

Theses for HDIM 2018 on behalf of Ukrainian NGO “Regional Center of Human Rights”*Vitaliy Nabukhotny**18 September 2018*

The occupation of Crimea has been followed by numerous violations of human rights such as violation of freedom of movement, property rights, freedom of speech, freedom of religion, the right to a fair trial, etc.

According to Federal Constitutional Law of the Russian Federation No.6 of 21 March 2014, from the date of the “so-called” admitting of Crimea to the RF, Ukrainian nationals and stateless persons who had been permanently residing in Crimea and the city of Sevastopol were recognized as nationals of the RF. Ukrainian nationals who had been permanently residing in Crimea and declared their willingness to retain their nationality were recognized as foreigners. It’s important to understand that Russia also recognized those Ukrainian citizens as foreigners who since the beginning of occupation have a registration outside Crimean peninsula in mainland Ukraine.

On the sidelines of imposition of Russian citizenship, Russian authorities extended the effect of Russian legislation to the occupied territory of Crimea. Consequently, the Russian authorities apply in Crimea, particularly, the provisions of their domestic migration law and the Russian Code of Administrative Offences, which establish administrative liability for its violations. Code of Administrative Offences of the Russian Federation provides for 23 administrative offences, for which a penalty in the form of administrative expulsion from the Russian Federation may be imposed. Widespread expulsions against Crimean population are based on decisions made by so-called Russian occupying courts in Crimea.

Aforementioned decisions are enforced in a form of 1) controlled exit of a person from Crimea; which means that a person has only five days to leave the territory of peninsula and 2) in a form of forced expulsion which provides for the detention of a person in special institutions located in the territory of the RF – centers for temporary detention of foreign citizens and stateless persons located in Rostov region or Krasnodarskiy krai.

Between July 2017 and June 2018 the NGO “RCHR” conducted a comprehensive research on violations of human rights law and international humanitarian law by the representatives of the RF as a result of its policy of expelling protected persons from the occupied Crimea. The research has revealed at least 2,425 Ukrainian citizens, foreigners and stateless persons against whom expulsion from Crimea has been applied since the beginning of occupation. In addition to the citizens of Ukraine, citizens of another 37 countries and 4 stateless persons were expelled from occupied Crimea by Russia.

The results of the present research clearly confirm the fact that the active use of the provisions of the Russian migration legislation has a pronounced systemic character and it’s one of the tools of the Russian policy to change the demographic composition of the population of the occupied territory.

Such expulsion processes may adversely affect the further migration processes in Europe and require special attention and study by the international community. Thus, the civil society of Ukraine calls on Russia to stop any acts aimed at expelling and transferring civilian population from the occupied territory of the Crimea.

Recommendations directed to the OSCE, ODIHR, NGOs and delegations of all participating states from the Ukrainian NGO “Regional Center of Human Rights” related to the thesis introduced by the representative of the above NGO on the Working session 12 of the HDIM 2018 on 18 September 2018

- To ensure that the Russian Federation upholds to all obligations under international law as an occupying state, in particular to the rules of the international humanitarian law embedded in the Fourth Geneva Convention of 1949;
- To provide access for international organizations, including but not limited to the OSCE and the Council of Europe, to the Crimean Peninsula for the further objective analysis of the situation;
- To redress consequences of the imposition of the Russian citizenship over people residing on the territory of the occupied Autonomous Republic of Crimea and the city of Sevastopol. Imposition of the citizenship of the Russian Federation causes changes in the conditions of the Ukrainian citizens, stateless persons and foreigners residing on the territory of the occupied Crimean Peninsula. Therefore, such negative changes shall be stopped and reversed.
- To bring an end to the expulsion of the Ukrainian citizens, stateless persons and foreigners who have been residing on the territory of the Crimean Peninsula before and after the occupation from this territory based on the decisions of the courts acting under the authority of the Russian Federation and in accordance with its legislation for the alleged violations of the migration legislation of the Russian Federation;
- To bring an end to the displacement of persons from the Crimean Peninsula to the Russian Federation including those who have been sentenced to imprisonment and who happened to be under the control of the authorities of the Russian Federation;
- To stop and desist subsequent adverse effect of the migration processes in Europe caused by the above listed actions of the Russian Federation in the relation to the occupied territory of the Crimean Peninsula.

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Mr Vitaliy Nabukhotny