

Working session 13: Rule of law II,**Using the judicial system in Crimea for the prosecution of fundamental Human rights.**

The legislation and the judicial system of the Russian Federation is regularly used to the prosecution of fundamental rights and freedoms in the occupied territory of Ukraine.

From the very first day of the occupation, the judges in Crimea were selected on the principle of loyalty. This led to the fact that the judiciary system in Crimea, applying the original repressive legislative system of the Russian Federation in violation of Article 64 of the Geneva Convention, turned from an organ of justice into a mechanism of punishment.

Crimean human rights group conducted an analysis of judicial decisions that were made in Crimea since the beginning of the occupation. As a result, there were recorded many decisions on the punishment for the manifestation of freedom of peaceful assembly, freedom of speech, freedom of religion. There are several decisions made for the actions committed before the occupation and before Crimea was under Russian jurisdiction. Since these actions did not violate the current legislation of Ukraine in Crimea, such a prosecution violates the principle No punishment without law.

As a result of the analysis of court decisions, there were found 256 judgments on the punishment applied to participants of the peaceful assemblies. The total amount of fines on these orders is more than two million seven hundred thousand rubles. The amount of some fines reached 150,000 rubles. It should be noted that the average pension in Crimea is less than 9,000 rubles, and the salary is less than 20,000 rubles. In addition to the penalties, 14 decisions were passed, according to which participants in peaceful assemblies were sentenced to compulsory public works, from twenty to forty hours. The judges of Crimea also issued orders on administrative arrests, according to which 22 people were arrested for a period from 2 to 15 days. The prosecutions are related to the participants in peaceful assemblies, which are held to manifest their national identity, discontent with the actions of local authorities, or in support of Crimean residents who are deprived of their liberty by the Russian authorities.

It is an outrageous case in relation to the 76-year-old Crimean Tatar Server Karametov, who was sentenced to 10,000 rubles fine for holding a single picket in support of political prisoner Akhtem Chygoz, and to 10 days of arrest for nonobservance of orders of police officers who detained him.

Part of the fines for participation in an unsanctioned rally was applied to participants in religious events. In 2016, a court in Yalta fined the Krishnaite, because he walked along the Yalta embankment shouting "Hari Krishna". The judge regarded this as an unauthorized procession, shouting slogans and appeals. In 2015 in the village of Maryanovka, nine members of the "Evangelical Christians Baptists" organization held an action of Easter greeting of residents. The court fined each of them for amounts of ten to twenty thousand rubles. Also, six fines imposed by the "justice of the peace of Crimea" were recorded for the missionary activities. For example, in June 2017 in Yalta, a member of the Jehovah's Witnesses organization was fined by a justice of the peace for worshiping, reading the Bible, singing songs and praying. In May 2017, the "Justice of the Peace of Bakhchisarai" fined a pastor of the local religious organization "Christian Faith Evangelical Church of Revival" for thirty thousand rubles for the lack of a sign on the premises where sermons are held.

We regularly record cases connected with penalties in the form of administrative arrests and fines for pro-Ukrainian and religious posts on the Internet. In July of this year in Crimea the fact of imprisonment for one year and three months for a post in a social network is recorded for the first time. In Bakhchisarai, a court fined a woman for three hundred thousand rubles for a pro-Ukrainian post. Many posts for which the Crimean people are persecuted were published long before the occupation of Crimea, the prosecution for such posts on the basis of Russian legislation is also a violation of the principle of "No punishment without law".

The analysis of judicial decisions speaks about strengthening of administrative punishments of residents of Crimea for the display of the rights and freedom. If in the first year of the occupation, punishment was usually applied in the form of fines of up to forty thousand rubles or administrative arrests up to 10 days. This year the judges began to pass sentences of one hundred and fifty thousand and three hundred thousand rubles.

In addition to the administrative persecution, 40 people are currently deprived of their liberty and 10 are under criminal investigation for manifesting their political, national or religious position.

The example of such persecution is the case of Akhtem Chiygoz, who was sentenced to eight years in prison a week ago for organizing a peaceful rally on 26 February, 2014, that is, at a time when even the Russian Federation considered Crimea as a part of Ukraine; Or the case of Vladimir Balukh, who was sentenced in August for three years and seven months of imprisonment for not being afraid to post a Ukrainian flag on his house.

The above facts indicate that at the moment the judges in Crimea are just being a «smoke screen» for legitimizing political persecution directed by the authorities of the Russian Federation.

The Crimean Human Rights Group