



General Assembly

Distr.: General
26 May 2023

Original: English

Human Rights Council

Fifty-third session

19 June–14 July 2023

Agenda items 2 and 10

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine

Report of the Secretary-General*

Summary

In the present interim report, the Secretary-General describes the progress made in the implementation of General Assembly resolution 77/229 and provides options and recommendations for improving its implementation.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present interim report of the Secretary-General is submitted pursuant to General Assembly resolution 77/229, in which the Assembly requested the Secretary-General to report to it at its seventy-eighth session on the progress made in the implementation of the resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its fifty-third session.
2. The present interim report is the eighth report of the Secretary-General on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine. It covers the period from 1 July to 31 December 2022, in which the human rights situation in Ukraine deteriorated considerably, as a result of the full-scale invasion of Ukraine by the Russian Federation and the subsequent occupation of additional parts of Ukrainian territory.
3. In its resolutions 68/262 and ES-11/1, the General Assembly affirmed its commitment to the territorial integrity of Ukraine within its internationally recognized borders. In accordance with relevant Assembly resolutions, in the present report, the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation is referred to as “Crimea”, and to the occupying authorities of the Russian Federation in Crimea as the “occupying authorities of the Russian Federation” or the “Russian authorities”. The Secretary-General also takes into account the call by the Assembly for the Russian Federation to uphold all of its obligations under applicable international law as an occupying Power.

II. Methodology

4. In its resolution 77/229, the General Assembly requested the Secretary-General to continue to seek ways and means, including through consultations with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and relevant regional organizations, to ensure safe and unfettered access to Crimea and other territories of Ukraine temporarily controlled by the Russian Federation, by established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine. On 24 January 2023, OHCHR transmitted a note verbale to the Russian Federation seeking its cooperation to conduct a mission in Crimea. In its reply, the Russian Federation expressed “principled non-acceptance” of the Assembly resolutions “on Crimean and Ukrainian issues”, but noted its willingness to host missions undertaken “in full compliance with the procedures applied for visiting any other subject of the Russian Federation”.
5. Given those conditions, OHCHR has not to date been able to find a modality by which to conduct a mission, in line with General Assembly resolution 77/229, to Crimea or other territories of Ukraine temporarily controlled by the Russian Federation. The present report was prepared on the basis of information collected through remote monitoring by OHCHR through the human rights monitoring mission in Ukraine. Findings were based on verified information collected from sources that were assessed as credible and reliable, according to OHCHR methodology. Information was included in the report where the “reasonable grounds to believe” standard of proof had been met. The report was primarily based on direct interviews with the victims of alleged human rights violations in Crimea, whose accounts were further verified by other sources, including through interviews with relatives of victims, witnesses, human rights defenders, including women human rights defenders, lawyers and representatives of civil society. OHCHR also drew from information obtained from court documents, official records, analysis of relevant legislation and open-source and other relevant material.
6. According to OHCHR, the armed conflict in Ukraine has negatively affected the ability to access information from Crimea in order to verify information. Certain official Russian online records containing information relevant to human rights monitoring are no longer accessible from outside the Russian Federation. Some Russian government websites have become inaccessible in Crimea. The introduction of new sanctions for publicly voicing opinions has made victims of human rights violations and other relevant interlocutors located

in Crimea less willing to participate in interviews and share documents and other information. The operating environment for human rights defenders and the ability to move freely between Crimea and other parts of Ukraine has significantly deteriorated, further limiting the scope for the monitoring and documentation of human rights violations.

7. Unless otherwise specified, the information in the present report was verified and documented by the human rights monitoring mission in Ukraine during the reporting period. The report should not be considered to represent an exhaustive list of all issues of concern. The relevant rules of international humanitarian and human rights law guided the preparation of the report.

III. Human rights

A. Human rights defenders, administration of justice and fair trial rights

8. OHCHR identified patterns of human rights violations committed by the Russian authorities against Crimean human rights defenders, including licensed lawyers, such as arbitrary arrest and detention, harassment, prosecution and conviction following proceedings that lacked fair trial guarantees, and disbarment on arbitrary grounds. Although such patterns of violations had already been identified and reported in previous reporting periods, they intensified in the months following the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022.

9. In an emblematic case, on 15 July 2022, three Crimean Tatar human rights lawyers (two men and one woman), well-known for their defence of Ukrainian citizens accused of terrorism and extremism in the Russian Federation and Crimea, were disbarred and denied the guarantees that lawyers are entitled to in the performance of their professional functions.¹ Their disbarment was not related to any disciplinary or criminal offence, but rather to the alleged violation of the procedure concerning the transfer from one bar association to another and the arbitrary refusal of the Bar Association of Crimea to register them as practising lawyers. The lawyers were not present during the disbarment hearing and did not receive access to the case file against them. OHCHR considered that there are reasonable grounds to believe that the lawyers were targeted for their human rights work, given that the Russian authorities publicly referred to them as “supporters of the extremist organizations”.² OHCHR noted that one of the human rights defenders had previously been arrested and prosecuted for the alleged violation of sanitary norms during public gatherings.³ According to available information, in December 2022, the Russian Federal Bar Association annulled the disbarment decision in relation to two of the three lawyers. They are, however, still denied registration by the Bar Association of Crimea and cannot defend clients in new cases there.

10. During the reporting period, OHCHR received complaints from other Crimean human rights defenders alleging that Russian law enforcement officials had intimidated and harassed them, such as by threats of arrest, with the aim of dissuading them from continuing their human rights work and publicly voicing their opinions.

11. The denial of the right to a fair hearing by a competent, independent and impartial tribunal remains a systemic issue in the administration of justice in Crimea. OHCHR verified 16 cases (concerning 15 men and one woman) where courts⁴ had convicted Ukrainian citizens following proceedings carried out in disregard of fair trial guarantees. In all cases, the courts failed to ensure the minimum guarantees for the defence and based their decisions primarily on the statements of anonymous witnesses, without questioning the necessity of their

¹ See communication RUS 13/2022. All communications, and replies thereto, mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

² See reply to communication RUS 13/2022.

³ OHCHR, “Report on the human rights situation in Ukraine, 1 February–31 July 2022” (2022), paras. 127–129. Available at www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-february-31-july-2022.

⁴ In the present report, unless indicated otherwise, “courts” refers to courts located both in Crimea and, when considering cases of Crimean residents standing trial, in the Russian Federation.

identities remaining concealed. Examples include the conviction, on 21 September 2022, by the Supreme Court of Crimea of three Crimean Tatar men, including the First Deputy Head of the Mejlis of the Crimean Tatar People, the representative body of the Crimean Tatar people, to prison terms ranging from 13 to 17 years duration, for causing the explosion of a gas pipeline near Simferopol on 23 August 2021. In other cases, at least four Crimean Tatar men were denied their right to testify in court in their native language⁵ and were not provided with an interpreter, despite having asserted that they were not sufficiently proficient in the Russian language.⁶ Furthermore, nine defendants (all men) were removed from the respective courtrooms and tried in absentia, as a sanction for either their attempts to address the court in the Crimean Tatar language or after they had made remarks about the alleged bias of the judge.⁷

B. Right to life, physical and mental integrity, liberty and security of person

12. During the reporting period, OHCHR documented violations of the rights to life, liberty and security of person by Russian security forces in Crimea, as well as in parts of the Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine occupied by the Russian Federation. OHCHR has collected information about 49 cases where such violations occurred in Crimea and 24 cases where they occurred across both sides of the administrative boundary line between Crimea and other parts of Ukraine, as a result of the unlawful transfer of victims to Crimea from other territories of Ukraine occupied by the Russian Federation.⁸ The actual figures are likely considerably higher, given the lack of access to the occupied territory and the delays in verification owing to the security risks for survivors and witnesses of such violations.

13. OHCHR documented the use of torture and ill-treatment by Russian law enforcement officers in relation to five men and one woman. In those cases, the perpetrators subjected the victims to torture and ill-treatment, with a view to extracting information, including passwords for their electronic devices, and obtaining self-incriminating statements or testimony against third persons. The methods included beatings with bare hands or wooden sticks, suffocation, the twisting arms or fingers, the use of electric shocks to various body parts, including the earlobes, nipples and genitals, which is a form of sexual violence, and the burning of victims' feet with a portable gas burner. In one case, a male victim suspected of "membership in an illegal armed formation" in Ukraine was tortured for four days by Russian security forces in the basement of a community college in Henichesk, Kherson region. The perpetrators tortured the victim with electric shocks and kicked and punched him all over his body and head, while deliberately avoiding his face. He was then transferred by

⁵ The courts justified the denial by claiming that the defendants had attended Russian language classes in school.

⁶ The right to the free assistance of an interpreter if the accused cannot understand or speak the language used in court is guaranteed by article 14 (3) (f) of the International Covenant on Civil and Political Rights. See Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 40.

⁷ This may be a violation of article 14 (3) (d) of the International Covenant on Civil and Political Rights, which guarantees everyone charged with a criminal offence the right to be tried in his or her presence. With regard to the exclusion of defendants from courtrooms, the State party must show that it took all reasonable measures to ensure the defendants' continued presence at the trial, despite their alleged disruptive behaviour. *Domukovsky et al. v. Georgia* (CCPR/C/62/D/623/1995-CCPR/C/62/D/624/1995-CCPR/C/62/D/626/1995), para. 18.9. When the defendants' behaviour is of such a nature as to justify their removal from the courtroom, the presiding judge should establish that the defendants unequivocally waived their right to be present. Judges should first either issue a warning or consider a short adjournment to inform the defendants of the potential consequences of their ongoing behaviour. European Court of Human Rights, *Idalov v. Russia*, Application No. 5826/03, Judgment, 22 May 2012, paras. 176–178.

⁸ Thirty-six of those violations occurred during the reporting period. The remaining cases either occurred earlier but were documented during the reporting period or can be qualified as ongoing violations.

car from Henichesk across the administrative boundary line to Simferopol, where he was again tortured by officers of the Federal Security Service of the Russian Federation.

14. OHCHR has documented 60 cases of arbitrary arrest (55 men and 5 women), 34 of which (32 men and 2 women) occurred during the reporting period. The groups most frequently affected included former military personnel of the Ukrainian armed forces, suspected saboteurs and spies, journalists, alleged former members of the “Noman Çelebicihan” Crimean Tatar battalion,⁹ religious minorities and individuals perceived to have pro-Ukrainian political views.¹⁰ Those victims who were arrested outside Crimea were usually held in unrecorded incommunicado detention in unofficial locations and outside the protection of the law, for periods lasting from several days to more than two months. Their detention was usually formalized only upon their arrival in Crimea and handover to the Federal Security Service of the Russian Federation. In all documented cases, during bail hearings, judges dismissed victims’ complaints about unrecorded detention, thereby further contributing to the impunity of the perpetrators.

C. Enforced disappearances

15. Enforced disappearances, which were prevalent during the first year of the occupation of Crimea in 2014, re-emerged as a major human rights violation perpetrated in 2022. During the reporting period, OHCHR documented an increased risk of enforced disappearance at the administrative boundary line between Crimea and the Kherson region, especially among men.¹¹ Such cases typically arose when people crossing the line were taken in for additional checks, which involved searching their mobile devices for any statements or symbols that might be perceived as anti-Russian or pro-Ukrainian (see sect. III.G below). A similar risk emerged among residents of the Kherson region during its occupation by the Russian Federation, where those apprehended were subsequently transferred to and detained in Crimea. In all cases, there were strong indications that the Federal Security Service of the Russian Federation had been involved. In one case, the Russian armed forces were also allegedly involved.

16. OHCHR has documented seven cases (five men and two women) of such enforced disappearances since 24 February 2022. In those cases, OHCHR found no credible information indicating that investigations had been carried out in relation to the disappearances, despite reports having been filed by lawyers and relatives with the Russian police and appeals having been made to the authorities. In at least one case, Russian law enforcement bodies explicitly refused to open a criminal investigation, as outlined in a letter to the victim’s lawyer dated 20 September 2022. Documented cases indicate that, following the initial periods of disappearance, Federal Security Service, law enforcement and penitentiary authorities of the Russian Federation have detained persons in pretrial detention centres incommunicado and without formally opening any criminal investigation against them for long periods of time. Relatives reported that, when they visited the detention centre, the administration routinely denied that the victims were there. Five victims whose whereabouts eventually became known had been forcibly disappeared for periods of between 18 days and eight months.¹² In only two documented cases were the victims eventually released, after 18 and 35 days of unacknowledged detention, with no charges pressed. Other cases either led to criminal charges and formalized arrest and detention (1 case) or resulted in death from injuries from torture and lack of medical care (1 case).

⁹ A voluntary paramilitary formation established in 2016 but lacking official status under Ukrainian law. OHCHR has no information that could confirm its involvement in the armed conflict between the Russian Federation and Ukraine.

¹⁰ All of them were arrested without a judicial warrant, arrest report or sufficient grounds to justify such a measure.

¹¹ During the reporting period, OHCHR documented five new enforced disappearances at the administrative boundary line, compared with the nine documented during the period between 2014 and 2021, and received allegations of other cases and systematic practices that might amount to enforced disappearances.

¹² Including two persons who were still missing as at 31 December 2022.

17. In one documented and emblematic case, a young Crimean Tatar man disappeared while travelling from the Kherson region to Crimea on 23 July 2022. His relatives received information that he had been either stopped when attempting to cross the administrative boundary line or apprehended in the Kherson region and forcibly transferred to Crimea. The family and a privately hired lawyer made numerous attempts to confirm his whereabouts but received no substantial response from the occupying authorities of the Russian Federation. The man remained forcibly disappeared until October 2022, when criminal charges were brought against him. His relatives then learned that, prior to being charged, he had been detained in a pretrial detention centre in Simferopol, without any formal status or clear legal grounds.

18. In May 2022, in a documented case, a woman from Kherson city was apprehended in her apartment by Russian armed forces following a search of her home. The perpetrators told her relatives that they were taking her for a “check” and that she would be able to return the following day. She was instead held incommunicado in unknown locations for several weeks before being forcibly transferred to Crimea and detained in a pretrial detention facility. In June 2022, the Federal Security Service of the Russian Federation provided an official response to the request for information from the woman’s father, which, according to OHCHR, only listed the unspecific charges that she had opposed the “special military operation”. In September 2022, the police confirmed the woman’s location as being in a pretrial detention facility in Simferopol but provided no information as to the charges against her or why she was being held. When her relatives tried to visit her in the pretrial detention facility, the administration denied her presence there. The Federal Security Service of the Russian Federation repeatedly denied requests from the woman’s relatives to establish communication with her.¹³ The Russian authorities also prevented her from having any contact with her lawyer. As at 31 December 2022, the Federal Security Service of the Russian Federation and the Russian penitentiary authorities continued to conceal the woman’s fate and whereabouts, which amounts to enforced disappearance. Her relatives have not been able to obtain information about the legal grounds for her detention, despite repeated requests.

19. During the reporting period, OHCHR documented a total of four cases of enforced disappearance in Crimea, which brings the total of such cases documented since 2014 to 55. The cases involve 48 men and 7 women, including 13 people who remain missing.¹⁴ In two cases, enforced disappearances resulted in the death of the victims. In six cases, including one involving a woman, the victims were subsequently found at official detention centres, where they remained as at 31 December 2022. In 34 cases, the victims, including six women, were subsequently released. At the time of preparation of the present report, none of the victims had been provided with any form of redress.¹⁵

D. Rights of detainees

20. In September 2022, the Russian authorities opened the new pretrial detention centre No. 2 in Simferopol. Located on the grounds of the existing prison colony No. 1, it has a capacity to hold over 300 persons. According to OHCHR, in October, the occupying Power began transferring individuals detained in connection with the armed conflict to pretrial detention centre No. 2 from other occupied parts of Ukraine. Most of the detainees had been arrested in the Kherson and Zaporizhzhia regions. During the reporting period, OHCHR received consistent and reliable accounts about inadequate conditions of detention in pretrial detention centre No. 2 that might amount to inhuman and degrading treatment, including complete isolation from the outside world, denial of the right to outdoor exercise (only one

¹³ The victim did, however, manage to pass some correspondence to her relatives.

¹⁴ This includes new cases of enforced disappearance where the relatives received conflicting information on the victim’s fate or whereabouts.

¹⁵ See United Nations human rights monitoring mission in Ukraine, “Enforced disappearances in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation” (2021). Available at <https://ukraine.un.org/en/123652-enforced-disappearances-autonomous-republic-crimea-and-city-sevastopol-ukraine-temporarily>.

20-minute walk outside every two weeks),¹⁶ constant video surveillance inside cells and the requirement to maintain a standing position with no possibility to sit or lie down during the day.

21. Detainees, including those who were unlawfully transferred to the Russian Federation to stand trial or serve prison sentences,¹⁷ also reported the inadequate provision of medical care. In one case, prison doctors in a pretrial detention centre in Rostov-on-Don, Russian Federation, reportedly repeatedly declined to visit an elderly detainee from Crimea in his cell, although he had claimed to have recently suffered a stroke. Since he could not walk, he had to ask his cellmate to carry him up the stairs to see a doctor. According to the detainee's lawyer, the doctor refused to provide a thorough medical examination or confirmation of whether the detainee had suffered a stroke. In another case, a detainee from the Kherson region who suffered from numerous health conditions was reportedly denied medical assistance by the staff of a detention centre in Simferopol for two months, and his request to see a prison doctor was granted only after he went on hunger strike.

E. Freedoms of opinion, expression, peaceful assembly and association

22. The Russian authorities continued to prosecute individuals on the grounds of “public actions directed at discrediting” and “obstructing” the Russian armed forces.¹⁸ OHCHR documented 127 prosecutions (against 93 men and 34 women) during the reporting period, 126 of which had resulted in convictions (against 92 men and 34 women). There was a progressive increase in convictions throughout 2022. Convictions verified by OHCHR resulted in the imposition of fines of between 30,000 and 75,000 roubles and sentences of between 5 to 15 days' imprisonment. The introduction of those offences further curtailed the already limited civic space in Crimea for the expression of dissenting and critical opinions on social media or through other means. Crimean residents were convicted, inter alia, for various expressions made in private conversations, such as a comparison of “the Russian President with Adolf Hitler”, mentions of a Russian “attack” or “aggression”, criticism of the “Z” and “V” symbols used by the Russian army and references to the occupation of Crimea. Prosecutions took place for public expression, in online posts and comments, “no war” hashtags and the sharing of other users' content on social media and oral statements made in public places, such as calls to end the war, criticism of Russian military activities and the President of the Russian Federation and references to war crimes, occupation, the suffering of civilians and “a terrorist State”. Some convictions concerned non-verbal expression, including being convicted for having watched a video clip depicting a Bayraktar drone on a mobile phone, worn a blue and yellow armband, displayed an anti-war tattoo and asked a disc jockey in a cafe to play a video clip depicting the Ukrainian army. The judgments reviewed by OHCHR indicated that evidence was often provided by the persons who had informed the authorities. The convictions led to arbitrary detentions, as they were carried out in response to the victims' legitimate exercise of their right to freedom of expression, and the legal grounds for the convictions do not comply with international human rights and humanitarian law. OHCHR recalled that freedom of expression, as guaranteed by article 19 of the International Covenant on Civil and Political Rights, included the right of individuals to criticize politicians, Governments and policies without fear of interference or punishment.¹⁹

23. In an emblematic case, six individuals (three men and three women) were charged with having publicly displayed a symbol of an “extremist” organization and discrediting the Russian armed forces, two days after a Ukrainian patriotic song had been played during a

¹⁶ This is in violation of rule 23 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which provides that every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

¹⁷ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 76.

¹⁸ Punishable under the Russian Federation Code of Administrative Offences, art. 20.3.3.

¹⁹ For example, Human Rights Committee, *Marques de Morais v. Angola* (CCPR/C/83/D/1128/2002), para. 6.7.

wedding at a restaurant in Bakhchysarai on 10 September. On 13 September, a local court convicted the disc jockey, the mothers of the bride and the groom, a guest and the owner of the restaurant and his wife. Four of them were sentenced to 5 to 15 days' detention, and the remaining two were ordered to pay fines. The court considered an extract of the song in which the singer is calling "to liberate brothers, Ukrainians, from Moscow's chains" to amount to the discrediting of the Russian armed forces.

24. Restrictions on the exercise of the right to freedom of opinion and expression particularly affected teachers in Crimea. Teachers were pressured by the senior management of schools, collectively in staff meetings and individually, to actively endorse and cultivate a positive attitude among schoolchildren towards the Russian full-scale invasion of Ukraine and to generally refrain from criticizing the Russian authorities. Teaching staff who refused to follow those guidelines faced retaliation and sanctions. In one documented case, the school administration refused to renew the contract of a Crimean Tatar teacher following complaints by students' parents. The teacher had discussed with her students allegations of violations of human rights against civilians by the Russian armed forces in Ukraine. She was also convicted for "discrediting" the Russian armed forces.²⁰ On 10 August 2022, the Supreme Court of Crimea upheld her conviction and sentence of a fine of 30,000 roubles, confirming that she had expressed a "personal opinion with the objective of forming the opinion of others". The court made no reference to the victim's right to freedom of opinion and expression or the need to balance her rights with any legitimate public interest. Given that the woman's contract was discontinued for "inappropriate behaviour", finding a new teaching position in the same city was not possible, and she was forced to seek employment in a different region.²¹

25. Prosecutions for "discrediting" the Russian armed forces also impinged on the exercise of the right of peaceful assembly. Public displays of pro-peace sentiments or criticism of the Russian full-scale invasion of Ukraine, whether individual or collective, led to prosecutions, including prosecutions of single-person protests, where the victims held "no to war" and "peace" posters. OHCHR recalled that the right of peaceful assembly must be guaranteed to political dissenters and those expressing minority opinions.

26. The Russian authorities maintained the general restriction on "public and mass events", introduced in response to the coronavirus disease (COVID-19) pandemic, which effectively banned peaceful assemblies in Crimea. The Russian authorities have not provided a justification for the necessity of maintaining such general restrictions. By means of a series of orders, however, the so-called "Head of the Republic of Crimea" made individual exceptions to the general prohibition. The exceptions included public events that expressed support for the President of the Russian Federation, the Russian armed forces and the "special military operation" in Ukraine, as well as other "patriotic" and sports events and official public events organized in coordination with the regional and local occupying authorities. The general prohibition of, and exceptions for, certain assemblies and public events on the basis of their political messages and affiliation with the authorities is an infringement of the right of peaceful assembly.

27. According to OHCHR, the practice of intimidating local activists, citizen journalists, community leaders and persons who actively voiced their critical political opinion continued in Crimea. In an illustrative case, Russian law enforcement authorities have routinely issued four to five written "warnings" annually to a Crimean Tatar community leader who was also involved in human rights work. The "warnings" cautioned against "extremist activities" and violations of local legislation on peaceful assemblies, and they were issued close to the dates of Ukrainian and Crimean Tatar commemoration events, such as the Independence Day of Ukraine or the Day of the Crimean Tatar Flag. The prosecutor or other Russian law enforcement authorities came to the man's home to hand over the written "warnings". Those actions by Russian law enforcement authorities produced a chilling effect on plans to

²⁰ The application of such legislation in Crimea violates the obligation of the Russian Federation, as the occupying Power, to respect the penal laws of the occupied territory. *A/77/220*, para. 21.

²¹ The dismissal of any person from their employment purely on the basis of their political opinions is in contravention of international human rights law. Human Rights Committee, *Orihuela Valenzuela v. Peru* (CCPR/C/48/D/309/1988), para. 6.4.

organize grass-roots assemblies or any other public events that might be perceived as an expression of political dissent.

28. The freedom of the media, civil activism and access to information in Crimea were also adversely affected by Russian legislation, which imposed the status of “foreign agent” on media outlets that had received funding or other forms of undefined “support” from foreign States, their government agencies, international and foreign organizations and foreign citizens. Radio Free Europe/Radio Liberty and its outlet Crimea.Realities were both listed as “foreign agents” by the Russian authorities.²² The status carries stringent registration, reporting and public disclosure requirements, which do not apply to other media organizations.

29. On 1 December 2022, a new Russian law on the “control of activities of individuals under foreign influence” came into force.²³ The law, which is also applied by the Russian authorities in Crimea, expanded the grounds for determining whether an individual or an organization constituted a “foreign agent”, by introducing a criterion of whether “foreign influence” was exercised over that person. Any funding or other “influence” originating from other parts of Ukraine towards media outlets, civil society organizations or individuals in Crimea automatically triggers the application of “foreign agent” status. Any materials produced by media outlets, civil society organizations or individuals who are listed as “foreign agents” must carry a “foreign agent” label, widely perceived as stigmatizing. The failure to comply with this requirement may lead to fines and criminal prosecution by the Russian authorities, with the risk of imprisonment. In this regard, the European Commission for Democracy through Law has criticized the “foreign agent” regulations of the Russian Federation as “serious violations of basic human rights, including the freedoms of association and expression, the right to privacy, the right to participate in public affairs, as well as the prohibition of discrimination”.²⁴

F. Freedom of religion or belief

30. Religious groups and individuals in Crimea continue to be prosecuted under a broad prohibition on proselytizing activities under Russian legislation.²⁵ As at 31 December 2022, OHCHR had documented 13 new court cases, lodged in 2022, for proselytizing-related offences, against five religious organizations and eight individuals (seven men and one woman) who identified as Muslim (five), Evangelical (three), Jewish (one), pagan (one) and Protestant (one).²⁶ The cases stemmed from the application of anti-extremist laws of the Russian Federation and an overly broad interpretation of prohibited “missionary activities”. The courts handed down convictions for the practice of religion or belief, without establishing that the conduct of the accused constituted proselytizing and without analysing how the general prohibition against “missionary activities” related to freedom of religion or belief. Individuals and religious groups were prosecuted for publishing content on social media without marking it with the full official name of the religious organization, leading a Muslim prayer for a local congregation without an official document authorizing the imam to “conduct missionary activities” on behalf of the religious organization and/or without registration of the mosque as belonging to the religious organization, leading Muslim rites and practices in a mosque without being the official imam of that mosque and conducting evangelic sermons in a private home. The courts fined individuals between 3,000 and 20,000 roubles and religious organizations up to 30,000 roubles.

²² In addition, the “foreign agent” status was imposed on several Russian media outlets, including Dozhd and Meduza, whose reporting included coverage of the socioeconomic situation in Crimea.

²³ Federal Law No. 255-FZ.

²⁴ European Commission for Democracy through Law, Opinion No. 1014/2020, 6 July 2021.

²⁵ A/75/334, para. 28. The application of such legislation in Crimea violates the obligation of the Russian Federation, as the occupying Power, to respect the penal laws of the occupied territory under article 64 of the Fourth Geneva Convention.

²⁶ In two cases, the individuals were of unknown religious affiliation.

G. Freedom of movement

31. The full-scale invasion of Ukraine by the Russian Federation on 24 February 2022 has had a significant impact on the population and their freedom of movement. It has also led to the further dilution of the social links between Crimea and other parts of Ukraine. As a result of the invasion, the Government of Ukraine temporarily lost control of the crossing points at the administrative boundary line with Crimea. The Russian authorities subsequently used the crossing points to operate a system of so-called “filtration” to carry out security checks, which have targeted men in particular. During “filtration” processes, Russian armed forces have often subjected persons to body searches, sometimes involving forced nudity, and detailed interrogations about their personal background, family ties and political views and allegiances. The practice has resulted, according to credible reports received by OHCHR, in numerous human rights violations, including of the rights to liberty, security of person and privacy. “Filtration” has also involved the collection of personal data, including sensitive personal data, and the checking of mobile phone content. OHCHR has documented that those who failed to pass through the system of “filtration”, for example, for being perceived to have pro-Ukrainian views, have been subjected to arbitrary detention, torture, ill-treatment and enforced disappearance (see sect. III.C above). The system of “filtration” has deterred people from exercising their right to freedom of movement, because it has targeted people for their perceived views, instead of assessing their likelihood of posing a security threat. In parallel, interviews conducted by OHCHR have revealed that residents of other temporarily occupied territories of Ukraine, notably the Kherson region, have had no other option but to pass through the system of “filtration”, given that they were forced to leave those territories, owing to the hostilities, and to seek safety by taking the only available route through Crimea.

32. In one documented case, a taxi driver from the Kherson region travelled to Crimea with his wife and minor daughter and failed to pass through the system of “filtration” at the administrative boundary line. He was arbitrarily detained for over two days in an administrative building at the checkpoint, without explanation. At least 20 other individuals were being detained there at that time. The Federal Security Service of the Russian Federation then transferred him to Simferopol and charged him with the criminal offence of “participation in an illegal armed formation” for his alleged assistance to the “Noman Çelebicihan” Crimean Tatar battalion.²⁷ Although the victim denied the accusations, following almost seven months in detention, he was sentenced to 8.5 years’ imprisonment on the basis of the testimony of anonymous witnesses and two former members of the battalion.

H. Property rights

33. Under international humanitarian law, private property must be respected and cannot be seized by the occupying Power, except where seizure of such property is required by imperative military necessity.²⁸

34. On 18 October 2022, the so-called “State Council of Crimea”²⁹ adopted a resolution³⁰ allowing for the confiscation of private property which, as of 24 February 2022, had belonged to States, and to nationals of such States, that had committed “unfriendly acts” against the

²⁷ According to the prosecutors, the victim maintained the facilities of the battalion’s camp and supplied the battalion with food and clothing.

²⁸ Regulations respecting the Laws and Customs of War on Land of 1907 (the Hague Regulations), art. 46; and International Committee of the Red Cross, Database on Customary International Humanitarian Law, rule 51 (c).

²⁹ Executive body established by the Russian Federation in Crimea.

³⁰ See resolution of the “State Council of Crimea” No. 1417-2/22 of 18 October 2022. For the history of the confiscations of private property in Crimea, see [A/74/276](#), para. 54; OHCHR, “Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”, covering the period from 22 February 2014 to 12 September 2017, paras. 171–176; and OHCHR, “Report on the human rights situation in Ukraine, 16 February–15 May 2018”, paras. 100–101.

Russian Federation or its entities.³¹ According to OHCHR, arising out of that mass confiscation exercise, which has been officially categorized as “nationalization”, as at 31 December 2022, the Russian authorities have expropriated, without compensation, 156 real estate properties in Crimea.³² Although officials of the Russian Federation have publicly declared that such confiscation should only target the assets of those who have committed “hostile acts against Russia” and finance the Government of Ukraine in the context of the ongoing armed conflict,³³ the text of the resolution indicates that, in the future, it might also be extended to property of all Ukrainian citizens or legal entities in Crimea without exception.

35. Individuals without Russian citizenship who own land plots in Crimea, including Ukrainian citizens, continue to be at risk of losing their land as a result of decree No. 201 of the President of the Russian Federation, which restricts land ownership to Russian citizens and legal entities in 27 territories of Crimea.³⁴ In 2022, the number of land plots owned by non-Russian citizens or companies in Crimea had not significantly changed compared with the previous year, with only a slight decrease from approximately 6,400 to nearly 6,100.³⁵ The possibility to dispose of such land plots has been further restricted following measures taken by the Russian authorities in March 2022 with respect to all real estate transactions involving nationals of States “that commit unfriendly acts against the Russian Federation”. The measures included requirements to obtain clearance from the Government Commission on Monitoring Foreign Investment and to deposit the proceeds from such transactions into special bank accounts.³⁶ OHCHR found that, unless they obtain Russian Federation citizenship or dispose of their land, non-Russian landowners in Crimea risk losing their land in an enforced sale or “nationalization”.

I. Population transfers and nationality

36. International humanitarian law regulates forcible transfers, as well as deportations, of protected persons and strictly limits the conditions and circumstances in which such transfers and deportations can occur.³⁷

37. During the occupation by the Russian Federation of parts of the Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine, Russian security forces carried out transfers of civilians from those occupied territories to Crimea. During the reporting period, OHCHR collected information about 23 residents who had been arrested in occupied areas of Ukraine and transferred by the Russian authorities across the administrative boundary line to a pretrial detention centre in Simferopol.³⁸ During the transfers, the victims reportedly remained handcuffed and often blindfolded without any possibility to resist the actions of the

³¹ The list of States that commit “unfriendly acts” against the Russian Federation is approved by decree of the Government of the Russian Federation No. 430-r of 5 March 2022. In addition to Ukraine, it includes Canada, the United Kingdom of Great Britain and Northern Ireland, the United States of America and States members of the European Union.

³² See resolutions of the “State Council of Crimea” No. 1459-2/22 of 2 November 2022, No. 1501-2/22 of 1 December 2022 and No. 1540-2/22 of 14 December 2022. The decision to confiscate real estate property belonging to a certain individual or legal entity is made on the basis of the decision of a special “antiterrorist commission”.

³³ See <https://crimea-news.com/economy/2022/10/31/984827.html> (in Russian); <https://trkmillet.ru/nacionalizirovannie-v-krimu-v-yetom-go/>; and <https://ria.ru/20221228/imuschestvo-1842047227.html> (in Russian).

³⁴ A/HRC/50/65, para. 40.

³⁵ See statement by a representative of the State Committee of State Registration and Cadastre of Crimea, 15 August 2022. Available at <https://gkreg.rk.gov.ru/ru/article/show/3648>.

³⁶ Decree of the President of the Russian Federation No. 81 of 1 March 2022, as amended.

³⁷ Fourth Geneva Convention, art. 49.

³⁸ They were suspected of espionage, sabotage, membership in an illegal armed formation or other criminal offences.

perpetrators. OHCHR has reasonable grounds to believe that the actual number of such victims is much higher.³⁹

38. In parallel, the Russian authorities have continued the practice of transferring Ukrainian citizens whom they consider “foreigners” out of Crimea to the Government-controlled territory of Ukraine. In 2022, Russian courts in Crimea issued 341 transfer orders for individuals without Russian passports, at least 47 of whom were Ukrainian citizens (40 men and 7 women), which was approximately 40 per cent less than in the previous year. The decrease can be explained by the simplification of the process of naturalization of Ukrainians as Russian citizens, enabled by the decree of the President of the Russian Federation No. 440 of 11 July 2022.⁴⁰ According to the statistics of the Russian Federation, 57,377 individuals obtained Russian citizenship in Crimea between January and November 2022, 57,348 of whom obtained it in a simplified manner. This is a 492.5 per cent increase compared with a similar period in 2021. In Sevastopol, 2,507 individuals obtained Russian citizenship between January and November 2022, 1,485 of whom did so in a simplified manner.⁴¹ Both the simplification of the process of acquisition of Russian citizenship and the continuing practice of transferring Ukrainian citizens out of Crimea have contributed to the further decrease in the number of legal residents without Russian citizenship in Crimea, from 14,626 in 2021 to 10,622 in 2022.⁴²

J. Forced conscription

39. Under international humanitarian law, an occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which is aimed at securing voluntary enlistment is permitted.⁴³

40. On 21 September 2022, the President of the Russian Federation issued an order⁴⁴ to start a campaign of conscription into the armed forces, which extended to Ukrainian nationals residing in Crimea. Although the exact number of Ukrainian nationals conscripted from Crimea remains unclear, OHCHR has noted numerous reports of male Crimean residents being conscripted into the Russian armed forces and taken to participate in the Russian military offensive against Ukraine.⁴⁵ In addition to conscription, the Russian Federation conducted two regular military drafts in 2022, conscripting male Crimean residents into

³⁹ In December 2022, the total number of individuals unlawfully transferred from other parts of Ukraine to Crimea and held in pretrial detention center No. 2 in Simferopol was not fewer than 110. See <https://krymsos.com/en/oglyad-sytuacziyi-v-krymu-gruden-2022/>.

⁴⁰ According to the decree, all Ukrainian citizens can obtain Russian citizenship following a simplified procedure by filing an application.

⁴¹ Russian Federation, Ministry of Internal Affairs, “Compilation of main indicators of activity regarding the migration situation in the Russian Federation for January–November 2022”. Available at <https://мвд.рф/Deljatelnost/statistics/migracionnaya/item/34428645/> (accessed on 27 January 2023). In total, from January to November 2022, Russian authorities issued 233,747 Russian passports in Crimea and the city of Sevastopol, which is 116.08 per cent higher than in 2021. This includes naturalizations and passports issued to children who reach 14 years of age and to adults who were already regarded as Russian citizens but did not possess Russian passports for various reasons.

⁴² See Russian Federation, Ministry of Internal Affairs, “Selected indicators of the migration situation in the Russian Federation for January–December 2022 by country and region”. Available at <https://мвд.рф/Deljatelnost/statistics/migracionnaya/item/35074711> (accessed on 27 January 2023). This represents nearly 0.5 per cent of the total population of Crimea, including Sevastopol.

⁴³ Fourth Geneva Convention, art. 51. Compelling a protected person to serve in the forces of a hostile Power is a grave breach of article 147 the Fourth Geneva Convention and a war crime under article 8 (2) of the Rome Statute of the International Criminal Court.

⁴⁴ Order No. 647. Available at <http://publication.pravo.gov.ru/Document/View/0001202209210001?index=0&rangeSize=1> (in Russian).

⁴⁵ Non-governmental organizations in the field of human rights also continued to report on the numbers of killed and captured combatants of Crimean origin who belonged to the Russian armed forces. See Crimean Human Rights Group, “Human rights situation in Crimea and 250 days of full-scale Russian invasion of Ukraine”, p. 22. Available at https://crimeahrg.org/wp-content/uploads/2022/12/250_bookend-upd.pdf.

military service. This brings to 16 the overall number of drafts conducted since the beginning of the occupation in 2014. According to official announcements from the Russian authorities, 2,500 men from Crimea were conscripted in the final military draft of 2022.

41. Criminal prosecution against military draft evasion continued to be used to enforce conscription. Russian criminal law, as applied by the occupying authorities of the Russian Federation, prescribes fines, correctional labour and up to two years' imprisonment for draft evasion.⁴⁶ Conviction for draft evasion does not absolve a person from the obligation to complete military service. OHCHR documented 112 draft evasion cases registered with the courts against men in 2022, compared with 123 such cases in 2021 and 78 in 2020. Among the cases registered in 2022, OHCHR documented 72 cases where the defendant had been sanctioned either by means of a criminal conviction and a fine (71)⁴⁷ or a court fine with the termination of the criminal proceedings (1).⁴⁸ The fines ranged from 8,000 to 180,000 roubles. Men were typically convicted for failure to report at their local military draft commission upon receiving an official summons. In one case, the central district court in Simferopol convicted and imposed a fine of 50,000 roubles on a second-year university student with no source of income. In another case, the same court convicted and imposed a fine of 35,000 roubles on a university student who had failed to appear before the military draft commission.

42. As at 31 December 2022, OHCHR had documented a total of 284 court-imposed sanctions for draft evasion during the occupation of Crimea.⁴⁹

43. The access of prospective military service people to independent information about the use of force against Ukraine in the ongoing armed conflict remains severely limited. Moreover, the introduction of special lessons in schools on the so-called "special military operation" of the Russian military in Ukraine, along with Russian State-controlled reporting, could be viewed as measures aimed at securing popular support for engagement in hostilities against Ukraine and the encouragement of voluntary enlistment.

IV. Conclusions and recommendations

44. **In line with General Assembly resolution 77/229, the Secretariat undertook all steps necessary to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of the resolution.**

45. **Although ongoing hostilities meant that any prospect of securing access to Crimea was remote, I continued to seek ways and means to ensure safe and unfettered access to Crimea and other areas of Ukraine temporarily occupied by the Russian Federation, by established human rights monitoring mechanisms, in particular by supporting the work of OHCHR and the human rights monitoring mission in Ukraine and by engaging with relevant regional organizations and States, including the Russian Federation and Ukraine.**

46. **I continue to offer my good offices to pursue discussions relating to Crimea with all relevant stakeholders and to raise the concerns addressed in General Assembly resolution 77/229. During briefings to the Security Council on the situation in Ukraine, the Secretariat continued to refer to developments in and around Crimea, as appropriate, consistently reaffirming the commitment of the United Nations to the sovereignty, independence and territorial integrity of Ukraine, within its internationally**

⁴⁶ Criminal Code of the Russian Federation, art. 328.

⁴⁷ The numbers should not be interpreted to indicate that the rest of the cases resulted in acquittals. OHCHR only counts criminal cases that can be verified through review of a full-text verdict.

⁴⁸ Article 76 (2) of the Criminal Code of the Russian Federation provides for the imposition of a court fine instead of a criminal punishment for first-time perpetrators of light offences who have remedied the damage caused by the crime. In practice, amounts imposed as court fines are comparable to those imposed under guilty verdicts.

⁴⁹ This is a conservative calculation provided by OHCHR. OHCHR only counts cases that can be verified through review of a full-text judgment.

recognized borders, in accordance with relevant General Assembly and Security Council resolutions.

47. Despite those efforts, and despite the willingness of the Russian Federation and Ukraine to engage on this issue with the United Nations, it was still not possible to find mutually acceptable terms to ensure unimpeded access by OHCHR to Crimea. Such access is essential to ensuring first-hand monitoring and reporting on the situation of human rights in Crimea. I urge the Russian Federation and Ukraine to make every effort to ensure unfettered access by OHCHR and international and regional human rights monitoring mechanisms to Crimea and all other territories of Ukraine temporarily controlled by the Russian Federation, to enable the effective implementation of the relevant General Assembly resolutions. I will continue to seek potential opportunities and identify practical avenues in this regard.

48. I call upon the Russian Federation to uphold its obligations under international law, including the Charter of the United Nations, international human rights law and international humanitarian law, in Crimea and other territories of Ukraine temporarily controlled by the Russian Federation. In particular, the Russian authorities should comply fully with the absolute prohibition of torture and ensure the independent, impartial and effective investigation of all allegations of ill-treatment, torture, sexual violence, arbitrary arrest and detention in Crimea. The Russian Federation has the obligation to ensure that the rights of persons deprived of liberty are fully respected. No individual should be subjected to enforced disappearance. I call upon the authorities to investigate all enforced disappearances effectively and promptly. Lawyers must be able to perform their professional functions without intimidation, hindrance, harassment or improper interference.

49. Individuals should be able to exercise their right to freedom of movement, unless there are reasonably justified security reasons, and should not be subjected to any unjustified intrusion into their right to private and family life, including during the so-called practice of the “filtration” of travellers at the administrative boundary line with Crimea. I call upon the Russian Federation to end the transfers of protected persons, including those who are detained, within and outside the occupied territory, unless the security of the civilians involved or imperative military reasons so demand. The Russian Federation should also ensure that all protected persons previously transferred from other parts of Ukraine to Crimea and from Crimea to the Russian Federation are allowed to return to their homes.

50. I urge the Russian Federation to ensure that the rights of peaceful assembly and to freedom of expression and opinion, association, thought, conscience and religion can be exercised by all individuals and groups in Crimea, without discrimination on any grounds or unjustified interference. In particular, individuals must be able to express opinions that are critical of the Russian authorities and the armed conflict in Ukraine without fear of retaliation, such as imprisonment or other sanctions.

51. I call upon the Russian Federation to enable a safe environment for independent and pluralistic media outlets and civil society organizations and to refrain from any retaliation or suppression of critical and alternative views. Media outlets should not be arbitrarily banned or subjected to burdensome registration, reporting or public disclosure requirements. I urge the Russian Federation to support human rights defenders, including women human rights defenders, and not to interfere in their work, including during peaceful assemblies. The Russian Federation should end the policy of generic bans on peaceful assemblies and refrain from issuing warnings or voicing threats to potential participants. COVID-19 mitigation measures should not be used as a pretext to impose arbitrary and selective restrictions on peaceful assemblies.

52. No individual should be criminally charged or detained for practising his or her religion or belief, including in the form of collective worship and proselytizing. Religious groups should enjoy access to their places of worship and should be able to gather freely for prayer and other religious practices.

53. The Russian Federation should refrain from restricting freedom of movement between Crimea and other parts of Ukraine. Any restrictions on free movement must be proportionate to a legitimate aim and non-discriminatory.

54. The Russian Federation must immediately end the conscription of Ukrainian nationals residing in Crimea into its armed forces and any pressure or propaganda aimed at securing their voluntary enlistment. Protected persons should not be subjected to sanctions or criminal prosecution for their refusal to be conscripted into the Russian armed forces in Crimea.

55. The Russian Federation must also restore the property rights of all former owners deprived of their title as a result of the “nationalization” carried out in Crimea.

56. I call upon States to support human rights defenders who work for the protection of human rights in Crimea and to continue to support the work of the United Nations to ensure respect for international human rights law and international humanitarian law in Crimea. It remains essential for other States to renew discussions to facilitate unimpeded access to Crimea by international and regional human rights monitoring mechanisms.
