

## RECOMMENDATIONS

# Ukrainian independent journalists, analysts and civil rights activists on EU support to the Crimean peninsula

*Based on advocacy visit to Brussels on 26-29 September 2016*

Brussels, Kyiv, Simferopol, 6 October 2016

### Context

The major trends in Crimea are militarization, restriction of freedoms, and population substitution. It is no coincidence that Russian military forces in Syria came to Syria from Crimea. The old Soviet nuclear weapons storage facilities have been reopened (though there is no confirmed information about actual stationing of nuclear weapons there). The cruise missiles fired from the Caspian Sea to Syria ('Caliber', with a range of 1,500 km), are already placed in Crimea, effectively covering most of Europe. Violations of human rights in Crimea (against Crimean Tatars, Ukrainians and ethnic Russians loyal to the Ukrainian state) are frequent from the side of Russian law enforcement bodies and well documented by local organisations and activists. Over the last 2 years, media in Crimea decreased by 88%, and the few remaining independent journalists live under constant pressure. People are imprisoned for not recognizing the illegal annexation. While around 40,000 IDPs moved from Crimea to continental Ukraine, approximately 120,000 people moved from Russia to the peninsula. The EU sanctions imposed on the Russian Federation are working; it is necessary, however, to promote strict enforcement of the current restrictive measures and to develop further smart sanctions.

### What the EU can do:

1. Hold a European Parliament (EP) hearing focused specifically on the situation in and around Crimea, EU actions and follow-up of its own resolutions adopted this year. Relevant EP report to be prepared and presented at this hearing.

Why: The EP adopted two specific resolutions on the state of human rights in Crimea in 2016. However, the situation continues to deteriorate, especially with the recent ban of Crimean Tatar Mejlis as an 'extremist organisation'. It is time to have a public discussion on EU policy and response to the actual trends in Crimea (not only human rights violations but also growing militarisation, replacement of population, ethnic assimilation, etc.).

2. Deploy a mission or support a mission of UN or OSCE or CoE to monitor the human rights situation in Crimea – on the territory of mainland Ukraine (e.g. Kherson), easy to be reached by people from Crimea. This can be a separate mission or additional task for already existing mission or institution (e.g. OSCE SMM or ODIHR or CoE Commissioner for Human Rights).

Why: The EU is in need of timely, reliable and comprehensive information about human rights in Crimea. Ideally, an international monitoring mission to Crimea could be placed there on a permanent basis, or it could regularly visit the peninsula. This is barely feasible because of inevitable Russian attempts to legitimize the annexation as well as to control, manipulate and falsify the results (as with the recent CoE ad hoc mission). A better option could be to start gathering first-hand information from Crimeans who can travel to mainland Ukraine.

3. Ensure that EU funding instruments (EIDHR, ENI, DCI) and EED reflect the need to support human rights projects in Crimea within their programming. The funding to Ukrainian NGOs that are working in Crimea should be increased and special calls announced.

Why: This support would be especially helpful for those who do not want to leave Crimea, and would still like to proceed with the activities they implement.

4. Introduce targeted sanctions against the Russian Federation Supreme Court judges (who confirmed the illegal decision of the "Supreme Court of the Republic of Crimea" on banning Crimean Tatar Mejlis), while the European Parliament considers possible forms of institutional cooperation with the representative body of Crimean Tatars (e.g. maybe in the framework of Euronest or other EP international activities' frameworks).

Why: Russian occupant authorities banned the Mejlis as an 'extremist organization'; while in Ukraine it is recognized as a legitimate representative self-government body of the Crimean Tatar people. International institutional partnerships of Mejlis will confirm its legitimacy and send a strong signal of disagreement with the Russian policy of repression against Crimean Tatars.

5. Apply personal sanctions against those engaged in human rights violations in Crimea ('Çiygoz list', based on the model of 'Magnitsky list').

Why: So far, EU sanctions in relation to Crimea are applied only against those involved in breaches of Ukrainian sovereignty and territorial integrity, but not against those involved in human rights violations on the occupied peninsula. The 'Magnitsky list' is a powerful model that can be applied here. Such a list can be named e.g. after Ahtem Çiygoz (deputy head of Crimean Tatar Mejlis, in custody since January 2015) or any of the 25 political prisoners in Crimea (e.g. journalist Mykola Semena).

6. Create a practical mechanism for the real-time adjustment of EU sanctions against Russia and their violation. The mechanism would be based on the information obtained through the constant monitoring of the sanctions compliance, as well as of Russian activity in Crimea.

Why: There are gaps and loopholes used to avoid sanctions. For example, the EU introduced sanctions against the port of Kerch and the port of Feodosia – but now these legal entities no longer exist, as they were united into one single entity called 'ports of Crimea' – which is not on the EU sanctions list. Until now, there remain 2 vessels under an EU MS (Bulgaria) flag which continue to go to Crimean ports. There are several dozens of vessels more which are hidden under other flags but in fact are owned or freighted by EU persons. EU can cooperate more on this with Ukrainian authorities and NGOs which gather such information.

7. Apply additional individual targeted sanctions against Russian legal entities involved in militarization of Crimea, logistical supply and construction of the bridge over the Strait of Kerch.

Why: (1) Most Crimean enterprises of the former Soviet military-industrial complex, which used to produce non-military goods under Ukrainian rule, now have been integrated as branches of the Russian military industrial corporations and returned to military production. These Russian corporations should come under sanctions. (2) The major Russian concern is logistics, since for them Crimea is an island, able to be reached through the sea or air – so, military supply goes through ferries, ships and air transport. The ferries are operated by several companies, and they should come under the EU sanction list. As regards aviation, only one Russian company has been sanctioned for flying to Crimea – though there have been more than 30, and they continue to breach Ukrainian airspace. It would be feasible to additionally sanction several of them at least. (3) As construction of the bridge over the Strait of Kerch continues despite Ukrainian protests, and this strategic bridge will be definitely used for military purposes – all the Russian companies involved in construction of this bridge should be sanctioned.

8. In all statements regarding Crimea, make reference to the IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949).

Why: Though the EU declared Crimea illegally occupied by Russia, it has failed to explicitly mention this in relation to the IV Geneva convention. This convention, the basis of modern humanitarian law, regulates obligations of the occupying power (Russia) towards the inhabitants of the occupied territory (Crimea). According to it, Russia bears the full responsibility for human rights and the socio-economic situation in

Crimea. Also, it explicitly prohibits transfer of population, conscription to the military, breach of property rights, and guarantees religious freedoms and rights of those under trial in courts.

9. Do not recognize illegitimate Russian ‘elections’ on the territory of Crimea, nor the legitimacy of the Russian Duma ‘elected’ with Crimean votes, and include individuals and organizations that took part in organizing ‘elections’ in Crimea on the EU sanction list.

Why: Logical consequence of non-recognition policy of Russian annexation of Crimea should be not to recognize any sort of ‘elections’ and their ‘results’ organized in Crimea. The recent ‘elections’ to the Russian Duma have been the first all-Russian ‘elections’ held in Crimea (in 2014, they conducted local ‘elections’ only). The problem is bigger than only 4 MPs ‘elected’ in the single-mandated districts in Crimea. Ukraine has officially not recognized legitimacy of the whole Russian Duma because a half of all MPs (225) have been elected through the political parties’ lists on the federal multi-mandated district, where the votes of Crimeans have been counted too. Besides, 3 Crimeans were elected on the ‘United Russia’ party list (one of them is the infamous prosecutor N.Poklonskaya). But it is not only those MPs managed to be ‘elected’ who are responsible for organizing these elections: it is also other candidates who tried to win in Crimean districts; it is also members of the election commissions (both on the local and on the central levels); it is also Russian political parties which campaigned in Crimea, breaching Ukrainian sovereignty.