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Meeting: 1521st meeting (March 2025) (DH)

Communication from an NGO (Memorial Human Rights Defence Centre) (28/01/2025) in the case of Ukraine v. Russia (re Crimea) (Application No. 20958/14).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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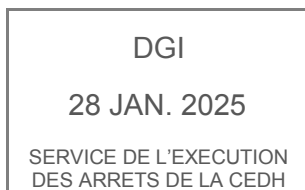
Réunion : 1521^e réunion (mars 2025) (DH)

Communication d'une ONG (Memorial Human Rights Defence Centre) (28/01/2025) dans l'affaire Ukraine c. Russie (re Crimée) (requête n° 20958/14) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



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28 January 2025

**Rule 9.2 Submission on the implementation of general measures in the case
n. 20958/14 “Ukraine v. Russia” (re Crimea)
prepared by the NGO Memorial Human Rights Defence Centre**

I. Introduction

This submission is prepared by the NGO Memorial Human Rights Defence Centre. This is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (dissolved on 29 December 2021) to continue the work of the latter NGO. Memorial Human Rights Centre was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups. It represented hundreds of victims both domestically and before the European Court of Human Rights (hereinafter - ECtHR). Memorial Human Rights Defence Centre continues to provide legal help to the victims of human rights violations, conduct advocacy and strategic litigation.

In this submission, we will address the issue of the continuing pattern of systemic persecutions on political grounds of Ukrainians in Crimea and other violations of rights guaranteed by the European Convention on Human Rights (hereinafter - Convention) in Crimea after the adoption of the above mentioned judgement.

II. Main findings of the ECtHR

In this case,¹ the ECtHR found numerous violations of the Convention committed by Russia in Crimea since February 2014. It concerns both the administrative and criminal practices of persecution of Ukrainians for their political stance and/or pro Ukrainian activity (“Ukrainian political prisoners”), which had occurred predominantly in Crimea but also in other parts of Ukraine and Russia since early 2014. It also concerns a general crackdown on political opposition to Russia’s policies in Crimea, which had been developed and publicly promoted by prominent representatives of the Russian authorities.

Those human rights violations were part of a campaign of repression, which included, in particular, disappearances; ill-treatment; unlawful detention; impossibility to opt out of Russian citizenship; suppression of Ukrainian media and the Ukrainian language in schools; religious persecutions; pre-trial detention in overcrowded conditions; prosecution and conviction on fabricated charges without a fair trial in reprisal for any pro-Ukrainian stance; and transfers from Crimea to prisons in Russia.

The ECtHR concluded beyond reasonable doubt that these incidents were sufficiently numerous and interconnected to amount to a pattern or system of violations. Moreover, the apparent lack of effective investigation into the incidents and/or general application of measures to all people concerned, among other things, proved that such practices were officially tolerated by the Russian authorities.

The ECtHR emphasised that such practices took place within the context of the full-scale application of Russian law in Crimea. This situation is in breach of international humanitarian law (IHL), providing for the obligation to respect the laws already in force in the occupied territory. Having confirmed that the rules of IHL must be taken into account when assessing the case, the ECtHR found that Russia had extended the application of its law to Crimea in breach of the Convention.

The ECtHR, *inter alia*, held that Russia had to take measures as soon as possible to ensure the safe return of the relevant prisoners transferred from Crimea to penal facilities located on the territory of the Russian Federation.²

III. Current situation with the implementation of the case

We argue that the patterns of violations described by the ECtHR are currently continuing in Crimea and other parts of Russia.

Russian authorities continue to detain Ukrainian political prisoners, including those from Crimea or convicted in Crimea. Even when these prisoners are released from the prisons after

¹ Judgment n. 20958/14 “Ukraine v. Russia” (re Crimea), URL: <https://hudoc.echr.coe.int/eng?i=001-235139>

² The summary of the case in the press release of the ECtHR, URL: <https://hudoc.echr.coe.int/eng-press?i=003-7981802-11134245>

serving their sentences, Russian authorities continue to detain them in the deportation centers.³

Russian courts in Crimea continue to sentence Ukrainians for the support of the Ukrainian state, the pro-Ukrainian position and criticism of Russia's full-scale invasion of Ukraine. The Crimean Human Rights Group reports that since the beginning of Russia's full-scale war against Ukraine, more than a thousand cases have been opened in Crimea against pro-Ukrainian residents. Most of the cases fall under the provision on discrediting the Russian army.⁴ Ukrainians in Crimea are also convicted on charges of terrorism, sabotage⁵ and treason.⁶ They are sentenced to long prison terms (often 10-20 years).

According to the Crimean Human Rights Group, at least 18 Crimean journalists (nationals of Ukraine) are deprived of freedom as a result of politically motivated criminal proceedings.⁷ The authorities are also using searches and intimidations against Crimean lawyers and human rights defenders.⁸

Kharkiv Human Rights Protection Group reports that Russian authorities are using the same fake "secret witness" in multiple trials against Crimean Tatar civic journalists and activists. The same persons were repeatedly used by FSB (Russian security forces) as "secret witness" in over ten cases.⁹

³ "Ukrainian political prisoner imprisoned for 10 years in Russia's revenge for Euromaidan is 'released', yet not freed", The Information Portal of the Kharkiv Human Rights Protection Group, 17 January 2025, URL: <https://khpg.org/en/1608814333>

⁴ "More than a thousand cases for "discrediting" the Russian army: a chronicle of persecution of pro-Ukrainian Crimeans", Crimean Human Rights Group, 2 December 2024, URL: <https://crimeahrg.org/en/more-than-a-thousand-cases-for-discrediting-the-russian-army-a-chronicle-of-persecution-of-pro-ukrainian-crimeans/>

⁵ "Russia sentences young Sevastopol man to 11 years, claiming he emailed Ukraine's Security Service", The Information Portal of the Kharkiv Human Rights Protection Group, 14 January 2025, URL: <https://khpg.org/en/1608814295>; "Young Crimean sentenced to 16 years for circulating video on resistance to Russian occupation", The Information Portal of the Kharkiv Human Rights Protection Group, 6 December 2024, URL: <https://khpg.org/en/1608814174>

⁶ "Mass 'treason' trials and huge sentences for helping Ukraine in Russian-occupied Crimea", The Information Portal of the Kharkiv Human Rights Protection Group, 13 December 2024, URL: <https://khpg.org/en/1608814197>; "58-year-old Sevastopol activist sentenced to 15 years for opposing Russia's war against Ukraine", The Information Portal of the Kharkiv Human Rights Protection Group, 30 December 2024, URL: <https://khpg.org/en/1608814251>

⁷ "The Crimean Human Rights Group made a submission to the Independent International Commission of Inquiry on Ukraine on the places of detention of the Crimean journalists", The Crimean Human Rights Group, 15 January 2025, URL: <https://crimeahrg.org/en/the-crimean-human-rights-group-made-a-submission-to-the-independent-international-commission-of-inquiry-on-ukraine-on-the-places-of-detention-of-the-crimean-journalists/>

⁸ "Statement of human rights organisations on the illegal searches and persecution of Crimean lawyers Lilia Hemedzhy and Rustem Kiamilev", The Crimean Human Rights Group, 8 November 2024, URL: <https://crimeahrg.org/en/statement-of-human-rights-organisations-on-the-illegal-search-and-persecution-of-crimean-lawyers-lilia-hemedzhy-and-rustem-kiamilev/>

⁹ "Same fake 'secret witness' used in multiple Russian 'trials' of Crimean Tatar civic journalists and activists", The Information Portal of the Kharkiv Human Rights Protection Group, 23 December 2024, URL: <https://khpg.org/en/1608814230>

According to the Kharkiv Human Rights Protection Group, Russian authorities continue their practice of religious prosecutions in Crimea, for instance, for alleged membership in the Muslim organization “Hizb ut-Tahrir”. While “Hizb ut-Tahrir” holds controversial views, it remains legal in Ukraine, and Russian authorities violate international law by applying its legislation on occupied Ukrainian territory. Despite this, Russian authorities continue using unproven charges of “involvement” in Hizb ut-Tahrir as justification for passing sentences of up to 20 years in prison against Crimean Tatars and other Ukrainian Muslims from Crimea.¹⁰ The same approach is applied to the prosecution of the members of the Jehovah’s Witnesses, who continue to be prosecuted and convicted in Crimea to long prison terms for the peaceful realisation of their right to religion.¹¹ Other persons are persecuted for performing religious practices inside the prisons.¹²

Kharkiv Human Rights Protection Group reports that after the start of the full-scale invasion, two new pre-trial detention centers were built in Simferopol, and another detention center is currently under construction. Human rights activists claim that civilians abducted from the territories of the Zaporizhzhya and Kherson regions of Ukraine are being held there, often incommunicado - without the right to correspondence and visits of relatives and lawyers. Released prisoners reported that torture and psychological pressure were used by in the pre-trial detention centers.¹³

Russian authorities continue to fail to investigate the enforced disappearances that occurred in Crimea and Donbass after 2014. The practice of enforced disappearances is currently continuing in Crimea and has extended to the new occupied territories. The Media Initiative for Human Rights identified almost two thousand civilians abducted since Russia began its full-scale invasion of Ukraine and that it is not a comprehensive figure.¹⁴ The Kharkiv Human Rights Protection Group’s registry contains data on 3579 currently missing military personnel and 841 missing civilians.¹⁵

The Kharkiv Human Rights Protection Group’s registry also contains data on 2294 Ukrainians who are currently prisoners of war.¹⁶ The Independent Human Rights Project “Political Prisoners Support. Memorial” notes that Ukrainians are often prosecuted for the

¹⁰ “Huge sentences without a crime. 10 years of Russia’s conveyor belt of religious and political persecution in occupied Crimea”, The Information Portal of the Kharkiv Human Rights Protection Group, 20 January 2025, URL: <https://khpg.org/en/1608814336>

¹¹ “Two Jehovah’s Witnesses in Russian-occupied Crimea sentenced to 6 years for studying the Bible online”, The Information Portal of the Kharkiv Human Rights Protection Group, 16 January 2025, URL: <https://khpg.org/en/1608814322>

¹² “Crimean Tatar sentenced by Russia to 19 years for ‘religious dissidence’ hurled into punishment cell for prayer”, The Information Portal of the Kharkiv Human Rights Protection Group, 13 January 2025, URL: <https://khpg.org/en/1608814296>

¹³ “What is happening in the Crimean pre-trial detention centers with Ukrainian prisoners”, Kharkiv Human Rights Protection Group, 14 January 2025, URL: <https://khpg.org/1608814304>

¹⁴ “DNA used to identify Ukrainian civilians abducted and murdered by the Russian invaders”, The Information Portal of the Kharkiv Human Rights Protection Group, 20 January 2025, URL: <https://khpg.org/en/1608814297>

¹⁵ “The Complexities of Working in a Conflict Zone and Mechanisms for Seeking Justice for the Victims and Survivors of Violence”, Kharkiv Human Rights Protection Group, 19 September 2024, URL: <https://khpg.org/en/1608813993>

¹⁶ Ibid.

mere fact of serving in the units arbitrarily declared by Russian authorities as terrorists. Thus, the Ukrainian prisoners of war are imprisoned for long time sentences in violation of the international humanitarian law.

It should also be noted that Russian citizens are continuing to be prosecuted for their refusal to participate in the war¹⁷ and for their opposition to the war.

IV. Recommendations

We kindly ask the Committee of Ministers to recognize that Russian authorities have failed to implement the general measures in this case and to indicate the following measures of implementation:

- to terminate the application of the Russian legislation in the territory of Crimea and apply Ukrainian legislation and international human rights law there;
- to end the practice of persecutions on political grounds, for instance, for the opposition to the Russian invasion of Ukraine and for the support of Ukraine, on the territory of Crimea and in other occupied territories and territory of Russia;
- to end the practice of prosecution of journalists, human rights defenders, lawyers and activists in Crimea;
- to end the practice of prosecutions on religious grounds in Crimea, for instance, against members of religious movements considered as legal in Ukraine;
- to end the practice of torture and ill-treatment of Ukrainian prisoners and ensure their access to lawyers, relatives, human rights defenders and members of international human rights organisations;
- to liberate all Ukrainian political prisoners from Crimea and in other occupied territories and territory of Russia by adopting an amnesty or pardon;
- to end the practice of detention of liberated Ukrainians in the deportation centers and create conditions for them to return to Ukraine;
- to return to Crimea the prisoners from this territory serving sentences in Russian regions;
- to end the practice of abductions in Crimea and in other occupied territories and territory of Russia and to investigate the abductions that have already occurred.

¹⁷ “Vyacheslav Reznichenko is a political prisoner”; Independent project of support of political prisoners. Memorial, 22 April 2024, URL:<https://memopzk.org/news-eng/vyacheslav-reznichenko-is-a-political-prisoner/>