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Problems of the Crimean Tatars after Annexation and the Prospects for Crimea's Reintegration

*Statement delivered by Dr. Natalya Belitser at the open expert discussion,
the Embassy of Ukraine in the USA, Washington, June 25, 2015.*

The Ukraine-Russia war in the east of Ukraine is inseparably linked to and may be considered a direct result of the dramatic events in Crimea in February-March 2014. The policy-making community and society in Ukraine as well as all other democratic countries throughout the world should not forget about Crimea and its indigenous people or exclude this issue from their list of priorities despite the urgent need to stop the bloody war in Donbas.

The Crimea crisis and Crimean Tatars' problems cannot be solved independently of each other. The current plight of the Crimean Tatar people and the many other residents of Crimea of different ethnic origin, following the annexation of Crimea by the RF, should be recognised, inter alia, as resulting from a wrong and inconsistent policy of Ukraine towards the Crimean Tatars (and Crimea in general) throughout the whole period of Ukraine's independence.

The problem relates, in particular, to the long delayed legislative recognition of the special status of Crimean Tatars as an indigenous people of Ukraine and the official recognition of their representative organs, the Kurultay (National Assembly) and the Mejlis (a kind of executive body elected by the Kurultay delegates that functions between the sessions of Kurultay). Suspicions aimed at the Crimean Tatars and keeping alive negative attitudes usually focused on their potential separatism, ties with radical Islam movements, support of Chechen warriors and other 'terrorist groupings' etc. These fac-

tors, together with the not yet eradicated Soviet charges of 'collaboration' with the Nazis during WWII had a deep impact on Ukraine-Crimean Tatar relations. Had these issues been addressed, the general situation on the peninsula would have been much more favourable and pro-Ukrainian, and the Russian occupation scenario and annexation would have been more difficult to achieve.

The relationship between Kyiv and the Crimean Tatars changed remarkably only after the annexation of Crimea. This extremely painful experience has clearly demonstrated who is a friend and who is the enemy. The most important step towards Crimean Tatars' aspirations was made on March 20, 2014, when the Ukrainian parliament adopted a special decree granting them indigenous status and officially recognising their representative bodies in full compliance with the UNO Declaration on the rights of indigenous peoples. However, this is not enough for solving the numerous problems of both those who fled Crimea and particularly those who remained in their Motherland under the occupational regime imposed by the Russian authorities.

Legislative and practical initiatives ensuring the rights of Crimean Tatars, including those relating to 'internal' self-determination and guarantees of the preservation and development of their ethno-cultural identity, still have to be addressed. These strict obligations of the Ukrainian government, legislature and civil society require the attention, understanding and support of the international community.

Some particular issues to be covered by this presentation include:

Human Rights violations

Observance of human rights has rapidly deteriorated on the Crimean peninsula after its illegal occupation followed by annexation by the Russian Federation on March 18, 2014. Serious and consistent violations of the civil, political, social, economic and cultural rights of Crimean residents have been well-documented by a variety of organizations. There is a serious decline in the exercise of fundamental rights and freedoms, including the rights for life and freedom of tortures, the right to assembly and demonstration as well as the freedom of expression. None of the investigations of unsolved murders and disappearances have brought any results.

The illegitimate Crimean and Russian *de facto* authorities target those individuals, ethnic, religious, and national groups and organisations that oppose annexation. Crimean Tatars, in particular members and supporters of the Mejlis – representative organ of self-government – have often become the main target of persecutions and repressions under the formal pretext of involvement in broadly defined ‘anti-Russian’, ‘extremist’, and ‘terrorist’ activities. In order to destroy Mejlis and undermine its authority among Crimean Tatars, several outstanding leaders, including charismatic Mustafa Djemilev and head of the Mejlis Refat Chubarov, were banned for five years from entering Crimea; extremism and inciting people to mass disobedience were the main allegations against them. In addition, on May 29 Russia’s FSB (Security Service) has initiated criminal proceedings against Chubarov under Article 280.1 of the Russian Criminal Code (public calls to action aimed at violating the territorial integrity of the Russian Federation).

Based on these and similar accusations, the prominent Crimean Tatar figures have been subjected to systematic and arbitrary interrogation and arrests. Ahtem Ciygoz – Deputy Chair of the Mejlis of the Crimean Tatar people – has been facing trial since January 29, 2015 under detention; the preparations of indictment have been delayed and fair trial procedures violated in this and other cases of detentions.

Crimean Tatars’ homes, mosques and madrasahs (Muslim theological school) were raided, supplies in homes were destroyed and some properties seized.

Areas of special concern:

The so-called ‘retrospective’ prosecutions relating to the incidents taking place before the annexation. It means that the Russian laws on extremism, separatism,

and terrorism were used after March 18, 2014 by the *de facto* government as a way to subdue all parties opposed to them in Crimea, and especially the Crimean Tatars. In this context, the most telling is the so-called ‘Feb 26’ case where the occupation regime is prosecuting people under Russian law over a pre-annexation demonstration which took place under Ukrainian law. Ahtem Chiyozy and at very least six other Crimean Tatars are charged in connection with a demonstration which took place on February 26, 2014, i.e. the day before Russian soldiers seized control, and well before the subsequent ‘referendum’ of March 16, 2014 and formal announcing Crimea and Sevastopol ‘subjects of the RF’ on March 18. There were around 10 thousand Crimean Tatars and Maidan supporters who gathered outside the parliament building in Simferopol that day because they feared plans were underway to push through a bill changing Crimea’s status.

Ten months after this demonstration, the occupation authorities began ‘investigating’ the event, and have now made 7 arrests, with five (or probably six, counting Mustafa Degirmindzhy) people in custody. They are also carrying out armed searches and interrogating members of the Mejlis and others.

The so-called ‘Crimean Self-Defence’ units that conduct searches, make arbitrary ID checks and use psychological and physical violence against Crimean Tatars (and not only). These armed paramilitary forces which were active during the invasion and annexation periods and continue to present one of the main threats to the right to life, were granted official status on June 11, 2014 by the *de facto* Crimean authorities.

Anonymity: A new trend that makes extremely difficult investigation and redressing of human rights violations. For example, at the beginning of May the arrest was reported of an alleged member of the Ukrainian ‘Azov’ volunteer Battalion. A month later the person (seemingly a 21-year-old) remained entirely anonymous, but the list of the offences he was claimed to have committed already included attacks on both a synagogue and mosque, attempts to cause provocation around the anniversary of the Deportation of the Crimean Tatar People, and an attempted terrorist attack on the prosecutor’s office. The said offences covered a period of over one year, and it was quite unclear how the young man was supposed to have committed them all while also finding time to fight in Donbas. Scepticism over attempts to pin an act of anti-Semitic vandalism carried out within 24 hours of Russian soldiers seizing control in Simferopol on this anonymous person was expressed by Vyacheslav Likhachev, long-term researcher and monitor of anti-Semitism in Ukraine.

Numerous facts of grave violations of human rights of Crimean Tatars on their homeland under occupational regime are provided by a number of reports compiled by national and international HR bodies and organisations. In particular, Field Mission on HR in Crimea regularly publishes monthly reports in three languages, despite the permanent attempts undertaken by the *de facto* Crimean authorities to prevent or interrupt their activities.

News on Crimean Tatars' situation in Crimea and mainland Ukraine in English are also covered by the electronic Bulletin regularly (twice a month) issued by the Crimea Action Group.

The report titled "The Situation of Crimean Tatars since the Annexation of Crimea by the Russian Federation," published on June 5, 2015, was prepared by the unofficial Turkish delegation that conducted an on-the-spot study in Kiev and Crimea between April 26-30, 2015 to gather information about allegations of human rights violations targeting specifically Crimean Tatars. It analyses the information collected during the delegation's talks with the leading figures of the Mejlis of the Crimean Tatar, and also with the *de facto* Crimean authorities, *de facto* Crimean Ombudsperson, representatives of the Mejlis, the Office of the Mufti of Crimea, media organizations and their members, educational institutions and the members of the Crimean Tatar community. *Inter alia*, it is noted that 'feelings of fear, uncertainty and mistrust prevail among Crimean Tatars.' The delegation members also observed that almost all the Crimean Tatars abstained from speaking in front of representatives of *de facto* Crimean authorities. Those who had contacts outside of the official programme noted that the Crimean Tatars who talked to them were concerned about themselves and/or their relatives being harmed after these interviews. A conclusion drawn from numerous interviews is that apart from economic and political problems, the protection of Crimean Tatars' national identity in the annexed Crimea is among the primary concerns. The full text of the report is available at: http://www.aa.com.tr/documents/AA/haber/crimea_report.pdf.

Growing cooperation between Ukrainian and international jurists and HR activists, especially those from the US, should be noted. As an example, report *Human Rights Abuses in Russian-Occupied Crimea* by Andriy Klimenko ('Maidan of Foreign Affairs' Charitable Fund, Ukraine) was prepared, published and presented in Washington in March 2015 due to indispensable support of Freedom House and Atlantic Council. This work is considered an important contribution to the clearer understanding of what has happened in Crimea since the Kremlin forcibly seized the peninsula in February 2014, setting off a crisis that is drastically transforming

security situation not only in Ukraine but in Europe and Eurasia.

Of special value is recent comprehensive publication 'Human Rights on Occupied Territory: Case of Crimea' (New York, 2015, <http://razomforukraine.org/crimeareport>) prepared by six authors from a Ukrainian-American human rights organization 'RAZOM' (Together). The following organizations have made generous financial contributions supporting the creation of this report: Shevchenko Scientific Society, Ukrainian American Bar Association, Ukrainian Studies Fund, Self-Reliance New York Federal Credit Union, and Meest.

This report analyses the human rights situation in occupied Crimea, placing it within the context of:

- applicable international standards, conventions and treaties;
- authorities and entities responsible for protecting and providing human rights;
- specific abuses of human rights by the Crimean and Russian *de facto* authorities;
- legal precedents that apply to the occupied territory, and its legal regime.

The report consists of four sections:

Part I: History and Background

Part II: Description of the Human Rights

Part III: Remedies for People Whose Rights Have Been Violated

Part IV: Recommendations for Organizations Worldwide.

It is concluded by Annex: Human Rights Protection Guide ('The Manual').

An Annex to the report is developed specifically to equip Crimeans and their advocates to overcome the grave human rights crises. Many Crimean residents are economically deprived and legally underserved, with little awareness of their rights, let alone of ways to demand them. The goal of the Manual is to explain these fundamental rights so that Crimeans of all ethnic, national and religious groups can realize justice.

The authors hope the Report will assist individuals in Crimea, Ukraine, as well as around the world in academia, governments, international organizations,

non-governmental organizations, businesses, and media to understand the nature of the human rights violations in the annexed territory of Crimea, Ukraine so that they are better equipped to do their work to defend and protect the internationally recognized expression of human rights.

In addition to important Recommendations developed earlier by RAZOM, Human Rights Watch, the Office of the United Nations High Commissioner for Human Rights, as well as the Atlantic Council and Freedom House, this report proposes a few more of rather innovative nature. In particular, to create, in cooperation with the UN, a Special Court for Ukraine with jurisdiction over crimes and other human rights violations committed in Crimea during the Russian occupation. This Court should be created by the UN General Assembly, apply the law of Ukraine, but consist of internationally appointed judges, prosecutors, investigators and defence lawyers.

The Report was recently presented in Kyiv and Lviv and after June 21, will be further presented in Western Europe. PDF version of this document is available on the website: razomforukraine.org. It was also translated into Ukrainian, Crimean Tatar, and Russian languages.

Situation with Media

In the annexed Crimea, most Crimean Tatar media have been silenced. In particular, the only in the world Crimean Tatar TV channel ATR was denied re-registration according to Russian legislation, and beginning from April 1, 2015 stopped broadcasting – as well as Meidan FM radio station and children’s channel Lale. The same occurred with the Internet sites “15 minutes” and QHA that were thus forced to move to mainland Ukraine.

Two and a half months later, ATR resumed its broadcast in Kyiv. Speaking at a press conference on June 18, Refat Chubarov, the Head of the Mejlis of Crimean Tatar people, said it is symbolic to happen at the noon of the first day of Ramadan, and emphasised that this television channel has become not only the spiritual and linguistic mouthpiece for Crimean Tatars, but also a virtual platform for a whole people to become united. The owner of the Crimean Tatar media-holding ‘ATR Group’, wealthy businessman Lenur Isliamov – formerly a Russian citizen who recently received citizenship of Ukraine – also took part in the event. In the middle of June he met with the Minister for informational policy Yuriy Stets to discuss plans for further development of the ATR, Radio ‘Meidan’, and TV channel for children ‘Lale’ in the mainland Ukraine.

Language & Education

After the Anschluss of Crimea, Putin personally declared that Crimean Tatar would be the third official language alongside Russian and Ukrainian on the peninsula. The same is said in the ‘Constitution of Crimea’ adopted after the annexation, but these declarations remain on paper only. Emine Avemileva, member of the Mejlis, has recently stated that the situation with education on Crimean Tatar – and Ukrainian – languages continues to deteriorate. Only 3% of Crimean Tatar schoolchildren are taught in mother tongue in 15 schools. Whereas there are schools where 50 or even 75% of pupils are Crimean Tatars, they have no opportunity to study their own language: 96% of all schoolchildren are brought up and receive education in Russian.

Attempt to introduce an amendment to the draft law on education in Crimea, making Crimean Tatar and Ukrainian compulsory for studying and thus ensuring actual equality of the three ‘official languages’ has failed; it was rejected by the Committee on education of the ‘State Council of Crimea’. The occupiers say that this is not a problem because ‘all the residents of the republic know Russian.’ Situation with education in Ukrainian is even more dramatic: now there is only one Ukrainian school (in Yalta).

Crimean Tatars and the Ukrainian State: Recent developments

During the past year, Ukraine undertook more steps towards meeting the Crimean Tatars’ claims and aspirations than in all previous years since independence.

The Office of the Commissioner of the President of Ukraine on the Crimean Tatar People Affairs was established under MP Mustafa Djemilev. Recently, its staff prepared an important report “CRIMEAN TATAR PEOPLE AT THE TURN OF 2015” (available at <http://www.youblisher.com/p/1113381-CRIMEAN-TATAR-PEOPLE-AT-THE-TURN-OF-2015/>).

The Council of Representatives of the Crimean Tatar People as an advisory-consultative body attached to President of Ukraine was also restored by presidential decree. Refat Chubarov, head of the Mejlis (and now a Ukrainian MP) was appointed as chairperson.

Taking into account the dangerously deteriorated situation of the Crimean Tatar language in Crimea, free Crimean Tatar language courses were launched in a number of Ukrainian cities. Notably, such courses began on 1 June 2015 in Kherson (Khersons’ka oblast – the new

'borderland' adjacent to annexed Crimea that contains a sizable Crimean Tatar community).

A working group prepared a draft law 'On the Status of the Crimean Tatar People' that is expected to be registered in the Parliament soon. The bill will pave the way for integration of the representative bodies of the Crimean Tatar people into the state system of Ukraine. The document also stipulates norms for the self-government of the Crimean Tatar people and regulates the issue of military bases in Crimea, over which the Crimean Tatar people would have an effective right of veto in compliance with the UN Declaration on the rights of indigenous peoples. A separate draft law on the small number of indigenous Karaim and Krymchak peoples is also under consideration. Elaborating on earlier draft laws on the rights of indigenous peoples, the Office of the Commissioner with the support of the UN's OHCHR has scheduled a two-day Technical Consultations Workshop in Kyiv for July 14 – 15. The event will bring together experts from the UN and OSCE, governmental officials and MPs, as well as Ukrainian lawyers and independent experts.

The Constitutional Commission, which has developed a new Ukrainian constitution, was urged by the president to include guarantees for the protection of the rights of the Crimean Tatar people as an indigenous people of Ukraine and the preservation and development of their ethnic, cultural, linguistic, and religious identity.

Following the introduction of a 'ban on mourning' by the *de facto* Crimean authorities that prohibited any meetings and gatherings by the Crimean Tatars to commemorate 18 May, the day of deportation, a number commemorative events were held in Kyiv and other Ukrainian cities. In addition to last year's presidential decree designating May 18 a Day of Struggle for the Rights of the Crimean Tatar people, the Verkhovna Rada declared May 18 a national Day of Mourning and Remembrance. Numerous posters and banners announced: 'On this day, we all are Crimean Tatars'.

Thousands of people gathered at the Maidan in Kyiv and the participants adopted a resolution in which they declared that the deportation of the Crimean Tatar people in 1944 was an act of genocide against the Crimean Tatar people and voiced their support for the Crimean Tatar people in the struggle for their rights as an indigenous people of Crimea and Ukraine.

The meeting demanded that international organizations and governments apply every effort to force the Russian regime to stop the illegal annexation of occupied Crimea and other regions of Ukraine. Foreign parliaments were

asked to recognize the deportation of Crimean Tatars as genocide against the Crimean Tatar people, while the Ukrainian authorities were called upon constitutionally and legislatively to designate Crimea as national-territorial autonomy within Ukraine. The protestors also demanded that the occupational and Russian authorities release all political prisoners, including the Deputy Chairman of Mejlis Ahtem Chyyhoz, as well as Ali Asanov, Eskender Nebiyev, and Mustafa Dehirmendzhy.

During an evening requiem on the occasion of the 71st anniversary of deportation of the Crimean Tatars President Petro Poroshenko stated: "...We must honestly admit our mistakes. Ukraine did much, but not everything, to return and accommodate the Crimean Tatars in their homeland... We must elaborate a 'road map' for the development of the national autonomy of the Crimean Tatars. This was already needed at the beginning of nineties. It would probably have made the events of the past year impossible."

Also, although the State Service on Crimea was formally launched in July 2014 and its staff is being recruited only now, it is worth noting that the appointed Director of this Service is Aslan Omer Kirimli – Deputy Head of the Mejlis of the Crimean Tatar people.

On June 26 – the Day of Crimean Tatar Flag that was once again banned in Crimea – numerous celebratory events were planned in Kyiv, Kherson and other mainland Ukrainian cities.

The latest news from Ukraine relates to the creation of a special Department for Crimea within the Ministry of Internal Affairs. This unit will investigate the crimes committed in Crimea despite the absence of access to the occupied territory. It will begin its operations in Kherson and Odesa.

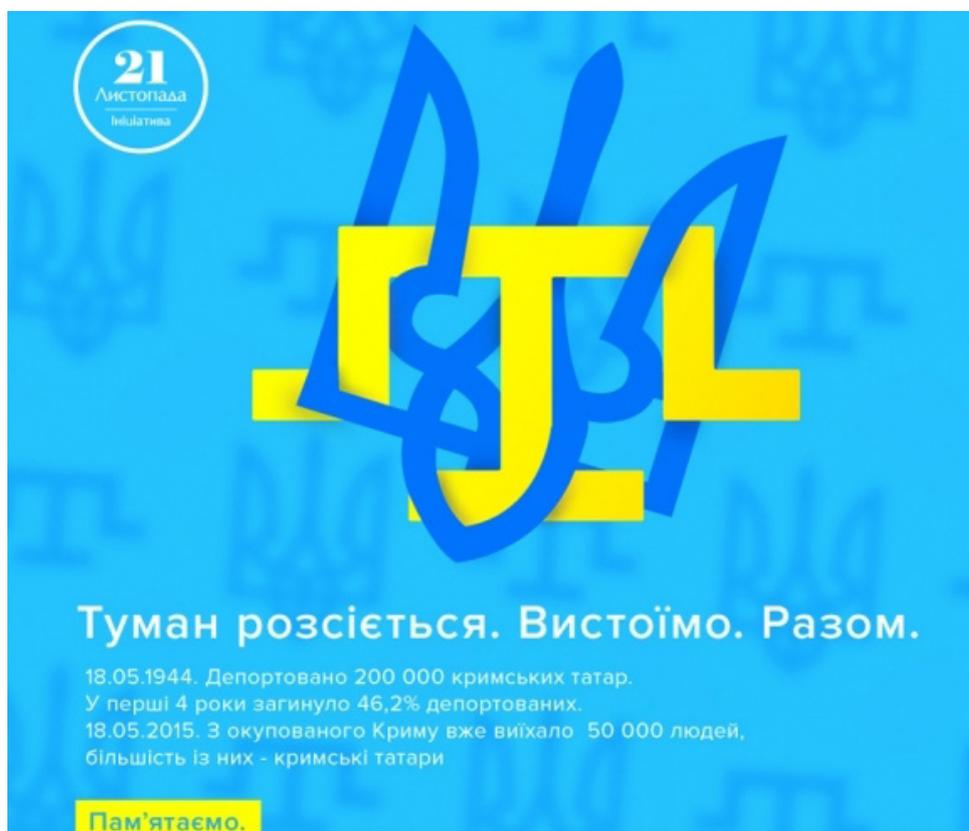
There is, however, still no state strategy for the return of Crimea. Independent think-tanks like Maidan for Foreign Affairs presented their vision and heated debates continue. There is some information about a strategy being developed by the Security and Defence Council of Ukraine but no public discussion of the document has taken place. Moreover, according to expert opinion and human rights activists, the laws in place – particularly, the one about the free economic zone in Crimea – prevent rather than promote the prospects of Crimea's re-integration. Certain governmental initiatives - such as blocking official transportation to and from the peninsula and making all people remaining in Russia-annexed Crimea 'non-residents' of Ukraine while simultaneously providing all kinds of supplies to the annexed territory – may also have the same negative effect.

The dominant view on the prospects of Crimea's return to Ukrainian jurisdiction – widely shared by both Ukrainian government and civil society as well as foreign experts – rejects any military scenario and considers reintegration as extremely unlikely in the nearest future. The economic and social prosperity of mainland Ukraine, as well as a successful campaign against corruption and a consistent course towards European integration (first and foremost through the creation of a democratic Europe within Ukraine) could prove to be the decisive factors for the eventual reintegration of Crimea.

Once again, it should be noted that within Ukraine there is a growing understanding that Crimean Tatars, as an

indigenous people with no other home but Crimea, must play an important, even leading role in any strategic planning concerning the peninsula, and that they should be provided with firm guarantees for preserving and developing their own ethno-cultural identity, including the prospect of national-territorial autonomy. These new positive trends should not escape the attention of the international community and must be appreciated and supported by all means possible.

As a symbol of not just friendly but brotherly relations between Ukrainians and Crimean Tatars, elegant interweaving of Trident and Tamga was recently designed by the Ukrainian NGO 'December 21' (see below):



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East European Security Research Initiative (EESRI) is a discussion, analytical and information-sharing international platform aimed at uniting efforts of the experts and researchers from various countries to find effective ways for strengthening security in the Eastern Europe as the most vulnerable region of the contemporary Europe.

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