

Dear Commission members,

Following the occupation of Crimea in 2014, the Russian Federation began broad-scale activities aimed at establishing full control over the territory of the peninsula and Crimea's civil society. Obviously, the purpose of these activities is to suppress any resistance to the occupation and the first step towards it is to crush civil society – including activists, independent journalists and anyone with an actively pro-Ukrainian stance – or subordinate it to the authorities. The Russian Federation uses a variety of methods to achieve this goal: enforced disappearance of activists or members of their families; intimidation of activists by law-enforcement agencies; conviction for bogus crimes; focus of the repressions on the Crimean Tatar and Ukrainian communities in Crimea by closing down schools, discouraging the use of mother tongue at school and other.

An essential element of this policy is the persecution of religious organizations and their members. Immediately after the occupation, the Russian Federation introduced its own legislation in the territory of Crimea. It is aimed, on the one hand, at subordinating independent religious organizations and establishing full control over them, and on the other, at repressing those religious organizations and their members that refused to yield.

One of the first requirements following the occupation was that of a mandatory reregistration of religious organizations and churches in conformity with the laws of the Russian Federation. It should be noted that the most quickly registered organizations were the Simferopol and Crimean dioceses of the Orthodox Church of the Moscow Patriarchate, that is the Orthodox churches officially collaborating with the Russian regime and currently supporting the war in Ukraine. In the case of other religious organizations, the process of reregistration was very difficult, among other reasons, because the occupying authorities prolonged the registration process or dismissed applications on formal grounds. Numerous organizations received decisions refusing them the registration or were unable to complete the registration process by 1 January 2016, which was the deadline, and therefore were dissolved. Before the occupation, over 2200 religious organizations were registered in Crimea, whereas after 1 January 2016 fewer than 800 remained<sup>1</sup>.

I would like to mention here that some religious organizations were registered only after they had agreed to collaborate with the Russian occupying authorities or after the governing bodies of these organizations had been replaced with ones favourable to the Russian Federation. That was for example in the case of the Spiritual Directorate of Muslims of Crimea (Muftiyat), associating most of Crimean mosques and over 350 Muslim associations of Crimean Tatars. Muftiyat cooperated with Kurultai (a general assembly of Crimean Tatars) and Mejlis of the Crimean Tatar People (a body representing Crimean Tatars between particular Kurultais) – the only secular bodies authorized to represent the interests of Crimean Tatars and one of the best global examples of participatory democracy in the world. The head (Mufti) of the Muftiyat was elected by Kurultai and was also a member of Mejlis. Since the beginning of the occupation the Russian authorities have exerted a huge pressure on both Mejlis and Muftiyat through repeatedly recurring mosque searches, personal pressure on members of Mejlis and the head of Muftiyat. As a result of the pressure, Muftiyat agreed to reregister in conformity with Russian legislation and collaborate with the occupying authorities, which led to the establishment of control over religious organizations of Crimean Tatars. This entailed, among other things, the consent to the requirement of registration of all imams of Crimean mosques, which is contradictory to the norms of Islam.

It is also particularly worth noting that the occupying authorities use the Russian legislation pertaining to the field of combating terrorism and extremism in order to prosecute activists and believers outside

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<sup>1</sup> <https://krymsos.com/encyklopediya-represij-v-krymu-z-momentu-okupacziyi-rosiyeyu-ii-tom-zvit/>

the religious organizations recognized by the Russian authorities. This is extremely restrictive legislation approved in 2002 as part of the implementation of the Shanghai Convention on Combating Terrorism, Separatism and Extremism of the Shanghai Cooperation Organization. In order to comply with the provision of the convention, legal regulations were introduced into the laws of the Russian Federation that allow criminal and administrative prosecution of individuals. Moreover, the following records were created: the Consolidated Federal List of Terrorist Organizations, the Federal List of Extremist Materials, as well as the Register of Public and Religious Associations and Other Non-Commercial Organizations with regard to which the court issued a (final and legally binding) decision on their liquidation or prohibition of activity on the grounds envisaged by the Federal Office for the Law on Combating Extremist Activity (so-called list of extremist organizations).

The European Commission for Democracy through Law (Venice Commission) carried out a detailed analysis of the above-mentioned legal regulations and stated that they violate a number of fundamental human rights, including freedom of thought, conscience and religion, as well as freedom of expression<sup>2</sup>.

There are two essential problems with the anti-extremism legislation. Firstly, the definition of extremism in the law is very broad and imprecise, which leaves a lot of room for interpretation and, consequently, arbitrariness. Secondly, the law does not include the condition of the “use of violence” for the organization to be considered as extremist, which is required by the Convention. This leads in practice to situations where just the membership in the organization included in the list of extremist organizations or sharing the views represented by this organization may result in the initiation of criminal or administrative proceedings against members of this organization or individuals sharing the views of this organization.

The Hizb ut-Tahrir al-Islami party was included in the Consolidated Federal List of Terrorist Organizations in 2003 and the Tablighi Jamaat international religious association in 2009, which paved the way for persecuting Muslim believers from Crimea, above all Crimean Tatars. It should be noted that neither of these organizations is deemed to be terrorist under Ukrainian legislation and no member of these organizations participated in any terrorist or extremist activities either before or after the occupation of Crimea. Until now at least 120 Muslim believers in Crimea have faced criminal prosecution for their beliefs under the anti-extremism and anti-terrorism legislation and at least 96 of them are still imprisoned and are considered to be prisoners of conscience<sup>3</sup>. All criminal cases are initiated on bogus pretexts and are considered in violation of the rules of a fair trial, including with the use of anonymous witnesses, many of whom are FSB officers; with the use of testimony obtained under duress; with the arguments of the accused not being taken into consideration. Some prisoners of conscience had been tortured<sup>4</sup>, e.g. by the failure to provide medical aid to the arrested. That was how Dzhemil Gafarov, a prisoner of conscience sentenced to 13 years of imprisonment in connection with his membership in Hizb ut-Tahrir al-Islami, died in prison on 10 February 2023. Three advocates defending prisoners of conscience were deprived of their advocate licences, as a result of which they can no longer exercise their profession.

It should be noted that many of the prisoners of conscience were and are social activists, bloggers and journalists associated in the Crimean Solidarity group. One of the better-known examples is the case of Emir-Usein Kuku, who was from 2002 one of the leaders of the Muslim assembly in the locality of Koreiz, and after the occupation became engaged in activities aimed at defending human rights in Crimea within the Human Rights Movement of Crimea and Crimean Human Rights Liaison Group. In

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<sup>2</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2012\)016-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2012)016-e)

<sup>3</sup> <https://crimean-solidarity.org/polit-prisoners>

<sup>4</sup> <https://krymsos.com/analitychnyj-zvit-umovy-utrymannya-krymskyh-polityvazniv-oglyad-sprav/>

2016 he was arrested and then convicted under art. 205/5 of the Criminal Code of the Russian Federation on charges of “organization of and participation in the activity of a terrorist organization” and under art. 278 5 of the Criminal Code of the Russian Federation on charges of “violent seizure of power or violent retention of power.”

Cases of political prisoners have broader social repercussions, since it is not only the prisoners themselves who suffer but also their children and families struggling to support themselves. Neighbours and relatives of political prisoners also suffer intimidation by officers of law enforcement agencies. This affects the morale of the entire Crimean Tatar people, who as a whole finds itself in Crimea at a dead end, deprived of fundamental human rights by the Russian authoritarian regime. I would like to say forcefully that persecution on grounds of membership in religious groups that are not recognized by the Russian Federation has a more far-reaching goal. It is to force the Crimean Tatar population that opposes the occupation and the annexation of Crimea to the Russian Federation to yield to the occupying authorities and accept the existing state of things. By prosecuting Crimean Tatar believers Russia sends a message to the general public that no one is safe and anyone can be subjected to repression for their views, regardless of whether they actually committed any crime or not.

Recommendations for the US government:

- The system of sanctions against the Russian Federation should be strengthened, including the considering of the introduction of targeted sanctions against officials of the occupying authorities in Crimea responsible for the violation of religious freedom and persecution of social activists.
- Comprehensive support should be provided to political prisoners and their families, including material support to cover the costs of living, psychological aid and rehabilitation for people who have already served their prison sentences.
- Independent activists, media professionals and advocates acting for human rights in the occupied Crimea should be supported.

Thank you for your attention.