

# PRIS#NERS

OF THE

# KREMLIN

## Invisible victims of an undeclared war

*Violations of the fundamental human rights of  
Ukrainian citizens illegally deprived of their  
freedom by the Russian Federation on Russian  
territory and occupied Crimea*



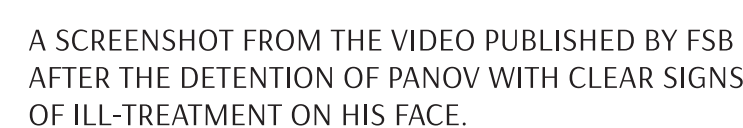


*Many detainees are subjected to severe stress and pressure - both physical and psychological - especially in the early stages of investigation, when law enforcement agencies try to force them to confess to offences that they have planned to indict them with.*

***The occupation authorities and the authorities of the Russian Federation refuse to investigate these accusations of torture, thereby actually recognizing their involvement in these violations.***

*Seeing that Russian and occupation authorities try to conceal the victims of torture, it is rarely possible to document relevant traces on their body. However, in cases involving Stanislav Klykh, Renat Paralamov, Yevhen Panov, and Oleksandr Kostenko, there is evidence suggesting that these persons have been subjected to severe acts of torture.*

*In most cases, the names of torturers remain unknown. Moreover, they cannot be recognized because security and law enforcement officials usually wear a balaclava over their head to perform such delicate work.*



FSB OFFICERS BROKE ALEKSANDR KOSTENKO'S ARM. HE WAS DEPRIVED OF MEDICAL TREATMENT DURING THE PRE-TRIAL PERIOD, WHICH RESULTED IN HEALTH PROBLEMS AND THE NEED OF CORRECTING SURGERY.

**EXTRACT FROM  
KARPYUK'S LETTER TO  
ECHR: "THEY TIED MY  
HANDS AND LEGS WITH  
ROBES BEHIND MY  
BACK, TOOK OFF THE  
CUFFS. THEY ATTACHED  
ELECTRIC CABLES TO MY  
SECOND TOE OF THE  
RIGHT LEG AND MIDDLE  
FINGER OF THE RIGHT  
HAND. THEN THEY  
STARTED TO PASS  
ELECTRIC CURRENT  
THROUGH MY BODY  
WITH DIFFERENT  
DURATION [...] DURING  
THIS KIND OF  
"INTERROGATION" THEY  
WOULD TELL ME: "YOU  
DID THIS", "YOU CAME  
TO GROZNY ON THIS  
DATE AND DID THAT",  
"YOU WERE  
ACCOMPANIED BY SUCH  
PEOPLE" [...]. I WAS KEPT  
IN THIS CAGE FOR 4  
DAYS WITHOUT  
SLEEPING. OFFICERS [...] WERE ALWAYS PRESENT  
IN THE CAMERA TO  
PREVENT ME FROM  
SLEEPING.**

в ИВС г. Ессентуки. И только 20 апреля от следователя  
Бурданова М. В. я узнаю, что нахожусь в г. Владикавказе.  
Позже мне стало известно, что это ИВС № 1, расположенный  
в г. Владикавказ на Пушкинская 10.

[illegible]



# VIOLATION OF THE RIGHT TO A FAIR TRIAL

*One way or another, all the cases against the “Kremlin prisoners” have violated their right to a fair trial. Such violations include illegal and politically motivated persecution.*

*In a resolution dated October 2017, the European Parliament listed 47 names, calling them “de facto political prisoners”.*

*The Russian investigative practices are ranging from an outright fabrication of documents and evidence to invention of names for the victims, staged and unconvincing witnesses for the prosecution, manipulation of basic evidence, unfair approaches to the assessment of defense and prosecution arguments. As a rule, the court and the prosecutor’s office act jointly as the prosecutor.*

*In the end, the actions of Sentsov, Kolchenko and Afanasyev, who, according to Russian legal practice, should be qualified as hooliganism at the most, are viewed as terrorism.*

*The idea that independent justice actually exists in the annexed Crimea is impossible given the conditions imposed by the occupation authorities.*

*In the case against convicted Maidan activist Mykola Shyptur, the “court” openly wanted to evaluate the events of these past years in Ukraine, draw some subjective conclusions regarding the nature of the Euromaidan events in 2013-2014 and to use them to fabricate an offence and conviction.*

*Crimean “courts” also resort to retrospective application of the law. They investigate and pronounce sentences that they link to events that took place before the Crimean occupation. For example, they refer to the “February 26 Case”, whereby Mustafa Degermendzhi and Ali Asanov are being prosecuted for allegedly participating in mass riots in Crimea before its annexation by the Russian Federation.*

*Regardless of the ban, prescribed by international humanitarian law, on occupation authorities applying their own criminal law in the occupied territories, Russia resorts to this practice in Crimea, for example, by charging people with criminal offences for membership in organizations that are not prohibited in Ukraine.*

**EXTRACT FROM SHYPTUR’S COURT SENTENCE, WHICH SHOWS POLITICAL MOTIVATION OF THE JUDGE:** “ON MARCH 9, 2014 AT AROUND 16.00, BEING ON SHEVCHENKO SQUARE IN SEVASTOPOL, A RADICALLY-MINDED CITIZEN OF UKRAINE OPPOSING THE REFERENDUM ON THE STATUS OF CRIMEA AND SEVASTOPOL WITH THE AIM OF IMPLEMENTATION OF PROVOCATIVE ACTIVITY DIRECTED AT THE DISRUPTION OF THE REFERENDUM, TOOK PART IN AN UNAUTHORIZED RALLY AGAINST THE CONDUCT OF THE REFERENDUM”.

PHOTO BY  
ANTON NAUMLYUK



O. SENTSOV AND O. KOLCHENKO AT THE LAST HEARING BEFORE THEIR SENTENCES OF 20 AND 10 YEARS IN PRISON ARE ANNOUNCED

PHOTO BY  
LAWYER EDEM SEMEDLYAEV



A. ASANOV AND M. DEGERMENDZHI IN A COURTROOM, HOLDING A LETTER WITH THE NEW YEAR’S GREETINGS FROM THE PRESIDENT OF UKRAINE PETRO POROSHENKO

Дело № 1-2/2015



## ПРИГОВОР ИМЕНЕМ РОССИЙСКОЙ ФЕДЕРАЦИИ

28 апреля 2015 года г. Севастополь

Гагаринский районный суд города Севастополя в составе:  
председательствующего судьи – Сибула В.А.,  
при секретаре Балашовой Е.Г.,

с участием государственного обвинителя прокурора уголовно-судебного отдела прокуратуры г.Севастополя Панкратова А.П., защитника Диебо В.С., действующего на основании ордера № 002193 и удостоверения №70, потерпевшего Кулиш А.В., рассмотрев в судебном заседании уголовное дело по которому Шиптур Николай Степанович 26.05.1978 года рождения, уроженец города Ивано-Франковск, зарегистрирован и проживает по адресу: город Ивано-Франковск, [REDACTED] женат, имеет на иждивении малолетнего ребенка, не трудоустроен, невоеннообязанный, по законодательству РФ ранее не судим, обвиняется в совершении преступлений, предусмотренных ч. 1 ст. 222, ч. 3 ст. 30, пп. «б» и «е» ч. 2 ст. 105 УК РФ,

установил:

Подсудимый Шиптур совершил преступления предусмотренные ч. 1 ст. 222, ч. 3 ст. 30, пп. «б» и «е» ч. 2 ст. 105 УК РФ при следующих обстоятельствах:

26.02.2014 в 19 часов 30 минут, Шиптур Н.С., находясь на ул. Институтской в городе Киеве, Республики Украина, обнаружил лежащим на земле пистолет конструкции Макарова (ПМ) калибра 9 мм (9х18ПМ) промышленного изготовления, серийный номер №АР4320, снаряженный не менее чем 7-ю боеприпасами - 9 мм (9х18ПМ) пистолетными патронами к пистолетам Макарова, после чего незаконно присвоил найденные пистолет и патроны себе. 07.03.2014 в утреннее время Шиптур, незаконно, в имевшемся у него рюкзаке, на железнодорожном транспорте перевез вышеуказанные пистолет и патроны из города Киева в город Севастополь, а затем с железнодорожного вокзала города Севастополя незаконно перенес их при себе по месту своего временного проживания по адресу: город Севастополь, ул.Ефремова, дом №14 кв. №45, где незаконно, хранил их до 16.00 часов 09.03.2014. Далее Шиптур, перенес указанное оружие и боеприпасы к участку парковой зоны сквера Севастопольских курсантов, расположенного вблизи улиц Ефремова и Павла Дыбенко в городе Севастополе, где в период времени с 17.10 до 18.20 часов, указанный выше пистолет был изъят при его задержании.

Он же, около 16.00 часов 09.03.2014, находясь на площади Т.Г. Шевченко в городе Севастополе, являясь радикально настроенным гражданином Украины и возражая против проведения Референдума о статусе Крыма и города Севастополя, преследуя цель осуществления провокационной деятельности, направленной на срыв проведения указанного Референдума, принял участие в несанкционированном митинге против проведения данного Референдума. Указанный выше несанкционированный митинг был пресечен участниками добровольного народного формирования-Единого штаба народной обороны города Севастополя в составе батальона «Русский блок», исполнившими свой общественный долг по патрулированию улиц и жилых кварталов, парков и других общественных мест на территории города Севастополя, с целью предупреждения и пресечения правонарушений и охраны общественного порядка, ввиду чего Шиптур Н.С., опасаясь быть задержанным за участие в данном митинге, покинул площадь Т.Г. Шевченко, направившись к месту своего временного проживания, где вооружился указанным пистолетом и боеприпасами, поместив пистолет за пояс надетых на нем джинсов. После чего Шиптур покинул вышеуказанную квартиру, выйдя на улицу, где, находясь на участке местности у дома №14 по ул.Ефремова, был остановлен исполнившими свой общественный долг участниками вышеуказанного добровольного народного формирования в составе батальона «Русский блок» Кулишом А.В., Главным Алексеем Борисовичем, Главным Андреем Борисовичем и Каримовым Р.С.,



# RESTRICTIONS ON FREEDOM OF EXPRESSION

SINCE THE BEGINNING OF THE OCCUPATION OF CRIMEA, RUSSIA HAS INTRODUCED A POLICY OF TOTAL RESTRICTION ON FREEDOM OF EXPRESSION - FROM JOURNALISTS, WHO WERE KIDNAPPED BY “UNIDENTIFIED PERSONS” IN THE SPRING OF 2014 TO REAL PRISON TERMS FOR SIMPLY STATING THE FACT THAT CRIMEA IS OCCUPIED.

ALMOST ALL THE INDEPENDENT JOURNALISTS HAVE BEEN FORCED TO LEAVE CRIMEA; SOME OF THEM HAVE BEEN PLACED ON THE SO-CALLED “LIST OF EXTREMISTS”, WHICH WAS CREATED BY THE RUSSIAN MINISTRY OF JUSTICE AND IMPOSES A NUMBER OF ILLEGAL RESTRICTIONS.



MYKOLA SEMENA  
PHOTO BY  
ANTON NAUMLYUK

Another Ukrainian journalist, Roman Sushchenko, is held in Russia on suspicion of espionage.

ROMAN SUSHCHENKO  
PHOTO  
UKRINFORM



VOLODYMYR BALUKH  
PHOTO  
HROMADSKIE.UA

The case against Mykola Semena, a Radio Liberty journalist, who was sentenced for one publication, in which he called “a spade a spade” with regard to Russia’s actions in Crimea, became the apotheosis of persecution. Mykola Semena was given a conditional sentence, but at the same time, he was banned from engaging in public activities, which the journalist himself called a ban on freedom of speech, on freedom of information, and on journalism as a profession.

Mykola Semena was persecuted according to the law on “public calls for separatism”, which was introduced into Russian criminal law after the annexation of Crimea.



Volodymyr Balukh is not a journalist but a farmer, but his case is an example of persecution for taking a pro-Ukrainian position and displaying Ukrainian patriotic symbols. After the annexation, this Crimean farmer displayed a Ukrainian flag on his house and put up a street plaque – Heroes of the Heavenly Hundred Street – as a sign of Ukraine’s territorial integrity. Despite numerous administrative claims and lawsuits filed by the occupation authorities, Volodymyr did not waver, so in the end the authorities built a criminal case against him. Since Russia has not yet managed to criminalize Ukrainian state symbols, the Balukh case rests on alleged concealment of ammunition. During the illegal searches at Balukh’s house, “law enforcement officers” removed the Ukrainian flag and the street sign.





PHOTO BY  
ANTON NAUMLYUK

CRIMEAN TATAR  
ACTIVIST SERVER  
KARAMETOV

# RESTRICTIONS ON FREEDOM OF ASSEMBLY AND ASSOCIATION



PHOTO FROM  
CRIMEAN SOLIDARITY FB PAGE

A SINGLE-PERSON  
PICKET IN  
CRIMEA. THE  
POSTER READS:  
“CRIMEAN TATARS  
ARE NOT  
TERRORISTS.  
LEAVE ALONE OUR  
CHILDREN”.

*The last free pro-Ukrainian rally took place in Crimea on March 15, 2014. This is the day when peaceful gatherings virtually “inhaled for the last time” on the peninsula. Since the beginning of the occupation of Crimea, participants of pickets and rallies are systematically and massively persecuted.*

*One of the first precedents is the so-called case of May 3. In the spring of 2014, thousands of Crimean Tatars arrived at the border between Crimea and mainland Ukraine in order to meet Mustafa Dzhemliev. It ended with more than 200 administrative cases being filed against the participants of the demonstration.*

*When the occupation authorities realized that administrative arrests did not force people to abandon the right to protest, they set up penalties.*

*The most telling situation as regards restricting the freedom of peaceful gatherings is Server Karametov’s case.*

*The 76-year-old Crimean Tatar, with Parkinson’s disease, who stood in the street with a poster saying “Putin, our children are not terrorists! Stop blaming the Crimean Tatars!”, was detained by the occupation police, fined 10, 000 rubles, and detained ten days for “resisting police officers”. This was not Karametov’s first arrest. Earlier, he had been punished for participating in a rally on the Day of Remembrance of the victims of the Crimean Tatar genocide, carrying portraits of his parents deported in 1944.*

*The Crimean occupation authorities also resort to criminal prosecution of participants in peaceful protest.*

*The Crimean Tatar community actively and creatively opposes these restrictions. In October 2017, more than 100 single protests organized by Crimean Tatars took place all across Crimea. They demanded a halt to the repression and punishment for terrorist acts of their fellow countrymen.*

*According to the estimations of Ukrainian human rights organizations - the Crimean Human Rights Group and the Ukrainian Helsinki Human Rights Union - 244 persons have been charged with participating in peaceful gatherings since the occupation of Crimea. The total amount of fines incurred as of the beginning of September 2017 amounts to 2,762,500 rubles (\$46,000), or which the largest one totals at 150,000 rubles (\$2,500).*



PHOTO BY  
STANISLAV YURCHENKO /  
KRYMIR.ORG (RFE/RL)

THE BIGGEST RALLY OF  
PRO-RUSSIAN AND PRO-UKRAINIAN  
PROTESTERS AT THE SUPREME  
COUNCIL OF CRIMEA ON  
FEBRUARY 26, 2014, WHICH ENDED  
UP BY A PROVOCATION FROM THE  
PRO-RUSSIAN SIDE. AFTER THE  
ANNEXATION, RUSSIAN  
AUTHORITIES ACCUSED CRIMEAN  
TATARS OF ORGANIZING A VIOLENT  
UNREST.



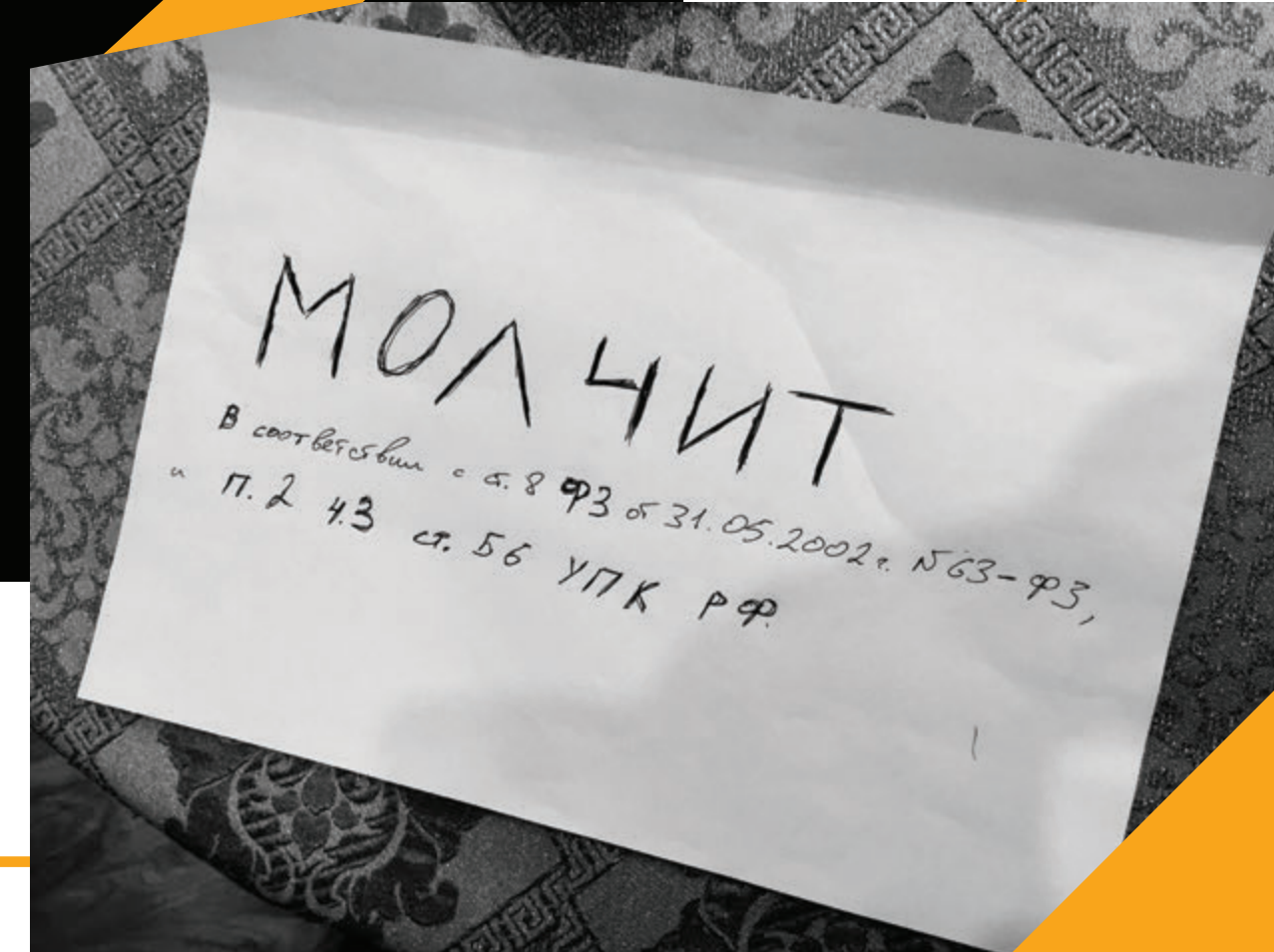
PHOTO BY  
ANTON NAUMLYUK

# RESTRICTIONS ON THE RIGHT TO PROTECTION AND PROSECUTION OF LAWYERS AND HUMAN RIGHTS ACTIVISTS

EMIL KURBEDINOV  
AMONG CRIMEAN TATARS

THE SIGN READS: "SILENT IN ACCORDANCE  
WITH [REFERENCE TO THE RELEVANT LAW]".  
THIS SIGN WAS WRITTEN BY LAWYER NIKOLAY  
POLOZOV DURING HIS UNLAWFUL DETENTION  
AND ATTEMPT TO CHANGE HIS STATUS FROM A  
LAWYER TO A WITNESS.

PHOTO BY  
LAWYER NIKOLAI POLOZOV



*In the cases of “Kremlin prisoners”, there has been a systematic practice of restricting the right to legal protection and access to a lawyer.*

*The most obvious cases are those of Mykola Karpyuk and Stanislav Klykh, who, after being arrested on the Russian border and territory of Russia, respectively, were hidden for more than a year in prisons and solitary confinements in the North Caucasus until lawyers and human rights activists finally found them.*

*Yevhen Panov and Volodymyr Dudka, who were arrested in Crimea for “planning subversive activities”, were also isolated for some time from independent defense lawyers. The main purpose was to fabricate evidence against them and force them to confess.*

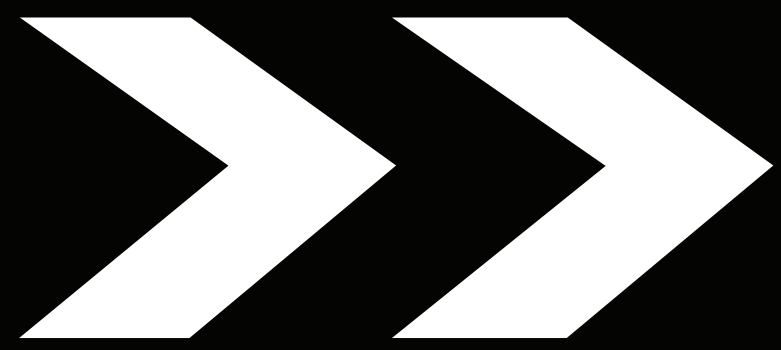
*In general, the role of several independent lawyers - the last bastion of protection for the Kremlin prisoners - can hardly be overestimated; therefore, some of them have been prosecuted in connection with their activities.*

*For example, a well known Crimean lawyer, Emil Kurbedinov, who represents several prisoners in a number of political cases, was prosecuted by the occupation authorities, and sentenced to ten days in solitary confinement for allegedly publishing on social networks way back in 2013 materials banned in the Russian Federation. Clearly, this arrest was politically motivated. The occupation authorities were obviously trying to intimidate him and deprive him temporarily of doing his job as a human rights lawyer.*

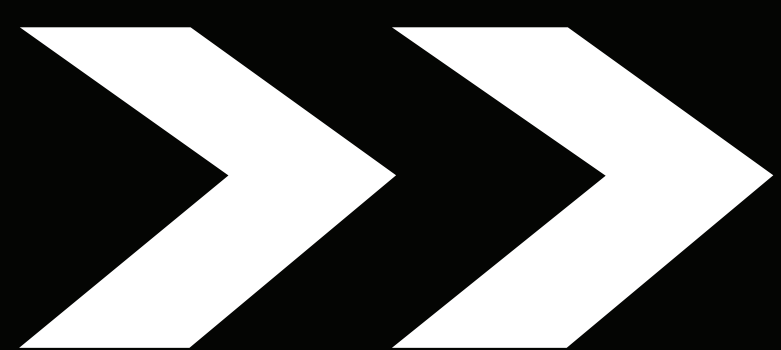
*Attempts have also been made to intimidate lawyers from Russia who come to Crimea to defend some political prisoners. For example, Nikolai Polozov was abducted (he himself confirmed this) in the centre of Simferopol by FSB officers in order “to be questioned as a witness”.*

*The most recent example of persecution of human rights activists is the arrest of several members of the Crimean Solidarity NGO - Seyran Saliyev and Suleiman Asanov. They were arrested twice in October 2017 for participating in “unauthorized peaceful gatherings”, but in fact for documenting illegal actions of the security forces during illegal searches in compact homes of Crimean Tatars, and expressing disagreement with such actions. By arresting and accusing them of terrorist activity, the occupation authorities actually deprived them of exercising their right as human rights activists.*





# ILLEGAL TRANSFERS FROM OCCUPIED CRIMEA TO THE TERRITORY OF THE OCCUPYING STATE (RUSSIAN FEDERATION)



*This is a major violation, which can be qualified as a war crime, that has prevailed since Crimea was occupied and annexed. The process of transferring convicted Ukrainian citizens from Crimean detention centres is not voluntary, but is carried out forcibly and brutally. Some prisoners protest against such transfers and suffer physical injuries, but such protests are ignored by Russia. According to the Ministry of Foreign Affairs of Ukraine, this concerns several hundred people, but human rights activists estimate that there are several thousands. Thanks to the agreement between the Ombudsman of Ukraine and Russia, for the first time in three years of occupation, 16 convicted Ukrainian citizens were transferred from Crimea to mainland Ukraine.*

*We should not forget the cases where Ukrainian citizens are kidnapped and transferred from the non-controlled territories of Donetsk and Luhansk oblasts. This was the case with Nadiya Savchenko. There are reasons to believe that the same happened in the case of the recently sentenced Russian pensioner from occupied Krasnodon, Oleksiy Syzonovych, who, according to the FSB, was allegedly preparing a terrorist act on the territory of Russia. His trial consisted only of two hearings, which resulted in him being sentenced to 12 years in prison.*

*After conviction, Ukrainian prisoners usually end up in Siberia or in prisons somewhere beyond Ural. Despite the European Court of Human Rights case-law which stipulates that a convicted person must be detained as close as possible to his place of residence, Russian authorities do the exact opposite, sending Ukrainian political prisoners thousands of kilometers away from their homes.*

