Forgotten Again
The Plight of the Crimean Tatars

Unrepresented Nations and Peoples Workshop
Lewis & Clark Law School
Portland, Oregon
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Forgotten Again

The Plight of the Crimean Tatars

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Unrepresented Nations and Peoples Workshop
Lewis & Clark Law School, 2017
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**Preface**

This report is the product of work undertaken by law students in the Unrepresented Nations and People Workshop at Lewis & Clark Law School in Portland, Oregon, in association with the Unrepresented Nations and Peoples Organisation in The Hague. At the suggestion of UNPO, the Workshop undertook an investigation and legal analysis of the current position of the Crimean Tatars in Russian-occupied Crimea.

This report will be used by UNPO in representing and promoting the interests of its member, the Crimean Tatars, in various international fora, and by the Crimean Tatars’ leadership in its continued endeavors to realize their demands for meaningful self-determination and for their human and indigenous rights. After centuries of hostility, coupled with the disbandment of their representative *Mejlis* and political oppression under Russian occupation, the proud and noble Crimean Tatars are determined to have a voice and to strengthen their position in Crimea.

The authors express their gratitude to Marvin Kumetat, U.S. Program Coordinator at UNPO, Ridvan Bariev, Representative of the *Mejlis* at UNPO, and Ayla Bakkali, Representative of the *Mejlis* in the U.S., for their assistance and encouragement.

The authors also immensely appreciate Lisa Frenz, legal assistant at the Lenair Mulford Text & Image Production Services of Lewis & Clark Law School, for her production assistance.

Particular gratitude is extended to Rustem Eminov, the eminent Crimean Tatar artist who created the photo-reproduction on the cover of this report, for his generosity in gifting these photo-reproductions for the use of universities. Eminov, himself born in exile in Uzbekistan, has produced a series of moving depictions of the 1944 mass deportation of the Crimean Tatars.

Finally, the authors recognize the exceptional guidance and encouragement Professor John P. Grant offered throughout this work.

Portland, Oregon
December 13, 2017
EXECUTIVE SUMMARY

While many historical accounts of the history of the Crimean Tatars trace their roots to East and Central Asia, the Crimean Tatars themselves self-identify as the original and indigenous people of the Crimean peninsula. As a distinct people, they have had a considerable presence there since at least the 13th Century. Indeed, for a period in the following century, the Crimean Khanate extended its authority beyond the confines of the peninsula, before becoming a protectorate of the Ottoman Empire. The annexation of Crimea by the Russians in the late 18th Century led to the first emigration of Tatars in the face of Russian hostility. The Tatars became re-established in Crimea at the beginning of the 20th Century, only to be subject to mass deportation by Soviet Russia for alleged complicity with the Nazis during World War II. The dissolution of the Soviet Union and Crimea’s subsequent incorporation into Ukraine promised better things for the Tatars. That promise ended with the Russian annexation of Crimea in March 2014.

In the three years since annexation, the Crimean Tatars have had their representative Mejlis disbanded, their political leadership harried and persecuted and their people subjected to sustained human rights abuses. As an indigenous people, they are entitled to meaningful self-government and protection for their distinctiveness in history, language, religion and culture. At this time, the outlook for the Crimean Tatars is certainly bleak considering the intensity of the Russian crackdown and the lack of response from the international community to their particular plight.

The Crimean Tatars, like so many other groups in a similar situation, can improve their lot. There are mechanisms and institutions that can be used to ameliorate their suffering and strengthen their position. The Office of the High Commissioner for Human Rights has been actively monitoring Crimea since 2014; and there are other human rights bodies and mechanisms to identify and proclaim abuses. There are, in addition, NGOs able and willing to support the Crimean Tatars. And, of course, there are States, not least Ukraine, concerned at the Russian annexation of Crimea and its consequences, and capable of espousing the Tatar cause.

However, using these levers to promote their interests requires that the Crimean Tatars consolidate their leadership, adopt a bottom-up approach to accomplishing a concrete set of goals, continue and broaden their engagement with concerned States and, overall, raise global awareness of, and concern for, their cause.
I. A FORGOTTEN PEOPLE’S HISTORY

The Crimean Tatars self-identify as the original and indigenous people of the Crimean peninsula, and that self-identification as an indigenous people has been recognized by the Ukrainian Parliament and the European Parliament. There is another historical narrative under which the origins of the Crimean Tartar people stretch back to the early 13th Century, when nomadic Mongols from East and Central Asia and their Tartar allies spread West into the Caucuses. In 1222, an expeditionary force from this movement ranged as far East and South as the port city of Sudak, where the southern coast of Crimean Peninsula met the shores of the Black Sea. In the wake of the Mongol conquest of Asia and Eastern Europe in the mid 1200s, Crimea became an important crossroads for trade between Asia and Europe. It was here that caravans from Asia bearing silk and spices met with Genoese and Venetian middlemen, who would take their exotic wares into the Mediterranean and beyond.

Along with eastern goods came eastern philosophies and perhaps one of the most long-standing influences of all upon the Tartar people: Islam. Within 100 years, the Adhan could be heard across the region. By the mid thirteenth century, Islam had become the official religion of the Golden Horde. But while Crimea fell under Tartar control, it was far from a homogenous region and hosted a number of ethnic groups including Byzantine Greeks, Slavs, Vlachs, Armenians, Turks, Italians, and Jews, all of whom exhibited some influence upon their nominal rulers.

It was during the mid-1400s that the Tartars would reach their political zenith, under the capable leadership of the warrior-statesman Hadji Giray. Though the Giray Dynasty would rule till the very end of the Crimean Khanate, it did so only with the cooperation of local Tartar representatives, known as Beys. Thus, the Crimean Khanate was far from the absolute monarchy popular in Europe and Asia, at the time. It was with Giray's dynasty that the newly arisen Ottoman Empire would treat with and eventually establish a special relationship with the Crimean Khanate, wherein the Ottomans supplied the Crimean Khanate with trade and military

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4 Magocsi, Paul Robert: This Blessed Land, at 27 (University of Toronto Press, 2014).
5 Id.
6 Magocsi, supra n. 1, at 31.
7 Specifically, Sunni Islam.
8 Magocsi, supra n. 1, at 29.
9 Id.
10 Hadji Giray may also appear as “Haci” Giray in some texts.
support, while the Khanate's rulers bestowed upon the Ottomans a legitimacy and political pacification of the Asiatic Turkic region.\textsuperscript{12}

But Constantinople's relatively beneficial influence upon the Crimean Tartars would not last forever.\textsuperscript{13} By the early 1700s, the Ottoman Empire, which once threatened all of Europe, had lost several key battles to a relatively new player on the scene: Russia. As the Ottomans withdrew, the Crimean Khanate, now under the westernized Sahin Giray, sought a new patron. He found her in St. Petersburg, in the personage of Catherine the Great.

But the last Giray's attempts at establishing a more centralized and autocratic form of rule triggered a series of revolts by traditionalist factions that would signal the end of the Crimean Khanate.\textsuperscript{14} By 1783, Catherine and her advisors had grown tired of reports of unrest coming from their Southern border. Grigory Potemkin, Catherine's closest advisor and paramour, prevailed upon the monarch to seize Crimea,\textsuperscript{15} and incorporate the territory properly into the Russian Empire.

Catherine's annexation of Crimea brought with it the first recorded mass-emigration of Tartars from the peninsula. By 1788, an influx of ethnic Slavs and their Orthodox Christian religion into the region, changes in government, and the Peace of Jassy (which declared a permanent end to Ottoman ambitions for the peninsula), prompted 20,000 to 30,000 Tartars to leave Crimea.\textsuperscript{16}

The remainder of the 17th and 18th centuries saw little improvement for the Crimean Tartars. Though Crimean Tartar cavalry served in the Tsarist army with distinction in the Crimean War of 1853-1856, the local Russian governor, who was distrustful of the Tartars, ordered their forced resettlement inland from the wealthier coastal regions.\textsuperscript{17} Those who attempted to reclaim their lands after the cessation of hostilities were often discouraged from doing so by local government levies of higher taxes and duties upon the returning Tartars.\textsuperscript{18} With nowhere to go and with little prospect of improvement in their homeland, many chose to depart voluntarily. Tsar Alexander II is reported to have commented “[i]t is not appropriate to oppose the overt or covert exodus of the Tartars. On the contrary, this voluntary emigration should be considered a beneficial action calculated to free the territory from this unwanted population.”\textsuperscript{19}

\textsuperscript{12} Magocsi, supra n. 1, at 39.
\textsuperscript{13} Russia, in particular, would not look kindly on this period as the Tartars fed the Ottoman Empire's appetite for slaves: Mar. 13, 2014 address by Harvard History Professor Kelly O'Neill, Davis Center for Russian and Eurasian Studies.
\textsuperscript{14} Fisher, supra n. 8, at 63.
\textsuperscript{15} Id. at 68.
\textsuperscript{16} Id. at 78.
\textsuperscript{17} Id. at 88.
\textsuperscript{18} Id. at 91.
\textsuperscript{19} Id. at 89.
By 1860, the majority of Tartars had left the peninsula, fleeing Russian anti-Tartar policies, leaving fewer than 100,000 remaining in Crimea.\textsuperscript{20}

The early 20th century saw a burgeoning of Tartar national identity under Ismail Bey Gaspirili,\textsuperscript{21} a leader of the Jadidi movement\textsuperscript{22} of Muslim modernists.\textsuperscript{23} The Jaddidis positioned themselves in opposition to traditionalists and Muslim clergy who had found a comfortable place in the existing tsarist political structure. For the Crimean Tartars, this secular-nationalist movement culminated in the convening of the Tartar National Constituent Assembly, known colloquially as the Kuraltay, on November 24th, 1917.\textsuperscript{24} The Kuraltay selected Celebi Chihan as its leader. Its members were elected from the local population and promised full equality and freedom for all who lived on the peninsula.\textsuperscript{25}

But such lofty promises were not to be.

If those Tartars who remained in Crimea hoped the 20th century would bring some semblance of consistency, they were not to find it so unless that consistency was located in upheaval itself. The Crimean Tartar nationalist movement occurred against greater backdrop of the Russian Revolution. While many of the Tartar intelligentsia, who styled themselves “Milli Firka,” worked closely with socialist Bolshevik elements, these Bolsheviks, who came to power in the November Revolution, began to regard Tartar nationalism as a threat to their own nascent movement.\textsuperscript{26} One of the few actions of the first short-lived Crimean Bolshevik administration was to arrest and execute Crimean Tartar leader Celebi Chihan in early 1918.\textsuperscript{27}

The Crimea, under German occupation in 1918, experienced a brief period of respite. Germany allowed the assembly of the Kuraltay until mid-October.\textsuperscript{28} Following a military victory against anti-communist White Russians, the Bolsheviks returned to Crimea in 1919.\textsuperscript{29} Though the new Bolshevik administration was more sympathetic to the Crimean Tartars, their overarching program of Sovietization was not compatible with the maintenance of a separate Crimean Tartar identity. Seen as untrustworthy by party leader Joseph Stalin, 150,000 (nearly 50%) of Crimea's Tartar population had been either killed or forcibly removed to other parts of the Soviet Union by 1933.\textsuperscript{30} These purges continued through to 1939 when the Communist Party's attention and resources were diverted by the outbreak of hostilities in World War II.

\begin{footnotesize}
\begin{enumerate}
\item Id. at 89.
\item Id. at 101.
\item The Five Goals of Jaddidism as articulated by Gaspirali (a.k.a. Garsprinskii): (1) to refine Muslim history; (2) to refocus cultural Islam; (3) to restructure education; (4) to empower women; (5) to strengthen the economic structure.
\item Everett-Heath, Tom, ed. Central Asia: Aspects of Transition. at 92 (Routledge Curzon, 2003).
\item Fisher, supra n. 8, at 115-116.
\item Id.
\item Id. at 120-121.
\item Id. at 121.
\item Id. at 122-128.
\item Id. at 128.
\item Id. at 145.
\end{enumerate}
\end{footnotesize}
By the time Nazi German forces invaded Crimea 1941, Soviet repression and purges of Crimean Tartars had reached an unprecedented level of severity. However, the Crimean Tartars did not universally welcome the Nazi invaders. Some fought as partisans against the Nazis, and 20,000 even served in the Red Army. Ostensibly, in response to reports of collaboration between the Nazis and Tartars, Stalin purposed to evict every single Tartar from the Crimean Peninsula. On the night of May 18th, 1944, Stalin's NKVD moved with efficiency and speed, corralling all known Tartars and shipping them to other parts of the Soviet Union (mainly Uzbekistan). Records indicate that Soviet forces forcibly removed 191,014 Crimean Tartars from the peninsula.

Crimean Tartar attempts to return using both civil disobedience and the Soviet legal system were largely unsuccessful until 1989. Soviet Leader Mikhail Gorbachev's late-eighties implementation of perestroika (restructuring) and glasnost (openness), while primarily aimed at revitalizing a failing Soviet economy, also opened a path back to the peninsula for Crimean Tartars in exile. The right of return, which the Tartars had long claimed was finally recognized. Glasnost resulted in the return of nearly 20,000 Tartars to Crimea, boosting their number in the region to 135,000. In June of 1991, the Kuraltay was re-established. While this may have been a relatively significant occasion for the Crimean Tartars, a far more earth-shaking moment was brewing in Moscow – an event which would have serious implications for both the Tartars and Crimea.

On August 21, 1991, conservative elements of the Soviet armed forces attempted to depose Mikhail Gorbechav. Their attempt was repelled, but led to the August 24 declaration of Ukrainian independence. Ukraine's first constitution recognized Crimea as an autonomous republic within Ukraine. This, however, did not improve the plight of the Crimean Tartars as it neither recognized the Kuraltay nor answered the question of land rights or reparations for the Tartars. In a Ukrainian census taken in 2001, the Crimean Peninsula had a population totaling 2,401,209. Ukraine's census grouped the population by ethnicity, finding that the most prevalent group in Crimea and Sevastopol were Russians, totaling 1,450,394 (60.40 percent); followed by Ukrainians at 576,647 (24.12 percent); and Crimean Tatars at 245,291 (12.26

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31 Id. at 153.
32 Id. at 161.
33 Id. at 170. However, Fisher also states that Stalin was concerned about Tartar cooperation with Turkey in forming an anti-Soviet front.
34 Id. at 165.
35 Polian, Pavel. Against Their Will: The History and Geography of Forced Migrations in the USSR at 152 (Akaprint Nyomda 2004).
36 Fisher, supra n. 8, at 180-191.
37 Magocsi, supra n. 1, at 133.
38 Id. at 135.
40 Magocsi, supra n. 1, at 140.
41 Id. at 143.
42 All-Ukrainian population census 2001 data.
percent). The other ethnic groups included: Belarussians, Tatars, Armenians, Jews, Moldovans, Poles, Azeri, Uzbeks, Greeks, Koreans, Germans, Chuvash, Mordovians, Bulgarians, Georgians, Roma, and Maris.

February 2014 brought another sea-shift to Crimea when demonstrations erupted in the Ukrainian capital of Kyev. Protestors, seeking recension of 2010 changes to the Ukrainian Constitution, deposed then-president of Ukraine, Viktor Yanukovych. Russian troops appeared in strategic positions in Crimea on February 27. These troops occupied multiple government buildings, while simultaneously establishing checkpoints blocking road access to Crimea from Ukraine. On March 16, a referendum was held to determine whether Crimea should merge with Russia or return to a defunct 1992 version of the Ukrainian constitution. No option was given to return to the status ante-annexation. A Pro-Russian result carried the day. The international community has largely rejected the results of the March 16, 2014 referendum and most nations refuse to recognize the legitimacy of the Russian Republic's annexation of Crimea.

Since the 2014 annexation of Crimea, Russia has made considerable investments in the region. These capital expenditures include both a military buildup, as exemplified by Russia's modernization of its Black Sea Fleet, and infrastructure development, most spectacularly demonstrated in its unilateral funding of the Kerch Straight Bridge. When complete in 2019, the Kerch Straight Bridge will be the largest bridge in all of Russia and will have cost nearly $4 billion USD. If completed as planned, the bridge will create a vital rail and road link to the Russian mainland with both significant economic and military implications for Crimea.

While the Russian Republic seems more than eager to pour money into the region, influxes of Russian capital or populations have rarely benefited the Tartars. In a 2014 NPR interview, Crimean leader Abdurahmann Egiz called Crimea “occupied territory” subject to “foreign invasion.” On June 16th, the Tartar's elected representative body, the Mejilis, announced a boycott of the upcoming parliamentary elections scheduled to take place in October.

A Russian Federation funded census taken in 2014 found that the population of the Crimean peninsula had decreased to 2,284,796. The 2014 Russian census reflects a 4.8 percent decrease in population when compared to the 2001 census conducted by Ukraine. The ethnic

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44 Id.
49 Russia's bridge link with Crimea moves nearer to completion.” The Guardian.
composition of the later census purportedly consisted of three self-reported groups: Russians, Crimean Tatars and Tatars, Belarusians, and Armenians.\textsuperscript{52} The population of Russians increased to 1,491,078 (65.31 percent), the Ukrainians dropped to 344,515 (15.08 percent), and the Crimean Tatars decreased to 232,340 (10.17 percent).\textsuperscript{53}

In November, Human Rights Watch published findings based primarily on interviews with Crimean Tatars, activists, lawyers and journalists, citing serious human rights abuses taking place in the region.\textsuperscript{54} Among these included government threats to ban the \textit{Mejlis} and harassment of media providers, both of which would foreshadow event in the coming year.

In early 2015, NGOs Freedom House released a report documenting increasing political and human rights virilizations against the Crimean Tartars. Denis Krivosheev of Amnesty International described the compulsory registration of Crimean Tatar media as a “blatant attack on freedom of expression, dressed-up as an administrative procedure” and “a crude attempt to stifle independent media, gag dissenting voices, and intimidate the Crimean Tatar community.”\textsuperscript{55} By April, Russian authorities had shut down ATR, the only Crimean Tartar television channel, and replaced it with government sponsored television programming.\textsuperscript{56} In an August visit to Crimea, Russian President Vladimir Putin made the following allusion to Tartar attempts at semi-autonomy or special status: “any speculations about any special rights, of members of any ethic group, I consider as extremely dangerous...”\textsuperscript{57}

In April 2016, both the Russian and Crimean supreme courts formally banned the \textit{Mejlis}, calling it an extremist organization and depriving the Crimean Tartars of their self-elected body of representation.\textsuperscript{58} Enforcement of the ban began in September. By December, the United Nations formally recognized Crimea as “temporarily occupied” by Russia, condemning Russian abuses and discrimination against the Crimean Tartars and other ethnic minorities in Crimea.\textsuperscript{59}

In the face of a continued Russification of the Crimean Peninsula, the Crimean Tartar people continue to seek autonomy, backed only by their own determination, the deployment of U.N. human rights mechanisms, the support of a few NGOs, and pressure from the majority of states in the international community who refuse to recognize the Russian occupation of Crimea as legitimate.

\textsuperscript{53} Id.
\textsuperscript{56} Id.
\textsuperscript{57} Ukraine Today coverage of Vladimir Putin's visit to Crimea, published Aug. 18, 2015.
II. DENIAL AND ABUSE IN RUSSIAN-OCCUPIED CRIMEA

The occupation of Crimea presents unique but not unprecedented issues for the enforcement of human rights. Under normal circumstances, each state is responsible for the observance of human rights in its own sovereign territory. Consistent with the UN General Assembly resolution on the subject, Crimea is still considered by the international community as Ukrainian territory. Because of the occupation, however, the government in Kyiv has issued a declaration that it is derogating its obligations under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in accordance with the mechanisms provided therein. In its declaration, Ukraine announced that the Russian Federation “shall bear full responsibility for observance of human rights and performance of the respective obligations at the annexed and temporarily occupied territory.” This position is consistent with that of the Prosecutor of the International Criminal Court.

As an occupying power, the Russian Federation is bound by humanitarian law and customary human rights law. Relevant instruments of humanitarian law to which both Ukraine and the Russian Federation are parties are the 1907 Hague Regulations, the Fourth Geneva Convention and the 1977 Additional Protocol I to the same. These instruments, taken cumulatively, mean that the Russian Federation is responsible for the actions of the occupation government. Beyond any concrete legal obligations, the occupation government has the duty—as a nominally democratic government—to respect the social, political, and cultural character and autonomy of its Tatar constituents. The following is an analysis of the precise nature and scope of the occupation’s derogation of this and other duties.

The Mejlis and Political Representation

The right to self-determination is a fundamental principle under international law which allows for all peoples to choose their sovereignty and political status free from interference. Self-determination is enshrined in Article 1 of the UN Charter, as well as the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic Social and

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63 Convention (IV) Respecting the Laws and Customs of War on Land, Oct. 18, 1917.
66 September 2017 report at ¶ 44.
67 U.N. Charter art. 1, para. 2.
Cultural Rights (ICESCR). Article 1 of both Covenants expressly establish the right of all peoples to self-determination, including their right to freely determine their political status and freely pursue their economic, social and cultural development, and the subsequent obligation of State parties to respect and promote the realization of that right.

Intrinsically linked with the right to self-determination exists the separate entitlements of political and public participation. Political and public participation rights play a critical role in the advancement of all human rights. The right to participate in political and public life is important in empowering individuals and groups, and is one of the core elements of human rights centered approaches aimed at eliminating marginalization and discrimination. Participation rights are interconnected to other human rights such as the rights to peaceful assembly and association, freedom of expression and opinion, and the rights to education and information.

Russia’s occupation government has failed in the protection and advancement of the Crimean Tatars’ right to self-determination, political and public participation, and has further violated the individual human rights of Mejlis leaders in its campaign of suppression. The individual abuses committed, as protected by the ICCPR and the ICESCR, comprise restrictions on freedom of movement, including the ability to enter and exit one’s own country; arbitrary arrest and detention; and arbitrary interference with the right to privacy. The targeting and harassment of Mejlis leaders began immediately following the March 2014 referendum.

In April of 2014, multiple incidents of harassment directed at Mejlis leaders took place. On 19 April, Refat Chubarov, Chairman of the Parliament of the Crimean Tatar peoples, and Mustafa Jemilev, former Chairman of the Mejlis and recognized leader of the Crimean Tater National Movement, alleged that representatives of the Crimean “self-defense” units stopped their car and harassed them on the highway. On April 21, a group of men from the “self-defense” unit broke into the building of the Parliament of the Crimean Tatar people and removed the Ukrainian flag, harassing verbally and physically female employees. The next day it was announced that broadcasting by the State TV and Radio about Mustafa Jemilev and Refat Chubarov was no longer permitted and Jemilev’s name was added to the list of “Persons Engaged in Anti-Crimean Activity, whose stay is undesirable to the territory of the Autonomous Republic of Crimea” and he was presented with “Notification of non-permission to enter the Russian Federation until 2019.”

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70 See, ICCPR at art. 1; ICESR at art. 1.
71 See, ICCPR at art. 25; ICESR at art. 8.
72 See, ICCPR at art. 12.
73 See, ICCPR at art. 9.
74 See, ICCPR at art. 17.
76 Id. at ¶ 149.
77 Id. at ¶ 151.
Following the notification, on May 3, Jemilev and Chubarov tried to enter Crimea from mainland Ukraine, after having been prevented from boarding a plane from Moscow to Simferopol on May 2. Traditionally, Crimean Tatars drive to greet their leader upon return and entry to Crimea. This time they were blocked by a number of armed military personnel without clear identification insignias. When Jemilev and Chubarov tried to cross the border, they were stopped. Access to Jemilev was once again forbidden. Following this incident, Russian authorities issued an arrest warrant for Jemilev and placed him on a federal wanted list, allegedly for trying to illegally cross the border when he attempted to return the Crimea. The protesters that stood in support of Jemilev, faced criminal charges under Russian law.

Crimean Tatars were officially issued a notice that their protest activities would be characterized as criminal under Russian law in June 2014. The Head of the Kurultai received a written warning from the Crimean police about the “inadmissibility of extremist activities and unlawful assemblies, accusing the leaders of the Mejlis of publicly speaking in support of “extremist statements” by Jemilev that provoked extremist actions from the Tater people. Following the warning, Tatars involved in law enforcement or holding public positions were pressured to submit letters of resignation while security conducted raids on Mejlis members homes and businesses, under the allegation that these persons were suspected of preparing terrorist attacks.

On September 16, 2014, Russian Federal Security officers and the police searched the houses of two Mejlis officials, seizing notebooks, computers, and hard drives. Later that day, they conducted an 11hour search of the Mejlis building in Simferopol. Mejlis session protocols were seized, as well as religious books, computers, hard discs, and some personal belongings of Mustafa Jemilev. On September 17, a court writ was served on the charitable organization Crimea Fund which owns the Mejlis building, giving it 24 hours to evacuate the building. The document prohibits the charity from carrying out its powers as owner of the building. On September 19, the Mejlis members left the building. Shortly thereafter, on September 22, in an interview to a Russian media, Russia’s appointed Crimean Prime Minister, Sergey Aksionov, stated that the Mejlis had no legal existence as it was not properly registered under Russian Law.

On July 5, 2014, shortly after Jemilev was denied entry to Crimea and given notice of his ban, Refat Chubarov, Chairman of the Mejlis was blocked from entering Crimea because of his

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79 Danila Galperovich, Mustafa Dzhemilev: Arresting me in absentia, Russia wants to prevent me from going home, VOA, Jan. 27, 2016.
82 Id. at ¶ 291.
84 Id. at ¶ 219.
“activities to incite interethnic hatred.” Chubarov, like Jemilev was issued a five-year ban and remains in exile in mainland Ukraine. On October 29, 2015, Chubarov was served an arrest warrant in absentia by the “prosecutor of Crimea” for the former’s “public calls for action aimed at violating the territorial integrity of the Russian Federation.” by insisting the Crimea is part of Ukraine. The warrant requests he be extradited to Crimea (identified as the “Russian Federation”) to serve a detention of two months. Chubarov refused extradition and submitted the court documents to the European Court of Human Rights as evidence of Russia’s lawlessness.

Following the exile of Mejlis leaders Jemilev and Chubarov, harassment turned to Mejlis Deputy Leader Ilmi Umerov. Security forces charged him under Russian anti-extremism legislation. Umerov refused to speak to security forces when summoned for questioning. He was informed that he was being investigated as a criminal suspect for “threatening the territorial sovereignty of the Russian Federation” due to statements that he had made in a TV interview in the Crimean Tatar language, in which it is alleged he insisted that Russia should be “forced to leave Crimea.” He was subsequently placed on travel restrictions, forbidding him to leave Crimea and involuntarily confined in a physiatrist hospital to assess his mental health. While being held in the hospital, Umerov was placed in an isolation ward and only allowed visits after international pressure for his release. He was held in the psychiatric hospital for three weeks at which time a medical commission concluded that he had no medical condition that should affect his criminal prosecution. On September 27, 2017, Umerov was convicted of separatism and sentenced to two years in prison.

In another high-profile case, Ahtem Chiyogoz, Deputy Head of the Mejlis was arrested and held for pretrial detention on January 29, 2015, under suspicion of organizing mass riots in connection with a demonstration that took place February 26, 2014, in the days leading up to the annexation, in which Crimean Tatar protesters clashed with pro-Russian annexation supporters in the streets of Sevastopol. He remained in custody through the length of his trial, spending more than 2.5 years or nearly 950 days in detention. On September 11, 2017, the Russian controlled Supreme Court of Crimea found Chiygoz guilty of “organizing mass unrest” and sentenced him to eight years in a penal colony.
On February 15, 2016, the de facto Prosecutor of Crimea initiated a case against the Mejlis alleging that it was an “extremist” organization based on its leaders’ criticism of the Russian occupation and annexation of Crimea. On March 17, the Supreme Court of Crimea began hearing the case brought against the Mejlis. The prosecution relied principally on statements made by the exiled Mejlis leader, Chubarov, who has refused to recognize the legality of the Russian annexation of Crimea, called for an economic and energy blockade of the peninsula from the mainland Ukraine, and repeatedly called for the control of the peninsula to be returned to Ukraine. The case was concluded on April 26 resulting in the Mejlis’s final closure and banning. However, days before the ruling, on April 13, the de facto Prosecutor of Crimea ruled to suspend the Mejlis’s activities and on April 18 the Russian Ministry of Justice had already included it in the official register of “extremist organizations.” The listing of the Mejlis as an “extremist organization” means that its members and supporters from local organizations across Crimea are open to criminal prosecution as “extremists” under domestic Russian law. This classification under domestic law does not exempt Russia from its international human rights obligations.

**Systematic Human Rights Violations Under Occupation**

The occupation government, in addition to its suppression of the Crimean Tatars’ ability to self-govern, has committed gross violations of a litany of human rights. These rights include *inter alia* rights of due process, the right to personal autonomy, the right to peaceably assemble, the right of free expression, and the right to be free of discrimination based on religion, ethnicity, or nationality. To assist in the monitoring of these violations, the United Nations General Assembly (UNGA) has passed resolutions tasking the Office of the High Commissioner for Human Rights (OHCHR) with establishing a special monitoring body: the Human Rights Monitoring Mission in Ukraine (HRMMU). The following summary of human rights violations is derived from regular reports made by the HRMMU and a thematic report on the human rights situation in Crimea issued by the OHCHR at the 72nd Session of the UNGA. Given the breadth of time covered by the violations, it is prudent to address them categorically. However, this division is largely for the sake of convenience, as many of the individual violations can be characterized as fitting multiple categories.

Fundamental to any well-functioning democratic government is its impartial application of the law and the respect for the bodily integrity and civil liberties of its constituents. To that end, the occupation government has shown persistent disregard for multiple human rights related to the administration of justice. These abuses implicate a wide-ranging suite of rights found in established international law. The implicated rights include the right to life, liberty and security.

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95 Id.
96 Id.
97 Id.
of person, freedom from cruel or inhuman punishment, freedom from arbitrary arrest or detention, the right to a fair trial, freedom from torture, and freedom from the application of retroactive criminal statutes.

As reported by the HRMMU, arbitrary detention and arrest has been pervasively practiced by occupation government authorities for as long as they have been in power. This may be partly explained by the transition from one criminal justice regime to another and the attendant confusion that can cause, but there has been an observable pattern of Crimean Tatars being targeted by authorities for detention and arrest based on little to no pretext or legal justification. One particularly egregious example occurred on April 1, 2016, when armed, masked men entered a busy Simferopol café and “took 35 Muslim men, mostly Crimean Tatars, to the police ‘centre for countering extremism’ in Simferopol.” During their four-hour interrogation (during which they were denied access to legal counsel), they were questioned as to what sect of Islam they ascribed and had their fingerprints and DNA sampled.

Peaceful means used to attempt to curb these abuses have been met with further reprisal. On February 21, 2017, a group of ten Crimean Tatars filming the search of the home of one of their compatriots were summarily arrested and tried to five days of administrative detention. The proceedings leading to the conviction of the ten were conducted in the span of a day, with no representatives present for the prosecution. Additionally, two men were convicted having never availed themselves of counsel, and “in at least one proceeding the judge ignored the public retraction of a witness statement supporting” the occupation government’s claim.

The two brief anecdotes cited here are a small sample of the lived reality for Crimean Tatars under the occupation government. Countless other examples exist which demonstrate that there exists no justice for Crimean Tatars as it is normatively conceived of in democratic societies.

Freedom of expression, the right to assemble, and the right to an informed and fair press form the bedrock of any healthy and flourishing democratic society. This conclusion is enshrined

99 G.A. Res. 217A (III), at art. 3 (Dec. 10, 1948) [hereinafter, UDHR].
100 See, UDHR at art. 5; ICCPR at art. 7, 10(1); Convention on the Elimination of All Forms of Racial Discrimination art. 5(b), Jan. 4, 1969, 660 U.N.T.S. 195 [hereinafter, CERD].
101 See, UDHR at art. 9; ICCPR at art. 9(1).
102 See, ICCPR at art. 14.
103 See, UDHR at art. 5; ICCPR at art. 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 2, Dec. 10, 1984, 1465 U.N.T.S. 85 [hereinafter, CAT].
104 See, ICCPR at art. 15(1).
106 Id. at ¶ 183.
108 Id. at ¶ 144.
109 Id. at ¶ 144.
in multiple instruments of international law. Expressing political or cultural values through means respecting the welfare of others ensures that governments are aware of and responsive to the needs of its constituents. The occupation government through its oppression of these fundamental rights is therefore not only stunting the political development of the Crimean Tatars but also of itself.

Suppression of a free press, as is often the case in an occupied territory, was one of the first rights to be eroded. As early as April 22, 2014, the occupation government was successfully silencing key media institutions—namely, the radio and television broadcasting permissions of the Mejlis—related to the Crimean Tatars. This process continued on June 2, 2014, with the summoning on behalf of the Acting Prosecutor of Simferopol of the Chief Editor of Avdet, the principal print publication of the Mejlis. The purpose of this summons was purportedly related to “extremist activity”. These actions against Avdet culminated with a complaint filed with the Russian Federal Service for the Supervision of Communications, Information Technology and Mass Media relating to the paper’s publication of information related to the boycott of the referendum of incorporation into the Russian Federation.

Without an effective, free press to objectively document the occupation government’s treatment of the Crimean Tatars, further suppression of political and cultural expression by private actors was inevitable. Specifically, there have been documented cases of criminal sanctions against Crimean Tatars for social media postings, sometimes for pronouncements as innocuous as stating that Crimea is under occupation. More disturbing than this are the occupation government’s attempts to suppress Tatar demonstrations commemorating the 1944 deportation. Citing security concerns, the occupation government enacted stringent prescriptions delimiting how and where the event was to be publicly recognized. During the annual rite in 2015, around sixty Tatars were detained and fined for “taking part in an unauthorized motorcade in Simferopol”.

The occupation government has effectively rendered the Crimean Tatars voiceless, both in the public and private spheres. This fact is even more grotesque given the tragic history of Moscow’s treatment of them. If the occupation government is threatened by peaceful
demonstrations commemorating what was arguably genocide, then any claim that it adequately represents the interests of its Tatar population rests on a foundation of sand.

Underlying all the abuses of civil and political rights committed by the occupation government and its agents against the resident Tatars is a discrete but related theme of ethnic and religious discrimination. As a matter of international law, such discrimination is proscribed. This discrimination was most aptly manifested by the outlaw and exile of the Mejlis, but it has taken other forms as well. There have been recorded instances of occupation authorities harassing or detaining groups of mostly Tatar Muslims. The use of terrorist designations has been used as pretext for summary raids and searches by police. In May 2016, as many as fifty armed men stormed a mosque in Molodizhne, a village outside of Simferopol, arresting approximately 100 worshippers. Turning to wider systemic forms of oppression, the use of Russian Federation law pertaining to registration of religious organizations has effectively stifled the free practice of religion. For many Crimean Tatars, religion and the institutions under it are the last tangible lines affixing them to a definite cultural and ethnic identity. It is vital that the peaceful practice thereof be respected by the occupation government.

In addition to the negative obligations imposed on the occupation government to protect against abuses stemming from racial, ethnic, and religious discrimination, the Crimean Tatars—as an indigenous people—are of an elevated status in human rights discourse and possess certain positive rights associated with that status. Crimean Tatars have been officially recognized as an indigenous people by both the European Parliament and the government of Ukraine. They also meet many of the criteria set out by the UN OHCHR regarding what constitutes an indigenous people. The UN Declaration on the Rights of Indigenous Peoples is most succinct

119 Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (1948) defines genocide as any act “committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group [...].”

120 See, e.g., U.N. Charter art. 1, ¶ 3; UDHR at art. 7, 18; ICCPR at art. 26-27; CERD at art. 2, 5(d)(vii).

121 “On 11 and 12 February 2016, three Crimean Tatar men – including a human rights activist – and one ethnic Ukrainian man were arrested for their involvement in the Hizb ut-Tahrir religious organization and charged with ‘terrorism’. They were arrested by FSB officers during house raids in Yalta, Aluhta and Bakhchisaray districts. The raids took place in the presence of women and children, as armed masked officers stormed the houses, breaking windows and doors.” OHCHR report on the human rights situation in Ukraine, ¶ 189 (Feb. 15, 2016) [hereinafter, February 2016 report].

122 The detained were eventually released but issued court summonses. May 2016 report at ¶ 184.

123 “OHCHR considers that stringent legal requirements under Russian legislation have either prevented or discouraged re-registration of many religious communities. OHCHR recalls that it is essential to ensure that all procedures for registration are accessible, inclusive, nondiscriminatory and not unduly burdensome, as freedom of religion or belief has a status prior to and independent from any administrative recognition procedures.” February 2016 report at ¶ 193.


126 UN Office of the High Commissioner for Human Rights, Indigenous Peoples and the United Nations Human Rights System, ST/HR(05)/H8/No.9(Rev.2) (2013) (stating that indigenous peoples typically (1) have historical continuity with pre-colonial societies, (2) are distinctive; (3) have a strong link to territories; (3) have distinct language, culture, and beliefs; and (4) have distinct social, economic, or political systems).
and widely accepted articulation of the rights of indigenous peoples. At its core, the Declaration is “an international instrument expressly recognizing a collective right to protection from state action that could undermine an indigenous group’s ability to remain a culturally distinct people.” Relying on the Declaration and other sources of human rights law, the Ukrainian Rada in its resolution pronounced that the Crimean Tatars have the rights (1) to self-determination, (2) to preserve their ethnic, cultural, and religious identity, and (3) to political autonomy.

The utility of their status as an indigenous people and the concomitant rights to the Crimean Tatars is limited in two main ways. The first and most important reason is that Tatars living on the peninsula may not be aware of their official status as an indigenous people, primarily because of the forced deportation and the fact that Ukraine did not officially recognize the status until after the annexation of Crimea. The second limitation lies in the categorical status of indigenous rights as collective rights; principally, they are not yet universally recognized as binding international law due to the lack of a comprehensive treaty on the subject and that they are not yet custom. These limitations are also indicative of the problems associated with other human rights mechanisms as applied to the situation facing the Crimean Tatars.

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129 See, supra nt. 122.
III. DEMANDS AND GOALS

When Russian forces invaded the autonomous Ukrainian region of Crimea, the occupation government severely limited political and civil rights to the Crimean Tatars living in the area, silenced independent media, and employed antiterrorism and other laws against political dissidents. Some members of the peninsula’s indigenous Tatar minority continue to vocally oppose the annexation, despite the risk of imprisonment.\(^\text{130}\)

Political rights are critical to the demands of the Crimean Tatars. The *Mejlis*, the supreme representative and executive body of the Crimean Tatar people, elected by the plenary *Qurultay* from among its delegates, have previously stated their goals to be:

“[E]limination of the consequences of the genocide, committed by the Soviet state against Crimean Tatars, restoration of the national and political rights of the Crimean Tatar people, and implementation of its right to free national self-determination in its national territory.”\(^\text{131}\)

In order to achieve these purposes, the *Mejlis* are seeking implementation of systematic measures aimed at the fastest return and resettlement of Crimean Tatars in their historical native land; seeking determination of the status of Crimea as part of Ukraine in accordance with the national-territorial principle, on the basis of implementation of the inalienable right of the Crimean Tatar people to self-determination; ensuring guarantees of observing the rights and freedoms of all people, irrespective of their race, nationality, political views and religion; taking measures to revive the language, culture, religion, system of national upbringing and education, customs and traditions of the Crimean Tatars; and seeking adoption of the special program, providing the mechanism of protection of the economic rights and interests of the Crimean Tatar people during the implementation of economic reforms, form and volume of compensation of moral and material damage caused to the Crimean Tatar people during the deportations of 1944. They also seek a system of measures on rendering assistance to the neediest persons, on health protection, maternity and childhood programs, and on environment protection, improvement of ecological situation in Crimea and restoration of its historical landscape.\(^\text{132}\)

On May 18, 2017, Vice-President of the World Congress of the Crimean Tatar People, read the resolution with three demands to the Ukrainian authorities during a rally in Genichesk, Ukraine.\(^\text{133}\) The first demand was legislation on Crimean Tatar national territorial autonomy within Ukraine. The second demand was to give Tatars a right to serve in the Armed Forces of


Ukraine for volunteers of the Crimean Tatar battalion named after Noman Çelebicihan. The third demand was the replacement of the current permanent representative of the President in the Crimea with a representative of the Crimean Tatar people.

The Crimean Tatars have also reiterated the 2017 demands of the Committee of Ministers of the Council of Europe for the Russian Federation to take all measures necessary to respect human rights in Crimea and to bring an immediate end to all violations of these rights, including the denial of freedom of expression, freedom of peaceful assembly, freedom of religion and belief, discriminatory measures and practices, arbitrary detentions, torture and other cruel, inhumane or degrading treatment, and the repression against persons belonging to minorities, including the Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups. The Crimean Tatars have also called for Russia to reinstate the Mejlis and to allow its leaders to re-enter Crimea; and further called for Russia “to uphold all of its obligations under applicable international humanitarian law, international human rights law, including the European Convention on Human Rights, and the Council of Europe principles and standards.”

The Crimean Tatars’ central goals are the elimination of the consequences of the genocide, the restoration of the national and political rights of the Crimean Tatar people and the implementation of its right to free national self-determination in its national territory. They seek a right to participate in elections, to vote and to stand for election, on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public services under the International Convention on the Elimination of All Forms of Racial Discrimination. Additionally, they seek the revocation of the illegal sentencing of Akhtem Chiygoz, a Ukrainian citizen and deputy head of the Mejlis, to eight years in jail by the Moscow-installed authorities in Crimea and of other Crimean Tatar leaders subject to persecution and harassment.

Overall, the demands and goals of the Crimean Tatars are far from specific or cogent. While they appear relatively clear from the Mejlis goals set during the Ukraine era, the Russian annexation and all that flowed from it has led to knee-jerk demands in the face of oppression and abuse. With these imperatives to act to protect individual Crimean Tatars, the broader political and legal goals – and their prioritization – has diminished.

135 Id.
IV. LEVERAGE

For a group like the Crimean Tatars, there are several levers and mechanisms available to them. The principal levers are human rights treaty bodies, non-governmental organizations and states. Although these levers individually may not be sufficient to help the Crimean Tatars, as a whole, these levers provide a strong foundation for the Crimean Tatars to get their voice heard and strengthen their current position.

**Human Rights Mechanisms**

The first lever the Crimean Tatars have at their disposal comes from the Office of the High Commissioner for Human Rights (OHCHR). The OHCHR is split into four major divisions: (1) The Research and Right to Development Division (RRDD); (2) The Human Rights Treaties Division (HRTD); (3) The Field Operations and Technical Cooperation Division (FOTCD); and (4) The Human Rights Council and Special Procedures Division (HRCSPD). The OHCHR employs 1,085 staff members located in Geneva, New York, 13 country offices and 13 regional offices across the world. The OHCHR also has a workforce of 689 international human rights officers. The OHCHR established a special monitoring body – the Human Rights Monitoring Mission in Ukraine (HRMMU) – specifically designed to monitor human rights in Ukraine. The HRMMU has issued multiple reports and has been able to capture the human rights violations occurring in Crimea. A strength of using the OHCHR, specifically the HRMMU, is that they can be the central source of all data collection for the treaty bodies. If there is one central location that holds all the allegations and evidence, then Ukraine can report to each treaty body specific allegations with all the evidence needed. This allows each treaty body to have a fluid report that encompasses everything they need to know.

The Crimean Tatars also have treaty bodies. Currently, there are ten treaty bodies overseeing various United Nations human rights agreements, meaning there are ten possible individual levers. Each treaty body has its own Committee specializing in a certain human rights agreement. The individual Committees review reports that are submitted by a State party, a self-report, or inter-State complaints, which are when one State party alleges that another State

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140 Id.
141 Id.
143 IVANNA BILYCH ET AL., HUMAN RIGHTS ON OCCUPIED TERRITORY: CASE OF CRIMEA 17 (Razom, 2015).
144 UN Human Rights Treaty Bodies, INTERNATIONAL JUSTICE RESOURCE CENTER (last accessed Nov. 13, 2017), http://www.ijrcenter.org/un-treaty-bodies/ (Human Rights Committee; Committee on Economic, Social and Cultural Rights; Committee on the Elimination of Racial Discrimination; Committee on the Elimination of Discrimination Against Women; Committee Against Torture; Subcommittee on Prevention of Torture; Committee on the Rights of the Child; Committee on Migrant Workers; Committee on the Rights of Persons with Disabilities; and Committee on Enforced Disappearances).
145 Id.
party is violating the agreement covered by the treaty body. The allegations against Russia, which have been stated throughout this analysis, provide context for breaches of multiple human rights agreements. Simply put, the power of numbers is the biggest strength of the treaty bodies.

Treaty bodies may present hurdles when dealing with the current situation between the Crimean Tatars and Russia. Since the Crimean Tatars are not a State party in themselves, they must rely on Ukraine, Russia or some other State to submit the allegations to the treaty bodies. Common weaknesses of treaty bodies include under-resourcing, inadequate administrative support, untimely submission of reports and even an outright failure of States to submit reports. Scholars believe a “system overload” is to blame for the late and outright failure of States submitting their reports. Even when a State party submits their report on time, some Committees reported that these reports were inadequate or unsatisfactory. Since Committee members already lack access to basic documentation, coupled with a short time period to discuss with individual State parties throughout the reporting and reviewing stages, it is crucial for the Crimean Tatars to have clear and concise demands.

Further weaknesses include lack of state engagement, inadequate information provided for the review process and a lack of following up after a Committee issues their recommendations. As stated earlier, state engagement needs to come from a State party willing to step forward and provide the Committees with allegations supported by whatever evidence they can get their hands on. Ukraine submitted reports to the Committee on Economic, Social and Cultural Rights as well as the Committee on the Elimination of Racial Discrimination. Each Committee provided recommendations to the State party to improve the situation of the Crimean Tatars. Recommendations from the Committees included that Ukraine provide appropriate settlement solutions for Crimean Tatars in Ukraine and adequate financial support to the Crimean Tatars. These recommendations refer to the Crimean Tatars leaving their homes in the Crimean Peninsula, which seems to go against what the Tatars want to achieve. Further, a problem going forward is that Ukraine does not have access to the Crimean Peninsula due to the Russian Annexation. Since Ukraine does not have access, there will be a lack of information to provide the Committees in the future on whether the recommendations are being carried out and whether they are effective. The fact that Ukraine is unable to access the

146 Id.
148 Id. at 146.
149 Id. at 147.
150 Id.
151 Id.
152 Id. at 158.
154 Id.
Crimean Peninsula also means that following up with the Committee may be useless because there will be nothing new to report.

The biggest weakness the treaty body system has is that it lacks coercive powers and the findings (recommendations) are not legally binding.156 Scholars believe this weakness is political and stems back to the cold war era when most of the human rights mechanisms began.157 Oddly enough, some scholars believe that by not providing the treaty body with coercive powers and legally binding decisions, over time human rights norms will internalize into State parties national law, policy and practice.158 Although this may help the Crimean Tatars and other similarly situated groups in the long run, the fact that treaty bodies do not have “teeth” is a big weakness for this lever.

Treaty body mechanisms have the potential to be a strong lever for the Crimean Tatars. The OHCHR’s reports provide the evidence needed for a treaty party to take action through these treaties. Although the treaty body mechanism lever alone may not be sufficient to reach the Crimean Tatars demands, it provides the foundation for the other levers to follow.

**Non-Governmental Organizations**

Non-governmental organizations, commonly referred to as “NGOs” are non-profit bodies that act independent of government influence. These groups are commonly active in varied areas of issues of social advocacy and human rights. NGOs are frequently found at the core of civil society and reflect the communities they serve. They can strengthen and provide a voice for groups that otherwise lack political leverage. Although the benefits of such group can be flexibility and increased lines of communication, NGOs can suffer from lack of resources or access, which in turn limits the benefit conferred on a society in need.

In 2012, after winning yet another presidency, Putin expressed his distrust of NGOs by implementing a Russian law calling for stricter controls of NGOs that receive funding from states abroad. The law also mandates that any organization engaging in “political activity” register with the government as “foreign agents.”159 Russia’s disapproval of NGOs has been widespread and its impact has reached Crimea. Shortly after the peninsula’s annexation in 2014, while giving a security speech, Putin explained that Russia would not be following in Ukraine’s footsteps of letting local civil rights group stir up political unrest. His reference to Ukraine’s unrest spurred by NGOs pointed to the intense 2014 East/West conflict in Ukraine. This conflict was credited to have been brought on by Western Ukraine protests against Ukraine’s Russia backed leader in the 2014 elections. In addition to accusing the civil groups in Western Ukraine

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156 See O’Flaherty, *supra* note 133 at 164.
157 Id. at 142.
158 Id. at 164.
of funding radicalism, Putin warned that that Russia would soon face a similar threat from NGOs seeking to “serve foreign national interests.”

Existing NGOs located on the Crimean Peninsula have faced extreme barriers attempting to operate in civil society. All organizations were all required to re-register with the Crimean de facto authorities following the Russia’s takeover. In a 2014 report, a local Crimean spokesperson estimated that 396 NGOs complied and re-registered their organizations under Russian law by the end of 2014. The year prior, more than 10,000 NGOs were registered under the Ukrainian government. These figures identify that as of October 2014, only three human rights centered NGOs were registered. This requirement for all NGOs operating in Crimea to align their founding documents with the requirements of the Russian legislation is burdensome, and many have ceased operating completely under these circumstances. In addition to limiting incoming funding for NGOs, the registration requirement established an unofficial black list of organizations labeled as threatening to the Russian Federation.

In addition to increased scrutiny and regulations, the Russian government has also identified some NGO actors as “undesirable”, banning them from Russia and in effect blacklisting them from operating on the peninsula legally. In July of 2015, the Russian Parliament announced their list of twelve blacklisted organizations. The Crimean Field Mission on Human Rights (“CFM”), an unofficial organization of human rights activists was among those suggested to be black listed. CFM is a coalition of non-political associations working to advance human rights based on principles of non-violence and non-discrimination. The key tool this NGO utilizes has been systemic monitoring and reporting of the human rights situation in the Crimean Peninsula. CFM aims to take reports and then work with other coalition members to institute action directly populations in a need. The latest Crimean Human Rights report on the organization’s website is dated November 2015. Although the organization lists open offices – in Simferopol, Moscow and Kyiv – the group’s activity, monitoring and general updating has disappeared in the recent years for unknown reasons.

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CrimeaSOS or “SOS” is a social media based platform that started on the first day of the Russian occupation. The group was created by volunteers on February 27, 2014 to provide on the ground timely and reliable updates on the takeover of Crimea. The campaign has been consistently active on Facebook and served as a replacement information channel in the wake of several Tatar radio and television networks facing shutdown. Social media has been helpful as a no cost alternative to dispel information globally. The group also released a documentary film highlighting the reality of everyday life of the peninsula residents post annexation. The organization grew rapidly since 2014, later becoming a UN partner on the issue of refugees in Ukraine and opening offices in Kyiv, Kherson, and Lviv. Today, Crimea SOS provides urgent humanitarian, legal, psychological aid to the internally displaced people, advocates of the return of Crimea to Ukraine. Since 2014, Crimea SOS have provided help to more than 200,000 people.

Developing this network of journalists and NGO leaders to sound off on an online discussion channel may be one of the few ways to spread news of Russia’s human rights violations and the prolonged detention of activists in Crimea.

NGOs operating outside of the peninsula have faced difficulties as well. These organizations are banned from entering the territory, which hinders complete and accurate reporting. Although Amnesty International documented six disappearances of Crimean Tatar leaders since the takeover, other NGOs have reported more than three times the amount. This leads the human rights community to guesswork regarding total figures and the complete scope of human rights abuses on the peninsula. Given the inability to access the peninsula and evaluate violation claims, NGOs can do little more than report and observe. In March of 2016, Minority Rights Group International delivered an advocacy report during the 31st session of the UNHRC. This report expressed concerns about the human rights abuses committed by Russian authorities against the Crimean Tatars. Despite the Secretary-General of the Council of Europe announcing plans to send an independent team into Crimea to conduct an impartial and thorough investigation, an updated report of this plan has not been produced. Since the occupation, international and domestic organizations have been intimidated from reporting abuses, barred from entering the territory and stripped of the licenses to operate as a non-profit under the current government.

The Unrepresented Nations and Peoples Organization (“UNPO”) has stressed growing concern over the impact of the situation in Crimea on the indigenous population. During the XII General Assembly, UNPO presented a resolution urging the international community to take a firm stand against Russia’s annexation and to protect the Crimean Tatars from the ethnic

persecution they have been experiencing.171 UNPO adopted this resolution and affirmed their commitment to aiding the plight of the Crimean Tatars. However, implementation of this resolution and restoration of the human rights lost by the indigenous groups on the peninsula has yet to occur. Unfortunately closing media networks and denying NGOs access to Crimea has been successful in limiting the involvement of many of these advocacy groups, and in effect silencing the Tatar people. Those NGOs with involvement that continue to operate do so outside the peninsula’s borders. NGOs located within Crimea face dangerous threats, persecution and detention for organizing, supporting a cause or even possessing literature.

In many ways, citizen-run NGOs have done a better job of providing for the indigenous community on the Crimean Peninsula than the new government. They’ve done this by providing relief avenues for civilians stuck in conflict zones and those who have been displaced fleeing persecution or other reasons. Many of the organizations’ volunteers have personal knowledge of the turmoil and also fled Crimea themselves. NGOs have the capacity to be the foundation for a culture of more interactive social and political participation. While relying on NGOs can help increase coverage of human rights abuses, open involvement with an NGO could label someone as a target and result in danger in Putin’s current anti-NGO society.

**States**

Navigating state responses from the international community may provide a path towards realizing an effective strategy promoting Crimean Tatar community goals aligned with international law and protocol. NGOs’ and civil parties can influence state responses through advocacy by raising greater public awareness about the current political and cultural repression Crimean Tatars. Leveraging state responses is essential in creating a critical and effective response in supporting and protecting the Crimean Tatar community.

Since 2014, several sanctions were placed on the Russian Federation by international organizations, in a coordinated effort led by the United States, Canada and the European Union (EU) focused on Russian individuals, businesses, and officials.172 On March 6, 2014, prior to the referendum on Crimean independence and integration with Russia, the United States introduced the first round of sanctions targeting Russian assets and individuals for actions within Crimea.173 This first round was introduced through Executive Order 13660 and targeted Russian officials and persons of interest that contribute to the Ukrainian crisis.174 On March 16, 2014, the Crimean referendum was held with a supposed majority of Crimean voters casting ballots in favor of

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172 Steven Lee Myers & Peter Baker, Putin Recognizes Crimea Secession, Defying the West. N.Y. TIMES, Mar. 17, 2014.
173 Steve Holland & Jeff Mason, UPDATE 4 – Obama warns on Crimea, orders sanctions over Russian moves in Ukraine, REUTERS, Mar. 6, 2014.
integration with Russia. Following the referendum, the United States, the EU, and Canada introduced targeted sanctions against Russia. The referendum began the first wave of international sanctions against Russia, with Japan and Australia declaring sanctions followed by Albania, Iceland, Montenegro, and Norway.

Late March sanctions on Russia were followed by a second round imposed by the United States and the EU on Russian officials and prominent business individuals. The second round expanded European involvement and included Switzerland. The third round of sanctions began in July 2014 and targeted Russian firms and banks. The EU and the United States continued sanctions throughout the remainder of 2014. During the third round of sanctions, the United States on top of previous sanctions expanded a list economic targets to include Russian financial services, energy, and defense sectors. In December, the expanded list was followed with Executive Order 13685 which further imposed bans on certain transactions targeted at certain individuals of interest.

In response to international sanctions, Russia imposed bans and reciprocal sanctions focused on officials from the United States. Russia followed subsequent sanctions on the United States, the EU, Canada, and Australia with an import ban on goods. Russia continued

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175 Crimea declares independence, seeks UN recognition, RT, Mar. 17, 2014.
178 Special Economic Measures (Russia) Regulations, SOR/2014-58 (Can.).
179 See Press Release, Ministry of Foreign Affairs of Japan, Statement by the Minister for Foreign Affairs on the Measures against Russia over the Crimea referendum (March 18, 2014).
180 Autonomous Sanctions Regulations 2011 (Cth) reg 247 (Austl.).
181 See European Union Press Release, Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with the Council Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (Apr. 11, 2014).
187 Arshad Mohammed, U.S. intensifies sanctions on Russia over Ukraine, REUTERS, Sept. 12, 2014.
imposing sanctions and travel bans on European officials throughout 2015.\textsuperscript{192} The international sanctions imposed on Russia sparked the collapse of the Russian ruble with a financial crisis that has had lingering effects through to 2017.\textsuperscript{193} In 2015, the European Council released conclusions that reiterated condemnation of Crimea annexation and continued EU sanctions and restrictive measures passed in 2014.\textsuperscript{194} The extensions of restrictions and prohibitions on Russia due to the annexation of Crimea were approved by the EU on June 23, 2015.\textsuperscript{195} On June 17, 2016, the EU restrictive measures were again extended until June 23, 2017.\textsuperscript{196} The EU updated their restrictive measures and lists on September 14, 2017 and continued the sanctions regime through to March 15, 2018.\textsuperscript{197}

As international sanctions were passed by various state actors against Russia, Ukrainian officials have focused their grievances on Crimea as an entity of Ukraine. While vocally opposing Russia, Ukraine has remained generally silent on direct actions regarding the situation of the Crimean Tatars beyond official press releases. Furthermore, international response and subsequent sanctions have little to almost no mention regarding the Crimean Tatars situation with statements focused on targeting Russian actions and annexation broadly. In 2017, Ukrainian officials condemned the arrest and trial of \textit{Mejlis} leaders — most recently on September 27, 2017 following the sentencing of Ilmi Umerov, Deputy Head of the \textit{Mejlis}.\textsuperscript{198} Ukrainian officials have also voiced their objections to the detention of other Crimean Tatar leaders, including three members of a Muslim group banned by the Russians.\textsuperscript{199} Ukrainian responses have not gone to the extent of supporting Crimean Tatar autonomy or independence but rather acknowledging the situation of Crimean Tatar national movement leaders.

In addition to voicing concerns regarding the arrest and trial of Crimean Tatar leaders, on January 16, 2017, the Government of Ukraine filed suit against the Government of Russia in the International Court of Justice (ICJ).\textsuperscript{200} The ICJ application claims the systematic discrimination against and mistreatment of Crimean Tatars, in addition to suppression of Crimean Tatar political

\textsuperscript{192} \textit{European Union anger at Russia travel blacklist}, BBC NEWS, May 31 2015.
\textsuperscript{194} See European Council Press Release (134/15), European Council conclusions on Ukraine and relations with Russia (March 19, 2015).
\textsuperscript{195} See European Council Press Release (469/15), Crimea: EU extends restrictions in response to the illegal annexation of Crimea and Sevastopol (June 23, 2015).
\textsuperscript{196} See European Council Press Release (341/16), Illegal annexation of Crimea and Sevastopol: EU extends sanctions by one year (June 17, 2016).
\textsuperscript{197} See European Council Press Release (515/17), EU prolongs sanctions over actions against Ukraine’s territorial integrity until 15 March 2018 (September 14, 2017).
\textsuperscript{198} See Press Release, Ministry of Foreign Affairs of Ukraine, Statement of the Ministry of Foreign Affairs of Ukraine on the illegal sentence of the Deputy Head of \textit{Mejlis} of the Crimean Tatar People Ilmi Umerov (Sept. 27, 2017).
and cultural expression, language, education, and institutions. On April 19, 2017, the Court ordered Russia to comply with the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Ultimately, this specific action is limited to the scope of claims raised within the ICJ application. It is unclear what direct impact the ICJ case in supporting the Crimean Tatars. Regardless, the ICJ is an important lever in influencing power within the international community that can provide significant attention and awareness to the crisis.

Turkey has played a delicate role in diplomacy between Russia, Ukraine, and the Crimean Tatars. Turkish officials have condemned the Russian annexation, stating the Crimean referendum as illegitimate and a violation of international law. Turkey has been consistent in its support of the Crimean Tatars while balancing the support with other Turkish interests, including the Kurds and Syria. In 2016, Turkish President, Recep Tayyip Erdogan reiterated with Ukrainian President Petro Porosheko that Crimea was illegally annexed, and that Crimea is Ukrainian territory. Furthermore, Erdogan stressed supporting Crimean Tatars “every possible way.” On October 9, 2017, Erdogan again stressed Turkey’s condemnation of Russian annexation and the support of Crimean Tatars.

EU officials have consistently condemned and denounced Russian actions in Crimea following annexation. In March 2017, the European Parliament passed a resolution which detailing Russian actions in detaining Crimean Tatars in addition to the violation of international law, UN resolutions, and calls for the release of Crimean Tatars. On October 5, 2017, the European Parliament in an official statement voiced concern over the arrest of Crimean Tatar leaders and objected to Russian actions the body deemed violations of human rights. Furthermore, the statement recognized the Crimean Tatars as the indigenous peoples of the peninsula and that Russian actions are repressive and human rights violations of the Crimean Tatar people.

Similarly, the United States following the conviction and sentencing of Meijlis Deputy Head Ilmi Umerov, voiced concern regarding the sentencing while reiterating Crimea as an “integral part of Ukraine.” While these press statements show concern and attention by the international community built upon past sanctions, they do not carry direct consequences

202 Erdogan Tells Poroshenko Turkey Won’t Recognize Crimea As Russian, RADIO FREE EUROPE/RADIO LIBERTY, Aug. 20, 2016.
204 See Press Release, Petro Poroshenko, President of Ukraine, Ukraine and Turkey signed several agreements on cooperation (Oct. 9, 2017).
207 See Press Release, Department of State, Heather Nauert, Department Spokesperson, Sentencing of Ilmi Umerov, Deputy Chairman of the Crimean Mejlis (Oct. 3, 2017).
towards Russia and Crimean officials in expressly focusing on the treatment of the Crimean Tatars.

State responses continue to be renewed. In 2017, United States Congress passed House Resolution 3364 to continue the sanctions from the Executive Orders and congressional actions. On September 14, 2017, the EU extended sanctions through 2018. Continuing the international attention towards the Crimean Tatars will be essential in pressing state responses that carry weight in addressing the gravity of the crisis. Future strategy regarding state responses can be directed in coordination with the strategies of international non-governmental organizations and greater public outreach.

While sanctions and official government reactions have been focused on the actions of Russia that affect Ukraine directly, constant promotion and lobbying of governments can continue the international pressure that bring the Crimean Tatar situation to the forefront of the public dialogue. Consistent pressure on the government of Ukraine to voice support and concern for the Crimean Tatars may also increase attention to the crisis. International pressure on Ukraine may be done in alignment with the Ukrainian government’s other international actions, including relations with neighboring countries and the case currently before the ICJ. International pressure may also be directed at Turkey as major regional actor currently in support of the Crimean Tatars. Additionally, the actions of the EU and the United States will continue to be pivotal in pressuring the international community to find solutions and continued concern within foreign ministries and state departments around the world.

As the Crimean Tatars lack a clear collective goal from an official organization internationally outside of the now banned Mejlis, public outreach and education until such an organization and collective voice comes will continue to be essential in promoting direct responses from all levers of influence in addressing the Crimean Tatars. Leverage of public and international non-governmental organizations can balance with one another in specifically raising continued concern and pressure on states to respond in kind.

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209 See European Council Press Release (515/17), EU prolongs sanctions over actions against Ukraine’s territorial integrity until 15 March 2018 (September 14, 2017).
V. BECOMING UNFORGOTTEN

The Crimean Tatars are but one of a large number of minority or indigenous peoples whose rights are being systematically and seriously denied. It may be that they have suffered more than most, as it happens three times at the hands of Russia. It is instructive to consider what the Crimean Tatars, and other groups like them, can do to improve their lot – in other words, how they, and others like them, can utilize the levers available to them in the U.N. and European human rights systems, in and through NGOs and through States.

The Crimean Tatar leadership has been fractured since the 2014 annexation with the imprisonment of many of their leaders and the decommissioning of the Mejlis. The first step for a group such as the Tatars could be to attempt to consolidate their leadership. Centralizing their leadership could put them a position where group leaders would be able to develop a clear set of goals. Furthermore, it would give their movement a greater sense of legitimacy in the eyes of the international community, and from the perspective of Tatar members and supporters. Additionally, it would allow leaders of such a group to coordinate calculated action to further their cause.

**Leadership**

A group such as the Crimean Tatars could be well served not only to consolidate its leadership but also to carefully plan the location of its base of operations. In order for the leadership to be effective it must be stable. In order to obtain stability, the base of operations for such a group could be in a nation that is sympathetic to their interests, as opposed to localized within a nation that is hostile to the interests of the group, like Russia. However, the need for secure and stable leadership can be balanced with the need to have leadership that is not too distanced from the oppressed community to provide effective leadership. Considering a group such as the Crimean Tatars, a base of operations in Kyev would likely strike the balance well, considering the Ukraine has indicated support for the Tatars. Additionally, both locations are still close enough to Crimea to advocate for oppressed Tatars under the Russian regime.

Currently the Crimean Tatars do not have a clear set of goals, but rather have a fractured, constellation of wants and demands. These demands range from the return of Crimea to the Ukraine, stopping the arrests and raids of Crimean Tatars living in Crimea, reconvening the original Mejlis, not convening a Russian version of the original Mejlis, and the release of Crimean Tatar political prisoners. Many, if not all of these goals are unrealistic/unattainable given the current political climate.

**Goals**

After consolidating its leadership, a group similarly situated to the Crimean Tatars might seek to formulate and publish a clear hierarchy of goals based on the level of importance/value they have to the Crimean Tatar people, as well as the feasibility of such goals. Leadership can
then take a bottom-up approach to accomplishing the objectives, focusing on accomplishing more achievable goals that may be lower on the totem pole. This will help the new leadership develop a sense of legitimacy both in the eyes of the Tatars and their active supporters, as well as in the eyes of the international community.

**An Awareness Strategy**

The Crimean Tatar leadership might also attempt to constantly maintain a dialog with other States because (1) direct support from other States is the most viable option that the Crimean Tatars have in order to gain leverage against the Russian government; and (2) since the Crimean Tatars are not a State, they cannot engage organs of the United Nations (such as reporting human rights violations) by themselves, but instead must seek a State representative to act on their behalf.

The Crimean Tatars have effectively maintained a positive relationship with the Turkish government. Additionally, both Turkey and the Ukraine have voiced support for the Crimean Tatars, and for the return of Crimea to Ukrainian rule.

Support from Turkey and the Ukraine is encouraging, however the Crimean Tatar leadership also could attempt to engage the European Union as well as the United States to rally support for their cause. While the United States and European Union may be less motivated to support the Crimean Tatars than Turkey and Ukraine (because they do not share an ethnic bond with the Tatars), they are in a stronger position than Turkey and Ukraine to tighten the screws on Russia because of their ability to impose tougher sanctions, should they decide to rally to the support of the Crimean Tatars.

An oppressed group similarly situated to the Crimean Tatars might also be well advised to take concrete steps to increase public awareness of their cause regionally and around the world in conjunction with previous recommendations to consolidate group leadership and develop a clear set of goals. Currently, many Crimean Tatars and their advocates are actively protesting their treatment at the hands of the Russian Government. This report suggests that limiting protest activities in favor of alternative means to raise awareness might be a more efficient use of resources. Since there is no right to freedom of assembly in Russia, it is not possible for the Crimean Tatars to make large-scale demonstrations that could catch the eye of the international community.

Instead, Crimean Tatar supporters within Russia have been protesting in small groups, or alone. Crimean Tatar supporters protesting within Russia can only hope that their actions spur a response from the international community, because they cannot expect that the Russian government will stop its persecution of the Crimean Tatars merely because of pressure derived from protests. Furthermore, the Russian government has the authority to arrest individuals protesting in small groups without a permit, even though it is widely suspected that the Russian government is only using the law prohibiting free assembly as a pretext for the arrests.
Recent single-person protests (which are technically legal) appear to have sparked the curiosity of the international community, if for no other reason than sheer novelty. However, considering that the Russian government continues to arrest protesters regardless of legality, Tatar protests, either in groups or alone, is not an efficient way to raise awareness.

Also limiting is that the Crimean Tatar Mejlis website has not been updated since 2011, prior to the 2014 Russian annexation of Crimea. Now, at the end of 2017, the circumstances for the Crimean Tatars is dramatically different than it was six years ago, meaning that outsiders cannot turn to the Mejlis website to understand how to learn about or help the Crimean Tatars today. A simple way to raise awareness about Crimean Tatar issues is to update and actively maintain the Crimean Tatar website to allow viewers to understand where the Crimean Tatars currently stand. The website can be actively maintained to ensure that it continues to be up to date as the political climate in Crimea changes.

In the past, social media has been an effective tool in raising awareness about particular events happening around the world. In this case, a group such as the Crimean Tatars might use social media to raise awareness, and to cultivate a global sense of public outrage at the treatment of the Crimean Tatars at the hands of the Russian government. First, this would involve maintaining an official social media presence on Twitter and Facebook. From this platform, Crimean Tatar leadership could post constantly on social media to increase the volume of chatter regarding the Crimean Tatars. They could post in English as much as possible to raise awareness in western States.

Additionally, the Crimean Tatars could use their website and social media accounts to amass rank and file members and supporters of the Crimean Tatars who are active on social media. By grouping together on social media, the collective online presence of Crimean Tatar supporters can raise awareness. This would also provide a way for the network of Crimean Tatar supporters to circumvent the prohibition on free assembly imposed by the Russian government and essentially assemble themselves online.

In addition to increasing the volume of conversation online about the Crimean Tatars, supporters can also attempt to capture and distribute video footage that will arouse public outrage at the treatment of Crimean Tatars. Focusing on capturing and distributing video footage may be an adroit play because, generally video footage is a much more effective attention-grabber than the written word, when such footage is posted or shared online. Additionally, the online network of Crimean Tatar supporters can facilitate the secure reproduction and distribution of online footage if online publication of the video is not possible or feasible within Russia, or specifically within Crimea.

The Crimean Tatars may also coordinate social media use with NGO’s, particularly NGO’s within Turkey or Ukraine. Sympathetic States like these share a cultural connection while maintaining accessibility and lines of communication that are not regulated and have not been shut down by the Russian Government. Since NGO’s within Crimea are being intimidated
and forced out of operation, using the internet to connect with organizations willing and able to
vocalize the plight of the Crimean Tatars is essential.

Today, the outlook for the Crimean Tatars is far from encouraging; their position in
Russian-occupied Crimea is, without question, appreciably worse than as part of Ukraine. There
are, however, levers to promote their interests, but these levers require that the Crimean Tatars
consolidate their leadership, adopt a bottom-up strategy to accomplishing a concrete set of goals,
continue and broaden their engagement with concerned States and, overall, raise global
awareness of, and concern for, their cause.