known cases of torture have been effectively investigated by de facto authorities. In the absence of an independent judicial system in Crimea, victims of torture remain deprived of effective means of protecting their rights. Moreover, in view of the destruction of an independent civil society in Crimea, as well as serious pressure on independent lawyers and journalists, victims are not able to fully receive legal, psychological and medical assistance, and information about the facts of torture is often hidden from the public.

The report further details the categories of acts of torture used, depending on the purpose of the power structure that use torture, as well as examples of specific cases of victims of torture: 1) torture and inhuman treatment used for intimidation of civilian population and as a revenge or punishment for a particular civil position; 2) torture and inhuman treatment of detainees, accused and witnesses for obtaining false testimony within politically motivated criminal proceedings; 3) torture and inhuman treatment against the civilian population for coercion to cooperate with the security forces of the Russian Federation. Also, brief information is provided on the situation in places of deprivation of liberty and the main violations in this area.

1. Torture and inhuman treatment used for intimidation of civilian population, and as a revenge or punishment for a particular civil position

As described above, since the beginning of the military operation of the Russian Federation in Crimea, Russian state representatives and paramilitary forces controlled by Russia used torture and inhuman treatment against persons or groups perceived as disloyal. Prior to the establishment of effective control over Crimea, illegal actions were carried out by paramilitary structures controlled by the Russian Federation (namely the so-called Crimean self-defense, the Cossacks, and others. The detailed description is below) and the Russian military. This was aimed at elimination of civil society activists disloyal to Russia and indicative and unpunished deterrence of the civil population to reduce any resistance to the military occupation of the peninsula. Victims of torture and abductions were pro-Ukrainian activists, journalists, as well as residents of Crimea

disloyal to the RF, who apparently were not targeted in advance, but fell victims of uncontrolled violence by members of paramilitary structures.

During the last years, the following illegal practices have been documented: the targeted use of torture and/or inhuman treatment regarding activists during short-term detentions for revenge and intimidation, enforced disappearances, the use of disproportionate force during raids, detentions and searches.

1.1 Attacks and torture of activists by the paramilitary groups controlled by Russia

Pro-Russian paramilitary groups – Crimean self-defence and Cossacks military groups - started to be formed in Crimea in January 2014. The other paramilitary group was vigilantes (militia) of the political party ‘Russkoye Yedinstvo’ (Russian Unity).

On 24 January 2014 the Sevastopol division of Tavrida Hundred of Tersk Military Cossacks Society (based in Stavropol region, Russia) declared the restoration of “people’s formations” in order to secure public order in Sevastopol. The first group of Cossacks from the Russian Federation (50 Cossacks of Kuban Cossacks army) arrived to Crimea on 26 February 2014 via Kerch.

In late January – beginning of February 2014, the squads of the so-called Crimean self-defence started to emerge based on orders and with assistance of local pro-Russian authorities. In the end of February 2014, by order of the head of the Supreme Council of Autonomous Republic of Crimea – Vladimir Konstantinov – self-defense units began to include members of the Berkut special police unit, the subdivision of the Interior Ministry (disbanded in Ukraine for participating in the shooting of the participants in the peaceful Maydan action),¹⁵ as well as military, representatives of veterans' organizations and others. Human rights organizations reported the tense cooperation between the paramilitary forces and Russian military these days.¹⁶ The authorities have neither restrained the units from committing abuses nor investigated the abuses themselves.¹⁷

On 11 March 2014, the Supreme Council of Autonomous Republic of Crimea adopted ‘Regulation on Volunteer Militia (narodnaya druzhina) of Crimea’. On 17 June 2014, self-defence of Crimea was legalized and became the state enterprise in accordance with the law of Republic of Crimea No 22-ZRK of 17 June 2014 ‘On People’s Militia of Republic of Crimea’.

Ukrainian law enforcement bodies and Ministry of Justice of Ukraine have investigated and found out that the operation on annexation of Crimea was coordinated by the Minister of Defence of the Russian Federation – Sergey Shoygy, his deputies Nikolay Pankov and Dmitriy Bulgakov, the head of the military headquarters Valeriy Gerasimov and other military officials of the Russian Federation. They also had command and control over the pro-Russian paramilitary organization in Crimea. The direct control over so-called ‘Crimean self-defence’ was realized by Vladimir Antufeev, former Minister of security of Transnistria, member of Russian security forces.¹⁸

¹⁵ MIA unit ‘Berkut’ was disbanded in Ukraine on 26 February 2014 after the participation of the unit in the shooting and assassinations of the protesters during the Revolution of Dignity in Kyiv, January – February 2014

¹⁶ Human Right Watch, Crimea: Attacks, ‘Disappearances’ by Illegal Forced, March 2014, <https://www.hrw.org/news/2014/03/14/crimea-attacks-disappearances-illegal-forces>

¹⁷ Human Right Watch, Rights in Retreat: Abuses in Crimea, 2014, <http://www.rchr.org.ua/images/news/2015/faire/2014-11-HRW.pdf>, p.2

¹⁸ Ukrainian News, Self-Defence was commanded by ex-minister of Transnistria <https://ukranews.com/news/500464-samooborony-kryma-vo-vremya-anneksyy-neposredstvenno-upravlyal-ehks-mynystr-prydnestrovya>

So far, the law enforcement bodies of Ukraine have identified 500 participants of the so-called 'Crimean self-defence'. Office of the Prosecutor of the Autonomous Republic of Crimea has issued suspicion note for at least nine members of the so-called 'Crimean self-defence' in such crimes as abductions, torture, illegal detentions, state treason.¹⁹

The majority of incidents of detention and torture, by the representatives of paramilitary forces were committed in the period from March 2014 till August 2014. The victims of torture are civil activists, journalists, religious figures, participants of the Crimean Tatar national movement, facing ill-treatment due to their professional activities or pro-Ukrainian position. The aim of Russian actors was to deter the activists or to revenge for resistance to occupation. There are documented 25 cases of abductions committed by paramilitary forces. All the abducted activists were released afterwards, and they all reported on torture and ill-treatment. In addition to abductions, at least 21 incidents of torture were documented, in particular towards: Mykola Shyptur, Mykola Kvich, Ivan Selentsov, Emir-Usein Kuku, Volodymir Balukh, Evhen Melnichuk, Osman Pashaev, Dzhingiz Kizgin, Hennadiy Balashov, David Vagner, Vladlen Melnikov, Ivan Katkal, Sergiy Mokrushin, Igor Sanzharevskiy, Igor Movenko, Sergei Dub, Igor Lysuk, Volodymir Nechiporenko, Artem Ermolenko, Sergey Gayduk.²⁰ There are much more such cases, but they are left undocumented, as in 2014 many victims did not apply to human rights organizations or media, or it was impossible due to insecure situation.

Case of Andriy Schekun, 2014

Andriy Schekun is the coordinator of the movement "Evromaydan Krym", a pro-Ukrainian activist. On 9 March 2014, Andriy Schekun and his colleague Anatolyi Kovalskyi were followed by unknown men, and did not manage to break away from the pursuers. Andriy Schekun was abducted by the militia of the political party 'Russian Unity'. After the abduction Andriy Schekun was handed over to the police, however shortly, the police handed him back to the militia, and he was taken away. The militia brought him to an unknown building near the administrative border between mainland Ukraine and Crimea (checkpoint Chongar), he was locked in the basement. There he was held for 11 days, systematically being tortured by the militia. Schekun got two hands shot, he was undressed, systematically beaten, tortured with electrical current. For several days he was not allowed into toilet, for a long time he was blindfolded.²¹ On 20 March 2014, he was released along with the other pro-Ukrainian activists.

The abduction took place the day before the pro-Ukrainian rally organized by Andriy and his colleagues should have taken place. After his release, Andriy immediately moved to mainland Ukraine. The Prosecutor's Office of the Autonomous Republic of Crimea, relocated to mainland

¹⁹ Procesutor Office of Automonous Republic of Crimea, Two notes on suspicion were issued to members of self-defence <https://ark.gp.gov.ua/ua/news.html? m=publications& t=rec&id=230992&fp=10>, Procesutor Office of Automonous Republic of Crimea, Three notes on suspicion were issued to members of self-defence <https://ark.gp.gov.ua/ua/news.html? m=publications& t=rec&id=230611&fp=20>

²⁰ CrimeaSOS, Human Rights Violations Map <http://crimeamap.krymsos.com/ru/map.html>, CrimeaSOS, 'Encyclopedia of Human Rights violations in Crimea, 2017 <http://krymsos.com/ru/reports/analitichni-zviti-pokrimumu/entsiklopediya-represii-v-krimu-z-momentu-aneksiyi-rosiyeyu-zvit/>

²¹ Interview with Andrey Shchekun after release, 21 March 2014 <https://www.youtube.com/watch?v=TpevSYLdcAw>, «Peninsula of fear»: chronicles of occupation and human rights violations in Crimea, ed. by Olga Skripnik and Tetiana Pechonchyk, 2d edition. Kyiv, 2016 https://helsinki.org.ua/wp-content/uploads/2016/05/PeninsulaFear_Book_ENG.pdf, p.60

Ukraine, opened a criminal case. During the investigation, Schekun managed to identify the people who tortured him. The Prosecutor's office issued suspicion note for three suspects.²² All of them are members of paramilitary forces.

The case of Andriy Schekun is illustrative one to the other cases of abductions and torture of pro-Ukrainian activists. According to human rights organizations, from 9 to 13 March 2014, representatives of paramilitary structures (mostly 'Crimean self-defense') abducted and tortured at least 17 pro-Ukrainian activists.²³ All were subjected to physical violence, many were forced to undress (Maksimenko, Kovalsky, etc.), got their hands wrung (Rakhno, Kromplyas, etc.), got their legs shot (Krividenko, Shevchenko). Almost all the activists were kept in the basement. All of them were released on 20 March 2014, two days after the so-called 'referendum on accession of Crimea', which indicates the purposeful neutralization of pro-Ukrainian activists during the Russian military operation in Crimea.

Case of Yuriy Shevchenko, 2014

On 11 March 2014, Yuriy Shevchenko was abducted at the railway station in Simferopol by representatives of the so-called 'Crimean self-defense'. The representatives of self-defence decided that he was a pro-Ukrainian activist and put him into a car with brutal force. In the car Yuriy was severely beaten, the persons who abducted him cut off a part of his ear. After that, Shevchenko was brought to an unknown place, where he remained in captivity until 20 March. Yuriy was stripped, his hands were permanently handcuffed, he was tied to a chair for several days, he was left without any food and was not allowed to go to the toilet, he stayed blindfolded. In addition, masked persons who detained Shevchenko shot his both legs, and left him in such condition in the basement. He did not get any medical assistance. Shevchenko stayed with the shot legs for 5 days. The persons who kept him also imitated execution several times. Later it turned out that Yuriy was kept in the same place with Andriy Schekun (the case is described above) and he was also released on 20 March together with other Ukrainian activists.²⁴

²² Radio Free Europe/Radio Liberty, Anriy Shchekun: it was difficult to overcome, <https://www.radiosvoboda.org/a/25304724.html>, Fakty, Anriy Shchekun: My painkiller during the torture was the thought that my wife and three children managed to escape, <http://fakty.ua/196153-andrej-cshekun-glavnym-obezbolivayucshim-pri-pytkah-by-la-mysl-o-tom-cto-zhena-i-troe-detej-uspeli-uehat>

²³CrimeaSOS, 'Encyclopedia of Human Rights violations in Crimea, 2017 <http://krymsos.com/ru/reports/analitichni-zviti-po-krimu/entsiklopediya-represii-v-krimu-z-momentu-aneksiyi-rosiyeyu-zvit/>

²⁴ Crimean Human Rights Group, Ukrainian Identity Under Ban, 2016 <https://crimeahrg.org/wp-content/uploads/2016/03/Kryim-ukrainskaya-identichnost-pod-zapretom-Ru-KPG.pdf>, International Partnership for Human Rights, International Crimes in Crimea, 2016, <http://iphronline.org/wp-content/uploads/2016/09/Crimea-report-Sept-2016.pdf>, CrimeaSOS, 'Encyclopedia of Human Rights violations in Crimea, 2017 <http://krymsos.com/ru/reports/analitichni-zviti-po-krimu/entsiklopediya-represii-v-krimu-z-momentu-aneksiyi-rosiyeyu-zvit/>

1.2 Enforced disappearances

The first cases of enforced disappearances were documented during the Russian military invasion to Crimea. As of now, there are documented at least 45 cases of enforced disappearances, out of which:

- 1) 25 persons were released after abduction and *incommunicado* detention (the victims were detained by the military forces of the Russian Federation or paramilitary forces controlled by Russia for the period from several days to 20 days): Andriy Schekum, Anatoliy Kovalskyi, Kateryna Butko, Aleksandra Riazantseva, Oles Kromplias, Olena Maksimenko, Evhen Rahno, Vladyslav Polischuk, Sergiy Tkachuk, Mykhailo Vlovichenko, Yuryi Shevchenko, Oleksiy Hritsenko, Natalia Luk'ianchenko, Sergiy Suprun, Maksym Krividenko, Yuryi Hruzinov, Yaroslav Pilunskyi, Viacheslav Demianenko, Igor Voronchenko, Oleksandr Kalian, Yuliy Mamchur, Oleksandr Filippov, Sergiy Luzak, Mykola Vovk, Mykola Zentsev. All of them are pro-Ukrainian activists or Ukrainian military, abducted by paramilitary forces in March – April 2014. Absolute majority of them experienced torture during illegal detention. They were released in result of unofficial inter-state negotiations between Russia and Ukraine.²⁵
- 2) 3 persons were abducted by de facto authorities in Crimea, and afterwards appeared arrested within politically motivated criminal cases (Valentyn Vygovskyi, Oleksandr Kostenko, Oleksandr Steshenko). 16 abducted persons are still missing: Rizvan Abduramanov, Isliam Dzhapparov, Dhzevdet Isliamov, Fedor Kostenko, Arsen Aliec, Ervin Ibrahimov, Eskender Apseliamov, Mukhtar Arislanov, Ivan Bondarets, Valeryi Vaschuk, Arlen Terekhov, Ruslan Haniev, Seyran Zinedinov, Tymur Shaymardanov, Eskender Ibrahimov, Vasyl Chernysh).²⁶
- 3) One person – Reshat Ametov – was abducted, tortured and killed. He was found dead in March 2014. Based on reasonable grounds within at least 2 more incidents of abductions and subsequent deaths in 2014 – those of Edem Asanov and Bilial Bilialov - Russian military or paramilitary forces could be engaged.

Starting from summer 2014, Crimean Tatars have become the main victims of enforced disappearances. Some of them are activists or family members of activists of Crimean Tatar national movement, while others were not actively involved in civil and social activism.²⁷ All the abductions are well-prepared, quickly realized without any evidence or witnesses left. Based on restricted information that the authors of the report obtain, the officers of Russian Federal Security Services (hereinafter FSS) could be involved in these crimes.

No single incident of abduction, violence and torture was effectively investigated by de facto law enforcement agents. In some cases, Russian police refused to initiate criminal case, while others after opening have been suspended or closed. The Russian authorities motivate this by absence of

²⁵ Kharkiv Human Rights group, Seven Hostages released, one wounded, <http://khp.org/index.php?id=1395310681>, Media Initiative for Human Rights, Dissappeared for Crimea, <http://ua.missingcrimea.tilda.ws/>

²⁶ NGO 'CrimeaSOS', Enforced Disappearances in Crimea, 2014-2016 <http://krymsos.com/en/reports/analitichni-zviti-po-krimu/nasilnitski-zniknennya-v-krimu-za-period-aneksiyi-rosiiskoyu-federatsiyeyu-20142016-rr/>, Media Initiative for Human Rights, Dissappeared for Crimea, <http://ua.missingcrimea.tilda.ws/>

²⁷ Amnesty International, One year on violations of the rights of freedom of expression, assembly and association in Crimea, 2015 p. 8 <http://www.rchr.org.ua/images/news/2015/faire/2015-03-Amnesty.pdf>

any suspects. The lack of any effective investigation of abduction lead to fear in the society that anyone disloyal to Russia could become victim of such a crime. The incidents that may seem sporadic formed the pattern of systematic pressure to any resistance to occupation.

De facto law enforcement bodies in occupied Crimea completely ignore the facts of participation of Russian military and paramilitary forces in abductions and their motives of persecution for disloyalty. Even in cases in which involvement of state actors is proved by video of abductions and witness testimonies, de facto authorities keep ignoring these facts. This demonstrates the ineffectiveness of investigations and unwillingness of de facto law enforcement bodies to investigate human rights violations. In cases of abduction of Ervin Ibrahimov²⁸, as well as abduction of Timur Shaimardanov and Seyran Zinedinov, the de facto investigators concentrate on the versions connected with their commercial activities, without any attention to evidence of political motives of abductions.²⁹ In addition to failure to establish any whereabouts of abducted, the putative investigation causes severe sufferings to family and relatives of abducted, and is assessed by the authors of the report as ill-treatment.

The Prosecutor Office of Autonomous Republic of Crimea in Kyiv opened criminal cases on abductions and torture. On the cases of released victims, the investigation is in progress, however on cases of missing the investigation is seriously complicated by lack of access to the territory of Crimea.

Case of Reshat Ametov, 2014

Reshat Ametov was abducted on 3 March 2014. That day he went out to a one-man picket in the center of Simferopol on Lenin Square near the building of the Council of Ministers of the Autonomous Republic of Crimea, holding a poster against Russian occupation of Crimea. At the end of the picket, three persons in camouflage approached Ametov, and after a short skirmish seized him and put in a car by force in the view of numerous witnesses. The moment of Ametov's abduction was recorded on video by bystanders.³⁰ On 15 March 2014, Resat Ametov was found dead near the village Zemlyanichnoye, Belogorsky district. There were numerous marks of cruel tortures on the body. The whole body of Reshat Ametov was bruised and stabbed, his hands were handcuffed, his eyes were punctured, his mouth was wrapped in scotch tape, a plastic bag was on his head. The cause of death was a penetrating stabbing-cutting wound with a knife in the eye.³¹ The de facto law enforcement agencies of Crimea did not conduct proper investigation. OHCHR

²⁸ The case is described below

²⁹ Crimea Human Rights group, Report on the situation in Crimea, June 2016, Crimean-Human-Rights-Group_June_2016-RU.pdf, Media Initiative for Human Rights, Dissapeared for Crimea, <http://ua.missingcrimea.tilda.ws/>

³⁰ Abduction of Reshat Ametov, <https://www.youtube.com/watch?v=MT2pqbdmNUE>

³¹ Human Rights Watch, Crimea: Disappeared Man Found Killed, 2014, <https://www.hrw.org/news/2014/03/18/crimea-disappeared-man-found-killed>, «Peninsula of fear»: chronicles of occupation and human rights violations in Crimea, ed. by Olga Skripnik and Tetiana Pechonchyk, 2d edition. Kyiv, 2016 https://helsinki.org.ua/wp-content/uploads/2016/05/PeninsulaFear_Book_ENG.pdf, p.55, Council of Europe, Report by Commissioner for Human Rights following his mission to Kyiv, Moscow and Crimea, September 2014, para 13 http://www.rchr.org.ua/images/news/2015/faire/2014-10-27-102_muiznieksreport_en.pdf

reported torture and brutal murder of Reshat Ametov in several reports.^{32 33} In addition, OHCHR observed lack of progress in investigation and expressed serious doubts about its effectiveness, since the suspects, members of the Crimean self-defense recorded on the video of abduction were interrogated in the status of witnesses, and after that they were released.³⁴ In 2015 the investigation was suspended due to the fact that the suspect allegedly left the territory of Crimea. In 2016 the investigation was resumed, but since then only occasional investigative acts are performed.³⁵

Case of Ervin Ibrahimov, 2016

On 24 May 2016, Ervin Ibrahimov was abducted, and there is still no information about his whereabouts. Ervin Ibrahimov lives in Bakhchisaray, he is a member of the Executive Committee of the World Congress of the Crimean Tatars, an ex-deputy of the Bakhchisaray City Council, a member of the regional Mejlis. Late in the evening on 24 May 2016, on the bypass road of the city of Bakhchisaray, his car was stopped by the persons in the uniform of the State Traffic Safety Inspectorate of Russia. The alleged traffic police were on a white minibus Ford Transit. The external surveillance camera, installed in one of the closest stores, recorded an abduction. The video shows that Ervin Ibrahimov tried to escape, but he was caught and forcibly put in the minibus.³⁶ After that the car left through the tree line in the direction of the Bakhchisaray reservoir. Shortly before the abduction, Ibrahimov said several times that he was watched by unknown persons on a white car, Skoda number 350, the Voronezh region. According to Ervin's father, this was not the first attempt of abduction. Late in the evening on 23 May 2014, when Ervin was on his way back after visiting friends, the unknown car chased after him. But the road was broken, and he managed to escape.³⁷ The motive for the abduction could be the activity of Ibrahimov as a member of the regional Mejlis: Ervin Ibrahimov was deputy of Ilmi Umerov (first deputy head of Mejlis of Crimean Tatar people) and was considered by the latter as a successor. Ervin also actively manifested his civil position, in protest to the arrival of the occupation authorities he resigned from the Bakhchisaray City Council, regularly visited trials of politically motivated criminal persecutions. After the abduction, Ervin's father received messages demanding ransom and threats to cut off his son's fingers.³⁸

All information collected by family and friends Umar Ibrahimov, Ervin's father, handed to the investigators of de facto law enforcement agencies of Crimea. The investigation of abduction of Ervin Ibrahimov is suspended by de facto authorities since 10 April 2017. For the last six months the lawyer tries to get access to the investigation materials, including through the court. On 26 March 2018, the Kiev district court of the city of Simferopol, controlled by the Russian Federation,

³² OHCHR, Accountability for killings in Ukraine from January 2014 to May 2016, para 119-121, https://www.ohchr.org/Documents/Countries/UA/OHCHRThematicReportUkraineJan2014-May2016_EN.pdf

³³ OHCHR, Situation with human rights in Ukraine, 15 June 2014, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/UARReports.aspx>, para 293

³⁴ OHCHR, Situation with human rights in Ukraine (16 February – 15 May 2016), <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/UARReports.aspx>, para 180

³⁵ OHCHR, Situation with human rights in temporally occupied Autonomous Republic of Crimea and Sevastopol (Ukraine), 25 September 2017, para 81, https://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf

³⁶ Abduction of Ervin Ibrahimov, <https://www.youtube.com/watch?v=ioPojea38AA>

³⁷ Sergey Mokrushin, Abduction of persons in Crimea: whether there is any hope for justice, 2016 <https://ru.krymr.com/a/28148163.html>

³⁸ Ivan Putilov, A Year without Ervin <https://ru.krymr.com/a/28505130.html>

dismissed the complaint of the lawyer of the Ibrahimov family, in which he complained about police negligence.³⁹ At the moment, there is no progress on this issue, and in fact the family and the lawyer do not have any access to the materials of the criminal case. In its latest report, OHCHR recalled that the occupying State is responsible for violating the right to liberty and security, which arose from the failure of the authorities to investigate the fate and whereabouts of persons missing in the territory it occupied.⁴⁰

The criminal case was also initiated by the Ukrainian Prosecutor's Office of the Autonomous Republic of Crimea, located in Kyiv.⁴¹

1.3 Usage of disproportionate force during searches and detentions

Since the end of 2014, the representatives of Russian law enforcement and special police forces started to conduct massive searches in the houses of Crimean Tatars and pro-Ukrainian activists, followed by detentions within politically motivated criminal or administrative processes. Such searches usually take place early in the morning (around 5-6 a.m.), the whole quarter being blocked, and no one being allowed to this territory. Often lawyers and relatives are prohibited to enter the territory and the house searched. The Russian police often break windows and doors, and use extensive force to the suspects, even if they do not show any disobedience. Often minors, women and elderly are present in the house and witness violence. As a consequences many children got psychological traumas. In November 2017 during the detention, 82-years-old Vedzhie Kashka died as a result of use of disproportionate force.

Case of Vedzhie Kashka, 2017

On 23 November 2017, Russian security forces organized raid of café 'Marakand' for detention of a group of activists of Crimean Tatar national movement accused in money extortion. All detainees were elderly persons, everyone was older than 55. All the activists supported political prisoners and their families and other victims of political repressions. One of the detainees was 82-years-old Vedzhie Kashka, a veteran of Crimean Tatar national movement. During the detention she felt bad, and she was hospitalized. She died in ambulance.⁴² According to the detainees, a person who complained about money extortion, himself owed money to Vedzhie Kashka and did not want to return. Despite the private character of the dispute, the criminal case against Vedzhie Kashka was opened by the Russian Center on Counter-Action of Extremism.

Despite the age and state of health of the detainees, the Russian police did not make any attempt to summon them to de facto police with other means. Instead of that, the detention was conducted

³⁹ Simferopol: the court declined the complaint of lawyer on the case of abducted <https://ru.krymr.com/a/news/29124194.html>

⁴⁰ OHCHR, Human rights situation in Ukraine (16 February – 15 May 2018), <https://www.ohchr.org/EN/Countries/ENACARRegion/Pages/UARReports.aspx> para. 93

⁴¹ General Prosecutor's Office of Ukraine, Order from December 23, 2015 № 414, Regulation on organization of activities of Prosecutor's Office in connection with the temporary occupation of the territory of Autonomous Republic of Crimea and Sevastopol

⁴² Statement, Illegal Detentions of Activists and Veterans of Crimean Tatar movement <https://helsinki.org.ua/appeals/zayava-schodo-nezakonnyh-obshukiv-i-zatryman-aktyvistiv-ta-veteraniv-krymskotatarsko-ho-natsionalnoho-ruhu-v-krymu/>

with brutal force. Everyone was forced to lie on the floor and was handcuffed. In 10-15 minutes Vedzhi Kashka felt bad. All video from the surveillance cameras was confiscated by police, and anyone who witnessed the detention are arrested within the criminal case nowadays. Therefore there is no detailed information available on the treatment of Vedzhi Kashka by the de facto police that day, however it is obvious that the detention caused the health problems that caused death. The Investigative Committee of the Russian Federation refused to open the criminal case on the death of Vedzhi Kashka, neither family nor lawyer have access to the materials of the investigation.⁴³

2. Torture and inhuman treatment of detainees, accused and witnesses for obtaining false testimony within politically motivated criminal proceedings

Due to lack of access to Crimea for independent human rights organizations, it is difficult to estimate a scale of torture for obtaining testimonies within conventional criminal cases. That's why the evaluation has been carried out on analysis of illegal politically motivated criminal cases in which either accused persons or their relatives and lawyers openly share information about the situation of the suspected in crimes. Since May 2014, in Crimea criminal cases have been fabricated against pro-Ukrainian activists, Crimean Tartars and Muslims, participants of Euro-Maydan Movement or other people considered disloyal to occupational authorities. They are massively accused in terrorism and extremism.

The first arbitrary arrests within politically motivated persecution in Crimea were related to the so called "case of Sentsov group". Torture and other forms of inhuman treatment were used against all four accused persons - Oleg Sentsov, Oleksandr Kolchenko, Hennadiy Afanasyev and Oleksiy Chirny. Later violence became a systematically used practice in the majority of politically motivated criminal cases.

While there are no other evidence of the guilt of the suspects within such cases, the Russian law enforcement authorities use torture for taking confessions from accused/suspected persons or witnesses. After illegal arrest and detention, de-facto law enforcement authorities deprive detainees from access to independent lawyers and relatives from several days to several weeks. During this period, FSS or other special service officers use torture and other forms of inhuman treatment against detainees in order to take confession. Only after this, the detainees are officially accused and are allowed to meet independent lawyers; often it becomes possible only after the case is a subject of general public and stakeholders' attention. Often the "confessions" are broadcasted by state and other loyal media while reporting about arrests of criminals or about prevention of crimes.

The majority of persons accused within politically motivated cases later made public statements at court that their confessions were given in result of torture; or they applied to the Prosecutor Offices and other supervisory bodies. There was no reaction to such applications, neither from de-

⁴³ Lawyer Nikolay Polozov: death of the veteran of Crimean Tatar national movement Vedzhi Kashka <https://hromadskeradio.org/ru/programs/kyiv-donbas/smert-krymskoy-tatarki-vedzhi-kashka-policiya-izyala-vse-video-v-dele-ih-net>

facto authorities nor from courts of Crimea and Russia. The courts used to issue convictions without taking into account complaints about torture.

Currently, it is known that torture for taking confessions was used to at least 15 persons accused within politically motivated criminal cases, in particular to Mykola Shiptur, Oleg Sentsov, Oleksandr Kolchenko, Hennadiy Afanasyev, Oleksiy Chirny, Valentin Vygovskiy, Oleksandr Kostenko, Emir-Usein Kuku, Andriy Kolomiyets, Yuriy Ilchenko, Yevhen Panov, Andriy Zakhtey, Volodymyr Prisch, Hennadiy Limeshko, Oleksandr Steshenko.⁴⁴ Many people accused within politically motivated cases who were not victims of physical violence, reported about psychological violence used against them by the Russian law enforcement officers (such cases are not accounted in the figures mentioned above). It is difficult to document torture and inhuman treatment towards detainees, also because of their high latency. Victims are often being afraid of reprisals from de facto authorities, and many detainees prefer not to report torture, or are ready to do it only after their release and relocation to a safe place.

Case of Oleg Sentsov, 2014

Ukrainian film director Oleg Sentsov was arrested on 10 May 2014, in his house. For 24 hours his relatives didn't know where he was. According to Sentsov, during this time he was almost non-stop beaten in order to take a confession. The traces of torture were documented by officers of Detention Center No 1 in Simferopol, but the Investigatory Committee of the Russian Federation later refused to open a criminal case on torture. During the detention, Sentsov and his lawyer regularly made statements about torture. Sentsov said: "They started to beat me, by hands, by legs, with special devices. When I was standing, sitting, lying. It's difficult to sit on a chair when you are being beaten by a baton. I was strangled with a plastic bag. They threatened to rape me in perverse forms with a baton".⁴⁵ On 25 August 2015, the North-Caucasus District Court of the Russian Federation convicted Sentsov to 20 years of imprisonment in a prison of strict regime, for "the creation of a group of "Pravy Sector" and preparing a number of terrorist acts in towns of Crimea". Since the sentence issued, Oleg Sentsov has been imprisoned in far regions of Russia with hard climate (first in Yakutia, later in Yamalo-Nenetsky Autonomous Okrug). This led to serious health problems. Besides, several times he was arbitrary placed to isolator for violators, in particular for active civil support. On 14 May 2018, Sentsov started open-ended hunger strike as a protest against actions of Russian authorities, he demands to release all illegally detained citizens of Ukraine. During the hunger strike, the health of Sentsov went critically worse, his lawyer reported that Sentsov lost his teeth and almost can't move independently. As of 24 June, Sentsov continues the hunger strike with just drinking water. Human rights defenders and relatives of Sentsov suppose that in some time the administration of the place of detention will feed him forcibly. The way of forced feeding is a matter of concern, as it definitely will be violent and inhuman.

In the case of Sentsov, there are three other people accused in preparing terrorist actions: Oleksandr Kolchenko, Oleksiy Chirny and Gennadiy Afanasyev. All three reported about torture, beatings and psychological pressure. Oleksiy Chirny reported to the Ukrainian Consul that after arrest he

⁴⁴ CrimeaSOS, 'Encyclopedia of Human Rights violations in Crimea, 2017 <http://krymsos.com/ru/reports/analitichni-zviti-po-krimu/entsiklopediya-represii-v-krimu-z-momentu-aneksiyi-rosiyeyu-zvit/>

⁴⁵ Anton Naumliuk, 'It is difficult to seat when you are beaten', <https://www.svoboda.org/a/27173887.html>

was heavily beaten, he was also tortured during his long stay in the psychiatric hospital named after Serbsky.⁴⁶ Oleksandr Kolchenko said his lawyer that during and after the arrest he was beaten at face and body.⁴⁷ Gennadiy Afanasyev refused from his confession made against Oleg Sentsov because the confession was obtained under torture. As Afanasyev said to his lawyer Aleksandr Popkov, he was beaten over the head with box gloves in order not to leave visible traces. The torturers put a gas mask over his head and closed the hose.⁴⁸ During such a torture, the officers put water into the tube of the gas mask or injected gas. After having a breath, Afanasyev started to vomit and almost choked out. The officers also used electricity during torture, they put electrodes to his genitalia. On 14 June 2016, Afanasyev was released on humanitarian reasons (state of health) within the procedure of pardon; now he lives in Kyiv.⁴⁹

Case of Oleksandr Kostenko, 2015

Oleksandr Kostenko was abducted presumably by FSS officers in Kyiv in the beginning of November 2014. Kostenko was relocated to Russia via Bryansk Oblast. He managed to escape but, having no documents, he could not cross the border and come back to Ukraine. From the territory of Russia he moved to Crimea and hid there for several months.⁵⁰ On 5 v 2015, he was abducted again by unknown persons and tortured. On 6 February 2015, the de facto law enforcement officers reported officially about his arrest. As Kostenko stated, on 5-6 February 2015, FSS officers Andrey Tishenin and Artur Shambazov placed him at a cellar in a unknown building and beat him heavily. Oleksandr had a lot of injuries, including arm fracture with displacement of the bone.⁵¹ The lawyer of Kostenko confirms the fact of torture. Electrodes were put under his nails; there are visible hematomas on his body, the arm and fingers were broken. In March 2015, the lawyer of Kostenko applied about exclusion of the testimonies received under torture from the materials of the case. But the occupational court rejected the application as having no reasons and stated that complaints on torture should be considered together with the other materials of the case, in order not to destroy the objective examination of the circumstances of the case and the question of the fault of the person.⁵²

Torture of Kostenko continued also in the detention center No 1 of Simferopol; he was forced to refuse the lawyer and make statement against other Ukrainian activists of Euro-Maydan. The

⁴⁶ Grani.ru, Aleksey Chyrnyi, <https://graniru.org/people/2698/>

⁴⁷ Interview with Oleksandr Kolchenko, <https://www.unian.net/society/1292077-smi-obnarodovali-intervyu-spolitzaklyuchennyim-aleksandrom-kolchenko-video.html>

⁴⁸ Interview with Oleksandr Kolchenko, <https://www.unian.net/society/1292077-smi-obnarodovali-intervyu-spolitzaklyuchennyim-aleksandrom-kolchenko-video.html>

⁴⁹ Without any chance: Hennadiy Afanasiev on how FSS broke people, <https://www.pravda.com.ua/rus/articles/2016/06/17/7112077/>

⁵⁰ CrimeaSOS, Enforced Disappearances in Crimea, 2014-2016 <http://krymsos.com/ru/reports/analitichni-zviti-po-krimu/nasilnitski-zniknennya-v-krimu-za-period-aneksiyi-rosiiskoyu-federatsiyeyu-20142016-rr/>

⁵¹ Torture of FSS: the detained need operation, <http://sprotyv.info/ru/news/kiiev/pytki-krymskogo-fsb-politzaklyuchenny-nuzhdaetsya-v-operacii>

⁵² OHCHR, Situation with human rights in Ukraine (16 February – 15 May 2015), para 159, OHCHR, Situation with human rights in temporary occupied Autonomous Republic of Crimea and Sevastopol (Ukraine), 25 September 2017, para 76, <https://www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx>

criminal case against the officers has not been opened.⁵³ In May 2015, Oleksandr Kostenko was sentenced to 4 years and 2 months of detention in the institution of general regime, as guilty in violation of Art.115.6.2 (deliberate infliction of not serious harm for health) for "attack against Ukrainian militiaman" during the Revolution of Dignity in Kyiv, as well as in violation of the Art.222.1 (illegal keeping of fire gun) of the Criminal Code of the Russian Federation. On 26 August 2015, the Supreme Court of Crimea decreased the punishment to 3 years and 11 months. In accordance with the Article 12 of the CAT, "each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction". According to the Article 15 of the CAT, "each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". Analyzing the case of Kostenko, the authors of this report have sufficient reasons to state that the Russian Federation seriously violated its international commitments on prevention of torture, because in the case of Kostenko the occupation state neither investigated the complaint about torture nor prevented the consideration of the case at court based on the inadmissible proves received as a result of torture.

Case of Yevhen Panov and so called "saboteurs", 2016

On 10 August 2016, FSS officially stated that 'a number of terrorist acts allegedly prepared by Ministry of Defence of Ukraine' were prevented in Crimea. It was reported about the detention of the group of terrorists who later turned to be Yevhen Panov and Andriy Zakhthey. Sometime later, the lawyer of Yevhen Panov, Dmitriy Dinze, reported on torture of his client. According to the lawyer, after detention Yevgen Panov was brought to a cellar in unknown building in the northern Crimea. There he spent six days. In order to get confession, Yevgen was hung on handcuffs, beaten by steel pipe, was tortured with electric current and blindfolded. In addition, there was imitation of execution. Moreover, some parts of his body (including hands and genitals) were tightened till numbness. In his application to the Investigative Committee, Yevgen stated: "I was forced to flex knees, handcuffed in front below my knees, and after that a steel stick was placed behind my knees. After that two men rose this stick together with me, which caused severe pain."⁵⁴ Afterwards in the detention center he was forced to write refusal from consular assistance and to waive independent legal representation. On 8 December 2016, it became known that Panov applied to the Investigative Committee of the Russian Federation with the complaint on torture, but de facto law enforcement bodies refused to open the criminal case. In the complaint Yevhen Panov stated that all his confessions were given under torture. Nowadays Yevhen Panov is in the Detention center No 1 in Simferopol, where he experiences inhumane conditions and treatment. There is ongoing trial, the decision on the case has not been taken yet by occupation authorities. In 2016 the arrests on similar accusation of sabotage continued, there are at least 9 defendants within the

⁵³ Peninsula of fear»: chronicles of occupation and human rights violations in Crimea, ed. by Olga Skripnik and Tetiana Pechonchuk, 2d edition. Kyiv, 2016 https://helsinki.org.ua/wp-content/uploads/2016/05/PeninsulaFear_Book_ENG.pdf

⁵⁴ Egor Skovoroda, Evgeniy Panov told about torture, <https://zona.media/article/2016/08/12/panov-torture>

so-called 'sabotage case'. Many of them declared the use of torture with the purpose to extract self-incriminating confessions.

3. Torture and inhuman treatment against the civilian population for coercion to cooperate with the security forces of the Russian Federation

Since 2016 the Russian security forces and police has started to practice short-term enforced disappearances and illegal detentions with subsequent torture for coercion to cooperate with the security forces in Crimea. This illegal practice is usually performed in a similar manner: the group of masked persons without any insignia detain a person after the search in his house or abduct him in the street, put in the car without any insignia and drive to unknown direction. The victims are brought either to the department of Federal Security Service (FSS) or to unknown buildings or to other deserted places. The representatives of security forces do not explain their actions neither to the detainee nor to victims relatives. The victims are released in several hours or in several days, sometimes victims are arrested in alleged administrative offences. The security forces torture persons to get confession or testimonies against themselves or figurants of other politically motivated criminal cases or for coercion to cooperate with the security forces.

Local civil journalists and human rights defenders in Crimea stay publicly on each case of such ill-treatment, preventing the Russian security forces to conduct the operation secretly and providing assistance and support to victims of torture. All the victims of documented cases have been released, and they publicly reported the ill-treatment against them. Many have left to the government controlled territory of Ukraine or to other secure places. Nowadays, 10 cases of such ill-treatment are documented taking place in different cities of Crimea. In particular, these are the cases of Enver Krosh, Peter Borodin, Damir Minadirov, Rinat Paralamov, Abibe Reshatova, Emil Mukhteremov, Ibraim and Israil Mirpochchaevy, Diliaver Seitislamov, Oleksiy Shestakovich, Oleksandr Steshenko. In the same way, as for the previous categories of torture, the latency is very high, and the real number of victims is higher. Victims are afraid to report publicly being afraid of any further reprisals against them and members of their families.

Case of Damir Minadirov, 2016

On 11 February 2016, de facto security forces searched the house of Damir Minadirov in Yalta. After the search Damir was illegally detained and brought to the FSS department. There he was forced to give false testimonies against the figurants of politically motivated prosecution of Crimean Muslims and human rights defenders. When he refused to give any false testimonies, the FSS officer Andrey Kompanytsev put a plastic bag on his head and started to strangle Damir. Damir Minadirov was handcuffed and could not breath. He was also blackmailed with bad consequences for his family and Damir's business in case of refusal to cooperate, he was also threatened that he could disappear forever. He was finally released. After that, Damir Minadirov left Crimea to the mainland Ukraine.⁵⁵ Despite the publicity of the case, investigation in Crimea is not conducted.

⁵⁵ International Partnership for Human Rights, International Crimes in Crimea, 2016, <http://iphronline.org/wp-content/uploads/2016/09/Crimea-report-Sept-2016.pdf>

Case of Emil Mukhteremov, 2017

On 15 March 2017, a Crimean Tatar Emil Mukhteremov was illegally detained in Feodosia by the FSS officers from Yalta. Four FSS officers in civilian clothes detained Mukhteremov and drove him to unknown direction. Later it appeared that Mukhteremov was brought to the local FSS department. There he was interrogated concerning the figurants of politically motivated criminal cases, and was forced to give false testimonies on the case and become witness. When Emil refused to respond to these questions, FSS officers took his mobile phone away, drove to the deserted field on the outskirts of village Zybin (80 km away from Feodosia), and made him to dig a pit and threatened to bury him there. He was also threatened with well-being of his family members. Finally Emil was left in the field without any means of communication.⁵⁶ Emil left to the government controlled territory of Ukraine. The investigation of torture against him is not conducted in occupied Crimea by Russian de facto authorities.

Case of Rinat Paralamov, 2017

On 13 September 2017, the search in the house of a Crimean Tatar Rinat Paralamov took place. After the search the unknown masked men without any insignia detained Rinat and drove him away. There is a video of the search in his house and his detention. Within 24 hours, the de facto authorities did not disclose any information regarding Rinat, the civil activists looked for him around Crimea. On 14 September 2017, Rinat was found in the bus station in Simferopol with traces of torture and in critical health condition. He could not talk. Afterwards Rinat told that he was severely beaten during 24 hours. He was tortured with electric current to force to cooperate with de facto security services. According to Rinat, he was blindfolded, undressed including underwear, the security officer send the electric current with wire to his buttock. Rinat was forced to stay on his knees, his head was squeezed with a belt, some unknown injections were given to him. Rinat also told that being tortured he was forced to sign some documents, he did not see which exactly. After his release, Rinat with his lawyer and family went to the Simferopol City Hospital for medical assistance and medical expertise on beatings, but they got refusal. Later Rinat left to mainland Ukraine with his wife and children being afraid of further persecution.⁵⁷ The lawyer applied for the opening of criminal case, however he does not have access to the materials of the case. Therefore, it is impossible to assess the effectiveness of the investigation conducted by de facto authorities in Crimea. In the mainland Ukraine Rinat also applied with the complaint on torture and other violation of his rights. The Prosecutor's Office of Autonomous Republic of Crimea and National Police of Autonomous Republic of Crimea investigate the case, the necessary expertise have been conducted that confirmed the fact of torture, moreover the persons – FSS officers - involved in torture of Rinat have been identified..

⁵⁶ FSS forced me to cooperate, <https://ru.krymr.com/a/news/28391477.html>, “Dig here, we will bury you”, How FSS tortured a Crimean Tatar, <http://krymsos.com/ru/news/-kopai-yamu-mi-tebe-tut-zariyemo--yak-spivrobotniki-fsb-namagalisy-a-vibiti-svidchennya-u-krimskogo-tatarina/>

⁵⁷ Rinat Paralamov on torture by FSS, https://censor.net.ua/news/455364/nanosili_udary_zavyazyvali_skotchem_ruki_davali_razryady_ogolennymi_provodami_krymchanin_paralamov_o

4. Inhumane treatment in detention facilities in Crimea

At the moment of annexation of Crimea, there have been five detention facilities in Crimea: detention centers in Simferopol and Kerch, Simferopol penal colony No 102, Kerch penal colony No 126 and Kerch penal center No 139. According to NGO ‘Regional Center for Human Rights’, around 3500 prisoners have been detained in Crimea at the beginning of military intervention of Russia.⁵⁸

Numerous incidents of inhumane treatment in detention facilities in Crimea toward any category of prisoners have been documented. The most serious forms of ill-treatment are: torture and other form of violence to prisoners, inappropriate detention conditions that is equal to inhumane treatment, denial of medical assistance that put under threat life and health of prisoners. It is important to note that the mentioned violations are committed in relation to any category of prisoners. However, political prisoners still experience more pressure and more often face ill-treatment. In addition to above described use of torture for coercion to cooperate with de facto security forces and getting testimonies, torture is used in prison facilities for insult and violence of inmates. Below the interview with one of victims of torture in the penal colony in Crimea is provided.

Case of Murat Aliev, 2016

De facto law enforcement authorities accused Murat Aliev of robbery, convicted and sentenced him to 2 years and 6 months of deprivation of liberty. The family of Murat says that the case is falsified, the lawyer persuaded to confess the guilt in order to have the minimal sentence. After he spent 1 year and 8 months in the penal colony in Kerch, the FSS officers got interested in him. Probably it was due to his religious practice and active civil position. They started to question Murat on the details of his religious practice, his attitude to the situation in Syria. He was regularly put to the solitary confinement. Once the FSS officers used torture to Murat with demand of information on connections with Hizb ut-Tahrir political party and activists from Bakhchysarai. In August 2017 Murat was transferred to the detention center in Simferopol in connection with new charges brought against him – ‘public calls to extremism’, article 280 of the Criminal code of Russia, and ‘incitement of hatred’, article 282 of the Criminal code of Russia. The Prosecutor stated that on 7 February 2017 during the Friday prayer Murat Aliev called other prisoners to perform violent acts against non-Muslims. One of the main witnesses within the case was a prisoner sentenced to 5 years and 6 months of imprisonment. After he witnessed against Murat, he was released on parol.⁵⁹ The fragment of interview with Murat Aliev is presented below:

⁵⁸ Ivan Putilov, To be imprisoned in the Motherland, Crimean prisoners want to serve sentence in Ukraine <https://ru.krymr.com/a/27918461.html>.

Center for Information on Human Rights, 4700 prisoners were transferred to Russian from Crimea, https://humanrights.org.ua/material/z_okupovanogo_krimu_v_rosiju_nezakonno_vivezli_4_700_zasudzhenih_gro_madjan_ukrajini

⁵⁹ CrimeaSOS, ‘Encyclopedia of Human Rights violations in Crimea, 2017 <http://krymsos.com/ru/reports/analitichni-zviti-po-krimu/entsiklopediya-represii-v-krimu-z-momentu-aneksiyi-rosiyeyu-zvit/>

“You will do what the administration wants, - it was told to me by the deputy chief. When I arrived to the penal colony, 5 persons from Omsk security services came to the colony in order to hold mass events and establish the proper routines. The director of colony was aware of all this, he had planned all this in advance. New prisoners come, and they (Omsk security guards) immediately start to insult them and torture. All prisoners were striped naked, police officers put a condom on their clubs, tied them with scotch tape and bullied the guys. It was with every prisoner who came there. They break people. They tortured with a shocker to break a man. It could happen until night, could happen 24 hours a day. We tried in every way to get out to those people who were bullied to tell them what to do. But we were restricted in every possible way. Once I spent about 5 hours in the office of the guards, tied and naked. They wanted to make me wash the toilet. I was tied with scotch naked on the floor, and I did not see what was happening. I asked them what they wanted from me, they said they wanted me to wash the toilet. It's just a mockery. I did not surrender and was severely beaten. There was a lieutenant colonel from Omsk, he said such nasty things, such dirt. They used the electric current also. And even if there are burns, there is no one to show them. If to go to the doctor, he would tell everything to the director. There is nothing to go in the camp. The local administration pretended not to see this, if nothing had happened. Omsk security forced spent three winter months, and during this time they broke the whole camp, established their own rules.”

The most serious problem in the detention center is refusal and non-provision of proper medical assistance to any categories of prisoners. The prisoners complaint about untimely medical assistance, inhumanity of the administration despite the numerous applications by lawyers and prisoners. There are wide-spread diseases in Detention center No 1, first of all tuberculosis. The newly arrived persons are not examined for the infection diseases which facilitates their growth. It is known about several dozens deaths in the detention center No1 due to refusal of medical assistance.⁶⁰ At least two citizens of Ukraine arrested in Crimea and transferred to Russia for serving the sentence died because of refusal of medical assistance. Human rights defenders claim that there are dozens of such cases which remain unreported by families being afraid of reprisals by the Russian security forces.⁶¹

The denial of medical assistance is documented in the following cases: Bekir Degermendzhi, Arsen Dzhepparov, Volodymir Balukh, Ruskan Zaytullaev, Uzeir Abdullaev, Asan Chapukh, Oleksandr Kostenko, Stanislav Klykh. Mohammad Kabir, Valeryi Makarov, Yuriy SAenko, Leonid Karetskiy, Andrey Lugin, Yuriu Mikhailov, Ivan Fedirko, Yevhen Davydov, Viktor Lutsina, Dmitriy Serpnik and Oleskand Miroshin. Citizens of Ukraine Sergiy Glininnikov and Valeryi Kerimov died due to denial of medical assistance. In all the cases persons have been in need of urgent medical assistance due to serious health problems, such acts are equal to torture.

Cases of Sergiy Glinianikov and Valeryi Kerimov, 2016

Sergey Glinianikov, citizen of Ukraine, died on 30 August 2016 in detention center No 1 in Simferopol due to absence of medical assistance. Valeryi Kerimov, the citizen of Ukraine, died on

⁶⁰CrimeaSOS, ‘Encyclopedia of Human Rights violations in Crimea, 2017 <http://krymsos.com/ru/reports/analitichni-zviti-po-krimu/entsiklopediya-represii-v-krimu-z-momentu-aneksiyi-rosiyeyu-zvit/>

⁶¹ QHA, Hundreds of Ukrainian prisoners died in Russian prisons, <http://qha.com.ua/ru/obschestvo/sotni-ukrainskih-uznikov-umerli-v-rossiiskih-tyurmah/165501/>

8 September 2016 in colony No 1 in Republic of Adygea (Russia). Kerimov used to serve his term in the colony in Crimea, from where he was illegally transferred to the prison in the territory of the Russian Federation. He was sick on hepatitis and tuberculosis, he did not get the medical assistance and died because of that.⁶² There are much more cases of death in detention center in Simferopol and in prisons in Crimea. Human rights defender Emir Usein Kuku arrested within politically motivated criminal case has reported about at least 10 deaths in Simferopol detention center that he witnessed.⁶³

Case of Kabir Mohammad, 2016

On 14 September 2016, in checkpoint 'Armiansk' at the administrative border between mainland Ukraine and Crimea there was detained Ukrainian citizen of Afghan origin Kabir Mohammad. The detention was based on Interpol note on the extradition request from Iran. The personal data of Mohammad Kabir, as well as information provided by the consulate of Afghanistan and other documents demonstrate that Mohammad Kabir was arrested by mistake, as he and the person in the search are different people. However, he was arrested till 12 September 2017. For this period, Kabir Mohammad had a stroke, his state of health has seriously deteriorated, but the administration of detention center No 1 refused him any necessary medical assistance. Only six months later the lawyer of Kabir Mohammad managed to get the medical expertise for the arrested through the court. The expertise demonstrated that Kabir has diseases incompatible with arrest. The expertise showed the stroke consequences and the problems with circulation of blood in brain. The absence of necessary medical assistance in detention center No 1 has led to the serious consequences and serious deterioration of his health state.⁶⁴

Case of Bekir Degermendzhi, 2017

57-years-old Bekir Degermendzhi was detained on 23 November 2017 within the so-called Vedzhi Kashka case described above. Bekir Degermendzhi suffers from chronic asthma and other diseases. For two weeks of arrest in Simferopol detention center No 1 his state of health seriously deteriorated because of lack of ventilations in cells. He could not normally breathe and he was not provided with timely medical assistance. On 6 December 2017, during the court session on the issue of Degermendzhi arrest he felt bad and the ambulance was called to him, he spend all the session in the oxygen mask. Despite the diseases incompatible with the stay in detention center, the court left the arrest in force. On 14 December 2017, Bekir Degermendzhi was hospitalized to reanimation in the critical state. Afterwards, the doctor said that if he had been brought 20 minutes later, the doctors would not have saved him. Despite the critical state of health Bekir Degermendzhi was handcuffed and was under 24/7 guard in reanimation. On 2 January 2018, he

⁶² Crimean Human Rights Group, Human Rights in Crimea, October 2016, https://crimeahrg.org/wp-content/uploads/2016/11/Crimean-Human-Rights-Group_October_2016_UA.pdf

⁶³ UNIAN, In detention center died 10 persons because of absence of medical assistance <https://www.unian.net/society/1720966-v-kryimu-umerli-10-zaklyuchennyih-kotoryim-ne-okazali-medpomoshch-pravozaschitnik.html>

⁶⁴ Mariya Tomak, Case of Mohammad Kabir, https://lb.ua/world/2017/07/06/370740_delo_kabira_mohammada_oshibka.html, Crimean Human Right Group, Illegal detention of Mohammad Kabir, <http://crimeahrg.org/afgantsa-s-grazhdanstvom-ukrainyi-polgoda-nezakonno-derzhat-v-sizo-kryima-i-namerenyi-vyidat-iranu/>

was transferred from the hospital to the medical unit of the Detention Center No 1.⁶⁵ As for now the reliable information on medical assistance to Bekir Degermendzhi is absent.

The other forms of inhumane treatment in the Detention Center No 1 of Simferopol are the following:

1. Overcrowded cells. Number of arrested persons 1,5-2 times exceed the number of beds. Majority of inmates sleep in turn;
2. Low quality of food. Prisoners who receive parcels from their families, mainly eat only this food. The actual problem for Muslims is that the food contains pork (prohibited by religion norms) or it is impossible to know from what products the food is prepared;
3. Poor sanitary conditions, lack of ventilation, the toilet is in the cell without any partition, the inmates smoke in cells, many suffer from parasites;
4. Lack of connection with family members due to groundless refusals in meetings, limited correspondence.
5. Refusal to provide medical assistance even under a serious threat to life and health.

It is noteworthy that even the 2014 report by de facto Ombudsperson of Crimea contains information of the incident of suicide and inhumane conditions for prisoners. However, instead of description of suicide case that resulted in death on 18 October 2014, de facto Ombudsperson report on lack of control over the prisoners by the administration. The de facto Ombudsperson also protest against the cancel of the procedure of identification of tuberculosis among newly-arrived prisoners as it lead to new cases of infections and spreading the disease.⁶⁶

While this applied to the Detention Center No 1 of Simferopol, the situation is similar in other prisons around Crimea. As was indicated above, neither Ukrainian human rights organizations nor independent international missions have access to prison facilities in Crimea. Prisoners stay in isolation, and are left without any possibility to influence the situation.

⁶⁵ Bekir Degermendzhi is transferred to SIZO from the hospital, <http://qha.com.ua/ru/politika/okkupanti-pereveli-bekira-degermendji-v-sizo/185319/>

⁶⁶ Ombudsperson of Russian Federation in Crimea, Report on the situation in Crimea, 2014 <http://www.rchr.org.ua/images/news/2015/faire/2015-01-01.pdf>