

Working session 10: Fundamental freedoms I (continued), including freedom of expression, freedom of peaceful assembly and association, national human right institution and role of civil society in the protection of human right, and freedom of movement

Violation of freedom of assemblies in Crimea

The Russian Federation keeps on violating the international humanitarian law norms, and applying its laws on the occupied Crimean territory, including those that abridge, without any legal grounds, rights and freedoms of Crimean residents. One of such norm is approval procedure to have a peaceful assembly allowed.

The RF authorities apply widely the approval procedure to forbid holding peaceful assemblies and persecute those who do this without approval.

The last year saw various methods applied by the Russian authorities in Crimea to persecute participants or abridge the freedom of peaceful assemblies.

On October 14th 2017 single man protests demanding to stop persecuting the Crimean Tatars and the Muslims of Crimea as well as to stop political persecutions were held all over Crimea. The Russian laws do not state that a single-man protest shall be subject to previous approval. A distance between the participants was much more than minimal 50m, and they together could not be considered a mass action. Anyway, even on October 14th the Russian police detained 49 people at the single-man protest site for an unauthorized participation in the mass action. Then the occupation authorities gave fines to 82 participants of the 14 October 2017 single-man protests, with the total fine amount reaching RUR845,000 (EUR10,400).

On February 26th 2018 the 'Anarchists of Sevastopol' public association reported the 'Government of Sevastopol' on the intention to hold a rally under the POSITION OF PRESIDENT – MONARCHY ATAVISM slogan on March 10th. However as early as on March 1st the RF policemen searched the houses of 5 Anarchist movement activists, including those of Mr Aleksey Shestakovich, Mr Aleksey Prisiazhniuk, and Mr Igor Paniuta who were indicated in the notice as people responsible for the rally. During the search the activities were subject to torturing. After the search Mr Shestakovich was sentenced to 11-days in prison, and then had to leave Crimea.

The Kerch Administration forbid local Communist party members to hold a rally against increasing retirement age, utility service fees, and gasoline prices on July 13th at Lenina Square. The town authorities reasoned the rejection stating that another organization would hold its event approved already at the same time and at the same place. But no event was held eventually on July 13th at Lenina Square. Just few Russian policemen were at the square who informed that the reason for their presence was to prevent a non-authorized rally. This statement proves that the Russian police even do not understand that their positive duty is to do their best to support holding mass actions and ensure the safety of their participants, not to prevent them.

In 2018 the RF Prosecutor's Office men have warned many times the activists about a possible persecution in case of non-authorized actions.

The illustrations presented prove that the approval procedure for mass actions is used by the RF authorities on the occupied territory of Ukraine solely as a tool to abridge the freedom of peaceful

assemblies, to forbid planned actions and terrify their potential participants, and to take reprisals on those who participated in the ones held.

The Crimean Human Rights Group insists that the Russian Federation applies unlawfully its legal norms in Crimea as occupied territory of Ukraine, and that application of these norms is unacceptable for abridging the freedom of peaceful assemblies in Crimea.

The Crimean Human Rights Group

Freedom of expression and Hate Speech in Crimea

Since March 2014 in Crimea, the use of hate speech has increased dramatically. This is confirmed by the [study of the use of hate speech in the media landscape of the occupied Crimea](#). The study was conducted by experts from the Crimean Human Rights Group and the Human Rights Information Center. The incitement of hatred occurs simultaneously with the system blocking of the Ukrainian mass media.

The overwhelming majority of Crimean mass media which has left the occupied peninsula remains blocked out in Crimea just like the main Ukraine-wide media. Thus, according to the data from the Human Rights Information Centre and Crimean Human Rights Group, the websites of 30 mass media has been completely or partially blocked on the territory of Crimea since the beginning of March 2018. The editorial departments of Ukrainian mass media cannot act in Crimea legally. The journalists of Ukrainian periodicals are subject to harsh persecution, including criminal prosecution. The population of Crimea receives most of the information from Russian publications and TV channels, as well as from the Crimean mass media that showed loyalty to the occupation authorities and, therefore, were allowed to work in Crimea openly.

Authors of the study are experts of Crimean Human Rights Group and Human Rights Information Centre. They investigated the evening news broadcasted at "Russia 1", "NTV" and "Pervyi Kanal" in the spring of 2014 and 2017. Also, the content of the Crimean media sites and the occupation authorities from March to October 2014 and from January to July 2017 was analyzed. Ukrainians, Crimean Tatars, members or supporters of Mejlis of the Crimean Tatar people, activists of EuroMaidan, Muslims and migrants are the main groups against which the hate speech was used in Crimea information space. Also, the objects of hatred were women, representatives of the LGBT community, journalists, and representatives of various religious denominations. In total, 718 examples of inciting hatred were recorded in the studied content.

Out of those, 67% examples of hate speech are found in the newscasts of Russian TV channels. 23% were found on the websites of the Crimean media, and ten percent – on the websites of the occupation authorities of Crimea.

Most of all, the media and websites of the "state bodies" of Crimea incited hatred towards national and ethnic groups of people and residents of certain territories. The study identified 36 of such groups. In general, Ukrainians (as an ethnic group and / or as a civil community) living in a territory controlled by the Ukrainian authorities became the objects of hatred among these groups.

The report shows some examples of incitement to hatred, among which there are explicit calls for the liquidation of Ukrainians.

In this case, the inhabitants of the occupied Donbass, Russian propaganda calls "a separate people", and the inhabitants of Crimea are called the Russians. Thus, with the help of Russian TV channels, inciting hatred towards Ukrainians occurred not only in the minds of Russians, whose main target audience are these channels, but also among the inhabitants of the occupied territories of Ukraine.

Mass use of the hate speech in the media landscape of Crimea grossly violates Ukrainian and international law standards and journalistic standards. Basically this statements is headed against Ukrainians, Crimean Tatars, supporters of Mejlis, Muslims and activists.

The incitement of hatred towards Ukrainians, Crimean Tatars and Muslims inside Crimea creates the basis for hate crimes. The controlled hatred legitimizes, in the eyes of society, the repressions against activists, dissatisfied with the actions of the authorities. The effect of the spreading of hate publications is greatly amplified due to the severe restrictions on freedom of speech on the peninsula.

As the conducted monitoring showed, the language of enmity is used even in normative legal acts, texts with the use of hate speech are constantly published on the official websites of the occupation authorities of the peninsula. The main object of inciting hatred in all these cases is Ukrainians, both on the basis of citizenship and ethnicity.

Taking into account Russia's participation in the international armed conflict with Ukraine, it can be concluded that the above examples of inciting hatred towards Ukrainians with the involvement of state resources are one of the instruments of warfare.

The Crimean Human Rights Group recommends the government of Ukraine to take all necessary measures that can help improve the situation. In particular, human rights defenders recommend the Prosecutor's Office of the Autonomous Republic of Crimea to launch criminal proceedings against those guilty of inciting hatred in the peninsula. The authors recommend to use the information collected in the report as evidence in the International Court of the United Nations, as confirmation of ethnic discrimination on the peninsula.

We demand the Russian Federation to stop such activities in Crimea and to take all possible measures to prevent further inciting hatred in Crimea.

People guilty of inciting hatred, calls for discrimination and pressure on freedom of expression in Crimea should be prosecuted and punished proportionately.

The Crimean Human Rights Group

Working session 10: Freedom of expression

Persecutions for freedom of expression in Crimea

The situation with freedom of speech in Crimea is becoming worse every year since 2014.

At first there were persecutions of journalists, then the series of chases and intimidations of activists, after that the repressions spreaded on people who were publishing the social important information on social media.

Basically these prosecutions concern Ukrainian, Crimean Tatar and Muslim journalists and bloggers.

Prosecutions of pro-ukrainian journalists and activists occurs through Russian anti-extremism laws. Mykola Semena, Anna Andrievska, Suleyman Kadyrov, Andriy Klimenko, Ilmi Umerov have become the objects of the criminal prosecution for publish statements against the occupation of Crimea. The prosecutions of Muslims bloggers occurs through Russian anti-terrorism laws.

The Crimean Tatars Activists Nariman Memedeminov, Server Mustafaev, Gulsum Alieva have become the objects of the criminal prosecution for publications about the illegal actions against Muslims in Crimea on social networks.

Another way of the information war against Ukraine in Crimea is the incitement to hatred. The systematic incitement to hatred on peninsula is very dangerous, because this activity is supported from the Russian budget.

However, no one has investigated the facts of the incitement to hatred. Basically local and Russian journalists don't have self-regulation because they depend on Russian government and budget funding.

Prosecutions for the incitement to hatred are conducted selectively and have obvious political background. Local authorities prosecute the opposition in such crimes. The Security Service of Russia opens the false criminal cases against pro-Ukrainian and Muslim activists. Federal security service uses Russian criminal law on combating hate speech for such cases.

- For example, the Participator of Maidan Larysa Kitaiska sentenced to two years of the probation for ostensibly the incitement to hatred towards Russians. But there is no statement of hers in the materials her criminal case. However, her verdict contains a statement that the insults of Vladimir Putin, the soldiers of the Red Army and Tsar Peter the First can be equated with the insults of Russians.
- The Ukrainian Igor Movenko was prisoned for pro-Ukrainian comments on social network. His verdict was later changed into the probation but he spent fifty days in the Crimean detention center baselessly. Before that Movenko was beaten severely for Ukrainian symbols on his bike. But Russian police in Crimea didn't investigate this case.
- The Crimean activist Valery Bolshakov became a victim of the political criminal case for ostensibly in the incitement to hatred towards the Cossacks' social group. But the Cossacks aren't a social group. They are an illegal paramilitary group and The Russians authorities in Crimea control them. The Bolshakov's statement doesn't contain hate speech. His prosecution is a bright example of political case of freedom of expressions.
- Ms Elina Mamedova from Yalta is prosecuted for the post in social media against the occupation of Crimea. She is involved in the criminal investigation, allegedly for the incitement to hatred. The police have taken her DNA samples and included her to the public list of extremists and terrorists.

Authorities keep including in this list people such as the above-mentioned activists whose guilt hasn't been proved. Such actions create difficulties to these activists when they try to use bank and notarial services. At the same time real criminal cases about hate speech are not investigated.

The Crimean human rights group documented the case when a Ukrainian was sentenced due to a discussion on social media. He was fined on large amount for the incitement to hatred towards Russians. His opponent used the same expressions, but against Ukrainians and the authorities didn't prosecute him because the police didn't see the crime in him statements.

Thus Russia prosecutes the Crimean pro-Ukrainian activists under the guise of combating the extremism and the incitement to hatred. However, no one investigates real cases of these crimes and those who are guilty often get support from the Russian budget.

We call the profile international organizations, particularly OSCE, to take this problem seriously.

We demand the Russian Federation to stop such activities in Crimea and to take all possible measures to prevent further persecution of journalists and bloggers in Crimea.

People guilty of inciting hatred, calls for discrimination and pressure on freedom of expression in Crimea should be prosecuted and punished proportionately.

The Crimean Human Rights Group