

# Ukraine

## Chapter 9: The Struggle of the Indigenous Peoples of Crimea for Survival

### Elvir SAHIRMAN (Crimean Tatar)

Crimean Tatars: today, this small number of people is known all over the world. The history of the Crimean Tatars is full of complicated moments and tragic events, as well as the centuries-old history of Crimea itself. On repeated occasions, representatives of the Indigenous Crimean Tatar Peoples were persecuted and repressed—their territories were seized, they were deported to Central Asia in cattle wagons, and they were not allowed to return to their homeland. Because of such inhumane policies, the number of Crimean Tatars has decreased significantly over the years. In an interview with the author of this chapter, historian Gulnara Abdullaeva stated that there are only about 300,000 Tatars who live compactly in their historical homeland—in Crimea (more than 100,000 still remain in Uzbekistan). The events of recent years served to be a true tragedy for them. Because of their disagreement with the occupation of Crimea by Russia, they are continuously subjected to pressure and repression by the Russian authorities of the peninsula. This is recognized in resolutions made by the United Nations General

Assembly.<sup>1</sup> However, the Tatars' extraordinary ability to unite and their centuries-old experience of non-violent struggle for their rights makes it possible to keep Crimean issues on the agenda at the international level. Crimean Tatars sincerely believe that soon things are bound to improve and people will live freely and will be able to return to their homeland. The older generation often repeats: "We survived deportation in 1944, heat and cold, hunger and death, inhumane conditions of life in a foreign land. After nearly half a century, we were able to return to our homeland. We will definitely survive this, too." And trust me, they are right. Their great desire to live freely on their land will overcome any obstacle.

### **Who are Crimean Tatars? What is their origin?**

Crimean Tatars are the Indigenous Peoples of Crimea; they are Eastern European Turkic people, who historically came from the Crimean

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<sup>1</sup> United Nations General Assembly, *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)*, A/RES/71/205 (1 February 2017), <https://www.refworld.org/docid/589b4db11e.html>; United Nations General Assembly, *Resolution adopted by the General Assembly on 19 December 2017, Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*, A/RES/72/190 (19 January 2018), <https://undocs.org/A/RES/72/190>.

peninsula. The ethnic history of the Crimean Tatars originates from ancient times and, around the 16th century, the state of the Crimean Khanate was formed. This process took place in different ways (through migration, integration, assimilation, resettlement, and the conquest of some ethnic groups by others). Crimean Tatars are descendants of different peoples from Asia and Europe who came to Crimea at different times. The Tavras, Cimmerians, Scythians, Sarmatians, Alans, Hellenes, Goths, Huns, Khazars, Pechenegs, Kypchaks, Italians, Circassians, and partly the Seljuk Turks all took part in the formation of this Indigenous People.<sup>2</sup> Consolidation of this diverse ethnic conglomerate into a single Crimean Tatar people has been happening for millennia. The connecting principles in this process were the community of the territory, the Turkic language and the Islamic religion. Crimean Tatars, having acquired their main features as a nation in the 15th century, flourished in the 16<sup>th</sup> to the 18<sup>th</sup> centuries. However, it was as early as the thirteenth century that, as a result of favorable geographic locations and massive migration of different peoples from across Europe and Asia, one of the youngest European ethnic groups was formed.

The Crimean Tatar state, Crimean Khanate, existed from 1441 to 1783. For most of its history, it

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<sup>2</sup> “On the origin of the Crimean Tatars/Islam in Ukraine,” *islam.in.ua*, March 30, 2016, <https://islam.in.ua/ru/istoriya/o-proishozhdenii-krymskih-tatar>.

was an ally of the Ottoman Empire. On April 8, 1783, the mighty power of Gerais, the Crimean Khanate, ceased to exist. In all cities and large settlements of Crimea, a manifesto on the annexation of Crimea to Russia was read. In St. Petersburg, they did not care that the document was adopted illegally. Crimean Tatars refused to take the oath of annexation to Russia and this marked the beginning of an era in the history of Crimean Tatars called the “Black Century.”<sup>3</sup>

The policy of subjugation of the Crimean Khanate, which led to the invasion of Russian troops in Crimea, was a direct violation of the Kyuchuk-Kainarji peace treaty between Russia and the Ottoman Empire. This peace treaty was signed on July 21, 1774, and it proclaimed the independence of the Crimean Khanate.

Empress Catherine's annexation of Crimea turned into a catastrophe for the Crimean Tatars. The Crimean Khanate completely lost the remnants of its independence. The traditions of Crimean Tatars, their cultural and spiritual life, their morale, and their economy, all received devastating blows. The annexation of Crimea to Russia caused hundreds of thousands of Crimean Tatars to flee and

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<sup>3</sup> “Project Tugra: The first annexation of the Crimea,” *Realities*, February 9, 2015, <https://ru.krymr.com/a/26838475.html>.

seek refuge in the Ottoman Empire. Crimean Tatars became a minority in their homeland.<sup>4</sup>

At the end of the nineteenth century, a reform movement arose, headed by Crimean Tatar intelligentsia. Crimean Tatar revival is connected with the name of an outstanding cultural figure, the educator Ismail Gasprinsky (1851-1914). He made great efforts to revive and educate the Crimean Tatar people. He urged his compatriots not to leave Crimea. On the pages of his newspaper *Terzhiman* (the first Crimean Tatar newspaper, which literally means *Translator*), he explained to Crimean Tatars that they are a nation whose roots are in the Crimean land, a nation whose history reaches back to antiquity. The emphasis was on the fact that they are a secular nation that has the right to their homeland. Gasprinsky acted as an enlightener of the whole East, a democrat and a politician, who called for unification to solve urgent problems. He put forward the slogan “Dilde, fikirde, işde birlik” (“Unity in language, deeds and thoughts”).<sup>5</sup>

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<sup>4</sup> Pimenov, Alexey, “Crimean Tatars: From annexation to annexation,” *The Main Thing*, May 17, 2014, <https://www.golos-ameriki.ru/a/crimea-tatars/1916480.html>.

<sup>5</sup> “Vefatinin 102. yılında İsmail Gaspıralı,” *Times of Crimea*, September 24, 2016, <http://www.timesofcrimea.com/vefatinin-102-yilinda-ismail-gaspirali.html>.

The Civil War in Russia had very serious consequences for Crimean Tatars. After the February Revolution in 1917, the first Kurultai (National Government) of the Crimean Tatar people was convened, which proclaimed a course for the creation of an independent multi-ethnic Crimean People's Republic.<sup>6</sup>

Noman Chelebidzhikhan, a Crimean Tatar politician and public figure, was elected as Chairman of the Directorate (National Government) and simultaneously as the Minister of Justice. “Our task,” he said, “is the creation of a state like Switzerland. The peoples of Crimea are a beautiful bouquet, and for every people, equal rights and conditions are necessary because we must go hand in hand.”<sup>7</sup>

However, the October Revolution in Russia and the Bolsheviks' refusal to acknowledge the Crimean Tatar government resulted in the jeopardizing of the existence of the young Crimean People's Republic. On January 26, 1918, Bolshevik armed detachments from Sevastopol switched to active military operations. The Crimean Tatar government was overthrown and control of Crimea was temporarily passed to the Bolsheviks. The Chairman of the Crimean Tatar government,

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<sup>6</sup> Andriy Ivanets, *The First Kurultai: From the Crimean Tatar constituent assembly to the national parliament (1917-1918)* (Ukraine: Klio, 2018), 160.

<sup>7</sup> Y. Kandim, "Ne zaroste travoyu pole boyu," *Format* (2017), 363.

Noman *Chelebidzhikhan*, was arrested and detained for 27 days in the Sevastopol prison. On February 23, 1918, Chelebidzhikhan was shot, and his body was thrown into the Black Sea.

In 1944, the Crimean Tatars were deported from the Crimean Peninsula through state-organized and forcible actions, ordered by then-Soviet leader Joseph Stalin. Deportation began on May 18, 1944, in all Crimean-inhabited localities. More than 230,000 people were deported, mostly to Uzbekistan. This includes the entire ethnic Crimean Tatar population, at the time numbering about a fifth of the total population of the Crimean Peninsula, as well as a smaller number of ethnic Greeks and Bulgarians. The lack of adequate accommodation and food, the failure to adapt to new climatic conditions and the rapid spread of diseases, all took a heavy demographic toll during the first years of the Crimean Tatars' exile. According to surveys conducted by Crimean Tatar activists in the 1960s, more than 109,956 Crimean Tatars of the 238,500 deportees (46.2%) died between July 1, 1944, and January 1, 1947, because of starvation and disease. From May to November 1944, 10,105 Crimean Tatars died of starvation in Uzbekistan (9% of those who were deported to this area). Nearly 30,000 Crimean Tatars died in exile during the first year and a half after deportation, according to Soviet secret police data. As Soviet dissident information attests, many Crimean Tatars

were forced to work in large-scale projects implemented by the Soviet Gulag system.<sup>8,9</sup>

“It” would seem that all of this would inevitably lead to the complete assimilation and disappearance of the Crimean Tatar people, but that did not happen. On the contrary, in exile, a new generation grew up with an extremely developed national identity and dreamed of returning to their homeland.

In the second half of the 1950s, a national movement for the restoration of the rights of the Crimean Tatar people was born in the places of expulsion. Young people, as the driving force of the nation, played an important role in the struggle of Crimean Tatars to restore their rights and return to their homeland. Over the decades, representatives of Crimean Tatar youth have worked actively and creatively to return to their homeland.

On April 28, 1956, the Presidium of the Supreme Soviet of the USSR issued a decree “On lifting restrictions on special settlements with Crimean Tatars....”<sup>10</sup> This decree equalized Crimean Tatars, who had the status of special settlers from 1944 to 1956, with other Soviet citizens, but

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<sup>8</sup> Ibid.

<sup>9</sup> “Deportation of Crimean Tatars in 1944,” *Ministry of Foreign Affairs of Ukraine*, <https://mfa.gov.ua/ua/media/deportation>.

<sup>10</sup> *Library of normative legal acts of the USSR*, [http://www.libussr.ru/doc\\_ussr/ussr\\_5080.htm](http://www.libussr.ru/doc_ussr/ussr_5080.htm).



forbade them from returning to Crimea. The Supreme Soviet of the USSR was the most authoritative legislative body of the Union of Soviet Socialist Republics beginning in 1936, and the only one with the power to approve constitutional amendments. After this decree was passed, the partisans, participants in the Great Patriotic War, became active. They held meetings with the other Crimean Tatars in their regions and explained that it is necessary to fight for a return to their historical homeland: Crimea.

In the early 1960s, the youth movement “Union of Crimean Tatar Youth” was established. Representatives of the organization were actively working to return to their homeland. Unfortunately, the history of the Union ended with the arrest of two of its leaders. In August of 1962, the court hearing over Marat Omerov and Seit-Amza Umerov was held in the Supreme Court of the Uzbek SSR. After four days of a closed trial, the sentence was announced: Omerov Marat was imprisoned for four years in a corrective labor colony, while Umerov Seit Amza was sentenced to three years in a penal colony. In Marat Omerov’s trial, it was asserted that “in 1958 he tried to create an illegal organization to fight for the restoration of the national rights of the Crimean Tatar people. ... At the illegal gatherings held from February until April of 1962, Omerov called his supporters to fight for the restoration of the alleged national rights of the Crimean Tatars

and slandered Soviet reality.”<sup>11</sup> Seit Amza Umerov was charged for similar reasons. One of the accusations against him were poems he had in his possession, which the investigation regarded as “anti-Soviet and nationalist.”<sup>12</sup>

After the 1960s, young people such as Mustafa Dzhemilev, Yuri Osmanov, Ayshe Seitmuratova and others began to surface as leaders, and take the baton from the older generation and continue the non-violent struggle of the Crimean Tatar people for their rights. In the 1970s, representatives of the Crimean Tatar youth repeatedly made attempts to return to Crimea, but many were deported again. The peak of repatriation occurred in 1989-1991. In the 1980s, young people took an active part in various international events, including actions in Tashkent and in Moscow.

One such example of an action taken by a young Tatar during this period is in November 1980 when *Ayshe* Seitmuratova, speaking at the Madrid Conference as an authorized representative of Crimean Tatars in the West, addressed the participants of the Final Act of the Helsinki Accords. Seitmuratova made the request to support the aspirations of the Crimean Tatar people to return to Crimea, and to defend the convicted members of Crimean Tatar national movement: Mustafa Dzhemilev, Seidamet Memetov, Eldar Shabanov,

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<sup>11</sup> Gulnara Bekirova, “Union of Crimean Tatar Youth,” *Realities*, <https://ru.krymr.com/a/26945269.html>.

<sup>12</sup> *Ibid.*

Mamedi Chobanov, Reshat Dzhemilev, Rolan Kadyev and others.<sup>13</sup>

For the 1986 Vienna meeting of representatives of the participating states of the Conference on Security and Co-operation in Europe, Ayshe Seitmuratova prepared a brochure in English, dedicated to the protection of Mustafa Dzhemilev, who was imprisoned in Magadan during that period.<sup>14</sup> The brochure, which contained various facts and photos of Dzhemilev and requested assistance for his release, was distributed among foreign ministers of all thirty-five states participating in the conference.<sup>15</sup> Crimean Tatar writer Riza Fazyl wrote that the Vienna Conference launched the liberation of political prisoners of the USSR. After the conference, at the behest of the USSR Secretary General Mikhail Gorbachev, Sakharov was returned from exile to Moscow and Dzhemilev was released from the camp where he was being held.

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<sup>13</sup> *Eldar Sedametov*, "The Role of *Ayshe Seitmuratova* in the struggle for the return of Crimean Tatars to their homeland," *Avdet*, February 2, 2017, <https://avdet.org/ru/2017/02/12/rol-ayshe-seitmuratovoy-v-borbe-za-vozvrasheniye-krymskih-tatar-na-rodinu/>.

<sup>14</sup> *Mustafa Dzhemilev and the Crimean Tatars: Story of a Man and His People. Facts, Documents, How to Help* (New York: The Center for Democracy, 1986).

<sup>15</sup> *Supra* note 13.

To raise the global public awareness of the plight of the Indigenous Peoples of Crimea, Ayshe Seitmuratova spoke about the Crimean Tatar question in the parliaments of Canada, England, Italy, Turkey, France and at the US Congress; she spoke on the radio station “Voice of America” and others; and met with leaders of different countries of the world. She was twice invited to the White House by American President Ronald Reagan (in 1982 and in 1988).<sup>16</sup>

It is clear that the contribution of the youth representatives of the Crimean Tatar people to the national cause was of great importance.

In 1991, the second Kurultai (National Parliament) was convened and a system of national self-government of Crimean Tatars was created. Every five years there are elections for a new Kurultai. The Kurultai elects a representative-executive body: the Mejlis of the Crimean Tatar people. Since the establishment of the Mejlis, the Chairman of that body was Mustafa Dzhemilev. Since November 2013, the Chairman of the Mejlis has been Refat Chubarov.

In 1994, the fourth Kurultai of Turkic youth was held in Crimea. At that time, there was no organization that represented the youth of the Crimean Tatars. After this, the process began to unite Crimean Tatar youth and create an

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<sup>16</sup> Ibid.

organization under which to do so. In December 1994, the first provisional council was created, which included students from different universities in Crimea and representatives of youth from the places most densely populated by Crimean Tatars in Crimea. For half a year, representatives of the temporary council traveled around Crimea, met with youth, held meetings and elected delegates of the first Kurultai of Crimean Tatar youth.

On May 14, 1995, at the first Kurultai of Crimean Tatar youth, it was decided to create the first Crimean youth organization, called the “Crimean Tatar Youth Center” (CTYC). After that, the Kurultai developed a Crimean Tatar youth policy with a charter and identified direction of work.

Over time, the CTYC became one of the leading organizations in Crimea to actively support the rights of Indigenous youth. For example, in 1995, the CTYC conducted an action against the war in Chechnya near the Russian Consulate in Simferopol. In 1996, representatives of the organization brought 102 children from Chechnya to Crimea for further rehabilitation in Crimean Tatar families. In addition, the activists organized the collection of medicines for the Chechen people. After the earthquake in Turkey in the late 1990s, representatives of the CTYC also organized a collection of medicines for those victims.

In 1995, representatives of the CTYC held a hunger strike in protest against the adoption of the Constitution of the Autonomous Republic of Crimea. Each member of the organization hungered for three days and sent a telegram to the President of Ukraine stating that they do not agree with the adopted Constitution. In 1996, the CTYC took part in the elections of the Kurultai. The Chairman of the organization, Eskender Bariiev, became a delegate to the Kurultai of the Crimean Tatar people. In an interview with the author of this chapter, Mr. Bariiev said that the CTYC's goal was to unite Crimean Tatar youth to raise and develop the intellectual, spiritual and cultural potential of the Crimean Tatar people. According to his words, the representatives of the organization set themselves the task of developing socially active representatives of the Indigenous People and preserving the identity of the Crimean Tatar people.

### **Crimea and Crimean Tatar youth: The human rights situation**

In February 2014, Russia occupied Crimea. The rejection by the majority of the Crimean Tatars of the annexation of Crimea to Russia set the tone for a protracted conflict between the community and its leaders against the new Crimean and Moscow authorities. Since the beginning of March 2014, Crimean Tatars have been subjected to constant repression and discrimination by the de facto authorities.

The last four years under the conditions of the Russian occupation have become very dangerous for the Indigenous Peoples of Crimea, as they face violations of the principles embodied in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). However, it worth noting that in September 2007, Russia abstained from voting on the UNDRIP.

According to Freedom House, “the occupation government severely limits political and civil rights, has silenced independent media, and employs antiterrorism and other laws against political dissidents. Members of the indigenous Crimean Tatar minority, many of whom vocally oppose the Russian occupation, have faced particularly acute repression by the authorities.”<sup>17</sup> Searches and detentions, interrogations and arrests, disappearances and forcible abductions of people have become regular practice on the peninsula.

According to information provided by the human rights organization Crimean Tatar Resource Center, 17 people are considered missing since the occupation began, about whom there is no information. Of these 17 people, 13 of them are representatives of the Indigenous Crimean Tatar People. Out of these 17 people, six are youth representatives (from 13 to 30 years of age), while

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<sup>17</sup> “Freedom in the World 2018: Crimea,” *Freedom House*, <https://freedomhouse.org/report/freedom-world/2018/crimea>.

four out of these six are representatives of Indigenous youth. Most arrests follow the same scenario: persons in the law enforcement services uniforms force a victim into a car and take him or her to an unknown destination. Surveillance camera records or statements of witnesses have not brought any results in the search for these people.<sup>18</sup>

Since the beginning of the annexation on the peninsula, 16 people have been found dead; 11 of them are representatives of the indigenous Crimean Tatar people. Out of these 16 people, six are youth (again, between the ages of 13 to 30 years old) and of these six, five are representatives of specifically Indigenous youth.<sup>19</sup>

The first victim of the Russian regime in Crimea was Reshat Ametov. The President of Ukraine, Petro Poroshenko, mentioned this case in his speech in the U.S. Congress on September 18, 2014. On March 3, 2014, father of three Reshat Ametov came out to picket the building of the Ministers' Council in Simferopol to protest against

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<sup>18</sup> “The fate of 17 missing people in the occupied Crimea remains unknown,” *Crimean Tatar Resource Center*, August 30, 2018, <http://ctrcenter.org/ru/news/1259-sudba-17-propavshih-lyudej-v-okkupirovannom-krymu-ostaetsya-neizvestnoj>.

<sup>19</sup> “16 people became the victims of the Russian regime in the occupied Crimea,” *Crimean Tatar Resource Center*, July 16, 2018, <http://ctrcenter.org/ru/news/1180-zhertvami-rossijskogo-rezhima-v-okkupirovannom-krymu-stali-16-chelovek>.



the Russian invasion of Crimea. During this protest action, several representatives of the so-called Crimean “self-defense” tied his hands, violently dragged him into a car, and took him to an unknown destination. On March 15, 2014, Ametov was found dead near the village of Zemlyanychne, in the Bilohirsk area. The body of the man was found with numerous traces of tortures, and his hands were handcuffed. The cause of death was a stab wound to the eye area. Despite the fact that his capture was recorded on camera, the investigation has not produced any perpetrators, and in 2015, the investigation was suspended indefinitely.<sup>20</sup>

Since the illegal annexation of Crimea, the number of such murders has increased. In October 2014, the bodies of two young Crimean Tatars were found with signs of torture. In the summer of 2015, another three young Tatar men died from stab wounds and head injuries sustained under suspicious circumstances. In May 2016, a student named Dzhokhar Melyasanov was killed under questionable circumstances. In June 2016, a 35-year-old Crimean Tatar named Mumine Aliyeva was raped and killed. 83-year-old Vedzhi Kashka died during a detention by authorities. The appeals to Russian law enforcement bodies to protect human and civil rights go unanswered.<sup>21</sup>

To date, more than 70 political prisoners of Crimea are being held in Russian prisons. More

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

than half are representatives of the Indigenous Crimean Tatar People. A number of human rights organizations agree that these cases are politically motivated and criminal, and the arrests of Crimean Tatar activists are an example of xenophobia towards the Indigenous Peoples of Crimea. The international community has repeatedly appealed to the President of Russia, Vladimir Putin, to release the prisoners of the Kremlin, but they have been kept in custody for a long time.<sup>22</sup>

These illegal actions turned into real tragedies, firstly for the families of the repressed people. More than 100 children in Crimea have been left without fathers and/or family breadwinners as a result of these disappearances and murders. They saw how the armed soldiers in masks used physical force, insulted and took their fathers from their homes. Being minors, they felt the pain and bitterness for the loss of their family, and they were deprived of paternal care and affection. Every child needs psychological and material assistance. Today, there are a number of initiatives that support the repressed families and particularly their children. Every year, there are various actions, charity fairs and concerts in support of families of Crimean political prisoners.

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<sup>22</sup> United States Department of State, “Political and Religious Prisoners Held by the Russian Government,” Press Statement, June 18, 2018, <https://www.state.gov/r/pa/prs/ps/2018/06/283289.htm>.

In addition to the disappearances and murders, according to the Crimean Tatar Resource Center, in 2017 there were 62 searches of homes belonging to Crimean Tatars; 286 detentions of Crimean Tatars; 340 interrogations; 46 arrests; 104 fines for over five million rubles (\$75,000); 515 violations of the right to a fair trial and due process of law assistance; 80 violations of freedom of peaceful assembly; 33 cases of violations of freedom of movement; and 38 violations of the right to the highest attainable standard of physical and mental health. Out of 104 total penalties meted out (either monetary fines or sanctions of some kind), 99 of these were imposed on representatives of the Indigenous People.<sup>23</sup>

Representatives of the Indigenous youth also fall within this same cycle of repression. They are often subjected to detention and interrogation. They are inclined to cooperate, and to be intimidated. For example, in September 2017, officers from the Federal Security Service of the Russian Federation detained Renata Paralamov; at the time, he was only 21 years old. The day after his arrest, Paralamov was found at a bus station with signs of torture on his body. Paralamov himself, in an

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<sup>23</sup> “Analysis of violations of human rights in the occupied Crimea in 2017,” Presentation, *Crimean Tatar Resource Center*, February 2, 2018, <http://ctrcenter.org/en/analytics/90-analysis-of-violations-of-human-rights-in-the-occupied-crimea-in-2017-presentation>.

interview for “Crimea: Realities,” said that the FSB officers persuaded him to cooperate, applied electric shocks to his body, injured his jaw and threatened him with further violence. After the incident, Paralamov was forced to live on the mainland of Ukraine.<sup>24</sup>

In October 2017, representatives of the Crimean Tatar youth took action along with older Crimean Tatars throughout the territory of Crimea. They urged the Russian authorities of the peninsula to stop the repression of Crimean Tatars. Following this mobilization, more than 30 people were detained. After collecting fingerprints, taking photographs, conducting interrogations and removing the posters put up by detainees, these detainees were released. Over December 18<sup>th</sup> and 19<sup>th</sup>, 2017, over 70 Crimean activists were fined for holding solitary pickets on October 14<sup>th</sup> of the same year. Everyone was charged with Part 5 of Art. 20.2 of the Code of Administrative Offenses of Russia.<sup>25</sup>

In the first half of 2018, the Crimean Tatar Resource Center recorded 66 searches, 73 detentions, 89 interrogations and warnings, 98

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<sup>24</sup> Renat Paralamov, “FSB officers said that I will work for them for three years,” *Realities*, February 11, 2017, <https://ru.krymr.com/a/28830944.html>.

<sup>25</sup> “In Crimea, one more participant of single pickets was fined,” *Crimean Tatar Resource Center*, January 11, 2018, <https://ctrcenter.org/ru/news/794-v-krymu-oshtrafovali-esche-odnogo-uchastnika-odinochnyh-piketov>.

arrests, 22 fines for 529,500 rubles (\$8,000), 286 violations of the right to a fair trial, 30 violations of the right to the highest attainable level of physical and mental health, five violations of the right to peaceful assembly, and seven illegal transfers.<sup>26</sup> Most of these violations affected representatives of the Indigenous Crimean Tatar Peoples, including young people. Cases were recorded in which representatives of Crimean Tatar youth were subjected to searches and detentions, interrogations, arrests and fines for the alleged spread of “extremist materials” on social networks. For example, in January 2018, Russian security forces detained 27-year-old Geray Kulametov. He was accused of “propagating paraphernalia or symbols of extremist organizations” and was arrested and detained for 10 days for publishing a video (of unknown content) in 2012 on a social network. This is not an isolated case. In June 2018, Russian security forces conducted a “search of the premises” where a 27-year-old Crimean Tatar woman named Elina Mamedova lived. They seized two phones, two tablets, a laptop, a computer system unit and hard drives. A criminal case was opened against Elina Mamedova for three reposts she made on the social network “VKontakte” under Article 282 Part 1 of the Russian Criminal Code (“inciting hatred and enmity, humiliation of human dignity”). In June 2018, Mamedova had to sign a written statement not to leave her home.<sup>27</sup>

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<sup>26</sup> *Supra* note 23.

<sup>27</sup> ““I have a gold medal, red diploma and criminal case”- Elina Mamedova,” *Realities*, August 1, 2018,

It is also worth noting that, since 2015, Crimean authorities have forbidden holding an annual mourning rally dedicated to the memory of the victims of deportation of the Crimean Tatars. On May 17, 2018, in Simferopol, in an area densely populated by Crimean Tatars, Russian security forces detained approximately 20 representatives of the Crimean Tatar youth who held an action called “Light a spark in your heart” to mark the Day of Remembrance of the victims of deportation of the Crimean Tatars. The youth were interrogated, fingerprinted, and their phones were seized and checked. In addition, DNA samples were taken from the detainees. Among the detainees were several minors.

According to the experts at the Crimean Tatar Youth Center, these repressive actions against Crimean Tatars and pro-Ukrainian activists are acts of deterrence and intimidation of people disloyal to Russia's actions in Crimea. A number of human rights activists believe that the actions of the occupation authorities are a blow to Crimean Tatar identity and a response to the attempted unity of the Crimean Tatar people. However, many Crimean Tatars are convinced that the occupiers are creating unbearable living conditions for the native Crimean Tatars on land and squeezing them out of their historical homeland through systemic oppression.

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<https://ru.krymr.com/a/krym-delo-za-repost-elina-mamedova/29401673.html>.

As already mentioned, representatives of Indigenous youth are also falling under this wave of repression. Increasingly, young people face a violation of the right to education in their native language. The International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (both of which are ratified by Russia) impose obligations on Russia to realize the right to education without any discrimination; however, in practice, Crimean residents have faced discrimination based on ethnicity and language in the realm of education.

On August 27, 2018, Eskender Bariiev, member of the Mejlis of the Crimean Tatar people, said on the air of “Crimea: Realities” that in the annexed Crimea, there are only seven schools with Crimean Tatar as the language of instruction out of an original 16 schools. He noted that, according to the 2017/2018 official data of the Ministry of Education, Science and Youth of Crimea, there are seven municipal educational institutions with Crimean Tatar language of instruction, four with Russian and Crimean Tatar languages of instruction and five educational institutions that have changed the status of the school to a “general educational institution,” meaning that it has no defined language of instruction.<sup>28</sup>

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<sup>28</sup> “In Crimea, out of 16 schools with the Crimean Tatar language of instruction, there are left only seven,” *Realities*, August 27, 2018, <https://ru.krymr.com/a/news->

There are some cases in which the administrations of educational institutions in Crimea, under various pretexts, have created obstacles for people applying for education in their native language, for example by reducing the number of hours for studying Crimean Tatar language and literature. In August 2018, it became known that in the village of Orlovka in the city of Sevastopol, the director of a school refused to open a class with Crimean Tatar language of instruction, referring to the fact that she had fulfilled the state mandate for the number of classes in the spring and would not make any changes. Additionally, this director said that she did not have free space for another class and that there was no primary school teacher with the ability to teach in the Crimean Tatar language. This situation undermines respect for the basic principles, including language, that define the Crimean Tatar community. It should be noted that the resolution adopted by the UN General Assembly in December 2017 on “The Situation with Human Rights in the Autonomous Republic of Crimea and Sevastopol, Ukraine” calls on the Russian occupation authorities to ensure that the educational process takes place in both the Ukrainian and Crimean Tatar languages.<sup>29</sup>

Another important problem is the illegal call of Crimeans to the ranks of the armed forces of the

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<sup>29</sup> *Supra* note 1, at A/RES/72/190.



Russian Federation. In 2018, the seventh conscription campaign for the Russian army was held in Crimea. These acts of the occupying authorities violate Article 51 of the Geneva Convention, which states that “[T]he Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.”<sup>30</sup> In addition, the UN Resolution on Crimea calls on Russia to stop the “practice of coercion of the Crimean residents to serve in the armed or auxiliary forces of the Russian Federation, including through pressure or propaganda.”<sup>31</sup>

During an interview with the author, Eskender Bariiev, member of the Mejlis of the Crimean Tatar people, noted that today the occupation authorities specifically try to intimidate representatives of the Indigenous youth to create a break in continuity between the older generation and the youth. In his opinion, in spite of these

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<sup>30</sup> International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)* (12 August 1949),

<https://www.refworld.org/docid/3ae6b36d2.html>.

<sup>31</sup> “UNGA’s 3<sup>rd</sup> Committee endorses updated draft resolution on human rights in occupied Crimea,” *UNIAN Information Agency*, November 16, 2018, <https://www.unian.info/politics/10339533-unga-s-3rd-committee-endorses-updated-draft-resolution-on-human-rights-in-occupied-crimea.html>.

circumstances, it is important to preserve one's identity and continue the non-violent struggle for Indigenous rights.

### **The UN Permanent Forum on Indigenous Issues (UNPFII) as an opportunity for diplomatic advocacy for Indigenous youth**

The youth are an important element in the social structure of any society. The present and the future depend on the actions of the youth. I often notice that young people are well aware of the need for active participation in the political and other public areas of the life of their People and their country, both locally and internationally. I am also aware of this as I conduct my activities and participate in the work of various international organizations and platforms. For two years in a row, in 2017 and 2018, I had the honor of representing the Indigenous Crimean Tatar People at the United Nations Permanent Forum on Indigenous Issues (UNPFII). In my speeches, I repeatedly spoke about the problems that the youth of the Indigenous Crimean Tatars face in Crimea today. Based on personal experience, I can say that this topic has always been of interest to other participants.

In 2018, as part of the Project Access Training Workshop and the UNPFII session, I managed to get to know and establish friendly relations with representatives of Indigenous youth from all over the world. I am convinced that working together and maintaining links between the

young representatives of different Indigenous Peoples is an investment in the progress of all the Indigenous Peoples of the world. I believe that together we can achieve prosperity for all of us.

For Crimean Tatars, who have always been supporters of non-violent forms of struggle, the UNPFII has provided a new opportunity for diplomatic advocacy for our interests. During a global meeting of representatives of Indigenous youth, I was able to talk with the UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, and discuss with her the human rights violations of Crimean Tatars in 2017. Speaking at the UNPFII in 2017 on item 10 of the agenda, “Dialogue with the Special Rapporteur on the Rights of Indigenous Peoples and the Chairman of the Expert Mechanism on the Rights of Indigenous Peoples,” as a representative of the Crimean Tatar people, I asked the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Ukraine in the near future.

In July 2018, Eskender Bariiev, member of the Mejlis of the Crimean Tatar people, also extended an official invitation to the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Ukraine. Additionally, a proposal was made to the Expert Mechanism on the Rights of Indigenous Peoples, within its mandate, to assist in an expert consultation on the implementation of the Declaration on the Rights of Indigenous Peoples in the national legislation of Ukraine.

The visit of the United Nations Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples to Ukraine will contribute to a deeper understanding of the UN Declaration on the Rights of Indigenous Peoples by Ukrainian politicians, experts and society, and will make it possible to more effectively implement the Declaration in the national legislation of Ukraine.

Today, the Indigenous Crimean Tatar People are going through hard times, but, as mentioned at the beginning, their great desire to live freely in their historical homeland will overcome any obstacle. After their deportation in 1944, it took our ancestors almost half a century to return to Crimea. How much struggle and labor, sweat and blood, joy and suffering fell to the lot of the older generation. However, despite everything, they managed to return and continue their life in their homeland. And they not just continued, but also developed their culture, their way of life, their language and the Crimean Tatar people as a whole.

I believe that the future of my people will be bright and prosperous. We, the younger generation, must make every effort to ensure this bright future, where the rights of all people regardless of color, creed, language, political or other beliefs, will be respected.