

International Crimes
in
Crimea:

СПАСАТЕЛЬНЫЙ ПОСТ

**An Assessment of Two and a Half Years of
Russian Occupation**

SEPTEMBER 2016

IPHR
International
Partnership
for Human Rights


**CIVIC
SOLIDARITY**

**Crimea
SOS**


TRUTH HOUNDS



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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 14th 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 Caucasus 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, Kypchaks, 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

1 The Washington Post, "To understand Crimea, take a look back at its complicated history", Taylor A., 27 February 2014, available at: <https://www.washingtonpost.com/news/worldviews/wp/2014/02/27/to-understand-crimea-take-a-look-back-at-its-complicated-history/>.

2 P.R. Magosci, "A History of Ukraine: The Land and Its Peoples", 2010, p.35, available at: <https://goo.gl/H0HKMi>; М.Л. Рябцева, "Отражение германского присутствия на Боспоре в период великих миграций в письменных и археологических источниках", 2012, available at: <https://cyberleninka.ru/article/n/otrazhenie-germanskogo-prisutstviya-na-bospore-v-period-velikih-migratsiy-v-pismennyh-i-arheologicheskikh-istochnikah>.

3 The Crimea Historical Society, "Timeline of the History of Crimea: Crimea", 2016, available at: <http://www.crimeahistory.org/timeline-of-the-history-of-crimea/> (last accessed: 12/04/2016); М. Волков, "О соперничестве Венеции с Генуею в XIV веке", 1860, available at: <http://www.vostlit.info/Texts/Dokumenty/Italy/venice/Veneto-genua/pred.phtml> (last accessed: 11/06/2016).

4 The Crimea Historical Society, "Timeline of the History of Crimea: Crimea", 2016, available at: <http://www.crimeahistory.org/timeline-of-the-history-of-crimea/> accessed: 12/04/2016).

5 М. Kizilov, "Slaves, Money Lenders, and Prisoner Guards: The Jews and the Trade in Slaves and Captives in the Crimean Khanate", 2007, available at: http://www.academia.edu/3706285/Slaves_Money_Lenders_and_Prisoner_Guards_The_Jews_and_the_Trade_in_Slaves_and_Captives_in_the_Crimean_Khanate (last accessed: 11/06/2016).

6 Кючук-Кайнарджийский мирный договор между Россией и Турцией, 10 July 1774, available at: <http://www.hist.msu.ru/ER/Text/FOREIGN/kuchuk.htm> (last accessed: 11/06/2016).

7 Ясский мирный договор, 09 января 1792, available at: <http://xn--d1aml.xn--h1aaridg8g.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 Deportation (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 20percent 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,

8 Парижский мирный договор, 30 марта 1856, available at: <http://xn--d1aml.xn--h1aaridg8g.xn--p1ai/19/parizhskiy-traktat/> (last accessed: 11/06/2016); Энциклопедический словарь Брокгауза и Ефрона, "Парижские мирные договоры", 1890-1907, available at: <https://goo.gl/1delDk> (last accessed: 11/06/2016); The Crimea Historical Society, "Timeline of the History of Crimea: Crimea", 2016, available at: <http://www.crimeahistory.org/timeline-of-the-history-of-crimea/> (last accessed: 11/06/2016).

9 Декрет Всероссийского Центрального Исполнительного Комитета и Совета Народных Комиссаров "Об Автономной Крымской Советской Социалистической Республике", 22 ноября 1921, available at: http://pravo.ru/store/interdoc/doc/464/18.10_Crimea.pdf (last accessed: 11/06/2016).

10 Крым.Реалии, "Страницы крымской истории. Заложники войны: оккупация Крыма (1941-1944)", Бекирова Г., 4 мая 2015, available at: <http://ru.krymr.com/content/article/26992591.html> (last accessed: 11/06/2016).

11 Wilson Center, "The Transfer of Crimea from Soviet Russia to Soviet Ukraine, 1954", Kramer M, 19 March 2014, available at: <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago> (last accessed: 25/05/2016).

12 Wilson Center, "Meeting of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics", 19 February 1954, available at: <http://digitalarchive.wilsoncenter.org/document/119638> (last accessed: 25/05/2016).

13 Wilson Center, "The Transfer of Crimea from Soviet Russia to Soviet Ukraine, 1954", Kramer M., 19 March 2014, available at: <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago> (last accessed: 25/05/2016).

14 Указ Президиума ВС РСФСР No.761/20 "О выделении города Севастополя в самостоятельный административно-хозяйственный центр", 29 октября 1948, available at: <http://pravo.levonevsky.org/baza/soviet/sss6317.htm> (last accessed: 11/06/2016); Конституція України, прийнята на п'ятій сесії Верховної Ради України 28 червня 1996, art.133, available at: <http://zakon5.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> (last accessed: 11/06/2016).

15 Постановление ГКО № 5859-сс "О крымских татарах", 11 мая 1944, available at: <http://www.memorial.krsk.ru/DOKUMENT/USSR/440511.htm> (last accessed 11/06/2016); See also: Указ Президиума ВС СССР "О снятии ограничений по спецпоселению с крымских татар, балкарцев, турок — граждан СССР, курдов, хемшилов и членов их семей, высланных в период Великой Отечественной войны", 28 апреля 1956, available at: <https://goo.gl/qxj6VQ> (last accessed 11/06/2016) - confirming the ban on Crimean Tatars' return to the Peninsula.

16 Постановление ГОКО № 6372с "О переселении колхозников в районы Крыма", 12 августа 1944, available at: <https://goo.gl/Orvkk> (last accessed 11/06/2016).

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.¹⁸ Members of the Tatar community allege that their rights have never been fully reinstated, despite the recognition of the deportation as genocide by Ukraine¹⁹ and 'unlawful' by Russia.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,²¹ confirmed by the December 1994 Budapest Memorandum.²² These agreements amount to the recognition of Crimea as a constituent part of Ukraine.²³ Nevertheless, throughout the 1990s, various political figures in Russia and Crimea publicly called for the annexation of Crimea and/or Sevastopol by Russia.²⁴ Several attempts were also made to legislate for Crimean independence from Ukraine.²⁵ Furthermore, attempts by Russian lawmakers to annex Sevastopol were condemned by the United Nations Security Council.²⁶ On 27 March 1994, Crimea held a ref-

народов, подвергшихся насильственному переселению, и обеспечении их прав", 14 ноября 1989, available at: <http://www.alexanderyakovlev.org/fond/issues-doc/67942> (last accessed 11/06/2016).

18 "The Crimean Tatars", Uehling G., 2002, available at: <http://www.iccrimea.org/scholarly/krimtatars.html> (last accessed 17/04/2016).

19 Постанова Верховної Ради України No. 792-VIII "Про визнання геноциду кримськотатарського народу", 12 листопада 2015, available at: <http://zakon2.rada.gov.ua/laws/show/792-19> (last accessed 17/04/2016).

20 Указ Президента Российской Федерации No. 268 "О мерах по реабилитации армянского, болгарского, греческого, крымско-татарского и немецкого народов и государственной поддержке их возрождения и развития", 21 апреля 2014, available at: <http://kremlin.ru/acts/bank/38356> (last accessed 18/04/2016).

21 Соглашение о создании Содружества Независимых Государств, 8 декабря 1991, available at: <https://goo.gl/W8bNQw> (last accessed 11/06/2016).

22 Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, UN Doc. S/1994/1399, 19 December 1994, available at: https://www.msz.gov.pl/en/p/wiedenobwe_at_s_en/news/memorandum_on_security_assurances_in_connection_with_ukraine_s_accession_to_the_treaty_on_the_npt?printMode=true (last accessed 11/06/2016).

23 Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, UN Doc. S/1994/1399, 19 December 1994, available at: https://www.msz.gov.pl/en/p/wiedenobwe_at_s_en/news/memorandum_on_security_assurances_in_connection_with_ukraine_s_accession_to_the_treaty_on_the_npt?printMode=true (last accessed: 11/06/2016); Договір про дружбу, співробітництво і партнерство між Україною і Російською Федерацією, 31 травня 1997, Article 3, available at: http://zakon5.rada.gov.ua/laws/show/643_006 (last accessed: 11/06/2016).

24 E.g.: Russian vice-President Rutskoi in April 1992; Crimea's first (and only) President Yuriy Meshkov in July 1993; Crimean Chief of Internal Affairs General Kuznetsov in April 1994; Moscow Mayor Yuriy Luzhkov on 26 August 1998 – see Minorities at Risk Project, "Chronology for Crimean Russians in Ukraine", 2004, available at: <http://www.refworld.org/docid/469f38ec2.html> (last accessed: 08/06/2016).

25 E.g.: On 13 May 1992, the Parliament of Crimea declared full independence from Ukraine (New York Times, "Crimea Parliament Votes to Back Independence From Ukraine", 6 May 1992, available at: <http://www.nytimes.com/1992/05/06/world/crimea-parliament-votes-to-back-independence-from-ukraine.html> (last accessed: 25/05/2016)). However, independence was subject to a referendum, which never took place and the independence declaration was rescinded on 20 May 1992; On 1st July 1994, the Parliament of Crimea votes to assume full powers on the territory of Crimea except for those voluntarily ceded to Kyiv; On 23 August 1994, Sevastopol City Council unilaterally declares Sevastopol a Russian city - Minorities at Risk Project, "Chronology for Crimean Russians in Ukraine", 2004, available at: <http://www.refworld.org/docid/469f38ec2.html> (last accessed: 08/06/2016).

26 See 9 July 1992 declaration by the Supreme Soviet of the Russian Federation; UN Security Council, "Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol", 20 July 1993, available at: http://www.un.org/en/sc/repertoire/93-95/Chapter%208/EUROPE/93-95_8-22-UKRAINE.pdf (last accessed: 25/05/2016); UN Security Council declared a Russian Parliamentary proclamation that the City of Sevastopol is Russian territory incompatible with Russia's international obligations to Ukraine and the principles of the UN Charter. See also, 20 April 1997 – Russian Federation Council commission declared that Russia should assert its historical right over Sevastopol;

erendum in which 78.4percent 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.

27 Указ Президента Республики Крым "О проведении опроса граждан Республики Крым", 27 марта 1994, available at: <http://zakon4.rada.gov.ua/krym/show/rb0005115-94> (last accessed: 11/06/2016); Minorities at Risk Project, "Chronology for Crimean Russians in Ukraine", 2004, available at: <http://www.refworld.org/docid/469f38ec2.html> (last accessed: 08/06/2016).

28 The New York Times, "Setting Past Aside, Russia and Ukraine Sign Friendship Treaty", 31 May 1997, available at: <http://www.nytimes.com/1997/06/01/world/setting-past-aside-russia-and-ukraine-sign-friendship-treaty.html> (last accessed: 25/05/2016); Minorities at Risk Project, "Chronology for Crimean Russians in Ukraine", 2004, available at: <http://www.refworld.org/docid/469f38ec2.html> (last accessed: 08/06/2016).

29 Угода між Україною і Російською Федерацією про статус та умови перебування Чорноморського флоту Російської Федерації на території України, 28 травня 1997, available at: http://zakon4.rada.gov.ua/laws/show/643_076 (last accessed: 11/06/2016); Угода між Україною та Російською Федерацією з питань перебування Чорноморського флоту Російської Федерації на території України, 21 квітня 2010, available at: http://zakon4.rada.gov.ua/laws/show/643_359 (last accessed: 11/06/2016).

30 Угода між Україною і Російською Федерацією про параметри поділу Чорноморського флоту, 28 травня 1997, available at: http://zakon3.rada.gov.ua/laws/show/643_075 (last accessed: 11/06/2016).

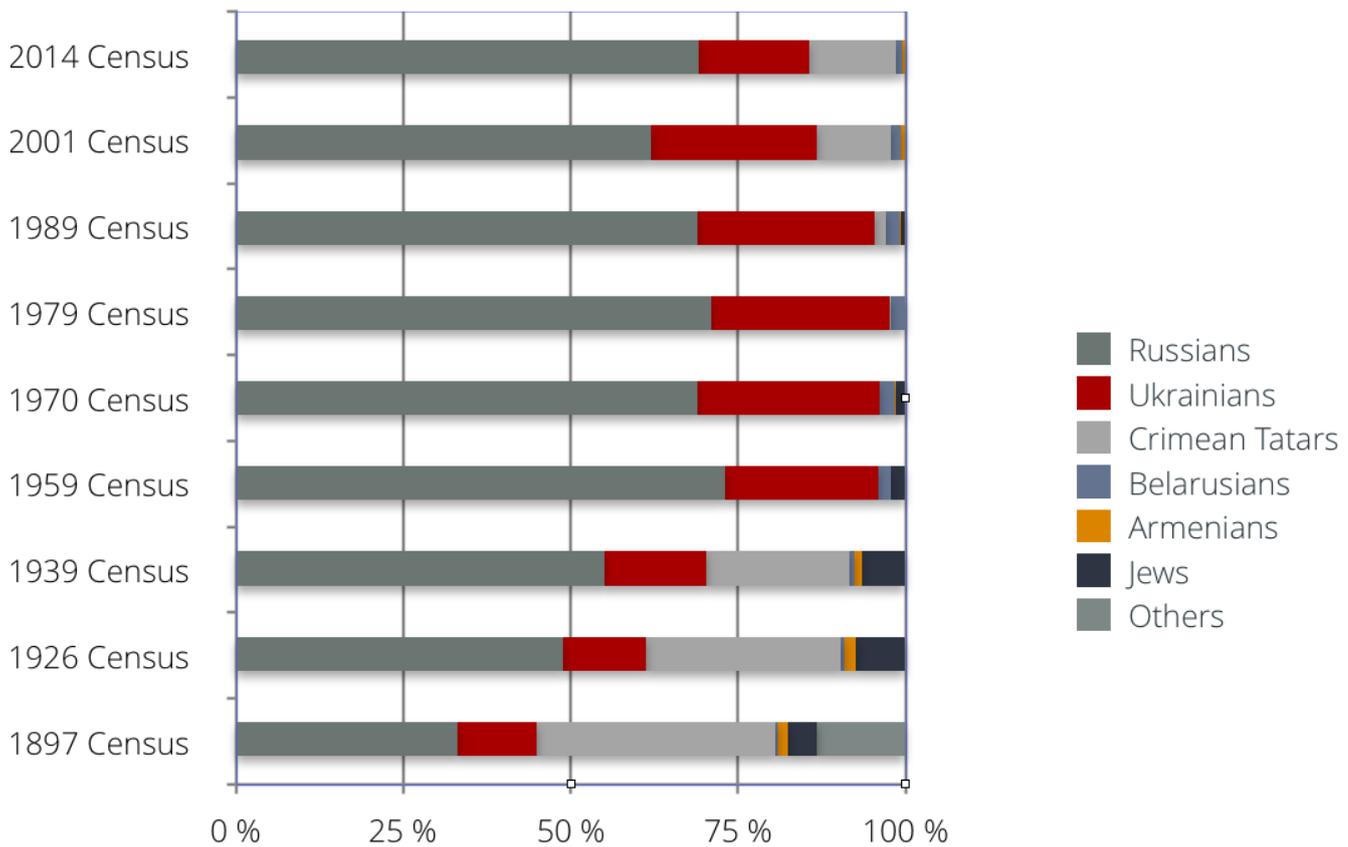
31 USA Today, "Russia's Possible Undercover Military Intervention", Arutunyan A., 15 March 2014, available at: <http://www.usatoday.com/story/news/world/2014/03/15/russias-possible-undercover-military-intervention/6464433/> (last accessed: 25/04/2016).

32 Council of Europe, 'Documents: Working Papers', Vol.1, 1999 Ordinary Session, 25-29 January 1999, Doc. 8272.

33 See Minorities at Risk Project, "Chronology for Crimean Russians in Ukraine", 2004, available at: <http://www.refworld.org/docid/469f38ec2.html> (last accessed: 08/06/2016).

34 Roman Woronowycz, 'Russian-Ukrainian dispute over Tuzla escalates', Kyiv Press Bureau, 26 October 2003, available at: <http://www.ukrweekly.com/old/archive/2003/430301.shtml> (last accessed: 25/05/2016); RIA News, "MFA of Ukraine: RF acknowledged the belonging of the Island Tuzla to Ukraine", 13 July 2005, available at: <http://ria.ru/politics/20050713/40903599.html> (last accessed: 18/04/2016).

35 Accurate statistics for earlier periods of history are not available.



Crimean Demographics 1897-2014³⁶

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.³⁷ 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.³⁸ 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.³⁹ 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 2003.⁴⁰ In an apparent geopolitical pivot towards Western Europe in the wake of the 2004 'Orange Revolution',⁴¹ Ukraine began negotiations for

36 Graph created by IPHR on the basis of information from Институт демографии Национального исследовательского университета "Высшая школа экономики", Demoscope.ru. "Распределение населения по родному языку и уездам 50 губерний Европейской России", 2016, available at: http://demoscope.ru/weekly/ssp/rus_lan_97_uezd.php?reg=1420 (last accessed: 12/04/2016).

37 Rutland P., "An Unnecessary War: The Geopolitical Roots of the Ukraine Crisis", 9 April 2015, available at <http://www.e-ir.info/2015/04/09/an-unnecessary-war-the-geopolitical-roots-of-the-ukraine-crisis/> (last accessed: 24/06/2015).

38 European Neighborhood Policy and Enlargement Negotiations, Conditions for Membership, available at: http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm (last accessed: 11/06/2016).

39 Council of the European Union, Joint Declaration of the Prague Eastern Partnership Summit, 7 May 2009, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf (last accessed: 11/06/2016).

40 NATO, "Enlargement", last updated 3 December 2015, available at: http://www.nato.int/cps/en/natolive/topics_49212.htm (last accessed: 11/06/2016).

41 In November 2004, alleged election fraud afforded the pro-Russian presidential candidate Viktor Yanukovich the

a free trade and association agreement with the EU in 2008.⁴² Concurrently, discussions began over Ukraine's accession to NATO.⁴³

24. In 2010 Ukraine's politics took another U-turn when pro-Russian candidate Viktor Yanukovich won the Ukrainian presidency in elections pronounced to be fair and democratic by international observers.⁴⁴ In April 2010, Yanukovich 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 30percent.⁴⁵ In June 2010, the Parliament of Ukrainian, dominated by Yanukovich's 'Party of the Regions', voted to abandon Ukraine's accession plan to NATO.⁴⁶ In December 2010, the Constitutional Court overturned the limits on presidential powers, introduced in 2004.⁴⁷

25. On 21 November 2013 President Yanukovich announced his decision not to sign the association agreement with the EU.⁴⁸ The announcement spurred a spontaneous protest in the centre of Kyiv.⁴⁹ 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.⁵⁰ 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 2014.⁵¹ The protests would later spread to other cities across the nation.⁵² The protests, dubbed "Euromaidan", decried 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 Yushchenko 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).

42 EU-Ukraine Association Agreement "Guide to the Association Agreement", 2014, available at: http://eeas.europa.eu/images/top_stories/140912_eu-ukraine-associatin-agreement-quick_guide.pdf (last accessed: 12/06/2016).

43 Bucharest Summit Declaration, Paragraph 23, issued on April 3, 2008, available at: http://www.nato.int/cps/en/natolive/official_texts_8443.htm (last accessed: 24/06/2015).

44 OSCE, "Ukraine: Presidential Election 17 January and 7 February 2010", 28 April 2010, available at: <http://www.osce.org/odihr/elections/ukraine/67844?download=true> (last accessed: 12/06/2016).

45 Угода між Україною та Російською Федерацією з питань перебування Чорноморського флоту Російської Федерації на території України, 27 квітня 2010, available at: http://zakon4.rada.gov.ua/laws/show/643_359 (last accessed: 12/06/2016).

46 Закон України "Про засади внутрішньої і зовнішньої політики", 1 липня 2010, available at: <http://zakon5.rada.gov.ua/laws/show/2411-17> (last accessed: 12/06/2016); BBC Ukrainian, "Україна відмовилася від членства у НАТО", Зануда А., 2 липня 2010, available at: http://www.bbc.com/ukrainian/ukraine/2010/07/100702_ukraine_nato_parliament_az.shtml (last accessed: 12/06/2016).

47 Рішення Конституційного Суду України у справі за конституційним поданням 252 народних депутатів України щодо відповідності Конституції України (конституційності) Закону України "Про внесення змін до Конституції України" від 8 грудня 2004 року N 2222-IV (справа про додержання процедури внесення змін до Конституції України), 30 вересня 2010, available at: <http://zakon3.rada.gov.ua/laws/show/v020p710-10> (last accessed: 12/06/2016).

48 The Guardian, "Ukraine Suspends Talks on EU Trade Pact as Putin Wins Tug of War", Traynor I. and Grytsenko O., 21 Nov. 2013, available at: <http://www.theguardian.com/world/2013/nov/21/ukraine-suspends-preparations-eu-trade-pact> (last accessed: 18/04/2016).

49 BBC News, "Ukraine protests after Yanukovich EU deal rejection", 30 Nov. 2013, available at: <http://www.bbc.com/news/world-europe-25162563> (last accessed: 12/06/2016) - "Some 10,000 Demonstrators in Independence Square carried Ukrainian and EU flags late on Friday".

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).

51 Open Democracy, "Ukraine: a nonviolent victory", Ackerman P., Bartkowski M., and Duvall J., 3 March 2014, available at: <https://www.opendemocracy.net/civilresistance/peter-ackerman-maciej-bartkowski-jack-duvall/ukraine-nonviolent-victory> (last accessed: 12/06/2016).

52 BBC News, "Ukraine protests spread beyond Kiev amid crisis talks", 23 Jan. 2014, available at: <http://www.bbc.com/>

EU, the prevalence of corruption and police brutality, ultimately demanding the government and president's resignation.⁵³

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.⁵⁴ This bailout further angered members of the Ukrainian public, who viewed it as Russian economic manipulation over Ukraine's political sovereignty.⁵⁵ 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.⁵⁶ 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.⁵⁷

27. On 18 February 2014, the situation on the streets of Kyiv intensified, leaving 18 protesters dead.⁵⁸ Two days later, at least 88 people were killed in clashes between protesters, police and Special Forces (Berkut).⁵⁹ Widely circulated video footage showed uniformed snipers firing at unarmed protesters.⁶⁰ On 22 February, Yanukovich fled the capital with the help of Russian Special Forces,⁶¹ and protesters took control of his

news/world-europe-25868765 (last accessed: 12/06/2016) - by January the protests were spread to Lviv, Rivne, Kharkiv, Poltava, Zhytomyr, Vinnytsya, Khmelnytskyi and Ivano-Frankivsk.

53 The Guardian, "Ukrainians Call for Yanukovich to Resign in Protests Sparked by EU U-Turn", Grytsenko O. and Walker S., 2 December 2013, available at: <http://www.theguardian.com/world/2013/dec/01/ukraine-largest-street-protests-orange-revolution> (last accessed: 19/04/2016).

54 Al Jazeera, "Russia and Ukraine strike \$15bn deal", 18 December 2013, available at: <http://www.aljazeera.com/news/europe/2013/12/ukrainian-president-seeks-cash-from-kremlin-201312179339772616.html> (last accessed: 12/06/2016); Дзеркало тижня, "Запам'ятай, як усе починалося", Єрьоменко А., Силіна Т., Сколотяний Ю., Їжак О., Лантан А., 20 грудня 2013, available at: http://gazeta.dt.ua/internal/zapam-yatay-yak-use-pochinalosya_.html (last accessed: 12/06/2016).

55 World Affairs. "Euromaidan: Ukraine's Self-Organizing Revolution", Diuk N., 2014, available at: <http://www.worldaffairsjournal.org/article/euromaidan-ukraine%E2%80%99s-self-organizing-revolution> (last accessed: 19/04/2016).

56 Урядовий Кур'єр, Закон України "Про внесення змін до Закону України «Про судоустрій і статус суддів» та процесуальних законів щодо додаткових заходів захисту безпеки громадян», 21 січня 2014, available at: <http://ukurier.gov.ua/media/documents/2014/01/20/721-V%D0%86%D0%86.pdf> (last accessed: 12/06/2016).

57 Указ Президента України № 52/2014 "Про відставку Прем'єр-міністра України та Кабінету Міністрів України", 28 січня 2014, available at: <http://zakon5.rada.gov.ua/laws/show/52/2014> (last accessed: 12/06/2016); Закон України № 732-VII "Про визнання такими, що втратили чинність, деяких законів України", 28 січня 2014, available at: <http://zakon4.rada.gov.ua/laws/show/732-18> (last accessed: 12/06/2016).

58 The Guardian, "Ukraine: protesters and police clash on worst day of Kiev bloodshed", Traynor I., 19 February 2014, available at: <https://www.theguardian.com/world/2014/feb/18/ukraine-protesters-clash-police-reform> (last accessed: 12/06/2016); See also BBC News, "Why is Ukraine in turmoil?", 22 February 2014, available at: <http://www.bbc.com/news/world-europe-25182823> (last accessed: 12/06/2016).

59 Daily Mail, "Harrowing footage emerges of UNARMED protesters being cut down by sniper fire on a day of violence in Kiev that has brought today's death toll to at least 70", Thornhill T., 20 February 2014, available at: <http://www.dailymail.co.uk/news/article-2563609/Truce-Kiev-collapses-hours-official-day-mourning-28-people-killed-protests-erupts-violence.html> (last accessed: 12/06/2016); See also BBC, "Ukraine Crisis: Timeline", 13 November 2014, available at: <http://www.bbc.com/news/world-middle-east-26248275> (last accessed: 12/06/2016).

60 Metro, "Ukraine crisis: Shocking video shows snipers picking off protesters in Kiev", Molloy M., 20 February 2014, available at: <http://metro.co.uk/2014/02/20/kyiv-sniper-video-shows-ukraine-protesters-being-picked-off-by-police-4311768/> (last accessed: 12/06/2016); See also War in Images, "Ukraine - Government Snipers Shooting protesters in Kiev", 20 February 2014, available at: https://www.youtube.com/watch?v=ahjaTulXPGQ&oref=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DahjaTulXPGQ&has_verified=1 (last accessed: 12/06/2016).

61 Россия 1, "Крым. Путь на Родину", Кондрашов А., available at: https://russia.tv/brand/show/brand_id/59195/ (last accessed: 12/06/2016); See also: BBC, Putin: Russia Helped Yanukovich to Flee Ukraine, 24 October 2014, available at: <http://www.bbc.com/news/world-europe-29761799> (last accessed: 20/04/2016).

residence and public administration buildings.⁶² Shortly afterwards, Parliament voted to remove Yanukovich from the presidency, and appointed speaker Olexander Turchynov as interim president and Arseniy Yatsenyuk as acting prime minister.⁶³ The new government issued an arrest warrant for Yanukovich and disbanded the Berkut Special Forces unit.⁶⁴ On 23 February 2014, the Parliament of Ukraine voted to remove Russian as the official second language of Ukraine.⁶⁵ The EU Association Agreement was signed by Ukraine and the EU on 21 March 2014.⁶⁶

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 Yanukovich.⁶⁷ Russian state-media focused on creating a sense of imminent danger with the message of a Western-sponsored fascist coup in Kyiv.⁶⁸ On the same day, the so-called Crimean Self-Defence Militia was founded under the command of Pavel Sheremet.⁶⁹ Composed of former policemen, former army officers, Afghan war veterans and biker groups, its official purpose is to 'maintain order and combat fascism' on the peninsula.⁷⁰

29. From 23 February, pro and anti-Euromaidan protesters began to gather in city centres on the Crimean Peninsula.⁷¹ On the same day, the Prime Minister of Crimea, Anatolii Mohyliov declared that the region would abide

62 Daily Mail, "Moment suspected Ukrainian SNIPER was dragged by the hair and beaten by anti-government protesters as president reportedly flees capital", Edwards A., 22 February 2014, available at: <http://www.dailymail.co.uk/news/article-2565394/Ukrainian-protesters-claim-control-capital.html> (last accessed: 12/06/2016).

63 Постанова Верховної Ради України № 757-VII "Про самоусунення Президента України від виконання конституційних повноважень та призначення позачергових виборів Президента України", 22 лютого 2014, available at: <http://zakon3.rada.gov.ua/laws/show/757-18> (last accessed: 12/06/2016).

64 Генеральна Прокуратура України, "В. Януковичу повідомлено про підозру в 7-ми кримінальних провадженнях, в рамках одного з них продовжується його міжнародний розшук", 18 травня 2016, available at: <http://www.gp.gov.ua/ua/news.html?m=publications&c=view&t=rec&id=183868> (last accessed: 12/06/2016); Наказ Міністерства Внутрішніх Справ України №185 "Про визнання такими, що втратили чинність наказів МВС України з питань діяльності СПМГБ "Беркут", 11 березня 2014, available at: <http://zakon3.rada.gov.ua/laws/show/z0359-14/paran6#n6> (last accessed: 12/06/2016).

65 Закон України № 5029-VI "Про засади державної мовної політики", redaction 24 May 2015, available at: <http://zakon3.rada.gov.ua/laws/show/5029-17> (last accessed: 12/06/2016).

66 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other, 21 March 2014, available at: http://eeas.europa.eu/delegations/ukraine/documents/association_agreement/aa_en.pdf (last accessed: 31/05/2016).

67 Россия 1, "Крым. Путь на Родину", Кондрашов А., available at: https://russia.tv/brand/show/brand_id/59195/ (last accessed: 12/06/2016); See also: BBC, "Putin Reveals Secrets of Russia's Crimea Takeover Plot", 9 March 2015, available at: <http://www.bbc.com/news/world-europe-31796226> (last accessed: 20/04/2016). Also note, On 20 February 2014, whilst on a visit to Moscow, Speaker of the Supreme Council of Crimea, Vladimir Konstantinov, announced that a worsening of the situation in Kyiv may lead to the secession of Crimea – Pravda.ua, "Спікер ВР АРК вважає, що Крим може відокремитися від України", 20 February 2014, available at: <http://www.pravda.com.ua/news/2014/02/20/7015117/> (last accessed: 31/05/2016).

68 The Economist, "The end of the beginning?", 8 March 2014, available at: <http://www.economist.com/news/briefing/21598744-having-occupied-crimea-russia-stirring-up-trouble-eastern-ukraine-end> (last accessed: 02/06/2016).

69 Народное Ополчение Республика Крым, "Народный Полк — О нас", available at: <http://narodnoe-opolchenie.ru/narodnyiy-polk-o-nas/> (last accessed: 12/06/2016).

70 Народное Ополчение Республика Крым, "Устав Общественной Организации", 9 сентября 2014, available at: <http://narodnoe-opolchenie.ru/ustav-obshhestvennoy-organizatsii/> (last accessed: 12/06/2016).

71 In Simferopol, thousands of pro-Euromaidan protesters gathered in front of the Parliament building – Interfax Ukraine, "Crimean Tatars, pro-Russia supporters approach Crimean parliament building", 26 February 2014, available at: <http://en.interfax.com.ua/news/general/192882.html> (last accessed: 31/05/2016); In Sevastopol tens of thousands protested against the new

by the laws of Ukraine.⁷² On 24 February, a pro-Russian rally in Sevastopol appointed Russian citizen Aleksei Chalyi to the previously non-existent position of city mayor.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.⁷⁴ The majority of pro-Euromaidan protestors in Simferopol were Crimean Tatars.⁷⁵ Crimean Parliament Speaker Volodymyr Konstantinov announced that the peninsula's secession from Ukraine would not be mooted by the regional assembly.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.⁷⁷ On the same day, President Putin ordered a force of 150,000 troops stationed in Western Russia to be put on alert.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.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.⁸⁰ The build-

authorities in Kyiv – The Guardian, "Ukraine crisis fuels secession calls in pro-Russian south", 23 February 2014, available at: <http://www.theguardian.com/world/2014/feb/23/ukraine-crisis-secession-russian-crimea> (last accessed: 31/05/2016); In Kerch protesters attempted to remove the Ukrainian flag from the city hall flag-pole – Unian, "В Керчи митингующие сорвали украинский флаг и мэрии и повесили российский", 23 February 2014, available at: <http://www.unian.net/politics/888686-v-kerchi-mitinguyuschie-sorvali-ukrainskiy-flag-i-merii-i-povesili-rossiyskiy.html> (last accessed: 31/05/2016).

72 Radiosvoboda.org, "Прем'єр Криму Могильов заявляє, що виконуватиме нові закони", 23 February 2014, available at: <http://www.radiosvoboda.org/content/article/25274524.html> (last accessed: 31/05/2016).

73 Moscow Times, "Russian Citizen Elected Sevastopol Mayor Amid Pro-Moscow Protests in Crimea", 25 February 2014, available at: <http://www.themoscowtimes.com/news/article/russian-citizen-elected-sevastopol-mayor-amid-pro-moscow-protests-in-crimea/495113.html> (last accessed: 31/05/2016).

74 KyivPost, "Two die in rallies outside Crimean parliament, says ex-head of Mejlis", 26 February 2014, available at: <http://www.kyivpost.com/article/content/ukraine/two-die-in-rallies-outside-crimean-parliament-says-ex-head-of-mejlis-337708.html> (last accessed: 31/05/2016).

75 BBC, "Ukraine Crimea: Rival rallies confront one another", 26 February 2014, available at: <http://www.bbc.co.uk/news/world-europe-26354705> (last accessed: 31/05/2016).

76 BBC, "Ukraine Crimea: Rival rallies confront one another", 26 February 2014, available at: <http://www.bbc.co.uk/news/world-europe-26354705> (last accessed: 31/05/2016).

77 The Globe and Mail, "Globe in Ukraine: Russian-backed fighters restrict access to Crimean city", 26 February 2014, available at: <http://www.theglobeandmail.com/news/world/tension-in-crimea-as-pro-russia-and-pro-ukraine-groups-stage-competing-rallies/article17110382/#dashboard/follows?cmpid=tgc> (last accessed: 31/05/2016).

78 The Globe and Mail, "Globe in Ukraine: Russian-backed fighters restrict access to Crimean city", 26 February 2014, available at: <http://www.theglobeandmail.com/news/world/tension-in-crimea-as-pro-russia-and-pro-ukraine-groups-stage-competing-rallies/article17110382/#dashboard/follows?cmpid=tgc> (last accessed: 31/05/2016); CNN, "Russia flexes military muscle as tensions rise in Ukraine's Crimea region", 27 February 2014, available at: <http://edition.cnn.com/2014/02/26/world/europe/ukraine-politics/> (last accessed: 31/05/2016).

79 The Wall Street Journal, "Crimea Checkpoints Raise Secession Fears", 28 February 2014, available at: <http://www.wsj.com/news/articles/SB10001424052702304071004579410931310849454> (last accessed: 31/05/2016); See also video of checkpoints on YouTube, "Озброєні цивільні влаштували блокпости на в'їзді Криму", 27 February 2014, available at: <https://www.youtube.com/watch?v=2xIPEHhZkQ> (last accessed: 31/05/2016).

80 Reuters, "Ukraine leader warns Russia after armed men seize government HQ in Crimea", 27 February 2014, available at: <http://www.reuters.com/article/us-ukraine-crisis-crimea-idUSBREA1P23U20140227> (last accessed: 31/05/2016); Interfax-Ukraine, "Здание крымского Парламента и Правительства захвачены неизвестными", 27 February 2014, available at: <http://interfax.com.ua/news/general/193046.html> (last accessed: 31/05/2016); The Guardian, "Crimean parliament seized by unknown pro-Russian gunmen", 27 February 2014, available at: <http://www.theguardian.com/world/2014/feb/27/crimean-parliament-seized-by-unknown-pro-russian-gunmen> (last accessed: 02/06/2016); The involvement of Russian Forces in the capture of the Parliament of Crimea was

ing was barricaded, all lines of communications were cut and a Russian flag was raised on its flagpole.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 Aksyonov as the new prime minister, and agreed to hold a referendum on the status of Crimea in May.⁸² According to revelations by former Russian Colonel and pro-Russian rebel leader Igor Girkin (aka Strelkov), parliamentarians were forced to vote at gunpoint.⁸³ Opposition lawmakers present in the building also confirm that the vote was marked by intimidation and fraud.⁸⁴ The gunmen had confiscated lawmakers' mobile phones. No independent journalists or observers were allowed inside the building.⁸⁵

32. From 28 February 2014, professionally equipped and well-organised combatants without insignia (later dubbed 'little green men' or 'polite men'⁸⁶) began to seize strategic positions on the Crimean Peninsula, starting with Simferopol and Sevastopol airports.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.⁸⁸ An OSCE report confirmed that the equipment seen by its observers equipment was consistent with the presence of Russian armed forces on the peninsula.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).

81 Reuters, "Ukraine leader warns Russia after armed men seize government HQ in Crimea", 27 February 2014, available at: <http://www.reuters.com/article/us-ukraine-crisis-crimea-idUSBREA1P23U20140227> (last accessed: 31/05/2016); Interfax-Ukraine, "Здание крымского Парламента и Правительства захвачены неизвестными", 27 February 2014, available at: <http://interfax.com.ua/news/general/193046.html> (last accessed: 31/05/2016)

82 At that point, Sergey Aksyonov (nicknamed the 'Goblin') was a member of the Russian Unity party which held just 4% of the seats in the Parliament of Crimea – Русское Единство, "История межрегиональной общественной организации «Русское Единство»" available at: <http://russkoe-edinstvo.com/about/istoriya> (last accessed: 12/06/2016); See also: 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).

83 Atlantic Council, "Russians' Once-Secretive Commander in Ukraine is On the Air: Colonel Igor Girkin Presses Kremlin to Expand Its War through Southern and Eastern Ukraine", Chalupa I., 2014, available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/russians-once-secretive-commander-in-ukraine-is-on-the-air> (last accessed: 21/04/2016). A selection of revealing statements made by Girkin during a TV interview, 2015, video available at: <https://www.youtube.com/watch?v=ANGlxGQDuO4>. (last accessed: 22/04/2016); И.Стрелков vs Н.Стариков "ЦЕНТРСИЛЫ / СИЛАЦЕНТРА", 2015, video available at: <https://www.youtube.com/watch?v=G04tXnvKx8Y>. (last accessed: 02/05/2016).

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).

85 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); Interfax-Ukraine, "Здание крымского Парламента и Правительства захвачены неизвестными", 27 February 2014, available at: <http://interfax.com.ua/news/general/193046.html> (last accessed: 31/05/2016).

86 BBC, "Little green men or Russian invaders?", 11 March 2014, available at: <http://www.bbc.co.uk/news/world-europe-26532154> (last accessed: 01/06/2016).

87 Interfax Ukraine, "About 50 armed men in military uniform seize Simferopol Airport in early hours of Friday", 28 February 2014, available at: <http://en.interfax.com.ua/news/general/193305.html> (last accessed: 01/06/2016); Ukrinform, "Озброєні люди узяли під контроль аеропорти в Криму", 28 February 2014, available at: http://www.ukrinform.ua/rubric-regions/1624882-ozbroeni_lyudi_uzjali_pid_kontrol_aeroporti_v_krimu_1912865.html (last accessed: 01/06/2016).

88 Suomen Sotilas, "Crimea Invaded By High Readiness Forces Of The Russian Federation", 3 March 2014, available at: <https://web.archive.org/web/20150330124704/http://www.suomensotilas.fi/en/artikkelit/crimea-invaded-high-readiness-forces-russian-federation> (last accessed: 01/06/2016).

89 Reuters, "OSCE team say Crimea roadblock gunmen threatened to shoot at them", 12 March 2014, available at: <http://>

a Russian warship blocked Balaklava Harbour, effectively cutting off Ukraine's coast guard.⁹⁰ There were also reports of eight Russian Mi-24 assault helicopters landing in Sevastopol⁹¹ and 13 IL-76 Russian Airborne Troop aircraft landing in Hvardiyske airport.⁹²

33. On 1 March 2014, the Russian Parliament granted President Putin the right to use military force in Ukraine 'to protect Russian interests'.⁹³ On the same day, de facto Crimean Prime Minister Aksyonov asked President Putin to provide assistance to 'ensure peace' in Crimea.⁹⁴ 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,⁹⁵ airfields,⁹⁶ radar stations,⁹⁷ navy vessels,⁹⁸ a ferry terminal,⁹⁹ television/radio transmission stations¹⁰⁰ and

www.reuters.com/article/us-ukraine-crisis-osce-idUSBREA2B1C120140312 (last accessed: 01/06/2016).

90 Unian, "У Криму ракетний катер ЧФ РФ заблокував вихід українським прикордонним кораблям – джерело", 28 February 2014, available at: <http://www.unian.ua/politics/891027-u-krimu-raketniy-kater-chf-rf-zablokuvav-vihid-ukrajinskim-prikordonnim-korablyam-djerele.html> (last accessed: 01/06/2016).

91 ZN.ua, "В Севастополь прибыли российские военные вертолеты", 28 February 2014, available at: http://zn.ua/POLITICS/yanukovich-pribyl-v-sevastopol-istochnik-139973_.html (last accessed: 01/06/2016); See also alleged video of helicopters on YouTube, "Вертушки идут на Бельбек", 28 February 2014, available at: <https://www.youtube.com/watch?v=2TVyPiHVZ1A> (last accessed: 01/06/2016).

92 Unian, "13 літаків з російськими десантниками прибули до Криму – Куніцин", 28 February 2014, available at: <http://www.unian.ua/politics/891382-13-litakiv-z-rosiyskimi-desannikami-pribuli-do-krimu-kunitsin.html> (last accessed: 01/06/2016).

93 Постановление Совета Федерации "Об использовании Вооруженных Сил Российской Федерации на территории Украины", 1 марта 2014, available at: <http://www.council.gov.ru/activity/legislation/decisions/39979/> (last accessed: 12/06/2016); It has been alleged that the law was procedurally defective as Parliament lacked quorum. Lenta.Ru. "Сбой какой-то в машине, да? Как Совет Федерации разрешил Путину ввести войска на Украину", Ключкин А., Дмитриев Д., 13 марта 2014, available at: <https://lenta.ru/articles/2014/03/13/sovets/> (last accessed: 20/04/2016).

94 BBC, "Ukraine crisis: Crimea leader appeals to Putin for help", 1 March 2014, available at: <http://www.bbc.co.uk/news/world-europe-26397323> (last accessed: 01/06/2016).

95 On 2 March, Ukrainian marine military detachment was surrounded in Feodosiya – Українська правда, "У порт Феодосії зайшов десантний корабель РФ – ЗМП", 1 березня 2014, available at: <http://www.pravda.com.ua/news/2014/03/1/7016756/> (last accessed: 12/06/2016); On 2nd March a military base was surrounded in Perevalne – ITV News, "Extraordinary stand-off at Crimean military base", 2 March 2014, available at: <http://www.itv.com/news/update/2014-03-02/extraordinary-stand-off-at-crimean-military-base/> (last accessed: 01/06/2016); On 2nd March the Ukrainian Navy building came under siege in Sevastopol – Pravda.ua, "Російські військові штурмують українську частину в Севастополі", 2 March 2014, available at: <http://www.pravda.com.ua/news/2014/03/2/7016948/> (last accessed: 01/06/2016); On 22nd – 23rd March, Russian forces stormed and seized the Novofedorivka and Belbek Ukrainian airbases – The Washington Post, "Russian forces storm one of the last Ukrainian military outposts in Crimea", 23 March 2014, available at: https://www.washingtonpost.com/world/monitors-set-to-deploy-to-ukraine-to-try-to-contain-crisis/2014/03/22/742e4898-b1a4-11e3-a49e-76adc9210f19_story.html (last accessed: 02/06/2016).

96 The Wall Street Journal, "Confrontation at Crimea Air Base Defused—For Now", 4 March 2014, available at: <http://www.wsj.com/news/articles/SB10001424052702304360704579419493589067568?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2F5B10001424052702304360704579419493589067568.html> (last accessed: 01/06/2016).

97 On 2nd March Sudak radar station was overrun – Українська правда, "Російські військові в Криму вивозять зброю з військових частин України", 2 березня 2014, available at: <http://www.pravda.com.ua/news/2014/03/2/7016937/> (last accessed: 12/06/2016).

98 NavalToday.com, "Ukrainian Warship Thwarts Attack in Sevastopol", 4 March 2014, available at: <http://navaltoday.com/2014/03/04/ukrainian-warship-thwarts-attack-in-sevastopol/> (last accessed: 01/06/2016).

99 CBCNews, "U.S. warns Russia as soldiers seize barracks, border posts, ferry terminal", 3 March 2014, available at: <http://www.cbc.ca/news/world/u-s-warns-russia-against-threatening-ukraine-navy-1.2557443> (last accessed: 01/06/2016).

100 KyivPost, "Gunmen seize Simferopol television station, turn off Channel 5, 1+1, turn on Rossiya 24", 6 March 2014, available at: <https://www.kyivpost.com/article/content/ukraine/gunmen-seize-simferopol-television-station-turn-off-channel-5-11-turn-on-rossiya-24-338610.html> (last accessed: 01/06/2016).

border posts.¹⁰¹ Two ships were sunk at the entrance of Donuzlav Bay to prevent Ukrainian navy ships from gaining access to the Black Sea.¹⁰² On 11 March, Crimea's airspace was closed to all aircraft apart from flights from the Russian Federation.¹⁰³ International observers were denied entry or expelled from the territory of the peninsula.¹⁰⁴

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 2014.¹⁰⁵ Opposition MPs denounced the decision as illegal for lack of parliamentary quorum.¹⁰⁶ 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'.¹⁰⁷

35. In the run-up to the referendum, press freedoms were severely limited¹⁰⁸ and international observers were

101 Ukrinform, "Russian military capture border department Shcholkino", 8 March 2014, available at: http://www.ukrinform.net/rubric-politics/1629808-russian_military_capture_border_department_shcholkino_318304.html (last accessed: 01/06/2016).

102 NavalToday, "Russia Sinks Ship to Block Ukrainian Navy Ships", 6 March 2014, available at: <http://navaltoday.com/2014/03/06/russia-sinks-ship-to-block-ukrainian-navy-ships> (last accessed: 01/06/2016); Pravda.ua, "Россияне затопили еще один свой корабль, чтоб заблокировать украинцев", 7 March 2014, available at: <http://www.pravda.com.ua/rus/news/2014/03/7/7018008> (last accessed: 01/06/2016).

103 The Telegraph, "Ukraine crisis: Flights into Crimea denied permission to land", 11 March 2014, available at: <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10689654/Ukraine-crisis-Flights-into-Crimea-denied-permission-to-land.html> (last accessed: 01/06/2016).

104 Reuters, "OSCE team say Crimea roadblock gunmen threatened to shoot at them", 12 March 2014, available at: <http://www.reuters.com/article/us-ukraine-crisis-osce-idUSBREA2B1C120140312> (last accessed: 01/06/2016); The Independent, "Ukraine: UN Special Representative to 'End Mission in Crimea' after He was Stopped by Armed Men in a Coffee Shop", 5 March 2014, available at: <http://www.independent.co.uk/news/world/europe/ukraine-un-special-representative-seized-by-armed-men-in-crimea-ukrainian-ministry-9171405.html> (last accessed: 02/06/2016).

105 BBC, "Ukraine crisis: Crimea parliament asks to join Russia", 6 March 2014, available at: <http://www.bbc.co.uk/news/world-europe-26465962> (last accessed: 01/06/2016).

106 Radio Free Europe, "'There Was No Quorum': Crimean Lawmaker Calls Vote To Join Russia Flawed", 6 March 2014, available at: <http://www.rferl.org/content/interview-crimea-vote-ukraine-russia/25288146.html> (last accessed: 01/06/2016); Confirmed by video allegedly showing only 10 MPs in an empty auditorium at the time of the vote: 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);

107 Radio Free Europe, "Crimean Tatar Leader Tells People To Stay At Home, Avoid Confrontations", 2 March 2014, available at: <http://www.rferl.org/content/crimean-tatar-leader-tells-people-to-stay-at-home-avoid-confrontations/25282669.html> (last accessed: 01/06/2016); DW, "Tatar Leader: Referendum's Results 'Predetermined'", 16 March 2014, available at: <http://www.dw.com/en/tatar-leader-referendums-results-predetermined/a-17500078> (last accessed: 02/05/2016).

108 Государственный Совет Республики Крым, "Порядок аккредитации средств массовой информации для освещения хода голосования на общекрымском референдуме 16 марта 2014 года", 11 марта 2014, available at: http://www.rada.crimea.ua/news/11_03_14_7 (last accessed: 12/06/2016); Ukrainian television channels and radio was replaced by Russian media – BBC, "Is Crimea's referendum legal?", 13 March 2014, available at: <http://www.bbc.co.uk/news/world-europe-26546133> (last accessed: 01/06/2016).

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 referen-

109 Reuters, "OSCE team say Crimea roadblock gunmen threatened to shoot at them", 12 March 2014, available at: <http://www.reuters.com/article/us-ukraine-crisis-osce-idUSBREA2B1C120140312> (last accessed: 01/06/2016).

110 The White House, "Statement of G-7 Leaders on Ukraine", 12 March 2014, available at: <https://www.whitehouse.gov/the-press-office/2014/03/12/statement-g-7-leaders-ukraine> (last accessed: 01/06/2016).

111 European Parliament, "Ukraine: MEPs call for firm action on Russia to prevent further escalation", 12 March 2014, available at: <http://www.europarl.europa.eu/news/en/news-room/20140312STO38705/Ukraine-MEPs-call-for-firm-action-on-Russia-to-prevent-further-escalation> (last accessed: 01/06/2016).

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).

113 Business Insider, "This Is An Actual Billboard In Crimea", 10 March 2014, available at: <http://www.businessinsider.com/crimea-poster-2014-3?IR=T> (last accessed: 01/06/2016).

114 See sections V (Murder and Disappearance) and VII (Illegal Detention)

115 The New York Times, "2 Choices in Crimea Referendum, but Neither in 'No'", 14 March 2014, available at: <http://www.nytimes.com/2014/03/15/world/europe/crimea-vote-does-not-offer-choice-of-status-quo.html> (last accessed: 01/06/2016). Sample voting is available at: https://upload.wikimedia.org/wikipedia/commons/9/94/2014_Crimean_referendum_ballot.png (last accessed: 01/06/2016).

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.dr.gov.ua/portal/cm_core.cm_index?option=ext_num_voters&pdt=1&pmn_id=127 (last accessed: 01/06/2016).

118 Комиссия Автономной Республики Крым по проведению общекрымского референдума, "Обнародование результатов общекрымского референдума, состоявшегося в Автономной Республике Крым 16 марта 2014 года", available at: <http://www.rada.crimea.ua/referendum/resultaty> (last accessed: 12/06/2016).

119 The Wall Street Journal, "Crimean Tatars Appear to Boycott Voting", 17 March 2014, available at: <http://www.wsj.com/articles/SB10001424052702304747404579443341954329348> (last accessed: 02/06/2016).

120 BBC, "Crimean parliament formally applies to join Russia", 17 March 2014, available at: <http://www.bbc.co.uk/news/world-europe-26609667> (last accessed: 02/06/2016).

dum.¹²¹ There were also reports of electoral fraud, including people being unlawfully taken off the register,¹²² confiscation of identity papers¹²³ and voting by people not eligible to do so.¹²⁴ The Venice Commission declared the referendum illegal under the Constitutions of Ukraine and Crimean, and international law.¹²⁵ The Government of Ukraine has consistently refused to recognise the results of the referendum and the legality of the peninsula's secession.¹²⁶

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.¹²⁷ 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.¹²⁸ The agreement was ratified and signed into law on 21 March 2014.¹²⁹

121 Pravda.ua, "Джемільєв: У "референдумі" 16 березня взяли участь 34% кримчан", 25 March 2014, available at: <http://www.pravda.com.ua/news/2014/03/25/7020267/> (last accessed: 01/06/2016); Council of the President of the Russian Federation on the Development of Civic Society and Human Rights, "Problems of the Inhabitants of Crimea", 2014, available at: http://old.president-sovet.ru/structure/gruppa_po_migratsionnoy_politike/materialy/problemy_zhiteley_kryma.php (last accessed: 07/05/2016).

122 Turkish Weekly, "Irregularities' cited in Crimea referendum", 17 March 2014, available at: <http://www.turkishweekly.net/2014/03/17/news/irregularities-cited-in-crimea-referendum/> (last accessed: 01/06/2016).

123 Crimean News Agency, "Unknown people seize passports of Crimean residents", 10 March 2014, available at: <http://qha.com.ua/en/politics/unknown-people-seize-passports-of-crimean-residents/130806/> (last accessed: 01/06/2016).

124 KyivPost, "Declaring victory, Crimean and Russian officials pledge fast integration", 17 March 2014, available at: <http://www.kyivpost.com/article/content/ukraine/voting-in-crimean-referendum-starts-even-as-ukraine-government-declares-it-illegitimate-339523.html> (last accessed: 01/06/2016).

125 European Commission for Democracy Through Law (Venice Commission), Opinion: On whether the decision taken by the Supreme Council of the Autonomous Republic of Crimea in Ukraine to organise a referendum on becoming a constituent territory of the Russian Federation or restoring Crimea's 1992 Constitution is compatible with constitutional principles", Council of Europe, 21 March 2014, available at: <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282014%29002-e> (last accessed: 01/06/2016).

126 Рішення Конституційного Суду України у справі за конституційними поданнями виконуючого обов'язки Президента України, Голови Верховної Ради України та Уповноваженого Верховної Ради України з прав людини щодо відповідності Конституції України (конституційності) Постанови Верховної Ради Автономної Республіки Крим "Про проведення загальнокримського референдуму" (справа про проведення місцевого референдуму в Автономній Республіці Крим), 14 березня 2014, available at: <http://www.ccu.gov.ua/doccatalog/document?id=242321> (last accessed: 12/06/2016).

127 Постановление ГС РК "О независимости Крыма", 17 марта 2014, available at: <http://crimea.gov.ru/act/11748> (last accessed: 12/06/2016); Постановление ГС РК "О национализации предприятий и имущества морского транспорта сферы управления Министерства инфраструктуры Украины и Министерства аграрной политики и продовольствия Украины, расположенных на территории Республики Крым и г. Севастополя", 20 марта 2014, available at: <http://crimea.gov.ru/act/11761> (last accessed: 12/06/2016); Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов подписан в г. Москве 18 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160398/ (last accessed: 12/06/2016); See also BBC, "Crimean parliament formally applies to join Russia", 17 March 2014, available at: <http://www.bbc.co.uk/news/world-europe-26609667> (last accessed: 02/06/2016).

128 Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов подписан в г. Москве 18 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160398/ (last accessed: 12/06/2016); See also: Kremlin.ru, "Agreement on the accession of the Republic of Crimea to the Russian Federation signed", 18 March 2014, available at: <http://en.kremlin.ru/events/president/news/20604> (last accessed: 02/06/2016).

129 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 Севастополя", 21 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160618/19bbbf6a6e5a06c0d9e8d958af6464287880b069/ (last accessed: 07/05/2016); BBC, "Ukraine: Putin signs Crimea annexation", 21 March 2014, available at:

39. The annexation was widely condemned by the international community, notably by the European Union,¹³⁰ the United Nations General Assembly,¹³¹ 13 members of the United Nations Security Council¹³² and NATO.¹³³ In its aftermath, sanctions have been imposed on Russia and individuals who played a key role in the annexation.¹³⁴ On 24 March, the Group of Eight (Go8) voted to suspend Russia's membership.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.¹³⁶

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

<http://www.bbc.co.uk/news/world-europe-26686949> (last accessed: 02/06/2016).

130 European Union External Action, "The EU non-recognition policy for Crimea and Sevastopol", March 2016, available at: http://eeas.europa.eu/top_stories/pdf/the-eu-non-recognition-policy-for-crimea-and-sevastopol-fact-sheet.pdf (last accessed: 02/06/2016).

131 UNGA, "Resolution adopted by the General Assembly on 27 March 2014: 68/262 – Territorial integrity of Ukraine", A/RES/68/262, 1 April 2014.

132 UNSC, "Draft Resolution S/2014/189", 15 March 2014.

133 NATO, "North Atlantic Council statement on the situation in Ukraine", 2 March 2014, available at: http://www.nato.int/cps/en/natolive/official_texts_107681.htm (last accessed: 02/06/2016).

134 U.S. Department of State, "Ukraine and Russia Sanctions", available at: <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: 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: <http://www.bbc.co.uk/news/world-europe-28400218> (last accessed: 02/06/2016).

135 The New York Times, "Russia Is Ousted From Group of 8 by U.S. and Allies", 24 March 2014, available at: <http://www.nytimes.com/2014/03/25/world/europe/obama-russia-crimea.html?hp&r=0> (last accessed: 02/06/2016).

136 UN Plenary meetings, Voting Record on Draft Resolution A/68/L.39 Territorial Integrity of Ukraine, 27 March 2014, available at: <https://papersmart.unmeetings.org/media2/2498292/voting-record.pdf> (last accessed: 12/06/2016); See also Business Insider, "These are the 6 countries onboard with Russia's illegal annexation of Crimea", Bender J., 1 Jun. 2016, available at: <http://www.businessinsider.my/six-countries-okay-with-russias-annexation-of-crimea-2016-5/#wkcPimBEjt5K13r8.97> (last accessed: 12/06/2016).

137 Reuters, "Russian marine kills Ukraine navy officer in Crimea, says ministry", 7 April 2014, available at: <https://wayback.archive.org/web/20140408000224/http://www.reuters.com/article/2014/04/07/us-ukraine-crisis-military-idUSBREA360GB20140407> (last accessed: 15/08/2016).

138 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.

139 E.g.: Head of Euromaidan-Krym, Andriy Shchekun and Anatoly Kovalsky disappeared in Simferopol on 9 March 2014 and was held in arbitrary detention, beaten and tortured for 11 days by members of Crimean Self-Defence Militia; See also: Human Rights Watch, "Ukraine: Activists Detained and Beaten, One Tortured", 2014, available at: <https://www.hrw.org/news/2014/03/25/ukraine-activists-detained-and-beaten-one-tortured> (last accessed: 07/05/2016); Amnesty International, "Ukraine: Human Rights Monitors Urgently Needed as Journalists and Activists Face Wave of Attacks in Crimea", 2014, available at: <https://www.amnesty.org/en/latest/news/2014/03/crimea-human-rights-monitors-urgently-needed-journalists-and-activists-face-wave-attacks/> (last accessed: 07/05/2016).

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 occupation¹⁴⁰ 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.¹⁴¹ Moreover, hundreds have suffered physical and mental injuries as a result of assaults, heavy-handed searches and arrests and violent suppression of peaceful demonstrations.¹⁴² 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.¹⁴³
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.¹⁴⁴ IPHR has documented 90 cases of arbitrary arrest and detention, with most victims being actual or perceived opponents of the occupying authorities' rule.¹⁴⁵ At least 36 detainees report having suffered inhuman treatment, with at least 20 reaching the threshold of torture.¹⁴⁶
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 Tatars¹⁴⁷) and non-governmental organisations have been banned, raided and purged from Crimean civil society.¹⁴⁸ State and private enterprises owned by Ukrainian nationals and Tatars have been na-

140 See Section IV (Contextual Elements) of this Report for analysis on the legal characterisation of the occupation.

141 See section V (Murder and Disappearance)

142 OHCHR, "Report on the human rights situation in Ukraine 16 February to 15 May 2016", sec. VII Human Rights in the Autonomous Republic of Crimea and the city of Sevastopol, available at: http://www.ohchr.org/Documents/Countries/UUA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 12/06/2016).

143 OSCE, "Freedom of Assembly in Crimea Occupied by the Russian Federation", Problem statement, 16-17 April 2015, available at: <http://www.osce.org/pc/151691?download=true> (last accessed: 21/06/2016); Freedom House, "Crimean "Self-Defense" Forces Kidnap and Beat Journalists under Russia's Watchful Eye", 3 June 2014, available at: <https://freedomhouse.org/article/crimean-self-defense-forces-kidnap-and-beat-journalists-under-russias-watchful-eye> (last accessed: 21/06/2016).

144 Aljazeera, "Corruption Eats Russia-Annexed Crimea from Within: Residents of Crimea have Struggled with Corruption and Land-Grabs since the Russian Takeover of the Region. Aljazeera", Mirovalev M., 2 September 2015, available at: <http://www.aljazeera.com/indepth/features/2015/08/corruption-eats-russia-annexed-crimea-150831120645728.html> (last accessed: 15/05/2016).

145 See section VII (Illegal Detention).

146 See section VI (Torture and inhuman treatment).

147 Crimean Field Mission on Human Rights, "Brief Review of the Situation in Crimea (April 2014)", Analytical Review, May 2014, available at: <http://helsinki.org.ua/en/articles/crimean-field-mission-on-human-rights-brief-review-of-the-situation-in-crimea/> (last accessed: 21/06/2016). See also: Крымская полевая миссия по правам человека, "Краткий обзор ситуации по Крыму (март 2015 года)", Аналитический обзор, 2015, available at: <http://ihahr.org/sites/default/files/files/crimean-hr-group-mart-2015-ru.pdf> (last accessed: 21/06/2016); Council of Europe, "Ban of Mejlis risks targeting Crimean Tatar community as a whole", Secretary General Jagland's statement, 26 April 2016, available at: <http://www.coe.int/en/web/portal/-/ban-of-mejlis-risks-targeting-crimean-tatar-community-as-a-whole> (last accessed: 21/06/2016).

148 OSCE, "Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015)", 17 September 2015, available at: <http://www.osce.org/odihr/180596?download=true> p. 37 (last accessed: 21/06/2016).

tionalised or appropriated.¹⁴⁹ Religious buildings, cultural symbols and historic monuments have been confiscated, defaced or destroyed, in an apparent bid to suppress Ukrainian and Tatar culture.¹⁵⁰ The Ukrainian language has been effectively removed from the school and university curriculum, and policy and administrative obstacles are preventing education in the Tatar language.¹⁵¹

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

149 See section IX (Property Crimes).

150 See sections IX (Property Crimes) and X (Persecution); See also: Конгресс национальных общин Украины, "два года войны: Ксенофобия в Украине в 2015 г.", Информационно-аналитический доклад по результатам мониторинга, Лихачев В., Безрук Т., 2016, available at: http://www.vaadua.org/sites/default/files/files/Xenophobia_in_Ukraine_2015.pdf p. 23 (last accessed: 21/06/2016). See also: Крымская полевая миссия по правам человека, "Краткий обзор ситуации по Крыму (июнь 2014 года)", Аналитический обзор, 2014, available at: www.ombudsman.gov.ua/files/alena/Cherven.pdf (last accessed: 21/06/2016).

151 See section X (Persecution); See also: Skrypyuk O. and Pechonchuk T., "The Peninsula of Fear: Chronicle of Occupation and Violation of Human Rights in Crimea", 2016, available at: <https://humanrights.org.ua/about/view/publishing/fear-peninsula-crimea-human-rights> pp. 52-53 (last accessed: 21/06/2016); Freedom House, "Human Rights Abuses in Russian-Occupied Crimea", Klymenko A., 2015, available at: <https://freedomhouse.org/report/freedom-world/2015/crimea> p. 10 (last accessed: 21/06/2016).

152 See section X (Persecution).

153 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 Севастополя", 21 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160618/19bbbbfa6e5a06c0d9e8d958af6464287880b069/ (last accessed: 07/05/2016).

154 OSCE, "Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015)", 17 September 2015, paras. 38-40, available at: <http://www.osce.org/odihr/180596?download=true> (last accessed: 21/06/2016).

155 Ombudsperson of the Russian Federation, Report of the Commissioner for Human Rights in the Russian Federation in 2014 (7 May 2015), Crimea chapter, available at: <http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf> (Russian); and http://eng.ombudsmanrf.org/www/upload/files/prezent/doklad_eng_Sample_view.pdf (English) (last accessed: 22/08/2016).

156 Public statement of the Deputy Head of the FMS of the Russian Federation, available at: http://rian.com.ua/CIS_news/20140422/345528247.html (last accessed: 22/08/2016).

157 Availing of this theoretical right has in practice been plagued by corruption, incompetence and deliberate obstruction – see OSCE, "Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015)", 17 September 2015, paras. 45-46, available at: <http://www.osce.org/odihr/180596?download=true> (last accessed: 21/06/2016).

158 Regulation No. 1343 (19 July 2014) amending the Order of the Government of the Russian Federation No. 2231-r (30 November 2013) "On establishing quotas for the issuance of temporary residence permits to foreign citizens and stateless persons in the Russian Federation for 2014".

159 Federal Law of the Russian Federation No 142-FZ "On Amendments to Articles 6 and 30 of the Federal Law 'On Citizenship of the Russian Federation' and certain legislative acts of the Russian Federation" (4 June 2014, entered into force 4

Those unable to secure a residence permit became subject to deportation within 90 days.¹⁶⁰ The occupying authorities also obliged residents to re-register their property, businesses, civil society and media organisations and religious premises.¹⁶¹ 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.¹⁶²

47. The violence, fear and deprivation of fundamental human rights have led to the forced displacement of up to 60,000 lawful residents.¹⁶³ 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'.¹⁶⁴ 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.¹⁶⁵

August 2014).

160 Under Article 5 of the Russian Federal Law "Concerning the Legal Status of Foreign Citizens in the Russian Federation" (*ibid.*), foreign citizens are prohibited from staying in the Russian Federation more than 90 days in any 180-day period, with violations of those rules punishable by fines and deportation, per Article 18.8.1 of the Russian Federal Law No. 195-FZ, "Code of Administrative Offences of the Russian Federation" (30 December 2001).

161 Article 3, Law of the Republic of Crimea No 38-LRC "On peculiarities of regulation of property and land relations in the Republic of Crimea" (30 July 2014), available at: <http://www.rg.ru/2014/08/05/krim-zakon38-reg-dok.html>; Russian Federal Law No. 124-FZ of 5 May 2014, "On the Introduction of Amendments to the Federal Law 'On the Enactment of the Civil Code of the Russian Federation (First Part)' and to Article 1202 of the Civil Code of the Russian Federation (Third Part)" (entry into force 1 July 2014), available at: http://www.consultant.ru/document/cons_doc_LAW_162572/; Russian Federal Law No. 402-FZ "On the Peculiarities of the Legal Regulation of the Relations in the field of mass media in connection with the Admission of the Republic of Crimea into the Russian Federation and the Establishment of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol and on the Introduction of Changes to the Federal Law "On Education in the Russian Federation" (2 December 2014), available at: <http://www.rg.ru/2014/12/03/pravo-dok.html>. See also, Information Policy Directorate Mininform RK, "V Krymu prodlena pereregistratsiya SMI do apreliya 2015 goda" (24 November 2014), available at: <http://rk.gov.ru/rus/index.html/news/289528.htm>.

162 OHCHR, "Report on the human rights situation in Ukraine 16 February to 15 May 2016", para. 8, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 12/06/2016); OSCE, "Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015)", 17 September 2015, paras. 32-91, available at: <http://www.osce.org/odihr/180596?download=true> (last accessed: 21/06/2016).

163 See section VIII (Forced Displacement); Internal Displacement Monitoring Centre, "Ukraine IDP Figures Analysis", August 2015, available at: <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis> (last accessed: 16/08/2016).

164 Radio Free Europe, "Medvedev's Awkward Crimea Moment: 'There's Just No Money. But You Take Care!'", 24 May 2016, available at: <http://www.rferl.org/content/russia-medvedev-crimea-visit-no-money-social-media-pensioner/27754644.html> (last accessed: 08/06/2016).

165 Aljazeera, "Corruption eats Russia-annexed Crimea from within", 2 September 2015, available at: <http://www.aljazeera.com/indepth/features/2015/08/corruption-eats-russia-annexed-crimea-150831120645728.html> (last accessed: 08/06/2016); The New York Times, "To Many in Crimea, Corruption Seems No Less at Home Under Russian Rule", MacFarquhar N., 13 August 2015, available at: http://www.nytimes.com/2015/08/14/world/europe/in-crimea-a-disputed-beach-is-a-symbol-of-corruption.html?_r=0 (last accessed: 21/06/2016); Фокус, "В оккупированном Крыму растёт только коррупция, – депутат Госдумы РФ", 25 April 2016,

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.¹⁶⁶ 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.¹⁶⁷ Unrest developed into full-scale war and the formation of self-proclaimed breakaway republics – the Donetsk and Luhansk Peoples' Republics.¹⁶⁸ 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.¹⁶⁹
50. In Donetsk, the insurgency was initially led by Igor Girkin/Strelkov, who participated in the occupation of the Parliament building in Simferopol.¹⁷⁰ 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.¹⁷¹
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 2015.¹⁷²

available at: <https://focus.ua/country/349406/> (last accessed: 21/06/2016).

166 "Крым: обращение Сергея Аксёнова к Юго-Востоку Украины", 9 March 2014, available at: <https://www.youtube.com/watch?v=bZ4TSIE8Zs0> (last accessed: 21/06/2016).

167 UN News Centre, "Unrest in eastern Ukraine risks 'seriously destabilizing' entire country – UN rights official", 16 April 2014, available at: http://www.un.org/apps/news/story.asp?NewsID=47601#.V2o_Vut97IU (last accessed: 21/06/2016); The Guardian, "Ukraine crisis: Pro-Russia forces lay siege to official buildings in east – live", 14 April 2014, available at: <https://www.theguardian.com/world/2014/apr/14/ukraine-deadline-withdraw-cities-approaches> (last accessed: 21/06/2016); The Atlantic, "Battling for Control of Eastern Ukraine", 17 April 2014, available at: <http://www.theatlantic.com/photo/2014/04/battling-for-control-of-eastern-ukraine/100719/> (last accessed: 21/06/2016).

168 Vice News, "The Donetsk People's Republic", 9 October 2014, available at: <https://news.vice.com/video/the-donetsk-peoples-republic> (last accessed: 21/06/2016); Vice News, "Violent Luhansk Clashes Up the Ante in Eastern Ukraine", Salem H., 2 June 2014, available at: <https://news.vice.com/article/violent-luhansk-clashes-up-the-ante-in-eastern-ukraine> (last accessed: 21/06/2016).

169 OHCHR, "Report on the human rights situation in Ukraine 16 February to 15 May 2016", available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 12/06/2016); Internal Displacement Monitoring Centre, "Ukraine IDP Figures Analysis", August 2015, available at: <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis> (last accessed: 16/08/2016).

170 Atlantic Council, "Russians' Once-Secretive Commander in Ukraine is On the Air: Colonel Igor Girkin Presses Kremlin to Expand Its War through Southern and Eastern Ukraine", Chalupa I., 18 November 2014, available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/russians-once-secretive-commander-in-ukraine-is-on-the-air> (last accessed: 21/04/2016). A selection of revealing statements made by Girkin during a TV interview, 2015, available at: <https://www.youtube.com/watch?v=ANgIxGQDuO4>. (last accessed: 22/04/2016).

171 Atlantic Council, "Hiding in Plain Sight: Putin's War in Ukraine", Reports, 15 October 2015, available at: <http://www.atlanticcouncil.org/publications/reports/hiding-in-plain-sight-putin-s-war-in-ukraine-and-boris-nemtsov-s-putin-war> (last accessed: 21/06/2016); Amnesty International, "Украина: Множатся доказательства военных преступлений и российского вмешательства", 2014, available at: <https://amnesty.org.ru/node/3055/> (last accessed: 21/06/2016); The Guardian, "Vladimir Putin press conference: 'Russian military personnel were in Ukraine' - as it happened", 17 December 2015, available at: <https://www.theguardian.com/world/live/2015/dec/17/vladimir-putins-annual-press-conference-live> (last accessed: 21/06/2016).

172 IPHR, "Fighting Impunity in Eastern Ukraine: Violations of International Humanitarian Law and International Crimes in Eastern Ukraine", October 2015, available at: <http://iphronline.org/wp-content/uploads/2016/05/Fighting-impunity-in-Eastern-Ukraine-October-2015.pdf> (last accessed: 12.08.2016). IPHR submitted an Article 15 Communication with supporting evidence to the ICC Prosecutor 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 2014.¹⁷³ The Declaration was lodged with the Registrar of the International Criminal Court on 17 April 2014.¹⁷⁴
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)”.¹⁷⁵
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.¹⁷⁶
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”.¹⁷⁷
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.¹⁷⁸ Currently, only six nations, aside from the Russian Federation, recognise the Crimean Peninsula as part of Russia.¹⁷⁹ 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.

173 Declaration of the Verkhovna Rada of Ukraine, 25 February 2014, available at: http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/comm%20and%20ref/pe-ongoing/ukraine/Pages/ukraine.aspx (last accessed: 22/03/2016).

174 Embassy of Ukraine, Communication N. 61219/35-673-384, 9 April 2014; Note Verbale of the Acting Minister for Foreign Affairs of Ukraine, Mr. Andrii Deshchytsia, 17 April 2014.

175 ICC, Ukraine, “Declaration lodged by Ukraine under Article 12(3) of the ICC Statute”, 8 September 2015, available at: http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/comm%20and%20ref/pe-ongoing/ukraine/Pages/ukraine.aspx (last accessed: 22/03/2015).

176 These jurisdictional parameters were preliminarily confirmed by the ICC Prosecutor: 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/office%20of%20the%20prosecutor/comm%20and%20ref/pe-ongoing/ukraine/Pages/ukraine.aspx (last accessed: 22/03/2016).

177 ICTR, *The Prosecutor v. Simon Bikindi* [ICTR-01-72-T] Judgement of Trial Chamber III, para. 24; See also: Rule 93 of the ICTY Rules of Procedure and Evidence.

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 crimes¹⁸⁰ 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

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”.

183 See ICTR, *The Prosecutor v. Jean-Paul Akayesu*, Judgment, ICTR-96-4-T, 2 September 1998, para. 581.

184 See Article 7(1) of the ICC Statute.

185 Common Article 2 of the 1949 Geneva Conventions; ICTY, *The Prosecutor v. Dusko Tadic*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, 2 October 1995, para. 70.

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]n 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,¹⁸⁸ determined by “the ability of a foreign power to exercise authority over an area”.¹⁸⁹ The requirement of actual authority is considered to be synonymous to that of effective control.¹⁹⁰ 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.¹⁹¹

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”.¹⁹²

64. The acquisition of foreign territory by use of force qualifies as an act of aggression,¹⁹³ and is strictly prohibited by international law.¹⁹⁴ Consequently, any territory acquired and formally annexed through conquest does not belong to the conqueror, and retains the status of occupied territory.¹⁹⁵ 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.¹⁹⁶ A state of occupation ceases to exist only when “the occupying power no longer exercises an actual authority over the occupied area”.¹⁹⁷

188 US Tribunal at Nuremberg, Hostages trial, Law Reports of Trial of War Criminals, Vol. III, UN War Crimes Commission, 1949, London, p. 55; See also: ICTY, Prosecutor v. Naletilić & Martinović, Judgement, IT-98-34, 31 March 2003, para. 211.

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.

191 ICTY, Prosecutor v. Naletilić & Martinović, Judgement, IT-98-34, 31 March 2003, para. 217.

192 ICTY, Prosecutor v. Naletilić & Martinović, Judgement, IT-98-34, 31 March 2003, para. 219-222.

193 Art. 3, G.A. Res. 3314(XXIX), U.N. GAOR 6th Comm., 29th Session, 2319th plen. mtg. (1974).

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 ICJ, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. U.S.), 1986 I.C.J. 14 (Jun. 27), 126-134.

195 SCSL, Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu, SCSL-04-16-T, Annex A, para. 30.

196 Article 47, Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

197 ICTY, Prosecutor v. Naletilić & Martinović, Judgement, IT-98-34, 31 March 2003, para. 218.

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 2 190 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.

199 Россия 1, “Крым. Путь на Родину”, Кондрашов А., available at: https://russia.tv/brand/show/brand_id/59195/ (last accessed: 12/06/2016); See also: BBC, “Putin Reveals Secrets of Russia’s Crimea Takeover Plot”, 9 March 2015, available at: <http://www.bbc.com/news/world-europe-31796226> (last accessed: 20/04/2016).

200 See section II(C) (Factual Background – The Invasion of Crimea).

201 See section II(C) (Factual Background – The Invasion of Crimea); The involvement of Russian Forces in the capture of the Parliament of Crimea was 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).

202 See section II(C) (Factual Background – The Invasion of Crimea).

203 This fact was confirmed by President Putin in a televised interview: Россия 1, “Крым. Путь на Родину”, Кондрашов А., available at: https://russia.tv/brand/show/brand_id/59195/ (last accessed: 12/06/2016); See also: BBC, “Putin Reveals Secrets of Russia’s Crimea Takeover Plot”, 9 March 2015, available at: <http://www.bbc.com/news/world-europe-31796226> (last accessed: 20/04/2016).

204 The Wall Street Journal, “Ukraine Battles to Rebuild a Depleted Military”, 25 March 2014, available at: <http://www.wsj.com/articles/SB10001424052702303949704579457591983371478> (last accessed: 15/08/2016).

205 Ukrainian officer who oversaw the withdrawal of Ukrainian troops from Crimea.

206 Crimea SOS, “Lieutenant General Voronchenko: We had 6 hours to foil Russia’s plans”, 4 February 2016, available at: <http://krymsos.com/en/news/generalleitenant-igor-voronchenko-zakhvat-kryma-nachalsya-v-2003-godu-s-konflikta-na-tuzle/> (last accessed: 15/08/2016).

207 Global Security, ‘Black Sea Fleet’, available at: <http://www.globalsecurity.org/military/world/russia/mf-black.htm> (last accessed: 15/08/2016).

Aside from sporadic episodes of opposition,²⁰⁸ the invading force quickly overwhelmed the Ukrainian armed forces.²⁰⁹ At least two Ukrainian soldiers were killed during the initial phase of the invasion.²¹⁰ The interim government of Ukraine condemned Russia's invasion of its sovereign territory from the outset.²¹¹

68. Russia's ex-post facto claim that its invasion was necessary to defend the peninsula's Russian-speaking population is not credible.²¹² 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,²¹³ 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.²¹⁴ The fact that this argument was presented following a year of denials of any involvement by the Russian armed forces further undermines its credibility.²¹⁵

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,²¹⁶ the 1997 Treaty on Friendship, Cooperation and Partnership between the Russian Federation and Ukraine,²¹⁷ and the 2003 Treaty between the Russian Federation and Ukraine on the Russian-Ukrainian State Border.²¹⁸ 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.²¹⁹ According to the re-

208 BBC, "Ukraine resistance proves problem for Russia", 4 March 2014, available at: <http://www.bbc.co.uk/news/world-europe-26440668> (last accessed: 15/08/2016).

209 See section II(C) (Factual Background – The Invasion of Crimea).

210 Reuters, "Russian marine kills Ukraine navy officer in Crimea, says ministry", 7 April 2014, available at: <https://wayback.archive.org/web/20140408000224/http://www.reuters.com/article/2014/04/07/us-ukraine-crisis-military-idUSBREA360GB20140407> (last accessed: 15/08/2016).

211 The Observer, "Ukraine's president fears Russia could invade after Crimea referendum", 15 March 2014, available at: <https://www.theguardian.com/world/2014/mar/15/ukraine-russia-invade-crimea-referendum> (last accessed: 15/08/2016).

212 The Jamestown Foundation, "Putin Inflates "Russian World" Identity, Claims Protection Rights", 2 July 2014, available at: http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=42579#.V7I6AWWQdQc (last accessed: 15/08/2016).

213 The Moscow Times, "The media war behind the Ukraine crisis", 11 March 2014, available at: <https://themoscowtimes.com/news/the-media-war-behind-the-ukraine-crisis-32837> (last accessed: 15/08/2016).

214 Internal Displacement Monitoring Centre, "Ukraine IDP Figures Analysis", August 2015, available at: <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis> (last accessed: 16/08/2016).

215 Putin.War: An Independent Expert Report, May 2015, p.13-14, available at: <http://4freerussia.org/putin.war/Putin.War-Eng.pdf> (last accessed: 15/08/2016).

216 Council on Foreign Relations, "Budapest Memorandums on Security Assurances, 1994", 5 December 1994, clause 4.1, available at: <http://www.cfr.org/nonproliferation-arms-control-and-disarmament/budapest-memorandums-security-assurances-1994/p32484> (last accessed: 15/08/2016).

217 CIS-Legislation, "The treaty of friendship, cooperation and partnership between the Russian Federation and Ukraine", 31 May 1997, Article 2, available at: <http://cis-legislation.com/document.fwx?rgn=4181> (last accessed: 15/08/2016).

218 'Treaty between the Russian Federation and Ukraine on the Russian-Ukrainian State Border', January 28, 2003, available at: <http://archive.kremlin.ru/text/docs/2003/01/30632.shtml> (last accessed: 15/08/2016).

219 The New York Times, "2 Choices in Crimea Referendum, but Neither in 'No'", 14 March 2014, available at: <http://www>.

sults published by the organisers of the referendum, 80.42percent of the 83percent turnout voted in favour of joining the Russian Federation (85.56percent in Sevastopol) and 2.09percent voted in favour of independence within Ukraine (3.02percent in Sevastopol).²²⁰ On 17 March 2014, the de facto Parliament of Crimea declared independence from Ukraine and submitted its request to accede to the Russian Federation.²²¹ On 18 March 2014, the 'Agreement on the accession of the Republic of Crimea to the Russian Federation' was signed in the Kremlin.²²² The agreement was ratified and signed into law on 21 March 2014.²²³

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".²²⁴ 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)".²²⁵ 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.²²⁶

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".²²⁷ 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

nytimes.com/2014/03/15/world/europe/crimea-vote-does-not-offer-choice-of-status-quo.html (last accessed: 01/06/2016). Sample voting is available at: *https://upload.wikimedia.org/wikipedia/commons/9/94/2014_Crimean_referendum_ballot.png* (last accessed: 01/06/2016).

220 Комиссия Автономной Республики Крым по проведению общекрымского референдума, "Обнародование результатов общекрымского референдума, состоявшегося в Автономной Республике Крым 16 марта 2014 года", available at: *http://www.rada.crimea.ua/referendum/resultaty* (last accessed: 12/06/2016).

221 Постановление ГС РК "О независимости Крыма", 17 марта 2014, available at: *http://crimea.gov.ru/act/11748* (last accessed: 12/06/2016); Постановление ГС РК "О национализации предприятий и имущества морского транспорта сферы управления Министерства инфраструктуры Украины и Министерства аграрной политики и продовольствия Украины, расположенных на территории Республики Крым и г. Севастополя", 20 марта 2014, available at: *http://crimea.gov.ru/act/11761* (last accessed: 12/06/2016); Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов подписан в г. Москве 18 марта 2014, available at: *http://www.consultant.ru/document/cons_doc_LAW_160398/* (last accessed: 12/06/2016); See also BBC, "Crimean parliament formally applies to join Russia", 17 March 2014, available at: *http://www.bbc.co.uk/news/world-europe-26609667* (last accessed: 02/06/2016).

222 Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов подписан в г. Москве 18 марта 2014, available at: *http://www.consultant.ru/document/cons_doc_LAW_160398/* (last accessed: 12/06/2016); See also: Kremlin.ru, "Agreement on the accession of the Republic of Crimea to the Russian Federation signed", 18 March 2014, available at: *http://en.kremlin.ru/events/president/news/20604* (last accessed: 02/06/2016).

223 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 Севастополя", 21 марта 2014, available at: *http://www.consultant.ru/document/cons_doc_LAW_160618/19bbbf6a6e5a06c0d9e8d958af6464287880b069/* (last accessed: 07/05/2016); BBC, "Ukraine: Putin signs Crimea annexation", 21 March 2014, available at: *http://www.bbc.co.uk/news/world-europe-26686949* (last accessed: 02/06/2016).

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

225 Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, ICJ Reports 2010, p. 403, para 81.

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

227 Article 73, Constitution of Ukraine, available at: *http://www.legislationline.org/documents/section/constitutions/country/52* (last accessed: 16/08/2016).

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

73. The referendum and subsequent annexation were widely condemned by the international community, notably by the European Union,²³⁰ United Nations General Assembly,²³¹ 13 members of the United Nations Security Council²³² and NATO.²³³ In its aftermath, sanctions have been imposed on Russia and individuals who have played a key role in the annexation.²³⁴ On 24 March, the Group of 8 voted to suspend Russia's membership.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.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.

C. 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

228 See section II(C) (Factual Background – The Invasion of Crimea).

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: <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).

230 European Union External Action, "The EU non-recognition policy for Crimea and Sevastopol", March 2016, available at: http://eeas.europa.eu/top_stories/pdf/the-eu-non-recognition-policy-for-crimea-and-sevastopol-fact-sheet.pdf (last accessed: 02/06/2016).

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.

232 UNSC, "Draft Resolution S/2014/189", 15 March 2014.

233 NATO, "North Atlantic Council statement on the situation in Ukraine", 2 March 2014, available at: http://www.nato.int/cps/en/natolive/official_texts_107681.htm (last accessed: 02/06/2016).

234 U.S. Department of State, "Ukraine and Russia Sanctions", available at: <http://www.state.gov/e/eb/tfs/spi/ukrainerrussia/> (last accessed: 02/06/2016); European Union Newsroom, "EU sanctions against Russia over Ukraine crisis", available at: 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: <http://www.bbc.co.uk/news/world-europe-28400218> (last accessed: 02/06/2016).

235 The New York Times, "Russia Is Ousted From Group of 8 by U.S. and Allies", 24 March 2014, available at: <http://www.nytimes.com/2014/03/25/world/europe/obama-russia-crimea.html?hp&r=0> (last accessed: 02/06/2016).

236 UN Plenary meetings, Voting Record on Draft Resolution A/68/L.39 Territorial Integrity of Ukraine, 27 March 2014, available at: <https://papersmart.unmeetings.org/media2/2498292/voting-record.pdf> (last accessed: 12/06/2016); See also Business Insider, "These are the 6 countries onboard with Russia's illegal annexation of Crimea", Bender J., 1 Jun. 2016, available at: <http://www.businessinsider.my/six-countries-okay-with-russias-annexation-of-crimea-2016-5/#wkcPimBEjt5K13r8.97> (last accessed: 12/06/2016).

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.

239 ICC, Situation in the Republic of Cote d'Ivoire, "Decision on the prosecutor's provision of further information regarding potentially relevant crimes committed between 2002 and 2010," ICC-02/11-36, 22 February 2012, para. 36.

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.

241 See Addition Protocol II, Article 1.

242 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.

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 or²⁴⁸ 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 km² 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 35percent 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.

249 “Only the attack, and not the alleged individual acts are required to be ‘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.

251 ICC, Situation in the Democratic Republic of the Congo, The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, “Decision on the confirmation of charges,” ICC-01/04-01/07-717, para. 394.

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.

253 Internal Displacement Monitoring Centre, “Ukraine IDP Figures Analysis”, August 2015, available at: <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis> (last accessed: 16/08/2016).

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.²⁵⁵ 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.²⁵⁶ Harsh custodial sentences to be served thousands of miles away from home and family have been handed down as a deterrent to the opposition.²⁵⁷ Other individuals have been held, searched, harassed and threatened by authorities in a bid to silence or suppress criticism.²⁵⁸
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.²⁵⁹ Thousands of former residents of the Crimean Peninsula have been displaced by force or the climate of fear created by the authorities.²⁶⁰
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.²⁶¹ 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.²⁶² It may also be inferred from evidence of deliberate failure by those in effective control to take action to prevent the underlying crimes.²⁶³ 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.²⁶⁴

section X – Persecution).

255 E.g.s.: The Crimean Tatar Mejlis has been banned and its members have been forcibly displaced, imprisoned or threatened with deprivation of fundamental rights. Ukrainian activists and journalists have been tried and imprisoned on spurious charges.

256 See sections V (Murder and Disappearances) and VII (Illegal Detention).

257 E.g.s: Sentsov, Afanasev, K. Djemiliev.

258 See section VII (Illegal Detention).

259 See property crimes set out in section IX; Evidence of persecution set out in section X.

260 See section VIII (Forced Displacement).

261 ICC, Situation in the Democratic Republic of the Congo, The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, “Decision on the confirmation of charges,” ICC-01/04-01/07-717, para. 396.

262 ICC, Situation in The Democratic Republic of Congo, Prosecutor v. Katanga, “Judgment”, ICC-01/04-01/07, 7 March 2014, para. 1109; 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. 121.

263 ICC Elements of Crimes, Introduction to Article 7 of the Statute, footnote 6; ICC, Situation in The Democratic Republic of Congo, Prosecutor v. Kantanga, “Judgment,” ICC-01/04-01/-07, 7 March 2014, para. 1108.

264 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, paras. 90; 93.

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 gagging 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.

265 E.g.: "I support the proposal of the Russian Federation Investigation Committee head Alexander Bastrykin considered extremism a fact of denial of the referendum in the Crimea" (De facto Head of Crimea, Sergey Aksyonov) - Twitter - "*Sergey Aksyonov - @aksenev_sv*" (In Russian) - 18Apr2016; "I promise that all who voted or acted for any decision against the Crimea, will not enter the territory of the republic. But if it happened and I would know about this, I will do everything possible in order to open the prison doors for them" (De facto Head of Crimea, Sergey Aksyonov) - Tass, "Аксенов: депутаты Рады, голосовавшие за решения против Крыма, на полуостров не попадут", 26 April 2014, available at: <http://tass.ru/politika/3238507> (last accessed: 16/08/2016); "All actions aimed at non-recognition of the Crimea as a part of Russia, will be prosecuted. In addition, people who incite ethnic hatred in the Republic of Crimea, will be denied entry to the Crimea" (Prosecutor General of Crimea, Natalia Poklonskaya) - Unian, "Репрессии против крымских татар под видом заботы о «гражданах»", 24 September 2014, available at: <http://www.unian.net/society/988740-repressii-protiv-krymskih-tatar-pod-vidom-zaboty-i-grajdanah.html> (last accessed: 16/08/2016).

266 OSCE, "Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015)", 17 September 2015, paras. 32-91, available at: <http://www.osce.org/odihr/180596?download=true> (last accessed: 21/06/2016).

267 OHCHR, "Report on the human rights situation in Ukraine 16 February to 15 May 2016", para. 8, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 12/06/2016).

268 Law of the Republic of Crimea On National Militia - National Squad of the Republic of Crimea, available at: <http://rg.ru/2014/07/09/krim-zakon22-reg-dok.html>, (last accessed: 19.04.2016).

269 See letter from FSB to Sergey Aksyonov leaked by Liga News, 'Какой план репрессий против Меджлиса реализует ФСБ: документ', 1 June 2016, available at: http://news.liga.net/news/politics/10981146-kakoy_plan_repressiy_protiv_medzhliisa_realizuet_fsb_dokument.htm (last accessed: 3.08.2016).

V. Willful killing, murder and enforced disappearances

A. Overview

94. In this section IPHR presents seven cases of wilful killing or murder,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.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,²⁷² may qualify as a war crime of willful killing, when committed in the context of an armed conflict or occupation.²⁷³ This is particularly pertinent to situations of occupation, where the overall attack has ended, achieving defeat or full control of the targeted area.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.²⁷⁵ To this end, "killing" is interchangeable with the term "caused death,"²⁷⁶ which can be committed by either an act or a fault of omission.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."²⁷⁸

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.

271 ICRC, "Rule 1: The Principle of Distinction between Civilians and Combatants", Customary IHL, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule1 (last accessed: 5/05/2016).

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).

273 ICC Statute, Article 8(2)(a)(i).

274 ICC, The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, "Decision on the confirmation of Charges," ICC-01/04-01/07, 30 September 2008, para. 294.

275 ICC Statute, Article 7(1)(a).

276 See footnotes 2 and 7 of the ICC Elements of Crimes.

277 ICTY, Prosecutor v. Delalic et al., Judgment, IT-96-21-T, 16 November 1998, para. 424; See also ICTY, Prosecutor v. Kordic & Cerkez, Judgment, IT-95-14/2-T, 26 February 2001, para. 229; ICTR, Prosecutor v Akayesu, Judgment, ICTR-96-4-T, 2 September 1998, para. 589.

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 been 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.²⁷⁹ 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)”.²⁸⁰

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.²⁸¹ This crime is defined as “the arrest, detention or abduction²⁸² of persons by, or with the authorization, support or acquiescence of, a state or a political organization,²⁸³ 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 time²⁸⁴”.²⁸⁵ Whether the initial arrest and/or detention were lawful does not affect the criminality of the disappearance, provided the other elements are made out.²⁸⁶

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.²⁸⁷ Some of the corpses displayed signs of violence and torture.²⁸⁸

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.²⁸⁹ In another case, there is evidence that a victim was beaten to death by law enforcement agents of the occupying authorities for speaking Ukrainian.²⁹⁰ All but one of the victims were civilians and either actual or perceived opponents of the occupation or persons of Tatar ethnic-

March 2014, para. 767, ICTY, Prosecutor v. Delalic et al., Judgment, IT-96-21-T, 16 November 1998, para. 424; ICTY, Prosecutor v. Kordic & Cerkez, Judgment, IT-95-14/2-T, 26 February 2001, para. 229.

279 ICC, Situation of the Democratic Republic of Congo, Prosecution v. Germain Katanga, Judgment, ICC-01/04-01/07, 7 March 2014, para. 768.

280 ICRC, “Rule 98: Enforced Disappearance”, Customary IHL, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_chapter32_rule98 (last accessed: 5/05/2016).

281 ICC Statute, Article 7(1)(i).

282 All forms of deprivation of liberty are understood to qualify for this limb of the definition – see International Convention for the Protection of All Persons from Enforced Disappearance, 2716 UNTSb3 (2006), Article 2 stating: “[...] arrest, detention, abduction or any other form of deprivation of liberty [...]”.

283 Due to the specific nature of the crime, it can be only be committed by actors (states or non-state actors) that have a certain degree of control over the territory – author’s interpretation of the ICC Statute definition in light of the UNGA, Articles on Responsibility of States for Internationally Wrongful Acts, A/RES/56/83 (2001).

284 There is as yet no definition of ‘prolonged period of time’, although it is generally held that persons deprived of their liberty must have the opportunity to contact with the outside world immediately or at least promptly - see Working Group on Enforced or Involuntary Disappearances, General Comment on the definition of enforced disappearance, p. 3, para.8.

285 ICC Statute, Article 7(2)(i).

286 ICC Elements of Crimes, Article 7(2)(i), fn. 25, 26.

287 Ametov, Muhiddin, Nebiev, Bilyalov, Asanov.

288 Ametov – signs of hand-cuffs and torture, despite the official police report alleging he died in a car accident; Muhhidin – fatal injury to the head; Bilyalov – signs of torture.

289 Karachevskyi.

290 Ivanyuk.

ity.²⁹¹ 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.²⁹² Moreover, six of the victims were known pro-Ukrainian activists or opponents of occupation²⁹³ and seven of the victims were of Tatar ethnicity,²⁹⁴ including two family members of local Mejlis leaders.²⁹⁵ Further investigation is required to determine the fate and whereabouts of these individuals, as well as the authorities' role in their disappearance.

291 Ametov, Muhiddin, Nebiev, Bilyalov, Asanov.

292 Chernysh, Korzh, Shaimardanov, Zinedinov, Djepparov, Islyamov, Selyamiev

293 Kostenko, Chernysh, Bondarets, Vashchuk, Korzh, Shimmardanov, Zinedinov, Djepparov, Islyamov.

294 Apselyamov, Seitnabiev, Alyautdinov, Selyamiev,

295 Djepparov, Islyamov.

D. Documented cases

A. DOCUMENTED MURDERS

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Stanislav Karachevskiy	Major in the Ukrainian Armed Forces (UAF)	06-Apr-14	Novofedorivka (Saky district) - Dormitory 3	Sergei Zaitsev - lance sergeant in RF Armed Forces	Killed by Russian servicemen while packing in the dormitory preparing to move to another region of Ukraine. Karachevskiy was with his friend and unarmed when armed Russian servicemen followed them into the dormitory, wounded Karachevskiy and left him to die.	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.
Mark Ivanyuk	Ukrainian activist	20-Apr-14	Chornomorsk district	Police	Beaten to death by police.	Relatives and a witness state that Ivanyuk was beaten because he spoke Ukrainian. Official investigation was dropped in August 2014.
Reshat Ametov	Crimean Tatar activist	3-Mar-14	Zemlyanychne (Belogorsk district)	Unknown	Ametov disappeared on 3 March and his body was found on 15 March with signs of torture and handcuffs on his legs.	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.
Edem Asanov	Crimean Tatar	29-Sep-14	On the way from Saky to Evpatoria	Unknown	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 person allegedly written by him.	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.
Kachok Muhiddin	Crimean Tatar	26-Jul-15	Chaikino village of Dzhankoi district	3 unknown males	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 "to talk".	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.

Bekir Nebiev	Crimean Tatar	10-Oct-15	Simferopol district	Unknown	His body was found in a forest by children (according to the Investigation Committee) or by traffic police (according to the representative of the Ministry of Interior).	Nebiev was accused of killing of two paramedics in Simferopol. Relatives allege that the investigation will be ineffective because Nabiev was accused of a crime. His father is being prosecuted in the 26 February case.
Bilyal Bilyalov	Crimean Tatar and football fan of Ukrainian team	13-Oct-14	Simferopol	Unknown	Bilyalov went to football game and disappeared. His body was found next evening with signs of torture/cutting. A witness saw that something was sprayed on his face and he lost conscience.	Football fan of Ukrainian team. Witnesses say that attacks on Ukrainian fans are common.

B. DOCUMENTED DISAPPEARANCES

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Fedor Kostenko	Father of Oleksandr Kostenko (pro-Ukrainian activist detained in Crimea in Euromaidan case)	03-Mar-15	Between Crimean border and Simferopol	Unknown	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.	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.
Vasyl Chernysh	Maidan activist, former employee of the Security Service of Ukraine	15-Mar-14	Sevastopol	Crimean "Self-defence" Militia	Chernysh was last contacted on 15 March 2014 when his family went to Ternopil (west Ukraine) police to announce him missing	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.
Ivan Bondarets	Ukrainian activist	07-Mar-14	Simferopol	Unknown	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.	Bondarets was a participant of pro-Ukrainian movement. There is no official investigation into his disappearance.

Vladyslav Vashchuk	Ukrainian activist	07-Mar-14	Simferopol	Unknown	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.
Leonid Korzh	Activist of "Ukrainian initiative house"	22-May-14	Unknown	Crimean "Self-defence" Militia	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.
Timur Shaimardanov	Activist of "Ukrainian initiative house"	26-May-14	Unknown	Crimean "Self-defence" Militia	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.
Seiran Zinedinov	Coordinator of search of Korzh and Shaimardanov	30-May-14	Unknown	Crimean "Self-defence" Militia	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.
Islyam Djepparov	Crimean Tatar, son of former Belogorsk Mejlis head	27-Sep-14	Sara-Su village near Belogorsk	Unknown people in black uniforms	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 Kurtul'ai.
Djevdet Islyamov	Crimean Tatar, nephew of former Belogorsk Mejlis head	27-Sep-14	Sara-Su village near Belogorsk	Unknown people in black uniforms	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 Kurtul'ai as well.

Eskender Apseyamov	Crimean Tatar; Ukrainian football fan (ultras)	03 -Oct-14	Simferopol	Unknown	Apseyamov had called his parents on 3 October on his way to work, but has not been heard from since.	Apseyamov is a Ukrainian football fan (ultras).
Usein Seitnabiev	Crimean Tatar	21-Oct-14	Feodosia	Unknown	Seitnabiev disappeared on his way home from work on 21 October 2014.	Suspected ethnically motivated attack.
Marcel Alyautdinov	Crimean Tatar	11-Feb-16	Simferopol	Unknown	Alyautdinov was lastly seen in Kubanska street in Simferopol, according to his wife and his classmate. Police are searching for his car	Suspected ethnically motivated attack.
Eldar Selyamiev	Crimean Tatar	12-Feb-2016	Viktorivka village of Bakhchysarai district	"People in masks"	Selyamiev's house was searched on 12 February and Selyamiev was arrested and taken away in an unknown direction.	Selyamiev was a supporter of the Mejlis. There is no official investigation into his disappearance.
Erwin Ibragimov	Crimean Tatar activist, member of the executive committee of the Crimean Tatar World Congress	24-May-2016	Bachchysarai	Police	Ibragimov had planned to go to Kerch for the hearing of a case against Tatar activists on 25 May, but he disappeared on the evening of 24 May. Ibragimov called his parents that evening who then found his car a short distance from their home.	Ibragimov was known as an active member of the Tatar community. The Investigation Committee of Crimea and the Prosecutor of Poklonskaya refuse to consider the involvement of the public authorities presenting improbable reasons for such abduction.
Arsen Aliev	Crimean Tatar; Businessman	11-Mar-2016	Saki	People in uniform	Witnesses saw Aliev approached by people in uniform after he got off the bus. After that he disappeared.	Suspected ethnically motivated attack.

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 inhuman 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 war crimes and/or crimes against humanity.

B. The law

111. The 'principle of humanity'³⁰⁰ prohibits the infliction of any forms of inhuman treatment on civilians and other protected persons in the context of an armed conflict or occupation.³⁰¹ 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.³⁰² 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 torture³⁰³ or other inhumane acts.³⁰⁴ 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.³⁰⁵

112. The most severe forms of inhuman treatment may amount to the war crime and/or crime against humanity of torture.³⁰⁶ 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.³⁰⁷ Contrary to its definition under the Convention Against Torture,³⁰⁸ 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).

302 ICC Statute, Article 8(2)(a)(ii); ICTY, *The Prosecutor v. Delalic et al.*, Judgment, IT-96-21-T, 16 November 1998, para. 543.

303 ICC Statute, Article 7(1)(f).

304 ICC Statute, Article 7(1)(k).

305 ICTY, *The Prosecutor v. Zlatko Aleksovski*, Trial Judgment, IT-95-14/1-T, 25 June 1999, para. 57.

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 1948, Article 1.

involvement of a public official.³⁰⁹ 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.³¹⁰ 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,³¹¹ rape and sexual assault,³¹² beating, electric shocks, mock executions,³¹³ and psychological abuse.³¹⁴

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’.³¹⁵ 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.³¹⁶ The war crime of ‘committing outrages upon personal dignity, in particular humiliating and degrading treatment’³¹⁷ is a form of inhuman treatment where the resultant harm relates to an individual’s human dignity.³¹⁸ 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’.³¹⁹ Examples of inhuman treatment include severe beatings³²⁰ and threats of physical violence,³²¹ inadequate conditions of detention,³²² denial of appropriate medical care,³²³ and holding detainees in conditions of enforced disappearance.³²⁴ 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

I. 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

309 ICTY, *The Prosecutor v. Kunarac et al.*, Judgment, IT-96-23-T & IT-96-23/1-T, 22 February 2001, paras. 488-495.

310 ICC Elements of Crimes, Article 7(1)(f).

311 ICTR, *The Prosecutor v Akayesu*, Judgement, ICTR-96-4-T, 2 September 1998, para. 682.

312 ICTR, *The Prosecutor v Akayesu*, Judgement, ICTR-96-4-T, 2 September 1998, para.682 and 597, respectively.

313 Human Rights Committee, *Muteba v. Zaire*, Communication n°124/1982, Report of the Human Rights Committee, UN Doc.A/39/40, pp. 182 ff; *Gilboa v. Uruguay*, Communication n°147/1983, Report of the Human Rights Committee, UN Doc.A/41/40, pp. 128 ff.

314 *Estrella v. Uruguay*, Communication n°74/1980, Report of the Human Rights Committee, UN Doc.A/38/40, pp. 150 ff.

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)(xxi).

318 ICTY, *The Prosecutor v. Kordic&Cerkez*, Trial Judgement, IT-95-14/2-T, 26 February 2001, para. 245.

319 ICC Statute, Article 7(1)(k).

320 ECtHR, *Ireland v United Kingdom*, Judgment 5310/71, 18 January 1978; ECtHR, *Tomasi v France*, Judgment, 12859/87, 21 August 1992.

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.

324 ICRC, “Rule 98: Enforced Disappearance”, Customary IHL, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule98 (last accessed: 5/05/2016).

civilian population of the Crimean Peninsula.

115. Documented forms of torture include the use of electricity,³²⁵ firearm wounds,³²⁶ mutilation,³²⁷ severe beatings,³²⁸ and strangulation.³²⁹ In all documented cases, the acts of torture were perpetrated by or on behalf of the occupying authorities – namely by officials of the FSB,³³⁰ police,³³¹ and paramilitary organisations such as the Crimean Self-Defence Militia.³³² In at least two cases, members of the Russian armed forces are implicated in acts of torture.³³³

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.³³⁴ 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.³³⁵

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,³³⁶ deprivation of basic amenities in custody,³³⁷ deprivation of medical treatment for injuries,³³⁸ threats of death,³³⁹ rape³⁴⁰ and physical mutilation,³⁴¹ and holding victims in conditions of enforced disappearance.³⁴² In all documented cases, inhuman treatment was perpetrated by or on behalf of the occupying authorities – namely by FSB officials,³⁴³ and paramilitary groups such as the Crimean Self-Defence Militia.³⁴⁴ In addition, the arbitrary detentions³⁴⁵ and enforced disappearances³⁴⁶ 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.: Shevchenko, Kostenko

328 E.g.: Vyhovskiy, Shchekun, Vagner, Gruzynov, Seitislyamov, Ametov, Vdovchenko, Sentsov, Afanasev, Chirniy, Kostenko.

329 E.g.: Vagner, Mokrushyn, Seitislyamov, Minadinov, Sentsov, Afanasev.

330 E.g.: Sentsov, Afanasev, Chirniy, Kostenko, Krosh, Seitislyamov, Minadinov, Kolomiets, Vdovchenko.

331 E.g.: Selentsov, Krosh, Ilchenko.

332 E.g.: Vyhovskiy, Shchekun, Kovalskiy, Shevchenko, Gruzynov, Mokrushyn, Haiduk.

333 E.g.: Vagner.

334 E.g.: Sentsov, Afanasev, Chirniy, Vyhovskiy, Kostenko, Kolomiets, Ilchenko.

335 E.g.: Shchekun, Kovalskiy, Shevchenko, Haiduk, Vagner, Gruzynov, Selentsov, Mokrushyn, Kosh, Seitislyamov, Minadinov, Kostenko, Vdovchenko.

336 E.g.: Chirniy, Vyhovskiy, Ryazantseva, Butko, Balashov, Egiz, Mokrushyn, Ostashchenko, Sanzharevskiy, Kuzmin, Baluh, Kuku, Siruk, Bekirov, Aliyev, Vdovchenko, Ilchenko.

337 E.g.: Shevchenko – 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, Neganov, Kornienko, Pashaev, Kyzgyn, Kostenko.

342 E.g.: Vyjovskiy, Pashaev, Kyzgyn, Seitislyamov.

343 E.g.: Baluh, Kuku, Siruk, Bekirov, Aliyev.

344 E.g.: Vyhovskiy, 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.³⁴⁷ In some cases, inhuman treatment was applied as punishment for refusing to be recruited by the authorities.³⁴⁸ Inhuman treatment described in this sub-section was perpetrated in custody,³⁴⁹ in public³⁵⁰ or at checkpoints.³⁵¹

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.

348 E.g.: Krosh, Kuku.

349 E.g.: Balashov, Baluh, Kuku.

350 E.g.: Yurchenko, Egiz, Ostashchenko, Sanzharevskyi, Kuzmin.

351 E.g.: Ryazantseva, Butko, Vagner.

D. Documented cases of torture and other forms of inhuman treatment

I. DOCUMENTED TORTURE

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Oleh Sentsov	Pro-Ukrainian activist and film-maker from Crimea	10-May-14	Simferopol - FSB building on Franco St. 13; Ros-tov-na-Donu; Moscow Lefortovo prison; High-security penal colony in Yakutia	Russian investigating and prison authorities	Arrested in Simferopol and taken to FSB HQ on Franco 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.	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.
Hennadii Afanasev	Ukrainian photographer from Crimea	09-May-14	Simferopol - FSB building on Franco St. 13; Ros-tov-na-Donu; Moscow Lefortovo prison; Republic Komi	FSB; RF authorities	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.	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 Ros-tov-na-Donu detention centre checked Afanasev, documented hematoma and sent the results of check-up to the investigation Committee.

Oleksii Chirni	Ukrainian historian from Crimea	May-14	Simferopol; Rostov-na-Donu; Moscow Lefortovo prison; penal colony	FSB; RF authorities	Arrested and sentenced to seven years for plotting terrorist acts, including arson. Chirni plead guilty and signed cooperation agreement with prosecution. Defence council claims that Chirni 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.	Chirni initially testified against Sentsov and Kolchenko, but refused to provide further testimonies. No investigation has been carried out into torture.
Valentin Vyhovskyi	Ukrainian (Kyiv resident)	18-Sep-14	Simferopol Train Station	Self-defence forces	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.	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.
Oleksandr Kostenko	Ukrainian activist, participant of Euromaidan	08-Feb-15	Simferopol (torture took place in the car - AK3274 CH); Simferopol holding cells.	FSB (Arthur Shambazov; Andrei Tishenin); Crimean Prosecutor; Simferopol City Court	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 to 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).	Kostenko was pressured to confess and testify against other participants of the Euromaidan revolution. No investigation has been carried out into alleged torture.
Andrii Shchekun	Ukrainian activist, leader of movement "Euromaidan-Krym"	09-Mar-14	Simferopol Train Station	"Self-defence"; FSB	Shchekun was abducted, put into a red VW and held in a basement by representatives of 'self-defence'. 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.	Abducted together with Kovalskiy. Pattern of violent crimes against pro-Ukrainian activists committed by Crimean Self Defence Militia. No investigation has been carried out into alleged torture.

Anatolii Kovalskyi	Ukrainian activist, scientist, economist	09-Mar-14	Simferopol Train Station	"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.	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.
Yurii Shevchenko	Ukrainian (spetznaz)	11-Mar-14	Simferopol Train Station	"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.	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.
David Vagner	Private of Ukrainian military	27-Mar-14	Violent	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.	Pattern of violent crimes against Ukrainian servicemen who refused to switch to the Russian side. No investigation has been carried out into alleged torture.
Yurii Gruzynov	Russian cameraman	16-Mar-14	Simferopol	"Self-defence"	Member of the association of filmmakers 'Babylon 13', was detained in Chongar, in solitary confinement, tortured and repeatedly beaten.	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence". No effective investigation was carried out into alleged torture.
Ivan Selentsov (Valid abu Usuf)	Crimean Muslim	16-Mar-14	Unknown	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.	Part of violence against Crimean Tatars and Muslims on the Peninsula. No investigation has been carried out into alleged torture.
Sergei Mokrushyn	Journalist	02-Jun-14	Unknown	"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, .	Pattern of intimidation and violence against independent and Tatar / pro-Ukrainian journalists. No investigation has been carried out into alleged torture.

Invir Krosh	Crimean Tatar	16-Dec-15	Unknown	Police; FSB	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.	Pattern of intimidation and violence against Crimean Tatars. No investigation has been carried out into alleged torture.
Deliver Seitisiyamov	Crimean Tatar	11-Aug-15	near Novopavlovka	Unidentified persons (FSB)	Unidentified persons abducted Seitisiyamov's brother, twisted his hands, put him in a car and threw him out near Novopavlovka later. Then they came back and took Seitisiyamov to FSB, choked to the point of losing consciousness, squeezed his eye, beat him in the groin. Freed two days later.	Pattern of intimidation and violence against Crimean Tatars. No investigation has been carried out into alleged torture.
Damir Minadinov	Crimean Tatar	11-Feb-16	Yalta	FSB	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.	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.
Bilyal Bilyalov	Crimean Tatar	13-Oct-14	Unknown	Unknown	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.	Pattern of intimidation and violence against Crimean Tatars. No effective investigation into signs of violence and torture (official investigation determined cause of death as 'poisoning with smoking mixture').
Reshat Ametov	Tatar activist	15-Mar-14	Zemlyanychnye (Belogorsk district)	Unknown	Disappeared on 3 March and his body was found on 15 March with signs of torture and handcuffs on his legs.	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.

Andrii Kolomiets	Ukrainian activist, participant of Euro-maidan	Spring-15	Russia; Simferopol	FSB	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.	Crimean Prosecutor compared the case to Kostenko's, which forms part of persecution on political ground against pro-Ukrainian activists. No investigation has been carried out into alleged torture.
Mykhailo Vdovchenko	pro-Ukrainian activist	11-Mar-14	Simferopol, Voinkomat	Unknown Russians from Rostov; Russian security services	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.	Pattern of violent crimes against pro-Ukrainian activists. No investigation has been carried out into alleged torture.
Yurii Ilchenko	Ukrainian activist	02-Jul-15	Sevastopol	Police	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.	Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation. No investigation has been carried out into alleged torture.

II. OTHER DOCUMENTED CASES OF INHUMAN TREATMENT

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Oleksandra Ryazantseva	Ukrainian activist	09-Mar-14	Armyansk - Crimean border	Armed unidentified persons	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.	Pattern of violent crimes against pro-Ukrainian activists and not investigated / investigated ineffectively.
Kateryna Butko	Ukrainian activist	09-Mar-14	Armyansk - Crimean border	Armed unidentified persons	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.	Pattern of violent crimes against pro-Ukrainian activists and not investigated / investigated ineffectively.
Hennadii Balashov	Crimean businessman and public activist	05-Mar-14	Simferopol	"Self-defence"	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.	Balashov criticised Putin's action in Crimea; pattern of violent crimes against pro-Ukrainian activists committed by "self-defence" and not investigated / investigated ineffectively.
Abduraman Egiz	Crimean Tatar, Mejlis member	06-May-14	Unknown	"Self-defence"	Egiz refused to show passport to "self-defence" and was beaten along with other Tatars who tried to protect him.	Pattern of violent crimes against Crimean Tatars committed by "self-defence" and not investigated / investigated ineffectively.
Iryna Ostashchenko	Journalist; "Informer" editor	09-Apr-15f	Sevastopol	Unknown	Ostashchenko was attacked near her house by an unidentified person who hit her head and disappeared.	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.
Igor Sanzharevskyi and brother	Crimean resident	05-Jul-14	Simferopol	'Self-defence'	"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.	Pattern of violent crimes against Ukrainians committed by "self-defence" and not investigated / investigated ineffectively.

Leonid Kuzmin	Ukrainian activist	17-Apr-15	Simferopol	Unknown	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.
Volodymyr Baluh	Farmer. Renounced Russian citizenship.	14-Nov-15	Serebryanka village.	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.
Emir-Usein Kuku	Crimean Tatar, representative of the Contact group on human rights	20-Apr-15	Yalta	"People in camouflage uniform"; Investigation Committee; FSB. FSB senior lieutenant Aleksandr Kompaniitsev, captain Bogdan Pogorelyi, investigator Roman Viflyanov	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.
Victor Neganov	Ukrainian activist	24-Aug-14	Sevastopol	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.

Sergii Kornienko	Ukrainian activist	24-Aug-14	Sevastopol	Traffic police	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.	Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.
Osman Pashaev	Crimean Tatar journalist	18-May-14	Simferopol	"Self-defence"; Police	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. .	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Djengiz Kyzgyn	Turkish cameraman	18-May-14	Unknown	"Self-defence"; Police	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists. No investigation has been carried out.
Vadym Siruk	Unknown	11-Feb-16	Yalta	FSB	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.	Pattern of intimidation, violence and restrictions on liberty against Tatars and members or active supporters of the Mejlis.

Enver Bekirov	Crimean Tatar	11-Feb-16	Krasnokamenka village near Yalta	FSB	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.	Pattern of intimidation, violence and restrictions on liberty against Tatars and members or active supporters of the Mejlis.
Muslim Aliyev	Crimean Tatar	11-Feb-16	Verkhnyaya Kutuzovka village near Alushta	FSB	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.	Pattern of intimidation, violence and restrictions on liberty against Tatars and members or active supporters of the Mejlis.

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 of 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 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 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.³⁵² 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.³⁵³ They must be afforded security from active combat,³⁵⁴ guaranteed standards of hygiene and health,³⁵⁵ and must at all times be protected against reprisals and acts of violence and intimidation.³⁵⁶

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.³⁵⁷ Interned civilians must be kept in adequate conditions,³⁵⁸ must be promptly informed, in a language they understand, of the reasons for the internment,³⁵⁹ and provided with an opportunity to challenge their internment.³⁶⁰ 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.³⁶¹ Any trials conducted by occupying authorities must be fair, affording all essential judicial guarantees.³⁶² The denial of fair trial to civilians or combatants may be prosecuted as a war crime of denying a fair trial.³⁶³

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

352 ICRC, Rule 99. Deprivation of Liberty, Customary IHL, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule99 (last accessed: 24.04.2016).

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.

357 Article 42 of Geneva Convention IV; Article 78 of Geneva Convention IV; See also: ICTY, *The Prosecutor v Delalić et al.*, Judgment, IT-96-21-T, 16 November 1998, para. 576.

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.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”.³⁶⁵ Permissible grounds for arrest are defined in Article 91 of the Criminal Procedure Code of the Russian Federation (CPC).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.³⁶⁷ Suspects have the right to a legal representative from the moment of arrest, and for the lawyer to be present during any interrogation.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.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.³⁷⁰ Any detention beyond 48 hours requires a court order that must be obtained in the suspect’s presence.³⁷¹ Under Article 91 of the CPC, the only state investigators are vested with the authority to detain.³⁷² Citizens are permitted to conduct arrests with the view of delivering suspects to law enforcement authorities.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.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.³⁷⁵ The legal basis for the initial deprivation of liberty must apply throughout

364 ICC Statute, Article 7(1)(e).

365 ICTY, Trial Chamber II, Prosecutor v. Milorad Krnojelac, “Judgement,” [IT-97-25-T], 15 March 2002, para. 114.

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/c8855fc8d4dbb537b17025ef67ebb5d8b1a32847/#dst100765 (last accessed: 15.04.2016).

367 Article 92 of the CPC, available at: https://www.consultant.ru/document/cons_doc_LAW_34481/9c55e8116a946a46eeff16f157395e4170204ae2/ (last accessed: 15.04.2016).

368 Article 49 of the CPC, available at: https://www.consultant.ru/document/cons_doc_LAW_34481/e95342dfff8748efa7da1e6cac1150a91d8dbeea/#dst104808 (last accessed: 15.04.2016).

369 Article 187 of the CPC, available at: https://www.consultant.ru/document/cons_doc_LAW_34481/9c55e8116a946a46eeff16f157395e4170204ae2/ (last accessed: 15.04.2016).

370 Article 100 of the CPC, available at: <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=195964;fld=134;dst=100763,0;rnd=0.8893968188203871> (last accessed: 15.04.2016).

371 Article 108 of the CPC, available at: <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=195964;fld=134;dst=100763,0;rnd=0.8893968188203871> (last accessed: 15.04.2016).

372 Article 91 of the CPC, available at: <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=195964;fld=134;dst=100763,0;rnd=0.8893968188203871> (last accessed: 15.04.2016).

373 Federal Law on Participation of Citizens in the Protection of Public Order, available at: https://www.consultant.ru/document/cons_doc_LAW_161195/41f67487d585a0393a6497393a2603bf12cafbfe/ (last accessed: 19.04.2016); See also Articles 37 and 38 of the Criminal Code of the Russian Federation, available at: <http://legislationline.org/documents/section/criminal-codes/country/7> (last accessed: 19.04.2016) and “Постановление Пленума Верховного Суда Российской Федерации от 27 сентября 2012 г. N 19 г. Москва “О применении судами законодательства о необходимой обороне и причинении вреда при задержании лица, совершившего преступление”, Российская газета - Федеральный выпуск No5900 (227), 3 October 2012, available at: <http://rg.ru/2012/10/03/plenum-dok.html> (last accessed: 19.04.2016).

374 Law of the Republic of Crimea On National Militia - National Squad of the Republic of Crimea, available at: <http://rg.ru/2014/07/09/krim-zakon22-reg-dok.html> (last accessed: 19.04.2016).

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 judicial power 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.³⁷⁶ During pre-trial proceedings, “detention should be an exception and as short as possible”,³⁷⁷ while the time limit for bringing a detained person before a judge “must not exceed a few days”.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.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 accomplices³⁸⁰ - 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.³⁸¹ Victims are tried on charges of terrorism³⁸² in what appear to be public show-trials.³⁸³ Prosecutors often rely on fabricated or torture-tainted evidence,³⁸⁴ and the accused is denied fundamental fair trial rights.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.

376 See ICTY, Trial Chamber II, Prosecutor v. Milorad Krnojelac, “Judgement,” IT-97-25-T, 15 March 2002, para. 114

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

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

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 or to confess guilt; To appeal and conviction or sentence; Not to be tried twice for the same crime.

380 Sentsov, Kolchenko and Afanasev.

381 Committee Against Torture, “Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee at its forty-ninth session (29 October-23 November 2012)”, 11 December 2012, paras. 6-12, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fRUS%2fCO%2f5&Lang=en (last accessed: 19/08/2016); International Rehabilitation Council for Torture Victims, “Torture in the Russian Federation”, June 2014, available at: <http://www.irct.org/Admin/Public/Download.aspx?file=Files%2Ffiler%2Fpublications%2FCountry+factsheets%2FCF+Russia++PUBLIC+EDIT+pdf.pdf> (last accessed: 19/08/2016).

382 Criminal Code of the Russian Federation, June 1996, Article 205. E.g. Djepparov, Abseitov, Abiltarov, Memetov, Mamutov, Kozyreva, Arzumanyan,

383 Amnesty International, “The system does not forgive: Crimean activists hauled before a Russian military court”, 10 August 2015, available at: <https://www.amnesty.org/en/latest/news/2015/08/crimean-activists-hauled-before-a-russian-military-court/> (last accessed: 19/08/2016); The Economist, “The Kremlin’s new show trials”, 15 August 2015, available at: <http://www.economist.com/news/europe/21661032-russia-no-longer-confining-its-abuse-law-its-own-citizens-kremlins-new-show> (last accessed: 19/08/2016).

384 E.g.s: Sentsov, Kolomiets.

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

terms to be served thousands of kilometres away in eastern Siberia.³⁸⁶ 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 extremism³⁸⁷ and public disorder,³⁸⁸ 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),³⁸⁹ and protesters against the occupation (26 February cases³⁹⁰ and 3 May cases).³⁹¹ All documented prosecutions by the occupying authorities are tainted by prosecutorial bias and a manifest political agenda.³⁹² 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.³⁹³ Victims are charged and subjected to lengthy pre-trial detention despite a general lack of sufficient evidence.³⁹⁴ The accused are invariably convicted as a result of trials falling far short of international standards of fairness.³⁹⁵

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.³⁹⁶ Detention under such circumstances can last from several hours to several days,³⁹⁷ 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,³⁹⁸ police stations,³⁹⁹ border checkpoints,⁴⁰⁰ locations controlled by

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 Chirniy sentenced to 7 years in a high-security penal colony in Siberia.

387 Criminal Code of the Russian Federation, June 1996, Article 282.1 and 282.2; Federal Law of the Russian Federation on Countering Extremist Activity, July 25, 2002, Articles 9, 11, 13, 14, 15. E.g. Ekrem Ametov, Nariman Ametov, Smerdyayev, Kuzmin, Denysov, Rustem Moskovskiy, Aider Moskovskiy, Arsen Khaliev

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

389 E.g. Kostenko, Kolomiets, Shchekun

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

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

392 E.g.s: cases concerning alleged violence during the 26 February protests only affect 'anti-occupation' protesters – see OHCHR, "Report on the human rights situation in Ukraine: 16 November 2015 to 15 February 2016", para. 202.

393 E.g.s. Yunusov, Emirvaliev, Emirvaliev, Kantemirov, Umerov, Ekrem Ametov, Nariman Ametov, Aliyev, Bekirov, Siruk, Ilyasov, Minadinov, Topuz, Khaliev, Aider Moskovskiy, Rustem Moskovskiy, 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, Smerdyayev, 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, Seitislyamov

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, Pilunskiy, Kravchenko, Kozyreva, Arzumanyan, Aliyev, Bekirov, Siruk, Ilyasov, Minadinov, Topuz, Khaliev, Aider Moskovskiy, Rustem Moskovskiy, Radzivinovich, Semyon, Alvapov, Abibulaeva, Baturin, Kokorina, Ilyasov, Minadinov, Topuz, Kovalskiy, Selentsov, Krosh, Seitislyamov

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

399 E.g.s Neganov, Dub, Kornienko

400 E.g.s Maksymenko, Ryazantseva, Kromplyas, Rahno, Pilunskiy

paramilitary groups⁴⁰¹ or at the Ministry of the Interior's Centre for Fighting Extremism.⁴⁰² Although typically no charges or official reasons are given for detention, detainees are often subjected to lengthy interrogations aimed at intimidation and deterrence.⁴⁰³ In cases where paramilitary groups conduct arrests, the latter typically overstep their legal powers by detaining and interrogating victims on the authorities' behalf.⁴⁰⁴ Typical victims of such forms of detention include Ukrainians and Tatars displaying or celebrating national symbols, such as flags and statues of poets,⁴⁰⁵ journalists⁴⁰⁶ and religious leaders.⁴⁰⁷ Such practices are also frequently relied on to harass and intimidate members of targeted groups such as Crimean Tatar communities⁴⁰⁸ and owners of land and businesses marked for seizure.⁴⁰⁹

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,⁴¹⁰ members of banned organisations such as Hizb-ut-Takhrir,⁴¹¹ and a residual sub-category of Tatar 'activists'. The latter sub-category includes protesters,⁴¹² journalists,⁴¹³ other persons of Tatar ethnicity who voice support for the rights of the Tatar minority,⁴¹⁴ as well as those persons of Tatar ethnicity

401 E.g.s Dub, Pashaev, Kyzgyn, Ruzavin, Mokrushyn, Melnikov, Vyhovskiy

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. Kostetskyi, Kvysh, Gabryliv

408 E.g.s Ozenbash

409 See section IX (Property Crimes).

410 E.g. Chiygizov, Umerov, Bariev, Suleimanov

411 14 members (or alleged members) of Hizbut-Takhrir have been illegally detained, including Saifullaev, Primov, Vaitov, Zeitullaev, Alimov, Djepparov, Abseitov, Abiltarov, 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 Chiygoz, Ali Asanov, Eskender Kantemirov, Eskender Emirvaliev, Eskender 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.

E.g.: Musa Apkerimov, Rustam Abdurakhmanov, Tair Smerdlyayev, EdemE bulisov, Ruslan Paralamov and Edem Asmanov arrested and detained in connection with a demonstration held on 3rd May 2014 by several thousand ethnic Tatars near the city of Armyansk to protest against the ban on entry into Crimea imposed on Mustafa Djemiliev, leader of the Tatar Mejlis. All suspects (including approximately 200 other ethnic Tatars who were searched, interrogated and harassed by authorities in connection with this case) were held in pre-trial detention and convicted on charges of violence and extremism despite a lack of sufficient evidence.

413 E.g. Nebiev,

414 E.g.s Emirvaliev, Degemerji, Asanov , Kantemirov, Osmanov, Smerdyayev, Ebulisov, Kuku , Abdurakhmanov, Apkerimov, Ekrem Ametov, Nariman Ametov, Alvapov, Muslim Aliyev, Bekirov, Ilyasov, Minadinov, Topuz, Khaliev, Aider Moskovskiy, Rustem Moskovskiy, Selentsov, Krosh, Seitilyamov,

who are perceived to oppose the occupation.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 2014.⁴¹⁶

138. Those identified as actual or perceived pro-Ukraine dissidents consist of protesters,⁴¹⁷ journalists⁴¹⁸ and members of civil society.⁴¹⁹ This group also includes civilians who are perceived as holding anti-Russian or pro-Ukrainian views.⁴²⁰ Accusations supporting their incarceration range from terrorism,⁴²¹ to public order offences,⁴²² to the vaguely defined charge of 'extremism'.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.⁴²⁴

415 E.g.s Yagev

416 E.g.s. Chiygioz, Yunusov, Nebiev, Asanov, Kantemirov, Umerov, Osmanov, Smerdyayev, Abdurakhmanov, Ebulisov, Apkerimov.

417 E.g.s Kostenko,

418 E.g.s Maksymenko, Ryazantseva, Kromplyas, Kozyreva, Arzumanyan, Ruzavin,, Mokrushyn, Baturin, Kokorina, Salov

419 E.g.s Vdovchenko, Grutsenko, Gruzynov, Pilunskyi, Kostetskyi, Kvych, Gabryliv

420 E.g.s Chirni, Kolchenko, Afanasev, Grutsenko, Lukyanchenko, Suprun, Ilchenko, Dub, Kuzmin, Shukudjiev, Kravchenko, Neganov, Kornienko, Baluh, Shchekun, Kovalskyi, , Prikhodko,

421 E.g. Sentsov, Mamutov, Kozyreva, Siruk

422 E.g..Baluh, Prikhodko

423 E.g. Djepparov, Abseitov, Abiltarov, Memetov, Mamutov, Kozyreva, Arzumanyan, Siruk,

424 E.g.: Kostenko, Kolomiets, K. Djemiliev.

D. Documented cases of illegal detention

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Oleh Sentsov	Pro-Ukrainian activist from Crimea, participant of Automaïdan and actions for territorial integrity of Ukraine	10-May-14	Simferopol; Ros-tov-na-Donu; Moscow Lefortovo prison; High-security penal colony in Yakutia	FSB; RF authorities	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.	Arrested and tried together with Kolichenko 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.
Oleksandr Kolichenko	Ukrainian anarchist and anti-fascist from Crimea	16-May-14	Simferopol; Ros-tov-na-Donu; Moscow Lefortovo prison; High-security penal colony in Chelyabinsk region	FSB; RF authorities	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.	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.
Hennadii Afanasev	Ukrainian photographer from Crimea	16-May-14	Simferopol; Ros-tov-na-Donu; Moscow Lefortovo prison; Republic of Crimea	FSB; RF authorities	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.	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.

Oleksii Chirnii	Ukrainian historian from Crimea	May-14	Simferopol; Ros-tov-na-Donu; Moscow Le-fortovo prison; Unknown penal colony	FSB; RF authorities	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.	Although arrested with Sentsov, the case was considered in separate proceedings as Chirnii cooperated with the prosecution and Kolostified against Sentsov and Kolchenko.
Oleksandr Kostenko	Ukrainian activist, participant of Euro-maidan	08-Feb-15	Simferopol	FSB; Crimean Prosecutor; Simferopol City Court; Kirov.	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. 115.2.b 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.	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.
Andrii Kolomiets	Ukrainian activist, participant of Euro-maidan	Spring-15	Russia	FSB	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.	Forms part of a pattern of persecution on political grounds against pro-Ukrainian activists.

Yurii Shevchenko	Ukrainian member of spetsnaz (taken for activist)	March-14	Simferopol Train Station	"Self-defence"	Abducted by representatives of "self-defence" who took him for a member of a radical organization.. Detained in a basement. Held in the same basement as Shchekun and Kovalskiy, handcuffed, severely tortured. Deprived of water, food and use of toilet.	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence".
Oleksandra Ryazantseva	Ukrainian activist	09-Mar-14	Armyansk - Crimean border	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.
Olena Maksymenko	Ukrainian journalist	09-Mar-14	Armyansk - Crimean border	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.
Oles Kromplyas	Ukrainian photographer	09-Mar-14	Armyansk - Crimean border	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.

Evgen Rahno	Driver	09-Mar-14	Armyansk - Crimean border	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.
Oleksii Grutsenko	Ukrainian activist, son of the Ukrainian parliament member	night to 14 Mar 2014	Crimean border (?)	Armed unidentified persons	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	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence" and not investigated / investigated ineffectively.
Natalya Lukyanchenko	Ukrainian activist	night to 14 Mar 2014	Crimean border (?)	Armed unidentified persons	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	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence" and not investigated / investigated ineffectively.
Sergii Suprun	Ukrainian activist	night to 14 Mar 2014	Crimean border (?)	Armed unidentified persons	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	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence" and not investigated / investigated ineffectively.
Yurii Gruzynov	Russian cameraman	16-May-14	Simferopol	"Self-defence"	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.	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence" and not investigated / investigated ineffectively.
Yaroslav Pilunskyi	Ukrainian cameraman, son of Crimean parliament member who opposed occupation	16-May-14	Simferopol	"Self-defence"	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.	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence" and not investigated / investigated ineffectively.

Akhtem Chiygioz	Deputy chairman of Mejlis	29-Jan-15	Simferopol	Police	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.
Talyat Yunusov	Crimean Tatar	11-May-15	Yastrybivka; Simferopol City Court	Police	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.
Eskender Nebiev	Crimean Tatar, camera-man of Tatar TV channel ATR shut by Russian authorities	20-Apr-15	Simferopol district court	Police	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.
Eskender Emirvaliev	Crimean Tatar	11-May-15	Hrushivka, Sudak district	Police	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 Chiihoz.
Mustafa Degemerji	Crimean Tatar	May-15	Unknown	Police	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 Chiihoz. Considered to be political prisoner.

Ali Asanov	Crimean Tatar activist	Apr-15	Simferopol	Police	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	Promised lenient sentences if cooperate with prosecution in order to incriminate Akhtem Chiihoz. Considered to be political prisoner.
Eskender Kantemirov	Crimean Tatar	07-Feb-15	Simferopol	Police	Kantemirov was arrested and detained at pre-trial stage. On 6 April his house was searched.	According to the prosecution, during the mass disturbances of 26 February he caused bodily harm to several persons.
Ilmi Umerov	Crimean Tatar, Deputy head of Mejlis	23-Mar-15	Simferopol; Psychiatric Hospital N. 1.	Police	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.	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.
Oleksandr Denysov	Civic activist	17-Nov-15	Simferopol	Police	Denysov was arrested following the court hearing of the case of Akhtem Chiihoz, where he said loudly "Glory to Ukraine". He was taken to the Center for the Fight against Extremism and freed several hours later.	Pattern of intimidation and violence against Mejlis members or supporters.
Edem Osmanov	Crimean Tatar activist	19-Jan-15	Chornomorsk	Police; Simferopol court	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.	Part of the 3 May case. Pattern of intimidation and violence against Crimean Tatars.

Tair Smerdyayev	Crimean Tatar activist, brother of Zair Smerdyayev, head of Mejlis Central Voting Commission	22-Oct-14	Stary Krym	Police, Armyansk City Court	Police stopped the car where Smerdyayev was with his sons (the younger one was three years old) and took him to temporary detention centre, where Smerdyayev 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 Smerdyayev as an "extremist". Pre-trial detention was prolonged several times and hearings were postponed until in December 2015 Court sentenced Smerdyayev to two years' imprisonment (sentence suspended).	Part of the 3 May case. Pattern of intimidation and violence against Crimean Tatars.
Edem Ebulisov	Crimean Tatar activist	25-Nov-14	Armyansk city court	Police	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).	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.
Rustam Abdurakhmanov	Crimean Tatar activist	17-Oct-2014	Armyansk city court	Police; FSB	Among others, attempted to assist Tatar leader Mustafa Dzhemilev to enter Crimean territory on 3 May 2014. He was detained for 2 months between 17 Oct 2014 and 11 Dec 2014. Accused of using violence against public official (art. 318.1 of the Russian Penal Code), sentence suspended.	Part of the 3 May case. Pattern of intimidation and violence against Crimean Tatars.

Musa Apkerimov	Crimean Tatar activist	16-Oct-14	Armyansk city court	Police; FSB	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.	Part of the 3 May case. Pattern of intimidation and violence against Crimean Tatars.
Ekrem Ametov	Crimean Tatar	10-Sep-14	Kamenka village of Leninskyi district	Police	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	Pattern of intimidation and violence against Mejlis members or supporters.
Nariman Ametov	Crimean Tatar	10-Sep-14	Kamenka village of Leninskyi district	Police	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.	Pattern of intimidation and violence against Mejlis members or supporters.
Eskender Bariev	Crimean Tatar, Mejlis member	23-Jan-15	Administrative border	Federal Migration Service	Arrested during their attempt to cross administrative border from Crimea, held in closed car until FSB arrived.	Kadyrov, Bariev and Suleimanov had Ukrainian passports with registration in Crimea. Pattern of intimidation and violence against Crimean Tatars.
Akmejit Suleimanov	Crimean Tatar, Mejlis member	23-Jan-15	Administrative border	Federal Migration Service	Arrested on the border, held in closed car until FSB arrived, then released. Detained on the 26 Feb case charges.	Kadyrov, Bariev and Suleimanov had Ukrainian passports with registration in Crimea. Pattern of intimidation and violence against Crimean Tatars.

Kadyrov	Crimean Tatar, Mejlis member	23-Jan-15	Administrative border	Federal Migration Service	Arrested on the border, held in closed car until FSB arrived, then released. Detained on the 26 Feb case charges.	Kadyrov, Bariev and Suleimanov had Ukrainian passports with registration in Crimea. Pattern of intimidation and violence against Crimean Tatars.
Emir-Usein Kuku	Crimean Tatar, representative of the Contact group on human rights	20 Apr 2015; 11 Feb 16	Yalta (?)	"People in camouflage uniform"; Investigation Committee; FSB. FSB senior lieutenant Aleksandr Kompaniitsev, captain Bogdan Pogorelyi, investigator Roman Viflyanov	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.	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.

Ferat Saifullaev	Crimean Tatar, alleged member of Hizb ut-Tahrir	2-Apr-15	Orlyne, Balaklava district	FSB; Prosecution	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.	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. Pre-arrest house raids were carried out by armed masked persons in the presence of women and children, breaking windows and doors.
Nuri (Yurii) Primov	Ukrainian, alleged member of Hizb ut-Tahrir	23-Jan-15	near Sevastopol	FSB; Prosecution	Detained at pre-trial stage. Request of Primov's advocate for psychophysiological expertise was denied.	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 Vaitov	Crimean Tatar, alleged member of Hizb ut-Tahrir	23-Jan-2015	near Sevastopol	FSB; Prosecution	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.	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.
Ruslan Zeitullaev	Crimean Tatar, alleged member of Hizb ut-Tahrir	23-Jan-15	near Sevastopol	FSB; Prosecution	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.	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.

Refat Alimov	Crimean Tatar, alleged member of Hizb ut-Tahrir, 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-Tahrir	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-Tahrir	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-Tahrir	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.	Islamic organization Hizb ut-Tahrir is 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.

Remzi Memetov	Crimean Tatar, alleged member of Hizb ut-Tahrir	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.
Enver Mamutov	Crimean Tatar, alleged member of Hizb ut-Tahrir	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. Accused of organisation of a terrorist group. Father of seven children.	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.
Mustafa Yagev	Crimean Tatar, imam in the local mosque	17-Jul-15	Turgenivka	Police; Bakhchysarai district court	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.	Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who do not support Russian occupation.
Yurii Ilichenko	Ukrainian activist	2-Jul-15	Sevastopol	Police	Ilichenko 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.	Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.

Sergii Dub	Ukrainian doctor	23-Aug-14	Simferopol	"Self-defence"; Police	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.	Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn the occupation.
Leonid Kuzmin	Ukrainian activist	9-Mar-15	Simferopol	Police; "Self-defence"	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.	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.
Veldar Shukudjiev	Ukrainian activist	09-Mar-15; 11-Aug-15; 25-Nov-15; 05-Feb-16	Simferopol	Police	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.	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.

Oleksandr Kravchenko	Ukrainian activist	09-Mar-2015; 14-Mar-15	Simferopol	Police; "Self-defence"	Arrested during the meeting commemorating death anniversary of Ukrainian poet Shevchenko. Police exceeded 3 hours limit of temporary arrest. 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 - 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.	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.
Victor Neganov	Ukrainian activist	24-Aug-14	Sevastopol	Traffic police	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.	Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.
Sergij Kornienko	Ukrainian activist	24-Aug-14	Sevastopol	Traffic police	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.	Pattern of intimidation, violence and restrictions on freedom of expression against Crimeans who openly support Ukraine and condemn occupation.
Vatslav Radzivinovich	Polish journalist of "Gazeta Vyborsch"'	May -14	Unknown	FSB	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.

Mykola Semyon	Crimean journalist of newspaper "Den"	May-14	Unknown	FSB	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Lenara Abibulaeva	Photojournalist	May-14	Unknown	FSB	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Osman Pashaev	Crimean Tatar journalist	18-May-14	Simferopol	"Self-defence"; Police	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 000UAH was stolen were stolen. Then he was transferred to police station and interrogated him for a long period without a lawyer present.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Djengiz Kyzgyn	Turkish camera-man	18-May-14	Unknown	"Self-defence"; Police	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 000UAH was stolen were stolen. Then he was transferred to police station and interrogated him for a long period without a lawyer present.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists. No investigation has been carried out.
Petr Ruzavin	Journalist of "Dozhd" TV channel	18-May-14	Simferopol	"Self-defence"	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Sergei Mokrushyn	Journalist	2-Jun-14	Unknown	"Self-defence"	Journalist was arrested for cursing Russian authorities, taken to the "office of self-defence", handcuffed, searched (including cell-phone and social networks).	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.

Vladlen Melnikov	Film director	2-Jun-14	Unknown	"Self-defence";	Journalist was arrested for cursing Russian authorities, taken to the "office of self-defence", handcuffed, searched (including cell-phone and social networks).	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Tetyana Kozyreva	Journalist of "Hromadske TV"	22-Jun-14	Sevastopol	Police	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Karen Arzumanyan	Camera-man of "Hromadske TV"	22-Jun-14	Sevastopol	Police	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Oleh Baturin	Ukrainian journalist of "Novyi Den"	2-Oct-14	Dzhankoi	Police	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.	Pattern of intimidation and violence against independent and pro-Tatar / pro-Ukrainian journalists.
Natalia Kokorina	Ukrainian journalist	13-Mar-15	Unknown	Police; FSB	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.	Pattern of intimidation and violations against independent and pro-Tatar / pro-Ukrainian journalists.

Khaiser Djemilev	Crimean Tatar, son of Mustafa Djemilev	28-Sep-14	Crimea; Krasnodar Regional Court	RF authorities	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.
father Bogdan Kostetskyi	Priest of Ukrainian Greek Catholic Church	02-Sep-14	Yalta		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.
father Mykola Kwych	naval chaplain stationed in Sevastopol; pro-Ukrainian activist	15-Mar-14	Sevastopol	"Self-defence"; Russian intelligence service	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.
father Ihor Gabryliv	Priest of Ukrainian Greek Catholic Church	16-Mar-14	Yalta	"Self-defence"; Russian intelligence service	Detained without charge.	Pattern of intimidation and violence against pro-Ukrainian activists. Intimidation and violence against religious minorities.
Ali Ozenbash	Head of Kurultai Audit Commission	10-Sep-14	Armyansk	Border control service	Ozenbash was forcibly taken off 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.

Volodymyr Baluh	pro-Ukrainian activist	Apr-15; 14-Nov-15	Serebryanka village	Police; FSB	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.	Pattern of intimidation against pro-Ukrainian activists.
Muedin Alvapov	Crimean Tatar	23-Jan-16	Alupka	Police	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.	Pattern of intimidation and violence against Mejlis members or supporters.
Muslim Aliyev	Crimean Tatar	11-Feb-16	Verkhnyaya Kutuzovka village near Alushta	FSB	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.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.

Erver Bekirov	Crimean Tatar	11-Feb-16	Krasnokamenka village near Yalta	FSB	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.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.
Vadym Siruk	Crimean Tatar	11-Feb-16	Yalta	FSB	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.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.
Shamil Ilyasov	Crimean Tatar	11-Feb-16	Krasnokamenka village near Yalta	FSB	The house was searched on suspicion of extremism, Ilyasov was arrested, later released.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.
Damir Minadinov	Crimean Tatar	11-Feb-16	Yalta	FSB	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.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.
Bakhtiyar Topuz	Crimean Tatar	11-Feb-16	Yalta	FSB	The house was searched in connection with extremism charges, Topuz was arrested.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.

Arsen Khaliev	Crimean Tatar	11-Feb-16	Yalta	FSB	The house was searched in connection with extremism charges, Khalilov was arrested.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.
Aider Moskovskiy	Crimean Tatar	11-Feb-16	Bakhchysarai	FSB	The house was searched in connection with extremism charges, father and son were arrested.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.
Rustem Moskovskiy	Crimean Tatar	11-Feb-16	Bakhchysarai	FSB	The house was searched in connection with extremism charges, father and son were arrested.	Pattern of intimidation, violence and restrictions on liberty against members or active supporters of the Mejlis.
Valentin Vyhovskiy	Kyiv resident	18-Sep-14	Simferopol Train Station	Self-defence forces	Vyhovskiy was ordered to show his passport 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	. Part of the pattern of abduction, detention and violence against pro-Ukrainian activists.
Andrii Shchekun	Ukrainian activist, leader of movement "Euro-maidan-Krym"	9-Mar-14	Simferopol Train Station	"Self-defence"; FSB	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.	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence".
Anatolii Kovalskiy	Ukrainian activist, scientist, economist	9-Mar-14	Simferopol Train Station	"Self-defence"; FSB	Held together with Shchekun. Freed 20 March during prisoner exchange.	Pattern of violent crimes against pro-Ukrainian activists committed by "self-defence".
Invir Krosh	Crimean Tatar	16-Dec-15	Unknown	FSB	Krosh was detained by police and FSB, asked to cooperate with FSB and tortured when he refused.	Pattern of intimidation and violence against Tatars.

Deliver Seitisiyamov	Crimean Tatar	11-Aug-15	near Novopavlovka	Unidentified persons; FSB	Unidentified persons abducted Seitisiyamov'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. .	Pattern of intimidation and violence against Tatars.
Alexei Salov	Chief Editor of online newspaper 'Argumenti Nedeli - Crimea'	14-Jun-16	Simferopol	Police; Simferopol court	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.	Attack on free speech and journalists.
Oleg Prikhodko	Ukrainian activist	08-Jun-16	Saki	Police; Saki district court	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.	Pattern of intimidation against pro-Ukrainian and Tatar activists.
Maxim Filatov	Alleged Ukrainian member of Azov	26 Jul 2016	Rostov-na-Donu	Russian authorities; Penal colony	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.	Prosecuted by same authorities as Sentsov. Part of intimidation and violence against pro-Ukrainians.

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.⁴²⁵ 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.⁴²⁶
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.⁴²⁷ 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)).

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,⁴²⁸ 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.⁴²⁹ 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 transfer⁴³⁰ 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."⁴³¹ It may be prosecuted as a war crime⁴³² and/or as a crime against humanity.⁴³³

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."⁴³⁴

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."⁴³⁵

148. The key component of forced displacement is involuntariness or lack of genuine choice on the part of the

428 Internal Displacement Monitoring Centre, "Ukraine IDP Figures Analysis", August 2015, available at: <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis> (last accessed: 16/08/2016).

429 The Telegraph, 'Special Report: Crimea Tatars endure second tragedy under Russian rule', 7 July 2016, available at: <http://www.telegraph.co.uk/news/2016/07/07/special-report-crimea-tatars-endure-second-tragedy-under-russian/> (last accessed: 2.08.2016).

430 The only difference between deportation and forcible transfer is that deportation requires a removal across a national border - ICTY, Trial Chamber, Prosecutor v. Krstić, "Judgement," (IT-98-33-T), 2 August 2001, para 521.

431 Case 002/19-09-2007-ECCC/TC, "Co-Prosecutors' Rule 92 Submission on the Crime Against Humanity of Other Inhumane Acts in Respect of Forced Transfer", 17 January 2014, para. 17: Quoting Alfred De Zayas, "Forced Population Transfer," Max Planck Encyclopaedia on Public International Law, October 2010, para. 12

432 ICC Statute, Article 8(2)(a)(vii).

433 ICC Statute, Article 7(1)(d).

434 See definitions in Article 7(2)(d) Rome Statute of the International Criminal Court (ICC)

435 International Criminal Court, (ICC), "Elements of Crimes," 2011, Fn. 12, p. 6

victim.⁴³⁶ 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.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.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.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”.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),⁴⁴¹ which “relates not only to dwellings but also to all types of residential property regardless of legal title or nature of use.”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

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.

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.

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.

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.”

440 ICTY, Trial Chamber II, Prosecutor v. Vujadin Popović 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.

441 ICCPR, Article 12(1) and Article 17; See also ECHR, Protocol 4, Article 2.

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".⁴⁴³ No other grounds of exception are permitted.⁴⁴⁴ Any measures taken for such reasons must conform to the principle of proportionality,⁴⁴⁵ and "persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased".⁴⁴⁶ 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".⁴⁴⁷

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."⁴⁴⁸ 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.⁴⁴⁹

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."⁴⁵⁰

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.⁴⁵¹ Of those who have left, an estimated 15 000 – 30 000 are believed to be Crimean Tatars.⁴⁵² '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. Naletilić 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.

445 ECCC, Trial Chamber, "Case 002/01 Judgment", (002-19-09-2007-TC), 7 August 2014, para. 450.

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).

449 UN "Economic and Social Council, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights," U.N. Doc. E/CN.4/1985/4, Annex (1985), paras 15-16; Human Rights Committee, "General Comment 27: Freedom of Movement (Art 12)," CCPR/C/21.Rev.1/ADD.9, 11 February 1999, paras 13 – 18.

450 ECCC, Trial Chamber, "Case 002/01 Judgment", (002-19-09-2007-TC), 7 August 2014, para. 549.

451 Internal Displacement Monitoring Centre, "Ukraine IDP Figures Analysis", August 2015, available at: <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis> (last accessed: 16/08/2016).

452 The Telegraph, 'Special Report: Crimea Tatars endure second tragedy under Russian rule', 7 July 2016, available at: <http://www.telegraph.co.uk/news/2016/07/07/special-report-crimea-tatars-endure-second-tragedy-under-russian/> (last accessed: 2.08.2016).

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.⁴⁵³ The primary targets of such expulsion orders are prominent members of the Tatar community, such as leaders of the Crimean Mejlis,⁴⁵⁴ Tatar journalists⁴⁵⁵ and participants of the anti-occupation protest movement.⁴⁵⁶ Others, such as Ukrainian journalist Markrushin, have been banned for their opposition to the occupation.⁴⁵⁷

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.⁴⁵⁸ This has rendered an estimated 100 000 residents (mostly Tatar returnees), who did not have the requisite stamp, ineligible and therefore 'foreigners'.⁴⁵⁹ All foreigners must obtain temporary residence permits or face deportation after a 90-day period.⁴⁶⁰ 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).⁴⁶¹ 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.⁴⁶² 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.; Guguky B.; Seitumerov.

457 Makrushin.

458 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 Севастополя", 21 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160618/19bbbbfa6e5a06c0d9e8d958af6464287880b069/ (last accessed: 07/05/2016).

459 Ombudsperson of the Russian Federation, Report of the Commissioner for Human Rights in the Russian Federation in 2014 (7 May 2015), Crimea chapter, available at: <http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf> (Russian); and http://eng.ombudsmanrf.org/www/upload/files/prezent/doklad_eng_Sample_view.pdf (English) (last accessed: 22/08/2016).

460 Under Article 5 of the Russian Federal Law "Concerning the Legal Status of Foreign Citizens in the Russian Federation" (ibid.), foreign citizens are prohibited from staying in the Russian Federation more than 90 days in any 180-day period, with violations of those rules punishable by fines and deportation, per Article 18.8.1 of the Russian Federal Law No. 195-FZ, "Code of Administrative Offences of the Russian Federation" (30 December 2001).

461 Regulation No. 1343 (19 July 2014) amending the Order of the Government of the Russian Federation No. 2231-r (30 November 2013) "On establishing quotas for the issuance of temporary residence permits to foreign citizens and stateless persons in the Russian Federation for 2014".

462 Kadyrov

(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

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.⁴⁶³ In other cases, residents fled out of a well-founded fear that their ethnicity, political stance or activities would lead to such prosecutions.⁴⁶⁴ Other residents have fled either because they have experienced violence⁴⁶⁵ or fear violence and harassment by the authorities and paramilitary groups.⁴⁶⁶ Harassment and the threat of violence has also led leaders of religious organisations other than the Russian Orthodox Church to leave the peninsula.⁴⁶⁷ 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.⁴⁶⁸
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.

(III) UKRAINIAN DETAINEES TRANSFERRED TO DETENTION FACILITIES ON RUSSIAN TERRITORY

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.⁴⁶⁹ 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.⁴⁷⁰ As early as March 2014, at least 179 such inmates were transferred to other detention facilities on the territory of the Russian Federation.⁴⁷¹ Lawyers representing Ukrainian prisoners in the custody of the occupying powers allege that to date up to 2 200 Ukrainian inmates

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 (Kievan Patriarchate).

468 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 172.

469 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 41; State Penitentiary Service of Ukraine, public statement (3 April 2014): <http://www.kvs.gov.ua/peniten/control/main/en/publish/article/715893> (last accessed: 24.08.2016).

470 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 41.

471 OHCHR, "Report on the human rights situation in Ukraine 16 February to 15 May 2016", sec. VII Human Rights in the Autonomous Republic of Crimea and the city of Sevastopol, para. 198, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 12/06/2016).

have been forcibly transferred onto the territory of the Russian Federation.⁴⁷²

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 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 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)).

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.

478 SCSL, *The Prosecutor v. Sesay et al*, Judgement, SCSL-04-15, 2 March 2009, Para. 987.

479 Article 97 of Geneva Convention IV.

customary international law.⁴⁸⁰ 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.⁴⁸¹

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'.⁴⁸² 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.⁴⁸³ For the purpose of international law, pillage "does not require the appropriation to be extensive or to involve a large economic value",⁴⁸⁴ but needs to reach a certain level of seriousness.⁴⁸⁵

173. 'Destruction' is defined as total or partial damage as a result of a military attack, arson or demolition.⁴⁸⁶ 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.⁴⁸⁷ Certain property of intrinsically civilian character, such as civilian dwellings,⁴⁸⁸ hospitals,⁴⁸⁹ property dedicated to religion, charity, education, arts and sciences,⁴⁹⁰ 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 character⁴⁹¹ 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."⁴⁹² 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 ICRC, 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.

483 ICC, Prosecutor v. Germain Katanga, Judgment pursuant to article 74 of the Statute, ICC-01/04-01/07, 7 March 2014, paras. 905; ICTY, Prosecutor v. Simić, Judgment, IT-95-9, 17 October 2003, para. 99; ICTY, Prosecutor v. Delalić et al., Trial Judgment, IT-96-21-T, 16 November 1998, para. 590: "Isolated instances of theft of personal property of modest value were treated as war crimes in a number of trials before French Military Tribunals following the Second World War" - See Trial of Alois and Anna Bommer and their daughters before the Permanent Military Tribunal at Metz, Judgment delivered on 19 February 1947, Vol. IX, Law Reports, p. 62 ff; Trial of August Bauer, Judgment of the Permanent Military Tribunal at Metz, 10 June 1947; *ibid.*, p. 65; Trial of Willi Buch, Judgment of the Permanent Military Tribunal at Metz, 2 December 1947, *ibid.*, p. 65; Trial of Elizabeth Neber, Judgment of the Permanent Military Tribunal at Metz 6 April 1948; *ibid.* p. 65; Trial of Christian Baus, Judgment of the Permanent Military Tribunal at Metz 21 August 1947; *ibid.* p. 68 ff.

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".⁴⁹³ 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 Press, the authorities' conduct includes:

"Legal owners strong-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 property⁵⁰¹ 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

493 Second Protocol to the Hague Convention for the Protection of Cultural Property, Article 6(a)

494 ICC Statute, Article 8(2)(b)(ix).

495 Associated Press, "Crimea's New Russian Overlords are Seizing Thousands of Businesses", 2 December 2014, available at: <http://uk.businessinsider.com/crimeas-new-russian-overlords-are-seizing-thousands-of-businesses-2014-12?r=US&IR=T> (last accessed: 26.08.2016).

496 Associated Press, "Crimea's New Russian Overlords are Seizing Thousands of Businesses", 2 December 2014, available at: <http://uk.businessinsider.com/crimeas-new-russian-overlords-are-seizing-thousands-of-businesses-2014-12?r=US&IR=T> (last accessed: 26.08.2016) – citing Ukraine's Justice Ministry; UCIPR, "Citizenship, Land and Nationalization of Property in Occupied Crimea: Rights Deficit" (3 June 2015).

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.

Crimea.⁵⁰⁴ 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.⁵⁰⁵

178. 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.⁵⁰⁶ The Supreme Court of the Russian Federation has upheld the law on nationalisation of property in Crimea as constitutional.⁵⁰⁷

II. APPROPRIATION OF PRIVATE PROPERTY

179. 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,⁵⁰⁸ a major bank,⁵⁰⁹ property belonging to associations,⁵¹⁰ media and telecommunication companies,⁵¹¹ energy companies,⁵¹² construction and transport companies⁵¹³ and tourism-sector enterprises.⁵¹⁴ 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.⁵¹⁵ In at least 11 cases, the appropriations were implemented by paramilitary groups such as the Crimean Self-Defence Militia.⁵¹⁶

180. 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".⁵¹⁷ 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'.⁵¹⁸ 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

504 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).

505 Newsweek, "Putin Invades Ukrainian Gas Rigs, Set Sights on Odessa", 9 Jan 2016, available at: <http://europe.newsweek.com/putin-ukraine-odessa-gas-rigs-413274?rm=eu> (last accessed: 26.08.2016).

506 See OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 67-68.

507 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).

508 Quail Egg Farm; Sevastopol Marine Plant; Zaliv Shipyard; Agrotreid; Krymhleb, Feodosia Oil Product Supply Company

509 Privat Bank

510 Association of Veterans "Dobrobut". Sevastopol Marine Plant,

511 Black Sea TV; Ukretelcom; Yalta Film Studios; ATR

512 Feodosia Enterprise; Krymenergo; Crimean Fuel Alliance and Eastern Crimean Energy Company, Ukrnafta, Sentosa Oil, ANP, Avias

513 Trans-Bud; Krumavtotrans; Interflot

514 Foros sanatorium; Ayvazovsky; Café Mustafir.

515 E.g.: Café Mustafir belonging to the family of Mejlis leader Djemiliev.

516 Trans-Bud; Zaliv; Foros; Ukretelcom; Krymavtotrans; Yalta Film Studios; property belonging to Senchenko; Agrotreid; Krymhleb; Interflot

517 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).

518 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 government in Kiev".⁵¹⁹

181. Aside from private enterprises, the occupying authorities have also targeted the property of cultural and religious organisations. As a result, a Tatar cultural centre⁵²⁰ and property belonging to the Ukrainian Orthodox Church of the Kyiv Patriarchate⁵²¹ 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,⁵²² a Holocaust memorial,⁵²³ four mosques,⁵²⁴ and three other monuments of historical and cultural significance to Tatars.⁵²⁵ In addition, Tatar shops have been attacked and defaced with paint and racist slogans.⁵²⁶ 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.

519 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).

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

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Ukrainian State	JSC "State Joint-Stock Company" Chornomornaftogas"	Mar-14	Simferopol	"Self-defence"; Occupying Authorities	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".	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.
Ukrainian State	State ferry enterprise 'Kerch ferry'	17-Mar-16	16 Tselibernaya Street, 98307, Kerch	Occupying Authorities	The 'Parliament of Crimea' adopted a resolution No. 1757-6/14 on 17.3.2014 'On nationalization of some companies belonging to the Ukrainian ministries of infrastructure or agriculture'. The 'Presidium of the Parliament of Crimea' adopted a decision No. 1802-6/14 on 24.3.2014 'On state-owned Ferry Enterprise Kerch Ferry' declaring the appropriation of assets belonging to the state ferry enterprise 'Kerch Ferry' on behalf of the 'Republic of Crimea'.	Appropriation of public property by the Occupying Authorities with no compensation.
Ukrainian State	State enterprise 'Sevastopol commercial seaport'	17-Mar-14	3 Place Nakhimova, 99011 Sevastopol	Occupying Authorities	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'.	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.

Ukrainian State	State enterprise 'Kerch commercial sea port'	17-Mar-14	28 Kirova Str., 98312, Kerch, Autonomous Republic of Crimea,	Occupying Authorities	The 'Parliament of Crimea' adopted a resolution No.1757-6/14 on 17.3.2014 'On nationalization of some companies belonging to the Ukrainian ministries of infrastructure or agriculture' and a resolution No. 1865-6/14 on 26.3.2014 'On State-Owned Enterprise "Crimean Sea Ports' declaring the appropriation of assets belonging to the state enterprise 'Kerch Commercial Sea Port' on behalf of the 'Republic of Crimea'.	Appropriation of public property by the occupying authorities with no compensation. In terms of volume of trade, it is the second biggest commercial seaport in Crimea.
Ukrainian State	Resort 'Nizhnyaya Oreanda'	21-Mar-14	Resort 'Nizhnyaya Oreanda', 08655, Yalta, Oreanda	Occupying Authorities	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'.	Appropriation of public property by the occupying authorities with no compensation.
Ukrainian State	State enterprise Universal -Avia	24-Mar-14	5, Aeroflotskaya street, 95024 Simferopol	Occupying Authorities	On 24.3.2014 the 'Presidium of the Parliament of Crimea' adopted a decision 'On State-owned Enterprise "Gosudarstvennoye predpriyatiye Universal-Avia' No. 1794-6/14 declaring the appropriation of assets belonging to the state enterprise 'Universal-Avia' on behalf of the 'Republic of Crimea'.	Appropriation of public property by the occupying authorities with no compensation.

Ukrainian State	Marine Hydro-physics institute, the A. O. Kovalovsky 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.	Mar-16	Simferopol	Occupying Authorities	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.	Appropriation of public property by the occupying authorities with no compensation.
Ukrainian State	Crimean enterprise 'Azov distillery plant'	09-Apr-14	40 Zeleznodorozhnaya str., 96178 town of Azov, Jankovsky district	Occupying Authorities	The 'Presidium of the Parliament of Crimea' adopted a decision No 1991-6/14 'On the amendments to the Resolution of the State Council of the Republic of Crimea' of 26 March 2014 No. 1836-6/14 'On nationalization of the property of enterprises, institutions and organizations of agro-industrial complex, located in the territory of the Republic of Crimea' declaring the appropriation of assets belonging to the 'Azovsky likerovodochny zavod' on behalf of the 'Republic of Crimea'.	Appropriation of public property by the occupying authorities with no compensation.

Ukrainian State	'State enterprise Magarach of the national institute of wine'	09-Apr-14	9 Chapayeva str., 98433 Vilino, Bakhchisarayski district	Occupying Authorities	The 'Presidium of the Parliament of Crimea' adopted a decision No. 1991-6/14 'On the amendments to the Resolution of the State Council of the Republic of Crimea' of 26 March 2014 No. 1836-6/14 'On nationalization of the property of enterprises, institutions and organizations of agro-industrial complex, located in the territory of the Republic of Crimea' declaring the appropriation of assets belonging to the state enterprise 'Gosudarstvenoye predpriyatiye "Agrofirma Magarach" nacionalnogo instituta vinoxrada i vina "Magarach"' on behalf of the 'Republic of Crimea'.	Appropriation of public property by the occupying authorities with no compensation.
Ukrainian State	State enterprise 'Factory of sparkling wine Novy Svet'	09-Apr-14	1 Shalyapina str., 98032 Sudak, Novy Svet	Occupying Authorities	The 'Presidium of the Parliament of Crimea' adopted a decision No. 1991-6/14 'On the amendments to the Resolution of the State Council of the Republic of Crimea' of 26 March 2014 No. 1836-6/14 'On nationalization of the property of enterprises, institutions and organizations of agro-industrial complex, located in the territory of the "Republic of Crimea" declaring the appropriation of assets belonging to the state enterprise "Zavod shampanskykh vin Novy Svet"' on behalf of the 'Republic of Crimea'.	Appropriation of public property by the Occupying Authorities with no compensation.
Ukrainian State	Massandra vineyard	Sep-14	Simeiz	Occupying Authorities	The occupying authorities handed over control of the state-controlled winery Massandra to the office of the Russian president. But in the same decree, Crimea's leaders kept control of over 30 acres of prime vineyard in Simeiz, a popular resort town near Yalta, for themselves.	Appropriation of public property by the occupying authorities with no compensation.

Ukrainian State	Crimean Railroads	Dec-14	Simferopol	Occupying Authorities	Crimean Railroads, a Ukrainian public company was wholly appropriated as part of the 'nationalization'.	Appropriation of public property by the occupying authorities with no compensation.
Ukrainian State	Taurida National V. I. Vernadsky University	Oct-15	Sevastopol	Occupying Authorities	Ehe Taurida National V. I. Vernadsky University, has been appropriated and incorporated into the Crimean Federal University.	Appropriation of public property with no compensation. The appropriation led to the loss of the right to study the Ukrainian or Crimean Tatar language.
Ukrainian State	Museum collections	Nov-15	Khersonesus, Feodosia, Sudak and Simferopol	Russian government	Russian authorities have removed museum collections from Crimea, including a unique collections of Khersonesus, Sudak, Aivazovsky paintings from the Feodosia Museum and the Central Museum of Tavrda in Simferopol, to The Hermitage Museum (St. Petersburg, Russia). By the decision of the Russian government on the adoption of the federal property of the National Reserve Khersonesus, Sudak and the Central Museum of Tavrda in Simferopol.	Appropriation of public property and property of cultural and historic significance.

B) DOCUMENTED APPROPRIATION OF PRIVATE PROPERTY

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Shareholders	Feodosia Enterprise (aka Feodosia Oil Product Supply Company or "Feodosia)	17-Mar-14	Feodosia	Occupying Authorities	The 'Parliament of Crimea' adopted a resolution declaring the appropriation of assets belonging to Feodosia enterprise on behalf of the 'Republic of Crimea'.	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.
Mikhail Sirotyuk	Quail Egg farm	Apr-14	Trudove	"Self-defence"; Occupying authorities	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.	Appropriation of private property by the occupying authorities with no compensation.

Shareholders	Trans-Bud a construction and transport company	Apr-14	Sevastopol	Occupying authorities; 'Self-defence'.	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.	Appropriation of goods was conducted by "self-defence" as a part of "nationalization" by the occupying authorities, No compensation given.
Veterans' association "Dobrobut" - LLC 'Agrotrade'	Association for veterans of the Ukrainian Ministry of Defence	13-Jun-14	Bagerove (Leninskyi district)	Occupying Authorities	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.	Appropriation of private property by the Occupying Authorities with no compensation.
Petro Poroshenko and other shareholders	Main shareholder of Sevastopol Marine Plant (60% stake)	Jun-14	Sevastopol	Occupying Authorities	After the check of privatization order, the Plant becomes a Russian property as a part of "nationalization"	Appropriation of private property by the Occupying Authorities with no compensation.
Konstantyn Zhevago and other shareholders	Ukrainian member of parliament and main shareholder in Zaliv shipyard	24-Aug-14	Kerch	Occupying Authorities; "Self-defence"	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.	Appropriation of private property by the Occupying Authorities with no compensation.
Black Sea TV and Radio Shareholders	Media company	Aug-14	Simferopol	Occupying Authorities	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.	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.

Igor Kolomoisky and other shareholders	Main shareholder in PrivatBank	3-Sep-14	Crimea	Occupying Authorities	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.	Kolomoisky is allegedly financing pro-Ukrainian paramilitary units in the Donbas war. Appropriation of private property - no compensation.
Igor Kolomoisky	Owner of Gas Stations (Ukrnafta, Sentosa Oil, ANP, Avias)			Occupying Authorities	The petroleum base and 32 service stations were appropriated as part of property owned by Kolomoisky.	Kolomoisky is allegedly financing pro-Ukrainian paramilitary units in the Donbas war. Appropriation of private property - no compensation.
Igor Kolomoisky and LLC "Aerosvit Kurort"	"Foros" sanatorium	18-Sep-14		Occupying Authorities; "People's militia"	Seizure was referred to as an "inventory" by occupying authorities	Kolomoisky is allegedly financing pro-Ukrainian paramilitary units in the Donbas war. Appropriation of private property - no compensation.
"Ukrtelecom"	Ukrainian TV- and radio communication company	25-Sep-14	Sevastopol	Occupying Authorities; "Self-Defence"	Seizure of private property was conducted by unidentified persons. "Ukrtelecom" director received a document proving that he was fired by local authorities	Appropriation of private property belonging to a media organisation by the occupying authorities with no compensation. Non official investigation has been carried out.
Shareholders	Krymavtotrans	Sep-14	Simferopol	"Self-defence"; Occupying Authorities	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 million per year	Appropriation of private property by the occupying authorities with no compensation.
Shareholders	Yalta Film Studios	Oct-14	Yalta	"Self-defence"; Occupying Authorities	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.	Appropriation of private property by the occupying authorities with inadequate compensation.

Andrii Senchenko	Ukrainian parliament member; Owner of seized building materials plant and office centre	19-Nov-14	Simferopol	"Self-defence"; Occupying Authorities	Persons in camouflage removed locks from the doors of Senchenko's office and took over the properties	Appropriation of private property by the occupying authorities with inadequate compensation.
Shareholders	"Agrotreid"	5-Nov-14	Bagerove (Leninskyi district)	"Self-defence"; Occupying Authorities	10 persons in camouflage came to the complex, took over its properties and set up armed security.	Appropriation of private property by the occupying authorities with inadequate compensation.
Shareholders	"Krymhleb"	12-Nov-14	Simferopol	"Self-defence"; Occupying Authorities	Seizure was conducted by "self-defence" as a part of "nationalization" because police alleged violations of law by "Krymhleb" and alleged that it was used to fund pro-Ukrainian units in Donbas	Appropriation of private property by the occupying authorities with inadequate compensation.
Serhiy Taruta	Owner of Ayvazovskiy park and palace complex	12-Nov-14	Simferopol	Occupying Authorities (through Public Prosecutor)	Crimean authorities seized a resort complex owned by the holding company of Serhiy Taruta.	Appropriation of private property by the occupying authorities with inadequate compensation.
Shareholders	"Interflot-product"	23-Dec-14	Sevastopol	Self-Defence; Occupying Authorities	Director of the "Interflot-product" stated that about 150 people came to the territory, prevented employees from leaving and injured one of them, and took over the property	Appropriation of private property by the occupying authorities with inadequate compensation.
Rinat Akhmetov	Main shareholder of DTEK Krymenergo	21-Jan-15	Sevastopol	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.	Appropriation of private property by the occupying authorities with no compensation.

Shareholders	Crimean Fuel Alliance and Eastern Crimean Energy Company	27-Feb-15	Sevastopol	Occupying Authorities	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	Appropriation of private property by the occupying authorities with no compensation.
Djemilev family	Café "Musafir"	11-May-15	Bakhchysarai	Prosecution; local court	The café was shut down after local court held its activity unlawful.	Appropriation of private property with no compensation. Café belonged to sister of Mustafa Djemilev (Prominent Mejlis figure).
Lenur Isiyamov	Tatar businessman, owner of ATR TV channel; organized Crimean blockade	3-Dec-15	Unknown	Prosecution	Isiyamov's property was arrested as he was charged with a crime. However, the prosecutor's office failed to give details of which crime.	Appropriation of private property by the occupying authorities with no compensation.
Ukrainian Orthodox Church of Kyiv Patriarchate	Church of Martyr Clement of Rome	Apr-14	Sevastopol	Occupying Authorities	Church building was taken from Ukrainian Orthodox church of Kyiv Patriarchate. Church is located on the territory of Training Detachment of the Ukrainian Navy.	Appropriation of property belonging to a religious organisation. No compensation given.
Perevalne Church (Kyiv Patriarchate)	Ukrainian Church	Apr-14; 1 Jun-14	Perevalne (Simferopol district)	Orthodox Church of Moscow Patriarchate; Cossacks	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	Appropriation of property belonging to a religious organisation. No compensation given. Police refused to receive the claim and to initiate investigation
Tatar cultural centre	Alushta town cultural centre dedicated to the preservation and promotion of Crimean Tatar culture	16-Sep-14	Alushta	Occupying Authorities; "People's militia"	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.	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.

c) DOCUMENTED DESTRUCTION OF PROPERTY

Victim	Victim info	Date	Location	Suspect(s)	Facts	Context and links
Holocaust memorial		Apr-14	Sevastopol	Unknown	The monument to the 4 200 Holocaust victims killed on 12 July 1942 by Nazis was painted over with symbols from the Soviet Union.	Destruction of cultural or historic monuments. Although perpetrators are unknown the symbols used suggest that it was done in the context of the occupation.
Chukurchadjami mosque	Mosque	13-Jun-14	Simferopol	Unknown	Unidentified person(s) attempted to burn the mosque and painted a swastika on it	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.
Solnyachna Dolya Mosque	Mosque	13-Nov-14	Solnyachna Dolya	Unknown	At 09:30 a guard noticed fire in the mosque, which happened for the first time in 15 years of the Mosque's existence	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.
Monument to Azerbaijani fighters	Unknown	May -15	Sevastopol	Unknown	The monument commemorating Azerbaijani fighters who participated in attacks against Nazi occupation in Sevastopol was destroyed in the beginning of May.	Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.
Monument to deported Crimean Tatars	Unknown	23-May-15	Eklizi-Burun	Unknown	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.	Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.
Monument to Tatar Saint	Unknown	night to 25 Jul-15	Shchebetovka	Unknown	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	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.

Memorial to the victims of deportation	Unknown	21-Oct-15	Koreiz	Unknown	Unknown person(s) spilled yellow paint on the memorial to the deported Crimean Tatars	Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.
Mosque		5-Nov-15	Simferopol	Unknown	Unknown person(s) attacked the building of mosque and stole a signalization charger	Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.
Mosque		14-Nov-15	Zavet-Leninskii	Unknown	Unknown person(s) broke windows of the mosque	Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.
Memorial to WWII Turkish soldiers		10-Dec-15	Sevastopol	Unknown	A memorial to Turkish fighters of Crimean war was marked with a curse	Destruction of cultural or historic monuments. Although perpetrators are unknown the racial motivations link this to the occupation.
Tatar shop owners		24-Dec-2015	Kirovske	Unknown	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.	Among the 10 shops located on the street in Kirovske, three belong to Crimean Tatars. Destruction of private property motivated by ethnic hatred.

E. Analysis

183. An occupying force may not legally 'nationalise' foreign state property or private assets seized on the territory that it have 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., Judgment, 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.

529 ICTY, Prosecutor v. Duško Tadić, Judgment, IT-94-1-T, 7 May 1997, paras. 697, 710.

530 ICTY, Prosecutor v. Kvočka et al., Judgment, IT-98-30/1-T, 2 November 2001, paras. 232-235.

531 ICTY, Prosecutor v. Brđjanin, Judgment, IT-99-36-T, 1 September 2004, paras. 1031-1049.

532 Laurence Carrier-Desjardins, "The Crime of Persecution and the Situation in Darfur: A Comment on the Al Bashir Arrest Warrant Decision," August 28, 2009, available at: http://www.haguejusticeportal.net/index.php?id=10761#_edn18 (last accessed: 27/05/14) – paraphrasing: ICTY, Prosecutor v. Milomir Stakic, Judgment, IT-97-24-T, 31 July 2003, para. 763.

195. The severity of the deprivation of fundamental rights resulting from discriminatory conduct is assessed in light of the context within which it occurs,⁵³³ and “the cumulative effect of all the underlying acts of the crime of persecution.”⁵³⁴
196. 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.”⁵³⁵ The group’s existence is assessed according to the perpetrator’s subjective identification of the group.⁵³⁶ 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.”⁵³⁷
197. 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.⁵³⁸ 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.⁵³⁹
198. To constitute a crime 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,⁵⁴⁰ and be intentionally or knowingly committed as part of a widespread or systematic attack against the civilian population.⁵⁴¹
199. Whilst there is no equivalent war crime of persecution, international humanitarian law and custom prohibit all forms of ‘collective punishment’.⁵⁴² This includes targeting of the whole or parts of the population of

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.

537 ICTY, *Prosecutor v. Naletilic and Martinovic*, Judgement, IT-98-34, 31 March 2003, para 636.

538 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.

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”.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.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”⁵⁴⁵ and the requirement of gravity.⁵⁴⁶

C. Summary of the evidence

200. 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.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.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:

I. TARGETING OF CRIMEAN TATARS ON ETHNIC, POLITICAL AND/OR RELIGIOUS GROUNDS

201. Crimean Tatars are an ethnic group of Mongolian-Ottoman origin that has settled the Crimean Peninsula since the 13th century.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.⁵⁵⁰ The vast majority of Crimean Tatars are Muslim and their ethnic and cultural iden-

Fourth Geneva Convention, Article 33, first paragraph; Additional Protocol I, Article 75(2)(d); Additional Protocol II, Article 4(2)(b).

543 Yves Sandoz, Christophe Swinarski, Bruno Zimmermann (eds.), *Commentary on the Additional Protocols*, ICRC, Geneva, 1987, § 3055, see also § 4536.

544 ICTR Statute, Article 4(b); Statute of the Special Court for Sierra Leone, Article 3(b).

545 ICC Statute, Article 8(1).

546 ICC Statute, Article 17(1)(d).

547 See Statement of Sergey Aksyonov on Twitter: “I support the proposal of the Russian Federation Investigation Committee head Alexander Bastrykin considered extremism a fact of denial of the referendum in the Crimea”, 18 April 2016, available at: https://mobile.twitter.com/aksenov_sv/status/722068972032638976?lang=ru (last accessed: 6.09.2016); See Statement of Natalya Poklonskaya: “All actions aimed at non-recognition of the Crimea as a part of Russia, will be prosecuted. In addition, people who incite ethnic hatred in the Republic of Crimea, will be denied entry to the Crimea”: Unian, “Репрессии против крымских татар под видом заботы о «гражданах»”, 24 September 2014, available at: <http://www.unian.net/society/988740-repressii-protiv-krymskih-tatar-pod-vidom-zaboty-i-grajdanah.html> (last accessed: 6.09.2016); See also legislative measures and executive actions taken against opponents documented throughout this Report.

548 E.g.: OHCHR, ‘Report on the human rights situation in Ukraine 16 February to 15 May 2016’, p.44, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 2.08.2016): “Since [the occupation], Crimean residents have witnessed a sharp deterioration of the human rights situation, including the imposition of a new legal framework restrictive of civil liberties, abductions and disappearances, the shutting down of opposition media outlets and the silencing of dissenting voices through the initiation of repressive measures, including abusive criminal proceedings, targeting mainly pro-Ukrainian activists and Crimean Tatar institutions.”

549 See section II(A) (Factual Background – A Brief History of the Crimean Peninsula).

550 See section II(A) (Factual Background – A Brief History of the Crimean Peninsula).

tity as a group is closely associated with the Islamic faith and traditions.⁵⁵¹ Their distinction from the Slavic majority is also apparent in their unique language, script, distinctive cultural practices and historic roots.⁵⁵²

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.⁵⁵³ 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.⁵⁵⁴ 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.⁵⁵⁵

203. According to our analysis, at least five Crimean Tatars have been murdered,⁵⁵⁶ and 10 have disappeared⁵⁵⁷ 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.⁵⁵⁸ At least nine of these detainees have reported being subjected to torture and other inhuman acts.⁵⁵⁹

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.⁵⁶⁰ The Mejlis, a representative body of Crimean Tatars, has been banned by occupying authorities as an 'extremist' organisation,⁵⁶¹ its leaders banished from the peninsula, arrested and/or threat-

551 International Committee for Crimea, Greta Lynn Uehling, *Crimean Tatars*, 2000, available at: <http://www.iccrimea.org/scholarly/krimtatars.html> (last accessed: 2.08.2016).

552 International Committee for Crimea, Greta Lynn Uehling, *Crimean Tatars*, 2000, available at: <http://www.iccrimea.org/scholarly/krimtatars.html> (last accessed: 2.08.2016).

553 The Telegraph, 'Special Report: Crimea Tatars endure second tragedy under Russian rule', 7 July 2016, available at: <http://www.telegraph.co.uk/news/2016/07/07/special-report-crimea-tatars-endure-second-tragedy-under-russian/> (last accessed: 2.08.2016).

554 The Sydney Morning Herald, 'In Crimea, Tatars step up resistance to Russian rule', 17 February 2016, available at: <http://www.smh.com.au/world/in-crimea-tatars-step-up-resistance-to-russian-rule-20160215-gmuva3.html> (last accessed: 2.08.2016).

555 OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', p.44, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 2.08.2016); The Telegraph, 'Special Report: Crimea Tatars endure second tragedy under Russian rule', 7 July 2016, available at: <http://www.telegraph.co.uk/news/2016/07/07/special-report-crimea-tatars-endure-second-tragedy-under-russian/> (last accessed: 2.08.2016); According to the former leader of the Crimean Tatar Mejlis, Dzhemilev, "Mr Putin offers the Tatars a simple bargain: to keep silent or leave Crimea".

556 See section V (Murder and Disappearance).

557 See section V (Murder and Disappearance).

558 See section VII (Illegal Detention).

559 See section VI (Inhuman Treatment and Torture).

560 See OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', p.45, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 2.08.2016); "OHCHR is increasingly worried about the growing number of large scale 'police' actions conducted with the apparent intention to harass and intimidate Crimean Tatars and other Muslim believers" – e.g.: Raid on Pionerske village on 1 April 2016 leading to detention of 35 Tatars; Raid of Molodizhne village mosque on 6 May 2016 with detention of 100 Muslim men; Raid of market in Simferopol on 7 May 2016, leading to arrest of 25 Muslim men.

561 The Guardian, "Crimean court bans 'extremist' Tatar government body", 26 April 2016, available at: <https://www.theguardian.com/world/2016/apr/26/court-bans-extremist-crimean-tatar-governing-body-mejlis-russia> (last accessed: 3.08.2016); Atlantic Council, 'What the Banning of Crimean Tatars' Mejlis Means', 2 May 2016, available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/what-the-banning-of-crimean-tatars-mejlis-means> (last accessed: 3.08.2016); According to the OHCHR: "In addition to prohibiting any public activity and the use of bank accounts, the decision means that the estimated 2,500 members of the national and local Mejlis bodies can now incur criminal liability and could face up to eight years in prison for belonging to an

ened with prosecution.⁵⁶²

205. Crimean 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

206. 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

organization recognized as 'extremist': OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', p.45, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 2.08.2016).

562 See cases of Chygiyoz, Yunusov, Nebiev, Asanov, Kantemirov, Umerov, Djemiliev; See section VIII (Forced Displacement); See also: The New York Times, "Russia Is Trying to Wipe Out Crimea's Tatars", 19 May 2016, available at: http://www.nytimes.com/2016/05/20/opinion/russia-is-trying-to-wipe-out-crimeas-tatars.html?_r=1 (last accessed: 3.08.2016).

563 E.g.: For two years in a row, Crimean Tatars have been banned from publicly commemorating the 1944 Deportation on 18 May, with arrests made against Tatars who displayed ethnic symbols on or around this date – See section VII (Illegal Detention); See also: OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 132; Unian, "Crimean Tatars banned from honoring 1944 deportation victims", 17 May 2016, available at: <http://www.unian.info/politics/1347910-crimean-tatars-banned-from-honoring-1944-deportation-victims.html> (last accessed: 12.08.2016).

564 E.g.: Closure of ATR Tatar television channel – OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 17; The Guardian, "Crimea's independent Tatar TV news channel silenced by 'red tape'", 1 April 2015, available at: <https://www.theguardian.com/world/2015/apr/01/crimeas-independent-tatar-tv-news-channel-silenced-by-red-tape> (last accessed: 12.08.2016).

565 E.g.: Hizb-ut-Tahrir – a Muslim organisation banned in the Russian Federation.

566 E.g.s: Chukurcha-djami Mosque in Simferopol; SolnyachnayaDolina Mosque; Simferopol Mosque; Zavet-Leninskii Mosque.

567 The Telegraph, 'Special Report: Crimea Tatars endure second tragedy under Russian rule', 7 July 2016, available at: <http://www.telegraph.co.uk/news/2016/07/07/special-report-crimea-tatars-endure-second-tragedy-under-russian/> (last accessed: 2.08.2016).

568 See: Hiz-ut-Tahrir cases in section X (unlawful detention); See also: The decree of Aksenov "On Approval of the Comprehensive Plan to counter terrorist ideology in the Republic of Crimea in 2015 -2018", 30 Jan. 2015, available at: http://rk.gov.ru/rus/file/pub/pub_238807.pdf (last accessed: 5.09.2016).

569 See section V (Murder and Disappearance); E.g.: Muhiddin; Seitnabiev, Alyautdinov.

570 See section IX (Property Crimes); E.g: Kirovske village case where 3 shops were vandalised with racist messages.

571 See section IX (Property Crimes); E.g.: Monument to Tatar Saint in Schebetovka; Memorial to WWII Turkish soldiers in Sevastopol.

572 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 188; See also: Decree 651 on the development of education and science on the Crimean Peninsula – making no mention of education in Crimean Tatar within its plan, 30 December 2014, available at: <http://po.cfv.ru/pdfs/rk/Ob%20utverzhdenii%20Gosudarstvennoj%20programmy%20razvitiya%20obrazovaniya%20i%20nauki%20v%20Respublike%20Krym%20na%202015-2017%20gody,%20Postanovlenie%20Soveta%20Ministrov%20RK%20ot%2030.12.2014%20N651.pdf> (last accessed: 5/09/2016).

573 The Telegraph, 'Special Report: Crimea Tatars endure second tragedy under Russian rule', 7 July 2016, available at: <http://www.telegraph.co.uk/news/2016/07/07/special-report-crimea-tatars-endure-second-tragedy-under-russian/> (last accessed: 2.08.2016); See section VIII (Forced Displacement).

displacements documented in Section VIII.

II. TARGETING OF UKRAINIANS ON ETHNIC AND/OR POLITICAL GROUNDS

207. Notwithstanding shared historical origins and certain cultural similarities, Ukrainians represent a distinct ethnic group. The distinction is defined by language, unique cultural references and the formation of separate national identities from the 14th century. Prior to the occupation, it is estimated that people self-identifying as Ukrainians made up approximately 20 percent of the total population of the Crimean Peninsula.⁵⁷⁴ The occupation of Crimea and subsequent armed conflict in Donetsk and Luhansk Provinces has strengthened the notion of Ukrainian ethnic and national identity and its separation from 'Russian world'.⁵⁷⁵ More importantly, from the onset of the occupation, the occupying authorities and proxies have subjectively identified as 'Ukrainians' those residents of Crimea who are in actual or perceived opposition to the occupation. This is evidenced, first and foremost, by the obstacles and hardships imposed on residents who chose to reject 'automatic' Russian citizenship in favour of remaining Ukrainian.⁵⁷⁶ It is also apparent from the authorities' rhetoric against any groups or persons who contest the transfer of the peninsula from Ukraine to Russia.⁵⁷⁷

208. According to our analysis, at least two Ukrainians (other than Crimean Tatars who may equally identify as Ukrainians) have been murdered,⁵⁷⁸ and five have disappeared⁵⁷⁹ 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.⁵⁸⁰ At least 25 of these detainees have reported having been subjected to torture and other inhuman acts.⁵⁸¹

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.⁵⁸² 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 legitima-

574 See section II (Factual Background).

575 See Centre on Global Interests, "The 'Russian World': Russia's soft power and geopolitical imagination", May 2015, available at: http://globalinterests.org/wp-content/uploads/2015/05/FINAL-CGI-Russian-World_Marlene-Laruelle.pdf (last accessed: 6.09.2016).

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 Севастополя", 21 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160618/19bbbbfa6e5a06c0d9e8d958af6464287880b069/ (last accessed: 07/05/2016).

577 See statements by Sergey Aksyonov, likening the non-recognition of the results of the referendum to extremism and terrorism – Segey Aksyonov's Website, "Сергей Аксёнов: В борьбе с террористической угрозой важен комплексный подход", 18 Jan. 2016, available at: <http://glava.rk.gov.ru/rus/index.htm/news/327284.htm> (last accessed: 6.09.2016).

578 See section V (Murder and Disappearance).

579 See section V (Murder and Disappearances).

580 See section VII (Illegal Detention).

581 See section VI (Torture and Inhuman Treatment).

582 See OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', p.45, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 2.08.2016).

cy of the occupation.⁵⁸³ All those caught doing so are subjected to violence and the arbitrary deprivation of liberty.⁵⁸⁴

210. As per Sergey Aksyonov's diktat, Ukrainian media has been 'purged as a class',⁵⁸⁵ whilst the authorities closely monitor social media and revise the ever increasing list of censored websites.⁵⁸⁶ The study of the Ukrainian language and culture has been removed from Crimean schools and universities.⁵⁸⁷ The Ukrainian Orthodox Church and other Ukrainian denominations have had their properties seized and their leadership displaced from the territory of the peninsula.⁵⁸⁸ Cultural links between the Crimean Peninsula and Ukraine are being severed by the occupying authorities.⁵⁸⁹ Some 60 000 Crimean residents have fled to Ukraine as a result of the occupation.⁵⁹⁰

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.⁵⁹¹ A leaked letter from the regional deputy head of the FSB to Sergey Aksyonov proposes a plan to suppress the Tatars' opposition.⁵⁹² 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'.⁵⁹³ 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

583 See 'Peninsula of Fear: Chronicle of Occupation and violation of Human Rights in Crimea', 2016, p.43-45, available at: http://helsinki.org.ua/wp-content/uploads/2016/05/PeninsulaFear_Book_ENG.pdf (last accessed: 6.09.2016).

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

585 TASS, "Аксенов распорядился глушить украинские СМИ на территории Крыма", 26 November 2015, available at: <http://tass.ru/obschestvo/2476492> (last accessed: 6.09.2016).

586 Segodnya, "«Няша» Поклонская закрыла за «экстремизм» более 10 сайтов в Крыму", 12 May 2015, available at: <http://www.segodnya.ua/regions/krym/nyasha-poklonskaya-zakryla-za-ekstremizm-bolee-10-saytov-v-krymu--614841.html> (last accessed: 6.09.2015).

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."

588 See section VIII (Forced Displacement); See also: OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 264-265.

589 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 256-265.

590 See section VIII (Forced Displacement).

591 The Telegraph, 'Special Report: Crimea Tatars endure second tragedy under Russian rule', 7 July 2016, available at: <http://www.telegraph.co.uk/news/2016/07/07/special-report-crimea-tatars-endure-second-tragedy-under-russian/> (last accessed: 2.08.2016).

592 The document was leaked by Liga News, 'Какой план репрессий против Меджлиса реализует ФСБ: документ', 1 June 2016, available at: http://news.liga.net/news/politics/10981146-kakoy_plan_repressiy_protiv_medzhliisa_realizuet_fsb_dokument.htm (last accessed: 3.08.2016).

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.

213. 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.

214. 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

215. 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.rk/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 accseed: 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 Conventions⁵⁹⁵ and has been condemned by the UN Security Council,⁵⁹⁶ the UN General Assembly,⁵⁹⁷ and the UN Commission on Human Rights.⁵⁹⁸ 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.⁵⁹⁹ Individuals have been tried and found guilty of crimes associated with this conduct at the Nuremberg trials.⁶⁰⁰ 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.⁶⁰¹

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.

599 UN Sub-Commission on Human Rights, Final report of the Special Rapporteur on the Human Rights Dimensions of Population Transfer, including the Implantation of Settlers and Settlements.

600 International Military Tribunal at Nuremberg, Case of the Major War Criminals, Judgment.

601 ICC Statute, Article 8(2)(b)(viii).

St Petersburg.⁶⁰² A prominent member of the Russian Parliament and leader of the right-wing LDPR party, Vladimir Zhirinovskiy has publicly proposed to transfer two to three million mainland Russians to the peninsula.⁶⁰³ Residents of Crimea report the arrival of thousands of Russian citizens to replace current residents as doctors, teachers, civil servants and small business owners.⁶⁰⁴

219. 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.”⁶⁰⁵ 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.⁶⁰⁶

220. 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 24percent to 15.1percent - representing an estimated 230 000 people.⁶⁰⁷ 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”.⁶⁰⁸ Conversely, the same analysis shows a relative increase of the ethnic Russian population from 60.4percent to 65.3percent.⁶⁰⁹

221. 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,⁶¹⁰ occupying authorities had announced that by November 2014, the total population of Crimea had increased by 280 000 people.⁶¹¹

(III) CONCLUSION

222. 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,⁶¹² it would appear that the occupying authorities are deliberately altering the demographic or ethnic composition of the Crimean Peninsula

602 All Crimea News, “Крым пользуется бешеной популярностью у трудовых мигрантов”, 14 November 2015, available at: <http://news.allcrimea.net/news/2015/11/14/krym-polzuetsya-beshennoi-populyarnostju-u-trudovyyh-migrantov-48637/> (last accessed: 20.05.2016).

603 Rusnovosti, “Жириновский предложил переселить в Крым 2-3 млн человек с севера России”, 14 November 2015, available at: <http://rusnovosti.ru/posts/386993> (last accessed: 20.05.2016).

604 Крым.Realii, “Выходишь на улицу и в ушах звенит от акающего акцента» – из крымских сетей”, 16 November 2015, available at: <http://ru.krymr.mobi/a/27369284.html> (last accessed: 20.05.2016).

605 Radio Svoboda, “Росія штучно заселяє окупований Крим росіянами – Чубаров”, 11 November 2015, available at: <http://www.radiosvoboda.org/content/news/27358042.html> (last accessed: 20.05.2016).

606 Radio Svoboda, “Росія штучно заселяє окупований Крим росіянами – Чубаров”, 11 November 2015, available at: <http://www.radiosvoboda.org/content/news/27358042.html> (last accessed: 20.05.2016).

607 Andrei Illarionov, ‘Катастрофический фактор’, Kasparov.ru, 15 April 2015, available at: <http://www.kasparov.ru/material.php?id=552E31B8AFC23> (last accessed: 19.05.2016). More recent statistics are currently unavailable.

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).

611 Russia Beyond the Headlines, “Population of Crimea increases by 280,000 people since joining Russia – authorities”, 10 November 2014, available at: http://rbth.com/news/2014/11/10/population_of_crimea_increases_by_280000_people_since_joining_russia_-_a_41278.html (last accessed: 20.05.2016).

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

613 ICRC, Rule 95. Forced Labour, Customary IHL, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule95 (last accessed: 20.05.2016).

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: "Об 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 Севастополя, 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).

617 Law of the Russian Federation, 'О воинской обязанности и военной службе', 4 July 2015, available at: <http://docs.cntd.ru/document/901704754> (last accessed: 3.08.2016).

618 Law of the Russian Federation, 'О воинской обязанности и военной службе', 4 July 2015, available at: <http://docs.cntd.ru/document/901704754> (last accessed: 3.08.2016).

619 See section X (Persecution).

620 OSCE, "Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015)", 17 September 2015, available at: <http://www.osce.org/odihr/180596> (last accessed: 3.08.2016).

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.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.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.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.⁶²⁵

conscription-to-russian-army-starts-in-crimea.html (last accessed: 20.05.2016) - citing the Russian Defence Ministry.

622 OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', p.47, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf (last accessed: 2.08.2016):

623 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 172.

624 ICC Statute, Article 8(2)(a)(v).

625 OSCE, Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015), 17 September 2015, para. 180.

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

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.

627 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.

- Ordering,⁶³¹ soliciting or inducing the commission of such a crime,⁶³² which in fact occurs or is attempted;⁶³³
- Facilitating the commission of such a crime by aiding, abetting or otherwise assisting in its commission or its attempted commission, including providing the means for its commission;⁶³⁴ or In any other way contributing to the commission or attempted commission of such a crime by a group of persons acting with a common purpose.⁶³⁵

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.⁶³⁶ 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,⁶³⁷ as a result of his or her failure to exercise control properly over such forces.⁶³⁸ 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,⁶³⁹ 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. Kvočka 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 number 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.

essary and reasonable measures⁶⁴⁰ within his or her power to prevent⁶⁴¹ or repress⁶⁴² their commission, or failed to submit the matter to the competent authorities for investigation and prosecution.⁶⁴³

235. Likewise, a civilian superior may be criminally responsible for crimes committed by subordinates under his or her effective authority and control.⁶⁴⁴ The civilian superior must be shown to have known or consciously disregarded information,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.

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:

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:

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.

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.

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.

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.

644 Article 28(b) of the ICC Statute.

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:

NAME	POSITION (held since)	REPORTS TO	PROFILE AND LINK TO ALLEGED CRIMINAL CONDUCT
Sergey Aksyonov	Head of the Republic of Crimea (since 27 February 2014)	Russian Federation Council of Ministers and President of the Russian Federation (Vladimir Putin)	Assumed position during a closed session of Parliament occupied by unidentified heavily armed combatants. 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.

646 Section II (C) (Factual Background – The Invasion of the Crimean Peninsula).

647 The Washington Post, "Crimea and the morality of secession", 07 March 2014, available at: <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/03/07/crimea-and-the-morality-of-secession/> (last accessed 19/05/2016).

648 Русское Единство, "История межрегиональной общественной организации «Русское Единство»" available at: <http://russkoe-edinstvo.com/about/istoriya> (last accessed: 12/06/2016); See also: Reuters, "RPT-INSIGHT-How the separatists delivered Crimea to Moscow", 13 March 2014, available at: <http://in.reuters.com/article/ukraine-crisis-russia-aksyonov-idINL6N0M93AHZ0140313> (last accessed: 31/05/2016).

649 E.g.: Law of the Republic of Crimea On National Militia - National Squad of the Republic of Crimea, available at: <http://rg.ru/2014/07/09/krim-zakon22-reg-dok.html>, (last accessed: 19.04.2016).

650 See letter from FSB to Sergey Aksyonov leaked by Liga News, "Какой план репрессий против Меджлиса реализует ФСБ: документ", 1 June 2016, available at: http://news.liga.net/news/politics/10981146-kakoy-plan_repressiy_protiv_medzhisa_realizuet_fsb_dokument.htm (last accessed: 3.08.2016).

651 TASS, "Губернатором Севастополя избран Сергей Меняйло", 09 October 2014, available at: <http://tass.ru/politika/1496996>, (last accessed: 19/05/2016).

652 Echo of Moscow, "Владимир Путин подписал указ о назначении временно исполняющих обязанности главы Республики Крым и Севастополя" 15 April 2014, available at: <http://>

Georgiy Muradov	Deputy Prime Minister of the Republic of Crimea and Representative of Crimea to the President of the Russian Federation	Head of the Republic of Crimea (Sergey Aksyonov); President of the Russian Federation (Vladimir Putin)	Muradov has played an important role in consolidating Russian institutional control over Crimea since the onset of the occupation. ⁶⁵³ 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.
Vladimir Konstantinov	Chairman of the Supreme Council - Parliament (since 11 March 2014)	Head of the Republic of Crimea (Sergey Aksyonov)	Former Deputy of the Supreme Council of the Autonomous Republic of Crimea 1998-2002 and a strong supporter of the union with Russian Federation. ⁶⁵⁴ He was one of the signatories of the annexation agreement. ⁶⁵⁵ In his position as head of the legislative branch, Konstantinov is responsible for enacting legislation that enables criminal conduct set out in this report.
Olga Kovitidi	Member of the Russian Upper House of Parliament for Crimea (since 26 March 2014)	President of the Russian Federation (Vladimir Putin)	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. ⁶⁵⁶ Regarded as a key figure in the annexation and Russian occupation of the peninsula. ⁶⁵⁷ 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.

⁶⁵³ European Union, "COUNCIL IMPLEMENTING REGULATION (EU) No 961/2014 of 8 September 2014 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine", available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.271.01.0008.01.ENG (last accessed: 19/07/2016).

⁶⁵⁴ Business Insider, "Obama Just Announced Sanctions Against 7 Russian 'Cronies'", 17 March 2014, available at: <http://www.businessinsider.com/crimea-vote-referendum-sanctions-obama-putin-2014-3>, (last accessed 19/05/2016).

⁶⁵⁵ Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов подписан в г. Москве 18 марта 2014, available at: http://www.consultant.ru/document/cons_doc_LAW_160398/ (last accessed: 12/06/2016); See also: Kremlin.ru, "Agreement on the accession of the Republic of Crimea to the Russian Federation signed", 18 March 2014, available at: <http://en.kremlin.ru/events/president/news/20604> (last accessed: 02/06/2016).

⁶⁵⁶ Myrotvorets Center for Research, "Kovitidi Olga Fedorovna", available at: <https://psb4ukr.org/criminal/kovitidi-olga-fedorovna/>, (last accessed: 21/05/2016).

⁶⁵⁷ OSCE, Statement on the rejection of Russia's designation of Olga Kovitidi as a Member of the OSCE Parliamentary Assembly, 18 February 2015, available at: <http://www.osce.org/pa/141421> (last accessed: 18/07/2016)

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. ⁶⁵⁸ Publicly recognised that the MPs from Crimea were the initiators of inviting Russian soldiers to take over the Verkhovna Rada of Crimea. ⁶⁵⁹ He remains a key figure in the occupying authorities of the peninsula. As Russian senator for Crimea, Tsekov is responsible for the enactment of laws by the Russian Parliament which contribute to the criminal conduct described herein.
Rustam Temirgaliev	Former Deputy Chairman of the Council of Ministers of Crime (11 March to 11 June 2014)	Head of the Republic of Crimea (Sergey Aksyonov)	Temirgaliev played a key role in the Russian annexation of Crimea. ⁶⁶⁰ He publicly announced that land occupied by returnee Crimean Tatars will be seized. ⁶⁶¹ He was also a key organizer of the referendum on independence. ⁶⁶² He is accused of the alleged theft of 300kg of gold from a Ukrainian Bank in Crimea. ⁶⁶³ His position and alleged conduct require further investigation.

⁶⁵⁸ Myrotvoretz Center for Research, "Tsekov Sergej Pavlovich", available at: <https://psb4ukr.org/criminal/cekov-sergej-pavlovich/>, (last accessed: 21/05/2016).

⁶⁵⁹ European Union, "COUNCIL DECISION (CFSP) 2016/359 of 10 March 2016

amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine", available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?amp;toc=O%3AL%3A2016%3A067%3ATOC&uri=uriserv%3AOJL_2016.067.01.0037.01.ENG (last accessed 18/07/2016).

⁶⁶⁰ Reuters, "EU sanctions list includes Russian commanders, Crimea PM", 17 March 2014, available at: <http://www.reuters.com/article/eu-russia-sanctions-idUSB5N0LP01720140317>, (last accessed: 19/05/2016); The Huffington Post, "Crimea Is 'First Step' Towards Secession Of East Ukraine To Russia, Says Deputy PM Rustam Temirgaliev", 17 March 2014, available at: http://www.huffingtonpost.co.uk/2014/03/17/crimea-east-ukraine_n_4977892.html (last accessed: 18/07/2015).

⁶⁶¹ FIDH and Centre for Civil Liberties, "Ukraine : Les victimes oubliées Graves violations des droits humains", August 2014, available at: https://www.fidh.org/IMG/pdf/20140818_ukraine_fidh_ccl_fr.pdf, (last accessed: 18/07/2016).

⁶⁶² U.S Department of the Treasury, Treasury Designates Seven Individuals And One Entity Contributing To The Situation In Ukraine, 4 November 2014, available at: <https://www.treasury.gov/press-center/press-releases/Pages/jl2355.aspx> (last accessed: 18/07/2016).

⁶⁶³ Interfax, "Бывший первый вице-премьер Крыма заподозрен в хищении золота из Ощадбанка Украины", 17 February 2015, available at: [http://www.archive.org/web/20150217172114/](http://www.archive.org/web/20150217172114/http://www.interfax.ru/russia/424671)

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

NAME	POSITION (held since)	REPORTS TO	PROFILE AND LINK TO ALLEGED CRIMINAL CONDUCT
Sergey Abisov	Minister of the Interior of the Republic of Crimea (since 26 March 2014)	Minister of the Interior of the Russian Federation (Vladymyr Kolokolcev ⁶⁶⁴); Head of the Republic of Crimea (Sergey Aksyonov)	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
Oleg Kirilin	Deputy Minister of the Interior of the Republic of Crimea – Chief of Investigations (since 31 March 2014)	Minister of the Interior of the Republic of Crimea (Sergey Abisov)	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.
Andrey Ivancov	Deputy Minister of the Interior of the Republic of Crimea (since 31 March 2014)	Minister of the Interior of the Republic of Crimea (Sergey Abisov)	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.
Dmitry Neklyudov	Former Deputy Minister of the Interior of the Republic of Crimea (5 May 2014 – 30 Apr. 2016)	Minister of the Interior of the Republic of Crimea (Sergey Abisov)	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.
Petro Zyma	Head of the Security Service of Crimea (since 3 March 2014)	Head of the Republic of Crimea (Sergey Aksyonov)	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.

⁶⁶⁴ Official web-site of Russian Federation Internal Affairs Ministry, available at: <https://mvd.ru/mvd/Rukovodstvo/item/670533/>, (last accessed 15/05/2016).

⁶⁶⁵ Sections VII (Illegal Detention) and X (Persecution).

⁶⁶⁶ US Department of the Treasury, "Treasury Designates Seven Individuals And One Entity Contributing To The Situation In Ukraine", 4 November 2014, available at: <https://www.treasury.gov/press-center/press-releases/Pages/jl2355.aspx> (last accessed 19/07/2016).

Viktor Palagin	Head of the Federal Security Service (FSB) in the Republic of Crimea and the Sevastopol (since April 2014).	Director of Federal FSB (Alexander Bortnikov)	The FSB has played a key role in conducting arrests and illegal detention of high-profile actual or perceived dissidents on the Crimean Peninsula, ⁶⁶⁷ as well as raids and harassment on discriminatory grounds. ⁶⁶⁸ As regional head of the FSB, Palagin has authority and control over FSB agents operating on the peninsula.
Natalia Poklonskaya	Prosecutor General of Crimea (since 11 March 2014)	Prosecutor General of the Russian Federation (Yuriy Chaika)	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. ⁶⁶⁹ Poklonskaya was also instrumental in the breakup and banning of the Mejlis. ⁶⁷⁰
Igor Shevchenko	Prosecutor General of Sevastopol (since 25 March 2014)	Prosecutor General of the Russian Federation (Yuriy Chaika)	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. ⁶⁷¹
Petr Jarosh	Head of the Federal Migration Service for Crimea (since 28 March 2014)	Head of the Federal Migration Service (Konstantin Romodanovsky)	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. ⁶⁷²
Oleg Kozyura	Head of the Federal Migration Service for Sevastopol (since 26 March 2014)	Head of the Federal Migration Service (Konstantin Romodanovsky)	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. ⁶⁷³

667 See section VII (Illegal Detention).

668 E.g.: 11 and 12 February 2016 house raids in Yalta, Alushta and Bakhchisaray districts: OHCHR, "Report on the human rights situation in Ukraine 16 November 2015 to 15 February 2016", p.45, 15Feb2016; on 24 June 2014, FSB agents raided a madrassa in the village of Kolchugino in the Simferopol district and searched dozens of private Crimean Tatar houses: Forum 18 News Service: Felix Corley, "Crimea: Raids, violence, threats – but what protection do victims get?" Available at: http://www.forum18.org/archive.php?article_id=1972.

669 Section X (Persecution).

670 Guardian, "Crimean court bans 'extremist' Tatar governing body", 26 April 2016, available at: [https://www.theguardian.com/world/2016/apr/26/court-bans-extremist-crimean-tatar-govern-](https://www.theguardian.com/world/2016/apr/26/court-bans-extremist-crimean-tatar-governing-body-mejlis-russia)
[ing-body-mejlis-russia](https://www.theguardian.com/world/2016/apr/26/court-bans-extremist-crimean-tatar-governing-body-mejlis-russia) (last accessed: 19/07/2016).

671 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

239. 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.

NAME	POSITION (held since)	REPORTS TO	PROFILE AND POTENTIAL LINK TO ALLEGED CRIMINAL CONDUCT
Vladimir Putin	President of the Russian Federation (since 2012)	N/A	President Putin has admitted ordering the occupation of Crimea. ⁶⁷⁴ 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.
Dmitry Medvedev	Prime Minister of the Russian Federation (since 2012)	President of the Russian Federation (Vladimir Putin)	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.
Vladislav Surkov	Member of the Presidential Administration and adviser to the President on Abkhazia, South Ossetia and Ukraine (since 2013)	President of the Russian Federation (Vladimir Putin)	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. ⁶⁷⁵ Surkov has also been accused of directing the sniper groups that shot and killed protesters during the Euromaidan protests in Kyiv. ⁶⁷⁶
Sergey Glazyev	Member of the Presidential Administration and adviser to the President on Ukraine	President of the Russian Federation (Vladimir Putin)	Widely regarded as President Putin's chief adviser on Ukraine, he talked openly of intervening militarily a month before Russian troops moved into Crimea. ⁶⁷⁷ 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.

⁶⁷⁴ Россия 1, "Крым. Путь на Родину", Кондрашов А., available at: https://russia.tv/brand/show/brand_id/59195/ (last accessed: 12/06/2016); See also: BBC, "Putin Reveals Secrets of Russia's Crimea Takeover Plot", 9 March 2015, available at: <http://www.bbc.com/news/world-europe-31796226> (last accessed: 20/04/2016).

⁶⁷⁵ The Atlantic, "The Hidden Author of Putinism", 07 November 2014, available at: <http://www.theatlantic.com/international/archive/2014/11/hidden-author-putinism-russia-vladislav-surkov/382489/>, (last accessed: 21/05/2016).

⁶⁷⁶ Censor.net, "SBU Chairman accuses Putin's aide Surkov of directing sniper groups during Maidan executions in February 2014", 22 February 2015, available at: http://en.censor.net.ua/news/325451/sbu_chairman_accuses_putins_aide_surkov_of_directing_sniper_groups_during_maidan_executions_in_february (19/07/2016).

⁶⁷⁷ BBC, "Ukraine crisis: Russia and sanctions", 19 December 2014, available at: <http://www.bbc.com/news/world-europe-26672800>, (last accessed: 21/05/2016).

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. ⁶⁷⁸ In December 2014, he was tasked with overseeing the preparation and implementation of the occupation of the Crimean Peninsula. ⁶⁷⁹ 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	Former Minister for Crimean Affairs (31 March 2014 – 15 July 2015)	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. ⁶⁸⁰ 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.

678 BBC, "Ukraine crisis: Russia and sanctions", 19 December 2014, available at: <http://www.bbc.com/news/world-europe-26672800>, (last accessed: 21/05/2016).

679 Myrotvorets Center for Research, "Kozak Dmitrij Nikolaevich", available at: <https://psb4ukr.org/criminal/kozak-dmitrij-nikolaevich/>, (last accessed: 22/05/2016).

680 Sputnik News, "Oleg Savelyev heads up new Russian Ministry for Crimean affairs - Russian PM", 31 March 2014, available at: http://sputniknews.com/voiceofrussia/news/2014_03_31/Oleg-Savelyev-heads-up-new-Russian-Ministry-for-Crimean-affairs-Russian-PM-4033/, (last accessed: 21/05/2016). See also, Sputnik News, "Ministry for Crimean affairs to be created in Russian govt - Russian PM Medvedev", 31 March 2014, available at: http://sputniknews.com/voiceofrussia/news/2014_03_31/Ministry-for-Crimean-affairs-to-be-created-in-Russian-govt-Russian-PM-Medvedev-7418/, (last accessed: 21/05/2016).

Oleg Belaventsev	Plenipotentiary Representatives of the Russian Federation on the Crimean Peninsula (21 March 2014)	President of the Russian Federation (Vladimir Putin)	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. ⁶⁸¹
Sergey Shoygu	Minister of Defence of the Russian Federation (since 2012)	Prime Minister of the Russian Federation (Dmitry Medvedev); President of the Russian Federation (Vladimir Putin)	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. ⁶⁸²

681 Sensor. net, "Мы готовы были сбивать самолет Турчинова над Крымом, - член Совбеза РФ Белавенцев. ВИДЕО", from 13 March 2016, available at: http://sensor.net.ua/video_news/378881/my_gotovy_byli_sбивat_turchinova_nad_kрымom_chlen_sovbeza_rf_belaventsev_video, (last accessed: 22/05/2016).

682 E.g.: Vagner (Torture); Karachevskiy (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.⁶⁸³ In practice, these groups were instrumental in Russia’s take-over of the peninsula and its resources⁶⁸⁴ 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.⁶⁸⁵ 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).⁶⁸⁶

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

NAME OF GROUP	LEADER	PROFILE AND LINK TO ALLEGED CRIMINAL CONDUCT
Crimean Self Defence Militia	Pavel Sheremet	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. ⁶⁸⁷ Legitimised and given the status of the ‘people’s guard’ by law promulgated by the Government and Parliament of Crimea. ⁶⁸⁸
Crimean Cossacks	Vladimir Cherkashin and Sergey Yurchenko with allegiance pledged to Sergey Aksyonov	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. ⁶⁸⁹ The group has formally joined the Crimean Self Defence Militia.

683 Народное Ополчение Республика Крым, “Устав Общественной Организации”, 9 Sep. 2014, available at: <http://narodnoe-opolchenie.ru/ustav-obshhestvennoy-organizatsii/>, (last accessed: 12/06/2016).

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

685 Законопроект № 613379-6 О внесении изменений в Федеральный конституционный закон от 21 марта 2014 года № 6-ФКЗ «О принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов - Республики Крым и города федерального значения Севастополя»

(о нормативных актах органов государственной власти Республики Крым и города Севастополя), available at: <http://asozd2.duma.gov.ru/main.nsf/%28SpravkaNew%29?OpenAgent&RN=613379-6&02> (last accessed: 8.09.2016).

686 Law of the Republic of Crimea On National Militia - National Squad of the Republic of Crimea, available at: <http://rg.ru/2014/07/09/krim-zakon22-reg-dok.html>, (last accessed: 19.04.2016).

687 See relevant sections above; See also: Human Rights Watch, “Crimea: Attacks, ‘Disappearances’ by Illegal Forces”, 14 March 2014, available at: <https://www.hrw.org/news/2014/03/14/crimea-attacks-disappearances-illegal-forces>, (last accessed: 22/05/2016).

688 Law of the Republic of Crimea On National Militia - National Squad of the Republic of Crimea, available at: <http://rg.ru/2014/07/09/krim-zakon22-reg-dok.html>, (last accessed: 19/04/2016).

689 The Jamestown Foundation, “The Crimean Operation: Russian Force and Tactics”, 01 April 2014, available at: http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=42164&no_cache=1#.VzhN9Whv6M8, (last accessed: 22/05/2016).

SOBOL	Vitaliy Hramov	A sub-set of the Crimean Cossacks group, its aim is to support the overthrow of Ukrainian rule in Crimea and to train separatists to fight Ukrainian forces in Eastern Ukraine. ⁶⁹⁰
Terek Cossack Army or 'Taurian Hundred'	Vadim Ylovchenko	A sub-set of the Crimean Cossacks group. ⁶⁹¹
Black Sea Cossack Hundred	Anatoly Mareta	A sub-set of the Crimean Cossacks group. ⁶⁹²
Sevastopol Partioti	Igor Rudenko-Minich	A sub-set of the Crimean Cossacks group. ⁶⁹³
Kerch Union of Cossacks	Ataman Samoilov	A sub-set of the Crimean Cossacks group. ⁶⁹⁴
Unity	Ataman Sirotkin	A sub-set of the Crimean Cossacks group. ⁶⁹⁵
Night Wolves	Alexander Zaldostanov	A Russia-based biker gang that has personal connections with President Putin. ⁶⁹⁶ The Night Wolves are linked to an attack and appropriation of Ukrainian natural gas facility and Ukrainian naval headquarters in Sevastopol. ⁶⁹⁷

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.

690 EU observer, "EU blacklist sheds light on Putin's rag-tag Ukraine army", 26 July 2014, available at: <https://euobserver.com/foreign/125116>, (last accessed: 22/05/2016).

691 Inform Napalm, "СЕПАРАТИСТЫ КРЫМА", 01 April 2014, available at <https://informnapalm.org/22-separatysty-kryma-kazachya-5-ya-kolonna-k/>, (last accessed: 22/05/2016).

692 Inform Napalm, "СЕПАРАТИСТЫ КРЫМА", 01 April 2014, available at: <https://informnapalm.org/22-separatysty-kryma-kazachya-5-ya-kolonna-k/>, (last accessed: 22/05/2016).

693 Inform Napalm, "СЕПАРАТИСТЫ КРЫМА", 01 April 2014, available at: <https://informnapalm.org/22-separatysty-kryma-kazachya-5-ya-kolonna-k/>, (last accessed: 22/05/2016).

694 Inform Napalm, "СЕПАРАТИСТЫ КРЫМА", 01 April 2014, available at: <https://informnapalm.org/22-separatysty-kryma-kazachya-5-ya-kolonna-k/>, (last accessed: 22/05/2016).

695 Inform Napalm, "СЕПАРАТИСТЫ КРЫМА", 01 April 2014, available at: <https://informnapalm.org/22-separatysty-kryma-kazachya-5-ya-kolonna-k/>, (last accessed: 22/05/2016).

696 The Telegraph, "US slaps sanctions on Putin's biker gang over Ukraine", 21 December 2014, available at: <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/11306537/US-slaps-sanctions-on-Putins-biker-gang-over-Ukraine.html> (last accessed: 20/07/2016).

697 The Telegraph, "US slaps sanctions on Putin's biker gang over Ukraine", 21 December 2014, available at: <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/11306537/US-slaps-sanctions-on-Putins-biker-gang-over-Ukraine.html> (last accessed: 20/07/2016).

XIII. Issues relating to the admissibility of potential cases before the International Criminal Court (ICC)

246. In addition to satisfying jurisdictional requirements,⁶⁹⁸ a potential case before the ICC must fulfil the three admissibility criteria inscribed in the ICC Statute – complementarity, gravity and the interests of justice.⁶⁹⁹ 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.⁷⁰⁰ 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.⁷⁰¹ 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.”⁷⁰²

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.⁷⁰³ Other investigations

698 See section III (Jurisdiction).

699 ICC Statute, Article 17(1)(a-c); Article 17(1)(d) and Article 53(1)(c).

700 See ICC, Appeals Chamber, Situation in the Democratic Republic of The Congo, Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, “Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case,” [ICC-01/04-01/07], 25 September 2009, para. 78

701 See ICC, Appeals Chamber, Situation in the Democratic Republic of The Congo, Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, “Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case,” [ICC-01/04-01/07], 25 September 2009, para. 78

702 See ICC, Pre-Trial Chamber I, Situation in Libya, Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi, “Decision on the Admissibility of the Case Against Abdullah Al-Senussi”, [ICC-01/11-01/11-466-Red], 11 October 2013, para. 210. See also: ICC, The Office of the Prosecutor, “Policy Paper on Preliminary Examinations,” November 2013, para 49

703 E.g.: Karachevskiy – Karachevskiy’s alleged killer, Zaitsev, was arrested and brought to trial. However, Zaitsev was found guilty of homicide committed in excess of measures necessary to apprehend a perpetrator and sentenced to 2 years. Evidence of premeditated homicide was disregarded by the trial court; Bylialov – despite clear signs of bruising and cutting on his body

have been allowed to remain open, with no evidence of genuine activity or intention to bring perpetrators to account.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.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.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,⁷⁰⁷ and up to 35 per cent of the population of the Crimean Peninsula may constitute actual or potential targets of persecution on ethnic, political and/or religious grounds.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

and witnesses to his abduction, the official police investigation concluded that he died from poisoning from an ‘unknown smoking mixture’; Ametov – despite body being found with signs of torture and handcuffs marks, the official cause of death was held to be as a result of a car accident.

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

705 Regulation 29(2) of the Regulations of the Office of the Prosecutor; ICC, The Office of the Prosecutor, “Policy Paper on Preliminary Examinations,” November 2013, para 61 and ICC, Pre Trial Chamber I, Situation in Darfur, Sudan, Prosecutor v. Bahar Idriss Abu Garda, “Decision on the Confirmation of Charges,” [ICC-02/05-02/09- 243-Red], 8 February 2010, para. 31

706 Criteria were paraphrased from ICC Office of the Prosecutor, “Policy Paper on Preliminary Examinations”, November 2013, available at: https://www.icc-cpi.int/iccdocs/otp/OTP-Policy_Paper_Preliminary_Examinations_2013-ENG.pdf (last accessed: 7.09.2016).

707 Internal Displacement Monitoring Centre, “Ukraine IDP Figures Analysis”, August 2015, available at: <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis> (last accessed: 16/08/2016).

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 Sürgünlük' 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.

709 ICC Office of the Prosecutor, "Policy Paper on Preliminary Examinations", November 2013, para. 71, available at: https://www.icc-cpi.int/iccdocs/otp/OTP-Policy_Paper_Preliminary_Examinations_2013-ENG.pdf (last accessed: 7.09.2016).

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)).

262. 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));

263. 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.

264. 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.



IPHR International
Partnership
for Human Rights

Square de l'Aviation 7A 1070 Brussels, Belgium

T +32 (0) 2 880 03 99

E IPHR@IPHRonline.org

W IPHRonline.org

T /twitter.com/IPHRonline

F /facebook.com/IPHR

