

Discrediting russian army or persecution for anti- war expression?

Overview of judicial proceedings
in occupied Crimea

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Introduction

russia began occupying Ukrainian territories in 2014 with the capture of the Autonomous Republic of Crimea (ARC) and the city of Sevastopol. In February 2022, the russian federation launched a full-scale military invasion of Ukraine. All this time the Crimean Peninsula was under russian occupation. The inhabitants of Crimea, who protested and continue protesting against russia's actions, are persecuted by the occupation administration. Since the beginning of the full-scale invasion, the russian federation has tightened its legislation, the media began to increasingly report on new detentions in Crimea for any manifestations of protest, which the occupation authorities regard them as discrediting of the russian armed forces.

Chanting "No to war", "Glory to Ukraine", as well as public demonstration of Ukrainian symbols are the grounds for holding people liable for alleged discrediting of the armed forces of the russian federation.

We monitored websites of the occupation courts¹ of Crimea and collected facts of such persecution. As it turned out, all prosecutions were administrative. No criminal ones were found. They either do not exist, or they are classified.

The two following laws came into force on 4 March, 2022 which made it more difficult for people in the russian federation and occupied Crimea to decide to protest:

- Federal Law # 32-ФЗ "On Amendments to the Code of the russian federation on Administrative Offenses"².
- Federal Law # 32-ФЗ "On Amendments to the Criminal Code of the russian federation and Articles 31 and 151 of the Code of Criminal Procedure of the russian federation"³;

These laws provide for the possibility of bringing to administrative and criminal liability for the commission of public actions allegedly aimed at discrediting the use of the armed forces of the russian federation.

The russian legislator described the ban on the dissemination of information about

the war of russia against Ukraine in these articles as *"public actions aimed at discrediting the use of the armed forces of the russian federation in order to protect the interests of the russian federation and its citizens, maintain international peace and security, including public calls to prevent the use of the armed forces of the russian federation for these purposes, as well as aimed at discrediting the execution by state bodies of the russian federation of their powers outside the territory of the russian federation for the specified purposes"*.

CrimeaSOS emphasizes that these administrative persecutions in occupied Crimea are political persecutions:

counteracting the dissemination of truthful information and criticism of the armed conflict, actions of the russian military, war crimes of the russian federation as part of the full-scale invasion of the territory of Ukraine.

This material provides information on the number of considerations by the occupation courts of cases of discrediting the armed forces of the russian federation and the number of victims of political persecution. We also managed to find the names of the "judges" involved in these political persecutions.

CrimeaSOS does not disclose herein the names of persons who were subjected to the said administrative persecutions in order to preserve their right to privacy and avoid possible pressure on them from the russian federation. We indicated only those names that received a wide resonance and became known publicly.

1 Hereinafter, all state bodies on the territory of the occupied Crimea and their representatives are mentioned with the proviso that they are under the control of the occupying russian authorities and are not legitimate from the point of view of Ukrainian and international law.

2 Federal law dated March 4, 2022 # 31-ФЗ "On Amendments to the Code of the russian federation on Administrative Offenses" <http://publication.pravo.gov.ru/Document/View/0001202203040006>

3 Federal law dated March 4, 2022 # 32-ФЗ "On Amendments to the Criminal Code of the russian federation and Articles 31 and 151 of the Code of Criminal Procedure of the russian federation" <http://publication.pravo.gov.ru/Document/View/0001202203040007>



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International legal regulation of freedom of speech in occupied Crimea

According to the norms of international humanitarian law, the Russian Federation, as the occupying state of the Crimean Peninsula, is obliged to preserve the validity of the Ukrainian legislation in the occupied territory. These provisions are reflected in:

- Art. 43 of the **Regulations Respecting the Laws and Customs of War on Land (Annex to the IV Hague Convention Respecting the Laws and Customs of War on Land)**, which obliges the occupying state *“to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country”*⁴;
- Art. 64 of the **IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War**, which provides that *“the penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention”* and *“the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws”*⁵.

Based on this, the Russian Federation is obliged to respect Ukrainian legislation in Crimea, including **the Constitution of Ukraine**, Art. 34 of which provides:

“Everyone is guaranteed the right to freedom of thought and speech, to the free expression of own views and beliefs.

Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice.

*The exercise of these rights may be limited by law in the interests of national security, territorial integrity or public order with the purpose of preventing disturbances or crimes, protecting the health of the population, the reputation or rights of other persons, preventing the publication of information received confidentially, or maintaining the authority and impartiality of justice”*⁶.

In addition, the Russian Federation is obliged to comply with the norms of international human rights law. First, these obligations derive from the above-mentioned norms of international humanitarian law, which provide for the preservation of the validity of the legislation of the occupied territory, part of which are international treaties in the field of human rights protection. Second, **judgements of the International Court of Justice⁷ and the European Court of Human Rights⁸** confirm that obligations of a state under international treaties in the field of human rights apply to actions taken by this state outside its own territory, in particular in the occupied territory. This applies at least to the obligations of the Russian Federation under the International Covenant on Civil and Political Rights and the European Convention on Human Rights, which, among other things, regulate freedom of expression in the occupied territories.

Para. 1 of Art. 19 of the **International Covenant on Civil and Political Rights** provides that *“everyone shall have the right to hold opinions without interference”*. Para. 2 of Art. 19 contains the following rights: *“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”*. At the same time,

4 Convention (IV) Respecting the Laws and Customs of War on Land and its annex: Regulations Respecting the Laws and Customs of War on Land. The Hague, dated October 18, 1907. <https://ihl-databases.icrc.org/ihl/INTRO/195>

5 Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, dated August 12, 1949. <https://ihl-databases.icrc.org/ihl/INTRO/380>

6 Constitution of Ukraine, dated June 28, 1996 as amended on January 1, 2020. <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

7 Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda). Judgment of December 19, 2005, para. 216 <https://www.icj-cij.org/en/case/116/judgments>

8 Loizidou v. Turkey (Preliminary Objections), Judgement of March 23, 1995, para. 62 <https://hudoc.echr.coe.int/fre?i=001-57920>; Cyprus v. Turkey, Judgment dated May 10, 2001, para. 77 <https://hudoc.echr.coe.int/Eng?i=001-59454>; Ilascu and Others v. Moldova & Russia, Judgement of July 8, 2004, para. 314-316 <https://hudoc.echr.coe.int/fre?i=001-61886>

para. 3 of Art. 19 provides that the rights set forth in para. 2 of Art. 19, may be subject to certain restrictions that “shall only be such as are provided by law and are necessary:

- a) For respect of the rights or reputations of others;
- b) For the protection of national security or of public order (*ordre public*), or of public health or morals⁹.

At the same time, Art. 20 of the **International Covenant on Civil and Political Rights** provides that “any propaganda for war” and “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” shall be prohibited by law¹⁰.

A similar regulation of the right to freedom of expression is contained in Art. 10 of the **European Convention on Human Rights**. Thus, para. 1 of Art. 10 provides the following: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.” Para. 2 of Art. 10 allows restrictions on the right to freedom of expression if they meet three conditions:

1. they are prescribed by law;
2. they are necessary in a democratic society;
3. they pursue a legitimate purpose: “in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information

received in confidence, or for maintaining the authority and impartiality of the judiciary”¹¹.

The European Court of Human Rights has issued a series of judgements in cases concerning the balance between freedom of expression and national interests. It is worth highlighting the following **ECTHR judgments**, in which the Court expressed its position on this issue:

- Article 10 protects not only the content of expressed ideas and information, but also the form in which they are communicated¹²;
- The limit of permissible criticism of the government is wider than that of an average person or even a political figure. In a democratic system, the actions or inactions of the government should be the subject of close scrutiny by the press and public opinion in addition to the legislature and judiciary¹³.
- Wider limits of permissible criticism are provided for state bodies and civil servants in the performance of their duties, than for private individuals¹⁴.
- Public interest ordinarily relates to matters which affect the public to such an extent that it may legitimately take an interest in them, which attract its attention or which concern it to a significant degree, especially in that they affect the well-being of citizens or the life of the community. This is also the case with regard to matters which are capable of giving rise to considerable controversy, which concern an important social issue, or which involve a problem that the public would have an interest in being informed about¹⁵.

9 International Covenant on Civil and Political Rights, dated December 16, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

10 International Covenant on Civil and Political Rights, dated December 16, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

11 Convention for the Protection of Human Rights and Fundamental Freedoms (with Protocols) (European Convention on Human Rights), November 4, 1950. https://www.echr.coe.int/documents/convention_eng.pdf

12 De Haes and Gijssels v. Belgium, Judgement of February 24, 1997, para. 48 <https://hudoc.echr.coe.int/eng?i=001-58015>; Jersild v. Denmark, Judgement of September 23, 1994, para. 31 <https://hudoc.echr.coe.int/eng?i=001-57891>; Oberschlick v. Austria, Judgement of May 23, 1991, para. 57 <https://hudoc.echr.coe.int/eng?i=001-57716>; European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights, para. 160 https://www.echr.coe.int/documents/guide_art_10_eng.pdf

13 Castells v. Spain, Judgement of April 23, 1992, para. 46 <https://hudoc.echr.coe.int/eng?i=001-57772>; Tammer v. Estonia, Judgement of February 6, 2001, para. 62 <https://hudoc.echr.coe.int/eng?i=001-59207>; Margulev v. Russia, Judgement of October 8, 2019, para. 53 <https://hudoc.echr.coe.int/eng?i=001-196480>; European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights, para. 236 https://www.echr.coe.int/documents/guide_art_10_eng.pdf

14 Romanenko and Others v. Russia, Judgement of October 8, 2009, para. 47 <https://hudoc.echr.coe.int/eng?i=001-94843>; Toranzo Gomez v. Spain, Judgement of November 20, 2018, para. 65 <https://hudoc.echr.coe.int/eng?i=001-187736>; European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights, para. 237 https://www.echr.coe.int/documents/guide_art_10_eng.pdf

15 Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland, Judgement of June 27, 2017, para. 171 <https://hudoc.echr.coe.int/eng?i=001-175121>; European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights, para. 523 https://www.echr.coe.int/documents/guide_art_10_eng.pdf

- In some cases regarding publications capable of breaching the confidentiality of some information about national security, the ECtHR emphasized that such publications can be justified by the need to publicize illegal actions committed by state security services and the right of the public to be informed about them¹⁶.
- The book describing torture during the Algerian War was particularly important to the collective memory, informing society not only that such a practice existed, but also that it was carried out with the consent of the French authorities¹⁷.
- It is an integral part of freedom of expression to seek the historical truth, and that a debate on the causes of acts of particular gravity which may amount to war crimes or crimes against humanity should be able to take place freely¹⁸.

Persecution of persons in occupied Crimea under certain conditions can be international crimes. According to Art. 7 (1)(h) of **the Rome Statute of the International Criminal Court**, persecution against any identifiable group or collectivity on political grounds is a crime against humanity, when committed as part of a widespread or systematic attack directed against any civilian population. In addition, **war crimes** include wilful depriving citizens of Ukraine in the occupied territory of the rights of fair and regular trial (Art. 8 (2)(a)(vi) of the Rome Statute) and unlawful confinement (Art. 8 (2)(a)(vii) of the Rome Statute)¹⁹.

16 Observer and Guardian v. the United Kingdom, November 26, 1991, para. 69 <https://hudoc.echr.coe.int/eng?i=001-57705>; The Sunday Times v. the United Kingdom (no. 2), November 26, 1991, para. 54-55 <https://hudoc.echr.coe.int/eng?i=001-57708>; European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights, para. 524 https://www.echr.coe.int/documents/guide_art_10_eng.pdf

17 Orban et autres c. France, January 15, 2009, para. 49 <https://hudoc.echr.coe.int/eng?i=001-90662>; European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights, para. 552 https://www.echr.coe.int/documents/guide_art_10_eng.pdf

18 Dmitriyevskiy v. Russia, October 3, 2017 para. 106 <https://hudoc.echr.coe.int/eng?i=001-177214>; European Court of Human Rights. Guide on Article 10 of the European Convention on Human Rights, para. 553 https://www.echr.coe.int/documents/guide_art_10_eng.pdf

19 Rome Statute of the International Criminal Court, July 17, 1998 <https://www.icc-cpi.int/sites/default/files/Publications/Rome-Statute.pdf>

Statistics of judicial proceedings concerning alleged discrediting of the russian army

Monitoring of websites of “courts” in Crimea for 167 days (from 4 March, 2022 to 17 August, 2022) made it possible to establish the following:

1. The issue of allegedly discrediting the armed forces of the russian federation was submitted for consideration by the “courts” 117 times — within 109 court proceedings against 105 persons (39 women and 66 men). As a result of these 117 considerations:

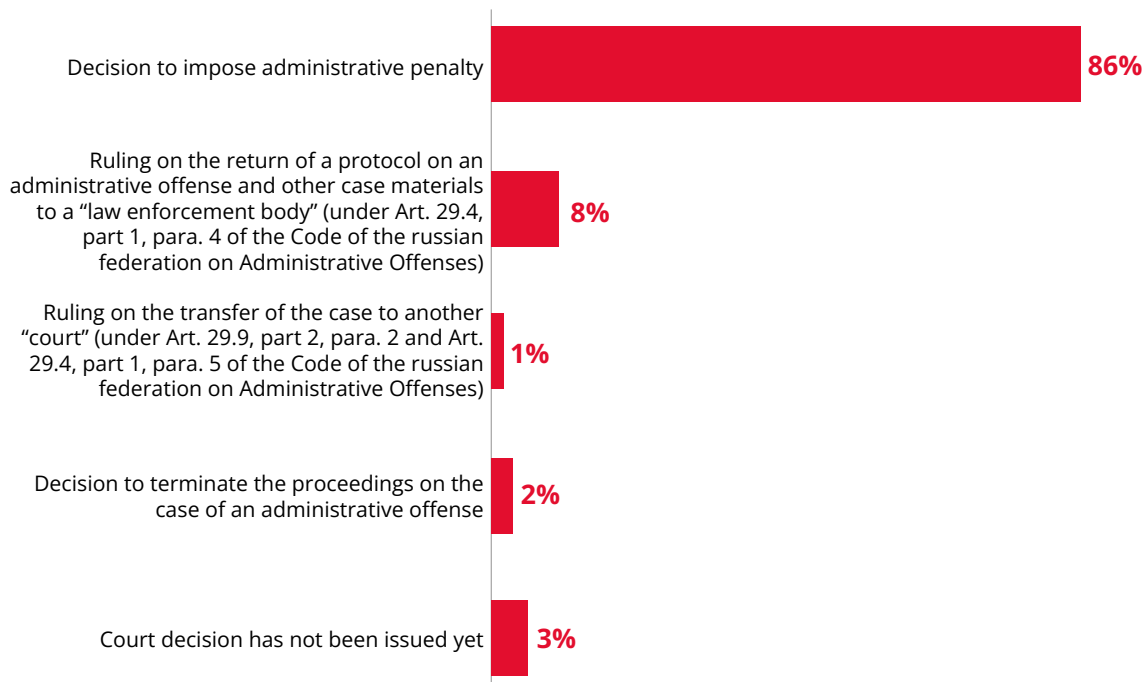
- Rulings on imposing an administrative penalty (fine) was issued in 96 cases. There is a case when one person was brought to administrative liability twice.
- 11 times (7 of them in relation to the same defendant) rulings were issued on the return of a protocol on an administrative offense and other case materials to a “law enforcement body” (under Art. 29.4, part 1, para. 4 of the Code of the russian

federation on Administrative Offenses).

- Rulings on the transfer of the case to another “court” were issued twice (under Art. 29.9, part 2, para. 2 and Art. 29.4, part 1, para. 5 of the Code of the russian federation on Administrative Offenses).
- Decisions to terminate the proceedings on the case of an administrative offense were issued twice.
- In 6 cases, a court decision had not yet been issued by the time of collecting the material.

Thus, one can see an extremely low level of terminations of proceedings without imposition of an administrative penalty (less than 2% of cases). In about 10% of cases, errors were found in the filed administrative cases that did not allow the “court” to consider them on the merits.

Type of decision	Number of decisions
Decision to impose administrative penalty	96
Ruling on the return of a protocol on an administrative offense and other case materials to a “law enforcement body” (under Art. 29.4, part 1, para. 4 of the Code of the russian federation on Administrative Offenses)	11
Ruling on the transfer of the case to another “court” (under Art. 29.9, part 2, para. 2 and Art. 29.4, part 1, para. 5 of the Code of the russian federation on Administrative Offenses)	2
Decision to terminate the proceedings on the case of an administrative offense	2
Court decision has not been issued yet	6



2. In the first three months of the new legislation, the "courts" considered the largest number of cases of allegedly discrediting the Russian army. At the end of spring 2022, there were already 74 court hearings and 68 accusatory rulings. In the summer 2022, their number went down.

The table below shows the number of accusatory rulings comparing to the number of considerations. It shows during first three months "courts" have been issuing decision to impose administrative penalty in almost every case under their consideration.

Month	Number of Administrative Considerations	Number of Accusatory Rulings Issued
March	24	24
April	29	24
May	21	20
June	19	14
July	16	12
August (1st half)	8	2
Total	117	96

3. In 108 out of 109 court, the "courts" considered the issue of alleged violation of part 1 of Art. 20.3.3. of the Code of the Russian Federation on Administrative Offenses:

"Public actions aimed at discrediting the use of the armed forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, maintain international peace and security, including public calls to prevent the use of the armed forces of the Russian Federation for these purposes, as well as aimed at discrediting the execution by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for the specified purposes, if these actions do not contain signs of a criminally punishable act".

Once the "court" considered the case against the Crimean lawyer Semedliaiev Edem Serverovych about the alleged violation of Part 2 of Art. 20.3.3. of the Code of the Russian Federation on Administrative Offenses.

"The same actions, accompanied by calls for holding unauthorized public events, as well as creating a threat of harm to the life and (or) health of citizens, property, a threat of mass disruption of public order and (or) public safety, or a threat of interfering with the functioning or stopping the functioning of life-support facilities, transport or social infrastructure, credit organizations, energy, industry or communications facilities, if these actions do not contain signs of a criminally punishable act".

The case against Semedliaiev Edem Serverovych (Crimean lawyer, human rights activist who defends political prisoners in the occupation courts of Crimea and Russian courts).

Edem Semedliaiev was detained on 26 May in the centre of Simferopol, according to him, for posting on social networks. Edem Semedliaiev was not even the author of the publication for which he received an administrative penalty. His acquaintance reposted this post on Semedliaiev's page.

On the same day, the "Kyivkyi District Court of the city of Simferopol" considered the administrative protocol drawn up against him and issued a ruling on the imposition of an administrative penalty in the form of a fine of RUR 75,000.

Thus, the drawing up of the administrative protocol and the failure to take into account these facts by the "court" were deliberately accusatory in nature and pursued the goal of putting pressure on Semedliaiev.

After the trial, the lawyer of Edem Semedliaiev, **Nazim Sheikhmambetov** was detained on charges of allegedly violating Part 1 of Art. 20.2.2 of the Code of the Russian Federation on Administrative Offenses ("Organization of mass simultaneous stay and (or) movement of citizens in public places that caused a violation of public order"). The next day, the "court" sentenced him to 8 days of administrative arrest.

On the same day, 27 May, lawyers **Aider Azamatov** and **Emine Avamileva** representing the interests of Nazim Sheikhmambetov, were detained after the court session on the same charge. On 28 May, the "court" gave them 8 and 5 days of administrative arrest, respectively.

Thus, the administrative protocol drawn up against Edem Semedliaiev became the "ground" for imposing administrative penalties on four human rights defenders in Crimea.

Overview of court decisions in cases of alleged discrediting of the russian army

We found 76 decisions in cases of allegedly discrediting the armed forces of the russian federation (out of 109 court proceedings) on the websites of the “courts”.

1. **The grounds for holding liable** can be conditionally divided into categories:
 - a. Anti-“Z” activism — actions directed against pro-war russian agitation in Crimea: painting over the “Z” symbol on the walls, damaging banners, removing stickers with these symbols from cars, acts of vandalism as an expression of civil resistance (graffiti, throwing eggs at the building, etc.).
 - b. Protest — single pickets, protests and posters with pro-Ukrainian and anti-war appeals etc.
 - c. Expressing one’s point of view (not public protests) — private conversations, public expression of opinion criticizing russia and its leadership.
 - d. Car-protest — drawing anti-war slogans or criticizing russia’s actions on car windows.
 - e. Publication on the Internet — posting photos, images, text messages, comments on posts on social networks and other Internet resources.
 - f. Unknown grounds — it was not possible to determine the grounds for holding liable due to the absence of a decision on the website of the “court” or due to limited information in the decision.

Out of the known 96 cases, the grounds for holding liable can be divided as follows:

Grounds for holding liable	Known number of cases
Anti-“Z” activism	6
Protest	17
Expressing one’s point of view	13
Car-protest	4
Publication on the Internet	30
Unknown grounds	26

2. **The amount of the imposed administrative penalty was established in 66 cases:**
 - In most cases (45 out of 66), the amount of a fine was RUR 30,000 (the minimum threshold for fines collected from individuals under Part 1 of Art. 20.3.3 of the Code of the russian federation on Administrative Offenses).
 - The maximum fine under Part 1 of Art. 20.3.3 of the Code of the russian federation on Administrative Offenses (RUR 50,000) was imposed in 4 cases.
 - In only one case, the amount of a fine below the threshold was established due to the presence of extenuating circumstances and the admission of “guilt”.
 - Edem Semedliaiev was fined RUR 75,000 under Part 2 of Art. 20.3.3 of the Code of the russian federation on Administrative Offenses.

It is difficult to say what the “court” was guided by when determining the amount of a fine. Thus, in 4 cases of the maximum fine, the cases concerned: insulting putin, posting a post “No war with Ukraine” on a social network, or memes about the russian army. However, similar actions were observed in other cases, in which smaller amounts of fines were imposed.

In addition, both in the case of a decrease in the amount of the fine below the threshold and in other cases studied, there were admission of “guilt”, and, probably, some extenuating circumstances.

The table below shows the distribution of fines in known cases. However, it appeared not possible to derive any system for determining the amount of penalties due to the large number of “courts” and “judges”, as well as the small amount of information in court rulings.

Fine amount	Known number of penalties
15000	1
30000	45
35000	6
40000	6
45000	3
50000	4
75000	1

Analysis of court decisions shows that people are being held liable under the new Art. 20.3.3 of the Code of russian federation on Administrative Offenses for an immense range of grounds. This includes dissemination of truthful information, expression of opinion about russia’s war against Ukraine, as well as any pro-Ukrainian expressions. In addition, this article “absorbed” other actions that would previously have been classified as other administrative offenses - violation of public order or unflattering remarks about putin. Thus, the new article is of an umbrella nature, covering all forms of expression of opinion and criticism of russia’s actions.

“Courts” and “judges”

Judges play an important role in the politically motivated persecution of Ukrainian citizens in occupied Crimea and the Russian Federation. By making a politically biased decision on punishment, judges are directly involved in a number of violations of international law.

Through monitoring, we found cases on allegedly discrediting the armed forces of the Russian Federation in 23 “courts” in

the occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. **Decisions on the imposition of an administrative penalty were issued by 50 “judges” in 21 “courts”.**

The table below shows the territorial distribution of administrative cases of alleged discrediting of the Russian armed forces by “courts”.

“Court”	Number of considerations	
Alushta City Court	2	
Armiansk City Court	1	
Bakhchysarai District Court	1	
Dzhankoi District Court	1	
Yevpatoria City Court	4	
Kerch City Court	7	
Kirovske District Court	7	
Krasnohvardiiske District Court	9 ²⁰	
Lenine District Court	4	
Nyzhnihirskiy District Court	1	
Rozdolne District Court	1	
Saky District Court	4	
Simferopol District Court	1	
Sovietskiy District Court	1	
Sudak City Court	2	
“Courts” of Sevastopol	Haharinskiy District Court of the city of Sevastopol	6
	Leninskiy District Court of the city of Sevastopol	7
	Nakhimovskiy District Court of the city of Sevastopol	2
“Courts” of Simferopol	Zaliznychniy District Court of the city of Simferopol	7
	Kyivskiy District Court of the city of Simferopol	12
	Tsentralnyi District Court of the city of Simferopol	10
Feodosia City Court	8	
Yalta City Court	19 ²¹	

²⁰ 7 out of 9 considerations in this “court” concern one person within the framework of one administrative prosecution

²¹ 2 out of 19 considerations in this “court” concern one person within the framework of one administrative prosecution.

The table below shows the names of the “judges” and the number of decisions they have issued on the imposition of administrative penalties for allegedly discrediting the russian armed forces.

“Court” ²²	“Judge”	Number of Decisions on the Imposition of Penalty Issued	Note
Alushta City Court	Vlasova Svitlana Serhiivna/Vlasova Svetlana Sergeevna (Власова Світлана Сергіївна/ Власова Светлана Сергеевна)	1	
	Ksiondz Iryna Stanislavivna/Ksendz Irina Stanislavovna (Ксьондз Ірина Станіславівна/Ксендз Ирина Станиславовна)	1	
Armiansk City Court	Isroilova Venera Uluhbekivna/ Isroilova Venera Ulugbekovna (Ісроїлова Венера Улугбеківна/ Исроилова Венера Улугбековна)	1	Former Ukrainian judge
Haharinskyi District Court of the city of Sevastopol	Korotun Serhii Valeriiovych/ Korotun Sergei Valerievich (Коротун Сергій Валерійович/ Коротун Сергей Валерьевич)	1	
	Kryllo Pavlo Valeriiovych/Kryllo Pavel Valerievich (Крилло Павло Валерійович/Крылло Павел Валерьевич)	1	russian citizen, under U.S. sanctions
	Tumaikina Liudmyla Petrivna/ Tumaikina Ludmila Petrovna (Тумайкіна Людмила Петрівна/ Тумайкина Людмила Петровна)	3	russian citizen, under Ukrainian sanctions
Dzhankoi District Court	Nikolaieva Olena Petrivna/ Nikolaeva Elena Petrovna (Ніколаєва Олена Петрівна/ Николаева Елена Петровна)	1	

22 The Bakhchysarai and Rozdolne “district courts” considered cases on the alleged discrediting of the armed forces of the russian federation, but decisions on the imposition of administrative penalties were not issued.

Yevpatoria City Court	Volodarets Nataliia Mykhailivna/ Volodarets Nataliia Mikhaïlovna (Володарець Наталія Михайлівна/ Володарець Наталья Михайловна)	1	Former Ukrainian judge
	Dudnyk Anastasiia Serhiivna/ Dudnik Anastasiia Sergeevna (Дудник Анастасія Сергіївна/ Дудник Анастасия Сергеевна)	1	Former Ukrainian judge
	Lobanova Halyna Borysivna/ Lobanova Galina Borisovna (Лобанова Галина Борисівна/ Лобанова Галина Борисовна)	1	russian citizen, under Ukrainian sanctions
	Rotko Tetiana Dmytrivna/Rotko Tatiana Dmitrievna (Ротко Тетяна Дмитрівна/Ротко Татьяна Дмитриєвна)	1	
Zaliznychnyi District Court of the city of Simferopol	Lypovska Iryna Vasylivna/Lipovskaia Irina Vasilievna (Липовська Ірина Василівна/Липовская Ирина Васильєвна)	3	
	Toshcheva Olena Oleksandrivna/ Toshcheva Elena Aleksandrovna (Тощева Олена Олександрівна/ Тощева Елена Александровна)	3	Former Ukrainian judge
Kerch City Court	Bohdanovych Olena Ivanivna/ Bogdanovich Elena Ivanovna (Богданович Олена Іванівна/ Богданович Елена Ивановна)	4	
	Kyseliov Yevhen Mykhailovych/ Kiselev Evgenii Mikhaïlovich (Кисельов Євген Михайлович/ Киселев Евгений Михайлович)	1	Former Ukrainian judge
	Kit Maryna Viktorivna/Kit Marina Viktorovna (Кіт Марина Вікторівна/Кит Марина Викторовна)	1	Former Ukrainian judge

Kyivskyi District Court of the city of Simferopol	Bielousov Mykhailo Mykolaiovych/ Belousov Mikhail Nikolaevich (Белоусов Михайло Миколайович/Белоусов Михаил Николаевич)	1	Former Ukrainian judge, under EU, U.S., Canadian and Swiss sanctions
	Didenko Denys Oleksandrovych/ Didenko Denis Aleksandrovich (Діденко Денис Олександрович/ Диденко Денис Александрович)	1	Former Ukrainian judge, under Ukrainian sanctions
	Krapko Viktor Viktorovych/Krapko Viktor Viktorovich (Крапко Віктор Вікторович/Крапко Виктор Викторович)	2	
	Kuznietsova Olha Pavlivna/ Kuznetsova Olga Pavlovna (Кузнєцова Ольга Павлівна/ Кузнєцова Ольга Павловна)	1	
	Khularova Halyna Oleksandrivna/ Khularova Galina Aleksandrovna (Хулапова Галина Олександрівна/ Хулапова Галина Александровна)	2	
	Chumachenko Kateryna Valeriivna/ Chumachenko Ekaterina Valerievna (Чумаченко Катерина Валеріївна/Чумаченко Екатерина Валерьевна)	2	
Kirovske District Court	Dehtiariv Ihor Oleksandrovych/ Degtiarev Igor Aleksandrovich (Дегтярьов Ігор Олександрович/ Дегтярев Игорь Александрович)	3	
	Tsertsvadze Heorhii Davydovych/ Tsertsvadze Georgii Davidovich (Церцвадзе Георгій Давидович/ Церцвадзе Георгий Давидович)	4	russian citizen, under Ukrainian sanctions
Krasnohvardiiske District Court	Pikula Khrystyna Volodymyrivna/ Pikula Kristina Vladimirovna (Пікула Христина Володимирівна/Пікула Кристина Владимировна)	1	
	Proskurnia Serhii Mykolaiovych/ Proskurnia Sergei Nikolaevich (Проскурня Сергій Миколайович/ Проскурня Сергей Николаевич)	1	Former Ukrainian judge

Lenine District Court	Kuzmin Oleksandr Volodymyrovych/Kuzmin Aleksandr Vladimirovich (Кузьмін Олександр Володимирович/Кузьмин Александр Владимирович)	3	
Leninskyi District Court of the city of Sevastopol	Istiahina Nadiia Mykhailivna/Istiagina Nadezhda Mikhailovna (Істягіна Надія Михайлівна/Истягина Надежда Михайловна)	2	
	Prokhorchuk Olha Volodymyrivna/Prokhorchuk Olga Vladimirovna (Прохорчук Ольга Володимирівна/Прохорчук Ольга Владимировна)	1	Former Ukrainian judge
	Stepanova Yuliia Serhiivna/Stepanova Yuliia Sergeevna (Степанова Юлія Сергіївна/Степанова Юлия Сергеевна)	2	russian citizen
Nakhimovskiy District Court of the city of Sevastopol	Hryhorieva Uliana Serhiivna/Grigorieva Uliana Sergeevna (Григор'єва Уляна Сергіївна/Григорьева Ульяна Сергеевна)	2	russian citizen
Nyzhniohirskiy District Court	Chernetska Valeriia Valeriivna/Chernetskaia Valeriia Valerievna (Чернецька Валерія Валеріївна/Чернецкая Валерия Валериевна)	1	Former Ukrainian judge
Saky District Court	Sydorov Oleksandr Hennadiiovych/Sidorov Aleksandr Gennadievich (Сидоров Олександр Геннадійович/Сидоров Александр Геннадьевич)	4	
Simferopol District Court	Lomovskiy Ihor Viacheslavovych/Lomovskii Igor Viacheslavovich (Ломовський Ігор Вячеславович/Ломовский Игорь Вячеславович)	1	
Sovietskiy District Court	Brazhnik Ihor Serhiiovych/Brazhnik Igor Sergeevich (Бражнік Ігор Сергійович/Бражник Игорь Сергеевич)	1	Former Ukrainian judge

Sudak City Court	Bosi Olena Andriivna/Bosi Elena Andreevna (Босі Олена Андріївна/Боси Елена Андреевна)	1	
	Rykov Yevhen Hennadiiovych/Rykov Evgenii Gennadievich (Риков Євген Геннадійович/Рыков Евгений Геннадьевич)	1	
Feodosia City Court	Hurova Olena Mykolaivna/Gurova Elena Nikolaevna (Гурова Олена Миколаївна/Гурова Елена Николаевна)	1	russian citizen, under Ukrainian sanctions
	Kulinska Nataliia Volodymyrivna/Kulinskaia Natalia Vladimirovna (Кулінська Наталія Володимирівна/Кулинская Наталья Владимировна)	3	Former Ukrainian judge
	Terentiev Andrii Mykolaiovych/Terentiev Andrei Nikolaevich (Терентьев Андрій Миколайович/Терентьев Андрей Николаевич)	1	Former Ukrainian judge
	Shapoval Anastasiia Volodymyrivna/Shapoval Anastasiia Vladimirovna (Шаповал Анастасія Володимирівна/Шаповал Анастасия Владимировна)	2	Former Ukrainian judge
Tsentralnyi District Court of the city of Simferopol	Voronoï Oleksandr Volodymyrovych/Voronoï Aleksandr Vladimirovich (Вороной Олександр Володимирович/Вороной Александр Владимирович)	4	
	Demienok Serhii Valeriiovych/Demienok Sergei Valerievich (Деменок Сергій Валерійович/Деменок Сергей Валерьевич)	3	Former Ukrainian judge
	Mozhelianskyi Viktor Anatoliiiovych/Mozhelianskii Viktor Anatolievich (Можелянський Віктор Анатолійович/Можелянский Виктор Анатольевич)	3	Former Ukrainian judge, under Ukrainian, EU, U.S. and Swiss sanctions

Yalta City Court	Horbov Borys Viktorovych/Gorbov Boris Viktorovich (Горбов Борис Вікторович/Горбов Борис Вікторович)	4	russian citizen
	Datsiuk Vadym Petrovych/ Datsiuk Vadim Petrovich (Дацюк Вадим Петрович/Дацюк Вадим Петрович)	1	
	Korpachova Liubov Viktorivna/ Korpacheva Liubov Viktorovna (Корпачова Любов Вікторівна/Корпачёва Любовь Викторовна)	1	russian citizen
	Romanenko Volodymyr Viktorovych/Romanenko Vladimir Viktorovich (Романенко Володимир Вікторович/Романенко Владимир Викторович)	4	Former Ukrainian judge
	Sinitsyna Oksana Volodymyrivna/ Sinitsyna Oksana Vladimirovna (Сініцина Оксана Володимирівна/Синицына Оксана Владимировна)	4	russian citizen, under U.S. sanctions
	Smirnov Serhii Hryhorovych/ Smirnov Sergei Grigorievich (Смірнов Сергій Григорович/Смирнов Сергей Григорьевич)	3	russian citizen

Conclusions

1. By prosecuting the Crimeans for allegedly discrediting the Russian army, the Russian Federation violates a number of norms of international law. First, the Russian Federation ignores its obligations as an occupying state, which consist in observing the Ukrainian legislation in the occupied territory. Second, there are good reasons to claim that the Russian Federation violates the right to freedom of expression: case-law of the European Court of Human Rights provide for rather wide limits of permissible criticism of state institutions and issues that concern the society. Third, the prosecution of individuals for anti-war views may under certain circumstances amount to crimes against humanity.
2. After the start of the full-scale invasion of Ukraine, Russia adopted new repressive laws. The new articles are aimed at persecuting all those who disagree with Russia's actions in the war against Ukraine and intimidating the population. These provisions of Russian legislation led to an increase in politically motivated persecution in occupied Crimea.
3. Between 4 March and 17 August, 2022, "courts" in Crimea received 109 cases of allegedly discrediting the Russian armed forces. In 108 out of 109 cases, the allegedly discrediting the armed forces of the Russian Federation was considered under Part 1 of Art. 20.3.3 of the Code of the Russian Federation on Administrative Offenses. Once - in relation to the Crimean lawyer Edem Semedliaiev - the case was considered under Part 2 of Art. 20.3.3 of the Code of the Russian Federation on Administrative Offenses. These judicial proceedings were initiated against 105 persons: 39 women and 66 men. The peak of judicial considerations of allegedly discrediting the Russian army fell on the first months of the illegal application of the new Russian legislation in occupied Crimea.
4. During the study period, 96 rulings were issued on the imposition of an administrative penalty in the form of a fine. In most cases (45 out of 66), the amount of the fine was the minimum threshold for individuals under Part 1 of Art. 20.3.3 of the Code of the Russian Federation on Administrative Offenses — RUR 30,000. Only in one case, it was established that the amount of the fine was reduced below the threshold due to extenuating circumstances and an admission of "guilt".
5. We managed to identify the names of 50 "judges" from 21 "courts" in Crimea who issued accusatory decisions in these cases. The largest number of court considerations was in Simferopol, Sevastopol and Yalta. 18 out of 50 "judges" are former Ukrainian judges who have been declared suspected of high treason. At least 11 "judges" are citizens of the Russian Federation who previously worked in the Russian judiciary.
6. Based on the 76 analyzed decisions of the "courts", we conclude that the most common grounds for prosecution are publications on the Internet: posts on social networks, comments, posting materials. Single protests and expressing one's point of view are coming next.
7. Analysis of court decisions shows that people are being held liable under the new Art. 20.3.3 of the Code of Russian Federation on Administrative Offenses for an immense range of grounds. This includes dissemination of truthful information, expression of opinion about Russia's war against Ukraine, as well as any pro-Ukrainian expressions. In addition, this article "absorbed" other actions that would previously have been classified as other administrative offenses — violation of public order or unflattering remarks about Putin. Thus, the new article is of an umbrella nature, covering all forms of expression of opinion and criticism of Russia's actions.

Recommendations

To the Government of Ukraine:

- Carry out an effective investigation of all cases of human rights violations in occupied Crimea, including the persecution of Ukrainian citizens for expressing their views;
- Provide comprehensive support to victims of political persecution in occupied Crimea;
- Impose sanctions on persons involved in gross human rights violations in occupied Crimea, in particular “judges” who persecute Ukrainian citizens for expressing their views;
- Supplement an inter-state case “Ukraine v. Russia” # 20958/14 (re Crimea) in the European Court of Human Rights with the facts of violations of freedom of expression due to persecution by the occupation authorities for allegedly discrediting the russian army, which took place before 16 September, 2022;
- Together with non-governmental human rights organizations, prepare a submission to the Office of the Prosecutor of the International Criminal Court regarding the persecution of Ukrainian citizens in occupied Crimea for allegedly discrediting the russian army.

To the governments of foreign countries, in particular, the Participants of the International Crimea Platform:

- Increase diplomatic, sanctions and other pressure on the russian federation with the aim of preventing new atrocities in occupied Crimea, as well as speeding up the de-occupation of all territories of Ukraine;
- Impose sanctions on persons involved in gross human rights violations in occupied Crimea, in particular “judges” who persecute Ukrainian citizens for expressing their views;
- Provide comprehensive support to victims of political persecution in occupied Crimea.

To the Office of the UN High Commissioner for Human Rights, the UN Human Rights Monitoring Mission in Ukraine, the UN Independent International Commission of Inquiry on Ukraine, the UN Special Rapporteur on Freedom of Opinion

and Expression, the Council of Europe Commissioner for Human Rights, the Council of Europe Steering Committee on Media and Information Society, the OSCE Office for Democratic Institutions and Human Rights, the International Committee of the Red Cross and other international organizations:

- Continue monitoring and documenting human rights violations, war crimes and crimes against humanity in occupied Crimea and include them in regular reports on the human rights situation in Ukraine;
- Fully use their mandates to respond appropriately to the persecution of Ukrainian citizens in occupied Crimea for allegedly discrediting the russian army;
- Provide assistance to the Government of Ukraine in the investigation of war crimes, crimes against humanity and gross human rights violations in occupied Crimea;
- Provide comprehensive support to victims of political persecution in occupied Crimea.

To Ukrainian and international non-governmental human rights organizations:

- Monitor and document human rights violations, war crimes and crimes against humanity in occupied Crimea;
- Provide assistance to the Government of Ukraine in the investigation of war crimes, crimes against humanity and gross human rights violations in occupied Crimea;
- Provide comprehensive support to victims of political persecution in occupied Crimea, including by preparing individual complaints to the European Court of Human Rights regarding persecution for allegedly discrediting the russian army, which took place before 16 September, 2022;
- Together with the Government of Ukraine, prepare a submission to the Office of the Prosecutor of the International Criminal Court regarding the persecution of Ukrainian citizens in occupied Crimea for allegedly discrediting the russian army.

