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I. Introduction

A. Executive summary

1. In late February 2014, armed forces of the Russian Federation supported by proxy paramilitary groups invaded the Crimean Peninsula – sovereign territory of Ukraine – in violation of the prohibition on the use of force enshrined in the Charter of the United Nations. The invading forces quickly established control and authority over the Crimean Peninsula, expelling Ukraine’s civilian and military authorities. On 16 March 2014, the occupying authorities held what is widely considered to have been an illegal and non-binding referendum on the independence of Crimea and Sevastopol from Ukraine. On 18 March 2014, self-proclaimed representatives of Crimea and Sevastopol signed an agreement with the president of the Russian Federation for the integration of the peninsula into the territory of that country. Most of the international community have refused to recognise the legality of the referendum and subsequent annexation. The territory of the Crimean Peninsula remains under Russian occupation.

2. The aim of this report is to present evidence, collected by the International Partnership for Human Rights (IPHR) and other organisations, on international crimes and violations of fundamental human rights, which have taken place on the territory of the Crimean Peninsula since the beginning of the occupation early 2014. This report documents evidence of seven murders, 15 enforced disappearances, 90 cases of illegal detention, 36 cases of torture and/or other forms of inhuman and/or degrading treatment, widespread appropriation of public and private property, and the forcible displacement of up to 60,000 civilians. The primary targets of these human rights violations are Crimean Tatars and Ukrainians identified by the occupying authorities as opponents or critics of the occupation. The cumulative effect of these crimes and other severe deprivations of fundamental rights, may be characterised as persecution perpetrated against Crimean Tatars and Ukrainians on ethnic, political and/or religious grounds.

3. On 8 September 2015, the Foreign Minister of Ukraine submitted a Declaration to the Registrar of the International Criminal Court (ICC), accepting “the jurisdiction of the Court for the purpose of identifying, prosecuting and judging the perpetrators and accomplices of acts committed in the territory of Ukraine since 20 February 2014 (sic).” On the basis of this Declaration, the ICC has jurisdiction to investigate and prosecute crimes set out in its Statute (ICC Statute) that have taken place on the territory of Ukraine, including the Crimean Peninsula, from 20 February 2014. In order to demonstrate that ICC Statute crimes were committed on the territory of occupied Crimea, IPHR has analysed and presented the documented evidence using the framework of the ICC Statute. In our opinion, the conduct set out in this report took place in the context of and was associated with the occupation, and/or took place as part of a widespread and systematic attack on the targeted civilian population. Consequently, we submit that there is a reasonable basis to believe that war crimes and crimes against humanity have been committed on the Crimean Peninsula since the onset of the occupation.

4. According to our analysis, the individuals that bear the greatest responsibility for the conduct presented in this report are the leading figures of the occupying authorities and proxy paramilitary groups. Moreover, we submit that any potential cases emanating from the evidence set forth by IPHR will satisfy the three admissibility criteria inscribed in the ICC Statute – complementarity, gravity and the interests of justice.

5. Pursuant to the common aspirations of peace, security and justice, it is imperative to conduct full and thorough investigations into these events and bring those responsible for committing international crimes to an independent and impartial trial guaranteeing the full respect for fundamental fair trial rights. To this end, IPHR will file an Article 15 Communication, together with all evidence supporting the findings in this report, to the ICC Prosecutor.
B. The authors

6. International Partnership for Human Rights (IPHR) is a non-profit organization with its headquarters in Brussels. It was founded in 2008 with a mandate to empower local civil society groups and assist them in making their concerns heard at the international level. IPHR works together with human rights groups from different countries on project development and implementation, research, documentation and advocacy. Its team members have wide experience in international human rights work and cooperate with human rights groups from across Europe, Central Asia and North America, helping to prepare publications and conduct advocacy activities. Since its establishment, IPHR has carried out a series of activities aimed at assisting and empowering local human rights groups from the Russian Federation, Central Asia and South Caucasus to engage effectively with the international community.

C. Sources of information and methodology of documentation

7. The evidence of violations presented in this report has been empirically documented by IPHR through field missions and interviews, or collected from independent, reliable sources by IPHR monitors.

8. Since March 2014, IPHR has an established presence in Ukraine with the objective of supporting Ukrainian civil society organizations in their work to document human rights violations, fight impunity and advocate for desired change during the times of upheaval. As armed conflict erupted in the south and east of Ukraine, IPHR launched an open call to form a group of local observers to engage in documenting crimes of international character being committed in the context of Crimea annexation. Fifteen observers were selected through this call and received extensive practical training in documenting war crimes and crimes against humanity in September 2014. The group of monitors commenced documentation activities in Crimea in summer 2015.

9. To ensure a consistent methodology of documentation, IPHR developed a tailor made crime documentation manual and a practical toolbox. The manual includes detailed description of elements of crimes (war crimes and crimes against humanity), classification of evidence, instructions on obtaining and safely storing different categories of evidence, guidelines on conducting field interviews and obtaining appropriate statements from victims and witnesses and security aspects of the fieldwork.

10. Thirty-seven victim and witness statements have been recorded since summer 2015. Statements relating to concrete incidents/crimes form the basis of this report. The majority of these were documented in Crimea and only two were collected from witnesses who had been forcibly displaced to the continental part of Ukraine. The victims and witnesses interviewed include Crimean Tatars, activists, human rights defenders and witnesses to crimes committed by agents and proxies of the occupying authorities.

11. Furthermore, this report documents information collected by other independent human rights organisations, most notably the Crimean Contact Group and Crimea-SOS. Documented cases have also been analysed with reference to human rights violations documented by international organisations such as the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Organisation for Cooperation and Security in Europe (OSCE), and journalistic investigations. The authors also drew conclusions on the basis of official documents, laws and statements made by the occupying authorities. Additional information was obtained through desk research, using open-source documents.
II. Factual Background

A. A brief history of the Crimean Peninsula

12. The Crimean Peninsula lies at the intersection of all four points of the Eurasian geopolitical compass. Its position has shaped its complex history and that of the kaleidoscope of ethnicities that have inhabited its territory.\(^1\) A brief historical overview is key to understanding the context of the events and crimes addressed in this report.

13. Evidence of the first settlements on the Crimean Peninsula dates back to the 14\(^{th}\) century BC. The first large settlement, located on the site of modern-day Simferopol, was established by Scythian tribes from the northern Black Sea steppes and Caucuses in c.600 BC. Greek settlers founded the Greek Bosporan Kingdom on the site of modern-day Sevastopol from 300 BC. The peninsula was conquered by the Roman Empire from 100 BC, followed by a succession of invasions by the Goths (250 AD), the Huns (350 AD) and the Bulgars (400 AD). From 500 AD, the peninsula was divided between the Khazar and Byzantine Empires, and a wide range of ethnic groups, including Greeks, Bulgars, Kyrgyz, Slavs and Goths had settled there. Orthodox Christianity became the dominant religion on the peninsula.\(^2\) The Genoese colonised the Crimean coast from 1200.\(^3\)

14. From 1230, most of the Crimean Peninsula (except for the Genoese territories) was absorbed into the Mongol ('Golden') Horde. By 1420, local Mongol clans (or Crimean Tatars) transformed their nomadic traditions and founded an independent Crimean Khanate. Ottoman Turks invaded the peninsula in 1475 and absorbed the Crimean Khanate into the Ottoman Empire.\(^4\) During this time, Crimea became an important slave-trading centre, with over two million Russian and Polish-Lithuanian slaves exported to the Middle East via the peninsula.\(^5\)

15. The first Russian-Turkish war resulted in the independence of the Khanate from Turkey in 1774, followed by the annexation of the peninsula into the Russian Empire in 1783 (Taurida Governate).\(^6\) The second Russo-Turkish war cemented Russian control of the peninsula in 1791.\(^7\) Russian expansionism into the territories of the declining Ottoman Empire resulted in the Crimean War (1853-1856), following which Russia retained


\(^7\) Ясский мирный договор, 09 января 1792, available at: http://xn--d1aml.xn--h1aardg8g.xn--p1ai/18/yasskiy-mirnyy-dogovor/ (last accessed: 11/06/2016).
control over the peninsula, but lost its other Turkish territories.\(^8\)

16. The Russian Revolution of 1917 and the ensuing 1918-1922 Civil War led to the creation of the Crimean Autonomous Soviet Socialist Republic within the Soviet Union in 1922.\(^9\) The peninsula was occupied by Axis powers from September 1941 until May 1944, leading to a significant decline in the Jewish population.\(^10\) In 1945, following the forced deportation of Crimean Tatars and other ethnic minorities (see below), the status of the peninsula was downgraded to a region (or Oblast) within the Russian Soviet Federative Socialist Republic (RSFSR).\(^11\) In 1954, Soviet leader Nikita Khrushchev ordered the incorporation of the Crimean Oblast' into the Ukrainian Soviet Socialist Republic,\(^12\) ostensibly to reinforce Soviet control over Ukraine and reinforce his own position as Soviet leader.\(^13\) The city of Sevastopol has been administratively separate from the rest of Crimea, during and after the Soviet era.\(^14\)

17. One of the most significant events in Crimean history during the Soviet period is known as the Tatar Deporation (Sürgünlik in Crimean Tatar). Amidst accusations that the Tatars collaborated with the Nazis during World War II, the Soviet State Defence Committee, with the direct intervention of Stalin, ordered the deportation of the entire population of Crimean Tatars (some 230,000 people) along with other ethnic minorities (including Greeks, Bulgarians and Armenians) to the barely inhabitable steppes of Central Asia. It is estimated that up to 20 percent of the deportees perished during the deportation. The deportees were ordered to remain in special settlement camps, secured and fenced, with no right to return.\(^15\) Some 50,000 people were transferred to the peninsula from Russia and Ukraine to fill the workforce shortfall.\(^16\)

18. Crimean Tatars were only allowed to return to Crimea from the 1980s and were officially rehabilitated following the disintegration of the Soviet Union.\(^17\) The return caused fear of ethnic unrest on the peninsula,

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17 Декларация Верховного Совета СССР “О признании незаконными и преступными репрессивных актов против
motivating the local authorities to oppose it, which in conjunction with the absence of full reparation and poor economic and social conditions, led to the numerous disputes over the unused land occupied by Tatars upon returning.\textsuperscript{18} Members of the Tatar community allege that their rights have never been fully reinstated, despite the recognition of the deportation as genocide by Ukraine\textsuperscript{19} and ‘unlawful’ by Russia.\textsuperscript{20}

19. Following the disintegration of the Soviet Union in 1991, the Russian Federation officially accepted Ukraine’s sovereignty and territorial integrity in the Belovezhskaya Pushcha accords,\textsuperscript{21} confirmed by the December 1994 Budapest Memorandum.\textsuperscript{22} These agreements amount to the recognition of Crimea as a constituent part of Ukraine.\textsuperscript{23} Nevertheless, throughout the 1990s, various political figures in Russia and Crimea publically called for the annexation of Crimea and/or Sevastopol by Russia.\textsuperscript{24} Several attempts were also made to legislate for Crimean independence from Ukraine.\textsuperscript{25} Furthermore, attempts by Russian lawmakers to annex Sevastopol were condemned by the United Nations Security Council.\textsuperscript{26} On 27 March 1994, Crimea held a ref-

\begin{Verbatim}
erendum in which 78.4 percent of the 1.3 million voters agreed to Crimea’s greater autonomy from Ukraine.27

20. On 31 May 1997, Russia and Ukraine signed a treaty of friendship, cooperation and partnership, reaffirming mutual recognition of sovereignty and territorial integrity (including Ukraine’s sovereignty over Crimea).28 This agreement complemented the Black-Sea Fleet Agreement, which divided the Soviet Black Sea fleet and arranged for a lease of the Russian naval base in Sevastopol.29 Under the lease agreement, Russia maintained a network of over 1,000 naval facilities on the Crimean Peninsula, including a naval base in Sevastopol, two airfields and a training facility in Feodosia.30 The bases could hold up to 25,000 personnel, 22 airplanes, up to 24 artillery complexes, and 132 armored trucks.31

21. The Constitution of the Autonomous Republic of Crimea came into effect on 12 January 1999, confirming the Republic as an inalienable part of Ukraine.32 The Constitution and subsequent ratification of the European Charter on Local Languages took place in the context of a long dispute between Crimea and Kyiv over linguistic rights of Russians and Tatars living on the peninsula.33 A territorial dispute between Russia and Ukraine over the island of Tuzla in 2003 escalated to a build-up of armed forces on the borders, but was resolved amicably.34

22. The above-mentioned complex historical patchwork led to major fluctuations in the ethnic make-up of the Crimean Peninsula through the ages. The table below shows percentile shifts in the populations of different ethnicities from 1897 to 2014.35 In light of the foregoing, any claim to historic predominance of one ethnic group over others in Crimea is at best an oversimplification.

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35 Accurate statistics for earlier periods of history are not available.
Crimean Demographics 1897-2014

B. Euromaidan

23. In 2003, the European Union (EU) launched a new European Neighbourhood Policy to provide a framework for cooperation with non-member neighbouring states that sought greater economic and political ties with the EU. Candidate partners are required to conduct certain economic and political reforms to align with EU policies, demonstrate respect for universal democratic principles and adhere to the rule of law. Qualifying partners would be granted ‘association status’ along with benefits such as lower trade barriers and relaxed visa requirements. The Eastern Partnership program, a subset of the European Neighbourhood Policy, included Moldova, Armenia, Georgia and Ukraine. It coincides with the eastwards expansion of North Atlantic Treaty Organization (NATO), with Poland, Hungary, the Czech Republic, Estonia, Latvia, Lithuania, Bulgaria, Romania, Slovakia and Slovenia joining the organisation between 1999 and 2003. In an apparent geopolitical pivot towards Western Europe in the wake of the 2004 ‘Orange Revolution’, Ukraine began negotiations for

41 In November 2004, alleged election fraud afforded the pro-Russian presidential candidate Viktor Yanukovych the
a free trade and association agreement with the EU in 2008. Concurrently, discussions began over Ukraine's accession to NATO.

24. In 2010 Ukraine's politics took another U-turn when pro-Russian candidate Viktor Yanukovych won the Ukrainian presidency in elections pronounced to be fair and democratic by international observers. In April 2010, Yanukovych and then-Russian president Dmitry Medvedev signed an agreement to renew the Russian lease of the Sevastopol naval base for a further 25 years, in exchange for a gas price drop of 30 percent. In June 2010, the Parliament of Ukrainian, dominated by Yanukovych's 'Party of the Regions', voted to abandon Ukraine's accession plan to NATO. In December 2010, the Constitutional Court overturned the limits on presidential powers, introduced in 2004.

25. On 21 November 2013 President Yanukovych announced his decision not to sign the association agreement with the EU. The announcement spurred a spontaneous protest in the centre of Kyiv. The relatively small demonstration turned into a mass protest after video footage showing the violent break-up of the demonstration by riot police on 30 November was circulated via social media. Up to one million people rallied on Kyiv's Independence Square (Maidan) on 1 December 2013, marking the beginning of the city centre's occupation that would last until the end of February 2014. The protests would later spread to other cities across the nation. The protests, dubbed "Euromaidan", decreed the President's refusal to associate with the majority vote over the pro-Western candidate Viktor Yuschenko running on an anti-corruption platform. Evidence of alleged mass falsifications sparked two weeks of mass protests -- the "Orange Revolution" -- and led to re-runs of the elections in December 2004, which Yuschenko won -- Foreign Affairs, "Ukraine's Orange Revolution", Karatnycky A., 2005, available at: https://www.foreignaffairs.com/articles/russia-fsu/2005-03-01/ukraines-orange-revolution (last accessed: 11/06/2016).


50 The Guardian, “Ukraine police's violent crackdown at pro-EU protest”, 2 December 2013, available at: https://www.youtube.com/watch?v=Cia-g0Ca7WM (last accessed: 12/06/2016).


EU, the prevalence of corruption and police brutality, ultimately demanding the government and president's resignation.33

26. On 17 December 2013, the presidents of Russia and Ukraine agreed for Russia to buy $15bn of Ukrainian debt and a significant reduction in the price of Russian gas supplied to Ukraine.34 This bailout further angered members of the Ukrainian public, who viewed it as Russian economic manipulation over Ukraine's political sovereignty.35 On 16 January 2014, restrictive anti-protest laws were enacted by the Parliament of Ukraine, further infuriating the demonstrators and intensifying the violence of the clashes with riot police.36 At the end of January, Prime Minister Mykola Azarov resigned and Parliament annulled the anti-protest law, further enacting an amnesty law in a bid to appease the masses.37

27. On 18 February 2014, the situation on the streets of Kyiv intensified, leaving 18 protesters dead.38 Two days later, at least 88 people were killed in clashes between protesters, police and Special Forces (Berkut).39 Widely circulated video footage showed uniformed snipers firing at unarmed protesters.40 On 22 February, Yanukovych fled the capital with the help of Russian Special Forces,41 and protesters took control of his...
residence and public administration buildings. Shortly afterwards, Parliament voted to remove Yanukovych from the presidency, and appointed speaker Oleksandr Turchynov as interim president and Arseniy Yatsenyuk as acting prime minister. The new government issued an arrest warrant for Yanukovych and disbanded the Berkut Special Forces unit. On 23 February 2014, the Parliament of Ukraine voted to remove Russian as the official second language of Ukraine. The EU Association Agreement was signed by Ukraine and the EU on 21 March 2014.

C. The invasion of Crimea

28. According to Russian President Vladimir Putin, the operation for ‘returning Crimea to Russia’ was ordered on 23 February 2014 (“Defender of the Fatherland” day in Russia), in the immediate aftermath of the evacuation of Yanukovych. Russian state-media focused on creating a sense of imminent danger with the message of a Western-sponsored fascist coup in Kyiv. On the same day, the so-called Crimean Self-Defence Militia was founded under the command of Pavel Sheremet. Composed of former policemen, former army officers, Afghan war veterans and biker groups, it’s official purpose is to ‘maintain order and combat fascism’ on the peninsula.

29. From 23 February, pro and anti-Euromaidan protesters began to gather in city centres on the Crimean Peninsula. On the same day, the Prime Minister of Crimea, Anatoliy Mohyliov declared that the region would abide...
by the laws of Ukraine.\textsuperscript{72} On 24 February, a pro-Russian rally in Sevastopol appointed Russian citizen Aleksei Chalyi to the previously non-existent position of city mayor.\textsuperscript{73} On 26 February, a confrontation between thousands of pro and anti-Euromaidan protestors in front of the Parliament of Crimea in Simferopol resulted in two deaths.\textsuperscript{74} The majority of pro-Euromaidan protestors in Simferopol were Crimean Tatars.\textsuperscript{75} Crimean Parliament Speaker Volodymyr Konstantinov announced that the peninsula’s secession from Ukraine would not be mooted by the regional assembly.\textsuperscript{76}

30. The first evidence of Russian or pro-Russian military presence on the territory of the peninsula was witnessed on 26 February, in the form of a Russian-flagged checkpoint on the main highway between Sevastopol and Simferopol.\textsuperscript{77} On the same day, President Putin ordered a force of 150,000 troops stationed in Western Russia to be put on alert.\textsuperscript{78} On the morning of 27 February, Crimea was sealed off from the rest of Ukraine by heavily armed members of the dissolved Berkut police force.\textsuperscript{79}

31. On 27 February, Crimea’s Parliament and Council of Ministers were stormed and captured by 60 to 90 unmarked combatants carrying automatic weapons, sniper rifles and rocket-propelled grenades.\textsuperscript{80} The build-
ing was barricaded, all lines of communications were cut and a Russian flag was raised on its flagpole.\textsuperscript{81} Parliamentarians inside the building held an emergency session during which they allegedly voted to dismiss the Crimean Prime Minister and his government, appointed Sergey Aksyonovas the new prime minister, and agreed to hold a referendum on the status of Crimea in May.\textsuperscript{82} According to revelations by former Russian Colonel and pro-Russian rebel leader Igor Girkin (aka Streikov), parliamentarians were forced to vote at gunpoint.\textsuperscript{83} Opposition lawmakers present in the building also confirm that the vote was marked by intimidation and fraud.\textsuperscript{84} The gunmen had confiscated lawmakers’ mobile phones. No independent journalists or observers were allowed inside the building.\textsuperscript{85}

32. From 28 February 2014, professionally equipped and well-organised combatants without insignia (later dubbed ‘little green men’ or ‘polite men’\textsuperscript{86}) began to seize strategic positions on the Crimean Peninsula, starting with Simferopol and Sevastopol airports.\textsuperscript{87} According to weapons and equipment analysis conducted by Suomen Sotilas, these men were most likely troops from the 45th Guards Separate Reconnaissance Regiment of the Russian airborne troops.\textsuperscript{88} An OSCE report confirmed that the equipment seen by its observers was consistent with the presence of Russian armed forces on the peninsula.\textsuperscript{89} On the same day, confirmed by Russian Admiral Igor Kasatonov (former commander of the Black Sea Fleet) – cited in Putin.War: An Independent Expert Report, May 2015, p.14, available at: http://4freerussia.org/putin-war/Putin-War-Eng.pdf (last accessed: 15/08/2016).


84 The Opposition claims that at least 10 MPs who were not present in the building had their votes fraudulently cast for them, and MPs were allegedly threatened with criminal prosecutions – Reuters, “RPT-INSIGHT-How the separatists delivered Crimea to Moscow”, 13 March 2014, available at: http://in.reuters.com/article/ukraine-crisis-russia-aksyonov-idINL6N0M93AH20140313 (last accessed: 31/05/2016).


a Russian warship blocked Balaklava Harbour, effectively cutting off Ukraine’s coast guard. There were also reports of eight Russian Mi-24 assault helicopters landing in Sevastopol and 13 IL-76 Russian Airborne Troop aircraft landing in Hvardiyske airport.

33. On 1 March 2014, the Russian Parliament granted President Putin the right to use military force in Ukraine to protect Russian interests. On the same day, de facto Crimean Prime Minister Aksyonov asked President Putin to provide assistance to ‘ensure peace’ in Crimea. Between 1 and 23 March, ‘little green men’ and the Crimean Self-Defence Militia stormed and seized Ukrainian military and state assets such as military bases, airfields, radar stations, navy vessels, a ferry terminal, television/radio transmission stations and television/radio transmission stations.
Two ships were sunk at the entrance of Donuzlav Bay to prevent Ukrainian navy ships from gaining access to the Black Sea. On 11 March, Crimea’s airspace was closed to all aircraft apart from flights from the Russian Federation. International observers were denied entry or expelled from the territory of the peninsula.

34. On 6 March 2014, in a closed session, the Parliament of Crimea allegedly decided to request to become part of the Russian Federation and moved the date of the status referendum to 16 March 2014. Opposition MPs denounced the decision as illegal for lack of parliamentary quorum. The leader of the Crimean Tatar Mejlis (representative body of Crimean Tatars) urged Tatars not to take part in the referendum, which he dubbed ‘illegitimate’.

35. In the run-up to the referendum, press freedoms were severely limited and international observers were

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forcibly denied entry onto the territory of the peninsula.109 The G7,110 EU111 and the OSCE112 warned that the proposed referendum would be illegal and its results would not be internationally recognised. Leaflets and posters widely distributed throughout the peninsula in the days before the referendum implied that the voters’ choice was between Russia and a Nazi occupation.113 Repression and violence against anti-occupation activists intensified in the run-up to the referendum.114

36. On 16 March 2014, a referendum was held on the status of Crimea. The ballot-paper gave the electorate a choice between joining the Russian Federation or a return to the 1992 Constitution, which gave Crimea the status of an independent entity within Ukraine.115 The referendum was not monitored by independent or internationally recognised observers, and no reliable exit-polls were taken.116 Results released by the organisers of the referendum claim that out of 1,274,096 voters (turnout of 83.1 percent based on voter registration statistics of the Central Election Commission of Ukraine117), 80.42 percent voted in favour of joining the Russian Federation (85.56 percent in Sevastopol) and 2.09 percent voted in favour of independence within Ukraine (3.02 percent in Sevastopol).118

37. According to leadership of the Crimean Tatar Mejlis, Crimean Tatars largely boycotted the referendum,119 as did many of the ethnic Ukrainians who make up a quarter of the total population.120 Consequently, it is alleged that contrary to official statistics, less than 40 percent of Crimean residents participated in the referendum.121

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112 OSCE, “OSCE Chair says Crimean referendum in its current form is illegal and calls for alternative ways to address the Crimean issue”, 11 March 2014, available at: http://www.osce.org/cio/116313 (last accessed: 01/06/2016).
114 See sections V (Murder and Disappearance) and VII (Illegal Detention)
116 The OSCE and UN refused to observe on grounds that the referendum was illegal - OSCE, “OSCE Chair says Crimean referendum in its current form is illegal and calls for alternative ways to address the Crimean issue”, 11 March 2014, available at: http://www.osce.org/cio/116313 (last accessed: 01/06/2016); Only ‘election observers’ present at the referendum were members of European far-right organisations – Foreign Affairs, “Putin's Western Allies: Why Europe's Far Right is on the Kremlin's Side”, 25 March 2014, available at: https://www.foreignaffairs.com/articles/russia-fsu/2014-03-25/putins-western-allies (last accessed: 01/06/2016).
117 Central Election Commission of Ukraine, “Відомості про кількість виборців в межах Автономної Республіки Крим, областей, міст Києва та Севастополя, закордонного виборчого округу”, available at: https://www.drv.gov.ua/portal/!cm_core.crm_index?option=ext_num_voters&pdt=1&pmn_id=127 (last accessed: 01/06/2016).
38. On 17 March 2014, the de facto Parliament of Crimea declared independence from Ukraine, requisitioned Ukrainian state property on the peninsula and submitted its request to accede to the Russian Federation. On 18 March 2014, the ‘Agreement on the accession of the Republic of Crimea to the Russian Federation’ was signed in the Kremlin by Vladimir Putin, Sergei Aksyonov, Vladimir Konstantinov and Alexei Chaly. The agreement was ratified and signed into law on 21 March 2014.


39. The annexation was widely condemned by the international community, notably by the European Union,\textsuperscript{130} the United Nations General Assembly,\textsuperscript{131} 13 members of the United Nations Security Council\textsuperscript{132} and NATO.\textsuperscript{133} In its aftermath, sanctions have been imposed on Russia and individuals who played a key role in the annexation.\textsuperscript{134} On 24 March, the Group of Eight (Go8) voted to suspend Russia’s membership.\textsuperscript{135} To date, the only UN member states to have recognised the validity of the referendum are: Afghanistan, Cuba, Nicaragua, North Korea, Russia, Syria and Venezuela.\textsuperscript{136}

40. At least two members of the Ukrainian armed forces were killed during the take-over of the Crimean Peninsula.\textsuperscript{137} In addition, in the first three months of the occupation, activists, journalist and/or Crimean Tatars were killed or disappeared,\textsuperscript{138} civilians were detained and ill-treated, and scores were subjected to harassment, coercion and other forms of fundamental rights deprivations.\textsuperscript{139}

\begin{footnotesize}
\begin{enumerate}
\item E.g.: Ukrainian journalists Olena Maksymenko and Oles Kromplyas disappeared on the administrative border on 10 March 2014; Body of Reshat Ametov, an ethnic Crimean Tartar, was found on 18 March in the Belogorskiy Region of Crimea with signs of torture; his hands were handcuffed and his head was covered in duct tape.  
\end{enumerate}
\end{footnotesize}
D. Two and a half years of occupation and the war in Donbas

41. As demonstrated in subsequent sections of this report, the two and a half years of Russian occupation of the Crimean Peninsula have been characterised by severe human rights violations, extensive land and asset grabbing, forced displacement, systematic purge of Tatar and Ukrainian culture and identity, persecution of actual and perceived opponents of the occupation and patronage and corruption.

42. Violence and the threat of violence has been a pervasive aspect of life in occupied Crimea. This report documents seven known murders and 15 disappearances, all linked to the occupying authorities or their proxies. Moreover, hundreds have suffered physical and mental injuries as a result of assaults, heavy-handed searches and arrests and violent suppression of peaceful demonstrations. The violence is perpetrated by police and security agents of the occupying forces, as well as legalised paramilitary groups, such as the Crimean Self-Defence Militia.

43. In a throwback to Soviet authoritarianism, the peninsula’s criminal justice and security infrastructures have been subverted by the occupying authorities’ to eliminate opposition, create a climate of fear and legitimise illegal asset grabbing and corrupt practices. IPHR has documented 90 cases of arbitrary arrest and detention, with most victims being actual or perceived opponents of the occupying authorities’ rule. At least 36 detainees report having suffered inhuman treatment, with at least 20 reaching the threshold of torture.

44. Other targeted groups and persons have been subjected to arbitrary searches and other forms of judicial or police harassment. Independent media, associations, representative bodies (most notably the Mejlis of the Crimean Tatars) and non-governmental organisations have been banned, raided and purged from Crimean civil society. State and private enterprises owned by Ukrainian nationals and Tatars have been na-

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140 See Section IV (Contextual Elements) of this Report for analysis on the legal characterisation of the occupation.
141 See section V (Muder and Disappearance)
145 See section VII (Illegal Detention).
146 See section VI (Torture and inhuman treatment).
45. Following the onset of the occupation, Russian law became directly applicable, complemented by special legislative measures designed specifically for the occupied territory. The overnight switch in the laws and regulations applicable created major difficulties for organisations, businesses and individuals. These difficulties have been widely exploited to deny fundamental rights, grab assets and persecute targeted groups.152

46. A poignant example is the automatic citizenship law, which imposed Russian citizenship on all Crimean residents at the time of annexation.153 Those determined to reject Russian citizenship had to surmount bureaucratic obstacles, incompetence, corruption and evidence of deliberate obstruction to ‘opt-out’ of Russian citizenship within a one-month period.154 A further 100,000 people who did not have Crimean ‘registration’ in their Ukrainian passports were not eligible for Russian citizenship.155 Following this, all residents who had not accepted Russian citizenship became ‘foreigners’ and had to secure a residence permit. Those who had officially opted out of Russian citizenship (a reported 3 427 residents156) were theoretically entitled to apply for permanent residence permits.157 Other ‘foreigners’ had to secure a temporary residence permit. In July 2014, the occupying authorities introduced a cap on residence permits for ‘foreigners’ on the peninsula (5 000 for Crimea and 400 for Sevastopol)158 and imposed criminal sanctions for failing to disclose dual citizenship.159

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149 See section IX (Property Crimes).
152 See section X (Persecution).
Those unable to secure a residence permit became subject to deportation within 90 days. The occupying authorities also obliged residents to re-register their property, businesses, civil society and media organisations and religious premises. Residents who have not obtained Russian citizenship and those targeted as ‘undesirables’ have faced harassment, discrimination and bureaucratic obstacles leading to the loss of businesses, property, jobs, social entitlements and the right to association.

47. The violence, fear and deprivation of fundamental human rights have led to the forced displacement of up to 60,000 lawful residents. Some have been forced to leave by court order, or because of direct threats of violence or prosecution. Others have fled due to a well-founded fear of persecution. Although no official figures exist, it is believed that Crimean Tatars make up over half of those displaced. Those who have fled have abandoned their property, businesses and social structures.

48. The marked decline in security, rule of law and respect for fundamental rights has been mirrored by an economic downturn and rampant corruption. Despite promises of economic resurgence and an injection of capital from Moscow, the Crimean economy is facing difficulties. Public sector wages have been cut and pensioners were recently told by the Russian Prime Minister that ‘there is no money’. The head of Russia's Security Council, Nikolai Patrushev, has estimated that over 700 corruption cases have been identified by officials since the annexation, with endemic public and private asset grabbing through patronage networks and organised crime.

August 2014).


49. The invasion and occupation of Crimea is also closely connected with the war in Donetsk and Luhansk Provinces of Ukraine. On 22 March 2014, Crimea’s de facto premier Sergei Aksyonov issued a call to arms to the people of southern and eastern Ukraine in a video released on YouTube. Unrest in Ukraine’s south-east began in April 2014, with the occupation of administrative and security buildings in Donetsk, Luhansk, Sloviansk, Kramatorsk, Horlivka, Mariupol and other towns and cities. Unrest developed into full-scale war and the formation of self-proclaimed breakaway republics – the Donetsk and Luhansk Peoples’ Republics. According to the latest estimates, the conflict has led to 9,371 deaths, with over 21,000 people injured and over 1.3 million internally displaced.

50. In Donetsk, the insurgency was initially led by Igor Girkin/Strelkov, who participated in the occupation of the Parliament building in Simferopol. Evidence of sophisticated military equipment and the presence of well-armed professional combatants, akin to the ‘little green men’ of Crimea, have raised reasonable suspicions about Russia’s direct involvement in the insurgency.

51. A detailed account of violations of international humanitarian and international criminal laws as part of the armed conflict in Donbas was published by IPHR and submitted to the International Criminal Court in November 2015.
III. Jurisdiction of the International Criminal Court

52. On 25 February, the Parliament of Ukraine issued a Declaration recognising the jurisdiction of the ICC for the purposes of identifying, prosecuting and judging the authors and accomplices of acts committed on the territory of Ukraine between 21 November 2013 and 22 February 2014. The Declaration was lodged with the Registrar of the International Criminal Court on 17 April 2014.

53. On 8 September 2015, the Foreign Minister of Ukraine submitted a further Declaration to the ICC Registrar, accepting “the jurisdiction of the Court for the purpose of identifying, prosecuting and judging the perpetrators and accomplices of acts committed in the territory of Ukraine since 20 February 2014 (sic)”.

54. Ukraine has not ratified the ICC Statute and is therefore not a state party. Nevertheless, on the basis of the two Declarations and pursuant to Article 12 paragraph 3 of the ICC Statute, the ICC has jurisdiction over crimes listed in Article 5 of the ICC Statute committed by nationals of any state on the territory of Ukraine from 21 November 2013 onwards.

55. All facts and allegations presented in this report fall within the jurisdictional parameters of the two Declarations. The alleged conduct amounts to crimes against humanity and war crimes – listed in Article 5 and defined in Articles 7 and 8 of the ICC Statute. The conduct took place on the territory of Ukraine, during the period starting from 23 February 2014 onwards. Any facts relating to events that fall outside the temporal and/or territorial parameters are included “in order to clarify the context, establish by inference the elements of criminal conduct occurring subsequently, or to demonstrate a [consistent] pattern of conduct”.

56. For reasons set out in detail in section IV of this report, from the perspective of public international law, the Crimean Peninsula continues to form part of the sovereign territory of Ukraine. Russia’s current control over the territory of Crimea and Sevastopol amounts to unlawful occupation stemming from its 2014 invasion in violation of Article 2(4) of the UN Charter. The legality of the Crimean status referendum and subsequent annexation of the territory by Russia is tainted by the illegal occupation, violations of Ukrainian constitutional law and evidence of duress and electoral fraud. Currently, only six nations, aside from the Russian Federation, recognise the Crimean Peninsula as part of Russia. Consequently, for the purposes of the territorial jurisdiction of the ICC, all conduct alleged to have taken place on the Crimean Peninsula from February 2014 onwards should be regarded as taking place on the territory of Ukraine.

176 These jurisdictional parameters were preliminarily confirmed by the ICC Prosecutor: ICC Prosecutor extends preliminary examination of the situation in Ukraine following second article 12(3) declaration, Press Release, 29 September 2015, available at: https://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/offic%20of%20the%20prosecutor/comm%20and%20ref/pe-ongoing/ukraine/Pages/ukraine.aspx (last accessed: 22/03/2016).
178 See section IV (Contextual Elements).
179 Afghanistan, Cuba, Nicaragua, North Korea, Syria and Venezuela.
IV. Contextual elements of international crimes

57. In order to qualify conduct as an international crime listed in Article 5 of the ICC Statute, certain contextual (also known as chapeau) elements must be established. These contextual elements distinguish international crimes from domestic crimes and serious violations of human rights.

58. This report presents evidence of two types of international crimes perpetrated in the context of the occupation of the Crimean Peninsula by the Russian Federation – war crimes\(^{180}\) and crimes against humanity.\(^{181}\) War crimes require a direct link to an armed conflict or occupation.\(^{182}\) Crimes against humanity may take place in time of war or peace,\(^{183}\) and must be perpetrated in the context of a widespread or systematic attack against a civilian population pursuant to a State or organisational policy to commit such an attack.\(^{184}\) Both crimes may take place in parallel on the territory of the same state.

59. In this section, IPHR demonstrates that contextual elements of both international crimes have been in place from the onset of the occupation.

A. War crimes

60. To be considered a war crime for the purpose of the ICC Statute, conduct must amount to a grave breach of the Geneva Conventions of 12 August 1949 (Geneva Conventions), a serious violation of common Article 3 of the Geneva Conventions, or a serious violation of the laws and customs applicable in international or non-international armed conflicts. The common contextual element of all war crimes is that they must take place in the context of and be associated with an armed conflict.

61. International armed conflict is defined in international law as the “resort to armed force between States”.\(^{185}\) Crucially, the occupation of a territory by a foreign force engages the law applicable to international armed conflicts, whether that occupation meets with resistance or not.\(^{186}\) Thus, qualifying conduct may amount to a war crime throughout the entire span of occupation.

62. Occupation is defined as the placing of territory under the actual authority of a hostile force.\(^{187}\) Whether an

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180 As defined in Article 8 of the ICC Statute
181 As defined in Article 7 of the ICC Statute
182 See ICC Elements of Crimes – each war crime must take place in the context of and be associated with an armed conflict; Article 2 of Geneva Convention IV of 1949: “The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance”.
184 See Article 7(1) of the ICC Statute.
186 Article 2 of Geneva Convention IV of 1949: “The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.”
187 Article 42, Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 29 July 1899 (Hague Regulations); See also: [i]In order to reach a conclusion as to whether a State, the military forces of which are present on the territory of another State as the result of an intervention, is an ‘occupying Power’ in the meaning of the term as understood in the jus in bello, the Court must examine whether there is sufficient evidence to demonstrate that the said authority was in fact established and exercised by the intervening State in the areas in question: Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgement, ICJ Reports 2005, para. 173.
invasion has developed into an occupation is a question of fact, determined by “the ability of a foreign power to exercise authority over an area”. The requirement of actual authority is considered to be synonymous to that of effective control. International jurisprudence has developed the following guidelines for establishing a state of occupation:

- The occupying power must be in a position to substitute its own authority for that of the occupied authorities, which must have been rendered incapable of functioning publicly;
- The enemy's forces have surrendered, been defeated or withdrawn. In this respect, battle areas may not be considered as occupied territory. However, sporadic local resistance, even successful, does not affect the reality of occupation;
- The occupying power has a sufficient force present, or the capacity to send troops within a reasonable time to make the authority of the occupying power felt;
- A temporary administration has been established over the territory;
- The occupying power has issued and enforced directions to the civilian population.

63. Moreover, for the purpose of war crimes perpetrated against civilians as individuals (as opposed to crimes against combatants or civilian property), there is no intermediary period between the invasion and the occupation – a state of occupation exists from the moment civilians fall into the “hands of the occupying power”.

64. The acquisition of foreign territory by use of force qualifies as an act of aggression, and is strictly prohibited by international law. Consequently, any territory acquired and formally annexed through conquest does not belong to the conqueror, and retains the status of occupied territory. Civilians and other protected persons cannot be deprived of their rights and safeguards under international humanitarian law as a result of any legal, governmental or institutional changes introduced by the occupying power. A state of occupation ceases to exist only when “the occupying power no longer exercises an actual authority over the occupied area”.

189 US Tribunal of Nuremberg, Von List case, Law Reports of Trial of War Criminals, Vol. VIII, 1949, p. 59; The exercise of actual authority is considered to be synonymous with the concept of 'effective control' – see ECtHR, Chiragov and others v. Armenia, Judgement (Grand Chamber), 13216/05, 16 June 2015, para. 96. See also ECtHR, Al-Skeini and others v. United Kingdom, judgement (Grand Chamber), 55721/07, 7 July 2011, para. 89; ECtHR, Al-Jedda v. United Kingdom, Judgement (Grand Chamber), 27021/08, 7 July 2011, para. 42.
190 ECtHR, Chiragov and others v. Armenia, judgement (Grand Chamber), 13216/05, 16 June 2015, para. 96. See also ECtHR, Al-Skeini and others v. United Kingdom, judgement (Grand Chamber), 55721/07, 7 July 2011, para. 89; ECtHR, Al-Jedda v. United Kingdom, judgement (Grand Chamber), 27021/08, 7 July 2011, para. 42.
194 Art. 2(4) of the UN Charter; UNGA Res. 2625 (XXV) of 24 October 1970: The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force, and any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter; see also IC, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. U.S.), 1986 I.C.J. 14 (Jun. 27), 126-134.
65. For reasons set out below, IPHR submits that the invasion of Crimea by Russian armed forces and proxies from February 2014 constitutes a violation of Article 2(4) of the UN Charter and an international armed conflict for the purposes of the Geneva Conventions. The invasion has led to the unlawful transfer of the entire Crimean Peninsula under the control and authority of the Russian Federation – meeting the definition of an ‘occupation’ in international law.198 The occupation is ongoing, notwithstanding the 16 March 2014 Crimea status referendum and the subsequent annexation of the peninsula by the Russian Federation. Consequently, conduct amounting to an underlying crime listed in Article 8 of the ICC Statute, which takes place in the context of and is associated with the invasion and occupation, may be investigated and prosecuted as a war crime.

A. AN INVASION IN VIOLATION OF INTERNATIONAL LAW

66. On 23 February 2014, Russian President Vladimir Putin ordered the launch of a military operation aimed at ‘returning Crimea to Russia’.199 Pursuant to this order, Russian armed forces, state security and proxy paramilitary groups invaded the Crimean Peninsula – sovereign territory of Ukraine – taking over Ukrainian military bases, navy vessels, administrative buildings, telecommunications, media and other strategic positions.200 On 27 February, the invading forces occupied the regional parliament, dismissed the lawful executive and installed a new head of state.201 By 11 March 2016, all major military, administrative and civilian objects on the peninsula were under the effective control and authority of the invading forces.202 The speed, efficiency and high-level of organisation demonstrated by these forces indicates that they were following a well-planned course of action on orders of the Russian high command.203

67. The invading forces were met with limited resistance from an unprepared, outnumbered and under-resourced Ukrainian military.204 According to Ukrainian Lieutenant General Voronchenko,205 there were only 2190 active Ukrainian servicemen in Crimea at the time of the invasion, with only 6 working tanks.206 Comparatively, the Russian Federation had up to 25 000 servicemen stationed at its naval bases on the peninsula.207

198 “Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation applies only to the territory where such authority is established, and in a position to assert itself.” Article 42, Hague Regulations.
200 See section II(C) (Factual Background – The Invasion of Crimea).
202 See section II(C) (Factual Background – The Invasion of Crimea).
205 Ukrainian officer who oversaw the withdrawal of Ukrainian troops from Crimea.
Aside from sporadic episodes of opposition, the invading force quickly overwhelmed the Ukrainian armed forces. At least two Ukrainian soldiers were killed during the initial phase of the invasion. The interim government of Ukraine condemned Russia’s invasion of its sovereign territory from the outset.

68. Russia’s ex-post facto claim that its invasion was necessary to defend the peninsula’s Russian-speaking population is not credible. Despite the widely disseminated Russian state propaganda alleging that the government of Ukraine had been taken over by fascists posing a threat to ethnic Russians, there is no sound evidence that the Euromaidan revolution and interim administration posed any threat to Russia or any part of the civilian population of the Crimean Peninsula. Ukraine has taken on an estimated 1.5 million internally displaced persons from eastern Ukraine and Crimea, many of whom self-identify as ethnically Russian or are Russian speaking. The fact that this argument was presented following a year of denials of any involvement by the Russian armed forces further undermines its credibility.

69. Thus, the invasion of the Autonomous Republic of Crimea and the City of Sevastopol – sovereign territory of Ukraine – was a clear and flagrant violation of Ukraine’s territorial integrity, contrary to the prohibition on the use of force under the Article 2(4) of the UN Charter (a peremptory norm of international law). Moreover, the invasion was in violation of the 1994 Budapest Memorandum, the 1997 Treaty on Friendship, Cooperation and Partnership between the Russian Federation and Ukraine, and the 2003 Treaty between the Russian Federation and Ukraine on the Russian-Ukrainian State Border. There is no arguable case that the invasion was conducted in self-defence or the defence of the Russian-speaking population.

B. ILLEGAL REFERENDUM AND UNRECOGNISED ANNEXATION

70. On 16 March 2014, a referendum on the status of Crimea was organised by the occupying authorities. The ballot-paper gave the electorate a choice between joining the Russian Federation or a return to the 1992 Constitution, which gave Crimea the status of an independent entity within Ukraine. According to the re-

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209 See section II(C) (Factual Background – The Invasion of Crimea).
results published by the organisers of the referendum, 80.42 percent of the 83 percent turnout voted in favour of joining the Russian Federation (85.56 percent in Sevastopol) and 2.09 percent voted in favour of independence within Ukraine (3.02 percent in Sevastopol). On 17 March 2014, the de facto Parliament of Crimea declared independence from Ukraine and submitted its request to accede to the Russian Federation. On 18 March 2014, the ‘Agreement on the accession of the Republic of Crimea to the Russian Federation’ was signed in the Kremlin. The agreement was ratified and signed into law on 21 March 2014.

71. In limited circumstances, a genuine exercise of the right to self-determination may justify a region’s secession from its original state. Nevertheless, this requires a “free and genuine expression of the will of the peoples concerned.” To be legitimate, a secession may not derive from the “unlawful use of force or other egregious violations of norms or general international law, in particular those of a peremptory character (jus cogens).” In practice, the only lawful and internationally accepted cases of unilateral secession through self-determination have involved the liberation and attainment of full sovereignty of colonised or otherwise oppressed populations.

72. The law enabling the Crimea status referendum and the referendum itself violated the Constitution of Ukraine, which specifies: “issues of altering the territory of Ukraine are resolved exclusively by an All-Ukrainian referendum.” Duress, climate of fear, boycott by Crimean Tatars and the context of military occupation within which the law on the referendum was enacted and the referendum carried out further undermine claims


224 Western Sahara, Advisory Opinion, ICJ Reports 1975, p. 12, para. 55.


226 E.g.: Algeria (1962); Namibia (1990); Kosovo (1999); Bangladesh (1971).

that it was a free and genuine expression of the will of the people.\textsuperscript{228} Moreover, there are credible allegations of electoral fraud, disputes as to the actual results and an absence of international observers for independent verification.\textsuperscript{229}

73. The referendum and subsequent annexation were widely condemned by the international community, notably by the European Union,\textsuperscript{230} United Nations General Assembly,\textsuperscript{231} 13 members of the United Nations Security Council\textsuperscript{232} and NATO.\textsuperscript{233} In its aftermath, sanctions have been imposed on Russia and individuals who have played a key role in the annexation.\textsuperscript{234} On 24 March, the Group of 8 voted to suspend Russia’s membership.\textsuperscript{235} To date, only UN member states to have recognised the validity of the referendum are: Afghanistan, Cuba, Nicaragua, North Korea, Russia, Syria and Venezuela.\textsuperscript{236}

74. Consequently, the referendum and subsequent annexation of the Crimean Peninsula by the Russian Federation cannot be claimed to have legal force under Ukrainian or international law.

\section*{C. \textbf{AN OCCUPATION AS DEFINED BY THE GENEVA CONVENTIONS}}

75. The control and authority currently exercised over the Crimean Peninsula by the Russian Federation flows from its invasion of the sovereign territory of Ukraine in violation of international law. The 16 March 2014 Crimea status referendum and subsequent annexation further violated Ukrainian and international law, and cannot be claimed to express the free and genuine exercise of the people’s self-determination. The wide condemnation of the annexation by the international community further reinforces its illegality.

76. Thus, notwithstanding the referendum and subsequent annexation, for the purposes of international law, the Crimean Peninsula remains the sovereign territory of Ukraine under belligerent occupation as defined

\begin{itemize}
\item \textsuperscript{228} See section II(C) (Factual Background – The Invasion of Crimea).
\item \textsuperscript{229} See section II(C) (Factual Background – The Invasion of Crimea); See also: the OSCE and UN refused to observe on grounds that the referendum was illegal - OSCE, “OSCE Chair says Crimean referendum in its current form is illegal and calls for alternative ways to address the Crimean issue”, 11 March 2014, available at: \url{http://www.osce.org/cio/116313} (last accessed: 01/06/2016); Only ‘election observers’ present at the referendum were members of European far-right organisations – Foreign Affairs, “Putin’s Western Allies: Why Europe’s Far Right is on the Kremlin’s Side”, 25 March 2014, available at: \url{https://www.foreignaffairs.com/articles/russia-fsu/2014-03-25/putins-western-allies} (last accessed: 01/06/2016).
\item \textsuperscript{231} UNGA, “Resolution adopted by the General Assembly on 27 March 2014: 68/262 – Territorial integrity of Ukraine”, A/RES/68/262, 1 April 2014.
\item \textsuperscript{232} UNSC, “Draft Resolution S/2014/189”, 15 March 2014.
\item \textsuperscript{234} U.S. Department of State, “Ukraine and Russia Sanctions”, available at: \url{http://www.state.gov/e/eb/tfs/spi/ukrainerussia/} (last accessed: 02/06/2016); European Union Newsroom, “EU sanctions against Russia over Ukraine crisis”, available at: \url{https://europa.eu/newsroom/highlights/special-coverage/eu_sanctions_en} (last accessed: 02/06/2016); BBC, “How far do EU-US sanctions on Russia go?”, 15 September 2014, available at: \url{http://www.bbc.co.uk/news/world/europe-28400218} (last accessed: 02/06/2016).
\end{itemize}
by the Geneva Conventions. Consequently, IPHR submits that there is a reasonable basis to believe that the contextual elements of war crimes have existed from 23 February 2014 - the start of the invasion and occupation of the Crimean Peninsula.

**B. Crimes against humanity**

77. Prosecuting crimes against humanity requires proof of a widespread or systematic attack against a civilian population (or identifiable group of civilians) pursuant to a state or organisational policy to commit such an attack.237

**A. ATTACK ON THE CIVILIAN POPULATION**

78. The ICC Elements of Crimes defines the term ‘attack’ as a “sustained campaign or operation carried out against the civilian population.”238 It may constitute a single attack or an accumulation of “episodes reaching varying levels of intensity at different locations and at different times.”239 Consequently, an attack for the purpose of identifying crimes against humanity is the sum of all of its underlying crimes.240

79. The term “civilian population” refers to civilians who are not members of regular armed forces, dissident armed forces or other organised armed groups.241 The civilian population must be the “primary object of the attack in question and cannot merely be an incidental victim.”242 Nevertheless, the attack need not target the entire civilian population,243 as long as its victims constitute an identifiable group rather than randomly selected individuals.244

80. This report presents evidence of seven murders, 15 enforced disappearances, 90 cases of illegal detention, 36 cases of torture and/or other forms of inhuman and/or degrading treatment, widespread appropriation of public and private property, and the forcible displacement of up to 60 000 civilians perpetrated in the context of the invasion and occupation of the Crimean Peninsula by the Russian Federation. In addition, IPHR sets out evidence of other serious deprivations of fundamental rights arising from the annexation, which amount to persecution on ethnic, political and/or religious grounds.245 IPHR submits that all of the documented offences are linked through evidence of an attack on an identifiable target group, common perpetrators246 and shared underlying motivation – the suppression of opposition to the annexation. The cumulative effect of these elements constitutes a single attack by the occupying authorities against a targeted civilian population on the Crimean Peninsula.

237 See Article 7(1) of the ICC Statute.
238 ICC Elements of Crimes, Introduction to Article 7 of the Statute, para. 3.
240 “Commission of the acts referred to in Article 7(1) of the Statute constitute the attack itself and, beside the commission of the acts, no additional requirements for the existence of an attack should be proven,” ICC, Situation in the Central African Republic, Prosecutor v. Bemba, “Decision Pursuant to Article 61(7)(a) and (b) of the ICC Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo,” ICC-01/05-01/08-424, 15 June 2009, para. 75.
243 ICC, Situation in the Central African Republic, Prosecutor v. Bemba, “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo,” ICC-01/05-01/08-424, 15 June 2009, para. 76.
244 ICC, Situation in the Central African Republic, Prosecutor v. Bemba, “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo,” ICC-01/05-01/08-424, 15 June 2009, para. 77.
245 See section X (Persecution).
246 See section XII (Perpetrators).
81. Although not all civilians have been targeted, the primary object of the attack is an identifiable targeted group whose members are actual or perceived critics and/or opponents of the annexation and associated violations.\(^{247}\) This group includes Crimean Tatars, Ukrainians as well as activists, journalists and other members of civil society perceived as a threat to the success of the annexation project.

B. WIDESPREAD OR SYSTEMATIC

82. An attack on the civilian population must be widespread or\(^{248}\) systematic.\(^{249}\) The term ‘widespread’ is a quantitative measure referring to the scale of the attack in terms of its geographic reach, the frequency of underlying crimes, the prevalence of perpetrators and the number of civilians targeted.\(^{250}\) The term ‘systematic’ refers to the organised nature of the underlying crimes and the improbability of their random occurrence.\(^{251}\)

83. Crimes and serious deprivations of fundamental rights documented in this report have taken place across the entire 27 000 km\(^2\) territory of the Crimean Peninsula. In addition, some of the offenses, which originated on the Crimean Peninsula, have taken place in other locations on the territory of the Russian Federation.\(^{252}\) The alleged conduct has taken place throughout the entire period of the occupation. The tables of documented offences presented in subsequent sections demonstrate their frequency and regular occurrence.

84. As demonstrated in section XII, those reasonably believed to be the primary perpetrators of the attack are prominent members of the occupying authorities and proxy militias. The occupying authorities have replaced or subordinated every aspect of governance on the Crimean Peninsula, with the ultimate authority now vested in the government of the Russian Federation. The prevalence of perpetrators on the peninsula, including leaders of the de facto administration, security services, military commanders, members of the prosecution and judiciary, civil servants and peoples’ militias, is beyond dispute.

85. IPHR has documented evidence of at least 148 individual victims of underlying crimes of murder, disappearance, unlawful imprisonment, torture and other inhumane acts. In addition, up to 60 000 people have been forcibly displaced from territory of the peninsula,\(^{253}\) and up to 35 percent of the population may constitute actual or potential targets of persecution on ethnic, political and/or religious grounds.\(^{254}\)

\(^{247}\) See analogous situation in ICC, Situation in the Libyan Arab Jamahiriya, “Decision on the “Prosecutor’s Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL- SENUSSI”, ICC-01/11/12, 27 June 2011, para. 32.

\(^{248}\) “This contextual element applies disjunctively, such that the alleged acts must be either widespread or systematic," ICC, Situation in the Republic of Kenya, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya,” ICC-01/09-19-Corr, 31 March 2010, para. 94.


\(^{250}\) ICC, Situation in the Central African Republic, Prosecutor v. Bemba, “Decision Pursuant to Article 61(7)a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo,” ICC-01/05-01/08-424, 15 June 2009, para. 83.


\(^{252}\) Illegal imprisonment, torture and other inhumane acts have been ordered and/or carried out by authorities in detention facilities in Rostov-on-Don and Moscow.


\(^{254}\) This figure is calculated based on the 2014 census results showing that approximately 35% of the population of the Crimean Peninsula are non-Russians (mainly Tatars and Ukrainians) – see section II(A) (Factual Background – A Brief History of the Crimean Peninsula). Although not all non-Russians are direct victims of alleged crimes, the vast majority are affected by the policies designed to deprive economic, social, cultural and political rights of those people who do not self-identify as Russian (see
86. Further, documented evidence demonstrates a regular pattern of perpetration and reveals a common plan or objective of stifling any opposition to the annexation. Vocal and influential groups and individuals perceived as being opposed to the annexation have been targeted in systematic and coordinated manner. Police, security services and paramilitary groups have colluded to arrest, detain and inflict inhuman and degrading treatment sometimes amounting to torture on actual or perceived dissidents. Some victims have disappeared without trace, whilst others were handed over to biased prosecuting authorities and tried and punished in conditions falling far below international fair trial standards. Harsh custodial sentences to be served thousands of miles away from home and family have been handed down as a deterrent to the opposition. Other individuals have been held, searched, harassed and threatened by authorities in a bid to silence or suppress criticism.

87. These violations of civil and political rights have been backed up by serious violations of fundamental economic, social and cultural rights, calculated to entrench the authority, economic resources and cultural identity of the occupying authorities. Thousands of former residents of the Crimean Peninsula have been displaced by force or the climate of fear created by the authorities.

88. The same pattern of perpetration has been repeated over the entire period of the occupation following the invasion, demonstrating frequency and the improbability of their random occurrence. Accordingly, the crimes that form part of the attack are both widespread and systematic.

C. PURSUANT TO STATE OR ORGANISATIONAL POLICY TO COMMIT SUCH AN ATTACK

89. The attack must display elements of planning and organisation, and cannot be a mere series of spontaneous and isolated acts of violence. A policy to commit the attack may be inferred from evidence of repeated perpetration of the same acts, the mobilisation of security forces, and the methods employed to implement the attack. It may also be inferred from evidence of deliberate failure by those in effective control to take action to prevent the underlying crimes. When non-state groups commit the attack, what matters is not the formal nature of a group and the level of its organisation but its capability to perform acts which infringe on basic human values.
90. The existence of a state policy to attack civilians perceived to be critics and opponents of the occupation may be inferred from a consistent pattern of perpetration, involving the executive, security, judicial and legislative branches of the occupying authorities. The targeted groups and individuals are subjected to a similar routine of harassment, intimidation and a progressive restriction of basic civil liberties and socio-economic rights. The Federal Security Services (Federalnaya Sluzhba Bezopasnosti, further FSB), local police and proxy militias are primary enforcers of the policy, with the prosecution services and courts rubber-stamping or perpetuating the violations. The existence of state policy is further evidenced by the publicised rhetoric of prominent members of the occupying authorities.265

91. The methods employed by the occupying authorities are the same crude intimidation and gaging tactics employed against critics and dissidents by authoritarian regimes across the globe. State actors and proxies are used to inflict violence on representative figures in the opposition, liberties are restricted, propaganda is used to instil fear and the machinery of state is turned on anyone perceived as a genuine threat to the system. In parallel, laws and administrative practices are used to restrict the socio-economic rights of the targeted group, who are forced to flee or align with the occupying authorities. The most poignant example of this is the imposition of Russian citizenship on all residents, with discrimination, harassment, criminal sanctions, restriction of social entitlement, loss of business and property and even deportation reserved for those who avail of their lawful right to remain Ukrainian.266

92. The occupying authorities have taken no genuine steps to prevent or punish crimes perpetrated by public servants or paramilitary groups.267 Rather than demobilising the so-called self-defence groups, the authorities have legalised their presence and conduct on the peninsula.268 There is furthermore evidence that actions by proxy militias have been incited, encouraged and even ordered by the occupying authorities.269 There is no evidence that authorities have made any genuine efforts to investigate or prosecute serious crimes committed as part of the attack.

93. In light of the foregoing, IPHR submits that there is a reasonable basis to believe that a widespread and systematic attack has been taking place on the territory of the Crimean Peninsula since February 2014 pursuant to a state policy to commit such an attack, and that the offences set out in this report form part of this attack. Consequently, the contextual elements for crimes against humanity have existed throughout the period of occupation from February 2014.

V. Willful killing, murder and enforced disappearances

A. Overview

94. In this section IPHR presents seven cases of wilful killing or murder,\textsuperscript{270} and 15 cases of enforced disappearances. All killings and disappearances were perpetrated against civilians and one member of Ukrainian armed forces no longer taking part in active hostilities. Despite evidence linking the occupying authorities to the documented disappearances, the authorities have refused to provide any information on the fate of the victims. The lack of genuine investigations and improbable official explanations by authorities raise further suspicion of their complicity. All documented killings and disappearances were perpetrated in the context of the occupation, and as part of the occupying authorities’ widespread and systematic attack on groups and members of the civilian population in actual or perceived opposition to the occupation. Consequently, IPHR submits that the cases presented in this section may qualify as war crimes and/or crimes against humanity.

B. The law

95. Notwithstanding the fact that the act of killing is an inescapable part of conflict, the only circumstances in which killing is lawful under international law is the killing of combatants in the course of active hostilities.\textsuperscript{271}

96. Consequently, to kill any persons not taking an active part in hostilities, namely civilians, other protected persons, and combatants who have laid down their arms or have become hors de combat,\textsuperscript{272} may qualify as a war crime of willful killing, when committed in the context of an armed conflict or occupation.\textsuperscript{273} This is particularly pertinent to situations of occupation, where the overall attack has ended, achieving defeat or full control of the targeted area.\textsuperscript{274}

97. Where the killing takes place as part of a widespread or systematic attack on the civilian population, it may also be qualified as a crime against humanity of murder.\textsuperscript{275} To this end, “killing” is interchangeable with the term “caused death,”\textsuperscript{276} which can be committed by either an act or a fault of omission.\textsuperscript{277} In such cases, the prosecution must establish that “the conduct of the accused must be a substantial cause of the death of the victim.”\textsuperscript{278}

\textsuperscript{270} “[T]here can be no line drawn between “willful killing” and “murder” which affects their content.” ICTY, Prosecutor v. Delalic et al., Judgment, IT-96-21-T, 16 November 1998, paras. 422-423.


\textsuperscript{272} “[…] A person hors de combat is: (a) anyone who is in the power of an adverse party; (b) anyone who is defenceless because of unconsciousness, shipwreck, wounds or sickness; or (c) anyone who clearly expresses an intention to surrender; provided he or she abstains from any hostile act and does not attempt to escape.” ICRC, “Rule 47: Attacks against persons hors de combat,” Customary IHL, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule47 (last accessed: 16.05.2015).

\textsuperscript{273} ICC Statute, Article 8(2)(a)(i).


\textsuperscript{275} ICC Statute, Article 7(1)(a).

\textsuperscript{276} See footnotes 2 and 7 of the ICC Elements of Crimes.


\textsuperscript{278} ICC, Situation of the Democratic Republic of Congo, Prosecution v. Germain Katanga, Judgment, ICC-01/04-01/07, 7
98. Cases where the victim has disappeared and his or her body has not be found or identified may still be prosecuted as willful killing or murder, as long as the killing can be proved by circumstantial evidence if it is the only reasonable conclusion that can be made under the circumstances. Moreover, according to the International Committee of the Red Cross (ICRC), enforced disappearance “violates, or threatens to violate, a range of customary rules of international humanitarian law, most notably the prohibition of arbitrary deprivation of liberty (see Rule 99), the prohibition of torture and other cruel or inhuman treatment (see Rule 90) and the prohibition of murder (see Rule 89).”

99. Alternatively, disappearances taking place as part of a widespread or systematic attack on the civilian population may also be prosecuted as a crime against humanity of enforced disappearance of persons. This crime is defined as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a state or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.” Whether the initial arrest and/or detention were lawful does not affect the criminality of the disappearance, provided the other elements are made out.

C. Summary of the evidence

100. IPHR has documented seven killings where the victim’s corpse has been identified. In the majority of documented cases, the victims had disappeared for several days or weeks prior to their corpses being discovered. Some of the corpses displayed signs of violence and torture.

101. In at least one case, an unarmed Ukrainian serviceman no longer taking part in active hostilities was killed by members of the Russian armed forces. In another case, there is evidence that a victim was beaten to death by law enforcement agents of the occupying authorities for speaking Ukrainian. All but one of the victims were civilians and either actual or perceived opponents of the occupation or persons of Tatar ethnic-
Despite all of their deaths being confirmed, none have been fully and genuinely investigated, and the perpetrators have not been brought to justice.

102. In addition, IPHR has documented 15 cases of disappearances. In all documented cases, victims have disappeared without trace, in conjunction with the occupying authorities’ refusal to provide any information that may be in their possession on the fate of the victims.

103. For all documented disappearances, there is evidence supporting the allegation that the initial abductions took place by or on behalf of the occupying authorities. In at least seven cases, there is direct or circumstantial evidence that the victims were abducted by members of paramilitary groups, possibly the Crimean Self-Defence Militia. Moreover, six of the victims were known pro-Ukrainian activists or opponents of occupation and seven of the victims were of Tatar ethnicity, including two family members of local Mejlis leaders. Further investigation is required to determine the fate and whereabouts of these individuals, as well as the authorities’ role in their disappearance.
## D. Documented cases

### A. DOCUMENTED MURDERS

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
<th>Suspect(s)</th>
<th>Facts</th>
<th>Context and links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stanislav Karachevskyi</td>
<td>Major in the Ukrainian Armed Forces (UAF)</td>
<td>06-Apr-14</td>
<td>Novofedorivka (Saky district) - Dormitory 3</td>
<td>Sergei Zaitsev - lance sergeant in RF Armed Forces</td>
<td>Killed by Russian servicemen while packing in the dormitory preparing to move to another region of Ukraine. Karachevskyi was with his friend and unarmed when armed Russian servicemen followed them into the dormitory, wounded Karachevskyi and left him to die.</td>
<td>Military base had been taken over by occupying Russian armed forces. Zaitsev was found guilty of homicide committed in excess of measures necessary to apprehend a perpetrator (s.105(1) Crim. Code) Sentenced to 2 years.</td>
</tr>
<tr>
<td>Mark Ivanyuk</td>
<td>Ukrainian activist</td>
<td>20-Apr-14</td>
<td>Chornomorsk district</td>
<td>Police</td>
<td>Beaten to death by police.</td>
<td>Relatives and a witness state that Ivanyuk was beaten because he spoke Ukrainian. Official investigation was dropped in August 2014.</td>
</tr>
<tr>
<td>Reshat Ametov</td>
<td>Crimean Tatar activist</td>
<td>3-Mar-14</td>
<td>Zemlyanychne (Belogorsk district)</td>
<td>Unknown</td>
<td>Ametov disappeared on 3 March and his body was found on 15 March with signs of torture and handcuffs on his legs.</td>
<td>Ametov participated in a solo silent protest next to the building of Crimean Parliament on 2 March 2014. Official investigation dropped in November 2015 concluding that he died as a result of a car accident.</td>
</tr>
<tr>
<td>Edem Asanov</td>
<td>Crimean Tatar</td>
<td>29-Sep-14</td>
<td>On the way from Saky to Evpatoria</td>
<td>Unknown</td>
<td>Asanov disappeared on 29 September and was found hanged 6 October. He did not come back home and in a week his body was found in morgue. A bruise was found on his forehead. A suicide note was found on his personal allegedly written by him.</td>
<td>Asanov was calm and non-confrontational person, not an activist. He did not smoke or drink, worked at a sanatorium, the family was not persecuted. However, a person with the same name and last name appeared on the list of persons who joined the alleged group of Oleh Sentsov.</td>
</tr>
<tr>
<td>Kachok Muhiddin</td>
<td>Crimean Tatar</td>
<td>26-Jul-15</td>
<td>Chaikino village of Dzhankoi district</td>
<td>3 unknown males</td>
<td>Muhiddin's body was discovered by his wife who saw he had sustained fatal head injuries. Witnesses state that they saw three men who approached the victim &quot;to talk&quot;.</td>
<td>Witnesses allege the murder was committed because of Muhiddin's ethnicity and an investigation would be ineffective. One suspect was arrested but was released a few days after being arrested.</td>
</tr>
</tbody>
</table>
### B. DOCUMENTED DISAPPEARANCES

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
<th>Suspect(s)</th>
<th>Facts</th>
<th>Context and links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fedir Kostenko</td>
<td>Father of Oleksandr Kostenko (pro-Ukrainian activist detained in Crimea in Euromaidan case)</td>
<td>03-Mar-15</td>
<td>Between Crimean border and Simferopol</td>
<td>Unknown</td>
<td>Kostenko went to Kyiv to give an interview concerning his son's case. However, on his way back to Simferopol he informed his family that he entered Crimea, then after two days victim did not reply for the calls, after what his phone was turned off.</td>
<td>Kostenko's son is a pro-Ukrainian activist in Crimea who was the first to be charged with Euromaidan 'crimes' – the acts which were allegedly committed in Kyiv before the Crimea annexation. This is highly politicized. The Russian Migration Service claims that Kostenko did not enter Crimea.</td>
</tr>
<tr>
<td>Vasyl Chernysh</td>
<td>Maidan activist, former employee of the Security Service of Ukraine</td>
<td>15-Mar-14</td>
<td>Sevastopol</td>
<td>Crimean “Self-defence” Militia</td>
<td>Chernysh was last contacted on 15 March 2014 when his family went to Ternopil (west Ukraine) police to announce him missing</td>
<td>Chernysh was active supporter of Maidan and only spoke Ukrainian in Sevastopol. Few days before he disappeared he helped to free Automaidan activists Oleksandra Ryazantseva and Kateryna Butko from Crimean “Self-Defence” Militia.</td>
</tr>
<tr>
<td>Ivan Bondarets</td>
<td>Ukrainian activist</td>
<td>07-Mar-14</td>
<td>Simferopol</td>
<td>Unknown</td>
<td>Vashchuk (mentioned below) called Bondarets's sister to say that he and Bondarets were going to Simferopol and their documents were checked at the train station. They have been missing since that call.</td>
<td>Bondarets was a participant of pro-Ukrainian movement. There is no official investigation into his disappearance.</td>
</tr>
</tbody>
</table>

**Fedir Kostenko**
- Father of Oleksandr Kostenko (pro-Ukrainian activist detained in Crimea in Euromaidan case)
- Went to Kyiv to give an interview concerning his son's case. However, on his way back to Simferopol he informed his family that he entered Crimea, then after two days victim did not reply for the calls, after what his phone was turned off.

**Vasyl Chernysh**
- Maidan activist, former employee of the Security Service of Ukraine
- Last contacted on 15 March 2014 when his family went to Ternopil (west Ukraine) police to announce him missing.

**Ivan Bondarets**
- Ukrainian activist
- Called Bondarets's sister to say that he and Bondarets were going to Simferopol and their documents were checked at the train station. They have been missing since that call.
<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
<th>Date</th>
<th>Place</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vladyslav Vashchuk</td>
<td>Ukrainian activist</td>
<td>07-Mar-14</td>
<td>Simferopol</td>
<td>The last time Vashchuk was heard by telephone call to Bondarets’s sister telling her that he and Bondarets were going to Simferopol and their documents were checked at the train station. No contact since then. Vashchuk was a participant of pro-Ukrainian movement. There is no official investigation into his disappearance.</td>
</tr>
<tr>
<td>Leonid Korzh</td>
<td>Activist of “Ukrainian initiative house”</td>
<td>22-May-14</td>
<td>Unknown</td>
<td>Korzh did not come home or contact anybody since 22 May. Later on he was found and, according to Larysa Shaimardanova had not been abducted. Korzh supported territorial integrity of Ukraine and aided Ukrainian armed forces. There is no official investigation into his disappearance.</td>
</tr>
<tr>
<td>Timur Shaimardanov</td>
<td>Activist of “Ukrainian initiative house”</td>
<td>26-May-14</td>
<td>Unknown</td>
<td>Shaimardanov did not come home and has not contacted anybody since 26 May 2014. Shaimardanov went missing after he announced that Korzh disappeared. He also supported territorial integrity of Ukraine and aided Ukrainian armed forces.</td>
</tr>
<tr>
<td>Seiran Zinedinov</td>
<td>Coordinator of search of Korzh and Shaimardanov</td>
<td>30-May-14</td>
<td>Unknown</td>
<td>Zinedinov was seen being forcibly put in car. He has not been seen since. Zinedinov met Shaimardanov’s wife and stated that he alleged Crimea “Self-Defence” was involved in disappearances of Shaimardanov and Korzh. He also supported the territorial integrity of Ukraine and aided its armed forces.</td>
</tr>
<tr>
<td>Islyam Djepparov</td>
<td>Crimean Tatar, son of former Belogorsk Mejlis head</td>
<td>27-Sep-14</td>
<td>Sara-Su village near Belogorsk</td>
<td>Witnesses saw unknown people search Djepparov, and push him into a blue Volkswagen Transporter minibus with tinted windows (registration number 755, region 82) which then drove off in the direction of Feodosia. Abudershyt Djepparov (the father of Islyam) was the head of local Mejlis and Deputy of 2nd and 3rd Kurtulai.</td>
</tr>
<tr>
<td>Djevdet Islyamov</td>
<td>Crimean Tatar, nephew of former Belogorsk Mejlis head</td>
<td>27-Sep-14</td>
<td>Sara-Su village near Belogorsk</td>
<td>Witnesses saw unknown people search Islyamov, and push him into a blue Volkswagen Transporter minibus with tinted windows (registration number 755, region 82). The van then went in the direction of Feodosia. The uncle of Djevdet Islyamov was head of local Mejlis and deputy of 2nd and 3rd Kurtulai as well.</td>
</tr>
<tr>
<td>Name</td>
<td>Nationality</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>------------------------</td>
</tr>
<tr>
<td>Eskender Apselyamov</td>
<td>Crimean Tatar; Ukrainian football fan (ultras)</td>
<td>Simferopol</td>
<td>Unknown</td>
<td>03-Oct-14</td>
</tr>
<tr>
<td>Usein Seitnabiev</td>
<td>Crimean Tatar</td>
<td>Feodosia</td>
<td>Unknown</td>
<td>21-Oct-14</td>
</tr>
<tr>
<td>Marcel Alyautdinov</td>
<td>Crimean Tatar</td>
<td>Simferopol</td>
<td>Unknown</td>
<td>11-Feb-16</td>
</tr>
<tr>
<td>Eldar Selyamiev</td>
<td>Crimean Tatar</td>
<td>Viktorivka village of Bakhchysarai district</td>
<td>&quot;People in masks&quot;</td>
<td>12-Feb-2016</td>
</tr>
<tr>
<td>Erwin Ibragimov</td>
<td>Crimean Tatar activist, member of the executive committee of the Crimean Tatar World Congress</td>
<td>Bachchysarai</td>
<td>Police</td>
<td>24-May-2016</td>
</tr>
<tr>
<td>Arsen Aliev</td>
<td>Crimean Tatar; Businessman</td>
<td>Saki</td>
<td>People in uniform</td>
<td>11-Mar-2016</td>
</tr>
</tbody>
</table>
E. Analysis

104. IPHR submits that evidence set out in this report provides a reasonable basis to believe that the documented killings and disappearances may be qualified as either war crimes and/or crimes against humanity.

105. All documented cases took place in the context of and were associated with Russia’s occupation of the Crimean Peninsula. In some cases evidence links the victims’ deaths or disappearances directly to the occupying authorities or paramilitary groups acting on behalf of or with the acquiescence of the occupying authorities.\(^{296}\) In other cases when such a link cannot be established directly, a reasonable suspicion of the authorities’ complicity is raised by the circumstances of the victims’ death or disappearance,\(^{297}\) and/or the victims’ activism or Tatar ethnicity.\(^{298}\)

106. Further supporting evidence of the authorities’ knowledge or complicity is their unwillingness or inability to conduct genuine investigations into documented cases, whilst the results of any official inquiries are often inconsistent with existing evidence.\(^{299}\)

107. All killings and disappearances were perpetrated against civilians and one Ukrainian serviceman no longer taking part in active hostilities. Our analysis of the link between this conduct and the occupation leads us to conclude that the documented killings and disappearances were part of the widespread and systematic attack on targeted civilians on the Crimean Peninsula.

F. Conclusion

108. For the reasons set out above, IPHR submits that there is a reasonable basis to believe that the following ICC Statute crimes have taken place in relation to killings set forth in this section:

- War crime of wilful killing (Article 8(2)(a)(i));
- Crime against humanity of murder (Article 7(1)(a));

109. In addition, IPHR submits that there is a reasonable basis to believe that the following ICC Statute crimes have taken place in relation to the disappearances documented in this section:

- Crime against humanity of enforced disappearance of persons (Article 7(1)(i));
- War crime of wilful killing (Article 8(2)(a)(i));
- War crime of torture or inhuman treatment (Article 8(2)(a)(ii)).

\(^{296}\) E.g.: Karachevskyi, Ivanyuk, Selyamiev, Zinedinov, Djepparov, Islyamov.

\(^{297}\) E.g.: Ametov disappeared and was later found dead with signs of having been hand-cuffed and tortured after he participated in a personal silent protest next to the building of Crimean Parliament on 2 March 2014; Kostenko disappeared after travelling to Kyiv to give an interview about his son’s highly politicised case; Chernysh – a few days before he disappeared he aided to free Automaidan activists Oleksandra Ryazantseva and Kateryna Butko from the Crimean Self-Defence Militia.

\(^{298}\) E.g: Korzh, Shaimardanov, Apselyamov, Seitnabiev, Seitnabiev.

\(^{299}\) E.g.: Ametov – official cause of death found to be a car accident despite corpse being found with signs of torture and hand-cuffing; Bilyalov – official cause of death was poisoning with smoking mixture despite his body being found with signs of torture; Karachevskyi – only suspect is found guilty of homicide committed in excess of measures necessary to apprehend the perpetrator despite evidence of murder.
VI. Torture and other forms of inhuman treatment

A. Overview

110. In this section IPHR presents 20 cases of torture and a further 16 cases of conduct amounting to inhuman treatment or other inhumane acts. It is submitted that all conduct set forth in this section violates the principle of humanity and caused serious mental or physical suffering or injury. The precise legal qualification of the conduct varies on a case-by-case basis, depending on the severity and duration of the acts and ensuing injuries. All documented cases were perpetrated in the context of the occupation, and/or as part of the occupying authorities’ widespread and systematic attack on targeted civilians on the Crimean Peninsula, and therefore qualify as as war crimes and/or crimes against humanity.

B. The law

111. The ‘principle of humanity’ prohibits the infliction of any forms of inhuman treatment on civilians and other protected persons in the context of an armed conflict or occupation. Any treatment which is inconsistent with this prohibition, and which causes serious mental or physical suffering or injury, or constitutes a serious attack on human dignity, may amount to the war crimes of torture or other forms of inhuman treatment. Where such conduct is perpetrated as part of a widespread or systematic attack on the civilian population, it may amount to the crimes against humanity of torture or other inhumane acts. The form, severity and duration of the conduct, and the intensity and duration of the resultant physical or mental suffering, serve as a basis for assessing whether conduct reaches the requisite gravity for one of these ICC Statute crimes.

112. The most severe forms of inhuman treatment may amount to the war crime and/or crime against humanity of torture. As a war crime, an act of torture must inflict severe physical or mental pain or suffering upon one or more persons for such purposes as obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind. Contrary to its definition under the Convention Against Torture, under the ICC Statute the crime of torture does not require the

300 “To prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.” Jean Pictet, “Red Cross Principles,” 1 January 1979, available at: https://www.icrc.org/eng/resources/documents/misc/fundamental-principles-commentary-010179.htm#a2 (last accessed: 26.04.2015).
301 Common Article 3 of the Geneva Conventions; Additional Protocol I, Article 75(1); Additional Protocol II, Article 4(1); See also ICRC, Rule 87. Humane Treatment, Customary IHL, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule87 (last accessed: 14.04.2016).
303 ICC Statute, Article 7(1)(f).
304 ICC Statute, Article 7(1)(k).
306 ICC Statute, Article 8(2)(a)(ii) and Article 7(1)(f).
307 ICC Elements of Crimes, Article 8(2)(a)(ii); This list of purposes is meant to be representative and non-exhaustive: ICTY, The Prosecutor v. Delalic et al., Judgment, IT-96-21-T, 16 November 1998, para. 470. Furthermore, the qualifying purpose need not be the only or main purpose for the torture. ICTY, The Prosecutor v. Delalic et al., Judgment, IT-96-21-T, 16 November 1998, para. 470.
308 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 194, Article 1.
involvement of a public official. Conversely, there is no requirement to prove a specific purpose for torture as a crime against humanity, although it must be established that the victim was in the custody or control of the perpetrator, and that the pain and suffering was not inherent in or incidental to, lawful sanctions. The threshold of severity of pain and suffering required for the crime of torture is a matter for judicial discretion. Some examples of acts that have been found to constitute torture include, but are not limited to, interrogations under threat to life, rape and sexual assault, beating, electric shocks, mock executions, and psychological abuse.

113. Conduct that reaches the requisite threshold for the war crime of torture but fails to meet its purpose requirement may be prosecuted as the war crime of ‘wilfully causing great suffering or serious injury to body and health’. The infliction of severe physical or mental pain or suffering which does not reach the pain and suffering threshold of the crime of torture, may nevertheless amount to the war crime of inhuman treatment. The war crime of ‘committing outrages upon personal dignity, in particular humiliating and degrading treatment’ is a form of inhuman treatment where the resultant harm relates to an individual’s human dignity. In the context of a widespread or systematic attack against the civilian population, the infliction of great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act may amount to the crime against humanity of ‘other inhumane acts’.

Examples of inhuman treatment include severe beatings and threats of physical violence, inadequate conditions of detention, denial of appropriate medical care, and holding detainees in conditions of enforced disappearance. Arbitrary deprivation of liberty, discussed in detail in section VII of this report may also be regarded as a form of inhuman treatment.

C. Summary of the Evidence

1. TORTURE

114. IPHR has documented at least 20 cases of inhuman treatment that reached the threshold of torture, perpetrated in the context of the occupation or as part of a widespread or systematic attack on the targeted populations. These cases include severe beatings and threats of physical violence, inadequate conditions of detention, denial of appropriate medical care, and holding detainees in conditions of enforced disappearance. Arbitrary deprivation of liberty, discussed in detail in section VII of this report may also be regarded as a form of inhuman treatment.

310 ICT Elements of Crimes, Article 7(1)(f).
312 ICTR, The Prosecutor v Akayesu, Judgement, ICTR-96-4-T, 2 September 1998, para 682 and 597, respectively.
315 ICC Statute, Article 8(2)(a)(iii); ICTY, The Prosecutor v. Delalic et al., Judgment, IT-96-21-T, 16 November 1998, para. 509:
This crime includes moral as well as physical harm.
316 ICC Statute, Article 8(2)(a)(ii).
317 ICC Statute, Article 8(2)(b)(ix).
319 ICC Statute, Article 7(1)(k).
321 ECtHR, Gäfgen v Germany, Judgment, 22978/05, 1 June 2010.
322 ECtHR, Kalashnikov v Russia, Judgment, 47095/99, 15 July 2002.
323 ECtHR, Mouisel v France, Judgment, 67263/01, 21 May 2003; ECtHR, Gorodnichev v Russia, Judgment, 32275/03, 31 November 2007.
civilian population of the Crimean Peninsula.

115. Documented forms of torture include the use of electricity, firearm wounds, mutilation, severe beatings and strangulation. In all documented cases, the acts of torture were perpetrated by or on behalf of the occupying authorities – namely by officials of the FSB, police and paramilitary organisations such as the Crimean Self-Defence Militia. In at least two cases, members of the Russian armed forces are implicated in acts of torture.

116. Evidence reveals two main purposes behind the documented acts of torture. In the first group of cases, victims were subjected to acts of torture pending their trial, as part of the occupying authorities’ efforts to extract confessions or obtain evidence to support the prosecution of targeted opponents of the occupation. The second group of cases involved torture as a form of extra-judicial punishment, deterrence or investigative technique, and did not generally result in prosecution or trial.

II. OTHER FORMS OF INHUMAN TREATMENT

117. In addition to cases of torture, IPHR has documented at least 16 cases of other forms of inhuman treatment, perpetrated in the context of the occupation or as part of a widespread or systematic attack on the targeted civilian population on the Crimean Peninsula.

118. Documented forms of inhuman treatment include beatings, deprivation of basic amenities in custody, deprivation of medical treatment for injuries, threats of death, rape and physical mutilation, and holding victims in conditions of enforced disappearance. In all documented cases, inhuman treatment was perpetrated by or on behalf of the occupying authorities – namely by FSB officials and paramilitary groups such as the Crimean Self-Defence Militia. In addition, the arbitrary detentions and enforced disappearances documented elsewhere in this report may also amount to inhuman treatment.

325 E.g.: Shchekun, Krosh, Afanasev
326 E.g.: Shchekun, Vdovchenko, Schevchenko.
327 E.g.: Shchekun, Kostenko
328 E.g.: Vyhovskyi, Shchekun, Vagner, Gruzynov, Seitishlyamov, Ametov, Vdovchenko, Sentsov, Afanasev, Chirnii, Kostenko.
329 E.g.: Vagner, Mokrushyn, Seitishlyamov, Minadinov, Sentsov, Afanasev.
330 E.g.: Sentsov, Afanasev, Chirnii, Kostenko, Krosh, Seitishlyamov, Minadinov, Kolomiets, Vdovchenko.
331 E.g.: Selentsov, Krosh, Ilchenko.
332 E.g.: Vyhovskyi, Shchekun, Kovalskyi, Schevchenko, Gruzynov, Mokrushyn, Haiduk.
333 E.g.: Vagner.
334 E.g.: Vagner, Sentsov, Afanasev, Chirnii, Vyhovskyi, Kostenko, Kolomiets, Ilchenko.
335 E.g.: Shchekun, Kovalskyi, Schevchenko, Haiduk, Vagner, Gruzynov, Selentsov, Mokrushyn, Kosh, Seitishlyamov, Minadinov, Kostenko, Vdovchenko.
336 E.g.: Chirnii, Vyhovskyi, Ryazantseva, Butko, Balashov, Egiz, Mokrushyn, Ostashchenko, Kuzmin, Baluh, Kuku, Siruk, Bekirov, Aliyev, Vdovchenko, Ilchenko.
337 E.g.: Shchekun – tied to a chair and denied right to use the bathroom; Baluh, Kuku.
338 E.g.: Kostenko, Baluh.
339 E.g.: Ryazantseva, Butko, Yurchenko, Minadinov.
340 E.g.: Butko.
341 E.g.: Ryazantseva, Butko, Kornienko, Pashaev, Kyzgyn, Kostenko.
342 E.g.: Vyhovskyi, Pashaev, Kyzgyn, Seitishlyamov.
343 E.g.: Baluh, Kuku, Siruk, Bekirov, Aliyev.
344 E.g.: Vyhovskyi, Ryazantseva, Butko, Balashov, Yurchenko, Egiz, Sanzharevskiy, Pashaev, Kyzgyn.
345 Section VII (Illegal Detention).
346 Section V (Murder and Disappearance).
119. In all documented cases, the victims of inhuman treatment are civilians identified by the perpetrators as being anti-Russian, anti-occupation or pro-Ukrainian.\textsuperscript{347} In some cases, inhuman treatment was applied as punishment for refusing to be recruited by the authorities.\textsuperscript{348} Inhuman treatment described in this sub-section was perpetrated in custody,\textsuperscript{349} in public\textsuperscript{350} or at checkpoints.\textsuperscript{351}

\textsuperscript{347} E.g.: Ryazantseva and Butko were subjected to inhuman treatment on the basis of having a Ukrainian flag in their car; Egiz, an ethnic Tatar, was assaulted on the basis of his ethnicity and for refusing to show his passport.

\textsuperscript{348} E.g.: Krosh, Kuku.

\textsuperscript{349} E.g.: Balashov, Baluh, Kuku.

\textsuperscript{350} E.g.: Yurchenko, Egiz, Ostashchenko, Sanzharevskyi, Kuzmin.

\textsuperscript{351} E.g.: Ryazantseva, Butko, Vagner.
### D. Documented cases of torture and other forms of inhuman treatment

#### I. DOCUMENTED TORTURE

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
<th>Suspect(s)</th>
<th>Facts</th>
<th>Context and links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oleh Sentsov</td>
<td>Pro-Ukrainian activist and film-maker from Crimea</td>
<td>10-May-14</td>
<td>Simferopol - FSB building on Franco St. 13; Rostov-na-Donu; Moscow Lefortovo prison; High-security penal colony in Yakutia</td>
<td>Russian investigating and prison authorities</td>
<td>Arrested in Simferopol and taken to FSB HQ on Franko St. 13. Beaten and tortured for 4 hours - severe beatings, asphyxiation (bag on head), death threats, threats to dispose of body without trace. Charged with terrorist offences. Transferred to Rostov, then to Lefortovo in Moscow. At trial victim alleged that he was tortured but evidence was disregarded.</td>
<td>Arrested and tried together with Kolchenko and Afanasev. Part of a pattern of detention and violence against pro-Ukrainian activists in Crimea. Widely considered to be political prisoner. Tried as Russian citizen following mandatory imposition of citizenship upon Crimean population, but recognized as Ukrainian citizen after the judgement. New accused persons constantly added to the case, many of them are pro-Ukrainian and Tatar activists. Requests to investigate allegations of torture were rejected at trial and by Supreme Court of RF.</td>
</tr>
<tr>
<td>Hennadii Afanasev</td>
<td>Ukrainian photographer from Crimea</td>
<td>09-May-14</td>
<td>Simferopol - FSB building on Franco St. 13; Rostov-na-Donu; Moscow Lefortovo prison; Republic Komi</td>
<td>FSB; RF authorities</td>
<td>Arrested in Simferopol and charged with terrorist offences. Transferred to serve sentence in Republic Komi (Russia). At trial 31 July 2015 withdrew his prior testimonies and stated that he was tortured and that he had testified against Sentsov and Kolchenko under duress. Torture by FSB agents consisted of severe beatings with boxing gloves, suffocation with gas mask (restricting air-supply), spraying air-supply with aerosol that led to vomiting into gas mask, attached electric-shock equipment to body parts (including genitals), threatened with welder turned on next to naked body. Was told that his mother is next door and that the same was happening to her. Water and sleep deprivation for two days.</td>
<td>Accused of aiding Sentsov. Arrested and tried together with Kolchenko. Part of a pattern of detention and violence against pro-Ukrainian activists in Crimea. Widely considered to be political prisoner. On 12 August 2015 medics of Rostov-na-Donu detention centre checked Afanasev, documented hematoma and sent the results of check-up to the Investigation Committee.</td>
</tr>
<tr>
<td>Name</td>
<td>Ukrainian</td>
<td>Date</td>
<td>Location</td>
<td>Details</td>
<td>Summary</td>
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<tr>
<td>Oleksii Chirnii</td>
<td>Ukrainian historian from Crimea</td>
<td>May-14</td>
<td>Simferopol; Rostov-na-Donu; Moscow Lefortovo prison; penal colony</td>
<td>Arrested and sentenced to seven years for plotting terrorist acts, including arson. Chirnii plead guilty and signed cooperation agreement with prosecution. Defence council claims that Chirnii testified under duress because he was beaten after arrest and FSB convinced him that the sentence would be shortened if he testified against co-accused.</td>
<td>Chirnii initially testified against Sentsov and Kolchenko, but refused to provide further testimonies. No investigation has been carried out into torture.</td>
<td></td>
</tr>
<tr>
<td>Valentin Vyhovskyi</td>
<td>Ukrainian (Kyiv resident)</td>
<td>18-Sep-14</td>
<td>Simferopol Train Station</td>
<td>Vyhovskyi was ordered to show his passport to Crimean 'self-defence'. He had Kyiv registration which may have become grounds for the arrest. Abducted by self-defence forces and severely beaten. Withheld information about abduction for weeks. Transferred to Moscow for detention and trial.</td>
<td>Subsequently tried on charges of espionage and economic crimes and sentenced to 11 years. Part of the pattern of abduction, detention and violence against Ukrainians. No investigation has been carried out into torture by self-defence forces.</td>
<td></td>
</tr>
<tr>
<td>Oleksandr Kostenko</td>
<td>Ukrainian activist, participant of Euromaidan</td>
<td>08-Feb-15</td>
<td>Simferopol (torture took place in the car - AK3274 CH); Simferopol holding cells.</td>
<td>Kostenko was abducted by FSB the day before he made his confession. He was threatened and tortured in detention, which is evident given multiple injuries of his body, then deprived of medical care in prison. Torture included - beating, broken arm, threatened with cutting off fingers, electrocution, mock executions with blank bullets. Official reason for injuries was that he was beaten up in the park. Psychological pressure applied (using photos of his seven-month old child).</td>
<td>Kostenko was pressured to confess and testify against other participants of the Euromaidan revolution. No investigation has been carried out into alleged torture.</td>
<td></td>
</tr>
<tr>
<td>Andrii Shchekun</td>
<td>Ukrainian activist, leader of movement &quot;Euromaidan-Krym&quot;</td>
<td>09-Mar-14</td>
<td>Simferopol Train Station</td>
<td>Shchekun was abducted, put into a red VW and held in a basement by representatives of &quot;self-defence&quot;. Police was nearby but did nothing. He was stripped naked, tied to a chair, beaten on the chest with legs, tortured with electricity, hit on shoulders with heavy hot objects. Threats that his liver would be cut out and cooked. Held in basement for several days during which he was shot with air-rifle. Freed 20 March during prisoner exchange.</td>
<td>Abducted together with Kovalskyi. Pattern of violent crimes against pro-Ukrainian activists committed by Crimean Self Defence Militia. No investigation has been carried out into alleged torture.</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Nationality</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
<td>Allegations</td>
<td>Investigation Status</td>
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<tr>
<td>Anatolii Kovalskyi</td>
<td>Ukrainian</td>
<td>Activist, Scientist, Economist</td>
<td>09-Mar-14</td>
<td>Simferopol Train Station</td>
<td>“Self-defence”; FSB Held together with Shchekun. Not clear what level of torture or inhuman acts were applied to him. Freed 20 March during exchange.</td>
<td>Abducted together with Schekun. Pattern of violent crimes against pro-Ukrainian activists committed by Crimean Self-Defence Militia. No investigation has been carried out into alleged torture.</td>
</tr>
<tr>
<td>Yurii Shevchenko</td>
<td>Ukrainian</td>
<td>(spetznaz)</td>
<td>11-Mar-14</td>
<td>Simferopol Train Station</td>
<td>“Self-defence” Abducted at the train station. Questioned in a vehicle. Part of ear was cut off. Taken to a field and severely beaten and shot in both legs with bullets. Then taken to the same basement as Shchekun and Kovalskyi, handcuffed, deprived of water, food and use of bathroom. Released on 20 March.</td>
<td>Pattern of violent crimes against Ukrainians committed by ‘self-defence’. Held together with Kovalskyi and Shchekun. No investigation has been carried out into alleged torture.</td>
</tr>
<tr>
<td>David Vagner</td>
<td>Private</td>
<td>of Ukrainian military</td>
<td>27-Mar-14</td>
<td>Fiolent</td>
<td>Russian military After the seizure of Ukrainian military base, Vagner went to retrieve his personal belongings and was beaten at the checkpoint because Russian military did not believe Vagner was a Ukrainian private. They put a bag on his head and a noose around his neck and dragged him around Sevastopol, leaving him at the train station unconscious.</td>
<td>Pattern of violent crimes against Ukrainian servicemen who refused to switch to the Russian side. No investigation has been carried out into alleged torture.</td>
</tr>
<tr>
<td>Yurii Gruzynov</td>
<td>Russian</td>
<td>Cameraman</td>
<td>16-Mar-14</td>
<td>Simferopol</td>
<td>“Self-defence” Member of the association of filmmakers ‘Babylon 13’, was detained in Chongar, in solitary confinement, tortured and repeatedly beaten.</td>
<td>Pattern of violent crimes against pro-Ukrainian activists committed by “self-defence”. No effective investigation was carried out into alleged torture.</td>
</tr>
<tr>
<td>Ivan Selentsov (Valid abu Usuf)</td>
<td>Crimean Muslim</td>
<td></td>
<td>16-Mar-14</td>
<td>Unknown</td>
<td>Police Selentsov was arrested on “referendum” day, tortured and denied the right to a lawyer. He was apparently distributing copies of the Koran in Russian.</td>
<td>Part of violence against Crimean Tatars and Muslims on the Peninsula. No investigation has been carried out into alleged torture.</td>
</tr>
<tr>
<td>Sergei Mokrushyn</td>
<td>Journalist</td>
<td></td>
<td>02-Jun-14</td>
<td>Unknown</td>
<td>“Self-defence”; Police Journalist was arrested and taken to the “office of self-defence”, handcuffed, searched (including cell-phone and social networks). Physical pressure was used on him. The police did not request medical check up, but forensic examination showed bruising to the thorax and leg and traces of handcuffs, .</td>
<td>Pattern of intimidation and violence against independent and Tatar / pro-Ukrainian journalists. No investigation has been carried out into alleged torture.</td>
</tr>
<tr>
<td>Name</td>
<td>Ethnicity</td>
<td>Date</td>
<td>Location</td>
<td>Arresting Authority</td>
<td>Description</td>
<td>Investigation Status</td>
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<tr>
<td>Invir Krosh</td>
<td>Crimean Tatar</td>
<td>16-Dec-15</td>
<td>Unknown</td>
<td>Police; FSB</td>
<td>Arrested, taken to the police station and handed over to FSB. Krosh was told to cooperate with FSB and tortured (electric shock) after he rejected cooperation.</td>
<td>Pattern of intimidation and violence against Crimean Tatars. No investigation has been carried out into alleged torture.</td>
</tr>
<tr>
<td>Deliver Seitislyamov</td>
<td>Crimean Tatar</td>
<td>11-Aug-15</td>
<td>Novopavlovka</td>
<td>Unidentified persons</td>
<td>Unidentified persons abducted Seitislyamov’s brother, twisted his hands, put him in a car and threw him out near Novopavlovka later. Then they came back and took Seitislyamov to FSB, choked to the point of losing consciousness, squeezed his eye, beat him in the groin. Freed two days later.</td>
<td>Pattern of intimidation and violence against Crimean Tatars. No investigation has been carried out into alleged torture.</td>
</tr>
<tr>
<td>Damir Minadinov</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Yalta</td>
<td>FSB</td>
<td>His house was searched in connection with extremism charges, Minadinov was arrested. Testified about cruel treatment and threats. Minadinov was handcuffed, FSB officers put bag on his head, limited his access to air, threatened him with disappearance, threatened to deteriorate housing conditions and to pressure family business.</td>
<td>Pattern of intimidation and violence against Crimean Tatars, and restrictions on liberty against members or active supporters of the Mejlis. No investigation has been carried out into alleged tortures.</td>
</tr>
<tr>
<td>Bilyal Bilyalov</td>
<td>Crimean Tatar</td>
<td>13-Oct-14</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Bilyalov went to football game and disappeared. His body was found next evening with signs of torture. A witness saw that something was sprayed on his face and he lost consciousness.</td>
<td>Pattern of intimidation and violation against Crimean Tatars. No effective investigation into signs of violence and torture (official investigation determined cause of death as 'poisoning with smoking mixture').</td>
</tr>
<tr>
<td>Reshat Ametov</td>
<td>Tatar activist</td>
<td>15-Mar-14</td>
<td>Zemlyanychne (Belogorsk district)</td>
<td>Unknown</td>
<td>Disappeared on 3 March and his body was found on 15 March with signs of torture and handcuffs on his legs.</td>
<td>Ametov participated in a personal silent protest next to the building of Crimean parliament on 2 March. According to local investigation Ametov died in car accident. Investigation stopped in November.</td>
</tr>
<tr>
<td>Name</td>
<td>Role</td>
<td>Date</td>
<td>Location</td>
<td>Institution</td>
<td>Details</td>
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<tr>
<td>Andrii Kolomiets</td>
<td>Ukrainian activist, participant of Euromaidan</td>
<td>Spring-15</td>
<td>Russia; Simferopol</td>
<td>FSB</td>
<td>Kolomiets was arrested in Russia in spring 2015 and transferred to Crimea, his parents received information on his whereabouts only in Jan 2016. Court hearings took place in Simferopol but often postponed because witnesses would not testify. Kolomiets was found guilty of attempted murder and possession of drugs, and sentenced to 10 years in a high-security penal colony. According to the Crimean Prosecution, Kolomiets is a member of the Ukrainian Insurgent Army (UPA) and during the Euromaidan allegedly threw Molotov cocktails at two Crimean Berkut officers. His lawyers allege torture and other forms of pressure to induce a confession.</td>
<td></td>
</tr>
<tr>
<td>Mykhailo Vdovchenko</td>
<td>pro-Ukrainian activist</td>
<td>11-Mar-14</td>
<td>Simferopol, Voinkomat</td>
<td>Unknown Russians from Rostov; Russian security services</td>
<td>Was walking with a Ukrainian flag. Abducted by 'Rostov boys', taken to an unknown location and beaten with bats. Then handed him over to security services. Held for nine days. Deprived of water, food and toilet for the first two days. Interrogated, tied and tortured - severe beatings, tied up and blindfolded, imitated execution, shot with air rifle, death threats.</td>
<td></td>
</tr>
<tr>
<td>Yurii Ilchenko</td>
<td>Ukrainian activist</td>
<td>02-Jul-15</td>
<td>Sevastopol</td>
<td>Police</td>
<td>Ilchenko was arrested on charges of incitement to violation of territorial integrity of Russia after he posted a poem on his page on a social network. The poem condemned Russian occupation of Crimea and called Ukraine to develop its military power. Detained for 11 months. Tortured during detention to induce confession - beatings (especially on kidneys and spine) resulting in fractures to spine. Sleep deprivation - six beds for 15 inmates, bright lights 24hrs a day, severe psychological pressure.</td>
<td></td>
</tr>
</tbody>
</table>
## II. OTHER DOCUMENTED CASES OF INHUMAN TREATMENT

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
<th>Suspect(s)</th>
<th>Facts</th>
<th>Context and links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oleksandra Ryazantseva</td>
<td>Ukrainian activist</td>
<td>09-Mar-14</td>
<td>Armyansk - Crimean border</td>
<td>Armed unidentified persons</td>
<td>When armed persons noticed Ukrainian flag in her car, they forced the activist to kneel, threatened to cut her hand, but cut her hair, threatened to shoot all passengers, interrogated using force.</td>
<td>Pattern of violent crimes against pro-Ukrainian activists and not investigated / investigated ineffectively.</td>
</tr>
<tr>
<td>Kateryna Butko</td>
<td>Ukrainian activist</td>
<td>09-Mar-14</td>
<td>Armyansk - Crimean border</td>
<td>Armed unidentified persons</td>
<td>When armed persons noticed Ukrainian flag in the car, they hit the activist with rifle butt, threatened to shoot all passengers, interrogated with the use of force, threatened to cut her ears and to rape her.</td>
<td>Pattern of violent crimes against pro-Ukrainian activists and not investigated / investigated ineffectively.</td>
</tr>
<tr>
<td>Hennadii Balashov</td>
<td>Crimean businessman and public activist</td>
<td>05-Mar-14</td>
<td>Simferopol</td>
<td>“Self-defence”</td>
<td>Balashov was abducted in Simferopol, beaten during the day and transported with a bag on his head. His passport, phone and money were taken away from him. Found later in Armyansk.</td>
<td>Balashov criticised Putin’s action in Crimea; pattern of violent crimes against pro-Ukrainian activists committed by “self-defence” and not investigated / investigated ineffectively.</td>
</tr>
<tr>
<td>Abduraman Egiz</td>
<td>Crimean Tatar, Mejlis member</td>
<td>06-May-14</td>
<td>Unknown</td>
<td>“Self-defence”</td>
<td>Egiz refused to show passport to “self-defence” and was beaten along with other Tatars who tried to protect him.</td>
<td>Pattern of violent crimes against Crimean Tatars committed by “self-defence” and not investigated / investigated ineffectively.</td>
</tr>
<tr>
<td>Iryna Ostashchenko</td>
<td>Journalist; “Informer” editor</td>
<td>09-Apr-15f</td>
<td>Sevastopol</td>
<td>Unknown</td>
<td>Ostashchenko was attacked near her house by an unidentified person who hit her head and disappeared.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists. Main investigation line is that Ostashchenko fell down the stairs which caused head injury.</td>
</tr>
<tr>
<td>Igor Sanzharevskyi and brother</td>
<td>Crimean resident</td>
<td>05-Jul-14</td>
<td>Simferopol</td>
<td>“Self-defence”</td>
<td>“Militia” attempted to arrest Sanzharevskyi, demanded to show passport and personal belongings for search. Police did not react. After that Sanzharevskyi and his brother were beaten with truncheons.</td>
<td>Pattern of violent crimes against Ukrainians committed by “self-defence” and not investigated / investigated ineffectively.</td>
</tr>
<tr>
<td>Name</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
<td>Additional Details</td>
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<tr>
<td>Leonid Kuzmin</td>
<td>Ukrainian activist</td>
<td>17-Apr-15</td>
<td>Simferopol</td>
<td>Unknown</td>
<td>Kuzmin was stopped by his former student who's friend started to abuse him using hate speech. Kuzmin attempted to avoid conflict and leave but the friend hit him with a bottle. Kuzmin is a Ukrainian activist who organized a meeting commemorating Ukrainian poet Shevchenko in March. No investigation has been carried out.</td>
<td></td>
</tr>
<tr>
<td>Volodymyr Baluh</td>
<td>Farmer. Renounced Russian citizenship.</td>
<td>14-Nov-15</td>
<td>Serebryanka village</td>
<td>Police; FSB Baluh renounced Russian citizenship and put up a Ukrainian flag outside his home. He was arrested, verbally abused, beaten in car by police and detained for 10 days. In detention, doctor was not allowed. Baluh went on hunger strike for eight days. Part of a intimidation and violence against pro-Ukrainians. No investigation has been carried out into violence against him.</td>
<td></td>
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</tr>
<tr>
<td>Emir-Usein Kuku</td>
<td>Crimean Tatar, representative of the Contact group on human rights</td>
<td>20-Apr-15</td>
<td>Yalta</td>
<td>&quot;People in camouflage uniform&quot;, Investigation Committee; FSB. FSB senior lieutenant Aleksandr Kompanitsev, captain Bogdan Pogorelyi, investigator Roman Vifyanov On 20 April Kuku was arrested by people in camouflage, who used force against him. Kuku was seated in the car with his face on the seat, beaten on the back and on the left kidney, his hands were twisted. There was an attempt to recruit Kuku to FSB. He was interrogated on incitement to hatred and freed. On 30 June he was called to the Investigation Committee as FSB lodged a complaint against Kuku that he had beaten them in response to their request to give them directions to Yalta. 2 Dec 2015 interrogated on incitement to national hatred. 11 Feb 2016 following violent search of the house Kuku was arrested and detained until 8 April. During the trial he complained about the inhumane conditions of detention, : bedbugs, fleas and cockroaches in the place of detention. Kuku is one of the prominent Tatar activists who remains in Crimea. Initiation of an investigation of violence against Kuku during the arrest was refused twice. Kuku is currently being tried as a member of Hizb Ut-Tahrir.</td>
<td></td>
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</tr>
<tr>
<td>Victor Neganov</td>
<td>Ukrainian activist</td>
<td>24-Aug-14</td>
<td>Sevastopol</td>
<td>Traffic police Neganov organized a meeting with people holding Ukrainian flags in Sevastopol to mark Independence day of Ukraine. He was arrested, taken to the police station where he was subjected to psychological and physical pressure before being freed without charge. Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.</td>
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</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Date</td>
<td>Location</td>
<td>Arresting Authority</td>
<td>Summary</td>
<td>Pattern</td>
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<tr>
<td>Sergii Kornienko</td>
<td>Ukrainian activist</td>
<td>24-Aug-14</td>
<td>Sevastopol</td>
<td>Traffic police</td>
<td>Kornienko participated in the meeting with Ukrainian flags in Sevastopol to mark Independence day of Ukraine. He was arrested, taken to the police station where he was subjected to psychological and physical pressure before being freed without charge. His health deteriorated in the police office but no medical aid was provided.</td>
<td>Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.</td>
</tr>
<tr>
<td>Osman Pashaev</td>
<td>Crimean Tatar journalist</td>
<td>18-May-14</td>
<td>Simferopol</td>
<td>“Self-defence”; Police</td>
<td>Journalist was arrested and detained for several hours in the “office of self-defence”. He was threatened, and subjected to psychological and physical pressure. His recording equipment was confiscated. Then the journalist was transferred to police station for interrogation for a long period. He was denied access to legal counsel.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
</tr>
<tr>
<td>Djengiz Kyzyn</td>
<td>Turkish cameraman</td>
<td>18-May-14</td>
<td>Unknown</td>
<td>“Self-defence”; Police</td>
<td>Journalist was arrested and detained for several hours in the “office of self-defence”. He was threatened and subjected to psychological and physical pressure. His recording equipment was confiscated. Then the journalist was transferred to police station for interrogation for a long period. He was denied access to legal counsel.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists. No investigation has been carried out.</td>
</tr>
<tr>
<td>Vadym Siruk</td>
<td>Unknown</td>
<td>11-Feb-16</td>
<td>Yalta</td>
<td>FSB</td>
<td>Siruk was arrested and detained following court decision of 12 Feb 2016. During the trial he alleged inhumane conditions of detention, complaining about bedbugs, fleas and cockroaches in the place of detention.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against Tatars and members or active supporters of the Mejlis.</td>
</tr>
<tr>
<td>Name</td>
<td>Nationality</td>
<td>Date</td>
<td>Location</td>
<td>Agency</td>
<td>Description</td>
<td>Patterns</td>
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</tr>
<tr>
<td>Enver Bekirov</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Krasnokamenka village near Yalta</td>
<td>FSB</td>
<td>His house was searched on extremism charges, Bekirov was arrested and detained following court decision of 12 Feb 2016, and accused of terrorism offences. During the trial he alleged inhumane conditions of detention, complaining about bedbugs, fleas and cockroaches in the place of detention.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against Tatars and members or active supporters of the Mejlis.</td>
</tr>
<tr>
<td>Muslim Aliyev</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Verkhnyaya Kutuzovka village near Alushta</td>
<td>FSB</td>
<td>The house was searched on extremism charges, Aliyev was arrested and detained following court decision of 12 Feb 2016, accused of terrorism. During the trial alleged inhumane conditions of detention, complaining about bedbugs, fleas and cockroaches in the place of detention.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against Tatars and members or active supporters of the Mejlis.</td>
</tr>
</tbody>
</table>
III. ANALYSIS

120. IPHR submits that all cases set forth in this section violate the principle of humanity and caused serious mental or physical suffering or injury. The exact legal qualification in each case depends on the severity and duration of the act and ensuing injuries.

121. In at least 20 cases, the level of severity and duration of the conduct, and the intensity and duration of the resultant physical or mental suffering reached the threshold of the crime of torture. Conduct such as electrocution, mutilation, strangulation and severe beating reflects acts qualified as torture in international jurisprudence. These episodes also satisfy the requisite elements of the war crime of torture, as in all such cases, the acts were carried out with a specific purpose, namely to obtain a confession, evidence, other information or as a form of punishment. In the unlikely event that the purposive element is not met in a specific case, we submit that the conduct may be qualified as the war crime of wilfully causing great suffering or serious injury to body and health. Likewise, all the documented cases satisfy the elements of the crime against humanity of torture, as they were perpetrated on victims in custody or control or the perpetrator, and none of the suffering was inherent in or incidental to lawful sanctions.

122. A further 16 cases, although arguably not reaching the severity of conduct and suffering required for torture, may nevertheless qualify as inhuman treatment or other inhumane acts. Beatings, threats of death, sexual violence and physical mutilation, severe ill treatment in custody and conditions of enforced disappearance have all been qualified as inhuman treatment in international jurisprudence.

123. The fact that all victims of torture and other forms of inhuman treatment were targeted by or on behalf of the occupying authorities on the basis of their actual or perceived opposition to the occupation, presents a reasonable basis to believe that the conduct was perpetrated in the context of and was associated with the occupation. For the same reasons, the conduct presented herewith may qualify as being part of a widespread and systematic attack on the targeted civilian population on the Crimean Peninsula.

IV. CONCLUSION

124. For the foregoing reasons, IPHR submits that there is a reasonable basis to believe that the following ICC Statute crimes have taken place in relation to the cases of inhuman treatment presented in this section:

- War crime of torture (Article 8(2)(a)(ii));
- War crime of wilfully causing great suffering or serious injury to body and health (Article 8(2)(a)(iii));
- War crime of committing outrages upon personal dignity, in particular humiliating and degrading treatment (Article 8(2)(b)(xxi));
- War crime of inhuman treatment (Article 8(2)(a)(ii));
- Crime against humanity of torture (Article 7(1)(f)); and/or
- Crime against humanity of other inhumane acts (Article 7(1)(k)).
VII. Illegal detention

A. Overview

125. In this section IPHR presents 90 cases of illegal detention. The illegality of the detention stems from the lack of legitimate grounds for detention as well as a systematic failure by detaining authorities to comply with minimum procedural safeguards. All documented cases of illegal detention were perpetrated in the context of the occupation, and as part of the occupying authorities’ widespread and systematic attack against the targeted civilian population on the Crimean Peninsula. Consequently, IPHR submits that the cases of detention presented in this section qualify as war crimes and/or crimes against humanity.

B. The law

126. Although detention, in certain cases, is permissible under international law, the arbitrary deprivation of liberty is incompatible with the principle of humanity. The legality of detention is assessed on a case-by-case basis, according to the legitimacy of the grounds for detention, the detainer’s legal powers and compliance with minimum procedural safeguards.

127. In the context of an international armed conflict and occupation, enemy combatants may be detained as prisoners of war for the duration of active hostilities. They must be afforded security from active combat, guaranteed standards of hygiene and health, and must at all times be protected against reprisals and acts of violence and intimidation.

128. A civilian may be interned by occupying authorities if and only for as long as there are serious and legitimate reasons to believe that he or she may seriously prejudice the security of the occupying power. Interned civilians must be kept in adequate conditions, must be promptly informed, in a language they understand, of the reasons for the internment, and provided with an opportunity to challenge their internment. The detention of combatants and civilians in the context of and associated with an occupation, which fails to comply with these rules, may be prosecuted as a war crime of unlawful confinement. Any trials conducted by occupying authorities must be fair, affording all essential judicial guarantees. The denial of fair trial to civilians or combatants may be prosecuted as a war crime of denying a fair trial.

129. Illegal detention may also be prosecuted as a crime against humanity where the detention of civilians is in violation of fundamental rules of international law and takes place as part of a widespread or systematic

353 Geneva Convention III, Articles 21 and 118.
354 Article 23, Geneva Convention III.
355 Article 22 and Articles 25-32 of Geneva Convention III.
356 Article 13 of Geneva Convention III.
358 Article 22 and Articles 25-32 of Geneva Convention III.
359 Additional Protocol I, Article 75(3); Article 9(2) ICCPR; Article 5(2) ECHR.
360 Article 43 of Geneva Convention IV; Article 9(4) ICCPR; Article 5(4) ECHR.
361 ICC Statute, Article 8(2)(a)(vii).
362 Article 14 of the ICCPR.
363 ICC Statute, Article 8(2)(a)(vi).
attack on the civilian population.\textsuperscript{364}

130. International law requires detention to be grounded in applicable domestic law and procedure, “which itself must not be arbitrary and the enforcement of this law in a given case must not take place arbitrarily.”\textsuperscript{365} Permissible grounds for arrest are defined in Article 91 of the Criminal Procedure Code of the Russian Federation (CPC).\textsuperscript{366} A ‘protocol of arrest’, indicating that the arrestee has been read his or her rights, must be composed within three hours of the arrest.\textsuperscript{367} Suspects have the right to a legal representative from the moment of arrest, and for the lawyer to be present during any interrogation.\textsuperscript{368} A suspect brought into custody must not be interrogated for longer than four hours at a time, and for no more than eight hours per day.\textsuperscript{369} A suspect must be charged or released within 10 days of his or her arrest, although an exception for terrorism and other national security offences extends this to 30 days.\textsuperscript{370} Any detention beyond 48 hours requires a court order that must be obtained in the suspect’s presence.\textsuperscript{371} Under Article 91 of the CPC, the only state investigators are vested with the authority to detain.\textsuperscript{372} Citizens are permitted to conduct arrests with the view of delivering suspects to law enforcement authorities.\textsuperscript{373} From 17 June 2014, the right to arrest and assist law enforcement authorities on the territory of the Crimean Peninsula (with permissible use of force) is also vested in the Crimean Self-Defence Militia.\textsuperscript{374}

131. The legality of all forms of detention is measured by its compliance with the minimum safeguards set out in international human rights law.\textsuperscript{375} The legal basis for the initial deprivation of liberty must apply throughout

\begin{itemize}
\item \textsuperscript{364} ICC Statute, Article 7(1)(e).
\item \textsuperscript{366} (i) A person was caught committing a crime or immediately after; (ii) Victim or witness points at a person as committed a crime; (iii) Obvious evidence of a crime was found on a person, his clothes, with him or in his house – Article 91 of the CPC available at: https://www.consultant.ru/document/cons_doc_LAW_34481/c8855fc8d4d5b537b17025e67eb5db8a1a32847/#dlist0765 (last accessed: 15.04.2016).
\item \textsuperscript{367} Article 92 of the CPC, available at: https://www.consultant.ru/document/cons_doc_LAW_34481/9c55e8116a946a46eef16f157395e470204aa2/ (last accessed: 15.04.2016).
\item \textsuperscript{368} Article 49 of the CPC, available at: https://www.consultant.ru/document/cons_doc_LAW_34481/e95342dfff8748ef0a7da1e6cac150aa91d8bee9a/dlist04808 (last accessed: 15.04.2016).
\item \textsuperscript{369} Article 187 of the CPC, available at: https://www.consultant.ru/document/cons_doc_LAW_34481/9c55e8116a946a46eef16f157395e470204aa2/ (last accessed: 15.04.2016).
\item \textsuperscript{370} Article 100 of the CPC, available at: http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=195964;fld=10763.0;rnd=0.8893968188203871 (last accessed: 15.04.2016).
\item \textsuperscript{371} Article 108 of the CPC, available at: http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=195964;fld=10763.0;rnd=0.8893968188203871 (last accessed: 15.04.2016).
\item \textsuperscript{372} Article 91 of the CPC, available at: http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=195964;fld=10763.0;rnd=0.8893968188203871 (last accessed: 15.04.2016).
\item \textsuperscript{375} See Article 9 ICCPR; Article 5 ECHR: Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him; anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise jurisdiction and shall be entitled to trial within a reasonable time or to release; anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings
the entire period of imprisonment. If at any time the original legal basis ceases to apply, an initially lawful deprivation of liberty will become unlawful and will, from that moment, be regarded as arbitrary imprisonment.\textsuperscript{376} During pre-trial proceedings, “detention should be an exception and as short as possible”,\textsuperscript{377} while the time limit for bringing a detained person before a judge “must not exceed a few days”.\textsuperscript{378} For the deprivation of liberty to continue to be lawful during trial and post-conviction, proceedings must not violate the defendant’s right to a fair trial.\textsuperscript{379}

C. Summary of the evidence

I. TYPES OF ILLEGAL DETENTION

132. Although each case has its unique set of facts, parallels may be drawn across the documented cases, revealing three recognisable trends of illegal detention applied by the occupying authorities.

133. The most prolonged form of illegal detention – best illustrated by the cases of Oleh Sentsov and his alleged accomplices\textsuperscript{380} - involve the full machinery of the federal justice system. Victims are arrested by the FSB, interrogated in Crimea and transferred to Moscow (often via Rostov-on-Don) for further interrogation and detention. Allegations of torture and other inhumane acts at the FSB detention facilities are commonplace, but seldom investigated by the authorities.\textsuperscript{381} Victims are tried on charges of terrorism\textsuperscript{382} in what appear to be public show-trials.\textsuperscript{383} Prosecutors often rely on fabricated or torture-tainted evidence,\textsuperscript{384} and the accused is denied fundamental fair trial rights.\textsuperscript{385} Victims are inevitably found guilty and sentenced to lengthy prison before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.


\textsuperscript{377} Office of the High Commissioner for Human Rights, “General Comment No. 08: Right to liberty and security of persons (Art. 9),” Sixteenth Session, 30 June 1982, para. 3

\textsuperscript{378} Office of the High Commissioner for Human Rights, “General Comment No. 08: Right to liberty and security of persons (Art.9),” Sixteenth Session, 30 June 1982,para. 2

\textsuperscript{379} See ICCPR, Article 14; ECHR, Article 6: The right to a fair and public hearing by a competent, independent and impartial tribunal established by law; The right to be presumed innocent until proven guilty; To have adequate time and facilities to prepare a defence; To be tried without undue delay; To be defend oneself through legal assistance of his/her own choosing; To examine witnesses against him/her and to have witnesses examined on his/her behalf under the same conditions; To have free assistance of an interpreter if required; Not to be compelled to testify against oneself on to confess guilt; To appeal and conviction or sentence; Not to be tried twice for the same crime.

\textsuperscript{380} Sentsov, Kolchenko and Afanasev.


\textsuperscript{384} E.g.s: Sentsov, Kolomiets.

\textsuperscript{385} E.g.s: Kolomiets, Selentsov, Asanov, Sentsov, Ametov.
terms to be served thousands of kilometres away in eastern Siberia. This form of treatment appears to be reserved for activists who are perceived as a tangible threat to the occupation, and/or is intended to act as a powerful deterrent to other activists and critics.

134. More frequently, victims are arrested, charged with offences of extremism and public disorder, interrogated, detained and tried on the territory of the occupied Crimean Peninsula. This form of treatment is commonly applied against prominent members and organisers of protests, such as participants in Kyiv’s Euromaidan (Euromaidan cases), and protesters against the occupation (26 February cases and 3 May cases). All documented prosecutions by the occupying authorities are tainted by prosecutorial bias and a manifest political agenda. The initial arrests are carried out by the FSB, police forces of the occupying authorities or paramilitary groups. Arrests are typically followed by multiple searches of the victims’ houses and harassment of their families by law enforcement. Victims are charged and subjected to lengthy pre-trial detention despite a general lack of sufficient evidence. The accused are invariably convicted as a result of trials falling far short of international standards of fairness.

135. In many cases, victims are neither charged nor tried, but simply detained by occupying authorities or proxy paramilitary groups as a form of extra-judicial punishment or harassment. Detention under such circumstances can last from several hours to several days, exceeding legal limits for temporary detention and ignoring procedural requirements such as the formation of a ‘protocol of arrest’. This form of punitive detention takes place at FSB premises, police stations, border checkpoints, locations controlled by

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386 Oleh Sentsov sentenced to 20 years in a high-security penal colony in Yakutia; Oleksandr Kolchenko sentenced to 10 years in a high-security penal colony in Chelyabinsk; Hennadii Afanasev sentenced to 7 years in a high-security penal colony in the Komi Republic; Oleksii Chirnii sentenced to 7 years in a high-security penal colony in Siberia.


388 E.g.: Criminal Code of the Russian Federation, June 1996, Articles 213 (hooliganism); 214 (vandalism). E.g. Chiygjioz, Prikhodko

389 E.g. Kostenko, Kolomiets, Shchekun

390 E.g. Chiygjioz, Yunusov, Nebiev, Asanov, Kantemirov, Umerov

391 E.g. Osmanov, Smerdyaev, Abdurakhmanov, Ebulisov, Apkerimov


393 E.g.s. Yunusov, Emirvalev, Emirvalev, Kantemirov, Umerov, Ekrem Ametov, Nariman Ametov, Aliev, Bekirov, Siruk, Ilyasov, Minadinov, Topuz, Khaliev, Aider Moskovskyi, Rustem Moskovskyi, Baluh, Muslim Aliyev, Bekirov

394 E.g.: Mustafa Yagev was convicted and sentenced to a 2-year custodial sentence for making an ‘anti-Russian’ statement in a private conversation. The offence, under Article 282 of the Russian Criminal Code, requires evidence of the statements’ public character. No evidence to this effect was produced by the Prosecution. See also Kolchenko, Nebiev, Degemerji, Asanov, Smerdyaev, Saifullaev, Primov, Vaitov, Zeitullaev, Salov.

395 E.g.s.: Kolomiets, Selentsov, Asanov, Sentsov, Ametov.

396 E.g.s. Shevchenko, Vdovchenko, Grutsenko, Lukyanchenko, Suprun, Gruzynov, Yunusov, Denysov, Bariev, Suleimanov, Ilchenko, Baturin, Minadinov, Shchekun, Selentsov, Krosh, Seitislamov

397 E.g.s.: Oleksandr Denysov was arrested for shouting ‘Glory to Ukraine’ and detained at the Centre for Fighting Extremism for several hours; Others were detained for several days: Vdovchenko, Grutsenko, Lukyanchenko, Suprun, Gruzynov, Pikulskyi, Kravchenko, Kozyrev, Arzumanyan, Aliev, Bekirov, Siruk, Ilyasov, Minadinov, Topuz, Khaliev, Aider Moskovskyi, Rustem Moskovskyi, Radzivinovich, Semyon, Alipov, Abibulaeva, Baturin, Kokorina, Ilyasov, Minadinov, Topuz, Kovalskyi, Selentsov, Krosh, Seitislamov

398 E.g.s Radzivinovich, Semyon, Abibulaeva, Kokorina,

399 E.g.s Negano, Dub, Kornienko

400 E.g.s Maksymenko, Ryazantseva, Kromplyas, Rahno, Pilunskyi
paramilitary groups or at the Ministry of the Interior’s Centre for Fighting Extremism. Although typically no charges or official reasons are given for detention, detainees are often subjected to lengthy interrogations aimed at intimidation and deterrence. In cases where paramilitary groups conduct arrests, the latter typically overstep their legal powers by detaining and interrogating victims on the authorities’ behalf. Typical victims of such forms of detention include Ukrainians and Tatars displaying or celebrating national symbols, such as flags and statutes of poets, journalists and religious leaders. Such practices are also frequently relied on to harass and intimidate members of targeted groups such as Crimean Tatar communities and owners of land and businesses marked for seizure.

II. CATEGORIES OF DETAINEES

136. The vast majority of detainees documented in this report are civilians, detained by or on behalf of the occupying authorities to assert Russian control over the occupied territory, or as part of the occupying authorities’ widespread and systematic attack against targeted members of the civilian population on the Crimean Peninsula.

137. Those identified as actual or perceived Tatar dissidents consist of current and former members of the Crimean Tatar Mejlis, members of banned organisations such as Hizb-ut-Takhrir, and a residual sub-category of Tatar ‘activists’. The latter sub-category includes protesters, journalists, other persons of Tatar ethnicity who voice support for the rights of the Tatar minority, as well as those persons of Tatar ethnicity...

401 E.g.s Dub, Pashaev, Kyzgyn, Ruzavin, Mokrushyn, Melnikov, Vyhovsky
402 E.g.s Kuzmin, Shukudjiev, Kravchenko
403 E.g.s Ruzavin, Pashaev, Kyzgyn,
404 E.g.s Pashaev, Kyzgyn
405 E.g.s Ilchenko, Dub, Kuzmin, Shukudjiev, Kravchenko, Neganov
406 E.g.s Nebiev, Maksymenko, Ryazantseva, Kromplyas.
407 E.g.s Kostetskiy, Kvych, Gabryliv
408 E.g.s Ozenbash
409 See section IX (Property Crimes).
410 E.g. Chiyojz, Umerov, Bariev, Suleimanov
411 14 members (or alleged members) of Hizbut-Takhrir have been illegally detained, including Saifullaev, Primov, Vaitov, Zeitullaev, Alimov, Djepparar, Abseitov, Abilarov, Memetov, Mamutov. Hizbut-Takhrir is an international pan-Islamic political organisation, with no links to violence in Russia or elsewhere. Hizbut-Takhrir is a legal entity in Ukraine, but has been banned in Russia since February 2003 (find Russian Supreme Court decision – 14 feb 2003 03-116).
412 E.g.: Akhtem Chiigoz, Ali Asanov, Esender Kantemirov, Esender Emirvaliev, Esender Nabiev, Mustafa Degemerji, Edem Osmanov and Talyat Yunisov arrested and detained by occupying authorities in connection with the 26 February 2014 counter-demonstration by Crimean Tatars over the status of Crimea in Simferopol. All eight suspects were held in pre-trial detention for at least two months, on the basis of insufficient or non-existent evidence, before being convicted in unfair trials for alleged participation in clashes against law enforcement authorities.
413 E.g. Nebiev,
414 E.g.s Emirvaliev, Degemerji, Asanov, Kantemirov, Osmanov, Smerdyaev, Ebulisov, Kuku, Abdurakhmanov, Apkerimov, Ekrem Ametov, Nariman Ametov, Alvapov, Muslim Aliyev, Bekirov, Ilyasov, Minadinov, Topuz, Khaliev, Aider Moskovskyi, Rustem Moskovskyi, Selentsov, Krosh, Seitislyamov,
who are perceived to oppose the occupation.\textsuperscript{415} Mass arrests and detention is a common trend, for instance the cases of ethnic Tatars accused of participating in protests on 26 February and 3 May 2014.\textsuperscript{416}

138. Those identified as actual or perceived pro-Ukraine dissidents consist of protesters,\textsuperscript{417} journalists\textsuperscript{418} and members of civil society.\textsuperscript{419} This group also includes civilians who are perceived as holding anti-Russian or pro-Ukrainian views.\textsuperscript{420} Accusations supporting their incarceration range from terrorism,\textsuperscript{421} to public order offences,\textsuperscript{422} to the vaguely defined charge of ‘extremism’.\textsuperscript{423} A growing number of detention cases involve Ukrainian citizens tried by Russian courts for conduct alleged to have taken place on the territory of Ukraine prior to the occupation – a serious jurisdictional anomaly ignored by the occupying authorities.\textsuperscript{424}

\textsuperscript{415} E.g.s Yagev
\textsuperscript{416} E.g.s Chiygioz, Yunusov, Nebiev, Asanov, Kantemirov, Umerov, Osmanov, Smerdyaev, Abdurakhmanov, Ebulisov, Apkerimov.
\textsuperscript{417} E.g.s Kostenko,
\textsuperscript{418} E.g.s Maksymenko, Ryazantseva, Kromplyas, Kozyreva, Arzumanyan, Ruzavin, Mokrushyn, Baturin, Korokina, Salov
\textsuperscript{419} E.g.s Vdovchenko, Grutsenko, Gruznov, Pilusnkyi, Kostetskyi, Kych, Gabryliv
\textsuperscript{420} E.g.s Chirnii, Kolchenko, Afanasev, Grutsenko, Lukyanchenko, Suprun, Ilichenko, Dub, Kuzmin, Shukudjieb, Kravchenko, Neganov, Kornienko, Baluh, Shchekun, Kovalsky, Prihodko,
\textsuperscript{421} E.g. Sentsov, Mamutov, Kozyreva, Siruk
\textsuperscript{422} E.g., Baluh, Prihodko
\textsuperscript{423} E.g., Djepparov, Abseitov, Abiltarov, Memetov, Mamutov, Kozyreva, Arzumanyan, Siruk,
\textsuperscript{424} E.g.: Kostenko, Kolomiets, K. Dzemiliev.
## D. Documented cases of illegal detention

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
<th>Suspect(s)</th>
<th>Facts</th>
<th>Context and links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oleh Sentsov</td>
<td>Pro-Ukrainian activist from Crimea, participant of Anti-</td>
<td>10-May-14</td>
<td>Simferopol; Rostov-na-Donu; Moscow Lefortovo</td>
<td>FSB; RF authorities</td>
<td>Arrested in Simferopol, charged with terrorist acts, organization of a terrorist group and participation in it and the illegal purchase, transfer, selling, storage, transportation or carrying of weapons, parts or ammunition. Transferred to Moscow for trial via Rostov. Trial inherently unfair - all defence motions denied, allegations of torture in custody ignored and no access to Ukrainian Consular authorities. Sentenced to 20 years in penal colony in Eastern Siberia. Sentsov’s location remained unknown between 7 and 22 March as the information about it was held secret and withheld from lawyers.</td>
<td>Arrested and tried together with Kolchenko and Afanasev. Part of a pattern of detention and violence against pro-Ukrainian activists in Crimea. Widely considered to be political prisoner. Tried as Russian citizen following mandatory imposition of citizenship upon Crimean population, but recognized as Ukrainian citizen after the judgement. New accused constantly added to the case, many of them are pro-Ukrainian and Tatar activists.</td>
</tr>
<tr>
<td>Oleksandr Kolchenko</td>
<td>Ukrainian anarchist and anti-fascist from Crimea</td>
<td>16-May-14</td>
<td>Simferopol; Rostov-na-Donu; Moscow Lefortovo</td>
<td>FSB; RF authorities</td>
<td>Tried as a Russian citizen following the mandatory imposition of citizenship upon Crimean population, but recognized as Ukrainian citizen after the judgement. Defence counsel was unable to contact him on several occasions. Sentenced to 10 years’ imprisonment in a high security penal colony for arson of regional office of Russian political party.</td>
<td>Arrested and tried together with Sentsov. Part of a pattern of detention and violence against pro-Ukrainian activists in Crimea. Widely considered to be political prisoner.</td>
</tr>
<tr>
<td>Hennadii Afanasev</td>
<td>Ukrainian photographer from Crimea</td>
<td>16-May-14</td>
<td>Simferopol; Rostov-na-Donu; Moscow Lefortovo</td>
<td>FSB; RF authorities</td>
<td>Sentenced to seven years’ imprisonment in a high security penal colony for aiding Sentsov with the arson of the regional office of Russian political party.</td>
<td>Arrested and tried together with Sentsov. Part of a pattern of detention and violence against pro-Ukrainian activists in Crimea. Widely considered to be political prisoner.</td>
</tr>
<tr>
<td>Name</td>
<td>Nationality</td>
<td>Date</td>
<td>Location</td>
<td>Agency/Authority</td>
<td>Details</td>
<td>Location/Status</td>
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<tr>
<td>Oleksii Chirnii</td>
<td>Ukrainian historian from Crimea</td>
<td>May-14</td>
<td>Simferopol; Ros-tov-na-Donu; Moscow Lefortovo prison; Unknown penal colony</td>
<td>FSB; RF authorities</td>
<td>Arrested and sentenced to seven years for plotting terrorist acts, including arson. Chirnii pleaded guilty and signed cooperation agreement with the prosecution. Current location of detention unknown.</td>
<td>Although arrested with Sentsov, the case was considered in separate proceedings as Chirnii cooperated with the prosecution and testified against Sentsov and Kolchenko.</td>
</tr>
<tr>
<td>Oleksandr Kostenko</td>
<td>Ukrainian activist, participant of Euromaidan</td>
<td>08-Feb-15</td>
<td>Simferopol</td>
<td>FSB; Crimean Prosecutor; Simferopol City Court; Kirov.</td>
<td>Kostenko was abducted by FSB officers the day before he made his confession. He allegedly threw a rock at Berkut officer during protests in Kiev, which was qualified under art. 115.2b of Russian Penal Code in conjunction with art. 222.1 (illegal possession of weapon). His wife was interrogated and threatened following his arrest. Convicted and serving prison sentence in Kirov region.</td>
<td>Kostenko was pressured to testify against other participants of the Maidan revolution. Events leading to charges had occurred in Kyiv in February 2014 prior to the occupation and Kostenko is Ukrainian citizen, therefore, Russian authorities have no jurisdiction. Considered to be political prisoner.</td>
</tr>
<tr>
<td>Andrii Kolomiets</td>
<td>Ukrainian activist, participant of Euromaidan</td>
<td>Spring-15</td>
<td>Russia</td>
<td>FSB</td>
<td>Kolomiets was arrested in Russia in spring 2015 and transferred to Crimea, his parents received information on his location only in Jan 2016. Court hearings took place in Simferopol but have been frequently postponed because witnesses would not come to testify. Kolomiets was found guilty of attempted murder and possession of drugs, and sentenced to 10 years in a high-security penal colony. According to the Crimean Prosecutor's Office, Kolomiets is a member of the Ukrainian Insurgent Army (UPA) and during the Euromaidan allegedly threw Molotov cocktails at two Crimean Berkut officers. His lawyers allege torture and other forms of pressure to induce a confession.</td>
<td>Forms part of a pattern of persecution on political grounds against pro-Ukrainian activists.</td>
</tr>
<tr>
<td>Name</td>
<td>Identity</td>
<td>Date</td>
<td>Location</td>
<td>Actor Details</td>
<td>Description</td>
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<tr>
<td>Yuri Shevchenko</td>
<td>Ukrainian member of spetznaz (taken for activist)</td>
<td>March-14</td>
<td>Simferopol Train Station</td>
<td>“Self-defence” held representatives abducted him for a member of a radical organisation. Detained in a basement. Held in the same basement as Shchekun and Kovalskyi, handcuffed, severely tortured. Deprived of water, food and use of toilet.</td>
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</tr>
<tr>
<td>Oleksandra Ryazantseva</td>
<td>Ukrainian activist</td>
<td>09-Mar-14</td>
<td>Armyansk - Crimean border</td>
<td>Unidentified armed persons Two cars with activists were stopped on Crimean border and searched. When armed persons noticed Ukrainian flag, they arrested all five activists and journalists and took them to basement of the Traffic Police Office. On the same evening they were transported to Sevastopol, detained there and freed 11 March. Pattern of violent crimes against pro-Ukrainian activists committed by “self-defence” and not investigated / investigated ineffectively.</td>
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<tr>
<td>Olena Maksymenko</td>
<td>Ukrainian journalist</td>
<td>09-Mar-14</td>
<td>Armyansk - Crimean border</td>
<td>Unidentified armed persons Two cars with activists were stopped on Crimean border and searched. When armed persons noticed Ukrainian flag, they arrested all five activists and journalists and took them to basement of the Traffic Police Office. On the same evening they were transported to Sevastopol, detained there and freed 11 March. Pattern of violent crimes against pro-Ukrainian activists committed by “self-defence” and not investigated / investigated ineffectively.</td>
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<tr>
<td>Oles Kromplyas</td>
<td>Ukrainian photographer</td>
<td>09-Mar-14</td>
<td>Armyansk - Crimean border</td>
<td>Armed unidentified persons Two cars with activists were stopped on Crimean border and searched. When armed persons noticed Ukrainian flag, they arrested all five activists and journalists and took them to basement of the Traffic Police Office. On the same evening they were transported to Sevastopol, detained there and freed 11 March. Pattern of violent crimes against pro-Ukrainian activists committed by “self-defence” and not investigated / investigated ineffectively.</td>
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<tr>
<td>Name</td>
<td>Nationality</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
<td>Event Description</td>
<td>Pattern of violent crimes against pro-Ukrainian activists committed by “self-defence” and not investigated / investigated ineffectively.</td>
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<tr>
<td>Evgen Rahno</td>
<td>Driver</td>
<td>09-Mar-14</td>
<td>Armyansk - Crimean border</td>
<td>Armed unidentified persons</td>
<td>Two cars with activists were stopped on Crimean border and searched. When armed persons noticed Ukrainian flag, they arrested all five activists and journalists and took them to basement of the Traffic Police Office. On the same evening they were transported to Sevastopol, detained there and freed 11 March.</td>
<td></td>
</tr>
<tr>
<td>Oleksii Grutsenko</td>
<td>Ukrainian activist, son of the Ukrainian parliament member</td>
<td>night to 14 Mar 2014</td>
<td>Crimean border (?)</td>
<td>Armed unidentified persons</td>
<td>A car with activists delivering humanitarian aid to blocked Ukrainian armed forces in Crimea was shot at, the activists were detained and freed on 20 March in exchange</td>
<td></td>
</tr>
<tr>
<td>Natalya Lukyanchenko</td>
<td>Ukrainian activist</td>
<td>night to 14 Mar 2014</td>
<td>Crimean border (?)</td>
<td>Armed unidentified persons</td>
<td>A car with activists delivering humanitarian aid to blocked Ukrainian armed forces in Crimea was shot at, the activists were detained and freed on 20 March in exchange</td>
<td></td>
</tr>
<tr>
<td>Sergii Suprun</td>
<td>Ukrainian activist</td>
<td>night to 14 Mar 2014</td>
<td>Crimean border (?)</td>
<td>Armed unidentified persons</td>
<td>A car with activists delivering humanitarian aid to blocked Ukrainian armed forces in Crimea was shot at, the activists were detained and freed on 20 March in exchange</td>
<td></td>
</tr>
<tr>
<td>Yurii Gruzynov</td>
<td>Russian cameraman</td>
<td>16-May-14</td>
<td>Simferopol</td>
<td>“Self-defence”</td>
<td>Member of the association of filmmakers ‘Babylon 13,’ was arrested and detained in Chongar, held in solitary confinement in a room without windows. Freed on 20 March after negotiations.</td>
<td></td>
</tr>
<tr>
<td>Yaroslav Pilunsky</td>
<td>Ukrainian cameraman, son of Crimean parliament member who opposed occupation</td>
<td>16-May-14</td>
<td>Simferopol</td>
<td>“Self-defence”</td>
<td>Member of the association of filmmakers ‘Babylon 13,’ was arrested and detained in Chongar, held in solitary confinement in a room without windows. Freed on 20 March after negotiations.</td>
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<tr>
<td>Name</td>
<td>Nationality</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
<td>Institution</td>
<td>Details</td>
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<tr>
<td>Akhtem Chiygioz</td>
<td>Crimean Tatar</td>
<td>Deputy chairman of Mejlis</td>
<td>29-Jan-15</td>
<td>Simferopol</td>
<td>Police</td>
<td>Chiygioz was arrested and detained on charges of organization of a mass disturbance (26 February case). Considered to be political prisoner. Detention prolonged until 8 Oct. 2016. Part of the 26 February case, which includes over 70 accused (mainly Tatars from different parts of Crimea) who organized mass demonstration in support of sovereignty of Ukraine and status of Autonomous Republic of Crimea in Simferopol near to the Parliament building. Pattern of intimidation and violence against Mejlis members or supporters.</td>
</tr>
<tr>
<td>Talyat Yunusov</td>
<td>Crimean Tatar</td>
<td></td>
<td>11-May-15</td>
<td>Yastrybivka, Simferopol City Court</td>
<td>Police</td>
<td>Yunusov was arrested, detained for two months in pre-trial detention and his house was searched. In fact, he remained in detention until 28 December 2015 when he was convicted and given a suspended prison sentence of 3.5 years. Pattern of intimidation and violence against Mejlis members or supporters; part of the 26 February case.</td>
</tr>
<tr>
<td>Eskender Nebiev</td>
<td>Crimean Tatar, camera-man of Tatar TV channel ATR shut by Russian authorities</td>
<td></td>
<td>20-Apr-15</td>
<td>Simferopol district court</td>
<td>Police</td>
<td>Nebiev was arrested, detained at pre-trial stage for two months and convicted by Simferopol district court. He was given a 2.5 year suspended prison sentence. On 10 October 2015 he was arrested for two days before conviction with unspecified charges. Convicted for participation in clashes with law enforcement organs on 26 February 2014, persecution on political ground in order to suppress Tatar resistance.</td>
</tr>
<tr>
<td>Eskender Emirvaliev</td>
<td>Crimean Tatar</td>
<td></td>
<td>11-May-15</td>
<td>Hrushivka, Sudak district</td>
<td>Police</td>
<td>Emirvaliev was arrested on 18 February and held in pre-trial detention until 18 April. His house was searched by armed persons wearing masks during the night. Emirvaliev’s wife was hospitalized as a result of stress caused by the search and her husband’s arrest. Emirvaliev was promised lenient sentences if he cooperated with prosecution in order to incriminate Akhtem Chihoz.</td>
</tr>
<tr>
<td>Mustafa Degemerji</td>
<td>Crimean Tatar</td>
<td></td>
<td>May-15</td>
<td>Unknown</td>
<td>Police</td>
<td>Arrested for participation in clashes of 26 February, pre-trial detention prolonged several times, most recently until 8 October 2016. Promised lenient sentences if cooperate with prosecution in order to incriminate of Akhtem Chihoz. Considered to be political prisoner.</td>
</tr>
<tr>
<td>Name</td>
<td>Group</td>
<td>Date</td>
<td>Location</td>
<td>Agency</td>
<td>Description</td>
<td>Outcome</td>
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<tr>
<td>Ali Asanov</td>
<td>Crimean Tatar activist</td>
<td>Apr-15</td>
<td>Simferopol</td>
<td>Police</td>
<td>Arrested for participation in clashes of 26 February. Pre-trial detention prolonged several times, most recently until 8 October 2016. Lawyer was not allowed. Asanov was asked to plea that he was paid for participation in the 26 February demonstration and testify against Chiigoz.</td>
<td>Promised lenient sentences if cooperate with prosecution in order to incriminate Akhtem Chiigoz. Considered to be political prisoner.</td>
</tr>
<tr>
<td>Eskender Kantemirov</td>
<td>Crimean Tatar</td>
<td>07-Feb-15</td>
<td>Simferopol</td>
<td>Police</td>
<td>Kantemirov was arrested and detained at pre-trial stage. On 6 April his house was searched.</td>
<td>According to the prosecution, during the mass disturbances of 26 February he caused bodily harm to several persons.</td>
</tr>
<tr>
<td>Ilmi Umerov</td>
<td>Crimean Tatar, Deputy head of Mejlis</td>
<td>23-Mar-15</td>
<td>Simferopol; Psychiatric Hospital N. 1.</td>
<td>Police</td>
<td>Umerov was interrogated about the details of the organization of the 26 February protests and the activities of Akhtem Chiigoz on 23 and 30 March. Interrogation lasted for seven hours. His house was searched. Accused of publicly calling to overthrow the government (art.280.1 Russian Penal Code). Placed under house arrest, then forcibly transferred into psychiatric hospital.</td>
<td>Interrogated concerning the 26 February case and its main accused Chiigoz. Accused because of his anti-Russian publications on the internet. Crimean prosecutor Natalia Poklonskaya found the case to be in accordance with Russian law.</td>
</tr>
<tr>
<td>Oleksandr Denysov</td>
<td>Civic activist</td>
<td>17-Nov-15</td>
<td>Simferopol</td>
<td>Police</td>
<td>Denysov was arrested following the court hearing of the case of Akhtem Chiigoz, where he said loudly “Glory to Ukraine”. He was taken to the Center for the Fight against Extremism extremism and freed several hours later.</td>
<td>Pattern of intimidation and violence against Mejlis members or supporters.</td>
</tr>
<tr>
<td>Edem Osmanov</td>
<td>Crimean Tatar activist</td>
<td>19-Jan-15</td>
<td>Chornomorsk</td>
<td>Police; Simferopol court</td>
<td>Police used force against Osmanov during his arrest. Court disregarded all defence submissions about the numerous procedural violations and ordered that he be held in pre-trial detention for two months. Osmanov was freed later and convicted to one year’s imprisonment (suspended sentence). Sentencing Osmanov, the Court did not consider whether his alleged victim was a public official, which is required by elements of the crime he was charged with.</td>
<td>Part of the 3 May case. Pattern of intimidation and violence against Crimean Tatars.</td>
</tr>
<tr>
<td>Name</td>
<td>Crimean Tatar activist</td>
<td>Date</td>
<td>Location</td>
<td>Charge</td>
<td>Sentence</td>
<td>Context</td>
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<tr>
<td>Tair Smerdyaev</td>
<td>Crimean Tatar activist</td>
<td>22-Oct-14</td>
<td>Stary Krym</td>
<td>Police stopped the car where Smerdyaev was with his sons (the younger one was three years old) and took him to temporary detention centre, where Smerdyaev fell ill and police had to call paramedics several times. On 22 October the Court approved pre-trial detention for two months. Hearings were held in closed session as the prosecution demonstrated results of public polls where 60 persons referred to Smerdyaev as an “extremist”. Pre-trial detention was prolonged several times and hearings were postponed until in December 2015 Court sentenced Smerdyaev to two years’ imprisonment (sentence suspended).</td>
<td>Part of the 3 May case. Pattern of intimidation and violence against Crimean Tatars.</td>
<td></td>
</tr>
<tr>
<td>Edem Ebulisov</td>
<td>Crimean Tatar activist</td>
<td>25-Nov-14</td>
<td>Armyansk city court</td>
<td>Ebulisov, among others, attempted to assist Tatar leader Mustafa Dzhemilev to enter Crimean territory on 3 May 2014. He was detained for a month between 25 November 2014 and 17 December 2014 by court order of 26 November 2014. Accused of using violence against Russian public officials (40000RUB fine).</td>
<td>Supported of Tatar leader Mustafa Dzhemilev wanted in Russia on several charges; part of 3 May case of persecution on political ground. Pattern of intimidation and violence against Crimean Tatars.</td>
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<tr>
<td>Name</td>
<td>Nationality</td>
<td>Date</td>
<td>Location</td>
<td>Police &amp; Agencies</td>
<td>Details</td>
<td>Remarks</td>
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<tr>
<td>Musa Apkerimov</td>
<td>Crimean Tatar, activist</td>
<td>16-Oct-14</td>
<td>Armyansk city court</td>
<td>Police; FSB</td>
<td>Apkerimov, among others, attempted to assist Tatar leader Mustafa Dzhemilev to enter Crimean territory on 3 May 2014. He was detained for 2 months between 16 Oct 2014 and 12 Dec 2014. Accused of using publicly dangerous violence against public official (art. 318.2 of the Russian Penal Code), suspended sentence of 4 years and 4 months of imprisonment.</td>
<td>Part of the 3 May case. Pattern of intimidation and violence against Crimean Tatars.</td>
</tr>
<tr>
<td>Ekrem Ametov</td>
<td>Crimean Tatar</td>
<td>10-Sep-14</td>
<td>Kamenka village of Leninskyi district</td>
<td>Police</td>
<td>Police searched Ametov's house in the morning, took away laptop and religious literature, prohibited him from copying the search warrant or making a call to his lawyer. Afterwards Ametov was interrogated and taken to the Center for the Fight against Extremism and held until 18:00.</td>
<td>Pattern of intimidation and violence against Mejlis members or supporters.</td>
</tr>
<tr>
<td>Nariman Ametov</td>
<td>Crimean Tatar</td>
<td>10-Sep-14</td>
<td>Kamenka village of Leninskyi district</td>
<td>Police</td>
<td>Police searched Ametov's house in the morning, took away laptop and religious literature, prohibited him from copying the search warrant or making a call to his lawyer. Afterwards Ametov was interrogated and taken to the Center for the Fight against Extremism and held until 18:00.</td>
<td>Pattern of intimidation and violence against Mejlis members or supporters.</td>
</tr>
<tr>
<td>Eskender Bariev</td>
<td>Crimean Tatar, Mejlis member</td>
<td>23-Jan-15</td>
<td>Administrative border</td>
<td>Federal Migration Service</td>
<td>Arrested during their attempt to cross administrative border from Crimea, held in closed car until FSB arrived.</td>
<td>Kadyrov, Bariev and Suleimanov had Ukrainian passports with registration in Crimea. Pattern of intimidation and violence against Crimean Tatars.</td>
</tr>
<tr>
<td>Akmejit Suleimanov</td>
<td>Crimean Tatar, Mejlis member</td>
<td>23-Jan-15</td>
<td>Administrative border</td>
<td>Federal Migration Service</td>
<td>Arrested on the border, held in closed car until FSB arrived, then released. Detained on the 26 Feb case charges.</td>
<td>Kadyrov, Bariev and Suleimanov had Ukrainian passports with registration in Crimea. Pattern of intimidation and violence against Crimean Tatars.</td>
</tr>
<tr>
<td>Kadyrov</td>
<td>Crimean Tatar, Mejlis member</td>
<td>23-Jan-15</td>
<td>Administrative border</td>
<td>Federal Migration Service</td>
<td>Arrested on the border, held in closed car until FSB arrived, then released. Detained on the 26 Feb case charges.</td>
<td>Kadyrov, Bariev and Suleimanov had Ukrainian passports with registration in Crimea. Pattern of intimidation and violence against Crimean Tatars.</td>
</tr>
<tr>
<td>Emir-Usein Kuku</td>
<td>Crimean Tatar, representative of the Contact group on human rights</td>
<td>20 Apr 2015; 11 Feb 16</td>
<td>Yalta (?)</td>
<td>“People in camouflage uniform”; Investigation Committee; FSB. FSB senior lieutenant Aleksandr Kompaniitsev, captial Bogdan Pogorelyi, investigator Roman Viflyanov</td>
<td>20 April Kuku was arrested by people in camouflage, who used force against him. Kuku was seated in the car with his face on a seat, beaten on the back and on the left kidney, his hands were twisted. Attempt to recruit Kuku to FSB. He was interrogated on incitement to hatred and released. On 30 June he was summoned to the Investigation Committee as the FSB had lodged a complaint against Kuku that he had beaten them in response to their request for directions to Yalta. 2 Dec 2015: interrogated on incitement to national hatred. 11 Feb 2016 following violent search of the house Kuku was arrested and detained until 8 April, accused of the organization of the activities of a terrorist organization and participation in the activities of such an organization (art. 205.5 Russian Penal Code). Despite the arguments of the lawyers about the trumped up charges by the Federal Security Service, the Crimean Supreme Court did not reverse the decision of the arrest.</td>
<td>Kuku is one of the prominent Tatar activists who remained in Crimea. Initiation of an investigation of violence against Kuku during the arrest was refused twice. Currently accused of being a member of Hizb-ut-Tahrir.</td>
</tr>
<tr>
<td>Name</td>
<td>Ethnicity, Alleged Member</td>
<td>Date</td>
<td>Location</td>
<td>Investigating Authorities</td>
<td>Details</td>
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<tr>
<td>Ferat Saifullaev</td>
<td>Crimean Tatar, alleged member of Hizb ut-Takhrir</td>
<td>2-Apr-15</td>
<td>Orlyne, Balaklava district</td>
<td>FSB; Prosecution</td>
<td>Saifullaev was searched and interrogated on 2 April. He was then detained in pre-trial detention for at least one year. During trial his lawyer was withdrawn based on the conflict of the defendants’ interests. Withdrawal was upheld on appeal as court only considered the arguments from the prosecution side.</td>
<td></td>
</tr>
<tr>
<td>Nuri (Yurii) Primov</td>
<td>Ukrainian, alleged member of Hizb ut-Takhrir</td>
<td>23-Jan-15</td>
<td>near Sevastopol</td>
<td>FSB; Prosecution</td>
<td>Detained at pre-trial stage. Request of Primov’s advocate for psychophysiological expertise was denied.</td>
<td></td>
</tr>
<tr>
<td>Rustem Vaitov</td>
<td>Crimean Tatar, alleged member of Hizb ut-Takhrir</td>
<td>23-Jan-2015</td>
<td>near Sevastopol</td>
<td>FSB; Prosecution</td>
<td>Detained at pre-trial stage. Advocate was withdrawn based on the conflict of interests. Withdrawal was upheld on appeal as court only considered the arguments from prosecution side.</td>
<td></td>
</tr>
<tr>
<td>Ruslan Zeitullaev</td>
<td>Crimean Tatar, alleged member of Hizb ut-Takhrir</td>
<td>23-Jan-15</td>
<td>near Sevastopol</td>
<td>FSB; Prosecution</td>
<td>Detained at pre-trial stage. Advocate was withdrawn based on the conflict of interests. Withdrawal was upheld on appeal as court only considered the arguments from prosecution side.</td>
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</tr>
</tbody>
</table>
Refat Alimov  | Crimean Tatar, alleged member of Hizb ut-Takhrir, nephew of Enver Bekirov arrested 12 Feb on the terrorism charges | 18-Apr-16 | Krasnokamenka village near Yalta | FSB | Detained on terrorism charges, house searched by armed men in masks. Case against Alimov was initiated 12 April but family was informed 23 April after his arrest. | The Islamic organization Hizb ut-Tahrir is legal in Ukraine and banned in Russia. The organization and its participants were accused of terrorism. Fourteen suspects are detained in connection with the organisation.

Arsen Djepparov  | Crimean Tatar, alleged member of Hizb ut-Takhrir | 18-Apr-16 | Krasnokamenka village near Yalta | FSB | Detained on terrorism charges, house searched by armed men in masks. Previously Djepparov was offered a chance to ‘cooperate’ with FSB. Following his refusal, he was fired from his job, stopped by traffic police several times every day and involved in a car accident that his family thinks was pre-planned to intimidate him. | The Islamic organization Hizb ut-Tahrir is legal in Ukraine and banned in Russia. The organization and its participants were accused of terrorism. Fourteen suspects are detained in connection with the organisation.

Zevri Abseitov  | Crimean Tatar, alleged member of Hizb ut-Takhrir | 12-May-16 | Bakhchysarai | FSB | Arrested and detained on terrorism charges until 11 July 2016 by the decision of the Simferopol district court contrary to the decision of the Russian Supreme court that prohibits pre-trial detention unless it was proved that an accused is a high flight risk or would intimidate witnesses. | The Islamic organization Hizb ut-Tahrir is legal in Ukraine and banned in Russia. The organization and its participants were accused of terrorism. Fourteen suspects are detained in connection with the organisation.

Rustem Abiltarov  | Crimean Tatar, alleged member of Hizb ut-Takhrir | 12-May-2016 | Bakhchysarai | FSB | Arrested and detained on terrorism charges until 11 July 2016 by the decision of the Simferopol district court contrary to the decision of the Russian Supreme court that prohibits pre-trial detention unless it was proved that an accused is a high flight risk or would intimidate witnesses. | The Islamic organization Hizb ut-Tahrir is legal in Ukraine and banned in Russia. The organization and its participants were accused of terrorism. Fourteen suspects are detained in connection with the organisation.
<table>
<thead>
<tr>
<th>Name</th>
<th>Nationality</th>
<th>Alleged membership</th>
<th>Date</th>
<th>Location</th>
<th>Authority</th>
<th>Charges</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remzi Memetov</td>
<td>Crimean Tatar,</td>
<td>alleged member of</td>
<td>12-May-16</td>
<td>Bakhchysarai</td>
<td>FSB</td>
<td>Arrested and detained on terrorism charges until 11 July 2016 by the decision of the Simferopol district court contrary to the decision of the Russian Supreme court that prohibits pre-trial detention unless it was proved that an accused is a high flight risk or would intimidate witnesses.</td>
<td>The Islamic organization Hizb ut-Tahrir is legal in Ukraine and banned in Russia. The organization and its participants were accused of terrorism. Fourteen suspects are detained in connection with the organisation.</td>
</tr>
<tr>
<td>Enver Mamutov</td>
<td>Crimean Tatar,</td>
<td>alleged member of</td>
<td>12-May-16</td>
<td>Bakhchysarai</td>
<td>FSB</td>
<td>Arrested and detained on terrorism charges until 11 July 2016 by the decision of the Simferopol district court contrary to the decision of the Russian Supreme court that prohibits pre-trial detention unless it was proved that an accused is a high flight risk or would intimidate witnesses. Accused of organisation of a terrorist group. Father of seven children.</td>
<td>The Islamic organization Hizb ut-Tahrir is legal in Ukraine and banned in Russia. The organization and its participants were accused of terrorism. Fourteen suspects are detained in connection with the organisation.</td>
</tr>
<tr>
<td>Mustafa Yagev</td>
<td>Crimean Tatar,</td>
<td>imam in the local mosque</td>
<td>17-Jul-15</td>
<td>Bakhchysarai district court</td>
<td>Police; Bakhchysarai district court</td>
<td>Sentenced to two years' suspended prison sentence for stating in a private conversation that Crimea would be returned to Ukraine and that the war would start after that. Convicted under article 282 of Russian penal code that refers to public statements, even though Yagev had expressed his opinion in a private conversation.</td>
<td>Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who do not support Russian occupation.</td>
</tr>
<tr>
<td>Yuri Ilchenko</td>
<td>Ukrainian activist</td>
<td></td>
<td>2-Jul-15</td>
<td>Sevastopol</td>
<td>Police</td>
<td>Ilchenko was arrested on incitement to violation of territorial integrity of Russia charges after he posted a poem on his page in social network. The poem condemned Russian occupation of Crimea and called Ukraine to develop its military power. Detained for 11 months. Tortured during detention.</td>
<td>Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.</td>
</tr>
<tr>
<td>Name</td>
<td>Nationality</td>
<td>Role</td>
<td>Date(s)</td>
<td>Location</td>
<td>Organisation</td>
<td>Incident Description</td>
<td>Reason for Arrest</td>
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<tr>
<td>Sergii Dub</td>
<td>Ukrainian doctor</td>
<td>23-Aug-14</td>
<td>Simferopol</td>
<td>“Self-defence”; Police</td>
<td>Dub came to Shevchenko monument with a Ukrainian flag. He was arrested, handcuffed and taken to the police station, where he was interrogated by police and members of the group “Self-defence”. He was charged with hooliganism for swearing in public, which he and witnesses deny. He was detained by members of the ‘self-defence’ group but the length of his detention is unclear. After the detention he was demoted at work from Head of Department to an ordinary doctor.</td>
<td>Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn the occupation.</td>
<td></td>
</tr>
<tr>
<td>Leonid Kuzmin</td>
<td>Ukrainian activist</td>
<td>9-Mar-15</td>
<td>Simferopol</td>
<td>Police; “Self-defence”</td>
<td>Arrested during the meeting commemorating the anniversary of Ukrainian poet Shevchenko’s death. Police exceeded the three-hour limit of temporary arrest. On 14 March he was arrested again next to the Shevchenko memorial and taken to the Centre for the Fight against Extremism as when giving an interview he had been wearing clothes with the colours of the Ukrainian flag.</td>
<td>The reason for arrest was that activists had a Ukrainian flag with words “Crimea is Ukraine”; pattern of violence and discrimination against pro-Ukrainian activists.</td>
<td></td>
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<tr>
<td>Veldar Shukudjie</td>
<td>Ukrainian activist</td>
<td>09-Mar-15; 11-Aug-15; 25-Nov-15; 05-Feb-16</td>
<td>Simferopol</td>
<td>Police</td>
<td>Arrested during a meeting commemorating the death anniversary of the Ukrainian poet Shevchenko. Police exceeded the 3-hour limit of temporary arrest. On 11 Aug 2015 was arrested for a picture with Ukrainian flag; 25 Nov 2015 arrested on Crimean border; 05 Feb 2016 arrested on Crimean border and warned that he was allowed to enter Crimea for the last time. To stay in Crimea he must receive Russian passport.</td>
<td>The reason for arrest was that activists had a Ukrainian flag with marked with words “Crimea is Ukraine”. Pattern of violence and discrimination against pro-Ukrainian activists.</td>
<td></td>
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<tr>
<td>Person</td>
<td>Identity</td>
<td>Date</td>
<td>Location</td>
<td>Officer</td>
<td>Description</td>
<td>Reason for arrest</td>
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<tr>
<td>Oleksandr Kravchenko</td>
<td>Ukrainian activist</td>
<td>09-Mar-2015; 14-Mar-15</td>
<td>Simferopol</td>
<td>Police; “Self-defence”</td>
<td>Arrested during the meeting commemorating death anniversary of Ukrainian poet Shevchenko. Police exceeded 3 hours limit of temporary arrest. On 14 March he was arrested again next to Shevchenko memorial and taken to Center for fighting extremism as giving an interview Kravchenko had a strip with colours of Ukrainian flag. Arrested during the meeting commemorating the anniversary of Ukrainian poet Shevchenko’s death. Police exceeded the three hour-lim of temporary arrest. On 14 March he was arrested again next to the Shevchenko memorial and taken to the Centre for the Fight against Extremism as when giving an interview he had been wearing clothes with the colours of the Ukrainian flag.</td>
<td>The reason for arrest was that activists had a Ukrainian flag with marked with words “Crimea is Ukraine”. Pattern of violence and discrimination against pro-Ukrainian activists.</td>
<td></td>
</tr>
<tr>
<td>Victor Neganov</td>
<td>Ukrainian activist</td>
<td>24-Aug-14</td>
<td>Sevastopol</td>
<td>Traffic police</td>
<td>Neganov organized a meeting with Ukrainian flags in Sevastopol to mark Independence day of Ukraine. He was arrested, taken to the police station where he was subjected to psychological and physical pressure before being released without charge.</td>
<td>Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.</td>
<td></td>
</tr>
<tr>
<td>Sergii Kornienko</td>
<td>Ukrainian activist</td>
<td>24-Aug-14</td>
<td>Sevastopol</td>
<td>Traffic police</td>
<td>Kornienko participated in a meeting with Ukrainian flags in Sevastopol to mark Independence day of Ukraine. He was arrested, taken to the police station where he was subjected to psychological and physical pressure before being released without charge. His health deteriorated in police station but no medical aid was provided.</td>
<td>Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.</td>
<td></td>
</tr>
<tr>
<td>Vatslav Radzivinovich</td>
<td>Polish journalist of “Gazeta Wyborcha”</td>
<td>May -14</td>
<td>Unknown</td>
<td>FSB</td>
<td>Journalist was arrested, transferred to FSB office in Simferopol, denied permission to make a phone call, interrogated and freed after six hours. No reason was given.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
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</tr>
<tr>
<td>Name</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
<td>Agency</td>
<td>Action</td>
<td>Pattern of Intimidation and Violence</td>
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<tr>
<td>Mykola Semyon</td>
<td>Crimean journalist of newspaper “Den”</td>
<td>May-14</td>
<td>Unknown</td>
<td>FSB</td>
<td>Journalist was arrested, transferred to FSB office in Simferopol, denied permission to make a phone call, interrogated and freed after six hours. No reason was given.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
<td></td>
</tr>
<tr>
<td>Lenara Abibulaeva</td>
<td>Photojournalist</td>
<td>May-14</td>
<td>Unknown</td>
<td>FSB</td>
<td>Journalist was arrested, transferred to FSB office in Simferopol, denied permission to make a phone call, interrogated and freed after six hours. No reason was announced.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
<td></td>
</tr>
<tr>
<td>Osman Pashaev</td>
<td>Crimean Tatar journalist</td>
<td>18-May-14</td>
<td>Simferopol</td>
<td>“Self-defence”; Police</td>
<td>Journalist was arrested and detained for several hours in the “office of self-defence”. He was threatened, subjected to psychological and physical pressure. Electrical equipment with a value of 70 000 UAH was stolen were stolen. Then he was transferred to police station and interrogated him for a long period without a lawyer present.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
<td></td>
</tr>
<tr>
<td>Djengiz Kyzgyn</td>
<td>Turkish camera-man</td>
<td>18-May-14</td>
<td>Unknown</td>
<td>“Self-defence”; Police</td>
<td>Journalist was arrested and detained for several hours in the “office of self-defence”. He was threatened, subjected to psychological and physical pressure. Electrical equipment with a value of 70 000 UAH was stolen were stolen. Then he was transferred to police station and interrogated him for a long period without a lawyer present.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
<td></td>
</tr>
<tr>
<td>Petr Ruzavin</td>
<td>Journalist of “Dozhd” TV channel</td>
<td>18-May-14</td>
<td>Simferopol</td>
<td>“Self-defence”</td>
<td>Journalist was ordered to delete video material, which he did. However, he was forcibly taken to the “office of self-defence”, where physical violence was used against him.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
<td></td>
</tr>
<tr>
<td>Sergei Mokrushyn</td>
<td>Journalist</td>
<td>2-Jun-14</td>
<td>Unknown</td>
<td>“Self-defence”</td>
<td>Journalist was arrested for cursing Russian authorities, taken to the “office of self-defence”, handcuffed, searched (including cell-phone and social networks).</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
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<tr>
<td>Name</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
<td>Agency</td>
<td>Description</td>
<td>Pattern</td>
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<tr>
<td>Vladlen Melnikov</td>
<td>Film director</td>
<td>2-Jun-14</td>
<td>Unknown</td>
<td>“Self-defence”; journalist was arrested for cursing Russian authorities, taken to the “office of self-defence”, handcuffed, searched (including cell-phone and social networks).</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
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<tr>
<td>Tetyana Kozyreva</td>
<td>Journalist of “Hromadske TV”</td>
<td>22-Jun-14</td>
<td>Sevastopol</td>
<td>Police</td>
<td>The journalist was arrested filming a meeting on Nakhimov square and interrogated by the Department for the Fight against Extremism. Two hours later no charges were announced and no procedural documents completed.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
<td></td>
</tr>
<tr>
<td>Karen Arzumanyan</td>
<td>Camera-man of “Hromadske TV”</td>
<td>22-Jun-14</td>
<td>Sevastopol</td>
<td>Police</td>
<td>The journalist was arrested filming a meeting on Nakhimov square and interrogated by the Department for the Fight against Extremism. Two hours later no charges were announced and no procedural documents completed.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
<td></td>
</tr>
<tr>
<td>Oleh Baturin</td>
<td>Ukrainian journalist of “Novyi Den”</td>
<td>2-Oct-14</td>
<td>Dzhankoi</td>
<td>Police</td>
<td>Baturin was arrested and interrogated for eight hours. He was not informed of the reason for his arrest. His documents and mobile phone were taken away from him. Next day his phone and passport for travelling abroad were returned but his Ukrainian passport remained with the police.</td>
<td>Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.</td>
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</tr>
<tr>
<td>Natalia Kokorina</td>
<td>Ukrainian journalist</td>
<td>13-Mar-15</td>
<td>Unknown</td>
<td>Police; FSB</td>
<td>Kokorina’s house was searched, she was taken to FSB, interrogated for six hours about charges of violating territorial integrity of Russia and released. She was not allowed a lawyer.</td>
<td>Pattern of intimidation and violations against independent and pro-Tatar / pro-Ukrainian journalists.</td>
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<tr>
<td>Name</td>
<td>Occupation</td>
<td>Date</td>
<td>Location</td>
<td>Agency</td>
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<tr>
<td>Khaiser Djemilev</td>
<td>Crimean Tatar, son of Mustafa Djemilev</td>
<td>28-Sep-14</td>
<td>Crimea; Krasnodar Regional Court</td>
<td>RF authorities</td>
<td>Khaiser killed a friend in 2013. The Ukrainian courts had ordered him to be detained in a mental health institution. After the Russian occupation, the case was reviewed disregarding the fact that Khaiser was a Ukrainian citizen who had committed a crime against another Ukrainian citizen on the territory of Ukraine. Khaiser is now held in regular detention in Rostov. The Ukrainian consular authorities have no access to him. Khaiser is son of persecuted Tatar leader Mustafa Djemilev. ECtHR held the situation was in violation of art.10 and requested an extradition of Khaiser to Ukraine, which was ignored by Russia.</td>
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<tr>
<td>father Bogdan Kostetskyi</td>
<td>Priest of Ukrainian Greek Catholic Church</td>
<td>02-Sep-14</td>
<td>Yalta</td>
<td></td>
<td>On 2 September Kostetskyi called another priest and said he had been arrested and was being held in a basement. Kostetskyi repeatedly claimed he was being persecuted by Crimean authorities and “self-defence”, and called for interrogations to FBS several times. Intimidation and violence against religious minorities.</td>
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<tr>
<td>father Mykola Kych</td>
<td>naval chaplain stationed in Sevastopol; pro-Ukrainian activist</td>
<td>15-Mar-14</td>
<td>Sevastopol</td>
<td>“Self-defence”; Russian intelligence service</td>
<td>Detained immediately after celebrating a “parastas,” questioned for eight hours, accused of “provocations” and of supplying the Ukrainian navy with weapons. Pattern of intimidation and violence against pro-Ukrainian activists. Intimidation and violence against religious minorities.</td>
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<tr>
<td>father Ihor Gabryliv</td>
<td>Priest of Ukrainian Greek Catholic Church</td>
<td>16-Mar-14</td>
<td>Yalta</td>
<td>“Self-defence”; Russian intelligence service</td>
<td>Detained without charge. Pattern of intimidation and violence against pro-Ukrainian activists. Intimidation and violence against religious minorities.</td>
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<tr>
<td>Ali Ozenbash</td>
<td>Head of Kurultai Audit Commission</td>
<td>10-Sep-14</td>
<td>Armyansk</td>
<td>Border control service</td>
<td>Ozenbash was forcibly taken off a to Lviv during which his arm was injured. Border control stated there was no reason to arrest him, yet he was held in a closed room for several hours. Pattern of intimidation and violence against Mejlis members or supporters.</td>
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<tr>
<td>Name</td>
<td>Ethnicity</td>
<td>Date</td>
<td>Location</td>
<td>Authority</td>
<td>Details</td>
<td>Result</td>
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<tr>
<td>Volodymyr Baluh</td>
<td>pro-Ukrainian activist</td>
<td>Apr-15; 14-Nov-15</td>
<td>Serebryanka village</td>
<td>Police; FSB</td>
<td>In April and in November police and FSB officials conducted searches of houses and took away the Ukrainian passport of Baluh, Ukrainian flag and USB sticks. Baluh was detained for 10 days. In Feb 2016 Baluh was found guilty of abuse of representative of authorities and sentenced to 320 hours of mandatory work; After the verdict was overturned on appeal - on 10 June 2016 Baluh was found guilty of insulting a public official and sentenced to a further 320 hours of labour.</td>
<td>Pattern of intimidation against pro-Ukrainian activists.</td>
<td></td>
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<tr>
<td>Muedin Alvapov</td>
<td>Crimean Tatar</td>
<td>23-Jan-16</td>
<td>Alupka</td>
<td>Police</td>
<td>Alvapov was arrested and detained for two months as he had allegedly set fire to cars in Yalta. His relatives insist that the case is connected to Alvapov’s political views because his brother is another suspect, although he has not even been to Crimea. Detention extended until May 2016.</td>
<td>Pattern of intimidation and violence against Mejlis members or supporters.</td>
<td></td>
</tr>
<tr>
<td>Muslim Aliyev</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Verkhnyaya Kutuzovka village near Alushta</td>
<td>FSB</td>
<td>The house was searched on extremism charges, Aliyev was arrested and detained following a court decision of 12 February, accused of the organization of the activities of a terrorist organization and participation in the activities of such an organization (art. 205.5 Russian Penal Code). Despite the lawyers’ arguments about the trumped up charges by the Federal Security Service, the Crimean Supreme Court did not reverse the decision of the arrest.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.</td>
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</tr>
<tr>
<td>Name</td>
<td>Nationality</td>
<td>Date</td>
<td>Location</td>
<td>Agency</td>
<td>Details</td>
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<tr>
<td>Enver Bekirov</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Krasnokamenka village near Yalta</td>
<td>FSB</td>
<td>The house was searched on extremism charges, Bekirov was arrested and detained following court decision of 12 February, accused of the organization of the activities of a terrorist organization and participation in the activities of such an organization (art. 205.5 Russian Penal Code). Despite lawyers’ arguments about trumped up charges by the Federal Security Service, the Crimean Supreme Court did not reverse the decision of the arrest.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.</td>
<td></td>
</tr>
<tr>
<td>Vadym Siruk</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Yalta</td>
<td>FSB</td>
<td>The house was searched on extremism charges, Siruk was arrested and detained following court decision of 12 February, accused of the organization of the activities of a terrorist organization and participation in the activities of such an organization (art. 205.5 Russian Penal Code). Despite lawyers’ arguments about trumped up charges by the Federal Security Service, the Crimean Supreme Court did not reverse the decision of the arrest.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.</td>
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</tr>
<tr>
<td>Shamil Ilyasov</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Krasnokamenka village near Yalta</td>
<td>FSB</td>
<td>The house was searched on suspicion of extremism, Ilyasov was arrested, later released.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.</td>
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<tr>
<td>Damir Minadinov</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Yalta</td>
<td>FSB</td>
<td>The house was searched on extremism charges, Minadinov was arrested. Testified about cruel treatment and threats. Minadinov was handcuffed, FSB officers put bag on his head, limited access to air, threatened him with disappearance, threatened to deteriorate housing conditions and to pressure family business.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.</td>
<td></td>
</tr>
<tr>
<td>Bakhtiyar Topuz</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Yalta</td>
<td>FSB</td>
<td>The house was searched in connection with extremism charges, Topuz was arrested.</td>
<td>Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Ethnicity</td>
<td>Date</td>
<td>Location</td>
<td>Agency</td>
<td>Event and Details</td>
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<tr>
<td>Arsen Khaliev</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Yalta</td>
<td>FSB</td>
<td>The house was searched in connection with extremism charges, Khallov was arrested.</td>
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<tr>
<td>Aider Moskovskyi</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Bakhchysarai</td>
<td>FSB</td>
<td>The house was searched in connection with extremism charges, father and son were arrested.</td>
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<tr>
<td>Rustem Moskovskyi</td>
<td>Crimean Tatar</td>
<td>11-Feb-16</td>
<td>Bakhchysarai</td>
<td>FSB</td>
<td>The house was searched in connection with extremism charges, father and son were arrested.</td>
<td></td>
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<tr>
<td>Valentin Vyhovskyi</td>
<td>Kyiv resident</td>
<td>18-Sep-14</td>
<td>Simferopol Train Station</td>
<td>Self-defence forces</td>
<td>Vyovskyi was ordered to show his pass-port to Crimean ‘self-defence’. He had a Kyiv registration which might have been the reason for the arrest. Abducted by self-defence forces and severely beaten. Withheld information about abduction for weeks. Transferred to Moscow for detention and trial. Subsequently tried on charges of espionage and economic crimes and sentenced to 11 years</td>
<td></td>
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<tr>
<td>Andrii Shchekun</td>
<td>Ukrainian activist, leader of movement “Euromaidan-Krym”</td>
<td>9-Mar-14</td>
<td>Simferopol Train Station</td>
<td>“Self-defence”; FSB</td>
<td>Shchekun was held in a basement by members of the “self-defence”, kicked in the chest, tortured with electricity, and had his arm shot at. Freed 20 March during prisoner exchange.</td>
<td></td>
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<tr>
<td>Invir Krosh</td>
<td>Crimean Tatar</td>
<td>16-Dec-15</td>
<td>Unknown</td>
<td>FSB</td>
<td>Krosh was detained by police and FSB, asked to cooperate with FSB and tortured when he refused.</td>
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<tr>
<td>Name</td>
<td>Role/Activity</td>
<td>Date</td>
<td>Location</td>
<td>Agent/Institution</td>
<td>Summary</td>
<td>Category</td>
<td></td>
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<tr>
<td>Deliver Seitislyamov</td>
<td>Crimean Tatar</td>
<td>11-Aug-15</td>
<td>near Novopavlovka</td>
<td>Unidentified persons; FSB</td>
<td>Unidentified persons abducted Seitislyamov's brother, twisted his hands behind his back, put him in a car and threw him out near Novopavlovka. Then they came back and took him to FSB, choked him to the point of losing consciousness, squeezed his eyes, and beat him in the groin. He was released two days later.</td>
<td>Pattern of intimidation and violence against Tatars.</td>
<td></td>
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<tr>
<td>Alexei Salov</td>
<td>Chief Editor of online newspaper 'Argumenti Nedeli - Crimea'</td>
<td>14-Jun-16</td>
<td>Simferopol</td>
<td>Police; Simferopol court</td>
<td>Detained and transferred to Simferopol for pre-trial detention. Charged with extortion and evading justice. Accused of absconding a previous sentence. Colleagues claim this is in retaliation for his journalistic work.</td>
<td>Attack on free speech and journalists.</td>
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<tr>
<td>Oleg Prikhodko</td>
<td>Ukrainian activist</td>
<td>08-Jun-16</td>
<td>Saki</td>
<td>Police; Saki district court</td>
<td>Stopped by traffic police for driving with Ukrainian licence plates. Arrested for refusing to re-register vehicle and voicing protest. Found guilty of public disorder and sentenced to three days administrative arrest.</td>
<td>Pattern of intimidation against pro-Ukrainian and Tatar activists.</td>
<td></td>
</tr>
<tr>
<td>Maxim Filatov</td>
<td>Alleged Ukrainian member of Azov</td>
<td>26 Jul 2016</td>
<td>Rostov-na-Donu</td>
<td>Russian authorities; Penal colony</td>
<td>Convicted by North Caucasian District Military Court of terrorism offences for allegedly committing arson against a mosque and planning an attack on prosecutor's office. Sent to penal colony for six years. No witnesses or evidence examined.</td>
<td>Prosecuted by same authorities as Sentsov. Part of intimidation and violence against pro-Ukrainians.</td>
<td></td>
</tr>
</tbody>
</table>
E. Analysis

139. IPHR submits that all detention cases documented in this report involve arbitrary deprivations of liberty. In all such cases, the occupying authorities have either lacked sufficient grounds for detention, violated basic procedural safeguards, or both. Selective arrests, biased prosecutions, intimidation tactics, systematic violations of domestic and international procedural rules and a recurrent lack of sufficient evidence demonstrates that detentions were politically motivated, rather than a genuine exercise of law enforcement or protection of public order.

140. Evidence presented in this report provides a reasonable basis to believe that documented cases of illegal detention may be qualified as either war crimes and/or crimes against humanity. In the first instance, the internment of civilians for their opposition to the occupation with no concrete evidence of serious prejudice to the security of the occupying power, amounts to the war crime of unlawful confinement. Although this qualification may apply to most of the documented cases, it is particularly pertinent to the numerous cases of extra-judicial ‘punitive’ detention. In those cases where the detainees were tried, the systematic denial of due process may also qualify as a war crime of denying a fair trial.

141. There is a reasonable basis to believe that all the documented cases may also qualify as crimes against humanity of imprisonment or other severe deprivation of physical liberty. IPHR has documented systematic violations of domestic procedural laws, including prolonged detention without charge, protocol of detention, or judicial order, imposition and extension of pre-trial detention in absence of sufficient grounds or evidence, and ultra vires detention by paramilitary groups such as the Crimean Self-Defence Militia. Detention has also resulted from frequent violations of international fair trial rights, such as the use of confessions obtained under duress or torture, institutionalised lack of equality of arms, lack of independence and impartiality, and restrictions on access to independent counsel.

142. The resultant instances of arbitrary deprivation of liberty took place in the context of the occupation and as part of the occupying authorities’ widespread and systematic attack on targeted members of the civilian population on the Crimean Peninsula.

F. Conclusion

143. For the forgoing reasons, IPHR submits that there is a reasonable basis to believe that the following ICC Statute crimes have taken place in relation to the detention cases presented in this section:

- War crime of unlawful confinement (Article 8(2)(a)(vii));
- War crime of denying a fair trial (Article 8(2)(a)(vi)); and/or
- Crime against humanity of imprisonment or other severe deprivation of physical liberty (Article 7(1)(e)).

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425 Article 8(2)(a)(vii) of the ICC Statute.
426 Article 8(2)(a)(vi) of the ICC Statute.
427 Article 7(1)(e) of the ICC Statute.
VIII. Forced displacement

A. Overview

144. In this section IPHR presents evidence of forced displacement of civilian residents of the Crimean Peninsula in the wake of its occupation by the Russian Federation. Estimates for the number of civilians displaced as a result of the occupation range from 20,000 to 60,000 people, representing approximately 2.5 percent of the total population of the Peninsula. Of those who have left, an estimated 15,000 – 30,000 are believed to be Crimean Tatars. Thousands of others remain under the threat of forced displacement. All displaced residents were lawfully present on the territory of the Peninsula, and were involuntarily displaced by expulsion or other forms of coercion, with no justification under international law. In addition, up to 2,200 Ukrainian detainees located in Crimean prisons at the time of the invasion have been involuntarily transferred to other facilities in the Russian Federation. This forced displacement has taken place in the context of the occupation, and as part of the occupying authorities’ widespread and systematic attack on the targeted civilian population. Consequently, IPHR submits that the war crime and/or crime against humanity of deportation or forcible transfer have taken place on the Crimean Peninsula following its occupation by the Russian Federation.

B. The law

145. Deportation or forcible transfer is a complex multi-faceted crime involving "a common set of harms [...] including violations of civil and political, economic, and social rights and physical abuses." It may be prosecuted as a war crime and/or as a crime against humanity.

146. Deportation or forcible transfer is defined as the "[f]orced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

147. The ICC Elements of Crimes employ a broad interpretation of ‘forcible’:

“The term “forcibly” is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment.”

148. The key component of forced displacement is involuntariness or lack of genuine choice on the part of the...
This lack of genuine choice may be brought about by actual physical violence, or a well-founded fear of violence, reprisal or other forms of discrimination.\textsuperscript{437} The ICC Pre-Trial Chamber has confirmed that forced displacement is an open-conduct crime, meaning several different acts committed by the perpetrator may cumulatively amount to expulsion or other coercive acts.\textsuperscript{438}

149. According to the plain reading of the ICC Statute, the requirement of ‘lawful presence’ relates to the legality of the victim’s presence in the area – meaning village, city, region, or country – as opposed to his or her origin or title to an individual plot of land or dwelling.\textsuperscript{439} Moreover, according to the ICTY Trial Chamber:

“The clear intention of the prohibition against forcible transfer and deportation is to prevent civilians from being uprooted from their homes and to guard against the wholesale destruction of communities. In that respect, whether an individual has lived in a location for a sufficient period of time to meet the requirements for residency or whether he or she has been accorded such status under immigration laws is irrelevant. Rather, what is important is that the protection is provided to those who have, for whatever reason, come to “live” in the community—whether long term or temporarily.”\textsuperscript{440}

150. This interpretation is consistent with the freedom of movement and choice of residence under the International Covenant on Civil and Political Rights (ICCPR),\textsuperscript{441} which “relates not only to dwellings but also to all types of residential property regardless of legal title or nature of use.”\textsuperscript{442} Article 3 of Protocol 4 to the European Convention on Human Rights (ECHR) prohibits all individual or collective measures that expel nationals from or deprive their entry to the territory of their own State. Article 4 of the same Protocol prohibits the ‘collective expulsion of aliens’.

151. The circumstances under which international law allows civilians to be involuntarily displaced are limited and exceptional. Under international humanitarian law, “the Occupying Power may undertake total or partial

\textsuperscript{436} ICTY, Appeals Chamber, Prosecutor v. Stakic, [IT-02-60-T] “Judgement,” 22 March 2006 para 279; See also: ECCC, Trial Chamber, “Case 002/01 Judgment” (002/19-09-2007-TC), 7 August 2014, para. 450.\textsuperscript{437} ICTY, Trial Chamber, Prosecutor v. Krstic, “Judgement” (IT-98-33-T), 2 August 2001 para 529; ICTY, Trial Chamber I, Section A, Prosecutor v. Vidoje Blagojevic Et al. [IT-02-60-T], “Judgement,” 17 January 2005, at para. 617: the Trial Chamber found that a combination of coercive circumstances meant that the “Bosnian Muslim refugees in Potočari did not have a genuine choice of whether to remain in or leave the Srebrenica enclave” and that their removal was, consequently, forcible in character.\textsuperscript{438} ICC, Pre-Trial Chamber II, Situation in The Republic of Kenya, Prosecutor v. William Samoei Ruto Et al. [ICC-01/09-01/11], “Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute,” 23 January 2012, paras 244 and 245.\textsuperscript{439} ICC Pre-Trial Chamber II, Situation in The Republic of Kenya, Prosecutor v. William Samoei Ruto Et al. [ICC-01/09-01/11], “Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute,” 23 January 2012, paras 251, 255, 261: the Pre-Trial Chamber considered whether the victims were unlawfully present in the town or its area, not in their individual dwellings; ECCC, Trial Chamber, “Case 002/01 Judgment” (002-19-09-2007-TC), 7 August 2014, para. 548: ECCC Trial Chamber held that “nothing suggested” that the evacuated population of Phnom Penh consisting of permanent residents and refugees was “not legally present” in the city; ICTY, Trial Chamber II, Prosecutor v. Popovic et al., [IT-05-88-T], “Judgement,” 10 June 2010, para 948: “With regard to the requirement for lawful presence, the Trial Chamber recalls that in 1995, there were 6,500 to 8,000 people living in Zepa and 65% or two thirds of the population were internally displaced persons. There is no evidence indicating an unlawful presence and the Trial Chamber is satisfied that the Bosnian Muslim population was lawfully present in Zepa.”\textsuperscript{440} ICTY, Trial Chamber II, Prosecutor v. Vujadin Popovic et al., [IT-05-88-T], “Judgment,” 10 June 2010, para 900; See also: ICTY, Trial Chamber II, Prosecutor v. Milomir Stakic, [IT-97-24-T], “Judgement,” 31 July 2003, para 677.\textsuperscript{441} ICCPR, Article 12(1) and Article 17; See also ECHR, Protocol 4, Article 2.\textsuperscript{442} Francis Deng, Representative of the Secretary-General, Questions of Human Rights, Mass Exoduses and Displaced Persons: Report submitted pursuant to Commission on Human Rights resolution 1997/39, “Compilation and Analysis of Legal Norms, Part II: Legal Aspects Relating to the Protection against Arbitrary Displacement,” 11 February 1998, para 46.
evacuation of a given area if the security of the population or imperative military reasons so demand”. Any other grounds of exception are permitted. Any measures taken for such reasons must conform to the principle of proportionality and “persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased”. In any event, “[d]isplacement is not justifiable where the humanitarian or military situation causing the displacement is itself the result of the accused’s own unlawful activity”.

152. Under international human rights law, the freedom of movement and choice of residence “[s]hall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.” Any permissible restrictions:

(i) Must be provided for by national law of general application, which in turn must be precise, proportionate and necessary, and consistent with the fundamental principles of equality and non-discrimination; and

(ii) Must not be arbitrary or unreasonable.

153. There are no limitations to the prohibition of expulsion of nationals under the ECHR. Moreover, it has been held that “[e]conomic policy is not one of the grounds recognised under international law that justifies forced transfer of a population.”

C. Summary of evidence

154. An estimated 20,000 – 60,000 residents of the Crimean Peninsula have fled its territory since the onset of the occupation by the Russian Federation. Of those who have left, an estimated 15,000 – 30,000 are believed to be Crimean Tatars. ‘Residents’ for the purpose of this statistic are defined as persons permanently residing on the territory of the Crimean Peninsula, or persons temporarily and lawfully residing on the territory.

155. IPHR submits that the vast majority of those who have left have done so due to coercive acts and/or a coercive atmosphere created by the occupying authorities. Whereas some were physically expelled through

443 Geneva Convention IV, Article 49; See also: ICTY, Trial Chamber, Prosecutor v. Naletlić et al., [IT-98-34-T], “Judgment,” 31 March 2003, paras 518, 519: involuntary displacement is warranted only in three instances: (i) transfers motivated by an individual’s own genuine wish to leave; and (ii) evacuation motivated by concern for the security of the population or (iii) by imperative military necessity.

444 Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, Commentary on Article 49, note 24.


446 Geneva Convention IV, Article 49.

447 Ibid.

448 ICCPR, Article 12(3). Similar exceptions are contained in other human rights instruments. For example, see the Protocol No. 4 to the European Convention on Human Rights, Article 2(3).


force and/or court orders, others fled from threats or fear of violence, duress, detention, psychological oppression or abuse of power. The victims of forced displacement may be divided into three broad categories: (i) persons who were expelled or are under the threat of expulsion; (ii) persons who were coerced into leaving through violence or the threat of violence, duress, detention, threats of prosecution, abuse of power and/or a fear of persecution; and (iii) Ukrainian detainees transferred to detention facilities on Russian territory.

(i) PERSONS WHO WERE EXPULSED OR ARE UNDER THE THREAT OF EXPULSION

156. In at least eight documented cases the occupying authorities sought and obtained expulsion and/or banishment orders against Crimean residents from courts in Moscow or on the peninsula. In violation of fundamental fair trial guarantees, court hearings were held in absentia, charges were not made public and those who were beyond the peninsula’s de facto borders had no effective means of challenging the decision. The primary targets of such expulsion orders are prominent members of the Tatar community, such as leaders of the Crimean Mejlis, Tatar journalists and participants of the anti-occupation protest movement. Others, such as Ukrainian journalist Markrushin, have been banned for their opposition to the occupation.

157. Thousands of other residents have become subject to expulsion by falling into a legislative lacuna created by the occupying authorities. An automatic citizenship law imposed Russian citizenship on all prior residents of the peninsula who had Crimean ‘registration’ in their Ukrainian passports. This has rendered an estimated 100,000 residents (mostly Tatar returnees), who did not have the requisite stamp, ineligible and therefore ‘foreigners’. All foreigners must obtain temporary residence permits or face deportation after a 90-day period. In July 2014, the occupying authorities introduced a cap on residence permits for ‘foreigners’ on the peninsula (5,000 for Crimea and 400 for Sevastopol). This has placed an estimated 95,000 residents under the threat of expulsion.

158. An illustrative example of a forced deportation under the ‘90-day rule’ is that of Sinaver Kadyrov, a permanent resident of the peninsula whose prior status and poor health were disregarded by Armyansk City Court that ordered his expulsion. Others in a similar situation have fled the peninsula prior to being deported by the authorities out of fear of violence, detention and other forms of abuse of power.

453 E.g.: Yuksil’s expulsion order was made by Moscow City Court in a secret hearing conducted in absentia; Chubarov’s banishment order was made in absentia with no possibility of entering the territory to challenge the order on appeal.
454 Yuksil (Advisor to the Chairman of the Mejlis); Djemiliev (Chairman of the Mejlis); Chubarov (Chairman of the Mejlis).
455 Yuksil (and coordinator of QHA Crimean News).
456 E.g.: Guguryk R.; Gugukyk B.; Seitumerov.
457 Markrushin.
462 Kadyrov
159. Many other residents of the Crimean Peninsula have fled as a result of coercive acts such as violence, threats of violence, duress, harassment, detention, threats of prosecution, abuse of power and/or the fear of persecution.

160. A number of residents have fled and/or have avoided returning to Crimea to avoid politically motivated criminal prosecutions. In some cases, prosecutions have already been initiated and/or the victims had been tried in absentia. In other cases, residents fled out of a well-founded fear that their ethnicity, political stance or activities would lead to such prosecutions. Other residents have fled either because they have experienced violence or fear violence and harassment by the authorities and paramilitary groups. Harassment and the threat of violence has also led leaders of religious organisations other than the Russian Orthodox Church to leave the peninsula. Furthermore, the OSCE has reported a surge in the displacement of male youths from the Crimean Peninsula in March 2015, following the service of conscription notices by the occupying authorities.

161. The remaining group of people who involuntarily left the territory of the Crimean Peninsula following the onset of the occupation may not have been personally targeted, but fled from a general climate of coercion and out of fear of persecution. This climate of coercion has resulted from the criminal conduct alleged elsewhere in this report. More specifically, in section X of this report, IPHR sets out evidence of the crime against humanity of persecution, on ethnic, political and/or religious grounds.

162. According to the OSCE and the State Penitentiary Service of Ukraine, at the onset of the occupation, there were 2,033 Ukrainian inmates convicted under Ukrainian law by Ukrainian courts serving custodial sentences in prisons in Crimea, and a further 1,086 pre-trial detainees being held in Simferopol. It is reported that these inmates were not given the option to opt-out of automatic Russian citizenship, and therefore involuntarily became citizens of the Russian Federation. As early as March 2014, at least 179 such inmates were transferred to other detention facilities on the territory of the Russian Federation. Lawyers representing Ukrainian prisoners in the custody of the occupying powers allege that to date up to 2,200 Ukrainian inmates

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463 E.g.: Djemilev, Chubarov, Andrievskaia, Klymenko, Neganov, Kravchenko, Bogutska.
464 E.g.: Checkun – fled after publishing a report on the status of the Ukrainian language on the Peninsula under occupation.
465 E.g.: Mokrushin, Melnikov – journalists beaten by the Crimean Self Defence Militia.
466 E.g.: Kokorina – fled Crimea after FSB raided her parents’ home and subjected to intimidation and questioning.
467 E.g.: Kapustyn – Rabbi of Simferopol; Bishop Anatoly Kaliuzhsky (New Life Church); Archbishop Clement of Simferopol and Crimea (Kievian Patriarchate).
D. Analysis

163. An estimated 20,000 to 60,000 people have fled the Crimean Peninsula since the onset of the occupation. Thousands of others continue to live under the threat of forced displacement. Further, up to 2,200 Ukrainian inmates have been transferred to other detention facilities on the territory of the Russian Federation. IPHR submits that in all such cases, the victims’ departure from the Crimean Peninsula is involuntary. In the majority of cases, those displaced left property, businesses and established communities, for life as refugees – an undeniable indication of the involuntary nature of their departure.

164. The various examples of involuntary displacement documented in this section include court-ordered expulsions, flight from the threat of loss of liberty, violence and the threat of violence, harassment and the general climate of fear and persecution created by the occupying authorities. Furthermore, IPHR submits that evidence of discrimination faced by persons who do not identify themselves as ‘Russian’ is sufficient to satisfy the involuntary nature of their departure from the Crimean Peninsula.

165. Persons affected by forced displacement were all lawfully present on the territory of the Crimean Peninsula, either by virtue of their Ukrainian citizenship, or other residency rights. The fact that the occupying authorities have made their presence unlawful under Russian law does not affect the lawfulness of their presence for the purpose of the ICC Statute.

166. There is no evidence that the forcible displacement of thousands of Crimean residents by the occupying authorities was necessary for the security of the population or imperative military necessity. Nor can it be reasonably argued that the coercive conduct of the authorities, which has forced thousands of residents to flee the territory, was proportionate and necessary, consistent with the fundamental principles of equality and non-discrimination, and not arbitrary or unreasonable. Consequently, IPHR submits that there are no permissible grounds in international law for the forced displacements.

167. Cases of expulsion, prisoner transfer and the displacement as a result of coercion and persecution are intimately connected to other crimes alleged elsewhere in this report. There is little doubt that the forced displacement has taken place in the context of and was associated with the occupation, and that the expulsion and coercion that led to the displacement was part of the widespread and/or systematic attack on the civilian population set out in this report.

E. Conclusion

168. For the foregoing reasons, IPHR submits that there is a reasonable basis to believe that the following ICC Statute crimes have taken place in relation to the cases of forced displacement presented in this section:

- War crime of unlawful deportation or transfer (Article 8(2)(a)(vii)); and/or
- Crime against humanity of deportation or forcible transfer of population (Article 7(1)(d)).

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472 This figure has been given to IPHR by the lawyers who have also verified it with information from penitentiary services and families of inmates.
IX. Crimes against public, private and cultural property

A. Overview

169. In this section IPHR presents evidence of unlawful appropriation and/or pillage of Ukrainian State assets and private property on the territory of the Crimean Peninsula since the onset of the occupation. It is estimated that 4 000 such properties have been seized as part of a peninsula-wide land grab contrary to international law. The list of cases set forth is not exhaustive, but represent an illustrative cross-section of crimes against property perpetrated by the occupying authorities and proxies in the context of the occupation. A total of 14 appropriations of public property and 25 appropriations of private property are set forth below. IPHR has also documented 11 cases of partial or total destruction of cultural, historic and religious monuments and property belonging to civilians. There is no evidence that the documented seizures and destructions were justified by military necessity or presented any concrete military advantage. No compensation has been awarded and there appears to be no opportunity for the dispossessed entities to claim compensation or challenge the appropriations. All cases of appropriation, pillage and destruction have taken place in the context of and were associated with the occupation. Consequently, IPHR submits that the war crimes of illegal appropriation, destruction and/or pillage have taken place on the Crimean Peninsula following its occupation by the Russian Federation.

B. The law

170. International humanitarian law prohibits the destruction and/or appropriation of public or private property belonging to ‘the adversary’ 473 that is not justified by military necessity. 474 When motivated by reprisals against protected persons and their property, all such acts are strictly prohibited. 475 Excessive and wanton appropriation and/or destruction of property carry a separate legal qualification, implying a greater culpability and punishment. 476

171. Occupying authorities are prohibited from unlawfully appropriating the private property of occupied civilians and “the economic substance of the belligerently occupied territory”. 477 Any requisitions of the occupied state’s public property “must be in proportion to the resources of the country and must be paid for insofar as possible in cash, or alternatively a receipt must be given and the amount owed paid as soon as possible.” 478 Property requisitioned from interned civilians must be given back at the end of the internment. 479 An obligation to respect the property rights of refugees and internally displaced persons is considered to form part of

473 For these purposes, the ‘adversary’ is defined as “individuals or entities aligned with or with allegiance to a party to the conflict adverse or hostile to the perpetrator, which can be established in the light of the ethnicity or place of residence of such individuals or entities.” - ICC, The Prosecutor v. Germain Katanga, Judgment pursuant to article 74 of the Statute, ICC-01/04-01/07, 7 March 2014, para. 892.
474 Article 53 of Geneva Convention IV; Articles 23(g) and 52 of the Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907; Article 147 of Geneva Convention IV; See also ICTY, Prosecutor v. Tihomir Blaskic, Trial Judgement, IT-95-14-T, 3 March 2000, para. 157.
475 Article 33 of Geneva Convention IV.
476 Article 8(2)(a)(iv) ICC Statute.
477 Public property belonging to the occupied state “must not be taken over by the occupant or put to the service of his war effort [with the exception of that which is] strictly limited to the needs of the army of occupation insofar as such needs do not exceed the economic strength of the occupied territory.” UNWCC, Krupp case, LRTWC, vol. X, p. 135.
479 Article 97 of Geneva Convention IV.
customary international law. The unlawful appropriation of public or private property of an adversary by occupying authorities that falls short of these standards may constitute a war crime.

172. The appropriation of private or public property for private and personal use, without the consent of the owner and with the intention to deprive its owner of the property, constitutes the war crime of ‘pillage’. Pillage can take the form of acts of looting committed by individual soldiers for their private gain, or the organized seizure of property undertaken within the framework of a systematic economic exploitation of occupied territory. For the purpose of international law, pillage “does not require the appropriation to be extensive or to involve a large economic value”, but needs to reach a certain level of seriousness.

173. ‘Destruction’ is defined as total or partial damage as a result of a military attack, arson or demolition. Unlawful destruction of property in the context of an occupation may amount to a war crime, unless its destruction is imperatively demanded by the necessities of war. Certain property of intrinsically civilian character, such as civilian dwellings, hospitals, property dedicated to religion, charity, education, arts and sciences, is given a special protected status. Its destruction cannot be justified by military necessity, unless and only for such time that these objects lose their protected character and become ‘objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.’ In the case of property, which holds great importance to cultural heritage, it must also be established that “there is no feasible alternative to obtain a similar military advantage to that offered by

480 ICC, Rule 133: Property rights of displaced persons, Customary IHL, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule133 (last accessed: 1/09/2016); See also: UN Security Council, Res. 1019; UN Commission on Human Rights, Res. 1996/71
481 Article 8(2)(b)(xiii) ICC Statute.
482 ICC Elements of Crimes, Article 8(2)(b)(xvi); See also ICC, Prosecutor v. Germain Katanga, Judgment pursuant to article 74 of the Statute, ICC-01/04-01/07, 7 March 2014, paras. 904-907.
484 Seriousness, is assessed on a case-by-case basis in light of the consequences for or number of victims: ICTY, The Prosecutor v. Naletilić and Martinović, Judgment, IT-98-34, 31 March 2003, para. 612.
485 ICC, Prosecutor v. Germain Katanga, Judgment pursuant to article 74 of the Statute, ICC-01/04-01/07, 7 March 2014, paras. 909.
486 ICC, Prosecutor v. Germain Katanga, Judgment pursuant to article 74 of the Statute, ICC-01/04-01/07, 7 March 2014, para. 891: The question of whether partial damage amounts to “destruction” is a question of degree to be decided on a case-by-case basis.
487 ICC Statute, Article 8(2)(b)(xiii).
488 Articles 48, 51(2) and 52(2) of Additional Protocol I; Article 13(2) of Additional Protocol II.
489 Article 18 of Geneva Convention IV.
490 Article 56 of the Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907.
491 Civilians and civilian objects lose the protection of the law against a military attack only when and for such time that they take a direct part in hostilities. Article 51(3) of Additional Protocol I and Article 13(3) of Additional Protocol II.
492 Article 52(2) of the 1977 Additional Protocol I.
attacking that objective." An intentional attack on property dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, in the context of an occupation, constitutes a war crime.\(^{494}\)

### C. Summary of evidence

174. From the onset of the occupation, the occupying authorities have used their position of control and authority over the occupied territory to appropriate Ukrainian public assets and private property. According to a 2014 investigation by Associated Pres, the authorities' conduct includes:

“Legal owners strongly armed off their premises; buildings, farms and other prime real estate seized on dubious pretenses, or with no legal justification at all; non-payment of the compensation mandated by the Russian constitution; and targeting of assets belonging to or used by independent news media, the Crimean Tatar ethnic minority and the pro-Kiev branch of the Orthodox Church.”\(^{495}\)

175. In 2014, the estimate of the number of public and private properties seized by the occupying authorities was 4,000.\(^{496}\) Many of the dispossessed private property owners were actual or perceived opponents of the occupation. There is no compensation or redress for victims of the appropriations. IPHR has documented a total of 39 representative cases of unlawful appropriation.

176. In addition to appropriation, there is evidence of destruction of property of cultural, historic or religious significance, as well as private property belonging to members of ethnic minorities. IPHR has documented a total of 11 cases of destruction of property.

### I. APPROPRIATION OF PUBLIC PROPERTY

177. IPHR has documented 14 major cases of unlawful appropriation of property belonging to the State of Ukraine by occupying authorities. This property includes publicly owned fossil-fuel extraction companies,\(^{497}\) transport infrastructure companies,\(^{498}\) seaports,\(^{499}\) state-owned tourism assets,\(^{500}\) scientific and research property\(^{501}\) and agro-industrial property.\(^{502}\) Seized property also includes a unique collection of local art and artefacts, which has been repatriated to various locations in Russia.\(^{503}\) Ukrainian State assets were appropriated officially through a series of 'nationalisation' laws passed through the de facto Parliament of...

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493 Second Protocol to the Hague Convention for the Protection of Cultural Property, Article 6(a)
494 ICC Statute, Article 8(2)(b)(ix).
497 Chornomornaftgas.
498 Krech Ferry; Crimean Railroads, Universal -Avia
499 Sevastopol commercial seaport; Kerch commercial seaport
500 Nizhnyaya Oreanda resort
501 Marine Hydrophysics Institute; Taurida National University
502 Magarach; NovySvet; Massandra vineyard, Crimean enterprise ‘Azov distillery plant’
503 Museum collections.
Physical acts of appropriation were typically carried out by members of paramilitary groups such as the Crimean Self Defence Militia, or members of the occupying armed forces.\footnote{See Decision No.1836-6/14 of the State Council of the Republic of Crimea “On Nationalization of the Property of Companies, Establishments, Organizations of the Agricultural Industry Located in the Territory of the Republic of Crimea” (26 March 2014), and its appendix listing properties to be nationalized in Crimea; and Law No. 47-LRC of the Republic of Crimea “On peculiarities of foreclosure properties in the Republic of Crimea: Law of the Republic of Crimea” (8 August 2014).}

The documented appropriations involve the most significant Ukrainian State assets on the peninsula. The occupying authorities have demonstrated no intention of compensating Ukraine for the appropriated property. The law on ‘nationalisation’ makes no provision for notification of the owner, compensation, complaints or appeal procedure.\footnote{See OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 67-68.} The Supreme Court of the Russian Federation has upheld the law on nationalisation of property in Crimea as constitutional.\footnote{Ruling of the Supreme Court of the Russian Federation No.127-APG15-2 of May 27, 2015. Available at: http://www.supcourt.ru/stor_pdf.php?id=1339844 (last accessed: 26.08.2016).}

## II. APPROPRIATION OF PRIVATE PROPERTY

In addition to public property, private property has been targeted for appropriation by the occupying authorities or persons acting with the authorities’ acquiescence. IPHR has documented 25 representative cases of appropriation of private property, including agro-industrial enterprises,\footnote{Quail Egg Farm; Sevastopol Marine Plant; Zaliv Shipyard; Agrotreid; Krymhleb, Feodosia Oil Product Supply Company} a major bank,\footnote{Privat Bank} property belonging to associations,\footnote{Association of Veterans “Dobrobut”. Sevastopol Marine Plant, Black Sea TV; Ukretelcom; Yalta Film Studios; ATR} media and telecommunication companies,\footnote{Feodosia Enterprise; Krymenergo; Crimean Fuel Alliance and Eastern Crimean Energy Company, Ukrnafta, Sentosa Oil, ANP, Avias} energy companies,\footnote{Trans-Bud; Krumavtotrans; Interflot} construction and transport companies\footnote{Trans-Bud; Zaliv; Foros sanatorium; Ayyazovsky; Café Mustafir.} and tourism-sector enterprises.\footnote{E.g.: Café Mustafir belonging to the family of Mejlis leader Djemiliev.} Aside from big commercial enterprises, appropriations have taken place against small businesses, mainly belonging to Crimean Tatars and persons in actual or perceived opposition to the occupation.\footnote{Trans-Bud; Zaliv; Foros, Ukretelcom; Krymhleb; Trans-Bud; Zaliv; Foros, Ukretelcom; Krymhleb; property belonging to Senchenko; Agrotreid; Krymhleb; Interflot} In at least 11 cases, the appropriations were implemented by paramilitary groups such as the Crimean Self-Defence Militia.\footnote{Bloomberg, “Russia delivers a new shock to Crimean business: Forced Nationalization”, 18 November 2014, available at: http://www.bloomberg.com/news/articles/2014-11-18/crimea-gets-renationalized (last accessed: 26.08.2016).}

According Sergei Tsekov, Russian Senator representing Crimea, “All enterprises on the peninsula that operate inefficiently, are on the verge of bankruptcy, or have been abandoned by their owners, will be nationalised”.\footnote{Bloomberg, “Russia delivers a new shock to Crimean business: Forced Nationalization”, 18 November 2014, available at: http://www.bloomberg.com/news/articles/2014-11-18/crimea-gets-renationalized (last accessed: 26.08.2016).} Laws passed in the wake of the occupation have also expanded the occupying authorities’ rights to foreclose on private property and to seize assets of ‘particular social, cultural, or historical value’\footnote{Law No. 47-LRC of the Republic of Crimea “On peculiarities of foreclosure properties in the Republic of Crimea: Law of the Republic of Crimea” (8 August 2014).} In reality, the occupying authorities are taking advantage of their position to institute a peninsula-wide property grab, “moving aggressively to take over businesses that it deems “inefficient,” strategically important, or friendly to...
the government in Kiev.  

181. Aside from private enterprises, the occupying authorities have also targeted the property of cultural and religious organisations. As a result, a Tatar cultural centre and property belonging to the Ukrainian Orthodox Church of the Kyiv Patriarchate have been seized with no compensation or right of appeal.

III. DESTRUCTION OF CULTURAL, RELIGIOUS AND HISTORIC MONUMENTS AND PROPERTY BELONGING TO ETHNIC MINORITIES

182. IPHR has documented 11 cases of total or partial destruction of cultural, religious and private property. The common thread in all documented cases is that the property belonged to or represented the cultural heritage of ethnic minorities, particularly Crimean Tatars. Targeted monuments include memorials to the Tatar deportation, a Holocaust memorial, four mosques, and three other monuments of historical and cultural significance to Tatars. In addition, Tatar shops have been attacked and defaced with paint and racist slogans. Although in most cases it is difficult to ascertain the direct perpetrators of the attacks, it is apparent that the attacks have been motivated by ethnic or religious hatred in line with the persecution against ethnic minorities set out in section X of this report.

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520 Alushta Tatar Cultural Centre.
521 Church of Martyr Clement of Rome; Perevalne Church.
522 Monument to deported Crimean Tatars in Eklizi-Burun; Memorial to the victims of the Deportation in Koreiz.
523 Holocaust Memorial in Sevastopol.
524 Chukurcha-djami Mosque in Simferopol; SolnyachnayaDolina Mosque; Simferopol Mosque; Zavet-Leninskii Mosque.
525 Monument to Azerbaijani fighters in Sevastopol; Monument to Tatar Saint in Schebetovka; Memorial to WWII Turkish soldiers in Sevastopol.
526 Tatar shops in Kirovske.
### D. Documented cases

#### A) DOCUMENTED APPROPRIATION OF PUBLIC PROPERTY

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
<th>Suspect(s)</th>
<th>Facts</th>
<th>Context and links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukrainian State</td>
<td>JSC “State Joint-Stock Company” Chornomornaftogas</td>
<td>Mar-14</td>
<td>Simferopol</td>
<td>“Self-defence”; Occupying Authorities</td>
<td>A group of people using documents, seals and stamps of said public company, unlawfully took possession of its property for the total amount about 15 billion UAH and subsequently passed it to the illegally-established Crimean Republican enterprise “Chornomornaftogas”.</td>
<td>Seizure was allegedly conducted by “self-defence” as an appropriation. No compensation was given. General Prosecutor’s Office of Ukraine initiated criminal proceedings on the fact of unlawful appropriation of property of JSC “State Joint Stock Company” Chornomornaftogas.</td>
</tr>
<tr>
<td>Ukrainian State</td>
<td>State enterprise ‘Sevastopol commercial seaport’</td>
<td>17-Mar-14</td>
<td>3 Place Nakhimova, 99011 Sevastopol</td>
<td>Occupying Authorities</td>
<td>The ‘Parliament of Crimea’ adopted a resolution No. 1757-6/14 ‘On nationalization of some companies belonging to the Ukrainian ministries of infrastructure or agriculture’ declaring the appropriation of assets belonging to the state enterprise ‘Sevastopol commercial seaport’ on behalf of the ‘Republic of Crimea’.</td>
<td>Appropriation of public property by the Occupying Authorities with no compensation. In terms of volume of trade, it is the biggest commercial seaport in Crimea.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Ukrainian State</th>
<th>State enterprise</th>
<th>Date</th>
<th>Address</th>
<th>Occupying Authorities</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukrainian State</td>
<td>Resort ‘Nizhnyaya Oreanda’</td>
<td>21-Mar-14</td>
<td>Resort ‘Nizhnyaya Oreanda’, 08655, Yalta, Oreanda</td>
<td></td>
<td>The ‘Presidium of the Parliament of Crimea’ adopted a decision ‘On the questions of creation of the Association of sanatoria and resorts’ No. 1767-6/14 declaring the appropriation of assets belonging to the resort ‘Nizhnyaya Oreanda’ on behalf of the ‘Republic of Crimea’.</td>
<td>Appropriation of public property by the occupying authorities with no compensation.</td>
</tr>
</tbody>
</table>
The annexation of Crimea has deprived Ukraine of several unique scientific establishments located on the peninsula. These institutions comprised over 350 scientists working locally in research facilities; each of them had two research ships, laboratories, courses, and libraries each of which comprised more than 100,000 items, including a unique radio telescope, a powerful reflecting telescope and a large solar telescope, volumes printed in the late eighteenth and early nineteenth centuries. The three institutions had been active participants in UNESCO programmes and conferences. All such properties were appropriated by the occupying authorities.


<table>
<thead>
<tr>
<th>Ukrainian State</th>
<th>Marine Hydro-physics institute, the A. O. Kovalkovsky Institute of Biology of the Southern Seas and the Black Sea Underwater Research Centre, The National Academy of Sciences of Ukraine, including the Crimean Laser Observatory, and the Crimean Astrophysical Observatory.</th>
<th>Occupying Authorities</th>
<th>Appropriation of public property by the occupying authorities with no compensation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukrainian State</td>
<td>Crimean enterprise ‘Azov distillery plant’</td>
<td>Occupying Authorities</td>
<td>Appropriation of public property by the occupying authorities with no compensation.</td>
</tr>
<tr>
<td>Ukrainian State</td>
<td>Massandra vineyard</td>
<td>Sep-14</td>
<td>Simeiz</td>
</tr>
</tbody>
</table>
### B) DOCUMENTED APPROPRIATION OF PRIVATE PROPERTY

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
<th>Suspect(s)</th>
<th>Facts</th>
<th>Context and links</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shareholders</td>
<td>Feodosia Enterprise (aka Feodosia Oil Product Supply Company or “Feodosia”)</td>
<td>17-Mar-14</td>
<td>Feodosia</td>
<td>Occupying Authorities</td>
<td>The ‘Parliament of Crimea’ adopted a resolution declaring the appropriation of assets belonging to Feodosia enterprise on behalf of the ‘Republic of Crimea’.</td>
<td>Appropriation of private/public property by the occupying authorities with no compensation. Prior to the crisis, Feodosia was one of Ukraine’s primary transshipment terminals, capable of handling 12 million metric tons of petroleum products annually and transferring crude oil from ocean-going tankers onto freight trains.</td>
</tr>
<tr>
<td>Mikhail Sirotyuk</td>
<td>Quail Egg farm</td>
<td>Apr-14</td>
<td>Trudove</td>
<td>“Self-defence”; Occupying authorities</td>
<td>Mikhail Sirotyuk, the owner of a 50,000-bird quail farm, was locked out of his farm in April when it was seized by a would-be business partner and a half-dozen men. He has tried to take the issue to court, to no avail.</td>
<td>Appropriation of private property by the occupying authorities with no compensation.</td>
</tr>
<tr>
<td>Shareholders</td>
<td>Trans-Bud a construction and transport company</td>
<td>Apr-14</td>
<td>Sevastopol</td>
<td>Occupying authorities; ‘Self-defence’</td>
<td>The company had delivered 54 vehicles, from excavators to dump trucks, to a Simferopol-based firm, Krymsky Passazh. But the customer never paid the $5.2 million bill. And when Trans-Bud asked the police to get involved, investigators reportedly refused to take the case after being told the property was being nationalized.</td>
<td>Appropriation of goods was conducted by “self-defence” as a part of “nationalization” by the occupying authorities, No compensation given.</td>
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</tr>
<tr>
<td>Veterans’ association “Dobrobut” - LLC ‘Agrotrade’</td>
<td>Association for veterans of the Ukrainian Ministry of Defence</td>
<td>13-Jun-14</td>
<td>Bagerove (Leninskyi district)</td>
<td>Occupying Authorities</td>
<td>Armed persons took over the LLC properties that used to belong to association of veterans and disabled persons of the Ukrainian Ministry of Defence. 26 employees were booted off the property and have not been paid since, leaving the fields untilled. Dobrobut's owners have had no luck getting a response from the courts or the police. They estimate their losses at $1.6 million.</td>
<td>Appropriation of private property by the Occupying Authorities with no compensation.</td>
</tr>
<tr>
<td>Petro Poro-shenko and other shareholders</td>
<td>Main shareholder of Sevastopol Marine Plant (60% stake)</td>
<td>Jun-14</td>
<td>Sevastopol</td>
<td>Occupying Authorities</td>
<td>After the check of privatization order, the Plant becomes a Russian property as a part of “nationalization”</td>
<td>Appropriation of private property by the occupying authorities with no compensation.</td>
</tr>
<tr>
<td>Konstantyyn Zhevago and other shareholders</td>
<td>Ukrainian member of parliament and main shareholder in Zaliv shipyard</td>
<td>24-Aug-14</td>
<td>Kerch</td>
<td>Occupying Authorities; “Self-defence”</td>
<td>The shipyard was seized and taken over by a Russian-registered company with only $300 to its name. “Self-defence” henchmen blocked managers of the large Zaliv shipyard in Kerch from entering—supposedly at the request of the workers.</td>
<td>Appropriation of private property by the Occupying Authorities with no compensation.</td>
</tr>
<tr>
<td>Black Sea TV and Radio Shareholders</td>
<td>Media company</td>
<td>Aug-14</td>
<td>Simferopol</td>
<td>Occupying Authorities</td>
<td>After a disputed debt of $76,000 with its long time broadcasting partner, the company was shut down in August. Valuable equipment was also trashed and cables were ripped out by the bailiffs that came to seize the building.</td>
<td>Black Sea TV and Radio was one of the most critical media voices against Russia’s takeover of Crimea in March. Appropriation and destruction of private property. No compensation.</td>
</tr>
<tr>
<td>Owner</td>
<td>Company/Property</td>
<td>Date</td>
<td>Location</td>
<td>Authority</td>
<td>Description</td>
<td></td>
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</tr>
<tr>
<td>Igor Kolomoisky and other shareholders</td>
<td>Main shareholder in PrivatBank</td>
<td>3-Sep-14</td>
<td>Crimea</td>
<td>Occupying Authorities</td>
<td>On 3 September, the bank’s assets were appropriated and later auctioned off. The bank's branches were then taken over by RNKB, the region’s main bank.</td>
<td></td>
</tr>
<tr>
<td>Igor Kolomoisky</td>
<td>Owner of Gas Stations (Ukrnafta, Sentosa Oil, ANP, Avias)</td>
<td></td>
<td></td>
<td>Occupying Authorities</td>
<td>The petroleum base and 32 service stations were appropriated as part of property owned by Kolomoisky.</td>
<td></td>
</tr>
<tr>
<td>Igor Kolomoisky</td>
<td>“Foros” sanatorium</td>
<td>18-Sep-14</td>
<td></td>
<td>Occupying Authorities; “People’s militia”</td>
<td>Seizure was referred to as an “inventory” by occupying authorities</td>
<td></td>
</tr>
<tr>
<td>“Ukrtelecom”</td>
<td>Ukrainian TV- and radio communication company</td>
<td>25-Sep-14</td>
<td>Sevastopol</td>
<td>Occupying Authorities; “Self-Defence”</td>
<td>Seizure of private property was conducted by unidentified persons. “Ukrtelecom” director received a document proving that he was fired by local authorities</td>
<td></td>
</tr>
<tr>
<td>Shareholders</td>
<td>Krymavtotrans</td>
<td>Sep-14</td>
<td>Simferopol</td>
<td>“Self-defence”; Occupying Authorities</td>
<td>Krymavtotrans, which has a monopoly on selling bus tickets in Crimea, was seized by armed men in September and nationalized by decree. Lawyers for the company have sent off letters to President Vladimir Putin’s office to intervene, but have yet to receive a response. Estimated value is 14.6 mln. dol per year</td>
<td></td>
</tr>
<tr>
<td>Shareholders</td>
<td>Yalta Film Studios</td>
<td>Oct-14</td>
<td>Yalta</td>
<td>“Self-defence”; Occupying Authorities</td>
<td>Armed men who said they had been sent by the occupying authorities seized the Yalta Film Studios and its movie sets. Its owners say that as compensation they have been offered a mere $1 million – compared to the $16 million they have plowed into the company since becoming sole proprietors in 2004.</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Position/Role</td>
<td>Date</td>
<td>Location</td>
<td>Event Details</td>
<td>Crime</td>
<td></td>
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</tr>
<tr>
<td>Andrii Senchenko</td>
<td>Ukrainian parliament member; Owner of seized building materials plant and office centre</td>
<td>19-Nov-14</td>
<td>Simferopol</td>
<td>&quot;Self-defence&quot;; Occupying Authorities Persons in camouflage removed locks from the doors of Senchenko’s office and took over the properties</td>
<td>Appropriation of private property by the occupying authorities with inadequate compensation.</td>
<td></td>
</tr>
<tr>
<td>Shareholders</td>
<td>“Agrotreid”</td>
<td>5-Nov-14</td>
<td>Bagerove (Leninskyi district)</td>
<td>&quot;Self-defence&quot;; Occupying Authorities 10 persons in camouflage came to the complex, took over its properties and set up armed security.</td>
<td>Appropriation of private property by the occupying authorities with inadequate compensation.</td>
<td></td>
</tr>
<tr>
<td>Shareholders</td>
<td>“Krymhleb”</td>
<td>12-Nov-14</td>
<td>Simferopol</td>
<td>&quot;Self-defence&quot;; Occupying Authorities Seizure was conducted by &quot;self-defence&quot; as a part of &quot;nationalization&quot; because police alleged violations of law by “Krymhleb” and alleged that it was used to fund pro-Ukrainian units in Donbas</td>
<td>Appropriation of private property by the occupying authorities with inadequate compensation.</td>
<td></td>
</tr>
<tr>
<td>Serhiy Taruta</td>
<td>Owner of Ayvazovskiy park and palace complex</td>
<td>12-Nov-14</td>
<td>Simferopol</td>
<td>Occupying Authorities (through Public Prosecutor) Crimean authorities seized a resort complex owned by the holding company of Serhiy Taruta.</td>
<td>Appropriation of private property by the occupying authorities with inadequate compensation.</td>
<td></td>
</tr>
<tr>
<td>Shareholders</td>
<td>“Interflot-product”</td>
<td>23-Dec-14</td>
<td>Sevastopol</td>
<td>Self-Defence; Occupying Authorities Director of the &quot;Interflot-product&quot; stated that about 150 people came to the territory, prevented employees from leaving and injured one of them, and took over the property</td>
<td>Appropriation of private property by the occupying authorities with inadequate compensation.</td>
<td></td>
</tr>
<tr>
<td>Rinat Akhmetov</td>
<td>Main shareholder of DTEK Krymen-ergo</td>
<td>21-Jan-15</td>
<td>Sevastopol</td>
<td>Occupying Authorities Crimea State Council has decided to nationalize the energy company Krymenergo that belongs to Ukrainian oligarch Rinat Akhmetov. Krymenergo is one of the largest energy companies in the Crimean peninsula. According to official figures, the company employs six thousand people. The main objective of the company is to provide consumers with electricity in Crimea. The company services 27 thousand square kilometres.</td>
<td>Appropriation of private property by the occupying authorities with no compensation.</td>
<td></td>
</tr>
<tr>
<td>Shareholders</td>
<td>Crimean Fuel Alliance and Eastern crimean Energy Company</td>
<td>27-Feb-15</td>
<td>Sevastopol</td>
<td>Occupying Authorities</td>
<td>Crimean Fuel Alliance (former petroleum base in Feodosia, with a fuel and lubricant warehouse and a network of service stations) and Eastern crimean Energy Company were appropriated by so-called State Council</td>
<td>Appropriation of private property by the occupying authorities with no compensation.</td>
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</tr>
<tr>
<td>Djemilev family</td>
<td>Café “Musafir”</td>
<td>11-May-15</td>
<td>Bakhchysarai</td>
<td>Prosecution; local court</td>
<td>The café was shut down after local court held its activity unlawful.</td>
<td>Appropriation of private property with no compensation. Café belonged to sister of Mustafa Djemilev (Prominent Mejlis figure).</td>
</tr>
<tr>
<td>Lenur Islyamov</td>
<td>Tatar businessman, owner of ATR TV channel; organized Crimean blockade</td>
<td>3-Dec-15</td>
<td>Unknown</td>
<td>Prosecution</td>
<td>Islyamov’s property was arrested as he was charged with a crime. However, the prosecutor’s office failed to give details of which crime.</td>
<td>Appropriation of private property by the occupying authorities with no compensation.</td>
</tr>
<tr>
<td>Ukrainian Orthodox Church of Kyiv Patriarchate</td>
<td>Church of Martyr Clement of Rome</td>
<td>Apr-14</td>
<td>Sevastopol</td>
<td>Occupying Authorities</td>
<td>Church building was taken from Ukrainian Orthodox church of Kyiv Patriarchate. Church is located on the territory of Training Detachment of the Ukrainian Navy.</td>
<td>Appropriation of property belonging to a religious organisation. No compensation given.</td>
</tr>
<tr>
<td>Perevalne Church (Kyiv Patriarchate)</td>
<td>Ukrainian Church</td>
<td>Apr-14; 1 Jun-14</td>
<td>Perevalne (Simferopol district)</td>
<td>Orthodox Church of Moscow Patriarchate; Cossacks</td>
<td>Moscow Patriarchate pressures Perevalne church to give up its property. On 1 June a group of armed men in Cossack uniforms broke the church door and destroyed Orthodox relics</td>
<td>Appropriation of property belonging to a religious organisation. No compensation given. Police refused to receive the claim and to initiate investigation</td>
</tr>
<tr>
<td>Tatar cultural centre</td>
<td>Alushta town cultural centre dedicated to the preservation and promotion of Crimean Tatar culture</td>
<td>16-Sep-14</td>
<td>Alushta</td>
<td>Occupying Authorities; “People’s militia”</td>
<td>Sityaga Kazakov, who runs a Tatar cultural center in the seaside town of Alushta, was told that his organization’s lease with the local authorities, supposed to run until 2016, is being revoked and the property put up for competitive bid.</td>
<td>Appropriation of private/public property by the occupying authorities with no compensation. Also appropriation of property belonging to an organisation dedicated to culture and history.</td>
</tr>
</tbody>
</table>
### Documented Destruction of Property

<table>
<thead>
<tr>
<th>Victim</th>
<th>Victim info</th>
<th>Date</th>
<th>Location</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Holocaust memorial</td>
<td></td>
<td>Apr-14</td>
<td>Sevastopol</td>
<td>Unknown</td>
<td>The monument to the 4,200 Holocaust victims killed on 12 July 1942 by Nazis was painted over with symbols from the Soviet Union.</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the symbols used suggest that it was done in the context of the occupation.</td>
</tr>
<tr>
<td>Chukurcha-djami mosque</td>
<td>Mosque</td>
<td>13-Jun-14</td>
<td>Simferopol</td>
<td>Unknown</td>
<td>Unidentified person(s) attempted to burn the mosque and painted a swastika on it</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the symbols used suggest that it was done in the context of the occupation. Maksim Filatov (Ukrainian activist) has been found guilty of the crime in questionable circumstances.</td>
</tr>
<tr>
<td>Solnyachna Dolyna Mosque</td>
<td>Mosque</td>
<td>13-Nov-14</td>
<td>Solnyachna Dolyna</td>
<td>Unknown</td>
<td>At 09:30 a guard noticed fire in the mosque, which happened for the first time in 15 years of the Mosque's existence</td>
<td>Destruction of religious building. Although the perpetrators are unknown the act falls within the general climate anti-Tatar and anti-muslim climate perpetuated by the Occupying authorities. Police stated Muslims had burnt the mosque themselves.</td>
</tr>
<tr>
<td>Monument to Azerbaijani fighters</td>
<td>Unknown</td>
<td>May-15</td>
<td>Sevastopol</td>
<td>Unknown</td>
<td>The monument commemorating Azerbaijani fighters who participated in attacks against Nazi occupation in Sevastopol was destroyed in the beginning of May.</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.</td>
</tr>
<tr>
<td>Monument to deported Crimean Tatars</td>
<td>Unknown</td>
<td>23-May-15</td>
<td>Eklizi-Burun</td>
<td>Unknown</td>
<td>Unknown vandals destroy a monument to the deportation of Crimean Tatars. The monument commemorating deported Tatars was established in 2014 and sponsored by the Tatar community.</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.</td>
</tr>
<tr>
<td>Monument to Tatar Saint</td>
<td>Unknown</td>
<td>night to 25 Jul-15</td>
<td>Shchebetovka</td>
<td>Unknown</td>
<td>Destruction of monument of cultural, historic and religious significance to the Tatar community. The monument to 17th century Saint who cured children was a place of pilgrimage</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation. Police announced that the monument was destroyed because of windy weather, although the day was quiet, no wind.</td>
</tr>
<tr>
<td>Location</td>
<td>Date</td>
<td>City</td>
<td>Perpetrators</td>
<td>Event</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>------------</td>
<td>-----------------</td>
<td>--------------</td>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Memorial to the victims of deportation</td>
<td>21-Oct-15</td>
<td>Koreiz</td>
<td>Unknown</td>
<td>Unknown person(s) spilled yellow paint on the memorial to the deported Crimean Tatars</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.</td>
<td></td>
</tr>
<tr>
<td>Mosque</td>
<td>5-Nov-15</td>
<td>Simferopol</td>
<td>Unknown</td>
<td>Unknown person(s) attacked the building of mosque and stole a signalization charger</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.</td>
<td></td>
</tr>
<tr>
<td>Mosque</td>
<td>14-Nov-15</td>
<td>Zavet-Leninskii</td>
<td>Unknown</td>
<td>Unknown person(s) broke windows of the mosque</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.</td>
<td></td>
</tr>
<tr>
<td>Memorial to WWII Turkish soldiers</td>
<td>10-Dec-15</td>
<td>Sevastopol</td>
<td>Unknown</td>
<td>A memorial to Turkish fighters of Crimean war was marked with a curse</td>
<td>Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.</td>
<td></td>
</tr>
<tr>
<td>Tatar shop owners</td>
<td>24-Dec-2015</td>
<td>Kirovske</td>
<td>Unknown</td>
<td>Three shops were marked with paint, expression of hatred and curses - gallons, signs “God does not love you”, “get out of Crimea”. Owners wanted to file complaints to FSB and prosecution but were pressured by local administration not to do so.</td>
<td>Among the 10 shops located on the street in Kirovske, three belong to Crimean Tatars. Destruction of private property motivated by ethnic hatred.</td>
<td></td>
</tr>
</tbody>
</table>
E. Analysis

183. An occupying force may not legally ‘nationalise’ foreign state property or private assets seized on the territory that it has invaded and occupied. Therefore, all property seizures by or on behalf of the occupying authorities on the territory of the Crimean Peninsula, which were not justified by military necessity, are illegal.

184. None of the documented cases of appropriations of Ukrainian State assets and private property are justified by military necessity. The public and private assets seized by occupying authorities and proxies were not military targets, nor did their seizure present a clear military advantage. The relative ease with which the occupying authorities extended their control and authority over the peninsula averted the need for such appropriations for military ends. On the other hand, public assets subject to the so-called ‘nationalisation’ are Ukraine’s most significant economic assets on the peninsula, and represent the economic substance of the occupied territory.

185. There is no evidence that the occupying authorities have or ever intend to compensate the State of Ukraine or the owners of private property for the seizure of assets. The law on ‘nationalisation’ makes no provision for compensation, and statements by public figures suggest that the appropriations are permanent and irreversible. The rightful owners have not been presented with any opportunities to challenge the appropriations or lack of compensation. The swiftness and systematic way in which appropriations have taken place suggest that they are part of a planned and organised strategy designed by the occupying authorities to grab the economic resources of the peninsula and reverse the balance of economic power on its territory.

186. Many of the owners of private property targeted are actual or perceived opponents of the occupation, or ethnic minorities and persons displaced as a result of the occupation. It therefore appears that aside from taking advantage of their authority and control over the peninsula to grab valuable assets for personal enrichment, the appropriations may have been motivated by reprisals.

187. None of the documented episodes of destruction of property are justified by military necessity or clear military advantage. Attacks on cultural, historical and religious monuments demonstrate evidence of racial and religious motivations behind the attacks, and may constitute reprisals against Crimean Tatars, who are perceived to be in opposition to the occupation.

188. The appropriations and destructions documented in this section took place in the context of and are associated with the occupation.

F. Conclusion

189. For the forgoing reasons, IPHR submits that there is a reasonable basis to believe that the following ICC Statute crimes have taken place in relation to the cases of forced displacement presented in this section:

- War crime of destroying or seizing the enemy’s property unless such destruction or seizure be imperatively demanded by the necessities of war (Article 8(2)(b)(xiii));
- War crime of pillage (Article 8(2)(b)(xvi));
- War crime of internationally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives (Article 8(2)(b)(ix)).
X. Persecution and collective punishment

A. Overview

190. In this section, IPHR presents evidence of the occupying authorities’ intentional and severe deprivation of fundamental rights of Crimean Tatar and Ukrainian residents of the occupied Crimean Peninsula.

191. From the onset of the occupation, the occupying authorities have identified Crimean Tatars as an ethnic group whose leadership and members are opposed to Russian rule. Similarly, the occupying authorities have subjectively identified as ‘Ukrainians’ those Crimean residents who are in actual or perceived opposition to the occupation. Both groups have been targeted on ethnic, political and/or religious grounds, as all three characteristics are intrinsically linked to their members’ actual or perceived identities. Their leaderships and vocal activists have been subjected to violence, including murder, enforced disappearance, unlawful deprivation of liberty and other forms of inhuman treatment. Other actual or perceived group members have been subjected to regular harassment by agents and proxies of the occupying authorities. Laws and administrative acts passed by the authorities have restricted the groups’ fundamental freedoms of expression, assembly and religion, and have enabled appropriation of property belonging to its members. Other acts and measures appear to be aimed at purging the groups’ distinct cultural identities. As many as 60,000 members of both groups have fled the peninsula as a result.

192. It is submitted that the cumulative effect of these criminal acts and violations of civil, political, social, economic and cultural rights, amounts to systemic discrimination, which satisfies the definition and severity threshold of the crime against humanity of persecution. This conduct may also be qualified as a form of collective punishment against groups and individuals in actual or perceived opposition to the Russian occupation.

B. The law

193. The crime against humanity of persecution is defined as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.”[^527] Unlike other ICC Statute crimes, which target stand-alone criminal episodes, persecution criminalises patterns of severe and systemic discrimination, which includes crimes as well as “acts that are not inherently criminal [but which] may nonetheless become criminal and persecutorial if committed with discriminatory intent.”[^528]

194. Persecutorial conduct may be of “physical, economic or judicial nature”, provided it violates “an individual’s right to the equal enjoyment of his basic rights.”[^529] Harassment, humiliation, psychological abuse and outrages on personal dignity,[^530] the systemic denial of freedom of movement and judicial processes,[^531] and the extensive looting destruction and/or confiscation of homes, buildings, businesses, civilian personal property and livestock[^532] have all been held to constitute underlying acts of the crime of persecution.

[^527]: Article 7(2)(g) of the ICC Statute.
[^528]: ICTY, Prosecutor v. Kvočka et al., Judgement, IT-98-30/1-T, 2 November 2001, para. 186; ICTY, Prosecutor v. Kvočka et al, Appeal Judgment, IT-98-30/1-A, February 28, 2005, para. 323 – whilst the deprivation must be severe it need not amount to one of the other listed international crimes.
The severity of the deprivation of fundamental rights resulting from discriminatory conduct is assessed in light of the context within which it occurs, and “the cumulative effect of all the underlying acts of the crime of persecution.”

It must be established that the discriminatory conduct is targeted at an identifiable group or collectivity, on “political, racial, national, ethnic, cultural, religious […] or other grounds that are universally recognized as impermissible under international law.” The group’s existence is assessed according to the perpetrator’s subjective identification of the group. Thus, victims of the crime of persecution may constitute targeted groups and individuals “defined by the perpetrator as belonging to the victim group due to their close affiliations or sympathies for the victim group.”

Persecution on political grounds includes the targeting of civilians on the basis of their actual or perceived political opposition to a movement, regime or leader. Such targeted groups are defined not by the members’ political affiliations, party membership or shared ideology, but by their actual or perceived shared political opinion.

Persecution against humanity within the meaning of the ICC Statute, the deprivation of fundamental rights must be committed in connection with another crime within the jurisdiction of the ICC, and be intentionally or knowingly committed as part of a widespread or systematic attack against the civilian population.

Whilst there is no equivalent war crime of persecution, international humanitarian law and custom prohibit all forms of ‘collective punishment’. This includes targeting of the whole or parts of the population of

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533 “[T]he underlying acts should not be considered in isolation, but rather in the context of other acts and crimes, by looking at their cumulative effect. This, in combination with references to persecution as implying a series of acts (rather than a single act), reflects the collective and multifaceted nature of crimes against humanity under international criminal law, which aims to capture a range of acts or patterns, rather than isolated behaviour,” in United Nations High Commissioner for Refugees, Legal and Protection Policy Research Series, “Forced Displacement and International Crimes,” Guido Acquaviva, June 2011, p. 21.

534 “[I]t is not necessary that every individual act underlying the crime of persecution should be of a gravity corresponding to other crimes against humanity: underlying acts of persecution can be considered together. It is the cumulative effect of all the underlying acts of the crime of persecution, which must reach a level of gravity equivalent to that for other crimes against humanity. Furthermore, the context in which these underlying acts take place is particularly important for the purpose of assessing their gravity,” in ICTR, Ferdinand Nahimana, Jean-Bosco Barayagwiza & Hassan Ngeze v. The Prosecutor, Appeal Judgment, ICTR-99-52-A, para. 987.

535 ICC Elements of Crimes, Article 7(1)(h).

536 “The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such.” See ICC Elements of Crimes, Article 7(1)(h), Element 2.


539 ICC, Situation in Libyan Arab Jamahiriya, “Decision on the Prosecutor’s Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI,” ICC-01/11, 27 June 2011, para. 65; Paras. 42-64: those who were described by the PTC as targeted persons included activists and demonstrators against the Abo Sleem massacre, writers and journalists perceived as dissidents, recipients of banned television frequencies, protestors against arrests of activists and members of a funeral procession for murdered dissidents; See also Gerhard Werle, “Principles of International Criminal Law,” 2nd Ed, 2009, para 907.

540 ICC Elements of Crimes, Article 7(1)(h).

541 ICC Elements of Crimes, Article 7(1)(h).

542 ICRC, Rule 103: Collective Punishments, Customary IHL, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule103 (last accessed: 5.09.2016); Hague Regulations, Article 50; Third Geneva Convention, Article 87, third paragraph;
an occupied territory through criminal prosecutions as well as “sanctions and harassment of any sort, administrative, by police action or otherwise”.\textsuperscript{543} The war crime of collective punishment is recognised in the Statutes of the International Criminal Tribunal for Rwanda and of the Special Court for Sierra Leone.\textsuperscript{544} Despite not being explicitly listed under Article 8 of the ICC Statute, collective punishment may form the underlying thread that ties together a series of war crimes, for the purpose of establishing the existence of a “plan or policy or [...] large-scale commission of such crimes”\textsuperscript{545} and the requirement of gravity.\textsuperscript{546}

\section*{C. Summary of the evidence}

\subsection*{200. Summary of the evidence}

Statements, actions and laws made by occupying authorities make it clear that all groups and individuals in actual or perceived opposition to the occupation will be targeted by all means at their disposal.\textsuperscript{547} Evidence of severe deprivation of fundamental rights on the territory of the Crimean Peninsula by the occupying authorities and their proxies has been well documented by civil society and human rights monitoring organisations.\textsuperscript{548} These violations combined with evidence of criminal conduct set out in preceding sections, reveal a clear pattern of systemic discrimination against identifiable groups on the Crimean Peninsula in actual or perceived opposition to the occupation. Ethnic, linguistic, political and religious divisions on the peninsula and their complex inter-relations suggest that this targeting has taken place on several concurrent grounds:

\section*{I. TARGETING OF CRIMEAN TATARS ON ETHNIC, POLITICAL AND/OR RELIGIOUS GROUNDS}

\subsection*{201. Targeting of Crimean Tatars on ethnic, political and/or religious grounds}

Crimean Tatars are an ethnic group of Mongolian-Ottoman origin that has settled the Crimean Peninsula since the 13th century.\textsuperscript{549} At the end of the 19th century, Crimean Tatars constituted the biggest ethnic group on the peninsula, however, by the end of World War II, Stalin had ethnically cleansed the peninsula of its Tatar population. In the run-up to the Russian invasion in 2014, it is estimated that Crimean Tatars accounted for approximately 12 percent of the peninsula’s population, made up of returnee survivors of the Stalinist purge and their descendants.\textsuperscript{550} The vast majority of Crimean Tatars are Muslim and their ethnic and cultural iden-
tity as a group is closely associated with the Islamic faith and traditions. Their distinction from the Slavic majority is also apparent in their unique language, script, distinctive cultural practices and historic roots.

202. The 1944 forced deportation serves as an important marker of their identification as a distinct ethnic group. It is also a major reason for the strong opposition to Russian occupation shown by the leaders and members of the Crimean Tatar community. Through peaceful protest, vocal opposition, trade blockade and other forms of non-violent resistance, Crimean Tatars have presented the strongest and most organised opposition to the occupying authorities since the onset of the occupation. Unsurprisingly, this opposition has resulted in a systematic attack on the Crimean Tatar population by the occupying authorities through criminal conduct and severe deprivation of fundamental rights.

203. According to our analysis, at least five Crimean Tatars have been murdered, and 10 have disappeared since the onset of the occupation. We have further documented scores of cases of unlawful deprivation of liberty perpetrated against Tatars, ranging from short ‘punitive’ detention to prolonged imprisonment of members of the leadership and perceived activists. At least nine of these detainees have reported being subjected to torture and other inhuman acts.

204. Political figures, activists as well as ordinary members of the Tatar community have been subjected to widespread harassment by police, security agents and militia groups, with frequent reports of physical and psychological abuse. The Mejlis, a representative body of Crimean Tatars, has been banned by occupying authorities as an ‘extremist’ organisation, its leaders banished from the peninsula, arrested and/or threat-
Crimene Tatars have lost their fundamental freedoms of association, assembly and expression, with bans on public gatherings to commemorate culturally significant dates.563 closure of independent Tatar media564 and other societies and organisations.565 Mosques have come under attack, either through vandalism or raids by security forces under the guise of fighting Muslim extremism.566 The vast majority of madrassas have been shut down, with the last remaining madrassa now put under the occupying authorities’ control.567 Individuals as well as the group as a whole has come under unsubstantiated accusations of religious extremism,568 and subjected to religiously motivated hate-crimes.569 Attacks have also been documented on property owned by Crimean Tatars570 and property of historic, religious and cultural significance to the Tatar community.571 According to an OSCE report, native-language education and language studies in Crimean Tatar has been ‘drastically reduced’ since the occupation.572

Echoing Stalin’s ethnic cleansing of the peninsula, between 15 000 and 30 000 Crimean Tatars are believed to have fled the territory of the Crimean Peninsula, forcibly displaced by the cumulative effect of discrimination, violence and/or fear of persecution.573 This figure represents roughly half of all victims of forced displacement with prosecution.562
II. TARGETING OF UKRAINIANS ON ETHNIC AND/OR POLITICAL GROUNDS

208. According to our analysis, at least two Ukrainians (other than Crimean Tatars who may equally identify as Ukrainians) have been murdered, and five have disappeared since the onset of the occupation. We have further documented scores of cases of unlawful deprivation of liberty perpetrated against so-called ‘pro-Ukrainians’, ranging from short ‘punitive’ detention to prolonged imprisonment of actual or perceived activists. At least 25 of these detainees have reported having been subjected to torture and other inhuman acts.

209. As with Crimean Tatars, activists, journalists, public figures and ordinary Ukrainians have been subjected to widespread harassment by police, security agents and militia groups, with frequent reports of physical and psychological abuse. Ukrainians are no longer allowed to assemble to celebrate national holidays or historical figures, display national symbols or express opinions that are perceived as contesting the legitimacy of the occupation.

574 See section II (Factual Background).
576 The so-called automatic citizenship law imposed Russian citizenship on all registered residents of the Crimean Peninsula at the time of the occupation, providing a narrow and bureaucratically challenging window of opportunity for rejecting it. Those who availed themselves of the right to reject Russian citizenship have faced difficulties in obtaining residents permits and complying with subsequent requirement to re-register property, businesses and other entitlements. See OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 32-65; Федеральный конституционный закон N 6-ФКЗ “О принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов – Республики Крым и города федерального значения Севастополь”, 21 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160618/19bbbbfa6e5d06cd09ed958a9f646a2b78880b069/ (last accessed: 07/05/2016).
578 See section V (Murder and Disappearance).
579 See section VII (Illegal Detention).
580 See section VI (Torture and Inhuman Treatment).
210. As per Sergey Aksyonov’s diktat, Ukrainian media has been ‘purged as a class’, whilst the authorities closely monitor social media and revise the ever increasing list of censored websites. The study of the Ukrainian language and culture has been removed from Crimean schools and universities. The Ukrainian Orthodox Church and other Ukrainian denominations have had their properties seized and their leadership displaced from the territory of the peninsula. Cultural links between the Crimean Peninsula and Ukraine are being severed by the occupying authorities. Some 60 000 Crimean residents have fled to Ukraine as a result of the occupation.

D. Analysis

211. The rights violations and criminal conduct perpetrated against Crimean Tatars and Ukrainian are not spontaneous, random or isolated incidents. They form part of a systemic discrimination perpetrated against these two groups and their members on ethnic, political and religious grounds.

212. The widespread opposition of Crimean Tatars to the occupation is regarded by the occupying authorities as a major obstacle to cementing and legitimacy of its occupation. A leaked letter from the regional deputy head of the FSB to Sergey Aksyonov proposes a plan to suppress the Tatars’ opposition. The plan includes the dismantling of the Mejlis, and systematic harassment of the Tatar population with raids, searches and assaults on religious gatherings by security forces and ‘patriotic organisations with radical attitudes towards Tatars’. Evidence documented by IPHR and other human rights organisation demonstrates that this plan has been put into action since the onset of the occupation. Public statements by Sergey Aksyonov and other prominent members of the occupying authorities also confirm the existence of a plan or policy to target the


584 E.g.: cases of Ilichenko, Dub, Kuzmin, Shukudiev, Kravchenko, Neganov (from section VII – Illegal Detention).


587 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 260: “As of the 2015/2016 academic year, all Ukrainian-language schools have become mixed schools and studies in the Ukrainian language have dramatically decreased. No first-grade classes in Ukrainian were opened on 1 September 2015. The leading Ukrainian school in Simferopol was renamed during the reporting period. Many Ukrainian language and literature teachers claimed they had to leave Crimea because of job loss or fear of reprisals.”


590 See section VIII (Forced Displacement).


593 IPHR is unable to verify the authenticity of this document. However, regardless of its authenticity, it serves as an accurate description of the attitude of Occupying Authorities towards the Tatar community.
Similarly, the continuing resistance by a sizeable minority of Ukrainian residents of Crimea to redefine their ethnic, national and cultural identity as Russian is an impediment to the success of the annexation project. As a result, any display of Ukrainian identity is systematically targeted as a reprimand and deterrent to other members of the group. Efforts to sever residents’ cultural and linguistic ties to Ukraine is further evidence of that Ukrainians, as a group, are being targeted by the occupying authorities.

Both groups are targeted for their actual or perceived political opposition to the occupation. However, in both cases, political opposition, ethnic identity and faith are closely inter-linked. For these reasons, we submit that the groups are being targeted concurrently on ethnic, political and/or religious grounds. This targeting forms part of the wider attack on the civilian population, set out in this report. This conduct may also be qualified as a form of collective punishment, against groups and individuals in actual or perceived opposition to the Russian occupation. It highlights the existence of a plan or policy and the gravity underlying the conduct set forth in this report.

E. Conclusion

For these reasons, IPHR submits that there is a reasonable basis to believe that Crimean Tatars and Ukrainians have been targeted on ethnic, political and/or religious grounds, and that the severity of this systematic discrimination amounts to the crime against humanity of persecution (Article 7(1)(h)).

594 E.g.: Statement by the de facto Prosecutor of Crimea – Poklonskaya: “Mejlis calls to war... This is not right, we are the united people... Mejlis calls to destruction... 3 May 2014 Chubarov invited Tatars to the border and organized mass blockage of the roads... What was the positive? What did they get? I will tell what they get – representatives and active participants were sentenced, accused of administrative offences, paid huge fines...”. Prosecution of Crimea, “Прокурор Республики Крым Наталья Поклонская в студии радио «Россия сегодня» – радиомарафон «Симферополь – Москва», http://rkproc.ru/ru/prokuror/ (last accessed: 5.09.2016); See statements made on Facebook by de facto Head of Crimea, Sergei Askyonov, calling the Mejlis an extremist organisation: https://www.facebook.com/aksenov.ru/posts/582617125245084 (last accessed: 5.09.2016); Statement made by Sergei Menaylo, Governor of Sevastopol: “They were coming to me in 2014, saying that: “We want our territory.” Sorry, friends. You want your territory? You are welcome. High up in the mountains there are undeveloped areas, please take it... Crimean Tatars were settled here by Ukraine, as opposition to the Russian-speaking population, and as a tool for the Ukrainization of the territory, and then she gained problems from them”: Segodia.ua, “Губернатор Севастополя порекомендовал крымским татарам жить “высоко в горах”, 20 March 2016, available at: http://www.segodnya.ua/regions/krym/gubernator-sevastopolya-porekomendoval-krymskim-tataram-zhit-vysoko-v-gorah--700796.html (last accessed: 5.09.2016).
XI. Other crimes

216. In addition to the crimes set out in preceding sections, IPHR has found evidence of other conduct, taking place on the territory of the Crimean Peninsula, which may amount to crimes that fall within the jurisdiction of the International Criminal Court. A full assessment of the legal qualification and gravity of this conduct requires further investigation. However, information set out below may be sufficient to raise a reasonable basis to believe that the following ICC Statute crimes have been perpetrated by the occupying authorities since February 2014:

- Transfer of civilian population of occupying power onto occupied territory (Article 8(2)(b)(viii));
- Compelling a protected person to serve in the forces of a hostile power (Article 8(2)(a)(v)).

A. Transfer of civilian population of occupying power onto occupied territory

I. THE LAW

217. Conduct aimed at altering the demographic or ethnic composition of an occupied territory is a grave breach of the Geneva Conventions and has been condemned by the UN Security Council, the UN General Assembly, and the UN Commission on Human Rights. According to the final report of the UN Special Rapporteur on the Human Rights Dimensions of Population Transfer, “the implantation of settlers” is unlawful and engages State responsibility and the criminal responsibility of individuals. Individuals have been tried and found guilty of crimes associated with this conduct at the Nuremberg trials. Under the ICC Statute, “the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies” constitutes a war crime.

II. THE EVIDENCE

218. Thousands of Russian citizens have settled or are in the process of settling on the territory of the Crimean Peninsula since the onset of the occupation. Russian media has reported that the Crimean Peninsula is now one of the most popular destinations in the Russian Federation for labour migration, after Moscow and

595 Geneva Convention IV, Article 49; Additional Protocol I, Article 85(4)(a).
596 The following UN Security Council Resolutions condemn the illegal occupation and transfer of Israeli civilian population onto occupied Palestinian territories by the State of Israel: UNSC Resolution 446, UNSC Resolution 452, UNSC Resolution 465, UNSC Resolution 476; UNSC Resolution 677 condemns attempts by Iraq to alter the demographic makeup of Kuwait; UNSC Resolution 752 condemns conduct altering the ethnic makeup in constituent parts of the former Yugoslavia.
597 The following UN General Assembly Resolutions condemn the illegal occupation and transfer of Israeli civilian population onto occupied Palestinian territories by the State of Israel: UNGA Res. 36/147 C, UNGA Res. 37/88 C, UNGA Res. 38/79 D, UNGA Res. 39/95 D, UNGA Res. 40/161 D and UNGA Res. 54/78.
598 UN Commission on Human Rights, Res. 2001/7.
600 International Military Tribunal at Nuremberg, Case of the Major War Criminals, Judgment.
601 ICC Statute, Article 8(2)(b)(viii).
St Petersburg. A prominent member of the Russian Parliament and leader of the right-wing LDPR party, Vladimir Zhirinovskyi has publicly proposed to transfer two to three million mainland Russians to the peninsula. Residents of Crimea report the arrival of thousands of Russian citizens to replace current residents as doctors, teachers, civil servants and small business owners.

According to the head of the outlawed Crimean Tatar Mejlis, the Russian authorities “artificially change the demographic, ethnic and religious composition of the territory they occupied.” According to Chubarov, Russian authorities are pursuing a policy of artificial populating of Crimea. On the one hand, they are displacing the population, which they consider disloyal – such as, first of all, Crimean Tatars, who remain loyal to Ukraine, as well as Ukrainians who do not accept the occupation. On the other hand, under various pretexts, they will increase the population of the territory.

Comparative analysis of census data collected in 2001 and 2014 confirms these reports. As of the end of 2014, there has been a marked decline of ethnic Ukrainians on the peninsula from 24 percent to 15.1 percent - representing an estimated 230 000 people. This sharp decline in ethnic Ukrainian population is explained “both by the mass departure of Ukrainians from Crimea and the conscious change by some of them of their official ethnic self-identification.” Conversely, the same analysis shows a relative increase of the ethnic Russian population from 60.4 percent to 65.3 percent.

Further evidence of a settlement policy is the fact that although up to 60 000 Crimean residents have been displaced from the peninsula following the occupation, occupying authorities had announced that by November 2014, the total population of Crimea had increased by 280 000 people.

CONCLUSION

Although further investigations are needed to find firm evidence of government policy, there appears to be a reasonable basis to believe that Russian authorities are directly or indirectly transferring its civilian population to the occupied territory of the Crimean Peninsula. Coupled with evidence of forced displacement of Ukrainian and Tatar ‘undesirables’ from the peninsula by the authorities, it would appear that the occupying authorities are deliberately altering the demographic or ethnic composition of the Crimean Peninsula.

608 Analysis by Andrey Illarionov of the Cato Institute’s Center for Global Liberty and Prosperity – Ibid.
609 Ibid. N.B.: This figure is based on a census which was conducted prior to the main influx of Russian civilians.
610 See section VIII (Forced Displacement).
612 See section VIII (Forced Displacement).
contrary to international law. Such conduct, perpetrated in the context of an occupation, may amount to the war crime of transfer of civilian population of occupying power onto occupied territory.

**B. Compelling a protected person to serve in the forces of a hostile power**

**I. THE LAW**

223. Compelling civilians and former combatants to serve in the forces of a hostile power is regarded as a form of forced labour,613 and prohibited by international humanitarian law.614 In the context of an occupation, to coerce a civilian, prisoner of war or other protected person, by act or threat, to take part in military operations against that person’s own country or forces or otherwise serve in the forces of a hostile power, constitutes a war crime.615

**II. THE EVIDENCE**

224. Under the law of the Russian Federation as applied to the Crimean Peninsula, barring exceptional circumstances,616 all male citizens between the ages of 18 and 27 must undergo compulsory military service in the Russian armed forces.617 Failure to comply with this law without qualifying for an exceptional circumstance carries a custodial punishment.618

225. Following the take-over and occupation of the Crimean Peninsula, the occupying authorities have applied and enforced the laws of the Russian Federation on its territory. As previously discussed, measures taken by the occupying authorities amount to an imposition of Russian citizenship on the residents of the Crimean Peninsula.619 Particular attention is drawn to the reported difficulties in availing of the right to refuse automatic Russian citizenship for minors on the peninsula.620

226. Conscription of Crimean residents began in July 2015, with a reported 500 men falling within the scope of the law in that year.621 In 2016, the OHCHR reports that 2 000 Crimean men have been called up to serve

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614 Hague Regulations, Article 23(h); Geneva Convention III, Article 130; Geneva Convention IV, Article 147.
615 ICC Statute, Article 8(2)(a)(v); ICC Elements of Crimes, Article 8(2)(a)(v).
616 N.B: the new law on military conscription as it applies to the Crimean Peninsula includes additional exceptions - proof of a university degree recognised by Russian law on education, and proof of having served in the armed forces of Ukraine: See Law of the Russian Federation: "О особенностях правового регулирования отношений, связанных с исполнением воинской обязанности отдельными категориями граждан Российской Федерации в связи с принятием в Российскую Федерацию Республики Крым и образованием в составе Российской Федерации новых субъектов - Республики Крым и города федерального значения Севастополь, и внесении изменений в Федеральный закон «О воинской обязанности и военной службе», 20 March 2015, available at: http://docs.cntd.ru/document/420263529 (last accessed: 3.08.2016).
619 See section X (Persecution).
621 UNIAN, “Conscription to Russian army starts in Crimea”, 1 April 2015, available at: http://www.unian.info/society/1062388-
in the armed forces of the Russian Federation, including members of the Crimean Tatar community, the majority of which does not recognise the legitimacy of the occupation.\cite{622} The OSCE has reported a surge in the displacement of youths from the Crimean peninsula in March 2015, following the service of conscription notices by the occupying authorities.\cite{623}

### III. CONCLUSION

227. It is conceded that evidence on the personal circumstance of each Crimean resident conscripted into the armed forces of the Russian Federation is not available to IPHR. However, evidence of youths fleeing from the peninsula to avoid compulsory conscription, and the penalties attached to non-compliance demonstrate the coercive character of conscription policy. The fact that most of the recruits were minors at the time of the invasion and the improprieties associated with the automatic Russian citizenship law and its implementation, particularly as applied to minors, must also be taken into account.

228. Consequently, IPHR submits that there may be a reasonable basis to believe that in conscripting the residents of the occupied Crimean Peninsula, the occupying authorities have committed the war crime of compelling a protected person to serve in the forces of a hostile power.\cite{624} This submission is confirmed by the OSCE recommendations to the occupying authorities to refrain from conducting conscriptions in order to comply with the requirements of international humanitarian law.\cite{625}

\begin{itemize}
  \item \cite{624} ICC Statute, Article 8(2)(a)(v).
\end{itemize}
XII. Groups and persons likely to be the focus of an investigation

A. Overview

229. Evidence of ICC Statute crimes described in proceeding chapters may engage the individual criminal liability of those most responsible. At this stage in proceedings, it is sufficient to identify groups and persons that are likely to be the focus of an investigation.

230. In this section, IPHR identifies groups and persons in relation to whom there is a reasonable basis to believe that they may bear the responsibility for the criminal conduct set out in this report as perpetrators, co-perpetrators, accessories and/or superiors of direct perpetrators – and are therefore likely to be the focus of an investigation.

231. The identified actors include members of the de facto leadership of the occupying authorities, as well as the most prominent de facto law enforcement, security, prosecution and migration officials on the Crimean Peninsula. Paramilitary or ‘self-defence’ groups operating on the Crimean Peninsula as proxies of the occupying authorities have also been identified as potential targets for an investigation. Further investigation is also recommended to determine the responsibility, if any, of the leadership and identified prominent figures of the Russian Federal authorities with effective control over the occupying authorities in Crimea.

B. The law

232. Pursuant to ICC jurisprudence and practice, at the current stage in proceedings, it is sufficient to identify “the groups of persons involved that are likely to be the focus of an investigation for the purpose of shaping the future case(s)”626. Moreover, any identification of individuals made at this stage is considered “preliminary in nature and is not binding for future admissibility assessments”.627

233. The most likely individuals to form the focus of cases at the ICC are those who are deemed to be most responsible for the perpetration of ICC Statute crimes.628 Such persons may be held liable for crimes set out in Article 5 of the ICC Statute in the following ways:

• Committing a crime, whether as an individual, jointly with another or through another person,629 regardless of whether that other person is criminally responsible;630

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626 Regulation 49(2)(c) of the Regulations of the Court, read in conjunction with Regulation 49(1)(a) of the Regulations of the Court - PTC II, Decision pursuant to Article 15 of the Rome Statute on the authorisation of an investigation into the situation in the Republic of Kenya, (ICC-01/09-19-Corr), para. 50.
628 Strategic Plan, 2016-2018, ICC-OTP, 16 November 2015, para.34, last bullet point.
629 Leaders and organizers who have joint control or make an essential contribution to the commission of a crime may fall within the definition of “commission,” without necessarily having to physically commit the offence. ICC, The Prosecutor v Thomas Lubanga Dyilo, “Decision on the Confirmation of Charges”, ICC-01/04-01/06, January 29, 2007, para. 330.
630 Article 25(3)(a) of the ICC Statute.
234. The investigation is also likely to focus on those who command the most significant authority over the greatest number of direct perpetrators by virtue of their de jure or de facto positions. To this end, the ICC Statute provides that a military commander, or a person acting as a military commander, shall be criminally responsible for crimes committed by forces under his or her effective command and control, or effective authority and control, as a result of his or her failure to exercise control properly over such forces. The military commander is deemed responsible if he or she knew or in the circumstances ought to have known that the forces were committing or were about to commit the relevant offences, and failed to take all nec-

631 An order need not be explicit, and its existence may be proved through circumstantial evidence. The finding of responsibility for ordering requires the existence of a hierarchical relationship or authority. The person who carries out the prohibited act need not have received the order directly from the superior, but he or she must be aware of the substantial likelihood that a crime will be committed as a result of its execution: ICTY, The Prosecutor v. Blaskic, Judgment, IT-95-14-T, 3 March 2000, para. 281-282.

632 Soliciting, instigating or inducing a crime means prompting or provoking someone, whether physically or psychologically by action or omission, to commit the crime. There is no requirement to show that the crime would not have occurred but for the solicitation or inducement, provided that it was a contributing factor to the commission of the offence: ICTY, The Prosecutor v. Blaskic, Judgment, IT-95-14-T, 3 March 2000, para. 280; ICTY, The Prosecutor v. Krstic, Judgment, IT-98-33-T, 2 August 2001, para.601; ICTY, The Prosecutor v. Kvocka et al., Judgment, IT-98-30/1-T, 2 November 2, 2001, para. 252.

633 Article 25(3)(b) of the ICC Statute.

634 Article 25(3)(c) of the ICC Statute. Facilitation requires proof of a direct and substantial effect on the commission of a crime, but does not require proof of causality. The accessory’s motive to facilitate the commission of a crime may be deduced from his or her acts: Schabas William, The International Criminal Court: A Commentary on the Rome Statute, Oxford Commentaries on International Law, March 11, 2010, p. 434-436.

635 Article 25(3)(d) of the ICC Statute.

636 Strategic Plan, 2016-2018, ICC-OTP, 16 November 2015, para.34, last bullet point.

637 Effective command and control may be proved through the suspect’s official position, evidence of power to give orders, capacity to ensure compliance with orders, position within the military structure, capacity to order engagement in hostilities, power to promote, replace, remove or discipline. See ICC, The Prosecutor v. Jean-Pierre Bemba Gombo, Decision Pursuant to Art. 61(7)(a) and (b), Pre Trial Chamber II, ICC-01/05-01/0815, June 15, 2009, para. 417.

638 Article 28(a) of the ICC Statute.

639 Knowledge may be evidenced by: the type of illegal acts, their scope, whether their occurrence is widespread, the time during which the prohibited acts took place, the type and number of forces involved, the means of available communication, the modus operandi of similar acts, the scope and nature of the superior’s position and responsibility in the hierarchical structure, the location of the commander at the time and the geographical location of the acts, and the existence of an organized structure and reporting or monitoring systems. ICC, The Prosecutor v. Jean-Pierre Bemba Gombo, Decision Pursuant to Art.61(7)(a) and (b), Pre Trial Chamber II, ICC-01/05-01/0815, 15 June 2009, para. 429.
necessary and reasonable measures\textsuperscript{640} within his or her power to prevent\textsuperscript{641} or repress\textsuperscript{642} their commission, or failed to submit the matter to the competent authorities for investigation and prosecution.\textsuperscript{643}

235. Likewise, a civilian superior may be criminally responsible for crimes committed by subordinates under his or her effective authority and control.\textsuperscript{644} The civilian superior must be shown to have known or consciously disregarded information,\textsuperscript{645} which clearly indicated that the subordinates were committing or about to commit one or more international crimes, the crimes concerned activities that were within the effective responsibility and control of the superior, and the superior failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of such crime(s), or failed to submit the matter to the competent authorities for investigation and prosecution.

\section*{C. Summary of findings}

236. IPHR identifies the following groups and persons as those believed to bear the greatest responsibility for the conduct set out in this report, as perpetrators, co-perpetrators, accessories or by virtue of their command or superior responsibility:

\subsection*{A. Occupying Authorities}

237. The term ‘occupying authorities’ is used by IPHR to identify groups and persons in de facto control of the Crimean Peninsula from the beginning of its occupation by the Russian Federation in February 2014. Evidence set out in this report supports a reasonable basis to believe that the crimes discussed herein were perpetrated, ordered, planned, solicited, induced and/or facilitated by members of the occupying authorities, under the effective authority and control of its civilian superiors and military commanders.

238. The following sub-groups and individual members of the occupying authorities are likely to be the focus of an investigation for the purpose of shaping future cases:

\textsuperscript{640} Necessary and reasonable measures are assessed according to the commander's de jure powers and de facto abilities: ICC, The Prosecutor v. Jean-Pierre Bemba Gombo, Decision Pursuant to Art. 61(7)(a) and (b), Pre Trial Chamber II, ICC-01/05-01/0815, June 15, 2009, para. 443.

\textsuperscript{641} The duty to prevent includes: ensuring that the commander's forces are adequately trained in international humanitarian law; securing reports that military actions were carried out in accordance with international law; issuing orders aiming at bringing the relevant practices into accord with the rules of war; and taking disciplinary measures to prevent the commission of atrocities by his or her forces. ICC, The Prosecutor v. Jean-Pierre Bemba Gombo, Decision Pursuant to Art.61(7)(a) and (b), Pre Trial Chamber II, ICC-01/05-01/0815, June 15, 2009, para. 437.

\textsuperscript{642} Includes stopping ongoing crimes and administering punishment for those that have been committed. ICC, The Prosecutor v. Jean-Pierre Bemba Gombo, Decision Pursuant to Art.61(7)(a) and (b), Pre Trial Chamber II, ICC-01/05-01/0815, June 15, 2009, para. 439.

\textsuperscript{643} Article 28(a) of the ICC Statute as interpreted in ICC, The Prosecutor v. Jean-Pierre Bemba Gombo, Decision Pursuant to Art. 61(7)(a) and (b), Pre Trial Chamber II, ICC-01/05-01/0815, June 15, 2009, para. 407, 425 and 433 - The law requires commanders to take an active approach to obtaining knowledge of the conduct of their subordinates. There is no requirement to show direct causality, only that the commander's omission increased the risk of the commission of the offence.

\textsuperscript{644} Article 28(b) of the ICC Statute.

\textsuperscript{645} To “consciously disregard” is to ignore existing information at the superior's disposal that the superior knew of at the time. See Chantal Meloni, Command Responsibility in International Criminal Law, Ed. The Hague, June 2010, p.187.
## i. De facto leadership on the Crimean Peninsula:

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION (held since)</th>
<th>REPORTS TO</th>
<th>PROFILE AND LINK TO ALLEGED CRIMINAL CONDUCT</th>
</tr>
</thead>
</table>
646 Prior to 27 February 2014, Aksyonov (nicknamed the ‘Goblin’ with alleged links to organised crime
647 was a member of the Russian Unity party, which held just 4% of the seats in the Parliament of Crimea.
648 As de facto Head of Government, Aksyonov has signed laws and decrees, which have contributed to the attack on the civilian population, facilitated persecution of Crimean Tatars, Ukrainians and actual or perceived dissidents and the commission of other underlying crimes.
649 There is also evidence that Aksyonov ordered the making of and approved a plan for the elimination of the Mejlis of the Crimean Tatars, the persecution of its leadership and active discrimination and harassment of the Tatar population on the Peninsula.
650 Aksyonov is also responsible for the actions of his subordinates and the officials, forces and proxies under his effective authority and control. |
| Sergey Menyaylo       | Governor of Sevastopol City (since 14 April 2014) | Russian Federation Council of Ministers and President of the Russian Federation (Vladimir Putin) | Former Deputy Commander of the Russian Black Sea Fleet in Abkhazia (May 30, 2009 - December 22, 2011), and Vice-Admiral in reserve.  
651 He replaced Aleksei Chaly who had declared himself mayor of Sevastopol in February 2014 and held the position of Governor for 14 days.  
652 As de facto head of the City of Sevastopol, Menyaylo is responsible for the conduct of his subordinates and the officials, forces and proxies under his effective authority and control. |

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646 Section II (Q) (Factual Background – The Invasion of the Crimean Peninsula).
<table>
<thead>
<tr>
<th>Name</th>
<th>Position and Details</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgiy Muradov</td>
<td>Deputy Prime Minister of the Republic of Crimea and Representative of Crimea to the President of the Russian Federation</td>
<td>Muradov has played an important role in consolidating Russian institutional control over Crimea since the onset of the occupation. His involvement in key policy decisions and role as an intermediary between Crimea and the Kremlin places him in a position of authority and control over potential perpetrators of criminal conduct.</td>
</tr>
<tr>
<td>Vladimir Konstantinov</td>
<td>Chairman of the Supreme Council - Parliament (since 11 March 2014)</td>
<td>Former Deputy of the Supreme Council of the Autonomous Republic of Crimea 1998-2002 and a strong supporter of the union with Russian Federation. He was one of the signatories of the annexation agreement. In his position as head of the legislative branch, Konstantinov is responsible for enacting legislation that enables criminal conduct set out in this report.</td>
</tr>
<tr>
<td>Olga Kovitidi</td>
<td>Member of the Russian Upper House of Parliament for Crimea (since 26 March 2014)</td>
<td>Former Deputy Head of Council of Ministers (28 Feb. – 26 March 2014). Kovitidi is also member of the Federation Council Committee on Defense and Security and the Head of the Main Department of Justice in Sevastopol. Regarded as a key figure in the annexation and Russian occupation of the peninsula. As Russian senator for Crimea, Kovitidi is responsible for the enactment of laws by the Russian Parliament which contribute to the criminal conduct described herein.</td>
</tr>
</tbody>
</table>

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INTERNATIONAL CRIMES IN CRIMEA: AN ASSESSMENT OF TWO AND A HALF YEARS OF RUSSIAN OCCUPATION

Sergey Tsekov

Member of the Russian Upper House of Parliament for Crimea (since 26 March 2014)

Head of the Republic of Crimea (Sergey Aksyonov); President of the Russian Federation (Vladimir Putin)

Former Vice Speaker of the Verkhovna Rada of Crimea. Tsekov was a key ally of Sergey Aksyonov and instrumental during the initial stage of the annexation.

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### ii. De facto law enforcement, security, prosecution and migration officials

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION (held since)</th>
<th>REPORTS TO</th>
<th>PROFILE AND LINK TO ALLEGED CRIMINAL CONDUCT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sergey Abisov</td>
<td>Minister of the Interior of the Republic of Crimea (since 26 March 2014)</td>
<td>Minister of the Interior of the Russian Federation (Vladymyr Kolokolcev[^664^]); Head of the Republic of Crimea (Sergey Aksyonov)</td>
<td>As Minister of the Interior Abisov is responsible for policing and law enforcement and has effective control and authority over law enforcement agents on the peninsula. Evidence implicates Crimean law enforcement agents in numerous criminal episodes set out in this report, most notably arbitrary arrests and other forms of harassment as part of the crime of persecution[^665^].</td>
</tr>
<tr>
<td>Oleg Kirilin</td>
<td>Deputy Minister of the Interior of the Republic of Crimea – Chief of Investigations (since 31 March 2014)</td>
<td>Minister of the Interior of the Republic of Crimea (Sergey Abisov)</td>
<td>As Deputy Minister of the Interior Kirilin is responsible for investigations and investigative acts by law enforcement agents and has effective control and authority over law enforcement agents on the peninsula. Evidence implicates Crimean law enforcement agents in numerous criminal episodes set out in this report, most notably arbitrary arrests and other forms of harassment as part of the crime of persecution.</td>
</tr>
<tr>
<td>Andrey Ivancov</td>
<td>Deputy Minister of the Interior of the Republic of Crimea (since 31 March 2014)</td>
<td>Minister of the Interior of the Republic of Crimea (Sergey Abisov)</td>
<td>As Deputy Minister of the Interior Ivancov is responsible for policing and has effective control and authority over law enforcement agents on the peninsula. Evidence implicates Crimean law enforcement agents in numerous criminal episodes set out in this report, most notably arbitrary arrests and other forms of harassment as part of the crime of persecution.</td>
</tr>
<tr>
<td>Dmitry Neklyudov</td>
<td>Former Deputy Minister of the Interior of the Republic of Crimea (5 May 2014 – 30 Apr. 2016)</td>
<td>Minister of the Interior of the Republic of Crimea (Sergey Abisov)</td>
<td>As former Deputy Minister of the Interior Neklyudov was responsible for policing and had effective control and authority over law enforcement agents on the peninsula. Evidence implicates Crimean law enforcement agents in numerous criminal episodes set out in this report, most notably arbitrary arrests and other forms of harassment as part of the crime of persecution.</td>
</tr>
<tr>
<td>Petro Zyma</td>
<td>Head of the Security Service of Crimea (since 3 March 2014)</td>
<td>Head of the Republic of Crimea (Sergey Aksyonov)</td>
<td>As former regional head of Ukraine’s Secret Service in Sevastopol, Zyma defected and played a key role in the take-over of Crimea[^666^]. As head of security on the peninsula appointed directly by Aksyonov, Zyma has the mandate to pursue groups and persons in actual or perceived opposition to the occupation.</td>
</tr>
</tbody>
</table>


[^665^]: Sections VII (Illegal Detention) and X (Persecution).

### International Crimes in Crimea: An Assessment of Two and a Half Years of Russian Occupation

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viktor Palagin</td>
<td>Head of the Federal Security Service (FSB) in the Republic of Crimea and the Sevastopol (since April 2014)</td>
<td>The FSB has played a key role in conducting arrests and illegal detention of high-profile actual or perceived dissidents on the Crimean Peninsula, as well as raids and harassment on discriminatory grounds. As regional head of the FSB, Palagin has authority and control over FSB agents operating on the peninsula.</td>
</tr>
<tr>
<td>Natalia Poklonskaya</td>
<td>Prosecutor General of Crimea (since 11 March 2014)</td>
<td>As Prosecutor General, Poklonskaya is responsible for the creation and implementation of prosecutorial policy. Her actions have led to the arrest, unlawful detention and unsubstantiated prosecutions of actual or perceived dissidents and Crimean Tatars. Poklonskaya was also instrumental in the breakup and banning of the Mejlis.</td>
</tr>
<tr>
<td>Igor Shevchenko</td>
<td>Prosecutor General of Sevastopol (since 25 March 2014)</td>
<td>As Prosecutor General, Shevchenko is responsible for the creation and implementation of prosecutorial policy in Sevastopol. His actions have led to the arrest, unlawful detention and unsubstantiated prosecutions of actual or perceived dissidents and Crimean Tatars.</td>
</tr>
<tr>
<td>Petr Jarosh</td>
<td>Head of the Federal Migration Service for Crimea (since 28 March 2014)</td>
<td>As regional head of the Federal Migration Service, Jarosh oversaw the implementation of the occupying authorities’ citizenship policy, and is responsible for resulting discrimination on the basis of those policies.</td>
</tr>
<tr>
<td>Oleg Kozyura</td>
<td>Head of the Federal Migration Service for Sevastopol (since 26 March 2014)</td>
<td>As regional head of the Federal Migration Service, Kozyura oversaw the implementation of the occupying authorities’ citizenship policy in Sevastopol, and is responsible for resulting discrimination on the basis of those policies.</td>
</tr>
</tbody>
</table>

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667 See section VII (Illegal Detention).
669 See section X (Persecution).
671 See section X (Persecution).
672 See section X (Persecution).
673 See section X (Persecution).
iii. Public officials of the Russian Federation with authority and effective control over de facto officials in Crimea

IPHR possesses insufficient evidence to assess the level of responsibility of officials in Moscow for the alleged criminal conduct on the Crimean Peninsula. However, as architects of the occupation and hierarchic superiors of de facto officials in Crimea, further investigation is merited to determine the role (if any) played by the following individuals perpetrators, accessories and/or superiors.

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION (held since)</th>
<th>REPORTS TO</th>
<th>PROFILE AND POTENTIAL LINK TO ALLEGED CRIMINAL CONDUCT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vladimir Putin</td>
<td>President of the Russian Federation (since 2012)</td>
<td>N/A</td>
<td>President Putin has admitted ordering the occupation of Crimea. His position of Head of State and Commander-in-Chief places him at the top of the vertical hierarchy of power, with ultimate superior responsibility for criminal conduct that he knew or ought to have known about on the Crimean Peninsula.</td>
</tr>
<tr>
<td>Dmitry Medvedev</td>
<td>Prime Minister of the Russian Federation (since 2012)</td>
<td>President of the Russian Federation (Vladimir Putin)</td>
<td>As Head of Government, Medvedev is responsible for overseeing the work of the Council of Ministers, including the Ministers of the Interior, Defence and Migration. In this position, he has superior responsibility for criminal conduct by public officials that he knew or ought to have known about on the Crimean Peninsula.</td>
</tr>
<tr>
<td>Vladislav Surkov</td>
<td>Member of the Presidential Administration and adviser to the President on Abkhazia, South Ossetia and Ukraine (since 2013)</td>
<td>President of the Russian Federation (Vladimir Putin)</td>
<td>As special advisor to President Putin on conflict regions, Surkov is responsible for developing policy that has led to the occupation and its aftermath. He is suspected of being the mastermind behind the occupation, including the recruitment of paramilitary groups such as Night Wolves, Crimean Self-Defence Militia and Cossacks. Surkov has also been accused of directing the sniper groups that shot and killed protesters during the Euromaidan protests in Kyiv.</td>
</tr>
<tr>
<td>Sergey Glazyev</td>
<td>Member of the Presidential Administration and adviser to the President on Ukraine</td>
<td>President of the Russian Federation (Vladimir Putin)</td>
<td>Widely regarded as President Putin’s chief adviser on Ukraine, he talked openly of intervening militarily a month before Russian troops moved into Crimea. Further investigation is merited on his role as chief adviser on Ukraine in the policies, laws and conduct of authorities that have led to the commission of crimes.</td>
</tr>
</tbody>
</table>

### Dmitry Kozak
Deputy Prime Minister of the Russian Federation (since 2008) and Chair of the Commission on the socio-economic development of the Republic of Crimea and Sevastopol (since July 2015)

Prime Minister of the Russian Federation (Dmitry Medvedev)

Long-time ally of President Putin. In December 2014, he was tasked with overseeing the preparation and implementation of the occupation of the Crimean Peninsula. In his position as head of the commission for economic development of the region, his involvement in alleged property crimes and persecution merit further investigation.

### Oleg Savelyev

Prime Minister of the Russian Federation (Dmitry Medvedev)

In his former position of Minister for Crimean Affairs, Savelyev was responsible for overseeing and directing the logistics or management of the occupation on behalf of the Government of the Russian Federation. Further investigation into his involvement in and/or knowledge of alleged criminal conduct is merited.

### Vladimir Kolokolcev
Minister of the Interior of the Russian Federation

Prime Minister of the Russian Federation (Dmitry Medvedev)

As Minister of the Interior of the Russian Federation, Kolokolcev is the hierarchical superior of the Minister of the Interior of Crimea and Sevastopol, and thereby has superior responsibility over the policy and conduct of law enforcement agents on the peninsula.

### Alexander Bortnikov
Director of the Federal Security Service (FSB) (since May 2008)

President of the Russian Federation (Vladimir Putin)

As Head of the FSB, Bortnikov is the hierarchical superior of the regional Head of FSB, and thereby has superior responsibility for the policy and conduct of security services on the peninsula. Bortnikov also has superior responsibility for agents of the Fifth Service Department (headed by Sergej Beseda) which deals specifically with Ukraine.

### Yury Chaika
Prosecutor General of the Russian Federation

President of the Russian Federation (Vladimir Putin)

As Prosecutor General of the Russian Federation, Chaika is the hierarchical superior of the Prosecutor Generals’ of Crimea and Sevastopol, and thereby has superior responsibility over the policy and conduct of prosecution authorities on the peninsula.

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<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oleg Belaventsev</td>
<td>Plenipotentiary Representative of the President of the Russian Federation on the Crimean Peninsula (21 March 2014)</td>
<td>As Plenipotentiary of the President for the Crimean Peninsula, Belaventsev is responsible for implementing the President’s orders and policy decisions on the peninsula as well as reporting on the peninsula to the President. Furthermore, Belaventsev appears to have been instrumental in the appointment of Poklonskaya, and admits to threatening the interim President of Ukraine that his plane will be shot down if it crosses into Crimean airspace.</td>
</tr>
<tr>
<td>Sergey Shoygu</td>
<td>Minister of Defence of the Russian Federation (since 2012)</td>
<td>As Minister of Defence, Shoygu bears command responsibility for the conduct of his troops during the take-over and military occupation of Crimea. Russian armed forces have been implicated in several episodes set out in this report.</td>
</tr>
</tbody>
</table>


682 E.g.: Vagner (Torture); Karachevskyi (Murder); Property Crimes (Section IX).
B. SELF-DEFENCE GROUPS

240. From the onset of the occupation, a number of paramilitary groups also referred to as ‘Self-Defence Groups’ have been operating on the territory of the Crimean Peninsula. Composed of former policemen, former army officers, Afghan war veterans, and biker groups, their stated purpose is to ‘maintain order and combat fascism’ on the peninsula. In practice, these groups were instrumental in Russia’s take-over of the peninsula and its resources and have since become a supplementary enforcement arm of the occupying authorities.

241. Members of Self-Defence Groups have been linked to criminal conduct set out in this report, including murders, disappearances, torture, illegal detention, forced displacement, property crimes and severe deprivations of fundamental rights amounting to persecution. These groups have been allowed to operate with impunity. An amnesty for members of self-defence groups has been put before Russian Parliament. On 17 June 2014, a law was enacted legalising the Crimean Self-Defence Militia and giving it powers to assist and support Crimean law enforcement (including the right to use force).

242. The following “Self-Defence” Groups have been identified as operating on the territory of the Crimean Peninsula:

<table>
<thead>
<tr>
<th>NAME OF GROUP</th>
<th>LEADER</th>
<th>PROFILE AND LINK TO ALLEGED CRIMINAL CONDUCT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crimean Self Defence Militia</td>
<td>Pavel Sheremet</td>
<td>Founded in February 2013. Implicated in violence during protests and take-over of administrative buildings alongside Russian armed forces. Implicated in criminal conduct such as disappearances, murders and illegal detention. Legitimised and given the status of the ‘people's guard' by law promulgated by the Government and Parliament of Crimea.</td>
</tr>
<tr>
<td>Crimean Cossacks</td>
<td>Vladimir Cherkashin and Sergey Yurchenko with allegiance pledged to Sergey Aksyonov</td>
<td>Mobilised in mid-January 2014, on 18 January 2015 the Crimean Cossacks group declared allegiance and subordination to Sergey Aksyonov and his Russian Unity party. The group has formally joined the Crimean Self Defence Militia.</td>
</tr>
</tbody>
</table>

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684 See section II (Factual Background) and section IX (Property Crimes).
A. Conclusion

243. According to IPHR’s analysis, groups and persons identified in this section are those most likely to be the focus of an investigation for the purpose of shaping future case(s) at the ICC. There is a reasonable basis to believe that the identified individuals may bear responsibility for the criminal conduct set out in this report as perpetrators, co-perpetrators, accessories and/or superiors of direct perpetrators.

244. The identified actors include members of the de facto leadership of the occupying authorities, as well as the most prominent de facto law enforcement, security, prosecution and migration officials on the Crimean Peninsula. Furthermore, paramilitary or ‘self-defence’ groups operating on the Crimean Peninsula have also been identified as proxies or accessories of the occupying authorities’ alleged conduct.

245. Further investigation is also recommended to determine the responsibility, if any, of the leadership and prominent figures of the Russian Federal authorities with effective control over the occupying authorities in Crimea.

246. In addition to satisfying jurisdictional requirements, a potential case before the ICC must fulfill the three admissibility criteria inscribed in the ICC Statute – complementarity, gravity and the interests of justice. An exhaustive examination of the admissibility of a potential case or cases in relation to the Crimean Peninsula is premature at this point. Admissibility challenges, made by States or named accused persons, may only be raised once the ICC Prosecutor launches a full investigation. Nevertheless, a consideration of issues relating to the admissibility of potential cases is important for the ICC Prosecutor’s decision on whether or not to launch a full investigation. For these reasons, IPHR sets forth this brief assessment of ICC admissibility criteria in relation to the conduct set forth in this report.

A. Complementarity

247. The central question in the assessment of complementarity under Article 17(1) of the ICC Statute is whether there are any relevant and genuine national investigations or prosecutions in relation to the criminal conduct in question. The assessment must be case specific, namely, whether the national proceedings encompass the same persons for the same conduct, as is being investigated and prosecuted by the ICC. The ICC has confirmed that this assessment cannot be undertaken on the basis of hypothetical national proceedings that may or may not take place in the future: it must be based on the concrete facts as they exist at the time. The absence of any national proceedings is sufficient to make the case admissible. If there are national proceedings, the ICC Prosecutor shall then assess whether such national proceedings are vitiated by an unwillingness or inability to genuinely carry out the proceedings.

248. The vast majority of conduct set out in this report is not subject to any investigations or prosecutions by regional or national authorities of the Russian Federation. In some cases, such as the systematic appropriations of public and private property set out in section IX and most of the illegal detentions documented in section VII, the conduct appears to fall within the parameters of national legislation and therefore falls outside the jurisdiction of national investigative authorities. In a minority of cases where investigations have been officially launched, particularly in relation to murders and disappearances (section V), such investigations cannot be said to represent genuine efforts to bring to justice those responsible for the full scope of the criminal conduct in question. Where investigations appear to have been concluded, official assessments by investigative authorities are unsubstantiated and contrary to existing evidence. Other investigations
have been allowed to remain open, with no evidence of genuine activity or intention to bring perpetrators to account.\footnote{704}

249. Crucially, there is no indication that Russian authorities are willing or able to conduct a genuine investigation into individual criminal responsibility, including superior responsibility, for international crimes as defined in the ICC Statute – i.e.: crimes against humanity and war crimes. For all of the above reasons, IPHR submits that at present, there is no indication that a challenge under the principle of complementarity would succeed in relation to the conduct set forth in this report.

### B. Gravity

250. The assessment of gravity as an admissibility criterion under the ICC Statute implies an assessment of the scale, nature, and manner of commission of crimes, and their impact.\footnote{705} Scale refers to the number of direct and indirect victims, the extent of the damage caused by the crimes, in particular the bodily or psychological harm caused to the victims and their families, or their geographical or temporal spread. The nature of the crimes refers to the specific elements of each offence, with a particular focus on killings, sexual violence, crimes against children, persecution and the imposition of conditions of life on a group calculated to bring about its destruction. The manner of commission requires an examination of the means employed to execute the crime, the degree of participation and intent of the perpetrator, the extent to which the crimes were systematic or result from a plan or organised policy or otherwise resulted from the abuse of power or official capacity, and elements of particular cruelty, including the vulnerability of the victims, any motives involving discrimination. The impact of crimes refers to the suffering endured by the victims, their increased vulnerability, the terror subsequently instilled, or the social, economic and environmental damage inflicted on the affected communities.\footnote{706}

251. This report documents 148 cases of individual victims of underlying crimes of murder, disappearance, unlawful imprisonment, torture and other inhumane acts, and widespread illegal seizures of property. In addition, up to 60,000 people have been forcibly displaced from territory of the peninsula,\footnote{707} and up to 35 percent of the population of the Crimean Peninsula may constitute actual or potential targets of persecution on ethnic, political and/or religious grounds.\footnote{708} It is conceded that not all potential targets of persecution will necessarily become direct victims of criminal conduct under the ICC Statute. Nevertheless, the criminal conduct set forth in this report affects communities across the entire peninsula, has been occurring throughout

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\footnote{704}{E.g.: Crimean Prosecution Office's investigations into the disappearances of Shaimardanov, Djapparov, Zinedinov, Islaymov.}


\footnote{708}{This figure is calculated based on the 2014 census results showing that approximately 35% of the population of the Crimean Peninsula are non-Russians (mainly Tatars and Ukrainians) – see section II(A) (Factual Background – A Brief History of the Crimean Peninsula). Although not all non-Russians are direct victims of alleged crimes, the vast majority are affected by the policies designed to deprive economic, social, cultural and political rights of those people who do not self-identify as Russian (see section X – Persecution).}
the entire period of the occupation and may continue to escalate as inter-ethnic tensions grow as a result of the discrimination, violence and corruption at the heart of the occupation.

252. The report documents a wide range of criminal conduct. Moreover, the cumulative effect of this conduct, considered together with severe deprivations of fundamental rights, constitutes a bigger and more serious crime than the sum of its parts. It is also clear from the laws, decrees and rhetoric emanating from the occupying authorities, that the conduct described in this report is perpetrated pursuant to a plan or organised policy, with discriminatory intent. Abuse of power lies at the very heart of this perpetration. The authorities’ conduct may also be characterised as a form of collective punishment, against groups that are perceived to undermine the success of the annexation project.

253. The impact of the occupying authorities’ conduct on individual victims and Tatar and Ukrainian communities is immense. The pervading fear and xenophobia created by the authorities has fractured the inter-ethnic balance, which has characterised this multi-cultural peninsula for centuries. Tatar and Ukrainian culture is being systematically purged, replacing the peninsula’s unique cultural identity with the fiction of Russian origin. The fact that up to 60,000 people have already fled from the territory of the peninsula is testament to the upheaval caused by the authorities’ conduct. For Crimean Tatars, this ‘second Sürgünlik’ is particularly traumatic, as thousands are losing their homeland for the second time in under a century.

254. Finally, the events taking place on the Crimean Peninsula must be seen in the wider context, and as part of Euromaidan and the armed conflict in the Donbas. When considered to be a part of the same conflict and/or attack on the civilian population, the gravity element is clearly met.

255. For these reasons, IPHR submits that the conduct set forth in this report meet the gravity criterion.

C. Interests of Justice

256. According to the ICC Prosecutor’s Policy Paper on Preliminary Examinations:

“While jurisdiction and admissibility are positive requirements, the interests of justice under article 53(1) (c) provide a potentially countervailing consideration that may give a reason not to proceed. [...] The Office must assess whether, taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice.”

257. In considering the interests of justice, the Prosecutor will consider the views of victims, trusted representatives and other relevant actors such as community, religious, political or tribal leaders, states, and inter-governmental and non-governmental organisations. There is a strong presumption that investigations and prosecutions will be in the interests of justice.709

258. To IPHR’s knowledge, there is no reason to believe that an investigation into the conduct set forth in this report would not serve the interests of justice. Members of targeted groups are losing lives, family, liberty, property and cultural identity at the hands of the occupying authorities with impunity. A full investigation by the ICC Prosecutor represents the victims’ only opportunity to obtain some form of justice and accountability. In this situation, the interests of justice can only be served through an impartial and thorough investigation into the conduct of occupying authorities and their proxies. IPHR firmly believes that such an investigation would gain the support of civil society and representatives of affected communities.

XIV. Conclusion

259. In February 2014, Russian armed forces and proxy paramilitary groups invaded the Crimean Peninsula – sovereign territory of Ukraine – in breach of the prohibition on the use of force under the Charter of the United Nations. Having rapidly established control and authority over the entire territory, and expelled Ukraine’s civilian and military authorities, the occupying authorities sought to legitimise their occupation by holding an illegal referendum. Ukraine and the international community have refused to recognise the results of the referendum, and have condemned the subsequent de facto annexation of the peninsula by the Russian Federation.

260. The invasion and ensuing two and a half years of occupation have been characterised by criminal conduct and severe deprivations of fundamental rights. This report documents evidence of seven murders, 15 enforced disappearances, 90 cases of illegal detention, 36 cases of torture and/or other forms of inhuman and/or degrading treatment, widespread appropriation of public and private property, and the forcible displacement of up to 60,000 civilians. The primary targets of this conduct are Crimean Tatars and Ukrainians who have been identified as opponents of the occupation. The systematic discrimination underlying this perpetration may be characterised as persecution against these two groups on ethnic, political and religious grounds. This conduct has taken place in the context of and is associated with the occupation, and/or took place as part of a widespread or systematic attack on the targeted civilian population. Individuals that are likely to form the focus of an investigation into the conduct presented in this report are the leading figures of the occupying authorities and proxy paramilitary organisations.

261. Having analysed the evidence with reference to the ICC Statute, IPHR submits that there is a reasonable basis to believe that some or all of the following war crimes have been perpetrated on the territory of the Crimean Peninsula:

- War crime of wilful killing (Article 8(2)(a)(i));
- War crime of torture or inhuman treatment (Article 8(2)(a)(ii));
- War crime of torture (Article 8(2)(a)(ii));
- War crime of wilfully causing great suffering or serious injury to body and health (Article 8(2)(a)(iii));
- War crime of committing outrages upon personal dignity, in particular humiliating and degrading treatment (Article 8(2)(b)(xxi));
- War crime of unlawful confinement (Article 8(2)(a)(vii));
- War crime of denying a fair trial (Article 8(2)(a)(vi));
- War crime of unlawful deportation or transfer (Article 8(2)(a)(vii));
- War crime of destroying or seizing the enemy’s property unless such destruction or seizure be imperatively demanded by the necessities of war (Article 8(2)(b)(xiii));
- War crime of pillage (Article 8(2)(b)(xvi));
- War crime of internationally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded
are collected, provided they are not military objectives (Article 8(2)(b)(ix)).

- War crime of transfer of civilian population of occupying power onto occupied territory (Article 8(2)(b)(viii));

- War crime of compelling a protected person to serve in the forces of a hostile power (Article 8(2)(a)(v)).

Furthermore or alternatively, we submit that there is a reasonable basis to believe that some or all of the following crimes against humanity have been perpetrated on the territory of the Crimean Peninsula:

- Crime against humanity of murder (Article 7(1)(a));

- Crime against humanity of enforced disappearance of persons (Article 7(1)(i));

- Crime against humanity of torture (Article 7(1)(f));

- Crime against humanity of other inhumane acts (Article 7(1)(k));

- Crime against humanity of imprisonment or other severe deprivation of physical liberty (Article 7(1)(e));

- Crime against humanity of deportation or forcible transfer of population (Article 7(1)(d));

- Crime against humanity of persecution (Article 7(1)(h));

The conduct documented in this report satisfies the ICC’s jurisdictional requirements. Furthermore, potential cases emanating from the evidence set forth by IPHR fulfil the three admissibility criteria inscribed in the ICC Statute – complementarity, gravity and the interests of justice.

Pursuant to the common aspirations of peace, security and justice, it is imperative to conduct full and thorough investigations into these events and bring those responsible for international crimes to an independent and impartial trial guaranteeing the full respect for fundamental fair trial rights.