



## Under the russian heel and trowel

Cases of cultural cleansing and erasing of the Crimean Tatar authenticity

The CrimeaSOS and the “Truth Hounds” report — Kyiv, 2018



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## Executive summary

The report presents the cases of what may be called cultural cleansings in Crimea. It reveals how the cultural identity of Crimean Tatars is being erased. Moreover, the report shows that the diverse history of the Peninsula is being substituted by the history with the explicit pro-Russian narratives. The named phenomena may be qualified as the manifestations of the crime against humanity in the form of persecution.

## Introduction

Most of the cultural heritage of the Crimean Tatars was destroyed during the Soviet era. The main blow was inflicted during the period of Stalin's repression, after the deportation of 1944 (GKO decree No. 5859-cc of May 11, 1944). In the years of 1944–1948 there were three waves of renaming of settlements, as a result of which over 80% of the names in the Crimean Tatar language in the Crimea were changed to Russian. Religious institutions, mosques, madrasas, were transferred to a collective farms for economic needs, rebuilt or destroyed in the 30s of the twentieth century. A special session of the Department of History of the Academy of Sciences of the USSR dedicated to the Crimea was held in 1952. It resulted in a general ideological approach that was adopted to the history of the Crimean peninsula. It justified the expulsion of the Crimean Tatars as a hostile element. In post-war history textbooks Crimean Tatars instead of a thousand-year history of the indigenous people were called as "alien nomads of the Golden Horde"<sup>1</sup>, capturing the peninsula in the 14th century.

*"Nadinsky became an official historian of the Crimea in the 50's and 60's, then Sagatovsky in the 70's, both professors. The entire Soviet Union studied the history of the Crimea according to their textbooks. All the time they promoted the ideological thesis that*

*the Crimea was conquered by the Russian Empire to protect the Russian population from the raids of the Crimean Tatars."*<sup>2</sup>

After the annexation of Crimea in 2014 by Russia, this ideology of "the absence of indigenous peoples" is again used by the occupation authorities to legitimize the Russification.

Archimandrite Tikhon, Executive Secretary of the Patriarchal Council for Culture said: "We need to teach very clearly, especially to the younger generation, that the Crimea is absolutely inseparable from Rus' and from Russia, beginning with the fact that Greeks considered Russians to be residents of the Crimea and called them Tauroskifs. Meaning that Russians come from the Crimea. They were Russians for the ancient antic culture. Spiritual and ecclesiastical roots of the Crimea impregnate completely all of Russia. Andrew the First-called preached the holy gospel from here. Then he went to the Dniipro. But his first sermon was here."<sup>3</sup>

*"Modern Russian historiography believes that we, the Crimean Tatars, have nothing to do with what was before the 13th, the beginning of the 14th centuries. Putin said, "Well, we came here with you much later than the Greeks." It is very advantageous for the Russian ideology to consider us as a diaspora, and not indigenous people. They count the history of the Crimean Tatars from the Golden Horde - "you are Mongols, you are Tatars, Diaspora". Modern historiography returned to the political ideology of the 1940s, the period of Stalin's deportation, when everything was unequivocally said and our people and the Khanat were considered as hostile elements. And now Putin and people from the Ministry of Defense of Russia are stating the same - "we have defended the Russian people, no one will take Crimea", meaning that the Crimean Tatars were engaged in predatory attacks on the native Russian lands."*<sup>4</sup>

On April 21, 2014 a Decree of the President of the Russian Federation No. 268 "On measures to rehabilitate the Armenian, Bulgarian, Greek, Crimean Tatar and German peoples and state support for

1 Witness statement CU001

2 Witness statement CU001.

3 Kremlin.ru, 'Встреча с деятелями культуры.' – <http://www.kremlin.ru/events/president/news/46453> (last accessed 10/09/2018).

4 Witness statement CU001.

*their revival and development*" was signed.<sup>5</sup> In fact it secures the same status for repressed diasporas and the status of Crimean Tatars as representatives of the diaspora. The decree was criticized for various reasons by the political leaders of the Crimean Tatar movement *"in exile"*, and people interviewed by the documenters of the Truth Hounds and CrimeaSOS in the occupied territory.

Why do they [the Russian authorities] believe that they have done me a great favor with this decree on rehabilitation? It turns out that I should thank and rejoice that my people officially acquitted in the public eye that we were not guilty of a crime, of treason? I believe that this is not enough, they should not rehabilitate us, but apologize.<sup>6</sup>

In accordance with the Decree of the Head of the Republic of Crimea on April 20, 2015 № 105-U *"On the Day of Revival of the Rehabilitated Peoples of the Crimea"*, April 21 will be celebrated as the Day of Revival of the Peoples of Crimea.

Sergei Aksyonov, chairman of the so-called. *"Council of Ministers of the Republic of Crimea said: "After reunion with Russia, our peninsula returns to its natural state of cultural and religious diversity and equality. There can no longer be an obsessive and aggressive division of peoples into "titular", "indigenous" and "alien" supposedly living on this land as uninvited and not too welcome guests under this order of things. [...] Kyiv and its allies in the Mejlis have consistently pursued a policy of contradiction the Crimean Tatars to the rest of the Crimean peoples, primarily the Russians. For this, the topic of deportation was also used. [...] Crimean Tatars, like the vast majority of Crimeans, successfully integrated into the multinational Russian community and became full members of the huge family of the peoples of Russia."*

With further discussion of assigning the status of indigenous people to the Crimean Tatars, the position of the Russian authorities remains the same.

On May 16, 2014, on the eve of the 70th anniversary of the deportation of Crimean Tatars, Russian President Vladimir Putin met with representatives of the Crimean Tatar community in his residence.

When asked about the right of the Crimean Tatars to self-determination, he answered the following:

*"You know, of course, one can think about it. We only, solving one question, can not generate other problematic [questions]."*

*What do I mean? One of the indigenous peoples, including the repressed peoples, is the Greeks, they also have the right, the Greeks were here before us, do you understand? Therefore, we need to look very carefully at all this. If you have any concerns that the Decree [Decree of the President of the Russian Federation of April 21, 2014 No. 268 on measures for the rehabilitation of the Armenian, Bulgarian, Greek, Crimean Tatar and German peoples and state support for their revival and development – note], which was signed by me, is not an absolute guarantee of the execution of what is inside there, we can think more to be sure such fears do not arise. I'm ready to think with you. But only, I repeat, if it do not create problems."*<sup>8</sup>

This same ideology of *"equality of peoples"* predetermines the actions of the Russian Federation in relation to the surviving material monuments of the Crimean Tatar culture.

During the meeting between Vladimir Putin, Dmitriy Medvedev and the official cultural representatives in Crimea, these theses were once again announced. Vladimir Putin:

V.Putin: One of the priorities is the support of the national cultures and traditions of the Crimea. Crimea, in fact, reflects the multinational Russia, and here, as well as throughout our country, it is crucially to preserve peace, harmony, balance of interests of different ethnic groups. As you know, the process of rehabilitation of the repressed Crimean people has begun, the legislation has consolidated the equality of three languages –

5 Kremlin.ru, 'Указ Президента Российской Федерации от 21.04.2014 г. № 268'. – <http://kremlin.ru/acts/bank/38356> (last accessed 10/09/2018).

6 Witness statement CU002.

7 21 апреля – День возрождения реабилитированных народов Крыма. – <https://simfmo.rk.gov.ru/article/show/293> (last accessed 10/09/2018).

8 Встреча с представителями крымских татар. – <http://kremlin.ru/events/president/news/21028> (last accessed 10/09/2018).

Russian, Ukrainian and Crimean Tatar.

[.]

All peoples living in the Crimea should feel absolutely equal, that is why it was decided that all languages were equal, in fact, received the status of state languages: Crimean Tatar, and Russian, and Ukrainian.

[.]

*Probably, the Crimeans know that, to put it mildly, not everywhere the conditions in which they live are worthy of a man of the XXI century living in Europe, and here we also have a lot of work planned. There is only one thing that I would like to draw attention to: we will work absolutely with everyone who wants the good to the peoples of Russia, including the Crimean Tatar people living here in the Crimea. And we will not work with those who speculate on the problems of the past and make their profession and way of earning money, make PR on the problems of the past. We will not work with these people.<sup>9</sup>*

Despite the declared trilingualism on the peninsula, Russian is the dominant language in education, media, public places. Road signs with the names of settlements in both Russian and Crimean Tatar are being gradually replaced by tablets in Russian.<sup>10</sup>

Moreover findings of the Truth Hounds and the CrimeaSOS joint mission in Aug – Sept 2018 proves that Russian Federation under meaning of reconstruction is committing attacks on Crimean Tatars cultural heritage trying to blur cultural identity of the said group.

The cultural heritage in the Crimea can be divided into 4 periods:

- ◇ The Prekhanate period (Stone Age – 1449)
- ◇ The Crimean Khanate era (1449–1783 years)
- ◇ The Russian Empire and USSR period (1783 – 1944)
- ◇ The period of deportation and return (1944 till nowadays).

We distinguish each of these periods

conventionally, based on the history of the Crimean Tatars and their cultural heritage. For this report, we decided to focus on only a few objects. Those are not the most significant ones but are more than representative for the understanding of Russian Federation policy on the cultural heritage in Crimea.

## Prekhanat period: Stone Age – 1449

### General survey

The cultural heritage of Crimea, which was formed during the long historical period by representatives of different ethnic groups, is a significant and peculiar stratum of world cultural heritage. This is a wide panorama of historical and cultural objects – the remnants of ancient Greek city-states and cave cities, defensive structures and fortresses, ancient temples, memorial houses and complexes, cemeteries and individual burials, reserves, and museums. Here are some monuments, conventionally admitted to the European tradition, as well as many significant objects of the Crimean Tatar artistic culture and outstanding examples of the Islamic architectural tradition.

Before the annexation of the peninsula in 2014, in the registry of the Autonomous Republic of Crimea and Sevastopol, there were 1004 architectural and urban monuments, 7227 archeological monuments, 3861 historical monuments, 520 objects of monumental art. 273 objects were of nationwide scale. In Crimea, there are seven reserves: the Tauric Chersonese National Preserve (founded in 1978, granted with the national status in 1994); State Alupka Palace-Park Complex (1990); Bakhchisaray Historical, Cultural and Archaeological Museum-Reserve (1990); Kerch Historical and Cultural Reserve (1987); Koktebel Ecological Historical and Cultural Reserve of M. Voloshin's Cimmeria (2000); Republican Historical and Archaeological Reserve of Kalos Limen (1997),

9 Встреча с деятелями культуры. – <http://www.kremlin.ru/events/president/news/46453> (last accessed 10/09/2018).

10 Witness statement CU003.

the Sudak Reserve (since 1958).<sup>11</sup>

The Ancient City of Tauric Chersonese and its Chora is included in the UNESCO World Heritage List in 2013. For that time, the List contained 936 objects of cultural and natural heritage, including seven ones representing Ukraine<sup>12</sup>. The UNESCO World Heritage List is being maintained and constantly sustainable since 1978. Being added in the List provides an object with additional warranties of preservation and integrity, as well as increases the prestige of the territories and their institutions. The status of the object contributes to the development of cultural tourism in the region; it allows to attract international economic and political assistance of UNESCO experts in case of conflict situations. Since 2011 the protection of cultural heritage in Crimea was actively supported under the EU projects of Identification Study for the Promotion of Cultural Heritage in Crimea and the Crimean Tourism Support and Diversification Project<sup>13</sup>.

There are five Crimean objects represented in UNESCO Tentative list, submitted by Ukraine: Bakhchysarai Palace of the Crimean Khans (since 2003), The historical surroundings of Crimean Khans' capital in Bakhchysarai (since 2012), Complex of the Sudak Fortress Monuments of the 6th – 16th c. (since 2007), Trading Posts and Fortifications on Genoese Trade Routes from the Mediterranean to the Black Sea (since 2010), Cultural Landscape of "Cave Towns" of the Crimean Gothia (since 2012).<sup>14</sup>

The UNESCO monitoring missions have been

interrupted in 2014, as the UNESCO does not recognize the act of Crimea annexation by Russian Federation. On April 11, 2018, the UNESCO Executive Board at its 204th session in Paris adopted the report of Follow-up of the Situation in the Autonomous Republic of Crimea (Ukraine)<sup>15</sup>. It is the 9th such decision since the illegal occupation of the peninsula by Russia. The report envisages the continuation of the monitoring by UNESCO of the situation in Crimea within its fields of competence<sup>16</sup>.

Amidst the annexation of Crimea, the issue of cultural heritage protection is particularly acute. Russian annexation is accompanied by several vectors of policy on cultural heritage in the Crimea: war crimes of encroachments on cultural values (damaging and illicit trafficking of cultural objects); culpable negligence in the process of restoration of cultural objects; ignoring and deliberate deprivation of the Crimean Tatar objects of their original significance (negation or substitution of its values with inherent Russian ones).

This report is designed to describe this policy in general terms, using examples from several cases, which are strong illustrations of these acts of Russian authorities.

## The case of Tauric Chersonese

The cultural heritage in the Crimea belongs to the old ages. The earliest discoveries on the territory of the Crimean Peninsula are dated by the Middle Paleolithic – the Kiik-Koba cave. Centuries-long

11 Перелік пам'яток культурної спадщини національного значення Автономної Республіки Крим, занесених до Державного реєстру нерухомих пам'яток України. – [http://mincult.kmu.gov.ua/control/uk/publish/article?art\\_id=245365203&cat\\_id=244910406](http://mincult.kmu.gov.ua/control/uk/publish/article?art_id=245365203&cat_id=244910406) (last accessed 10/09/2018); Перелік пам'яток культурної спадщини місцевого значення Автономної Республіки Крим, занесених до Державного реєстру нерухомих пам'яток України. – [http://mincult.kmu.gov.ua/control/uk/publish/article?art\\_id=245323810&cat\\_id=244910406](http://mincult.kmu.gov.ua/control/uk/publish/article?art_id=245323810&cat_id=244910406) (last accessed 10/09/2018).

12 UNESCO. World Heritage List – <https://whc.unesco.org/en/list/> (last accessed 10/09/2018).

13 ACE International Consultants in consortium with GDSI Ltd. Identification Study for the Promotion of Cultural Heritage in Crimea – [http://eeas.europa.eu/archives/delegations/ukraine/documents/virtual\\_library/gdsi\\_brochure\\_eng\\_en.pdf](http://eeas.europa.eu/archives/delegations/ukraine/documents/virtual_library/gdsi_brochure_eng_en.pdf) (last accessed 10/09/2018); Crimean tourism diversification and support project. 2011/S 152-251372 – [Crimean tourism diversification and support project – Europa EU](#) (last accessed 10/09/2018).

14 Sites of Tentative list // Ukraine – <https://whc.unesco.org/en/statesparties/ua> (last accessed 10/09/2018).

15 UNESCO. Executive Board, 204th. Follow-up of the Situation in the Autonomous Republic of Crimea – [UNESCO. Executive Board; 204th; Follow-up to decisions ... - unesdoc](#) (last accessed 10/09/2018).

16 Ibid.

history unites at the territory of Crimea multiple ethnoses and state formations. Their traces constitute the cultural heritage of the Crimea.

One of the most important monuments of the ancient history of the Crimea – Tauric Chersonese, an ancient Greek polis at the territory of modern Sevastopol. Tauric Chersonese was founded in 422–421 BC as a Greek colony on the northern coast of the Black Sea. At that time, it was an important trade, handicraft and political center of the southwestern coast of Crimea.

The exploration of the ruins of Chersonese started in 1827. The excavations revealed the remains of Greek, Roman and Byzantine defense fortifications, living quarters, buildings with swimming pools, baths, fully equipped household, and handicraft buildings, more than 50 Christian churches, public bath-houses, theater etc. Behind the city walls, numerous burial sites were found.

Based on the archeological findings of Chersonese, the National Archeological Park of Tauric Chersonese was established. On 23 June 2013, the Tauric Chersonese and its Chora were included to the UNESCO World Heritage List<sup>17</sup>. Among the advantages following from the inclusion to the list is the possibility of receiving financial support for the protection of the listed objects from the World Heritage Fund as well as regular monitoring by the UNESCO.

After the Russian annexation of the Crimean Peninsula, the situation with Tauric Chersonese became threatening. The UNESCO does not recognize the annexation and thus is abided by the United Nations General Assembly Resolution of 27 March 2014, on *“Territorial Integrity of Ukraine,”*<sup>18</sup> which makes impossible the continuation of the monitoring of Chersonese. Consequently, until

now the monitoring has been suspended and the situation with Chersonese is monitored only from the open sources.

During the 204<sup>th</sup> session of the UNESCO Executive Board, taking place on 9–17 April 2018 in Paris, the decision was adopted named *“Follow-up of the situation in the Autonomous Republic of Crimea (Ukraine)”*. The document states that *“the direct UNESCO monitoring of the situation on the peninsula is the only viable answer”* to the massive violations of human rights in Crimea and that *“there is no other alternative”*.

*“A thorough analysis of information received from human rights defenders and other reliable sources, drives to a conclusion that human rights situation in Crimea, including the rights of minorities, has continued to worsen throughout the period covered by the present information document, reflecting persistent and even growing disrespect of human rights and fundamental freedoms manifested by Russia since the outset of the occupation of the peninsula”*.<sup>19</sup>

It is important to understand that Russia prohibits the access to the Crimea of the international observers and monitoring groups, which collect information on human rights violations. Thus, for the last three years, the representatives of the UN Human Rights Monitoring Mission in Ukraine cannot enter the territory of the Crimea<sup>20</sup>.

But what do we know about the situation with Chersonese? We receive some information about the condition of the monument from the open sources, and this information is far from reassuring.

From September 2015, the Tauric Chersonese was included in the list of the objects of the federal level of the Russian Federation<sup>21</sup>. Since then

17 Ancient City of Tauric Chersonese and its Chora – <https://whc.unesco.org/en/list/1411> (last accessed 10/09/2018).

18 Follow-up to decisions and resolutions adopted by the executive board and the general conference at their previous sessions. P. I.D., p. 7. – <http://unesdoc.unesco.org/images/0026/002615/261576e.pdf> (last accessed 10/09/2018).

19 Follow-up to decisions and resolutions adopted by the executive board and the general conference at their previous sessions. – <http://unesdoc.unesco.org/images/0026/002615/261576e.pdf> (last accessed 10/09/2018).

20 Спостерігачі «нон грата»: чому місія ООН не може розпочати роботу в Криму. – <https://ua.krymr.com/a/28529946.html> (last accessed 10/09/2018).

21 Об отнесении древнего города Херсонеса Таврического к объектам культурного наследия федерального значения

the information about the preservation of the monument is controversial.

Before that, the governor of Sevastopol, the former deputy commander of the Black Sea fleet Sergey Meniaylo fired the expert of the underwater archeology Andrey Kulagin from the museum complex of Chersonese and appointed the archpriest Sergey Haluta to this position. Such a replacement of the directory was perceived by many as an attempt to pass the ancient monument to the church<sup>22</sup>.

In July 2015, in the yard of the Saint Vladimir Cathedral, which is located at the territory of the museum of Tauric Chersonese, the paving tile was laid. Although the works were ceased, the construction equipment destroyed the middle age layings. These actions were formally justified by the necessity to prevent the natural and climatic influences<sup>23</sup>.

In his speeches, the president of the Russian Federation Vladimir Putin refers to Chersonese

as a kind of argument for the legalization of the annexation:

*“For our nation this event [the annexation of Crimea – note] bears a particular meaning, for our people live in Crimea, and the territory itself is of strategic importance, for right here there is situated a spiritual source for the formation of multifaced, but monolithic Russian nation and centralized Russian state, for right here, in Crimea, in ancient Chersonese, or as it was called by Russian chroniclers, Korsun, grand prince Vladimir was baptized, who subsequently baptized the whole Rus”<sup>24</sup>*

At the moment at the territory of Chersonese the building works are conducted. In 2017 the president of the Russian Federation suggested to start the construction on the territory of Chersonese of the “Russian Mecca”. He announced that Chersonese has to be designated as “a separate cultural theme” to highlight the fact that it was the starting point for the consolidation of the centralized Russian state<sup>25</sup>. This promotion as “a separate cultural theme” should take place through the



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– <http://government.ru/docs/19520/> (last accessed 10/09/2018).

22 В Херсонесе Таврическом столкнулись наука и религия. – [https://www.bbc.com/russian/international/2015/07/150731\\_crimea\\_chersonese\\_row](https://www.bbc.com/russian/international/2015/07/150731_crimea_chersonese_row) (last accessed 10/09/2018).

23 В «Херсонесе Таврическом» без согласования с ЮНЕСКО заменили плитку (обновлено). – [https://lb.ua/culture/2016/01/12/325319\\_hersonese\\_tavricheskom\\_bez.html](https://lb.ua/culture/2016/01/12/325319_hersonese_tavricheskom_bez.html) (last accessed 10/09/2018).

24 Крым имеет для России сакральное значение, заявил Путин. – <https://ria.ru/politics/20141204/1036533683.html> (last accessed 10/09/2018).

25 Путин предложил создать в Херсонесе «российскую Мекку». – <http://www.interfax.ru/russia/575482> (last accessed 10/09/2018).

establishment of the historical–archeological park of Tauric Chersonese. The planning documentation for the construction project has to be adopted during 2018, but all the information is still closed to the public.

In the meanwhile, the construction works have already started. Near the tower of Zeno the concrete plinth was made, the entrance is being rebuilt, the construction materials are stored at the territory of the park<sup>26</sup>.

In April 2016, in the course of reconstruction and modernization of the site, the Italian courtyard was completely demolished as well as the ancient fountain nearby. At the moment on the territory of the park the gas pipelines are laid<sup>27</sup>. Back then, in 2016, when part of Chora was destroyed, the act about the destruction was drawn up, however the person who ordered it remained unestablished, so the court proceedings on this issue were not initiated<sup>28</sup>. One year before this on the territory of Chora the ceramics of 4–3<sup>rd</sup> century BC was found.

This winter the bulldozers destroyed the ancient Chora of the 3<sup>rd</sup> century – it is planned to construct the museum depository of the archeological museum–park of Tauric Chersonese there. The building will be erected by the Rost–E Moscow company, the customer of the construction is the Federal state–run enterprise of Directory on the Construction, Reconstruction and Restoration, and the supervisor is the Moscow company of Arena Project Institute of the Unique Facilities. Nearby there has been almost entirely destroyed another Chora, and the ancient road – at that place a new kindergarten will be built<sup>29</sup>.

Two more details should be considered: more

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26 Елена Майко. «Стройка века» в Херсонесе: что происходит с объектом ЮНЕСКО. – <https://ru.krymr.com/a/stroitelstvo-v-hersonese-razrushaet-obyekt-yunesko/29445889.html> (last accessed 10/09/2018).

27 Ibid.

28 Прокуратура не может добраться до российских военных, закатавших в бетон античную усадьбу на хоре Херсонеса. – <http://meridian.in.ua/news/27088.html> (last accessed 10/09/2018).

29 Елена Майко. «Стройка века» в Херсонесе: что происходит с объектом ЮНЕСКО. – <https://ru.krymr.com/a/stroitelstvo-v-hersonese-razrushaet-obyekt-yunesko/29445889.html> (last accessed 10/09/2018).

30 Ibid.

31 До Ермітажу вивозяться кримські колекції із «Херсонеса Таврійського». – <https://www.rbc.ua/ukr/news/ermitazh-vyvozyatsya-krymskie-kollektsii-1445265774.html> (last accessed 10/09/2018).

32 Witness statement CU001, CU002, CU003

than a half of the territory of Tauric Chersonese is situated on the coastline. And from 2017 the works on the bank protection are prepared, which might threaten the preservation of the complex<sup>30</sup>. Another thing is the constant relocation of the artefacts from the territory of the park to museums of the Russian Federation, and in particular to the Hermitage<sup>31</sup>. In the near future the number of such relocations might increase due to the celebration in April 2019 of the 100<sup>th</sup> anniversary of the Russian archeology in the Russian Federation. The exhibitions dedicated to this event are already being prepared and it is unlikely that they will be limited only by Russian archeology.

It should be understood why these actions are criminal. The major requirement of the UNESCO to the monuments is the preservation of their historical authenticity. The rebuilding on the territory of Tauric Chersonese might influence its status as the World Heritage site. For our survey report the situation with Tauric Chersonese is symptomatic: such an attitude to the ancient monuments on the territory of the Crimea is a tendency.

## Khanat period

### Case of restoration of Ozbek Khan Mosque and reconstruction of Khansarai

The biggest part of the material objects of the Crimean Tatars culture the Khan period were destroyed in the Soviet times.

Among the Crimean Tatar monuments preserved to our days<sup>32</sup> these are the most valuable:

Tekie dervishes (khanqah, the abode of dervishes) in Kezlev (Yevpatoria) 44°44'55"N 33°52'56"E was built in 15–16th centuries, the only khanqah in Crimea. The cultural property number 261–H.<sup>33</sup>

Ozbek Khan Mosque and the Madrasah in Eski Qırım (Staryi Krym) 45°01'45"N 35°05'19"E the oldest mosque was built in 14th century, the cultural property number 276–H.<sup>34</sup>

The palace's complex Khansarai (Khan's Palace) in Bakhchisaray 44°44'55.22"N 33°52'55.06"E was built in the 16th century. The only example of Crimean Tatar palace architecture in the world, a part of Bakhchisaray State Historical and Cultural Reserve, the cultural property number 285–H.<sup>35</sup>

Particularly noteworthy is that the mentioned monuments were not included in the list of national cultural heritage of Ukraine<sup>36</sup> despite their great importance and value because of culture politics, provided by authorities of the Autonomous Republic of Crimea in the 90s–2000s. To include an object to the list of national cultural heritage according to the Ukrainian law<sup>37</sup> and the order of the inclusion approved by the resolution #1760 of the Cabinet of Ministers of Ukraine from 27.12.2001<sup>38</sup>, the relevant appeals should have been filed from the relevant executive authorities of the AR of Crimea.

In particular, the witness<sup>39</sup> mentions some unsuccessful appeals to Tatiana Umrikhina, who managed the cultural sphere of Crimea for 9 years.

Mrs. Umrikhina was a member of the parties "Russian Block" and "Party of Regions" headed the profile commission in the republican parliament from 2002 to 2006. At the period 2006 – 2010 she held the Deputy Chairman post in the Council of Ministers of the Autonomous Republic of Crimea and supervised profile ministries, including the Ministry of Education and Science, the Ministry of Health, the Ministry of Culture and Arts and the Republican Committee for Interethnic Relations and Deported Citizens.<sup>40</sup> The Minister of Culture in 2010–2011.<sup>41</sup>

After the annexation of Crimea, 20.10.2015 more than 220 objects located on the territory of the Republic of Crimea and Sevastopol were included in the list of cultural heritage of federal significance by order # 2073–p from 17.10.2015 of the Cabinet of Ministers of the Russian Federation.<sup>42</sup>

Than the restoration or anti-emergency work was carried out at least at two mentioned objects. The State Committee for the Protection of Cultural Heritage of the Republic of Crimea was a customer of these works.

33 Постанова від 24 серпня 1963 р. N 970 "Про впорядкування справи обліку та охорони пам'яток архітектури на території Української РСР". – [http://search.ligazakon.ua/l\\_doc2.nsf/link1/KP630970.html](http://search.ligazakon.ua/l_doc2.nsf/link1/KP630970.html) (last accessed 10/09/2018)

34 Постанова від 24 серпня 1963 р. N 970 "Про впорядкування справи обліку та охорони пам'яток архітектури на території Української РСР". – [http://search.ligazakon.ua/l\\_doc2.nsf/link1/KP630970.html](http://search.ligazakon.ua/l_doc2.nsf/link1/KP630970.html) (last accessed 10/09/2018)

35 Постанова від 24 серпня 1963 р. N 970 "Про впорядкування справи обліку та охорони пам'яток архітектури на території Української РСР". – [http://search.ligazakon.ua/l\\_doc2.nsf/link1/KP630970.html](http://search.ligazakon.ua/l_doc2.nsf/link1/KP630970.html) (last accessed 10/09/2018)

36 Міністерство культури України, Реєстр пам'яток національного значення. – [http://mincult.kmu.gov.ua/control/uk/publish/article?art\\_id=2453652036cat\\_id=244910406](http://mincult.kmu.gov.ua/control/uk/publish/article?art_id=2453652036cat_id=244910406) (last accessed 10/09/2018)

37 Закон України "Про охорону культурної спадщини". – <http://zakon.rada.gov.ua/laws/show/1805-14> (last accessed 10/09/2018)

38 Про затвердження Порядку визначення категорій пам'яток для занесення об'єктів культурної спадщини до Державного реєстру нерухомих пам'яток України. – <http://zakon.rada.gov.ua/laws/show/1760-2001-%D0%BF> (last accessed 10/09/2018)

39 Witness statement CU003

40 Главком, "Крымский премьер определился со своими заместителями". – <https://glavcom.ua/news/8509-krymskij-premer-opredelilsja-so-svoimi-zamestiteljami.html> (last accessed 10/09/2018)

41 Решение Верховной Рады АРК "О назначении Умрихиной Т.В. на должность министра культуры и искусств АРК". – <http://zakon.rada.gov.ua/krym/show/rb0070002-10> (last accessed 10/09/2018)

42 Об отнесении объектов культурного наследия, расположенных в Крыму, к объектам культурного наследия федерального значения. – <http://government.ru/docs/20140/> (last accessed 10/09/2018)

## The restoration of Uzbek Khan Mosque

The oldest mosque in Crimea, Uzbek Khan Mosque (Özbek Han camisi) was built during the reign of Uzbek Khan in 1314. Madrasah was built by Inci Hatun, daughter of Kilburun Bey, in 1332 and

project “The Mosque and the Madrasah”<sup>44</sup> on their website. In the list of company’s objects under the #N°67 it was specified as “Implementation of emergency anti-damage, repair and restoration work on the object of cultural heritage: “*The Mosque and the madrasah*” (1314) at the address: The Republic of Crimea, Staryi Rym, Chapaeva lane, 5.<sup>45</sup>



<https://uk.wikipedia.org>

adjacent to the southern wall of the mosque. Now the madrasah is in ruins, but the mosque was partially restored in 1988–1992 and since that time it’s still functioning.<sup>43</sup>

On 25.11.2015 LTD Meandr, the restoration and construction company from St. Petersburg, Russian Federation, reported on the beginning of the

According to witnesses by documentators of Truth Hounds and CrimeaSOS, the protective canopy has been set over the ruins of the madrasah.<sup>46</sup>

*“The builder contractor was some “ALEV Stroy”. The emergency work has been carried out. They overhauled the roof. Floor beams were not changed.*

43 Witness statement CU005

44 Начало проекта: “Мечеть и Медресе”. – <https://meander-group.ru/news/nachalo-proekta-mechet-hana-uzbeka/> (last accessed 10/09/2018)

45 Объекты. – <https://meander-group.ru/objects/> (last accessed 10/09/2018)

46 TruthHounds’ database. Video “Madrash” #01040818



*Tiled coating was not change too, just cleaned. For the cleaning of the shingles it was used a specialized composition. For the complete replacement of the structures on the wooden first floor (woman's part of mosque) it was delivered a special dry wood. I'm not a specialist, so I can't say about technologies, but they used the same materials and took the same parameters – the galvanized gutter, for example".<sup>47</sup>*

## The restoration of Big Khan Mosque in Khansarai

The restoration Büyük Han Camii (Big Khan Mosque) is wide-discussed in media. It was started on September 2017 within the framework of the implementation of the Federal Program "Social and Economic Development of the Republic of Crimea and Sevastopol until 2020".<sup>48</sup> The restoration was commissioned by the State Committee for the Protection of Cultural Heritage of the Republic of Crimea. The Chairman of the Committee is Sergey Alexandrovich Efimov.

According to the official response<sup>49</sup> to a request from activist Abdureshyt Dzhepparov, the provider of the works on the preservation of the cultural heritage the "Khan's Palace" is LTD "ATTA Group Corporation" (Moscow).

During June 08–29, 2017, experts Kuvshinnikov V.D., Skrynnikova E.V., Demidov V.S. conducted a historical and cultural examination for the project documentation on the preservation of the cultural heritage Big Khan Mosque, prepared by LTD "Kiramet" in the accordance to the subcontract with "ATTA Group Corporation". The expertise was provided by order of LTD "Corporation ATTA-Group" and resulted with positive conclusion.<sup>50</sup>

General Director of LTD "Kiramet" Ivanishkina (Bilyk) Yulia Alexandrovna is a daughter of the deputy head of administration, head of the department of architecture of Simferopol district Bilyk Alexander Vasilyevich.

It's necessary to emphasize that the license of LTD "Kiramet" MCRF #04081 from 01.03.2017 includes only the development of project documentation,

<sup>47</sup> Witness statement CU005

<sup>48</sup> Крым.Реалии: Ситуацию с Ханским дворцом нужно держать на общественном контроле – правозащитник. – [https://gdb.rferl.org/82C7C014-A5CF-4BE9-A786-66B94502A973\\_w1597\\_n\\_r0\\_s.jpg](https://gdb.rferl.org/82C7C014-A5CF-4BE9-A786-66B94502A973_w1597_n_r0_s.jpg) (last accessed 10/09/2018)

<sup>49</sup> Крым.Реалии: Ситуацию с Ханским дворцом нужно держать на общественном контроле – правозащитник. – [https://gdb.rferl.org/63231BD2-4D2D-4256-816A-A79B2FD83C5B\\_w1023\\_n\\_r0\\_s.jpg](https://gdb.rferl.org/63231BD2-4D2D-4256-816A-A79B2FD83C5B_w1023_n_r0_s.jpg) (last accessed 10/09/2018)

<sup>50</sup> Акт государственной историко-культурной экспертизы проектной документации по сохранению объекта культурного наследия федерального значения: "Ханский Дворец (18-19 века); Ханская мечеть (1740-1743)". – [https://gkokn.rk.gov.ru/rus/file/pub/pub\\_351922.pdf](https://gkokn.rk.gov.ru/rus/file/pub/pub_351922.pdf) (last accessed 10/09/2018)

but not the restoration work.<sup>51</sup> Despite of this, LTD “Kiramet” started to provide the restoration.

According to the decision<sup>52</sup> by Lenin district court in Rostov-na-Donu from 11.11.2017 the Chairman of the Committee Efimov S.V. was found guilty of violating the order of work on the museum house of Aivazovsky: works, which were defined in the contract as an emergency, later were evaluated by experts as restorative and distorting the historical appearance. The court established, that some types of works were provided LTD “Kiramet” and “Corporation ATTA Group” without the appropriate license.

30.10.2017 the first reports of possible violations during the works in the Big Khan Mosque were published in media.

*“Access to the restored premises is completely prohibited. Director of the reserve Vadim Martynyuk holds a real military regime. Nobody is allowed without his personal permission, even museum staff. On September 2017 they began to dismantle the roof. Than it was raining. They pulled a film over the disassembled roof instead of a protective canopy.”<sup>53</sup>*

The video<sup>54</sup> also clearly shows that the roof replacement work is carried out without a canopy but under the film.

*“Due to the violation of technology (the roof was removed), the western façade, decorated with calligraphic paintings, suffered. On the southern facade there is a red calligraphic painting. The scaffolding rested against this wall. They say – it’s nothing, anyway this is a restoration. That’s Omer’s calligraphy, he’s an author of “Fountain of Tears”, who worked here in 1761–1762.”<sup>55</sup>*

*“Next, the contractor puts concrete onto the wooden belt.<sup>56</sup> Usein Bodaninsky has notes of the composition of the solutions. “Khorasan” solution includes lime 20-year-old, a ceramic powder, all ingredients are mixed in proportions, do not pour concrete there!”<sup>57</sup>*

The contractor claims that during previous repairs the structural roof system was unnoticeably replaced and there are beams of coniferous and fruit wood instead original oak beams.<sup>58</sup>

Director of the historical-culture reserve Martynyuk appeals, that original beams are damaged by beetles and all of them should be changed.<sup>59</sup>

All original beams were changed to modern composite materials from Italy.

*“According to our data, it was necessary to replace about 20% of beams, but not all beams. About 10–15% of beams should be restored — the beams are also the subject of the restoring. Beams are even*

51 Реестр лицензий на деятельность по сохранению объектов культурного наследия (памятников истории и культуры) народов Российской Федерации с 2012 года. – <https://www.mkrf.ru/documents/reestr-litsenziy-na-deyatelnost-po-sokhraneniyu-obektov-kulturnogo-naslediya-pamyatnikov-istorii-i-k/> (last accessed 10/09/2018)

52 Ханський палац. Руйнація під виглядом «реставрації». blob:null/265f2726-2533-4ab2-8a6c-99e0a6c38544, blob:null/0e91a297-005a-4a5c-b9e3-4fa9f90954c4, blob:null/17734a03-25c8-42fd-909c-bd6672f1fa7a, blob:null/0837e8ce-3428-42c8-b805-534bf217f420, blob:null/5cbeb632-1496-4eaf-a06f-9dac349e37ad, blob:null/00135214-7581-45a7-8998-f8667102fa86. – <https://investigator.org.ua/ua/publication/206626/> (last accessed 10/09/2018)

53 Witness statement CU003

54 Крым: 4 года с Россией. Ханский дворец, Зынджирлы медресе, Соборная мечеть. – <https://youtu.be/53K5tmQ7wIE?t=33s> (last accessed 10/09/2018)

55 Witness statement CU003

56 Крым: 4 года с Россией. Ханский дворец, Зынджирлы медресе, Соборная мечеть. – <https://youtu.be/53K5tmQ7wIE?t=1m57s> (last accessed 10/09/2018)

57 Witness statement CU003

58 В Бахчисарае продолжается реставрация Ханского дворца. – [https://youtu.be/9U\\_PcFUJ738?t=1m12s](https://youtu.be/9U_PcFUJ738?t=1m12s) (last accessed 10/09/2018)

59 В Бахчисарае восстанавливается исторический облик «Ханского дворца». – <https://youtu.be/Z1sLAWHIA6M?t=30s> (last accessed 10/09/2018)

processed manually to accurately reproduce the technology.”<sup>60</sup>



Photo by Edem Dudakov

Authentic beams were sawed and folded in the courtyard of Zyndzhyrly madrasah.



Photo by Edem Dudakov

28.02.2018 the deputy of State Duma Ruslan Balbek appeals,<sup>61</sup> that if there had been no unification of the Crimea with Russia, the Khan’s Palace could have perished, but it was saved.

At 08.04.2018 all the slopes of the roof were covered with modern tiles.<sup>62</sup> Authentic tile is stacked in pallets in the courtyard of Zyndzhyrly madrasah.



Photo by Edem Dudakov

*“But if you have a look at the pallets with removed tiles near the madrasah, you will see that most of the tiles are in good condition, 75–80%. When you ask them, how can it be that your project that existed three months earlier, has undergone the examination. There is a type of historical and cultural examination that is being carried for priority work. It is not a complex examination, it is a historical and cultural one, it is used for investment project. And now they replace the tiles being protected cultural heritage object according to the committee’s protection documents. What they do is they exclude object of cultural heritage from the project, and substitute it with new tiles. Martynyuk states that such tiles are not not being made now, so “we cannot find it anywhere”. He does not even aware [since Bodaninsky], that, for instance, that house, that was built in 2010, is covered with tiles gathered in expedition through towns and villages and then sorted. Of course the tiles differ slightly in size and shape. But they sorted them. There is an ethnic restaurant “Alem” in Simferopol that looks like caravanserai and has roof of same area. Isa*

60 Witness statement CU003

61 В Бахчисарае продолжается реставрация Ханского дворца. – [https://youtu.be/9U\\_PcFUJ738?t=3m39s](https://youtu.be/9U_PcFUJ738?t=3m39s) (last accessed 10/09/2018)

62 Крым: 4 года с Россией. Ханский дворец, Зынджирлы медресе, Соборная мечеть. – <https://youtube/53K5tmQ7wIE?t=2m23s> (last accessed 10/09/2018)

Khaibullaev collected old tiles [for its roof] in Staryi Krym town and in Belogorsky district. What they found they sorted for roof flanks. In 2013 they managed to do this, there are plenty of such tiles. It is possible to make an expedition through mountain villages where only few people dwell. There are abandoned houses there that are covered with tiles. You can have it. Previous directors used to do this. But lack of experience, political put-up job and demand for propaganda have all led to these dire consequences.

*Everything we see here but the minarets and the walls themselves, is copy, is something that didn't exist before. Previously there were handcrafted roof tiles that differed slightly from each other. There were thousand of shades and tones, because ovens give uneven. Some were yellowish, another reddish. But these modern tiles are all the same.*<sup>63</sup>

Tiles' fragment was brought to Kyiv for an independent examination. The International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) concluded that the leakage is a result of sealed joints damage between the fragments, rather than damage of historical cover itself. *"The tile was laid on plastic clay that after many years has dried up and cracked on deformed wooden parts of roof's bearing elements."* Obviously, it was necessary to sort out the tiles, clean them and return back on new hermetic layer," informs civil activist Oleksandra Efimenko.<sup>64</sup>

On May 2018 the head of the administration of Bakhchisaray Alexander Trayanov began to call the continued works in Khansky not a restoration, but an emergency response.<sup>65</sup>

17.08.2018 LTD "Meander" published a report about the beginning of the project for the restoration of the Khan's Palace – the main building and the

harem, the Customer is "Krymnaslediye", the completion of works until 31.07.19.<sup>66</sup>

## The Russian Empire and USSR period (1783 – 1944), and the period of deportation and return (1944 till nowadays): the Ayserez case

At the period when the Crimea was part of the Russian empire and USSR, the intensive processes of the Russification and homogenisation of the Crimean population and local cultural heritage took place. Thus, the Crimean Tatar population, which before was the prevailing ethnic element, started to be supplanted after the incorporation of the Crimea into the Russian Empire, which is also known as the first annexation of the Crimea. The incorporation of the Crimea into the Russian Empire in 1783 opened new perspectives for reclamation of this region. After the annexation of the peninsula the Russian government faced a problem of the reinforcement of its positions here. This was dictated by the military strategic position of the Crimea as well as the perspectives of its economic and trade development. However, at the first stage of the incorporation of the Crimea into the Empire the prior task was the transformation of the peninsula in the Russian base on the Black Sea, especially for the Caucasian campaign, which at the end of the 18<sup>th</sup> century was gaining

63 Witness statement CU003

64 Olexandra's FB profile. – [https://www.facebook.com/oleksandra2501/posts/228323811306816?\\_\\_xts\\_\\_\[0\]=68.ARC2X\\_Y0Fc8G0kfowvwDfT5vac7vQN8yGZKE4m2FrV1e5KVfzvJ8bXU0A\\_DSfuBPzRILf\\_ykvPDUaEUm2RcuY498ms1\\_Uthu\\_kFR5FrVuswgbjlaFw-b4FpoX0gNOVKtiF6b0zFdRb\\_5u46vAplxv2vUA8K5hkiF5W-0ImMMuFR20u0j0LDx6\\_\\_tn\\_\\_=-R](https://www.facebook.com/oleksandra2501/posts/228323811306816?__xts__[0]=68.ARC2X_Y0Fc8G0kfowvwDfT5vac7vQN8yGZKE4m2FrV1e5KVfzvJ8bXU0A_DSfuBPzRILf_ykvPDUaEUm2RcuY498ms1_Uthu_kFR5FrVuswgbjlaFw-b4FpoX0gNOVKtiF6b0zFdRb_5u46vAplxv2vUA8K5hkiF5W-0ImMMuFR20u0j0LDx6__tn__=-R) (last accessed 10/09/2018)

65 Глава администрации Бахчисарая Александр Трянов рассказал о реставрации Ханского дворца. – <https://youtu.be/XltC8Wh7WPs?t=29s> (last accessed 10/09/2018)

66 Начало проекта: "Ханский Дворец". – <https://meander-group.ru/news/nachalo-proekta-hanskii-dvorec/> (last accessed 10/09/2018)

momentum. Therefore, there was a pressing need to provide stability and safety within Crimea.

In fact, even before the annexation of the Crimea, in late 1770s, within the Russian governmental milieu appeared the anonymous project named *The Thoughts of One Russian Patriot About Former Affairs and Wars with Tatars and Means To Cease Them Forever*, which envisaged the transformation of the peninsula into the imperial territory. According to this plan, after the “clearing” of the Crimea from Crimean Tatar population, the next step would be its colonization by the Russian and Ukrainian element:

*“Then asking the freemen of Don Cossacks and Little Russians, who wished to live in the Crimea, where it is better to allot the proper places for agriculture or fishing that would satisfy all the hunters”<sup>67</sup>*

Thus, the Russian government began to exert pressure on the Crimean Tatars, practically forcing them to emigrate to Turkey and also populating the Crimea with Slavic people. These measures affected the Crimean toponymy. Since then the maps of Crimea were loaded with predominantly Slavic toponyms. This tradition was also continued by the USSR.

For this report we chose the case of Ayserez, the village near Sudak. This village can be regarded as the reflection of the policy, which Russian authorities used to and still are implementing in the Crimea.

Ayserez is a small village westward from Sudak. The date when it was found is hard to identify, but at its territory there were discovered the remains of the late antique settlements, which means that this site was inhabited for a very long time. The

first mention of Ayserez, found in the Osman tax documentation, dates back to 1652.<sup>68</sup>

In 1944 by the Decree of the State Committee of defence of the USSR №5859 the Crimean Tatars were deported to the Central Asia<sup>69</sup>. On 12 August 1944, the directive “*On the resettlement of the collective farmers to the districts of the Crimea*” entered into force<sup>70</sup>. According to this directive 51 thousand people had to be immediately resettled to the Crimea from the territories of the Russian SFSR (42 thousand people) and the Ukrainian SSR (9 thousand people) till 1 October 1944.

- ◇ 2500 households from Krasnodar— 7500 persons to Alushta region
- ◇ 2000 households from Stavropol — 6000 persons to Sudak region
- ◇ 1000 households from Rostov region — 3000 persons to Yalta region
- ◇ 2000 households from Voronezh region — 6000 persons to Balaklava region
- ◇ 2000 households from Tambov region — 6000 persons to Karasubazar region
- ◇ 700 households from Kursk region — 2100 persons to Karasubazar region
- ◇ 500 households from Krasnodar — 1500 persons to Sudak region
- ◇ 300 households from Kursk region — 900 persons to Starokrymskyi region
- ◇ 1000 households from Orlovsk region — 3000 persons to Bakhchysarai region
- ◇ 1000 households from Rostov region — 3000 persons to Starokrymskyi region
- ◇ 1000 households from Bryansk region — 3000 persons to Bakhchysarai region
- ◇ 3000 households from Ukrainian SSR — 9000 persons to Kuibyshevskyi region<sup>71</sup>

67 Лариса Якубова. Скільки разів Росія анексувала Крим? // Крим: шлях крізь віки. Історія у запитаннях і відповідях. — К.: Ін-т історії України НАН України, 2014. —С. 50-55.

68 Из джизйе дефтера Лива-и Кефе 1652 г. (Османские налоговые ведомости). – <http://www.azovgreeks.com/library.cfm?articleId=18> (last accessed 10/09/2018).

69 Постановление ГКО № 5859сс от 11.05.44. – [https://ru.wikisource.org/wiki/Постановление\\_ГКО\\_№\\_5859сс\\_от\\_11.05.44](https://ru.wikisource.org/wiki/Постановление_ГКО_№_5859сс_от_11.05.44) (last accessed 10/09/2018).

70 Постановление ГОКО № 6372с от 12. 08. 44 г.. – [https://ru.wikisource.org/wiki/Постановление\\_ГОКО\\_№\\_6372с\\_от\\_12.\\_08.\\_44\\_г.](https://ru.wikisource.org/wiki/Постановление_ГОКО_№_6372с_от_12._08._44_г.) (last accessed 10/09/2018).

71 Постановление ГОКО № 6372с от 12. 08. 44 г.. – [https://ru.wikisource.org/wiki/Постановление\\_ГОКО\\_№\\_6372с\\_](https://ru.wikisource.org/wiki/Постановление_ГОКО_№_6372с_)

By the Decree of the Presidium of the Supreme Soviet of the RSFSR from 21 August 1945 Ayserez was renamed to “Mezhdurechie”<sup>72</sup>.

“Ayserez” in Crimean Tatar means “moonlight”. However, the Russian sources present the name as a distorted Greek “Ἅγιος Σέργιος” ([ahious’\_serhius’], – “*Saint Sergiy*”). Saint Sergiy refers to Sergiy Radonizhskiy, the saint wonderworker in the Orthodox tradition. He lived in the 14<sup>th</sup> century. He was born near Rostov and has never visited Crimea<sup>73</sup>. An attempt to link this name with the canons of the Orthodox tradition is the obvious attempt to deny not only the fact that Crimean Tatars inhabited the territory of Ayserez, but also that they constitute an indigenous people of the Crimea.

The very fact of linking of the toponym Ayserez [aiserez] with the Greek “Ἅγιος Σέργιος” [ahious’\_serhius’] is quite a dubious idea. The consonance of these two names is limited, unless we consider the rule of transcription of the Greek letter “γ” as [i], which was adopted only after 1976 (Resolution and the end of diglossia, Greek language question)<sup>74</sup>. Thus, the Greek word “Ἅγιος” was read as [ahios’], that is not even a bit consonant with [ai] in “Ayserez”. Such pronunciation of this word was valid before 1976, and what is more important, has been preserved even after that date, since when it comes to the title of the Orthodox saint, the liturgical Greek is used, which has not undergone any changes and remains conservative. Consequently, even if the theory about the consonance of “Ayserez” and “Ἅγιος Σέργιος” appeared after 1976, it still remains unfounded due to unchanged transcription of the liturgical Greek.

The reason for such games with transcriptions is the apparent importance of the toponymics as part of the historical memory. Geographical names constitute an important component of

the historical memory of peoples, presenting the unique intergenerational medium. The specific nature of the toponyms consists in the fact that they play a role of the bridge into the past and evoke certain historical-cultural associations.

The connection of Ayserez with Sergiy Radonizhskiy is not limited by the issue of the relative consonance of the Crimean Tatar “*ayserez*” and Greek Ἅγιος Σέργιος. In 2000s the representatives of the Orthodox Church of Moscow Patriarchate renamed the Ayserezian source Darlik Kesmesi (darlykh\_keshmesi) into “Fountain of the saint Sergiy Radonizhskiy”. The process of renaming itself was questionable: clergymen just fixed the icon and the name-plate to the cliff above the source. Most importantly, by fixing the icon over the source, they in a way desecrated the source for the Muslims. For in Islam the use of images is forbidden. And thus the source with drinking water, which was also used for ritual purposes, became unusable for Muslim Crimean Tatar population.

Overall, almost no Crimean Tatar population was left in Ayserez (Mezhdurechie). According to the testimonies of the local residents, which were collected by our mission, most of them are aware of the fact that real owners of the buildings where they live keep on residing in the surrounding area in temporary dwellings. One of the witnesses lives in few kilometres from Ayserez. The house of his parents is one of the newest in Ayserez and it was built in 1944. After his return from the deportation (s)he never lodged any claims to Ms. L. from Stavropol, who occupied his family house. Instead he built a hut few kilometres away from the village, and he still resides there. When Ms. L. began to consider selling the house and returning to Stavropol, the witness offered her to purchase the house for a bigger sum than she initially asked for. She hesitated, but in the end gave the house to her granddaughter from Yakutia, who still lives

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[от\\_12\\_08\\_44\\_г.](#) (last accessed 10/09/2018).

72 Указ Президиума ВС РСФСР от 21.08.1945 № 619/3 – [https://ru.wikisource.org/wiki/Указ\\_Президиума\\_ВС\\_РСФСР\\_от\\_21.08.1945\\_№\\_619/3](https://ru.wikisource.org/wiki/Указ_Президиума_ВС_РСФСР_от_21.08.1945_№_619/3) (last accessed 10/09/2018).

73 Епифаний Премудрый. Житие Сергия Радонежского. – <https://www.portal-slovo.ru/philology/37338.php> (last accessed 10/09/2018).

74 Mackridge, Peter (2009). *Language and National Identity in Greece, 1766-1976*. Oxford University Press. ISBN 978-0-19-921442-6.



therein. The witness's hut according to the directive of Sudak city council is going to be demolished in October 2018<sup>75</sup>.

## Legal qualification

*"...it is a profound attack on the identity, the memory and, therefore, the future of entire populations"*

Statement of the Prosecutor of the International Criminal Court with regard to the crimes against cultural objects taken place in Timbuktu, Mali.

For the purposes of this report notion "*cultural heritage*" covers both tangible and intangible cultural values, while notions "*cultural property*" and "*cultural objects*" are fungible and cover material

objects solely in accordance with the definition provided in Art.1 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954.<sup>76</sup>

Crimes against cultural heritage during armed conflicts are not a modern-day phenomenon. Deeply rooted in ancient times, the issue of crimes against cultural objects was back on the agenda with the International Criminal Court's ("*the ICC*") decision to prosecute Ahmad al-Faqi al-Mahdi for destruction of religious and historical sites in Timbuktu, Mali.

Due to the irreparable damage caused by such crimes on certain groups as well as whole populations, international treaty and customary law tends to protect cultural heritage from the effects of armed conflicts by prohibiting attacks on it.<sup>77</sup>

<sup>75</sup> Witness statement CU004.

<sup>76</sup> "For the purposes of the present Convention, the term "cultural property" shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centres containing a large amount of cultural property as defined in subparagraphs (a) and (b), to be known as "centres containing monuments".

<sup>77</sup> Some of the international treaties prohibiting attacks on cultural property: the 1874 Brussels Declaration; the 1899 and 1907 Hague Regulations; the 1949 Geneva Conventions and its two Additional Protocols; the 1950 Nuremberg Principles, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1954 Convention's 1999 Protocol, the Rome Statute of the International Criminal Court of 1998.

Being incidental victims of active hostilities cultural heritage is also frequently subject to focused attacks due to its particular importance for a certain group of people – as reflecting its ethnical, religious, cultural and/or, national, political background.

When the attack on culture heritage is committed with the intent to discriminate – then the attack could fall within the category of crime against humanity of persecution.

Such qualification was for the first time made after the Second World War when national courts began to prosecute former Nazis for crimes committed against Jews, Roma people and other nations. For instance, the Jerusalem District Court in the well-known Eichmann case pointed out that “the persecution of the Jews became manifest in the systematic destruction of the synagogues.”<sup>78</sup>

Another judicial body, the International Tribunal for the Former Yugoslavia (“the ICTY”), later upheld that attacks on religious sites amounts to “an attack on the very religious identity of a people” and, thus, manifests itself as a crime against humanity.<sup>79</sup>

Currently, the persecution in form of destruction of cultural heritage is most notoriously used by ISIS fighters in the occupied territories.

Accordingly, destruction of Crimean Tatars’ cultural heritage (both tangible and intangible) may in principle be treated in international law as the crime against humanity (“CAH”) of persecution. In order to prove that Crimean Tatars are being persecuted, including through the destruction of their culture heritage, the elements of the crime against humanity of persecution as defined in the

Rome Statute and the ICC Elements of Crimes are to be proven.

## Chapeau elements of CAH

In order to qualify as a crime against humanity of persecution the situation under examination should first and foremost satisfy the following chapeau elements of crimes against humanity:

1. Existence of an attack directed against civilian population;
2. Widespread or systematic nature of the attack;
3. Existence of a State or organisational policy or plan to commit an attack;
4. The perpetrator’s knowledge of the attack and that his actions were part of the attack

### Existence of an attack directed against civilian population

An ‘attack’ refers to a multiple commission of the acts under Article 7(1) of the Statute against a civilian population.<sup>80</sup> The prohibited acts constituting an attack may be of different types.<sup>81</sup> Such types of “attack” are not restricted to solely military ones<sup>82</sup>, but can include any mistreatment of the civilian population.<sup>83</sup> For instance, the ICTY considered the expulsion of nearly all Bosnian Muslims and Bosnian Croats from their jobs as an attack on population.<sup>84</sup>

The attack should be committed against civilian population where the expression “*civilian population*” comprises all persons who are not

78 Attorney General v. Eichmann (Trial Judgement), 40/61, Jerusalem District Court, 11 December 1961, para 57; Prosecutor v. Tihomir Blaki (Judgment), IT-95-14-T, 3 March 2000, para. 230.

79 Prosecutor v. Kordić (Trial Judgement), IT-95-14/2-T, 26 February 2001, paras. 206–207

80 ICC Rome Statute, Article 7(2)(a).

81 Prosecutor v. Kayishema (Trial Judgement), ICTR-9S-I-T, 25 May 1999, para. 122.

82 Article 7, Crimes against humanity, Introduction (3), [Elements of Crimes of the ICC](#); 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. 75; Crimes Against Humanity historical evolution and contemporary application, 2011, M. Cherif Bassiouni p.365.

83 The Prosecutor v. Vasiljević (Trial Judgement), IT-98-32, 29 November 2002, para. 29-30.

84 Prosecutor v. Brđanin (Trial Judgement), IT-99-36-T, 1 September 2004, para. 159.

combatants.<sup>85</sup>

### **Widespread or systematic nature of the attack**

For the attack to be considered as a crime against humanity it must be of widespread or systematic nature.<sup>86</sup> These criteria are alternative.<sup>87</sup>

The notion “widespread” entails the large-scale nature of the attack and the number of victims.<sup>88</sup>

Systematic nature of the attack stands for the organised nature of such attack and the improbability of its random occurrence.<sup>89</sup> That is, for an attack’s systematic nature to be proved, “non-accidental repetition of similar criminal conduct on a regular basis” shall be established.<sup>90</sup>

### **Existence of a State or organisational policy or plan to commit an attack**

In order to qualify as crime against humanity, an attack should be committed pursuant to or in furtherance of a State or organisational policy or plan.<sup>91</sup> Such policy or plan may be implemented by a state’s active promotion of an attack or a deliberate failure to act, which is consciously aimed at encouraging such attack.<sup>92</sup>

Active promotion of the attack may be reflected

in a planned and organised nature of the attack.<sup>93</sup>

Deliberate failure to act cannot be inferred solely from the absence of governmental action.<sup>94</sup> It should be proven that the government, despite having knowledge of the situation and the ability to prevent it, still refrained from doing so.<sup>95</sup>

The perpetrator’s knowledge of the attack and that his actions were part of the attack

The mental element of knowledge requires evidence that the perpetrator knew of the existence of an attack and that his acts were part of the attack.<sup>96</sup> Such knowledge requirement does not demand from the perpetrator to know the details of the attack, but to be aware of the existence of the attack in general.<sup>97</sup>

As to the nexus between the acts of the perpetrator and the attack, it should be assessed, whether the acts by their consequences were objectively a part of the attack.<sup>98</sup>

We believe that the existence of all contextual elements of crimes against humanity can be established in respect of focused attacks on Crimean Tatar population through destruction of cultural heritage.

85 Prosecutor v. Katanga (Trial Judgement), ICC-01/04- 01/07-3436, 7 March 2014, para. 1102.

86 ICC Rome Statute, Article 7(1).

87 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. 82.

88 Ibid., para. 83.

89 Prosecutor v. Brđanin (Trial Judgement), IT-99-36-T, 1 September 2004, para. 135; Prosecutor v. Blaškić (Appeal Judgement), IT-95-14-T, 29 July 2004, para. 101.

90 Prosecutor v. Laurent Koudou Gbagbo (Decision on the confirmation of charges), ICC-02/11-01/11, 12 June 2014, para. 223.

91 ICC Rome Statute, Introduction, art.7(2)(a).

92 ICC Elements of Crimes, Introduction to Art. 7, footnote 6. Prosecutor v. Katanga (Judgment pursuant to article 74 of the Statute), ICC-01/04- 01/07, 7 March 2014, para. 1108; [Prosecutor v. Ruto, Koshey and Sang \[Decision on the confirmation of charges\], ICC-01/09-01/11, 23 January 2012](#), para. 210; [The Law and Practice of the International Criminal Court](#), 2015, Edited By: Carsten Stahn, p. 709.

93 [Prosecutor v. Ruto, Koshey and Sang \[Decision on the confirmation of charges\], ICC-01/09-01/11, 23 January 2012](#), para. 210.

94 ICC Elements of Crimes, Article 7 (Introduction), footnote 6; 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. 83-84.

95 An Introduction to International Criminal Law and Procedure, 2010, R. Cryer et al., p.204, footnote 59.

96 Prosecutor v Omar Hassan Ahmad Al Bashir (Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir), ICC-02/05-01/09, 4 March 2009 para. 87.

97 Treaties on International Criminal Law, Vol.2, 2014, K. Ambos, pp. 77-78 fn. 231; Prosecutor v Simba (Trial Judgement), ICTR-1-76-T, 13 December 2005, para. 42.

98 Prosecutor v. Kunarac, Kovac and Vukovic, (Appeal Judgement), IT-96-23& IT-96-23/1-A, 12 June 2002, para. 99.

### The specific elements of CAH of persecution:

1. The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights;
2. 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;
3. Such targeting was based on political, racial, national, ethnic, cultural, religious, gender as defined in article 7, paragraph 3, of the Statute, or other grounds that are universally recognized as impermissible under international law;
4. The conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Statute or any crime within the jurisdiction of the Court.<sup>99</sup>

The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights

As to the first element, the persecutory conduct should (1) constitute deprivation of fundamental rights contrary to international law and (2) be severe in nature.

The ICTY in Kupreškić with the reference to Article 7(1)(g) of the Rome Statute found out that “the gross or blatant denial . . . of a fundamental human right” can constitute a crime of persecution<sup>100</sup> and that such set of rights is “laid down in the *Universal Declaration on Human Rights of 1948, the two United Nations Covenants on Human Rights of 1966 and other international instruments on human rights or on humanitarian law*.”<sup>101</sup>

As to the severity of deprivation, it should be evaluated in the light of other crimes against humanity. *‘Not every denial of a human right’ amounts to crime against humanity of persecution*

*but only that reaching ‘the same level of gravity as the other crimes against humanity enumerated in Article 5 of the [ICTY] Statute.’*<sup>102</sup> At the same time, while assessing the severity of the persecutory conduct, it should not be considered in isolation but the whole context of a broader situation should be examined, since separate infringements may not satisfy the threshold requirement.<sup>103</sup>

In Al-Mahdi the ICC in order to establish the gravity of the crime examined “*the extent of the damage caused.*”<sup>104</sup> The ICC reached the conclusion that the acts under consideration were of significant gravity because, inter alia, the attacks were committed against the sites “*of great importance to the people of Timbuktu, who admired them and were attached to them,*” and which “*reflected their [the peoples’ of Timbuktu] commitment to Islam and played a psychological role.*”<sup>105</sup>

The ICTY has also recognised in its jurisprudence that crimes against cultural heritage may constitute severe deprivation of fundamental rights.<sup>106</sup>

In the Crimean context the evidence proving that irreparable damage was caused to cultural objects of unique value, which form part of Crimean Tatars’ history and/or religious affiliation, may satisfy the gravity threshold.

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

The second element of CAH of persecution indicates it may target separate individuals because of their belonging to a particular group as well as the group or collectivity as such. The distinction between notions “*group*” and “*collectivity*” in this context is unclear.<sup>107</sup>

The group or collectivity should be identifiable as a separate group or collectivity based on the

99 ICC Elements of Crimes, Art. 7(1)(h).

100 Prosecutor v. Kupreškić (Trial Judgement), IT-95-16-T, 14 January 2000, para. 627.

101 Ibid., para. 621.

102 Treaties on International Criminal Law, Vol.2, 2014, K. Ambos, p. 106; Prosecutor v. Kupreškić (Trial Judgement), IT-95-16-T, 14 January 2000, para. 621.

103 Prosecutor v. Kupreškić (Trial Judgement), IT-95-16-T, 14 January 2000, para. 617.

104 Prosecutor v. Al Mahdi (Judgement and Sentence), ICC-01/12-01/15, 27 September 2016, paras. 76;78.

105 Ibid., para. 78.

106 Prosecutor v. Stanišić & Župljanin (Trial Judgement), IT-08-91-T, 27 March 2013, para. 88.

107 Rome Statute of the International Criminal Court: A Commentary, 2016, Otto Triffterer, Kai Ambos, p. 220.

objective or subjective criteria.<sup>108</sup>

Objective approach focuses on the existence of certain characteristics of the group (e.g., common customs, language, color of skin, gender etc.), which are inherent to such group and distinct it from others.

Under the subjective approach the group or collectivity are identified as separate based on the perception of the perpetrator influenced by different factors.

In the situation where Crimean Tatars as identifiable group are being persecuted in different forms both objective and subjective tests may be applied.

Such targeting was based on political, racial, national, ethnic, cultural, religious, gender as defined in article 7, paragraph 3, of the Statute, or other grounds that are universally recognised as impermissible under international law

The third element prescribes the specific intent of the crime, its *dolus specialis*, which distinguishes it from other crimes against humanity.<sup>109</sup> The perpetrator must have an intent to discriminate individual or group/collectivity on one or several listed grounds. *“The rationale of the discriminatory intent is to select particular victims on particular [impermissible] grounds.”*<sup>110</sup>

Moreover, it's not enough to prove the existence of a common state's or organisational intent, each individual perpetrator should possess such *dolus specialis*.<sup>111</sup> Also, such discriminatory intent may be followed by another one, for example, to steal. (which may be relevant in the Crimean reality).<sup>112</sup> Additionally, the general *mens rea* requirements prescribed in Article 30 of the Rome Statute (intent and knowledge) are to be established.<sup>113</sup>

The destruction of cultural heritage of the group, including religious and historic sites, may be considered as both religious, ethnic and cultural persecution. For example, the UN Deputy High

Commissioner for Human Rights in his statement called the attacks of ISIS of Sunni and Shia shrines, Christian monasteries and churches and other places of cultural or religious significance as religious and ethnic persecution.<sup>114</sup>

The conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Statute or any crime within the jurisdiction of the Court

Element 4 indicates that the crime of persecution is not a self-standing crime – it should either be linked to other acts constituting crimes against humanity or any other crimes within the jurisdiction of the Court.

In the context of Crimea evidence should be provided that Crimean Tatars are being targeted in other forms indicated in Art.7(1) of the Rome Statute. It should also be established that such targeting constitutes not sporadic acts of violence but focused attacks on Crimean Tatar population.

## Conclusion

As the International Criminal Tribunal for the former Yugoslavia once unequivocally stated, encroachment on cultural property may be one of the forms of persecution. In particular in Kupreskic the ICTY explained that *“discriminatory acts charged as persecution must not be considered in isolation”*. The Tribunal went further by stating that *“restrictions placed on a particular group to curtail their rights to participate in particular aspects of social life [such as visits (...) theatres or libraries] constitute discrimination, which in itself is a reprehensible act”*. It was also well established that the effect of the damaging of cultural property that belongs to the certain group of people may have the same inhuman effect as the resettlement or deportation. All the above distinctly demonstrates that even though the damaging of cultural

108 Ibid., p.221.

109 Treaties on International Criminal Law, Vol.2, 2014, K. Ambos, p.107.

110 Ibid.

111 Ibid.

112 Ibid.

113 ICC Rome Statute, Art. 30.

114 Address by Ms. Flavia Pansieri, United Nations Deputy High Commissioner for Human Rights to the Human Rights Council's Special Session on Iraq 08.09.2018, <<https://www.ohchr.org/RU/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=14980&LangID=R>>

property of the particular group of people may not be grave enough to prove the existence of persecution, like in documented cases with the Bakhchysarai Palace and Chersonesus, it still may signalize the existence of ethnic discrimination against the said group together with other factors.

## Recommendations

### **For the International Criminal Court**

To investigate destruction of cultural property, erasing of cultural identity and rewriting of history of the Crimean peninsula as the manifestations of persecution.

### **For government of Ukraine**

To investigate the crimes against cultural heritage (both tangible and intangible) committed on the territory of Crimea.

### **For the government of Russian Federation**

To use its leverages for the influence on the natural and legal persons involved into the restoration works that concerns cultural heritage of Crimean tatars.

## Authors of the report

### CrimeaSOS

CrimeaSOS is the human rights organization, working primarily on every possibilities of Crimea de-occupation and its reintegration. Our activities are aimed at highlighting the illegality of the occupation of Crimea and the repressive policy of the Russian Federation, maintaining connections between the peninsula with the mainland Ukraine, as well as the consolidation of Ukrainian society through the protection of rights, freedoms and interests of internally displaced persons (IDPs) and others who were affected by armed the conflict in eastern Ukraine and Crimea.

CrimeaSOS was created by volunteers as a Facebook page on the first day of Russian occupation of the peninsula – February 27, 2014 – to provide timely and reliable information about the situation in Crimea. However, over time, we have expanded the scope of our activities. For now, we have gone from the initiative that provides emergency assistance to internally displaced persons to an expert organization that coordinates social movements and initiatives on IDPs.

### Truth Hounds

Truth Hounds is a non-profit organization with its headquarters in Kiev. It was founded in 2016. It's members are investigators and documenters of war crimes, crimes against humanity and other human rights violations, problem solvers aiding vulnerable groups. History of Truth Hounds begins from a field mission team for IPHR's project in Ukraine. Since the annexation of Crimea and beginning of war in Ukraine we fight impunity of perpetrators of international crimes whoever they are by nationality or which side they fight for.

Our specialists work in human rights, training and monitoring activities in Ukraine, Georgia, Armenia and Belarus. In Georgia, the Truth Hounds team, together with its partners, runs the Tbilisi Shelter City project – a shelter for human rights activists from the former Soviet union, which provides a safe environment and counselling to activists and human rights defenders operating in difficult circumstances. Since its establishment, Truth Hounds has worked with the Council of Europe, European Commission, OSCE/ODIHR, the International Criminal Court, and became a member of the Civic Solidarity Platform and Coalition for the International Criminal Court.