

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)

VOLUME III OF THE ANNEXES TO THE REPLY

SUBMITTED BY UKRAINE

29 APRIL 2022

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Annex 109

Taras Hunczak, ed., *The Ukraine, 1917-1921: A Study in Revolution* (Cambridge, Mass.: Harvard University Press, 1977)

Pursuant to Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

Taras Hunczak, editor

with the assistance of John T. von der Heide

The Ukraine, 1917–1921: A Study in Revolution

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The Harvard Ukrainian Research Institute was established in 1973 as an integral part of Harvard University. It supports research associates and visiting scholars who are engaged in projects concerned with all aspects of Ukrainian studies. The Institute also works in close cooperation with the Committee on Ukrainian Studies, which supervises and coordinates the teaching of Ukrainian history, language, and literature at Harvard University.

people, recognizing each nation's right to self-determination, and deferring the establishment of the final form of this [right] to the Constituent Assembly, the Provisional Government extends its hand to the representatives of the Ukrainian democracy—to the Central Rada—and calls upon it to create, in agreement with it, a new life in the Ukraine for the benefit of the entire revolutionary Russia.

We, the Central Rada, having always stood for the Ukraine's non-separation from Russia, in order that we and all her peoples might jointly strive toward the development and welfare of all Russia and toward the unity of her democratic forces, accept with satisfaction this call of the [Russian Provisional] Government to common action and declare the following to *all citizens of the Ukraine*:

The Ukrainian Central Rada, elected by the Ukrainian people through its revolutionary organizations, will soon be expanded on a just basis by representatives of the revolutionary organizations of the other peoples who live in the Ukraine: subsequently, it will become that single supreme body of revolutionary democracy in the Ukraine which will represent the interests of the entire population of our land.

From its own midst, the expanded Central Rada will select anew a separate body—the General Secretariat—which will be responsible to the Rada and which will be subject to confirmation by the Provisional Government as the repository of the highest regional authority of the Provisional Government in the Ukraine.

All rights and means [of governance] will merge in this body, so that, as the representative of Democracy in all the Ukraine and as, at the same time, the supreme governing body in the land, it might be empowered to fulfill the complex task of organization and to establish order throughout the land, in accord with the entire revolutionary Russia.

In harmony with other nationalities of the Ukraine, and acting as an organ of the Provisional Government in the sphere of state administration, the General Secretariat of the Central Rada will follow steadfastly the road of strengthening the new order created by the revolution.

Striving toward an autonomous order for the Ukraine, the Central Rada, in agreement with the national minorities of the Ukraine, will prepare drafts of legislation for the Ukraine's autonomous structure, which will then be submitted for confirmation to the Constituent Assembly.

Considering that the establishment of a territorial branch of the Provisional Government in the Ukraine assures, within a plausible framework, the desired closeness of the administration of the Land (Ukraine) to the needs of the local population prior to the Constituent Assembly and recognizing that the fate of all the peoples of Russia is firmly tied to the overall achievements of the revolution, we emphatically oppose any plans to establish autonomy arbitrarily in the Ukraine before [the convocation of] the All-Russian Constituent Assembly.

As for the formation of Ukrainian military units, the Central Rada will have its representatives attached to the offices of the Minister of War, the General Staff, and the Supreme Commander, who will take part in the formation of separate units composed exclusively of Ukrainians insofar as such formation will be deemed technically feasible by the Minister of War, and will not jeopardize the fighting capacity of the army.

In making this known to the citizens of the Ukraine, we firmly believe that the Ukrainian democracy, which transferred to us its will, together with the revolutionary democracy of all Russia and her revolutionary government, will exert all its strength to lead the entire state, and particularly the Ukraine, to the full triumph of the revolution.

Kiev, in the year 1917, 3 July

The Ukrainian Central Rada

Third Universal of the Ukrainian Central Rada

Ukrainian people and all peoples of the Ukraine!

A heavy and difficult hour has fallen upon the land of the Russian Republic. In the capitals to the north a bloody civil struggle is raging; the Central Government has collapsed, and anarchy, lawlessness and ruin are spreading throughout the state.

Our land is also in danger. Without a single, strong national authority, the Ukraine may also fall into the abyss of civil war, slaughter and ruin.

Ukrainian people! You, together with the other fraternal peoples of the Ukraine, have placed us to guard the rights acquired through your struggles, [empowered us] to create order and to build new life on our land; and, we, the Ukrainian Central Rada, by your

continues to wage a bloody struggle with our People and [our] Republic; moreover, this same Petrograd Government of People's Commissars has begun delaying the peace and is calling for a new war, which it characterizes as holy [war]. Again, blood will flow, again the ill-fated working people shall be forced to lay down their lives.

We, the Ukrainian Central Rada, elected by the congresses of peasants, workers, and soldiers of the Ukraine, cannot agree to this at all, we will not support any wars, for the Ukrainian People want peace; and a democratic peace must come about promptly. Moreover, in order to ensure that neither the Russian nor any other government shall obstruct the Ukraine's efforts to institute this desired peace, to be able to lead our country to order, to creative work, to the strengthening of the revolution and of our freedom, we, the Ukrainian Central Rada, proclaim to all citizens of the Ukraine:

From this day forth, the Ukrainian People's Republic becomes independent, subject to no one, a Free, Sovereign State of the Ukrainian People.

We want to live in harmony and friendship with all neighboring states: Russia, Poland, Austria, Rumania, Turkey, and others, but none of these may interfere in the life of the Independent Ukrainian Republic—power in it shall belong only to the People of the Ukraine, in whose name, we, the Ukrainian Central Rada, the representatives of the toiling people of peasants, workers, and soldiers and our executive arm, henceforth called "the Council of People's Ministers," shall govern until the convocation of the Ukrainian Constituent Assembly.

First of all, we direct the government of our Republic, the Council of People's Ministers, to continue on an independent basis the peace negotiations already begun with the Central Powers, to carry them through to conclusion without regard for the interference by any other part of the former Russian Empire, and to establish peace, so that our Country may begin its economic life in tranquility and harmony.

As to the so-called bolsheviks and other aggressors who destroy and ruin our Country, we direct the Government of the Ukrainian People's Republic to take up a firm and determined struggle against them, and we call upon all citizens of our Republic to defend their welfare and liberty without sparing their lives. Our Ukrainian People's State must be cleared of the violent intruders sent from Petrograd, who trample the rights of the Ukrainian Republic.

The inestimably difficult war, begun by the bourgeois govern-

ment, has greatly wearied our People; it has already destroyed our Country, ruined the economy. An end must come to this now. While the army is being demobilized, we order that some [members of the armed forces] be released; after the ratification of the peace, the army is to be disbanded completely. Later, instead of a standing army, a people's militia is to be formed, so that our fighting forces may serve as defenders of the working people, and not at the pleasure of the ruling strata.

Localities destroyed by war and demobilization are to be rebuilt with the aid and through the initiative of our State Treasury. When our soldiers return home, new elections to the people's councils, district, county and city dumas will be called at a time which will be prescribed, so that our soldiers may have a voice in them: meanwhile, such local administration should be established which can be trusted and which will be based on all revolutionary-democratic strata of the people. The government should encourage the cooperation of the councils of peasants', workers' and soldiers' deputies elected from among the local population.

On the matter of land [reform], the commission elected at our last session has already worked out legislation concerning the transfer of the land without compensation to the working people, taking as its base our resolution on the abolition of property and the socialization of the land which was passed at the eighth session. In a few days the whole Central Rada will study this legislation.

The Council of People's Ministers will use all means to ensure that the transfer of land from the land committees to the working people take place without fail before the beginning of spring tilling.

Forests, waters and all mineral resources—the wealth of the Ukrainian working people—are transferred to the jurisdiction of the Ukrainian People's Republic.

The war has also taken all the manpower resources of our country. Most of the factories, enterprises and shops have been producing only that which was necessary for the war, and the nation has been left completely without goods. Now the war has ended. We direct the Council of People's Ministers to begin immediately the change over of all factories and enterprises to peace-time production of goods most needed first and foremost by the toiling masses.

This same war has proliferated hundreds of thousands of unemployed and invalids. In the Independent People's Republic of the Ukraine no working man should suffer. The government should increase the industry of the State, it should begin creative work in all areas in which the unemployed may find work and to which they

may apply their strength and—[the government] should use all means to ensure [the welfare of] the maimed and of those who have suffered from the war.

During the old order, merchants and all sorts of middlemen gained huge capital from the poor oppressed classes. Henceforth, the Ukrainian People's Republic takes into its hands the most important branches of commerce, and all profit derived from them shall be used for the benefit of the people. Our State itself will supervise goods imported and exported so as to prevent the high prices [set] by speculators which are [such a] hardship to the poorest classes. To achieve this aim, we direct the Government of the Republic to prepare and present for approval legislation on this [matter], as well as on the establishment of monopolies in iron, leather, tobacco and other products and merchandise on which the greatest profit has been drawn from the working classes for the benefit of the non-toilers.

Likewise, we order the establishment of state-people's control over all banks whose credits and loans to the non-working masses aided in the exploitation of the toiling classes. Henceforth, bank loans are to be granted primarily to support the working population and the economic development of the Ukrainian People's Republic, and not for speculation and various exploitations by the banks or for profiteering.

Because of anarchy, anxiety in life, and shortage of goods, discontent is growing in a certain segment of the population. Various dark forces are using this discontent and trying to attract unenlightened people to the old system. These dark forces want to put back all free peoples under the unified tsarist yoke of Russia. The Council of People's Ministers should struggle firmly against all counter-revolutionary forces. Anyone who calls for an uprising against the independent Ukrainian Republic, for a return to the old order, must be punished for treason of the state.

All democratic freedoms proclaimed by the Third Universal are reaffirmed by the Ukrainian People's Republic, which particularly proclaims: in the Independent Ukrainian People's Republic all nations enjoy the right of national-personal autonomy, granted to them by the law of January 9.⁴

⁴ January 9 (according to the Julian calendar) or January 22, 1918, by present-day reckoning, has gone down in history as the date of Ukraine's independence, i.e., the proclamation of the Fourth Universal. In fact, the

Whatever matters enumerated in this Universal which we, the Central Rada, will not have time to accomplish will be completed, rectified, and brought to a final order by the Ukrainian Constituent Assembly. We order all our citizens to conduct the elections most assiduously, to use all means to ensure the fastest tabulation of votes possible, in order that our Constituent Assembly—the highest ruler and administrator in our Land—may convene within a few weeks to establish freedom, harmony, and welfare by a constitution of the Independent Ukrainian People's Republic for the benefit of the whole toiling people, now and in the future.

This our Highest body will decide on the federative ties with the people's republics of the former Russian state.

Until that time we call upon all citizens of the Independent Ukrainian People's Republic to stand relentlessly on guard of the freedom and rights won by our People and to defend their fate with all their might from all enemies of the peasants'-workers' Independent Ukrainian Republic.

Kiev, 9th January, 1918.

Ukrainian Central Rada

third reading of the Fourth Universal was presented as a bill of the Ukrainian Central Rada, and the vote on it was taken shortly after midnight on January 12 (January 25), 1917.

It seems that the Founding Fathers of the Ukrainian People's Republic were attached to the January 9 (January 22) date because it had been the date set for the convocation of the Ukrainian Constituent Assembly. Since the Constituent Assembly failed to be elected, the Central Rada began its deliberation on the Fourth Universal on that date. Work on this legislation was held up when, on January 10 (January 23)—not January 9, as stated in the Fourth Universal—representatives of national minorities in the Rada demanded that the draft legislation on national-personal autonomy should be passed before the final vote on the Fourth Universal. The law on national-personal autonomy was passed the next day (January 11), and the second reading of the Fourth Universal followed. By then it was almost midnight, and a short recess was called. Before the third reading, Mykhailo Hrushevskiy, president of the Central Rada, made a brief introduction in which he informed the galleries that work on the Fourth Universal had begun on January 9 (January 22). This was also the date that appeared on the document when it was published.

Annex 110

Vasyl Markus, “International Legal Status of the Ukrainian State,” in *Ukraine: A Concise Encyclopedia*, Vol. 2 (Toronto: University of Toronto Press, 1971)

Pursuant to Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

UKRAINE

A Concise Encyclopaedia

Prepared by
SHEVCHENKO SCIENTIFIC SOCIETY

Edited by
VOLODYMYR KUBIJOVYČ

Foreword by
ERNEST J. SIMMONS

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Despite the fact that between March and November, 1918, Ukraine was politically and militarily dependent on the German Reich and Austria-Hungary, her existence as a state was effective in the light of the fundamental attributes of a sovereign state: territorial supremacy, treaty-making powers, the right of legation, and the power to wage war and make peace. The status of independence existed until the government and its military forces left the Ukrainian territory at the end of 1920. As a government-in-exile in Poland, the Ukrainian government enjoyed a brief period of limited international status (immunities of state were recognized) until Poland signed a peace treaty with Russia and Soviet Ukraine in Riga in March, 1921.

BOUNDARIES. The Ukrainian National Republic had internationally recognized boundaries in the southwest (Brest-Litovsk Peace Treaty) and in the north (peace treaty between the Central Powers and Soviet Russia of March 3, 1918). The northern boundaries with Russia were confirmed in the preliminary peace treaty between Ukraine and the Russian SFSR of June 12, 1918. The definitive settlement of the boundaries was left to the Russo-Ukrainian peace conference in Kiev which, however, failed to produce a peace treaty.

Boundaries with the newly established Don Cossack Republic were also provisionally delineated by the Ukrainian-Don Cossack agreement of August 7, 1918. No boundary settlement took place in the Rumanian sector. Ukraine upheld her claims to Bessarabia in the southwest (occupied by Rumanians) and in the south to the Crimean peninsula which did not come under Ukrainian jurisdiction until 1954.

RECOGNITION. The recognitions granted to Ukraine were numerically and qualitatively sufficient to consider her a full-fledged subject of international law. Between 1917 and 1921, 25 states accorded recognition to Ukraine. Nineteen of them extended full recognition (*de*

jure), four a tentative one (*de facto*), and in two cases the nature of the recognition was controversial (between *de facto* and *de jure*) and subsequently withdrawn (Britain and France before the Brest-Litovsk Treaty).

De jure recognition was granted to Ukraine under the government of the Central Rada by the following states: Soviet Russia (diplomatic notes, Brest-Litovsk Treaty, and preliminary peace treaty with Ukraine); Central Powers—German Reich, Austria-Hungary, Bulgaria, and the Ottoman Empire (peace treaty); under the Hetman government the Ukrainian state was recognized by Rumania, the Don Cossack Republic, Kuban (commercial and other agreements, establishment of diplomatic relations), and Poland (exchange of representatives); under the Directory, Ukraine acquired additional recognition from Georgia, Azerbaidzhan, Czechoslovakia, Estonia, Lithuania, Latvia, Finland, the Holy See (exchange of diplomatic representatives), and Argentina (decree of Argentinian government of February, 1921, when the Ukrainian government was already in exile).

TREATY-MAKING POWERS. The Ukrainian state under three constitutional regimes (Central Rada, Hetmanate, Directory) concluded a series of international treaties, thus enjoying and exercising full treaty-making powers. Among those agreements the most important one



FIGURE 11. DELEGATION OF THE UNR AT THE BREST-LITOVSK PEACE CONFERENCE

was the Brest-Litovsk Peace Treaty which Ukraine signed with the Central Powers on February 9, 1918. A series of economic and trade accords with Germany and Austria-Hungary followed. Ukraine also negotiated a commercial agreement with Rumania and trade and transportation accords with the Don Cossack Republic, Kuban, and Georgia.

The preliminary peace agreement with Soviet Russia signed in Kiev on June 12, 1918, and the accords on the resumption of transportation as well as on the consular relations were aimed at the normalization of relations with Russia. By denouncing the Brest-Litovsk Treaty and by initiating hostilities against Ukraine at the end of 1918, Russia also abrogated these agreements unilaterally. On April 21, 1920, the Directory concluded a political and military alliance with Poland known as the Warsaw Treaty. In addition, the Ukrainian trade missions abroad negotiated a number of technical transactions, relating to commerce.

INTERNATIONAL ORGANIZATIONS. As an independent state Ukraine joined the following international organizations and agencies: the International Commission of Maritime Navigation on the Black Sea in 1918; the Universal Postal Union in 1919; the International Telegraph Union; and the International Radio-Telegraph Union. In 1920, the Ukrainian government applied for membership in the League of Nations. The Council postponed its decision for a year and then took no action because the Ukrainian National Republic did not have effective control over the territory.

INSTITUTIONS OF INTERNATIONAL RELATIONS. In December, 1917, the Central Rada established a separate secretariat for foreign affairs (formerly nationality affairs) and appointed a delegation to the peace conference in Brest-Litovsk. In January of 1918, the secretariat became the ministry of foreign affairs. At the same time it gave accreditation to the first foreign diplomatic representa-

tives in Ukraine: John Picton Bagge (Representative of Great Britain) and General Tabouis (Commissaire de la République Française auprès du Gouvernement de la République Ukrainienne). After the Brest-Litovsk Peace Treaty the Ukrainian government proceeded to exchange diplomatic missions with the Central Powers. During the Hetmanate, Ukraine was represented in 10 foreign countries, and the government accredited 11 foreign missions in Kiev. In September, 1918, Hetman Paul Skoropadsky made the first and only state visit of a Ukrainian head of state to a foreign country when he visited Germany and met with Wilhelm II. In the summer and fall of 1918, Kiev was also the site of a peace conference between Ukraine and Soviet Russia.

Under the Directory, Ukraine maintained 11 legations abroad which had official status. The names of Ukrainian diplomats were included in official diplomatic lists and they enjoyed diplomatic immunity. In a number of other countries Ukraine had unofficial missions which developed informal relations with local authorities. The heads of Ukrainian missions abroad met in a series of non-periodic conferences.

The Ukrainian state maintained consular relations with other countries, particularly in 1918. In addition to those countries which had their diplomatic representatives in Kiev, the following states maintained consulates in Ukraine: Belorussia, Denmark, Estonia, Greece, Italy, Latvia, Lithuania, Norway, Persia, Spain, Sweden, and Switzerland. The Ukrainian government opened consulates mainly on the territories of the successor states of former Russia. In Soviet Russia alone there were more than 30 consulates and consular agencies in addition to two consulates-general in Moscow and Petrograd. Beyond the territory of the former Russian empire, Ukrainian consular offices were opened in Poland, Germany, Sweden, and Switzerland. In other countries with which Ukraine

Annex 111

Jurij Borys, *The Sovietization of Ukraine, 1917-1923* (Edmonton: Canadian Institute of Ukrainian Studies, 1980)

Pursuant to Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

THE SOVIETIZATION OF UKRAINE 1917-1923

**The Communist Doctrine
and
Practice of National Self-Determination**

Revised Edition

Jurij Borys

**The Canadian Institute of Ukrainian Studies
Edmonton 1980**

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In Popov's opinion, the Bolsheviks in Ukraine before the seizure of power were badly off both quantitatively and qualitatively. In November 1917, in his opinion, the party "relied only on the *proletariat*, and moreover even this proletariat was much less controlled by it than in the north and the centre. *The party's influence on the army was much less, and there was almost no influence on the peasantry.* That was all we had on the eve of the 'October' in Ukraine." Popov wrote that "there were no strong Ukrainian cadres in the ranks of the party," and that "the historical peculiarity of our party is that it has a weak connection with the masses of Ukrainian nationality."⁵⁵ Elsewhere he wrote that "in 1917 the Bolshevik party conquered the working masses."⁵⁶ But it had not yet started to conquer the peasantry and the village proletariat,"⁵⁷ so that "*the active base of the Bolsheviks during their struggle was still only the working class.*"⁵⁸ Popov acknowledges that the party had against it "a united front of Ukrainian nationalist socialist parties that depended on compact masses of the Ukrainian petty bourgeoisie, chiefly the *peasantry.*"⁵⁹ And elsewhere he admits that the government of the Central Rada "no doubt depended for support on numerous peasant masses and had under its command rather *large military forces*; moreover, extending its struggle with the Bolsheviks, it had every reason for expecting whole-hearted assistance from the non-Ukrainian local bourgeoisie."⁶⁰ To this Kulyk adds that the Bolsheviks had support only in large cities, while the periphery was dominated by the Ukrainian "chauvinists."⁶¹ Even Trotsky later admitted that during the initial years of the Soviet regime Bolshevism in Ukraine was weak.⁶²

These testimonies, plus the fact that the Central Rada mastered the situation and became the *de facto* government of Ukraine, while the Bolsheviks were compelled to move to the periphery of Ukraine nearest to Russia, refute the assertions of later Soviet historiography that the establishment of the Soviet regime in Ukraine was the result of the struggle of the Ukrainian proletariat itself under the leadership of the Communist party of Ukraine.⁶³ That the united Ukrainian national front was not broken is regarded by Soviet historians as the Bolsheviks' worst mistake in the "October" period in Ukraine.

The Military Action of Soviet Russia against the Rada

Having failed to sovietize Ukraine through the soviets, the Russian Bolsheviks decided to carry out their plans by military force. That the Soviet government was formed in Kharkiv and not elsewhere reflected not

only the proletarian character of that region, but chiefly Kharkiv's occupation by the Red Guards under Antonov. This occupation was the immediate link in the chain of the RCP's policy against the Rada. As is known, the reply of the General Secretariat to the People's Commissars' ultimatum of 17 December was considered at the meeting of the CPC on 18 December, when it resolved "to regard the Rada's reply as unsatisfactory, to consider the Rada in a state of war with us."⁶⁴ In their resolution of 1 January 1918 the People's Commissars declared that "only the soviets of the Ukrainian poor peasantry, workers, and soldiers can create in Ukraine a government under which any disagreements between fraternal nations will be impossible."⁶⁵ This intention of the RCP was later repeated by Krylenko, the commander-in-chief, on 25 January 1918, in an interview with a delegation of Ukrainian soldiers: "We fight against the Rada for the establishment of the government of soviets of workers', soldiers', and peasants' deputies over the entire territory of the Russian federative republic As soon as the government in Ukraine is transferred to the Ukrainian soviet of workers', soldiers', and peasants' deputies, all military operations against Ukraine will cease."⁶⁶ This meant that as long as the Rada did not recognize Soviet power, the CPC considered itself in a state of war with the Rada. This policy was a distortion of the principle of the self-determination of nations. That is why the General Secretariat of the Rada wrote in its reply to the ultimatum: "It is impossible to recognize the right to self-determination to the point of secession and at the same time to make a crude attempt upon this right, imposing its forms of political order, as does the Council of People's Commissars of Great Russia in respect of the Ukrainian People's Republic."⁶⁷

It is manifest from Bolshevik sources themselves that at the same time as the People's Commissars made declarations on the right of national self-determination and also on the right of Ukraine to secession, it was also working out a plan to overthrow the Rada by force. According to the testimony of Antonov himself, several days before the ultimatum, on 8 December, Lenin appointed Antonov "to be in direct charge of operations against Kaledin⁶⁸ and his 'helpers'" ("by 'helpers,'" writes Antonov, "were meant counter-revolutionary Ukrainians supporting Kaledin").⁶⁹ After this, Antonov left for general headquarters where, together with Krylenko, he worked out the plan of the offensive against Ukraine that was later approved by Lenin.⁷⁰ Antonov concentrated forces and prepared a wide "encircling" of Ukraine by the units of the southwestern and Romanian fronts.⁷¹ On 14 December, the general staff, led by Krylenko, had already made a number of decisions on this matter.

representative of the RSFSR subordinate to him. Corresponding to this, the trade representative of the Ukrainian commissariat for foreign trade in Turkey was appointed the chairman of the united mission of the Ukrainian SSR and the RSFSR.⁶⁴

The trend towards the unification (or rather the subordination) of the Soviet republics that were connected with the RSFSR by treaties was even more marked in the international field. For instance, Ukraine had independent diplomatic relations as late as the end of 1922, although this independence was rather relative in view of the relation between the RCP(B) and the CP(B)U examined earlier. During this short period of independent diplomatic relations, the Ukrainian Soviet republic, being bound by party directives, was unable to pursue a foreign policy independent and different from that of the RSFSR. It is quite possible that the whole campaign of the Ukrainian SSR on the external front was determined, as was admitted later by the acting Ukrainian commissar for foreign affairs, Iakovlev, by the struggle for recognition of the Soviet government of Ukraine to prevent thereby the recognition of Petliura's government, then in exile, as the legal government of Ukraine.⁶⁵ At that time Iakovlev openly declared:

The foreign policy of Ukraine has not and cannot have any interests other than those common with Russia, which is just such a proletarian state as Ukraine. The heroic struggle of Russia, in complete alliance with Ukraine, on all fronts against domestic and foreign imperialists, is now giving way to an equally united diplomatic front. Ukraine is independent in its foreign policy where its own specific interests are concerned. But in questions that are of common political and economic interest to all Soviet republics, the Russian as well as the Ukrainian commissariats for foreign affairs act as the united federal power.⁶⁶

The Comintern yearbook, referring to the treaty of 1920, spoke of "the first international action" of the Ukrainian republic which "served as a beginning to a whole series of agreements concluded by the government of the Ukrainian SSR with other foreign countries. . . . An important task fell to the lot of the Ukrainian diplomatic mission in Moscow, as the first foreign representation of the Ukrainian SSR, to mediate in the matter of formulating and establishing the international position of the Ukrainian SSR by concluding a whole series of diplomatic agreements."⁶⁷

The first diplomatic representative of the Ukrainian SSR abroad was M. Levytsky, appointed to Prague in April 1920. This is curious, since the Czechoslovak government at that time recognized neither Soviet Russia nor Soviet Ukraine. Such *de facto* recognition took place only as late as 1922, when a provisional treaty was signed between the Ukrainian Soviet

republic and the Czechoslovak republic, in accordance with which both states established diplomatic relations.⁶⁸ Also in 1920, Vladimir Aussem was appointed the Ukrainian SSR's ambassador in Berlin. By the end of 1921 Shumsky arrived in Warsaw as the representative of the Ukrainian SSR.⁶⁹ These representatives of the Ukrainian SSR were separate, although it may be assumed that they worked in agreement with the Russian people's commissar for foreign affairs. It was only in 1923 that Ukrainian diplomatic missions ceased functioning, as a consequence of the creation of the Union of Soviet Socialist Republics.

The Ukrainian Soviet republic, during the period 1920–23, signed a series of political agreements whereby Ukraine was recognized as an independent state. The recognition of Ukraine as an independent state was expressly mentioned in the armistice and in the preliminary peace conditions between Russia and Ukraine, on the one hand, and Poland, on the other (signed on 12 October 1920 in Riga).⁷⁰ This recognition is also repeated in the text of the final peace treaty between the above-mentioned states in Riga on 18 March 1921.⁷¹ In the provisional agreement with Austria of 7 December 1921, Ukraine was recognized *de facto* as an independent state; for, according to the agreement, there had to take place an exchange of diplomatic representatives between these countries.⁷² "The heads of representations," the agreement said, "enjoy the privileges and prerogatives of the heads of accredited missions." The representatives received the following consular powers:

- 1) The protection of the interests of their citizens in accordance with the norms of international law.
- 2) The issue of passports, certificates of identity, and visas.
- 3) The drawing up of documents, including testaments, the witnessing of the signatures of institutions or private persons, the drawing up or testifying to the correctness of translations, and the authentication of copies from documents.⁷³

The Ukrainian SSR was also recognized in a treaty it signed with the Lithuanian republic on 14 February 1921.⁷⁴ Similar recognition was accorded by Latvia in the treaty of 3 August 1921,⁷⁵ by Estonia in the treaty of 25 November 1921,⁷⁶ as well as by Czechoslovakia in the above-mentioned treaty of 6 June 1922.⁷⁷ On 21 January 1921 a treaty of friendship and brotherhood with Turkey was signed in Ankara; in it Turkey declared its "recognition of the Ukrainian Socialist Soviet Republic

as an independent and sovereign state.”⁷⁸ Apart from these states, Ukraine concluded agreements with Hungary—an agreement concerning the repatriation of prisoners of war (21 May 1920), a treaty about the exchange of prisoners of war and civilian internees (28 July 1921), and a protocol concerning the mutual exchange of prisoners of war (3 October 1921); with Germany—a treaty dealing with repatriation (23 April 1921) and an agreement concerning the extension of the treaty of 16 April 1922 to the union republics (5 November 1922); with Italy—a preliminary agreement (26 December 1921); with France—an agreement concerning the mutual evacuation of subjects (20 April 1920). On 10 May 1922 the Ukrainian SSR, together with the RSFSR and the Belorussian SSR, signed an agreement with the epidemics commission of the League of Nations concerning aid for the people’s commissariats of health of the above-mentioned republics.⁷⁹ It must be noted that many of these treaties were signed by Ukraine together with the RSFSR and sometimes also with the Belorussian Soviet republic; this created an impression that Ukraine was merely an appendage of Russia. The peace treaty with Turkey and the treaties with Lithuania, Latvia, Estonia, and Czechoslovakia were signed by Ukraine independently.

The last independent international action of the Ukrainian republic was the signing in Kharkiv on 17 February 1923 of the additional protocol to the treaty between the Ukrainian and Estonian republics of 25 November 1921. This was followed on 27 October 1923 by the exchange of documents of ratification.⁸⁰ On 19 August 1923 the Ukrainian people’s commissar for foreign affairs informed the representatives of foreign states in Ukraine that the international relations of the Ukrainian SSR had been transferred to the jurisdiction of the USSR.⁸¹

However, even earlier the people’s commissariat for foreign affairs of the RSFSR was preparing to take over the republics’ diplomatic functions. The first such steps were the measures of the government of the RSFSR to obtain the authorization of the Soviet republics to represent them at the Genoa conference. During January 1922 the politburo of the CC RCP(B) elaborated through its branches, the CCs of the Communist parties in the republics, the question of common action at the Genoa conference. On 22 February 1923 at a conference of the representatives of the republics in Moscow a protocol was signed, in accordance with which Azerbaidzhan, Armenia, Belorussia, Bukhara, Georgia, the Far East Republic,⁸² Ukraine, and Khorezm authorized the delegation of the RSFSR to defend their interests in Genoa.⁸³ Although these authorizations referred to the Genoa conference only, they seemed to be a preparation for a further unification of the foreign policy of the republics in Moscow. In fact, the international

Annex 112

Theofil I. Kis, *Nationhood, Statehood and the International Status of the Ukrainian SSR/Ukraine* (Ottawa, London, and Paris: University of Ottawa Press, 1989)

Pursuant to Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

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The fact that the UkSSR—conjointly with the USSR—subsequently signed some major international treaties⁸ and participated in several important international conferences convened by the UN's specialized agencies⁹ further consolidated its newly-acquired "international status." The UkSSR is also party to certain other conventions, such as the United Nations Convention on Civic and Political Rights and the United Nations Convention on Economic, Social, and Cultural Rights, both dated December 19, 1946 (ratified by the UkSSR on November 12, 1973). The UkSSR continuously participated during the 1970s and 1980s in international conferences convened by the UN's specialized agencies, with the aim of producing international conventions. In the early 1980s, for example, following the adoption of the International Maritime Code, the UkSSR participated in the preparatory committee on the establishment of the Seabed Authority and of the International Maritime Tribunal. Moreover, the UkSSR has been elected twice to the Security Council of the UN, in 1947-1948, after the signing of the Paris peace treaties, and in 1984-1985. Finally, the UkSSR is represented on some committees and commissions established by UN agencies, or on intergovernmental organizations outside the UN system. These include the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Commission on Human Rights, the Commission on Human Settlements, and the UNCTAD Committee on the Transfer of Technology. The Ukrainian representative was also elected to the special committee of the UN dealing with racism and served as acting chairman of that body at the international seminar in Siofok, Hungary, in 1985, discussing apartheid in South Africa. (The UkSSR's participation in these committees seems suspiciously selective, in political terms.)

8. Among them, the Paris Peace Treaties of 1947 with the European allies of Nazi Germany, Italy, Bulgaria, Hungary, Rumania, and Finland; the Danubian Convention of 1948; the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, which went into effect in 1951 but has not been ratified by the USSR and consequently by the UkSSR; the Geneva Convention of 1949; and the important Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space, and Under Water, concluded at Moscow, August 5, 1963. In the 1970s and 1980s the UkSSR has signed and ratified about twenty-five other conventions, mostly with regard to technology, ecology, labour, transportation, and education. One of the most important treaties signed in the 1980s is the UN Maritime Convention.
9. Among them, the Paris Conference of 1946, the Vienna Convention on Diplomatic and Consular Relations of 1961 and 1963, the Conferences on the Law of the Sea of 1958 and 1960, and that of the period 1973-1982 (Brownlie, 124; *A Decade . . .*, 72ff, 79ff; Martens, XII, 606; *AJIL*, 1951, I, 7ff; *AJIL*, 1953, XLVII, 119; *AJIL*, 1963, LVII, 995; UN Doc. A/Conf. 39/27 [May 23, 1969]).

It is certainly worth noting again in this connection that the UkSSR is also party to the Vienna Convention on the Law of Treaties, which came into force in 1980. In 1966 the International Law Commission (established in 1949) completed the task of drawing up draft articles that formed a comprehensive code of the Law of Treaties. Here, "treaty" means all binding agreements between states governed by international law (Gotlieb, 12), although the word sometimes refers to one particular type of agreement.

However, the Vienna Conference on the Law of Treaties convened by the UN in 1969 failed to resolve the issue of the treaty-making capacity of constituent units of a federation.¹⁰ Had it succeeded, the Conference would certainly have clarified the status of the UkSSR. Instead, it reaffirmed, in Article 6 of the Convention, the principle according to which only states, and eventually intergovernmental international organizations created by states and recognized under international law, can enjoy this capacity. At the behest of many participating federations, the Conference rejected a clause that would have explicitly recognized the treaty-making capacity of constituent units of a federal state. In the absence of a clear rule, customary law continues to prevail. Present customary international law does not recognize constituent units as fully-fledged states, but it does allow them some limited, derivative treaty-making capacity by delegation (see Chapter 16 of the Law of Treaties). Third-party states, however, are not obliged to recognize these qualified treaty-making capacities of the constituent members of any federal state, or to regard agreements with such entities as treaties in the sense of the Vienna Convention. Obviously, this customary law applies to the UkSSR.

It is within these political and legal parameters that the UkSSR has exercised—and continues to exercise—its competence in numerous specialized agencies of the UN, and in certain international governmental organizations that are recognized under international law (Fennessy). Participation of the UkSSR in non-governmental international organizations is, however, extremely rare. There is, for example, a Ukrainian Republic Peace Committee that works with the pro-Soviet World Peace Council by means of the All-Soviet Peace Council. The UkSSR is also a signatory of a number of multilateral

10. As previously noted, the Vienna Convention of 1982 (Article 6) decided to reject the draft provision of the International Law Commission, which would have expressly recognized that federal states may provide, in the constitution, for a limited treaty-making power for their constituent units. However, the customary law applicable continues to apply and permits it (see the Preamble). But the UkSSR is not in any way affected by international customary laws.

treaties, and since the mid-1950s it has joined most of the UN specialized agencies that were initially boycotted by the Soviet Union and its East European allies. The UkSSR is a member of the International Labour Organization (ILO), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Telecommunications Union (ITU), the World Meteorological Organization (WMO), the International Atomic Energy Agency (IAEA), the United Nations Children's Emergency Fund (UNICEF), the Universal Postal Union, the Intergovernmental Maritime Consultative Organization, the World Organization of Intellectual Property, and so forth (see *Mezhdunarodnoe pravo . . .*). The organization where the UkSSR is permitted to play the most active role is, probably, UNESCO. However, the UkSSR stands aside from more important economic international bodies, such as the World Bank and the International Finance Corporation. At the Vienna Conference on the Law of Treaties of 1969, the Ukrainian representative declared that the UkSSR is party to more than one hundred international treaties and agreements that "engaged the international responsibility" of Ukraine (Jacomy-Millette, 337).

A more detailed analysis of the UkSSR's participation in the UN will be the subject of the next section. However, we need to allude to the matter briefly here. Given that states, not governments, are members of the UN, the distinction between admission (state) and representation (government) is important. A state cannot be represented simultaneously by two governments. But this is in fact what has happened in the case of the UkSSR: it is represented by the Soviet total state (USSR), but also individually, by virtue of a confused mixture of politics, international law, and internal law. It is a double representation for the USSR as well, since the "government" of the UkSSR is, for the purpose of international law, an emanation of the USSR's government, as well as of the "state" of the UkSSR. (In this respect, an interesting question can be raised concerning the enforcement of international treaties and conventions signed by the UkSSR since, in most cases, a treaty in which the UkSSR is a party is binding on both the USSR and the UkSSR, and applies to the same territory.)

In the final analysis, then, the UN membership of the UkSSR does not amount to a recognition of its statehood or government. Article 4 of the UN Charter provides for admission to membership in the UN of "all peace-loving states" that are "able and willing to carry out the obligations prescribed by the Charter." This is, however, not an

Annex 113

Terry Martin, *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939* (Ithaca and London: Cornell University Press, 2001)

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The Affirmative Action Empire

Nations and Nationalism in
the Soviet Union, 1923–1939

TERRY MARTIN

Cornell University Press ITHACA AND LONDON

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April 1923 party congress and June 1923 nationalities conference forced a second and more decisive turn toward Ukrainization. These events marked the defeat of Lebed's theory. On the eve of the April 1923 Ukrainian Party conference, an authoritative article by Nikolai Popov, then head of the all-union Agitprop Department, denounced Lebed's theory as "mindless Russian chauvinism (*rusotiapstvo*)", adding that "it is shameful to have to write about such elementary truths six years after the revolution."¹⁶ At the conference itself, Lebed was further attacked by Frunze (then assistant head of Ukraine's Sovnarkom and the conference's official speaker on nationalities policy) and Rakovskii (who had converted to an extremely pro-Ukrainian stance), as well as by Lebed's long-standing rivals, Zatonskyi and Skrypnyk. The Ukrainian conference officially declared Lebed's theory to be "chauvinist" and "the inevitable development of Luxemburgist views."¹⁷ This resolution marked a decisive rejection of Lebed's advocacy of state and party neutrality on the nationalities question.

The period from April 1923 to April 1925 was subsequently known as the era of "Ukrainization by decree," a pejorative reference to the flood of decrees issued and then largely ignored.¹⁸ The first such decree, a July 27, 1923 resolution on the Ukrainization of education and culture, aimed to extend the Ukrainian language beyond rural primary schools.¹⁹ Five days later, a landmark VUTsIK decree was issued: "On measures for guaranteeing the equality of languages and for aiding the development of the Ukrainian language." This decree declared that "the previously existing recognition of the formal equality of the two most widespread languages in Ukraine—Ukrainian and Russian—[was] insufficient [and would result in] the factual domination of the Russian language." Although the decree recognized both Ukrainian and Russian as official languages of Ukraine, it demanded "a variety of practical measures" to establish Ukrainian as the sole language of government in all central state organs, as well as all local organs in regions where ethnic Ukrainians formed a plurality.²⁰

The August 1 decree marked a decisive break with the policy of linguistic neutrality. To drive home this point, Ukrainian first party secretary Emmanuel Kviring wrote a lead editorial, in which he reiterated the decree's assertion that "we cannot confine ourselves to recognizing the formal equality of nations, for this formal equality will lead to factual inequality."²¹ Instead, the new task was "positive work on behalf of the development of [Ukrainian] national culture."²²

¹⁶ N. Popov, "Natsional'nyi vopros na Ukraine," *Kommunist*, no. 75 (05.04.23): 3.

¹⁷ Andrii Khvyliia, *Do rozv'iazannia natsional'noho pytannia na Ukraini* (Kharkov, 1930): 16.

¹⁸ N. Kalizhnyi, "Ukrainizatsiia i NKRSI," *Visti VUTsIK*, no. 124 (03.06.25): 1.

¹⁹ P. Solodub, "Spravy ukrainizatsii," *Bil'shovyk*, no. 160 (18.07.24): 1.

²⁰ Andrii Khvyliia, *Natsional'nyi vopros na Ukraine* (Kharkov, 1926): 115–121; 116.

²¹ Kviring, "Praktychni zasoby v spravi natsional'nii," *Bil'shovyk*, no. 121 (03.06.23): 1.

²² S. Shchupak, "Praktychne perevedennia natsional'noi spravy na Kyivshchyni," *Bil'shovyk*, no. 131 (15.06.23): 1; the phrase "active *Ukrainizatsiia*" also came into use, "Postanova TsK KP/b/U shchodo ukrainizatsii," *Bil'shovyk*, no. 72 (30.03.24): 1.

Annex 114

Dominique Arel, “Demography and Politics in the First Post-Soviet Censuses,”
Population, Vol. 57, No. 6 (2002)

Pursuant to Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

Demography and Politics in the First Post-Soviet Censuses: Mistrusted State, Contested Identities

Dominique Arel

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Résumé

Arel Dominique.- Demography and Politics in the First Post-Soviet Censuses: Mistrusted State, Contested Identities The first post-Soviet censuses have presented new political challenges to census officials in Russia, Ukraine, Belarus, Kazakhstan and the Baltic countries. Three issues have dominated the agenda: migration, confidentiality, and ethnic nationality. Overall population figures have officially decreased in all post-Soviet countries, but the Russian state's incapacity and unwillingness to record unregistered migration is producing a deceptive demographic decline. A general mistrust of the state has made people sceptical of guarantees of confidentiality of census data. The mistrust is greatest in Russia and the census has revealed a post- authoritarian state uncertain about how to approach its own population. Post-Soviet censuses, unlike western ones, have all kept a question on ethnic nationality, since nationality legitimates their sovereignty. The Kazakh census has been preoccupied with producing ethnic Kazakh majorities, at the national level and in gerrymandered provinces. The Russian Federation, the only federation in the world that links ethnicity to territory, has faced a plethora of claims to recognition of new nationalities in the census, including the Cossack. On language, the Ukrainian and Baltic censuses have attempted to minimize the Russian presence by statistical means, while the Belarusian census aims at underreporting knowledge of Belarusian. The article argues that all these disputed census categories reflect political interests.

Resumen

Arel Dominique.- Demografía y Política en los los Primeros Censos Post-Soviéticos: Desconfianza en el Estado, Identidades en Cuestión Los primeros censos post-soviéticos, llevados a cabo en Rusia, Ucrania, Bielorrusia, Kazakistan y los países Bálticos, presentaron nuevos retos políticos a los agentes censales. Las discusiones se centraron en três temas: migración, confidencialidad y nacionalidad étnica. Los datos oficiales muestran que la población ha disminuido en todos los países post-soviéticos, pero la incapacidad y falta de voluntad del estado Ruso de tomar en cuenta las migraciones no registradas ha producido un déclive demográfico engañoso. La desconfianza general en el estado ha creado escepticismo en cuanto a las garantías de confidencialidad de los datos del censo. Tal desconfianza es mayor en Rusia, donde el censo ha puesto en evidencia un estado post-autoritano inseguro acerca de cómo dirigirse a sus propios ciudadanos. Los censos post-soviéticos, a diferencia de los occidentales, han incluido una pregunta sobre nacionalidad étnica, puesto que la nacionalidad légitima su soberanía. El censo de Kazakistan ha procurado obtener mayorías étmcas kazak a nivel nacional y en las provincias cuyos limites fronterizos se han amañado. La Federación Rusa, la única federación del mundo que vincula la etnia con el territo- rio, ha tenido que hacer frente a un sinfín de declaraciones de nuevas nacionahdades, incluy- endo la cosaca, en el censo. En cuanto al idioma, los censos de Ucrania y de los países Bálticos han intentado minimizar la presencia del ruso por medios estadísticos, mientras que el censo de Bielorrusia ha intentado reflejar un nivel de conocimiento del bielorruso inferior el real. Este artículo argumenta que todas estas categorías censales polémicas reflejan intereses políticos.

Abstract

Arel Dominique.- Demography and Politics in the First Post-Soviet Censuses: Mistrusted State, Contested Identities The first post-Soviet censuses have presented new political challenges to census officials in Russia, Ukraine, Belarus, Kazakhstan and the Baltic countries. Three issues have dominated the agenda: migration, confidentiality, and ethnic nationality. Overall population figures have officially decreased in all post-Soviet countries, but the Russian state's incapacity and unwillingness to record unregistered migration is producing a deceptive demographic decline. A general mistrust of the state has made people sceptical of guarantees of confidentiality of census data. The mistrust is greatest in Russia and the census has revealed a post- authoritarian state uncertain about how to approach its own population. Post-Soviet censuses, unlike western ones, have all kept a question on ethnic nationality, since nationality legitimates their sovereignty. The Kazakh census has been preoccupied with producing ethnic Kazakh majorities, at the national level and in gerrymandered provinces. The Russian Federation, the only federation in the world that links ethnicity to territory, has faced a plethora of claims to recognition of new nationalities in the census, including the Cossack. On language, the Ukrainian and Baltic censuses have attempted to minimize the Russian presence by

statistical means, while the Belarusian census aims at underreporting knowledge of Belarusian. The article argues that all these disputed census categories reflect political interests.

In other words, while nationality was defined by language (the German concept, prevalent in eastern Europe), an individual's language was not accepted in the Soviet census as indicative of nationality. What counted was the presumed language of one's ancestors. A third-generation Ukrainian in Kazakhstan, who knew no other language than Russian, was still counted as a Ukrainian, even though, for Ukrainian nationalists, language is the indisputable core of national identity. Linguistic assimilation, while real in urban areas (outside of the Baltics and the southern Caucasus), actually left very few traces in Soviet census statistics (Silver, 1986).

Theoretically, the post-Soviet countries could have attempted to do away with a direct question on nationality in the census, while maintaining one on language. This would have brought them in line with the practice of a number of western multi-ethnic states such as Canada and Spain, where ethnic nationalists are deriving national identity from language data in the census. This is not to say that post-Soviet states are breaking any international standard. While international organizations such as the UN and Eurostat have devised standards for non-identity categories on the census form, and while post-Soviet countries are attempting to meet these standards scrupulously in order to be eligible for the funding they so desperately need to conduct their censuses, there are no standards for ethnic nationality (or, for that matter, for race, language, or religion) (*United Nations Statistical Commission*, 1998). This absence reflects partly the rejection by some countries (such as France) of the concept of nationality or national minority on philosophical grounds, and partly the inherently political nature of the definition of what constitutes a nationality, as discussed above.

2. Nationality and territory

While there are no conventions on whether or how the census should enquire into ethnic nationality, a clear standard has evolved in the past decade regarding the labelling of national identities. National identity, according to this standard, is a matter of *self*-definition and cannot be imposed by the state. This had led the European Union to view the use of ethnic or religious categories on identity cards as incompatible with human rights⁽¹⁷⁾. "Internal passports" in the Soviet Union had an entry for nationality. They no longer do, except in Kazakhstan. The census question on nationality, on the other hand, was based on self-declaration, but within clear bounds. The most politically consequential of all restrictions is that not all national categories volunteered by respondents are recognized as

⁽¹⁷⁾ The EU stance created a storm of controversy in Greece in 2000, when the government announced that identity cards would no longer have an entry for religion. The Greek Orthodox Church led demonstrations denouncing the new policy as an attack by Europe on Greek Orthodox identity (Smith, 2000).

valid by enumerators. As we will see, all Soviet censuses used an exclusive list of recognized nationalities and detailed instructions on how to recode unrecognized categories into official ones. For instance, “Cossacks” were counted as Russians if they claimed Russian as their “native language,” or as Ukrainians if they claimed Ukrainian, but never as “Cossacks” since the term was not accepted as a nationality. A “dictionary of nationalities,” listing all recognized and unrecognized categories, was prepared and updated prior to each census. All countries in this study have maintained the practice, for the simple and fundamental reason that nationality, in the post-Soviet context, continues to be linked to territorial sovereignty .

Shortly after the Bolshevik revolution, Soviet authorities endowed recognized nationalities with formal sovereignty over an administratively demarcated territory. The expectation was that the “nationalization” of territory would satisfy national demands and thereby make them irrelevant in the long run. Instead, a sense of unfulfilled entitlement set in. In the post-Soviet era, the crucial linkage between nationality and territory has remained intact. Ukraine, Belarus, Kazakhstan, Estonia, and Latvia all legitimize their independence on the grounds that their country constitutes the homeland of the “titular” nation, namely, the ethnic nationality after which the state is named. The ethnically defined autonomous “republics” of the Russian Federation, such as Tatarstan or Bashkortostan, do the same. While in some cases, legal documents blur the distinction between the ethnic and the civic nation as agents of self-determination, that is as the group in whose name sovereignty is proclaimed, other instruments of nation-building such as public speeches and school textbooks unambiguously emphasize the ethnic element⁽¹⁸⁾.

3. The imperative to create statistical majorities

The claim of ethnic entitlement to a territory entails a need to produce ethnic majorities. This is arguably the main reason why post-Soviet countries have kept a nationality category in their census. National elites understand the power of official statistics very well. Even though the claim of prior settlement is conceptually distinct from contemporary demographics, the ability to construct statistical majorities is a critical tool for strengthening a state’s hold on territories. The case of Kazakhstan illustrates this point strikingly well. Between the censuses of 1926 and 1959,

⁽¹⁸⁾ In Ukraine, for instance, the Constitution rather tortuously indicates that the right of self-determination is exercised “by the Ukrainian nation” (with a small U in the Ukrainian-language text, giving the expression an ethnic connotation) as well as “all the Ukrainian people” (with a capital U in the original, and a more inclusive meaning). The Declaration of Independence, on the other hand, suggests that Kievan Rus’ was a Ukrainian state, and state-sponsored textbooks intimate that the Rus’ inhabitants are the ancestors of ethnic Ukrainians. In other words, Ukraine has a historic right to independence because ethnic Ukrainians settled there first (Arel, 2002b). In Kazakhstan, the Constitution defines the national territory as “the ancestral land of the Kazakhs” (Dave and Sinnott, 2002).

Annex 115

Linos-Alexandre Sicilianos, *L'actualité et les Potentialités de la Convention sur L'élimination de la Discrimination Raciale*, *Revue Trimestrielle des Droits de L'homme*, Vol. 64 (2005)

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BRUYLANT

L'ACTUALITÉ ET LES POTENTIALITÉS DE LA CONVENTION SUR L'ÉLIMINATION DE LA DISCRIMINATION RACIALE

À propos du 40^e anniversaire de son adoption

PAR

Linou-Alexandre SICILIANOS (*)

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Vice-président du Comité
pour l'élimination de la discrimination raciale*

Quarante ans après l'adoption de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale (1) (ci-après la Convention), le moment est venu de tenter un bilan de son application et de s'interroger sur sa pertinence et son actualité dans la conjoncture internationale contemporaine. En effet, selon une approche assez répandue, y compris au sein des Nations Unies, le plus ancien parmi les sept traités qui forment le noyau du système onusien de protection des droits de l'homme (2), s'il était d'actualité en son temps, semble aujourd'hui plutôt dépassé. D'inspiration essentiellement « tiers-mondiste », la Convention serait le produit d'une autre époque en constituant le « cheval de bataille » contre le colonialisme et le racisme dans le sens le plus traditionnel

(*) Les opinions exprimées dans cette contribution reflètent les vues personnelles de l'auteur.

(1) Adoptée et ouverte à la signature et à la ratification par l'Assemblée générale des Nations Unies dans sa résolution 2106 A (XX) du 21 décembre 1965, *Recueil des traités des Nations Unies (R.T.N.U.)*, vol. 660, p. 195.

(2) Sans aucunement sous-estimer l'importance des autres instruments onusiens de protection des droits de l'homme, on peut considérer que le noyau du système est formé par ceux qui sont dotés d'un comité qui en surveille l'application, c'est-à-dire, outre la Convention précitée, les deux Pactes internationaux relatifs aux droits économiques, sociaux et culturels (*R.T.N.U.*, vol. 993, p. 3, 16 décembre 1966) et aux droits civils et politiques respectivement (*ibid.*, vol. 999, p. 171, 16 décembre 1966); la Convention pour l'élimination de toutes les formes de discrimination à l'égard des femmes (*ibid.*, vol. 1249, p. 13, 18 décembre 1979); la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants (*ibid.*, vol. 1465, p. 85, 10 décembre 1984); la Convention sur les droits de l'enfant (*ibid.*, vol. 1577, p. 3, 20 novembre 1989) et la Convention sur la protection des droits des travailleurs migrants et des membres de leurs familles (A/Rés. 45/158, 18 décembre 1990).

vail. Cependant, conformément à une pratique bien ancrée au sein du système onusien de protection des droits de l'homme, le Comité a adopté aussi un certain nombre de recommandations générales visant à systématiser, voire à expliciter et à codifier sa pratique sur ce point. A travers ces éléments, on voit se profiler une approche englobante du Comité au sujet du champ d'application de la Convention. Cette attitude traditionnelle est confirmée par deux recommandations générales récentes, concernant la discrimination fondée sur l'ascendance et les droits des non-ressortissants respectivement. Etant donné le caractère délicat des problèmes juridiques qu'elles soulèvent, ces recommandations générales méritent un examen séparé.

A. – *L'approche traditionnellement englobante du Comité*

Sans prétendre à l'exhaustivité, on rappellera tout d'abord que dès 1990, le Comité a posé le principe suivant lequel l'appréciation concernant l'appartenance «à un groupe ou à des groupes raciaux ou ethniques particuliers (...) doit, sauf justification du contraire, être fondée sur la manière dont s'identifie lui-même l'individu concerné» (9). Il s'agit là de la consécration du principe de l'auto-identification que l'on retrouve *expressis verbis* dans d'autres instruments internationaux relatifs à la protection de groupes vulnérables, tout particulièrement dans le domaine des droits des personnes appartenant à des minorités (10).

(9) Recommandation générale VIII concernant l'interprétation et l'application des paragraphes 1 et 4 de l'article premier de la Convention (1990), reproduite dans la *Récapitulation des observations générales ou recommandations générales adoptées par les organes créés en vertu d'instruments internationaux relatifs aux droits de l'homme*, N.U., doc. HRI/GEN/1/Rev. 7, 12 mai 2004, p. 233.

(10) On rappelle ainsi, à titre d'exemple, que la Convention-cadre du Conseil de l'Europe pour la protection des minorités nationales (*Série des Traités européens*, n° 157, 1^{er} février 1995) reconnaît une sorte de droit de «opt out» en stipulant que : «Toute personne appartenant à une minorité nationale a le droit de choisir librement d'être traitée ou ne pas être traitée comme telle...» (art. 3, par. 1). Dans un ordre d'idées voisin, on observera également qu'en règle générale, les peuples autochtones réagissent, plus ou moins énergiquement, contre leur qualification par les Etats en tant que «minorités». Cette question délicate s'est posée à diverses reprises devant le Comité, qui a évité de telles identifications contestées par les personnes intéressées, conformément à sa propre Recommandation générale citée à la note précédente (voy., par exemple, au sujet des Samis, les récentes observations finales du Comité sur le rapport de la Suède, *Rapport du Comité pour l'élimination de la discrimination raciale*, N.U. doc. A/59/18 (2004), pp. 43 et s.).

Parallèlement à l'énoncé de ce principe de base, le Comité a adopté une approche pour ainsi dire holistique au sujet du champ d'application de la Convention. En se référant à la définition précitée du paragraphe 1 de l'article premier de la Convention, le Comité a souligné que celle-ci «englobe toutes les personnes qui font partie de races ou de groupes nationaux ou ethniques différents ou de populations autochtones». Et le Comité d'inviter instamment les Etats à lui fournir des renseignements sur la présence de pareils groupes sur leur territoire, tout en insistant sur le fait que «l'application de critères différents pour la détermination des groupes ethniques ou des populations autochtones, qui amène à reconnaître certains d'entre eux et à refuser d'en reconnaître d'autres, peut aboutir à traiter différemment les divers groupes qui composent la population vivant dans le pays» (11). Dans cet ordre d'idées s'inscrit l'appel quasiment systématique du Comité à ce que les Etats lui fournissent des données statistiques concernant la composition démographique de leur population et plus particulièrement l'origine ethnique ou nationale, ainsi que l'ascendance de leurs ressortissants ou d'autres personnes résidant sur leur territoire.

Pour le Comité, l'établissement de statistiques fiables est une condition nécessaire pour avoir une image claire de la situation nationale au regard de la Convention, en vue de prendre les mesures appropriées et évaluer leur pertinence. Cependant, la demande susmentionnée du Comité a soulevé parfois des résistances, y compris pour des questions de principe ayant trait notamment à la protection des données à caractère personnel. A notre avis, toutefois, il s'agit là d'un faux débat. S'il est hors de doute que l'appartenance à un groupe racial ou ethnique constitue une donnée personnelle et même une donnée «sensible» (12), il existe des moyens pour effectuer des statistiques en rendant anonymes les données en question et en respectant pleinement les normes internationales applicables en la matière, y compris et surtout le droit à la vie privée (13).

(11) Recommandation générale XXIV concernant l'article premier de la Convention (1999), reproduite dans N.U., *doc. HRI/GEN/1/Rev. 7*, précité (note 9), p. 252. Voy. également M. BIDAULT, *Le Comité pour l'élimination de la discrimination raciale. Analyse d'une dynamique institutionnelle*, Paris, Montchrestien, 1997, pp. 113 et s.

(12) Voy. l'article 6 de la Convention du Conseil de l'Europe pour la protection des personnes à l'égard du traitement automatisé des données à caractère personnel (*Série des Traités européens n° 108*, 28 janvier 1981).

(13) Voy. la Recommandation Rec(97)18 du Comité des ministres du Conseil de l'Europe sur la protection des données à caractère personnel, collectées et traitées à des fins statistiques, 30 septembre 1997 (surtout les principes 3.3 et 8.1) et l'exposé des motifs (surtout par. 28 et s., 67 et 90).

Indépendamment de cette controverse – dont l'importance ne saurait être sous-estimée –, ce qui doit être souligné aux fins de notre analyse est la vision englobante du Comité au sujet du champ d'application de la Convention. Loin de se confiner aux problèmes de racisme au sens strict du terme, le Comité a approfondi le sens de l'article premier en mettant en évidence toutes les potentialités de la définition qu'il contient. C'est ainsi qu'en se disant conscient que, «dans de nombreuses parties du monde, des conflits transfrontières militaires, non militaires et/ou interethniques ont provoqué des flux massifs de réfugiés et le déplacement de personnes sur la base de critères ethniques», le Comité a réaffirmé les droits de ces personnes au regard de l'article 5 de la Convention, tout en rappelant les principes cardinaux de la Convention de Genève de 1951 relative au statut des réfugiés (14). Il en résulte que pour le Comité, il ne fait pas de doute que les réfugiés et les personnes déplacées sur la base de critères ethniques tombent sous le coup de l'application de la Convention.

Il en va de même pour ce qui est des peuples autochtones. En effet, le Comité n'a cessé d'affirmer que «la discrimination envers les populations autochtones entraine dans le champ d'application de la Convention et que tous les moyens appropriés devraient être mis en œuvre pour lutter contre cette discrimination et l'éliminer» (15). Il s'agit là d'une question qui revient souvent dans les observations finales du Comité. Celui-ci recommande régulièrement aux Etats parties d'envisager de ratifier d'autres instruments pertinents, notamment la Convention relative aux peuples indigènes et tribaux de l'Organisation internationale du travail (16).

Dans le même ordre d'idées, on mentionnera également la recommandation générale XXVII concernant la discrimination à l'égard des Roms (2000) (17). Adoptée à l'issue d'un «débat thématique» (18), cette longue recommandation ne soulève même pas *expressis verbis* la question de l'applicabilité de la Convention à ce groupe particulièrement vulnérable. Il n'a jamais été contesté, en

(14) Recommandation générale XXII concernant l'article 5 et les réfugiés et personnes déplacées (1996), reproduite dans *doc. HRI/GEN/1/Rev. 7*, précité (note 9), p. 249.

(15) Recommandation générale XXIII concernant les droits des populations autochtones (1997), reproduite *ibid.*, p. 250.

(16) Convention n° 169, 7 juin 1989.

(17) Reproduite dans *doc. HRI/GEN/1/Rev. 7*, précité (note 9), p. 256.

(18) Les débats thématiques constituent une nouvelle méthode de travail du Comité dont il sera question plus loin (*infra* III).

effet, que les différentes formes de discrimination à l'égard des Roms tombaient sous le coup de l'application de la Convention à plus d'un titre et notamment au titre de discriminations fondées sur l'origine ethnique. On notera, par ailleurs, que dans certaines observations finales, les discriminations en question constituaient, sinon le seul, du moins le principal sujet de préoccupation du Comité (19). De plus, les documents adoptés lors de la Conférence de Durban insistent tout particulièrement sur les mesures à prendre pour améliorer la situation des Roms (20).

Parmi les «mesures d'ordre général» recommandées aux Etats dans la Recommandation générale du Comité concernant les Roms, on notera tout particulièrement celle qui consiste à prendre en considération, «dans tous les programmes et projets prévus et mis en œuvre et toutes les mesures adoptées, la situation des femmes roms, qui sont souvent victimes d'une double discrimination» (21). Plus généralement, la question dite de la «double discrimination» (ou de la discrimination multiple) a préoccupé le Comité à plusieurs reprises. Par ce terme on entend les discriminations fondées simultanément sur deux (ou plusieurs) des motifs prévus dans l'article premier de la Convention (par exemple sur l'origine nationale *et* sur l'origine ethnique, comme les immigrés ou demandeurs d'asile d'origine rom (22)); mais aussi les discriminations fondées sur un des motifs prévus dans la Convention et sur un autre motif non prévu par celle-ci, par exemple le sexe, l'âge ou la religion. Il s'agit en réalité de personnes particulièrement vulnérables au sein de groupes qui tombent de toute façon sous le coup de l'application de la Convention.

Parmi ces formes de double discrimination, le Comité a mis l'accent sur les discriminations souvent aggravées dont souffrent les femmes appartenant à de tels groupes. Ainsi qu'il a été souligné dans la Recommandation générale concernant la dimension sexiste de la discrimination raciale, «[c]ertaines formes de discrimination raciale peuvent être dirigées spécifiquement contre les femmes en

(19) Voy., à titre d'exemple, les observations finales concernant la Hongrie (*Rapport du Comité pour l'élimination de la discrimination raciale, doc. A/57/18 (2002)*, pp. 66 et s.); la République tchèque (*Rapport du Comité pour l'élimination de la discrimination raciale, doc. A/58/18 (2003)*, pp. 63 et s.); et la Slovaquie (*doc. A/59/18, précité*, pp. 69 et s.).

(20) Voy. la Déclaration de Durban, par. 68 et le Programme d'action, par. 40 et s. (documents précités, note 7).

(21) Recommandation générale XXVII, précitée, par. 1.6.

(22) Voy. *ibid.*, par. 1.5.

tant que femmes, par exemple : les violences sexuelles commises en détention ou en temps de conflit armé sur la personne de femmes appartenant à des groupes raciaux ou ethniques particuliers; la stérilisation forcée de femmes autochtones» (23), etc. La prise en compte de ces phénomènes n'élargit pas, à proprement parler, le champ d'application de la Convention. Elle confère, néanmoins, une dimension nouvelle – en l'occurrence sexo-spécifique – à l'examen des rapports étatiques, permettant de mettre en évidence et d'analyser des problèmes, parfois très graves, qui autrement risqueraient de passer inaperçus ou d'être relégués en second plan.

Tout aussi importante est la prise en considération de la discrimination dite indirecte. Une telle discrimination peut résulter d'une pratique, d'un critère ou d'une disposition apparemment neutre, mais néanmoins susceptible d'entraîner en réalité un désavantage particulier pour des personnes d'une race, d'une couleur, d'une ascendance, d'une origine ethnique ou nationale donnée par rapport à d'autres personnes (24). C'est précisément cette forme de discrimination sournoise qui est visée dans l'article premier, paragraphe 1 de la Convention lorsque celui-ci se réfère à toute distinction, exclusion, etc., «qui a pour but ou pour effet» de détruire ou de compromettre la jouissance des droits de l'homme dans des conditions d'égalité.

Encore faut-il relever, cependant, que tout traitement différencié ne constitue pas nécessairement une discrimination prohibée. Un tel traitement peut avoir, en effet, une justification objective, lorsqu'il vise un but légitime et à condition que les moyens utilisés soient appropriés et proportionnels à l'objectif poursuivi (25). Tel est le cas, entre autres, des «mesures spéciales», c'est-à-dire des mesures

(23) Recommandation générale XXV (2000), reproduite dans *doc. HRI/GEN/1/Rev. 7*, précité, p. 253, par. 2.

(24) Voy. la définition contenue dans l'article 2, paragraphe 2, al. b) de la directive 2000/43 CE du Conseil du 29 juin 2000, relative à la mise en œuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique, *J.O. L 180/22*, du 19 juillet 2000.

(25) Voy. la Recommandation générale XIV concernant le paragraphe 1 de l'article premier de la Convention (1993), reproduite dans *doc. HRI/GEN/1/Rev. 7*, précité, p. 239, par. 2, ainsi que la Recommandation générale XXX concernant les discriminations contre les non-ressortissants (2004), reproduite dans *N.U., doc. A/59/18*, précité, p. 93, par. 4. Voy. dans le même sens la jurisprudence constante de la Cour européenne des droits de l'homme (v. à titre purement indicatif *Larkos c. Chypre*, arrêt du 18 février 1999, par. 29; *Chassagnou et al. c. France*, arrêt du 29 avril 1999, par. 91) et de la CJCE (voy. par exemple l'arrêt du 13 avril 2000, *Karlsson*, affaire C-292/97, *Rec.* p. I-2737, point 39).

positives (affirmative action), dont il est question au paragraphe 4 de l'article premier et au paragraphe 2 de l'article 2 de la Convention. Contrairement à ce qui est avancé par leurs détracteurs, les mesures en question ne constituent point une discrimination. Il s'agit d'un traitement préférentiel, certes, qui bénéficie cependant d'une justification objective et raisonnable – existence de désavantages – et qui poursuit un but légitime, à savoir la promotion de l'égalité effective. Encore faut-il que les mesures positives soient proportionnées au but poursuivi. Les autorités compétentes disposent d'une certaine marge pour apprécier si ces conditions sont réunies, tout en étant soumises au contrôle international. Il en va de même au sujet du moment adéquat pour mettre fin à ces mesures. Il est évident, en effet, qu'une fois l'égalité de fait atteinte, le maintien de mesures positives manquerait de justification objective et de but légitime. C'est ce qui est explicitement stipulé, du reste, dans les dispositions susmentionnées de la Convention, ainsi que dans d'autres instruments internationaux qui se réfèrent à cette question (26).

Il apparaît ainsi que l'article premier de la Convention, tel qu'interprété traditionnellement par le Comité, couvre un large éventail de questions qui vont bien au-delà de la discrimination raciale au sens strict du terme, c'est-à-dire celle qui est fondée sur la «race» ou la «couleur». Cette approche est confirmée dans la pratique récente du Comité.

B. – *La confirmation de l'approche englobante dans la pratique récente du Comité*

En effet, depuis 2002, le Comité a eu l'occasion de clarifier, par voie de Recommandations générales, les deux aspects les plus délicats concernant le champ d'application de la Convention et, partant, son propre mandat : le sens de la notion d'«ascendance» au titre du paragraphe premier de l'article 1 et l'applicabilité de la Convention aux non-ressortissants eu égard aux paragraphes 2 et 3 de la même disposition.

(26) Voy., par exemple, l'article 4, par. 1 de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes (précitée); l'article 4 de la Convention-cadre du Conseil de l'Europe pour la protection des minorités nationales (précitée). Voy. également le 3^e considérant du Préambule du 12^e Protocole à la Convention européenne des droits de l'homme (Rome, 4 novembre 2000, *série des Traités européens*, n^o 177).

Annex 116

Patrick Thornberry, UNIVERSAL MINORITY RIGHTS: A COMMENTARY
ON THE JURISPRUDENCE OF INTERNATIONAL COURTS AND TREATY
BODIES (Oxford University Press 2007)

*Pursuant to Rules of the Court Article 50(2), this annex is
comprised of such extracts of the whole document as are
necessary for the purpose of the pleading. A copy of the
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Education

Patrick Thornberry

From: Universal Minority Rights: A Commentary on the Jurisprudence of International Courts and Treaty Bodies

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I. General Introduction

State policies towards minorities have ranged from attempts to eliminate groups by physical means or forced assimilation, through neglect—benign or otherwise—discrimination, and forcible segregation,¹ to positive attempts at integration, protection, and promotion and even celebration of minority identity.² Following a post-1945 period of relative neglect of minority issues (p. 326) in terms of recognition and endorsement of group presence, international law now robustly insists that minorities have rights to exist and maintain their identity. They also have the right to be free from discrimination, and are deemed to enjoy general human rights including those with a cultural aspect, and those specifically directed to them. The contemporary formulation of rights is individualist though there are collective rights such as self-determination, and collective exercise of individual rights is generally recognized—the overall collective imprint being heavier in instruments on indigenous peoples.³ International law recognizes various categories of right-holder, of which members of minorities are only one, producing an interconnected family of instruments and principles. Processes of text reading are complex in that particular minority rights are only imperfectly understood without a wider frame of reference to other texts in the human rights ‘family’.⁴ Even in the limited framework of the League of Nations, the treaties and declarations integrated rights of inhabitants and nationals with those of nationals belonging to ‘racial, religious or linguistic minorities’.⁵ Those who ignore such complexity can fall into ‘the Brownlie trap’, laid for those ‘super-specialists’ with ‘super tunnel vision’, when: ‘it does not seem to occur to them that their subject of special interest belongs to a much wider world of normative development’.⁶ It may also be noted that the more specific norms can also lend content to the general (p. 327) instruments, especially where the latter make little more than passing reference to the right in question.⁷

In the present chapter, emphasis is placed on the development of norms through jurisprudence. However, it may be noted that, with some treaty bodies,⁸ the contribution of case-based jurisprudence is limited, so recourse will be had to snapshots of the concluding observations of such bodies. Secondly, despite demands made on monitoring bodies to achieve an integrated approach to human rights, in practice a treaty body will commence norm interpretation from within the four corners of ‘its own’ treaty, so that convergence of norms may represent an ideal rather than describe reality. The complexity of the legal

than temporary measures.⁷⁹ The same is true for indigenous rights.⁸⁰ Indigenous groups and minorities enjoy their own rights in international law which stand independently of the case for special measures, though some state policies for such groups may be brought within this framework. Accurate appraisal of the situation of minority and indigenous groups is indispensable for the fulfilment of international obligations on special measures (p. 340) and minority rights, and highlights the importance of collecting disaggregated data.⁸¹

3. Specific Minority Rights

(a) Curriculum Content

Recurring elements in curriculum standards for and about minorities include the following: First, the *multicultural* essence of education for minorities is the provision of means by which the groups can protect and promote their identity. The Commentary on the UN Declaration on Minorities recognizes that in the protection of the identity of minorities, the 'language and educational policies of the State are crucial'; further, to deny to minorities 'the possibility of learning their own language and of receiving instruction in their own language, or excluding from their education the transmission of knowledge about their own culture, history, tradition and language, would be a violation of the obligation to protect their identity.'⁸² Promotion of identity requires 'special measures to facilitate the maintenance, reproduction and further development of their culture'.⁸³ Secondly, Article 4.4. of the UN Declaration on Minorities is interpreted in the commentary by the UN Working Group on Minorities to call for *intercultural* education, 'by encouraging knowledge in the society as a whole of the history, tradition and culture of the minorities living there.'⁸⁴ The education of the population at large is to be complemented by education for members of minorities—'the complementary duty to ensure that persons belonging to minorities gain knowledge of the society as a whole',⁸⁵ within the overall purpose of ensuring 'egalitarian integration based on non-discrimination and respect for each of the cultural, linguistic or religious groups which together form the national society'.⁸⁶

(p. 341) A similar spirit informs Article 7 of CERD; accordingly, CERD/C has made many recommendations to the effect that state parties ensure that school curricula foster understanding, tolerance, and friendship among nations and ethnic groups,⁸⁷ the overall message being one of the inherent dignity and equality of human beings.⁸⁸ The intercultural element is complemented by recommendations for 'multicultural' programmes in relation to opportunities for learning minority and indigenous languages, etc. The lack of provision in educational curricula for indigenous or minority languages has been a matter of regular concern.⁸⁹ Other UN treaty bodies have made similar recommendations—the CRC/C for example has insisted on the importance of adapting school curricula to suit the particularities of local communities;⁹⁰ CESCR/C recommended Greece to ensure adequate staffing with teachers specialized in multicultural education.⁹¹

The Framework Convention's account of intercultural education implies that the general population should be aware of minority presence, history, culture, etc.; and equally that minorities should not retreat into psychological ghettos where they take no interest in fellow citizens.⁹² The Advisory Committee has taken the view that history taught in schools should reflect a country's ethnic diversity,⁹³ and that education materials which contain negative stereotypes of minorities should be revised.⁹⁴ Since history teaching is a natural forum for evoking national memories,⁹⁵ texts should be drafted with (p. 342) special sensitivity to the historical role of minorities. *Inter alia*, UNESCO has also paid attention to questions surrounding the teaching of history which focuses too narrowly on national aspects of history 'to the detriment of giving due account of periods of peaceful coexistence, cooperation and cultural exchange, of mutual enrichment between different groups as well

as between nations'.⁹⁶ General principles to be applied in curriculum development are set out in Recommendation 19 of the Hague Recommendations.⁹⁷

A third element not to be neglected in the curriculum area is the imparting to members of minorities of the *necessary knowledge and skills* to enhance possibilities of succeeding in the wider society. This requirement pertains to education rights—including the issue of adequate knowledge of the state or official language—as well as to rights of effective participation of minorities in 'cultural, religious, social, economic and public life',⁹⁸ and participation in development.⁹⁹ Hence the widespread approval by treaty bodies of bilingual education.

(b) Participation

In many countries, decisions on syllabuses are taken at central government level. The texts on minority rights mandate or encourage participatory processes, so that there is a bottom-up as well as a top-down element in educational decision-making. Participation principles are widely recognized in international law.¹⁰⁰ The principles go beyond general participation in public life to participation in national and local *decisions* which affect minorities.¹⁰¹ Education 'decisions' may have a profound effect on minority communities and are clearly within the (p. 343) language of the texts.¹⁰² The Hague Recommendations put the matter simply: 'The curriculum content related to minorities should be developed with the active participation of bodies representative of the minorities in question'.¹⁰³ The message is reinforced by the Lund Recommendations.¹⁰⁴ *Inter alia*, Lund Recommendation 17 identifies education as among areas particularly appropriate for institutions of self-governance.¹⁰⁵ The message is further elaborated through sundry recommendations of treaty bodies. CERD/C has called specifically for the participation of minorities in the elaboration of educational and cultural policies.¹⁰⁶

Besides political and decisional aspects of participation in education, questions of non-attendance, school exclusions, etc., are also to be considered in the context of both participation and access. Participation in the school system means that groups should not be effectively excluded, and that drop-out rates should be reduced. School exclusions are also an aspect of the participation nexus. All of these aspects may be directly linked to discrimination, whether direct or indirect. CERD/C is only one among many treaty bodies to be greatly exercised by discrimination against the Roma, issuing a general recommendation on this group in 2000.¹⁰⁷ Paragraph 17 of the Recommendation recommends that states parties 'support the inclusion in the school system of all children of Roma origin and...act to reduce drop-out rates, in particular among Roma girls, and, for these purposes,...cooperate actively with Roma parents, associations and local communities.' Among many (p. 344) deprivations recorded or alleged, the question of so-called 'special schools' has aroused widespread concern: specifically, the practice of placing Roma pupils in schools or special remedial classes for mentally handicapped children. Principles such as avoiding segregation while keeping open the possibility of mother-tongue education are recalled by the Committee, and among remedies suggested are recruitment of more Roma teachers, and 'sensitization of teachers and other education professionals to the social fabric and world views of Roma children'.¹⁰⁸ This suggests a point that the roots of the discrimination lie in divergent cultural assumptions concerning the role of education in the larger and smaller community, and the nature of the educational structures. Following its earlier comments, CERD/C issued a particularly robust observation in 2007 on the special schools phenomenon in the Czech Republic:

The Committee...notes with particular concern that a disproportionately large number of Roma children attend 'special schools'. While noting the views of the State party that this results from the vulnerable situation of the Roma and the need to adopt special measures to respond to their needs...the Committee remains concerned that this situation also seems to result from discriminatory practices and

Annex 117

Vasyl Kuchabsky, *Western Ukraine in Conflict with Poland and Bolshevism, 1918-1923* (Edmonton and Toronto: Canadian Institute of Ukrainian Studies Press, 2009)

Pursuant to Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

Western Ukraine in Conflict with Poland and Bolshevism, 1918–1923

Vasyl Kuchabsky

Translated from the German
by Gus Fagan



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influence. The most necessary reforms were accomplished with great care. The very moderation with which the Western Ukrainians approached the transformation of the old tried and tested political system showed that they possessed a higher degree of political statecraft than their Eastern Ukrainian counterparts. A school system was also established. The school law of 13 February and the law on official languages of 15 February 1919 both protected minority language rights. In spite of their hostile or neutral attitude at the time, the later political influence of the minorities was guaranteed. The constitutional law of 15 April 1919 on the future parliamentary assembly (Seim), which was to be elected in the usual radical-democratic manner on the basis of a general, equal, secret, direct, and proportional franchise by citizens of both sexes, protected the minorities from Ukrainian majority rule by establishing national curias for them. The parliament was to be made up of 226 representatives, of whom 160 were to be Ukrainians (70.8 percent), 33 were to be Poles (14.6 percent), 27 Jews (11.9 percent), and 6 Germans (2.7 percent). It was the standing policy of the State Secretariat to bring Polish officials and experts into the Western Ukrainian state service. And this policy was not without success, for later, when the Poles conquered Eastern Galicia, quite a number of Poles had to pay the price for having been coopted into the service of the Western Ukrainian state.⁷⁰

The Ukrainian National Rada lacked the political ability to create a constitutional and legal order that was original and adapted to the specific character and needs of the nation. It followed the schematic conceptions of international radical democracy in every respect. As a result, the whole form of the Western Ukrainian state was internally weak and unable to avoid the kind of constitutional crisis that was to affect all the national states established in 1919. For the time being, however, the Western Ukrainian radical-democratic order remained stable.

It was within the framework of its radical-democratic politics that the Ukrainian National Rada carried out its most unfortunate and questionable action—the agrarian law of 14 April 1919. It took account of a variety of circumstances. Agrarian relations in Western Ukraine were indeed extremely unsound: for the most part, the peasants were without adequate land. The harshness of the new law was influenced, however, not only by the agrarian revolution in Eastern Ukraine but also by the fact that the large estates were almost exclusively in Polish hands, which meant, in the given circumstances, that they were hostile to the state. The law was also meant to serve the highly dubious purpose of goading the peasants into battle with the prospect of agrarian reform. It provided for the dispossession of the large landowners and the partition of their

Annex 118

Paul Robert Magocsi, *History of Ukraine: The Land and Its Peoples*, 2nd revised and expanded ed. (Toronto, Buffalo, and London: University of Toronto Press, 2010)

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A History of
Ukraine

The Land and
Its Peoples

Second, Revised and Expanded Edition

Paul Robert Magocsi

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By the outbreak of World War I in 1914 the Ukrainian national movement in Dnieper Ukraine at most had gone through the first, heritage-gathering stage of intelligentsia-inspired nationalism. Political circumstances in the Russian Empire either precluded its further evolution outright or allowed the early organizational and political stirrings insufficient time in which to develop. The result was that the Ukrainian-oriented intelligentsia, with its conceptual framework of mutually exclusive identities, was effectively cut off from working with and educating the population at large in a Ukrainian national spirit. Meanwhile, that same population was subjected to a state-imposed national movement and was continually exposed to the Russian imperial ideology, whether in schools, churches, or the army. And if an ethnic Ukrainian peasant ever left the village, he or she entered "Russian" towns and cities, albeit on Ukrainian territory, where all official transactions – in factory workplaces, in governmental offices, on the railroads, and so on – were conducted in Russian.

Given this environment, it is not surprising that the conceptual framework of a hierarchy of multiple loyalties continued to prevail in Dnieper Ukraine until World War I. Ukrainianness as something distinct from Russianness had no prestige, and being a Ukrainian brought no tangible social, economic, or cultural advantages in the nineteenth-century Russian Empire. Those ethnic Ukrainians who were socially mobile could improve their status only by becoming completely russified or, at the very least, by being Russians from Little Russia. As for the idea of an exclusive Ukrainian ethnic identity, it prevailed only among the intellectual and political fringes of Dnieper-Ukrainian society. Accordingly, before 1914 it was not in the Russian Empire but rather in the Austro-Hungarian Empire, particularly in Galicia, that Ukrainian nationalism survived and even prospered.

TREATY OF UNION BETWEEN THE RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC AND THE UKRAINIAN SOVIET SOCIALIST REPUBLIC

The governments of the Russian Socialist Federated Soviet Republic (S.F.S.R.) and the Ukrainian Socialist Soviet Republic (S.S.R.), proceeding from the declaration on the rights of peoples to self-determination as declared by the Great Proletarian Revolution, and recognizing the independence and sovereignty of each other as well as the need to consolidate their power for purposes of self-defense and of economic reconstruction, have decided to conclude the present workers' and peasants' treaty of union for which they have nominated the following representatives:

For the Soviet Russian government – the chairman of the Council of People's Commissars, Vladimir Il'ich Lenin, and the People's Commissar for Foreign Affairs, Georgii Vasilevich Chicherin; for the Soviet Ukrainian government – the chairman of the Council of People's Commissars and the People's Commissars for Foreign Affairs, Khristiian Georgievich Rakovskii.

The aforementioned representatives, with the powers invested in them, have agreed to the following:

1. The Russian S.F.S.R. and the Ukrainian S.S.R. agree to a military and economic union.

2. Both states consider it necessary to declare that the obligations which they are taking upon themselves in relationship to each other can only serve the general interests of the workers and peasants, inclusive of the present union treaty between the two republics, although the fact that the territory of the Ukrainian S.S.R. previously belonged to the former Russian Empire does not imply any obligations on the part of the Ukrainian S.S.R. toward that former entity, whatever such obligations might be.

3. For the better realization of the goals set out in paragraph 1, both governments declare the formation of the following joint commissariats: (1) defense; (2) national economy; (3) foreign trade; (4) finances; (5) employment; (6) transportation; (7) postal and telegraph services.

4. The unified people's commissariats of both republics are part of the Council of People's Commissars of the Russian S.F.S.R. and they have in the Council of People's Commissars of the Ukrainian S.S.R. their own authorized representatives who have been approved and are responsible to the All-Ukrainian Central Executive Committee and Congress of Soviets.

5. The procedure and form of internal administration for the joint commissariats will be decided upon by mutual agreement between the two governments.

6. The leadership and control of the united commissariats will be determined by the All-Russian Congress of Soviets of Workers,' Peasants,' and Soldiers'

Deputies as well as by the All-Russian Central Executive Committee, to which the Ukrainian S.S.R. will send its representatives on the basis of a decision of the All-Russian Congress of Soviets.

7. The present treaty is subject to ratification in compliance with the highest legal authorities of both republics.

The original text is presented for signature on two copies in the Russian and Ukrainian languages in the city of Moscow, 28 December 1920.

SOURCE: *Radians'ke budivnytstvo na Ukraïni v roky hromadians'koï viiny, 1919–1920: zbirnyk dokumentiv i materialiv* (Kiev 1957), pp. 182–183.

placed military and economic affairs entirely in the hands of Moscow. The 1924 Soviet constitution reduced further Soviet Ukraine's powers, giving to the central government (1) authority to lay down general principles controlling education, justice, and health; (2) control over the exploitation of natural resources, including the use of surface land; (3) power to annul decisions of the union republics; and (4) authority to handle the foreign affairs of each republic. Thus, by the beginning of 1924, Soviet Ukraine and the other Soviet republics had become little more than regional entities within the Moscow-dominated Union of Soviet Socialist Republics. Still, at least during the first few years of the Soviet Union's existence Soviet Ukraine managed to maintain a degree of control over its own economic, political, and, especially cultural destiny. It is these aspects of Ukrainian development that will be addressed next.

Czechoslovakia according to its 1938, pre-Munich boundaries. This meant that all of Transcarpathia (Subcarpathian Rus') would once again become Czechoslovak territory. The Allies, including the Soviets, agreed in principle, and when the Red Army entered the region in October 1944, it permitted a Czechoslovak governmental delegation to function there for a few weeks. Before long, however, the Czechoslovak delegation was severely restricted in its activity. Local Communists under the protection of the Red Army – and with the encouragement of Soviet political officers – organized peoples' councils, which by 25–26 November 1944 had called for union of the region with its "Soviet Ukrainian motherland." As for the rest of Czechoslovakia, it was restored as a sovereign state, and although it was influenced but not yet fully controlled by the Communists, it nonetheless felt a sense of loyalty to its Soviet ally and "liberator." In such circumstances, the restored government in Prague was certainly not going to jeopardize Czechoslovak-Soviet relations. Hence, on 29 June 1945, Czechoslovakia's provisional parliament formally ceded Subcarpathian Rus' (Transcarpathia) to Soviet Ukraine.

Owing to postwar Soviet military and political prestige, Soviet Ukraine increased its territory by one-quarter (64,500 square miles [165,300 square kilometers]) and its population by an estimated 11 million. As elsewhere in the country, the new territorial acquisitions were divided into oblasts, which for the most part had no relationship to historical regions. By 1946, Soviet Ukraine had a total of twenty-four oblasts. The new territories also included a significant number of inhabitants other than ethnic Ukrainians, the largest group being the Poles, who numbered about 1.5 million.

The minority question

National minorities were of particular concern to the leaders of many post-1945 European countries, who were convinced that the very existence of minority populations had been one of the main causes of World War II. If future conflicts over national minorities were to be avoided, it seemed, more decisive action was needed. As a result, many countries embarked on a policy of population transfers. These were either voluntary or, more often, involuntary – forced deportations. The largest and most publicized deportation in Europe during this period was the expulsion of 6.3 million Germans from Poland and Czechoslovakia.

The Soviet government also participated in population transfers following agreements with Poland (1 October 1944) and Czechoslovakia (10 July 1946) on the exchange of populations. Between 1945 and 1948, several exchanges – some voluntary, others involuntary – took place. The largest departure from Ukraine was that of nearly 1.3 million Poles from Volhynia and eastern Galicia. There were also 35,000 Czechs who left Volhynia and Transcarpathia. Conversely, nearly 500,000 Ukrainians arrived from Poland (including two-thirds of the Lemko population), and another 12,000 from Czechoslovakia. Finally, there was the question of the *Ostarbeiter* (Eastern workers), POWs, and survivors of concentration camps who at the close of the war found themselves as refugees on German and Austrian territory controlled by four of the Allied Powers (the United States, the Soviet Union, Great Britain, and France). The Allies agreed on the principle of repatriation,

DECLARATION OF INDEPENDENCE

Resolution of the Supreme Soviet of the Ukrainian S.S.R. on the Declaration of Independence of Ukraine

The Supreme Soviet of the Ukrainian Soviet Socialist Republic rules:

To declare Ukraine an independent democratic state on September 24, 1991.

From the moment of declaration of independence only the Constitution of Ukraine, its laws, resolutions of the government, and other legislative acts of the republic are active on its territory.

To hold on December 1, 1991 a republican referendum on the confirmation of the declaration of independence.

L. Kravchuk, Chairman of the Supreme Soviet of the Ukrainian S.S.R.

Kiev, August 24, 1991

Act of Ukraine's Independence Declaration

Proceeding from the mortal danger that threatened Ukraine as a result of the coup d'état in the U.S.S.R. on August 19, 1991:

- developing the centuries-old tradition of the Ukrainian state formation;
- proceeding from the right to self-determination, envisioned by the United Nation-Charter and other international legal documents;
- acting in compliance with the Declaration of State Sovereignty of Ukraine, the Supreme Soviet of the Ukrainian Soviet Socialist Republic declares:

The independence of Ukraine, and the formation of a sovereign Ukrainian state - Ukraine.

The territory of Ukraine is integral and inviolable.

From now on only the constitution and laws of Ukraine are applicable on its territory.

This act comes into force from the moment of its approval.

The Supreme Soviet of Ukraine

August 24, 1991

SOURCE: *News from Ukraine* (Kiev), September 1991, p. 1.

countries before the end of the year, and Kravchuk embarked on several visits to western Europe and North America, acting as if he were the head of an independent state.

The question of Ukraine's relationship with the Soviet Union was finally decided in August 1991, when conservative political forces in Moscow staged an unsuccessful coup (*putsch*) to overthrow Gorbachev. After some initial hesitation in condemning the leaders of the failed *putsch*, Kravchuk acted decisively. On 24

TABLE 53.3
Demographic change among the largest nationalities in Ukraine, 1989 and 2001¹¹

Nationality	Number		Percentage of the total population		Percentage of absolute gain/loss
	1989	2001	1989	2001	
Ukrainians	37,419,000	37,542,000	72.7	77.8	
Russians	11,356,000	8,334,000	22.1	17.3	+0.3
Belarusans	440,000	276,000	0.8	0.6	-26.6
Moldovans	324,000	259,000	0.6	0.5	-37.3
Crimean Tatars	44,000	248,000	0.0	0.5	-20.1
Bulgarians	234,000	205,000	0.5	0.4	+ 463.6
Magyars/Hungarians	163,000	157,000	0.3	0.3	-12.4
Romanians	135,000	151,000	0.3	0.3	-3.7
Poles	219,000	144,000	0.2	0.3	+11.9
Jews	486,000	104,000	0.4	0.2	-34.2
Armenians	54,000	100,000	0.9	0.2	-78.7
			0.1	0.2	+85.1

former Communist-ruled states in central and eastern Europe, a declining birth rate has led to the stagnation or even decline in population. In the case of Ukraine the decline has been as high as 3 million, from 51.4 million inhabitants in 1989 to 48.4 million in 2001, and down even further to 46.2 million in 2008. Aside from a low birth rate, the other factor contributing to population decline is emigration. There could be as many as 7 million people who since independence have left Ukraine on a temporary or permanent basis in search of employment and a better life in Russia, the European Union, and North America.

With regard to the multinational composition of Ukraine's population, during the first decades of independence the general trend has been toward a decrease in the size of the country's numerically largest nationalities (see table 53.3).

The most dramatic decreases have occurred among Russians and Jews. The 26.6 percent decrease in Russians between the 1989 and 2001 censuses can be attributed to various factors, the most important of which are: (1) a change in identity of many citizens – often Russian-language speakers whose parents might be of mixed national background – from a Russian to a Ukrainian national identity; and (2) emigration, whether to neighboring Russia or to the European Union and North America. The decline in the number of Jews is due primarily to emigration largely to Israel and North America. At the same time the number of ethnic Ukrainians remained static, with losses because of birth rate and emigration being counterbalanced with the addition of a large number of former “Russians” who now declared themselves to be ethnic Ukrainians.

There are a few exceptions to the general trend of numerical decline, as among Armenians and Romanians. The increase among the latter is in part the result of a number of Moldovans now claiming Romanian national identity. But the most dramatic demographic change has occurred among the Crimean Tatars, who between 1989 and 2001 experienced a stunning 463 percent increase from 44,000 to

Annex 119

Svitlana Mel'nyk and Stepan Chernychko, *Etnichne ta movne rozmaïttia Ukraïny*
(Uzhhorod: PoliPrint, 2010)

This excerpt has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51. A copy of the whole document has been deposited with the Registry.

Taras Shevchenko National University of Kyiv

Ferenc Rákóczi II Transcarpathian Hungarian College of Higher Education

Melnyk Svitlana, Chernychko Stepan

ETHNIC AND LANGUAGE DIVERSITY OF UKRAINE

Analytical review of the situation

The work was carried out within the framework of the project “Dimensions of Linguistic Otherness: Prospects of Maintenance and Revitalization of Minority Languages within the new Europe”

PolyPrint
Uzhhorod, 2010

UDC [Universal Decimal Classification] 39(477)+81'286(477)
LBC [Library-Bibliographical Classification] 63.5(4UKR) +81(4UKR)
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The monograph examines the demographic situation and legal status, analyzes the educational system of national and linguistic minorities of Ukraine, and outlines theoretical and practical issues of the ethnic and linguistic diversity of the state. The work was carried out within the framework of the project “Dimensions of Linguistic Otherness: Prospects of Maintenance and Revitalization of Minority Languages within the new Europe”

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Table 1

National composition of the population of Ukraine (1959-2001)
 Source: <http://www.uncpd.kiev.ua/ucipr/ukr/stat/census/01/01.pdf>

	1959		1970		1979		1989		2001	
	persons	%	persons	%	persons	%	persons	%	persons	%
Total	41869046	100	47126517	100	49609333	100	51452034	100	48240902	100
Ukrainians	32158493	76.81	35283857	74.87	36488951	73.55	37419053	72.73	37541693	77.82
Russians	7090813	16.94	9126331	19.37	10471602	21.11	11355582	22.07	8334141	17.28
Belarusians	290890	0.69	385847	0.82	406098	0.82	440045	0.86	275763	0.57
Moldovans	241650	0.58	265902	0.56	293576	0.59	324525	0.63	258619	0.54
Crimean Tatars	no data	-	3554	0.01	6636	0.01	46807	0.09	248193	0.51
Bulgarians	219409	0.52	234390	0.50	238217	0.48	233800	0.45	204574	0.42
Hungarians	149229	0.36	157731	0.33	164373	0.33	163111	0.32	156566	0.32
Romanians	100863	0.24	112141	0.24	121795	0.25	134825	0.26	150989	0.31
Poles	363297	0.87	295107	0.63	258309	0.52	219179	0.43	144130	0.30
Jews	840311	2.01	775993	1.65	632610	1.28	486326	0.95	103591	0.21
Armenians	28024	0.07	33439	0.07	38646	0.08	54200	0.11	99894	0.21
Greeks	104359	0.25	106909	0.23	104091	0.21	98594	0.19	91548	0.19
Tatars	61527	0.15	72658	0.15	83906	0.17	86875	0.17	73304	0.15
Gypsies	22515	0.05	30091	0.06	34411	0.07	47917	0.09	47587	0.10
Azerbaijanis	6680	0.02	10769	0.02	17235	0.03	36961	0.07	45176	0.09
Georgians	11574	0.03	14650	0.03	16301	0.03	23540	0.05	34199	0.07
Germans	23243	0.06	29871	0.06	34139	0.07	37849	0.07	33302	0.07
Gagari	23530	0.06	26464	0.06	29398	0.06	31967	0.06	31923	0.07
Koreans	1341	0.00	4480	0.01	6061	0.01	8689	0.02	12711	0.03
Uzbeks	8472	0.02	10563	0.02	9862	0.02	20333	0.04	12353	0.03
Chuvash	8925	0.02	13610	0.03	16456	0.03	20395	0.04	10593	0.02
Slovaks	13991	0.03	10204	0.02	8744	0.02	7943	0.02	6397	0.01
Other	99910	0.24	121956	0.26	127916	0.26	153518	0.30	323656	0.67

An important indicator of internal processes in the ethnic communities of Ukraine is the language characteristics and the level of language stability. 67.53% of the population of Ukraine considers Ukrainian as their native language, 29.59% prefer Russian. Census data suggest that ethnic self-identification does not always coincide with linguistic self-identification. Thus, 14.77% of ethnic Ukrainians consider Russian as their native language. The same situation is observed among Belarusians (62.46%), Bulgarians (30.34%), Jews (82.98%) and Greeks (88.47%). Instead, Ukrainian is the native language of 70.96% of Poles, 21.1% of Gypsies, 22.1% of Germans, etc. (Table 2, Figure 1).

Interestingly, since the 1989 census, the number of Ukrainians has increased (from 72.73% in 1989 to 77.82% in 2001), as has the number of Ukrainian speakers (from 64.67% to 67.53%). The percentage of Ukrainians who consider Ukrainian as their native language has decreased (from 87.72% to 85.16%), while in

Annex 120

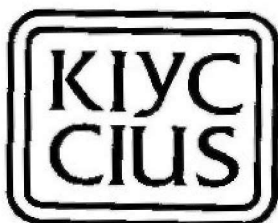
Oleh Wolowyna, “The Famine-Genocide of 1932-33: Estimation of Losses and Demographic Impact,” in Bohdan Klid and Alexander J. Motyl, eds., *The Holodomor Reader* (Edmonton and Toronto: Canadian Institute of Ukrainian Studies Press, 2012)

Pursuant to Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

The Holodomor Reader

A Sourcebook on the Famine of 1932–1933 in Ukraine

Compiled and edited by
Bohdan Klid and Alexander J. Motyl



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Cover: Holodomor victims, Kharkiv, 1933. Photographs from the archive of Cardinal Theodor Innitzer (Vienna Diocesan Archives). Reproduced by permission of the Hordii Pshenychny Central State CinePhotoPhono Archives of Ukraine, Kyiv (items 5120, 5132, 5136).

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According to the 1926 census, the total population of the Kuban region was 3.3 million, and the proportion of ethnic Ukrainians was estimated at 60 percent, or 2 million persons. If we assume that losses due to the Famine constituted about 15 percent of the Kuban's total population (as in Ukraine) and affected exclusively Ukrainians (an extreme assumption), then the number of Holodomor losses in the Kuban would be about 300,000 (15 percent of 2 million). This would leave 2.7 million direct losses of Ukrainians in the rest of the Soviet Union (outside Ukraine and Kuban). As Ukrainians in the Soviet Union outside these two areas numbered 6.3 million according to the 1926 census, this means that more than 40 percent of them were victims of the Holodomor, clearly an unrealistic result.

Summary and Conclusions

Careful demographic analysis based on the most complete set of data available and using a sophisticated estimation methodology shows that the number of direct Holodomor losses in the Ukrainian SSR was close to four million, and the number of lost births an additional 0.6 to 1.0 million, for a total loss ranging between 4.5 and 4.7 million. This represents 15 percent of the total population of the country. These are staggering figures, unique in the history of twentieth-century Europe.

The impact of the 1932–34 Famine is further aggravated by differential mortality effects on various age groups. These effects are captured by the indicator “life expectancy at birth,” which is usually calculated separately for males and females. This indicator is defined as the average number of years a person born in a specific year is expected to live, assuming that mortality conditions prevailing in that year remain constant throughout the person's lifetime.

Life expectancy at birth can also be interpreted as the weighted average of mortality levels at different ages. During years previous to the Famine, life expectancy at birth in Ukraine was about 42 years for males and about 45 years for females. According to the analysis by Libanova et al., in 1933 these values dropped to 4.4 years for males and 6.5 for females. These extremely low values are due to the fact that half of all deaths caused by the Holodomor in Ukraine in 1933 claimed persons under 25 years of age, and that 40 percent of all newborns died during their first year of life. (The respective life expectancies at birth estimated by the 2002 study were somewhat higher but equally dramatic: 7.3 years for males and 10.8 years for females.)

In order to put these life-expectancy values in perspective, we offer two comparisons: a) with average values of life expectancy at birth for West European countries in 1933; b) with respective values for Ukraine in 1942, the worst year in terms of World War II casualties. In 1933 the average life expectancies at birth for West European countries were 56.1 years for males and 58.7 for females, compared to 4.1 and 7.3 years for Ukraine, respectively; that is, in 1933 the average life span in Western Europe was from 9 to 12 times longer than the expected life span in Ukraine, assuming that Holodomor mortality conditions continued to prevail at the 1933 level. In 1942 these values were 17.7 years for males and 25.6 for females, that is, more than three times higher for males and about four times higher for females, compared with the 1933 values. The comparisons with West European figures provide a mortality standard that Ukraine was expected to reach some years later, while the comparisons with 1942 illustrate the age-specific mortality impact of the

Annex 121

Atlas istoriï ukraïns'koï derzhavnosti (L'viv: Naukove tovarystvo imeni Shevchenka, 2013)

This excerpt has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51. A copy of the whole document has been deposited with the Registry.

ATLAS
[collection of maps]
OF THE HISTORY OF THE
UKRAINIAN STATE



UKRAINIAN LANDS FROM
ANCIENT TIMES TO THE
PRESENT



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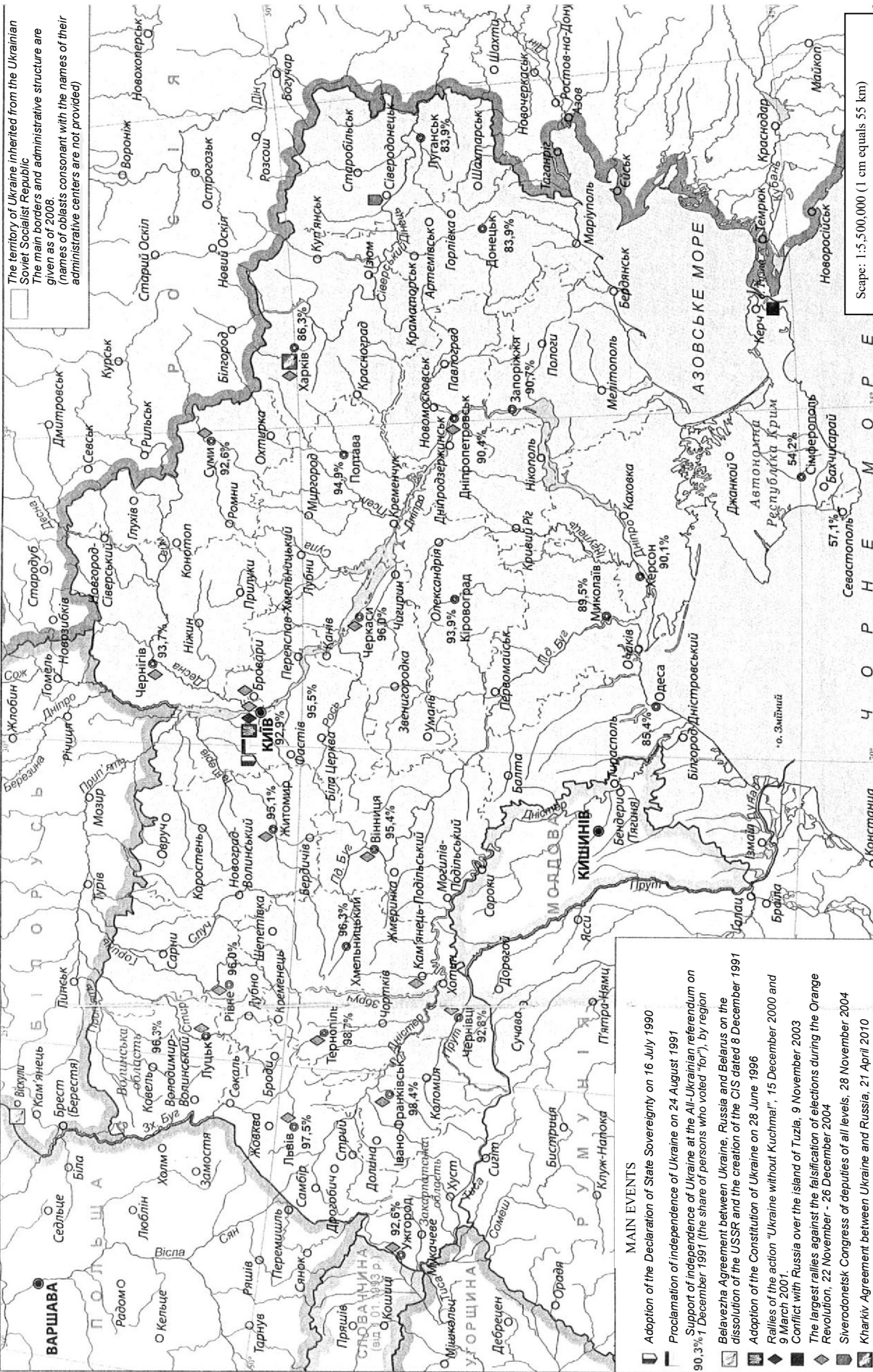
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STATES OF MODERN AGE



On 28 November 2000, the Cassette Scandal broke out. Records on audiotapes of a former major of the States Security Service Oleksandr Melnychenko, published by the Chairman of the Verkhovna Rada of Ukraine Oleksandr Moroz, allegedly testified to the involvement of senior officials, including President Leonid Kuchma, in the disappearance of journalist Georgy Gongadze. In response, the opposition organized mass de-

of the President of Ukraine. However, the next day the Orange Revolution broke out, the participants of which demanded fair elections (the authorities falsified the will in favor of their candidate Viktor Yanukovich). Large peaceful protests took place at Independence Square in the capital [21] and other major cities. During the political crisis on 28 November in Sverdlovsk.

at the initiative of the Party of Regions, a Congress of Deputies of all levels was held, at which separatist slogans were heard. On 3 December, the Supreme Court of Ukraine ordered a re-vote, as a result of which the opposition leader Viktor Yushchenko became the new President on 26 December.

However, due to constant strife within the new government team (mainly between President and Prime Minister Yulia Tymoshenko)



Annex 122

William A. Schabas, THE EUROPEAN CONVENTION ON HUMAN RIGHTS: A
COMMENTARY (2015)

*Pursuant to Rules of the Court Article 50(2), this annex is
comprised of such extracts of the whole document as are
necessary for the purpose of the pleading. A copy of the
whole document has been deposited with the Registry.*

Part Two Convention for the Protection of Human Rights and Fundamental Freedoms, s.I Rights and Freedoms, Art.11 Freedom of assembly and association/Liberté de réunion et d'association

From: The European Convention on Human Rights: A Commentary
William A. Schabas

Content type: Book content

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Freedom of association — Right to peaceful assembly — Human rights remedies — Treaties, interpretation

Convention—which anyway are not conclusive—speak only of “undesirability” and so do not enable one to conclude that the negative aspect of trade union freedom was intended to be excluded from the ambit of Article 11’.¹⁹² Nevertheless, the case law is quite clear that (p. 508) closed-shop agreements whereby a monopoly is granted to one trade union as a representative of employees are not permitted.¹⁹³

In some legal systems, an individual may not be required to join the trade union but must nevertheless contribute financially to it, either directly or indirectly. According to one decision, ‘the imposition on non-union members of an obligation to pay fees to a trade union and Government measures entailing favouritism towards or discrimination against a trade union may in certain circumstances be considered incompatible with the right to organise and the right to join an organisation of one’s own choosing’.¹⁹⁴

There is no explicit right to strike in the European Convention, nor has the Court considered it to be implied by article 11(1). According to the Court, ‘[t]here is no express inclusion of a right to strike or an obligation on employers to engage in collective bargaining. At most, Article 11 may be regarded as safeguarding the freedom of trade unions to protect the occupational interests of their members.’¹⁹⁵ The Court has said that while ‘the ability to strike represents one of the most important of the means by which trade unions can fulfil this function, there are others’.¹⁹⁶ A right to strike is set out in other international human rights and labour instruments, such as the International Covenant on Economic, Social and Cultural Rights, where it is explicit,¹⁹⁷ and International Labour Organisation Convention No. 87, where it has been deemed incorporated by interpretation as something inherent in the right to organize.¹⁹⁸ Article 28 of the European Union’s Charter of Fundamental Rights provides: ‘Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.’ In a recent judgment, the Court referred to the importance of these international law sources for the construction of article 11, stating that it would be ‘inconsistent for the Court to adopt in relation to Article 11 an interpretation of the scope of freedom of association of trade unions that is much narrower than that which prevails in international law’.¹⁹⁹ Accordingly, the Court said, ‘the taking of secondary industrial action by a trade union, including strike action, against one employer in order to further a (p. 509) dispute in which the union’s members are engaged with another employer must be regarded as part of trade union activity covered by Article 11’.²⁰⁰

No distinction is made between the State as the instrument of public power and the State as employer; those who work for the State are entitled to the same freedom of assembly as those who work in the private sector.²⁰¹ If confirmation is required, this is made apparent in the final words of article 11(2).

Restrictions on freedom of peaceful assembly and of association

Like articles 8, 9, and 10 of the Convention, article 11 contains a second paragraph setting out the scope of permissible restrictions on freedom of peaceful assembly and association. Article 11(2) is the longest of the four restriction clauses in the Convention, mainly because of the final sentence of paragraph 2 dealing with limitations on freedom of association in the armed forces and the police. The term ‘restrictions’ as it is used in article 11(2) may apply to measures taken before an assembly, during an assembly, and after it, for example punitive measures.²⁰² Such restrictions are only acceptable to the extent that they are prescribed by law, pursue a legitimate aim listed in article 11(2), and are deemed necessary in a democratic society.

The ancestor of the restrictions and limitations clauses is article 29(2) of the Universal Declaration of Human Rights: 'In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.' The limitations clause in the Universal Declaration applies generally to all rights set out in the instrument, whereas the specific clauses of this nature in the European Convention, of which article 11(2) is an example, are tailored to the right at issue.

The restriction clauses in the International Covenant on Civil and Political Rights are similar to article 11(2). There are two separate provisions, one dealing with freedom of peaceful assembly and the other with freedom of association.²⁰³ Where the European Convention speaks of 'the prevention of disorder or crime' the Covenant refers to 'public order (*ordre public*)'. The Covenant also allows lawful restrictions on members of the armed forces and the police, but it does not extend this to the administration of the State. Also, the Covenant's freedom of association provision contains an additional paragraph: 'Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice the guarantees provided for in that Convention.'²⁰⁴ Article 11(2) of the European Convention is also more extensive than the restriction (p. 510) clauses dealing with labour rights in the International Covenant on Economic, Social and Cultural Rights.²⁰⁵

Prescribed by law

It is a preliminary condition for any restriction upon freedom of peaceful assembly that the interference be 'prescribed by law'. The restriction must be authorized by a rule recognized in the national legal order. This includes 'written law', including various forms of delegated legislation, and unwritten law as interpreted and applied by the courts.²⁰⁶ But there is also a qualitative requirement for the legal rule. It must be accessible and foreseeable and be formulated with sufficient precision to enable the citizen to regulate his or her conduct.²⁰⁷ Factors such as a failure by national courts to refer to a legal provision in support of the interference and inconsistencies between the legislation itself and case law may inform the Court's conclusion that the measure is not prescribed by law.²⁰⁸ If the law grants discretion to public authorities, it must be framed with sufficient clarity and specify the manner in which it is to be exercised.²⁰⁹ Accordingly, the domestic law must provide protection against arbitrary interference by the authorities with rights that are enshrined in the Convention. This is fundamental to the rule of law, a seminal concept that is basic to democratic governance.

If the Court determines that there is no legal authorization for a restriction on freedom of assembly, it will conclude there has been a breach of article 11 without further consideration of the proportionality. Where the participation of a Turkish Cypriot in bi-communal meetings was stymied by the denial of permits to cross the green line into southern Cyprus, the Court concluded that there was no law applicable to the issuance of permits.²¹⁰ Measures preventing meetings and a march to promote equality for gays were not founded on legal provisions.²¹¹ In a case concerning the Non-governmental Organisation Act in force in Azerbaijan, the Court raised serious questions about the foreseeability of the law in question, notably because it allowed for warnings by the Ministry of Justice that activities were 'incompatible with the objectives' of the legislation. This could result in the dissolution of an association. The Court did not reach a definitive conclusion on the issue, however.²¹²

(p. 511) The Court held that the ‘prescribed by law’ requirement was not met when the authorities failed to register an association within time limits set by the legislation. The law did not specify with sufficient precision the consequences of this failure to respond within the legal time limits, in effect enabling an arbitrary prolongation of the registration procedure. As a result, ‘the law did not afford the applicants sufficient legal protection against the arbitrary actions of the Ministry of Justice’.²¹³ Russian law governing the requirements for amending the State Register of political parties did not provide applications with sufficient provision enabling them to foresee which documents they would need to submit and the adverse consequences if the submission was deemed defective by the authorities.²¹⁴ By declining to provide a religious institution with clear reasons for the rejection of its application for re-registration, the Court said the Moscow Justice Department had ‘acted in an arbitrary manner’²¹⁵ and breached an express requirement of domestic law that such refusal should be reasoned.²¹⁶ Russian authorities also denied registration to the Salvation Army, invoking a legal provision that prohibited foreign nationals from being founders of a Russian religious institution. But the Court did not find this to be the case and said the refusal of registration had ‘no legal foundation’.²¹⁷

In a case dealing with disciplinary action taken against a judge who belonged to a legal Masonic lodge, the Court said that legislation prohibiting membership of secret associations was insufficient to meet the foreseeability requirement.²¹⁸ In another Italian case involving the secret masonic lodge known as P2, the Court said that disciplinary provisions concerning judges were not sufficiently foreseeable. A general text imposed punishment upon a judge who ‘fails to fulfil his duties’. Guidelines adopted by the National Council of the Judiciary addressed the issue of membership in masonic lodges, saying that this ‘raises delicate problems’. The Court concluded that the guidelines were ‘not sufficiently clear to enable the users, who, being judges, were nonetheless informed and well-versed in the law, to realise—even in the light of the preceding debate—that their membership of an official Masonic lodge could lead to sanctions being imposed on them’.²¹⁹

In a Macedonian case where a political association denied the Macedonian ethnic identity, the Court found provisions in the Constitution dealing with violent destruction of the constitutional order, or to the encouragement of or incitement to military aggression or ethnic, racial, or religious hatred or intolerance, to be sufficiently precise.²²⁰

Legitimate purpose

The second component of the analysis under article 11(2) is the existence of a legitimate purpose or aim. The inquiry involves the enumeration of purposes set out in paragraph 2, namely the interests of national security or public safety, the prevention of disorder or (p. 512) crime, the protection of health or morals, and the protection of the rights and freedoms of others. The enumeration is exhaustive, and is to be interpreted narrowly.²²¹

In practice, this issue is rarely very important. It is not uncommon for the Court simply to pass over the issue entirely and move to the heart of the debate, which takes place under the rubric ‘necessary in a democratic society’, finding that it violates the final component of the test regardless of whether it fulfils a legitimate purpose.²²² The Grand Chamber has explained that it is the Court’s practice ‘to be quite succinct when it verifies the existence of a legitimate aim within the meaning of the second paragraphs of Articles 8 to 11 of the Convention’.²²³

Often several of the legitimate aims listed in article 11(2) may be relevant. In a Turkish case involving dissolution of a political party because of its threat to ‘the importance of the principle of secularism for the democratic system in Turkey’, the Court cited protection of national security and public safety, prevention of disorder or crime, and protection of the rights and freedoms of others.²²⁴ Italian legislation required candidates for public office to declare that they were not members of a masonic lodge. The government explained that this measure had been introduced in order to ‘reassure’ the public at a time when there was

controversy about the role certain freemasons played in public life. The Court considered this purpose as legitimate for the protection of national security and prevention of disorder.²²⁵

The first of the listed objectives is the interests of national security or public safety. These two grounds appear in the three other limitations clauses of the Convention with the exception of freedom of religion, where national security is not a legitimate purpose for limitation of the right. Within this context, the Court has also accepted as a legitimate purpose the State's territorial integrity, a concept closely linked with the protection of national security.²²⁶ The Court has been especially strict in admitting 'national security' as a legitimate purpose for interference with freedom of peaceful assembly or association. In the context of meetings of a secessionist group, it said that '[d]emanding territorial changes in speeches and demonstrations does not automatically amount to a threat to the country's territorial integrity and national security'.²²⁷ In a Bulgarian case, the Court said that an organization's position favouring 'abolition' or 'opening' of the country's border with Macedonia could not be thought to 'jeopardise in any conceivable way those countries' territorial integrity or national security'.²²⁸ The Court rejected Turkey's claim that the imposition of a legislative requirement upon members of organizations (p. 513) seeking to travel abroad that they inform the government of their plans fulfilled a legitimate purpose of protecting national security and public safety.²²⁹

The prevention of disorder or crime also appears in the limitations clauses governing the right to private and family life and freedom of expression. Instead, article 9(2) uses the expression 'the protection of public order'. An interesting distinction has been made between the English and French versions of article 11(2). One of the justifications for restrictions in the English version is 'the prevention of disorder or crime', while in the French version the text refers to 'la défense de l'ordre et à la prévention du crime'. The Court has said that 'the protection of a State's democratic institutions and constitutional foundations relates to "the prevention of disorder", the concept of "order" within the meaning of the French version of Article 11 encompassing the "institutional order"'.²³⁰ A religious organization occupying a church, with some members conducting a hunger strike, was evacuated on the grounds of a number of public order considerations. Concluding that 'the evacuation was ordered to put an end to the continuing occupation of a place of worship by persons, including the applicant, who had broken French law', the Court said that this measure pursued the legitimate aim of the prevention of disorder.²³¹

The protection of the rights and freedoms of others was invoked in a case involving squatters who operated as part of an organization. The Swiss authorities dissolved the applicant association, a measure the Court noted was quite inadequate to deal with the circumstances, and to address the rights of the property owners.²³² In a case involving dissolution of a separatist organization, the Court referred to the Constitutional Court, holding that the real objective of the group violated 'the free expression of the national affiliation of the Macedonian people'. It said this fulfilled the legitimate aim of protection of the rights and freedoms of others.²³³

Necessary in a democratic society

Most decisions concerning the application of article 11(2) to infringements of freedom of peaceful assembly and association involve assessing whether the impugned measure is 'necessary in a democratic society'. The objective is to consider whether the authorities have struck 'a fair balance between the competing interests of the individual and of society as a whole'.²³⁴ It is the most subjective part of the application of paragraph 2, involving subtle distinctions about the proportionality of measures taken by the State that limit or restrict human rights. There is an important relationship between 'necessity' and 'democratic society', of which the hallmarks are pluralism, tolerance, and broadmindedness.²³⁵ Indeed, because democracy is 'the only political model contemplated

in the Convention and the only one compatible with it...the only necessity capable of justifying an (p. 514) interference with any of the rights enshrined in those Articles is one that may claim to spring from a “democratic society”²³⁶

The term ‘necessary’ does not have the flexibility of such expressions as ‘useful’ or ‘desirable’.²³⁷ Although individual interests may sometimes be subordinated to those of a group, democracy cannot be reduced to a simplistic proposition by which the majority always prevails. There must be a balance that ensures ‘the fair and proper treatment of minorities and avoids any abuse of a dominant position’.²³⁸ Disciplinary measures imposed upon civil servants who posted announcements on the walls of their offices of an event commemorating the first of May was not necessary in a democratic society. The employees did not engage in ‘un affichage sauvage générant une pollution visuelle dans l’ensemble du lieu de travail’, the event being announced was a peaceful one, and nothing on the posters was unlawful or susceptible of shocking the public.²³⁹ The Court found that a decision transferring a civil servant from one part of the country to another on the grounds of his membership in a legally constituted trade union was not necessary in a democratic society.²⁴⁰

Punishment of individuals for being ‘present and proactive’ at a demonstration but who were not charged with doing ‘anything illegal, violent or obscene’, and where the demonstration itself was not prohibited, threatened to impair ‘the very essence of the right to freedom of peaceful assembly’ and was therefore not necessary in a democratic society.²⁴¹ According to the Court, ‘where demonstrators do not engage in acts of violence, it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by Article 11 of the Convention is not to be deprived of all substance’.²⁴²

Pressing social need

The Court frequently begins its consideration of ‘necessity in a democratic society’ by questioning whether the interference responds to a ‘pressing social need’. The term seems to be little more than a gloss on the word ‘necessity’.²⁴³ For example, in determining whether a restriction of the right to organize meets a ‘pressing social need’, there must be plausible evidence that the establishment or activities of a trade union represent ‘a sufficiently imminent threat to the State or to a democratic society’.²⁴⁴

The assessment of whether there is a ‘pressing social need’ is primarily for the national authorities. They are entitled to a margin of appreciation, but this cannot displace judicial supervision by the European Court of Human Rights. The Court is concerned both with (p. 515) the law and the decisions that apply it at the national level. It does not substitute its own view for that of the national authorities, who are deemed better placed to rule on matters of legislative policy and measures of implementation. As the Grand Chamber has explained,

This does not mean that it has to confine itself to ascertaining whether the respondent State exercised its discretion reasonably, carefully and in good faith; it must look at the interference complained of in the light of the case as a whole and determine whether it was ‘proportionate to the legitimate aim pursued’ and whether the reasons adduced by the national authorities to justify it are “relevant and sufficient”. In so doing, the Court has to satisfy itself that the national authorities applied standards which were in conformity with the principles embodied in Article 11 and, moreover, that they based their decisions on an acceptable assessment of the relevant facts.²⁴⁵

The Court has accepted that where an association is permitted by law to participate in elections with the possibility of acceding to power, it may be necessary to require its registration as a political party. In this way, rules concerning financing, public control, and transparency may be brought to bear. But if the association cannot participate in elections, the Court has said there is no 'pressing social need' to require it to register as a political party, something that 'would mean forcing the association to take a legal shape which its founders did not seek'.²⁴⁶ In a Polish case concerning the refusal to allow an association to call itself an 'organisation of a national minority', because of possible consequences in terms of participation in elections, the Grand Chamber said the national authorities 'did not overstep their margin of appreciation in considering that there was a pressing social need, at the moment of registration, to regulate the free choice of associations to call themselves an "organisation of a national minority", in order to protect the existing democratic institutions and election procedures in Poland and thereby, in Convention terms, prevent disorder and protect the rights of others'.²⁴⁷

In determining whether the dissolution of a political party responds to a pressing social need, the Grand Chamber has said that the analysis should focus on three points: the imminence of a risk to democracy; the attribution of the acts of leaders to the party itself; and 'whether the acts and speeches imputable to the political party formed a whole which gave a clear picture of a model of society conceived and advocated by the party which was incompatible with the concept of a "democratic society"'.²⁴⁸ A Turkish trade union for civil servants invoked article 11 when it was dissolved by the courts on the ground that civil servants were not entitled to form trade unions. The Court said that Turkey had failed to demonstrate a 'pressing social need'. The fact that the law did not permit such unions was not sufficient to justify 'a measure as radical as the dissolution of a trade union'.²⁴⁹ The Court took into account Turkey's ratification of International Labour Organisation Convention No. 87 where the right of all workers to form trade unions without distinction between the private and public sectors is acknowledged. It also noted the interpretation of article 5 of the European Social Charter by the Committee of (p. 516) Independent Experts recognizing a right of public employees to form unions, saying it could 'only subscribe to this interpretation by a particularly well-qualified committee'.²⁵⁰

Prohibition of the right to form certain types of associations, notably trade unions, also raises issues under article 11. Clergy and laity working for the Orthodox Church in Romania were prohibited from forming a trade union, with the local court basing its refusal of registration upon an ecclesiastical rule that it said was necessary to protect religious tradition. The Court said that priests and lay staff who worked for the Church under individual employment contracts could not simply be excluded from the ambit of article 11.²⁵¹

Proportionality

The interference must respond to an assessment of its proportionality, something that involves balancing the right of the individual against the interest of the State and the society that it represents. Furthermore, the reasons given by the national authorities must be 'relevant and sufficient', which means that the national authorities 'applied standards which were in conformity with the principles embodied in article 11 and, moreover, that they based their decisions on an acceptable assessment of the relevant facts'.²⁵² Where the Court is considering the positive dimension of the right in question, in other words, the obligation upon the State to take measures to ensure enforcement of the right, it must usually consider the rights of others in the balance as well. If other less severe measures could have fulfilled the same objective, there will be a problem with proportionality.

In its assessment of the proportionality of measures that interfere with a public demonstration, where a requirement of authorization has not been respected, the Court will take into account the genuineness of the claim of urgency,²⁵³ the level of fine or other sanction imposed,²⁵⁴ security concerns relating to the location of the demonstration,²⁵⁵ the length of time of the demonstration before its dispersal by the authorities,²⁵⁶ the fact that despite the absence of notice the authorities were in fact well informed of the planned demonstration,²⁵⁷ and the impatience of the authorities in resorting to force.²⁵⁸

Part of the proportionality assessment involves determining whether there existed 'effective, less intrusive measures' capable of achieving the legitimate aim.²⁵⁹ In one case, the Court said that rather than suppress a demonstration because the police judged (p. 517) the slogans on banners to be illegal, they could simply have seized the banners in question. This might have had a 'chilling effect' on the production of new banners, thereby restricting freedom of expression, but it would not have made the demonstration impossible.²⁶⁰ Where an organization of squatters was dissolved, the Court noted that given a lengthy period in which occupation of buildings had been tolerated by the authorities, as well as the association's statutory objectives, the State had failed to show that the actions taken were the only available option.²⁶¹ Even if the harm done by an infringement on freedom of association is quite minimal, this does not necessarily assist in arguing for its proportionality. Where Italian law required candidates for public office to declare they were not members of a masonic lodge, the government argued that the damage this might do to the organization by discouraging people to join was quite minimal. But the Court said freedom of association 'is of such importance that it cannot be restricted in any way, even in respect of a candidate for public office, so long as the person concerned does not himself commit any reprehensible act by reason of his membership of the association'.²⁶²

In assessing proportionality, the nature and severity of the sanction imposed are important factors to be considered.²⁶³ Dissolution of an association is a drastic measure that will often fail the proportionality test.²⁶⁴ Less severe measures, such as a fine or withdrawal of tax benefits, are alternatives that may adequately fulfil the legitimate purpose.²⁶⁵ When small fines were imposed on demonstrators after their refusal to move the venue of a protest was deemed an administrative offence, the Court said 'the decisions of the national authorities in the present case were based on an acceptable assessment of the relevant facts and contained relevant and sufficient reasons which justified the interference with the applicants' right of assembly and freedom of expression' and was therefore proportionate and necessary to prevent disorder or protect the rights and freedoms of others.²⁶⁶

Margin of appreciation

In applying the 'necessary in a democratic society' test, the Court will allow the State a margin of appreciation, recognizing that its role is not to sit as a Tribunal of fourth instance and that it is in one sense not as well positioned as the national legal institutions to assess many of the relevant factors. Often, especially in sensitive matters that concern morality, ethics, and social policy, the Court refers to the practice in European jurisdictions in determining whether or not any consensus exists. Where there is none, the margin of appreciation will almost invariably be much greater. But although the national authorities make the initial assessment of necessity, 'the final evaluation as to whether the reasons cited for the interference are relevant and sufficient remains subject to review by the Court for conformity with the requirements of the Convention'.²⁶⁷

Invoking the notion of margin of appreciation, the Court often shows considerable deference to States in how they deal with problems related to public assemblies. This is (p. 518) especially true where there is evidence of incitement to violence against an individual or a public official or a sector of the population, in which case the margin of appreciation is

broader. Otherwise, there is little scope under the Convention for restrictions that impact upon political activities.²⁶⁸

Typically, States rely upon the margin of appreciation as a final argument in defence against charges they have violated the Convention. Russia invoked the lack of a European consensus on issues relating to the treatment of sexual minorities in response to a complaint of interference with an advocacy organization that planned to hold a public demonstration. The Court noted that there was in fact consensus on a number of important matters concerning sexual orientation, such as the impermissibility of criminal sanctions for homosexual relations between adults, access to the armed forces, and the granting of parental rights. But in any case, the Court said, ‘the absence of a European consensus on these questions is of no relevance to the present case because conferring substantive rights on homosexual persons is fundamentally different from recognising their right to campaign for such rights’. Rejecting the margin of appreciation argument, the Court said that ‘[t]he only factor taken into account by the Moscow authorities was the public opposition to the event, and the officials’ own views on morals’.²⁶⁹

The Court has accepted that ‘in certain cases, the States’ margin of appreciation may include a right to interfere—subject to the condition of proportionality—with an association’s internal organisation and functioning in the event of non-compliance with reasonable legal formalities applying to its establishment, functioning or internal organisational structure’.²⁷⁰ It may also be justified in intervening in the case of a serious and prolonged internal conflict of the organization.²⁷¹ However, ‘the authorities should not intervene in the internal organisational functioning of associations to such a far-reaching extent as to ensure observance by an association of every single formality provided by its own charter’.²⁷² The observance of internal formalities ‘should be primarily up to the association itself and its members, and not the public authorities’.²⁷³

In a Polish case concerning the refusal to allow an association to call itself an ‘organisation of a national minority’, because of possible consequences in terms of participation in elections, the Grand Chamber said the national authorities ‘did not overstep their margin of appreciation in considering that there was a pressing social need, at the moment of registration, to regulate the free choice of associations to call themselves an “organisation of a national minority”, in order to protect the existing democratic institutions and election procedures in Poland and thereby, in Convention terms, prevent disorder and protect the rights of others’.²⁷⁴

(p. 519) Militant democracy

The term ‘militant democracy’ was introduced by the German philosopher, Karl Loewenstein.²⁷⁵ His perspective was providing democratic societies with the means to deal with anti-democratic elements in general and fascists in particular in light of the threat that they would exploit freedoms of assembly and association in order to destroy democratic government.²⁷⁶ Judgments of the Court have referred to the term ‘militant democracy’, although it has never been formally endorsed.²⁷⁷ There is an inherent tension between the protection of democracy and recognition of freedom of association to the extent that political parties may advocate dramatic change to the established order. Recalling that ‘[f]reedom of association is not absolute’, the Court has said that where an association jeopardizes the State’s institutions or the rights and freedoms of others, article 11 does not deprive the State of the power to protect those institutions and persons. It has noted that this follows both from article 11(2) and from the State’s positive obligations under article 1 of the Convention.²⁷⁸ In addition, of course, article 17 is a means by which the Convention can resist being exploited by groups determined to undermine its very principles. Invoking article 17, the Court held that a racist organization known as the National and Patriotic

Association of Polish Victims of Bolshevism and Zionism, claiming to represent persons persecuted by Jews, could not invoke article 11 in order to contest its prohibition.²⁷⁹

According to the Court,

[O]ne of the principal characteristics of democracy [is] the possibility it offers of resolving a country's problems through dialogue, without recourse to violence, even when they are irksome. Democracy thrives on freedom of expression. From that point of view, there can be no justification for hindering a political group solely because it seeks to debate in public the situation of part of the State's population and to take part in the nation's political life in order to find, according to democratic rules, solutions capable of satisfying everyone concerned.²⁸⁰

The Court has said that a political party may promote a change in the law or the legal and constitutional structures of the State on two conditions: first, the means used to that end must be legal and democratic; second, the change proposed must itself be compatible with fundamental democratic principles. A political party 'is not excluded from the protection afforded by the Convention simply because its activities are regarded by the national authorities as undermining the constitutional structures of the State and calling for the imposition of restrictions'.²⁸¹ But where a political party incites violence or puts forward a policy that does not respect democracy or is aimed at its destruction, and that flouts the rights and freedoms recognized in a democracy, it cannot demand the protection of (p. 520) the Convention.²⁸² As the Court has noted, 'it is not at all improbable that totalitarian movements, organised in the form of political parties, might do away with democracy, after prospering under the democratic regime, there being examples of this in modern European history'.²⁸³ Furthermore,

a State cannot be required to wait, before intervening, until a political party has seized power and begun to take concrete steps to implement a policy incompatible with the standards of the Convention and democracy, even though the danger of that policy for democracy is sufficiently established and imminent. The Court accepts that where the presence of such a danger has been established by the national courts, after detailed scrutiny subjected to rigorous European supervision, a State may 'reasonably forestall the execution of such a policy, which is incompatible with the Convention's provisions, before an attempt is made to implement it through concrete steps that might prejudice civil peace and the country's democratic regime'.²⁸⁴

In determining the objectives and intentions of a political party as justification for restrictions on its activity, the constitution and the programme are not the only factors to be considered in evaluating whether the political party may invoke article 11. History has shown that 'political parties with aims contrary to the fundamental principles of democracy have not revealed such aims in their official publications until after taking power'.²⁸⁵ The programme of a political party 'may conceal objectives and intentions different from the ones it proclaims'.²⁸⁶ Analysis of the actions and stances of the leaders of the party must also be considered.²⁸⁷ In a case dealing with a Basque nationalist party, the Court referred to conduct that bore 'a strong resemblance to explicit support for violence and the commendation of people seemingly linked to terrorism'.²⁸⁸ In addition, a 'refusal to condemn violence against a backdrop of terrorism that had been in place for more than thirty years and condemned by all the other political parties amounted to tacit support for terrorism'.²⁸⁹

However, if the impugned decision by a State is based solely on the programme of a political party, the Court will not consider statements by its leaders in determining whether the measures were proportionate.²⁹⁰ Political parties 'animated by the moral values imposed by a religion cannot be regarded as intrinsically inimical to the (p. 521) fundamental principles of democracy, as set forth in the Convention'.²⁹¹ The Court has applied article 11 in recognizing the right to establish new communist parties in Central and Eastern Europe as part of the democratic debate.²⁹²

Where political parties are concerned, the exceptions set out in article 11 are to be strictly construed.²⁹³ Restrictions on the freedom of association of political parties can only be justified by 'convincing and compelling reasons'. Accordingly, a variety of sanctions 'may be imposed on those political parties that use illegal or undemocratic methods, incite to violence or put forward a policy which is aimed at the destruction of democracy and flouting of the rights and freedoms recognised in a democracy'.²⁹⁴ The most drastic forms of restriction on political parties involve their dissolution or prohibitions on the political activities of their leaders. Such measures may only be taken 'in the most serious cases'.²⁹⁵ Moreover, 'the Court must scrutinise very carefully the necessity for imposing a ban on a parliamentary political party's activities, even a ban of fairly short duration'.²⁹⁶ In determining whether restrictions are necessary, in accordance with article 11(2), States have only a limited margin of appreciation. Still, the European Court 'must exercise rigorous supervision embracing both the law and the decisions applying it, including those given by independent courts'.²⁹⁷

The Court acknowledges that national authorities may be better placed than an international court to assess of matters such as the appropriate timing for interference.²⁹⁸ An assessment needs to be made of the danger a political party may pose for democracy before irreparable damage is done. In this assessment, the Court is prepared to show considerable deference to the national courts. The Court has associated such preventive intervention with the positive obligations upon the State to control the conduct of non-State entities: 'A Contracting State may be justified under its positive obligations in imposing on political parties, which are bodies whose *raison d'être* is to accede to power and direct the work of a considerable portion of the State apparatus, the duty to respect and safeguard the rights and freedoms guaranteed by the Convention and the obligation not to put forward a political programme in contradiction with the fundamental principles of democracy.'²⁹⁹

(p. 522) Lawful restrictions on public employees

The final sentence of article 11(2) states that 'the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State' is not prohibited. According to the Court, 'the restrictions imposed on the three groups mentioned in Article 11 are to be construed strictly and should therefore be confined to the "exercise" of the rights in question. However, these restrictions must not impair the very essence of the right to organise.'³⁰⁰ As a result, civil servants are entitled to form trade unions and to exercise their rights under article 11(1) of the Convention like any other worker.³⁰¹

Pursuant to the final sentence of article 11(2), employers are entitled, in certain circumstances, to place restrictions on freedom of association of employees in order to maintain the political neutrality of civil servants.³⁰² When civil servants are concerned, the right to strike may not be absolute, and it is possible for some categories of public employees to be prohibited from taking such industrial action.³⁰³ A prohibition on a police officer belonging to a political party was considered an acceptable restriction on freedom of association.³⁰⁴

Article 22 of the International Covenant on Civil and Political Rights is worded in a similar manner to article 11(2) of the European Convention except that it only restricts the exercise of freedom of association to members of the armed forces and of the police and makes no reference to members of the administration of the State. There is a similar provision, applicable to the police and members of the armed forces, in the European Social Charter (revised).³⁰⁵ Other international law sources, notably International Labour Organisation Conventions No. 87 and No. 98 and the European Code of Police Ethics, provide confirmation that it has been 'generally acknowledged that the duties and responsibilities inherent in the position and role of the police justify particular arrangements as regards the exercise of their trade union rights'.³⁰⁶

If the notion of members of the armed forces and the police seems to raise no great problems of interpretation, the same cannot be said of 'the administration of the State'. Construed broadly, it has the potential to provide a huge loophole in the protection provided by article 11. In this respect, the Court has taken note of the practice of European states:

[I]n the vast majority of them, the right of civil servants to bargain collectively with the authorities has been recognised, subject to various exceptions so as to exclude certain areas regarded as sensitive or certain categories of civil servants who hold exclusive powers of the State. In particular, the right of public servants employed by local authorities and not holding State powers to engage in collective bargaining in order to determine their wages and working conditions has been recognised in the (p. 523) majority of Contracting States. The remaining exceptions can be justified only by particular circumstances.³⁰⁷

Basing itself on these and other sources, the Grand Chamber has in effect removed the words 'or of the administration of the State' from the final sentence of article 11(2).³⁰⁸

Consequently, the notion of 'administration of the State' is to be interpreted narrowly and the position of the victim of an infringement of article 11(1) scrutinized carefully in order to determine whether it falls under the exception of the final sentence of article 11(2). For example, teachers are public employees but they are not considered to be part of the 'administration of the State'.³⁰⁹ Similarly, nominations and appointments to regional organizations do not follow under the exception.³¹⁰ In the context of article 6(1) of the Convention, the Grand Chamber has adopted a functional criterion for determining the scope of 'public servants', a notion that seems cognate with 'administration of the State'. Adopting a restrictive interpretation, it has said that this applies only to persons 'whose duties typify the specific activities of the public service in so far as the latter is acting as the depositary of public authority responsible for protecting the general interests of the State or other public authorities', adding that '[a] manifest example of such activities is provided by the armed forces and the police'.³¹¹

The term 'lawful' in the second sentence of article 11(2) denotes the same concept of lawfulness found elsewhere in the Convention, where the expressions 'in accordance with the law' and 'prescribed by law' are employed, in articles 9, 10, and 11.³¹² This implies qualitative requirements, notably foreseeability and an absence of arbitrariness. The European Commission of Human Rights took the position that the word 'lawful' meant that a restriction need only have a basis in national law and need not be arbitrary, and that it did not also entail a requirement of proportionality.³¹³ The Grand Chamber adopted a more progressive position, considering that the State was required to show the legitimacy of any restrictions to the right to organize. In particular, it said that municipal civil servants who are not engaged in the administration of the State as such should not be treated as 'members of the administration of the State'.³¹⁴

Discrimination

Article 14 of the Convention sets out a protection against discrimination that is subsidiary in that it requires a relationship with the enjoyment of the rights and freedoms set out elsewhere in the Convention. Even if there is no breach of article 11 taken alone, the Strasbourg organs may consider that there is an infringement of the Convention when article 11 is associated with article 14, as if article 14 formed an integral part of article 11.³¹⁵ (p. 524) The general principles for the application of article 14 include recognition that there is prohibited discrimination only if different treatment lacks a reasonable and objective justification.³¹⁶ Different treatment must not only pursue a legitimate aim or purpose but there must also be a reasonable relationship of proportionality between the means that are employed and the objective of the measures.³¹⁷ States enjoy a margin of appreciation in this respect, although the Court remains the final arbiter.³¹⁸ As a general rule, if the Court finds that there is a violation of article 11 it will not also consider the case under article 14 unless 'a clear inequality of treatment in the enjoyment of the right in question is a fundamental aspect of the case'.³¹⁹

The Court held there was a violation of article 11 and article 14 with respect to Italian legislation applicable in Friuli-Venezia Giulia that required members of an association of freemasons to declare their affiliation in applying for public positions given the absence of any similar obligation on members of other secret organizations.³²⁰ However, in Tuscany, where the requirement that membership in secret organizations be revealed only applied in a general sense, the Court did not consider this to be contrary to the Convention. Nor was there discrimination because the same rule did not apply to similar positions in other regions of Italy because the possibility that certain issues be addressed differently from one region to another was merely the natural consequence of administrative autonomy.³²¹ The Court did not rule out the possibility that prohibited discrimination might result from exceptionally strict or rigid application to certain groups of regulations that were not in themselves discriminatory,³²² but it held that in the circumstances this had not been proven satisfactorily.³²³

In a labour relations context, the Swedish Engine Drivers complained that they were victims of discrimination because the Swedish National Collective Bargaining Office (*Statens Avtalsverk*), which favoured larger trade union bodies in the conclusion of collective agreements, would not negotiate with them. Because of the high degree of centralization in the Swedish trade union movement, the government argued that it preferred to reach collective agreements with the most representative organizations. The Court considered this to be legitimate and said there was 'no reason to think that the Swedish State had other and ill-intentioned designs in the matter'.³²⁴ Similar conclusions were reached in a case concerning Belgium.³²⁵ In neither of these cases was one of the (p. 525) enumerated grounds listed in article 14 invoked or discussed by the Court. The assumption seems to have been that a discussion on discrimination should proceed based upon the differential treatment of a union without the need to specify the prohibited ground.

A requirement that candidates for public office declare their membership in a masonic lodge was deemed discriminatory and a breach of article 11 in conjunction with article 14. In an earlier case, the Court had held that a prohibition on membership in a masonic lodge for holders of public office was a breach of article 11 taken alone. Italy argued that in the second case there was no prohibition and all that was required was a form of public disclosure. The Court said the measure was discriminatory because it only applied to freemasons, whereas if the justification of protection of national security advanced by the State were applied consistently, it should also be used for members of political parties and groups with racist or xenophobic ideas, and this was not the case.³²⁶

The mayor of Warsaw refused permission to hold a demonstration from the Foundation for Equality, whose aim was to alert public opinion to the issue of discrimination against minorities—sexual, national, ethnic, and religious—and also against women and disabled persons. At the same time, permits were granted for six other demonstrations on the following themes: ‘For more stringent measures against persons convicted of paedophilia’; ‘Against any legislative work on the law on partnerships’; ‘Against propaganda for partnerships’; ‘Education in Christian values, a guarantee of a moral society’; ‘Christians respecting God’s and nature’s laws are citizens of the first rank’; ‘Against adoption of children by homosexual couples’. Bearing in mind that the mayor had expressed his negative views on ‘propaganda about homosexuality’, the Court said ‘that it may be reasonably surmised that his opinions could have affected the decision-making process in the present case and, as a result, impinged on the applicants’ right to freedom of assembly in a discriminatory manner’. Consequently, there was a violation of article 14 in conjunction with article 11.³²⁷

Reservations

Andorra formulated a reservation with respect to its legislation governing professional and trade union organizations.³²⁸ San Marino made a reservation concerning the two active trade unions in the country and the requirement that they obtain registration with the Law Court.³²⁹ Spain’s reservation makes article 11 subject to two provisions of the Spanish Constitution. These permit restricting the right to organize within the armed forces and prevent serving judges, law officers, and prosecutors from belonging to trade unions.³³⁰ Portugal formulated two reservations to article 11, sheltering provisions of its Constitution that prohibit lock-outs and that forbid organizations with allegiance to a fascist ideology.³³¹ Portugal’s reservations were withdrawn in 1987.³³²

(p. 526) Further reading

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Violeta Beširević, ‘A Short Guide to Militant Democracy: Some Remarks on the Strasbourg Jurisprudence’, in Wolfgang Benedek, Florence Benoît-Rohmer, Wolfram Karl, and Manfred Nowak, eds, *European Yearbook on Human Rights*, Antwerp: Intersentia and Vienna-Graz, Neuer Wissenschaftlicher Verlag, 2012, pp. 243–57.

Antoine Buyse, ‘Contested Contours: The Limits of Freedom of Expression from an Abuse of Rights Perspective—Article 10 and 17 ECHR’, in Eva Brems and Janneke Gerards, eds, *Shaping Rights in the ECHR*, Cambridge: Cambridge University Press, 2013, pp. 183–210.

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K.D. Ewing and J. Hendy, ‘The Dramatic Implications of *Demir and Baykara*’, (2010) 39 *Industrial Law Journal* 2.

Frowein/Peukert, *MenschenRechtsKonvention*, pp. 373–85.

Grabewarter, *European Convention*, pp. 297–318.

- Gorzelik and Others v. Poland* [GC], no. 44158/98, § 64, ECHR 2004-I; *N.F. v. Italy*, no. 37119/97, § 29, ECHR 2001-IX.
- 208** *Mkrtchyan v. Armenia*, no. 6562/03, §§ 39–43, 11 January 2007.
- 209** *The Sunday Times v. the United Kingdom (no. 1)*, 26 April 1979, § 49, Series A no. 30; *Tolstoy Miloslavsky v. the United Kingdom*, 13 July 1995, § 37, Series A no. 316-B; *Rotaru v. Romania* [GC], no. 28341/95, § 52, ECHR 2000-V; *Hasan and Chaush v. Bulgaria* [GC], no. 30985/96, § 84, ECHR 2000-XI; *Maestri v. Italy* [GC], no. 39748/98, § 30, ECHR 2004-I.
- 210** *Djavit An v. Turkey*, no. 20652/92, § 67, ECHR 2003-III.
- 211** *Bączkowski and Others v. Poland*, no. 1543/06, §§ 69–73, 3 May 2007.
- 212** *Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan*, no. 37083/03, §§ 60–65, ECHR 2009.
- 213** *Ramazanova and Others v. Azerbaijan*, no. 44363/02, § 66, 1 February 2007.
- 214** *Republican Party of Russia v. Russia*, no. 12976/07, § 85, 12 April 2011.
- 215** *Jehovah's Witnesses of Moscow v. Russia*, no. 302/02, § 176, 10 June 2010.
- 216** *Ibid.*, § 175; *Church of Scientology Moscow v. Russia*, no. 18147/02, § 91, 5 April 2007.
- 217** *Moscow Branch of the Salvation Army v. Russia*, no. 72881/01, §§ 82–86, ECHR 2006-XI.
- 218** *Maestri v. Italy* [GC], no. 39748/98, §§ 37–42, ECHR 2004-I.
- 219** *N.F. v. Italy*, no. 37119/97, § 31, ECHR 2001-IX.
- 220** *Association of Citizens Radko and Paunkovski v. 'the former Yugoslav Republic of Macedonia'*, no. 74651/01, § 59, ECHR 2009 (extracts).
- 221** *Sidiropoulos and Others v. Greece*, 10 July 1998, §§ 37–39, *Reports of Judgments and Decisions* 1998-IV; *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos 29221/95 and 29225/95, § 84, ECHR 2001-IX; *Galstyan v. Armenia*, no. 26986/03, § 114, 15 November 2007.
- 222** For example, *Bayatyan v. Armenia* [GC], no. 23459/03, § 117, ECHR 2011; *Erçep v. Turkey*, no. 43965/04, § 53, 22 November 2011.
- 223** *S.A.S. v. France* [GC], no. 43835/11, § 114, 1 July 2014.
- 224** *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos 41340/98, 41342/98, 41343/98, and 41344/98, § 67, ECHR 2003-II.
- 225** *Grande Oriente d'Italia di Palazzo Giustiniani v. Italy*, no. 35972/97, § 26, ECHR 2001-VIII. Also *Grande Oriente d'Italia di Palazzo Giustiniani v. Italy (no. 2)*, no. 26740/02, § 51, 31 May 2007.
- 226** *Republican Party of Russia v. Russia*, no. 12976/07, § 101, 12 April 2011; *United Communist Party of Turkey and Others v. Turkey*, 30 January 1998, § 40, *Reports of Judgments and Decisions* 1998-I.
- 227** *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos 29221/95 and 29225/95, § 97, ECHR 2001-IX.
- 228** *Zhechev v. Bulgaria*, no. 57045/00, § 48, 21 June 2007.
- 229** *İzmir Savaş Karşıtları Derneği and Others v. Turkey*, no. 46257/99, §§ 36–37, 2 March 2006.

Annex 123

A. Peters, Has the Advisory Opinion's Finding that Kosovo's Declaration of Independence was not Contrary to International Law Set an Unfortunate Precedent?, in The Law and Politics of the Kosovo Advisory Opinion (OUP, M. Milanović & M. Wood, eds., 2015)

Pursuant to the Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

The Law and Politics of the Kosovo Advisory Opinion

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15

Has the Advisory Opinion's Finding that Kosovo's Declaration of Independence was not Contrary to International Law Set an Unfortunate Precedent?

Anne Peters

1. Introduction

The declaration of Crimean independence by the Supreme Rada of Crimea of 11 March 2014 explicitly relied on the ICJ's *Kosovo* Advisory Opinion by stating:

We, the members of the parliament of the Autonomous Republic of Crimea and the Sevastopol City Council ... taking into consideration the confirmation of the status of Kosovo by the United Nations International Court of Justice on July 22, 2010, which says that a unilateral declaration of independence by a part of the country does not violate any international norms, make this decision.¹

After the Crimean referendum of 16 March 2014, in which the population pronounced itself in favour of joining Russia, the Russian President, Vladimir Putin, addressed the public in a long speech in which he explained and justified the Russian action in political, historical, and legal terms. He relied particularly on the 'Kosovo precedent':

Moreover, the Crimean authorities referred to the well-known Kosovo precedent—a precedent our western colleagues created with their own hands in a very similar situation, when they agreed that the unilateral separation of Kosovo from Serbia, exactly what Crimea is doing now, was legitimate and did not require any permission from the country's central authorities ... [T]he UN International Court agreed with this approach ... They wrote this, disseminated it all over the world, had everyone agree and now they are outraged. Over what? The actions of Crimean people completely fit in with these instructions, as it

¹ Transl. by rt.com, 11 March 2014 (Rt.com, 'Crimea parliament declares independence from Ukraine ahead of referendum', <<http://rt.com/news/crimea-parliament-independence-ukraine-086/0>>).

statements about the precedential value of that ‘humanitarian intervention’ (which it famously qualified as being ‘illegal but legitimate’). On the one hand, the report noted that ‘[t]he Kosovo “exception” now exists, for better and worse, as a contested precedent’. On the other hand, the report concluded: ‘If, therefore, we stand back from the Kosovo intervention, it becomes clear that it did not so much create a precedent for intervention elsewhere as raise vital questions about the legitimacy and practicability of the use of force to defend human rights and humanitarian values in the 21st century’.¹⁶ And in 2003, the ICJ highlighted the ‘*sui generis* position’ of Yugoslavia between 1992 and 2000 vis-à-vis the United Nations and international law instruments.¹⁷ (This was in the context of state dissolution and possible succession, and did not have anything to do with Kosovo. The possible precedential value of the break-up of the state and/or the NATO intervention will not be dealt with in this chapter.)

Second, Kosovo’s *unilateral declaration of independence* (DoI) of 17 February 2008 was, first of all by its authors, and then by many commentators, qualified as a ‘non-precedent’, as will be examined in detail below.¹⁸ And third, the question arose whether the ICJ Advisory Opinion of 2010 constituted a precedent or not.¹⁹ In the following, I will deal with the possibly ‘precedential’ value of the Advisory Opinion first (although it came later in time), because this question is less complex (Section 3). Afterwards, I will discuss the precedential value of the 2008 DoI, as ‘sanctioned’ by the Opinion (Section 4).

3. The Advisory Opinion as a Precedent?

A. Legal effects of advisory opinions

Advisory opinions issued by the ICJ are not legally binding judicial pronouncements. It is the ‘essential characteristic’ of advisory opinions that they, ‘as the term implies ... constitute *advice*, i.e. they do not legally bind either the requesting

¹⁶ The Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (OUP 2000) at 175 and 297.

¹⁷ ICJ, *Application for Revision of the Judgment of 11 July 1996 in the Case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*, Preliminary Objections (Yugoslavia v. Bosnia and Herzegovina), Judgment of 3 February 2003, ICJ Reports 2003, 7, para. 71.

¹⁸ See the references below in notes 44–73.

¹⁹ Referring to the Advisory Opinion as a non-precedent, the German Foreign Minister (Guido Westerwelle), during a visit to Cyprus, shortly after the issuance of the opinion, stated on 26 July 2010: ‘It’s a unique decision in a unique situation with a unique historical background ... This was very specific expertise it has nothing to do with any other cases in the world ... It has a special historical background and this opinion of judges has something to do with this special historical background and with this specific situation ... It is not a decision for other countries or other regions in the world’. <<http://www.mfa.gov.cy/mfa/mfa2006.nsf/0/88B9C658146E783DC225776C002B0777?OpenDocument&print>>; <http://www.expatica.com/de/news/german-news/german-fm-un-court-ruling-on-kosovo-unique-decision_85299.html>. In contrast, the Russian President referred to the Advisory Opinion as a precedent in his 18 March 2014 address concerning Crimea (*supra* note 2).

party or any other body or State to take any specific action pursuant to the opinion'.²⁰ For this reason alone, an advisory opinion cannot constitute a precedent in the common law sense discussed above.

Advisory opinions are, however, 'judicial decisions', and thus a subsidiary source of international law in terms of Article 38(1)(d) ICJ Statute.²¹ Also, advisory opinions may contribute to the identification or even formation of customary law to the extent that they manifest or confirm practice and *opinio juris* of international legal persons, notably states. Finally, the opinions enjoy a certain institutional authority, i.e. their substance is acknowledged by other participants in the system as being worthy of respect. Overall, it can be said that advisory opinions have a 'real legal significance'²² and 'will normally have important legal effects'.²³ Statements made therein may have 'far-reaching legal consequences'.²⁴

Generally speaking, decisions of the ICJ have the function of, on the one hand, resolving a concrete legal dispute (adversarial judgment) or answering a legal question (advisory opinion), and on the other hand, developing the law further (at least to a limited extent²⁵). These two functions may stand in tension. Indeed, a number of advisory opinions have been crucial to the development of international law, for example the *Reparations for Injuries* Opinion (1949), the opinion concerning *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide* (1951), and the *Namibia* Opinion (1970). The ICJ itself regularly cites its own advisory opinions and relies on them in the same manner as on its previous adversarial judgments. Finally, the Court itself has ascribed some *political* importance to its own opinions. For example, it stated that the *Nuclear Weapons* Advisory Opinion 'would have relevance for the continuing debate on the matter in the General Assembly and would present an additional element in the negotiations on the matter'.²⁶

Overall, it would thus not be owing to the formal status and *de facto* authority of advisory opinions in general, but rather to its substance (or lack of substance),

²⁰ Thirlway, 'Advisory Opinions', *Max Planck Encyclopedia Online Edition* <<http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e4?rskey=T6AfXq&result=1&prd=EPIL>>.

²¹ Art. 38(1)(d) says that the Court shall apply 'judicial decisions ... as subsidiary means for the determination of rules of law'.

²² T. D. Gill et al (eds), *Rosenne's The World Court: What It is and How It Works* (6th edn, Martinus Nijhoff 2003), at 88.

²³ Frowein and Oellers-Frahm, 'Article 65', in A. Zimmermann et al (eds), *The Statute of the International Court of Justice: A Commentary* (2nd edn 2012), para. 45.

²⁴ *Ibid.*, para. 50.

²⁵ Cf. ICJ, *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion), ICJ Reports 1996 226, para. 18: 'It is clear that the Court cannot legislate and, in the circumstances of the present case, it is not called upon to do so. Rather its task is to engage in its normal judicial function of ascertaining the existence or otherwise of legal principles and rules applicable to the threat or use of nuclear weapons. The contention that the giving of an answer to the question posed would require the Court to legislate is based on a supposition that the present *corpus juris* is devoid of relevant rules in this matter. The Court could not accede to this argument; *it states the existing law and does not legislate*. This is so even if, in stating and applying the law, the Court necessarily has to specify its scope and *sometimes note its general trend*' (emphasis added).

²⁶ *Ibid.*, para. 17.

that the Kosovo Opinion might contribute a little or a lot to the development of international law, and be in that untechnical sense a ‘precedent’—or not.

B. Legal effects of the *Kosovo* opinion in particular

In the *Kosovo* case itself, the ICJ described an opinion’s effects as follows: ‘The advisory jurisdiction is not a form of judicial recourse for States but the means by which [organs of the UN] may obtain the Court’s opinion in order to assist them in their activities’.²⁷ But ‘[t]he Court cannot determine . . . what effect that may have in relation to those steps’ of the General Assembly.²⁸ This self-description relates to the political rather than to legal effects of the opinion.

One possible political effect could theoretically have been to bolster Kosovar statehood (although this was not explicitly a topic of the Opinion). The Advisory Opinion might have had a discernible effect for the recognition of Kosovo, i.e. for the international community’s acknowledgment of Kosovar statehood—simply because the judicial statement on the legality of the DoI might factor in the states’ legal and political considerations when deciding whether to recognize the entity or not. Before the Advisory Opinion, Kosovo had already been recognized by 69 states. One year after the Opinion, in August 2011, only 12 additional recognitions had come about (in total 81). Three years after the Opinion (in August 2013), 106 states had recognized Kosovo. So apparently, the Opinion did not really accelerate the speed of recognitions, and did not impact much on the recognition calculus of individual states.

So what about the ‘precedential’ value of the Opinion in the untechnical sense explained above? During the proceedings, in the camp of states opposing Kosovar independence, four states contradicted the ‘*sui generis*/uniqueness argument’ and warned against setting an undesirable precedent through the Opinion itself (Serbia,²⁹ Cyprus,³⁰ Argentina,³¹ and Bolivia³²). Clearly, they thought such a ‘precedent’ to be pernicious because it accepted the fracturing of a state. In that sense, Serbia commented: ‘The *destabilising factor* of this argument is immediately evident, and no argument claiming that the Kosovo case is not a precedent can cure this’.³³ From the bench, dissenting Judges Skotnikov and Koroma went in

²⁷ ICJ, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion of 22 July 2010, ICJ Reports 2010, 403, para. 33.

²⁸ *Ibid.*, para. 44.

²⁹ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion of 22 July 2010, ICJ Reports 2010, 403, Written Comment of Serbia (submitted until 17 July 2009), at 66–8, 71, paras. 128–30, 133, 139.

³⁰ Cyprus, Verbatim Record (VR) (CR 2009/29 December, 7, 2009, 10 a.m.), at 47 para. 57, at 48, para. 64–5.

³¹ Argentina, VR (CR 2009/26 December, 2, 2009, 10 a.m.), at 47–8, paras. 30–1.

³² *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion of 22 July 2010, ICJ Reports 2010, 403, Written Statement of Bolivia (submitted until 17 April 2009), at 1.

³³ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion of 22 July 2010, ICJ Reports 2010, 403, Written Comment of Serbia (submitted until 17 July 2009) (note 29), at 71, para. 139 (emphasis added).

Annex 124

Patrick Thornberry, *Article 1: Definition of Racial Discrimination*, in THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: A COMMENTARY (Oxford University Press 2016)

Pursuant to the Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

6 Article 1: Definition of Racial Discrimination

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Patrick Thornberry

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(p. 97) 6. Article 1

Definition of Racial Discrimination

The present chapter focuses on the definition of racial discrimination in paragraph 1 of Article 1. The limitations on the reach of the definition in paragraphs 2 and 3 are considered in the chapter immediately following; Article 1(4) is discussed together with paragraph 2 of Article 2 in Chapter 9 on special measures. The text of Article 1(1) is as follows:

In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

A. Introduction

Equality and non-discrimination are intrinsic to the architecture of human rights law, hence the statement in Article 1 of the Universal Declaration of Human Rights (UDHR): 'All human beings are born free and equal in dignity and rights.' The principles of equality, and non-distinction on the grounds of 'birth, nationality, language, race or religion',¹ figured in the minorities system of the League, in addition to the specific clauses on positive minority protection. In the era of the United Nations, the focus on universal human rights initially resulted in a significant atrophy of 'positive' elements, reflecting tendencies to treat equality and non-discrimination as promoting simple uniformity of treatment. According to Capotorti, 'the concept of equality and non-discrimination implies a formal guarantee of uniform treatment for all individuals—who must be ensured the enjoyment of the same rights and accept the same obligations'.² Nuanced concepts of equality and discrimination pre- and post-date Capotorti's statement³ in protean guises such as formal and substantive equality; equality before (or under) the law and equal protection of the law; equality of results; *de jure* and *de facto* equality and their analogues in the prohibitions of discrimination: direct and indirect discrimination; structural discrimination; positive action, affirmative action, etc.⁴

(p. 98) The Charter of the United Nations and the UDHR incorporate basic equality and non-discrimination principles.⁵ The UDHR expands the Charter 'grounds' of prohibited distinctions: 'race, sex, language, or religion', to 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status',⁶ as well as providing for equality before the law and equal protection of the law.⁷ Following the model of the Charter and the UDHR, virtually all general human rights instruments contain an equality or a non-discrimination clause,⁸ or both.⁹ The International Covenant on Civil and Political Rights (ICCPR), for example, includes a prohibition of discrimination,¹⁰ a provision on the equal rights of men and women,¹¹ and a broad-based equality provision in Article 26 that demands 'equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'; the provision on discrimination in Article 2(1) is limited to the rights 'recognized' in the Covenant, while the guarantee in Article 26 applies to human rights in general.¹² Grounds of discrimination appear in both 'open' and 'closed' lists, the former characterized by the inclusion of 'such as' before a list of grounds,¹³ the latter confining discrimination to a single element such as 'sex' in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), or

concepts applied by the Committee extend to ‘naming names’—self-designation—on the basis that groups have a right to the dignity of their name as opposed to other names, possibly pejorative, imposed by those outside the group.¹¹³ Hence the practice of requesting information on the acceptance by group members of particular group designations.

De minimis, States should, according to the Committee, recognize ethnic groups when the evidence of ethnicity adequately presents itself. In the case of Ireland, the Committee expressed concern at the State party’s position on the Travellers—not recognized as an ethnic group—and encouraged concrete work towards such recognition, bearing in mind that recognition had important implications under the Convention.¹¹⁴ With regard to ethnic or national minorities, Italy was urged to recognize Roma on an equal footing with ‘historical’ minorities;¹¹⁵ Ecuador was subject to a similar recommendation.¹¹⁶ Comments were made to Ukraine regarding the absence of official recognition of the (p. 110) Ruthenian minority, despite their distinct minority characteristics.¹¹⁷ The recognition of indigenous peoples gains enhanced force from the principle of self-determination expressed in the UNDRIP, an instrument endorsed by the Committee. The Committee has insisted that if a group falls under a particular designation such as ‘indigenous people’, and there is a demand to be recognized as such, then they should be so recognized.¹¹⁸ In the case of Laos, the Committee recommended that the State party ‘recognize the rights of persons belonging to minorities and indigenous peoples as set out in international law, regardless of the name given to such groups in domestic law’.¹¹⁹ In its recommendation to Denmark regarding recognition of ‘the Thule Tribe’ of Greenland, the Committee proposed that concrete measures be taken ‘to ensure that the status of the Thule tribe reflects established international norms on indigenous peoples’ identification’.¹²⁰ CERD’s approach extends to support for demands by groups for recognition in State constitutions.¹²¹ The Committee has congratulated States parties when recognition in line with international standards is forthcoming.¹²²

The Committee’s observations on recognition are largely directed towards determinations made by States in their assessments of demographic data, regarded by the Committee as required in order to concretize anti-discrimination programmes including special measures.¹²³

For individuals, self-identification discourages the State from assigning them to categories in a deterministic manner that would subvert the objects and purposes of the Convention. Criticisms of the scope of self-definition have been articulated by groups, concerned by what they see as its undue extension to individuals who have little or no (p. 111) evident connection with the group in question.¹²⁴ For collectives, self-identification challenges State prerogatives to deflect the application of established rights. Challenges to the Committee’s position have been forthcoming. Turkey stated that it ‘did not adhere to the “self-identification” approach advocating the granting of minority status on the basis of the purely subjective perceptions or feelings of its members. Every State had the sovereign right to decide which groups of citizens it viewed as constituting minorities’.¹²⁵ The Committee in turn reiterated the relevance of GR 8, also expressing concern at the application of restrictive criteria to determine the existence of ethnic groups.¹²⁶

IV. Discrimination

‘Discrimination’ is a term that may be used in positive, neutral, or negative senses. The Latin *discriminare* means simply ‘to distinguish between’,¹²⁷ and there is a positive sense in referring to ‘a person of discrimination’: one who displays a fineness or subtlety of judgement in intellectual or material matters. While international instruments vary in their use of ‘distinction’ and ‘discrimination’,¹²⁸ ICERD incorporates ‘distinction’ into the concept of racial discrimination. The definition of discrimination in ICERD and elsewhere in international human rights is essentially negative: unjust or unfair discrimination against a

person or group/category of persons.¹²⁹ Accordingly, GR 32 treats ‘positive discrimination’ as an oxymoron.¹³⁰ The injustice or detriment associated with discrimination is calibrated in terms of ‘nullifying or impairing’ the recognition, etc, ‘on an equal footing’ of human rights.

In order to find discrimination that affects individuals or groups under Article 1, it needs to be established that individuals or groups are subject to distinctions, etc. ‘based on’ race, colour, etc. ‘Based on’ sits well with intentional discrimination in signifying motivations or reasons for action, but less well with discrimination in effect or indirect discrimination; the reformulation of ‘based on’ to ‘on the grounds of’ in GR 14 softens the discrepancy only a little. Makkonen contends that the recognition of indirect discrimination in *L.R. v Slovakia* implies the rejection of the approach according to which discrimination ‘must be linked to acts which...single out...members of a particular group’.¹³¹ In other circumstances, when categorization as indirect discrimination was avoided, the Committee has insisted that groups should be ‘singled out’ in order to engage the prohibitions in the (p. 112) Convention,¹³² a narrow approach to the ‘targeting’ of groups. The Committee’s general understanding of discrimination is summarized in GR 32:

On the core notion of discrimination, general recommendation No. 30 (2004) of the Committee observed that differential treatment will ‘constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim’ (para. 4). As a logical corollary of this principle, General Recommendation No. 14 (1993) observes that ‘differentiation of treatment will not constitute discrimination if the criteria for such differentiation, judged against the objectives and purposes of the Convention, are legitimate’ (para. 2). The term ‘non-discrimination’ does not signify the necessity of uniform treatment when there are significant differences in situation between one person or group and another, or, in other words, if there is an objective and reasonable justification for differential treatment. To treat in an equal manner persons or groups whose situations are objectively different will constitute discrimination in effect, as will the unequal treatment of persons whose situations are objectively the same. The Committee has also observed that the application of the principle of non-discrimination requires that the characteristics of groups be taken into consideration.¹³³

A separation should be made between ‘differentiation’ *simpliciter*, and (unfair) discrimination: the prevention of discrimination and the right to equality do not require identical treatment without regard to circumstances;¹³⁴ the nuanced understanding of equality since the time of the League of Nations has already been referred to here. The edifices of minority and indigenous rights and other categories of rights in international law rest upon nuances in the understanding of equality.¹³⁵ Objective and reasonable justifications for differential treatment may arise from appraisals of factual circumstances or by operation of law—the latter is evidenced by the acceptance under ICERD of rights applicable to members of specific groups or categories.¹³⁶ As an example of the former, in *Sefic v Denmark* the Committee decided that a requirement to speak Danish in order to purchase car (p. 113) insurance was reasonable in the circumstances. CERD considered that the reasons advanced by the company concerned, ‘including the ability to communicate with the customer, the lack of resources of a small company to employ persons speaking different languages, and the fact that it is a company operating primarily through telephone contact’, were reasonable and objective grounds for the requirement.¹³⁷ In *L.G v Korea*, with regard to the mandatory testing of foreigners—except ethnic Koreans—for drugs and HIV/AIDS, the Committee noted that the policy did not ‘appear to be justified on public

health grounds or any other ground'.¹³⁸ Differentiation may also be legitimated through the operation of a specific treaty or legal regime such as the European Union.¹³⁹

Lerner reads the *travaux* to the effect that the four categories of discriminatory action —'distinction, exclusion, restriction and preference'—were intended to cover all types of acts based on racial motivations,¹⁴⁰ which suggests that they should not be interpreted restrictively. 'Distinctions' between national and ethnic minorities are referred to above; social, educational, and other forms of 'exclusion' have attracted Committee comment,¹⁴¹ and support has been expressed for 'inclusion'.¹⁴² An archival search for 'restriction' turns up instances of governmental restrictions on NGOs but also restrictions on non-citizens in the labour market,¹⁴³ on freedom of movement,¹⁴⁴ and caste restrictions.¹⁴⁵ As regards 'preferences', GR 32 generalizes that discrimination 'is constituted not simply by an unjustifiable "distinction, exclusion or restriction" but also by an unjustifiable "preference", making it especially important that States parties distinguish "special measures" from prohibited "preferences"'.¹⁴⁶

The application of legal preferences was discussed in *D.F. v Australia*, a case concerning changes in Australian legislation affecting, *inter alia*, eligibility for certain social security payments. The petitioner, a New Zealand citizen resident in Australia, lost special status on account of legislative amendments to rules that previously favoured New Zealand citizens and was required to apply for a permanent residence visa to access certain social security benefits. In rejecting the claim of racial discrimination, Australia argued that whereas New Zealand citizens had previously received preferential treatment, the withdrawal of such advantages could not constitute discrimination, as it merely placed New (p. 114) Zealand citizens 'on an equal footing with people of other nationalities'¹⁴⁷—an argument criticized by the petitioner as one of 'equality by deprivation'.¹⁴⁸ In finding no discrimination on the ground of national origin, the Committee observed that the distinction which had been made in favour of New Zealand citizens no longer applied: the changed provisions 'did not result in the operation of a distinction, but rather in the removal of such a distinction which had placed the petitioner and all New Zealand citizens in a more favourable position compared to other non-citizens'.¹⁴⁹

Discrimination under Article 1 is expressed in terms of its *purpose or effect*, and CERD has been critical of jurisdictions that insist that claims of discrimination must be accompanied by evidence of intention.¹⁵⁰ The Committee continues to refer to 'purpose or effect' in its recommendations to States parties.¹⁵¹ In order to determine whether there is discrimination in effect, GR 14 states that the Committee 'will look to see whether [an] action has an unjustifiable disparate impact upon a group' distinguished by race, colour, etc.¹⁵² Citations of 'disparate impact' include observations on the impact of mandatory sentencing of aboriginals in Australia,¹⁵³ the disparate impact of natural disasters on low-income African-Americans,¹⁵⁴ and of felon disenfranchisement laws on persons belonging to minorities in the US.¹⁵⁵

While continuing to employ the terms 'intention' and 'effect', a parallel terminology of *direct and indirect discrimination* has emerged in practice. In *L.R. v Slovakia*, it was recalled that 'the definition of racial discrimination...expressly extends beyond measures which are explicitly discriminatory to encompass measures that are not discriminatory at face value but are discriminatory in fact and effect, that is, if they amount to indirect discrimination'.¹⁵⁶ Here, discrimination in effect is taken as equivalent to indirect discrimination, and discrimination in fact equated with discrimination in effect. Concluding observations on the US appear to erase distinctions between indirect and *de facto* discrimination, together deemed to occur 'where an apparently neutral provision, criterion or practice would put persons of a particular racial, ethnic or national origin at a disadvantage compared with other persons'.¹⁵⁷ In CERD practice, the essence of *de facto discrimination* (discrimination in fact) is the existence of discrimination in practice; analogously, *de facto* equality refers to equality in the enjoyment of human rights in

practice. Committee statements on *de facto* discrimination suggest that the obligations under the Convention reach down into the social matrix, subject to the limitation to ‘public life’. References to *de facto* discrimination have been particularly common in the context of immigration,¹⁵⁸ descent-based communities,¹⁵⁹ and Roma.¹⁶⁰

(p. 115) The amalgamation of terms has been the subject of comment. Frostell distinguishes between the purpose–effect axis and the direct–indirect axis, commenting that ‘direct and indirect discrimination...might occur both in the presence and in the absence of a discriminatory purpose’.¹⁶¹ De Schutter distinguishes between indirect discrimination: ‘instances of conscious discrimination which hide behind the use of apparently neutral criteria’, and ‘disparate effect discrimination’, rules/practices which ‘although not calculated to produce such effect, impose a specific disadvantage on certain groups, or have a disproportionate impact’ on them.¹⁶² Irrespective of the provenance of the terminology,¹⁶³ the use of direct and indirect discrimination is strongly embedded in current human rights practice.¹⁶⁴ Definitions of these concepts in the human rights canon exhibit broad similarities with each other,¹⁶⁵ even if the terminology employed may wash over the distinctions appraised by de Schutter.¹⁶⁶

CERD has not advanced a stand-alone definition of ‘direct’ and ‘indirect’ discrimination. Both terms appear as a heading in CERD’s GR 32 on special measures but the explanation offered is couched in terms of ‘purposive or intentional discrimination and discrimination in effect’, suggesting that CERD has not drawn clean lines between the two pairings.¹⁶⁷ In assessing whether indirect discrimination is operative ‘in fact and (p. 116) effect’, CERD stated that it ‘must take account of the particular context and circumstances...as by definition indirect discrimination can only be demonstrated circumstantially’.¹⁶⁸ While the Committee has not provided States parties with elaborate guidance on the evidence to demonstrate the presence of indirect—or structural—discrimination, general group-based data are regularly called for,¹⁶⁹ as well as scrutiny of the overall circumstances of particularly vulnerable groups,¹⁷⁰ or in relation to specific policies.¹⁷¹

In its exploration of the facets of racial discrimination, the Committee has highlighted *structural discrimination* or *structural inequalities*, notably regarding the situations of Afro-descendants and indigenous peoples in the Americas.¹⁷² The position regarding Afro-descendants is summarized in GR 34, adopted in 2011:

Racism and structural discrimination against people of African descent, rooted in the infamous regime of slavery, are evident in the situations of inequality affecting them and reflected, *inter alia*, in the following domains: their grouping, together with indigenous peoples, among the poorest of the poor; their low rate of participation and representation in political and institutional decision-making processes; additional difficulties they face in access to and completion and quality of education, which results in the transmission of poverty from generation to generation; inequality in access to the labour market; limited social recognition and valuation of their ethnic and cultural diversity; and a disproportionate presence in prison populations.¹⁷³

The Committee observes that overcoming the structural discrimination that affects people of African descent calls for the urgent adoption of special measures (affirmative action)...¹⁷⁴

This extract highlights a multitude of epiphenomenal effects and takes the Committee close to a formal analysis of structural discrimination. The use of the term by the Committee frequently relates to discrimination as a product of historical processes that have marginalized populations from the institutions of the State and the enjoyment of basic rights.¹⁷⁵ The larger story in many cases, notably that of indigenous peoples, is that structures of State and society were crafted around models that offered little sense of (p.

117) ownership or participation on the part of non-dominant populations; indigenous peoples may regard the development of compensatory legal and constitutional practice in this respect as an aspect of 'belated State-building'.¹⁷⁶ Structural discrimination is also seen to impact on non-citizen, immigrant populations.¹⁷⁷ As a descriptor, 'structural' has been preferred by the Committee to 'systemic', the latter being used more commonly to refer to 'systemic inadequacies' in social programmes.¹⁷⁸ 'Institutional discrimination', focusing on results of the actions of 'institutions' as opposed to broader 'structures', is not part of CERD's regular repertoire.¹⁷⁹ The cultural and economic embeddedness of discriminatory 'structures' in many States suggest that the measures required to address such discrimination within a State will require the deployment of the full resources of the Convention.

V. Grounds of Discrimination

1. Race and colour

Whereas the use of the term 'grounds' (of discrimination) is commonplace, Article 1 refers to discrimination 'based on' race, colour, etc. 'Grounds' of discrimination are, however, referred to in the preamble to the Convention, and GR 14 states the Committee's opinion that 'the words "based on" do not bear any meaning different from "on the grounds of" in preambular paragraph 7'.¹⁸⁰ The list of grounds in Article 1 is expressed as limited.

While the Committee is critical of racist epithets,¹⁸¹ 'race as such has seldom been explicitly mentioned as a prohibited ground',¹⁸² and where it is referred to, is usually placed in a list along with other grounds, together constituting 'racial discrimination'. The Committee has set itself against notions of 'pure blood' and 'mixed blood', concerned by the idea of racial superiority that such terminology may entail.¹⁸³ Concern was also expressed regarding language appearing in the report of the Dominican Republic referring to the 'racial purity' and 'genetic characteristics' of different ethnic groups.¹⁸⁴ In contrast (p. 118) to its response to biological expressions of 'race', no equivalent expression of discomfort was advanced by the Committee in response to the statement by Cuba interpreting race as a social construct:

The naturalistic biological aspect of race, which reduces the human person to a number of specific features, is of little ideological or functional use when it comes to placing individuals in categories in order to establish a social record of the phenomenon...all the racial classifications are to some degree arbitrary and vary considerably depending on the taxonomic principle on which they are built...the classifications with which people act and function in concrete contexts do not always coincide fully with the classifications which may result from the application of a given 'scientific' criterion. The notion of race is thus taken to be a social construct.¹⁸⁵

Notwithstanding sensitivities as to concept and language, CERD insists that national legislation should address all the grounds of discrimination in Article 1, including race. Norway explained the absence of 'race' from its Anti-Discrimination Act:

the Government has supported the view that the concept of race should not be used...The reason for this is that the concept of race is based on biological, hereditary characteristics, grounded in theories that have no justifiable scientific basis or content. Moreover, the concept has strong negative connotations...The Government therefore sees no need to use the term 'race' in the text of the statute.¹⁸⁶

Annex 125

Patrick Thornberry, *Article 5: Economic, Social, and Cultural Rights: A Commentary*, in *THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: A COMMENTARY* (Oxford University Press 2016)

Pursuant to the Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

13 Article 5: Civil and Political Rights

From: The International Convention on the Elimination of All Forms of Racial Discrimination: A Commentary

Patrick Thornberry

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(p. 315) 13. Article 5

Civil and Political Rights

The first three sets of rights in Article 5 are not placed under the rubric of ‘civil’ or ‘civil and political’; paragraph (d) however, in referring to ‘other civil rights’, suggests the appropriate nomenclature.

Chapeau: Prohibit and eliminate racial discrimination... guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law

International standards on equality and non-discrimination are referred to throughout the present work. Commencing with the Universal Declaration of Human Rights (UDHR), specific provisions in the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the substantive articles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), plus the preamble, make reference to equality; the notion of equality similarly infuses the Convention on the Rights of Persons with Disabilities (CPRD).¹ The standards are replicated and developed in regional instruments—including the African Charter on Human and Peoples’ Rights (ACHPR), the American Convention on Human Rights (ACHR), the Arab Charter on Human Rights, and the European Convention on Human Rights (ECHR).² The account of equality in the Inter-American Convention against Racism and Racial Discrimination is among the more extensive in the international canon, and includes equality before the law as well as ‘equal protection against racism, racial discrimination and related forms of intolerance’,³ together with the right to equal ‘recognition, enjoyment, exercise, and protection’ of human rights and fundamental freedoms ‘at both the individual and collective levels’.⁴ Specialized instruments regarding groups the subject of standard Committee on the Elimination of Racial Discrimination (CERD) concerns, such as International Labour Organization (ILO) Convention 169, the UNDRIP, the United Nations Declaration on Minorities (UNDM), and the Framework Convention for the Protection of National Minorities (FCNM), are also underpinned by notions of equality and non-discrimination, as may be expected in instruments dedicated to the promotion of the rights of self-identifying peoples and communities.

‘Equality before the law’ in the chapeau of Article 5 may be contrasted with phrases elsewhere in the Convention such as ‘equal protection of the law’ in the preamble, ‘on an equal footing’ in Article 1, ‘full and equal enjoyment of human rights’ in Article 2 as well (p. 316) as other references, and might suggest a certain narrowing of conception. De Schutter comments that, while ‘equality before the law’ is ‘addressed to law enforcement authorities’,⁵ whether executive or judiciary, ‘equal protection of the law’ is addressed to the lawmaker.⁶ On the other hand, the scope of ‘equality before the law’, which was adopted in part to cover the alleged vagueness of ‘equal justice before the law’, was not discussed to any great extent and appears to have been accepted as a principle that was not to be interpreted narrowly.⁷ In practice, ‘equality before the law’ does not appear to be highlighted by the Committee with any frequency and, in any case, represents only one aspect of the vision of equality in Article 5, which also accounts for ‘equal treatment before the tribunals’, ‘equal suffrage’, ‘equal access to public service’, ‘equal pay for equal work’, and ‘equal participation in cultural activities’. On one reading, the deployment of multiple references to equality in Article 5 may express little more than an accumulation of

constituent elements of the crime.⁴⁰⁵ While freedom of expression was not referred to in concluding observations that focused on legal certainty and predictability, they may be inferred therefrom.⁴⁰⁶

Boyle and Shah underline the foundational nature of freedom of expression as ‘the touchstone of all rights. Not only is freedom of expression inseparable from freedom of thought, association, and assembly, it is essential for the enjoyment of all rights.’⁴⁰⁷ With regard to the persons and communities recognized in CERD practice, rights in the field of language, culture, information, participation, education, health, freedom of thought, conscience, and religion, and freedom of assembly and association, all depend for their effective fulfilment on the non-discriminatory enjoyment of freedom of expression. While an equivalent claim could be made for principles of equality and non-discrimination as foundational to the human rights enterprise, and for others such as the right to education, the stress should preferably be placed on interdependence and indivisibility of rights rather than the construction of a competitive hierarchy. The effects of discrimination flow simultaneously or sequentially into disparate areas of life that are not easily segmented into neat packages of rights.

In the context of Article 5, the two principles of freedom of expression and equality theoretically coalesce, so that practice should ideally demonstrate their integration, especially in the pluralistic setting of communities protected by the Convention. In the context of such pluralism, and integrated with cultural and linguistic rights in general, the Committee has moved incrementally towards a more rounded appreciation of the virtues of freedom of expression as a protective device for communities, even if the right is not always defined, or named as such.

(p. 361) 5(d)(ix) The Right to Freedom of Peaceful Assembly and Association

Following the model of Article 20 of the UDHR, ICERD combines freedoms of peaceful assembly and association into one statement of rights,⁴⁰⁸ whereas, as noted in Chapter 11, the ICCPR splits them into distinct articles on peaceful assembly and freedom of association; the ICCPR model is followed in other instruments.⁴⁰⁹ Freedom of assembly has its roots in the trade union movement; the right to form and join trade unions is also part of Article 5, listed under ‘economic, social and cultural rights’, a further illustration of the interconnections among protected rights, transcending any limiting categorizations. Freedom of assembly is closely related to freedom of expression,⁴¹⁰ and, in specific circumstances, to identity rights.⁴¹¹ All international instruments with the exception of the ACHR require that the right be exercised peacefully.⁴¹² Logically, assemblies consist of more than one person.⁴¹³ Freedom of association is also historically linked to trade union rights, but is understood as broader and not confined to them.⁴¹⁴ Protection from discrimination with regard to the right to form and join trade unions is separately addressed under economic, social and cultural rights in Article 5(e)(ii) of ICERD. Freedom of association also implicitly figures in the notions of community adumbrated from the era of the League of Nations,⁴¹⁵ and has thus been ‘seen as central from the outset to international minority group protection’.⁴¹⁶

While the UDHR, the ICCPR, and ICERD do not specify any teleological basis for the right, Article 16 of the American Convention Human Rights refers to the right to establish associations for ‘ideological, religious, political, economic, labour, social and cultural, sports, or other purposes’.⁴¹⁷ With regard to minorities and indigenous peoples, Article 27 of the ICCPR implies a right of association through the reference to rights being enjoyed ‘individually or in community’; the UNDM specifies that ‘[p]ersons belonging to minorities have the right to establish and maintain their own associations’,⁴¹⁸ while the UNDRIP is shot through with formulations of rights that presuppose and reach beyond freedom of association to implicate larger forms of political association, communities or nations, up to

and including the right of self-determination. In the words of Boyle and Shah, the right of peaceful assembly 'protects non-violent, organized (p. 362) gatherings in public and private', including protests and counter-protests, while assemblies encompassed include 'political, economic, artistic, and social' gatherings.⁴¹⁹ Freedom of association, a linked but distinct concept, protects the right 'to form associations for common purposes, free from government interference'.⁴²⁰ The rights are not unlimited: restrictions may be imposed on assembly and association under Article 21(2) and 22(2) of the ICCPR. In the case of ICERD, the major line of restriction stems from Article 4(b), while common restrictions found in other international standards are implicitly accepted by the Committee provided they do not involve racial discrimination.

It will be recalled that the Committee takes the view that the freedom set out in Article 5(d) (ix) does not extend to racist organizations; a position further elaborated in paragraph 21 of GR 35. Protection of the right to freedom of assembly and association remains as an issue in reservations linked to Article 4, particularly 4(b) which requires States parties to prohibit racist organizations and punish participation in them.

Article 5(d)(ix) is not further explicated in the CERD cases under Article 14, and is rarely referred to.⁴²¹ Practice normally takes the twin aspects of 5(d)(ix) together; the implicit racial or ethnic connections to engage the provisions of the Convention concern, as with other rights, the full span of groups under its protection. On 'peaceful' exercise of the right, rare references in concluding observations include the appeal to indigenous protesters in a dispute over natural resources 'to make their demands and hold their demonstrations in a peaceful manner, respecting the human rights of others'.⁴²² On the other side of the equation, the Committee has recommended that counter-terrorism legislation should not be applied to peaceful protest and legitimate assertions of rights.⁴²³ Threats from public or private sources to human rights defenders, including defenders working for the elimination of racial discrimination, are a frequent subject of concern.⁴²⁴ In one case, the State party was called upon to 'consider releasing those in detention for activities that would, under international standards, constitute the peaceful exercise' of rights.⁴²⁵

The link between the enjoyment of cultural rights and freedom of association also attracts comment. In the case of Greece, concern was expressed regarding the obstacles encountered by some ethnic groups in exercising this right, noting information 'on the forced dissolution and refusal to register some associations including words such as "minority", "Turkish" or "Macedonian"',⁴²⁶ as well as the explanation for such refusal.⁴²⁷ (p. 363) Measures were accordingly recommended for the effective enjoyment 'by persons belonging to every community or group of their right to freedom of association and of their cultural rights'.⁴²⁸ A recommendation to Libya suggested enhancement of the right of association 'for the protection and promotion of Amazigh culture' as among remedies for the denial of their linguistic and cultural identity.⁴²⁹ Freedom of association is also stressed in relation to the right to work, bearing in mind questions of collective bargaining and trades unions in the labour market, and the concerns generated by the treatment of migrant workers.

Equally, political parties are encouraged to open their membership to ethnic minorities, or broaden their appeal to the diverse communities of the State; diversified political parties would satisfy criteria for the integrationist multiracial organizations referred to in Article 2(1)(e). While political parties are regarded as vital to democratic processes, valorization does not extend to racist parties: the Committee regards their prohibition as an obligation under Article 4(b) and sundry aspects of Article 2.

Annex 126

Gabrielyan A. M., THE IMPLEMENTATION OF LANGUAGE POLICY IN THE SPHERE OF
SECONDARY EDUCATION IN THE CRIMEA, Archon, Vol. 5 (2018)

This excerpt has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51. A copy of the whole document has been deposited with the Registry.

POST-SOVIET SPACE

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THE IMPLEMENTATION OF LANGUAGE POLICY IN THE FIELD OF SECONDARY
EDUCATION OF CRIMEA¹

Abstract: *the aim of the study is to identify the features of the language policy in the field of school education and to reveal the main trends in the manifestation of this policy at the present stage of its implementation. Thus, the article discusses the regulatory framework of the language policy of Crimea and its implementation in the field of secondary education in Crimea. The language policy of Crimea to a certain extent is aimed at creating conditions for learning the native languages of the peoples. Within the framework of the Russian Humanitarian Foundation project, the author conducted a field study aimed at studying issues of teaching and learning native languages in secondary schools of Crimea, which allows evaluating the effectiveness of the process of learning and teaching native languages, the range of opportunities for teaching native language provided by schools of Crimea. The volume of materials studied allows us to characterize the language situation in the field of education in Crimea; identify the circumstances affecting the formation of the modern education system in the framework of teaching (learning) native languages in Crimea.*

In Crimea, the need to develop relevant proposals for creating conditions for the preservation and development of the languages of the peoples of Crimea is of great importance in the process of harmonizing interethnic relations and belongs to the system tasks of the region. Language education is one of the forms of implementation of language policy in Crimea.

Keywords: *language policy, secondary education, native language in schools of Crimea*

A feature of modern language policy is the desire, on the one hand, to preserve the native languages and cultures of the peoples of Crimea, on the other - the need to adapt to the realities of modern society. In multi-ethnic and multicultural Crimea, one of the priorities is to build a fair language policy. First of all, we are talking about the need to further improve the study of the native languages of the younger generation, taking into account the needs and processes taking place in the region.

In Crimea, special attention is paid to language policy, since the region is polyethnic and multilingual. The self-consciousness and character of each Crimean ethnic group have been formed over the centuries in the process of interaction with other peoples.

The language situation, vectors and trends in the development of language policy in Crimea have been changing dynamically in recent years. Significant changes have affected the field of education. The number of Ukrainian schools and classes with the Ukrainian language of instruction is falling sharply, secondary education is switching to Russian standards, at the same time the status of the state language is assigned to Russian, Ukrainian and Crimean Tatar languages. The issue of drafting a new law "On languages" caused a long-term controversy among the government and public corps, and it took several years to reach a consensus. Finally, in May 2017, the Law "On the Functioning of the State Languages of the Republic of Crimea and Other Languages in the Republic of Crimea" was adopted in the first reading.

Language policy at all levels and especially at the regional level is becoming strategically important. In Crimea, the need to develop relevant proposals for creating conditions for the preservation and development of the languages of the peoples of Crimea is of great importance in the process of harmonizing interethnic relations and belongs to the system tasks of the region. Language education is one of the forms of implementation of language policy in Crimea.

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The relevance of the topic of studying native languages in the field of education, firstly, is determined by the needs of society as a whole, and secondly, by the fact that the viability of multinational, ethnically diverse regions depends on the strategy of language policy based on a broad basis of educational trends.

The language policy in the field of school education in Crimea is to a certain extent aimed at creating conditions for teaching native languages and studying them.

In August 2018, the State Duma of the Russian Federation also adopted a draft law on native languages. Now, in Crimean schools, students will study the subject of "Native language" as mandatory.

According to the "Roadmap for Choosing the Language of Instruction (study) in Educational Institutions of the Republic of Crimea" dated December 28, 2017, as well as the certificate "On learning native languages and teaching in native languages in educational institutions of the Republic of Crimea" dated May 14, 2018, the organization of work on the study of native languages, teaching in native languages in Crimea, shall be carried out in accordance with the following legislative acts:

1. The Constitution of the Russian Federation (Article 26);
2. Federal Law of the Russian Federation "On Education in the Russian Federation" (Art. 5, Art. 14);
3. The Law of the Russian Federation "On the Languages of the Peoples of the Russian Federation" (Articles 2, 9, 10);
4. Constitution of the Republic of Crimea (Article 10, Article 19);
5. The Law of the Republic of Crimea "On Education in the Republic of Crimea" (Article 11);
6. Decree of the President of the Russian Federation "On measures for the rehabilitation of the Armenian, Bulgarian, Greek, Crimean Tatar and German peoples and support for their revival and development" No. 268 dated April 21, 2014;
7. Lists of instructions of the President of the Russian Federation;
8. Resolution of the Council of Ministers of the Republic of Crimea "On Approval of the State program for the development of education in the Republic of Crimea for 2016-2018".

According to Article 14 of Federal Law No. 273-FZ of December 29, 2012 "On Education in the Russian Federation", Russian citizens have the right to receive preschool, primary (grades 1-4) and basic general (grades 5-9) education in native languages, as well as the right to study native languages (grades 1-11) within the possibilities provided by the education system.

Based on the free, voluntary, informed choice of the language of instruction and learning, each educational organization shall determine the languages of education for the academic year by local regulations.

The Constitution of the Republic of Crimea contains a provision stating that three state languages shall be effective on the territory of the Republic: Russian, Ukrainian and Crimean Tatar, however, until 2017 there was no basic law on languages.

The Law "On the State Languages of the Republic of Crimea and other languages in the Republic of Crimea", which was repeatedly amended and disputed at the stage of its development (the issue of compulsory study of three state languages by all Crimean schoolchildren was particularly acute in this regard) provides for the provisions of both federal and republican laws as regards this field. This is a basic law that shall clearly define all areas of application of state languages.

At the present, Article 9 of the above-mentioned Law provides that citizens may receive preschool, primary, basic general and secondary education in the state languages of the Republic of Crimea; may receive preschool, primary and basic general education in their native language from among the languages of the peoples of the Russian Federation within the possibilities provided for by the system education.

Article 10 of this Law stipulates that, firstly, educational activities shall be carried out in

educational organizations of the Republic of Crimea in the state language of the Russian Federation, and secondly, "in educational organizations with the Russian language of instruction and learning of the Crimean Tatar and Ukrainian languages as the state languages of the Republic of Crimea shall be provided as a compulsory subject, not in damage to teaching and learning of the Russian language."

As part of the implementation of the Russian Humanitarian Foundation project "Language Policy in the Crimea. Retrospective and Perspective" in the spring of 2018, the author of the article conducted a study to research the issues of teaching languages and teaching them in general educational institutions of Crimea. Thanks to in-depth interviewing of the administration and staff of secondary schools in Simferopol, analysis of the processes of learning native languages and teaching in native languages in Crimean schools; comparative analysis of documents, including analysis of data from the regulatory framework of the Ministry of Education, Science and Youth of the Republic of Crimea and local acts of educational institutions (including language curricula, provisions on "languages of instruction", curricula, student body, statute of schools), etc. it was possible to draw some meaningful conclusions as regards the implementation of language policy in the field of secondary education in Crimea. The volume of materials studied allows us to characterize the language situation in the field of education in Crimea; identify the circumstances affecting the formation of the modern education system in the framework of teaching (learning) native languages in Crimea. The array of the sample comprised 6 secondary schools in Simferopol.

The sample of schools was formed based on the goals and objectives of the study, taking into account the following characteristics:

1. Schools (classes) with the language of instruction in the Crimean Tatar language.
2. Schools (classes) with the language of instruction in Ukrainian.
3. Schools (classes) with the study of Crimean Tatar, Ukrainian and other languages as part of extracurricular activities.

In this article, we will consider the first part of the study, namely, the range of native language teaching opportunities provided by schools in Crimea. This block includes the study of the degree of realization of the constitutional right to teach native languages in schools of Crimea, as well as the degree of effectiveness of the educational process in languages through the disclosure of the following aspects:

1. The degree of familiarity of parents (legal representatives) with the regulatory framework governing language policy and their rights to teach (learn) their native languages and in secondary schools of Crimea (openness and informativeness)
2. The number of hours allocated for the study of native languages, the scheduling of classes in the native language (availability)
3. The number and qualification of teachers in their native language (a component of the effectiveness of teaching native languages)

1. The degree of familiarity of parents (legal representatives) with the regulatory framework governing language policy and their rights to teach (learn) their native languages and in secondary schools of Crimea (openness and informativeness)

According to the "Roadmap for Choosing the Language of Instruction (study) in Educational Institutions of the Republic of Crimea" (the Roadmap) dated 28 December 2017, Section II "Language Selection Procedure", paragraph 2.1 provides for the "the information on the implementation of the constitutional right of citizens to choose the language of instruction (learn) in an educational institution (...) shall be timely notified parents (legal representatives)."

Openness and awareness as regards the enforcement of the right to choose the language of instruction (learn) shall be a prerequisite for its implementation. One of the objectives of our study was to identify how parents (legal representatives) of children learn about the possibility of learning their native languages in schools. According to the decree of the Government of the Republic of Crimea, the issues of determining the language of instruction (learning) shall be considered in February-March of this year at parent meetings with parents of future first-graders, as well as at parent meetings of 4th and

9th grades (in paragraph 2.2. of the Roadmap), as well as during classroom and school-wide parent meetings (clause 2.4.)

As part of this study, it was revealed that in 5 out of 6 schools studied, according to the administration, parents learn about the possibility of learning/teaching in their native language at parent meetings. 5 out of 6 schools reported the possibility to get information on the official website of the school, for example, through the Articles of Association of the school, or through the schedule of extracurricular activities.

In 3 out of 6 schools, you can learn about this possibility at school-wide meetings. One of the schools shall conduct annual monitoring of those who want to learn their native languages.

One of the six schools within the framework of the meeting for parents of future first-graders shall notify of these opportunities and shall also hold an "open day" at which such opportunities are announced.

In addition, in 3 out of 6 schools, parents shall be interested in the possibility of teaching (learning) their native languages themselves. In this event, they can get advice from the school director or from the school director's secretary.

Thus, awareness and openness of the possibility of learning native languages and the realization of the right to learn in their native language are generally ensured, but in different ways in each individual case. In some schools, all the sub-items of the Roadmap of the Ministry of Education of the Crimea shall be used to familiarize parents (legal representatives) with the possibilities of teaching/learning in their native language, in some only a part of them.

Information on measures to implement the constitutional right of citizens to choose the language of instruction (learning) in educational institutions shall be brought to the attention of parents (legal representatives) by annually posting and updating information on the school stand and the website of the educational institution (paragraph 2.5. of the Roadmap). Nevertheless, the information on the official websites of most schools is rather scarce and is located in different sections, local acts, schedules, etc., i.e. such information requires a thorough search, attempts to find it do not always end in success; information on the sites is rarely updated.

2. Scheduling of classes in the native language (availability)

Back in October 2017, The Public Chamber of Crimea has developed a number of amendments to the draft basic law on state and other languages in the Republic of Crimea. Most of the amendments then concerned the study of state languages and languages of national minorities in schools. The Public Chamber recommended the Government of Crimea to create all the necessary conditions for language learning, in particular, to eliminate the situation when the study of Crimean Tatar or Ukrainian languages is transferred to the very end of the school day for the seventh or eighth lesson.

During this study, it became known that most of the studied schools conduct classes on the learning of native languages at least 40 minutes after the end of the main lessons (according to school staff, this is required by the norms). As a rule, this time is no earlier than 13.00. Some classes that are engaged in the second shift have the opportunity to learn their native language as part of extracurricular activities in the morning.

An example of the distribution of clubs for the study of the native language is given in the tables (see Appendices, Fig. 1).

The schedule of extracurricular activities confirms that some of the subjects for the study of native languages are taught after the main lessons. For example, the Crimean Tatar language in the 4th grades of one of the schools studied is taught from 17:15 to 17:50. In another school, as follows from the school schedules and the words of the school administration, children from the first grade learn their native language in the 7th lesson. It is obvious that at such a young age, conducting classes by means of the 7th, 8th, or 9th lesson is a high load and a factor affecting the demand for learning native languages. Moreover, according to most school leaders, children "already have a huge teaching load", which complicates the processes of learning their native language.

For example, according to one of the directors: "children in the 9th grade take a mandatory

exam in the Russian language." The load on children, according to him, is very high, and children have little time to learn their native language. "Maybe if children did not do anything else, but only learned, then, of course, there would be a very great demand for learning their native language. And since we have a school where we develop talents, i.e. almost every child is given the opportunity to develop some of their talents, then in parallel, where there are 100 people, there are only 10 children who want to learn their native language, and this is 10%. If we take into account both Ukrainian and Crimean Tatar, then this is 20% of the total number of schoolchildren."

Schools note that children are quite loaded with basic subjects, so they are not always willing to attend additional classes to learn their native language.

When assessing the demand for the study of the native language, one more factor should be taken into account that influences its formation – the presence of other clubs/activities that take place at the same time as additional courses in language learning.

In 2018, the State Duma adopted in the final, third reading the law on the study of native languages. Before the implementation of the new law, in the regions of Russia, schoolchildren, in addition to the state Russian language, also studied the subject "Native speech" (the national language of the region), and all or part of the training took place in the same language. After the adoption of the new law, students in all types of educational institutions will have the opportunity to choose Russian as their native language. Parents will only need to submit an appropriate application to a kindergarten or school¹.

"The subject area "Native language and literature" is mandatory for learning. At the same time, voluntary nature does not consist in refusing to study the native language, but in the possibility of choosing it (for example, to choose from Russian, Bashkir, Tatar, Chuvash, and other languages of the peoples of the Russian Federation) (*Letter of the First Deputy Minister of Education and Science, 2018*).

In Russian Crimea, Ukrainian and Crimean Tatar languages have never been mandatory to learn for all schoolchildren of the region. The Crimean Tatar language is mandatory for all schoolchildren to learn in schools with the Crimean Tatar language of instruction. Ukrainian and Crimean Tatar are also required to be studied in the appropriate classes, at the parents' choice.

Since native languages were previously learned optionally in Crimea, as part of the introduction of the subject "native language" as compulsory in all schools of the Crimea from the 2018/2019 academic year, appropriate changes should be made to the curricula. It is not yet clear what the real implementation of the law will be in educational institutions. The subject "Native language" provides for the free choice of the language of the peoples of the Russian Federation, including Russian, so it is possible that most classes will learn Russian as part of this subject.

2.1. The number of hours allocated to the study of native languages

Within the framework of the analysis of curricula and the information provided by the school administration, it was possible to determine the amount of time allocated to the study of native languages of secondary schools in Simferopol.

So, in the Simferopol Academic Gymnasium, according to the weekly curriculum for the 2017-2018 academic year, in elementary school (grades 1-4) in classes with the Russian language of instruction, 5 hours a week are allocated for learning the Russian language, studying Ukrainian or other native languages is not provided for in the compulsory educational part (only within the framework of extracurricular activities).

According to the weekly curricula for the 2017-2018 academic year, in elementary school (grades 1-4) in classes in Ukrainian, two hours a week are allocated for learning Russian, three hours a week for learning Ukrainian (i.e. one hour more), and it is studied within the framework of a subject called "Native language" and "literary reading in the native language" (Ukrainian – 3 hours a week, Literary reading in Ukrainian 1.5 hours a week).

¹ *Koroleva E.* Language choice: schoolchildren were allowed not to speak Tatar, the State Duma adopted the law on the native language in schools, 2018. URL: <https://www.gazeta.ru/social/2018/07/25/11869531.shtml?updated>] (date of request: 11 November 2018).

Within the framework of basic general education, in grades 5-6 with the Ukrainian language of instruction, the ratio of the number of hours allocated to the study of Russian and Ukrainian languages is levelled and is 3 hours (3 hours/week for Russian and 3 hours/week for Ukrainian), and Russian literature is studied for one hour more than Ukrainian (in the ratio of 3/2). In grades 8-9 with Ukrainian as the language of instruction, 2 hours are allocated for learning Russian and 2 hours for learning Ukrainian. In grades 10-11, there are no classes in Ukrainian.

According to the plan of extracurricular activities for primary school for the 2017-2018 academic year, Ukrainian and Crimean Tatar languages are studied in the Simferopol Academic Gymnasium in the amount of 1 hour per week.

At School No. 7, 1-2 hours are allocated for learning the native language (see Appendices, Fig. 2).

In School No. 42, in classes with Russian as the language of instruction, the Crimean Tatar language is included in the mandatory teaching load (see Appendices, Fig. 3).

From the curriculum (see Annexes, Fig. 4) it follows that in grades 1-3 with the Russian language of instruction of the Crimean Tatar language, the Russian language is taught for 4 hours/week, the Crimean Tatar language — for 3 hours/week. In classes with the Crimean Tatar language of instruction, the Russian language is taught in the amount of 2 hours/week, Crimean Tatar — 2.5 hours/week.

As part of the basic general education of School No. 42 named after Eshrefa Shemyi-zade, the number of hours allocated for language learning in classes with Crimean Tatar language of instruction is illustrated by the following table:

Class	Russian language	Crimean Tatar language	Foreign language
5-6	4 hours/week.	4 hours/week.	3 hours/week.
7	3 hours/week.	3 hours/week.	3 hours/week.
8-9	2 hours/week.	2 hours/week.	2 hours/week.

Table 1. *Distribution of hours allocated for the study of native languages at School No. 42 in classes in the Crimean Tatar language*

For classes with the Russian language of instruction of the Crimean Tatar language by all schoolchildren of the class:

Class	Russian language	Crimean Tatar language	Foreign language
5-6	4 hours/week.	3 hours/week.	3 hours/week.
7	4 hours/week.	1 hour/week.	3 hours/week.
8	3 hours/week.	1 hour/week.	3 hours/week.
9	2 hours/week.	1 hour/week.	3 hours/week.

Table 2. *Distribution of hours allocated for the study of native languages at School No. 42 in classes with Russian as the language of instruction accompanied with the study of the Crimean Tatar language by all schoolchildren of the class*

According to the school's management, due to the absence of academic and methodological commission and the need to prepare for the Unified State Exam in Russian, there are no grades 10 and 11 in the Crimean Tatar language, but the school has a so-called "component of the general education organization" due to which the Crimean Tatar language and literature are studied in grades 10 and 11 (see Appendices, Fig. 5).

According to the management of School No. 42, the elective courses presented in this curriculum are mandatory to attend, are evaluated by teachers and are included in the certificate.

The greatest variety of classes with teaching in native languages and the study of native languages is available in School No. 29.

We are considering variants of curricula with two and three languages of instruction (learning)

in this school (see Appendices, Fig. 6-10)

Thus, at the expense of the component of the educational institution of School No. 29, additional hours were allocated for the following subjects:

- Russian language: 10A — 1 hour, 11A — 1 hour due to the need for speech practice and for preparation for the final essay, state final certification;
- Crimean Tatar language: 10A – 1 hour, 11A – 2 hours;
- Crimean Tatar literature: 10A – 1 hour;

The subjects "Crimean Tatar language" (10-A, 11-A), "Crimean Tatar literature" (10-A) are learned by a group of schoolchildren of grades 10-A, 11-A **(according to applications) and are subject to mandatory assessment.**

From 1st to 7th grade, Ukrainian and Crimean Tatar languages are studied as part of extracurricular activities, 2-3 hours a week are allocated.

In 2017-2018 academic year, 9 classes are learning the Crimean Tatar language in School No. 29 as part of extracurricular activities, 11 groups have been formed.

In the 2017-2018 academic year, three classes are learning the Ukrainian language as part of extracurricular activities, 3 groups have been formed, a total of 32 students are learning (13+10+9).

In one of the 5th grades and in one of the 7th grades, Ukrainian is compulsory to learn, but in the 6th grade, the whole class learns Ukrainian as part of extracurricular activities.

According to the director of the school, 3 hours are given to learn the native language (2 hours to learn the language and 1 hour to learn literature). Therefore, as part of the interview, we asked the question if "the amount of 3 hours per week is sufficient to learn the native language". "Sure, 3 hours is not enough to learn your native language," notes the school director. "But let the children learn at least some, at least Russian."

The amount of time allocated to language learning is an essential indicator of the effectiveness of teaching native languages, especially since language subjects are practically the only methods of teaching native languages in schools. In classes with Ukrainian or Crimean Tatar language of instruction, where all subjects must be taught in the language being learned, de facto all educational activities are held in Russian.

According to one of the school directors, "in classes with Crimean Tatar and Ukrainian as languages of instruction, all subjects are studied in Russian with elements of learning Crimean Tatar and Ukrainian in the framework of subjects in languages and literature. As for Crimean Tatar, there are no teachers who could teach basic subjects in Crimean Tatar and there are no necessary schoolbooks. I believe that this is not necessary, a child should be ready for university and for further work, and why does he need knowledge of these subjects in his native language?"

According to the staff of another Crimean school, "there are not enough specialists in the school who could teach disciplines in the Crimean Tatar language. That is, there are no specialists in geography, history, and other subjects who could teach these subjects in Crimean Tatar, although we really need them. There are also no schoolbooks on subjects in Crimean Tatar."

According to the school administration, in primary grades teachers manage to communicate more in Crimean Tatar with children, but in high school teachers try to introduce the Crimean Tatar language only as a component, mostly, the learning is held in Russian. In fact, after primary school, classes taught in Russian and in Crimean Tatar do not differ in the language of instruction.

Thus, classes in a language other than Russian are factually absent, real teaching in all classes is carried out in Russian, only differ the number of hours for the study of certain languages and the ratio of the number of studies of Russian and native languages, as well as the presence of subjects in the native language in the compulsory teaching load in classes with a language of instruction other than Russian, which clearly illustrates the analysis of school curricula presented above. Therefore, the effectiveness of teaching (learning) of native languages, we can rather assess not by the presence or absence of classes in a language other than Russian, but only by the hours allotted for the study of the native language in these classes, as well as the presence or absence of subjects for the study of native

languages in the mandatory teaching load.

The presence of classrooms, the provision of premises for classes in the study of native languages to some extent reflects the degree of involvement of school administrations in the process of granting and exercising the right to teach native languages.

For example, in School No. 42, the number of classes is 40. Of which, there are 4 Crimean Tatar language classrooms, 4 Russian language classrooms, 3 English language classrooms, according to the school administration, there are not enough classes.

There are no subject classes as such in School No. 3, because this school is large, has 71 classes, and each class is having lessons in its own classroom. There are subject classes in biology, chemistry, physics, etc., and all the others learn in their classrooms. Nevertheless, in those rooms where national holidays are held (and the school holds a lot of them — according to the director, for example, the Festival of the Peoples of the Crimea, the Festival of Folk Cuisine of the Crimea, etc.), national attributes are present, in addition, there are national corners in all those classes where the native language is learned.

According to the teachers at another school we studied, "there are no classes for teaching the Crimean Tatar and Ukrainian language and literature, where there are free classes, they are learning."

3. The number and qualification of teachers in their native language (a component of the effectiveness of teaching native languages)

The table below reflects and takes into account the number of teachers in the state and local languages of the Republic of Crimea (excluding teachers in foreign languages).

	1. (school with Russian as language of instruction)	2. (school with Russian as language of instruction)	3. (school with Russian as language of instruction)	4. (school with Russian and Crimean Tatar as languages of instruction)	5. (school with Russian, Ukrainian, and Crimean Tatar as languages of instruction)
Russian language teachers	12 (9%)	6 (7%)	9 (10%)	9 (13%)	7 (8%)
Crimean Tatar language teachers	1 (0,75%)	1 (1,1%)	1 (1,1%)	5 + 3 (on maternity leave), 7%/ 11%	6 (7%)
Ukrainian language teachers	2 (1,5%)	0 (0%)	4 (4,4%)	0 (0%)	2 (2,2%)
Other languages	1 (Armenian), 0,75%	2 (1 Greek and 1 German), 2,3%	0 (0%)	0 (0%)	1 (Greek), 1,1%
The ratio of the number of teachers in the Russian language / "native languages"	9% / 3%	7% / 3,4 %	10% / 5,5%	13% / 7-11%	8% / 10,3%
Total number of teachers	133	88	90	70	90 (7 of them are on maternity leave)

Table 3. *Number of language teachers in 2017/2018 academic year*

From the above table it can be seen that in schools with Russian as the language of instruction, the number of teachers of the Russian language is 2-3 times higher than the number of teachers of the Crimean Tatar, Ukrainian, and other languages. The number of Russian language teachers in a school where the lessons are in two languages slightly exceeds the number of teachers of the Crimean Tatar language. In a school where the lessons are in three languages, the number of teachers of Ukrainian, Crimean Tatar and other "native" languages exceeds the number of teachers of Russian.

All school teachers are required to take advanced training courses, including in their native languages.

Advanced training courses lead to the strengthening of professional motivation and training. After completing the training course, the teacher can improve not only his/her level of knowledge, but also perform the tasks better and faster (see Appendices, Fig. 11,12).

Article 2 of Federal Law No. 273-FZ dated 29 December 2012 "On Education in the Russian Federation" provides for the advanced training courses as follows: "Advanced training is the updating of theoretical and practical knowledge, improving the skills of specialists in connection with the constantly increasing requirements for their qualifications."

The right of teaching staff to receive additional professional education in the profile of pedagogical activity at least once every three years shall be established by the Law on Education (paragraph 2 of Part 5 of Article 47). The frequency of professional development during this period shall be determined by the employer. According to the regulations on the scheduled certification of teachers, teacher certification shall be carried out 1 time in 5 years. Accordingly, in 2018, the examination of knowledge, skills and psychological training will be mandatory for all those teachers who passed it in 2013.¹

Within the framework of this study, we studied the question of whether language teachers take advanced training courses, and if so, in the Crimea or in other regions. Improving one's knowledge outside of one region and one educational institution using a variety of sources contributes not only to expanding one's horizons, but also is an effective means of developing and updating the educational process and educational programs, and therefore improving the quality of education, including in matters of teaching (learning) in native languages.

In 4 out of 6 schools, the teachers take advanced training courses once every three years. One school failed to provide an answer to the question on the frequency of courses by teachers, and in one of the schools, according to the administration, "teachers take courses every five years, but so far there has been no such need in the Russian Crimea."

In all the schools studied by us, teachers take advanced training courses at the Crimean Republican Institute of Postgraduate Pedagogical Education (CRIPPE).

In three of the six schools, in addition to Crimea, some teachers take advanced training courses in mainland of Russia, in Turkey (teachers of the Crimean Tatar language), remote courses, and also take various other courses on their own initiative, attend seminars.

It is obvious that the development and improvement of teaching staff in the field of teaching (learning) of native languages play an important role in the formation of demand for teaching (learning) of native languages; affects the quality of education and, ultimately, is a component of the effectiveness of teaching (learning) of native languages.

The professional development of teaching staff today is limited to the Crimean region, mostly to one educational institution (in Crimea it is CRIPPE), which is rather related to the financial and economic component of educational institutions. Improving the qualifications of a school employee outside of their region requires a lot of financial costs. Nevertheless, some teaching staff have already begun to use modern educational opportunities, including taking remote courses, using electronic educational programs, attending seminars on the subject of their educational specialty.

After the reunification of Crimea with Russia in 2014, teachers of the Ukrainian language, of whom there had previously been a significant number (after all, all Crimean schoolchildren were

¹ Labor Code of the Russian Federation

required to study the Ukrainian language, and in schools and classes with the Ukrainian as the language of instruction, all subjects were taught in Ukrainian) found themselves in a difficult situation, because the entire educational system of Crimea switched to Russian standards, the Ukrainian language has ceased to be compulsory to study and has lost its relevance.

The study revealed that most of the Ukrainian language teachers who worked in Crimea before 2014, after the reunification of Crimea with Russia, "retrained" (retrained, in particular in CRIPPE) for Russian language teachers. Some of them retrained as teachers of the Crimean Tatar language (for example, at School No. 42), some of them went on a well-deserved retirement, some left the Crimea, and some teachers left school.

In one of the schools, according to the administration, "there were never teachers of the Ukrainian language at all", but only teachers with a basic education" — a teacher of the Russian language, "who did not have enough hours", and therefore they, having previously completed advanced training courses, taught Ukrainian language. Therefore, they did not have to undergo retraining.

Conclusion

So, today in Crimea the main documents in the field of regulation of language policy in the field of education have already been adopted. These are the Law "On Education in the Republic of Crimea", the Law "On the Functioning of the State Languages of the Republic of Crimea and Other Languages in the Republic of Crimea"; Decree of the Council of Ministers of the Republic of Crimea "On approval of the State Program for the Development of Education in the Republic of Crimea for 2016-2018", etc. Thus, we can say that in terms of legal and regulatory terms, the language policy in Crimea has a clear framework.

According to the study, the factors influencing the demand for native language teaching are awareness and openness. According to the "Roadmap for Choosing the Language of Instruction (study) in Educational Institutions of the Republic of Crimea" dated 28 December 2017, Section II "Language Selection Procedure", schools shall as openly as possible provide information on the possibility of studying in the state languages of the Crimea, as well as opportunities to study native languages within extracurricular activities provided by educational institutions. The means of notification shall school-wide meetings, parent meetings, school stands, websites, personal conversations with parents, etc. As our study has shown, the degree of openness in providing information on the study of native languages varies in different schools. Information on the official websites of schools is rather scarce or absent at all.

All schoolteachers are required to attend advanced training courses at least once every three years, including in their native languages.

Advanced training courses lead to the strengthening of professional motivation and training. After completing the training course, the teacher can improve not only his/her level of knowledge, but also perform the tasks better and faster.

In 4 of the 6 schools we studied, teachers take advanced training courses once every three years. One school failed to provide an answer to the question on the frequency of courses by teachers, and in one of the schools, according to the administration, "teachers take courses every five years, but so far there has been no such need in the Russian Crimea."

It is obvious that the development and improvement of teaching staff in the field of teaching (learning) of native languages play an important role in the formation of demand for teaching (learning) of native languages; affects the quality of education and, ultimately, is a component of the effectiveness of teaching (learning) of native languages.

The professional development of teaching staff today is limited to the Crimean region, mostly to one educational institution (in Crimea it is CRIPPE), which is rather related to the financial and economic component of educational institutions, because the initiative to send an employee outside of their region is associated with increased costs. Nevertheless, some teaching staff have already begun to use modern educational opportunities, including taking remote courses, using electronic educational programs, attending seminars on the subject of their educational specialty.

The number of teachers involved in the process of teaching languages and within the framework

of language learning, as well as the ratio of hours allocated for language learning is an integral part of the characteristics of the effectiveness of language teaching.

The study showed that in schools where the lessons are held in Russian, the number of teachers of the Russian language is 2-3 times higher than the number of teachers of the Crimean Tatar, Ukrainian, and other languages. The number of Russian language teachers in a school where the lessons are in two languages slightly exceeds the number of teachers of the Crimean Tatar language. In a school where the lessons are in three languages, the number of teachers of Ukrainian, Crimean Tatar and other "native" languages exceeds the number of teachers of Russian. Thus, the number of teachers is adequate in relation to the teaching load.

The amount of time allotted to learning the native language plays an important role in its effectiveness, especially since in classes in Ukrainian or Crimean Tatar, teaching is actually held in Russian. In classes held in Crimean Tatar or Ukrainian language, the amount of time allocated to study the native language varies from 1 to 4 hours per week, depending on the class and school. As part of extracurricular activities, 1-2 hours a week are allocated for language learning. Certainly, this time is not enough for full-fledged language learning, however, given the large teaching loads that are imposed on students today, it is not possible to increase the hours for learning their native language. The implementation of the new Law on the study of "native tongue" as a compulsory subject in Crimean schools can increase the amount of time devoted to the study of the native language within the framework of educational activities. However, it is not yet clear what its real implementation will be in educational institutions. The subject "Native language" provides for the free choice of the language of the peoples of the Russian Federation, including Russian, so it is possible that most classes will learn Russian as part of this subject.

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2) The author expresses gratitude for the assistance in conducting the study to the leadership of the V. I. Vernadsky Crimean Federal University, as well as to the Department of Education of the Simferopol City Administration of the Republic of Crimea.

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5. Resolution of the Council of Ministers of the Republic of Crimea "On Approval of the State Program for the Development of Education in the Republic of Crimea for 2016-2018".

Appendices:

Annex 127

Theodore Christakis & Katia Bouslimani, *National Security, Surveillance, and Human Rights*, in OXFORD HANDBOOK OF THE INTERNATIONAL LAW OF GLOBAL SECURITY (Robin Geiss & Nils Melzer eds., Oxford University Press 2021)

Pursuant to the Rules of the Court Article 50(2), this annex is comprised of such extracts of the whole document as are necessary for the purpose of the pleading. A copy of the whole document has been deposited with the Registry.

Part III Security Governance Tools, Ch.38 National Security, Surveillance, and Human Rights

Theodore Christakis, Katia Bouslimani

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(p. 699) Chapter 38 National Security, Surveillance, and Human Rights

A. Setting the Scene: A National Security/Surveillance Psychosis in the Post 9/11 World?

THE Snowden leaks regarding the existence of mass electronic surveillance programmes operated for 'national security' purposes by the US and other States, revealed the impressive extent of bulk-data collection in our 'digital' world. According to the leaked information, governmental agencies such as the US National Security Agency or Britain's Government Communications Headquarters, allegedly monitored millions of individuals and a variety of targets in more than 60 countries.¹

Programmes such as 'Prism' or 'Tempora' were, however, just the tip of the 'National Security Iceberg': in the post-9/11 world, we have witnessed a kind of psychosis concerning security policies. And the US is not the only democracy running a strong surveillance programme. Such programmes have also been used in, amongst others, France, Germany, and Britain, the latter having been described as 'one of the most heavily surveilled countries in the world'.² Governments often brag about how many terrorist attacks they were able to counter through their surveillance arsenal.

(p. 700) It must be emphasized from the beginning that it is perfectly legitimate and even essential for any legal regime to allow for security exceptions and considerations. Law, including human rights law, cannot regulate every single situation in detail. Both the domestic and international legal orders thus include 'safety valves' which allow States to evade the application of a rule in a particular case, or to mitigate its effects, in order to safeguard their own legitimate interests. Consequently, exceptions, reservations, derogations, restrictions, and other similar mechanisms are both necessary and beneficial: they encourage States to accept international obligations and thereby to contribute to the universality of international law, while tempering the excesses of law and allowing the legal system to 'breathe'. National security is one of the most important legitimate aims used to protect the State and should be given pre-eminence. The right of any State to protect its essential security interests, especially in times of crisis, by employing otherwise unavailable means is a 'bedrock feature of the international legal system'.³ The possibility to adopt restrictive measures in case of threats to national security (such as the fight against terrorism) is thus an essential component of the legal system and one of those 'adjustment variables' that allow international human rights law (IHRL) to accommodate and ascertain its social functions.

The abuse of these mechanisms, however, is also a major threat to the legal order, judicial security, and the rule of law. History has revealed that national security is a concept with significant potential for abuse. Indeed, domestic rulers and security agencies have often used 'national security' as a pretext to violate human rights and fundamental freedoms; to monitor political opponents; to conceal embarrassing or illegal behaviour; to bypass investigation by independent and democratic bodies; or to suppress political and social unrest. Extraordinary circumstances, such as those following a terrorist attack, may be used to obtain massive public support in order to limit the application of legal frameworks for the protection of human rights and, therefore, to enable governments to use far-reaching measures legally unavailable in normal circumstances. To convince their population to accept restrictions on human rights, States not only brag about the efficiency of surveillance measures, but also use the 'nothing to hide' argument. Even if the intentions of governments within democratic States are honest, the possibility that they may overreact is ever-present.⁴ This can undermine democratic governance and threaten the effectiveness

of international human rights treaties. In France, Christian Estrosi, mayor of Nice, claimed recently that the massive deployment of facial recognition surveillance is an 'unavoidable means' to fight 'all types of barbarism'.⁵

(p. 701) In a democracy, surveillance must be balanced with public liberties, and especially with privacy. In this context, privacy corresponds to the classical definition proposed by Samuel Warren and Louis Brandeis: 'the right to be left alone'.⁶ Surveillance is an intrusion on the intimacy of people, which became more and more sophisticated with the technological evolutions; from protecting people's houses from unwarranted searches, privacy today has evolved to also regulate the use of CCTV, facial and voice recognition, collection of personal data, etc. A lot of public liberties other than the right to privacy may also be affected by surveillance. Recently, in a report on facial recognition, the EU Fundamental Rights Agency stressed that 'people may feel uncomfortable going to public places under surveillance', affirming that if surveillance has a wide scope, it can affect people's 'capacity to live a dignified life'.⁷ Widespread surveillance can also violate people's ability to exercise their democratic rights, such as freedom of expression and freedom to protest. The recent Chinese surveillance activities during the Hong Kong protests, where protesters were obligated to counter facial recognition surveillance using masks and other means in order to be able to exercise their political rights, is a reminder of such issues. The effect of surveillance on political rights does not happen exclusively in undemocratic States. Many privacy advocates address the 'chilling effect on [people's] rights to assemble and to free speech, because people may not want to exercise these rights if it means they will end up on a watchlist'.⁸

The Snowden revelations have raised public awareness about the potential abuses in cyber-surveillance. They have shown the limits of the 'trust us to protect you' argument often used by governments and have sparked a global debate about protection of privacy and the need for enhanced transparency and oversight of intelligence activities. They have also led to several policy changes and legal reforms and an improvement on the overall control and oversight of surveillance in democratic States. For example, the United States introduced the USA Freedom Act, which provided for more checks and balances in the government's domestic surveillance activities. From this point of view the impact of the Snowden revelations cannot be neglected.

On the other hand, the intrusive government surveillance programmes around the world not only remain largely intact but are also supported by new legal frameworks. Indeed, governments worldwide have enacted new intelligence and surveillance laws providing adequate legal cover to cyber-surveillance activities. As *The Guardian*, which published the initial Snowden revelations, stated, 'the principal change on the agenda is (p. 702) granting the intelligence agencies formal licence to continue doing what they were caught doing'.⁹

It is of course far beyond the scope of this chapter to examine in detail the content of each national surveillance law enacted after the 9/11 terrorist attacks and its compatibility with IHRL. We will focus instead here on the situation in Europe and, more precisely, on the case law of the European Court of Human Rights (ECtHR). This focus on the ECtHR is justified by the fact that the Court was the only one at the international level that has had the opportunity to analyse on numerous occasions relevant domestic laws and to proceed to a balancing of interests in such detail.

We will start with an overview of the case law of the ECtHR in this field (Section B); we will continue with a successive presentation of the three main criteria used by the Court to assess the compatibility of surveillance laws with the European Convention of Human

Rights (ECHR) (Section C); and we will end with some thoughts on the way forward (Section D).

B. The European Court of Human Rights and Domestic Surveillance Laws: An Overview

Since its first judgment concerning surveillance laws, in the 1978 *Klass v Germany*¹⁰ case, the ECtHR has developed a solid case law about secret surveillance. This case law now seems to be at a crossroads.

The ECtHR's consistent position has been that surveillance measures can be essential in the fight against terrorism. In the 2016 *Szabó and Vissy v Hungary* judgment, for instance, the Court emphasized that 'it is a natural consequence of the forms taken by present-day terrorism that governments resort to cutting-edge technologies in pre-empting such attacks, including the massive monitoring of communications susceptible to containing indications of impending incidents'.¹¹ On the other hand, it has also constantly emphasized that 'a system of secret surveillance designed to protect national security entails a risk of undermining or even destroying democracy on the ground of defending it'.¹² The big issue at stake, at the moment of drafting this chapter, is how far the ECtHR is ready to go in the direction of controlling bulk surveillance activities and how robust its scrutiny of such laws could be.

(p. 703) Since 2001, the Court has found that the surveillance laws of several countries (including Hungary,¹³ Russia,¹⁴ Romania,¹⁵ Bulgaria,¹⁶ Moldova,¹⁷ and Turkey¹⁸) did not meet ECHR requirements. In its important 2016 *Szabó* judgment¹⁹ the Court went even further, considering that the margin of appreciation of States in deploying massive surveillance techniques is limited by a 'strict necessity' test. However, two more recent judgments, rendered in 2018 in the *Centrum för Rättvisa*²⁰ and *Big Brother Watch*²¹ cases, caused some doubt in this regard. In these two cases the Court seemed to abandon the 'strict necessity' test and endorsed the policy of bulk surveillance as a 'valuable means' to protect national security.

These two decisions have been challenged by the applicants and are now pending before the ECtHR Grand Chamber. The Grand Chamber held hearings in these two cases in July 2019,²² with the judgments being expected in 2020. These will be particularly important in understanding the direction of the future case law of the Court on surveillance. At the same time several other important applications are pending in the ECtHR, including that against the Austrian Police Powers Act,²³ one challenging the UK Intelligence Services Act,²⁴ and fourteen applications²⁵ challenging the new French Intelligences Laws passed in July 2015 after the Paris terrorist attacks.²⁶

(p. 704) Such surveillance laws raise several issues in relation to the rights guaranteed by the ECHR. Setting aside other rights that might be affected, like freedom of expression or the right to a fair trial, we will focus here on the right to privacy as guaranteed by Article 8 ECHR.

The ECtHR has adopted a very flexible approach on legal standing allowing a great variety of persons to challenge the different surveillance laws. The Court has held that an applicant can claim to be the victim of a violation of the Convention if they fall within the scope of the legislation permitting secret surveillance measures either because they belong to a group of persons targeted by the legislation or because the legislation directly affects everyone and they are potentially at risk of being subjected to such measures.²⁷

Annex 129

Kryminform, Residents of Crimea Who Are Abroad Can Apply for the Retention of Ukrainian Citizenship to the Consular Services of the Russian Federation - FMS of the Russian Federation (8 April 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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**КВАРТИРЫ
В АЛУШТЕ**



April 8, 2014 02:42 pm Simferopol

Residents of Crimea who are abroad can apply for the retention of Ukrainian citizenship to the consular services of the Russian Federation - FMS of the Russian Federation

Simferopol, 8 April. Kryminform. Residents of Crimea who are abroad can submit applications about their desire to retain Ukrainian citizenship to the consular services of the Russian Federation. Fedor Karpovets, head of the department for organizing passport work of the Federal Migration Service of the Russian Federation, announced this at a press conference at the Kryminform news agency today.

"In order to express their wishes, they must apply to the consular service of the Russian Federation abroad," he explained. "For this, it is not necessary to come to Crimea."

In response to the remark of journalists that consular offices of the Russian Federation do not accept applications from Crimeans, referring to the lack of official explanations and the form for submitting a document, Karpovets promised to inform the leadership of the FMS about this.

"I heard you. If there are such facts, we will respond to them," he assured.

Karpovets added that filing applications by mail with notification is possible, but in this case, the applicant must be aware that he relies on the postal service. "If a person is sure that this letter will reach us, this option can also be used. But I cannot bear responsibility for the actions of the mail," the official emphasized.

According to him, the task of the migration service is to provide an opportunity to apply directly at the departments. "On the day of the appeal on this issue, we will solve this problem, even if we have to work until 12 am," the FMS representative concluded.

[Еще новости](#)

Annex 130

Center for Investigative Journalism, *TRK Chernomorskaya Paid the Debt to the RTPC Before the Court. "The Arrest and Removal of Equipment Was Blackmail" - Zhuravleva (6 August 2014)*

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Home (<https://investigator.org.ua/ua/>) " TRK

Chernomorskaya paid the debt to the RTPC before the court. "The arrest and removal of equipment was blackmail" - Zhuravleva

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TRK Chernomorskaya paid the debt to the RTPC before the court. "The arrest and removal of equipment was blackmail" - Zhuravleva

08/06/2014



(<https://investigator.org.ua/wp-content/uploads/2014/08/chtrk2-300x191.jpg>)



(<http://investigator.org.ua/news/133665/attachment/chtrk2-300x191-3/>)TRK "Chernomorskaya" transferred to the RTPC of Crimea the amount stated in the company's claim as a debt for services rendered, before consideration in court, although it continues to consider it unfounded. The seizure of all the equipment under the guise of arrest, which stopped broadcasting, was a dirty blackmail, but the equipment can be returned only in this way, said the Acting Center for Journalistic (<http://investigator.org.ua/>) Investigations. President of the TV and Radio Company Lyudmila Zhuravleva.

LLC TRK "Chernomorskaya" transferred to the RTPC of Crimea the amount of 3,152,351 rubles, stated in the company's lawsuit as a debt for services rendered in 2013, August 5, on the eve of the trial.

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"We still consider the amount of the debt claimed in the lawsuit of the ROCC to be unfounded, but they were forced to pay it under the pressure of, in fact, blackmail, which was a total arrest to secure the claim of the TV and radio company's equipment. All studio and hardware equipment, filming and editing equipment were barbarically taken away, which led to the cessation of broadcasting of the TV company and radio "Assol". The easiest way to return the equipment is to pay the declared debt and lift the arrest, but we will continue to sue, defending our rights and interests," said Lyudmila Zhuravleva.

According to her, the declared amount of debt was paid in full, including annual interest and inflation deductions, although the RTPC "for some reason opposed the early receipt of the debt.

"Our legal adviser asked the RTPC to provide an invoice for payment. But we were not exposed to it, saying that they would answer within 30 days! And this despite the fact that the RTPC court states that the amount of debt for the company is significant and affects the activities. That is, we can assume that this is not the case, and the declared debt is just a reason to close the broadcasting of "Black Sea". But we have paid the entire amount, including accruals, and we have the right to expect the case to be closed today," Lyudmila Zhurnaleva said.

The session of the Economic Court of Crimea on the claim of the RTPC to the ChTRK is scheduled for August 6, 2.30 pm (Judge N. Ilyichov). According to Zhuravleva, a representative of "Chernomorskaya" will file a petition to lift the arrest imposed in support of the claim on all equipment of the broadcaster.

A session of the Economic Court is scheduled for August 7 on the claim of TRK Chernomorkaya against the RTPC with a demand to resume broadcasting of the TV company's programs, which was illegally terminated on March 3, 2014. The ownership of TRK Frequencies and 13 transmitters, as well as six leased ones, were illegally provided to the RTPC (<http://investigator.org.ua/news/121156/>) to provide services to the Russian TV channel.

We will remind, on August 1 representatives of Federal service of bailiffs arrested all movable and immovable property of TRK "Chernomorskaya", thereby having stopped broadcasting of the (<http://investigator.org.ua/news/133645/>) company.

During the seizure of the seized equipment, which resembled the loading of stones (<http://investigator.org.ua/news/133679/>), all the equipment belonging to the public organization "Information Press Center" (IA "Center for Journalistic Investigations") (<http://investigator.org.ua/news/133680/>), which rented premises for the editorial office in the building of the TRC, was taken out of the premises.

The OSCE, represented by the Representative on Freedom of the Media, Dunja Mijatović, condemned the seizure of the (<http://investigator.org.ua/news/133892/>) property of TRK Chernomorskaya and the Center for Journalistic Investigations.

"Continued attempts to put pressure on the independent media in Crimea are clear evidence of censorship, and this is unacceptable... This creates an atmosphere of fear in which free journalism cannot exist," Mijatović said.

Noting that the property of the Information Press Center (IA Center for Journalistic Investigations) was confiscated during the seizure of Chernomorka's property, Dunya Mijatović called on "Crimean authorities to refrain from steps that threaten media freedom and severely limit media pluralism."

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Annex 131

Vladislav Maltsev, “*Crimea Is Ours*” for Mufti Ablayev, Nezavisimaya Gazeta (4 January 2015)

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"Crimea is ours" for Mufti Ablaev

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The authorities of the peninsula maintain the monopoly of one spiritual administration of Muslims

Vladislav Maltsev

Reviewer of the application "NG-Religions" (/authors/15177/)

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According to Ruslan Balbek (right), Sergei Aksyonov (center) hands over all the mosques of the peninsula to Mufti Emirali Ablaev (left), Photo from the official website of the Government of the Republic of Crimea

"According to the decision of the head of Crimea, all mosques will be transferred to the Spiritual Administration of Muslims of Crimea," Ruslan Balbek, Deputy Chairman of the Council of Ministers of the Republic of Crimea, said on March 25 at a meeting with a Turkish delegation consisting of business representatives and politicians. As can be understood from this statement, on the anniversary of the "Crimean spring", the authorities of the peninsula decided to leave the only religious association of local Muslims in the legal field.

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It should be noted that an Islamic organization was chosen to build the vertical of spiritual power, a year ago, together with the Mejlis of the Crimean Tatar people, it advocated the preservation of Crimea as part of Ukraine and sharply opposed the politicians now in power in Simferopol. At the rallies held in January-February 2014 in the capital of Crimea in support of European integration and the unity of Ukraine, the head of the Spiritual Administration of Muslims of Crimea (DUMK) Emirali Ablaev spoke,

However, a year later, on February 19 of this year, Ablaev stated that "over the past 200 years, there has not been such a positive attitude towards the muftiate on the part of the authorities as it is now" and that "the government is doing everything necessary" to ensure that its muftiate "received title documents for more than 300 mosques." The mufti's statement was made at a meeting with representatives of the Mejlis, an organization that is in close alliance with the SAMK not only legally, but also in practice, as Associate Professor of the Department of Political Sciences and International Relations of the Tauride Academy of the Crimean Federal University named after M. V.I. Vernadsky, member of the Civic Chamber of the Republic of Crimea Andrey Nikiforov. According to the Charter of the SAMK of 2001, which was in force until very recently, the head of it "the mufti in his activities is guided by the decisions of the Kurultai of the Muslims of Crimea, council of the SAMK, as well as the Mejlis of the Crimean Tatar people. According to Nikiforov, in this alliance, "the Mejlis looked like the main partner, supporting and helping the SAMK in an effort to monopolize the Muslim space on the peninsula, which has always been heterogeneous." "There were communities that did not recognize the Spiritual Administration of Muslims of Crimea, a number of them were oriented towards the Spiritual Administration of Muslims of Ukraine, some were not oriented towards any muftiats," says Nikiforov. "In relation to these structures, the tactics of inciting the authorities were used - they were all accused of Wahhabism in a crowd," which has always been heterogeneous. "There were communities that did not recognize the Spiritual Administration of Muslims of Crimea, a number of them were oriented towards the Spiritual Administration of Muslims of Ukraine, some were not oriented towards any muftiats," says Nikiforov. "In relation to these structures, the tactics of inciting the authorities were used - they were all accused of Wahhabism in a crowd," which has always been heterogeneous. "There were communities that did not recognize the Spiritual Administration of Muslims of Crimea, a number of them were oriented towards the Spiritual Administration of Muslims of Ukraine, some were not oriented towards any muftiats," says Nikiforov. "In relation to these structures, the tactics of inciting the authorities were used - they were all accused of Wahhabism in a crowd."

The argument of the fight against radicalism is actively used even now: explaining the decision to transfer all the mosques of the peninsula to the SAMK, Ruslan Balbek said that this was done to prevent "the possibility of various radical movements to participate in raider seizures of places of worship."

Earlier, the Spiritual Center of Muslims of Crimea participated in competition with the SAMK. On the basis of this association, on August 21, 2014, the Tauride Muftiate was created, headed by Ruslan Saitvaliyev. In an interview with NGR (dated September 3, 2014), Saitvaliyev said that the Tauride Muftiate had concluded an agreement on cooperation with the Central Spiritual Administration of Muslims (TsDUM) of Russia. Also, according to the website of the Taurida Muftiate, on March 16-18 this year, his delegation visited Grozny and "had a meeting with the mufti of the Chechen Republic, during which they discussed the current situation in Crimea and further cooperation."

Initially, the republican authorities were ready to interact with the new muftiate, which positioned itself as a "pro-Russian" organization - in defiance of the SAMK. "Someone creates a similar organization? Russian legislation does not prohibit the creation of any organizations of a religious nature," - this is how, on September 6, 2014, the head of the Republic of Crimea, Sergey Aksyonov, reacted to the claims made against the Taurida Muftiate that the new organization was "splitting Muslims" on the peninsula. "Let's see if they can earn some respect," Aksyonov added. However, a month and a half later, his position changed. "The only iconic body, respected, authoritative, which all the time serves in terms of the veneration of Islam in the territory of Crimea, is the Spiritual Administration of Muslims of Crimea",

The head of the republic then stated that the authorities "are ready to provide assistance and legislative support to the Muftiate (DUMK. - NGR) for the process of liberation of the mosque" Khan-Jami in Evpatoria, the largest on the peninsula, whose community in August 2014 went to the Tauride Muftiate,

The fact that February 17 of this year, The Yevpatoriya City Court ruled in favor of the SAMK, which many regarded as evidence that Mufti Ablaev "fell in favor" with power. Moreover, as Mufti Saitvaliyev told NGR, the authorities have never visited the events held by his communities,

February 27 this year Crimean media reported that the SAMK received title documents to operate under Russian law. "I do not rule out that thanks, among other things, to the unequivocal position of the Crimean authorities in support of the SAMK," said Vasvi Abduraimov, leader of the Milli Firka party, in a conversation with an NGR correspondent, pointing out that "the Tauride Muftiate was not registered". "The position of the Crimean authorities on the monopoly support of the SAMK is determined not by an objective assessment of the state of the Islamic community of Crimea," Abduraimov said, "but exclusively, firstly, by bureaucratic logic (it's easier to interact with one organization. - NGR) and, secondly, by a hint from the Chairman of the Council of Muftis of Russia Ravil Gaynutdin, On October 14, 2014, Aksenov received a delegation of muftis led by Gainutdin,

The "pivot" of the Crimean authorities towards the SAMK may also be connected with their attempts, as Andrey Nikiforov told NGR, to "reset the Mejlis, find support points in it and identify loyal people." "The authorities adopted the concept of "reforging" the Mejlis into a pro-Russian organization," Abduraimov confirms. "That's why they started flirting with the SAMK and its leader, Emirali Ablaev." However, according to the head of Milli Firka, this idea is initially doomed to failure, because the mufti of the SAMK is "closely devoted to Mustafa Dzhemilev", who headed the Mejlis in 1991-2013, and who is now in Kyiv and became Petro Poroshenko's adviser on the affairs of the Crimean Tatars. Earlier, Abduraimov proposed a different scheme for building a new spiritual administration of Muslims on the peninsula: "First, register local communities - there were about 400 of them at the beginning of 2014, and then help them hold a unifying congress, create a unified spiritual administration and elect its head." "Mosques belong to local Muslim religious communities and they are the ones who have the right to choose with whom they work and how to develop," Mufti Saitvaliyev told NGR. "Therefore, I consider Balbec's statement a gross violation and illegal interference of state officials in the activities of religious organizations." However, the Crimean authorities decided to go the other way, cooperating only with one of the already existing Islamic structures on the peninsula. "Therefore, I consider Balbec's statement a gross violation and illegal interference of state officials in the activities of religious organizations." However, the Crimean authorities decided to go the other way, cooperating only with one of the already existing Islamic structures on the peninsula.

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0 1689 twenty



The Communist Party has included a plan to intercept the patriotic electorate
(https://www.ng.ru/politics/2022-03-28/1_8402_kprf.html)
Daria Garmonenko (/authors/16452/)
The rally in support of the army will be held under the slogans of changing the economic course
(/https://www.ng.ru/politics/2022-03-28/1_8402_kprf.html)
0 1378 8



"Novaya Gazeta" suspends the publication of the newspaper in the Crimea
(https://www.ng.ru/politics/2022-03-28/3_8402_news1.html)
0 766 one

OTHER NEWS

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Annex 132

Bezformata, Metropolitan Lazar of Simferopol and Crimea Performed a Litia in Memory of Those Who Died in the Battles for the Motherland (23 February 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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This material was published on the BezFormata website on January 11, 2019, below is the date when the material was published on the source website!

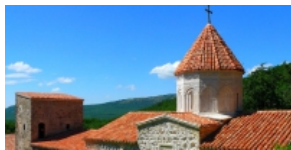
Source: [Simferopol and Crimean diocese](#) 23.02.2015 14:34

Religion



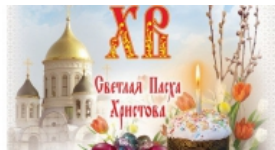
[Feast of Feasts Miraculous Easter](#)

In "Orlovka" a series of events "Great Day - Easter" was held, timed to coincide with the Bright Resurrection of Christ.
Children's Library, V.N. Orlova



[Weekend itinerary](#)

Surb-Khach Monastery The most beautiful ancient Armenian monastery of Surb-Khach is located in a picturesque forest valley on the northwestern slope of Mount Saint, about three kilometers from the city of Sary Krym.
Crimea-news.com



[APRIL 24 - BRIGHT CHRISTMAS SUNDAY](#)

Dear residents of the Black Sea region! Please accept my warmest congratulations on the bright holiday of the Resurrection of Christ - Holy Easter!
Newspaper Chernomorskiye Izvestia

Annex 133

QHA, Crimean Tatar Newspaper “Avdet” Did Not Receive Registration (27 March 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Crimean Tatar newspaper "Avdet" did not receive registration



AKMESCIT/SIMFEROPOL (QHA) -

The Crimean Tatar newspaper Avdet did not receive a media registration certificate from Roskomnadzor. The editor-in-chief of the publication Shevket Kaybullayev told a QHA correspondent about this.

According to him, documents were submitted to Roskomnadzor for re-registration twice, and twice they were returned without consideration.

- We filed documents twice, and twice they were returned to us due to minor remarks ... The first time a few words were omitted in terms of more complete information about what we want. In the second case, the state duty was sent to the wrong department. Therefore, they return without consideration, - said Kaybullayev.

Three weeks ago, the editors once again sent documents for re-registration. There has been no response yet. At the same time, Kaybullayev notes that "he intends to submit documents for the third and fourth time until he receives a concrete answer."

In general, the paper's employees are optimistic, they intend to continue working, looking for new forms of the paper's existence.

- As for our newspaper, if we are not registered, I will not despair. I know from experience that there is always a way out of any situation ... Forms of work with the public and forms of bringing your thoughts to society, they always exist and will be. Still, there is hope that from the beginning of next month, many of our newspapers will continue to work, they will not be stopped immediately. And, apparently, they will look at the reaction of the public. I hope that there is a chance that we will be able to continue our activities, - said Kaybullayev.

The newspaper's management plans to actively work on the Internet version of the publication. The materials on the newspaper's website will be updated daily.

- The Internet version remains, we have reached a certain level. We are currently updating our site, we will focus on it for some time, we will make it everyday. If now we publish our materials once a week, somewhere in other groups, on Facebook we vividly discuss our articles, then in this case we will work daily, - the editor of Avdet noted.

3/16/22, 5:35 PM

Recall that on September 19 last year, the building of the Mejlis on Schmidt Street, 2, which also housed the office of the BO "Crimea Fund" and the editorial office of the newspaper "Avdet", was sealed.

As previously reported, a number of Crimean Tatar media cannot be re-registered under Russian law. Roskomnadzor returned documents for re-registration to the ATR TV channel three times, each time citing formal reasons. Thus, the ATR TV channel, as well as the Lale TV channel, the Meydan radio and the Leader radio, the 15 minutes portal, which are part of the ATR media holding, are under threat of closure.

Roskomnadzor refused to register media outlets for the Krymskiye Novosti news agency QHA.

The Crimean Tatar newspaper Yanyy Dunya has not yet received a media registration certificate from Roskomnadzor.

As is known, in November the State Duma of Russia extended the transitional period for the Crimean media until April 1, 2015. Until that time, they will be able to function on the basis of documents issued by the state bodies of Ukraine.


QHA

Annex 134

Gleb Shemovnev, *Only One Crimean Tatar Media Has Passed Registration in Russia*, KP.ua (3 April 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Only one Crimean Tatar media has passed registration in Russia

 [kp.ua /life/496946-rehystratsiyui-v-rossyyi-proshlo-tolko-odno-krymskotatarskoe-smy](https://kp.ua/life/496946-rehystratsiyui-v-rossyyi-proshlo-tolko-odno-krymskotatarskoe-smy)

Gleb SHEMOVNEV

- home
- Society

Gleb SHEMOVNEV

April 3, 2015 04:08 PM 0



Photo: The main Crimean media were banned. Photo: politikuhnya.info

The ATR channel, closed on April 1, was not the only media outlet in Crimea that Russia refused to issue a license to. A similar fate befell almost all Crimean Tatar media. Of the main publications and channels, only the newspaper Golos Kryma. New was registered with Roskomnadzor, which radically changed its previous editorial policy. This was reported by activists of the recently created human rights group "International Committee for the Protection of Independent Crimean Tatar Mass Media".

- The rest of the national media were either denied registration (QHA news agency, information resources of the ATR media holding, as well as the Avdet newspaper), or these publications have not yet received a final response from the registration authority, the report says.

In particular, the fate of the newspapers "Yanyy Dunya" and "Kyrym", as well as the magazines "Armanchik", "Kasevet" and "Yyldyz" is still unknown. Among the local publications published in the Crimean Tatar language, only the supplement to the "Sudak

News" - "Suvdag Sesi" - was registered. At the same time, along with ATR, the Internet portal 15.minutes.org, the children's channel Lale, the radio stations Meydan and Leader were left without a license.

- Thus, today we can say that there are actually no national mass media on the territory of Crimea that provide an opportunity to receive information in the Crimean Tatar language. Consequently, the Crimean Tatars are deprived of their usual sources of information, human rights activists sum up.

WHAT'S NEXT?

Earlier, the owner of ATR, Lenur Islyamov, said in an interview with Yod that he was not going to sell the holding, transfer it to Ukraine, or dissolve the team.

- We have decided to temporarily stop broadcasting until we figure out how we can continue to work. We will sue, demand that Roskomnadzor issue a license," he said.

The leadership of the QHA news agency also intends to sue.

- We will sue Roskomnadzor, first of all, to express our disagreement. We worked in Crimea for ten years, and now we are outlaws, - says editor-in-chief Gayana Yuksel.

And the editor-in-chief of "Avdet" Shevket Kaybullayev stressed that he would continue to publish the newspaper without registration.

- Let's work for a while. We cannot be turned off as a TV channel. What can they do to me? Well, the equipment will be taken away, searches will be carried out. They can arrest me, don't worry. No worse than living in Crimea now," the editor said.

At the same time, the majority of media outlets that were denied registration note that the licenses were not issued for formal reasons. Either they put a comma in the wrong place, or they allegedly made a mistake when filling in the data. Moreover, in such cases, documents are usually sent for revision, but Roskomnadzor did not do this.

As for the "Voice of Crimea" - even its future is vague. From a socio-political newspaper, it has been reclassified as a culturological-historical one, which will invariably affect the number of subscribers. Despite the fact that there are so few of them - about 6 thousand. So far, the proceeds are only enough for production costs and an almost symbolic salary for employees.

- I'm not sure that the newspaper will be able to exist for a long time in such austerity mode, - editor-in-chief Eldar Seitbekirov sighs.

READ ALSO:

In the United States, they demanded to resume broadcasting of media closed in Crimea

The United States condemned the decision of the Crimean authorities to close the Crimean Tatar TV channel ATR . This is stated in a statement by the US State Department. The document states that ATR was the last independent television station that served the Crimean Tatar population of the peninsula.

Related news: News of the Crimea Media News of Russia

Related Articles



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March 30 Society

Yachtsmen blocking Abramovich's yacht: Police threatened with sanctions, but humanly supported us

Annex 135

Vadim Nikiforov, *Crimean Tatars Will Mourn Without Mejlis*, Kommersant.ru (12 May 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

[The situation in Crimea \(https://kommersant.ru/theme/2018\)](https://kommersant.ru/theme/2018)

05/12/2015, 00:12

Crimean Tatars will mourn without Mejlis

Organizations banned holding a mourning rally

The Simferopol city administration refused the Mejlis of the Crimean Tatar people to hold a rally on the anniversary of the deportation of the Crimean Tatars on May 18. Officials motivated the refusal by the fact that another organization had filed a notice earlier. The Mejlis believes that the authorities, with the help of the Krym movement under their control, occupied all the sites in Simferopol in order to prevent the Mejlis from holding the rally. The Krym movement assures that no events for May 18 have yet been agreed upon.

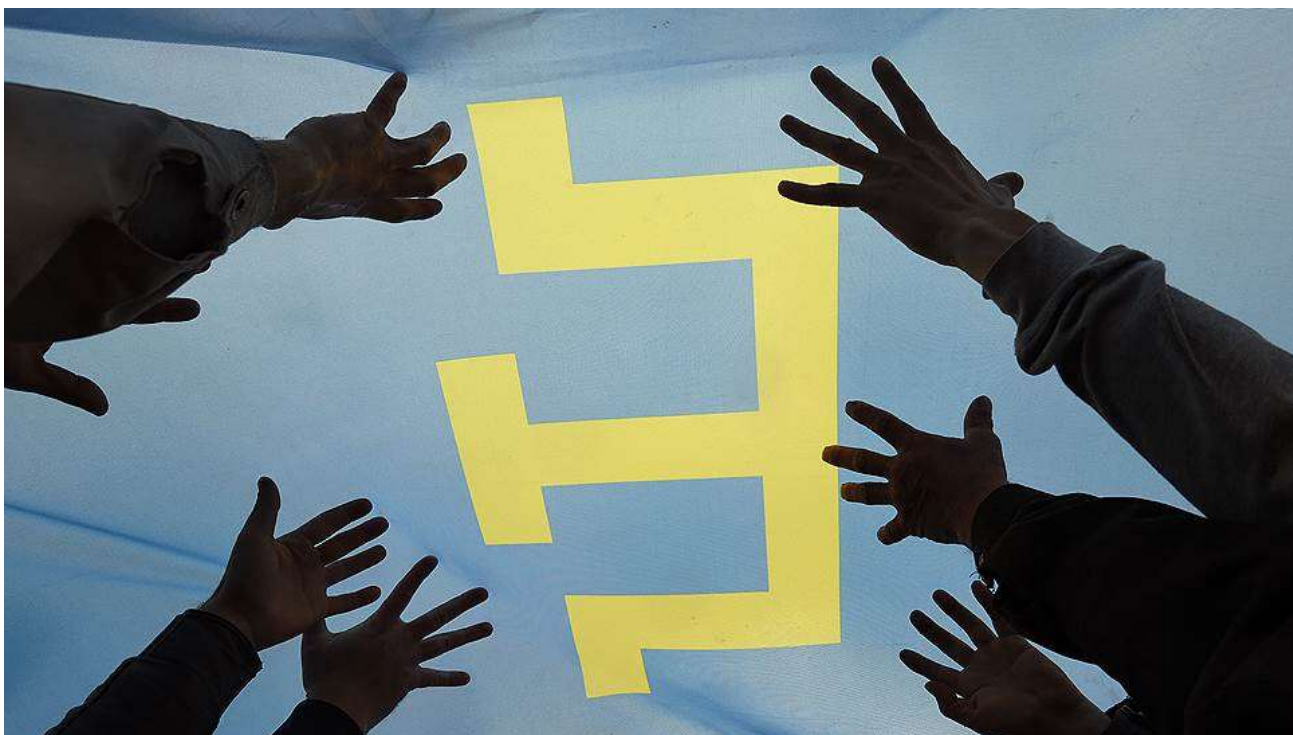


Photo: Viktor Korotaev, Kommersant / [buy photo \(https://photo.kommersant.ru/photo/buyphoto?number=KMO_147560_00082_1\)](https://photo.kommersant.ru/photo/buyphoto?number=KMO_147560_00082_1)

A notice of a mourning meeting for 5,000 people on the square near the house of culture of trade unions was filed in early May on behalf of the first deputy head of the Mejlis, Nariman Jelyalov. On May 8, the organizers received a response that all sites in the city were occupied, and a Crimean Tatar organization that had applied earlier would hold a rally at this site. According to Nariman Dzhelyalov, on May 18,

all four sites for holding mass actions in Simferopol were occupied by the pro-government movement "Crimea". Members of the Mejlis will not participate in their rally. "We have tried many times to find points of contact with the authorities, but this has not been possible. We do not separate the Crimean movement from the authorities, because among its leaders there are many acting high-ranking officials," Mr. Dzhelyalov explained to Kommersant. According to him,

Which organizations planned actions for May 18, the city administration did not say to Kommersant. One of the leaders of the Crimean movement, Vice Speaker of the Crimean State Council Remzi Ilyasov, told Kommersant that this organization has not yet decided on an action plan: "We have not yet met and have not considered this issue." Recall that last year the Crimean Tatars were also not allowed to hold a rally in the center of Simferopol on May 18. The head of the Crimea, Sergei Aksyonov, banned mass events until the beginning of June "in order to eliminate possible provocations by extremists," as well as "in order to avoid disrupting the holiday season." The Crimean Tatars were only allowed to hold small actions near the monuments to the victims of deportation and an all-Crimean rally-prayer on one of the outskirts of Simferopol.

Deputy Chairman of the Civic Chamber of Crimea Oleksandr Formanchuk told Kommersant that the Mejlis has always used the May 18 rally as a "tool of political struggle", "now it will be a day of remembrance for those who died in the deportation, and not an event that is used for PR." Political scientist Andrey Nikiforov does not consider it "mandatory" that the funeral rally be held by the Mejlis: "Let it be a different organization, but such a mass action on the anniversary of the deportation must be ensured. This is important for the Crimean Tatars."

Vadim Nikiforov, Simferopol

Just

All Tape

Annex 136

Vadim Nikiforov, *Crimean Tatar Mourning Is Not Allowed on the Streets*,
Kommersant.ru (18 May 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

[The situation in Crimea \(https://kommersant.ru/theme/2018\)](https://kommersant.ru/theme/2018)

05/18/2015, 00:00

Crimean Tatar mourning is not allowed on the streets

On the Day of Remembrance of the Victims of Deportation, Mass Actions Banned in Simferopol

On May 18, there will be no traditional funeral procession and rally in Simferopol. The head of the Crimea, Sergei Aksyonov, said that he was asked by the "Crimean Tatar community" to refuse to hold mass actions on the 71st anniversary of the deportation of the Crimean Tatars in order not to politicize the day of mourning. Representatives of the Crimean Tatar public organizations believe that the cancellation of the rally causes a negative attitude towards the authorities among the Crimean Tatars.



Photo: Viktor Korotaev, Kommersant / [buy photo \(https://photo.kommersant.ru/photo/buyphoto?number=KMO_148300_00044_1\)](https://photo.kommersant.ru/photo/buyphoto?number=KMO_148300_00044_1)

According to Sergei Aksyonov, the "Crimean Tatar community" asked not to hold mass actions on May 18 (the procession and rally have been held for 23 years). As Kommersant was told in the Council of Ministers, the Krym movement, headed by Vice Speaker of the State Council of the Republic Remzi Ilyasov, and a number of other public organizations addressed the head of the republic with such a request. The idea not to hold mass actions on the day of mourning was supported by Mufti of Crimean Muslims Emirali Ablaev. He asked "not to politicize this day, as before, by rallies and standing in the squares" and called on the Crimean Tatars to come to the mosques, where mourning prayers will be held.

The decree on holding events on the 71st anniversary of the deportation of the Crimean Tatars Sergey Aksenov signed on May 13. On Monday, state flags will be flown at half mast on administrative buildings in Simferopol. In the Bakhchisaray district, at the Siren railway station, from where many people were deported, the authorities will lay a capsule at the site of the future memorial complex. The mourning events will end with a requiem evening at the State Academic Musical Theatre. "On May 18, resolutions were adopted aimed at adopting a law on restoring the

rights of the deportees on a national basis. Such a presidential decree was adopted in April last year. This means that the rehabilitation of the people has taken place," Remzi Ilyasov told Kommersant.

A meeting of five thousand people near the center of Simferopol was going to be held by the Mejlis of the Crimean Tatar people. But the city authorities refused him, citing the fact that all four sites for mass actions were already occupied. And 14 members of the Mejlis who submitted an application received a warning from the Crimean prosecutor's office about the inadmissibility of holding unauthorized mass actions on May 18.

Ali Khamzin, a member of the Presidium of the Mejlis, told Kommersant that the rally should have been held in any case, since it was a tribute to the memory of the victims of deportation, and the decree on the rehabilitation of the Crimean Tatars was "declarative." "The local authorities are afraid that we will come and tell about our problems. They do not want this, because on paper they have already solved all the problems of the Crimean Tatars," he said. "We are used to gathering on May 18 to honor the memory of the dead, to meet with the living. I don't understand who we could interfere with," says Seitumer Nimetullayev, head of the Crimean Unity public organization. Elzara Islyamova, general director of the ATP TV channel, believes that the tradition of holding a commemoration rally on May 18 has never "beared any danger." According to the leader of the public organization "Milli Firka"

Recall that last year the Crimean Tatars were also not allowed to hold a rally in the center of Simferopol on May 18. The head of Crimea banned mass events until early June "in order to eliminate possible provocations by extremists" and "to avoid disrupting the holiday season." Crimean Tatars were allowed to hold small actions near the monuments to the victims of deportation and an all-Crimean rally-prayer on the outskirts of Simferopol. Andrey Nikiforov, director of the Institute of the CIS countries in Crimea, believes that the Crimean authorities are acting haphazardly, and by canceling the traditional mourning meeting, they have turned away from themselves and public figures who take a pro-Russian position and are opponents of the Mejlis. The expert explains the ban by the "uncertainty" of the Crimean authorities about whether people who are "appointed as leaders" of the Crimean Tatar movement will be able to organize a rally and prevent it from becoming anti-government or anti-Russian. "Responsibility has been shifted to the federal authorities: law enforcement agencies must control that there are no unauthorized actions," the expert says.

Vadim Nikiforov, Simferopol

Annex 137

Radio Svoboda, *Chubarov: The New Crimean Tatar Channel in Crimea Will Be a Tool of the Occupiers* (9 June 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



NEWS POLICY

Chubarov: the new Crimean Tatar channel in Crimea will be a tool of the occupiers

09 June 2015, 23:02



(© Shutterstock)

The leader of the Mejlis of the Crimean Tatar people, Refat Chubarov, says that the new Crimean Tatar television and radio company created by the Russian authorities in the occupied Crimea will be another tool for propaganda of the occupiers of the peninsula.

"They are creating nothing more than a company completely controlled by the illegal authorities of the annexed Crimea," Chubarov said in a telephone interview with Radio Svoboda.

"They promise to create a new, as they say, public television and radio corporation. But it will be fully overseen by their Committee on Nationalities. So what can you expect from a state-controlled company?" Said Chubarov.

Earlier on Tuesday, June 9, the Russian "Council of Ministers" of the occupied Crimea created an autonomous non-profit organization "Public Crimean Tatar Television and Radio Company" (OCT), the project of Radio Liberty "Crimea.Realities" reported.

The founder of the TV channel is the State Committee for Interethnic Relations and Deported Citizens of the Occupation "Government" of Crimea.

On April 1, 2015, the first Crimean Tatar TV channel, ATR, was forced to stop broadcasting due to the fact that by the end of March it had failed to register as a media outlet under Russian law for several attempts. Immediately after the termination of ATR's broadcasting, the occupying authorities of Crimea took the initiative to create their own "public Crimean Tatar television."

Annex 138

Viktor Vorobyov, *Monopoly on the Holidays: The “Authorities” of the Crimea Coveted the Flag of the Crimean Tatars*, Krym.Realii (25 June 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



POLITICS

Monopoly on the holidays: the "authorities" of the Crimea coveted the flag of the Crimean Tatars

June 25, 2015, 23:32

Viktor Vorobyov

Simferopol - Traditional events on the occasion of the day of the Crimean Tatar flag this year will be held at the initiative of organizations close to the Crimean authorities. The administration of Simferopol refused to the previous organizers who applied for holding the holiday. In the Mejlis of the Crimean Tatar people, such actions are considered unacceptable, but at the same time they support the organization of events related to the celebration of the flag day.

The idea of celebrating the day of the Crimean Tatar flag (a blue cloth with a tamga in the left corner) arose in 2009. According to **Krym.Realii**, one of the initiators, at that time a member of the Crimean Tatar youth organization "Yashlar Shurasy", and now the executive secretary of the Crimean Muftiate and deputy head of the Mejlis **Ayder Adzhimambetov**, during a conversation with a colleague Alim Emirsaliev, they came to the conclusion that the Crimean Tatars no holidays.

“ We thought about an event that would unite our people and become a real holiday

Aider Adzhimambetov

“We thought about an event that would unite our people and become a real holiday. Then the idea came to push off from national symbols. Almost all peoples have Flag Day, but we don't, but no one bothers us to celebrate it,” Adzhimambetov shared.

According to him, then young people began to collect various information about the origin of the flag in order to determine the most suitable date for the celebration. “After long discussions, we came to two dates: in December - in honor of the holding of the first Kurultai in 1917 (the national congress of the Crimean Tatar people, - **author**) and in June - in honor of the second Kurultai in 1991 (after the mass return of the Crimean Tatars to historical homeland, - ed.),” said Adzhimambetov.

The first working day of the second Kurultay, according to the deputy head of the Mejlis, fell on June 26. “At that Kurultai, a resolution was adopted to recognize the Crimean Tatar flag as national. Therefore, we determined June 26 as the day of the flag,” explained the executive secretary of the Spiritual Administration of Muslims of Crimea.

“ For the first time, the day of the Crimean Tatar flag was celebrated in Simferopol on June 26, 2010

For the first time, the day of the Crimean Tatar flag was celebrated in Simferopol on June 26, 2010. “That day, a stage was set up on Lenin Square for a festive concert and a huge Crimean Tatar flag with a total area of 288 square meters (24 meters long, 12 meters wide, - **author**) was unfurled, which was sewn to order in Turkey,” recalls Ajimambetov. According to him, it was difficult and expensive to order such a canvas in the Crimea at that time. It was also planned that a large flag would be included in the Book of Records of Ukraine, whose representatives were invited to the event, but, as the source notes, they considered that “there is politics here and abandoned this idea.”

“Subsequently, the Mejlis decided to celebrate the flag day, and the Kurultai approved this date. Thus, Flag Day has become a national holiday,” Adzhimambetov added.

Flag of record size

On Friday, June 26, Simferopol will celebrate the day of the Crimean Tatar flag for the sixth time. This time, the events were initiated by pro-government public organizations, including the Kyrym public movement, led by Vice Speaker of the Crimean State Council **Remzi Ilyasov** .

At the same time, the authorities of Simferopol refused the former organizers of the festive events three times .

In this regard, the organizing committee issued a statement saying that it will not hold any mass events on June 26, 2015. However, the competitions traditionally organized as part of the celebration of the Flag Day will take place. At the same time, they did not specify where they will go.

“ A rally is planned with the participation of about 100 cars, as well as the launch of the Crimean Tatar flag of record size into the sky

At the same time, the organizing committee suggested that compatriots “in order to unite the people and raise the spirit of patriotism on the eve of June 26 and after this date, to popularize the Crimean Tatar national symbols as much as possible by hanging Crimean Tatar flags in residential buildings, decorating cars with them, using elements of national symbols in clothes.”

The organizing committee, which includes representatives of the authorities, intends, on the contrary, to hold festive events in the park. Gagarin in Simferopol. In addition, a rally with the participation of about 100 cars is planned, as well as the launch of the Crimean Tatar flag of record size into the sky. According to representatives of the organizing committee, the rally and the size of the flag will be recorded by the experts of the Book of Records of Simferopol.

Celal: They obstruct others

The Mejlis of the Crimean Tatar people is outraged that certain organizations in Crimea are trying to "monopolize the celebration of the flag day, while interfering with others." "Over the past six months, when the Mejlis intended to hold a number of events, starting from the day of memory of Noman Chelebidzhikhan (Crimean Tatar politician, one of the organizers of the first Kurultay, - ed.), May 18, Flag Day, our position remained unchanged: we believe that all Crimean Tatars have the right and should honor the memory of outstanding people and, on the contrary, celebrate positive days like the day of the flag. And they never expressed the idea that someone should conduct, and someone should not," notes **Nariman Dzhelal**, First Deputy Head of the Mejlis, in a commentary for **Crimea.Realities**

But, according to Dzhelal, in the representative body of the Crimean Tatars they consider it unacceptable when "certain public forces, having administrative resources today, obstruct others in holding certain events."

"When the organizing committee for holding events met, I immediately told them: do not try to come up with the idea that only you are monopolists. The more people celebrate Flag Day at different venues, in different cities, the better. But everything turned out differently. The guys who from year to year traditionally held this day of the event were refused. As it was on May 17, when the Crimean Tatar Youth Center, which invented the "Light a Light in Your Heart" action and always carried it out, was refused, giving the opportunity to hold another youth organization. Now the same thing happened. They interfere, and then they say: now you join us. I can't call it anything other than fraud or political fraud. I am very pleased that a significant part of our youth does not want to participate in these fraudulent cases," said the 1st Deputy Head of the Mejlis.

“ Events on the occasion of the celebration of the day of the Crimean Tatar flag will be held in many cities of Ukraine

In turn, Adzhimambetov believes that "the politicization of the holiday is pointless." "If the authorities want to carry it out, let them carry it out, if the public organizers want it, let them carry it out. The more such events not only in Simferopol, the better. This is a national holiday," said the executive secretary of the Muftiyat.

Adzhimambetov himself has been raising the Crimean Tatar flag over his house in the Saki region for five years now. "This is how I celebrate a holiday date for the entire Crimean Tatar people. This year will be no exception," he says.

It should be noted that events on the occasion of the celebration of the day of the Crimean Tatar flag will be held in many cities of Ukraine. In particular, a rally and a fair will be held in Kyiv on June 26, and a rally will be held in Kherson, during which a huge Crimean Tatar flag will be unfurled, specially sewn on the mainland of Ukraine for this event.

Annex 139

Facebook Post by Refat Chubarov (23 Sept. 2015) (Official Statement of the Headquarters of the “Public Blockade of Crimea”)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



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Рефат Чубаров

September 23, 2015 · Kyiv, Ukraine · 🌐



OFFICIAL STATEMENT OF THE ACTION HEADQUARTERS "Public Blockade of Crimea"

CRIMEA IS UKRAINE!

THERE IS NO UKRAINE WITHOUT CRIMEA!

Dear fellow countrymen!

On September 20 at 12.00 we - citizens of Ukraine - started the action of the civil blockade of Crimea.

The form of the action is a ban on freight transport of goods from mainland Ukraine to the temporarily occupied Russian Federation of Crimea.

The main purpose of the action is deokupaciâ of Crimea, restoration of territorial integrity of Ukraine.

Realizing that the de-occupation of Crimea will take place only as a result of further coordinated actions of Ukraine and international cooperation, aimed at Russia's aggression towards Ukraine and other free peoples of the world, feeling their public responsibility for the future of the independent Ukrainian state, the Ukrainian nation, the Crimean Tatar people - the indigenous people of Crimea and all citizens of Ukraine, regardless of ethnic origin, language and religion, we are the participants of the action Civil Blockade of Crimea - direct our actions for:

- effective protection of the rights and freedoms of Ukrainian citizens living in the territory of temporarily occupied Crimea;
- immediate end of repression and discrimination carried out by the Russian occupation authorities in Crimea in relation to the citizens of Ukraine - residents of Crimea, activists of the Crimean Tatar national movement, members of the Majlis of the Crimean Tatar people and local authorities of the Crimean Tatars national self-government;
- immediate release of political prisoners Akhtem Chiygoz, Ali Asanov, Rustem Vaitov, Mustafa Degermenzhi, Ruslan Zeytullaev, Alexander Kolchenko, Nuri Primova, Ferata Saifullaev, Nadezhda Savchenko, Oleg Sentsov;
- lifting the ban on entry to Crimea leader of the Crimean Tatar people Mustafa Dzemilev, the head of the Majlis of the Crimean Tatar people Refat Chubarov, activists of the public movement Ismet Yuksej and Sinaveru Kadyrovu;
- closure of falsified criminal cases against residents of Crimea - activists of the public movement;





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UN missions.

We urge the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine to repeal the Law of Ukraine "on the creation of a free economic zone " Crimea " and on the features of economic activity in the temporarily occupied territory of Ukraine " as such that does not vi corresponds to the goals and objectives of the de-occupation of Crimea and the restoration of the territorial integrity of Ukraine.

In the face of an actual war unleashed by the Russian Federation against Ukraine and in order to protect the rights of Ukrainian citizens living in the territory of temporarily occupied Crimea, we suggest the Cabinet of Ministers of Ukraine to open in brief terms of the territory x districts of Kherson region directly adjacent to the Crimea, special logistics and shopping centers.

At the same time, we appeal to the Ukrainian society, including the volunteer movement, to join the Crimea Civil Blockade action and provide comprehensive assistance to its participants.

For all proposals for taking part in the Public Blockade of Crimea and providing assistance to its participants, please contact directly to the headquarters of the action located at the Chongar checkpoint or by phone 096 34 777 77

Financial support stock Public blockade of Crimea - account of recipient 29244825509100 in PrivatBank: MFO 305299, code OKPO Bank 14360570, to refill the card 5168757298457922 LUMANOV LENUR ISMAILOVYCH.

Crimea is Ukraine!

There is no Ukraine without Crimea!

Approved at the meeting of the headquarters of the action Public Blockade of Crimea

September 21, 2015, chongar checkpoint

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Annex 140

Ukrainska Pravda, *Chubarov: Mejlis Did Not Make a Decision on Blockade of
Crimea* (19 February 2016)

*This document has been translated from its original
language into English, an official language of the Court,
pursuant to Rules of the Court, Article 51.*

Ukrainska Pravda

Chubarov: Mejlis did not make a decision on blockade of Crimea

FRIDAY, 19 FEBRUARY 2016, 13:01

The head of the Mejlis Refat Chubarov calls the accusations of the prosecutor's office of the occupied Crimea in the organization of the blockade of Crimea by the Mejlis nonsense.

He said this in a comment to the Ukrainian service of Deutsche Welle .

"It was an initiative of several people, including the head of the Mejlis, but this has nothing to do with the Mejlis itself," Chubarov said.

Chairman of the pro-Russian organization "National Cultural Autonomy of the Crimean Tatars in the Sudak City District" Umerov does not agree with this. In his opinion, at all actions Chubarov associated himself with the Mejlis.

"That's why we decided that it would be good to ban this organization and deprive Chubarov and Dzhemilev of the tool they use to incite ethnic hatred on the peninsula."

As you know, five Crimean Tatar organizations wrote a letter to the prosecutor's office of the Crimea annexed by Russia demanding to ban the activities of the Mejlis in early February, at least three of which were created after the occupation of Crimea. There is almost no information about the two organizations at all.

Representatives of the Mejlis are convinced that the prosecutor's office of the annexed Crimea encroached on this structure, because they see it as a mouthpiece for those who disagree with the actions of the occupying authorities.

According to them, since the first days of the annexation, Moscow has been fighting this authoritative representative body of the Crimean Tatars, which does not officially recognize the results of the referendum and thus hinders the Kremlin.

According to Chubarov, to ban the Mejlis is the same as to ban the entire Crimean Tatar people, since the Mejlis is the executive body of the Kurultai of the Crimean Tatar people and has been operating since 1991.

Neither Chubarov, who is on the Ukrainian mainland, nor his deputy Dzhelalova, who lives in Crimea, believe that Russia will achieve anything by banning the Mejlis.

They recalled that this body has no registration, and its decisions are not legally binding.

"This ban will not prevent members of the Mejlis from continuing to engage in public activities, but simply not to be called the Mejlis. Therefore, I believe that the authorities are fighting windmills," said Dzhelyalov.

According to experts, the decision to ban the Mejlis will hurt Moscow more internationally. The representative body itself will at least be able to move its office to the mainland of Ukraine and continue its activities there.

Annex 141

Radio Svoboda, *Lesya Ukrainka Museum in Yalta Closed, Russian Authorities Say
– for Repairs, Writers – Forever* (15 March 2016)

*This document has been translated from its original
language into English, an official language of the Court,
pursuant to Rules of the Court, Article 51.*



СУСПІЛЬСТВО

Lesya Ukrainka Museum in Yalta closed, Russian authorities say – for repairs, writers – forever

15th Mar 2016, 16:08



Lesya Ukrainka Museum in Yalta, March 14, 2016

To remove monuments and close museums ostensibly for restoration – a typical curtain to destroy them – Zabuzhko

[Ivanna Tkachuk](#)

Ukrainian cultural figures were outraged by the closure of the Lesya Ukrainka Museum in Yalta. The founder of the museum Svetlana Kocherha fears that it may no longer be opened, or completely change the concept of the institution. Ukrainian writers and literary critics believe that the museum was closed for ideological reasons, and do not expect it to be restored.

The official reason for the closure of the museum is its state of emergency. According to Larysa Kovalchuk, head of the Culture Department of the Russian Administration of Yalta, the ceiling collapsed in the building, and the museum itself is included in the list of objects requiring major repairs. She assured that the building would be repaired and the exposition would return to operation.



Vira Ageeva, a Ukrainian literary critic and researcher of Lesya Ukrainka's work, explained in a comment to Radio Liberty why, in her opinion, a museum dedicated to poetess was closed in Crimea. This is not the first time, she recalled, because back in 1963, the Soviet Union authorities banned demonstrations in honor of Lesya's 50th birthday.

“ In modern Russia, such a museum cannot exist

Vera Ageeva

"Lesya Ukrainka is consistent in defending the Ukrainian position, so in modern Russia such a museum cannot exist," Ageeva said.

For example, in the poem we see a completely frank indication of Ukrainian-Russian relations, says the literary critic. And in the dramatic poem "Boyarina" the Unruled Ukrainian world is shown as a free world, and Russian – as a world of captivity. According to Vera Ageeva, the closure of this museum means that Crimea is not only moving away from Ukraine, but also the space of freedom in it is rapidly decreasing.



Vitaliy Kapranov

According to the writer and public figure **Vitaliy Kapranov**, what is currently happening in Crimea is the traditional behavior of Russian invaders in the occupied territories, which has been observed for hundreds of years. He believes that the museum has "lasted a long time", because usually Russia arranges a cultural pogrom immediately after the occupation.

“ "Russian World" is people without historical memory

Vitaliy Kapranov

"Russian Peace" is people without historical memory and without understanding their cultural priorities," Kapranov stressed.

But the writer is convinced that since Ukrainian culture has not been destroyed so far, it will not be destroyed. If, he says, it failed the tsars Catherine and Peter and everyone who forbade the Ukrainian language and literature, fueled libraries, then Putin will not succeed. The phenomenon of Ukrainian culture is that it is transmitted by mouth, and not by the media, Kapranov adds.

However, Yalta will not rebel in defense of the museum, Kapranov said. They have the experience of Crimean Tatars, so their outrage will remain at the level of kitchen conversations.



Oksana Zabuzhko

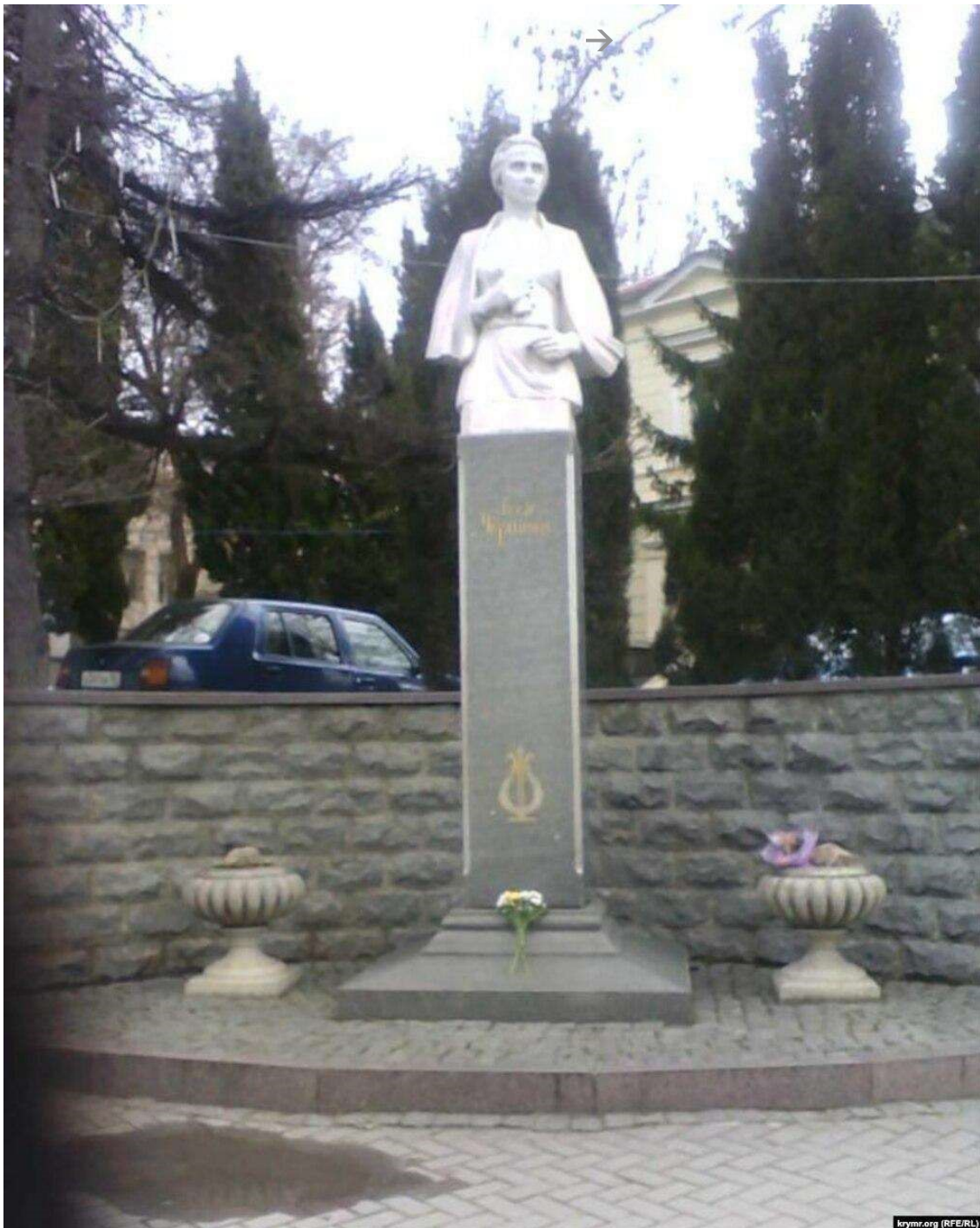
Oksana Zabuzhko, a writer and ~~researcher of Lesya Ukrainka's work~~, is convinced that the museum will be opened only when Ukraine returns the Crimea. She said in comments to Radio Liberty that in this style Russia always cleanses cultural monuments. Similarly, in Donetsk, a memorial plaque to Vasyl Stus was removed and somewhere, as well as in 1934, a monument to Ellan-Blue was taken for restoration in Kharkiv, and never returned again.

“ It's a painting in absolute barbarity

Oksana Zabuzhko

"This is an indicator for the whole world, what is the policy of the "Russian world", not less than the abduction and imprisonment of people. This is a painting in absolute barbarity," Zabuzhko emphasized.

The museum is important for Ukrainian culture because it contains a large number of original monuments from the life of Lesya Ukrainka in the Crimea.



Monument to Lesya Ukrainka in Sevastopol, Crimea

Annex 142

Vadim Nikiforov, *The Anniversary of the Deportation of the Crimean Tatars was Celebrated Without a Mourning Rally*, Kommersant.ru (18 May 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

[The situation in Crimea \(https://kommersant.ru/theme/2018\)](https://kommersant.ru/theme/2018)

05/18/2016, 03:43 PM

The anniversary of the deportation of the Crimean Tatars was celebrated without a mourning rally

Crimean authorities consider it inappropriate

Today, mourning events are held in Crimea on the occasion of the 72nd anniversary of the deportation of the Crimean Tatars. Mourning prayers were held in all mosques and Orthodox churches of the peninsula, flowers were laid at the monuments to the victims of deportation, and the first stage of the memorial complex at the Siren railway station was opened. There was no funeral procession and meeting in Simferopol. The new Crimean authorities, after the annexation of Crimea to the Russian Federation, insist on a different format for holding mourning events. And the opposition organizations did not try to hold a mass action, because they were sure that it would be refused.



Photo: Kommersant / Viktor Korotaev / [buy a photo \(https://photo.kommersant.ru/photo/buyphoto?number=KMO_153665_00056\)](https://photo.kommersant.ru/photo/buyphoto?number=KMO_153665_00056) Photo: Koi



Funeral events on the 72nd anniversary of the deportation of the Crimean Tatars began with morning prayers in the Crimean mosques. In all cities and regions of Crimea, flowers were laid at the monuments to the victims of deportation. The thousands-strong rally and procession, which traditionally took place on May 18 in Simferopol, did not take place this year. Since 2015, the Crimean authorities have not organized a rally because they consider it a political action that is inappropriate on a day of mourning. In 2015, the event was tried to be held by the Mejlis of the Crimean Tatars, but the city authorities refused the organization, saying that all sites for mass actions in the city were busy that day. This year, the city administration of Simferopol did not receive applications for holding rallies and marches on May 18.

The first deputy chairman of the Mejlis (the organization is banned in the Russian Federation) Nariman Dzhelyalov told Kommersant that this year he and other civil activists did not apply for a mass action. According to him, they are confident that the authorities will refuse to hold it, as they previously refused to hold public events organized by the Mejlis or its individual members. "In the resolution of the mourning meeting on May 18, we always assessed the attitude of the authorities towards the Crimean Tatars and put forward our demands to it. This is what the authorities are now afraid of," said Mr. Dzhelyalov. Also, in his opinion, the Crimean government is afraid of a gathering of many thousands of Crimean Tatars, because such actions evoke a "feeling of unity" in people.

Today, the first stage of the memorial to the victims of deportation at the Siren railway station was opened in the Bakhchisarai region. It was from here that from May 18 to May 20, 1944, more than 150 thousand Crimean Tatars were taken from the Crimea to Central Asia. On the site of the memorial, a site was prepared and landscaped and a "teplushka" was installed - a railway car of the late 19th century model. In such wagons, people were deported from the peninsula. The head of the Crimea, Sergei Aksyonov, promised that work on the complex would be completed in a year and would cost the budget 400 million rubles.

Mr. Aksenov laid flowers at the memorial monument on the railway station alley in Simferopol. Mufti of Crimea Emirali Ablaev and Metropolitan Lazar of Simferopol and Crimea were also present. Prayers in memory of those who died during the years of deportation will also be held today in Orthodox churches in Crimea. In the evening, in the center of Simferopol, the action "Light a fire in your heart" will take place. Crimean Tatar youth will light candles in memory of the victims of deportation.

No unauthorized actions were recorded in Crimea. On the eve of the Deputy Prime Minister of Crimea Ruslan Balbek said that about 30 radicals arrived in Crimea from Ukraine. Their task, according to him, was to organize provocations on May 18. However, Crimean prosecutor Natalya Poklonskaya denied this information. The press service of the Crimean branch of the Communist Party of the Russian Federation reported that on the night of May 17-18, unknown people poured paint on a memorial plaque to Joseph Stalin, placed on the wall of the party office in Simferopol, by order of which the deportation of Crimean Tatars was organized.

Vadim Nikiforov, Simferopol

Why the descendants of those deported from Crimea will receive a residence permit in a simplified manner

In May 2015, the Federal Migration Service (FMS) prepared a draft law that greatly facilitates the procedure for obtaining a residence permit for the descendants of national minorities expelled from the peninsula in the 1940s. The document gives the right to deported Crimean Tatars, Armenians, Greeks or their relatives to legalize in the Russian Federation on the basis of a certificate of rehabilitation only. [Read more \(https://kommersant.ru/Doc/2728305\)](https://kommersant.ru/Doc/2728305)

Just

All Tape

Annex 143

Credo Press, *The Loyal to Moscow Mufti of Crimea Ablayev Is Accused by the World Congress of the Crimean Tatars In Reporting on Muslims* (19 October 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

The Loyal to Moscow Mufti of Crimea Ablayev was caught by the World Congress of Crimean Tatars in denunciation of Muslims

Emirali Ablayev, the chairman of the Spiritual Administration of Muslims of the annexed Crimea and Sevastopol, was caught denouncing the Muslims of the peninsula. A facsimile of the denunciation, dated July 29 of this year, was posted (https://www.facebook.com/permalink.php?story_fbid=1720200761637737&id=100009434909856) on his Facebook page by Vice President of the World Congress of Crimean Tatars Lenur Islyamov, as reported on October 18 by Grani.Ru (<http://mirror712.graniru.info/Politics/World/Europe/Ukraine/m.255666.html>).

Ablayev's denunciation was addressed to Viktor Palagin, the head of the Federal Security Service for Crimea and Sevastopol, Sergei Abisov, the head of the Russian Ministry of Internal Affairs of Crimea, and Natalia Poklonskaya, the then prosecutor. The statement said that in 12 jamaats of the peninsula, part of the believers independently, without submitting to the Spiritual Administration, elected imams for themselves. On June 5, during the celebration of Eid al-Fitr, supporters of the pro-Moscow Spiritual Administration were not allowed in mosques there, the mufti claimed.

In 8 of the 12 jamaats, Ablayev also noted, supporters of Hizb ut-Tahrir predominate, in the remaining four - supporters of the Habashite movement, who formed a special Tauride Muftiate, which, as emphasized in the denunciation, is "unregistered". The names and, in some cases, mobile phone numbers of imams were mentioned.

According to the mufti, these clerics are guilty of extremism, obstruction of the exercise of the right to freedom of religion, and illegal missionary work.

None of the imams mentioned by Ablayev, as far as we know, has yet become a person involved in the criminal case. At the same time, among the settlements mentioned in the denunciation, there is the village of Orlinoye within the boundaries of Sevastopol. The Habashit imam is said to be operating there. Meanwhile, Ruslan Zeytullayev (<http://mirror712.graniru.info/Politics/Russia/Politzeki/m.254359.html>), who was convicted as a member of not the Habashite community, but Hizb ut-Tahrir, lived in this village before his arrest.

As early as Friday, Emil Kurbedinov, a lawyer who defends several defendants in the cases of Crimean Muslims, spoke about Ablayev's denunciation (<http://www.5.ua/interview/ve-dokazy-shcho-obshuky-i-represii-musulman-vidbuvaitsia-za-pidpysom-i-z-sanktsionuvannia-muftiia-krymu-advokat-emil-kurbedinov-128383.html>) in an interview with Channel 5. He stated that he held several denunciations of the mufti, which the mufti intended to publish a little later.

"Ablayev," the lawyer noted, "sometime after the "referendum" on the "annexation" of Crimea... said: the muftiate will not let anyone offend, the members of Hizb ut-Tahrir are Muslims, and we will defend them. But just six months have passed, and Emirali Ablayev has turned coat and has already forgotten about his words."

After the annexation of the peninsula, the Crimean muftiate began to actively cooperate with the illegal Russian authorities. Refat Chubarov, the Chairman of the Mejlis of the Crimean Tatar People, met with Ablayev in Ankara in August 2015, and a few days later made a public appeal to him, stating that his compatriots were dissatisfied with his collaborationism.

In early January of this year, the Muftiate Council called on the Crimean Tatars not to join (<http://mirror712.graniru.info/Politics/World/Europe/Ukraine/m.247561.html>) the Volunteer Battalion

named after Noman Chelebidzhikhan, formed by Islyamov in continental Ukraine. "Geopolitical maps are redrawn by the strongest of this world, and the Almighty allows this to be done by one against the other, providing a certain balance. It is not the wisest position to rush into the role of a tool with which these maps are redrawn" the appeal stated.

On the eve of the elections to the State Duma of the Russian Federation on the territory of the annexed peninsula, Ablayev urged the Crimean Tatars to take part in the voting and himself appeared at the elections (<http://mirror712.graniru.info/Politics/World/Europe/Ukraine/m.254621.html>) on September 18. However, most of the indigenous population of Crimea, following the call of the Mejlis, ignored the elections.

Formally, Ablayev, like a number of other collaborators, until recently continued to be a member of the Mejlis, banned in the Russian Federation. On September 22, a few days after the Duma elections, the mufti was expelled from this structure (<http://mirror712.graniru.info/Politics/World/Europe/Ukraine/m.254940.html>).

On January 4 this year, Mustafa Dzhemilev, the national leader of the Crimean Tatars, announced that a new Spiritual Administration of Muslims of Crimea was being established in Kyiv. He explained that "the Muftiate of Crimea now does not reflect the aspirations and thoughts of the Muslims of Crimea," since "it is in complete subordination to the occupier."

Published: October 19, 2016, at 13:00

Category: News Feed (<https://credo.press/category/lenta-novostei/>)

Annex 144

Gulnara Bekirova, *Red Paradise: Bloody Way Home*, Krym.Realii (23 October 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



СТРАНИЦЫ КРЫМСКОЙ ИСТОРИИ

Red Paradise: bloody way home

October 23, 2016, 22:30

Gulnara Bekirova

Almost half a century, the path of the Crimean Tatars to their homeland after the deportation of 1944 lasted. However, the long-awaited return to the Crimea was overshadowed by the fact that no one was waiting for them here. I had to start from scratch...

“ The authorities took a tough stance to prevent the Crimean Tatars from entering their places of historical residence

Despite public assurances and decisions that were correct on paper, which were supposed to facilitate the resettlement of repatriates, in practice, local authorities took a tough stance to prevent the Crimean Tatars from entering their places of historical residence, primarily on the southern coast of Crimea. Literally every piece of land the Crimean Tatars had to win back.

In April 1990, the chairman of the Organization of the Crimean Tatar National Movement, **Mustafa Dzhemilev**, stated that the Crimean authorities were conducting “feverish distribution of land plots for dachas and gardens to the Russian-speaking population”: “At the same time, they find enough building materials for them and, as a result, they grow like mushrooms all over Crimea after rain country towns. At the same time, chauvinist associations and "committees" of Russian-speakers who openly oppose the return of the Crimean Tatars to their homeland are encouraged and directly organized by the party bodies.

In this situation, the OKND considered such actions as squatting and self-returns (in the interpretation of the authorities, “self-occupations”) of land plots to be fair and justified, motivating its position as follows: they immediately give away land for the construction of dachas for Russians living in Crimea or resettlement houses for new migrants from Russia and Ukraine.”

“ Often, the authorities tried to resolve the issue with the help of force, brutal physical reprisals and lawsuits.

In accordance with the fifth paragraph of the Action Plan adopted at the meeting of the Central Council on June 9-10, 1989, OKND provided all possible assistance and support to compatriots who occupied empty land plots and built tent camps. The integrity and even a certain rigidity with which the representatives of the OKND defended the interests of their compatriots ultimately justified themselves: “So, in the village of Sevastyanovka, Bakhchisarai district, where the first tent city appeared in August 1989, by the end of April 1990, 58 new houses were already being built Crimean Tatars. The occupation of land in the village of Zalankoy (Kholmovka) of the Bakhchisaray district also ended with the construction of more than fifty houses. In those areas where sane and relatively far-sighted leaders were in power, the issue of land plots after their occupation by the Crimean Tatars was resolved with the help of mutual compromises and agreements. However, often the authorities tried to resolve the issue with the help of forceful methods, brutal physical reprisals and lawsuits.”

One of these tragic cases was the massacre of a handful of Crimean Tatars on December 14, 1989 in the tent camp of the village of Degirmenkoy (Zaprudnoe). Hundreds of soldiers, policemen and drunken crowds of people from nearby villages were thrown at them. For four months, the authorities kept six beaten participants in the Degirmenkoy epic in prison, fabricating a criminal case against them on charges of hooliganism, resistance to the authorities and other crimes.

Events unfolded dramatically in the Red Paradise area near Alushta in July-October 1992.

After the adoption of the Declaration and the Decree of the Supreme Soviet of the USSR in 1989 on the deported peoples, the Crimean Tatars - natives of Alushta - had to defend a seven-month picket in 1990, so that some of them could receive land plots in late 1990-early 1991. The city authorities assured them that in the future they would guarantee the allocation of land plots for returning Crimean Tatars freely under the state program according to the resettlement scheme, but this did not happen.

“ There was a tendency: on the one hand, to slow down the process of the return of the Crimean Tatars, on the other hand, to prevent their settlement in Alushta and nearby villages

Since 1989, 2,196 families have been put on the waiting list for receiving land plots for individual construction, and only 800 families have received land plots, most of them after a months-long picket. In 1991, only a third of the planned 150 plots were allocated to the Crimean Tatars. In 1992, under the plan (according to the settlement scheme, taking into account debt), it was necessary to allocate 370 sites, and about 80 were allocated. Thus, there was a tendency: on the one hand, to slow down the process of the return of the Crimean Tatars, on the other hand, to prevent their settlement in Alushta and nearby villages.

All this forced the Crimean Tatars (and there were already more than 2,200 of them on the waiting list in the city executive committee) on July 5 to picket on the road near the peach orchard in the village of Krasny Rai. A provocation by the police on the night of July 5-6 and the blocking of the road on July 7 forced the picketers to fence off the camp.

On July 7, a meeting of the workers of the state farm - the plant "Alushta" was held, at which, according to the participants who told this to the picketers, there was an open call to "drive the Crimean Tatars." After the meeting, representatives of the workers (the "workers" turned out to be the foreman and the manager) arrived at the camp and announced their disagreement with giving the field to the Crimean Tatars. On the same day, a meeting of the executive committee of Alushta was held, at which a decision was made:

"one. Oblige the initiative group of persons of Crimean Tatar nationality..., as well as persons participating in the unauthorized occupation of land, to voluntarily fulfill the decision... to vacate this piece of land... in the area of the settlement of Krasny Rai.

2. In case of non-fulfillment of the decision ... to propose to the land user - s / z "Alushta" until 07/09/92 to take measures to release the land plot arbitrarily occupied by persons of Crimean Tatar nationality.

3. Alushta GOVD (comrade Voevodkin A.S.), upon vacating the land plot, take all measures provided for by the Law of Ukraine "On Police" to maintain public order."

The decision was made...

On July 10, 1992, a pogrom of the Crimean Tatar camp was carried out, as a result of which 17 picket participants received serious injuries, tents and money were confiscated. But the picket survived.

On August 8, a month after the pogrom and five days after the meeting in Mukhalatka of two presidents - Ukrainian **Leonid Kravchuk** and Russian **Boris Yeltsin** - special forces again appeared on the field of Red Paradise. Led by the head of the Alushta Department of Internal Affairs, **Voevodkin**, they began to surround the fortified camp of the Crimean Tatars. The picketers defended the makeshift houses that they had already built - the people hurried to the territory of the camp, and in order not to let the punishers into it, they set fire to the rubber slopes around them. This did not stop the commandos. Tragedy almost happened. Three Crimean Tatars, dousing themselves with gasoline and taking burning torches in their hands, went towards the special forces. Voevodkin ordered the attackers to stop and began negotiations with representatives of the picket headquarters.

“ All 13 proposals of picketers on land masses were rejected for various reasons

To resolve the conflict situation between the Mejlis of the Crimean Tatar people and the Alushta City Council, a conciliation commission was created. The results of its more than a month of work: 5 meetings (3 of which were disrupted due to the absence of land users, although the minutes of the first meeting stipulate that the presence of land users is mandatory) and one visit to the proposed land for consideration. All 13 proposals of picketers on land were rejected for various reasons: either there are gardens, vineyards, or a sanitary territory, or a reference to the general scheme for the development of the city, approved, by the way, in 1984, when the question of the return of the Crimean Tatar people was not yet raised, then the failure of the land users.

For example, the Crimean Tatars were denied land plots near the highway, referring to sanitary standards, although such plots were allocated for Russian-speakers in the village. Upper Kutuzovka. The patience of the picket participants was overwhelmed by the last decision at the meeting of the town-planning council about the impossibility of allocating land for areas of low forests. It became obvious that what happened next was just a delay in the decision...

(Ending to follow)

Annex 145

Gulnara Bekirova, *Red Paradise: Bloody Way Home (Ending)*, Krym.Realii (24 October 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



СТРАНИЦЫ КРЫМСКОЙ ИСТОРИИ

Red Paradise: Bloody Way Home (ending)

October 24, 2016, 13:00

Gulnara Bekirova

Insufficient understanding, and often open disregard by the authorities of Ukraine and Crimea, of the aspirations of the Crimean Tatars returning after a long exile sometimes led to the fact that the so-called “Crimean Tatar issue” was resolved by force. The events in the Red Paradise area near Alushta in July-October 1992 developed dramatically (*[read the beginning of the article here](#)*).

Only after the blood was shed did the negotiation process between the conflicting parties begin. In the process of work, a joint statement of the Alushta City Executive Committee and the Mejlis of the Crimean Tatar people “On the settlement of the situation in the village of Krasny Rai” was developed, where both sides decided to create a conciliation commission, which will include representatives of the City Executive Committee and Crimean Tatars with equal rights.

The main task of the commission was to find and allocate for the Crimean Tatars land plots suitable for the start of construction in a short time. The Alushta City Executive Committee stated in the Statement that all Crimean Tatars included in the picket lists, with the exception of those who already have permanent housing or land in Crimea, will be given legal guarantees to receive land.

“ Why did the "indignant working people", mentioned more than once during the month by the executive committees, show up on the very day when, it seemed, a way out of the situation was outlined?

However, the next day, when work on the text of the Statement was still in progress, the situation around the picket began to escalate again. About 50 residents - state farm workers - blocked the Alushta highway for half an hour, and then some of them went to the city executive committee, and some went to the field to picketers - Crimean Tatars. Why did the "indignant working people", mentioned more than once during the month by the executive committees, show up on the very day when, it seemed, a way out of the situation was outlined? Who organized them this time?

The newspaper "Avdet" at that time wrote: "For the second month, the Crimean Tatars in Alushta live as in the front line: between war and peace, between disappointment and hope. Such a borderline state, on the line of exacerbation of all feelings, would suit an artist, writer, scientist, but certainly not people who finally want to find peace in their native land, under the roof of their own home. But it suits, apparently, Alushta thrill seekers. Therefore, they keep both the local residents and the Crimean Tatars on the field of Red Paradise in constant tension, as if they are waiting for a thin thread of patience to break somewhere and then it will be possible to apply power "with a clear conscience."

By the evening of August 19, 1992, a joint Statement of the Alushta City Executive Committee and the Mejlis of the Crimean Tatar people was signed. The statement "On the Settlement of the Situation in the Krasny Rai Settlement" stated that "as a result of the negotiations held in order to resolve the conflict situation in the area of the Krasny Rai settlement, the Alushta City Executive Committee guarantees that all Crimean Tatars, indicated in the list dated 21.07.92, except for those who already have permanent housing or a land plot in Crimea, after consideration of their documents in the conciliation commission, legal guarantees will be provided (decision of the commission approved by the city executive committee) for the allocation of land plots for individual construction.

It seemed that such a long-awaited decision had been made. But it was not there. On October 1, 1992, at about 9 o'clock in the morning, a unit of the Crimean special-purpose police, on the orders of the Crimean administration, carried out an armed attack on the camp of repatriates located in the open field of the Krasny Rai area.

“ On October 1, 1992, a special-purpose unit of the Crimean police, on the orders of the Crimean administration, carried out an armed attack on the camp of repatriates

Punishers in the amount of about 600 people, dressed in helmets, body armor, equipped with shields and batons, with the help of heavy equipment, using poison gas and hoses, broke into the camp ...

Lilya Budzhurova in the Avdet newspaper described this crime of the authorities as follows: "... And then the beating began, or rather the murder. They beat them on the head, liver and kidneys, beat those who were lying down and lost consciousness, beat young and old people, beat them first near their temporary huts, and then on the road they finished them off. And the workers of the state farm, whom, as the police commander Voevodkin would later say, were "protected" by the special forces from the Tatars, peacefully dismantled, despite the fire and blood, the temporary houses. Then the Crimean Tatars were loaded into buses and taken to the hospital. In a fit of mercy, they were dragged out by the collars and thrown into the hands of the doctors, stunned by the wounds they saw. Hastily bandaged dragged, then into the car and taken away. They left only four, who were scary to look at that day: Tokhtarov Dilyaver with a broken liver; Temeli Abdullah with his back battered with batons and his head broken; Kaneev Ali's face and chest were burned, and in order to say a word, you need to force yourself to open your lips bursting from the fire. Chobanov Died with a face sharpened with pain, looking up with only one eye, instead of the other - a lump of caked blood wrapped in a bandage. What happened to the rest is unknown. Some say they took it to the refrigerator of the winery. Others - to the military camp in Frunzenskoye. Only one thing is known, people are terribly beaten, and they probably need help. For 5 days we did not know anything about their fate. For 5 days, relatives and friends tried to break through the indifferent walls of the Alushta police to see at least one of the 28. They were lied to: there are none in Alushta." instead of another - a lump of caked blood wrapped in a bandage. What happened to the rest is unknown. Some say they took it to the refrigerator of the winery. Others - to the military camp in Frunzenskoye. Only one thing is known, people are terribly beaten, and they probably need help. For 5 days we did not know anything about their fate. For 5 days, relatives and friends tried to break through the indifferent walls of the Alushta police to see at least one of the 28. They were lied to: there are none in Alushta." instead of another - a lump of caked blood wrapped in a bandage. What happened to the rest is unknown. Some say they took it to the refrigerator of the winery. Others - to the military camp in Frunzenskoye. Only one thing is known, people are terribly beaten, and they probably need help. For 5 days we did not know anything about their fate. For 5 days, relatives and friends tried to break through the indifferent walls of the Alushta police to see at least one of the 28. They were lied to: there are none in Alushta."

On October 5, Crimean Tatars held mass protests in Simferopol, accompanied by the blocking of the main roads around the Crimean capital. However, the Crimean authorities did not give instructions on the release of the Crimean Tatars they had taken hostage. Now it became obvious to everyone that the main reason for their concealment from the public was the presence on each of them of terrible traces of severe beatings.

“ Thousands of Crimean Tatars gathered on the square in front of the Supreme Council of Crimea demanding the release of the hostages and punishment of those responsible for the October 1 pogrom

On October 6, thousands of Crimean Tatars gathered in the square in front of the Supreme Council of Crimea with the same demands - to release the hostages and punish those responsible for the October 1 pogrom. The confrontation resulted in an assault on the Supreme Council of Crimea and an open clash with the police forces. And only after the protesters, having moved away from the building of the Supreme Council of Crimea, completely occupied the square in front of the Council of Ministers of Crimea, an order was issued to release the hostages - the Crimean Tatars ... Soon the courageous defenders of the Red Paradise united with their compatriots who were waiting for their heroes on the square ...

The appeal of the Mejlis of the Crimean Tatar people, adopted on the same night, said: “The bloody massacre perpetrated by the Crimean authorities on October 1, 1992 in the village of Krasny Rai over a group of defenseless Crimean Tatars overflowed the patience of hundreds of thousands of people who constantly experience bullying and humiliation from the authorities . On October 5 and 6, 1992, Crimean Tatars held mass protests in Simferopol against arbitrariness. The main goal of these actions was to bring the organizers of the pogrom in the village of Krasny Rai to personal criminal liability and to secure the release of 26 Crimean Tatar hostages.”

The protest actions of the Crimean Tatars were directed exclusively against the arbitrariness of the Crimean authorities in order to force the Crimean authorities to stop the dangerous policy of inciting the inhabitants of the peninsula of different nationalities against each other.

“We are seeking and will continue to seek the restoration of the rights of the Crimean Tatar people only in such forms that do not pose any danger or threat to citizens, no matter what nationality they belong to,” the statement of the representative body of the Crimean Tatars said.

Almost a quarter of a century has passed since then... A few tens of meters from the place where the tragic events took place, the ancient Aziz has been restored, testifying to the inseparability of the deeds of our ancestors and the courage of the current generation of Crimean Tatars, step by step defending the dignity and right of their people to live in their homeland ...

The views expressed in the "Opinion" section convey the point of view of the authors themselves and do not always reflect the position of the editors

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Annex 146

TASS, A Year After the Blackout: How the Energy Blockade Helped to Modernize the Crimean Energy Sector (22 November 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



Nov 22, 2016, 04:15

A year after the blackout: how the energy blockade helped modernize the Crimean energy sector

Print version, full: <https://tass.ru/v-strane/3801467>

A year after the blackout: how the energy blockade helped modernize the Crimean energy sector

On November 22, 2015, Ukraine began the energy blockade of Crimea. But it had the opposite effect - the peninsula was integrated into the Russian energy system at an accelerated pace.



Balaklava during the power blockade, November 28, 2015
© Stanislav Krasilnikov/TASS

Read TASS at [Яндекс Новости](#) [Яндекс Дзен](#)

The energy system of Crimea at the time of its entry into Ukraine has always been in short supply. About 70-80% of electricity came from the mainland (from the Zaporizhzhya TPP, Zaporizhzhya NPP, from the power system of the Mykolaiv region), and four high-voltage lines ensured its supply.

At the end of 2014, Russia and Ukraine signed two contracts, according to which our country assumed obligations to supply electricity to Ukraine in the amount of up to 1,500 MW, and Ukraine to supply Crimea uninterruptedly. But "civil activists" intervened in the matter.

Sabotage and emergency mode: how it was

On November 22, Ukrainian and Crimean Tatar extremists blew up three energy branches in the Kherson region with anti-tank mines, and then interfered with the repair work.

A state of emergency was introduced on the peninsula. Rolling blackouts began, because local power plants could provide a little less than a third of the needs of the peninsula. Industrial enterprises have stopped. Trolleybuses stopped running in the cities. The hardest hit were small settlements, 70% of which were not supplied with gas.

De-energized were the settlements in which lived almost 2 million people. It was the largest emergency in the history of the Crimean peninsula, Sergey Shakhov, head of the Crimean Emergencies Ministry, told TASS. "The operational situation on the peninsula was monitored literally every minute," he said.

All medical institutions with round-the-clock stay of people were connected to backup power sources. The Ministry of Emergency Situations of Russia deployed 39 life support points, in which citizens were provided with medical and psychological assistance, heating and hot food. 2318 autonomous power supply sources, more than 210 thousand tons of fuel were delivered to the peninsula.

When the pillars were blown up in Ukraine, it was a surprise for the city. The headquarters for the elimination of the consequences of emergencies were constantly assigned emergency tasks, which were solved with such enthusiasm that it is even difficult to imagine

Boris Kolesnikov

Deputy of the Legislative Assembly of Sevastopol

The Crimeans also used alternative energy. Back in the "pre-blockade" time, many local residents installed solar panels on their roofs or in their yards. Solar and wind power plants operated on the peninsula. There are as many as seven of the latter in Crimea.

“When the pillars were blown up in Ukraine, it was a surprise for the city,” says Boris Kolesnikov, deputy of the Legislative Assembly of Sevastopol. “Emergency tasks were constantly set before the emergency response headquarters, which were solved with such enthusiasm that it’s hard to even imagine.”

According to him, a variety of issues had to be resolved: food spoiled in supermarkets, people lost their food, there were kilometer-long queues at gas stations. Then, Kolesnikov notes, the governor set a strict requirement for everyone: not to raise prices, since you can’t profit from people.

Prices jumped up except for candles and electric generators - the most popular and sought-after goods in the Crimean cities and towns in those days. For example, the price for one candle reached 60–70 rubles, and a low-power modest generator cost about 30 thousand rubles.

On December 8, the Ministry of Energy of Russia announced the restoration of power supply to all consumers, it was decided to turn off backup sources of power supply. Russia had to speed up the construction of the Crimean energy bridge as much as possible. The first line was put into operation, connecting the Crimea with the Unified Energy System of the South of Russia. On December 2, 2015, Russian President Vladimir Putin flew to Simferopol on purpose to launch the first stage of the energy bridge. Thanks to this, it was possible to fully start the heating season. On December 15, the second line of the first stage of the energy bridge was launched, thanks to which an additional 200 MW began to flow to the peninsula.

Energy bridge from the mainland: what has been done in a year

In the first half of 2016, the second stage of the energy bridge was launched (April 14 - the third line, May 11 - the fourth, final), which brought it to full capacity and finally allowed the Russian authorities to announce the abolition of the state of emergency on the peninsula.

One of the sections of the energy bridge is laid along the bottom of the Kerch Strait. It is located at great depths. The entire territory is guarded by warships. In places where sabotage is possible, divers work. Speaker systems work in such a way that no one can even swim up to the cable

Rostov NPP is used as the main point of connection and power source of the power bridge, the end point is Simferopol. One of the sections is laid along the bottom of the Kerch Strait and is heavily guarded to prevent the possibility of sabotage.

"Physically, it is impossible to blow it up. It is located at great depths. The entire territory is guarded by warships. Divers work in places where sabotage is possible. In general, the acoustic systems work in such a way that no one can even swim," the head of the territorial and structural units for the construction of special facilities of the CIUS South branch Oleg Matsora.

In addition to laying four 220 kV lines of the submarine cable circuit, a new 500 kV substation and a 500 kV transmission line from the Kubanskaya substation to the Taman substation were built to supply the peninsula.

Today, the energy bridge provides 85% of Crimea's electricity needs. The next step is to modernize the energy system of Crimea itself. The last time this was done was in the 1950s. More than 50 billion rubles have now been allocated for these purposes. Two power plants are being built in Simferopol and Sevastopol, in September 2017 one unit will be put into operation at each of them, and the total capacity of the two stations after that will be 470 MW. By 2018, more will be added.

Thus, a powerful infrastructure reserve will be formed on the Crimean peninsula - there will be enough electricity not only for current consumers, but also for new industrial enterprises and social facilities. The integration of the Crimean energy system into the Unified Energy System (UES) of Russia will be completed, according to the plans of the Russian authorities, by January 1, 2017. From now on, it will lose the status of territorially isolated.

A year later, it is safe to say that the blackout has seriously accelerated the acquisition of energy independence by Crimeans, Andrey Kozenko, State Duma deputy from Crimea, believes. According to him, electricity was the last "thread" that allowed Ukraine to manipulate Crimea. "It was a test of strength, and we passed it with dignity," he said in a comment to TASS.

TAGS

[The situation in Crimea](#)

Annex 147

Kherson.life, Kherson Police for a Year Did Not Find Those Responsible for Blowing up Power Lines on the Border with Crimea (17 December 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Kherson.life

Kherson police did not find those responsible for blowing up power lines on the border with Crimea during a year

17 December, 2016

More than a year after the blowing up of a power line pylon in Kherson region, the National Police of Ukraine says that the perpetrators have not been found, and the pre-trial investigation continues. The Investigative Department of the Police in Kherson region reports this in response to an information request from Krym.Realii.

“The Investigation Department of the Main Directorate of the National Police in Kherson region is investigating criminal case No. 12015230140002112, information about which is included in the Unified Register of Pre-trial Investigations on the grounds of a crime under p. 2 of art. 194 of the Criminal Code of Ukraine based on the fact of damage to reinforced concrete pylons supporting high-voltage power lines in the territory of Genichesk , Chaplynka and Kakhovka districts of Kherson region,” the answer says.

Inserted document:

**Investigative Department
of the Main Directorate
of the National Police
in Kherson Region
No. 10164/02/8-2016
12 December, 2016**

**[...] “Krym.Realii”
of the Kyiv Bureau of
Radio Liberty**

Having reviewed the request of 24 November, 2016 on provision of information in the criminal investigation based on the fact of explosion of electric line on the border with the temporary occupied territory of the Republic of Crimea, we are informing about the following.

The Investigative Department of the Main Directorate of the National Police in Khesron region is investigating criminal case No. 12015230140002122, information about which is included in the Unified Register of Pre-Trial Investigations on the grounds of crime under p. 2 of art. 194¹ of the Criminal Code of Ukraine based on the fact of damage of reinforced concrete pylons supporting high-voltage power lines in the territory of Genichensk, Chaplynka and Kakhovka districts of Kherson region.

Persons who committed the crime were not identified based on the conducted investigative (search) activities.

The pre-trial investigation in the criminal case continues.

**Acting Head of the Investigative Department
of the Main Directorate of the National Police
in Khesron region**

[Signed]

M.L. Verbytskyi

As a result of the explosion of power lines in the Kherson region on November 22, 2015, power supply to Crimea was stopped and resumed after the repair of the power line on December 8.

On December 30, 2015, the power line was damaged again. However, after the repair, the line was not put into operation, and electricity is not supplied to Crimea due to the termination of the relevant contract.

The national energy company Ukrenergo spent 1,211,880 UAH for the emergency recovery work of the Kakhovskaya-Titan, Melitopol-Dzhankoy, Kakhovskaya-Ostrovskaya, Kakhovskaya-Dzhankoy overhead lines, which were damaged in November-December 2015 in the Kherson region near the annexed Crimea.

Annex 148

Vadim Nikiforov, *Victims of the Deportation of the Crimean Tatars Are Remembered in Crimea*, Kommersant.ru (18 May 2017)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Society (<https://kommersant.ru/rubric/7>)

05/18/2017, 02:21 PM

Victims of the deportation of the Crimean Tatars are remembered in Crimea

On May 18, mourning events are held in Crimea, timed to coincide with the 73rd anniversary of the deportation of the Crimean Tatars. In the morning prayers were held in the mosques and churches of the peninsula. In the settlements of the republic, local residents and officials laid flowers at the monuments to the victims of deportation. A requiem concert was held at the construction site of the memorial complex at the Lilac railway station in the Bakhchisarai region. He was visited by the head of the Crimea Sergey Aksyonov.

Recall that in May 1944, about 180,000 Crimean Tatars were deported from Crimea to Central Asia on charges of collaborating with the Nazis. Crimean Germans, Bulgarians, Greeks and Armenians were also deported.

After returning to the peninsula in 1989, the Crimean Tatars held a mourning meeting in the center of Simferopol for more than 20 years in a row on May 18. However, since 2015 it has been banned by the local authorities. The day before, about ten Crimean Tatar civil activists (most of them are former members of the Mejlis, which was recognized as an extremist organization and banned in the Russian Federation) received warnings about the inadmissibility of violating the law on meetings, rallies and demonstrations. Unauthorized mass actions in Crimea have not yet been recorded.

Vadim Nikiforov, Simferopol

Annex 149

Editorial Avdet, *School No. 44 Named After Alime Abdennanova Met its First Students*, Avdet (1 September 2017)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



MENU

School No. 44 named after Alime Abdennanova met its first students (PHOTO)

09/01/2017 10:11



Secondary school No. 44 on September 1, 2017 for the first time opened its doors to students of Borchokrak (Fontany) and Ak-Mechet microdistricts.

Recall that its construction began in 1993, 24 years ago. Today it is called "the school of five presidents."

In terms of its equipment, the school is one of the best in the Crimea.

As **Avdet** reported , the [school](#) has 2 gyms, language labs for 24 and 16 seats. All classes are equipped with interactive whiteboards and teacher computers, a large assembly hall with a Smart board with four corner cameras. Stadium with artificial turf, anti-traumatic rubber coating of outdoor sports areas. There is an elevator and a ramp for the disabled.

In the future, the school is expected to open 33 classes (currently 29), in which about 830 students will study (currently 760).

The number of classes by occupancy: 1st - six, 5th - four, 2-4, 6, 7 - three each, 8 and 9 two, 10 - one class.

The percentage of students of Crimean Tatar nationality is about 94-95%. But Russian-speaking students are ready to master our native language with pleasure.

In the first two grades A and B, as well as 2-A, 3-A, 4-A, lessons will be taught in the Crimean Tatar language. In other classes, the Crimean Tatar language will be taught as a subject. Lessons will be conducted according to specially issued textbooks.

The color of the uniform was unanimously chosen by the parents: gray. The following types of clothing for students were also installed:

1. ceremonial clothes;
2. casual wear;
3. sportswear.

formal wear

Girls:

- **grades 1-7:** white shirt, pleated skirt, gray vest, tie;
- **8-11 grades:** white dress shirt, gray skirt and vest;
- **national grades 1-4:** a blue fez is added to the uniform.

Boys:

- grades 1-10: white shirt, gray trousers and vest, tie;
- national grades 1-4: a blue tie is added to the uniform.

Casual wear

Girls:

- **Grades 1-7:** turquoise chevron knitted polo shirt, gray plaid skirt;
- **Grades 8-9:** turquoise knitted polo shirt with chevron, gray skirt.
- **10-11 grades:** white shirt, skirt and gray vest.

Boys:

- **Grades 1-9:** knitted shirt - turquoise polo with chevron, gray trousers.
- **10-11 grades:** gray suit, white shirt, classic plain tie.

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Annex 150

Krym.Realii, *Khan's Palace: Restoration or Destruction?* (28 December 2017)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



ТЕМЫ ДНЯ

Khan's Palace: Restoration or Destruction?

December 28, 2017, 11:10

Crimean activists are outraged by the progress of the restoration of the Khan's Palace in Bakhchisarai. The former head of the Bakhchisarai Historical and Cultural Reserve calls the restoration work the destruction of the national heritage.

The Khan's Palace in Bakhchisarai is a unique architectural monument of the 16th century, the only example of the Crimean Tatar palace architecture in the world. The Khan's Palace has a main building with the Khan's office, an official reception hall, a harem, two mosques, a mufti's house, towers, courtyards, gardens, and fountains. "Here the Muslim representation of paradise on earth is embodied," guides like to repeat.

But now no one is allowed to enter the territory of the ancient mosque - allegedly, reconstruction is underway. Its beauty is hidden by scaffolding.

Crimean activists took a photo of how the reconstruction is taking place on the territory of the Bakhchisaray historical and cultural reserve in the Khan's Palace. The photographs show that the structural elements of the historical building were dismantled and destroyed. The beams, which are 300 years old, have been sawn, although the sections show that they are intact - not even an old nail has rusted.

- The beams were destroyed - some were cut, some were taken away. We will not restore them, although they are an object of cultural heritage, they had to be preserved. And, according to UkrNIrestavratsiya, it was necessary to replace only four beams, and they replaced 100 percent. It's already irreparable. We will never again see the Khan's Palace the way you still see it," says Crimean Tatar activist Edem Dudakov. He calls these works "vandalism".

RESTORATION WITHOUT... RESTORERS

The restoration project was prepared by the Kiramet company from Simferopol, the general contractor is the Moscow-based Atta-group. Before that, they did not engage in restoration. At the same time, the project is classified.

“Work is underway on some project that is not made public. It is enough to look at the composition of the project team - there are no restoration specialists there,” says the former head of the restoration committee of the Department for the Protection of Cultural Heritage of Ukraine Yakov Dikhtyar.

“ It is enough to look at the composition of the design team - there are no restoration specialists there.

The restorers are planning to replace the old tiles with modern ones - Spanish, stylized as antique ones.

“We have samples of tiles that will be laid on the roof of a large khan's mosque,” Vadim Martynyuk, director of the Bakhchisaray Historical and Cultural Reserve, demonstrated the samples to local journalists.

Experts say: this is a deliberate destruction of authenticity. This should not be allowed, and every tile that is missing must be made by hand, according to ancient technology. “It is not a problem to organize and manufacture several dozen, several thousand tiles on the model of a Tatar woman! There are companies in Turkey that specialize in the manufacture of historical roof tiles,” points out Yakov Dikhtyar.

The Bakhchisaray Palace did not manage to get into the list of UNESCO World Heritage Sites. Before the annexation of Crimea, it was only being prepared for submission to the main list. But if modern tiles are used for its restoration, it will lose this chance.

“Destruction under the guise of restoration”: Ukraine fears that the Khan’s Palace in Crimea will be destroyed

DESTRUCTION OF WALLS AND murals

The photo from the reconstruction shows that pieces of the 16th-century walls have been broken off under the roof of the mosque, and ancient stones are scattered like garbage, says Elmira Ablyalimova, former head of the Bakhchisaray Historical and Cultural Reserve.

“In the photo, the backing from the walls is just lying around. The main rule of restoration is not to harm the monument, the restoration of such objects must be carried out very carefully. What we are seeing now is a crime,” says Ablyalimova.

According to the restoration rules, the workers had to make protective frames for the tombstones, which stand right next to the walls of the Great Khan's Mosque. But they were only covered with cellophane. The calligraphic wall paintings of the temple, made in the 18th century, were no longer protected from damage, they are no longer a reconstruction, but a new construction, activists point out.

“It should be made of wood, and not of concrete, as they are trying to do anew now, and reinforce everything. If they are going to strengthen the walls, and there is such a technology, then there are special structures for this - lanyards are installed and tied, but not in the way they did. This suggests that we are getting a new building,” said Dudakov, a Crimean activist.

Contracting firms do not respond to requests from Crimeans. At the same time, the Spiritual Administration of Muslims of Crimea oversees the work in Crimea, which approves the reconstruction.

“We hope that it will continue to exist for a long time, and all the people, and all the peoples of Russia, will come to us and marvel at these riches. Month a month, probably two or three times, there is control from the side of the Spiritual Directorate. And what is said today is collapsing - this is politics already, it does not concern us,” Emirali Ablaev, Mufti of the Spiritual Administration of Muslims of Crimea, said in the local media.

CANOPY OVER THE PALACE - SALVATION OR A THREAT?

Around the main building of the palace, Russian workers are erecting a heavy metal frame, and they plan to cover it with a canopy on top. It must stand for five years while the reconstruction continues. Experts fear that the soil can proset under the weight of the structure. The restorers, who have been working on the palace for 15 years, have registered a petition asking them to stop construction.

“The construction of the canopy weighing 1,080 tons stands on 6 supports close to the walls of the monument, the bearing area of each support is 16 square meters. When installing a canopy, the existing landscaping of the Basin, Harem and Embassy courtyards will be destroyed, and the drainage system from the palace territory will be disturbed. At the same time, such a construction will not protect the building from moisture and frost,” the activists point out.

APPEAL TO UNESCO

According to Ablyalimova, these works not only destroy the monument of architecture, but also kill the Crimean Tatar heritage.

“ I'm afraid that the question is not just about the destruction of this object, but much more broadly. It is very important to make every effort and stop the work, just stop it.

“This is a crime, this is the destruction of cultural heritage, this is the destruction, the erasure of national memory. I'm afraid that the question is not just about the destruction of this object, but much more broadly. It is very important to make every effort and stop the work, just stop it. It is very important to draw the attention of international organizations to this,” says the former head of the Bakhchisaray Historical and Cultural Reserve.

Ukraine appealed to UNESCO with a request to influence the Russians and stop work on the territory of the Bakhchisarai Khan's Palace. After all, such an activity can simply destroy him.

Material of the Crimean edition of RFE/RL - the site "Krym.Realii".

Annex 151

Movement News Simferopol, *Collecting the Column on May 9, 2018*
(19 April 2018)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

MOVEMENT NEWS SIMFEROPOL

Collecting the column on May 9, 2018

04/19/2018

Dear residents of Simferopol!

Phone "hot" line Immortal Regiment (Simferopol)

+7 (978) 729 87 38

Do not forget to leave information about your family hero on the Polk website.

The procession of the Immortal Regiment in Simferopol will take place on May 9 at 11:00.

The formation of the column begins at 08:45 on Sevastopolskaya Street, from the building of the Council of Ministers of Crimea (the intersection of Chekhov Street to Kozlov Street).

Column route: st. Chekhov - st. Kirov - st. Karl Marx - st. Pavlenko - Gagarin Park, Eternal Flame.

MOVEMENT NEWS SIMFEROPOL

SHARE THE PAGE



Annex 152

Ivan Zhilin, *Trample Other People's Bonds*, New Newspaper
(5 July 2018)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

REPORTING SOCIETY

Trample other people's bonds

Crimean Tatar culture in Crimea: language is being forced out of schools, monuments are being replaced with props, and patrons are thrown into jail

This article was published in issue 71 of July 6, 2018

READ NUMBER

21:58, July 5, 2018 · Ivan Zhilin, special correspondent

5556

The persecution of the Crimean Tatars in their historical homeland has already become a sad routine. Detentions of activists occur monthly, if not weekly, the representative body of the Crimean Tatars - the Mejlis - was recognized by the court as extremist and banned in the Russian Federation. But this is politics. Culture, it would seem, should live its own life. But - only it would seem.

Forget your native language

Until 2014, there were 14 schools and 384 classes in Crimea with the Crimean Tatar language of instruction. 5551 schoolchildren studied there. After the arrival of Russia, the number of Crimean Tatar classes began to gradually decrease, and today there are 348 of them.

According to the teacher Emine Avamileva, parents who want to send their child to a class with the Crimean Tatar language of instruction are being forced by “soft power” to abandon this idea.

“The school management usually explains that it is impossible to form a class due to a lack of teachers,” says Avamileva. Although this is not always true. At the same time, the idea is broadcast that the Crimean Tatar language, although it is one of the state languages in Crimea, is not in great demand on the territory of Russia. After such persuasion, most parents send their children to Russian-speaking classes. The rest are told that, alas, there are too few of them to form a class.

The existence of such a practice was confirmed to Novaya Gazeta in several

schools in Crimea.

“Last year, at a school in the village of Rodnikovo, Simferopol District, head teacher Natalya Petraitis explained to the parents of future first-graders that they should not apply for the education of children in the Crimean Tatar class, because the Russian language is too difficult a subject. She said so: “It’s one thing when children study Russian 6 hours a week, and another thing is when 2 out of these 6 hours are “taken away” to learn Crimean Tatar,” one of the parents said. “After we nevertheless decided that we needed the Crimean Tatar class, and brought the relevant applications, we were asked to wait. The school management explained that first it must form a class, and then parents can carry applications. But in fact, the class cannot be formed without the statements of the parents. Therefore, the matter never moved forward.

However, there are also cases when parents managed to obtain for their children the right to study in Crimean Tatar.

“In the Sovietsky district of Crimea in the village of Ilyichevo, parents of first-graders literally overwhelmed the Ministry of Education and the prosecutor’s office with complaints about the refusal to open a Crimean Tatar class,” one of the Crimean Tatar activists told Novaya Gazeta. - The prosecutor's office eventually sided with the parent council, and from the second half of the year a class with instruction in the national language was opened.

The problem of linguistic inequality in Crimea was raised in September last year in the report of the Office of the UN High Commissioner for Human Rights. The report stated that education in the Crimean Tatar language in Crimea is preserved "only thanks to the high self-consciousness of the Crimean Tatars."

Palaces and mosques: from restoration to demolition

The main object of the cultural heritage of the Crimean Tatars is the Khan's Palace in Bakhchisarai. In 1821–1823, while in southern exile, Alexander Pushkin sang of him in his poem “The Fountain of Bakhchisaray”: “Still bliss breathes / In empty chambers and gardens; / Waters play, roses bloom, / And vines twist, / And gold shines on the walls. Today, controversy flares up around the Khan's Palace because of the restoration that has begun in it, during which a number of historical components are planned to be replaced.

“The tile of the 18th century has already been removed from the Great Khan Mosque, the beam system has been violated,” says the former head of the Crimean Committee for the Affairs of Deported Peoples, Edem Dudakov. — Instead of solid beech and oak beams, OSB beams are used.

Instead of "Tatar" - tiles, which were made by hand, mass-produced tiles were purchased, they will install them on screws! In addition, after the opening of the roof, the Great Khan Mosque stood for some time not closed, without a canopy. And work began in September, during the rainy season. And the rain completely washed away the paintings of the Iranian master Omer on the western facade. I would say that as a result of such a restoration, the Khan's Palace will lose, if not already lost, its historical value.

In the Crimean Tatar segment of social networks, the restoration of the Khan's Palace is assessed unambiguously negatively. The director of the Bakhchisarai Museum-Reserve Vadim Martynyuk does not agree with this negative.

- With the "Tatar" I have already eaten all the baldness, - he says. — This tile was made by handicraft method. It is not being produced now. We ordered the most expensive Spanish tiles. The colors were chosen so that the differences from the "Tatar" were invisible. As for the allegedly damaged murals, I don't know where this information comes from. I assure you that it is not true. We send weekly photo reports to four controlling authorities, including the Crimean Muftiate. If we spoil this monument, the prison is waiting for me.

According to Martyniuk, the Khan's Palace is not in the best condition: the roof is leaking in 24 places, part of the walls need to be strengthened.

- Under Ukraine, only temporary measures were taken: they covered the crack - and that's it. Now there is money for a complete renovation.

Much worse than the Khan's Palace, the Crimean mosques have. In early June, the pro-Russian Crimean Tatar party Milli Firka published a lightning bolt: "In the Muslim holy month of Ramadan, a mosque was demolished in Crimea." It was about the Ar-Rahman mosque in Simferopol.



Ar-Rahman Mosque. Frame youtube.com

“This mosque was built at the expense of the people,” says activist Rinat Shaimardanov. — The walls, the roof and the minaret were already fully prepared. All that was left was the interior. The mosque was demolished by the Akura construction company (*close to the head of the Crimea, Sergei Aksenov. - I.Zh.*), which plans to build the Crimean Rose residential complex in its place.

Due to the construction of the Crimean Rose, the three-story Aishe Mosque may also go under the ladle. Akura director Valery Semenenko said this earlier: “Now we see that the building has a height of more than ten meters. The necessary examinations of this object were not carried out. And you can’t say how safe it is for operation and for the people who go there.”

In the Spiritual Administration of Muslims of Crimea, Novaya Gazeta, however, stated that they had held negotiations with the developer, at which it was decided to keep the mosque. “We do not know anything about further statements by Mr. Semenenko,” says Zera Emirsuin, a spokeswoman for the Spiritual Directorate. - In any case, the possible non-compliance of the mosque building with some building codes, fire safety standards, etc. should not be a reason for its demolition. Surely there are other ways.”

Rotten Tomatoes for a Patron

On April 26, businessman Resul Velilyaev was detained in Belogorsk. The media reported that he was suspected of storing expired products: sweets

<https://novayagazeta.ru/articles/2018/07/06/77064-zatoptat-chuzhie-skrepy>

and tomatoes in the warehouses of the Guzel chain of stores. Allegedly, Velilyaev planned to sell them under the guise of fresh ones. Immediately after the arrest, the businessman was taken to Moscow and placed in the Lefortovo pre-trial detention center. He himself did not admit guilt.

The detention of Velilyaev stirred up the Crimean Tatars. The fact is that the businessman is known as the largest Crimean Tatar philanthropist.

- He built a mosque in Belogorsk with his own money, the largest in the Crimea. He supported scientists, writers, artists,” says Elzara Islyamova, a member of the Board of Trustees of the Bizim Balalar (Our Children) charitable organization. - For those children from Belogorsk who entered universities on the budget, he paid additional scholarships. He sponsored the filming of the Crimean Tatar children's fairy tale film Khydyr-dede. In general, we all knew: if you need money for a project, you can safely turn to Resul Velilyaev, and he will never refuse.

According to Crimean Tatar activist Nariman Dzhelal, the reason for Velilyaev's detention remains unclear.

“If it was just about rotten tomatoes, then no one would have taken him immediately after his arrest on a special flight to Lefortovo,” says Dzhelal. - Under Ukraine, Velilyaev was involved in politics, but not under Russia. Of course, he did not show undisguised loyalty to the authorities, but he was not a public oppositionist either. Assuming that someone laid eyes on his business, maybe. But so far, as far as I know, the business remains under the control of Resul's relatives. Velilyaev is primarily known as a philanthropist, a person who has done a lot for the Crimean Tatar culture. And in this direction, the blow has certainly been dealt.

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Annex 153

Taurica.net, Qurultai of Muslims of Crimea Will Take Place on October 27
(2 August 2018)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Kurultai of the Muslims of Crimea will take place on October 27

August 2, 2018

The date of October 27, 2018 for holding the VI Kurultai of the Muslims of Crimea, to hear reports and elect officials, was unanimously approved by decision of the Council of the Spiritual Administration of the Muslims of Crimea and Sevastopol. This is reported by the press service of the Centralized Religious Organization Spiritual Administration of Crimea, writes the Crimean News Agency.

Items related to holding the VI Kurultai of the Muslims of Crimea were approved at a meeting of the Council of Representatives of Local Muslim Religious Organizations in the capital of Crimea. It is emphasized that the Regulation on the election of delegates of the VI Kurultai of the Muslims of Crimea and the Regulation on the organizational committee of the Kurultai were approved.

As part of the Regulation on the election of Kurultai delegates, local religious organizations were recommended to prepare lists of delegates from districts and settlements by September 4. At the same time, religious organizations that are in the registration stage have the right to delegate an imam and a mullah, who conducts worship and religious ceremonies in a settlement.

It is reported that representatives of the diasporas of the Crimean Tatar people plan to participate in the VI Kurultai of the Muslims of Crimea.

IA " Crimean News Agency"

Annex 154

RIA Novosti, *Kurultai of Crimea Asked to Transfer the Property of the “Mejlis” to the SAMK* (27 October 2018)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



14:41 27.10.2018 11008

Kurultai of Crimea asked to transfer the property of the "Mejlis" to the SAMK*



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Read ria.ru in

SIMFEROPOL, October 27 - RIA Novosti. The kurultai (general meeting) of Crimean Muslims will appeal to the authorities of the republic with a request to transfer property belonging to the Crimean fund on the peninsula to the Spiritual Administration of Muslims of Crimea (DUMK), Raim Gafarov, a participant in the congress, imam of the Simferopol region, told RIA Novosti.

Earlier, Russian State Duma deputy Ruslan Balbek said that the kurultai of the Crimean Tatars may decide to nationalize and transfer the property of the Crimea fund, the founder of which is the former head of the Mejlis of the Crimean Tatar people banned in Russia,* Mustafa Dzhemilev, to the ownership of the Spiritual Administration of Muslims of Crimea.

"The decision was made by the kurultai, with a request to the authorities to transfer the rights (to this property. - Ed.) to the Spiritual Administration of Muslims of Crimea. The decision says that this property is considered as the property of the Crimean Tatar people," Gafarov told RIA Novosti.

Gafarov did not specify what kind of property in question.

According to State Duma deputy Ruslan Balbek, the list of property that can be transferred to the SAMK includes apartments, premises equipped for a medical clinic, as well as a building in the center of Simferopol, where the leadership of the Mejlis was located until 2014*. Previously, it was planned to house the Crimean Tatar Museum in it, but the building has been sealed for several years.

Deputy Mufti of Crimea Ayder Ismailov said in a commentary to journalists that by decision of the Kurultai of the DUMK, a building in Simferopol on Schmidt Street, where the Mejlis* leadership was previously located, as well as real estate in the village of Pionerskoye, where a hospital was supposed to be opened, as well as several other objects.

"This building (in Simferopol. - Ed.) was purchased with charitable funds, it belongs to the people. It is not the property of any person. The Kurultai decided that the SAMK should take over this property," Ismailov said.

He noted that in the future, the legal registration of the change of ownership will take place in consultation with the Crimean authorities. He added that it is planned to house a museum of Crimean Tatar culture in the former building of the Mejlis* in Simferopol.

**Extremist organization banned in Russia.*

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Annex 155

Tatiana Ivanovich, *Khan's Barbaric "Restoration," From the Palace to the Barn*, QHA (7 December 2018)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Barbaric "restoration" of Khan: from the palace to the barn

qirim.news / po-polochkam-uk / varvarska-restavratsiya-hanskogo-vid-palatsu-do-sarayu /

Tatiana Ivanovich

December 7, 2018

News



Tatiana Ivanovich QHA



07 December 2018, 13:01



Tatiana Ivanovich QHA



07 December 2018, 13:01

Under the guise of restoration, the Russian occupation authorities continue to destroy the world's only monument of Crimean Tatar palace art - the Khan's Palace in Bakhchisarai. This is not the first time that Russia has destroyed Khan Sarai. Historians recall that the "modernization" prepared in 1783 by Prince Gregory Potemkin before the visit of Catherine II caused great damage to the buildings of the complex. This happened after Catherine II

signed a decree on the "inclusion" of Crimea in the Russian Empire. Almost two hundred and thirty years later, after the Russian annexation of Crimea, the Khan's palace is under construction again. According to the words, the occupying power calls them "restoration", according to documents they pass as "urgent anti-accident works", and historians and restorers speak in one voice about the destruction and destruction of the monument,

Emergency "restoration" is involved in politics

If the Khan's palace needed restoration, it was not so immediate and not so barbaric. The current work on the Khan's Palace has a predominantly political basis, Ukrainian and international experts say.

- The Bakhchisaray ensemble is the only witness in the world to the statehood of the Crimean Tatars as a nation, as a people. The loss of this monument is equivalent to the loss of the nation's genetic code, and such a thing cannot be allowed under any circumstances, says **Anatoliy Antonyuk**, national coordinator of the International Center for Research, Preservation and Restoration of Cultural Property (ICCROM) in Ukraine .

By starting work on the Khan's barn, the Crimean "authorities" also tried to attract Crimean Tatars who were disloyal to them, demonstrating their concern for their historical past. Delegate Kurultay, a member of the Crimean government in 2009-2012, an active defender of the Khan's Palace **Edem Dudakov** suggests that Russia hastened to reverse the restoration work for the Russian presidential election, which took place this spring to attract Crimean Tatars to the polls. However, it did so in such a way that it had only the opposite effect - the Crimean Tatars not only massively ignored Putin's illegal elections in Crimea, but also received the most negative impressions from the ostentatious restoration.

I am a former citizen of the USSR, I was in deportation, I know all the propaganda methods used by the Soviet Union. The same thing is happening now. Nothing changed. This is a classic propaganda trick - before the election to show the people who do not go to the polls that, you see, the state seems to be worried about you. In fact, they had the opposite effect, - says Dudakov.





Photo-fixation of the roof of the Great Khan's Mosque in 2015. According to Edem Dudakov, the roof was in satisfactory condition.

Currently, work in Bakhchisarai, which lasted more than a year and a half, has been suspended. The contractor company has changed - instead of Kiramet and ATTA Group, it will develop research and design documentation and conduct the work of Meander LLC.

However, Ukrainian historians suggest that this will not lead to positive changes in the restoration work. Crimean historian **Oleksiy Motov** notes that although Meander has a license for restoration work, the company already has a rather negative background not only in Crimea but also in Russia.

Meander has already had a negative impact when it acted as a general contractor and accepted work at the Khan Uzbek mosque in the Old Crimea. There, on the masonry of the XVI-XVII centuries, this company laid a plaster plastic mesh, and cemented the top with cement mortar. There are many questions about them, including in the Russian Federation regarding their restoration work in St. Petersburg.

At the same time, Motov adds that from a purely construction point of view, the company was positive during the work on the Swallow's Nest. However, those works did not require any professional restoration qualities, it was necessary to strengthen the rock itself, on which the castle is located, so that it does not slip into the sea.

Spanish "nun" against the Crimean "Tatar"



Old beams were just sawn into firewood

Experts state that the Khan's Palace, which did not manage to get on the UNESCO list due to the annexation, has already partially lost the grounds for inclusion in it.

Now Russian companies are turning the Khan-Saray Palace into a "barn" in a purely Russian, worst sense of the word.

- The main thing missing in the Khan's Palace is the philosophy of restoration and preservation of authenticity. The philosophy of the restoration is to pass on to future generations the technology used by ancient masters. What they are doing in the Khan's barn has nothing to do with the restoration, because the restoration is the preservation of technology and the preservation of maximum materials , - said the defender of the Khan's Palace Edem Dudakov.

The complex as a whole is being destroyed, its individual objects are being destroyed. According to experts, the Great Khan's Mosque (Biyuk Khan Jami - one of the oldest buildings in the Khan's Palace, built in 1532 during the reign of Khan Sahib I Hero, a prominent figure in the history of Crimea) was almost destroyed by restoration.

Work on it was carried out in winter, although restoration is usually not carried out in winter. The work site was not properly arranged and protected from the weather, the necessary protective cover was not made. When the roof of the mosque was removed, its interiors began to be flooded with rain and covered with snow, as the protective film was made in such a way that it did not protect against anything. Moisture got into the ceiling and floor of the prayer hall. For several months, the Mihrab (place for the imam), as well as the paintings on the south and west facades of the building, made by Master Omer in the 18th century, remained virtually open. After the roof was removed, the archaic beams were dismantled with the help of heavy construction equipment, they were not restored, but replaced with new ones. And the loss of beams experts record as irreversible.

Unfortunately, we will not be able to return such elements of cultural heritage as the roof and beams of the mosque, because they have already been sawn, - says Edem Dudakov.

Posted by [Edem Dudakov](#) Saturday, December 1, 2018

After removing the authentic roof of the mosque, dismantling the so-called "Tatar" -

handmade tiles, "restorers" instead partially made the roof of modern Spanish tiles. Instead of the traditional technique of restoration works, modern construction methods were used - poured concrete and reinforcement, modern construction solutions and mixtures were used.

Edem Dudakov says that the replacement of the old tile with a modern stylized forgery was designed in advance.

- The project clearly stated that this cultural heritage site will have a modern Spanish tile "Monk and Nun". This is nonsense when a project destroys an element of cultural heritage. And handmade tiles are an element of cultural heritage, it was protected by the laws of both the Soviet Union and Ukraine. And even the current laws that Russia brought there.

Historian **Oleksiy Motov** emphasizes that the loss of authenticity of a building or an element of an ensemble leads to the loss of authenticity of the entire historical complex.

- If we lose one thing, we lose the complex, we lose the ensemble, we lose the authenticity of the palace as a whole. I saw Biyuk Khan Jami already under a new roof and at the same time with floating paints painted around the windows, with a destructed layer of plaster under the roof - it no longer fits into the complex.

Former director of the museum complex **Elmira Ablyalimova** said that they received an act of inspection of dismantling works, which are written off as "non-historical value" part of the tile, and rubble masonry is considered a "stone trifle." Among the signatories of this act was not a single scientist, employee, restorer, representative of the fund accounting department. Instead of handing it over to the museum, some "trifle" was simply taken to a landfill.

Oleksiy Motov says that elements of modern infrastructure or buildings have started to appear around historical monuments, which also destroy the complex historical appearance of monuments. For example, in Bakhchisarai, a pipeline of an external gas pipeline was built, which sharply disagrees with the construction of two or three hundred years ago.

Unfortunately, the same Bakhchisarai, its authentic appearance with those vertical poplars on the background of minarets, it is already lost. Poplars have already been cut down, they are no longer in Bakhchisarai, they are almost gone in the old city. And the air pipeline was thrown over the old city. Imagine a picture - a yellow pipe with a diameter of 15-20 cm goes on the facades of buildings of the XVIII-XIX centuries.

Architectural monument with signs of modern renovation, against the background of gas pipelines loses its historical value in the eyes of experts and the chance to get on the UNESCO list. Now the Khan's Palace is working on the main building, the harem building, the Durbe tomb, but Alexei Motov notes that the barbaric restoration has already caused a chain reaction of unpredictable destruction in the Khan's Palace.

- We may lose the Khan's Palace in general, not even as a UNESCO site, but in general. Now there, after all the "restorations", the subsidence of the ground under the palace begins, there are cracks in the administrative building.

The nonsense is that at the stage of the project "Priority emergency work" bypassing the procedure of comprehensive state examination, the contractor received a positive opinion on the exclusion of the cultural heritage "TATARKA TILES" from the cultural heritage site Buyuk Khan Jami. The customer - "Committee for the Protection of Cultural Heritage of the Republic of Kazakhstan", agreed to replace the cultural heritage object with Spanish factory-made tiles, despite the fact that according to their own order №116 from 13.06.2017 "Tatar tiles" on Khan Jami are protected by law. . Let's talk about TATARKA again, while she is safe

Posted by Edem Dudakov on Monday, February 19, 2018

However, the Khan's Palace is not limited to all the losses that Ukraine has suffered since the Russian occupation of Crimea, and may still suffer. Historians say that most of the outstanding cultural heritage sites in the Crimea, one way or another were included in the so-called Federal Target Program of the Russian Federation, and for work on them was allocated 3 million rubles. These include the Uzbek Mosque in the Old Crimea, the building of the Art Museum in Simferopol, etc. Given the "restoration" that is taking place at the Khan's Palace, historians see these buildings as a threat rather than a benefit. And not without reason. For example, the building of the Art Museum in Simferopol, the former building of the Officers' Assembly of the 51st Cavalry Regiment, has already lost its authentic balconies: they were cut down along with ancient stucco.

Stop Russia...



Palace for "restoration"

The "restoration" of the Khan's Palace should be completed by 2020. Activists, experts, representatives of Crimean Tatar organizations, the Ukrainian side, the public are trying to prevent the final destruction of the historic buildings of the complex. But the set of tools to influence Russia is small - mostly now everything is limited to public statements, attempts to draw attention to the problem of the international historical and cultural community.

Former director of the Bakhchisaray Cultural Reserve Elvira Ablyalimov has been trying to stop the barbaric restoration in court for more than six months. However, Crimean and Russian courts are skillfully resolving lawsuits.

"There is a vicious circle in which Moscow courts demand documents from the Crimea, but in the Crimea these documents are not issued," - says lawyer Nikolai Polozov.

Attempts to sue will continue, although in general Polozov admits that defending the Khan's barn, stopping its barbaric restoration through Russian courts is almost impossible. However, as well as through international ones, Russia will block such proceedings at home and in Crimea, and will ignore the decisions of international courts. In the same way, Russia ignores and will continue to ignore the appeals of Ukraine and the international community. Polozov agrees with Crimean historians that the maximum that can be done so far is to record.



The material was prepared with the support of the Ministry of Information Policy of Ukraine

Annex 156

RIA Novosti, *In Crimea, Turkey Was Warned Not to Support the Mejlis* (16 December 2018)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



17:03 12/16/2018 31797

Crimea warns Turkey against supporting Mejlis*



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SIMFEROPOL, December 16 - RIA Novosti . Support by the Turkish leadership of representatives of the recognized extremist organization "Mejlis of the Crimean Tatar people" * banned in Russia is a dangerous anti-Russian move, said Georgy Muradov, Deputy Prime Minister of the Government of Crimea, Permanent Representative of the Republic under the President of Russia.

Earlier, Ukrainian media reported on the meeting of one of the leaders of the Mejlis * Mustafa Dzhemilev with Turkish Foreign Minister Mevlut Cavusoglu, at which the parties "discussed the latest acts of aggression by the Russian Federation and the latest detentions of Crimean Tatars."

"I would characterize support for extremist forces that question Russia's sovereignty and territorial integrity as a dangerous anti-Russian move," Muradov told RIA Novosti.

He recalled that when in history representatives of the Turkish pro-government elite questioned the territorial integrity of Russia, this always led to negative consequences and ended badly, primarily for Turkey.

"I would not like this experience to be lost in history. History is a teacher and our indicator of behavior for the future," he stressed.

Muradov also noted that the so-called Mejlis does not exist even legally.



"I would like to remind you that there is no such organization as the Mejlis for a long time. The Crimean Tatars held a kurultai (congress), at which they elected a new governing body - the shura (council) headed by the spiritual leader Mufti Emirali Ablaev, so citizen Dzhemilev is an impostor and is holding hostile extremist activity against all Crimeans, including against the Crimean Tatars," the Deputy Prime Minister stressed.

**Extremist organization banned in Russia.*



Popular comments

The duplicity of the Turkish rulers will hiccup us more than once, no one ever knows what to expect from them at any moment.

December 16, 2018, 17:55

15



vovan buyvolov

All comments

Annex 157

Portal Big Yalta, *Museum of Lesya Ukrainka in Yalta*
(24 July 2019)

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Museum of Lesya Ukrainka in Yalta

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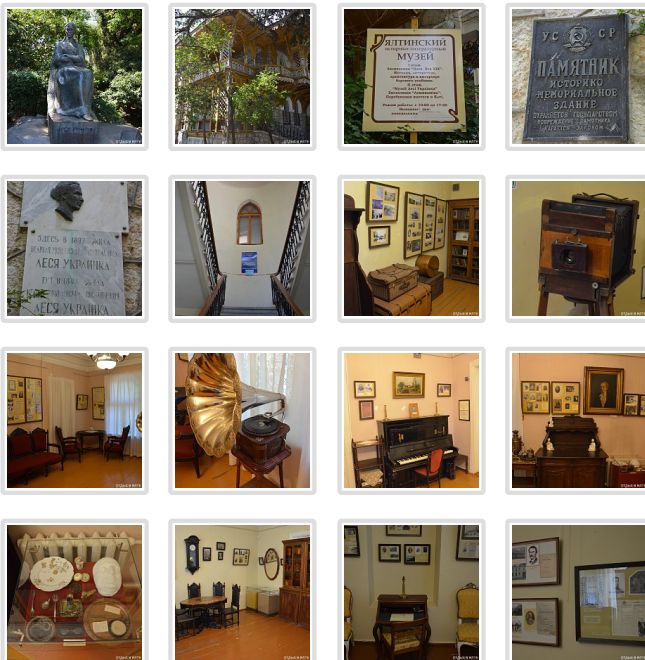
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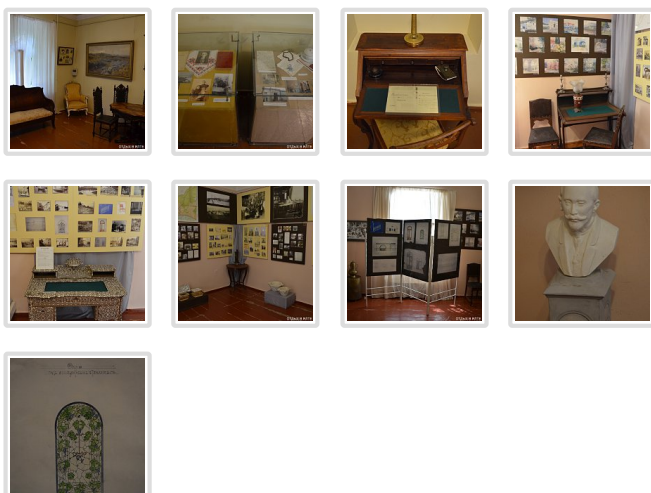


Photo album: [*Historical and Literary Museum*](#)

This literary-memorial museum complex is located in Yalta itself. It is located on the second floor of the former manor house, which then became one of the so-called apartment houses of E. F. Lishchinskaya - a local rich merchant. A very young poetess stayed in it during her first visit to Yalta - in 1897. To the centenary of the birth of Lesya Ukrainka (in 1971), a monument in her honor was erected next to the building of the mansion. The official opening of the museum took place on February 25, 1991 - it was timed to the 120th anniversary of the birth of the Ukrainian outstanding poetess.

As you know, Lesya Ukrainka suffered from a serious ailment - a severe type of bone rheumatism. Therefore, she visited the Crimea many times, where she was treated and rested in Yalta, Balaklava, Evpatoria, etc. In total, Lesya lived for three years on the Crimean peninsula. And they were very fruitful in creative terms.

Here are just some of the "Crimean pearls" of the creative heritage of the talented poetess: "Iphigenia in Taurida" (dramatic poem), the story "Over the Sea", "Crimean Echoes" (a cycle of poems). While in the Crimea, the poetess also worked on translations from English into Ukrainian of Shakespeare's Macbeth and Byron's Cain. In addition to her native and English, Lesya was fluent in eight other languages.

The Museum of Lesya Ukrainka has several expositions. Almost all of them are dedicated to her life and work. Everyone can get acquainted with the lifetime editions of the works of the poetess, the preserved photo archive, correspondence, etc. In addition, the museum complex has an exhibition hall with national Ukrainian costumes, household items of that era, etc. The halls of the museum are furnished and decorated in the style of the late XIX - early TWENTIETH centuries.

Over the past few years, the Lesya Ukrainka Museum itself has been closed, as it is written at the entrance "for technical reasons". A small exposition of the poetess has been moved to the Yalta Historical and Literary Museum, which is located on the first floor of the same building.

MUSEUM OF LESYA UKRAINKA IN YALTA ON THE MAP

[POINT ON THE MAP ↑](#)

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Annex 158

Andriy Gevko, *“State Crimean Tatar Language in Crimea - Imitation”: Problems of the Language of the Indigenous People on the Peninsula and the Mainland*, Krym.Realii (19 January 2020)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



SOCIETY

"State Crimean Tatar in Crimea - imitation": problems of the language of the indigenous people on the peninsula and the mainland

January 19, 2020, 8:30 p.m.

Andriy Gevko

The UNESCO Atlas of Endangered Languages includes the Crimean Tatar language, among others. Meanwhile, after 2014, Russian authorities on the peninsula minimized the number of hours of Crimean Tatar and Ukrainian languages in secondary schools.

Representatives of the Crimean Tatar People's Majlis have repeatedly said that Crimean Tatars are deprived of the opportunity to study their native language in schools. At the same time, Article 10 of the "constitution" adopted on the peninsula after the annexation gives the status of the state Crimean Tatar, Ukrainian and Russian languages. Meanwhile, from the end of 2017, classes with the Crimean Tatar language of instruction began to open on the mainland of Ukraine. This was discussed on the air of **Radio Crimea. Realia**.

Crimean Tatar public figure **Emine Avamileva** told **Crimea.Realii** how things are with the Crimean Tatar language in schools on the peninsula according to official statistics.

- According to open sources, ie the website of the Ministry of Education of the Republic of Crimea, now about 31 thousand students study the Crimean Tatar language as a subject - either in-depth, or optional, or extracurricular. But, in fact, about 6.5 thousand children study Crimean Tatar, which is 3.1% of the total number of students. In total, there are 15 secondary schools with Crimean Tatar language of instruction, with 237 relevant classes and 5,000 students. At the same time, 117 Crimean Tatar classes for 1,700 children have been opened in 22 schools on the basis of Russian-language classes. There should be no shortage of teachers, as they are prepared for the Crimean Tatar language and literature by the Crimean Engineering and Pedagogical University, and there are such departments at the Crimean Federal University.

At the same time, Emine Avamileva claims that in recent years the number of students studying Crimean Tatar as a subject has been steadily declining, and the share of extracurricular activities in this field is increasing.



“ Today, the Crimean Tatar language as the state language is just a facade and imitation

Emine Avamileva

- We first held round tables and discussions, sent appeals on the creation of a legal mechanism that would specifically regulate the functioning of the Crimean Tatar and Ukrainian languages as state languages in Crimea. Unfortunately, this mechanism does not exist. Today, the Crimean Tatar language as the state language is just a facade and imitation. In reality, it remains only the language of everyday communication within families, and in the social and political life of Crimea you will not see its use. In addition, the Crimean Engineering and Pedagogical University was forced to announce two or three additional admissions to the faculty, which trains specialists in the Crimean Tatar language and literature. Every year its graduates are less and less.

Deputy Permanent Representative of the President of Ukraine to the Autonomous Republic of Crimea **Tamila Tasheva** assures that the country's authorities are interested in the development of the language of one of the indigenous peoples.

“ Our mission understands the role of the Crimean Tatar people

Tamila Tasheva

- Our mission understands the role of the Crimean Tatar people, fully supports all initiatives of the Mejlis and contributes to solving those problems that, unfortunately, have not been resolved before. Currently, Crimean Tatar language and literature are studied in several Ukrainian universities - Tavriya National University, Kyiv National University. The development of this language is also very important for us, so in the near future we plan to stimulate the opening of a research center that would deal with it. When the legislative acts regulating the rights of the indigenous peoples of Ukraine are adopted, the issue of studying Crimean Tatar will be taken to another level.

In December 2019, a former member of the working group of the Constitutional Commission on the status of the Autonomous Republic of Crimea in the Constitution of Ukraine **Arsen Zhumadilov** on **Radio Crimea.Realii** outlined the stage of development of a bill on indigenous peoples and other related documents:

"The working group had three tasks. The first is the development of a draft amendment to Chapter 10 of the Constitution (on Crimean Tatar national-territorial autonomy - Kyrgyz Republic), the second - the development of a bill on indigenous peoples of Ukraine, the third - the draft law on the status of the Crimean Tatar people. As of summer 2018, all these documents have been completed by working subgroups, we have not received any comments, and now they are ready for further work. In general, they are in the final stage of readiness, ie the level of expert discussion has already passed, and it is possible to reach the political level and public discussion. A wide range of stakeholders will already be considering the appropriateness and timeliness of these laws, but there should be no doubt about the rules written there, etc.

Eskender Bariev, head of the Crimean Tatar Resource Center, points to a problem with Ukrainian Crimean Tatar textbooks.

“ The work of laboratories and institutes for the study of the Crimean Tatar language is needed

Eskender Bariev

- I can't say that there are any purposeful programs, but I can confirm that the law "On Education" took into account the factor of indigenous peoples. Until 2014, specialized organizations worked in the Crimea, they tried to open schools with the study of the Crimean Tatar language and published textbooks. Crimean Tatar classes are currently opening in the Henichesk district, but it seems to me that in the future we will have serious problems with textbooks. It is necessary to purposefully deal with their release for schools with in-depth study of the language, in accordance with the state program of return and resettlement of Crimean Tatars. Textbooks have not been developed for all classes. In this light, the work of laboratories and institutes for the study of the Crimean Tatar language is necessary.

According to Eskender Bariyev, favorable conditions for studying in the Crimean Tatar language should be created on the mainland of Ukraine, so that Crimean Tatars would be interested in coming and receiving this education.

“ Today we see a great threat to the Crimean Tatar identity

Eskender Bariev

- For the most part, Crimean Tatars do not quite speak their native language. Today we see a great threat to the Crimean Tatar identity, so within the framework of various projects we are working in the regions with internally displaced persons to solve this problem. In addition, we are developing various ideas to convey to Ukrainians facts not only about the Crimean Tatar language, but also about the history of the indigenous people. The attitude of the Ukrainian state to this problem can be judged only by the regulations adopted by it. We can say that there is already a positive understanding of the Crimean Tatar language, but in 2019 the government changed, new people came. We need to establish communications, explain to them that this language is on the verge of extinction, that it is very important for Ukraine to pursue public policy to preserve it.

(Text prepared by Vladislav Lentsev)

Annex 159

Krym.Realii, *Cut Out Pages: Scandalous History Textbooks Returned to Crimean Schools (+ Photo)* (24 January 2020)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



НОВИНИ

Cut out pages: scandalous history textbooks returned to Crimean schools (+ photo)

January 24, 2020, 10:03



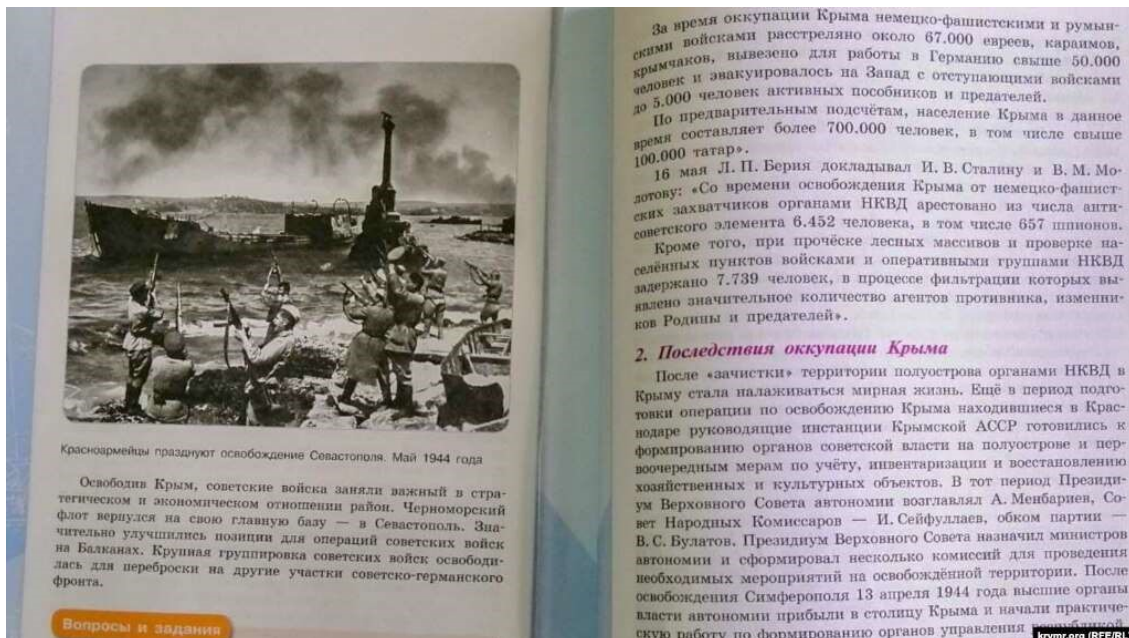
10th grade history textbooks have been returned to schools in annexed Crimea, which human rights activists say contain statements that "incite hatred against the Crimean Tatar people" through chapters on "Crimean Tatar collaborators" during World War II.

According to **Krym.Realii**, parents of schoolchildren, the textbooks are old, but with torn pages, which stated that during World War II, "the majority of the Tatar population was loyal to the Germans, and many actively helped."

There are 6 pages in the textbook.



In early 2019, a scandal broke out in the Russian-annexed Crimea over a textbook on the history of Crimea. Artists and educators of Crimea appealed to the Kremlin-controlled Minister of Education of Crimea to withdraw the Russian textbook "History of Crimea" for 10th grade edited by SV Yurchenko, which states that during World War II the majority of the Tatar population was loyal to Germans, and many actively helped. "



A similar appeal to the Crimean authorities was sent by the Kremlin-controlled Council of Crimean Tatars. The council expressed dissatisfaction with the textbook's coverage of Crimean Tatars' participation in World War II and their 1944 deportation.

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After that, there was information about the removal of the textbook from school libraries. On May 11, it was reported that the Crimean authorities had decided to "glue", "paint" and "cut" scandalous paragraphs of a history textbook.

Annex 160

Sanko V.G. et al., *Return the Ukrainian Gymnasium Back to Us!*, Iskra Pravdy
(2 February 2020)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Return the Ukrainian Gymnasium Back to Us!

Almost six years have passed since Crimea transitioned to Russia. There was good and bad during this period of time.

The big problem, that became apparent during this time is that the Crimean authorities closed all Ukrainian schools, Ukrainian kindergartens, Ukrainian theater, Ukrainian gymnasium, Ukrainian newspaper - this all in the time when more than 500,000 Ukrainian are living on the peninsula. Such things did not happen even during war. All of this point to the fact that the ethnocide of Ukrainian began in Crimea, violating their rights for communication, culture and religious believes...

The Ukrainians of Crimea made a notable impact in the development of the peninsula and continue making such an impact now by their selfless and honest effort. We are proud of such communist Ukrainians as I.K. Lutak. N.K. Kirichenko. V.S. Makarenko, L.I. Grach and many more, who lived and worked to make Crimea reach its highest point and glory: two airports were busy working in Simferopol, plants, collective farms, millions of vacationers, Crimea shipping peaches, apricots, grapes, apples, chicken and rabbit meat, and wine to the entire Soviet Union...

Not a single vacationer left Crimea "empty-handed". It was the communist L.I. Grach who initiated, with others, the amendments to the Constitution of the Autonomous Republic of Crimea naming three state languages: Russian, Ukrainian and Crimean Tatar to be equal and being applied equally in all areas of life.

So why our children cannot study, speak, read and write in their native language? Why the authorities are doing everything to destroy everything Ukrainian in Crimea? How will the children speak, write, read in their native Ukrainian language if there are no school, no text books, no teachers, etc. This is in violation of the currently valid Art. 10 of the Crimean Constitution! We have everything written on paper, but nothing in the reality. This is violation of rights and dignity of the citizens.

All the civilized countries in the world - USA, Canada, Germany, Australia, etc. - provide the national minorities with their native schools, theaters, churches, they speak, write and read in their native language, but why don't we have it?

That is why, we, parents of the Ukrainian children, are asking the Crimean authorities, the ministries of education and culture to revive the Ukrainian gymnasium, as it used to be, and open a Ukrainian school in every district. The fact that the gymnasium is needed is supported by history of its existence during the last few years - 10-15 candidates for each place were competing to study in it. There is a different time now, but the Ukrainian gymnasium should be revived, and we, the parents, are demanding it! The children should not be deprived from learning in the native language. Not many teachers are left who know the Ukrainian language and know how to solve this task successfully, but there are still some.

We appeal to the respected L.I. Grach, a person highly respected by the Crimeans to help us with resolving this very important for us issue.

We also appeal to decent, cultured Russians to help and support us in solving this problem. We all need to understand that a person's most intimate in life is his mother, speech and song, and if he does not have this, then the person lives an inferior life, does not receive moral satisfaction, which means that he will not respect and love anyone.

At the council on the Russian language, Russian President Vladimir Putin said that no one has the right to forbid people to speak, read and write in their native language, so we appeal to V.V. Putin - to help solve our problem with the revival of the Ukrainian gymnasium and Ukrainian schools on the peninsula, and thank him for that in advance.

A positive solution to this issue will show the whole world that the Republic of Crimea respects the dignity and human rights that meets the requirements of the UN Charter, and that peace and friendship between nations flourish on the peninsula.

We love Russian language and culture. But we and our children want to learn and not forget our native Ukrainian language. The more languages a person knows, the more literate, cultured and orderly he is. Learn all languages and we will understand each other, value and respect each other. And in Crimea there will be peace and harmony between peoples.

Sanko V.G., Oleinik E.I, Trunova N.A., Gavrilova N.D., Semashko M.D., Losev N.P.

The city of Simferopol

Annex 161

Ministry of Education and Science of Ukraine, *Educational Centers “Crimea-Ukraine” and “Donbas-Ukraine” Have Started Working, in 2020 They Will Work Until October 23* (9 June 2020)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

**EDUCATIONAL CENTERS "CRIMEA-UKRAINE" AND "DONBAS-UKRAINE"
HAVE STARTED WORKING, IN 2020 THEY WILL WORK UNTIL OCTOBER 23**

Published June 9, 2020 at 9:19 p.m.

Today, June 9, 2020, the educational centers "Crimea-Ukraine" and "Donbas-Ukraine" began their work. Applicants from the temporarily occupied territories can enter Ukrainian universities without external evaluation after contacting these centers.

“Employees of educational centers have started their important work today. Applicants only need to choose the specialty and educational institution where they would like to enter, and apply to the educational center in this institution between June 9 and October 23, 2020. A visit to the educational center can be arranged in advance, the contacts of the centers are posted on the website of the Ministry of Education and Science,” said Oleh Sharov, General Director of the Directorate of Higher Education and Adult Education of the Ministry of Education and Science of Ukraine.

In 2020, residents of the temporarily occupied territories can apply under a simplified procedure to more than 100 universities under the auspices of the Ministry of Education and Science, the Ministry of Health, the Ministry of the Interior and the Ministry of Culture and Information Policy.

Applicants wishing to participate in the competition for sports financed from the state budget must submit an application and fill out an educational declaration in educational centers:

entrants from the Crimea - no later than August 20;
entrants from Donbass - no later than August 22.

Those who do not have time to do so in August can apply for a paid form of education by October 23.

Residents of the temporarily occupied territories do not need to have a Ukrainian passport to enter, it is enough to have a birth certificate. And entrants who do not have a Ukrainian document on education can get it through the educational center, which will send them to the school at the educational center to pass two exams of the state final certification in the Ukrainian language and history of Ukraine. They will also need to pass one entrance exam, required by a higher education institution.

On working days of Mon - Thu from 9:00 to 18:00, Fri from 9:00 to 17:00 there is a hotline for entrants from the temporarily occupied territories (0-800-504-425).

We would like to remind that in 2020, residents of the territories of Donetsk and Luhansk regions that are outside of Ukraine’s control and the temporarily occupied territories of Crimea can enter any of the authorized educational institutions where the Crimea-Ukraine and Donbass-Ukraine educational centers operate without external evaluation.

Annex 162

Julia Stets et al., *Every Fifth Budget Place for Crimea and Donbass*, RFE/RFL
(16 August 2020)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



SOCIETY

Every fifth budget place for Crimea and Donbass

August 16, 2020, 5 p.m. [Julia Stets](#) [Alexander Shevchenko](#) [Angelica Rudenko](#)



In 2020, entrants from the Crimea received the right to enter Ukrainian universities without an external independent evaluation. Admission without EIT applies to universities under the Ministry of Education, Culture, and Health, and to three universities of the Ministry of Internal Affairs. Here, every fifth budget place is given by quota to graduates from the occupied Crimea and Donbass. Journalists of the Crimea.Reality TV project met with Crimean graduates who have already arrived in mainland Ukraine to study and learned about the intricacies of the admission campaign for entrants from the occupied territories.



As of mid-August, 23 entrants from the Crimea arrived at the Kherson Maritime Academy: 15 will study at the academy itself, seven at the college, and one at the lyceum at the academy.



Banner on the walls of the Maritime Academy in Kherson, August 2020

In total, 100 Crimean citizens who entered through the Crimea-Ukraine educational centers study at the Kherson Maritime Academy and its subdivisions.



Ivan, an entrant from the Crimea

Ivan came from Sevastopol. His family has three sailors - a father and two uncles. The Crimean surprised journalists with his good knowledge of the Ukrainian language.

Senior students sang the anthem of Ukraine on the square, even tried to raise the yellow and blue flag, so they were expelled from school

According to him, in the Crimea, while studying at the cadet school, he often felt pressure because of his pro-Ukrainian position. Occasionally, cadets were questioned about pro-Russian sentiment, and educators held interviews during which young men had to answer political questions.

"The senior students sang the anthem of Ukraine on the square, even tried to raise the yellow and blue flag, so they were all expelled from this school. In Sevastopol, it's a shame, if you're pro-Ukrainian, it's very strong," says Ivan from Sevastopol.

For a year Ivan from Sevastopol studied the Ukrainian language and history of Ukraine to enter the Maritime Academy in Kherson. He wanted to study here, because his father graduated from this academy with a captain's diploma.



Mykola, an entrant from the Crimea

Mykola, an entrant from the Black Sea, has a similar story. He enters the budget, wants to become a captain. He was also born into a family of sailors. For himself, he did not consider studying in the Crimea, because the diploma issued there is not recognized outside the peninsula. With a Ukrainian diploma, international opportunities open up for him. Most of his classmates went to study in Russia.

“ I like it more here, first of all, there are more opportunities here

"I had a choice - to stay either there or here. But I like it more here, first of all, there are more opportunities here. For example, with this education that I will receive, I will be able to work all over the world. I will try to learn English and I will probably go abroad. I will try very hard to study," the Crimean explained to journalists.

Mykola, a Crimean entrant, is convinced that it is difficult to gain professional experience and earn money in Crimea today: "There are sanctions, I don't like it. And the fact that there are "inland seas", you will not work normally, there will be no work experience, salaries, let's be honest, low. I don't want to work there. "

| Benefits for Crimean graduates

In 2019, 264 Crimean citizens entered Ukrainian colleges, institutes and universities under the simplified system of admission, according to the Almenda Center for Civic Education. This year on the peninsula - ten and a half thousand graduates. How many of them would like to study on the mainland - the Ministry of Education of Ukraine does not count.

At the time of annexation, the majority of Crimean citizens joining were between 10 and 13 years old. Their certificates and certificates issued by Russia are not recognized in mainland Ukraine. **Children who do not hide that they have chosen a Ukrainian institution of higher education are psychologically pressured in Crimea, said Oleh Okhredko, an analyst at the Almenda Center for Civic Education .**



Oleg Ohredko, analyst at the Almenda Civic Education Center

"They must pass an exam on the history of Ukraine. There is definitely a question about the situation after 2014. And here comes the "law of Spring" - slander. That is, you are obliged to report that a crime has been committed. What is this crime? Encroachment on the territorial integrity of Russia ", - explains Oleg Okhredko.

Ukraine has adopted amendments to the legislation on education, in particular "On the peculiarities of admission to higher education institutions of persons from the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol." To enter Ukrainian higher education institutions (HEIs), external independent testing has been abolished for Crimeans, but entrants must pass three exams - the Ukrainian language, the history of Ukraine and the profile exam. You can enter certain universities, where educational centers "Crimea-Ukraine" were established. At the beginning of 2020, there were 34 of them, and in the spring their number increased to 82.

| Benefits for young people from the occupied territories "discriminate against other entrants"

“ It is necessary to stimulate such graduates as much as possible to move to the territory controlled by Ukraine

Volodymyr Zelenskyy

The President of Ukraine **Volodymyr Zelensky** stated that these measures stimulate graduates in the occupied territories to obtain Ukrainian education.

"We are fighting for the youth in the temporarily occupied territories, for their intelligence and talent. That is why it is necessary to stimulate such graduates as much as possible to move to the territory controlled by Ukraine, to enter our educational institutions, to study in the Ukrainian education system," Volodymyr Zelenskyi stated.



President Volodymyr Zelensky during a press conference

People's Deputy of Ukraine from the Voice party **Inna Sovsun** criticized the preferential enrollment in Ukrainian universities. In the past, she was the First Deputy Minister of Education of Ukraine.

According to her, the law was passed too late, so that in 2020 the Crimean people will not flock to the mainland, all free economic zones are not ready to accept them, and the new law discriminates against other entrants.



Inna Sovsun, MP from the Voice party

“ To what extent should we provide benefits when entering universities when other applicants enter on a competitive basis?

Inna Sovsun

“To what extent should we provide benefits when entering universities when other entrants enter on a competitive basis? The state does not allocate any additional money, the state does not allocate additional places for entrants from the Crimea. It is proposed to simply remove these seats from the general flow and allocate them to a certain quota,” the MP said.

Crimean immigrant and human rights activist **Olena Luneva**, on the other hand, approves a law that allows Crimeans to enter with benefits. He believes this is true, because during testing, Russia restricted the exit from the peninsula due to the coronavirus.

In addition, there are difficulties with documents for applicants in the Crimea. A graduate who left the Crimea or currently lives in the Crimea receives a Ukrainian passport without registration of residence. In such cases, the admissions committee raises a practical question - how to confirm that this child is entitled to benefits?

Olena Lunyova advises Crimeans to take as much evidence as possible that they are from the occupied territories. According to her, in addition to Ukrainian documents, photos will also be suitable.



Elena Luneva, a migrant from the Crimea and a human rights activist

“ It was fundamentally important that all residents of the occupied territories have access to education in all universities

Elena Luneva

"It was fundamentally important that all residents of the occupied territories have access to education in all universities. And this is a very progressive decision, and it can only be welcomed. This year, about one and a half thousand people were registered for the external evaluation. We do not know how many of them were able to pass the external evaluation during the quarantine restrictions, because the occupation authorities did not release them," human rights activist Olena Lunyova explains.

| Crimeans about education in Ukraine

Journalists of the Crimea.Reality TV project interviewed young people on the streets of Simferopol about their interest in studying in Ukraine and educational grants. Some Crimean citizens surveyed expressed the opinion that this is an opportunity to get a quality education, which is lacking in Crimea.

"Of course, it is necessary, because education is still lame in terms of education, here are the institutes, I am a student and, most likely, students need it. I would be happy for support from Ukraine, because all students want to achieve something, but there are not enough opportunities, and I want to achieve something more in terms of education, " - said Anatoly from Crimea.

"The idea of grants for Crimean students is very good, because many have relatives in Ukraine, they probably would like to be able to go there to study. Ukraine also has a fairly good level of education, I think I would agree, "said Daryna from Crimea in a conversation with Krym.Realii.

There were also those who consider opportunities for study in Ukraine unnecessary.

"The idea is good, but I would hardly agree to it, I prefer to get a Russian education and, most likely, on the mainland. Well, because I plan to live in Russia all my life, and I like this prospect better, "said passer-by Nina.

"I am from Crimea, I study in Moscow. Unfortunately, it will not be interesting for Ukrainian grants and various scholarships for Crimean students, as we now have Russian citizenship, so it is irrelevant, "said student Natalia.

Annex 163

Krym.Realii, *Pro-Government TV Channel “Millet” Was Transferred to the Subordination of the New Department (21 August 2020)*

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



НОВОСТИ

Pro-government TV channel "Millet" was transferred to the subordination of the new department

21 August 2020, 12:43



Illustrative photo

The pro-government Crimean Tatar TV channel **Millet** was transferred to the subordination of the Russian Ministry of Information of Crimea. This is stated in the order of the Crimean government controlled by the Kremlin.

Previously, the TV channel was run by the State Committee for Nationalities of the Crimea. The reason for the transfer of media from one department to another is not specified.

In July, in Crimea, officers of the Russian police and the Accounts Chamber conducted searches on the pro-government Crimean Tatar TV channel Millet.

The head of Crimea, previously controlled by Russia, **Sergei Aksenov**, introduced a new leader to the Millet team - **Lilya Vejat** .

**MORE ON TOPIC:**

"The burden of a collaborator in Crimea is heavy"

She previously led author projects and newscasts on Millet, after which she worked as a correspondent for another pro-government Crimean TV channel, **Crimea 24** , and for some time headed its bureau in Yalta.

In February, the previous general director of the pro-Russian Crimean Tatar TV channel Millet, **Ervin Musaev**, resigned . He was appointed CEO of the pro-Russian Crimean Tatar TV channel Millet in July 2017.

On April 22, 2015 by the decree of Aksenov, an autonomous non-profit organization "Public Crimean Tatar TV and Radio Company", named "Millet", and radio "Vetan Sedasy" were created. On August 28, Roskomnadzor issued to the Crimean Tatar Public TV and Radio Company universal licenses for broadcasting the Millet TV channel and the Vetan Sedasy radio station. On September 1, 2015, the Millet TV channel began broadcasting in test mode.

Annex 164

RIA Novosti, *Cells of Tablighi Jamaat Were Liquidated in Three Regions of Crimea** (2 October 2020)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

10:23 02.10.2017  5995

Cells of Tablighi Jamaat were liquidated in three regions of Crimea*

Read ria.ru in

SIMFEROPOL, October 2 - RIA Novosti. The activities of the cells of the religious extremist organization Tablighi Jamaat * have been suppressed in three regions of Crimea, Zaur Smirnov, head of the Crimean government's state committee on interethnic relations, told RIA Novosti.

Earlier, the Crimean department of the FSB reported that the activity of a cell of the Tablighi Jamaat* organization had been suppressed in Crimea. A criminal case has been initiated under the article "Organization of the activities of an extremist organization", which involves long terms of imprisonment. An investigation is underway.

"Tablighi Jamaat* cells operated on the territory of Simferopol, Simferopol and Belogorsk districts. There are several detainees," Smirnov said.

According to him, law enforcement officers continue to conduct operational and investigative measures.

Tablighi Jamaat* was banned in Russia in 2009. The Supreme Court of the Russian Federation ruled that the activities of the religious association are aimed at "violating the territorial integrity of the Russian Federation and discriminating against Russian citizens on religious grounds, as well as providing support to international terrorist organizations."

The fundamentalist organization claims to promote a return to early Islamic behavior and has been repeatedly accused of links to terrorist groups. According to open sources, the majority of Tablighi Jamaat* supporters live in South Asia.

**Extremist organization banned in Russia.*



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Popular Comments

Here, but we are afraid that there are not enough workers in the mines of Magadan. They create "cells" themselves, just send them to the address and, preferably, one way. There, no one except the guards will interfere...

October 2, 2017, 13:07

17



peter-f-52

[All comments](#)

Annex 165

Elena Removskaya, *“Vandalism is Disguised as Restoration.” New Contractors
From Russia in the Khan’s Palace, Krym.Realii* (17 February 2021)

*This document has been translated from its original
language into English, an official language of the Court,
pursuant to Rules of the Court, Article 51.*



CULTURE

"Vandalism masquerades as restoration." New contractors from Russia in the Khan's Palace

February 17, 2021, 15:33

Elena Removskaya

The Russian head of Crimea, Sergei Aksenov, has identified contractors for the restoration of several objects on the territory of the Khan's Palace in Bakhchisarai, in particular, the Khan's Mosque . Both companies are from Russia, they will be allocated more than 100 million rubles for the work.

In total, the Russian authorities of Crimea have planned repairs at 16 objects of the reserve, within the framework of the federal target program, they plan to allocate two billion rubles for this. At the same time, Ukraine considers the restoration of the Khan's Palace after the start of the annexation of Crimea to be illegal. Ukrainian specialists in the field of cultural heritage protection, as well as some Crimean activists, argue that the work that Russia has begun to carry out since 2016 is causing harm to the objects of the Bakhchisaray historical and cultural reserve. This problem was discussed on the air of **Radio Krym.Realii** .

At different times, work at the facilities of the Khan's Palace was carried out by **the Kiramet , ATTA Group and Meander** companies . The latter is based in St. Petersburg and several years ago received contracts for the restoration and reconstruction of a whole list of objects in the Crimea: from the Vorontsov Palace in Alupka to the Genoese fortress in Sudak. In the fall of 2020, the management of the Meander company was detained by Russian security forces on suspicion of embezzlement, and in the meantime, the Russian authorities of Crimea began to look for new contractors. Moreover, officials filed a lawsuit to recover more than 18 million rubles from the St. Petersburg company for miscalculations during the reconstruction of the Vorontsov Palace in Alupka.

Now, according to the decision of Sergey Aksenov, the restoration of the Khan's mosque will be carried out **by Stroy Mir Reconstruction LLC** , and work on the Sary-Guzel bathhouse and in the tomb rotunda will be carried out **by STK AM-STROY LLC** .

Shukri Khalilov , an architect-restorer from Crimea with forty years of experience , told **Krym.Realii** that he knew nothing about these firms.

“ We, like all over the world, have a system of control over the repair and restoration work.

Shukri Khalilov

– We had an on-site review of the work on the restoration of a large *durbe* (*tomb, mausoleum, which were built during the time of the Crimean Khanate for people occupying a high position in society – KR*) on the territory of the Khan's cemetery. At that time, work was mainly going on there, but at the library building in the fall, in November, they were stopped, because, according to the information of the museum management, the contractor was changed there, the procedure for renegotiating contracts was underway. I did not work with the enterprises chosen by the new contractors. Now there are many new companies on the restoration market on the peninsula, and so far I cannot give any estimates. However, we, like all over the world, have a system of control over the repair and restoration work. First of all, it is the availability of a license and permits for these types of work. No one will simply allow outside enterprises without the appropriate documents. Criticism is always good, it helps to eliminate shortcomings, but so far we are only in the first stage of work.

Open sources contain information about **the Stroy Mir Reconstruction company** , which is registered in Kazan. She has been working since 2015, took part in 38 auctions and won 18 of them. The construction of residential and non-residential buildings is indicated in the documentation as the main activity. In turn, the company **STK AM-STROY** , judging by open data , is registered in Moscow as a small business. Its main activity is non-specialized wholesale trade, additional - construction of residential and non-residential buildings. **Krym.Realiya** journalists were not able to communicate with representatives of these companies by phone numbers indicated in the registers.

According to Shukri Khalilov, the most important thing here is that the Russian Ministry of Culture of Crimea provides technical supervision of work at the facilities of the Khan's Palace, and the architects who developed the design documentation provide architectural supervision.

“ The project provides for the preservation of all authentic elements and technologies

Shukri Khalilov

- I have no complaints about this documentation, because the concept and main draft decisions for the restoration of these objects were considered at the scientific and methodological councils in the Ministry of Culture. The historical and cultural expertise was read, which approves the documentation and recommends it for work. The project provides for the preservation of all authentic elements and technologies. These criteria are used to preserve any restoration objects. Of course, the Khan's Palace in Bakhchisarai is a very complex object. It takes time and a lot of money to make a good scientific restoration. I really want to believe that on the basis of tenders, those enterprises that can cope with the tasks set will work here. To control this, a fairly strong customer service has been created.

MORE RELATED:

Crimean monuments - with status, but without protection

Shukri Khalilov at the same time complains that Western sanctions prevent the use of the world's leading technologies in Crimea during the restoration of the Khan's Palace.

At the same time, Crimean activist **Edem Dudakov**, who has been following the restorations in Bakhchisarai for many years, is skeptical about the prospects of getting quality work from the next Russian companies.

- Suffice it to say that one of them has an average payroll of 10 people - this is Stroy Mir Reconstruction. Its main activity is housing construction. Indeed, Shukri Khalilov talks about the availability of licenses, but in fact these are not licenses, but their Russian version - evidence of an SRO, that is, a self-regulatory organization. You can buy this document very simply ... Shukri Khalilov also said that there were no firms left in Crimea that could carry out restoration work at the Khan's Palace, but I would call it a little differently: these firms were simply destroyed.

Edem Dudakov points out that the state enterprise **UkrNIIproektrestavratsiya** in Crimea until 2014 had full-fledged branches in Crimea, which were responsible for the main cultural heritage sites on the peninsula.

“ I'm afraid that new companies will again go the easy way and cover the roof with tiles from Spain, and not authentic ones - and we will lose the Khan's Palace altogether

Edem Dudakov

- It was this structure that carried out all the restoration work at the Khan's Palace. She had a very wide experience, a great scientific potential, she had at her disposal the research of the past years. However, this powerful structure was destroyed after 2014. On the other hand, the Russian firms we are talking about have never worked in a Mediterranean architectural environment. This always causes me great concern. You can't move from Moscow and have it restored in Crimea, just like you can't leave Crimea and have it restored in Moscow just like that, by some firm. According to world experience, specialists who have worked in a certain architectural environment for many years have advantages in conducting a tender. I'm afraid these new firms will take the easy way again. and they will cover the roof with tiles from Spain, and not authentic ones - and we will lose the Khan's Palace altogether.

Edem Dudakov does not trust the Russian regulatory authorities, which should supervise the work at this facility.

“ For the winter they took down the roof, tightened it with a film and went to restore it, replacing everything and everything

Edem Dudakov

- These very bodies have already allowed to happen what happened at the Great Khan Mosque with its roof, tie-ins, and indeed with technology. The way the work began here is a scam. For the winter they took down the roof, tightened it with a film and went to restore it, replacing everything and everything. At the same time, there are examples of excellent restoration in Russia: for example, for the church in Kizhi, they searched all over Russia for the appropriate forest, carried out wood processing, and so on. That is, when it comes to their own cultural heritage, specialized restoration companies go there. And when it comes to, let's say so, "not ours" or those for whom it will do anyway - then everyone who wants to make money on this and who has connections participates in tenders. This is my purely personal belief, but I think that this is the way it really is.

MORE RELATED:

Single picket against "restoration". Three stories

Senior researcher at the Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, Ph.D. in Law **Alexander Malyshev** emphasizes that Russian companies that come to work on Crimean cultural heritage sites violate both Ukrainian legislation and international law.

“ Ukraine should raise the issue globally, because the Crimean precedent has no analogues

Alexander Malyshev

- Moreover, both they themselves and the Russian state, which occupied the territory of Crimea. Accordingly, Ukraine and the international community may well apply certain measures of influence in the form of sanctions against them. Ukraine is also investigating all this as, in fact, a crime, because these restoration works are illegal. Without a doubt, we must document all these things and bring them to the attention of international organizations, which, in fact, is being done: UNESCO is monitoring the situation in Crimea. However, it is necessary not only to point out violations, but also to improve our legislation. Although the prosecutor's office of the Autonomous Republic of Crimea is investigating this criminal case, the sanctions under the article on the destruction of cultural monuments are rather small. Plus, Ukraine should raise the issue globally, because the Crimean precedent has no analogues.

MORE RELATED:

Cultural vandalism in Crimea

Alexander Malyshev believes that the events in the Crimea should be a reason for improving international law as well.

“ Restoration has become an instrument of hybrid war: the original culture of the people is being destroyed

Alexander Malyshev

– We have the 1954 Hague Convention, we have the Second Protocol to it. At first, it was simply about the fact that the occupiers did not run the occupied territory, without specifying: they say, if only they did not shoot hard at cultural monuments. Then the Second Protocol began to regulate in sufficient detail that all modifications, all restoration work should be carried out only in an emergency situation and with obligatory respect for the rights of the competent authorities, that is, in this case, Ukrainian ones. However, it seems to me that the Second Protocol should also be revised in the light of what is happening in Crimea. When vandalism masquerades as restoration, this has probably never happened before. Restoration has become an instrument of a hybrid war: the original culture of the people is being destroyed. Previously, this was done more frankly, but now they are furnishing it with such cynical schemes.

In October 2020, the Director-General of UNESCO in his report noted the deteriorating situation at cultural heritage sites in Crimea and Sevastopol . In January 2021, First Deputy Minister of Foreign Affairs of Ukraine **Emine Dzheppar** announced that the UNESCO Executive Board had decided for the 12th time to monitor the situation in Crimea. It is carried out remotely, since the Russian authorities of the peninsula require all international missions to be coordinated with them, and this contradicts the UN resolutions on Crimea as a temporarily occupied territory of Ukraine.

(Text prepared by Vladislav Lentsev)

| Khan's Palace in Bakhchisarai

The Khan's Palace Museum in Bakhchisarai is the most famous museum related to the history of the Crimean Tatars, the territory of the summer residence of the Crimean khans Geraev. On the territory of the museum complex there is a palace, a harem building, a khan's cemetery and a mosque. It is a candidate for inscription on the UNESCO World Heritage List.

In July 2016, the Russian State Committee for the Protection of the Cultural Heritage of Crimea agreed on the "restoration" of the Khan's Palace. The authorities called it "emergency work."

The former head of the ARC Committee for Interethnic Relations and Deported Citizens, Crimean activist Edem Dudakov, said that during the "reconstruction" the wooden beams of the Khan's Palace were destroyed: some were sawn up, and some were taken away. In addition, according to Dudakov, the contractor carrying out the restoration plans to replace the old tiles with Spanish stylized ones.

Kyiv has repeatedly criticized the "restoration" carried out by the Russian authorities in the Khan's Palace. The Ministry of Culture of Ukraine claims that because of these works, there is a threat of destruction of the main building of the palace.

UNESCO monitoring in Crimea

After the annexation of Crimea, Russia took under its jurisdiction all objects of cultural and historical significance located on the territory of Crimea. Kyiv insists that the sights belong to the Ukrainian people and asks to take them under the protection of UNESCO.

In September 2019, a report by UNESCO Director-General Audrey Azoulay was published, which notes the deterioration of the situation on the peninsula in all areas of the organization's competence.

The Russian authorities of Crimea do not agree with the information provided in the UNESCO reports. The Russian Minister of Culture of Crimea, Arina Novoselskaya, invited UNESCO representatives to personally visit the peninsula and "objectively assess" the state of objects of cultural and historical significance.

The UNESCO World Heritage Site includes the Tauric Chersonesos Reserve. Also candidates for inclusion in the list are the Khan's Palace in Bakhchisaray, the Genoese fortress in Sudak, the Crimean Astrophysical Observatory, Mangup-Kale, Eski-Kermen and Chufut-Kale.

Annex 166

Victoria Veselova & Maxim Stepantsov, *Anniversary with a Leaky Ceiling.*
What Is Left of the Legacy of Lesya Ukrainka in Crimea, Krym.Realii
(25 February 2021)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



SOCIETY

Anniversary with a leaky ceiling. What is left of the legacy of Lesya Ukrainka in Crimea

February 25, 2021, 08:50

Victoria Veselova Maxim Stepanstov

On February 25, Ukraine celebrates the 150th anniversary of the birth of the poetess and writer Lesya Ukrainka (Larysa Kosach-Kvitka), one of the symbols of the formation of Ukrainian literature. An important part of Lesya Ukrainka's creative life took place in the Crimea, and the peninsula itself was reflected in her works. On the eve of the anniversary of the poetess Krym.Realii found her traces on the peninsula.

According to open sources and testimonies, **Lesya Ukrainka** was treated for tuberculosis on the southern coast of Crimea in the late 19th and early 20th centuries and lived for some time on the peninsula, where her husband served in court. The poetess visited Sevastopol, Alupka and Yalta. She dedicated her works to Crimea, some of which later became classics of Ukrainian literature and were included in the school curriculum in Ukraine.

In Crimea, the writer, in particular, created two poetic cycles - "Crimean Memories" and "Crimean Echoes", as well as the drama "Iphigenia in Tauris".

During the independence of Ukraine, in honor of Lesya Ukrainka and in memory of the Crimean page of her life, a museum was created and monuments were erected in Yalta and Balaklava. Until 2014, they were the site of cultural events, including those with the participation of local authorities.

After the Russian annexation of the peninsula and the massive forced migration of pro-Ukrainian activists from it, much has changed. Journalists **Krym.Realii** on the anniversary of Lesya Ukrainka went to the places of her glory and found out what is happening to them now.

Under the threat of corrosion and cracks

The museum of Lesya Ukrainka in Yalta, equipped on the second floor of the house in which she lived in 1897, is going through not the best of times.

Her personal belongings, photographs and editions of essays, furniture, musical instruments, documents and Ukrainian national clothes are collected there. The museum is included in the State Register of Monuments of Ukraine as a monument of architecture and history of regional importance.

In 2016, the Russian authorities in Crimea announced the temporary closure of the museum "for technical reasons".

At that time, the ceiling in the building was collapsing, and the carved balcony needed restoration.

The Russian-controlled authorities of Yalta promised to repair the building and resume the work of the museum in the previous mode. The city administration promised to carry out major repairs in the museum building by the end of 2017.

Officials ordered a state historical and cultural examination of project documentation for the restoration of the museum building, within which an analysis of documentation for the preservation of a cultural heritage site was carried out.

According to its results, the state of the foundation, the outer and inner walls of the museum, as well as the ceilings were recognized as "limited serviceability", cracks and voids were found in the body of the foundation, destruction of the masonry on the walls, a crack along the bearing wall of the basement floor, cracks in the interior of the museum on the ground floor and on the ceilings, according to the examination report.

And the condition of the ceilings above the first floor of the museum and one of the stairs according to the documents was recognized as completely "unacceptable" because of their "damage by corrosion, a grinder bug and shrinkage cracks."

MORE RELATED:

Closing of the museum of Lesya Ukrainka in Yalta: repair or liquidation?

Protracted "repair"

As part of the renovation at the museum, it was planned to replace all obsolete structures with new ones, as well as to upgrade the heating, water supply, electricity, fire and security alarm systems in the building. It was also planned to improve the territory near the museum with the pavement of paths made of natural stone and their illumination.

But neither in 2017 nor later these works were completed.

In 2019, the Lesya Ukrainka Museum was still in need of renovation. At that time, the museum was still waiting for funds for repairs.

On the eve of the 150th anniversary of Lesia Ukrainka , a **Krym.Realii** correspondent visited the facility and found out that the museum is still in disrepair. The announcement of its closure for technical reasons, posted in 2016, is still in the same place.

Above him, you can still see the leaky ceiling.

At the moment, the museum is managed by the municipal budgetary institution "Yalta Historical and Literary Museum", created after the Russian annexation of the peninsula.

We sent an information request there to find out why the museum has not yet been renovated and what are the plans for its future. But at the time of the release of the material, he remained unanswered.

We sent the same information request to the Ministry of Culture of the Russian government of Crimea. But we have not yet received an answer to it.

“ The project was excluded from the FTP due to the impossibility of financing at the end of last year

Andrey Rostenko

Deputy Minister of Culture of Crimea **Andrei Rostenko** , who headed the administration of Yalta in 2016, claims that he "actually fought for the reconstruction of the museum", but it was not possible to obtain funds for him.

“I was then involved in federal targeted programs at the Crimean level, and together with the head of the culture department of Yalta, Larisa Kovalchuk, we took steps to include the restoration project in the FTP. But, unfortunately, the project was excluded from the FTP due to the impossibility of financing at the end of last year (2020 - KR). It's a pity, such a beautiful building,” Andrey Rostenko told the Yalta.Observe blog .

Feast for ten days

The website of the Yalta Historical and Literary Museum reports that the museum of Lesya Ukrainka continues to work - the exposition is presented on the second floor. Every year on the birthday of the writer and poetess, the Seven Strings festival is held there, the administration of the museum claims .

This year, local authorities also joined in the celebration of the anniversary of Lesya Ukrainka in Yalta. They announced that they intend to celebrate this date for ten days . During this period, the city *has* planned talks, reading competitions, quizzes, online presentations and exhibitions of creative works in schools and libraries.

In addition, on February 25, it is planned to lay flowers at the monument to Lesya Ukrainka with the participation of officials. And in her museum there will be an exposition "Forest Song of Lesya Ukrainka", dedicated to the 110th anniversary of the first publication of the drama extravaganza of the writer "The Forest Song". Also, the museum is expected to meet a "round table" on "the motives of the life of Lesya Ukrainka."

We did not find announcements of events in honor of her memory in other regions of Crimea.

It is possible to lay flowers to the Ukrainian writer, who glorified Crimea in literature, not only in Yalta. Another monument in honor of her is installed on the central square of Balaklava.

Its author is **Alexander Sukhanov** from Sevastopol . Initially, in honor of the poetess, they planned to create a bust, but in the process of work, it was decided to depict her in the form of a half-figure at the age of 36, at which Lesya Ukrainka visited Balaklava.

At the entrance to the Balaklava Bay, the building of the dacha of the actress Sokolova, where Lesya Ukrainka lived in 1907, has also been preserved. On the advice of a doctor, she needed to breathe sea air to fight her lung disease.

In 2010, this building was restored by the Ukrainian authorities. In Sevastopol, the passage also bears the name of Lesya Ukrainka.

“Lesya can’t be kicked out of Crimea”

The founder of the Lesya Ukrainka Museum in Yalta, professor of the Ostroh Academy **Svetlana Kocherga in 2016 suggested** that the museum could change the concept, format of work and cease to exist. After the Russian annexation of the peninsula, Svetlana Kocherga was forced to leave Crimea and currently lives in Rivne.

What is happening with the legacy of Lesya Ukrainka in the Crimea, in her opinion, proves that the fears were not in vain. However, the worst scenario has not happened yet, the professor believes.

“The fact that repairs are not being done should not be too surprising. It would be worse if the occupiers made this museum of high quality and then forced the image of Lesya Ukrainka to serve Russian culture. That is, if they showed museum exhibits, but interpreted them in their own way, not the way it really was. This crime would be even more difficult to survive,” said Svetlana Kocherga **Krym.Realii** .

“ It will not be possible to expel her from the Crimea. She will be there, her energy will wait for noble changes.

Svetlana Kocherga

At the same time, the founder of the museum believes that even the most difficult times will pass.

“Lesya has not been renovated, she is not honored enough. But it is impossible to delete it from the history of Crimea. It will not be possible to expel her from the Crimea. She will be there, her energy will be waiting for noble changes. Lesya endured a lot, and we will endure,” the professor believes.

Svetlana Kocherga thanks everyone who in Crimea honors the memory of Lesya Ukrainka and her work after seven years of living in Russian realities.

One of such episodes of **Krym.Realii** was filmed in 2018, when the works of the poetess were read at her monument in Yalta.

In 2019, activists in Balaklava also held a similar action in memory of the poetess .

A monument to Lesya Ukrainka was also erected in Saki, where the Ukrainian writer and poetess was treated for tuberculosis in 1890. Almost a century later, a monument to Lesya Ukrainka was erected on the central alley of the Saki sanatorium.

In 2020, the residents of Sak laid flowers at the monument to the poetess on the Independence Day of Ukraine.

| UNESCO monitoring in Crimea

After the annexation of Crimea, Russia took under its jurisdiction all objects of cultural and historical significance located on the territory of Crimea. Kyiv insists that the sights belong to the Ukrainian people and asks to take them under the protection of UNESCO.

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Annex 167

TASS, The Crimean Authorities Said that Foreigners Will Be Able to Keep Real Estate in the Region (24 March 2021)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Crimean authorities said that foreigners will be able to keep property in the region

To do this, they need to arrange a lease on the plot on which the house is built.



© Sergey Malgavko/TASS

SIMFEROPOL, March 24. /TASS/. Foreigners have the opportunity to keep real estate in the Republic of Crimea, even taking into account the new rules prohibiting the ownership of land by those who are not citizens of the Russian Federation. They can retain ownership of the house by leasing the land under it, TASS was told in the State Council of the Republic of Crimea.

On March 20, Decree of the President of the Russian Federation No. 201 "On Amendments to the List of Border Territories Where Foreign Citizens, Stateless Persons and Foreign Legal Entities Cannot Own Land Plots" came into force . . No. 26". According to the document, foreign citizens and stateless persons are prohibited from owning land in the Crimea, Sevastopol, Astrakhan and Kaliningrad regions.

“Citizens had a year to fulfill the decree: donate, sell, or somehow dispose of the land. Now, no one restricts them in their desire to do this, there are no repressive measures yet. Moreover, the ban on ownership applies only on land, and if a foreigner owns a house, he can only give up the land in favor of the municipality and rent it, continuing to own the house,” Yevgenia Dobrynya, chairman of the committee on property and land relations, explained to TASS.

She explained that if the owner of the house applies for the lease of the plot on which it is built, then it has priority over other applicants. Thus, the owners can keep their property in the Crimea.

The interlocutor added that the new order will not affect the owners of flats and apartments. In addition, if a citizen of another country inherits land, he has a year to dispose of it.

Forced sale

According to the State Council, the changes affected 11 out of 14 districts of the republic and eight out of 13 city districts. Including it extends to the most popular resorts of the southern coast of Crimea.

Dobrynya explained that if the foreign owner does not resolve the issue with the land on their own, then the authorities may, by a court decision, sell the land forcibly. To do this, an appraisal will be carried out and an auction organized, and the former owner will receive the proceeds from the sale, minus legal and other costs.

First Deputy Chairman of the State Council of Crimea Yefim Fiks, in turn, noted that the main owners of land plots in Crimea from among foreigners are citizens of Ukraine. Earlier, the Crimean authorities indicated that former and current Ukrainian politicians and oligarchs, including the wife of the current president of the neighboring state, Vladimir Zelensky, own real estate in the region.

As the regional parliament added, lists of those who own land in Crimea without Russian citizenship are now compiled by local authorities.

TAGS

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Annex 168

Igor Tokar, *“This Is Linguocide”: How Crimean Tatar and Ukrainian Languages Disappear in Crimea*, Krym.Realii (22 June 2021)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



SOCIETY

“This is linguocide”: how the Crimean Tatar and Ukrainian languages disappear in Crimea

June 22, 2021, 21:34

Igor Tokar

214 children in Crimea study Ukrainian in schools. This is only 0.1% of all students in the peninsula. This is despite the fact that, according to Russian data, 344,515 (15.68%) ethnic Ukrainians live in Crimea.

According to these statistics, the overall picture looks like that in the 2020-2021 academic years, 218,974 children studied in Crimea. 212,090 students studied in Russian, and, for example, 6.7 thousand children studied in Crimean Tatar, which is about 3%. Given that there are 232,340 Crimean Tatars in Crimea, according to the 2014 Russian census (10.57%).

In 2017, the Russian-controlled authorities in Crimea adopted the Law on the State Languages of the Republic of Crimea. In addition to Russian, he also calls Ukrainian and Crimean Tatar languages the state languages. The document also guarantees the equality of conditions for the development and use of these languages. But in fact, as the above figures and the stories of the Crimeans testify, this is not so.

This law is only declarative and is intended for international human rights organizations, says Crimean lawyer and public figure **Emine Avamileva**. She says that she herself had experience with the restriction of state languages in Crimea.

“I petitioned the judge so that legal proceedings, in accordance with the constitution and the code of administrative offenses, be conducted in one of the state languages of Crimea. To which the judge had “square” eyes, and he said that they could invite an interpreter to the meeting, but that the court proceedings be conducted in one of the state languages is unrealistic,” Emine Avamileva told **Krym.Realii**.

According to the 2001 census, there were 2,413,228 inhabitants in Crimea (of which 576,647 (23.9%) were Ukrainians and 245,291 (10.1%) were Crimean Tatars). In 2014, Russia conducted its census, and Crimeans became 200 thousand less: 2,284,769 (Ukrainians - 344,515 (15.68%), Crimean Tatars - 232,340 (10.57%). At the same time, about seven percent of students studied in the Ukrainian peninsula in 2014, and in the Crimean Tatar, as well as now, about three percent.

MORE RELATED:

“Ukrainianism will not go anywhere from Crimea”

The number of children studying in their native language does not correspond at all to the percentage of the population. And this situation arose due to the imposition of the Russian language and the oppression of the languages of other nationalities, according to the Ukrainian language ombudsman **Taras Kremin** .

“ This is the so-called "linguicide" ”

Taras Kremin

“Education in the occupied territories should be accessible. And in the context of the fact that kindergartens are all Russian-speaking, out-of-school everything is Russian-speaking, universities are all Russian-speaking - this is the so-called linguocide. Therefore, we must understand that a much larger number of applicants for education are deprived of the right to study in Ukrainian and learn Ukrainian. I'm not talking about vocational education institutions, technical schools, courses and the like. Accordingly, the jobs that exist there are guaranteed to come with a requirement for a level of knowledge of the Russian language. I believe that everything that happens in the occupied territories is all the subject of attention of the international tribunal,” Taras Kremin, Commissioner for the Protection of the State Language , said in a commentary to **Krym.Realii** .

There is no direct ban on the use of Ukrainian or Crimean Tatar languages in Crimea. But the vast majority of national minorities do not have the opportunity to study in their native language.

“ Officials and directors say: “Why do you need the Ukrainian language? Why do you need these problems and conversations with the FSB?” ”

Andrey Shchekun

“Today, there is no longer the “Valuev Circular” or “Emsky Decree”, which during the Russian Empire destroyed everything that was written in the Ukrainian language. But we have a hybrid war going on. Officials and school directors have the intention to say: “Why do you need the Ukrainian language? Why do you need these problems and conversations with the FSB?” They tend to believe that, they say, he is no longer needed in Crimea, ” **Andrey Shchekun** , editor-in-chief of the Crimean Svetlitsa newspaper , noted in a commentary to **Krym.Realii** .

Before the annexation by Russia, there were 49 religious communities of the Ukrainian Orthodox Church in Crimea, then the Kiev Patriarchate. Now there are four left, and those are endangered. The Russian authorities in Crimea are taking away churches from believers. **Metropolitan Clement** has already publicly appealed to the UN General Assembly and obtained from the Cabinet of Ministers the development of a draft resolution on protecting the interests of believers in Crimea. The document has been in the Verkhovna Rada for half a year, but it is not put to a vote.

MORE RELATED:

“Russia does not want ‘outside believers’ in Crimea”

“ Now it is simply impossible to preserve the Ukrainian language in Crimea. It is virtually destroyed

Metropolitan Clement

“The only place where you can hear the Ukrainian language today is the Ukrainian Orthodox Church. Because we have divine services in Ukrainian, and communication between people takes place in Ukrainian. Now it is simply impossible to preserve the Ukrainian language in Crimea. It is virtually destroyed. And today we can already say that linguocide took place in Crimea - the destruction of the Ukrainian language. And it’s a pity that the authorities of Ukraine don’t talk about this,” said Clement, Metropolitan of the Crimean Diocese of the Orthodox Church of Ukraine (OCU) , in a telephone interview with **Krym.Realii** .

We also talked with a representative of the Ukrainian Cultural Center in Simferopol, **Elena Popova** . The woman says that she began to communicate in Ukrainian since 2014. However, he uses it exclusively in everyday life and in communication with friends. But not in official institutions or workflow.

“I’m not so principled, I don’t want to be constantly in a state of light enmity. At first she spoke slowly and illiterately, but nevertheless, little by little, she began, began, and began to speak. Now I read, listen, I like to watch films in Ukrainian. Everything is as it should be with in-depth learning,” Elena Popova noted in a comment to **Krym.Realii** .

Olena is one of those who regularly brings flowers to the monument to Taras Shevchenko, publicly wears an embroidered shirt and celebrates the Independence Day of Ukraine.

“ We have a program to survive and preserve our spiritual content, our Ukrainian souls

Elena Popova

The Ukrainian Cultural Center is not funded or supported by anyone, and most of its members have moved to mainland Ukraine because of harassment, she says.

"Very many believe that this is an FSB project, and I, accordingly, am an FSB agent. We have no membership, no development plan or any active actions. We have a program to survive and preserve our spiritual content, our Ukrainian souls," Elena Popova notes.

But there is also an organization in Crimea supported by the Kremlin and the Russian authorities of Crimea - this is the "Ukrainian Community of Crimea". They publish books in Ukrainian about the Moscow-controlled head of Crimea , **Sergei Aksyonov** , and about the peninsula "within Russia." No harassment is noticed.

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"Show-off and nothing else": about money for the "Ukrainian Community of Crimea"

"In no case can it be said that the Ukrainian language is somehow suppressed or that it does not exist in the republic. **We have the support of the Government of the Republic of Crimea, and it is maximum,**" said **Anastasia Gridchina** , chairman of the organization "Ukrainian Community of Crimea" in Russian in [an interview with the Millet TV channel](#) .

Russian support for such Ukrainian communities is a hybrid assimilation, Crimean **Eskender Bariev is convinced.**

"Russia is simply implementing its imperial policy, carrying out the Russification of peoples. She needs this in order to create a single, so to speak, "Russian people" with the ideology of the "Russian world," said Eskender Bariev, head of the Crimean Tatar Resource Center, in a comment to **Krym.Realii** .

The issue of oppression of the Ukrainian and Crimean Tatar languages is annually voiced at the UN General Assembly. Last year, [this was](#) also discussed at the Parliamentary Assembly of the Council of Europe. Already this year, the commissioner for the protection of the state language sent a corresponding appeal to the OSCE. It is also planned to launch free online courses for the study of the Ukrainian language for residents of the occupied territories this year.

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Development of the Crimean Tatar language in Ukraine: what are the difficulties?

Annex 169

Vladimir Putin, *On the Historical Unity of Russians and Ukrainians*,
Presidential Executive Office (12 July 2021)

Article by Vladimir Putin "On the Historical Unity of Russians and Ukrainians"

July 12, 2021 17:00

During the recent Direct Line, when I was asked about Russian-Ukrainian relations, I said that Russians and Ukrainians were one people – a single whole. These words were not driven by some short-term considerations or prompted by the current political context. It is what I have said on numerous occasions and what I firmly believe. I therefore feel it necessary to explain my position in detail and share my assessments of today's situation.

First of all, I would like to emphasize that the wall that has emerged in recent years between Russia and Ukraine, between the parts of what is essentially the same historical and spiritual space, to my mind is our great common misfortune and tragedy. These are, first and foremost, the consequences of our own mistakes made at different periods of time. But these are also the result of deliberate efforts by those forces that have always sought to undermine our unity. The formula they apply has been known from time immemorial – divide and rule. There is nothing new here. Hence the attempts to play on the "national question" and sow discord among people, the overarching goal being to divide and then to pit the parts of a single people against one another.

To have a better understanding of the present and look into the future, we need to turn to history. Certainly, it is impossible to cover in this article all the developments that have taken place over more than a thousand years. But I will focus on the key, pivotal moments that are important for us to remember, both in Russia and Ukraine.

Russians, Ukrainians, and Belarusians are all descendants of Ancient Rus, which was the largest state in Europe. Slavic and other tribes across the vast territory – from Ladoga, Novgorod, and Pskov to Kiev and Chernigov – were bound together by one language (which we now refer to as Old Russian), economic ties, the rule of the princes of the Rurik dynasty, and – after the baptism of Rus – the Orthodox faith. The spiritual choice made by St. Vladimir, who was both Prince of Novgorod and Grand Prince of Kiev, still largely determines our affinity today.

The throne of Kiev held a dominant position in Ancient Rus. This had been the custom since the late 9th century. The Tale of Bygone Years captured for posterity the words of Oleg the Prophet about Kiev, "Let it be the mother of all Russian cities."

Later, like other European states of that time, Ancient Rus faced a decline of central rule and fragmentation. At the same time, both the nobility and the common people perceived Rus as a common territory, as their homeland.

The fragmentation intensified after Batu Khan's devastating invasion, which ravaged many cities, including Kiev. The northeastern part of Rus fell under the control of the Golden Horde but retained limited sovereignty. The southern and western Russian lands largely became part of the Grand Duchy of Lithuania, which – most significantly – was referred to in historical records as the Grand Duchy of Lithuania and Russia.

Members of the princely and "boyar" clans would change service from one prince to another, feuding with each other but also making friendships and alliances. Voivode Bobrok of Volyn and the sons of Grand Duke of Lithuania Algirdas – Andrey of Polotsk and Dmitry of Bryansk – fought next to Grand Duke Dmitry Ivanovich of Moscow on the Kulikovo field. At the same time, Grand Duke of Lithuania Jogaila – son of the Princess of Tver – led his troops to join with Mamai. These are all pages of our shared history, reflecting its complex and multi-dimensional nature.

Most importantly, people both in the western and eastern Russian lands spoke the same language. Their faith was Orthodox. Up to the middle of the 15th century, the unified church government remained in place.

At a new stage of historical development, both Lithuanian Rus and Moscow Rus could have become the points of attraction and consolidation of the territories of Ancient Rus. It so happened that Moscow became the center of reunification, continuing the tradition of ancient Russian statehood. Moscow princes – the descendants of Prince Alexander Nevsky – cast off the foreign yoke and began gathering the Russian lands.

In the Grand Duchy of Lithuania, other processes were unfolding. In the 14th century, Lithuania's ruling elite converted to Catholicism. In the 16th century, it signed the Union of Lublin with the Kingdom of Poland to form the Polish–Lithuanian Commonwealth. The Polish Catholic nobility received considerable land holdings and privileges in the territory of Rus. In accordance with the 1596 Union of Brest, part of the western Russian Orthodox clergy submitted to the authority of the Pope. The process of Polonization and Latinization began, ousting Orthodoxy.

As a consequence, in the 16–17th centuries, the liberation movement of the Orthodox population was gaining strength in the Dnieper region. The events during the times of Hetman Bohdan Khmelnytsky became a turning point. His supporters struggled for autonomy from the Polish–Lithuanian Commonwealth.

In its 1649 appeal to the king of the Polish–Lithuanian Commonwealth, the Zaporizhian Host demanded that the rights of the Russian Orthodox population be respected, that the voivode of Kiev be Russian and of Greek faith, and that the persecution of the churches of God be stopped. But the Cossacks were not heard.

Bohdan Khmelnytsky then made appeals to Moscow, which were considered by the Zemsky Sobor. On 1 October 1653, members of the supreme representative body of the Russian state decided to support their brothers in faith and take them under patronage. In January 1654, the Pereyaslav Council confirmed that decision. Subsequently, the ambassadors of Bohdan Khmelnytsky and Moscow visited dozens of cities, including Kiev, whose populations swore allegiance to the Russian tsar. Incidentally, nothing of the kind happened at the conclusion of the Union of Lublin.

In a letter to Moscow in 1654, Bohdan Khmelnytsky thanked Tsar Aleksey Mikhaylovich for taking "the whole Zaporizhian Host and the whole Russian Orthodox world under the strong and high hand of the Tsar". It means that, in their appeals to both the Polish king and the Russian tsar, the Cossacks referred to and defined themselves as Russian Orthodox people.

Over the course of the protracted war between the Russian state and the Polish–Lithuanian Commonwealth, some of the hetmans, successors of Bohdan Khmelnytsky, would "detach themselves" from Moscow or seek support from Sweden, Poland, or Turkey. But, again, for the people, that was a war of liberation. It ended with the Truce of Andrusovo in 1667. The final outcome was sealed by the Treaty of Perpetual Peace in 1686. The Russian state incorporated the city of Kiev and the lands on the left bank of the Dnieper River, including Poltava region, Chernigov region, and Zaporozhye. Their inhabitants were reunited with the main part of the Russian Orthodox people. These territories were referred to as "Malorossia" (Little Russia).

The name "Ukraine" was used more often in the meaning of the Old Russian word "okraina" (periphery), which is found in written sources from the 12th century, referring to various border territories. And the word "Ukrainian", judging by archival documents, originally referred to frontier guards who protected the external borders.

On the right bank, which remained under the Polish–Lithuanian Commonwealth, the old orders were restored, and social and religious oppression intensified. On the contrary, the lands on the left bank, taken under the protection of the unified state, saw rapid development. People from the other bank of the Dnieper moved here en masse. They sought support from people who spoke the same language and had the same faith.

During the Great Northern War with Sweden, the people in Malorossia were not faced with a choice of whom to side with. Only a small portion of the Cossacks supported Mazepa's rebellion. People of all orders and degrees considered themselves Russian and Orthodox.

Cossack senior officers belonging to the nobility would reach the heights of political, diplomatic, and military careers in Russia. Graduates of Kiev-Mohyla Academy played a leading role in church life. This was also the case during the Hetmanate – an essentially autonomous state formation with a special internal structure – and later in the Russian Empire. Malorussians in many ways helped build a big common country – its statehood, culture, and science. They participated in the exploration and development of the Urals, Siberia, the Caucasus, and the Far East. Incidentally, during the Soviet period, natives of Ukraine held major, including the highest, posts in the leadership of the unified state. Suffice it to say that Nikita Khrushchev and Leonid Brezhnev, whose party biography was most closely associated with Ukraine, led the Communist Party of the Soviet Union (CPSU) for almost 30 years.

In the second half of the 18th century, following the wars with the Ottoman Empire, Russia incorporated Crimea and the lands of the Black Sea region, which became known as Novorossiia. They were populated by people from all of the Russian provinces. After the partitions of the Polish-Lithuanian Commonwealth, the Russian Empire regained the western Old Russian lands, with the exception of Galicia and Transcarpathia, which became part of the Austrian – and later Austro-Hungarian – Empire.

The incorporation of the western Russian lands into the single state was not merely the result of political and diplomatic decisions. It was underlain by the common faith, shared cultural traditions, and – I would like to emphasize it once again – language similarity. Thus, as early as the beginning of the 17th century, one of the hierarchs of the Uniate Church, Joseph Rutsky, communicated to Rome that people in Moscovia called Russians from the Polish-Lithuanian Commonwealth their brothers, that their written language was absolutely identical, and differences in the vernacular were insignificant. He drew an analogy with the residents of Rome and Bergamo. These are, as we know, the center and the north of modern Italy.

Many centuries of fragmentation and living within different states naturally brought about regional language peculiarities, resulting in the emergence of dialects. The vernacular enriched the literary language. Ivan Kotlyarevsky, Grigory Skovoroda, and Taras Shevchenko played a huge role here. Their works are our common literary and cultural heritage. Taras Shevchenko wrote poetry in the Ukrainian language, and prose mainly in Russian. The books of Nikolay Gogol, a Russian patriot and native of Poltavshchyna, are written in Russian, bristling with Malorussian folk sayings and motifs. How can this heritage be divided between Russia and Ukraine? And why do it?

The south-western lands of the Russian Empire, Malorussia and Novorossiia, and the Crimea developed as ethnically and religiously diverse entities. Crimean Tatars, Armenians, Greeks, Jews, Karaites, Krymchaks, Bulgarians, Poles, Serbs, Germans, and other peoples lived here. They all preserved their faith, traditions, and customs.

I am not going to idealise anything. We do know there were the Valuev Circular of 1863 and then the Ems Ukaz of 1876, which restricted the publication and importation of religious and socio-political literature in the Ukrainian language. But it is important to be mindful of the historical context. These decisions were taken against the backdrop of dramatic events in Poland and the desire of the leaders of the Polish national movement to exploit the "Ukrainian issue" to their own advantage. I should add that works of fiction, books of Ukrainian poetry and folk songs continued to be published. There is objective evidence that the Russian Empire was witnessing an active process of development of the Malorussian cultural identity within the greater Russian nation, which united the Velikorussians, the Malorussians and the Belorussians.

At the same time, the idea of Ukrainian people as a nation separate from the Russians started to form and gain ground among the Polish elite and a part of the Malorussian intelligentsia. Since there was no historical basis – and could not have been any, conclusions were substantiated by all sorts of concoctions, which went as far as to claim that the Ukrainians are the true Slavs and the Russians, the Muscovites, are not. Such "hypotheses" became increasingly used for political purposes as a tool of rivalry between European states.

Since the late 19th century, the Austro-Hungarian authorities had latched onto this narrative, using it as a counterbalance to the Polish national movement and pro-Muscovite sentiments in Galicia. During World War I, Vienna played a role in the formation of the so-called Legion of Ukrainian Sich Riflemen. Galicians suspected of sympathies with Orthodox Christianity and Russia were subjected to brutal repression and thrown into the concentration camps of Thalerhof and Terezin.

Further developments had to do with the collapse of European empires, the fierce civil war that broke out across the vast territory of the former Russian Empire, and foreign intervention.

After the February Revolution, in March 1917, the Central Rada was established in Kiev, intended to become the organ of supreme power. In November 1917, in its Third Universal, it declared the creation of the Ukrainian People's Republic (UPR) as part of Russia.

In December 1917, UPR representatives arrived in Brest-Litovsk, where Soviet Russia was negotiating with Germany and its allies. At a meeting on 10 January 1918, the head of the Ukrainian delegation read out a note proclaiming the independence of Ukraine. Subsequently, the Central Rada proclaimed Ukraine independent in its Fourth Universal.

The declared sovereignty did not last long. Just a few weeks later, Rada delegates signed a separate treaty with the German bloc countries. Germany and Austria-Hungary were at the time in a dire situation and needed Ukrainian bread and raw materials. In order to secure large-scale supplies, they obtained consent for sending their troops and technical staff to the UPR. In fact, this was used as a pretext for occupation.

For those who have today given up the full control of Ukraine to external forces, it would be instructive to remember that, back in 1918, such a decision proved fatal for the ruling regime in Kiev. With the direct involvement of the occupying forces, the Central Rada was overthrown and Hetman Pavlo Skoropadskyi was brought to power, proclaiming instead of the UPR the Ukrainian State, which was essentially under German protectorate.

In November 1918 – following the revolutionary events in Germany and Austria-Hungary – Pavlo Skoropadskyi, who had lost the support of German bayonets, took a different course, declaring that "Ukraine is to take the lead in the formation of an All-Russian Federation". However, the regime was soon changed again. It was now the time of the so-called Directorate.

In autumn 1918, Ukrainian nationalists proclaimed the West Ukrainian People's Republic (WUPR) and, in January 1919, announced its unification with the Ukrainian People's Republic. In July 1919, Ukrainian forces were crushed by Polish troops, and the territory of the former WUPR came under the Polish rule.

In April 1920, Symon Petliura (portrayed as one of the "heroes" in today's Ukraine) concluded secret conventions on behalf of the UPR Directorate, giving up – in exchange for military support – Galicia and Western Volhynia lands to Poland. In May 1920, Petliurites entered Kiev in a convoy of Polish military units. But not for long. As early as November 1920, following a truce between Poland and Soviet Russia, the remnants of Petliura's forces surrendered to those same Poles.

The example of the UPR shows that different kinds of quasi-state formations that emerged across the former Russian Empire at the time of the Civil War and turbulence were inherently unstable. Nationalists sought to create their own independent states, while leaders of the White movement advocated indivisible Russia. Many of the republics established by the Bolsheviks' supporters did not see themselves outside Russia either. Nevertheless, Bolshevik Party leaders sometimes basically drove them out of Soviet Russia for various reasons.

Thus, in early 1918, the Donetsk-Krivoy Rog Soviet Republic was proclaimed and asked Moscow to incorporate it into Soviet Russia. This was met with a refusal. During a meeting with the republic's leaders, Vladimir Lenin insisted that they act as part of Soviet Ukraine. On 15 March 1918, the Central Committee of the Russian Communist Party (Bolsheviks) directly ordered that delegates be sent to the Ukrainian Congress of Soviets, including from the Donetsk Basin, and that "one government for all of Ukraine" be created at the congress. The territories of the Donetsk-Krivoy Rog Soviet Republic later formed most of the regions of south-eastern Ukraine.

Under the 1921 Treaty of Riga, concluded between the Russian SFSR, the Ukrainian SSR and Poland, the western lands of the former Russian Empire were ceded to Poland. In the interwar period, the Polish government pursued an active resettlement policy, seeking to change the ethnic composition of the Eastern Borderlands – the Polish name for what is now Western Ukraine, Western Belarus and parts of Lithuania. The areas were subjected to harsh Polonisation, local culture and traditions suppressed. Later, during World

War II, radical groups of Ukrainian nationalists used this as a pretext for terror not only against Polish, but also against Jewish and Russian populations.

In 1922, when the USSR was created, with the Ukrainian Soviet Socialist Republic becoming one of its founders, a rather fierce debate among the Bolshevik leaders resulted in the implementation of Lenin's plan to form a union state as a federation of equal republics. The right for the republics to freely secede from the Union was included in the text of the Declaration on the Creation of the Union of Soviet Socialist Republics and, subsequently, in the 1924 USSR Constitution. By doing so, the authors planted in the foundation of our statehood the most dangerous time bomb, which exploded the moment the safety mechanism provided by the leading role of the CPSU was gone, the party itself collapsing from within. A "parade of sovereignties" followed. On 8 December 1991, the so-called Belovezh Agreement on the Creation of the Commonwealth of Independent States was signed, stating that "the USSR as a subject of international law and a geopolitical reality no longer existed." By the way, Ukraine never signed or ratified the CIS Charter adopted back in 1993.

In the 1920's-1930's, the Bolsheviks actively promoted the "localization policy", which took the form of Ukrainization in the Ukrainian SSR. Symbolically, as part of this policy and with consent of the Soviet authorities, Mikhail Grushevskiy, former chairman of Central Rada, one of the ideologists of Ukrainian nationalism, who at a certain period of time had been supported by Austria-Hungary, was returned to the USSR and was elected member of the Academy of Sciences.

The localization policy undoubtedly played a major role in the development and consolidation of the Ukrainian culture, language and identity. At the same time, under the guise of combating the so-called Russian great-power chauvinism, Ukrainization was often imposed on those who did not see themselves as Ukrainians. This Soviet national policy secured at the state level the provision on three separate Slavic peoples: Russian, Ukrainian and Belorussian, instead of the large Russian nation, a triune people comprising Velikorussians, Malorussians and Belorussians.

In 1939, the USSR regained the lands earlier seized by Poland. A major portion of these became part of the Soviet Ukraine. In 1940, the Ukrainian SSR incorporated part of Bessarabia, which had been occupied by Romania since 1918, as well as Northern Bukovina. In 1948, Zmeyiny Island (Snake Island) in the Black Sea became part of Ukraine. In 1954, the Crimean Region of the RSFSR was given to the Ukrainian SSR, in gross violation of legal norms that were in force at the time.

I would like to dwell on the destiny of Carpathian Ruthenia, which became part of Czechoslovakia following the breakup of Austria-Hungary. Rusins made up a considerable share of local population. While this is hardly mentioned any longer, after the liberation of Transcarpathia by Soviet troops the congress of the Orthodox population of the region voted for the inclusion of Carpathian Ruthenia in the RSFSR or, as a separate Carpathian republic, in the USSR proper. Yet the choice of people was ignored. In summer 1945, the historical act of the reunification of Carpathian Ukraine "with its ancient motherland, Ukraine" – as The Pravda newspaper put it – was announced.

Therefore, modern Ukraine is entirely the product of the Soviet era. We know and remember well that it was shaped – for a significant part – on the lands of historical Russia. To make sure of that, it is enough to look at the boundaries of the lands reunited with the Russian state in the 17th century and the territory of the Ukrainian SSR when it left the Soviet Union.

The Bolsheviks treated the Russian people as inexhaustible material for their social experiments. They dreamt of a world revolution that would wipe out national states. That is why they were so generous in drawing borders and bestowing territorial gifts. It is no longer important what exactly the idea of the Bolshevik leaders who were chopping the country into pieces was. We can disagree about minor details, background and logics behind certain decisions. One fact is crystal clear: Russia was robbed, indeed.

When working on this article, I relied on open-source documents that contain well-known facts rather than on some secret records. The leaders of modern Ukraine and their external "patrons" prefer to overlook these facts. They do not miss a chance, however, both inside the country and abroad, to condemn "the crimes of the Soviet regime," listing among them events with which neither the CPSU, nor the USSR, let alone modern Russia, have anything to do. At the same time, the Bolsheviks' efforts to detach from

Russia its historical territories are not considered a crime. And we know why: if they brought about the weakening of Russia, our ill-wishes are happy with that.

Of course, inside the USSR, borders between republics were never seen as state borders; they were nominal within a single country, which, while featuring all the attributes of a federation, was highly centralized – this, again, was secured by the CPSU's leading role. But in 1991, all those territories, and, which is more important, people, found themselves abroad overnight, taken away, this time indeed, from their historical motherland.

What can be said to this? Things change: countries and communities are no exception. Of course, some part of a people in the process of its development, influenced by a number of reasons and historical circumstances, can become aware of itself as a separate nation at a certain moment. How should we treat that? There is only one answer: with respect!

You want to establish a state of your own: you are welcome! But what are the terms? I will recall the assessment given by one of the most prominent political figures of new Russia, first mayor of Saint Petersburg Anatoly Sobchak. As a legal expert who believed that every decision must be legitimate, in 1992, he shared the following opinion: the republics that were founders of the Union, having denounced the 1922 Union Treaty, must return to the boundaries they had had before joining the Soviet Union. All other territorial acquisitions are subject to discussion, negotiations, given that the ground has been revoked.

In other words, when you leave, take what you brought with you. This logic is hard to refute. I will just say that the Bolsheviks had embarked on reshaping boundaries even before the Soviet Union, manipulating with territories to their liking, in disregard of people's views.

The Russian Federation recognized the new geopolitical realities: and not only recognized, but, indeed, did a lot for Ukraine to establish itself as an independent country. Throughout the difficult 1990's and in the new millennium, we have provided considerable support to Ukraine. Whatever "political arithmetic" of its own Kiev may wish to apply, in 1991–2013, Ukraine's budget savings amounted to more than USD 82 billion, while today, it holds on to the mere USD 1.5 billion of Russian payments for gas transit to Europe. If economic ties between our countries had been retained, Ukraine would enjoy the benefit of tens of billions of dollars.

Ukraine and Russia have developed as a single economic system over decades and centuries. The profound cooperation we had 30 years ago is an example for the European Union to look up to. We are natural complementary economic partners. Such a close relationship can strengthen competitive advantages, increasing the potential of both countries.

Ukraine used to possess great potential, which included powerful infrastructure, gas transportation system, advanced shipbuilding, aviation, rocket and instrument engineering industries, as well as world-class scientific, design and engineering schools. Taking over this legacy and declaring independence, Ukrainian leaders promised that the Ukrainian economy would be one of the leading ones and the standard of living would be among the best in Europe.

Today, high-tech industrial giants that were once the pride of Ukraine and the entire Union, are sinking. Engineering output has dropped by 42 per cent over ten years. The scale of deindustrialization and overall economic degradation is visible in Ukraine's electricity production, which has seen a nearly two-time decrease in 30 years. Finally, according to IMF reports, in 2019, before the coronavirus pandemic broke out, Ukraine's GDP per capita had been below USD 4 thousand. This is less than in the Republic of Albania, the Republic of Moldova, or unrecognized Kosovo. Nowadays, Ukraine is Europe's poorest country.

Who is to blame for this? Is it the people of Ukraine's fault? Certainly not. It was the Ukrainian authorities who wasted and frittered away the achievements of many generations. We know how hardworking and talented the people of Ukraine are. They can achieve success and outstanding results with perseverance and determination. And these qualities, as well as their openness, innate optimism and hospitality have not gone. The feelings of millions of people who treat Russia not just well but with great affection, just as we feel about Ukraine, remain the same.

Until 2014, hundreds of agreements and joint projects were aimed at developing our economies, business and cultural ties, strengthening security, and solving common social and environmental problems. They brought tangible benefits to people – both in Russia and Ukraine. This is what we believed to be most important. And that is why we had a fruitful interaction with all, I emphasize, with all the leaders of Ukraine.

Even after the events in Kiev of 2014, I charged the Russian government to elaborate options for preserving and maintaining our economic ties within relevant ministries and agencies. However, there was and is still no mutual will to do the same. Nevertheless, Russia is still one of Ukraine's top three trading partners, and hundreds of thousands of Ukrainians are coming to us to work, and they find a welcome reception and support. So that what the "aggressor state" is.

When the USSR collapsed, many people in Russia and Ukraine sincerely believed and assumed that our close cultural, spiritual and economic ties would certainly last, as would the commonality of our people, who had always had a sense of unity at their core. However, events – at first gradually, and then more rapidly – started to move in a different direction.

In essence, Ukraine's ruling circles decided to justify their country's independence through the denial of its past, however, except for border issues. They began to mythologize and rewrite history, edit out everything that united us, and refer to the period when Ukraine was part of the Russian Empire and the Soviet Union as an occupation. The common tragedy of collectivization and famine of the early 1930s was portrayed as the genocide of the Ukrainian people.

Radicals and neo-Nazis were open and more and more insolent about their ambitions. They were indulged by both the official authorities and local oligarchs, who robbed the people of Ukraine and kept their stolen money in Western banks, ready to sell their motherland for the sake of preserving their capital. To this should be added the persistent weakness of state institutions and the position of a willing hostage to someone else's geopolitical will.

I recall that long ago, well before 2014, the U.S. and EU countries systematically and consistently pushed Ukraine to curtail and limit economic cooperation with Russia. We, as the largest trade and economic partner of Ukraine, suggested discussing the emerging problems in the Ukraine-Russia-EU format. But every time we were told that Russia had nothing to do with it and that the issue concerned only the EU and Ukraine. De facto Western countries rejected Russia's repeated calls for dialogue.

Step by step, Ukraine was dragged into a dangerous geopolitical game aimed at turning Ukraine into a barrier between Europe and Russia, a springboard against Russia. Inevitably, there came a time when the concept of "Ukraine is not Russia" was no longer an option. There was a need for the "anti-Russia" concept which we will never accept.

The owners of this project took as a basis the old groundwork of the Polish-Austrian ideologists to create an "anti-Moscow Russia". And there is no need to deceive anyone that this is being done in the interests of the people of Ukraine. The Polish-Lithuanian Commonwealth never needed Ukrainian culture, much less Cossack autonomy. In Austria-Hungary, historical Russian lands were mercilessly exploited and remained the poorest. The Nazis, abetted by collaborators from the OUN-UPA, did not need Ukraine, but a living space and slaves for Aryan overlords.

Nor were the interests of the Ukrainian people thought of in February 2014. The legitimate public discontent, caused by acute socio-economic problems, mistakes, and inconsistent actions of the authorities of the time, was simply cynically exploited. Western countries directly interfered in Ukraine's internal affairs and supported the coup. Radical nationalist groups served as its battering ram. Their slogans, ideology, and blatant aggressive Russophobia have to a large extent become defining elements of state policy in Ukraine.

All the things that united us and bring us together so far came under attack. First and foremost, the Russian language. Let me remind you that the new "Maidan" authorities first tried to repeal the law on state language policy. Then there was the law on the "purification of power", the law on education that virtually cut the Russian language out of the educational process.

Lastly, as early as May of this year, the current president introduced a bill on "indigenous peoples" to the Rada. Only those who constitute an ethnic minority and do not have their own state entity outside Ukraine are recognized as indigenous. The law has been passed. New seeds of discord have been sown. And this is happening in a country, as I have already noted, that is very complex in terms of its territorial, national and linguistic composition, and its history of formation.

There may be an argument: if you are talking about a single large nation, a triune nation, then what difference does it make who people consider themselves to be – Russians, Ukrainians, or Belarusians. I completely agree with this. Especially since the determination of nationality, particularly in mixed families, is the right of every individual, free to make his or her own choice.

But the fact is that the situation in Ukraine today is completely different because it involves a forced change of identity. And the most despicable thing is that the Russians in Ukraine are being forced not only to deny their roots, generations of their ancestors but also to believe that Russia is their enemy. It would not be an exaggeration to say that the path of forced assimilation, the formation of an ethnically pure Ukrainian state, aggressive towards Russia, is comparable in its consequences to the use of weapons of mass destruction against us. As a result of such a harsh and artificial division of Russians and Ukrainians, the Russian people in all may decrease by hundreds of thousands or even millions.

Our spiritual unity has also been attacked. As in the days of the Grand Duchy of Lithuania, a new ecclesiastical has been initiated. The secular authorities, making no secret of their political aims, have blatantly interfered in church life and brought things to a split, to the seizure of churches, the beating of priests and monks. Even extensive autonomy of the Ukrainian Orthodox Church while maintaining spiritual unity with the Moscow Patriarchate strongly displeases them. They have to destroy this prominent and centuries-old symbol of our kinship at all costs.

I think it is also natural that the representatives of Ukraine over and over again vote against the UN General Assembly resolution condemning the glorification of Nazism. Marches and torchlit processions in honor of remaining war criminals from the SS units take place under the protection of the official authorities. Mazepa, who betrayed everyone, Petliura, who paid for Polish patronage with Ukrainian lands, and Bandera, who collaborated with the Nazis, are ranked as national heroes. Everything is being done to erase from the memory of young generations the names of genuine patriots and victors, who have always been the pride of Ukraine.

For the Ukrainians who fought in the Red Army, in partisan units, the Great Patriotic War was indeed a patriotic war because they were defending their home, their great common Motherland. Over two thousand soldiers became Heroes of the Soviet Union. Among them are legendary pilot Ivan Kozhedub, fearless sniper, defender of Odessa and Sevastopol Lyudmila Pavlichenko, valiant guerrilla commander Sidor Kovpak. This indomitable generation fought, those people gave their lives for our future, for us. To forget their feat is to betray our grandfathers, mothers and fathers.

The anti-Russia project has been rejected by millions of Ukrainians. The people of Crimea and residents of Sevastopol made their historic choice. And people in the southeast peacefully tried to defend their stance. Yet, all of them, including children, were labeled as separatists and terrorists. They were threatened with ethnic cleansing and the use of military force. And the residents of Donetsk and Lugansk took up arms to defend their home, their language and their lives. Were they left any other choice after the riots that swept through the cities of Ukraine, after the horror and tragedy of 2 May 2014 in Odessa where Ukrainian neo-Nazis burned people alive making a new Khatyn out of it? The same massacre was ready to be carried out by the followers of Bandera in Crimea, Sevastopol, Donetsk and Lugansk. Even now they do not abandon such plans. They are biding their time. But their time will not come.

The coup d'état and the subsequent actions of the Kiev authorities inevitably provoked confrontation and civil war. The UN High Commissioner for Human Rights estimates that the total number of victims in the conflict in Donbas has exceeded 13,000. Among them are the elderly and children. These are terrible, irreparable losses.

Russia has done everything to stop fratricide. The Minsk agreements aimed at a peaceful settlement of the conflict in Donbas have been concluded. I am convinced that they still have no alternative. In any case, no one has withdrawn their signatures from the Minsk Package of Measures or from the relevant statements by the leaders of the Normandy format countries. No one has initiated a review of the United Nations Security Council resolution of 17 February 2015.

During official negotiations, especially after being reined in by Western partners, Ukraine's representatives regularly declare their "full adherence" to the Minsk agreements, but are in fact guided by a position of "unacceptability". They do not intend to seriously discuss either the special status of Donbas or safeguards for the people living there. They prefer to exploit the image of the "victim of external aggression" and peddle Russophobia. They arrange bloody provocations in Donbas. In short, they attract the attention of external patrons and masters by all means.

Apparently, and I am becoming more and more convinced of this: Kiev simply does not need Donbas. Why? Because, firstly, the inhabitants of these regions will never accept the order that they have tried and are trying to impose by force, blockade and threats. And secondly, the outcome of both Minsk-1 and Minsk-2 which give a real chance to peacefully restore the territorial integrity of Ukraine by coming to an agreement directly with the DPR and LPR with Russia, Germany and France as mediators, contradicts the entire logic of the anti-Russia project. And it can only be sustained by the constant cultivation of the image of an internal and external enemy. And I would add – under the protection and control of the Western powers.

This is what is actually happening. First of all, we are facing the creation of a climate of fear in Ukrainian society, aggressive rhetoric, indulging neo-Nazis and militarising the country. Along with that we are witnessing not just complete dependence but direct external control, including the supervision of the Ukrainian authorities, security services and armed forces by foreign advisers, military "development" of the territory of Ukraine and deployment of NATO infrastructure. It is no coincidence that the aforementioned flagrant law on "indigenous peoples" was adopted under the cover of large-scale NATO exercises in Ukraine.

This is also a disguise for the takeover of the rest of the Ukrainian economy and the exploitation of its natural resources. The sale of agricultural land is not far off, and it is obvious who will buy it up. From time to time, Ukraine is indeed given financial resources and loans, but under their own conditions and pursuing their own interests, with preferences and benefits for Western companies. By the way, who will pay these debts back? Apparently, it is assumed that this will have to be done not only by today's generation of Ukrainians but also by their children, grandchildren and probably great-grandchildren.

The Western authors of the anti-Russia project set up the Ukrainian political system in such a way that presidents, members of parliament and ministers would change but the attitude of separation from and enmity with Russia would remain. Reaching peace was the main election slogan of the incumbent president. He came to power with this. The promises turned out to be lies. Nothing has changed. And in some ways the situation in Ukraine and around Donbas has even degenerated.

In the anti-Russia project, there is no place either for a sovereign Ukraine or for the political forces that are trying to defend its real independence. Those who talk about reconciliation in Ukrainian society, about dialogue, about finding a way out of the current impasse are labelled as "pro-Russian" agents.

Again, for many people in Ukraine, the anti-Russia project is simply unacceptable. And there are millions of such people. But they are not allowed to raise their heads. They have had their legal opportunity to defend their point of view in fact taken away from them. They are intimidated, driven underground. Not only are they persecuted for their convictions, for the spoken word, for the open expression of their position, but they are also killed. Murderers, as a rule, go unpunished.

Today, the "right" patriot of Ukraine is only the one who hates Russia. Moreover, the entire Ukrainian statehood, as we understand it, is proposed to be further built exclusively on this idea. Hate and anger, as world history has repeatedly proved this, are a very shaky foundation for sovereignty, fraught with many serious risks and dire consequences.

All the subterfuges associated with the anti-Russia project are clear to us. And we will never allow our historical territories and people close to us living there to be used against Russia. And to those who will undertake such an attempt, I would like to say that this way they will destroy their own country.

The incumbent authorities in Ukraine like to refer to Western experience, seeing it as a model to follow. Just have a look at how Austria and Germany, the USA and Canada live next to each other. Close in ethnic composition, culture, in fact sharing one language, they remain sovereign states with their own interests, with their own foreign policy. But this does not prevent them from the closest

integration or allied relations. They have very conditional, transparent borders. And when crossing them the citizens feel at home. They create families, study, work, do business. Incidentally, so do millions of those born in Ukraine who now live in Russia. We see them as our own close people.

Russia is open to dialogue with Ukraine and ready to discuss the most complex issues. But it is important for us to understand that our partner is defending its national interests but not serving someone else's, and is not a tool in someone else's hands to fight against us.

We respect the Ukrainian language and traditions. We respect Ukrainians' desire to see their country free, safe and prosperous.

I am confident that true sovereignty of Ukraine is possible only in partnership with Russia. Our spiritual, human and civilizational ties formed for centuries and have their origins in the same sources, they have been hardened by common trials, achievements and victories. Our kinship has been transmitted from generation to generation. It is in the hearts and the memory of people living in modern Russia and Ukraine, in the blood ties that unite millions of our families. Together we have always been and will be many times stronger and more successful. For we are one people.

Today, these words may be perceived by some people with hostility. They can be interpreted in many possible ways. Yet, many people will hear me. And I will say one thing – Russia has never been and will never be "anti-Ukraine". And what Ukraine will be – it is up to its citizens to decide.

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Annex 170

Radio Svoboda, *The UN has counted the number of victims of hostilities in Donbass* (19 February 2021), accessed at <https://www.radiosvoboda.org/a/news-oon-kst-gerty-boyovyh-donbas/31110937.html>

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**NEWS POLICY**

The UN has counted the number of victims of hostilities in Donbass

February 19, 2021, 09:50

In response to a request from Radio Svoboda, the Office of the UN High Commissioner for Human Rights counted the total number of victims of hostilities in Donbas from April 14, 2014 to February 10, 2020.

"According to UNHCR estimates, the total number of casualties related to the conflict in Ukraine (from 14 April 2014 to 31 January 2021) is 42,000-44,000: 13,100-13300 dead (at least 3375 civilians, approximately 4150 Ukrainian military and approximately 5,700 members of armed groups); and 29,500-33500 wounded (7000-9000 civilians, 9700-10700 Ukrainian military and 12700-13700 members of armed groups)," the Office of the UN High Commissioner for Human Rights said in response to a request from Radio Svoboda.

SEE ALSO:

The militants used grenade launchers and machine guns in the Donbass - OOS

During the entire period of the conflict, from April 14, 2014 to January 31, 2021, civilians accounted for 25-26 percent of the total number of people killed in the conflict (3375 out of 13100-13300). The same ratio applies to injuries.

It should be noted that this ratio has changed significantly over the years: from 33-34 percent in 2014 (one civilian killed for two killed Ukrainian soldiers or members of armed groups), to 4-5 percent in 2019-2020: one civilian, killed in artillery shelling, fire from SZLO (small arms and light weapons - *ed.*) and incidents involving mines on 20-22 Ukrainian soldiers or members of armed groups killed in artillery shelling, fire from SZLO and incidents "related to mines," the UN said.

According to the UN, the statistics of military deaths include cases not directly related to hostilities, in particular, due to careless handling of weapons, traffic accidents, diseases while serving in the conflict zone, murders and suicides, which are about 30 percent of the total.

SEE ALSO:

Zelensky convenes the National Security and Defense Council. What can be prepared for

The UN has counted the number of victims of hostilities in Donbass
Donbass?

It is also reported that in 2019 and 2020, up to 40 percent of military deaths in the conflict zone are caused by disease, murder, suicide, traffic accidents and other non-combat causes. They are not included in the specified ratio.

Fighting in eastern Ukraine began after Russia illegally annexed Crimea, and pro-Russian militants backed by it began seizing government offices and storming military units in the Donbas.

Ukraine and the West accuse Russia of armed support for the militants. The EU, the United States and other countries have imposed economic and political sanctions on Russia.

The Kremlin denies the allegations and says there may be "Russian volunteers" in Donbas.

Annex 171

Timofey Sergeytsev, *What Should Russia Do With Ukraine?*, Ria Novosti
(3 April 2022)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

What Should Russia Do With Ukraine?

RIA NOVOSTI

08:00 April 3, 2022 Seen by 1,170,867



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Flags of Ukraine and “The Right Sector”* found in the former location of the Armed Forces of Ukraine near Mariupol. Archive photo.



Timofey Sergeytsev

Even back in April of last year, we wrote about the inevitability of the denazification of Ukraine. We do not need Nazi, Bandera Ukraine, an enemy of Russia and a tool of the West to destroy Russia. Today, the issue of denazification has moved into a practical plane.

Denazification is necessary when a significant part of the people - most likely the majority - has been mastered and drawn by the Nazi regime in its politics. That is, when the hypothesis "the people are good - the government is bad" does not work. Recognition of this fact is the basis of the policy of denazification, of all its measures, and the fact itself is its subject matter. Russia is responsible for Ukraine

Ukraine is in just such a situation. The fact that the Ukrainian voter voted for the "peace of Poroshenko" and "peace of Zelensky" should not be misleading - the Ukrainians were quite satisfied with the shortest path to peace through the blitzkrieg, which the last two Ukrainian presidents transparently hinted at when they were elected. It was this method of "appeasement" of internal anti-fascists - through the total terror - that was used in Odessa, Kharkov, Dnepropetrovsk, Mariupol, and other Russian cities. And this quite suited an average Ukrainian. Denazification is a set of measures in relation to the nazified volume of the population, which technically cannot be subjected to direct punishment as war criminals.

The Nazis who took up arms should be destroyed to the maximum on the battlefield. No significant distinction should be made between the Armed Forces of Ukraine and the so-called national battalions, as well as the territorial defense that joined these two types of military formations. All of them are equally involved in extreme cruelty against the civilian population, equally guilty of the genocide of the Russian people, and do not comply with the laws and customs of war. War criminals and active Nazis should be exemplarily and publically punished. There must be a total lustration. Any organizations that have associated themselves with the practice of Nazism have been liquidated and banned. However, in addition to the top, a significant part of the people, which are passive Nazis, accomplices of Nazism, are also guilty. They supported and indulged Nazi power. The just punishment of this part of the population is possible only through suffering the inevitable hardships of a just war against the Nazi system, carried out with the utmost care and discretion in relation to civilians. Further denazification of this mass of the population consists in re-education, which is achieved by ideological repression (suppression) of Nazi attitudes and strict censorship: not only in the political sphere, but also obligatory in the sphere of culture and education. It was through culture and education that a deep mass nazification of the population was prepared and carried out, secured by the promise of dividends from the victory of the Nazi regime over Russia, Nazi propaganda, internal violence and terror, as well as the eight-year war with the people of Donbass who rebelled against Ukrainian Nazism.

Denazification can only be carried out by the winner, which implies (1) his absolute control over the denazification process and (2) the power to ensure such control. In this respect, a denazified country cannot be sovereign. The denazifying state - Russia - cannot proceed from a liberal approach with regard to denazification. The ideology of the denazifier cannot be disputed by the guilty party subjected to denazification. Russia's recognition of the need to denazify Ukraine means the recognition of the impossibility of the Crimean scenario for Ukraine as a whole.

However, this scenario was not possible in 2014 in the rebellious Donbass either. Only the eight years of resistance to Nazi violence and terror led to internal cohesion and a conscious unambiguous mass refusal to maintain any unity and connection with Ukraine, which defined itself as a Nazi society.

The period of denazification can in no way be less than one generation, which must be born, grow up and reach maturity under the conditions of denazification. The nazification of Ukraine continued for more than 30 years, beginning at least in 1989, when Ukrainian nationalism received legal and legitimate forms of political expression and led the movement for "independence", moving towards Nazism.

The peculiarity of modern nazified Ukraine is in amorphousness and ambivalence, which allow Nazism to be disguised as a desire for "independence" and a "European" (Western, pro-American) path of "development" (in reality - to degradation), to assert that in Ukraine "there is no Nazism, only private individual excesses". After all, there is no main Nazi party, no Fuhrer, no full-fledged racial laws (only their truncated version in the form of repressions against the Russian language). As a result, there is no opposition and resistance to the regime.

However, all of the above does not make Ukrainian Nazism a "light version" of German Nazism during the first half of the 20th century. On the contrary, since Ukrainian Nazism is free from such "genre" (essentially political technology) frameworks and restrictions, it freely unfolds as the fundamental basis of any Nazism - as European and, in its most developed form, American racism. Therefore, denazification cannot be carried out as a compromise, on the basis of a formula like "NATO - no, EU - yes." The collective West itself is the designer, source and sponsor of Ukrainian Nazism, while the Western Bandera cadres and their "historical memory" are just one of the tools for the Nazisification of Ukraine. Ucronazism carries not less, but a greater threat to the world and Russia, than the Hitler's version of the German Nazism.

The name "Ukraine" apparently cannot be retained as the title of any fully denazified state entity in a territory liberated from the Nazi regime. The people's republics newly created in the space free from Nazism should and will grow from the practice of economic self-government and social security, restoration and modernization of systems that support life of the population.

In fact, their political aspirations cannot be neutral - expiation of guilt before Russia for treating it as an enemy can be realized only by relying on Russia in the processes of restoration, revival and development. No "Marshall Plans" should be allowed for these territories. There can be no "neutrality" in the ideological and practical sense, compatible with denazification. The cadres and organizations that are the instrument of denazification in the newly denazified republics cannot but rely on Russia's direct military and organizational support.

Denazification will inevitably also be a de-Ukrainization - a rejection of the large-scale artificial increase of the ethnic component of self-identification of the population of the territories of historical Little Russia and New Russia, begun by the Soviet authorities. Being an instrument of the communist superpower, after its fall, artificial ethnocentrism did not remain ownerless. In this official capacity, it passed under the authority of another superpower (the power standing over the states) — the superpower of the West. It must be returned to its natural boundaries and deprived of political functionality.

Unlike, for example, Georgia and the Baltic countries, Ukraine, as history has shown, is impossible as a nation state, and attempts to "build" one naturally lead to Nazism. Ukrainism is an artificial anti-Russian construction that does not have its own civilizational content, a subordinate element of an alien and foreign civilization. Debanderization by itself will not be enough for denazification - the Bandera element is only a tool and a screen, a disguise for the European project of Nazi Ukraine, therefore the denazification of Ukraine means also its inevitable de-Europeanization.

The Bandera elite must be eliminated, its re-education is impossible. The social "swamp", which actively and passively supported it by action and inaction, must survive the hardships of the war and assimilate the experience as a historical lesson and atonement for its guilt. Those who did not support the Nazi regime, suffered from it and from the war unleashed by it in the Donbass, must be consolidated and organized, must become the vertical and horizontal pillar of the new government. Historical experience shows that the tragedies and dramas of wartime benefit peoples who have been tempted and carried away by the role of an enemy of Russia.

Denazification as the goal of a special military operation within the framework of this operation itself is understood as a military victory over the Kiev regime, the liberation of territories from armed supporters of the Nazis, the elimination of implacable Nazis, the capture of war criminals, and the creation of systemic conditions for the subsequent denazification in peacetime.

The latter, in turn, should begin with the organization of local self-government, militia and defense bodies, cleansed of Nazi elements, launching on their basis the processes of founding a new republican statehood, integrating this statehood into close cooperation with the Russian department for the denazification of Ukraine (newly created or converted, say, from Rossotrudnichestvo [Russian Federal Agency for the Commonwealth of Independent States Affairs, Compatriots Living Abroad, and International Humanitarian Cooperation]), with the adoption, under Russian control, of the republican regulatory framework (legislation) on denazification, the definition of the boundaries and framework for the direct application of Russian law and Russian jurisdiction in the liberated territory in the field of denazification, the creation of a tribunal for crimes against humanity in the former Ukraine. In this regard, Russia should act as the guardian of the Nuremberg Trials.

All of the above means that in order to achieve the goals of denazification, the support of the population is necessary, its transition to the side of Russia after liberation from terror, violence and ideological pressure of the Kiev regime, after the withdrawal from informational isolation. Of course, it will take some time for people to recover from the shock of hostilities, to be convinced of Russia's long-term intentions - that "they will not be abandoned." It is impossible to foresee in advance exactly in which territories such a mass of the population will constitute a critically needed majority. The "Catholic province" (Western Ukraine as part of five regions) is unlikely to become part of the pro-Russian territories. The dividing line, however, will be found empirically. Behind it will remain hostile to Russia, but forcibly neutral and demilitarized Ukraine with formally banned Nazism. The haters of Russia will go there. The threat of an immediate continuation of the military operation in case of non-compliance with the listed requirements should serve as the guarantee of the preservation of this residual Ukraine in a neutral state. Perhaps this will require a permanent Russian military presence on its territory. From the dividing line to the Russian border there will be a territory of potential integration into the Russian civilization, which is anti-fascist in its internal nature.

The operation to denazify Ukraine, which began with a military phase, will follow the same logic of stages in peacetime as a military operation. At each of them, it will be necessary to achieve irreversible changes, which will become the results of the corresponding stage. In this case, the necessary initial steps of denazification can be defined as follows:

- liquidation of armed Nazi formations (which means any armed formations of Ukraine, including the Armed Forces of Ukraine), as well as the military, informational, educational infrastructure that supports their activity;
- the formation of public self-government bodies and militia (defense and law enforcement) of the liberated territories, protecting the population from the terror of underground Nazi groups;
- installation of the Russian information space;
- the withdrawal of educational materials and the prohibition of educational programs at all levels containing Nazi ideological guidelines;
- mass investigative actions to establish personal responsibility for war crimes, crimes against humanity, the spread of Nazi ideology and support for the Nazi regime;
- lustration, publication of the names of accomplices of the Nazi regime, involving them in forced labor to restore the destroyed infrastructure as punishment for Nazi activities (from among those who will not be subject to the death penalty or imprisonment);

—the adoption at the local level, under the supervision of Russia, of primary legislative acts of denazification "from below", a ban on all types and forms of the revival of Nazi ideology;

—the establishment of memorials, commemorative signs, monuments to the victims of Ukrainian Nazism, perpetuating the memory of the heroes of the struggle against it;

—the inclusion of a complex of anti-fascist and denazification norms in the constitutions of the new people's republics;

—creation of permanent denazification bodies for a period of 25 years.

Russia will have no allies in the denazification of Ukraine. Since this is a purely Russian business. And also because not just the Bandera version of Nazi Ukraine will be eradicated, but also, and above all, the Western totalitarianism, the imposed programs of civilizational degradation and disintegration, the mechanisms of subjugation to the superpower of the West and the United States .

In order to put the plan of denazification of Ukraine into practice, Russia itself will have to finally part with pro-European and pro-Western illusions, and realize itself as the last instance of protecting and preserving those values of historical Europe (the Old World) that deserve it and which the West ultimately abandoned, losing the fight for himself. This struggle continued throughout the 20th century and was expressed in the world war and the Russian revolution, inextricably linked with each other.

Russia did everything possible to save the West in the 20th century. It implemented the main Western project, an alternative to capitalism, which won the nation-states - the socialist, red project. It crushed German Nazism, the monstrous offspring of the crisis of the Western civilization. The last act of Russian altruism was the outstretched hand of friendship from Russia, for which Russia received a monstrous blow in the 1990s.

Everything that Russia has done for the West, it has done at its own expense, by making the greatest sacrifices. The West ultimately rejected all these sacrifices, devalued Russia's contribution to resolving the Western crisis, and decided to take revenge on Russia for the help that it selflessly provided. Going forward, Russia will go by its own way, not worrying about the fate of the West, relying on another part of its heritage - leadership in the global process of decolonization.

As part of this process, Russia has a high potential for partnerships and alliances with countries that the West has oppressed for centuries and which are not going to put on its yoke again. Without Russian sacrifice and struggle, these countries would not have been liberated. The denazification of Ukraine is at the same time its decolonization, which the population of Ukraine

will have to understand as it begins to free itself from the intoxication, temptation and dependence of the so-called European choice.

* *An extremist organization banned in Russia.*

Source: <https://ria.ru/20220403/ukraina-1781469605.html>

Annex 172

Kultura.RF, *Houses of Culture and Clubs of Krasnoperekopsky District*, Ministry of Culture of Russia (2022)

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< Houses of culture and clubs of Krasnoperekopsky district



Crimean Tatar cultural center with. Warrior

📍 Rep. Crimea, Krasnoperekopsky district, with. Voinka, st. Lenina, d. 54

To the Rymsko-Tatar cultural center with. Voinka was established in 2014 by renaming the Military Rural House of Culture, which was opened in 1985 for the 100th anniversary of the village of Voinka.

Today the Crimean Tatar cultural center with. Voinka is the leisure center of the Military rural settlement. There are 12 art circles and two hobby clubs for the villagers. A large number of events are held annually, folk holidays and mass folk festivals held in the village are very popular. Collectives of amateur performances take an active part in the creative life of the settlement, as well as in regional and republican competitions and festivals, are their laureates and diplomats.

The work of the Crimean Tatar cultural center with. The military can be divided into several main areas:

- activities for youth, work with children and adolescents;
- concert activity of amateur art groups;
- work on the preservation and development of folk traditions, holidays and rituals.

TAGS: folk culture National cultures Ещё...

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HOUSE OF CULTURE AND CLUB

Shop Village House of Culture

HOUSE OF CULTURE AND CLUB

Traktovsky country club

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<https://www.culture.ru/institutes/31442/krymskotatarskii-kulturnyi-centr-s-voinka>

Annex 173

Denys Karlovsky, *Occupiers in the Occupied Territories Are Fighting With the History Books*, Pravda (24 March 2022)

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OCCUPATION

Most of the deputies of the City Council of Enerгодар have resigned

The Ukrainian Armed Forces destroyed a large Russian ship: thousands of tons of fuel and ammunition were burning

The occupiers want to turn the war into a "protracted phase" - OP

LATEST NEWS

23:24

Shmygal invited IFC to join the reconstruction of Ukraine

23:13

Zelensky returns to the liberated Ukrainian cities

23:05

In the east and south, the fate of our state is being decided - Zelensky

22:55

Russia's statements on Donbas have acknowledged the failure of its plans for Ukraine - British intelligence

22:55

Zelensky formulated the dream of the Russians: "steal the toilet and die"

22:45

The Ministry of Defense of the Russian Federation counted as many as one lost on the sunken "Moscow"

22:40

The Zaporizhzhya OVA named the cause of the AN-26 crash

22:35

"This is not toilet paper": Ukrposhta CEO explains why there will be no new circulation of the brand with the ship

22:19

The EU is preparing to hit Putin with a new package of sanctions - Politico

22:16

The EU has blocked a total of 35 billion euros in Russian assets

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The occupiers in the occupied territories are fighting with history textbooks, Stus and Bandera

DENIS KARLOVSKY - THURSDAY, MARCH 24, 2022, 18:11



51606



V. KIPIANI'S BOOK "THE CASE OF VASYL STUS" IN THE COURTROOM IN 2020, PHOTO: GETTY IMAGES

The Russian occupiers in the temporarily occupied territories of Ukraine confiscate from textbooks and destroy school textbooks on the history of the book, as well as books about Vasily Stus and Simon Petliura.

Source : [telegram channel](#) of the Main Intelligence Directorate of the Ministry of Defense of Ukraine

Literally : "In the libraries of the temporarily occupied territories of Luhansk, Donetsk, Chernihiv and Sumy regions, the seizure of Ukrainian historical and fiction literature has begun, which does not coincide with the postulates of Kremlin propaganda.

The police are most interested in books on the history of Ukrainian Maidans, ATO / OOS, and the history of Ukrainian liberation struggles. "Extremist" literature includes school textbooks on Ukrainian history, scientific and popular historical literature. "

Details : In addition, the occupiers compiled a list of famous Ukrainians whose mentions should be erased. In particular, among them:

Hetman of the Zaporozhian Army in 1687-1709 Ivan Mazepa;

Simon Petliura, head of the Directory of the Ukrainian People's Republic during the Liberation War of 1917-1921;

Stepan Bandera, head of the Organization of Ukrainian Nationalists in Poland and a prisoner of German concentration camps;

Roman Shukhevych, commander-in-chief of the Ukrainian Insurgent Army and chairman of the Ukrainian nationalist resistance in 1943-1950;

Soviet dissident, political prisoner and chairman of the People's Movement of Ukraine, Hero of Ukraine Vyacheslav Chornovil.

Ukrainian intelligence has noted that Russian invaders confiscated a book by historian Vakhtang Kipiani, The Case of Vasyl Stus, "from the captured Rubizhne and Kreminna in the Luhansk region, as well as in Hrodna in the Chernihiv region.

The seizure and destruction of books are carried out by units of the Russian "military police", which perform ideological tasks other than repressive ones.

VIDEO OF THE DAY

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The GUR reports that the Russians are trying to establish occupation administrations and are looking for ATO / OOS veterans and patriotic citizens in the captured cities.

In Starobilsk, Luhansk region, the Russian occupation administration is trying to put Russian rubles into circulation for settlements by citizens.

It will be recalled that in the 1930s, members of the National Socialist Workers' Party of Germany, led by Adolf Hitler, burned books in German cities that contradicted the ideology of the Nazi Reich. In particular, works of art by prominent German writers Franz Kafka, Thomas Mann, Heinrich Heine, Erich Maria Remarque, etc. were burned.

Prehistory:

In the fall of 2020, Viktor Medvedchuk, a People's Deputy from the Opposition Platform For Life faction and godfather of the Russian president, filed a lawsuit against Kipiani's book *The Case of Vasyl Stus*. The politician disagreed with the historian's coverage of his involvement in the political imprisonment and assassination of Ukrainian poet and dissident Stus. After an intermediate victory in court, the Ukrainians bought out the entire edition of the book in one day.

Journalists learned about the plans of the Russian special services for the great terror in captured Kherson. The invaders plan to forcibly deport to Russia all those who oppose the Russian occupation of the city.

In the Chernihiv region, the occupiers handed out propaganda leaflets to the population, saying that the Russian army allegedly "does not fight the civilian population" but "brings peace and comfort."

In the occupied Crimea, Russians are preparing cells in jails for Ukrainians who will be forcibly deported from the occupied southern regions of Ukraine.

 Read us in the Telegram. Subscribe to our channel "[UP.Tape](#)"

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TOPICS: OCCUPATION OF THE , UPA , BANDERA , VYACHESLAV CHORNOVIL

Annex 174

M. Kanarskaya, *The temple of the Ukrainian Orthodox Church of the Kyiv Patriarchate in Perevalne was taken away. In whose favor?*, Krym.Realii (1 June 2014)

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КРЫМ

The temple of the Ukrainian Orthodox Church of the Kiev Patriarchate in Perevalnoye was taken away. In whose favor?

June 01, 2014, 16:56

Miroslava Canary

Simferopol - The situation around the temples of the Ukrainian Orthodox Church of the Kiev Patriarchate, which are located on the territory of the peninsula, is escalating every day. Despite the promises of the Crimean "authorities" to respect the rights of Ukrainian Orthodox believers, in fact, the latter are simply being expelled from the peninsula by force. Priests face daily threats and harassment from the "self-defense of the Crimea" and the Cossacks.

June 1, 8 am - a group of armed people broke down the door and broke into the temple of the Ukrainian Orthodox Church of the Kiev Patriarchate, located at the checkpoint of a military unit in the village of Perevalnoe.

“No sooner had we entered the temple than the so-called Cossacks rushed in, shouting and swearing, breaking the doors. They have pistols and whips in their hands. It seems that they came to the bandit, and not to the priest,” says **Father Ivan** .

Unknown people in camouflage began to demand that Archpriest Ivan leave not only Perevalnoye, but also the peninsula. During the skirmish, a pregnant parishioner from Sevastopol and the daughter of a priest were injured.

“They pushed a woman who was pregnant. She fell, broke her knee, tore her dress. There were also sick children who brought them to communion. And all this was happening before their eyes,” Father Ivan continues his story.

The Cossacks forced the people to leave the church building by force, and the attackers hit the priest's car several times with bats. The parishioners called the police, but their employees,

having arrived at the place, refused to accept a statement from the priest for a long time. As a result, under pressure from local residents, law enforcement officers nevertheless accepted him and interviewed witnesses.

But on the street, in front of the church, people with posters were waiting for the parishioners, on which it was written - "Ivan Katkalo is a provocateur", "No to the Right Sector in Crimea." According to eyewitnesses, women and children with posters appeared along with the Crimean "self-defense".

After two hours of negotiations, representatives of the Crimean "self-defense" allowed Father Ivan to take things from the church, including several icons, books, and candlesticks.

"Our temple was taken away, now a priest from the Moscow Patriarchate will serve there. They have long laid eyes on our church, especially since I had a fairly large parish. They think that if the parish is taken away, people will go. Nothing like this. The soul of the church is the priest, if people trust him, they go to him. Now I will be forced to hold a service in an unfinished church, which is located next to my house. Moreover, we are completing the construction of the temple in the village of Marble, but there is still no floor, no roof, no interior decoration. But I will say one thing - I will not leave the Crimea, despite all the threats and curses. I have been living and serving here for more than 12 years," Father Ivan says.

The situation with the churches of the Kyiv Patriarchate of the UOC is critical not only in Perevalnoye, the press service of the UOC-KP says, but also in Simferopol and Sevastopol. Thus, the Crimean diocese of the Kiev Patriarchate actually lost control over the Church of the Holy Martyr Clement of Rome, located on the territory of the former training detachment of the Naval Forces of Ukraine in Sevastopol.

In the Crimean capital, the temple will also not be able to exist, because recently the "State Council" of the peninsula decided to change the rent for the premises on the street. Sevastopol, where the Cathedral of the Holy Equal-to-the-Apostles Prince Vladimir and Princess Olga of the UOC-KP and the Diocesan Administration is located. Now it should increase by 600 thousand times.

The oppression of the clergy of the UOC-KP began immediately after the annexation of Crimea. **Earlier, Vladyka Kliment**, Archbishop of Simferopol and Crimean UOC of the Kiev Patriarchate, stated that representatives of the Crimean diocese of the UOC of the Moscow

Patriarchate contribute to the persecution of Ukrainian priests in Crimea. The latter deny it.

But according to Bishop Clement, all incidents are aimed at ousting parishes and priests of the UOC of the Kiev Patriarchate from the occupied peninsula. The Crimean diocese of the UOC-KP intends to apply to international organizations for the protection of the rights of Ukrainian believers in Crimea.

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Annex 175

Ministry of Culture of the Republic of Crimea, *The Ministry of Culture
Conducts Certification of Amateur Groups of Crimea* (9 December 2015)

*This document has been translated from its original
language into English, an official language of the Court,
pursuant to Rules of the Court, Article 51.*

The Ministry of Culture conducts certification of amateur groups of Crimea

 mkult.rk.gov.ru/ru/article/show/1896

09.12.2015

The Ministry of Culture of the Republic of Crimea continues the certification of amateur art groups-applicants in order to confer the title of "folk", "exemplary" group, studio of the Republic of Crimea.

Certification of teams-applicants for the titles of "people's", "exemplary" is carried out by the certification commission in accordance with the approved schedule.

So, the next attestation work was carried out in the city of Krasnoperekopsk and the Krasnoperekopsky district on the basis of the Municipal Budgetary Institution of Culture of the Republic of Crimea "Krasnoperekopsky City Palace of Culture".

The groups, which are very popular with the audience and are constantly working to increase their creative potential, during the certification presented concert programs in accordance with the Regulations.

Seven creative teams took part in the certification: the Ice-Crim modern dance ensemble (headed by Inna Kurilich), the AzArt Theater for Young Spectators (headed by Lyudmila Timoshenko), the Mandarin pop song theater studio (headed by Valentina Shpareva) of the Municipal Budgetary Institution culture of the Republic of Crimea "Krasnoperekopsky City Palace of Culture"; the Crimean Tatar dance ensemble "Arzu" (headed by Elvina Aliyeva), the vocal and instrumental ensemble "Phaeton" (headed by Seyar Adzhumerov) of the structural unit No. 3 "Crimean Tatar cultural center with. Voinka" of the Municipal Budgetary Institution of Culture of the Republic of Crimea "Center for Folk Art of the Krasnoperekopsky District"; dance ensemble "Molodist" of the structural unit No. 6 of the "Krasnoarmeisky rural House of Culture" of the Municipal Budgetary Institution of Culture of the Republic of Crimea "Center for Folk Art of the Krasnoperekopsky District" (head Irina Zhikhareva); vocal and instrumental ensemble "Jannet" of the structural unit No. 5 "Ishunsky rural House of Culture" of the Municipal Budgetary Institution of Culture of the Republic of Crimea "Center for Folk Art of the Krasnoperekopsky District" (headed by Riza Alitarov).

Based on the results of the attestation, the draft decision will be submitted for consideration by the Collegium of the Ministry of Culture of the Republic of Crimea.

Annex 176

Appeal of the Mejlis of the Crimean Tatar People to All Residents of Crimea
(Simferopol) (7 October 1992)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

APPEAL
OF THE MEJLIS OF THE CRIMEAN TATAR PEOPLE
TO ALL RESIDENTS OF CRIMEA.
OCTOBER 7, 1992, SIMFEROPOL.

Fellow citizens!

The bloody massacre committed by the Crimean authorities on October 1, 1992 in the village of Krasny Rai over a group of defenseless Crimean Tatars has overwhelmed the patience of hundreds of thousands of people who are constantly being bullied and humiliated by the authorities. On October 5 and 6, 1992, Crimean Tatars held mass protests in Simferopol against arbitrariness. The main purpose of these actions was to bring the organizers of the pogrom in the village of Krasny Rai to personal criminal responsibility and to achieve the release of 26 hostages of the Crimean Tatars.

These protests were directed exclusively against the arbitrariness of the Crimean authorities. We are trying to force the Crimean authorities to stop the policy of inciting Crimean residents of different nationalities against each other, which is dangerous for all of us. We are consistent in implementing the decisions of the Kurultai of the Crimean Tatar people, which unequivocally stated that the path to the full restoration of the rights of the Crimean Tatar people lies through respect for the legitimate rights and interests of all residents of Crimea, regardless of their nationality. We seek and will seek the restoration of the rights of the Crimean Tatar people only in such forms that do not pose any danger or threat to citizens, no matter what nationality they belong to.

Do not believe the false statements of the authorities that allegedly the Crimean Tatar people and its highest authorized representative body – the Mejlis – poses a threat to the population of Crimea. This is another attempt by the authorities to pit the residents of Crimea against each other and, using this, continue to create lawlessness and arbitrariness in Crimea.

We appeal to people's deputies of the Crimea at all levels, to those who really take to heart all the problems of Crimea and its inhabitants.

We urge you to look together for ways and mechanisms to resolve these problems.

We are convinced that only our joint efforts will allow all of us to maintain peace and prosperity in Crimea.

[Output data.](#)

Annex 177

Video Footage of the Detention of Crimean Tatars (2 October 2017)

Annex 178

FSB Video Footage of the Detention of Crimean Tatars in Simferopol (23 November 2017)

Annex 179

Letter from S.V. Krivenko, Member of the Council Under the President of Russia for the Development of Civil Society and Human Rights to the Chairman of the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights M.A. Fedotov, excerpted for translation from Ukraine's Memorial, Annex 949

This excerpt has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51. A copy of the whole document has been deposited with the Registry.

Annex 3

To the Chairman of the Council under the President of the Russian Federation
for the Development of Civil Society and Human Rights
M.A. Fedotov

Dear Mikhail Alexandrovich!

The Human Rights Working Group in Crimea of the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights received and considered an appeal about mass searches in certain settlements of Crimea in the first half of April of this year and human rights violations that accompanied these events.

We are referencing the events that took place on the territory of Crimea from April 2 to April 10 as part of the operational strategic exercises "Barrier-2015" of the internal troops of the Ministry of Internal Affairs of the Russian Federation.

A certain concern is caused by the fact that the exercises affected settlements with a predominantly Crimean Tatar population.

Thus in the village of Zhuravki, of the Kirov District, in which about 500 Crimean Tatars live, on April 2, at 9:00, checkpoints were set up on all three roads leading to the village (from Pervomaiskoe, Kirovskoe and Privetnoye). The servicemen of the traffic police and riot police stopped all passing cars at checkpoints, and checked the documents of passengers. There is evidence of a "differentiated approach": people of Slavic appearance only had their documents checked, while Crimean Tatars were escorted home where the so-called "inspections" were carried out (essentially, searches in their houses). In total, there were 5 buses, 10 police cars and 5 utility vehicles in the village. All of them were filled with people with machine guns, dogs and riot police. Helicopters flew over the village. Full searches took place in at least 10 houses. At least in two of them computer system blocks were seized. In addition to private houses, a number of public places were searched - for example, a gym, shops. All these activities continued until about 14:00. At the same time, no explanation of the purpose and grounds for what was happening was given to the residents.

Similar actions, including searches in about 10 houses, also took place on April 3 in the village of Yarkoe Pole approximately from 9:00 to 13:30.

Reports on similar events were also received from the settlements of Shchelkovo, Lenino, Battalionnoe, Semisotka, Voikovo, Bagerovo, in the area of Simferopol Fountains and in Saki. In these settlements, "exercises" followed the same scenario. About 100-150 servicemen of the Ministry of Internal Affairs came to a village: servicemen of the internal troops, district police officers, riot police officers, traffic police, all of them were armed. On all roads leading to the village or from the village, sandbags were installed, in some cases (at least in two villages) - machine guns, auto-blockers. Passing cars were checked for documents, and searched. In some cases the total check was done; in other cases - only a random check. In the case of a random check, law enforcement officers paid special attention to the Crimean Tatars.

Residents of Crimean settlements note that they were not informed about the “exercises”, and learned that the ongoing events were exercises only from press reports after the start of the “exercises”.

It seems that “exercises” conducted in this way do not create a sense of security among citizens, but, on the contrary, contribute to escalating tension, fear and a sense of insecurity, which can ultimately lead to an aggravation of interethnic relations and an increase in citizens' distrust of the authorities of the Russian Federation.

I ask you to send an appeal to the relevant state authorities of the Russian Federation in order to clarify the legal status of these exercises and to check the legality and validity of the actions of employees of the internal affairs bodies and military personnel of the internal troops during these exercises on the territory of Crimea.

Sincerely,

Member of the Council under the President of Russia for the Development of Civil Society and Human Rights S.V. Krivenko

Annex 180

Certificate of the Ukrainian Orthodox Church of Kyiv Patriarchate No. 390
(3 July 2017)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

UKRAINIAN ORTHODOX CHURCH

KYIV PATRIARCHY

OFFICE

**36 Pushkinska St.
the city of Kyiv, 01004**

**tel. (044) 234-10-96
tel./fax (044) 234-30-55**

3 July 2017

No. 390

CERTIFICATE

This is to certify that Archbishop of Simferopol and Crimea KLYMENT, secular name Kushch Pavlo Mykolayovych, was appointed as the head of Crimean Eparchy based on the decision of the Holy Synod of the Ukrainian Orthodox Church of the Kyiv Patriarchy, log No. 7 of 6 July 2000.

The Crimean Eparchy of the Ukrainian Orthodox Church of the Kyiv Patriarchy is present on the territory of Crimea since 1996.

The certificate is issued to whom it may concern.

**MANAGER OF
THE KYIV PATRIARCHY**

[Seal]
[Signed]

**ARCHBISHOP OF VYSHHOROD
AHAPIT (HUMENYUK)**

Annex 181

Certificate of the Cabinet of Ministers of the Autonomous Republic of Crimea
No. 064-3 (20 March 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

UKRAINE
AUTONOMOUS REPUBLIC OF CRIMEA
Council of the Ministers

Kirov Avenue, 13
the city of Simferopol, 95005

phone: 27-42-10
fax: 24-80-20 email:
sovmin@ark.gov.ua

No. 064-3 of 20 March 2014

CERTIFICATE

This is to certify that His Eminence KLIMENT, the Archbishop of the Ukrainian Orthodox Church (Kyiv Patriarchate), by the Office of the Chairman of the Council of Ministers of the Republic of Crimea, has been entrusted with full responsibility for the safety and operation of all facilities of the UOC-KP on the territory of the Republic of Crimea.

For the information of all officials of the Republic of Crimea, it is certified that any actions aimed at illegal seizure of property of the UOC-KP and its individual representatives on the territory of the republic that have not been agreed with the office of the Chairman of the Council of Ministers of the Republic of Crimea will be considered illegal and prosecuted in accordance with the law.

In the event of disputable and conflict situations, His Eminence Archbishop KLIMENT is vested with the right of personal appeal to the Chairman of the Council of Ministers of the Republic of Crimea Serhii Aksenov.

The legal status of the Diocese of the UOC-KP in the Republic of Crimea will be determined during additional negotiations between the Government of the Republic of Crimea and the Office of the Diocese of the UOC-KP.

Advisor to the Chairman of the Council of Ministers
of the Autonomous Republic of Crimea for Defense and Security
Colonel

I.I. Strelkov

20 March, 2014

[Signed]
[Seal: Council of Ministers of the
Autonomous Republic of Crimea
Service Department of the Head of Council]

Annex 182

State Statistical Services of Ukraine, “Zahal’noosvitni navchal’ni zaklady Ukraïny na pochatok 2013/14 navchal’noho roku,” sheet 64

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

State Statistical Services of Ukraine, sheet 64

Secondary schools in Ukraine at the beginning of the 2013-2014 academic year

DISTRIBUTION OF DAYTIME AND SECONDARY SCHOOLS AT THE BEGINNING OF THE 2013/2014 ACADEMIC YEAR BY LANGUAGE OF INSTRUCTION						
	Total schools, units ¹	Of these, having the following language of instruction ²			Share of schools having the following language of instruction, %	
		Ukrainian	Russian	several	Ukrainian	Russian
		Ukraine	18.699	16.045	1.275	1.205
Autonomous Republic of Crimea	558	7	354	181	1.3	63.4
Vynnytsia	877	872	-	5	99.4	-
Volyn	761	760	-	1	99.9	-
Dnipropetrovsk	973	846	102	25	86.9	10.5
Donetsk	1.067	472	204	391	44.2	19.1
Zhytomyr	786	783	-	3	99.6	-
Zakarpattia	658	540	1	38	82.1	0.2
Zaporizhzhia	589	453	84	52	76.9	14.3
Ivano-Frankivsk	719	718	-	1	99.9	-
Kyiv	733	723	-	10	98.6	-
Kirovohrad	528	519	4	5	98.3	0.8
Luhansk	667	309	156	202	46.3	23.4
Lviv	1.382	1.371	5	2	99.2	0.4
Mykolaiv	542	520	15	7	95.9	2.8
Odesa	851	594	112	140	69.8	13.2
Poltava	685	677	1	7	98.8	0.1
Rivne	664	664	-	-	100.0	-
Sumy	521	501	14	6	96.2	2.7
Terнопil	844	843	-	1	99.9	-
Kharkiv	823	637	122	64	77.4	14.8
Kherson	464	422	30	12	90.9	6.5
Khmelnitsky	791	783	1	6	99.0	0.1
Cherkasy	631	627	1	3	99.4	0.2
Chernivtsi	427	340	1	17	79.6	0.2
Chemihiv	613	611	-	14	99.7	-
Kyiv	474	452	8	10	95.4	1.7
Sevastopol	71	1	60	10	1.4	84.5

Ukrainian	16.045
Russian	1.275
Several languages	1.205
Other languages	174
	18.699
	85.3
	6.8
	6.5
	0.9
	100.0

¹ Does not include special schools (boarding schools) and sanatorium schools.
² In addition, in 12 schools in Zakarpattia Region and in 69 schools in Chernivtsi Region the language of instruction is Romanian, in 67 schools in Zakarpattia Region - Hungarian, in 15 schools in the Autonomous Republic of Crimea the language of instruction is Crimean Tatar language and in 1 school - English, in 4 schools in Lviv Region and in 1 school in Khmelnytsky Region the language of instruction is Polish, in 5 schools in Odesa Region the language of instruction is Moldovan.

Sheet 64

Annex 183

Social Media Page (VKontakte) with 21 March 2014 Photo, excerpted for translation
from Russia's Counter-Memorial Part II, Annex 306

This excerpt has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51. A copy of the whole document has been deposited with the Registry.

Excerpt from Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, Certificate of inspection of the Internet resource, 9 January 2017, p. 4 (Russia’s Counter-Memorial Part II, Annex 306).

Screenshot No. 5 in the “Records” section, there is a photo of 21 March 2014 with Nazi symbols
https://vk.com/id193426780?z=photo-6649204_326118305%2Fwall193426780_535



In the course of the inspection, electronic copies of the web page <https://vk.com/id193426780> and the “desktop and time” submenu were made on 6 pages, which were printed with an HP LaserJet P1102 printer on 6 pages and certified by signatures of those present.

1. /Signature/ (Ponomarev)

/Signature/

2. /Signature/ (Samsonova)

Translation

[Т]РЕБУЕМ НЕМЕДЛЕННО [О]СТАНОВИТЬ ПЫТКИ [Н]ЕВИННЫХ МУСУЛЬМАН
[Т]АТАРСТАНА !!! УКРАИНА. КРЫМ

WE DEMAND TO IMMEDIATELY STOP TORTURES OF INNOCENT MUSLIMS OF
TATARSTAN !!! UKRAINE. CRIMEA

ТАТАРЫ ВОИ ИЗ КРЫМА

TATARS GET OUT OF CRIMEA!

Annex 184

Crimean Tatar Resource Center, *The Russian Federation Systematically Destroys Freedom of Speech in Crimea - Ministry of Foreign Affairs of Ukraine* (4 May 2020)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.



CRIMEAN TATAR RESOURCE CENTER

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[Home \(/en\)](#) / [News \(/en/news\)](#) / The Russian Federation systematically destroys freedom of speech in Crimea -Ministry of Foreign Affairs of Ukraine

The Russian Federation systematically destroys freedom of speech in Crimea - Ministry of Foreign Affairs of Ukraine

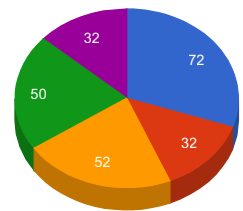
4 May 2020

The Ministry of Foreign Affairs calls on the Russian authorities to release the Crimean Tatar independent journalists Remzi Bekirov, Osman Arifmemetov, Rustem Sheykhaliev, Nariman Memedeminov, human rights activist Server Mustafayev and remove all the unlawful charges.



Victims of the occupation of Crimea

238 political prisoners and persecuted in the criminal cases over the occupation period of Crimea, 169 of them are the representatives of the Crimean Tatar people



● Sentenced and s... ◀ 1/5 ▶

Clickable chart

Show more charts (/en/zherthy-okkupacii)

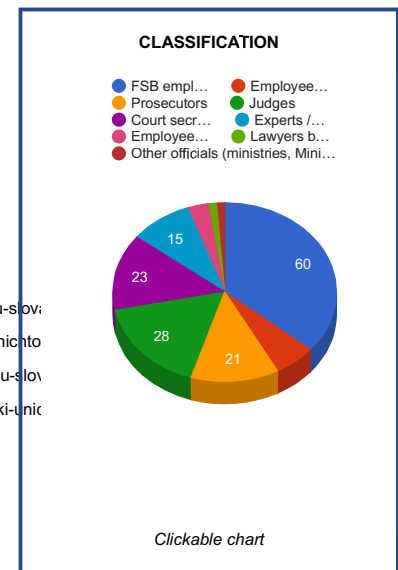
"In order to hide from the world the real situation in the temporarily occupied Crimea, the Russian occupation administration introduced an information ghetto from the beginning of the occupation – it systematically destroys freedom of speech on the peninsula, harasses and imprisons journalists and bloggers under the pretext of combating extremism or separatism and impedes their work in every way possible", - the message claimed.

Of the 3 thousand media outlets that officially operated on the peninsula until 2014, only 232 were able to re-register at the request of the invaders. Thus, Russia actually deprived the population of the opportunity to hear an alternative opinion, blocking signals from Ukrainian radio stations and access to online publications.

Classification of people, responsible for human rights violations in the occupied Crimea

"We call on the international community to take decisive actions against the abolition of freedom of speech and gross violation of human rights of the Russian Federation in the temporarily occupied Crimea. We express full support to journalists, bloggers and all those who, despite repressions, are not afraid to publicly express their citizenship", - the Foreign Ministry added.

- (<https://vk.com/share.php?url=https%3A%2F%2Fctrcenter.org%2Fen%2Fnews%2F4317-rf-sistematcheski-unichtozhaet-svobodu-slova-na-okkupirovannom-poluostrove-mid-ukrainy>;
- (<https://www.facebook.com/sharer.php?src=sp&u=https%3A%2F%2Fctrcenter.org%2Fen%2Fnews%2F4317-rf-sistematcheski-unichtozhaet-svobodu-slova-na-okkupirovannom-poluostrove-mid-ukrainy>;
- (<https://connect.ok.ru/offer?url=https%3A%2F%2Fctrcenter.org%2Fen%2Fnews%2F4317-rf-sistematcheski-unichtozhaet-svobodu-slova-na-okkupirovannom-poluostrove-mid-ukrainy>;
- (<https://www.linkedin.com/shareArticle?mini=true&url=https%3A%2F%2Fctrcenter.org%2Fen%2Fnews%2F4317-rf-sistematcheski-unichtozhaet-svobodu-slova-na-okkupirovannom-poluostrove-mid-ukrainy>;



Тест: попадаешь ли ты под санкции?

ТЕСТ:
попадаешь ли ты

Annex 185

Law of Ukraine No. 1207-VII “On Securing Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine” (15 April 2014)

This excerpt has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51. A copy of the whole document has been deposited with the Registry.



LAW OF UKRAINE

On Securing Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine

(Official Bulletin of the Verkhovna Rada of Ukraine (OBVR), 2014, No. 26, Ref. 892)

{As amended by Laws

No. 1237-VII	of	May	6,	2014,	OBVR,	2014,	No. 27,	Ref. 905,
No. 1635-VII	of	August	12,	2014,	OBVR,	2014,	No. 39,	Ref. 2011,
No. 1636-VII	of	August	12,	2014,	OBVR,	2014,	No. 43,	Ref. 2030,
No. 1706-VII	of	October	20,	2014,	OBVR,	2015,	No. 1,	Ref. 1,
No. 119-VIII	of	January	15,	2015,	OBVR,	2015,	No. 10,	Ref. 61,
No. 189-VIII	of	February	12,	2015,	OBVR,	2015,	No. 16,	Ref. 112,
No. 685-VIII	of	September	15,	2015,	OBVR,	2015,	No. 46,	Ref. 417,
No. 1038-VIII	of	March	17,	2016,	OBVR,	2016,	No. 16,	Ref. 167,
No. 1774-VIII	of	December	6,	2016,	OBVR,	2017,	No. 2,	Ref. 25,

No. 1838-VIII of February 7, 2017}

Under the Constitution of Ukraine, Ukraine is a sovereign and independent state. The sovereignty of Ukraine extends throughout its entire territory, which is indivisible and inviolable within its present border. Where military units of other states are located in the territory of Ukraine in violation of the procedure set forth by the Constitution of Ukraine and the laws of Ukraine, the Hague Convention of 1907, the IV Geneva Convention (1949), and contrary to the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (1994), Treaty on Friendship, Cooperation, and Partnership Between Ukraine and the Russian Federation (1997) and other international legal regulations, it shall be deemed occupation of a part of the territory of the sovereign state of Ukraine and an internationally wrongful act, entailing any and all consequences under international law.

{ The Hague Convention of 1907 - 1, 2, 3, 4, 5, 6, 7 }

Ukraine government's humanitarian, social and economic policies towards population of the temporarily occupied territory of Ukraine are aimed at protecting and proper exercising the national culture rights, social rights and political rights of Ukrainian citizens, including those of indigenous peoples and national minorities.

Article 1. Legal status of the temporarily occupied territory of Ukraine

1. The temporarily occupied territory of Ukraine (the "temporarily occupied territory") is an integral part of the territory of Ukraine, which is subject to the Constitution and the laws of Ukraine.

2. The starting date of the temporary occupation is February 20, 2014.

{New Clause 2 is added to Article 1 under Law No. 685-VIII of September 15, 2015}

Article 2. Purpose of the Law

1. This Law defines the status of the territory of Ukraine temporarily occupied as a result of armed aggression of the Russian Federation, establishes a special legal regime for this territory, identifies special aspects of operation of government bodies, local authorities, enterprises, institutions and organizations subject to this regime, adherence to and protection of human and citizen's rights and freedoms as well as rights and lawful interests of legal entities.

Article 3. Temporarily occupied territory

TRANSLATION

Prosecutor shall issue an order terminating proceedings against a legal entity and a court shall mention that in the acquittal or issue a separate ruling. The decision terminating proceedings against the legal entity can be appealed under this Code.”

In this regard, parts three to eight shall be deemed parts four to nine respectively;

paragraph two of part six shall be amended to read as follows:

“Copy of prosecutor’s order terminating criminal proceedings and/or proceedings against the legal entity shall be sent to the applicant, affected party, its representative, suspect, defender, representative of the legal entity against which proceedings are undertaken”;

b) Clause 1 of Section II “Final Provisions” shall be amended to read as follows:

“1. This Law shall take effect on the effective date of the Law of Ukraine “On Securing Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine”.

5. The Cabinet of Ministers of Ukraine shall:

1) during fifteen days after the effective date of this Law:

a) elaborate and propose to the Ukrainian Parliament the draft laws in order to meet the requirements and implement the provisions of this Law;

b) adopt regulations in order to implement this Law;

c) bring its regulations in line with this Law;

d) suggest that special central executive authority in charge of the temporarily occupied territory of Ukraine should be established;

2) procure that:

a) executive authorities adopt regulations deriving from this Law;

b) regulations of executive authorities be brought in line with this Law;

c) citizens of Ukraine moving from the temporarily occupied territory to other territory of Ukraine be provided employment;

d) property of government bodies, state enterprises, institutions and organizations be moved out of the temporarily occupied territory;

e) citizens of Ukraine moving from the temporarily occupied territory to other territory of Ukraine continue their secondary or higher education, obtain a document certifying relevant education and undergo an external independent performance review.

6. The Central Elections Commission shall take all necessary measures, including the adoption of relevant legal acts, to secure that citizens of Ukraine who left the temporarily occupied territory may exercise their voting rights during the Presidential elections to be held on May 25, 2014.

7. It has been suggested that the National Bank of Ukraine will adopt regulations in order to implement this Law.

Acting President of Ukraine, Chairman of the Ukrainian Parliament	O. TURCHYNOV
Kyiv April 15, 2014 No. 1207-VII	

Annex 186

Valentina Samar, *Zone of Special Inattention*, ZN.UA (11 September 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

ZN.ua

Zone of Special Inattention

Author : Valentina Samar

11 September 2015 00:00

The action announced by the leaders of the Mejlis of the Crimean Tatar people to block the supply of goods to the annexed peninsula caused a great resonance and an instant reaction from the occupation administration of Crimea. However, the leadership of Ukraine remains silent, like it holds water in their mouth. Neither yes nor no, no attempts to understand what is happening. The absence of a prompt official response from the President and the Prime Minister is not a good symptom, although it is already familiar.

The action announced by the leaders of the Mejlis of the Crimean Tatar people to block the supply of goods to the annexed peninsula caused a great resonance and an instant reaction from the occupation administration of Crimea.

From Aksyonov's capricious "Russia feeds us well anyway" coming from the lips of Aksyonov to the threat of criminal prosecution of the organizers and accusations of Ukraine in an attempt to starve the inhabitants of Crimea from collaborators of various calibers.

Social networks exploded with posts of patriots from the occupied territories: "It's high time! Press - we will tolerate. Let the refrigerator turn off the TV in their heads."

Experts, journalists and bloggers write texts with a lot of questions, including those requiring extremely honest answers: will the blockade aggravate a) the situation of the Crimean Tatars and all political Ukrainians in Crimea; b) whether it will lead to a humanitarian catastrophe; c) if the law on FEZ Crimea is canceled - what instead? d) is the blockade agreed with the president? The latter also takes into account the fact that both Refat Chubarov and Mustafa Dzhemilev are members of parliament from the Petro Poroshenko Bloc, and Mustafa-aga, moreover, is the presidential envoy for issues of the Crimean Tatar people. Both leaders diligently avoid a direct answer to this question, which gives rise to conspiracy theories.

And the leadership of Ukraine acts like it holds water in its mouth. Says neither yes nor no, and makes no attempts to understand what is happening. The absence of a prompt official response from the President and the Prime Minister is not a good symptom, although it is already familiar. Waiting for roasted rooster. Or in the form of a deeply concerned call from our European and American friends, or a sharp "answer" from the Kremlin, something like another FSB visit to Lipetsk "Roshen". Or, in the event of a complete blockage of the movement of trucks to the Crimea, persistent requests to "do something" from businessmen friends - producers and sellers of alcohol, chicken meat and building materials, modest smugglers and bigwigs of shadow schemes with VAT and "gray" exports...

So, until it starts, there is a great need to lay out the demands of the organizers of the protest - for an adequate understanding of its purpose, addressees, possible consequences and

planning the next and proactive steps of the authorities. Considering that ZN.UA has been publishing a lot of materials on the topic of Kyiv's dislocated policy towards the occupied Crimea for a year and a half, I will allow you to list many points separated by commas. For a better perception of the answers to the eternal (alas!) question "what do the Crimean Tatars want?", but in this particular action, with the permission of the chairman of the Mejlis Refat Chubarov, some of his meaningful quotes will be presented in a concise and structured way.

First of all, let's clarify the essence of the action announced by the leaders of the Mejlis. This is not **a food blockade of Crimea**, as the media report, interpreting the words of the leaders of the Crimean Tatars for various reasons (including for ease of presentation of information). Refat Chubarov especially emphasizes that we are talking about a **civil blockade**, which implies a set of measures and a list of requirements for both the authorities of the Russian Federation and Ukraine.

The second significant point: the blockade of supplies to the Crimea is not an action exclusively of the Crimean Tatars and is not an action of the Mejlis, despite the fact that it was announced by its leaders. This will be an **action of all Crimean politically active Ukrainians** who are tired of waiting for real steps from the authorities to de-occupy the peninsula and protect the rights of its inhabitants on both sides of Perekop, but who do not forget to take care of the interests of the beneficiaries of the "Crimean offshore", born by the law on the FEZ "Crimea". Note: in the voiced demands of the initiators of the blockade, there are no traditional political demands of the Mejlis on the status of the Crimean Tatar people, national-territorial autonomy, protection of the rights of this people only - there are demands relating to every Crimean, regardless of nationality. And every Ukrainian who would like the most bloodless way out of the war with Russia, but this war will a priori end only when Crimea is returned.

"All the actions taken up to this point - both on the part of Ukraine and the international community - have not yielded results not only in terms of the de-occupation of Crimea, but also in respect of human rights and freedoms in the occupied territory. Repressions against Crimean Tatars and other Ukrainian citizens - kidnappings, murders, arrests, searches, "squeezing out" dissenters from Crimea, violation of the rights to freedom of speech and peaceful assembly, the activities of religious organizations - continue and intensify. At the same time, Ukrainian goods are delivered to the peninsula on preferential terms (duty-free - thanks to the law on the FEZ "Crimea", i.e. at a loss to the budget of Ukraine). And at the same time, Ukraine demands from the EU and the US to strengthen sanctions in order to make the price of the annexation of Crimea unbearable for Russia," says Refat Chubarov.

Let us recall what has been written more than once: the dependence of Crimea on the supply of vital resources from mainland Ukraine (electricity, water, food - from 60 to 80% of the need) made it possible for Ukraine from the first days of occupation to exercise effective economic pressure on the aggressor, but it was not used. Both the leaders of the Mejlis and representatives of civil society have repeatedly appealed to the Ukrainian authorities to use the formula "food in exchange for human rights" at least in order to stop repressions on political and ethnic grounds in Crimea. Therefore, the first goal of the blockade is protection of **human rights**.

Its organizers demand from the Russian Federation:

1. Release of Ukrainian political prisoners who are under arrest both in Crimea and in Russia: Akhtem Chiygoz, Mustafa Degermendzhi, Ali Asanov, Tair Smedlyayev, Alexander Kostenko, as well as Nadezhda Savchenko, Oleg Sentsov, Alexander Kolchenko, Gennady Afanasiev and others.

2. Termination of politically motivated criminal and administrative prosecution of Ukrainian citizens in Crimea.

3. Elimination of illegal obstacles for the work of the Crimean Tatar and Ukrainian media, unimpeded admission of foreign journalists and international observers to Crimea.

4. Removing the ban on entry into Crimea to the leaders of the Crimean Tatar people Mustafa Dzhemilev and Refat Chubarov, activists of the national movement Ismet Yuksel and Sinaver Kadyrov.

The second purpose of the blockade is **economic**. It is aimed at a radical change in the state policy of Ukraine regarding the activities of legal entities and individuals in the occupied territory of the Autonomous Republic of Crimea and Sevastopol, the procedure for the movement of goods and people. As a result, the Russian administration in Crimea should receive maximum problems for maintaining Crimea, and Ukrainian citizens - a minimum of problems for moving across the administrative border and providing themselves with essential products.

In principle, it was supposed to be so a year and a half ago, when the law on guarantees of the rights and freedoms of Ukrainian citizens in the temporarily occupied territories was adopted. In order to speed up its adoption, the section on economic activity was removed from the draft, with a purpose to draft it out qualitatively and without haste. However, as a result of it, instead of a draft by the government, a lobbying law on the FEZ "Crimea" (authored by K. Lyapina and S. Terekhin) was thrown in and pushed through, thanks to which the oligarchs were able to keep their assets and work "on two fronts", having received Russian registration, and some - a "permit" from Aksyonov for illegal exports from Ukraine in transit through Crimea (according to expert data, up to 80% of supplies to Crimea are exported duty-free). At the same time, the Cabinet of Ministers made it as difficult as possible for people to cross the "border" and the National Bank, in accordance with the law on the SEZ, awarded Ukrainians with Crimean registration (individuals and legal entities) the status of non-residents, depriving them of banking services. Therefore, the goal of the action is not just to block supplies, but to force the Ukrainian authorities to repeal the law on the "Crimea" zone, eliminating the corruption abscess at the administrative border, as well as in the fiscal and border departments, and creating transparent conditions for the movement of people and goods.

Answering a question often rhetorically asked in publications and media comments - how will the blockade work, and what is proposed instead of the FEZ? - we inform you that everything has already been developed.

Firstly, two draft laws have been registered in the Verkhovna Rada, proposing the abolition of the law on the FEZ "Crimea" - we wrote about them in detail in the materials "**Lock on the interior door**" and "**Free economic blockade**". There is plenty to choose from, the main thing is that members of parliament have political will and the absence of selfish interests.

The detailed "program" of the blockade was developed by the experts of the "Maidan of Foreign Affairs" Foundation and set out on many pages while developing the Foundation's own Strategy for the de-occupation of Crimea. The program includes information campaign, which so far is a weak link in the activities of the initiators of the action - hence so much misunderstanding and phobias. The main one - the threat of a "humanitarian catastrophe" - is already being used with might and main for counter-propaganda.

Refat Chubarov, in turn, reports that after the July meeting in the Cabinet of Ministers on the issue of economic relations with the occupied territories of Crimea and Donbass, the State Service for Crimean Affairs submitted its own proposals to the Ministry of Economic Development.

"A week after the meeting, the State Service sent detailed proposals to change the procedure for crossing the administrative border with Crimea by citizens and moving goods (with three tables). A complete ban on the import of excisable goods into Crimea is proposed. It is also proposed to allow entry of all other goods that cost up to 10 thousand Hryvnias and weigh up to 50 kg (this is for farmers and small entrepreneurs), and food items for personal needs that cost up to 5 thousand UAH and weigh up to 50 kg. The list of permitted goods for personal needs includes flour, bread, pasta, cereals, meat, lard, poultry, dairy products, sugar, potatoes... Thus, the humanitarian aspect will be ensured, but trading "on blood" with the occupiers is excluded, as well as "shady" transit, and corruption at the checkpoint," says Refat Chubarov.

He talks well - only the Cabinet is silent. The proposals of the State Service, according to the member of parliament, were first posted on the website of the Ministry of Economy for public discussion, and after a press conference on the blockade, they were removed without explanation. There is the same lack of response to proposals sent to the Ministry of Internal Affairs to change the procedure for crossing the administrative border with Crimea for citizens of Ukraine and foreigners, removing all illegal and even discriminatory restrictions that they managed to apply during the year and a half of occupation. "The proposals are laying like a dead weight. And on the eve of Eid al-Adha, representatives of our diaspora constantly call me: how can we enter Crimea - through Moscow or Kherson, and how long does it take to obtain special permits? I don't know what to answer," complains Chubarov, believing at the same time that the protest action will be the impulse that will "turn on" the government entities for solving the problems that violate citizens' rights.

The key question is how safe and therefore expedient is it to deploy mass actions in a zone bordering Crimea stuffed with Russian troops and weapons? We hope that the initiators of the action adequately assess both their own potential to control the implementation of blockade activities within the framework of Ukrainian law, to ensure security measures for their participants, and the degree of threat from outside in the form of possible provocations. However, after the bloody events at the Verkhovna Rada, threats cannot be ruled out, and not only those that come from the outside, but also those that come from the inside, including the "private armies" of the oligarchs, who can be blocked from illegal export channels. Once again, we will voice the price of the issue, which only partly gives an understanding of the volume of supplies - we can only operate with official data from the State Fiscal Service. In the first five months of existence of the law on the FEZ, more than half a billion dollars' worth of goods were delivered to Crimea from the Ukrainian mainland. Experts say that at

least the same number passes by without being counted it. Not a penny gets into the budget of Ukraine. In fact, a system has been created under which it is much more profitable for domestic producers to trade with the occupied Crimea and invest in their business in Crimea (the Russians also created their own "FEZ") than in Ukraine.

On the other hand, thanks to the action, the Ukrainian authorities will finally see (at least on TV!) all the unsettledness and holey nature of the "border". And, hopefully, they will immediately begin to equip it, promptly considering the appeal of the Kherson members of parliament, who ask the Cabinet of Ministers to create a working group to develop a program for the development of areas bordering Crimea, where the greatest costs for today, as it seems, are road repairs. The roads are broken, first of all, by thousands of trucks carrying goods to the peninsula. And, by and large, they realize that cleaning up the Kherson region from corruption and slovenliness is also a security issue, along with the creation of defense system along the entire length of the "border". In this regard, one cannot fail to recall the statements of President Poroshenko that the administrative border with Crimea should be strengthened by units from the Crimean Tatars. There was no movement to put Mustafa Dzhemilev's idea into practice - volunteers from the "Crimea" unit of Isa Akaev were then led around the office circle for a long time. Well, now, it turns out, they themselves will come ...

And the last. The organizers of the action will have to make a lot of effort to turn attention of not only the authorities, but also of ordinary Ukrainians to the "Crimean problem". To do this, information about goals and actions must come first, before people take real actions. Every resident of the Kherson region, where such a protest contingent lands for the first time, must understand that this and other actions do not pose a threat to him personally, his family, property and business. On the contrary, the fight against corruption and the creation of transparent rules on the "border" will benefit him, help make the state stronger, and it will better protect him. For this, among other things, the Kherson region should become a showcase for European Ukraine and a springboard for the return of Crimea.

It will inevitably happen that the habitual way of life of the inhabitants of the Kherson region will change. And, in order to avoid speculations and provocations, experienced by the Crimeans since the beginning of the 90s of the last century, today the leaders of the Mejlis simply must today make every effort to explain, having reached the consciousness of every inhabitant of the Kherson region, that the Crimean Tatars are not going to take away their land, not to claim social benefits, etc. They want to return to Crimea and return it to Ukraine. Then the war will end.

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Annex 187

Social Media Page (Facebook) of Rustem Irsay (16 January 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Facebook



Rustem Irsay is with **Lenur Islyamov** and **Refat Chubarov**
January 16, 2016

The last day of the Crimea blockade. Now the government services will take over it.
The civil blockade won!

[English version of the post:
Last day of the civil blockade of occupied Crimea. Now it's the government responsibility to
take care of it.
We won!]

#crimeablockade #success #putingetoutofcrimea



201 Likes

12 Comments 23 Shares

Annex 188

Refat Chubarov, Speech given at Meeting 38, Session Hall of the Verkhovna Rada of
Ukraine (09 December 2015) (Video)

*This document has been translated from its original
language into English, an official language of the Court,
pursuant to Rules of the Court, Article 51.*

Verkhovna Rada of Ukraine
Official web portal of the Parliament of Ukraine

THIRTY-EIGHTHS MEETING

Session Hall of the Verkhovna Rada of Ukraine

December 9, 2015, 10 a.m.

The meeting is chaired by V.B. GROYSMAN, Chairman of The Verkhovna Rada of Ukraine

10:18:32

CHUBAROV R.A.

Dear colleagues, dear voters! Today is the 82nd day of the action "Civil blockade of Crimea". The essence of this action is to make the occupiers' maintenance of Crimea as expensive as possible, to force them to respect basic human rights, to return Crimean issues to the agenda of Ukraine's domestic political life and international politics.

Thus, on September 20, there was a de facto cessation of the movement of goods from mainland Ukraine to the occupied Crimea. It is expected that at today's meeting of the Cabinet of Ministers of Ukraine a resolution will be adopted, which will fix the state of termination of the movement of goods from the mainland to the occupied Crimea. As you know, from November 22 to yesterday, the electricity supply to the Crimea was also cut off for 2 weeks. Based on many factors, including the fact that the failure of the line "Kakhovka-Titan" interferes with the supply of electricity to several districts of Kherson region; based on other issues, including humanitarian, the participants in the blockade of Crimea decide to provide an opportunity to ensure supply from only one line, which currently supplies 220 megawatts to the Crimea instead of 850, which were provided before November 22. But, dear friends, this is only for 2 weeks, so that both the government and local authorities could work to strengthen the energy supply of the Kherson region.

I would like to say that our colleague Oksana Syroid and a group of other colleagues registered the Law of Ukraine on the Temporarily Occupied Territory of Ukraine yesterday, in case of adoption of which the supply of energy resources, including electricity, to the occupied territories is prohibited. And if we do not have time to pass this law, and I am very much asking the committees to work, so that we manage to pass it by the end of this month, there is a second safeguard, I want to announce it. I think that this very hall, my colleagues, will not allow any minister or government to conclude an agreement on the supply of electricity, if necessary, until it says "Autonomous Republic of Crimea, Ukraine."

So, we are working hard to resolve all these issues by January 1 and make the maintenance of Crimea more expensive for Russia, the occupiers. Thank you.

<https://www.rada.gov.ua/meeting/stenogr/show/6064.html>

Annex 189

Electronic message from S. Kavtan (21 March 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

kavtan7@gmail.com

Fw:

archbishop <climentort@urk.net>

To: prescents@gmail.com

---Forwarded message---

From whom: "Sergey Kavtan" <kavtan7@gmail.com

Date: 21 March 2014, 18:12:00

Archbishop of Simferopol and Crimean Kliment, Kyiv Patriarchate

Regarding the situation in the village of Perevalnoye, where the Church of the Kyiv Patriarchate is located in the military unit, I would like to inform you that at the moment there are no threats of violent actions against our Church.

We managed to establish a fraternal dialogue with representatives of the Ukrainian Orthodox Church of the Moscow Patriarchate on the basis of mutual respect. I am convinced that in difficult times of political crisis, we, the clergy, should set an example of good relations between believers, no matter what confession they belong to and what language they speak.

I hope that wherever the communities of the Kyiv and Moscow Patriarchates neighbor, they will be able to find a common language without conflicts and threats, **as is happening now in Crimea.**

Annex 190

Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea No. 1801-2/01 “On transfer to the Crimean Eparchy of the Ukrainian Orthodox Church of the Kyiv Patriarchate of part of the building located at 17 Sevastopolskaya St., in the city of Simferopol” (16 May 2001)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

RESOLUTION
of the Verkhovna Rada
of the Autonomous Republic of Crimea

On transfer to the Crimean Eparchy
of the Ukrainian Orthodox Church of the Kyiv Patriarchate
of part of the building located
at 17 Sevastopolskaya St., in the city of Simferopol

In accordance with sub-paragraph 4 of paragraph 2 of article 26 of the Constitutions of the Autonomous Republic of Crimea, the Regulation on management of property that belongs to the Autonomous Republic of Crimea or the property that was transferred under its management, approved by the Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea No. 459-2/99 of 21 April 1999,

the Verkhovna Rada
of the Autonomous Republic of Crimea r e s o l v e s:

1. To transfer to the Crimean Eparchy of the Ukrainian Orthodox Church of the Kyiv Patriarchate the previously leased by them part of property of the total area of 1,475.7 m², described in the property plan under letter “a”, the building located at 17 Sevastopolskaya St., in the city of Simferopol, that belongs to the Autonomous Republic of Crimea, into free of charge temporary use until 2050.
2. The Property Fund of the Autonomous Republic of Crimea to complete transfer of the part of property described above in due order.
3. Control for execution of this Resolution to be delegated to the Permanent Commission of the Verkhovna Rada of the Autonomous Republic of Crimea for Economic, Budget, Finance and Tax Policies.

Speaker
of the Verkhovna Rada
of the Autonomous Republic of Crimea
GRACH

[Seal]

L.

The city of Simferopol
16 May 2001
No. 1801-2/01

Annex 191

Contract of lease of real property that belongs to the Autonomous Republic of
Crimea (13 November 2002)

*This document has been translated from its original
language into English, an official language of the Court,
pursuant to Rules of the Court, Article 51.*

**CONTRACT FOR LEASE
OF REAL PROPERTY,
which belongs to the Autonomous Republic of Crimea**

13 November 2002

The Property Fund of the Republic of Crimea, hereinafter referred to as the Lessor, represented by Deputy Head of the Fund KHKHLOV Vyacheslav Aleksandrovich, acting on the basis of power of attorney No. 01/2397 of 13 September 2002, on one side, and Crimean Eparchy of the Ukrainian Orthodox Church of Kyiv Patriarchate, hereinafter referred to as the Lessee, represented by the Managing Archbishop of Simferopol and Crimea Klyment (Kushch Pavlo Mykolayovych), acting on the basis of the Charter of Crimean Eparchy of the Ukrainian Orthodox Church of Kyiv Patriarchate, on the other side, entered into this contract about the following.

1. Subject of the contract

1.1 The Lessor, in order to implement the Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea “On transfer to the Crimean Eparchy of the Ukrainian Orthodox Church of the Kyiv Patriarchate of part of the building located at 17 Sevastopolskaya St., in the city of Simferopol” No. 1801-2/01 of 16 May 2002, with amendments made by Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea No. 126-3/02 of 19 June 2002, Order of the Property Fund of the Autonomous Republic of Crimea No. 615 of 30 July 2002 “On transfer of the part of building located in the city of Simferopol, 17 Sevastopolskaya St., defined as property that belongs to the Autonomous Republic of Crimea, for lease to Crimean Eparchy of the Ukrainian Orthodox Church of Kyiv Patriarchate” transfers the real property that belongs to the Autonomous Republic of Crimea and is managed by the Property Fund of the Autonomous Republic of Crimea that includes - part of a building of the area of 1,217.48 sq.m, including service facilities of the total area: basement - 66.5 sq.m., canopy - 66.2 sq.m., canopy - 60.5 sq.m., of the first floor - 329.18 sq.m., of the second floor - 497.9 sq.m., of the third floor - 197.2 sq.m., located in the city of Simferopol, 17, Sevastopolskaya St., and the Lessee accepts it for limited use under the certificate of delivery and acceptance (Annex 1) for placing the Office of Crimean Eparchy of the Ukrainian Orthodox Church of Kyiv Patriarchate in the interest of the Ukrainian Orthodox Church of Kyiv Patriarchate.

2. Terms of transfer and return of the leased property

2.1 The Lessee shall begin using the property from the moment of signing by the parties of the contract and the certificate of delivery and acceptance of the indicated property.

2.2 Transfer of the property for lease does not lead to transfer of the right of ownership of the property by the Lessor. The Autonomous Republic of Crimea remains the owner of the property, and the Lessee shall use it for the duration of the lease.

2.[3] In case of the contract termination the property shall be returned by the Lessee to the Lessor. The Lessee shall return the property following the procedure established during the transfer of the property under this contract.

3. Lease payment

3.1. The lease payment shall be determined on the basis of the Methodology of calculating and use of pay for lease of property that belongs to the Autonomous Republic of Crimea. Based on paragraph 4 of the Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea No. 126-3/02 of 19 June 2002, the lease payment is established in the amount of 1 Hryvnia. (Annex 2). VAT shall be calculated in accordance with the existing law.

[...]

8. The period of duration and terms of amending and terminating the contract

8.1. The contract is valid during 48 (forty eight) years, beginning from 1 September 2002 and until 1 September 2050.

8.2. The terms of contract shall remain in force during the entire period of duration and in cases, when after its signing, the rules established by law worsen position of the Lessee.

8.3. Changes or termination of the contract may take place upon consent of the parties. Changes and amendments that are made to the contract shall be reviewed by the parties during 20 days and shall be recorded as additional agreements to the lease contract. A unilateral refusal from implementation of the contract and additional agreements to it shall not be permitted.

8.4. The contract can be terminated upon demand of one of the parties by decision of Arbitration court in cases provided for in the law.

[...]

9. Legal addresses of the parties

The Lessor

The Property Fund of the Autonomous Republic of Crimea

95015, the city of Simferopol, 17 Sevastopolskaya St.

Code OKPO 00036860

The Lessee

Crimean Eparchy of the Ukrainian Orthodox Church of Kyiv Patriarchate

the city of Simferopol, 17 Sevastopolskaya St.

[Seal]

THE LESSOR

[Signed] **V. Khokhlov**

THE LESSEE

[Signed] **Klyment**

