

On the Report Prepared by the Unofficial Turkish Delegation on the Situation of the Crimean Tatars Since the Annexation of Crimea by the Russian Federation¹

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Excellencies, Distinguished OSCE Representatives, Ladies and Gentlemen,

It is gratifying to see that the agenda of the OSCE Human Dimension Implementation Meeting of 2015 covers a wide range of issues related to fundamental freedoms, tolerance and non-discrimination, the rule of law, and other humanitarian issues.

I would like to express my deepest gratitude to the organizers of the OSCE Human Dimension Implementation Meeting, who have given me the opportunity to share my views in such a distinguished event.

Here, in the working session 17, I will very briefly talk about the report of the Unofficial Turkish Delegation on the situation of the Crimean Tatars since the invasion and the annexation of Crimea by the Russian Federation. I will base my talk on the study conducted in Kiev and Crimea, aiming at obtaining information about allegations of human rights violations against the Crimean Tatars. This study was conducted between April 26 and April 30, 2015.

Participating in this session also gives me the opportunity to share with you my observations and data I obtained as a member of the aforementioned delegation, during the interviews I carried out, with the Crimean Tatars both in Kiev and Crimea (Simferopol/Akmescit and Bahçesaray) including the members of the *Mejlis*, activists, and ordinary Crimean Tatars, and with the *de facto* Crimean authorities in Crimea (Simferopol/Akmescit).

Our delegation was one of the two delegations which entered Crimea after the annexation. As known, a report by Nils Muiznieks was published in October 2014, following his one week mission in Kiev, Moscow and Crimea in September 2014. A more recent report by Amnesty International has been published based on the findings of a research mission by the Amnesty International delegates in February 2015. The most recent report is the one of Unofficial Turkish Delegation published on June 5, 2015 following the study in Kiev and Crimea.

I believe this research has been very comprehensive because it was conducted by a delegation comprising experts of law and human rights (Prof. Zafer Üskül; Prof. İbrahim Kaya; Assist. Prof. Levent Korkut), a historian (Prof. Abdullah Gündoğdu); a sociologist (Prof. Ayşegül Aydıngün), from different universities, and Turkey-Eurasia Business Councils Regional Coordinator from the Foreign Economic Relations Board (H. Çağla Mazlum²).

¹ The text is prepared based on the report of the Unofficial Turkish Delegation entitled “The Situation of the Crimean Tatars since the Annexation of Crimea by the Russian Federation” published on June 5, 2015 (referred to as UTDR hereafter in the footnotes); my observations, my personal notes taken during the study in Kiev and Crimea and the official documents obtained during that study.

² I am grateful to H. Çağla Mazlum for sharing with me some documents in Russian and their partial translation.

Our report was criticized in some circles both in Turkey and abroad. Some even alleged that the report was political. I should point out that all the views and facts put forward in the report were totally based on the observations of the members of the delegation, on the interviews and meetings realized with *de facto* Crimean authorities and Crimean Tatars, and on the official documents obtained during the study.

As mentioned in our report³, *de facto* Crimean authorities exerted utmost efforts to prevent us from having meetings with the Crimean Tatars - especially with the members of the *Mejlis* and activists - and tried to impose on us the official program they had prepared. *De facto* authorities kept a close watch on the delegation and insisted on participating in some of the interviews. All the members of the delegation felt the pressure and the surveillance; however the split up of the delegation into two with the aim of interviewing the Crimean Tatars caused stronger pressure on the delegation members, who participated in the official program. They were systematically told by the *de facto* authorities that the safety of the delegation members, who did not follow the official program, may not be secured. Like many other delegates, I perceived these pressures as attempts aimed at disrupting the work of the delegation and intimidating the members.

Another move, which I perceive not only aimed to disrupt the study but also to cast a shadow of doubt on the impartiality of the delegation was the spreading of unfounded news in the name of the Head of the Delegation. For a few hours, this interrupted our meetings and unsettled our impartiality in the eyes of the Crimean Tatars. However, we managed to correct those unfounded news through different media outlets quite quickly, and did not allow these fabricated news to interrupt our work. The fabricated news was first published on April 28, 2015 on the website of the State Committee for Interethnic Relations and Deported Citizens of the Republic of Crimea,⁴ chaired by Zaur Smirnov, and was also published on the websites of several news agencies.

As stated in the report, in the meetings and interviews we carried out with the members of the Crimean Tatar *Mejlis*, activists, and community members, we realized that there were crucial problems related to transition to a new legal system. During a meeting with *de facto* authorities, we were told by the Deputy Prime-Minister and Permanent Representative of the Republic of Crimea to the President of the Russian Federation, Dr. Georgy L. Muradov that the date of transition to the legal system of the Russian Federation was March 21, 2014. It was also stated that this transition was extended to January 1, 2015. Based on the comments of *de facto* authorities and the information provided by the Crimean Tatars, it became clear that events that took place before that date were also being carried out according to the new legal system.⁵

In that context, some of the Crimean Tatar activists were criminalized based on their electronic communications (e-mails, FaceBook sharings), which proves that they have been under strict surveillance. Evidently, they were not only accused of their views expressed years ago -meaning before the transition to the legal system of Russia- but also their rights to privacy of information and communication were violated.

³ UTDR, p. 3

⁴ See <http://gkmmn.rk.gov.ru/rus/index.htm/news/301823.htm>

⁵ For more details see UTDR, p. 6 - 7

The new legal and political system is characterized by the implementation of new and restrictive laws like the laws on extremism and the political efforts of the *de facto* Crimean government, which openly give priority to ‘national security’ through ignoring different types of freedoms.

More concretely, Mustafa Abdülcemil Kırımoglu, the leader of the Crimean Tatar National Movement, Refat Chubarov, Chairman of the Crimean Tatar *Mejlis* and also of the World Crimean Tatar Congress, and Sinaver Kadirov, the founder and member of the Committee of Protecting the Rights of Crimean Tatars, were accused of extremism, so their entry to Crimea was prohibited in 2014 for five years. Ahtem Çiygöz, the Deputy Chairman of the Crimean Tatar *Mejlis*, also accused of extremism, was arrested in January 2015, and has been in jail since then. Çiygöz was considered as responsible for organizing the demonstration of the Crimean Tatars in front of the Crimean Parliament on February 26, 2014. Related to the case of Ahtem Çiygöz, we obtained important evidence during the interviews and meetings, which prove that the preparation of the indictment was delayed and fair trial procedures were clearly violated. The findings make it clear that there were indisputable problems related to the rule of law, fair trial and the impartiality of judges in Crimea.⁶

In addition, many interviewees have stressed that either they or someone they know were forced to testify against Ahtem Çiygöz while under detention or interrogation. As expressed by some interviewees, some Crimean Tatars under detention were told that their detention would continue if they refused to testify against Ahtem Çiygöz. During meetings with the members of the *de facto* Crimean government, it became obvious that the most assaulted Crimean Tatars, who were in Crimea, were Ahtem Çiygöz and İlmi Umerov. İlmi Umerov, the Vice Chairman of the Crimean Tatar *Mejlis*, was systematically attacked by the Crimean Tatar members of the *de facto* government.⁷

It became clear that all the members of the Crimean Tatar *Mejlis*, who are known by their pro-Ukraine and pro-Western positions, were accused by the law on extremism dated July 27, 2002 (last amendment on March 8, 2015).⁸ As a result, they were banned from living in their homeland; they were systematically interrogated or arrested. In other words, a clear strategy was adopted for the marginalization, neutralization, intimidation, and discrediting of the *Mejlis* members and activists.

There were very important problems related to land property due to transition to the new legal system. After their return to Crimea, Crimean Tatars took the decision of not claiming their pre-exile houses and lands. Thus, they built houses on the vacant lands (*samazahvat*) and they gradually claimed and obtained the ownership of these properties. However, the status of the houses lacking the property rights remains unclear, and inconsistent information was provided by the *de facto* authorities.⁹

As mentioned in our report,¹⁰ we found that the citizenship of the Russian Federation was imposed on everyone because Russian citizenship was required in order to benefit from public services like health, education and pensions. The requirement of Russian citizenship to benefit from these services was confirmed both by the *de facto* authorities and the Crimean Tatars

⁶ For more details see UTDR, p. 10 - 11

⁷ For more details see UTDR, p. 10, 12

⁸ <http://docs.cntd.ru/document/901823502>

⁹ For more details see UTDR, p. 15 - 16

¹⁰ For more details see UTDR, p. 7 - 8

during meetings and interviews. Also, Crimean Tatars have underlined the difficulty of keeping Ukrainian passports for those employed in state institutions despite the agreements with Ukrainian authorities, since these employees were asked to hand over their Ukrainian passports. The restriction related to the number of non-Russian citizens who may reside in Crimea was interpreted by the Crimean Tatars as a strategy to either force them to accept the Russian citizenship or to leave the peninsula.

During the study, it was clear that the Crimean Tatar media was under great pressure. Crimean Tatar TV channels, newspapers, and journals were closed down. There was immense pressure on journalists and freedom of information was clearly violated. More concretely, the Federal Service for Supervision of Communications, Information Technology and Mass Media (*Roskomnadzor*) did not renew the broadcasting license of the ATR, which is the most popular television channel among the Crimean Tatars, on the grounds that the documents were incomplete and on other fabricated pretexts. A cameraman of the ATR was arrested. In addition, the license application of the Crimean News Agency (QHA) was also rejected; its General Director, Gayana Yüksel, was systematically interrogated, and the Coordinator of the Agency, İsmet Yüksel, a Turkish citizen, was accused of extremism and was prohibited from entering Crimea for five years. The Editor of *Avdet* Newspaper, Şevket Gaybullaev, was interrogated on the grounds of editing an 'extremist publication'.¹¹

I would like to state that the violence against journalists and the Media, and restrictions on obtaining impartial information are violence against the Crimean Tatar people as a whole according to the international standards.

We found that freedoms of assembly and association, which are recognized as key elements of democracy, were also violated. Crimean Tatars are internationally known for their peaceful protests and demonstrations. Throughout the Soviet period the Crimean Tatar non-violent protests have been personified with Mustafa Abdülcemil Kırımoğlu, who used civil disobedience tactics. This tradition continued after the dissolution of the Soviet Union. Despite these facts, the peaceful commemorations of May 18th and any form of assembly were banned by the *de facto* Crimean authorities.¹²

We also found that the right to life and bodily integrity of the Crimean Tatars were violated because there were confirmed disappearances, kidnappings, torture, and deaths. Although the reasons for disappearances and deaths were differently presented, they were confirmed by the *de facto* authorities and the Crimean Tatars. Two cases of death and four cases of disappearance were confirmed by the delegation members. There were important cases of violations of individual freedom and security due to raids to houses, schools, and mosques, also arbitrary interrogations.¹³

In addition, I realized that all the symbols, dates and events related to identity, including the tangible and non-tangible cultural elements were under systematic attack and destruction by the *de facto* authorities. Their attempts for the replacement of these symbols by new ones appear rejected by the large majority of the Crimean Tatars.¹⁴

¹¹ For more details see UTDR, p. 16 -19

¹² For more details see UTDR, p. 11-13

¹³ For more details see UTDR, p. 8 - 9

¹⁴ For more details see UTDR, p. 20

Although *de facto* Crimean authorities put forward certain *de jure* declarations, I have clearly observed and was told, that these declarations were not transformed into *de facto* reality. It is also important to note that contradictory information was provided on certain matters by different institutions of the *de facto* Crimean government. For instance, *de facto* government members mentioned that the Russian Federation prepared a five-year plan for compensating for the sufferings of the deported peoples including the Crimean Tatars and an important budget was allocated to that purpose, and related projects were going on. However, during the meeting with the *de facto* Commission For Human Rights Institute, it became clear that the allocated budget cannot be used until the harmonization of Crimean laws with the Russian Federation Legal Code.¹⁵

Similarly, while *de facto* government members highlighted the fact that the Crimean Tatar language became one of the official languages, I have seen no indication related to the practice of this official declaration. On the contrary, we were told by the Crimean Tatars that priority was given to the Russian language in the educational system and that the National Schools, where Crimean Tatar language was taught along with Ukrainian were facing bureaucratic difficulties.¹⁶

The demands of the Crimean Tatars for their recognition as the indigenous people of the Crimean peninsula are rejected by the Russian Federation despite the recognition of some other communities such as Krymchaks and Karais as indigenous peoples. The general belief among the Crimean Tatars is that the Russian Federation does not recognize them as an indigenous people of Crimea, knowing that this would confer significant advantages on them in terms of international law.

Based on my observations and research, I can say that the Crimean Tatars have struggled to revive their culture and identity, and to reconstruct their lives and future in their homeland since 1989, and despite certain limitations they acquired significant gains. However, after the annexation of the peninsula by the Russian Federation in 2014, these gains are under serious threat. After the annexation approximately 35,000 Crimean Tatars left the peninsula as a result of the repressive policies and aggressive nationalism. According to them, the collective traumas experienced in 1783 and in 1944 causing their migration from their homeland, are now repeating.

As a sociologist, who has been carrying out research on the Crimean Tatars since 2001, I can easily say that the large majority of the Crimean Tatars in Crimea do not trust the *de facto* Crimean authorities. Many Crimean Tatars we talked to feared for themselves but mostly for the safety of their family members. The pressure and the surveillance felt by the members of our delegation members were much more deeply felt by the Crimean Tatars. Feelings of fear, uncertainty and despair experienced by the Crimean Tatars were apparent to me during the entire field study.

I would like to conclude by saying that the policies of the *de facto* Crimean government are in clear contradiction with the principles of the Copenhagen Document (1990) and the Ljubljana Guidelines (2012). In other words, the rights of the Crimean Tatars are not protected, which means that the international standards are far from being implemented in Crimea.

¹⁵ UTDR, p. 7

¹⁶ For more details see UTDR, p.14 - 15