

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING
APPLICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION
OF THE FINANCING OF TERRORISM AND OF THE INTERNATIONAL
CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION**

(UKRAINE V. RUSSIAN FEDERATION)

**COUNTER-MEMORIAL ON THE CASE CONCERNING APPLICATION OF
THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION**

SUBMITTED BY THE RUSSIAN FEDERATION

VOLUME IV

(ANNEXES 119 - 243)

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The Annexes contained in this Volume are either true copies of the original documents referred to in the Counter-Memorial, or translations (marked accordingly) from their original language into English, an official language of the Court, pursuant to Article 51 of the Rules of Court.

Pursuant to Article 51(3) of the Rules of Court, some translations are confined to parts of the annexes, as indicated at the beginning of the respective annexes. In further compliance with this Rule, the Russian Federation has provided two certified copies of the full documents in their original language with its submission. The Russian Federation stands ready to provide more extensive partial translations or a complete translation of submitted documents should the Court so require.

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Annex 119

Supreme Court of the Russian Federation, Case No. GKPI 03-116,
Decision, 14 February 2003

Translation

GKPI 03-116

Supreme Court of the Russian Federation**DECISION****In the name of the Russian Federation**

14 February 2003

The Supreme Court of the Russian Federation composed of the Presiding Judge of the Supreme Court of the Russian Federation N.S. Romanenkova, in presence of the Secretary D.V. Sanvenko

considered in closed session a civil case on the application the Prosecutor General of the Russian Federation in defence of the interests of the Russian Federation by recognising the organisations as terrorist organisations and prohibiting their activity in the territory of the Russian Federation,

has found:

The Prosecutor General of the Russian Federation submitted an application to the Supreme Court of the Russian Federation to recognise the following organisations as terrorist organisations: The Supreme Military Majlisul-Shura of the United Mujahideen Forces of Caucasus, the Congress of the Peoples of Ichkeria and Dagestan, the Base (Al-Qaeda), Osbat al-Ansar, the Sacred War (Al-Jihad or the Egyptian Islamic Jihad), the Islamic Group (Al-Jama'a al-Islamiyya), the Muslim Brothers (al-Ikhwān al-Muslimīn), the Party of Islamic Liberation (Hizb ut-Tahrir al-Islami), the Lashkar-e-Taiba, the Islamic Group (Al-Jama'a al-Islamiyya), the Taliban movement, the Turkistan Islamic Party (formerly the Islamic Movement of Uzbekistan), the Social Reform Society (Jamiat al Islah al Idzhtimai), the Revival of Islamic Heritage Society (Jamiyat Ikhyia At-Turaz Al-Islami), the Two Holies' House (Al Kharamain), and to prohibit their activity in the territory of the Russian Federation. The abovementioned organisations are detrimental to the security of the Russian Federation and shall be recognised as terrorist organisations.

During the court hearing, the representative of the Prosecutor General's Office of the Russian Federation E.I. Korobkov supported the asserted demands and explained that organisations incorporated to perform terrorist activity or accepting possible utilization of terrorism as a means of political struggle have been expanding their activity in the territory of the Russian Federation. The cores of such organisations are located beyond Russia, and emissaries that arrived in the Russian Federation were deeply conspiratorial and their status was illegal.

The representatives of the FSB of Russia [Name: ...], [Name: ...] supported the application to recognise 15 organisations as terrorist organisations and explained before the Court that, according to the Federal Law "On combatting terrorism", the Federal Security Service of the Russian Federation is an entity directly involved in combatting terrorism.

The representatives of the Ministry of Justice of Russia S. I. Nikulin, A.G. Zhafarov explained before the Court that the organisations stated in the application of the Prosecutor General of the Russian Federation had not acquired the state registration. To protect the rights and freedoms of a human and a citizen, the basics of the constitutional system, these organisations shall be recognised as terrorist organisations.

Having heard the explanations from the representative of the Prosecutor General's Office of the Russian Federation, the representatives of the Federal Security Service of Russia, the Ministry of Justice of Russia, and having examined the case materials, the Supreme Court of the Russian Federation finds that the application of

the Prosecutor General of the Russian Federation is to be granted.

The Federal Law “On combatting terrorism” imposes a liability on organisations that perform terrorist activity. Subject to Article 25 of the Federal Law “On combatting terrorism”, a court of the Russian Federation recognises an international organisation (subdivisions, branches, representative offices thereof) as a terrorist organisation and prohibit their activity in the territory of the Russian Federation.

By determining the legal and organisational basics of combatting terrorism in the Russian Federation, the procedure of coordination of activity performed by the counter-terrorism federal executive authorities, executive authorities of the constituent entities of the Russian Federation, non-governmental organisations and organisations irrespective of the form of property, officers and individual citizens, and also the rights, obligations of, and guarantees for the citizens in relation to combatting terrorism, this Federal Law defines a terrorist organisation as an organisation incorporated to perform terrorist activity or accepting utilization of terrorism in the activity thereof. An organisation shall be recognised as a terrorist organisation, if at least one subdivision thereof performs terrorist activity with the knowledge of at least one management body of that organisation.

As can be seen from the written evidence submitted to the Court, the Supreme Military Majlis ul-Shura of the United Mujahideen Forces of Caucasus, a body that incorporates Arab mercenaries and a number of armed gang leaders that follow them, was founded in 2001 in the territory of the Chechen Republic, a constituent entity of the Russian Federation. This organisation was founded under the direction of the Middle Eastern headquarters of the extremist wing in the international Muslim Brothers Islam association. The purpose is to secede the North Caucasus region from the Russian Federation and found emirates therein to be included into the so-called Great Islam Caliphate using any, particularly military, means. This organisation claimed responsibility for a series of acts of terror in the territory of Russia, and also it was involved in capturing and execution of hostages, particularly foreign citizens, illegal drug circulation, counterfeiting, banditry and other especially grave crimes.

The Congress of the Peoples of Ichkeria and Dagestan - the organisation was founded in 1989 by Sh. Basaev and M. Udugov supported by Arab mercenaries in Chechnya.

The Congress’s activities are aimed at incitement of extremism and separatism in Muslim regions of Russia and also to execution of acts of terror in the territory thereof. The purpose is to create the so-called Islamic Caucasus Caliphate.

The Base (Al-Qaeda) was created by Osama bin Laden in 1988. The core of the organisation consists of Afghan Arabs in order to unite extremist Islamic groups. By mid-90s, it evolved into a multibranch international organisation. Nowadays, there is hardly any hostility hotspot without financial or other involvement thereof, particularly training and transfer of militants, supply of weapons and ammunition, etc.). Al-Qaeda militants were involved in a lot of acts of international terrorism, mainly against citizens and places in the USA (Yemen in 1992, Saudi Arabia in 1995 and 1996, Kenya and Tanzania in August 1998, the USA in September 2001). The members of the organisation actively participated in hostilities on the side of illegal military groups operating in the Northern Caucasus region of the Russian Federation.

Osbat al-Ansar, the Islamic organisation, was created in 1985 by sheikh Hisham Shreidi, the headquarters thereof were located in the Palestinian camp Ain al-Hilwah near Saïda, Lebanon. The status of the group is illegal.

The primary form of the activity thereof is the “trade of terrorism”, i.e. execution of acts for hire and provision of specifically trained militants to other extremist organisations.

O. bin Laden initiated retraining of militants and volunteers in the territory of Ain al-Hilwah camp for subsequent sending to the areas of hostility, particularly to Chechnya. The organisation declared the USA,

Israel, a number of Western European states as the enemies thereof. Russian foreign office institutions and the citizens of Russia located in Lebanon were classified as hostile subjects.

The Sacred War (Al-Jihad or the Egyptian Islamic Jihad) is an organisation aimed at liquidation of secular rule in Egypt, has its representative offices and emissaries in most countries of the world particularly at the Middle East, and also in Islamic regions of Russia, where it operates with the purpose to incite national and confessional strife. The members of the organisation assassinated Anwar el-Sadat, the President of Egypt, in 1981, assassinated the Minister of Internal Affairs of Egypt in 1984, assassinated Rifaat el-Mahgoub, the speaker of the Egyptian Parliament in 1990, and also committed other crimes.

The Islamic Group (Al-Jama'a al-Islamiyya) is an organisation participating in the global Islamic front created by O. bin Laden. The activity is aimed at liquidation of secular rule in Egypt. It provides financial assistance to illegal military groups operating in the territory of the Chechen Republic, participates in training of militants and their sending to areas of hostilities of the world. In Russia, emissaries thereof perform propaganda and reconnaissance and disruptive activity under cover of charity foundations and organisations.

The Muslim Brothers (Al-Ikhwān al-Muslimīn) is an organisation, the activity of which is based on ideas of Hassan al-Banna and Seyyid Kutub, the primary theorists and leaders thereof. The purpose is to eliminate non-Islamic governments and to establish global Islamic rule by recreating the Great Islamic Caliphate beginning with the regions with predominantly Muslim population, particularly Russia and the countries of the CIS. It is prohibited by law in a number of the Middle East countries (Syria, Jordan). The primary forms of activity: aggressive Islamic propaganda combined with intolerance against other religions, active recruitment of supporters in mosques, military jihad not limited to a certain territory.

The Islamic Liberation Party” (“Hizb ut-Tahrir al-Islami”) is an organisation that pursues the aims of overthrowing non-Islamic governments and establish Islamic rule on a global scale by recreating a “Worldwide Islamic Caliphate” beginning with the regions with predominantly Muslim population, including Russia and other members of the Commonwealth of Independent States.

The main forms of activity include Islamist militant propaganda combined with intolerance towards other religions, active recruitment of followers, focused efforts for promoting disunity in society (primarily propaganda with massive financial support).

It is prohibited by law in a number of the Middle East and CIS (Uzbekistan) countries.

Lashkar-e-Taiba is a Pakistani military extremist Islamic group of a Wahabit nature. It is a military wing of the Pakistani fundamentalist Islamic organisation Markaz Ud Dawat Wal Irshad. The primary purpose of the organisation is a military struggle against India authorities aimed at inclusion of Jammu and Kashmir territories into Pakistan, spread of jihad across all regions of India, increase in the scale of the influence thereof across the Central Asia countries, Muslim regions of other countries including the Northern Caucasus.

It provides financial and other assistance to various terrorist organisations including gang groups operating in the territory of the Chechen Republic. The training centres under the control thereof have provided training to more than five hundred militants including those from Chechnya and Dagestan under the direction of Pakistani, Afghan, Sudanese and Saudi instructors.

The Islamic Group (Al-Jama'a al-Islamiyya) is a radical organisation founded in early 40s, trains militants in special camps operating near the Pakistani-Afghan border. The organisation directs its activity against Russia as well. Emissaries of the Islamic Group perform organisational and propagandistic work in the constituent entities of the Russian Federation with dense Islamic population (Tatarstan, Dagestan, Chechnya and others) aimed at incitement of separatism.

The Taliban movement appeared in Afghanistan in 1994 as an extremist Islamic movement. It maintains relations with illegal military groups operating in the territory of the Chechen Republic. In the activity thereof,

it implements the methods of terror, namely in autumn 1995 they captured IL-78 aircraft owned by Aerostan Tatarstan airline, the crew of which was held hostage for a long time. Relying on support from O. bin Laden, it searched for opportunities to have Islamic movements seizing the power in the countries of the Central Asia including Uzbekistan, Tajikistan, Kirghizia.

The Turkistan Islamic Party (formerly the Islamic Movement of Uzbekistan) was founded in 1995. The activity of the organisation is guided and financed by foreign Islamic clerical centres aiming at foundation of extremist religious organisations in Uzbekistan and other countries of the CIS. The program of the party provides for resurgence of the Great Islamic Caliphate on the territories of the countries of the Central Asian region with the involvement of Caucasian and Volga republics of the Russian Federations in this process.

The immediate objectives are: destabilization of the national political situation in Uzbekistan through sabotage, acts of terror, planning and execution of military acts, provocations on the Uzbekistan-Tajikistan and Uzbekistan-Kirghizia borders, capturing hostages. Starting from early 1999, the actions thereof have become extreme in violence particularly explosions and kidnapping. It maintains active relations with the Taliban movement and gang groups operating in the territory of the Chechen Republic.

The Social Reform Society (Jamiat al-Islah al-Idzhtimai) is an organisation with its headquarters in Al Kuwayt (Kuwait). In Kuwait, it has a status of a non-state charity organisation; under cover of charity programs, it promotes the primary objective of the Muslim Brothers association, i.e. elimination of non-Islamic governments and establishment of global Islamic rule by recreating the Global Islamic Caliphate, first in the regions with predominantly Muslim population, particularly Russia and the countries of the CIS. The primary forms of activity: purposeful Islamic propaganda combined with intolerance against other religions; purposeful (primarily propagandistic with powerful financial support) activity aimed at splitting the society, clandestine financing of military jihad on the Northern Caucasus. The Ministry of Justice of the Russian Federation officially registered a branch of the organisation in the Russian Federation in 1993.

The Revival of Islamic Heritage Society (Jamiyat Ikhyat At-Turaz Al-Islami) is an organisation with its headquarters in Al Kuwayt (Kuwait). In Kuwait, it has a status of a non-state charity organisation. Under cover of charity programs, it promotes the primary objective of the Salafi movement that matches the objective of the Muslim Brothers, i.e. elimination of non-Islamic governments and establishment of global Islamic rule by recreating the Global Islamic Caliphate, first in the regions with predominantly Muslim population, particularly Russia and the countries of the CIS. The primary forms of activity: purposeful Islamic propaganda combined with intolerance against other religions; purposeful (primarily propagandistic with powerful financial support) activity aimed at splitting the society and creating the conditions for the secession of Muslim regions from the surrounding non-Islamic world, conservative financing of military jihad on the Northern Caucasus.

The Two Holies' House (Al-Kharamain) is an international Islamic charity non-state organisation with its headquarters in Saudi Arabia. It performs the activity that damages the security of the Russian Federation and the countries of the CIS.

For example, in 1997 it financially supported Dagestani religious extremist Wahabit organisations that aimed to overthrow the constitutional system existing in the Republic and to create the Islamic State in the territory of Dagestan. In 1999, a foundation to support Chechnya was founded. While the financial funds were officially attributed to be utilized in religious events, they were de facto spent on the needs of gang groups.

Emissaries of the organisation are involved in active collection of reconnaissance data in Chechnya, assist the militants in their performance of not only military, but also information war against Russia (Case Sheets 8-23).

The activity of said organisations is terrorist under the federal legislation of the Russian Federation since it

includes:

- 1) The organisation, planning, preparation and execution of acts of terror;
- 2) Incitement of acts of terror, violence against individuals and organisations, demolition of material objects to pursue terrorist objectives;
- 3) Organisation of illegal military groups, criminal societies (criminal organisations), organized groups to perform acts of terror, and also to participate in such acts;
- 4) Recruitment, armament, training and usage of terrorists;
- 5) Financing of known terrorist organisations or terrorist groups or provision of any other assistance to them.

Also, the Court has been provided with the list of foreign terrorist organisations prepared by the US State Department and approved by the Congress. As of 30 January 2003, it includes, particularly, such organisations as Osbat al-Ansar, Al-Jama'a al-Islamiyya, the Islamic Movement of Uzbekistan, Al-Jihad, Lashkar-e-Taiba, Al-Qaeda.

In these circumstances, the Court believes that the organisations the Supreme Military Majlis ul-Shura of the United Mujahideen Forces of Caucasus, the Congress of the Peoples of Ichkeria and Dagestan, the Base (Al-Qaeda), Osbat al-Ansar, the Sacred War (Al-Jihad or the Egyptian Islamic Jihad), the Islamic Group (Al-Jama'a al-Islamiyya), the Muslim Brothers (Al-Ikhwān al-Muslimīn), the Party of Islamic Liberation (Hizb ut-Tahrir al-Islami), the Lashkar-e-Taiba, the Islamic Group (Al-Jama'a al-Islamiyya), the Taliban movement, the Turkistan Islamic Party (formerly the Islamic Movement of Uzbekistan), the Social Reform Society (Jamiat al-Islah al-Idzhtimai), the Revival of Islamic Heritage Society (Jamiyat Ikhya At-Turaz Al-Islami), the Two Holies' House (Al-Kharamain) shall be recognised as terrorist organisations and, by operation of law, the activity thereof shall be prohibited in the territory of the Russian Federation.

Relying on the above and following Articles 194, 195, 198 of the Civil Procedural Code of the Russian Federation, the Supreme Court of the Russian Federation

has decided:

To grant the application of the Prosecutor General of the Russian Federation, to recognise the following organisations as terrorist organisations: The Supreme Military Majlis ul-Shura of the United Mujahideen Forces of Caucasus, the Congress of the Peoples of Ichkeria and Dagestan, the Base (Al-Qaeda), Osbat al-Ansar, the Sacred War (Al-Jihad or the Egyptian Islamic Jihad), the Islamic Group (Al-Jama'a al-Islamiyya), the Muslim Brothers (al-Ikhwān al-Muslimīn), the Party of Islamic Liberation (Hizb ut-Tahrir al-Islami), the Lashkar-e-Taiba, the Islamic Group (Al-Jama'a al-Islamiyya), the Taliban movement, the Turkistan Islamic Party (formerly the Islamic Movement of Uzbekistan), the Social Reform Society (Jamiat al-Islah al-Idzhtimai), the Revival of Islamic Heritage Society (Jamiyat Ikhya At-Turaz Al-Islami), the Two Holies' House (Al Kharamain), and to prohibit their activity in the territory of the Russian Federation.

The Decision can be appealed against before the Cassation Chamber of the Supreme Court of the Russian Federation within 10 days after the Court issues the final form of the Decision.

Presiding

Judge of the Supreme Court
of the Russian Federation

signature

N.S. Romanenkov

Annex 120

Supreme Court of the Russian Federation, Case No. 5-004-227,
Cassation Decision, 13 January 2005
(excerpts)

Translation
Excerpts

Case No. 5-004-227

CASSATION DECISION

Moscow

13 January 2005

The Judicial Chamber on Criminal Cases of the Supreme Court of the Russian Federation, consisting of:

Presiding judge A.P. Shurygin,
Judges A.A. Dzyban and V.V. Kochin,

has considered in the court session on 13 January 2005 a case on cassation appeals of convicted Yu.S. Kasymakhunov and of attorney E.V. Grabchak in defence of his interests against the decision of the Moscow City Court of 11 November 2004 by which:

YUSUP SALIMAKHUNOVICH KASYMAKHUNOV, born on 15 October 1964, a native of the city of Andijan of the Republic of Uzbekistan, with no criminal record, was sentenced to 6 years of imprisonment under Article 205-1, Part 1 of the Criminal Code of the Russian Federation, to 7 years of imprisonment under Article 210, Part 1 of the Criminal Code of the Russian Federation, to community service for a period of 2 years with a monthly deduction of 20% of his wage to the state budget under Article 327, Part 3 of the Criminal Code of the Russian Federation.

On the basis of Article 69, Part 3 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by partial addition of punishments, he was finally sentenced to 8 years of imprisonment in a high-security penal colony;

A.Yu. Drozdovskaya was convicted in the case; the sentence against her was not appealed,

[...]

HAS ESTABLISHED THAT:

Under the circumstances set out in the court decision, Kasymakhunov has been found guilty of leadership in the territory of the Russian Federation during the period from 1999 to February 2004 of structural units belonging to a criminal network (criminal gang) to commit grave and particularly grave crimes, of inducing persons to participate in the activities of a terrorist group, of using a knowingly forged document, i.e. a passport, for living in the city of Moscow during the period from April 15, 2003 to February 13, 2004.

[...]

Page 3

It has been established from the testimony provided by Kasymakhunov during the pre-trial investigation that he lived in the city of Moscow using a forged passport in the name of Ibragimov which he used for registration and identity checks by law enforcement officers. In 1996, he joined the party "Hizb ut-Tahrir al-Islami" ("H.T."). He knew that by the decision of the Supreme Court of the Russian Federation this party was recognized as a terrorist organisation. After becoming a member of the "H.T." party, he started to disseminate the ideas of the party, involved 5-6 persons in it, provided them with printing products, gave instructions about working with people and agitation among them.

It has been established from the testimony provided by A.Yu. Drozdovskaya that she knew about the membership of Yu.S. Kasymakhunov in the “H.T.” party, which was recognized as terrorist, and swore that she wished to join it.

[...]

Page 5

Guided by Articles 377, 378, 388 of the Criminal Procedural Code of the Russian Federation), the judicial chamber

HAS DECIDED:

To uphold the decision of the Moscow City Court of 11 November 2004 in respect of Yusup Salimakhunovich Kasymakhunov, and to dismiss the cassation appeals.

Presiding judge:-

Judges:-

[...]

Annex 121

Expert report No. 10 in criminal case No. 606008, 5 June 2007
(excerpts)

Translation

Excerpts

EXPERT REPORT (No. 10)

in criminal case No. 606008

prepared 5 June 2007

[...]

Pages 14-15

23. book “Islamic personality” [...]

[...]

[This book] is devoted to examination of issues related to Islamic law and its principles, or, more exactly, to those problems correct understanding of which contributes to formation of Islamic personality. Provisions that do not comply with traditional Islam, mostly appear on missing pages. For example, in the second part of this book (Third Section) it is said that if Muslims have had no caliph for three days, they have all sinned and remain in sin for as long as a caliph is appointed. This very dangerous delusion is supported by a distorted interpretation of the meaning of sacred Muslim texts. Also, in the first part (section “Prophets and Ambassadors”) the author insists that before receiving the prophesy the prophets were not protected by Allah against doing things that any person can do, i.e., the prophets, prior to the prophesy, could be guilty of unbelief and commit small and big sins indicative of the meanness of the wrongdoing person. This opinion contradicts the unanimous opinion of Islamic scientists who believe that before the prophesy the prophets did not suffer from negative features. On page 234 it is said that “*the most important matter for Muslims is Caliphate*”. On the same page the author makes a conclusion that many democratic laws are false and shall not be allowed for Muslims, while in reality such laws, especially democratic freedoms, are recognized in the Sharia. On page 58 T. Nabhani affirms that, with regard to the issue of Kada and Kadar (the problem of voluntary actions of a human), Sunnis (Ahl as-Sunnah) agree with Dzabarits, representatives of one of heretical movements in Islamic teaching. This is untrue as well. At that, by calling one of the Islamic values’ trend a more general term “Ahl as-Sunnah” (Sunnis), the author of the book asserts himself against Sunnis, thus hastily putting himself outside the framework of traditional Islam. In such a way the author indirectly declares that he offers a new understanding of Islamic values, which, in its turn, gives us the right to call his group (party) a religious sect with nontraditional views.

[...]

Annex 122

Buguruslan City Court of the Orenburg Region, Case. No.
554/07g, Decision, 6 August 2007

Translation

Civil Case No. 554/07g

DECISION
IN THE NAME OF THE RUSSIAN FEDERATION

6 August 2007

Buguruslan

Buguruslan City Court of the Orenburg Region

Comprising M.V. Ryabchikova, the Presiding Judge

A.R. Gazizova, the Secretary

Having heard in open court a civil case under the application filed by the Prosecutor of the Buguruslan Interdistrict Prosecutor's Office acting in the interests of the State on the recognition of books as extremist literature,

Has established:

The Prosecutor of the Buguruslan Interdistrict Prosecutor's Office has filed an application referring to the decision of the Buguruslan City Court of 12 February 2007, finding R.A. Gizitdinov, Assistant to the Chairman of the Central Spiritual Directorate of Muslims of the Orenburg Region, and the Rector of the madrasa Al – Furkan, guilty of committing a crime under Part 2, Article 282.2 of the Criminal Code of the Russian Federation, i.e. participation in the activities of a non-governmental organisation or religious association or other organisation, in whose respect the court adopted a final decision on the liquidation or ban of activities in connection with the conducting extremist activities.

R.A. Gizitdinov was sentenced to 1 year and 6 months of prison with serving the sentence in a penal settlement.

This decision entered into force on 26 May 2007.

In the course of the criminal case investigation, the search of the library and storage of the educational building of the madrasa Al-Furkan in Buguruslan at 25/27 Musa Cälil St. resulted in the confiscation of 17 books. According to the theological and psycholinguistic expert examination within the scope of the said criminal case, these books were recognised as literature of ideological content (Wahhabi fundamentalist) and could be attributed to extremist materials, as their content is aimed at extremist activities, contained signs of extremism, inciting religious enmity and discord, and humiliation of human dignity on the basis of attitude to religion.

Therefore, the Court was requested to recognise the books as extremist literature. The persons concerned, including Lama Press Publishing House, Novator CJSC, Ibrahim Bin Abdulaziz Al Ibrahim Russian Foundation, Santlada PC, Badr Publishing House did not appear at the hearing. The Court served subpoenas to the specified addresses, however, the postal correspondence was returned to the Court with notes on the absence of these organisations at the specified addresses. The Court does not have information on other addresses of the organisations, and therefore, in accordance with Article 119 of the Civil Procedural Code of the Russian Federation, applying the analogy of law, the Court deems it possible to consider the case in the absence of the persons concerned.

The persons concerned, comprising the Ministry of Justice of the Russian Federation, OJSC Publishing Group "Progress", did not appear at the hearing, of which time and place they were duly notified, the Court does not have information on the reasons for failure to appear.

In accordance with Article 167 of the Civil Procedural Code of the Russian Federation, the Court deems it possible to consider the case in their absence.

Having heard the opinion of the representative of the Buguruslan Interdistrict Prosecutor's Office and having studied the case materials, the Court comes to the following.

Article 1 of Federal Law of 25 July 2002 No. 114-FZ “On countering extremist activities” (as amended and supplemented), states a list of actions of non-governmental organisations and religious associations or organisations, or editorial offices of the media, or individuals on planning, organisations, preparation and commission of actions aimed at inciting racial, ethnic and religious hatred, as well as social hatred associated with violence or calls for violence.

According to Article 13 of the said Law, dissemination and production of extremist materials, including printed, audio-visual and other materials containing at least one of the signs provided for in Part 1, Article 1 of the said Law shall be prohibited in the Russian Federation. Such materials include official materials of banned extremist organisations; materials authored by persons convicted in accordance with international legal acts for crimes against peace and humanity and containing signs provided for in Part 1, Article 1 of Federal Law of 25 July 2002 No. 114-FZ “On countering extremist activities”; any other, including anonymous, materials containing signs provided for in Part 1, Article 1 of the said Federal Law.

In the course of the hearing, it was established that by the decision of the Buguruslan City Court of 12 February 2007, R.A. Gizitdinov, Assistant to the Chairman of the Central Spiritual Directorate of Muslims of the Orenburg Region, and the Rector of the madrasa Al - Furkan was found guilty of committing a crime under Part 2, Article 282.2 of the Criminal Code of the Russian Federation, i.e. participation in the activities of a non-governmental organisation or religious association or other organisation, in respect of which the court adopted a final decision on the liquidation or prohibition of activities in connection with the extremist activities.

In the course of investigation of this criminal case, the search of the library and storage of the educational building of the madrasa Al-Furkan in Buguruslan at 25/27 Musa Cälil St., resulted in the confiscation of 17 books.

According to the theological expert examination of 30 May 2005, the book “**Al-Salafi (truth and lie)**”, M. “Progress” 2003; “**The Book of Monotheism**”, by Saleh Ibn Fawzan al-Fawzan, Makhachkala, Badr, 1997; “**Averting Doubts**” translation by Muhammad Abdullah, Muhammad bin Suleiman at-Tamimi (Wahhab), Sharjah: Charity Book and Cassette Center, 2001 are “Wahhabi” literature.

According to the theological expert examination of 27 February 2006,

1. “**The Book of Monotheism**”, Salih ibn Fawzan al Fawzan, Makhachkala, Badr, 1997, contains elements of the Wahhabi sense, non-traditional for the majority of Muslims, especially for the Muslims of the Volga region;
2. “**Programs for the Study of Sharia Sciences**”, Materials prepared by the scientific committee of the Institute of Imams and Preachers of the Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, Moscow, Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 1999 –145\126\48\101 pages, comprises four books:
 - a) **Fundamentals of Islamic Doctrine (Usus al - Akida)** (series:) Programs for the study of Sharia sciences (1), translation from Arabic by V. Nirsh, 145 p;
 - b) **Hadiths and terms**, (series:) Programs for the study of Sharia sciences (2), translation from Arabic by V. Nirsh, 126 p.
 - c) **Biography of the Prophet (series:) Programs for the Study of Sharia Sciences (3), translation by I.A. Astafiev, 48 p.**
 - d) **Call (series:)** Programs for the Study of Sharia Sciences (4), translation from Arabic by I.A. Astafiev, 103 p.- this book is included in the list of sectarian (Wahhabi, fundamentalist) literature made by the Central Spiritual Directorate of Muslims in the European part of Russia and Siberia.
3. **Fundamentals of Islamic Doctrine (Usus al - Akida)**, green paperback without imprint, the content corresponds to the book (1) of the Shariah Studies Program, translation from Arabic by V. Nirsh

4. **Explaining the Basics of Faith: Notes on True Doctrine. Ibn Usaymin, Muhammad ibn Salih**, Riyadh, Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 1423 a.h. (brochure, 128 pages).
5. **Zina, Muhammad bin Jamil, Islamic Akida (doctrine, conviction, view) according to the Holy Quran and reliable sayings of the Prophet Muhammad**, Moscow, 1998, 125 pages, is included in the list of sectarian (Wahhabi, fundamentalist) literature made by the Central Spiritual Directorate of Muslims in the European part of Russia and Siberia, where it is designated as a specifically dangerous book.
6. **A.A. Maududi, "Fundamentals of Islam", Moscow, Satlanda, 1993 128 pages, this book is included in the list of sectarian (Wahhabi, fundamentalist) literature made by the Central Spiritual Directorate of Muslims in the European part of Russia and Siberia.**
7. **Al - Maududi, Abu al-Ala, "Islam Today"**, Moscow, Satlanda, 1992 (brochure, 37 pages) - is referred to Wahhabi ideology;
8. **Abd al-Aziz ibn Abdullah ibn Baz, "On the Need to Observe the Sunnah of the Apostle (Allah Bless and Greet Him)"**, Riyadh, Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 1423 a.h. (brochure, 38 pages), is referred to Wahhabi ideology;
9. **"Al-Salafi (truth and lie)"**, Moscow: Publishing Group "Progress", 2003 (brochure, 31 pages), the purpose of the book is to popularize Wahhabism, its official Saudi version, among Russian-speaking Muslims;
10. **Al - Huqail, Suleiman ibn Abd al-Rahman, "Sheikh's life. Muhammad ibn Abd al - Wahhab ..."** Moscow: Publishing Group "Progress", 2003, 192 pages
11. **Muhammad bin Suleiman at-Tamimi, "Averting Doubts"**, translated from Muhammad Abdullah, Sharjah (Emirates): Charity Book and Cassette Center, 2001, (brochure, 35 pages), is referred to Wahhabism on the ideological grounds;

According to the psycholinguistic expert examination of 5 June 2006, in the books:

1. **Al - Maududi, Abu al-Ala, "Islam Today"**, Moscow: Santlada, 1992 (brochure, 37 pages), factors were noted that contribute to the incitement of enmity between people on the basis of attitudes towards religion, the content of this brochure changes the behavioural reactions in the society of a person who has accepted the ideas proposed in this brochure;
2. **Muhammad Ali Al-Hashimi "The Ideal Muslim: The True Islamic Personality of the Muslim as Defined in the Qur'an and Sunnah"**, factors were noted that contribute to the incitement of enmity between people on the basis of attitudes towards religion, the content of this brochure changes behavioural reactions in the society of a person who has accepted ideas offered in this brochure;
3. **Mohammad ben Ibrahim Ben Abdel Latif al-Sheikh, "Establishment of the laws of Allah"**, translation from Arabic, Makhachkala, 1997, 16 p, - is forming a basis for inciting hatred or enmity between people on the basis of attitude to religion, belonging to social groups, is capable of influencing the behavioural reactions of a person in society and changing his personality.
4. **Abd al-Aziz ibn Abdullah ibn Baz, "On the Need to Observe the Sunnah of the Apostle (Allah Bless and Greet Him)"**, Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 1423 a.h., Riyadh (brochure, 38 pages), is a means of inciting hatred or enmity between people on the basis of attitudes towards religion, contributes to a change in the behavioural reactions of a person in society and changes in its personality towards increasing aggressiveness in relation to the category of "Others" defined on the basis of religion.
5. **"Programs for the Study of Sharia Sciences"**, Materials prepared by the scientific committee of the Institute of Imams and Preachers of the Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 3rd edition Moscow, translation and publication by the Russian Foundation "Ibrahim Bin

Abdulaziz Al Ibrahim”, 1999 -145\126\48\101 pages, contributes to the emergence of hatred or enmity between people on the basis of attitude to religion, activates the need for self-realisation through serving a higher power without aggressive manifestations;

6. **A.A. Maududi, “Fundamentals of Islam”**, Moscow, editorial company Satlanda, 1993, 128 pages, is a means of inciting hatred or enmity between people on the basis of attitude to religion, contributes to a change in the behavioural reaction of a person in society and a change in his personality towards increased aggressiveness towards the category “Others”, defined based on religion;

7. **“Averting Doubts” translation by Muhammad Abdullah, Muhammad bin Suleiman at-Tamimi (Wahhab)**, Sharjah: Charity Book and Cassette Centre, 2001, 135 pages, is aimed at inciting hatred or enmity between people on the basis of attitudes towards religion, contributes to the change of a behavioural reaction of a person in society and changes in his personality;

8. **“The Book of Monotheism”**, by Saleh Ibn Fawzan al-Fawzan, Makhachkala, Badr, 1997, 147 pages, is aimed at inciting hatred or enmity between people on the basis of attitude to religion, contributes to a change in the behavioural reaction of a person in society and a change in his personality;

9. **“Al-Salafi (truth and lie)”**, Moscow, “Progress”, 2003 (brochure, 31 pages), has an indirect effect aimed at inciting hatred or enmity between people on the basis of their attitude to religion, belonging to a social group, forming an attitude towards defensive behaviour, psychological readiness to search for hostile members of community in relation to the “We” category.

10. **Biography of the Prophet (series:) Programs for the Study of Sharia Sciences (3)**, translation by I.A. Astafiev, 48 pages, promotes the incitement of hatred or enmity between people on the basis of attitude to religion, forms motivation to change the behavioural reactions of the individual, stimulating an increase in outwardly directed open aggression up to the use of weapons and the readiness to physically destroy the enemy.

11. **“Programs for the Study of Sharia Sciences”, Materials prepared by the scientific committee of the Institute of Imams and Preachers of the Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia**, Moscow, Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 1999 -145\126\48\103 pages, Hadiths and terms, promotes the incitement of hatred and enmity between people on the basis of attitudes towards religion, this text is able to influence the behavioural reactions of a person in society and change his personality.

12. **“Word of Unity”**, Moscow, Lama Press, 1993, 55 pages,- promotes the incitement of hatred and enmity between people on the basis of attitudes towards religion, this text is able to influence the behavioural reactions of a person in society and change his personality.

13. **Al - Huqail, Suleiman ibn Abd al-Rahman, “Life of Sheikh Muhammad ibn Abd al - Wahhab ...”** Moscow, “Progress”, 2003, 192 pages, the text of the brochure contributes to the formation of outwardly directed open aggression towards representatives of other philosophical trends due to the increased emotiveness of the texts, the rhythmic characteristics and semantic structures of the text, stimulates activity and aggressive behaviour by describing the presence of an enemy, the need to struggle for the sake of an idea and a concrete example of the life of an idealized person.

14. **Explaining the Basics of Faith: Notes on True Doctrine. Ibn Usaymin, Muhammad ibn Salih**, Riyadh, Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 1423 a.h. (brochure, 128 pages), indirectly contributes to the incitement of hostile attitudes towards the category “Others”, helps to reduce the criticality of the individual, to transfer responsibility for decisions to the highest forces;

15. **Zina, Muhammad bin Jamil, Islamic Akida (doctrine, conviction, view) according to the Holy Quran and reliable sayings of the Prophet Muhammad**, Moscow, 1998, 125 pages, promotes the incitement

of hatred and enmity between people on the basis of attitude to religion, belonging to a social group, contributes to a change in the behavioural reaction of a person in society and changes in its personality;

16. **“Explaining the Fundamentals of Faith”, a short essay on the tenets of Islam**, Ibn Usaymin, Muhammad ibn Salih, 1st edition, Moscow, 1999, 117 pages, Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, promotes the incitement of hatred and enmity between people on the basis of attitude to religion, belonging to a social group, contributes to a change in the behavioural response of a person in society and a change in his personality;

The Court has no reason not to trust the conclusions of the experts warned of criminal liability for perjury under Article 307 of the Criminal Code of the Russian Federation.

Under such circumstances, the Court considers that the said books can be classified as extremist literature.

In accordance with Part 3, Article 13 of the Federal Law “On countering extremist activities”, the Court decision on establishing the presence of signs of extremist activity specified in Part 1, Article 1 of the said Law shall be a ground for the seizure of the unsold part of copies of the product.

Being guided by Articles 194–198 of the Civil Procedural Code of the Russian Federation,

Has decided:

To recognise the following books as extremists literature:

1. **Islamic Akida (doctrine, conviction, view) according to the Holy Quran and reliable sayings of the Prophet Muhammad**, Zina, Muhammad bin Jamil Moscow, 1998, 125 pages;
2. “Life of Sheikh Muhammad ibn Abd al - Wahhab ...”, Al - Huqail, Suleiman ibn Abd al-Rahman, Moscow, Publishing Group “Progress”, 2003, 192 pages;
3. **Explaining the Basics of Faith: Notes on True Doctrine, Ibn Usaymin, Muhammad ibn Salih, Riyadh, Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 1423 a.h. (brochure, 128 pages);**
4. **“Programs for the Study of Sharia Sciences”**, Materials prepared by the scientific committee of the Institute of Imams and Preachers of the Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, Moscow, Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 1999 -145\126\48\101 pages, Hadiths and terms, translation by V.A. Nirsh;
5. **“Biography of the Prophet Allah Bless and Greet Him” (series:)**, Programs for the Study of Sharia Sciences translation by I. A. Astafiev, Moscow, 1st edition, 1998, 46 p., Materials prepared by the scientific committee of the Institute of Imams and Preachers of the Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia;
6. **“Al-Salafi (truth and lie)”**, Moscow, OJSC Publishing Group “Progress”, 2003 (brochure, 31 pages);
7. “The Book of Monotheism”, Salih ibn Fawzan al Fawzan, Makhachkala, Badr, 1997, 147 pages;
8. **“Averting Doubts”** translation by Muhammad Abdullah, Muhammad bin Suleiman at-Tamimi (Wahhab), Sharjah: Charity Book and Cassette Center, 2001, 135 pages;
9. **“Programs for the Study of Sharia Sciences”**, Materials prepared by the scientific committee of the Institute of Imams and Preachers of the Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 3rd edition, Moscow, translated and published by Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 1999 -145\126\48\101 pages;
10. **“On the Need to Observe the Sunnah of the Apostle (Allah Bless and Greet Him)”**, Abd al-Aziz ibn Abdullah ibn Baz, Riyadh, Ministry of Islamic Affairs, Dawah and Guidance of the Kingdom of Saudi Arabia, 1423 a.h. (brochure, 38 pages);

11. **“Fundamentals of Islam”** by Al - Maududi, Abu al-Ala, Moscow, editorial company Satlanda with the participation of MP Strannik, 1993, 128 pages, translation by I. Muhammad Sheikh;
12. **“The Ideal Muslim: The True Islamic Personality of the Muslim as Defined in the Qur’an and Sunnah”**, to 1400 anniversary of Islam in Russia, Moscow, Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim” 2001; Muhammad Ali Al-Hashimi, 4th edition, translation by V.A. Nirsh, 413 pages;
13. **“Islam Today”**, Al - Maududi, Abu al-Ala, 1st edition, Moscow, editorial company Satlanda, 1992 (brochure, 37 pages);
14. **Fundamentals of Islamic Doctrine (Usus al - Akida)**, green paperback without imprint, Muhammad bin Salih al - Usaymin;
15. **“Establishment of the laws of Allah”**, Mohammad ben Ibrahim Ben Abdel Latif al-Sheikh, translation from Arabic, Makhachkala, 1997, 16 pages;
16. **“Word of Unity”**, Moscow, Lama Press, 1993, 55 pages;
17. **“Explaining the Fundamentals of Faith”**, a short essay on the tenets of Islam, Ibn Usaymin, Muhammad ibn Salih, 1st edition, Moscow, 1999, 117 pages, Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”.

The decision can be appealed to the Orenburg Regional Court through the Buguruslan City Court within 10 days from the date of the final decision.

Presiding Judge: */Signature/* M.V. Ryabchikova

Decision prepared in final version on 6 August 2007.

*/Stamp: Court decision (ruling) entered into force
on 11 August 2007*

Original decision (ruling)

is part of civil case file No. 2 – 554 / 2007

stored in the archive of the Buguruslan District Court.

Judge/

/Signature/

*/Seal: ORENBURG REGION * Buguruslan District Court /*

/Stamp: TRUE COPY

signature by the judge/

/Signature/

*/Seal: ORENBURG REGION * Buguruslan District Court/*

Annex 123

Tuimazinsky District Court of the Republic of Bashkortostan, Case
No. 2-1508/2007, Decision, 5 September 2007

Translation*/Handwritten: 2-1508/2007/***Decision****IN THE NAME OF THE RUSSIAN FEDERATION**

On 5 September 2007

the Tuimazinsky District Court of the Republic of Bashkortostan,

composed of the Federal Judge N.V. Kolbina and

Secretary A.V. Ganeeva,

with the participation of the Assistant Prosecutor R.S. Hannanova,

having heard in open court a civil case under the claim filed by the Prosecutor of the Republic of Bashkortostan in accordance with Article 13 of the Federal Law “On countering extremist activities” in the interests of the state on the recognition of materials seized from the defendants in Criminal Case No. 6909333 as extremist literature

has established the following:

The Prosecutor of the Republic of Bashkortostan took the case to court on recognizing the materials seized from the defendants in Criminal Case No. 6909333 as extremist literature in accordance with Article 3 of the Federal Law “On countering extremist activities” in the interests of the state. In support of the claim, he pointed out that, on 8 December 2006, the Prosecutor’s Office of the Republic of Bashkortostan has initiated Criminal Case No. 6909333 under Parts 1,2 Article 282.2 of the Criminal Code of the Russian Federation on the fact of organizing and participating in the activities of the international Islamic political party Hizb ut-Tahrir al-Islami (Islamic Liberation Party), recognized by the decision of the Supreme Court of the Russian Federation of 14 February 2003 as a terrorist organization and banned in the Russian Federation. The pre-trial investigation established that: I.F. Akhmetyanov, being a member of the international Islamic political party Hizb ut-Tahrir al-Islami, organized and headed a terrorist extremist organization cell in Tuimazy, Republic of Bashkortostan, and, being the organizer, provided members of the cell R.M. Mullagaleev, R.R. Nafikov with literature related to the Hizb ut-Tahrir al-Islami party that has negative emotional assessment and comprises information forming a negative attitude towards all people who do not adhere to Islam. In order to study the semantic orientation of the texts of the literature seized during the investigation, the investigation carried out an examination, according to which the printed materials seized from the defendants in the criminal case contain ideas, views of an extremist and terrorist orientation the dissemination of which threatens the security of an individual, society and the Russian Federation. By the decision of the Tuimazinsky District Court of 14 June 2007, I.F. Akhmetyanov; R.M. Mullagaleev, and R.R. Nafikov were found guilty of committing crimes under paragraphs 1, 2, Article 282.2 of the Criminal Code of the Russian Federation and subjected to a suspended sentence. He asks the court to recognize the journals Al-Wai No. 215,221,230,233,234,235,236, the books of Takiuddin al-Nabohoni The System of Islam, Islamic State, Democracy: the System of Disbelief, Hizb ut-Tahrir’s Political Concept, information and analytical digest No. 8, newspapers Hidayat; 4,5, Hikmat, Hukmat, brochures and leaflets The Path to Faith, Reconstruction of the Caliphate – Responsibility of Muslims, Administrative Rules, Proclamations on the Course of Action, “there is an obvious harm prohibited by Islam in providing the intelligence services with information about Hizbs [Translator’s note – short for “Hizb ut-Tahrir”], about its Shababs”, “Arrests of Muslims resumed in Bashkortostan”, “Another verdict in the Hizb ut-Tahrir case was handed down in Ufa”, “Russian law enforcement agencies falsify facts and falsely accuse Hizb ut-Tahrir”, “How to behave in case of contact with special services” as extremist

literature since their content is aimed at inciting religious hatred.

In the course of hearing, the Assistant Prosecutor R.S. Hannanova has sustained the application and asked to grant the asserted request in full.

Having heard the parties to the proceeding, studied the written materials of the case, the court considers it necessary to grant the Prosecutor's application.

By the decision of the Tuimazinsky District Court of the Republic of Bashkortostan of 14 June 2007, I.F. Akhmetyanov was convicted under Article 282.2, Part 1 of the Criminal Code of the Russian Federation for 1 year and 6 months of suspended imprisonment with a probationary period of 1 year. R.M. Mullagaleev and R.R. Nafikov were convicted under Article 282.2, Part 2 of the Criminal Code of the Russian Federation to 1 year of suspended imprisonment with a probationary period of 1 year. I.F. Akhmetyanov was found guilty of organizing the activities of a religious association, in respect of which the court adopted a final decision to ban activities due to extremist activities, R.M. Mullagaleev and R.R. Nafikov were found guilty of participation in the activities of a religious association in respect of which a court has adopted a final decision to ban activities due to extremist activities. The decision has taken effect.

According to the theological examination opinion of 25 February 2005, the printed materials of Criminal Case No. 6909333 submitted for examination are directly related to the activities of the religious and political extremist party Hizb ut-Tahrir - banned in the territory of the Russian Federation - on the grounds of the distribution of printed publications of this organization, including the Al-Wai journal, brochures and leaflets, carrying out activities in accordance with its program guidelines and methods, introducing the ideas of the Hizb ut-Tahrir party into the mass consciousness by replicating the works of its founders and modern ideologists and leaders (amirs). Printed materials of Criminal Case No. 6909333 submitted for examination contain ideas, views of extremist and terrorist orientation contradicting the norms of international law, the Russian Constitution and the legislation of the Russian Federation, posing a threat to the security of the individual, society and the Russian state on the grounds of refusal to recognize the international regulations, call for total Islamization of the global population, intentions to change the political systems and state structure of countries, including the Russian Federation, to include them in the global Caliphate, a call for destruction of the established state borders of national states both with the help of "call" and violent actions, including, but not limited to the destruction; the intention to achieve the set goal of creating global Caliphate by means of jihad, which is understood in the only meaning as a war with those who will resist the construction of the Caliphate, recognition of the only possible form of government of the global Caliphate as the dictatorship of the Caliphate. The expert examination of the content of the submitted printed materials revealed statements containing a negative assessment and expressing a negative attitude towards that part of the world that does not adhere to Islam. These statements are expressed in the form of categorical judgments and personal opinions in relation to states, heads of states, state bodies of countries whose constitutional structure provides for freedom of conscience and equality of religions. Such types of communicative influence on the addressee as assertive (notifying the addressee about a certain state of affairs, e.g., arrests of party members in Uzbekistan) and directives (encouraging the addressee to take certain actions, e.g., disobeying non-Islamic governments) were applied, which provoke a reaction from the addressee or its mobilization. The texts contain appeals aimed at involving other persons in the mainstream activities of this extremist organization, urging the population to extremist activities by distributing and replicating in specially created mass media – newspapers Hidayat, Hikmat, Hukmat and other materials by Hizb ut-Tahrir which falls under paragraph 1(d), 3, Article 1, Article 8, Article 11 and Article 13 of Federal Law of 25 July 2002 No. 114-FZ “On countering extremist activities”.

According to paragraphs 6, 9.15, Clause 1, Article 1 of the Federal Law “On countering extremist activities”, the said literature can be classified as extremist materials since their content is aimed at carrying out extremist activities, inciting religious intolerance and discord, and also justifies and reasons such activities.

According to Part 2, Article 13 of the Federal Law “On countering extremist activities”, the Federal Court establishes the signs envisaged in paragraphs a–c, part 1 of the said article in information materials at the place of discovery and distribution of such materials on the basis of the Prosecutor's application.

Therefore, the application in the interests of the state by the Prosecutor of the Republic of Bashkortostan to recognize the materials seized from the defendants in Criminal Case No. 6909333 as extremist literature in accordance with Article 413 of the Federal Law “On countering extremist activities” shall be satisfied.

Guided by Articles 194–198 of the Civil Procedural Code of the Russian Federation, the court

decided:

To grant the application in the interests of the state by the Prosecutor of the Republic of Bashkortostan to recognize the materials seized from the defendants in Criminal Case No. 6909333 as extremist literature in accordance with Article 13 of the Federal Law “On countering extremist activities“.

To recognize the journals Al-Wai No. 215,221,230,233,234,235,236, the books of Takiuddin al-Nabohoni The System of Islam, Islamic State, Democracy: the System of Disbelief, Hizb ut-Tahrir’s Political Concept, information and analytical digest No. 8, newspapers Hidayat; 4,5, Hikmat, Hukmat, brochures and leaflets The Path to Faith, Reconstruction of the Caliphate — Responsibility of Muslims, Administrative Rules, Proclamations on the Course of Action, “there is an obvious harm prohibited by Islam in providing the intelligence services with information about Hizbs about its Shababs”, “Arrests of Muslims resumed in Bashkortostan”, “Another verdict in the Hizb ut-Tahrir case was handed down in Ufa”, “Russian law enforcement agencies falsify facts and falsely accuse Hizb ut-Tahrir”, “How to behave in case of contact with special services” as extremist literature.

The decision may be appealed in the Supreme Court of the Republic of Bashkortostan within 10 days from the date of its issuance through the Tuimazinsky District Court of the Republic of Bashkortostan.

Federal Judge:

/Signature/

N.V. Kolbina

*/Seal: TUIMAZINSKY DISTRICT COURT
OF THE REPUBLIC OF
BASHKORTOSTAN/*

*/Seal: TUIMAZINSKY DISTRICT COURT
OF THE REPUBLIC OF BASHKORTOSTAN/*

*/Stamp: TRUE COPY/ signature: R.F.
Asanov//illegible/ of the Federal Court of
General Jurisdiction * Secretary deputy *
22 May 2020/ signature//*

*/Stamp: /illegible/ has taken effect since
16 September 2017 /signature/*

Annex 124

Kuzminskiy District Court of Moscow, Decision, 26 October 2007

Translation

/STAMP: COPY/

DECISION
In the name of the Russian Federation
26 October 2007

Kuzminskiy District Court of Moscow, composed of the Presiding Judge I.B. ZHUGAN, with the participation of the Prosecutor Ju.V. Ipatova and Secretary A.N. Gridneva, having heard in open court a civil case under the claim filed by the Kuzminskiy Interdistrict Prosecutor of Moscow on recognizing information materials as extremist,

HAS ESTABLISHED:

The Kuzminskiy Interdistrict Prosecutor of Moscow has brought a court an application for recognizing the information materials as extremist.

In support of the claims the applicant stated that criminal activities of S.A. Siddikov were stopped by the actions of police officers on 14 October 2005. Under the decision of the Kuzminskiy District Court of Moscow of 26 April 2006, S.A. Siddikov was found guilty and convicted of committing a crime under Article 282-2, Part 1 of the Criminal Code of the Russian Federation.

According to the court decision, the Islamic Liberation Party (Hizb ut-Tahrir al-Islami) was recognized as terrorist and its activities were prohibited in the Russian Federation by the decision of the Supreme Court of the Russian Federation of 14 February 2003. It aims to eliminate non-Islamic governments and establish Islamic rule on a worldwide scale by re-establishing a Global Islamic Caliphate starting from the regions with a predominantly Muslim population, including Russia and other CIS countries. S.A. Siddikov, considering himself as an active member of the specified international terrorist organization, having religious and political beliefs of exclusivity and superiority of people on the basis of their attitude to religion, wishing to promulgate in Moscow, the Russian Federation, the ideas of Hizb ut-Tahrir al-Islami aimed at changing the foundations of the constitutional order and violating the integrity of Russia, actively searched for associates and members of this organization. He regularly received propaganda printed materials, including, under an unknown editorial office, propagandizing the ideology of Hizb ut-Tahrir al-Islami, containing the ideas of religious extremism, separatism and calling for a change in the existing state system in Russia and the construction of a theocratic Islamic state in the "Caliphate" form through total Islamization of the population, not excluding violent methods of changing the constitutional order, using terror as a form of political struggle, kept the said printed materials in the place of his actual residence, with the aim of further dissemination among the population, in particular among persons professing Islam.

The following printed materials were presented:

1. brochure America's Purpose to Destroy Islam, on 19 sheets;
2. brochure the Basics of the training program in the Islamic state, on 20 sheets;
3. Hizb ut-Tahrir al-Islami press release "Hizb ut-Tahrir in Uzbekistan Regarding Incidents in Tashkent";
4. leaflet "Hizb ut-Tahrir's Call to the Scholars of Al-Azhar";
5. leaflet "Muslims in Western Countries Do Not Give Up the Hijab";
6. leaflet "Musharraf Leads Pakistan to Death, under the Name of the Fight Against Terrorism";
7. leaflet "Bush's Current Tour of Europe Exposes the Fragility of America's Sovereign Dominance in International Politics";
8. leaflet "Deception is a Weapon of the Tyrant of Uzbekistan, and he Shakes with Fear";

9. leaflet “Behavior of Valiant People”;
10. leaflet “Dear Brothers!”;
11. brochure “Answers to Questions”, on 12 sheets;
12. leaflet “Accusing Hizb ut-Tahrir of Preparing Actions Contrary to its Method in order to Further Harass it and Further Arrest its Members”;
13. Hizb ut-Tahrir al-Islam press release “Turkish Prime Minister Erdogan Meets with the Jewish Lobby — the Killers of the Thirteen-Year-Old Palestinian Girl Iman”;
14. leaflet “The Political Development Project is Nothing More Than an Attempt to Bury Political Activity in Jordan Alive”;
15. leaflet “Opinion of DUMACHR on Brochures of the Hizb ut-Tahrir Movement”;
16. leaflet “Clarification from Hizb ut-Tahrir in Indonesia Regarding the Denial of Secular Rule”;
17. leaflet “Secularism has Failed, Development will Only Happen Through Rule Based on What Allah has Revealed, the Establishment of a Caliphate and the Implementation of Sharia Law”;
18. leaflet “America is Stirring Up Unrest in Iraq through a Dastardly Game. Be Vigilant, Muslims!”;
19. leaflet “The Great World Powers Do Not Have Unity among themselves at their Summits, but are United against you, the Muslims”;
20. leaflet “Muslims in the West Do Not Give Up the Hijab”; A call from Hizb ut-Tahrir al-Islami “Muslims, Beware of Sectarian Armed Conflict!”;
21. Hizb ut-Tahrir al-Islami press release “The Current Ruling Regime has
22. failed to protect the Ummah from ‘Colonial Aggression’”;
23. leaflet entitled “Who is the Real Culprit of the Plane Crash at Tashkent Airport?!”;
24. Hizb ut-Tahrir al-Islami press release “Islam is not a Threat to Turkey, on the contrary, the Real Threat to it is Opposing the Laws of Islam”;
25. Hizb ut-Tahrir al-Islami press conference “Changing the Darfur Issue”;
26. leaflet “Through the establishment of the Caliphate, we will save ourselves and the world”;
27. leaflet “A Delegation of the American Congress was Honorably Received in Beirut, Despite the Fact that its Head Humiliated the Islamic Religion”;
28. Clarification from Hizb ut-Tahrir in Indonesia on the explosion near the Australian Embassy in Jakarta;
29. brochure “Decision of the Sharia concerning the participation of Muslims living in the Western world in its political life; Ummah’s Charter: approaching Allah is the path to success”, on 48 sheets;
30. leaflet “America’s Political Attack in Sharm El Sheikh Is the End of its Brutal Military Attack in Fallujah”;
31. notebook with a cover made of thick paper marked “Italy”;
32. notebook with a cover made of thick paper covered with gray plastic;
33. notebook with a cover made of thick burgundy cardboard in checks;
34. three identical brochures “Answers to Questions” on 6 pages, each;
35. leaflet “Hizb ut-Tahrir’s Call to the Scholars of Al-Azhar”;
36. journal Al-Wai No. 209 on 30 sheets;
37. two identical journals Al-Wai No. 216 on 22 sheets, each;
38. two identical journals Al-Wai No. 217 on 34 sheets, each;
39. journal Al-Wai No. 215 on 30 sheets;
40. two identical journals Al-Wai No. 211 on 24 sheets, each;
41. two identical journals Al-Wai No. 216 on 22 sheets, each;
42. journal Al-Wai No. 203 on 28 sheets;
43. three identical journals Al-Wai No. 216 on 32 sheets, each;
44. three identical journals Al-Wai No. 206 on 26 sheets, each;
45. three identical journals Al-Wai No. 222 on 24 sheets, each;
46. twelve identical journals Al-Wai No. 207 on 26 sheets, each;

47. four identical journals Al-Wai No. 221 on 33 sheets, each;
48. three identical journals Al-Wai No. 214 on 24 sheets, each;
49. eleven identical journals Al-Wai No. 208 on 26 sheets, each;
50. print materials in Arabic.

S.A. Siddikov kept these print materials at the place of his temporary residence, at Apt. 3, 16 Shumilova Street, Moscow where these were found and seized.

The applicant asks the court to recognize the printed materials as extremist materials, including:

1. brochure America's Purpose to Destroy Islam, on 19 sheets;
2. brochure Basics of the training program in the Islamic State, on 20 sheets;
3. Hizb ut-Tahrir al-Islami press release "Hizb ut-Tahrir in Uzbekistan Regarding Incidents in Tashkent";
4. leaflet "Hizb ut-Tahrir's Call to the Scholars of Al-Azhar";
5. leaflet "Muslims in Western Countries Do Not Give Up the Hijab";
6. leaflet "Musharraf Leads Pakistan to Death, under the Name of the Fight Against Terrorism";
7. leaflet "Bush's Current Tour of Europe Exposes the Fragility of America's Sovereign Dominance in International Politics";
8. leaflet "Deception is a Weapon of the Tyrant of Uzbekistan, and he Shakes with Fear";
9. leaflet "Behavior of Valiant People";
10. leaflet "Dear Brothers!";
11. brochure "Answers to Questions", on 12 sheets;
12. leaflet "Accusing Hizb ut-Tahrir of Preparing Actions Contrary to its Method in order to Further Harass it and Further Arrest its Members";
13. Hizb ut-Tahrir al-Islam press release "Turkish Prime Minister Erdogan Meets with the Jewish Lobby — the Killers of the Thirteen-Year-Old Palestinian Girl Iman";
14. leaflet "The Political Development Project is Nothing More Than an Attempt to Bury Political Activity in Jordan Alive";
15. leaflet "Opinion of DUMACHR on Brochures of the Hizb ut-Tahrir Movement";
16. leaflet "Clarification from Hizb ut-Tahrir in Indonesia Regarding the Denial of Secular Rule";
17. leaflet "Secularism has Failed, Development will Only Happen Through Rule Based on What Allah has Revealed, the Establishment of a Caliphate and the Implementation of Sharia Law";
18. leaflet "America is Stirring Up Unrest in Iraq through a Dastardly Game. Be Vigilant, Muslims!";
19. leaflet "The Great World Powers Do Not Have Unity among themselves at their Summits, but are United against you, the Muslims";
20. leaflet "Muslims in Western Countries Do Not Give Up the Hijab";
21. A call from Hizb ut-Tahrir al-Islami "Muslims, Beware of Sectarian Armed Conflict!";
22. Hizb ut-Tahrir al-Islami press release "The Current Ruling Regime has Failed to Protect the Ummah from 'Colonial Aggression'";
23. leaflet entitled "Who is the Real Culprit of the Plane Crash at Tashkent Airport?!";
24. Hizb ut-Tahrir al-Islami press release "Islam is not a Threat to Turkey, on the contrary, the Real Threat to it is Opposing the Laws of Islam";
25. Hizb ut-Tahrir al-Islami press conference "Changing the Darfur issue";
26. leaflet "Through the establishment of the Caliphate, we will save ourselves and the world";
27. leaflet "A Delegation of the American Congress was Honorably Received in Beirut, Despite the Fact that its Head Humiliated the Islamic Religion";
28. Clarification from Hizb ut-Tahrir in Indonesia on the explosion near the Australian Embassy in Jakarta;
29. brochure "Decision of the Sharia concerning the participation of Muslims living in the Western world in its political life; Ummah's Charter: approaching Allah is the path to success", on 48 sheets;

30. leaflet “America’s Political Attack in Sharm El Sheikh Is the End of its Brutal Military Attack in Fallujah”
31. notebook with a cover made of thick paper marked “Italy”;
32. notebook with a cover made of thick paper covered with gray plastic;
33. notebook with a cover made of thick burgundy cardboard in checks;
34. three identical brochures “Answers to Question” on 6 pages, each;
35. leaflet “Hizb ut-Tahrir’s Call to the Scholars of Al-Azhar”;
36. journal Al-Wai No. 209 on 30 sheets;
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47. four identical journals Al-Wai No. 221 on 33 sheets, each;
48. three identical journals Al-Wai No. 214 on 24 sheets, each;
49. eleven identical journals Al-Wai No. 208 on 26 sheets, each;
50. print materials in Arabic.

Prosecutor Ju.V. Ipatova has appeared at the hearing and sustained the claim.

The party concerned, S.A. Siddikov, has not appeared at the hearing, presented no objections, has not motioned for the case hearing in his absence.

The court, having heard the Prosecutor, having checked the case materials, considers the claims justified and subject to satisfaction on the following grounds.

In accordance with Clause 1, Article 1 of the Federal Law “On countering extremist activities”, extremist activity is understood as, inter alia, the incitement of social, racial, national or religious hatred; violation of the rights, freedoms and legitimate interests of a person and a citizen, depending on his social, racial, national, religious or linguistic affiliation or attitude to religion.

According to Article 13 of the said Law, the distribution of extremist materials, their production or storage for the purpose of distribution is prohibited in the Russian Federation. In the events provided for by the laws of the Russian Federation, production, storage or distribution of extremist materials shall constitute an infringement of the law and incur liability. The information materials shall be recognized as extremist by the federal court at the place where they are discovered or distributed or where the organization that produced such materials is located, on the basis of a claim submitted by the Prosecutor or in proceedings under the relevant administrative infringement, civil or criminal case.

By virtue of Part 4 of Art. 61 of the Civil Procedural Code of the Russian Federation, the circumstances established by the court decision (signs of extremist materials and signs of extremist activity) do not need to be proven in a case on the civil consequences of the actions of the person in respect of whom the decision was issued, on the issues of whether these actions took place.

The court has found that in accordance with the final decision by the Kuzminskiy District Court of Moscow of 26 April 2006 S.A. Siddikov found guilty and convicted of committing a crime under Part 1, Article 282(2) of the Criminal Code of the Russian Federation and sentenced to imprisonment for one (1) year with serving the sentence in a colony-settlement.

According to the decision, S.A. Siddikov - using the services of an unidentified person - regularly

received propaganda printed materials under an unknown editorial office promoting the ideas of Hizb ut-Tahrir al-Islami, containing the ideas of religious extremism, separatism and calling for a change in the existing state system in Russia and the construction of a theocratic Islamic state in the "Caliphate" form through total Islamization of the population, not excluding violent methods of changing the constitutional system, using terror as a form of political struggle, kept the said printed materials in the place of his actual residence, including at the place of his last actual residence at 16 Shumilova Street, Apartment 37, Moscow with the aim of further dissemination, in particular among persons professing Islam, of printed materials with content promoting the idea of recreating on the territories of existing states, including in Russia, a single theocratic state, persuading them to accept the ideology of Hizb ut-Tahrir al-Islami, accompanying their actions with explanations of the programs and goals of this organization.

Under the circumstances, the court comes to a conclusion about satisfying the submitted claim.

Guided by Articles 194–199 of the Civil Procedural Code of the Russian Federation, the court

HAS DECIDED:

To grant the application by the Kuzminskiy Interdistrict Prosecutor of Moscow to recognize the information materials as extremist.

To recognize the printed materials as extremist materials, including:

1. brochure America's Purpose to Destroy Islam, on 19 sheets;
2. brochure Basics of the training program in the Islamic State, on 20 sheets;
3. Hizb ut-Tahrir al-Islami press release "Hizb ut-Tahrir in Uzbekistan Regarding Incidents in Tashkent";
4. leaflet "Hizb ut-Tahrir's Call to the Scholars of Al-Azhar";
5. leaflet "Muslims in Western Countries Do Not Give Up the Hijab";
6. leaflet "Musharraf Leads Pakistan to Death, under the Name of the Fight Against Terrorism";
7. leaflet "Bush's Current Tour of Europe Exposes the Fragility of America's Sovereign Dominance in International Politics";
8. leaflet "Deception is a Weapon of the Tyrant of Uzbekistan, and he Shakes with Fear";
9. leaflet "Behavior of Valiant People";
10. leaflet "Dear Brothers!";
11. brochure "Answers to Questions", on 12 sheets;
12. leaflet "Accusing Hizb ut-Tahrir of Preparing Actions Contrary to its Method in order to Further Harass it and Further Arrest its Members";
13. Hizb ut-Tahrir al-Islam press release "Turkish Prime Minister Erdogan Meets with the Jewish Lobby — the Killers of the Thirteen-Year-Old Palestinian Girl Iman";
14. leaflet "The Political Development Project is Nothing More Than an Attempt to Bury Political Activity in Jordan Alive";
15. leaflet "Opinion of DUMACHR on Brochures of the Hizb ut-Tahrir Movement";
16. leaflet "Clarification from Hizb ut-Tahrir in Indonesia Regarding the Denial of Secular Rule";
17. leaflet "Secularism has Failed, Development will Only Happen Through Rule Based on What Allah has Revealed, the Establishment of a Caliphate and the Implementation of Sharia Law";
18. leaflet "America is Stirring Up Unrest in Iraq through a Dastardly Game. Be Vigilant, Muslims!";
19. leaflet "The Great World Powers Do Not Have Unity among themselves at their Summits, but are United against you, the Muslims";
20. leaflet "Muslims in Western Countries Do Not Give Up the Hijab";
21. A call from Hizb ut-Tahrir al-Islami "Muslims, Beware of Sectarian Armed Conflict!";
22. Hizb ut-Tahrir al-Islami press release "The Current Ruling Regime has Failed to Protect the Ummah from "Colonial Aggression";

23. leaflet entitled “Who is the Real Culprit of the Plane Crash at Tashkent Airport?!”;
24. Hizb ut-Tahrir al-Islami press release “Islam is not a Threat to Turkey, on the contrary, the Real Threat to it is Opposing the Laws of Islam”;
25. Hizb ut-Tahrir al-Islami press conference “Changing the Darfur issue”;
26. leaflet “Through the establishment of the Caliphate, we will save ourselves and the world”;
27. leaflet “A Delegation of the American Congress was Honorably Received in Beirut, Despite the Fact that its Head Humiliated the Islamic Religion”;
28. Clarification from Hizb ut-Tahrir in Indonesia on the explosion near the Australian Embassy in Jakarta;
29. brochure “Decision of the Sharia concerning the participation of Muslims living in the Western world in its political life; Ummah’s Charter: approaching Allah is the path to success”, on 48 sheets;
30. leaflet “America’s Political Attack in Sharm El Sheikh Is the End of its Brutal Military Attack in Fallujah”;
31. notebook with a cover made of thick paper marked “Italy”;
32. notebook with a cover made of thick paper covered with gray plastic;
33. notebook with a cover made of thick burgundy cardboard in checks;
34. three identical brochures “Answers to Questions” on 6 pages, each;
35. leaflet “Hizb ut-Tahrir’s Call to the Scholars of Al-Azhar”;
36. journal Al-Wai No. 209 on 30 sheets;
37. two identical journals Al-Wai No. 216 on 22 sheets, each;
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48. three identical journals Al-Wai No. 214 on 24 sheets, each;
49. eleven identical journals Al-Wai No. 208 on 26 sheets, each;
50. print materials in Arabic.

The decision may be appealed in the Moscow City Court within 10 days from the date of its issuance through the Kuzminskiy District Court of Moscow.

Presiding Judge	/Signature/	I.B. Zhugan
<i>/Seal: RUSSIAN FEDERATION KUZMINSKIY DISTRICT COURT OF MOSCOW RUSSIAN FEDERATION/</i> TRUE COPY Judge <u>/Signature/</u> Secretary <u>/Signature/</u> Decision /ILLEGIBLE/ has taken legal effect from <u>7 November 2007</u> Judge <u>/Signature/</u> Secretary <u>/Signature/</u>	<i>/Seal: RUSSIAN FEDERATION KUZMINSKIY DISTRICT COURT OF MOSCOW RUSSIAN FEDERATION/</i> /Signature/	
	<i>/Seal: RUSSIAN FEDERATION KUZMINSKIY DISTRICT COURT OF MOSCOW RUSSIAN FEDERATION/</i> /Signature/	

Annex 125

Pravoberezhny District Court of Magnitogorsk of the
Chelyabinsk Region, Decision, 16 November 2007
(excerpts)

Translation

Excerpts

DECISION**In the name of the Russian Federation**

16 November 2007

the city of Magnitogorsk

Pravoberezhny District Court of Magnitogorsk of the Chelyabinsk region

comprised of: presiding judge E.S. Dneprova,

with the participation of the prosecutor N.I. Plotnikova,

with the secretary I.G. Fedotova,

having considered in the open court session a civil case on the application of the Prosecutor of the Pravoberezhny district of the city of Magnitogorsk of the Chelyabinsk Region in the interests of the Russian Federation on the recognition of information materials as extremist,

HAS ESTABLISHED THE FOLLOWING:

[...]

Page 3

According to the forensic linguistic expert report of 6 April 2007, Russia is regarded as an enemy of the Islamic world in “Islamic Faith”, “Approaching Allah is a Way to Success”, “The System of Islam”, “Consciousness ‘Al-Wayi’” Nos. 203-205, 207, 208, “Introduction into Society”, “Party Unity”, “Proclamations concerning the Progress of Actions”, “Way to Faith”, “Tafsir Ayatov” brochures, and the authors of the publications, in some of their statements, directly express aggressive and militant comments (which essentially present appeals to war) concerning foreign states that are viewed as enemies to Islam. Such provisions should be considered as extremist, humiliating other nations and calling to inciting national and religious discord.

[...]

Annex 126

Supreme Court of the Russian Federation, Case No. GKPI09-525,
Decision, 7 May 2009

Translation**SUPREME COURT OF THE
RUSSIAN FEDERATION**

Case No. GKPI09-525

DECISION

IN THE NAME OF THE RUSSIAN FEDERATION

Moscow

7 May 2009

The Supreme Court of the Russian Federation composed of
the Judge of the Supreme Court
Russian Federation
and the Secretary

N.S. Romanenkov

A.N. Tikhonova

having heard in closed court hearing a civil case under an application filed by the General Prosecutor of the Russian Federation acting in the interests of the Russian Federation on recognizing the international religious organisation Tablighi Jamaat as extremist and banning its activities in the Russian Federation,

has established:

The General Prosecutor of the Russian Federation acting in the interests of the Russian Federation filed with the Supreme Court of the Russian Federation the application on recognition of the international religious organisation Tablighi Jamaat as an extremist and banning its activities in the Russian Federation.

In support of the application, the General Prosecutor of the Russian Federation referred to the fact that the objective of the religious organisation is to establish world rule by the spread of a radical form of Islam and the creation of a single Islamic state “Global Caliphate” on the basis of regions with a traditionally Muslim population. The activities of Tablighi Jamaat in the Russian Federation threaten inter-ethnic and inter-confessional stability in society and the territorial integrity of the state.

At the hearing, the representative of the Office of the General Prosecutor of the Russian Federation supported the stated application, explaining that the activities of the religious organisation Tablighi Jamaat in the Russian Federation are associated with the threat to the public order, security of the state, personality, violation of human and civil rights and freedoms. Adepts of Tablighi Jamaat practice a version of Islam that is almost indistinguishable from the ideology of Wahhabi Salafi jihadists, professed by all terrorists. Due to adherence to radical views promoted by the ideology of the organisation, the adepts of Tablighi Jamaat are considered by the international terrorist organisation Al Qaeda and the Taliban movement as their resource basis.

Representatives of the Federal Security Service of the Russian Federation and the Ministry of Justice of Russia supported the application to recognize the international religious organisation Tablighi Jamaat as extremist and to ban its activities in the Russian Federation and explained that the divisions of the international religious organisation Tablighi Jamaat do not have official registration in the Russian Federation and operate in secret.

Having heard the explanations by the representatives of the Office of the General Prosecutor of the Russian Federation, the Federal Security Service of the Russian Federation and the Ministry of Justice of Russia, having considered the case materials, the Supreme Court of the Russian Federation finds that the application of the General Prosecutor of the Russian Federation shall be granted.

The General Prosecutor of the Russian Federation is authorized to file with the Supreme Court of the Russian Federation the application on recognition of the religious organisation as extremist and ban its activities in the Russian Federation in accordance with Federal Law No. 114-FZ “On countering extremist activities” of 25 July 2002.

According to the Federal Law, the extremist activity means:
incitement of social, racial, ethnic or religious discord;

propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion;

public calls inciting the carrying out of the aforementioned actions or mass dissemination of knowingly extremist material, and likewise the production or storage thereof with the aim of mass dissemination;

organisation and preparation of the aforementioned actions and also incitement of others to commit them;

funding of the aforementioned actions or any assistance for their organisation, preparation and carrying out, including by providing training, printing and material/technical support, telephony or other types of communications links or information services (Article 1).

According to the materials served to the Court, the religious organisation has no clear organisational structure. It includes several organisations, comprising Tablighi Dawah, Dawah, Dawat e Islami, Tablighi Jamaate, Islamic Call, Jamia at-Tabligh, Jamaatul Tabligh, Jamaat Islami Tabligh.

Members of Tablighi Jamaat were accused of involvement in terrorist acts in France, Uzbekistan, India, harbouring terrorists and assisting them in the mobility.

Foreign emissaries of Tablighi Jamaat disseminate non-traditional forms of Islam, recruit new members, transfer funds to Russian supporters, which are spent on promoting the Tablighi movement, as well as on reprinting and distributing religious literature containing extremist statements, audio and video materials of the same content.

In a number of constituent entities of the Russian Federation, cells have been created whose tasks include organizing preaching work and supporting the activities of emissaries and missionary groups, producing and distributing audio, video and printed materials of the Tablighi Jamaat movement.

In public speeches in the religious institutions of Muslims, representatives of the religious organisation called for a violent seizure of power and made statements aimed at inciting national, racial and religious enmity, offending the top leadership of the Russian Federation.

It has been established that the books including “The Values of Tablighi” and “The Values of Namaz” reproduced and distributed in the Russian Federation contain statements of an extremist nature, i.e. public calls for the extremist activities in the form of propaganda of exclusivity, superiority of citizens on the basis of their attitude to religion, religious affiliation.

CDs of radical content, including scenes of explosions of American and Russian soldiers in Iraq, the Chechen and Kabardino-Balkarian Republics, and songs praising Shakhids were found and seized from the adepts of the movement.

Consequently, the activities of the religious organisation Tablighi Jamaat in the Russian Federation are of extremist nature, aimed at violating the territorial integrity of the Russian Federation and discriminating against Russian citizens on religious grounds, and providing support to international terrorist organisations.

In the event of carrying out by a religious organisation of extremist activity resulting in a violation of human and civil rights and freedoms, damage to an individual, citizens' health, the environment, public order, public safety, property, the lawful economic interests of natural persons and/or legal entities, society and the state or creating a real threat of causing such damage, the activity of the religious organisation that is not a legal entity may be banned by decision of a court (Part 2, Article 9 of the Federal Law “On countering extremist activities”).

In accordance with the above and subject to Articles 194, 195, 198, 250 of the Civil Procedural Code of the Russian Federation, Supreme Court of the Russian Federation

has decided:

to grant the application by the General Prosecutor of the Russian Federation.

to recognize the international religious organisation Tablighi Jamaat as extremist and ban its activities in the Russian Federation.

The decision can be appealed to the Cassation Chamber of the Supreme Court of the Russian Federation within 10 days after the final decision by the Court.

Judge of the Supreme Court of the
Russian Federation

/Signature/

N.S. Romanenkov

Annex 127

Kalininskiy District Court of Ufa of the Republic of Bashkortostan,
Decision, 29 July 2009

Translation

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DECISION

IN THE NAME OF THE RUSSIAN FEDERATION

29 July 2009

the city of Ufa

Kalininskiy District Court of Ufa of the Republic of Bashkortostan

composed of the presiding judge O.V. Bikchurina

and the Secretary E.R. Mudarisova,

having heard in open court a civil case under an application filed by the Prosecutor of the Republic of Bashkortostan acting in the interests of the state and general public in accordance with Article 13 of the Federal Law “On countering extremist activities” on the recognition of the following materials as extremist: journal Al-Wai No. 219 – published since 1985 – May 2005, journal Al-Wai No. 220 – published since 1985 – June 2005, brochures “Draft Constitution of the Islamic State of the Caliphate. Hizb ut-Tahrir. Approved Edition”, Hizb ut-Tahrir’ Program brochures, Introduction to Hizb ut-Tahrir brochures, founded in 1372 a.h.– 1953 a.m., - and their confiscation,

has established the following:

In accordance with Article 13 of the Federal Law “On countering extremist activities”, the Prosecutor of the Republic of Bashkortostan has brought an application on the recognition of the following materials as extremist: journal Al-Wai No. 219 – published since 1985 – May 2005, journal Al-Wai No. 220 – published since 1985 – June 2005, brochures “Draft Constitution of the Islamic State of the Caliphate. Hizb ut-Tahrir. Approved Edition”, Hizb ut-Tahrir’ Program brochures, Introduction to Hizb ut-Tahrir brochures, founded in 1372 a.h.– 1953 a.m., - and their confiscation.

In the course of the hearing, the Chief Assistant Prosecutor of the Republic of Bashkortostan A.S. Akhmadullin sustained the application in full.

Having heard the Prosecutor, having studied the materials of the case, the court considers it necessary to grant the Prosecutor’s application in full.

It has been established in the court hearing that on 24 March 2008, the senior criminal investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Bashkortostan, [Name: ...] has delivered a resolution on initiation of a criminal case on the fact of the activity in Ufa of a cell of the terrorist organization Hizb ut-Tahrir al-Islam (Islamic Liberation Party) on the grounds of elements of the crime under Part 1 and Part 2 of Article 282.2 of the Criminal Code of the Russian Federation.

Within the criminal case, on 3 April 2008, a search was carried out in the living quarters of Sh.Kh. Sharipov at Ufa, 28 Tukhvata Yanabi Street, apartment 39. According to the search record, the search resulted in the seizure of, particularly, journal Al-Wai No. 219 – published since 1985 – May 2005, journal Al-Wai No. 220 – published since 1985 – June 2005, brochures “Draft Constitution of the Islamic State of the Caliphate. Hizb ut-Tahrir. Approved Edition”, Hizb ut-Tahrir’ Program brochures, Introduction to Hizb ut-Tahrir brochures, founded in 1372 a.h.– 1953 a.m.

These materials comprise content related to the activities of the international Islamic political party Hizb ut-Tahrir al-Islami (Islamic Liberation Party), recognized by the decision of the Supreme Court of the Russian Federation of 14 February 2003, as a terrorist organization, and banned on the

territory of the Russian Federation.

In accordance with Part 2 of Article 29 of the Constitution of the Russian Federation, propaganda or agitation inciting social, racial, national or religious hatred and enmity is strongly prohibited. Promotion of social, racial, national, religious or linguistic superiority is prohibited.

According to the theological expert report of 19 December 2008, the consideration of the content of the issues of the journal Al-Wai No. 219 and No. 220 as made available to the expert revealed that the journal is actually published by the press organ of the religious-political extremist party Hizb ut-Tahrir (HTI), is an active and consistent platform for the ideology of the party, a campaigner and propagandist of the main concept of the HTI, which is the creation of a global Caliphate by overthrowing the “unjust” rulers of most countries of the world, destroying the existing state borders, total Islamization of society through the “call”. The Al-Wai journal acts as the press agitation-and-propaganda organ of Hizb ut-Tahrir party. The content of the articles contradicts the fundamentals of the constitutional system of the Russian Federation and pose a threat to the security of the individual, society and the state. Considering that the activities of the religious extremist party Hizb ut-Tahrir were banned in the Russian Federation by the judgment of the Supreme Court of the Russian Federation of 14 March 2003, the journal Al-Wai- which is the organ of Hizb ut-Tahrir - cannot be distributed. In addition, the ideology of Hizb ut-Tahrir does not correspond to the canonical principles of the Sunni Hanifi Islam, professed by the Muslims of the Russian Federation. The dissemination of such texts in Russian in Russia, where 20 mln ethnic Muslims live, where there are regions of their compact residence within the framework of national sovereign republics, can contribute to the formation of a negative attitude among the Muslim community towards the Government of the Russian Federation, the revival of the ideology of totalitarianism – in this case, Islamic.

The Hizb ut-Tahrir’ Program brochure is a part of the Political Concept of Hizb ut-Tahrir book and proclaims the idea of the inadmissibility of international law, attitudes towards considering international political events exclusively from the point of view of Islamic laws, preaches the idea of disobedience to international law, refusal to recognize the states with the Muslim community as a subject or object of international law, for which international conventions, treaties and agreements are binding.

Introduction to Hizb ut-Tahrir brochure, brochure “Draft Constitution of the Islamic State of the Caliphate. Hizb ut-Tahrir. Approved Edition” are parts of The Hizb ut-Tahrir System book and emasculate the essence of the Quran as a source of the Muslim religion based on tolerance for representatives of other religions, in combination with the persistently propagandized goal, which is the establishment of a Caliphate by any methods permitted by Sharia, contribute to inciting inter-regional discord, pose a danger to the social and state structure of both Western states and countries with secular Muslim communities, including to the Russian Federation.

Therefore, these materials relate to the propaganda of the religious and political extremist organization Hizb ut-Tahrir, whose main goal is to establish a global Caliphate. The activities of Hizb ut-Tahrir pose a real threat to public security and provoke the incitement of intra-religious and inter-religious discord in society.

The spread of the HTI ideology in Russia, whose population comprises 20 mln ethnic Muslims with regions of their compact residence within the framework of national sovereign republics, can lead to:

- a) radicalization of the part of Muslim community’s consciousness;
- b) split in the Muslim community of Russia;
- c) formation of a negative attitude towards the Government of the Russian Federation in the

Muslim community;

- d) the resuscitation of the ideology of totalitarianism — in this case, Islamic;
- e) the formation and strengthening of anti-Islamist sentiments in society;
- f) the radicalization of Russian society as a whole, which will lead to its destabilization.

Thus, the main ideas, views, appeals set out in the literature of the HTI, the texts of the instructions reflect the ideology of the Hizb ut-Tahrir party, which contradicts the norms of international law, the Russian Constitution and the legislation of the Russian Federation, creating a threat to the security of an individual, society and the Russian state. The resulting practical activity is unconstitutional, aimed at undermining the foundations of the Russian statehood.

The reprint of the Hizb ut-Tahrir publications or their separate parts, their dissemination in mass media come within the provisions of Federal Law No. 114-FZ of 25 July 2002 “On countering extremist activities” and is qualified as extremist activity according to paragraphs 1, 2 Article 1, and Article 11 that state that the extremist activity is defined as the activity of public and religious organizations, or other organizations, or mass media, or individuals in planning, organizing, preparing and committing other actions aimed at forcibly changing the constitutional order, seizing or appropriating power, creating illegal armed groups, carrying out mass riots, acts of hooliganism, acts of vandalism motivated by ideological, political, racial, national or religious hatred, enmity; public calls for the implementation of the specified actions; financing of the specified activities or other assistance..., including by providing for the implementation of the specified activities... printing and material and technical base, ... information services.

According to paragraphs 6, 9.15, clause 1, Article 1 of the Federal Law “On countering extremist activities”, the brochures indicated in the application can be classified as extremist materials since their content is aimed at carrying out extremist activities, inciting religious intolerance and discord, and also substantiates and justifies the necessity of such activities.

According to paragraph 2, Article 13 of Federal Law “On countering extremist activities”, information materials shall be declared as extremist by the federal court with jurisdiction over the place where they were discovered or distributed or where the organization that produced such materials is located, on the basis of an application submitted by the Prosecutor or in the proceedings under the relevant administrative offence, civil or criminal case. Concurrently with the decision on recognition of information materials as extremist, the court makes a decision on confiscation thereof.

The Prosecutor’s application is reasoned by the need to counteract extremist activities, protect the legitimate rights and interests of the general public and the interests of the state.

Given the above and being guided by Articles 194–198 of the Civil Procedural Code of the Russian Federation, the court

DECIDED:

To grant the application by the Prosecutor of the Republic of Bashkortostan.

To recognize the journal Al-Wai No. 219 – published since 1985 – May 2005, journal Al-Wai No. 220 – published since 1985 – June 2005, brochures “Draft Constitution of the Islamic State of the Caliphate. Hizb ut-Tahrir. Approved Edition”, Hizb ut-Tahrir’ Program brochures, Introduction to Hizb ut-Tahrir brochures, founded in 1372 a.h.– 1953 a.m. as extremist materials.

To confiscate the journal Al-Wai No. 219 – published since 1985 – May 2005, journal Al-Wai No. 220 – published since 1985 – June 2005, brochures “Draft Constitution of the Islamic State of the Caliphate. Hizb ut-Tahrir. Approved Edition”, Hizb ut-Tahrir’ Program brochures,

Introduction to Hizb ut-Tahrir brochures, founded in 1372 a.h.–1953 a.m.

The decision may be appealed in the Supreme Court of the Republic of Bashkortostan within 10 days through the Kalininskiy District Court of Ufa of the Republic of Bashkortostan.

Judge

/Signature/

O.V. Bikchurina

*/Stamp: TRUE COPY * JUDGE * SECRETARY * KALININSKIY DISTRICT COURT OF UFA/*

/Signature/

/Signature/

/Seal: KALININSKIY DISTRICT COURT OF UFA OF THE REPUBLIC OF BASHKORTOSTAN/

*/Stamp: Resolution has taken legal effect since 11 August 2009 * Judge * Clerk/*

/Signature/

/Signature/

/Seal: KALININSKIY DISTRICT COURT OF UFA OF THE REPUBLIC OF BASHKORTOSTAN/

Kalininskiy District Court of Ufa

Bound, numbered and sealed two (2) sheets.

/Signature/

*/Seal: KALININSKIY DISTRICT COURT OF UFA OF THE REPUBLIC OF
BASHKORTOSTAN/*

Annex 128

Uspenskiy District Court of the Krasnodar Krai, Case No. 2-161/2009,
Decision, 4 August 2009

Translation

To case 2-161\2009

DECISION

In the name of the Russian Federation

4 August 2009 village Uspenskoye
Uspenskiy District Court of the Krasnodar Krai,
composed of
Presiding Judge O.N. Izraileva and
Secretary N.F. Bezborodova,
with the participation
of the Prosecutor of the Uspenskiy District V.N. Pelyushenko,

having heard in open court a civil case under an application filed by the Prosecutor of the Uspenskiy District on the recognition of materials as extremist

HAS ESTABLISHED:

The Prosecutor of the Uspenskiy District acting in the interests of the general public and the Russian Federation has filed the application on the recognition of materials as extremist, stating that the verification conducted by the Prosecutor's Office of the Uspenskiy District revealed that an unidentified person has been distributing the material that has the signs of extremist nature - the book "The Personality of the Muslim as Defined in Islam through Quran and Sunnah" by Muhammad Ali Al-Hashimi, 2nd edition, translation into Russian by V.A. Nishi, Moscow.: Russian Foundation "Ibrahim Bin Abdulaziz Al Ibrahim", 2000, 414 pages - in the mosque of aul Urupsky supported by the local religious organization of the Spiritual Community of Muslims of the aul Urupsky of the Uspenskiy District and located at 32 Shovgenova Street, aul Urupsky, Uspenskiy District, Krasnodar Krai.

The said circumstances were verified in accordance with Articles 144–145 of the Criminal Procedural Code of the Russian Federation. The verification by the investigator of the Novokubansky Interdistrict Investigative Department of the Investigations Directorate of the Investigative Committee under the Prosecutor's Office of the Russian Federation for the Krasnodar Krai resulted in a resolution on the refusal to initiate a criminal case on a crime under Part 1, Article 282 of the Criminal Code of the Russian Federation, on the grounds provided for in Clause 2, Part 1, Article 24 of the Criminal Procedural Code of the Russian Federation, i.e. for the absence of a crime in the act of R.A. Ismelov.

According to the linguist specialist's analysis Report No. 17/4299-lingv of 19 November 2008, the book "The Ideal Muslim: The True Islamic Personality of the Muslim as Defined in the Quran and Sunnah" contains statements of a harsh negative assessment and expressing hostility, antagonism to the entire confessional group rather than individual representatives thereof, containing propaganda of the superiority of adepts of one confession in comparison with another one, or statements the semantic content of which includes words that incite religious enmity, as well statements of a derogatory nature in relation to persons of any confession, which, in the opinion of the prosecutor, violates the applicable legislation.

Therefore, the Prosecutor of the Uspenskiy District filed an application to recognize the material, i.e. the book "The Ideal Muslim: The True Islamic Personality of the Muslim as Defined

in the Quran and Sunnah” by Muhammad Ali Al-Hashimi, 2nd edition, translation into Russian by V.A. Nishi, Moscow: Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 2000, 414 pages, as extremist, and confiscate the said material.

In the course of the hearing, Prosecutor V.N. Pelyushenko supported the application.

The representative of the person concerned, i.e. the local religious organization Spiritual Community of Muslims of the aul Urupsky of the Uspenskiy District failed to appear at the hearing, although it was duly notified thereon as evidenced by representative’s signature on the notification sheet. However, in the course of preparing for the proceedings, the representative of the person concerned, R. A. Ismelov, the imam of the aul Urupskiy, agreed with the demands of the Prosecutor, which is evidenced by the relevant statement.

The representative of the person concerned, the Office of the Ministry of Justice of the Russian Federation did not appear at the hearing, it was duly notified thereon and petitioned to hear the case in the absence of a representative.

The representative of the person concerned, the publishing house Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim” did not appear at the hearing, was deemed to be duly notified thereon by the subpoenas and telegram sent by the Court to the address specified in the application, however, the mail was returned to the Court due to non-service to the addressee.

Having heard the opinion by the Prosecutor of the Uspenskiy District and considered the materials of the case, the Court considers that the application should be granted on the following grounds.

In accordance with Article 1 of the Federal Law No. 114-FZ of 25 July 2002 “On countering extremist activities” (as amended and supplemented), extremist activity (extremism) is the propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion; violation of human and civil rights and freedoms and lawful interests in connection with a person’s social, racial, ethnic, religious or linguistic affiliation or attitude to religion; propaganda and public display of nazi emblems or symbols or of emblems or symbols similar to nazi emblems or symbols to the point of confusion between the two; public calls inciting the carrying out of the aforementioned actions or mass dissemination of knowingly extremist materials, and likewise the production or storage thereof with the aim of mass dissemination. Extremist materials comprise documents intended for publication or information on other carriers calling for the extremist activity to be carried out or substantiating or justifying the necessity of carrying out such activity.

According to Part 3, Article 3 of the Federal Law No. 125-FZ of 26 September 1997 “On freedom of conscience and religious associations”, the establishment of privileges, restrictions or any other forms of discrimination depending on one’s attitude to a religion shall not be allowed.

The prevention of exercise of rights to the freedom of conscience and faith, including that associated with violence against the person, the intentional hurting of feelings of citizens in connection with their attitude to religion, the propaganda of religious supremacy, shall be prohibited and sanctioned in accordance with the Federal Law (Part 6, Article 3, of the Federal Law No. 125-FZ of 26 September 1997 “On freedom of conscience and religious associations”).

Under Article 13 of the Federal Law “On countering extremist activities”, distribution of extremist materials, as well as production or storage thereof with the aim of distribution shall be prohibited in the Russian Federation. To the extent provided for by the laws of the Russian Federation, production, storage or distribution of extremist materials shall constitute an infringement of the law and incur liability.

Information materials are recognized as extremist by the federal court at the place of

detection, distribution or location of organizations that produce such materials. Concurrently with the decision to recognize information materials as extremist, the court shall decide to confiscate them.

As established in the court session, the verification was carried out in accordance with Articles 144–145 of the Criminal Procedural Code of the Russian Federation on the basis of the discovery of the book “The Personality of the Muslim as Defined in Islam through Quran and Sunnah” by Muhammad Ali Al-Hashimi, 2nd edition, translation into Russian by V.A. Nishi, Moscow: Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 2000, 414 pages, in the mosque of aul Urupsky of the Uspenskiy District. The verification by the investigators of the Novokubansky Interdistrict Investigative Department of the Investigations Directorate of the Investigative Committee under the Prosecutor’s Office of the Russian Federation for the Krasnodar Krai resulted in a resolution on the refusal to initiate a criminal case on a crime under Part 1, Article 282 of the Criminal Code of the Russian Federation, on the grounds provided for in Clause 2, Part 1, Article 24 of the Criminal Procedural Code of the Russian Federation, i.e. for the absence of a crime in the act of R.A. Ismelov.

According to the linguist specialist’s analysis Report No. 17/4299-lingv of 19 November 2008, the book “The Personality of the Muslim as Defined in Islam through Quran and Sunnah” contains statements of a harsh negative assessment and expressing hostility, antagonism to the entire confessional group rather than individual representatives thereof, containing propaganda of the superiority of adepts of one confession in comparison with another one, or statements the semantic content of which includes words that incite religious enmity, as well statements of a derogatory nature in relation to persons of any confession, which, in the opinion of the prosecutor, violates the applicable legislation.

Additionally, according to the decision by the Buguruslan City Court of the Orenburg Region of 6 August 2007, the material: the book “The Personality of the Muslim as Defined in Islam through Quran and Sunnah” by Muhammad Ali Al-Hashimi, 2nd edition, translation into Russian by V.A. Nishi, Moscow: Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 2000, 414 pages, was recognized as extremist and included as item No. 73 in the Federal List of extremist materials published on 29 December 2007 by Rossiyskaya Gazeta (Federal issue, number 4557).

Guided by Articles 194–197 of the Civil Procedural Code of the Russian Federation, the Court

HAS DECIDED:

To grant the application by the Prosecutor of the Uspenskiy District.

To recognize the material, i.e. the book “The Personality of the Muslim as Defined in Islam through Quran and Sunnah” by Muhammad Ali Al-Hashimi, 2nd edition, translation into Russian by V.A. Nishi, Moscow: Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 2000, 414 pages, as extremist.

To confiscate the material, i.e. the book “The Personality of the Muslim as Defined in Islam through Quran and Sunnah” by Muhammad Ali Al-Hashimi, 2nd edition, translation into Russian by V.A. Nishi, Moscow: Russian Foundation “Ibrahim Bin Abdulaziz Al Ibrahim”, 2000, 414 pages.

The decision can be appealed and challenged in the Krasnodar Krai Court through the Uspenskiy District Court within 10 days.

Presiding Judge

/Signature/

/Seal: USPENSKIY DISTRICT COURT OF THE KRASNODAR TERRITORY/

*/Stamp: "TRUE COPY"
signature by Judge
Position of the authorized
official of the general jurisdiction
10 September 2018/*

/Signature/

*/Seal: USPENSKIY DISTRICT COURT OF THE
KRASNODAR TERRITORY/*

*/Stamp: Decision
entered into force
17 August 2019
Secretary/*

/Signature/

Annex 129

Abakan City Court of the Republic of Khakassia, Case. No. 2-3563/2009, Decision, 11 August 2009

Translation*/Stamp: COPY/***DECISION****In the name of the Russian Federation**

11 August 2009

Case No. 2-3563/2009

Abakan City Court of the Republic of Khakassia, composed of
the Presiding Judge O.V. Venichenko,
and the Secretary Yu.N. Belyayeva

having heard in open court a civil case under an application filed **by the Prosecutor of the Republic of Khakassia acting in the interests of the Russian Federation on the recognition of information materials as extremist,**

HAS ESTABLISHED:

The Prosecutor of the Republic of Khakassia acting in the interests of the Russian Federation filed with the Court the application on the recognition of the materials of the brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi as extremist, stating that the operative search activities by the Directorate of the Federal Security Service of Russia for the Republic of Khakassia in the city of Abakan, the Republic of Khakassia, resulted in finding a photocopy of the said brochure that contains calls by Tablighi Jamaat, and psychological patterns encouraging to take active actions of an extremist nature.

At the hearing, the Senior Assistant to the Prosecutor of the Republic of Khakassia E.V. Vasilieva, acting on the basis of the certificate, specified the applications in addition to the initial statement and motioned to decide on confiscation of the material, i.e. the brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi (Rahmatullahi Alaihi).

She supported the application, including specifications, on the grounds set forth therein, additionally explaining that the need to recognize the materials - i.e. the brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi - as extremist stems from the fact of affiliation with the organization that by decision of the Court was banned in the Russian Federation in accordance with the Federal Law “On countering extremist activities”. In addition, in terms of linguistics and psychology, this brochure contains calls for extremist activities. Therefore, she asks to recognize the information materials, i.e. brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi (Rahmatullahi Alaihi), the publishing house Qutub Khan Fezi, Lahore, Pakistan, as extremist, and decide to confiscate it in accordance with Clause 3, Article 13 of the Federal Law “On countering extremist activities”. A copy of the decision should be sent to the Directorate of the Ministry of Justice of the Russian Federation for the Republic of Khakassia for the inclusion of the material in the federal list of extremist materials.

The representative of the person concerned, the Directorate of the Ministry of Justice of the Russian Federation for the Republic of Khakassia, Yu.A. Aleshkin, acting on the basis of a power of attorney, supported the application and considered it to be granted.

Having heard the parties, having considered the materials in the case and assessing the evidence served in accordance with Article 67 of the Civil Procedural Code of the Russian Federation, the Court comes to the following conclusion.

In accordance with Article 45 of the Civil Procedural Code of the Russian Federation, the Prosecutor has the right to file with the Court an application in defense of the rights, freedoms and legitimate interests of citizens, the general public or the Russian Federation, constituent entities of the Russian Federation, municipalities. The Prosecutor filing the application enjoys all procedural rights and bears all the procedural obligations of the plaintiff, with the exception of the right to a settlement and the obligation to cover court costs.

In accordance with Part 2, Article 13 of the Federal Law “On countering extremist activities”

the information materials are recognized as extremist by the federal court at the place of their detection, distribution on the basis of the Prosecutor's application.

The Court has established at the hearing that the operative search activities by the Directorate of the Federal Security Service of Russia for the Republic of Khakassia in the city of Abakan, the Republic of Khakassia, resulted in finding a photocopy of the brochure "The Values of Tablighi" by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi.

By the decision of the Supreme Court of the Russian Federation of 7 May 2009, made on the basis of the application filed by the General Prosecutor of the Russian Federation, the international religious organization Tablighi Jamaat was recognized as extremist and its activities were banned in the Russian Federation.

In accordance with Article 9 of the Federal Law "On countering extremist activities", The list of public or religious associations or other organizations in whose respect a court has made a decision having entered into force that they shall be wound up or their activity be banned on the grounds provided for in this Federal Law shall be posted on the Internet worldwide computer network on the sites of federal executive authorities fulfilling the function of state registration of public and religious associations and other organizations.

According to clause 30.28 of Decree of the President of the Russian Federation No. 1313 of 13 October 2004 (as amended and supplemented), powers to maintain and publish a federal list of extremist materials, a list of public associations and religious organizations, other non-profit organizations, in whose respect the court adopted a final decision to liquidate or prohibit the activities on the grounds provided for by the laws of the Russian Federation, and the list of public associations and religious organizations whose activities are suspended due to extremist activities are assigned to the Ministry of Justice of the Russian Federation.

The decision of the Supreme Court of the Russian Federation of 7 May 2009 has come into legal force, therefore, the international religious organization Tablighi Jamaat is included in the List of Public and Religious Associations, Other Non-profit Organizations, which are subject to the final and enforceable court decision on liquidation or ban on the activities on the grounds provided for by the Federal Law "On countering extremist activities", and is published on the official website of the Ministry of Justice of the Russian Federation (in accordance with Clause 9), as evidenced by the provided extract from the said website.

According to the application and the applicant explanations, the books including "The Values of Tablighi" and "The Values of Namaz" reproduced and distributed in the Russian Federation contain statements of an extremist nature, i.e. public calls for the extremist activities in the form of propaganda of exclusivity, superiority of citizens on the basis of their attitude to religion, religious affiliation.

In accordance with Article 1 of the Federal Law "On countering extremist activities", extremist activity means stirring up of social, racial, ethnic or religious discord; propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion; violation of human and civil rights and freedoms and lawful interests in connection with a person's social, racial, ethnic, religious or linguistic affiliation or attitude to religion; public calls inciting the carrying out of the aforementioned actions or mass dissemination of knowingly extremist material, and likewise the production or storage thereof with the aim of mass dissemination; funding of the aforementioned actions or any assistance for their organization, preparation and carrying out, including by providing training, printing and material/technical support, telephony or other types of communications links or information services.

According to Clause 3, Article 1 of the Federal Law "On countering extremist activities", the extremist materials are documents intended for publication or information on other carriers calling for the extremist activity to be carried out or substantiating or justifying the necessity to carry out such activity.

According to Article 13 of the said Law, the dissemination of extremist materials shall be prohibited in the territory of the Russian Federation.

The linguistics and psychology experts of the State Educational Institution of Higher

Vocational Education N.F. Katanov State University of Khakassia have carried out linguistics (of 9 July 2009) and psychological (of 10 July 2009) expert examinations of the brochure “The Values of Tablighi”. According to the resulting expert opinion, the narrative of the material provided for the examination demonstrates the signs of a psychological impact on readers, listeners, including the reinforcement of stereotypes that form a negative image of a group of people, which is understood by the word “infidel”. At the very beginning of the text, Muslims are presented as a great people “in the hands of Muslims was given a torch of light and guidance” who “were the only owners of honour and glory, greatness and splendour”, which elevates these people in the eyes of the reader. However, according to the text, at the moment, this nation is “mired in enormous humiliation, moral poverty,” which can cause pity on the part of the reader. Therefore, when the reader discovers that “opponents rejoice in our decline” and “young people mock the sacred principles of Islam”, the first step towards a negative attitude towards them (“opponents”, unbelievers, infidels). The infidels are presented as apostates: “... times of evil and debauchery come, such people, appear who depart from the path of the messenger. They say what they don’t do. And they do what is not permitted.” Further, it is said about the need to fight the infidels (“... there is a need to engage in the work of calling for good and prohibiting evil with even greater steadfastness and courage,” “failure to do this work causes damnation and disaster”) as the priority task of believers, which also facilitates the formation of a negative image of a group of persons designated by the term “infidels”. The text contrasts the infidels with the believers, which means “The one who fought against them (against the apostates, that is, the infidels) to restore the truth, and the Sunnah with his own hand is a believer. And whoever could not even do this, but was against them with his heart, is also a believer. But there is no degree lower than this.” In addition, the text uses the concepts of a believer and a Muslim as equivalent. The tablighi rules also describe how Muslims should be treated, i.e. “... with great respect and meekness. Speak softly and with respect”, “consider it your happiness to serve and inspire”, “consider every Muslim as your brother.” Thus, all those who do not belong to Muslims and those who do not follow the rules are perceived as infidels. In the statement “to stand up against the infidels”, active words (“stand up”, “manifest”, “grow”) are used in the direction “against”, i.e. we can say that this paragraph is perceived as an encouragement to the action of one group (believers, Muslims) against another (infidels). Although initially “to stand up against the infidels” is an interpretation of the verse “Those of the believers who sit still, other than those who have a (disabling) hurt, are not on an equality with those who strive in the way of Allah with their wealth and lives. Allah hath conferred on those who strive with their wealth and lives a rank above the sedentary,” which does not say anything about struggle.

In addition, the statement “Although, in essence, jihad is a battle and a war with the infidels” is perceived as a summarized but rather a clear definition, the very essence of jihad. The words “battle” and “war” are perceived as active actions directed against and having a violent character. In the text of the brochure, the fight against infidels is the primary duty of every believer and something self-evident: “Muslims will always be victorious over unbelievers”, “infidels sons are cursed ...”. In this text, the fight against infidels is also tantamount to the most important pillar of religion “to order good and prohibit evil”, and “to give up commanding good and forbidding evil is a reason for the curse and anger of Allah and” to order good and forbid evil is also one of the orders of Allah.” Additionally, the text makes use of manipulations comprising 1) “3 yes” (i.e., statements are consistently presented with which one can agree, but which, as a result, lead to the need to fight as the only possible way of interacting with the infidels), 2) “cause-effect” (“and this is impossible until humanity is cleansed of the filth of sins and adorned with good qualities”), also allegedly in support of the veracity of what was said 3) references to the original source are made. The provided materials comprise a detailed methodology of mass propaganda work, the essence of which is to create jamaats, i.e. cells of a religious organization whose activities are prohibited in the Russian Federation.

Having verified these conclusions against the contents of the brochure “The Values of Tablighi”, the Court finds no reason to question the conclusions stated in the opinions.

Thus, it was established that the brochure “The Values of Tablighi” contains statements of an extremist nature, i.e., public calls for the implementation of extremist activities in the form of propaganda of exclusivity, superiority of citizens on the basis of their attitude to religion, religious

affiliation, and methods of propaganda work to create subdivisions of the religious organization whose activities are prohibited in Russia by the court decision.

Therefore, the Court considers it possible to grant the application to recognize the materials - i.e. the brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi (Rahmatullahi Alaihi), the publishing house Qutub Khan Fezi, Lahore, Pakistan - as extremist. In order to prevent its further dissemination, to confiscate material, i.e. the brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi (Rahmatullahi Alaihi), the publishing house Qutub Khan Fezi, Lahore, Pakistan.

Therefore and in accordance with Article 45 of the Civil Procedural Code of the Russian Federation, Article 13 of the Federal Law “On countering extremist activities”,

HAS DECIDED:

To grant the application by the Prosecutor of the Republic of Khakassia filed in the interests of the Russian Federation on recognition of the materials as extremist.

To recognize the materials, i.e. the brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi (Rahmatullahi Alaihi), the publishing house Qutub Khan Fezi, Lahore, Pakistan, as extremist.

To confiscate material, i.e. the brochure “The Values of Tablighi” by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi (Rahmatullahi Alaihi), the publishing house Qutub Khan Fezi, Lahore, Pakistan.

A copy of the decision should be sent to the Directorate of the Ministry of Justice of the Russian Federation for the Republic of Khakassia for the inclusion of the material in the federal list of extremist materials.

The decision can be appealed to the Supreme Court of the Republic of Khakassia within 10 days with the filing of an appeal through the Abakan City Court.

JUDGE:

/Signature/

O.V. VENICHENKO

Reasoned decision executed and signed on 13 August 2009.

JUDGE:

/Signature/

O.V. VENICHENKO

/Handwritten: Copy of the decision was received on 14 August 2009/

/Signature/

*/Stamp: Court decision came into force
on*

25 August 2009

Original document is kept in case file

No. 2 – 1562 2009

of the Abakan City Court

Signature/

/Stamp: “TRUE COPY”

25 May 2020

Signature/

/Signature/

/Signature/

/Seal: The Abakan City Court,

Republic of Khakassia/

Annex 130

Sol-Iletsk District Court of the Orenburg Region, Decision,
20 April 2010

Translation

DECISION

In the name of the Russian Federation

20 April 2010

the city of Sol-Iletsk

The Sol-Iletsk District Court of the Orenburg Region comprising:
the Judge O.P Terekhova, and
the Secretary O.Yu. Andryushchenko,
in the presence of the Assistant Transport Prosecutor of Orenburg I.A. Idrissov,
having heard in open court a civil case under the application filed by the Transport Prosecutor of Orenburg acting in the interests of the general public and the Russian Federation on the recognition of the book Faza'il-e-Amal (17 copies) as extremist literature,

has established:

The Transport Prosecutor of Orenburg has filed with the Court the application in the interests of the general public and the Russian Federation on the recognition of the book Faza'il-e-Amal (17 copies) as extremist literature. According to the filed application, on 24 January 2009, at about 12.10 p.m., the customs inspection of goods transported across the customs border of the Russian Federation on train No. 17 on the route "Bishkek – Moscow" performed at railroad station Iletsk-1 revealed 17 copies of the book Faza'il-e-Amal on 450 pages in the restaurant car. A.Zh. Nurkasymov moved the goods across the customs border of the Russian Federation from the Republic of Kyrgyzstan to Russia for subsequent sale in Russia without shipping documents. By the decision of the Dzerzhinsky District Court of Orenburg of 24 April 2009, A.Zh. Nurkasymov was found guilty of an administrative offence under Article 16.2, Part 1 of the Code of Administrative Offences of the Russian Federation. The decision entered into force on 5 May 2009. In the course of the administrative investigation into the case of an administrative offence against A.Zh. Nurkasymov, the Orenburg Customs carried out a textual expert analysis in the Republican Agency for Mass Communications "Tatarstan Media" in Kazan. According to the expert opinion of 24 July 2009, the edition of Faza'il-e-Amal in Russian on 450 pages contains the parts "The Virtues of Salaat" (pp. 79–155) and "The Virtues of Tabligh" (pp. 337–368) with statements, semantically aimed at promoting exclusivity, the superiority on the basis of their attitude to religion. The introduction of such ideas into the mass consciousness can lead to religious discord and/or cause a sense of humiliation of national dignity. Motioned to recognize the book Faza'il-e-Amal as extremist literature.

At the hearing, I.A. Idrissov, the Assistant Transport Prosecutor of Orenburg, supported the motion and asked the court to satisfy it.

The representative of the person concerned the Directorate of the Ministry of Justice of the Russian Federation in the Orenburg Region and the person concerned A.N. Nurkasymov did not appear in court for the hearing, the time and place of which they were duly notified according to Chapter 10 of the Civil Procedural Code of the Russian Federation. According to the application of 12 April 2010, the Directorate of the Ministry of Justice of the Russian Federation in the Orenburg Region asks to hear the case in the absence of the representative. The person concerned A.N. Nurkasymov failed to notify the Court of the reasons for his absence or asked for the case hearing in his absence. Guided by Article 167 of the Civil Procedural Code of the Russian

Federation, the Court has decided to hear the case in the absence of the persons not appearing.

Having heard the representative of the applicant and having studied the case files, the Court came to the following conclusion.

In accordance with Clause 3, Article 1 of Federal Law of 15 July 2002 No. 114-FZ “On countering extremist activities”, extremist materials constitute documents intended for publication or information on other media calling for the extremist activity to be carried out or substantiating or justifying the necessity to carry out such activity, including works by leaders of the National Socialist Workers Party of Germany, the National Fascist Party of Italy, publications substantiating or justifying ethnic and/or racial superiority or justifying the practice of committing war crimes or other crimes aimed at full or partial destruction of any ethnic, social, racial, national or religious group.

According to Article 13 of the said Federal Law, the distribution of extremist materials, their production or storage for the purpose of distribution is prohibited in the Russian Federation. The information materials shall be recognized to be extremist materials by a federal court at the place where they are discovered or distributed or where the organization that produced such materials is located, on the basis of a petition submitted by the prosecutor or in proceedings under the relevant administrative offence, civil or criminal case. Concurrently with the decision to recognize information materials to be extremist materials, the court shall resolve to confiscate them. A copy of a final and binding court judgment on the recognition of information materials to be extremist materials shall be sent to a federal state registration authority. The federal list of extremist materials shall be posted on the Internet on the website of a federal state registration authority. In addition to that, this list shall be published in mass media...

According to the case file, on 24 January 2009, at about 12.10 p.m., the customs inspection of goods transported across the customs border of the Russian Federation on train No. 17 on the route “Bishkek – Moscow” performed at railroad station Iletsk-1 revealed 17 copies of the book Faza’il-e-Amal on 450 pages in the restaurant car. A.Zh. Nurkasymov moved the goods across the customs border of the Russian Federation from the Republic of Kyrgyzstan to Russia for subsequent sale in Russia without shipping documents.

By the decision of the Dzerzhinskiy District Court of Orenburg of 24 April 2009, A.Zh. Nurkasymov was found guilty of an administrative offence under Article 16.2, Part 1 of the Code of Administrative Offences of the Russian Federation. The decision entered into force on 5 May 2009.

In the course of the administrative investigation into the case of an administrative offence against A.Zh. Nurkasymov, The Republican Agency for Mass Communications Tatarstan Media in Kazan performed the textual expert analysis.

According to the expert opinion of 24 July 2009, the edition of Faza’il-e-Amal in Russian on 450 pages contains the parts “The Virtues of Salaat” (pp. 79–155) and “The Virtues of Tabligh” (pp. 337–368) with statements, semantically aimed at promoting exclusivity, the superiority on the basis of their attitude to religion. The introduction of such ideas into the mass consciousness can lead to religious discord and cause a sense of humiliation of national dignity.

The Court has no reason not to trust the conclusions of the expert warned of criminal liability for perjury.

On the basis of the decision by the Abakan City Court of the Republic of Khakassia of 11 August 2009, the brochure “The Virtues of Tabligh” by Shaikhul Hadith Maulana Muhammad Zakariyya Kaandhlawi (rahmatullah alayhe) was included in the Federal List of Extremist Materials.

By the decision of the Sol-Iletsk District Court of the Orenburg Region of 20 April 2010, the proceedings in this case regarding the recognition of the part “The Virtues of Tabligh” (pp. 337–368) of the book Faza’il-e-Amal were terminated.

Considering the above, the part “The Virtues of Salaat” (pp. 79–155) of the book Faza’il-e-Amal by Shaikhul Hadith Maulana Muhammad Zakariyya Kaandhlawi (rahmatullah alayhe) published by the publishing house “Religious Education” (Religioznoye Prosvyashchenie), Kazan, 2007, shall be recognized as extremist literature.

In accordance with Article 13 of Federal Law of 15 July 2002 No. 114-FZ “On countering extremist activities”, concurrently with the decision to recognize materials as extremist, the Court decides to confiscate the book Faza’il-e-Amal (16 copies) stored in the physical evidence storage of the Orenburg customs at Orenburg, 20 Shevchenko Street.

Given the above and being guided by Articles 194–198 of the Civil Procedural Code of the Russian Federation, the Court

has decided:

To recognize the part “The Virtues of Salaat” (pp. 79–155) of the book Faza’il-e-Amal (450 pages) by Shaikhul Hadith Maulana Muhammad Zakariyya Kaandhlawi (rahmatullah alayhe) published by the publishing house “Religious Education” (Religioznoye Prosvyashchenie), Kazan, 2007 as extremist literature.

To include the part “The Virtues of Salaat” (pp. 79–155) of the book Faza’il-e-Amal (450 pages) by Shaikhul Hadith Maulana Muhammad Zakariyya Kaandhlawi (rahmatullah alayhe) published by the publishing house “Religious Education” (Religioznoye Prosvyashchenie), Kazan, 2007 in the Federal List of extremist materials.

To confiscate 16 copies of the book Faza’il-e-Amal seized in the course of the case of administrative offence No. 10409000-91\09 against Azartbek Zholdoshibekovich Nurkasymov and the physical evidence kept in the storage room of the Orenburg customs at Orenburg, 20 Shevchenko Street.

To file a copy of the decision to the federal state registration authority.

The decision can be appealed in cassation to the Orenburg Regional Court through the Sol-Iletsk District Court within 10 days from its final execution.

Judge: *[Signed]*

*[Seal: ORENBURG REGION * SOL-ILETSK DISTRICT COURT]*

[Stamp: TRUE COPY: (illegible) Signed]

*[Seal: ORENBURG REGION * SOL-ILETSK DISTRICT COURT]*

[Stamp: Decision came into force on 1 May 2010] [Signed]

Annex 131

Moskovskiy District Court of Kazan of the Republic of Tatarstan, Case
No. 2-320/10, Decision, 17 September 2010

Translation

Case No. 2-320/10

DECISION

In the name of the Russian Federation

17 September 2010 Moskovskiy District Court of Kazan comprised of

Presiding Judge

with Secretary

with the participation of Prosecutor

the representative of the third party

having considered in a closed court hearing the case at the application of the Prosecutor of the Republic of Tatarstan in protection of the interests of the Russian Federation against Tagir Ildarovich Nurmukhametov on the recognition of the literature to be extremist materials,

A.Sh. Akhmetshina,

E.S. Nuriakhmetova,

I.N. Yarullina,

R.R. Khamidullin,

HAS ESTABLISHED THE FOLLOWING:

The Prosecutor of the Republic of Tatarstan in protection of the interests of the Russian Federation has filed a lawsuit against T.I. Nurmukhametov on the recognition of the literature as extremist materials. In justification of the stated claims, he indicated that on 5 December 2006, the Investigative Department of the Federal Security Service Directorate of the Russian Federation for the Republic of Tatarstan initiated Criminal Case No. 606008 against A.D. Khasanov, D.A. Rafikov, F.R. Fayzullin, T.I. Nurmukhametov., Sh.R. Akhmedov, A.F. Sabirov, R.R. Sabitov, R.R. Gimranov and R.R. Zaripov based on the elements of crime stipulated by Part 1 of Article 205.1 of the Criminal Code of the Russian Federation (facilitating terrorist activities) and Parts 1 and 2 of Article 282.2 of the Criminal Code of the Russian Federation (organizing activities and taking part in activities of an organization, in respect of which the court has issued a legally effective decision on the prohibition of activities in connection with the performance of extremist activities). On 28 March 2007, the Investigative Department of the Federal Security Service Directorate of the Russian Federation for the Republic of Tatarstan initiated a criminal case against the above-specified persons based on the elements of crime stipulated by Part 1 of Article 30, Article 278 of the Criminal Code of the Russian Federation (preparing for a violent seizure of power). On 28 March 2007, the said criminal case was merged into one proceeding with Criminal Case No. 606008. On 17 May 2007, the Investigative Department of the Federal Security Service Directorate of the Russian Federation for the Republic of Tatarstan initiated a criminal case against M.M. Gimaliev, I.I. Zyalilov and U.M. Dzhuraev based on the elements of crime stipulated by Part 1 of Article 30, Article 278, Part 1 of Article 205.1, Parts 1 and 2 of Article 282.2 of the Criminal Code of the Russian Federation. On 17 May 2007, this criminal case was merged into one proceeding with Criminal Case No. 606008.

T.I. Nurmukhametov and others were charged with committing the crimes stipulated by Part 1 of Article 30, Article 278 Part 1 of Article 205.1, Parts 1 and 2 of Article 282.2 of the Criminal Code of the Russian Federation, in that being aware of the decision of the Supreme Court of the Russian Federation of 14 February 2003 on the recognition of the Party of Islamic Liberation (Hizb ut-Tahrir al-Islami) a terrorist organization and prohibition of its activities in the territory of the Russian Federation, they deliberately organized and were performing the extremist activities in the interests of this illegitimate organization in the Republic of Tatarstan, were creating conditions for the commission of actions aimed at forcible change of the constitutional order of the Russian Federation. On 18 December 2008, the Prosecutor of the Republic of Tatarstan approved the indictment, and the criminal case was sent for consideration on the merits to the Supreme Court of the Republic of Tatarstan.

On 7 December 2006, within the framework of the investigation of Criminal Case No. 606008, during the search conducted at the place of residence of T.I. Nurmukhametov, at the address: 99 Dekabristov St. apt.

73, Kazan, the Brochures “Al-Wayi” No. 231, “Al-Wayi” No. 224, “Al-Wayi” No. 219, “Al-Wayi” No. 228, “Al-Wayi” No. 232, “Al-Wayi” No. 218 “Al-Wayi” No. 227, “Ilm (Knowledge) and Sakafat (Enlightenment)”, “Concepts of Hizb ut-Tahrir” by writer Taqi al-Din Nabhani, the sixth edition (approved), Hijri year 1421-2001; “Islamic Personality”, part 1 by the author Taqi al-Din al-Nabhani, “Democracy - the System of Unbelief” by the author Abdul Qadeem Zallum were seized. There were also seized the leaflets “Islam, and nothing else, resolves human problems”, “Hizb ut-Tahrir’s appeal to Islamic Ummah and especially to those who have the power in it”, “Monthly Shahri-Halakat”. In the course of the investigation of the criminal case, the religious and psychological examinations were carried out, the findings of which affirm the relation of the representatives of the Hizb ut-Tahrir organization to the preparation of this literature, and that this literature is advocating religious exclusiveness, moral superiority of “Islamic way” and obliterating the right to existence of other religions, is aimed at incitement of hatred and abasement of human dignity based on attitude to the religion and incites violence. By the Decision of the Supreme Court of the Russian Federation of 14 February 2003, the “Hizb ut-Tahrir al-Islami” organization was recognized to be a terrorist organization and its activities in the territory of the Russian Federation were prohibited. The above-specified brochures and leaflets are documents for distribution, which call for extremist activities, substantiate and justify the necessity of such activities, i.e., are extremist materials. For these reasons, the Prosecutor of the Republic of Tatarstan, guided by the provisions of the Federal Law “On countering extremist activities” and acting in the interests of the Russian Federation, requested to recognize this literature seized from the defendant to be extremist materials. At the court hearing, the representative of the Prosecutor’s Office of the Republic of Tatarstan I.N. Yarullina supported the claims and explained to the court that in respect of T.I. Nurmukhametov there was a legally effective decision of the Supreme Court of the Republic of Tatarstan. This decision contains the court's findings and evidence that the brochures and leaflets are extremist materials.

The Defendant has not appeared in court, has been duly notified, has not explained to the court the reasons for not appearing, and has not sent the statement of defense to the court.

The representative of the Directorate of the Ministry of Justice of the Russian Federation for the Republic of Tatarstan has supported the claims in court.

The representatives of the Federal Bailiff Service Directorate for the Republic of Tatarstan and the Ministry of Justice of the Russian Federation have not appeared in court, have been duly notified, and have not explained to the court the reasons for not appearing.

Having heard the explanations of the Prosecutor and a third party, and having evaluated the cumulative evidence presented, the court has resolved that the claim shall be satisfied.

By virtue of Article 1 of the Federal Law of 25 July 2002 No. 114-FZ “On countering extremist activities”, the following basic concepts are used for the purposes of this Federal Law:

3) extremist materials constitute documents intended for publication or information on other information carriers calling for extremist activities to be carried out or substantiating or justifying the necessity to carry out such activities, including works by leaders of the National Socialist Workers Party of Germany, the National Fascist Party of Italy, publications substantiating or justifying ethnic and/or racial superiority or justifying the practice of committing war crimes or other crimes aimed at full or partial destruction of any ethnic, social, racial, national or religious group.

Pursuant to Article 13 of the Federal Law “On countering extremist activities”:

The distribution of extremist materials, their production or storage for the purpose of distribution are prohibited in the Russian Federation. To the extent provided for by the laws of the Russian Federation, production, storage or distribution of extremist materials shall constitute an infringement of the law and incur liability.

The information materials shall be recognized to be extremist materials by a federal court at the place where they are discovered or distributed or where the organization that produced such materials is located, on the basis of a petition submitted by the prosecutor or in proceedings under the relevant administrative offense, civil or criminal case.

Concurrently with the decision to recognize information materials to be extremist materials, the court

shall resolve to confiscate thereof.

A copy of a legally effective court decision on the recognition of information materials to be extremist materials shall be sent to a federal state registration authority.

The federal list of extremist materials shall be posted on the Internet on the website of a federal state registration authority. In addition to that, this list shall be published in mass media.

In the course of the proceedings under this case it has been established that, by the Decision of the Supreme Court of the Russian Federation of 14 February 2003, the “Hizb ut-Tahrir al-Islami” organization was recognized to be a terrorist organization and its activities in the territory of the Russian Federation were prohibited. By the legally effective decision of the Supreme Court of the Republic of Tatarstan of 28 October 2009, T.I. Nurmukhametov was found guilty of committing the crimes stipulated by Part 1 of Article 30 and Article 278, Part 1 of Article 205.1, Part 1 of Article 282.2 of the Criminal Code of the Russian Federation. The court found the fact of the participation of I.T. Nurmukhametov in the activities of the structural unit of “Hizb ut-Tahrir al-Islami” to be proven.

On 7 December 2006, within the framework of the investigation of the above-specified Criminal Case No. 606008, during the search conducted at the place of residence of T.I. Nurmukhametov, at the address: 99 Dekabristov St., apt. 73, Kazan, the literature in the form of the Brochures “Al-Wayi” No. 231, “Al-Wayi” No. 224, “Al-Wayi” No. 219, “Al-Wayi” No. 228, “Al-Wayi” No. 232, “Al-Wayi” No. 218 “Al-Wayi” No. 227, “Ilm (Knowledge) and Sakafat (Enlightenment)”, “Concepts of Hizb ut-Tahrir” by writer Taqi al-Din Nabhani, the sixth edition (approved), Hijri year 1421-2001; “Islamic Personality”, part 1 by the author Taqi al-Din al-Nabhani, “Democracy - the System of Unbelief” by the author Abdul Qadeem Zallum were seized. There were also seized the leaflets “Islam, and nothing else, resolves human problems”, “Hizb ut-Tahrir’s appeal to Islamic Ummah and especially to those who have the power in it”, “Monthly Shahri-Halakat” (case file pages 13-24, volume 1).

It follows from the opinion of religious expert examination No. 10 (case file pages 41-82, volume 1) conducted by D. A. Shagaviyev, Assistant Professor of the Department of Oriental Languages of the Institute of Oriental Studies of the Kazan State University, Research Fellow of the Department of the History of Social Thought and Islamic Studies of the Sh. Marjani Institute of History of the Academy of Sciences of Tatarstan, in the course of the investigation of the criminal case, that the proclamations seized during the search at I.T. Nurmukhametov are the ideological sources of the Party of Islamic Liberation (Hizb ut-Tahrir al-Islami) prepared by its representatives and are of a religious and political nature. The interpretation of the “Caliphate” concept set out in the materials of the brochures ‘Islamic personality’, ‘Democracy. The System of Disbelief’, “Al-Wai” No. 231, “Al-Wai” No. 224,”Al-Wai” No. 219, “Al-Wai” No. 228, “Al-Wai” No. 232, “Al-Wai” No. 218 , “Al-Wai” No. 227 related to Hizb ut-Tahrir does not correspond to the traditional interpretation in Islam as it is claimed that Islam is performed only in the Caliphate, that is, Islam is incomplete and insufficient without the Caliphate. Muslims are persuaded that the Caliphate will resolve any problems of the society, wherefore they shall actively work together with Hizb ut-Tahrir. They are also persuaded that those who die in a non-Caliphate and do not contribute to the work for establishing the Caliphate with Hizb ut-Tahrir are sinners, and that establishing the Caliphate is their religious duty as the pillars of Islam. In the historical context, the Caliphate refers to those states that were such in name only. The existence of several Islamic states is not recognized. It is also claimed that Islam is spread by the army of the Caliphate, that is, by military means. Pursuant to the opinion of the forensic psychological expert examination No. 3 prepared by A.V. Frolova, Associate Professor, Head of the Practical Psychology Department of the Tatar State Humanitarian and Pedagogical University, in order to study the semantic orientation of the texts and ideas of the above-mentioned literature, which are expressed and propagated therein, it is established that by their content the magazines “Al-Wai” Nos. 218, 224, 227, 228, 231, 232, the brochures “Democracy. The System of Unbelief”, “Islamic personality”, the leaflets “Appeal of Hizb-ut-Tahrir to the Islamic Ummah and especially to those who have the power in it”, ‘Monthly Shahri-Halakat’ preach a religious exclusivity and moral superiority of the ‘Islamic way of life’, deny the right to existence of other religions, belief systems, political systems, are aimed at suppressing the personality, individual experience, isolation from the outside world, affect the behavioral

reactions of a person in society and change their personality, are aimed at inciting hatred or enmity, humiliation of dignity of a person or a group of persons based on gender, race, nationality, language, origin, attitude to religion, social group, and at inducing an individual to commit violent actions based on ideological, political, racial, national or religious hatred or enmity, may influence the consciousness of the individual through the formation of ideas about the need to change the existing state structure and create a state in the form of the Caliphate.

It follows from the opinion of the forensic political science expert examination that the magazine “Al-Wai” No. 228 seized from T.I. Nurmukhametov contains provisions aimed at violating the integrity of the Russian Federation. The proclamation “Appeal of Hizb ut-Tahrir to the Islamic Ummah and especially to those who have the power in it” evidences the intention of the Hizb ut-Tahrir party to come to power in the Russian Federation through violence, and to forcibly change the constitutional order of the Russian Federation. The Hizb ut-Tahrir party prescribes in certain circumstances, rather than rejects, resistance to the government by armed means and overthrowing the government, including through a military coup.

All above-specified expert examinations laid the foundation for the said court decision issued against a number of the members of the Hizb ut-Tahrir organization, including T.I. Nurmukhametov. The court has no reason to mistrust these expert opinions as they contain a thorough and detailed analysis of the literature presented for the study, the reference to the methods used, and consistent and reasoned findings.

In the presence of such circumstances, the claims of the Prosecutor of the Republic of Tatarstan in protection of the interests of the Russian Federation are justified and shall be satisfied.

Guided by Articles 12, 56, 194 of the Civil Procedural Code of the Russian Federation, the court

HAS DECIDED AS FOLLOWS:

Satisfy the claim of the Prosecutor of the Republic of Tatarstan in protection of the interests of the Russian Federation against Tagir Ildarovich Nurmukhametov.

Recognize the literature: brochures “Al-Wayi” No. 218, No. 219, No. 224, No. 227, No. 228, No. 231, No. 232, “Ilm (Knowledge) and Sakafat (Enlightenment)”; “Concepts of Hizb-ut-Tahrir” by Taqi al-Din Nabhani, sixth edition (approved edition), 1421-2001; “Islamic Personality” Part 1 by Taqi al-Din Nabhani; “Democracy. The System of Unbelief” by Abdul Qadeem Zallum; leaflets ‘Islam, and Nothing Else, Solves the Human’s Problems’, “Call of Hizb ut-Tahir to the Islamic Ummah and Especially to Those Who Have Power in It”, “Monthly Shahri-Halakat”, seized during the search at the place of residence of Tagir Ildarovich Nurmukhametov at the address: 99 Dekabristov St., apt. 73, Kazan, to be extremist materials.

Confiscate brochures “Al-Wayi” No. 218, No. 219, No. 224, No. 227, No. 228, No. 231, No. 232, “Ilm (Knowledge) and Sakafat (Enlightenment)”; “Concepts of Hizb-ut-Tahrir” by Taqi al-Din Nabhani, sixth edition (approved edition), Hijri year 1421-2001; “Islamic Personality” Part 1 by Taqi al-Din Nabhani; “Democracy. The System of Unbelief”, by Abdul Qadeem Zallum; leaflets “Islam, and Nothing Else, Solves the Human’s Problems”, “Call of Hizb-ut-Tahir to the Islamic Ummah and Especially to Those Who Have Power in It”, “Monthly Shahri-Halakat”.

Send a copy of the court decision to the Directorate of the Ministry of Justice of the Russian Federation for the Republic of Tatarstan.

The decision may be appealed to the Supreme Court of the Republic of Tatarstan within 10 days from the date when the final decision is made, through a district court.

Judge /Signed/

*[Stamp: TRUE COPY
Original in case No. 2-320/10
Moskovskiy District Court of Kazan
Judge/Signed/
22 May 2020]*

*[Seal: MOSKOVSKIY DISTRICT COURT OF
KAZAN]*

*/Stamp: Reference
The decision entered into force on
5 October 2010.
Moskovskiy District Court of Kazan
Judge/Signed/*

*[Seal: MOSKOVSKIY DISTRICT COURT OF
KAZAN]*

Annex 132

Aviastroitelnyy District Court of Kazan of the Republic of Tatarstan,
Case No. 2-13/10, Decision, 19 October 2010
(excerpts)

Translation

Excerpts

Case No. 2-13/10

DECISION

in the name of the Russian Federation

Kazan

19 October 2010

Aviastroitelny District Court of the city of Kazan

[...]

having considered in open court session the case on the application of the Prosecutor of the Republic of Tatarstan, acting in the interests of the Russian Federation, for recognition of leaflet as extremist material,

ESTABLISHED:

[...]

Page 3

[...]

1. The content of the leaflet “Address of Hizb ut-Tahrir in Morocco to Morocco’s scientists. Openly tell the truth, and let condemnation on the way to Allah not disturb you” advocates religious exclusiveness, moral superiority of “Islamic way of life”, obliterates the right to existence of other religions, worldviews and political systems, and is aimed at suppression of human personality and individual experience, as well as at isolation from external world [...]

[...]

2. The content of the above-mentioned leaflet is aimed at incitement of hatred or enmity, humiliation of a person or a group of persons based on their attitude to religion or relation to social group. The leaflet’s content advocates the religious exclusiveness of Islam as compared to other religions and political systems, which creates favorable conditions for shaping religious prejudices, stereotypes, religious intolerance, negative attitude to other cultural norms, religious prejudice, stereotypes, and determines the incitement of interdenominational enmity.

3. The content of the leaflet “Address of Hizb ut-Tahrir in Morocco to Morocco’s scientists. Openly tell the truth, and let condemnation on the way to Allah not disturb you” is aimed at incitement to violence on grounds of religious hatred or enmity. The content of the specified leaflet is aimed at shaping ideas about moral superiority of the Islamic way of life above people of other confessional and social groups (not professing Islam), as well as at creating an extremely unfavorable emotional assessment and negative semantic attitude towards representatives of a different world-view (non-Islamic), which contributes to the development of religious nihilism and xenophobia, as well as shapes in addressees a positive attitude towards a violent way of solving the existing problems.

4. The content of the specified leaflet can influence a person’s consciousness by forming ideas about the necessity to change the existing state structure and create a state in the form of Caliphate. The texts’ content demonstrates an intent to shape distorted images of other religions and political systems. This is indicated by a specific selection of arguments and expressions (the content is built according to the polarization principle “we” - “they”): we are stronger, more clever, we are the carriers of the only correct world-view; other religions and political systems are evil incarnate and, for this reason, are dangerous for Muslims; compulsion of being

chosen and of being entrusted with a great mission, of belonging to a unit of true believers who guide the history of humanity; the appeal is made to isolate themselves from other religions, ideologies, persons of non-Islamic faith, etc.) intended to influence personal consciousness through appeal to the plight of Muslims and exaggerating persuasions about the threat to Muslims' lives; as a result, a necessity of creating a Caliphate state that will act as a guarantor of "a new, happy life" of Muslims is inculcated.

[...]

Page 8

Presiding Judge: [Signed]

L.F. Aulova

[...]

Annex 133

Maykop City Court of the Republic of Adygeya, Case No. 2-2/2010,
Decision, 24 November 2010

Translation

to the Case No. 2-2/2010

(Coat of Arms)
MAYKOP CITY COURT
OF THE REPUBLIC OF ADYGEYA
DECISION
In the name of the Russian Federation

24 November 2010

the City of Maykop

The Maykop city court of the Republic of Adygeya, presided by Judge N.K. Bodzhokov, with secretary R.S. Dzhanchatova, having heard in open court a case on the application by the Prosecutor of the Republic of Adygeya to recognize the books as extremist materials,

ESTABLISHED:

The Prosecutor demands recognition of Sheikh Ali Al-Tantawi book “The general perception of Islam” and brochure of Yaser Al-Ustuanly “What do you know about Islam?” as extremist materials referring to the fact that said printed materials contain the incitement of confessional discord, as well as substantiation and justification of such activity.

The representative of the interested party - the Spiritual Directorate of Muslims of the Republic of Adygeya and the Krasnodar Krai (the “SDM RA and KK”), did not attend the proceeding, had been served in due manner by a phoned telegram, and had not notified the court of the reasons why they failed to attend.

The representative of another interested party, i.e. Adygeya State Unitary Republican Publishing and Polygraph Enterprise (the “SURPPE Adygeya”) (now Poligraphizdat Adygeya JSC) (by power of attorney No. 85 of 24 November 2010), relied on the discretion of the court by referring to the fact that they have no relation neither to the book nor to the booklet or the content thereof, that they had printed said materials as far back as 2001-2002 as had been requested by the SDM RA and KK.

Having heard the arguments from the parties to the proceeding, examined the case files, the court believes that the application shall be granted based on the following grounds.

According to Part 1, Article 1 of Federal Law “On countering extremist activity” (hereinafter the “Law”), such activity means, *inter alia*, incitement of social, racial, national or confessional discord.

According to Part 2, Article 13 of the Law the materials shall be recognized as extremist by the court at the place of their discovery, dissemination, based on the submission from the Prosecutor.

As such, it was established during the proceedings that in the framework of the supervisory measures conducted in the Maykop Great Mosque owned by the SDM RA and KK, on 5 June 2006 the officials of the Ministry of Internal Affairs of the Republic of Adygeya acquired the brochure of Yaser Al-Ustuanly “What do you know about Islam?” and Sheikh Ali Al-Tantawi book “The general perception of Islam”, which were printed in 2001-2002 by SURPPE Adygeya (now Poligraphizdat Adygeya JSC) as requested by SDM RA and KK, in the total print run of 6,000 and 10,000 copies correspondingly.

According to Opinion No. 06-0041 of 12 July 2006 of the Spiritual Directorate of Muslims of the Dagestan presented along with denial file No. 6 of 29 March 2007 of the Prosecutor of the Republic of Adygeya, (a copy of the Opinion is in the case file), books “The general perception of Islam” and “What do you know about Islam?” contain, particularly, “ideas contributing to incitement of interreligious enmity by way of initiating sectarianism with anti-social conclusions and views destructing the society that contradict Islam”.

According to the Experts Linguists Opinion No. 1380 of 27 December 2006, of the Expert and Forensic Center at the Ministry of Internal Affairs of the Russian Federation and the Comprehensive Psychology and Linguist Expert Opinion of 9 August 2008, prepared by the specialists of the Adygeya State University, the texts of Sheikh Ali Al-Tantawi book “The general perception of Islam” and brochure of Yaser

Al-Ustuany “What do you know about Islam?” contain statements inciting religious discord and also substantiate and justify such activity.

In these circumstances, the court has every reason to grant the application submitted by the Prosecutor since the aforementioned brochure and book are of extremist content.

Relying on the above and being guided by Articles 194-198, 199 of the Civil Procedural Code of the Russian Federation, the court

DECIDED:

To grant the application submitted by the Prosecutor of the Republic of Adygeya.

To recognize Sheikh Ali Al-Tantawi book “The general perception of Islam” and brochure of Yaser Al-Ustuany “What do you know about Islam?” as the extremist materials.

When the Decision enters into force, a copy thereof shall be sent to the Federal Executive Authority to have said materials included in the federal list of extremist materials.

The Decision may be appealed against before the Supreme Court of the Republic of Adygeya through the Maykop city court within 10 days starting from 26 November 2010.

Date of execution: 25 November 2010

Presiding: signature N. Bodzhokov

[Seal: illegible]

[Stamp: TRUE COPY /Signed/

Khakunova illegible

22 May 2020]

[Stamp: illegible

7 December 2010]

Annex 134

Constitutional Court of the Russian Federation, Decision No. 12-P,
18 May 2012 (excerpts)

Translation

Excerpts

CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

In the name of the Russian Federation

DECISION

of 18 May 2012 No. 12-P

**ON THE CASE CONCERNING VERIFICATION OF CONSTITUTIONALITY
OF THE PROVISIONS OF PART 2 OF ARTICLE 20.2 OF THE CODE OF ADMINISTRATIVE
OFFENCES OF THE RUSSIAN FEDERATION, PARAGRAPH 3 OF PART 4 OF ARTICLE 5 AND
PARAGRAPH 5 OF PART 3 OF ARTICLE 7 OF THE FEDERAL LAW “ON ASSEMBLIES,
RALLIES, DEMONSTRATIONS, MARCHES AND PICKETING” FOLLOWING THE
COMPLAINT OF THE
CITIZEN S.A. KATKOV**

[...]

Page 6

[...]

Therefore, the procedure for prior notification of the executive authority of the constituent entity of the Russian Federation or a local government body about holding a public event, including the estimated number of its participants, is aimed at exercising the constitutional right of the Russian citizens to peacefully hold assemblies, rallies, demonstrations, marches and picketing under the conditions ensuring proper public order and security, achieving a balance of interests of the organizers and participants of public events, on the one hand, and other persons, on the other, as well as allowing public authorities to take adequate measures to prevent and avert violations of public order and security, ensuring the protection of the rights and freedoms of people both participating and not participating therein.

[...]

Annex 135

Constitutional Court of the Russian Federation, Decision No. 4-P,
14 February 2013 (excerpts)

Translation
Excerpts

CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

In the name of the Russian Federation

DECISION

of 14 February 2013 No. 4-P

**ON THE CASE CONCERNING VERIFICATION OF CONSTITUTIONALITY
OF THE FEDERAL LAW “ON AMENDMENTS TO THE CODE OF ADMINISTRATIVE
OFFENCES OF THE RUSSIAN FEDERATION” AND THE FEDERAL LAW “ON ASSEMBLIES,
RALLIES, DEMONSTRATIONS, MARCHES AND PICKETING” FOLLOWING THE REQUEST
OF THE GROUP
OF THE DEPUTIES OF STATE DUMA AND COMPLAINT OF THE
CITIZEN E.V. SAVENKO**

[...]

Page 11

[...]

2.2.

[...]

Imposing the obligation to submit a preliminary notification on holding a public event on the organizer of a public event is aimed at providing the relevant public authorities with the necessary information about the form, place (route), commencement and end times of the public event, the expected number of its participants, means (methods) of ensuring public order and organization of medical care, as well as the organizers and persons authorized to perform administrative functions for organizing and holding a public event. Otherwise, without an adequate understanding of the planned public event, its nature and scale, the public authorities are not able to fulfill the obligation imposed on them by the Constitution of the Russian Federation, particularly by Article 2, the obligation to observe and protect the rights and freedoms of people and citizens and take the necessary measures, including preventive and organizational measures, aimed at ensuring safe conditions for holding a public event both for the public event participants and for other people.

[...]

Annex 136

Constitutional Court of the Russian Federation, Decision No. 6-P,
19 March 2014 (excerpts)

Translation

Excerpts

In the name of the Russian Federation

DECISION
OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

on the case concerning verification of the constitutionality, pending entry into force, of the Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation

The city of Saint-Petersburg

19 March 2014

[...]

Page 5

[...]

Article 5 of the Treaty under consideration, which provides that, from the date of the accession of the Republic of Crimea to the Russian Federation and formation of new constituent entities within the Russian Federation, citizens of Ukraine and stateless persons permanently residing in the territory of the Republic of Crimea or the territory of the federal city of Sevastopol as at that date are recognized as citizens of the Russian Federation, with the exception of persons who announce their intention to retain their citizenship of another state and (or) that of their children or to remain stateless within one month from that day, also does not contradict the Constitution of the Russian Federation, as it does not compel the renunciation of the citizenship held on the day of the accession of the Republic of Crimea to the Russian Federation and guarantees the acquisition, if desired, of the citizenship of the Russian Federation without the need to take any actions to this end.

[...]

Page 7

[...]

Therefore, the content of the Treaty under consideration is also in conformity with the Constitution of the Russian Federation.

Based on the foregoing and guided by Article 6, paragraph two of Article 71, Articles 72, 74, 75, 78, 79 and 91 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the Constitutional Court of the Russian Federation

decided:

1. To recognize the international Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation, pending entry into force, to be in conformity with the Constitution of the Russian Federation.

[...]

Constitutional Court of the Russian Federation
No. 6-P

Annex 137

Statement of Z.E. Ametova on refusal to familiarise with the orders,
Criminal Case No. 2014417004, 17 April 2014

Translation

To the Acting High-Priority Cases Investigator of
the Investigative Department for Investigation of
High-Priority Cases of the Investigative
Directorate of the Investigative Committee of the
Russian Federation for the Republic of Crimea

Lieutenant Colonel of Justice

V.V. Erakhmievich

from Z.E. Ametova

STATEMENT

I, Z.E. Ametova, a victim under criminal case No. 2014417004, hereby refuse to familiarize myself with the orders for conducting forensic examinations and expert reports. I understand the victim's rights and obligations explained to me.

Z.E. Ametova

/Signed/

17 April 2014

Annex 138

Investigative Department for the city of Armyansk of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Resolution on the initiation of a criminal case No. 2014687003, 4 May 2014

Translation**RESOLUTION**

on the initiation of a criminal case and commencement of
proceedings

Armyansk, Republic of Crimea

4 May 2014

6:00 p.m.

The Acting Investigator of the Investigative Department for the city of Armyansk of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice I.V. Fomenko, having considered a report on the use of violence without danger to human life and health against A.V. Krupskiy, a representative of the authorities, a police officer of the 1st operational platoon of the special purpose police battalion “Berkut”, during the performance of his official duties, received by the investigative body on 3 May 2014, registered in the Crime Records Registration Book No. 49, as well as the material of the procedural inspection,

ESTABLISHED:

The reason for the initiation of a criminal case is the report of the acting investigator I.V. Fomenko on the use of violence without danger to human life and health against A.V. Krupskiy, a representative of the authorities, a police officer of the 1st operational platoon of the special purpose police battalion “Berkut”, in connection with the performance of his official duties.

The basis for the initiation of a criminal case is the information obtained during the procedural inspection, according to which on 3 May 2014, A.V. Krupskiy, a representative of the authorities, a police officer of the 1st operational platoon of the special purpose police battalion “Berkut”, as part of a special unit, in the uniform of a police officer, was in the area of the “Turetskiy Val” checkpoint across the state border of the Russian Federation, located at the 115th kilometer of the “Kherson-Dzhankoy-Feodosia-Kerch” highway near the city of Armyansk of the Republic of Crimea, where he performed the official duties assigned to him to protect public order and prevent illegal crossing of the “Turetskiy Val” checkpoint across the state border of the Russian Federation by unknown persons.

On the same day, at approximately 11:00 a.m., unidentified persons tried to illegally pass through the specified checkpoint in order to violate public order, in contrary to the prohibitions of law enforcement officers. A.V. Krupskiy as part of the special unit “Berkut” began to stop attempts to break through the cordon. At this time, an unidentified person, being dissatisfied with the legal actions of A.V. Krupskiy, due to hostility that arose in connection with the performance of the official duties of the latter, in order to obstruct the legal actions of a representative of the authorities, by using violence without danger to human life and health, approached him (A.V. Krupskiy) from behind, wrapping his arms around the torso and threw him to the ground. After that, continuing to implement his criminal intent, aimed at the use of violence without danger to human life and health, against the representative of the authorities in connection with the performance of his official duties, an unidentified person struck a kick in the back of A.V. Krupskiy, and one kick in knee joint of the right leg of the latter, which caused him physical pain at the places of striking.

Taking into account that the materials of the inspection contain sufficient data indicating signs of a crime provided for by Part 1 of Article 318 of the Criminal Code of the Russian Federation, such as the use of violence without danger to human life and health against a representative of the authorities in connection with the performance of their official duties, guided by Articles 38, 140, 145, 146 and Part 1 of Article 156 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To initiate a criminal case No. 2014687003 launched into an act constituting an offence under Part 1 of Article 318 of the Criminal Code of the Russian Federation on the fact of using violence without danger to human life and health against A.V. Krupskiy, a police officer of the 1st operational platoon of the special purpose police battalion "Berkut".
2. To commence a criminal proceedings and investigation.
3. To send a copy of this resolution to the Prosecutor's Office of Armyansk.

Acting Investigator

/signed/
(signature)

A copy of this resolution was sent to the Prosecutor's Office of Armyansk on 4 May 2014 at 6:05 p.m. The decision was reported to A.V. Krupskiy.

Acting Investigator

/signed/
(signature)

Annex 139

Record on acceptance of oral statement on crime of Olga
Shaimardanova concerning Mr Shaimardanov's disappearance,
28 May 2014

Translation**RECORD
of acceptance of oral statement on crime**Simferopol
(place of completion)

28 May 2014

I, _____

(position, class rank or grade, surname, initials of the person who accepted the report)

in accordance with Article 141 of the Criminal Procedural Code of the Russian Federation, on the premises of

have accepted an oral statement from Olga Valerieevna Shaimardanova, [date of birth], [address], economist_____
(surname, name, patronymic and place of birth, citizenship, place of residence, work or study of the informant)who has produced passport of the citizen of Ukraine_____
(passport or other identity document of the informant)Issued by [passport details]_____
(issuing authority, date of issue, series number)

I am warned on the liability for the knowingly false report in accordance with Article 306 of the Criminal Code of the Russian Federation

/Signed/

(signature of the informant)

In the report O.V. Shaimardanova

(surname, initials of the informant)

has reported the following:

On 26 May 2014, at about 9.00 a.m.,

(specify the content of the incident report)

my ex-husband left home at 22 Dybenko Street, Apt. 97, Simferopol. There is currently no communication with him. I am not aware of his whereabouts. Full personal data: Timur Damirovich Shaimardanov, date of birth: 13 September 1980, cell phone 099-237-25-85/Signed/

(signature of the informant)

The statement was read by me personally_____
(in person or aloud by the person who accepted the incident report)The above is an accurate record of my statement_____
(accurate, inaccurate)

I do not have objections to the record _____

(the content of the objections or statement on the absence thereof)

O.V. Shaimardanova/Signed/

(signature of the informant)

(position, class rank or grade)_____
(signature)_____
(initials, surname)

Annex 140

Main Directorate of the Ministry of Internal Affairs of the Republic of
Crimea, Report on the detection of an offence, 28 May 2014

Translation

To the Acting Head of the Central District
Department of the Simferopol City Main
Directorate of the Ministry of Internal
Affairs for the Republic of Crimea
Police Major
D.V. Krekov

REPORT
on the detection of an offence

Hereby is to report to you that on 28 May 2014, at 6:20 p.m., the dispatch center of the Central District Department of the Simferopol City Main Directorate of the Ministry of Internal Affairs for the Republic of Crimea by means of “service 102” received the information from Olga Valerievna Shaimardanova, [date of birth], [address], [phone number] that her husband Timur Damirovich Shaimardanov, date of birth: 13 September 1980, mobile phone: 0992372585, left the house on 26 May 2014 at 8:30 a.m. and has not returned to the present day; his phone is off-line; on 27 May 2014 it was turned on for 15 minutes.

Pre-qualification of the offence in accordance with Part ____ of Article ____ of the Criminal Code of the Russian Federation.

*[Stamp: REGISTERED
in the Crime Records Registration Book
of the Central District Department of the Simferopol
City Directorate of the Main Directorate of the
Ministry of Internal Affairs for the Republic of
Crimea*

(name of the department of internal affairs)

28 May 2014

No. 2985

*Operative duty officer /Signature/ N.N. Saryev
(signature, surname)]*

Annex 141

Special Investigations Division of the Central District Department,
Explanation of O.V. Shaimardanova, 28 May 2014

Translation**EXPLANATION**

Simferopol

28 May 2014

Operative Officer of the Special Investigations Division of the Central District Department, police lieutenant A.V. Antipenko has taken explanation from:

Olga Valerievna Shaimardanova,
[date of birth],
[address],
[place of employment]
 has no previous convictions
[phone number]

I am aware and warned of the content of Articles 306, 307 of the Criminal Code of the Russian Federation
 /Signature/

On the substance of the questions asked, I can explain the following, that at the above address I live for a long time together with my son Mark Timurovich Shaimardanov, *[year of birth]*.

I am currently employed at *[place of employment]*, as an economist. Working hours from 7:30 a.m. to 4:00 p.m., days off Saturday and Sunday.

I can explain the following, on 26 May 2014, in the morning, I called Timur and asked him to pick up our son from school, to which he agreed. Just after 11:00 a.m., I started calling Timur, but his phone was no longer answering. Thereafter, I started calling his cell phone over and over again, but he did not answer. On 27 May 2014, at 1:58 p.m., I received a message that his cell phone was on and I started calling him, but my calls were being dropped. I thought that maybe the phone had been stolen, so I wrote a message asking for the phone to be returned for a reward, but I got no answer. After about 40 minutes, the phone was off.

I also want to add that I have not lived with Timur for a year and a half, since we are officially divorced.

/Signature/

We parted with Timur on a normal relationship, he could see his son, came to visit home.

Also, it came to my knowledge that Timur lives with his girlfriend Elena Sergeevna Chernyakova in his apartment at 22, Dybenko Street, Apt. 97, Simferopol. I got this information from Timur directly. The last time he was seen at 22, Dybenko Street, Simferopol. The last who saw him was Elena Sergeevna Chernyakova, who could not really explain to me where he could go. After calling all his friends, no one could tell me anything about Timur, since they themselves learned from me that he was missing. I also know that Timur's parents live on the Arabat Spit close to the Kherson region.

On 28 May 2014, I called Timur's parents and said that Timur had been missing from 26 May, and that I would file an application to the police so that they look for Timur.

However, since 26 May 2014 and until today, there has been no communication with Timur; I do not know about his whereabouts and I do not know what could have happened to him.

I have nothing to add, besides, as soon as he appears, I will immediately notify the law enforcement agencies.

The above is an accurate record of my statement which I have read.

O.V. Shaimardanova /Signature/

Operative Officer of the Special
 Investigations Division of the
 Central District Department
 28 May 2014

/Signature/

A.V. Antipenko

Annex 142

Special Investigations Division of the Central District Department,
Explanation of K.A. Belashova, 28 May 2014

Translation**EXPLANATION***Simferopol**28 May 2014*

Operative Officer of the Special Investigations Division of the Central District Department, lieutenant of police A.V. Antipenko

(position of the investigator (inquiry officer), class rank or grade, surname, initials)

acting in accordance with Part 1 of Article 86 and Part 1 of Article 144 of the Criminal Procedural Code of the Russian Federation, in the office of
from 9:00 p.m. to 9:30 p.m., staying indoor, have taken an explanation from the citizen:

1. Name, patronymic, surname: *Klavdia Andreevna Belashova*

2. Date of birth: [...]

3. Place of birth: [...]

4. Place of residency and/or registration: [...]

Tel.: [...]

5. Citizenship: *Russia*

6. Education: *secondary*

7. Marital status: *widow*

8. Place of work or study: *pensioner*

9. Military -----

(place of the military registration)

10. Criminal record: *verbal assurances of no previous convictions*

(when and by what court was convicted, the applicable Article of the Criminal Code of the Russian Federation, the type and scope of sanction, when was released)

11. Passport or other identity document

(signature of the person who provided the explanation) */Signature/*

Before the questioning, I was explained that I have the right:

- 1) in accordance with Article 51 of the Constitution of the Russian Federation, not to testify against myself, my spouse or other close relatives, the range of whom is determined by Part 4 of Article 5 of the Criminal Procedural Code of the Russian Federation;
- 2) to give an explanation in my native language or a language that I have a command of,
- 3) to use the help of an interpreter for free;
- 4) to file a motion for disqualification of persons participating in the questioning;
- 5) to file petitions and bring complaints about actions (omissions) and decisions of the inquiry body, inquiry officer, investigator, head of the investigative body, prosecutor;
- 6) to take part in the questioning with an attorney;
- 7) to apply for the application of security measures.

/Signature/

(signature of the person who provided the explanation)

On the substance of the case, I can explain the following:

I live at the above address for a long time, alone. I am a pensioner. On 28 May 2014, the police officers visited apartment 34, but nobody opened the door. I can explain the following that I cannot say bad things about them. A married couple, decent, they lived together with a child. It was an orderly family, I did not notice any yelling and quarrels. For about a year and a half, the guy, his name is Timur, stopped appearing. Timur was also engaged in business, constantly came by car. After a while, he began to walk by, maybe something happened to him, but I do not know anything.

/Signature/

When we met near the entrance, we sat near the entrance and talked about what was happening in Ukraine,

and especially what was happening in the East. Where he could have gone, I do not know, but he was in the mood to go to Ukraine.

More than that, I have nothing to add.

K.A. Belashova /Signature/

(signature of the person who provided the explanation)

Explanation read by me personally
(in person or aloud by the person who made the explanation) (signature of the person who provided the explanation)

The above is an accurate record of my statement
(accurate or inaccurate)

Objections and statements to the explanations I do not have any
(the content of the objections and additions or the absence thereof)

(signature of the person who provided the explanation)

To this explanation the following is attached /Signature/
(what exactly)

Explanation received by:

Operative Officer of the Special */Signature/*
Investigations Division of the
Central District Department

*A.V. /Signature/
Antipenko*

Annex 143

Special Investigations Division of the Zheleznodorozhny
District Department of the Simferopol City Directorate,
Explanation of O.V. Shaimardanova, 30 May 2014

Translation**EXPLANATION**

Simferopol

30 May 2014

Operative Officer of the Special Investigations Division of the *Zheleznodorozhny* District Department of the *Simferopol City Directorate*, Police Lieutenant *A.B. Zhilenko*

recorded the citizen's explanations:

Name, patronymic, surname: *Olga Valerievna Shaimardanova*

Date of birth: [...] Place of birth: [...]

Place of residency and/or registration: [...] Tel.: [...]

Place of work or study: _____

Phone _____

Passport or other identity document _____

I was explained that, in accordance with Article 51 of the Constitution of the Russian Federation, I am not obliged to testify against myself, my spouse or other close relatives; I do not need the services of the defence counsel, attorney or legal representative.

Before the start of the questioning, I was informed of the rights and obligations of a witness, provided for in Part 4 of Article 56 of the Criminal Procedural Code of the Russian Federation, that I have the right to:

- 1) refuse to testify against myself, my spouse or other close relatives, the range of whom is determined by Part 4 of Article 5 of the Criminal Procedural Code of the Russian Federation. If I agree to testify, I am warned that my testimony can be used as evidence in a criminal case, including in the event of my subsequent refusal from this testimony;
- 2) to give an explanation in my native language or a language that I speak;
- 3) to use the help of an interpreter for free;
- 4) to file a motion for disqualification of the interpreter involved in the questioning;
- 5) to file petitions and bring complaints about actions (omissions) and decisions of the interrogating officer, investigator, prosecutor and court;
- 6) to take part in the questioning with an attorney in accordance with Part 5 of Article 189 of the Criminal Procedural Code of the Russian Federation;
- 7) to apply for the security measures provided for in Part 3 of Article 11 of the Criminal Procedural Code of the Russian Federation.

I am warned of criminal liability for refusing to testify under Article 308 of the Criminal Code of the Russian Federation and for perjury under Article 307 of the Criminal Code of the Russian Federation.

Signature /Signature/

As regards the substance of questions, *O.V. Shaimardanova*

(surname, initials)

explained the following: *I can explain the following, that at the above address I live together with my son Mark Timurovich Shaimardanov, date of birth: [...], I am employed at [...].*

On 26 May 2014, at 9.00, my ex-husband Timur Damirovich Shaimardanov (date of birth: 13 September 1980 (22, Dybenko Street, Apt. 97, Simferopol), cell phone 0992372585, called me and said that he would pick up the child after school, to which I agreed.

After a while, at about 11.00 a.m., I called my ex-husband to clarify some questions, but his mobile was disconnected. I picked up the child from school by myself. I called him during the day, but the phone was still disconnected. In the evening, I called his sister Ksenia Damirovna Fesik (date of birth: [...], cell phone [...]) to ask her whether she knew why T.D. Shaimardanov's phone was disconnected, to which she answered that she herself did not know what the matter was. On 27 May 2014, during the day, I periodically called my ex-husband's number, but the phone was disconnected.

On 27 May 2014, at 2 p.m., I received an SMS stating that the cell phone of T.D. Shaimardanov was turned on, after which his relatives started calling him, but he was dropping the calls.

After that, I decided that his phone had been stolen, so I wrote an SMS with the text: "I'll take the phone for a reward." But no SMS delivery report was received. Being concerned about my ex-husband, I decided to come to his place of residence; he lives at 22, Dybenko Street, Apt. 97, with his girlfriend Elena Sergeevna Chernyakova, cell phone [...], who recalled that T.D. Shaimardanov left on 26 May 2014, at 09.00 a.m., in an unknown direction and has not been in touch since that time. Together with his relatives, I called the hospitals of Simferopol, but they had no record of admission of T.D. Shaimardanov.

The above is an accurate record of my statement which I have read.

O.V. Shaimardanova /Signature/ 30 May 2014

Signature _____

Annex 144

Special Investigations Division of the Zheleznodorozhny District
Department of the Simferopol City Directorate of the Ministry of
Internal Affairs of the Russian Federation for the Republic of
Crimea, Explanation of E.S. Chernyakova, 31 May 2014

Translation**EXPLANATION**

31 May 2014

Simferopol

(place of completion)

Operative Officer of the Special Investigations Division of the Zheleznodorozhny District Department of the Simferopol City Directorate of the Ministry of Internal Affairs of the Russian Federation for the Republic of Crimea

(Position of the investigator (inquiry officer))

Police Lieutenant M.A. Shipleva

(class rank or grade, surname, initials)

acting in accordance with Part 1 of Article 86 and Part 1 of Article 144 of the Criminal Procedural Code of the Russian Federation, in the office of

(specify)

from _____ to _____ has taken an explanation from:

1. Name, patronymic, surname: Elena Sergeevna Chernyakova
2. Date of birth: [...]
3. Place of birth: [...]
4. Place of residency and/or registration: [...]
Tel.: [...]
5. Citizenship: Ukraine
6. Education: higher
7. Family status: not married
8. Place of work or study: office manager at [...]
Tel. _____
9. Military---
(place of the military registration)
10. Criminal record ----
11. Passport or other identity document _____

Before the questioning, I was explained that I have the rights:

- 1) in accordance with Article 51 of the Constitution of the Russian Federation, I am not obliged to testify against myself, my spouse or other close relatives, the range of whom is determined by Part 4 of Article 5 of the Criminal Procedural Code of the Russian Federation
- 2) to give an explanation in my native language or a language that I have a command of;
- 3) to use the help of an interpreter for free;
- 4) to file a motion for disqualification of persons involved in the questioning;
- 5) to file petitions and bring complaints about actions (omissions) and decisions of the interrogating body, interrogating officer, investigator, head of the investigative body, prosecutor;
- 6) to take part in the questioning with an attorney;
- 7) apply for security measures.

/Signature/

(signature of the person who provided the explanation)

I live alone at the above address. I have no previous convictions. I work as an office manager at [...]. I am not married. I previously rented an apartment at 22, Dybenko Street, Apt. 97, Simferopol, with my boyfriend Timur

Damirovich Shaimardanov. We have been renting the apartment for 2 months, approximately from the end of March 2014.

On 26 May 2014, at about 8:30 a.m., I was preparing to go to work at [...]. T.D. Shaimardanov was at the place of residence at that time. After that, while at work, I decided to call my boyfriend, but his phone was disconnected. Coming home from work, I saw that T.D. Shaimardanov was not present, but at first, I did not pay any attention to this. Sometimes he stayed late at work (I do not know the exact place of his work, it is only known that the work is related to construction).

After some time, I got nervous and started calling the hospitals of Simferopol, called the ex-wife of T.D. Shaimardanov, Olga, and she replied that she could not contact him either. Over the next days, I periodically called Olga and tried to figure out on my own what had happened, but T.D. Shaimardanov did not get in touch, and I could not find out any information on his whereabouts. Then Olga and I decided that she would go to the police and file a statement. At home, I looked through the belongings of Mr Shaimardanov to find out what he had left and what he had taken with him; as a result, I came to the conclusion that he was wearing a dark grey slipover and black jeans with a small brown bag over his shoulder; he might have had his Ukrainian passport with him. I also remembered that in the last conversation he said that he was going to the Black Sea Bank for Development and Reconstruction to open a current account at work. I do not know where Mr Shaimardanov may have disappeared. I do not have anything else to explain in this respect.

The above is an accurate record of my statement which I have read.

E.S. Chernyakova /Signature/ 31 May 2014

Annex 145

Police Station No. 1 “Zheleznodorozhny” of the Directorate of the
Ministry of Internal Affairs of Russia for Simferopol, Report,
31 May 2014

Translation

To the Head of the Police Station No. 1
“Zheleznodorozhny” of the Directorate of the
Ministry of Internal Affairs of Russia
for Simferopol
Police Lieutenant Colonel
S.N. Yukhnenko

REPORT

Hereby is to report that a check of the medical institutions of Simferopol, including the City Hospital No. 6, the City Hospital No. 7, the Semashko Hospital, the Crimean Psychiatric Hospital No. 1 and the Central District Hospital was conducted over the phone in order to ascertain the whereabouts of missing Timur Damirovich Shaimardanov, born in 1980, who left his home (22, Dybenko Street, Apt. 97, Simferopol) on 26 May 2014 and has not returned to this day.

The check of the admissions and inpatient treatment did not reveal a record of registration of T.D. Shaimardanov. If additional information is received, a follow-up check will be carried out.

Operative Officer of the Police Station No. 1
“Zheleznodorozhny” of the Directorate of the
Ministry of Internal Affairs of Russia
for Simferopol
Lieutenant of militia

/Signature/

M.A. Shilyaeva

31 May 2014

Annex 146

Statement of L.A. Tokchi on disappearance of S.S. Zinedinov,
31 May 2014

Translation

*/Stamp: D.S. Skripka
by ___ 20 ___
to perform a check in accordance
with Articles 144, 145 of the
Criminal Procedural Code of the
Russian Federation/
/Signature/*

To the Head of the Kievskiy District Department
Police Colonel I.I. Plakhov
from Lenara Asanovna Tokchi
date of birth: [...]
[address]
[phone number]

*/Stamp: A.I. Luzhnin
Check and make a decision in accordance with Articles 144,
145 of the Criminal Procedural Code of the Russian
Federation 2 June 2014/*

/Signature/

I am aware of the content of Article 306 of the Criminal Code of the Russian Federation and warned

/Signature/

STATEMENT

I hereby request to take measures to establish the whereabouts of my husband Seyran Setmerovich Zinedinov, date of birth: 4 July 1981, who resided at 21, Shevtalilik Street, Lugovoye, Simferopol, and who left home on 30 May 2014 at about 7:20 p.m. and has not returned to this day.

Handwritten by myself. L.A. Topchi */Signature/* 31 May 2014

Elena [phone number]

*/Stamp:
REGISTERED
in the Unified journal of statements and reports on
committed criminal and other offenses*

*Kievskiy District Department of the Simferopol Main
Directorate of the Ministry of Internal Affairs of
Ukraine for the Autonomous Republic of Crimea
(name of the internal affairs body)*

31 May 2014 No. 4559

Operative Officer /Signature/

Annex 147

Kievskiy District Department of the Simferopol City Directorate of the
Ministry of Internal Affairs of the Republic of Crimea, Report,
31 May 2014

Translation

*/Stamp: D.S. Skripka
by ___ 20 ___
to perform a check in accordance with Articles 144, 145 of the
Criminal Procedural Code of the Russian Federation/
/Signature/*

To the Head of the Kievskiy District
Department of the Simferopol City
Directorate of the Ministry of Internal
Affairs of the Republic of Crimea
Police Colonel
I.I. Plakhov

*/Stamp: A.I. Luzhnin
Perform a check and make a decision in accordance with
Articles 144, 145 of the Criminal Procedural Code of the
Russian Federation
2 June 2014 /Signature//*

REPORT

I hereby report that on 31 May 2014, at 12.38 p.m., the Kievskiy District Department received [an incident report]:

Body: KIEVSKIY DISTRICT DEPARTMENT

Incident date and time: 31 May 2014 at 12:14:35

Informant: (no category assigned) ZARINA ASANOVNA TOKCHI, date of birth: [...], **cell phone:** [...]

Residing at: [...]

Incident place: 21, SHEVTALILIK STREET, KIEVSKIY DISTRICT, SIMFEROPOL, CRIMEA

Incident description: ON 30 MAY 2014, AT 7:20 PM, AT 21 SHEVTALILIK STREET, SEYRAN SETMEROVICH ZINEDINOV, THE SISTER'S HUSBAND, DATE OF BIRTH: 4 JULY 1981, WENT OUT OF THE HOUSE TO THE YARD AND HAS BEEN MISSING TO THIS DAY (CELL PHONE: 0666258304 – DISCONNECTED SINCE 30 MAY 2014, 8.00 P.M.) (185 CM HEIGHT, ATHLETICALLY BUILT, SHORT DARK HAIR, BLUE EYES, WEARING A CAMOUFLAGE SHIRT & PANTS, BLACK SNEAKERS)

Official details

Initial legal qualification of the criminal offense:

in accordance with Paragraph ____ of Part ____ of Article ____ of the Criminal Code of the Russian Federation.

Assistant to the Head - Operational Duty
Officer of the Kievskiy District
Department of the Simferopol City
Directorate of the Ministry of Internal
Affairs of the Republic of Crimea
Police Captain

*/Stamp:
REGISTERED
in the Unified Journal of Statements and Reports
on Committed Criminal and Other Offenses*

*Kievskiy District Department of the Simferopol
City Directorate of the Ministry of Internal Affairs
of Ukraine for the Autonomous Republic of
Crimea
(name of the internal affairs body)*

31 May 2014 No. 4534

Operative Officer /Signature/ N.B. Mamedaliev

Annex 148

Directorate of the Ministry of Internal Affairs of Russia for the
Krasnogorsky District, Resolution on filing of a motion on the
extension of the check time-period relating to the crime report,
1 June 2014

Translation

The check time-period
to be extended to 10 days
Head of Police Department No. 1
“Zheleznodorozhny” of the Directorate of
the Ministry of Internal Affairs of Russia for
Simferopol
Police Lieutenant Colonel
S.N. Yukhnenko
/Signature/
1 June 2014

RESOLUTION

on filing of a motion on the extension of the check time-period relating to the crime
report

Simferopol

1 June 2014

The Deputy Head of the Police Department of the Directorate of the Ministry of Internal Affairs of Russia for the Krasnogorsky District, Police Lieutenant Colonel S.V. Utkin, having considered the check materials of the Crime Reports Registration Book under No. 3486 of 30 May 2014.

ESTABLISHED:

On 26 May 2014, at about 9:00 a.m., Timur Damirovich Shaimardanov, date of birth: 13 September 1980, left home (22, Dybenko Street, Apt. 97 Simferopol) and has not returned to this date.

There is now a need to conduct operative search activities to establish the circumstances of the incident and the whereabouts of T.D. Shaimardanova.

Given the above and being guided by Part 3 of Article 144 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

To file the motion on the extension of the check time-period of the materials to 10 days to the Head of Police Department No. 1 “Zheleznodorozhny” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol.

Deputy Head of the Police Department of the Directorate of the Ministry of Internal Affairs of Russia for the Krasnogorsky District
Police Lieutenant Colonel /Signature/ S.V. Utkin

(Assigned by Order of the Ministry of Internal Affairs of the Russian Federation No. 330 of 7 April 2014)

Annex 149

Investigative Directorate of the Federal Security Service of Russia,
Resolution on clarification of personal data, 3 June 2014

Translation

[Duty Officer, Assistant Head of the Detention Centre; Operative Department, Health Centre, Accounting Dept, Operative Regime Dept, Special Records Dept]
 [FOR IMPLEMENTATION]
 <Signed> 6 June 2014

RESOLUTION
 on clarification of personal data

[Special Records Department; To attach to case file; 25 June 2014] <Signed>

Moscow

[Illegible] <Signed> 6614

3 June 2014

Senior Investigator for High-Priority Cases of the Investigative Directorate of the Federal Security Service of Russia Captain of Justice [Name: ...], having considered the materials of criminal case No. 141437,

[Operative Regime and Security; IMPLEMENTED <Signed> 230614]

ESTABLISHED THAT:

This criminal case was initiated on 9 May 2014 by the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol under No. 2014427002 against A.V. Chirniy and other unidentified persons suspected of committing crimes envisaged by Article 205.4(2), Article 30(1) and Article 205(2(a)), Article 30(3) and Article 222(3) of the Criminal Code of the Russian Federation.

On 11 May 2014, Oleg Gennadievich Sentsov, who presented passport of a citizen of Ukraine, was detained. Therefore, the personal data of the said individual set out in the records of investigative procedures involving him stated that his citizenship was that of Ukraine.

At the same time, under Article 5 of the Agreement between the Russian Federation and the Republic of Crimea “On the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation” executed on 18 March 2014 in Moscow, from the date of accession of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation, citizens of Ukraine permanently residing in the territory of the Republic of Crimea or the territory of the federal city of Sevastopol as at that date shall be recognised as citizens of the Russian Federation, save for those who within one month from that date announce their intention to retain their other citizenship.

According to the information received from the Directorate of the Federal Migration Service of Russia for the Republic of Crimea, no data regarding O.G. Sentsov’s filing of such an application has been received, therefore, the said individual is a citizen of the Russian Federation and, given the requirements of Article 6 of Federal Law of 31 May 2002 No. 62-FZ “On the citizenship of the Russian Federation” and the absence of a dual citizenship agreement between the Russian Federation and Ukraine, he shall be regarded as such only.

Pursuant to the requirements of Article 38 of the Criminal Procedural Code of the Russian Federation,

Duty Officer, Deputy Head of Detention Centre
 [Illegible] 09.06.14 <Signed>

Accounting Office
 Acknowledged
 <Signed> 6.6.14

Medical Centre
 Acknowledged
 06.06.14 <Signed>

[Illegible]

[Federal Budget Institution Detention Centre-2 of the Federal Penitentiary Service of Russia; Incoming No. 4826 ; of 6 June 2014; 2 pages]

HEREBY RESOLVED THAT

Oleg Gennadievich Sentsov shall be deemed to be a citizen of the Russian Federation.

Senior Investigator for High-Priority Cases of the
Investigative Directorate of the Federal Security Service of Russia
Captain of Justice /Signed/ [Name: ...]

This resolution may be appealed to the head of the investigative authority – Head of the Investigative Directorate of the Federal Security Service of Russia or with the Prosecutor General’s Office of the Russian Federation or the Lefortovsky District Court of Moscow as provided for by Chapter 16 of the Criminal Procedura 1 Code of the Russian Federation.

Senior Investigator for High-Priority Cases of the
Investigative Directorate of the Federal Security Service of Russia
Captain of Justice /Signed/ [Name: ...]

Round seal: [Federal Security Service of the Russian Federation; Investigative Department]

Annex 150

Zheleznodorozhniy District Department of the Simferopol City
Directorate of the Ministry of Internal Affairs of the Russian
Federation for the Republic of Crimea, Letter No. 49/3-6598,
4 June 2014

Translation

**ZHELEZNODOROZHNIY
DISTRICT DEPARTMENT OF
THE SIMFEROPOL CITY
DIRECTORATE OF THE
MINISTRY OF INTERNAL
AFFAIRS OF THE RUSSIAN
FEDERATION FOR THE
REPUBLIC OF CRIMEA**

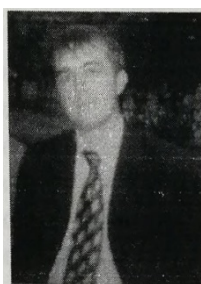
**To the Head of the Public
Relations Center of the Main
Directorate of the Ministry
of Internal Affairs of the
Russian Federation for the
Republic of Crimea, Police
Colonel O.V. Kondrashova**

1-a Pavlenko Street, Simferopol, 95000

4 June 2014 No. 49/3-6598

To your ref. No.

of _____



In connection with the ascertainment of the whereabouts of the missing **Timur Damirovich Shaimardanov**, date of birth: 13 September 1980, place of birth: Simferopol, residing at 22 Dybenko Street, Apt. 97, Simferopol.

Police Department No. 1 “Zheleznodorozhniy” of the Ministry of Internal Affairs of the Russian Federation in the Republic of Crimea is ascertaining the whereabouts of the missing person **Timur Damirovich Shaimardanov**, date of birth: 13 September 1980, place of birth: Simferopol, residing at 22 Dybenko Street, Apt. 97, Simferopol. On 26 May 2014 at about 9.00 a.m., he left home, and until now his whereabouts are unknown.

DESCRIPTIVE INFORMATION: he looks 30 years old, height 170–175 cm, medium build, oval face, dark hair color, dark eyes, big nose slightly raised, protruding ears, thin lips, round chin, wide eyebrows.

WEARING: a dark grey pullover, black jeans, he had a small brown bag with him.

Distinctive features: he had passport of a citizen of Ukraine with him.

Upon receipt of any information, please inform the Duty Unit of Police Department No.1 “Zheleznodorozhniy” of the Ministry of Internal Affairs of the Russian Federation in the Republic of Crimea, phone number: [...].

Best regards

/Handwritten: Deputy /

Acting Head, Police

Lieutenant Colonel

/Signature/

S.N. Yukhnenko

/Handwritten: D.N. Trostyanchuk/

SCHEDULE OF RECIPIENTS

1. Directorate of the Ministry of Internal Affairs of Russia for Yalta
2. Directorate of the Ministry of Internal Affairs of Russia for Kerch
3. Department of the Ministry of Internal Affairs of Russia for Feodosia
4. Department of the Ministry of Internal Affairs of Russia for Sudak
5. Department of the Ministry of Internal Affairs of Russia for Evpatoria
6. Department of the Ministry of Internal Affairs of Russia for Alushta
7. Department of the Ministry of Internal Affairs of Russia for the Bakhchisaray District
8. Department of the Ministry of Internal Affairs of Russia for the Belogorskiy District
9. Department of the Ministry of Internal Affairs of Russia for the Kirovskiy District
10. Department of the Ministry of Internal Affairs of Russia for the Krasnogvardeyskiy District
11. Department of the Ministry of Internal Affairs of Russia for the Leninskiy District
12. Department of the Ministry of Internal Affairs of Russia for the Nizhnegorskiy District
13. Department of the Ministry of Internal Affairs of Russia for the Pervomayskiy District
14. Department of the Ministry of Internal Affairs of Russia for the Razdolnenskiy District
15. Department of the Ministry of Internal Affairs of Russia for the Simferopolskiy District
16. Department of the Ministry of Internal Affairs of Russia for the Chernomorskiy District
17. Department of the Ministry of Internal Affairs of Russia for the Sovetskiy District
18. Intermunicipal Department of the Ministry of Internal Affairs of Russia “Dzhankoyskiy”
19. Intermunicipal Department of the Ministry of Internal Affairs of Russia “Sakskiy”
20. Intermunicipal Department of the Ministry of Internal Affairs of Russia “Krasnoperekopskiy”
21. Directorate of the Ministry of Internal Affairs of Russia for Simferopol

Annex 151

Investigative Directorate of the Ministry of Internal Affairs for the
Republic of Crimea, Resolution on the initiation of a criminal case,
9 June 2014

Translation**RESOLUTION
ON THE INITIATION OF A CRIMINAL CASE AND COMMENCEMENT OF PROCEEDINGS**

Bakhchisaray, Republic of Crimea

9 June 2014

11:45 AM

Acting Investigator of the Investigative Directorate of the Ministry of Internal Affairs for the Republic of Crimea, Captain of Justice M.Yu. Bogomolov, having considered the results of checking the covert theft of someone else's property at the claim of S.V. Aleksandrenko, registered in the Crime Reports Registration Book under No. 1748 of 2 June 2014

ESTABLISHED:

The reason for opening the criminal case was an application submitted by S.V. Aleksandrenko regarding the covert theft of her property.

The grounds for opening the criminal case include sufficient data contained in the check materials indicating that there are elements of an offence under para. (a) Part 3 of Art. 158 of the Criminal Code of the Russian Federation, committed under the following circumstances:

On 2 June 2014, between 08:15 a.m. and 04:45 p.m. (the exact time has not been established), an unidentified person removed window glass and through a window illegally entered house No. 10 at Grizodubovoy Street, Bakhchisaray, the Republic of Crimea, and then covertly stole property belonging to S.V. Aleksandrenko in the amount of 117,124 rubles 85 kopecks, which caused the latter substantial pecuniary damage, and then left the scene of the crime with the stolen property.

Thus, the actions of the unidentified person have elements of an offence under para. (a) Part 3 of Art. 158 of the Criminal Code – theft, i.e. covert theft and burglary causing substantial damage to the individual.

Taking into account sufficient data indicating that there are elements of an offence under para. (a) Part 3 of Art. 158 of the Criminal Code of the Russian Federation, guided by Articles 140, 145, 146 (147) and Part 1 of Art. 156 of the Criminal Procedural Code of the Russian Federation

RESOLVED:

1. To initiate a criminal case against an unidentified person into elements of an offence under para. (a) Part 3 of Art. 158 of the Criminal Code of the Russian Federation.
2. To accept the criminal case for proceedings and begin its investigation.
3. To send a copy of this Resolution to the Prosecutor of Bakhchisaray, Republic of Crimea

Acting Investigator

/signature/

M.Yu. Bogomolov

A copy of this Resolution was sent to the Prosecutor of Bakhchisaray, Republic of Crimea on 9 June 2014, at 12:00.

Interested parties were informed about the decision adopted on 9 June 2014.

Acting Investigator

/signature/

M.Yu. Bogomolov

*/Seal: Main Investigative
Directorate of the Investigative
Committee * of the Russian
Federation for the Republic of
Crimea * Primary State
Registration Number (OGRN)
1147746331248/*

*True copy
/Signature Printed name/*

Annex 152

Investigative Department for the Zheleznodorozhny District of
Simferopol of the Main Investigative Directorate of the Investigative
Committee of the Russian Federation for the Republic of Crimea,
Resolution on filing of motion on the extension of the check time-
period relating to the crime report,
12 June 2014

Translation

The check time-period relating to the crime report
to be extended to 10 days

Deputy Head of the Investigative Department for the
Zheleznodorozhny District of Simferopol of the Main
Investigative Directorate of the Investigative Committee of the
Russian Federation for the Republic of Crimea,

Capitan of Justice

/Signature/ D.A. Korovin

12 June 2014

RESOLUTION

ON FILING A MOTION ON THE EXTENSION OF THE CHECK TIME-PERIOD RELATING TO THE
CRIME REPORT

Simferopol

12 June 2014

The Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Lieutenant of Justice A.A. Zaika, having considered the check material relating to the disappearance of T.D. Shaimardanov (Crime Records Registration Book No. 242 so-14 of 9 June 2014),

ESTABLISHED:

On 9 June 2014, the Zheleznodorozhny District Office of the Simferopol City Department of the Ministry of Internal Affairs of Russia for the Republic of Crimea provided the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea with the check material relating to the disappearance of Timur Damirovich Shaimardanov (date of birth: 13 September 1980), who, on 26 May 2014, left his home at Simferopol, 22 Dybenko Street, Apt. 97, and whose whereabouts are still unknown.

Operative search activities aimed at ascertaining the whereabouts of T.D. Shaimardanov are in progress and the Investigative Department does not yet have results, therefore, it is not possible to make a legal and well-grounded decision within three days from the date of receipt of the said report.

It is now necessary to obtain the results of the operative search activities, to conduct other check measures, and then to make a legal and well-grounded decision in accordance with Articles 144–145 of the Criminal Procedural Code of the Russian Federation.

Given the above and being guided by Part 3, Article 144 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

To file a motion on the extension of the check time-period relating to the crime report up to 10 days, i.e. to **19 June 2014**, to the Head of the Investigative Department.

Senior Investigator of the Investigative Department

/Signature/

A.A. Zaika

Lieutenant of Justice

Annex 153

Investigative Department of Police Station No. 1 “Zheleznodorozhny”
of the Directorate of the Ministry of Internal Affairs of the Republic
of Crimea for Simferopol, Order No. 242so-2014 on carrying out
certain investigative activities, 19 June 2014

Translation

19 June 2014 No. 242so-2014

To the Head of
Police Station No. 1 “Zheleznodorozhny”
of the Directorate of the Ministry of Internal
Affairs of the Republic of Crimea for
Simferopol,

Police Lieutenant Colonel

S.N. Yukhnenko

ORDER

on carrying out certain investigative activities
(operative search activities)

I am considering check material No. 242so-2014 on the disappearance of Timur Damirovich Shaimardanov (date of birth: 13 September 1980) who left home at Simferopol, 22 Dybenko Street, Apt. 97 on 26 May 2014, and his whereabouts are still unknown.

Based on the above and being guided by Articles 21 and 39 of the Criminal Procedural Code of the Russian Federation,

IT IS REQUESTED:

to instruct your subordinates to verify the data on T.D. Shaimardanov using the available registries:

- Information Centre of the Ministry of Internal Affairs for the Republic of Crimea for unidentified corpses; administrative practice; operational reference card index; people delivered to the internal affairs agencies; police control room (informer-victim, doer);

- to request information from the morgue, psychiatric facility, narcological facilities, hospitals in the city of Simferopol and the Republic of Crimea on the admission of T.D. Shaimardanov or an unidentified man with the individual description similar to the said person for the period from 26 May 2014 to the present day;

- to establish whether T.D. Shaimardanov has crossed the state border of the Russian Federation (including the Russian-Ukrainian one);

- to send wanted notices to the nearby regions of the Russian Federation;

- to provide instructions all police departments of the city of Simferopol in terms of finding unidentified corpses of men with the individual description similar to that of T.D. Shaimardanov;

24 June 15

[printed name] /Signature/

- to carry out the required operative search activities to ascertain the whereabouts of T.D. Shaimardanov.

When the order is executed, the results shall be sent to the Investigative Department for the Zheleznodorozhny District of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea.

Senior Investigator of the
Investigative Department

Lieutenant of Justice

/Signature/

I.G. Fetisov

cell phone: [...]
Ilya Gennadievich

Annex 154

Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea, Resolution on filing of motion on the extension of the check time-period relating to the crime report, 19 June 2014

Translation

The check time-period relating to the
crime report

TO BE EXTENDED to 30 days
Deputy Head of the Investigative
Department for the Zheleznodorozhny
District of Simferopol of the Main
Investigative Directorate of the
Investigative Committee of Russia for
the Republic of Crimea,

Lieutenant Colonel of Justice

/Signature/ V.N. Efremov

19 June 2014

RESOLUTION

on filing of motion on the extension of the check time-period relating to the crime report

Simferopol

19 June 2014

The Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea, Lieutenant of Justice I.G. Fetisov, having considered crime report No. 242so-2014 of 9 June 2014,

ESTABLISHED:

On 9 June 2014, the Zheleznodorozhny District Office of the Simferopol City Department of the Ministry of Internal Affairs of Russia for the Republic of Crimea provided the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea with the check material relating to the disappearance of T.D. Shaimardanov (date of birth: 13 September 1980), who, on 26 May 2014, left his home at Simferopol, 22 Dybenko Street, Apt. 97, and whose whereabouts are still unknown.

There is a need to conduct operative search activities aimed at ascertaining the whereabouts of T.D. Shaimardanov, therefore, it is not possible to make a legal and well-grounded decision within ten days from the date of receipt of the said report.

Given the above and being guided by Part 3, Article 144 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

To file a motion on the extension of the check time-period up to 30 days, i.e. to 9 July 2014, to the Deputy Head of the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Novgorod Region, Lieutenant Colonel of Justice V.N. Efremov.

Senior Investigator of the
Investigative Department
Lieutenant of Justice

/Signature/

I.G. Fetisov

Annex 155

Prosecutor's Office of the Republic of Crimea, Letter 15/1-224-2014/
ON582-14 to E. Ablayev, 24 June 2014

Translation*(Handwritten)*

24 June 2014 15/1-224-2014/ON582-14

E. Ablaev
295000, Simferopol, 4 Kurchatova Street

The Prosecutor's Office of the Republic of Crimea has considered your application No. 156 of 11 June 2014, on the disappearance of the activists of the public organisation "Ukrainian House" (Ukrainskiy Dom) Timur Shaimardanov, Leonid Korzh, Seyran Zinedinov and on other issues of concern.

It has been established that the facts of disappearance of T.D. Shaimardanov and S.S. Zinedinov are subject to relevant pre-investigation inspections conducted by the territorial offices of the Investigative Committee of the Russian Federation for the Republic of Crimea.

The territorial offices of the Ministry of Internal Affairs of Russia for the Republic of Crimea are carrying out operative search activities aimed at ascertaining the whereabouts of these persons.

In addition, Police Station No. 3 "Tsentralniy" of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol also verified information on the disappearance of the activist of the "Ukrainian House" Leonid Korzh. Based on the outcome of the inspection, the fact of disappearance of L.N. Korzh was not confirmed.

The Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea is conducting a preliminary investigation in a criminal case on the fact of the intended murder of R.M. Ametov. The preliminary investigation has not yet been completed.

The progress and results of the preliminary investigation are under supervision of the Prosecutor's Office of the Republic of Crimea.

There are no grounds for the application of other prosecutor's response measures relating to the arguments set out in the application.

Acting Head of the Department of
the Prosecutor's Office of the
Republic of Crimea*/Signature/*

O.Yu. Onishchenko

/Signature/ 24 June 2014

Prosecutor's Office of the Republic of Crimea No. 15/1-224-2014/On582-14

Annex 156

Investigative Department of the Kievskiy District of Simferopol of the
Main Investigative Directorate of the Investigative Committee of the
Russian Federation for the Republic of Crimea, Order No. 02-40-2014
on carrying out certain operative search activities, 27 June 2014

Translation**Investigative Committee of Russia**

**Main Investigative Directorate of the Investigative
Committee of Russia
for the Republic of Crimea
Investigative Department
for the Kievskiy District
of Simferopol**
26 Turgeneva Street,
Simferopol, Republic of Crimea,
Russia

To the Head
of Police Station No. 2 Kievskiy
of the Directorate of the Ministry of Internal
Affairs of Russia for Simferopol
of the Ministry of Internal Affairs of the Republic
of Crimea,
Police Colonel
I.I. Plakhov

27 June 2014 No. 02-40-2014

to your ref. No. _____ of _____

ORDER**on carrying out certain operative search activities**

I am considering the check material on the disappearance of Seyran Setmerovich Zinedinov, date of birth: 4 July 1981, who lived at Simferopol, 21 Shevtalilik Street, and who left home on 30 May 2014 and has not returned to this day.

In order to make a legal and well-grounded decision on the check materials, it is necessary to carry out certain operative search activities,

On the basis of the above and in accordance with para. 4 and 5, Part 2 of Article 38 and Part 2 of Article 152 of the Criminal Procedural Code of the Russian Federation,

IT IS REQUESTED:

To instruct subordinates of your unit to carry out operative search activities to:

- identify all the circumstances of the disappearance of S.S. Zinedinov,
- provide the characterising materials in relation to S.S. Zinedinov (including criminal record, administrative liability records, reference from the place of residence);
- ascertain the whereabouts of and to make sure that the girl Olga (cell phone [...]), who was the last to see S.S. Zinedinov, appear before the investigator,
- check against the unidentified corpses base for the identification of individuals similar to S.S. Zinedinov in terms of his features (should an individual similar to S.S. Zinedinov be identified, please inform the Investigative Department),
- perform a door-to-door inspection and obtain from neighbours explanations regarding the circumstances of the disappearance of S.S. Zinedinov.
- carry out other required operative search activities,
- ensure the performance of the investigator's order subject to the time period set forth by the Criminal Procedural Code of the Russian Federation, take personal charge of the quality and timeliness of the performance of the order and make sure that there will be no perfunctory response to the order.

Thank you in advance for your cooperation,

High-Priority Cases Investigator of
the Investigative Department
(wire tel. [...])

/Signature/

V.N. Tarantsova

Annex 157

Police Station No. 1 “Zheleznodorozhny” of the Directorate of the Ministry of Internal Affairs of the Russian Federation for the Republic of Crimea for Simferopol, Letter No. 49/3-7852, 3 July 2014

Translation

**Ministry of Internal Affairs
of the Russian Federation
for the Republic of Crimea
Main Directorate of the Ministry of Internal
Affairs for Simferopol
Police Station No. 1 “Zheleznodorozhny”**

1a Pavlenko Street, Simferopol, 95000

3 July 2014 No. 49/3-7852

To your ref. No. _____ of _____

To the Head of the Department of
Information and Analytical Support
of the Ministry of Internal Affairs in the
Republic of Crimea,
Colonel of the Internal Service
V.V. Morozov

Dear Valeriy Valeriyevich,

In connection with a set of operative search activities aimed at ascertaining the whereabouts of the missing T.D. Shaimardanov by the staff of the Criminal Investigative Department of Police Station No. 1 “Zheleznodorozhny” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol.

Please instruct one to check against the departmental system “Arkan” whether the state border was crossed:

1. Missing case category “Search” (Rozyisk)
2. No. 61404003
3. Timur Damirovich Shaimardanov
4. Date of the border crossing: from 26 May 2014
5. Date of the border crossing: to this day
6. Citizen of Ukraine
7. Date of birth: 13 September 1980
8. Male
9. Passport series MO No. 197565

**Sincerely,
Head of the Department**

/Signature/

S.N. Yukhnenko
/Signature/

Annex 158

Criminal Investigative Department of Police Station No. 1
“Zheleznodorozhny” of the Directorate of the Ministry of Internal
Affairs of Russia for Simferopol, Report, 3 July 2014

Translation

To the Head of Police Station No. 1
“Zheleznodorozhny” of the Directorate of the
Ministry of Internal Affairs of Russia for
Simferopol
S.N. Yukhnenko

REPORT

I hereby report that I have checked the information and analytical system “KAIS” in accordance with the instruction of the Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea concerning the disappearance of Timur Damirovich Shaimardanov, and there are no records relating to the said citizen there.

Additionally, information from the morgue, psychiatric facility, narcological facility, hospitals of Simferopol about the admission of T.D. Shaimardanov or any unidentified man with individual features similar to the said person was requested, and these institutions reported that T.D. Shaimardanov was not admitted there.

If any information is received, a follow-up check will be carried out.

3 July 2014

Criminal Investigator of the Criminal
Investigative Department of Police Station
No. 1 “Zheleznodorozhny” of the Directorate
of the Ministry of Internal Affairs of Russia
for Simferopol
M.A. Shilyaeva /Signature/

Annex 159

Investigative Department for the Kievskiy District of Simferopol, Order
No. 02-40/746-2014 on carrying out certain operative search activities,
3 July 2014

Translation

*/In handwriting: Ms. Larionova
Proceed to execution/
/Signature/*

**Investigative Committee of Russia
Main Investigative Directorate of the
Investigative Committee of Russia
for the Republic of Crimea**

To the Head of Police Station No. 2
“Kievskiy” of the Directorate of the
Ministry of Internal Affairs of Russia for
Simferopol of the Ministry of Internal
Affairs for the Republic of Crimea

**Investigative Department
for the Kievskiy District
of Simferopol**

Police Colonel
I.I. Plakhov

26 Turgeneva Street,
Simferopol, Republic of Crimea,
Russia

3 July 2014 No. 02-40/746-2014

To your ref. No. _____ of _____

**ORDER
on carrying out certain operative search activities**

I am considering the check materials on the disappearance of Seyran Setmerovich Zinedinov, date of birth: 4 July 1981, who lived at Simferopol, 21 Shevtalilik Street, and who left home on 30 May 2014 and has not returned to this day.

In order to make a legal and well-grounded decision on the check materials, it is necessary to conduct certain operative search activities.

On the basis of the above and in accordance with paras. 4 and 5 of Part 2 of Article 38 and Part 2 of Article 152 of the Criminal Procedural Code of the Russian Federation,

IT IS REQUESTED:

To instruct the personnel of your unit to carry out operative search activities to:

- ascertain the whereabouts of Olga Valerievna Shaimardanova, date of birth: [...], and ensure that she appear before the investigator to give an explanation, and preliminary agree on the date and time with the investigator.

- ensure the performance of the investigator’s order subject to the time period set forth by the Criminal Procedural Code of the Russian Federation, take personal charge of the quality and timeliness of the performance of the order and make sure that there will be no perfunctory response to the order.

High-Priority Cases Investigator
of the Investigative Department
(tel.[...])

/Signature/

V.P. Tarantsova

*/Stamp: “Kievskiy” (illegible) of the
Main Directorate of the Ministry of
Internal Affairs of Ukraine in the
Autonomous Republic of Crimea
Ref. No. 3960 of 15 July 2014
Ref. No. 0-283-14 of 15 August 2014/*

Annex 160

Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea, Criminal Case No. 2014487098, Resolution on the initiation of a criminal case, 9 July 2014

Translation

RESOLUTION No. 2014487098
on the initiation of a criminal case and commencement of proceedings

Simferopol

9 July 2014
6:10 p.m.

Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea, Lieutenant of Justice I.G. Fetisov, having considered the check material relating to crime report No. 242so-2014 dated 9 June 2014,

ESTABLISHED:

On 26 May 2014, Timur Damirovich Shaimardanov, date of birth: 13 September 1980, residing at Simferopol, 22 Dybenko Street, Apt. 97, left his place of residence and his whereabouts are still unknown.

Since T.D. Shaimardanov did not abuse alcohol, had no intention to leave his place of residence, and had not previously left his place of residence for a long time without notifying his relatives, there are sufficient grounds to believe that he became a victim of a crime, he was intentionally killed.

Taking into account that there is sufficient data indicative of elements of a crime under Part 1 of Article 105 of the Criminal Code of the Russian Federation, and being guided by Articles 140, 143, 145, 146, Part 1 of Article 156 of the Criminal Code of the Russian Federation,

RESOLVED:

1. To initiate a criminal case into the disappearance of Timur Damirovich Shaimardanov for a crime under Part 1 of Article 105 of the Criminal Code of the Russian Federation.
2. To initiate proceedings and investigate the case.
3. To send a copy of this resolution to the Prosecutor's Office of the Zheleznodorozhny District of Simferopol.

Senior Investigator of the
Investigative Department

Lieutenant of Justice

/Signature/

I.G. Fetisov

A copy of this resolution was sent to the Prosecutor's Office of the Zheleznodorozhny District of Simferopol on 9 July 2014.

Senior Investigator of the
Investigative Department

Lieutenant of Justice

/Signature/

I.G. Fetisov

Annex 161

Investigative Department for the Kievskiy District of Simferopol, Order
No. 02-40-2014 on carrying out certain operative search activities,
14 July 2014

Translation

Investigative Committee of Russia
Main Investigative Directorate of the
Investigative Committee of Russia
for the Republic of Crimea

To the Head of the Directorate of the
 Federal Security Service of Russia for the
 Republic of Crimea

Lieutenant General

Investigative Department
for the Kievskiy District
of Simferopol

[Name: ...]

26 Turgeneva Street,
 Simferopol, Republic of Crimea,
 Russia

14 July 2014 No. 02-40-2014

To your ref. No. ____ of ____

ORDER**on carrying out certain operative search activities**

The Investigative Department of the Kievskiy District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is considering the check materials on the disappearance of Seyran Setmerovich Zinedinov, date of birth: 4 July 1981, who lived at 21, Shevtalilik Street, Simferopol, and who left home on 30 May 2014 and has not returned to this day.

In order to make a legal and well-grounded decision on the check materials, it is necessary to conduct certain operative search activities.

On the basis of the above and in accordance with Clauses 4 and 5 of Part 2 of Article 38 and Part 2 of Article 152 of the Criminal Procedural Code of the Russian Federation,

IT IS REQUESTED:

To instruct the personnel of your unit to carry out operative search activities to:

- ascertain the whereabouts, the head and scope of activities of the NGO “Ukrainian House”, the “Mejlis”, and whether S.S. Zinedinov was a member of these groups,
- establish whether S.S. Zinedinov crossed the border of the Republic of Crimea with Ukraine, and provide documentary evidence thereof,
- ascertain the whereabouts of Olga Valerievna Shaimardanova, date of birth: [...], and to provide for her appearance before the investigator to give an explanation, and preliminarily agree on the date and time with the investigator,
- ensure the performance of the investigator’s order until 17 July 2014, take personal charge of the quality and timeliness of the performance of the order and make sure that there will be no perfunctory response to the order since the materials are supervised by the Main Investigative Department of the Investigative Committee of the Russian Federation for the Republic of Crimea.

Sincerely yours,

High-Priority Cases Investigator
 of the Investigative Department
 (wire tel.[...])

/Signature/

V.N. Tarantsova

Received 15 July 2014

[Name: ...] /Signature/

Annex 162

Investigative Department of the Kievsky District of Simferopol of the
Main Investigative Directorate of the Investigative Committee of the
Russian Federation for the Republic of Crimea, Criminal Case No.
2014477184, Resolution on the initiation of a criminal case,
24 July 2014

Translation**RESOLUTION
on the initiation of criminal case No. 2014477184
and commencement of proceedings**

Simferopol, Republic of Crimea

24 July 2014
9:00 a.m.

High-Priority Cases Investigator of the Investigative Department for the Kievskiy District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice V.N. Tarantsova, having considered the report on the detection of elements of a crime and the check material registered in the Crime Records Registration Book of the Investigative Department for the Kievskiy District of Simferopol in the Republic of Crimea under No. 746pr-14 dated 24 June 2014, into the disappearance of Seyran Setmerovich Zinedinov, date of birth: 4 July 1981,

ESTABLISHED:

On 30 May 2014 at about 7:20 p.m., Seyran Setmerovich Zinedinov, date of birth: 4 July 1981, left home at 21, Shevtalilik Street, Simferopol, in an unknown direction. The whereabouts of S.S. Zinedinov are still unknown. These circumstances suggest that the disappearance is of a criminal nature.

Taking into account that there is sufficient data indicative of elements of a crime under Part 1 of Article 105 of the Criminal Code of the Russian Federation, and being guided by Articles 140, 145, 146 (147) and Part 1 of Article 156 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To initiate a criminal case for a crime under Part 1 of Article 105 of the Criminal Code of the Russian Federation.
2. To initiate proceedings and investigate the case.
3. To send a copy of this resolution to the Prosecutor's Office of the Kievskiy District of Simferopol of the Republic of Crimea.

High-Priority Cases Investigator
of the Investigative Department

Senior Lieutenant of Justice

/Signature/

V.N. Tarantsova

A copy of this resolution was sent to the Prosecutor's Office of the Kievskiy District of Simferopol of the Republic of Crimea on 24 July 2014, at 9:10 a.m.; L.A Topchi was informed of the decision taken.

High-Priority Cases Investigator
of the Investigative Department

Senior Lieutenant of Justice

/Signature/

V.N. Tarantsova

Annex 163

Prosecutor of the Zheleznodorozhny District of Simferopol, criminal proceedings No. 1201401041000000898, Resolution on transferring materials on the crime report from one preliminary investigation body to another, 24 July 2014

Translation**RESOLUTION**
on transferring materials on the crime report from one preliminary investigation body to another

Simferopol

24 July 2014

Prosecutor of the Zheleznodorozhny District of Simferopol, Senior Counsellor of Justice, L.I. Kardash, having considered the materials on the illegal deprivation of freedom of Andrey Shchekun,

ESTABLISHED:

The Investigative Department of the Zheleznodorozhny District Department of the Simferopol City Directorate of the Ministry of Internal Affairs of the Russian Federation for the Republic of Crimea performed a pretrial investigation under criminal proceedings No. 12014010410000898 of 9 March 2014 into the illegal deprivation of freedom of Andrey Shchekun by unidentified persons.

It was found that the unidentified persons unlawfully deprived A.S. Shchekun of freedom and then held him in an unidentified place.

According to Article 1 of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol", Federal Law No. 36-FZ of 21 March 2014 "On the ratification of the treaty between the Russian Federation and the Republic of Crimea on the accession of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation", the Republic of Crimea was admitted to the Russian Federation in accordance with the Constitution of the Russian Federation and Article 4 of Federal Constitutional Law No. 6-FKZ of 17 December 2001 "On the procedure for admission to the Russian Federation and formation of a new constituent entity within the Russian Federation."

According to Paragraph 20 of Article 9 of the above Federal Constitutional Law, the investigation of criminal cases, which are considered by preliminary investigation bodies acting in the Republic of Crimea and the federal city of Sevastopol on the day of admission to the Russian Federation of the Republic of Crimea and formation of new constituent entities within the Russian Federation, is performed in accordance with Russian criminal procedural law.

The act committed by the unidentified persons in accordance with Russian criminal law involves elements of a crime under Part 2 of Article 127 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 377-FZ of 27 December 2009).

According to Paragraph 1 of Part 2 of Article 151 of the Criminal Procedural Code of the Russian Federation, a preliminary investigation in criminal cases relating to crimes under Part 2 of Article 127 of the Criminal Code of the Russian Federation is performed by investigators of the Investigative Committee of the Russian Federation.

Thus, the materials on the illegal deprivation of freedom of A.S. Shchekun by the unidentified persons are to be transferred to the Investigative Department for the Zheleznodorozhny District of Simferopol of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea so that the matter of prosecution for committing the crime under Part 2 of Article 127 of the Criminal Code of the Russian Federation can be resolved.

Based on the foregoing and according to Paragraph 1 of Part 2 of Article 151, Paragraph 12 of Part 2 of Article 37 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

To transfer the materials on the illegal deprivation of freedom of A.S. Shchekun by the unidentified persons to the Investigative Division for the Zheleznodorozhny District of Simferopol of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea.

**Prosecutor of the Zheleznodorozhny District
of Simferopol**

Senior Counsellor of Justice

(signed)

L.I. Kardash

Annex 164

Investigative Department of Zheleznodorozhny District of Simferopol
of the Main Investigative Directorate of the Investigative Committee of
the Russian Federation, Resolution on transferring a crime report in
accordance with the investigative jurisdiction, 27 July 2014

Translation**RESOLUTION**

on transferring a crime report in accordance with the investigative jurisdiction

Simferopol

27 July 2014

Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice, A.S. Ashurkov, having considered check materials on the illegal deprivation of freedom of A.S. Shchekun and A.I. Kovalsky by military personnel of the Autonomous Republic of Crimea (Crime Records Registration Book No. 499 of 25 July 2014),

ESTABLISHED:

On 25 July 2014, the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea received materials from the Prosecutor's Office of the Zheleznodorozhny District on illegal deprivation of freedom of A.S. Shchekun and A.I. Kovalsky by military personnel of the Autonomous Republic of Crimea.

It follows that from the explanation of O.S. Golik that, on 9 March 2014, she was at the Simferopol railway station. Approximately at 9:30 a.m., passenger train No. 12 (Kiev-Simferopol) arrived on the first track and people started getting out of the train cars. At the same time, she spotted a large crowd of people in camouflage uniforms with bands and Saint George's ribbons. There were about 10 people, and two men previously unknown to her were walking with them; one of them was aged, medium build, grey hair, was wearing a red jacket, and the second one was younger; she did not remember any more distinctive features. All these people went to a parking lot located near the bus station. The men, who were walking with the people in camouflage uniforms with bands and Saint George's ribbons, were not beaten, dragged, held by their hands, they were walking alongside quietly, without any shouting.

It follows that from the explanation of V.V. Serdyukov that, on 9 March 2014, approximately at 9:40 a.m., he was heading home from the Simferopol railway station through the railways to a metal bridge. Passing the parking lot located near the bus station, he spotted a group of people in camouflage uniforms with Saint George's ribbons, and two men previously unknown to him were walking with them; one of them looked 50 years old, medium build, grey hair, was wearing a red jacket; the second man looked 35-40 years old, medium build, blond hair. These men, who were walking with the people in camouflage uniforms with Saint George's ribbons, were not beaten, dragged, held by their hands, they were walking alongside quietly, without any shouting. Then he went up the bridge and walked home.

It follows from the explanation of I.M. Kot that, on 9 March 2014, he arrived in his own car (VAZ 2111 of white colour) at the Simferopol railway station at a bus stop at Gagarin Street, Simferopol, which is located parallel to the parking lot. When he left the car, he saw people in camouflage uniforms with Saint George's ribbons, and two men were walking next to them; one man was wearing a red jacket; I.M. Kot did not remember the second man. These men, who were walking with the people in camouflage uniforms with Saint George's ribbons, were not beaten, dragged, held by their hands, they were walking alongside quietly, without any shouting. Then he got into his car and drove away.

According to Article 151 of the Criminal Procedural Code of the Russian Federation, a preliminary investigation into a crime under Part 2 of Article 127 of the Criminal Code of the Russian Federation is performed by investigators of the Investigative Committee of the Russian Federation.

According to Order of the Investigative Committee of the Russian Federation No. 4 of 15 January 2011 "On the establishment of the jurisdiction of specialised investigative bodies of the Investigative Committee of the Russian Federation," the military investigative bodies of the Investigative Committee of the Russian Federation review crime reports and perform preliminary investigations in criminal cases relating to crimes including crimes committed by military personnel.

Therefore, this material is to be transferred to the 534th Military Investigative Department of the Military Investigative Directorate of the Investigative Committee of Russia of the Black Sea Fleet in order for a check to be performed in accordance with Articles 144-145.

Based on the above and according to Paragraph 3 of Part 1 of Article 145, Articles 151, 152 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To transfer the crime report in accordance with the investigative jurisdiction to the 534th Military Investigative Department of the Military Investigative Directorate of the Investigative Committee of Russia of the Black Sea Fleet.
2. To notify the persons concerned of the decision taken, explaining the procedure for appealing against this resolution as provided for by Chapter 16 of the Criminal Procedural Code of the Russian Federation.

Investigator of the Investigative Department
for the Zheleznodorozhny District of Simferopol
of the Main Investigative Directorate
of the Investigative Committee of the Russian Federation
for the Republic of Crimea

Senior Lieutenant of Justice

(signed)

A.S. Ashurkov

Annex 165

Ussuriysk District Court of the Primorskiy Krai, Case. No.
2-5588/2014, Decision, 31 July 2014

Translation*/Stamp: COPY/*

Case No. 2-5588/2014

DECISION

In the name of the Russian Federation

On 31 July 2014 Ussuriysk District Court of Primorsky Krai, composed of the Presiding Judge O.V. Luginina and the Secretary N.A. Kandrashina, having heard in open court an application filed by the Military Prosecutor's Office of the Ussuriysk Garrison, acting in the interests of the Russian Federation, on the recognition of information materials as extremist, with the participation of the Directorate of the Ministry of Justice for Primorsky Krai as a third party,

ESTABLISHED:

The Military Prosecutor's Office of the Ussuriysk Garrison, acting in the interests of the Russian Federation, appealed to the court with a claim on the recognition of information materials as extremist, reasoning as follows.

On 22 April 2014, a prosecutor's check carried out jointly with officers of the Department of the Federal Security Service of the Russian Federation, in a unit of a headquarters defence platoon of military unit 71289 in Ussuriysk, Primorsky Krai, resulted in the seizure of 8 books which, according to expert opinion No. 3914 of 23 April 2014, were recognised as extremist.

Based on the above, the claimant motioned to recognise the seized books, including:

- 1) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 254 sheets);
- 2) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" (Russian) compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 191 sheets);
- 3) "Call", publishing house "Badr";
- 4) "Three Pillars" by Mukhamilad Solekh;
- 5) "Islam is reality" by A.R. Khaibulilov;
- 6) "Muhammad in the Bible" by Abdul Ahad Dawud;
- 7) "Pearl of Faith" of the "Light of the Quran" Charitable Foundation;
- 8) "Principles of Correct Understanding in Islam" by Tauba, Naberezhnye Chelny, as extremist materials, to confiscate and include these books in the Federal List of Extremist Materials.

At the hearing, a representative of the Military Prosecutor's Office of the Ussuriysk Garrison insisted on the claim on the grounds set out above.

A representative of the third party – the Department of the Ministry of Justice for Primorsky Krai – did not appear at the hearing, asked to hear the claim in his absence, about which there is a statement in the case file.

Having heard the representative of the Military Prosecutor's Office of the Ussuriysk Garrison, studied the materials in the case, the Court comes to the following conclusions.

According to the materials in the case, on 22 April 2014, the prosecutor's check conducted jointly with the officers of the Department of the Federal Security Service of the Russian Federation within the unit of the headquarters defence platoon of military unit 71289 in Ussuriysk, Primorsky Krai, resulted in the seizure of 8 books including:

- 1) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 254 sheets);
- 2) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" (Russian) compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 191 sheets);

- 3) "Call", publishing house "Badr";
- 4) "Three Pillars" by Mukhamilad Solekh;
- 5) "Islam is reality" by A.R. Khaibulilov;
- 6) "Muhammad in the Bible" by Abdul Ahad Dawud;
- 7) "Pearl of Faith" of the "Light of the Quran" Charitable Foundation;
- 8) "Principles of Correct Understanding in Islam" by Tauba, Naberezhnye Chelny.

According to expert opinion No. 3914 of 23 April 2014, provided by the Federal State Budgetary Educational Institution of Higher Professional Education "Vladivostok State University of Economics and Service", prepared by the expert N.A. Oleshkevich, this literature is extremist in nature.

Thus, in accordance with Articles 19, 29 of the Constitution of the Russian Federation, Articles 1, 13 of the Federal Law "On countering extremist activity", Article 2, Article 9, Clause 6 of Article 10 of the Federal Law "On information, information technologies and the protection of information", the claim of the Military Prosecutor's Office of the Ussuriysk Garrison shall be satisfied in full.

In view of the above and guided by Articles 194–198 of the Civil Procedural Code of the Russian Federation, the Court

DECIDED:

To recognise the books:

- 1) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 254 sheets);
- 2) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" (Russian) compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 191 sheets);
- 3) "Call", publishing house "Badr";
- 4) "Three Pillars" by Mukhamilad Solekh;
- 5) "Islam is reality" by A.R. Khaibulilov;
- 6) "Muhammad in the Bible" by Abdul Ahad Dawud;
- 7) "Pearl of Faith" of the "Light of the Quran" Charitable Foundation;
- 8) "Principles of Correct Understanding in Islam" by Tauba, Naberezhnye Chelny as extremist materials.

To confiscate the books:

- 1) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 254 sheets);
- 2) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" (Russian) compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 191 sheets);
- 3) "Call", publishing house "Badr";
- 4) "Three Pillars" by Mukhamilad Solekh;
- 5) "Islam is reality" by A.R. Khaibulilov;
- 6) "Muhammad in the Bible" by Abdul Ahad Dawud;
- 7) "Pearl of Faith" of the "Light of the Quran" Charitable Foundation;
- 8) "Principles of Correct Understanding in Islam" by Tauba, Naberezhnye Chelny.

Include in the Federal List of Extremist Materials the books:

- 1) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 254 sheets);

2) "Fortress of the Muslim: Invocations from the Quran and the Sunnah" (Russian) compiled and prepared for publication by Sa'id bin Ali bin Wahf Al-Qahtani seeking the mercy of Allah the Almighty (on 191 sheets);

3) "Call", publishing house "Badr";

4) "Three Pillars" by Mukhamilad Solekh;

5) "Islam is reality" by A.R. Khaibulilov;

6) "Muhammad in the Bible" by Abdul Ahad Dawud;

7) "Pearl of Faith" of the "Light of the Quran" Charitable Foundation;

8) "Principles of Correct Understanding in Islam" by Tauba, Naberezhnye Chelny as extremist materials.

The decision can be appealed against with the Primorsky Regional Court through the Ussuriysk District Court within a month from the date of the final decision.

Presiding Judge

O.V. Luginina

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/Stamp: Decision came into force

2 September 2014

/Signature/

*/Stamp: Original document is attached to
case file 2.5588/2014
in the Ussuriysk District Court of Primorsky Krai
Secretary of the Court/*

/Signature/

Annex 166

Sevastopol Economic Court of Appeal, case No. A83-112/2014,
Decision, 31 July 2014

Translation

Copy

SEVASTOPOL ECONOMIC COURT OF APPEAL

21, Suvorova Street, Sevastopol, 299011, tel. (0692) 54-62-49, fax (0692) 54-74-95

E-mail: info@21aas.arbitr.ru

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(illegible) for scanning

13 October 2014

**DECISION
IN THE NAME OF THE RUSSIAN FEDERATION****Sevastopol****31 July 2014****Case No. A83-112/2014**

The operative part of the decision was announced on 31 July 2014

The decision was produced in full on 31 July 2014

The Sevastopol Economic Court of Appeal comprised of:**Presiding Judge****Yu.V. Borisova,****Judges****K.V. Volkova,****V.I. Gontar,**

with the court hearing records kept by the secretary E.A. Ishchenko

with the participation of representatives:

on the part of the claimant – the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea”, Natalia Sergeevna Bogatykh, Power of Attorney No. 892 of 13 May 2014;

on the part of the defendant – the Black Sea Television and Radio Limited Liability Company, Andrey Viktorovich Bespoyasny, Power of Attorney w/n of 21 March 2014

having considered, in an open court hearing, an appeal from the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” against the Order of the Economic Court of the Republic of Crimea of 30 June 2014 with regard to case No. A83-112/2014 (Judge N.M. Lagutina)**in a claim** of the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” against the Black Sea Television and Radio Limited Liability Company**for the recovery of debt (under a claim filed by the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” for injunctive relief)****ESTABLISHED***/Stamp: The Black Sea Television and Radio Company LLC, Simferopol, Autonomous Republic of Crimea
No. 140504/01/*

On 7 May 2014, the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” filed a claim with court against the Black Sea Television and Radio Limited Liability Company for the recovery of RUB 3,152,347.84 (page 10, Volume 1).

On 27 June 2014, a claim (ref. No. A83-1062/2014) was received from the claimant for injunctive relief in the form of seizure of all movable and immovable property of the defendant. The basis for the claim consisted the defendant’s refusal to acknowledge the debt and evasion from paying it (pages 105 – 110, Volume 1).

Pursuant to the Order of the Economic Court of the Republic of Crimea of 30 June 2014 with regard to case No. A83-112/2014, the claim for injunctive relief was dismissed (pages 137 – 141, Volume 1) on grounds that the claimant did not provide the court with evidence testifying that failure to take measures specified by it may hinder or make it impossible to perform the judicial act or cause considerable damage to it, evidence that the debtor intended to dispose of its property, or evidence that the asserted claims are proportionate to the stated amount of the claim.

Dissenting with the order of the court of first instance, on 9 July 2014, the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” filed an appeal with the Sevastopol Economic Court of Appeal seeking the revocation of the above order and the satisfaction of the claim for injunctive relief (pages 1 – 2, Volume 2).

The claimant states that the debt of the Black Sea Television and Radio Company (more than RUB 3 million) significantly undermines the financial position of the claimant preventing it from timely effecting current payments and paying salaries to employees. Moreover, there is no evidence that the defendant’s legal entity was reregistered within the legal framework of the Russian Federation, which makes it doubtful that the defendant intended to repay the debt. The claimant assumes that the defendant may not reregister or may establish a legal entity without the legal succession of the Black Sea Television and Radio Limited Liability Company.

Pursuant to the order of the Economic Court of Appeal of Sevastopol of 21 July 2014, this appeal was allowed to proceed in court and the hearing thereon was scheduled on 31 July 2014 with the judge panel composed of: Presiding Judge Yu.V. Borisova, Judges V.I. Gontar, K.V. Volkov.

In a court hearing of the court of appeal, a representative of the appellant reasserted the arguments stated in the appeal, asked to satisfy the claims for injunctive relief, referring to bad faith of the contractor (debtor) and noting that injunctive relief was necessary.

A representative of the Black Sea Television and Radio Limited Liability Company objected to the satisfaction of the appeal, referring to the fact that the court findings in the order being appealed are completely compliant with the rules of procedural and substantive law, and insisting on the absence of grounds for granting injunctive relief in this claim.

Having examined the case materials, discussed the arguments of the appeal, heard the comments of the parties involved in the court proceedings, verified the appropriateness of application of the rules of procedural and substantive law by the court and the compliance of the court findings with the circumstances of the case, the judge panel of the court of appeal has resolved to satisfy the appeal and revoke the order of the court of first instance, giving consideration to the following.

It was established that, on 30 March 2007, the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” and the Black Sea Television and Radio Limited Liability Company entered into Agreement No. 02//01-2007 for the provision of services relating to the distribution and broadcasting of a TV programme (pages 37 – 40, Volume 1), under paras. 4.1 and 4.4 of which the claimant undertook to provide the services in accordance with a weekly programme schedule of the defendant. If payments are timely made and there are no arrears, the claimant provides the defendant, at the defendant’s request, with routine control records for technical broadcasting means at intervals and to the extent stipulated in applicable technical operation rules (page 38, Volume 1).

Pursuant to paras. 4.6 of Agreement No. 02/01-2007, it was established that if a debt incurred by the Black Sea Television and Radio Limited Liability Company for services actually provided in the reporting month is not repaid within a month following the reporting month, the claimant is entitled to suspend the

provision of services until the debt is repaid, having notified the defendant thereof in writing 5 days before the suspension of programme broadcasting (page 38, Volume 1).

In accordance with paras. 5.3 and 11.2, the payment for services under the Agreement is made by prepayment in the amount of 25% of the average monthly cost of services which is specified in Annex No. 1 to the Agreement. The prepayment is made to the claimant's settlement account before the 10th day of the reporting month. A penalty accrues for each day of delay in the amount of the double rate (of the total amount due) of the National Bank of Ukraine effective as at the day of accrual. Such facts as reorganisation, change of name, legal form, form of ownership or legal status (legal provisions) of the claimant or defendant do not affect the legal force of the agreement as well as the rights and obligations of the parties (pages 39 – 40, Volume 1).

The court also found that, according to invoices issued by the claimant, the total debt of the Black Sea Television and Radio Limited Liability Company to the State Enterprise "Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea" for the provided services amounted to UAH 2,123,502.62. Taking into account the fact that the defendant partially paid for services under Agreement No. 02/01-2007 in accordance with the stated claims, the services provided by the claimant during the period from July 2013 to December 2013 for the total amount of UAH 972,507.79, which is equivalent to RUB 3,014,775.15, remain unpaid.

Apart from the claims for the recovery of the above amount from the defendant, the claimant claimed the application, upon calculation of debt, of inflation accruals and three percent per annum for the untimely fulfilment of financial liabilities.

Assuming that the execution of the court ruling on the potential recovery of the above amount may be hindered or impossible, as well as to avoid causing significant damage to the Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea, the latter filed a claim in court in which it claimed injunctive relief in the form of seizure of all immovable property: non-residential premises, and movable property: technical and electronic means and equipment belonging to the Black Sea Television and Radio Limited Liability Company, as well as movable property held by third parties, in particular, television image transmitters located in the cities of Simferopol, Kerch, Sevastopol, Krasnoperekopsk, Evpatoria, village of Petrovka of the Krasnogvardeysky District, cities of Alushta, Belogorsk, Dzhankoy, Yalta, Sudak, Alupka, urban-type settlement of Chernomorskoye.

The claimant requests the court to transfer the above property to the claimant into safe custody and then for potential assessment.

When dismissing the stated claims for injunctive relief, the court of first instance noted that they were unsubstantiated and disproportionate.

Having verified the correctness of the court findings in the order of the court of first instance that is being appealed, examined the circumstances of the dispute that arose and possible methods of its resolution, the court of appeal disagreed with the findings of the court of first instance and found it possible to grant injunction relief as requested, and recognised that the seizure of property to the defendant was substantiated.

These court findings are based on the fact that such actions are provided for by Articles 90 and 91 of the Code on Administrative Offences of the Russian Federation, as well as compliant with the circumstances found by the court.

Thus, as it appears from the case materials, in letters Ref. No. 131220/03, Ref. No. 140114/02 and Ref. No. 140428/01, the defendant recognised the existence of its debt (pages 94, 116 – 119, Volume 1), and, in support of its obligations, sent a debt repayment schedule (page 120, Volume 1). Moreover, in letter Ref. No. 140506/01yu of

6 May 2014, the Black Sea Television and Radio Limited Liability Company suggested that the debt incurred under Agreement No. 02/01-2007 of 30 March 2007 be repaid in one payment and requested the State Enterprise "Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea" to issue an invoice for payment. On 12 May 2014, the claimant issued invoice No. SFO 0000880 for RUB 3,014,774.15 and sent it to the defendant's address (page 121, Volume 1).

However, as it follows from the statement of defence of 19 June 2014 (under Ref. No. 23810/2014), the Black Sea Television and Radio Limited Liability Company did not admit the claim and requested the court to dismiss it (pages 103 – 104, Volume 1). According to the court, these circumstances are indicative of the change of the debtor’s position in the dispute, which may cast doubt on its good faith fulfilment of its obligations and allows the court to make an assumption that it is impossible or difficult to perform the judicial act in the case.

It ought to be noted that as of the date of the appeal consideration, no evidence of the repayment of the debt is provided by the defendant, the last payment for services was effected on 20 February 2014. No current transfers of money to the enterprise’s accounts were received from the Black Sea Television and Radio Limited Liability Company, which is evidenced by a certificate of debt and bank statements (pages 112 – 113, Volume 1).

The above circumstances also constitute grounds for assuming that failure to grant injunctive relief may hinder or make it impossible to perform the judicial act of the court of appeal and prevent the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” from recovering the money for the services provided.

According to the provisions of Article 90 of the Arbitrazh Procedural Code of the Russian Federation, the arbitrazh court, following the claim of the party involved in the case, and, in other cases, of any other person, may take provisional measures aimed at securing a claim or property interests of the claimant (injunctive relief). Injunctive relief is allowed at any stage of arbitrazh proceedings, if failure to grant it may hinder or make it impossible to perform a judicial act, including if the judicial act is supposed to be performed outside the Russian Federation, as well as to prevent significant damage to the claimant.

Para. 1, Part 1, Article 91 of the Arbitrazh Procedural Code of the Russian Federation stipulates that injunctive relief may include: seizure of funds (including funds that will be credited to the account) or other property belonging to the defendant and held by it or third parties. This Article also provides that the property may be transferred for custody to the claimant or other person.

Paragraph 10 of Decision of the Plenum of the Supreme Arbitrazh Court of the Russian Federation of 12 November 2006 No. 55 “On applying injunctive relief by Arbitrazh Courts” stipulates that in accordance with para. 5, Part 2, Article 92 of the Arbitrazh Procedural Code of the Russian Federation, the claimant should provide grounds for filing a claim for injunctive relief.

Arbitrazh courts should take into consideration that injunctive relief is an accelerated remedy, consequently, its application does not require furnishing evidence to the extent necessary for substantiating the claims and objections of the party on the merits of the dispute. It is obligatory for the claimant to furnish evidence of the challenged or violated right as well as that of its violation.

In an order on granting or denying injunctive relief, the arbitrazh court must consider the reasonableness of the claimant’s arguments regarding the need for granting injunctive relief.

In view of the foregoing, when assessing the claimant’s arguments in accordance with Part 2, Article 90 of the Arbitrazh Procedural Code of the Russian Federation, arbitrazh courts must, in particular, take into consideration:

- whether the claimant’s claim for injunctive relief is reasonable and substantiated;
- whether significant damage may be caused to the claimant if injunctive relief is not granted;
- ensuring the balance of interests of the parties concerned;
- preventing the violation of public interests, third parties’ interests when granting injunctive relief.

In addition, in considering a claim for injunctive relief, the court assesses the extent to which a certain injunction relief is related to the stated claim, whether it is proportionate thereto and how it will contribute to the actual implementation of the goals of injunctive relief conditioned by grounds provided for by Part 2 of Article 90 of the Arbitrazh Procedural Code of the Russian Federation.

Due to the fact that the amount to be recovered from the Black Sea Television and Radio Limited Liability Company is considerable to the claimant and there is reason to assume that the defendant has no sufficient funds to repay it to the fullest extent, and taking into account the fact of its objection (in the statement

of defence) to the claim, the judge panel concludes that it is reasonable to grant injunctive relief in the form of seizure of all movable and immovable property of the defendant.

The findings of the court of first instance with regard to the failure by the claimant to provide evidence of the defendant's ownership of the property stated in the claim, as well as lack of evidence of the proportionality of the asserted claims to the stated amount of the claim are erroneous, as, under enforcement proceedings, the bailiff may establish the facts of ownership of this property and determine its actual value.

The legal opinion set forth in this decision is similar to the case law of arbitrazh courts of the Russian Federation on the resolution of similar disputes (Order of the Arbitrazh Court of Krasnodar Krai of 23 November 2012 No. A32-9816/2012, Order of the Supreme Arbitrazh Court of the Russian Federation of 31 June 2013 No. VAS-10080/13, Order of the Supreme Arbitrazh Court of the Russian Federation of 14 March 2014 No. VAS-2350/14).

The defendant's arguments that the property (transmitters) is at the claimant's disposal, which is evidenced by relevant claims filed by the Black Sea Television and Radio Limited Liability Company, are rejected by the court of appeal as irrelevant to the matter in this dispute and indicative of the existence of disputed relations between the parties arising from the Agreement for the provision of telecommunication services.

The defendant's arguments regarding the disproportionality of the claimed relief are also found groundless by the court since, as at the time of the court proceedings, no information on the appraisal of the property is available. In addition, granting injunctive relief does not violate the rights and legal interests of the debtor.

According to paras. 3 of Part 4 of Article 272 of the Arbitrazh Procedural Code of the Russian Federation, following the consideration of the appeal against the order of the arbitrazh court of first instance, the arbitrazh court is entitled to revoke the order in full or in part and resolve the issue on the merits.

Given that the findings of the court of first instance set forth in the order are inconsistent with the established circumstances in the case as well as in view of the incorrect application of procedural law by the court, the court order is subject to revocation and the claimant's appeal is subject to satisfaction.

Pursuant to Articles 90, 91, 93, 96, 266, 271, 258, paras. 3, 4 of Article 270, paras. 3 of Part 4 of Article 272, Article 319 of the Arbitrazh Procedural Code of the Russian Federation, the Sevastopol Economic Court of Appeal

DECIDED:

To satisfy the appeal of the State Enterprise "Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea".

To revoke the order of the Economic Court of the Republic of Crimea of 30 June 2014 in case No. A83-112/2014.

To satisfy the claim of the State Enterprise "Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea" for injunctive relief in case No. A83-112/2014 in the claim of the State Enterprise "Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea" against the Black Sea Television and Radio Limited Liability Company.

To seize all immovable property: non-residential premises, and movable property: technical and electronic means and equipment belonging to the Black Sea Television and Radio Limited Liability Company (Unified State Register of Businesses and Organisations of Ukraine 22322589), located at: 4, Radio St., City of Simferopol, Republic of Crimea, as well as movable property held by third parties, namely:

- television image transmitter TV-1000/III, located at the radio and television transmitting station – Simferopol Radio Relay Station (city of Simferopol, 14, Studencheskaya St.);
- television image transmitter TV-1000/IV-V, located at the radio and television transmitting station – Kerch Radio Relay Station (city of Kerch, 144, Ordzhonikidze St.);
- television image transmitter TV-1000/IV-V, located at the radio and television transmitting station – Sevastopol Radio Relay Station (city of Sevastopol, 96, Pobedy Avenue);

- television image transmitter TV-1000/I-III, located at the radio and television transmitting station – Krasnoperekopsk Radio Relay Station (city of Krasnoperekopsk, 105, Tavricheskaya St.);
- television image transmitter TV-200/IV-V, located at the radio and television station – Evpatoria Radio Relay Station (city of Evpatoria, 11, Razdolnenskoye Highway);
- television image transmitter TV-200/IV-V, located at the radio and television station – Novaya Petrovka Radio Relay Station (Krasnogvardeysky District, Petrovka Village, block named after A. Egudin);
- television image transmitter TV-200/I-III, located at the radio and television station – Alushta Radio Relay Station (city of Alushta, 13, Sergeev-Tsensky St.);
- television image transmitter TV-200/I-III, located at the radio and television station — Belogorsk Radio Relay Station (city of Belogorsk, 34, Tolstoy St.);
- television image transmitter TV-200/I-III, located at the radio and television station - Dzhankoi Radio Relay Station (city of Dzhankoy, 20, Kraynyaya St.);
- television image transmitter TV-200/I-III, located at the radio and television transmitting station – Parkovoye Radio Relay Station (city of Yalta, 9, Parkovoye Highway);
- television image transmitter TV-200/I-III, located at the radio and television station – Sudak Radio Relay Station (city of Sudak, 33, Vostochnoye Highway);
- television image transmitter TV-500, located at the radio and television station – Chernomorskoye Radio Relay Station (urban-type settlement of Chernomorskoye, 10th km of the Chernomorskoye – Evpatoria Route);
- television image transmitter TV-100/IV-V, located at the radio and television station – Alupka Radio Relay Station (city of Alupka, 52, Lenina St.).

To transfer the above movable property to the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” (Unified State Register of Businesses and Organisations of Ukraine 01190126), located at: 13, Baturina St., city of Simferopol, for safe custody.

The Economic Court of the Republic of Crimea is to issue a writ of execution.

This decision comes into force on the date of its adoption and may be appealed against in accordance with the provisions of Article 9 of Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ “On the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol”, according to the rules provided for by Chapter 36 of the Arbitrazh Procedural Code of the Russian Federation.

This decision on injunction is to be immediately performed as provided for the performance of judicial acts of the arbitrazh court and, if appealed against, this does not suspend its performance.

**Presiding Judge
Judges**

**(Signed)
(Signed)
(Signed)**

**Yu.V. Borisova
K.V. Volkov
V.I. Gontar**

True Copy

(Seal)

E.V. Yaresko

SEVASTOPOL ECONOMIC COURT OF APPEAL

Assistant Judge

Ukraine

Court Office

Annex 167

Border Directorate of the Federal Security Service of Russia in the
Republic of Crimea, Resolution on the initiation of a criminal case No.
2014818017, 11 August 2014

Translation

RESOLUTION
on the initiation of a criminal case No. 2014818017
and proceedings

Simferopol

11 August 2014
4:00 p.m.

Captain of Justice [Name: ...], a senior inquiry officer of the Inquiry and Administrative Practice Department of the Border Directorate of the Federal Security Service of Russia for the Republic of Crimea, having reviewed a crime report under Part 2 of Article 322 of the Criminal Code of the Russian Federation in respect of Mustafa Abduldzhemil Dzhemilev, a Ukrainian national, born on 13 November 1943, that the Border Directorate of the Federal Security Service of Russia for the Republic of Crimea received on 14 July 2014 from Senior Counsellor of Justice N.V. Poklonskaya, Prosecutor of the Republic of Crimea, in the form of a resolution on sending materials to the inquiry body to decide on prosecution, and check materials relating to the crime report (Crime Records Registration Book No. 16),

ESTABLISHED THAT:

At 12:30 p.m. on 3 May 2014, Mustafa Abduldzhemil Dzhemilev, a Ukrainian national, knowing full well that he was denied entry into the territory of the Russian Federation for five years (until 19 April 2019) in accordance with Decision No. 140/ZKS/13-1087 of 19 April 2014 as provided for by Russian law, acting deliberately, riding a black Range Rover with licence plate numbers AA 7003 MM, drove from the territory of the Kherson Region to the territory of the Armyansk (Turetsky Val) checkpoint at the Russian border of the Border Directorate of the Federal Security Service of Russia for the Republic of Crimea situated in the territory of the urban district of Armyansk of the Republic of Crimea of the Russian Federation between geographic coordinates N46°08.243' (latitude) E33°38.701' (longitude) and N46°08.176' (latitude) E33°38.770' (longitude).

According to para. 1 of Part 1 of Article 140 of the Criminal Procedural Code of the Russian Federation, the criminal case was initiated based on the resolution on sending materials to the inquiry body to decide on prosecution issued by Senior Counsellor of Justice N.V. Poklonskaya, Prosecutor of the Republic of Crimea.

According to Part 2 of Article 140 of the Criminal Procedural Code of the Russian Federation, the criminal case was instituted based on sufficient information indicative of elements of a crime contained in the check materials relating to the crime report (Crime Records Registration Book No. 16).

Given that there is sufficient information indicative of the fact that the act of M.A. Dzhemilev, a Ukrainian national, has elements of a crime under Part 2 of Article 322 of the Criminal Code of the Russian Federation, relying on Articles 140, 145, 146, Part 1 of Article 156 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To initiate a criminal case into a crime under Part 2 of Article 322 of the Criminal Code of the Russian Federation against Mustafa Abduldzhemil Dzhemilev, a citizen of Ukraine, born on 13 November 1943;
2. To initiate proceedings and investigate the case;
3. To notify the suspect M.A. Dzhemilev of the said decision;
4. To send a copy of this resolution to the Prosecutor's Office of the Republic of Crimea.

Senior inquiry officer

/Signature/

[Name: ...]

A copy of this resolution was sent to the Prosecutor's Office of the Republic of Crimea on 11 August 2014.

Senior inquiry officer

/Signature/

[Name: ...]

Annex 168

Military Investigative Department of the Investigative Committee
for Abakan garrison, Resolution on transferring of the crime
report, 16 August 2014

Translation

Form 11

case sheet 124

RESOLUTION**on transferring of the crime report in accordance with the investigative jurisdiction**

Simferopol (place of issue)

16 August 2014

Senior Investigator of the Military Investigative Department of the Investigative Committee of
the Russian Federation for the Abakan Garrison

(Position of the Investigator (Inquiry Officer))

Senior Lieutenant of Justice M.S. Korenev

(rank, surname, initials)

having considered a crime report – application of the attorney E.A. Zakrevskaya

(on which crime)

on a crime provided for by Part 2 of Article 127 of the Criminal Code of the Russian Federation dated 19 May 2014 and check materials received by the 534th Military Investigative Department of the Investigative Committee of Russia of the Black Sea Fleet on 14 August 2014,

ESTABLISHED:

On 14 August 2014, the 534th Military Investigative Department of the Investigative Committee of Russia of the Black Sea Fleet received from the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea the check materials relating to the application of the attorney E.A. Zakrevskaya on a crime provided for by Clauses “a”, “zh” of Part 2 of Article 127 of the Criminal Code of the Russian Federation committed against the citizens of Ukraine, A.V. Shchekin and A.I. Kovalsky by unidentified persons, supposedly representatives of the self-defence forces of the Republic of Crimea and military personnel of the Russian Federation.

It appears from the check materials that, on 9 March 2014, at approximately 9:30 a.m., a group of men (around 10) dressed in military camouflage clothes with Saint George’s ribbons, being on the platform of the first railway track at the Simferopol railway station, Republic of Crimea, illegally deprived the citizens of Ukraine, A.V. Shchekin and A.I. Kovalsky, of freedom and then held them in a building of one of the military enlistment offices of the Autonomous Republic of Crimea.

Thus, the actions of the unidentified persons dressed in military camouflage clothes with Saint George’s ribbons contain elements of a crime provided for by Clauses “a”, “zh” of Part 2 of Article 127 of the Criminal Code of the Russian Federation, however, their affiliation with the Armed Forces of the Russian Federation is not objectively confirmed by the check materials.

The following is also to be considered:

- as at 9 March 2014, military personnel of the Armed Forces of the Russian Federation were not stationed in Simferopol;

- the self-defence forces of the Republic of Crimea have never been military personnel of the Russian Federation and are not such at present;

- that there were Saint George’s ribbons on the clothes of certain persons does not indicate that these persons were military personnel of the Armed Forces of the Russian Federation.

Based on the foregoing and also considering that, on the basis of order of the Chairman of the Investigative Committee of the Russian Federation No. 4 “On the Establishment of the Jurisdiction of Specialised Investigative Bodies of the Investigative Committee of the Russian Federation”, the investigative jurisdiction of military investigative bodies of the Investigative Committee of the Russian Federation concerns criminal cases and checks of crimes committed by military personnel or employees of the Armed Forces of the Russian Federation in the territory of military units or related to the performance of their official duties, it is necessary to conclude that this crime report and the check materials on the investigative jurisdiction should be transferred to the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea.

Based on the foregoing, according to Clause 3 of Part 1 of Article 145 and Clause 1 of Part 2 of Article 151 of the Criminal Procedural Code of the Russian Federation,

Form 11

case sheet 125

RESOLVED:

To transfer the specified crime report on the investigative jurisdiction to the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea.

Senior investigator

signed (signature)

Annex 169

Military Investigative Department of the Investigative Committee
for Abakan garrison, Resolution on transferring of the crime report,
16 August 2014

Translation

Form 11

case sheet 1

RESOLUTION**on transferring of the crime report in accordance with the investigative jurisdiction**

Simferopol (place of issue)

16 August 2014

Senior Investigator of the Military Investigative Department of the Investigative Committee of
the Russian Federation for the Abakan Garrison

(Position of the Investigator (Inquiry Officer))

Senior Lieutenant of Justice M.S. Korenev

(rank, surname, initials)

having considered a crime report – application of the attorney E.A. Zakrevskaya

(on which crime)

on a crime provided for by Part 2 of Article 127 of the Criminal Code of the Russian Federation dated 7 May 2014 and check materials received by the 534th Military Investigative Department of the Investigative Committee of Russia of the Black Sea Fleet on 14 August 2014,

ESTABLISHED:

On 14 August 2014, the 534th Military Investigative Department of the Investigative Committee of Russia of the Black Sea Fleet received from the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea the check materials relating to the application of the attorney E.A. Zakrevskaya on a crime provided for by Clauses “a”, “zh” of Part 2 of Article 127 of the Criminal Code of the Russian Federation committed against M.V. Vdovchenko by unidentified persons, supposedly military personnel of the Russian Federation.

It appears from the check materials that, on 11 March 2014, approximately at 14:30, a group of men (around 30) dressed in civilian clothes with Saint George’s ribbons, being on Karla Marksa Street in Simferopol, Republic of Crimea, illegally abducted and deprived M.V. Vdovchenko of freedom and then held him in a building of one of the military enlistment offices of the Autonomous Republic of Crimea where they beat and tortured him until 19 March 2014.

According to the application, Russian military personnel may have supposedly been involved in the commission of this crime, however, there is no information in the check materials confirming the involvement of the military personnel of the Armed Forces of the Russian Federation in the commission of the crime against M.V. Vdovchenko.

Thus, the actions of the unidentified persons dressed in civilian clothes with Saint George’s ribbons contain elements of a crime provided for by Clauses “a”, “zh” of Part 2 of Article 127 of the Criminal Code of the Russian Federation, however, their affiliation with the Armed Forces of the Russian Federation is not objectively confirmed by the check materials.

The following is also to be considered:

- as at 11 March 2014, military personnel of the Armed Forces of the Russian Federation were not stationed in Simferopol;

- that there were Saint George’s ribbons on the clothes of certain persons does not indicate that these persons were military personnel of the Armed Forces of the Russian Federation.

Based on the foregoing and also considering that, on the basis of order of the Chairman of the Investigative Committee of the Russian Federation No. 4 “On the Establishment of the Jurisdiction of Specialised Investigative Bodies of the Investigative Committee of the Russian Federation”, the investigative jurisdiction of military investigative bodies of the Investigative Committee of the Russian Federation concerns criminal cases and checks of crimes committed by military personnel or employees of the Armed Forces of the Russian Federation in the territory of military units or related to the performance of their official duties, it is necessary to conclude that this crime report and the check materials on the investigative jurisdiction should be transferred to the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea.

Form 11

case sheet 2

Based on the foregoing, according to Clause 3 of Part 1 of Article 145 and Clause 1 of Part 2 of Article 151 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

To transfer the specified crime report per investigative jurisdiction to the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea.

Senior investigator

signed (signature)

Annex 170

Gagarinsky District Court of Sevastopol, Case No. 5-373/2014,
Complaint of Alexey Eskov, 24 August 2014

Translation*[handwritten: 4]*

To Head of the Department of the Ministry of
Internal Affairs of Russia
for Gagarinsky District of Sevastopol
Colonel of Police V.I. Rozhivets
[From] Full name Alexey Sergeevich Eskov

born on 1 April 1986

residing at [address]

Home _____

Mobile [number]

COMPLAINT

I hereby request you to take measures in relation to a group of persons who were holding a rally with Ukrainian flags unfurled at about 12:40 pm on 24 August 2014 near 3 Antichny Avenue in Sevastopol. There were around eight people present and about four flags. Due to this rally public order was disturbed, which manifested in the use of special protective means (gas spray and a taser) against the passers-by.

The text was handwritten by me personally. /Signature/

I have read and understood Article 306 of the Criminal Code of the Russian Federation concerning misrepresentation. /Signature/ A.S. Eskov

24 August 2014

*/Signature/
signature*

*A.S. Eskov
Surname and initials*

Accepted by:

Annex 171

Bakhchisaray District Court of the Republic of Crimea, Ruling authorizing the search in Mr Ibragimov's house, 25 August 2014

Translation*[Handwritten: 7]*

Copy

Case No. 3 6-74 2014

**RULING
In the Name of the Russian Federation**

On 25 August 2014 O.R. Morozko, Judge of the Bakhchisaray District Court of the Republic of Crimea, and Investigator M.V. Vasiliuk, having considered the ruling of Major of Justice M.V. Vasiliuk, Senior Investigator of the Investigative Division of the Department of the Russian Ministry of Internal Affairs for Bakhchisaray District of the Republic of Crimea with the motion for the Court to authorise the search in the dwelling of Ibraim Enverovich Ibragimov, born on 29 December 1974.

HAS ESTABLISHED:

The Investigative Division of the Department of the Russian Ministry of Internal Affairs for the Bakhchisaray District of the Republic of Crimea has criminal case No. 2014177934 within its proceedings, initiated on 9 June 2014 on the grounds of corpus delicti under Paragraph A, Part 3 of Article 158 of the Criminal Code of the Russian Federation.

On 25 August 2014, the Court received the ruling of Major of Justice M.V. Vasiliuk, Senior Investigator of the Investigative Division of the Department of the Russian Ministry of Internal Affairs in the Bakhchisaray District of the Republic of Crimea, to initiate a motion before the Court for a search in the dwelling of Ibraim Enverovich Ibragimov, born on 29 December 1974, namely in the house located at: 46 Basenko Str., Bakhchisaray, the Republic of Crimea, where Ibraim Enverovich Ibragimov, born on 29 December 1974, is registered and resides.

The motion is motivated by the fact that during the preliminary investigation it was established that within the period from 08.15 am to 04.45 pm on 2 June 2014 an unidentified person had broken the glass and used the window to illegally enter a residential building at: 10 Grizodubova Str., Bakhchisaray, the Republic of Crimea, where the theft of gold and silver items, as well as other valuable items belonging to S.V. Aleksandrenko, had been committed and caused her damage in the amount of 117 124,85 rubles.

According to the available operational information, the stolen items may be located at the place of residence of Ibraim Enverovich Ibragimov, born on 29 December 1974. In addition, Ibraim Enverovich Ibragimov, born on 29 December 1974, is described by mediocrity, as a person who avoids participating in the public life of the city and maintains no relations with neighbors, according to the characteristics from the place of residence. The purpose of the search is to find and seize gold and silver items, as well as other items that are of great evidentiary value for the criminal case, which may be kept in the dwelling of Ibraim Enverovich Ibragimov, born on 29 December 1974, at: 46 Basenko Str., Bakhchisaray, the Republic of Crimea.

After hearing the investigator who supported the motion, having examined the materials of the ruling, I come to the conclusion that the ruling of the investigator is reasonable and subject to satisfaction on the following grounds.

Pursuant to Paragraph 5 Part 2 of Article 29, and Articles 165 and 182 of the Criminal Procedural Code of the Russian Federation a court is the only institution that may issue a ruling to execute a dwelling search for the purpose of finding and seizing items and documents that may have significance for a criminal case.

As it appears from the materials submitted, the preliminary investigation body has sufficient data allowing for reasonable suggestion that items, documents that may have significance for the criminal case may be stored at the place of residence of I.E. Ibragimov, which necessitates the execution of the dwelling search. Based on the foregoing, I believe that the search of the house at 46 Basenko Street in the city of Bakhchisaray,

where Ibraim Enverovich Ibragimov, born on 29 December 1974, is registered and resides, is a necessary investigative activity for seizing the evidence that is significant for proving and establishing a substantiated charge against the suspect for committing the crime incriminated to him.

Based on the above and pursuant to Parts 2, 4 of Article 165 and Article 182 of the Criminal Procedure Code of the Russian Federation.

*[Seal: Main Investigative Division
of the Investigative Committee of
the Russian Federation in the
Republic of Crimea * Primary
State Registration Number
(OGRN) 1147746331248]*

*True copy
[Name, signature]*

RULED:

To allow Major of Justice M.V. Vasiliuk, Senior Investigator of the Investigative Division of the Board of the Russian Ministry of Internal Affairs for the Bakhchisaray District of the Republic of Crimea, to perform a search at: 46 Basenko Str., Bakhchisaray, the Republic of Crimea, where Ibraim Enverovich Ibragimov, born on 29 December 1974, is registered and residing.

The ruling may be appealed at the Court of Appeal of the Republic of Crimea within ten days from the issue date.

Judge:

(signature)
[signature]

O.R. Morozko

True copy

*[Seal: Bakhchisarayi District
Court of the Autonomous
Republic of Crimea * Ukraine *
Identification code [illegible]]*

Judge:

O.R. Morozko

*I was familiarized with the Ruling.
I.E. Ibragimov, 28 August 2014 [signature]*

*[Seal: Main Investigative
Division of the Investigative
Committee of the Russian
Federation in the Republic of
Crimea * Primary State
Registration Number (OGRN)
1147746331248]*

*True copy
[Name, signature]*

Annex 172

Centre for Countering Extremism of the Ministry of Internal
Affairs for the Republic of Crimea, Record of search in Mr
Ibragimov's house, 28 August 2014

Translation

[handwritten: 9]

Form 23

[handwritten: 8]

**RECORD
of search (seizure)**Bakhchisaray

(place of issue)

"28" August 20 14The search (seizure) began at 07 : 13 AMThe search (seizure) finished at 09 : 00 AMLead Investigator of the Centre for Countering Extremism of the Ministry of Internal Affairs of the Republic of Crimea,

(Position of the Investigator (Inquiry Officer))

Major of the Police A.V. Kozhushny

(qualification or rank, surname, initials),

in the presence of the witnesses:

1. Ruslan Shevketovich Sarasha, born on [date of birth],

(full name)

residing at [address].

and address of residence of the witness)

2. Maria Ivanovna Yankova, born on [date of birth],

(full name)

residing at [address].

and address of residence of the witness)

with the participation of¹Ibraim Enverovich Ibragimov,

(procedural status and full name of each person)

29 December 1974, residing and registered at 46 Basenko St.,

participating in the investigative action and, if necessary, their addresses, as well as other details of their participation)

Bakhchisaray

on the basis of the Ruling of 25 August 2014 and pursuant to Parts Four to Sixteen of Article 182 (Parts Two, Three and Five of Article 183) of the Criminal Procedure Code of the Russian Federation has executed a search (seizure) of residential and utility premises

(specify the premises)

at 46 Basenko St., Bakhchisarayfor the purpose of finding and seizing the physical evidence specified

(specify the items, documents, and

in the rulings, as well as prohibited for circulation

valuables having significance for the criminal case)

under the laws of the Russian Federation1) [signature]

(signature of the witness)

2) [signature]

(signature of the witness)

¹ Pursuant to Part Eleven of Art. 182 of the Criminal Procedure Code of the Russian Federation, the search shall be conducted in the presence of the person whose premises are to be searched, or adult members of such person's family. During the search, the defence counsel or lawyer of the person whose premises are to be searched may be present.

[Seal: Main Investigative Directorate of the
Investigative Committee of the Russian
Federation in the Republic of Crimea *
Primary State Registration Number (OGRN)
1147746331248]

True copy
[Name, signature]

Form 89

[handwritten: 10]

Before the start of the search (seizure), the participants were explained their rights and responsibility, as well as the procedure for searching (seizing) .

Participants: I.E. Ibragimov (signature)

Witnesses: 1) [signature] (signature)
2) [signature] (signature)

Before the start of the search (seizure) the witnesses were explained their rights, duties and responsibility under Article 60 of the Criminal Procedure Code of the Russian Federation,

1) [signature] (signature)
2) [signature] (signature)

The persons participating in the investigative action were informed beforehand of the use of the following technical means in the course of the investigative action:

photographic recording
(specify the means and

using a =Sony Ericsson= mobile phone
the person using them)

Before the start of the search (seizure), the Investigator (Inquiry Officer) produced the Search (Seizure) Ruling of 25 August 2014, after which Ibraim Enverovich Ibragimov

(specify who)
was proposed to surrender the physical evidence specified
(specify the items, documents,
in the Ruling and prohibited for civil circulation in the Russian Federation
valuables having significance for the criminal case)

According to Ibraim Enverovich
(surrendered)
Ibragimov, said items were not present in the house
voluntarily, seized forcibly)

During the search (seizure), the following was seized:

1) On the 2nd floor of the house,
(describe the circumstances of the search)
in the bedroom located in front of
(seizure), as provided for in Parts Ten,
the entrance, in the wardrobe in the left-hand corner,
Thirteen and Fourteen, Art. 182 of the Criminal Procedure Code of the Russian Federation)
a =Sieger P.R. = handgun was found, with
(list and identifying details
a magazine (inserted) in it and loaded with five cartridges,
of the items seized and their packages)
and in the same room, in a safe box –
1 [illegible] of 5.6 mg was found.

1) [signature]
(signature of the witness)

2) [signature]
(signature of the witness)

[Seal: Main Investigative Directorate of the
Investigative Committee of the Russian
Federation in the Republic of Crimea *
Primary State Registration Number (OGRN)
1147746331248]

True copy
[Name, signature]

Form 89

[handwritten: 11]

2) Moreover, in the room located
in the rear of the 1st floor, in a wooden
box, a knife marked with the number
No. 3742 was found

3) In a room on the first floor,
the following books were found:

- /illegible/ = Hizb ut-Tahrir =
- = Common Concepts in Islam = 2 pcs.
- = The Fundamentals of the Faith =
- = The Life of the Prophet =
- = The Fundamentals of the Islamic Nafs =
- = The Daily Life of Prophet Mohammed =
- = The Gardens of the Righteous =
- = 40 Hadiths of Imam an-Nawawi =
- = The Stronghold of the Muslim =
- = The Constellation of Righteous Khalifs =
- = The Life of the Prophet =
- = Belief in the Life Beyond =
- = The Hizb ut-Tahrir Program =
- = The Democracy of the System of Unbelief =
- = The Political Idea of Hizb ut-Tahrir =
- = The Islamic State =
- leaflets The Madhhabs in Islam; The Wisdom of
Calling to Allah; = Do People Understand Unbelief
Correctly =; =The Golden Mean in Islam = ; = The Truth =;
- = the Reality of Islam =

During the search (seizure), photo shooting was carried out using a
(photo, video shooting or audio recording)
= Sony Ericsson= mobile phone

1) [signature]

(signature of the witness)

2) [signature]

(signature of the witness)

[Seal: Main Investigative Directorate of the
Investigative Committee of the Russian
Federation in the Republic of Crimea *
Primary State Registration Number (OGRN)
1147746331248]

True copy
[Name, signature]

Form 89

[handwritten: 12]

Prior to, during and after the search (seizure), the following participants submitted none

(the participants's procedural status, surnames and initials)

statements none
(submitted/not submitted)

Content of the statements: none

Witnesses:

1) [signature] (signature)

Participants:

I.E. Ibragimov

2) [signature] (signature)

(signature)

(signature)

(signature)

The Record was provided to all participants of the investigative action for familiarization. The rights to provide remarks stipulated by the applicable laws and signed by the respective participants regarding the supplementation and adjustment of the Records were clarified to the participants. Upon familiarizing Mr. Ibragimov with the Records by means of reading them aloud and after Mr. Ibragimov's individual familiarization therewith,

(by individual reading or reading the Records aloud by the Investigator (Inquiry Officer))

the participants of the investigative action provided the following remarks regarding the supplementation and adjustment of the Records:

none

if provided, then what remarks (specify the procedural statuses, surnames,

and initials of the participant of the investigative action and the contents of their supplementations

and adjustments to the Records)

Witnesses: R.Sh. Sarasha
(procedural status)

(signature)

[signature]

(surname, initials)

M.I. Yankova
(procedural status)

(signature)

[signature]

(surname, initials)

E.E. Izmailov, Investigator of the Department of Internal Affairs
(procedural status)

(signature)

[signature]

(surname, initials)

I.I. Belyanov, Investigator of the Department of Internal Affairs of the Centre for Countering Extremism
(procedural status)

(signature)

[signature]

(surname, initials)

(procedural status)

(signature)

(surname, initials)

Investigator (Inquiry Officer)

Kozhushny

[signature]

(surname, initials)

[Seal: Main Investigative Directorate of the Investigative Committee of the Russian Federation in the Republic of Crimea *
Primary State Registration Number (OGRN) 1147746331248]

True copy
[Name, signature]

Form 89

[handwritten: 13]

I received a copy of the Records: refused to sign the copy
(full name of the person)

in the presence of the witnesses. A copy of the Records
in whose premises the search (seizure was carried out) or a representative of the institution's administration)

 20
was provided in the presence of the witnesses

- 1) [signature] (signatures of the persons who received the Records)
- 2) [signature]

[Seal: Main Investigative Directorate of the
Investigative Committee of the Russian
Federation in the Republic of Crimea *
Primary State Registration Number (OGRN)
1147746331248]

True copy
[Name, signature]

Annex 173

Criminal Investigative Department of Police Station No. 3
“Tsentralny” of the Directorate of the Ministry of Internal Affairs of
Russia for Simferopol, Statement of residence,
30 August 2014

Translation

Statement of Residence

Simferopol

30 August 2014

Surname: Korzh

Name: Leonid

Patronymic: Leonidovich

Year of Birth: 1990

The check by the Crimean Republican Address Bureau revealed that the relevant citizen was not listed or registered at any place or address.

*Investigator of the Criminal Investigative
Department of Police Station No. 3
“Tsentralny” of the Directorate of the
Ministry of Internal Affairs of Russia for
Simferopol*

[Signature]

K.A. Khurgel

Annex 174

Explanatory note of M.I. Yamkova, witness to the search
conducted at Mr Ibragimov's house, 3 September 2014

Translation

[handwritten: 16]

EXPLANATORY NOTE

Bakhchisaray

3 September 2014

I, *Police Captain A.M. Ivanov, Investigator of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea*

accepted the explanation from, by full name: *Maria Ivanovna Yamkova, born on [date of birth],*
residing at *[address]*

Place of work, position *[...]*

Phone: *[phone No.]*

Passport: *Identity has been verified*

Criminal record: *No criminal record*

Art. 51 of the Constitution of the Russian Federation has been explained to me, its meaning is clear (no one is obliged to witness against self, their spouse, and close relatives determined by federal law).

[signature]

On the merits of the questions asked, I can explain that I live at the above address *I have been living with my family for a long time. On the morning of 28 August 2014, police officers came to my house and asked me to be an attesting witness in conducting a search at the dwelling of my neighbour, Mr. Ibragimov, residing at Basenko St., 46, to which I gave my consent. When I approached the above address, Mr Ibragimov got acquainted with the court order on the conduct of the search and signed it. The latter was proposed to hand over objects and items specified in the order, as well as objects and items excluded from civil circulation in the Russian Federation, to which Mr Ibragimov declared the absence of the above. During the search, which was carried out with my participation and the participation of another attesting witness whom I do not know, in a safe in the [illegible] room a handgun owned by I.E. Ibragimov was found, as well as about 5 cartridges,-*

*[Seal: Main Investigative
Directorate of the Investigative
Committee of the Russian Federation
in the Republic of Crimea * Primary
State Registration Number (OGRN)
1147746331248]*

[signature]

True copy
[signature]

[handwritten: 17]

- I do not remember the exact number. I.E. Ibragimov explained that the gun was given to him by his father. In the same room, in a cupboard, 15 items of literature (Islamic) were found, which also belonged to I.E. Ibragimov. The above was placed in plastic bags and bound with a seal, whereon we signed. A knife was also discovered, in the same cupboard on the 1-st floor.

There were no violations by the police officers, and [illegible] Mr Ibragimov refused to give any explanations. I have nothing more to add.

The above is an accurate record of my statement, read by me

[signature]

*Examined by: Investigator of the Centre for Countering Extremism of the Ministry of Internal Affairs
in the Republic of Crimea*

Police Captain [signature] A.M. Ivanov

The explanatory report was accepted by:

*[Seal: Main Investigative
Directorate of the Investigative
Committee of the Russian Federation
for the Republic of Crimea *
Primary State Registration Number
(OGRN) 1147746331248]*

[signature]

True copy
[signature]

Annex 175

Explanatory note of R.Sh. Sarasha, witness to the search conducted at Mr Ibragimov's house, 3 September 2014

Translation

[handwritten: 13]

EXPLANATORY NOTE

Bakhchisaray

3 September 2014

I, Police Captain A.M. Ivanov, Investigator of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea

accepted the explanation from, by full name: Ruslan Shevketovich Sarasha, born on [date of birth], residing at: [address]

Place of work, position [...]

Phone:

Passport: Identity has been verified

Criminal record: No criminal record on the territory of the Russian Federation

Art. 51 of the Constitution of the Russian Federation has been explained to me, its meaning is clear (no one is obliged to witness against self, their spouse, and close relatives determined by federal law).

[signature]

On the merits of the questions asked, I can explain that at the above address I live at the above address with my partner [illegible name] and children. On the morning of 28 August 2014, I was at Basenko St., Bakhchisaray, where I met police officers who asked me to be an attesting witness in conducting a search, to which I gave my consent. Once I approached [illegible] Basenko St., 46, I saw an unfamiliar man [illegible] coming out [illegible] [illegible] the police officers in my presence, as well as in the presence of another attesting witness, read out a ruling, where Mr. I.E. Ibragimov (as I later learned) [illegible] during the search in [illegible] in the room in the safe was found and [illegible] an object similar to a handgun, in the sideboard about 15 items of literature (islamic), a hunting [illegible] knife.

According to the oral explanation given by Mr Ibragimov, he got the handgun from his father, [illegible], the latter gave -

[Seal: Main Investigative
Directorate of the Investigative
Committee of the Russian
Federation for the Republic of
Crimea * Primary State
Registration Number (OGRN)
1147746331248]

[signature]

True copy
[Signature]
E.B. [illegible]

/handwritten: 14/

- no further explanations and denied to give written explanation. In accordance with [illegible] of the Russian Federation, the discovered items were placed in black plastic bags, stitched with thread and sealed [illegible], on which we signed.

There were no violations by the police officers.

I have nothing more to add.

The above is an accurate record of my statement, read by me. [Signature]

The explanatory report was accepted by: Police Captain A.M. Ivanov, Investigator of the Centre for Combatting Extremism [signature]

[Seal: Main Investigative
Directorate of the Investigative
Committee of the Russian
Federation in the Republic of
Crimea * Primary State
Registration Number (OGRN)
1147746331248]

[signature]

True copy
[Signature]
E.B. [illegible]

Annex 176

Kievskiy District Court of Simferopol, Case No. 3/6-336/2014, Ruling authorizing the search in Mr Bariev's house, 3 September 2014

Translation

Case No. 3/6-336/2014

*[Stamp: COPY]*RULING
authorizing the search

3 September 2014

Simferopol

Having considered at a public hearing the motion of Senior Lieutenant of Justice A.A. Chmylev, Senior Investigator of the Second Investigative Division of the Investigative Department for High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, for the permission to execute a dwelling search, with the participation of A.O. Inozemtsev, Prosecutor of the Prosecution Office of the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev, Senior Investigator of the Second Investigative Division of the Investigative Department for High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, and S.I. Zholudenko, Court Session Secretary, V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol,

HAS ESTABLISHED:

Criminal case No. 2014687003 initiated on 4 May 2014 based on the elements of a crime provided for by Part 1 of Article 318 of the Criminal Code of the Russian Federation due to the use of violence without a threat to health against A.V. Krupsky, a policeman of the 1st Operations Platoon of Berkut Special Purpose Police Battalion, is being investigated by the Second Investigative Division of the Investigative Department for High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea.

In the course of preliminary investigation under the case, it was established that on 3 May 2014 between 8:00 AM and 5:00 PM, in the area of Armyansk (Turetsky Val) cargo-and-passenger checkpoint located at the 115th km of the Kherson-Dzhankoy-Feodosia-Kerch highway, around 4 km to the north from the administrative boundary of the town of Armyansk, Krasnoperekopsk District, Republic of Crimea, Russian Federation, unidentified persons, acting intentionally with the aim of meeting with Mustafa Dzhemilev, a foreign citizen, within the territory of Ukraine and accompanying the latter person through the said checkpoint to the territory of the Russian Federation, ignoring the lawful demands of the employees of the Ministry of Internal Affairs of the Russian Federation engaged in the enforcement of public order at the Armyansk checkpoint and in the prevention of unauthorized persons from entering the checkpoint, being aware of the effective prohibition for Mustafa Dzhemilev to enter the territory of the Russian Federation and using as the instruments of crime some unidentified vehicles and a black Ford Kuga, registration plate number P 284 HB 39 rus, driven by an unidentified person, as well as wooden sticks and other tools, used violence against A.V. Krupsky, a policeman of the 1st Operations Platoon of the Berkut Special Purpose Police Battalion (SPPB), who was wearing service uniform as a member of the special purpose unit, and against other employees of the Ministry of Internal Affairs of the Russian Federation representing the public authorities, and publicly expressed threats of violence, as well as insulted the representatives of the public authorities of Russian Federation who were on duty, protecting the territory of the Russian Federation and enforcing public order.

According to the Centre for Countering Extremism of the Ministry of Internal Affairs of the Russian Federation for the Republic of Crimea, Eskender Enverovich Bariev, born on 23 July 1974 and registered at 9, 5 Polevaya St., Molodyozhnoye Village, Simferopol District, Republic of Crimea., may be involved in committing the previously mentioned crime. The said person may in his dwelling and outbuildings store weapons and ammunition, objects excluded from civil circulation, items or publications intended to incite hatred or hostility, as well as humiliation of the dignity of a person or a group of persons on the basis of sex,

race, nationality, language, origin, religious affiliation or affiliation to a social group; as well as other items and documents significant for the investigation of the criminal case.

On 3 September 2014, Senior Lieutenant of Justice A.A. Chmiley, Senior Investigator of the Second Investigative Division of the Investigative Department for High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, submitted an Order, containing a motion for the execution of a search at the dwelling and outbuildings adjacent to the house of Eskender Enverovich Bariev (born on July 23, 1974) located at apt. 9, 5 Plevaya St., Molodyozhnoye Village, Simferopol District, Republic of Crimea.

The purpose of the search is to find and seize the weapons and ammunition, objects excluded from civil circulation, items or publications intended to incite hatred or hostility, as well as humiliation of the dignity of a person or a group of persons on the basis of sex, race, nationality, language, origin, religious affiliation or affiliation to a social group; as well as other items and documents significant for the investigation of the criminal case.

Upon hearing the reasoning of the Prosecutor and the Investigator in support of the motion and having examined the documents attached thereto, the Court concluded that the motion was justified.

Pursuant to Paragraph 5, Part 2 of Article 29, and Articles 165 and 182 of the Criminal Procedure Code of the Russian Federation, a court is the only institution that may issue a ruling to execute a dwelling search for the purpose of finding and seizing items and documents that may have significance for a criminal case.

As it appears from the materials submitted, the preliminary investigation body has sufficient data allowing for reasonably believing that objects of potential importance to a criminal case might be located at the indicated address, which makes it necessary to carry out the search of the living premises.

Given the above, I believe the execution of a search of the dwelling and outbuildings adjacent to the house of Eskender Enverovich Bariev (born on 23 July 1974) located at apt. 9, 5 Plevaya St., Molodyozhnoye Village, Simferopol District, Republic of Crimea to be a necessary investigative action aimed at seizing evidence significant for proving the involvement of the said person in the commission of the crime specified above.

Based on the above and pursuant to Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To grant Senior Lieutenant of Justice A.A. Chmiley, Senior Investigator of the Second Investigative Division of the Investigative Department for High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, the permission to carry out a search at the dwelling and outbuildings adjacent to the house of Eskander Enverovich Bariev (born on July 23, 1974) located at: apt. 9, 5 Plevaya St., Molodyozhnoye Village, Simferopol District, Republic of Crimea.

The ruling may be appealed at the Court of Appeal of the Republic of Crimea within ten days from the issue date.

Judge: *[illegible handwriting]*

V.A. Mozhelyansky

Stamp: TRUE COPY
Judge: A.N. Dolgopalov
The ruling has not been appealed
against and
is effective from 15 September 2014
True: Judge /signature/
Secretary /signature/

Stamp: Kievskiy District Court of the
Republic of Crimea
The original Ruling is kept
within case No. 3/6-336 dated 2014.
This copy is issued on 8 March 2018.
Judge /signature/
Secretary of the Court /signature/

Annex 177

Kievskiy District Court of Simferopol, Case No. 3/6-342/2014, Ruling authorizing the search in Mr Asaba's house, 3 September 2014

TranslationCase no.3/6-342/2014
[stamp: copy]**RULING**
authorizing the search

3 September 2014

Simferopol

V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol with the participation of Prosecutor of the Prosecution Office of the Republic of Crimea A.O. Inozemtsev, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev with participation of Court Secretary S.I. Zholudenko Having considered at a public hearing the motion of Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev for the authorizing a dwelling search,

ESTABLISHED:

Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is examining the criminal case No. 2014687003, initiated on 4 May 2014 on the basis of evidence constituting an offence under Part 1 Article 318 of the Criminal Code of the Russian Federation upon the case of non-health-threatening violence against the police officer of the 1st operations platoon of the Special Operations Police Battalion "Berkut" A.V. Krupskiy.

In course of the preliminary investigation of the criminal case, it was established that on 3 May 2014, from 08-00 to 17-00, in the area of the border crossing point for individuals and vehicles "Armyansk" ("Turetskiy Val"), located at 115th kilometer of the road "Kherson - Dzhankoy - Feodosia – Kerch", at a distance of about 4 km north of the administrative border of the city of Armyansk of the Krasnoperekopskiy district of the Republic of Crimea of the Russian Federation, unidentified persons, acting intentionally, with the aim to meet a foreign citizen Mustafa Dzhemilev on the territory of the Republic of Ukraine and forward him through the specified border crossing point to the territory of the Russian Federation, acting contrary to the legal requirements of the Russian MIA officers, who maintained public order at the "Armyansk" border checkpoint and prevented unauthorized persons from entering the territory of the checkpoint, reliably knowing that the foreign citizen Mustafa Dzhemilev is currently prohibited to enter the territory of the Russian Federation, using unidentified vehicles as an instrument of crime, as well as a black "Ford Kuga" with a state registration plate "R 284 NV 39 rus" controlled by an unidentified person, wooden sticks and other objects, physically assaulted the police officer of the 1st operations platoon of the Special Operations Police Battalion (SOPB) "Berkut" A.V. Krupskiy, who was a member of a special unit in uniform, as well as against other officers of the law enforcement agency - the Ministry of Internal Affairs of the Russian Federation, representing the public authorities, and also publicly expressed threats of violence and insults against representatives of the Russian Federation authorities of the who were on duty, carrying out protection of the Russian Federation territory and public order.

According to the message of the Centre for Combating Extremism of the Ministry of Internal Affairs in the Republic of Crimea, Asaba Mustafa, born on 08 October 1955, actually residing at the address: 10 Naberezhnaya St., the village of Vishennoe, Belogorskiy District, Republic of Crimea, can be accessory to this crime, and in his dwelling and outbuildings there can store weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

On 3 September 2014, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev applied to the

court with a request to carry out a search of the dwelling and outbuildings adjacent to the house of Asaba Mustafa, born on 08 October 1955, located at the address: 10 Naberezhnaya St., the village of Vishennoe, Belogorskiy District, Republic of Crimea,

The purpose for carrying out the search is to discover and withdraw weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

Upon hearing the prosecutor and the investigator, who supported the petition and having examined the documents thereto, the court concluded that the investigator's request is valid.

According to the Clause 5, Part 2 of Article 29 and Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is entitled to make a decision on performing search of dwelling in order to discover and withdraw items and documents that can be relevant for the criminal case.

As it can be observed from the materials presented, the preliminary investigation agency has sufficient data to reasonably believe that objects of potential importance to a criminal case might be located at the indicated address which makes it necessary to carry out the search of the living premises.

Based on the foregoing, I believe that the search in the dwelling and outbuildings adjacent to the house of Asaba Mustafa, born on 08 October 1955, located at the address: 10 Naberezhnaya St., the village of Vishennoe, Belogorskiy District, Republic of Crimea, is a necessary investigative procedure for discovering evidences relevant for determining involvement of this person to the criminal offence.

In view of the foregoing and guided by Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

Grant the permission to the Senior Investigator of Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev to carry out a search of the dwelling and outbuildings adjacent to the house of Asaba Mustafa, born on 8 October 1955, at the address: 10 Naberezhnaya St., the village of Vishennoe, Belogorskiy District, Republic of Crimea.

This ruling may be appealed in accordance with the appellate procedure to the Court of Appeal of the Republic of Crimea within ten days from the date of its issuance.

Judge

(signed)

V.A. Mozhelyanskiy

[Stamp

TRUE COPY

Judge *A.N. Dolgopolov*

The ruling was not contested and became effective as of 15 September 2014

True: judge *(signed)*

Secretary *(signed)*]

[Stamp)

Court of the Kievskiy District of the city of Simferopol, Republic of Crimea

Original copy was sent to be stored in the materials for the case *No. 3/6-342/2014*

The copy is issued on 3 August 2018

Judge *(signed)*

Secretary *(signed)*]

Annex 178

Kievskiy District Court of Simferopol, Case No. 3/6-331/2014, Ruling authorizing the search in Mr Ablaev's house, 3 September 2014

TranslationCase No.3/6-331/2014
(Stamp) COPY**RULING**
authorizing the search

3 September 2014

Simferopol

V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol, with the participation of A.O. Inozemtsev, Prosecutor of the Prosecution Office of the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev, of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, and S.I. Zholudenko, Court Session Secretary, having considered at a public hearing the motion of Senior Lieutenant of Justice A.A. Chmylev, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, for the permission to execute a dwelling search,

ESTABLISHED:

Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is examining the criminal case No.2014687003, initiated on 4 May 2014 on the basis of evidence constituting an offence under Part 1 Article 318 of the Criminal Code of the Russian Federation upon the case of non-health-threatening violence against the police officer of the 1st operations platoon of the Special Operations Police Battalion "Berkut" A.V. Krupskiy.

In course of the preliminary investigation of the criminal case, it was established that on 3 May 2014, from 08-00 to 17-00, in the area of the border crossing point for individuals and vehicles "Armyansk" ("Turetsky Val"), located at 115th kilometer of the road "Kherson - Dzhankoy - Feodosia – Kerch", at a distance of about 4 km north of the administrative border of the city of Armyansk of the Krasnoperekopskiy district of the Republic of Crimea of the Russian Federation, unidentified persons, acting intentionally, with the aim to meet a foreign citizen Mustafa Dzhemilev on the territory of the Republic of Ukraine and forward him through the specified border crossing point to the territory of the Russian Federation, acting contrary to the legal requirements of the Russian MIA officers, who maintained public order at the "Armyansk" border checkpoint and prevented unauthorized persons from entering the territory of the checkpoint, reliably knowing that the foreign citizen Mustafa Dzhemilev is currently prohibited to enter the territory of the Russian Federation, using unidentified vehicles as an instrument of crime, as well as a black "Ford Kuga" with a state registration plate "R 284 NV 39 rus" controlled by an unidentified person, wooden sticks and other objects, physically assaulted the police officer of the 1st operations platoon of the Special Operations Police Battalion (SOPB) "Berkut" A.V. Krupskiy, who was a member of a special unit in uniform, as well as against other officers of the law enforcement agency - the Ministry of Internal Affairs of the Russian Federation, representing the public authorities, and also publicly expressed threats of violence and insults against representatives of the Russian Federation authorities of the who were on duty, carrying out protection of the Russian Federation territory and public order.

According to the message of the Centre for Combating Extremism of the Ministry of Internal Affairs in the Republic of Crimea, Ablaev Leman Mansurovich, born on 24 December 1985, actually residing at the address: 5 Zheleznodorozhnaya St. flat 1, the village of Nizhnegorskiy, Nizhnegorskiy district, Republic of Crimea, can be accessory to this crime, and in his dwelling and outbuildings he can store weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

On 3 September 2014, Senior Investigator of Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev applied to the court with a request to carry out a search of the dwelling and outbuildings adjacent to the house of Ablaev Leman Mansurovich, born on 24 December 1985, located at: 5 Zheleznodorozhnaya St. flat 1, the village of Nizhnegorskiy, Nizhnegorskiy district, Republic of Crimea.

The purpose for carrying out the search is to discover and withdraw weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

Upon hearing the prosecutor and the investigator, who supported the petition and having examined the documents thereto, the court concluded that the investigator's request is valid.

According to the Clause 5, Part 2 of Article 29 and Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is entitled to make a decision on performing search of dwelling in order to discover and withdraw items and documents that can be relevant for the criminal case.

As it can be observed from the materials presented, the preliminary investigation agency has sufficient data to reasonably believe that objects of potential importance to a criminal case might be located at the indicated address which makes it necessary to carry out the search of the living premises.

Based on the foregoing, I believe that the search in the dwelling and outbuildings adjacent to the house of Ablaev Leman Mansurovich, born on 24 December 1985, located at: 5 Zheleznodorozhnaya St. flat 1, the village of Nizhnegorskiy, Nizhnegorskiy district, Republic of Crimea, is a necessary investigative procedure for discovering evidences relevant for determining involvement of this person in the criminal offence.

In view of the foregoing and guided by Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

Grant the permission to the Senior Investigator of Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev to carry out a search of the dwelling and outbuildings adjacent to the house of Ablaev Leman Mansurovich, born on 24 December 1985, located at:

apartment 1, 5 Zheleznodorozhnaya St., the village of Nizhnegorskiy, Nizhnegorskiy district, Republic of Crimea.

This ruling may be appealed in accordance with the appellate procedure to the Court of Appeal of the Republic of Crimea within ten days from the date of its issuance.

Judge (*Signed*)

(Stamp)

TRUE COPY

Judge V.A. Mozhelyanskiy

The ruling was not contested and entered into force as of 16 September 2014

True: judge (*signed*)

Secretary (*signed*)

(Seal)

(Coat of Arms of the Russian Federation)

Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

V.A. Mozhelyanskiy

(Stamp)

Court of the Kievskiy District of
the City of Simferopol, Republic of Crimea
Original copy is stored in the materials for the
case No. 3/6-331/2014

The copy is issued on 4 September 2015

Judge (*signed*)

Secretary (*signed*)

(Seal)

(Coat of Arms of the Russian Federation)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

Annex 179

Kievskiy District Court of Simferopol, Case No. 3/6-337/2014, Ruling authorizing the search in Ms Bogutskaya's house, 3 September 2014

TranslationCase No. 3/6-337/2014
(Stamp) COPY**RULING**
authorizing the search

3 September 2014

Simferopol

V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol, with the participation of A.O. Inozemtsev, Prosecutor of the Prosecution Office of the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmiley, of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, and S.I. Zholudenko, Court Session Secretary, having considered at a public hearing the motion of Senior Lieutenant of Justice A.A. Chmiley, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, for the permission to execute a dwelling search,

ESTABLISHED:

The Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is examining the criminal case No. 2014687003, initiated on 4 May 2014 on the basis of evidence constituting an offence under Part 1 Article 318 of the Criminal Code of the Russian Federation upon the case of non-health-threatening violence against the police officer of the 1st operations platoon of the Special Operations Police Battalion "Berkut" A.V. Krupskiy.

In course of the preliminary investigation of the criminal case, it was established that on 3 May 2014, from 08-00 to 17-00, in the area of the border crossing point for individuals and vehicles "Armyansk" ("Turetsky Val"), located at 115th kilometer of the road "Kherson - Dzhankoy - Feodosia – Kerch", at a distance of about 4 km north of the administrative border of the city of Armyansk of the Krasnoperekopskiy district of the Republic of Crimea of the Russian Federation, unidentified persons, acting intentionally, with the aim to meet a foreign citizen Mustafa Dzhemilev on the territory of the Republic of Ukraine and forward him through the specified border crossing point to the territory of the Russian Federation, acting contrary to the legal requirements of the Russian MIA officers, who maintained public order at the "Armyansk" border checkpoint and prevented unauthorized persons from entering the territory of the checkpoint, reliably knowing that the foreign citizen Mustafa Dzhemilev is currently prohibited to enter the territory of the Russian Federation, using unidentified vehicles as an instrument of crime, as well as a black "Ford Kuga" with a state registration plate "R 284 NV 39 rus" controlled by an unidentified person, wooden sticks and other objects, physically assaulted the police officer of the 1st operations platoon of the Special Operations Police Battalion (SOPB) "Berkut" A.V. Krupskiy, who was a member of a special unit in uniform, as well as against other officers of the law enforcement agency - the Ministry of Internal Affairs of the Russian Federation, representing the public authorities, and also publicly expressed threats of violence and insults against representatives of the Russian Federation authorities of the who were on duty, carrying out protection of the Russian Federation territory and public order.

According to the message of the Center for Combating Extremism of the Ministry of Internal Affairs in the Republic of Crimea, Elizaveta Petrovna Bogutskaya, born on 14 April 1964, actually residing at the address: 10 Morskoy Per., the village of Lozovoe, Simferopolskiy District, Republic of Crimea, can be accessory to this crime, and in her dwelling and outbuildings she can store weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of

the criminal case.

On 3 September 2014, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmilev applied to the court with a request to carry out a search of the dwelling and outbuildings adjacent to the house of Elizaveta Petrovna Bogutskaya, born on 14 April 1964, actually residing at the address: 10 Morskoy Per., the village of Lozovoe, Simferopolskiy District, Republic of Crimea.

The purpose for carrying out the search is to discover and withdraw weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

Upon hearing the prosecutor and the investigator, who supported the petition and having examined the documents thereto, the court concluded that the investigator's request is valid.

According to the Clause 5, Part 2 of Article 29 and Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is entitled to make a decision on performing search of dwelling in order to discover and withdraw items and documents that can be relevant for the criminal case.

As it can be observed from the materials presented, the preliminary investigation agency has sufficient data to reasonably believe that objects of potential importance to a criminal case might be located at the indicated address which makes it necessary to carry out the search of the living premises.

Based on the foregoing, I believe that the search in the dwelling and outbuildings adjacent to the house of Elizaveta Petrovna Bogutskaya, born on 14 April 1964, actually residing at the address: 10 Morskoy Per., the village of Lozovoe, Simferopolskiy District, Republic of Crimea, is a necessary investigative procedure for discovering evidences relevant for determining involvement of this person to the criminal offence.

In view of the foregoing and guided by Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

Grant the permission to the Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmilev to carry out a search of the dwelling and outbuildings adjacent to the house of Elizaveta Petrovna Bogutskaya, born on 14 April 1964, actually residing at the address: 10 Morskoy Per., the village of Lozovoe, Simferopolskiy District, Republic of Crimea.

This ruling may be appealed in accordance with the appellate procedure to the Court of Appeal of the Republic of Crimea within ten days from the date of its issuance.

Judge (Signed)

(Stamp)

TRUE COPY

Judge *V.A. Mozhelyanskiy*

The ruling was not contested and came into force as of 16 September 2014

True: judge (*signed*)

Secretary (*signed*)

(Seal)

(Coat of arms of the Russian Federation)

Court of the Kievskiy District of the city of Simferopol, Republic of Crimea

V.A. Mozhelyanskiy

(Stamp)

Court of the Kievskiy District of the City of Simferopol, Republic of Crimea
Original copy was sent to be stored in the materials for the case No. 3/6-337/2014

The copy is issued on 4 September 2015

Judge (*signed*)

Secretary (*signed*)

(Seal)

(Coat of arms of the Russian Federation)
Court of the Kievskiy District of the city of Simferopol, Republic of Crimea

Annex 180

Kievskiy District Court of Simferopol, Case No. 3/6-335/2014, Ruling authorizing the search in Ms Bogutskaya's house, 3 September 2014

Translation

Case No. 3/6-335/2014
(Stamp) COPY

RULING
authorizing the search

3 September 2014

Simferopol

V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol, with the participation of A.O. Inozemtsev, Prosecutor of the Prosecution Office of the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmiley, of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, and S.I. Zholudenko, Court Session Secretary, having considered at a public hearing the motion of Senior Lieutenant of Justice A.A. Chmiley, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, for the permission to execute a dwelling search,

ESTABLISHED:

The Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is examining the criminal case No. 2014687003, initiated on 4 May 2014 on the basis of evidence constituting an offence under Part 1 Article 318 of the Criminal Code of the Russian Federation upon the case of non-health-threatening violence against the police officer of the 1st operations platoon of the Special Operations Police Battalion "Berkut" A.V. Krupskiy.

In course of the preliminary investigation of the criminal case, it was established that on 3 May 2014, from 08-00 to 17-00, in the area of the border crossing point for individuals and vehicles "Armyansk" ("Turetsky Val"), located at 115th kilometer of the road "Kherson - Dzhankoy - Feodosia – Kerch", at a distance of about 4 km north of the administrative border of the city of Armyansk of the Krasnoperekopskiy district of the Republic of Crimea of the Russian Federation, unidentified persons, acting intentionally, with the aim to meet a foreign citizen Mustafa Dzhemilev on the territory of the Republic of Ukraine and forward him through the specified border crossing point to the territory of the Russian Federation, acting contrary to the legal requirements of the Russian MIA officers, who maintained public order at the "Armyansk" border checkpoint and prevented unauthorized persons from entering the territory of the checkpoint, reliably knowing that the foreign citizen Mustafa Dzhemilev is currently prohibited to enter the territory of the Russian Federation, using unidentified vehicles as an instrument of crime, as well as a black "Ford Kuga" with a state registration plate "R 284 NV 39 rus" controlled by an unidentified person, wooden sticks and other objects, physically assaulted the police officer of the 1st operations platoon of the Special Operations Police Battalion (SOPB) "Berkut" A.V. Krupskiy, who was a member of a special unit in uniform, as well as against other officers of the law enforcement agency - the Ministry of Internal Affairs of the Russian Federation, representing the public authorities, and also publicly expressed threats of violence and insults against representatives of the Russian Federation authorities of the who were on duty, carrying out protection of the Russian Federation territory and public order.

According to the message of the Center for Combating Extremism of the Ministry of Internal Affairs in the Republic of Crimea, Elizaveta Petrovna Bogutskaya, born on 14 April 1964, actually residing at the address: 10 Belova St. Flat 1, the village of Mimoe, Simferopolskiy District, Republic of Crimea, can be accessory to this crime, and in his dwelling and outbuildings he can store weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

On 3 September 2014, Senior Investigator of the Second Majors Investigation Department of the Central Investigation Department of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmiley applied to the court with a request to carry out a

search of the dwelling and outbuildings adjacent to the house of Elizaveta Petrovna Bogutskaya, born on 14 April 1964, at the address: 10 Belova St. Flat 1, the village of Mirnoe, Simferopolskiy District, Republic of Crimea, 1.

The purpose for conducting the search is to discover and withdraw weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

Upon hearing the prosecutor and the investigator, who supported the petition and having examined the documents thereto, the court concluded that the investigator's request is valid.

According to the Clause 5, Part 2 of Article 29 and Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is entitled to make a decision on performing search of dwelling in order to discover and withdraw items and documents that can be relevant for the criminal case.

As it can be observed from the materials presented, the preliminary investigation agency has sufficient data to reasonably believe that objects of potential importance to a criminal case might be located at the indicated address which makes it necessary to carry out the search of the living premises.

Based on the foregoing, I believe that the search in the dwelling and outbuildings adjacent to the house of Elizaveta Petrovna Bogutskaya, born on 14 April 1964, actually residing at the address: 10 Belova St. Flat 1, the village of Mirnoe, Simferopolskiy District, Republic of Crimea, is a necessary investigative procedure for discovering evidences relevant for determining involvement of this person to the criminal offence.

In view of the foregoing and guided by Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

Grant the permission to the Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev to carry out a search of the dwelling and outbuildings adjacent to the house of Elizaveta Petrovna Bogutskaya, born on 14 April 1964, at the address: 10 Belova St. Flat 1, the village of Mirnoe, Simferopolskiy District, Republic of Crimea.

This ruling may be appealed in accordance with the appellate procedure to the Court of Appeal of the Republic of Crimea within ten days from the date of its issuance.

Judge (signed)
(Stamp)
TRUE COPY
Judge V.A. Mozhelyanskiy
The ruling was not contested and entered into force as of 16 September 2014
True: judge (*signed*)
Secretary (*signed*)

(Seal)
(Coat of arms of the Russian Federation)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

V.A. Mozhelyanskiy
(Stamp)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea
Original copy was sent to be stored in the materials for the case No. 3/6-335/2014
The copy is issued on 4 September 2015
Judge (*signed*)
Secretary (*signed*)

(Seal)
(Coat of arms of the Russian Federation)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

Annex 181

Kievskiy District Court of Simferopol, Case No. 3/6-330/2014, Ruling authorizing the search in Mr Paralamov's house, 3 September 2014

TranslationCase No. 3/6-330/2014
(Stamp) COPY**RULING**
authorizing the search

3 September 2014

Simferopol

V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol, with the participation of A.O. Inozemtsev, Prosecutor of the Prosecution Office of the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev, of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, and S.I. Zholudenko, Court Session Secretary, having considered at a public hearing the motion of Senior Lieutenant of Justice A.A. Chmylev, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, for the permission to execute a dwelling search,

ESTABLISHED:

The Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is examining the criminal case No. 2014687003, initiated on 4 May 2014 on the basis of evidence constituting an offence under Part 1 Article 318 of the Criminal Code of the Russian Federation upon the case of non-health-threatening violence against the police officer of the 1st operations platoon of the Special Operations Police Battalion "Berkut" A.V. Krupskiy.

In course of the preliminary investigation of the criminal case, it was established that on 3 May 2014, from 08-00 to 17-00, in the area of the border crossing point for individuals and vehicles "Armyansk" ("Turetsky Val"), located at 115th kilometer of the road "Kherson - Dzhankoy - Feodosia – Kerch", at a distance of about 4 km north of the administrative border of the city of Armyansk of the Krasnoperekopskiy district of the Republic of Crimea of the Russian Federation, unidentified persons, acting intentionally, with the aim to meet a foreign citizen Mustafa Dzhemilev on the territory of the Republic of Ukraine and forward him through the specified border crossing point to the territory of the Russian Federation, acting contrary to the legal requirements of the Russian MIA officers, who maintained public order at the "Armyansk" border checkpoint and prevented unauthorized persons from entering the territory of the checkpoint, reliably knowing that the foreign citizen Mustafa Dzhemilev is currently prohibited to enter the territory of the Russian Federation, using unidentified vehicles as an instrument of crime, as well as a black "Ford Kuga" with a state registration plate "R 284 NV 39 rus" controlled by an unidentified person, wooden sticks and other objects, physically assaulted the police officer of the 1st operations platoon of the Special Operations Police Battalion (SOPB) "Berkut" A.V. Krupskiy, who was a member of a special unit in uniform, as well as against other officers of the law enforcement agency - the Ministry of Internal Affairs of the Russian Federation, representing the public authorities, and also publicly expressed threats of violence and insults against representatives of the Russian Federation authorities of the who were on duty, carrying out protection of the Russian Federation territory and public order.

According to the message of the Centre for Combating Extremism of the Ministry of Internal Affairs in the Republic of Crimea, Ruslan Rasimovich Paralamov, born on 25 September 1988, actually residing at the address: 2 Naberezhnaya St., the village of Dvurechie, Nizhnegorskiy District, Republic of Crimea, can be accessory to this crime, and in his dwelling and outbuildings he can store weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation

of the criminal case.

On 3 September 2014, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmilev applied to the court with a request to conduct a search of the dwelling and outbuildings adjacent to the house of Ruslan Rasimovich Paralamov, born on 25 September 1988, at the address: 2 Naberezhnaya St., the village of Dvurechie, Nizhnegorskiy District, Republic of Crimea,

The purpose for conducting the search is to discover and withdraw store weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

Upon hearing the prosecutor and the investigator, who supported the petition and having examined the documents thereto, the court concluded that the investigator's request is valid.

According to the Clause 5, Part 2 of Article 29 and Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is entitled to make a decision on performing search of dwelling in order to discover and withdraw items and documents that can be relevant for the criminal case.

As it can be observed from the materials presented, the preliminary investigation agency has sufficient data to reasonably believe that objects of potential importance to a criminal case might be located at the indicated address which makes it necessary to conduct the search of the living premises.

Based on the foregoing, I believe that the search in the dwelling and outbuildings adjacent to the house of Ruslan Rasimovich Paralamov, born on 25 September 1988, at the address: 2 Naberezhnaya St., the village of Dvurechie, Nizhnegorskiy District, Republic of Crimea, is a necessary investigative procedure for discovering evidences relevant for determining involvement of this person to the criminal offence.

In view of the foregoing and guided by Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

Grant the permission to the Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmilev to conduct a search of the dwelling and outbuildings adjacent to the house of Ruslan Rasimovich Paralamov, born on 25 September 1988, at the address: 2 Naberezhnaya St., the village of Dvurechie, Nizhnegorskiy District, Republic of Crimea,

This ruling may be appealed in accordance with the appellate procedure to the Court of Appeal of the Republic of Crimea within ten days from the date of its issuance.

Judge (signed)
(Stamp)
TRUE COPY
Judge V.A. Mozhelyanskiy
The ruling was not contested and entered into force as of 16 September 2014
True: judge (signed)
Secretary (signed)

(Seal)
(Coat of arms of the Russian Federation)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

V.A. Mozhelyanskiy
(Stamp)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea
Original copy was sent to be stored in the materials for the case No. 3/6-330/2014
The copy is issued on 4 September 2015
Judge (signed)
Secretary (signed)

(Seal)
(Coat of arms of the Russian Federation)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

Annex 182

Kievskiy District Court of Simferopol, Case No. 3/6-339/2014, Ruling authorizing the search in Mr Salmanov's house, 3 September 2014

TranslationCase No. 3/6-339/2014
(Stamp) COPY**RULING**

authorizing the search

3 September 2014

Simferopol

V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol, with the participation of A.O. Inozemtsev, Prosecutor of the Prosecution Office of the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev, of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, and S.I. Zholudenko, Court Session Secretary, having considered at a public hearing the motion of Senior Lieutenant of Justice A.A. Chmylev, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, for the permission to execute a dwelling search,

ESTABLISHED:

The Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is examining the criminal case No. 2014687003, initiated on 4 May 2014 on the basis of evidence constituting an offence under Part 1 Article 318 of the Criminal Code of the Russian Federation upon the case of non-health-threatening violence against the police officer of the 1st operations platoon of the Special Operations Police Battalion "Berkut" A.V. Krupskiy.

In course of the preliminary investigation of the criminal case, it was established that on 3 May 2014, from 08-00 to 17-00, in the area of the border crossing point for individuals and vehicles "Armyansk" ("Turetsky Val"), located at 115th kilometer of the road "Kherson - Dzhankoy - Feodosia – Kerch", at a distance of about 4 km north of the administrative border of the city of Armyansk of the Krasnoperekopskiy district of the Republic of Crimea of the Russian Federation, unidentified persons, acting intentionally, with the aim to meet a foreign citizen Mustafa Dzhemilev on the territory of the Republic of Ukraine and forward him through the specified border crossing point to the territory of the Russian Federation, acting contrary to the legal requirements of the Russian MIA officers, who maintained public order at the "Armyansk" border checkpoint and prevented unauthorized persons from entering the territory of the checkpoint, reliably knowing that the foreign citizen Mustafa Dzhemilev is currently prohibited to enter the territory of the Russian Federation, using unidentified vehicles as an instrument of crime, as well as a black "Ford Kuga" with a state registration plate "R 284 NV 39 rus" controlled by an unidentified person, wooden sticks and other objects, physically assaulted the police officer of the 1st operations platoon of the Special Operations Police Battalion (SOPB) "Berkut" A.V. Krupskiy, who was a member of a special unit in uniform, as well as against other officers of the law enforcement agency - the Ministry of Internal Affairs of the Russian Federation, representing the public authorities, and also publicly expressed threats of violence and insults against representatives of the Russian Federation authorities of the who were on duty, carrying out protection of the Russian Federation territory and public order.

According to the message of the Centre for Combating Extremism of the Ministry of Internal Affairs in the Republic of Crimea, Mustafa Salmanov, born on 12 July 1954, registered and residing at the address: 36 Seitler St., the village of Razlivy, Nizhnegorskiy District, Republic of Crimea, can be accessory to this crime, and in his dwelling and outbuildings he can store weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as

well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

On 3 September 2014, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev applied to the court with a request to carry out a search of the dwelling and outbuildings adjacent to the house of Mustafa Salmanov, born on 12 July 1954, located at the address: 36 Seitler St., the village of Razlivy, Nizhnegorskiy District, Republic of Crimea,

The purpose for carrying out the search is to discover and withdraw weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

Upon hearing the prosecutor and the investigator, who supported the petition and having examined the documents thereto, the court concluded that the investigator's request is valid.

According to the Clause 5, Part 2 of Article 29 and Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is entitled to make a decision on performing search of dwelling in order to discover and withdraw items and documents that can be relevant for the criminal case.

As it can be observed from the materials presented, the preliminary investigation agency has sufficient data to reasonably believe objects of potential importance to a criminal case might be located at the indicated address which makes it necessary to carry out the search of the living premises.

Based on the foregoing, I believe that the search in the dwelling and outbuildings adjacent to the house of Mustafa Salmanov, born on 12 July 1954, located at the address: 36 Seitler St., the village of Razlivy, Nizhnegorskiy District, Republic of Crimea, is a necessary investigative procedure for discovering evidences relevant for determining involvement of this person to the criminal offence.

In view of the foregoing and guided by Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

Grant the permission to the Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev to carry out a search of the dwelling and outbuildings adjacent to the house of Mustafa Salmanov, born on 12 July 1954, at the address: 36 Seitler St., the village of Razlivy, Nizhnegorskiy District, Republic of Crimea,

This ruling may be appealed in accordance with the appellate procedure to the Court of Appeal of the Republic of Crimea within ten days from the date of its issuance.

Judge (signed)

V.A. Mozhelyanskiy

(Stamp)

TRUE COPY

Judge V.A. Mozhelyanskiy

The ruling was not contested and entered into force as of 16 September 2014

True: judge (*signed*)

Secretary (*signed*)

(Seal)

(Coat of arms of the Russian Federation)

Court of the Kievskiy District of the city of Simferopol, Republic of Crimea

(Stamp)

Court of the Kievskiy District of the city of Simferopol, Republic of Crimea
Original copy was sent to be stored in the *materials* for the case *No. 3/6-339/2014*

The copy is issued on *4 September 2015*

Judge (*signed*)

Secretary (*signed*)

(Seal)

(Coat of arms of the Russian Federation)

Court of the Kievskiy District of the city of Simferopol, Republic of Crimea

Annex 183

Kievskiy District Court of Simferopol, Case No. 3/6-340/2014, Ruling authorizing the search in Mr Hairedinov's house, 3 September 2014

TranslationCase No. 3/6-340/2014
(Stamp) COPY**RULING**

authorizing the search

3 September 2014

Simferopol

V.A. Mozhelyansky, Judge of the Kievskiy District Court of Simferopol, with the participation of A.O. Inozemtsev, Prosecutor of the Prosecution Office of the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev, of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, and S.I. Zholudenko, Court Session Secretary, having considered at a public hearing the motion of Senior Lieutenant of Justice A.A. Chmylev, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, for the permission to execute a dwelling search,

ESTABLISHED:

The Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea is examining the criminal case No. 2014687003, initiated on 4 May 2014 on the basis of evidence constituting an offense under Part 1 Article 318 of the Criminal Code of the Russian Federation upon the case of non-health-threatening violence against the police officer of the 1st operations platoon of the Special Operations Police Battalion "Berkut" A.V. Krupskiy.

In course of the preliminary investigation of the criminal case, it was established that on 3 May 2014, from 08-00 to 17-00, in the area of the border crossing point for individuals and vehicles "Armyansk" ("Turetsky Val"), located at 115th kilometer of the road "Kherson - Dzhankoy - Feodosia – Kerch", at a distance of about 4 km north of the administrative border of the city of Armyansk of the Krasnoperekopskiy district of the Republic of Crimea of the Russian Federation, unidentified persons, acting intentionally, with the aim to meet a foreign citizen Mustafa Dzhemilev on the territory of the Republic of Ukraine and forward him through the specified border crossing point to the territory of the Russian Federation, acting contrary to the legal requirements of the Russian MIA officers, who maintained public order at the "Armyansk" border checkpoint and prevented unauthorized persons from entering the territory of the checkpoint, reliably knowing that the foreign citizen Mustafa Dzhemilev is currently prohibited to enter the territory of the Russian Federation, using unidentified vehicles as an instrument of crime, as well as a black "Ford Kuga" with a state registration plate "R 284 NV 39 rus" controlled by an unidentified person, wooden sticks and other objects, physically assaulted the police officer of the 1st operations platoon of the Special Operations Police Battalion (SOPB) "Berkut" A.V. Krupskiy, who was a member of a special unit in uniform, as well as against other officers of the law enforcement agency - the Ministry of Internal Affairs of the Russian Federation, representing the public authorities, and also publicly expressed threats of violence and insults against representatives of the Russian Federation authorities who were on duty, carrying out protection of the Russian Federation territory and public order.

According to the message of the Center for Combating Extremism of the Ministry of Internal Affairs in the Republic of Crimea, Dilyaver Rumievich Hairedinov, born on 20 August 1953, registered and residing at the address: 74 Plodovaya St., the village of Zelenoe, Nizhnegorskiy District, Republic of Crimea, can be accessory to this crime, and store weapons and ammunition, objects excluded from civil use, items withdrawn from civilian circulation, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case in his dwelling.

On 3 September 2014, Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmylev applied to the

court with a request to carry out a search of the dwelling and outbuildings adjacent to the house of Dilyaver Rumievich Hairedinov, born on 20 August 1953, located at the address: 74 Plodovaya St., the village of Zelenoe, Nizhnegorskiy District, Republic of Crimea,

The purpose for carrying out the search is to discover and withdraw weapons and ammunition, objects excluded from civil use, items or literature aimed at inciting hatred or enmity, as well as humiliating the dignity of a person or a group of persons based on gender, race, nationality, language, origin, relationship to religion, as well as belonging to any social group; other items and documents relevant to the investigation of the criminal case.

Upon hearing the prosecutor and the investigator, who supported the petition and having examined the documents thereto, the court concluded that the investigator's request is valid.

According to the Clause 5, Part 2 of Article 29 and Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is entitled to make a decision on performing search of dwelling in order to discover and withdraw items and documents that can be relevant for the criminal case.

As it can be observed from the materials presented, the preliminary investigation agency has sufficient data to reasonably believe that objects of potential importance to a criminal case might be located at the indicated address which makes it necessary to carry out the search of the living premises.

Based on the foregoing, I believe that the search in the dwelling and outbuildings adjacent to the house of Dilyaver Rumievich Hairedinov, born on 20 August 1953, located at the address: 74 Plodovaya St., the village of Zelenoe, Nizhnegorskiy District, Republic of Crimea, is a necessary investigative procedure for discovering evidences relevant for determining involvement of this person to the criminal offense.

In view of the foregoing and guided by Part 2 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

Grant the permission to the Senior Investigator of the Second Investigative Department of the High-priority cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice A.A. Chmiley to carry out a search of the dwelling and outbuildings adjacent to the house of Dilyaver Rumievich Hairedinov, born on 20 August 1953, located at the address: 74 Plodovaya St., the village of Zelenoe, Nizhnegorskiy District, Republic of Crimea,

This ruling may be appealed in accordance with the appellate procedure to the Court of Appeal of the Republic of Crimea within ten days from the date of its issuance

Judge
Mozhelyanskiy

(signed)

V.A.

(Stamp)

TRUE COPY

Judge V.A. Mozhelyanskiy

The ruling was not contested and entered into force
as of 16 September 2014

True: judge (signed)

Secretary (signed)

(Seal)

(Coat of arms of the Russian Federation)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

(Stamp)

Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea
Original copy was sent to be stored in the materials
for the case No. 3/6-340/2014

The copy is issued on 4 September 2015

Judge (signed)

Secretary (signed)

(Seal)

(Coat of arms of the Russian Federation)
Court of the Kievskiy District of
the city of Simferopol, Republic of Crimea

Annex 184

Gagarinsky District Court of Sevastopol, Case No. 5-373/2014,
Decision, 8 September 2014

Translation

5-373/2014

DECISION

8 September 2014

Gagarinskiy District Court of Sevastopol

O.S. Khoroshev, judge of the Gagarinskiy District Court of Sevastopol, with participation of O.V. Zheleznyak, defence counsel and attorney, acting pursuant to warrant of attorney No. 004293 of 8 September 2014, having considered in an open court in the courtroom in Sevastopol administrative materials on administrative offence against

Viktor Vadimovich Neganov, born on 19 August 1985 in Sevastopol, citizen of Ukraine, registered at [address],

under part 2 Article 20.2 of the Code on Administrative Offences of the Russian Federation,

ESTABLISHED:

V.V. Neganov committed an administrative offence stipulated by Part 2 Article 20.2 of the Code on Administrative Offences of the Russian Federation, under the following circumstances:

On 24 August 2014 at 12.30 pm near house No. 3 in the Antichniy Avenue of Sevastopol, V.V. Neganov held a public event commemorating the "Ukrainian Independence Day" - a rally without submitting a notification on holding a public event (mass rally) in accordance with the established procedure.

V.V. Neganov failed to appear in the court hearing, having been previously notified thereof in accordance the established procedure and did not provide the court with reasons for his non-appearance.

The defence counsel - attorney O.V. Zheleznyak, having preliminarily reviewed in court the materials on the administrative offence relating to V.V. Neganov, explained that V.V. Neganov was being under treatment in a Kiev hospital on the territory of the state of Ukraine, however, the defence does not have at its disposal the evidence of this circumstance. She had become aware of the place, time and date of the proceedings on the administrative materials relating to V.V. Neganov accidentally. She requests to discontinue the materials on the administrative offence relating to V.V. Neganov due to a lack of evidence. She pays attention to the fact that the administrative offence records do not contain the indication of the place where they were drawn up.

Having heard the defence counsel O.V. Zheleznyak, having examined the materials on the administrative offence, I conclude that it is possible to consider the administrative materials in absence of V.V. Neganov, since the court is provided with sufficient materials for comprehensive, complete, unbiased and timely clarification of the case resolution circumstances in accordance with the law.

Evaluating the provided evidence in its entirety, I assume that an administrative offence event did took place, and V.V. Neganov is fully proved guilty in committing the administrative offence stipulated by Part 2 Article 20.2 of the Code on Administrative Offences of the Russian Federation.

The fact of committing the offence by V.V. Neganov is evidenced by the case materials, namely: message from A.S. Eskov dated 24 August 2014 at 12.40 pm regarding the commission of an offence; application of A.S. Eskov for applying of measures to a group of persons who, on 24 August 2014, around 12.40 pm, being near house No. 3 in the Antichniy Avenue of Sevastopol, were holding a rally using unfurled Ukrainian flags and applying special protection device (gas tank and pepper spray) to passers-by; a statement by A.S. Eskov to the Head of the Department of Internal Affairs of Russia for the Gagarinskiy District Court of Sevastopol, from which it is follows that on 24 August 2014 approximately at 12.40 pm in the Antichniy Avenue of Sevastopol, he became a witness of a rally held by a group consisting of 6 or 8 persons, during which the participants of the rally were waving the Ukrainian flags and applying gas from the spray to passers-by, frightened passers-by with electric shock cracking, after that the group of persons left the place of rally in two cars, one of which was grey Honda, number plate CH5206, and the other one was Fiat, number plate CH3614; by reports of 24 August 2014 drawn up by police officers on seizure of the above mentioned cars driven by V.V. Neganov and S.V. Kornienko; by report of 24 August 2014 drawn up by A.R. Ablav, District Police Officer of the Department of Internal Affairs of Russia for the Gagarinskiy District of the Russia's Internal Affairs Directorate for Sevastopol, on S.V. Kornienko's refusal to provide an explanation regarding the offence commission; a copy of driver's license pertaining to S.V. Kornienko and a vehicle registration certificate owned by S.V. Kornienko; a copy of passport of a Ukrainian citizen of V.V. Neganov; a statement

by V.V. Neganov on refusal to explain any circumstances; explanations by S.A. Krasnyanskiy and N.V. Kerianova of 24 August 2014, whereby the above persons confirmed that V.V. Neganov refused to sign the administrative offence records in their presence.

The available evidence collected in this case are evaluated in conjunction with other administrative offence case materials in accordance with the requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation.

Therefore, the offender's actions have been correctly qualified under Part 2 Article 20.2 of the Code on Administrative Offences of the Russian Federation and constitute the holding of a public event without submitting a notification on holding of a public event in accordance with the established procedure.

There are no circumstances that could mitigate or aggravate the offender's liability have been found in the case materials nor provided by the defence counsel.

When imposing a penalty, the court takes into account the nature and extent of public danger of the administrative offence committed by V.V. Neganov as well as the personality of the guilty.

Given the case circumstances, the offender must be subjected to punishment in the form of an administrative fine.

The court cannot consider the contentions of the defence counsel O.V. Zheleznyak, stating that the administrative offence records regarding V.V. Neganov do not contain the indication of the place where they were drawn up, since it is stated in the records that they are drawn up in Sevastopol.

In view of the foregoing and pursuant to Article 29.10 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

To find Viktor Vadimovich Neganov born on 19 August 1985 in Sevastopol, guilty in committing an administrative offence stipulated by Part 2 Article 20.2 of the Code on Administrative Offences of the Russian Federation and impose punishment in the form of an administrative fine in the amount of thirty thousand (30 000) rubles.

The fine is to be payable to the following details: account No. 40201810967110000004 (in rubles), beneficiary: Treasury Service of Sevastopol, beneficiary's bank: Sevastopol Branch of the Central Bank of the Russian Federation, bank identification code: 046711001, state budget revenue classification code: 21081100

Payment purpose: administrative fines and other sanctions - *; 121; legal entity client code under the Unified State Register of Enterprises and Organizations of Ukraine (8 digits) or registration number of an individual taxpayer record card (10 digits); 21081100; 006; administrative fine Gagarinskiy District Court of Sevastopol

The decision on the administrative offence case may be appealed under the procedure stipulated in Articles 30.1 – 30.5 of the Code on Administrative Offences of the Russian Federation in the Sevastopol Court of Appeal within ten days from the date of delivery or receiving a copy of the decision on the administrative offence case.

Judge

(signature)

O.S. Khoroshev

/SEAL: Gagarinskiy District Court of Sevastopol/

/SEAL: Gagarinskiy District Court of Sevastopol/

/STAMP: TRUE COPY

Judge's signature (signed)

Secretary /illegible/

Position, signature, full name of the court clerk

21 May 2020/

/STAMP: Gagarinskiy District Court of Sevastopol

The judicial act is effective from 15 October 2014

The original judicial act is kept on file in case materials No. 5-373/2014 by the Gagarinskiy District Court of Sevastopol

Judge: (signed) Secretary: (signed)/

Annex 185

Central District Court of Simferopol of the Republic of Crimea, Case
No. 2-1688/14, Ruling on interim measures, 15 September 2014

Translation

Case No. 2-1688/14

RULING
on interim measures

15 September 2014

Simferopol

Judge of Central District Court of the city of Simferopol of the Republic of Crimea, Andreyeva O.N., having considered the application of the Prosecutor's Office of the Republic of Crimea in defense of the interests of an indefinite group of people to the Charity Organization "Crimea Foundation" regarding provisional remedy,

ESTABLISHED:

15 September 2014, the Prosecutor's Office of the Republic of Crimea, in defense of the interests of an indefinite group of people to the Charity Organization "Crimea Foundation", appealed to the court seeking for interim measures by prohibiting the Charity Organization "Crimea Foundation" to carry out financial and economic activities in terms of the use and disposal of property owned by it and bank settlement accounts until the elimination of violations of Part 1, Art. 15 of the Law of the Russian Federation "On non-profit organizations" by excluding M. Dzhemilev from its founders.

The application is motivated by the fact that in accordance with Record No. 1 of 9 May 2002 of the Charity Organization "Crimea Foundation" foundation conference, the founder of this organization is a Ukrainian national M.A. Dzhemilev. According to Part 1, Art. 15 of the Law of the Russian Federation of 12 January 1996, No. 7 FZ "On non-profit organizations", the founder of a non-profit organization cannot be a foreign national or an stateless person charged with the decision on the undesirability of stay (residence) in the Russian Federation and based on Art. 25.10 of the Law of the Russian Federation of 15 August 1996, No. 114-FZ "On procedure for leaving and entering the Russian Federation", M.A. Dzhemilev was charged on 29 April 2014, with the decision on his undesirable stay in the Russian Federation for a period of 5 years. Also, M.A. Dzhemilev had been previously warned against extremist activity by the Republican Prosecutor's Office in accordance with Art. 15 of the Federal Law of 25 July 2002, No. 114-FZ "On countering extremist activities". In addition, M.A. Dzhemilev, being the founder of the Charity Organization "Crimea Foundation", may destructively affect social processes, persuade the population of the Republic of Crimea to carry out extremist activities, use the material and organizational resources of the Charity Organization "Crimea Foundation" for conducting and supporting such activities.

By virtue of Art. 139 of the Civil Procedural Code of the Russian Federation, at the request of the persons participating in the case, the judge or the court may take measures regarding interim relief. Interim relief is allowed in any state of affairs, if failure to take measures regarding interim relief may complicate or make impossible the execution of the court decision.

Considering the need to take these measures in order to ensure the protection of the rights and interests of society and the state protected by law, as well as to ensure the execution of a possible court decision, the court considers it possible to take measures regarding interim relief.

Guided by Art. 139.140 of the Civil Procedural Code of the Russian Federation, the judge

RULED:

To satisfy the application of the Prosecutor's Office of the Republic of Crimea in defense of the interests of an indefinite group of people to the "Crimea Foundation" Charity Organization regarding the interim measures.

To take action on interim measures in civil case No. 2-1688/2014.

1. To prohibit the Charity Organization "Crimea Foundation" (registered address: 40 Zhidkova Str., Simferopol, The Republic of Crimea, actual address: 2 Shmidta Str., Simferopol, The Republic of Crimea, registered by the Executive Committee of the Simferopol City Council of the Autonomous Republic of Crimea, Certificate No. 206 of 23 July 2002) exercising the powers of an owner in terms of possessing and using the property it (Charity Organization "Crimea Foundation") owns, including letting out, selling (alienating) the movable and immovable property, entering into any agreements by any means with respect to such property, which is located at:

1) 40 Zhidkova Str. / 117 Krylova Str., Simferopol, the Republic of Crimea;

- 2) 34 8-e Marta [*Vosmogo Marta*] Str., Simferopol, the Republic of Crimea;
- 3) 155 Yaltinskaya Str., apt. 3, Simferopol, the Republic of Crimea;
- 4) 23 Krymskikh Partizan Str., apt. 44, Simferopol, the Republic of Crimea;
- 5) 92-a Kievskaya Str., apt. 34, Simferopol, the Republic of Crimea;
- 6) 37/8 Zheliabova Str., apt. 88, Simferopol, the Republic of Crimea;
- 7) 2 Shmidta Str., Simferopol, the Republic of Crimea.

2. To freeze settlement accounts at Closed Joint Stock Company Commercial Bank (ZAO KB) "Vladikombank" No. 40703810800030100027 at 69-a Ostryakova Str., Sevastopol, Republic of Crimea, 299040; 295017 Republic of Crimea, Simferopol, 8 Z. Zhiltsova Str.

3. To prohibit the Charity Organization "Crimea Foundation" from opening new current accounts in banks in the territory of the Russian Federation.

The execution of the court ruling shall be entrusted to the bailiff chief in Central District of Simferopol, the Republic of Crimea.

Within fifteen days, a private complaint against the Ruling may be filed to the Court of Appeal of the Republic of Crimea via the Central District Court of Simferopol.

Judge

/signed/

O.N. Andreyeva

Annex 186

Central District Court of Simferopol of the Republic of Crimea, Case
No. 2-1688/14, Writ of Execution No. 011913686,
15 September 2014

Translation

(Coat of Arms)

WRIT OF EXECUTION**Case No. 2-1688/14**15 September 2014
(the date of the Court Decision)Central District Court of the city of Simferopol of the Republic of Crimea

(full name and mailing address of the court (court district) that issued the Writ of Execution)21 Turetskaya Str., Simferopol

(name and seat of the foreign court, arbitration or the international commercial arbitration,

that issued the court act that served as a basis for the Writ of Execution)

having considered the civil case based on claim of the Prosecutor's Office of the Republic of Crimea for the defence of public interests against Charity Organization "Crimea Foundation" seeking for elimination of violations of the provisions of federal legislation

determined (ruled, decided) To prohibit Charity Organization "Crimea Foundation" (registered address: 40 Zhidkova Str., Simferopol, the Republic of Crimea, actual address: 2 Shmidta Str., Simferopol, the Republic of Crimea, registered by the Executive Committee of the Simferopol City Council of the Autonomous Republic of Crimea, Certificate No. 206 of 23 July 2002), from exercising the powers of an owner in terms of possessing and using the property it (Charity Organization "Crimea Foundation") possesses, including renting out, selling (alienating) the movable

Series VS No. 011913686

and immovable property, entering into any agreements by any means with respect to such property located at:

- 1) 40 Zhidkova Str. / 117 Krylova Str., Simferopol, the Republic of Crimea;
- 2) 34 8-e Marta [*Vosmogo Marta*] Str., Simferopol, the Republic of Crimea;
- 3) apt. 3, 155 Yaltinskaya Str., Simferopol, the Republic of Crimea;
- 4) apt. 44, 23 Krymskikh Partizan Str., Simferopol, the Republic of Crimea;
- 5) apt. 34, 92-a Kievskaya Str., Simferopol, the Republic of Crimea;
- 6) apt. 88, 37/8 Zheliabova Str., Simferopol, the Republic of Crimea;
- 7) 2 Shmidta Str., Simferopol, the Republic of Crimea

The Court Act is subject to immediate enforcement
(entered into effect (day, month, year))
_____ or is
subject to immediate enforcement – indicate the appropriate)

The Writ of Execution is issued on 15.09.2014
(day, month, year)

The period for the service of the Writ of Execution 3 years

Claimant Prosecutor's Office of the Republic of Crimea located at:
(for an individual – last name, name, patronymic, date and place of birth, place of residence or place of stay,
21 Sevastopolskaya Str., Simferopol, the Republic of Crimea, 295015

for the entity – full name, registered address; for the Russian Federation, constituent entity of the Russian Federation or municipal entity – the name, address of the body authorized to exercise the rights and fulfill obligations on their behalf within the execution proceeding)

Debtor Charity Organization "Crimea Foundation", registered address:
(for an individual – last name, name, patronymic, date and place of birth, place of residence or place of stay,

40 Zhidkova Str., Simferopol, the Republic of Crimea, actual address:
Place of work or date and place of its state registration as the Sole Entrepreneur

2 Shmidta Str., Simferopol, the Republic of Crimea, identification code

For the entity – full name, registered address; for the Russian Federation, constituent entity of the Russian Federation or municipal entity – the name, address of the body authorized to exercise the rights and fulfill obligations on their behalf within the enforcement proceeding)

19008458, date of state registration: July 23, 2002, place of state registration – Executive Committee of Simferopol City Council of the Autonomous Republic of Crimea

/Seal: Central District Court of the city of Simferopol of the Republic of Crimea/

Place of official seal of the Court (Justice of the Peace) (Seal here)

Judge (Justice of the Peace)

/Signed/ O.N. Andreyeva
(signature, last name, initials)

Series VS No. 011913686

Annex 187

Criminal Investigative Directorate of the Ministry of Internal Affairs
for the Republic of Crimea, Report, 17 September 2014

Translation

To the Head of the Criminal Investigative Directorate
of the Ministry of Internal Affairs for the Republic of
Crimea,
Police lieutenant-colonel, M.A. Salkov

R E P O R T

I report that, as a result of the inspection repeated on 17 September 2014, it was found that Vasily Vladimirovich Chernysh, born on 2 January 1978, Ivan Valeryevich Bondarets, born on 31 July 1990 and Valery Vasilyevich Vashyu, born on 29 December 1985 are not on file of the operational, reference, informational and analytical records of the Information Center of the Ministry of Internal Affairs for the Republic of Crimea and the Information Center of the Directorate of the Ministry of Internal Affairs of Russia for the federal city of Sevastopol; during the period from 1 March 2014 to 17 September 2014 no reports (appeals) about the crimes committed against these persons were submitted to the territorial bodies at the regional level - subordinates of the Ministry of Internal Affairs in the Republic of Crimea and to the subdivisions of the Directorate of the Ministry of Internal Affairs of Russia for the city of Sevastopol.

The senior operations officer of the Activities Coordination
Department of the Internal Affairs Bodies on the search for
missing persons of the Criminal Investigative Directorate of
the Ministry of Internal Affairs in the Republic of Crimea,
police senior lieutenant
17 September 2014

(signed)

V.V. Gubal

Annex 188

Central District Court of Simferopol of the Republic of Crimea,
Case No. 2-1676/14, Decision, 18 September 2014

Translation

Case No. 2-1676/14

DECISION

In the name of the Russian Federation

18 September 2014

Simferopol

Central District Court of Simferopol of the Republic of Crimea, comprised of:

Presiding judge - E.R. Fedorenko,

With secretary - Yu.Yu. Chervyakova,

With the participation of the Applicant's representative – E.E. Gafarov, acting on the basis of a power of attorney,

Prosecutor of the Prosecutor's Office of the Republic of Crimea – R.O. Barilo,

having considered in an open court session a civil case on the Application of the Television company "Atlant-SV" LLC contesting the actions of the Prosecutor of the Republic of Crimea N.V. Poklonskaya in connection with the issuance of a Warning on the impermissibility of violating the law on countering extremist activity and the legislation on mass media of 16 May 2014 regarding Liliya Rustemovna Budzhurova,

ESTABLISHED:

Television Company "Atlant-SV" LLC appealed to the Court with an Application contesting the actions of the Prosecutor of the Republic of Crimea N.V. Poklonskaya in connection with the issuance of a Warning on the impermissibility of violating the law on countering extremist activity and the legislation on mass media of 16 May 2014 regarding the Deputy General Director of the company L.R. Budzhurova. The Application is substantiated by the fact that Television Company "Atlant-SV" LLC was created and operates as a mass media outlet, covering the socio-political, socio-economic and other spheres of life, both in Crimea and beyond its borders. On 16 May 2014 Deputy General Director of the company L.R. Budzhurova received the above-mentioned Warning, according to which L.R. Budzhurova is deemed liable for the activities of the television channel in broadcasting a video of an unauthorized rally, during which some of its participants made statements calling for illegal actions, including those of an extremist nature, and for incitement of ethnic and other hatred, which, in accordance with Article 1 of the Federal Law "On countering extremist activities", may contain signs of extremist activity. The Warning also states that the media, during the preparation of materials and their subsequent broadcasting, allowed repeated statements containing signs of extremist nature made by M.A. Dzhemilev and other persons on the absolute necessity to liberate Crimea from representatives of Russian nationality, on support by the Mejlis of persons voicing anti-occupation slogans at public events and of aggression against the flag of the Russian Federation. In addition, in the Warning L.R. Budzhurova is also accused of allowing the possibility of simultaneous holding on 17 May 2014, in the immediate vicinity of each other, of entertainment events and mourning events to commemorate the Remembrance Day of the Victims of Deportation from Crimea in the V.I. Lenin Square in Simferopol, a concert of the Russian group Kipelov at 06.00 PM and the mourning youth action "Light a Fire in Your Heart" from 05.00 PM to 08.00 PM, since allowing such possibility could have caused social unrest and conflicts between the participants of the events. According to the Applicant, this Warning is illegal and shall be revoked. Specifically, [the Applicant asserts that] none of the statements made on 3 May 2014 in the video possessed the criteria of extremist activity as set out by Article 1 of the Federal Law "On countering extremist activities", i.e. calls for ethnic or other hatred, change in the foundations of the constitutional order, violation of [territorial] integrity of the Russian Federation, justification of terrorism, for other terrorist activities, violation of the rights, freedoms and legitimate interests of a person and a citizen. In this connection, the arguments of the Warning are unfounded and are not substantiated by any objective evidence. The reference in the Warning to Part 1 of Article 4 of the

Law of the Russian Federation “On Mass Media” is unfounded, since during the period of the television channel's activity, neither the founders, nor the management, nor the journalists of this mass media outlet have ever allowed such statements. The goal of the television channel has always been, is and will continue to be concentrated on activities directed at strengthening interethnic and interfaith harmony and-

[Signature, seal: Television company “Atlant-SV”; Illegible handwritten text]

-peace in Crimea, development of good-neighborly and tolerant mutual attitude among the inhabitants of Crimea, regardless of their national, religious, racial, sexual, social, linguistic and other background. As for the arguments of the Warning on holding an entertainment event - a concert of the Russian group Kipelov on 17 May 2014 in the immediate vicinity of the “Light a Fire in Your Heart” mourning event, in accordance with the Resolution of the Council of Ministers of the Republic of Crimea, the Applicant indicated that neither L.R. Budzhurova, nor the ATR television channel had organized this entertainment event. The organizers of the specified concert, without notifying the television channel, circulated old posters, printed in November 2013, with the logo of the company, which at that time participated in the advertising campaign of the concert. In addition, the mourning event, which was planned to be held on 17 May 2014 in the V.I. Lenin Square, was canceled by the Resolution of the Crimean government. Current legislation provides for the possibility of issuing a Warning only in certain cases when there is information indicating impending illegal actions. Such information shall be credible. In the contested Warning, such information regarding L.R. Budzhurova is not indicated, therefore, in their absence, as well as without their specific indication, the actions of the Prosecutor on the issuing of this Warning are unreasonable and do not meet the requirements of the legislation. Based on the above, it was requested to recognize the Warning of 16 May 2014 as illegal and revoke it.

At the hearing the Applicant’s representative supported the Application and asked to satisfy it.

The Prosecutor at the hearing objected to the satisfaction of the Application, on the grounds that the rights, freedoms or legitimate interests of the Applicant Television Company “Atlant-SV” LLC are not affected by the contested Warning of 16 May 2014 on the impermissibility of violating the legislation on countering extremist activities and the legislation on mass media, since it was L.R. Budzhurova who was personally warned by the specified reactive act on the impermissibility of carrying out extremist activities. In itself, the Prosecutor’s Warning is not absolute and does not have the force of compulsory execution. The Warning is of a recommendatory nature, does not contain obligatory authoritative instructions, orders, being a non-procedural way of preventing administrative and other offenses. In addition, warning as a type of decisions or actions is not regarded contestable in civil proceedings, and therefore the Prosecutor considers that the proceedings on the case shall be terminated on the basis of Article 220 of the Civil Procedural Code of the Russian Federation.

Having heard both sides, having studied the materials of the case, the Court finds as follows.

According to Article 254 of the Civil Procedural Code of the Russian Federation, a citizen, an organization has the right to contest in court the decision, action (inaction) of a government organ, local government organ, public official, state or municipal officer, if they believe that their rights and freedoms have been violated. A citizen, an organization has the right to appeal directly to a court or to superior government organ, superior local government organ, superior public official, and superior state or municipal officer.

In Clause 3 of the Decision of the Plenum of the Supreme Court of the Russian Federation of 10 February 2009 No. 2 “On the practice of consideration by the courts of contested decisions, actions (inactions) of government bodies, local government bodies, public officials, state or municipal officers” it is explained that public officials, decisions or actions (inactions) of which may be contested under the rules of Chapter 25 of the Civil Procedural Code of the Russian Federation, include, in particular, public officials of the Prosecutor’s Office, decisions or actions (inactions) of which are not subject to contestation in the order of criminal proceedings, as well as in the order of proceedings on cases of administrative offenses.

Considering the meaning of these explanations, only those actions and decisions of the officials of the Prosecutor’s Office, which are not subject to contestation in another judicial order, are subject to contestation in civil proceedings.

The Warning of the Prosecutor is not subject to contestation in the order of criminal proceedings, as well as in the order of proceedings on cases of administrative offenses, thus it can be contested under the rules of Chapter 25 of the Civil Procedural Code of the Russian Federation.

In addition, Article 6 of the Federal Law of the Russian Federation “On countering extremist activities” provides that a warning can be contested in court in accordance with the established procedure.

According to Clause 25 of the above-mentioned Decision of the Plenum of the Supreme Court of the Russian Federation, while considering merits of the case merits, the court shall establish:

[Signature, seal: Television company “Atlant-SV”; Illegible handwritten text]

whether the organ (person) has the authority to adopt a decision or commit an action. In the case when the adoption or non-adoption of a decision, commission or non-commission of an action is attributed by virtue of a law or other legal act to the discretion of a organ or person whose decision, action (inaction) is contested, the court is not entitled to assess the feasibility of such decision, action (inaction), for example, when contesting inaction expressed in the non-adoption of an act on awarding a specific person;

whether the order of adopting decisions and committing actions by an organ or person has been complied with, if such requirements are established by law (form, terms, grounds, procedure, etc.) At the same time, it should be considered that unlawfulness of the contested decision, action (inaction) is only demonstrated by substantial non-observance of the established order;

whether the content of the contested decision, committed action (inaction) meets the requirements of the pertinent law and other normative acts regulating these legal relations.

The basis for the satisfaction of the application may come in form of a violation of the requirements of the law at least on one of the grounds indicating the illegality of the adopted decisions, committed actions (inactions).

In accordance with Article 129 (Part 5) of the Constitution of the Russian Federation, the authority, structure and operating procedures of prosecutorial organs of the Russian Federation are determined by federal law. This includes, in particular, Federal Law “On the Prosecutor’s Office of the Russian Federation”, according to which the Prosecutor’s Office of the Russian Federation, on behalf of the Russian Federation, supervises the implementation of laws that are in force on the territory of the Russian Federation (Article 1). The tasks assigned to the Prosecutor’s Office of the Russian Federation and the authority of prosecutors are determined by the goals of ensuring the rule of law, unity and strengthening of legality, protection of the rights and freedoms of the human and the citizen, and of the legally protected interests of society and the State, which correlates with the provisions of Articles 2, 4 (Part 2), 15 (Parts 1 and 2) and 18 of the Constitution of the Russian Federation.

Among the competence listed in Article 22 of this Federal Law, the prosecutor or their deputy has the right, on the grounds established by law, to initiate proceedings on an administrative offense, to demand that persons who have violated the law be brought to other liability established by law, to warn on the impermissibility of violating the law.

In order to prevent offenses and in the presence of information regarding the impending illegal actions, the prosecutor or their deputy send in writing to public officials, and if there is information indicating impending illegal actions containing signs of extremist activities, to the heads of public (religious) associations and other persons, a warning on the impermissibility of violating the law (Article 25.1 of the Law).

In case of non-fulfillment of the requirements set forth in said warning, the public official to whom it was issued may be held liable in the manner prescribed by law.

This competence is carried out by the Prosecutor in order to prevent offenses and in the presence of information indicating impending illegal actions that may harm or have harmed the State or public interests or legally protected rights and freedoms of the person and the citizen, but do not entail criminal liability.

The issuing of a warning by the Prosecutor is also provided for by the Federal Law of the Russian Federation “On countering extremist activities”, in accordance with Article 6 of which, in the presence of sufficient and previously confirmed information indicating impending illegal actions containing signs of extremist activity, and in the absence of grounds for criminal prosecution, the Prosecutor General of the

Russian Federation or their deputy, or the corresponding prosecutor subordinate to the Prosecutor General of the Russian Federation or their relevant deputy prosecutor, issues to the head of a public or religious association or head of another organization, or to other persons concerned, a written warning on the impermissibility of such activity, indicating the specific grounds for the issuance of the warning. In case of non-fulfillment of the requirements set forth in the warning, person to whom the warning was announced may be held liable according to the relevant legal procedure.

It follows from the Instructions of the Prosecutor General's Office of the Russian Federation of 6 July 1999 No. 39/7 that to ensure the legality and uniformity of the Application of legal means of warning and response, prosecutorial organs are proposed in their practice:

for prosecutors of constituent entities of the Russian Federation, cities and regions, military and other prosecutors of specialized Prosecutor's Offices – to use warning on the impermissibility of violating the law as an essential measure for preventing offenses.

[Signature, seal: Television company "Atlant-SV"; Illegible handwritten text]

Warnings should be issued in all cases when the prosecutor has information indicating impending illegal actions.

Issuance of a warning to a public official may only be based on reliable information on the impending illegal actions that may lead to the commission of an offense and cause harm to public interests, interests of the State or legally protected rights and freedoms of the person and the citizen, which do not entail criminal liability.

A warning on the impermissibility of violating the law may only be applied to public officials. It cannot be addressed to citizens and legal entities. A warning shall be issued to public officials of government bodies, local government bodies, state and municipal institutions, military administrative bodies, military units and institutions. It can also be announced to directors and other employees of commercial and non-commercial organizations performing organizational and managerial, administrative and economic functions.

A warning is issued on the basis of the results of conducted inspections, including those performed pursuant to statements and appeals from citizens, information from regulatory authorities and other specific signals containing reliable information on the impending illegal actions.

It was established by the Court that the Prosecutor of the Republic of Crimea N.V. Poklonskaya issued on 16 May 2014 a Warning on the impermissibility of violating the law on countering extremist activities and the legislation on mass media to the Deputy General Director of Television Company "Atlant-SV" LLC L.R. Budzhurova.

The Warning indicates that on 3 May 2014, at the Armiansk Inspection Post on the border of the Russian Federation and in its surrounding area an unauthorized rally was held by about 1,500 people of Crimean Tatar nationality with the purpose of meeting the People's Deputy of Ukraine M.A. Dzhemilev. The rally was accompanied by the use of violence against government officials, as well as by crossing the state border of the Russian Federation and other illegal actions. At the place of commission of the above illegal actions, which could have provoked civil unrest, the representatives of Television Company "Atlant-SV" LLC conducted filming, after which the television channel aired a video of the unauthorized rally. During said rally statements were made calling for committing illegal actions, including acts of extremist nature, by M.A. Dzhemilev and other persons on the absolute necessity to liberate Crimea from representatives of Russian nationality, on support by the Mejlis of persons voicing anti-occupation slogans at public events and of aggression against the flag of the Russian Federation.

In addition, the Warning indicates that [the Applicant] allowed the possibility of simultaneously holding entertainment events in the immediate vicinity of mourning events, which could lead to conflicts between the participants of the events and social unrest, as well as other unauthorized mass actions. As such, with the support of the television channel ATR, from 06:00 PM on 17 May of this year, in the Crimean Academic Ukrainian Musical Theater (V.I. Lenin Square, Simferopol) a concert of the Russian group Kipelov was organized. Moreover, on the same date, in the V.I. Lenin Square in Simferopol a mourning youth action "Light a Fire in Your Heart" was planned to be held by the organizing committee for the preparation and holding of

events dedicated to the Remembrance Day of the Victims of Deportation from Crimea, with the participation of at least 5,000-6,000 people. These actions, namely the organization of the rock concert, in which a significant number of differently minded fans (followers) will take part, while holding mourning events timed to coincide with the 70th anniversary of the deportation from Crimea, can be provocative in nature, lead to civil unrest and manifestations of extremist nature, pose a threat to the life and health of citizens and lead to other negative consequences.

The Warning points out that potential aggravation of the crime situation, further destabilization of the interethnic situation in Crimea and possible provocations during these days are evidenced by events in neighboring regions of southeastern Ukraine, as well as by numerous statements made by Mejlis leaders.

In addition, the prosecutorial organs are receiving appeals from citizens fearing an exacerbation of interethnic relations, with requests to take appropriate reactive measures.

When deciding on the merits of the case, the Court takes into account the following.

According to Article 11 of the Federal Law of the Russian Federation “On countering extremist activities”, it is prohibited in the Russian Federation for mass media to distribute extremist materials and to carry out extremist activities.

[Signature, seal: Television company “Atlant-SV”; Illegible handwritten text]

In accordance with Article 1 of this Law, “extremist activity” is understood to include incitement to social, racial, national or religious hatred.

The media outlet Television company “Atlant-SV” LLC, which filmed an unauthorized rally held with the purpose to meet the People’s Deputy of Ukraine M.A. Dzhemilev, aired a video of this rally, during which statements of an extremist nature by M.A. Dzhemilev and other persons were made.

Thus, when preparing this video for airing, Television Company “Atlant-SV” LLC did not take into account the provisions of the law on prohibition of distribution of extremist materials, impermissibility of which the Prosecutor indicated in her warning.

Regarding the fact of the simultaneous holding of entertainment and mourning events capable of developing conflicts between the participants and other unauthorized actions of a mass nature being allowed, in connection with the support of the ATR television channel of the concert of the Russian group Kipelov, the Court takes into account that the involvement of the ATR television channel was evidenced by the posters containing the television channel’s logo, which in itself is sufficient to confirm information about the impending illegal actions, and, consequently, to enable the Prosecutor to use legal means of reaction in the form of a warning.

Therefore, the Applicant’s arguments that the Prosecutor did not confirm the unlawfulness of the public official’s actions and the violation of the law due to the failure to carry out a proper inspection, are unfounded.

The contested Warning is an act of prosecutorial reaction, in accordance with Article 25.1 of the Federal Law “On the Prosecutor’s Office of the Russian Federation” and Article 6 of the Federal Law of the Russian Federation “On countering extremist activities”, and has the nature of proposal on the impermissibility of violating the law, i.e. is a preventive measure and was sent to the public official of Television Company “Atlant-SV” LLC L.R. Budzhurova in order to prevent offenses.

Considering the foregoing, the Court found that the Prosecutor’s demand contained in the Warning is in conformity with the law, this act was issued by an authorized person, in compliance with the necessary procedure and with the grounds to issue it.

Under such circumstances, the Application for recognition as illegal and revocation of the Warning of 16 May 2014 on the impermissibility of violating the legislation on countering extremist activities and the legislation on mass media shall be dismissed.

Being guided by Articles 193-198, 254-258 of the Civil Procedural Code of the Russian Federation, the Court

DECIDED:

That the Application of the Television Company “Atlant-SV” LLC on contesting the actions of the Prosecutor of the Republic of Crimea N.V. Poklonskaya in connection with the issuance of the Warning on the impermissibility of violating the law on countering extremist activities and the legislation on mass media of 16 May 2014 regarding L.R. Budzhurova shall be dismissed.

The decision may be appealed in the appellate organ through the Central District Court of Simferopol within one month from the date of its adoption by the Court in its final form.

Judge *[Signature]* E.R. Fedorenko

Stamp:

Handwritten:

*Central District Court of Simferopol, the Republic
of Crimea
Original decision is kept in civil case No. 2-
1676/2014
Copy issued on 7 April 2019
Judge [Signature]
Court secretary [Signature]
Seal: Central District Court of Simferopol, the
Republic of Crimea*

*True copy.
The decision was appealed, left unchanged,
entered into force on 12 March 2015.
Judge [Signature]
Secretary [Signature]
Seal: Central District Court of Simferopol, the
Republic of Crimea*

Annex 189

Criminal Investigative Directorate of the Ministry of Internal Affairs
for the Republic of Crimea, Resolution on the refusal to initiate a
criminal case, 19 September 2014

Translation

APPROVED BY
Acting Head of Police of the Ministry of
Internal Affairs in the Republic of Crimea
Police Colonel
[Signature] K.D. Polishchuk

19 September 2014

RESOLUTION
on the refusal to initiate a criminal case

19 September 2014

Simferopol

I, Senior Police Lieutenant V.V. Gubal, Senior Criminal Investigator of the Department for Coordination of the Activities of Internal Affairs Organs on the search for missing persons of the Criminal Investigative Directorate of the Ministry of Internal Affairs in the Republic of Crimea, having considered the application of the Senior Counsel of Justice V.V. Kuznetsov, Deputy Prosecutor of the Republic of Crimea, and the publication of M. Tomak, representative of the Centre for Civil Liberties and the Euromaidan - SOS civic initiative, concerning the disappearance of Ivan Bondarets, Vladislav Vashchuk, Vasily Chernysh (Ref. No. Isorg-15/1-2025-14 of 6 August 2014, Ministry of Internal Affairs Ref. No. 27 of 11 August 2014, Criminal Investigative Directorate Ref. No. 701 of 11 August 2014), registered on 11 August 2014 under No. 829 in the Crime Reports Registration Book of the Police Dispatch Centre of the Ministry of Internal Affairs in the Republic of Crimea,

ESTABLISHED:

On 11 August 2014, the Ministry of Internal Affairs in the Republic of Crimea received, from the Prosecutor's Office of the Republic of Crimea, an application from Senior Counsel of Justice V.V. Kuznetsov, Deputy Prosecutor of the Republic of Crimea (Our Ref. No. Isorg-15/1-2025-14 of 6 August 2014) with the publication of M. Tomak, a representative of the Centre for Civil Liberties and the Euromaidan – SOS civic initiative, concerning the disappearance of Ivan Bondarets, Vladislav Vashchuk, Vasily Chernysh (Ministry of Internal Affairs Ref. No. 2768 of 11 August 2014, Criminal Investigative Directorate Ref. No. 701 of 11 August 2014).

According to the application, on 11 July 2014, a publication titled “Ukrainian activists remain missing in Crimea” was published on the LIGA.News website. The publication says that since March of this year, the whereabouts of the Ukrainian activists Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh, with whom there was no communication after their arrival in Simferopol, remain unknown. Maria Tomak, a representative of the Centre for Civil Liberties and the Euromaidan SOS civic initiative, reported this fact at a briefing.

Internet publication of M. Tomak, representative of the Centre for Civil Liberties and the Euromaidan - SOS civic initiative, which concerns the disappearance of Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh, was sent to the Ministry of Internal Affairs in the Republic of Crimea with the purpose of making a decision in accordance with the requirements of the “Instruction on the procedure for considering applications, reports of crimes and other information on accidents connected with disappearances of persons” approved by Order of the Prosecutor General's Office of the Russian Federation No. 70 of 27 February 2010 and by Order of the Ministry of Internal Affairs of the Russian Federation No. 122 of 27 February 2010.

On 11 August 2014, the application of the Deputy Prosecutor of the Republic of Crimea, Senior Counsel of Justice V.V. Kuznetsov (Ref. No. Isorg-15/1-2025-14 of 6 August 2014) with the publication of M. Tomak, representative of the Centre for Civil Liberties and the Euromaidan - SOS civic initiative, concerning the disappearance of Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh, who arrived in Simferopol in March 2014, was registered in the Crime Reports Registration Book of the Police Dispatch Centre of the Ministry of Internal Affairs in the Republic of Crimea under No. 829.

On 11 August 2014, the file registered in the Crime Reports Registration Book under No. 829 of 11 August 2014 was received by the Criminal Investigative Directorate of the Ministry of Internal Affairs in the Republic of Crimea for further consideration and decision-making in accordance with Article 145 of the Criminal Procedural Code of the Russian Federation (Criminal Investigative Directorate Ref. No. 701 of 11 August 2014).

As a result of the conducted inspection, it was established that there is no information on Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh in the databases for operational references and data analysis of the Informational Centre of the Ministry of Internal Affairs in the Republic of Crimea, and, during the period from 1 March 2014 to 20 August 2014, no crime reports (applications) on crimes committed against them had been received by the district level territorial bodies subordinate to the Ministry of Internal Affairs in the Republic of Crimea.

According to the information of the Referral Department of the Directorate of the Russian Federal Migration Service in the Republic of Crimea, Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh are not registered in the Republic of Crimea.

On 15 August 2014, an All Points Bulletin for the missing Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh was sent via email to the heads of the district level territorial organs subordinate to the Ministry of Internal Affairs in the Republic of Crimea (Ref. No. 3/1539 of 15 August 2014).

In order to obtain information for the creation of personal and psychological profiles, as well as for getting complete personal data on the addresses of possible residence and the relatives and friends of Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh, an Internet check was made for information on the subjects, namely on the VKontakte, Odnoklassniki, Facebook, Mail.ru websites, on which, however, the missing are not registered.

Due to the lack of complete personal data, date of birth, series and number of identity documents of I. Bondarets, V. Vashchuk and V. Chernysh, it was not possible to check the fact of their arrival (departure) and movement within the Republic of Crimea using the database of the "Magistral" Main Software and Hardware Complex of the Simferopol Transit Police of the Ministry of Internal Affairs, as well as using the records of the Ministry of Health of the Republic of Crimea containing information on citizens seeking medical assistance.

Thus, as a result of the conducted inspection, there is no information on the possible whereabouts of Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh in Simferopol and the Republic of Crimea, and there are no facts evidencing that the missing persons are victims of crimes committed in the Republic of Crimea.

On 2 September 2014, Senior Counsel of Justice A.V. Fomin, First Deputy Prosecutor of the Republic of Crimea, issued a resolution to revoke the resolution on refusal to initiate a criminal case and to send files to the inquiry organ for additional inspection, which, on 10 September 2014, was received for carrying out by the Criminal Investigative Directorate of the Ministry of Internal Affairs in the Republic of Crimea from the Prosecutor's Office of the Republic of Crimea (Ref. No. 15/3-484-14 of 1 September 2014, Criminal Investigative Directorate Ref. No. 973 of 10 September 2014).

In pursuance of the instructions of Senior Counsel of Justice A.V. Fomin, First Deputy Prosecutor of the Republic of Crimea, the staff of the Criminal Investigative Directorate of the Ministry of Internal Affairs in the Republic of Crimea carried out an additional inspection, during which the responses of the Simferopol Transit Police of the Ministry of Internal Affairs and the Ministry of Health of the Republic of Crimea were attached to the files. However, no information regarding the missing Ivan Bondarets, Vladislav Vashchuk and Vasily Chernysh was obtained.

On 12 September 2014, information with respect to persons named Vasily Chernysh registered in the Republic of Crimea was requested from the Referral Department of the Russian Federal Migration Service Directorate in the Republic of Crimea (Ref. No. 3/2020 of 12 September 2014).

According to the response of the Referral Department of the Russian Federal Migration Service Directorate in the Republic of Crimea, on the territory of Sevastopol, there is information on Vasily Vasilyevich Chernysh, born on 27 November 1982, a native of Sevastopol, and Vasily Vladimirovich Chernysh, born on 2 January 1978, a native of Ternopol, Ternopol Region. However, there is no information on their Sevastopol registration addresses.

On 17 September 2014 in order to obtain complete and objective information regarding Vasily Vasilyevich Chernysh, born November 27, 1982 and Vasily Vladimirovich Chernysh, born on January 2, 1978, and also due to the lack of a Referral Department in Sevastopol, a request was sent to the Federal Migration Service Directorate of Russia for the federal city of Sevastopol (Ref. No. 3/2051 of 17 September 2014); however, at the time of the inspection, no response was yet received by the Criminal Investigative Directorate of the Ministry of Internal Affairs in the Republic of Crimea.

In the course of monitoring social networks on the Internet (Odnoklassniki, VKontakte, Moy Mir, Facebook, etc.), it was found that Ivan Bondarets, a resident of Rovno (id157443864), was registered in the Vkontakte social network, but the last visit date and time were not indicated; Vasil Chernish (id = 100007750872361) was registered on Facebook, the last visit date and time were not indicated; the social

media page of Vladislav (Valery) Vashchuk was not found.

The Internet social media monitoring also revealed that, on the official website of the Ministry of Internal Affairs of Ukraine, in the “Search” Section, there is information on the search for citizens of Ukraine: Valery Vasilyevich Vashchuk, born on 29 December 1985 (gone missing on 7 March 2014[4], with the search initiated by the Ostrozhsky City Department of the Rovno Region Directorate of the Ministry of Internal Affairs of Ukraine), Ivan Andreevich Bondarets, born on 31 July 1990 (gone missing on 4 March 2014 in Rovno, Rovno Region, with the search initiated by the Rovno Region Directorate of the Ministry of Internal Affairs of Ukraine).

In connection with the clarification of the complete personal data of the missing Vasily Vladimirovich Chernysh, born on 2 January 1978, Ivan Andreevich Bondarets, born on 31 July 1990, and Valery Vasilyevich Vashchuk born on 29 December 1985, repeated requests had been sent to the Ministry of Health of the Republic of Crimea (Ref. No. 3/2023 of 12 September 2014, Ref. No. 3/2114 of 18 September 2014) and to the Simferopol Transit Police of the Ministry of Internal Affairs (Ref. No. 3/1812 of 10 September 2014), however, at the time of the inspection, no responses were received by the Criminal Investigative Directorate of the Ministry of Internal Affairs of the Republic of Crimea.

On 16 September 2014, the All Points Bulletin for the search for missing citizens of Ukraine: Vasily Vladimirovich Chernysh born on 2 January 1978, Ivan Andreevich Bondarets born on 31 July 1990, and Valery Vasilyevich Vashchuk born on 29 December 1985 (Ref. No. 3/2115 of 16 September 2014) was prepared and sent by email to the district level territorial organs subordinate to the Ministry of Internal Affairs of the Republic of Crimea.

On 17 September 2014, on the basis of the order of the Ministry of Internal Affairs in the Republic of Crimea No. 407 1/s of 17 September 2014, an unscheduled business trip to Sevastopol was carried out to conduct search operations in order to establish the identity and whereabouts of Ukrainian citizens: Vasily Vladimirovich Chernysh born on 2 January 1978 in Ternopol, Ternopol Region and Vasily Vasilyevich Chernysh born on 27 November 1982 in Sevastopol.

As a result of the search operations in Sevastopol, the following registration address of Vasily Vladimirovich Chernysh, born on 2 January 1978, was established: 16 Kostychev Street (dormitory), Sevastopol. As a result of the on-site visit, it was found that a two-storey employee dormitory under the control of Sevastopolsky LLC was located at the address. In fact, Apartment 16 is occupied by the Kondratsovs family (their full personal details are unknown to the questioned individuals).

According to Vera Nikolaevna Shtamburg born on [date of birth] residing at: [address] (contact telephone number: [number]), V.V. Chernysh does not reside and has never resided at Apartment 16, and is personally unknown to the tenants. Upon showing a photo of V.V. Chernysh, he was not identified. Vera Nikolaevna Shtamburg noted that the letters in the name of V.V. Chernysh had repeatedly come at this address, and she returned them to the post office as unclaimed.

In the course of the questioning of the Deputy Director of Sevastopolsky LLC Galina Fedorovna Zhmurko, born on [date of birth], residing at: [address], (contact telephone number: [number]), who is also Acting Dormitory Supervisor, it was found that, according to the instructions of the management of Sevastopolsky LLC, V.V. Chernysh was registered at 16 Kostychev Street (dormitory), Sevastopol on 29 October 2010, however, he had never resided at this address and she had seen him only a few times since the registration. According to oral information provided by V.V. Chernysh to G.F. Zhmurko, she knows that he served in the Directorate of the Security Service of Ukraine in Sevastopol, and, for registration in Sevastopol, he was issued a family composition certificate in 2010. The last time G.F. Zhmurko saw V.V. Chernysh was in the autumn of 2013 at a public transport stop located at the 5th kilometer of the Balaklava Highway in Sevastopol. G.F. Zhmurko said that earlier she had a mobile phone number of V.V. Chernysh, however, with the transition to Russian cellular communication, it was lost. G.F. Zhmurko does not have any information about the Sevastopol residence address of V.V. Chernysh, as well as about his close relatives and connections.

During the unscheduled business trip to Sevastopol, search operations at the registration address of a Ukrainian citizen — Vasily Vasilyevich Chernysh, born on 27 November 1982 in Sevastopol, residing at: Apartment 21, 10 A. Kesaev Street, Sevastopol, were also carried out.

As a result of the search operations, it was found that a 16-storey residential building is located at 10 A. Kesaev Street, Sevastopol. Since 2012, after the finishing works, the Pedosyuk spouses have been residing at Apartment 21: Oksana Eduardovna, born on [date of birth], and Sergey Ivanovich, born on [date of birth], who have been the main tenants since the residential building was commissioned in 2008. According to O. E. Pedosyuk, V.V. Chernysh does not reside and has never resided at this address and is personally unknown to the tenants. This information with respect to V.V. Chernysh was confirmed by Alexander Alexandrovich Aksenich, born on [date of birth], residing at: [address]. Upon showing a photo of the missing V.V. Chernysh,

he was not identified by the above-mentioned persons.

As a result of the repeated inspection conducted on 17 September 2014, it was found that there is no information on Vasily Vladimirovich Chernysh, born on 2 January 1978, Ivan Andreevich Bondarets, born on 31 July 1990, and Valery Vasilyevich Vashchuk, born on 29 December 1985, in databases for operational references and data analysis of the Informational Centre of the Ministry of Internal Affairs in the Republic of Crimea and the Informational Centre of the Sevastopol Directorate of the Ministry of Internal Affairs of Russia, and, during the period from 1 March 2014 to 17 September 2014, no crime reports (applications) on crimes committed against them had been received by the district level territorial bodies subordinate to the Ministry of Internal Affairs in the Republic of Crimea and by departments of Sevastopol Directorate of the Ministry of Internal Affairs of Russia.

Thus, as a result of the search operations, no information confirming the fact of the stay and disappearance in Simferopol and the Republic of Crimea of Ukrainian citizens: Vasily Vladimirovich Chernysh, born on 2 January 1978, Ivan Andreevich Bondarets, born on 31 July 1990, and Valery Vasilyevich Vashchuk, born on 29 December 1985, has been received. With respect to the missing Ukrainian citizens I.A. Bondarets and V.V. Vashchuk, the law enforcement officers of Ukraine have opened "Search" category investigation. No reports (applications) regarding the disappearance of V.V. Chernysh or the loss of contact by relatives with him have been received by the district level territorial organs subordinate to the Ministry of Internal Affairs in the Republic of Crimea.

Based on the above, due to the absence of signs of any crime, guided by Paragraph 1, Part 1 of Article 24, Article 14 *[Illegible]* Article 145 and 148 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To refuse to initiate a criminal case based on the Internet publication of the representative of the Centre for Civil Liberties and the Euromaidan - SOS civic initiative M. Tomak on the Liga-News website concerning the disappearance of I.A. Bondarets, V.V. Vashchuk and V.V. Chernysh, who arrived in Simferopol in March 2014.
2. A copy of the resolution shall be sent to Senior Counsel of Justice A.V. Fomin, First Deputy Prosecutor of the Republic of Crimea, for informational purposes.

Senior Criminal Investigator of the Department for
Coordination of the Activities of Internal Affairs Organs on the
search for missing persons of the Criminal Investigative
Directorate of the Ministry of Internal Affairs in the Republic of
Crimea

[Signature]

V.V. Gubal

A copy of this resolution (of 19 September 2014) was sent to Senior Counsel of Justice A.V. Fomin, First Deputy Prosecutor of the Republic of Crimea.

APPROVED BY

Head of the Criminal Investigative Directorate
of the Ministry of Internal Affairs in the Republic of Crimea
Lieutenant Colonel of Police

[Signature]

M.A. Salkov

Annex 190

Acknowledgement of receipt of the seized items signed by I.I.
Ametov, 23 September 2014

Translation

(Handwritten)

Acknowledgment

I, Idris Isaevich Ametov, born in 1956, received the following items from FSB officials:

- Canon camera;*
- Toshiba laptop;*
- HP laptop;*
- 2 Syrian banknotes (200 and 500 denominations);*
- Two books: "The Fortress of the Muslim", "Sharp Sword, Breaking Sorcerers of Harmful".*

*The specified items belong to my daughter, I have no complaints about them.
I have no complaints against FSB officers.*

23 September 2014

I.I. Ametov

/Signature/

Annex 191

Central District Court of Simferopol of the Republic of Crimea, Case
No. 5-930/2014, Decision, 24 September 2014

Translation

5-930/2014

DECISION

(on the case of an administrative offence)

Simferopol

24 September 2014

Judge of the Central District Court of Simferopol of the Republic of Crimea of the Russian Federation N.V. Dvirnyk, having examined in public hearing the case of an administrative offence provided for by Part 1 of Article 20.1 of the Code on Administrative Offences of the Russian Federation, in relation to Sergey Stefanovich Dub, born on 16 April 1966, native of Karaganda, residing at: [...], registered at: [...].

FOUND:

On 23 August 2014 at 11-50 a.m. S.S. Dub while in the park named after Taras Shevchenko at Simferopol used foul language in a public place, expressing obvious disrespect to society, thus committing an offence provided for by Part 1 of Article 20.1 of the Code on Administrative Offences of the Russian Federation

At the hearing S.S. Dub explained that he was in the park named after Taras Shevchenko with the flag of Ukraine, because he celebrated the Day of the National Flag of Ukraine and that he did not use foul language.

Having studied the provided case file, having studied the evidences, the court finds that in the actions of S.S. Dub there is a *corpus delicti* provided for by Part 1 of Article 20.1 of the Code on Administrative Offences of the Russian Federation, namely misdemeanor, i.e. disturbance of public order, expressing obvious disrespect to the society together with usage of foul language in public places, committing insulting impertunity against citizens, as well as destruction or damage of property of another person.

Guilt of S.S. Dub is confirmed by the administrative offence record of 23 August 2014 No. 14-136851, testimonies of witnesses S.A. Frolov, E.V. Dovgal.

When imposing an administrative penalty, the court takes into account the nature of the violation, the identity of the perpetrator (the perpetrator has no previous criminal or administrative record).

The court has not found the circumstances mitigating or aggravating the liability of S.S. Dub.

The court finds it reasonable and fair to impose on S.S. Dub an administrative penalty in the form of an administrative fine in the minimum amount provided for by the sanction of Part 1 of Article 20.1 of the Code on Administrative Offences of the Russian Federation.

Guided by Articles 29.10-29.11, Part 1 of Article 20.1 of the Code on Administrative Offences of the Russian Federation, the Court

DECIDED:

To find Sergey Stefanovich Dub, born 16 April 1966, guilty of an administrative offence provided for by Part 1 of Article 20.1 of the Code on Administrative Offences of the Russian Federation.

To impose on Sergey Stefanovich Dub an administrative penalty in the form of a **fine in the amount of 500 rubles** paid to the state revenue. Details for payment of the fine: account No. 40201810735100000003, recipient - Treasury Service of the Republic of Crimea, recipient bank – the Republic of Crimea Department, bank identification code - 043510001, budget revenue classification code - 21081100, budget area code - 005.

An administrative fine shall be paid by a person held administratively liable no later than **sixty days** from the date of entry into force of the decision to impose an administrative fine, with the exception of the case provided for by Part 1.1 of this Article, or from the date of expiration of the deferral period or installment period, provided for by Article 31.5 of this Code.

Failure to pay an administrative fine within the time period provided for by this Code shall entail the imposition of an administrative fine at twice the amount of the unpaid administrative fine, but in the amount not less than one thousand rubles, or administrative arrest for up to fifteen days, or compulsory community service for up to fifty hours.

The decision may be appealed within 10 days from the date of delivery or receipt of a copy of the delivery to a higher court.

Judge

signed

N.V. Dvirnyk

*/STAMP: TRUE COPY
Judge: N.V. Dvirnyk*

*/STAMP: Central District Court of
the Republic of Crimea*

*The decision was not appealed,
entered into force on 4 October
2014*

*The original of the Decision is stored
in case files No. 5-930/2014*

/illegible/ judge signed

*The copy is delivered on 19 May
2020*

Secretary signed/

*Judge signed
Secretary signed*

*/SEAL: CENTRAL DISTRICT
COURT OF SIMFEROPOL OF
THE REPUBLIC OF CRIMEA/*

*/SEAL: CENTRAL DISTRICT
COURT OF SIMFEROPOL OF THE
REPUBLIC OF CRIMEA/*

Annex 192

Prosecutor of the Republic of Crimea, Letter No. 15/1-228-2014/
On2440-14 to the International Committee of Red Cross,
24 September 2014

Translation

To the Head of the Regional Delegation of the
International Committee of the
Red Cross

Pascal Cuttat

To the Coordinator of the
Population Protection Division of the International
Committee of the
Red Cross

15/1-228-2014/On2440-14

24 September 2014

/Signature/

Alessia Bertelli

129090, Moscow,
13 Grokholsky lane, building 1.

To the Head of the Mission of the International
Committee of the Red Cross

Andreas Schmidt
Simferopol, 1 Kirov Avenue,

The Prosecutor's Office of the Republic of Crimea has considered the requests of the International Committee of the Red Cross on the results of the search for the missing Timur Damirovich Shaimardanov.

It has been established that the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigation Directorate of the Investigative Committee of Russia for the Republic of Crimea is in charge of a criminal case initiated on 9 July 2014 at the request of the ex-wife of T.D. Shaimardanov, O.V. Shaimardanova, on the disappearance of T.D. Shaimardanov on 26 May 2014, in Simferopol on the grounds of a crime under Part 1 of Article 105 of the Criminal Code of the Russian Federation.

As part of the case investigation, certain procedural actions have been taken, however, no information on the whereabouts of the missing T.D. Shaimardanov have been obtained.

The pre-trial investigation of the case is currently ongoing, a set of measures required to identify the whereabouts of the missing T.D. Shaimardanov and the persons involved in his disappearance is being taken.

Additionally, please be informed that T.D. Shaimardanov has not been detained by law enforcement agencies of the Republic of Crimea, nor has he been placed in pre-trial detention facilities or penitentiary facilities.

The progress and results are under the supervision of the Prosecutor's Office of the Republic of Crimea.

Prosecutor of the Republic of
Crimea

N.V. Poklonskaya

/illegible/

/Signature/

/Signature/

Prosecutor's Office of the Republic of Crimea No. 15/1-228-2014/On2440-14

Annex 193

Economic Court of the Republic of Crimea, Case No. A83-944/2014,
Decision, 25 September 2014
(excerpts)

Translation
Excerpts

Economic Court of the Republic of Crimea

29/11 A. Nevskogo/Rechnaya Street, Simferopol, Republic of Crimea, 295003

DECISION

IN THE NAME OF THE RUSSIAN FEDERATION

Case No. A83-944/2014

Simferopol

25 September 2014

The operative part of the Decision was announced on 23 September 2014

The full text of the Decision was rendered on 25 September 2014

The Economic Court of the Republic of Crimea, composed of Judge Yu.A. Radvanovskaya, with the court record and the audio recording of the court hearing made by the secretary of the court hearing V.V. Krutko, after considering in an open preliminary court hearing the materials of the case of Utility Enterprise “Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council” against public association “Teachers’ Council”, with the participation of a third party who did not submit any autonomous claims concerning the subject matter of the conflict on the claimant’s side, the Bakhchisaray City Council, concerning the termination of the lease agreement, eviction of the defendant from the occupied non-residential premises, with the participation of the following representatives:
for the claimant: I.A. Plotnichenko, representative under power of attorney of 4 August 2014 No. w/o;
for the defendant: absent;
for the third party: absent;

HAS ESTABLISHED:

Utility Enterprise “Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council” filed a claim with the Economic Court of the Republic of Crimea requesting the termination of Non-Residential Premises Lease Agreement of 28 September 2012 No. A-46/12 between Utility Enterprise “Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council” and public association “Teachers’ Council”, and the eviction of the defendant from the occupied residential premises located at the address: Bakhchisaray, 1 Pushkina Street.

The claims were justified by the defendant’s breach of the lease agreement between the parties, namely systematic failure to pay rent, failure by the defendant to perform its obligation to insure the leased property, although the leased building is an architectural monument. Considering the above, the claimant asks to terminate the agreement.

[...]

Page 4

[...]

Having considering the case files, having heard the claimant's representative, the Court established as follows.

On 28 September 2012, Utility Enterprise "Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council" (the lessor) and public association "Teachers' Council" (the lessee) entered into Non-Residential Premises Lease Agreement No. A-46/12; in accordance with Clause 1.1. of which the lessor undertook to lease, and the lessee undertook to accept, for temporary use, on a paid basis, under a transfer and acceptance certificate, non-residential premises located in the basement, recorded in the balance sheet of Utility Enterprise "Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council" and located on 1 Pushkina Street, Bakhchisaray (case file, sheets 15–16).

According to Clauses 1.1.2–1.1.5 of the agreement, the address of the non-residential premises is: 1 Pushkina Street, Bakhchisaray, total area: 115 sq.m, the value of the rented non-residential premises is 174,740.00 hryvnias, VAT excluded, based on the Independent Appraisal Report of 4 April 2012 provided by the lessee; the state of the leased facilities is determined in the transfer and acceptance certificate.

In accordance with Clause 2.1 of the agreement, the facility is leased to accommodate the public association.

The lessee shall obtain the temporary use, on a paid basis, for the term specified in this Agreement. The above-mentioned premises shall be transferred for lease by signing a transfer and acceptance certificate within three days from the date of execution of this agreement. Before signing the said certificate, the parties' representatives shall inspect the premises and record their conditions in the certificate (Clause 3.1 of the agreement).

In accordance with Clause 3.2 of the agreement, the Bakhchisaray Territorial Community shall retain the ownership of this property, and the lessee shall use this property throughout the lease term specified in this agreement.

In accordance with Clause 4.2 of the agreement, the rent for the first month of the lease, i.e. September 2012, amounts to 17.47 hryvnias, VAT included. The rent for each subsequent month shall be determined by adjusting the rent for the past month by the inflation index for the current month, set by the State Statistics Committee of Ukraine. The rent shall be paid monthly by the lessee against the invoices issued by the lessor (Clause 4.3 of the agreement).

In accordance with Clause 4.4 of the agreement, the parties determined that the tenant shall pay the rent for the first month of the lease within 5 days from the date of acceptance of the leased facilities; the rent for subsequent months shall be paid no later than the 20th day of the current month.

In accordance with Clause 4.8 of the agreement, payment shall be made against the invoices issued by the lessor within the time frames set in this agreement. If the lessor does not issue an invoice, the lessee shall make the payments under the agreement by himself, so that settlements are performed timely. The absence of an invoice due to any reason does not release the lessee from the obligation to pay rent within the time frames specified in this Agreement.

In accordance with clause 6.2.3 of the agreement, the lessor shall have the right to demand the termination of the agreement if the lessee fails to pay for the leased property for 3 months without a valid reason.

In accordance with Clauses 7.1.1–7.1.2 of the agreement, the lessee undertakes to use the leased property for its intended purpose and in compliance with this agreement, and to pay rent timely and in full: the lessee shall collect the invoice from the lessor on the 20th–21st day of the month following the reporting one and pay it within 5 days.

In accordance with Clause 7.1.16 of the agreement, the lessee shall, within one month from the entry into this agreement, insure the leased property for the whole term of the lease, for an amount no less than its market value specified in the independent appraisal report, in favor of the Asset Holder as the party which bears the risk of accidental loss or damage of the facility, in accordance with the procedure established by the applicable laws. Provide the lessor with a copy of the insurance contract certified by the lessee's seal and a copy of the insurance premium payment order within five days from the date of receipt of the insurance contract.

If the lessee fails to pay rent for three months, the agreement shall be deemed terminated from the date of receipt by the lessee of the lessor's termination letter. The property shall be returned in accordance with the third section of the agreement (Clause 8.3 of the agreement).

The agreement is concluded for 2 years and 11 months and is valid from 28 September 2012 through 27 August 2015 (Clause 9.1 of the agreement).

Thus, in accordance with the agreement, the claimant transferred the leased facility to public association Teachers' Council (case file sheet 18) for temporary use pursuant to the transfer and acceptance certificate of 2 October 2012.

However, as the claimant points out, the defendant, in violation of the terms of the agreement, failed to perform its obligations to pay the rent from August 2013 until July 2014, and therefore, the latter had a debt in the total amount of 358.40 rubles.

Subsequently, as the claimant's representative explained, the defendant paid the overdue rent, but only after the lessor filed a claim with the court. This, according to the claimant's representative, caused the claimant property damage, since when entering into the agreement it expected timely monthly payments for the used property.

In addition, the claimant points out that the defendant has materially breached the terms of the lease agreement by failing to perform its obligation to insure the leased property, which is an architectural and urban planning monument called "D. Pachadzhi's House" and is registered with the state.

The case materials confirm that the claimant, with claims of 8 November 2012 No. 415, of 10 February 2013 No. 158, of 15 January 2013 No. 154, of 15 July 2013 No. 514, of 2 July 2014 No. 295, demanded from the defendant payment of the debt, early termination of the agreement and vacating the occupied premises, provision of proof of insurance of the property, but the claims were ignored and returned with the post office stamp "expiry of the storage term".

Due to the above, Utility Enterprise "Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council" filed this claim with the Economic Court of the Republic of Crimea.

After examining the case materials, assessing the relevance, admissibility, reliability of each piece of evidence separately, as well as the sufficiency and interconnection of the evidence in its entirety, checking the validity of the arguments stated in the claim, in the explanations given by the the claimant's representative during the court hearings, the Court considers the stated claims must be upheld on the following grounds.

In accordance with Article 606 of the Civil Code of the Russian Federation, under a lease (property lease) agreement, the lessor (landlord) undertakes to provide the lessee (tenant) property for temporary possession and use or for temporary use, for a fee.

In accordance with Article 611 of the Civil Code of the Russian Federation, the lessor is obliged to provide the property to the lessee in a condition that complies with the terms of the lease agreement and the intended use of the property.

In accordance with Part 1 of Article 614, of the Civil Code of the Russian Federation, the lessee is obliged to timely pay for the use of the property (rent). The procedure, terms and conditions and time frames for payment of rent are determined by the lease agreement.

Based on the case files, the Court determined that the defendant, from August 2013 until January 2014, and from March until June 2014, did not fulfill its obligations to pay the rent under the disputed agreement, as confirmed by the reconciliation act of 14 August 2014 provided by the claimant (case file sheet 27).

Thus, the Court ascertained that the defendant had not paid rent several times for periods exceeding three months.

Moreover, no proof was provided to the Court of performance of the lessee's obligations under non-residential property lease agreement of 28 September 2012 No. A-46/12, and namely for insurance of the leased property.

In accordance with Articles 309, 310 of the Civil Code of the Russian Federation, obligations must be fulfilled properly in accordance with the terms of the obligation and the requirements of the laws, other regulations, and, in the absence of such conditions and requirements, in accordance with

usual business practices or other usual requirements.

Unilateral refusal to perform an obligation and unilateral amendment of its terms are not allowed, except for the cases provided for by the laws.

In accordance with Clause 1 of Article 407 of the Civil Code of the Russian Federation, an obligation ceases partially or in full on the grounds provided for by the laws or the agreement.

In accordance with Clause 1 of Article 450 of the Civil Code of the Russian Federation, an agreement may be amended or terminated by agreement between the parties, unless otherwise provided for by this Code, other laws or the agreement.

In accordance with Article 619 of the Civil Code of the Russian Federation, at the lessor's request, the lease agreement may be terminated early by the court in the event that the lessee: 1) uses the property with a material breach of the agreement or of the intended use of the property, or with repeated violations; 2) causes a significant deterioration in the conditions of the property; 3) does not pay rent more than two consecutive times after the expiry of the payment term established by the agreement; 4) does not carry out major repairs of the property within the time frames established by the lease agreement, and, if they are not set in the agreement, within reasonable time frames in cases where, in accordance with the laws, other regulations or the agreement, major repairs are the responsibility of the lessee.

The lease agreement may establish other grounds for early termination of the agreement at the lessor's request in accordance with Paragraph 2 of Article 450 of this Code.

Thus, the circumstances provided by the legislator for early termination of the lease agreement at the lessor's request are present in this case.

[...]

Page 9

[...]

The defendant did not provide the Court with any proof of having vacated the disputed non-residential premises, the defendant avoids returning the property to the lessor; as the claimant's representative explained, the defendant continues occupying the premises; consequently, the Court concluded that there are the legal grounds to satisfy the claims in full.

Pages 10-11

[...]

Based on the above, in accordance with Articles 4, 9, 49, 65, 70, 110, 167–170, 176 of the Arbitrazh Procedural Code of the Russian Federation, the Court

HAS DECIDED TO:

1. Satisfy the claims of Utility Enterprise “Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council”.
2. Terminate Non-Residential Premises Lease Agreement of 28 September 2012 No. A-46/12 for the premises located at Republic of Crimea, Bakhchisaray, 1 Pushkina Street, between Utility Enterprise “Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council” and public association “Teachers’ Council”.
3. Oblige public association Teachers’ Council to vacate the premises located at the address: Bakhchisaray, 1 Pushkina Street.
4. Collect from public association “Teachers’ Council” (1 Pushkina Street, Bakhchisaray, Republic of Crimea, 298400, Unified State Register of Enterprises and Organizations of Ukraine (EGRPOU) 22302724) in favour of Utility Enterprise “Housing Maintenance and Repair Enterprise

of the Bakhchisaray City Council” (14 Krymskaya Street, Bakhchisaray, Republic of Crimea, 298400, EGRPOU 34416859) the state duty in the amount of 4,000.00 rubles.

5. Issue the executive order after the decision enters into force.

6. Collect from public association “Teachers’ Council” (1 Pushkina Street, Bakhchisaray, Republic of Crimea, 298400, Unified State Register of Enterprises and Organizations of Ukraine (EGRPOU) 22302724) in favour of Utility Enterprise “Housing Maintenance and Repair Enterprise of the Bakhchisaray City Council” (14 Krymskaya Street, Bakhchisaray, Republic of Crimea, 298400, EGRPOU 34416859) interest for the use of third-party funds (interest for the event of non-compliance with a court order), charged on the entire amount to be collected (4,000 rubles 00 kopecks) based on the refinancing rate of the Bank of Russia of 8.25% per annum from the expiry of three months from the date of receipt of the court order for execution, and until its actual execution.

7. This decision shall enter into force upon expiry of one month from the date of its drafting in full, unless it is appealed. Should the appeal be filed, the decision – if not canceled or amended, – shall enter into force from the date of issue of the ruling of the arbitrazh court of appeal.

The decision may be appealed in the Sevastopol Commercial Court of Appeal.

Appeals and cassation appeal shall be filed through the Economic Court of the Republic of Crimea

Judge

/Signature/

Yu.A. Radvanovskaya

Annex 194

Central District Court of Simferopol of the Republic of Crimea, Case
No. 2-1688/14, Decision, 29 September 2014

Translation

Case No. 2-1688/2014

**DECISION
In the Name of the Russian Federation**

On 29 September 2014, the Central District Court of Simferopol of the Republic of Crimea composed of: Presiding Judge O.N. Andreeva,
Secretary O.N. Kushnerenko,
involving Prosecutors R.S. Kostyuchenko, V.A. Chuprina,
Representative of the defendant D.M. Temisheva,

Having considered in an open court hearing a civil case on application submitted by the Prosecutor's Office of the Republic of Crimea for defence of public interests against Charity Organization "Crimea Foundation" seeking for remedying breaches of federal legislation,

ESTABLISHED:

On 1 September 2014, the Prosecutor's Office of the Republic of Crimea applied to the Court with the purpose to protect public interests with an application against Charity Organization "Crimea Foundation" seeking for remedying breaches of federal legislation.

The applications are premised on the violations of the provisions of federal legislation committed by Charity Organization "Crimea Foundation" revealed following the results of a supervisory inspection performed by the Prosecutor's Office of the Republic. The inspection found that since 21 March 2014 Charity Organization "Crimea Foundation" (legal entity identification number No. 19008458), registered address: Republic of Crimea, Simferopol, 40 Zhidkova Str., is not located at the said address reflected in the Unified State Register of Legal Entities of Ukraine, thereby violating the provisions of Subclause "c" of Part 1 of Article 5 of Federal Law of the Russian Federation of 8 August 2001 No. 129-FZ "On the State Registration of Legal Entities and Sole Entrepreneurs". Furthermore, the inspection revealed other breaches of the requirements of the federal legislation committed by Charity Organization "Crimea Foundation". Namely, according to the Record of the Founding Conference of Charity Organization "Crimea Foundation" of 9 May 2002 No. 1, M.A. Dzhemilev, a citizen of Ukraine, is the founder of the said organization. According to Part 1 of Article 15 of Law of the Russian Federation of 12 January 1996 No. 7-FZ "On Non-Profit Organizations", a foreign national or stateless person concerning whom in a manner prescribed under laws of the Russian Federation a decision has been taken that their stay (residence) in the Russian Federation is undesirable under Article 25.10 of Law of the Russian Federation of 15 August 1996 No. 114-FZ "On the procedure for exit from the Russian Federation and entry into the Russian Federation" may not be a founder of a commercial organization. On 19 April 2014, the competent authority issued Decision No. 140/ZKS/13-1087 that M. Dzhemilev's stay on the territory of the Russian Federation is undesirable for 5 years. On the basis of the above, [the Prosecutor's Office of the Republic of Crimea] requests to oblige Charity Organization "Crimea Foundation" to remedy breaches of Part 1 of Article 15 of Law of the Russian Federation of 12 January 1996 No. 7-FZ "On Non-Profit Organizations" by removing M.A. Dzhemilev from the list of its founders.

On 22 September 2014, the Court received the application on clarification of the subject matter of the application, where the Office of the Public Prosecutor in the Republic of Crimea requests enforcement of Charity Organization "Crimea Foundation" to remedy breaches of Part 1 of Article 15 of Law of the Russian Federation of 12 January 1996 No. 7-FZ "On Non-Profit Organizations" by removing M.A. Dzhemilev from the list of its founders confirming the above in accordance to the provisions of Federal Law No. 129-FZ "On the State Registration of Legal Entities and Sole Entrepreneurs" with the relevant data from the Unified State Register of Legal Entities.

During the court hearing, the Public Prosecutor maintained the application relying on the grounds provided in the application and explained that, according to the data provided by State

Enterprise “Information and Resource Centre” and reflected as it was entered by the public registrar using the documents available to him, “the Conference Record of 9 May 2002 No. 1” was entered to field “the List of Founders (Members) of the Legal Entity”. M. Dzhemilev was indicated as a member of that conference. Subject to the provisions of Article 24 of the Law of Ukraine “On the State Registration of Legal Entities and Individual Entrepreneurs”, the state registration of a legal entity requires the founder (founders) or a person authorized by them to submit, *inter alia*, a copy of the resolution to incorporate a legal entity passed by the founders or a body authorized by them to the state registrar. The same data about the list of the founders was provided by the defendant for the tax registration.

During the court hearing, representatives of the defendant D.M. Temishev and R.F. Shevkiev admitted the applications and requested to take into account that the measures to remedy the breach of the applicable legislation of the Russian Federation “On Non-Profit Organizations” had been taken. Namely, according to the Decision of 30 August 2014 rendered by the conference of Charity Organization “Crimea Foundation”, Record No. 1, a resolution was passed to register Charity Organization “Crimea Foundation” under the legislation of the Russian Federation before 1 January 2015 with the registered address at 2 Shmidta Str., Simferopol. Furthermore, according to the Decision of the conference of Charity Organization “Crimea Foundation” of 26 September 2014, Record No. 18, M. Dzhemilev was removed from the Board of Charity Organization “Crimea Foundation” and his powers as the President of Charity Organization “Crimea Foundation” were terminated. These Records were sent to the Main Directorate of the Ministry of Justice in the Republic of Crimea and Sevastopol. Due to lack of proper legal aid at the time of registration of the Foundation, no attention was paid to the constituent documents and it was falsely believed that M. Dzhemilev was not the founder thereof.

Having heard the participants of the proceeding, examined the case file, reviewed the materials of the registration file of Charity Organization “Crimea Foundation”, the Court concludes as follows.

It is found that violations of the provisions of federal legislation committed by Charity Organization “Crimea Foundation” were revealed following the results of a supervisory inspection performed by the Prosecutor’s Office of the Republic.

Namely, Charity Organization “Crimea Foundation” (legal entity identification code No. 19008458), registered at Republic of Crimea, Simferopol, 40 Zhidkova Str. as confirmed by the certificate of the state register of legal entities (case sheet 15), Certificate AA No. 525031 from the Unified State Register of Enterprises and Organizations of Ukraine (case sheet 15, back surface).

This address of the foundation is specified in Clause 1.4 of the Charter of Charity Organization “Crimea Foundation” (case sheets 9-14).

According to the Record of 9 May 2002 No. 1, of the Founding Conference of Charity Organization “Crimea Foundation”, M.A. Dzhemilev, a citizen of Ukraine, is the founder of said organization, a member of the supreme executive body of the foundation, i.e. the Conference, a member of the Board of the foundation and the President thereof (case sheets 5-6, Volume 1 of the registration file).

According to the Information Letter of 23 September 2014 No. 2063/9/18-04 signed by O.A. Petrov, the Chair of the Liquidation Committee, acting Head of the Tax Inspectorate of Simferopol of the Tax Service of the Republic of Crimea, Charity Organization “Crimea Foundation” (Code 19008458 in the Unified State Register of Enterprises and Organizations of Ukraine) was incorporated by the Decision rendered by the Founding Conference as stated in Record of the Founding Conference of Charity Organization “Crimea Foundation” of 9 May 2002 No. 1. According to the data specified in the Form F No. 1-OPP submitted by Charity Organization “Crimea Foundation”, the Conference of Founders was the founder thereof (Record of 9 May 2002 No. 1). According to the databases of the Tax Service of the Republic of Crimea, the Conference of Founders is the founder of Charity Organization “Crimea Foundation” (Record of 9 May 2002 No. 1) (case

sheet 88).

According to Part 1 of Article 15 of Law of the Russian Federation of 12 January 1996 No. 7-FZ “On Non-Profit Organizations”, a foreign national or stateless person concerning whom in a manner prescribed under laws of the Russian Federation a decision has been taken that their stay (residence) in the Russian Federation is undesirable under Article 25.10 of Law of the Russian Federation of 15 August 1996 No. 114-FZ “On the procedure for exit from the Russian Federation and entry into the Russian Federation” may not be a founder of a commercial organization. Presence of M.A. Dzhemilev in the list of founders of Charity Organization “Crimea Foundation” breaches Part 1 of Article 15 of Law of the Russian Federation “On Non-Profit Organizations” since on 19 April 2014 the competent authority adopted Decision No. 140/ZKS/13-1087 that M.A. Dzhemilev’s stay in the Russian Federation is undesirable for 5 years.

M.A. Dzhemilev was warned by the Prosecutor’s Office of the Republic of Crimea that extremist activity is inadmissible.

Charity Organization “Crimea Foundation”, executive bodies thereof, have not and are not taking proper measures to remedy the revealed breaches of the federal legislation.

Assertions of representatives of the defendant that all measures are being taken to register Charity Organization “Crimea Foundation” in accordance with the legislation of the Russian Federation made by them during the court hearing were refuted by their own evidence and cannot be taken into account by the Court.

In particular, according to Record of the Founding Meeting of public Charity Organization “Crimea Foundation” of 30 August 2014 No. 1, it was resolved to set up a Public Charity Organization “Crimea Foundation” not being a successor of Charity Organization “Crimea Foundation” (case sheet 68).

As explained by R.F. Shevkiev and D.M. Temishev during the court hearing, the whole property complex is owned by Charity Organization “Crimea Foundation”.

By Decision of the Conference of Charity Organization “Crimea Foundation” of 26 September 2014, Record No. 18, M. Dzhemilev was removed from the Board of Charity Organization “Crimea Foundation”, and his powers as the President of Charity Organization “Crimea Foundation” were terminated, however the issue of his removal from the list of founders was not even considered (case sheet 90).

The arguments of representatives of the defendant that they were unaware of the procedure of removal of M. Dzhemilev from the list of founders of Charity Organization “Crimea Foundation” cannot justify the defendant’s exemption from liability and obligation to remedy the breaches of Law of the Russian Federation “On Non-Profit Organizations”.

As can be seen from the registration file of Charity Organization “Crimea Foundation” (2 volumes), M.A. Dzhemilev attended not only the meeting of the founding conference of Charity Organization “Crimea Foundation”, but also the Board meetings, General Meetings, and actively participated, was elected as the President and is a member of the Board of Charity Organization “Crimea Foundation”.

According to the data of State Enterprise “Information and Resource Centre”, the search of the details in the Unified State Register of Legal Entities and Sole Entrepreneurs, available on the Internet at <http://irc.gov.ua/ru/Poshuk-v-YeDR.html>, which were reflected as they were entered by the state registrar from the documents provided to them, in field “the List of Founders (Members) of the Legal Entity, including the name, surname, patronymic, residential address for an individual founder; the name, registered address and legal entity identification code for a corporate founder” it is entered “the Conference Record of 9 May 2002 No. 1” (case sheets 86-87).

The mentioned data are consistent with provisions of Article 24 of Law of Ukraine “On the State Registration of Legal Entities and Sole Entrepreneurs”, which prescribes that the state registration of a legal entity requires the founder (founders) or a person authorized by them to submit, *inter alia*, a

copy of the resolution to incorporate a legal entity passed by the founders or a body authorized by them with the state registrar.

The same data on the composition of the founders were also provided by the defendant for the tax registration – OPP-1 (data on the founders).

According to provisions of Parts 2 and 3 of Article 11 of Law of Ukraine of 16 September 1992 “On Associations of the Citizens” as applicable at the time of incorporation of Charity Organization “Crimea Foundation”, natural persons could be founders of public associations.

According to Record of the Founding Conference of Charity Organization “Crimea Foundation” of 9 May 2002 No. 1, M.A. Dzhemilev, a citizen of Ukraine, is the founder of said organization, a member of the supreme executive body of the foundation, i.e. the Conference, a member of the Board of the foundation and the President thereof (case sheets 5-6, volume 1 of the registration file).

The arguments of the representatives of the defendant that the founders of Charity Organization “Crimea Foundation” are three other individuals, not M.A. Dzhemilev, are refuted by the registration file of Charity Organization “Crimea Foundation”.

In particular, Page 2 of Volume 1 of the registration file contains the application for registration of the said charity organization signed by R.F. Shevkiev, A.R. Ismailov and R.A. Bekmambetov.

Besides, the said application was accompanied with Record of the Founding Conference of Charity Organization “Crimea Foundation” of 9 May 2002 No. 1 (case sheets 5-6, Volume 1 of the registration file), according to which all of the attending founders including M.A. Dzhemilev unanimously voted for incorporation of the Charity Organization “Crimea Foundation” – the second agenda item, while the fourth agenda item – determination of the status of the charity organization – was offered by M.A. Dzhemilev himself, and he also voted on that item. These circumstances gave rise to the registrar identifying the Founding Conference of 9 May 2002 including M.A. Dzhemilev as the founders.

The application for the filing of constituent documents of Charity Organization “Crimea Foundation” signed by R.F. Shevkiev, A.R. Ismailov and R.A. Bekmambetov does not indicate that only the said individuals were the founders of Charity Organization “Crimea Foundation”.

The said application was signed and filed by three individuals in compliance with the requirements of Part 1 of Article 15 of Law of Ukraine of 16 September 1992 “On Associations of the Citizens” as applicable at the time of incorporation of Charity Organization “Crimea Foundation”, according to which, to register an association of the citizens, the founders thereof submit an application accompanied with, *inter alia*, the records of the founding conference. In the meantime, said provision of the law does not contain a wording that the registration application must be submitted by all founders of a public association, or that only the individuals submitting the application on registration thereof are the founders of a public association.

Furthermore, the then applicable legislation did not require filing of a certificate of the founders of Charity Organization “Crimea Foundation” signed by R.F. Shevkiev (case sheet 1 of the registration file); the said certificate only indicates that the application to register Charity Organization “Crimea Foundation” was filed by the individuals from among the founders thereof without limiting the list of founders to the individuals indicated therein, which would be inconsistent with the requirements of Parts 2 and 3 of Article 11 of Law of Ukraine of 16 September 1992 “On Associations of the Citizens”.

Therefore, an argument from the representatives of the defendant that said application to register Charity Organization “Crimea Foundation” somehow proves that M.A. Dzhemilev is not a founder thereof is untenable.

Relying on the above, the Court finds that the application submitted by the Prosecutor’s Office of the Republic of Crimea for defence of public interests against Charity Organization “Crimea Foundation” seeking for remedying breaches of federal legislation shall be upheld.

Guided by Articles 45, 61, 194-198 of the Civil Procedural Code of the Russian Federation, the

Court -

DECIDED:

To uphold the application submitted by the Prosecutor's Office of the Republic of Crimea for defence of public interests against Charity Organization "Crimea Foundation" seeking for remedying breaches of federal legislation.

To oblige Charity Organization "Crimea Foundation" to remedy the violations of Part 1 of Article 15 of Law of the Russian Federation of 12 January 1996 No. 7-FZ "On Non-Profit Organizations" by removing Mustafa Abduldzhemil Dzhemilev from the list of the founders thereof confirming the above in accordance to the provisions of Federal Law No. 129-FZ "On the State Registration of Legal Entities and Sole Entrepreneurs" with the relevant data from the Unified State Register of Legal Entities.

To collect the case-related legal costs equal to RUB 200 from Charity Organization "Crimea Foundation" to be transferred to the revenue of the state.

The decision can be appealed to the Court of Appeal of the Republic of Crimea through the Central District Court of Simferopol within one month upon render thereof.

Judge

(Signed)

O.N. Andreeva

*/Seal: Central District Court of Simferopol
of the Republic of Crimea
The Original of the decision is stored
in civil case No. 2-1688/2014
Copy issued on 31 March 2015
Judge (Signed)
Court Secretary (Signed)/*

*/Seal: True Copy
Judge (Signed)
Decision was not appealed, entered
into force on 10 November 2014
Correct: Judge (Signed)
Secretary (Signed)/*

*/Seal: Central District Court of Simferopol
of the Republic of Crimea/*

*/Seal: Central District Court of Simferopol
of the Republic of Crimea/*

Annex 195

Central District Court of Simferopol of the Republic of Crimea, Case
No. 2-1920/14, Decision, 13 October 2014

Translation

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Case No. 2-1920/14

DECISION
IN THE NAME OF THE RUSSIAN FEDERATION

13 October 2014

Simferopol

Central District Court of Simferopol of the Republic of Crimea, consisting of:

Presiding judge: N.V. DVIRNYK,

in the presence of secretary: Sh.R. Abdzhamilova,

having considered in a preliminary hearing a civil case on recognizing the warning on the inadmissibility of violating the legislation on countering extremist activities and the legislation on the mass media unlawful at the claim of Gaffarov Eldar Enverovich, the representative of Islyamov Lenur Edemovich under the power of attorney, the person concerned – the Prosecutor of the Republic of Crimea Poklonskaya Natalya Vladimirovna,

HAS ESTABLISHED:

On 19 September 2014, Gaffarov Eldar Enverovich, the representative of Islyamov Lenur Edemovich under the power of attorney, appealed to the court with this claim, justifying it as follows. On 16 May 2014, the prosecutor of the Republic of Crimea N.V. Poklonskaya issued a warning on the inadmissibility of violating the legislation on counteracting extremist activity and the legislation on mass media to the address of the founder of “Television Company “Atlant-SV” LLC (ATR TV channel, ATR T TV channel) L.E. Islyamov. On 26 May 2014 this warning was received by L.E. Islyamov. The applicant considers this warning unlawful, pointing out the following circumstances. In particular, there were no statements containing the signs of extremist activity, including calling for interethnic hatred, in the video of 3 May 2014 on the ATR TV channel about violations of the rights by M.A. Dzhemilev. The goal of the TV channel is to strengthen the interethnic and interfaith peace in Crimea and the tolerant attitude of the residents of Crimea to each other. In addition, the applicant does not agree with the warning regarding the possible holding of mourning rallies and entertainment events at the same time on V.I. Lenin Square in Simferopol on 17 September 2014. He insists that L.E. Islyamov, as well as the ATR TV channel, did not take part in organizing entertainment events, namely the holding of the concert by the Russian group “Kipelov”. Furthermore, he points out that the warning itself was issued without sufficient grounds for this, it does not indicate specific grounds for its announcement, and L.E. Islyamov is not the person to whom this warning may have been issued. He notes that L.E. Islyamov is one of the participants, and not the founder of “Television Company “Atlant-SV” LLC.

Simultaneously with the claim of 19 September 2014, L.E. Islyamov filed a motion to restore the missed deadline for applying to the court. The following is indicated as validity of the reasons for missing the deadline. On 26 May 2014, the applicant received a contested warning. Since this warning was issued against L.E. Islyamov as the founder of “Television Company “Atlant-SV” LLC, this company appealed against it in court represented by the director E.R. Islyamova. By the decision of the Central District Court of Simferopol of the Republic of Crimea of 20 August 2014, the application was returned to the applicant, since the application was signed and submitted to the court by a person who does not have the authority to sign and submit it to the court. This decision was received by “Television Company “Atlant-SV” LLC on 4 September 2014, about which L.E. Islyamov was informed on 5 September 2014. Since L.E. Islyamov is not an official or an employee of “Television Company “Atlant-SV” LLC, he challenges this warning in private.

In her objections, the interested party – the prosecutor of the Republic of Crimea N.V. Poklonskaya – declares that the applicant missed the deadline for applying to the court, in connection with which she asks to dismiss the claim. She indicates that L.E. Islyamov had the opportunity to submit a claim to the court within three months, and therefore the reasons for missing the deadline are considered not valid.

At the preliminary hearing, the applicant’s representative E.E. Gaffarov maintained the motion to restore the time-period for applying to the court. He explained that L.E. Islyamov did not apply to the court, since he is not the founder of “Television Company “Atlant-SV” LLC, in connection with which he believed that it was the company that should apply to the court.

At the preliminary hearing, the representative of the person concerned – R.O. Barilo – supported the objections and asked to apply the consequences of missing the deadline for filing an application with the court.

Having heard to the representatives of the applicant and the person concerned, having examined the case file and having evaluated the evidence in their entirety, the court came to the conclusion that the application shall be dismissed due to the fact that the applicant had missed the deadline for appealing to the court.

The court has established the following.

On 16 May 2014, the prosecutor of the Republic of Crimea N.V. Poklonskaya issued a warning on the inadmissibility of violating the legislation on counteracting extremist activity and the legislation on the mass media against the founder of “Television Company “Atlant-SV” LLC (ATR TV channel, ATR T TV channel) L.E. Islyamov. On 26 May 2014 this warning was received by L.E. Islyamov. This warning was appealed in court by “Television Company “Atlant-SV” LLC represented by General Director E.R. Islyamova on 14 August 2014. By decision of the Central District Court of Simferopol of the Republic of Crimea of 20 August 2014, the application was returned to the applicant, since the application was signed and submitted to the court by a person who does not have the authority to sign and present it to the court.

These circumstances have been established by the court, confirmed by the evidence in the case, and are not disputed by anyone.

According to Article 256 of the Civil Procedural Code of the Russian Federation, a citizen has the right to file an application with the court within three months from the day when he became aware of the violation of his rights and freedoms. Failure to file an application with the court within the three-month term is not a ground for the court to refuse to accept the application. The reasons for missing the deadline shall be ascertained in a preliminary court hearing or in a court hearing and can be regarded as grounds for refusing to satisfy the application.

According to Part 6 of Article 152 of the Civil Procedural Code of the Russian Federation, the defendant’s objection that the claimant missed the limitation period for the protection of the right and the statutory period for bringing proceedings may be heard in a preliminary court hearing. When it is established that the limitation period or the time limit for bringing proceedings has been missed without good cause, the judge shall decide to dismiss the application without examining any other factual circumstances of the case. The court decision can be appealed.

In accordance with Paragraph 24 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of 10 February 2009 No. 2 “On practice of consideration by courts of cases on challenging decisions and actions (omissions) of state authorities, local authorities, officials, state and municipal employees”, taking into account the provisions of Article 256 of the Civil Procedural Code of the Russian Federation, it is necessary in each case to find out whether the time limits for filing application with the court have been met and what are the reasons for their violation, and the question of the application of the consequences of failure to comply with the deadline must be considered irrespective of whether or not the persons concerned invoked this circumstance. Based on the provisions of Part 1 of Article 4 and Part 1 of Article 256 of the Civil Procedural Code of the Russian Federation, the term for filing an application with the court begins from the date following the day when the applicant became aware about the violation of his rights and freedoms, the creation of the obstacles to the exercise of his rights and freedoms, the imposition of an obligation or prosecution. The obligation to prove this circumstance lies with the applicant. Since the issues of compliance with the deadline for applying to the court relate to the merits of the case, conclusions about its restoration or refusal to restore it by virtue of Part 4 of Article 198 of the Civil Procedural Code of the Russian Federation should be contained in the court decision. When establishing the fact of missing the specified period without valid reasons, the court shall, on the basis of Part 6 of Article 152, Part 4 of Article 198 and Part 2 of Article 256 of the Civil Procedural Code of the Russian Federation, dismiss the application at the preliminary hearing or at the trial, indicating in the reasoning of the judgment only the court's finding of this circumstance.

As follows from the application, as well as from oral explanations of the applicant’s representative E.E. Gaffarov in the court, L.E. Islyamov did not apply to the court on time, since this warning was issued against him as the founder of “Television Company “Atlant-SV” LLC, that is, the warning concerned the rights of the company, which in the person of the director E.R. Islyamova has filed its appeal with the court. In turn, L.E. Islyamov never was the founder of the company, but was its member.

The Court considers such arguments unfounded. Thus, the contested warning was issued on 16 May 2014 against L.E. Islyamov as the founder of “Television Company “Atlant-SV” LLC (ATR TV channel, ATR T TV channel), and it is L.E. Islyamov who was warned about the inadmissibility of carrying out extremist activities. The fact that L.E. Islyamov considered his rights violated by this warning evidenced by his application to the Prosecutor’s Office of the Republic of Crimea of 30 May 2014 on the cancellation of the contested warning against him. This application, as explained by the representative of the person concerned,

was indeed received by the Prosecutor's Office of the Republic of Crimea, but was left without consideration, since the applicant did not indicate his residence address.

Under such circumstances, L.E. Islyamov had the opportunity to appeal against the warning of the Prosecutor of the Republic of Crimea of 16 May 2014 within the time limits provided for in Art. 256 of the Civil Procedural Code of the Russian Federation, however, he did not exercise his right to apply to a court within the three-month period prescribed by law without valid reasons.

The court dismisses the application on the grounds that the deadline for applying to the court has been missed.

Based on the above, guided by Articles 152, 198, 256 of the Civil Procedural Code of the Russian Federation, the Court

DECIDED:

To dismiss the application of Eldar Enverovich Gaffarov, the representative of Islyamov Lenur Edemovich under the power of attorney, the person concerned – the Prosecutor of the Republic of Crimea Poklonskaya Natalya Vladimirovna, on recognizing the warning on the inadmissibility of violating the legislation on countering extremist activities and the legislation on the mass media unlawful and on cancelling it.

Appeal against the decision of the court may be filed within 30 days from the date of the decision through the court of first instance.

Judge

(Signed) N.V. Dvirnyk

*/Seal: Central District Court of Simferopol
of the Republic of Crimea
The Original of the decision is stored
in civil case No. 2-1920/2014
Copy issued on 17 April 2019
Judge (Signed)
Court Secretary (Signed)/*

*/Seal: Central District Court of Simferopol
of the Republic of Crimea
Decision (judgement, decision, ruling) entered into
force on 2 March 2015
Judge (Signed)
Secretary (Signed)/*

*/Seal: True Copy
Seal: Central District Court of Simferopol
of the Republic of Crimea/
Judge (Signed)
Secretary (Signed)/*

Annex 196

Sevastopol Court of Appeal, Case No. 77-50/2014, Decision,
15 October 2014

Translation**SEVASTOPOL COURT OF APPEAL**

Case No. 77–50/2014
 Category: Part 2, Article 20.2 of the
 Code on Administrative Offences
 of the Russian Federation

O.S. Khoroshev, the 1st instance court judge
 Reporter: E.A. Solovyov

DECISION

On 15 October 2014 the Sevastopol Court of Appeal consisting of:

Chairman	– judge E.A. Solovyov
Representative of V.V. Neganov	– attorney O.V. Zheleznyak

having considered, in an open court hearing held in the courtroom of the Court of Appeal, the administrative offence case on the appeal of V.V. Neganov’s representative, attorney O.V. Zheleznyak, against the Decision of the Gagarynsky District Court of Sevastopol of 8 September 2014, where

Viktor Vadimovich Neganov, born on 19 August 1985, a native of Sevastopol, a citizen of Ukraine, residing at [address], who had never been held administratively liable,

was found guilty of committing an administrative offence provided for in Article 20.2, Part 2 of the Code on Administrative Offences of the Russian Federation, and charged with an administrative offence in the form of a fine in the amount of 30,000 Russian Rubles,

ESTABLISHED:

According to the Decision of the district court, on 24 August 2014 at 12:30 near house No. 3 in Antichniy Avenue in Sevastopol, V.V. Neganov conducted a public event – a rally to celebrate the Independence Day of Ukraine – without having submitted any proper notice of conducting a public event to the relevant body by which he violated Part 2 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

Attorney O.V. Zheleznyak, the representative of V.V. Neganov, disagreeing with the abovementioned decision, has filed an application in due time where she, by pointing out the material violations of the current law committed during investigation, seeks for reverse of the challenged decision, and to terminate the administrative proceedings due to the absence of offence in the actions of V.V. Neganov.

In support of the arguments, the appellant alleges that the court of the first instance violated the provisions of Part 2, Article 25.1 of the Code on Administrative Offences of the Russian Federation since the case materials do not contain the evidence that V.V. Neganov had been properly notified of the date and time of the court hearing which shows that his legal rights were violated.

Besides, V.V. Neganov’s defense counsel filed a motion to postpone the case hearing in the court of the first instance in order to properly notify V.V. Neganov, however, this motion was ignored by the court.

The appellant points out that, in accordance with Part 3, Article 1.5 of the Code on Administrative Offences of the Russian Federation, the burden of proof for that V.V. Neganov had violated the norms of the Code on Administrative Offences of the Russian Federation in this case shall be on the officer who prepared the records, in this case, the police captain V.N. Bezdushniy. However, the latter, having been notified of the date and time of the case hearing did not show up at the hearing and did not provide any evidence to rebut the arguments of the defense.

Moreover, the defense counsel points out that the police officer, when making the administrative offence records, violated the provisions of the Code on Administrative Offences of the Russian Federation as he failed to indicate which Federal Law was violated by V.V. Neganov.

The similar violation was committed by the district court which stated only the provisions of part 2 of Article 20.2 of the Code on Administrative Offences of the Russian Federation in its decision and failed to specify the norms of the current Russian Law in the field of organization and holding of public events.

Therefore, in the appellant's opinion, the court had no grounds to conclude the actions of V.V. Neganov were qualified correctly under part 2 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

Besides, the appellant highlights that administrative offence records do not comply with the requirements of Part 1 of Article 29.1 of the Code on Administrative Offences of the Russian Federation.

So, the rally to celebrate the Independence Day of Ukraine took place on 24 August 2014 in Antichny Avenue in Sevastopol at 12:30, and the message from A. S. Eskov was received by the police at 12:40. According to the report of the traffic police officer, V.V. Neganov was seized and taken to the Gagarinsky district police department at 1:18 p.m. Moreover, the police officers, while seizing V.V. Neganov, used physical force and frisked him, seized the car keys and the mobile phone. However, no procedural documents thereof were drawn up by the police officers.

No records of administrative offence were made on that time and the place of its making is not known to V.V. Neganov. Such administrative offence record was handed over to V.V. Neganov at around 5 p.m. in the Investigative Committee of Gagarinsky district for signature while V.V. Neganov was there for his personal affairs.

The appellant also states A.S. Eskov, when questioned as a witness, was not clarified his rights, obligations and liability for intentionally making a false statement.

The defendant filed a motion in the court of the first instance to call for and question the witnesses, but the judge dismissed the motion with no explanation.

In addition, the district court, when considering the administrative materials, did not take into account the decision of the European Court of Human Rights in the case of Sergey Kuznetsov vs. the Russian Federation of 23 October 2008: "... a person must not be sanctioned for participating in non-prohibited demonstration", and the actions of V.V. Neganov only represent his political views and national identity.

Thus, the appellant considers that the decision of the district court should be reversed, the case of administrative offence against V.V. Neganov terminated due to absence of offence in his actions.

During the hearing at the Court of Appeal V.V. Neganov and his attorney, O.V. Zheleznyak supported the arguments of the appeal and asked to reverse the decision of the district court.

Having checked the written case materials, having taken into account the arguments of the complaint, the court of appeal considers that the appeal cannot be satisfied due to the following causes.

Part 2, Article 20.2 of the Code on Administrative Offences of the Russian Federation provides for punishment for organizing or holding a public event without submitting a relevant notice thereof in a due manner.

The Federal Law "On assemblies, rallies, demonstrations, marches and picketing" determines the procedure of organizing public events, and recognizes as a public event the action that is open, peaceful, accessible to public, held in the form of an assembly, rally, demonstration, march or picketing, or in various combinations thereof, initiated by citizens of the Russian Federation, political parties, other public associations and religious organizations (Clause 1, Article 2), envisages a row of procedures aimed at ensuring peaceful and safe conduct of a public event consistent with the rights and interests of persons not involved in it, and avoiding possible violations of public order and security (Article 4).

Such procedures include the notice about conduct of a public event which is ought to be submitted by the organizer of the public event to the government body of the constituent entity of the Russian Federation or the local government body (Clause 1, Part 4, Article 5): notice of conducting a public event (excluding assemblies and picketing held by one participant) shall be submitted by its organizer no more than 15 and no less than 10 days prior to the day of the public event; in case of a picketing held by a group of persons, the notice may be submitted no less than three days prior to the day of the picketing, but if these days fall on Sunday and (or) a holiday (off work days) – no less than four days prior to the day of the event; the procedure for submitting the notice of a public event is regulated by the relevant law of the constituent entity of the Russian Federation (Parts 1 and 2, Article 7); no prior notice of public events is required if they are held in specially designated areas determined by the government body of the constituent entity of the Russian Federation, if the number of persons participating in such a public event is not higher than the limit determined by the law of the constituent entity of the Russian Federation and not less than a hundred people (Part 1.1, Article 8).

The Code on Administrative Offences of the Russian Federation establishes the administrative liability for non-performance of this obligation: in accordance with part 2, Article 20.2, the citizens, officials and legal entities are subject to administrative liability for organizing or holding a public event without submitting a relevant notice thereof in a due manner in the form of an administrative fine for citizens in the amount of

twenty thousand to thirty thousand rubles (or mandatory work for up to fifty hours), for officials – in the amount of twenty thousand to forty thousand rubles and for legal entities – in the amount of seventy thousand to two hundred thousand rubles.

The Code on Administrative Offences of the Russian Federation recognizes the very fact of non-compliance with the obligation to notify public authorities about holding a public event as socially dangerous and therefore illegal and punishable.

As noted by the Constitutional Court of the Russian Federation in its Decision No. 4-P of 14 February 2013, binding the organizer of a public event with the obligation to submit a prior notice about holding a public event aims at timely and proper informing the relevant public authorities about the form, place (route), time of the beginning and end of the public event, the expected number of its participants, ways (methods) of ensuring public order and organizing medical care, as well as about the organizers and persons authorized to perform administrative functions for organizing and holding a public event; otherwise, the public authorities, when not being adequately aware of the planned public event, its nature and scope, are deprived of a real opportunity to fulfill the obligation imposed on them by the Constitution of the Russian Federation, primarily by the Article 2 thereof, to observe and protect human and civil rights and freedoms and to take the necessary measures, including preventive and organizational ones, aimed at ensuring safety for both the participants of the public event and other public.

The European Court of Human Rights also proceeding from this position and states that the notification (and even permissive) order of organizing a public event usually does not infringe on the essence of the right to freedom of assembly and is not incompatible with Article 11 of the Convention for Protection of Human Rights and Fundamental Freedoms; it not only allows reconciling this right, in particular, with the right of free movement and with the legitimate interests of other public, but also serves to prevent riots and crimes, and enables the authorities to take reasonable and appropriate measures to ensure the proper conduct of any assembly, rally or other event of a political, cultural or other nature; however, the European Court of Human Rights does not consider it is tasked to standardize the existing systems in Europe which include the Russian procedure defined as notification and coordination (decisions of 5 December 2006 in the case “Oya Ataman vs. Turkey”, of 18 December 2007 in the case “Nurettin Aidemir and others vs. Turkey”, of 7 October 2008 in the case “Molnar vs. Hungary” and of 10 July 2012 in the case “Berladir and Others vs. Russia”).

Therefore, the recognition of an offence under part 2 of article 20.2 of the Code on Administrative Offences of the Russian Federation as the public threat relies on adequate grounds which mean the said action creates a threat of violating the rights and freedoms of citizens, since it hinders the public authorities to take adequate measures to avoid and prevent violations of public order and security, rights and freedoms of citizens.

The conclusions of the court of first instance that the guilt of V.V. Neganov in the offence he was incriminated, that is, organizing the public event without submitting a notice thereof in the prescribed manner, excluding the cases provided for in part 7 of this article, are confirmed by a set of data collected in the due manner and properly investigated by the local court, namely: A.S. Eskov’s message of 24 August 2014 on an offence committed; A.S. Eskov’s statement about the measures taken toward the group of persons who held a rally with unfurled Ukrainian flags and employed special protective equipment against any passing by citizens (pepper guns and electric shockers) on 24 August 2014 at about 12:40 near the house No. 3 on Antichny Avenue in Sevastopol; A.S. Eskov’s explanation given to the head of the Department of the Ministry of Internal Affairs of Russia in the Gagarinsky district of Sevastopol, where he tells that on 24 August 2014 at about 12:40 near the house No. 3 on Antichny Avenue in Sevastopol he witnessed a rally held by a group of 6–8 people who were waving Ukrainian flags and used pepper guns against passers-by, were frightening the passers-by with the crack of electric shockers, then the group of people left the place of the rally in two cars, one of which was a gray Honda, license plate number CH5206, and the second was a Fiat, license plate number CH3614; reports of the police officers about seizure of the said cars driven by V.V. Neganov and S.V. Kornienko of 24 August 2014; a report of A.R. Ablayev, the district police officer of the Department of the Ministry of Internal Affairs of Russia in the Gagarinsky district of Sevastopol dated 24 August 2014 about refusal of S.V. Kornienko to give explanations on the offence; a copy of a driver’s license of S.V. Kornienko and the vehicle registration certificate of N.A. Kornienko; a copy of V.V. Neganov’s passport of the citizen of Ukraine; V.V. Neganov’s explanation; explanations of S.A. Krasnyansky and N.V. Keryanova of 24 August 2014 where they confirmed that V.V. Neganov refused to sign the administrative offence records.

When analyzing the said evidence as a whole, the local court has correctly concluded that V.V. Neganov’s actions contain the elements of an administrative offence provided for in Part 2, Article 20.2 of the Code on Administrative Offences of the Russian Federation.

[Stamp: Gagarinsky District Court of Sevastopol
numbered, bound and sealed on 3 sheets
signature (*signed*)

[Seal: GAGARINSKY DISTRICT COURT OF SEVASTOPOL]

When imposing an administrative punishment on V.V. Neganov the court of first instance correctly considered the nature and level of public danger of the offence, absence of mitigating and aggravating circumstances, that the defendant was held administratively liable for the first time, and imposed on him an administrative punishment under Part 2, Article 20.2 of the Code on Administrative Offences of the Russian Federation which is considered sufficient to correct the defendant.

Such a penalty fully meets the objectives of administrative punishment.

The local court has not found out any violations of the Code on Administrative Offences of the Russian Federation or other regulatory documents made during preparation of procedural instruments by the police officials, or during proceedings of the case by the local court.

The appellant's arguments about not informing V.V. Neganov of the date and time of the court hearing when the case was heard by the district court are unjustified and refuted by the case materials (case 16).

The court of appeal also considers as improper the arguments of defense that the administrative offence records do not contain the reference to the Federal Law in the sphere of organization and holding of public events, because the part 2 of Article 28.2 of the Code on Administrative Offences of the Russian Federation reads that the administrative offence records must contain reference to any article of the Code on Administrative Offences or the law "of any constituent entity of the Federation", i.e. the legislator offers an option and not clearly instructs any officials who draw up the records.

Other arguments contained in the complaint do not impugn the correctness of the decision issued by the district court.

Under such circumstances, the court of appeal does not see any grounds to revoke or change the decision of the district court.

In view of the foregoing, pursuant to articles 30.6 – 30.8 of the Code on Administrative Offences of the Russian Federation, articles 1, 2, 6, 9 of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6–FKZ, the Court of Appeal

DECIDED:

To dismiss the appellate complaint filed by O.V. Zheleznyak, the representative of V.V. Neganov, and uphold the decision of Gagarinsky District Court of Sevastopol of 8 September 2014 in the case to bring Neganov Victor Vadimovich to administrative liability and impose an administrative punishment on him according to Article 20.2, part 2 of the Code on Administrative Offences of the Russian Federation.

Judge of Sevastopol Court of Appeal (Signed)

E.A. Solovyov

[Stamp: TRUE COPY

Signature of Judge (*signed*)

Secretary (*signed*)

title and signature of court clerk

21 May 2020]

[Seal: GAGARINSKY DISTRICT COURT OF SEVASTOPOL]

Annex 197

Statement of R.M. Ametov on refusal to familiarize with the orders,
Criminal Case No. 2014417004, 28 October 2014

Translation

*To the Investigator for the High-Priority Cases
of the Directorate for the Investigation of
High-Priority Cases
Senior Lieutenant of Justice
T.V. Zennatov*

Statement

*I, R.M. Ametov, a victim in criminal case No. 2014417004, do not want to review orders on
assigning forensic examinations and expert opinions.*

R.M. Ametov /Signature/

The statement was received by

Investigator for the High-Priority Cases

/illegible/ T.V. /Signature/ 28 October 2014

Annex 198

Directorate of the Federal Security Service for the Republic of Crimea
and the city of Sevastopol, Response No. Yu-1329/Yu-1336 on
consideration of the request of I. Yuksel, 29 October 2014

Translation

Copy No. 2

*[Handwritten: Yu-1329/Yu-1336
of 29 October 2014]*

I. Yuksel
[address]

On consideration of the request

The Directorate of the Federal Security Service of the Russian Federation for the Republic of Crimea and the City of Sevastopol has considered your request.

This is to inform you that the Federal Security Service of Russia decided not to allow you, as a foreign citizen, to enter the Russian Federation based on Subparagraph 1, Paragraph 1, Article 27 of Federal Law of 15 August 1996 No. 114-FZ “On the procedure for leaving the Russian Federation and entry into the Russian Federation”.

Head of the Directorate

(signed)

[Name: ...]

Annex 199

Crimean Republican Institution Bureau of Forensic Medical
Examination, Letter Ref. No. 01-1788, 30 October 2014

Translation

*/Handwritten: illegible/
/Handwritten: 43/*



Ministry of Health of the Republic of Crimea

**CRIMEAN REPUBLICAN INSTITUTION
BUREAU OF FORENSIC MEDICAL EXAMINATION**

27 R. Luxemburg Street, Simferopol, 95006 Tel. (0652) 27-49-19.

**Ref. No. 01-1788
30 October 2014**

**To the Head of the Police Station
No. 3 “Central” of the Directorate
of the Ministry of Internal Affairs
of Russia for Simferopol
K.V. Kosolapov**

With reference to your request of 15 September 2014 No. 49/2-4923, please be informed, that from 4 June 2014 until the present time Leonid Nikolaevich Korzh, born in 1990, has not been listed in the registers of the Department of Forensic Medical Examination of corpses of the Simferopol branch of the Crimean Republican Institution Bureau of Forensic Medical Examination.

Head of Bureau

/Signature/

E.D. Ivanchenko

Prokopenko
[phone number]

/Handwritten: 20 November 2014/

Annex 200

Inquiry Department of the Department of the Ministry of Internal Affairs for the Bakhchisaray District, Resolution on the initiation of a criminal case, 8 December 2014

Translation

2014178708

RESOLUTION
on the initiation of a criminal case and commencement of proceedingsBakhchisaray
17:00

8 December 2014

Inquiry Officer of the Inquiry Department of the Department of the Ministry of Internal Affairs of Russia for the Bakhchisaray District, Senior Police Lieutenant E.Yu. Skrypnikova, having considered the results of check materials relating to physical harm registered in the Crime Records Registration Book under No. 3694 of 28 August 2014

ESTABLISHED:

The reason for opening an investigation was a report of Police Senior Sergeant G.V. Morozov, Criminal Investigations Officer of the Department of Internal Affairs in the Bakhchisaray District, concerning the discovery and seizure of a pistol.

The grounds for opening an investigation are sufficient data contained in the check documents, indicating an offence under Part 1, Art. 222 of the Criminal Code of the Russian Federation, committed under the following circumstances:

On 28 August 2014, at around 07:13 AM at 46 Basenko Str., Bakhchisaray, during a search in the household of I.E. Ibragimov, police officers identified and seized an item which, according to expert's opinion No. 943/3-5 of 5 December 2014, was a civilian, hand-held, short-barreled firearm – self-defense weapon of the Sieger RR model, serial No. 21085 whose design allows shooting with pistol rounds of 9 mm caliber.

Taking into account sufficient data indicating an offence under Part 1, Art. 222 of the Criminal Code of the Russian Federation, guided by Articles 140, 145, 146 (147) and Part 1, Art. 156 of the Criminal Procedural Code of the Russian Federation

RESOLVED:

1. To initiate a criminal case into a crime under Part 1, Art. 222 of the Criminal Code of the Russian Federation.
2. To initiate proceedings and begin its investigation.
3. To send a copy of this resolution to the Prosecutor of the Bakhchisaray District of the Republic of Crimea.

**Investigating Officer of the Investigation
Department of the Ministry of Internal
Affairs of Russia in the Bakhchisaray District,
Senior Police Lieutenant**

/Signature/

E.Yu. Skrypnikova

Annex 201

Supreme Court of the Russian Federation, case No. 308-ES14-4585,
Ruling, 9 December 2014

Translation

570_619790

**SUPREME COURT
OF THE RUSSIAN FEDERATION**

No. 308-ES14-4585

RULING

Moscow

9 December 2014

The Judge of the Supreme Court of the Russian Federation I.V. Razumov, having examined a cassation appeal of Chernomorskaya TV and Radio Company (hereinafter referred to as the TV and radio company) relating to Decree of the Sevastopol Economic Court of Appeal of 31 July 2014 in case No. A83-112/2014 of the Economic Court of the Republic of Crimea with regard to the claim filed by the State Enterprise “Radio and Television Broadcasting Centre of the Autonomous Republic of Crimea” (hereinafter referred to as the enterprise) against the TV and radio company for the recovery of 3,152,347 Rubles 84 kopecks,

established:

pursuant to the order of the Economic Court of the Republic of Crimea of 30 June 2014, the application for injunctive relief submitted by the enterprise was dismissed.

The Sevastopol Economic Court of Appeal revoked the court order by a decree of 31 July 2014, satisfied the application of the enterprise, having seized all immovable property: non-residential premises and movable property: technical and electronic means and equipment belonging to the TV and radio company, as well as movable property held by third parties according to the list, and transferred the above movable property to the enterprise for safe custody.

In the application – which is essentially a cassation appeal – submitted to the Supreme Court of the Russian Federation, the TV and radio company requests to revoke the decree of the court of appeal issued with regard to the case and uphold the order of the court of first instance.

According to Article 9 of Federal Constitutional Law of 21 March 2014 No. 6-FKZ “On the Admission of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol”, the specified judicial acts may be appealed against to the Judicial Chamber for Economic Disputes of the Supreme Court of the Russian Federation.

Within the meaning of Part 1 Article 291.1, Part 7 Article 291.6, Article 291.11 of the Arbitrazh Procedural Code of the Russian Federation, a cassation appeal is to be transferred for consideration in a court hearing of the Judicial Chamber of the Supreme Court of the Russian Federation, if the arguments stated therein prove that there are serious violations of substantive law and/or procedural law that influenced the outcome of the case, which, if not remedied, will make it impossible to restore and protect the violated rights and legal interests of the claimant in the field of business or other economic activity.

However, based on the results of the examination of the challenged judicial acts and the arguments of the cassation appeal, no grounds therefor were established.

By satisfying the application for injunctive relief, the court of appeal relied upon the provisions of Articles 90-91 of the Arbitrazh Procedural Code of the Russian Federation, comments given in Decree of the Plenum of the Supreme Arbitrazh Court of the Russian Federation No. 55 of 12 October 2006 “On the application of injunctive relief by Courts”, and concluded that it was necessary to apply injunctive relief as evidenced by documents, and the relief is aimed at protecting the claimant’s proprietary interests and is proportionate to the asserted claims, and failure to apply it may make it difficult or impossible to perform the judicial act.

The arguments of the claimant to the contrary essentially come down to challenging the factual background established by the court of appeal. Such arguments cannot be considered in cassation proceedings.

In view of the foregoing and pursuant to Article 291.6 of the Arbitrazh Procedural Code of the Russian Federation, the judge

RULED:

To deny Chernomorskaya TV and Radio Company the transfer of its cassation appeal for consideration in a court hearing of the Judicial Chamber for Economic Disputes of the Supreme Court of the Russian Federation.

Judge of the Supreme Court of
the Russian Federation

(Signed)

I.V. Razumov

Annex 202

Supreme Court of the Russian Federation, Case No. 5-APU14-78,
Appellate Decision, 11 December 2014
(excerpts)

Translation

Excerpts

**SUPREME COURT
OF THE RUSSIAN FEDERATION**

Case No. 5-APU14-78

APPELLATE DECISION

Moscow

11 December 2014

The Judicial Chamber for Criminal Cases of the Supreme Court of the Russian Federation, consisting of:

Presiding judge K.E. Skriabin,

Judges O.K. Zalepin, N.P. Dubovik,

with the secretary Yu.I. Chernikova,

has considered in a court session appeals of the convict S.D. Kurbanov, attorneys D.E. Lomakin, G.A. Shkalikov, A.Yu. Gaitaev, B.E. Gadzhiev against the decision of the Moscow City Court of 30 July 2014, whereby

Azizbek Khalikovich Inamov, born on 9 April 1977 in the city of Osh of the Osh Region of the Republic of Kyrgyzstan, with no criminal record,

was convicted under Part 1, Article 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 420-FZ of 7 December 2011) to a fine of 200,000 Rubles to be paid to the state budget; to 9 years of imprisonment under Part 1, Art. 30, Art. 278 of the Criminal Code of the Russian Federation, with the application of Art. 64 of the Criminal Code of the Russian Federation; to 5 years of imprisonment under Part 1, Art. 205¹ of the Criminal Code of the Russian Federation.

On the basis of Part 3, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by partially summing up punishments, he was finally convicted to 11 years of imprisonment with a fine of 200,000 Rubles, with the punishment to be served in a maximum security facility. On the basis of Part 2, Art. 71 of the Criminal Code of the Russian Federation, it was ruled that the punishment in the form of a fine had to be complied with [by the convict] individually.

Shamil Magomedrasulovich Ismailov, born on 20 October 1973 in Makhachkala of the Republic of Dagestan, with no criminal record,

was convicted under Part 1, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 420-FZ of 7 December 2011) to a fine of 100,000 Rubles to be paid to the state budget; to 8 years of imprisonment under Part 1, Art. 30, Art. 278 of the Criminal Code of the Russian Federation, with the application of Art. 64 of the Criminal Code of the Russian Federation, with the restriction of freedom for 2 years, and certain restrictions.

On the basis of Part 2, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by fully summing up the punishments, he was finally convicted to 8 years of imprisonment with a fine of 100,000 Rubles to be paid to the state budget, with the restriction of

freedom for 2 years, and certain restrictions, with the punishment to be served in a maximum security facility. On the basis of Part 2, Art. 71 of the Criminal Code of the Russian Federation, it was ruled that the punishment in the form of a fine had to be complied with [by the convict] individually.

Saipula Dzhabrailovich Kurbanov, born on 9 April 1980 in Makhachkala of the Republic of Dagestan, with no criminal record,

was convicted under Part 1, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 420-FZ of 7 December 2011) to a fine of 150,000 Rubles to be paid to the state budget; to 8 years of imprisonment under Part 1, Art. 30, Art. 278 of the Criminal Code of the Russian Federation, with the application of Art. 64 of the Criminal Code of the Russian Federation, with the restriction of freedom for 2 years, and certain restrictions.

On the basis of Part 2, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by fully summing up the punishments, he was finally convicted to 8 years of imprisonment with a fine of 150,000 Rubles to be paid to the state budget, with the restriction of freedom for 2 years, and certain restrictions, with the punishment to be served in a maximum security facility. On the basis of Part 2, Art. 71 of the Criminal Code of the Russian Federation, it was ruled that the punishment in the form of a fine had to be complied with [by the convict] individually.

Zikrullokhon Faizullokhodzhaevich Rakhmonkhodzhaev, born on 2 October 1975 in the city of Khujand of the Republic of Tajikistan, with no criminal record in the territory of the Russian Federation,

was convicted under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 420-FZ of 7 December 2011) to a fine of 50,000 Rubles to be paid to the state budget; to 6 years of imprisonment under Part 1, Art. 30, Art. 278 of the Criminal Code of the Russian Federation, with the application of Art. 64 of the Criminal Code of the Russian Federation; to 3 years of imprisonment under Part 1, Art. 222 of the Criminal Code of the Russian Federation.

On the basis of Part 2, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by partial addition of the imposed punishments, he was finally convicted to 7 years of imprisonment with a fine of 50,000 Rubles to be paid to the state budget, with the punishment to be served in a maximum security facility. On the basis of Part 2, Art. 71 of the Criminal Code of the Russian Federation, it was ruled that the punishment in the form of a fine had to be complied with [by the convict] individually.

[...]

Page 8

The arguments of the appeals on the lack of evidence of the preparation of Inamov, Ismailov, Kurbanov and Rakhmonkhodzhaev for committing acts aimed at a violent coup and the dismantlement of the constitutional order of the Russian Federation, of Inamov aimed at assisting in terrorist activities are refuted by the testimony of witnesses Guseinov, Krasnov, Dzhuraev, Kurbonov, Kochorov, Sadykov, Malsagov about the structure and organisation of “Hizb ut-Tahrir al-Islam”...

[...]

In view of the above, guided by Art. 389.13, 389.20, 389.28 of the Criminal Procedural Code of the Russian Federation), the Judicial Chamber

decided:

To change the judgment of the Moscow City Court of 30 July 2014 against Azizbek Khalikovich Inamov, Shamil Magomedrasulovich Ismailov, Saipula Dzhabrailovich Kurbanov and Zikrullokhon Faizullokhodzhaevich Rakhmonkhodzhaev: to release A.Kh. Inamov, S.D. Kurbanov, Sh.M. Ismailov from the punishment imposed under Part 1, Art. 282.2 of the Criminal Code of the Russian Federation, as well as to release Z.F. Rakhmonkhodzhaev from the punishment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation because the limitations period of criminal prosecution expired on the basis of para "a", Part 1, Art. 78 of the Criminal Code of the Russian Federation.

To impose a final punishment of 11 years of imprisonment on A.Kh. Inamov on the basis of Part 3, Art. 69 of the Criminal Code of the Russian Federation for the totality of the committed crimes provided under Part 1, Art. 30, Art. 278, Part 1, Art. 205.1 of the Criminal Code of the Russian Federation by partially summing up punishments.

To impose a final punishment of 7 years of imprisonment on Z.F. Rakhmonkhodzhaev on the basis of Part 2, Art. 69 of the Criminal Code of the Russian Federation for the totality of the committed crimes provided under Part 1, Art. 30, Art. 278, Part 1, Art. 222 of the Criminal Code of the Russian Federation by partially summing up punishments.

To delete the reference to the imposition of a final punishment on Sh.M. Ismailov, S.D. Kurbanov on the basis of Part 2, Art. 69 of the Criminal Code of the Russian Federation for the totality of the committed crimes.

To leave unchanged the rest of the decision against Sh.M. Ismailov, convicted to 8 years of imprisonment under Part 1, Art. 30, Art. 278 of the Criminal Code of the Russian Federation, with the application of Art. 64 of the Criminal Code of the Russian Federation, with the restriction of freedom for 2 years, and the restrictions established in the judgment; against S.D. Kurbanov, convicted to 8 years of imprisonment under Part 1, Art. 30, Art. 278 of the Criminal Code of the Russian Federation, with the application of Art. 64 of the Criminal Code of the Russian Federation, with the restriction of freedom for 2 years, with the restrictions established in the judgment; to leave unchanged the same judgment against A.Kh. Inamov and Z.F. Rakhmonkhodzhaev, and to dismiss the appeals of the convict S.D. Kurbanov, attorneys E.D. Lomakin, G.A. Shkalikov, A.Yu. Gaitaev, B.E. Gadzhiev.

Presiding judge: */signed/*

Judges: */signed/ /signed/*

Annex 203

Petukhovsky District Court of the Kurgan Region,
Case No. 2-625/2014, Decision,
16 December 2014

Translation

Case No. 2-625/2014

DECISION

In the name of the Russian Federation

16 December 2014

the city of

Petukhovo

Petukhovskiy District Court of the Kurgan Region composed of the Judge I.V. Mokina, and the Secretary M.S. Shket.

having heard in an open court hearing a civil case under the application filed by the acting Prosecutor of the Kurgan Region serving to protect the rights, freedoms and legal interests of the general public on the recognition of the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012) as extremist material,

ESTABLISHED:

The acting Prosecutor of the Kurgan Region serving to protect the rights, freedoms and legal interests of the general public filed with the Court the application on the recognition of the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012) as extremist material, substantiating this that supervisory measures taken by the Prosecutor's Office of the region revealed the circumstances that indicated that materials demonstrating signs of incitement to hatred and enmity towards people on religious grounds were disseminated. In August 2013, the Directorate of the Federal Security Service of Russia for the Kurgan Region received from the Border Control Department of the Federal Security Service of Russia for the Kurgan and Tyumen Regions operating in Petukhovo for the border control checkpoint “Petukhovo – Railway” Islamic literature – the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, printing house M.: Ummah, 2012). This book was found by officers of the department of the Border Control Department of the Federal Security Service of Russia for the Kurgan and Tyumen Regions in the enclosed platform of car No. 5 in the course of an inspection of railway train No. 305 at the railway station in Petukhovo, Kurgan Region. According to a linguistic examination report, the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012) contains information aimed at inciting hatred and enmity towards people who do not profess Islam, and towards Muslims who have departed from the principles of strict monotheism. Additionally, the book contains information aimed at justifying suicidal terrorism and conducting an armed struggle (Jihad) in the path of Allah under the guise of religious ideology, at recognising the ideology and practice of combat actions for the religion of Allah to be correct and requiring support. Currently, the said book is not included in the List of Extremist Materials of the Ministry of Justice of the Russian Federation.

Therefore, the acting Prosecutor of the Kurgan Region requests the Court to recognise the said book as extremist material.

At the hearing, the Deputy Prosecutor of the Petukhovskiy District of the Kurgan Region A.V. Volkov supported the stated applications on the above grounds.

A representative of the party concerned, the Directorate of the Ministry of Justice of the Russian Federation for the Kurgan Region, did not appear at the hearing, asked to consider the case without their participation.

In accordance with Article 167 of the Civil Procedural Code of the Russian Federation, the Court accepted the case for consideration in the absence of the representative of the party concerned.

Having heard the Prosecutor, examined the written materials of the case, the Court thinks it

fit to satisfy the application on the following grounds.

The Court established that in August 2013, in Petukhovo, officers of the Border Control Department of the Federal Security Service of Russia for the Kurgan and Tyumen Regions in the enclosed platform of railcar No. 5 in the course of an inspection of railway train No. 305 at the railway station in Petukhovo, Kurgan Region, found the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012).

In accordance with Part 2, Article 29 of the Constitution of the Russian Federation, the propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. Promotion of social, racial, national, religious or linguistic superiority shall be prohibited.

Under Part 3 of Article 1 of Federal Law No. 114 of 25 July 2002 “On countering extremist activities”, extremist materials constitute documents or information intended for publication in other media calling for the extremist activity to be carried out or substantiating or justifying the necessity to carry out such activity, including publications substantiating or justifying ethnic and/or racial superiority.

The extremist activity also comprises stirring up of social, racial, ethnic or religious discord; propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion.

According to Article 13 of the said Law, the dissemination of extremist materials, their production or storage for the purpose of dissemination are prohibited in the Russian Federation. To the extent provided for by the laws of the Russian Federation, the production, storage or dissemination of extremist materials shall constitute an infringement of the law and incur liability.

The psycho-linguistic examination established that the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012) contains information aimed at inciting hatred and enmity towards people who do not profess Islam, and towards Muslims who have departed from the principles of strict monotheism. Additionally, the book contains information aimed at justifying suicidal terrorism and conducting an armed struggle (Jihad) in the path of Allah under the guise of religious ideology, at recognising the ideology and practice of combat actions for the religion of Allah to be correct and requiring support. Currently, the said book is not included in the List of Extremist Materials of the Ministry of Justice of the Russian Federation.

Currently, the said book is not included in the List of Extremist Materials of the Ministry of Justice of the Russian Federation.

The information materials are recognised to be extremist materials by a federal court at the place where they are discovered or disseminated or where the organisation that produced such materials is located, on the basis of a petition submitted by the prosecutor or in proceedings under the relevant administrative offence, civil or criminal case (Article 13 of the Law).

A copy of the final court decision on the recognition of information materials to be extremist materials is sent within three days to the federal state registration authority, i.e. the Ministry of Justice of the Russian Federation.

In accordance with Subclause 46, Clause 6 of the Regulations on the Directorate of the Ministry of Justice of the Russian Federation for the constituent entity (entities) of the Russian Federation, approved by Order of the Ministry of Justice of the Russian Federation of 21 May 2009 No. 147, the territorial body of the Ministry of Justice of the Russian Federation submits copies of the final court decisions on recognising materials as extremist in order to maintain a federal list of extremist materials, to the Ministry of Justice of the Russian Federation.

The federal state registration authority within thirty days includes the information materials recognised by the Court decision as extremist into the federal list of extremist materials.

The federal list of extremist materials is posted on the Internet on the website of the federal state registration authority. In addition to that, this list is published in the mass media in accordance with the established procedure.

According to Article 45 of the Civil Procedural Code of the Russian Federation, the

Prosecutor has the right to file with the Court an application in defence of the rights, freedoms and legitimate interests of citizens and the general public.

The application is filed because the content of the printed publication is aimed at inciting hatred and enmity towards people who do not profess Islam, which may lead to conflicts on religious grounds, violation of the rights and legitimate interests of the general public.

Therefore, the Court concluded that the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012) is extremist material, which was duly proved in the course of the hearing, and should be included in the federal list of extremist materials.

In accordance with Article 13 of the Federal Law “On countering extremist activities”, concurrently with the recognition of the materials as extremist, the Court makes a decision on whether to confiscate them or not.

Given the above and being guided by Articles 194–199 of the Civil Procedural Code of the Russian Federation, the Court

DECIDED:

To satisfy the application filed by the acting Prosecutor of the Kurgan Region.

To recognise the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012) as extremist material.

To include the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012) in the federal list of extremist materials.

To confiscate the book “Abu Bakar As-Siddiq: The First Righteous Caliph” by Ali Muhammad al-Sallabi (translated from Arabic by E. Sorokoumova, 2nd edition, publishing house M.: Ummah, 2012).

The decision can be appealed to the Kurgan Regional Court within a month from the date of the final decision by the Court, by filing an appeal through the Petukhovsky District Court.

Judge

/Signature/

I.V. Mokina

Annex 204

Tuimazinsky District Court of the Republic of Bashkortostan,
Case No. 2-3654/2014, Decision, 16 December 2014
(excerpts)

Translation

Excerpts

TUIMAZINSKY DISTRICT COURT OF THE REPUBLIC OF BASHKORTOSTAN

No. 2-3654/2014

DECISION

In the name of the Russian Federation

16 December 2014, Tuimazy, the Republic of Bashkortostan

Tuimazinsky District Court, the Republic of Bashkortostan, composed of:

presiding judge R.A. Sharafutdinova,

[...]

According to the findings of comprehensive psychological, linguistic and religious forensic examination No. of DD.MM.YY, conducted by experts at the Centre for Linguistic Examinations and Editing at the Department of General Linguistics of the Federal State Budgetary Educational Institution of Higher Professional Education “<redacted>”, the book “Book” (<redacted>) submitted for examination contains statements with a negative assessment of infidels, Jews, Christians, statements expressing hostility, animosity to the representatives of other religions, statements expressing a hostile, unfriendly attitude towards the representatives of other religions, statements containing hidden calls to fight against the representatives of other religions, including statements containing negative assessments of infidels, Jews and Christians; there are many text fragments with a statement that Muslims must be aware of their importance, exclusivity, feel greatness compared to infidels, a statement that an infidel cannot possess the truthfulness that is inherent in a Muslim. This gives a negative assessment of the infidel – he does not possess the necessary characteristic (truthfulness of the Muslim). The last sentence, at the end of the paragraph, reinforces the contrast between the Muslim and the infidel: “the difference between them is great”; there is a statement that it is allowed to damn people with reprehensible characteristics, such as infidels, Jews, and Christians. Thus, there is a negative assessment of infidels, Jews, Christians; statements expressing hostility, animosity towards the representatives of other religions, statements containing hidden calls to fight against the representatives of other religions, there are a large number of statements expressing hostility, animosity towards the representatives of other religions, there are also statements containing hidden calls to fight against the representatives of other religions; signs of hidden calls in the above statements: the addressee – the caller and other Muslims; the use of components with the semantics of obligation; the Muslim (including “the caller”) is prescribed to be cruel, severe, rude to infidels, to fight with the infidels (in this case, the hostility to other, non-Muslim ethnic groups is expressed); in the text fragments of the “Book”, it is possible to identify words and phrases that form a thematic group of war and the enemy; in the above fragment “the hostile attitude of infidels to Muslims” is presented by the author of the work as a well-known fact (the statement is an assertion). This mindset is able to form a reciprocal hostile attitude of the Muslim to infidels; there are a large number of words with the semantics of hatred (the lexical meaning of the word hatred is a feeling of strong hostility, animosity, it is prescribed to hate non-believers and infidels. These statements can be characterised as expressing an aversive, hostile attitude to the representatives of other religions.

[...]

decided:

To recognise the book “The Book” (<redacted>) as extremist material.

The decision can be appealed to the Supreme Court of the Republic of Bashkortostan within one month through the Tuimazinsky District Court.

Judge

R.A. SHARAFUTDINOVA

Annex 205

Economic Court of the Republic of Crimea, case No. A83-2841/2014,
Ruling, 23 December 2014

Translation**ECONOMIC COURT OF THE REPUBLIC OF CRIMEA**

29/11 A. Nevskogo/Rechnaya Str., Simferopol, 295003

E-mail: info@crimea.arbitr.ru<http://www.crimea.arbitr.ru>**RULING**Simferopol
23 December 2014

Case No. A83-2841/2014

The operative part of the Ruling was announced on 23 December 2014**The full text of the Ruling was produced on 25 December 2014**

Judge of the Economic Court of the Republic of Crimea Gaivoronskiy V.I., in the presence of secretary of the court hearing Baklykov K.S., in the presence from the side of the applicant – Bespoyasniy A.V., a representative by a power of attorney (unnumbered of 1 July 2014), from the side of the defendant – Burnashev A.V., a bailiff, service certificate TO 455844, power of attorney of 22 August 2014 No. 84001/14/2899, having considered in open court an application of Chernomorskaya TV and Radio Company (4 Radio Str., Simferopol), the person whose actions are appealed: the bailiff of the Interdistrict Department of Bailiffs for the Execution of Special Enforcement Proceedings of the Office of the Federal Bailiffs Service in the Republic of Crimea Aleksandr Vladimirovich Burnashev (150 Kievskaya Str., Simferopol) on the recognition of the actions and omission of the bailiff as illegal and the obligation to perform certain actions, and the materials attached to it,

established:

Chernomorskaya TV and Radio Company filed with the Economic Court of the Republic of Crimea an application against the bailiff of the Interdistrict Department of Bailiffs for the Execution of Special Enforcement Proceedings of the Office of the Federal Bailiffs Service in the Republic of Crimea Aleksandr Vladimirovich Burnashev (150 Kievskaya Str., Simferopol) on the recognition of actions and omission of the bailiff as illegal and the obligation to perform certain actions.

The applicant's claims are justified by the fact that the actions of the bailiff on issuing an order to refuse to satisfy the application of Chernomorskaya TV and Radio Company as illegal due to the fact that the bailiff did not inquire into the presence and safety of the applicant's property transferred for storage, leading to omission on his part.

The applicant submitted a petition on the termination of the proceedings in the case, in which he seeks the termination of the proceedings due to the waiver of the application because the property was returned in full.

According to Part 2 of Article 49 of the Arbitrazh Procedural Code of the Russian Federation, the plaintiff has the right, when a case is considered in an arbitrazh court of any instance, before the adoption of a judicial act, which puts an end to the consideration of the case in the court of the corresponding instance, to abandon the application in whole or in part. In this case, the court has the right to reject the waiver of the application if it contradicts the law and other regulations or violates the rights and legitimate interests of other persons (Part 5 of Article 49 of the Arbitrazh Procedural Code of the Russian Federation).

In the absence of the above circumstances, the court terminates the proceedings in the case in accordance with Clause 4 of Article 150 of the Arbitrazh Procedural Code of the Russian Federation.

The reasons for the waiver of the application are not provided for by the current legislation.

The court considers that the waiver of the application in this case does not contradict the legislation and cannot violate the legitimate interests of other persons.

Under these circumstances, the court considers it possible to accept the waiver of the application and terminate the proceedings.

According to Part 2 of Article 329 of the Arbitrazh Procedural Code of the Russian Federation, an application for challenging the orders of officials of the bailiff service, their actions (omission) is not subject to any state duty.

At the hearing, which took place on 11 December 2014, an adjournment was announced until 18 December 2014. After the adjournment, the participants in the process did not appear.

Based on the abovementioned, as well as being guided by Clause 4 of Part 1 of Articles 150, 151, 184 and 185 of the Arbitrazh Procedural Code of the Russian Federation, the court

RULED:

To accept the waiver of Chernomorskaya TV and Radio Company of the application on the recognition of the actions and omission of the bailiff of the Interdistrict Department of Bailiffs for the Execution of Special Enforcement Proceedings of the Office of the Federal Bailiffs Service in the Republic of Crimea Alexander Vladimirovich Burnashev.

To terminate the proceedings.

The Ruling may be appealed to the court of appeal through the Economic Court of the Republic of Crimea within a month from the date of its adoption.

Judge

V.I. Gaivoronskiy

Annex 206

Norilsk City Court of the Krasnoyarsk Krai, Case No. 2-3545/2014,
Decision, 29 December 2014

Translation

COPY

Case No. 2-3545/2014

**DECISION
in the Name of the Russian Federation**

Norilsk, Krasnoyarsk Krai

29 December 2014

Norilsk City Court, the Krasnoyarsk Krai, composed of the Presiding Judge E.V. Lubenets,

with the secretary of the court hearing Yu.A. Oblap,

having examined in an open court hearing a civil case submitted by the Prosecutor of the Krasnoyarsk Krai in the interests of the Russian Federation to recognise the brochure “Values of Ramazan” authored by Sheikhul Hadis M.M. as extremist,

ESTABLISHED:

The Prosecutor of the Krasnoyarsk Krai applied to the Court in the interests of the Russian Federation to defend the rights, freedoms and legitimate interests of the general public seeking the recognition of the brochure “Values of Ramazan” authored by Sheikhul Hadis M.M. “Religioznoe Prosveshchenie”, Kazan, 2004, as extremist, motivating it with the fact that the Norilsk Directorate of the Federal Security Service of Russia for the Krasnoyarsk Krai, while working on countering extremism and terrorism, seized the brochure “Values of Ramazan” authored by Sheikhul Hadis M.M. “Religioznoe Prosveshchenie”, Kazan, 2004, from a prisoner serving a sentence at Correctional Facility 15 of the Federal Public Institution “Association of Correctional Facilities 30” of the Main Directorate of the Federal Penitentiary Service of Russia for the Krasnoyarsk Krai. According to the conclusions made by a psychological and linguistic examination conducted by specialists of the Krasnoyarsk State Pedagogical University named after V.P. Astafiev, the materials under study contain the signs of provocation of hostility and hatred on religious and social grounds, humiliation of human dignity based on the attitude to religion. Fragments of the text contain an idea of the possibility of violence against those who do not perform rituals, contain a negative attitude, negative evaluation of those who in certain cases do not perform religious actions. The brochure contains statements that provoke social discord, including enmity, the text contains an idea of the possibility of causing physical harm, namely death, to those who do not adhere to the pillars of Islam. The text of the book expresses an idea of the exclusivity of Muslims in comparison with other people on the basis of social status and the attitude to religion, an idea of the inferiority of people on a religious basis, expresses an idea that it is valuable to take part in a war as physical armed violence for the sake of Allah (jihad). The text of the book forms a positive evaluation / attitude / towards jihad, its value, which in the broader context of the book can be interpreted, particularly, as a war (armed violence) for religious reasons, the idea and value of sacrifice are instilled. The fact that the book carries a stamp (seal) of the local religious organisation “Nurdkamal” (Norilsk) under the central spiritual directorate of Muslims of Russia can be interpreted by the reader reading the publication not only as a permitted text, but a text approved for religious purposes. The image of the seal increases the significance of the publication in the mind of the recipient, creates the impression of its importance, significance, possibly exclusiveness, and can also reduce a critical attitude to problematic fragments of the publication. In connection with the above, the Prosecutor requests that the said brochure be recognised as extremist and to confiscate the book.

During the court hearing, Assistant Prosecutor of Norilsk E.V. Deyko, acting on behalf of the Deputy Prosecutor of the Krasnoyarsk Krai A.G. Bloshkin, supported the stated claims on the aforesaid grounds.

The representative T.Yu. Medvedeva of the interested party, i.e. the Directorate of the Ministry of Justice of the Russian Federation for the Krasnoyarsk Krai, did not attend the court hearing, she was notified of the time and place of the court hearing in due time and properly, she submitted an application requesting

that the case be tried in the absence of the representative indicating that she did not object to the application.

Having heard the Prosecutor, examined the case materials, the Court believes that the application is to be satisfied on the basis of the following grounds.

As found by the Court, the Norilsk Directorate of the Federal Security Service of Russia for the Krasnoyarsk Krai, while working on countering extremism and terrorism, seized the brochure “Values of Ramazan” authored by Sheikhu Hadis M.M. “Religioznoe Prosveshchenie”, Kazan, 2004, from a prisoner serving a sentence at Correctional Facility 15 of the Federal Public Institution “Association of Correctional Facilities 30” of the Main Directorate of the Federal Penitentiary Service of Russia for the Krasnoyarsk Krai.

On 12.05.2014, the Krasnoyarsk State Pedagogical University named after V.P. Astafiev conducted a psychological and linguistic examination of the publication “Values of Ramazan” (Sheikhu Hadis M.M. Values of Ramazan. Kazan: Religioznoe Prosveshchenie, 2004), the conclusions of which indicate that the submitted materials contain the signs of provocation of hostility and hatred on religious and social grounds, humiliation of human dignity based on the attitude to religion. The publication contains statements that provoke social discord, including enmity. The text contains an idea of the possibility of causing physical harm, namely death, to those who do not adhere to the pillars of Islam. The text of the book verbally expresses an idea of the exclusiveness of Muslims in comparison with other people on the basis of social status and the attitude to religion. The fact that the book carries a stamp (seal) of the local religious organisation “Nurdkamal” (Norilsk) at the central spiritual directorate of Muslims of Russia can be interpreted by the reader reading the publication not only as a permitted text, but a text approved for religious purposes. The image of the seal increases the significance of the publication in the mind of the recipient, creates the impression of its importance, significance, possibly exclusiveness, and can also reduce a critical attitude to problematic fragments of the publication. The book does not contain direct calls for extremist activity. At the same time, the book expresses an idea that it is valuable to take part in a war as physical armed violence for the sake of Allah (jihad). The text of the book forms a positive evaluation / attitude / towards jihad, its value, which in the broader context of the book can be interpreted, particularly, as a war (armed violence) for religious reasons (case pages 8–13).

Subject to Clause 3, Article 1 of the Federal Law “On countering extremist activities”, extremist materials mean the documents or information intended for publication on other media, calling for extremist activity, or substantiating or justifying the need for such activity, particularly the works of the leaders of the National Socialist German Workers’ Party, the Fascist Party of Italy, publications substantiating or justifying national and/or racial superiority or justifying the practice of committing war or other crimes aimed at the complete or partial elimination of any ethnic, social, racial, national or religious group.

According to Article 13 of this law, the distribution of extremist materials, as well as their production or keeping for the purpose of distribution, is prohibited on the territory of the Russian Federation.

The psychological and linguistic study established that the content of “Values of Ramazan” (Sheikhu Hadith M.M., Values of Ramazan. Kazan: “Religioznoe Prosveshchenie”, 2004) contains signs of incitement of hostility and hatred on religious and social grounds, substantiates and justifies the need to incite hostility and hatred on a religious basis (the author instils an idea of active aggressive behaviour (the possibility of causing physical harm, namely death, enmity) towards those who do not profess Islam), substantiates and justifies national and (or) racial superiority, develops ideas about the exclusivity, superiority and specific right of some people in comparison with others on the basis of belonging to Islam, asserts a positive assessment (attitude) of jihad, its value, i.e. armed violence (war) for religious reasons.

In such circumstances, the court concludes that the publication of “Values of Ramazan” (Sheikhu Hadith M.M., Values of Ramazan. Kazan “Religioznoe Prosveshchenie”, 2004) is an extremist material, which was fully confirmed in the court session, and is subject to inclusion in the federal list of extremist materials.

In accordance with Article 13 of the Federal Law “On countering extremist activities”, concurrently with the recognition of the materials as extremist, the Court makes a decision on whether to confiscate them or not.

The conclusions of the court are confirmed, apart from the explanations of the prosecutor, by the above case materials.

In light of the aforementioned and being guided by Articles 194–198 of the Civil Procedural Code of the Russian Federation, the Court

decided:

To satisfy the application of the Prosecutor of the Krasnoyarsk Krai.

To recognise the brochure “Values of Ramazan” authored by Sheikhul Hadith M.M., “Religioznoe Prosveshchenie”, Kazan, 2004, as extremist.

To include the brochure “Values of Ramazan” authored by Sheikhul Hadith M.M., “Religioznoe Prosveshchenie”, Kazan, 2004, in the federal list of extremist materials.

To confiscate the brochure “Values of Ramazan” authored by Sheikhul Hadith M.M., “Religioznoe Prosveshchenie”, Kazan, 2004.

The decision can be appealed through the appeal procedure in the Judicial Chamber for Civil Cases of the Krasnoyarsk Krai Court through the Norilsk City Court within one month from the date of the decision by the court in the final form.

Presiding judge

signed

E.V. Lubenets

/SEAL: Norilsk City Court of the Krasnoyarsk Krai/

/STAMP: illegible/

The Decision came into legal force on 31 January 2015

Judge signed A.I. Parkhomenko

/SEAL: Norilsk City Court of the Krasnoyarsk Krai/

Annex 207

Armyansk City Court of the Republic of Crimea, Case No. 5-49/2015,
Decision, 23 January 2015

Translation

Case No. 5-49/2015

DECISION
IN THE NAME OF THE RUSSIAN FEDERATION
in the administrative offence case

23 January 2015

Judge of the Armyansk City Court of the Republic of Crimea L.A. Likhacheva, having considered in court premises an administrative case for the imposition of administrative liability in connection with the administrative offence

against Sinaver Arifovich Kadyrov, born on 1 January 1955 in Samarkand, a citizen of Ukraine, registered at [address], residing at [address],

for the commission of the offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation,

E S T A B L I S H E D:

On 23 January 2015 at 08:00 a.m., in the course of passport control of individuals at the Armyansk–motorway cargo and passenger multiway border crossing checkpoint of the Russian Federation, it was established that Ukrainian citizen S.A. Kadyrov committed a breach of the rules of stay in the Russian Federation which consisted in him avoiding leaving the Russian Federation upon the expiry of a specific time limit (90 days): he entered the territory of the Russian Federation on 16 June 2014 (he had left the Russian Federation 6 times for a total of 27 days: on 29 June 2014 for 3 days, on 10 August 2014 for 5 days, on 9 September 2014 for 3 days, on 10 November 2014 for 6 days, on 21 November 2014 for 1 day and on 16 December 2014 for 9 days) and is currently staying in the Russian Federation, which totals 165 days. Under Article 5 of Federal Law FZ-115-2002 “On the legal status of foreign nationals in the Russian Federation”, the period of temporary stay of a foreign national who arrived in the Russian Federation in accordance with the procedure not requiring a visa may not exceed a total of 90 days within each 180-day period as well as in cases when such period is not extended in accordance with this law. Therefore, S.A. Kadyrov had avoided leaving the Russian Federation since 25 September 2014 because as at 23 January 2015 the total number of days of his stay was 165.

In the court hearing, S.A. Kadyrov did not plead guilty assuming that he stayed in the Republic of Crimea on lawful grounds and noted that he was a citizen of Ukraine, that he had not applied for the citizenship of the Russian Federation and that he held neither a temporary nor a permanent residence permit of the Russian Federation.

S.A. Kadyrov’s guilt in the commission of the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation is confirmed by the administrative case materials: administrative offence record No. 52 of 23 January 2015, written explanations of S.A. Kadyrov of 23 January 2015, a copy of the Ukrainian passport issued to S.A. Kadyrov, a copy of an excerpt from the database of individuals who crossed the State Border.

In view of the above, having heard S.A. Kadyrov and studied the case materials, I believe it is necessary to find him guilty of the commission of the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation – a breach by a foreign individual of the rules of stay (residence) in the Russian Federation, which consisted in the avoidance of leaving the Russian Federation upon the expiry of a certain period of stay, and to impose a penalty on him consisting in an administrative fine and administrative expulsion from the Russian Federation by means of a supervised independent departure from the Russian Federation.

Pursuant to Articles 18.8(1.1), 29.9, 29.10 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

To find Sinaver Arifovich Kadyrov guilty of the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation and to impose a penalty on him consisting in an administrative fine amounting to 2,000 Rubles and administrative expulsion from the Russian Federation by means of a supervised independent departure from the Russian Federation.

Details for the payment of the fine:

Recipient: Federal Treasury Department for the Republic of Crimea (Interdistrict Office No. 2 of the Tax Service of Russia for the Republic of Crimea), recipient's Taxpayer Identification Number 9106000021, recipient's Tax Registration Reason Code 910601001, recipient's account No. 40101810335100010001, recipient's bank Republic of Crimea Branch, BIC 043510001, budget revenue classification code 18211690010016000140, Russian Classification of Territories of Municipal Formations 35706000, payment details: Administrative fines and other sanctions.

To explain to the offender that the administrative fine should be paid no later than the day following the date of entry of this decision into force.

The decision can be appealed against to the Supreme Court of the Republic of Crimea within 10 days of the date of service or receipt of a copy thereof.

JUDGE

<Signed>

Annex 208

Appeal of Mr Kadyrov against the Decision of the Armyansk City
Court of the Republic of Crimea of 23 January 2015 in
Case No. 5-49/2015, 30 January 2015

Translation

To N.S. Yakovleva
 Please refer the case to the
 Supreme Court of the Republic of Crimea
 <Signed>

Supreme Court of the Republic of Crimea
via the Armyansk City Court

**address: 4 Shkolnaya St.,
 296012 Armyansk, Republic of Crimea, Russian
 Federation.**

Sinaver Arifovich Kadyrov
 [address]

Appeal

against the decision of the Armyansk City Court of 23 January 2015 in administrative offence case No. 5-49/2015 against Sinaver Arifovich Kadyrov under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation

By virtue of the decision of 23 January 2015 issued by the judge of the Armyansk City Court of the Republic of Crimea L.A. Likhachev in administrative offence case No. 5-49/2015, Sinaver Arifovich Kadyrov was held administratively liable under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation and subjected to a penalty consisting in an administrative fine of 2,000 Rubles and administrative expulsion from the Russian Federation by means of a supervised independent departure was imposed on him.

I respectfully ask you to annul the said decision. The decision does not comply with the laws of the Russian Federation. I did not commit the administrative offence. The judge ignored the legislation of the Russian Federation, ignored the facts of the case, ignored my explanations and objections and as a result issued an unlawful decision that infringes my rights.

On 23 January 2015, an infringement record was unlawfully drawn up against me at a border checkpoint in Armyansk in order to unlawfully hold me liable and, possibly, and to unlawfully prevent me from returning to my place of permanent residence in Simferopol, Crimea, and to otherwise restrict my rights.

Under the laws of the Russian Federation, Article 24.5(1(1)) of the Code on Administrative Offences of the Russian Federation, the said proceedings must be terminated in connection with the absence of the offence envisaged by Article 18.8 of the Code on Administrative Offences of the Russian Federation.

When considering the administrative offence case, adopting the contested decision and imposing the penalty on S.A. Kadyrov, the judge committed a substantial breach of the laws of the Russian Federation and infringed my rights.

The judge, showing bias, ignored the fact that I hold two citizenships, including that of the Russian Federation, and that, being a citizen of the Russian Federation, I cannot be the subject of the said offence and cannot be held liable under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation.

[Reception; Armyansk City Court of the Republic of Crimea; 02 FEB 2016;
 RECEIVED No. 2015-5/368 Signature <Signed>]

The judge breached the following laws of the Russian Federation:

- breached the requirements of Articles 27, 61, 62 of the Constitution of the Russian Federation,
- breached the requirements of Articles 2 and 3 of the Fourth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- breached the requirements of Articles 3, 4, 5, 6, 11 and 17 of Federal Law of the Russian Federation of 31 May 2002 No. 62-FZ "On the citizenship of the Russian Federation",
- breached the requirements of Article 4 of Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ "On the Admission of the Republic of Crimea to the Russian Federation and Formation of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol".

The judge, showing bias, ignored the fact that I have permanently resided and registered in Simferopol in Crimea since 2007, as confirmed by the presented passport. I was also permanently residing in Simferopol, Crimea as at 18 March 2014, which is deemed to be the date of admission of the Republic of Crimea to the Russian Federation under the Russian laws.

Therefore, under Article 4 of Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ, I was recognised to be a citizen of the Russian Federation as of the date of admission of the Republic of Crimea to the Russian Federation on the basis of that, being a citizen of Ukraine, I permanently resided in the Republic of Crimea as at the said date.

Being a citizen of the Russian Federation on the said grounds envisaged by Article 4 of Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ, I am entitled to stay in the territory of the Russian Federation for an unlimited period of time and no prohibition of stay in the Russian Federation in excess of a specific period of time can apply to me, nor am I obliged to leave the territory of the Russian Federation upon the expiry of a certain period.

The fact that no document confirming the citizenship of the Russian Federation (a passport of a citizen of the Russian Federation) has been issued to me since 18 March 2014 until present is a breach of the requirements of Article 4(2) of Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ on the part of the Federal Migration Service authorities, since following the expiry of the statutory three-month period in the past 11 months, passports have not been issued to all residents of Crimea and there still are hours-long lines of individuals waiting to obtain their passports at the Federal Migration Service offices.

The fact that I do not have a passport does not mean that I am not a citizen of the Russian Federation since I was recognised as such as of 18 March 2014 under Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ.

Being a Russian citizen on lawful grounds envisaged by Article 4 of Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ, I am not the subject of the offence envisaged by Article 18.8 of the Code on Administrative Offences of the Russian Federation whereby such offence can only be committed by a specific subject – a “foreign national” or a “stateless person”.

The possibility to hold two citizenships in Russia is envisaged by Article 62 of the Constitution of the Russian Federation and Article 6 of the Federal Law “On the citizenship of the Russian Federation”.

In accordance with the said statutory rules, Russian nationals can be citizens of another state. The Russian laws allow that. The Russian citizenship law does not contain any rules that prevent dual citizenship, therefore, it does not prohibit it. Moreover, the possession of a foreign citizenship does not terminate the Russian citizenship nor prevents the person from exercising all the rights of a Russian national.

Being a holder of two citizenships, including that of the Russian Federation, I am not a special subject set out in Article 18.8 of the Code on Administrative Offences of the Russian Federation.

The said facts and the laws of the Russian Federation show that the judge had no reasons to consider me as a “foreign citizen” and the subject of the offence envisaged by Article 18.8 of the Code on the Administrative Offences of the Russian Federation and had no reasons to hold me liable, impose an administrative fine and subject me to administrative expulsion.

I mentioned the said facts and requirements of the Russian laws in court and I also supported my objections with my passport which contains a note regarding my permanent place of residence in Crimea since 2007 until present.

But the judge ignored these facts, breached the laws of the Russian Federation and unlawfully held me administratively liable, thereby significantly infringing my rights.

Breach of Article 62 of the Constitution of the Russian Federation by the Court:

By holding me administratively liable, the judge breached and incorrectly applied the rules of Article 62 of the Constitution of the Russian Federation whereby: **“A citizen of the Russian Federation may hold the citizenship of a foreign state (dual citizenship) in accordance with the federal law. The fact that a citizen of the Russian Federation holds a foreign citizenship does not diminish his rights and freedoms resulting from the Russian citizenship”.**

The court failed to take into account these requirements of the Constitution of the Russian Federation regarding the fact that I hold two citizenships and issued an unlawful judgment infringing my rights.

**Breach of Federal Law of 31 May 2002
No. 62-FZ “On the citizenship of the Russian Federation”
in relation to two citizenships**

By holding me administratively liable, the judge breached and incorrectly applied the rules of Law of 31 May 2002 No. 62-FZ “On the citizenship of the Russian Federation”:

- the rules of Article 3 of the Law “On the citizenship of the Russian Federation” whereby: **“dual citizenship – the fact that a citizen of the Russian Federation holds citizenship (nationality) of a foreign state; a foreign citizen – a person who is not a citizen of the Russian Federation...”** were breached.
- the rules of Article 4 of the Law “On the citizenship of the Russian Federation” providing that the fact whether an individual holds the citizenship of the Russian Federation ... is determined on the basis of legislative acts of the Russian Federation... in force as at the date of occurrence of the events, with which the existence of the relevant citizenship of the person is associated, were breached.
- the rules of Article 5 of the Law “On the citizenship of the Russian Federation” providing that the citizens of the Russian Federation are: b) individuals who acquired citizenship of the Russian Federation in accordance with this Federal Law, were breached.
- the rules of Article 6 of the Law “On the citizenship of the Russian Federation”, which provide: **Dual Citizenship. A citizen of the Russian Federation who also holds another citizenship is regarded ... as a citizen of the Russian Federation**, were breached. If a citizen of the Russian Federation acquires another citizenship, this does not result in the termination of the citizenship of the Russian Federation.

The court ignored these requirements of the law “On the citizenship of the Russian Federation” with regard to my two citizenships and issued an unlawful decision infringing my rights.

**Breach of Federal Law of 31 May 2002
No. 62-FZ “On the citizenship of the Russian Federation”
with regard to the acquisition of citizenship of the Russian Federation**

By holding me administratively liable, the judge breached and misapplied the rules of Law of 31 May 2002 No. 62-FZ “On the citizenship of the Russian Federation”:

- the rules of Article 11 of the Law “On the citizenship of the Russian Federation” providing that: **The Grounds for Acquisition of the Citizenship of the Russian Federation. The citizenship of the Russian Federation is acquired: g) on the grounds envisaged by this Federal Law.**”, were breached.
- the rules of Article 17 of the Law “On the citizenship of the Russian Federation” providing that: **“if the State Border of the Russian Federation changes under a treaty of the Russian Federation, the persons residing in the territory the state affiliation of which was changed are entitled to choose the citizenship (option) in accordance with the procedure and within the time limits established by the relevant treaty of the Russian Federation.”** were breached.

The court ignored these requirements of the law “On the citizenship of the Russian Federation” regarding my acquisition of the second citizenship – citizenship of the Russian Federation – and issued an unlawful decision, imposed a penalty on me and substantially breached by rights.

**Breach of Federal Constitutional Law
of 21 March 2014 No. 6-FKZ.**

By holding me administratively liable, the judge breached and misapplied the rules of Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ “On the Admission of the Republic of Crimea to the Russian Federation and Formation of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol” whereby **as of the date of admission of the Republic of Crimea to the Russian Federation and formation of new constituent entities within the Russian Federation, Ukrainian nationals permanently residing in the Republic of Crimea as on that date are recognised to be the citizens of the Russian Federation.**

The court ignored these requirements of Law of 21 March 2014 No. 6-FKZ as far as my recognition as a Russian national as of 18 March 2014 is concerned and issued an unlawful decision that infringes my rights.

Therefore, the court had no right to hold a Russian citizen guilty under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation or subject a Russian national to an administrative penalty. Since a Russian national cannot be deemed to be a “foreign national” or a “stateless person”, he cannot be deemed to be the special subject of this offence.

A Russian national cannot be held liable under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation.

Breach of the Constitution of the Russian Federation by the Court:

By imposing a penalty consisting in “administrative expulsion from the Russian Federation by means of a supervised independent departure from the Russian Federation”, the judge breached the rules of Article 27 of the Constitution of the Russian Federation whereby: “Everyone who legally stays in the territory of the Russian Federation shall have the right to free travel, choice of place of stay or residence. A citizen of the Russian Federation shall have the right to freely return to the Russian Federation”.

By imposing a penalty consisting in “administrative expulsion from the Russian Federation by means of a supervised independent departure from the Russian Federation”, the judge breached the rules of Article 61 of the Constitution of the Russian Federation whereby: “**A citizen of the Russian Federation may not be deported from Russia**”.

The Court breached these rules of the Constitution and issued an unlawful decision on my expulsion from the Russian Federation.

Breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms by the Court:

By imposing a penalty consisting in “administrative expulsion from the Russian Federation by means of a supervised independent departure from the Russian Federation”, the judge breached rules of Article 2 and Article 3 of the Fourth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms whereby: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. **No one shall be expelled from the territory of the State of which he is a national. No one shall be deprived of the right to enter the territory of the state of which he is a national.**”

The Court breached these rules of the European Convention for the Protection of Human Rights and Fundamental Freedoms and issued an unlawful decision on my expulsion from the Russian Federation.

I hereby ask you to consider this complaint with the participation of attorney A.V. Lesovoy by notifying him of the time of consideration of this complaint ([address], [telephone]).

Based on the above, pursuant to Articles 30.1, 28.9 and Article 24.5(1(1)) of the Code on Administrative Offences of the Russian Federation,

I hereby ask:

To annul the unlawful decision of the Armyansk City Court of the Republic of Crimea L.A. Likhachev issued on 23 January 2015 in case No. 5-49/2015 on the administrative offence envisaged by Article 18.8(1.1) of the Code on the Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov.

To terminate the proceedings in case No. 5-49/2015 on the administrative offence envisaged by Article 18.8(1.1) of the Code on the Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov pursuant to Article 24.5(1(1)) of the Code on the Administrative Offences of the Russian Federation due to the absence of the administrative offence.

Enclosures: copy of S.A. Kadyrov’s passport with his registered place of residence in Simferopol from 2007 until present,

Copy of the complaint.

30 January 2015

<Signed>

S.A. Kadyrov

Annex 209

Investigative Department of the Federal Security Service of Russia
for the Republic of Crimea and the city of Sevastopol, Resolution on
the initiation of a criminal case, 2 February 2015

Translation

RESOLUTION

on the initiation of a criminal case and commencement of proceedings

Simferopol

2 February 2015,
09:30

Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Lieutenant Colonel of Justice [Name: ...], having considered a crime report – the report on detection of signs of a crime under Part 2 of Art. 280.1 of the Criminal Code of the Russian Federation, received from the Department of Assistance Programmes of the Federal Security Service Directorate of Russia for the Republic of Crimea and Sevastopol and registered in the Crime Records Registration Book on 30 January 2015 under No. 14, with an attachment – materials of operative search activities,

ESTABLISHED:

No later than 11 December 2014, unidentified persons prepared an article named “Volunteers of the Crimea Battalion”, which, judging by its content, called for actions aimed at violating the territorial integrity of the Russian Federation, which, under unknown circumstances, was posted on behalf of “Anna Andrievskaya” in the public domain on the resource “Centre for Investigative Journalism” on the Internet at www.investigator.org.ua, on 11 December 2014 at 15:29.

According to expert opinion of the expert subdivision of the Federal Security Service Directorate of Russia for the Republic of Crimea and Sevastopol No. 171/15/11 238 ns dated 23 December 2014, from the standpoint of linguistics, the text of this article contains a public call to start activities aimed at violating the territorial integrity of the Russian Federation.

Based on the foregoing, taking into account the existence of reasons to initiate a criminal case provided by Art. 140 and 143 of the Criminal Procedural Code of the Russian Federation – a report on the detection of signs of a crime under Part 2 of Art. 208 of the Criminal Code of the Russian Federation, received on 30 January 2015 from the Department of Assistance Programmes of the Federal Security Service Directorate of Russia for the Republic of Crimea and Sevastopol and registered in the Crime Records Registration Book on 30 January 2015 under No. 14, with an attachment – materials of operative search activities, as well as the grounds for initiating a criminal case established by Part 2 of Art. 140 of the Criminal Procedural Code of the Russian Federation, taking into account that there is sufficient data indicating signs of a crime under Part 2 of Art. 280.1 of the Criminal Code of the Russian Federation, guided by Art. 140, 145, 146 and Part 1 of Art. 156 of the Criminal Procedural Code of the Russian Federation,

*/Stamp: TRUE COPY**The original is in criminal case No.**Investigator /Signature//**/Seal: Federal Security Service Directorate of Russia*

*for the Republic of Crimea and Sevastopol. For
certificates and documents/*

RESOLVED:

1. To initiate a criminal case in relation to the fact that the unidentified persons committed a crime under Part 2 of Art. 280.1 of the Criminal Code of the Russian Federation.
2. To initiate proceedings and begin its investigation, assigning to it registration number 2015427003.
3. To send a copy of this resolution to the prosecutor.

Senior Investigator for High-Priority Cases of the
Investigative Department of the Directorate of the Federal Security Service Directorate of Russia
for the Republic of Crimea and Sevastopol,
Lieutenant Colonel of Justice [Name: ...]

The resolution was reported to the Prosecutor's Office of the Republic of Crimea and a copy of this resolution was sent to the Prosecutor on 2 February 2015 at 09:50.

Senior Investigator for High-Priority Cases of the
Investigative Department of the Directorate of the Federal Security Service Directorate of Russia
for the Republic of Crimea and Sevastopol,
Lieutenant Colonel of Justice [Name: ...]

On 2 February 2015, the resolution was reported to the Head of the Department of Assistance Programmes of the Federal Security Service Directorate of Russia for the Republic of Crimea and Sevastopol.

Senior Investigator for High-Priority Cases of the
Investigative Department of the Directorate of the Federal Security Service Directorate of Russia
for the Republic of Crimea and Sevastopol,
Lieutenant Colonel of Justice [Name: ...]

*/Stamp: TRUE COPY
The original is in criminal case No.
Investigator /Signature//*

*/Seal: Federal Security Service Directorate of Russia
for the Republic of Crimea and Sevastopol. For
certificates and documents/*

Annex 210

Explanatory statements of Mr Chiygoz on the absence of claims on the conditions of his detention, 6 February 2015

Translation

I have no claims against the temporary detention facility's personnel and cell mates. I have no health complaints. I have not been subjected to any physical coercion in the temporary detention facility. I have received all my belongings.

Signed with my own hand.

6 February 2015 /Signature/ Chiygoz A.Z.

*To the Head of the Federal State Institution,
Detention Facility 1
Major I.L. Livenets
from A. Chiygoz*

Statement

I hereby notify you that I am not on a hunger strike and have no claims against the detention facility's administration.

7 May 2015

/Signature/ /Chiygoz/

*Major I.N. Kononyuk
Add to the personal case file
27 December 2016
/Signature/*

*To the Acting Head of the Directorate of the
Federal Penitentiary Service of Russia for the
Republic of Crimea and Sevastopol
Colonel of the Internal Service S.V. Berezhnov
from the defendant
A.Z. Chiygoz*

Statement

I, A.Z. Chiygoz, have no claims against the administration of Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia for the Republic of Crimea and Sevastopol and no complaints about confinement conditions, nutrition, and medical care.

[...] December 2016 /A.Z. Chiygoz/ /Signature/

EXPLANATION

_____ 20 _____ city of _____
_____ of the Federal State Institution, Detention
Facility 1 of the Directorate of the Federal Penitentiary Service of Russia for the Republic of Crimea
and Sevastopol _____
in the office of _____

received an explanation from:

first name, last name, patronymic *Akhtem Zeytullaevich Chiygoz*

Date of birth *14.12.1964*

Place of birth *Samarkand*

Place of residence and (or) registration (before his arrest) *[address]*

Citizenship *Ukraine*

Education *Higher*

Family status *Married*

Place of work or study (before his arrest) *Mejlis*

Military status *None*

Criminal background *None*

Arrested (~~convicted~~) *On 29 January 2015 by the Investigation Department of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea and Sevastopol under Part 1 of Article 212 of the Criminal Code of the Russian Federation.*

Signature */Signature/*

Before the interrogation, I was explained that I am entitled:

under Article 51 of the Constitution of the Russian Federation, not to be a witness against myself, my husband (wife), and other close relatives listed in para. 4 of Article 5 of the Criminal Procedural Code, and Article 306 of the Criminal Code of the Russian Federation was explained to me.

Signature */Signature/*

As regards the substance of questions addressed to me, I can explain the following:

I, A.Z. Chiygoz, am confined in cell [10] of Detention Facility 1. During my confinement, I have received no threats from either personnel or cell mates. I have no claims against the detention facility's administration.

Signed with my own hand */Signature/ /A.Z. Chiygoz/*

Annex 211

Application of A.F. Kostenko for the appointment of a defence counsel, Criminal Case No. 2015417005, 6 February 2015

Translation

High-priority Cases Investigator of the First Investigation Department of the Directorate for Investigation of High-priority Cases at the Main Investigation Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea

Senior Lieutenant of Justice

Yu.V. Odarchenko

From Alexander Fedorovich Kostenko, suspect in criminal case No. 2015417005

Application

The right to defence has been explained to me, and I understand it. I wish to have a defence counsel appointed for me for the period of preliminary investigation at the expense of the state.

6 February 2015

(Signed)

A.F. Kostenko

[Handwritten: I do not object to the services of defender T.N. Poluyanova appointed as my defence counsel.

6 February 2015

(Signed)

A.F. Kostenko]

Annex 212

Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Resolution granting A.F. Kostenko's application for the appointment of a defence counsel, Criminal Case No. 2015417005, 6 February 2015

Translation**RESOLUTION**

On granting an application in full

Simferopol
Republic of Crimea

6 February 2015

High-Priority Cases Investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice Yu.V. Odarchenko having examined the files of criminal case No. 2015417005,

ESTABLISHED:

In the course of preliminary investigation of criminal case No. 2015417005, an application was received from suspect A.F. Kostenko to provide him with a defence counsel at the expense of the state.

This application shall be granted in full under Articles 50, 51 of the Criminal Procedural Code of the Russian Federation, and T.N. Poluyanova is invited for the purpose of protecting the interests of suspect A.F. Kostenko as his defence counsel.

On the basis of the above and being guided by Articles 122,159 (219) of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

The application submitted by suspect A.F. Kostenko shall be granted in full, suspect A.F. Kostenko and T.I. Poluyanova shall be informed of the decision and explained the appeal procedure to them.

This decision may be appealed against under the procedure provided for in Chapter 16 of the Criminal Procedural Code of the Russian Federation.

High-Priority Cases Investigator

(Signed)
(signature)

Annex 213

Record of A.F. Kostenko's interrogation as a suspect, Criminal Case
No. 2015417005, 6 February 2015 (excerpts)

Translation
Excerpts

RECORD
of interrogation of a suspect

Simferopol
Republic of Crimea
Interrogation started at 8:20 pm
Interrogation finished at 9:55 pm

6 February 2015

High-Priority Cases Investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice Yu.V. Odarchenko in the premise of house No. 16 located on the Treneva Str., Simferopol, Republic of Crimea, in accordance with Part 2 of Article 46, Articles 189 and 190 of the Criminal Procedural Code of the Russian Federation, within criminal case No. 2015417005 interrogated as a suspect:

1.	Surname, name, patronymic	Alexander Fedorovich Kostenko
2.	Date of birth	10 March 1986
3.	Place of birth	[...]
4.	Place of residence and/or registration, telephone	[...]
5.	Nationality	Russian Federation
6.	Education	University degree in Law
7.	Marital status, family composition	Not married, no dependent children
8.	Place of work or study, telephone	Unemployed
9.	Association with military duty	Liable for military service, Simferopol republican military commissariat
10.	Previous convictions	No convictions
11.	Passport (or another identity document of the suspect)	Passport of a citizen of the Russian Federation [...]
12.	Other details about the identity of the suspect	N/A
13.	Grounds, motives and other circumstances of detention	A.F. Kostenko is indicated by the victim and witnesses as the individual that committed a crime under Para 2, Part 1, Article 91 of the Criminal Procedural Code of the Russian Federation

Suspect (Signed)
(signature)

Other individuals involved: Defense counsel of the suspect Tatiana Nikolaevna Poluyanova.

[...]

Page 2

[...]

Suspect (Signed)
(signature)

As to the essence of the suspicion, I can testify as follows:

Article 51 of the Constitution of the Russian Federation was explained to me, and I understand it. After a discussion (consultation) with attorney T.N. Poluyanova, I wish to testify. I speak Russian well enough for writing and reading in Russian since education in school was in Russian. I am ready to testify voluntarily and without coercion either by investigator Yu. Odarchenko or law enforcement officers.

Question of investigator Yu.V. Odarchenko to suspect A.F. Kostenko: I see now that you have a hematoma under your left eye, and what happened to your left arm?

Answer of suspect A.F. Kostenko: Yesterday, when I was in the Gagarin park, Simferopol, I had a fight in the evening with the guys I had never met before, I am not aware of the cause of the conflict since they beat me for no reason. Today, before coming to you and writing a confession, I came to the FSB officers, I know their location since I also worked in the law enforcement bodies of the Ministry of Internal Affairs in the Kievskiy district department. I don't want to bring the guys from the Gagarin park to criminal liability, "let them go in peace".

Question of investigator Yu.V. Odarchenko to suspect A.F. Kostenko: Do you have any current health problems that prevent this interrogation?

Answer of suspect A.F. Kostenko: No, I'm ready to testify.

(Signed)

Page 3

Question of investigator Yu.V. Odarchenko to suspect A.F. Kostenko: What are you going to tell the investigation about?

Answer of suspect A.F. Kostenko:

[...]

Page 6

[...]

So, on 18 February 2014 at about 2:30 p.m., I was feeling hatred towards the "Berkut" employees, as the situation surrounding the "Berkut" employees was inflamed by the media and the leaders of our parties, standing near the first barricade located in the center of the Mariinskiy Park, I took a stone, the size of my 4-5 fists, and went to the area where a "Berkut" unit was located. Having approached to a close distance about 3-4 meters from them, I threw a stone at a "Berkut" employee. I didn't see where the stone hit as I immediately fled back to the barricade and then to the Oktyabrskiy Palace, I never came to the Mariinskiy Park again.

(Signed)

Question of investigator Yu.V. Odarchenko to suspect A.F. Kostenko: You note 2:30 p.m. as the time of the crime you committed against a "Berkut" employee, why are you so confident?

Answer of suspect A.F. Kostenko: 18 February 2014 was the day that I cannot forget since I also divide it into periods of activities, there was a standstill from 1 p.m. to 2 p.m., like a scheduled lunch, I was in the Mariinskiy park. At about 2 p.m. the "Berkut" employees started moving from the Constitution [Constitutucii] Square towards the Arsenalnaya metro station. There were 2 barricades in the park, one in the center, where I was staying, and the other one closer to the Arsenalnaya metro station. Therefore, I can say that about 20-30 minutes passed when the "Berkut" employees came almost close to the first barricade. Exactly at this time, I threw a stone at a "Berkut" employee.

(Signed)

[...]

Page 7
[...]

Suspect (Signed)
(signature)

Before, during or upon the completion of the interrogation of the suspect, from the individuals involved, suspect A.F. Kostenko and his defense counsel T.N. Poluyanova no statements were received.
Content of the statements: no.

Suspect (Signed)
(signature)

Defense counsel (Signed)
(signature)

Record is read by A.F. Kostenko, personally

Comment to the record no comments

Suspect (Signed)
(signature)

Defense counsel (Signed)
(signature)

High-priority Cases Investigator (Signed) Yu.V. Odarchenko

Annex 214

Supreme Court of the Republic of Crimea, Case No. 12-225/2015,
Decision, 6 February 2015

Translation

Judge L.A. Likhacheva

Case No. 12-225/2015

DECISION**Simferopol****6 February 2015**

Judge of the Supreme Court of the Republic of Crimea V.V. Agin,
with the participation of S.A. Kadyrov's defence attorney – attorney A.V. Lesovoy,
having considered in an open court the appeal filed by Sinaver Arifovich Kadyrov against the decision issued by Armyansk City Court of the Republic of Crimea on 23 January 2015 in the administrative proceedings under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov,

established:

by virtue of the decision of Armyansk City Court of the Republic of Crimea of 23 January 2015 S.A. Kadyrov was held guilty of the administrative offence constituting under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation and administrative penalty was imposed on him, which consisted in a fine amounting to 2000 rubles and administrative expulsion from the Russian Federation by means of a supervised independent departure.

S.A. Kadyrov disagreed with the decision of the city court and asked for it to be canceled as unlawful. In support of his appeal he stated that his actions cannot be qualified under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation since he is a Russian citizen as a person who permanently resided in the Republic of Crimea as at 18 March 2014 (since 2007).

S.A. Kadyrov failed to appear in court. When notified at the addresses set out in the appeal and the record of the administrative offence, it was established that he was not residing at the stated addresses. Moreover, in his appeal S.A. Kadyrov stated that he is currently residing in the Republic of Ukraine and asked to consider his appeal with the participation of his defense attorney A.V. Lesovoy.

In court, S.A. Kadyrov's defense attorney A.V. Lesovoy supported the appeal and the arguments in support thereof in full.

The court ordered to consider the appeal in absence of S.A. Kadyrov who failed to appear.

Having heard the participants present and having examined the materials in their entirety, having studied the arguments set out in the appeal, I find no reasons for satisfaction thereof.

S.A. Kadyrov is charged with the administrative offence constituting under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation – breach of the rules of stay (residence) in the Russian Federation by a foreign national or stateless person consisting in the absence of documents confirming the right of stay (residence) in the Russian Federation, or in case of loss of such documents – in the failure to submit the application concerning the loss thereof with the relevant authority or in avoidance of leaving the Russian Federation upon expiry of a specific term of stay, provided such conduct does not contain any elements of a criminal offence, namely, that he, having entered in the Russian Federation on 16 June 2014, breached the rules of stay in the Russian Federation by avoiding to leave the Russian Federation upon expiry of the 90-day term of stay. Moreover, he left the Russian Federation 6 times for the overall period of 27 days: on 29 June 2014 for three days; on 10 August 2014 for five days; on 21 November 2014 – for one day; on 16 December 2014 – for nine days. Thus, from 25 September 2014, S.A. Kadyrov has been avoiding to leave the Russian Federation, since as at 23 January 2015 the overall number of days of his stay was 165 days.

Under Part 1 of Article 2.1 of the Code on Administrative Offences of the Russian Federation an administrative offence is an unlawful guilty act (omission) of an individual or legal entity for which administrative liability is imposed by the Code on Administrative Offences of the Russian Federation or laws of constituent entities of the Russian Federation on administrative offences.

Parts 1 and 2 of Article 5 of the Federal Law of the Russian Federation of 25 July 2002 No. 115-FZ "On the legal status of foreign citizens in the Russian Federation" provides that the time limit for temporary stay in the Russian Federation of a foreign citizen who arrived in the Russian Federation in accordance with the procedure not requiring a visa may not exceed a total of ninety days within each 180-day period, save for the cases constituted under this Federal Law and unless such term is extended in accordance with this Federal Law.

A foreign national temporarily staying in the Russian Federation must leave the Russian Federation upon expiry of his visa or any other term of stay established by this Federal Law or a treaty of the Russian Federation, save for the cases when as at the date of expiry of the said terms their visa or term of stay are extended or a new visa or temporary or permanent residence permit is issued, or if an application and other documents required to obtain a temporary residence permit were accepted from him in accordance with Article 6.1 of this Federal Law, or if his application for a notice of possibility of granting citizenship of the Russian Federation to a foreign national recognized to be a Russian speaker under Article 33.1 of the Federal Law of 31 May 2002 No. 62-FZ "On the citizenship of the Russian Federation" is accepted, or an application for a residence permit is accepted, or if the federal executive authority performing the functions of law enforcement, control and provision of public services in the sphere of migration (hereinafter referred to as the federal executive authority in the sphere of migration) accepts the petition for employment of a foreign national as a highly qualified specialist from the employer or customer ordering the works (services), or an application for the extension of work permit issued to such highly qualified specialist under Article 13.2 of this Federal Law from the employer or customer ordering the works (services), or a petition from an educational institution where the said individual is doing a state-accredited major professional academic programme for extension of temporary stay of such foreign national in the Russian Federation (part 2).

The disposition of Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for the breach of rules constituted under Article 5 of the Federal Law of 25 July 2002 No. 115-FZ "On the legal status of foreign nationals in the Russian Federation".

Parts 1 and 2 of Article 26.2 of the Code on Administrative Offences of the Russian Federation establishes that the evidence in the case related to an administrative offence shall include any factual data based on which the judge, authority or official in charge of the case establish the existence or absence of the administrative offence, guilt of the person held liable in administrative proceedings, as well as other facts important for the correct resolution of the case.

These data are established by a record of the administrative offence, other records constituted under this Code, explanations of the individual against which the administrative proceedings were initiated, testimony of the victim, witnesses, expert reports, other documents and evidence obtained by special technical equipment, material evidence.

Based on Part 3 of Article 26.2 of the Code on Administrative Offences of the Russian Federation, the use in administrative proceedings of evidence obtained in breach of the law, including the evidence obtained in the course of examination as part of state control (supervision) of municipal control, shall not be allowed.

Under Article 26.11 of the Code on Administrative Offences of the Russian Federation the judge shall assess the evidence in the administrative case in accordance with his inner conviction based on the comprehensive, full and objective examination of all evidence in the case in its entirety.

The facts of the case are confirmed by the evidence collected in the proceedings: the record of the administrative offence (case sheets 1-2), explanations of S.A. Kadyrov (case sheet 3), copy of the passport of a citizen of Ukraine issued to S.A. Kadyrov (case sheets 4-5), migration control data in relation to the persons crossing the state border of the Russian Federation (case sheet 8), which were assessed in conjunction with other materials of the case with regard to their admissibility, authenticity, sufficiency in accordance with Article 26.11 of the Code on Administrative Offences of the Russian Federation.

Moreover, on the initiative of defense attorney A.V. Lesovoy, witness E.U. Suleymanova was interrogated in the session of the court of the second instance. In her testimony she admitted to being in an unregistered marriage with Kadyrov since 1990 and having a son born in 1991 and said that Kadyrov and their son are currently residing in the Republic of Ukraine (their son since 2006). She is unaware whether Kadyrov filed an application for the citizenship of the Russian Federation with the migration authorities or an application for withdrawal from the Ukrainian citizenship within the Ukrainian authorities.

Given the above, I conclude that S.A. Kadyrov's actions constitute the objective side of the administrative offence constituted under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation.

S.A. Kadyrov's allegations of being a citizen of the Russian Federation that he makes in his appeal shall be refuted since the said argument of the defense is not confirmed by any evidence.

It follows from the materials of the case that the record of the administrative offence in connection with the elements of Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation was made against S.A. Kadyrov on 23 January 2014 and he accepted it and signed for receipt of a copy thereof. According to the said record, he, as a person against which administrative proceedings were initiated, was explained the rights constituted under Article 25.1 of the Code on Administrative Offences of the Russian Federation as well as by Article 51 of the Constitution of the Russian Federation. No comments in relation to

the drawing up of the record were made by him. Moreover, the record of the administrative offence was made in accordance with the provisions of Articles 28.2 and 28.5 of the Code on Administrative Offences of the Russian Federation.

The decision in the case of an administrative offence against S.A. Kadyrov was issued on 23 January 2015.

The arguments set out in S.A. Kadyrov's appeal do not refute the established facts and thus do not call into question the legality or validity of the decision issued in the case.

The decision of Armyansk City Court of the Republic of Crimea of 23 January 2015 holding S.A. Kadyrov liable in administrative proceedings for the offence constituted under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation is issued within the limitation period established for administrative liability by Parts 1 of Article 4.5 of the Code on Administrative Offences of the Russian Federation for this category of cases.

There have been no material breaches of substantive or procedural law in the proceedings against S.A. Kadyrov that would give rise to repeal of the decision of the city court judge.

When determining administrative penalty for S.A. Kadyrov, the district court took into account all considerable facts: the penalty constituted under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation was imposed on him taking into account the provisions of Article 4.1 of the Code on Administrative Offences of the Russian Federation.

In these circumstances, I believe that there are no grounds for satisfaction of the appeal and for repeal of the judgment.

Based on the above, pursuant to articles 30.2-30.9 of the Code on Administrative Offences of the Russian Federation,

I have decided as follows:

to dismiss Sinaver Arifovich Kadyrov's appeal.

to uphold the decision of Armyansk City Court of the Republic of Crimea issued on 23 January 2015 in the case on the administrative offence envisaged by Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov.

Judge

(Signed)

V.V. Agin

Annex 215

Record of A.F. Kostenko's interrogation as an accused, Criminal
Case No. 2015417005, 11 February 2015 (excerpts)

Translation

Excerpts

**RECORD
of interrogation of an accused**

Simferopol
Republic of Crimea

(place of execution)

“11” February 2015

Interrogation started at 10 15 a.m.
Interrogation finished at 11 34 a.m.
Break from ---- --- to ---- ----

High-Priority Cases Investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice Yu.V. Odarchenko

(position of investigator (inquiry officer), class ranking or military rank, surname, initials)

in the premise of investigation office No. 10 at the Federal State Institution Detention Center-1 of the Federal Penitentiary Service of Russia for the Republic of Crimea and Sevastopol

(specify exact premise)

Under Articles 173, 174 and 189 of the Criminal Procedural Code of the Russian Federation, questioned within criminal case No. 2015417005

as the accused:

1.	Surname, name, patronymic	Alexander Fedorovich Kostenko
2.	Date of birth	10 March 1986
3.	Place of birth	[...]
4.	Place of residence and/or registration, telephone	[...]
5.	Nationality	Russian Federation
6.	Education	University degree in Law
7.	Marital status, family composition	Not married, no dependent children
8.	Place of work or study, telephone	Unemployed
9.	Association with military duty	Liable for military service, Simferopol republican military commissariat
10.	Previous convictions	No convictions
11.	Passport (or another identity document of the suspect)	Passport of a citizen of the Russian Federation [...]
12.	Other details about the identity of the suspect	N/A
13.	Grounds, motives and other circumstances of detention	A.F. Kostenko is indicated by the victim and witnesses as the individual that committed a crime under Para 2, Part 1, Article 91 of the Criminal Procedural Code of the Russian Federation

Other individuals involved: Defence counsel of the accused Tatiana Nikolaevna Poluyanova.

Accused

(Signed)

(signature)

[...]

Page 2

[...]

Accused

(Signed)

(signature)

Nature of the charge brought against me for the offence under Paragraph b, Part 2, Article 115 of the Criminal Code of the Russian Federation is explained to me, and I understand it. My guilt of committing the offence under Paragraph b, Part 2, Article 115 of the Criminal Code of the Russian Federation

I admit

(I admit, I do not admit, I admit partially)

To testify,

I wish

In

(I wish, I do not wish)

Russian

(specify language)

Accused

(Signed)

(signature)

[...]

On the merits of the charge brought against them, the accused testified as follows:

I am ready to testify on the merits of the charge brought against me under Paragraph b, Part 2, Article 115 of the Criminal Code of the Russian Federation, I admit my guilt in relation to the charge brought against me in full. I wish attorney T.N. Poluyanova to conduct my further defence during preliminary investigation. I feel well and I am ready to testify now. As I said earlier, I was educated in Russian in school, and therefore I speak Russian to the full extent, I can write and read in Russian. Before the interrogation started, I suffered no physical or psychological pressure from Investigator Yu.V. Odarchenko or law enforcement bodies.

Question of Investigator Yu.V. Odarchenko to accused A.F. Kostenko: You had injuries during your detention. When the investigator asked about the origin thereof, you testified that you were beaten in the “Gagarin” park, Simferopol, on 5 February 2015 by individuals you did not know. In the course of consideration in the Kievskiy District Court, Simferopol, of the investigator’s motion to select a measure of restraint in the form of detention ...

Page 3

... when the judge asked about the origin of the injuries, you also testified that you were beaten by unknown individuals in the “Gagarin” Park, Simferopol. According to the forensic and medical expert examination performed, you suffered intermediate severity harm to your health, which is a private-public charge, and a criminal case will be instituted in relation to this fact regardless of your desire. At the present time, do you want to testify otherwise about the origin of the injuries?

Response of accused A.F. Kostenko: As I said earlier during interrogation as the suspect, on 5 February 2015, in the “Gagarin” park located in Simferopol, at about 9 a.m., I was beaten by two guys I did not know. I cannot describe the faces of the guys, since I saw them just for seconds before they started beating me for reasons unknown to me, it seemed to me that the guys were Tatars, dressed in all dark, dark jackets, dark trousers, I don’t remember hats. During the beating, they did not say anything, I think that they just confused me with someone else.

(Signed)

Question of Investigator Yu.V. Odarchenko to accused A.F. Kostenko: what can you testify in relation to the charge brought against you?

Response of accused A.F. Kostenko: in November 2014, I secretly arrived in Simferopol, I did not inform anyone of my arrival, I cohabited with my common-law wife who gave birth to my child, but there is a dash in the father field since I was not able to come in August 2014, when the daughter was born on 21.08.2014. I did not inform anyone about my arrival since I was afraid that the officers of the Security

Service of Ukraine operating on the territory of Crimea would find me and take me to Kiev, Ukraine, since they had fabricated a criminal case against me there. They let me go on bail of UAH 90,000, taking advantage of this circumstance, I was able to leave the territory of Ukraine for the Crimea, where I was hiding mainly with my cohabitant Olga Viktorovna Ukolova who gave birth to my child. On 6 February 2015, I got tired of hiding, and I decided to come to the bodies of the FSB of Russia in Simferopol and tell everything that I know about the circumstances of my whereabouts during the period from November 2013 to November 2014 in Kiev, Ukraine, in the course of the Maidan. Before coming to the FSB, I walked for a long time in the “Gagarin” park located in Simferopol, where I was beaten. When I came to the FSB, I was granted an audience, with whom I do not remember exactly, and I told about the events associated with my whereabouts at the Maidan. Then, I was asked to go to an investigator at the Main Investigation Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, I agreed. When I came to you, I was told that a criminal case had been instituted against me in relation to causing injuries to a Berkut officer in the Mariiyskiy Park, Kiev, Ukraine, on 18 February 2014. I did not deny this fact since it happened indeed, I asked the investigator to accept my confession and agreed to cooperate with the investigation.

[...]

Pages 7-8

[...]

Accused(Signed)

(signature)

(Signed)

Before, during or upon the completion of the interrogation of the accused, from the individuals involved, the accused A.F. Kostenko, the defence counsel T.N. Poluyanova

(their procedural status, surname, initials)

statements were not received
(were received, were not received)

Content of the statements: No**Accused**(Signed)

(signature)

Defence counsel(Signed)

(signature)

Record is read by A.F. Kostenko, personally

(personally or read aloud by the investigator (inquiry officer) at the request of the accused)

Comments to the record No

(content of comments or indication to the absence thereof)

Accused(Signed)

(signature)

Defence counsel(Signed)

(signature)

High-priority Cases Investigator(Signed)

(signature)

Annex 216

Record of A.F. Kostenko's additional interrogation as an accused,
Criminal Case No. 2015417005, 13 February 2015 (excerpts)

Translation
Excerpts

RECORD
of additional interrogation of an accused

Simferopol
Republic of Crimea

(place of execution)

“13” February 2015

Interrogation started at 11 40 am
Interrogation finished at 13 40 pm
Break from ---- --- to ---- ----

High-Priority Cases Investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Senior Lieutenant of Justice Yu.V. Odarchenko

(position of investigator (interrogator), class ranking or military rank, surname, initials)

in the premise of investigation office No. 10 at the Federal State Institution Detention Center-1 of the Federal Penitentiary Service of Russia for the Republic of Crimea and Sevastopol

(specify exact premise)

Under Articles 173, 174 and 189 of the Criminal Procedural Code of the Russian Federation, questioned within criminal case No. 2015417005
as the accused:

1.	Surname, name, patronymic	Alexander Fedorovich Kostenko
2.	Date of birth	10 March 1986
3.	Place of birth	[...]
4.	Place of residence and/or registration, telephone	[...]
5.	Nationality	Russian Federation
6.	Education	University degree in Law
7.	Marital status, family composition	Not married, no dependent children
8.	Place of work or study, telephone	Unemployed
9.	Association with military duty	Liable for military service, Simferopol republican military commissariat
10.	Previous convictions	No convictions
11.	Passport (or another identity document of the suspect)	Passport of a citizen of the Russian Federation [...]
12.	Other details about the identity of the suspect	N/A
13.	Grounds, motives and other circumstances of detention	A.F. Kostenko is indicated by the victim and witnesses as the individual that committed a crime under Para 2, Part 1, Article 91 of the Criminal Procedural Code of the Russian Federation

Other individuals involved: Defence counsel Yulia Evgenievna Popchuk

Accused

[...]

(Signed)
(signature)

Page 2

[...]

Nature of the charge brought against me for the offence under Paragraph b, Part 2, Article 115 of the Criminal Code of the Russian Federation is explained to me, and I understand it. My guilt of committing the offence under Paragraph b, Part 2, Article 115 of the Criminal Code of the Russian Federation

I admit
 (I admit, I do not admit, I admit partially)

To testify, _____ *I wish* _____ In
 (I wish, I do not wish)

Russian
 (specify language)

Accused

(Signed)
(signature)

[...]

Page 6

[...]

Before, during or upon the completion of the interrogation of the accused, from the individuals involved

accused A.F. Kostenko, defence counsel Yu.E. Popchuk

 (their procedural status, surname, initials)

statements None _____ Content of the statements: No _____
 (were received, were not received)

Accused

(Signed)
(signature)

Defence counsel

(Signed)
(signature)

Record is read

by A.F. Kostenko, personally
 (personally or read aloud by the investigator (interrogator) at the request of the charged offender)

Comments to the record

No
 (content of comments or indication)

to the absence thereof)

Accused

(Signed)
(signature)

Defence counsel

(Signed)
(signature)

High-priority Cases Investigator

(Signed)
(signature)

Annex 217

Pervouralsk City Court of the Sverdlovsk Region,
Case No. A-235(2-259)2015, Decision, 16 February 2015

Translation

COPY

The motivated decision was rendered on 16 February 2015 (due to holidays on 14 February 2015 and 15 February 2015).

Case No. A-235 (2-259)2015

DECISION

In the name of the Russian Federation

9 February 2015

the city of Pervouralsk

Pervouralsk City Court of the Sverdlovsk Region

composed of the Presiding Judge S.V. Sorokina

and the Secretary K.A. Aleshkova,

having heard in open court civil case No. 2-259/2015 under the application filed by the Prosecutor of Pervouralsk on the recognition of materials as extremist,

ESTABLISHED:

The Prosecutor of Pervouralsk filed with the Court an application on recognition of the book “The Virtues of Zikr” by Shaykh al Hadith Maulana Muhammad Zakariyya Kaandhlawi (Rahmatullahi Alaihi) on 182 sheets printed by “PF GART” LLC, Kazan, as extremist material.

In his application, the Prosecutor stated that the investigation of the dissemination of extremist literature in the territory of the mosque in Talitsa village conducted by the Prosecutor’s Office of Pervouralsk jointly with the Directorate of the Federal Security Service (UFSB) of Russia for the Sverdlovsk Region in Pervouralsk resulted in the seizure of the book “The Virtues of Zikr” by Shaykh al Hadith Maulana Muhammad Zakariyya Kaandhlawi. According to expert opinion No. 374 of 3 September 2014, this book contains information aimed at promoting the exclusivity and superiority of Islam and Muslims adhering to strict monotheism, and inciting religious hatred and enmity towards people who do not profess Islam. The mass dissemination of the book for the general public may entail the incitement of social enmity or discord, and also violates the prohibition on the extremist activities set forth in the laws of the Russian Federation. The book comprises statements that can form incentives for persons made aware of the content thereof to take various illegal activities. The book contains information, under the guise of religious ideology, aimed at approving the confrontation against people who do not profess Islam, information aimed at inciting religious hatred and enmity against Muslims who violated and deviated from the principles of monotheism, information aimed at inciting religious enmity and hatred in relation to persons professing a different religion, and people who do not profess Islam, or who have deviated from it, the inferiority of such people is especially emphasized. Therefore, in accordance with Article 262 of the Civil Procedural Code of the Russian Federation, Articles 1, 13 of Federal Law of 25 July 2002 No. 114-FZ, the Prosecutor requests to satisfy the claims (sheets 4–5 of the case file).

In the course of the hearing, the Senior Assistant to the Prosecutor of Pervouralsk E.V. Evseeva supported the application by explaining to the Court that the book “The Virtues of Zikr” by Shaykh al Hadith Maulana Muhammad Zakariyya Kaandhlawi was confiscated in the territory of the mosque in Talitsa village, Pervouralsk in the course of inspection for compliance with the countering extremist activities laws. In the course of the inspection, the imam of the mosque explained that this book does not belong to him, perhaps, it was left in the mosque by a third party. It was not possible to establish the ownership of the book.

The representative of the person concerned of the Main Directorate of the Ministry of Justice of Russia for the Sverdlovsk Region did not appear at the hearing, was duly notified of the time and place of the hearing, filed with the court a petition to consider the case in his absence, stating that he had no objections to satisfying the application.

The Court, having heard the Prosecutor and having studied the case files, came to the following conclusion.

In accordance with Part 1, Article 45 of the Civil Procedural Code of the Russian Federation, the Prosecutor has the right to file with the Court an application in defence of the rights, freedoms and legitimate interests of citizens, the general public or the Russian Federation, constituent entities of the Russian Federation, municipalities.

In accordance with Article 21 of Federal Law No. 2202-1 “On the Prosecution Service of the Russian Federation”, the prosecutor’s office supervises compliance with the Constitution of the Russian Federation,

the implementation of laws in force in the Russian Federation. In accordance with Clause 4, Article 27, Clause 3, Article 35 of the Law, the prosecutor has the right to file an application with the court, should it be required to ensure protection of the rights of citizens and the interests of public and the State protected by law, when the rights and freedoms of a significant number of citizens are violated, or due to other circumstances the violation has acquired special public significance.

Part 1 of Article 262 of the Civil Procedural Code of the Russian Federation sets forth a list of cases subject to special proceedings procedure. Part 2 of the said Article stipulates that federal laws may provide for other cases to be considered subject to special proceedings procedure. In accordance with Article 13 of Federal Law of 25 July 2002 No. 114-FZ “On countering extremist activities”, the cases on the recognition of materials as extremist shall be referred to the said category.

In accordance with Part 2, Article 29 of the Constitution of the Russian Federation, propaganda or agitation inciting social, racial, national or religious hatred and enmity is strongly prohibited. Promotion of social, racial, national, religious or linguistic superiority is prohibited.

In accordance with Clause 1, Article 1 of the Federal Law “On countering extremist activities”, the extremist activity/extremism, specifically means stirring up of social, racial, ethnic or religious discord; propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion; violation of the rights, freedoms and legitimate interests of a person and a citizen, depending on his social, racial, national, religious or linguistic affiliation or attitude to religion.

In accordance with Clause 3, Article 1 of the said Federal Law, the extremist materials constitute documents intended for publication or information on other media calling for the extremist activity to be carried out or substantiating or justifying the necessity to carry out such activity, including works by leaders of the National Socialist Workers Party of Germany, the National Fascist Party of Italy, publications substantiating or justifying ethnic and/or racial superiority or justifying the practice of committing war crimes or other crimes aimed at full or partial destruction of any ethnic, social, racial, national or religious group.

Under Article 13 of the Federal Law “On countering extremist activities”, distribution of extremist materials, as well as production or storage thereof with the aim of distribution shall be prohibited in the Russian Federation. In the cases provided for by the laws of the Russian Federation, production, storage or dissemination of extremist materials shall constitute an infringement of the law and incur liability.

The information materials shall be recognized to be extremist materials by a federal court at the place where they are discovered or disseminated or where the organization that produced such materials is located, on the basis of a petition submitted by the prosecutor or in proceedings under the relevant administrative offence, civil or criminal case.

In accordance with Article 3 of Federal Law No. 114-FZ “On countering extremist activities” of 25 July 2002, the main thrusts for combating extremist activity comprise taking of preventive measures aimed at preventing extremist activity, including the detection and subsequent elimination of the causes and conditions facilitating the carrying out of extremist activity; detection, prevention and suppression of the extremist activity of public and religious associations, other organizations and physical individuals.

According to the materials in the case file, on 7 February 2014, the investigation of the dissemination of extremist literature in the territory of the mosque in Talitsa village, Pervouralsk conducted by the Prosecutor's Office of Pervouralsk jointly with the Directorate of the Federal Security Service (FSB) of Russia for the Sverdlovsk Region in Pervouralsk resulted in the seizure of the book “The Virtues of Zikr” by Shaykh al Hadith Maulana Muhammad Zakariyya Kaandhlawi.

The order to dismiss the criminal complaint dated 3 December 2014, states that the operational activities failed to establish the owner of the seized book or the fact of dissemination of extremist materials.

According to expert opinion No. 374 of 3 September 2014, this book contains information aimed at promoting the exclusivity and superiority of Islam and Muslims adhering to strict monotheism, and inciting religious hatred and enmity towards people who do not profess Islam. The book contains contrasting assessments of several religious groups of people, i.e. Muslims who adhere to strict monotheism receive positive characteristics, all other people who do not profess Islam are negative, their inferiority in one way or another is emphasized. In the book, the author clearly contrasts Muslims who follow strict monotheism, which makes them not only truly believing Muslims but allows them to rely on the Divine protection of their lives and destinies, and persons who do not profess Islam, worship several deities or ask for help from others, except Allah, or those who deny the existence of God. That is, the author opposes both the people of different religious views and religion. In the text, negative assessments of persons who do not profess Islam are associated with the religious mindset of people. There are hidden ways of linguistic presentation in the text, emphasizing the

malicious intent of people who do not profess Islam, which is associated with the image of the Shaitan who is hostile towards true believers and is always near unbelievers. Thus, the hostility inherent in the Shaitan also extends to the unbelievers, with whom Muslims who adhere to strict monotheism must be furious, that is, full of rage, anger. Thus, it is emphasized that true believers should show a hostile feeling towards unbelievers, and vice versa — be merciful among themselves. Also, innovators, that is, those who deviate from monotheism and introduce innovations into religion, are also considered apostates from the true faith among Muslims (sheets 6–16 of the case file).

Taking into account the literal content of the provided book, excerpts from which have been reviewed by an expert, taking into account the conclusions stated in expert opinion No. 374 of 3 September 2014, and acting on the basis of the said provisions of the Federal Law “On countering extremist activities”, the Court deems the application on the recognition of the book “The Virtues of Zikr” by Shaykh al Hadith Maulana Muhammad Zakariyya Kaandhlawi, filed by the Prosecutor to be satisfied.

Being guided by Articles 194–198, 262 of the Civil Procedural Code of the Russian Federation, the Court

DECIDED:

To recognize the book “The Virtues of Zikr” by Shaykh al Hadith Maulana Muhammad Zakariyya Kaandhlawi. (Rahmatullahi Alaihi) on 182 sheets printed by “PF GART” LLC, Kazan, as extremist material.

The decision can be appealed within a month from the date of the final decision of the court in the Sverdlovsk Regional Court through the Court of Pervouralsk.

Presiding Judge /Signed/ S.B. Sorokina

/Seal: PERVOURALSK CITY COURT OF THE SVERDLOVSK REGION/

True copy. Judge:	<i>/Signed/</i>	O.V. Nikitina
Desk officer	<i>/Signed/</i>	S.A. Pankova

The Decision came into force on 17 March 2015.

Judge:	<i>/Signed/</i>	O.V. Nikitina
Desk officer	<i>/ Signed /</i>	S.A. Pankova

/Seal: PERVOURALSK CITY COURT OF THE SVERDLOVSK REGION/

The original of the decision is filed and is in the materials of civil case No. A-235 for 2015 in the Pervouralsk City Court of the Sverdlovsk Region.

Desk officer	<i>/ Signed /</i>	S.A. Pankova
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Annex 218

Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Inquiry material No. 15pr-15, Resolution on the refusal to initiate a criminal case, 24 February 2015

Translation

RESOLUTION

on the refusal to initiate a criminal case

Simferopol
The Republic of Crimea

24 February 2015

High-Priority Cases Investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation in the Republic of Crimea, Captain of Justice, B.R. Azizov, having considered inquiry material No. 15pr-15 on actions committed by E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov, the coordinators of the organization known as “Committee for Protection of Rights of the Crimean Tatar People”, aimed at inciting hatred or enmity, and defamation of honor and dignity of a person or a group of persons of the same gender, race, nationality, language, origin, attitude to religion, and belonging to a social category whatsoever, and creating for this purpose an organization which activities are associated with inciting people to stop fulfilling their civil obligations or to commit other wrongful acts, and on leading such organization, taking into account the essential elements of the crimes, as determined in Part 2 of Article 239, Part 2 of Article 282 of the Criminal Code of the Russian Federation,

ESTABLISHED:

On 23 January 2015 the Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation in the Republic of Crimea received inquiry materials No. 15pr-15 on actions committed by E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov, the coordinators of the organization known as “Committee for Protection of Rights of the Crimean Tatar People”, aimed at inciting hatred or enmity, and defamation of honor and dignity of a person or a group of persons of the same gender, race, nationality, language, origin, attitude to religion, and on belonging to a social category whatsoever and creating for this purpose an organization which activities are associated with inciting people to stop fulfilling their civil obligations or to commit other wrongful acts, and on leading such organization, taking into account the essential elements of the crimes, as determined in Part 2 of Article 239, Part 2 of Article 282 of the Criminal Code of the Russian Federation.

The circumstances on this matter were investigated by the Department for the Investigation of High-Priority Cases in accordance with articles 144-145 of the Criminal Procedural Code of the Russian Federation.

The investigation found the following:

It follows from the prosecutor’s resolution on remitting the material to the preliminary investigation body to resolve on the criminal prosecution that on 17 January 2015 “The 2nd All-Crimean Conference on Protection of Rights of the Crimean Tatar People” was held in the hotel resort “Marakand” located at 17 Vorovskogo St., Simferopol. The organizers of and direct participants in this conference were E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov, the coordinators of the organization “Committee for Protection of Rights of the Crimean Tatar People” which is not officially registered.

During the conference E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov addressed P.A. Poroshenko, the President of Ukraine, Ban Ki-moon, the UN Secretary General, R.T. Erdoğan, the President of Turkey, making statements on oppression of the Crimean Tatar population by the Russian Federation, on aggressive governmental policy implemented in relation to non-Slavic nationalities, and asking for assistance in not allowing that the young Crimean Tatars be called up for military service in the Armed Forces of the Russian Federation, considering the fact that over the past 232 years, since 1783, Crimea has been annexed two times, both times by Russia. Over these years, the indigenous population of Crimea, the Crimean Tatars, have come to the verge of extinction.

According to the prosecutor, E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov, when calling for the actions aimed at violating the territorial integrity of the Russian Federation, proclaimed their recognition of Ukraine as a sovereign and independent state, appealed to P.A. Poroshenko, the President of Ukraine, Verkhovna Rada of Ukraine, as the official body, and the citizens of Ukraine to adopt regulatory legal acts in order to legitimize the places (squatter settlements) of the Crimean Tatars habitat which were established on the territory of the Autonomous Republic of Crimea pursuant to Article 2, 9, 11 of the Law of Ukraine “On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine“. At the same time, these persons ask to establish a special central executive body of the state power on issues relating to Crimea, establish a mechanism which would ensure and protect the rights of those citizens of Ukraine who remained in the territory of the Autonomous Republic of Crimea under control of the Russian Federation, and mandate the Ministry of Foreign Affairs of Ukraine to consider granting, to the Crimean Tatars, an international status of a third party to the Russian-Ukrainian relations with the right for The Qurultay and The Mejlis, the bodies of the Crimean Tatars national self-governments, to apply independently to international courts. In view of the above, E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov have established a non-profit organization “Committee for Protection of Rights of the Crimean Tatar People”, and then an association of organizers, leaders of the organization – “The All-Crimean Conference on Protection of Rights of the Crimean Tatar People” – and used them to induce the citizens to stop fulfilling their civil obligations, namely inciting the Crimean Tatars to boycott the calling into the Armed Forces of the Russian Federation, focusing on superiority of the Crimean Tatars over other nationalities and defaming the Russians, thus inciting hatred or enmity, and defaming honor and dignity of a person or a group of persons of the same gender, race, nationality, language, origin, attitude to religion, and belonging to a social category whatsoever, committed publicly or using the media or information and telecommunication networks, including the Internet network.

According to the prosecutor, in the actions of E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov, the Committee’s coordinators, there are offence elements, as determined in Part 2 of Article 239, Part 2 of Article 282 of the Criminal Code of the Russian Federation.

It follows from the explanations of N.E. Dzhelyalov that he is one of the leaders of the “Mejlis of the Crimean Tatar People” and holds office of a deputy chairman of the Mejlis on information policy, media and public relations. In December 2014, he learned from the media that an organization called “Committee for Protection of Rights of the Crimean Tatar People” exists in the Republic of Crimea. He does not know when, by whom and under what circumstances the Committee was established; he does not know the leaders, structure and goals of the Committee, either. The said Committee did not overlap with the Mejlis in its activities. On 16 January 2015 he received a call from A.M. Suleymanov, who said that on 17 January 2015 the conference hall of the hotel “Marakand” will host the All-Crimean conference of the Committee, to which he is invited to deliver a welcoming speech from the Mejlis. With that, A.M. Suleymanov did not tell him what issues the conference will discuss. He gave his consent to the invitation. On 17 January 2015, at about 10 o'clock, he arrived at the conference venue, where he learned the issues brought for discussion, namely, he saw the draft documents - appeals to P.A. Poroshenko, the President of the Republic of Ukraine, Ban Ki-moon, UN Secretary General, R.T. Erdoğan, the President of the Republic of Turkey, asking the addressees to draw their attention to issues related to the calling up of the Crimean Tatars for military service in the Armed Forces of the Russian Federation. Later, he reviewed these appeals. And he says that he did not see any calls in the text aimed at boycotting military service duties by anyone, and at inciting hatred or enmity and defamation of human dignity in any form.

It follows from the explanations of M.T. Maushev that in December 2014 S.A. Kadyrov, an acquaintance of his, said that, together with E.E. Bariev, A.M. Suleymanov, he established a public organization in the Republic of Crimea called “Committee on the Protection of Rights of the Crimean Tatar People”. He does not know when and under what circumstances this Committee was established, he does not know either any leaders, structure or goals of the Committee. He only knows the coordinators of the Committee who are S.A. Kadyrov, E.E. Bariev and Suleymanov A.M. He has

never been a member of the Committee. On 16 January 2015 he received a call from S.A. Kadyrov, who said that on 17 January 2015 the conference hall of the hotel “Marakand” will host the All-Crimean Conference of the Committee, where S.A. Kadyrov invites him to take part. With that, S.A. Kadyrov did not tell him what issues the conference will discuss. He gave his consent to the invitation. On 17 January 2015, at about 10 o'clock, he arrived at the conference venue, where he learned the issues brought for discussion, namely, he saw the draft documents - appeals to P.A. Poroshenko, the President of the Republic of Ukraine, Ban Ki-moon, UN Secretary General, R.T. Erdoğan, the President of the Republic of Turkey asking them to pay their attention to issues related to calling up the Crimean Tatars for military service in the Armed Forces of the Russian Federation and other issues. Also, he reviewed these appeals. After that, a conference began, where S.A. Kadyrov, E.E. Bariev and A.M. Suleymanov read out the texts of the appeals and put them on vote. The members of the conference cast the affirmative vote and the appeals were adopted. At the same time, he says that he did not see any calls in the text aimed at boycotting military service duties by anyone, and at inciting hatred or enmity and defamation of human dignity in any form. For him personally, the meaning of the conference was not clear and he did not agree with the opinions declared by S.A. Kadyrov, E.E. Bariev and A.M. Suleymanov.

It follows from the explanations of K.S. Abdullaev that in November 2014 S.A. Kadyrov, E.E. Bariev and A.M. Suleymanov, his acquaintances, decided to organize a movement - a public organization called “Committee on the Protection of Rights of the Crimean Tatar People”. The idea to create this organization was induced by the fact that it is necessary to actively defend the rights of the Crimean Tatars now. He learned about this from the above-mentioned persons, as he kept company with them. As far as he knows, S.A. Kadyrov, E.E. Bariev and A.M. Suleymanov have made no arrangements to establish the Committee, they have not registered a Charter, there are no founders, there are no clearly defined goals or objectives, and there are no members of the organization. In addition, the specified organization was not filed for registration either with the bodies of justice or with any local self-government bodies. As far as he knows, no one, except S.A. Kadyrov, E.E. Bariev and A.M. Suleymanov, took part in the work of the Committee or organized any events. One can say that S.A. Kadyrov, E.E. Bariev and A.M. Suleymanov only declared the establishment of a public organization, reported this in the media, but did nothing to establish it in the legal sense. In some time after the establishment of the Committee was announced, S.A. Kadyrov, E.E. Bariev and A.M. Suleymanov organized a Conference, which was called: “The 1st All-Crimean Conference on Protection of Rights of the Crimean Tatar People”, which was held in early December 2014. This conference discussed the issues related to possible establishment of a public organization by S.A. Kadyrov, E.E. Bariev and Suleymanov A.M. called “Committee for Protection of Rights of the Crimean Tatar People”. He knows nothing about the progress of the Committee’s work after the 1st conference. On 15 January 2015, he received a call from S.A. Kadyrov, who said that on 17 January 2016 the 2nd All-Crimean Conference would be held in the conference hall of the “Marakand” hotel at 17 Vorovskogo St., Simferopol, where he was invited to participate. However, S.A. Kadyrov said nothing on the issues to be discussed at the conference and he did not know who would participate in this conference. He gave his consent to take part On 17 January 2015 at about 09:30 he arrived at the conference venue. After the conference began, he saw the draft documents - appeals to P.A. Poroshenko, the President of the Republic of Ukraine, Ban Ki-moon, UN Secretary General, R.T. Erdoğan, the President of the Republic of Turkey, asking them to pay their attention to issues related to calling up the Crimean Tatars for military service in the Armed Forces of the Russian Federation. After that he knew that the goal of the conference was the discussion of the texts of these appeals. Later, he reviewed these appeals. At the same time, he says that he did not see any calls in the text aimed at boycotting military service duties by anyone, and at inciting hatred or enmity and defamation of human dignity in any form. These texts did not impress him. During the discussion and speeches of the organizers of the conference, he was not in the hall, he was outside, and periodically dropped in. He did not go into the details of the discussion.

In the course of the investigation similar explanations were given by E.A. Useinov, A.Yu. Saliev, T.A. Krymbariev, E.E. Fakhrudinov, R.K. Memegov, A.E. Seytumerova, R.M. Artmambetov

and K.A. Kadyrov.

According to the opinion of the linguistic forensic examination No. 213-56-2015-4L in the text of the appeals “Dear Mr. Ban Ki-moon, Secretary General”, “Public call of the 2nd All-Crimean Conference of the Committee for Protection of Rights of the Crimean Tatar People to the President of the Republic of Turkey, to the entire Turkish people”, “Public call of the 2nd All-Crimean Conference of the Committee for Protection of Rights of the Crimean Tatar People to the President of Ukraine, the Verkhovna Rada of Ukraine, to the entire Ukrainian people - citizens of Ukraine of all nationalities”, “Resolution of the 2nd All-Crimean Conference of Committee for Protection of Rights of the Crimean Tatar People” no incentive statements calling one group of persons for acts of hostility in relation to another group of persons of the same sex, race, nationality, language, origin, attitude to religion, and affiliated with a social category whatsoever have been identified.

In the text of the appeals “Dear Mr. Ban Ki-moon, Secretary General”, “Public call of the 2nd All-Crimean Conference of the Committee for Protection of Rights of the Crimean Tatar People to the President of the Republic of Turkey, to the entire Turkish people”, “Resolution of the 2nd All-Crimean Conference of Committee for Protection of Rights of the Crimean Tatar People”, “Call of the 2nd All-Crimean Conference of the Committee for Protection of Rights of the Crimean Tatar People to the President of Ukraine, the Verkhovna Rada of Ukraine, to the entire Ukrainian people – citizens of Ukraine of all nationalities”, there were no signs of inducing a person or group of persons to boycott military service in the Armed Forces of the Russian Federation.

Thus, the arguments of the prosecutor, indicated in the decree, were not confirmed with objective evidence. At the same time, the preliminary investigation bodies need to give a legal assessment of the actions of S.A. Kadyrov, E.E. Bariev and A.M. Suleymanova whether the actions of these persons contain any elements of offences, as determined in Part 2 of Article 239, part 2 of Article 282 of the Criminal Code of the Russian Federation.

In a legal assessment of the actions of the above-mentioned persons related to the elements of offence, as determined in Part 2 of Article 239 of the Criminal Code of the Russian Federation, it should be noted that the essential elements of the offence as determined in Part 2 of Article 239 of the Criminal Code of the Russian Federation assume the presence, in its totality, of the following mandatory elements, such as a deliberate establishment of a non-profit organization, which activities are associated with the inducement of citizens to stop fulfilling their civil obligations.

As it follows from the investigation materials, the Committee for Protection of Rights of the Crimean Tatar People was established by the citizens who united due to their common interests for the realization of a common goal which was the protection of the rights of the Crimean Tatar People. At the same time, this organization has no constituent documents, such as a Charter, or other mandatory signs, in the absence of which one cannot judge that the Committee for Protection of Rights of the Crimean Tatar People is a non-profit organization.

In addition, in the course of the investigation, reliable information was obtained that during the 2nd All-Crimean Conference on Protection of Rights of the Crimean Tatar People there were no incentive statements made by the organizers and direct participants of this conference - E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov - calling the citizens to stop fulfilling their civil obligations related to the Motherland protection and their military service, or to performing any other wrongful actions.

This circumstance is confirmed by a video recording of the entire proceedings of the Conference, by the expert opinion, explanations of the persons and other investigation materials.

Considering the above, E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov are not responsible for the offence, as determined in Part 2 of Article 239 of the Criminal Code of the Russian Federation, because their actions did not constitute an offence.

In a legal assessment of the actions of the above-mentioned persons related to the elements of offence, as determined in Part 2 of Article 239 of the Criminal Code of the Russian Federation, it should be noted that the essential elements of the offence, as determined in Part 2 of Article 239 of the Criminal Code of the Russian Federation, assume the presence, in its totality, of the following mandatory elements, such as deliberate actions aimed at inciting hatred or enmity, and defamation of

honor and dignity of a person or a group of persons of the same gender, race, nationality, language, origin, attitude to religion, and belonging to a social category whatsoever, performed in public or using the media.

As it has been established in the course of the investigation, during the All-Crimean Conference on Protection of Rights of the Crimean Tatar People there were no statements aimed at inciting hatred or enmity, and defamation of honor and dignity of a person or a group of persons of the same gender, race, nationality, language, origin, attitude to religion, and belonging to a social category whatsoever, made in public or using the media by the organizers and direct participants of this conference E.E. Bariev, S.A. Kadyrov and Suleymanov A.M.

This circumstance is confirmed by a video recording of the entire proceedings of the Conference, by the expert opinion, explanations of the persons and other investigation materials.

Considering the above, E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov are not responsible for the offence, as determined in Part 2 of Article 282 of the Criminal Code of the Russian Federation, because their actions did not constitute an offence.

Based on the foregoing and taking into account that there are sufficient data indicating that there are no elements of offences, as determined in part 2 of article 239, part 2 of article 282 of the Criminal Code of the Russian Federation, and guided by clause 2 of Part 1 of Article 24, Article 144,145 and 148 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. Refuse to initiate a criminal case against E.E. Bariev, S.A. Kadyrov and A.M. Suleymanov based on clause 2 of part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation because their actions did not constitute an offence, as determined in Part 2 of Article 239, Part 2 of Article 282 of the Criminal Code of the Russian Federation.

2. Send one copy of this resolution to the Prosecutor of the Republic of Crimea and the interested parties, explaining them their right to appeal the resolution to the head of the department, the prosecutor or the court in the order prescribed by Articles 124 and 125 of the Criminal Code of the Russian Federation.

High-priority cases investigator
Captain of Justice

(Signed) B.R. Azizov

I AGREE

Deputy Head of the Department for the Investigation of High-Priority Cases –
Head of the First Investigative Department of the Main Investigative Directorate
of the Investigative Committee of the Russian Federation in the Republic of Crimea
Colonel of Justice

(Signed) B.V. Frantsishko

Annex 219

Kievskiy District Court of Simferopol of the Republic of Crimea, Case
No. 3/6-147/2015, Ruling authorizing the search, 27 February 2015

Translation

Case No. 3/6-147/2015

RULING

27 February 2015

Simferopol

Judge of the Kievskiy District Court of the city of Simferopol of the Republic of Crimea I.V. Kagitina, with participation of the secretary E.V. Zhivetyeva, with participation of the Prosecutor of the Administrative Department of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered the ruling of the senior investigator on high-priority cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and the City of Sevastopol, Lieutenant Colonel of Justice [Name: ...], to initiate a request for a search of dwelling ,

ESTABLISHED:

On 2 February 2015, the Investigative Department of the Directorate of the FSB of Russia for the Republic of Crimea and the city of Sevastopol initiated a criminal case on the grounds of a crime under Part 2 of Art. 280.1 of the Criminal Code of the Russian Federation.

It follows from the materials of the criminal case that on 11 December 2014 at 15:29, article named "Volunteers of the Crimea Battalion", in its content calling for implementation of actions aimed at violating the territorial integrity of the Russian Federation, was posted by unidentified persons in the public domain on the website "Center for Investigative Journalism" of the information and telecommunications network of Internet ("www.investigator.org.ua"), which is widespread among users, including those living in the territory of the Republic of Crimea.

According to the expert opinion of the expert subdivision of the Directorate of the FSB of Russia for the Republic of Crimea and the city of Sevastopol No. 171/15/11238 ns of 23 December 2014, from the standpoint of linguistic qualifications, the text of this article contains a public call to start activities aimed at violating the territorial integrity of the Russian Federation.

The court, having heard the prosecutor, who considered it necessary to satisfy the request, and having examined the materials presented, considers that the request shall be satisfied.

In accordance with Clause 5 of Part 2 of Art. 29, Art. 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is competent to decide on the search of dwelling.

As seen from the materials presented, the investigating body has sufficient data to reasonably believe that the journalist of the online outlet "Center for Investigative Journalism" Anna Dmitrievna Andrievskaya, born on 23 October 1985, registered at the address: 46, apt. 39, village of Petrovka, Krasnogvardeisky district, Republic of Crimea where there may be objects and documents relevant to the criminal case, may be involved in the commission of this crime.

According to the note of the Department for address and reference service of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea, Anna Dmitrievna Andrievskaya is registered at the address: 46, apt. 39, village of Petrovka, Krasnogvardeisky district, Republic of Crimea.

Based on the foregoing, guided by Part 1-Part 4 of Art. 165, Art. 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To allow the senior investigator on high-priority cases of the Investigative Department of the Directorate of the FSB of Russia for the Republic of Crimea and the City of Sevastopol, Lieutenant Colonel of Justice [Name: ...], to carry out a search at the place of registration of Anna Dmitrievna Andrievskaya, born on 23 October 1985, in the house located at the address: 46, apt. 39, village of Petrovka, Krasnogvardeisky district, Republic of Crimea.

The ruling can be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its adoption.

Judge: (Signed)

I.V. Kagitina

[Handwritten: familiarized with the ruling 13.03.2015 (signed)]

[Handwritten: For a true copy: Judge (signed), Secretary (signed)]

Annex 220

Kievskiy District Court of Simferopol of the Republic of Crimea, Case
No. 3/6-146/2015, Ruling authorizing the search, 27 February 2015

Translation

Case No. 3/6-146/2015

RULING

27 February 2015

Simferopol

Judge of the Kievskiy District Court of the city of Simferopol of the Republic of Crimea I.V. Kagitina, with participation of the secretary E.V. Zhivetyeva, with participation of the Prosecutor of the Administrative Department of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered the ruling of the senior investigator on high-priority cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and the City of Sevastopol, Lieutenant Colonel of Justice [Name: ...], to initiate a request for a search of dwelling,

ESTABLISHED:

On 2 February 2015, the Investigative Department of the Directorate of Federal Security Service of Russia for the Republic of Crimea and the city of Sevastopol initiated a criminal case on the grounds of a crime under Part 2 of Art. 280.1 of the Criminal Code of the Russian Federation.

It follows from the materials of the criminal case that on 11 December 2014 at 15:29, article named "Volunteers of the Crimea Battalion", in its content calling for implementation of actions aimed at violating the territorial integrity of the Russian Federation, was posted by unidentified persons in the public domain on the website "Center for Investigative Journalism" of the information and telecommunications network of Internet ("www.investigator.org.ua"), which is widespread among users, including those living in the territory of the Republic of Crimea.

According to the expert opinion of the expert subdivision of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and the city of Sevastopol No. 171/15/11238 ns of 23 December 2014, from the standpoint of linguistic qualifications, the text of this article contains a public call to start activities aimed at violating the territorial integrity of the Russian Federation.

The court, having heard the prosecutor, who considered it necessary to satisfy the request, and having examined the materials presented, considers that the request shall be satisfied.

In accordance with Clause 5 of Part 2 of Art. 29, Art. 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court is competent to decide on the search of the home.

As seen from the materials presented, the investigating body has sufficient data to reasonably believe that the correspondent of the online outlet "Center for Investigative Journalism" Natalia Vladimirovna Kokorina, born on 19 March 1989, registered at the address: 143 Kievskaya St., apt. 4, Simferopol, Republic of Crimea where there may be objects and documents relevant to the criminal case, may be involved in the commission of this crime.

According to the note of the Department of address and reference work of the Administration of the Federal Migration Service of Russia for the Republic of Crimea, Natalia Vladimirovna Kokorina is registered at the address: 143 Kievskaya St., apt. 4, Simferopol, Republic of Crimea.

Based on the foregoing, guided by Part 1-Part 4 of Art. 165, Art. 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To allow the senior investigator on high-priority cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and the City of Sevastopol, Lieutenant Colonel of Justice [Name: ...], to carry out a search at the place of registration of Natalia Vladimirovna Kokorina, born on 19 March 1989, in the house located at the address: 143 Kievskaya St., apt. 4, Simferopol, Republic of Crimea.

The ruling can be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its adoption.

Judge:

(signed)

I.V. Kagitina

Annex 221

Supreme Court of the Republic of Crimea, Case No. 33-1016/2015,
Appellate Decision, 2 March 2015

Translation*Case No. 33-1016 / 2015**Judge of first instance – N.V. Dvirnyk
Speaker – Court of Appeal judge T.S. Onishchenko***APPELLATE DECISION****2 March 2015****Simferopol**

The Judicial Chamber for Civil Cases of the Supreme Court of the Republic of Crimea, consisting of:

presiding judge N.I. Lyubobrattseva,
judges T.S. Onishchenko, A.M. Sinani,
in the presence of secretary N.S. Shcherbakova,

having examined in open court hearing on the report of judge T.S. Onishchenko a civil case at the appeal of the representative of Lenur Edemovich Islyamov under the power of attorney Eldar Enverovich Gaffarov to recognize as illegal and revoke the Warning on the inadmissibility of violating the law on counteracting extremist activities and the law on mass media, the person concerned being the Prosecutor of the Republic of Crimea Natalya Vladimirovna Poklonskaya, on the appeal of the representative of Lenur Edemovich Islyamov under the power of attorney Eldar Enverovich Gaffarov against the Decision of the Central District Court of Simferopol of the Republic of Crimea of 13 October 2014,

ESTABLISHED:

The representative of L.E. Islyamov under the power of attorney, E.E. Gaffarov – applied to the Court with this appeal on 19 September 2014, substantiating the stated appeal as follows.

On 16 May 2014, the Prosecutor of the Republic of Crimea N.V. Poklonskaya issued a Warning against the founder of Television Company “Atlant-SV” LLC (ATR TV channel, ATR T TV channel) L.E. Islyamov on the inadmissibility of violating the law on counteracting extremist activity and the law on mass media.

This Warning was received by L.E. Islyamov on 26 May 2014.

The Applicant considers this Warning unlawful, pointing out the following circumstances.

There were no statements falling under the signs of extremist activity, including calling for interethnic hatred, in the video from 3 May 2014 on the ATR TV channel on violations of the rights of M.A. Dzhemilev. The goal of the television channel is strengthening interethnic and interfaith peace in Crimea and the tolerant mutual attitude of the residents of Crimea.

In addition, the Applicant does not agree with the Warning regarding the possible holding of mourning rallies and entertainment events at the same time at the V.I. Lenin Square in Simferopol on 17 May 2014.

He insists that L.E. Islyamov, as well as the ATR TV channel, did not take part in organizing entertainment events, namely the holding of the concert by the Russian group Kipelov. In addition, he points out that the Warning itself was issued without sufficient grounds, it does not indicate specific grounds for its announcement, and L.E. Islyamov is not the person to whom this Warning may have been issued. He notes that L.E. Islyamov is one of the participants, and not the founder of Television Company “Atlant-SV” LLC.

Simultaneous with the application of the representative of L.E. Islyamov under the power of attorney, E.E. Gaffarov, on 19 September 2014, a petition was filed to restore the missed deadline for applying to the court.

As a valid reason for missing the deadline, it is indicated that the Applicant received the challenged Warning on 26 May 2014.

Since this Warning was issued against L.E. Islyamov as the founder of Television Company “Atlant-SV” LLC, this company appealed against it in court represented by the Director E.R. Islyamova.

By the Ruling of the Central District Court of Simferopol of the Republic of Crimea of 20 August 2014, the Application was returned to the Applicant, since the Application was signed and submitted to the court by a person who does not have the authority to sign and present it to the court.

This Ruling was received by Television Company “Atlant-SV” LLC on 4 September 2014, about which L.E. Islyamov was informed on 5 September 2014.

Since L.E. Islyamov is not an official or an employee of Television Company “Atlant-SV” LLC, he challenges this Warning in person.

By the Decision of the Central District Court of Simferopol of the Republic of Crimea of 13 October 2014, the Application of the representative of Lenur Edemovich Islyamov under the power of attorney, Eldar Enverovich Gaffarov, to recognize as illegal and revoke the Warning on the inadmissibility of violating the law on counteracting extremist activities and the law on mass media was denied, the person concerned being the Prosecutor of the Republic of Crimea Poklonskaya Natalya Vladimirovna.

Disagreeing with this Decision, the representative of L.E. Islyamov under the power of attorney, E.E. Gaffarov, filed an appeal, in which he asks to revoke the Decision of the court of first instance, referring to incorrectness of the Ruling, the lack of proof of the circumstances relevant to the case, the inconsistency of the court’s conclusions with the circumstances of the case, as well as to the violation and incorrect application of the rules of substantive and procedural law /case sheets 51-58/.

The arguments of the appeal are based on the appeal that the court of first instance, when refusing to satisfy the motion for the restoration of the missed time limit and, as a consequence, refusing to satisfy the Application, did not take into account the reasons indicated by the Applicant, as well as the formality and insignificance of missing the procedural time limit. The arguments of the complaint regarding the illegality of the Prosecutor’s Warning are essentially similar to the grounds indicated in the Application.

In the objections filed, the Acting Prosecutor of the Republic of Crimea A.V. Fomin asks to uphold the Decision of the court of first instance, referring to the groundlessness of the arguments of the appeal /case sheets 63-67/.

At the appellate hearing, the representative of L.E. Islyamov – E.E. Gaffarov supported the appeal on the grounds set out in it and asked to satisfy it.

At the appellate hearing, the representative of the Prosecutor's Office of the Republic of Crimea asked to uphold the Decisions of the court of first instance unchanged on the grounds set out in the written objections to the complaint.

The Applicant L.E. Islyamov, being duly notified by a telephone message /case sheet 89/ about the place and time of the consideration of the case, did not appear at the appellate hearing and did not notify the reasons for the failure to appear.

The Judicial Board deems it possible to consider the case in the absence of the Applicant L.E. Islyamov.

Having listened to the persons who appeared, having checked the case materials and having discussed the arguments of the appeal, in accordance with Article 327-1 of the Civil Procedural Code of the Russian Federation, the judicial board finds no reason to change the Decision, based on the following.

As can be seen from the materials of the case, on 16 May 2014, the Prosecutor of the Republic of Crimea N.V. Poklonskaya issued a warning to the founder of Television Company “Atlant-SV” LLC (ATR TV channel, ATR T TV channel) L.E. Islyamov on the inadmissibility of violating the law on counteracting extremist activity and the law on mass media.

On 26 May 2014, said warning was received by L.E. Islyamov.

These circumstances are confirmed by the evidence in the case and are not disputed by anyone.

Part 3 of Article 6 of the Federal Law “On Counteracting Extremist Activity” No. 114-FZ of 25 July 2002 established that a warning can be appealed in court in the prescribed manner.

In accordance with Paragraph 3 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 2 of 10 February 2009 “On the practice of consideration by courts of cases on challenging decisions and actions (omissions) of state authorities, local authorities, officials, state and municipal

employees”, the officials, decisions and actions (omissions) of whom may be challenged under the rules of Chapter 25 of the Civil Procedural Code of the Russian Federation, should include persons who act, permanently or temporarily, including by special authority, on behalf of federal state governmental bodies, other federal public authorities, state governmental bodies of the constituent entities of the Russian Federation, local governmental bodies, the Armed Forces of the Russian Federation, other troops and military formations of the Russian Federation that made the contested Decision or committed the contested action (omission) that are mandatory and affect the rights and freedoms of citizens and organizations that are not subordinate to these persons.

Public officials, in particular, include: the officials of prosecution authorities, whose decisions or actions (omissions) are not subject to challenge in the course of criminal proceedings, as well as in the course of proceedings regarding administrative offences (for example, during inspections in the course of the supervision over the enforcement of the law).

According to Part 1 of Article 254, Article 255 of the Civil Procedural Code of the Russian Federation, a citizen and an organization have the right to challenge in court the decision or action (inaction) of a state government body, local government body, official, state or municipal employee, if they believe that their rights and freedoms have been violated.

Decisions, actions (inactions) of state governmental bodies, local governmental bodies, officials, state or municipal employees, contested in civil proceedings, include collegial and individual decisions and actions (omissions), as a result of which: the rights and freedoms of a citizen have been violated; obstacles to the exercise by a citizen of his rights and freedoms have been created; the citizen has been illegally assigned any duty or has been illegally brought to justice.

The provisions of Part 1 of Article 256 of the Civil Procedural Code of the Russian Federation stipulate that a citizen has the right to appeal to a court with an application within three months from the day they became aware of the violation of their rights and freedoms.

L.E. Islyamov in the person of his representative under the power of attorney, E.E. Gaffarov, applied to the court with this Application on 19 September 2014, i.e. after the three-month period established by the above-mentioned norm of procedural law.

Part 2 of Article 256 of the Civil Procedural Code of the Russian Federation establishes that the failure to file an Application with the court within the three-month term is not a ground for the court to refuse to accept the Application. The reasons for missing the deadline are found out in a preliminary court session or in a court session and may be grounds for refusing to satisfy the application.

According to Part 6 of Article 152 of the Civil Procedural Code of the Russian Federation, in a preliminary court session, the defendant’s objection regarding the applicant’s omission without valid reasons of the statute of limitations to protect the right and of the term for recourse to the court established by federal law may be considered. When establishing the fact of missing without valid reasons of the statute of limitations or the term for going to court, the judge decides to dismiss the appeal without examining other factual circumstances in the case. The court’s decision can be appealed.

In accordance with Paragraph 24 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 2 of 10 February 2009 “On the practice of consideration by courts of cases on challenging Decisions and actions (inaction) of state authorities, local authorities, officials, state and municipal employees”, taking into account the provisions of Article 256 of the Civil Procedural Code of the Russian Federation, it is necessary in each case to find out whether the time limits for the Applicant’s appeal to the court have been met and what are the reasons for their violation, and the issue of the application of the consequences of non-compliance with these time limits should be discussed regardless of whether the interested persons referred to this circumstance.

Based on the provisions of Part 1 of Article 4 and Part 1 of Article 256 of the Civil Procedural Code of the Russian Federation, the term for filing an application with the court begins from the date following the day when the Applicant became aware about the violation of his rights and freedoms, the creation of the obstacles to the exercise of his rights and freedoms, the imposition of a duty or about the prosecution.

The obligation to prove this circumstance lies with the applicant.

Since the issues of compliance with the deadline for applying to the court relate to the merits of the case, conclusions about its restoration or refusal to restore it by virtue of Part 4 of Article 198 of the Civil Procedural Code of the Russian Federation should be contained in the court's decision.

When establishing the fact of missing the established period without valid reasons, the court, proceeding from the provisions of Part 6 of Article 152, Part 4 of Article 198 and Part 2 of Article 256 of the Civil Procedural Code of the Russian Federation, refuses to satisfy the application in a preliminary court session or in a court session, indicating only the establishment by the court of this circumstances in the reasoning part of the decision.

As validity of the reasons for missing the deadline by the Applicant's representative, it is indicated that the Applicant received the contested Warning on 26 May 2014. Since this Warning was issued against L.E. Islyamov as the founder of Television Company "Atlant-SV" LLC, the company appealed the Warning in court represented by the Director E.R. Islyamova.

By the Ruling of the Central District Court of Simferopol of the Republic of Crimea of 20 August 2014, the application was returned to the Applicant, since the application was signed and submitted to the Court by a person who does not have the authority to sign and present it to the Court.

This Ruling was received by Television Company "Atlant-SV" LLC on 4 September 2014, about which L.E. Islyamov was informed on 5 September 2014. Since L.E. Islyamov is not an official or an employee of Television Company "Atlant-SV" LLC, he disputes this Warning in private.

On 17 September 2014, L.E. Islyamov, who does not permanently reside in Simferopol, upon arrival in Simferopol, issued a notarized power of attorney to E.E. Gaffarov for subsequent appeal to the Court due to the lack of an opportunity to sign an application individually.

The judicial board agrees with the conclusion of the court of first instance that the arguments for the validity of the reasons for missing the deadline for going to court are unfounded, based on the following.

As can be seen from the content of the Warning, this action of the Prosecutor was committed, i.e. the Warning was issued specifically against L.E. Islyamov not as an official of Television Company "Atlant-SV" LLC (ATR TV channel, ATR T TV channel), but as a founder, i.e. as an individual, and it is L.E. Islyamov who was warned about the inadmissibility of carrying out extremist activities.

The fact that L.E. Islyamov considered his rights violated by this Warning evidenced by his application to the Prosecutor's Office of the Republic of Crimea of 30 May 2014 on the cancellation of the contested Warning against him. This application was left without consideration, since the Applicant did not indicate his address of residence.

Thus, L.E. Islyamov had the opportunity to appeal the Warning within the time limits provided for by Article 256 of the Civil Procedural Code of the Russian Federation.

Neither the Applicant nor his representative have provided such, nor do the case materials contain adequate evidence that could indicate the existence of objective circumstances beyond L.E. Islyamov's control that hindered his timely filing of this Application with the court.

The reasons indicated by the Applicant's representative for missing the established three-month period are not related to objective, insurmountable and significant difficulties for L.E. Islyamov to timely challenge the Prosecutor's warnings to the court, as a result of which they are not valid, and therefore the arguments of the complaint in this part are unfounded.

In such circumstances, the court of first instance, having established the fact of missing the specified period without valid reasons, proceeding from the provisions of Part 6 of Article 152, Part 4 of Article 198 and Part 2 of Article 256 of the Civil Procedural Code of the Russian Federation, reasonably refused to satisfy the Application at the preliminary court session, indicating only the establishment of this circumstance in the reasoning part of the Decision.

The appealed Decision contains reasoned conclusions of the court on the refusal to restore the missed deadline, in accordance with the requirements of Part 4 of Article 198 of the Civil Procedural Code of the Russian Federation.

The resolution of the case on the merits of the stated requirements cannot be the subject of consideration by the Court of Appeal, since other circumstances of the case were not established by the court, and the Application was denied at the preliminary court session in connection with the omission without valid reasons of the time limit for going to court established by law.

Other arguments of the complaint are aimed at misinterpreting the norms of law and do not contain new circumstances that were not the subject of discussion by the court of first instance or would refute the conclusions of the court Decision and therefore cannot serve as a basis for reversing or changing the court's Decision.

Taking into account the circumstances established by the judicial board in the course of checking the legality and validity of the contested Decision, there are no grounds for satisfying the appeal.

Based on the foregoing and guided by Article 328 of the Civil Procedural Code of the Russian Federation, the judicial board

DECIDED:

To uphold the Decision of the Central District Court of Simferopol of the Republic of Crimea of 13 October 2014, the appeal of the representative of Lenur Edemovich Islyamov under the power of attorney, Eldar Enverovich Gaffarov, should be dismissed.

Presiding judge *[signature]*
Judges *[signatures]*

Stamp:

*Central District Court of Simferopol of the
Republic of Crimea*

*The original document is kept with the materials of
the civil case No. 2-1920/14*

Copy issued on 17 April 2019

Judge [Signature]

Secretary [Signature]

Seal:

*Central District Court of Simferopol of the
Republic of Crimea*

Stamp:

True copy:

Judge [signature]

Secretary [signature]

Seal:

*Central District Court of Simferopol of the Republic of
Crimea*

Stamp:

*The Appellate Decision came into force on 2 March
2015*

Judge [Signature]

Secretary [Signature]

Seal:

*Central District Court of Simferopol of the
Republic of Crimea*

Annex 222

Supreme Court of the Republic of Crimea, Case No. 33-472/2015,
Appellate Decision, 12 March 2015

Translation

COPY

APPELLATE DECISION

On 12 March 2015, the Judicial Chamber for Civil Cases of the Supreme Court of the Republic of Crimea comprising: Presiding Judge - M.A. Kiryukhina,

Judges V.V. Belousova, A.V. Ponomarenko,

Secretary I.V. Bezdushnaya

having examined, in an open court hearing in Simferopol, an appeal filed by the Television Company “Atlant-SV” LLC against the decision of the Central District Court of Simferopol of 18 September 2014 on a civil case for the application filed by the Television Company “Atlant-SV” LLC contesting the actions of the Prosecutor of the Republic of Crimea with regard to the warning on impermissibility of breaching the counter-extremist legislation and the mass media laws

ESTABLISHED:

In August 2014, the Television Company “Atlant-SV” LLC (hereinafter referred to as the LLC) filed an application with the court giving reasons for its application by the fact that on 16 May 2014 L.R. Budzhurova, Deputy General Director of the Television Company “Atlant-SV” LLC, received a warning No. 27-272-14 of 16 May 2014 issued by the prosecutor of the Republic of Crimea on impermissibility of breaching the counter-extremist legislation and the mass media laws; according to this warning, L.R. Budzhurova is held responsible for a video broadcasted by the TV channel about an unauthorized rally held by persons of the Crimean Tatars nationality at the Russian border checkpoint “Armyansk” and on the adjacent territory on 3 May 2014 with the purpose to meet M.A. Dzhemilev, the People’s Deputy of Ukraine; this meeting was accompanied by violence against the government officers, crossing the border and other illegal actions when some of the participants made statements calling for unlawful acts including those of extremist nature, and inciting ethnic and other discord, and these statements may contain signs of extremism in accordance with Article 1 of the Federal law “On countering extremist activities”.

The warning also states that during preparation of the material for the video and its subsequent broadcasting the mass media body made repeated statements containing signs of extremism on the part of M.A. Dzhemilev and other persons about the non-alternative need for the liberation of Crimea from the Russian nationals, the Mejlis’ support of those who declare anti-occupation slogans at public events, and run offensive actions against the flag of the Russian Federation.

Furthermore, in the warning, L.R. Budzhurova is accused of allowing the possibility to hold entertainment and mourning events in Lenin Square in Simferopol synchronically in the immediate vicinity on 17 May 2014; these events were held on the occasion of the Day of Remembrance of the Victims of Deportation from Crimea, a concert of the Russian band “Kipelov” held at 6 pm and a mourning youth initiative “Light a Fire in Your Heart” held from 5 pm to 8 pm and which may cause conflicts between their participants and may lead to civil unrest.

According to the appellant, this warning is unlawful and must be reversed, since none of the statements in the video contain any signs of extremist activity as provided for by the provisions of Article 1 of the Federal Law “On countering extremist activities”; the conclusions of the contested warning fail to comply with the facts, the arguments are unfounded and not supported by any objective evidence.

The reference in the warning to Part 1 of Article 4 of the Law of the Russian Federation “On mass media” is unfounded, since neither the founders, nor the management, nor the journalists of this mass media body while exercising by the TV channel of its activities have ever allowed statements of that nature and avoided to use the TV channel for committing criminal acts to disseminate the materials with public calls for terrorist activities or public justification of terrorism, and other extremist materials.

With regard to the arguments in the warning on holding an entertainment event - a concert of the Russian band “Kipelov” - on 17 May 2014 in the immediate vicinity to the mourning event “Light a Fire in Your Heart” which was held on the order of the Council of Ministers of the Republic of Crimea, the appellant stated that neither L.R. Budzhurova nor the ATR TV channel organized the event. In addition, the mourning event intended on 17 May 2014 in Lenin Square was canceled by the order of the government of the Crimea.

Further, the applicable laws on the prosecutor’s office provides for the possibility of issuance by the prosecutor of a warning with the purpose to prevent committing offences and if the reliable information on preparation of unlawful acts is available. There is no such information regarding L.R. Budzhurova in the contested warning; and in the absence and without specific indication thereof the issuance of the warning by the prosecutor is unreasonable and fails to meet the requirements of the legislation.

Since the warning was issued after the events described in it had taken place, they cannot be treated as preliminary information with no confirmation thereof; furthermore, since among the subjects of the warning there are no founders, and the warning contains no specific grounds for its issuance, the warning issued by the Prosecutor of Crimea on 16 May 2014 against L.R. Budzhurova, Deputy General Director of the Television Company “Atlant-SV” LLC, fails to meet the requirements of the laws of the Russian Federation.

Based on the above, the Television Company “Atlant-SV” LLC asks to invalidate and cancel warning No. 27-272-14 of 16 May 2014 issued to L.R. Budzhurova, Deputy General Director of the Television Company “Atlant-SV” LLC, on impermissibility of breaching the anti-extremist laws and the mass media laws.

By the decision of the Central District Court of Simferopol of the Republic of Crimea of September 2014, the application of the Television Company “Atlant-SV” LLC was dismissed.

In the appeal, the Television Company “Atlant-SV” LLC asks to reverse this court decision and issue a new decision on granting the application with the reference made to the violation and wrong application of the norms of substantive and procedural law by the court, inconsistency between the conclusions of the court and the circumstances of the particular case, and wrong identification of the subject matter of the dispute.

The arguments in the appeal are limited to the fact that the court failed to note the factual circumstances of the case, it considered the case superficially, without actual checking the appellant's arguments concerning the groundlessness of the prosecutor’s warning.

In particular, the court failed to note the fact that the warning issued by the prosecutor must be preventive in its nature, and that the events in the contested warning, which are partially true, have already occurred.

In addition, the court of the first instance, without an objective examination, repeated the arguments in the warning issued by the prosecutor of the Republic of Crimea and contested by the appellant and held the ATR TV channel liable for the manifestations of extremism groundlessly and without putting forward any evidence.

Also, according to the appellant, the court failed to note that the facts in the warning were not true, far-fetched, and not substantiated by any objective evidence and the warning fails itself to meet the requirements of the laws of the Russian Federation.

In addition to the above, according to the Federal Law “On mass media”, the censorship of the mass media, interference by the officers, government agencies in the mass media activities which require preliminary coordination of communications and materials and imposition of a prohibition on dissemination of communications and materials, and their separate parts are impermissible.

In the objections to the appeal, the Prosecutor of the Republic of Crimea asks to uphold the court decision, and dismiss the appeal as without merit.

Having discussed the arguments in the appeal, having heard the appellant’s representative who supported the appeal and the prosecutor who objected to it being satisfied and having examined and assessed the materials of the case, the judicial chamber concluded that the appeal has no merit and finds no legal reason to reverse the decision made in accordance with the requirements of law.

According to the requirements of Part 1 of Article 327.1 of the Civil Procedural Code of the Russian Federation, the court of appeal shall consider a case within the limits of the arguments set forth in the appeal or submission and objections against the appeal or submission.

When dismissing the application filed by the Television Company “Atlant-SV” LLC the court of the first instance proceeded from the groundlessness of the filed claims due to the lack of evidence of the circumstances set out in the application.

This conclusion of the court complies with the requirements of law and is confirmed by the case materials.

According to Part 1 of Article 254, Article 255 of the Civil Procedural Code of the Russian Federation, a citizen, an organization may challenge in court a decision, action (inaction) of a governmental authority, local government body, officer, public or municipal officer who violated their rights and freedoms.

As clarified in clause 3 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 2 of 10 February 2009 “On practice of consideration by courts of the cases on contesting decisions, action (inaction) of the governmental authorities, local government bodies, officers, state and municipal employees”, the officers, whose decisions, actions (inaction) can be contested under the rules in Chapter 25 of the Civil Procedural Code of the Russian Federation, include, in particular, officers of the prosecutor's office, whose decisions, actions (inaction) are not subject to contest in the course of criminal proceedings, and in the course of proceedings on administrative offence cases.

According to clauses 25, 28 of the said Resolution of the Plenum of the Supreme Court of the Russian Federation the illegality of the contested decisions, actions (inaction) can be evidenced only by a significant non-compliance with the procedure established for adoption of decisions and performance of actions. Based on the provisions in Article 258 of the Civil Procedural Code of the Russian Federation, the court shall grant an application that contests the decision, action (inaction) of a governmental authority, local government body, officer, state and municipal employee, if the court establishes that the contested decision, action (inaction) violates the rights and freedoms of the appellant, and fails to comply with the law and other regulatory legislative acts.

Thus, law associates the right to apply to court in accordance with Article 254 of the Civil Procedural Code of the Russian Federation with violation by the governmental authorities and local government bodies, an officer, a state or municipal employee of the rights and interests of the applicants.

At the same time, the burden of proof with regard to the legality of the contested decisions, actions (inaction) of the governmental authorities and local government bodies, officers, state or municipal employees shall be imposed on the bodies and persons that made the contested decisions or committed the contested actions (inaction) (Part 1 of Article 249 of the Civil Procedural Code of the Russian Federation). The applicants are released from the obligation to prove the illegality of the contested actions (decisions), but they shall be obliged to prove the fact of violation of their rights and freedoms.

The Television Company “Atlant-SV” LLC has not proved in the manner prescribed by law, however, violation by the contested prosecutor’s warning of the applicant’s rights and freedoms as a mass media body or impediment for exercising their rights and freedoms, and as well as the activities specified in their statutes.

According to the systematic analysis of the provisions of Articles 1, 22 and 25.1 of the Federal Law of 17 January 1992 No. 2202-1 On the Prosecutor’s Office of the Russian Federation, the prosecutor's office of the Russian Federation is the unified and integrated federal structure of bodies that supervises, on behalf of the Russian Federation, over observance of the Constitution of the Russian Federation and enforcement of the laws effective in the territory of the Russian Federation.

When discharging the assigned functions, the prosecutor or his/her deputy may check the observance of laws by the bodies and officers, as well as by the heads of commercial and non-commercial organizations, with a purpose to prevent committing offences. If there is any information about the preparation of unlawful acts that have signs of extremist activity, the prosecutor may issue in writing a warning against a breach of law to the leaders of public (religious) associations and other persons. This warning is the document of response by the prosecutor to unlawful action and a preventive measure.

Article [illegible] of the Federal Law “On countering extremist activities” provides for prosecutor’s issuing a written warning on impermissibility of such activities to a head of a public or religious association or the heads of any other organization and to the other relevant persons if there is sufficient and preliminary confirmed information about the preparation of unlawful acts with signs of extremist activities, and if there are no grounds for the criminal prosecution with indication of the specific grounds for issuing a warning.

Consequently, a warning is one of the measures of the prosecutor’s response to unlawful action taken while exercising supervision over the observance of laws and compliance with the legislative acts; such warning is issued based on the findings, including, following the petitions and communications from the citizens, the information from the regulatory bodies and specific messages with reliable information about the preparation of unlawful acts; such warning will have certain legal effects for the person whom the warning is issued; in the event the warning fails to be met it shall be the act subject to examination according to the procedure for the proceedings based on public law.

A warning is a specific targeted legal instrument, and it is supposed to have a preventive (proactive) effect. The purpose of a warning is to prevent committing offences through official indication on the need for changing the model of the legally significant activities.

A warning on impermissibility of breaching any law shall have no legal effects for the person it is addressed to. If a person who was previously given a warning commits an offence in the future, against which he/she was given a warning, then the legal effects for them shall generate other measures of the prosecutor's response against unlawful action taken in connection with the last breach of the law, but not with this warning.

In the Instructions of the Prosecutor General of the Russian Federation of 6 July 1999 No. 39/7 “On applying a warning on impermissibility of breaching law”, specifications for issuing a

warning are detailed: a warning can be applied only while supervising over the observance of law and the validity of legal provisions.

Thus, only reliable information about preparation of illegal acts that might result in committing an offence and damage to the governmental or the citizens' public interests or rights and freedoms protected by law - when this offence does not entail criminal responsibility - can be the basis for the issuance of a warning by an officer. A warning is given wherever the prosecutor has information about preparation of unlawful acts.

It appears from the case materials that on 16 May 2014 the Prosecutor of the Republic of Crimea issued a warning on impermissibility of breaching the counter-extremist laws and the mass media laws to L.R. Budzhurova; the Deputy General Director of the Television Company "Atlant-SV" LLC (TV channel ATR, ATR T); this warning is based on the facts that in breach of the requirements set out in Articles 1 and 4 of the Federal Law "On countering extremist activities", the Television Company "Atlant-SV" LLC aired a video about an unauthorized rally held at the Russian border checkpoint "Armyansk" and on the adjacent territory on 3 May 2014 with the purpose to meet M.A. Dzhemilev, the People's Deputy of Ukraine, by about 1500 people of Crimean Tatar nationality; this meeting was accompanied by violence against the government officers, crossing the state border of the Russian Federation and making statements calling for unlawful acts, including of an extremist nature, by the individual participants.

Further, when preparing the materials for broadcasting, the appellant, as a mass media body, ignored the statements bearing the signs of extremism on the part of M.A. Dzhemilev and other persons about the non-alternative need for the liberation of Crimea from the Russian nationals, the Mejlis' support of those who declare anti-occupation slogans at the public events, and run offensive actions against the flag of the Russian Federation.

In addition, the warning indicates that with the support of the TV channel ATR holding entertainment and mourning events synchronically in the immediate vicinity on 17 May 2014 may be possible; these events may cause conflicts between their participants and may lead to civil unrest, namely, a concert of the Russian band "Kipelov" from 6 pm in the Crimean Academy Ukrainian Musical Theater (Lenin Square, Simferopol) and the mourning youth event "Light a Fire in My Heart" with participation of at least 5000-6000 people in Lenin Square; this latter event was planned by the Organizing Committee for the preparation and conduct of the events held on the occasion of the Day of Remembrance of the Victims of Deportation from Crimea.

These actions, namely, the organization of a rock concert attended by a large number of differently minded fans (admirers) while holding at the same time the mourning events timed to the 70th anniversary of the deportation from Crimea may be provocative, lead to public unrest, extremist manifestations, pose a threat to the life and health of people, and have other negative effects, according to the prosecutor.

The warning also states that a possible increase in criminal situation, further destabilization of the interethnic situation in the Republic of Crimea; possible provocations these days are evidenced by the developments in the neighboring regions in the south-east of the Ukraine, as well as numerous statements by the leaders of Mejlis.

The appropriate response measures taken by the prosecutor are based on the communications to the prosecutor's office from the citizens who are fearful of the heightened tensions in interethnic relations.

During a hearing at the court of appeal, the prosecutor explained that the restricted-access information also contributed to the grounds for issuance of the contested warning.

According to the requirements in Article 11 of the Federal Law “On countering extremist activities” and Article 4 of the Law of the Russian Federation “On mass media”, the use of mass media for the dissemination of extremist and other materials for the purpose of carrying out extremist activities is impermissible.

The concept and signs of extremist activity are given in Article 1 of the Federal Law “On countering extremist activities”.

In accordance with its Articles of Association, the Television Company “Atlant-SV” LLC carries out, particularly, activities on organization and broadcasting of TV and radio programs, provision of information services to the legal persons and individuals.

The broadcasting of the video of an unauthorized rally of M.A. Dzhemilev, the People's Deputy of Ukraine, held at the Russian border checkpoint by the Crimean Tatars, on 3 May 2014 was not contested by the appellant.

When dismissing the application of the Television Company “Atlant-SV” LLC and applying the provisions of Articles 22, 25.1 of the Federal Law “On the Prosecutor’s Office of the Russian Federation”, Instructions of the General Prosecutor’s Offices of the Russian Federation of 6 July 1999 No. 39/7 “On applying a warning on impermissibility of breaching law”, the court of the first instance proceeded correctly from the fact that the warning was issued by an authorized officer, it was a preventive measure and given to the head (deputy general director) of the Television Company “Atlant-SV” LLC with the purpose to prevent committing offences: the broadcasting of the video materials with signs of extremism, a synchronous holding of the mass events that can result in conflicts between their participants and other unauthorized mass actions, public unrest, extremist manifestations, a threat to the life and health of citizens, and other negative effects.

In addition, the prosecutor’s warning alone and the requirements set out therein do not violate the appellant's rights and freedoms as a mass media body.

The arguments of the Television Company “Atlant-SV” LLC on unreliability and inconsistency of the conclusions of the contested warning, the appellant's non-involvement into organization of an entertainment event, i.e., the concert of the Russian band “Kipelov” on 17 May 2014, and lack, on the part of L.R. Budzhurova, the deputy head of the TV company, of the proper warning status were subject to verification and investigation by the court and found to have no merit.

At the same time, Article 25.1 of the Federal Law “On the Prosecutor’s Office of the Russian Federation” contains no limitations for the list of officers to give a warning.

Thus, the judicial chamber finds the contested court decision to be lawful and justifiable, the subject matter of the dispute identified correctly, the conclusions of the court substantiated, corresponding to the circumstances set out in the court decision, and confirmed by the evidence in the case materials and there are no grounds for the court of appeal to disagree therewith, the court decision complies with the substantive and procedural law and was delivered taking into account all the circumstances of the case, the arguments of the parties and the evidence produced which was properly examined by the court.

There are no grounds to reverse the court decision based on the arguments in the appeal.

Based on the foregoing and guided by paragraph 1 of Article 328, Article 329 of the Civil Procedural Code of the Russian Federation, the panel of judges of the civil court

DECIDED:

To uphold the decision of the Central District Court of Simferopol of the Republic of Crimea of 18 September 2014, and dismiss the appeal of the Television Company “Atlant-SV” LLC.

Presiding Judge: *(signed)* M.A. Kiryukhina
 Judges: *(signed)* V.V. Belousova
(signed) A.V. Ponomarenko

(Stamp)

Central District Court of Simferopol of the Republic of Crimea
 The original court decision is filed with civil case No. 2-1676/14
 The copy was issued on 17 April 2019
 Judge *(signed)*
 Court Secretary *(signed)*

(Seal)

Central District Court of Simferopol of the Republic of Crimea

(Stamp)

The Decision (Judgment, Order, Decree) is effective from 12 March 2015
 Judge *(signed)*
 Secretary *(signed)*

(Seal)

Central District Court of Simferopol of the Republic of Crimea

Case No. 33-472/2015	Chairman of the first instance court: E.R. Fedorenko
	Speaking Judge of the appeal court: A.V. Ponomarenko

Annex 223

Border Control Department of the Federal Security Service of Russia,
Letter No. 21/7/3/O-577 to A.A. Ozenbash, 17 March 2015

Translation*/Handwritten: t. [Name: ...]**To Case 37**20.3.15/**/signature/*

Copy No. 2



**FEDERAL
SECURITY SERVICE
OF THE RUSSIAN FEDERATION
(FSB of Russia)
BORDER SERVICE**

17 March 2015 No. 21/7/3/O-577
Moscow, 101000

A.A. Ozenbash
[address]

Your application has been reviewed by the Border Control Department, Border Service of the FSB of Russia.

This is to inform you that the reason for additional verification during the border control when you crossed the state border of the Russian Federation was the coincidence of your background information with the records of a person on the wanted list.

Establishing a discrepancy between your data and records of the border authorities requires appropriate verification activities and, as a result, additional time costs.

Additionally, we inform you that in accordance with the Decree of the Government of the Russian Federation of 2 February 2005 No. 50 "On procedure for using control means and methods when passing individuals, vehicles, cargo, goods and animals through state border of the Russian Federation", state control bodies have the right to carry out additional verification activities to obtain additional information or clarification of the information obtained during the verification of documents.

Due to the tasks performed by the Border Service related to ensuring the security of the state, we ask for your understanding of this fact.

The officials of the border control units were instructed to minimize the time spent in such situations.

First Deputy Head of the Border Control
Department

/signature/

[Name: ...]

*/Handwritten: p/p-k [Name: ...]/**/signature/**/Handwritten: 17.03.15/*

Annex 224

Twenty First Arbitrazh Court of Appeal, Case No. A83-944/2014,
Decision, 17 March 2015
(excerpts)

Translation

Excerpts

TWENTY-FIRST ARBITRAZH COURT OF APPEAL

21 Suvorova St., Sevastopol, 299011, phone 8 (8692) 54-62-49, fax 8 (8692) 54-74-95
www.21aas.arbitr.ru

DECISION**Sevastopol**

17 March 2015

Case No. A83-944/2014

The operative part of the decision was issued on 10 March 2015

The decision was drawn up in full on 17 March 2015

The Twenty-First Arbitrazh Court of Appeal, composed of:**Presiding Judge****S.A. Rybina,****Judges****I.V. Evdokimov,****I.V. Chertkova,**

with the court record kept by the secretaries E.A. Ishchenko, A.V. Kravchenko, I.V. Grigoryan, **with the participation of:**

for the Claimant: I.A. Plotnichenko, representative, Power of Attorney w/o No. of 2 February 2015;

- I.A. Pilgrimov, representative, Power of Attorney w/o No. of 6 March 2015;

for the defendant: absent, non-governmental organization "Teachers' Council";

for the third party: absent, Bakhchisaray City Council,

on the claim of Municipal Unitary Enterprise of Municipal Entity Urban Settlement of Bakhchisaray, Bakhchisaray District, Republic of Crimea, Housing Repair and Operation Enterprise (14 Krymskaya St., Bakhchisaray, 298404)

against non-governmental organization "Teachers' Council" (43 Ostrovskogo St., Bakhchisaray, 298400)

non-party intervener on the claimant's side, the Bakhchisaray City Council (14 Simferopolskaya St., Bakhchisaray, 298400)

concerning the termination of the lease agreement, eviction of the defendant from the occupied non-residential premises,

adopted by Judge Yu.A. Radvanovskaya

ESTABLISHED:

Utilities Enterprise Housing Repair and Operation Enterprise of the Bakhchisaray City Council filed a claim in the Economic Court of the Republic of Crimea requesting the termination of Non-Residential Premises Lease Agreement and the eviction of the defendant from the occupied residential premises.

The claimant justifies the claims by the violation on the part of the defendant of the terms and conditions of the lease agreement concerning payments of rent and insurance of the leased property, which is an architectural monument.

By the decision of the Economic Court of the Republic of Crimea of 25 September 2014, the claims were satisfied:

- Agreement No. A-46/12 of 28 September 2012 for lease of the non-residential premises located at the address: 1 Pushkina St, Bakhchisaray, Republic of Crimea, - between Utilities

Enterprise Housing Repair and Operation Enterprise of the Bakhchisaray City Council and non-governmental organization “Teachers’ Council” was terminated;

- non-governmental organization “Teachers’ Council” was obliged to vacate the premises located at the address: 1 Pushkina St, Bakhchisaray, Republic of Crimea.

- the state duty in the amount of 4 000 rubles and interest for the use of third-party funds charged on the entire amount to be collected based on the refinancing rate of the Bank of Russia of 8.25% per annum from the expiry of three months from the date of receipt of the judicial act for execution and until its actual execution, were collected from non-governmental organization “Teachers’ Council” in favor of Utilities Enterprise Housing Repair and Operation Enterprise of the Bakhchisaray City Council.

The court decision is justified by the legitimacy of the stated claims and the provided evidence. In its turn, the defendant did not provide adequate proof to confirm the existence of a valid reason for irregular payment of rent, the arising of debt under the lease agreement and the absence of a property insurance contract.

[...]

Page 3

The Panel of Judges verified the compliance of the court of first instance with the procedural laws and found a violation that provides the grounds for canceling the decision of the court of first instance: the defendant was not duly notified of the acceptance of the claim by the court and of the date of the court hearings.

By the ruling of the Twenty-First Arbitrazh Court of Appeal of 10 February 2015, the Panel of Judges began the consideration of case No. A83-944/2014 according to the rules established for the consideration of the case in the court of first instance.

The Twenty-First Arbitrazh Court of Appeal, by the ruling documented in the court records of 10 March 2015, replaced the claimant’s name from “Utilities Enterprise Housing Repair and Operation Enterprise of the Bakhchisaray City Council” to “Municipal Unitary Enterprise of Municipal Entity Urban Settlement of Bakhchisaray, Bakhchisaray District, Republic of Crimea, Housing Repair and Operation Enterprise”.

[...]

Pages 3 - 4

Having considered the claim and the case materials, the Panel of Judges established the following.

On 28 September 2012, Utilities Enterprise Housing Repair and Operation Enterprise of the Bakhchisaray City Council (the lessor) and non-governmental organization “Teachers’ Council” (the lessee) entered into Non-Residential Premises Lease Agreement No. A-46/12 (hereinafter, the “Agreement”), in accordance with which the lessor undertook to lease, and the lessee undertook to accept, for temporary use, on a paid basis, under a transfer and acceptance certificate, non-residential premises located in the basement (for the purpose of locating the non-profit organization), recorded in the balance sheet of Utilities Enterprise Housing Repair and Operation Enterprise of the Bakhchisaray City Council and located at 1 Pushkina St., in Bakhchisaray (case file sheets 15–16, Volume 1).

The owner of the leased property is the Bakhchisaray Territorial Community, and the lessee

shall use this property during the lease term specified in this Agreement (Clause 3.2 of the Agreement).

In Section 4 of the Agreement, the parties agreed upon the settlement procedure, according to which the rent for the first month, September 2012, amounts to 17.47 hryvnias, VAT included. The rent for each subsequent month shall be determined by adjusting the rent for the past month by the inflation index for the current month, set by the State Statistics Committee of Ukraine. The rent shall be paid monthly by the lessee against the invoices issued by the lessor. The lessee shall pay the rent for the first month of the lease within 5 days from the date of acceptance of the leased facility; the rent for subsequent months shall be paid no later than the 20th day of the current month. The payments are made against the invoices issued by the lessor within the time frames specified in this Agreement. If the lessor does not issue an invoice, the lessee shall autonomously make the payments under the agreement, so that settlements are performed timely. The absence of an invoice, due to any reason, does not release the lessee from the obligation to pay rent within the time frames specified in this Agreement.

In accordance with clause 6.2.3 of the Agreement, the lessor shall have the right to demand the termination of the agreement if the lessee fails to pay for the leased property for 3 months without a valid reason.

The lessee undertakes to use the leased property for its intended purpose and in compliance with this Agreement, and to pay rent timely and in full: the lessee shall collect the invoice from the lessor on the 20th–21st day of the month following the reporting one and pay it within 5 days (Clauses 7.1.1–7.1.2 of the Agreement).

In accordance with Clause 8.3 of the Agreement, if the lessee fails to pay rent for three months, the Agreement shall be deemed terminated from the date of receipt by the lessee of the lessor's termination letter. The property shall be returned in accordance with Section 3 of the Agreement.

The Agreement is made for 2 years and 11 months and is valid from 28 September 2012 to 27 August 2015 inclusive (Clause 9.1 of the Agreement).

In accordance with the Agreement, the claimant transferred the leased facility to non-governmental organization “Teachers’ Council” for temporary use pursuant to the transfer and acceptance certificate of 2 October 2012 (case file sheet 18, Volume 1).

The defendant, in violation of the Agreement, from August 2013 to July 2014, did not fulfill its obligations to pay rent on time, and therefore it had a debt in the amount of 358.40 rubles for a period of over two months.

In addition, the defendant violated material terms and conditions of the Agreement by failing to perform its obligation to insure the leased property, i.e. the house at 1 Pushkina St, Bakhchisaray, Republic of Crimea, which is an architectural and urban planning monument called “D. Pachadzhi’s House” and is registered with the state.

The Claimant, with Claims No. 415 of 8 November 2012, No. 158 of 10 February 2013, No. 154 of 15 January 2013, No. 514 of 15 July 2013, No. 295 of 2 July 2014, demanded from the defendant payment of the debt, early termination of the agreement and vacating the occupied premises, provision of proof of insurance of the property.

The defendant ignored their claims, which were returned with the post office stamp “expiry of the storage term”.

The above provided the grounds for submission of this claim by the claimant.

[...]

According to the Resolution of the Plenum of the Supreme Arbitrazh Court of the Russian Federation of 17 November 2011 No. 73 “On Certain Issues of the Practice of Application of the Civil Code of the Russian Federation to a Lease Agreement”, it is established that the courts should take into account that even after payment of the debt, the lessor has the right to file a claim for termination of the agreement within a reasonable term (Paragraph 23).

The Panel of Judges concluded that the claimant filed its claim within a reasonable term from the date of payment of the debt by the lessee.

Moreover, the defendant did not submit to the Court any proof of the performance of the obligations under the Agreement concerning insurance of the leased property.

By resolution of the Bakhchisaray City Council of the 32nd session, 2nd convocation of 27 August 2009, the Regulation “On the Lease of Communal Property of the Territorial Community of the Bakhchisaray City Council” was adopted, according to which the insurance of the leased facility is a material term of the agreement for lease of communal property of the territorial community of the Bakhchisaray City Council.

According to the letter with ref. No. 608 of 26 July 2013, of Crimean Republican Institution Bakhchisaray Historical and Cultural Reserve, the building located in Bakhchisaray on 1 Pushkina St., is a monument of architecture and urban planning called “D. Pachadzhi’s House”. In accordance with Decree of the Government of the Autonomous Republic of Crimea No. 72 of 19 March 1996, the facility was registered with the state (Protected Facility No. 3494), and a protective zone was established within the estate and structure boundaries as of 1947 (case file sheet 40, volume 1).

The defendant failed to perform its obligation to insure the leased facility, and did not submit to the Court any proof of the presence of a valid reason.

The claimant’s reference to the absence of the condition provided for by Part 1 of Article 450 of the Civil Code of the Russian Federation cannot be accepted by the Court, since Article 450 is a general rule and gives the right to terminate the agreement both under Part One and in other cases provided for by the Civil Code of the Russian Federation. Article 619 of the Civil Code of the Russian Federation gives the lessor the right to terminate the agreement in several cases, including when the lessee does not pay rent more than two consecutive times after the expiry of the payment term under the agreement. Article 619 of the Civil Code of the Russian Federation is a special rule and shall be applied in this case.

Based on the above, the Panel of Judges considers the claimant’s demand to terminate Non-Residential Premises Lease Agreement No. A-46/12 of 28 September 2012 subject to satisfaction.

Moreover, the claimant asked the Court to oblige the defendant to vacate the occupied non-residential premises located at the address: 1 Pushkina St., Bakhchisaray.

Upon termination of the lease agreement, the lessee shall return the property to the lessor in the condition in which it received it, taking into account normal wear and tear, or in the condition stipulated by the agreement (Article 622 of the Civil Code of the Russian Federation).

Since the Panel of Judges concluded that the agreement had to be terminated, the case materials do not contain any evidence that the defendant vacated the disputed non-residential premises; the claims concerning the defendant’s obligation to vacate the premises occupied by it are recognized as subject to satisfaction by the Panel of Judges.

Based on the above, the Panel of Judges deems the claims to be lawful, justified, and fully subject to satisfaction.

[...]

Pages 6-7

Since the cancellation of the decision by the court of appeal is connected with a violation by the court of first instance of the rules of procedural law, which is an unconditional basis for canceling the decision, the appellant's arguments on the merits of the dispute were not accepted by the court of appeal, the claims were recognized by the judicial chamber as subject to satisfaction in accordance with Articles 110 and 112 of the Arbitrazh Procedural Code of the Russian Federation, court costs in the form of payment of the state duty upon the filing of an appeal were charged by the Court to the appellant.

In accordance with Article 268, 269, 270, 271 of the Arbitrazh Procedural Code of the Russian Federation, the Twenty-First Arbitrazh Court of Appeal

DECIDED:

To cancel the decision of the Economic Court of the Republic of Crimea of 25 September 2014 in Case No. A83-944/2014 and issue a new decision.

To terminate Non-Residential Premises Lease Agreement No. A-46/12 of 28 September 2012 for the premises located at the address: 1 Pushkina St, Bakhchisaray, Republic of Crimea, between Utilities Enterprise Housing Repair and Operation Enterprise of the Bakhchisaray City Council and non-governmental organization "Teachers' Council".

To oblige non-governmental organization "Teachers' Council" to vacate the premises located at the address: 1 Pushkina St, Bakhchisaray.

To collect from non-governmental organization "Teachers' Council" (1 Pushkina St, Bakhchisaray, Republic of Crimea, 298400, Code 22302724) in favor of Municipal Unitary Enterprise of Municipal Entity Urban Settlement of Bakhchisaray, Bakhchisaray District, Republic of Crimea, Housing Repair and Operation Enterprise (14 Krymskaya St., Bakhchisaray, Republic of Crimea, 298400, Primary State Registration Number (OGRN) 1149102182778) the state duty in the amount of 4,000.00 rubles.

To collect from non-governmental organization "Teachers' Council" (1 Pushkina St., Bakhchisaray, Republic of Crimea, 298400, Code 22302724) in favor of Municipal Unitary Enterprise of Municipal Entity Urban Settlement of Bakhchisaray, Bakhchisaray District, Republic of Crimea, Housing Repair and Operation Enterprise (14 Krymskaya St., Bakhchisaray, Republic of Crimea, 298400, OGRN 1149102182778) interest for the use of third-party funds, charged on the amount to be collected of 4,000 rubles based on the refinancing rate of the Bank of Russia of 8.25% per annum from the entry into legal force of the court order, and until its actual execution.

The decision may be appealed in the Arbitrazh Court of the Tsentralny District within two months from the date of its issue.

**Presiding Judge
Judges**

/*Signature*//*Signature*//*Signature*/

**S.A. Rybina
I.V. Evdokimov
I.V. Chertkova**

Annex 225

Kurgan City Court of the Kurgan Region, Case No. 2-3782/15,
Decision, 6 April 2015

Translation

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Case No. 2-3782/15

DECISION**In the name of the Russian Federation**

6 April 2015

the city of Kurgan

Kurgan City Court of the Kurgan Region comprised of
the Presiding Judge E.V. Melnikova
and the Secretary E.P. Krivoshchekova,

having considered in open court a civil case under an application filed by the Prosecutor of Kurgan acting in the interests of the general public on the recognition of materials as extremist,

ESTABLISHED:

Acting in the interests of the general public, the Prosecutor of Kurgan filed with the Court an application on recognition of the book "Fortress of the Muslim: Invocations from the Quran and the Sunnah" by Sa'id bin Ali bin Wahf Al-Qahtani (translated into Russian from Arabic by Vladimir Abdulla Nirsh, Nalchik, 2004, 41 pages) as extremist materials.

The Prosecutor supported the application by the statement that the Prosecutor's Office of Kurgan had discovered circumstances indicating the dissemination of materials aimed at inciting extremist manifestations. The investigative activities by the Directorate of the Federal Security Service of Russia for the Kurgan Region resulted in finding the book "Fortress of the Muslim: Invocations from the Quran and the Sunnah" by Sa'id bin Ali bin Wahf Al-Qahtani (translated into Russian from Arabic by Vladimir Abdulla Nirsh, Nalchik, 2004, 41 pages). At the time of inspection, this material was not included in the federal list of extremist materials. The Prosecutor specified, that according to linguistic expert opinion No. 414 of 3 October 2014, the book contains information aimed at promoting the religious exclusivity and superiority of Islam over other religions, and inciting religious hatred and enmity towards people who do not profess Islam, and covert incitement to violent action against non-Muslims. He asks to recognize the book "Fortress of the Muslim: Invocations from the Quran and the Sunnah" by Sa'id bin Ali bin Wahf Al-Qahtani (translated into Russian from Arabic by Vladimir Abdulla Nirsh, Nalchik, 2004, 41 pages), as extremist material.

The representative of the Prosecutor's Office of Kurgan, E.A. Utenkova insisted on the stated demands and supported the previous reasoning.

The person concerned, the Directorate of the Ministry of Justice of the Russian Federation for the Kurgan Region, did not appear at the hearing, and was duly notified of the date and time of the hearing.

The representative of the Office of the Federal Service for Supervision of Communications, Information Technology, and Mass Media in the Kurgan Region did not appear at the hearing and asked to consider the case without their participation.

Having considered the opinion of the representative of the Prosecutor's Office of Kurgan participating in the case, the Court decided to hold the hearing in the absence of the persons concerned.

Having heard the explanations of the representative of the Prosecutor's Office of Kurgan and considered the case materials, the Court came to the following conclusions.

In accordance with Article 45 of the Civil Procedural Code of the Russian Federation, the Prosecutor has the right to file with the Court an application in defense of the rights, freedoms and legitimate interests of citizens, the general public or the Russian Federation, constituent entities of the Russian Federation, municipalities.

The Constitution of the Russian Federation guarantees the freedom of thought and speech, although, prohibits propaganda inciting social, racial, national or religious hatred and enmity, propaganda of social,

racial, national, religious or linguistic superiority.

These provisions of the Constitution of the Russian Federation also comply with international legal standards, which, while proclaiming the right of every person to freely adhere to their opinions and the right to free expression of their opinion, at the same time provide that any speech in favor of national, racial or religious hatred, constituting incitement to discrimination, hostility or violence must be prohibited by law.

Specifying the provisions of the Constitution of the Russian Federation, the Federal Law On Freedom of Conscience and Religious Associations defines the content of the right to freedom of conscience and freedom of religion.

Freedom of conscience and religion is not absolute. There are certain restrictions on this freedom as set forth in Part 2 of Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, Part 3 of Article 18 of the International Covenant on Civil and Political Rights of 16 December 1966 and the Constitution of the Russian Federation.

Thus, in accordance with Part 2 of Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Since in majority of cases the religion is associated with the activities of one or another religious association, Part 5 of Article 13 of the Constitution of the Russian Federation prohibits the creation of associations, whose goals or actions are aimed at inciting religious hatred. In accordance with Part 2 of Article 19 of the Constitution of the Russian Federation, discrimination by religious affiliation is prohibited. According to Part 2 of Article 29 of the Constitution of the Russian Federation, the propaganda or agitation instigating social, racial, national or religious hatred and strife shall be prohibited. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.

The right of man and citizen to the freedom of conscience and faith may be restricted under the Federal Law only in so far as it is required for the purposes of protection of the basics of the constitutional regime, morals, health, rights and legitimate interests of a human and citizen, ensuring the defense of the country and security of the State. The establishment of privileges, restrictions or any other forms of discrimination depending on one's attitude to a religion shall not be allowed (Article 3 of the Federal Law On Freedom of Conscience and Religious Associations). This provision repeats the requirement of Part 3 of Article 55 of the Constitution of the Russian Federation.

In the course of hearing, it was established that the operative search activities by the Directorate of the Federal Security Service of Russia for the Kurgan Region resulted in finding the book "Fortress of the Muslim: Invocations from the Quran and the Sunnah" by Sa'id bin Ali bin Wahf Al-Qahtani (translated into Russian from Arabic by Vladimir Abdulla Nirsh, Nalchik, 2004, 41 pages).

According to expert opinion No. 414 of 3 October 2014, the book "Fortress of the Muslim: Invocations from the Quran and the Sunnah" by Sa'id bin Ali bin Wahf Al-Qahtani, specified in Clause 1 of the introductory part of the expert opinion, contains information aimed at promoting the religious exclusivity and superiority of Islam over other religions and inciting religious hatred and enmity towards people not professing Islam and a hidden incitement to violent actions against people who do not profess Islam.

The Court has no reason not to trust the expert's opinion, which was prepared by a forensic expert at the Laboratory of Criminalistics of the expert subdivision of the Directorate of the Federal Security Service of Russia for the Sverdlovsk Region, [Name: ...], who has higher philological education, an expert specialty in linguistic research, and has 9 years of experience as an expert.

In accordance with the provisions of Article 13 of the Federal Law on Counteracting Extremist Activities, the copy of the court decision should be sent to the federal state registration authority, i.e. the Ministry of Justice of the Russian Federation, for inclusion in the federal list of extremist materials.

Based on the foregoing, assessing the body of evidence collected in the case, the court deemed the application by the Prosecutor of Kurgan to recognize the materials as extremist to be granted.

Given the above and being guided by Articles 194–199, 268 of the Civil Procedural Code of the Russian Federation, the court

DECIDED:

To grant the application of the Prosecutor of Kurgan.

To recognize the book “Fortress of the Muslim: Invocations from the Quran and the Sunnah” by Sa’id bin Ali bin Wahf Al-Qahtani (translated into Russian from Arabic by Vladimir Abdulla Nirsh, Nalchik, 2004, 41 pages), as extremist material.

To send the copy of the decision to the Ministry of Justice of the Russian Federation for inclusion of the book “Fortress of the Muslim: Invocations from the Quran and the Sunnah” by Sa’id bin Ali bin Wahf Al-Qahtani (translated into Russian from Arabic by Vladimir Abdulla Nirsh, Nalchik, 2004, 41 pages) in the federal list of extremist materials.

The decision can be appealed to the Kurgan Regional Court through the Kurgan City Court within a month from the date of the final decision.

The reasoned decision was made on 13 April 2015.

**Judge of the Kurgan City
Court**

/Signature/

E.V. Melnikova

/Stamp: TRUE COPY Judge/

*/Seal: KURGAN CITY COURT * Russian Federation/*

*/Stamp: Decision entered into force
on 14 May 2015*

Secretary of the Court/

/Signature/

*/Stamp: The original is stored in case file
No. 2 – 3782/15 sheets 35–36 of the case file
in the Kurgan City Court
Secretary of the Court/*

/Signature/

/Handwritten: UID45RS0026-01-2015-0011901-25/

Annex 226

Kievskiy District Court of Simferopol, Case No. 3/6-266/2015, Ruling
authorizing the search in Mr. Asaba's house, 10 April 2015

Translation**Case No. 3/6-266/2015****Ruling**

10 April 2015

Simferopol

Judge of the Kievkiy District Court of Simferopol of the Republic of Crimea, D.A. Didenko with the involvement of the Prosecutor S.O. Romanovskiy, in the presence of Secretary E.E. Salimova, having considered in open court a request of the High-priority Cases Investigator of the First Investigative Department of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Captain of Justice N.R. Azizov with respect to the criminal case No. 2014467091.-

ESTABLISHED:

In the proceedings of the First Investigative Department of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, there is a criminal case No. 2014467091, initiated on the basis of material elements of criminal offences envisaged by Part 1 of Article 109, Part 1.2 of Article 212 of the Criminal Code of the Russian Federation.

On 9 April 2015, the Major Cases Investigator of the High-priority Cases of the First Investigative Department of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, B.R. Azizov lodged before the court the request on carrying out a search in the dwelling of M.K. Asaba at the address: 10 Naberezhnaya St., the township of Vishennoe, the city of Belogorskiy District. The request is reasoned by the fact that, in the course of the investigation, there were grounds to believe that there can be items or documents - that are of evidential significance in the criminal case - at the dwellings of Mustafa Kurtumerovich Asaba.

At the hearing, the Prosecutor supported the Investigator's request and asked to grant it on the grounds indicated therein.

Having heard the Investigator's clarifications and the Prosecutor's statement and having examined the submitted materials, the court considers that the request is reasoned and must be granted.

Based on the materials presented to the court, it follows that Mustafa Kurtumerovich Asaba is registered at the indicated address, and he may be involved in the mentioned crime. The court considers that there are sufficient grounds to believe that at the M.K. Asaba's registered address (i.e.: 10 Naberezhnaya St., the township of Vishennoe, Belogorskiy District, Republic of Crimea) items, documents and valuables of potential importance to a criminal case might be located, which makes it necessary to carry out the search of the living premises at this address.

Given these considerations, guided by Articles 165, 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To grant the request.

To grant the officers of the High-priority Cases Investigator of the First Investigative

Department of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, a warrant to carry out a search at the registration place of Mustafa Kurtemerovich Asaba, born on 8 October 1955, at the address: 10 Naberezhnaya St., the township of Vishennoe, Belogorskiy District, Republic of Crimea.

This ruling may be appealed in the Supreme Court of the Republic of Crimea within 10 days from the date of its release through the Kiev District Court of Simferopol.

Judge *(signed)* D.A. Didenko
 (seal)

Handwriting: *The ruling was announced to M.K. Asaba on 4 April 2015 at 07:40. Senior Investigator (illegible) (signed)*

Annex 227

Kotelnich District Court of the Kirov Region, Case No. 2-396/2015,
Decision, 16 April 2015

Translation

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Case No. 2-396/ 2015

DECISION
IN THE NAME OF THE RUSSIAN FEDERATION

Kotelnich, Kirov Region

16 April 2015

Kotelnich District Court of the Kirov Region, comprised of the presiding judge N.V. Perminova,

with the participation of the Kotelnich Inter-district Prosecutor A.V. Unzhakov,
with the secretary S.N. Baldina,

having considered in open court a civil case following the application of the Deputy Prosecutor of the Kirov Region in defence of the interests of the Russian Federation on the recognition of information materials as extremist,

ESTABLISHED:

The Deputy Prosecutor of the Kirov Region lodged an application with the court in defence of the interests of the Russian Federation on the recognition of information materials as extremist.

In support of the application, the Deputy Prosecutor stated that the Prosecutor's Office of the Kirov Region carried out a check on the facts of distribution of the book "Pictures from the Life of the Prophet's Companions" by Dr. Abdulhamid ibn Abdurrahman al-Suhaybani (translated from Arabic by S.K. Filimonova. - Ekaterinburg: Publishing House "Mir," 2009, 192 p.), the book "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh" by M.Kh. Kahtani (translated from Arabic by A.Yu. Isaev. Kazan Society Revival of Islamic Heritage, 2009, 282 p.), the book "Interpretation of the Beautiful Names of Allah in the Light of the Qur'an and Sunnah" by Said ibn Ali ibn Wahf al-Kahtani (translated from Arabic, commented by E.R. Kuliev, 2nd ed., rev. Moscow: Umma, 2011, 288 p.), identified by the officers of the Directorate of Federal Security Service of Russia for the Kirov Region, the content of which has signs of extremist activity. In order to study the semantic orientation of the texts of these books and the ideas that are expressed and promoted in them, the Investigative Directorate of the Investigative Committee of the Russian Federation for the Kirov Region issued a ruling of 7 November 2013 on the conducting of a comprehensive psychological, linguistic and religious expert examination during the investigation of a criminal case No. 89018 initiated under Part 1 of Article 30, Paragraph "a" of Part 3 of Article 205 of the Criminal Code of the Russian Federation. According to the conclusion of the experts of the autonomous non-profit organization "Kazan Interregional Expertise Center" of 20 January 2014, it was established that the authors of the books "Pictures from the Life of the Prophet's Companions", "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh", and "Interpretation of the Beautiful Names of Allah in the Light of the Qur'an and Sunnah" used special linguistic means (implicit and explicit assessment, contextual opposition of two groups, metaphorization, abusive vocabulary) for the purposeful communication of offensive characteristics, negative emotional assessments in relation to a group of persons based on attitude to religion - non-Muslims. These materials contain information aimed at inciting religious hatred (enmity). The book "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh" contains statements of an incentive nature (appeals) calling for violent actions of one group

of persons in relation to another group of persons united on the basis of their attitude to religion (the statements are addressed to Muslims who must destroy non-Muslims), and the book “Interpretation of the Beautiful Names of Allah in the Light of the Qur’an and Sunnah” contains information justifying the practice of violent actions and (or) complete or partial destruction of persons on the basis of their attitude to religion - non-Muslims. The materials “The Boundary of the Prayer. Brief Summary of the Book ‘The Correct Way of Understanding Monotheism’ of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh” and “Interpretation of the Beautiful Names of Allah in the Light of the Qur’an and Sunnah” are ideological sources of groups and schools of the Salafi (Wahhabi) branch of Islam. These books are intended for publication, printed by order of publishers by typographic method. Thus, materials of an extremist nature - which are ideological sources of terrorist groups (jihadists) containing information aimed at inciting religious hatred (enmity), humiliation of the dignity of a group of persons on the basis of their attitude towards religion, calling for violent actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion, as well as justifying the practice of violent actions and (or) complete or partial destruction of persons on the basis of their attitude to religion - were distributed on the territory of the Russian Federation. In accordance with Article 13 of the Federal Law No. 114, the distribution of extremist materials, as well as their production or keeping for the purpose of distribution, are prohibited on the territory of the Russian Federation.

[The Prosecutor] asks the court to recognize the book “Pictures from the Life of the Prophet’s Companions” by Dr. Abdulhamid ibn Abdurrahman al-Suhaybani (translated from Arabic by S.K. Filimonova. - Ekaterinburg: Publishing House “Mir,” 2009, 192 p.), the book “The Boundary of the Prayer. Brief Summary of the Book ‘The Correct Way of Understanding Monotheism’ of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh” by M.Kh. Kahtani (translated from Arabic by A.Yu. Isaev. Kazan Society Revival of Islamic Heritage, 2009, 282 p.), the book “Interpretation of the Beautiful Names of Allah in the Light of the Qur’an and Sunnah” by Said ibn Ali ibn Wahf al-Kahtani (translated from Arabic, commented by E.R. Kuliev, 2nd ed., rev. Moscow: Umma, 2011, 288 p.) as extremist, and to send a copy of the decision to the Ministry of Justice of the Russian Federation for the inclusion of the books in the federal list of extremist materials.

At the hearing, the Kotelnich Inter-district Prosecutor A.V. Unzhakov insisted on the asserted requests, asked to satisfy them in full, and, upon the entry of the court decision into legal force, to destroy information materials recognized as extremist.

The representative of the concerned party, the Ministry of Justice of the Russian Federation in Kirov Region did not appear at the hearing, sent a motion to consider the case without the representative’s participation and supported the application in full.

The court, having heard the opinion of the Kotelnich Inter-district Prosecutor A.V. Unzhakov, having examined the written materials of the case, finds that the motion must be granted.

Subject to Part 1 of Article 45 of the Civil Procedural Code of the Russian Federation, a prosecutor has the right to apply to the court in defence of the rights, freedoms and legitimate interests of citizens, an indefinite circle of persons, or interests of the Russian Federation, constituent entities of the Russian Federation, or municipalities.

In accordance with Article 29 of the Constitution of the Russian Federation, propaganda of social, racial, national, religious or linguistic superiority is prohibited.

In accordance with Part 3 of Article 1 of the Federal Law of 25 July 2002 No. 114-FZ On Counteracting Extremist Activities (hereinafter the Federal Law No. 114-FZ), extremist materials are documents intended for publication or information on other media calling for extremist activity to be carried out or substantiating or justifying the necessity of carrying out such activity, including works

by leaders of the National Socialist worker party of Germany, the Fascist party of Italy, publications substantiating or justifying ethnic and/or racial superiority or justifying the practice of committing war crimes or other crimes aimed at the full or partial destruction of any ethnic, social, racial, national or religious group.

In accordance with Article 13 of Federal Law No. 114-FZ, the distribution of extremist materials, as well as their production or keeping for the purpose of distribution, is prohibited on the territory of the Russian Federation. In the cases provided for by the law of the Russian Federation, the production, keeping or distribution of extremist materials is an offence that entails liability. Information materials are recognized as extremist by a federal court at the place of their discovery, distribution or the location of the organization that carried out the production of such materials, on the basis of a prosecutor's application or in the course of proceedings on a relevant administrative offence, civil or criminal case.

At the hearing, it was established that during the investigation of criminal case No. 89018 initiated on 14 October 2013 by the investigative department of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Kirov Region, the investigating body confiscated the book "Pictures from the Life of the Prophet's Companions" by Dr. Abdulhamid ibn Abdurrahman al-Suhaybani (translated from Arabic by S.K. Filimonova. - Ekaterinburg: Publishing House "Mir," 2009, 192 p.), the book "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh" by M.Kh. Kahtani (translated from Arabic by A.Yu. Isaev. Kazan Society Revival of Islamic Heritage, 2009, 282 p.), the book "Interpretation of the Beautiful Names of Allah in the Light of the Qur'an and Sunnah" by Said ibn Ali ibn Wahf al-Kahtani (translated from Arabic, commented by E.R. Kuliev, 2nd ed., rev. Moscow: Umma, 2011, 288 p.).

In order to study the semantic orientation of the texts of these books and the ideas that are expressed and promoted in them, the Investigative Directorate of the Investigative Committee of the Russian Federation for the Kirov Region, issued a ruling of 7 November 2013 on the carrying out of a comprehensive psychological, linguistic and religious expert examination.

According to the expert opinion of the autonomous non-profit organization "Kazan Interregional Expertise Center" of 20 January 2014, the authors of the books "Pictures from the Life of the Prophet's Companions", "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh", and "Interpretation of the Beautiful Names of Allah in the Light of the Qur'an and Sunnah" used special linguistic means (implicit and explicit assessment, contextual opposition of two groups, metaphorization, abusive vocabulary) for the purposeful communication of offensive characteristics, negative emotional assessments in relation to a group of persons based on attitude to religion - non-Muslims. These materials contain information aimed at inciting religious hatred (enmity).

Moreover, the book "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh" contains statements of an incentive nature (appeals) calling for violent actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion (the statements are addressed to Muslims who must destroy non-Muslims), and the book "Interpretation of the Beautiful Names of Allah in the Light of the Qur'an and Sunnah" contains information justifying the practice of violent actions and (or) complete or partial destruction of persons on the basis of their attitude to religion - non-Muslims.

The book "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh" and "Interpretation of

the Beautiful Names of Allah in the Light of the Qur'an and Sunnah" are ideological sources of groups and schools of the Salafi (Wahhabi) branch of Islam.

In accordance with Articles 67 and 86 of the Civil Procedural Code of the Russian Federation, the court accepts this expert opinion as evidence, since it fully meets the requirements of the Civil Procedural Code and contains a detailed description of the examinations performed.

The court sees no reason to call into question the reliability of the said expert opinion.

Taking into account the circumstances established in the case and the above legal norms, the court concludes that the texts of the books in question do not meet the requirements of the Federal Law On Countering Extremist Activities since they contain the author's statements directly aimed at inciting national and religious hatred, humiliation of the dignity of a group of persons on the basis of their attitude towards religion, calling for violent actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion, as well as justifying the practice of violent actions and (or) complete or partial destruction of persons on the basis of their attitude to religion.

According to Paragraph 30.28 of the Regulation on the Ministry of Justice of the Russian Federation, approved by the Decree of the President of the Russian Federation of 13 October 2004, No. 1313 (edition from 12 December 2014) "Issues of the Ministry of Justice of the Russian Federation", the Ministry of Justice of the Russian Federation determines the procedure for maintaining the federal list of extremist materials and maintains this list, maintains a list of public associations and religious organizations, other non-profit organizations, in respect of which there is a final decision of the court to liquidate or prohibit their activities on the grounds provided for by the law of the Russian Federation, and a list of public associations and religious organizations whose activities have been suspended in connection with their extremist activities, and also ensures the publication of the named lists.

Based on the aforesaid and guided by Articles 194-199 of the Civil Procedural Code of the Russian Federation, the court

DECIDED:

To grant the application of the Deputy Prosecutor of the Kirov Region in defence of the interests of the Russian Federation on the recognition of information materials as extremist.

To recognize the following printed publications as extremist:

- The book by Dr. Abdulhamid ibn Abdurrahman al-Suhaybani *Pictures From the Life of the Prophet's Companions* (translated from Arabic by S.K. Filimonova. Ekaterinburg: Publishing House Mir, 2009, 192 p.);

- The book "Pictures from the Life of the Prophet's Companions" by Dr. Abdulhamid ibn Abdurrahman al-Suhaybani (translated from Arabic by S.K. Filimonova. - Ekaterinburg: Publishing House "Mir," 2009, 192 p.);

- The book "The Boundary of the Prayer. Brief Summary of the Book 'The Correct Way of Understanding Monotheism' of Sheikh Salih Ibn Abd Al-Aziz Al ash-Sheikh" by M.Kh. Kahtani (translated from Arabic by A.Yu. Isaev. Kazan Society Revival of Islamic Heritage, 2009, 282 p.);

- The book "Interpretation of the Beautiful Names of Allah in the Light of the Qur'an and Sunnah" by Said ibn Ali ibn Wahf al-Kahtani (translated from Arabic, commented by E.R. Kuliev, 2nd ed., rev. Moscow: Umma, 2011, 288 p.).

To destroy these printed publications recognized as extremist upon entry of the decision into legal force.

To send a copy of the court decision to the Ministry of Justice of the Russian Federation to

resolve the issue of inclusion in the federal list of extremist materials.

The decision can be appealed against, the prosecutor can file a prosecutor's appeal to the Kirov Regional Court through the Kotelnich District Court within a month from the date of the adoption of the decision in the final form.

The final decision was adopted on 20 April 2015.

Presiding

Judge N.V. Perminova

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Decision (ruling) entered into force

on 20 May 2015

Secretary of the Court/

/Signature/

Case 2-396/2015/

Annex 228

Military Investigative Directorate of the Investigative Committee of
the Russian Federation for the Black Sea Fleet, Resolution on the
refusal to initiate a criminal case, 18 April 2015

Translation**RESOLUTION
on the refusal to initiate a criminal case**

Simferopol

18 April 2015
10:30 p.m.

Senior Lieutenant of Justice D.S. Kukasov, Senior Forensic Investigator of the 534th Military Investigative Department of the Military Investigative Directorate of the Investigative Committee of the Russian Federation for the Black Sea Fleet, having examined a crime report – an application of D.V. Sotnikov of 20 March 2015 into elements of a crime under Paragraph “a” of Part 3 of Article 286 of the Criminal Code of the Russian Federation, received by the 534th Military Investigative Department of the Military Investigative Directorate of the Investigative Committee of the Russian Federation for the Black Sea Fleet on 20 March 2015,

ESTABLISHED:

On 20 March 2015, the 534th Military Investigative Department of the Military Investigative Directorate of the Investigative Committee of the Russian Federation for the Black Sea Fleet received an application of D.V. Sotnikov, a lawyer and defence attorney of A.F. Kostenko, to the effect that his client was subjected to physical violence by officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, i.e. elements of a crime under Paragraph “a” of Part 3 of Article 286 of the Criminal Code of the Russian Federation.

As it follows from the application, on 5 February 2015, A.F. Kostenko, before going into the entrance of his house at the address: 3/1 Bepalova Street, Simferopol, Republic of Crimea, was detained by two officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol on suspicion of the intentional infliction of minor harm to health of V.V. Polienko on grounds of ideological enmity and hatred, i.e. a crime under Paragraph “b” of Part 2 of Article 115 of the Criminal Code of the Russian Federation. When detaining A.F. Kostenko, the officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol subjected him to physical harm, inflicting upon him numerous bodily injuries.

A pre-investigation check revealed that:

Alexander Fedorovich Kostenko is a former officer of the Kiev District Police Department of Simferopol, and when he served in the law enforcement authorities of Ukraine, he was an ardent supporter of nationalist organisations of Ukraine and repeatedly came into the radar of Ukrainian security officers for being a fervent propagandist of nationalist ideas and a representative of nationalist associations.

For instance, in late 2013 – early 2014, A.F. Kostenko was actively involved in protests against the ruling government of Ukraine in Kiev (hereinafter referred to as the “Maidan events”).

On 1 February 2015, the Central Investigation Department of the Investigative Committee of the Russian Federation for the Republic of Crimea opened a criminal case against A.F. Kostenko into a crime under Paragraph “b” of Part 2 of Article 115 of the Criminal Code of the Russian Federation, namely on suspicion of the intentional infliction of minor harm to health of V.V. Polienko on grounds of ideological enmity and hatred.

On 6 February 2015, A.F. Kostenko voluntarily came to the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol and said that he had been involved in

the Maidan events and caused minor harm to V.V. Polienko's health, after which A.F. Kostenko was transferred to the Central Investigation Department of the Investigative Committee of the Russian Federation for the Republic of Crimea that same day, where he was interrogated as a suspect and detained as provided for by Article 91 of the Criminal Procedural Code of the Russian Federation, but no officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol were involved in the detention of A.F. Kostenko.

Further, in view of the initiated criminal case, the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol started receiving instructions on the conducting of certain investigative activities from Senior Lieutenant of Justice Yu.V. Odarchenko, a High-Priority Cases Investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, which Major [Name: ...] and Captain [Name: ...], officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, were conducting in accordance with criminal procedure law. In addition, when they were engaged in the investigative activities in respect of A.F. Kostenko, neither Major [Name: ...] nor Captain [Name: ...] used any violence or physical or moral pressure against A.F. Kostenko and did not force him into anything.

According to a copy of the record of detention of the suspect A.F. Kostenko of 6 February 2015, the provisions of Article 46 of the Criminal Procedural Code of the Russian Federation and Article 51 of the Constitution of the Russian Federation were explained to the suspect A.F. Kostenko against his signature, and the suspect A.F. Kostenko lodged no applications concerning any physical violence used against him by the officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, and A.F. Kostenko personally read the said record of detention. The officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol were not involved in his detention.

According to a copy of the record of interrogation of the suspect A.F. Kostenko of 6 February 2015, a copy of the record of interrogation of the suspect A.F. Kostenko of 11 February 2015, a copy of the record of interrogation of the suspect A.F. Kostenko of 13 February 2015, A.F. Kostenko lodged no applications concerning any physical violence used against him by the officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol. Moreover, in the course of those interrogations, A.F. Kostenko referred to physical violence used against him by unidentified persons on 5 February 2015 in the evening in the Gagarin Park of Culture and Recreation situated in the Zheleznodorozhny District of Simferopol, with whom A.F. Kostenko came into conflict.

The above is objectively confirmed by the explanations of [Name: ...], [Name: ...] and of the defence attorneys of A.F. Kostenko (the lawyers T.N. Poluyanova and Yu.E. Popchuk), Senior Lieutenant of Justice Yu.V. Odarchenko, a High-Priority Cases Investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, the copy of the record of detention of the suspect A.F. Kostenko, copies of the records of interrogation of A.F. Kostenko, and other documents.

In view of this, the inspection revealed that neither Major [Name: ...] nor Senior Lieutenant [Name: ...] used any physical or moral violence against A.F. Kostenko. Besides, neither Major [Name: ...] nor Captain [Name: ...] were involved in the detention of A.F. Kostenko since the latter voluntarily came on 6 February 2015 to the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol and said that he had committed a crime. The application

lodged by A.F. Kostenko's defence attorney, the lawyer D.V. Sotnikov, acting in the interests of his client, wherein he states that physical violence was used against his client by Major [Name: ...] and Captain [Name: ...], officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, should be considered with a critical eye as an attempt to escape criminal liability for A.F. Kostenko's crime.

In light of the above, having assessed the totality of available materials, it should be concluded that the circumstances presented in D.V. Sotnikov's application did not prove to have a basis in fact, and Major [Name: ...] and Captain [Name: ...], officers of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, did not use any physical or moral violence against A.F. Kostenko and were not involved in the detention of A.F. Kostenko. With that said, there is no crime event under Paragraph "a" of Part 3 of Article 286 of the Criminal Code of the Russian Federation, meaning that no criminal proceedings are to be instituted under Paragraph 1 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation for the absence of a crime event.

Further, D.V. Sotnikov's actions relating to the application for prosecution are not a criminally punishable act under Article 306 of the Criminal Code of the Russian Federation since this application did not serve to provide a knowingly false report about a crime but was a means to defend his client A.F. Kostenko, in view of which no criminal proceedings are to be instituted against D.V. Sotnikov into a knowingly false report, i.e. into elements of a crime under Part 1 of Article 306 of the Criminal Code of the Russian Federation, on grounds of Paragraph 2 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation for the absence of elements of a crime.

Given that there is sufficient information indicating that there are no elements of a crime under Paragraph "a" of Part 3 of Article 286 of the Criminal Code of the Russian Federation, relying upon Paragraph 2 of Part 1 of Article 24, Articles 144, 145, and 148 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To refuse to initiate criminal proceedings against [Name: ...] in connection with a crime report under Paragraph "a" of Part 3 of Article 286 of the Criminal Code of the Russian Federation on grounds of Paragraph 1 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation for the absence of a crime event.

2. To refuse to initiate criminal proceedings against [Name: ...] in connection with a crime report under Paragraph "a" of Part 3 of Article 286 of the Criminal Code of the Russian Federation on grounds of Paragraph 1 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation for the absence of a crime event.

3. To refuse to initiate criminal proceedings against Dmitry Valeryevich Sotnikov in connection with a crime report under Part 1 of Article 306 of the Criminal Code of the Russian Federation on grounds of Paragraph 2 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation¹ for the absence of elements of a crime.

4. To send a copy of the resolution to the parties concerned – [Name: ...], [Name: ...], D.V. Sotnikov, A.F. Kostenko, and the military prosecutor of the 309th Military Prosecutor's Office of the Garrison.

¹ This line is filled in when the examination of a crime report reveals no elements of a crime in the actions of a person who reported a crime committed by a certain person (persons).

This resolution may be challenged before the Head of the 534th Military Investigative Department of the Military Investigative Directorate of the Investigative Committee of the Russian Federation for the Black Sea Fleet, the Military Prosecutor of the 309th Military Prosecutor's Office of the Garrison or in court as provided for by Chapter 16 of the Criminal Procedural Code of the Russian Federation.

Senior Forensic Investigator of the 534th Military Investigative Department of the Military Investigative Directorate of the Investigative Committee of the Russian Federation for the Black Sea Fleet
Senior Lieutenant of Justice */Signature/* D.S. Kukasov

Annex 229

Supreme Court of the Republic of Crimea, case No. 12-455/2015,
Decision, 20 April 2015

Translation*(Stamp)**COPY*

Case No. 12-455/2015

DECISION

20 April 2015

Simferopol

The Judge of the Supreme Court of the Republic of Crimea S.V. Yakovlev, having considered the appeal of Veldar Samadinovich Shukurdziev against the decision of the judge of the Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 12 March 2015, which held

Veldar Samadinovich Shukurdziev, born on 30 January 1975, a native of Tashkent, unemployed, residing at: [address] administratively liable under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation (hereinafter referred to as the Code on Administrative Offences of the Russian Federation),

ESTABLISHED:

By the decision of the judge of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 12 March 2015 in Case No. 5-403/2015 (Judge N.V. Urzhumova), V.S. Shukurdziev was found guilty of committing an administrative offence under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, imposed an administrative punishment in the form of mandatory work for forty hours.

Disagreeing with the said decision, V.S. Shukurdziev filed an appeal where he asks to cancel the said decision, to terminate the proceedings on the basis of Paragraph 1 of Part 1 of Article 24.5 of the Code on Administrative Offences of the Russian Federation due to the absence of an event of an administrative offence. To reason the appeal, V.S. Shukurdziev stated that his guilt in committing an administrative offence was not proved, he committed no illegal actions under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, when reviewing the case, the judge violated the principle of presumption of innocence, he exercised the right to freedom of peaceful assembly in compliance with the procedure established by the current legislation of the Russian Federation, when assigning the punishment, the court did not apply the provisions of the Resolution of the Constitutional Court of the Russian Federation No. 4-P/2013 of 14 February 2013.

At the hearing held on 20 April 2015 V.S. Shukurdziev and his representative S.V. Shukurdziev, insisted on the arguments set out in the appeal, submitted the supplements to the appeal where they substantiated the allegation that the real circumstances of the case indicate the lack of administrative offence envisaged by Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation in V.S. Shukurdziev's actions, thus the proceedings should be terminated.

In accordance with Article 24.1 of the Code on Administrative Offences of the Russian Federation, the proceedings on administrative offence cases aim at comprehensive, complete, objective and timely identification of the circumstances of each case, its resolution in accordance with law, ensuring enforcement of the decision made, and identifying the causes and conditions contributable to committing of administrative offences.

According to Part 3 of Article 30.6 of the Code on Administrative Offences of the Russian Federation, when considering an appeal against a decision on an administrative offence case, the judge must check the case in full.

The case materials show that V.S. Shukurdziev arrived at Gagarin Park in Simferopol to the sculpture “Three graces” on 9 March 2015 at 11:30 am where the public event in the form of a rally was taking place, agreed upon by the Administration of Simferopol, dedicated to celebration of the 201st anniversary of the birth of Taras Shevchenko, and together with other citizens unfolded and was holding the Ukrainian flag with the inscription “Crimea is Ukraine”.

In accordance with Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, an administrative offence is a violation by a participant of a public event of the established procedure for holding an assembly, rally, demonstration, march or picketing, except for the cases provided for in Part 6 of the same Article which provides for administrative liability for the same actions that caused harm to human health or property, if they do not contain signs of criminal offence.

The right to assemble peacefully, without carrying weapons, to hold assemblies, rallies and demonstrations, marches and picketing guaranteed by the Constitution of the Russian Federation and international acts as an integral part of the legal system of the Russian Federation (Part 4 of Article 15 of the Constitution of the Russian Federation) is not an absolute right and may be restricted by any federal law for constitutionally significant purposes.

Such a federal law should ensure the possibility of exercising such a right and at the same time the keeping of proper public peace and security without prejudice to health and morals of the citizens on the basis of a balance of interests of organizers and participants of public events, on the one hand, and of the third parties on the other hand, subject to requirement to guarantee the governmental protection of the rights and freedoms to all citizens (both participating and not participating in a public event), including by taking adequate measures to prevent any violations of public peace and security, the rights and freedoms of citizens, and establishing the public liability for actions that violate or create a threat of violation of the above.

The procedure for organizing and holding public events is defined by the Federal Law “On assemblies, rallies, demonstrations, marches and picketing” of 19 June 2004 No. 54-FZ (hereinafter referred to as the Law on Rallies), in Article 2 of which a public event is defined as an open, peaceful, accessible to everyone, held in the form of an assembly, rally, demonstration, march or picketing, or in various combinations thereof, an event held on the initiative of citizens of the Russian Federation, political parties, other public associations and religious associations. A rally is a mass presence of citizens in a certain place for the public expression of public opinions on current issues of a predominantly socio-political nature.

Within frameworks of organizing a public event, a number of procedures are required to be followed to ensure the peaceful and safe nature of the public event consistent with the rights and interests of any persons not involved in it, and to facilitate avoiding possible breaches of public peace and security (Article 4 of the Law on Rallies).

Part 1 of Article 6 of the Law on Rallies establishes that the citizens, members of political parties, members and participants of other public associations and religious associations who voluntarily participate in a public event are recognized as its participants.

During a public event, its participants must comply with all legal requirements of the organizer of the public event, the persons authorized by the organizer, the authorized official of the executive authority of the constituent entity of the Russian Federation or local self-government and police officers; keep public peace and follow the rules of the public event; comply with the requirements to

ensure transport safety and road traffic safety provided for by federal laws and other acts, if a public event involves vehicles (Part 3 of Article 6 of the Law on Rallies).

Thus, it is obvious that the above-mentioned obligations are unconditional for participants in a public event as per the Law on Rallies and do not depend on whether the person took part in a public event agreed or not agreed with the executive authorities according to the law. Regardless of this, a participant of a public event is obliged to comply with the procedure for holding a public event established by the Law on Rallies in terms of his duties and not to violate the prohibitions established for the participants of a rally.

As the circumstances of the case show, V.S. Shukurdziev arrived at Gagarin Park in Simferopol to the sculpture “Three graces” on 9 March 2015 at 11:30 am and together with other citizens unfolded and was holding the Ukrainian flag with the inscription “Crimea is Ukraine”.

At the same time in the said venue a public event in the form of a rally was being held, it was agreed by the Administration of Simferopol and dedicated to the celebration of the 201st anniversary of the birth of Taras Shevchenko.

The study of the above said circumstances makes it obvious that demonstration (holding) of the Ukrainian flag with the words “Crimea is Ukraine” on it cannot in any way coincide with the purpose of the rally being held which was to celebrate the 201st anniversary of the birth of Taras Shevchenko, since the agitation demonstrated by V.S. Shukurdziev - the Ukrainian flag with the words “Crimea is Ukraine” on it does not relate to celebration of the 201st anniversary of Taras Shevchenko.

Under such circumstances, it becomes obvious that V.S. Shukurdziev arrived at Gagarin Park in Simferopol to sculpture “Three graces” on 9 March 2015 at 11:30 am - where the public event in the form of a rally was taking place that was agreed upon by the Administration of Simferopol and dedicated to the celebration of the 201th anniversary of the birth of Taras Shevchenko – and actually took part in the other public event; the goals of this event differed from those of the rally agreed with the Administration of Simferopol, no notice about holding of such other public event had been submitted to the local self-government authorities. Thus, V.S. Shukurdziev violated his obligations of a participant in a public event required by the Law on Rallies.

In view of the foregoing, the actions committed by V.S. Shukurdziev were correctly qualified by the judge of the Zheleznodorozhny District Court of Simferopol of the Republic of Crimea under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

The arguments in the appeal filed by V.S. Shukurdziev that, in violation of Part 2 of Article 28.2 of the Code on Administrative Offences of the Russian Federation, the administrative offence protocol No. RK-005939 of 9 March 2015 neither specify the place and time of a possible offence, nor describe any actions which can be regarded as violation of the Law on Rallies, are not grounds for revoking the decision of the judge of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea.

Administrative offence protocol No. RK-005939 of 9 March 2015 was made by an authorized official and meets the requirements of Article 28.2 of the Code on Administrative Offences of the Russian Federation. The information necessary for correct review of the case is reflected in the protocol, the event of the offence was also confirmed by other evidence, in particular, by the explanations of police officers which are attached to the case materials, their testimony recorded in the protocol of the court hearing of 12 March 2015. On the same court hearing V.S. Shukurdziev also confirmed that he had arrived at Gagarin Park in Simferopol to the sculpture “Three graces” on 9 March 2015 to the public event in the form of a rally dedicated to celebration of the 201 anniversary of the birth of Taras Shevchenko and together with other people unfolded and was holding the

Ukrainian flag with the inscription “Crimea is Ukraine”, which is recorded in the protocol of the court hearing.

The absence in the administrative offence protocol of information about witnesses is not a significant procedural violation entailing the cancellation of the judicial act.

The explanation of the appellant and his representative that the police officers did not address any requirements to V.S. Shukurdziev, and that he was brought to the police station to give explanations, does not entail satisfaction of the appeal, as these circumstances do not have legal significance for qualifying his actions under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

The arguments in the appeal that the decree of 12 March 2015 in Case No. 5-403/2015 erroneously refers to provisions of the Federal Law No. 114-FZ of 25 July 2002 On Countering Extremist Activities cannot be considered as reasonable as this judicial act contains only the content of Article 16 of the Federal Law No. 114-FZ without indicating the fact of finding any violations of its provisions by V.S. Shukurdziev.

In response to the arguments in the appeal that the judge of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea did not account for the provisions of the Resolution of the Constitutional Court of the Russian Federation of 14 February 2013 No. 4-P “Concerning the case of checking constitutionality of the Federal Law ‘On Amendments to the Code on Administrative Offences of the Russian Federation and the Federal Law On Assemblies, Rallies, Demonstrations, Marches and Picketing’ in connection with the enquiry from a group of deputies of the State Duma and the complaint of citizen E.V. Savenko”, it should be noted the following.

In accordance with Article 4.1 of the Code on Administrative Offences of the Russian Federation, an administrative punishment for committing an administrative offence is imposed within the limits established by the law providing for liability for such administrative offence in accordance with this Code.

Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation sets forth that violating by a participant of a public event of the established procedure for holding an assembly, rally, demonstration, march or picketing, except for the cases provided for in Part 6 of the same Article, entails the imposition of an administrative fine in the amount of ten to twenty thousand rubles or performance of community services for up to forty hours.

At the same time, Paragraph 8 of the Resolution of the Constitutional Court of the Russian Federation of 14 February 2013 No. 4-P “Concerning the case of checking constitutionality of the Federal Law ‘On Amendments to the Code on Administrative Offences of the Russian Federation and the Federal Law On Assemblies, Rallies, Demonstrations, Marches and Picketing’ in connection with the enquiry from a group of deputies of the State Duma and the complaint of citizen E.V. Savenko” (hereinafter referred to as the Resolution of the CC RF No. 4-P) envisages that until the proper amendments are made to the legal regulation system, the community services may be chosen as the administrative punishment for administrative offences provided for in Articles 20.2, 20.2.2 and 20.18 of the Code on Administrative Offences of the Russian Federation only if they have caused harm to health of citizens, property of individuals or legal entities, or led to other similar consequences.

The case materials do not contain any evidence that the violation by V.S. Shukurdziev of the Law on Rallies, committing by him of an administrative offence under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation caused any harm to health of citizens, property of individuals or legal entities, or led to other similar consequences.

By virtue of the above, it is obvious that the judge of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea - in the course of considering Case No. 5-403/2015 when establishing the type and amount of administrative punishment to V.S. Shukurdziev - did not consider the above mentioned position of the Constitutional Court of the Russian Federation set out in the Resolution of the CC RF No. 4-P, which shows the absence of facts justifying the correctness of an administrative punishment in the form of community services. Therefore, there are grounds to modify the decision of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea dated 12 March 2015 in Case No. 5-409/2015.

When establishing an administrative punishment to V.S. Shukurdziev under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, it is necessary to take into account the nature and degree of social danger of an administrative offence committed by him, his attitude to the observance to the Law on Rallies; therefore, it is necessary to impose an administrative punishment in the form of a fine in the amount of ten thousand rubles which will not deteriorate his condition.

Pursuant to the Articles 30.6, 30.7 of the Code on Administrative Offences of the Russian Federation, the court

DECIDED:

The decision of the judge of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea dated 12 March 2015 in Case No. 5-409/2015 on the administrative offence under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation in relation to Veldar Samadinovich Shukurdziev shall be modified in the part of the administrative punishment established; to impose on him the administrative punishment in the form of a fine of ten thousand rubles.

The remaining part of the decision of the judge of the Zheleznodorozhny District Court of Simferopol of the Republic of Crimea dated 12 March 2015 in Case No. 5-409/2015 shall be left unchanged, the appeal of Veldar Samadinovich Shukurdziev shall be left without satisfaction.

This decision takes effect immediately and can be appealed in accordance with Article 30.12 of the Code on Administrative Offences of the Russian Federation.

Judge *(Signed)* S.V. Yakovlev

(Stamp)

Zheleznodorozhny District Court of Simferopol,

the original decision is stored in the administrative case file No. 5-403/2015.

The copy was issued on 20 May 2020.

Judge (Signed)

Court Secretary (Signed)

(Stamp)

True copy

Judge (Signed)

Court Secretary (Signed)

(Seal)

Zheleznodorozhny District Court of Simferopol

Annex 230

Information on Mr. Chiгоz's disciplinary penalty during the period of
the pre-trial detention

Translation**DIRECTORATE OF THE FEDERAL PENITENTIARY SERVICE FOR THE REPUBLIC OF
CRIMEA AND SEVASTOPOL****FEDERAL STATE INSTITUTION
DETENTION FACILITY 1****(FEDERAL STATE INSTITUTION, DETENTION FACILITY 1 OF THE DIRECTORATE OF THE
FEDERAL PENITENTIARY SERVICE OF RUSSIA FOR THE REPUBLIC OF CRIMEA AND
SEVASTOPOL)****ORDER**

Simferopol

30 April 2015

No. 818

On a Disciplinary Penalty

Having examined an internal inspection report concerning a breach of the confinement rules by the detainee Akhtem Zeytullaevich Chiygoz, born on 14 December 1964, relying on Article 38 of the Federal Law No. FZ-103 of the Russian Federation, I hereby order:

To reprimand Akhtem Zeytullaevich Chiygoz for breaching the confinement rules, Article 36 of the Federal Law No. 103-FZ of the Russian Federation, and Paragraph 4 of Section I of the Internal Regulations of the Detention Facility by storing prohibited items, namely a cell phone found on 23 April 2015.

Head

I.L. Levenets

Major of the Internal Service

/Signature/

[handwritten]

Correct

Action by D.V. Shchurin

He strongly refused to read this document.

Tel. [...]

Senior Lieutenant /Signature/ D.V. Shchurin

Junior Inspector of the Regime Department

/Signature/ V.V. Duda

Sergeant of the Internal Service

Senior Warrant Officer of the Internal Service /Signature/ V.V. Shcherbin

APPROVED BY

Acting Deputy Head of the Federal State
Institution, Detention Facility 1 of the Directorate
of the Federal Penitentiary Service of Russia for
the Republic of Crimea and Sevastopol
Senior Lieutenant of the Internal Service
/Signature/ V.M. Shtelikh
24 April 2015

INTERNAL INSPECTION REPORT

I, Lieutenant of the Internal Service A.A. Movchan, Operative Officer of the Operative Department of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia for the Republic of Crimea and Sevastopol (“Detention Facility 1”), conducted an internal inspection following the discovery and seizure of prohibited items in cell No. 58 of Detention Facility 1.

The inspection revealed that:

On 23 April 2015, a “BQ Vitre” cell phone was found in a dustbin during a search in cell No. 58.

The detainee A.Z. Chiygoz refused to provide any written explanations in this respect, and a certificate was drawn up to this effect. A.Z. Chiygoz explained verbally that the prohibited item (cell phone) found and seized during the search belonged to him, that he covertly brought it for personal use as he was transferred to the detention facility and he kept it secret from the cellmates and hid it during searches using sophisticated method.

The detainee A.Z. Chiygoz knew that suspects and accused persons are not allowed to keep prohibited items.

In view of the above,

I WOULD

1. consider the inspection following the discovery and seizure of the prohibited item from the detainee A.Z. Chiygoz to be completed.
2. hold the detainee A.Z. Chiygoz disciplinary liable for breaching the confinement rules.
3. transfer the prohibited item seized during the search to the Regime Department to be then sent to the institution’s warehouse.

Operative Officer of the Operations Department of the Federal State Institution, Detention Facility 1
Lieutenant of the Internal Service

/Signature/ A.A. Movchan

*/Stamp: SUBMITTED ON:
23 April 2015
at __: __
Duty Assistant to the Head of the
Detention Facility Usmanov/*

APPROVED BY
The Head of the Federal State Institution, Detention Facility 1
of the Directorate of the Federal Penitentiary Service of
Russia for the Republic of Crimea and Sevastopol
Major of the Internal Service
*/Signature/ I.L. Levenets
23 April 2015*

Search report No. 927

23 April 2015 *A.A. Movchan* Federal State Institution,
To identify a person Detention Facility 1
To prepare a report
23 April 2015 /Signature/

An unscheduled search (inspection) was conducted

(underline as applicable)

at 8:30 p.m., cell No. 58, no owners of prohibited items were identified

(time, item, last name of the accused person or convict)

in order to find any prohibited items, substances, tunnels. The following was found and seized:

A "BQ Vitre" cell phone, steel-rimmed, with an MTS SIM-card inside, was found in a dustbin.

(where and what was seized and from whom)

The search was headed by an *Operative Officer, Lieutenant of the Internal Service /Signature/ K. Tkachenko*

(position, rank, last name, initials, signature)

Persons involved in the search (inspection):

Senior Lieutenant of the Internal Service /Signature/ Yu.V. Portunov

Senior Sergeant of the Internal Service /Signature/ A.V. Zaytsev

Captain of the Directorate of the Federal Security Service of the Russian Federation for the Republic of Crimea

and Sevastopol /Signature/ [Name: ...]

(position, rank, last name, initials, signature)

Persons who seized the items

(position, rank, last name, initials, signature)

CERTIFICATE

24 April 2015

Simferopol
Federal State Institution, Detention Facility 1

We, the undersigned, have drawn up this certificate to the effect that the detainee Akhtem Zeytullaevich Chiygoz refused to provide any written explanations following the discovery and seizure of prohibited items in a dustbin on 23 April 2015 (a “BQ Vitre” cell phone). A.Z. Chiygoz explained verbally that the cell phone belonged to him, that he brought it using sophisticated method (in the body) for personal use as he was transferred to the detention facility and he kept it secret from the cellmates and hid it during searches using sophisticated method.

<i>Operative, Lieutenant of the Internal Service</i>	<i>/Signature/</i>	<i>A.A. Movchan</i>
<i>Operative, Lieutenant of the Internal Service</i>	<i>/Signature/</i>	<i>K. Tkachenko</i>
<i>Operative, Junior Lieutenant of the Internal Service</i>	<i>/Signature/</i>	<i>S.R. Seydaliev</i>

Annex No.

RESOLUTION
on the placement into an isolation cell

Akhtem Zeytullaevich Chiygoz, born in 1964

(last name, first name, patronymic, year of birth)

committed the following breach of the confinement rules

He stored prohibited items, namely 1,500 Rubles, a SIM-card, a USB flash drive. The above items were found on 27 April 2015

(time, circumstances and nature of the breach)

Relying on Article 40 of the Federal Law On the Confinement of Persons Suspected and Accused of Committing Crimes,

resolved:

to place *Akhtem Zeytullaevich Chiygoz*

(last name, first name, patronymic)

into an isolation cell for *five* days for storing prohibited items

(illegible) 7 May 2015 /Signature/

Head of the Detention Facility (Prison)

Major of the Internal Service

(rank)

I.L. Levenets

(last name)

/Signature/

(signature)

6 May 2015

I have been notified of the resolution

on _____ 20__

Person in custody *he refused to affix his signature*

(signature)

(last name)

The resolution was read *Warrant Officer of the Internal Service* */Signature/* *(illegible)*
by */Signature/* *A. Kononov*

/Signature/

(illegible)

(position, rank)

(signature)

(last name)

Execution of the sentence was postponed for ___ days

Head of the Detention Facility

(rank)

(last name)

(signature)

_____ 20__

the postponement was extended for an additional ___ days

Head of the Detention Facility

(rank)

(last name)

(signature)

*cross out what is not necessary

An opinion of a medical officer on whether the suspect (accused person) can be placed in an isolation cell, separate cell*: *he can*

Physician (paramedic)

(illegible)
(rank)

/Signature/
(signature)

A.V. Kostenko
(last name)

6 May 2015

The search was conducted by

(illegible)
(position, rank)

/Signature/
(signature)

A.V. Kononov
(last name)

Marks regarding the execution of the penalty

Placed in an isolation cell, separate cell* on *6 May 2015 at 1:45 p.m.*

Duty Assistant to the Head of the Detention Facility (Prison)

(illegible)
(rank)

/Signature/
(signature)

A.L. (illegible)
(last name)

6 May 2015

Released from the punishment cell on ____ 20____ at _____

Duty Assistant to the Head of the Detention Facility (Prison)

(rank)

(signature)

(last name)

____ 20 ____

APPROVED BY

Acting Deputy Head of the Federal State
Institution, Detention Facility 1 of the Directorate
of the Federal Penitentiary Service of Russia for
the Republic of Crimea and Sevastopol
Senior Lieutenant of the Internal Service
/Signature/ V.M. Shtelikh
27 April 2015

INTERNAL INSPECTION REPORT

I, Lieutenant of the Internal Service A.A. Movchan, an Operative Officer of the Operative Department of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia for the Republic of Crimea and Sevastopol (“Detention Facility 1”), conducted an internal inspection following the discovery and seizure of prohibited items from the detainee Akhtem Zeytullaevich Chiygoz, born on 14 December 1964, confined in cell No. 58 of the Federal State Institution, Detention Facility 1.

The inspection revealed that:

On 27 April 2015, 1,500 Rubles, an MTS SIM-card, a USB flash drive were found in the personal belongings of the detainee Akhtem Zeytullaevich Chiygoz, born on 14 December 1964, during a search in cell No. 58.

In this respect the detainee A.Z. Chiygoz explained that he had a habit of hiding items in belongings to keep them secret, which stems from his activity before the arrest. He kept the prohibited items in the lining of his coat before his detention. He remembered that he had them several days before the search. He wanted to throw away the money on the day of the search but did not make it in time and, after becoming frightened that he would be held disciplinary liable, he put the money in his spectacle case. The detainee A.Z. Chiygoz wanted to throw away the other prohibited items after becoming frightened that he would be held disciplinary liable.

The detainee A.Z. Chiygoz knew that suspects and accused persons are not allowed to keep prohibited items.

In view of the above,

I WOULD

1. consider the inspection following the discovery and seizure of the prohibited items from the detainee A.Z. Chiygoz to be completed.
2. hold the detainee A.Z. Chiygoz [*seriously (handwritten)*] disciplinary liable for breaching the confinement rules.
3. transfer the prohibited items seized during the search to the Regime Department to be then sent to the institution’s warehouse.

(illegible)

Operative Officer of the Operations Department of the Federal State Institution, Detention Facility 1
Lieutenant of the Internal Service

/Signature/ A.A. Movchan

EXPLANATION

27 April 2015

Simferopol

An Operative Officer of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia for the Republic of Crimea and Sevastopol, *Lieutenant of the Internal Service A.A. Movchan* in the office of the Operative Department of Detention Facility 1, have accepted an explanation from:

- | | |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1. Last name, first name, patronymic | <i>Akhtem Zeytullaevich Chiygoz</i> |
| 2. Date of birth | <i>14 December 1964</i> |
| 3. Place of birth | <i>Uzbekistan</i> |
| 4. Place of residence and (or) registration (before his arrest) [...] | |
| 5. Citizenship | <i>Russian Federation</i> |
| 6. Education | <i>Higher</i> |
| 7. Family status | <i>Married</i> |
| 8. Place of work or study (before his arrest) | <i>Mejlis</i> |
| 9. Military status | <i>Non-eligible</i> |
| 10. Criminal background | <i>None</i> |
| 11. <u>Arrested</u> (convicted) | <i>Para. 2 of Part 1 of Article 212 of the Criminal Code of the Russian Federation.</i> |

Signature */Signature/*

Before the questioning, I was explained that I am entitled:

under Article 51 of the Constitution of the Russian Federation, not to testify against myself, my husband (wife), and other close relatives listed in Para. 4 of Article 5 of the Criminal Procedure Code, and Article 306 of the Criminal Code of the Russian Federation was explained to me.

Signature */Signature/*

As regards the substance of questions addressed to me, I can explain the following:

I, A.Z. Chiygoz, as a search was conducted in my cell, 1,500 Rubles, an MTS SIM-card and a flash drive were seized from me. These items were kept in the lining of my coat because I have a habit of hiding various daily necessities just in case, which stems from my activity before the arrest. I remembered that I had them several days before the search and wanted to throw away the money but when the administration's employees entered the cell, I became frightened that I would be held disciplinary liable and quickly put the money in my spectacle case. The MTS SIM-card and the flash drive were kept in the lining of my coat. I promise not to breach the confinement rules in the future.

Signed with my own hand under no moral coercion

/Signature/

/Chiygoz/

*/Stamp: SUBMITTED ON:
27 April 2015
at __: __
Duty Assistant to the Head of the
Detention Facility /Signature/*

APPROVED BY
Head of the Federal State Institution, Detention Facility 1 of
the Directorate of the Federal Penitentiary Service of Russia
for the Republic of Crimea and Sevastopol
Major of the Internal Service
/Signature/ I.L. Levenets
27 April 2015

27 April 2015
Search report No. 959
A.A. Movchan Federal State Institution,
To identify a person Detention Facility 1
To prepare a report
27 April 2015 */Signature/*
(illegible)

An unscheduled search (inspection) was conducted

(underline as applicable)

at 11:35 a.m., cell No. 58, Akhtem Zeytullaevich Chiygoz, born in 1964, Part 1 of Article 109, Para. 2 of Part 1 of Article 212

(time, item, last name of the accused person or convict)

in order to find any prohibited items, substances, tunnels. The following was found and seized:
a thousand Rubles banknote No. NE 1796655,
a five hundred Rubles banknote No. LA 8107654,
an MTS SIM-card, a USB flash drive
2 pcs.

(where and what was seized and from whom)

The search was headed by *(illegible)*
Captain of the Internal Service V.S. Ekimov /Signature/
(position, rank, last name, initials, signature)

Persons involved in the search (inspection)
Junior Inspector of the 1st Category, Senior Warrant Officer of the Internal Service
V.V. Tochilin /Signature/
Junior Inspector of the 2nd Category, Senior Warrant Officer of the Internal Service
(illegible) /Signature/
(position, rank, last name, initials, signature)

Persons who seized the items
(position, rank, last name, initials, signature)

To the Head of the Federal State Institution,
Detention Facility 1
Major of the Internal Service
I.L. Levenets

REPORT

I hereby report to you about a scheduled search on 27 April 2015 at 11:35 a.m.

The suspect Akhtem Zeytullaevich Chiygoz, born in 1964, confined under Part 1 of Article 109, Para. 2 of Part 1 of Article 212 of the Criminal Code of the Russian Federation in cell No. 58

breached the confinement rules, namely para. 4 of Article 25 of the Federal Law No. 103 of 15 July 1995, a USB flash drive was found in the lining of his coat; 1,500 Rubles and a MTS SIM-card were found in his spectacle case.

The explanation was accepted by the Junior Inspector of the 1st Category, Senior Warrant Officer

position, rank

27 April 2015

date

/Signature/

V.V. Tochilin

signature, last name

**To the Head of the Federal State Institution,
Detention Facility 1
Major of the Internal Service
I.L. Levenets**

*from the person on remand Akhtem Zeytullaevich
Chiygoz, born on 14 December 1964, confined
under Para. 2 of Part 1 of Article 212, cell No. 58*

EXPLANATORY NOTE

1,500 Rubles and an MTS SIM-card were found in my spectacle case during a search. I had the money and the SIM-card with me before my confinement in the detention facility on 23 January 2015, as well as a flash drive.

Signed with my own hand under no coercion. I have no complaints.

/Signature/

**DIRECTORATE OF THE FEDERAL PENITENTIARY SERVICE FOR THE REPUBLIC OF
CRIMEA AND SEVASTOPOL**

**FEDERAL STATE INSTITUTION
DETENTION FACILITY 1**

**(FEDERAL STATE INSTITUTION, DETENTION FACILITY 1 OF THE DIRECTORATE OF THE
FEDERAL PENITENTIARY SERVICE OF RUSSIA FOR THE REPUBLIC OF CRIMEA AND
SEVASTOPOL)**

EXTRACT FROM ORDER

Simferopol

30 June 2016

No. 737

On a Disciplinary Penalty

On 23 June 2016, I received a report of Senior Warrant Officer of the Internal Service I.I. Yurov, the Junior Inspector of the Regime Department, concerning a breach of the established confinement rules committed by the accused person Akhtem Zeytullaevich Chiygoz, born in 1964, namely, on 23 June 2016, at 3:05 p.m., the accused person A.Z. Chiygoz, born in 1964, confined in cell No. 153, tried to establish an inter-cell connection with cell No. 136.

In doing so, the accused person A.Z. Chiygoz, born in 1964, breached the requirements of subpara. 1 of para. 1, subpara. 1 of para. 3 of Annex No. 1 (suspects and accused persons are obliged to observe the confinement rules and to comply with any legitimate demands of the administration's personnel; suspects and accused persons are not allowed to enter into any conversation with persons confined in other cells) of the Internal Regulations of the Detention Facility, Part 1 of Article 36 of the Federal Law of the Russian Federation No. 103 On the Confinement of Persons Suspected and Accused of Committing Crimes.

Pursuant to Article 38 of Federal Law No. 103 On the Confinement, I hereby order:

1. To reprimand Akhtem Zeytullaevich Chiygoz, born in 1964, for breaching the confinement rules, Article 36 of Federal Law No. 103 On the Confinement of Persons Suspected and Accused of Committing Crimes.

Acting Head
Lieutenant Colonel of the Internal Service

S.V. Balashov

True extract
Head of the Secretariat

/Signature/

N.L. Semenova

I have read this document and do not agree with it.

/Signature/

23 June 2016

Simferopol

CERTIFICATE

We, the undersigned, have drawn up this certificate to the effect that the person in custody *Akhtem Zeytullaevich Chiygoz*, born in 1964, confined under Part 1 of Article 109 of the Criminal Code of the Russian Federation in cell No. 153, refused to provide any written explanations concerning his breach of the Internal Regulations of the Detention Facility.

Head of the Day Shift

/Signature/

V.S. Ekimov

Major of the Internal Service

Junior Inspector of the Regime Department

/Signature/

I.I. Yurov

Senior Warrant Officer of the Internal Service

Junior Inspector of the Regime Department

/Signature/

P.A. Streltsov

Sergeant of the Internal Service

To the Acting Head of Detention Facility 1 of the
Directorate of the Federal Penitentiary Service of
Russia for the Republic of Crimea and Sevastopol
Lieutenant Colonel of the Internal Service
S.V. Balashov

REPORT No. 1970

I hereby report to you that as I was on duty on 23 June 2016 between 8:00 a.m. and 5 p.m. at inner post No. 26 where persons are escorted to lawyers and investigators; on 23 June 2016, at 3:05 p.m., when escorted to an interview with an investigator, the accused person Akhtem Zeytullaevich Chiygoz, born in 1964, confined under Part 1 of Article 109 of the Criminal Code of the Russian Federation in cell No. 153 of the restricted area, left a place (near a wall of double entrance doors) designated by the institution's personnel without permission and approached the doors of cell No. 136 and tried to talk to persons confined in that cell through the door's small window.

The accused person had been previously warned that he was not allowed to leave a place designated by the institution's personnel without permission and to approach the doors of neighbouring cells and to talk with, and shout out to, persons confined in other cells.

In doing so, the accused person A.Z. Chiygoz breached ORDER No. 189 of 14 October 2005 of the Internal Regulations of the Detention Facility, "CODE OF CONDUCT OF SUSPECTS AND ACCUSED PERSONS".

(as amended by Orders of the Ministry of Justice of Russia No. 410 of 27 December 2010 and No. 277 of 3 December 2015).

1. Suspects and accused persons confined in detention facilities are obliged:

- to observe the confinement rules set forth in the Federal Law No. 103-FZ of 15 July 1995 On the Confinement of Persons Suspected and Accused of Committing Crimes (Corpus of Legislation of the Russian Federation, 1995, No. 29, Article 2759; 1998, No. 30, Article 3613; 2001, No. 11, Article 1002; 2003, No. 27, Article 2700; No. 50, Article 4847; 2004, No. 27, Article 2711) and the Internal Regulations of detention facilities of the penal system.

- to comply with any legitimate demands of the detention facility's personnel;

3. Suspects and accused persons are not allowed:

- to enter into any conversation with, to transfer any items to, persons confined in other cells or premises of detention facilities, to hold correspondence or communicate with them by tapping;

23 June 2016

Junior Inspector of the Regime Department, Senior
Warrant Officer of the Internal Service
/Signature/ (I.I. Yurov)

Annex 231

Moscow City Court, Case No. 3-247/2015, Decision, 14 May 2015

Translation**DECISION****In the name of the Russian Federation****Moscow****14 May 2015**

The Moscow City Court, consisting of M. Yu. Kazakov, Presiding Judge, in the presence of A. A. Liskina, Secretary, having examined in closed hearing Civil Case No. 3-247/2015 initiated under an appeal filed by Ismet Yuksel for the contestation of the decision adopted by the Federal Security Service of the Russian Federation on the prohibition of the entry into the territory of the Russian Federation,

ESTABLISHED:

Ismet Yuksel filed an appeal to the Moscow City Court for the contestation of the decision adopted by the Federal Security Service of the Russian Federation on the prohibition of the entry into the territory of the Russian Federation, pointing out that he was a Turkish citizen, had a certificate of permanent residence in the Ukrainian Republic, was married to a Ukrainian citizen, had a child born in marriage, was registered at the place of residence in Yevpatoriya, worked as the Director of Asbay LLC, was the General Coordinator of the Krymskiye Novosti Information Agency located in Simferopol. He was also a counsellor to the Head of the Mejlis of the Crimean Tatar People. On 10 August 2014, when entering the territory of the Russian Federation from the Ukrainian territory through the border check point in Armyansk, Republic of Crimea, a decision of the Federal Security Service of the Russian Federation on the prohibition of the entry into the territory of the Russian Federation for a five-year period until 30 June 2019 was orally announced to him by the officers of the Border Service of the Russian Federation. Then it was made known to the applicant from the response of the bodies of the Federal Security Service of the Russian Federation that he was prohibited from the entry into the territory of the Russian Federation under Clause 1 of Part 1 of Article 27 of the Federal Law No. 114-FZ of 15 August 1996 “On the Procedure for the Exit from the Russian Federation and the Entry into the Russian Federation”. However, as the applicant states, he cannot constitute a threat to the defensive capacity and security of the Russian Federation, public order or public health. There is no evidence to the contrary and no evidence was presented to him.

According to the applicant, the decision on the restriction of his right to enter the territory of the Russian Federation is not based on the provisions of law and infringes his rights, therefore Ismet Yuksel requests the court to hold invalid and revoke the decision.

Ismet Yuksel did not appear at this court hearing, having been duly and timely notified of the date of the hearing, and sent his representative, Counsel I. G. Vasilyev, who supported the submitted claims in full and insisted on their satisfaction.

A representative of the Federal Security Service of the Russian Federation requested for the dismissal of the appeal, considering it unsubstantiated, and the disputed decision meeting the relevant provisions of law and adopted within the powers of the Federal Security Service of the Russian Federation.

Having heard the explanations of the applicant’s representative and the representative of the Federal Security Service of the Russian Federation, and having examined the files of the case, the court considers that Ismet Yuksel’s claims are not subject to satisfaction on the following grounds.

Pursuant to Part 3 of Article 62 of the Constitution of the Russian Federation, foreign citizens

and stateless persons shall exercise rights and meet obligations in the Russian Federation *pari passu* with citizens of the Russian Federation, except for the cases set forth by the federal law or international treaty of the Russian Federation.

Part 2 of Article 27 of the Constitution of the Russian Federation sets forth the right of every person, both a citizen of the Russian Federation and a foreign citizen or stateless person, to freely exit from the Russian Federation. A citizen of the Russian Federation shall be entitled to freely return to the Russian Federation.

Therefore, each person shall be entitled to free exit, while unhindered return to the Russian Federation shall be guaranteed to citizens of the Russian Federation only.

Pursuant to Part 3 of Article 55 of the Constitution of the Russian Federation, human and civil rights and freedoms may be restricted by the federal law only to the extent that it is necessary for the protection of the foundations of the constitutional order, morals, health, rights and legitimate interests of other persons, for ensuring national defence and state security.

Pursuant to Article 4 of the Federal Law No. 115-FZ of 25 July 2002 “On the Legal Status of Foreign Citizens in the Russian Federation”, foreign citizens shall exercise rights and incur obligations in the Russian Federation *pari passu* with citizens of the Russian Federation, except for the cases provided for by the federal law.

Consequently, the entry into the Russian Federation may be restricted for foreign nationals and stateless persons in accordance with the provisions set forth by the federal law.

The procedure for the entry of foreign citizens into the Russian Federation is governed by Federal Law No. 114-FZ of 15 August 1996 “On the Procedure for the Exit from the Russian Federation and the Entry into the Russian Federation”, Article 27 of which contains a list of legal grounds when a foreign citizen is prohibited from the entry into the Russian Federation.

According to Clause 1 of Part 1 of Article 27 of the aforesaid Federal Law, one of such legal grounds consistent with the tasks performed by security authorities is the need for ensuring national defence or state security or public order or protection of public health.

Establishing the boundaries for exercising rights and freedoms disregarding which results in the infringement of rights and freedoms of other persons, including the state, the Constitution of the Russian Federation prohibits any encroachment on the constitutional order, foundations of the constitutional order, national defence and state security.

The destruction of these sides of the state system endangers the conditions of human and civil freedoms. When a foreign citizen’s interests in the freedom of movement, freedom of thought and speech, of collection and dissemination of information by any legitimate means, free disposition of the foreign citizen's capacity for work and other interests are in conflict with the national security and public order interests of the state, the security authorities are first and foremost obliged to guarantee security of the Russian Federation and its citizens.

The aforesaid right of the state authorities, provided for by Article 55 of the Constitution of the Russian Federation, is one of the main signs of the state sovereignty (Article 4 of the Constitution of the Russian Federation) and does not contradict the international treaties and agreements the Russian Federation is a party to, and the treaties and agreements are a part of the legal system of the Russian Federation.

In accordance with Part 2 of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (November 4, 1950), there shall be no interference by a public authority with the exercise of the right to respect for everyone's private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the

prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Pursuant to Article 1 of Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), an alien lawfully resident in the territory of a State shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed:

- a) to submit reasons against its expulsion,
- b) to have its case reviewed, and
- c) to be represented for these purposes before the competent authority or a person or persons designated by that authority.

An alien may be expelled before the exercise of his rights under paragraph 1(a), (b) and (c) of this Article, when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

Moreover, Articles 12 and 13 of the International Covenant on Civil and Political Rights (December 16, 1966) sets forth that:

- Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- Everyone shall be free to leave any country, including his own.
- The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
- An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against its expulsion and to have its case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

As follows from the review of the aforesaid provisions, standards of international law and the Constitution of the Russian Federation recognize the right of the state to restrict certain civil rights and freedoms, including rights of aliens, allowable and reasonable, if it is provided for by law and required in the public order interests or conditioned by national security concerns.

During the proceedings, the court reviewed the statutory notice of the prohibition for Ismet Yuksel to enter the territory of the Russian Federation, of 30 June 2014, from which it followed that the activities of the latter threaten the defensive capacity and security of the Russian Federation, containing specific circumstances and materials supporting such information. The court has no reason not to trust this information as it was not refuted by anyone.

Therefore, the fact that the activities carried out by Ismet Yuksel in the territory of the Russian Federation threaten its national security was proven by objective evidence at this court hearing.

Article 1 of the Federal Law No. 40-FZ of 3 April 1995 "On the Federal Security Service" stipulates that the Federal Security Service is a unified centralized system of security authorities that performs the tasks of ensuring security of the Russian Federation within its powers.

In accordance with Subclauses b) and r) of Article 12 of this Federal Law, the security authorities are entrusted with the duty to identify, prevent and preclude intelligence and other activities of special services and organizations of foreign states, specific persons, aimed at harming the security of the Russian Federation, as well as to take part in the resolution of issues related to the

entry into and exit from the territory of the Russian Federation for aliens, and the conditions of stay in the territory of the Russian Federation for aliens.

Therefore, the Russian Federation has legislatively defined the procedure for protecting vital interests of individuals, the society and the state, in accordance with which the bodies of the Federal Security Service shall identify, prevent and preclude, including carrying out operative search activities (Article 13 of the Federal Law “On Operative Search Activities”), any activities carried out by aliens, which may threaten the security of the Russian Federation.

The resolution of the issue whether the activities of a particular foreign national in relation to whom a decision is made to prohibit the entry into the territory of the Russian Federation constitute a threat to national security or not refers to the competence of officials of the security bodies.

The Instruction on the Organization of the Work to Prevent the Entry into the Russian Federation of Foreign Citizens and Stateless Persons for Whom the Entry into the Russian Federation is not Allowed and on the Control over the Entry into the Russian Federation of Foreign Citizens and Stateless Person was approved by Order No. 0483 of 9 December 2008 of the Federal Security Service of the Russian Federation.

Clause 7 of the Instruction stipulates that if any circumstances referred to the competence of the security bodies and provided for by Articles 26 and 27 of the Federal Law No. 114-FZ of 15 August 1996 “On the Procedure for the Exit from the Russian Federation and the Entry into the Russian Federation” on the basis of which no entry into the Russian Federation may be allowed for a foreign citizen are identified, the operating units of the security bodies shall prepare materials documenting the said circumstances.

The analysis of the provisions of this order and the aforesaid legal provisions makes the court conclude that the decision on the restriction of Ismet Yuksel’s entry into the Russian Federation was adopted by the officials of the Federal Security Service of the Russian Federation in accordance with their assigned powers to protect national security, in compliance with the procedural guarantees set forth by law in relation to the applicant.

The applicant's argument about the interference of the disputed decision with his family life is subject to dismissal, since the Convention for the Protection of Human Rights and Fundamental Freedoms (Rome November 4, 1950) does not guarantee the right to organize one’s family life in a specific country (e. g. the Decision of the Grand Chamber in the case of *Slivenko v. Latvia* (*Slivenko v. Latvia*), No. 48321/99, § 97, ECHR 2003-X). The disputed decision does not prevent the applicant's family reunification in any country other than the Russian Federation.

As stated by the Constitutional Court of the Russian Federation in Ruling No. 628-O of 5 March 2014, notwithstanding that family and family life relate to the values protected by the Constitution of the Russian Federation and international treaties of the Russian Federation, they do not have any advantage, which is irrevocable in all cases, over other constitutionally significant values, and having a family shall not provide foreign citizens with indisputable immunity from lawful and effective enforcement measures in the migration policy which are comparable to the danger of migration infringement (especially large-scale) and the practice of evasion of liability.

The provisions of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms in their interpretation by the European Court of Human Rights do not prevent the state to control the entry of aliens into its territory in accordance with the rules of international law.

The criteria of admissibility of adopting a decision to prevent a foreign citizen to enter the territory of the state in a democratic society are different and depend on the circumstances of a specific case. The Russian Federation may decide within the admissible limits conditioned by the

constitutional and internal law provisions whether the activities carried out by a specific person threaten national defence and security in the existing circumstances. In this case, the applicant intentionally carried out the activities aimed at undermining national security of the Russian Federation and therefore had to be aware of and accept those negative consequences provided for by the Federal Law which could be applied to him by the state in relation to these activities, including as related to his personal interests.

As follows from the disputed decision, when it was adopted by the bodies of the Federal Security Service of the Russian Federation, the applicant's nationality was not taken into account. Therefore, Ismet Yuksel's argument about his nationality-based discrimination is manifestly ill-founded and is subject to dismissal. The only reason for the prohibition of the applicant's entry into the territory of the Russian Federation is his activities aimed at undermining national security of the state.

The applicant is not a Ukrainian citizen, and his right to permanent residence in the territory of this state is not affected by the disputed decision. The applicant has never been a citizen of the Russian Federation and, therefore, has not been deprived of his citizenship. In this regard, the reference to the provisions of Part 4 of Article 12 of the International Covenant on Civil and Political Rights (December 16, 1966) is ill-founded.

The disputed decision does not restrict Ismet Yuksel's right to carry out entrepreneurial and public activities, and due to that the applicant's argument to the contrary is subject to dismissal.

Taking into account the foregoing circumstances, the court considers that the adopted temporary restrictive measures in relation to Ismet Yuksel pursue a legitimate purpose, are adequate and necessary in a democratic society and do not indicate the infringement of his rights.

Taking the foregoing into consideration, the court finds no legal grounds for the satisfaction of the applicant's claims.

In view of the foregoing, pursuant to Articles 194 – 199 and 258 of the Civil Procedural Code of the Russian Federation, the court

DECIDED:

The appeal filed by Ismet Yuksel to contest the decision of the Federal Security Service of the Russian Federation on the prohibition of the entry into the territory of the Russian Federation shall be dismissed.

The decision can be subject to appeal to the Supreme Court of the Russian Federation through the Moscow City Court within a one-month period after the date of making the court decision in the final form.

Judge

of the Moscow City Court:

/Signature/

M.Yu. Kazakov

/Stamp: Moscow City Court

The decision entered unto force

on 18 November 2015

The original document is filed in Case

3-247/15 kept in

the Moscow City Court.

Judge: /Signature/

Stamp: THIS IS A TRUE COPY

Judge: /Signature/

*Secretary: /Signature/
20 March 2020/*

*/Seal: MOSCOW CITY COURT * OGRN
(Primary State Registration Number)
1037718041261 * 2 * INN (Taxpayer
Identification Number) 7718123097 *
OKPO (Russian National Classifier of
Businesses and Organizations)
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*Secretary: /Signature/
20 March 2020/*

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1037718041261 * 2 * INN (Taxpayer
Identification Number) 7718123097 *
OKPO (Russian National Classifier of
Businesses and Organizations) 02860586/*

Annex 232

Kievskiy District Court of Simferopol, Case No. 1-213/2015, Decision,
15 May 2015

Translation

Case No. 1-213/2015

DECISION

In the Name of the Russian Federation

15 May 2015

Simferopol

Kievskiy District Court of Simferopol comprised of:

Presiding Judge V.A. Mozhelyansky, with the participation of the public prosecutor represented by Prosecutor N.V. Poklonskaya of the prosecutor's office of the Republic of Crimea, A.V. Alekseev - Head of the department of the prosecutor's office of the Republic of Crimea, victim V.V. Polienko, criminal defendant A.F. Kostenko, defence attorney D.V. Sotnikov who provided certificate No. 8689, warrant of attorney No. 397 of 30 March 2015, defender E.P. Kostenko, in the presence of secretary E.V. Mamutova, having examined in an open court hearing the criminal case against:

Alexander Fedorovich Kostenko, date of birth 10 March 1986, a citizen of the Russian Federation, a native of [...], a university graduate, unemployed, no previous convictions, unmarried, with a dependent child, date of birth 21 August 2014, residential address: [...],

Accused of committing crimes under Paragraph b of Part 2 of Article 115, Part 1 of Article 222 of the Criminal Code of the Russian Federation,

established:

Being guided by motives of ideological hatred or enmity, A.F. Kostenko deliberately inflicted minor harm to health that caused short-term health disorder, and also illegally acquired, stored and carried main parts of a firearm under the following circumstances:

During the period from November 2013 to 18 February 2014 (it was impossible to determine the time more exactly during preliminary investigation), A.F. Kostenko who was aware of mass riots in Kiev, Ukraine, aimed at illegal, forceful overthrow of the constitutional system in Ukraine and current executive authorities, being a member of the Ukrainian radical nationalist political party - All-Ukrainian organization "Svoboda", arrived at the "Nezavisimosti" ["Independence"] Square in Kiev, Ukraine, where barricades were erected, for the purpose of armed resistance to law enforcement officers.

Subject to the Public Order and Safety Plan for Kiev, Ukraine, approved by the order of 6 January 2014 of the Head of the Main Directorate of the Ministry of Internal Affairs of Ukraine, on 18 February 2014 public order and safety in the "Mariinskiy Park", the site of an unauthorized rally, were protected by officers of the "Berkut" Special Police Battalion of the Main Directorate of the Ministry of Internal Affairs of Ukraine in the Autonomous Republic of Crimea (hereinafter - the "Berkut" battalion) acting on the basis of Law No. 583-12 of Ukraine of 25 December 1990 "On the Police".

In the morning of 18 February 2014, A.F. Kostenko and other unidentified individuals from among the members of the "Svoboda" All-Ukrainian organization and the "Pravyi Sector" ["Right Sector"] Ukrainian extremist nationalist organization attended the "Mariinskiy Park" located on Mikhaïla Grushevskogo Street in Kiev, Ukraine.

During an unauthorized rally on 18 February 2014, at about 2 p.m., on an area located within the "Mariinskiy Park" at a distance of about 100 meters from house 7A on M. Grushevskogo Street in Kiev, Ukraine, unidentified individuals grossly violating public order and the rules for holding mass events, ignoring legitimate demands of government officials, namely employees of the "Berkut" battalion, to stop unlawful activities, started encouraging attendees to resist police officers physically and disobey their legal requirements, use force, inducing the gathering by their own behavior to commit the above actions, which led to an outbreak of riots accompanied by the use of force against government officials, damage to, and destruction of, property.

Implementing common criminal intent, unidentified participants of riots started throwing stones, sticks, Molotov cocktails and other objects at the "Berkut" battalion employees, and also using firearms.

On 18 February 2014, from 2 p.m. to 8 p.m., A.F. Kostenko who attended the specified area, shared the ideology of the "Svoboda" All-Ukrainian organization that aims to overthrow the constitutional system in Ukraine using forceful means, and felt ideological hatred and enmity towards officers of internal affairs bodies ensuring the protection of public order due to them being representatives of the legitimate authority, aiming to use force against an individual having other ideological views, armed with stones with the dimensions of approximately 10x10x12 cm (paving stones), inflicted minor harm to health of a government official in connection with their official activities, by aiming and throwing a stone with the above

characteristics at Warrant Police Officer V.V. Polienko of squad No. 1, platoon No. 1 of the motor transport company of the “Berkut” battalion, included in the police line and performing official duties on the above area, injuring him as follows: extensive hematoma in the area of a middle and lower third of the left shoulder causing minor harm to health.

Also, A.F. Kostenko, with intent aimed at illegal acquisition, storage and carrying of a main part of a firearm committed a crime against public safety in the following circumstances:

No later than 6 February 2015, the exact time was not established during investigation, under unknown circumstances, A.F. Kostenko who acted intentionally and violated the requirements of Articles 9, 10, 13 of Federal Law of 13 December 1996 No. 150-FZ “On Weapons” and Clause 19 of Chapter 6 of the “Rules for circulation of civilian and service weapons and cartridges thereto on the territory of the Russian Federation” approved by the Resolution of 21 July 1998 No. 814 of the Government of the Russian Federation, being granted no special license to acquire and carry firearms and main parts thereof, illegally acquired a 9 mm rifled barrel from an individual unidentified during investigation.

No later than 6 February 2015, the exact time was not established, A.F. Kostenko who proceeded with implementation of criminal intent aimed at carrying and storing the main parts of a firearm, acted in violation of Article 25 of Federal Law of 13 December 1996 No. 150-FZ “On Weapons” and Clause 62 of Chapter 12 of the “Rules for circulation of civilian and service weapons and cartridges thereto on the territory of the Russian Federation” approved by the Resolution of 21 July 1998 No. 814 of the Government of the Russian Federation, brought a rifled barrel, caliber 9 mm, to his place of residence at the address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea, and then started illegal storage of a rifled barrel, caliber 9 mm, at the above address, without holding a statutory license in violation of Article 22 of Federal Law No. 150-FZ of 13 December 1996 No. 150-FZ “On Weapons” and Clause 54 of Chapter 11 of the “Rules for circulation of civilian and service weapons and cartridges thereto on the territory of the Russian Federation” approved by the Resolution of 21 July 1998 No. 814 of the Government of the Russian Federation, until it was seized by law enforcement agencies.

On 6 February 2015, from 11:50 a.m. to 3:20 p.m., at A.F. Kostenko’s place of residence, address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea, the rifled 9 mm caliber barrel was found and confiscated during an inspection of the scene, which, according to the conclusion of ballistic expert opinion No. 171/15/738 of 5 March 2015, is the main component of a firearm, namely a rifled barrel, caliber 9 mm (9x18), made manually by making changes (increasing the diameter of the bore and chamber, and also cutting four right-angled riflings in the bore) in the design of a pistol barrel, caliber 9 mm PA, made on the basis of a Makarov pistol and suitable for firing shots being installed on a “PM” Makarov pistol.

During the court hearing, defendant A.F. Kostenko refused to plead guilty to the crime he was charged and testified that he was not a member of the Ukrainian radical nationalist political party - All-Ukrainian organization “Svoboda”. On 18 February 2014, he did not attend the territory of the “Mariinskiy Park” near M. Grushevskogo Street in Kiev, Ukraine, and did not throw a stone at V.V. Polienko. At that time, he was on the territory of the Canadian Embassy in Ukraine and did not go outside. Neither on 6 February 2015 nor before did he acquire or store a rifled barrel, caliber 9 mm, at his place of residence, address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea. During preliminary investigation he had provided a confession in the form of giving up and testifying as a suspect and an accused, but this testimony was forced due to threats and physical force from law enforcement officials and did not represent the facts.

Defendant A.F. Kostenko refused to provide further testimony on the merits of the charge brought against him, therefore the court announced and examined the testimony of the defendant in the manner prescribed by Paragraph 3 of Part 1 of Article 276 of the Criminal Procedural Code of the Russian Federation.

During preliminary investigation, defendant A.F. Kostenko testified as follows:

On 18 February 2014, at about 2:30 pm, he was participating in the riots after a street barricade was erected, attending the territory of the “Mariinskiy Park” in Kiev, Ukraine, feeling hatred towards the “Berkut” employees who supported the current government, lifted a stone, the size of his 4-5 fists, from the ground and, having approached to a distance of about 3-4 meters from the “Berkut” employee, who was moving towards him to the first barricade, threw a stone at the “Berkut” employee.

(volume 2 case file pages 55-61)

In November 2013, due to him sharing the ideology of the Ukrainian extremist and nationalist “Svoboda” All-Ukrainian organization, he arrived in Kiev, Ukraine, to participate in the Maidan, the anti-government activities, where he was admitted to the said party.

On 18 February 2014, at about 10 am, he was in Kiev, Ukraine, together with other members of the Svoboda Ukrainian extremist nationalist organization, arrived at the “Mariinskiy Park” to resist physically to

law enforcement officers particularly the “Berkut” employees. At about 2.30 p.m., due to him feeling ideological hatred and enmity towards the employees of the internal affairs bodies, particularly the employees of the “Berkut” Special Police Battalion who were ensuring the protection of public order, since they were the representatives of the legitimate authority, intending to use force against an individual with other ideological views, driven by craving to overthrow the government and those who support it, while standing near the first barricade located in the center of the “Mariinskiy Park”, he lifted a stone, the size of his 4-5 fists, from the ground and, having approached to the distance of about 3-4 meters from the “Berkut” employee moving towards him to the first barricade, he threw a stone at the “Berkut” employee.

(volume 2 case file pages 74-81)

During his interrogation as a defendant on 13 February 2015, A.F. Kostenko, in the presence of the defender, confirmed the testimony he had given earlier and also explained that the rifled 9 mm caliber barrel was transferred to him by S.A. Krasnov. He had seen this barrel and held it in his hands.

(volume 2 case file pages 87-92)

Defendant A.F. Kostenko’s guilt in the crime under Paragraph b of Part 2, Article 115 of the Criminal Code of the Russian Federation, is proved by the evidence examined during the court hearing:

The testimony from victim V.V. Polienko who explained at the hearing that on 18 February 2014 he was serving on the territory of the “Mariinskiy Park” in Kiev, Ukraine, at the site of an unauthorized rally according to Public Order and Safety Plan No. 4 dated 6 January 2014 for Kiev, Ukraine, approved by the order of the head of the Main Directorate of the Ministry of Internal Affairs of Ukraine. At about 2:30 pm, on the area located on the territory of the “Mariinskiy Park”, at a distance of about 100 meters from house 7-a on the M. Grushevskogo street in Kiev, Ukraine, A.F. Kostenko threw a stone at him hitting him in the arm and causing an arm injury. On 20 February 2014, having returned from Kiev, Ukraine, to Simferopol, he applied for medical assistance. On 12 April 2014, he became a citizen of the Russian Federation, and then on 22 December 2014 he applied to the law enforcement agencies to prosecute A.F. Kostenko.

The testimony of witness “Styopa” (the witness’s nickname and their personal details were kept secret), who explained during the court hearing that defendant A.F. Kostenko was an active participant of the Maidan movement intending to overthrow the legitimate government of Ukraine and was known in Kiev under nickname “Sasha Krymsky”. A.F. Kostenko was a member of the “Svoboda” All-Ukrainian organization and followed the instructions of Eduard Leonov, a deputy in the Ukrainian Verkhovna Rada, which all participants of the anti-government movement were aware of. At the same time, A.F. Kostenko led militant protester groups in Kiev, which participated in the riots. Despite the fact that the defendant resigned from the internal affairs bodies of Ukraine, he hated all the employees of the Ministry of Internal Affairs. During mass riots in Kiev, A.F. Kostenko was in the building of the Kiev public administration, where the so-called Gestapo was located, which tortured the imprisoned law enforcement officers. There, he was a representative of the “Svoboda” All-Ukrainian organization. The defendant told him that he was responsible for the activities of “Gestapo”, where participants of anti-government protests also tested the effects of firearms on prisoners by firing shots in various parts of the body, made self-made firearms, self-made explosive devices and incendiary mixtures. At the same time, A.F. Kostenko always acted by following orders or with the consent of Eduard Leonov, a deputy in the Ukrainian Verkhovna Rada. On 18 and 19 February 2014, A.F. Kostenko personally participated in clashes between radical squads and law enforcement officers, told the witness that he fired shots at the employees of the Ministry of Internal Affairs, threw stones and Molotov cocktails at them. A.F. Kostenko never told him that he had volunteered during anti-government demonstrations and helped medical workers. On 19 February 2014, A.F. Kostenko and a group of militants led by him took refuge in the building of the Canadian Embassy in Kiev, while fleeing from the law enforcement bodies.

Also during the court hearing, witness “Styopa” confirmed their testimony they had provided during preliminary investigation, where they explained that A.F. Kostenko told them at a personal meeting that he adhered to the political views of Eduard Leonov, a leader of the “Svoboda” All-Ukrainian organization. On 18 February 2014, A.F. Kostenko was in the “Mariinskiy Park” in Kiev and used force against the employees of the “Berkut” Special Police Battalion by throwing bottles of incendiary mixture, stones at them and firing a “stalker” traumatic pistol. Also, A.F. Kostenko told him that in Gestapo’s basements of the Kiev city administration he tortured and killed both civilians and representatives of law enforcement bodies.

(volume 1 case file page 149-152)

The testimony of witness I.I. Nad who explained during the court hearing that on 18 February 2014 he was serving on the territory of the “Mariinskiy Park” in Kiev, where an unauthorized rally of Ukrainian anti-government forces was taking place, according to Public Order and Safety Plan No. 4 dated 6

January 2014 for Kiev, Ukraine, approved by the order of the head of the Main Directorate of the Ministry of Internal Affairs of Ukraine. At about 2:30 p.m., on a site located on the territory of the “Mariinskiy Park”, at a distance of about 100 meters from house 7-a on the M. Grushevskogo Street in Kiev, he witnessed A.F. Kostenko throwing a stone at V.V. Polienko, hitting his arm and causing injury.

The testimony of witness P.I. Kudrik who explained during the court hearing that on 18 February 2014 he was serving on the territory of the “Mariinskiy Park” in Kiev, where an unauthorized anti-government rally was taking place, according to Public Order and Safety Plan No. 4 of 6 January 2014 for Kiev, Ukraine, approved by the order of the head of the Main Directorate of the Ministry of Internal Affairs of Ukraine. At about 2:30 p.m., on a site located on the territory of the “Mariinsky Park”, at a distance of about 100 meters from house 7-a on the M. Grushevskogo Street in Kiev, he witnessed A.F. Kostenko throwing a stone at V.V. Polienko, hitting his arm and causing injury. He remembered Defendant A.F. Kostenko well since he threw a stone from a very close distance and there was no mask on his face. Also, he remembered A.F. Kostenko since they previously studied at the same institute and he knew his appearance well.

The testimony of witness O.V. Ukolova, who explained during the court hearing that she lived together with A.F. Kostenko and had given birth to his minor child. In November 2013, A.F. Kostenko left for Kiev, Ukraine, and returned to the Republic of Crimea only on 26 December 2014. She was unaware that A.F. Kostenko was a member of the “Svoboda” party.

The testimony of witness V.A. Kuznetsov who explained during the court hearing that starting from 19 January 2014 he was sent to Kiev, Ukraine, as an employee of the “Berkut” Special Police Battalion to maintain public order and oppose anti-government actions. While staying in Kiev, he was detained by a patrol of radical citizens and taken to the building of the Kiev city public administration, where they were introduced to A.F. Kostenko, whom he had never met earlier, and the man called “Vortex”. Having found out that they were law enforcement officers, they started threatening him and his comrade V.Yu. Popovich with murder and torture. Since the deputy of Ukrainian Verkhovna Rada with the surname Arieiev forbade to cause harm to them, A.F. Kostenko and the man called “Vortex” did not implement their threats. Subsequently, the deputy of Ukrainian Verkhovna Rada with the surname Arieiev handed them over to their immediate commanding officer A.N. Nalyvayko.

Witness V.Yu. Popovich and A.N. Nalyvayko provided the testimony during the court hearing similar to the testimony of witness V.A. Kuznetsov.

During the court hearing, N.I. Vysotsky, ammunition and weapons expert of the “Berkut” Special Police Battalion, explained that in 2014, while executing the task of protecting public order and countering anti-government actions in Kiev, Ukraine, Special Police Force employees of the “Berkut” used protective equipment, namely a protective kit for arms and legs, shield and a helmet. Protective elements for arms and legs were made of aluminum and dense fabric. The elements protected the elbow joint, the shoulder joint and the external side of the forearm. A part of the arm from the shoulder joint to the elbow joint was not protected. Shoulders remained unprotected from traumatic impacts in the middle and lower third. The presence of elements of protective equipment on a fighter does not guarantee their safety from injury caused by various objects.

V.A. Rudakov, a ballistics expert, explained during the court hearing that the protective equipment used by military and law enforcement bodies was designed to oppose small damaging elements and was not able to save from injuries caused to a body by large objects (such as a stone). It is impossible to perform an accurate test by reproducing a stone hitting a living human. Reproduction of the trajectory, force of impact and accuracy of a hitting stone would vary greatly and was feasible only with an accurate repetition of the conditions that existed at the initial throw of the stone with an accurate reproduction of the physical and emotional state of the thrower, their anthropometrics, missile characteristics.

A.V. Shepetko, forensic and medical expert, explained during the court hearing that the protective equipment worn by V.V. Polienko on 18 February 2014 was not able to protect him from injury to the middle and lower third of the left shoulder. The discovered injury in the form of an extensive hematoma in the area of the middle and lower third of the left shoulder could have appeared on V.V. Polienko due to him having been hit with a thrown stone and could not appear due to a hit with a stick or a fist.

Due to the refusal to testify during the court hearing, witness E.F. Kostenko’s testimony was announced, who explained during preliminary investigation (record dated 14 November 2014) that in October 2013 his brother A.F. Kostenko left for Kiev, Ukraine, and had not returned home by the time of the interrogation.

(volume 1 case file pages 249-251)

Since witness F.S. Kostenko was outside the territory of the Russian Federation, the court

announced his testimony. During preliminary investigation (record dated 13 November 2014), witness F.S. Kostenko explained that in October 2013 his son A.F. Kostenko left for Kiev, where he was staying at the time of the testimony.

(volume 2 case file pages 1-4)

The record of presentation for identification by photograph, during which witness “Styopa” (the witness’s nickname and their personal details were kept secret) identified A.F. Kostenko as the individual who told them that on 18 February 2014 in the “Mariinskiy Park” in Kiev he threw stones and bottles of incendiary mixture at the employees of the “Berkut” Special Police Battalion.

(volume 1 case file pages 153-159)

The record of presentation for identification by photograph, during which V.V. Polienko identified A.F. Kostenko as the individual who threw a stone at him injuring his arm on 18 February 2014 at about 2.30 pm in the “Mariinskiy Park” in Kiev, Ukraine.

(volume 1 case file pages 189-195)

The application filed by victim V.V. Polienko dated 22 December 2014 to impose criminal liability on A.F. Kostenko who caused minor harm to his health.

(volume 1 case file pages 196)

The record of presentation for identification by photograph, during which witness I.I. Nad identified A.F. Kostenko as the individual who threw a stone at V.V. Polienko causing him an arm injury on 18 February 2014 at about 2:30 p.m. while being present at the “Mariinskiy Park” in Kiev, Ukraine.

(volume 1 case file pages 206-212)

The record of presentation for identification by photograph, during which P.I. Kudrik identified A.F. Kostenko as the individual who threw a stone at V.V. Polienko causing him an arm injury on 18 February 2014 at about 2:30 p.m. while being present at the “Mariinskiy Park” in Kiev, Ukraine.

(volume 1 case file pages 222-228)

The conclusion of forensic and medical expert opinion No. 651 dated 29 April 2014, according to which V.V. Polienko had the following injuries: an extensive hematoma in the middle and lower third of the left shoulder, which resulted in a short-term health disorder lasting up to three weeks (up to 21 days, inclusively) and is considered a cause of a minor harm to health.

(volume 1 case file pages 180-183)

Order No. 138 o/c dated 14 June 2013 to appoint V.V. Polienko to the position of a policeman-sniper of the operational company of the “Berkut” Special Police Battalion at the Main Directorate of the Ministry of Internal Affairs of the Autonomous Republic of Crimea.

(volume 2 case file pages 10-18)

The functional duties of V.V. Polienko No. 392 dated 21 June 2013, which include maintenance of civil order in the places where public events take place.

(volume 2 case file pages 19-21)

The Public Order and Safety Plan for Kiev, Ukraine, approved by the order dated 6 January 2014 of the head of the Main Directorate of the Ministry of Internal Affairs of Ukraine.

(volume 2 case file pages 23-24)

The video record provided by the service for the protection of the constitutional order and counteracting terrorism and made on 20 December 2009 in Simferopol during the “march against illegal migration” held by supporters of the Crimean organization of the “Svoboda” All-Ukrainian organization, where active participation of defendant A.F. Kostenko in the activities of the “Svoboda” All-Ukrainian organization was recorded.

(volume 4 case file pages 70-75)

Defendant A.F. Kostenko’s guilt in the crime under Part 1 of Article 222 of the Criminal Code of the Russian Federation is proved by the evidence examined during the court hearing:

The testimony of witness E.N. Karaseva who explained during the court hearing that she held the position of an investigator at Kievskiy Police Department No. 2 of the Ministry of Internal Affairs of Russia. On 6 February 2015, from 11:50 a.m. to 3:20 p.m., on the basis of the application received from F.S. Kostenko about the kidnapping of his son A.F. Kostenko, she was inspecting the scene at the place of A.F. Kostenko’s residence, address: 3/1 Besspalova Str., ap. 7, Simferopol, Republic of Crimea. During the inspection of the scene, F.S. Kostenko, an expert and two attesting witnesses were present. During the inspection of the apartment a safe was found, which, according to F.S. Kostenko, belonged to his son A.F. Kostenko and contained the personal belongings of the defendant. After A.F. Kostenko’s safe was opened, a rifled barrel for a firearm, caliber 9 mm, was found and confiscated together with other items, as confirmed by expert V.S. Mykitenko who attended the examination. After the inspection of the apartment was

completed, an inspection record was made specifying the discovered objects and signed by the individuals who performed the inspection and were present during the inspection of the apartment. The inspection record had no empty fields. Also, the attesting witnesses also signed the packages that contained the confiscated objects after those were sealed, particularly the package with the pistol barrel. The participants of the inspection, and also the attesting witnesses, made no comments relating to the discovered objects.

The testimony of witness D.P. Kuprienko, who explained during the court hearing that he held the position of an operative at Kievskiy Police Department No. 2 of the Ministry of Internal Affairs of Russia. On 6 February 2015, during the period from 11:50 a.m. to 3:20 p.m. he went to review the application filed by F.S. Kostenko about the disappearance of his son, address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea. He did not participate in the inspection of the scene, but noticed that the participants of the inspection found a safe, which, according to F.S. Kostenko, belonged to his son A.F. Kostenko and where he kept his personal belongings. After A.F. Kostenko's safe was opened, a rifled 9 mm caliber barrel was found and confiscated. The participants of the inspection, and also the attesting witnesses, made no comments relating to the discovered objects and signed the record, where all information about the inspection was entered. The apartment inspection record contained no empty fields at the time of signing thereof by the attesting witnesses.

The testimony of witness V.S. Mykitenko who explained during the court hearing that he worked as a senior expert at the Expert and Forensic Center of the Ministry of Internal Affairs for the Republic of Crimea. On 6 February 2015, during the period from 11:50 a.m. to 3:20 p.m. he attended the inspection of the scene at the place of A.F. Kostenko's residence, address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea. During the inspection of the scene, a safe was found, which, according to F.S. Kostenko, belonged to his son A.F. Kostenko and where he kept his personal belongings. After A.F. Kostenko's safe was opened, a rifled 9 mm caliber barrel for a firearm was found and confiscated, which was demonstrated to the attesting witness and to all those present. He took photographs of the items found in the safe. The participants of the inspection, and also the attesting witnesses, made no comments relating to the discovered objects.

The testimony of witness E.V. Dolotenko, who explained during the court hearing that on 6 February 2015 she participated as an attesting witness in the inspection of A.F. Kostenko's apartment, address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea. During the inspection of the apartment, items and things were confiscated from A.F. Kostenko's safe, which were sealed, and she signed the packages. Nobody made any comments relating to the fact of the inspection. The fact that the safe belonged to A.F. Kostenko and he kept his personal belongings there was explained by his father F.S. Kostenko.

The testimony of witness V.A. Kolomiets who explained during the court hearing that he was A.F. Kostenko's godfather. On 3 March 2014, he arrived in Kiev and lived there in the same apartment with A.F. Kostenko and Krasnov. He noticed that A.F. Kostenko kept machine guns, cartridges and grenades in the apartment. At the same time, A.F. Kostenko explained that these were the weapons from the Maidan. A.F. Kostenko and Krasnov were commandants of the Kiev city public administration, where Gestapo was also located and he went there with them on an excursion. In Kiev, it was common knowledge among the Maidan activists that A.F. Kostenko was the commandant of the Kiev city public administration. The witness explained that he was not aware of A.F. Kostenko's participation in the "Svoboda" All-Ukrainian organization and he was sure that the individuals who were in the building of the Kiev city public administration in February-March 2014 had nothing to do with the political events in Ukraine.

The testimony of witness V.A. Yermolina examined by the court under Paragraph 4 of Part 2 of Article 281, the Criminal Code of the Russian Federation, who explained during preliminary investigation that on 6 February 2015 she participated as an attesting witness in the inspection of A.F. Kostenko's apartment, address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea. During the inspection of the apartment, items and things were confiscated from A.F. Kostenko's safe, which were sealed, and she signed the packages. Nobody made any comments relating to the fact of the inspection. The fact that the safe belonged to A.F. Kostenko and he kept his personal belongings there was explained by his father F.S. Kostenko.

(volume 2 case file pages 172-175)

The testimony of defendant A.F. Kostenko dated 13 February 2015, announced by the court under Article 276 of the Criminal Procedural Code of the Russian Federation, given by him during preliminary investigation in the presence of a defence lawyer, that the rifled 9 mm caliber barrel was transferred to him by S.A. Krasnov. He had seen this barrel and held it in his hands.

(volume 2 case file pages 87-92)

The scene inspection record dated 6 February 2015, according to which during the period from

11:50 am to 3:20 pm at the place of A.F. Kostenko's residence, address: 3/1 Bespalova Str., ap. 7, Simferopol, Republic of Crimea, in the safe he owned a rifled 9 mm caliber barrel for a firearm was found and confiscated.

(volume 1 case file pages 59-87)

The conclusion of forensic expert opinion No. 171/15/738 dated 2 March 2015, according to which a rifled 9 mm caliber barrel was the main component of a firearm, namely a rifled barrel, caliber 9 mm (9x18), made manually by making changes (increasing the diameter of the bore and chamber, and also cutting four right-angled rifling in the bore) in the design of a pistol barrel, caliber 9 mm P.A., made on the basis of a Makarov pistol and suitable for firing shots when attached to a "PM" Makarov pistol.

(volume 1 case file pages 106-111)

The objects inspection record dated 11 March 2015, which reflects the results of the inspection of the rifled 9 mm caliber barrel and three bullets.

(volume 2 case file pages 231-233)

The record of confession and inclusion of material evidence to the criminal case: the rifled 9 mm caliber barrel, three bullets.

(volume 2 case file pages 234-235).

The certificate made by the licensing and authorization center at the Ministry of Internal Affairs for the Republic of Crimea that A.F. Kostenko was granted no license to store and carry military small arms, PM brand, caliber 9 mm.

(volume 2 case file page 243)

The court considers the above evidence admissible since the court found no significant violations of the applicable legislation during the process of obtaining thereof that would entail them considered inadmissible and subject to exclusion from the evidence, and also relevant and reliable since they have logical relationship with each other, confirm the actual circumstances of the case established by the court; the court finds the aggregate of the above evidence sufficient to resolve the case and finds no need for any expert examination, reproduction of the situation and circumstances of the event, investigative experiment and other procedural actions, which were necessary as the defence insisted during the judicial proceedings.

When rendering the decision, the court does consider, as evidence submitted by the prosecution, the optical disk (volume 2 case file page 239) and the objects inspection record (volume 2 case file pages 236-238), which contain the video record of the publication of information on the Internet information network and the results of viewing thereof, which allegedly contain a phonogram of negotiations between A.V. Kostenko and another individual about the torture of law enforcement officials at "Gestapo" located in the Kiev city public administration.

The court does not take into account the said evidence due to the fact that the participants of the judicial proceedings failed to submit convincing evidence on the identity of the voices of the speaking individuals, the video has a clearly staged nature and contains a video and audio sequence of obviously anti-social content, the video contains no visualization of the defendant actually performing the actions described in the said video record.

The witnesses of the defendant's alibi were invited to the court hearing at the request of the defence by sending summons by mail: A.A. Bokalo, A.S. Semenenko and V.V. Klopotar who failed to appear when subject to the court summons.

As explained by the defence lawyer who had also served summons to the said witnesses A.A. Bokalo, A.S. Semenenko and V.V. Klopotar as instructed by the court on the day of the court hearing, "serve in the Ukrainian army and liberate Ukraine from terrorists", and therefore they were scared of appearing before the judicial authorities of the Russian Federation.

The court refused to satisfy the defence's petition to send an international order to the relevant body of Ukraine to serve summons to the said witnesses.

When making this decision, the court took into account the practice of negative attitude of the Ukrainian state bodies towards the orders issued by the judicial authorities of the Russian Federation located on the territory of the Republic of Crimea and their explicit ignoring of such orders.

Such an appeal to the state authorities of Ukraine would only cause an unreasonable postponement and excessively long consideration of the criminal case.

The court assesses critically the position of the defence that the criminal prosecution under Paragraph b of Part 2 of Article 115, the Criminal Code of the Russian Federation against A.F. Kostenko was instituted groundlessly since the injury was inflicted to A.F. Polienko on the territory of another state, and the victim and the defendant were not citizens of the Russian Federation on 18 February 2014.

On 6 February 2015, Investigator for High-priority cases Yu.V. Odarchenko of the Internal

Affairs Directorate of the Main Investigation Administration of the Investigative Committee of the Russian Federation for the Republic of Crimea instituted a criminal case against A.F. Kostenko due to the fact of deliberate infliction of minor harm to health, which caused a short-term disorder of health, committed on the basis of ideological hatred and enmity, on the grounds of the crime under Paragraph b of Part 2 of Article 115, the Criminal Code of the Russian Federation.

At the time of initiation of the criminal case, victim V.V. Polienko and defendant A.F. Kostenko were the citizens of the Russian Federation (starting from 22 December 2014 and 28 January 2015, respectively); also, A.F. Kostenko was not prosecuted for unlawful acts on the territory of Ukraine.

Subject to the requirements of Part 1 of Article 12, the Criminal Code of the Russian Federation, citizens of the Russian Federation and stateless individuals permanently residing in the Russian Federation that committed outside the Russian Federation a crime violating the interests protected by this Code are subject to criminal liability in accordance with this Code, unless a foreign state court has issued a decision against such individuals in relation to that crime.

Taking into account that at the time of institution of the criminal case, A.F. Kostenko and V.V. Polienko were the citizens of the Russian Federation, and no criminal case was instituted on the basis of this fact on the territory of Ukraine, defendant A.F. Kostenko who committed a crime outside the Russian Federation was reasonably prosecuted on the grounds of a crime under Paragraph b of Part 2 of Article 115, the Criminal Code of the Russian Federation.

During the court hearing, the defence insisted that A.F. Kostenko was forced to confess (volume 2 case file pages 55-61, 74-81, 87-92) during preliminary investigation as a result of unlawful physical pressure from a law enforcement officer, and therefore the court should not take this testimony into account when passing a sentence.

The court is convinced that such a position of the defence is ungrounded and shows the desire of the defendant to avoid punishment for the crime committed.

During the court hearing, the ruling of 18 April 2015 (volume 4 case file pages 86-89) was presented to the court, which was issued by Senior Lieutenant D.S. Kukasov, the senior criminal investigator of the 534th military investigative department of the military investigative administration of the Investigative Committee for the Black Sea Fleet, on the refusal to institute a criminal case under Paragraph a of Part 3 of Article 286, the Criminal Code of the Russian Federation, against law enforcement officials A.V. Tishenin and A.R. Shambazov due to the absence of a criminal act; legality of their actions was reviewed on the basis of the application filed by D.V. Sotnikov, the defence lawyer of the defendant.

There is no evidence in the case materials and no evidence was obtained during the court hearing indicating that the police officers, the preliminary investigation bodies, the state security and the prosecutor's office had any need to create artificial evidence for the prosecution or to falsify them, as argued by defendant A.F. Kostenko and his defence lawyer.

The fact that A.F. Kostenko had injuries (volume 2 case file pages 137-138) does not confirm by itself that the law enforcement officials used illegal methods of investigation against the defendant, and it was explained by the defendant himself during preliminary investigation as a result of him being beaten by unknown individuals in Simferopol before he applied to the law enforcement bodies (volume 2 case file pages 55-61, 74-81, 87-92). A criminal case was instituted on the basis of his application that unknown individuals injured him.

Also, the testimony of defendant A.F. Kostenko given during preliminary investigation (volume 2 case file pages 55-61, 74-81, 87-92) was supported objectively by the testimony of victim V.V. Polienko, witnesses "Styopa", P.I. Kudrik, F.S. Kostenko, E.F. Kostenko, E.V. Ukolova, E.N. Karaseva, V.A. Kolomiets, E.V. Dolotenko, V.A. Ermolina, D.P. Kuprienko, V.S. Mykitenko, V.A. Kuznetsov, V.Yu. Popovich, A.N. Nalyvayko, specialists N.I. Vysotsky, V.A. Rudakov and expert A.V. Shepetko, the conclusions of the forensic medical and forensic ballistic expert opinions, the scene inspection record, the records of presentation for identification by photograph.

The court finds no contradictions in the testimony of these witnesses to the extent of the description of the defendant's actions during commission of the crimes incriminated to him.

The court has found no objective reasons for defamation of the defendant by the said witnesses and the victim, and therefore the arguments of defendant A.F. Kostenko are considered by the court as a means of protection selected by the defendant to avoid punishment for the crime he had committed.

At the same time, the court also relies on the fact that both the victim and the said witnesses, specialists and experts, gave consistent testimony regarding the circumstances of causing injuries to the victim and storing the barrel of a firearm being warned of the criminal liability for deliberately false testimony, and therefore the court has no doubt that exactly A.F. Kostenko, while staying in Kiev on 18

February 2014, being driven by the motives of ideological hatred or enmity, deliberately inflicted minor harm to health, which caused short-term disorder of V.V. Polienko's health, and also on or before 6 February 2015 illegally acquired, stored and carried the main parts of a firearm.

During the court hearing, the defence insisted that at the time of causing injuries to victim V.V. Polienko defendant A.F. Kostenko was at the Canadian Embassy in Kiev and did not attend the scene of the crime.

The court is convinced that such a position of the defence is ungrounded and shows the desire of the defendant to avoid punishment for the crime committed.

Such testimony of defendant A.F. Kostenko is refuted by the testimony of victim V.V. Polienko and witnesses I.I. Nad, P.I. Kudrik who explained during the court hearing that they identified A.F. Kostenko as the individual who was in the "Mariinskiy Park" in Kiev on 18 February 2014, ran to the victim and stopped at the distance of 2-3 meters, threw a stone at him, and then the defendant fled the scene of the crime.

This testimony of the victim and witnesses is consistent and coincides with the testimony of the defendant given by him during preliminary investigation and the testimony of witness "Styopa" who provided similar information to the court.

The testimony of the victim, witnesses and the initial testimony of the defendant are convincing evidence that A.F. Kostenko indeed was in the "Mariinskiy Park" in Kiev on 18 February 2014, where he threw a stone at V.V. Polienko injuring him.

During the court hearing, the defence insisted that the prosecution failed to submit evidence that defendant A.F. Kostenko committed a crime against victim V.V. Polienko being driven by ideological hatred or enmity, and therefore his actions must be reclassified to Part 1 of Article 115 of the Criminal Code of the Russian Federation.

The court is convinced that such a position of the defence is ungrounded and shows the desire of the defendant to avoid punishment for the crime committed.

During the court hearing, witness "Styopa" explained to the court that the defendant was an active participant of the "Svoboda" All-Ukrainian organization, which set itself the aim to overthrow the legitimate government of Ukraine, the defendant felt hatred towards every law enforcement official.

In his turn, the defendant admitted during the court hearing that the video record (volume 4 case file pages 70-75) provided by the service for the protection of the constitutional order and counteracting terrorism and made on 20 December 2009 in Simferopol during the "march against illegal migration" held by the supporters of the Crimean organization of the "Svoboda" All-Ukrainian organization depicted exactly him, but as a passer-by not participating in the actions of the marchers.

This testimony of defendant A.F. Kostenko is refuted by the content of the video record showing that the defendant standing among the participants of the march of the "Svoboda" All-Ukrainian organization yells appropriate slogans, thereby indicating his active participation in the activities of that organization.

Victim V.V. Polienko and witnesses I.I. Nad, P.I. Kudrik explained during the court hearing that A.F. Kostenko, ran to the victim and stopped at the distance of 2-3 meters, threw a stone at him, while the victim was dressed in the uniform of a law enforcement officer and was clearly performing his official duties.

The court takes into account that at the time of the crime (18 February 2014) defendant A.F. Kostenko and victim V.V. Polienko did not know each other, and therefore the defendant was not driven by personal hostility when injuring the victim, and it shows the desire of the defendant to injure the victim exactly in connection with him performing the official duties related to ensuring public order and protection of legitimate government.

During the court hearing, the defence insisted that the prosecution failed to submit evidence that any injury was caused to victim V.V. Polienko, and therefore the actions of A.F. Kostenko contain no corpus delicti under Paragraph b of Part 2 of Article 115 of the Russian Federation.

The court is convinced that such a position of the defence is ungrounded and shows the desire of the defendant to avoid punishment for the crime committed.

The arguments of the defence are refuted convincingly by the testimony of victim V.V. Polienko and witnesses I.I. Nad, P.I. Kudrik about the circumstances of the crime committed, the explanations of forensic and medical expert A.V. Shepetko and the conclusion of forensic and medical expert opinion No. 651 dated 29 April 2014, which contains information about severity, area and mechanism of formation of injuries caused to the victim.

The demands of the defence to consider inadmissible the records of identification on the photograph (volume 1 case file pages 153, 189, 206, 222) due to the fact that attesting witnesses K.N.

Kuzmenko, Yu.L. Klimenko, V.Sh. Velikhaeva who attended this procedural action could be law enforcement officers are groundless and unfounded.

During the court hearing, no information was submitted to the court that K.N. Kuzmenko, Yu.L. Klimenko, V.Sh. Velikhaeva were law enforcement officers meaning that these procedural actions were performed in compliance with the requirements of the procedural law and are taken into account by the court when passing a sentence.

During the court hearing, the defence insisted that witness “Styopa” who was a witness for the prosecution noted that on 18 February 2014 A.F. Kostenko was at the Canadian Embassy in Kiev and did not appear on the M. Grushevskogo Street, and therefore he had been unreasonably accused of injuring V.V. Polienko.

The court is convinced that this position of the defence is unfounded and shows the desire of the defendant to avoid punishment for the crime committed since it is refuted by the testimony of witness Styopa who explained during the court hearing that on 18 and 19 February 2014 the defendant participated in an attack on the officers of the law enforcement bodies and only on 19 February 2014 he and the members of a militant anti-government group fled to the building of the Canadian Embassy in Kiev.

During the court hearing, witness E.V. Dolotenko who attended as an attesting witness the inspection of the scene, namely apartment No. 7 at house No. 3/1 on the Bespalova Street in Simferopol, explained that she had not attended the closing of the inspection of the apartment and signed, as requested by the investigator, the inspection record, which contained an empty bottom third of page 68 (turnover) with information about the placing of an object resembling a pistol barrel in special package No. 0675100 and which was signed by the attesting witnesses. Also during the court hearing, the witness explained that she had not seen a pistol barrel during the inspection of the apartment.

The court assesses critically the testimony of witness E.V. Dolotenko to this extent since during the court hearing, having read the inspection record, the witness confirmed that she had signed the inspection record as a whole and not in parts, and she had signed page 67 that contained information about the discovery of “an object looking like a weapon barrel” and special package No. 0675100 voluntarily, without leaving the said apartment and without putting her signature on a blank or partially empty record form (a page of writing paper).

Also, the fact of discovery of the pistol barrel on 6 February 2015 in apartment No. 7, house No. 3/1 on the Bespalova Street in Simferopol and the signing of the inspection record by every participant of the procedural action was confirmed by the testimony of witnesses E.N. Karaseva, F.S. Kostenko, D.P. Kuprienko, V.S. Mykitenko, V.A. Ermolina.

Moreover, the court also relies on the fact that, when giving consistent testimony in relation to the circumstances of the discovery of a firearm barrel, these witnesses were warned of criminal liability for deliberately false testimony, and therefore the court does not doubt the fact that exactly A.F. Kostenko had been storing the said main part of a firearm in apartment No. 7, house No. 3/1 on the Bespalova Street in Simferopol.

Relying on the above, the court recognizes the cited part of the testimony, which is given by witness E.V. Dolotenko during the court hearing and contradicts the facts, as something not challenging the completeness, objectivity and admissibility of such evidence as the record of inspection of the scene, namely apartment No. 7 at house No. 3/1 on the Bespalova Street in Simferopol, dated 6 February 2015 (volume 1, case file pages 59-87).

During the court hearing, the defence insisted that statement No. 5/25 dated 13 February 2015 on the examination of the object resembling a pistol barrel and confiscated during the inspection of the scene, namely apartment No. 7 at house No. 3/1 on the Bespalova Street in Simferopol (volume 1, case file pages 88-89), which contains information that the object discovered in the said apartment on 5 February 2015 was the subject of the examination, refuted the fact of the discovery of that object on 6 February 2015 and refuted information included in the scene inspection record dated 6 February 2015, thereby making this evidence inadmissible.

When considering the contradiction in the said documents, the court takes into account that neither in the course of preliminary investigation, nor during the court hearing, witnesses E.N. Karaseva, F.S. Kostenko, D.N. Kuprienko, V.S. Mykitenko, V.L. Ermolina, E.V. Dolotenko noted that the actual inspection of the scene took place on 5 February 2015. Also, witnesses E.N. Karaseva, F.S. Kostenko, D.P. Kuprienko, V.S. Mykitenko, V.A. Ermolina testified consistently about the circumstances of the said procedural action performed on 6 February 2015, and noted the discovery of an object resembling a firearm barrel that occurred on that day during the inspection of the apartment.

Relying on the above, the court concludes that statement of examination No. 5/25 dated 13 February

2015 (volume 1 case file pages 88-89) contains false information about the confiscation of the object under examination on 5 February 2015 and refuses to accept information included therein to this extent as evidence in this criminal case.

At the same time, the court recognizes false information included in statement of examination No. 5/25 dated 13 February 2015 (volume 1, case file pages 88-89) as something not challenging the completeness, objectivity and admissibility of such evidence as the record of inspection of the scene, namely apartment No. 7 at house No. 3/2 on the Bespalova Street in Simferopol, dated 6 February 2015 (volume 1, case file pages 59-87).

During the court hearing, the defence lawyer emphasized the contradictions between the testimony of witness D.P. Kuprienko and other evidence submitted to the court since the witness explained during the court hearing that on 6 February 2015 in apartment No. 7 at house No. 3/1 on the Bespalova Street in Simferopol an object resembling a dark color barrel was found, which refutes information included in the scene inspection record to the extent of the discovery of a “pink polymer bag where there was a metal device looking like a weapon barrel” in the safe (volume 1 case file page 67).

When considering the remark of the defence, the court takes into account the testimony of witness D.P. Kuprienko who explained during the court hearing that on 6 February 2015 he participated in the field activities at the residence of applicant F.S. Kostenko residing in apartment No. 7 at house No. 3/1 on the Bespalova Street in Simferopol, where he conducted door-to-door questioning of the applicant’s neighbors and did not participate in the inspection of the scene, namely the said apartment. He did not monitor the inspection and did not inspect the inside of the safe.

Therefore, according to the testimony of witness D.P. Kuprienko, he did not show interest in the inside of the opened safe and saw the firearm barrel discovered in the said apartment after it had been removed from the polymer bag. The dark color of the barrel noted by the witness does not challenge the outcome and completeness of the performed procedural action since during the examination of the said barrel the court found that it had traces of metal bluing, which had been used up partially in the course of operation, and an outside observer not involved in an ongoing inspection could have perceived it as a dark color of the object.

Having assessed the evidence collected for the case as an aggregate, the court finds that A.F. Kostenko’s guilt is established and proven and classifies his actions under Paragraph b of Part 2 of Article 115 of the Criminal Code of the Russian Federation as deliberate infliction of minor harm to health, which caused a short-term disorder of health, committed on the basis of ideological hatred or enmity, and under Part 1 of Article 222 of the Criminal Code of the Russian Federation as illegal acquisition, storage and carrying of the main parts of a firearm.

Subject to statement No. 1 dated 17 February 2015 of the Crimean Republican Psychiatric Hospital, A.F. Kostenko is not registered in the neuropsychiatric dispensary (volume 2, case file page 123), no information was submitted to the court to justify mandatory medical measures in relation to the defendant or make it impossible to impose a punishment on him.

When awarding a punishment for the crime specified in Paragraph b of Part 2 of Article 115 of the Criminal Code of the Russian Federation, the court takes into account the nature of, and the degree of social danger in, the crime committed by A.F. Kostenko and classified by the legislator as a crime of minor severity, data on the personality of the defendant who is described negatively at the place of work, has a dependent minor child, and the circumstances affecting the degree of the defendant’s responsibility.

The court finds that a minor child dependent on the defendant is his mitigating circumstance.

Since the defendant challenges the credibility of information included in the confession dated 6 February 2015, where A.F. Kostenko personally reported the crime he had committed on 18 February 2014 (volume 2, case file pages 38-39), the court does not take into account the confession as a circumstance to mitigate his punishment.

The court has found no circumstances to aggravate the punishment of the defendant.

There is no ground to change the category of the crime to a less severe one in accordance with the requirements of Part 6 of Article 15 of the Criminal Code of the Russian Federation.

Taking into account the cited data on the personality of the defendant, availability of a statutory circumstance to mitigate his punishment, the requirements of Part 1 of Article 56 of the Criminal Code of the Russian Federation, taking into account the effect of the awarded punishment on the improvement of the defendant, taking into account the nature of, and the degree of social danger in, the act, the court has concluded that the defendant can improve if a punishment in the form of correctional labor is imposed on him.

When awarding a punishment for the crime specified in Part 1 of Article 222 of the Criminal Code

of the Russian Federation, the court takes into account the nature of, and the degree of social danger in, the crime committed by A.F. Kostenko and classified by the legislator as a crime of medium gravity, data on the personality of the defendant, who is described negatively at the place of work, has a dependent minor child, and circumstances affecting the degree of the defendant's responsibility.

The court finds that a minor child dependent on the defendant is his mitigating circumstance.

The court has found no circumstances to aggravate the punishment of the defendant.

There is no ground to change the category of the crime to a less severe one in accordance with the requirements of Part 6 of Article 15 of the Criminal Code of the Russian Federation.

Taking into account the cited data on the personality of the defendant, availability a statutory circumstance to mitigate his punishment, taking into account the effect of the awarded punishment on the improvement of the defendant, taking into account the nature of, and the degree of social danger in, the act, the circumstances of the crime, the court has concluded that the defendant can improve only in the environment of him being isolated from society in a general regime penal colony, which meets the requirements of Paragraph a of Part 1 of Article 58 of the Criminal Code of the Russian Federation.

The court finds no need in awarding an additional punishment to the defendant in the form of a fine.

The court has not found any ground to pass a sentence without awarding a punishment or releasing the defendant from the awarded punishment.

When passing a sentence, the court considers it necessary to resolve the issue of the further preservation of material evidence.

Relying on the above and guided by Articles 299, 302-304, 307-310 of the Criminal Procedural Code of the Russian Federation, the court

DECIDED:

To find Alexander Fedorovich Kostenko guilty of committing the crimes under Paragraph b of Part 2 of Article 115, Part 1 of Article 222 of the Criminal Code of the Russian Federation, and award him a punishment:

Under Paragraph b, Part 2 of Article 115 of the Criminal Code of the Russian Federation in the form of one year of correctional labor;

Under Part I of Article 222 of the Criminal Code of the Russian Federation in the form of a four-year imprisonment without a fine.

[Stamp: Kievskiy District Court of Simferopol
Numbered and sealed 7 pages.
Signature (Signed)]

[Seal: KIEVSKIY DISTRICT COURT OF SIMFEROPOL, REPUBLIC OF CRIMEA * (text illegible)]

In accordance with the requirements of Part 2 of Article 69 of the Criminal Code of the Russian Federation, by partial summation of the punishments awarded, a final punishment be awarded to Alexander Fedorovich Kostenko in the form of four years and two months of imprisonment in a general regime penal colony without a fine.

The term of punishment shall start from 15 May 2015, and the time of detention in custody imposed as a measure of restraint for the period from 6 February 2015 to 14 May 2015 shall be included in the term of punishment.

The measure of restraint imposed on Alexander Fedorovich Kostenko until the Decision enters into full force and effect shall remain unchanged, namely detention.

Material evidence in the form of a rifled 9 mm caliber barrel and three bullets shall be destroyed.

The Decision can be appealed against through the appeal procedure before the Supreme Court of the Republic of Crimea within ten days from the date of announcement, and within the same period by the convict starting from the date of delivery of a copy of the Decision.

Should an appeal be filed, the convict is entitled to apply for his personal participation in the consideration of the case by the court of appeal, through a corresponding indication in his appeal or in the objections to complaints, representations submitted by other participants of the criminal proceeding.

Presiding Judge:
TRUE COPY.

/signed/

V.A. Mozhelianskiy

The Decision entered into force on 26 August 2015 according to the appellate Decision of the Supreme Court of Crimea and was amended. The convict's appeal shall be dismissed. The appeal filed by the defence lawyer and the victim shall be granted partially. The Decision shall be amended. Kostenko shall be imposed with the punishment under Paragraph b of Part 2 of Article 115 of the Criminal Code of the Russian Federation in the form of 1 year of correctional labor with forfeiture of 15% of his earnings to the state by deduction from the convict's salary. Kostenko's punishment under Part 1 of Article 222 of the Criminal Code of the Russian Federation shall be reduced to up to 3 years 9 months of imprisonment without fine. On the basis of Part 2 of Article 69 of the Criminal Code of the Russian Federation, due to the aggregate of the crimes, the more severe punishment absorbing the less severe one, the final punishment to be awarded in the form of 3 years 11 months of imprisonment without a fine, the punishment be served in a general regime penal colony. The rest of the Decision shall be left unchanged.

According to the Decision of 24 February 2016 of the Presidium of the Supreme Court of the Republic of Crimea, the Decision and the appellate Decision be amended by removal of the indication that Kostenko is found guilty of illegal acquisition and illegal carrying of a component of a firearm, thereby terminating criminal prosecution to that extent due to lack of corpus delicti on the basis of Clause Part 2, Part 1, Article 24 of the Criminal Procedural Code of the Russian Federation.

Kostenko shall be considered guilty of storing the main part of a firearm and sentenced under Part 1 of Article 222 of the Criminal Code of the Russian Federation to 3 years 6 months of imprisonment without a fine; Kostenko's punishment under Paragraph b of Part 2 of Article 115 of the Criminal Code of the Russian Federation in the form of correctional labor shall stay unchanged, and regarding the aggregate of crimes under Part 2 of Article 69 of the Criminal Code of the Russian Federation, the more severe punishment absorbing the less severe one, to 3 years 6 months of imprisonment in a general regime penal colony without a fine.

The Decision of 23 September 2015 issued by the judge of the Supreme Court of the Republic of Crimea on the amendments in the motivational and operative parts of the appellate Decision shall be reversed.

Judge: (Signed)

Secretary: (Signed)

[Seal: KIEVSKIY DISTRICT COURT OF SIMFEROPOL, REPUBLIC OF CRIMEA * RUSSIAN FEDERATION]

[Stamp:

Kievskiy District Court of Simferopol, Republic of Crimea

The original (text illegible) is kept

in (text illegible) case No. 1-213/2015

(text illegible) 31 July 2018

Judge (Signed)

Secretary (Signed)]

[Seal: KIEVSKIY DISTRICT COURT OF SIMFEROPOL, REPUBLIC OF CRIMEA * RUSSIAN FEDERATION]

Annex 233

Supreme Court of the Republic of Crimea, Case No. 12-450/2015,
Decision, 19 May 2015

Translation

Judge N.V. Urzhumova

Case No. 12-450/2015

DECISION

19 May 2015

Simferopol

N.A. Terentieva, the Judge of the Supreme Court of the Republic of Crimea, with the Secretary O.V. Kuzmenko, having considered in the open court the appeal from Leonid Aleksandrovich Kuzmin against the decision of the Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 12 March 2015 to subject L.A. Kuzmin to administrative liability for committing an administrative offence provided for in Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation,

ESTABLISHED:

By the decision of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 12 March 2015 Leonid Aleksandrovich Kuzmin was found guilty in committing an administrative offence provided for in Part 1, Article 20.2 of the Code on Administrative Offences of the Russian Federation and incurred an administrative punishment in the form of mandatory work for forty hours, but no longer that 4 hours a day.

L.A. Kuzmin filed an appeal against the said decision where he asks to cancel it. L.A. Kuzmin explains that in his actions there were no elements of an administrative offence he was charged for, as he being an organizer of the rally dedicated to celebration of the 201st anniversary of birth of T.G. Shevchenko, in accordance with Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing” sent a notice of holding an assembly, in the course of holding a public event he did not receive any requests related to violation of Article 6 of the said Law from any persons. The national Ukrainian flag is not prohibited in the territory of the Russian Federation and the Republic of Crimea. The court had found the circumstances based on unreliable and inadmissible evidence, the circumstances of the case had not been identified. In violation of Article 28.2 of the Code on Administrative Offences of the Russian Federation, the protocol did not fix the time of committing the administrative offence. According to the appellant, the court had failed to specify which law was violated by a person subjected to administrative liability.

During the court hearing, L.A. Kuzmin and his defence attorney E.M. Kuberdinov supported the arguments said in the appeal and asked the appeal to be satisfied.

Having heard L.A. Kuzmin and his defence attorney E.M. Kuberdinov, studied the case materials and the arguments stated in the appeal, and I come to conclusion.

Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation envisages an administrative liability for violating by an organizer of a public event of the established procedure for organizing or holding an assembly, rally, demonstration, march or picketing, excluding the cases provided for in Parts 2-4 of the said article, by imposing an administrative fine in the amount of ten to twenty thousand rubles or mandatory work for up to forty hours on individuals, and from fifteen to thirty thousand rubles on officials; and from fifty to one hundred thousand rubles on legal entities.

The procedure for a public event is established in Chapter 2 of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”.

According to Paragraphs 1, 6 of Part 1, Article 2 of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing” a public event is an open, peaceful, accessible to everyone, held in the form of an assembly, rally, demonstration, march or picketing, or in various combinations thereof, an event held on the initiative of citizens of the Russian Federation, political parties, other public associations and religious associations, including with using vehicles. The purpose of any public event is free expression and creation of opinions, and also making demands related to various matters of political, economic,

social and cultural life of the country and foreign policy issues; picketing is a form of public expression of any opinions carried out without involving any movement and sound-amplifying devices by way of gathering of one or more citizens near the picketed facility holding posters, banners and other means of visual agitation.

From the case files, it follows that on 9 March 2015 in the Gagarin park of Simferopol, a rally was held to celebrate the 201st anniversary of the birth of T.G. Shevchenko, and L. A. Kuzmin, as the organizer, held that public event. The purpose of the said rally indicated in the notice sent to the Administration of Simferopol, was to celebrate the 201st anniversary of the birth of T.G. Shevchenko.

The court found that in the course of the rally the purpose of the rally was changed to the other purpose which had not been notified, since the persons participating in the rally demonstrated the Ukrainian national flag with the inscription “Crimea is Ukraine” [In Ukrainian: “Krym tse Ukraina”]. Thus, L.A. Kuzmin, violating the conditions of holding the rally, committed an administrative offence provided for in Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

The fact of committing of an administrative offence by L.A. Kuzmin is proved by the protocol of administrative offence of 9 March 2015 (case file page 2); the notice of holding a public event (case file page 9); Consent on holding a public event, the report of the police officer (case file page 5); explanation of L.A. Kuzmin telling that the participants of the event were holding a national Ukrainian flag with the words “Crimea is Ukraine” [In Ukrainian: “Krym tse Ukraina”] on it.

In accordance with Paragraph 1 of Part 4 of Article 5 of the Law, the organizer of a public event is obliged to submit to the executive authority of the constituent entity of the Russian Federation or the local governmental authority the notice on holding a public event in the manner established by Article 7 of the Law.

In accordance with Paragraphs 3, 4 of Part 4 of Article 5 of Law the organizer of a public event is obliged to ensure compliance with the requirements for holding a public event specified in the notice of holding a public event or the requirements modified in the process of getting the approval of the executive authority of a constituent entity of the Russian Federation or a local governmental authority; to require that the participants of a public event observed public order and the procedure for holding a public event, stopped violating the law.

In accordance with Paragraph 1 of Part 3 of Article 7 of the Law, the purpose of a public event shall be indicated in the notice thereof.

The case materials show that L.A. Kuzmin was the organizer of a public event - the rally held on 9 March 2015 and it is proved by the notice of holding a public event (case file page 9).

The court thinks that since the actual purpose of the rally was changed in the course of its holding, the court of the first instance correctly concluded that L.A. Kuzmin, being an organizer of a public event, and by virtue of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing” obliged to ensure the conformance to the established procedure of the event, including compliance with the purpose of holding an event, had failed to perform his duties. It should be noted that L.A. Kuzmin was warned about administrative liability for infringement of the procedure for holding a public event by the letter of the Directorate of Ministry of Internal Affairs of Russia for the Republic of Crimea of 14 March 2015 (case file page 10).

The circumstances under which L.A. Kuzmin committed an administrative offence were found on the basis of the above said written evidence. During the court hearing, L.A. Kuzmin did not deny that on the rally the participants of the rally were holding a Ukrainian flag with the inscription “Crimea is Ukraine” [In Ukrainian: “Krym tse Ukraina”]. It was also confirmed by the witnesses R.B. Golida, O.L. Khaymenova, S.V. Lobachevets who were questioned by the court.

Under such circumstances the court of the first instance lawfully found in the actions of L.A. Kuzmin the elements of an administrative offence provided for in Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

The appeal arguments claiming the absence in the actions of L.A. Kuzmin of the elements of an administrative offence are based on incorrect interpretation by the appellant of the provisions of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing” and cannot be

considered as well-reasoned as they do not refer to any circumstances and facts which can invalidate the correctness of the decision. Procedural order of collecting and investigating the evidence on the case was not violated.

All the evidence collected under the case are estimated by the judge according to Article 26.11 of the Code on Administrative Offences of the Russian Federation for their relativity, admissibility, reliability and are reasonably considered to be the same.

The administrative offence protocol was issued in compliance with Article 28.2 of the Code on Administrative Offences of the Russian Federation.

Other arguments of the appellant cannot be considered lawful as they do not dispute the legality and validity of the court decision being contested, but aim at re-estimating the evidence contained in case that have been investigated and estimated in compliance with Article 26.11 of the Code on Administrative Offences of the Russian Federation.

The case materials do not contain any discrepancies or irremediable doubt affecting the correctness of the conclusion of the district court that the guilt of L.A. Kuzmin in committing the above said administrative offence is proved.

However, the administrative punishment imposed on L.A. Kuzmin did not take into consideration the common rules of setting an administrative punishment said in Articles 3.1, 3.8, 4.1 of the Code on Administrative Offences of the Russian Federation and the legal opinion of the Constitutional Court of the Russian Federation set out in Decision No. 4-P of 14 February 2013.

In accordance with the above-mentioned provisions of law, an administrative punishment is a sanction established by the government for committing an administrative offence and is used for prevention of committing new offences both by the offender himself and by other persons.

In Resolution of 14 February 2013 No 4-P, the Constitutional Court of the Russian Federation recognized the interrelated provisions of Parts 4, 7, 8, 9 and 10 of Article 1 of the Federal Law “On Amendments to the Code on Administrative Offences of the Russian Federation” and the Federal Law No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing” which envisage mandatory work as a type of administrative punishment for violations related to organizing or holding of assemblies, rallies, demonstrations, marches and picketing or organizing of mass simultaneous gathering and (or) movement of citizens in public places that have caused disruption of public order:

to the extent they are not related to infringement of property rights of persons, do not imply imprisonment of the offender and are not being an inadmissible method of forcing to labor compliant with the Constitution of the Russian Federation;

to the extent the current legal system allows improving this type of administrative punishment not only in case of causing harm to the health of people, property of individuals or legal entities, or in the event of other similar consequences, but also in case of a single formal violation of the established procedure for organizing or holding public events that do not comply with the Constitution of the Russian Federation, its Articles 1 (Part 1), 19 (Part 1), 31, 37 (Part 2) and 55 (Part 3).

The Constitutional Court of the Russian Federation stated that until the proper amendments are made to the legal regulation system, the mandatory work may be chosen as the administrative punishment for administrative offences provided for in Articles 20.2, 20.2.2 and 20.18 of the Code on Administrative Offences of the Russian Federation only if they have caused making harm to health of citizens, property of individuals or legal entities, or occurrence of other similar consequences.

As the court did not find out making any harm to the health of citizens, property of individuals or legal entities, or occurrence of other similar consequences resulting from the committed administrative offence, L.A. Kuzmin could not be sentenced in the form of performance of mandatory work.

Taking into account the information about the personality of L.A. Kuzmin, his age, absence of aggravating circumstances, and subject to the legal opinion of the Constitutional Court of the Russian Federation represented in Resolution of 14 February 2013 No. 4-P, I suppose it is possible to replace the

administrative punishment in the form of mandatory work for forty hours but no longer than four hours a day by a fine in the amount of ten thousand rubles.

In the view of the foregoing, pursuant to Articles 30.6-30.8 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

The decision of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 12 March 2015 about subjecting L.A. Kuzmin to administrative liability for committing an administrative offence provided for in Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation shall be modified in the part of replacement of the imposed administrative punishment in the form of 40-hour mandatory work performance but no more than four hours a day by an administrative fine in the amount of 10,000 rubles.

In the remaining part, the decision of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 12 March 2015 about subjecting L.A. Kuzmin to administrative liability for committing an administrative offence provided for in Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation shall be left unchanged, the appeal of L.A. Kuzmin shall be dismissed.

Judge of the Supreme Court
of the Republic of Crimea

(Signed)

N.A. Terentieva

*[Stamp: Zheleznodorozhny District Court
of Simferopol of the Republic of Crimea*

Original decision is stored in administrative case files No. 5-401/2015

The copy was issued on 20 May 2020

Judge (Signed)

Court Secretary (Signed)]

*[Seal: Zheleznodorozhny District Court
of the city of Simferopol of the Republic of Crimea]*

[Stamp: True copy

Judge (Signed)

Secretary (Signed)]

*[Seal: Zheleznodorozhny District Court
of the city of Simferopol of the Republic of Crimea]*

Annex 234

Supreme Court of the Republic of Crimea, Decision No.
12-454/2015, 21 May 2015

Translation

COPY

SUPREME COURT OF THE REPUBLIC OF CRIMEA**Reg. No. 12-454 /2015****judge: N.V. Urzhumova****DECISION****21 May 2015****Simferopol**

The judge of the Supreme Court of the Republic of Crimea, Yu.M. Korsakova, with the secretary, O.N. Slabun, having considered in an open court the appeal of Aleksandr Sergeevich Kravchenko against the decision of the Zheleznodorozhny District Court of Simferopol of 12 March 2015 in case No. 5-402/2015 on an administrative offence under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation against Aleksandr Sergeevich Kravchenko,

ESTABLISHED:

by the decision of the judge of the Zheleznodorozhny District Court of Simferopol of 12 March 2015, Aleksandr Sergeevich Kravchenko was found guilty of committing an administrative offence under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, and was subjected to an administrative punishment in the form of mandatory work for the period of forty hours, but not more than four hours a day.

A.S. Kravchenko did not agree with this decision and filed an appeal in which he requests to reverse the decision considering it as unjustified.

In accordance with Paragraphs 2, 4 of Part 2 of Article 30.6 of the Code on Administrative Offences of the Russian Federation, when considering an administrative offence case, it shall be ascertained whether the participants of the case proceedings are notified as required, the reasons for failure of the participants to appear shall be clarified, and a decision shall be taken to consider the appeal in the absence of said persons or to postpone consideration thereof.

A.S. Kravchenko did not appear at the hearing, the court with due advance sent to his address a judicial summons with place and time of considering an appeal against the court decision, which was returned because the period of storage has expired that is confirmed by its tracking number.

According to Paragraph 6 of the Resolution of Plenum of the Supreme Court of the Russian Federation "On some issues arising at courts when applying Code on Administrative Offences of the Russian Federation", a person against whom the case is proceeded shall be considered as notified on time and place of the hearing also in case when mailing is returned with the mark of expiration of the period of storage, if the provisions of the special conditions for acceptance, delivery, storage and return of mailings of the "Judicial" category, agreed by the order of the Federal State Unitary Enterprise "Russian Post" ["Pochta Rossii"] of 31 August 2005 No. 343, were observed.

Attempts to notify A.S. Kravchenko were also made by the phone number specified in the records on administrative offence, but the connection with the subscriber was not made, that follows from the answer of the cellular operator: "this type of communication is not available for the subscriber."

Considering the foregoing, and the absence of a motion from A.S. Kravchenko to postpone the hearing, and evidence of excuse for nonappearance in court, the court considers it possible to address the appeal against the judge's decision in his absence according to Article 25.1 of the Code on Administrative Offences of the Russian Federation.

The attorney of A.S. Kravchenko, E.M. Kurbedinov (warrant of attorney is attached to the case), appeared in the hearing. He supported the arguments of the appeal, did not enter any motions, he also said that he knows that A.S. Kravchenko left for permanent residence in Ukraine.

Considering the materials of the administrative offence case and arguments of the appeal of A.S. Kravchenko allows to conclude the following.

According to Article 24.1 of the Code on Administrative Offences of the Russian Federation, the tasks of case proceedings concerning administrative offences shall be comprehensive, complete, unbiased and timely clarifications of the circumstances of each case, settlement thereof in compliance with law, ensuring execution of a decision rendered, as well as elucidation of the reasons and conditions which led to the committing of administrative offences.

According to Article 26.1 of the Code on Administrative Offences of the Russian Federation, presence of the occurrence of an administrative offence, guilt of a person in committing unlawful actions and other circumstances that are important for correct resolution of a case shall be subject to in the course of considering a case of an administrative offence.

According to Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, violating of the procedure established for organization or conducting an assembly, rally, demonstration, march or picketing by its participant, excluding the cases provided for in Part 6 of this Article, involves the imposition of an administrative fine in the amount of ten thousand to twenty thousand rubles or mandatory work for a period of up to forty hours.

The disposition of the abovementioned legal provision is blanket. The legal status of a participant in a public event is formalized in Article 6 of the Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”.

According to Parts 3 and 4 of Article 6 of the Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”, when conducting a public event, its participants shall be obliged:

1) to comply with all legal requirements of the organizer of the public event, persons authorized by him, authorized representative of the executive power body of the constituent entity of the Russian Federation or the local government authority and officials of internal security bodies;

2) to observe public order and rules of procedure for holding the public event;

3) to observe the requirements for ensuring transport safety and road safety provided for by federal laws and other regulatory legal acts, if a public event is held using vehicles.

Participants in a public event are not entitled:

1) to hide their faces including using masks, masking tools, other items specially intended to complicate identifying;

2) to carry weapons or objects that can be used as weapons, explosives and flammable substances, carry and (or) consume alcoholic beverages, beer and beer-based beverages.

3) to be at the event under the influence of alcohol.

According to Part 1 of Article 1.5 of the Code on Administrative Offences of the Russian Federation, a person shall be administratively liable only for those administrative offences, in respect of which his guilt has been established. Irremovable doubts in respect of the guilt of a person held administratively responsible shall be interpreted in favor of this person.

The decision on the issue of the guilt of the person who committed the unlawful act is of fundamental importance for a comprehensive, complete and unbiased consideration of the case.

As follows from the materials of the case, according to records on administrative offence No. RK-005938, on 9 March 2015 at 11:30 a.m., A.S. Kravchenko, during the rally dedicated to the celebration of the 201st anniversary of the birth of T.G. Shevchenko, in the Gagarin park, committed a violation of a procedure established for holding the rally, that is violation of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”, that is he committed an offence for that administrative liability is provided for under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

It is observed in materials of the administrative offence case that A.S. Kravchenko pleaded not guilty, consequently stated that he was a participant of an agreed rally on the occasion of the celebration of the 201st anniversary of the birth of T.G. Shevchenko, in the Gagarin park in Simferopol, did not shout any slogans, did not bear any posters or other information carriers containing the information which was not in compliance with the purposes of the rally, he did not violate a procedure established for conducting the rally during the rally.

Meanwhile, the judge did not give a legal assessment to these arguments of A.S. Kravchenko.

The records on administrative offence and reports of the police officers were accepted as proofs of guilt of A.S. Kravchenko.

According to Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation shall have the right to assemble peacefully, without weapons, hold assemblies, rallies, demonstrations, marches or picketing.

It follows from this provision in reference to Articles 15 (Part 2), 55 (Part 3), 71 (Clauses “c”, “l”), 72 (Clauses “b”, “j”) and 76 (Parts 1 and 2) of the Constitution of the Russian Federation that the procedure for the exercise by citizens and their associations of their right to freedom of assembly, rallies and demonstrations, marches and picketing and responsibility for its violation are established by the federal legislator.

Ensuring the implementation of the right of citizens of the Russian Federation to assemble peacefully, without weapons, hold assemblies, rallies, demonstrations, marches and picketing is regulated by the Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”.

At the same time, as the Constitutional Court of the Russian Federation has repeatedly pointed out, the rules for the application of administrative liability measures formalized in the legislation on administrative offences should not only consider the nature of an offence, its danger to the values protected by law, but also ensure that the reasons and conditions for its commission, as well as the personality of the offender and the degree of their guilt, thereby guaranteeing the adequacy of the consequences generated (including for the person administratively liable) to the harm caused as a result of an administrative offence, avoiding excessive state coercion and ensuring a balance of the fundamental rights of the individual (legal entity) and the general interest, consisting in the protection of the individual, society and the state from administrative offences; otherwise – according to the constitutional prohibition of discrimination and the ideas of justice and humanism expressed in the Constitution of the Russian Federation – would be incompatible with the principle of individualization of responsibility for administrative offences (Decisions of the Constitutional Court of the Russian Federation of 19 March 2003 No. 3-P, of 27 May 2008 No. 8-P, of 13 July 2010 No. 15-P, of 17 January 2013 No. 1-P, etc.).

Article 2 of the Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing” defines a public event as an open, peaceful event accessible to everyone that is implemented as an assembly, rally, demonstration, march or picketing or by using various combinations of those forms that is undertaken at the initiative of citizens of the Russian Federation, political parties, other public or religious associations.

A number of procedures is arranged as a part of organizing a public event, including prior notification of the executive authority of a constituent entity of the Russian Federation or a local government body about the holding of a public event, which are aimed at ensuring the peaceful and safe nature of the public event, consistent with the rights and interests of persons who do not participate in it, and avoiding possible violations of public order and security.

The administration of Simferopol of the Republic of Crimea agreed to hold a public event on 9 March 2015 near the sculptural composition “Three Graces” in the Gagarin park in Simferopol from 11:00 a.m. to 12:30 in order to celebrate the 201st anniversary of the birth of T.G. Shevchenko, with an estimated number of participants of 100 people, the organizers of this rally were L.A. Kuzmin, E.A. Popova.

L.A. Kuzmin was held administrative liable by the decision of Zheleznodorozhny District Court of the Republic of Crimea of 12 March 2015 for committing an offence under Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation. Decision of the judge of the Supreme Court of the

Republic of Crimea of 19 May 2015 left this decision unchanged. In the decision, the court found that during the rally its purpose was changed to the unstated one, since some participants started to demonstrate the state flag of Ukraine with an inscription: “Crimea is Ukraine” [In Ukrainian: “Krym tse Ukraina”], L.A. Kuzmin, as an organizer of this rally, did not ensure the procedure for holding the event established in the notifications, including the holding of the rally in accordance with the agreed objectives of its holding.

During the hearing, L.A. Kuzmin testified as a witness. He explained to the court that he was an organizer of the rally for celebrating the 201st anniversary of the birth of poet T.G. Shevchenko. This rally was agreed in accordance with the procedure established by law and was announced on the Internet. There were about 35 people who participated in the rally, they held a discussion of works of poet Taras Shevchenko, read poems. During the rally, two people appeared who brought the state flag of Ukraine with an inscription: “Crimea is Ukraine” [In Ukrainian: “Krym tse Ukraina”]. During the final part of the rally, balloons were launched into the sky, some participants shouted: “Glory to Ukraine” [In Ukrainian: “Slava Ukraine”].

L.A. Kuzmin explained that he met A.S. Kravchenko on the Internet on 8 March 2015. After seeing announcement of the event “rally for celebrating the 201st anniversary of the birth of poet T.G. Shevchenko” made by L.A. Kuzmin, A.S. Kravchenko wrote him a message that he wanted to participate in the rally. During the rally, A.S. Kravchenko did not violate procedures established for holding the rally, did not shout anything, did not draw attention to himself.

As follows from the testimony of witnesses, R.E. Zaitov and R.K. Grechishnikov who are police officers who kept order during the rally, interviewed in the court hearing on 12 March 2015, A.S. Kravchenko did not roll out the state flag of Ukraine with an inscription: “Crimea is Ukraine” [In Ukrainian: “Krym tse Ukraina”], did not shout anything.

The evidence available in the case materials does not enable to conclude that A.S. Kravchenko was aware of the change of the purpose of the rally planned by other participants of the rally, had no intention to participate in rallies with other purposes that were not agreed in the prescribed manner.

The case materials do not contain any evidence that, after a group of rally’s participants changed the purposes of its holding, he publicly expressed his opinion on the changed purpose of the rally, performed actions aimed at changing the agreed purpose of the rally, demonstrated attributes (symbols) forbidden on the territory of the Russian Federation, drew the attention of citizens and mass media to the changed purpose of the rally, was warned by police officers or the organizer of the rally about the disagreement of the public event after the change in the purpose of its holding.

There also in no evidence that A.S. Kravchenko committed a violation of public order and security, including moral and physical harm to citizens’ health, or evidence of any violations of requirements of Parts 3 and 4 of Article 6 of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”.

The foregoing enables to conclude that the circumstances on the basis of which the decision of the court of the first instance in the present case was issued were not proved.

Thus, the findings of the court of the first instance that A.S. Kravchenko is guilty of committing an administrative offence provided for in Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, in breach of the requirements of Articles 24.1 and 26.1 of the said Code are unjustified.

Article 28.2 of the Code on Administrative Offences of the Russian Federation defines the requirements for preparing records on administrative offence. These requirements are motivated not only by the need to record the fact of the offence, but also to ensure that the guarantees of the protection of the person held administratively liable are observed.

According to Part 2 of Article 28.2 of the Code on Administrative Offences of the Russian Federation, the record of an administrative offence shall indicate, in particular, the place and time of committing, and the occurrence of the administrative offence. The absence of the above data in the records on administrative offence refers to a significant drawback of the records, which cannot be completed when considering the case on the merits.

According to Part 3 of Article 29.1 of the Code on Administrative Offences of the Russian Federation, a judge, when preparing for consideration of a case concerning an administrative offence, shall clarify whether records on administrative offence and other records provided for by this Code, are prepared correctly, as well as whether other materials of the case are formalized in the correct way. According to Clause 4 of Part 1 of Article 29.4 of the Code on Administrative Offences of the Russian Federation, when preparing for consideration of a case concerning an administrative offence, an order shall be issued, if necessary, about return of the record on administrative offence and of other materials of the case to the body or officials that prepared the record, when the record has been prepared and other materials of the case have been formalized by incompetent persons, or when the record on administrative offence has been prepared incorrectly and other materials of the case have been formalized in the wrong way, or in the event of incompleteness of submitted materials which cannot be completed during consideration of the case.

As follows from the records on administrative offence No. RK-005938 of 9 March 2015, on 9 March 2015 at 11:30 a.m., A.S. Kravchenko, during the rally on the occasion of the celebration of the 201st anniversary of the birth of T.G. Shevchenko, in the Gagarin park, committed a violation of a procedure established for conducting the rally being its participant, that is violation of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”.

In violation of the above requirements, the protocols on an administrative offence drawn up against A. S. Kravchenko do not contain a description of the commission of an administrative offence imputed to him, responsibility for which is provided for in part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, it was not indicated what specific action or inaction violated the established procedure, there is no description of it.

Under such circumstances, when preparing for consideration of a case concerning an administrative offence, in accordance with Paragraph 4 of Part 1 of Article 29.4 of the Code on Administrative Offences of the Russian Federation, the judge of the district court should return the records on administrative offence and other materials of the case to the official that prepared the record to eliminate the above violations of the law, which made it impossible for the judge to check the validity of the charge and make the correct decision on the case. However, the judge did not fulfill these requirements. The return of the records on administrative offence at the stage of considering an appeal on the case in accordance with Chapter 30 of the Code on Administrative Offences of the Russian Federation is excluded in accordance with Paragraph 4 of Part 1 of Article 29.4 of the Code on Administrative Offences of the Russian Federation, since the return of the records is possible only when preparing the case for judicial consideration and is not allowed when considering an administrative offence case on its merits.

The foregoing indicates that the records on administrative offence contains significant flaws, and therefore, it cannot be recognized as admissible evidence in the case.

The guilt of A.S. Kravchenko in committing an administrative offence was found on the grounds of an inadmissible evidence, which is a significant violation of the law.

In addition, it should be noted that the court of the first instance committed a violation when determining the type of punishment without considering the general rules for imposing an administrative punishment, established by Article 3.1, 3.8, 4.1 of the Code on Administrative Offences of the Russian Federation and the legal position of the Constitutional Court of the Russian Federation, expressed in decision of 14 February 2013 No. 4P.

According to Part 1 of Article 30.7 of the Code on Administrative Offences of the Russian Federation, on the results of considering the appeal on the decision on the administrative offence case, the court ruled to reverse the decision and to terminate the proceedings in case in presence of at least one circumstance provided for in Articles 2.9, 24.5 of this Code, and also in the absence of evidence of the circumstances, on the grounds of which the decision was issued (Paragraph 3).

Under such circumstances, the decision of the judge of the Zheleznodorozhny District Court of Simferopol of 12 March 2015 shall be reversed, and the proceedings on administrative offence case shall be

terminated according to Clause 2 of Part 1 of Article 24.5 of the Code on Administrative Offences of the Russian Federation due to lack of the set of elements of an administrative offence.

According to Articles 30.1-30.9, 30.10 of the Code on Administrative Offences of the Russian Federation, the judge

DECIDED:

To reverse the decision of the judge of the Zheleznodorozhny District Court of Simferopol of 12 March 2015 recognizing Aleksandr Sergeevich Kravchenko guilty of committing an offence under Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation.

To terminate the proceedings on this administrative offence case.

Judge: (Signed)

[Seal: Zheleznodorozhny District Court of Simferopol of the Republic of Crimea]

[Stamp) Zheleznodorozhny District Court of Simferopol of the Republic of Crimea

Original of the decision is kept in the administrative case No. 5-402 2015

The copy was issued on 20 May 2020

Judge (Signed)

Secretary of judicial session (Signed)]

[Stamp: True copy

Judge (Signed)

Secretary (Signed)]

[Seal: Zheleznodorozhny District Court of Simferopol of the Republic of Crimea]

Annex 235

Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Resolution on the refusal to initiate a criminal case, 25 May 2015

Translation**RESOLUTION****on the refusal to initiate a criminal case**

Simferopol
Republic of Crimea

25 May 2015
6:00 p.m.

Captain of Justice A.S. Lukyanchuk, a senior investigator of the First Investigative Division of the Investigative Department for High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation in the Republic of Crimea, having examined inquiry materials registered in the Crime Records Registration Book under No. 132 of 5 May 2015 on a potential abuse of office by I.L. Levents, Head of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol, i.e. into elements of a crime under Paragraph "A" of Part 3 of Article 286 of the Criminal Code of the Russian Federation,

ESTABLISHED:

On 28 April 2015, it was reported in the mass media that A.F. Kostenko, a remand prisoner, was subjected to torture and physical violence in the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol by his inmates who were acting on the instruction of I.L. Levents, Head of the above institution, and [Name: ...], an officer of the Directorate of the Federal Security Service of Russia in the Republic of Crimea and Sevastopol.

The Investigative Department for High-Priority Cases of the Main Investigative Department of the Investigative Committee of the Russian Federation in the Republic of Crimea conducted an inspection into this in accordance with Articles 144 and 145 of the Criminal Procedural Code of the Russian Federation.

As A.F. Kostenko explained, the information published in various mass media that he was subjected to torture and physical violence in the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol by his inmates who were acting on the instruction of the head of Detention Facility 1, was not true; he was not subjected to any violence or torture in the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol. He has no complaints against the detention facility's personnel and makes no claims about any unlawful actions of the detention facility's personnel.

As explained by I.L. Levents, Head of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol, as regards the information in various publications in the mass media that the remand prisoner A.F. Kostenko was subjected to torture and physical violence in the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol by his inmates who were acting upon I.L. Levents' instruction and by the above institution's personnel, he did not exert any moral or physical pressure upon A.F. Kostenko. He did not make any threats against A.F. Kostenko in order to force him to write an attorney waiver. Besides, either on the instruction of I.L. Levents or on that of any employee of the detention facility, A.F. Kostenko did not come to any physical harm caused by his inmates or other pre-trial detainees or law enforcement officials or officials of the Directorate of the Federal Penitentiary Service of Russia. He cannot explain how these publications came around since there were no such facts.

The above is confirmed by explanations given by persons confined with A.F. Kostenko, namely E.R. Burgaliev, A.A. Gostintsev, D.P. Referd, A.P. Yakovenko, D.V. Yakovlev, A.V. Smurygin, V.V. Shevchenko, employees of the detention facility E.Yu. Anikanova, V.M. Shtelikh, N.A. Lebedev, and L.A. Kovekh.

When verifying the above information, on 29 April 2015 and 5 May 2015, medical officers of the detention facility examined the body of A.F. Kostenko and found no bodily injuries.

Thus, the information that that the remand prisoner A.F. Kostenko was subjected to torture and physical violence in the Federal State Institution, Detention Facility 1 of the Directorate of the Federal

Penitentiary Service of Russia in the Republic of Crimea and Sevastopol by his inmates who were acting on the instruction of I.L. Levents, Head of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol, was not confirmed.

Within the meaning of Paragraph “A” of Part 3 of Article 286 of the Criminal Code of the Russian Federation, actions committed by an official that clearly fall beyond his or her powers and entail any significant breaches of the rights and legitimate interests of citizens and involve violence or threatened violence, shall be criminally punishable.

According to Part 2 of Article 140 of the Criminal Procedural Code of the Russian Federation, criminal proceedings shall be instituted when there is sufficient information indicative of elements of a crime.

The inspection revealed no information objectively indicative of any actions committed by I.L. Levents, Head of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol, in respect of A.F. Kostenko that fall under Paragraph “A” of Part 3 of Article 286 of the Criminal Code of the Russian Federation, and the information that the remand prisoner A.F. Kostenko was subjected to torture and physical violence by his inmates who were acting on the instruction of I.L. Levents, Head of the above institution, is entirely refuted by the testimony of A.F. Kostenko himself, the testimonies of persons confined with A.F. Kostenko, namely E.R. Burgaliev, A.A. Gostintsev, D.P. Referd, A.A. Yakovenko, D.V. Yakovlev, A.V. Smurygin, V.V. Shevchenko, and the testimony of I.L. Levents, Head of Detention Facility 1, and employees of Detention Facility 1 E.Yu. Anikov, V.M. Shtelikh, N.A. Lebedev, and L.A. Kovekh.

According to Paragraph 4.5 of Order No. 4 of the Chairman of the Investigative Committee of the Russian Federation of 15 January 2011 “On the Jurisdiction of Specialised Investigative Bodies of the Investigative Committee of the Russian Federation”, crime reports and preliminary investigations of criminal cases relating to crimes committed by servicemen are considered by military investigative bodies of the Investigative Committee of the Russian Federation, in light of which inspection materials in respect of [Name: ...], an officer of the Directorate of the Federal Security Service of Russia in the Republic of Crimea and Sevastopol, were sent in accordance with investigative jurisdiction to the 534th Military Investigative Division of the Military Investigative Directorate of the Investigative Committee of the Russian Federation for the Black Sea Fleet for consideration under Articles 144 and 145 of the Criminal Procedural Code of the Russian Federation.

Given that there is sufficient information indicating that there are no elements of a crime under Paragraph “A” of Part 3 of Article 286 of the Criminal Code of the Russian Federation in the actions of I.L. Levents, Head of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol, relying upon Paragraph 2 of Part 1 of Article 24, Articles 144, 145, and 148 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To refuse to initiate criminal proceedings in respect of the crime report under Paragraph “A” of Part 3 of Article 286 of the Criminal Code of the Russian Federation on the grounds set out in Paragraph 2 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation for the absence of elements of a crime in the actions of I.L. Levents, Head of the Federal State Institution, Detention Facility 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Crimea and Sevastopol.

2. To forward a copy of the resolution to the Prosecutor of the Republic of Crimea, I.L. Levents, and A.F. Kostenko.

This resolution may be challenged before the Head of the First Investigative Division of the Investigative Department for High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation in the Republic of Crimea or the Prosecutor of the Republic of Crimea or in court as provided for by Chapter 16 of the Criminal Procedural Code of the Russian Federation.

Senior Investigator
Captain of Justice

[Signature]

A.S. Lukyanchuk

A copy of this resolution was forwarded at 6:10 p.m. on 25 May 2015 to the Prosecutor of the Republic of Crimea, I.L. Levents, and A.F. Kostenko.

Senior Investigator
Captain of Justice

[Signature]

A.S. Lukyanchuk

Annex 236

Supreme Court of the Republic of Crimea, case No. 12-580/2015,
Decision, 26 May 2015

Translation

[Stamp: COPY]

SUPREME COURT OF THE REPUBLIC OF CRIMEA

Case No. 12-580/2015

DECISION

26 May 2015

Simferopol

The Judge of the Supreme Court of the Republic of Crimea E.G. Timoshenko, having reviewed the case on an administrative offence upon the appeal filed by Kurtseit Suleymanovich Abdullaev against the Decision of the judge of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 30 March 2015 under the case No. 5-524/2015 by which

Kurtseit Suleymanovich Abdullaev, born on 10 December 1955, in Shahrisabz, Uzbekistan, registered and residing at: *[address]*

was found guilty of committing an administrative offence under Part 5 of Article 20.2. of the Code on Administrative Offences of the Russian Federation and imposed an administrative punishment in form of mandatory work for 20 (twenty) hours,

ESTABLISHED:

By the Decision of the Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 30.03.2015 under the case No. 5-524/2015, K.S. Abdullaev was held administratively liable under Part 5 Article 20.2 of the Code on Administrative Offences of the Russian Federation for the reason that, on 9 March 2015 at 11 hrs. 00 min. when participating in a public event – a meeting dedicated to the 201st anniversary of the birth of T.G. Shevchenko, he violated the established procedure for holding a meeting, namely he was demonstrating the flag with inscription “Crimea is Ukraine” which violates the Federal Law No. 54 of 19 June 2014 “On assemblies, rallies, demonstrations, marches and picketing”, i.e. has committed an offence stipulated in Part 5 of Article 20.2 of the Code of Administrative Offences of the Russian Federation.

Objecting to the said Decision, K.S. Abdullaev filed an appeal where he asked to reverse said Decision and to terminate the proceedings under the case.

K.S. Abdullaev substantiates his appeal by stating that his guilt in committing an administrative offence was not proved, and that he did not commit illegal actions provided for by Part 5 of Article 20.2 of the Code on Administrative Offences of the Russian Federation. According to the Applicant, while committing his actions he exercised his inalienable constitutional right to peaceful assembly and peaceful rallies, events, and demonstrations as enshrined in Article 31 of the Constitution of the Russian Federation. In his opinion, his actions did not contain any public calls, agitation, propaganda of national or racial superiority, and the judge when proceeding with the case violated the principle of presumption of innocence.

Upon considering the case materials, having checked the arguments stated in the appeal and having listened to K.S. Abdullaev and his defence attorney D.M. Temishev who substantiated the appeal, a conclusion was reached on the absence of grounds to satisfy the appeal due to the following.

In accordance with Article 24.1 of the Code on Administrative Offences of the Russian Federation, the proceedings on administrative offence cases aim at comprehensive, complete, objective and timely identification of the circumstances of each case, its resolution in accordance with the law, ensuring enforcement of the Decision made, and identifying the causes and conditions which have contributed to the commission of the administrative offences.

According to Part 3 Article 30.6 of the Code on Administrative Offences of the Russian Federation, when considering an appeal against a Decision on an administrative offence case, the judge must consider the case in full.

In accordance with Part 5 Article 20.2 of the Code on Administrative Offences of the Russian Federation, a violation by a participant of a public event of the established procedure for holding an assemblies, rallies, demonstrations, marches and picketing, is considered an administrative offence, with the exception of the cases provided for in Part 6 of the same Article, which provides for administrative liability for the same actions which resulted in harm to human health or property, if they do not they contain a criminal offence.

The right to assemble peacefully, without carrying weapons, to hold assemblies, rallies, demonstrations, marches and picketing guaranteed by the Constitution of the Russian Federation and international treaties as an integral part of the legal system of the Russian Federation (Part 4 Article 15 of the Constitution of the Russian Federation) is not an absolute right and may be restricted by a federal law for constitutionally significant purposes.

Such federal law should ensure the possibility of exercising such a right and at the same time maintaining proper public order and security without prejudice to health and morals of the citizens on the basis of a balance of interests of organizers and participants of public events, on the one hand, and of the third parties on the other hand, on the basis of the necessity to guarantee governmental protection of the rights and freedoms to all citizens (both participating and not participating in a public event), including by taking adequate measures to prevent any violations of public peace and security and of the rights and freedoms of citizens, and by establishing public liability for actions that violate or threaten the above.

The procedure for organizing and holding public events is defined by Federal Law No. 54 “On assemblies, rallies, demonstrations, marches and picketing” of 19.06.2004 (hereinafter referred to as the Law on Rallies), Article 2 of which defines a public event as an open, peaceful, freely accessible event, held in the form of an assemblies, rallies, demonstrations, marches and picketing, or in various combinations thereof, on the initiative of citizens of the Russian Federation, political parties or other public associations and religious associations. A meeting is a mass presence of citizens in a certain place for the public expression of public opinion on relevant issues of a predominantly social and political nature.

When organizing a public event, a number of procedures are required to be followed to ensure the peaceful and safe nature of the public event, consistent with the rights and interests of any persons not involved in it, and to facilitate avoiding possible breaches of public peace and security (Article 4 of the Law on Rallies).

Part 1, Article 6 of the Law on Rallies establishes that citizens, members of political parties, members and participants of other public associations and religious associations who voluntarily participate in a public event are recognized as its participants.

During a public event, its participants must comply with all legal requirements of the organizer of the public event, the persons authorized by the organizer, the authorized official of the executive authority of the constituent entity of the Russian Federation or local government and police officers; keep public peace and follow the rules of the public event; comply with the requirements to ensure transport safety and road traffic safety provided for by federal laws and other legal acts if a public event involves use of vehicles (Part 3, Art. 6 of the Law on Rallies).

Thus, it is obvious that the above-mentioned obligations are unconditional for participants in a public event as per the Law on Rallies and do not depend on whether the person took part in a public event that was agreed duly or not agreed with the executive authorities. Regardless of this, a participant of a public event is obliged to comply with the procedure for holding a public event established by the Law on Rallies in terms of his duties and not to violate the prohibitions established for the participants of a meeting.

As the circumstances of the case show, K.S. Abdullaev arrived at the sculpture “Three graces” in the Gagarin Park in Simferopol at 11:00 am on 9 March 2015, where a public event in the form of a meeting agreed by the Administration of Simferopol and dedicated to celebration of the 201st anniversary of the birth of T.G. Shevchenko was being held, and unfolded the Ukrainian flag with the inscription “Crimea is Ukraine”.

Consideration of the above circumstances makes it obvious that demonstration of a Ukrainian flag with the words “Crimea is Ukraine” on it cannot in any way coincide with the purpose of the meeting being held, which was to celebrate the 201st anniversary of the birth of T.G. Shevchenko, as the Ukrainian flag with agitation inscription “Crimea is Ukraine” unfolded by K.S. Abdullaev does not relate to celebration of the 201st anniversary of T.G. Shevchenko.

Thus, K.S. Abdullaev actually took part in the other public event, which goals differed from those of the meeting agreed with the Administration of Simferopol. No Notice about holding of such other public event had been submitted to the local governmental authority.

As appears from the case, the administrative offence protocol No. PK-007969 of 9 March 2015 was issued by an authorized official and complies with the Article 28.2 of the Code on Administrative Offences of the Russian Federation. The protocol contains the information necessary to correctly proceed with the case in full.

In the view of the foregoing, the actions of K.S. Abdullaev were correctly qualified by the judge of the Zheleznodorozhny District Court of Simferopol of the Republic of Crimea under Part 5, Article 20.2 of the Code on Administrative Offences of the Russian Federation, therefore the arguments stated in the appeal cannot be confirmed by the court hearing.

In accordance with Article 4.1 of the Code on Administrative Offences of the Russian Federation, an administrative punishment for committing an administrative offence is imposed within the limits established by the law providing for liability for such administrative offence.

Part 5, Article 20.2 of the Code on Administrative Offences of the Russian Federation sets forth that violating by a participant of a public event of the established procedure for holding an assemblies, rallies, demonstrations, marches and picketing, excluding the cases provided for in Part 6 of the same Article, entails the imposition of an administrative fine in the amount of ten to twenty thousand rubles or performance of mandatory work for up to forty hours.

At the same time, Paragraph 8 of the Decision of the Constitutional Court of the Russian Federation No. 4-P of 14.02.2013 “Concerning the case of verifying constitutionality of the Federal Law “Concerning Amendments to the Code of Administrative Offences of the Russian Federation and the Federal Law “On assemblies, rallies, demonstrations, marches and picketing” in reference to the enquiry from a group of deputies of the State Duma and the complaint of citizen E.V. Savenko” (hereinafter referred to as the Decision No. 4-P of the Constitutional Court of the Russian Federation) provides that until the proper amendments are made to the legal regulation system, the mandatory work may be chosen as the administrative punishment for administrative offences provided for in Articles 20.2, 20.2.2 and 20.18 of the Code on Administrative Offences of the Russian Federation only if they have caused harm to health of citizens, to property of individuals or legal entities, or occurrence of other similar consequences.

Materials of the case do not contain any evidence that violation by K.S. Abdullaev of the Law on Rallies, him committing an administrative offence under Part 5, Article 20.2 of the Code on Administrative Offences of the Russian Federation, caused any harm to health of citizens, property of individuals or legal entities, or occurrence of other similar consequences.

It is apparent that, when deciding on the type and size of the administrative punishment for K.S. Abdullaev, the court of first instance did not take into consideration the above-mentioned opinion of the Constitutional Court of the Russian Federation set out in the Decision No. 4-P of the Constitutional Court of the Russian Federation. Thus, there are grounds to modify the Decision of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 30.03.2015 in part of the administrative punishment prescribed to K.S. Abdullaev.

When setting an administrative punishment to K.S. Abdullaev under Part 5, Article 20.2 of the Code on Administrative Offences of the Russian Federation, it is necessary to take into account the nature and degree of public danger of the administrative offence committed by him, his attitude towards complying with the Law on Rallies. It is considered possible to impose on K.S. Abdullaev an administrative punishment in the form of a fine in the amount of ten thousand rubles, which will not deteriorate his condition.

In the view of the foregoing, pursuant to Articles 30.6, 30.7 of the Code of Administrative Offences of the Russian Federation, the Supreme Court of the Republic of Crimea.

DECIDED:

The appeal of Kurtseit Suleymanovich Abdullaev against the Decision of the judge of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 30 March 2015 shall be dismissed.

The Decision of Zheleznodorozhny District Court of Simferopol of the Republic of Crimea of 30 March 2015 on the case No. 5-524/2015 in relation to Kurtseit Suleymanovich Abdullaev shall be modified in the part of the administrative punishment imposed on him, and in the remaining part it shall be left unchanged.

Impose on Kurtseit Suleymanovich Abdullaev an administrative punishment in the form of a fine in the amount of 10,000 (Ten Thousand) rubles.

The administrative fine in the amount of 10,000 (Ten Thousand) rubles shall be subject to payment to the following payment details: Recipient: Treasury Service of the Republic of Crimea, account of the recipient 40201810735100000003, bank of the recipient: Department in the Republic of Crimea, bank identification code 043510001, budget revenue classification code 21081100, budget territory code 003, payment designation: administrative fines and other sanctions - for individuals: *; 101; identification No.; payment code (21081100 - administrative fines and other sanctions); territory code (003-Zheleznodorozhny District Court of Simferopol); court code (00), surname, name, patronymic.

Clarify that in accordance with Article 32.2 of the Code of Administrative Offences of the Russian Federation an administrative fine shall be payable by the person held administratively liable within sixty days from the date the Decision on imposing an administrative fine comes into legal force, or after the date of expiry of the deferral or the installment period provided for in Article 31.5 of the said Code.

Failure to pay an administrative fine within the period provided for by the Code of Administrative Offences of the Russian Federation shall entail the imposing of an administrative fine in double size of the unpaid administrative fine, but no less than one thousand rubles, or an administrative arrest for up to fifteen days, or mandatory work for up to fifty hours (Article 20.25 of the Code of Administrative Offences of the Russian Federation).

The decision may be revised in the manner provided for in Articles 30.12 -30.19 of the Code of Administrative Offences of the Russian Federation.

Judge

[Signature]

E.G. Timoshenko

*[Stamp: Zheleznodorozhny District Court
of Simferopol, the Republic of Crimea
Original decision is kept in administrative case file No. 5-524/2015.*

The copy was issued on 20 May 2020.

Judge [Signature].

Court Secretary [Signature]]

*[Seal: Zheleznodorozhny District Court
of Simferopol the Republic of Crimea]*

[Stamp: True copy

Judge [Signature].

Secretary [Signature]]

*[Seal: Zheleznodorozhny District Court
of Simferopol the Republic of Crimea]*

Annex 237

Supreme Court of the Russian Federation, Case No. 92-APU15-4,
Appellate Decision, 26 May 2015
(excerpts)

Translation
Excerpts

**SUPREME COURT
OF THE RUSSIAN FEDERATION**

Case No. 92-APU15-4

APPELLATE DECISION

Moscow

26 May 2015

The Judicial Chamber for Criminal Cases of the Supreme Court of the Russian Federation, consisting of [...]

has considered in an open court hearing the appeals of the convicted N.Sh. Kodirov, defence attorneys E.V. Sysonov and I.V. Strygin against the decision of the Supreme Court of Justice of the Republic of Tyva of 27 February 2015, whereby

Naimdzhon Sharofovich KODIROV, born on 17 February 1986 in the village of Makhalla Yasi, Uratyubinsky District of the Leninabad Region of Tajik SSR, with no previous convictions,

was convicted under Part 2, Art. 205 of the Criminal Code of the Russian Federation to 5 years 4 months of imprisonment in a general penal colony.

[...]

established:

According to the decision, N.Sh. Kodirov was convicted of participating in the activities of the organization “Islamic Liberation Party” (“Hizb ut-Tahrir al-Islami”), which is recognized as a terrorist organization in accordance with the legislation of the Russian Federation.

[...]

decided:

To uphold the decision of the Supreme Court of Justice of the Republic of Tyva of 27 February 2015 in respect of Naimdzhon Sharofovich Kodirov, to dismiss the appeals.

Presiding judge: *(Signed)*

Judges: *(Signed)*

Annex 238

Armyansk City Court of the Republic of Crimea, Case No. 1-78/2015,
Decision, 28 May 2015

Translation[stamp] COPY
Case No. 1-78/2015**DECISION
IN THE NAME OF THE RUSSIAN FEDERATION**

28 May 2015

Armyansk City Court of the Republic of Crimea
composed of: Presiding Judge L.A. Likhacheva,
Secretary L. Ae. Chizhova,
Participating Public Prosecutors O.A. Zelinskiy, A.V. Chelpanova,
Victim Krupskiy A.V.
Defendant M.R. Abkerimov,
Defence counsel - Attorney D.M. Temisheva,

During an open court hearing in the courtroom of the Armyansk City Court of the Republic of Crimea, having held a special criminal proceeding against

Musa Reshatovich Abkerimov, date of birth 23.11.1990, place of birth Krasnogvardeyskoe urban settlement of the Krasnogvardeysk district of the Crimean Region of Ukrainian SSR, a citizen of the Russian Federation, has secondary professional education, working at LLC “Agroproduct” as a miller, married, has a minor child, registration address: [...]; abode: [...], no previous convictions,

on a crime committed under Part 2, Article 318 of the Criminal Code of the Russian Federation,

ESTABLISHED:

M.R. Abkerimov applied health-threatening force against a public officer in connection with performance by the latter of their duties in the following circumstances.

On 3 May 2014, approximately at 11:30 am, M.R. Abkerimov, being present on a section of the motor road between Armyansk town and Kherson town, near the Armyansk (Turetskiy Val) border checkpoint for individuals and vehicles located on the 115th kilometer of the Kherson-Dzhankoy-Feodosiya-Kerch motor road in the Republic of Crimea, the Russian Federation, fulfilling his explicit intent aimed at application of health-threatening force against a public officer, came running from behind to a law enforcement officer, namely A.V. Krupskiy, police officer in Squad No. 1, Operating Platoon No. 1 of city of Yevpatoria, Berkut special operations police battalion of the Ministry of Internal Affairs of the Autonomous Republic of Crimea, wearing a uniform and being on duty to protect public security, whereupon M.R. Abkerimov, being discontent with lawful actions of Krupskiy A.V. on protection of public security and preclusion of an unlawful crossing of the Russian Federation border by a score of civilians, preventing Krupskiy A.V. from performing his duties and providing a break through a chain made by law enforcement employees, applying physical force, attacked A.V. Krupskiy by putting his arms around his body from behind, raised him a little and threw A.V. Krupskiy on the asphalt with power, which caused multiple parts of the victim's body to hit a solid asphalt surface, and then threw himself on the lying victim, pressed him against the asphalt with the mass of his body, thereby depriving him of free movement and forced him to stay in this condition for several seconds. Then, M.R. Abkerimov left the crime scene upon his willful criminal actions causing Krupskiy A.V. to experience physical pain and body injury, i.e. non-penetrating blunt trauma on the right knee joint in the form of a damaged anterior horn on the medial meniscus and the medial collateral ligament, which resulted in a long-term health disruption exceeding three weeks (more than 21 days), which caused a medium severity health harm.

During the court hearing, defendant M.R. Abkerimov admitted the charge made against him, regretted his actions. During the preliminary investigation, in the presence of the defence counsel, he

submitted a motion for a special court hearing and supported that motion during the court hearing in the presence of the defence counsel.

The court hearing found that the defendant understood the nature, consequences of the motion he submitted, and that it was submitted voluntarily, upon being advised by the defence counsel.

The prosecutor, defence counsel, victim did not object against a special procedure of proceedings on the case.

Considering that in this criminal case it is justified to apply a special procedure to make a court decision, and the conditions specified by the laws to issue a decision without a court hearing are met, the Court considers it possible to award a sentence against the defendant without common proceedings to examine and evaluate evidence collected for the criminal case.

Thus, the Court considers the charge justified and the defendant's actions correctly classified under Part 2, Article 318 of the Criminal Code of the Russian Federation, i.e. application of health-threatening force against a public officer in connection with their performance of their duties.

The defendant shall be punished for committing the above crime.

To determine the punishment, the Court considers the nature and social danger level of the crime committed, details of the defendant's character, mitigating and aggravating circumstances, as well as the fact that the victim does not have any claim against the defendant.

This crime is classified as a grave crime as per Article 15 of the Criminal Code of the Russian Federation.

The defendant has no previous convictions (Volume 2, Case Sheet 53), was documented with a passport of the citizen of the Russian Federation on 17 April 2014 (Volume 3, Case Sheet 47), described positively at the place of residence and work (Volume 3, Case Sheets 51, 53), married, has a minor child - to Kamaliya Musayevna Abkerimova, date of birth 31.01.2015 (Volume 3, Case Sheet 54), is not placed under narcologist or psychiatrist's supervision (Volume 3, Case Sheets 56, 58). Also, the Court takes into account that the defendant voluntarily reimbursed victim A.V. Krupskiy for the damage done as confirmed by a receipt from the victim (Volume 3, Case Sheet 62). Additionally, during the court hearing, the victim explained that the defendant apologized to him, voluntarily reimbursed for material and moral damage done, therefore the victim applies to the Court not to impose a sentence associated with isolation from the society to the defendant.

Subject to Part 1, Part 2, Article 61 of the Criminal Code of the Russian Federation, the Court shall treat as mitigating circumstances such actions as vigorous assistance to discovering and investigating of a crime, the defendant having a minor child, voluntary reimbursement of property and moral damage resulting from the crime, the defendant's remorse.

The Court finds no circumstances that aggravate the punishment under Article 63 of the Criminal Code of the Russian Federation.

The Court finds no ground to transfer the crime to a less severe category.

Subject to the above, the Court believes that improvement of M.R. Abkerimov will be achieved by imposing upon him a sentence of imprisonment subjecting him to the rules specified in Article 73 of the Criminal Code of the Russian Federation on conditional release, while believing that his improvement is possible without actual serving of the sentence. In the meantime, the Court considers it necessary to impose on him one of the duties provided in Part 5, Article 73 of the Criminal Code of the Russian Federation.

Since the Court has concluded to impose a suspended sentence, the Court considers it necessary to keep the measure of restraint imposed on M.R. Abkerimov selected on the stage of preliminary investigation, i.e. a personal guarantee, unchanged until the decision enters into full force and effect.

Subject to Part 3, Article 72 of the Criminal Code of the Russian Federation, M.R. Abkerimov's custody time until the court hearing, from 15.10.2014 to 12.12.2014, shall be included into the term of imprisonment.

Material evidence for the case: video file named "03-05_TATARY_GRANITSA_video+CX" on disc "RIDATA DVD-R 16 X" carrying black marker

sign “TVCenter 03.05.14”, Form No. 1 for M.R. Abkerimov, which accompany the criminal case (Volume 3, Case Sheet 88), shall be kept in the case materials, A.V. Krupskiy’s medical record on 7 sheets and two X-ray images transferred to victim A.V. Krupskiy for safekeeping (Volume 1, Case Sheets 220,232,233) shall remain in his possession.

No civil claim is filed.

Relying on the above, following Articles 303, 304, 307-309, 316 of the Criminal Procedural Code of the Russian Federation, the Court

DECIDED:

To find **Musa Reshatovich Abkerimov** guilty of the crime under Part 2, Article 318 of the Criminal Code of the Russian Federation and punished to imprisonment for the term of 4 (Four) years 4 (Four) months.

Subject to Article 73 of the Criminal Code of the Russian Federation, the awarded punishment shall be considered a suspended one with the probation of 3 (Three) years, during which convicted defendant M.R. Abkerimov may not change the places of permanent residence and work without prior notification of the competent public authority responsible for improvement of the convicted defendant.

The measure of M.R. Abkerimov’s restraint in the form of a personal guarantee (guarantor Eskender Bilyalov, date of birth 22.07.1952, residential address: [...]) shall be kept unchanged until the decision enters into full force and effect.

M.R. Abkerimov’s custody time until the court hearing, from 15.10.2014 to 12.12.2014 inclusively, shall be included into the term of imprisonment.

Material evidence for the case: video file named “03-05_TATARY_GRANITSA_video+CX” on disk “RIDATA DVD-R 16 X” carrying black marker sign “TVCenter 03.05.14”, Form No. for M.R. Abkerimov, which accompany the criminal case, shall be kept in the case materials, A.V. Krupskiy’s medical record on 7 sheets and two X-ray images transferred to victim A.V. Krupskiy for custody shall remain in his possession.

The decision may be appealed against before the Supreme Court of the Republic of Crimea through the Armyansk City Court within 10 days upon declaration thereof. The convicted defendant may file an application to participate personally or through his defence counsel in the criminal case trial before the Court of Appeal.

Due to the special court ruling procedure, the decision is not available for appeal on the basis of any inconsistency between the conclusions made by the Court and actual circumstances of the criminal case found by the court of the first instance.

JUDGE /Signature/

/Seal: Armyansk City Court of the Republic of Crimea/

/Seal: Armyansk City Court of the Republic of Crimea/

/Stamp: CERTIFIED COPY

Judge: (Signature) L.A. Likhacheva

The Decision have not been appealed,

came into force on (illegible) June 2015

Certified by Judge: (Signature) L.A. Likhacheva

Secretary: (Signature) (illegible)/

Annex 239

Supervisory Appeal of Mr Alexander Lesovoy against the Decision of the Armyansk City Court of the Republic of Crimea of 23 January 2015 in Case No. 5-49/2015 and the Decision of the Supreme Court of the Republic of Crimea of 6 February 2015 in Case No. 12-225/2015,
21 July 2015

Translation

Supreme Court of the Republic of Crimea

[RUSSIAN FEDERATION
 SUPREME COURT OF THE REPUBLIC OF
 CRIMEA
 Received on 21 07 2015
 Incoming No. 4A-285/2015
 Scheduled for
 REPORTING JUDGE -----<Signed>]

 2 Pavlenko St., 295006 Simferopol

Attorney-at-law
 Aleksander Vladimirovich Lesovoy
 [...]

 Tel. [...]

For
 Sinaver Arifovich Kadyrov
 Registered at: [...]

Supervisory Appeal

under Articles 25.5.1., 30.12 of the Code on Administrative Offences of the Russian Federation against the decision of the judge of the Armyansk City Court of the Republic of Crimea of 23 January 2015 in case on an administrative offence No. 5-49/2015, against the decision of the judge of the Supreme Court of the Republic of Crimea of 6 February 2015 in case No. 12-225/2015 against Sinaver Arifovich Kadyrov under Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation

By virtue of a decision of the judge of the Armyansk City Court of the Republic of Crimea of 23 January 2015 in case on an administrative offence No. 5-49/2015, Sinaver Arifovich Kadyrov was held liable in administrative proceedings under Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation and penalty consisting in an administrative fine amounting to 2000 roubles and administrative expulsion from the Russian Federation by means of supervised independent departure was imposed on him.

Decision of V.V. Agin, a judge of the Supreme Court of the Republic of Crimea of 6 February 2015 in case No. 12-225/2015 dismissed S.A. Kadyrov's complaint and upheld the decision of the Armyansk City Court of 23 January 2015 against Sinaver Arifovich Kadyrov in relation to an administrative offence envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation.

I kindly request you to overturn the said decision of the Armyansk City Court of 23 January 2015 issued by L.A. Likhachev and the decision of the Supreme Court of the Republic of Crimea of 6 February 2015 in relation to the administrative offence envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov for the following reasons:

[SUPREME COURT OF THE REPUBLIC OF CRIMEA
 Identification number 910[...]
 ACCEPTED
 Incoming No. 2015-6/30167 of 21 JUL 2015
 Signature <Signed> 25 sheets]

The contested decisions contradict the laws of the Russian Federation. The courts have ignored the rules of the Russian legislation, ignored the facts of the case, ignored S.A. Kadyrov's explanations and objections, which resulted in the adoption of unlawful decisions that infringe S.A. Kadyrov's rights.

On 23 January 2015 at a border crossing point in Armyansk a record of administrative offence was unlawfully made against S.A. Kadyrov in order to unlawfully hold him liable and, possibly, for subsequent unlawful obstruction of his return to the place of his permanent residence in Crimea – Simferopol, and other restrictions of his civil rights.

In accordance with the Russian laws, Article 24.5(1(1)) of the Code on Administrative Offences of the Russian Federation should be terminated due to the absence of the fact of the offence envisaged by Article 18.8 of the Code on Administrative Offences of the Russian Federation.

When considering the case on administrative offence and issuing the contested decisions against S.A. Kadyrov, the courts committed a material breach of the Russian laws and infringed S.A. Kadyrov's rights.

The courts showed bias and ignored that under the Russian laws S.A. Kadyrov holds two citizenships, since under the Law of the Russian Federation No. 6-FKZ of 21 March 2014 he was recognized to be a citizen of the Russian Federation, therefore, being recognized as a Russian national, he cannot be the subject of the said offence nor can he be held liable under Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation.

The courts have breached the Russian laws:

- breached the requirements of Articles 27, 61, 62 of the Constitution of the Russian Federation,
- breached the requirements of Article 2 and Article 3 of the Fourth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- breached the requirements of Articles 3, 4, 5, 6, 11 and 17 of the Federal Law of the Russian Federation of 31 May 2002 No. 62-FZ "On Citizenship of the Russian Federation",
- breached the requirements of Article 4 of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ "On the Admission of the Republic of Crimea into the Russian Federation and the Formation of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol".

Being biased, the courts ignored the fact that since 2007 S.A. Kadyrov has been permanently residing and is registered in Simferopol, Crimea, as had been confirmed by the passport submitted. He also permanently resided in Simferopol, Crimea as at 18 March 2014, that is, the date deemed to be the date of admission of the Republic of Crimea to the Russian Federation according to the Russian laws. The said facts are not contested by anyone.

Therefore, S.A. Kadyrov was recognized in the Russian Federation to be a citizen of the Russian Federation under Article 4 of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ as of the date of admission of the Republic of Crimea to the Russian Federation because, being a citizen of Ukraine, he permanently resided in the Republic of Crimea as at the said date.

Breach of the Federal Law of 31 May 2002 No. 62-FZ "On Citizenship of the Russian Federation" in relation to acquisition of the citizenship of the Russian Federation

By holding S.A. Kadyrov liable in administrative proceedings the courts breached and misapplied the rules of the Law of 31 May 2002 No. 62-FZ “On Citizenship of the Russian Federation”:

- breached the rules of Article 11 of the Law “On Citizenship of the Russian Federation” whereby:

The grounds for acquisition of the citizenship of the Russian Federation include:

g) the grounds envisaged by this Federal Law”.

- breached the rules of Article 17 of the Law “On Citizenship of the Russian Federation” whereby:

“When the state border of the Russian Federation is changed, under a treaty of the Russian Federation, persons residing in the territory whose state affiliation is changed have a choice (option) of citizenship in the manner and within the time limit established by the relevant treaty of the Russian Federation”.

The court failed to take these requirements of the law “On Citizenship of the Russian Federation” into account in relation to acquisition of second citizenship (of the Russian Federation) by S.A. Kadyrov and issued an unlawful decision, imposed penalty on the latter and seriously infringed his rights.

Breach of the Federal Constitutional Law of 21 May 2014 No. 6-FKZ.

When holding S.A. Kadyrov liable in administrative proceedings, the courts breached and misapplied the rules of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ “On the Admission of the Republic of Crimea into the Russian Federation and the Formation of New Constituent Entities within the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol” whereby: **as of the date of admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation the Ukrainian nationals permanently residing in the Republic of Crimea as on the said date shall be recognized as citizens of the Russian Federation.**

The courts did not take into consideration these requirements of the law of 21 March 2014 No. 6-FKZ on recognition of S.A. Kadyrov as a Russian citizen as of 18 March 2014 and issued unlawful decisions infringing his rights.

Therefore, the court could not find a Russian national guilty under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation nor impose administrative penalty on a Russian national. Since a Russian citizen cannot be considered a “foreign national” nor a “stateless person”, he may not be a special subject of the said offence.

A Russian national cannot be held liable under Article 18.8 of the Code on Administrative Offences of the Russian Federation.

Breach of the Constitution of the Russian Federation:

When holding S.A. Kadyrov liable and imposing a penalty consisting in “administrative expulsion from the Russian Federation by means of supervised independent departure” the courts breached the rules of Article 27 of the Constitution of the Russian Federation whereby: “Everyone may freely leave the Russian Federation. Citizens of the Russian Federation shall have the right to freely return to the Russian Federation.”

In imposing penalty on me consisting in “administrative expulsion from the Russian Federation by means of supervised independent departure from the Russian Federation” the judge breached the rules of Article 61 of the Constitution of the Russian Federation whereby: **“A citizen of the Russian Federation may not be deported from the Russian Federation”.**

The courts breached the said rules of the Constitution and issued unlawful decisions on expulsion from the Russian Federation.

Breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms – Articles 2 and 3 of the Fourth Protocol:

When imposing penalty on S.A. Kadyrov consisting in “administrative expulsion from the Russian Federation by means of a supervised independent departure from the Russian Federation” the judges breached the rules of Articles 2 and 3 of the Fourth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms whereby: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. **No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national. No one shall be deprived of the right to enter the territory of the state of which he is a national.**”

The courts breached these rules of the European Convention for the Protection of Human Rights and Fundamental Freedoms and issued unlawful decisions on expulsion of a Russian national from the Russian Federation.

Breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms – Article 8 of the Convention:

By imposing penalty on S.A. Kadyrov consisting in “administrative expulsion from the Russian Federation by means of supervised independent departure” the courts breached the rules of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms whereby: everyone has the right to respect for his private and family life, his home There shall be no interference by a state with the exercise of this right except such as is ... necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms any interference with the private and family life of a person or his home shall be proportionate and necessary.

S.A. Kadyrov’s administrative expulsion constitutes an interference with his private and family life and his right to home, as S.A. Kadyrov has been permanently residing in Simferopol, Crimea with his family since 2007. His wife lives here. His home is here. Here, he has established social ties as a result of his social activity.

Breach of the guarantees of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as a result of S.A. Kadyrov’s expulsion is confirmed by the well-known case law of the European Court of Human Rights which under Article 15 (4) of the Constitution of Ukraine form part of the Russian legal system.

Being a Russian national for the reasons set out above envisaged by Article 4 of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ, S.A. Kadyrov may stay in the Russian Federation for unlimited time and there may not be any prohibition of stay in the Russian Federation for more than a certain period of time, nor is he obliged to leave Russia after a certain period of time.

The fact that since 18 March 2014 S.A. Kadyrov has not been issued a document confirming his citizenship of the Russian Federation – the passport of a citizen of the Russian Federation – is a breach of the requirements of Article 4(2) of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ, since upon expiry of a statutory 3-month term (it has been over a year) not all residents of Crimea were issued passports and there still are many-hours-long queues at the offices of the Federal Migration Service of people waiting to receive their passports.

The fact that S.A. Kadyrov does not hold a passport does not mean that he is not a citizen of the Russian Federation since he was recognized as such as of 18 March 2014 under the said Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ.

Being a Russian citizen on the above grounds envisaged by Article 4 of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ, S.A. Kadyrov is not a subject of the offence envisaged by Article 18.8 of the Code on Administrative Offences of the Russian Federation whereby such offence can only be committed by a special subject – a “foreign national” or a “stateless person”.

The possibility of holding two citizenships in Russia is envisaged by Article 62 of the Constitution of the Russian Federation and Article 6 of the Federal Law “On Citizenship of the Russian Federation”.

Under the said statutory rules, the Russian nationals may be citizens of other states. The Russian laws allow that. The Russian citizenship law does not contain any rules preventing dual citizenship, therefore, it does not prohibit it. Moreover, holding citizenship of a foreign state does not terminate the Russian citizenship nor prevents the person from exercising all rights of a Russian citizen.

Being a holder of two citizenships, including that of the Russian Federation, S.A. Kadyrov is not a special subject mentioned in Article 18.8 of the Code on Administrative Offences of the Russian Federation.

The above facts and laws of the Russian Federation show that the courts had no reasons to regard S.A. Kadyrov as a “foreign national” and a subject of the offence envisaged by Article 18.8 of the Code on Administrative Offences of the Russian Federation. Therefore, the courts had no reasons to hold him liable or impose an administrative fine on him or subject him to an administrative expulsion.

S.A. Kadyrov noted the said facts and requirements of the Russian laws in court and confirmed his objections by submitting his passport with the seal confirming his permanent place of residence in Crimea since 2007 until present.

However, the courts ignored these facts, breached the Russian laws and unlawfully held him liable in administrative proceedings thus seriously breaching my rights.

Breach of Article 62 of the Constitution of the Russian Federation:

By holding S.A. Kadyrov liable in administrative proceedings, the courts breached and misapplied the rules of Article 62 of the Constitution of the Russian Federation whereby: **“A citizen of the Russian Federation may have citizenship of a foreign State (dual citizenship) in accordance with federal law. Holding of foreign citizenship by a citizen of the Russian Federation shall not derogate his rights and freedoms stipulated by the Russian citizenship”.**

The court failed to take into account these requirements of the Constitution of the Russian Federation with regard to my holding of two citizenships and issued an unlawful decision infringing my rights.

Breach of the Federal law of 31 May 2002 No. 62-FZ “On Citizenship of the Russian Federation” with regard to two citizenships

When holding S.A. Kadyrov liable in administrative proceedings the courts breached and misapplied the rules of the Law of 31 May 2002 No. 62-FZ “On Citizenship of the Russian Federation”:

- the rules of Article 3 of the Law “On Citizenship of the Russian Federation” were breached whereby: **“dual citizenship is holding by a Russian national of a citizenship (nationality) of a foreign state; a foreign national is a person who is not a citizen of the Russian Federation...”**.

- Rules of Article 4 of the Law “On Citizenship of the Russian Federation” were breached which provide that:

the fact whether an individual holds Russian citizenship...is determined on the basis of statutory acts of the Russian Federation...that were in effect as at the date of occurrence of events associated with holding of Russian citizenship by that person.

- the rules of Article 5 of the Law “On Citizenship of the Russian Federation” were breached whereby: the citizens of the Russian Federation are: b) individuals who acquired the citizenship of the Russian Federation in accordance with this Federal Law.

- the rules of Article 6 of the Law “On Citizenship of the Russian Federation” were breached whereby: **Dual citizenship. A citizen of the Russian Federation who also holds another citizenship shall be regarded as...a citizen of the Russian Federation.** Acquisition of foreign citizenship by a citizen of the Russian Federation does not result in termination of his Russian citizenship.

The court failed to take into account the above requirements of the Law “On Citizenship of the Russian Federation” with regard to the fact that I hold two citizenships and issued an unlawful decision infringing my rights.

The decision of the European Court of Human Rights in MOUSTAQUIM V. BELGIUM of 18 February 1991 established a breach of Article 8 of the Convention and stated that **separating M. from his family as a result of expulsion constituted such interference with the exercise of the right to respect for his family life, that is disproportionate to the lawful aim of maintaining public order, and constitutes a breach of Article 8, also because all M.’s close relatives live in Belgium for a long time.**

Furthermore, the Decision of the European Court of Human Rights in Beldjoudi v. France of 26 March 1992 found a breach of Article 8 of the Convention and states that **the enforcement of the deportation order will constitute interference with the family life of the applicants, first of all, as a married couple, and his deportation would have been disproportionate to the desired aim and, therefore, would breach Article 8.**

Moreover, the Decision of the European Court of Human Rights in BOUGHANEMI V. FRANCE of 24 April 1996 established the breach of Article 8 of the Convention and stated that, **since as a result of deportation the applicant will be separated from his parents, siblings and his child, his rights guaranteed by Article 8 have been infringed.**

The courts failed to take these rules of the European Convention for the Protection of Human Rights and Fundamental Freedoms and issued unlawful decisions to expel a Russian citizen from Russia, which infringes S.A. Kadyrov’s rights to respect for his private and family life and home.

Based on the above, pursuant to Article 30.12 of the Code on Administrative Offences of the Russian Federation,

I ask the following:

To overturn the unlawful decision of the judge of the Armyansk City Court of the Republic of Crimea L.A. Likhachev of 23 January 2015 in case No. 5-49/2015 on the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov.

To overturn the unlawful decision of the judge of the Supreme Court of the Republic of Crimea V.V. Agin of 6 February 2015 in case No. 12-225/2015 dismissing S.A. Kadyrov's complaint and upholding the decision of the Armyansk City Court of 23 January 2015 on the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov.

To terminate proceedings in the case on the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov pursuant to Article 24.5(1(1)) of the Code on Administrative Offences of the Russian Federation due to the absence of an administrative offence.

Annexes: certified copy of the decision of 23 January 2015,
certified copy of the decision of 6 February 2015,
2 copies of the supervisory complaint,
attorney's warrant and a copy of the attorney's certificate.

Attorney-at-law

21 July 2015

/Signed/

A.V. Lesovoy

Round seal: [Attorney-at-law LESOVOY Aleksander Vladimirovich; Private legal practice; R.N. 90/412; Russian Federation; Bar Association of the Republic of Crimea]

Annex 240

Criminal Investigative Department of Police Station No. 3
“Tsentralny” of the Directorate of the Ministry of Internal Affairs of
Russia for Simferopol, Inquiry Material No. 5201, Resolution on the
refusal to initiate a criminal case, 30 July 2015

Translation

APPROVED BY

Head of Police Department No. 3
 “Tsentrally”
 of the Directorate of the Ministry
 of Internal Affairs of Russia for
 Simferopol
 Police Lieutenant Colonel
 K.V. Kosolapov /Signature/
 30 July 2015

RESOLUTION

on the refusal to initiate a criminal case

Simferopol

30 July 2015

Operative officer of the Criminal Investigation Department of the Police Department No. 3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, K.A. Khurgel, having examined materials of additional verification, our ref. 5201 of 27 July 2015,

ESTABLISHED:

On 30 July 2014, Police Department No. 3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol received additional verification material from the Simferopol Central District Prosecutor’s Office, as a consequence of which measures to organize priority actions aimed at establishing the whereabouts of Leonid Korzh shall be taken, his relatives shall be identified and questioned.

In the course of additional verification, a daughter, Nadezhda Leonidovna Korzh, was previously identified residing at: Apt. 68, 105 Balaklavskaya Street, Simferopol, and was questioned. The latter explained that Leonid Nikolaevich Korzh was her father, and that L.N. Korzh had died in the division of neurology at City Hospital No. 7 in Simferopol. She also explained that she had not submitted any reports to the police or media on disappearance of her father. L.N. Korzh was not an activist during his lifetime.

As a result, it was found that L.N. Korzh had died on 15 October 2008, which is confirmed by the death certificate of the latter. The questioning of Ms Nadezhda Leonidovna Korzh was previously attached to Material on Refusal No. 751, Police Report Logbook No. 3302, page 5. The death certificate of L.N. Korzh is attached to Material on Refusal No. 751, Police Report Logbook No. 3302, page 7.

On 15 August 2014, the Simferopol Central District Prosecutor’s Office issued the decision to cancel the resolution on the refusal to initiate a criminal case and sent the material to Police Department No. 3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, **our ref. 3382 of 25 August 2014.**

In the course of the additional verification to establish the whereabouts of L.N. Korzh, born in 1990, police visited the address: Apt. 68, 105 Balaklavskaya Street, Simferopol, where Ms Nadezhda Leonidovna Korzh, born on 4 October 1978, was questioned and explained that Leonid Nikolaevich Korzh, born on 18 September 1951, was her father. However, on 15 October 2008 L.N. Korzh died in City Hospital No. 7. She is not aware that he has gone missing, since she did not submit any reports to media and police on disappearance of her father.

Further, in the course of the additional verification to establish the whereabouts of L.N. Korzh, born in 1990, actions to establish the whereabouts of the latter were made, in particular:

- 1) An inspection of registration within the Address Bureau of the Republic of Crimea was

made, as a result of which it was found that L.N. Korzh, born in 1990, was neither registered, nor listed anywhere;

2) Inspection of ARMOR information and analytical database found that L.N. Korzh, born in 1990, was not listed in any records of Departments of Internal Affairs.

3) Inspection of FAKT information database found that L.N. Korzh, born in 1990, was not listed anywhere as victim, applicant, suspect, witness or any other procedural person.

4) Inspection of ROZYISK information database found that L.N. Korzh, born in 1990, was not wanted for any crimes and for any crimes against him.

5) Inspection of Administrative Practice information database found that in relation to L.N. Korzh, born in 1990, no administrative protocol had been made, and he had not received any notice of administrative offence.

As a result, it is not possible to confirm the identity of L.N. Korzh, born in 1990, nor his place of residence or registration in the Republic of Crimea, since in the course of the inspection of records of Departments of Internal Affairs and other search activities it is not possible to obtain any information confirming that L.N. Korzh, born in 1990, was located or resides in the Republic of Crimea. In this connection, the information received does not have objective confirmation under the specified personal data. (Does not exist)

On 7 September 2014, the Simferopol Central District Prosecutor's Office issued the decision to cancel the resolution on the refusal to initiate a criminal case and sent the material to Police Department No. 3 "Tsentralny" of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol.

In the course of the additional verification to establish the whereabouts of L.N. Korzh, born in 1990, O.V. Sorokopudova was questioned, who explained that she was head of the mass media relation department and had seen that on 28 May 2014 on the website of the Center for Investigative Journalism, information on disappearance of two "Ukrainian House" activists, Simferopol residents Shaimardanov and Leonid Korzh, was published. She also explained that the website of the Center for Investigative Journalism publishes untrue and unverified information in relation to 90% of activists and police officers. She was not aware whether Leonid Korzh was an activist. Further, as far O.V. Sorokopudova is aware, Leonid Nikolaevich Korzh was born on 18 September 1952 and resided at: Apt. 68, 105 Balaklavskaya Street, Simferopol, since, under her data, this is the only L.N. Korzh who is listed in the Republic of Crimea.

Further, in order to obtain additional information, in particular, data on potential disappearance of L.N. Korzh born in 1990, inquiries were sent to medical institutions and morgues: Psychiatric Hospital, narcological dispensary and "Bureau of Forensic Medical Examination" of the Republic of Crimea, however, no reply has been received to the date.

On 26 November 2014, the Simferopol Central District Prosecutor's Office issued the decision to cancel the resolution on the refusal to initiate a criminal case and sent the material to Police Department No. 3 "Tsentralny" of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol.

In the course of the additional verification, replies from Psychiatric Hospital, narcological dispensary and "Bureau of Forensic Medical Examination" of the Republic of Crimea were received and it was found that L.N. Korzh, born in 1990, had never applied to the above institutions and had never got thereto.

An additional inspection to establish the whereabouts of Leonid Korzh, born in 1990, was made in social networks: V Kontakte, Odnoklassniki, Moy Mir MailRu, Twitter, Facebook, however, in the course of the inspection no Leonid Korzh, born in 1990, who disappeared from Simferopol, was found.

In this relation, it is not possible to establish the identity and whereabouts of L.N. Korzh, born in 1990, in the Republic of Crimea.

On 13 March 2015, the Simferopol Central District Prosecutor's Office issued the decision to cancel the resolution on the refusal to initiate criminal proceedings and sent material to Police Department

No. 3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol.

In the course of the additional verification, an inquiry was made to the Directorate of the Federal Migration Service for the Republic of Crimea, however Police Department No. 3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol has not received any reply to the date.

On 21 July 2015, the Simferopol Central District Prosecutor’s Office issued the decision to cancel the resolution on the refusal to initiate a criminal case and sent the material to Police Department No. 3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol.

In the course of the additional verification, a reply from the Federal Migration Service of Russia, the Directorate of the Federal Migration Service for the Republic of Crimea, was received and it was found that a passport of Russian citizen was issued to Mr Leonid Evgenevich Korzh, born on 27 August 1990, residing at: 290-a, Pobedy Avenue, Simferopol.

Further, a visit to 290-a, Pobedy Avenue, Simferopol was made, where Mr Leonid Evgenevich Korzh, born on 27 August 1990, was questioned, who explained that he had been residing at this address since his birth, that he had known for the first time from the Federal Security Service officers that on the website there was an article on disappearance of Leonid Korzh and Timur Shaimardanov, that L.E. Korzh had never seen Timur Shaimardanov and had never known him before.

In view of the above and given that Leonid Korzh, born in 1990, was not found missing in Simferopol, and guided by Paragraph 1 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation.

RESOLVED:

1. To refuse to initiate a criminal case on report of O.V. Sorokopudova under Paragraph 1 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation due to the lack of evidence that a crime had been committed.
2. To send a copy of the resolution to the Prosecutor of the Central District of Simferopol of the Republic of Crimea.

Operative officer of the Criminal Investigation Department of Police Department No.3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol Police Lieutenant

/Signature/

K.A. Khurgel

AGREED BY

Acting head of the Criminal Investigation Department of Police Department No. 3 “Tsentrally” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol Police Lieutenant Colonel

/Signature/

A.S. Aliev

Annex 241

Main Investigative Directorate of the Investigative Committee of the
Russian Federation for the Republic of Crimea, Criminal Case
No. 2014467091, Record of additional interrogation of witness
(N.E. Dzhelyalov), 1 August 2015

Translation**RECORD
of additional interrogation of witness**Simferopol, Republic of Crimea
(place)1 August 2015The interrogation began at 11:55The interrogation ended at 12:35Senior Lieutenant of Justice P.V. Nikkel, a high-priority cases investigator of the First Investigative Department for the Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea,

(position of the investigator (inquirer), class rank or title, last name, initials)

in office room No. 9 of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea

(where)

in accordance with Articles 189 and 190 (191) of the Criminal Procedural Code of the Russian Federation, has interrogated the following individual as a witness in criminal case No. 2014467091:

1. Last name, first name, patronymic Nariman Enverovich Dzhelyalov
2. Date of birth personal details are available in the criminal case file
3. Place of birth
4. Place of residence and (or) registration
telephone
5. Citizenship
6. Education
7. Marital status, family members
8. Place of work or study
telephone none
9. Military status

(military registration)

10. Criminal background

(where and by which court was convicted,

under which Article of the Criminal Code of the Russian Federation,

type and amount of penalty,

when released)

Witness/Signature/
(signature)

11. Passport or other identity document of the witness the identity was established
12. Other identity information about the witness none

involving no other persons

(procedural status, last name, first name, patronymic of each person

involved in the investigative activity, and, if necessary, his or her address and other identity information)

Persons involved in the investigative activity were informed in advance that following special equipment will be used during the investigative activity: a computer and a printer used by P.V. Nikkel.
(which)

Before the interrogation, the rights and obligations of a witness under Part 4 of Article 56 of the Criminal Procedural Code of the Russian Federation were explained to me:

- 1) not to incriminate myself, to testify against my spouse, and other close relatives listed in Para 4 of Article 5 of the Criminal Procedural Code of the Russian Federation. If I agree to testify, I am warned that my testimony may be used as evidence in criminal proceedings, including if I decide to retract it afterwards;
- 2) to testify in my native language or a language I have command of;
- 3) to use interpreting services free of charge;
- 4) to file a motion for disqualification of the interpreter involved in the interrogation;
- 5) to file motions and lodge complaints against actions (omission) and decisions of the inquirer, investigator, prosecutor, and court;
- 6) to attend interrogation with an attorney under Part 5 of Article 189 of the Criminal Procedural Code of the Russian Federation;
- 7) to file the application for security measures set out in Part 3 of Article 11 of the Criminal Procedural Code of the Russian Federation.

I am warned of criminal liability for refusing to testify under Article 308 of the Criminal Code of the Russian Federation and for providing false testimony under Article 307 of the Criminal Code of the Russian Federation.

I understand the provisions of Article 51 of the Constitution of the Russian that were explained to me, according to which no one is obliged to incriminate oneself and one's relatives listed in relevant laws.

Witness

/Signature/
(signature)

I can say the following in respect of the substance of the criminal case:

I do not wish to enjoy my right under Article 51 of the Constitution of the Russian Federation.

I hereby fully confirm all my previous testimony.

/Signature/

Investigator's question: Do you know how the Mejlis notified the local authorities on the rally of 26 February 2014?

Witness' reply: I believe that R. Chubarov prepared the notification in the evening of 25 February 2014, which was most likely sent by Dilyaver Akiev in the morning of 26 February 2014. I think that there were no breaches of notification rules. Besides, during the rally police officers did not prohibit Crimean Tatars from participating in it.

Investigator's question: Did the Mejlis understand that physical confrontations could ensue during the rally of 26 February 2014 since supporters of the Russian Unity party, who had different political views, would be involved alongside with Crimean Tatars in the rally near the building of the Supreme Council of the Autonomous Republic of Crimea?

Witness' reply: The matter of potential physical confrontations was discussed at the Mejlis meeting of 25 February 2014. However, it was believed that police officers would prevent them.

Investigator's question: In your view, why did the Crimean Tatars succeed in driving out the supporters of the Russian Unity party from the inner yard of the building of the Supreme Council of the Autonomous Republic of Crimea?

Witness' reply: I cannot answer this question.

Investigator's question: In 1992, Crimean Tatars attacked the building of the Supreme Council of the Autonomous Republic of Crimea. Do you know how it happened and was it organised by anyone?

Witness' reply: Everything I know about this comes from the mass media.

Investigator's question: There were clashes between Crimean Tatars and Ukrainian police officers on Ai Petri Mountain in the autumn of 2007. How did that happen and did anyone organise this?

Witness' reply: It was a special operation of the Ministry of Internal Affairs initiated by Mr Mogilev, Head of the Ministry of Internal Affairs of Ukraine for the Autonomous Republic of Crimea, who ordered to demolish cafés on Ai Petri Mountain that belonged to Crimean Tatars. There were no clashes there, and only the police officers were using physical force. I know from the mass media that A.Z. Chygoz was involved in the above events, but I do not know what role he played there. I was not involved in these events.

Witness

/Signature/
(signature)

The following statements were made prior to, during or upon completion of the witness interrogation by the following participants: the witness N.E. Dzhelyalov: *none*

(their procedural status, last name, initials)

Content of the statements:

none

(to indicate whether statements were made or not)

Witness

/Signature/
(signature)

I have *personally* read the record.

(personally or aloud by the investigator (inquirer))

I have *no comments* on the record.

(content of comments or absence thereof)

Witness

/Signature/
(signature)

High-Priority Cases Investigator

/Signature/
(signature)

Annex 242

Main Investigative Directorate of the Investigative Committee of the
Russian Federation for the Republic of Crimea, Criminal Case
No. 2014467091, Record of additional interrogation of witness
(Z.S. Smedlyayev), 1 August 2015

(procedural status, last name, first name, patronymic of each person involved in the investigative activity, and, if necessary, his or her address and other identity information)

Persons involved in the investigative activity were informed in advance that the following special equipment will be used during the investigative activity: a computer and a printer will be used by P.V. Nikkel.

(which)

Before the interrogation, the rights and obligations of a witness under Part 4 of Article 56 of the Criminal Procedural Code of the Russian Federation were explained to me:

- 1) not to incriminate myself, to testify against my spouse, and other close relatives listed in Para 4 of Article 5 of the Criminal Procedural Code of the Russian Federation. If I agree to testify, I am warned that my testimony may be used as evidence in criminal proceedings, including if I decide to retract it afterwards;
- 2) to testify in my native language or a language I have a command of;
- 3) to use interpreting services free of charge;
- 4) to file a motion for disqualification of the interpreter involved in the interrogation;
- 5) to file motions and lodge complaints against actions (omission) and decisions of the inquirer, investigator, prosecutor, and court;
- 6) to attend interrogations with an attorney under Part 5 of Article 189 of the Criminal Procedural Code of the Russian Federation;
- 7) to seek the application of security measures set out in Part 3 of Article 11 of the Criminal Procedural Code of the Russian Federation.

I am warned of criminal liability for refusing to testify under Article 308 of the Criminal Code of the Russian Federation and for providing false testimony under Article 307 of the Criminal Code of the Russian Federation.

I understand the provisions of Article 51 of the Constitution of the Russian Federation that were explained to me, according to which no one is obliged to incriminate oneself and one's relatives listed in relevant laws.

Witness

/Signature/

(signature)

I can say the following in respect of the substance of the criminal case:

I hereby fully confirm all my previous testimony. I would like to testify in Russian.

/Signature/

I do not wish to enjoy my right under Article 51 of the Constitution of the Russian Federation.

I hereby fully confirm all my previous testimony.

Investigator's question: Do you know how the Mejlis notified the local authorities about the rally of 26 February 2014?

Witness' reply: I know nothing about it. I do not know who was in charge of the preparation of that notification.

Investigator's question: Did the Mejlis understand that physical confrontations could ensue during the rally of 26 February 2014 since supporters of the Russian Unity party, who had different political views, would be involved alongside with Crimean Tatars in the rally near the building of the Supreme Council of the Autonomous Republic of Crimea?

Witness' reply: There was no objective to spark physical confrontations.

Investigator's question: In your view, why did the Crimean Tatars succeed in driving out the Russian-speaking protesters from the inner yard of the building of the Supreme Council of the Autonomous Republic of Crimea?

Witness' reply: I believe that it was due to the Crimean Tatars' physical superiority. Besides, there were numerous drunk people among the supporters of the Russian Unity.

Investigator's question: In 1992, Crimean Tatars attacked the building of the Supreme Council of the Autonomous Republic of Crimea. How did that happen and did anyone organise this?

Witness' reply: It happened spontaneously on 6 October 1992 during a rally near the building of the Supreme Council of the Autonomous Republic of Crimea held following an incident of 2 October 1992 when police officers beat up and detained some 20 Crimean Tatars. I was involved in the above events. I do not know whether A.Z. Chygoz was involved in them since I was not acquainted with him at the time.

Investigator's question: There were clashes between Crimean Tatars and Ukrainian police officers on Ai Petri Mountain in the autumn of 2007. Who organised them?

Witness' reply: It was through the fault of Mr Mogilev, Head of the Ministry of Internal Affairs of Ukraine for the Autonomous Republic of Crimea, who ordered to demolish cafés on Ai Petri Mountain that belonged to Crimean Tatars despite the fact that the cafés were built there on a legal basis. A court decision to demolish those cafés concerned only one foundation. There were no clashes there, and only the police officers were using physical force. I know from the mass media that A.Z. Chygoz was involved in the above events. I was not involved in them.

Witness

/Signature/

(signature)

The following statements were made prior to, during or upon completion of the witness interrogation by the following participants: the witness Z.S. Smedlyaev: *none*

(their procedural status, last name, initials)

Content of the statements: *none*

(to indicate whether statements were made or not)

Witness

/Signature/

(signature)

I have *personally* read the record.

(personally or aloud by the investigator (inquirer))

I have *no comments* on the record.

(content of comments or absence thereof)

Witness

/Signature/

(signature)

High-Priority cases Investigator

/Signature/

(signature)

Annex 243

Armyansk City Court of the Republic of Crimea, Case No. 1-112/2015,
Decision, 3 August 2015

Translation*/handwritten: illegible, signature/**/handwritten: copy/*

DECISION
IN THE NAME OF THE RUSSIAN FEDERATION

3 August 2015

Case No. 1-112/2015

Armyansk City Court of the Republic of Crimea
 composed of Presiding Judge L.A. Likhacheva,
 Secretary L. E. Chizhova,

Participating Public Prosecutor O.A. Zelinskiy,
 Victim A.N. Shalin,
 Defendant E.Kh. Aebulisov,
 Defence counsel attorney D.Yu. Firstov,

Having considered in the open court hearing in the courtroom of the Armyansk City Court of the Republic of Crimea, having held a special criminal proceeding against **Edem Khalitovich Aebulisov**, date of birth 24 April 1970, place of birth Yangiyer of Sirdaryo Region of the Uzbek Soviet Socialist Republic, a citizen of the Russian Federation, working as a driver at “Krymsoyztstroyproekt” LLC, married, having two minor children, address of registration and residence [...], having no previous convictions,
on a crime committed under Part 1, Article 318 of the Criminal Code of the Russian Federation,

FOUND:

E.Kh. Aebulisov applied non-life- and health-threatening force against a public officer in connection with performance by the latter of his duties in the following circumstances.

On 3 May 2014, approximately at 11:30 am, E.Kh. Aebulisov, being present on a section of the motor road between Armyansk-Kherson, near the “Armyansk” (“Turetskiy Val”) border checkpoint for individuals and vehicles located on the 115th kilometer of the “Kherson-Dzhankoy-Feodosiya-Kerch” motor road, Armyansk town in the Republic of Crimea, Russian Federation, willfully and aiming at application of non-life- and health-threatening force against a public officer, namely A.N. Shalin, police officer serving in Department No. 2, Operating Platoon No. 1 (Evpatoria), Berkut special operations police battalion of the Ministry of Internal Affairs of the Autonomous Republic of Crimea, wearing a uniform and being on duty to protect public order, which were imposed on him by the interim regulations of the Ministry of Internal Affairs of the Autonomous Republic of Crimea approved by Resolution No. 1735-6/14 of 11 March 2014 of the Verkhovna Rada of the Autonomous Republic of Crimea, Federal Law No. 3-FZ of 7 February 2011 “On the Police”, being discontent with lawful actions of A.N. Shalin on protection of public security and preclusion of an unlawful crossing of the Russian Federation border by a score of civilians, preventing A.N. Shalin from performing his duties and providing a break through a line made by law enforcement employees, approached A.N. Shalin and applied physical force by hitting A.N. Shalin two or more times with the wood shaft carried by E.Kh. Aebulisov where a flag with Crimean Tatar symbols was fixed, thereby causing A.N. Shalin physical pain.

During the court hearing, defendant E.Kh. Aebulisov admitted the charge made against him, regretted his actions. During the preliminary investigation, in the presence of the defence counsel, he submitted a motion for a special court hearing and supported that motion during the court hearing on the presence of the defence counsel.

During the court hearing it was found that the defendant understood the nature, consequences of the motion he submitted, and that it was submitted voluntarily, upon being advised by the defence counsel.

The prosecutor, defence counsel, victim did not object against a special procedure of proceedings on the case.

Considering that in this criminal case it is justified to apply a special procedure to make a court decision, and the conditions specified by the laws to issue a decision without a court hearing are met, the Court considers it possible to impose a sentence against the defendant without common proceedings to examine and evaluate evidence collected for the criminal case.

Thus, the Court considers the charge justified and the defendant's actions correctly classified under Part 1, Article 318 of the Criminal Code of the Russian Federation, i.e. application of non-life- and health-threatening force against a public officer in connection with their performance of their duties.

The defendant shall be sanctioned for committing the above crime.

To determine the sanction, the Court considers the nature and social danger level of the crime committed, details of the defendant's character, mitigating and aggravating circumstances, as well as whether the victim has any claim against the defendant.

The crime is classified as a medium-severity crime as defined by Article 15 of the Criminal Code of the Russian Federation.

The defendant is the citizen of the Russian Federation, received the passport on 29 June 2014 (Volume 2, Case Sheet 189), no previous convictions (Volume 1, Case Sheet 246), unregistered by the narcologist or psychiatrist (Volume 2, Case Sheet 200, 202), characterized positively at the place of residence (Volume 2, Case Sheet 200, 202), got married in 22 August 1992, has two minor children – the son born on 28 February 2000, the daughter born on 24 December 2009 (Volume 2, Case Sheet 193-195), officially employed as a driver since 1 January 2015, characterized positively at the place of work.

Subject to Article 61 of the Criminal Code of the Russian Federation, the Court shall treat as mitigating circumstances such actions as vigorous assistance to discovering and investigating of a crime, the defendant having minor children, the defendant's remorse.

The Court finds no circumstances that aggravate the sanction under Article 63 of the Criminal Code of the Russian Federation.

There is no ground to transfer the crime to a less severe category.

Subject to the above, the Court believes it necessary to impose on the defendant the sanction in the form of a fine of RUB 80,000.

Also, the Court found that the defendant was detained until the court hearing from 25 November 2014 to 17 December 2014 /Volume 2, Case Sheets 88,118,130-133,137/.

Subject to Part 5, Article 72 of the Criminal Code of the Russian Federation, when imposing a fine as a primary sanction to an individual who is detained until the court hearing, the Court shall take into account the custody time and mitigate the imposed sanction or release them from serving it completely.

In these circumstances, taking into account the defendant's custody time, severity of the crime, personal details of the defendant, the Court believes it possible to decrease the fine amount to 40,000 rubles.

Since the Court concluded to impose a sanction not associated with isolation from society, the Court considers it necessary to keep the measure of restraint determined for E.Kh. Aebulisov in the form of a personal guarantee unchanged until the decision enters into full force and effect.

Material evidence for the case: DVD disc "ARITA 8-16 X DVD- R 120 MIN 4.7 GB", factory serial number DR5AD3 02464, that contains the video file named "Raw Armyansk 03.05.2014", included into the materials of the case, shall be kept within the case materials. Original Form No. P for E.Kh. Aebulisov packed in a polymer bag, the file included into the case materials, shall be sent to the Office of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea in the Simferopol district (36/2 Raketnaya str., Simferopol), the flag with Crimean Tatar symbols fixed on a wood shaft, which is stored in the material evidence storage room of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea shall be returned to its owner E.Kh. Aebulisov.

No civil suit is filed.

Relying on the above, on the basis of Articles 303, 304, 307-309, 316 of the Criminal Procedural Code of the Russian Federation, the Court

DECIDED:

To find **Edem Khalitovich Aebulisov** guilty of a crime under Part 1, Article 318 of the Criminal Code of the Russian Federation and impose on him the sanction in the form of fine amounting to 80,000 (eighty thousand) rubles.

To mitigate the imposed sanction on the basis of Part 5, Article 72 of the Criminal Code of the Russian Federation, by decreasing the fine amount to 40,000 (forty thousand) rubles.

The measure of E.Kh. Aebulisov's restraint in the form of a personal guarantee (guarantor Eskender Bilyalov, date of birth 22 July 1952, residential address [...]) shall be kept unchanged until the decision enters into full force and effect.

Material evidence for the case:

- DVD disc “ARITA 8-16 X DVD- R 120 MIN 4.7 GB”, factory serial number DR5AD3 02464, that contains the video file named “Raw Armyansk 03.05.2014”, included into the materials of the case, shall be kept within the case materials;

- Original Form No. 1-P for E.Kh. Aebulisov, packed in a polymer bag and accompanying the case materials, shall be sent to the Office of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea in Simferopol District (Simferopol, 36/2 Raketnaya str.);

- The flag with Crimean Tatar symbols fixed on a wood shaft, which is stored in the material evidence storage room of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea, shall be returned to its owner E.Kh. Aebulisov.

The decision may be appealed against before the Supreme Court of the Republic of Crimea through the Armyansk City Court within 10 days upon declaration thereof. The convicted defendant may file a motion to participate personally or through his defence counsel in the criminal case trial before the court of appeal.

Due to the special court ruling procedure, the decision is not available for appeal on the basis of any inconsistency between the conclusions made by the Court and actual circumstances of the criminal case found by the court of the first instance.

Judge *signed* L.A. Likhacheva
/SEAL: ARMYANSK CITY COURT FOR THE REPUBLIC OF CRIMEA/

True copy. The decision has entered into legal force
on 3 August 2015. Secretary *signed* L.E. Chizheva

/SEAL: ARMYANSK CITY COURT FOR THE REPUBLIC OF CRIMEA/

**Armyansk City Court for
the Republic of Crimea**

Numerated and sealed
/illegible/ pages

signature *signed*

/SEAL: ARMYANSK CITY COURT FOR THE REPUBLIC OF CRIMEA/